

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 37-12818D
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)

MARIANA S PAEN TRUST Phone: (619)437-1901

990 ALAMEDA BLVD
CORONADO CA USA 92118

2. Date of Priority: 03/24/1883

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	33	SE SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.05	7

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	33	SE	SW	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

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: 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.

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 RESCINDED.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.

NAME CHANGE MADE 2/2/96 TLB
 OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-12818B.
 A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES.
 A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.
 6/25/96 TLB PLACE OF USE CORRECTION MADE BASED UPON A CORRECTED QUITCLAIM DEED
 SUBMITTED BY JAMES SPECK.

THE PLACE OF USE IS ALSO KNOWN AS LOT 1 BLOCK 1 BUCKHORN SUBDIVISION FIRST ADDITION
 KKC 1-19-99.

TRANSFER 5299 PENDING TO MOVE RIGHT OFF THIS LOT.

This right when combined with all other rights shall provide no more than 0.03
 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of
 the lands above.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.

0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SNNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Basis of Claim: Decreed

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

RECEIVED
OCT 04 2006
WATER RESOURCES
WESTERN 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 (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
AS 37-12818 DE		___			___
AS 37-30000 (WWR)		___			___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) Randy E. Coriell

5000 Laredo Place, Rancho Cucamonga,
CA 91737-1471

4. New Owner/Claimant(s) _____
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address Mariana S. Paen Trust

City, State and ZIP Code 990 Alameda Blvd.
Coronado, CA 92118

New Telephone Number (619) 437-1901

5. Date you acquired the property July 7, 2006

SCANNED
OCT 17 2006

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) Mariana S. Paen
(include title if applicable) Mariana S. Paen, Trustee

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 <u>laagman</u>	Date <u>10-4-06</u>	Fee <u>50</u>	
Received by <u>laagman</u>	Date <u>10-4-06</u>	Receipt No. <u>W034754</u>	
Processed by _____	Date _____	WR _____	Date _____

SCANNED
OCT 17 2006

2

T. Waldheer
First American Title Company

AFTER RECORDING MAIL TO:

Mariana S. Paen Trustee of the Mariana S. Paen Trust
990 Alameda Blvd.
Coronado, CA 92118

Instrument # 537196

HAILEY, BLAINE, IDAHO

2006-07-07 12:16:00 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

711A

QUITCLAIM DEED

File No.: 186933-K (rw)

Date: June 29, 2006

For Value Received, Randy E. Coriell and Teresa B. Coriell, husband and wife, do hereby convey, release, remise, and forever quit claim unto Mariana S. Paen Trustee of the Mariana S. Paen Trust, whose address is 990 Alameda Blvd., Coronado, CA 92118, herein after called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 5 of Block 1 BUCKHORN SUBDIVISION, FIRST ADDITION, according to the official plat thereof, recorded as Instrument No. 217019, records of Blaine County, Idaho.

TOGETHER WITH THE FOLLOWING WATER RIGHTS:

37-12818 Priority Date of 63-24-1883

37-30000 Priority Date of 63-24-1883

together with its appurtenances.

Dated: 7-5-06

Randy E. Coriell
Randy E. Coriell

Teresa B. Coriell
Teresa B. Coriell

PLEASE SEE ATTACHED
NOTARY CERTIFICATE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino

On July 5th, 2006 before me, D. Hudson, notary public

personally appeared Randall E. Coriell & Teresa B. Coriell

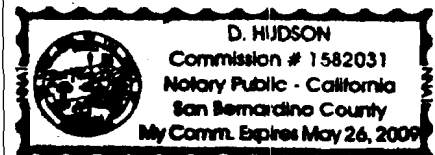
____ personally known to me

-OR-

X proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

D. Hudson



SCANNED

OCT 17 2006



First American Title Company

120 Second Ave. North/P.O. Box 7999, Ketchum, ID 83340

Phone (208)726-5688, Fax (208)726-3567

RECEIVED
OCT 04 2006
WATER RESOURCES
WESTERN REGION

October 3, 2006

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Our Order No. 166933 Coriell/Paen

To Whom It May Concern:

Please find the following documents for the transfer of water rights:

Original Notice Of Change In Water Right Ownership
Certified copy of the Quitclaim Deed
Our check #6790 in the amount of \$50.00 for the transfer of these water rights

Please let me know if you need any further information for this request.

Sincerely,
FIRST AMERICAN TITLE COMPANY

Nancy Woldberg
Escrow Officer

nw

SCANNED
OCT 17 2006

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 37-12818D
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)

TERESA B CORIELL Phone: (208) 788-3549
PO BOX 760
HAILEY ID 83333

RANDY E CORIELL Phone: (208) 788-3549
PO BOX 760
HAILEY ID 83333

2. Date of Priority: 03/24/1883

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	33	SE SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.05	7

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
03N	18E	33	SE	SW	IRRIGATION	2
Section Acres						2
Total Acres						2

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:

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.

0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SWNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

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: 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.

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.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-12818B.

A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES.

A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.

6/25/96 TLB PLACE OF USE CORRECTION MADE BASED UPON A CORRECTED QUITCLAIM DEED SUBMITTED BY JAMES SPECK.

THE PLACE OF USE IS ALSO KNOWN AS LOT 1 BLOCK 1 BUCKHORN SUBDIVISION FIRST ADDITION KKC 1-19-99.

TRANSFER 5299 PENDING TO MOVE RIGHT OFF THIS LOT.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

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: **A37-12818D**
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: TERESA B CORIELL 208-788-3549
Address: PO BOX 760
HAILEY ID 83333
AND/OR
Name: RANDY E CORIELL 208-788-3549
Address: PO BOX 760
HAILEY ID 83333
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	SW	NW			BLAINE
5. Description of diverting works:
DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.053		6.72
7. Total Quantity Appropriated is:
0.053 C.F.S. (and/or) 6.72 A.F.A.
8. Total consumptive use is 4.8 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	4	NE	NW		IRR	1.8
						Section Acres	1.8
03N	18E	33	SE	SW		IRR	0.2
						Section Acres	0.2
						Total Acres	2.0

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:

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.

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.

NAME CHANGE MADE 2/2/96 TLB

14. Remarks: Continued

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-12818B.

A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES.

A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.

6/25/96 TLB

PLACE OF USE CORRECTION MADE BASED UPON A CORRECTED QUITCLAIM
DEED SUBMITTED BY JAMES SPECK.

THE PLACE OF USE IS ALSO KNOWN AS LOT 1 BLOCK 1 BUCKHORN
SUBDIVISION FIRST ADDITION KKC 1-19-99.

TRANSFER 5299 PENDING TO MOVE RIGHT OFF THIS LOT.

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

RECEIVED

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

OCT 02 1997

Print or type. Attach pages with additional information. Instructions are on the back of this page.
Department of Water Resources
Southern Region
Incomplete forms will be returned.

1. Water Right Number(s) 4205
Adjudication Claim Number(s) A37-12818B

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) J. Peter Fitzpatrick
Claire B. Fitzpatrick

4. New Owner/Claimant(s) Jim Kukurin, Michelle Kukurin
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 9055 South Decatur Blvd.
City, State and ZIP Code Las Vegas, NV 89139
New Telephone Number (702) 896-3010

5. Date you acquired the property 10/1/97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

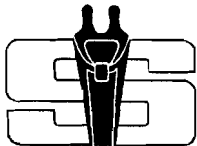
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. [Signature] 9-16-97
[Signature] 9-16-97

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



WARRANTY DEED

For Value Received J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto JIM KUKURIN and MICHELLE KUKURIN, husband and wife

the Grantee whose current address is: 9055 SOUTH DECATUR BLVD., LAS VEGAS, NV 89139

the following described premises, to-wit:

Lot 2 in Block 1 of BUCKHORN SUBDIVISION, FIRST ADDITION, according to the official plat thereof, recorded as Instrument No. 217019, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 02, 1997


J. PETER FITZPATRICK


CLAIRE B. FITZPATRICK

State of Idaho

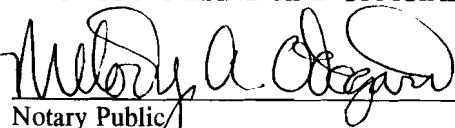
ss.

County of Blaine

On this 4th day of September, 1997, before me, the undersigned, a Notary Public, in and for said State, personally appeared CLAIRE B. FITZPATRICK

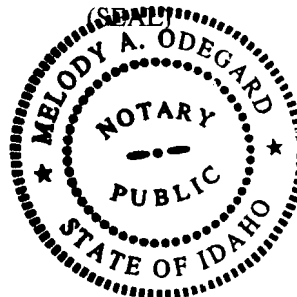
known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public

Residing at: Hailey, Idaho

Commission Expires: September 24, 2002



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of San Diego
 On 9-9-97 before me, Elvira M. Simmons, Notary,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared J. Peter Fitzpatrick,
Name(s) of Signer(s)

☐ personally known to me – OR – ☒ proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed
 Document Date: September 2, 1997 Number of Pages: 2
 Signer(s) Other Than Named Above: Claire Fitzpatrick

Capacity(ies) Claimed by Signer(s)

Signer's Name: J. Peter Fitzpatrick Signer's Name: _____

- ☒ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing:

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing:

THIS MAP IS FURNISHED AS PART OF A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN. THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN ARE GUARANTEED STRICTLY FOR THE PURPOSES OF GENERALLY

POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

PLAT SHOWING BUCKHORN SUBDIVISION FIRST ADDITION

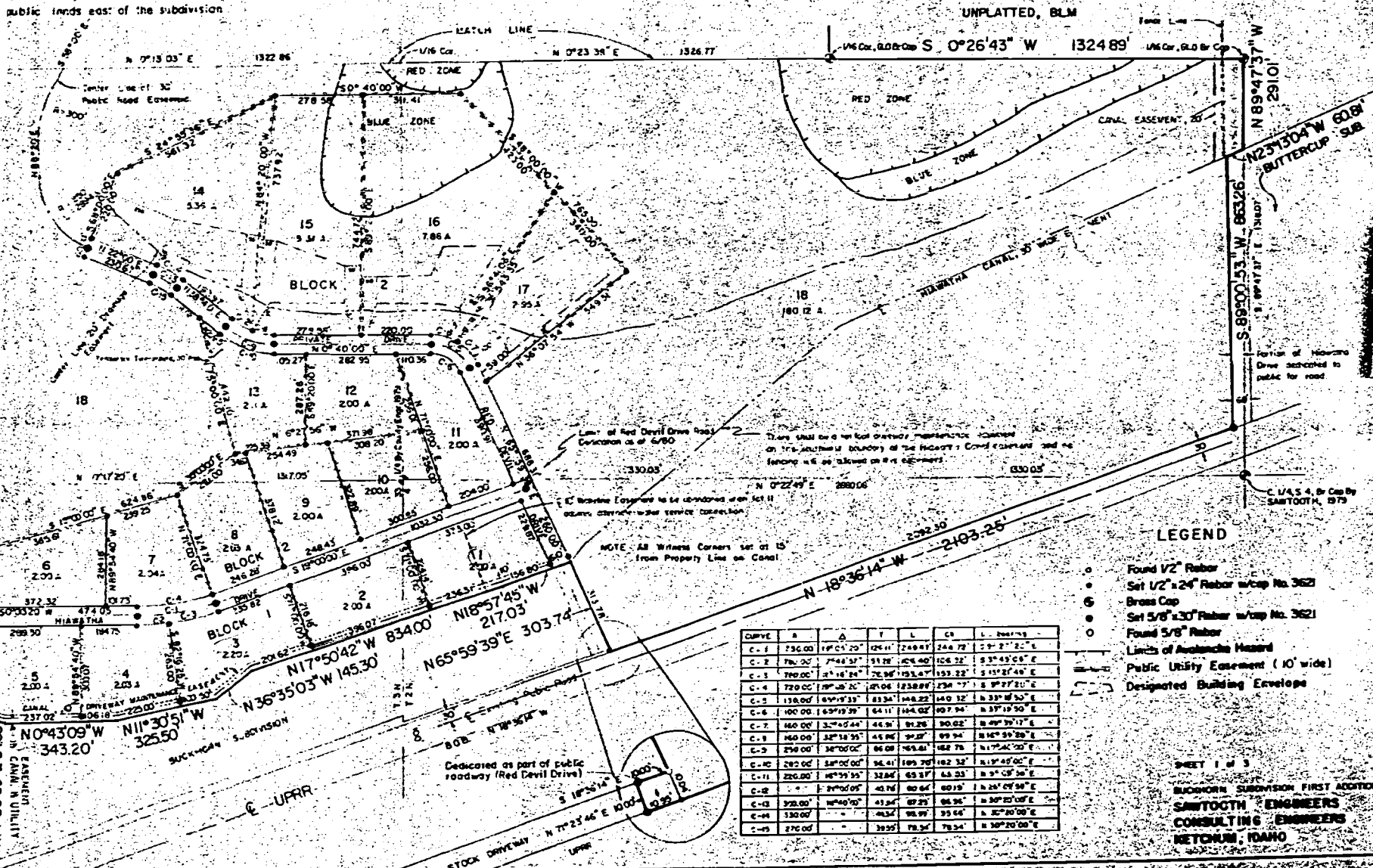
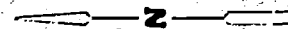
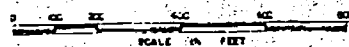
LOCATED WITHIN S. 4, T.2N., R.18E., & S. 33, T.3N., R.18E., B.M.

BLAINE COUNTY, IDAHO

JUNE, 1980

S. building within 10' radius of 1/4 corner at

It part of Red Devil Drive East of the Red-Devil- the intersection shall be a private roadway, but public may utilize Red Devil Drive for access public lands east of the subdivision



LEGEND

- Found 1/2" Rebar
- Set 1/2" x 24" Rebar w/cap No. 3621
- Brass Cap
- Set 5/8" x 30" Rebar w/cap No. 3621
- Found 5/8" Rebar
- Limits of Easements
- Public Utility Easement (10' wide)
- Designated Building Envelope

SHEET 1 of 3

BUCKHORN SUBDIVISION FIRST ADDITION
SANTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

MICROFILM SYSTEMS

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: **A37-12818D**
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:	TERESA B CORIELL	208-788-3549
Address:	PO BOX 760	
	HAILEY ID	83333
AND/OR		
Name:	RANDY E CORIELL	208-788-3549
Address:	PO BOX 760	
	HAILEY ID	83333

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		SW	NW		BLAINE

5. Description of diverting works:
DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.053		6.72

7. Total Quantity Appropriated is:
0.053 C.F.S. (and/or) 6.72 A.F.A.

8. Total consumptive use is 4.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	33	SE	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:

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.
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.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-12818B.

A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES.

A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.

14. Remarks: Continued
6/25/96 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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: _____

JUN 10 1996

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E
Section 20, SW 1/4 of NW 1/4 of 1/4 Govt. Lot _____ Department of Water Resources
Lot _____, Block _____, Subdivision/Townsite _____ Southern Region
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)
Assigned by IDWR: A37-12818C
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
J. Peter Fitzpatrick & Claire B. Fitzpatrick
7511 Gibraltar St., Carlsbad, CA 92009
Randy E. Coriell and/or Teresa B. Coriell
- ☐ New Owner/Claimant (Purchaser):

- ☐ New Mailing Address:
P.O. Box 760
Hailey, ID 83333
- ☐ New Telephone Number: (208) 788 - 3549
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Original rights of .106 cfs -- Split results in .053 cfs each

- ☐ Attach proof of ownership, describe proof attached: Quitclaim Deed

(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): Randy Coriell Date 5/29/96
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
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: _____ By: _____

Claim Numbers of Split, if any:

NOV 28 1996

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

RECEIVED

Coriell

JUN 10 1996

Department of Water Resources
Southern Region

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

JUL 12 1995

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

Hogue, Speck & Aanestad
RECEIVED

JUL 25 1995

Hogue, Speck & Aanestad

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, husband and wife, whose current mailing address is 7511 Gibraltar Street, Carlsbad, CA 92009 (hereinafter collectively referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto RANDY E. CORIELL and TERESA B. CORIELL, husband and wife, whose current mailing address is Post Office Box 760, Hailey, ID 83333 (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:

0.053 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 two (2) acres on Lot 2, Buckhorn Subdivision, First Addition, Blaine County, Idaho, pursuant to approved Transfer No. 4205.

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 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.

IN WITNESS WHEREOF the undersigned have executed this Quitclaim Deed on the dates set forth below:

DATE:

7/7/95

J. PETER FITZPATRICK

DATE: July 7, 1995

Claire B Fitzpatrick
CLAIRE B. FITZPATRICK

STATE OF California

County of San Diego)
SS.

On this 7th day of July, 1995, before me the undersigned notary public in and for said state, personally appeared J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Joan O'Donnell
Notary Public for CALIFORNIA
Residing at: 420 Smilax Rd San Marcos Ca
Commission Expires: 1/10/97

380404

BLAINE CO. REQUEST

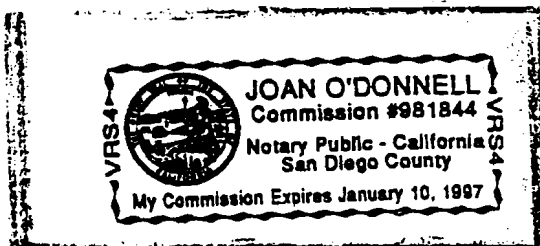
OF: Ague, Speech et al

'95 JUL 21 PM 2 39

MARY GREEN, CLERK no

FEES \$ 6.00

Deed



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

JUN 10 1996

RECEIVED

Department of Water Resources
Southern Region

CIVIL CASE NUMBER: 39356

JUN - 5 1996

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

Ident Number A37-12818C

Hogye, Spauld & Associates

Date Received _____

Receipt Number _____

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

1. **Name of Claimant(s):** Randy E. Coriell and/or Teresa B. Coriell
Phone: 1-208-788-3549
Mailing Address: P. O. Box 760
Hailey, ID 83333

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>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
3N	18E	20		SW	NW		Blaine

Additional points of diversion if any:

COPY

5. **Description of existing diversion works:** Diversion dam & headgate, Hiawatha Canal, pump in canal.

NOV 28 1996

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 15	October 15	0.053 cfs

7. Total Quantity Claimed: 0.053 cfs

8. Total consumptive use claimed is 5.0 acre feet per annum.

9. Non-irrigation uses:

10. Place of use:

	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>						
<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
3N	18E	33					2												2
TOTALS																			2.0

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 37-00577 originally decreed to W.T. Riley. The right was originally split by Transfer 4205. A portion of the right as transferred has now been been acquired by Claimant. An Amended Notice of Claim for the remaining portion will be filed by J. Peter & Claire Fitzpatrick..

COPY

Last Name: Coriell
F:\WPDATA\SRBA\CORIELL\12818C.37

Ident No. A37-12818C
11/29/95

NOV 28 1996

15. Basis of Claim: Decree

IDWR Water Right Number: 37-00577

Court:

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant: S.C. Frost et al. v. Alturus Water Company, 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 -

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

Signature of Claimant(s) Randy E. Coriell Date 5/29/96
RANDY E. CORIELL

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 29th day of May, 1996

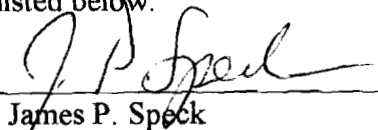
Notary Public for Blaine County
Residing at Blaine County
Commission Expires 5-11-2004

COPY

17. Notice of Appearance:

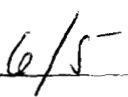
Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____



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

Date: _____

, 199~~8~~⁶

COPY

Last Name: Coriell

FA\WPDATA\SRBA\CORIELL\12818C.37

Ident No. A37-12818C

11/29/95

NOV 28 1996

06/16/2010

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

RIGHT NUMBER: 37-12818D

NAME AND ADDRESS: MARIANA S PAEN TRUST
~~990 ALAMEDA BLVD~~ 117 N HIAWATHA
~~CORONADO CA 92118~~ HAILEY ID 83333

VERIFIED BY **KKC**
8-16-10

SOURCE: BIG WOOD RIVER
GROUND WATER

TRIBUTARY: MALAD RIVER
TRIBUTARY:

QUANTITY: 0.050 CFS
7.00 AFY

To mitigate for injury to other water users caused by the diversion and use of water under this right, the watermaster shall deliver 0.05 cfs of this right into the Hiawatha Canal where it shall remain undiverted.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S33 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.050 CFS
IRRIGATION	04/15 10/31	0.050 CFS

PLACE OF USE:

IRRIGATION in BLAINE County
T03N R18E S33 SESW 2.00
MITIGATION same as IRRIGATION
2 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

Failure of the right holder to comply with the conditions of Transfer No. 5299 is cause for the Director to rescind approval of the transfer.

This right is a split from former right 37-577.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

This right was split from A37-12818B.

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.
0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SWNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

The right holder shall accomplish the change authorized by Transfer No. 5299 within one (1) year of the date of this approval.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

6-15-2010

37-12818D Paen Trust

Craig- add the mitigation language.
place in Explanatory.

Do an SF-5 add # 7.

Chris, Renea, Booth.

Christensen, Kelly

From: Ridgeway, Renea
Sent: Wednesday, August 18, 2010 3:41 PM
To: Christensen, Kelly
Subject: FW: Paen Trust

Below is the new address that should be included on the recommendation for Paen Trust – 37-12818D. Thanks!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Fritz Haemmerle [mailto:fxh@haemlaw.com]
Sent: Wednesday, August 18, 2010 3:40 PM
To: Ridgeway, Renea
Subject: RE: Paen Trust

Mariana S. Paen Trust
117 N. Hiawatha
Hailey, ID 83333

Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Wednesday, August 18, 2010 3:33 PM
To: Fritz Haemmerle
Subject: RE: Paen Trust

Client's address? ☺

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources

(208) 287-4814 office
(208) 287-6700 fax

From: Fritz Haemmerle [mailto:fxh@haemlaw.com]
Sent: Wednesday, August 18, 2010 3:32 PM
To: Ridgeway, Renea
Subject: RE: Paen Trust

Thanks.

Fritz

Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Wednesday, August 18, 2010 2:11 PM
To: Fritz Haemmerle
Subject: Paen Trust

Good Afternoon!

I'm trying to get an answer to your question about the change of address. In the meantime, can you send me the correct address? I'm hoping that we can just do it via the SF5. If we go the route of the NCAP – we could draft and file that with the SF5. Either way, it should be a simple fix. I will keep you posted.

Thanks!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, June 16, 2010 10:06 AM
To: Ridgeway, Renea; Bromley, Chris
Subject: 37-12818D Paen Trust SF-5

I have added the remark as discussed in the settlement conf. Personally I think it would have made sense to place it as a general remark rather than explanatory, but anyway. Should be ready to go.



37-12818D PAEN
TRUST sf-5 2010...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, June 15, 2010 2:51 PM
To: Spencer, Nick; Ridgeway, Renea
Subject: 37-12818D Paen Trust

Recommendation based upon T-5299 approved Aug 25, 1999.

The transfer leaves 0.05 cfs in the Hiawatha for mitigation (conveyance losses) and allows 0.05 cfs to be diverted from Ground Water for the irrigation of 2 acres.

The transfer was structured to show
Irrigation at 0.05 cfs and 7 af.

Source = ground water

POD legal description = Well location.

POU legal description = Lot location

With remarks identifying the mitigation issue, rate per acre limit of 0.03 cfs/ac,

The recommendation is structured to show

Mitigation at 0.05 cfs

Irrigation at 0.05 cfs and 7 af

Source = ground water

POD description now shows the well location and the Hiawatha Canal diversion

POU description

Irrigation shows the Lot location

Mitigation is the computer generated statement Mitigation same as Irrigation This is incorrect as the POU is the Hiawatha Canal.

Transfer remarks carried onto the recommendation except for Transfer remark no 7 which states

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.

This remark probably should be included as a significant regulatory factor.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

MEMORANDUM

*For file
37-12818D*

TO: File 37-30000E (A37-12818D)

FROM: Pam Skaggs^{ab}/State Office

SUBJECT: Transfer 5299

DATE: August 24, 1999

Transfer 5299 changes the point of diversion, place of use and allows the diversion of groundwater in place of surface water from the Big Wood River under a portion of Right 37-30000E, splitting the right into Parts M and N.

The applicants will divert water from an existing well on their property and surface water will continue to be delivered to the Hiawatha canal and allowed to sink as mitigation for groundwater use. The transferred portion of the right has been identified as SRBA Claim A37-12818D that will also be modified through the transfer approval.

Season of use and diversion volume were adjusted to current standard. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, diversion of groundwater limited to availability from the original source, continued diversion of surface water, subdivision lot and standard transfer conditions.

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

In Re SRBA)

Case No. 39576)

A. Subcase No. 37-12818D

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Mariana S. Paen Trust
Address: 990 Alameda Blvd.
Coronado, CA 92118

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: Diversion rate excessive for POU
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☒ **I object because:**

☒ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Right has been forfeited for non-use or abandoned.

Southern A5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5299
WATER RIGHT NO. 37-30000N

RECEIVED

AUG 30 1989

Department of Water Resources
Southern Region

This is to certify that: **RANDY E CORIELL**
TERESA CORIELL
C/O JAMES P SPECK
SPECK & AANESTAD
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	0.05 CFS	7.0 AF

SOURCE

* GROUNDWATER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 33, 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>
03N	18E	33	SESW	2		2
Total number of acres irrigated:						2

CONDITIONS OF APPROVAL AND REMARKS

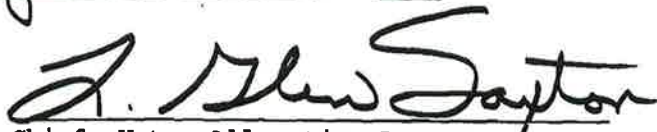
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5299
WATER RIGHT NO. 37-30000N

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
- * 7. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.
8. 0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SWNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.
9. Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

Dated this 25th day of August, 1999.


Chief, Water Allocation Bureau

02/07/2007

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

RIGHT NUMBER: 37-12818D

NAME AND ADDRESS: MARIANA S PAEN TRUST
990 ALAMEDA BLVD
CORONADO CA 92118

SOURCE: GROUND WATER *PAEN does not have any other rights.* add Source RMK # 7 TRIBUTARY:

QUANTITY: 0.050 CFS
7.000 AFY

Transfer #8 {
To mitigate for injury to other water users caused by the diversion and use of water under this right, the watermaster shall deliver 0.05 cfs of this right into the Hiawatha Canal where it shall remain undiverted.

#3 {
This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above. *all other right might include city water*

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County *- Hiawatha Canal*

T03N R18E S33 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/15	0.050 CFS
IRRIGATION	04/15 10/15	0.050 CFS 0.70 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 2.00

MITIGATION same as IRRIGATION

2 ACRES TOTAL

*2 ac * .03 cfs/ac = .06 cfs*

- not really true. P/u = Hiawatha Canal.

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

No. 5299 *{ #5* Failure of the right holder to comply with the conditions of Transfer

is cause for the Director to rescind approval of the transfer.

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

THIS RIGHT WAS SPLIT FROM A37-12818B

#4 {
The right holder shall accomplish the change authorized by Transfer No. 5299 within one (1) year of the date of this approval.

RMK #2 {
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

T. RMK #6 not used; references SRBA review

TRM₁

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

#9

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

02/13/2007

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

RIGHT NUMBER: 37-12818D

NAME AND ADDRESS: MARIANA S PAEN TRUST
990 ALAMEDA BLVD
CORONADO CA 92118

SOURCE: BIG WOOD RIVER
GROUND WATER

TRIBUTARY: MALAD RIVER
TRIBUTARY:

QUANTITY: 0.050 CFS
7.000 AFY

To mitigate for injury to other water users caused by the diversion and use of water under this right, the watermaster shall deliver 0.05 cfs of this right into the Hiawatha Canal where it shall remain undiverted.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

T03N R18E S33 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.050 CFS
IRRIGATION	04/15 10/31	0.050 CFS 0.70 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 2.00

MITIGATION same as IRRIGATION

2 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

02/13/2007

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

Failure of the right holder to comply with the conditions of Transfer No. 5299 is cause for the Director to rescind approval of the transfer.

This right is a split from former right 37-577.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

This right was split from A37-12818B.

The right holder shall accomplish the change authorized by Transfer No. 5299 within one (1) year of the date of this approval.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Idaho Department of Water Resources

37-12818D



Legend

-  Point of Diversion
-  Place of Use
-  GCDB
-  Section Lines
-  Township Boundaries

1320 0 1320 Feet



GIS Place of Use Presentation
Photography: 2004 NAIP
Data Entry: 02/13/2007
T. D. Baker

12/19/2006

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

RIGHT NUMBER: 37-12818D

NAME AND ADDRESS: MARIANA S PAEN TRUST
990 ALAMEDA BLVD
CORONADO CA 92118

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
7.000 AFY

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S33 SESW Within BLAINE County
add Hinuatha P/D

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION
mitigation

04/15 10/15
" "

0.050 CFS
0.70 AFY
105 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 2.00

0.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of Transfer No. 5299 is cause for the Director to rescind approval of the transfer.

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

THIS RIGHT WAS SPLIT FROM A37-12818B

The right holder shall accomplish the change authorized by Transfer No. 5299 within one (1) year of the date of this approval.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 6 DISTRICT.

Link GWP/D to new P/d in Lot 5
10-31

no approval
acres

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.

0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.



Idaho Department of Water Resources

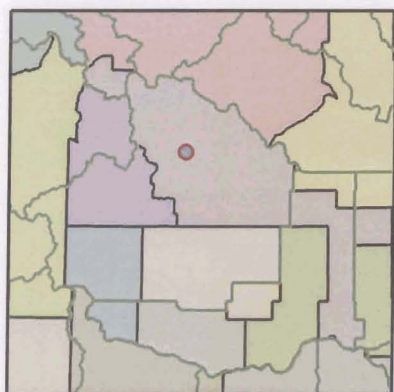
SRBA Recommendation:

37-12818D

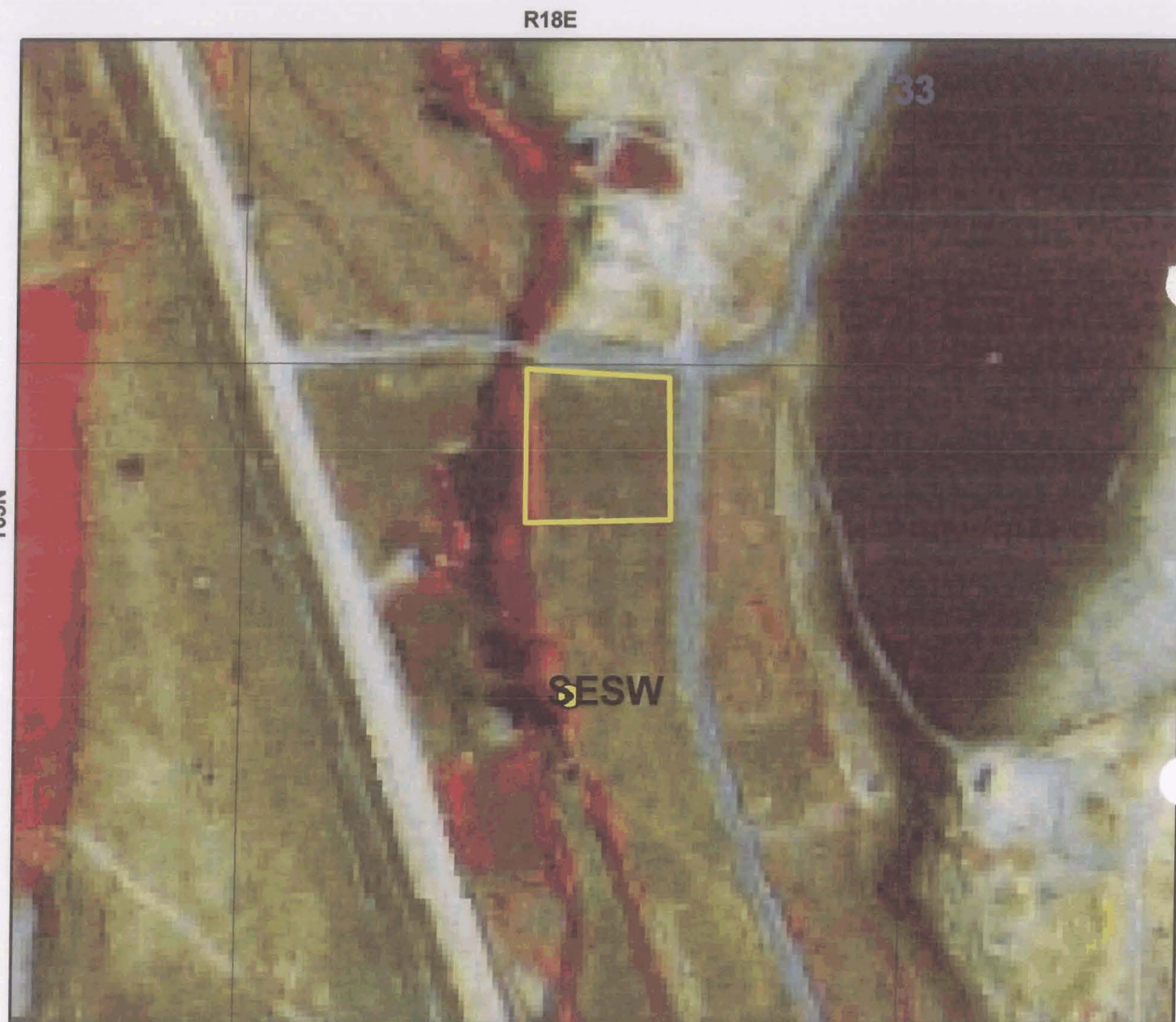
(Irrigation)

Legend

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

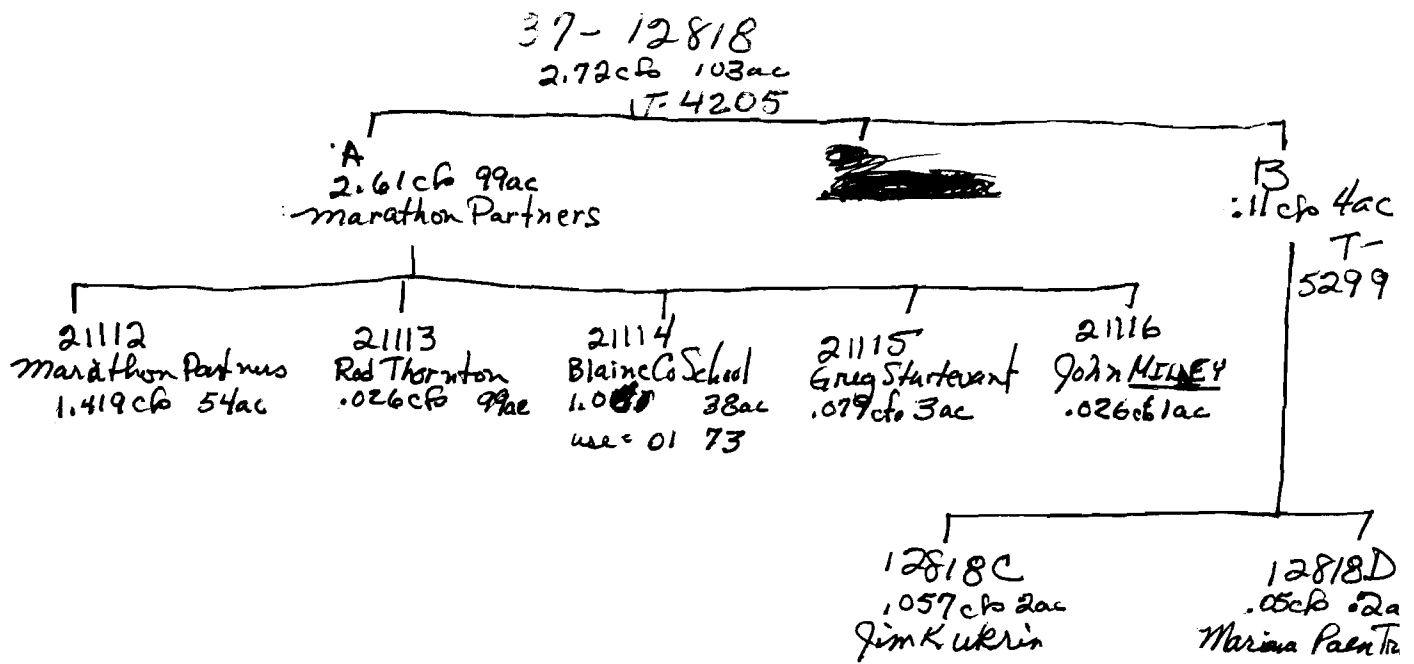


Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by S. Egbert
On Tuesday, December 19, 2006
1987/88 Aerial Photography



Adjudication Recommendation Report 37-12818D V1

WATER RIGHT NUMBER: 37-12818D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARIANA S PAEN TRUST 990 ALAMEDA BLVD CORONADO, CA 92118
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	CLAIRE B FITZPATRICK 7511 GILBRALTER ST CARLSBAD, CA 92009 (619)431-2665
Original Owner	PACESETTER DEVELOPMENT CO 4540 CAMPUS DR NEWPORT BEACH, CA 92660 (714)852-8600
Original Owner	J PETER FITZPATRICK 7511 GILBRALTER ST CARLSBAD, CA 92009 (619)431-2665
Original Owner	TERESA B CORIELL PO BOX 760 HAILEY, ID 83333 (208)788-3549
Original Owner	RANDY E CORIELL PO BOX 760 HAILEY, ID 83333 (208)788-3549

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.050 CFS	0.70 AF
	Total Diversion:	0.050 CFS	7.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 33, Twp 03N, Rge 18E, B.M.
BLAINE County

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818D V1

03N 18E 33				2.0			2.0
------------	--	--	--	-----	--	--	-----

Total Acres: 0.2

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of Transfer No. 5299 is cause for the Director to rescind approval of the transfer.
2. THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

THIS RIGHT WAS SPLIT FROM A37-12818B
3. T07 The right holder shall accomplish the change authorized by Transfer No. 5299 within one (1) year of the date of this approval.
4. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
8. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.

0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SWNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.

Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

Remarks:Comments:Dates and Other Information:

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-12818D V1

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/19/2006 9:15:48 AM	segbert			Active
POD	12/19/2006 9:16:16 AM	segbert			Active
Source	12/19/2006 9:50:10 AM	segbert			Active
POU	12/19/2006 9:50:21 AM	segbert			Active
Use	12/19/2006 9:51:34 AM	segbert			Active
Season	12/19/2006 9:51:51 AM	segbert			Active
Quantity	12/19/2006 9:52:20 AM	segbert			Active
Summary			12/19/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/19/2006 9:16:41 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	12/19/2006 9:16:13 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	12/19/2006 9:50:36 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/19/2006 9:50:47 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/19/2006 9:51:37 AM	segbert	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818D V1

Use	12/19/2006 9:52:00 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/19/2006 9:52:17 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/19/2006 9:52:46 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
POD	12/19/2006 9:49:34 AM	segbert	Updated shape from PLS
Summary	12/19/2006 9:58:17 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	11/3/2006 4:57:04 PM	CFRITSCH	Bulk Copy

Water Supply Bank:

☐ **WATER RIGI**
☐ **37-12818.**
☐ **37-12818A.**
 37-21112
 37-21113
 37-21114
 37-21115
 37-21116
☐ **37-12818B**
 37-12818C.
 37-12818D.

37-12818	WRA	See Rem...		BIG WOOD ...	01	2.72	103
37-12818A	WR...	PARENT	MARATHON PARTNERS; ST...	BIG WOOD ...	01	2.61	99
37-21112	WRA...	Active	MARATHON PARTNERS LLC;	BIG WOOD ...	01	1.419	54
37-21113	WRA...	Active	THORNTON, C ROD;	BIG WOOD ...	01	0.026	99
37-21114	WRA...	Active	BLAINE COUNTY SCHOOL D...	BIG WOOD ...	01 73	1.06	40
37-21115	WRA...	Active	STURTEVANT, GREGG K;	BIG WOOD ...	01	0.079	3
37-21116	WRA...	Active	MILEY, JOHN;	BIG WOOD ...	01	0.026	1
37-12818B	WR...	See Rem...		BIG WOOD ...	01	0.11	4
37-12818C	WR...	Active	KUKURIN, JIM; KUKURIN, MI...	BIG WOOD ...	01	0.057	2
37-12818D	WR...	Active	CORIELL, TERESA B; CORIE...	GROUND ...	01	0.05	0.2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818

WATER RIGHT NUMBER: 37-12818

Owner Type

Original Owner

Name and Address

PACESETTER DEVELOPMENT CO
4540 CAMPUS DR
NEWPORT BEACH, CA 92660
(714)852-8600

Priority Date: 03/24/1883

Basis:

Status: See Remarks

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

2.720 CFS

Annual VolumeTotal Diversion:

2.720 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

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	6.0
			6.0																
02N	18E	10																	
							37.0	17.0	27.0	16.0									97.0

Total Acres: 103

Conditions of Approval:Remarks:

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

CONFORMED ATTORNEY MAILING ADDRESS DMS

***** PURSUANT TO

APPROVED TRANSFER 4205

9/5/95: CLAIM WAS SPLIT - A37-12818A PACESETTER DEVELOPMENT CO. 2.61 CFS.

A37-12818B J PETER AND CLAIRE B FITZPATRICK .11 CFS.

| CORRECTED DATA ENTRY BY DELETING SPECK AS 'O'

ATTORNEY FOR FORMER OWNER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818

Comments:

Dates and Other Information:

Claim Received Date: 2/3/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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

30-70

10 states

myl

7 0557	Rose I.	50 inches.	14	May 15, 1884.	Big Wood River.	T. 3197
7 0558	"	100 "	118	June 1, 1886.	"	T. 3197
7 0559	"	180 "	150	June 1, 1888.	"	T. 3197
7 0560	Quong Sing	27 "		Nov. 28, 1882.	Little Wood River.	Trans # 275 (Also shares in Big Cottonwood Canal Co.)
7 0561	Hanson, Sarah A.	65 "	74	May 2, 1884.	Little Wood River.	(Also shares in Little Wood River Canal Co.)
7 0562	Ravenscroft, J.W.	300 "	133	May 10, 1887.	Big Wood River.	-Trans # 307
7 0563	Rawson, W. F.	60 "		May 30, 1881.	Little Wood River.	
7 0564	"	60 "		May 30, 1882.	"	
7 0565	"	60 "		May 30, 1882.	"	
7 0566	Reardon, Daniel	90 inches.		July 30, 1883.	Dry Creek.	
7 0567	"	80 "		July 30, 1883.	Rock Creek.	
7 0568	"	50 "	84	June 30, 1884.	"	
7 0569	"	40 "	118	June 1, 1886.	"	
7 0570	Reedy, Mrs. Hannah H.	150 "	142	June 1, 1892.	Soldier Creek.	
7 0571	Reedy, Mrs. Joseph H.	145 "		July 2, 1883.	"	
7 0572	"	22 "	84	June 27, 1883.	"	
7 0573	Rhodes, James M., Trustee.	2000 "	24	Aug. 27, 1882.	Warm Springs Creek.	(For power purposes.)
37 0574	Do.	250 "	211	May 30, 1894.	Warm Springs Creek.	
37 0575	Do.	40 "	154	Aug. 1, 1888.	N. Fork of E. Fork of Big Wood River.	(For milling purposes for North Star Con- centrating Mill.)
7 0576	Rice, C. P.	180 "	111	Nov. 2, 1885.	Big Wood River.	
7 0577	Richards, B. P.				Shares in Little Wood River Canal Company.	
7 0578	Riley, W. T.	4000 "	36	Mar. 24, 1883.	Big Wood River.	Trans # 487-501 (502) # 586-524-639-722-2036-2575-6
7 0579	Roberts, Mrs. Elizabeth	50 "	74	May 2, 1884.	"	
7 0580	Do.	25 "	754	June 2, 1888.	"	

End of list

South, Range 21 E., B. M., and are owned by and in the possession of the various stockholders and users of water through the canals of the said corporation; that the said amount of water is necessary for the proper irrigation of the lands belonging to the said stockholders. That the capacity of the canals belonging to the said corporation is 13,750 inches, but that certain appropriators of water from the said Little Wood River, who have independent rights decreed to them in the said action of N. R. Woodworth, et al., vs. Frank Anthony, et al., use the said canals for the purpose of conveying said decreed rights of water to their respective lands, to the extent of 3750 or more inches of water.

22. That the Mullins Canal & Reservoir Company, and its predecessors in interest, on or about the 15th day of June, 1890, appropriated and diverted from Big Wood River 750 inches of water, for the purpose of irrigating certain lands lying under its canal, a portion of which lands was owned by B. G. Mullins or his wife, and a portion of which was owned by other parties, to whom the appropriators of the said amount of water intended to furnish the water by rental or sale; that subsequently thereto the said defendant had segregated a large acreage of land, embracing about 7768 acres, under the terms of the Carey Act, and made a contract with the State of Idaho for the construction of a canal and reservoir system, for the purpose of irrigating said segregated tract of land; but that the said defendant has failed up to the present time to construct its canal and reservoir system of a sufficient capacity to carry more than 750 inches of water, and has failed to comply with the terms of its contract with the State of Idaho for the construction of the same, and that the time within which the said canal and reservoir system was to be completed, under the terms of its said contract with the State of Idaho, has long since expired.

23. That the defendant, W. T. Riley, and his predecessors in interest, on or about the 24th day of March, 1883, appropriated and diverted 6,000 inches of the waters of Big Wood River, for the purpose of irrigat-

ing the lands of the original appropriators of such water, and for the purpose of supplying other persons whose lands lay under the said ditch with water, by sale or rental, for irrigation and for other purposes, and they have continuously since said date, during each and every year, appropriated, diverted and used the said amount of water for such purposes; and that the said W. T. Riley, since acquiring said ditch and water right, has conveyed to Martin Albrethson the right to 160 inches of water, to the Alturas Water Company the right to 100 inches of water, and by mesne conveyances to William G. Abbott 105 inches of water, and to Henry Hewett 40 inches of water, from said so-called Riley ditch.

24. That the defendant, M. S. Lawson, about the year 1903, constructed a dam across an old channel of Silver Creek, and thereby created a reservoir out of a portion of said channel, and constructed a ditch from Silver Creek leading into the said reservoir, and has since such time, during each year, continued to fill the said reservoir with water from Silver Creek, during the high water season, or at times when the water of the stream was not being used for irrigating purposes.

AS CONCLUSIONS OF LAW

from the above facts, the court finds:

1. That the various plaintiffs and defendants, claimants to the use of the waters of Big Wood River and its tributaries, are entitled to the use of a continuous flow of such waters, to the amounts and as of the dates set forth in said Findings, for the various purposes as therein enumerated.

2. That in the case of the so-called dry streams, the claimants and users of water from each of said streams are entitled to the use of such waters, as among themselves, as of the respective dates and amounts specified in said Findings, regardless of the rights of the users of the waters of the main stream and other streams involved in this action, and that the appropriators and users of water from other streams are not en-

1/2 of SW 1/4 of Sec. 20, T. 1 S., R. 21 E.,
containing 160 acres.

Reardon, Daniel

NW 1/4 of Sec. 12, T. 1 S., R. 17 E., containing
160 acres. Also, S 1/2 of NE 1/4 and N 1/2
of SE 1/4 of Sec. 12, T. 1 S., R. 17 E. Also,
N 1/2 of NE 1/4 of Sec. 13, and S 1/2 of SE 1/4
of Sec. 12, T. 1 S., R. 17 E.

Reedy, Mrs. Hannah H.

E 1/2 of SW 1/4, and S 1/2 of NW 1/4 of Sec. 29,
T. 2 N., R. 14 E., containing 160 acres.

Reedy, Mrs. Joseph H.

NE 1/4 (except 15 acres in NE corner) of Sec. 33,
T. 1 N., R. 14 E., containing 145 acres.
Also, commencing at NE corner of said Sec. 33,
and running thence W 32 rods, thence S 108
rods, thence E 32 rods, thence N to place of
beginning, containing 22 acres.

Rhodes, James M.,
Trustee.

SE 1/4 of SW 1/4 of Sec. 12, NE 1/4 of NW 1/4,
and NW 1/4 of NE 1/4 of Sec. 13, T. 4 N.,
R. 18 E.

Rice, C. P.

SW 1/4 of Sec. 25, T. 1 S., R. 17 E., containing
160 acres. Also, SW 1/4 of NW 1/4 of Sec. 25,
E 1/2 of NE 1/4, and NE 1/4 of SE 1/4 of Sec.
26, T. 1 S., R. 17 E., containing 160 acres.

Richards, S. P.

W 1/2 of NE 1/4 of Sec. 35, T. 1 S., R. 21 E.,
containing 80 acres. Also, SW 1/4 of SE 1/4
of Sec. 26, T. 1 S., R. 21 E.

Riley, W. T.

Description of lands lying under the so-
called Riley ditch, and susceptible of irri-
gation therefrom:

Lands situated in Sections 28, 29, and 33,
T. 3 N., R. 18 E., and Sections 4, 5, 8, 9, 10,
15, 16, 22, 23, 25 and 26, T. 2 N., R. 18 E.

JUN 04 1936

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

37-12818D

788-3549



CORIELL
PO BOX 760
HAILEY ID 83333

REASON CHECKED
☐ Moved, Left No Address
☒ Unable To Forward
☐ Attempted To Forward
☐ Unclaimed - Not Known
☐ No Such Street
☐ Insufficient Address
☐ Refused
☐ No Such Number
Rt.

Department of Water Resources
Southern Region

SEP 16 2004

RECEIVED

Kelly

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5299
WATER RIGHT NO. 37-30000N

RECEIVED

AUG 30 1988

Department of Water Resources
Southern Region

This is to certify that: **RANDY E CORIELL**
TERESA CORIELL
C/O JAMES P SPECK
SPECK & AANESTAD
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	0.05 CFS	7.0 AF

SOURCE

* GROUNDWATER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 33, 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>
03N	18E	33	SESW	2		2

Total number of acres irrigated: 2

CONDITIONS OF APPROVAL AND REMARKS

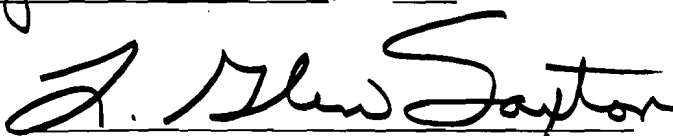
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5299
WATER RIGHT NO. 37-30000N

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
- * 7. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Hiawatha Canal for mitigation purposes.
8. 0.05 cfs of surface water from the Big Wood River shall continue to be diverted in the SNNW, S20, T03N, R18E into the Hiawatha Canal and remain undelivered and allowed to sink to mitigate the use of groundwater under this right.
9. Place of use is located within Lot 5, Buckhorn Subdivision First Addition.

Dated this 25th day of August, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 37-30000E (A37-12818D)

FROM: Pam Skaggs³⁸/State Office

SUBJECT: Transfer 5299

DATE: August 24, 1999

Transfer 5299 changes the point of diversion, place of use and allows the diversion of groundwater in place of surface water from the Big Wood River under a portion of Right 37-30000E, splitting the right into Parts M and N.

The applicants will divert water from an existing well on their property and surface water will continue to be delivered to the Hiawatha canal and allowed to sink as mitigation for groundwater use. The transferred portion of the right has been identified as SRBA Claim A37-12818D that will also be modified through the transfer approval.

Season of use and diversion volume were adjusted to current standard. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, diversion of groundwater limited to availability from the original source, continued diversion of surface water, subdivision lot and standard transfer conditions.



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
February 19, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
HOGUE SPECK & AANSTAD
PO BOX 987
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A37-12818C AND
A37-12818D

Dear Jim

Enclosed is a copy of the claims with the corrected place of use for each claim. A37-12818C has had the ownership changed to Jim Kukurin. The changes were made based upon the correction quitclaim deed and ownership forms submitted. I have noted in remarks the respective subdivision lots that each right is currently appurtenant.

I have reviewed transfer 5299 and have signed off and sent it to the State Office for their review.

Also enclosed are two pages summarizing my actions and review of the transfer application.

If you have any additional, questions please call this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures



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 www.idwr.state.id.us/idwr/idwrhome.htm

February 19, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**A37-12818C and A37-12818D
CHANGE OF OWNERSHIP
SPLIT RIGHT
CORRECTION ANALYSIS**

Parts C and D were split from A37-12818B which was appurtenant to lots 1 and 2 of Block 1 of the Buckhorn Subdivision. The split and ownership change was based upon quitclaim deed 380404. That quitclaim deed was from Fitzpatrick to Coriell for 0.053 cfs on lot 2 of the Buckhorn Subdivision. This was in error.

The correct entry should have been for the 0.053 cfs on lot 1 of the Buckhorn Subdivision. This was for the water only as the lot stayed with the Fitzpatricks. The intent was for Coriell to use the 0.053 cfs on lot 5 block 1 of the Buckhorn Subdivision First Addition. This is the basis for transfer 5299.

**ADJUDICATION ACTIONS AS OF
2-19-1999**

Based upon the correction quitclaim deed submitted to the department the following changes are being made.

- A37-12818C place of use corrected to 03N, 18E, SEC 33 SESW for 2 acres. This is to be identified as lot 2 block 1 of the Buckhorn Subdivision First Addition.
- A37-12818D place of use corrected to 03N, 18E, SEC 33 SESW for .2 acres and 02N, 18E, SEC 4 NENW for 1.8 acres. This is to be identified as lot 1 block 1 of the Buckhorn Subdivision First Addition.
- A37-12818C change of ownership from Fitzpatrick to Kukurin based upon warranty deed notarized on September 4, 1997.

**ADJUDICATION ACTIONS
PENDING**

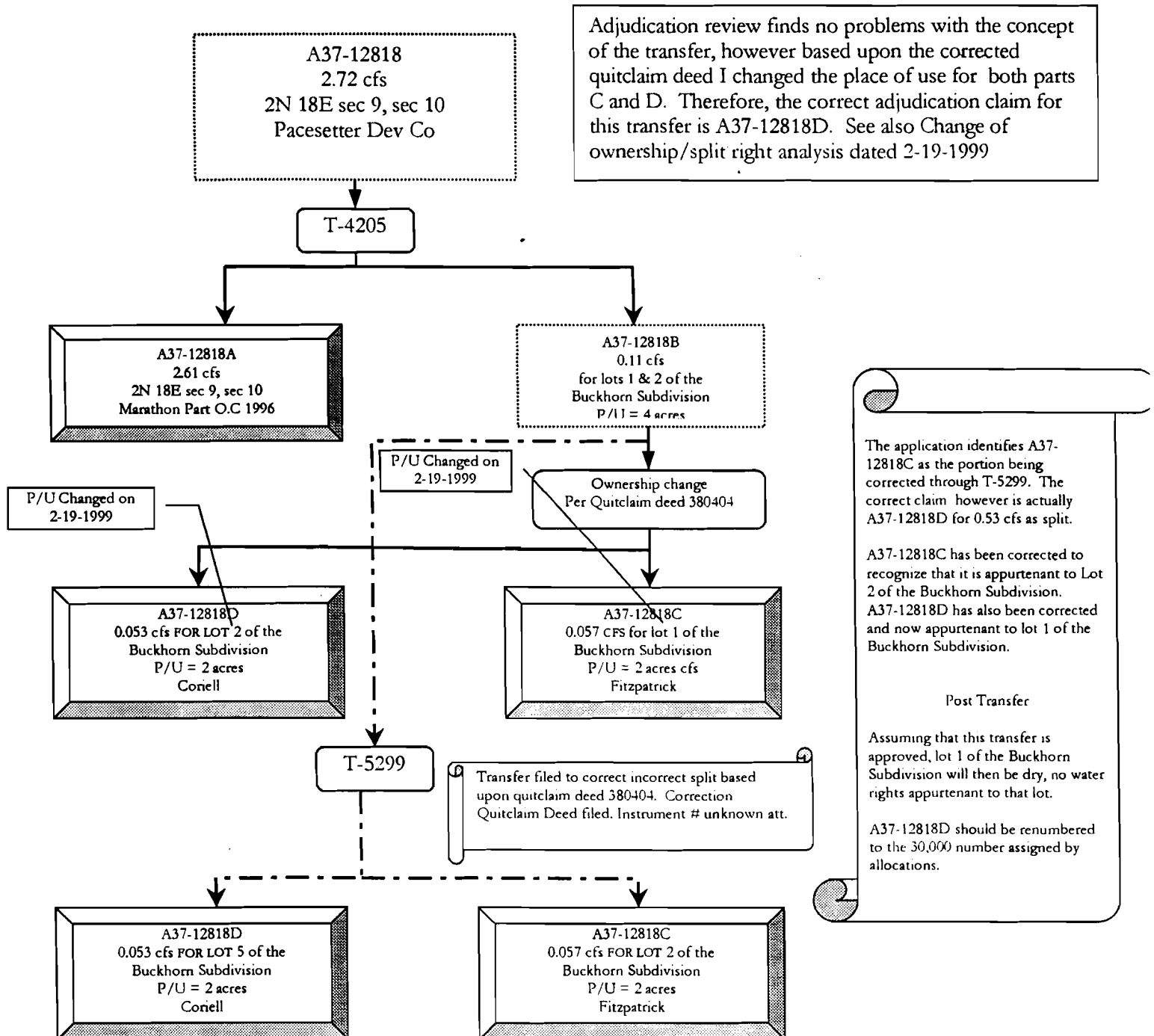
Actions required after approved transfer 5299

- Change the number of claim A37-12818D to the assigned 37-30000? number. This is to keep all 'Riley Right' rights within the 30,000 series.
- Update that claim with the current approved transfer data.

Kelly K Christensen
Senior Water Resource Agent

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5299
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 02/19/99



TO: File

DATE: April 24, 1998

FROM: Jim Stanton

SUBJECT: Claims A37-12818C & D, X37-12818B

437-12818D
Transfer #4205, approved 3-17-1995, moved 0.11 cfs of the Riley Right to Lots 1 & 2 of the Buckhorn Subdivision First Addition. Lot 1 is in the NE/NW Sec. 4 T. 2N R. 18E, and Lot 2 is in this tract (about 0.2 ac) and in the SE/SW Sec. 33 T. 3N R. 18E (1.8 ac). Each lot is about 2 acres. J. P. Fitzpatrick owned both lots. In July of 1995, Fitzpatrick erroneously quitclaimed Lot 2 and half of the transferred claim to Randy & Teresa Coriell; this portion was given the number of 12818D. The remaining portion of the claim, appurtenant to Lot 1, was numbered 12818C. It was Fitzpatrick's intention to sell the water off of Lot 1 to Coriell for use on Lot 5, which is in the north end of the SE/SW Sec. 33; Coriell got the land from a different party without water rights. In September of 1997, we got a change of ownership and quitclaim deed for Lot 2 to Jim & Michelle Kukurin. As this land was shown in the name of Coriell instead of Fitzpatrick, correspondence to the various parties was sent by SRBA staff in order to straighten out this mess.

Jim Speck has just filed an app. for transfer to correct the record, and has explained the situation to me. One problem was that T. 4205 had no subdivision descriptions in any of the paper records in our office. In order to understand the transfer, I have had to dig into this mess.

As of right now, Coriell's Lot 5 has no recorded water rights. His water is still on Lot 1 in Sec. 4 instead of in Sec. 33 where it belongs. The new transfer will correct this. The D portion of the right belongs to Kukurin; Fitzpatrick or Jim Speck need to withdraw the original faulty quitclaim deed that gave Lot 2 to Coriell.

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent VIKIE HANCOCK

DATE February 9, 1998

CUSTOMER: Jim Speck

walk-in () phone (x)

SUBJECT: Ownership change submitted 10-2-97. Fitzpatrick to Kukurin. A37-12818B - split to A37-12818C and -12818D.

Mr. Speck replied to my letter dated Jan 27, 1998. He reported that: A) Lot 2 was never purchased by Coriell, just the water rights were, and he referenced here a lot 5 (This confused me, but I didn't pursue it) and that B) Fitzpatrick sold lot 1 without water rights. Now he has sold lot 2 to Kukurin and Kukurin wants water rights, so Fitzpatrick will be in to transfer water from lot 1 to lot 2.

I informed Mr. Speck that I would place all the previous documents and correspondence in the file and wait for the transfer to proceed before doing anything with the Adjudication claim.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 27, 1998

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

RE: SRBA Claim Numbers A37-12818C AND A37-12818D
J. Peter Fitzpatrick, Client

Dear Mr. Speck:

On October 2, 1997 we recieved a Change of Ownership request from J. Peter and Claire B. Fitzpartick conveying their Adjudication Claim to Jim and Michelle Kukurin. A Warranty Deed dated September 4, 1997 (enclosed) was included with the request to document change of ownership of the property. The property described in this Warranty Deed is Lot 2 in Block 1 of Buckhorn Subdivision, First Addition. Although the Notice of Change of Ownership refers to claim number A37-12818B, this claim was split June 16, 1996 into claim numbers A37-12818C (Fitzpatrick) and A37-12818D (Coriell).

At the time of the split, we asked for clarification of the division of the properties. In a letter dated June 21, 1996, your office stated that Fitzpatrick retained the two acres in Section 4, T2N, T18E, and that Coriell now owned the two acres in Section 33, T3N, R18E. A Quitclaim Deed submitted with that Notice of Change of Ownership (enclosed) verified that the parcel conveyed to the Coriells was Lot 2 Buckhorn Subdivision, which, according to a Plat Map of the subdivision is in Section 33, T3N, R18E.

The question arises as to whether the Fitzpatricks re-acquired the parcel known as Lot 2 from the Coriells and are now re-selling to the Kukurins, or has a mistake been made in the division of the water rights. I am enclosing several documents which may help explain my confusion, and would greatly appreciate your assistance in this matter.

Sincerely,

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

Vikie Hancock
SRBA Records Clerk

BLAINE COUNTY TITLE

SCOTT E. MARY
PRESIDENT

DARYL J. FAUTH
VICE PRESIDENT

208 SPRUCE AVENUE NORTH
P.O. BOX 3176 - KETCHUM, IDAHO 83340
(208) 726-0700
(208) 726-8406 (FAX)
1-800-346-6879
(OUTSIDE OF IDAHO)

RECEIVED
OCT 02 1997
Department of Water Resources
Southern Region

IDWR Southern Region
222 Shoshone St. E.
Twin Falls, ID 83301-6105

September 29, 1997

RE: Escrow No. 97008132 Kukurin

Dear Water Resources,

With regards to the above described real estate transaction, please find enclosed the following:

____ Title Commitment
____ Closing Statement
____ Deed of Trust - Instrument No. _____
____ Note
____ **XX** Warranty Deed - Instrument No. _____
____ Quitclaim Deed - Instrument No. _____
____ Escrow Instructions
____ Tax Notice
____ Insurance Binder
____ Lender's Documents
____ Cover Letter(s) - Copy
____ Owner's Policy No. _____
____ Mortgagee's Policy No. _____
____ Endorsements _____
____ Lot Book Report
____ Lien Affidavit
____ **XX** Other: Copy of plat map
____ **XX** Other: Original change of water right ownership
____ Check # _____ in the amount of \$ _____
____ Representing: _____

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


Melody Odegard
Escrow Officer

Lot 2 = Sec 33 T3N R18E
2 ac SE SW

Lot 1 = Sec 4 T2N R18E
2 ac NE NW

A37-12818B created by
Transfer 4205 +

A37-12818B = Lots 1 & 2
Buckhorn Sub

A37-12818B split to C&D

- Cornell bought Lot 2 7/95
12818D

- Fitzpatrick kept lot 1
12818C

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

June 21, 1996

RECEIVED

JUN 24 1996

Department of Water Resources
Southern Region

Tara L. Backlund
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: A37-12818B/Fitzpatrick and Coriell

Dear Tara:

Thank you for your letter alerting me to the mistake in the amended claims. The correct information regarding place of use for each of the above-referenced parties is:

Fitzpatrick - T2N, R18E, Section 4
Coriell - T3N, R18E, Section 33

I apologize for the inconvenience and appreciate your assistance. If you require further information, please do not hesitate to contact me.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

NOV 23 1996



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

JUNE 19, 1996

MICHELE MESKE
HOGUE SPECK & ANNESTAD
PO BOX 987
KETCHUM ID 83340

RE: A37-12818B FOR FITZPATRICK & CORIELL

DEAR MS. MESKE:

I AM WORKING ON SPLITTING THIS SRBA CLAIM FOR THESE CLAIMANTS. I HAVE ALL THE INFORMATION EXCEPT FOR THE LOCATION OF THE ACREAGE.

A37-12818B WAS MADE BASED ON TRANSFER NUMBER 4205. IT HAS TWO ACRES IN T3N, R18E, SEC 33 SESW, AND TWO ACRES IN T2N, R18E, SEC 4 NENW. IN THE AMENDED CLAIMS THAT WERE SENT HERE BOTH HAVE TWO ACRES IN 3N, 18E, SEC 33. COULD YOU PLEASE CLARIFY WHO IS IN WHICH SECTION. I AM SENDING A COPY OF THE TRANSFER.

IF YOU COULD SEND ME THIS INFORMATION, IT WOULD BE APPRECIATED. IF YOU HAVE ANY QUESTIONS, PLEASE GIVE ME A CALL. THANK YOU FOR YOUR TIME.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L BACKLUND
SRBA RECORDS CLERK

ENCLOSURES

JUN 28 1996

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
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(208) 788-3567
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TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

June 7, 1996

RECEIVED

JUN 10 1996

Department of Water Resources
Southern Region

Ms. Tara Backlund
Idaho Dept. of Water Resources
222 Shoshone East
Twin Falls, ID 83301

Re: SRBA Claim A37-12818

Dear Tara:

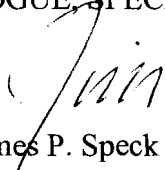
Enclosed you will find for filing in the SRBA a New Property Owner Notice of Change of Water Right Ownership, Claimant Acknowledgment of Change in Attorney, and Amended Notice of Claim for that portion of Claim No. A37-12818 acquired by Randy and Teresa Coriell from Peter and Claire Fitzpatrick. You should now be able to complete your records of this final split in this portion of this water right and return to me copies of the amended claims for both the Fitzpatricks and Coriells as entered in your database.

I will be out of the office from until August 12, 1996. If any questions concerning this arise during my absence which cannot wait until I return, please contact my associate, Michele Meske.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS:jrs

c: Randy and Teresa Coriell (w/ encl.)

Peter and Claire Fitzpatrick (w/o encl.)

JUN 20 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

January 22, 1996

Idaho Department of Water Resources
Southern Region Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: Water Right No. A37-12818

Dear Water Resources:

Enclosed for processing and filing is a Notice of Change of Water Right Ownership, Claimant Acknowledgment of Change in Attorney, and Amended Notice of Claim to Water Right for J. Peter and Claire B. Fitzpatrick regarding the above-referenced water right.

If you have questions or require further information, please contact me.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

1/22/96 11:40 am

NOV 20 1996



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 5, 1996

JAMES SPECK
HOUGE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA CLAIM A37-12818^β(FITZPATRICK)

DEAR MR. SPECK:

THANK YOU FOR INFORMING US OF THIS OWNERSHIP CHANGE SPLIT. I NEED TO HAVE SOME ADDITIONAL INFORMATION.

FIRST, THIS CLAIM IS FOR .110 CFS, NOT .106 CFS. DO YOU STILL WANT TO SPLIT THIS IN HALF? I ALSO NEED TO ASK FOR SOME INFORMATION ON RANDY & TERESA CORIELL. I CAN COMPLETE THE SPLIT FOR YOUR CLIENT'S PROPERTY. I CAN ONLY PUT THE CORIELLS AS A PRESENT OWNERS, NOT THE CURRENT OWNERS ON THE OTHER CLAIM BECAUSE I DO NOT HAVE THEIR SIGNATURE ON ANY PAPERWORK.

I HAVE PUT YOU ON AS ATTORNEY AND UPDATED THE FITZPATRICKS' CURRENT ADDRESS. I AM SENDING A PROOF REPORT OF THE CLAIM AS IT STANDS NOW. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

NOV 28 1996

Water Right Number - A37-12818B

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT CLAIM1 -
2 -
3 -City- XX
Phone - 208-000-0000

State- ID Zip- XX

*** O - ORIGINAL OWNER ***
PACESETTER DEVELOPMENT COMPANY1 - 4540 CAMPUS DRIVE
2 -
3 -City- NEWPORT BEACH
Phone - 714-852-8600

State- CA Zip- 92660

FITZPATRICK

J PETER

1 - 7511 GILBRALTER STREET

2 -
3 -City- CARLSBAD
Phone - 619-436-3115

State- CA Zip- 92009

FITZPATRICK

CLAIRE B

1 - 7511 GILBRALTER STREET

2 -
3 -City- CARLSBAD
Phone - 619-436-3115

State- CA Zip- 92009

SPECK

JAMES P

1 - C/O HOUGE SPECK & AANESTAD

2 -
3 -City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

SPECK

JAMES P

1 - HOGUE SPECK & AANESTAD

2 - PO BOX 987
3 -City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

+ - - Priority Date - - +
03/24/1883+ - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - +

+ - - - Status - - - +
Z - SEE REMARKS+ - - - - Source - - - - - +
BIG WOOD RIVER
SPLIT+ - - - - Tributary - - - - - +
MALAD RIVER

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
03N	18E	20	SW NW		(13)	BLAINE

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01	IRRIGATION	04/15	10/15	0.110	14.00	

NOV 2 1996

Prefix Translation: ADJUDICATION CLAIM

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+									
	TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
	02N	18E	4	NE NW		2.0	01	IRRIGATION	(13) BLAINE
	03N	18E	33	SE SW		2.0	01	IRRIGATION	(13) BLAINE

♦ Remarks ♦

GEN 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:
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.
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.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE RESULTED IN A SPLIT INTO A37-12818C(FITZPATRICK)
AND A37-12818D(CORIELL). 6/19/96 TLB

Water right number - A37-128188

Prefix Translation: ADJUDICATION CLAIM

```

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
      No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
S. C. FROST ET. AL.                  ALTURUS WATER COMPANY, ET. AL.      00/00/0000

+ - - - - -Comments- - - - - +
      No Comments Found

+ - - Audit Fields - - +
      00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

      Court Report Filing - 00/00/0000      Field Inspection Made - 00/00/0000      Civil Case Number - 39576
      Objection Filed Date - 00/00/0000      Field Inspection Flag -
      Response Filed Date - 00/00/0000      Verified Date - 00/00/0000      Old Case Number -
      Claim Received Date - 02/03/1989      Last Amended Date - 09/05/1995      Old Judicial District -
                                          Receipt Number - X777777      Temporary Right - P
                                          POU Ownership Flag - Y      Water District -
                                          Name Connector - AND/OR      Federal/State Indicator - S
                                          Notice of Error Flag -
  
```

NOV 29 1996

Form 42-1409(a)

RECEIVED

JUN 10 1996

**Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication (SRBA)**

Name(s) of Claimant (please print):

Department of Water Resources
Southern RegionRandy E. Coriell and Teresa B. Coriell

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

James P. SpeckHogue, Speck & AanestadP.O. Box 987Ketchum, ID 83340Attorney's Phone 208-726-4421

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A37-12818C

For Individuals:

Authorized signature(s) Date 5/29/96

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____



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

JUN 25, 1996

MICHELE MESKE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA CLAIM(S) A37-12818B (A37-12818C & A37-12818D
FITZPATRICK & CORIELL FOR JAMES SPECK

DEAR MS. MESKE:

PURSUANT TO THE NOTIFICATION THAT YOUR CLIENT(S) HAVE PURCHASED
PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE
CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES
ARE 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
SRBA RECORDS CLERK

ENCLOSURES

NOV 28 1996



Sta' of Idaho

DEPARTMENT OF WATER RESOURCES

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

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Governor

KARL J. DREHER
Director

JUN 25, 1996

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HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

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SINCERELY,

TARA L. BACKLUND
SRBA RECORDS CLERK

ENCLOSURES

NOV 28 1996