

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 37-21116

Date Received: 6/9/2003

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN MILEY Phone: (208)578-7882
PO BOX 3010
HAILEY ID 83333

2. Date of Priority: 03/24/1883

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:

VIA HEADGATE #22 & HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.026	

7. Total Quantity Appropriated is:

0.026 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
02N	18E	10	SW	NW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

6/9/2003: WATER RIGHT 37-21116 REPRESENTS SURFACE WATER IN BIG WOOD RIVER USED TO MITIGATE GROUND WATER LICENSE 37-8819. THE AMOUNT OF WATER DESCRIBED IN THIS RIGHT IS TO REMAIN NON-DIVERTED FROM THE BIG WOOD RIVER AND THE PLACE OF USE DESCRIBED IN THIS RIGHT DRIED UP. THE USE REMAINS LISTED AS IRRIGATION, AS A TRANSFER OF NATURE OF USE HAS NOT BEEN FILED AS OF THIS DATE. - VH

37-21116 IS A PORTION OF 37-12818A THAT IS CLAIMED AS A PORTION OF 37-577.

15. Basis of Claim: Decreed



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

August 20, 2003

JOHN MILEY
PO BOX 3010
HAILEY ID 83333

Re: SRBA Claim(s) 37-21116

Dear Mr. Miley:

Pursuant to the Corrected Quitclaim Deed that has been submitted to the Department, we have amended the place of use on your claim to match the corrected deed. Please find the enclosed copy of the computer record of your claim noting the change in the place of use. Review the record and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett', is written over a light blue horizontal line.

Trish Fawcett
Technical Records Specialist

Enc.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
SPECK & ANNESTAD
P. O. Box 987
Ketchum, Idaho 83340

RECEIVED
JUL 01 2003
Department of Water Resources
Southern Region

(space above line for Recorder's use)

CORRECTION QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, Idaho 83340 (herein after referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim to JOHN MILEY, whose address is P. O. Box 3010, Hailey, Idaho 83330 (herein referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.026 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-00577 and Claim NO. A37-12818 in In Re the General Adjudication of the Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576, used for the irrigation of one (1) acre within lands commonly referred to as the Deerfield Subdivision parcel in the SW 1/4 NW 1/4, S.10, T.2N., R.18E., B.M., Blaine County, Idaho.

THIS CORRECTION GIFT DEED IS RECORDED TO CORRECT THE LEGAL DESCRIPTION OF THE PLACE OF THE USE OF THE WATER RIGHT DESCRIBED ABOVE IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 20, 1995 AS INSTRUMENT NO. 377559, RECORDS OF BLAINE COUNTY, IDAHO.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any 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 Grantee's heirs and assigns forever.

DATED this 25th day of June, 2003.

GRANTOR:

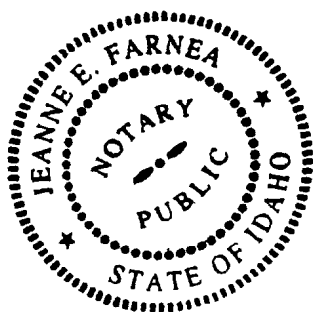
MARATHON PARTNERS, an Idaho
general partnership

By Edmund E. Dumke
Edmund E. Dumke, managing
general partner

STATE OF IDAHO)
) ss.
County of Blaine)

On this 25TH day of June, 2003, before me, the undersigned notary public in and for said state, personally appeared Edmund E. Dumke, known or identified to me to be the managing general partner of Marathon Partners, an Idaho general partnership, and the person who executed the foregoing instrument on behalf of said general partnership and acknowledged to me that said general partnership executed the same.

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



Jeanne Farnea
Notary Public for Idaho
Residing at: Shoshone, Idaho
Comm. Expires: 05-05-09

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

June 30, 2003

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

RECEIVED
JUL 01 2003
Department of Water Resources
Southern Region

**Re: Marathon Partners - Gregg Sturtevant - John Miley
Portions of Water Right No. 37-12818A**

Dear Trish:

I understand you will be handling the final details of straightening out the ownership and place of use for this water right. Therefore, I have enclosed copies of Correction Quitclaim Deeds for Marathon Partners to Gregg K. Sturtevant and to John Miley. These represent the water rights which have now been renumbered as 37-21115 and 37-21116, respectively. With these documents I understand you will now be able to correct the place of use for those two claims as well as the claim for the remaining portion owned by Marathon Partners.

Call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client
John Miley

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 37-21116
Date Received: 6/9/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

JOHN MILEY Phone: (208)578-7882

PO BOX 3010
HAILEY ID USA 83333

2. Date of Priority: 03/24/1883

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:

VIA HEADGATE #22 & HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.026	

7. Total Quantity Appropriated is:
0.026 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
02N	18E	9	NE NE	IRRIGATION	1
Section Acres					1
Total Acres					1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

6/9/2003: WATER RIGHT 37-21116 REPRESENTS SURFACE WATER IN BIG WOOD RIVER USED TO MITIGATE GROUND WATER LICENSE 37-8819. THE AMOUNT OF WATER DESCRIBED IN THIS RIGHT IS TO REMAIN NON-DIVERTED FROM THE BIG WOOD RIVER AND THE PLACE OF USE DESCRIBED IN THIS RIGHT DRIED UP. THE USE REMAINS LISTED AS IRRIGATION, AS A TRANSFER OF NATURE OF USE HAS NOT BEEN FILED AS OF THIS DATE. - VH

15. Basis of Claim: Decreed

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 37-12818A
Date Received: 2/3/1989
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

MARATHON PARTNERS Phone: (208)726-2600
C/O EDMUND E DUMKE
PO BOX 3118
KETCHUM ID USA 83340

GREGG STURTEVANT Phone: (208)726-3250
PO BOX 2924
KETCHUM ID USA 83340-2924

ROD THORNTON Phone: (208)788-2113
PO BOX 246
KETCHUM ID USA 83340

BLAINE COUNTY SCHOOL DIST NO 61 Phone: (208)788-2296
118 W BULLION ST
HAILEY ID USA 83333

JOHN MILEY AND CYNTHIA MILEY Phone: (208)578-7882
PO BOX 3010
HAILEY ID USA 83333

2. Date of Priority: 03/24/1883

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:

VIA HEADGATE #22 & HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.61	

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

8. Total consumptive use:

9. Non-irrigation uses:

SEE REMARKS

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	9	NE	NE	IRRIGATION	2
					Section Acres	2
02N	18E	10	SW	NW	IRRIGATION	17
			SE	NW	IRRIGATION	27
			NE	SW	IRRIGATION	16
			NW	NW	IRRIGATION	37
					Section Acres	97
					Total Acres	99

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THE CURRENT JOINT OWNERS OF CLAIM 37-12818A AND THEIR RESPECTIVE PORTIONS ARE: MARATHON PARTNERS, 54 ACRES AND 1.419 CFS FOR IRRIGATION. GREGG STURTEVANT, 3 AC. AND 0.079 CFS FOR USE AS MITIGATION FOR GROUND WATER RIGHT 37-8587. JOHN AND CYNTHIA MILEY 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8819. ROD THORNTON, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8820. BLAINE COUNTY SCHOOL DIST, 40 AC AND 1.06 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8821. SEE DEEDS IN FILE. - VH 8-23-2002.

THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY. CONFORMED ATTORNEY MAILING ADDRESS DMS
***** THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205.
***** OWNERSHIP CHANGE MADE 2-22-92 BY TLB.
| CORRECTED DATA ENTRY BY DELETING SPECK AS ORIG ATTORNEY FOR FORMER OWNER.

15. Basis of Claim: Decreed

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.

JK
RECEIVED
SEP 12 2002
 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
	37-12818	A			

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)

Keith A. Friedly & Toni L. Leech

4. New Owner/Claimant(s)

JOHN B. MILEY & CYNTHIA HARPER MILEY

Name Connector (Check one) ☒ and, ☐ or, ☐ and/or

New Mailing Address

209 RED DEVIL DR. BOX 3010

City, State and ZIP Code

HAILEY, ID 83333

New Telephone Number

208 578-7882 E-mail-

5. Date you acquired the property

JAN 24 2001

jbmiley2@cs.com

FOR 37-2819 WR

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)

John B. Miley
Ruthie Harper Miley

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 _____



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

August 22, 2002

John Miley
PO Box 3010
Hailey, Idaho 83333

[Handwritten signature]
7/24/02

RECEIVED
SEP 12 2002
Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Portion of Claim No. 37-12818A

Dear Water User,

The Adjudication Bureau of the Department of Water Resources has learned that you may be the current owner of a portion of the water right claim listed above. If so, it is important that you receive future correspondence and information from us that concerns your use of the above right.

The right referenced is related to your license for groundwater 37-8819. Keith Friedly was deeded 0.026 cfs, a portion of the above right on Big Wood River, to use as mitigation for the diversion of groundwater from your well. It appears that you are successors to this portion, however without a signed ownership change form and deed conveying the property and water rights to you, I cannot complete the process necessary to put the right into your ownership.

If you are indeed the current owner, please complete the enclosed form and return it to the Department with the necessary documentation. We will change our records to ensure that you are contacted with any information about the water right as investigations continue in the ongoing state Adjudication.

Sincerely,

[Handwritten signature of Vikie Hancock]

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

Vikie
Mrs. ~~Vikie~~ Hancock -
I trust I have completed this
correctly and complete. Thank you
and if there is anything further needed
please let me know. I have also included
my e-mail address. *John Miley*

Encl: Notice of Change of Water Right Ownership w/ instructions

8/30/02

F0100 - PARCEL MASTER INQUIRY

17:13:13

PARCEL: RP 00071002013A

F9=MS

F12=RC F14=HO

*** I *** PARCEL EXISTS

F17=DD

LEGAL DESCRIPTION

MILEY, JOHN B & CYNTHIA HARPER

BUCKHORN SUB 1ST ADDITION

AM LOT 13A BK 2 14.58

SEC 33, 3N 18E

BOX 3010

CODE AREA 900

OWNER CODE

PARC TYPE AI

LOC CODE 1600

EFFDATE 3012002

EXPDATE 3012003

PREV PARCEL

HAILEY ID 83333

209 RED DEVIL DR 80000

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2002	2110	AC	252000				
18	2002	12500	AC	12500				
32	2002			6534				
37	2002			430348	430348	50000		
TOTALS		14610		701382	430348	50000		

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
 F8=CT F13=TM F18=HS F20=SRch F22=EU

8/30/02

PM0100 - PARCEL MASTER INQUIRY

17:13:30

PARCEL: RP 000710020120

F17=DD

LEGAL DESCRIPTION

MILEY, JOHN B & CYNTHIA HARPER

BUCKHORN SUB 1ST ADD
LOT 12 BLK 2
2. @ SEC 33 3N 18E

BOX 3010

CODE AREA 8200 OWNER CODE _____
PARC TYPE AL LOC CODE 1600
EFFDATE 3012003 EXPDATE _____
PREV PARCEL RP000710020120A

HAILEY ID 83333

205 RED DEVIL DR 80000

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2002	2000	AC	252200				

TOTALS

2000

252200

ENTER NEXT PARCEL NUMBER RP A

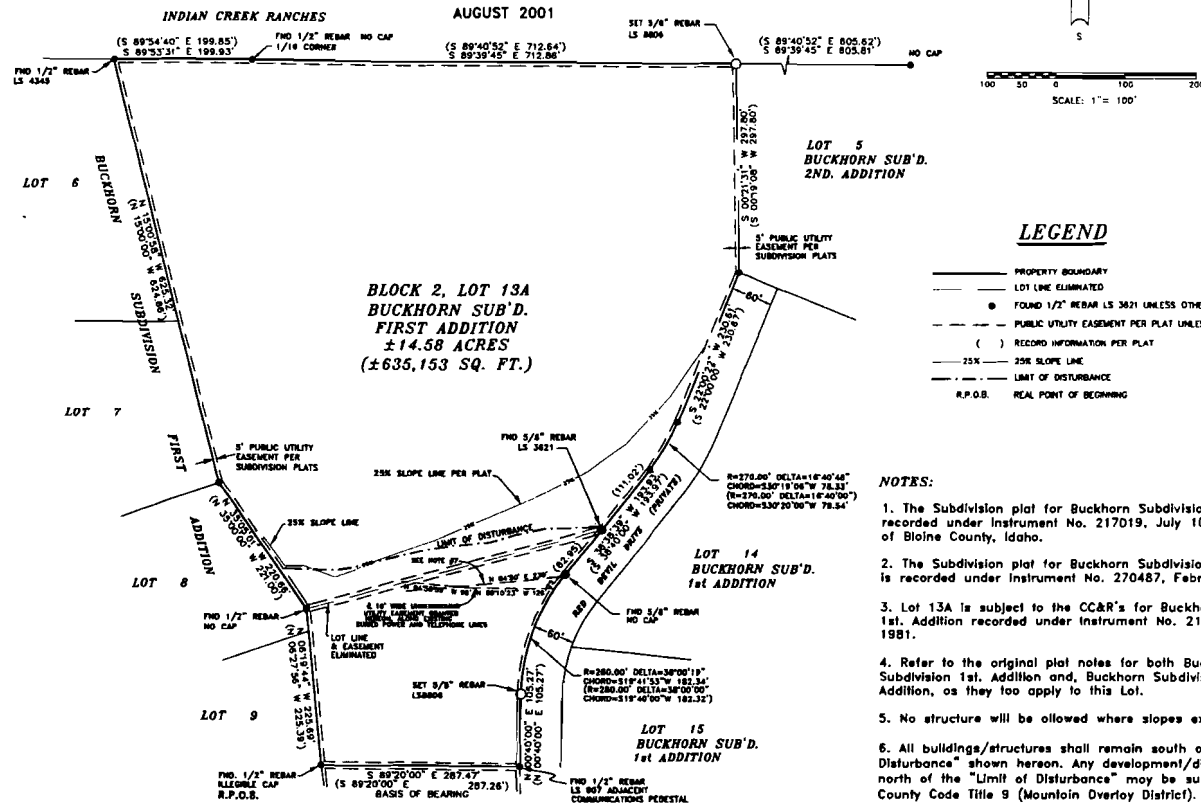
FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch F22=EU

BUCKHORN SUBDIVISION FIRST ADDITION

BLOCK 2, LOT 13A

LOCATED WITHIN SECTION 33
TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO
WHEREIN THE LOT LINE BETWEEN BUCKHORN SUB'D. FIRST ADDITION, BLOCK 2, LOT 13 & BUCKHORN SUB'D.
2ND ADDITION, LOT 6 IS ELIMINATED CREATING BUCKHORN SUBDIVISION FIRST ADDITION, BLOCK 2, LOT 13A.

SHEET 1 OF 2



HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 9-10-2001

South Central District Health Dept., DHS

PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 733 - 100 BELL DRIVE
KETCHUM, IDAHO, 83340
PHONE (208)726-9512 FAX (208)726-9514

LOT 12
BUCKHORN SUBDIVISION 1st ADDITION



BUCKHORN SUBDIVISION FIRST ADDITION BLOCK 2, LOT 13A			
LOCATED WITHIN SECTION 33, TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO			
PREPARED FOR: JOHN WILEY			
FINAL PLAT	PLOT BY: SVS	DWG FILE 00564FM.DWG	
PROJECT NO. 00564FM	DATE: 08/27/01	CO-ORD FILE 00564.CRD	

Copy

PLAT SHOWING BUCKHORN SUBDIVISION FIRST ADDITION

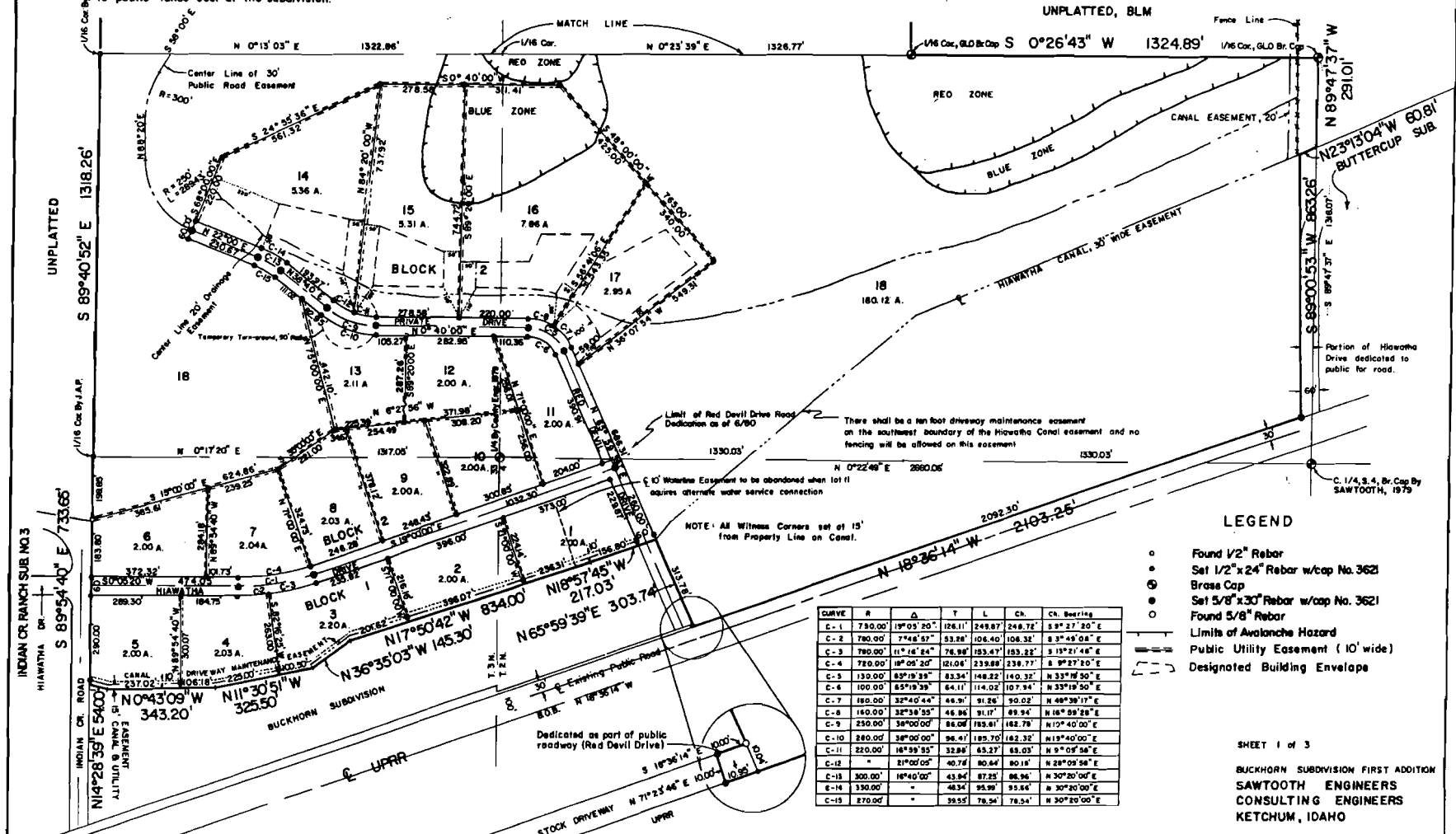
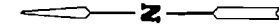
LOCATED WITHIN S. 4, T.2N., R.18E., & S. 33, T.3N., R.18E., B.M.

BLAINE COUNTY, IDAHO

JUNE, 1980

NOTES:

1. No building within 10' radius of 1/4 corner of Lot 10.
2. That part of Red Devil Drive East of the Red-Devil-Hiawatha intersection shall be a private roadway, but the public may utilize Red Devil Drive for access to public lands east of the subdivision.



LEGEND

- Found 1/2" Rebar
- Set 1/2"x24" Rebar w/cap No. 3621
- Brass Cap
- Set 5/8"x30" Rebar w/cap No. 3621
- Found 5/8" Rebar
- Limits of Avalanche Hazard
- - - Public Utility Easement (10' wide)
- - - Designated Building Envelope

SHEET 1 of 3

BUCKHORN SUBDIVISION FIRST ADDITION
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

CURVE	R	Δ	T	L	CH.	CH. BEARING
C-1	750.00'	19°05'20"	126.11'	249.87'	249.78'	S 89°27'20" E
C-2	780.00'	7°46'57"	53.98'	106.40'	106.32'	S 9°45'08" E
C-3	780.00'	11°16'24"	76.98'	153.47'	153.32'	S 19°21'48" E
C-4	720.00'	18°05'20"	121.04'	238.88'	238.77'	S 9°27'20" E
C-5	130.00'	65°19'39"	62.34'	146.22'	146.32'	N 33°16'50" E
C-6	100.00'	65°19'39"	64.11'	114.02'	107.94'	N 33°19'50" E
C-7	180.00'	32°40'44"	66.91'	91.26'	90.02'	N 48°38'17" E
C-8	160.00'	32°39'55"	66.96'	91.17'	89.94'	N 16°59'28" E
C-9	250.00'	38°00'00"	84.08'	183.61'	182.78'	N 10°40'00" E
C-10	280.00'	38°00'00"	96.41'	195.70'	182.32'	N 19°40'00" E
C-11	220.00'	16°59'55"	32.86'	65.27'	65.03'	N 9°09'58" E
C-12	"	21°02'05"	40.76'	80.64'	80.18'	N 28°09'58" E
C-13	300.00'	16°40'00"	43.84'	87.25'	86.96'	N 30°20'00" E
C-14	330.00'	"	48.34'	95.99'	95.64'	N 30°20'00" E
C-15	270.00'	"	39.55'	78.54'	78.24'	N 30°20'00" E

Order No. 27597

Instrument # 447450
HALEY, BLAINE, IDAHO
2001-02-01 03:01:00 No. of Pages: 2
Recorded for : SAWTOOTH TITLE
MARSHA RIEMANN Fee: 8.00
Ex-Officio Recorder Deputy
Index to: WTYOCICORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

KEITH A. FRIEDLY and TONI L. LEECH, husband and wife

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

JOHN B. MILEY and CYNTHIA HARPER MILEY, husband and wife

GRANTEE(s) whose address is: 205 E. Balboa Blvd., Balboa, CA 92661

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

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

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: January 16, 2001

Keith A. Friedly
KEITH A. FRIEDLY

Toni L. Leech
TONI L. LEECH

State of Idaho

}
} ss.
}

County of Blaine

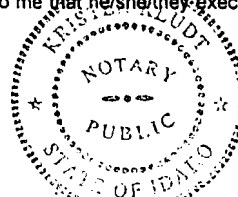
On this 24th day of January, in the year 2001, before me, the undersigned, personally appeared KEITH A. FRIEDLY and TONI L. LEECH, known or identified to me, to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires: 2-06-2001

Notarized



Expiration Date: 2/6/2001
Residing: Ketchum, Idaho

- PARCEL I:** Lot 12, Block 2 of BUCKHORN SUBDIVISION, FIRST ADDITION, according to the official plat thereof, recorded as Instrument No. 217019, records of Blaine County, Idaho.
- PARCEL II:** Lot 13, Block 2 of BUCKHORN SUBDIVISION, FIRST ADDITION, according to the official plat thereof, recorded as Instrument No. 217019, records of Blaine County, Idaho.
- PARCEL III:** Lot 6 of BUCKHORN SUBDIVISION, 2ND. ADDITION, according to the official plat thereof, recorded as Instrument No. 270487, records of Blaine County, Idaho.

RECEIVED

APR 23 1993

Department of Water Resources
Southern Region Office

RECORDING REQUESTED BY AND
WHERE RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AARSTAD
P. O. Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumka, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto KEITH FRIEDLY, whose address is P. O. Box 1770, Bailey, ID 83333 (hereinafter collectively referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.026 cfs of the Big Wood River
with a March 24, 1883 priority date
pursuant to Idaho Water Right No.
37-00377 and Claim No. A37-12818 in
In Re the General Adjudication of
Rights to the Use of Water From the
SNAKE RIVER BASIN WATER SYSTEM,
Twin Falls District Court Case No.
39576, used for the irrigation of
one (1) acre within lands commonly
referred to as the Hidden Meadows
Subdivision parcel in the
NE1/4NE1/4, S.9, T.2N., R.18E.,
B.M., Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and
appurtenances thereto belonging or in anyway appertaining, the
reversion and reversions, remainder and remainders, rents, issues

QUITCLAIM DEED - 1

37-08P/9

and profits thereof.

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

DATED this 15 day of March, 1993.

GRANTOR:

MARATHON PARTNERS, an Idaho
general partnership

By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

STATE OF IDAHO)
County of Blaine) ss.

On this 15th day of March, 1993, before me,
the undersigned notary public in and for said state, personally
appeared EDMUND E. DUMKE, known or identified to me to be the
managing general partner of MARATHON PARTNERS, an Idaho general
partnership, and the person who executed the foregoing instrument
on behalf of said partnership and acknowledged to me that said
partnership executed the same.

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

Lillian L. Erickson
Notary Public for Idaho
Residing at: 4411 E. 1st
Commission expires: 9/21/98

QUITCLAIM DEED - 2

RECEIVED

APR 27 1973

Department of Water Resources
Southern Region Office

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AARSTAD
P. O. Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Duska, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto KEITH FRIEDLY, whose address is P. O. Box 1770, Hailey, ID 83333 (hereinafter collectively referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.026 cfs of the Big Wood River
with a March 24, 1883 priority date
pursuant to Idaho Water Right No.
37-00577 and Claim No. A37-12818 in
In Re the General Adjudication of
Rights to the Use of Water from the
Snake River Basin Water System,
Twin Falls District Court Case No.
39576, used for the irrigation of
one (1) acre within lands commonly
referred to as the Hidden Meadows
Subdivision parcel in the
NE1/4NE1/4, S.9, T.2N., R.18E.,
S.M., Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and
appurtenances thereto belonging or in anyway appertaining, the
reversion and reversions, remainder and remainders, rents, issues

QUITCLAIM DEED - 1

37-08819

and profits thereof.

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

DATED this 15 day of March, 1993.

GRANTOR:

MARATHON PARTNERS, an Idaho
general partnership

By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

STATE OF IDAHO)
) ss.
County of Blaine)

On this 15th day of March, 1993, before me,
the undersigned notary public in and for said state, personally
appeared EDMUND E. DUMKE, known or identified to me to be the
managing general partner of MARATHON PARTNERS, an Idaho general
partnership, and the person who executed the foregoing instrument
on behalf of said partnership and acknowledged to me that said
partnership executed the same.

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

Lillian L. Erickson
Notary Public for Idaho
Residing at: Chubb, Id
Commission expires: 9/24/98

QUITCLAIM DEED - 2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8819

WATER RIGHT NUMBER: 37-8819

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KEITH FRIEDLY PO BOX 587 JOSEPH, OR 97846-0587 (208)788-2114
Current Owner	JOHN MILEY PO BOX 3010 HAILEY, ID 83333 (208)578-7882
Current Owner	CYNTHIA MILEY PO BOX 3010 HAILEY, ID 83333 (208)578-7882

Priority Date: 04/29/1993

Basis: License

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	04/15 to 10/31	0.020 CFS	3.50 AF
	<u>Total Diversion:</u>	0.020 CFS	3.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 33, Twp 03N, 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	
02N	18E	4		.2															.2
				L 2															
03N	18E	33														1.8			1.8

Total Acres: 2

Conditions of Approval:

1. This right is used in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
2. The right holder shall install and maintain a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

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

December 7, 2006

RECEIVED
DEC 11 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

**Re: John Miley;
Water Right No. 37-21116**

Dear Allen:

Enclosed you will find the original and one copy of my Notice of Appearance for Water Right No. 37-21116 in the name of my client, John Miley. Please have your secretary receipt date-stamp the copies and return them to me in the postage pre-paid, self-addressed envelope included for that purpose. Kindly call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jal

Enclosures

cc: Client (w/encl.)
Dave Tuthill (w/encl.)

Claimants Names:

John Miley

Attorney Name & Address:

**James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752**

**RECEIVED
DEC 11 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION**

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, John Miley, for the following water right which is not the subject of a subcase: 37-21116.

DATED this 7 day of December, 2006.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of December, 2006, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

12/20/2006

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

RIGHT NUMBER: 37-21116

NAME AND ADDRESS: JOHN MILEY
PO BOX 3010
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.026 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 11/15	0.026 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S10 SWNW 1.00

1 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

6/9/2003: WATER RIGHT 37-21116 REPRESENTS SURFACE WATER IN BIG WOOD RIVER USED TO MITIGATE GROUND WATER LICENSE 37-8819. THE AMOUNT OF WATER DESCRIBED IN THIS RIGHT IS TO REMAIN NON-DIVERTED FROM THE BIG WOOD RIVER AND THE PLACE OF USE DESCRIBED IN THIS RIGHT DRIED UP. THE USE REMAINS LISTED AS IRRIGATION, AS A TRANSFER OF NATURE OF USE HAS NOT BEEN FILED AS OF THIS DATE. - VH

37-21116 IS A PORTION OF 37-12818A THAT IS CLAIMED AS A PORTION OF 37-577.



Idaho Department of Water Resources

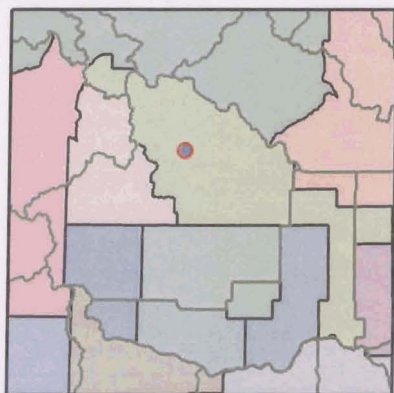
SRBA Recommendation:

37-21116

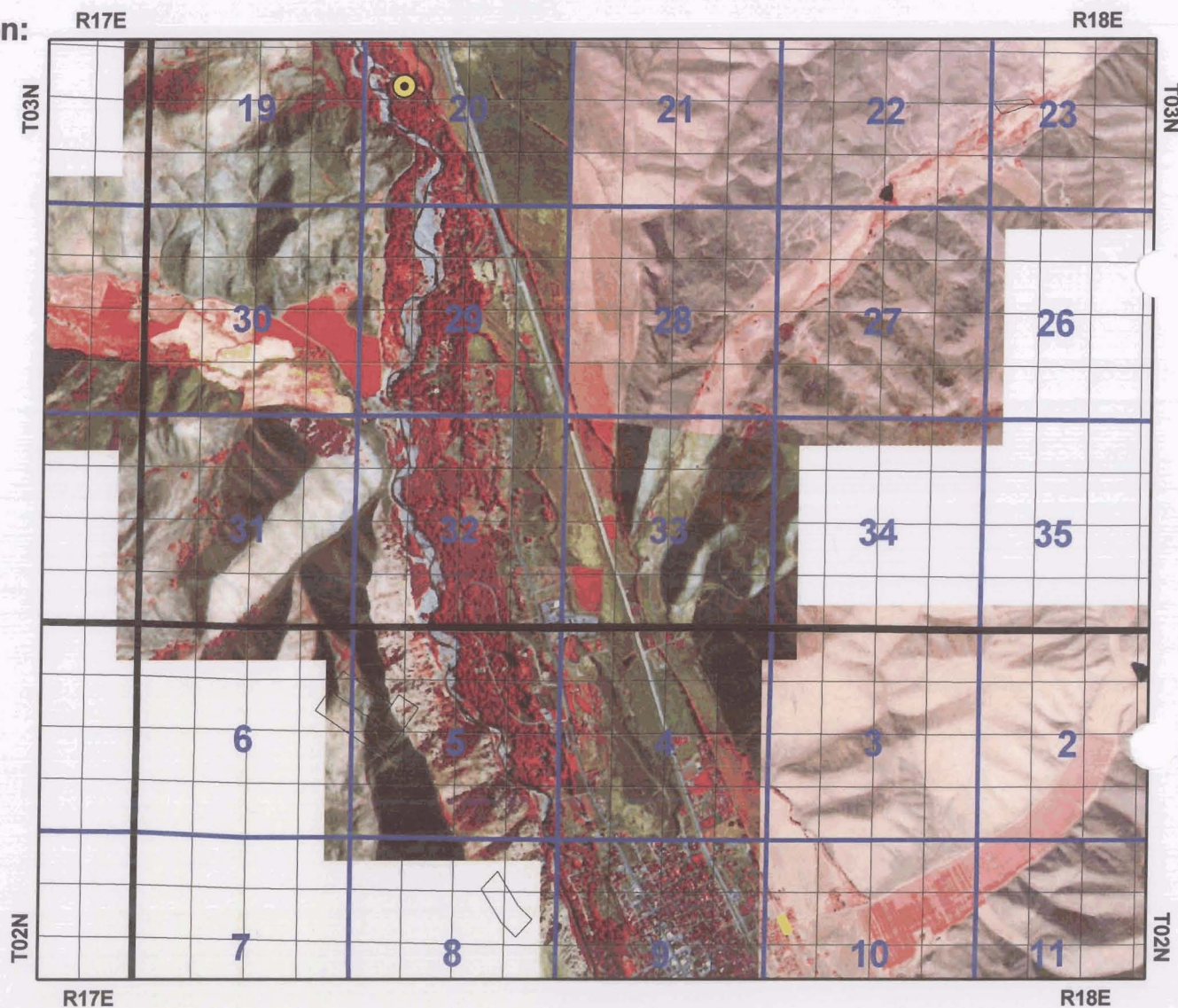
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by S. Egbert
On Wednesday, December 20, 2006
1987/88 Aerial Photography



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

June 9, 2003

James P. Speck
Speck and Aanestad
PO Box 987
Ketchum, Idaho 83340

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 37-12818A split

Dear Mr. Speck:

Claim 37-12818A has been split into five portions. Please find enclosed copies of SRBA Claim 37-21113 in the name of Thornton and 37-21114 in the name of Blaine County School District, and 37-21112 in the name of Marathon Partners.

Please be aware that although the places of use for 37-21113 and 37-21114 are correct according to the latest deeds submitted by you for those parties, the remaining portion represented by 37-21112 reflects the latest deeds submitted, including the correction deeds to Thornton and Blaine County School District as well as the original deeds to Miley and Sturtevant. The recorded place of use for 37-21112 therefore, may not be correct.

Also find enclosed for your convenience, claims 37-21115 and 37-21116 as they are currently recorded in our files, and which you have informed me are based upon deeds which incorrectly described the place of use to be dried up.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

NOTE TO FILE

From: Vikie Hancock

6/9/03

Regarding: Claim numbers 37-21112 for irrigation use
and 37-21113, 37-21114, 37-21115, & 37-21116 for mitigation use
All portions of 37-12818A which was claimed as a portion of 37-577.

Deeds were submitted to show 37-12818A was owned by five different entities in 2001. After some deliberation, the right was not split because the use of four of the portions was *mitigation*, but in September 2002 all five owners were added to the right, instead. See notes and documents in file 37-21112 renumbered from 37-12818.

In May 2003 attorney Jim Speck requested that the right be split into five portions as one of the owners wished to place his portion in the water bank. At this time it was determined that the right could be split by ownership. Although water identified in the rights used for mitigation was to remain in the Big Wood River and therefore have no actual place of use nor point of diversion, the POU and POD for the mitigation rights was to be identified as originally claimed by 37-12818A. The use listed on these rights must be changed from irrigation to mitigation by a transfer, which has not yet been filed.

To complicate this scenario, the original deeds submitted in 2001 which identified the acres to be dried up in order to facilitate the use of water for mitigation purposes were in error. At this writing, two correction deeds have been submitted by Speck – one for Blaine County School District 37-21114 and one for Thornton 37-21113. Those rights are now correctly described.

The POUs of three of the portions are most probably incorrect. Until the corrected deeds are received, 37-21115 and 37-21116 as well as the remaining irrigation portion represented by 37-21112 will reflect the POUs per the only deeds submitted for those parties.

PLEASE SEE CLAIM FILE 37-12818 AND CLAIM FILE 37-21112
(RENUMBERED FROM 37-12818A) FOR CORRESPONDENCE AND
DOCUMENTS REGARDING SOME HISTORY OF THE ABOVE RIGHTS.

Smiles

State of Idaho
Department of Water Resources
Water Right License

RECEIVED
JUN 11 2001

WATER RIGHT NO. 37-08819

Department of Water Resources
P.O. Box 3010
Hailey, Idaho 83333

Priority: April 29, 1993

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 3.5 AF

It is hereby certified that JOHN MILEY And CYNTHIA MILEY
PO BOX 3010
HAILEY ID 83333 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 29, 1993; and have
submitted Proof of Beneficial Use on February 26, 1998. An examination indicates that the works have
a diversion capacity of 0.2 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/15 to 10/31

DIVERSION RATE
0.02 CFS

**ANNUAL
DIVERSION VOLUME**
3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 03N, 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	
02N 18E 4			.2														.2
			L2														
03N 18E 33															1.8		1.8

Total Acres: 2

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is used in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.

37-8819

State of Idaho
Department of Water Resources
Water Right License

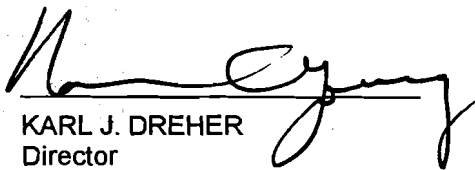
WATER RIGHT NO. 37-08819

5. This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.
6. Rights 37-20375, 37-20376 and 37-20378 are also diverted through the point of diversion described above.
7. Rights 37-08819, 37-20375, 37-20376 and 37-20378 when combined shall not exceed a total diversion rate of 0.15 cfs for irrigation purposes.
8. The right holder shall install and maintain a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
9. Point of diversion is located within Lot 10, Buckhorn Subdivision, 1st Addition.
10. Place of use is located within Lot 12, Buckhorn Subdivision, 1st Addition.
11. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
12. Diversion and use of water shall only occur at those times when water is available to fill Right 37-00577BN.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 6TH day of June, 2001.

Acting for


KARL J. DREHER
Director