

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: A37-00539K  
Date Received: 10/27/1988  
Receipt No: C004241 *jet*  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JACQUELINE SAMWAY 208-788-2061  
Address: P.O. BOX 1711  
SUN VALLEY, ID 83353

2. Date of Priority: JUN 03, 1984

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 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 18E   | 3       | NE     | 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 | 04/01 | 11/01 | 0.062 |      |        |

7. Total Quantity Appropriated is:  
0.062 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 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 03N      | 18E   | 3       | NE     | SW     |     | IRR | 1.0   |

Section Acres 1.0

Total Acres 1.0

A37-00539K

Page 1

Date: 01/24/89

*Microfilm*

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:  
NONE

14. Remarks:

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

---

Decree Plaintiff

vs

---

Decree Defendant

RECORDED  
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 \_\_\_\_\_

monitored

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 A37-00539k  
Date Received 10-27-88  
Receipt Number 0004241

RECEIVED

OCT 27 1988

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JACQUELINE SAMWAY Phone (208) 788 2061  
Mailing Address Box 1711 SUN VALLEY, ID Zip 83353
2. Date of Priority (Only one (1) per claim) JUNE 3, 1984
3. Source of water supply (a) BIG WOOD EAST FORK  
which is tributary to (b) BIG WOOD
4. a. Location of existing point of diversion is: Township 3 N Range 18 E Section 3,  
NE 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

COPY

MICROFILMED  
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APR 1 to NOV 1 amount .062 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .062 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 2.5 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   |        |       |       |       |        |       |       |       | 1      |       |       |       |        |       |       |       | 1      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 1

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 X 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:

COPY

MICROFILMED

FEB 23 1993

Last Name SAMWAY Ident No. \_\_\_\_\_

Copies: White -5-

Scale: 2 inches equals 1 mile

A large grid of 16x16 squares, each containing a crosshair pattern, used for handwriting practice. A large 'COPY' watermark is visible in the bottom right corner.

MICROFILMED

FEB 23 1993

Last Name SAMWAY Ident No. \_\_\_\_\_

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 37-00539  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 12/13/1909  
Plaintiff vs Defendant S.C. Frost v. Alturas

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 MAP

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

Signature of Claimant (s) Jacqueline A. Samway 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 \_\_\_\_\_ 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 Blaine ) SS.

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

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 Jacqueline A. Samway

Address \_\_\_\_\_

Date \_\_\_\_\_

COPY MICROFILMED  
FEB 23 1993

Last Name SAMWAY Ident. Number \_\_\_\_\_

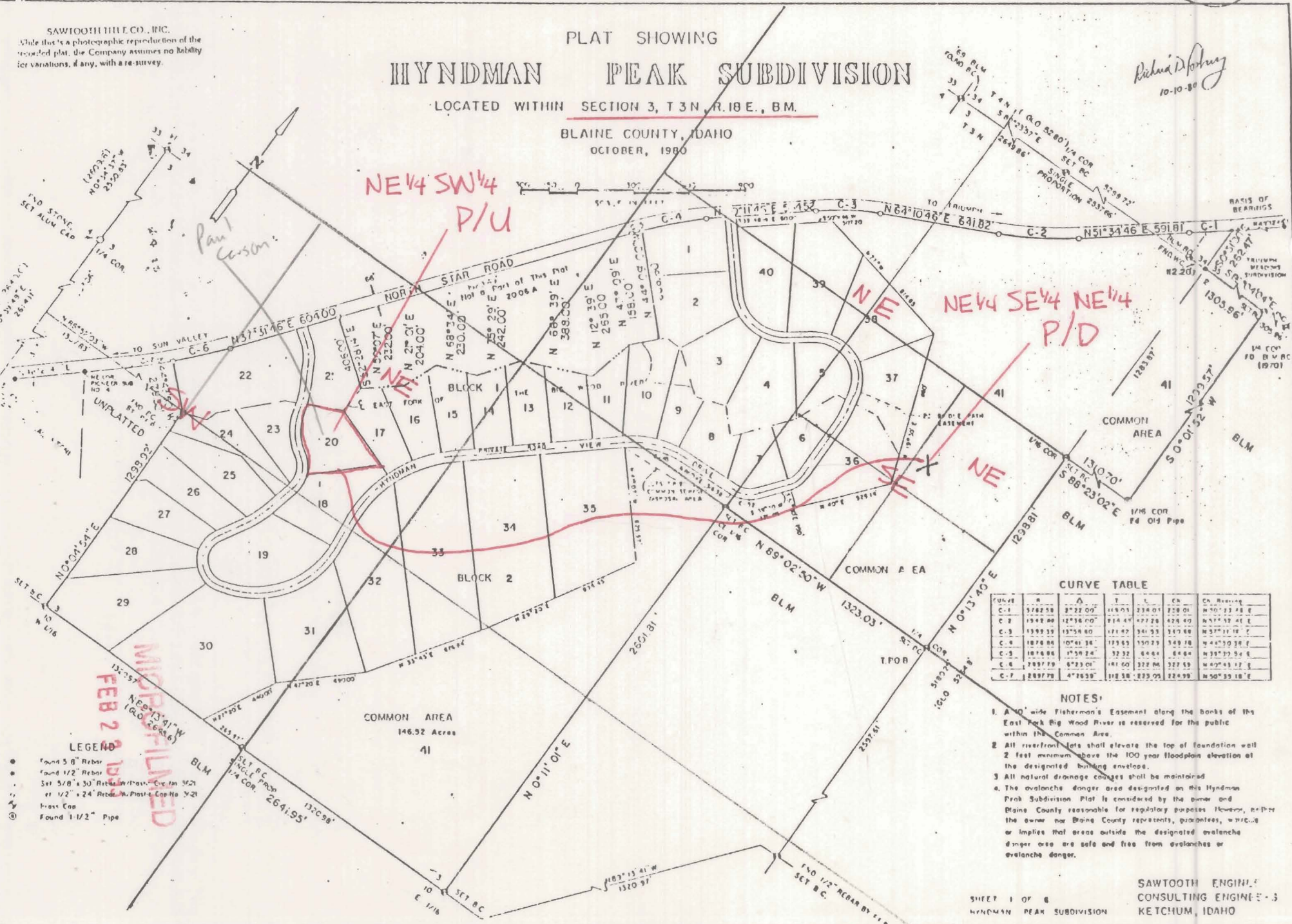
Copies White-State, Yellow-Claimant

(118)

SAWTOOTH ENGINE CO., INC.  
While this is a photographic reproduction of the  
recorded plat, the Company assumes no liability  
for variations, if any, with a re-survey.

PLAT SHOWING  
**HYNDMAN PEAK SUBDIVISION**  
LOCATED WITHIN SECTION 3, T.3 N., R.18 E., B.M.  
BLAINE COUNTY, IDAHO  
OCTOBER, 1980

*Richard D. Johnson*  
10-10-80



| CURVE TABLE |           |        |        |        |                 |  |
|-------------|-----------|--------|--------|--------|-----------------|--|
| CURVE       | Δ         | T      | L      | CA     | CA Bearing      |  |
| C-1         | 57°22'00" | 118.71 | 238.01 | 258.01 | N 90° 23' 48" E |  |
| C-2         | 15°28'00" | 214.47 | 477.28 | 428.40 | N 74° 52' 41" E |  |
| C-3         | 13°58'00" | 171.47 | 341.53 | 317.68 | N 57° 11' 10" E |  |
| C-4         | 10°41'36" | 123.63 | 150.23 | 149.78 | N 44° 50' 38" E |  |
| C-5         | 18°16'00" | 175.24 | 32.32  | 84.44  | N 38° 22' 54" E |  |
| C-6         | 6°23'01"  | 181.60 | 322.06 | 327.59 | N 42° 43' 12" E |  |
| C-7         | 4°16'53"  | 318.38 | 825.95 | 824.99 | N 50° 55' 18" E |  |

- NOTES:
1. A 40' 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 at the designated building envelope.
  3. All natural drainage changes shall be maintained.
  4. The avalanche danger area designated on this Hyndman Peak Subdivision Plat is considered by the owner and Blaine County responsible for regulatory purposes. However, no Plat 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.



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](http://www.idwr.idaho.gov)

SOUTHERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
~~Interim~~ Director

June 4, 2007

PAUL CARSON  
PO BOX 2103  
KETCHUM ID 83340

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM #37-539K

Dear Mr. Carson,

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, however, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to the Department. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a faint, larger signature that appears to be 'C. L. Otter'.

Carrie Hahn  
Clerk

JACQUELINE SAMWAY  
PO BOX 1711  
SUN VALLEY ID 83353

08/26/2005

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

---

RIGHT NUMBER: 37-539K

NAME AND ADDRESS: JACQUELINE SAMWAY  
PO BOX 1711  
SUN VALLEY ID 83353

SOURCE: EAST FORK WOOD RIVER                      TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.062 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 NESENE 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          | 0.062 CFS       |

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03              NESW              1.0

1 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

This right is a split from former right 37-539G

Place of use is located within Lot 20 of Hyndman Peak Subdivision.

08/10/2005

**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: 37-539K

JACQUELINE SAMWAY

PO BOX 1711

SUN VALLEY ID 83353

Telephone Number: (208)788-2061

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:

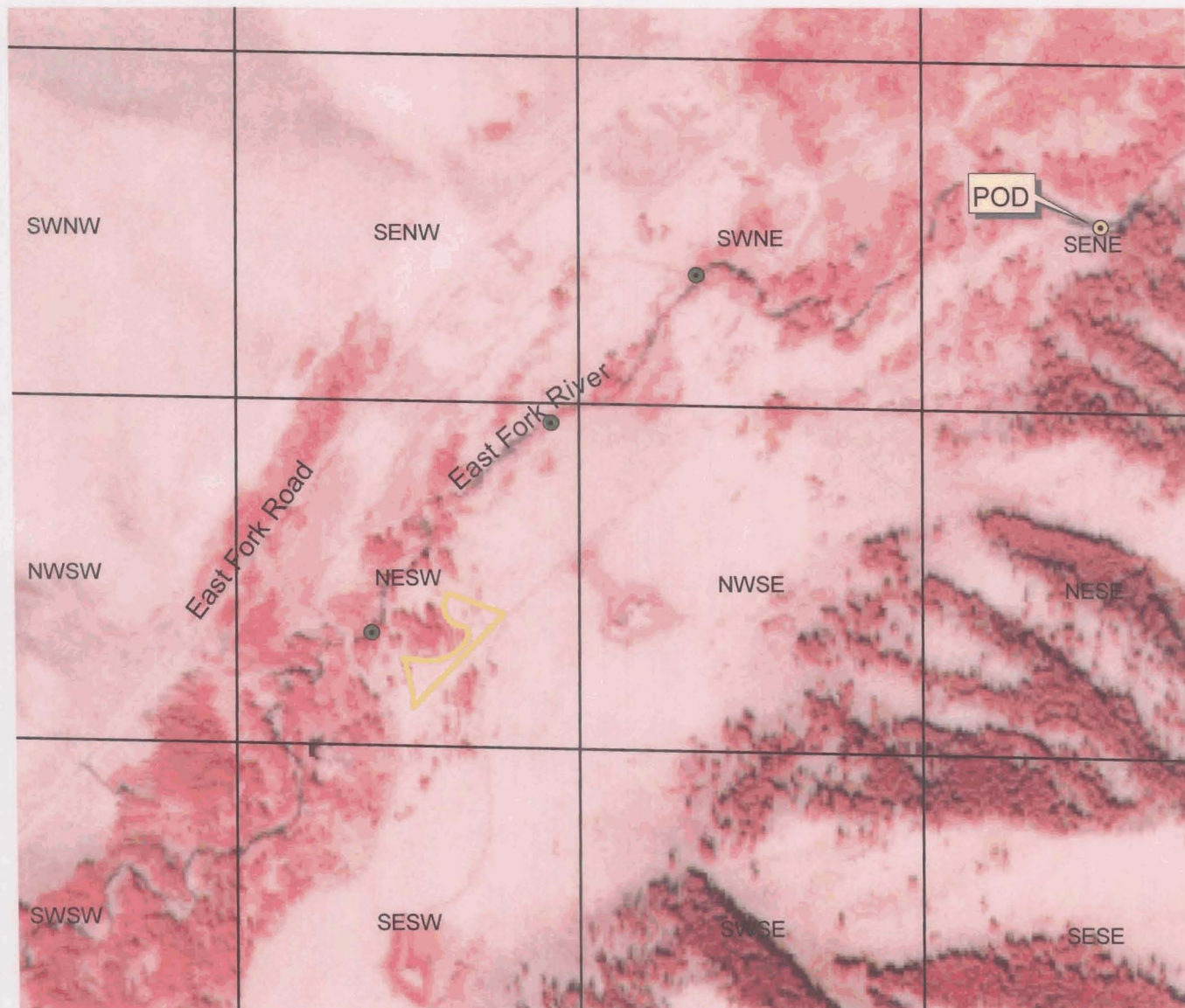
       I AGREE with this proposed recommendation: no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please print your name: \_\_\_\_\_

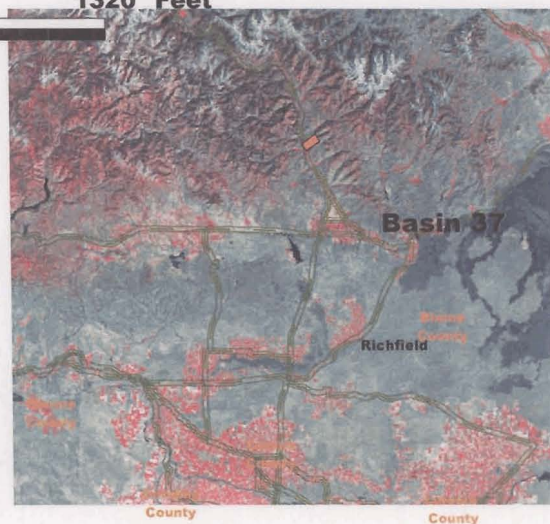
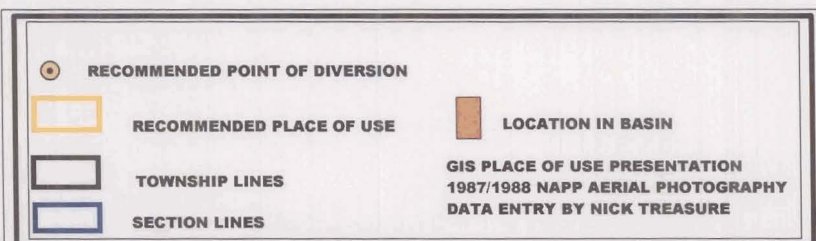
IDWR Regional Office,

**Idaho Department of Water Resources**  
**RECOMMENDED PLACE OF USE FOR**  
**37-539K**



1320 0 1320 Feet

**PLACE OF USE**  
**TWP 03N, RNG 18E, SEC 03**  
**Data entry on August 10, 2005**



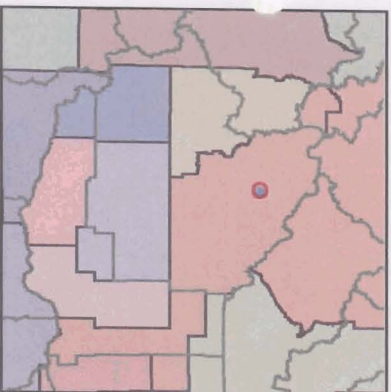
# Idaho Department of Water Resources



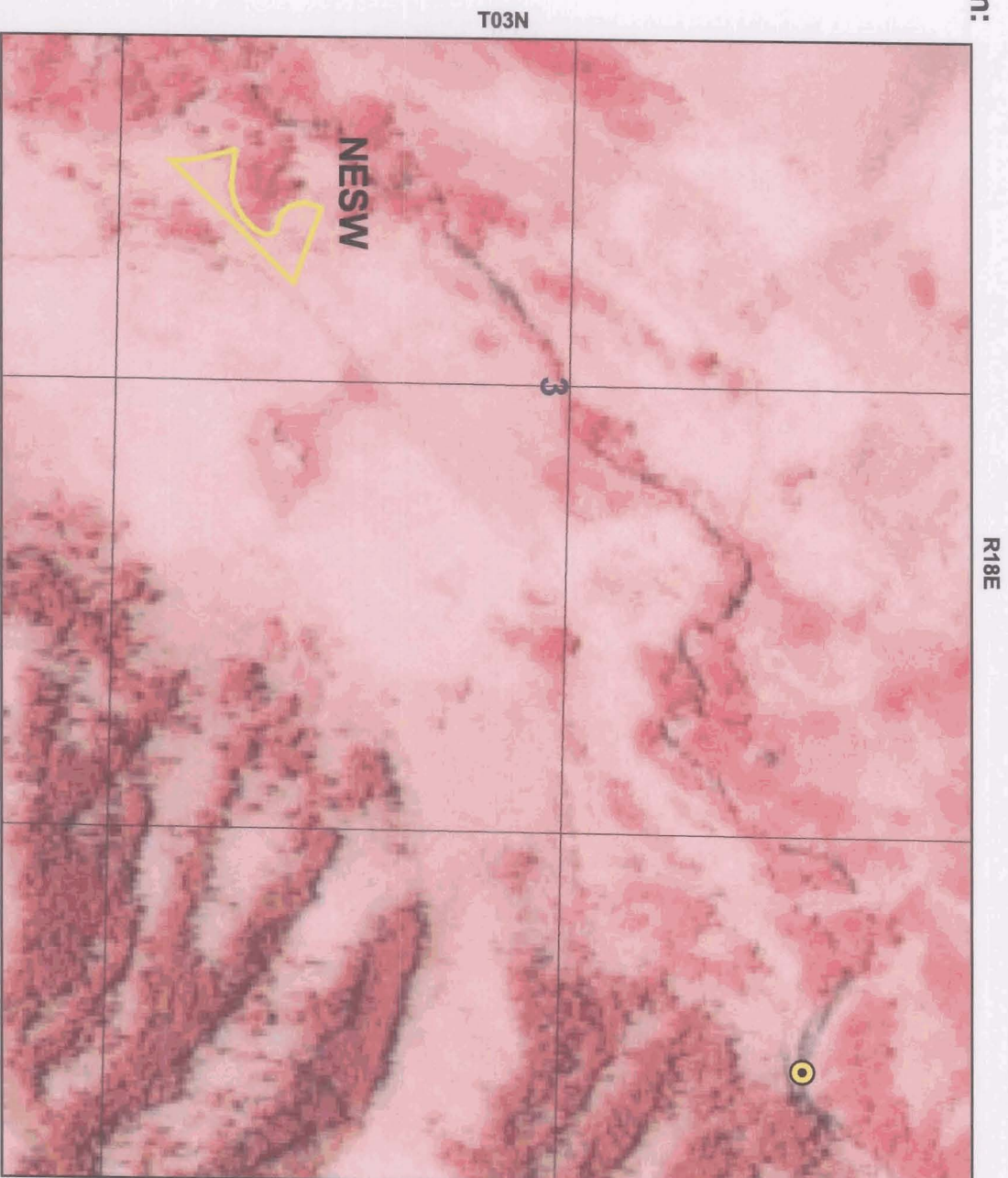
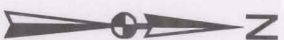
SRBA Recommendation:  
**37-539K**  
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



Prepared by E. NORQUES  
On Tuesday, October 3, 2006  
1987/88 Aerial Photography



# Idaho Department of Water Resources

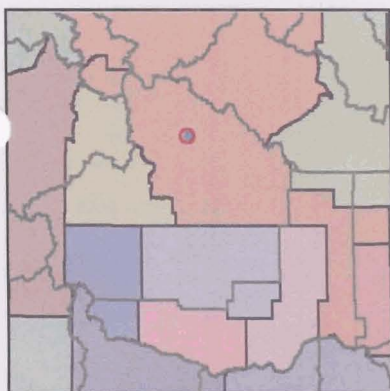
SRBA Recommendation:

**37-539K**

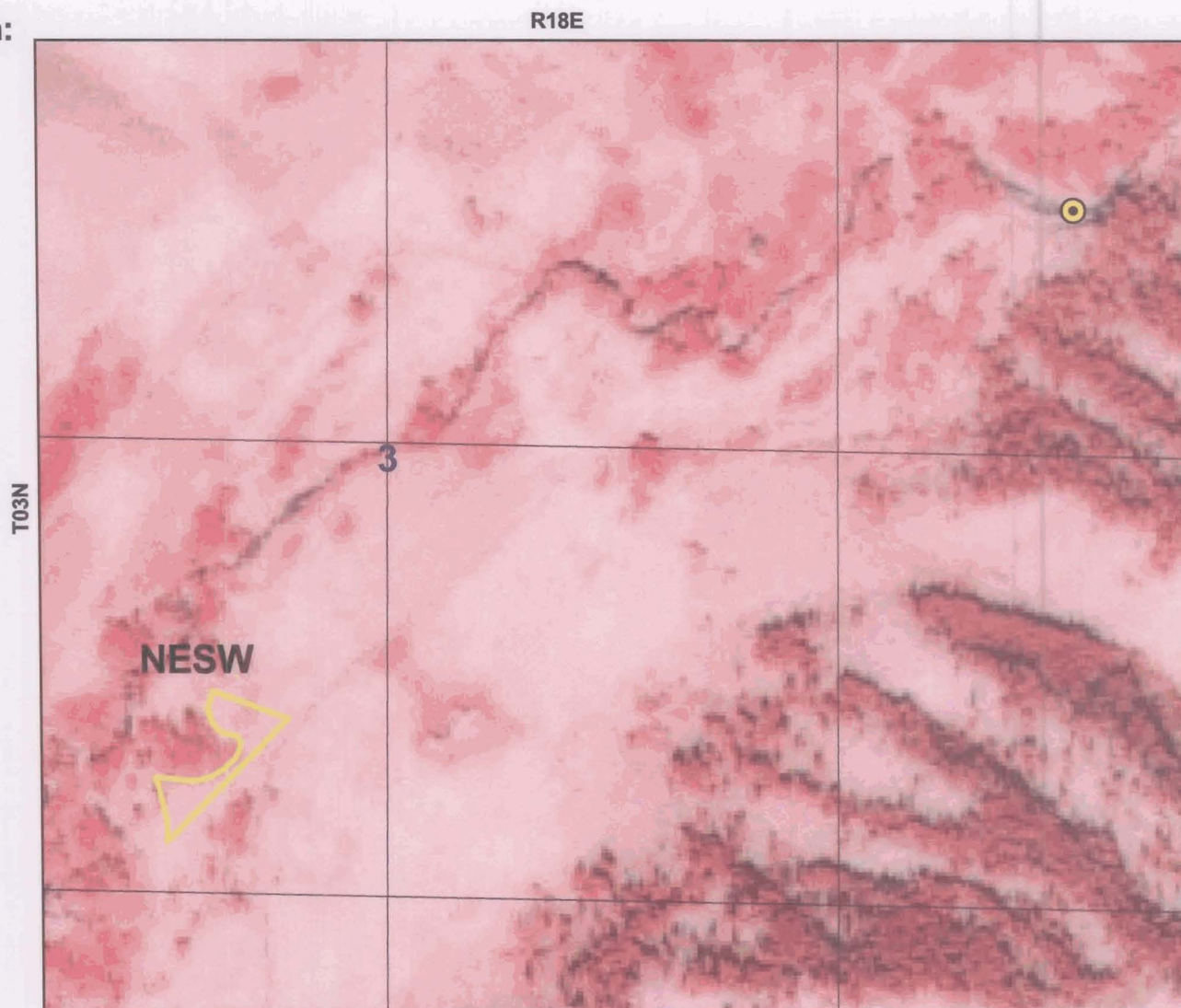
(Irrigation)

## Legend

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



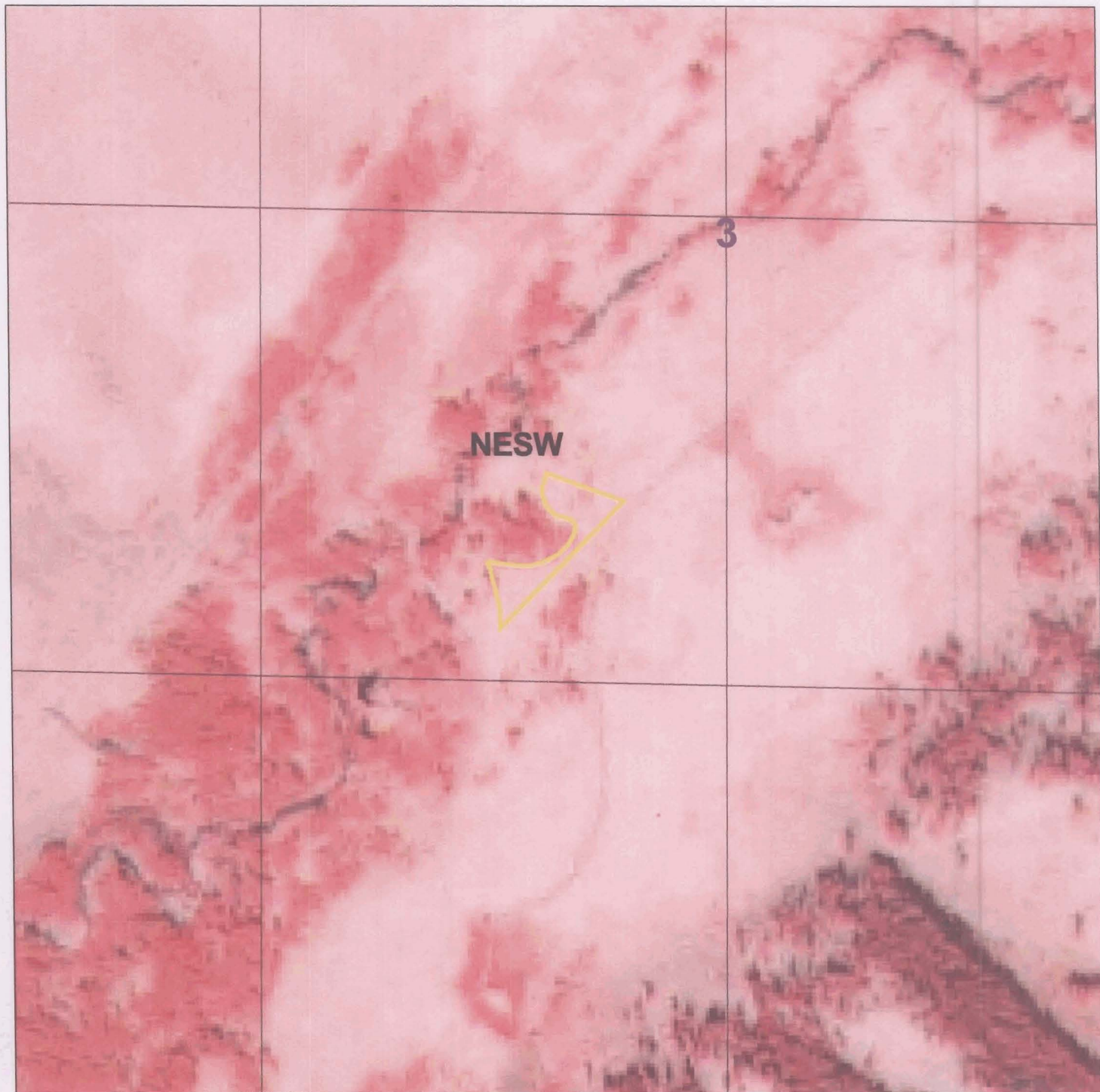
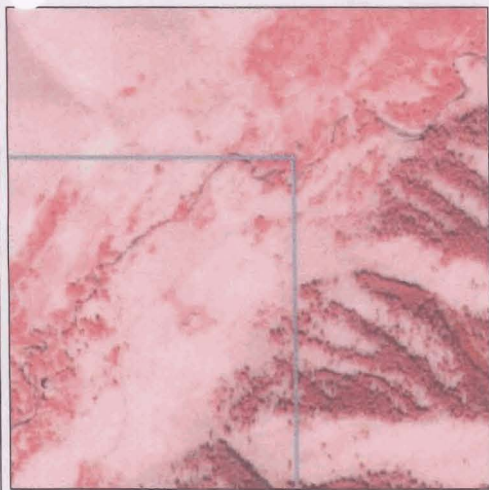
Blaine County  
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by E. NORQUES  
On Tuesday, October 3, 2006  
1987/88 Aerial Photography

**37-539K**





# Idaho Department of Water Resources

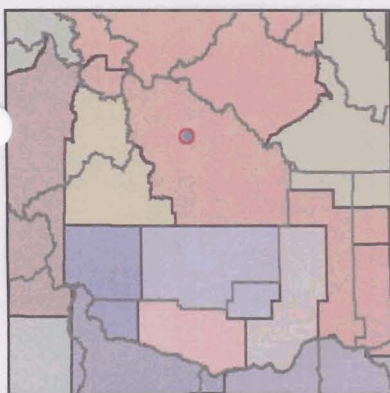
SRBA Recommendation:

**37-539K**

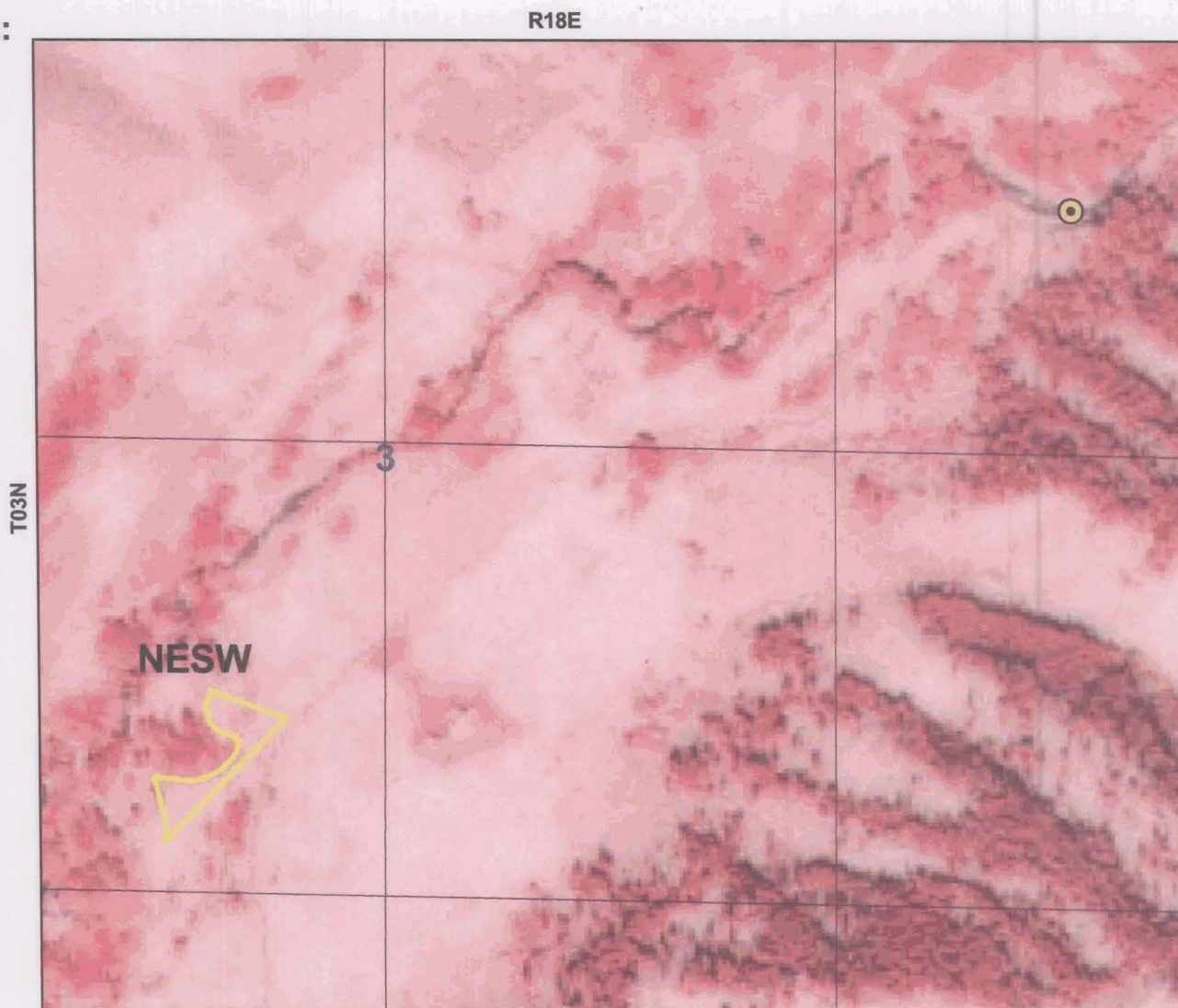
(Irrigation)

## Legend

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



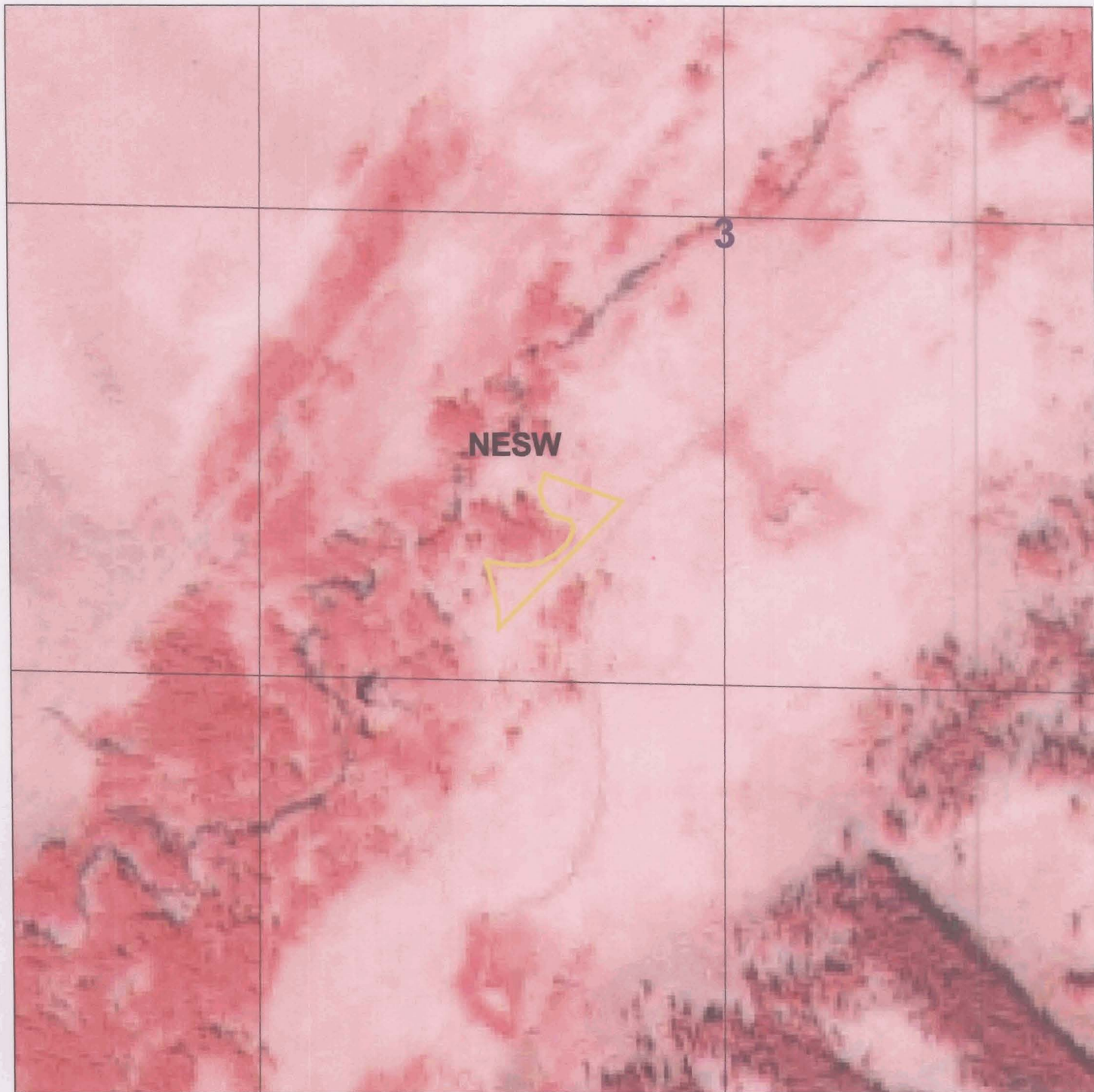
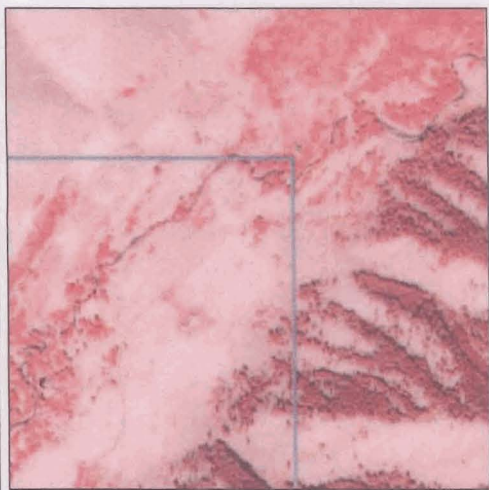
Blaine County  
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by E. NORQUES  
On Tuesday, October 3, 2006  
1987/88 Aerial Photography

**37-539K**



|         |                                              |              |     |                |                                                                    |
|---------|----------------------------------------------|--------------|-----|----------------|--------------------------------------------------------------------|
| 7 0536  | Peck, Warren J.                              | 120 inches.  | 204 | Apr. 15, 1894. | Big Wood River.                                                    |
| 7 0537  | Peterlin, Charles.                           | 20           | "   | May 15, 1882.  | " " "                                                              |
| 7 0538  | "                                            | 180          | "   | May 15, 1891.  | " " "                                                              |
| 7 0539  | Peters, Lyman                                | 150          | "   | June 3, 1884.  | East Fork of Big Wood River.                                       |
| 7 0540  | Peterson, Nels                               | 160          | "   | June 10, 1892. | Soldier Creek.                                                     |
| 7 0541  | "                                            | 80           | "   | May 5, 1900.   | " "                                                                |
| 7 0542  | Pettigrew, Joseph M.                         | 100          | "   | Apr. 15, 1886. | Little Wood River.                                                 |
| 7 0543  | Pettijohn, L. L.                             | 140          | "   | Aug. 2, 1909.  | Big Wood River.                                                    |
| 7 0544  | Phillips, Mary                               | 155          | "   | Apr. 15, 1883. | " " "                                                              |
| 7 0545  | Phippen, Almon                               |              |     |                | Shares in Little Wood River Canal Company.                         |
| 7 0545  | Phippen, A. S.                               | 100          | "   | Dec. 1, 1886.  | Little Wood River.<br>(Also shares in Little Wood River Canal Co.) |
| 7 0546  | Phippen, Clarence                            |              |     |                | Shares in Little Wood River Canal Company.                         |
| 7 0547  | Phippen, Mary S.                             | 100          | "   | May 26, 1883.  | Little Wood River.<br>(Also shares in Little Wood River Canal Co.) |
| 7 0548  | Plummer, J. J.                               | All of       |     | June 1, 1880.  | Warm Springs Creek, near Halley.                                   |
| 7 0549  | "                                            | 200 inches.  | "   | June 30, 1882. | Croy Creek.                                                        |
| 7 0550  | Phipps, Wiley W.                             | 80           | "   | May 18, 1907.  | Three Mile Creek or Four Mile Creek.                               |
| 7 0551  | Poling, Susie                                | 320          | "   | July 28, 1906. | Big Wood River.                                                    |
| 37 0552 | Pothair Estate and Pothair, Fred. and Louise |              |     |                | (See Green, Miss Belle, Guardian.)                                 |
| 37 0553 | Preis, William                               | 160          | "   | Apr. 1, 1903.  | Big Wood River.                                                    |
| 37 0554 | Price, W. M.                                 | 15           | "   | June 1, 1884.  | Trail Creek.                                                       |
| 37 0555 | Pugel, John, and John Korenko                |              |     |                | (See Korenko, John, and John Pugel.)                               |
| 37 0556 | Purdum, A. M.                                | (Ice-pond.)  |     |                | Big Wood River.                                                    |
| 37 0557 | "                                            | (Fish-pond.) |     |                | " " "                                                              |
| 37 0558 | Purdum & Purdum                              | (Ice-pond.)  |     |                | Little Wood River.                                                 |

JUN 04 1896

containing about 1-1/2 acres, and containing  
in all 118-1/2 acres.

Peters, Lyman SW 1/4 of NE 1/4, NW 1/4 of SE 1/4, and E 1/2 of  
SW 1/4 of Sec. 3, T. 3 N., R. 18 E., containing  
160 acres.

Peterson, Nels SW 1/4 of Sec. 1, T. 1 S., R. 14 E., containing  
160 acres. Also, S 1/2 of NE 1/4 of Sec. 1,  
T. 1 S., R. 14 E., containing 80 acres.

Pettigrew, Joseph M. SE 1/4 of Sec. 27, T. 1 S., R. 21 E., containing  
160 acres.

Pettijohn, L. I. W 1/2 of NE 1/4, SE 1/4 of NE 1/4 of Sec. 33,  
and SW 1/4 of NW 1/4 of Sec. 34, T. 5 S., R.  
14 E., containing 160 acres.

Phillips, Mary S 1/2 of SW 1/4 of Sec. 23, and N 1/2 of NW 1/4  
of Sec. 26, T. 5 S., R. 14 E., containing 160  
acres.

Phippen, Almon W 1/2 of NE 1/4 of Sec. 27, and NW 1/4 of NW 1/4  
of Sec. 26, T. 1 S., R. 21 E., less five acres,  
containing 115 acres.

Phippen, A. S. W 1/2 of NW 1/4, and NE 1/4 of NW 1/4 of Sec.  
34, T. 1 S., R. 21 E.

Phippen, Clarence S 1/2 of NW 1/4 of Sec. 2, T. 2 S., R. 21 E.,  
) containing 80 acres.

Phippen, Mary S. NE 1/4 of Sec. 9, T. 2 S., R. 21 E.

Phipps, Wiley W. SW 1/4 of Sec. 2, T. 1 S., R. 13 E., containing  
160 acres.

Plummer, J. J. Lot 4, and SE 1/4 of SW 1/4 of Sec. 7; Lot 1,  
and NE 1/4 of NW 1/4 of Sec. 18; SE 1/4 of NW  
1/4, SW 1/4 of NE 1/4, NW 1/4 of SE 1/4, and  
NE 1/4 of SW 1/4 of Sec. 18; E 1/2 of SE 1/4  
of Sec. 18; and N 1/2 of SW 1/4 of Sec. 17,  
all in T. 2 N., R. 18 E.

JUN 04 1996

|                      |             |                |                                                                    |
|----------------------|-------------|----------------|--------------------------------------------------------------------|
| Payne Brothers       | 140 inches. | June 1, 1881.  | Silver Creek.                                                      |
| " "                  | 109 "       | Apr. 1, 1882.  | Little Wood River.                                                 |
| " "                  | 40 "        | June 10, 1883. | " " "                                                              |
| " "                  |             |                | Also shares in Little Wood River Canal Co.                         |
| Pearson, Elam        | 25 "        | June 18, 1883. | Little Deer Creek.                                                 |
| " "                  | 75 "        | June 1, 1885.  | " " "                                                              |
| Peck, Charles M.     | 140 "       | May 1, 1905.   | Big Wood River.                                                    |
| Peck, George W.      | All of      | July 1, 1880.  | Peck's Spring.                                                     |
| Peck, Joseph B.      | 160 inches. | May 1, 1896.   | Big Wood River.                                                    |
| Peck, William H.     | 12-1/2 "    | May 9, 1883.   | Little Deer Creek.                                                 |
| " " "                | 150 "       | July 5, 1884.  | " " "                                                              |
| Peck, Warren J.      | 120 "       | Apr. 15, 1894. | Big Wood River.                                                    |
| Peterlin, Charles    | 20 "        | May 15, 1882.  | " " "                                                              |
| " "                  | 180 "       | May 15, 1891.  | " " "                                                              |
| Peters, Lyman        | 150 "       | June 3, 1884.  | East Fork of Big Wood River.                                       |
| Peterson, Nels       | 160 "       | June 10, 1892. | Soldier Creek.                                                     |
| " "                  | 80 "        | May 5, 1900.   | " "                                                                |
| Pettigrew, Joseph M. | 100 "       | Apr. 15, 1886. | Little Wood River.                                                 |
| Pettijohn, L. L.     | 140 "       | Aug. 2, 1909.  | Big Wood River.                                                    |
| Phillips, Mary       | 155 "       | Apr. 15, 1883. | " " "                                                              |
| Phippen, Almon       |             |                | Shares in Little Wood River Canal Company.                         |
| Phippen, A. S.       | 100 "       | Dec. 1, 1886.  | Little Wood River.<br>(Also shares in Little Wood River Canal Co.) |
| Phippen, Clarence    |             |                | Shares in Little Wood River Canal Company.                         |
| Phippen, Mary S.     | 100 "       | May 26, 1883.  | Little Wood River.<br>(Also shares in Little Wood River Canal Co.) |
| Phipps, Wiley W.     | 80 "        | May 18, 1907.  | Three Mile Creek or Four Mile Creek.                               |
| Plummer, J. J.       | All of      | June 1, 1880.  | Warm Springs Creek, near Hailey.                                   |
| " " "                | 200 inches. | June 30, 1882. | Croy Creek.                                                        |

08/26/2005

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

---

RIGHT NUMBER: 37-539K  
NAME AND ADDRESS: JACQUELINE SAMWAY  
PO BOX 1711  
SUN VALLEY ID 83353  
SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER  
QUANTITY: 0.062 CFS  
PRIORITY DATE: 06/03/1884  
POINT OF DIVERSION:  
T03N R18E S3 NESENE 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          | 0.062 CFS       |

  
PLACE OF USE: IRRIGATION Within BLAINE County  
T03N R18E S03 NESW 1.0

1 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.

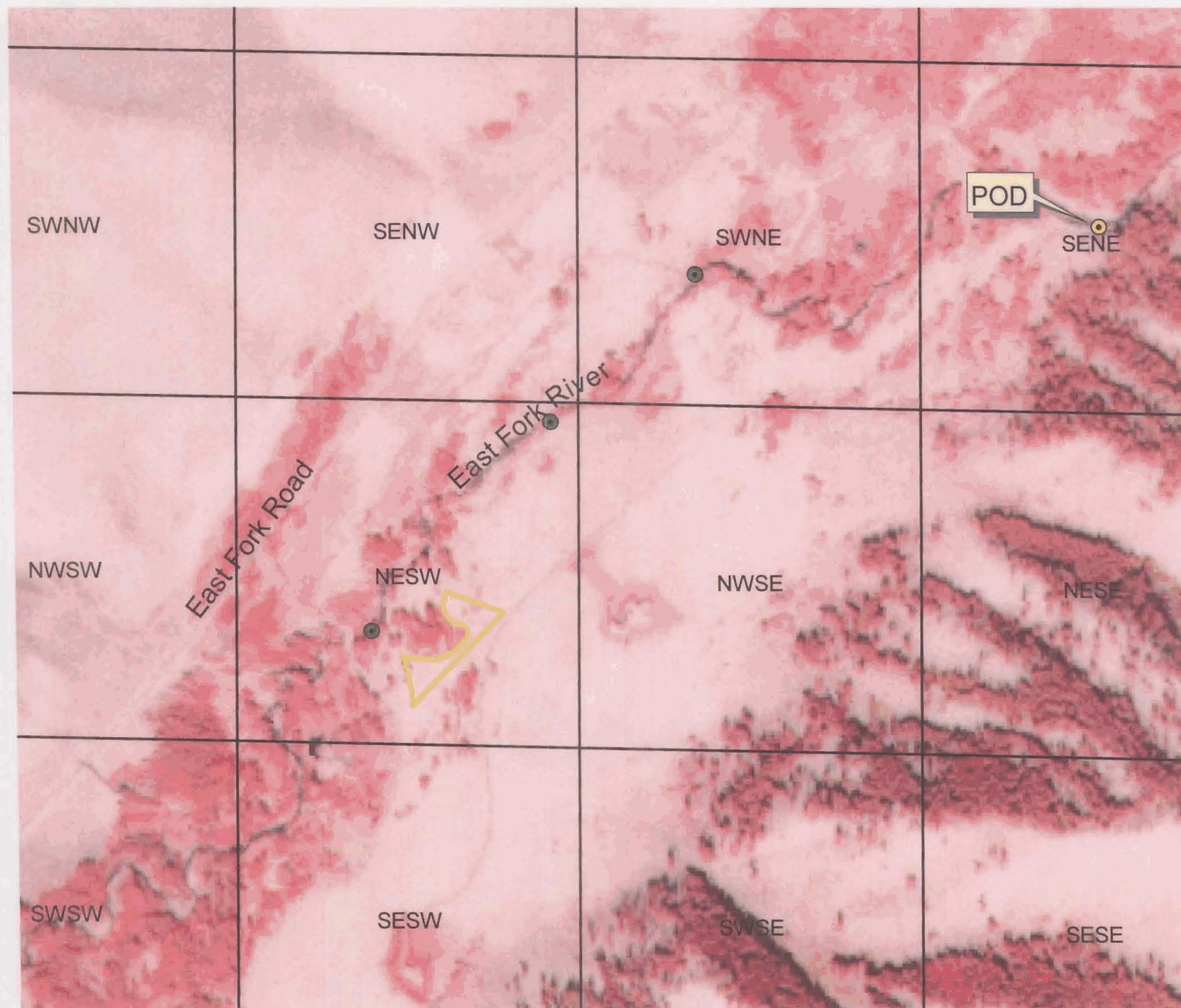
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-539G

Place of use is located within Lot 20 of Hyndman Peak Subdivision.

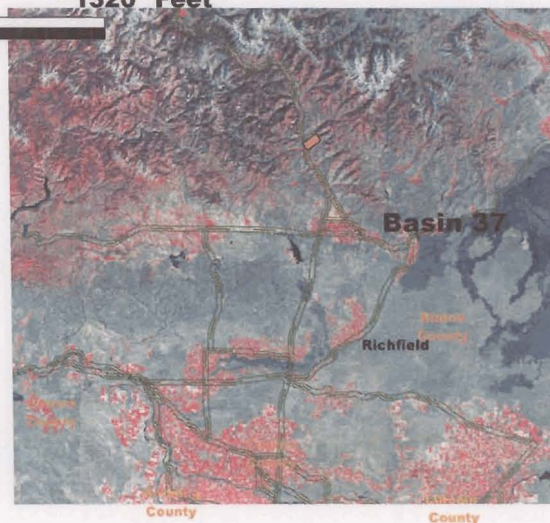
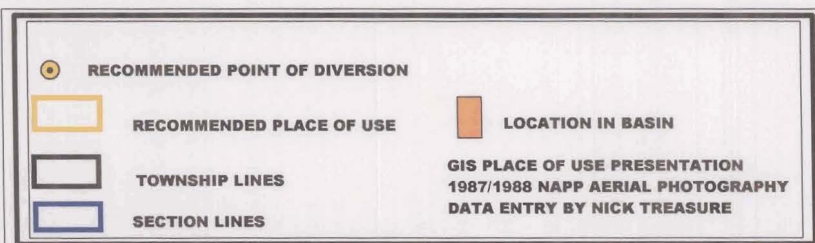
APPROVED: *NT*

**Idaho Department of Water Resources**  
**RECOMMENDED PLACE OF USE FOR**  
**37-539K**



1320 0 1320 Feet

**PLACE OF USE**  
**TWP 03N, RNG 18E, SEC 03**  
**Data entry on August 10, 2005**





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DEPT INTERNET WEB SITE: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 11, 2005

Paul Carson  
P.O. Box 2103  
Ketchum, ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-539K

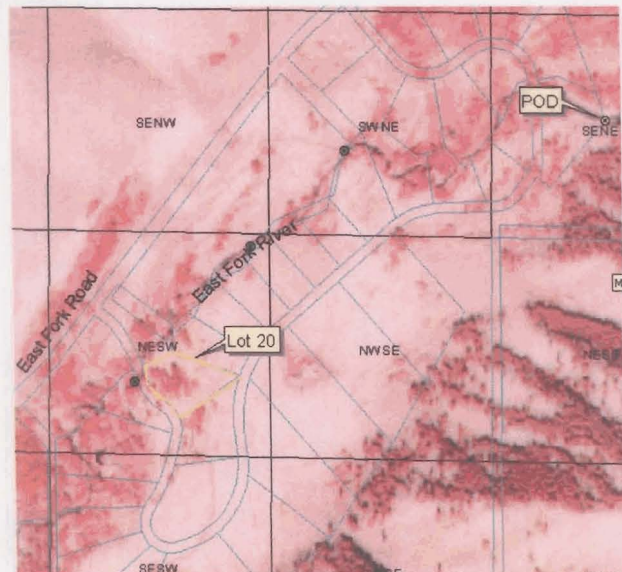
Dear Mr. Carson

The Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Upper Big Wood Basin in preparation for submittal of Director's Report recommendations to the SRBA Court later this year.

Water right 37-539K is an East Fork Wood River decreed water right for 0.06 cfs. The specified place of use of this water right is 1.0 acre within Lot 20 of Hyndman Peak Subdivision. The legal description of this water right is Twp 03N Rng 18E Section 3 NESW of Blaine County, Idaho. This decreed water right is currently issued to Jacqueline Samway. However, according to the Blaine County tax lots, it appears that you are now the owner of this property.

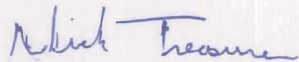
If you are the current owner of the above-mentioned property (refer to map), please comply with the following instructions:

- Read and complete all necessary information of the enclosed form "Notice of Change in Water Right Ownership".
- Provide a warranty deed or legal document indicating your legal ownership of the above-mentioned property.
- Return all the necessary documents and forms to the Idaho Department of Water Resources at the address above.



We appreciate your promptness in this important adjudication process. Feel free to call me at the number above with any questions that may arise.

Sincerely

A handwritten signature in blue ink that reads "Nick Treasure". The signature is written in a cursive style with a horizontal line extending from the end.

Nick Treasure

Water Resource Agent

E-mail address: [nick.treasure@idwr.idaho.gov](mailto:nick.treasure@idwr.idaho.gov)

Enclosures

## 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.

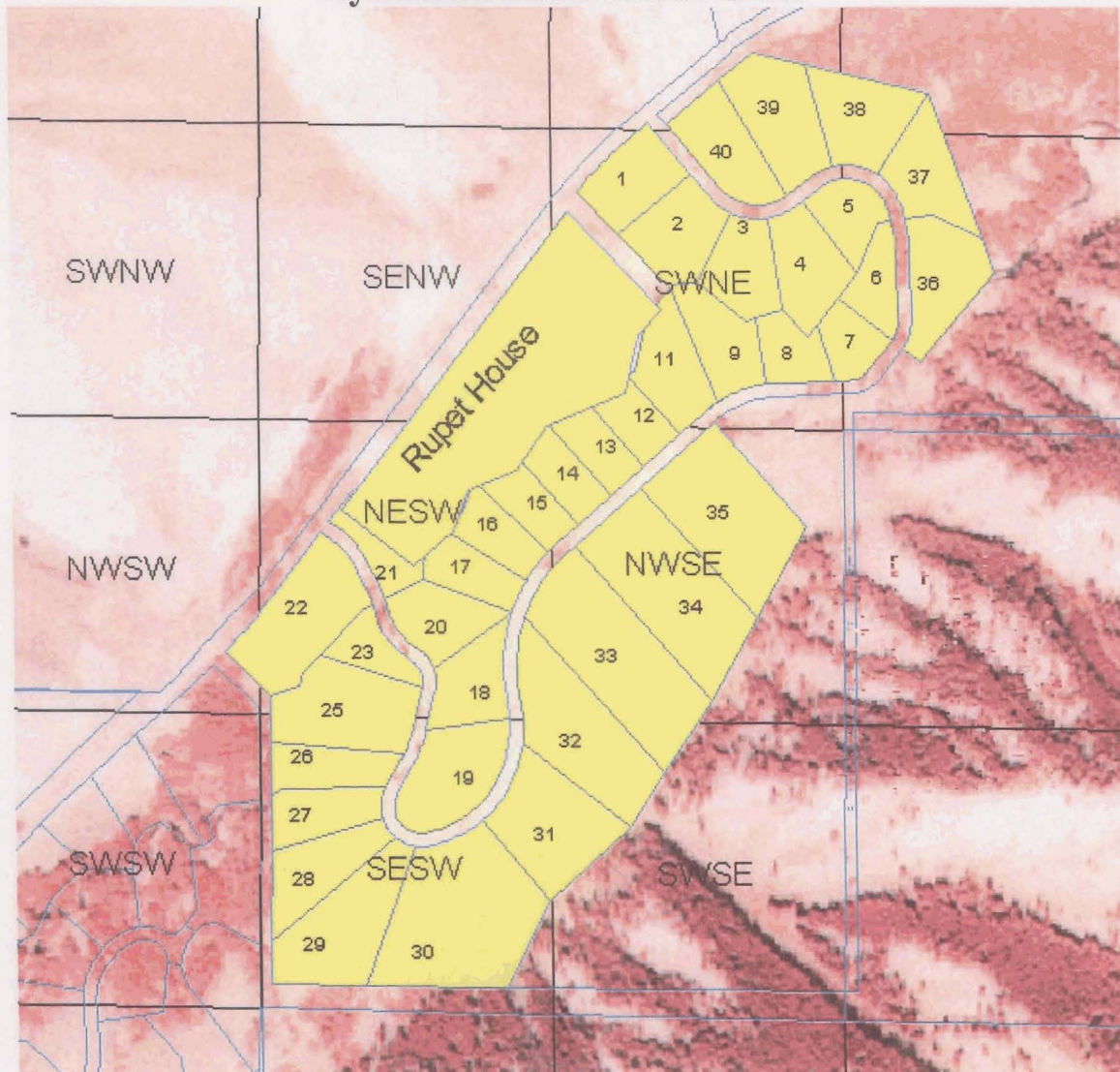
**In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:**

- 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

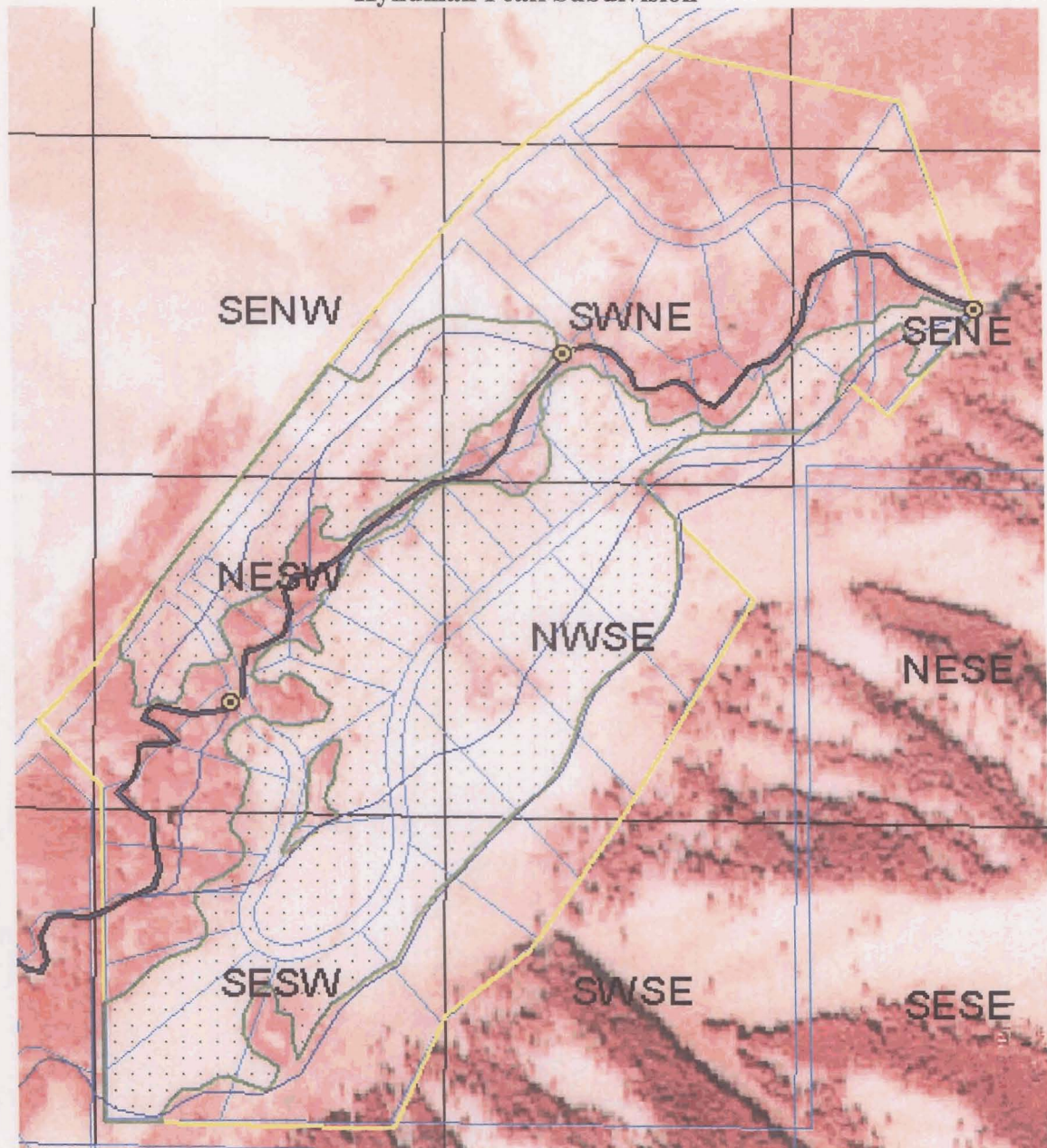


1- Bennett  
2- Berman  
3- Danielson  
4- Kosmos  
5- Papworth  
6- Hyndman Peak  
7- Flammer  
8- Naeve  
9- Devens  
11- Bass  
12- Bass  
13- Mitchell  
14- Brandman

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

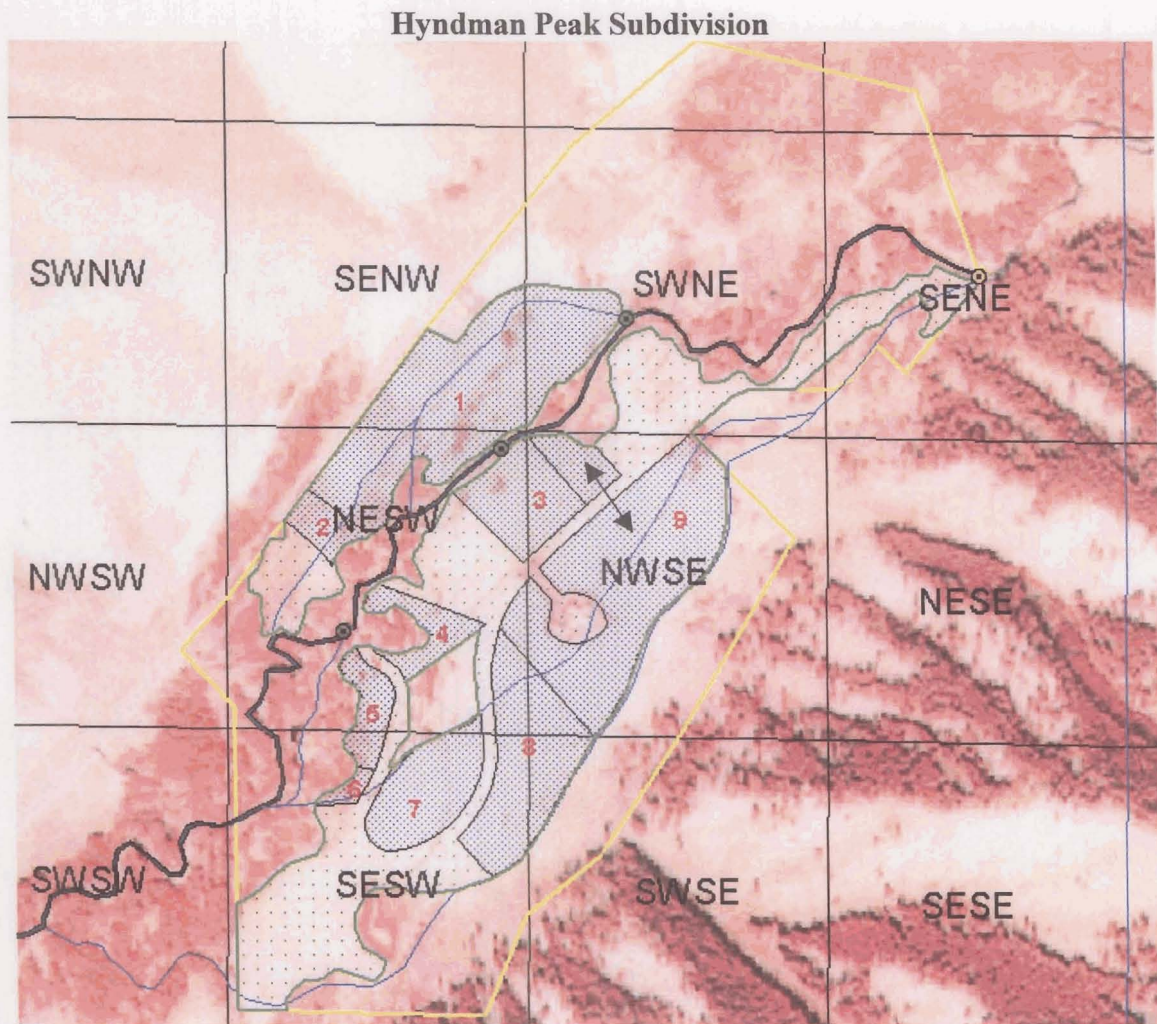
29- Porter  
30- Szombathy  
31- Mitchell  
32- Mitchell  
33- Mitchell  
34- Mitchell  
35- Mitchell  
36- Boxall  
37- Latrobe  
38- Latrobe  
39- Chivvis  
40- Chivvis  
House, Rupert

# Hyndman Peak Subdivision



1987 Napp Aerial Photography

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



1987 Napp Arial Photography

- |                                                                                     |                                                   |                                                                                     |                           |
|-------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------|
|  | Historically Irrigated                            |  | East Fork River           |
|  | Claimed 1884 East Fork Decree<br>(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



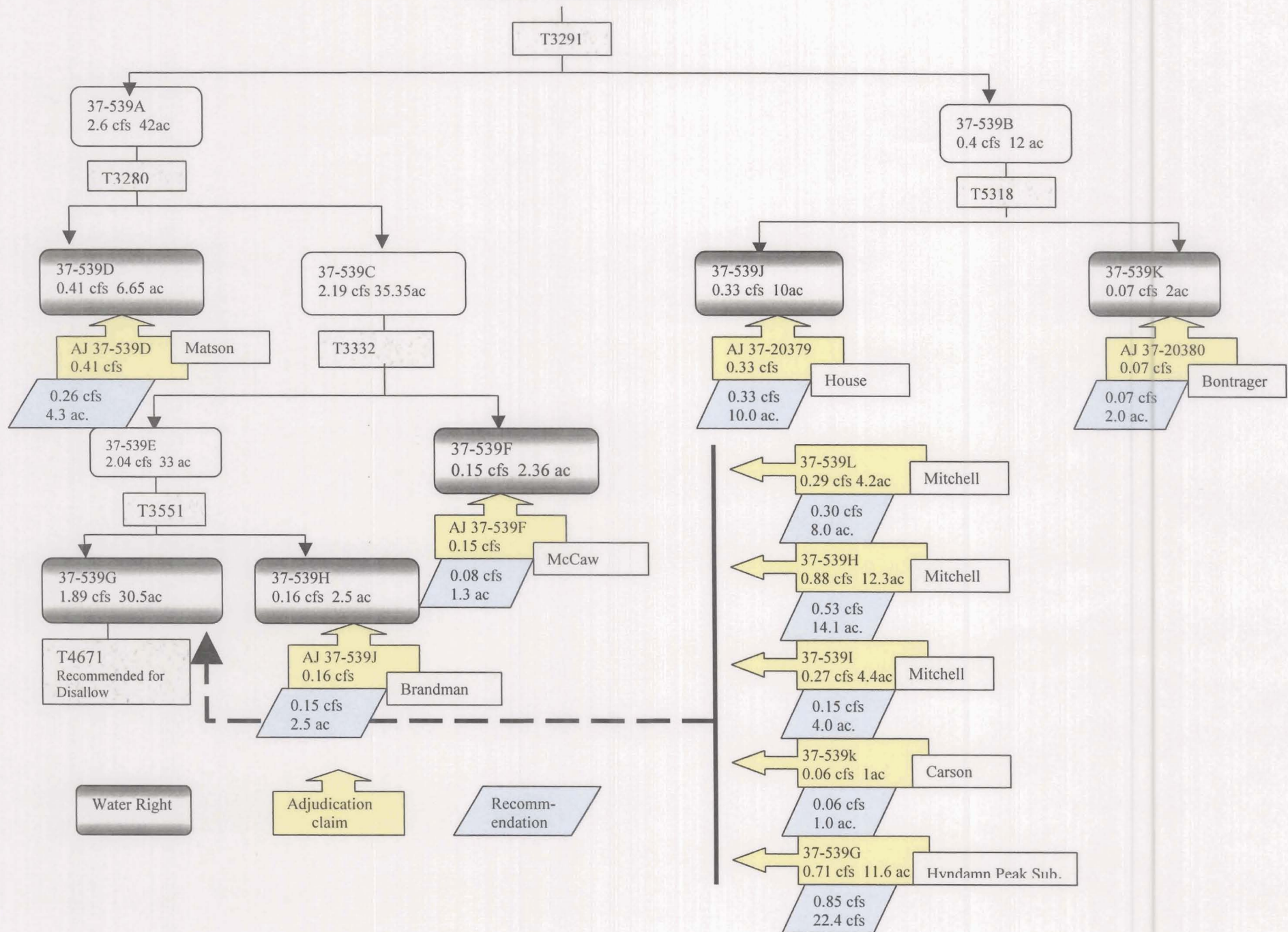
Subdivision Boundary



Blaine County Taxlots

Split Tree  
37-539  
3.0 cfs

Prepared by:  
**Nick Treasure**  
August 2005



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

788-2061

SAMWAY  
PO BOX 1711  
SUN VALLEY ID 83353

- ☒ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Incorrect Address
- ☐ Moved Left No Address
- ☐ Undelivered ☐ Refused
- ☐ Attempted-Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receptacle
- ☐ Box Closed-No Order
- ☐ Returned For Post

★ ★ PTNEY BOWES  
★ ★  
★ ★  
U.S. POSTAGE  
1270 PB3524253  
3381 \$00.370 SEP 10 2004  
2165 MAILED FROM ZIP CODE 83301

Department of Water Resources  
Southern Region

RECEIVED  
SEP 16 2004



## Notes

07/06/05

Field Exam

Nick Treasure

Jacqueline Somway NO longer is the owner of lot 20 of Hyndman Sub-division

Paul Carson is the current owner of lot 20.

It needs to be determined if Carson is to be included in the Hyndman Homeowners association for water delivery - 37-539 G - or - if if Carson's warranty deed includes the sale of this water Right. If Carson believes he has a right to this portion of the decreed, he needs to provide a warranty Deed along with a change of Ownership form.

Currently NO residence on property. There is a 1 acre portion of pasture that can be flood irrigated in lot 20 from claimed POD  
(See Attached map)

0.038 cfs  
per acre

1.89 cfs

539 G - 22.44

0.85 } Hyndman

539 L - 8.0

0.30

539 I 4.0

0.15

539 H 14.1

0.53

} Mitchell

539 K 1.0

0.06

} Somway

1.89

# Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

Twp 03N Rng 18E Secs 3



---

## 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      | <u>3.335 cfs (claimed)</u> |

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

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 A37-00539I  
.155 cfs for 2 acres

Transfer 4671  
Recommended for  
disallowal

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

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



LEE R. PETERSON  
Watermaster

**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

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

**WATER DISTRICT NO. 37 & 37 M**

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



LEE R. PETERSON  
Watermaster

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|      |                    |       |     |    |    |
|------|--------------------|-------|-----|----|----|
| 1989 | Robert Brennan     | 94.45 | no  | 4  |    |
|      | Joeseeph Cirillo   | 27.80 | yes |    |    |
|      | Dr. Craig Brandman | 7.75  | no  |    | 4  |
|      | 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 |    |    |

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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.

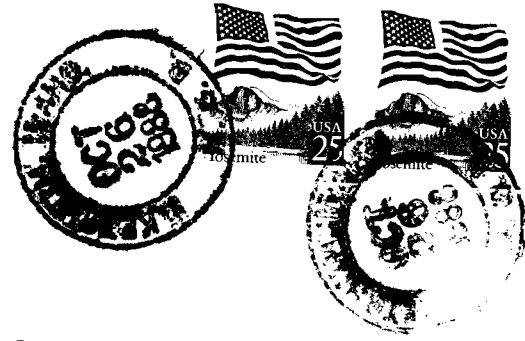
Sincerely,

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

Norma Peterson  
Secretary/Treasurer

SAMWAY  
1711

Sun Valley, ID 83353



Idaho Dept of Water Resources  
Southern Regional Office  
2148 4th Ave. East  
Twin Falls, ID 83301

MICROFILM  
FEB 23 1995

Water Right Number - 37-00539

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
00/00/0000 17

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
SPLIT INTO 37-0539A & B BY TRANS. 3280.+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - Microfilm Rolls -

+ - Audit Fields - 04/27/87 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                  |              |                 |              |                  |     |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date   | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee   | -   |
| Approved/Denied  | - 00/00/0000 | Protested Date  | - 00/00/0000 | Swan Falls       | -   |
| Proof Made Date  | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right  | - P |
| Start Work Date  | - 00/00/0000 | Verified Date   | - 00/00/0000 | DLE/Carey Act    | -   |
| Order Show Cause | - 00/00/0000 | Receipt Number  | -            | Water District   | -   |
| Licensed Date    | - 00/00/0000 | Appl Received   | - 00/00/0000 | Transfer/Amended | -   |

RECEIVED  
FEB 2 1993

RECEIVED  
FEB 23 1963

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Schmieding CLAIM IDENT. NO. AS-0000015

DATE RECEIVED 10-27-88 CK # 0004241 AMOUNT \$ \_\_\_\_\_

- |                                                              | YES                                 | NO                       |
|--------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is a priority date entered? . . . . .                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. ☒

- |                                       |                                     |                          |
|---------------------------------------|-------------------------------------|--------------------------|
| 3. (a) Is a source entered? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------|-------------------------------------|--------------------------|

|                                                        |     |                                     |
|--------------------------------------------------------|-----|-------------------------------------|
| (b) Is a tributary to entered? (if required) . . . . . | N/A | <input checked="" type="checkbox"/> |
|--------------------------------------------------------|-----|-------------------------------------|

- |                                                               |                                     |                          |
|---------------------------------------------------------------|-------------------------------------|--------------------------|
| 4. Is the legal description of the p.d. sufficient? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------|-------------------------------------|--------------------------|

- |                                                             |                                     |                          |
|-------------------------------------------------------------|-------------------------------------|--------------------------|
| 5. Is there a description of the diverting works? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------|-------------------------------------|--------------------------|

- |                                                                                                                                                                                                                     |                                     |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|

Is the period of use included? . . . . . ☐

Is a quantity claimed for each use? . . . . . ☐

- |                                                   |                                     |                          |
|---------------------------------------------------|-------------------------------------|--------------------------|
| 7. Is a total quantity claimed entered? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------|-------------------------------------|--------------------------|

- |                                                        |     |                                     |
|--------------------------------------------------------|-----|-------------------------------------|
| 8. If required is a consumptive use entered? . . . . . | N/A | <input checked="" type="checkbox"/> |
|--------------------------------------------------------|-----|-------------------------------------|

Is the consumptive use correct? . . . . . N/A ☐

- |                                                                                                                                                                                                                                  |     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. . . . . | N/A | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|

- |                                                                      |                                     |                          |
|----------------------------------------------------------------------|-------------------------------------|--------------------------|
| 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------|-------------------------------------|--------------------------|

- |                                                 |                                     |                          |
|-------------------------------------------------|-------------------------------------|--------------------------|
| 11. Is (are) the county(ies) entered? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------|-------------------------------------|--------------------------|

- |                                                 |                                     |                          |
|-------------------------------------------------|-------------------------------------|--------------------------|
| 12. Is the ownership of p.u. checked? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------|-------------------------------------|--------------------------|

- |                                                                  |                                     |                          |
|------------------------------------------------------------------|-------------------------------------|--------------------------|
| 13. Are other water rights-listed or "none" indicated? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------|-------------------------------------|--------------------------|

- |                                                                                                                                                                   |     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . . | N/A | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|

- |                                                    |                                     |                          |
|----------------------------------------------------|-------------------------------------|--------------------------|
| 15. Is the basis of the claim indicated? . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------|-------------------------------------|--------------------------|

- |                                                                                                                                                                                                                                                     |                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|

Has the claim been signed, sealed, and dated by a notary? . . . . . ☒

Was this claim filed on time, or was an extension granted? . . . . . ☒

Is the fee enclosed correct? . . . . . Exempt ☒

If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A ☒

Should this claim be receipted and data entered? . . . . . ☐

Claim checked by: [Signature]

FEB 29 1989

Comments: need to check priority w/ decrees.