

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAR 18 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-539J	Yes ☐		Yes ☐		Yes ☐
37-8491	Yes ☐		Yes ☐		Yes ☐
37-8567	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Craig Brandman and Deleys Brandman
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Vernoy Irrevocable Trust dated January 1, 2011
Name of each new owner as listed on the conveyance document
Jesse D. Rodman, Trustee
New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or
c/o McGavick Graves, P.S., 1102 Broadway, Suite 500
Mailing address
Tacoma WA 98402
City State ZIP
(253) 627-1181 jdr@mcgavick.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 2/23/2011
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] Trustee 3/9/2011
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by B. Walker Date 3/22/11 Receipt No. 5031839 Receipt Amt. \$5000
Approved by _____ Processed by _____ Date _____

Instrument # 585381

HAILEY, BLAINE, IDAHO
02-23-2011 3:47:47 PM No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$10.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile



WARRANTY DEED

FOR VALUE RECEIVED

Craig Brandman and Deleys Brandman, husband and wife,

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Vernoy Irrevocable Trust dated January 1, 2011, Jesse D. Rodman, trustee,

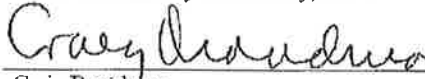
GRANTEE(S), whose current address is: c/o McGavick, Graves P.S., 1102 Broadway Suite
500, Tacoma, WA 98402

the following described premises, to wit:

Lot 14 in Block 1 of HYNDMAN PEAK SUBDIVISION, according to the official plat thereof,
recorded as Instrument No. 208275, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, their 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 and that the Grantor will warrant and defend the same from all
lawful claims whatsoever.

Dated this 23rd day of February, 2011.


Craig Brandman


Deleys Brandman

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 18th day of FEBRUARY, 2011, before me, the undersigned, a Notary
Public, in and for said State, personally appeared Craig Brandman and Deleys Brandman known
to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public
Residing at: PAO ALTO, CA
My commission expires: JULY 19, 2012



RECEIVED
MAR 18 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Instrument # 585382

HAILEY, BLAINE, IDAHO
02-23-2011 3:48:00 PM No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$10.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

BCT
BLAINE COUNTY TITLE

WARRANTY DEED

FOR VALUE RECEIVED

Craig Brandman and Deleys Brandman, husband and wife, (who acquired title as Deleys Brandman, an unmarried woman as her sole and separate property),

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Vernoy Irrevocable Trust dated January 1, 2011, Jesse D. Rodman, trustee,

GRANTEE(S), whose current address is: c/o McGavick, Graves, P.S., 1102 Broadway Suite 500, Tacoma, WA 98402

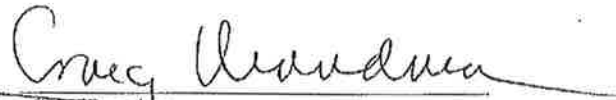
the following described premises, to wit:

Lot 15 in Block 1 of HYNDMAN PEAK SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 208275, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their 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 and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated this 23rd day of February, 2011.


Deleys Brandman


Craig Brandman

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 18th day of FEBRUARY, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Craig Brandman and Deleys Brandman known to me, and ~~or~~ identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public
Residing at: PAO ALTO, CA
My commission expires: JULY 19, 2012



SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

March 16, 2011

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
MAR 8 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: *Notice of Change of Water Right Ownership – 37-539J, 37-8491, and 37-8567*

Dear Trish:

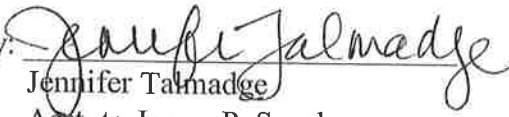
Enclosed you will find an original and a copy of the above-described Notice of Change of Water Right Ownership along with its required deeds (two separate lots). Also enclosed is a check in the amount of \$50 for the required filing fee.

Please receipt date-stamp the copy of the Notice and return it to us in the enclosed self-addressed postage-paid envelope for our files.

Please contact me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jennifer Talmadge
Asst. to James P. Speck

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 7, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

VERNOY IRREVOCABLE TRUST
JESSE D RODMAN TRUSTEE
C/O MCGAVICK GRAVES PS
1102 BROADWAY STE 500
TACOMA WA 98402

RE: SRBA Claim(s) 37-539J

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: James P. Speck

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: A37-00539J
Date Received: 12/20/1988
Receipt No: C004045
Received By: SEC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CRAIG BRANDMAN 415-925-3414
Address: 14 LAUREL LANE
SAUSALITO, CA 93965

AND/OR
Name: DELEYS BRANDMAN 415-925-3414
Address: 14 LAUREL LANE
SAUSALITO, CA 93965

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	NE	SW		BLAINE

5. Description of diverting works:
PUMP IN RIVER, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.155		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00539J

Page 1

Date: 03/23/90

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	3	NE	SW		IRR	1.5
			NW	SE		IRR	1.0
Section Acres							2.5
Total Acres							2.5

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:

TRANSFER 3291. PLACE OF USE IS LOTS 14 AND 15, HYNDMAN PEAK SUBD
RT. ORIGINALLY DECREED TO LYMAN C. PETERS. (PORTION OF 37-00539E)
AMENDMENT NOTE
CLAIM IS FOR THE PORTION OF THE RIGHT ORIGINALLY APPURTENANT TO
THE P/U. THIS AMENDED CLAIM IS FILED TO REFLECT APPROVED TRANS.
NO. 3551 CHANGING THE P/D FROM THE ORIGINAL HEADGATE (PETERS #17)
TO A PUMP IN THE RIVER ADJACENT TO THE RESIDENTIAL LOTS.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

Decree Plaintiff

vs

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
_____,
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752
March 22, 1990

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

RECEIVED

MAR 23 1990

Department of Public Resources
Section 8300 Office

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Loren Holmes
Department of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: Amended Notice of Claim to a Water Right
A37-00539E
Dr. Craig Brandman and/or Deleys Brandman

Dear Loren:

Enclosed you will find the above-referenced Amended Notice of Claim together with a copy of the Special Power of Attorney authorizing me to sign on behalf of Dr. Brandman. This Amended Claim has been prepared to reflect Transfer No. 3551 approving the change of point of diversion from the original headgate to a pump to be placed in the river adjacent to the Brandmans' residential property in Hyndman Peak Subdivision. Please return to me a computer generated copy of this Amended Claim reflecting its filing. If you have any questions, please call me.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck, Esq.

JPS/rlk
enc.

MAILED
FEB 23 1990

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number A37-00539E

Date Received _____

Receipt Number _____

RECEIVED

MAR 23 1990

Department of Water Resources
Southern Region Office

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

1. Name of Claimant(s): Dr. Craig Brandman &/or Deleys Brandman
Phone: (415) 925-3414
Mailing Address: 14 Laurel Lane
Sausalito, CA 94965

2. Date of Priority: June 3, 1884

3. Source of water supply (a) East Fork of Big Wood River
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
3N	18E	3	NE	NE	SW		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

5. Description of existing diversion works: Pump in River to
underground, residential sprinkler system.

microfilmed

FEB 23 1990

A37-00539 J

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.155 cfs

7. Total Quantity Claimed: 0.155 cfs

8. Total consumptive use claimed is 6.25 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>½</u>	<u>½</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	3	NE	SW	I	1.5
3N	18E	3	NW	SE	I	1.0

Total number of irrigated acres: 2.5

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? Yes.

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. **Remarks:** Transfer 3291. Place of use is Lots 14 and 15, Hyndman Peak Subdivision (see attached plat). Right originally decreed to Lyman C. Peters in S.C. Frost et al. v. Alturus Water Co. et ux.. Claim is for the portion of the right originally appurtenant to the place of use. This Amended Claim is filed to reflect approved Transfer No. 3551 changing the point of diversion from the original headgate (Peters #17) to a pump in the river adjacent to the residential lots.

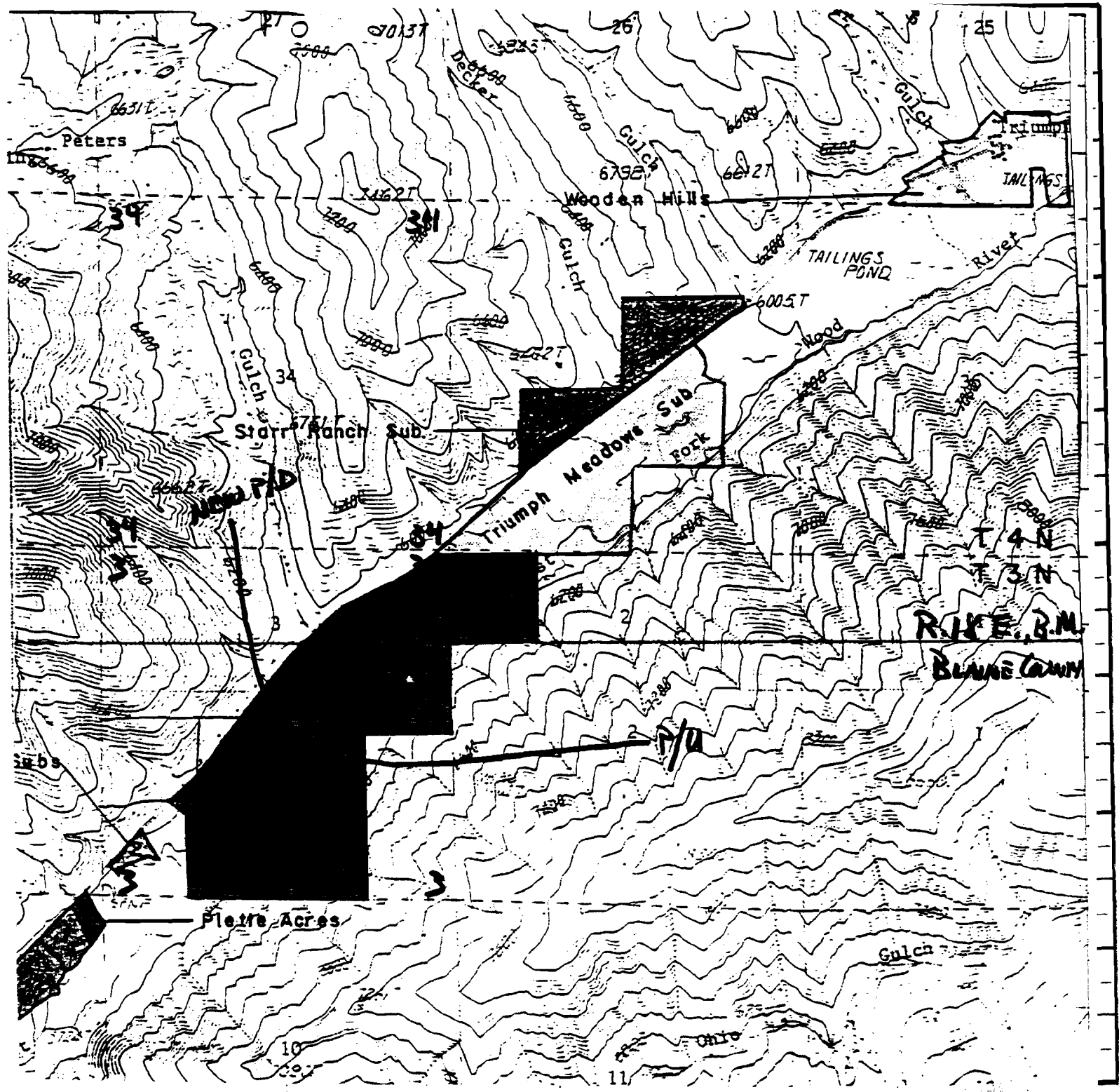
RECEIVED
FEB 23 1933

Last Name: Brandman

Ident No. A37-00539E

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



FEB 23 1953

Last Name BRANDMAN

Ident No. A37-00539E

Copies: White-State, Yellow-Claimant

15. Basis of Claim: Decree

IDWR Water Right Number: 37-0539E

Court: Lincoln County

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant:

S.C. Frost et al. v. Alturus Water Co. et ux.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - one (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)

*Dr. Craig Brandman, by
James P. Speck, his
attorney in fact*

Date 3/22/90

State of Idaho)

) ss.

County of Blaine)

Subscribed and sworn before me this 22nd day of March, 1990.

Notary Public

Residing at

Commission Expires

*Ruby Muñoz Becker
Blaine County, Idaho
1/17/93*

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature:

James P. Speck
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date:

3/22/90

Last Name: Brandman
a2:brndmn.clm

Ident No.: A37-00539E

FEB 23 1990

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

I, DR. CRAIG BRANDMAN, of Sausalito, California, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

INDEXED
FEB 23 1993

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 20 day of OCTOBER, 1988.

Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

NO. 201

State of CALIFORNIA
County of MARIN } SS.

On this the 20th day of OCTOBER, 1988, before me,

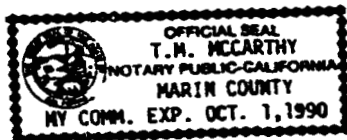
T.M. MCCARTHY

the undersigned Notary Public, personally appeared

CRAIG BRANDMAN

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence to be the person whose name IS subscribed to the within instrument, and acknowledged that HE executed it. WITNESS my hand and official seal.



T.M. McCarthy
Notary's Signature

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document SPECIAL POWER OF ATTORNEY
Number of Pages 2 Date of Document OCTOBER 20, 1988
Signer(s) Other Than Named Above NONE

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: A37-00539J
Date Received: 1/24/1989
Receipt No: C004045 *alt.*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CRAIG BRANDMAN 415-925-3414
Address: 14 LAUREL LANE
SAUSALITO, CA 93965

AND/OR

Name: DELEYS BRANDMAN 415-925-3414
Address: 14 LAUREL LANE
SAUSALITO, CA 93965

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 of	Lot	County
03N	18E	3	SE	NE			BLAINE

5. Description of diverting works:
PETERS #17 HEADGATE, EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.155		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:

NOT RECORDED
FEB 23 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	3	NE	SW		IRR	1.5
			NW	SE		IRR	1.0
						Section Acres	2.5
						Total Acres	2.5

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:
TRANSFER 3291. PLACE OF USE IS LOTS 14 AND 15, HYNDMAN PEAK SUBD
RT. ORIGINALLY DECREED TO LYMAN C. PETERS.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 23 1989

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 _____

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

January 23, 1989

JAN 24 1989

Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720
Attn: Ms. Helen Harrington

Department of Water Resources

RE: Dr. Craig Brandman

Dear Helen:

Pursuant to our recent telephone conversation, you will find enclosed the revised second page of the Notice of Claim which I prepared for Dr. Craig Brandman to be filed in the Snake River Basin Adjudication. The amount claimed has been corrected from 1.53 cfs to 0.155 cfs. I understand you will substitute the revised second page to the original Claim before the Claim is logged in. Please call me to acknowledge your receipt of this revised page.

Thank you once again for your prompt cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/rlk
encl.

FEB 23 1989

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: 39356

Ident Number A37-00539J

Date Received 10-25-88

Receipt Number 0004045

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Land & Water Resources
Southern Region Office

1. Name of Claimant(s): Dr. Craig Brandman &/or Deleys Brandman
Phone: (415) 925-3414
Mailing Address: 14 Laurel Lane
Sausalito, CA 94965

2. Date of Priority: June 3, 1884

3. Source of water supply (a) East Fork of Big Wood River
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
3N	18E	3		SE	NE		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

5. Description of existing diversion works: Peters #17 Headgate;
earthen ditch.

COPY

MICROFILMED

FEB 23 1989

JAN 24 1989

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.155 cfs

Department of Water

7. Total Quantity Claimed: 0.155 cfs

8. Total consumptive use claimed is 6.25 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	3	NE	SW	I	1.5
3N	18E	3	NW	SE	I	1.0

Total number of irrigated acres: 2.5

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? Yes.

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. Remarks: Transfer 3291. Place of use is Lots 14 and 15, Hyndman Peak Subdivision (see attached plat). Right originally decreed to Lyman C. Peters in S.C. Frost et al. v. Alturus Water Co. et ux.. Claim is for the portion of the right originally appurtenant to the place of use.

COPY

Last Name: Brandman

Ident No. _____

MICROFILMED

FEB 23 1989

15. Basis of Claim: Decree
IDWR Water Right Number: 37-0539E
Court: Lincoln County
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S.C. Frost et al. v. Alturus Water Co. et ux.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - one (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) D. Craig Brandman by Date 10/21/88
James P. Speck, his attorney in Date _____
fact

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 21st day of October, 1988.

Notary Public Ruby Mung Becker
Residing at Sun Valley
Commission Expires 1/17/93

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: James P. Speck
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 10/21/88

COPY

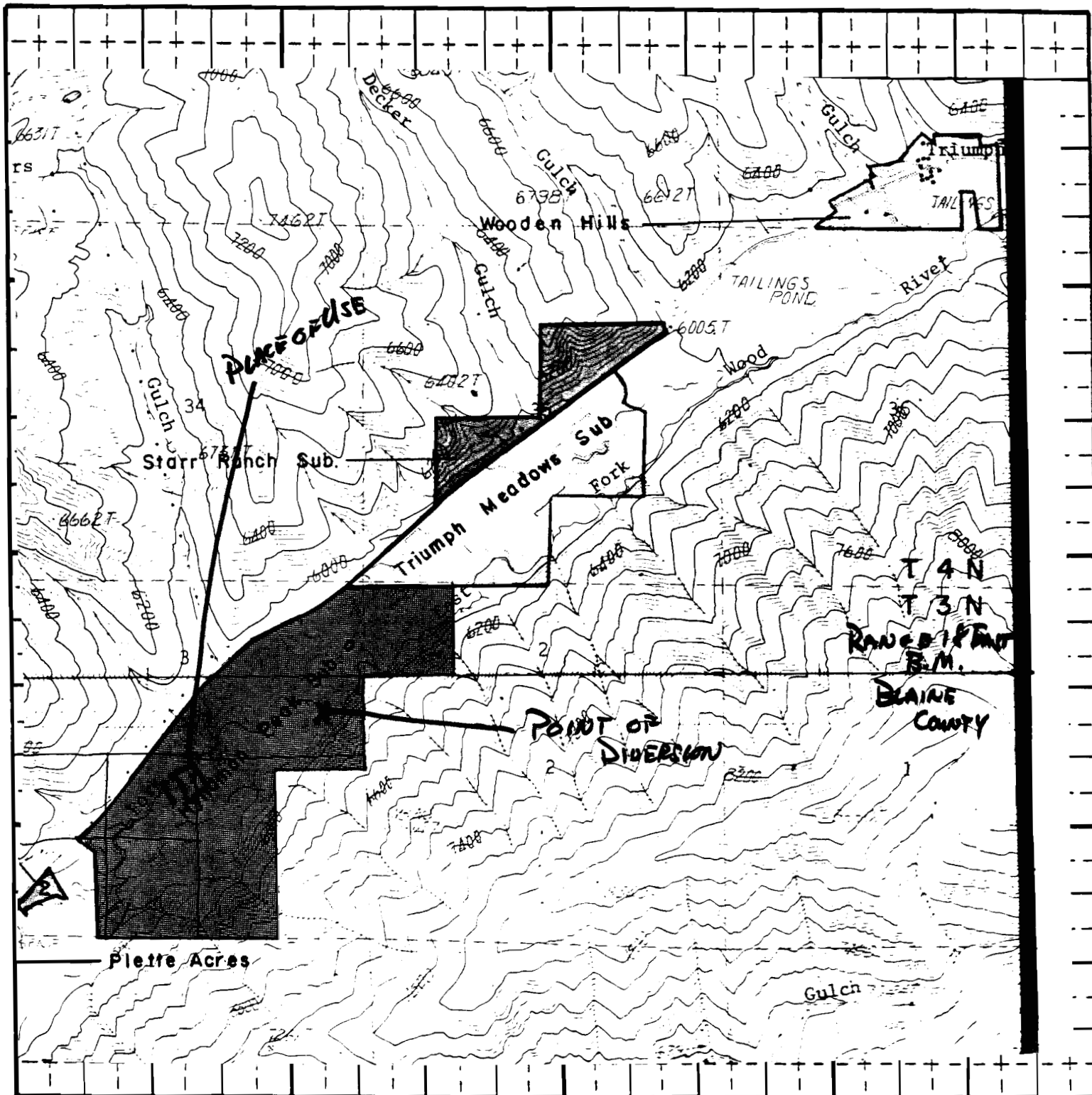
Last Name: Brandman
a2:brndmn.clm

Ident No.: _____

MICROFILMED
FEB 23 1989

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

FEB 23 1953

Last Name BRADMAN Ident No. _____

Copies: White-State, Yellow-Claimant

PLAT SHOWING
HYNDMAN PEAK SUBDIVISION

BLAINE COUNTY, IDAHO

OCTOBER, 1960

PLACE OF USE

Richard D. Johnson
10.10.10

[illegible]

NOTES:

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 electrical 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 Fish Subdivision Plat is considered by the owner and Graine County responsible for regulatory purposes. However, to the owner nor Graine County representatives, personnel, or employees 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
EMPLOYER PLAN SUBDIVISION

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

I, DR. CRAIG BRANDMAN, of Sausalito, California, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 20 day of OCTOBER, 1988.

Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

State of CALIFORNIA
County of MARIN } SS.

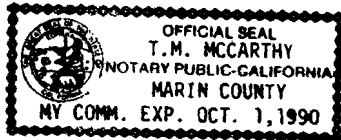
On this the 20th day of OCTOBER, 1988, before me,

T.M. MCCARTHY

the undersigned Notary Public, personally appeared

CRAIG BRANDMAN

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it. WITNESS my hand and official seal.



T.M. McCarthy
Notary's Signature

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document SPECIAL POWER OF ATTORNEY
Number of Pages 2 Date of Document OCTOBER 20, 1988
Signer(s) Other Than Named Above NONE

NOTARIZED
FEB 23 1988

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	1.53 cfs

7. Total Quantity Claimed: 1.53 cfs

8. Total consumptive use claimed is 6.25 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	3	NE	SW	I	1.5
3N	18E	3	NW	SE	I	1.0

Total number of irrigated acres: 2.5

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? Yes.

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. Remarks: Transfer 3291. Place of use is Lots 14 and 15, Hyndman Peak Subdivision (see attached plat). Right originally decreed to Lyman C. Peters in S.C. Frost et al. v. Alturus Water Co. et ux.. Claim is for the portion of the right originally appurtenant to the place of use.

*replaced
see claim*

Last Name: Brandman

Ident No. _____

MICROFILMED

FEB 23 1999

COPY

FILED
TWIN FALLS CO., IDAHO
FILED

2008 FEB 5 PM 12 03

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

SUBCASE NO. 37-539J

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

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

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

Dated:

1/22/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/6, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

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

Copies to:

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

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

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

01/03/2008

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

RIGHT NUMBER: 37-539J

NAME AND ADDRESS: CRAIG BRANDMAN
99 STONEGATE RD
PORTOLA VALLEY CA 94028

DELEYS BRANDMAN
99 STONEGATE RD
PORTOLA VALLEY CA 94028

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.155 CFS

PRIORITY DATE: 06/03/1884

POINT OF
DIVERSION: T03N R18E S3 NENESW 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	0.155 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S03 NESW 1.00	T03N R18E S03 NWSE	1.50
	2.5 ACRES TOTAL		

Right Nos. 37-539J and 37-8567 are limited to the irrigation of a combined total of 2.5 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is located within Lots 14 and 15 of Hyndman Peak Subdivision.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 6, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA Claim(s) 37-539J

Dear Counselor:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

10/07

For Office Use Only
Updated by _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED
DEC 31 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

[] Water Right Number(s): 37-539J

[] Name(s): Craig and Deleys Brandman

[] Old Mailing Address: 14 Laurel Lane
Sausalito, CA 93965

[] New Mailing Address: 99 Stonegate Road
Portola Valley, CA 94028

Telephone Number: (650) 454-0865

Email: craig.brandman@medilinq.com

[] Signature(s) of Owner(s) J. P. Spoil, attorney

(Include your title if on behalf of company or organization)

Date: 12/27/07

Send to:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 27, 2007

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED
2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**Re: Craig and Deleys Brandman - Water Right No. 37-539J
Change in Address**

Dear Trish:

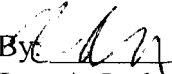
Enclosed please find the original and one copy of the Change in Address form for Craig and Deleys Brandman. Please file the original, receipt date stamp the copy and return it to me in the enclosed envelope.

Please call our office if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jean A. Latham, Legal Assistant
James P. Speck

:jal
Enclosures

RETURNED TO SENDER
Forwarding Order Expired

CRAIG BRANDMAN
DELEYS BRANDMAN

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: 37-539J

CRAIG BRANDMAN
38 WEST CLAY PARK
SAN FRANCISCO CA 94121
Telephone Number: (415) 831-0891

DELEYS BRANDMAN
38 WEST CLAY PARK

SAN FRANCISCO CA 94121
Telephone Number: (208) 788-5709

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,

08/26/2005

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

RIGHT NUMBER: 37-539J

NAME AND ADDRESS: CRAIG BRANDMAN
38 WEST CLAY PARK
SAN FRANCISCO CA 94121

DELEYS BRANDMAN
38 WEST CLAY PARK
SAN FRANCISCO CA 94121

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.155 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 NENESW 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	0.155 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	1.0	T03N R18E S03	NWSE	1.5
---------------	------	-----	---------------	------	-----

2.5 ACRES TOTAL

Right Nos. 37-539J and 37-8567 are limited to the irrigation of a combined total of 2.5 acres in a single irrigation season.

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

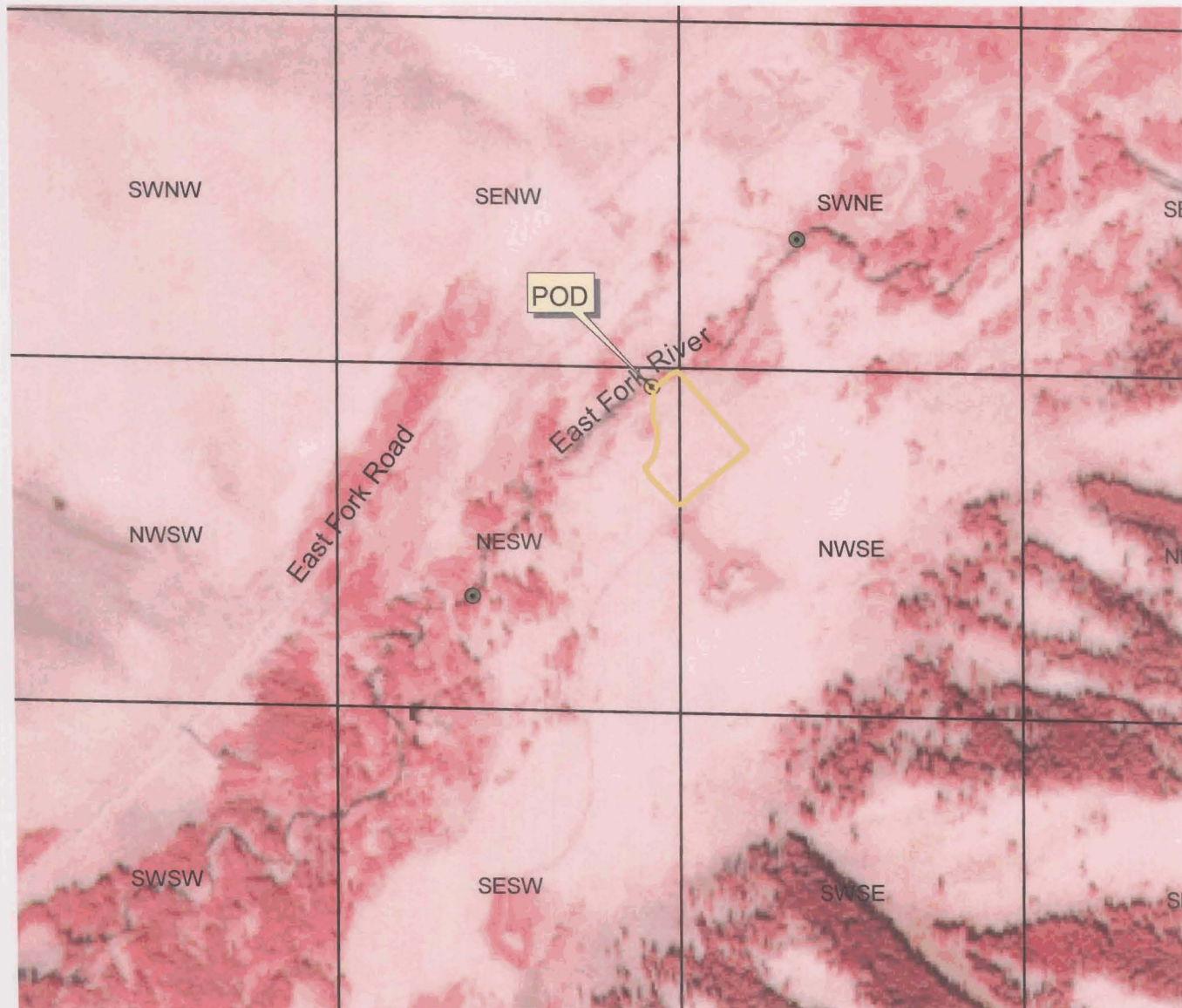
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is located within Lots 14 and 15 of Hyndman Peak Subdivision.

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

RECOMMENDED PLACE OF USE FOR 37-539J



1320

0

1320 Feet

PLACE OF USE

TWP 03N, RNG 18E, SEC 03

Data entry on August 10, 2005



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



TOWNSHIP LINES

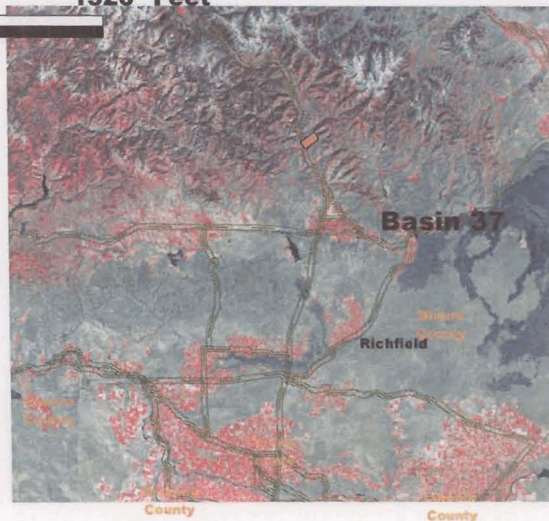


SECTION LINES



LOCATION IN BASIN

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



08/26/2005

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

RIGHT NUMBER: 37-539J
NAME AND ADDRESS: CRAIG BRANDMAN
38 WEST CLAY PARK
SAN FRANCISCO CA 94121

DELEYS BRANDMAN
38 WEST CLAY PARK
SAN FRANCISCO CA 94121

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER
QUANTITY: 0.155 CFS
PRIORITY DATE: 06/03/1884
POINT OF DIVERSION:

T03N R18E S3 NENESW 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	0.155 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	1.0	T03N R18E S03	NWSE	1.5
---------------	------	-----	---------------	------	-----

2.5 ACRES TOTAL

Right Nos. 37-539J and 37-8567 are limited to the irrigation of a combined total of 2.5 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

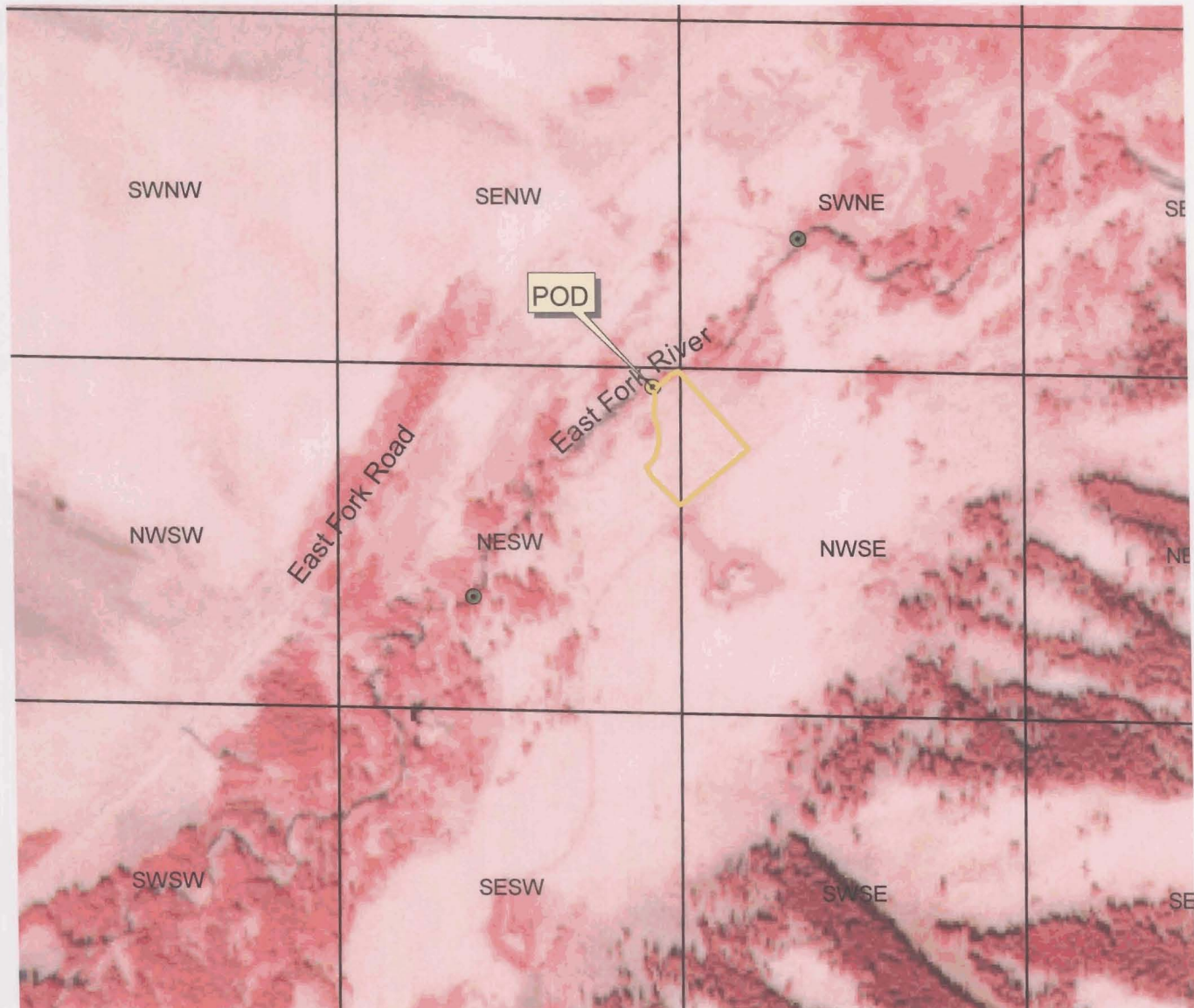
Place of use is located within Lots 14 and 15 of Hyndman Peak Subdivision.

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

VERIFIED BY NT

Idaho Department of Water Resources

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



1320

0

1320 Feet

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



● RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



TOWNSHIP LINES

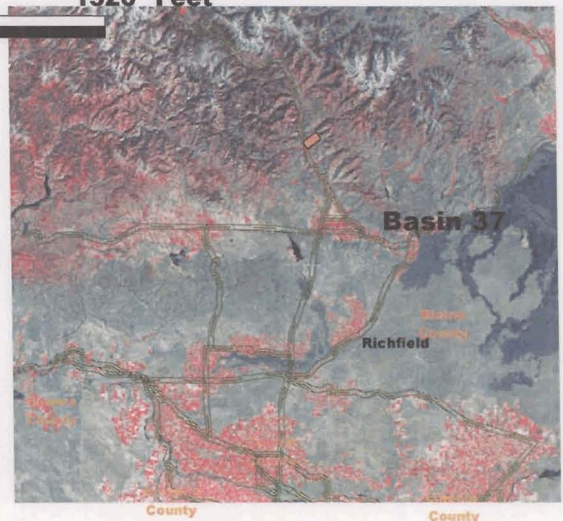


SECTION LINES



LOCATION IN BASIN

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



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.

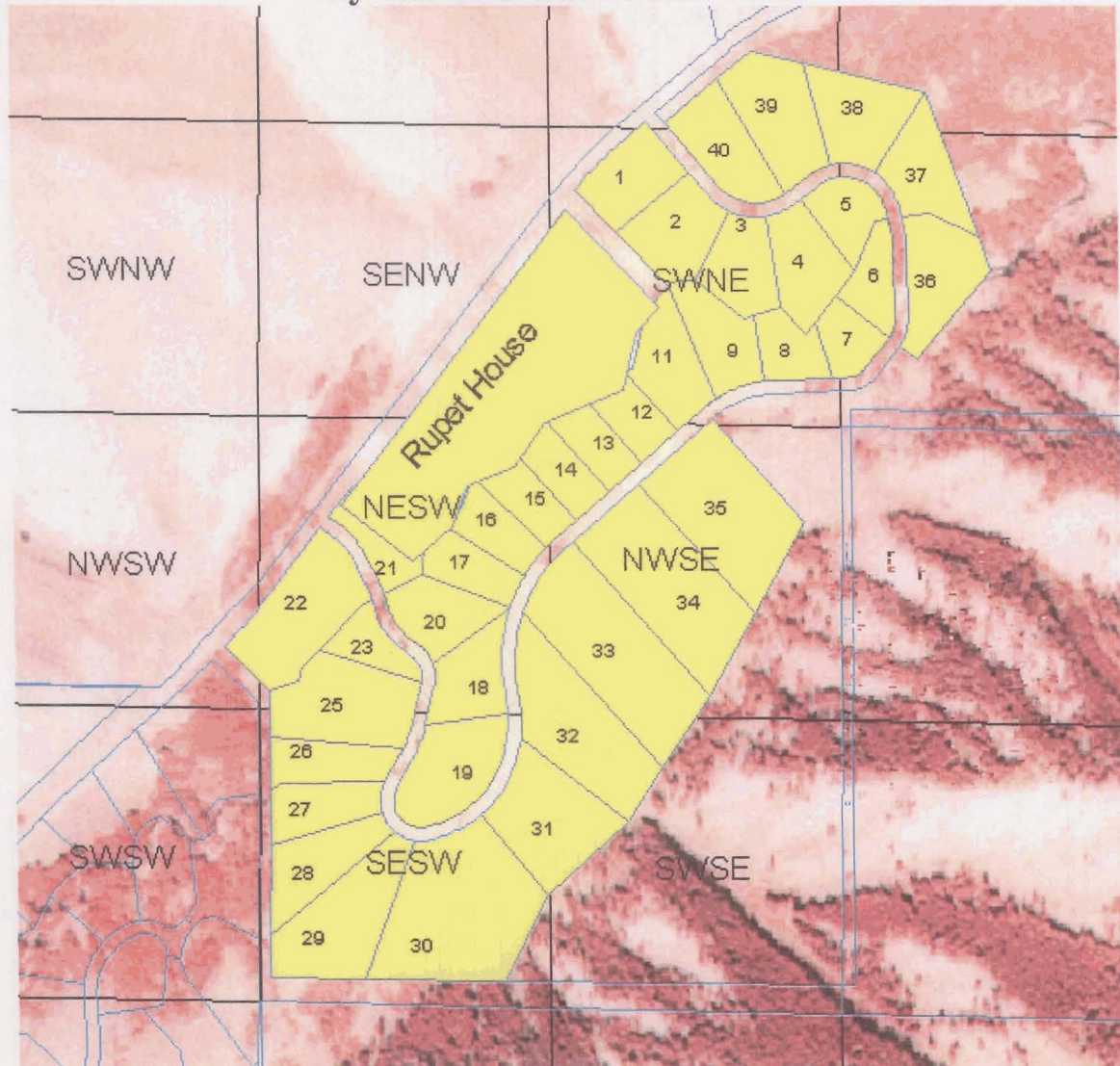
In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:

- 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

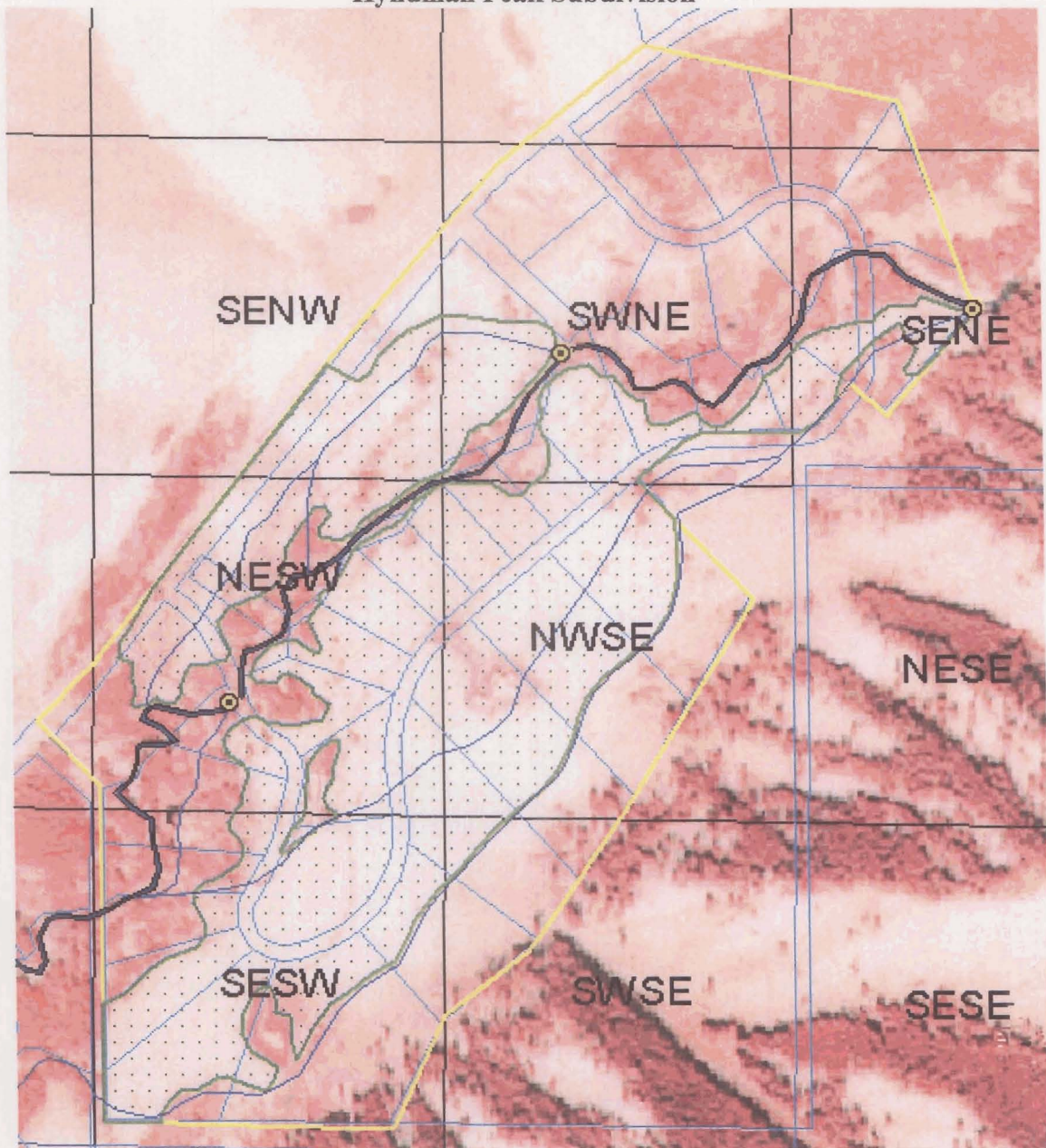


1- Bennett
 2- Berman
 3- Danielson
 4- Kosmos
 5- Papworth
 6- Hyndman Peak
 7- Flammer
 8- Naeve
 9- Devens
 11- Bass
 12- Bass
 13- Mitchell
 14- Brandman

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

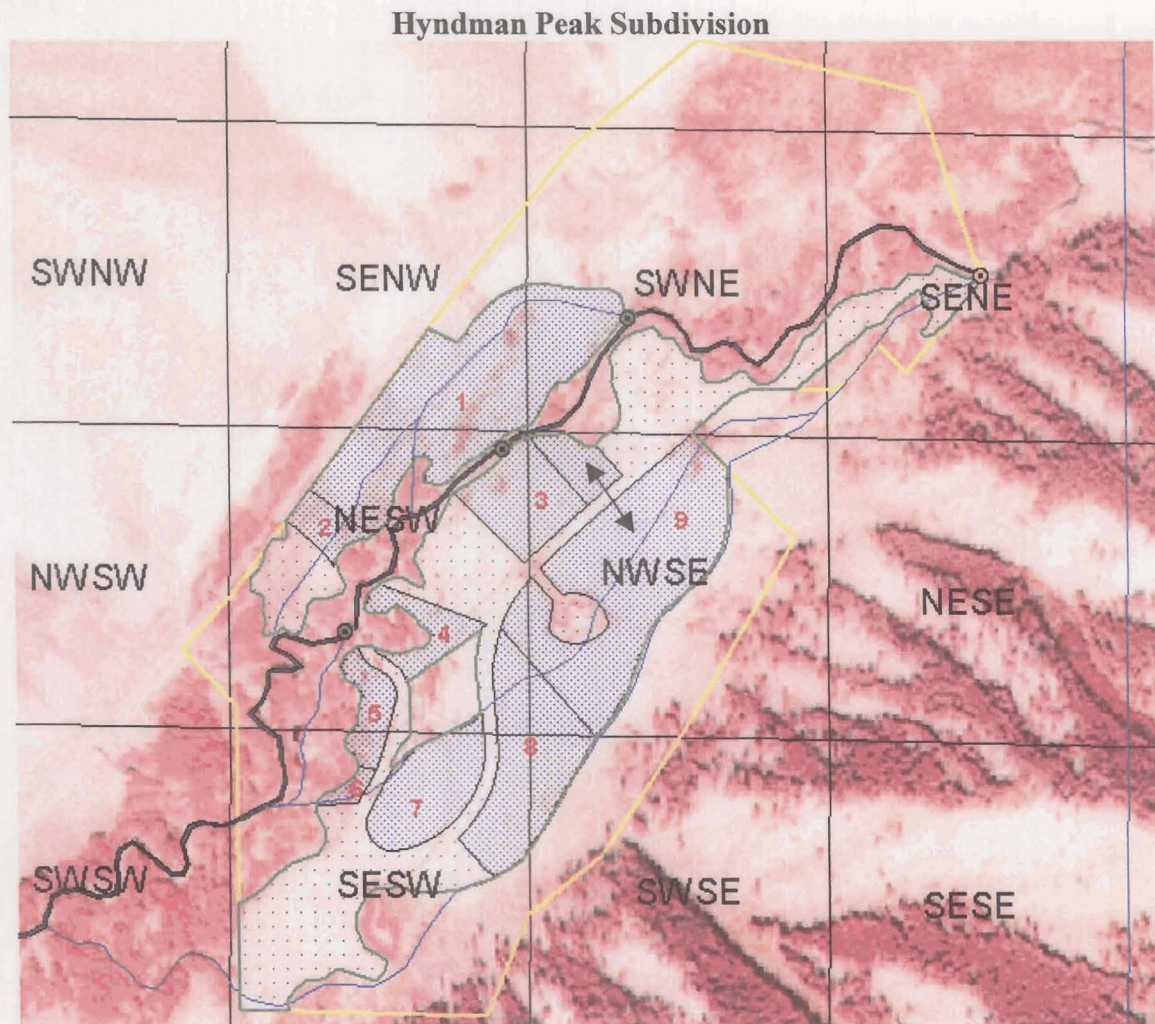
29- Porter
 30- Szombathy
 31- Mitchell
 32- Mitchell
 33- Mitchell
 34- Mitchell
 35- Mitchell
 36- Boxall
 37- Latrobe
 38- Latrobe
 39- Chivvis
 40- Chivvis
 House, Rupert

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
(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 Arial 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

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

RETURN SERVICE REQUESTED

RECEIVED
SEP 16 2004
Department of Water Resources
Southern Region

37-539 J
37-8567



UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED

Nick

BRANDMAN
14 LAUREL LN
SAUSALITO CA 94965

415-925-3414



Notes

07/06/05

Field Exam

Nick Treasum

Craig Broadman Has this decreed 1884 claim for 0.15 cfs and 2.5 Acres as well as a licensed well for irrigation of 2 Acres.

Issues:

Decree 37-5395
Both claims refer to the same place of use. I do not see any POP from East Fork as claimed from the decreed right. The Transfer of change of POP was approved (#3551) allowing pump in East Fork for Sprinkler system.

License 37-8567
There is however a sprinkler / drip system on the claimed to Acres that would follow more the criteria of license 37-8567 for 0.06 cfs on 2 acres. It appears this system is pumped from a well (Attached map) License 37-8567 had evidence of beneficial use provided in 1998, therefore because it is licensed after the commencement of the SRBA it is not subject to the current adjudication. Possible POP of 0.15 cfs with both the decree and the license.

Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

07/04/05

Twp 03N Rng 18E Secs 3



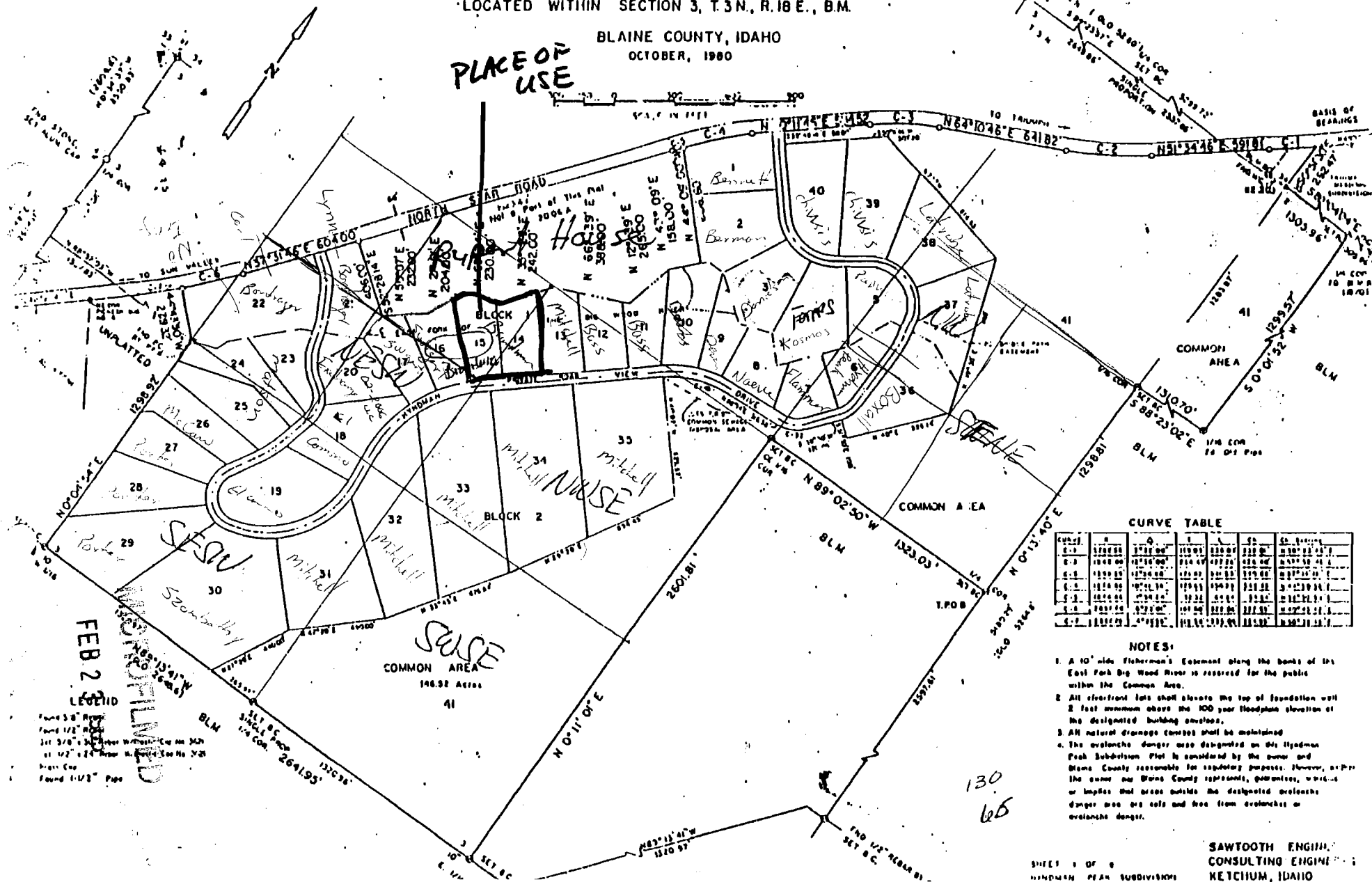
(418)

PLAT SHOWING
HYNDMAN PEAK SUBDIVISION

BLAINE COUNTY, IDAHO
OCTOBER, 1900

PLACE OR
USE

Richard D. Johnson
10-10-80



CURVE TABLE

[illegible]

NOTES:

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 structure 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 avian/elephant danger area designated on this legend/ map Subdivision Plot is considered by the owner and Blaine County responsible for signage purposes. However, the owner may Blaine County respondents, permittees, vendors or licensee that access outside the designated avian/elephant danger area be safe and free from avian/elephant or avian/elephant danger.

SAWTOOTH ENGINE
CONSULTING ENGINEER;
KETCHUM, IDAHO

SHEET 1 OF 4
 STANDARD PLAN SUBDIVISION

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee

DATE: 02 September 1997

RE: 37-08491,-08567 (37-00539H,A37-00539J)

At 1330 hrs. on 21 August 1997, I met with Craig Brandman to perform a field examination regarding the above permit numbers. I asked Mr. Brandman if they used the surface right out of the East Fork of the Wood River. He said no. I took a photo (Photo Page 3/3) of the only area by the river that was clear of brush. I did not see a pump or other paraphernalia for surface water irrigation.

The **first well** associated with 37-08491 is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T03N, R18E. The well is approximately 150 ft. south-easterly of the East Fork Wood River and 40 ft. north-easterly of the westerly lot line of Lot 15 in the Hyndman Peak Subdivision.

The place of use is approximately 2.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 3, T03N, R18E. There is one house on Lot 15. The partially landscaped lot is irrigated by Rainbird R-50 Pop-Up Turf Birds. The rest of Lot 15 is irrigated by Rainbird 2045PJ Maxi-Birds impact sprinklers. The majority of irrigation is not for a manicured landscape. Regardless, it is being irrigated.

The **second well** on Lot 14 associated with 37-08567 is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T03N, R18E. The well is approximately 75 ft. north-easterly of the lot line of Lots 15-14 and 50 ft. north-westerly of Hyndman View Drive.

On 02 May 1996 a verbal was issued for the approval of drilling the well on Lot 14. Proof of Beneficial Use was signed by Deleys Brandman 27 May 1996.

The attached photos show Lot 14 with sage brush and long grass. The two faucets were the only spigots found. I walked the majority of the lot and I found no sprinklers.

At the time of the examination, three employees from the landscape company "C U Next Season" were present. Two of the employees were clearing brush near the river on Lot 15. The third employee was measuring and laying out what looked like 2" PVC pipe. Mr. Brandman said the landscape company was repairing the system from the harsh winter of 1996. I asked for schematic of the design of irrigation system. He told me I could get the design from "C U Next Season".

Due to obvious reasons (no house, questionable irrigation system and hardware) I am unable to recommend any use for Lot 14.

The surface water right 37-00539H, with the adjudication claim A37-00539J, can be disallowed due to non-use. This was verified by Mr. Brandman's statement (see the first paragraph) and the documentation dated October 18, 1995, from Norma Peterson of Water District No. 37.

FROM: Allen Merritt

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, 1 # 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

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

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

**37-00539
SPLIT TREE
cfs**

T-3291

37-00539A
2.60 cfs

T-3280

37-00539C
2.19 cfs

T-3332

37-00539E
2.044 cfs

T-3551

37-00539G
1.885 for 30.5 acres
Lyman Peters

T-4671

Transfer 4671
Recommended for
disallowal

37-00539D
0.41 for 7 acres
Joseph Cirillo

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

37-00539F
0.146 cfs for 2.36 acres
Joseph Cirillo

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

37-00539H
0.155 cfs for 2.5 acres
Craig Brandman

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

37-300539B
0.40 cfs for 12 ac
Rupert House

AJ claim A37-00539B
.40 cfs for 12 acres

T-5318

Transfer
Pending

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

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

FROM: Allen Merritt *AM*

DATE: October 20, 1995

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

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

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

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

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

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

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

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

37-00539 K, 1 #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 & 37M

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

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352

(208) 886-2451



LEE R. PETERSON
Watermaster

Page 2

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		

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

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

5

CLAIMANT'S NAME Bronchman CLAIM IDENT. NO. A37-005391

DATE RECEIVED 10/25/88 CK # 8645 AMOUNT \$ 57

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
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?	☒	☐
(b) Is a tributary to entered? (if required)	☒ N/A	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
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.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☒ N/A	☐
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	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
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	☐
15. Is the basis of the claim indicated?	☒	☐
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?)	☒	☐
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 23 1993

Comments: Overpayment.

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

HAILEY OFFICE:

16 WEST CROY STREET

SUITE K

POST OFFICE BOX 460

HAILEY, IDAHO 83333

(208) 788-3567

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

October 24, 1988

CERTIFIED MAIL

Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301
Attn: Jim Stanton

RE: Snake River Basin Adjudication
Notices of Claims to Water Rights
Dr. Craig Brandman &/or Deleys Brandman

Dear Jim:

Enclosed you will find the original Notice of Claim to Water Rights which we have prepared on behalf of Dr. Craig Brandman &/or Deleys Brandman for the following-described water right:

1. 37-0539E

Also enclosed is a check in the sum of \$57.00 to cover the filing fee for this claim. Please also find enclosed a copy of the Special Power Of Attorney authorizing me to sign this Claim as Attorney In Fact for my client.

Kindly call if you have any questions.

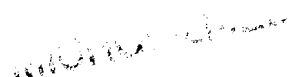
Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl.
cc: Dr. Craig Brandman


FEB 23 1989

CONVERSATION MEMORANDUM

NAME OF PARTY Jim Johnson/Roberta Garrett
EMPLOYEE DOUGLAS JONES

DATE 1/28/89
FILE Brandman Transfer 37-00539E

RE: Transfer

- 1) Determined App For Transfer based on degree & not Adjudication Claim. Part 1B1 needs to be changed to read "Part of 37-00539E"
- 2) There are no other transfers affecting 37-00539E; therefore Part 2A1d must be changed by crossing out the number, "3291."
- 3) Copy of edited copy shall be filed in So. Region File, & original of edited copy sent to Boice.
- 4) Copy of edited copy will be sent to Brandman
to James Speck, Atty; Hogue, Speck, & Anestel
- 5) Adjudication claim A37-00539J is equivalent to this App. for Transfer
- 6) A copy of the telecon Memorandum shall be included in each:
 - a) So. Reg. Transfer File
 - b) So. Reg. Adjudication File
 - c) w/ edited copy to S.O.
- 7) Computer database appears to have the correct designation (identification number) 37-00539E for the Lyman Peters water right

NOTED - JAMES

FEB 23 1989

Water Right Number - 37-00539E Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***

PETERS

LYMAN C.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/03/1884 17 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER, EAST FORK BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 18E 3 SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

2.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.040

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

03N 18E 3 SW NE 4.0 01 IRRIGATION (13) BLAINE

03N 18E 3 NE SW 9.0 01 IRRIGATION (13) BLAINE

03N 18E 3 NW SE 20.0 01 IRRIGATION (13) BLAINE

Total Acres: 33.0

+ - - Diversion Means - PETERS #17 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
AC. IRR. = 32.99.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - Decree Plaintiff - - - +
S. FRIST, ET. AL.

+ - - - - Decree Defendant - - - +
ALTURAS WATER COMPANY, ET. AL.

+ - Decree Date - +
12/13/1909

RECEIVED
FEB 23 1953

Water right number - 37-00539E

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 10/20/87

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	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909				

RECEIVED
FEB 23 1993

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

Date	0214
Code	08/01/89
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY

TO

HOGUE. SPECK & AANESTAD
BOX 987
KETCHUM, ID 83340

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE
() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REF. C004045 PER DON SHAFF 7/13/89 <i>A3700539J</i>	4.00	
TOTAL						4.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: C004045

Done
7/13

DA 3/22/89

Date: 12/20/88
Time: 08:11:29

T# 89-334

Received

From: HOGUE, SPECK & AANESTAD

Type of Payment

Program Acct Class

Amount

ADJUDICATION FEE FOR BRANDMAN
OVERPAYMENT

0410162 9337 6490
0410162 9337 6490

\$53.00
\$4.00

Total

\$57.00

CHECK 8645

WR/NO: A37-00539E

Idaho Department of Water Resources

Region: STATE

Signature: *Hele Harrington*

change to: A37-00539J

monitored
FEB 23 1989