

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 37-21113
Date Received: 6/9/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	18E	20	SE	SW	NW	BLAINE	

5. Description of diverting works:

VIA HEADGATE #22 & HIAWATHA CANAL

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
02N	18E	10	SW	NW	IRRIGATION	1
Section Acres						1
Total Acres						1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

6/9/2003. WATER RIGHT 37-21113 REPRESENTS SURFACE WATER IN BIG WOOD RIVER USED TO MITIGATE GROUND WATER LICENSE 37-8820. THE AMOUNT OF WATER DESCRIBED IN THIS RIGHT IS TO REMAIN NON-DIVERTED FROM THE BIG WOOD RIVER AND THE PLACE OF USE DESCRIBED IN THIS RIGHT DRIED UP. THE USE REMAINS LISTED AS IRRIGATION, AS A TRANSFER OF NATURE OF USE HAS NOT BEEN FILED AS OF THIS DATE. - VH

15. Basis of Claim: Decreed

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

May 19, 2003

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

RECEIVED
MAY 21 2003
Department of Water Resources
Southern Region

**Re: Marathon Partners - Rod Thornton -
Notice of Change in Water Right Ownership**

Dear Vicki:

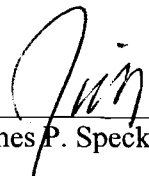
Pursuant to my discussions with Shelley Keen Marathon Partners has executed a Correction Quitclaim Deed to correct the legal description of the lands irrigated by a portion of Water Right No. 37-577 (claimed in the SRBA as 37-12818A) originally conveyed to Rod Thornton in 1995. Mr. Thornton has now signed and I am enclosing the original and one copy of a Notice of Change in Water Right Ownership based on this Correction Quitclaim Deed. For your easy reference, I am also enclosing a copy of the Notice of Change in Water Right Ownership based upon the original Quitclaim Deed filed with the Department February 7, 2001.

We are requesting that the original Notice of Change in Water Right Ownership be withdrawn as it was never properly processed into a split of the base water right. Instead, we ask that the water right be split on the basis of the Correction Quitclaim Deed so that the remaining portion owned by Marathon Partners remains appurtenant to the lands it continues to irrigate within what is commonly referred to as the Hidden Meadows Subdivision parcel. Please call me right away if you have any questions or concerns about this request.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

Enclosures

cc: Rod Thornton (w/encls.)
Ed Dumke (w/encls.)

Shelley Keen (w/encls.)

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

RECEIVED
MAY 21 2003
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-577	37-12818A	☒			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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**.

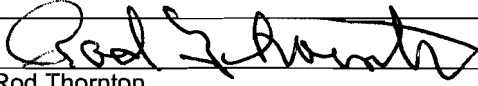
3. Name and Address of Former Owner/Claimant(s) Marathon Partners
c/o Ed Dumke, P.O. Box 3118, Ketchum, ID 83340
4. New Owner/Claimant(s) Rod Thornton
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 246
- City, State and ZIP Code Ketchum, ID 83340
- New Telephone Number (208) 788-2113
5. Date you acquired the property June 5, 1995

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 <u>37-577</u>		
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	<u>0.026 cfs</u>	<u>1 acre</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.026 cfs</u>	

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 <u>37-12818A</u>		
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	<u>0.026 cfs</u>	<u>1 acre</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.026 cfs</u>	

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


Rod Thornton

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

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

(space above line for Recorder's use)

CORRECTION QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, Idaho 83340 (the "Grantor"), does hereby convey, release, remise and forever quitclaim to ROD THORNTON, whose address is P. O. Box 246, Ketchum, Idaho 83340 (the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

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

THIS CORRECTION QUITCLAIM DEED IS RECORDED TO CORRECT THE LEGAL DESCRIPTION OF THE LANDS IRRIGATED BY THE WATER RIGHT DESCRIBED ABOVE IN THAT CERTAIN QUITCLAIM DEED RECORDED JUNE 5, 1995 AS INSTRUMENT NO. 378963, RECORDS OF BLAINE COUNTY, IDAHO.

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

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

DATED this 13 day of May, 2003.

GRANTOR:

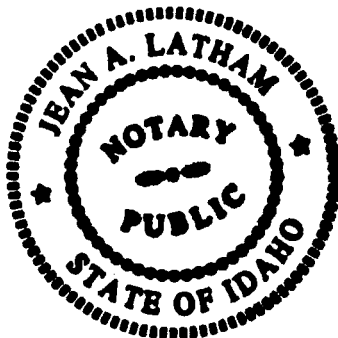
MARATHON PARTNERS, an Idaho
general partnership

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

STATE OF IDAHO)
) ss.
County of Blaine)

On this 13th day of May, 2003, before me, the undersigned, a notary
public in and for said state, personally appeared EDMUND E. DUMKE, known to me to be the
person whose name is subscribed to the within instrument, and acknowledged to me that he executed
the same.

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



Jean A. Latham
Notary Public for Idaho
Residing at: Blaine Co
Comm. Expires: 1-25-07

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818A

WATER RIGHT NUMBER: 37-12818A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARATHON PARTNERS C/O EDMUND E DUMKE PO BOX 3118 KETCHUM, ID 83340 (208)726-2600
Current Owner	GREGG STURTEVANT PO BOX 2924 KETCHUM, ID 83340-2924 (208)726-3250
Original Owner	KEITH FRIEDLY PO BOX 1770 HAILEY, ID 83333 (208)726-3250
Current Owner	ROD THORNTON PO BOX 246 KETCHUM, ID 83340 (208)788-2113
Current Owner	BLAINE COUNTY SCHOOL DISTRICT #61 118 W BULLION ST HAILEY, ID 83333 (208)788-2296
Original Owner	PACESETTER DEVELOPMENT co 4540 CAMPUS DR NEWPORT BEACH, CA 92660 (714)852-8600
Current Owner	JOHN MILEY PO BOX 3010 HAILEY, ID 83333 (208)578-7882

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.610 CFS	
	<u>Total Diversion:</u>	2.610 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	
-----	-----	-----	--	----	--	----	--	----	--	----	--

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818A

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 18E 9	2.0																	2.0
02N 18E 10						37.0	17.0	27.0	16.0									97.0

Total Acres: 99

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
***** THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205.
***** OWNERSHIP CHANGE MADE 2-22-92 BY TLB.
| CORRECTED DATA ENTRY BY DELETING SPECK AS ORIG ATTORNEY FOR FORMER OWNER.
2. General THE CURRENT JOINT OWNERS OF CLAIM 37-12818A AND THEIR RESPECTIVE PORTIONS ARE: MARATHON PARTNERS, 54 ACRES AND 1.419 CFS FOR IRRIGATION. GREGG STURTEVANT, 3 AC. AND 0.079 CFS FOR USE AS MITIGATION FOR GROUND WATER RIGHT 37-8587. JOHN AND CYNTHIA MILEY, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8819. ROD THORNTON, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8820. BLAINE COUNTY SCHOOL DIST, 40 AC AND 1.06 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8821. SEE DEEDS IN FILE. - VH 8-23-2002.

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:
 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

RECEIVED

MAY 21 2003

Department of Water Resources
Southern Region

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

RECEIVED

FEB 07 2001

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-00577		X			
	A37-12818A	X			

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

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Marathon Partners
c/o Edmund E. Dumke, P Box 3118, Ketchum, ID 83340
4. New Owner/Claimant(s) Rod Thornton
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address PO Box 246
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208) 788-2113
5. Date you acquired the property June 5, 1995

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

RECEIVED

JUN - 7 1995

Hogue, Speck & A

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

STATE OF IDAHO

COUNTY OF BLAINE

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

AT 4:00 O'CLOCK P.M.

6-5 AD 19 95

BY MPP EX-OFFICIO RECORDER

DEPUTY

FEES \$ 6.00

Deed

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto ROD THORNTON, whose address is P. O. Box 246, Ketchum, ID 83340 (hereinafter collectively referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises, situated in Blaine County, Idaho, to wit:

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

SEE
corrected
deed dated
5-13-2003

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

QUITCLAIM DEED - 1

and profits thereof.

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

DATED this 15 day of March, 1993.

GRANTOR:

MARATHON PARTNERS, an Idaho
general partnership

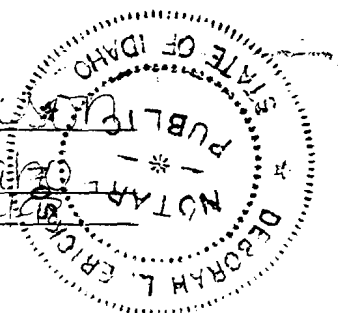
By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

STATE OF IDAHO)
) ss.
County of Blaine)

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

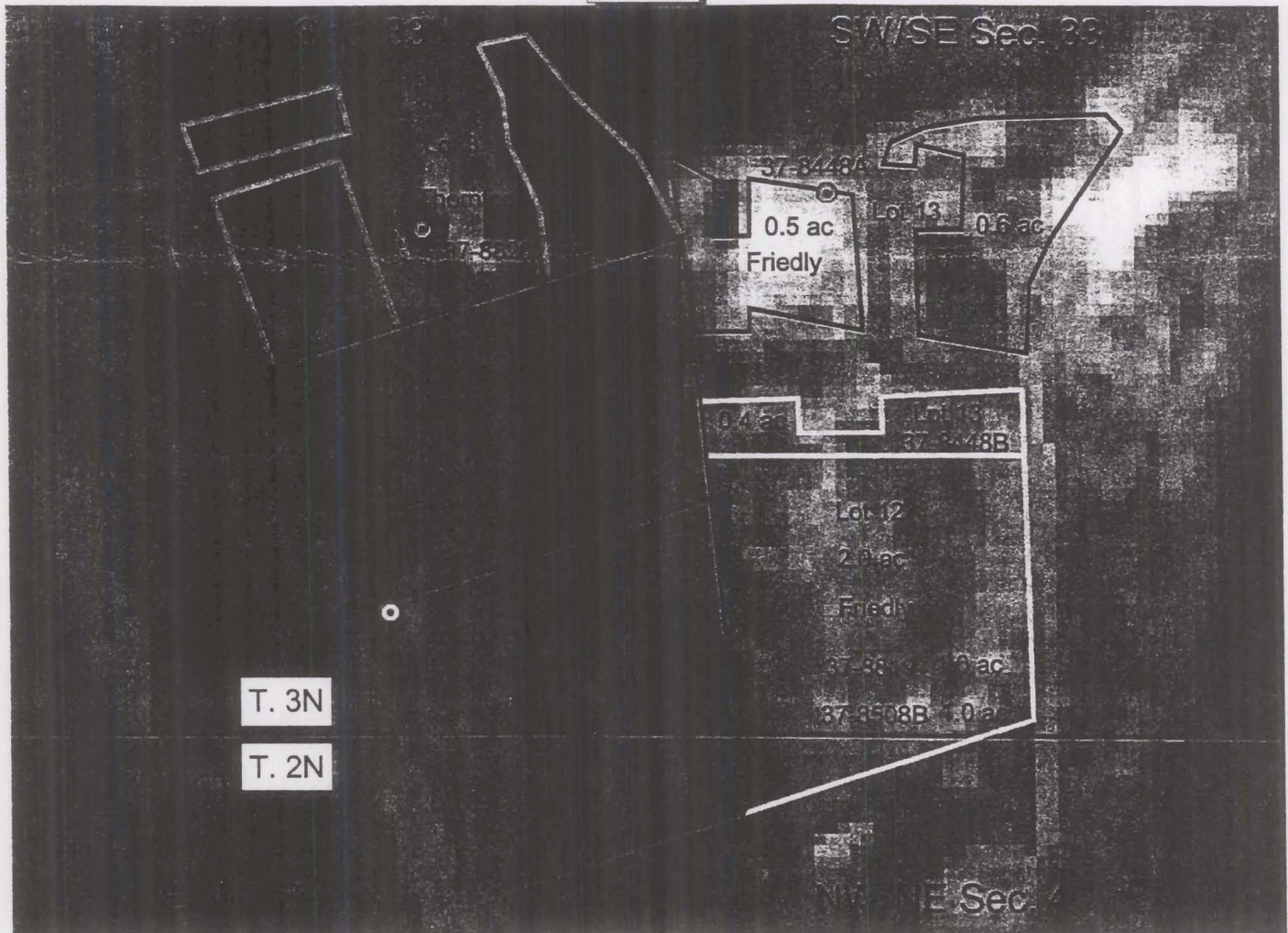
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Deborah L. Erickson
Notary Public for Idaho
Residing at: 41114 Idaho
Commission expires: 9/22/98



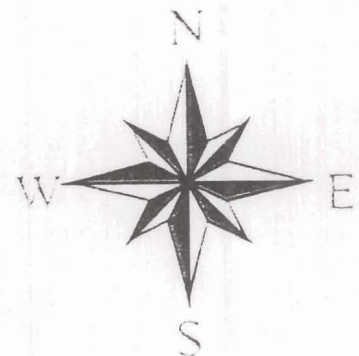
P/U & P/D, 37-8448, 8508, 8819, 8820

R. 18E



● Private Irrigation Well

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



Prepared By J E Stanton 1-17-01

01/06/2007

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

RIGHT NUMBER: 37-21113

NAME AND ADDRESS: C ROD THORNTON
PO BOX 246
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.026 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-8820. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.026 cfs of this right, which shall remain undiverted in the Big Wood River.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-8820. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-8820 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T03N R18E S20 SWNW 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	0.026 CFS

PLACE OF USE: MITIGATION in BLAINE County

T02N R18E S10 SWNW

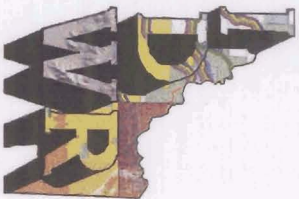
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RIGHT 37-21113 IS A PORTION OF RIGHT 37-12818A, WHICH IS A PORTION OF 37-577.

PORTIONS OF RIGHT 37-12818A ARE: 37-21112 THRU 37-21116.



Idaho Department of Water Resources

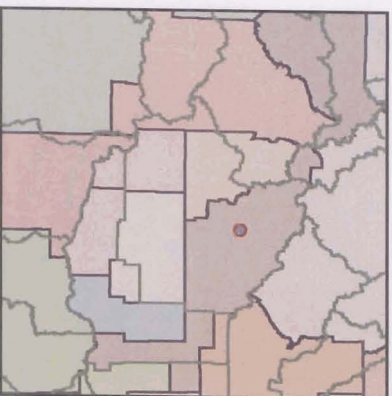
SRBA Recommendation:

37-21113

(Mitigation)

Legend

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



Blaine County
IDWR Basin 37



T02N

R18E



Prepared by S. Keen
On Saturday, January 6, 2007
2004 Aerial Photography



Idaho Department of Water Resources

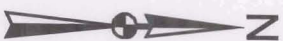
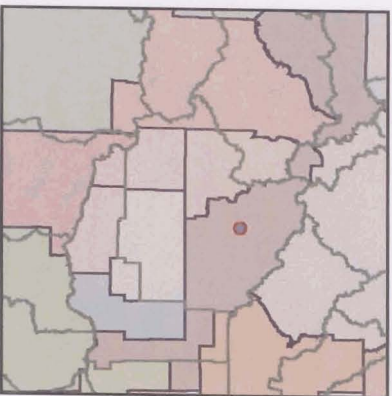
SRBA Recommendation:

37-21113

(Mitigation)

Legend

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



T02N

R18E



Prepared by S. Keen
On Saturday, January 6, 2007
2004 Aerial Photography

37-21113 Claim Review

S. Keen
1/6/2007

POD - Hiawatha Canal

POU - ~~I~~ I couldn't discern which particular acre was to be dried up for mitigation, so I chose a 1-acre area within the Deerfield Subdivision and made a shapefile.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 9, 2003

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

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

Dear Mr. Speck:

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

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

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

Sincerely,

Vikie Hancock

NOTE TO FILE

From: Vikie Hancock

6/9/03

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

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

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

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

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

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

Southern

State of Idaho
Department of Water Resources
Water Right License

RECEIVED

JUN 11 2001

Department of Water Resources
Boise, Idaho

WATER RIGHT NO. 37-08820

Priority: April 29, 1993

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

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

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.02 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 03N, Rge 18E, B.M., BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 33												.9				.3	1.2

Total Acres: 1.2

CONDITIONS OF APPROVAL

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

578820

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08820

6. Use of water under this right may be affected by an agreement between the protestant and the right holder.
7. The right holder shall install and maintain a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. Diversion and use of water shall only occur at those times when water is available to fill Right 37-00577BN.

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

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

Acting for


KARL J. DREHER
Director