

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 37-539D
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 L MATSON Phone: (253) 833-2485
P O BOX E
AUBURN WA USA 98071

SHANON H MATSON Phone: (253) 833-2485
P O BOX E
AUBURN WA USA 98071

THOMAS L MATSON RESIDENCE TRUST NO 2
P O BOX E
AUBURN WA USA 98071

SHANON H MATSON RESIDENCE TRUST NO 2
P O BOX E
AUBURN WA USA 98071

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	NE SW	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	4/01	11/01	0.41	

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

8. Total consumptive use:

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

RECEIVED**MAR 27 2002**

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
37-12110					
37-539D					

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 McCaw, P.O. Box 1717, Bellevue, WA 98009
4. New Owner/Claimant(s) (See Attached Exhibit A)
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Box E, Auburn, WA 98071
- City, State and ZIP Code _____
- New Telephone Number (253) 833-2485
5. Date you acquired the property January 30, 2002

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

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) *[Signature]*
(include title if applicable) _____

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

For Office Use Only

Received by *[Signature]* Date _____ Fee 25.00
 Received by *[Signature]* Date 4/5/02 Receipt No. 5024718
 Processed by AJ Date _____ WR _____ Date _____

Exhibit A

Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Thomas L. Matson Residence Trust No. 2 as to an undivided 27% interest; and Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Shanon H. Matson Residence Trust No. 2 as to an undivided 27% interest

and

Thomas L. Matson and Shanon H. Matson, husband and wife as to an undivided 46% interest

QUITCLAIM DEED

For Value Received Bruce McCaw, an unmarried man at the time of acquiring title do hereby convey, release, remise and forever quit claim unto

Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Thomas L. Matson Residence Trust No. 2 as to an undivided 27% interest; and Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Shanon H. Matson Residence Trust No. 2 as to an undivided 27% interest

whose address is: Box E, Auburn, WA 98071

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Water Right Number: 37-12110
Quantity: 0.04 CFS
Priority Date: 11/06/1985

Instrument # 460848
HAILEY, BLAINE, IDAHO
2002-01-30 03:57:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Oficio Recorder Deputy
Index to: WTT/QC/CORP DEED

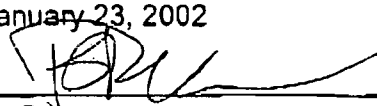
Water Right Number: 37-539D
Quantity: 0.410 CFS
Priority Date: 05/03/1884

Appurtenant to the following described property:

Lots 23 and 25 of a Replat of Hyndman Peak Subdivision, Lots 23, 24 and 25, according to the official plat thereof, recorded as Instrument No. 273524, records of Blaine County, Idaho.

This quitclaim deed is being given freely by grantor and in addition to conveying any interest in the above described water rights is also intended to reflect that water right number 37-539D is not appurtenant to Lot 26 of Hyndman Peak Subdivision.

together with their appurtenances.
Dated: January 23, 2002

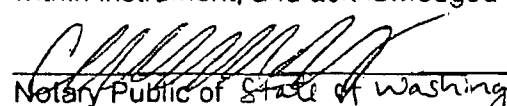

Bruce McCaw

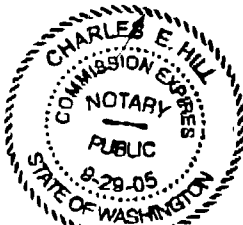
STATE OF Washington)

)ss.

COUNTY OF King)

On this th day of January, in the year of 2002 before me the undersigned, personally appeared Bruce McCaw, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.


Notary Public of State of Washington
Residing at: Issaquah
Commission Expires: 9/29/05



RECEIVED 02-26-'02 10:52 FROM-

2087263567 TO-

TOM MATSON DODGE

P05/09

QUITCLAIM DEED

For Value Received **Bruce McCaw**, an unmarried man at the time of acquiring title

do hereby convey, release, remise and forever quit claim unto

Thomas L. Matson and Shanon H. Matson, husband and wife as to an undivided 46% interest

whose address is: **Box E, Auburn, WA 98071**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Water Right Number: 37-12110
Quantity: 0.04 CFS
Priority Date: 11/06/1985

Instrument # 460849
 HAILEY, BLAINE, IDAHO
 2002-01-30 03:58:00 No. of Pages: 1
 Recorded for: FIRST AMERICAN TITLE
 MARSHA RIEMANN Fee: 3.00
 Ex-Officio Recorder Deputy
 Index to: WTY/OC/COMP DECO

Water Right Number: 37-539D
Quantity: 0.410 CFS
Priority Date: 05/03/1884

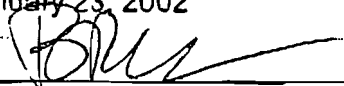
Appurtenant to the following described property:

Lots 23 and 25 of a Replat of Hyndman Peak Subdivision, Lots 23, 24 and 25, according to the official plat thereof, recorded as Instrument No. 273524, records of Blaine County, Idaho.

This quitclaim deed is being given freely by grantor and in addition to conveying any interest in the above described water rights is also intended to reflect that water right number 37-539D is not appurtenant to Lot 26 of Hyndman Peak Subdivision.

together with their appurtenances.

Dated: January 23, 2002

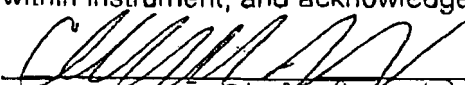


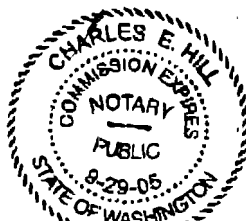
Bruce McCaw

STATE OF *Washington*,

COUNTY OF *King*) ss.

On this *28th* day of *January*, in the year of 2002 before me the undersigned, personally appeared **Bruce McCaw**, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.


 Notary Public of *State of Washington*
 Residing at: *Issaquah*
 Commission Expires: *9/26/05*



RECEIVED 02-26-02 10:52 FROM-

2087263567 TO-

TOM MATSON DODGE

P06/09

WARRANTY DEED

For Value Received Bruce McCaw, an unmarried man at the time of acquiring title

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Thomas L. Matson Residence Trust No. 2 as to an undivided 27% interest; and Shelly A. Matson, Laurie C. Redelf, fka, Laurie C. Matson, and Thomas D. Matson, Trustees of the Shanon H. Matson Residence Trust No. 2 as to an undivided 27% interest

whose address is: Box E, Auburn, WA 98071

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lots 23 and 25 of a Replat of Hyndman Peak Subdivision, Lots 23, 24 and 25, according to the official plat thereof, recorded as Instrument No. 273524, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 23, 2002

Bruce R. McCaw

Bruce McCaw

Instrument # 460846

HAILEY, BLAINE, IDAHO

2002-01-30

03:55:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 3.00

Es-Officio Recorder Deputy

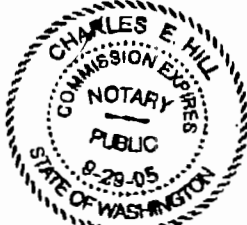
Index to: WIT/OC/CORP DEED

STATE OF Washington)

COUNTY OF King) ss.

On this ²⁴ day of January, in the year of 2002 before me the undersigned, personally appeared Bruce McCaw, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.

[Signature]
Notary Public of State of Washington
Residing at Issaquah
Commission Expires: 8/29/05



WARRANTY DEED

For Value Received **Bruce McCaw**, an unmarried man at the time of acquiring title

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Thomas L. Matson and Shanon H. Matson, husband and wife as to an undivided 46% interest

whose address is: **Box E, Auburn, WA 98071**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Lots 23 and 25 of a Replat of Hyndman Peak Subdivision, Lots 23, 24 and 25, according to the official plat thereof, recorded as Instrument No. 273524, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 23, 2002

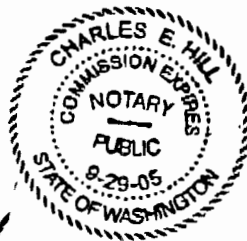

Bruce McCaw

Instrument # 460847
HAILEY, BLAINE, IDAHO
2002-01-30 03:56:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP PGCO

STATE OF Washington)
COUNTY OF King) ss.

On this 20th day of January, in the year of 2002 before me the undersigned, personally appeared **Bruce McCaw**, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.


Notary Public of State of Washington
Residing at: Issaquah
Commission Expires: 9/29/05

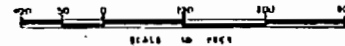


PLAT SHOWING A REPLAT OF HYNDMAN PEAK SUBDIVISION, LOTS 23, 24 and 25

LOCATED WITHIN SECTION 3, T.3N., R.18E., B.M.

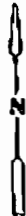
BLAINE COUNTY, IDAHO

APRIL 1986



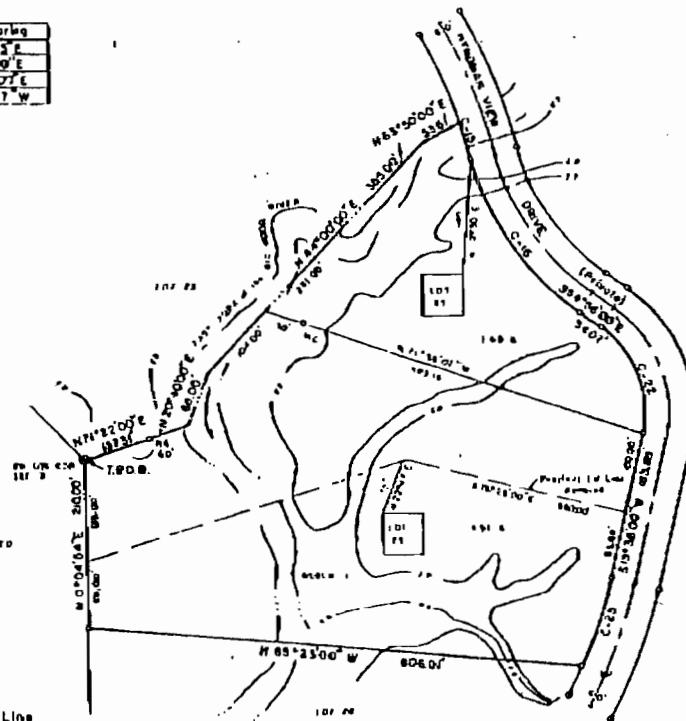
CURVE TABLE

Curve	R	Δ	L	Δ	Ch. Bearing
C-15	671.00	7°52'30"	22.03	54.09	S 85°18'03" E
C-16	1300.00	40°30'00"	181.74	253.36	S 84°41'00" E
C-22	1200.00	88°34'00"	64.01	43.81	S 10°39'07" E
C-23	540.00	12°57'15"	58.75	28.84	S 19°56'57" W



LEGEND

- Found 1/2" Rebar
- Brass Cap
- River Bank
- - - 10' Drains Easement
- FP- Approximate 100-Year Floodplain Line or per HUD Flood Insurance Study, 1980
- Designated Building Envelope



NOTES

- All riverfront lots shall elevate the top of foundation wall 2 feet minimum above the 100 year floodplain elevation of the designated building envelope.
- All natural drainage courses shall be maintained.
- The avalanche danger area designated on this plat is considered by the owner and Blaine County measurable for regulatory purposes. However, neither the owner nor Blaine County represents, guarantees, warrants or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.
- A 10' Public Utility easement is centered on Interlocal lines and adjacent to exterior lot lines.
- Hyndman View Drive is a private road with public access. The purchaser and/or owner of this parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated to accept, maintain, or improve these roads and that each owner shall notify in writing any successor in interest of these facts.
- Lot cannot be further subdivided.
- Any stream alterations shall require a stream alteration permit from Blaine County per Section 17, Blaine County Zoning Ordinance 77-5.
- Any changes in size or location of the building envelopes must be approved by the Blaine County Planning Director.

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:
First American Title Co.
Box 758
Kelchum, Idaho 83340



A REPLAT OF HYNDMAN PEAK
SUBDIVISION, LOTS 23, 24 & 25
CALENA ENGINEERING, INC.
KETCHUM, IDAHO
SHEET 1 OF 2

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE MCCA
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	NE	SW			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	04/01	11/01	0.410		

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

8. Total consumptive use is 18.0 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	7.0

Section Acres 7.0

Total Acres 7.0

A37-00539D

Page 1

Date: 09/18/89

MICROFILMED

FEB 23 1993

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:

A37-00539F

14. Remarks:

TRANS. 3280. THE ANNUAL VOLUME OF WATER UNDER THIS RIGHT
SHALL NOT EXCEED 21.0 AF/ANNUM.
HYNDMAN PEAK SUBD. LOTS 23, 25, & 26.
ACTUAL ACREAGE IS 6.65 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

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

[X] Signature of New Claimant(s): [Signature] Attorney-in-fact
(Special Power of Attorney for Bruce McCaw
attached)

Date: 9/13/89

FOR IDWR USE ONLY:

Initial Review and Data-Entry NOTE: Gary Slette remains as the attorney
Date: 9/18/89 By: AD at law on behalf of claimant and all

Further Action Needed: notices required by law to be mailed by
Further Action Taken the director should be mailed to him at
Date: By: P.O. Box 1906, Twin Falls, Idaho 83303.

Final Review and Data-Entry
Date: 9/18/89 By: AD

Claim Numbers of Split, if any:

MICROFILMED

FEB 23 1993

WARRANTY DEED

For Value Received

JOSEPH CIRILLO, an unmarried man

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

BRUCE MCCAWE, 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

Joseph Cirillo
 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, I.D.

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 _____

Ex-Officio Recorder

By _____

Fees \$
 Mail to:

INSTRUMENT NO.

MICROFILMED

FEB 23 1993

Chicago Title Insurance
 Company of Idaho

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, Idaho true 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 aka
Bruce 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 _____, Deputy.

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: A37-00539D
Date Received: 10/26/1988
Receipt No: S003279
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

Name: SUZANNE M. CIRILLO
Address: HAILEY, ID 83333

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	NE	SW			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	04/01	11/01	0.410		

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

8. Total consumptive use is 18.0 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	7.0
Section Acres							7.0
Total Acres							7.0

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:
A37-00539F

14. Remarks:

TRANS. 3280. THE ANNUAL VOLUME OF WATER UNDER THIS RIGHT
SHALL NOT EXCEED 21.0 AF/ANNUM.
HYNDMAN PEAK SUBD. LOTS 23, 25, & 26.
ACTUAL ACREAGE IS 6.65 ACRES.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date: 12/13/1909

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 _____

MICROFILMED
FEB 23 1993

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 A3700539D
Date Received _____
Receipt Number 5003279 *see*

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, HAILEY 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 NE 1/4 of SW 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

COPY

MICROFILMED

FEB 23 1993

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 .410 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .410 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 18 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									7								7

Total number of acres irrigated 7*

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 xxx 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 (✓)

14. Remarks: HYNDMAN PEAK SUBD. LOT 23, 25 and 26.

* ACTUAL ACREAGE IN TRANSFER APPLICATION IS 6.65 ACRES

COPY
MICROFILMED

FEB 23 1993

Last Name Cirillo Ident No. A37-00539D

Copies: White -State, Yellow-Clai-

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX
If applicable provide IDWR Water Right Number 37-00539D
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
Attorney by power of attorney
for Joseph Cirillo 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 _____ of _____
Title 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]

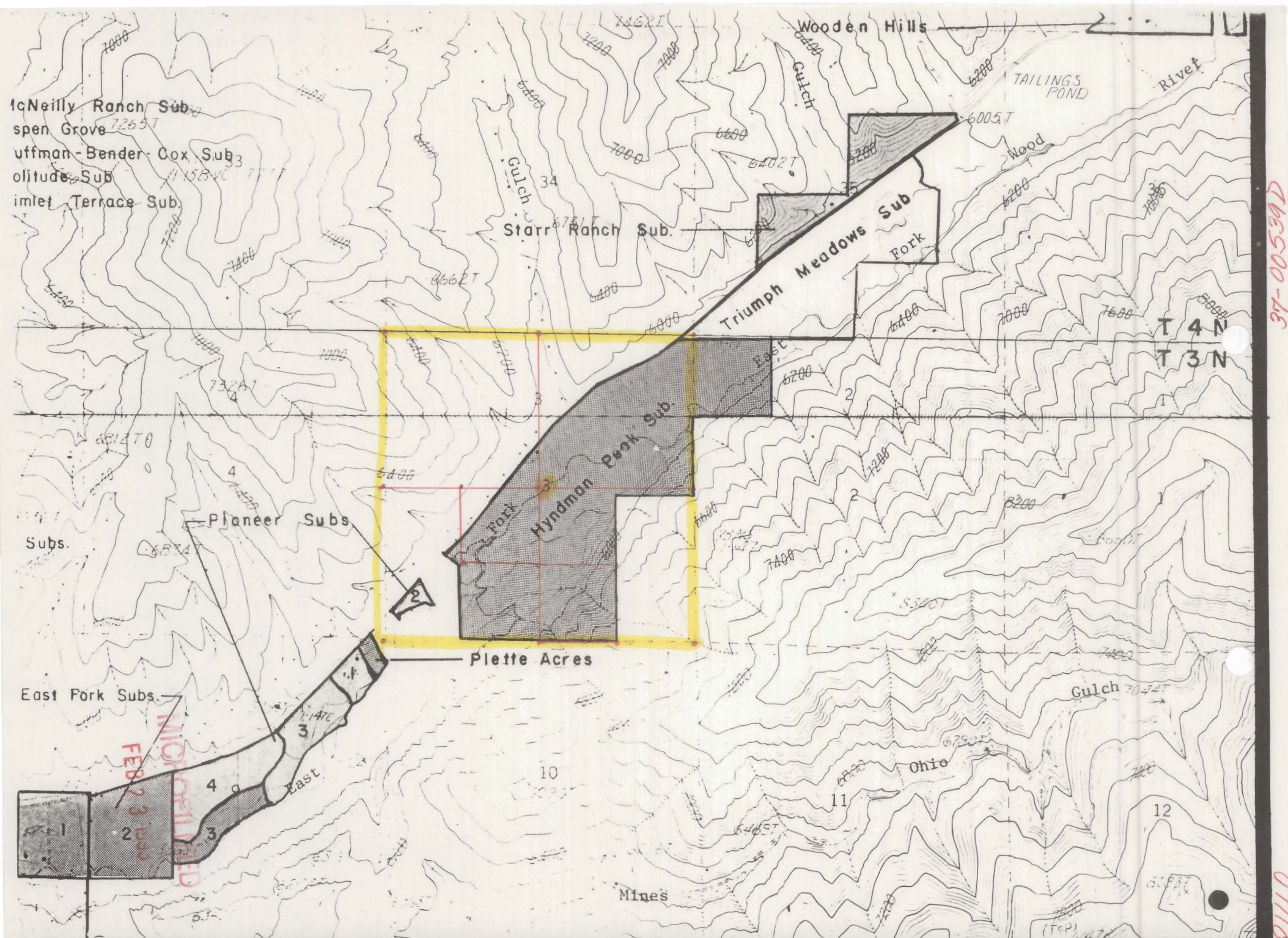
Address Box 1206 Twin Falls

Date 10/26/88

COPY
MICROFILMED
FEB 23 1993

Last Name CIRILLO Ident. Number A37-00539D

Copies White-State, Yellow-Claimant



37-00539D

071810

R18E

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 Twin Falls, Idaho
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

08/05/2005

**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:

Water right number: 37-539D

THOMAS L MATSON
PO BOX E
AUBURN WA 98071
Telephone Number: (253)833-2485

SHANON H MATSON
PO BOX E
AUBURN WA 98071
Telephone Number: (253)833-2485

THOMAS L MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

SHANON H MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

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,

08/25/2005

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

RIGHT NUMBER: 37-539D

NAME AND ADDRESS: THOMAS L MATSON
PO BOX E
AUBURN WA 98071

SHANON H MATSON
PO BOX E
AUBURN WA 98071

THOMAS L MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

SHANON H MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.260 CFS

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 NESW 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	0.260 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	3.2	T03N R18E S03	SESW	1.1
---------------	------	-----	---------------	------	-----

4.3 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

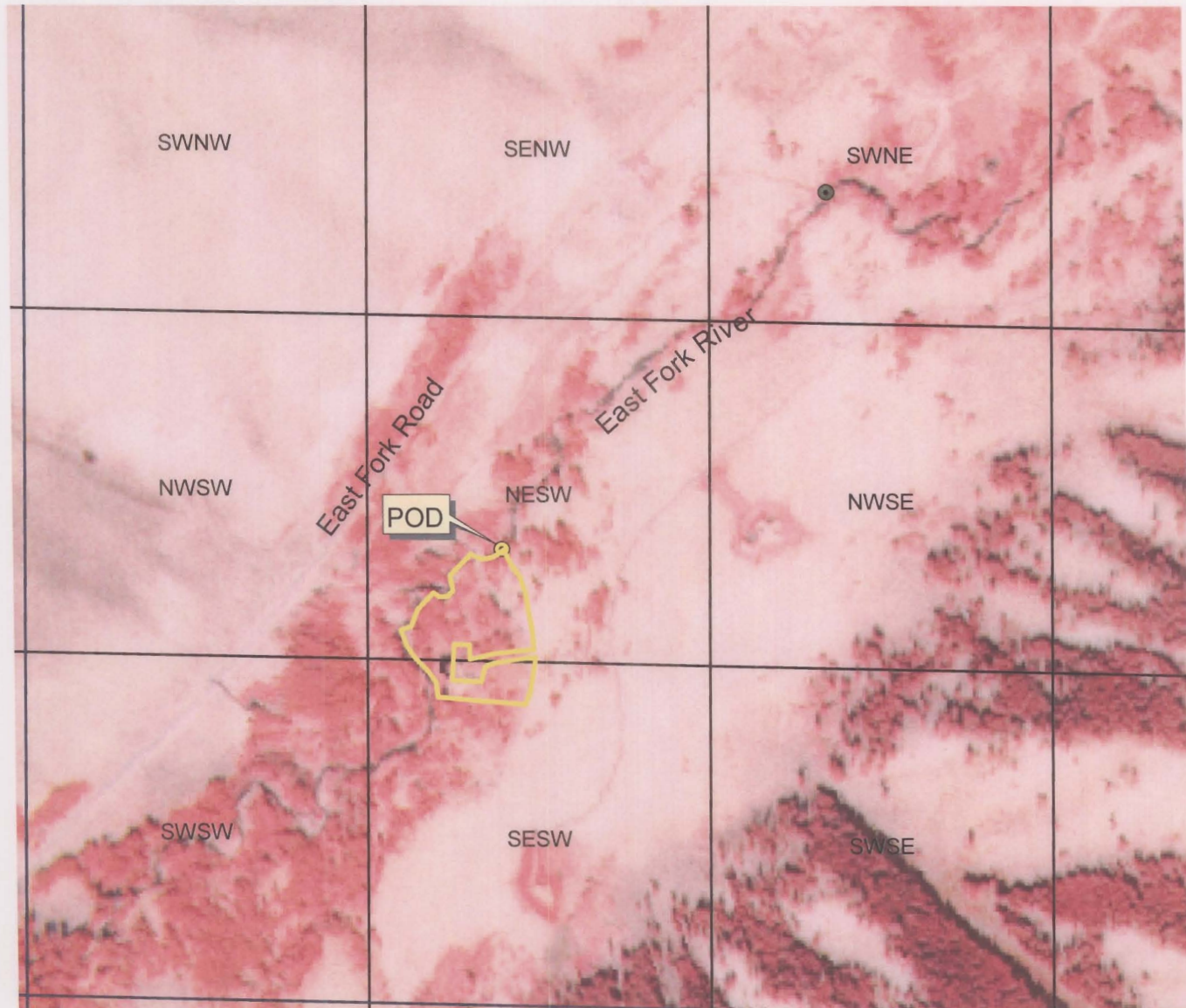
Use of water under this water right will be regulated by the watermaster of State Water District No. 6 DISTRICT.

Place of use is located within Lots 23 and 25 of Hyndman Peak Subdivision.

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-539D**



1320

0

1320 Feet

PLACE OF USE
TWP 03N, RNG 18E, SEC 03
Data entry on August 05, 2005



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



TOWNSHIP LINES

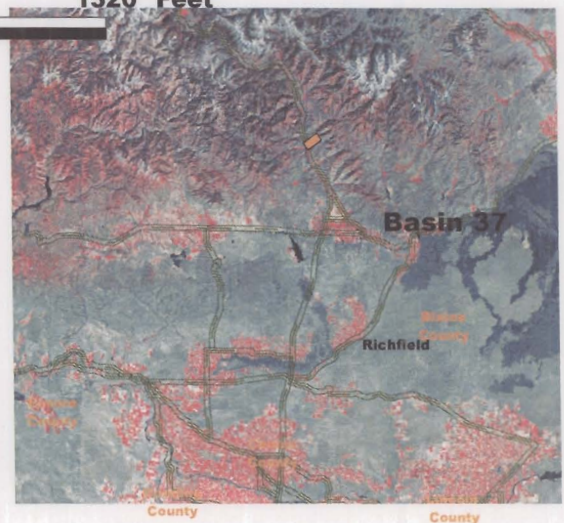


SECTION LINES



LOCATION IN BASIN

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



08/25/2005

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

RIGHT NUMBER: 37-539D

NAME AND ADDRESS: THOMAS L MATSON
PO BOX E
AUBURN WA 98071

SHANON H MATSON
PO BOX E
AUBURN WA 98071

THOMAS L MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

SHANON H MATSON RESIDENCE TRUST NO 2
PO BOX E
AUBURN WA 98071

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.260 CFS

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 NESW 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	0.260 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	3.2	T03N R18E S03	SESW	1.1
---------------	------	-----	---------------	------	-----

4.3 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.

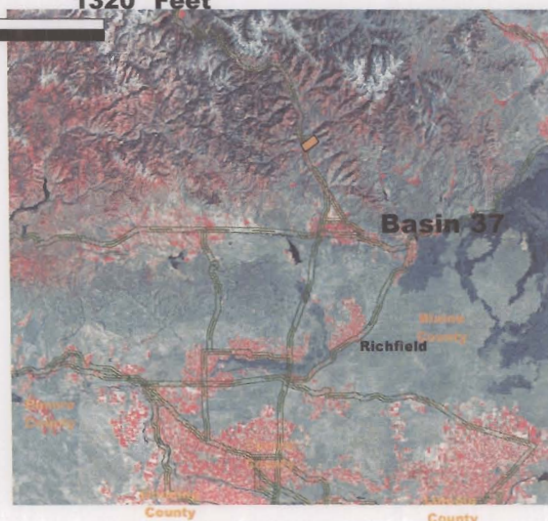
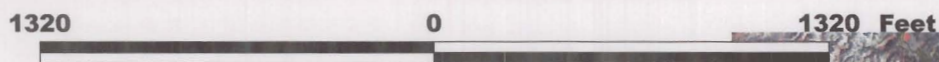
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Place of use is located within Lots 23 and 25 of Hyndman Peak Subdivision.

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

RECOMMENDED PLACE OF USE FOR 37-539D



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

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.

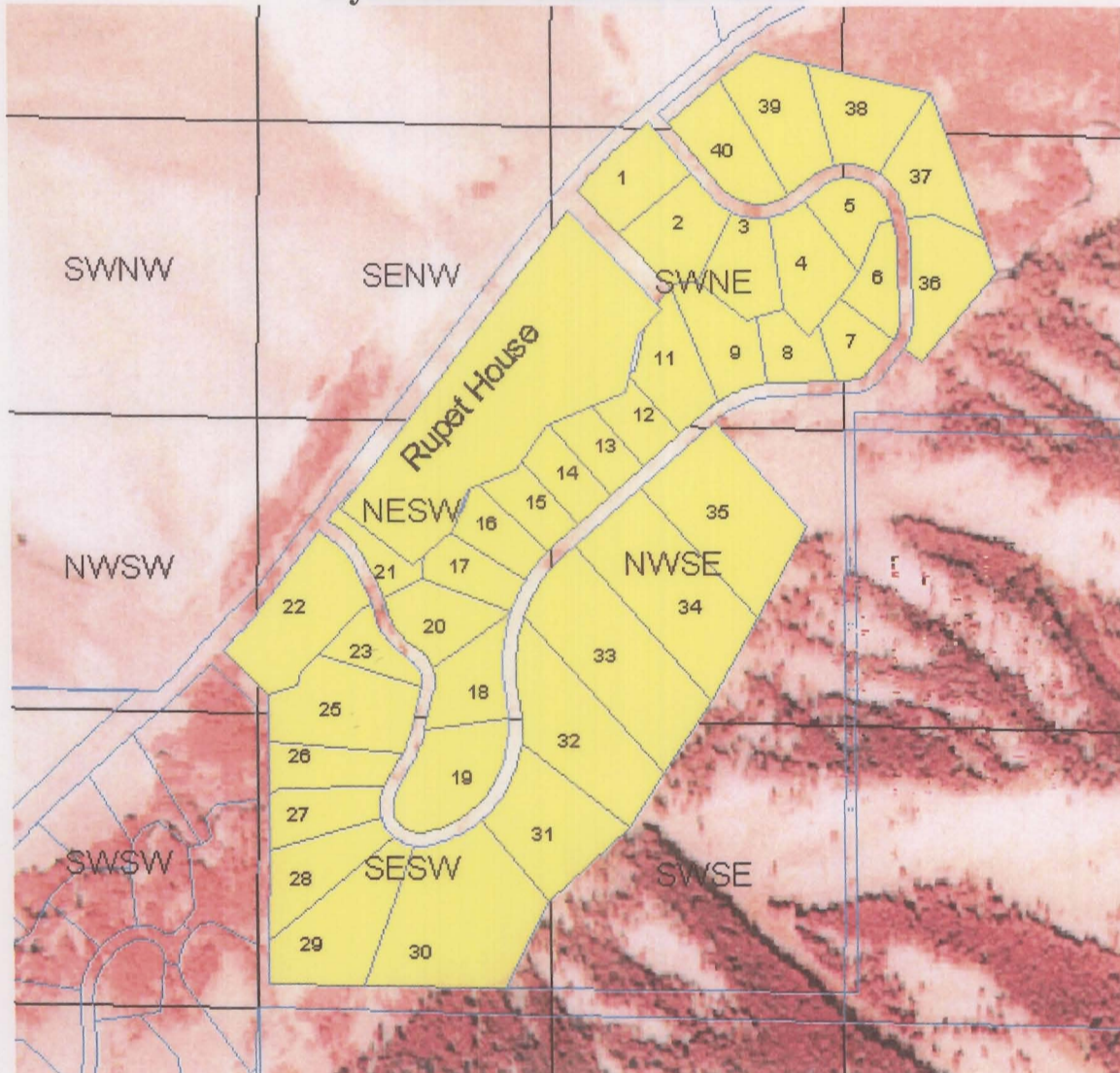
In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:

- 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)

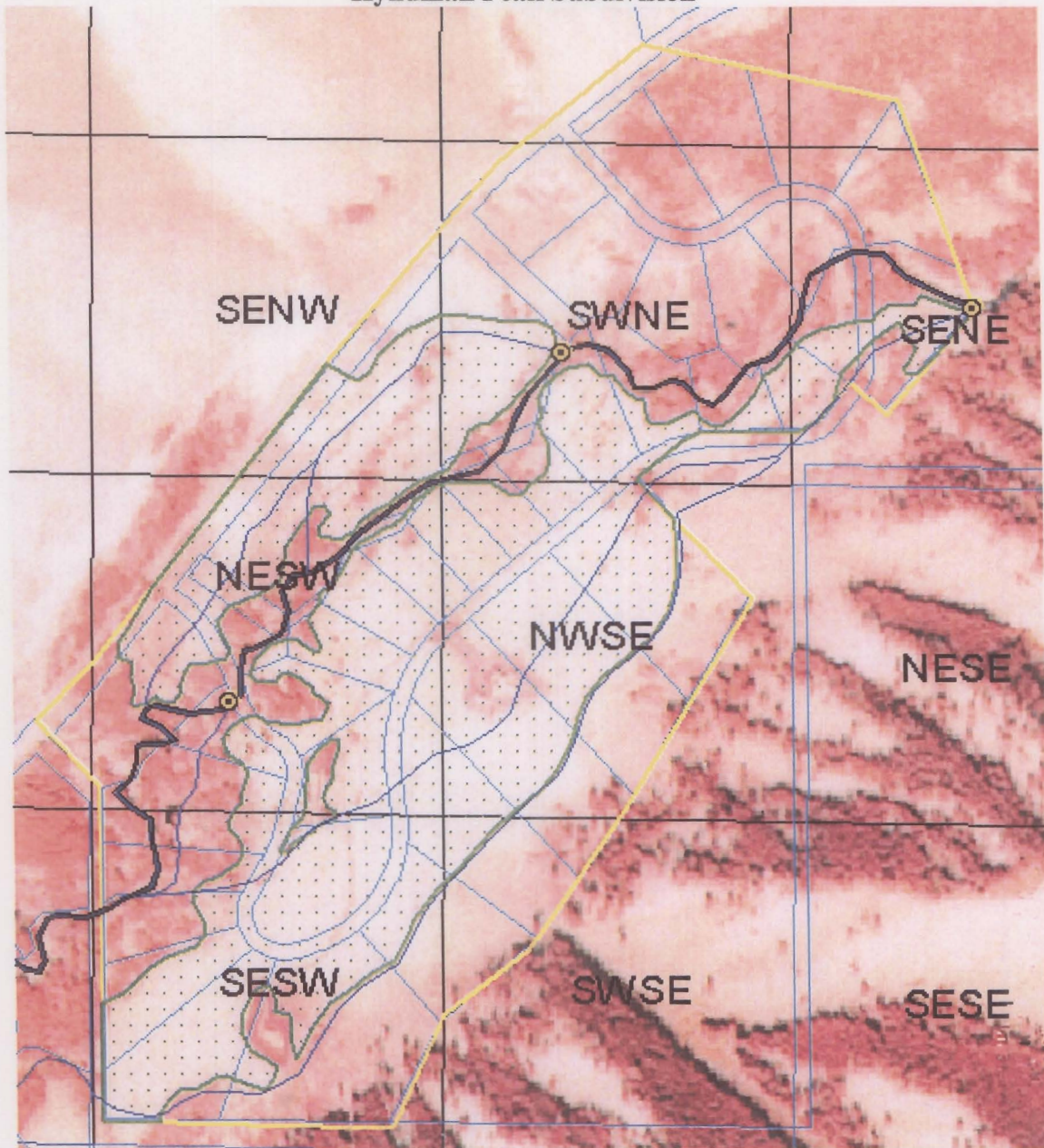
- The Hyndman Peak Homeowner's Association, claim 37-539G, currently has no means of delivery for its members from the claimed POD in the SENE of section 3. The members of the association are spread throughout the subdivision with no organized delivery system. Historically before the subdivision was 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



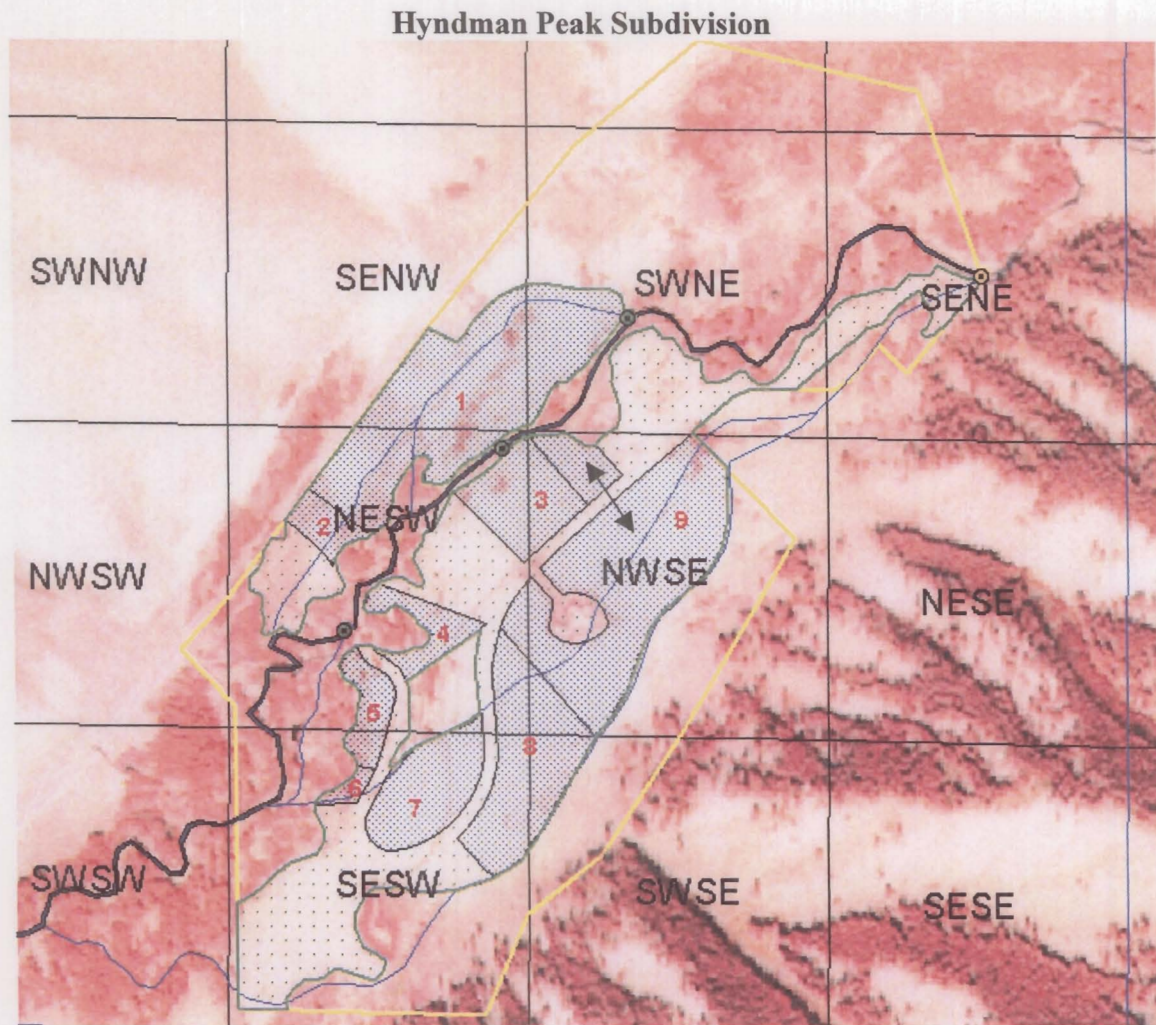
- | | | |
|-----------------|-------------------------|---------------|
| 1- Bennett | 15- Brandman | 29- Porter |
| 2- Berman | 16- Swigert | 30- Szombathy |
| 3- Danielson | 17- Swigert | 31- Mitchell |
| 4- Kosmos | 18- El Camino(Mitchell) | 32- Mitchell |
| 5- Papworth | 19- El Camin (Mitchell) | 33- Mitchell |
| 6- Hyndman Peak | 20- Exchange LLC | 34- Mitchell |
| 7- Flammer | 21- Bontrager, Lynn | 35- Mitchell |
| 8- Naeve | 22- Bontrager, Carl | 36- Boxall |
| 9- Devens | 23- Matson | 37- Latrobe |
| 11- Bass | 25- Matson | 38- Latrobe |
| 12- Bass | 26- McCaw | 39- Chivvis |
| 13- Mitchell | 27- Porter | 40- Chivvis |
| 14- Brandman | 28- Porter | House, Rupert |

Hyndman Peak Subdivision



1987 Napp Aerial Photography

- | | | | |
|---|--------------------------|---|---------------------------|
|  | Historically Irrigated |  | East Fork River |
|  | Hyndman Peak Subdivision |  | Delivery System (ditches) |
|  | Blaine County Tax lots | | |



- | | | | |
|---|---|---|---------------------------|
|  | Historically Irrigated |  | East Fork River |
|  | Claimed 1884 East Fork Decree
(See list below) |  | Delivery System (ditches) |
|  | Ownership Theme | | |

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

T3291

37-539A
2.6 cfs 42ac

T3280

37-539D
0.41 cfs 6.65 ac

AJ 37-539D
0.41 cfs

Matson

0.26 cfs
4.3 ac.

37-539E
2.04 cfs 33 ac

T3551

37-539G
1.89 cfs 30.5ac

T4671
Recommended for
Disallow

Water Right

37-539C
2.19 cfs 35.35ac

T3332

37-539F
0.15 cfs 2.36 ac

AJ 37-539F
0.15 cfs

McCaw

0.08 cfs
1.3 ac

37-539H
0.16 cfs 2.5 ac

AJ 37-539J
0.16 cfs

Brandman

0.15 cfs
2.5 ac

Adjudication
claim

Recomm-
endation

37-539B
0.4 cfs 12 ac

T5318

37-539J
0.33 cfs 10ac

AJ 37-20379
0.33 cfs

House

0.33 cfs
10.0 ac.

37-539K
0.07 cfs 2ac

AJ 37-20380
0.07 cfs

Bontrager

0.07 cfs
2.0 ac.

37-539L
0.29 cfs 4.2ac

Mitchell

0.30 cfs
8.0 ac.

37-539H
0.88 cfs 12.3ac

Mitchell

0.53 cfs
14.1 ac.

37-539I
0.27 cfs 4.4ac

Mitchell

0.15 cfs
4.0 ac.

37-539k
0.06 cfs 1ac

Carson

0.06 cfs
1.0 ac.

37-539G
0.71 cfs 11.6 ac

Hvndamn Peak Sub.

0.85 cfs
22.4 cfs

Notes

07/06/05

Field Exam:

Nick Treasure

Lots 23, 24 and 25 under the ownership of Thomas & Sharon Matson or Lots 23+25 of Re-plat. These three lots are primarily Riparian Areas.

The POD is as claimed in the NESW.

I disagree with the claimed 7 Acres of Irrigation however. I examined approx. 3 Acres of area that is being watered via sprinkler. I also found a pond approx. 200 ft long and 50 ft wide, with an average depth of 4 feet.

A pump from the pond is visible and I assume is being pumped for portions for all of sprinklers used for the 3 acres of POD.

(Attached map)

It does appear that the pond did exist prior to the 1987 commencement of the adjudication.

However the claim makes no mention of any ponds.

The pond can be claimed as irrigation purposes due to the size/volume. See following calculation:

$$0.41 \text{ cfs} \times \frac{1.98 \text{ ac}}{1 \text{ cfs}} = \frac{0.81 \text{ ac}}{30,000 \text{ cfs}} \div (200 \text{ ft long} \times 50 \text{ ft wide} \times 3 \text{ ft avg deep})$$
$$= \frac{43,560 \text{ cubic feet}}{0.69 \text{ AFA}}$$

capacity using
0.41 cfs

capacity of this
particular pond.

Notice that this ponds capacity is under the capacity volume of 0.41 cfs.

SCANNED
JUL 15 2008

Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

Twp 03N Rng 18E Secs 3



(418)

Richard D. Boring
10-10-80

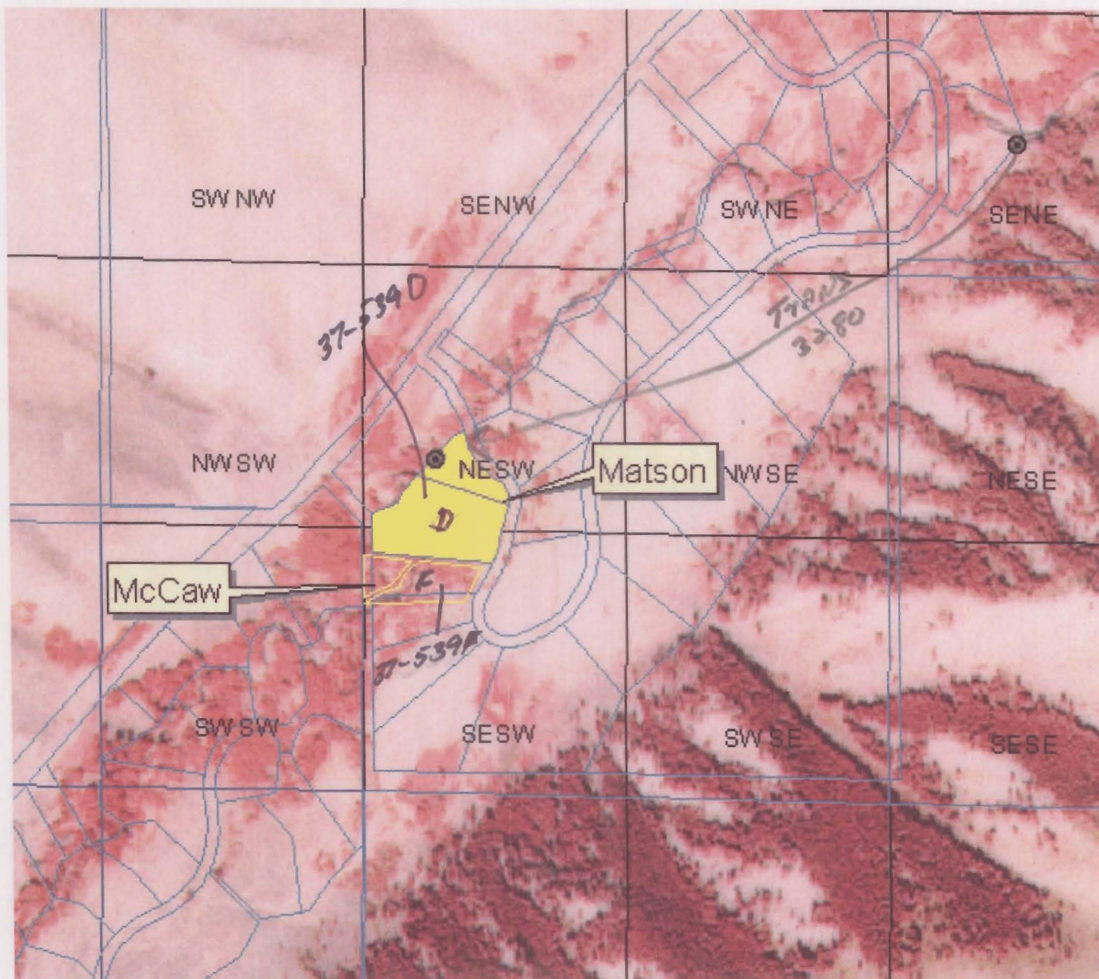
PLACE OF
USE

[illegible]

1. A 10' wide Fisherman's Easement along the banks of the East Fork Big Wood River is reserved for the public within the Common Area.
2. All riverfront lots shall elevate the top of foundation wall 2 feet minimum above the 100 year floodplain elevation of the designated building envelope.
3. All natural drainage courses shall be maintained.
4. The avalanche danger area designated on the Hyndman Peak Subdivision Plat is considered by the owner and Blaine County responsible for regulating purposes. However, as the owner nor Blaine County represents, guarantees, warrants or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.

SAWTOOTH ENGINE
CONSULTING ENGINEER
KETCHUM, IDAHO

PAGE 1 OF 6
MICHIGAN PEAN SUBDIVISIONS



5/10/05 This appears OK as per Jim Sprock Attorney as per deeds.

SEE TRANS 3280
22 SEPT 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2002

Thomas L. Matson
PO Box E
Auburn, WA 98071

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 37-12110, 37-539D

Dear Mr. Matson:

In response to our phone conversation yesterday, I located the Notice of Change of Ownership you submitted to our office in March of this year. I have updated our records for the two rights listed above to reflect that ownership is in the name of Thomas and Shanon Matson and also in the name of the two Trusts. Please find copies enclosed.

Water right 37-12110 is for domestic use of groundwater within your house and up to ½ acre of yard. It has been decreed, as it now appears, in the Snake River Basin Adjudication. SRBA claim 37-539D has yet to be reviewed in the Adjudication and you will be contacted sometime in the future when one of our agents begins a review of the water right claims in your area.

I did notice one area of discrepancy during my review of 37-539D. The Quit Claim Deed specifically stated that this right was not appurtenant to Lot 26, which was evidently retained by McCaw, however the original Adjudication Claim filed by Joseph Cirillo in 1988 did state that a portion of 37-539D was appurtenant to Lot 26. This is an issue that will need further clarification when our agent reviews the history of use of water right 37-539. If they are available, you may wish to discuss the past water use on your property with Mr. McCaw, and if possible Mr. Cirillo, so that you are in possession of information that may help our agent fully understand your water right.

In most cases, the Department would be inclined to split 37-539D between the two properties appurtenant to the right as originally claimed. Because of the stated intent of the Quit Claim deed, however, I changed ownership of the entire SRBA claim 37-539D into your name. If you have any questions about the above, please feel free to contact me.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

NOTE TO FILE

From: Vikie Hancock

6/4/02

Regarding: Claim number 37-539D

In response to the Notice of Ownership Change received from Thomas Matson I did a routine check of the place of use for the above right. It appears that there may be some discrepancy between the place of use claimed as a result of 1986 T#3280 and the place of use conveyed to Matson from McCaw. The claim lists lots 23, 25 and 26 of the Hyndman Peak Subd. McCaw conveyed lots 23 and 25 only. He also quit claimed the entire right to Matson, stating that 37-539D was not appurtenant to lot 26.

Allen Merritt's 1995 memo indicates that there could be some question as to whether right 37-539D was ever appurtenant to lot 26. The history of this right needs further review to determine the actual location of the place of use according to T3280 and it's relationship with subsequent 1987 T#3332.

Because of the transferred place of use question and because of the stated intent of the Quit Claim deed I changed ownership of the entire claim into Matson's name. I also informed him that there could be some question about the ownership of the right during our future SRBA review of claims in his area. See letter in file.

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>	<u>cfs</u>	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.

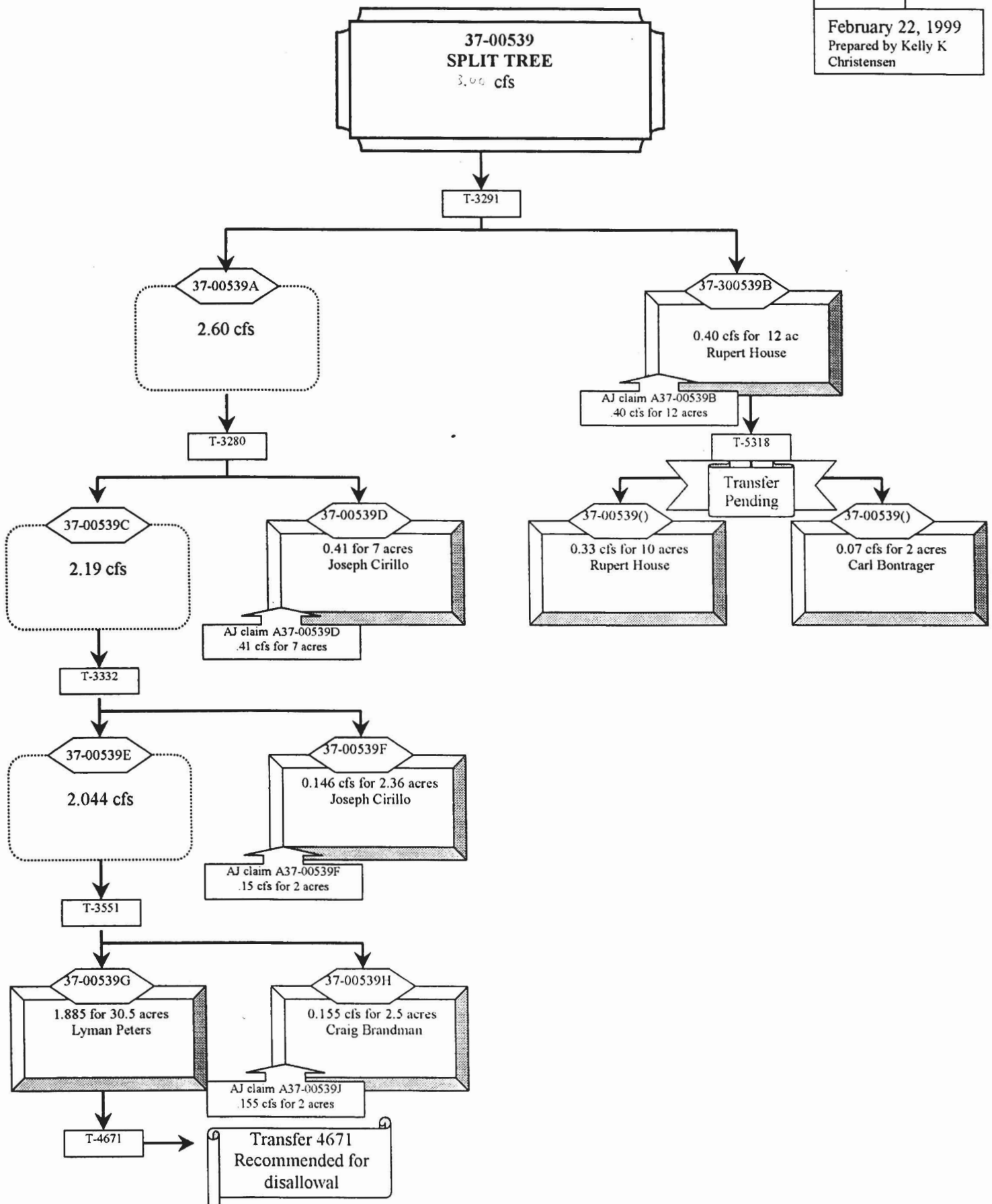
The letter to the file from Water District NO 37 & 37M dated October 18, 1995 indicates that the ownership of the place of use covered by this transfer has been one of the few consistently delivered portions of the base right.

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



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

37-00539 K, T # 4671

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

RECEIVED
OCT 18 1995

Department of Water Resources
Southern Region



LEE R. PETERSON
Watermaster

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,

A handwritten signature in cursive script that reads "Norma Peterson".

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 05 1992

RECEIVED

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

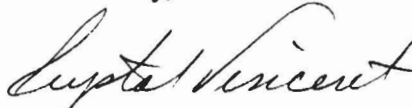
RE: SRBA CLAIMS IN THE SOUTHERN REGION

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 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CELESTINE D. ANDRUS
SOUTHERN REGION

2140 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

2140 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 19, 1987

Reid J. Newby
Watermaster, #37
Box 1
Shoshone, ID 83352

Re: Approved Applications for Transfer of Water Right
37-0539, (House) and ~~37-0539~~ (Cirillo)

Dear Mr. Newby:

Enclosed are copies of Approved Applications for Transfer of a
Water Right within your District for your information and
records.

If you have any questions about the applications, please contact
this office or the applicants.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB

Encl:

MICROFILMED
OCT 24 1994

RECEIVED
Form No. 222 10/80

SEP 25 1985

18 1987

Transl o. 3280

Water Right No. 37-0539A

Pending Trans

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

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

Post Office address 2418 No. 20th St., Boise, ID 83702

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to Lyman C. Peters
(Name)

in case of S. C. Frost, et al vs Alturas Water Co., et al

dated in 12-13-1909 in Fourth District county of Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

purchase of a part of the land and water right

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

4. Date of priority 6-3-1884

5. Water is used for the following purposes:

amount 2.6 cfs for Irrigation purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.6 cubic feet per second

&/or

b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3

Township 3N Range 18E, B.M., in Blaine County

Additional points of diversion, if any _____

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	18E	3			4						18					20			42

Total number of acres to be irrigated _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

of non-use?

Yes

None, describe in item D. REMARKS

MICROFILMED

OCT 24 1994

7-0539A, T# 3280

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.41 cubic feet per second
&/or
b. _____ acre feet per annum

POOR ORIGINAL

2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3 Township 3N
Range 18E, B.M., Blaine County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	18E	3									6.65								6.65

Total number of acres to be irrigated 6.65

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.41 c.f.s. &/or _____ acre feet
b. Description of diverting works Pump
c. Describe the reasons for the proposed changes Change P/D to reduce ditch loss and to get better control of our water. Also to clarify use of water on this land. Amount to be transferred is what is appurtenant to our land based on historical use of water under the decree.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3 Township 3N
Range 18E, B.M., Blaine County
Additional points _____

3. Change in place of use None

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

OCT 24 1994

POOR ORIGINAL

Total number of acres to be irrigated _____

-
- A hand-drawn map on a grid background. The map shows a route starting from a point labeled "NEW PD" (New Police Department) and ending at a point labeled "XOH PD" (XOH Police Department). The route is indicated by a wavy line and a dashed line. A small circle labeled "FU" (Fuel) is marked along the route. The map is labeled "T.3N" (Township 3 North) and "R. 18E" (Range 18 East). The word "MICRO" is visible in the bottom right corner.

MICROFILMED

D. REMARKS

To our knowledge, the old headgate & ditch have not been used since the water right was split in 1979. 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.

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 willfull misrepresentations made in this application may result in voiding its approval.

Suzanne M. Cirillo Joseph Kirutho
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of September, 19 86.

Joy E. Dufek
(Notary Public)

My commission expires Sept. 15, 1992

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0539D and said application is hereby APPROVED, subject to the following limitations and conditions:
1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River. 3. The annual volume of water under this right shall not exceed 21.0 acre feet per annum.

Witness my hand this 16th day of March, 19 87.

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by M. Baldwin Date 9/25/86 Protest filed by None
Prelim. check by JA Fee 50⁰⁰ # 38670
Received by L.A. Date 8/22/86
Published in Wood River Journal Copies of protest forwarded by _____
Pub. dates 11/6/86; 11/13/86 Hearing held by _____ Date _____
Watermaster recommendation requested on 9/29/86 Recommended for approval den. _____
_____ rec'd. 10/20/86 by Adm Jim

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APR 8 1987

Department of Water Resources
Southern Region Office

MEMORANDUM

FROM: Gary Spackman *Gary*
TO: File of Water Right No. 37-0539
DATE: April 7, 1987
RE: Review of Transfer No. 3280 for Approval

A concern was raised regarding the ownership of water by Cirillo that would allow a greater flow rate per acre than traditional per acre use over the forty-two irrigable acres. The deed from House to Brennan (predecessor of Cirillo) that was submitted makes no reference to a special conveyance of water, and, as a result, the total amount of water normally would be spread equally over the irrigable acreage.

In an attempt to resolve the concern, I talked to Rupert House, the original owner of the land, on the telephone. Rupert House stated that he sold most of the property along with 2.6 cfs of water to Brennan. He also indicated that he did not convey the water by deed, but that he simply informed Reid Newby, the watermaster, of the sale, assuming that upon notification to the watermaster that the transfer of the water was complete.

Although conveyance of real property is not enforceable unless in writing, where the contract has been partially performed it is enforceable. Partial performance in this case includes the delivery of 130 inches of water to Brennan and 20 inches to House by Reid Newby.

House has also filed a transfer showing that he only owns 20 inches of water. We have sufficient evidence of the conveyance in our files to approve the Cirillo transfer as it stands.

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37-0539, T3280