

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-539H
Date Received: 11/23/1988
Receipt No: S003985
Received By:

Amended

Amended

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

1. Name of Claimant(s)

ROBERT L MITCHELL Phone: (415) 968-3333
10620 BERKSHIRE
LOS ALTOS CA USA 94022

2. Date of Priority: 06/03/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	3	SE NE	BLAINE	

5. Description of diverting works:

PETERS #17 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.88	
AESTHETIC	1/01	12/31	0.88	

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

8. Total consumptive use:

9. Non-irrigation uses:

COPY

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	3	NW	SE	IRRIGATION	12.3
			SW	SE	IRRIGATION	1.8
					Section Acres	14.1
					Total Acres	14.1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

WATER TO TAKEN FROM PETERS DECREEED RIGHT AS A RESULT OF A TRANS. OF PORTIONS OF THE PROPERTY TO WHICH THE ENTIRE RIGHT WAS APPURTENANT. LOTS: 13, 33, 34, & 35 HYNDMAN PEAK SUBD.

THIS IS A PORTION OF WR #37-00539E.

Amended claim to show the correct ownership of the Blaine County Taxlots. Robert L. Mitchell is the beneficiary of El Camino Pension and wished to change the name of the claim to Robert L. Mitchell. 08/01/05 NT

15. Basis of Claim: Decreed

16. Signature(s)

COPY

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): SK Mitchell Date: 8/1/05

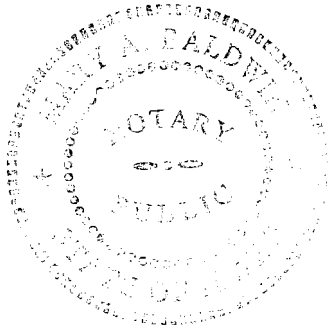
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 2005 Mary A. Baldwin

Notary Public

Residing at Twin Falls, ID
My commission Expires 10/16/2010



COPY

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: A37-00539H
Date Received: 11/23/1988
Receipt No: S003985
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EL CAMINO PENSION PROFIT SHARING 415-968-3333
Address: C/O R.L. MITCHELL
10620 BERKSHIRE
LOS ALTOS, CA 94022

2. Date of Priority: JUN 03, 1884

3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	3	SE	NE			BLAINE

5. Description of diverting works:
PETERS #17 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.880		
AESTHETIC	01/01	12/31	0.880		

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

8. Total consumptive use is 36.7 Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETICS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	3	NW	SE		IRR	12.3

A37-00539H

Page 1

Date: 11/23/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	3	SW SE		IRR	1.8

Section Acres 14.1

Total Acres 14.1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

WATER TO TAKEN FROM PETERS DECREEED RIGHT AS A RESULT OF A TRANS.
OF PORTIONS OF THE PROPERTY TO WHICH THE ENTIRE RIGHT WAS
APPURTENANT. LOTS: 13, 33, 34, & 35 HYNDMAN PEAK SUBD.
THIS IS A PORTION OF WR #37-00539E.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

vs

ALTURAS WATER CO.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

FEB 23 1989

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A37-00539 H

Date Received

Receipt Number

500 3985 SCC

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

EL CAMINO CARDIOVASCULAR AND THORACTIC PENSTON
1. Name of Claimant (s) PROFIT SHARING, R.L. MITCHELL Phone (415) 968-3333

Mailing Address 10620 BERKSHIRE, LOS ALTOS CA Zip 94022

2. Date of Priority (Only one (1) per claim) 06-03-1884

3. Source of water supply (a) EAST FORK BIG WOOD RIVER
which is tributary to (b) BIG WOOD RIVER

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 3,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of BLAINE

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

PETERS #17 HEADGATE

MICROFILMED
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04-01 to 11-01 amount .88 or _____

For AESTHETIC purposes from 01-01 to 12-31 amount .88 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .88 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	3														12.37	1.8		14.17
																(J)	(J)		

Total number of acres irrigated 14.17

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes XXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (XX)

14. Remarks:

WATER TO BE TAKEN FROM PETERS DECREEED RIGHT AS A RESULT OF A TRANSFER OF PORTIONS OF THE PROPERTY TO WHICH THE ENTIRE RIGHT WAS APPURTENANT.

LOTS ARE NOS.: 13, 33, 34 and 35 of Hyndman Peak Subdivision in Sec. 3,

T. 3N, R. 18E.

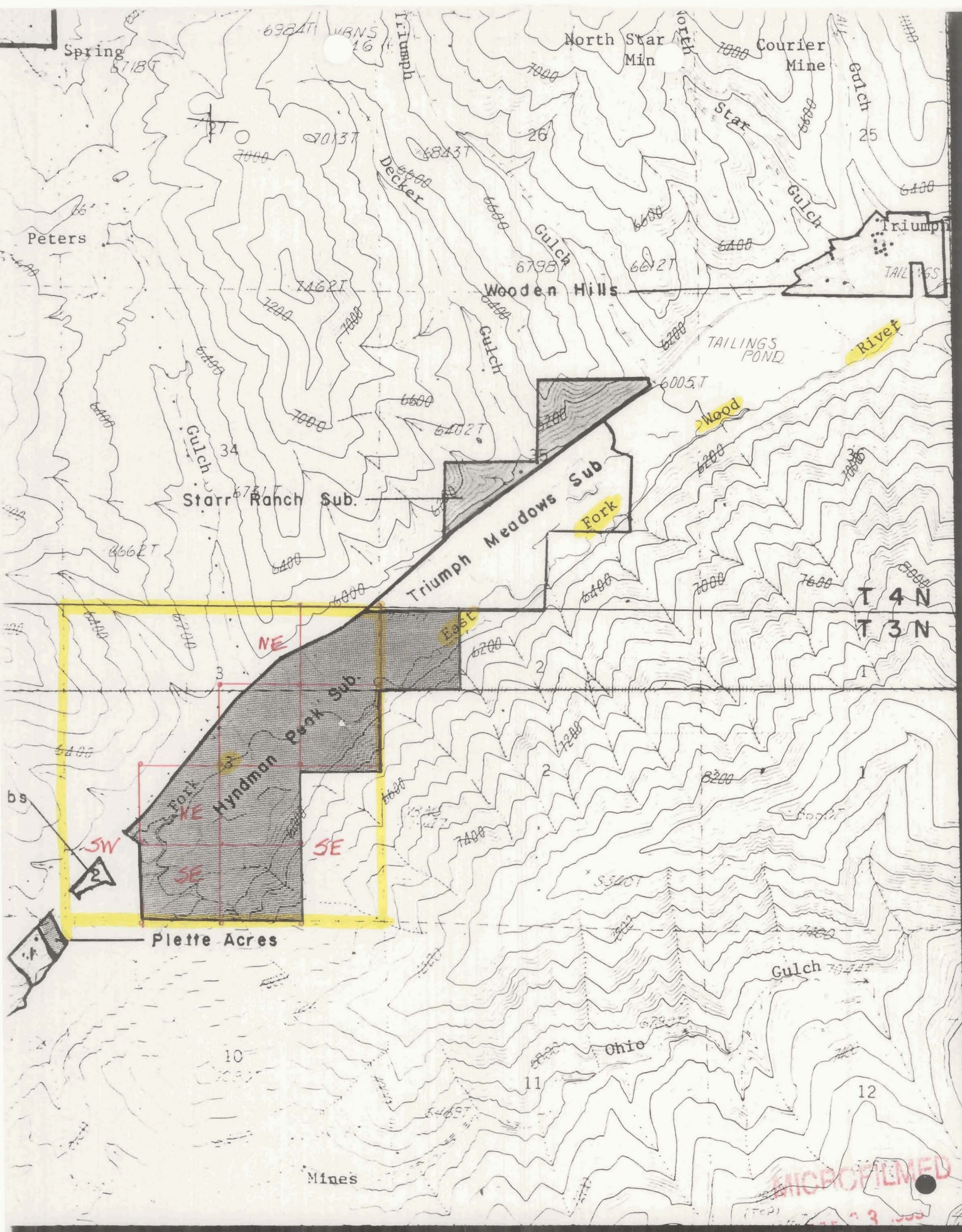
MICROFILMED
FEB 23 1993

Last Name

MITCHELL, R. Ident No.

A37-00539H

Copies: White -State, Yellow-Claimant



R18E

MITCHELL, R.H.

A37-005394

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

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant (s) Amplab Clemens Date 10/25/88

POWER OF ATTORNEY FOR MITCHELL Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 25 day of OCTOBER 19 88

SEAL

Notary Public Deborah Williamson

Residing at SUN VALLEY, IDAHO

My Commission Expires MARCH 23, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, GARY D. SLETTE will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. BOX 1906, TWIN FALLS ID 83303-1906

Date 10/26/88

NOTARIZED

FEB 23 1989

Last Name MITCHELL, R.L. Ident. Number A37-00539 H

Copies White-State, Yellow-Claimant

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

El Camino Cardiovascular and Thoracic Pension Profit Sharing by R.L. Mitchell, Beneficiary, hereby nominates and appoints Doug Clemens of P.O. Box 300, Ketchum, Idaho, 83340, as attorney-in-fact with full authority to act for and on behalf of him to execute any and all documents required or necessary to facilitate the filing of a water rights claim in the Snake River adjudication in Idaho.

My agent is hereby authorized to sign, deal, and deliver, as my act in deed, those instruments of writing that may be necessary or proper to carry into execution and effect the aforementioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 19 day of Oct, 1988.

R.L. Mitchell
El Camino Cardiovascular and
Thoracic Pension Profit
Sharing by R.L. Mitchell,
Beneficiary

STATE OF California
County of San Joaquin ss.

On this 19th day of October, 1988, before me, a Notary Public, in and for said County and State, personally appeared El Camino Cardiovascular and Thoracic Pension Profit Sharing by R.L. Mitchell, Beneficiary, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

MICROFILMED

FEB 23 1993



Angela M. Ralls
NOTARY PUBLIC FOR California
Residing at: 2500 Coast Rd. Apt. 101
My commission expires: July 17, 1992

437-0053914

08/25/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 37-539H

ROBERT L MITCHELL

10620 BERKSHIRE

LOS ALTOS CA 94022

Telephone Number: (415)968-3333

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

08/25/2005

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

RIGHT NUMBER: 37-539H

NAME AND ADDRESS: ROBERT L MITCHELL
10620 BERKSHIRE
LOS ALTOS CA 94022

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:
T03N R18E S3 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.530 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	1.3	T03N R18E S03	NWSE	12.8
---------------	------	-----	---------------	------	------

14.1 ACRES TOTAL

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

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

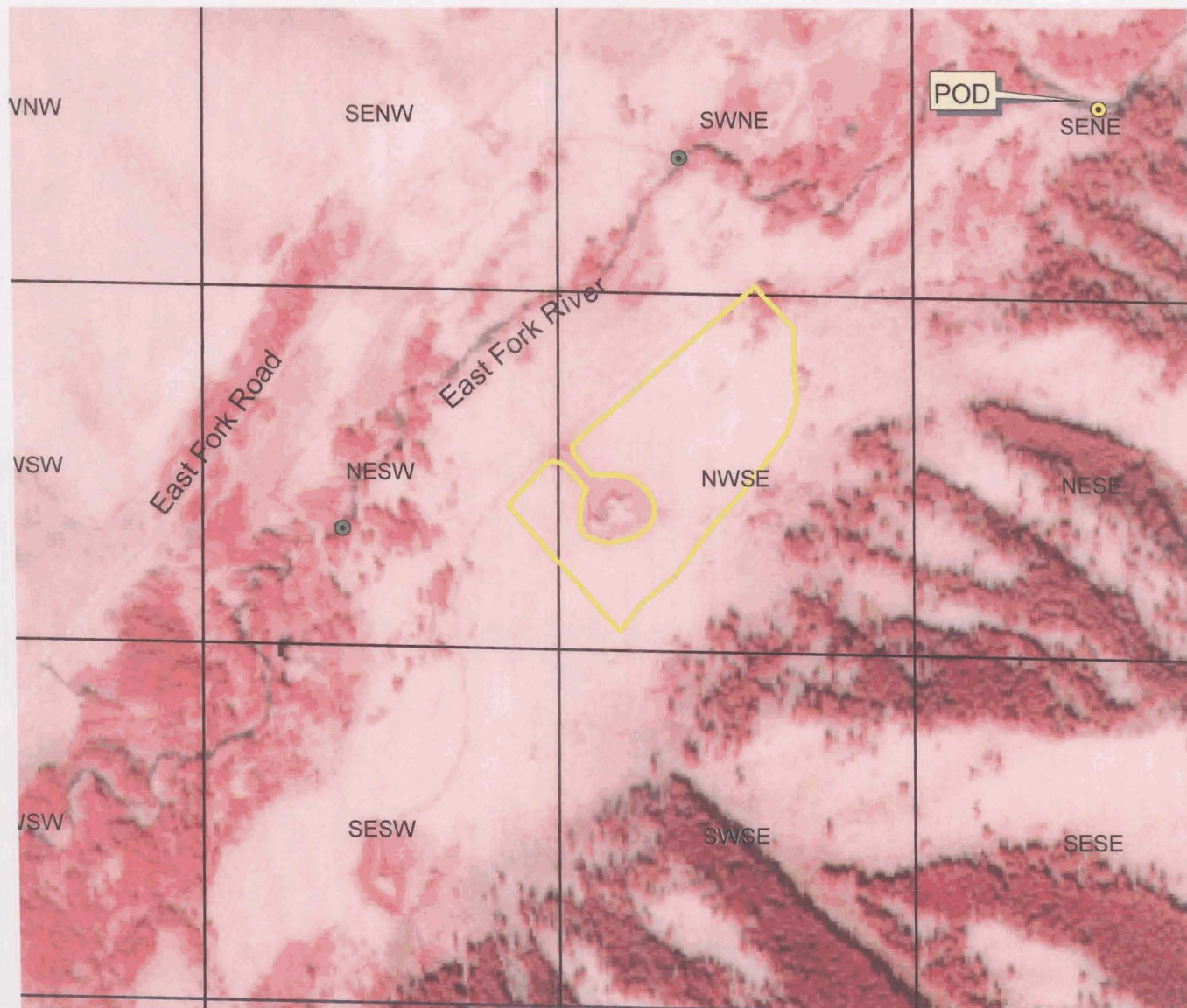
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is located within Lots 13, 33, 34 and 35 of Hyndman Peak Subdivision.

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

Idaho Department of Water Resources

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



1320

0

1320 Feet

PLACE OF USE

TWP 03N, RNG 18E, SEC 03

Data entry on August 03, 2005



● RECOMMENDED POINT OF DIVERSION

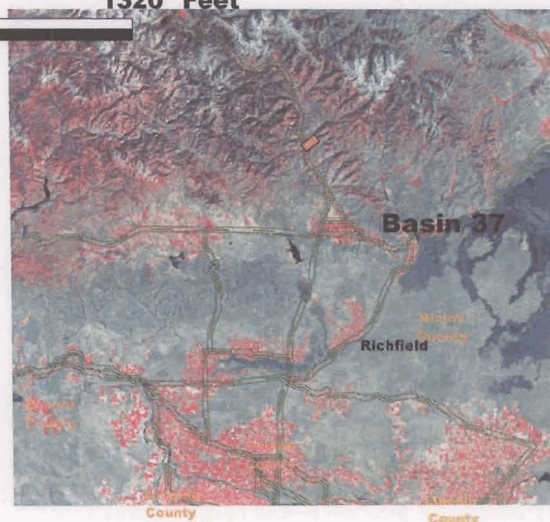
□ RECOMMENDED PLACE OF USE

□ TOWNSHIP LINES

□ SECTION LINES

□ LOCATION IN BASIN

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



11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-539H

ROBERT L MITCHELL
10620 BERKSHIRE
LOS ALTOS CA 94022
Telephone Number: (415) 968-3333

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12/2/06

SIGNATURE: R L Mitchell

Please print your name: R L Mitchell

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 18 2006

08/25/2005

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

RIGHT NUMBER: 37-539H

NAME AND ADDRESS: ROBERT L MITCHELL
10620 BERKSHIRE
LOS ALTOS CA 94022

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.530 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03	NESW	1.3	T03N R18E S03	NWSE	12.8
---------------	------	-----	---------------	------	------

14.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

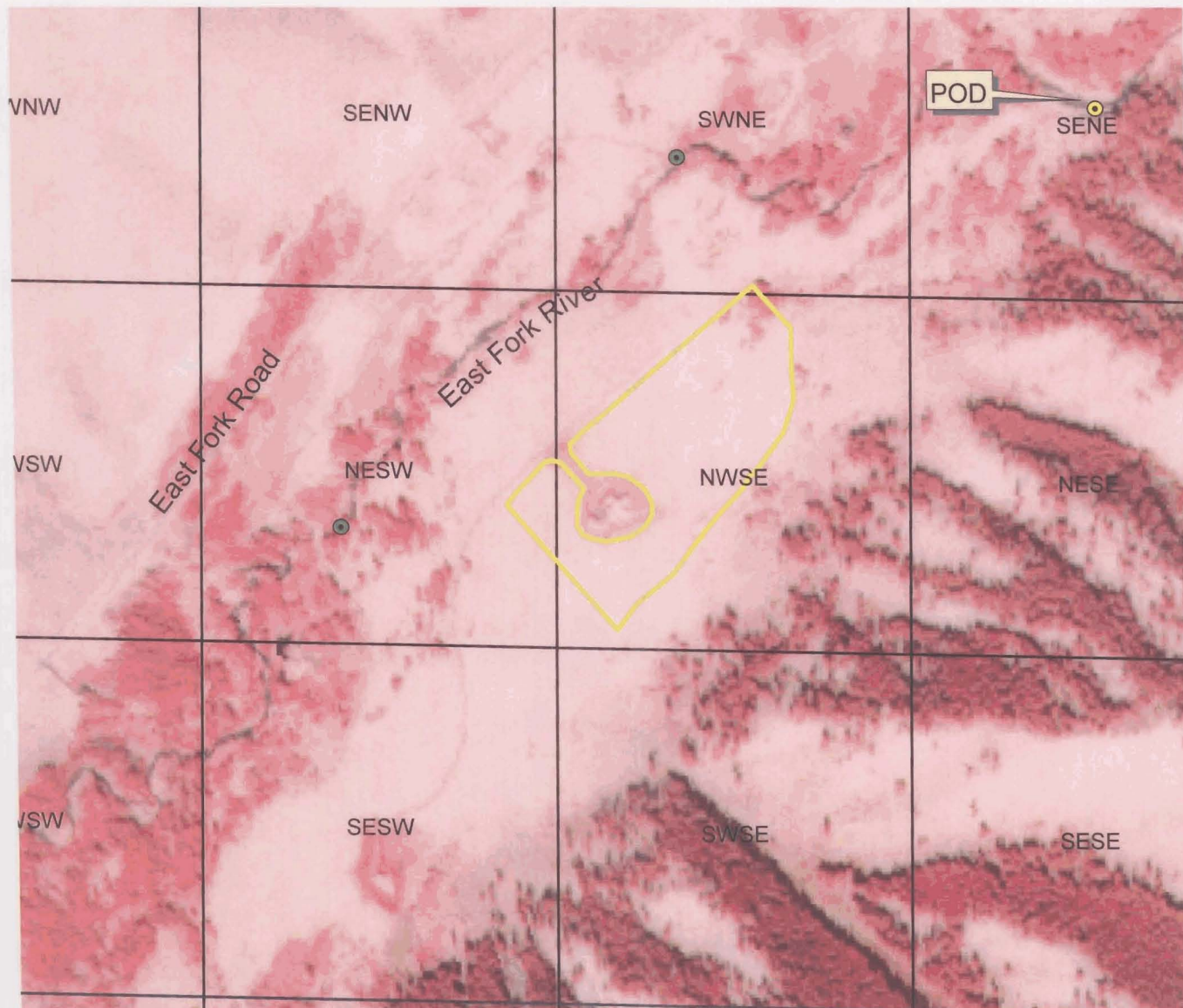
Place of use is located within Lots 13, 33, 34 and 35 of Hyndman Peak Subdivision.

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

RECORDED BY *NT*

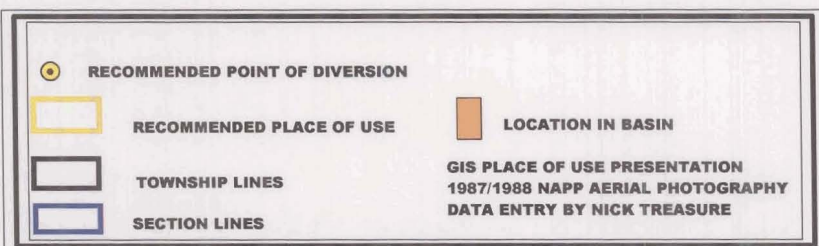
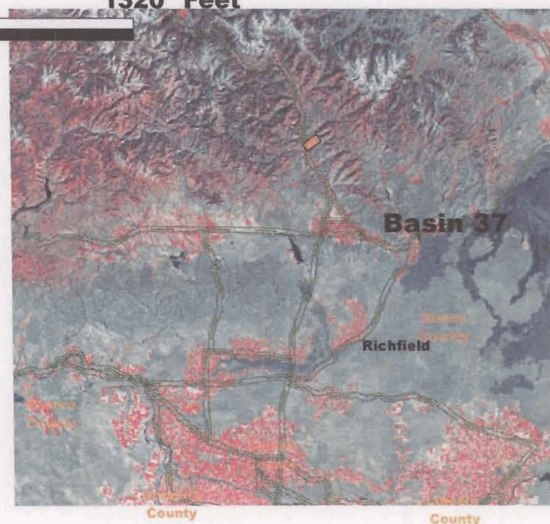
Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 37-539H



1320 0 1320 Feet

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



Memo

Nick Treasure

July 18, 2005

Subject: SRBA review and recommendation of Hyndman Peak Subdivision, Blaine County. Claims: 37-20379, 37-20380, 37-539D, 37-539F, 37-539J, 37-539L, 37-539H, 37-539I, 37-539K, 37-539G

A review of the history of Hyndman Peak Subdivision shows a series of approved transfers that have occurred from original water right 37-539. This is a 06/03/1884 decreed right for 3.0 cfs of the East Fork Wood River. Through a series of approved transfers and ownership changes, a consistent 0.06 cfs/acre has occurred in this area. The remaining portion of the parent water right 37-539 is water right 37-539G in which there are 4 claims filed against. (See attached split tree analysis-page 8).

The majority of this subdivision was developed during the 1980's. There are currently 40 lots in the subdivision as well as a 20-acre lot of original owner Rupert House. (See attached tax lot map-page 4). Many individual homeowners chose to quitclaim their water rights over to the Hyndman Peak Subdivision Homeowners Association (claim 37-539G). The remaining homeowners decided to individually claim against the 1884 decree (all remaining claims listed above).

A field examination occurred on July 6, 2005 by Water Resource Agent Nick Treasure and Basin 37 Water Master Kevin Lakey. The following was found during the course of this field visit through personal observance as well as conversations with various homeowners of the association.

- There are four Points of Diversions associated with this subdivision:
 1. The original POD to the parent right 37-539 is located in the SENE. This head gate is locally known as the peters #17 head gate. Claimants of this head gate are Robert Mitchell 37-539L and Hyndman Peak Homeowners Association 37-539G.
 2. Transfer 3291 created a POD in the SWSWNE of section 3. This particular POD has no lockable head gate. Claimants of this diversion are Rupert House 37-20379 and Carl Bontrager 37-20380.
 3. Transfer 3280 created a POD in the SWNESW of section 3. This head gate is claimed by Bruce McCaw 37-539F and Thomas Matson 37-539D.
 4. Transfer 3551 created a POD in the NENESW of section 3. The POD is a pump and sprinkler system from East Fork River. The claimant for this diversion is Craig Brandman 37-539J.

- The original Place of Use historically irrigated is depicted on the attached map-*page 5*. Also outlined on the attached map is the ditch system in which we examined and verified with original owner Rupert House before the subdivision existed. The POU outlined in green was irrigated by this irrigation system. Note that the northern areas of the subdivision as well as along the East Fork River are riparian areas and have not historically been irrigated by the 1884 decree.
- The attached map-*page 6* depicts claimants of the 1884 decree by individual owners in association with the historically irrigated ground. Notice the remaining portion of the historic irrigation depicted in green is what the homeowners association wishes to claim.
- There is currently a delivery system through ditches and laterals in which water can be delivered to the claimants listed on *page 6*. However there is no current means of deliverance for the remaining portion for individuals of the Hyndman Peak Homeowners Association though there may have been historically. It appears that a delivery system ended sometime in the late-1980's due to subdivision development.

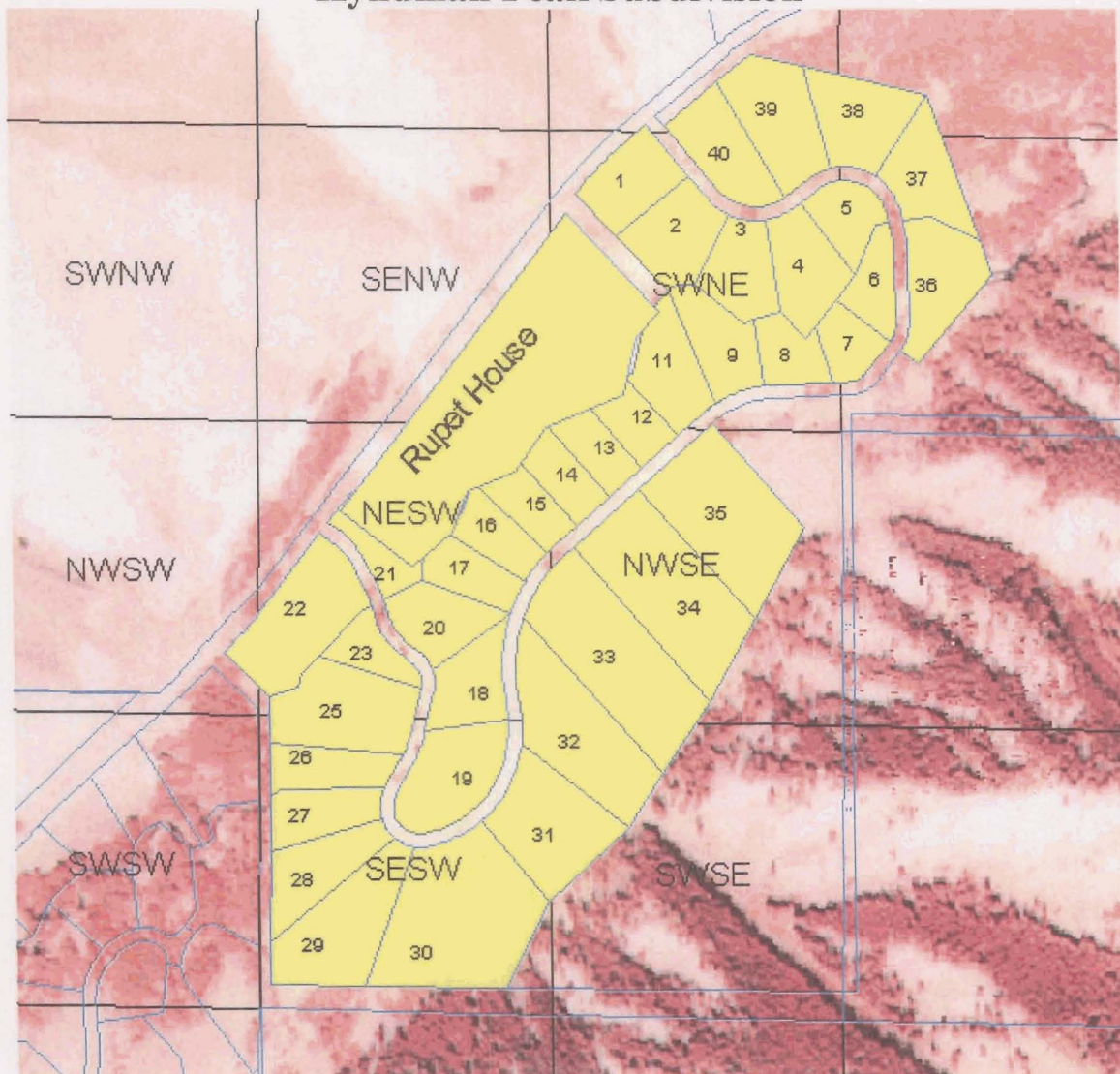
In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:

- Upon field examination there were found 2 large ponds on lot 34 of the Hyndman subdivision owned by Robert Mitchell. The 2 ponds together measure approximately 0.75 acres. The 2 ponds are situated directly behind the Mitchell residence. The source of water for these ponds is the East Fork River with the POD in the SENE of section 3. A third pond was also found in lot 33 for the same owner. The pond was being dug as we visited the location but did not yet contain water. This pond will receive water through a drain ditch originating from the first two ponds. It does not appear the ponds are being used in conjunction with irrigation. I met with Dr. Mitchell during our visit. He indicated that the first two ponds were built in the early 1990's. It is confirmed that the ponds did not exist in the 1987 Napp Arial Photography. All three ponds have no transfers filed. (See photos in claim 37-539I)
- During the field visit, we noticed that a large percentage of the lots have sprinkler irrigation on more than the ½ acre allowed under their Domestic wells. Most individual owners are sprinkler irrigating 2-3 acres of pasture, yard and trees from domestic wells. Among the 40 lots in the Hyndman Peak Subdivision, there are two homeowners who have been licensed for groundwater with the purpose of irrigation. The water rights are 37-8567 for Craig Brandman and 37-8421 for Shawn Szombathy. These are the only two owners in the sub-division who are

authorized to irrigate more than a ½ acre in the subdivision. (See photos in 37-539G)

- The Hyndman Peak Homeowner's Association, claim 37-539G, currently has no means of delivery for its members from the claimed POD in the SENE of section 3. The members of the association are spread throughout the subdivision with no organized delivery system. Historically before the subdivision was built, it does appear these lots of the members of the association were irrigated. The subdivision was constructed in the late-1980's. During the construction of the Subdivision, many ditches and laterals were filled in making it impossible to currently irrigated from the claimed POD.

Hyndman Peak Subdivision

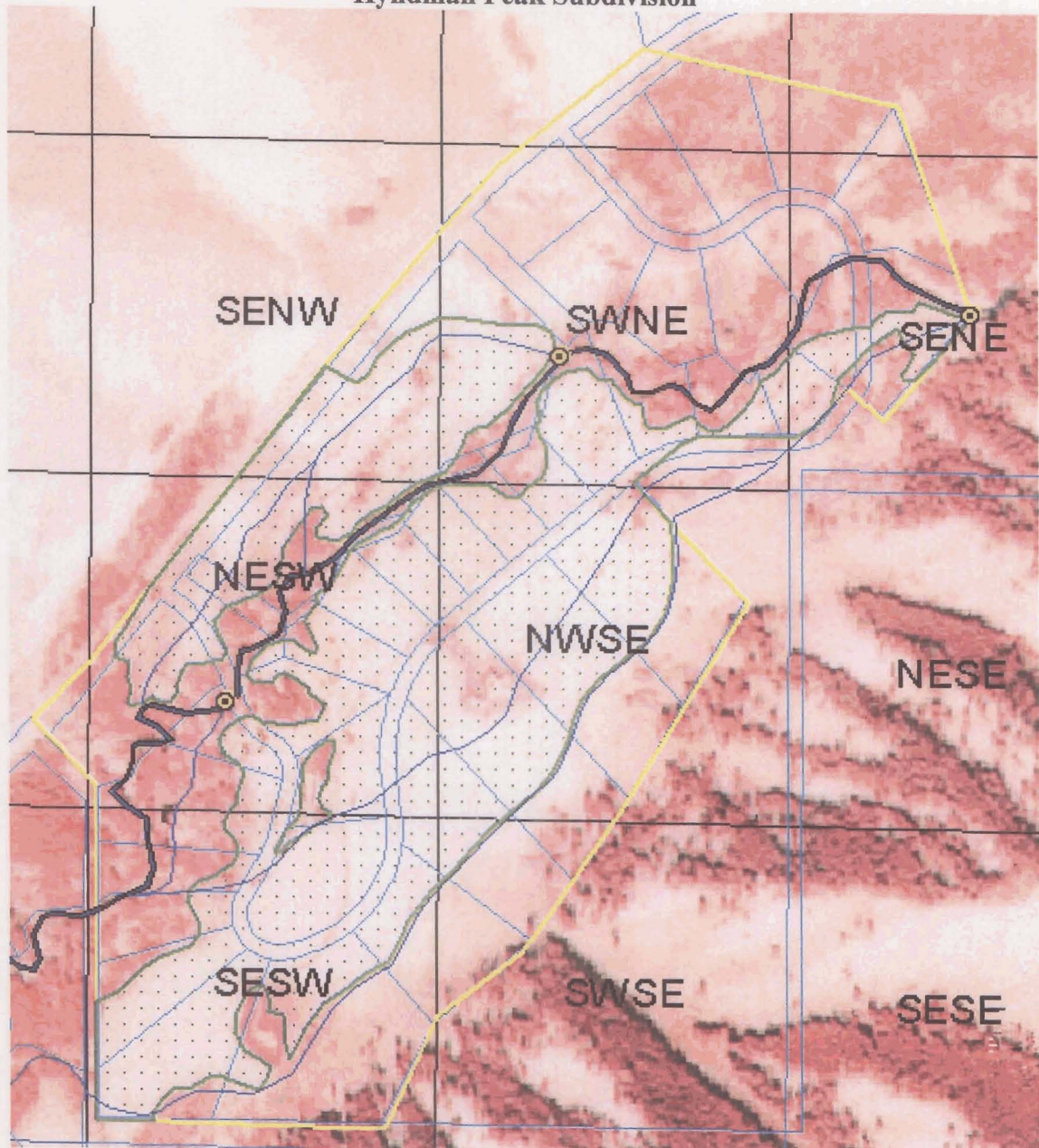


1- Bennett
 2- Berman
 3- Danielson
 4- Kosmos
 5- Papworth
 6- Hyndman Peak
 7- Flammer
 8- Naeve
 9- Devens
 11- Bass
 12- Bass
 13- Mitchell
 14- Brandman

15- Brandman
 16- Swigert
 17- Swigert
 18- El Camino(Mitchell)
 19- El Camin (Mitchell)
 20- Exchange LLC
 21- Bontrager, Lynn
 22- Bontrager, Carl
 23- Matson
 25- Matson
 26- McCaw
 27- Porter
 28- Porter

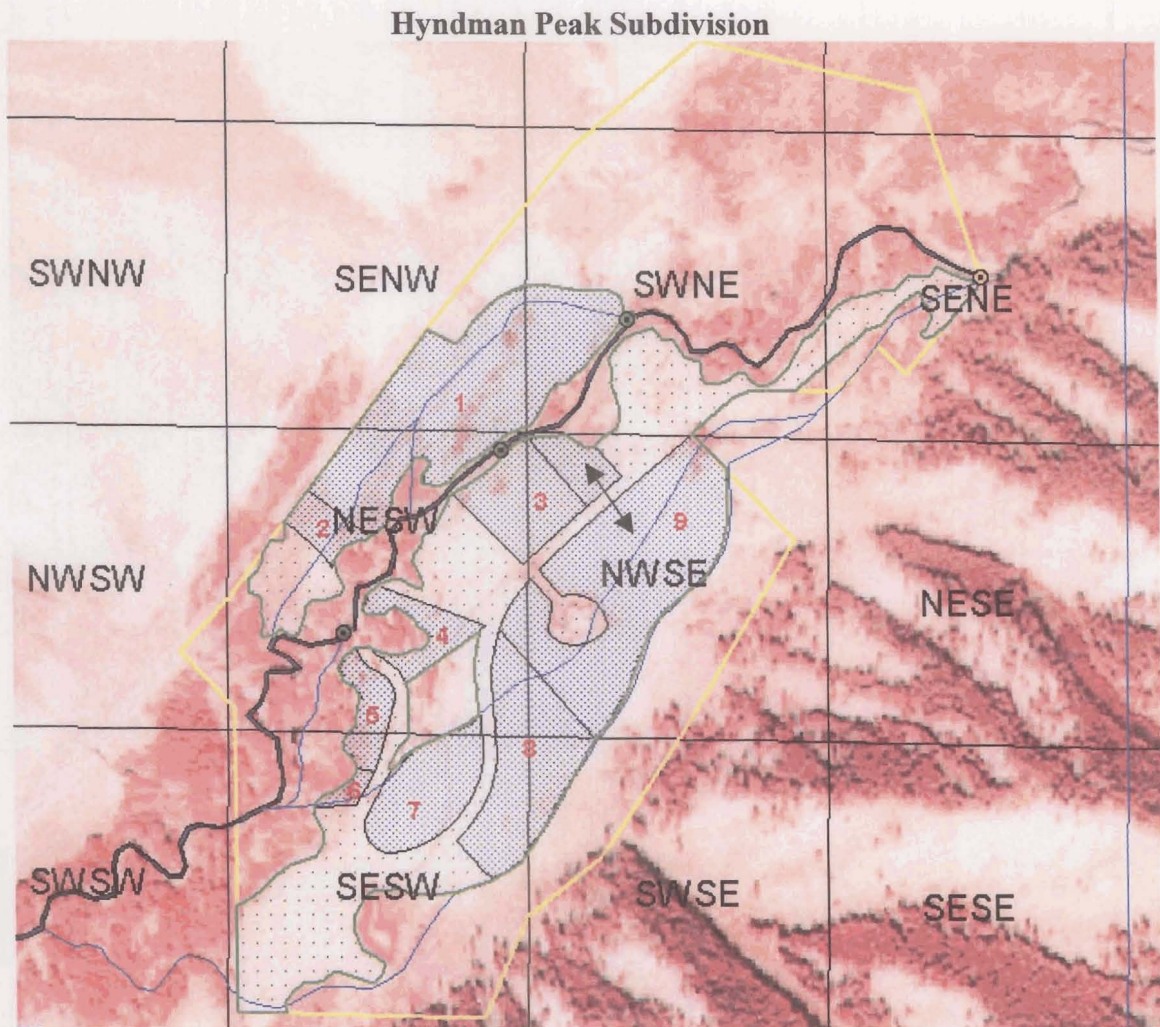
29- Porter
 30- Szombathy
 31- Mitchell
 32- Mitchell
 33- Mitchell
 34- Mitchell
 35- Mitchell
 36- Boxall
 37- Latrobe
 38- Latrobe
 39- Chivvis
 40- Chivvis
 House, Rupert

Hyndman Peak Subdivision



1987 Napp Aerial Photography

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



1987 Napp Aerial Photography

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

Claimants on June 03, 1884 East River Decree

- | | |
|------------------|-------------------|
| 1 Rupert House | 6 Bruce McCaw |
| 2 Carl Bontrager | 7 Robert Mitchell |
| 3 Craig Brandman | 8 Robert Mitchell |
| 4 Paul Carson | 9 Robert Mitchell |
| 5 Thomas Matson | |

Note: Hyndman Peak Homeowners Association claims the remaining *historically irrigated* land that is not claimed by the claimants above in the NESW, NWSE, SESW

Hyndman Peak Subdivision



2004 Aerial Photography

-  Subdivision Boundary
-  Blaine County Taxlots

Split Tree
37-539
3.0 cfs

Prepared by:
Nick Treasure
August 2005

T3291

37-539A
2.6 cfs 42ac

T3280

37-539D
0.41 cfs 6.65 ac

AJ 37-539D
0.41 cfs

Matson

0.26 cfs
4.3 ac.

37-539E
2.04 cfs 33 ac

T3551

37-539G
1.89 cfs 30.5ac

T4671
Recommended for
Disallow

Water Right

37-539C
2.19 cfs 35.35ac

T3332

37-539F
0.15 cfs 2.36 ac

AJ 37-539F
0.15 cfs

McCaw

0.08 cfs
1.3 ac

37-539H
0.16 cfs 2.5 ac

AJ 37-539J
0.16 cfs

Brandman

0.15 cfs
2.5 ac

Adjudication
claim

Recomm-
endation

37-539B
0.4 cfs 12 ac

T5318

37-539J
0.33 cfs 10ac

AJ 37-20379
0.33 cfs

House

0.33 cfs
10.0 ac.

37-539K
0.07 cfs 2ac

AJ 37-20380
0.07 cfs

Bontrager

0.07 cfs
2.0 ac.

37-539L
0.29 cfs 4.2ac

Mitchell

0.30 cfs
8.0 ac.

37-539H
0.88 cfs 12.3ac

Mitchell

0.53 cfs
14.1 ac.

37-539I
0.27 cfs 4.4ac

Mitchell

0.15 cfs
4.0 ac.

37-539k
0.06 cfs 1ac

Carson

0.06 cfs
1.0 ac.

37-539G
0.71 cfs 11.6 ac

Hvndamn Peak Sub.

0.85 cfs
22.4 cfs

Notes

07/06/05

Field Examination:

Nick Treasure

Met with Dr. Mitchell informally during the course of this field examination. There are 4 lots included in this claim including lots 13, 33, 34, 35. of Hyndman peak subdivision. Dr. Mitchell does agree with the 14.1 acres which were claimed, in 1988.

He believes that there was no historical Irrigation on lot 13, but may have been. After visiting with original owner Rupert House and examining the lots, I determined that historically, as outlined on attached maps, there were a series of ditches and laterals from existing POD on lots 33, 34, 35.

However there has arose the following issues.

- ① In Accordance to the claim, Lot 13 has no physical way to get water from claimed POD. Lot 13 appears to be under sprinklers from an unidentified well.
- ② ~~Dr. Mitchell believes there are 2 acres in each of lots 33, 34, 35. Claimed Pond is 4.4 Acres. Claim will have to be amended to change acreage of Pond if this is the case. I personally found via GIS/field exam that there are approx 14-15 Acres total in all three lots that could have been watered historically. However I am not positive of a 5 year non-use for forfeiture prior to 1987. Both Mitchell and Mr. House believe it to be watered through the the 1980's.~~
- ③ I found approx. 2.5 acres of yard around the house plus 280 feet of trees along Road to be watered from a domestic well. I did see a current pump systems from the ponds, which water the 2.5 acres and the pond.

Notes

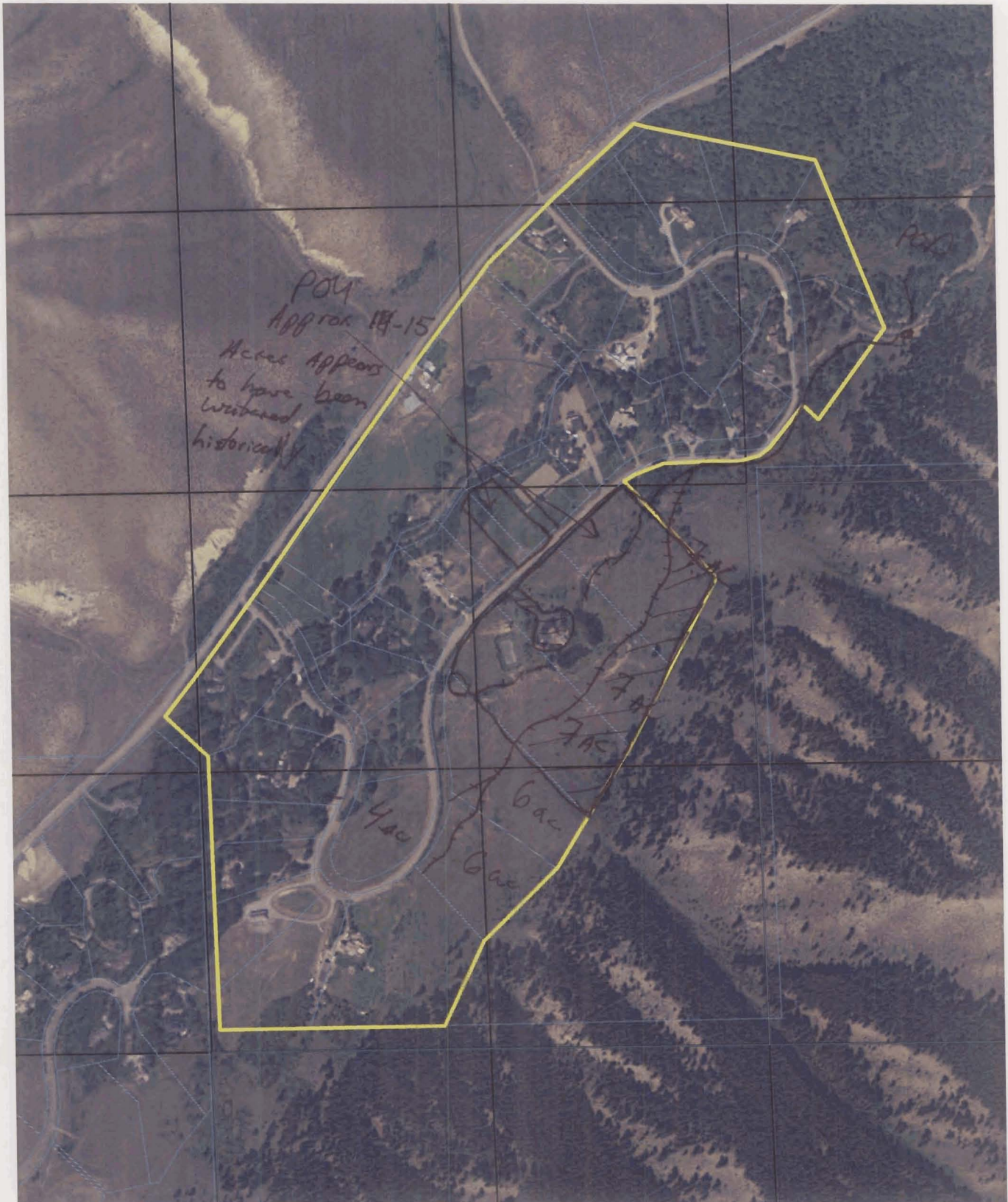
07/06/05
cont.

(4) There are two large ponds behind the Mitchell residence that together are approx. 1000 ft in circumference. These two ponds are located in lot 34. During my visit I noticed a 3rd pond in lot 33 which they had just started digging. Dr. Mitchell mentioned the 2 ponds in lot 34 were put in behind the house in 1991-1992. All three of these ponds do not have Transfers filed and were all three put into Aesthetic purposes after 1987. Therefore Aesthetics can not be recognized as claimed. Claimant Needs to file a Transfer on these ponds. The source of water for these ponds comes from claimed POD of the East Fork River.

08/01/05

- Robert Mitchell came into the office today to clarify some of the above mentioned issues.
- Under the SRBA, there will be no forfeiture of water because it was irrigated between 1982-1987.
 - Pond #2 (lot 34) is being pumped out of to irrigate a series of trees along the Road along lots 18, 19, 31, 32, 33, 34, 35 and also 2+ acres of yard around house on lot 34. I did have Mitchell meet with Corey Skinner to begin the allocations process to try to file a Transfer on these unrecorded ponds.

Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

Twps 03N Rng 18E Secs 3



(4/8)

PLAT SHOWING
HYNDMAN PEAK SUBDIVISION

BLAINE COUNTY, IDAHO
OCTOBER, 1980

PLACE OF
USE

CURVE TABLE

[illegible]

NOTES:

1. A 10' wide Fisherman's Easement along the banks of the East Fork Big Wood River is reserved for the public within the Common Area.
2. All structural loads shall situate the top of foundation wall 2 feet minimum above the 100 year floodplain elevation at the designated building envelope.
3. All natural drainage channels shall be maintained.
4. The avalanche danger area designated on the Hyndman Peak Subdivision Plot is considered by the owner and Adams County responsible for regulatory purposes. However, as per the owner map Spring County represents, prohibits, with a or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.

SAWTOOTH ENGINE,
CONSULTING ENGINEER;
KETCHUM, IDAHO

PAGE 1 OF 8
 FORMATION PLAN SUBDIVISION

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESPOOR ORIGINAL
Transfer No. 3351

AUG 21 1989

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Southern Region Office

APPROVED

Name of applicant Dr. Craig Brandman and/or Deleys Brandman Phone 208-726-4421Post Office address c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum,
ID 83340

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 Original place of use has been subdivided and ditch no longer available to transport water to 2 lots purchased by Applicant in subdivision.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-00539E</u>	<u>June</u>	<u>3,1884</u>	<u>0.155 cfs</u>	<u>irrigation</u>
				<u>April 1</u> to <u>Nov. 1</u>
				to _____
				to _____

* As per telegram w/ Jim Johnson, S.O. 4-28-89

2. Total amount of water being transferred 0.155 cubic feet per second and/or _____ acre-feet per annum.3. Source of water East Fork of Big Wood River tributary to Big Wood river

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SW	3	3N	18E	Blaine	None

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	3									1.5					1.0			2.5

MICROFILMED
OCT 24 1994Total acres 2.5

37-00539E T 3351

PART 1

6. General Information:

- a. Description of diversion system pump in creek to underground, residential sprinkler system

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ 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:

N/A

- d. Remarks:

See attached subdivision map for greater detail on P/D and P/U -
Lots 14 & 15, Hyndman Peak Subdivision

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0539H

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

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this

28th

day of

July

MICROFILMED

OCT 24 1989

, 19 89

A. Glen Saxton
Chief, Water Alloc. Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 37-0539E Decreed to Lyman C. Peters
in case of S.C. Frost, et al vs. Alturus Water Co., Et Ux
dated December 13, 1909 in Lincoln county of _____

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. ~~2297~~ * Per telecon Jim Johnson 4-28-89 which produced this right.

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

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

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

4. Date or priority June 3, 1884

5. Water is used for the following purpose:

amount 2.04 cfs for irrigation purposes from April 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 2.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

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	
3N	18E	3			4						9					20			33

MICROFILMED

OCT 24 1994

Total acres 33

9. Describe any other water rights used for the same purpose as described above None

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.155 cfs for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

3. 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	
3N	18E	3									1.5					1.0			2.5

Total acres 2.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.885 cfs for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	3N	18E	Blaine	Peters #17 Headgate

3. 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	
3N	18E	3			4						7.5					19			

Total acres 30.5

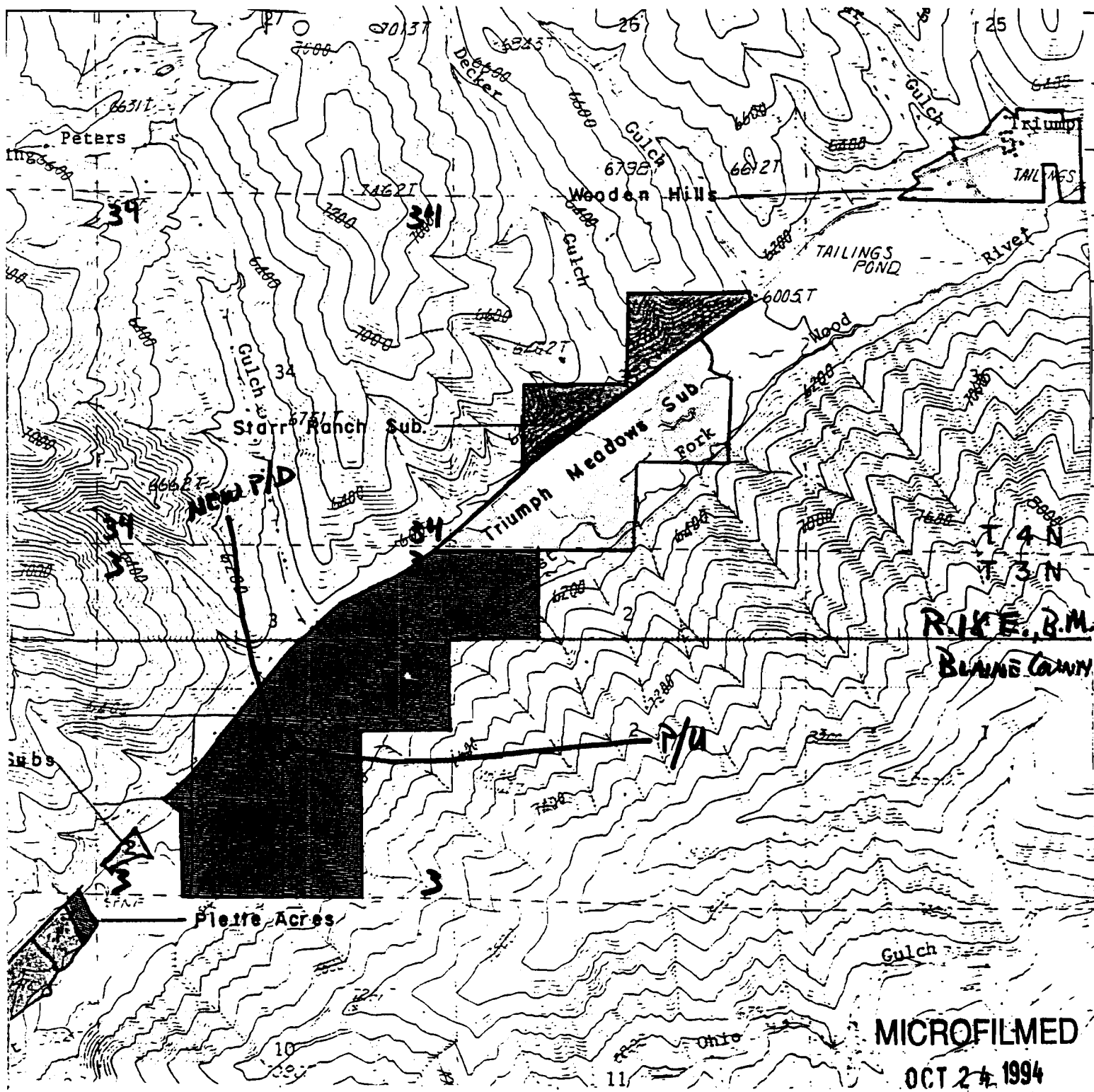
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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



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.

Dr. Craig Brantman, by
James P. Seely, his attorney in fact
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of January, 19 89.

John A. Latham
(Notary Public)

My commission expires Jan. 13, 1995

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments

Received by T. Jasper Date 2/1/89 Protest filed by _____

Prelim. check by IRI Fee 5006255 2/8/89

Receipted by JS Date 2/8/89

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 4/26 & 5/3/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 4/17/89 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by SA Jim Gary

Copy of transfer sent to lien holder _____

MICROFILMED
OCT 24 1994

21-Aug-1989

Reid J. Newby
Box T
Shoshone, Idaho 83352

Dear Reid,

Irrigation District # 37

PERMIT NO.: 37-00539E Transfer no. 3551

Please find attached copy of approved application for transfer of water right from the State Office in favor of Dr. Craig Brandman and or Deleys Brandman for you information and further handling.

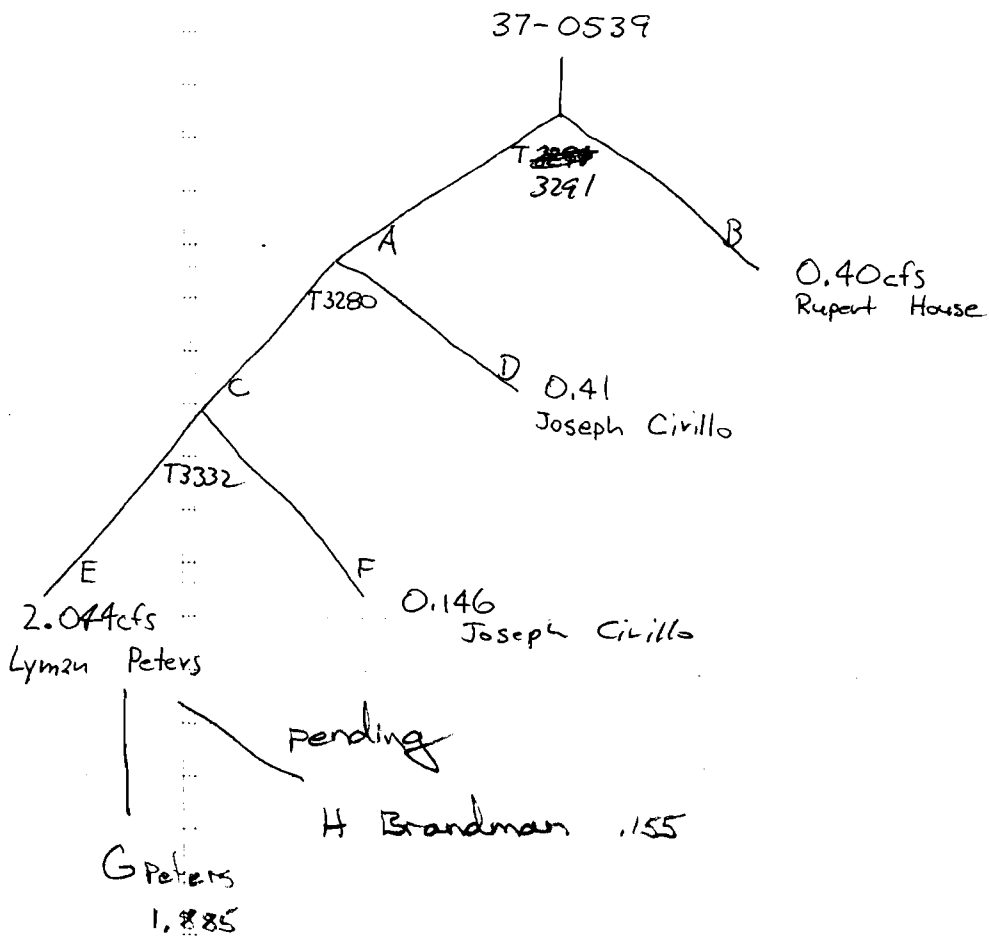
Please note section titled "Action of the Director, Department of Water Resources" items 1 & 2 for your information.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:LP

MICROFILMED
OCT 24 1994



37-00539 (ALL)

MICROFILMED

OCT 24 1994

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5318
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 02/22/99

37-00539 is over-claimed through the adjudication process however based upon a memo dated October 20, 1995 in transfer file 4671 a significant portion of the base right appears to be forfeited based upon non use. The current allocation rights and related adjudication claims are;

37-00539B	0.40	cfs	A37-00539B	claimed in full
37-00539D	0.41	cfs	A37-00539D	claimed in full
37-00539F	0.155	cfs	A37-00539F	claimed in full
37-00539H	0.155	cfs	A37-00539J	claimed in full
37-00539G	<u>1.88</u>	<u>cfs</u>	A37-00539G	(.714 cfs claimed)
total	3.00	cfs	A37-00539H	(.880 cfs claimed)
			A37-00539I	(.274 cfs claimed)
			A37-00539K	(.062 cfs claimed)
			A37-00539L	<u>(.290 cfs claimed)</u>
			total	3.335 cfs (claimed)

Adj claim suffixes 'G', 'H', 'I', 'K', and 'L' are all apparently against the base right 37-00539G.

The place of use prior to transfer is for ground outside the Hyndman Peak Subdivision and two acres are being transferred onto lot 21 of that subdivision. Claim A37-00539G includes lot 21 as a portion of the place of use. Also attached to that claim is a quitclaim deed releasing water rights appurtenant to lot 21 to the Homeowner's association. That Deed was signed by Robert Brennan. As the applicant is asserting that lot 21 is currently dry, this gives weight to the memo indicating

that much of the original place of use is no longer irrigated.

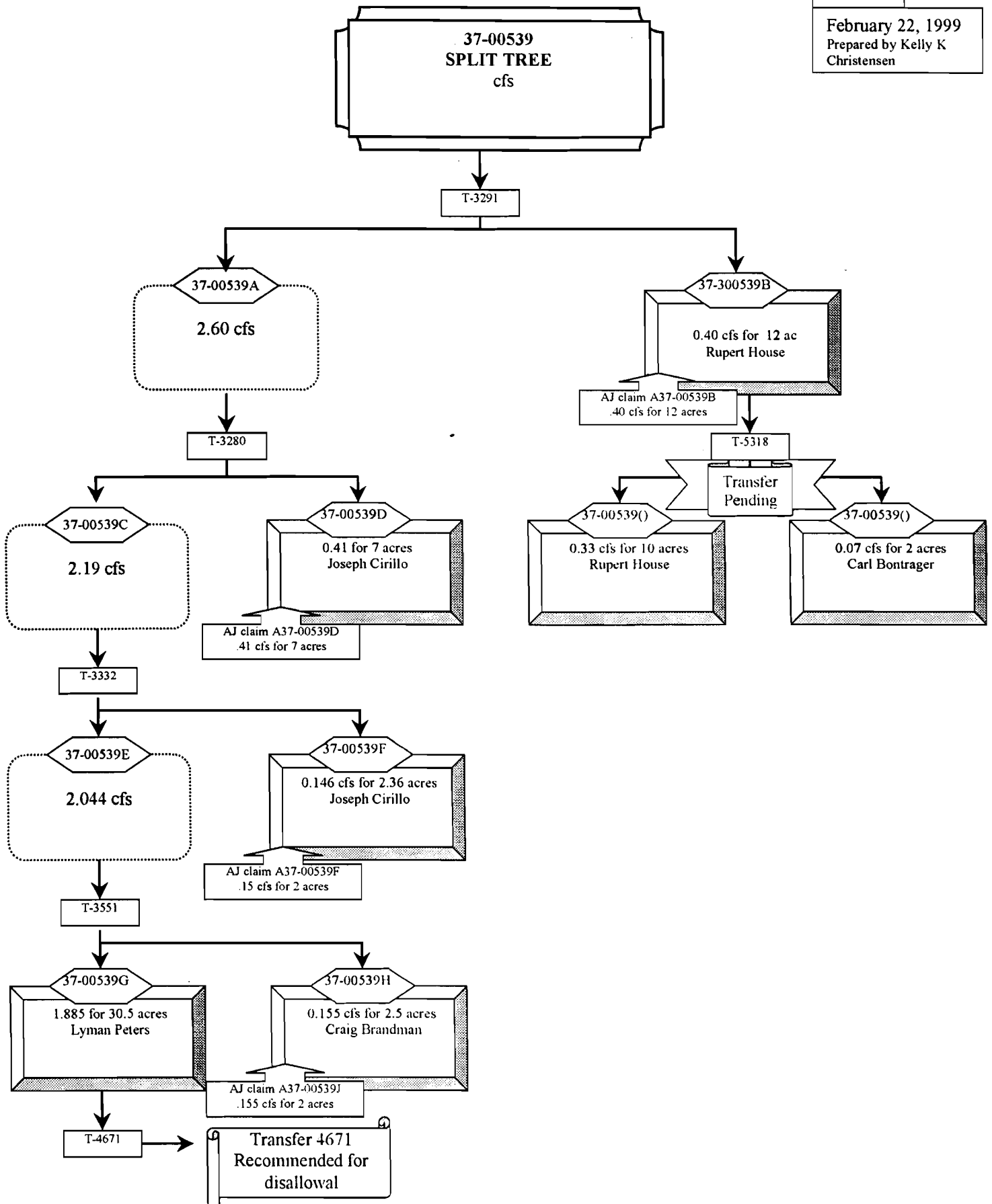
The letter to the file from Water District NO 37 & 37M dated October 18, 1995 indicates that the ownership of the place of use covered by this transfer has been one of the few consistently delivered portions of the base right.

I, therefore, am accepting the analysis developed by Corey Skinner as being acceptable for adjudication purposes.

As this transfer will split A37-00539B, I recommend that the suffix assigned to the allocations records recognize the adjudication suffixes already assigned which would allow the adjudication claim split match the allocations assigned suffixes.

See attached split tree for 37-00539.(allocations rights)

February 22, 1999
Prepared by Kelly K
Christensen



FROM: Allen Merritt *AM*

DATE: October 20, 1995

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

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

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

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

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

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

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

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

37-00539 K, T #4671

not make sense with the record of water rights. On 9/2/1994 a replacement transfer application was filed for Richard Porter by a different attorney, Richard Burleigh. This application is numbered #4671 and subject of this memo. With the new application there were documents filed to attempt to show more acres were irrigated than the department has been tracking as based on Jim Stanton's original estimate.

On 10/17/95 I called the watermaster's office and talked with Norma Peterson. As a result of our conversation she went back into her records and prepared the attached letter describing the delivery of the right back to 1980. In reviewing this letter it appears clear and convincing to me that the portion of the right subject of Transfer #4671 has not been used for 10 years.

Based on this I recommend the transfer be **disallowed**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

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

RECEIVED
OCT 18 1995
Department of Water Resources
Southern Region



LEE R. PETERSON
Watermaster

Alan Merritt
State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

October 18, 1995

Alan:

The following is a list of owners of water right 37-0539 of 150 inches and the use record for that right. By using the past Watermaster's work sheet I was able to go back as far as 1980.

Year	Owner	Inches Owned	Used
1980	Robert Brennan	130.00	no
	Rupert House	20.00	no
1981	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1982	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1983	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1984	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1985	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1986	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1987	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	yes
	Rupert House	20.00	yes
1988	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	no
	Rupert House	20.00	yes

Years on how-use

1 1

2 2

3 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

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



LEE R. PETERSON
Watermaster

Page 2

1989	Robert Brennan	94.45	no	4	
	Joeseeph Cirillo	27.80	yes		
	Dr. Craig Brandman	7.75	no		4
	Rupert House	20.00	yes		
1990	Robert Brennan	54.01	no	5	
	Bruce McCaw	27.80	yes		
	Dr Craig Brandman	7.75	no		5
	Robert Mitchell	40.44	no		
	Rupert House	20.00	yes		
1991	Robert Brennan	54.01	no	6	
	Bruce McCaw	28.50	yes		
	Dr Craig Brandman	7.75	no		6
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1992	Robert Brennan	54.01	no	7	
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		7
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1993	Robert Brennan	54.01	no	8	
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		8
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1994	Robert Baugh	10.85	no	9	
	Hyndman Homeowners	43.16	no		
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		9
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1995	Robert Baugh	10.85	no	10	
	Hyndman Homeowners	43.16	no		
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		10
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

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



LEE R. PETERSON
Watermaster

Page3

In way of explanation for non-use of some portions of this water right. Robert Brennan is a developer, his practice is to buy up land and water rights. As a rule he never uses the water. He then develops the land, sells off parcels and the water right may or may not be used by the new owner. Mr. Brennan has held more water rights in non use situations and has caused much controversy because of this practice.

I hope you find this information useful. If there is anything further we can do to be of help please let us know.

Sincerely,

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

Norma Peterson
Secretary/Treasurer