

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

CIVIL CASE NUMBER: 39576

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

Ident Number 37-22241
Date Received 1-24-07
Receipt Number C083134

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Kathryn Gardner and/or Mary Ellen Drashner
Phone: 208-788-2568
Mailing Address: P. O. Box 1200
Hailey, ID 83333

2. Date of Priority: April 1, 1912

3. Source of water supply (a) Cold Springs
which is tributary to (b) sinks

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
4N	18E	30	NW	NE	SE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: Ditch from springs to ponds.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Aesthetics	January 1	December 31	18 AF

7. Total Quantity Claimed: 18 AF

8. Non-irrigation uses: Aesthetics

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
4N	18E	30																	A

TOTALS

10. Place of use is located in Blaine County.

11. Do you own the property listed above as place of use? No.

12. Describe any other water rights used at the same place and for the same purposes as described above?
None.

13. **Remarks:** The original place of use for the pond was on property sold in 1998 to St. Luke's Wood River Medical Center for a new hospital and medical office building. All water rights appurtenant to that land were specifically reserved in the deed of conveyance (see Attachment 1). The pond was removed during the course of construction of the new medical facilities and Claimants intend to file for a transfer to move the right to adjacent property which they own.

MAP OF PROJECT

(Show clearly the point of diversion, place of use, section number, township and range number)

Scale: 2 inches equals 1 mile

SEE ATTACHMENT 2

14. Basis of Claim: Beneficial use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

15. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - ~~one~~ two

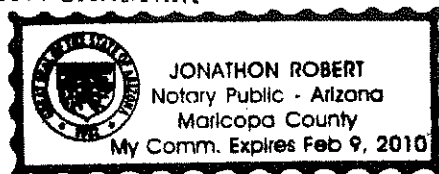
[For individuals:] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

Kathryn Gardner
KATHRYN GARDNER

Date 1-18-2007

State of Arizona)
) ss.
County of Maricopa)



Subscribed and sworn before me this 18 day of January, 2007.

[Signature]
Notary Public for Phoenix
Residing at Phoenix, Arizona
Commission Expires 02/09/10

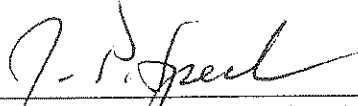
Last Name: Gardner and Drashner
Cold Springs Available Claimant

Ident No. _____
1/17/07

16. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____



James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752

Date: Jan. 21, 2007.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, KATHRYN GARDNER, a married woman as her sole and separate property, who acquired title as KATHRYN ALLRED, and MARY ELLEN DRASHNER, a widow, who acquired title as MARY ELLEN ALLRED, whose address is 12 Heron Lane, Bellevue, Idaho, 83313 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto ST. LUKE'S MEDICAL CENTER/WOOD RIVER, LTD., an Idaho corporation, whose address is 190 East Bannock, Boise, Idaho, 83712 ("Grantee", whether one or more), that certain real property situated in Blaine County, Idaho and described in Exhibit A attached hereto and incorporated herein by this reference;

EXCEPTING AND RESERVING THEREFROM any and all water rights appurtenant thereto, including, but not limited to, water right 37-04375, also claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-04375.

SUBJECT TO taxes, easements and rights-of-way established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building and use restrictions, building and zoning ordinances and regulations of any governmental unit, and all matters shown on any survey of record for such property.

TO HAVE AND TO HOLD, the said real property, with its 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 real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the dates set forth below.

"GRANTOR"

DATE: 4-24-98

Kathryn Gardner
KATHRYN GARDNER

Mary Ellen Drashner
MARY ELLEN DRASHER

On this 24th day of April, 1998, before me, the undersigned notary public in and for said state, personally appeared KATHRYN GARDNER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

NOTARY PUBLIC
KATHLEEN KLUDT
JAN 1 1978

Notary Public for Idaho
Residing at: Letchem
Comm. Expires 2-01-2001

Expiration Date: 2/6/2001
Residence: Ketchikan, Idaho

A circular notary seal for Kristin Kludt, a Notary Public in the State of Texas. The seal features the text "KRISTIN KLUDT" at the top, "NOTARY PUBLIC" in the center, and "STATE OF TEXAS" at the bottom. A star is positioned on the left side of the seal. The commission expiration date, "08/14/2018", is printed at the bottom right.

Lester Kline
Notary Public for Idaho
Residing at: Ketchum
Comm. Expires 2-28-2001

EXHIBIT A

ORDER NO. 22349
LEGAL DESCRIPTION

TOWNSHIP 4 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 30: A parcel of land lying within a portion of the SE $\frac{1}{4}$ of said Section 30, being more particularly described as follows:

COMMENCING at the BLM brass cap marking the Southeast corner of said Section 30, proceed

N. 89° 33' 30" W., 1326.85 feet along the line between said Section 30 and Section 31 to an Iron Pipe marking the East 1/16 corner common to Sections 30 and 31; thence

N. 01° 10' 54" E., 925.05 feet along the line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 to a 5/8" rebar by PLS 7048 marking the Southwesterly corner of the described "Parcel A" on survey which point is the TRUE POINT OF BEGINNING; thence continuingN. 01° 10' 54" E., 415.45 feet along the line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 to an aluminum cap on a 5/8" rebar by PLS 7048 marking the Southwest 1/16 corner of said Section 30; thence continuingN. 01° 10' 54" E., 773.47 feet along the line between the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 to a 5/8" rebar by PLS 7048 marking the intersection of said 1/16 line and the Easterly boundary of the 100 foot wide stock drive right-of-way; thence N. 16° 58' 25" E., 372.35 feet along the Easterly boundary of said stock drive right-of-way to a 5/8" rebar by PLS 7048 marking the P.I. of said stock drive at Station 468+00.50 feet right; thence

N. 53° 40' 25" E., 347.45 feet along the Southeasterly boundary of said stock drive to it's intersection with the East-West center of Section line of said Section 30, which point is marked with a 5/8" rebar by PLS 7048; thence

N. 89° 50' 31" E., 201.56 feet along said East-West center of Section line of said Section 30 to it's intersection with a curve that is 50 feet westerly of the centerline of the former OSLRR right-of-way at Station 3529+10.15, 50 feet left, which point is marked with a 5/8" rebar by PLS 7048; thence

26.35 feet along a curve to the right with a central angle of 00° 48' 42", a radius of 1880.08 feet, and a chord of 26.35 feet that bears S. 04° 40' 13" W., being 50 feet Westerly on the Centerline of said former OSLRR at PC Station 3528+83.8, 50 feet left which point is marked by a 5/8" rebar by PLS 7048; thence

S. 08° 04' 34" W., 1536.88 feet along a line 50 feet Westerly of the centerline of said former OSLRR right-of-way which is defined by ITD aluminum caps on non-magnetic 5/8" rebar at Station 3527+87.4, 100 feet left and Station 3504+22.6, 100 feet left; to it's intersection with the Northwesterly right-of-way of Idaho State Highway No. 75 at Station 136+77.1, 33 feet right, which point is marked by a 5/8" rebar by PLS 7048; thence

S. 46° 13' 50" W., 108.42 feet along the Northwesterly right-of-way of said Highway No. 75 to a 5/8" rebar by PLS 7048 marking the PC at Station 137+85.5, 33 feet right; thence

162.25 feet along a curve to the left with a central angle of 06° 20' 36", a radius of 1465.50 feet, and a chord of 162.18 feet that bears S. 43° 03' 32" W., along the Westerly right-of-way of said Highway No. 75 to a 5/8" rebar by PLS 7048 at Station 139+47.7, 33 feet right; thence

S. 89° 53' 09" W., 287.56 feet along a line going through the old railroad tie gatepost to the TRUE POINT OF BEGINNING.

