

Fritschle, Carter

From: Kelly, Vicki
Sent: Monday, July 17, 2006 9:12 AM
To: Fritschle, Carter
Subject: FW: 37-00460, 37-00461, 37-10343; Claimant: Montie Day and Elizabeth Burnett

Hi Carter

From Larry....

I told Nick as these started coming in I couldn't deal with them until I got the Case Mngt Report done. Thanks - V

-----Original Message-----

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Tuesday, May 23, 2006 2:30 PM
To: carter.fritschle@idwr.idaho.gov; Kelly, Vicki; Spencer, Nick
Cc: Fred_Price@blm.gov; oyad@aol.com
Subject: 37-00460, 37-00461, 37-10343; Claimant: Montie Day and Elizabeth Burnett

I just spoke with Montie Day. We negotiated a settlement of BLM's objections to the above-referenced water right claims. Please adjust the shapefile to delete the place of use that describes public land and add the following remark to the place of use element:

"The use of water under this right does not include a use on federal public land."

Mr. Day has talked with Carter about adding irrigation acreage to private land places of use. Mr. Day and Carter will determine what, if any, acreage will be added to the private land places of use. Please prepare appropriate SF-5s. Let Fred know when the SF-5s are done. He will send them to Mr. Day for signature, who will return them to Fred. Fred will obtain IDWR concurrence, then send them to me for signature, filing, and service. Thanks,

Larry

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

RIGHT NUMBER: 37-460

NAME AND ADDRESS:

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

SOURCE:

Source:
LITTLE WOOD RIVER

Tributary:
MALAD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T05S R16E S25 SENE
Within LINCOLN County

T05S R16E S25 SENE
Within LINCOLN County

Two points of diversion located in T05S, R16E, S25, SENE.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE:

IRRIGATION	within LINCOLN County
T05S R16E S24 NESW 6.9	
<u>T05S R16E S24 SWSW 3.5</u>	~~T05S R16E S24 SWSW 2.9~~
T05S R16E S24 SESW 23.0	
T05S R16E S24 NWSE 3.6	
T05S R16E S24 SWSE 16.0	
T05S R16E S25 NENE 37.0	
<u>T05S R16E S25 NWNE 24.0</u>	~~T05S R16E S25 NWNE 23.0~~
T05S R16E S25 SWNE 22.0	
T05S R16E S25 SENE 12.0	
T05S R16E S25 NENW 31.0	
T05S R16E S25 NWNW 17.0	
T05S R16E S25 SENW 2.3	
T05S R16E S25 NWSE 0.8	

199.1 ACRES TOTAL ~~197.5 ACRES TOTAL~~

Place of use does not include federal public lands

Right Nos. 37-460, 37-461 and 37-10343 are limited to the irrigation of a combined total of ~~197.5~~ 199.1 acres in a single irrigation season.

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

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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Big Wood Canal Co.

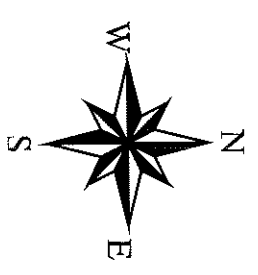
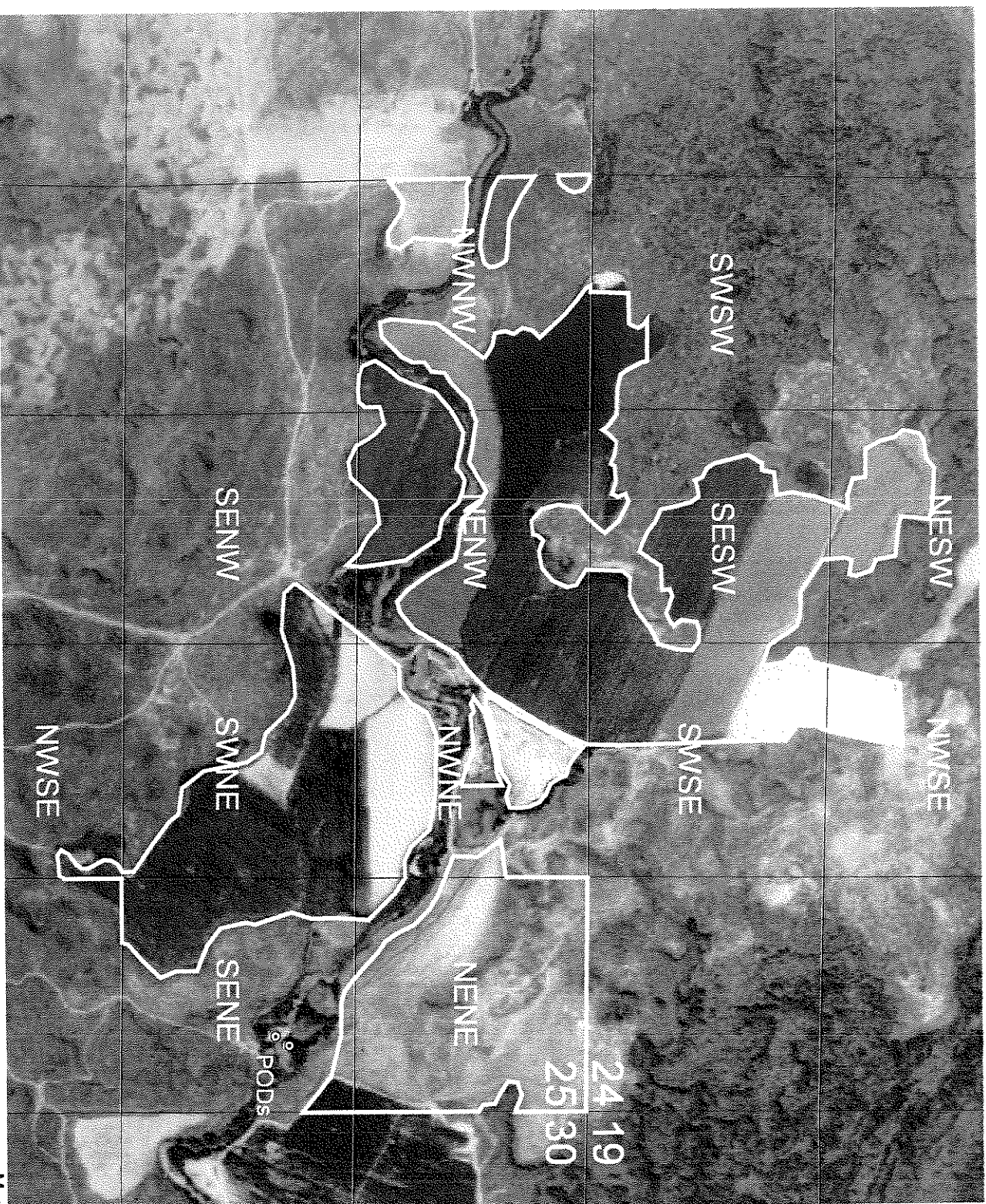
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Mc Fall Headgates, Numbers 76 and 77.

[illegible][illegible]

37-460 37-461 & 37-10343

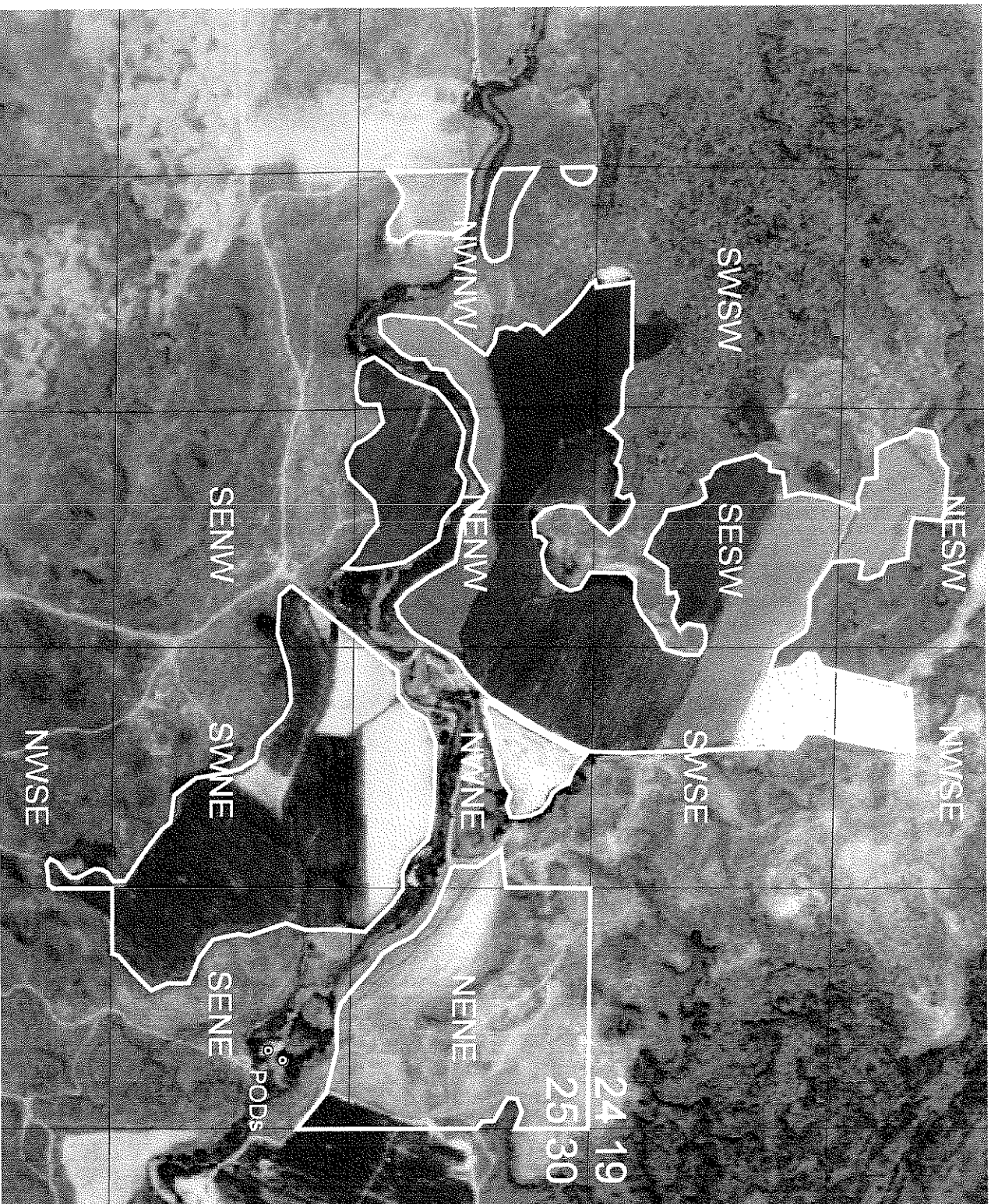
**T05S R16E
S24 & S25**



Map prepared by: Carter Frischle
 Date prepared: 09/23/03
 1987-1988 NAPP photography
 Idaho Department of Water Resources
 Revised 12/16/03 & 07/18/06

37-460 37-461 & 37-10343

**T05S R16E
S24 & S25**



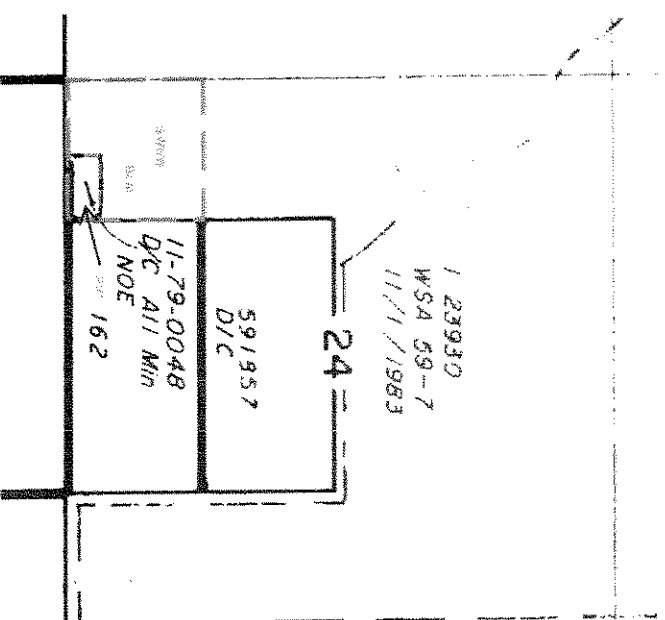
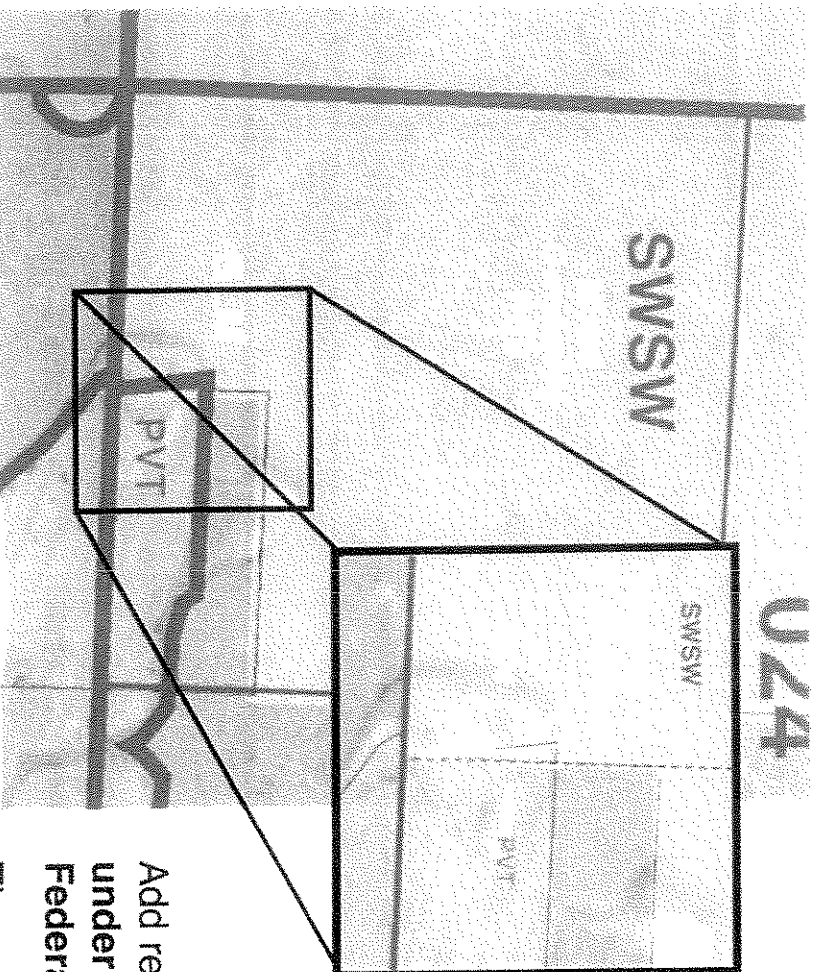
900 0 900 1800 2700 3600 4500 Feet

Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03

37-00460, 37-00461, & 37-10343 - Montie S. Day

T05S, R16E, S24, SWSW

Town	Range	Subcase	Sect	QA	Quar	Bat	Gov	Mix	PVT	BLM	FS	BOR	Other	Fed	State	Own Comment
05S	16E	37-00460	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-00461	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-10343	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue



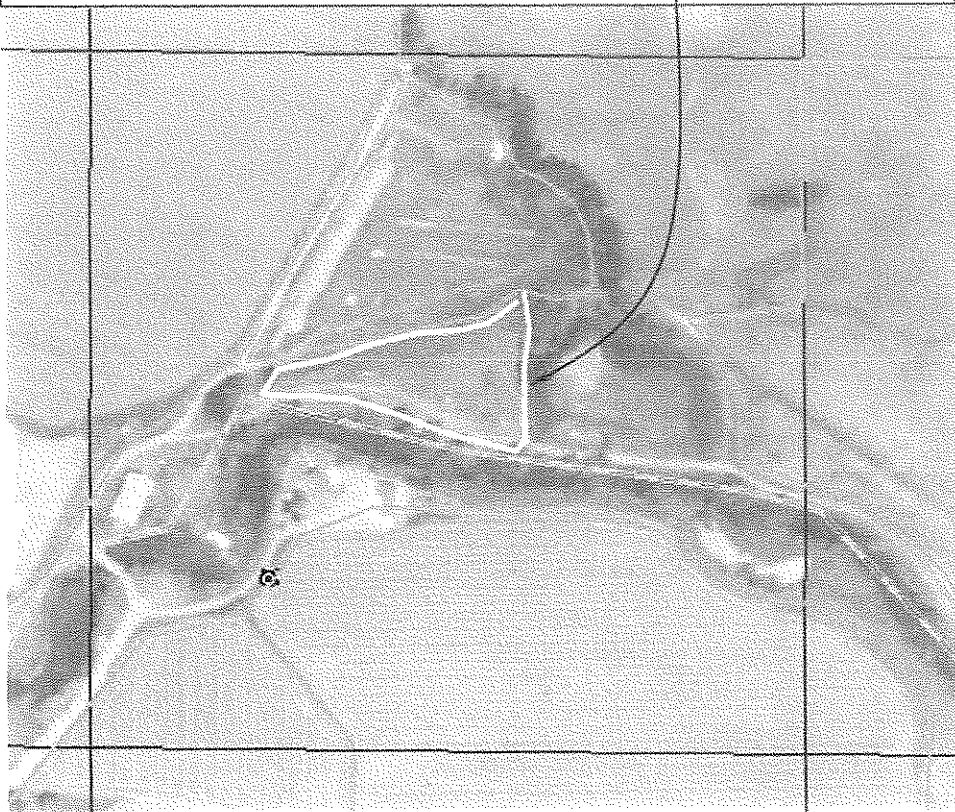
Add remark under Place of Use; "The use of water under this right does not include a use on Federal Public Land."

The preliminary recommendation already includes this remark, therefore this is a snapping issue. Shape should be corrected to eliminate the intrusion on Public Land.

37-460; 37-461; 37-10343

05S 16E Sec 25 NWNE

Ground that should be included

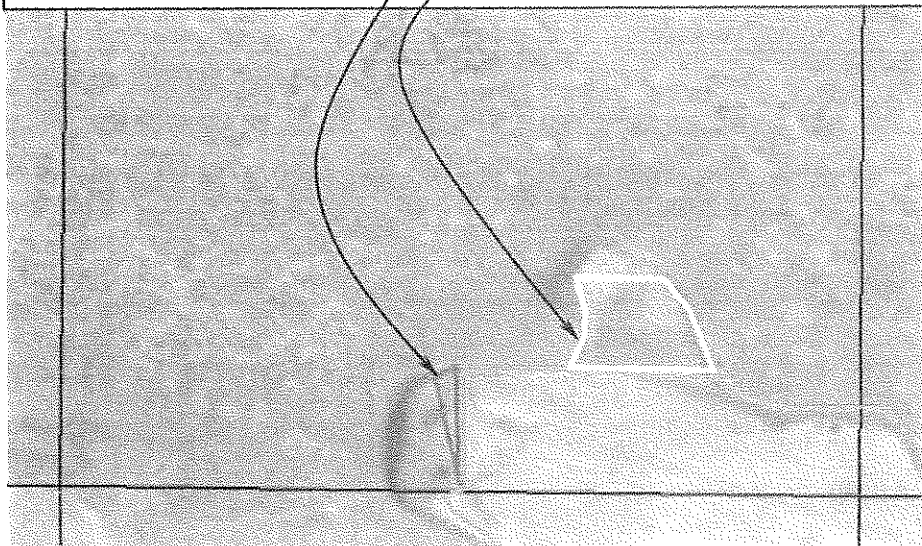


37-460; 37-461; 37-10343

05S 16E Sec 24 SWSW

Agree that this ground should be excluded

This ground should be included



37-460 37-461 & 37-10343

T05S R16E
S24 & S25

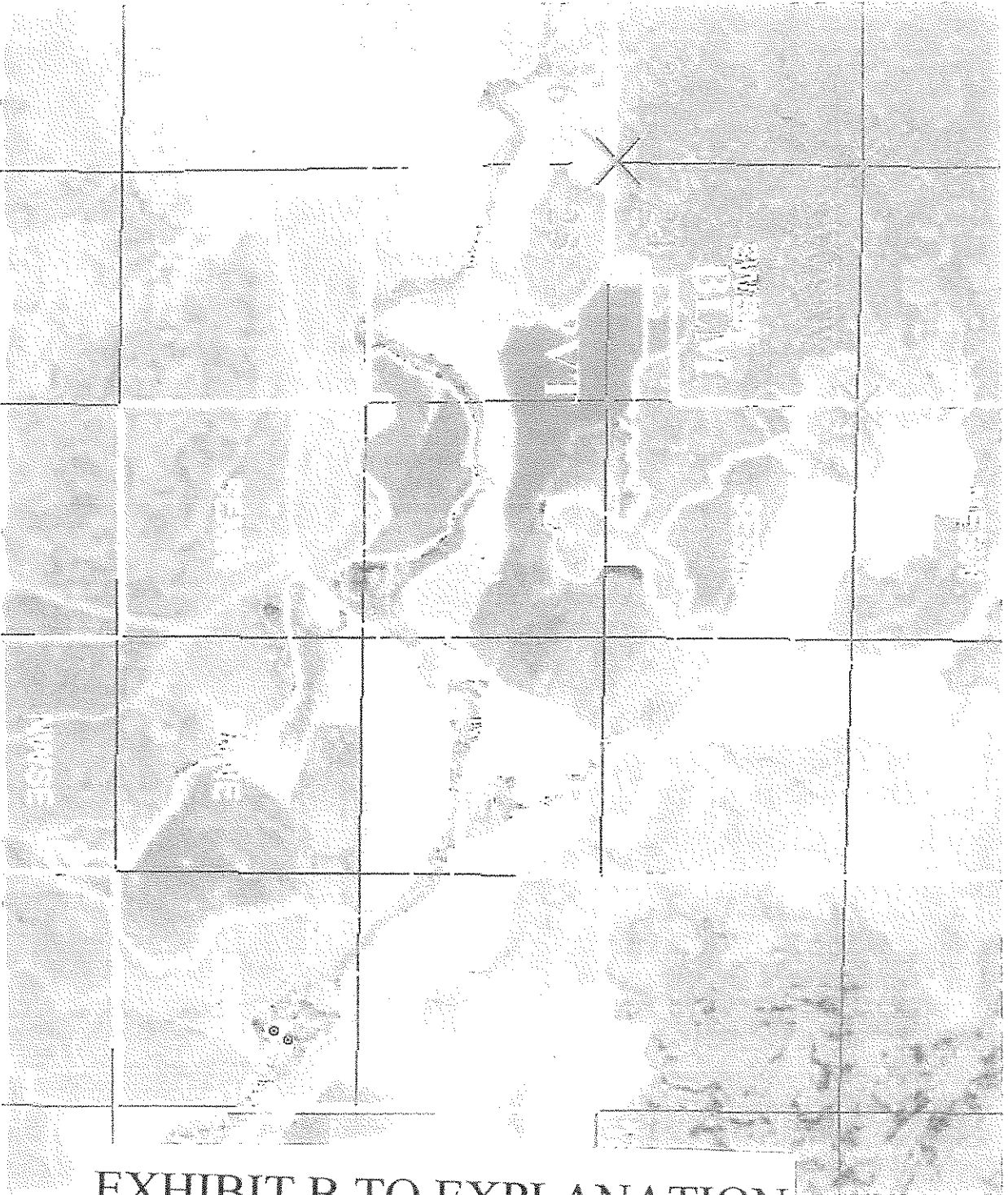
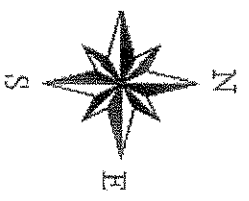


EXHIBIT B TO EXPLANATION
MAP BY DWR 9/23/03



Map prepared by: Carter Fritschie
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03

12/16/2003

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

RIGHT NUMBER: 37-460
NAME AND ADDRESS: MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 4.000 CFS
PRIORITY DATE: 06/03/1884
POINT OF DIVERSION:

T05S R16E S25 SENE Within LINCOLN County
T05S R16E S25 SENE Within LINCOLN County
TWO POINTS OF DIVERSION LOCATED IN T05S, R16E, S25, SENE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S24	NESW	6.9	T05S R16E S24	SWSW	2.9
T05S R16E S24	SESW	23.0	T05S R16E S24	NWSE	3.6
T05S R16E S24	SWSE	16.0	T05S R16E S25	NENE	37.0
T05S R16E S25	NWNE	23.0	T05S R16E S25	SWNE	22.0
T05S R16E S25	SENE	12.0	T05S R16E S25	NENW	31.0
T05S R16E S25	NWNW	17.0	T05S R16E S25	SENW	2.3
T05S R16E S25	NWSE	0.8			

197.5 ACRES TOTAL

RIGHT NOS. 37-460, 37-461 AND 37-10343 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.5 ACRES IN A SINGLE
IRRIGATION SEASON.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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: Decreed

12/16/2003

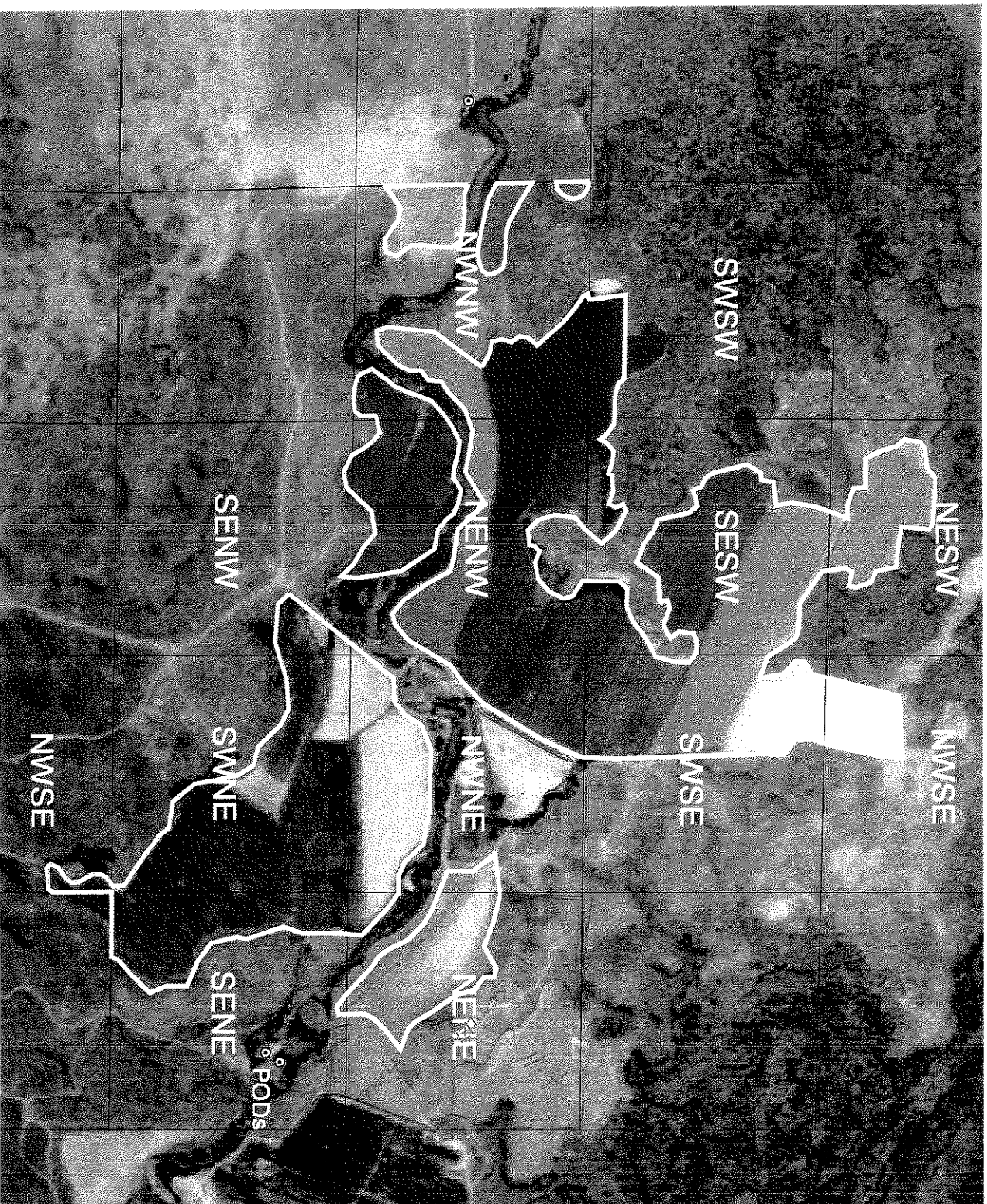
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

WATER IS DELIVERED THROUGH THE MC FALL HEADGATES, NUMBERS 76
AND 77.

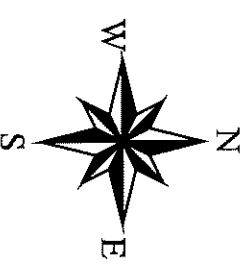
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

37-460 37-461 & 37-10343



**T05S R16E
S24 & S25**

*Field examined
12-1-03
04*



Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources

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 37-460
Date Received:
Receipt No: S000624
Received By:

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

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: ~~(510)865-2097~~ **208-886-9953**

~~38 STEUBEN DAY~~
~~ALAMEDA CA USA 94502~~

PO Box 1045
Shoshone ID 83352 *EPD*

or

MONTIE S DAY Phone: (208)886-9953

PO BOX 1045
SHOSHONE ID USA 83352

2. Date of Priority: 06/03/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	16E	25	NE SE NE	LINCOLN	

5. Description of diverting works:

McFALL #76 & 77 HEADGATES

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 11/01 4

(or) A.F.A

7. Total Quantity Appropriated is:
4 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
05S	16E	24	NW	SE	IRRIGATION	3.6
			SE	SW	IRRIGATION	23
			SW	SE	IRRIGATION	16
			SW	SW	IRRIGATION	2.9
			NE	SW	IRRIGATION	6.9
Section Acres						52.4
05S	16E	25	SW	NE	IRRIGATION	22
			NW	NE	IRRIGATION	~~19~~ 29 EP M49
			NE	NW	IRRIGATION	31
			SE	NE	IRRIGATION	10
			NW	SE	IRRIGATION	0.8
			NW	NW	IRRIGATION	17
			NE	NE	IRRIGATION	~~9.9~~ 40 EP M49
			SE	NW	IRRIGATION	2.3
Section Acres						~~112~~ 152.1 EP M49
Total Acres						~~164.4~~ 204.5 EP M49

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

37-461 AND 37-10343

14. Remarks:

THERE ARE 2 P/DS IN SENE S25.
THESE ACRES ARE OVERLAPPED BY WR# A37-00461 AND 37-0059.
37-0059 IS RE-NUMBERED A37-10345.
AMERICAN FALLS SHARES .92 CFS.

15. Basis of Claim: Decreed

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: _____

Signature of Claimant(s): Elizabeth Gunnar Date: 12/1/03
Marty S. Day Date: 12/1/03

State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 1st day of
December 2003

Carter Fritschle
Notary Public

Residing at Kuna ID

My commission Expires 3-21-2006



Cell
(208) 280-3766

Montie S. Day
P. O. Box 1045
Shoshone, Idaho 83352
January 7, 2003

Telephone
(208) 886-9953

RECEIVED
JAN - 9 2003

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

37-460
37-461
37-10343

Records Modified
1-9-03.
-AS

NOTICE OF CHANGE OF ADDRESS

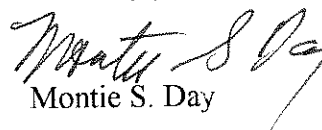
My Property Address: 490 Ohlinger Road
Shoshone, Idaho 83352

Gentlemen:

I request you to change the address on your records to reflect the mailing address of P. O. Box 1045, Shoshone, Idaho 83352, from the old address of 38 Steuben Bay, Alameda, California 94502.

Thank you for your attention to this matter,

Sincerely yours,


Montie S. Day

STATE OF IDAHO
DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

37-460
37-461
37-10343

Day 038

MONTE DAY
38 STEUBEN BAY
ALAMEDA CA 94502



DAY-038* 945023020 1902 26 01/03/03
NOTIFY SENDER OF NEW ADDRESS
DAY
PO BOX 1045
SHOSHONE ID 83352-1045

34302+6406 63





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

RECEIVED

OCT - 6 2003

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2003

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-460, 37-461, 37-10343
and Water Right #37-10345

Dear Claimant:

P.O. 1-10-01 *Records Modified* *as 10/7/03* 

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 17, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at 1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Elizabeth Burnett

Water Right Holder's Signature

208-280-3764 208-886-9953

Telephone No.

SCANNED

OCT 06 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
SEP 15 2003

Department of Water Resources

RECEIVED
SEP 14 2003

Department of Water Resources

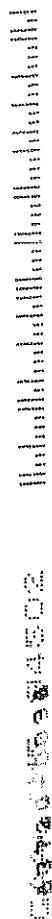


BURN 038

37-460-7
37-461
37-10343-10
37-10345-10
37-10345-10

ELIZABETH J BURNETTE
38 STEUBEN BAY
ALAMEDA CA 94502

BURN038 945027522 1902 21 04/11/03
RETURN TO SENDER
BURNETT 1045
PO BOX 1045
SHOSHONE ID 83352-1045





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 2003

Montie S Day
PO Box 1045
Shoshone ID 83352

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 37-460, 37-461 and 37-10327

Dear Claimant:

I am reviewing the claims referenced above, and I believe you may be entitled to more acres than have claimed. In examining the aerial photography available to the Idaho Department of Water Resources, it appears that 164.4 acres are being irrigated rather than the 150 acres claimed.

For your convenience, I have prepared amended claims for you to review that would change the total number of irrigated acres claimed from 150 to 164.4. If you wish to amend your claims, please sign the amended claim forms, have your signature notarized, and return them to my attention at this office. If you wish make changes to any of the other elements of the claims, you may mark those changes on the amended claim forms. However, you must initial any other changes you make to the claim forms.

In addition to the amended claims, I have enclosed printouts of the SRBA notices of claim for these rights and what is called a GIS Layout map identifying the claimed Points of Diversion (yellow dots labeled POD) and claimed Place of Use (outlined in yellow.) If the map incorrectly identifies your points of diversion and place of use, please mark the map to show the correct Points of Diversion and/or Place of Use and return it with your amended claims. If you have any questions, you may contact me using our toll free number, 1-800-451-4129.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carter Fritschle'.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures

Amended Claims
Printouts of Claims
GIS Layout

cc w/o enclosures Elizabeth J Burnett



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 2003

Montie S Day
PO Box 1045
Shoshone ID 83352

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 37-460, 37-461 and 37-10327

Dear Claimant:

I am reviewing the claims referenced above, and I believe you may be entitled to more acres than have claimed. In examining the aerial photography available to the Idaho Department of Water Resources, it appears that 164.4 acres are being irrigated rather than the 150 acres claimed.

For your convenience, I have prepared amended claims for you to review that would change the total number of irrigated acres claimed from 150 to 164.4. If you wish to amend your claims, please sign the amended claim forms, have your signature notarized, and return them to my attention at this office. If you wish make changes to any of the other elements of the claims, you may mark those changes on the amended claim forms. However, you must initial any other changes you make to the claim forms.

In addition to the amended claims, I have enclosed printouts of the SRBA notices of claim for these rights and what is called a GIS Layout map identifying the claimed Points of Diversion (yellow dots labeled POD) and claimed Place of Use (outlined in yellow.) If the map incorrectly identifies your points of diversion and place of use, please mark the map to show the correct Points of Diversion and/or Place of Use and return it with your amended claims. If you have any questions, you may contact me using our toll free number, 1-800-451-4129.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carter Fritschle'.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures

Amended Claims
Printouts of Claims
GIS Layout

cc w/o enclosures Elizabeth J Burnett

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 37-460
Date Received: 6/29/1988
Receipt No: S000624
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: (510)865-2097
38 STEUBEN BAY
ALAMEDA CA 94502

MONTIE S DAY Phone: (510)865-2097
38 STEUBEN BAY
ALAMEDA CA 94502

2. Date of Priority: 06/03/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05S	16E	25	NE	SE	NE	LINCOLN	

5. Description of diverting works:

McFALL #76 & 77 HEADGATES

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
4 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
05S	16E	24	NE	SW	IRRIGATION	6.7
			SW	SW	IRRIGATION	5
			SE	SW	IRRIGATION	27.3
			NW	SE	IRRIGATION	3
			SW	SE	IRRIGATION	7.5
Section Acres						49.5
05S	16E	25	NE	NE	IRRIGATION	5.6
			NW	NE	IRRIGATION	16.1
			SW	NE	IRRIGATION	26
			SE	NE	IRRIGATION	2.3
			NE	NW	IRRIGATION	25.1
			NW	NW	IRRIGATION	22
			SE	NW	IRRIGATION	2.9
			NW	SE	IRRIGATION	0.5
Section Acres						100.5
Total Acres						150

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
THERE ARE 2 P/DS IN SENE S25.
THESE ACRES ARE OVERLAPPED BY WR# A37-00461 AND 37-0059.
37-0059 IS RE-NUMBERED A37-10345.
AMERICAN FALLS SHARES .92 CFS.

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

November 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MONTIE S DAY
ELIZABETH J BURNETT
38 STEUBEN BAY
ALAMEDA CA 94502

Re: SRBA Claim(s) 37-460, 37-461, 37-10343
Decreed Water Right 37-10345

Dear Mr. Day and Ms. Burnett:

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 copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

COPY

Form 42-145-12-1409(6) July 2000

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

RECEIVED**NOV 13 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.

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
37-460	37-460				
37-461	37-461				
37-10343	37-10343				
37-10345					

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) Kenneth Ohlinger and Wanda Ohlinger
1951 East 1775 South, Gooding, Idaho 83330
4. New Owner/Claimant(s) Montie S. Day and Elizabeth J. Burnett
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 38 Steuben Bay
- City, State and ZIP Code Alameda, CA 94502
- New Telephone Number (510) 865-2097
5. Date you acquired the property November 1, 2001 Closing Date

Form 42-248(42-140966) July, 2000

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)

Walter S. Day
Elmer J. Burdick

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 *[Signature]* AJ Date *11/9/00* WR _____ Date _____

WARRANTY DEED

For Value Received **Kenneth Ohlinger and Wanda Ohlinger, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Montie S. Day and Elizabeth J. Burnett, husband and wife

whose address is: **38 Steuben Bay, Alameda, CA 94502**

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

See Attached Legal Description

TOGETHER WITH 75 Shares Big Wood Canal Company Water Stock.

Also Together with:

State Water Right No. 37-460, Priority Date 06/03/1884, 4.000 CFS

State Water Right No. 37-461, Priority Date 07/17/1884, 1.400 CFS

State Water Right No. 37-10343, Priority Date 05/27/1899, 7.060 CFS

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

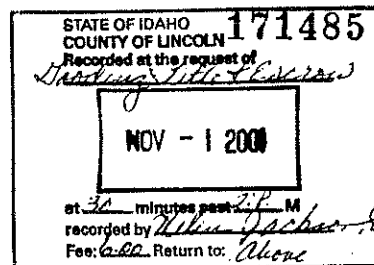
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 26, 2001

Kenneth Ohlinger
Kenneth Ohlinger

Wanda Ohlinger
Wanda Ohlinger

STATE OF Idaho
ss.
COUNTY OF JEROME



By hand.

On this 16th day of October, 2001, before me Shawna A. Wageman, personally appeared Kenneth Ohlinger and Wanda Ohlinger, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shawna A. Wageman
Notary Public of Idaho
Residing at: Jerome, Idaho
Commission Expires: 03/07/03

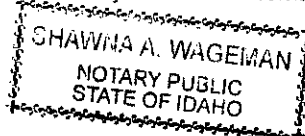


EXHIBIT "A"

Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho.

Section 24: The East one-half of the Southwest Quarter.
The West one-half of the Southeast Quarter.
The South one-half of the Southeast Quarter of the
Southwest Quarter of the Southwest Quarter.

Section 25: The Northeast Quarter.
The East one-half of the Northwest Quarter.
The Northwest Quarter of the Northwest Quarter.
The Northwest Quarter of the Southeast Quarter.

K.O.
Ma



First American Title

260 Third Ave. North • Twin Falls, ID 83301
Phone (208)734-2905 • Fax (208)734-2945

November 9, 2001

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RECEIVED
NOV 13 2001
Department of Water Resources
Southern Region

RE: TF29740

Dear Ladies and Gentlemen,

Enclosed, please find the following document(s) in connection with the above referenced transaction:

State of Idaho Department of Water Resources Notice of Change of Water Right Ownership. I am also enclosing a copy of the recorded warranty deed.

We appreciate the opportunity of working with you on this transaction, and look forward to working with you again in the future.

If you should have any questions, please contact me. Thank you.

Sincerely,

Jayne Shepard
Escrow Assistant

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: A37-00460
Date Received: 6/29/1988
Receipt No: S000624
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330
AND/OR
Name: WANDA OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330

2. Date of Priority: JUN 03, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	25	NE	SE	NE		LINCOLN

5. Description of diverting works:
McFALL #76 & 77 HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	24	NE	SW		IRR	6.7
			SW	SW		IRR	5.0
			SE	SW		IRR	27.3
			NW	SE		IRR	3.0
			SW	SE		IRR	7.5
						Section Acres	49.5
		25	NE	NE		IRR	5.6
	NW		NE		IRR	16.1	
	SW		NE		IRR	26.0	
	SE		NE		IRR	2.3	
	NE		NW		IRR	25.1	
	NW		NW		IRR	22.0	
	SE		NW		IRR	2.9	
	NW		SE		IRR	0.5	
						Section Acres	100.5
						Total Acres	150.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A37-00461, A37-10343(37-0059)

14. Remarks:
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
THERE ARE 2 P/DS IN SENE S25.
THESE ACRES ARE OVERLAPPED BY WR# A37-00461 AND 37-0059.
37-0059 IS RE-NUMBERED A37-10345.
AMERICAN FALLS SHARES .92 CFS.

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

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Kenneth Ohlinger Date: 6/29/88

Date: _____

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 29th day

of June 19 88

Mary A. Balderin
Notary Public

Seal

Residing at Gooding, ID

My Commission Expires 10-16-1992

