

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: **A37-00364G**
Date Received: 11/ 4/1988
Receipt No: S003568
Received By: _____

AMENDED

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

AMENDED

1. Name: SCOTT MC ILHENNY 208-788-2131
Address: P O BOX 310
BELLEVUE ID 83313
AND/OR
Name: CHRISTINA ARRATE 208-886-2588
Address: RT 1 BOX 170
SHOSHONE ID 83352

2. Date of Priority: MAY 1, 1887

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	16	SE	SW	NE		BLAINE

5. Description of diverting works:
EXISTING HEADGATE & COVE CANAL TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) 17.50 A.F.A.

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

MICROFILMED
NOV 29 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	31	NW	SW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A3700363G.

14. Remarks:

THIS RIGHT IS A PORTION OF 37-00364A.
DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.
RT. IS BEING PURCHASED FROM MRS. ARRATE PENDING APPROVAL OF TRANS
FER OF RT. TO LAND BY IDWR.

1/25/96, TF: CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3492
(TRANSFER APPROVED 3/22/90 BUT NOT DATA ENTERED):
1. USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37, BIG WOOD RIVER.
THE NEW P/U IS LOT 52 OF MULDOON RANCH SUBDIVISION #2.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

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

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

MICROFILMED
NOV 29 1996

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: A37-00364G
Date Received: 11-4-88
Receipt No:
Received By: JP

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SCOTT MC ILHENNY 208-788-2131
Address: P. O. BOX 310
BELLEVUE, ID 83313

AND/OR

Name: CHRISTINA ARRATE 208-886-2588
Address: RT. 1 BOX 170
SHOSHONE, ID 83352

2. Date of Priority: MAY 01, 1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	9	SW	SE	NW		BLAINE

5. Description of diverting works:
JUSTUS #32 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-00364G

Page 1

Date: 11/04/88

COPY

MICROFILMED

MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	15	SW	NW		IRR	3.0
					Section Acres		3.0
		16	SE	NE		IRR	7.0
					Section Acres		7.0
					Total Acres		10.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A3700363G.

14. Remarks:
THIS RIGHT IS A PORTION OF 37-00364A.
DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.
RT. IS BEING PURCHASED FROM MRS. ARRATE PENDING APPROVAL OF TRANS
FER OF RT. TO LAND BY IDWR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

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

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

vs

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 X 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): *S. A. M. S. O.* Date: 11/4/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of November 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

CC

MICROFILMED

APR 1 1993

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

OCT 27 1988

Ident. Number: A37-00364G
Date Received:
Receipt No: S003568
Received By: Adm

Department of Water Resources
Southern Region Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CHRISTINA ARRATE 208-886-2588
Address: RT. 1 BOX 170
SHOSHONE, ID 83352

2. Date of Priority: MAY 01, 1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	5	SE	SE	SE		BLAINE

5. Description of diverting works:
JUSTUS #32 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	15	SW	NW		IRR	3.0
Section Acres							3.0

A37-00364G

Page 1

Date: 10/25/88

PROFILMED

OCT 1 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	16	SE	NE		IRR	7.0
Section Acres							7.0
Total Acres							10.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A3700363G.

14. Remarks:
THIS RIGHT IS A PORTION OF 37-00364A.
DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

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

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): Christina Anate Date: 10-25-88

Date: _____

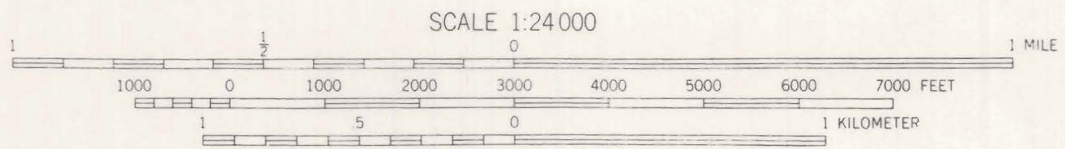
State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of Oct. 19 88

Notary Public

Seal

Residing at Slatshone, Id
My Commission Expires 1-10-91

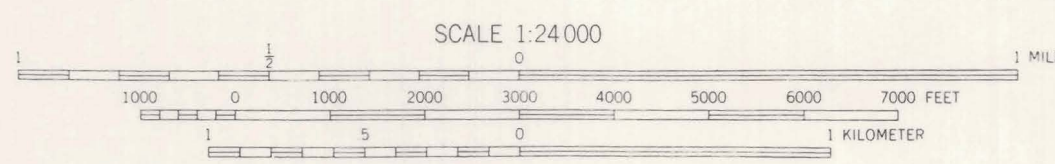


THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

Water Resources pursuant to
ims and objections in the Snake
plied, is made and no legal
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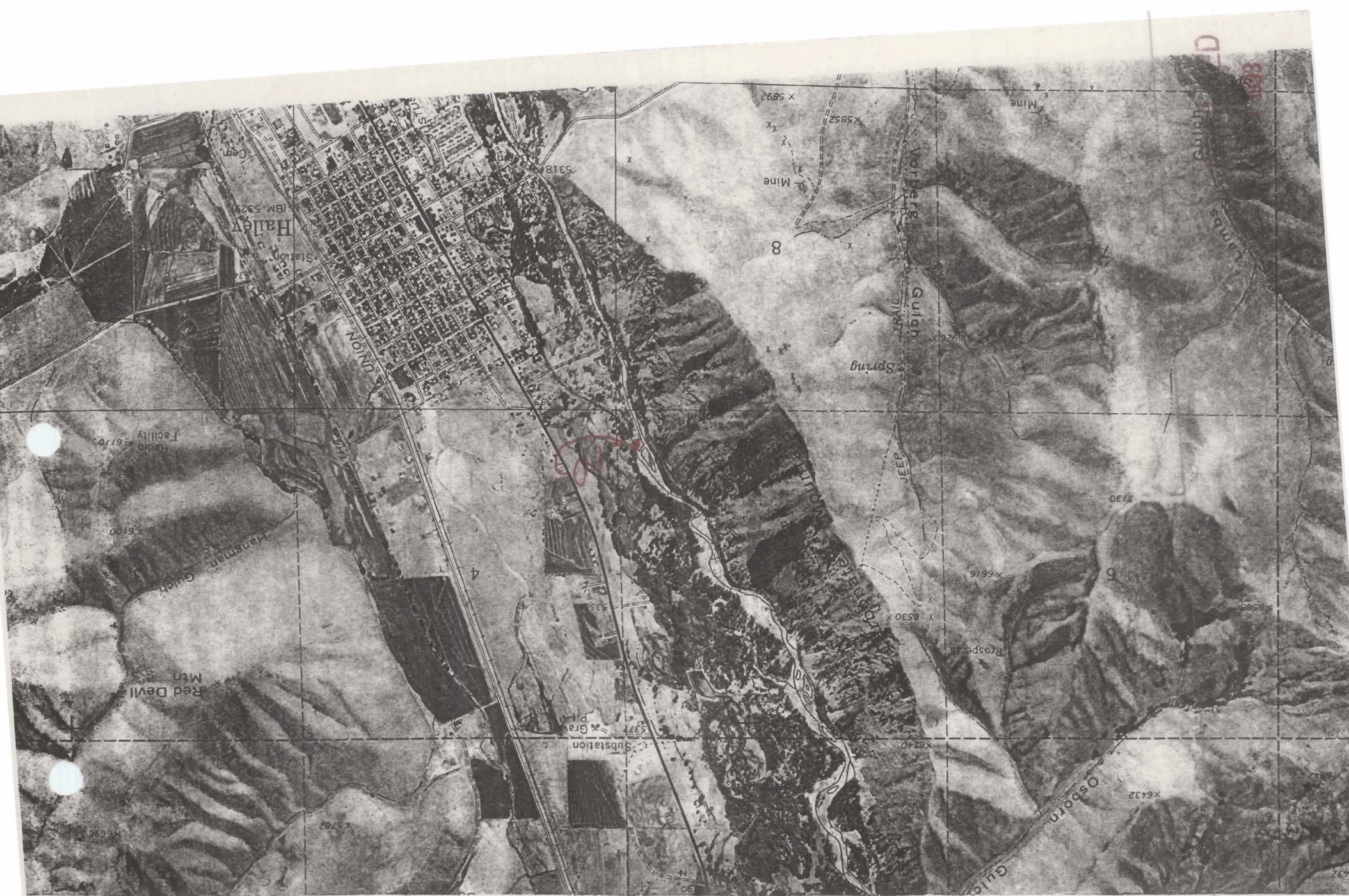
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025



SCANNED
JUL 1 2008

Copies Of These Maps Can Be Obt.
At Bonneville Blue Print Boise, Id.

the Idaho Department of Water Resources pursuant to
ants in filing notices of claims and objections in the Snake
anty, either express or implied, is made and no legal
its employees, its agents, contractors, and reproduction
print Supply Co. Inc. or its employees for the accuracy



SCANNED
JUL 21 2008

RECEIVED

JAN 30 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Jeanette McIlhenny
213 Bayhorse Road
Bellevue, Id. 83313
Water right owner of 363H and 363F

Response to objection filed on 363G

January 23, 2008

To Whom It May Concern:

I read in the Wood River Journal date January 23, 2008 that the members of the Concerned Water Users and Big Wood Canal Company have filed an objection to my water right at above address.

As of today I have not received an objection stating that my water rights held on above address have been objected to by the Big Wood Canal Company. I was able to review the objection that was filed, via the internet. The water right to which the Big Wood Canal Company and Concerned Water Users is filing their objection number 37-363G and 37-364G, are not the updated version filed with the State Department of Water Resource signed and completed April 10, 1992. The proof of priority was filed and completed in a timely manor. All water rights 363H and 363F owned by Jeanette McIlhenny are legal and used within the recommendation of the State of Idaho.

I never received an objection of my water rights since the information at the Adjudication office at the Department of Water Resources does not reflect the current version of my water right. Therefore, this letter is my response to the objection I never received. I have been in contact with Doug Jones, Adjudication officer at the Department of Water Resources and he agrees and concurs with this finding. I am at this time, asking the members of the Concerned Water Users and the Big Wood Canal Company to withdraw this erroneous objection to my water rights by sending me a letter stating the objection has been withdrawn. I appreciate your time and expeditious response to this matter.

Sincerely



Jeanette McIlhenny

Cc: Concerned Water Users
Big Wood Canal Company
Craig Hobdey
Albert Barker
Wendy Pabich

Snake River Basin Adjudication
IDWR Document Depository
Office of the Attorney General
Idaho Department of Water Resource

COPY

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

2007 AUG 28 PM 2 28

**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. 37-363G, 37-364G

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

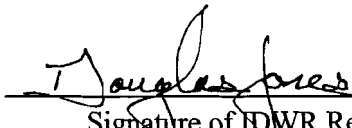
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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

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

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

Dated: 8/28/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/28, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

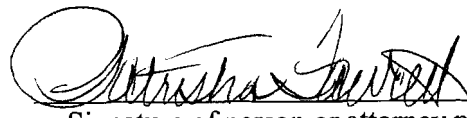
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

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

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

Jeanette McIlhenny
213 Bay Horse Rd
Bellevue ID 83313



Signature of person or attorney mailing the form

07/11/2007

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

RIGHT NUMBER: 37-363G

NAME AND ADDRESS: JEANETTE MC ILHENNY
213 BAY HORSE ROAD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.220 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8696 and 37-8811. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.22 cfs of this right, which shall remain undiverted in the Big Wood River.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8696 and 37-8811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8696 and 37-8811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 04/12/1883

POINT OF
DIVERSION:

T02N R18E S16 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.220 CFS

PLACE OF USE: MITIGATION in BLAINE County

T02N R19E S31 NWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Rights 37-363G and 37-364G together make a full irrigation supply for 5 acres of land. They are not being used in exchange for authorization to divert ground water to irrigate the same five acres of land pursuant to Rights 37-8696 and 37-8811.

07/11/2007

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

RIGHT NUMBER: 37-364G

NAME AND ADDRESS: JEANETTE MC ILHENNY
213 BAY HORSE ROAD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.160 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8696 and 37-8811. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.22 cfs of this right, which shall remain undiverted in the Big Wood River.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8696 and 37-8811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8696 and 37-8811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T02N R18E S16 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

0.160 CFS

PLACE OF USE: MITIGATION in BLAINE County

T02N R19E S31 NWSW

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

Rights 37-363G and 37-364G together make a full irrigation supply for 5 acres of land. They are not being used in exchange for authorization to divert ground water to irrigate the same five acres of land pursuant to Rights 37-8696 and 37-8811.

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



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

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JEANETTE MCILHENNY
213 BAY HORSE RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-363G, 37-364G

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

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

RECEIVED
MAY 17 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
363 G	37-3636				
364 G	37-3646				

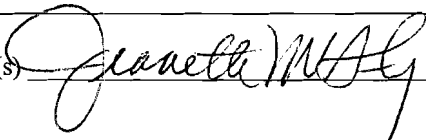
2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	Scott McIlhenny
	Christina Arrate
4. New Owner/Claimant(s)	Jeanette McIlhenny
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	213 Bayhorse Road
City, State and ZIP Code	Bellevue, Id. 83313
New Telephone Number	(208) 788-2131
5. Date you acquired the property	12-20-04

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable)

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

For Office Use Only

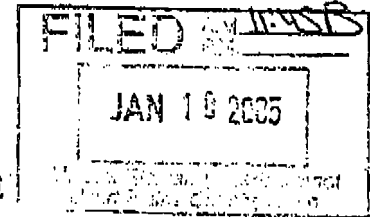
Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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

JEANETTE MARIE McILHENNY,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT KENLEY McILHENNY,)
)
 Defendant.)
 _____)

Case No. CV-04-1191

DECREE OF DIVORCE



This matter came before the court for on the Plaintiff's Verified Complaint for Divorce filed by the Plaintiff through her attorney of record, Jennifer L. K. Haemmerle of the firm Haemmerle & Haemmerle, PLLC.

The Court has received of record an original Acceptance of Service, Waiver of Time and Notice, Consent to Entry of Default and Entry of Decree/Judgment and Consent to Jurisdiction, executed by the Defendant, and has received the original Marriage Settlement Agreement executed by the Plaintiff and Defendant. The court has also received a motion of the Plaintiff seeking entry default of the Defendant and entry of Decree of Divorce incorporating the original Marriage Settlement Agreement.

The Court, has reviewed the Marriage Settlement Agreement ("Agreement") and finds the same to be fair and equitable. The court further finds that it has jurisdiction over both parties, their child, and the property of the parties. The matter having been fully submitted to this Court for entry of final judgment and decree,

NOW THEREFORE, by reason of law and the premises the court finds as follows:

1. Plaintiff and Defendant are, and for a period of more than six (6) weeks prior to filing of the Complaint for Divorce, have been residents of the State of Idaho, county of Blaine.
2. Plaintiff and Defendant were married on the 13th day of October, 1985, and ever since said date have been Wife and Husband.
3. At no time during these proceedings has Plaintiff or Defendant been a member of the Armed Forces of the United States, and none of the provisions of the Soldiers and Sailors Civil

DECREE OF DIVORCE - 1

Relief Act or amendments thereto are applicable to this action.

4. There is one (1) minor child born of this marriage subject to the jurisdiction of this court in matters regarding support and custody, namely: Leah Rose McIlhenny, born February 9, 1989. There is one other child of the parties born of this marriage who is no longer a minor and therefore not subject to the jurisdiction of this court regarding issues of child custody and support, but for whom the parties have entered into certain agreements regarding their parental obligations, namely Dylan McIlhenny, born May 9, 1986.

5. Plaintiff and Defendant have entered into a written Marriage Settlement Agreement which:

- a. Fully and fairly provides for the division or allocation of community property assets and liabilities;
- b. Fully and fairly confirms their separate property interests;
- c. Fully and fairly provides for the custody, care and support of the minor child of the marriage; and other parental obligations for the child who is no longer a minor;
- d. And otherwise fully and fairly settles and relinquishes all marital rights against each other.

6. During the course of the marriage, certain irreconcilable differences have arisen creating substantial reasons for not continuing this marriage, and establishing sufficient grounds for the dissolution of this marriage.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that

A. The bonds of matrimony heretofore and now existing between the parties are dissolved and forever set aside and Plaintiff and Defendant are granted a divorce, absolute, from each other on the grounds of irreconcilable differences.

B. The Marriage Settlement Agreement Attached hereto as exhibit A is hereby adopted, confirmed and merged into this Decree of Divorce and shall be enforced as an Order of this court as though all of its terms and provisions were set forth fully herein.

C. The community property of the parties be divided as follows:

- 1. Wife shall receive as her sole and separate property the personal property and accounts and real property as set forth in the Marriage Settlement Agreement and subject to any obligations set forth therein.

DECREE OF DIVORCE - 2

2. Husband shall receive as his sole and separate property the personal property and accounts and real property as set forth in the Marriage Settlement Agreement and subject to any obligations set forth therein.

D. The separate property of each party is confirmed to them as set forth in the Marriage Settlement Agreement.

E. The community obligations of the parties be divided as follows:

1. Wife shall assume and pay as her sole and separate liability and hold Husband harmless from the debts and obligations assigned to her and assumed by her as set forth in the Marriage Settlement Agreement.

2. Husband shall assume and pay as his sole and separate liability and hold Wife harmless from the debts and obligations assigned to him and assumed by him as set forth in the Marriage Settlement Agreement.

F. The parties have reached an agreement regarding the custody of the minor child, and therefore it is ordered that the parties shall have joint legal and physical custody of the child, as more particularly set forth in the Marriage Settlement Agreement.

G. The parties have reached an agreement regarding the care, support and maintenance of their minor children, and therefore it is ordered that the parties shall have the obligations of support, care and maintenance of the minor child as set forth more particularly in the Marriage Settlement Agreement.

H. Any agreements regarding the children beyond their minorities shall be as set forth in the Marriage Settlement Agreement.

I. The parties are notified of automatic income withholding on the child support obligations pursuant to Idaho Code Section 32-1205 as follows:

"NOTICE OF AUTOMATIC AND IMMEDIATE INCOME WITHHOLDING

This support order is enforceable by automatic and immediate income withholding as of the effective date of this order under Chapter 12, Title 32, Idaho Code. This automatic and immediate income withholding shall be issued by the department of health and welfare or other obligee to your employer or other person who pays your income, without additional notice to you."

J. The parties are notified of possible automatic medical support order obligations as follows:

"NOTICE OF MEDICAL SUPPORT ORDER

DECREE OF DIVORCE - 3

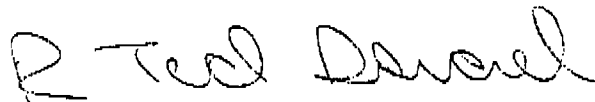
Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee or the Department of Health and Welfare. A national medical support notice will be sent to you employer, requiring your employer to enroll the child in a health plan benefit plan as provided by sections 32-1214A through 32-1214K, Idaho Code and applicable rules of the Department."

K. All other rights and obligations between the parties shall be as set forth with more particularity in the Marriage Settlement Agreement.

L. Each party shall bear his or her own attorneys fees, if any, incurred to date in securing this Decree of Divorce, except Husband shall make full payment to Wife of attorney fees as set forth in the Marriage Settlement Agreement and Wife shall have judgment against the Husband for the same until paid in full.

IT IS SO ORDERED, ADJUDGED AND DECREED.

DATED this 7 day of Jan, 2005.



Honorable R. Ted Israel
Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of January, 2005, I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Jennifer L. K. Haemmerle (attorney for Plaintiff)
Haemmerle & Haemmerle, PLLC
P. O. Box 1800
Hailey, ID 83333

Scott K. McIlhenny (Defendant)
1340 Blue Lakes Drive
Hailey, ID 83333

- X By depositing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.
- _____ By hand delivering copies of the same to the office of the attorney(s) at his offices in Hailey, Idaho.
- _____ By telecopying copies of same to said attorney(s) at the telecopier number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.


CLERK OF THE COURT
BY: DEPUTY CLERK

1. Property to Husband Husband shall receive as his sole and separate property, effective upon the execution of this Agreement, the intangible personal property set forth as follows:

a. All right, title and interest in QWEST Savings and Investment Plan, acct. number 538-58-****. Current balance appx. \$24,696.09.

b. All right, title and interest in Edward Jones account/portfolio/money market acct. # 605-93592-1-3 appx. balance \$222,921.74.

2. Property to Wife Wife shall receive as her sole and separate property, effective upon the execution of this Agreement, the intangible personal property set forth as follows:

a. All right, title and interest in her PERSI Choice Plan, acct. No. 149386, appx. balance (\$734.51).

b. All right title and interest in that certain American Funds 401(k) account in her name, acct. #s 63468911 and 63658407; confirmed to the Wife as her separate property and is not an award or allocation of community property and will not count as a community property allocation.

C. REAL PROPERTY

1. Property to Husband The Husband shall receive as his sole and separate property the community real property described as:

a. BELLEVUE PROPERTY: Lots N 45 of 2, S 18' of 3, Block 70, City of Bellevue.

And having an address of 417 S. 5th Street, Bellevue, ID 83313.

a. For the purposes of this agreement, the fair market value of the real property and improvements is deemed to be \$210,000.00.

b. WOODSIDE PROPERTY: Lot 3, Block 72, WOODSIDE SUBDIVISION FINAL PLAT NO. 19, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded December 28, 1973, as Instrument No. 152514, records of Blaine County, Idaho.

And having an address of 1340 Blue Lake Drive, Hailey, ID 83333.

a. For the purposes of this agreement, the fair market value of the real property and improvements is deemed to be \$350,000.00.

2. Property to Wife The Wife shall receive as her sole and separate property the community real property described as:

a. MULDOON PROPERTY. The Wife shall receive as her sole and separate property the community real property described as:

Lot 52 of MULDOON RANCH SUBDIVISION NO. 2, according to the official plat thereof, recorded as Instrument No. 149860, records of Blaine County, Idaho.

And having an address of:

213 Bay Horse Road, Blaine County, 83313.

With all appurtenances, improvements and water rights.

For the purposes of this agreement, the fair market value of the real property and improvements and inclusive of water rights is deemed to be \$700,000.00.

D. NATURE OF PROPERTY RECEIVED Each party confirms that the personal and real property received pursuant to this Agreement shall be that party's sole and separate property. The parties shall each execute any and all titles or deeds or other documents of ownership upon, upon request of the other party, necessary or convenient to effect the transfer of property set forth herein.

E. ADDITIONAL COMMUNITY PROPERTY Should additional community property be discovered or located in the future which is not listed in this Agreement or should it be determined by a court of competent jurisdiction there exists additional community property which is not listed in this Agreement, such community property shall be divided equally between Husband and Wife immediately upon its identification or determination unless it is shown such community property was known to one of the parties at the time this Agreement was executed and not revealed to the other party. If this occurs, regardless of when the property is discovery, the parties agree and the court is directed to make an unequal division of this community property in favor of the innocent party.

6. Designation and Division of Community Liabilities and Separate Liabilities.

A. DEBTS ASSUMED BY HUSBAND. Husband shall assume and pay as his sole and separate liabilities and hold Wife harmless from the following liabilities:

1. All liability, debt and obligations associated with or arising from the property received by him as a result of this divorce action, except as assumed by Wife herein.

2. Any debt or obligation incurred by him, in his name or on his behalf since the separation of the parties in June 1, 2003, except as assumed by Wife herein.

3. MORTGAGE ON 213 Bay Horse Road - Countrywide Home Loan Acct. Number 048790766, (balance approximately <\$188,131.82>. Husband shall have full responsibility for servicing this debt, although the Wife shall reside in the home secured by the same, and Husband shall satisfy this debt in full by refinance against his own properties, or by any other method, no later than six (6) months from the date of the entry of the Decree of Divorce.

B. DEBTS ASSUMED BY WIFE Wife shall assume and pay as her sole and separate liabilities and hold Husband harmless from the following Liabilities:

1. All liability, debt and obligations associated with or arising from the property received by her as a result of this divorce action, except as assumed by Husband herein.

2. Any debt or obligation incurred by her, in her name or on her behalf since the separation of the parties, June 1, 2003, except as assumed by Husband herein.

3. HOME EQUITY LOAN ON 231 Bay Horse Road - Countrywide Home Equity Acct. Number 002934875, (balance approximately \$99,999.00) Wife shall have full responsibility for servicing this debt, and shall satisfy this debt in full by refinance against her own property, or by any other method, no later than six (6) months from the date of the entry of the Decree of Divorce.

C. UNLISTED OR UNDISCLOSED LIABILITIES If liabilities exist which are not listed herein, the party who failed to exercise due diligence in the finding and disclosure of any such liabilities shall assume complete responsibility for said undisclosed liabilities.

D. INDEMNIFICATION Each party shall indemnify the other and hold the other harmless from all obligations hereby assumed and shall take all steps reasonably required to inform creditors of the assumption of the liabilities by the parties.

7. Equalization. As and for the equalization of the division and allocation of assets and debts to be assumed and satisfied as set forth herein, the Husband shall owe to the Wife, and shall pay concurrent with the execution of this agreement the sum of \$13,500.00 and the sum of \$1000.00 for attorney fees incurred herein, for a total amount due to Wife, from Husband upon the execution of this agreement of \$14,500.00 (fourteen thousand five hundred and 00/100 dollars). Wife shall have judgment against the Husband and his property pursuant to decree of divorce for the same unless and until satisfied in full. Such payment, in full by Husband shall be deemed to satisfy the equalization, reimbursement obligation of Husband and attorney fee obligation of Husband. All equalization sum due upon refinance. JMSW

8. No Spousal Maintenance - Neither party shall have an award of spousal support or maintenance or alimony from the other.

9. Tax Matters.

A. COMMUNITY FILINGS During the period of their marriage, through the tax year ending December 31, 2003, the parties have filed certain income tax returns. If a deficiency assessment is proposed by any taxing authority on any of the returns filed during the period of the marriage (and provided that the tax returns pertain to income, deductions, credit or other matters arising during the period of the marriage), the party receiving notice of that proposed deficiency assessment shall give the other party immediate notice thereof in writing. For any return filed during the marital community, the parties shall share equally in any refund received or tax payment due.

For the tax year ending December 31, 2004, the parties shall file separate returns, and each shall pay the tax due or receive the refund due on his or her own income as his or her own separate debt or separate property. If still married as of December 31, 2004, the parties shall file as married filing separately and shall cooperate with each other to exchange information to complete such filings; and shall pay such tax due or have such refunds as set forth herein.

B. SEPARATE FILINGS The parties agree that for the calendar year ending 2005, and each year thereafter they shall file separate tax returns.

C. CHILD TAX CREDITS AND DEPENDENCY EXEMPTION As set forth above, the parties shall claim the children for child tax credit and dependency exemption as follows:

C.1. Leah - For the tax year December 31, 2004, Wife shall claim Leah for the tax dependency exemption and credit. For the tax year ending December 31, 2005, and each year thereafter until Leah reaches the age of 18 years, Husband shall be entitled to claim Leah as a dependent on any state and federal tax returns he may file. The monthly Child Support Obligation is adjusted to reflect this allocation.

Commencing the year that Leah turns 18 years of age, Wife shall be entitled to claim Leah as a dependent child that year, and each year thereafter, if otherwise allowed by law.

Each party shall sign any such declarations as may be from time to time required by the Internal Revenue Service. Nothing herein shall be construed to prohibit or limit the ability of either of the parties to deduct medical expenses or other expenses incurred by the children and actually paid by that party if otherwise allowed by law.

C.2 Dylan - For the tax year ending December 31, 2004, and each year thereafter Wife shall be entitled to claim Dylan as a dependent child on any state and federal tax returns she may file, if otherwise allowed by law.

Each party shall sign any such declarations as may be from time to time required by the Internal Revenue Service. Nothing herein shall be construed to prohibit or limit the ability of either of the parties to deduct medical expenses or other expenses incurred by the children

and actually paid by that party if otherwise allowed by law.

D. TAX LIABILITY AND PENALTIES FOR PROPERTY TRANSFER The transfer of property between the parties as provided for in this Agreement is done incident to the divorce of the parties. Neither party shall seek a stepped-up basis in connection with the transfer of any of the assets pursuant to this Agreement. Each party shall be solely responsible for paying any income tax and capital gains tax, or any other penalty, arising out the taxable disposition of any property awarded to that party pursuant to this Agreement.

E. INNOCENT SPOUSE Nothing herein shall constitute a waiver on the part of either spouse to claim the status of "innocent spouse" (or any comparable status under State law) as that status is defined by Federal law (or State law, if applicable) in any proceeding before the appropriate taxing authority.

10. **Social Security Benefits.** The parties hereby specifically reserve any and all rights each may have pursuant to the Federal Social Security Act and any other federal law related to the Social Security Act.

11. **Mutual Estate Release.** Both parties mutually release one another from any and all claims on the property of the other, whether real or personal and whether now or hereafter acquired. Each party shall have the unrestricted right to dispose of their property, free from any claim or demand of the other, so that their estates shall be distributed and belong to the persons who become entitled thereto, whether by will, devise, bequest, intestacy or otherwise under the laws of any jurisdiction. Both parties expressly waive and relinquish any and all right to inherit the estate of the other, to take property from the other by devise or bequest (unless by a Will executed subsequently to the effective date of this Agreement) or to claim any family allowance or other elective share under the laws of any jurisdiction. Both parties expressly waive and relinquish any right of administration of the estate of the other under the laws of any jurisdiction.

12. **Mutual General Release.** Husband and Wife mutually release one another from any and all known civil causes of actions, claims, demands, damages, costs, attorneys' fees, expenses and compensation of any kind on account of or which in any manner arose directly or indirectly from the relationship during the period of the marriage. Nothing herein shall be construed as barring the filing of any action for divorce or proceeding with any pending action for divorce.

13. **Warranties of the Parties.**

A. NO UNLAWFUL INDUCEMENT Husband and Wife represent and declare to one another that no promises, warranties or representations of any character or nature have been made to induce either party to enter into this Agreement, other than herein contained; that each of the parties acknowledges that each is entering into this Agreement of their own free will and accord without coercion; that each believes the Agreement to be fair, just and reasonable; and that each is signing this Agreement freely and voluntarily.

B. COMPLETE AGREEMENT This Agreement is entire and complete and embodies all understandings and agreements between the parties. No representations, agreements, undertakings or warranties of any kind or nature have been made to the other party to induce the making of this Agreement, except as is expressly set forth in this Agreement. Neither of the parties shall assert that there are any other agreements, oral or written, existing between them. No oral statement or prior written matter outside of this Agreement shall have any force or effect. This Agreement shall not be amended, modified or discharged or terminated orally. Any waiver by either party of any provision of this Agreement, or of any right hereunder, shall not be deemed a continuing waiver and shall not prevent or estop such party from thereafter enforcing such provision or right, and the failure of either party to insist in any one or more instances upon the strict performance of any of the terms or provisions of this Agreement by the other party shall not be construed as a waiver or relinquishment for the future of any of such terms or provisions, but the same shall continue in full force and effect.

C. COMPLETE DISCLOSURE Both parties warrant to each other that they have made a complete and full disclosure and representation of their assets and liabilities to the extent necessary for this Agreement and both parties are fully satisfied that they have examined all pertinent documents and have all the necessary information with which to be properly informed and advised regarding the financial status of each party so that the parties are relying on said information in entering into this Agreement.

D. LIABILITY ON FAILURE TO DISCLOSE Both parties warrant to each other that neither has incurred, and each covenants that they shall not incur, any liability or obligation on which the other may become liable; and each covenants and agrees that if any claim, action, or proceeding shall be brought hereafter seeking to hold one of the parties liable on account of a debt, liability, act or omission of the other party, the party causing such claim, action, or proceeding, shall at their sole expense defend the other party against any such claim or demand, whether or not well founded, and hold such innocent party free and harmless therefrom.

E. PROPERTY ACQUIRED AFTER AGREEMENT The parties agree that any property acquired by either of them from and after the date of execution of this Agreement shall be the sole and separate property of the one so acquiring it; and each party waives any and all property rights in and to such future acquisitions of property as the sole and separate property of the one acquiring same from the date of execution of this Agreement.

14. Execution of Further Instruments. Husband and Wife agree that they will immediately, upon request of the other, execute and deliver any other or further instruments necessary or convenient to carry out the provisions of this Agreement, including but not limited to instruments or documents of ownership such as deeds and titles.

15. Decree of Divorce. This Agreement shall be incorporated and merged in full or by reference in any final judgment or decree of divorce divorcing the parties entered by a court of competent jurisdiction.

16. Legal Representation. The parties acknowledge that Jennifer L. K. Haemmerle of the firm Haemmerle & Haemmerle, PLLC, Attorneys at Law, has represented Wife in the preparation of this Agreement. The Husband is aware of his right to independent representation and has chosen to represent himself in this matter. No presumption shall exist in favor of or against any party to this Agreement as a result of the drafting and preparation of the documents.

17. Attorneys Fees. **Concurrent with the execution of this agreement, Husband shall pay to Wife the sum of \$1000.00** as and for partial reimbursement to her for her attorney fees incurred in this matter up to obtaining the Decree of Divorce. Such payment shall be made in full at the time of the execution of this agreement. Other than this payment from Husband to Wife, each party agrees to bear his or her own attorneys fees and costs incurred in this matter. However, in the event that either party hereto employs an attorney to enforce any right or duty arising out of this Agreement, the prevailing party in such dispute shall be entitled to be paid reasonable costs and attorney's fees by the nonprevailing party, whether litigation is commenced or not.

18. Applicable Law. The laws of the State of Idaho shall govern all matters affecting the interpretation of this Agreement and the rights of the parties hereto.

19. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators and assigns.

20. Notices. All notices required to be given shall be either personally delivered to receiving party or mailed by certified mail, return receipt requested, duly directed to the receiving party at their last known respective address. The parties shall from time to time specify any other addresses by which notice is to be sent.

21. Severability. If any of the provisions of this Agreement are held to be invalid or unenforceable, all other provisions hereof shall nevertheless continue in full force and effect.

22. Exhibits. Any exhibits attached to this Agreement are incorporated into this Agreement by this reference hereto.

23. Effect of Copy or Fax A copy of this agreement shall have the same force and effect as an original; and a copy or fax of a signature shall be considered to be an original signature.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year above written.

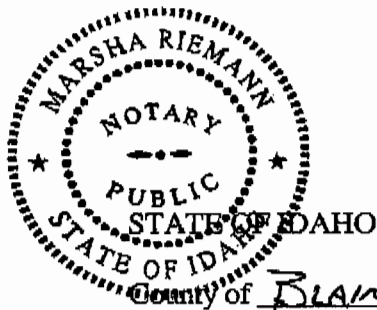

JEANETTE McILHENNY


SCOTT McILHENNY

STATE OF IDAHO)
) ss.
 County of BLAINE)

On this 20 day of DECEMBER, 2004, before me, a Notary Public in and for said State, personally appeared JEANETTE MCILHENNY known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

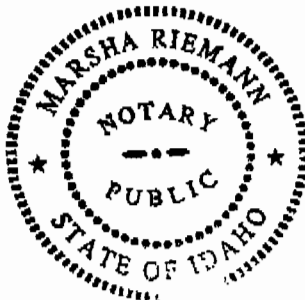


Marsha Rieman
 NOTARY PUBLIC FOR: Idaho
 Residing at Hailey
 Commission Expires 1/30/2009

)
) ss.
)

On this 20 day of DECEMBER, 2004, before me, a Notary Public in and for said State, personally appeared SCOTT MCILHENNY known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



Marsha Rieman
 NOTARY PUBLIC FOR: Idaho
 Residing at Hailey
 Commission Expires 1/30/2009

12/26/2006

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

RIGHT NUMBER: 37-364G

NAME AND ADDRESS: SCOTT MC ILHENNY
PO BOX 310
BELLEVUE ID 83313-0310

CHRISTINA ARRATE
106 E 420 N
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.160 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8696 and 37-8811. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.22 cfs of this right, which shall remain undiverted in the Big Wood River.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8696 and 37-8811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8696 and 37-8811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T02N R18E S16 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.160 CFS

PLACE OF USE: MITIGATION in BLAINE County

T02N R19E S31 NWSW

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

Rights 37-363G and 37-364G together make a full irrigation supply for 5 acres of land. They are not being used in exchange for authorization to divert ground water to irrigate the same five acres of land pursuant to Rights 37-8696 and 37-8811.

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



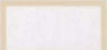
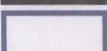
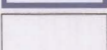
Idaho Department of Water Resources

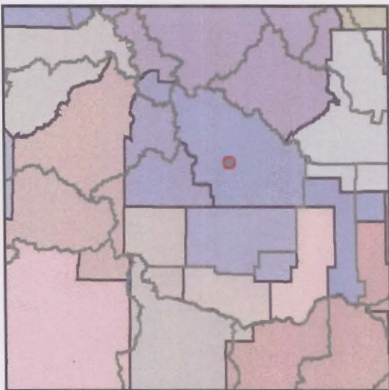
SRBA Recommendation:

37-364G

(Mitigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by S. Keen
On Tuesday, December 26, 2006
2004 Aerial Photography



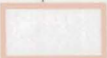
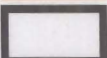
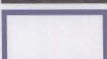
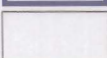
Idaho Department of Water Resources

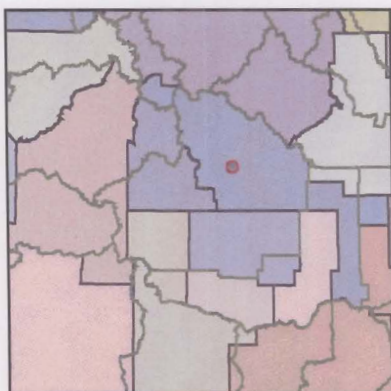
SRBA Recommendation:

37-364G

(Mitigation)

Legend

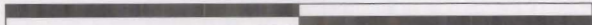
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Tuesday, December 26, 2006
2004 Aerial Photography

Claim Review for 37-3636 + 37-3646

S. Keen
12/26/2006

Validity

- ① Transfer 349 approved in 1990 changes the POD for these two rights.
- ② Watermaster list includes both rights
- ③ Parcel does not appear irrigated in 1987 or 1992. It does appear irrigated in 2004 + 2006. Parcel does not look irrigated in 1980. In 1992 IDWR approved permit 37-8696 which used parts of these rights as mitigation. In connection with the ~~the~~ issuance of Permit 37-8696, IDWR notified the claimant that the possibility of forfeiture of the mitigation right may be reviewed in the SRBA. In 1993 IDWR approved Permit 37-8811 for a little more ground water irrigation mitigated by these two rights. The period of non-use referenced in IDWR's 3/6/1992 letter (see file 37-363) is 1983-1988.

I consulted with Deputy A.G. Nick Spencer, and he told me that the court at this point in time is tending to find administrative as binding, and that approval of the transfer is likely to be seen as acknowledgement of a water right.

37-363G + 37-364G

<u>AJ</u>		<u>WR</u>
37-363G	=	37-363H
37-364G	=	37-364J

P&D - Recommend as transferred, although the Cove Canal may now have its headgate in the NESE of S.16, T2N, R18E.

Water Use + POU

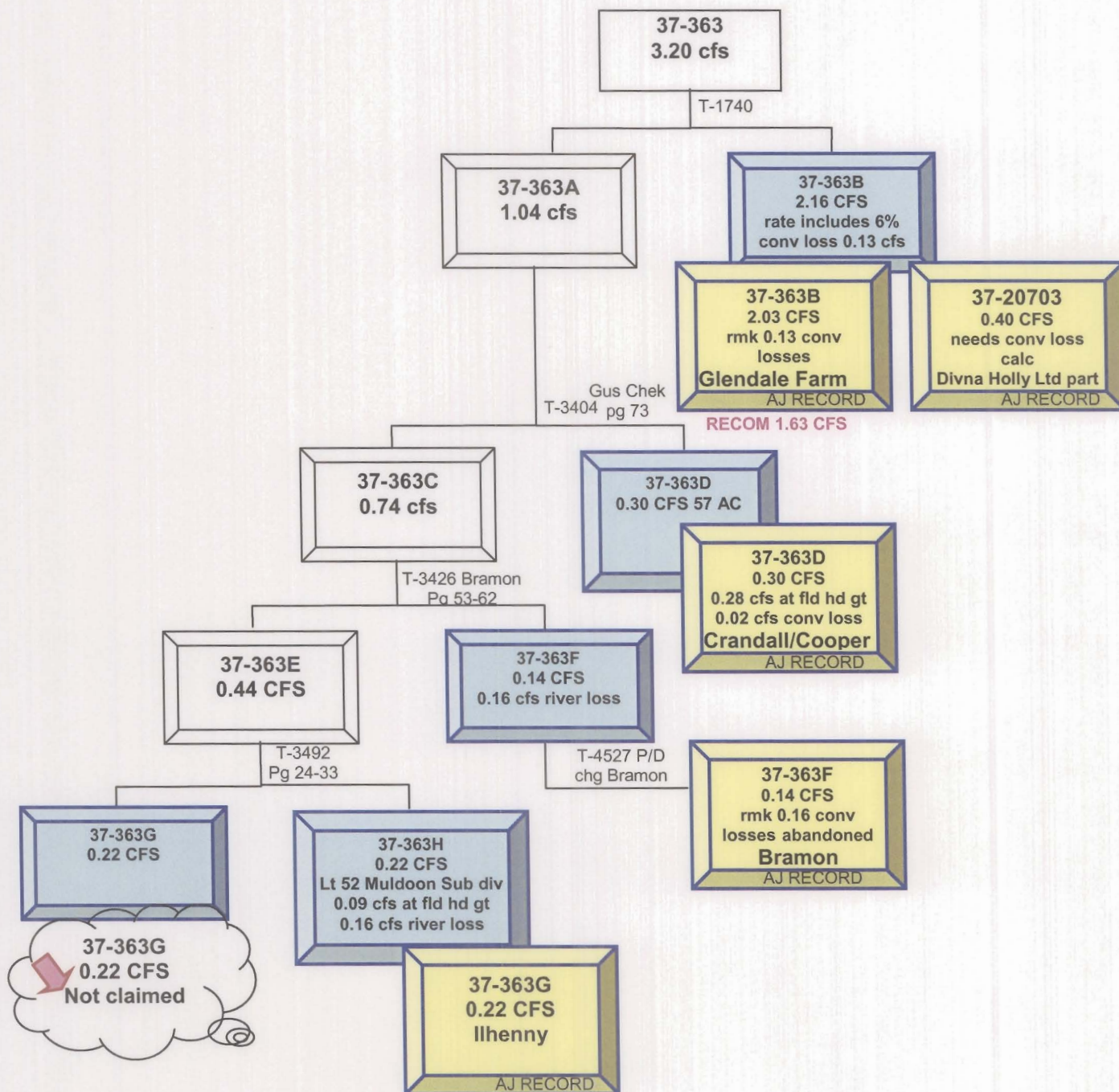
Permit 37-8696 required 0.13 cfs of 37-363G and 0.10 cfs of 37-364G to be left in the river for mitigation for 3 acres of irrigation from ground water. Those amounts are $\frac{3}{5}$ of the rights. Permit 37-8811 was issued to cover the full 5 acres with ground water. The mitigation condition was the same as on 37-8696, although clearly the intent was to leave the remainder of 37-363G + 37-364G in the river as mitigation. (See Application 37-8811.) Therefore, I have described both of these rights as mitigation rights in their entirety.

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, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

SCOTT MCILHENNY
PO BOX 310
BELLEVUE ID 83313

RE: Amendment of SRBA Claim #A37-00363G, A37-00364G

Dear Claimant:

Pursuant to the approval of Transfer No. 3492, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. The transfer was approved March 22, 1990, but your Adjudication claims were never amended to conform to the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change.

I am also enclosing a change of address form. If your address has changed since Transfer 3492 was filed, please complete the form and return it to the above address. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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NOV 29 1996

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3492

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Scott McIlhennyPhone 788-2131Post Office address P. O. Box 310, Bellevue, ID 83313

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 Justus Ditch can no longer deliver water to the Original P/U. Land will be sold without water rights, and the rights will be sold separately for transfer to new lands. I am buying these rights contingent upon approval of this transfer.

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>A37-00363G</u>	<u>4-12-1883</u>	<u>0.22 cfs</u>	<u>Irrigation</u>	<u>Apr 1</u> to <u>Nov 1</u>
<u>A37-00364G</u>	<u>5-1-1887</u>	<u>0.16 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.38 cubic feet per second and/or 30 acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NE	16	2N	18E	Blaine	Cove #33 Headgate, Cove Canal

5. Lands irrigated or place of use:

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	19E	31									5								5

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PART 1**6. General Information:**a. Description of diversion system Existing headgate & Cove Canal to P/U, gravity irrigationb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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 no longer be irrigated. It will be sold without water rights.

d. Remarks:

The new P/U is Lot 52 of Muldoon Ranch Subdiv. #2.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 37-0363H/0364FAnd said application is hereby APPROVED, subject to the following limitations and conditions:Use of water under these rights is subject to control by the watermaster of State
Water District No. 37, Big Wood River.Witness my hand this 22nd day of MarchJ. Shw Saylor
Chief, Water Alloc. Bureau19 90
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NOV 29 1996

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: Claimed by _____
- a. Decree No. A37-00363G ~~Decree No.~~ W/8/1/1/1/1/1/ Christina Arrate
- in case of I.S./C./Frost/ET./AL./ SRBA vs. Asturab/Water/Company/L/ET./AL./
- dated 1/12-13-1969 11-19-87 in 5th Fourth District county of Lincoln Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☒ Other Agreement
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 0.22 cfs for Irrigation purposes from Apr 1 to Nov 1
- (cfs/ac-ft) _____ for _____ purposes from _____ to _____
- amount _____ for _____ purposes from _____ to _____
- (cfs/ac-ft) _____ for _____ purposes from _____ to _____
- amount _____ for _____ purposes from _____ to _____
- (cfs/ac-ft) _____ for _____ purposes from _____ to _____
6. Total amount of water under right 0.22 cubic feet per second and/or 30 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>1/32</u>	<u>1/32</u>	<u>1/32</u>	<u>32</u>	<u>2N</u>	<u>18E</u>	<u>Blaine</u>	<u>Justus #32 Headgate, ditch</u>
	<u>SW</u>	<u>SE</u>	<u>NW</u>	<u>9</u>				

8. Lands irrigated or place of use:

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	
<u>2N</u>	<u>18E</u>	<u>15</u>							<u>3</u>										<u>3</u>
		<u>16</u>				<u>7</u>													<u>7</u>

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NOV 29 1996

Total acres 10

9. Describe any other water rights used for the same purpose as described above Claim A37-00364G

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. A37-00364 G ^{Claimed by} Decreed to /N/S/Justus/ Christina Arrate
 in case of /S/S/Arts/ /E/V/ /N/V/ SRBA vs. /N/V/Arts/ Water Company /E/V/ /N/V/
 dated /N2-V3-V909 11-19-87 in 5th Fourth District _____ county of /N/V/V/V Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice☐ Warranty Deed☒ Other Agreement of Sale3. Source of water Big Wood River tributary to Malad River4. Date or priority 5-1-1887

5. Water is used for the following purpose:

amount 0.16 cfs for Irrigation purposes from Apr 1 to Nov 1
 (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 0.16 cubic feet per second and/or 30 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>32</u>	<u>2N</u>	<u>18E</u>	<u>Blaine</u>	<u>Headgate #32 & Justus Ditch</u>
	<u>SW</u>	<u>SE</u>	<u>NW</u>	<u>9</u>				

8. Lands irrigated or place of use:

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	
<u>2N</u>	<u>18E</u>	<u>15</u>							<u>3</u>										<u>3</u>
		<u>16</u>				<u>7</u>													<u>7</u>

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Total acres 109. Describe any other water rights used for the same purpose as described above Claim A37-00363G

MULDC RANCH SUBDIVISION NO. 2

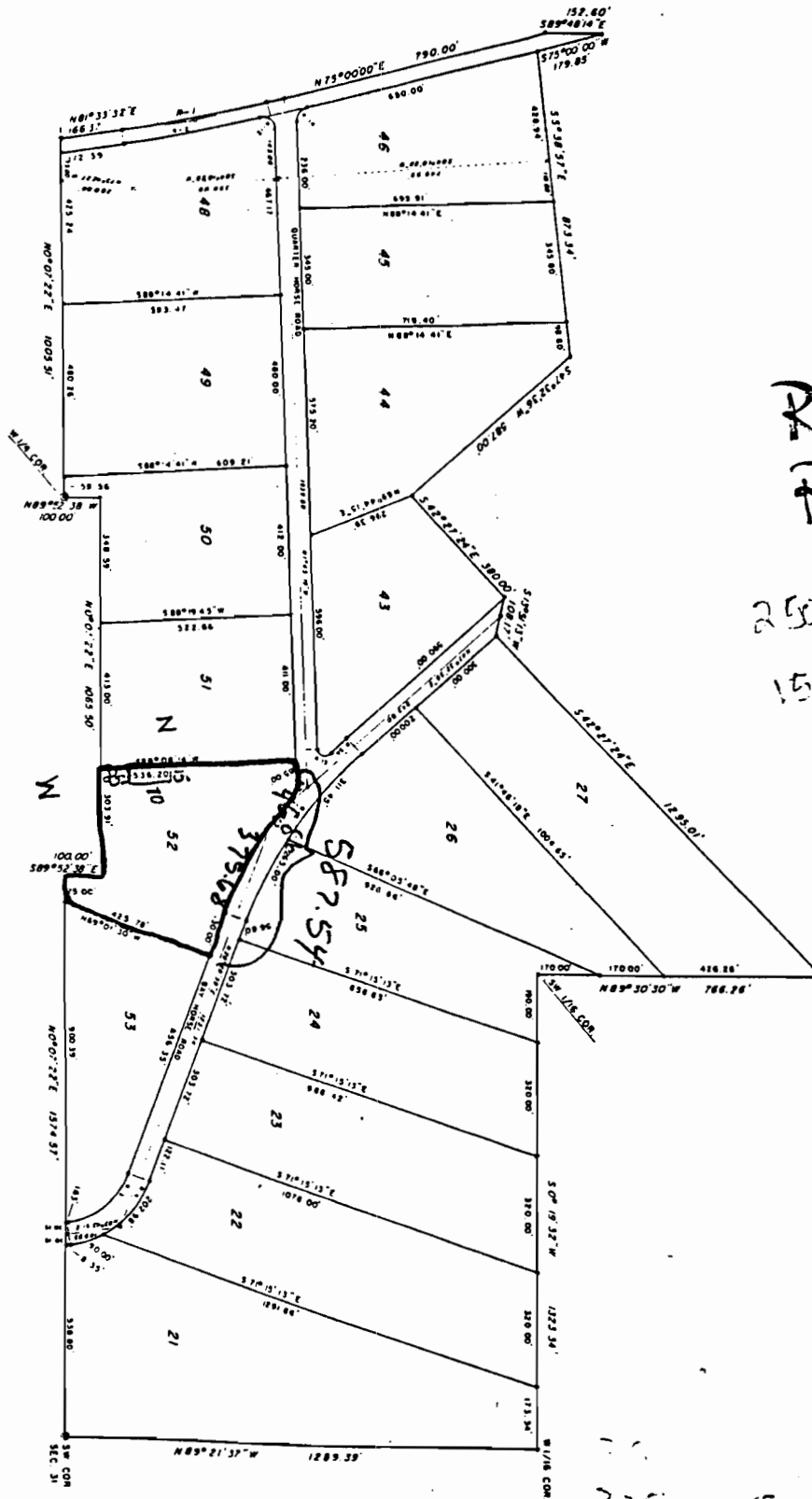
BLAINE COUNTY

SEC.31, T3N, R18E, B.M.

IDAHO

**Land Title Guaranty Company
Box 577
Hailey, Idaho 83333**

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



46.86

R-11 3108
R-12 375.6

250,000

$$\begin{array}{r} 150-160 \quad 35.00 \\ 4686 \\ 375.68 \\ 130.00 \\ \hline 587.54 \end{array}$$

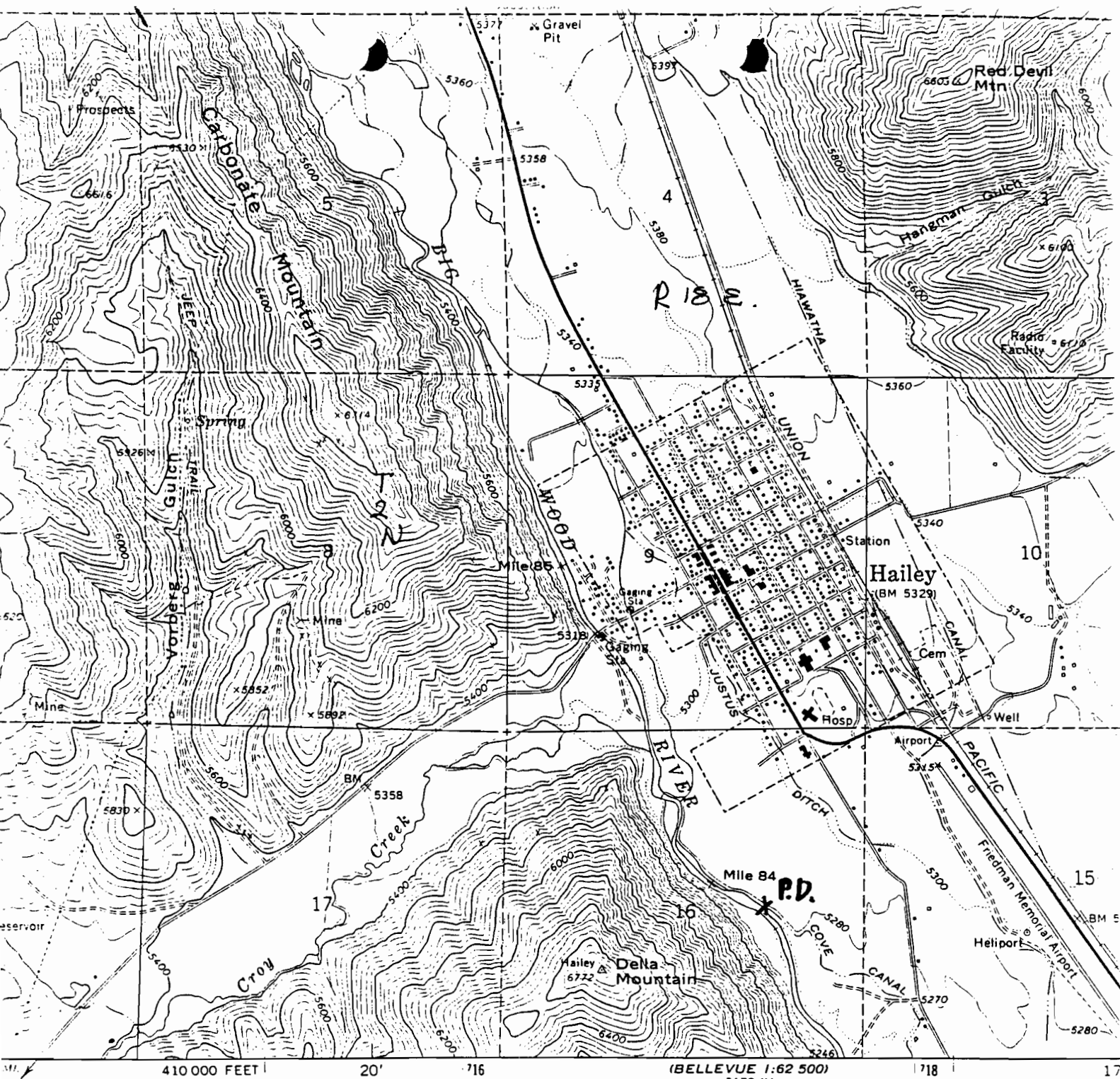
4671

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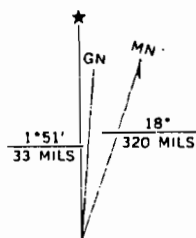
NOV 29 1996

300

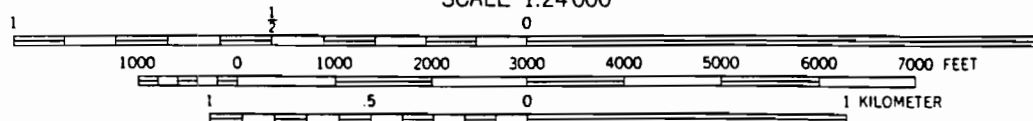
51675



Survey



UTM GRID AND 1967 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

MICHOFILMED

NOV 29 1996

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MAP 61154

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

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

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

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

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

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

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of November, 19 88.

Mary R. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by J. Stanton Date 11-4-88 Protest filed by _____

Prelim. check by D. Sundberg Fee \$50 #5003538

Receipted by J. Stanton Date 11-4-88

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 2/8 & 2/15/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 1/27/89 (37-N) Recommended for ☒ approval ☐ denial

2/2/89 (37-M) rec'd. 2/9/89 by LH Jure

Copy of transfer sent to lien holder _____

MICROFILMED**NOV 29 1996****NOT FILMED****MAR 6 1 1993**

28-Mar-1990

Reid Newby
Box T
Shoshone, ID

Dear MR. NEWBY,

Irrigation District # 37

TRANSFER NO.: 37-0363G TR#3492

Please find attached copy of approved transfer from the State Office in favor of Scott McIlhenny for your information and further handling.

Please note section e. "other" under action of the director, department of water resources.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:tj

37-0363G 1A 2712

MICROFILMED

NOV 29 1996

NOT RECORDED

MAR 1 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 6, 1992

MAR 10 1992

Department of Water Resources

Boise, Idaho 83720

Scott McIlhenny
P.O. Box 310
Bellevue, ID 83313

RE: Application for Permit to Appropriate Water No. 37-08696;
Mitigation with Water Rights Nos. 37-0363 and 37-0364

Dear Mr. McIlhenny:

We have reviewed the information which you submitted regarding the ten acres from which your portions of water rights nos. 37-0363 and 37-0364 were originally transferred. We have also independently researched the use of water on the ten acres, and use of water on the five acres to which the water right is now appurtenant.

We conclude that 1983 was the last year water was delivered in the Justus Ditch. Houses have now been constructed where the Justus Ditch was once located. We have no record of delivery of your water rights until 1989, although your application for transfer was filed in November, 1988. It appears that water may not have been delivered for a period of five years, although the period of nondelivery did not exceed five years.

We have received information that, from 1989 through the present, most of the water rights delivered by the Cove Ditch have been undeliverable because of their late priority. Your rights were legally deliverable, but could not physically be delivered because additional water was needed to carry your water to you. The time from 1989 to the present will not be added on to any possible forfeiture period.

Finally, the Department allowed the transfer of the point of diversion to the Cove Ditch and a change in the place of use in 1989. The transfer only sought the irrigation of 5 acres with the entire amount of water.

The Department will recognize irrigation of not more than 5 acres with your surface water rights. Application for permit no. 37-08696 requests irrigation of three acres. I understand from our conversation that you own five acres. If you wish to irrigate more land than the three acres, you must file another application for permit. The Department of Water Resources will approve your plan of mitigation to contribute your portions of

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NOV 29 1996

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MAR 01 1993

37-0363

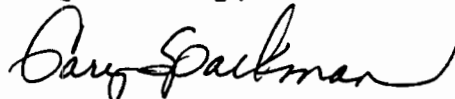
Scott McIlhenny
March 6, 1992
Page - 2

water rights nos. 37-0363 and 37-0364 to the river to compensate for your ground water withdrawal and irrigation of three (3) acres. Application no. 37-08696 will be approved with the condition that 0.13 cfs of right no. 37-0363 and 0.10 cfs of right no. 37-0364 must remain in the Big Wood River. The remainder of your water rights can be used as compensation for irrigation of the additional two (2) acres you own.

Approval of your mitigation plan by the Department will not preclude further consideration of your water rights, including the issue of forfeiture, in the Snake River Adjudication. If you intend to market the residual portion of your rights for irrigation, the buyers should be informed that the validity of the rights may again be scrutinized in the future.

If you wish to refine any part of my letter, please respond within fifteen (15) days. If I don't receive a response, I will process application no. 37-8696.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region

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NOV 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

December 13, 1989

DEC 15 1989

Department of Water Resources
Southern Region Office

Scott McIlhenny
P.O. Box 310
Bellevue, ID 83313

RE: Application for Transfer No. 3492 Proposing a Change in the
Place of Use and Point of Diversion for Portions of Water
Rights Nos. 37-00363 and 37-0364

Dear Mr. McIlhenny:

I have reviewed the application for transfer you filed as an agent for Christina Arrate. The transfer application requests that an adjudication claim filed by Ms. Arrate be recognized as a transferable water right.

An adjudication claim is a document filed by a possible owner of a water right with a court, claiming that the water right exists and is owned and used as stated in the claim. The claim is an allegation of the existence and validity of a water right, but is not a document confirming the right.

The law requires that when an application for transfer is filed, the Department must insure that other water rights are not injured by the transfer, and that the transfer does not result in an enlargement of use. Part of our review requires that the applicant show ownership of the water right he is requesting to transfer.

Our files show no evidence of water ownership by Ms. Arrate. Presently our records show that right no. 37-0363 is split into four parts: William Cloughton for 2.16 cfs; Gus Chek, 0.30 cfs; Frank Braman, 0.30 cfs; and U.S. Justus, 0.44 cfs.

Our records also show that water right no. 37-0364 is split into three parts, with another part pending approval. Upon approval of the pending transfer, the following is a representation of the ownership: LDS Church, Hailey Ward, 1.84 cfs; Frank Braman, 0.08 cfs; Pauline Dockstader, 0.24 cfs; and U.S. Justus, 0.24 cfs. You must identify from which of these owners of record your right is derived, and show ownership of the right. The best method of proof is a series of deeds establishing the chain of title.

MICROFILMED

MAY 29 1995

37-0363

I would be happy to assist you further as I'm sure our Southern Regional office in Twin Falls will also be willing to assist. Upon submittal of this information, I will proceed to act on the transfer you have filed.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Southern Region

MICROFILMED
NOV 29 1996
MAR 6 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-00364 G

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
------------	-------------------	---------------------------------	---------------------	-------------------------

PRIORITY DATE	N		SCC 3-27-90	
POINT OF DIV.	OK	COVE CANAL		
SOURCE	✓			
PLACE OF USE	✓	TRANS out of TEST AREA		
DIV. AMOUNT	✓			
CONSUMPTIVE USE	✓			
USES	N		SCC 3-27-90	
PERIOD OF USE	N		SCC 3-27-90	
BASIS OF CLAIM	YES			

REMARKS:

WR appears to be Abandoned then
Transferred. What is Policy?

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MAR 01 1993

GENERAL INFORMATION

Claim number: A37-00364G

LAST: ARRATE

FIRST: CHRISTINA

ADDRESS: RT 1 Box 170

CITY: SHOSHONE

STATE: ID

ZIP: 83352

PHONE: (208) 886-2588

OWNER CODE: C

OWNER CONNECTOR: AND/OR

LAST: MC ILHENNY

FIRST: SCOTT

ADDRESS: P.O. Box 310

CITY: BELLEVUE

STATE: ID

ZIP: 83313

PHONE: (208) 788-2131

OWNER CODE: P

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____-____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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MAR 01 1993

PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-00364GA. SRBA CLAIM # A37-00364G PRIORITY DATE: 5/11/88 STAGE DB. IDWR RECORD # 37-00364A PRIORITY DATE: 5/11/88 STAGE DC. REVIEW - FIELD EXAM NEEDED? Y() N(☒)ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE: 5/11/88REVIEWED BY SCCDATE 3-27-90

MICROFILMED

MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-00364G

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>9</u>	<u>SW</u>	<u>SE</u>	<u>NW</u>	—	<u>BLAINE</u>

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>9</u>	—	<u>SE</u>	<u>NW</u>	—	<u>BLAINE</u>

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVER

C. REVIEW - FIELD EXAM NEEDED? Y() N()

		ATTACHED	OR	SEE FILE
VERIFIED ()	TOPO MAP/ORTHO-PQ	YES()	NO()	_____
WITH: ()	ASCS MAP	YES()	NO()	_____
()	WATERMASTER RECORDS	YES()	NO()	_____
()	FIELD EXAM	YES()	NO()	_____
()	OTHER _____	YES()	NO()	_____

REMARKS: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
—	—	—	—	—	—	—	_____
—	—	—	—	—	—	—	_____
—	—	—	—	—	—	—	_____

SOURCE: _____ TRIB: _____

REVIEWED BY _____ DATE _____

MICROFILMED

MAR 01 1993

PRESUMPTION FLAG: Y() N()

ROOT WATER RIGHT NUMBERS 37-00364A

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
2N	18E	15	SW	NW	A37-003636/ 3	— — — — / —	0	—	—
					— -003646/ 3	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
					— - — — / —	— - — — / —	—	—	—
TOTAL ACRES									

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

REMARKS:

REVIEWED BY

DATE _____

MICROFILMED

04-01 1993

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
-----	-----	-----	-----	-----	---------------------	--------------------	-----------------	----------------	------------------

2N	18E	16	SE	NE	ASL-003636/ 7	—	—	—	—
					-003646/ 7	—	—	—	—
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					—	—	—	—	—
					—	—	—	—	—
					—	—	—	—	—
					—	—	—	—	—
TOTAL ACRES					—	—	—	—	—

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
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—	—	—	—	—	—	—	—	—	—
TOTAL ACRES					—	—	—	—	—

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
—	—	—	—	—	—	—	—	—	—
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—	—	—	—	—	—	—	—	—	—
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—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
TOTAL ACRES					—	—	—	—	—

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A. S.R.B.A CLAIMED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.16</u> ~~<u>0.5</u>~~ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

B. I.D.W.R. RECORDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>-</u> TO <u>-</u>	<u>0.56</u> CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

PRESUMPTION FLAG: _____

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y ☒ N ()

RECOMMENDED AS CLAIMED?

Y ☒ N ()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y () N ☒

REMARKS:

=====

RECOMMENDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.16</u> CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

REVIEWED BY Sec

DATE 3-27-90

=====

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MAR 01 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-003646A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)SRBA CLAIMED RATE: 0.16 CFS IDWR ROOT RIGHT RATE: 0.56 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED? Y() N()

B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☒) N() If YES complete overlap review.OTHER RIGHTS LISTED IN CLAIM: A37-003636 - - -

- - -

- - -

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES _____ X 0.02 CFS/ACRE = _____ CFS.
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N()

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES _____ X CONSUMPTIVE RATE FOR AREA _____ A.F./ACRE =

TOTAL CONSUMPTIVE USE _____ ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

=====

RECOMMENDED DIVERSION RATE: _____ CFS

RECOMMENDED CONSUMPTIVE USE: _____ AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY _____ DATE _____

=====

MICROFILMED

MAR 01 1993

BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # 137-003646

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
--	------------------------	-----------------

OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
EXCESSIVE AMOUNT	()	()

THIS SRBA CLAIM CFS/ACRE

0.016

OTHER SRBA CLAIMS CFS/ACRE

____ - ____

____ - ____

____ - ____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # ____ - ____ SPLITS # ____ - ____ CFS

____ CFS # ____ - ____ CFS

____ - ____ CFS

____ - ____ CFS

____ - ____ CFS

TOTAL CFS ____

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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MAR 01 1993

ADDITIONAL ACREAGE FORM

[illegible]

TOTAL NUMBER OF ACRES 10

REMARKS:

REVIEWED BY

DATE _____

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MAR 01 1993

IDWR MEMO

TO: GEORGE AUSTIGUY

FROM: STEVE CLELLAND *sc*

DATE: FEBRUARY 11, 1992

RE: JUSTUS DITCH ABANDONMENT

YOU ASKED ME TO VERIFY IRRIGATION USE ON THE LANDS DESCRIBED AS T02N, R18E, S15, SWNW, 3.0 ACRES, AND S16, SENE, 7.0 ACRES. I AM FAMILIAR WITH THIS AREA SINCE IT IS PART OF THE TEST AREA FOR THE ADJUDICATION REVIEW PROCESS. I PERFORMED SOME INITIAL FIELD EXAMS FOR THE LANDS IN T02N - R18E ON JUNE 6, 1990.

THE LANDS YOU IDENTIFIED ARE CLAIMED IN THE SRBA AS A37-00363G AND A37-00364G. THERE IS NO DELIVERY OF BIG WOOD IRRIGATION WATERS TO THIS PROPERTY. THE JUSTUS DITCH ORIGINALLY USED TO DELIVER THE WATER HAS LONG BEEN ABANDONED AND FILLED IN BY DEVELOPMENT. THERE IS AT LEAST ONE HOUSE, NEAR THE PLACE OF USE LISTED ABOVE, BUILT OVERTOP THE DITCH. ALSO, NEAR THE HAILEY CITY PARK THERE IS AN APARTMENT BUILDING BUILT OVERTOP THE DITCH. THE LANDS DESCRIBED AND SHOWN ON THE ATTACHED MAP ARE NOT IRRIGATED AND ARE IN THE PROCESS OF BEING SUBDIVIDED WITH HOUSES BEING BUILT ON THE 10 ACRE TRACT. THIS WAS CONFIRMED BY THE NAPP PHOTO X74 SW, 437-11, DATED 8-8-87.

I SPOKE TO THE WATERMASTER FOR THE BIG WOOD RIVER, LEE PETERSEN, THIS MORNING AND HE SAID THEY BELIEVED THE RECORDS INDICATE THE FINAL ABANDONMENT OF THE JUSTUS DITCH TO BE IN 1983. AFTER MY FIELD WORK IN JUNE 1990, I MET WITH REID NEWBY (PREVIOUS WATERMASTER FOR THE BIG WOOD) AND HE GAVE ME A GUIDED TOUR OF ALL THE POINTS OF DIVERSION FROM THE BIG WOOD RIVER. DURING THAT MEETING HE INDICATED THE JUSTUS DITCH HAD BEEN ABANDONED FOR A MUCH LONGER PERIOD OF TIME. IT IS POSSIBLE THAT THE RECORDS MR. PETERSEN REFERS TO IS THE PAYMENT OF THE ASSESSMENT AND NOT THE ACTUAL DELIVERY AND USE OF THE WATER IN THE JUSTUS DITCH.

TRANSFER #3492 CHANGES THE POINT OF DIVERSION OF THESE RIGHTS TO THE COVE CANAL #33 HEADGATE AND MOVES THE PLACE OF USE. THIS TRANSFER IS BASED ON A FORFEITED/ABANDONED WATER RIGHT AND SHOULD NOT HAVE BEEN APPROVED. THE ADJUDICATION CLAIMS FOR THESE RIGHTS WOULD BE RECOMMENDED FOR DISALLOWAL BASED ON THE CURRENT STANDARDS OF REVIEW.

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MAR 01 1993

Old (D) Number -

+ - - - - - Address - - - - - +

State- ID Zip- 83352

Phone - 208-886-2588

State- ID Zip- 83313

Phone - 208-788-2131

+ - - - Status - - - - +

D - DECREED

+ - - - - Tributary - - - - -
MALAD RIVER

02N 18E 9 SW SE NW (13) BLAINE

0.160

0.160

15.0

County

(13) BLAINE

(13) BLAINE

Total Acres: 10.0

[illegible]

THIS RIGHT IS A PORTION OF 37-00364A.

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MAR 01 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/26/90 09:21
Page

MICROFILMED

MAR 01 1993

Water right number - A37-00364G Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - -
DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.
RT. IS BEING PURCHASED FROM MRS. ARRATE PENDING APPROVAL OF TRANS
FER OF RT. TO LAND BY IDWR.

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 12/13/1909

+ - - Audit Fields -

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/04/1986	Old Judicial District	-
Claim Received Date	- 11/04/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S003568	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR		

Water Right Number - 37-00364A Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
JUSTUS

U. S.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
05/01/1887 17 D - DECREED

+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
02N 18E 9 SE NW (13) BLAINE

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.560

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.560

Place of Use							Description	County
TwN	Rng	Sec	Tract	Lot	Acres	Code		
02N	18E	15	SW NW			01	IRRIGATION	(13) BLAINE
02N	18E	16	NE NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	NW NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	SW NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	SE NE			01	IRRIGATION	(13) BLAINE

Total Acres:

+ - - Diversion Means - JUSTUS #32 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

TRANS. 2617.
DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
P/U INCOMPLETE. SEE FILE.

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MAR 0 1 1993

Water right number - 37-00364A Adj. flag translation: Standard Water Right Number

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 12/13/1909

+ - - Audit Fields - 01/04/86 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	- 01/04/1986	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	- P
Decree Date	- 12/13/1909				

MICROFILMED

MAR 0 1 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

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—

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:42
05/19/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00364G

LAST: MC ILHENNY
ADDRESS: P. O. BOX 310
CITY: BELLEVUE
PHONE NUMBER: 208-788-2131

FIRST: SCOTT
STATE: ID ZIP: 83313

OWNER CODE: P

LAST: ARRATE
ADDRESS: RT. 1 BOX 170
CITY: SHOSHONE
PHONE NUMBER: 208-886-2588

FIRST: CHRISTINA
STATE: ID ZIP: 83352

OWNER CODE: C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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OCT 26 1994

A. AJ CLAIM: # A37-00364G PRIORITY DATE: 05-01-1887 STAGE: D
B. WR RECORD: # 37-00364 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

REVIEWED BY DATE

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00364G	02N	18E	9	SW	SE	NW		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A37-00363G
R37-00364G
R37-00363G

37-00156
37-00363A
37-00364A
37-00562A
37-00562B
37-00645
37-02511
37-02699

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

NONE

NONE

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

REMARKS:

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OCT 26 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE: _____ TRIB: _____
REVIEWED BY: _____ DATE: _____

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A. ROOT WATER RIGHT NUMBERS: A37-00364D
A37-00364E

A37-00364F

A37-00364G

A37-00364B

R37-00364D

R37-00364F

R37-00364G

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	15	SW	NW		MC ILHENNY , SCOTT	A37-00364G / 3.0	- /			
						MC ILHENNY , SCOTT	R37-00364G / 3.0	- /			
						MC ILHENNY , SCOTT	A37-00363G / 3.0	- /			
						PENCE , F. CARL	A37-12765 /	- /			
						ARRATE , CHRISTINA	R37-00363G / 3.0	- /			
						PENCE , F. CARL	R37-12765 /	- /			
						CITY OF HAILEY	A37-00296 /	- /			
						HAILEY , CITY OF	R37-00296 /	- /			
						JUSTUS , U. S.		37-00363A /			
						JUSTUS , U. S.		37-00364A /			
						STOREY , GEORGE C.		37-00645 /			
						CITY OF HAILEY		37-00906 /			
						WILSON , FLOYD		37-00920 /			
						BARKER , O. D.		37-01193 /			
02N	18E	16	SE	NE		MC ILHENNY , SCOTT	A37-00364G / 7.0	- /			
						CITY OF HAILEY	A37-00296 /	- /			
						MC ILHENNY , SCOTT	A37-00363G / 7.0	- /			
						ARRATE , CHRISTINA	R37-00363G / 7.0	- /			
						MC ILHENNY , SCOTT	R37-00364G / 7.0	- /			
						HAILEY , CITY OF	R37-00296 /	- /			
						JUSTUS , U. S.		37-00364A /			
						WILSON , FLOYD		37-00920 /			
TOTAL ACRES							A37-00364G	10.00			

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

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OCT 26 1994

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-00364G IRRIGATION	FROM 04-01 TO 11-01	.160 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.160 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
TOTAL DIVERSION RATE/VOLUME CLAIMED		

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER? Y(____) N(____) Explain in remarks, below.

REMARKS:

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OCT 26 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.160 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED? FIELD
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A3700363G.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-00364G	BIG WOOD RIVER	MC ILHENNY , SCOTT	0.160	0.016		
R37-00364G	BIG WOOD RIVER	MC ILHENNY , SCOTT	0.160	0.016		
R37-00363G	BIG WOOD RIVER	ARRATE , CHRISTINA	0.220	0.022		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-12765	DOMESTIC	PENCE , F. CARL	FROM 01-01 TO 12-31	.080 CFS	
A37-12765	STOCKWATER	PENCE , F. CARL	FROM 01-01 TO 12-31	.030 CFS	
R37-12765	DOMESTIC	PENCE , F. CARL	FROM 01-01 TO 12-31	.080 CFS	
R37-12765	STOCKWATER	PENCE , F. CARL	FROM 01-01 TO 12-31	.030 CFS	
A37-00296	MUNICIPAL	CITY OF HAILEY	FROM 01-01 TO 12-31	2.620 CFS	
R37-00296	MUNICIPAL	HAILEY , CITY OF	FROM 01-01 TO 12-31	2.620 CFS	

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OCT 26 1984

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 15.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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OCT 26 1994

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT				_____		_____		_____

REVIEWED BY: _____ DATE: _____

=====

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OCT 26

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00364

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	2.400		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-00364D	0.240	-	
-	A37-00364E	0.940	-	
-	A37-00364F	0.080	-	
-	A37-00364G	0.160	-	
-	A37-00364B	1.130	37-00364B	1.200
A37-00364	R37-00364D	0.240	37-00364	
A37-00364	R37-00364F	0.080	37-00364	
A37-00364A	R37-00364G	0.160	37-00364A	0.560
-	-		37-00364C	0.640
	TOTAL CFS	3.030		2.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE	FIELD EXAMINER
N	_____

REMARKS:

MICROFILMED
OCT 26 1994

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

MICROFILMED
OCT 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:42
05/19/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00364G

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE								
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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OCT 26 1994

Water Right Number - 37-00364 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

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

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

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

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

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

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

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
SPLIT INTO 37-0364A, 37-0364B, & 37-0364C BY TRANS. 2617.

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

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Microfilm Rolls -

+ - - Audit Fields - 09/11/85 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 - 09/11/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -

MICROFILMED
MAR 01 1993

WRJ723NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

10/25/88 09:21:44
Page

Water right number - 37-00364

Adj. flag translation: Standard Water Right Number

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

Decree Date - 00/00/0000

MICROFILMED
MAR 01 1993

MICROFILMED

MAR 01 1993

Water Right Number - 37-00364A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
JUSTUS

U. S.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
05/01/1887+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +
BIG WOOD RIVER+ - - Tributary - - - - - +
MALAD RIVER+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 18E 9 SE NW (13) BLAINE

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

01 - IRRIGATION

0.560

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.560 8 //+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N	18E	15	SW NW			01	IRRIGATION	(13) BLAINE
02N	18E	16	NE NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	NW NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	SW NE			01	IRRIGATION	(13) BLAINE
02N	18E	16	SE NE			01	IRRIGATION	(13) BLAINE

Total Acres:

+ - - Diversion Means - JUSTUS #32 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

TRANS. 2617.

DECREED FROM BIG WOOD R. BUT DELIVERED FROM BIG WOOD SLOUGH.

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

P/U INCOMPLETE. SEE FILE.

Water right number - 37-00364A

Adj. flag translation: Standard Water Right Number

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

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

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

+ - Decree Defendant - - - +
12/13/1986

+ - - Microfilm Rolls -

+ - - Audit Fields - 01/04/86

05/28/88 CONVERT

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

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 12/13/1909

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 01/04/1986
Receipt Number -
Appl Received - 00/00/0000

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District - 37
Transfer/Amended - P

MICROFILMED

MAR 01 1993

RT. IS FOR 1.13 CFS (1.2 CFS - .07 CFS CONVEYANCE LOSS).

Water right number - 37-00364B Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department shall
- be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. _____

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

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

+ - Decree Date - +
12/13/1909

+ - - Microfilm Rolls -

+ - - Audit Fields - 09/11/85 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	- 09/11/1985	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	- P
Decree Date	- 12/13/1909				

MICROFILMED
MAR 11 1993

Water Right Number - 37-00364C Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***

CHURCH OF JESUS CHRIST LATTER DAY SAINTS

1 - HAILEY WARD

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone -

*** O - ORIGINAL OWNER ***

JUSTUS

U. S.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1887 17 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01N 18E 12 SW NW (13) BLAINE

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

01 - IRRIGATION

0.640

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.640+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01N 18E 11 SW SE 7.0 01 IRRIGATION (13) BLAINE

01N 18E 11 SE SE 40.0 01 IRRIGATION (13) BLAINE

Total Acres: 47.0

+ - - Diversion Means - BANNON #49 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

TRANS. 2617.

RT. IS FOR 0.60 CFS (0.64 CFS - 0.04 CFS CONVEYANCE LOSS).

MICROFILMED

MAR 01 1993

MICROFILMED
MAY 11 1993

Water right number - 37-00364C Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department shall
- be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. _____

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 12/13/1909

+ - - Microfilm Rolls -

+ - - Audit Fields - 09/11/85 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 - 09/11/1985 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 - P
Decree Date - 12/13/1909

P.O. Box 00120
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

VACANT

RECEIVED
JUL 27 2008
DEPARTMENT OF
WATER RESOURCES

37-364 G

CHRISTINA ARRATE
106 E 420 N
SHOSHONE ID 83452

SCANNED
JUL 27 2008

Dept. of Water Resources
Acquisition Bureau
P.O. Box 720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

13

JAN 11 1997
WATER RESOURCES

37-3646
37-3636

ARRIVE CHRISTINA
106 E 42ND N
SHOSHONE ID 83352

SCANNED
JUL 11 2008

Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

JAN 1 2007
DEPT OF CORRECTIONS
WATER RESOURCES

37-3446
37-3636

MC ILHENRY SCOTT
PO BOX 310
BELLEVUE ID

SCANNED
JUL 11 2008