

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 37-539F
Date Received: 10/26/1988
Receipt No: S003279
Received By:

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

1. Name of Claimant(s)

THOMAS WILLIAMS LLC Phone: (208)726-7618
PO BOX 6729
KETCHUM ID 83340

2. Date of Priority: 06/03/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	3	SE NE	BLAINE	

5. Description of diverting works:

PETERS #17 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	/	/	0.15	

7. Total Quantity Appropriated is:
0.15 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
03N	18E	3	NE SW	IRRIGATION	2

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

RECEIVED
 FEB 06 2006
 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
37-539F					

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)

Bruce R. McCaw
P.O. BOX 1717 Bellevue, WA 98009

4. New Owner/Claimant(s)

Thomas Williams, LLC

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

New Mailing Address

P.O. Box 6729

City, State and ZIP Code

Ketchum, ID 83340

New Telephone Number

208 726-7618

5. Date you acquired the property

1/10/2004

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 _____		
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)

Sam L. L. L.
Managing Member

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 # 531346

HAILEY, BLAINE, IDAHO

2006-01-23

03:11:00 No. of Pages: 1

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED

For Value Received

Bruce R. McCaw, a married man as his sole and separate property

Do hereby convey, release, remise and forever quitclaim unto

THOMAS WILLIAMS, LLC, A UTAH LIMITED LIABILITY COMPANY

Whose current address is

268 South State # 417, Salt Lake City, Utah 84111

The following described premises, to-wit:

All interest in water right 37-539F appurtenant to the following described property

Lot 26 of HYNDMAN PEAK SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof on file in the office of the County Recorder, recorded October 28, 1980, as Instrument No. 208275, records of Blaine County, Idaho.

Together with their appurtenances.



Bruce R. McCaw

State of: Washington

County of: King

On this 18th day of January, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared **BRUCE R. MCCAW**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Charles E. Hill
Notary Public

Residing at: Bellevue, Washington

Commission Expires: 9/29/09

THIS INSTRUMENT FILED FOR RECORD
BY SUN VALLEY TITLE COMPANY AS AN
EXEMPTION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION
AS TO ITS EFFECT UPON THE TITLE



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

February 7, 2006

THOMAS WILLIAMS LLC
PO BOX 6729
KETCHUM ID 83340

Re: SRBA Claim #37-539F

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the claim noting the change in claimant.

Since this claim has not been decreed in the Snake River Basin Adjudication, no fees are due at this time. I am herein returning Samuel M Williams's check # 3756 for twenty-five dollars (\$25.00)

Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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: A37-00539F
Date Received: 10/26/1988
Receipt No: S003279
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE MCCAW
Address: P.O. BOX 1607
BELLEVUE, WA 98009
2. Date of Priority: JUN 03, 1884
3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	3	SE	NE			BLAINE

5. Description of diverting works:
PETERS #17 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.150		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	3	NE	SW		IRR	2.0

Section Acres 2.0

Total Acres 2.0

A37-00539F

Page 1

Date: 09/18/89

MICROFILMED
B 3 1

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:

A37-00539D

14. Remarks:

AC. IRR. = 2.36. TRANS. 3332.

HYNDMAN PEAK SUBD. LOT 26, ACTUAL ACRES = 2.36.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

MICROFILMED
FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

Boise Office

1020 MAIN ST., SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY
TIM J. WILLIAMS

September 13, 1989

RECEIVED

SEP 14 1989

Mr. Allan Merritt, Supervisor
Adjudication Unit
Idaho Department of Water Resources
Southern Regional Office
2148 Fourth Avenue East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

Dear Allan:

Please find enclosed a completed copy of the Department's required form to indicate a change in ownership of notice of claim in the adjudication and attached special power of attorney and warranty deed. This request concerns SRBA claims filed timely in the Blaine County noticing period for Joseph Cirillo.

Pursuant to my enclosed special power of attorney, please transfer the ownership of water rights A37-12110, A37-00539D, and A37-00539F originally claimed in the name of Joseph Cirillo to Bruce McCaw as the new owner of the property together with the appurtenant water rights as shown in the enclosed warranty deed.

Please forward copies of this requested change of ownership for the above water rights when the new owner's name has been placed in the database record.

Please call me if you have any questions regarding this request.

Yours truly,

Gary D. Slette

GDS/mw
33041

Enclosures

cc: Bruce McCaw

MICROFILMED

FEB 23 1993

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A34-12110, A37-00539D, A37-00539F

[] Name and Address of
Former Claimant: Joseph Cirillo

110 Hyndman View Rd.

Hailey, ID 83333

[] New Claimant(s): Bruce McCaw

[] New Mailing Address: Box 1607

Bellevue, WA 98009

New Telephone Number: () _____ - _____

[] Does the change in ownership result in a splitting of the
water right claimed? _____ yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached: Warranty Deed

[] Signature of New Claimant(s):
(Special Power of Attorney
attached)

[Signature]

Attorney-in-fact
for Bruce McCaw

Date: 9/13/89

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9/18/89

By: AD

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 9/18/89

By: AD

Claim Numbers of Split, if any:

NOTE: Gary Slette remains as the attorney
at law on behalf of claimant and all
notices required by law to be mailed by
the director should be mailed to him at
P.O. Box 1906, Twin Falls, Idaho 83303.

MICROFILMED

FEB 23 1993

SPECIAL POWER OF ATTORNEY

Know All Men by These Presents: That I BRUCE MCCAW

have made, constituted, and appointed, and by these presents do make, constitute and appoint

GARY SLETTEof Twin Falls, Idahotrue and lawful attorney for and in myname, place and stead, and for my use and benefit as follows:

For the adjudication of water rights for property located in Hyndman Peak Subdivision

and to sign, seal, execute, deliver and acknowledge such instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to all intents and purposes as the signer might or could do if personally present, and hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done in the above stated premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the
day of September, 19 89.

Signed, sealed and delivered in presence of

Bruce McCaw (Seal)
X Bruce McCaw

(Seal)

STATE OF IDAHO,

County of Blaine

ss.

On this 8th day of September in the year 19 89, before me
Cassie Majerus, a Notary Public

in and for said State, personally appeared Bruce McCaw akaBruce R. McCaw

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 affixed my official seal, the day and year
in this certificate first above written.

STATE OF IDAHO,

County of _____

ss.

I hereby certify that this instrument was filed for record at the request of _____

_____ at _____ minutes past _____ o'clock _____ M.,
this _____ day of _____, A.D. 19 _____, in my office, and duly recorded in Book _____ of _____ at page _____

Ex-Officio Recorder.

Fees, \$ _____

By _____

FEB 23 1993

Deputy.

WARRANTY DEED

For Value Received

JOSEPH CIRILLO, an unmarried man

the grantor , does hereby grant, bargain, sell and convey unto

BRUCE MCCAOW, an unmarried man

the grantee , whose current address is Box 1607, Bellevue, WA 98009

the following described premises, in Blaine County, Idaho, to-wit:
 Lot 26 of HYNDMAN PEAK SUBDIVISION, BLAINE COUNTY, IDAHO,
 according to the official plat thereof on file in the office of
 the County Recorder, recorded October 28, 1980, as Instrument No.
 208275, records of Blaine County, Idaho; and Lot 23 & 25, Replat
 of HYNDMAN PEAK SUBDIVISION, BLAINE COUNTY, IDAHO, Lots 23, 24, &
 25 according to the official plat thereof on file in the office
 of the County Recorder, recorded May 30, 1986, as Instrument No.
 273524, records of Blaine County, Idaho.

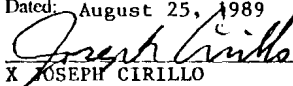
SUBJECT TO: Taxes, easements, restrictions, reservations, assessments
 and encumbrances as shown of record, if any.

TOGETHER WITH APPURTENANT WATER RIGHTS

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , his
 heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , that he is the
 owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 25, 1989


 X JOSEPH CIRILLO

STATE OF Idaho } ss
 COUNTY OF Blaine }
 On this 28th day of August, in the
 year 19 89, before me, a Notary Public, personally appeared
 Joseph Cirillo
 known or identified to me to be the person whose name is
 subscribed to the within instrument, and acknowledged to me
 that he executed the same.

Cassie Majerus
 Notary Public
 Residing at

Stanley, ID.
 9-7-94

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
 this _____ day of _____
 19 _____, in my office, and duly recorded in Book
 of Deeds at page _____

By _____

Ex-Officio Recorder

Fees \$
 Mail to:

MICROFILMED

FEB 23 1993

INSTRUMENT NO.

Chicago Title Insurance
 Company of Idaho

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: A37-00539F
Date Received: 10/26/1988
Receipt No: S003279
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH CIRILLO 208-788-5082
Address: 110 HYNDMAN VIEW DR.
HAILEY, ID 83333-0000

OR

Name: SUZANNE M. CIRILLO
Address: 110 HYNDMAN VIEW DR.
HAILEY, ID 83333-0000

2. Date of Priority: JUN 03, 1884

3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	3	SE	NE			BLAINE

5. Description of diverting works:
PETERS #17 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.150		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	3	NE	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:
A37-00539D

14. Remarks:
AC. IRR. = 2.36. TRANS. 3332.
HYNDMAN PEAK SUBD. LOT 26, ACTUAL ACRES = 2.36.

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

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

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A37-00539 F
Date Received _____
Receipt Number 500 ~~818724~~
3279 5CC

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JOSEPH CIRILLO Phone (208) 788-5082
Mailing Address 110 HYNDMAN VIEW ROAD, HATLEY ID Zip 83333
2. Date of Priority (Only one (1) per claim) 06-03-1884
3. Source of water supply (a) BIG WOOD RIVER, EAST FORK
which is tributary to (b) BIG WOOD RIVER
4. a. Location of existing point of diversion is: Township 3N Range 18E Section 3,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of BLAINE
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

PETERS #17 Headgate

MICROFILMED

FEB 23 1993

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04-01 to 11-01 amount .15 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	3									2								2

Total number of acres irrigated 2*

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes XXXXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: HYNDMAN PEAK SUBD., LOT 26

*ACTUAL ACREAGE FIGURE IS 2.36

6671

MICROFILMED

FEB 23 1993

Last Name CIRILLO Ident No. A37-00539F

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XXX
If applicable provide IDWR Water Right Number 37-00539 F
Court _____ Case Number _____ Decree Date 12-13-1909
Plaintiff vs Defendant S.C. FROST, ET AL. V. ALTURAS WATER CO.

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) [Signature]

Date 10/26/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day of October 19 88

SEAL

Notary Public Maria West

Residing at Twin Falls

My Commission Expires 4-21-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Gary Slette will be acting as attorney at law on behalf
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 me at the address listed below.

Signature [Signature]

Address Box 1906 Twin Falls

Date 10/26/88

COPY MICROFILMED
FEB 23 1993

Last Name CTRILLO

Ident. Number A37-00539F

Copies White-State, Yellow-Claimant

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Joseph Cirillo hereby nominates and appoints Gary D. Slette of P.O. Box 1906, Twin Falls, Idaho, 83301, as attorney-in-fact with full authority to act for and on behalf of him to execute any and all documents required or necessary to facilitate the filing of a water rights claim in the Snake River adjudication in Idaho.

My agent is hereby authorized to sign, deal, and deliver, as my act in deed, those instruments of writing that may be necessary or proper to carry into execution and effect the aforementioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 20 day of October, 1988.

Joseph Cirillo
Joseph Cirillo

STATE OF Idaho)
County of Twin Falls ss.

On this 20th day of October, 1988, before me, a Notary Public, in and for said County and State, personally appeared JOSEPH CIRILLO, known or identified to me to be the individual 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 affixed my official seal the day and year in this certificate first above written.

Sherry L. Call
NOTARY PUBLIC FOR
Residing at: Twin Falls, Idaho
My commission expires: 3/19/92

MICROFILMED

FEB 23 1993

RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Joseph Cirillo; Assigned to Bruce McCaw

Claim No.(s): A37-12110; A37-00539D; ~~A37-00539F~~

X It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 25 day of November, 1991.



 It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this _____ day of _____, 1991.

MICROFILMED

FEB 23 1993

SAMUEL MOSHER WILLIAMS

December 5, 2007

Albert P. Barker
Barker, Rosholt & Simpson
PO Box 2139
Boise, ID 83701

RECEIVED
DEC 07 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: SRBA Case No. 39576
Water Right 37-539F

Dear Mr. Barker:

Your clients are protesting our water right for irrigation stating that it should be forfeited for lack of use and that the diversion rate is excessive. These claims are incorrect and I would appreciate withdrawal of the objection and dismissal of the case. Moreover, please provide information pertaining to the basis for the claim, as well as any other facts supporting your clients' objections.

Contrary to your clients' claim, the right has actually been in continual use for sometime and used in conjunction with pumps, irrigation lines and sprinkler heads for irrigation. While we only recently purchased the property, DWR verified the use of the water right and continues to monitor this right, granted the amount is not significant (.081 CFS). The property is +/- 2.5 acres and the water right provides enough irrigation for approximately 1.3 acres.

Undoubtedly, your clients along with the Big Wood Canal Company would like to recapture those water rights that have not been used, but ours is not one of them. Thank you for your timely response.

Sincerely,

Cc: Douglas Jones, Department of Water Resources

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 2 AM 11 54

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

) Subcase No. 37-539F
)
)
)
)

Case No. 39576
_____)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

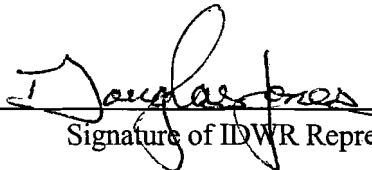
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

5/1/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Samuel Williams
Shelley Thomas Williams
PO Box 6729
Ketchum ID 83340



Signature of person or attorney mailing the form

03/16/2007

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

RIGHT NUMBER: 37-539F

NAME AND ADDRESS: SAMUEL WILLIAMS
PO BOX 6729
KETCHUM ID 83340

SHELLEY THOMAS WILLIAMS
PO BOX 6729
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.081 CFS

PRIORITY DATE: 06/03/1884

POINT OF
DIVERSION: T03N R18E S3 SWNESW 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	0.081 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S03 SESW 1.30

1.3 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

Place of use is located within Lot 26 of Hyndman Peak Subdivision.

This right is a split from former right 37-539C of original right 37-539.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

May 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

SAMUEL WILLIAMS
SHELLEY THOMAS WILLIAMS
PO BOX 6729
KETCHUM ID 83340

RE: SRBA Claim(s) 37-539F

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

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
MAR 16 2007
 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 (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
37-539 F					

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)

Thomas Williams LLC
PO Box 6729, Ketchum, ID 83340

4. New Owner/Claimant(s)

Samuel Williams, Shelley Thomas Williams
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 6729

City, State and ZIP Code

Ketchum, ID 83340

New Telephone Number

208 726-768

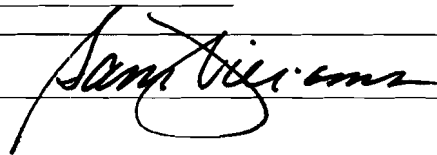
5. Date you acquired the property

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 <u>37-539 F</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>.081 CFS</u>	<u>1.3 acres; Lot 26</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.081 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 _____		
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 _____

11/21/2006

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

RIGHT NUMBER: 37-539F

NAME AND ADDRESS: THOMAS WILLIAMS LLC
PO BOX 6729
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.081 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:
T03N R18E S3 SWNESW 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	0.081 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S03	SESW 1.30	
	1.3 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

Place of use is located within Lot 26 of Hyndman Peak Subdivision.

This right is a split from former right 37-539C of original right 37-539.

QUITCLAIM DEED

For Value Received

Thomas Williams, LLC, a Utah limited liability company

Do hereby convey, release, remise and forever quitclaim unto

SAMUEL M. WILLIAMS AND SHELLEY THOMAS WILLIAMS, HUSBAND AND WIFE

Whose current address is

P O Box 6729, Ketchum, ID 83340

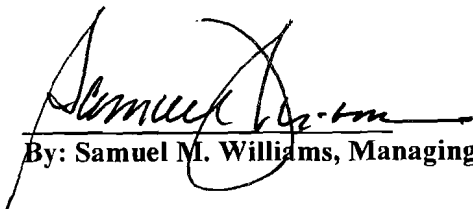
The following described premises, to-wit:

Lot 26, Block 2 of HYNDMAN PEAK SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof on file in the office of the County Recorder, recorded October 28, 1980, as Instrument No. 208275, records of Blaine County, Idaho.

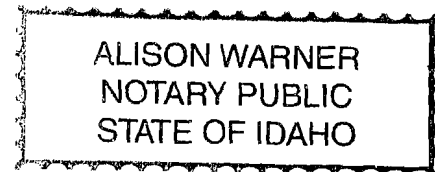
Together with their appurtenances.

Dated this 15th day of MARCH, 2007.

Thomas Williams, LLC

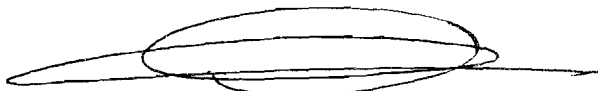

By: Samuel M. Williams, Managing Member

THIS INSTRUMENT FILED FOR RECORD
BY SUN VALLEY TITLE COMPANY AS AN
ACCOMMODATION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION
OR AS TO ITS EFFECT UPON THE TITLE.



State of: Idaho
County of: Blaine

On this 15th day of March, 2007, before me, the undersigned, a Notary Public, in and for said State, personally appeared Samuel M. Williams, managing Member of Thomas Williams LLC, known to me, and/or identified to me on the basis of satisfactory evidence, to be the manager who subscribed said limited liability company name to the within instrument, and acknowledged to me that he executed the same in said limited liability name.



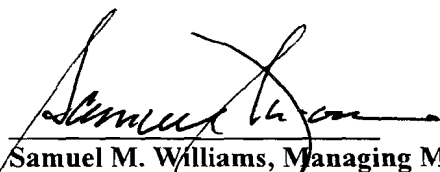
Notary Public
Residing at: Ketchum, ID
Commission Expires: 9/18/2012

THE UNDERSIGNED acknowledge that

Sun Valley Title Company has prepared any requested Quitclaim Deeds or other documents as an accommodation. The Quitclaim Deed(s) is (are) not required by Sun Valley Title Company for escrow or title purposes.

Sun Valley Title Company does advise the undersigned to seek the advice of an independent attorney as to the effect of this transfer.

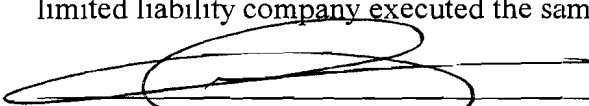
The undersigned does (do) hereby agree to indemnify and save harmless Sun Valley Title Company from any loss or damage from the issuance of this (these) Quitclaim Deed(s).


Samuel M. Williams, Managing Member

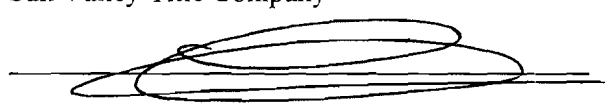
Note: You may direct Sun Valley Title Company to prepare documentation to return the vesting to the original after recordation of the lender's documents.

State of: Idaho
County of: Blaine

On this 15 day of March, 2007, before me, the undersigned, a Notary Public, in and for said State, personally appeared **SAMUEL M. WILLIAMS**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the manager who subscribed said limited liability company name to the within instrument and acknowledged to me that said limited liability company executed the same. .


Notary Public
Residing at: Ketchum, ID.
Commission Expires: 9/18/2012

ALISON WARNER
NOTARY PUBLIC
STATE OF IDAHO

Sun Valley Title Company


SAMUEL MOSHER WILLIAMS

March 12, 2007

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

RECEIVED
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: *Water Right 37-539F*
Ownership Name Change

To Whom It May Concern:

We are requesting that the name of our current water right be changed from our LLC (Thomas Williams LLC) of which I am the Managing Member, to us as individuals (Samuel Williams & Shelley Thomas Williams).

Should you have any questions please contact me directly. Thank you for your assistance.

Sincerely,


Samuel Williams

Enclosures
Name Change
Check # 3992 (\$25)

RECEIVED
MAR 16 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 19, 2007

SAMUEL WILLIAMS
SHELLEY THOMAS WILLIAMS
PO BOX 6729
KETCHUM ID 83340

RE: Notice of Change of Water Right Ownership
SRBA Claim Nos. 37-539F

Dear Mr. and Mrs. Williams:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on the above listed claim. Because the Snake River Basin Adjudication Court has not yet decreed this claim, no fee is due to process the owner change. I am herein returning your check no. 3992 in the amount of \$25.00.

Thanks and should you have any questions please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett', written in a cursive style.

Trish Fawcett
Technical Records Specialist

Enc.

02/09/2006

**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: see cover letter

Water right number: 37-539F

THOMAS WILLIAMS LLC

PO BOX 6729

KETCHUM ID 83340

Telephone Number: (208)726-7618

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: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

02/09/2006

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

RIGHT NUMBER: 37-539F

NAME AND ADDRESS: THOMAS WILLIAMS LLC
PO BOX 6729
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.081 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:
T03N R18E S3 SWNESW 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	0.081 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03 SESW 1.30
1.3 ACRES TOTAL

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

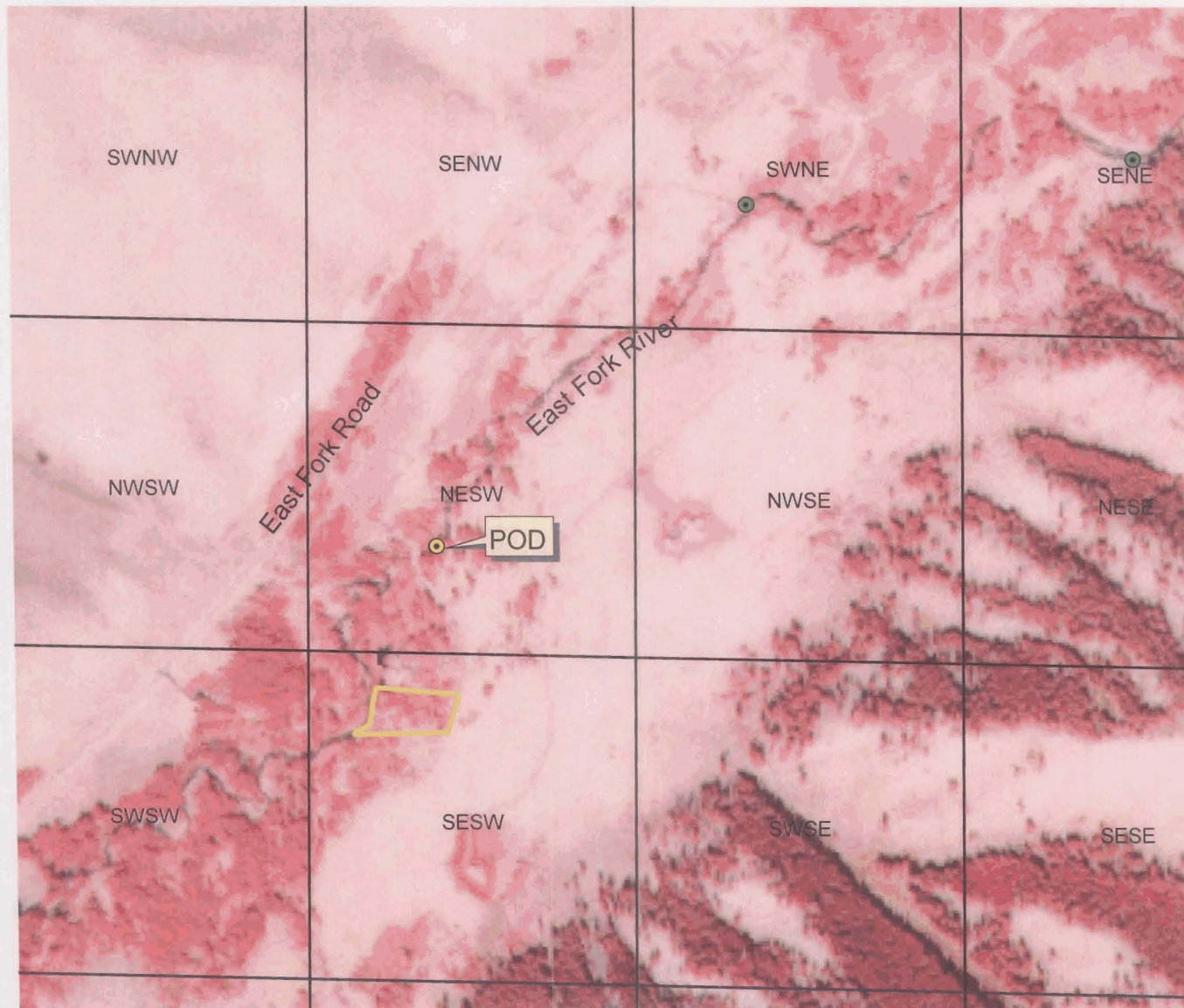
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is located within Lot 26 of Hyndman Peak Subdivision.

This right is a split from former right 37-539C of original right 37-539.

RECOMMENDED PLACE OF USE FOR 37-539F



1320

0

1320 Feet

PLACE OF USE
TWP 03N, RNG 18E, SEC 03
Data entry on August 04, 2005



● RECOMMENDED POINT OF DIVERSION

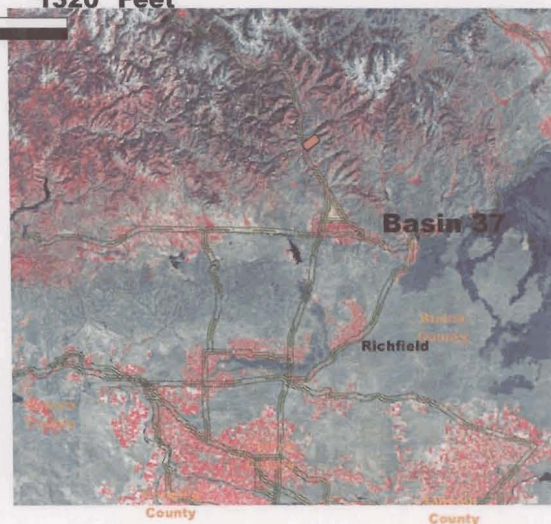
RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



11/21/2006

**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: 12/13/2006

Water right number: 37-539F

THOMAS WILLIAMS LLC

PO BOX 6729

KETCHUM ID 83340

Telephone Number: (208)726-7618

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:

11.28.06

SIGNATURE:

Sam Williams

Please print your name:

Samuel Williams

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

SCANNED

DEC - 4 2006

02/09/2006

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

RIGHT NUMBER: 37-539F

NAME AND ADDRESS: THOMAS WILLIAMS LLC
PO BOX 6729
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.081 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 SWNESW 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	0.081 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03 SESW 1.30

1.3 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.

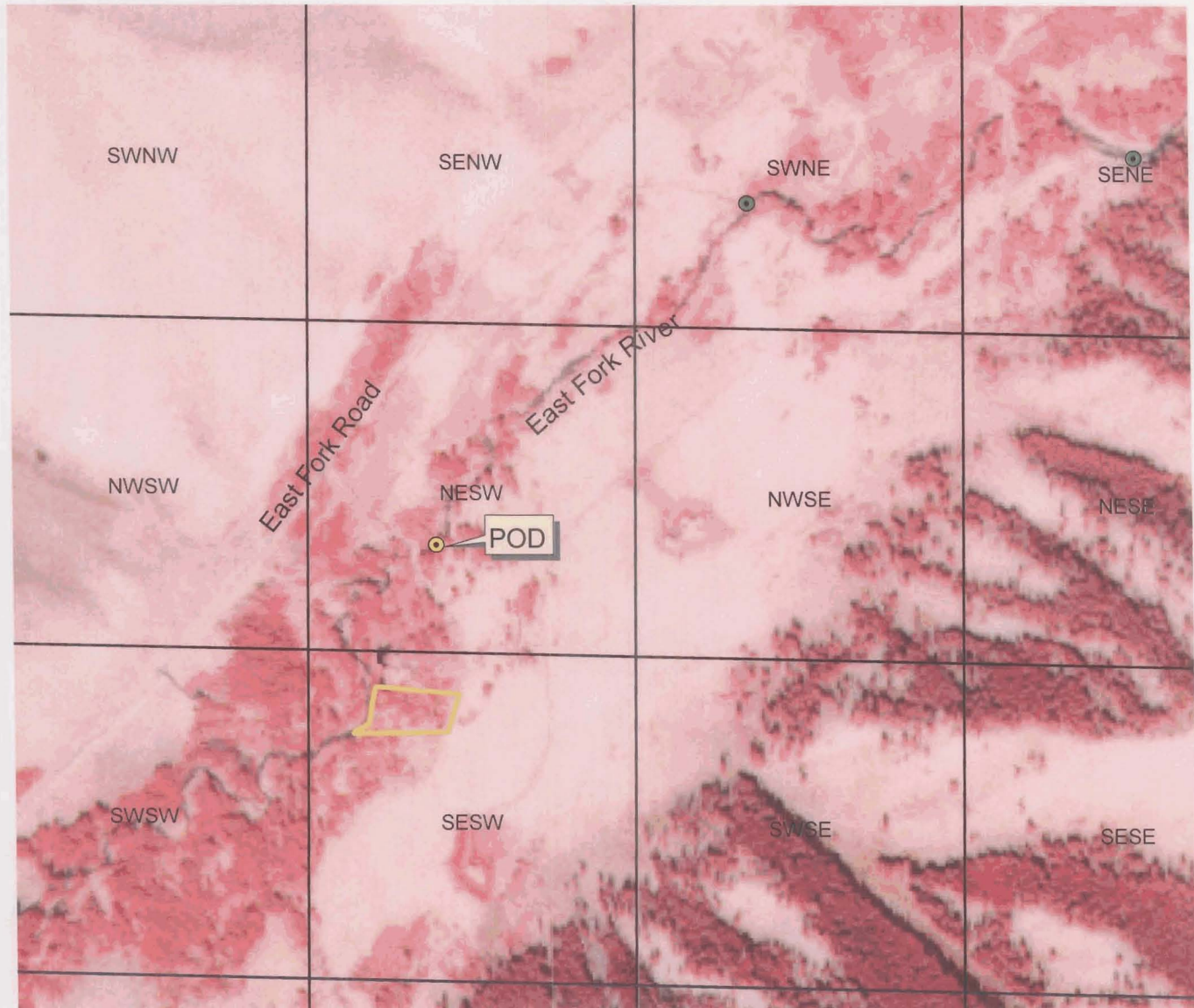
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is located within Lot 26 of Hyndman Peak Subdivision.

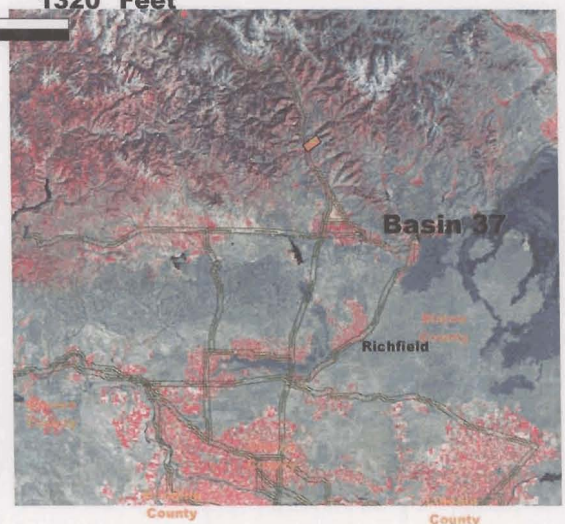
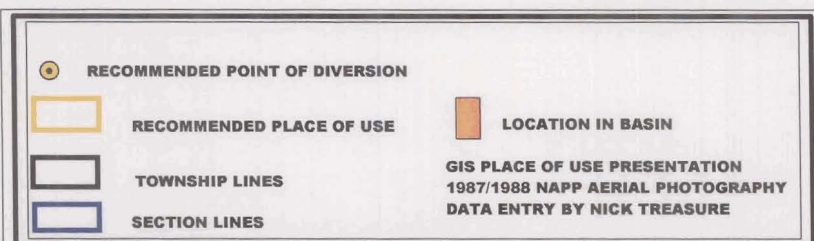
This right is a split from former right 37-539C of original right 37-539.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 37-539F



PLACE OF USE
TWP 03N, RNG 18E, SEC 03
 Data entry on August 04, 2005



Memo

Nick Treasure

July 18, 2005

Subject: SRBA review and recommendation of Hyndman Peak Subdivision, Blaine County. Claims: 37-20379, 37-20380, 37-539D, 37-539F, 37-539J, 37-539L, 37-539H, 37-539I, 37-539K, 37-539G

A review of the history of Hyndman Peak Subdivision shows a series of approved transfers that have occurred from original water right 37-539. This is a 06/03/1884 decreed right for 3.0 cfs of the East Fork Wood River. Through a series of approved transfers and ownership changes, a consistent 0.06 cfs/acre has occurred in this area. The remaining portion of the parent water right 37-539 is water right 37-539G in which there are 4 claims filed against. (See attached split tree analysis-page 8).

The majority of this subdivision was developed during the 1980's. There are currently 40 lots in the subdivision as well as a 20-acre lot of original owner Rupert House. (See attached tax lot map-page 4). Many individual homeowners chose to quitclaim their water rights over to the Hyndman Peak Subdivision Homeowners Association (claim 37-539G). The remaining homeowners decided to individually claim against the 1884 decree (all remaining claims listed above).

A field examination occurred on July 6, 2005 by Water Resource Agent Nick Treasure and Basin 37 Water Master Kevin Lakey. The following was found during the course of this field visit through personal observance as well as conversations with various homeowners of the association.

- There are four Points of Diversions associated with this subdivision:
 1. The original POD to the parent right 37-539 is located in the SENE. This head gate is locally known as the peters #17 head gate. Claimants of this head gate are Robert Mitchell 37-539L and Hyndman Peak Homeowners Association 37-539G.
 2. Transfer 3291 created a POD in the SWSWNE of section 3. This particular POD has no lockable head gate. Claimants of this diversion are Rupert House 37-20379 and Carl Bontrager 37-20380.
 3. Transfer 3280 created a POD in the SWNESW of section 3. This head gate is claimed by Bruce McCaw 37-539F and Thomas Matson 37-539D.
 4. Transfer 3551 created a POD in the NENESW of section 3. The POD is a pump and sprinkler system from East Fork River. The claimant for this diversion is Craig Brandman 37-539J.

The original Place of Use historically irrigated is depicted on the attached map-*page 5*. Also outlined on the attached map is the ditch system in which we examined and verified with original owner Rupert House before the subdivision existed. The POU outlined in green was irrigated by this irrigation system. Note that the northern areas of the subdivision as well as along the East Fork River are riparian areas and have not historically been irrigated by the 1884 decree.

- The attached map-*page 6* depicts claimants of the 1884 decree by individual owners in association with the historically irrigated ground. Notice the remaining portion of the historic irrigation depicted in green is what the homeowners association wishes to claim.
- There is currently a delivery system through ditches and laterals in which water can be delivered to the claimants listed on *page 6*. However there is no current means of deliverance for the remaining portion for individuals of the Hyndman Peak Homeowners Association though there may have been historically. It appears that a delivery system ended sometime in the late-1980's due to subdivision development.

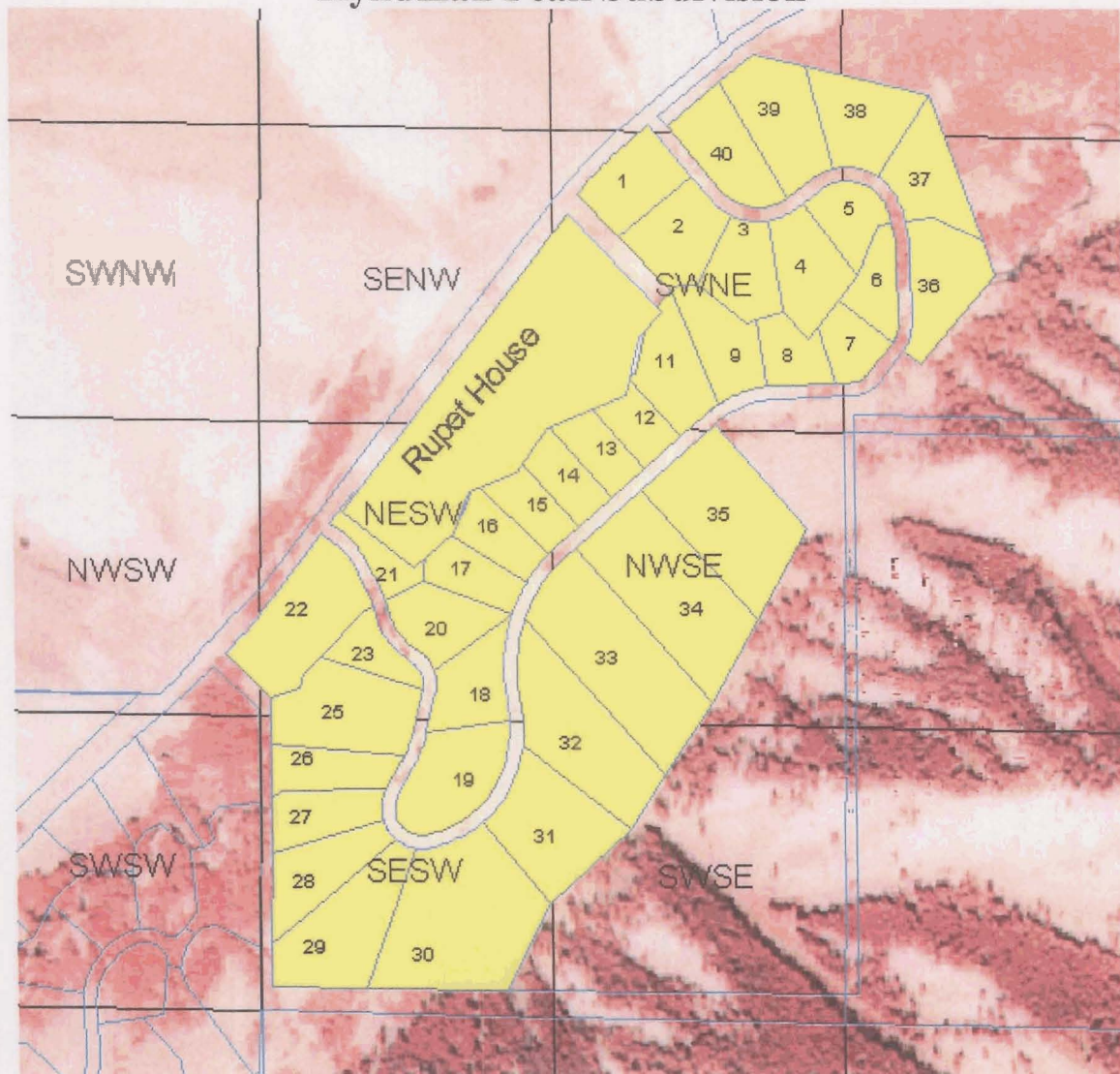
In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:

- Upon field examination there were found 2 large ponds on lot 34 of the Hyndman subdivision owned by Robert Mitchell. The 2 ponds together measure approximately 0.75 acres. The 2 ponds are situated directly behind the Mitchell residence. The source of water for these ponds is the East Fork River with the POD in the SENE of section 3. A third pond was also found in lot 33 for the same owner. The pond was being dug as we visited the location but did not yet contain water. This pond will receive water through a drain ditch originating from the first two ponds. It does not appear the ponds are being used in conjunction with irrigation. I met with Dr. Mitchell during our visit. He indicated that the first two ponds were built in the early 1990's. It is confirmed that the ponds did not exist in the 1987 Napp Aerial Photography. All three ponds have no transfers filed. (See photos in claim 37-539I)
- During the field visit, we noticed that a large percentage of the lots have sprinkler irrigation on more than the ½ acre allowed under their Domestic wells. Most individual owners are sprinkler irrigating 2-3 acres of pasture, yard and trees from domestic wells. Among the 40 lots in the Hyndman Peak Subdivision, there are two homeowners who have been licensed for groundwater with the purpose of irrigation. The water rights are 37-8567 for Craig Brandman and 37-8421 for Shawn Szombathy. These are the only two owners in the sub-division who are

authorized to irrigate more than a ½ acre in the subdivision. (See photos in 37-539G)

- The Hyndman Peak Homeowner's Association, claim 37-539G, currently has no means of delivery for its members from the claimed POD in the SENE of section 3. The members of the association are spread throughout the subdivision with no organized delivery system. Historically before the subdivision was built, it does appear these lots of the members of the association were irrigated. The subdivision was constructed in the late-1980's. During the construction of the Subdivision, many ditches and laterals were filled in making it impossible to currently irrigated from the claimed POD.

Hyndman Peak Subdivision

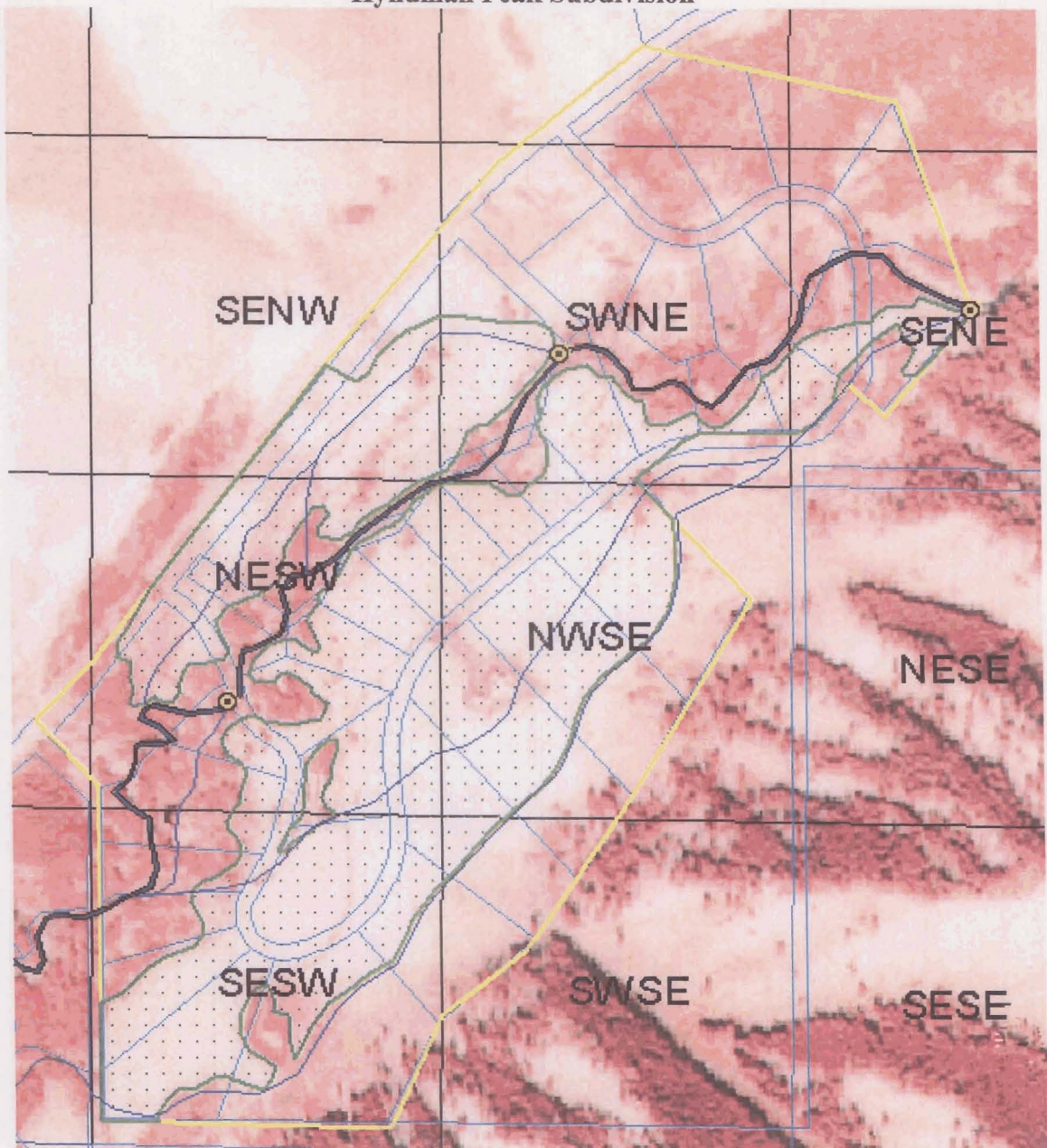


1- Bennett
 2- Berman
 3- Danielson
 4- Kosmos
 5- Papworth
 6- Hyndman Peak
 7- Flammer
 8- Naeve
 9- Devens
 11- Bass
 12- Bass
 13- Mitchell
 14- Brandman

15- Brandman
 16- Swigert
 17- Swigert
 18- El Camino(Mitchell)
 19- El Camin (Mitchell)
 20- Exchange LLC
 21- Bontrager, Lynn
 22- Bontrager, Carl
 23- Matson
 25- Matson
 26- McCaw
 27- Porter
 28- Porter

29- Porter
 30- Szombathy
 31- Mitchell
 32- Mitchell
 33- Mitchell
 34- Mitchell
 35- Mitchell
 36- Boxall
 37- Latrobe
 38- Latrobe
 39- Chivvis
 40- Chivvis
 House, Rupert

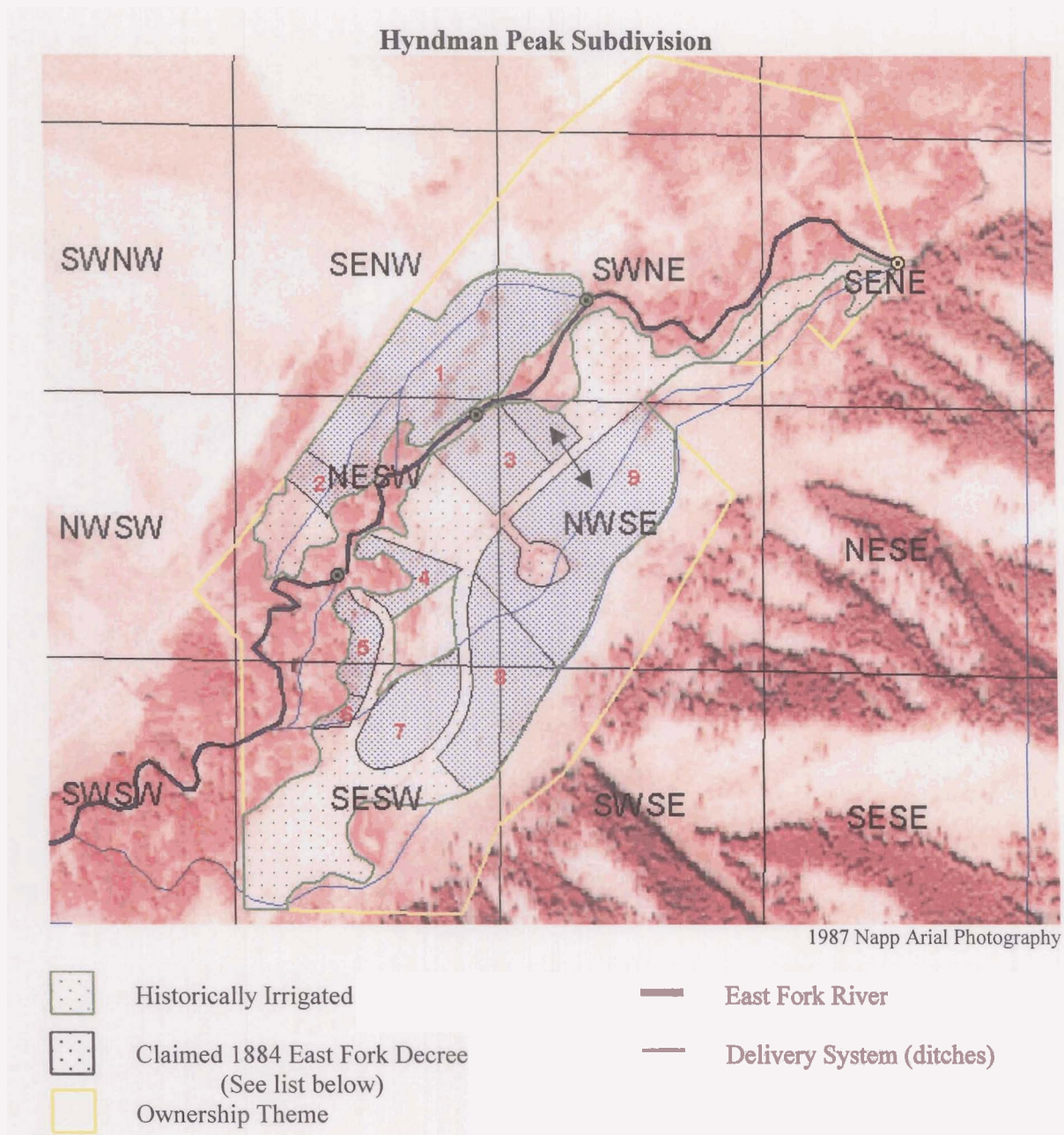
Hyndman Peak Subdivision



1987 Napp Aerial Photography

-  Historically Irrigated
-  Hyndman Peak Subdivision
-  Blaine County Tax lots

-  East Fork River
-  Delivery System (ditches)



Claimants on June 03, 1884 East River Decree

- | | |
|------------------|-------------------|
| 1 Rupert House | 6 Bruce McCaw |
| 2 Carl Bontrager | 7 Robert Mitchell |
| 3 Craig Brandman | 8 Robert Mitchell |
| 4 Paul Carson | 9 Robert Mitchell |
| 5 Thomas Matson | |

Note: Hyndman Peak Homeowners Association claims the remaining *historically irrigated* land that is not claimed by the claimants above in the NESW, NWSE, SESW

Hyndman Peak Subdivision



2004 Aerial Photography

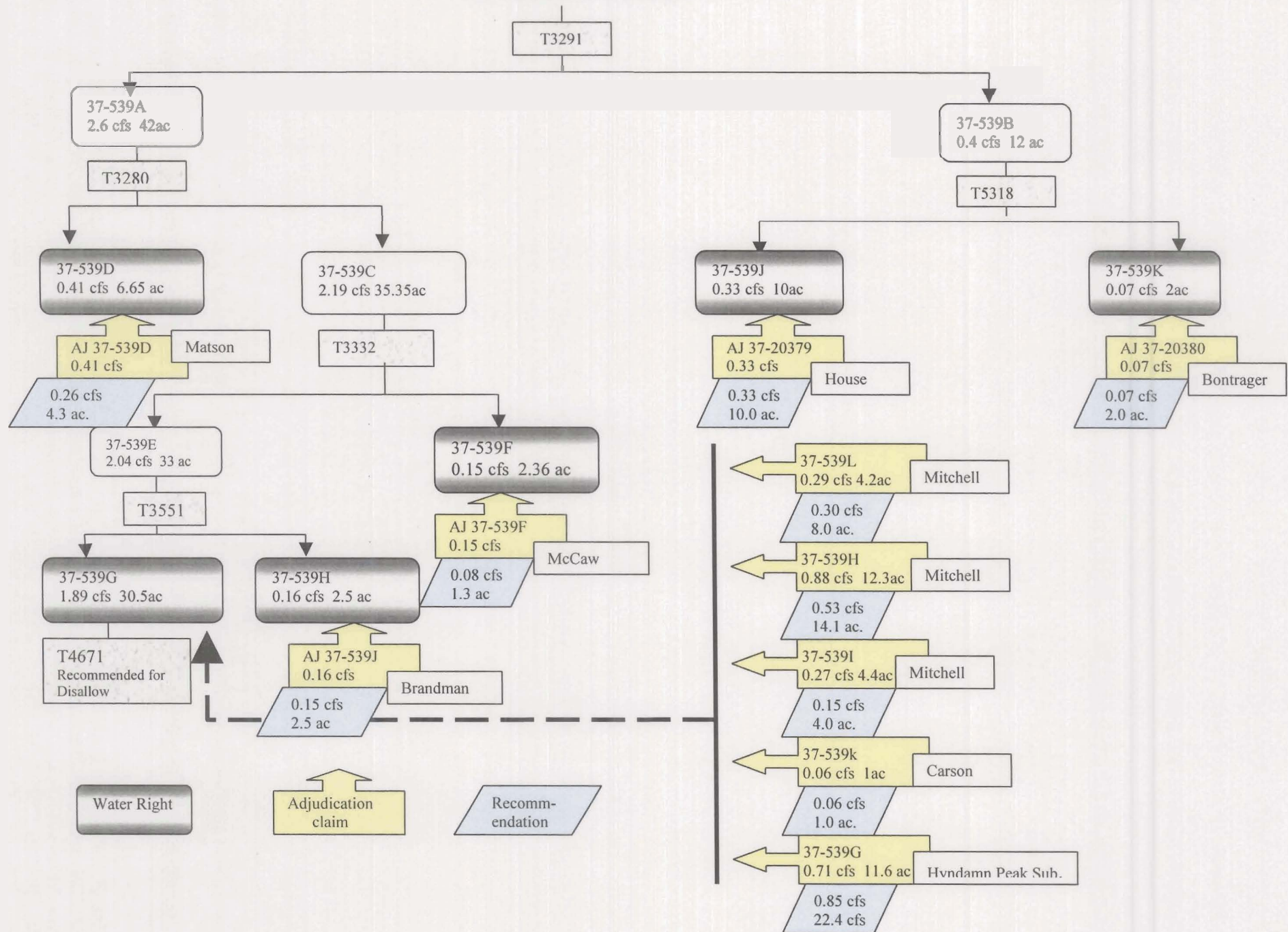
Subdivision Boundary



Blaine County Taxlots

Split Tree
37-539
3.0 cfs

Prepared by:
Nick Treasure
August 2005



Notes

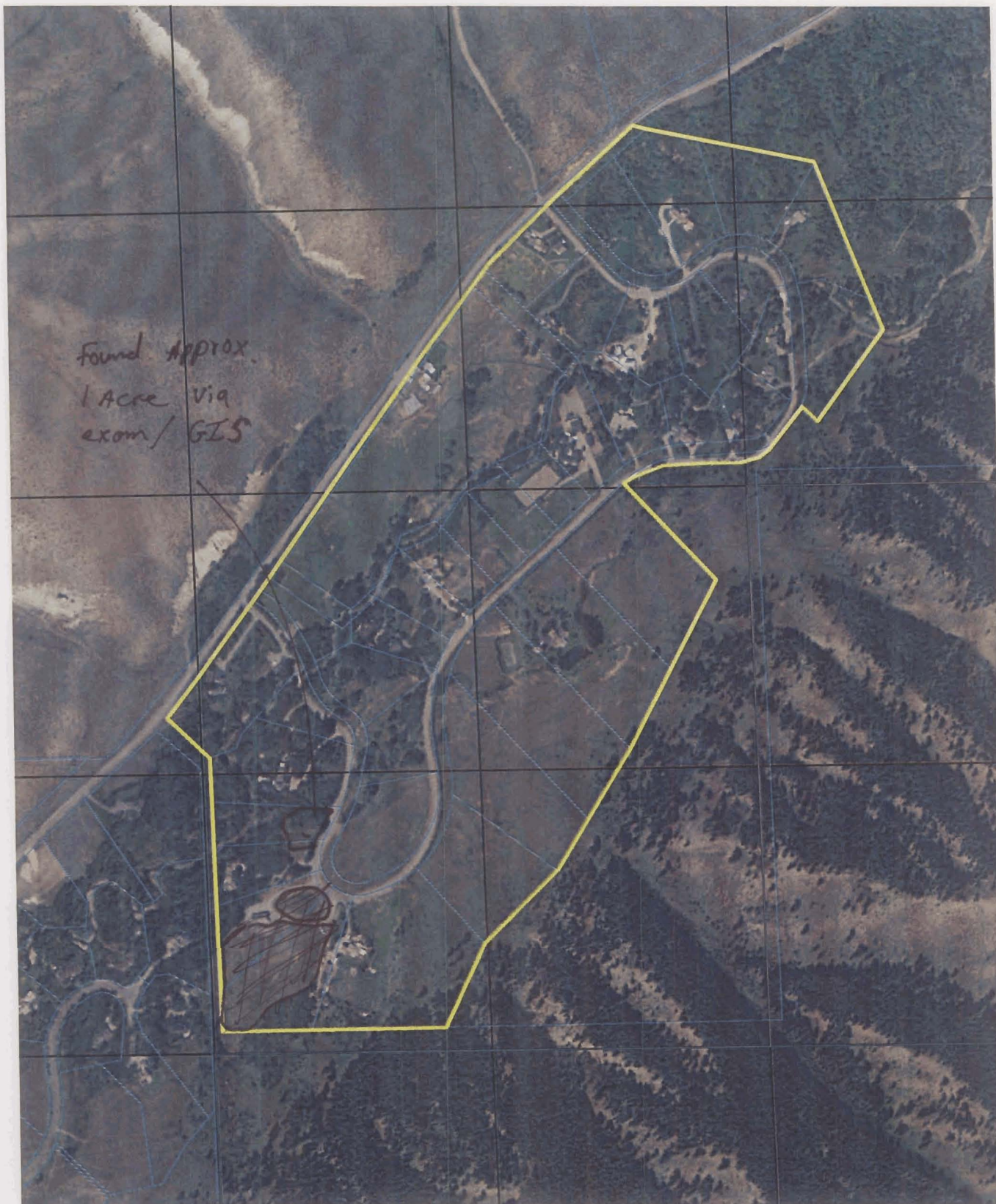
07/06/05

Field Exam

Nick Treasure

Bruce McCaw owns lot 26 of Hudson Park Subdivision. There currently is no residence at this location. However there are sprinklers along the fence line and a water a grassy area approx. 1 acre. The actual lot is over 2 acres. A large portion of the lot is Riparian.
(Attached Map)

Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

Twp 03N Rng 18E Secs 3



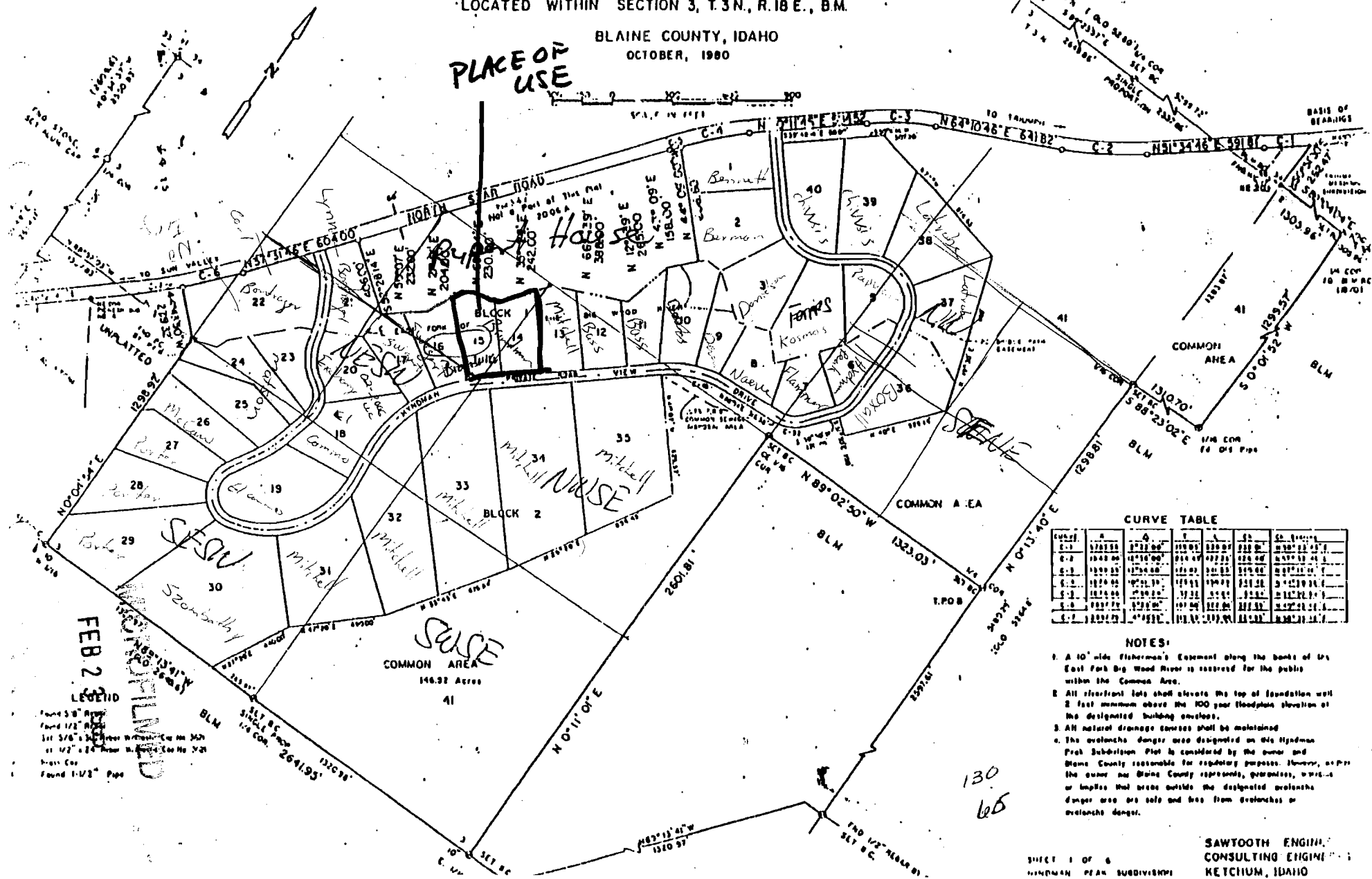
(418)

PLAT SHOWING
HYNDMAN PEAK SUBDIVISION

BLAINE COUNTY, IDAHO
OCTOBER, 1980

PLACE OR
USE

Richard D. Johnson
10-10-80



PAGE 1 OF 6
MUNICIPAL PLAN SUBDIVISION

SAWTOOTH ENGINE,
CONSULTING ENGINEER;
KETCHUM, IDAHO

File No.
A37-00539F

Owner
Bruce McCaw
P.O.Box 1607
Bellevue , Wash

Date
5/10/05

I was at IDWR office in twin , Nick gave me this file and ask if I would research the land Holdings of this water right, so I contact Gary Slette [Attorney] and he informed me that he was no Longer representing Mr. McCaw and he contact Bruce's Foreman in Fairfield, Rod Gonsales and Rod Told me that Jim Spect [Attorney] in Ketchum was representing Bruce now. While in Ketchum today I stopped by Jim's office and reviewed this file and 539D now owned by Thomas L Matson, following a review Of both files Jim thinks they appear alright and while looking thru this file there is a transfer of POD Down stream see GPS for diversion 17 on East Fork for the location of the present diversion.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
-------------	----------------	--------------	---------	-----------	-----------

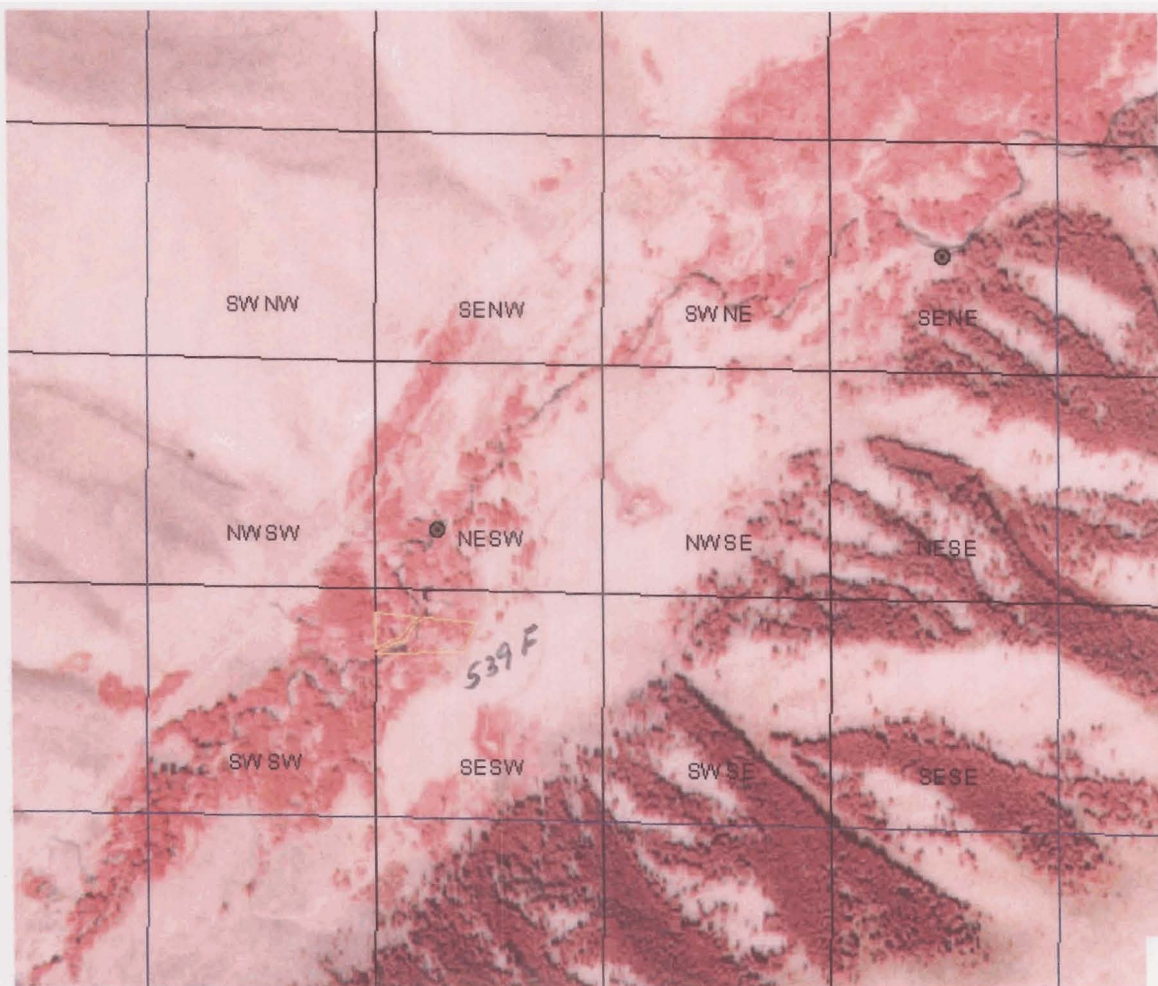
Lee R. Peterson

5/10/05

RECEIVED

MAY 11 2005

Department of Water Resources
Southern Region



Attorney:
Jim Spriet
~~Gary D. Slette~~
Ketchum
~~8) 734~~
726..

POD: see GPS sheet
#17

Contacts Data Entry Form

Claim(s): 37-539F

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____

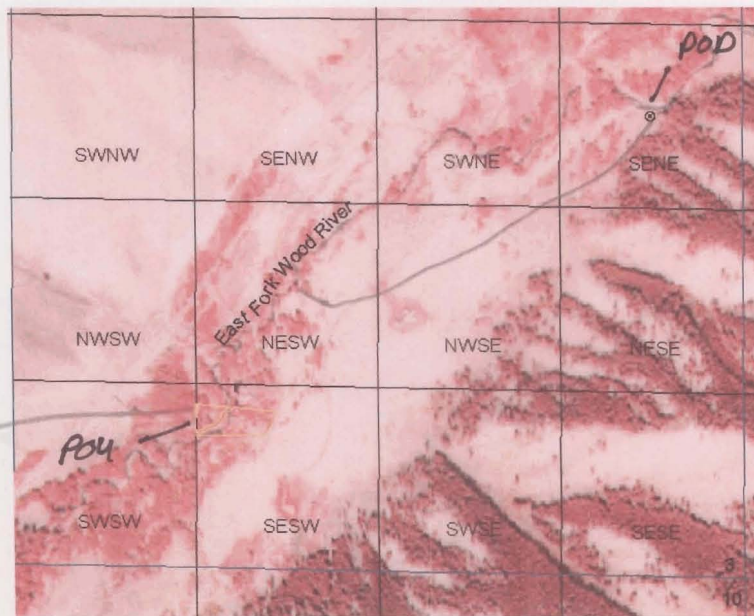
Date: _____

GPS file name	Easting	Northing	Plate No.	Photo Id.

Date: _____

Place Of Use Data

Claim file states that POD is in the NESW of this section. Currently the POD is in the SENE. SEE #17 GPS
 Need to Verify exact location of POD. GPS on sheet
 * ~~Change of Ownership Form~~



Transfer moved
 POD TO NESW.
 SEE GPS FOR
 accurate pod
 SEE Trans. 3280
 22 SEPT 1986

5/10/05 appears
 or
 talked to
 Tim SPECK
 ATTN.

Mandatory permit statute dates;
Groundwater: March 25, 1963
Surface water May 20, 1971

A commercial use requires:

1. Evidence of priority
2. Need to confirm the claimed diversion rate. (A measurement may be necessary.)
3. Annual volume used needs to be determined. (May be determined by daily use * days of use/year) or maybe by business standard volumetric use.

Small Commercial uses where the use falls within the Domestic part B definition.

1. Evidence of priority is not necessary.
2. Diversion rate is limited to 0.04 cfs (18 gpm)
3. Use is limited to 2,500 gal per day. (The use can include some lawn irrigation but will be included within the 2,500-gal/day limitation).

Volume comparison:

$$\frac{2,500 \text{ gal} * 365 \text{ days}}{325,850 \text{ gal/af}} = 2.8 \text{ af}$$

$$\frac{2,500 \text{ gal} * 156 \text{ days}}{325,850 \text{ gal/af}} = 1.2 \text{ af}$$

(5 days for 52 weeks)

$$\frac{2,500 \text{ gal} * 260 \text{ days}}{325,850 \text{ gal/af}} = 1.99 \text{ af} \approx 2.0 \text{ af}$$

$0.04 \text{ cfs} * 1.98 * 365 \text{ days} = 28.9 \text{ af}$
--

42-111. DOMESTIC PURPOSES DEFINED. (in part)

- (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:
 - (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
 - (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.
- (2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

Notes

4/27/05

started the Recommendation for this claim but before I proceed, need to verify if split tree balances out. J.K.

Also noticed that transfer 3332 refers to a Δ in the POD from the SENE to the NESW, however I need a GPS point for this POD to feel comfortable recommending it.

Another issue to look at is the claim as well as the transfers. Since the POD to be in the NESW however the POD according to transfer is located in the SENE.

- Transfer ³³³² mentions limitations and conditions of F.O.H.A. against what I calculated at 100% AFA.

11/25/05

- Download GPS points of POD, Lee has already GPS for the transfer Pod in the NESW.

05/04/05

Received Deed for 1500 to delineate water rights.

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5318
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 02/22/99

37-00539 is over-claimed through the adjudication process however based upon a memo dated October 20, 1995 in transfer file 4671 a significant portion of the base right appears to be forfeited based upon non use. The current allocation rights and related adjudication claims are;

37-00539B	0.40	cfs	A37-00539B	claimed in full
37-00539D	0.41	cfs	A37-00539D	claimed in full
37-00539F	0.155	cfs	A37-00539F	claimed in full
37-00539H	0.155	cfs	A37-00539J	claimed in full
37-00539G	<u>1.88</u>	cfs	A37-00539G	(.714 cfs claimed)
total	3.00	cfs	A37-00539H	(.880 cfs claimed)
			A37-00539I	(.274 cfs claimed)
			A37-00539K	(.062 cfs claimed)
			A37-00539L	<u>(.290 cfs claimed)</u>
			total	3.335 cfs (claimed)

Adj claim suffixes 'G', 'H', 'I', 'K', and 'L' are all apparently against the base right 37-00539G.

The place of use prior to transfer is for ground outside the Hyndman Peak Subdivision and two acres are being transferred onto lot 21 of that subdivision. Claim A37-00539G includes lot 21 as a portion of the place of use. Also attached to that claim is a quitclaim deed releasing water rights appurtenant to lot 21 to the Homeowner's association. That Deed was signed by Robert Brennan. As the applicant is asserting that lot 21 is currently dry, this gives weight to the memo indicating

that much of the original place of use is no longer irrigated.

The letter to the file from Water District NO 37 & 37M dated October 18,1995 indicates that the ownership of the place of use covered by this transfer has been one of the few consistently delivered portions of the base right.

I, therefore, am accepting the analysis developed by Corey Skinner as being acceptable for adjudication purposes.

As this transfer will split A37-00539B, I recommend that the suffix assigned to the allocations records recognize the adjudication suffixes already assigned which would allow the adjudication claim split match the allocations assigned suffixes.

See attached split tree for 37-00539.(allocations rights)

February 22, 1999
Prepared by Kelly K
Christensen

37-00539
SPLIT TREE
cfs

T-3291

37-00539A
2.60 cfs

T-3280

37-00539C
2.19 cfs

T-3332

37-00539E
2.044 cfs

T-3551

37-00539G
1.885 for 30.5 acres
Lyman Peters

T-4671

Transfer 4671
Recommended for
disallowal

37-00539D
0.41 for 7 acres
Joseph Cirillo

AJ claim A37-00539D
.41 cfs for 7 acres

37-00539F
0.146 cfs for 2.36 acres
Joseph Cirillo

AJ claim A37-00539F
.15 cfs for 2 acres

37-00539H
0.155 cfs for 2.5 acres
Craig Brandman

AJ claim A37-00539J
.155 cfs for 2 acres

37-300539B
0.40 cfs for 12 ac
Rupert House

AJ claim A37-00539B
40 cfs for 12 acres

T-5318

Transfer
Pending

37-00539()
0.33 cfs for 10 acres
Rupert House

37-00539()
0.07 cfs for 2 acres
Carl Bontrager

FROM: Allen Merritt *AM*

DATE: October 20, 1995

TO: Doug Jones for SRBA files, Transfer #4671 file

SUBJECT: Review and Recommendation of Transfer #4671 and other issues related to 37-00539.

Transfer #4671 is the fifth transfer relating to right 37-00539. The right was originally decreed for 3.0 cfs and made appurtenant to 4 tracts of land (SWNE, NWSE, NESW, SESW in Section 3, Twp.03N, Rge.18E, B.M.). The actual number of acres irrigated was not decreed.

In 9/4/1986 Rupert House filed the first transfer #3291 which split off 0.40 cfs for irrigation of 12 acres. This transfer was approved. In the process Jim Stanton conducted a field review and made a determination that the historical lands irrigated amounted to 57 acres. (See transfer for legal) House split of 15 acres for irrigation of 12 acres. On microfilm there is a aerial photo where Jim has drawn the A and B parts of the right. The photo shows 55.2 acres and a 11.2 acre parcels. The 11.2 acre tract appears to be Rupert House's part. Jim cuts off the southern portion of the 55.2 acre parcel resulting in 42 acres being left for this part. On the transfer in remarks there is a statement that the House portion has been used but the other portion has not been used since 1979. The remaining portion after House takes his was reported to have been sold to Brennan who developed the Hyndman Peak Subdivision.

On 9/22/1986 Joseph Cirillo filed the second transfer #3280 which split off 0.41 cfs to a pump for irrigation of 6.65 acres in Lots 23, 24 and 25 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. ***Note that lots 23, 24 & 25 are in both the NESW and SESW of Section 3. The transfer only lists NESW. During the review of this transfer a letter from Reid Newby, watermaster addresses delivery of the Brennan 130" and Spackman concludes there is no evidence of forfeiture for the period of 1980 through 1985.

On 5/19/1987 Joseph Cirillo filed the third transfer #3332 which split off 0.146 cfs to the same pump for transfer #3280 for irrigation of 2.36 acres in lot 26 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. ***Note that lot 26 is in the SESW but transfer list P/U in NESW. No possible forfeiture since 1985 at that time.

On 2/1/1989 Craig Brandman filed the fourth transfer #3551 which split off 0.155 cfs to a pump for irrigation of 2.5 acres in lots 14 and 15 of Block 1 of the Hyndman Peak Subdivision. The transfer was approved. No possible forfeiture since 1985 at that time.

On 3/9/92 Richard Porter sent an application for transfer through his attorney Kenneth Arment. Doug Jones returned the application on 8/14/95 to attorney Brian Ballard because the application did

4671
37-00539 K,

not make sense with the record of water rights. On 9/2/1994 a replacement transfer application was filed for Richard Porter by a different attorney, Richard Burleigh. This application is numbered #4671 and subject of this memo. With the new application there were documents filed to attempt to show more acres were irrigated than the department has been tracking as based on Jim Stanton's original estimate.

On 10/17/95 I called the watermaster's office and talked with Norma Peterson. As a result of our conversation she went back into her records and prepared the attached letter describing the delivery of the right back to 1980. In reviewing this letter it appears clear and convincing to me that the portion of the right subject of Transfer #4671 has not been used for 10 years.

Based on this I recommend the transfer be **disallowed**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

RECEIVED
OCT 18 1995
Department of Water Resources
Southern Region

Alan Merritt
State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

October 18, 1995

Alan:

The following is a list of owners of water right 37-0539 of 150 inches and the use record for that right. By using the past Watermaster's work sheet I was able to go back as far as 1980.

Year	Owner	Inches Owned	Used
1980	Robert Brennan	130.00	no
	Rupert House	20.00	no
1981	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1982	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1983	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1984	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1985	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1986	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1987	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	yes
	Rupert House	20.00	yes
1988	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	no
	Rupert House	20.00	yes

Years on how-use

1	1
2	2
3	3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



LEE R. PETERSON
Watermaster

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352

(208) 886-2451

Page 2

1989	Robert Brennan	94.45	no	4	
	Joeseeph Cirillo	27.80	yes		4
	Dr. Craig Brandman	7.75	no		
	Rupert House	20.00	yes		
1990	Robert Brennan	54.01	no	5	
	Bruce McCaw	27.80	yes		
	Dr Craig Brandman	7.75	no		5
	Robert Mitchell	40.44	no		
	Rupert House	20.00	yes		
1991	Robert Brennan	54.01	no	6	
	Bruce McCaw	28.50	yes		
	Dr Craig Brandman	7.75	no		6
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1992	Robert Brennan	54.01	no	7	
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		7
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1993	Robert Brennan	54.01	no	8	
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		8
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1994	Robert Baugh	10.85	no	9	
	Hyndman Homeowners	43.16	no		
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		9
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1995	Robert Baugh	10.85	no	10	
	Hyndman Homeowners	43.16	no		
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		10
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

Page3

In way of explanation for non-use of some portions of this water right. Robert Brennan is a developer, his practice is to buy up land and water rights. As a rule he never uses the water. He then develops the land, sells off parcels and the water right may or may not be used by the new owner. Mr. Brennan has held more water rights in non use situations and has caused much controversy because of this practice.

I hope you find this information useful. If there is anything further we can do to be of help please let us know.

Sincerely,

Norma Peterson
Secretary/Treasurer

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 11 1992

TWIN FALLS

208-734-0700

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

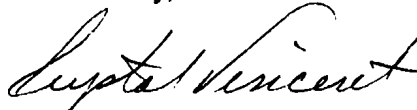
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,


Crystal Vincent

CV:mw
02059207.CV

MICROFILMED
FEB 23 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL Transfer No. 3332

RECEIVED
1987

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Joseph &/or Suzanne M. Cirillo Phone 336-7155 782, 5082

Post Office address 2418 No. 20th St., Boise, ID 83702 110 N. Myrdal Ave. 212
Hayden, Idaho, 83333

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes I have purchased an additional subdivision lot next to my existing property (see Trans. 3280). I wish to irrigate this additional land from the same P/D as my other lots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-0539 ^F _E</u>	<u>6-3-1884</u>		<u>Irrigation</u>	to _____ to _____ to _____ to _____

2. Total amount of water being transferred 0.146 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water East Fork Big Wood R. tributary to Big Wood R.

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	3	3N	18E	Blaine	

5. Lands irrigated or place of use: Land listed is acres historically irrigated

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	3									2.36								2.36
														</					

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Total acres 2.36

37-0539C, # 3332

PART 1**6. General Information:**

- a. Description of diversion system Pump in stream, sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A. Water being transferred is that which is appurtenant to the land purchased.
- d. Remarks:
To our knowledge, the old headgate & ditch have not been used since the water right was delivered in 1985. The land is slowly being developed into a subdivision, so water is needed only as lots are sold and built upon. This is true of much of the lower East Fork Valley.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0539F

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
4. The volume of water under this right shall not exceed 7.0 acre feet per annum.

Witness my hand this 24th day of August

J. Glen Saxton
Chief, Operations Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

BOOK ORIGINAL

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 37-0539C Decreed to Lyman C. Peters
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water East Fork Big Wood R. tributary to Big Wood River

4. Date or priority 6-3-1884

5. Water is used for the following purpose:

amount 2.19 cfs for Irrig. purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 2.19 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	3			4						11.35					20			35.35

9. Describe any other water rights used for the same purpose as described above

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10. To your knowledge, has any portion of this water right undergone a period of 1 or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.146 cfs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	3									2.36								2.36

Total acres 2.36

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.044 for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	3			4						8.99					20			32.99

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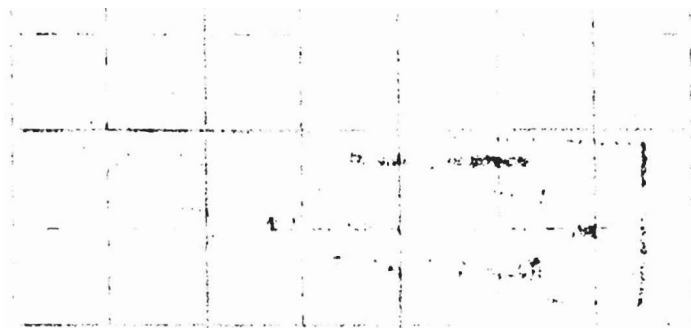
Total acres 32.99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



R. 18 E

T. 3 N



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PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Joseph Cirillo Supanne M. Cirillo
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of May, 1987.



GARY D. SLETTE
NOTARY PUBLIC - STATE OF IDAHO
Residing at Twin Falls, ID
Lifetime Commission

[Signature]
(Notary Public)

My commission expires Life

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 1 attachmentsReceived by M. Baldwin Date 5/19/87 Protest filed by NonePrelim. check by ADM Fee 30.00Receipted by M. Baldwin Date 5/26/87Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 7/1 & 7/8/87 Hearing held by _____ Date _____Watermaster recommendation requested on 6/24/87 Recommended for ☒ approval ☐ denial_____ rec'd. 7/1/87 by ADM Jim

Copy of transfer sent to lien holder _____

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OCT 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

September 24, 1987

Reid Newby, Watermaster
Water District 337
Box T
Shoshone, ID 83352

Re: Application for Transfer of Water Right 37-0539E, T#3332

Dear Mr. Newby:

Enclosed is a copy of an Approved Application for Transfer of a Water Right within your District for your information and files.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB

Encl:

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OCT 24 1994