

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-363D
Date Received: 7/28/1988
Receipt No: S001142
Received By:

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

1. Name of Claimant(s)

LAURI CRANDALL-COOPER Phone: (208)578-0773
PO BOX 5502
KETCHUM ID 83340

2. Date of Priority: 04/12/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02N	18E	36	SW	NW		BLAINE	

5. Description of diverting works:

HEADGATE #45 & DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/15	0.3	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
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01N	18E	13	SE	SE	IRRIGATION	16
					Section Acres	16
					Total Acres	16

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Application

RECEIVED

JUN 06 2003

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DIVISION OF WATER RIGHT OWNERSHIP

RECEIVED

DEC 09 2004

Department of Water Resources
Southern Region

When a water right is transferred, the Department of Water Resources must be notified. This form is used to notify the Department of Water Resources of a change in ownership of a water right. The form must be filed with the Department of Water Resources within 30 days of the change in ownership. The form must be filed with the Department of Water Resources for each water right to be changed. The form must be filed with the Department of Water Resources for each water right to be changed. The form must be filed with the Department of Water Resources for each water right to be changed.

Water Right Name	Adjudication Claim Name	State	Water Right Name	Adjudication Claim Name
37-10722			Domestic Well	
37-363			D Big Wood River	

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CERTIFICATE OF TITLE** or other legal document indicating your ownership of the property. (See instructions for more information.)

C. Fill in the following (if necessary to clarify division of water rights or other complex property descriptions):

PLAT OR DIMENSION (if necessary to clarify division of water rights or other complex property descriptions):

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Doug Powers

Box 459

Bellevue, ID 83313

Lauri Crandall Cooper

Box 5302 Ketchum, ID 83340

102 Derby Rd

Bellevue, ID 83313

208-578-0773

July 21, 2003

6. **If the change in ownership affects the entire water right or adjudication claim number listed in item 5, this section does not apply. GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must file this section for each water right(s) after the change. Fill in the appropriate amount in the box(es) below to describe your water right(s) after the change (one water right per box; you may copy this page as necessary). If your quantity of water is greater than a proportionately divided amount, you must file this section for each portion. If you are not sure how to identify your portion of the original water right or adjudication claim number, you should contact the assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the change in ownership divides the water right(s) among multiple owners, you must file this section for each water right(s) after the change.)		
Water Right and/or Adjudication Claim Number	Water Use	Description (cubic feet per second or acre-feet per annum) (acres, number and type of stock, homes, etc.)
	Irrigation	
	Stock	
	Domestic	
	Other	
	Total	

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

7. Signature of New Owner(s) of Claim(s)
(Print Name (s) (Last, First, Middle))

Myuri Crandall Cooper
12-7-04

For Snake River Basin Adjudication Claim(s): Please attach a Notice of Appearance completed by your attorney, if you wish WYWR to correspond with him/her for all matters related to your claim(s).

For Office Use Only			
Received by <i>[Signature]</i>	Date <i>12/9/04</i>	Amount <i>10025.00</i>	
Processed by <i>[Signature]</i>	Date <i>12/9/04</i>	Receipt No. <i>5027218</i>	
	AI	WR	Date

K27087

WARRANTY DEED

For Value Received **Douglas J. Powers, a married man, as his sole and separate property**

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

Lauri Crandall-Cooper, a married woman as her sole and separate property

whose address is: **P.O. Box 5502, Ketchum, ID 83340**

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

Lot 11 in Block 1 of DEAN RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 169670, records of Blaine County, Idaho.

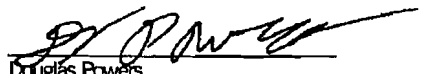
Together with any and all water rights appurtenant to said land.

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

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 28, 2003

Instrument # 488606
HAILEY, BLAINE, IDAHO
 2003-07-30 03:22:00 No. of Pages: 1
 Recorded for : FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
 Ex-Officio Recorder Deputy
 Index to: WTTTCORP DEED

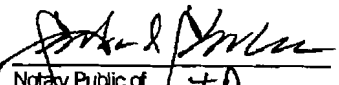

 Douglas Powers

STATE OF Idaho

)ss.

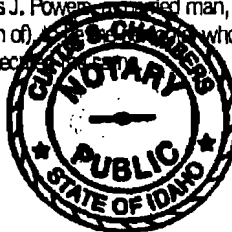
COUNTY OF BLAINE

On this ^{29th} day of July, 2003, before me, personally appeared Douglas J. Powers, a married man, as his sole and separate property, known or identified to me (or proved to me on the oath of _____, whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.


 Notary Public of
 Residing at:
 Commission Expires:

HAILEY

5.15.04





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 26, 2005

LAURI CRANDALL COOPER
BOX 5502
KETCHUM ID 83340

RE: OWNERSHIP CHANGE
Adjudication Claim 37-363D
Decreed Water Right 37-10722

Dear Ms. Cooper:

On December 9, 2004, we received a NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form from you along with a \$25.00 check. No proof of ownership was included. Our records cannot be updated without a warranty deed. We have attempted to obtain a deed from you on several occasions, but have not yet received one.

Enclosed is your original ownership change form. Please attach the required information and return to me by **June 10, 2005**. If we have not received the original owner change form and deed by this date, I will request a refund of your \$25.00 and this office will take no further action.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2005

LAURI CRANDALL COOPER
PO BOX 5502
KETCHUM ID 83340

Re: SRBA Claim #37-363D

Dear Ms. Crandall-Cooper,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00363D
Date Received: 7/28/1988
Receipt No: S001142
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GUS A. CHEK 208-788-3779
Address: BOX 1984
HAILEY, ID 83333

2. Date of Priority: APR 12, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SW	NW			BLAINE

5. Description of diverting works:
HEADGATE #45 & DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.300		

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

8. Total consumptive use is 48.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	SE	SE		IRR	16.0

Section Acres 16.0

Total Acres 16.0

A37-00363D

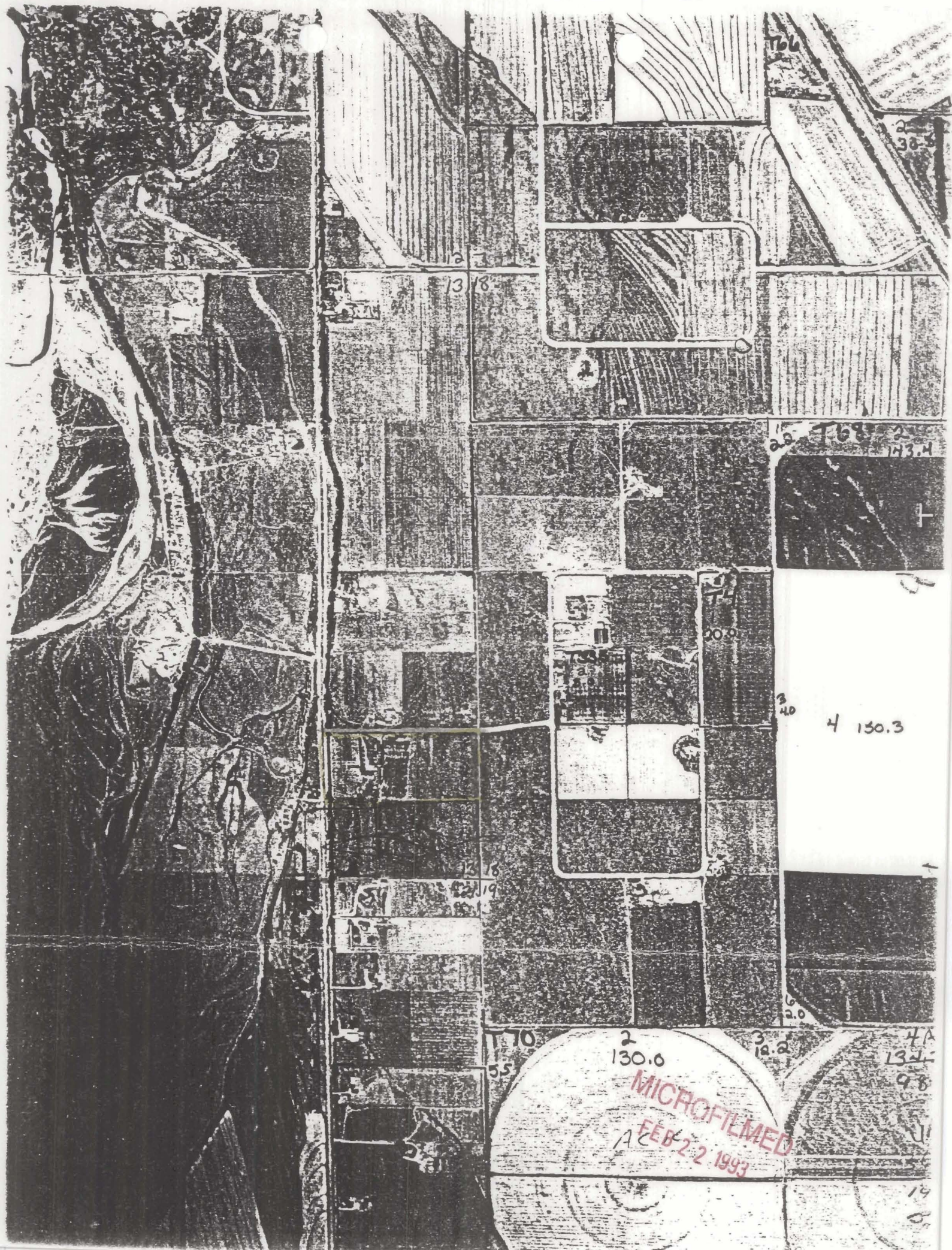
Page

1

Date: 07/28/88

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FEB 22 1993

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RECEIVED

FEB 5 - 1990

Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
Attn: Jim Johnson
Twin Falls, Idaho 83301

Dear Sir:

This is to advise that Water Rights Decree #37-0363A is being transferred from Gus Chek, PO Box 1984, Hailey, Idaho 83333 to Mr. & Mrs. Douglas J. Powers, PO Box 151, Renfrew, Pa. 16053, effective July 1, 1990.

This information is forwarded to comply with Idaho Code 42-1409 (7).

Respectfully yours,

Gus Chek

Gus Chek

D. J. Powers

Douglas Powers
Cheryl Powers

Cheryl Powers

MICROFILMED
FEB 22 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 SRBA

Case No. 39576

Subcase No. 37-363D

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

Jerry Turco

OBJECTORS

Concerned Water Users

Timothy W. Tyree, Attorney

Date

Albert P. Barker, Attorney

Date

OBJECTORS:

STANDARD FORM 5 – 37-363D

Bigwood Property Owners

Craig D. Hobdey, Attorney Date

IDWR Concurrence:

Kelly Christensen 1-31-2011
IDWR Agent Date

Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330

JERRY TURCO

Represented by:
TIMOTHY W. TYREE
PO BOX 1617
BOISE, ID 83701-1617

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

01/21/2011

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

RIGHT NUMBER: 37-363D

NAME AND ADDRESS: JERRY TURCO
525 RIVERSIDE AVE
LYNDHURST NJ 07071

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The portion of Right 37-363D used for conveyance losses is 0.02 cfs per approved transfer #3404.

PRIORITY DATE: 04/12/1883

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Lot 3 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	0.300 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13 SESE 16.00

16 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.

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

A lockable device subject to the approval of the Dept. shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No 37 Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Christensen, Kelly

From: Bromley, Chris
Sent: Tuesday, March 16, 2010 8:43 AM
To: Christensen, Kelly
Cc: Ridgeway, Renea
Subject: RE: 37-363D proposed SF-5 settlement.

Kelly,

Let's leave it then. We'll see what Hobdey does when the objection period runs. I appreciate the proactive approach, but I think Hobdey's concern is more making sure that the right isn't over allocated.

Chris

From: Christensen, Kelly
Sent: Tuesday, March 16, 2010 8:24 AM
To: Bromley, Chris
Subject: RE: 37-363D proposed SF-5 settlement.

I doubt if anybody has talked to any other party as I am actually initiating this action. My thought was to be proactive in presenting this proposal as a possible settlement to solicit their input. With something in hand I was hoping that we would already be part way down the road hopefully to that resolution.

kkc

From: Bromley, Chris
Sent: Tuesday, March 16, 2010 8:19 AM
To: Christensen, Kelly; Ridgeway, Renea
Subject: RE: 37-363D proposed SF-5 settlement.

Kelly,

Has Hobdey spoken with Turco and gotten his OK on the language? We'd put this language out on the ADR, unless the parties don't want the language on the ADR and instead want to object to the ADR and resolve the objection with an SF5.

What do you know?

Chris

From: Christensen, Kelly
Sent: Thursday, March 11, 2010 1:08 PM
To: Ridgeway, Renea; Bromley, Chris
Subject: 37-363D proposed SF-5 settlement.

Chris please review and if acceptable then Renea could you send this out to the respective parties?

The objection filed by the Big Wood Canal Company etal was that the right had been forfeited or abandoned. However as the recommendation is based upon a 1989 approved transfer forfeiture/abandonment is not an issue.

37-363D OBJECTION REVIEW AND SETTLEMENT RECOMMENDATION

The recommendation for adjudication claim 37-363D was based upon approved transfer 3404. That transfer was approved on January 3, 1989.

The recommendation matches the transfer except for the remarks. The remarks not included in the recommendation were;

1. A measuring device of a type approved by this Dept. shall be maintained as a part of the diverting works.
2. A lockable device subject to the approval of the Dept. shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this water right will be regulated by the watermaster of State Water District No 37 Big Wood River.

The remark identifying the mount designated for conveyance losses is worded differently on the recommendation but mathematically the values are the same.

Attached is the proposal where the additions to the initial director's report are shown as underlined entries. Nothing is proposed to be deleted.

<< File: 37-363D TURCO proposed SF-5.docx >>

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 22 2010	
By _____	Clerk
_____	Deputy Clerk

**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

Case No. 39576

) Subcases 37-00353 et al.
) (See Attached Exhibit A)
)
) **ORDER REQUESTING AMENDED**
) **DIRECTOR'S REPORTS FROM IDWR;**
)
) **ORDER SETTING DEADLINES AND**
) **STATUS CONFERENCE**

A status conference was held in the above-captioned subcases on March 9, 2010. Based upon the comments of the participants at the status conference, the following are hereby ordered:

1) IDWR shall file *Amended Director's Reports* for the above-captioned water right claims no later than **March 31, 2010**.

2) Notice of the filing of the *Amended Director's Reports* shall be published on the Court's Docket Sheet in April, 2010, and objections to the *Amended Director's Reports* shall be filed by **April 28, 2010**.

3) Responses to objections shall be filed by **May 12, 2010**.

4) The objections currently on file shall not survive the filing of the *Amended Director's Report*, and new objections will need to be filed by any party that disagrees with the *Amended Director's Report*.

5) A status conference will be held on **June 29, 2010 at 10:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing **1-215-446-0193** and when prompted entering the code 675342.

IT IS SO ORDERED

DATED March 22, 2010



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

37-00353			
37-00353B			
37-00353D			
37-00353E			
37-00353F			
37-00353G			
37-00353H			
37-00353J			
37-00353K			
37-00353L			
37-00363D			
37-00418D	<i>uncontested - P/D issued</i>		
37-00419D	"	"	"
37-00443	"	"	"
37-00480B	"	"	"
37-00637	"	"	"
37-00665H	"	"	"
37-00666F	"	"	"
37-00667K	"	"	"
37-00713B	"	"	"
37-00802	"	"	"
37-02345A	"	"	"
37-02684	"	"	"
37-07310	"	"	"
37-08012	"	"	"
37-11671	"	"	"
37-11689B	"	"	"
37-20348	"	"	"
37-21146	"	"	"
37-21147	"	"	"
37-21148	"	"	"
37-21267	"	"	"
37-22042	"	"	"
37-22043	"	"	"

03/11/2010

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

RIGHT NUMBER: 37-363D

NAME AND ADDRESS: JERRY TURCO
525 RIVERSIDE AVE
LYNDHURST NJ 07071

Proposed
VERIFIED BY

SF-5
KKC
3-11-10

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The portion of Right 37-363D used for conveyance losses is 0.02 cfs per approved transfer #3404.

PRIORITY DATE: 04/12/1883

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Lot 3 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	0.300 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13 SESE 16.00

16 ACRES TOTAL

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Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, March 11, 2010 1:08 PM
To: Ridgeway, Renea; Bromley, Chris
Subject: 37-363D proposed SF-5 settlement.

37-363D
Review

Chris please review and if acceptable then Renea could you send this out to the respective parties?

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37-363D TURCO
proposed SF-5.do...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-363D V1

WATER RIGHT NUMBER: 37-363D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY TURCO 525 RIVERSIDE AVE LYNDHURST, NJ 07071 (917)859-8959
Original Owner	GUS A CHEK PO BOX 1984 HAILEY, ID 83333 (208)788-3779
Previous Owner	LAURI CRANDALL-COOPER PO BOX 5502 KETCHUM, ID 83340 (208)578-0773

Priority Date: 04/12/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER L3 (NE1/4SW1/4NW1/4) Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13																	16.0
																			16.0

Total Acres: 16

Conditions of Approval:

1. C18 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.
2. The portion of Right 37-363D used for conveyance losses is 0.02 cfs per approved transfer #3404.

Remarks:Comments:

1. jroberts 11/10/2006 Basis of Recommendation
Comment: Basis is Decree and conveyance loss remark per transfer 3404.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-363D

WATER RIGHT NUMBER: 37-363D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	U S JUSTUS
	, ZZ
Current Owner	DOUGLAS J POWERS PO BOX 151 RENFREW, PA 16053
Current Owner	MRS DOUGLAS J POWERS PO BOX 151 RENFREW, PA 16053

Priority Date: 04/12/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> _____ <u>To</u> _____	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13																	16.0
																			16.0

Total Acres: 16

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. TRANS. 3404.
THE RATE OF DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED 0.28 CFS TO ALLOW FOR A CONVEYANCE LOSS OF 6.66%.

Remarks:

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)
)
Case No. 39576)
)
)
)

A. Subcase No. 37-363D

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Lauri Crandall-Cooper
Address: P.O. Box 5502
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Beginning and Ending Point**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☐ **Place of Use**
Should be:

10. ☒ **I object because:**

☒ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Right has been forfeited for non-use or abandoned.

Christensen, Kelly

From: Bromley, Chris
Sent: Thursday, January 13, 2011 2:11 PM
To: 'Albert Barker'; Craig Hobdey; 'ttyree@hawleytroxell.com'
Cc: Christensen, Kelly; Ridgeway, Renea
Subject: 37-363D (Turco)

Al, Craig, and Tim:

Kelly discovered this one slipped through the cracks. It was originally thought that it overlapped with the Dean Ranch subcases (37-353 et al.). The Dean Ranch group resolved last June and the subsequent status conference on this one was vacated. Turns out, this one doesn't overlap with Dean Ranch, so we need to chart a path forward.

Al and Craig, your clients objected to the recommendation for 37-363D, stating that it should not exist. The objection was based on the assertion that the right had been forfeited or abandoned.

The recommendation, however, is based on a 1989 transfer. The claim was filed in 1988, so abandonment/forfeiture is tolled from that time.

In looking at the transfer, I see that the recommendation didn't include three of its conditions (measuring device, lockable headgate, subject to control by the watermaster). The recommendation did include the conveyance loss condition.

There are at least three options forward that I can think of: (1) we notify the court to set this for status and take it up then; (2) the Department could draft an SF5 with the missing transfer conditions; or (3) BWCC/CWU could withdraw objections and let the recommendation go to the special master for report and recommendation.

Let me know what you think.

Thanks,

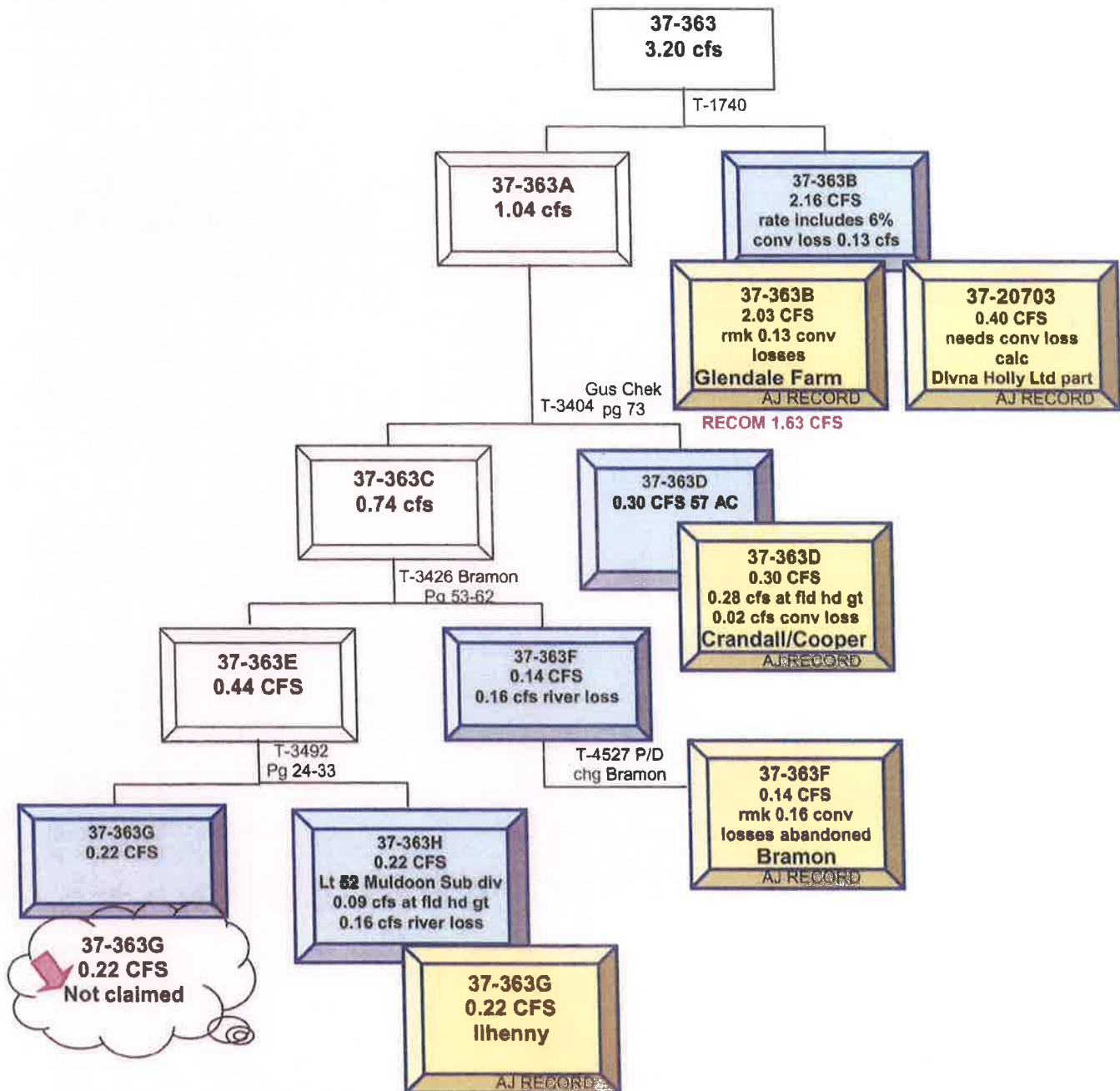
Chris

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 8-26-2005

File: 37-363 split tree analysis

Prepared by Kelly K Christensen



Page 1 of 16STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3404

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Gus Chek Phone 788-3779
Post Office address P. O. Box 1984, Hailey, ID 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide an earlier water ~~ri~~ right for my land.
I presently have 1886 water, but this is cut off early in the season. This will require
a new point of diversion for the water being purchased.

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

1. Right Number 37-0363D Priority 4-12-1883 Amount (cfs/ac-ft) 0.30 cfs Nature of Use Irrigation Period of Use Apr 1 to Nov 1
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.30 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	Headgate #45 & District Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	13																16	16

Total acres 16

PART 1**6. General Information:**

- a. Description of diversion system Headgate #45 & District Canal to P/U. Headgate & ditch from District Canal to land.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will be irrigated until the 1887 water still on this land is sold. The land has been subdivided for domestic lots. Water for lawns is available from the City of Hailey.
- d. Remarks:
There is 1886 water for the new P/U, so moving only one water right from the original P/U will not result in an expansion of water usage.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0363D

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

1. A measuring device of a type approved by this Dept. shall be maintained as a part of the diverting works.
2. A lockable device subject to the approval of the Dept. shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
4. The rate of diversion under this right shall not exceed 0.28 cfs to allow for a conveyance loss of 6.66%.

G05 wtr delivered fm Hd gate 45 deliv thru Dist Canal
R04 v.m. Dist 37

MICROFILMED

MAY 29 1990

Witness my hand this 3rd day of January, 19 89

J. M. Saxton
Chief, Operations Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0363A Decreed to U. S. Justus
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1740 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 4-12-1883

5. Water is used for the following purpose:

amount 1.04 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

8. Lands irrigated or place of use: P/U does not include previously owned by Wm. Cloughton east of Justus Ditch.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	16	X	X		X													3
		15							X										

Total acres _____

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

28th 37-0364

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.30 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	16	3.5	2.5	10														16

Total acres 16**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.74 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

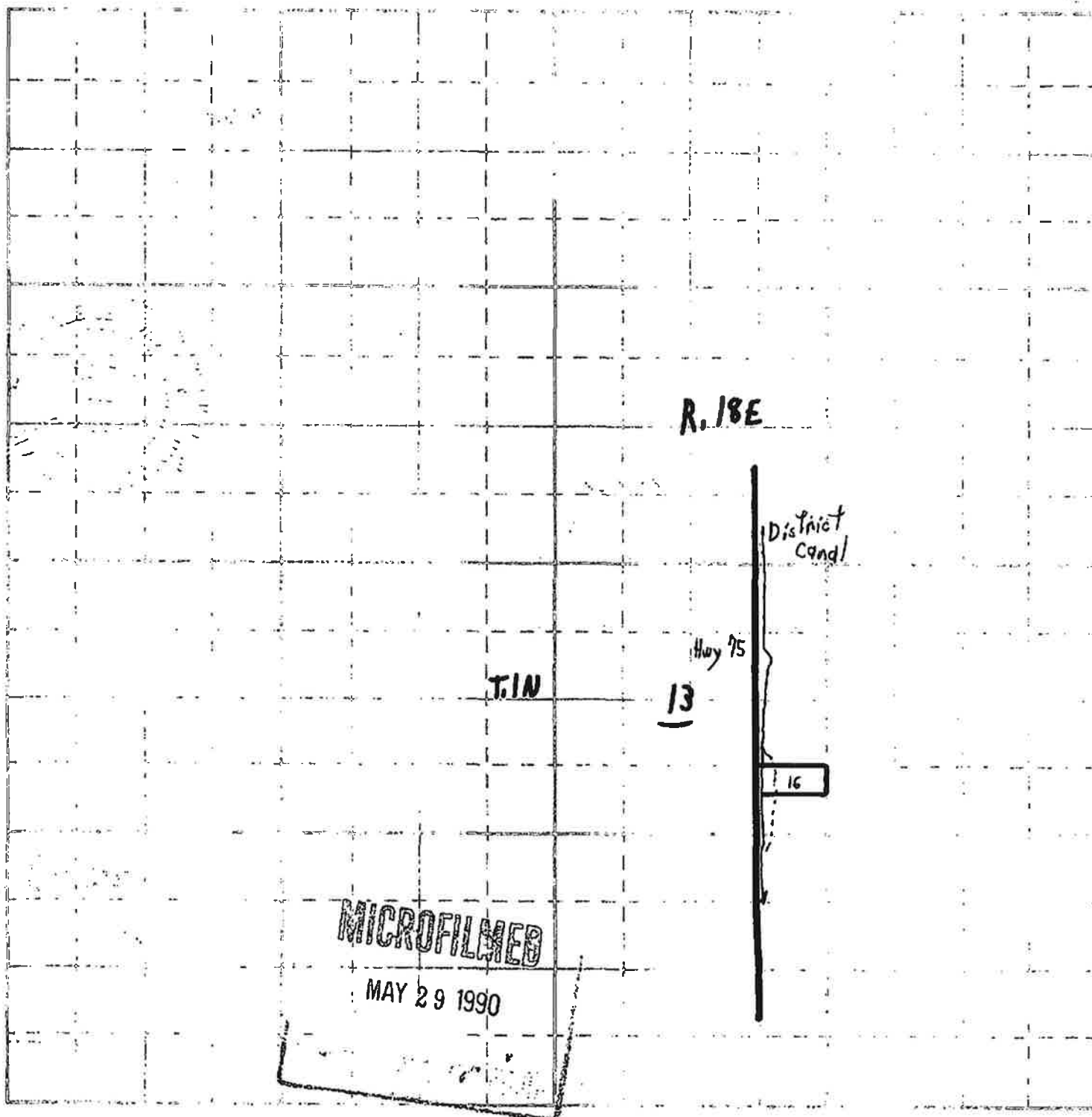
3. Lands irrigated or place of use: Unknown; other owners of this right are not known to me.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

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

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

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



Gus Cherk
 (Signature of Applicant)

Subscribed and sworn to before me this 5th day of January, 19 88.

Mary A. Baldwin
 (Notary Public)

My commission expires 10/16/92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by J. Stanton Date 1-5-88 Protest filed by None

Prelim. check by T. Blon Fee \$50.00

Receipted by J. Stanton Date 1-5-88 \$45429

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 2/3 + 2/10/88 Hearing held by _____ Date _____

Watermaster recommendation requested on 1/27/88 Recommended for ☒ approval ☐ denial

_____ rec'd. 1/29/88 by Adm Sim

Copy of transfer sent to lien holder _____

MICROFILMED

MAY 29 1990

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

11/10/2006

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

RIGHT NUMBER: 37-363D

NAME AND ADDRESS: LAURI CRANDALL-COOPER
PO BOX 5502
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The portion of Right 37-363D used for conveyance losses is 0.20 cfs per approved transfer #3404. .02

PRIORITY DATE: 04/12/1883

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 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	0.300 CFS

PLACE OF USE: IRRIGATION in BLAINE County

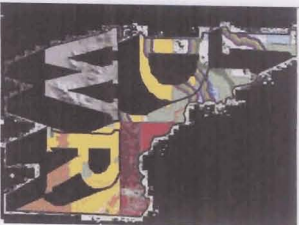
T01N R18E S13 SESE 16.00

16 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



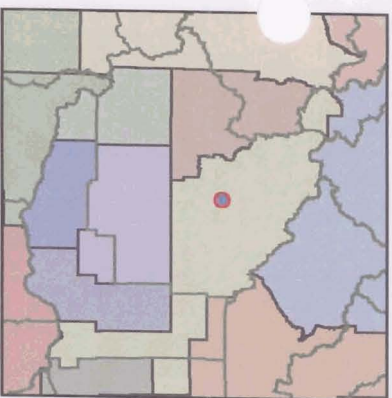
Idaho Department of Water Resources

SRBA Recommendation:

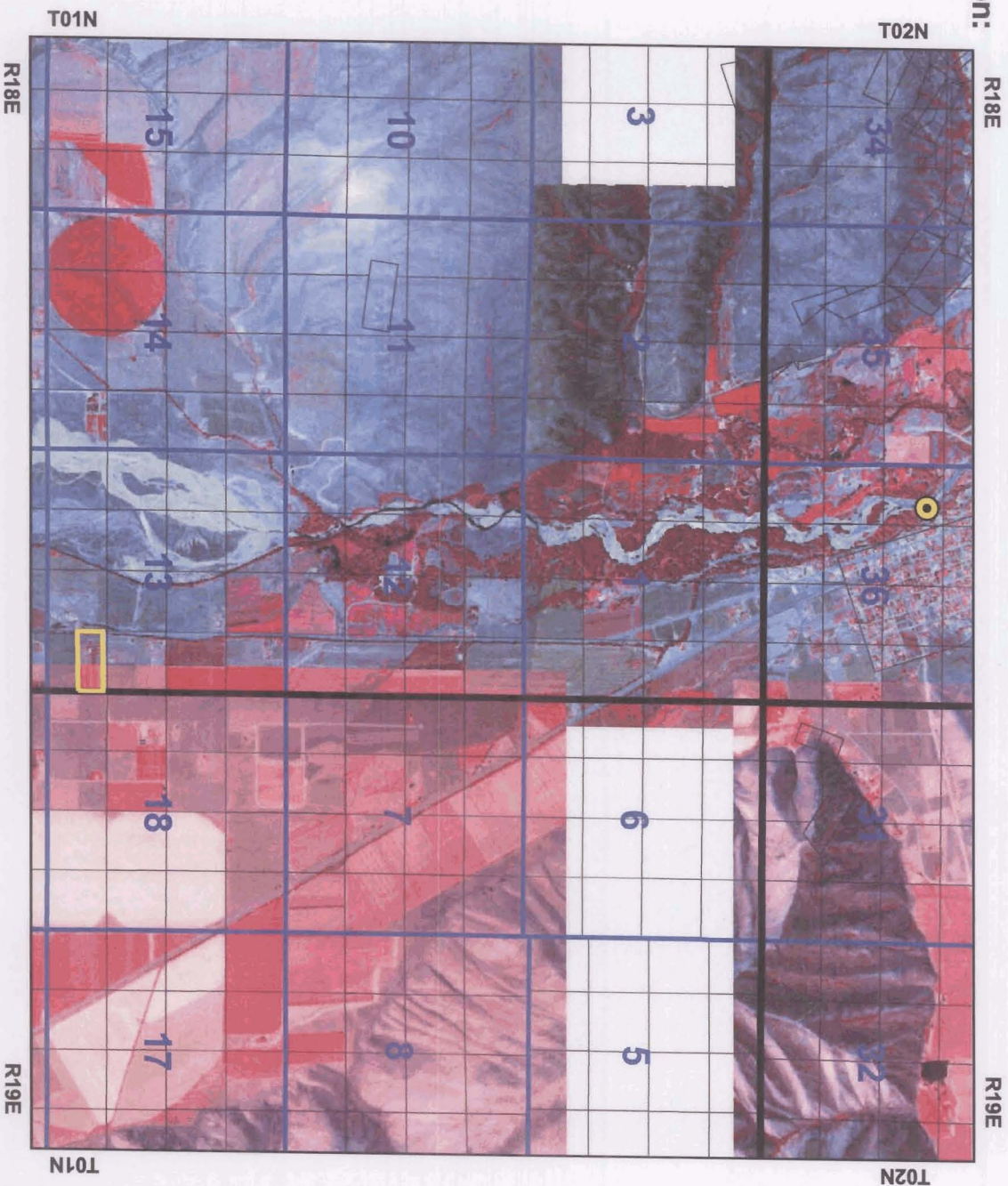
37-363D
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

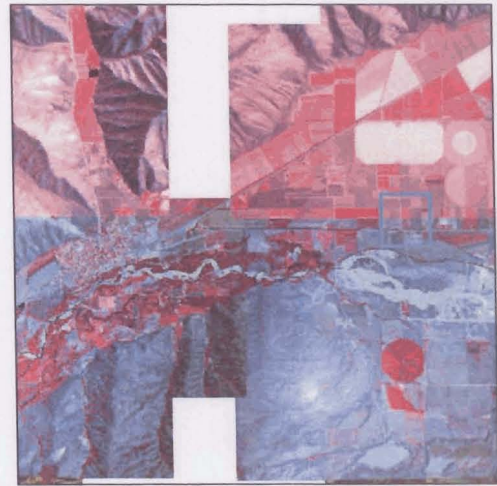
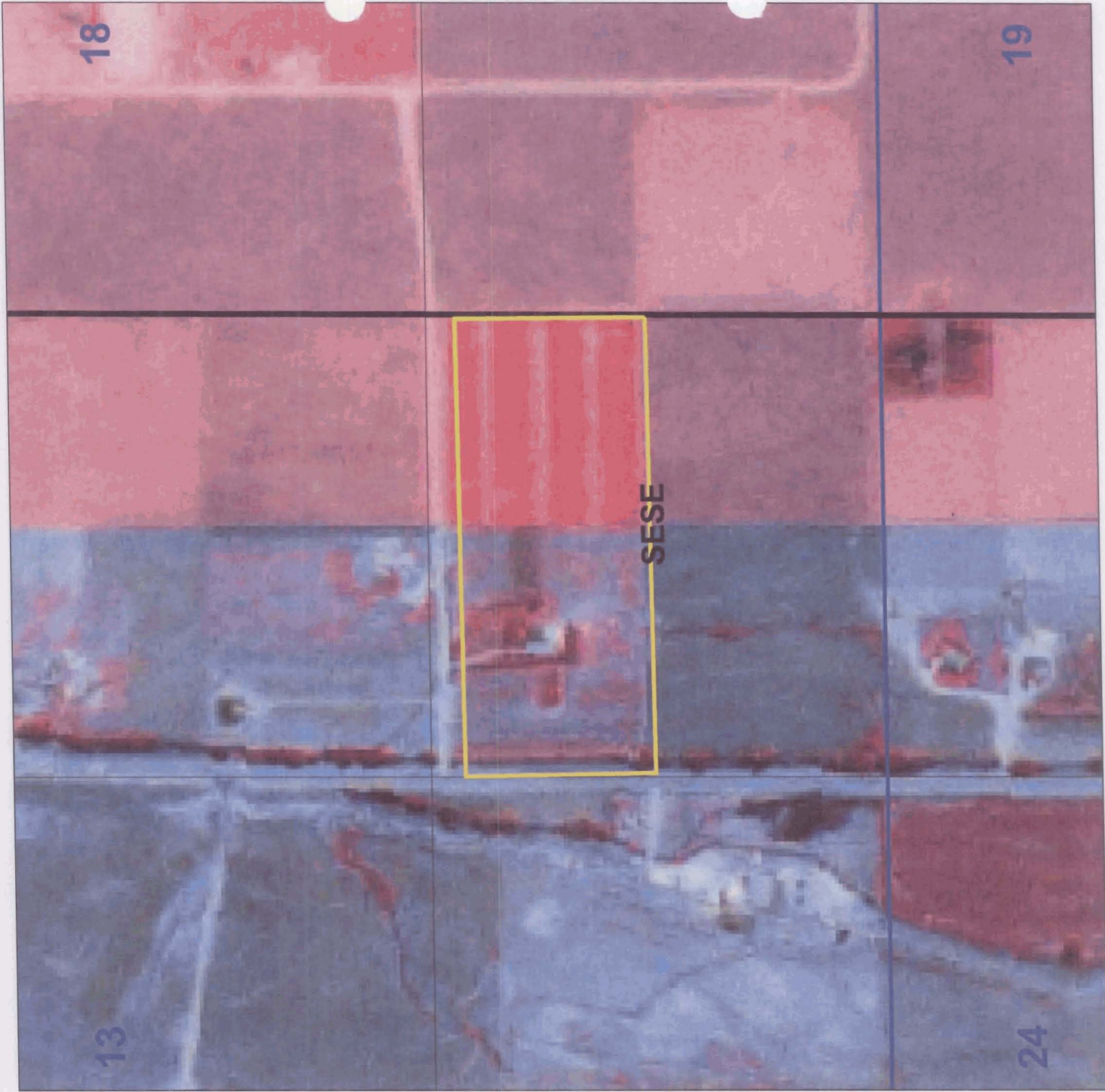


Prepared by J. Roberts
On Friday, November 10, 2006
1987/88 Aerial Photography

Owner: Lauri Crandall-cooper

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

37-363D



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-363D V1

WATER RIGHT NUMBER: 37-363D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GUS A CHEK PO BOX 1984 HAILEY, ID 83333 (208)788-3779
Current Owner	LAURI CRANDALL-COOPER PO BOX 5502 KETCHUM, ID 83340 (208)578-0773

Priority Date: 04/12/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	L3 (NE1/4SW1/4NW1/4)	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13																	16.0
																			16.0

Total Acres: 16

Conditions of Approval:

1. C18 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.
2. The portion of Right 37-363D used for conveyance losses is 0.20 cfs per approved transfer #3404.

Remarks:

.02

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-363D V1

Comments:

1. jroberts 11/10/2006 Basis of Recommendation
Comment: Basis is Decree and conveyance loss remark per transfer 3404.

Water Supply Bank:

11/08/2006

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

RIGHT NUMBER: 37-363D
NAME AND ADDRESS: LAURI CRANDALL-COOPER
PO BOX 5502
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 04/12/1883

POINT OF

DIVERSION: T02N R18E S36 SWNW Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13

SESE 16.00

16 ACRES TOTAL

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

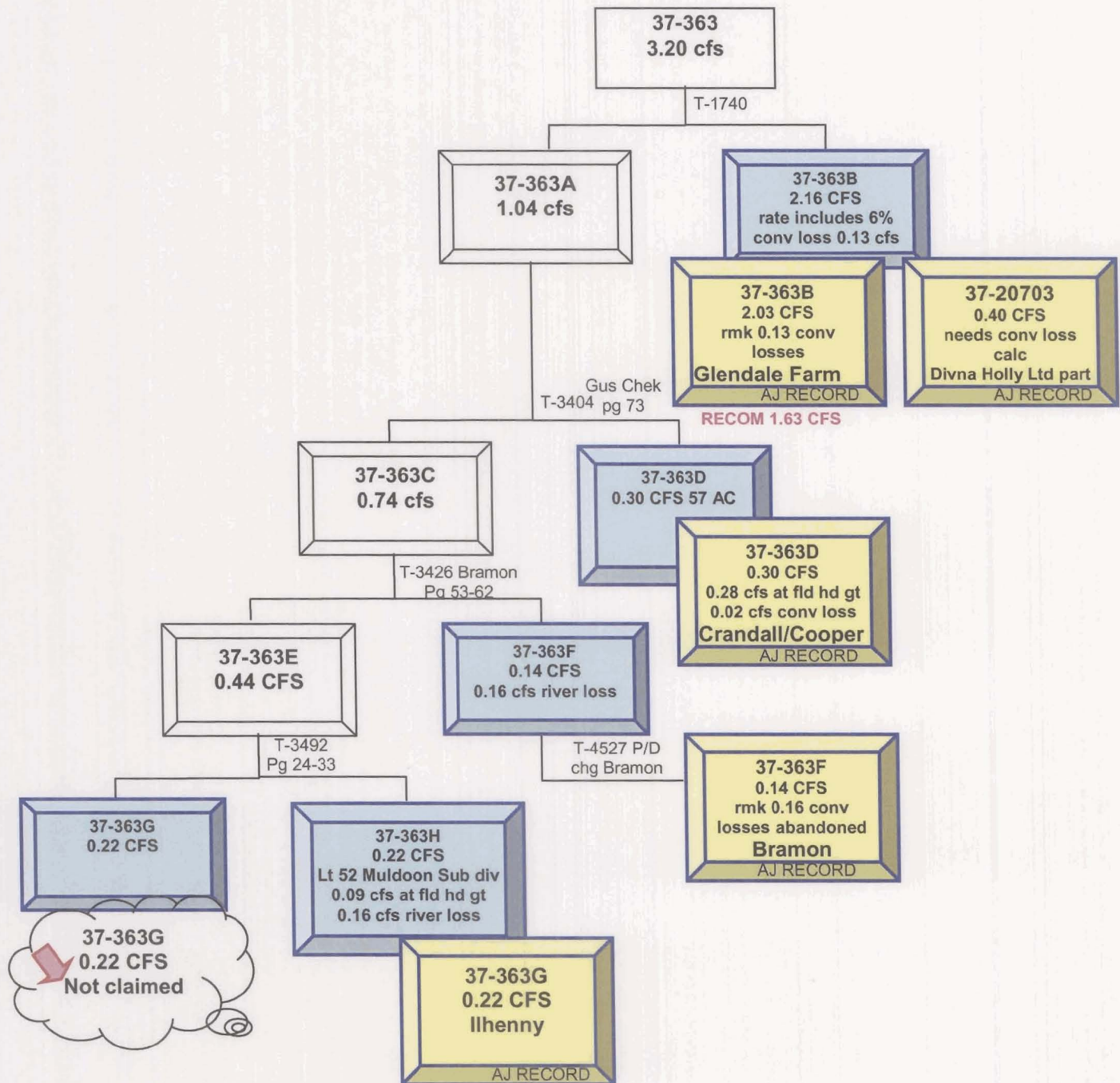
EXPLANATORY MATERIAL: BASIS OF CLAIM -

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 8-26-2005

File: 37-363 split tree analysis

Prepared by Kelly K Christensen



Analysis:

	Rate	Conv loss	Total recom	
37-363B	1.63	0.10	1.63	0.13 cfs from transferred rt 37=363B not recommended
37-20703	0.40	0.02	0.40	
37-363D	0.30	0.02	0.30	
37-363F	0.14	0.16	0.30	
37-363G	0.22		0.22	
unclaimed	0.22		0.22	
total			3.07	

37-363B: The first transfer, transfer 1740, split the original right and recognized both the base right and the split portion for an unspecified place of use. 37-363B moved 2.16 cfs to 360 acres within the "Xed" place of use. The transfer also assessed a 6% conveyance loss for 37-363B, effectively recognizing 2.03 cfs at the field headgate.

Two claims have been filed against allocations right 37-363B, 37-363B for 2.16 cfs and 37-20703 for 0.40 cfs. The property has sense been subdivided and re-subdivided a number of times making it difficult to follow what is appurtenant to which lot, however it does appear that both claims are valid as follows.

37-363B claim: A warranty deed dated October 26, 1986 from Holland Ranch partnership to Glendale Farm Partnership identifies 81.5" (1.63 cfs) being appurtenant to the described property. Assuming 1.63 cfs is recognized the proportionate conveyance loss is $1.63 \text{ cfs} * 0.06 \approx \underline{0.10 \text{ cfs}}$

37-20703 claim: The owner of Glendale Farms signed a quitclaim deed for 0.40 cfs (37-363B) going to Davina and Holly Ltd Part (37-20703). Approximately $\frac{1}{2}$ of the claimed place of use is a part of the transferred place of use for water right 37-363B. Assuming 0.40 cfs is recognized the proportionate conveyance loss is $0.40 \text{ cfs} * 0.06 \approx \underline{0.02 \text{ cfs}}$

The SENE of sec 14 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec 14 were included within the transferred place of use for 37-363B, however, no claims against that right have been filed as of this date.

37-363D claim: This right was claimed as transferred through T-3404

37-363F claim: This right was created through T-3426 and then a subsequent transfer (T-4527) was filed to change the point of diversion. The claim reflects the latest transfer.

37-363G claim: This claim was originally claimed in 1988 by Christina Arrate for 0.22 cfs on 2N, 18E Sec 15 and 16 for a total of 10 acres. T-3492 moves the 0.22 cfs to 5 acres in 2N 19E sec 31 (also known as Lot 52 of the Muldoon Ranch Subdivision). The allocation transfer process recognized adjudication claim 37-363G as the basis of the transfer and then split the allocations base right 37-363E into 37-363G (the new base right for 0.22 cfs and 37-63H lhenny for 0.22 cfs. The allocations record 37-363H was used to amend claim 37-363G. The allocations record 37-363G represents the unchanged portion of the original right and no claims have been filed against this portion at this time.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Feb-1990 14:54

Mr. & Mrs. Douglas J. Powers
P.O. Box 151
Renfrew, PA 16053

RE: Change of Ownership of SRBA Claim ~~37-00363D~~

Dear Mr. & Mrs. Powers:

In response to your recent letter advising us of a change in ownership of water right 37-0363A from Chek to Powers, we have reviewed the claims which have been filed in the Snake River Basin Adjudication and found that Mr. Chek has filed claim A37-00363D. (Please find enclosed a proof report for this claim) If this claim corresponds to the water right which you have obtained from Mr. Chek please complete the enclosed "CHANGE IN OWNERSHIP OF NOTICE OF CLAIM" form and return it to our office with a copy of a deed/sales agreement/or other proof of ownership of the land which the claim shows being appurtenant.

If everything checks out we will add your name to the claim and you will be sent future correspondence regarding how the claim will be recommended to the court for final decree.

If you have any question please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

MICROFILMED
FEB 22 1993

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3404

APPLICATION FOR TRANSFER OF WATER RIGHTS

PART 1

Name of applicant Gus Chek Phone 788-3779

Post Office address P. O. Box 1984, Hailey, ID 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide an earlier water ~~to~~ right for my land.
I presently have 1886 water, but this is cut off early in the season. This will require
a new point of diversion for the water being purchased.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---------------------------|---------------------------|---------------------------|---------------------------|--|
| <u>37-0363D</u> | <u>4-12-1883</u> | <u>0.30 cfs</u> | <u>Irrigation</u> | <u>Apr 1</u> to <u>Nov 1</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |

2. Total amount of water being transferred 0.30 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Malad River

- 4. Point(s) of Diversion:**

[illegible]

- 5. Lands irrigated or place of use:**

[illegible]

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Total acres

16

37-0363D TR #3404

PART 1**6. General Information:**

- a. Description of diversion system Headgate #45 & District Canal to P/U. Headgate & ditch from District Canal to land.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will be irrigated until the 1887 water still on this land is sold. The land has been subdivided for domestic lots. Water for lawns is available from the City of Hailey.
- d. Remarks:
There is 1886 water for the new P/U, so moving only one water right from the original P/U will not result in an expansion of water usage.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0363D

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

1. A measuring device of a type approved by this Dept. shall be maintained as a part of the diverting works. 2. A lockable device subject to the approval of the Dept. shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. 3. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River. 4. The rate of diversion under this right shall not exceed 0.28 cfs to allow for a conveyance loss of 6.66%.

Witness my hand this

3rd day of

January

19 89

A. New Sayton
Chief, Operations Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0363A Decreed to U. S. Justus
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1740 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 4-12-1883

5. Water is used for the following purpose:

amount 1.04 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

8. Lands irrigated or place of use: P/U does not include previously owned by Wm. Cloughton east of Justus Ditch.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	16	X	X		X													
		15							X										

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Total acres _____

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

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.30 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	16	3.5	2.5	10														16

Total acres 16

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

1. amount 0.74 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	18E	Blaine	Headgate & Justus Ditch

3. Lands irrigated or place of use: Unknown; other owners of this right are not known to me.

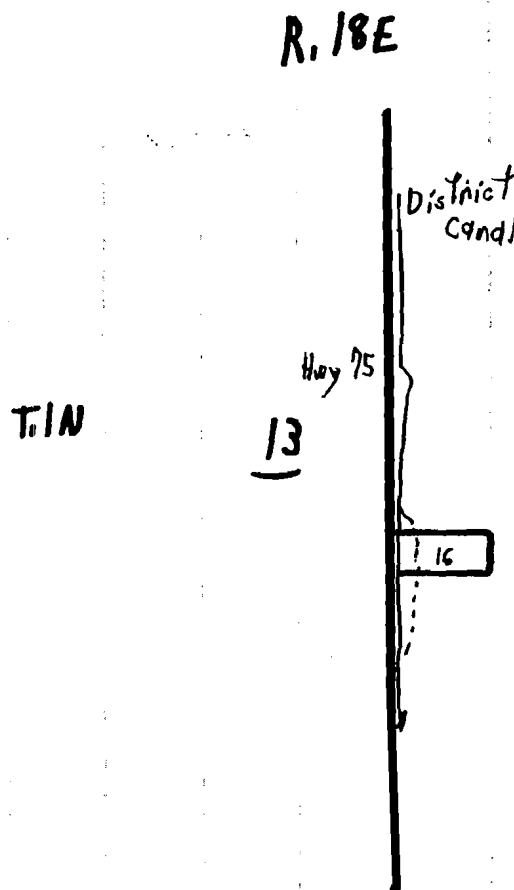
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:

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

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

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

Gms Cheb
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of January, 19 88.

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by <u>J. Stanton</u>	Date <u>1-5-88</u>	Protest filed by <u>None</u>
Prelim. check by <u>T. Blau</u>	Fee <u>\$50.00</u>	
Receipted by <u>J. Stanton</u>	Date <u>1-5-88</u> # <u>45429</u>	
Published in <u>Wood River Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>2/3 + 2/10/88</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>1/27/88</u>	Recommended for ☒ approval ☐ denial	
_____ rec'd. <u>1/29/88</u>	by <u>Adm. Sec.</u>	

Copy of transfer sent to lien holder _____

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6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

December 10, 1996 3:51pm

CUSTOMER

Jan @ Monge Appraisal

Fax# 726-1242

SUBJECT: 37-00363D/~~AJ7-003638~~

phone call (x) walk-in (.)

Jan called regarding the above water right number. I printed profile reports (the water right claim is in the name of Powers, Douglas - the AJ claim is in the name of Chek, Gus A.) and faxed them to her.