

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 37-21112
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)

MARATHON PARTNERS LLC Phone: (208)726-8008
PO BOX 3118
SUN VALLEY ID 83353

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	1.419	

7. Total Quantity Appropriated is:
1.419 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	2
					Section Acres	2
02N	18E	10	NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	15
					Section Acres	52
					Total Acres	54

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:

37-21112 IS A PORTION OF 37-12818A WHICH IS CLAIMED TO BE A PORTION OF 37-577.

37-21112 IS THE REMAINING PORTION OF RIGHT 37-12818A SPLIT BY OWNERSHIP INTO FIVE PARTS. FOUR OF THE PARTS, 37-21113, 37-21114, 37-21115, 37-21116 ARE BEING USED AS MITIGATION FOR GROUND WATER LICENSES APPROVED AFTER THE MORATORIUM ON NEW ALLOCATIONS OF GROUND WATER FOR IRRIGATION WAS PUT INTO EFFECT.

THE PLACES OF USE OF THE FOUR MITIGATION RIGHTS ARE TO BE DRIED UP. HOWEVER, IT WAS REPORTED BY ATTY JIM SPECK THAT THE DEEDS OF CONVEYANCE FOR TWO OF THE RIGHTS ARE IN ERROR AND CURRENTLY THE POU IDENTIFIED FOR 37-21115 AND 37-21116 ARE INCORRECT. THEREFOR, THE POU IDENTIFIED IN THIS REMAINING PORTION FOR IRRIGATION MAY ALSO BE INCORRECT.

8/28/03 tf; place of use changed to reflect corrected deeds.

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

November 23, 2004

MARATHON PARTNERS LLC
PO BOX 3118
SUN VALLEY ID 83352

Re: SRBA Claim #37-21112

Dear Mr. Dumke,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record 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', is written over a horizontal line.

Carrie Hahn
Office Specialist

Enc.

RECEIVED

NOV 22 2004

Department of Water Resources
Southern Region

Form 42-248/42-1409(6) July, 2000

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.

ORIGINAL IN RED

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
	37-21112				

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 Marathon Partners
 Owner/Claimant(s) Post Office Box 3118, Sun Valley, Idaho 83353
4. New Owner/Claimant(s) MARATHON PARTNERS, LLC
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 3118
 City, State and Zip Code Sun Valley, Idaho 83353
 New Telephone Number (208) 726-8008
5. Date you acquired the property October 25, 2004

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)

MARATHON PARTNERS, LLC

By: Edmund E. Dumke
Edmund E. Dumke, Managing Member

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

RECEIVED

NOV 02 2004

SPECK & AANESTAD

RECORDING REQUESTED BY
AND
WHEN RECORDED RETURN TO

Thomas C. Praggastis
Post Office Box 6090
Ketchum, Idaho 83340

Mail Tax Statements To:

Marathon Partners, LLC
P. O. Box 3118
Sun Valley, ID 83353

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, Grantor, does hereby convey, release, remise and forever quitclaim unto MARATHON PARTNERS, LLC, an Idaho limited liability company, Grantee, the real property located in in Blaine County, Idaho, as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

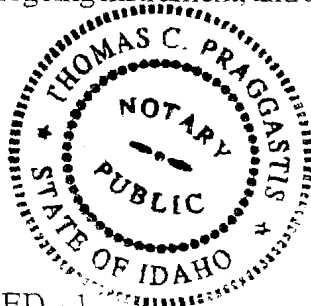
DATED this 25 day of OCTOBER, 2004.

MARATHON PARTNERS,
an Idaho general partnership

Edmund E. Dumke
By: Edmund E. Dumke
Its: Partner

STATE OF IDAHO)
ss.
County of Blaine)

On this 25 day of OCTOBER, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared EDMUND E. DUMKE, known to me to be a partner of MARATHON PARTNERS, an Idaho general partnership, and the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.



Thomas C. Praggastis
Notary Public for State of Idaho
Residing at SUN VALLEY
Commission expires 10-6-2009

EXHIBIT A

LEGAL DESCRIPTION

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

SECTIONS 9 & 10: A parcel of land lying with NE 1/4 NE 1/4, Section 9 and NW 1/4, Section 10 being more particularly described as follows:

BEGINNING at the brass cap set by Bruce T. Butler marking the section corner common to Sections 3, 4, 9, and 10, TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, being the TRUE POINT OF BEGINNING;

THENCE North 89°57'19" East, 1264.10 feet along the North boundary of Section 10 to a 5/8 inch bar;

THENCE South 0°10'03" West, 689.85 feet to a 5/8 inch bar;

THENCE South 89°53'37" East, 56.08 feet to a 1/2 inch bar marking the Southwest corner of Lot 1, Block 1, MARVIN GARDENS SUBDIVISION;

THENCE South 0°06'23" West, 1297.70 feet along the West boundary of said MARVIN GARDENS SUBDIVISION to a 5/8 inch bar marking the Southwest corner of said Subdivision;

THENCE South 75°43'07" West, 684.58 feet along the South side of Quigley Gulch Road to a 5/8 inch bar;

THENCE North 28°44'48" West, 401.16 feet along the East boundary of the original Hailey City Limits to a 5/8 inch bar;

THENCE South 73°36'04" East, 70.71 feet along RATHKE SUBDIVISION to a 5/8 inch bar;

THENCE South 28°44'48" East, 307.29 feet along RATHKE SUBDIVISION to a 5/8 inch bar;

THENCE North 75°43'07" East, 195.28 feet along RATHKE SUBDIVISION to a 5/8 inch bar;

THENCE leaving said road North 22°39'16" West, 909.27 feet to a 5/8' bar at a fence corner;

THENCE South 63°54'58" West, 413.85 feet to the approximate center line of the Hiawatha Canal;

THENCE North 22°41'12" West, 183.40 feet to the South side of Carbonate Street;

THENCE North 61°13'30" East, 57.97 feet to the Hailey City Limits;

THENCE North 28°45'58" West, 80.00 feet to the North side of Carbonate Street (20 feet being vacated);

THENCE South 61°13'30" West, 49.45 feet to the center line of the Hiawatha Canal;

THENCE North 22°41'12" West, 466.90 feet to the intersection with the Hailey City Limits;

THENCE continuing North 22°53'07" West, 779.28 feet along said canal to the North boundary of Section 9;

THENCE South 89°25'28" East, 442.36 feet to the brass cap marking the TRUE POINT OF BEGINNING.

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

November 19, 2004

RECEIVED

NOV 22 2004

Department of Water Resources
Shoshone Falls

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

Re: Marathon Partners, LLC - Notice of Change in Water Right Ownership

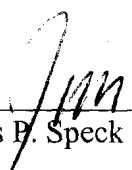
Dear Allen:

Enclosed you will find the original and one copy of a Notice of Change in Water Right Ownership for Water Right No. 37-21121 from Marathon Partners to Marathon Partners, LLC. Please receipt date stamp the copy and return it to me in the postage pre-paid self-addressed envelope included for that purpose and, at your convenience, provide me with copies of computer printouts from your database reflecting this change in ownership.

Please 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, with enclosures

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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 37-21112
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)

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

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	1.419	

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

8. Total consumptive use:

**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 ("Grantor"), does hereby convey, release, remise and forever quitclaim to GREGG K. STURTEVANT, whose address is P. O. Box 2924, Ketchum, Idaho 83340 ("Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.079 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 three (3) acres within lands commonly referred to as the Deerfield Subdivision parcel in the SE 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 JUNE 5, 1995 AS INSTRUMENT NO. 378965, 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

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:

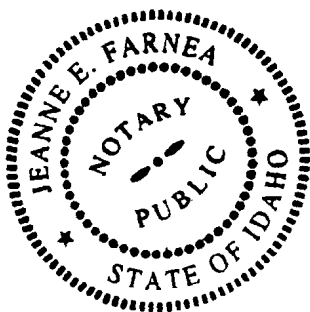
MARATHON PARTNERS, an Idaho
general partnership

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

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 37-21112
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)

MARATHON PARTNERS Phone: (208)726-2600

C/O EDMUND E DUMKE
PO BOX 3118
KETCHUM ID USA 83340

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	1.419	

7. Total Quantity Appropriated is:
1.419 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

02N	18E	10	SW	NW	IRRIGATION	16
			NW	NW	IRRIGATION	34
			SE	NW	IRRIGATION	3
Section Acres						53
Total Acres						54

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:

37-21112 IS THE REMAINING PORTION OF RIGHT 37-12818A SPLIT BY OWNERSHIP INTO FIVE PARTS. FOUR OF THE PARTS, 37-21113, 37-21114, 37-21115, 37-21116 ARE BEING USED AS MITIGATION FOR GROUND WATER LICENSES APPROVED AFTER THE MORATORIUM ON NEW ALLOCATIONS OF GROUND WATER FOR IRRIGATION WAS PUT INTO EFFECT.

THE PLACES OF USE OF THE FOUR MITIGATION RIGHTS ARE TO BE DRIED UP. HOWEVER, IT WAS REPORTED BY ATTY JIM SPECK THAT THE DEEDS OF CONVEYANCE FOR TWO OF THE RIGHTS ARE IN ERROR AND CURRENTLY THE POU IDENTIFIED FOR 37-21115 AND 37-21116 ARE INCORRECT. THEREFORE, THE POU IDENTIFIED IN THIS REMAINING PORTION FOR IRRIGATION MAY ALSO BE INCORRECT.

37-21112 IS A PORTION OF 37-12818A WHICH IS CLAIMED TO BE A PORTION OF 37-577.

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

(FOR 37-25077 G.W.)

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

RECEIVED
MAR 02 2001
 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>37-00577</u>		<u>X</u>			
	<u>A37-12818A</u>	<u>X</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 Owner/Claimant(s) Marathon Partners
c/o Edmund E. Dumke, P Box 3118, Ketchum, ID 83340
4. New Owner/Claimant(s) Gregg Sturtevant
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address P.O. Box 2924
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208) 726-3250
5. Date you acquired the property June 5, 1995

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

Water Right and/or Adjudication Claim Number 37-00577

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

Gregg Startevant

For Office Use only

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

RECEIVED

378965

JUN - 7 1995

Deed

Hogue, Speck & AANESTAD

BLAINE CO. REQUEST

OF: Hogue & Speck

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

'95 JUN 5 PM 4:02

MARY GREEN, CLERK *mpp*
FEES \$6⁰⁰

(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. Dumke, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto GREGG K. STURTEVANT, whose address is P. O. Box 2924, Ketchum, ID 83340 (hereinafter 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:

0.079 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
three (3) acres within lands
commonly referred to as the Hidden
Meadows Subdivision parcel in the
NW1/4NW1/4, S.10, T.2N., R.18E.,
B.M., Blaine County, Idaho.

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

QUITCLAIM DEED - 1

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

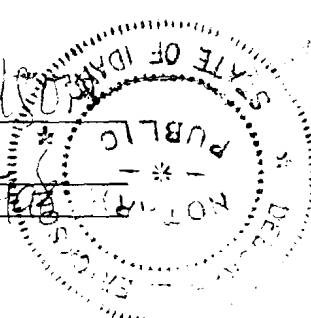
By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

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.

Deborah H. Erickson
Notary Public for Idaho
Residing at: Shawley, Idaho
Commission expires: 9/24/98



SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

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

February 28, 2001

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

RECEIVED
MAR 02 2001
Department of Water Resources
Southern Region

RE: Gregg Sturtevant/Water Right No. 37-00577 and Claim No. A37-12818A
Our File No.: 970006

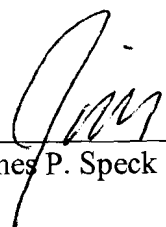
Dear Allen:

Enclosed you will find the original and one copy of the Notice of Change of Water Right Ownership for Gregg Sturtevant. Please receipt date stamp the copy and return it to me in the postage prepaid envelope I have enclosed 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:rsd
enclosure

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.

[Signature]
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 37-12818 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
Lyndee 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

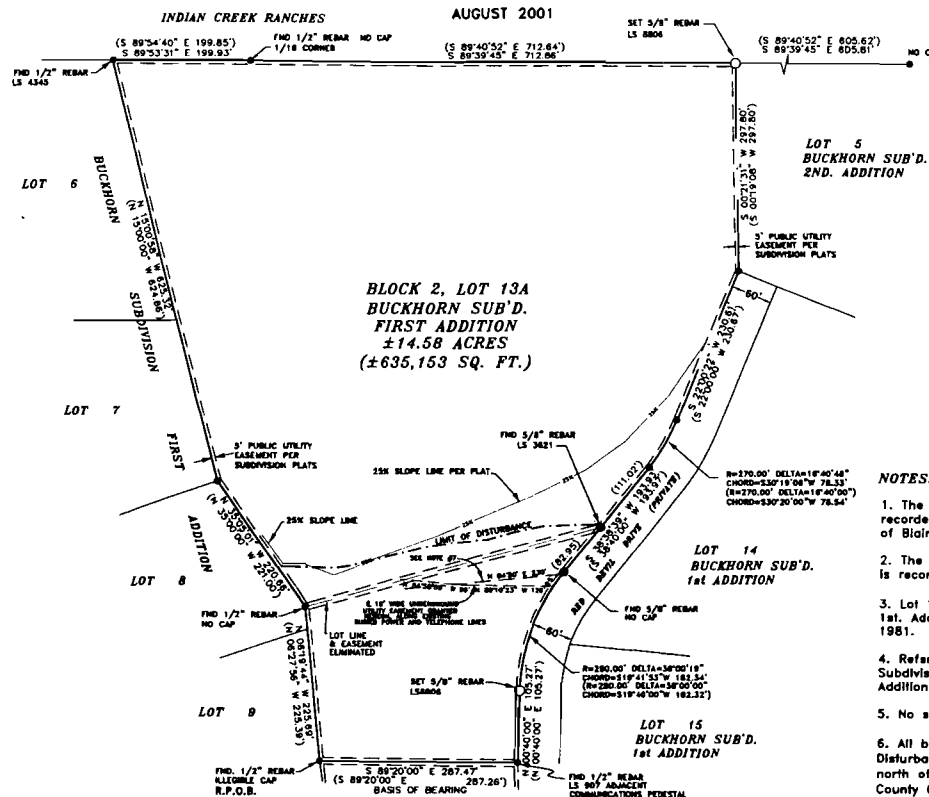
Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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 30-1326, by the issuance of a certificate of disapproval.

Date: 9-10-2001

Robert W. McNeil
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



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 00564FN.DWG
PROJECT NO. 00564FN DATE: 08/27/01 CO-ORD FILE 00564.CRD

Copy

PLAT SHOWING BUCKHORN SUBDIVISION FIRST ADDITION

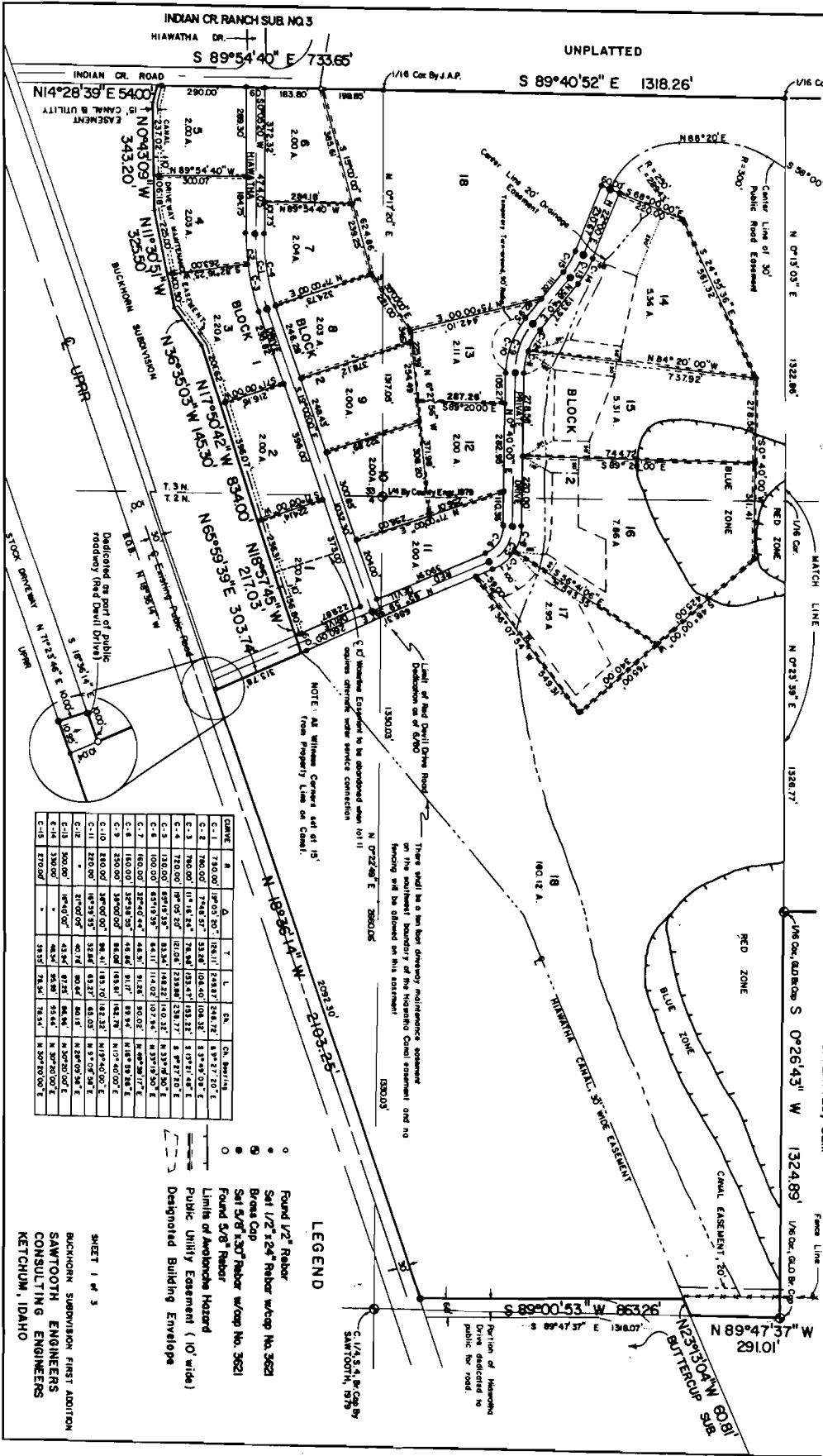
LOCATED WITHIN S. 4, T. 2N., R. 18E., & S. 33, T. 3N., R. 18E., B.M.

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.



NOTE: All within corner set of 15' from property line on Canal.

These shall be a two hour driveway maintenance easement on the northwest boundary of the Hiawatha Canal easement and no fencing will be allowed on this easement.

GRADE	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
C-1	750.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-2	760.00	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	
C-3	760.00	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	118.96	
C-4	720.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-5	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-6	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-7	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-8	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-9	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-10	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-11	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-12	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-13	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-14	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	
C-15	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	

LEGEND

- Found 1/2" Rubber
- Sat 1/2" x 24" Rubber wrap No. 3621
- Brass Cap
- Sat 5/8" x 30" Rubber w/cap No. 3621
- Found 5/8" Rubber
- Limit of Ambulance Hazard
- Public Utility Easement (10' wide)
- Designated Building Envelope

SHEET 1 of 3
BUCKHORN SUBDIVISION FIRST ADDITION
SAVTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

Order No. 27597

Instrument # 447450

HAILEY, BLAINE, IDAHO

2001-02-01

03:01:00 No. of Pages: 2

Recorded for : SAWTOOTH TITLE

MARSHA RIEMANN

Fee: 6.00

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

County of Blaine

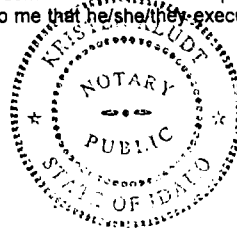
On this 21st day of January, in the year 2001, before me, the undersigned, personally appeared KEITH A. FRIEDLY and TONI L. LEECH, known or identified to me, to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires: 2-06-2001

Witnessed



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
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
BOGUE, SPECK & ARNESTAD
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. Dunke, 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. A37-12218 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

37-08919

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.

L. J. Erickson
Notary Public for Idaho
Residing at: 411 1st St.
Commission expires: 9/24/98

QUITCLAIM DEED - 2

RECEIVED

APR 23 1993

Department of Water Resources
Southern Region Office

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
MOGUE, 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. Dunke, 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., 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

37-08919

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. Dunke
Edmund E. Dunke, 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. DUNKE, 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.

William L. Granger
Notary Public for Idaho
Residing at: Meridian, ID
Commission expires: 9/2/98

QUITCLAIM DEED - 2

(TOR 37-788-000)

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

RECEIVED
FEB 07 2001
 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>37-00577</u>	_____	<u>X</u>	_____	_____	_____
_____	<u>A37-12818A</u>	<u>X</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 Owner/Claimant(s) Marathon Partners
4. New Owner/Claimant(s) c/o Edmund E. Dumke, P Box 3118, Ketchum, ID 83340
Rod Thornton
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address PO Box 246
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208) 788-2113
5. Date you acquired the property June 5, 1995

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

RECEIVED

JUN - 7 1995

Hogue, Speck & A

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

STATE OF IDAHO

COUNTY OF BLAINE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF

AT 4:00 O'CLOCK P.M.

6-5 AD 19 95

EX OFFICIO RECORDER

BY MPP DEPUTY

FEES \$ 6.00

Deed

(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. Dumke, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto ROD THORNTON, whose address is P. O. Box 246, Ketchum, ID 83340 (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., B.M., Blaine County, Idaho.

SEE CORRECTION
DEED WITH
FILE
37-21113

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

QUITCLAIM DEED - 1

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

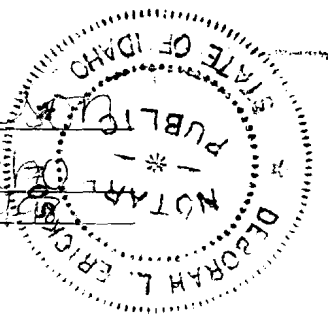
By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

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.

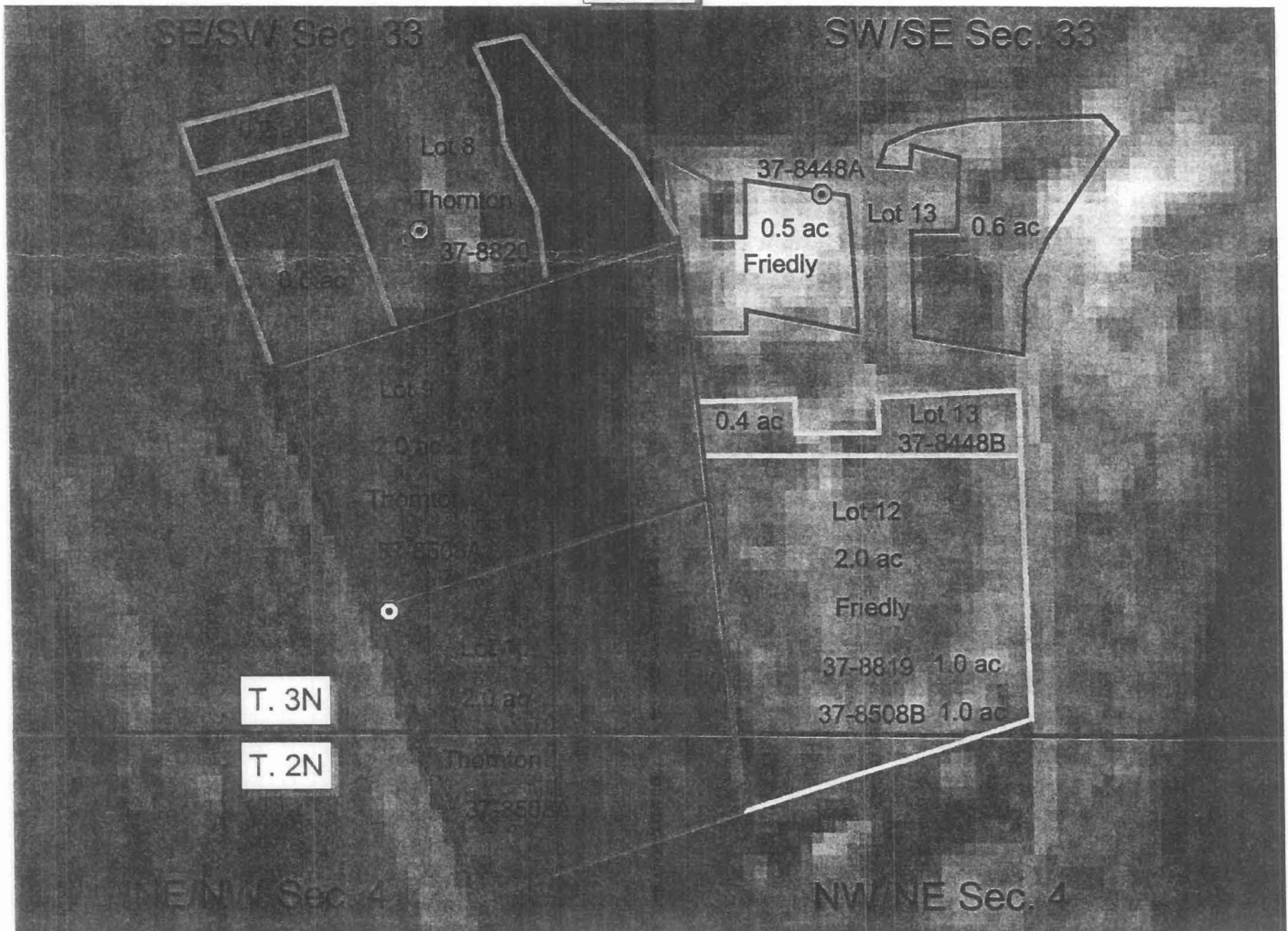
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Deborah L. Erickson
Notary Public for Idaho
Residing at: Callahan, Idaho
Commission expires: 9/21/96



P/U & P/D, 37-8448, 8508, 8819, 8820

R. 18E



● Private Irrigation Well

⊙ Well For Lots 9, 10, 12 & Part of Lot 13



Prepared By J E Stanton 1-17-01

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

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

February 5, 2001

RECEIVED
FEB 07 2001
Department of Water Resources
Southern Region

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

RE: Notice of Change in Water Right Ownership - Rod Thornton

Dear Allen:

Enclosed you will find a Notice in Change of Water Right Ownership for a portion of Water Right No. 37-00577 claimed in the SRBA as A37-12818A. I discovered the oversight in filing this change in water right ownership in the process of licensing Permit No. 37-08820 for which this water right is used as "mitigation". Please call me right away if you have any questions about this Notice. Kindly receipt date stamp the enclosed copy of the Notice and return it to me in the self address and postage prepaid envelope I have also included.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS:rsd
enclosures
cc: client, w/encl.

(FOR 37-8821 GW)

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

RECEIVED
MAR 07 2001
 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>37-00577</u>	_____	<u>X</u>	_____	_____	_____
_____	<u>A37-12818A</u>	<u>X</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 Owner/Claimant(s) Marathon Partners
c/o Edmund E. Dumke, P Box 3118, Ketchum, ID 83340
4. New Owner/Claimant(s) Blaine County School District
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 118 West Bullion Street
- City, State and Zip Code Hailey, ID 83333
- New Telephone Number (208) 788-2296
5. Date you acquired the property April 5, 1995

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)

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

Jim Lewis, Superintendent

For Office Use only

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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

(space above line for Recorder's use)

GIFT DEED

MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, ID 83340 (the "Donor"), does hereby donate, give, transfer and convey unto BLAINE COUNTY SCHOOL DISTRICT, an Idaho school district, whose address is _____, (the "Donee"), any and all interest it may now have or hereafter acquire in the following described water right:

1.06 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 40 acres within lands commonly referred to as the Hidden Meadows Subdivision parcel in the W1/2NW1/4, S.10, T.2N., R.18E., B.M., Blaine County, Idaho.

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

TO HAVE AND TO HOLD, all and singular the said water right, together with the appurtenances, unto the Donee, and to Donee's successors and assigns forever.

DATED this 15th day of March, 1993.

DONOR:

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.

Sherah S. Erickson
Notary Public for Idaho
Residing at: Hailey, Idaho
Commission expires: 9/24/98

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

March 6, 2001

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

RECEIVED
MAR 07 2001
Department of Water Resources
Southern Region

**RE: Blaine County School District/Water Right No. 37-00577
and Claim No. A37-12818A
Our File No.: 990150**

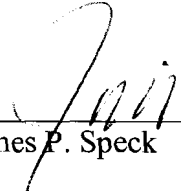
Dear Allen:

Enclosed you will find the original and one copy of the Notice of Change of Water Right Ownership for the Blaine County School District. Please receipt date stamp the copy and return it to me in the postage prepaid envelope I have enclosed 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
enclosure
cc: Mr. Jim Lewis, Superintendent
Blaine County School District

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12818A

Date Received: 2/ 3/1989

Receipt No: X777777

Received By: *O/C HLB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARATHON PARTNERS
Address: C/O EDMUND E DUMKE
PO BOX 3118
KETCHUM ID

208-726-2600

83340

2. Date of Priority: MAR 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
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	2.610		

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

8. Total consumptive use is 247.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	9	NE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	2.0
		10	NW	NW		IRR	37.0
			SW	NW		IRR	17.0
			SE	NW		IRR	27.0
			NE	SW		IRR	16.0
						Section Acres	97.0
						Total Acres	99.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 2/2/96 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST ET. AL.
Decree Plaintiff

ALTURUS WATER COMPANY, ET. AL
vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

FEBRUARY 2, 1996

MARATHON PARTNERS
C/O EDMUND DUMKE
PO BOX 3118
KETCHUM, ID 83340

RE: SRBA CLAIM(S) A37-12818A
PACESETTER DEVELOPMENT

DEAR CLAIMANT(S):

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

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

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

NOV 28 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 11/05/92

FEB 02 1993

LEGAL DESCRIPTION OF PROPERTY: Township SEE ATTACHED DEEDS Range SEE ATTACHED DEEDS Department of Water Resources
Section 1/4 of 1/4 of 1/4 of 1/4, Govt. Lot SEE ATTACHED DEEDS Southern Region
Lot SEE ATTACHED DEEDS, Block SEE ATTACHED DEEDS, Subdivision/Townsite SEE ATTACHED DEEDS.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) A37-12818
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Pacesetter Development Co., An Idaho Corporation
4540 Campus Drive
Newport Beach, CA 92660
- ☐ New Owner/Claimant (Purchaser): Marathon Partners c/o Edmund E. Dumke
- ☐ New Mailing Address: Post Office 3118
Ketchum, ID 83340
- ☐ New Telephone Number: (208) 726-2600
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe Deed from Pacesetter Development Co. to Edmund and Susan Dumke; proof attached: Warranty Deed from Dumke to Marathon Partners

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Edmund E. Dumke Date 1/25/96
for Marathon Partners Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
for Pacesetter Development Co. Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2/12/96 By: HB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 28 1996

POOR ORIGINAL

WARRANTY DEED

For Value Received, EDMUND E. DUMKE and SUSAN M. DUMKE, hereinafter called the Grantors, hereby grant, bargain, sell and convey unto MARATHON PARTNERS, an Idaho general partnership, whose address is Post Office Box 3119, Ketchum, Idaho 83340, hereinafter called the Grantee, the following described premises, in Blaine County, Idaho:

See attached Exhibit "A".

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

DATED this 5 day of November 1992.

Edmund E. Dumke
Edmund E. Dumke

Susan M. Dumke
Susan M. Dumke

STATE OF IDAHO)
COUNTY OF BLAINE) ss.

On this 5 day of November 1992, before me, a Notary Public in and for said State, personally appeared EDMUND E. DUMKE and SUSAN M. DUMKE, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Willie Marie Smith
Notary Public
Residing at 2141 W. 1st St.
State of Idaho
Commission expires 5/8/96

RECEIVED
346866

WARRANTY DEED - 1

NOV 28 1996

POOR ORIGINAL

Order No. 22-11001

EXHIBIT "A"

PARCEL 1

TOWNSHIP 2 NORTH, RANGE 13 EAST, BOISE MERIDIAN, CITY OF HALLEY,
BLAINE COUNTY, IDAHO

SECTION 10: A parcel of land lying with the N4SW4 and the S4NW4
more particularly described as follows:

BEGINNING at the Brass Cap marking the South 1/4 corner of said
Section 10;

THENCE North 0°03'09" West 1313.54 feet to a 5/8 inch bar marking
the South-center 1/16 corner, Section 10, which point is the TRUE
POINT OF BEGINNING;

THENCE North 89°41'57" West 1341.78 feet to the intersection of
Seventh Avenue and the South line of said N4SW4, Section 10;

THENCE North 29°00'00" West 348.63 feet along said centerline of
Seventh Avenue to a point in the center of the Hiawatha Canal;

THENCE following the center of said canal North 23°34'15" West
409.60 feet to the Southwest Corner of HIWATHA ESTATES NO. 1
SUBDIVISION;

THENCE along said canal, and also along the Easterly boundary of
said subdivision on the following four courses:

North 22°14'00" West 939.91 feet;

North 17°30'00" West 163.66 feet;

North 32°00'00" West 110.90 feet;

North 24°00'00" West 157.93 feet to a point on the Southerly edge
of Gray Street;

THENCE along said southerly edge of Gray Street North 60°58'16"
East 139.37 feet to a 5/8 inch bar on the Easterly boundary of
the original Townsite of the CITY OF HALLEY;

THENCE South 29°00'00" East 301.05 feet along said Easterly
boundary of Halley to a 5/8 inch bar on the South side of the
Quigley Gulch Road;

THENCE North 75°10'15" East 2063.63 feet along said south side of
the Quigley Gulch Road to a 5/8 inch bar on the Easterly line of
said S4NW4, Section 10;

THENCE South 0°04'00" East 900.60 feet to the Center 1/4 corner,
Section 10;

THENCE South 0°05'09" East 1313.21 feet to the TRUE POINT OF
BEGINNING.

EXCEPTING THEREFROM:

All of DEERFIELD SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO,
according to the official plat thereof, recorded August 30, 1979,
Instrument No. 196423, records of Blaine County, Idaho.

AND FURTHER EXCEPTING:

All of the RE-PLAT OF DEERFIELD SUBDIVISION NO. 2, BLAINE COUNTY,
IDAHO, according to the official plat thereof, on file in the
office of the County Recorder, recorded July 30, 1981, as
Instrument No. 217512, records of Blaine County, Idaho.

NOV 28 1996

POOR ORIGINAL

Order No. 01-11111

EXHIBIT "A"

PARCEL 12

TOWNSHIP 2 NORTH, RANGE 12 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTIONS 9 & 10: A parcel of land lying with NE1/4, Section 9 and one NW1/4, Section 10 being more particularly described as follows: BEGINNING at the brass cap set by Bruce T. Butler marking the section corner common to Sections 3, 4, 9, and 10, TOWNSHIP 2 NORTH, RANGE 12 EAST, BOISE MERIDIAN, being the TRUE POINT OF BEGINNING:

THENCE North 89°57'19" East, 1264.10 feet along the North boundary of Section 10 to a 5/8" bar;

THENCE South 0°10'02" West, 539.95 feet to a 5/8" bar;

THENCE South 89°53'17" East, 16.06 feet to a 1/2 bar marking the Southwest corner of Lot 1, Block 1, MARVIN GARDENS SUBDIVISION;

THENCE South 0°06'23" West, 1297.70 feet along the West boundary of said MARVIN GARDENS SUBDIVISION to a 5/8" bar marking the Southwest corner of said subdivision;

THENCE South 75°41'07" West, 684.38 feet along the South side of Quigley Gulch Road to a 5/8" bar;

THENCE North 25°44'42" West, 401.16 feet along the East boundary of the original Halley City Limits to a 5/8" bar;

THENCE South 73°56'01" East, 79.71 feet along RATHKE SUBDIVISION to a 5/8" bar;

THENCE South 29°44'42" East, 307.29 feet along RATHKE SUBDIVISION to a 5/8" bar;

THENCE North 75°43'07" East, 135.28 feet along RATHKE SUBDIVISION to a 5/8" bar;

THENCE leaving said road North 22°33'16" West, 909.27 feet to a 5/8" bar at a fence corner;

THENCE South 63°54'53" West, 417.85 feet to the approximate center line of the Hiawatha Canal;

THENCE North 20°41'12" West, 133.10 feet to the South side of Carbonate Street;

THENCE North 61°13'30" East, 57.97 feet to the Halley City Limits;

THENCE North 29°45'33" West, 30.00 feet to the North side of Carbonate Street (20 feet being vacated);

THENCE South 61°13'30" West, 45.43 feet to the center line of the Hiawatha Canal;

THENCE North 20°41'12" West, 466.90 feet to the intersection with the Halley City Limits;

THENCE continuing North 30°53'07" West, 779.23 feet along said canal to the North boundary of Section 9;

THENCE South 89°25'15" East, 442.36 feet to the brass cap marking the TRUE POINT OF BEGINNING.

NOV 28 1996

SUN VALLEY TITLE

2007087838

P.05

Order No. 72-11221

DEED

FOR VALUE RECEIVED PACESETTER DEVELOPMENT CO., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby Grant, Bargain, Sell and Convey unto

EDMUND E. DUNKER and SUSAN M. DUNKER, husband and wife

grantee whose current address is BOX 3118, Ketchum, Id 83340

the following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 25th day of September, 1992.

CO.

PACESETTER DEVELOPMENT

BY

President

ATTEST:

Secretary

STATE OF CALIFORNIA

COUNTY OF Orange

on this 9th day of September, 1992

before me, the undersigned a Notary Public in and for said County and State, personally appeared

Donn W. Klug personally known

to me for purposes to be on the face of which was acknowledged to be the

Shella M. Owens President, and

whom I know to be the duly qualified officers of the State of California

and of the corporation that executed the within instrument, and

acknowledged to me that such corporation executed the within instrument

in pursuance of its bylaws and resolution of its board of directors.

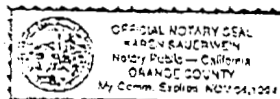
Witness my hand and the seal of said State and County

at Kearney, California this 9th day of September, 1992.

Karen Sauerwein

Notary Public - California

My Comm. Expires NOV 24, 1994



[This area for official notary seal]

To	Stephanie	From	Donn
Co.	Equipe Speck	Co.	1st American
Dept.		Phone #	
Fax #		Fax #	

First American Title

of pages: 6

NOV 28 1996
POOR ORIGINAL

SUN VALLEY TITLE

2087520055

P.06

Order No. 22-11221

EXHIBIT "A"

PARCEL 2

TOWNSHIP 2 NORTH, RANGE 18 EAST, 3RD MERIDIAN, CITY OF RAILLEY,
BLAINE COUNTY, IDAHO:

SECTION 10: A parcel of land lying with the N4SW4 and the S4SW4
more particularly described as follows:

BEGINNING at the Brass Cap marking the South 1/4 corner of said
Section 10;

THENCE North 0°05'09" West 1113.54 feet to a 5/8 inch bar marking
the South-easterly 1/16 corner, Section 10, which point is the TRUE
POINT OF BEGINNING;

THENCE North 39°41'31" West 1383.78 feet to the intersection of
Seventh Avenue and the South line of said N4SW4, Section 10;

THENCE North 29°00'00" West 148.69 feet along said centerline of
Seventh Avenue to a point in the center of the Hiawatha Canal;

THENCE following the center of said canal North 23°34'36" West
439.60 feet to the Southeast Corner of BLAINE ESTATES NO. 1
SUBDIVISION;

THENCE along said canal, and also along the Easterly boundary of
said Subdivision the following four courses;

North 23°14'00" West 935.91 feet;

North 17°50'00" West 143.66 feet;

North 12°00'00" West 110.00 feet;

North 24°00'00" West 137.98 feet to a point on the Southerly edge
of Gray Street;

THENCE along said Southerly edge of Gray Street North 60°50'36"
East 130.37 feet to a 5/8 inch bar on the Easterly boundary of
the original Townsite of the CITY OF RAILLEY;

THENCE South 12°00'00" East 301.05 feet along said Easterly
boundary of Railley to a 5/8 inch bar on the South side of the
Quigley Gulch Road;

THENCE North 75°10'18" East 2085.53 feet along said South side of
the Quigley Gulch Road to a 5/8 inch bar on the Easterly line of
said S4SW4, Section 10;

THENCE South 0°05'09" East 910.60 feet to the Center 1/4 corner,
Section 10;

THENCE South 0°05'09" East 1113.54 feet to the TRUE POINT OF
BEGINNING.

EXCEPTING THEREFROM:

All of DEERFIELD SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO,
according to the official plat thereof, recorded August 30, 1979,
Instrument No. 195413, records of Blaine County, Idaho.

AND FURTHER EXCEPTING:

All of the RE-PLAT OF DEERFIELD SUBDIVISION NO. 2, BLAINE COUNTY,
IDAHO, according to the official plat thereof, on file in the
office of the County Recorder, recorded July 30, 1981, as
Instrument No. 211172, records of Blaine County, Idaho.

POOR ORIGINAL

NOV 28 1996

SUN VALLEY TITLE

2907000050

P.07

Order No. 22-11221

EXHIBIT "A"

PARCEL 11

TOWNSHIP 1 NORTH, RANGE 18 EAST, 2ND2E MERIDIAN, BLAINE COUNTY, IDAHO;

SECTIONS 9 & 10: A parcel of land lying with NEWBER, Section 9 and the NW1/4, Section 10 being more particularly described as follows: BEGINNING at the brass cap set by Bruce T. Butler marking the section corner corner to Sections 3, 4, 9, and 10, TOWNSHIP 2 NORTH, RANGE 18 EAST, 2ND2E MERIDIAN, being the TRUE POINT OF BEGINNING;

THENCE North 89°57'19" East, 1254.10 feet along the North boundary of Section 10 to a 5/8" bar;

THENCE South 0°10'03" West, 629.45 feet to a 5/8" bar;

THENCE South 85°31'37" East, 55.08 feet to a 1/2 bar marking the Southwest corner of Lot 1, Block 1, MARVIN GARDENS SUBDIVISION;

THENCE South 0°05'32" West, 1297.70 feet along the West boundary of said MARVIN GARDENS SUBDIVISION to a 5/8" bar marking the Southwest corner of said Subdivision;

THENCE South 75°43'07" West, 654.53 feet along the South side of Quigley Gulch Road to a 5/8" bar;

THENCE North 25°44'49" West, 401.15 feet along the East boundary of the original Bailey City Limits to a 5/8" bar;

THENCE South 75°36'04" East, 70.71 feet along RATHER SUBDIVISION to a 5/8" bar;

THENCE South 18°44'49" East, 307.23 feet along RATHER SUBDIVISION to a 5/8" bar;

THENCE North 75°43'07" East, 135.12 feet along RATHER SUBDIVISION to a 5/8" bar;

THENCE leaving said road North 21°39'15" West, 909.27 feet to a 5/8" bar at a fence corner;

THENCE South 61°54'55" West, 413.91 feet to the approximate center line of the Elbowtha Canal;

THENCE North 21°41'12" West, 193.40 feet to the South side of Carbonate Street;

THENCE North 61°13'30" East, 57.97 feet to the Bailey City Limits;

THENCE North 22°45'53" West, 50.00 feet to the North side of Carbonate Street (20 feet being vacated);

THENCE South 61°13'30" West, 49.45 feet to the center line of the Elbowtha Canal;

THENCE North 22°41'12" West, 464.90 feet to the intersection with the Bailey City Limits;

THENCE continuing North 20°33'07" West, 779.23 feet along said parcel to the North boundary of Section 9;

THENCE South 89°25'19" East, 442.95 feet to the brass cap marking the TRUE POINT OF BEGINNING.

POOR ORIGINAL

NOV 28 1936

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

February 1, 1996

Alan Merritt
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, ID 83301

RECEIVED

FEB 02 1996

Department of Water Resources
Southern Region

Re: Notice of Change of Water Right Ownership
SRBA Claim No. A37-12818

Dear Alan:

Enclosed you will find a Notice of Change of Water Right Ownership for SRBA Claim A37-12818 which will document the transfer from Pacesetter Development Company to Marathon Partners, an Idaho General Partnership through Edmund and Susan Dumke. Ed Dumke is the managing general partner of Marathon Partners. Please call me if you have any questions.

Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:sd
enclosure

cc: client (w/enclosure)

NOV 28 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12818A
Date Received: 2/ 3/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: PACESETTER DEVELOPMENT COMPANY 714-852-8600
Address: 4540 CAMPUS DRIVE
NEWPORT BEACH CA 92660

2. Date of Priority: MAR 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
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	2.610		

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

8. Total consumptive use is 247.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	9	NE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
		10	NW	NW	IRR	37.0
			SW	NW	IRR	17.0
			SE	NW	IRR	27.0
			NE	SW	IRR	16.0
					Section Acres	97.0
					Total Acres	99.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST ET. AL.
Decree Plaintiff

ALTURUS WATER COMPANY, ET. AL
vs Decree Defendant

NOV 28 1995

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12818
Date Received: 2/03/1989
Receipt No: S006212
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PACESETTER DEVELOPMENT COMPANY 714-852-8600
Address: 4540 CAMPUS DRIVE
NEWPORT BEACH, CA 92660

2. Date of Priority: MAR 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
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	2.720		

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

8. Total consumptive use is 257.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	9	NE	NE		IRR	6.0
Section Acres							6.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	10	NW		NW		IRR	37.0
			SW		NW		IRR	17.0
			SE		NW		IRR	27.0
			NE		SW		IRR	16.0
							Section Acres	97.0
							Total Acres	103.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W.
T. RILEY.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST ET. AL.
Decree Plaintiff

vs

ALTURUS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

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

Ident Number 437-12818
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 24 1989

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Pacesetter Development, Co.
Phone: (714) 852-8600
Mailing Address: 4540 Campus Drive
Newport Beach, CA 92660
attn: Mr. Landon Exley

2. Date of Priority: March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
3N	18E	20	SE	SW	NW		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

5. Description of existing diversion works: Headgate #22 and Hiawatha
Canal.

MICROFILMED

MAR 01 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	2.72 cfs

7. Total Quantity Claimed: 2.72 cfs

8. Total consumptive use claimed is 257.5 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	9	NE	NE	I	6
2N	18E	10	NW	NW	I	37
2N	18E	10	SW	NW	I	17
2N	18E	10	SE	NW	I	27
2N	18E	10	NE	SW	I	16

Total number of irrigated acres: 103

11. Place of use is located in Blaine County.

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

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

14. Remarks: Claim is for a portion of 37-0577 originally decreed to W. T. Riley in S. C. Frost et al. v. Alturus Water co. et ux. Although this right has been subdivided into many smaller portions, it is impossible to determine which, if any, of these subdivisions is this Claim. The amount claimed is based upon Watermaster's delivery records, and due to loss in the canal and porous soil at the place of use, is necessary for irrigation of the claimed acres. Place of use, to the extent it differs from the decree, is claimed pursuant to Section 42-1416(1), Idaho Code.

Last Name: Pacesetter

Ident No. _____

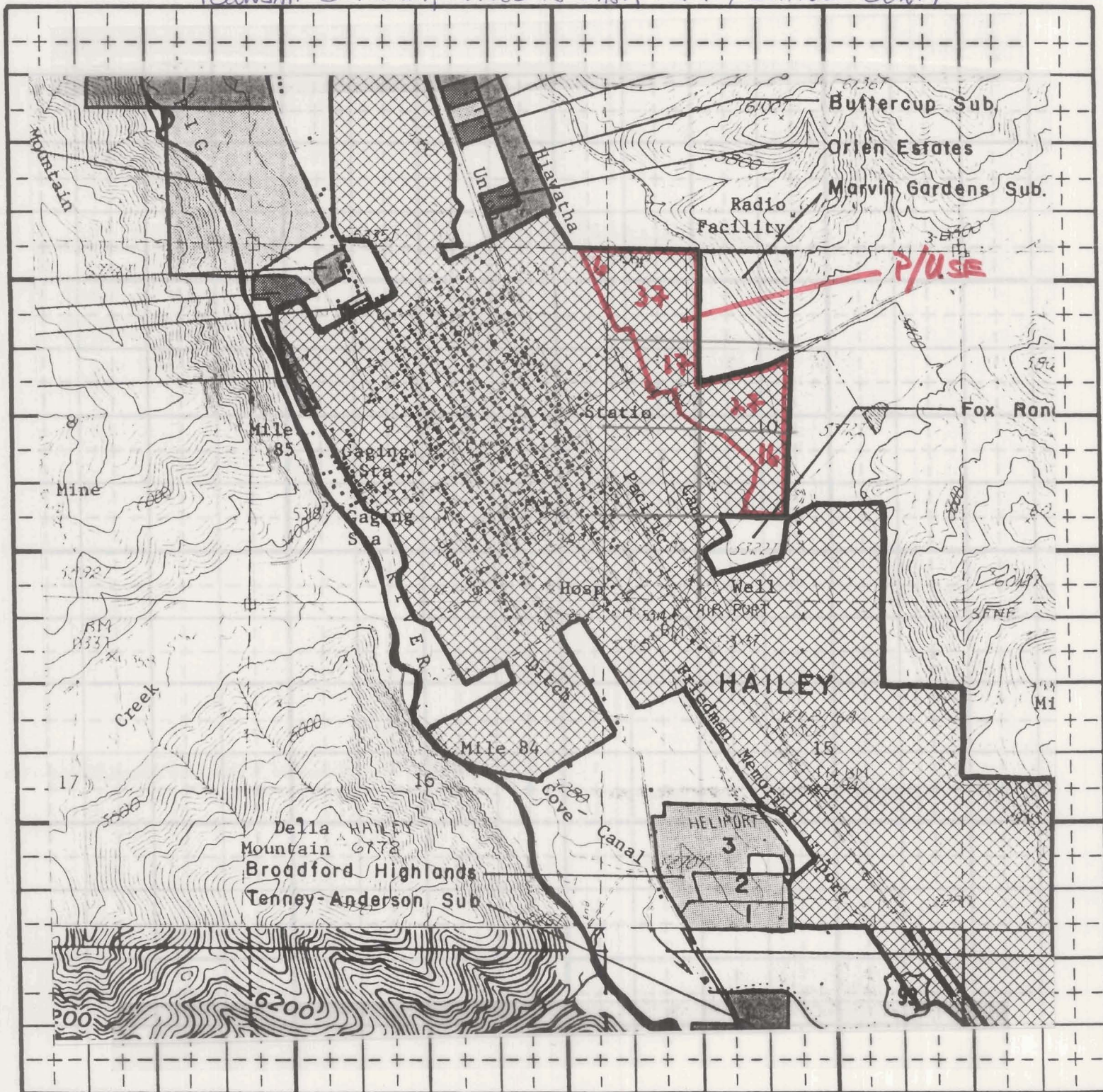
MICROFILMED

MAR 01 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 2 NORTH, RANGE 18 EAST, B.M., BLAINE COUNTY



MICROFILMED

MAR 01 1993

Last Name

PACESETTER

Ident No.

Copies: White-State, Yellow-Claimant

15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-0577
Court: Lincoln County
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S. C. Frost et al. v. Alturus Water Co., et ux.

16. **Signature(s)**

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am president of Pacesetter Development, Co., that I have signed the foregoing document in the space below as president of said corporation and that the statements contained in the foregoing document are true and correct.

Signature of President _____

Landon Exley

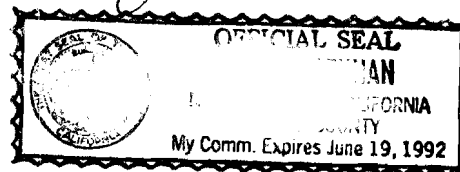
Title of Organization - Pacesetter Development, Co.

Date 1/9/89

State of California

County of Orange

ss.



Subscribed and sworn before me this 9th day of January, 19 89.

Notary Public Peggy Brennan

Residing at Newport Beach, Ca

Commission Expires 6/19/92

17. **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
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 1/23/89

Last Name: Pacesetter
a:\pcsttrh.clm

Ident No.: _____

MICROFILMED

MAR 01 1993

of Water Resources
Judication Bureau
O. Box 83720
e, ID 83720-0098

FIRST CLASS



02 1A
0004310839
JAN 08 2007
\$ 00.870
MAILED FROM ZIP CODE 83702

ADDRESS SERVICE
REQUESTED



NO SUCH
NUMBER

RECEIVED

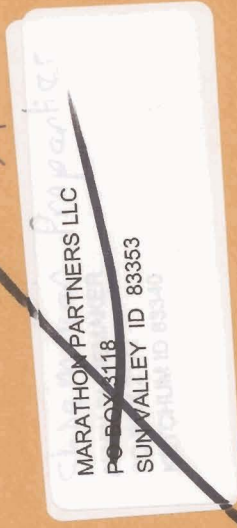
JAN 30 2007

DEPARTMENT OF
WATER RESOURCES

37

Bx 2

37-21112



12/20/2006

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

RIGHT NUMBER: 37-21112

NAME AND ADDRESS: MARATHON PARTNERS LLC
PO BOX 3118
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.419 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	1.419 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S09	NENE	6.00	T02N R18E S09	SWNW	10.00
T02N R18E S10	NWNW	38.00			

54 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

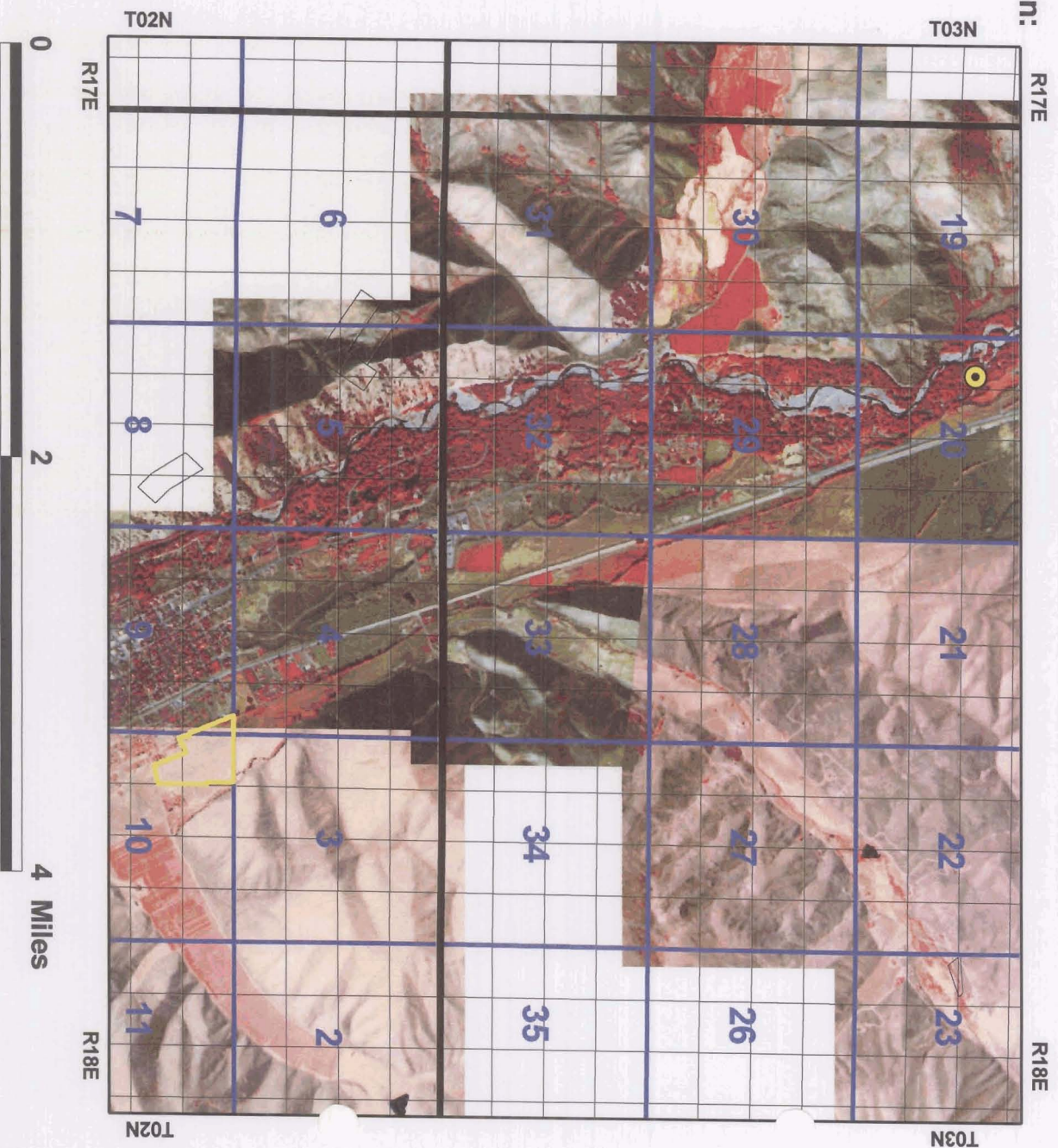
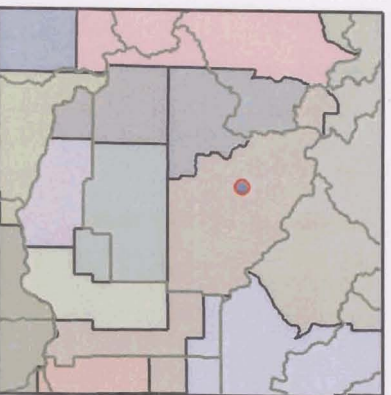
37-21112 IS A PORTION OF 37-12818A WHICH IS CLAIMED TO BE A PORTION OF 37-577.

37-21112 IS THE REMAINING PORTION OF RIGHT 37-12818A SPLIT BY OWNERSHIP INTO FIVE PARTS. FOUR OF THE PARTS, 37-21113, 37-21114, 37-21115, 37-21116 ARE BEING USED AS MITIGATION FOR GROUND WATER LICENSES APPROVED AFTER THE MORATORIUM ON NEW ALLOCATIONS OF GROUND WATER FOR IRRIGATION WAS PUT INTO EFFECT.

THE PLACES OF USE OF THE FOUR MITIGATION RIGHTS ARE TO BE DRIED UP.

37-21112
(Irrigation)

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



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21112

WATER RIGHT NUMBER: 37-21112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARATHON PARTNERS LLC PO BOX 3118 SUN VALLEY, ID 83353 (208)726-8008
Original Owner	C ROD THORNTON PO BOX 246 KETCHUM, ID 83340 (208)788-2113
Original Owner	KEITH FRIEDLY PO BOX 1770 HAILEY, ID 83333 (208)726-3250
Original Owner	BLAINE COUNTY SCHOOL DISTRICT #61 118 W BULLION ST HAILEY, ID 83333
Original Owner	PACESETTER DEVELOPMENT CO 4540 CAMPUS DR NEWPORT BEACH, CA 92660 (714)852-8600
Original Owner	JOHN MILEY PO BOX 3010 HAILEY, ID 83333 (208)578-7882
Original Owner	GREGG K STURTEVANT PO BOX 2924 KETCHUM, ID 83340-2924 (208)788-2462
Previous Owner	MARATHON PARTNERS C/O EDMUND E DUMKE PO BOX 3118 KETCHUM, ID 83340 (208)726-2600

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.419 CFS	
	<u>Total Diversion:</u>	1.419 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

Shops, markets, gas, hot air balloon, etc.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-21112

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
			2.0																2.0
02N	18E	10																	
							37.0	15.0											52.0
							38	10											48

Total Acres: 54

Conditions of Approval:

1. 37-21112 IS A PORTION OF 37-12818A WHICH IS CLAIMED TO BE A PORTION OF 37-577.
2. 37-21112 IS THE REMAINING PORTION OF RIGHT 37-12818A SPLIT BY OWNERSHIP INTO FIVE PARTS. FOUR OF THE PARTS, 37-21113, 37-21114, 37-21115, 37-21116 ARE BEING USED AS MITIGATION FOR GROUND WATER LICENSES APPROVED AFTER THE MORATORIUM ON NEW ALLOCATIONS OF GROUND WATER FOR IRRIGATION WAS PUT INTO EFFECT.

THE PLACES OF USE OF THE FOUR MITIGATION RIGHTS ARE TO BE DRIED UP. HOWEVER, IT WAS REPORTED BY ATTY JIM SPECK THAT THE DEEDS OF CONVEYANCE FOR TWO OF THE RIGHTS ARE IN ERROR AND CURRENTLY THE POUS IDENTIFIED FOR 37-21115 AND 37-21116 ARE INCORRECT. THEREFOR, THE POU IDENTIFIED IN THIS REMAINING PORTION FOR IRRIGATION MAY ALSO BE INCORRECT.

8/28/03 tf; place of use changed to reflect corrected deeds.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 6/9/2003
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
---------	--------------------	----------	--------------------	----------	--------

Stanton, Jim

From: Stanton, Jim
Sent: Tuesday, December 07, 2004 10:58 AM
To: Keen, Shelley
Cc: Stanton, Jim
Subject: Claim 37-21114, Blaine County School District

Shelley - I have reviewed this file in an attempt to answer your question regarding the possible recommendation on this right. Portions of the Riley right owned by Marathon partners under Claim 37-12818 have been deeded to various parties. Several transfers and apps for permit were filed in the early 1990's based on the ability of the applicants to use their portions of this claim as mitigation for new groundwater diversions in the area around Hailey.

Claim File 37-21112 has a large number of documents relating to all of this, including discussions of the legal issues between Nick Spencer & Jim Speck. There are affidavits from land owners and others involved in the use of this water detailing its use for irrigation during this period. On 10-15-1993, Steve Clelland signed a recommendation of disallowal for 37-12818; the legal discussions occurred after this, as the claimants disagreed with the recommendation. The original claim was filed in 1989, and Steve Clelland concluded that the subject property had not been irrigated since 1974 or earlier. One affidavit claimed that the land was irrigated for two weeks in 1991, but Steve questioned whether or not this would constitute a beneficial use. Another affidavit claimed use for 30 days in 1991. Jim Speck argued that these uses could constitute a resumption of use and therefore a defense to forfeiture. During this period, IDWR did not recognize the Hurlbutt decision holding forfeiture in abeyance during the period when a claim was on file as binding on the allocations process, so Steve would not have been able to take this into account when making his recommendation of forfeiture.

On 2-6-1995, Glen Saxton concluded that we should approve the pending transfer and 4 apps for permit because the available information did not clearly show that the mitigation right had been forfeited for non-use. The 4 permits have since been licensed. There was language about the rights still being subject to SRBA review, but it appears that nothing has happened recently except for a slight name change for the holder of 21112 (and apparently a change to a new and unknown address).

Even though we had covered ourselves by keeping these claims subject to SRBA review, it seems to me that we have really accepted their validity by approving the transfer and licensing the 4 other uses. Although Steve made a good case for forfeiture before the claim was filed, the idea of resumption of use has been accepted in other cases. The license for the Hailey High School (37-8821) was issued with a portion of this right as mitigation, so it might be hard to disallow the application for the new school because the mitigation right is suddenly no longer valid. If my math is correct, there are still 17 acres and 0.46 cfs of Claim 37-21114 available for mitigation at the new school. The high school irrigates with a well as long as their part of the Riley right is valid, and the watermaster recognizes their right to do so. Hope this helps.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200

Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

✓
[] No [] Irreg.ble
[] No [] Receptacle
[] No [] Closed-No
[] No []

83301/3382
83333311A

Handwritten



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

November 23, 2004

MARATHON PARTNERS LLC
PO BOX 3118 /
SUN VALLEY ID 83352

Re: SRBA Claim #37-21112

Dear Mr. Dumke,

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

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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 37-21112
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)

MARATHON PARTNERS LLC Phone: (208)726-8008
PO BOX 3118
SUN VALLEY ID 83353

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	1.419	

7. Total Quantity Appropriated is:
1.419 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	2
					Section Acres	2
02N	18E	10	NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	15
					Section Acres	52
					Total Acres	54

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:

37-21112 IS A PORTION OF 37-12818A WHICH IS CLAIMED TO BE A PORTION OF 37-577.

37-21112 IS THE REMAINING PORTION OF RIGHT 37-12818A SPLIT BY OWNERSHIP INTO FIVE PARTS. FOUR OF THE PARTS, 37-21113, 37-21114, 37-21115, 37-21116 ARE BEING USED AS MITIGATION FOR GROUND WATER LICENSES APPROVED AFTER THE MORATORIUM ON NEW ALLOCATIONS OF GROUND WATER FOR IRRIGATION WAS PUT INTO EFFECT.

THE PLACES OF USE OF THE FOUR MITIGATION RIGHTS ARE TO BE DRIED UP. HOWEVER, IT WAS REPORTED BY ATTY JIM SPECK THAT THE DEEDS OF CONVEYANCE FOR TWO OF THE RIGHTS ARE IN ERROR AND CURRENTLY THE POU IDENTIFIED FOR 37-21115 AND 37-21116 ARE INCORRECT. THEREFOR, THE POU IDENTIFIED IN THIS REMAINING PORTION FOR IRRIGATION MAY ALSO BE INCORRECT.

8/28/03 tf; place of use changed to reflect corrected deeds.

15. Basis of Claim: Decreed



Title:		Date: 11-23-2004
Scale: 1 inch = 2000 feet	File:	
Tract 1: 54.387 Acres: 2369085 Sq Feet: Closure = n53.1308e 0.28 Feet: Precision = 1/29912: Perimeter = 8349 Feet		
001=/ne,ne,9,02n,18e	008=s73.3604e 70.71	015=n28.4558w 80.00
002=n89.5719e 1264.10	009=s28.4448e 307.29	016=s61.1330w 49.45
003=s0.1003w 689.85	010=n75.4307e 195.28	017=n22.4112w 466.90
004=s89.5337e 56.08	011=n22.3916w 909.27	018=n22.5307w 779.28
005=s0.0623w 1297.70	012=s63.5458w 413.85	019=s89.2528e 442.36
006=s75.4307w 684.58	013=n22.4112w 183.40	
007=n28.4448w 401.16	014=n61.1330e 57.97	



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.

Allen -

I think this needs to
go to a WR Agent
(See memo encl)

Speck wanted someone
to call him back. Let
me know if I need to
or if the WR Agent
will -

Diker

Post-it® Fax Note 7671		Date	# of pages 4
To Jeff Poppersack	From Allen Mewitz		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

April 21, 2003

Regarding:

Customer:

37-12818A
a portion of 37-577

Jim Speck for Marathon Partners

Jim Speck called this date regarding Marathon Partners' wish to put their portion of this water right into the Water Bank. According to AJ records, right 37-12818A is in the joint ownership of five different parties. Marathon Partners' portion is identified in *Remarks* as 54 acres and 1.419 cfs used for irrigation. 45 acres of the original right have been dried up and the appurtenant 1.191 cfs used as mitigation for four different ground water irrigation rights. (see my memo dated 8/23/2001).

possibly
mis-under
stood. It's
Blaine Co
School Dist

Mr. Speck had two concerns. One is that the right has not been split between the parties but is intact and in the name of the several owners. He does not know if (Marathon Partners) can put their portion of the right in the Water Bank, as they desire to do, unless the water right is split by ownership.

His second concern is that the deeds which sell off portions of the water right for mitigation purposes incorrectly identify the acres ultimately dried up. All four deeds identify the parcels as within the NENE Section 9 and NWNW Section 10 T2N R18E, which lie north of Quigley Road. In fact the acres from which the water was removed are located south of Quigley Road. Mr. Speck reports that Marathon continued to irrigate 54 acres north of Quigley Road while land on the south was developed into home lots.

A summary of the deeds, all T2N, R18E:

Gregg Sturtevant: 0.079 cfs appurtenant to 3 acres in NWNW Section 10
Rod Thornton: 0.026 cfs appurtenant to 1 acre in NENE Section 9
John Miley: 0.026 cfs appurtenant to 1 acres in NENE Section 9
Blaine Co. School Dist: 1.06 cfs appurtenant to 40 acres in NWNW Section 10

As this concerns changes of nature of use that occurred after 1987, as well as possible questions of suitability of a portion of the water right for inclusion in the water bank, Doug Jones and I agree this is more a matter for the Allocation Bureau to resolve.

Memo

August 23, 2002

From: Vikie Hancock

To: File 37-12818A

Re: Ownership of various portions of this right.

This SRBA claim is based upon a portion of Riley right 37-577.

Various quit claim and/or gift deeds included with change of ownership forms have been submitted to IDWR which normally would have resulted in a split of this claim. However due to circumstances outlined below, owners have been added to 37-12818A instead.

Portions of this claim to Big Wood River water are being used to mitigate ground water diversions for irrigation that would otherwise not have been permitted nor licensed. Marathon Partners were the original owners of 2.61 cfs and 99 acres represented by SRBA claim 37-12818A. As of this date, they have sold by quit claim or gift deed four portions of this right for mitigation purposes to four separate parties. The separate parties did not purchase land to which the original claim was appurtenant, nor did they file transfers to move the surface water to their property. In effect, Marathon sold the right to use 1.191 cfs on 45 acres (combined total), and the purchasers do not use the water in order to mitigate diversion of a corresponding amount of groundwater on 45 different acres. The wells are subject to the 1883 surface water priority date and regulation by the watermaster.

A proposed splitting of the claim encountered difficulties in describing the point of diversion and place of use of the new rights - as the water is not being diverted nor moved from the place of use claimed under 37-12818A. After discussion with Allen Merritt and Doug Jones, it was decided that, at this time, adding all the owners to the claim along with a description of the portions owned by each party would described the claim sufficiently until such time as a better policy or protocol was devised to describe rights used for mitigation purposes.

All deeds and ownership forms received are included in the file.

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.
- KEITH FRIEDLY (REPORTED PURCH BY JOHN MILEY), 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8819. *see OC submitted 9/12/02 UH*
- ROD THORNTON, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8820.
- BLAINE COUNTY SCHOOL DIST, 40AC AND 1.06 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8821. SEE DEEDS IN FILE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-8821

WATER RIGHT NUMBER: 37-8821

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BLAINE COUNTY SCHOOL DIST NO 61 118 W BULLION ST HAILEY, ID 83333 (208)788-2296

Permit

Priority Date: 05/24/1993

Basis:

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NE1/4	Sec. 15, Twp 02N, 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	10													11.3	13.4			24.7
02N	18E	15	13.1	2.2															15.3

Total Acres: 40

Conditions of Approval:

1. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
2. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-8821

6. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
7. 46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

Remarks:

1. General This right is approved 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.
Diversion and use of water shall only occur at those times when water is available to fill right no. 37-00577BN.
The Director retains jurisdiction to require the collection and reporting of water diverted.
For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be May 24, 1993.

Comments:

1. CZIMMERM 2/21/1995 TRUSTWATER REVIEW

Comment: This application proposes to divert 0.80 cfs of trustwater from groundwater to irrigate 40 acres. This application satisfies 42-203A & C requirements.

2. VAULT 2/27/1998 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 3/1/1998
Permit Proof Made Date: 2/26/1998
Permit Approved Date: 3/14/1995
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 5/2/2002
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 37
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



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

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,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

^{Vikie}
Mrs. ~~Vickie~~ 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

0/30/02

FMO100 - PARCEL MASTER INQUIRY

14:13:17

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

HAILEY ID 83333

PARC TYPE AI

LOC CODE 1600

209 RED DEVIL

EFFDATE 3012002

EXPDATE 3012003

DR 80000

PREV PARCEL

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

07/30/02

PARCEL - PARCEL MASTER INQUIRY

14:13:30

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

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8819

3. Diversion and use of water shall only occur at those times when water is available to fill Right 37-00577BN.
4. 01M 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.
5. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. R63 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.

Remarks:

1. General This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.
2. General 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.
3. General Rights 37-20375, 37-20376 and 37-20378 are also diverted through the point of diversion described above.
4. General Point of diversion is located within Lot 10, Buckhorn Subdivision, 1st Addition.
5. General Place of use is located within Lot 12, Buckhorn Subdivision, 1st Addition.

Comments:Dates and Other Information:

Licensed Date: 6/6/2001
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: And
Water District Number: 37
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

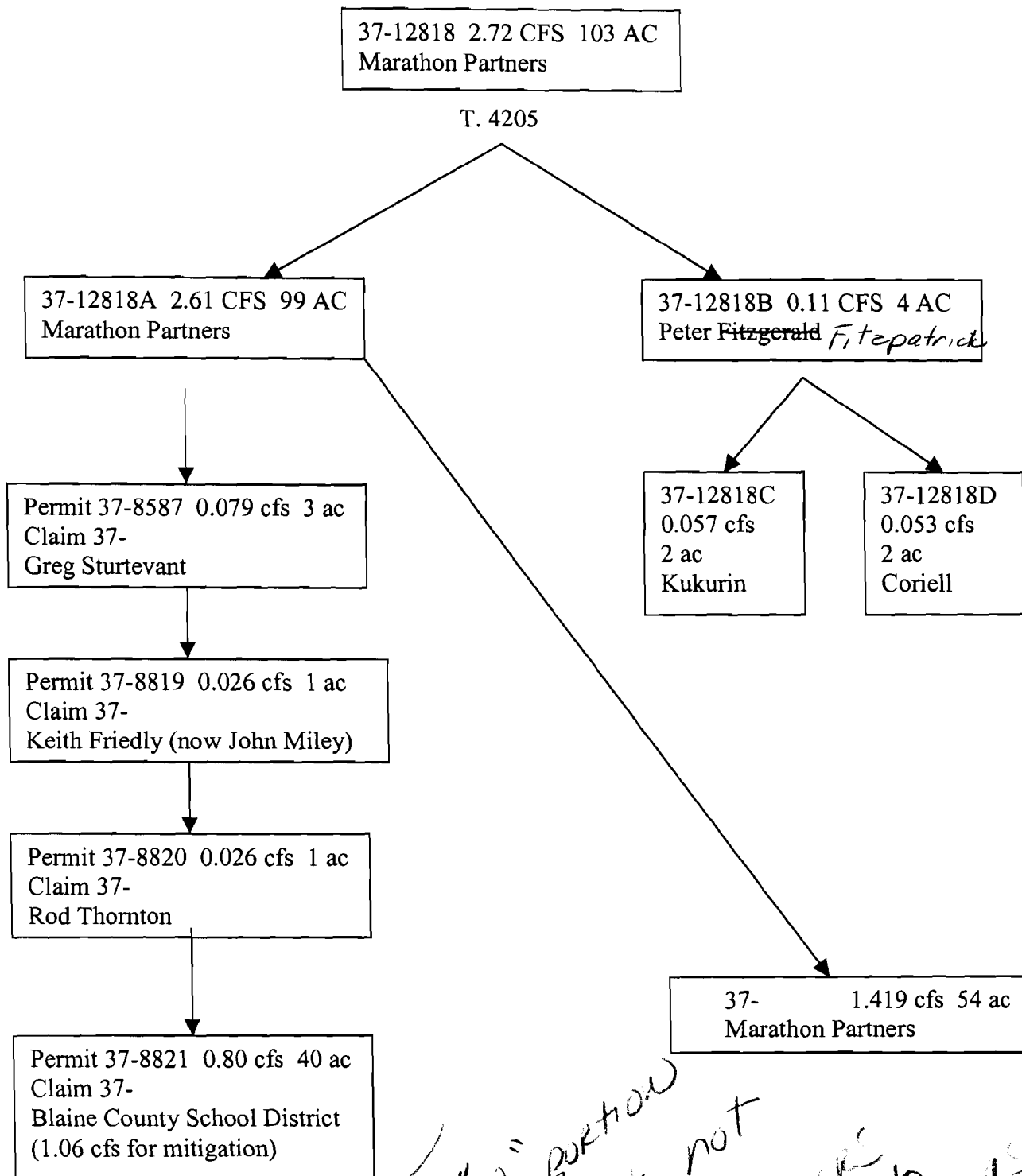
TO: VIKIE DATE: 8-20-2002

FROM: JIM STANTON

RE: Changes of Ownership, Claim 37-12818

I am giving this to you per instructions from Doug. I am involved in the licensing of Permit 37-8821 for the Blaine County School District, and got into this mess by accident. These changes of ownership were filed some time ago but never processed; I found them in the claim file. We have COO's for all but the Friedly portion (now Miley), so maybe you could solicit one from Miley (see attached copy of license and quitclaim deed). The splits are all mitigation rights, but they need to be maintained in order for the permits/licenses based on them to remain usable (per Shelley Keen). My split tree leaves the new claim numbers blank – hope you find it useful. The license for the school district will not mention the new claim number, so the licensing process will not be held up waiting for the splits to go into the database. I just wanted to be sure that this loose end got taken care of. Thanks, Vikie.

SPLITS - CLAIM 37-12818



"A" portion
of right not
split.
All owners
added to
right as
joint owner
1/4
8-23-00

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08819

RECEIVED

JUN 11 2001

Department of Water Resources
P.O. Box 3010
Boise, Idaho 83720

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.02 CFS	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
				L 2															
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.

State of Idaho
Department of Water Resources
Water Right License

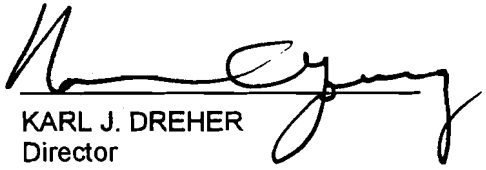
WATER RIGHT NO. 37-08819

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

Suttern

State of Idaho
Department of Water Resources
Water Right License

RECEIVED

JUN 11 2001

Department of Water Resources
P.O. Box 3426, Boise, Idaho 83726-0342

WATER RIGHT NO. 37-08820

Priority: April 29, 1993

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

It is hereby certified that ROD THORNTON
PO BOX 246
KETCHUM ID 83340 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 29, 1993; and has
submitted Proof of Beneficial Use on February 05, 1998. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.02 CFS	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	
03N 18E 33												.9				.3	1.2

Total Acres: 1.2

CONDITIONS OF APPROVAL

1. This right is approved in conjunction with an exchange of surface water right which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
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 limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.
5. Point of diversion and place of use are located within Lot 8, Buckhorn Subdivision, 1st Addition.

578820

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08820

6. Use of water under this right may be affected by an agreement between the protestant and the right holder.
7. 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.
8. 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.
9. 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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

02/08/2001

WATER RIGHT NO. 37-12818A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARATHON PARTNERS C/O EDMUND E DUMKE PO BOX 3118 KETCHUM, ID 83340 (208)726-2600
Original Owner	PACESETTER DEVELOPMENT COMPANY 4540 CAMPUS DRIVE NEWPORT BEACH, CA 92660 (714)852-8600

Priority Date: 03/24/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	2.61 CFS		
Total Diversion	2.61 CFS				

Location of Point(s) of Diversion:

BIG WOOD RIVER	SESWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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IRRIGATION Use:
Acre Limit: 99

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	18E	9		NENE	2									
		10		NWNW	37		SWNW	17		SENW	27			
				NESW	16									

Total Acres: 99

Remarks:

1. General 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.

Water Right 37-12818A

***** OWNERSHIP CHANGE MADE 2/2/96 BY TLB.
| CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Marathon Partners

2 gated properly from Ace seth
Selling & Getting .42
pieces
Quit clinic,

Hidden Meadows Parcel

Side developed into Decfield
Subdivision

North side continued to jungle

in. 42
for permits

- * Thorndon
- * Sturdevant
- * Blin Co. School Dist

Should be coming off
of ~~the~~ S. Side

Marathon

1.42 of 54 acres on
North side of road.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF A CLAIM TO A WATER RIGHT

TRANSFER NO. 4205
CLAIM NO. A37-12818B

This is to certify that: **J PETER FITZPATRICK**
CLAIRE B FITZPATRICK
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.11 CFS	14.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4	NENW	2		2
03N	18E	33	SESW	2		2
Total number of acres irrigated:						4

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

TRANSFER NO. 4205
CLAIM NO. A37-12818B

CONDITIONS/REMARKS:

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 17th day of March, 1995.


Chief, Water Alloc. Bureau

RECEIVED

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 01 1993 Transfer No. 4205

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant J. PETER FITZPATRICK and/or CLAIRE B. FITZPATRICK Phone (619) 431-2665

Post Office address c/o JAMES P. SPECK, ESQ., HOGUE, SPECK & AANESTAD, P.O. BOX 987, Ketchum, ID

83340

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes APPLICANTS ARE PURCHASING A PORTION OF A WATER RIGHT
AND DESIRE TO CHANGE PLACE OF USE TO THEIR PROPERTY.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-00577 Port	3/24/1883	0.11 cfs	IRRIGATION	April 1 to Nov. 1
A37-12818 Port	3/24/1883	0.11 cfs	IRRIGATION	April 1 to Nov. 1
				to
				to

2. Total amount of water being transferred 0.11 cubic feet per second and/or _____ acre-feet per annum.3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	4					2												2
3N	18E	33											2						2

Total acres 4

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. A37-12818

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	2.72 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION: SESWNW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	9	NENE 6			6
		10	NWNW 37	SWNW 17	SENW 27	97
			NESW 16			103
Total number of acres irrigated:						103

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W.
T. RILEY.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 37-00577BN

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	14.67 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4				
		5				
		8				
		9				
		15				
		16				
		22				
		23				
		25				
		26				
03N	18E	28				
		29				
		33				

CONDITIONS/REMARKS:

1. P/U INCOMPLETE. SEE FILE. AC. IRR. UNKNOWN.

PART 1

6. General Information:

a. Description of diversion system DIVERSION DAM AND HEADGATE, HIAWATHA CANAL, PUMP IN CANAL
TO SPRINKLER IRRIGATION SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

LAND WILL BE SUBDIVIDED AND SERVED WITH CITY OF HAILEY MUNICIPAL WATER SUPPLY.

d. Remarks:

It is unknown which portion or portions of W.T. Riley right are owned by seller.
Claim of title to land can be traced to Burlington Savings Bank, record owner of
37-00577R. Watermaster records confirm delivery of 2.72 cfs to seller's predecessors
for more than 20 years.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00577 Decreed to W.T. RILEY
in case of S.C. FROST, ET AL vs. ALTURUS WATER COMPANY, ET UX
dated 12/13/1909 in _____ county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☒ Other PURCHASE & SALE AGREEMENT

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 3/24/1883

5. Water is used for the following purpose:

amount _____ for IRRIGATION purposes from APRIL 1 to NOV. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HAIWATHA HEADGATE #22

8. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.11 cfs for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

3. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount _____ for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

3. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-12818 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☒ Other PURCHASE & SALE AGREEMENT

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 3/24/1883

5. Water is used for the following purpose:

amount 2.72 cfs for IRRIGATION purposes from APRIL 1 to NOV. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.72 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	9	6																6
2N	18E	10						37	17	27	16								97

Total acres 103

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.11 cfs for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	9	4																4

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.61 for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

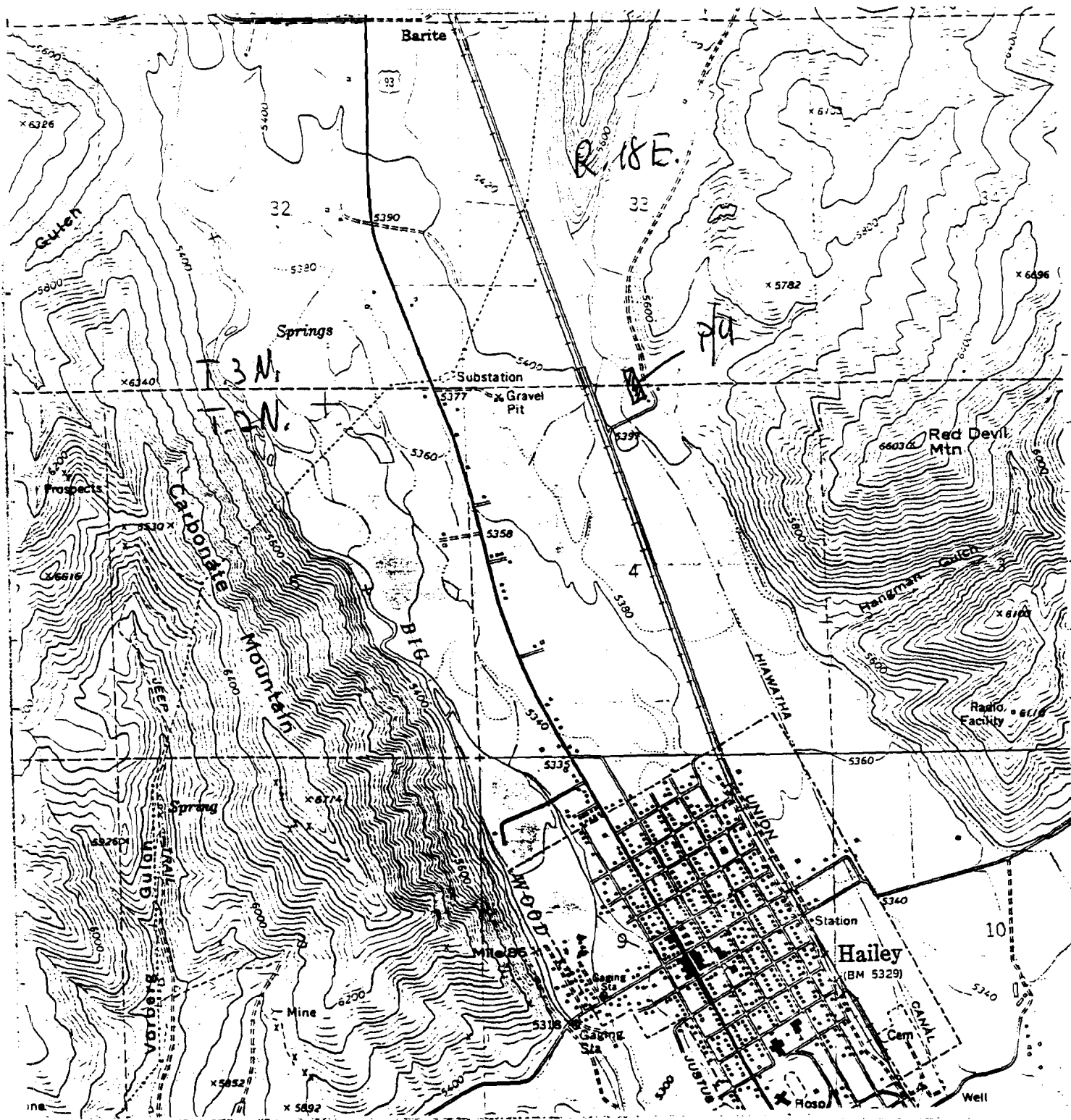
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	9	2																2
2N	18E	10						37	17	27	16								97

Total acres 99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Claire B. Fitzpatrick
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of MARCH, 1993



Norma K. Garrison
(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 0 attachmentsReceived by R. Foster Date 4/1/93

Protest filed by _____

Prelim. check by MTS Fee \$30 (5015622)Receipted by MTS Date 4-15-93Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 9/15 + 9/22/93

Hearing held by _____ Date _____

Watermaster recommendation requested on 8/27/93Recommended for ☐ approval ☐ denial_____ rec'd. 9/23/93

by _____

Copy of transfer sent to lien holder _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
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. Dumke, P. O. Box P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, husband and wife, whose current mailing address is 1732 Catalpa Road, Carlsbad, CA 92009 (hereinafter collectively 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:

0.106 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
four (4) acres 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 thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues

QUITCLAIM DEED - 1

T # 4205

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.

Deborah A. Erickson
Notary Public for Idaho
Residing at: Hailey Id
Commission expires: 9/24/98