

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 37-21948
Date Received: 7/10/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

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

2. Date of Priority: 06/01/1887

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
02N	18E	36	SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL #45

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.12	

7. Total Quantity Appropriated is:
1.12 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	SE	NW	IRRIGATION	5.6
			NE	SW	IRRIGATION	14.8
Section Acres						20.4
Total Acres						20.4

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:

SPLIT INTO 37-0102A & 37-0102B BY AMENDED TRANS. 259.
 THE CLAIMANT HAS NOW JOINED THE TWO WR PARTS BACK TOGETHER.
 SEE THE ATTACHMENTS DESCRIBING THE WR HISTORY.
 THE PROPERTY IS OWNED BY JOHN W. BROWN PROPERTIES, A JOINT VENTURE (PARTNERSHIP),
 JOHN SWEET--MANAGER.
 P/U IS 144.5 ACRES, SENW-- 33.25 ACRES, NENW-- 26.85 ACRES.
 ***** OWNERSHIP CHANGE MADE IN 7/27/95 RESULTED IN SPLIT.
 A37-00102A (6.34 CFS) BELONGS TO BROWN PROPERTIES WITH 114.9 ACRES. A37-00102B
 (1.66 CFS) BELONGS TO STENNETT/GRANT WITH 29.9 ACRES. WARRANTY DEED INCLUDED.
 ***** CHANGE OF OWNERSHIP - SPLIT RIGHT ***** THE ORIGINAL RIGHT
 WAS SPLIT BASED UPON FORM 42-1409-(7) SIGNED BY THE ORIGINAL OWNER AND THE CURRENT
 OWNER. THE FORM IDENTIFIED 124 INCHES BEING APPURTENANT TO THE PORTION OF PROPERTY
 SOLD. THE ATTACHED WARRANTY DEED IDENTIFIED THE ACRES AS THOSE IN THE S1/2 OF THE
 SW1/4 OF SEC 25. CHANGE MADE ON 2-27-96 BY KKC *****

This right is a split from former right 37-102C.

This right is a split from former right 37-21833.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

PETER MADSEN
VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

RE: SRBA Claim(s) 37-21833

Dear Mr. and Mrs. Madsen:

Pursuant to the notification that you own 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 37-21948.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



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

August 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

PETER & VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-21833

Dear Mr. and Mrs. Madsen:

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form so promptly. However, the Department does not consider a tax assessment notice sufficient proof of ownership. Specifically, a copy of your warranty deed, title policy, contract of sale (with attached legal description) or other legal document such as a deed of distribution or personal representatives deed is required.

If you cannot locate a copy of your warranty deed, title policy or contract of sale, a duplicate of your warranty deed may be obtained from the title company that issued your title insurance policy or from the Blaine County recorder's office. I will set aside your owner change form while you obtain the necessary document. Please send or fax to my attention by September 1, 2006.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

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

Trish Fawcett

Technical Records Specialist

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.

RECEIVED
 AUG 17 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
	37-21833	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 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)

4. New Owner/Claimant(s)

PETER & VICTORIA A MADSEN
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

PO BOX 334
 HAILEY IDAHO ID 83333
 (208) 788 9061

5. Date you acquired the property

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

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

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

For Office Use Only

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

Instrument 17 491001
 HAILEY, BL. & IDAHO
 2003-09-16 04:14:00 No. of Pages: 1
 Recorded for: AMERITITLE
 MARSHA RUEMANN Fee: 3.00
 Ex-Officio Recorder Deputy
 Index to: WITNOCORP DEED

Order No. 53284

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 16, 2003

Mel Okeon, Trustee
 MEL OKEON, TRUSTEE

State of Idaho California }
 } ss.

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:

Rosemary Leon
 Notary Public
 Commission Expires: 6-4-07



BLAINE COUNTY ASSESSOR
219 1ST AVE SE., SUITE 101
HAILEY, ID 83333

2006

THIS IS NOT A BILL
DO NOT PAY.

ASSESSMENT NOTICE

FOR APPEAL PROCESS-READ BACK OF FORM

PARCEL DESCRIPTION

GREEN SUB
LOT 2 20.50±
SEC 25, 1N 10E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 788-5535

PARCEL ADDRESS:

10629

STATE HIGHWAY 75

80000

Appears of your property value must be filed in writing, on a form provided by the County, by

JUNE 26, 2006

Tax Code Area: 13-0000

Parcel Number: RP 004390000.20 A

MADSEN PETER & VICTORIA A

BOX 334
HAILEY

ID 83333

CURRENT CATEGORY AND DESCRIPTION		ASSESSED VALUE OF YOUR PROPERTY		LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
		LOTS/ACRES			
15	RUR SUB RES	1.000	LT	350,000	455,000
SUBTOTAL:		1.000		350,000	455,000
LESS HOMEOWNERS EXEMPTION:					
NET TAXABLE PROPERTY VALUE:				350,000	455,000

These values may not include potential property value. For a complete list of values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION			
TAXING DISTRICTS	LAST YEAR'S TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
STATE		788-5506	NOT REQUIRED
COUNTY		788-5506	08/07/2006
AMBULANCE		788-2117	08/03/2006
RECREATION		788-2296	06/13/2006
SCHOOL DIST #61		788-2296	06/13/2006
SCHOOL BOND		788-3429	08/23/2006
BELLEVUE CEM		788-3429	08/23/2006
S CEM OVERRIDE		788-5577	08/23/2006
RURAL FIRE		788-4951	06/22/2006
FLOOD #9			
SUBTOTAL:			
FEES:			
TOTAL PROPERTY TAXES & FEES:			

THIS IS NOT A BILL. DO NOT PAY.

As the result of this notice, the following



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

August 9, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

PETER AND VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 37-21833 (Part)

Dear Mr. and Mrs. Madsen:

This Department has been notified you are the current owners of a portion of the property to which the above claim is appurtenant. In order for our records to be changed and to ensure you receive the Big Wood River water to which you are entitled, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership.

The department will soon begin its review of adjudication claims in the upper Big Wood River area and it is important that we have current information in our records. Please complete the Notice of Change in Water Right Ownership form according the instructions on pages 3 and 4 and return to this office by **August 25, 2006**. Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21948

WATER RIGHT NUMBER: 37-21948

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THE JOHN B BROWN PROPERTIES PARTNERSHIP C/O JOHN W SWEET 1605 5TH AVE N UNIT 301 SEATTLE, WA 98109 (206)283-8118
Current Owner	VICTORIA MADSEN PO BOX 334 HAILEY, ID 83333 (208)788-9061
Current Owner	PETER MADSEN PO BOX 334 HAILEY, ID 83333 (208)788-9061

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.120 CFS	
	<u>Total Diversion:</u>	1.120 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW 1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	25								5.6				14.8					20.4

Total Acres: 20.4

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21948

1. SPLIT INTO 37-0102A & 37-0102B BY AMENDED TRANS. 259.
 THE CLAIMANT HAS NOW JOINED THE TWO WR PARTS BACK TOGETHER.
 SEE THE ATTACHMENTS DESCRIBING THE WR HISTORY.
 THE PROPERTY IS OWNED BY JOHN W. BROWN PROPERTIES, A JOINT VENTURE
 (PARTNERSHIP), JOHN SWEET--MANAGER.
 P/U IS 144.5 ACRES, SENW-- 33.25 ACRES, NENW-- 26.85 ACRES.
 ***** OWNERSHIP CHANGE MADE IN 7/27/95 RESULTED IN SPLIT.
 A37-00102A (6.34 CFS) BELONGS TO BROWN PROPERTIES WITH 114.9 ACRES. A37-00102B
 (1.66 CFS) BELONGS TO STENNETT/GRANT WITH 29.9 ACRES. WARRANTY DEED INCLUDED.
 ***** CHANGE OF OWNERSHIP - SPLIT RIGHT ***** THE ORIGINAL RIGHT WAS
 SPLIT BASED UPON FORM 42-1409-(7) SIGNED BY THE ORIGINAL OWNER AND THE CURRENT
 OWNER. THE FORM IDENTIFIED 124 INCHES BEING APPURTENANT TO THE PORTION OF
 PROPERTY SOLD. THE ATTACHED WARRANTY DEED IDENTIFIED THE ACRES AS THOSE IN
 THE S1/2 OF THE SW1/4 OF SEC 25. CHANGE MADE ON 2-27-96 BY KKC *****
2. This right is a split from former right 37-102C.
3. This right is a split from former right 37-21833 .

Remarks:Comments:

1. tfawcett 8/24/2006 POU
 Comment: Updated Shape

Dates and Other Information:

Claim Received Date: 7/10/1989
 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

Combined Use Limits:Water Supply Bank:

12/18/2006

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 28 2006
DEPARTMENT OF
WATER RESOURCES

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: 37-21948

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

PETER 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:

[Handwritten signature] - 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

RECEIVED

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: 37-21948

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

PETER MADSEN
PO BOX 334
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.120 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S25	SENE	5.90	T01N R18E S25	NESW	14.20
---------------	------	------	---------------	------	-------

20.1 ACRES TOTAL

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 - Decreed

Property is also known as Lot 2, Okeon Subdivision.

This right is a split from former right 37-102C.

This right is a split from former right 37-21833 .



Idaho Department of Water Resources

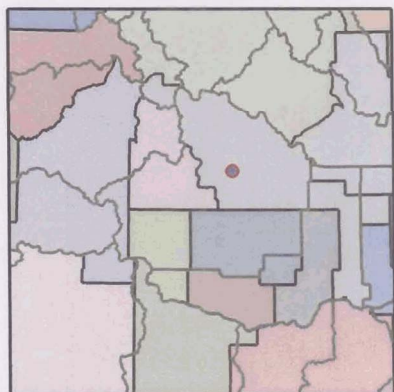
SRBA Recommendation:

37-21948

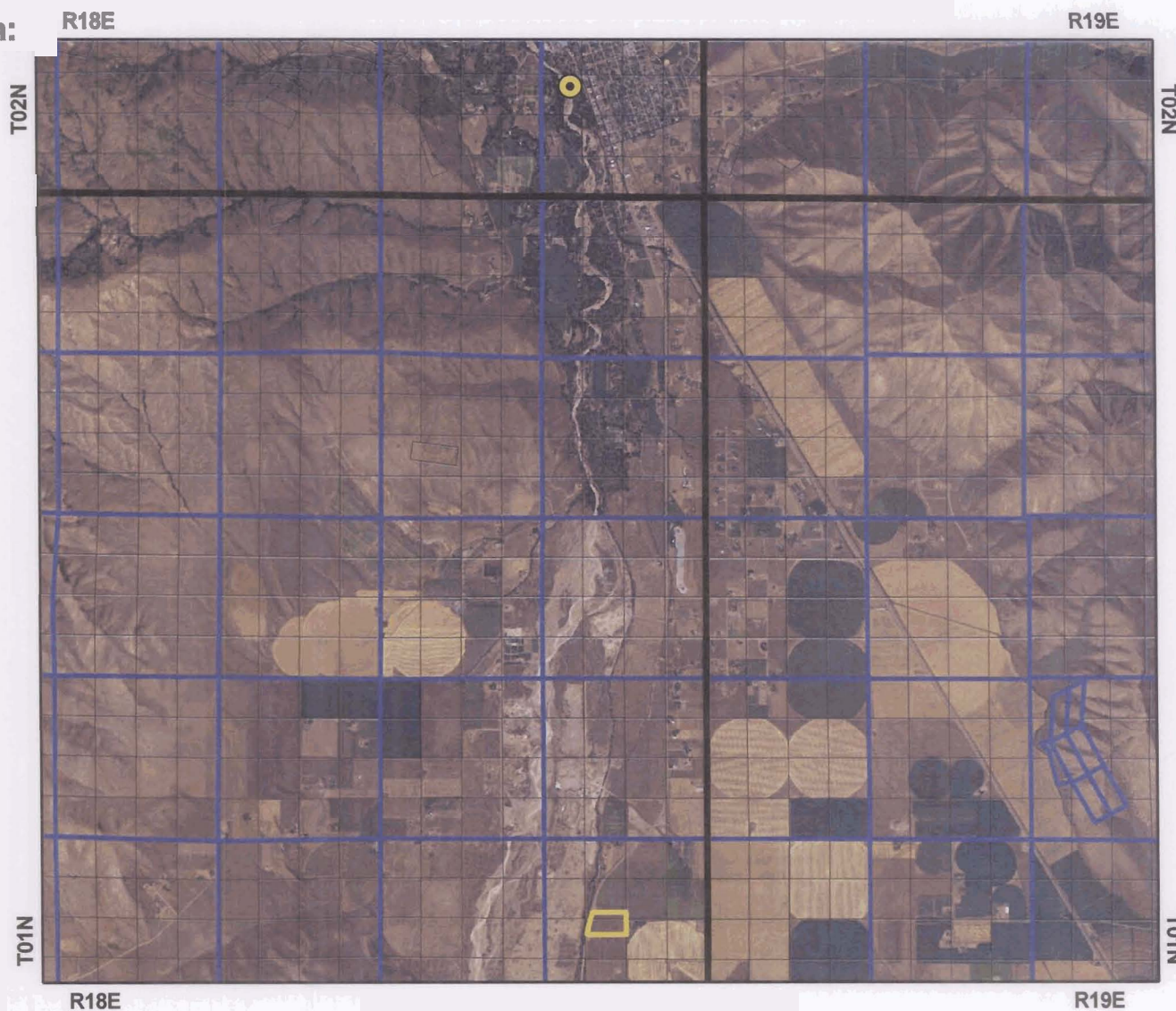
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 2 4 Miles

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

Owner: Victoria 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

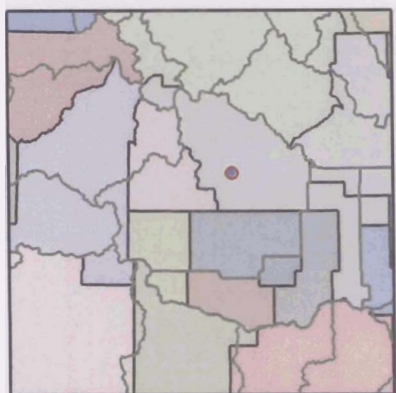
SRBA Recommendation:

37-21948

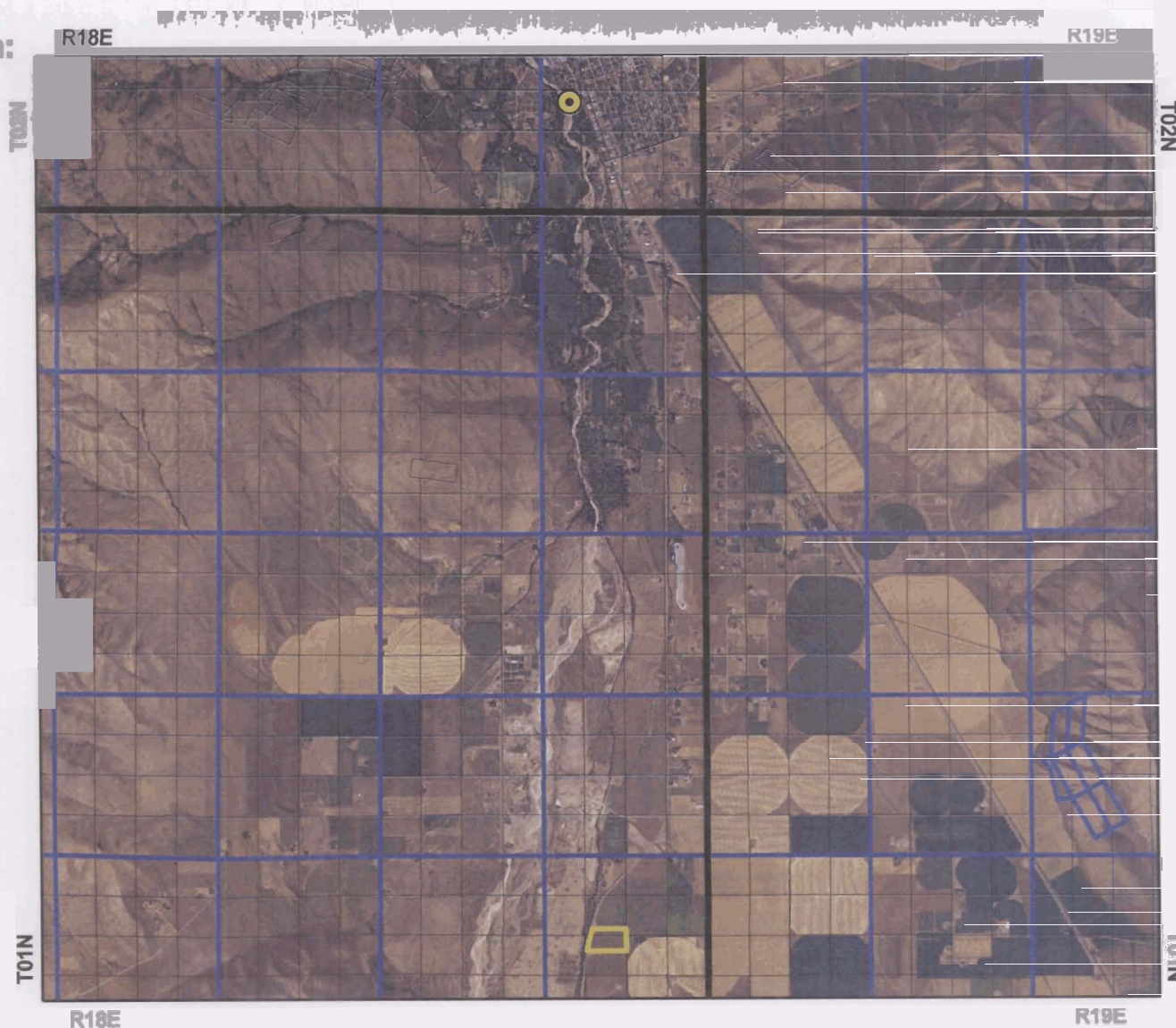
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



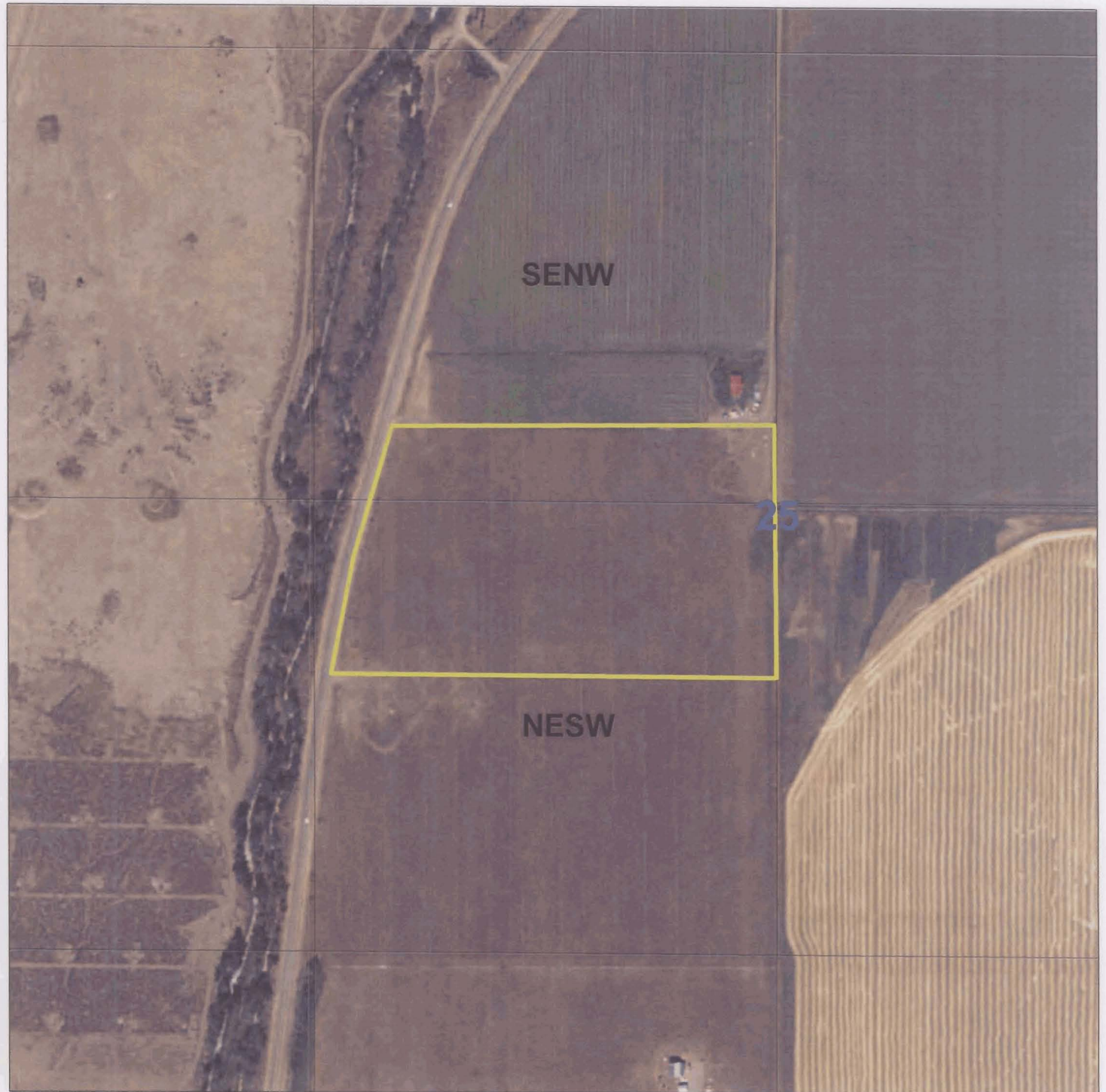
0 2 4 Miles

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

Owner: Victoria Madsen

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

37-21948



37-21948

