

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 37-21604
Date Received: 11/4/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

PETER MADSEN Phone: (208)788-9061
PO BOX 334
HAILEY ID 83333

VICTORIA MADSEN Phone: (208)788-9061
PO BOX 334
HAILEY ID 83333

2. Date of Priority: 04/21/1970

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	25	NW NE SW	BLAINE	

5. Description of diverting works:

WELL, PUMP, 2 WHEEL-LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.26	

7. Total Quantity Appropriated is:
0.26 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
01N	18E	25	NE	SW	IRRIGATION	13
					Section Acres	13
					Total Acres	13

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:

OWNERSHIP CHANGE MADE 3/4/96 BY TLB.

SUPPLEMENT TO BIG WOOD RIVER WATER...A37-00102.

***** PURSUANT TO
APPROVED TRANSFER NO. 3766: 1. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL
PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.

2. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED ON OR BEFORE APRIL
15, 1994.

3. 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RESCINDED.

4. 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.

This right is a split from former right 37-7064b.

Place of use also known as Lot 2, Okeon Subdivision.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2005

PETER MADSEN
VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

RE: SRBA Claim(s) 37-7064B

Dear Claimant:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-21604.

Enclosed please find your copy of the computer-generated claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Form 42-2005-1-00000 July, 2004

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

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

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
377064B					

*Attached
Deed*

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)

Mel Olson, Trustee

4. New Owner/Claimant(s)

Peter & Victoria Madson

Name Contributor (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Box 334

City, State and ZIP Code

Hailey, Id. 83333

New Telephone Number

208 788-9061

5. Date you acquired the property

9/16/03

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Department of Water Resources
 Southern Region

Form 42-24C (1-14-09) July, 2004

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>37-7064B</u> Madsen		
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>.26 CFS</u>	<u>13 Acres</u>
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 <u>37-7064B</u> O'Keefe		
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>.46 CFS</u>	<u>23 Acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

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

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

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Department of Water Resources
Southern Region

Order No. 63284

Instrument # 491507
HAILEY, BLAINE, IDAHO
2003-09-16 04:14:00 No. of Pages: 1
Recorded for: AMERITITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTYDCORP deed

WARRANTY DEED

FOR VALUE RECEIVED and as replacement property in an IRC 1031 Tax Deferred Exchange

MEL OKEON, TRUSTEE OF P.S.T.

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

PETER MADSEN and VICTORIA A. MADSEN, husband and wife

GRANTEE(s) whose address is: PO Box 334, Hailey, ID 83333-0334

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

Lot 2 of Okeon Subdivision, according to the official plat thereof, recorded as Instrument No. 482444, records of Blaine County, Idaho.

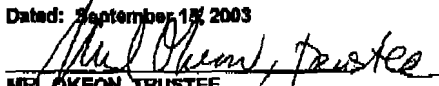
TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS:

Permit No. 377064B with a priority date of 1970

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: September 15, 2003

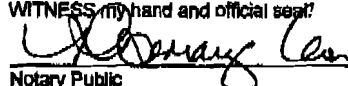

MEL OKEON, TRUSTEE

State of Idaho California }

County of Blaine Kings }

On this 15th day of September, in the year 2003, before me, the undersigned, personally appeared MEL OKEON, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as trustee(s) of the P.S.T. TRUST, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal:


Notary Public

Commission Expires: 6.4.07



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Department of Water Resources
Southern Region

OKEON SUBDIVISION
LOCATED WITHIN SECTION 25, TOWNSHIP 1 NORTH, RANGE 18 EAST,
BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SURVEYOR'S CERTIFICATE

I, STEVEN W. SCHWARTZ, a duly Registered Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with Idaho State Code relating to plats and surveys.



COUNTY SURVEYOR'S APPROVAL

Steven W. Schwartz, P.L.S.

This is to certify that I, Jim W. Koontz, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koontz

COUNTY PLANNING & ZONING APPROVAL

The foregoing plat was approved and accepted this 22nd day of July

COUNTY COMMISSIONER'S APPROVAL

The foregoing plat was approved and accepted this 23rd day of July

COUNTY TREASURER'S CERTIFICATE

On this 20th day of July, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

COUNTY RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed at the request of _____ of _____, Blaine County, Idaho, on this _____ day of _____, 2002, at _____ o'clock _____ A.M., in my office and duly recorded in book _____ of plats of page _____ of _____.

PROJECT NO. 00156
DATE: 12/29/01
PLAT BY: SFL
PLAT FILE: 08/SECTION 25
BOOK: 180, PAGE: 18
SECTION 25, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO
OKEON SUBDIVISION

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that MEL OKEON, as TRUSTEE OF P.S.T., does hereby certify that said trust is the owner of a certain parcel of land described as follows:

A portion of land within Section 25, Township 1 North, Range 18 East, Blaine Meridian, Blaine County, Idaho, more particularly described as follows:
Beginning at the Southeast Corner of the NE1/4SW1/4 of said Section 25, said point being the REAL POINT OF BEGINNING; THENCE S 85° 25' 05" W, 1402.51' to the Eastern Right of Way of Highway 75, THENCE along said Eastern Right of Way the following course and distance: N 8° 21' 57" E 765.61'; THENCE 414.18' along a curve to the right having a radius of 2824.75', through a Central Angle of 8° 22' 03", and a Chord which bears N 4° 13' 51" E, 183.20'; THENCE N 14° 45' 20" E, 1135.80' to the center 1/4 line of said Section 25, THENCE S 00° 18' 56" E, 1534.70' more or less to the REAL POINT OF BEGINNING.

The undersigned acknowledge and agree that the property described above is either located in, or near, an agricultural zone, and that lawful activities within an agricultural zone may occur during the day or night, and may result in the production of noise, odors and dust, and may involve lighting, spraying, machinery and other incumbrances. Each of the undersigned acknowledges that the deed conveying title will contain a restriction that will prohibit disturbing all agricultural uses or operations authorized by the Blaine County Zoning Ordinance and amended within one (1) mile of the property described above that were lawfully occurring, or authorized by any governmental agency, as of the date of each deed conveying any right, title or interest in the property which one (1) mile of the property described above, hereby waives any right of action or cause of action the undersigned may have under law to challenge any such lawfully occurring or authorized agricultural uses or operations.

The easements shown hereon are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved forever. No structures other than for such utility and other designated uses are to be erected within the lines of said easements. This plat will be served by _____, an individual, domestic, with _____, pursuant to Idaho Code 50-1334, the undersigned, as owner, further certifies that the lots on this plat are the intention of the undersigned to include said land in this plat.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of January 2002.

MEL OKEON, Trustee of P.S.T.

ACKNOWLEDGEMENT

COUNTY OF KINGS
STATE OF CH.
On this 17th day of JAN, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument as Trustee of P.S.T., and acknowledged to me that said party executed the same.

My commission expires _____

Notary Public Kate R. Gilliam
COUNTY OF KINGS
STATE OF CH.
My commission expires _____



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Department of Water Resources
Southern Region



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

DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 4, 2005

HAILEY ID 83333

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-102C

To Whom It May Concern:

A clip of a 1987 NAPP photo shows the claimed place of use for 37-102C and the allocations place of use for 37-102B. A copy of the claim and water right is enclosed for your use. I have not completed my review of this right, however, it appears that a portion of the right is also appurtenant to your property.

At this time I do not know the history of the delivery of surface water to ground in this area. This may have some bearing on the ultimate recommendation for portions of this right.

A change of ownership appears to be in order for your portion of claim 37-102C. Another change of ownership form is enclosed.

If you have any questions please give me a call or stop by the office and we can discuss the issues relating to this claim.

Sincerely

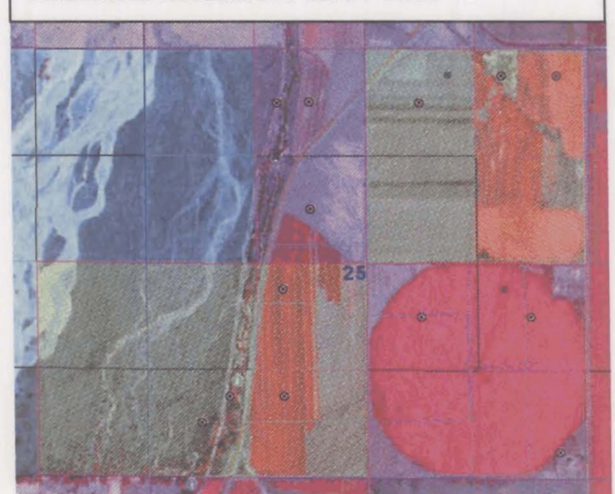
Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

Claimed P/U for 37-102C



Allocations recorded P/U for 37-102B



SCANNED
JUL 11 2008

12/18/2006
RECEIVED
DEC 26 2006
DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-21604

PETER MADSEN
PO BOX 334
HAILEY ID 83333
Telephone Number: (208)788-9061

VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333
Telephone Number: (208)788-9061

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/22/06 SIGNATURE: Peter Madsen - Victoria Madsen
Please print your name: PETER MADSEN - VICTORIA MADSEN

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

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JAN 03 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED
DEC 27 2006

12/12/2006

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

RIGHT NUMBER: 37-21604

NAME AND ADDRESS: PETER MADSEN
PO BOX 334
HAILEY ID 83333

VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
45.500 AFY

PRIORITY DATE: 04/21/1970

POINT OF DIVERSION:

T01N R18E S25 NWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.260 CFS 45.50 AFY

15

The use of water for irrigation under this right may begin as early as April and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S25	SE	5.90	T01N R18E S25	NESW	14.20
---------------	----	------	---------------	------	-------

20.1 ACRES TOTAL

This right is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.

Right Nos. 37-21948 and 37-21604 are limited to the irrigation of a combined total of 20.1 acres in a single irrigation season.

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 - License

This right is a split from former right 37-7064B.

Rights 37-21603 and 37-21604 share a common point of diversion.

Property is also known as Lot 2, Okeon Subdivision.

This right is supplemental to surface water.

Idaho Department of Water Resources

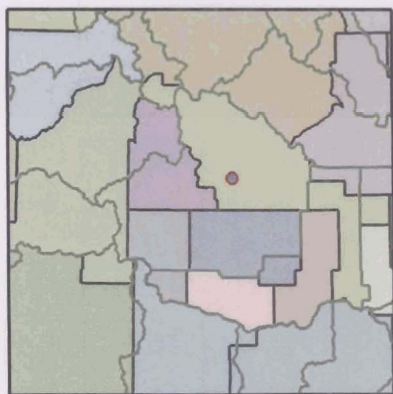
SRBA Recommendation:

37-21604

(Irrigation)

Legend

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



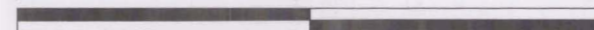
Blaine County
IDWR Basin 37



Prepared by A. Merritt
On Tuesday, December 12, 2006
2004 Aerial Photography



0 0.1 0.2 Miles



Owner: Peter Madsen

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Idaho Department of Water Resources

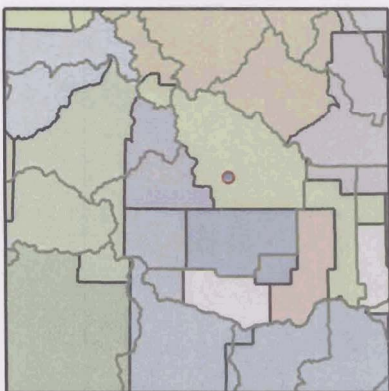
SRBA Recommendation:

37-21604

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Owner: Peter Madsen

may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Tuesday, December 12, 2006
2004 Aerial Photography

verified 12-22-06
J