



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION
February 19, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**JAMES P SPECK
HOGUE SPECK & AANSTAD
PO BOX 987
KETCHUM ID 83340**

**RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A37-12818C AND
A37-12818D**

Dear Jim

Enclosed is a copy of the claims with the corrected place of use for each claim. A37-12818C has had the ownership changed to Jim Kukurin. The changes were made based upon the correction quitclaim deed and ownership forms submitted. I have noted in remarks the respective subdivision lots that each right is currently appurtenant.

I have reviewed transfer 5299 and have signed off and sent it to the State Office for their review.

Also enclosed are two pages summarizing my actions and review of the transfer application.

If you have any additional, questions please call this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures

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: **A37-12818C**

Date Received: 2/ 3/1989

Receipt No: X777777

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	JIM KUKURIN	702-896-3010
Address:	9055 S DECATUR BLVD	
	LAS VEGAS NV	89139
	AND/OR	
Name:	MICHELLE KUKURIN	702-896-3010
Address:	9055 S DECATUR BLVD	
	LAS VEGAS NV	89139

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	20		SW	NW		BLAINE

5. Description of diverting works:

DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.057		7.28

7. Total Quantity Appropriated is:

0.057 C.F.S. (and/or) 7.28 A.F.A.

8. Total consumptive use is 5.2 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	33	SE	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
NONE

14. Remarks:

THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

CONFORMED ATTORNEY MAILING ADDRESS DMS

THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

4. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE WAS MADE INTO A SPLIT FROM A37-12818B.

A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.

A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES. 6/25/96

14. Remarks: Continued

TLB

PLACE OF USE CORRECTION AND OWNERSHIP CHANGE MADE BASED UPON
CORRECTED QUITCLAIM DEED SUBMITTED BY JAMES SPECK AND KUKURIN.
THE PLACE OF USE IS ALSO KNOWN AS LOT 2 BLOCK 1 BUCKHORN
SUBDIVISION FIRST ADDITION. KKC 2-19-99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST ET. AL.

Decree Plaintiff

ALTURUS WATER COMPANY, ET. AL

vs Decree Defendant

RECEIVED NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

OCT 02 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Department of Water Resources
Southern Region

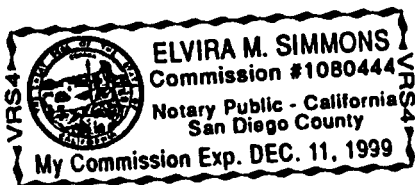
1. Water Right Number(s) 4205
Adjudication Claim Number(s) A37-12818B
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) J. Peter Fitzpatrick
Claire B. Fitzpatrick
4. New Owner/Claimant(s) Jim Kukurin, Michelle Kukurin
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 9055 South Decatur Blvd.
City, State and ZIP Code Las Vegas, NV 89139
New Telephone Number (702) 896-3060
5. Date you acquired the property 10/1/97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. ~~Signature of New~~ Signature of New Owner/Claimant(s) Michelle P. Kukurin Date 9-16-97
Jim Kukurin Date 9-16-97
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Diego
On 9-9-97 before me, Elvira M. Simmons, Notary
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared J. Peter Fitzpatrick
Name(s) of Signer(s)

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed
Document Date: September 2, 1997 Number of Pages: 2
Signer(s) Other Than Named Above: Claire Fitzpatrick

Capacity(ies) Claimed by Signer(s)

Signer's Name: J. Peter Fitzpatrick Signer's Name: _____

- ☒ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN. THIS MAP IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY

POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE DATA COVERED THEREBY.

217017 0-10-80

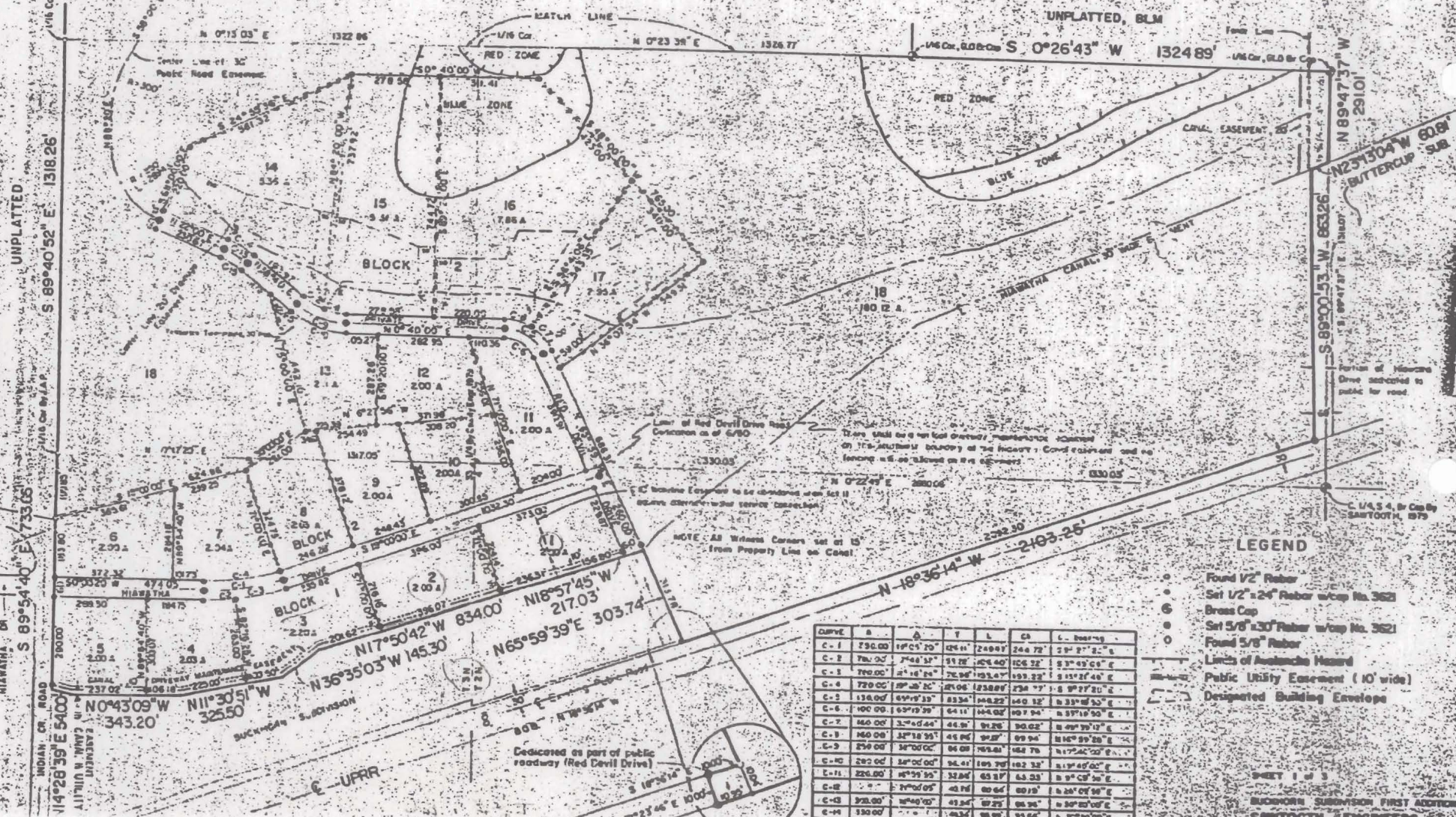
PLAT SHOWING BUCKHORN SUBDIVISION FIRST ADDITION

LOCATED WITHIN S. 4, T.2N., R.18E., & S. 33, T.3N., R.18E., B.M.
BLAINE COUNTY, IDAHO

JUNE, 1980
SCALE IN FEET
0 20 40 60 80

NOTES:

1. No building within 10' radius of 1/4 corner at Lot 10.
2. That part of Red Devil Drive East of the Red-Devil-Hiawatha intersection shall be a private roadway, but the public may utilize Red Devil Drive for access to public lands east of the subdivision.



LEGEND

- Found 1/2" Rubber
- Set 1/2" x 24" Rubber w/cap No. 3621
- Brass Cap
- Set 5/8" x 30" Rubber w/cap No. 3621
- Found 5/8" Rubber
- Lines of Acreage Heard
- Public Utility Easement (10' wide)
- Dedicated Building Envelope

CURVE	B	D	T	L	Cs	L - bearing
C-1	790.00	110°51'20"	124.11	240.00	240.78	2° 27' 21" E
C-2	780.00	7°48'12"	51.78	105.40	105.32	5° 37' 49" E
C-3	760.00	2°16'24"	76.98	103.67	103.33	5° 15' 26" E
C-4	720.00	1°00'00"	41.06	103.88	103.77	5° 00' 00" E
C-5	136.00	6°00'00"	63.34	104.22	104.32	6° 00' 00" E
C-6	100.00	6°00'00"	64.11	104.02	104.94	6° 00' 00" E
C-7	160.00	32°00'00"	46.98	91.28	90.02	32° 00' 00" E
C-8	160.00	32°00'00"	46.98	91.28	90.94	32° 00' 00" E
C-9	290.00	36°00'00"	66.08	104.81	104.78	36° 00' 00" E
C-10	280.00	36°00'00"	66.01	104.78	102.32	36° 00' 00" E
C-11	220.00	45°00'00"	52.86	85.87	85.33	45° 00' 00" E
C-12	220.00	45°00'00"	52.86	85.87	85.33	45° 00' 00" E
C-13	370.00	10°00'00"	41.34	87.25	86.96	10° 00' 00" E
C-14	330.00	10°00'00"	41.34	87.25	86.96	10° 00' 00" E

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: A37-12818C
Date Received: 2/ 3/1989
Receipt No: X777777
Received By: *CJC split*
AKB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J PETER FITZPATRICK 619-431-2665
Address: 7511 GILBRALTER STREET
CARLSBAD CA 92009
AND/OR
Name: CLAIRE B FITZPATRICK 619-431-2665
Address: 7511 GILBRALTER STREET
CARLSBAD CA 92009

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	20	SW	NW			BLAINE

5. Description of diverting works:

DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.057		7.28

7. Total Quantity Appropriated is:

0.057 C.F.S. (and/or) 7.28 A.F.A.

8. Total consumptive use is 5.2 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	4	NE NW		IRR	2.0
Section Acres						2.0
Total Acres						2.0

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:
NONE

14. Remarks:

THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

CONFORMED ATTORNEY MAILING ADDRESS DMS

THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

4. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE WAS MADE INTO A SPLIT FROM A37-12818B.

A37-12818C BELONGS TO FITZPATRICK WITH .057 CFS AND 2 ACRES.

A37-12818D BELONGS TO CORIELL WITH .053 CFS AND 2 ACRES. 6/25/96

14. Remarks: Continued
TLB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST ET. AL.
Decree Plaintiff

ALTURUS WATER COMPANY, ET. AL
vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: _____

JUN 10 1996

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E
Section 20, SW 1/4 of NW 1/4 of 1/4 Govt. Lot _____ Department of Water Resources
Lot _____, Block _____, Subdivision/Townsite _____ Southern Region
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A37-12818C

☐ Name and Address of Former Owner/Claimant(s)(Seller): J. Peter Fitzpatrick & Claire B. Fitzpatrick
7511 Gibraltar St., Carlsbad, CA 92009

☐ New Owner/Claimant (Purchaser): Randy E. Coriell and/or Teresa B. Coriell

☐ New Mailing Address: P.O. Box 760
Hailey, ID 83333

☐ New Telephone Number: (208) 788 - 3549

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Original rights of .106 cfs -- Split results in .053 cfs each

☐ Attach proof of ownership, describe proof attached: Quitclaim Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Randy Coriell Date 5/29/96

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 28 1996

RECEIVED

Coriell

JUN 10 1996

Department of Water Resources
Southern Region

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

JUL 12 1995

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

Hogue, Speck & Aaneastad
RECEIVED

JUL 25 1995

Hogue, Speck & Aaneastad

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, husband and wife, whose current mailing address is 7511 Gibraltar Street, Carlsbad, CA 92009 (hereinafter collectively referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto RANDY E. CORIELL and TERESA B. CORIELL, husband and wife, whose current mailing address is Post Office Box 760, Hailey, ID 83333 (hereinafter collectively referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises situated in Blaine County, Idaho, to wit:

0.053 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-00577 and Claim No. A37-12818 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576, used for the irrigation of two (2) acres on Lot 2, Buckhorn Subdivision, First Addition, Blaine County, Idaho, pursuant to approved Transfer No. 4205.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

IN WITNESS WHEREOF the undersigned have executed this Quitclaim Deed on the dates set forth below:

DATE:

7/7/95

J. PETER FITZPATRICK

DATE: July 7, 1995

Claire B Fitzpatrick
CLAIRE B. FITZPATRICK

STATE OF California

County of San Diego)
SS.

On this 7th day of July, 1995, before me the undersigned notary public in and for said state, personally appeared J. PETER FITZPATRICK and CLAIRE B. FITZPATRICK, known ~~or identified~~ to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Joan O'Donnell
Notary Public for CALIFORNIA
Residing at : 420 Smilax Rd San Marcos Ca
Commission Expires: 1/10/97

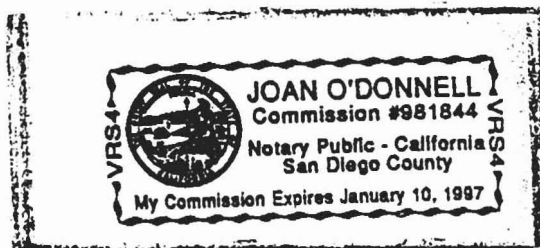
380404

BLAINE CO. REQUEST
OF: Ague, Spach et al

'95 JUL 21 PM 2 39

MARY GREEN, CLERK us

FEES \$ 6.00 Deel



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

CIVIL CASE NUMBER: 39356

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

Ident Number A37-12818B

Date Received _____

Receipt Number _____

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

RECEIVED

JAN 21 1996

Department of Water Resources
Southern Region

1. Name of Claimant(s): J. Peter Fitzpatrick and/or Claire B. Fitzpatrick
Phone: 1-619-431-2665
Mailing Address: 7511 Gibraltar St.
Carlsbad, CA 92009

2. Date of Priority: March 24, 1883

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

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
3N	18E	20		SW	NW		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: Diversion dam & headgate, Hiawatha Canal, pump in canal.

COPY

NOV 28 1996

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 15	October 15	0.053 cfs

7. Total Quantity Claimed: 0.053 cfs

8. Total consumptive use claimed is 5.0 acre feet per annum.

9. Non-irrigation uses:

10. Place of use:

			<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
3N	18E	33					2												2
TOTALS																			2.0

11. Place of use is located in Blaine County.

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

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

14. Remarks: Claim is for a portion of 37-00577 originally decreed to W.T. Riley. The right was originally split by Transfer 4205. A portion of the right as transferred has now been sold to Randy & Teresa Coriell who will file an Amended Notice of Claim for that portion. This Amended Notice of Claim is for the remaining portion.

Last Name: Fitzpatrick
F:\WPDATA\SRBA\FITZPATR\12818B.37

COPY

Ident No. A37-12818B
11/29/95

NOV 28 1996

15. Basis of Claim: Decree

IDWR Water Right Number: 37-00577

Court:

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant: S.C. Frost et al. v. Alturus Water Company, et ux.

16. Signature(s)

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

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____

J. PETER FITZPATRICK

Date

12/18/95

State of California

County of San Diego ss.

Subscribed and sworn before me this 18th day of December, 1995

Notary Public for California

Residing at San Marcos, CA

Commission Expires 1/10/97

Joan O'Donnell



Last Name: Fitzpatrick

F:\WPDATA\SRBA\FITZPATR\12818B.37

COPY

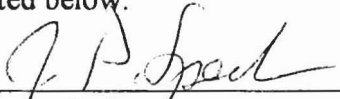
Ident No. A37-12818B

11/29/95

NOV 28 1996

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: 

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

Date: 12/22/95, 1995.

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: A37-12818B
Date Received: 2/ 3/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J PETER FITZPATRICK 208-726-4421
Address: C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

AND/OR

Name: CLAIRE B FITZPATRICK 208-726-4421
Address: C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	20	SW		NW		BLAINE

5. Description of diverting works:
DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.110		14.00

7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) 14.00 A.F.A.

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	4	NE	NW		IRR	2.0
						Section Acres	2.0
03N	18E	33	SE	SW		IRR	2.0
						Section Acres	2.0
						Total Acres	4.0

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:
NONE

14. Remarks:

THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

CONFORMED ATTORNEY MAILING ADDRESS DMS

THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
4. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST ET. AL.
Decree Plaintiff

ALTURUS WATER COMPANY, ET. AL
vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 3/15/93

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E
Section 33, 1/4 of NE 1/4 of NW 1/4, Govt. Lot , BM.
Lot 2, Block, 1, Subdivision/Townsite Buckhorn.

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number(s) A37-12818
Assigned by IDWR: _____

[X] Name and Address of Former Owner/Claimant(s)(Seller): Marathon Partners
c/o Edmund Dumke, P.O. Box 3118
Ketchum, ID 83340

[X] New Owner/Claimant (Purchaser): J. Peter and/or Claire B. Fitzpatrick

[X] New Mailing Address: 7511 Gibraltar Street
Carlsbad, CA 92009

[X] New Telephone Number: (619) 431-2665 436-3115

[X] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

A portion (.106 cfs for the irrigation of 4 acres) of the right was

transferred to the new owners pursuant to Transfer 4205. A portion of the

transferred right (.053 cfs for the irrigation of 2 acres) has been sold to

Randy & Teresa Coriell, leaving .053 cfs for the irrigation of 2 acres held

[X] Attach proof of by Fitzpatrick.

ownership, describe Deed from Pacesetter Development Co. to Edmund and Susan Dumke;
proof attached: Warranty Deed from Dumke to Marathon Partners; Quitclaim Deed from

Marathon Partners to Fitzpatrick.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[X] Signature of New Owner/Claimant(s) Claire B. Fitzpatrick Date 1/12/96

[] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 28 1996

Form 42-1409(a)

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

J. Peter Fitzpatrick and/or Claire B. Fitzpatrick

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below:

James P. Speck

Hogue, Speck & Aarstad, P.A.

P.O. Box 987

Ketchum, Idaho 83340

Attorney's Phone 208-726-4421

RECEIVED
JAN 11 1996
Department of Water Resources
Southern Region

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

For Individuals:

Authorized signature(s) Date 12/14/95

[Signature]

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:

Date Received 2/2/96Data Entry [Signature]

Revised Date 4-03-92

NOV 28 1996

FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004230683 MAR 07 2007
\$ 00.870
MAILED FROM ZIP CODE 83702

RECEIVED
MAR 22 2007
DEPARTMENT OF
WATER RESOURCES

☒ Forwarding Order Expired
☐ Insufficient Address
☐ Moved, Left No Address
☐ Undelivered ☐ Refused
☐ Attempted - Not Known
☐ No Such Street
☐ No Such Number
Route No. _____ Date _____
City/State _____

37-12818C

2x8

JIM KUKURIN
9055 S DECATUR BLVD
LAS VEGAS NV 89139

12818C
- Fitzpatrick kept lot 1
12818D
- Correll bought lot 2 7/95
A37-12818B split to C&D
Buckhorn Sub
A37-12818B = lots 1 & 2
Transfer 4205
A37-12818B created by
2 ac NE NW
Lot 1 = Sec 4 TAN R18E
2 ac SE SW
Lot 2 = Sec 33 T3N R18E

37-12818
2.72 cfs 103 ac
T-4205

A
2.61 cfs 99 ac
Marathon Partners

B
1.11 cfs 4 ac
T-5299

21112
Marathon Partners
1.419 cfs 54 ac

21113
Red Thornton
.026 cfs 99 ac

21114
Blaine Co School
1.00 cfs 38 ac
use = 01 73

21115
Greg Sturtevant
.079 cfs 3 ac

21116
John MILNE
.026 cfs 1 ac

12818C
.057 cfs 2 ac
Jim K. Ukin

12818D
.05 cfs 2 ac
Marina Parente

02/14/2007

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

RIGHT NUMBER: 37-12818C

NAME AND ADDRESS: JIM KUKURIN
9055 S DECATUR BLVD
LAS VEGAS NV 89139

MICHELLE KUKURIN
9055 S DECATUR BLVD
LAS VEGAS NV 89139

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.057 CFS
7.280 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW 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	0.057 CFS 7.28 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 Lot 3 NENW	0.10	T03N R18E S33	SESW	1.90
--------------------------	------	---------------	------	------

2 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

02/14/2007

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

This right is a split from former right 37-577.

A measuring device and lockable controlling works of a type approved by this department shall be maintained on the diverting works in a manner that will provide the water master suitable control of the diversion.

Place of use is located within Lot 2, Block 1, Buckhorn Subdivision First Addition.

Approval of this transfer No 4205 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Idaho Department of Water Resources

37-12818C



Legend

-  Point of Diversion
-  Place of Use
-  GCDB
-  Section Lines
-  Township Boundaries

1320 0 1320 Feet



GIS Place of Use Presentation
Photography: 2004 NAIP
Data Entry: 02/13/2007
T. D. Baker

12/19/2006

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

RIGHT NUMBER: 37-12818C

NAME AND ADDRESS: JIM KUKURIN
9055 S DECATUR BLVD
LAS VEGAS NV 89139

MICHELLE KUKURIN
9055 S DECATUR BLVD
LAS VEGAS NV 89139

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.057 CFS
7.280 AFY

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.057 CFS
7.28 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 2.00

2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

- + THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. ~~T~~✓
RILEY.
- + THIS RIGHT WAS SPLIT FROM 37-12818 PURSUANT TO APPROVED✓
TRANSFER 4205:
- + 1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY✓
THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
- + 2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A✓
TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE
DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE
WATERMASTER SUITABLE CONTROL OF THE DIVERSION.
- + 3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA
PER ACRE FOR THE LANDS ABOVE.

Quantity →

0040

delete

delete

need to add

4. APPROVAL OF THIS TRANSFER NO 4205 IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

5. THE CHANGE AUTHORIZED BY TRANSFER NO 4205 SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF TRANSFER NO 4205 IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

PLACE OF USE CORRECTION AND OWNERSHIP CHANGE MADE BASED UPON CORRECTED QUITCLAIM DEED SUBMITTED BY JAMES SPECK AND KUKURIN.

THE PLACE OF USE IS ALSO KNOWN AS LOT 2 BLOCK 1 BUCKHORN SUBDIVISION FIRST ADDITION.

X60



Idaho Department of Water Resources

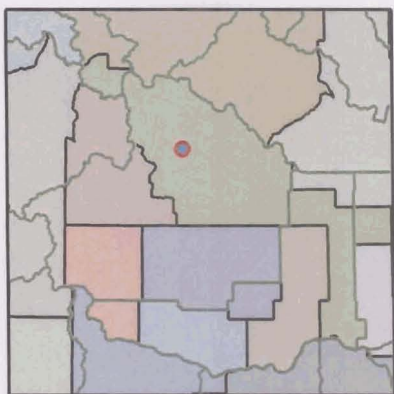
SRBA Recommendation:

37-12818C

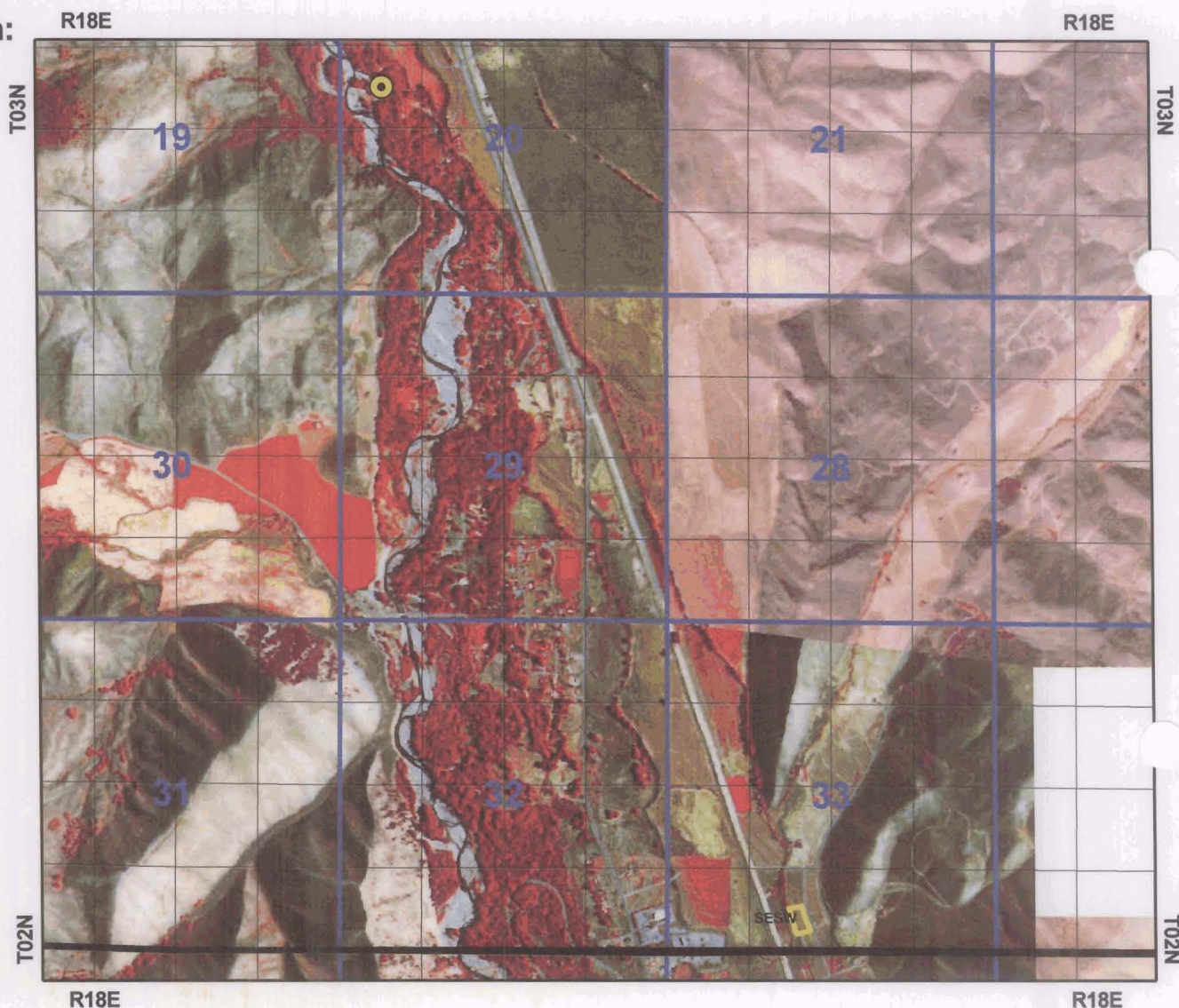
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 1 2 Miles

Prepared by S. Egbert
On Tuesday, December 19, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818C V1

WATER RIGHT NUMBER: 37-12818C V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	J PETER FITZPATRICK 7511 GILBRALTER ST CARLSBAD, CA 92009 (619)431-2665
Original Owner	PACESETTER DEVELOPMENT CO 4540 CAMPUS DR NEWPORT BEACH, CA 92660 (714)852-8600
Original Owner	CLAIRE B FITZPATRICK 7511 GILBRALTER ST CARLSBAD, CA 92009 (619)431-2665
Current Owner	JIM KUKURIN 9055 S DECATUR BLVD LAS VEGAS, NV 89139 (702)896-3010
Original Owner	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	MICHELLE KUKURIN 9055 S DECATUR BLVD LAS VEGAS, NV 89139 (702)896-3010

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.057 CFS	7.28 AF
	<u>Total Diversion:</u>	0.057 CFS	7.28 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818C V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	18E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
																			2.0

Total Acres: 2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

THIS RIGHT WAS SPLIT FROM 37-12818 PURSUANT TO APPROVED TRANSFER 4205:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

4. APPROVAL OF THIS TRANSFER NO 4205 IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

5. THE CHANGE AUTHORIZED BY TRANSFER NO 4205 SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF TRANSFER NO 4205 IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

PLACE OF USE CORRECTION AND OWNERSHIP CHANGE MADE BASED UPON CORRECTED QUITCLAIM DEED SUBMITTED BY JAMES SPECK AND KUKURIN.

THE PLACE OF USE IS ALSO KNOWN AS LOT 2 BLOCK 1 BUCKHORN SUBDIVISION FIRST ADDITION.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 37-12818C V1

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/19/2006 8:21:14 AM	segbert			Active
POD	12/19/2006 8:21:33 AM	segbert			Active
Source	12/19/2006 8:34:38 AM	segbert			Active
POU	12/19/2006 8:34:50 AM	segbert			Active
Use	12/19/2006 8:43:53 AM	segbert			Active
Season	12/19/2006 8:48:07 AM	segbert			Active
Quantity	12/19/2006 8:48:53 AM	segbert			Active
Summary			12/19/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	12/19/2006 8:57:20 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818C V1

General	12/19/2006 8:21:37 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/19/2006 8:21:57 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	12/19/2006 8:34:34 AM	segbert	Updated shape from PLS
Season	12/19/2006 8:48:30 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/19/2006 8:49:17 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
Source	12/19/2006 8:35:02 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12818C V1

POU	12/19/2006 8:35:14 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Summary	11/3/2006 4:57:03 PM	CFRITSCH	Bulk Copy
POU	12/19/2006 8:40:27 AM	segbert	Updated shape for Active POU
Use	12/19/2006 8:44:16 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

Water Supply Bank:

MEMO

TO: 37-12818C & 37-12818D

From: Dave Tutthill

DATE: 10/5/06

RE: Review Notes

My review of these two files results in the following assessment:

- On 10-15-93 Steve ~~Stetteland~~ Clélland recommended that these rights be found to be lost due to abandonment or forfeiture.
- On 10-28-93 Loren Holmes recommends that the S.O. conduct further review, and "if... this is sufficient to prevent a forfeiture, the transfer can be granted" (referring to Transfer # 4205).
- On 3/15/95 Transfer #4205 was issued. ~~While~~ One condition of approval is "Approval of this transfer does not preclude the opportunity for review of the ^{validity of the} water right(s) in the ongoing SRBA. This transfer refers to A37-12818B.
- IDWR subsequently split B into C and D. Part B was for .11 cfs and 14 AF. Part C is for .057 cfs and 7.28 AF. Part D is for .05 cfs and 7.0 AF.
- See the memo in the file from Kelly Christensen dated 2/19/1999. Change these numbers to the 37-30000 series.

 **WATER RIGI**
 -  37-12818.
 -  37-12818A.
 -  37-21112
 -  37-21113
 -  37-21114
 -  37-21115
 -  37-21116
 -  37-12818B
 -  37-12818C.
 -  37-12818D.

37-12818	WRA...	See Rem...		BIG WOOD ...	01	2.72	103
37-12818A	WR...	PARENT	MARATHON PARTNERS; ST...	BIG WOOD ...	01	2.61	99
37-21112	WRA...	Active	MARATHON PARTNERS LLC;	BIG WOOD ...	01	1.419	54
37-21113	WRA...	Active	THORNTON, C ROD;	BIG WOOD ...	01	0.026	99
37-21114	WRA...	Active	BLAINE COUNTY SCHOOL D...	BIG WOOD ...	01 73	1.06	40
37-21115	WRA...	Active	STURTEVANT, GREGG K;	BIG WOOD ...	01	0.079	3
37-21116	WRA...	Active	MILEY, JOHN;	BIG WOOD ...	01	0.026	1
37-12818B	WR...	See Rem...		BIG WOOD ...	01	0.11	4
37-12818C	WR...	Active	KUKURIN, JIM; KUKURIN, MI...	BIG WOOD ...	01	0.057	2
37-12818D	WR...	Active	CORIELL, TERESA B; CORIE...	GROUND ...	01	0.05	0.2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818

WATER RIGHT NUMBER: 37-12818

Owner Type

Original Owner

Name and Address

PACESETTER DEVELOPMENT CO
4540 CAMPUS DR
NEWPORT BEACH, CA 92660
(714)852-8600

Priority Date: 03/24/1883

Basis:

Status: See Remarks

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

2.720 CFS

Annual VolumeTotal Diversion:

2.720 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4SW1/4NW1/4

Sec. 20,

Twp 03N,

Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	9	6.0																6.0
02N	18E	10						37.0	17.0	27.0	16.0								97.0

Total Acres: 103

Conditions of Approval:Remarks:

1. General THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY.

CONFORMED ATTORNEY MAILING ADDRESS DMS

***** PURSUANT TO

APPROVED TRANSFER 4205

9/5/95: CLAIM WAS SPLIT - A37-12818A PACESETTER DEVELOPMENT CO. 2.61 CFS.

A37-12818B J PETER AND CLAIRE B FITZPATRICK .11 CFS.

| CORRECTED DATA ENTRY BY DELETING SPECK AS 'O'

ATTORNEY FOR FORMER OWNER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818

Comments:

Dates and Other Information:

Claim Received Date: 2/3/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number: .
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

February 19, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**A37-12818C and A37-12818D
CHANGE OF OWNERSHIP
SPLIT RIGHT
CORRECTION ANALYSIS**

Parts C and D were split from A37-12818B which was appurtenant to lots 1 and 2 of Block 1 of the Buckhorn Subdivision. The split and ownership change was based upon quitclaim deed 380404. That quitclaim deed was from Fitzpatrick to Coriell for 0.053 cfs on lot 2 of the Buckhorn Subdivision. This was in error.

The correct entry should have been for the 0.053 cfs on lot 1 of the Buckhorn Subdivision. This was for the water only as the lot stayed with the Fitzpatricks. The intent was for Coriell to use the 0.053 cfs on lot 5 block 1 of the Buckhorn Subdivision First Addition. This is the basis for transfer 5299.

**ADJUDICATION ACTIONS AS OF
2-19-1999**

Based upon the correction quitclaim deed submitted to the department the following changes are being made.

- A37-12818C place of use corrected to 03N, 18E, SEC 33 SESW for 2 acres. This is to be identified as lot 2 block 1 of the Buckhorn Subdivision First Addition.
- A37-12818D place of use corrected to 03N, 18E, SEC 33 SESW for .2 acres and 02N, 18E, SEC 4 NENW for 1.8 acres. This is to be identified as lot 1 block 1 of the Buckhorn Subdivision First Addition.
- A37-12818C change of ownership from Fitzpatrick to Kukurin based upon warranty deed notarized on September 4, 1997.

**ADJUDICATION ACTIONS
PENDING**

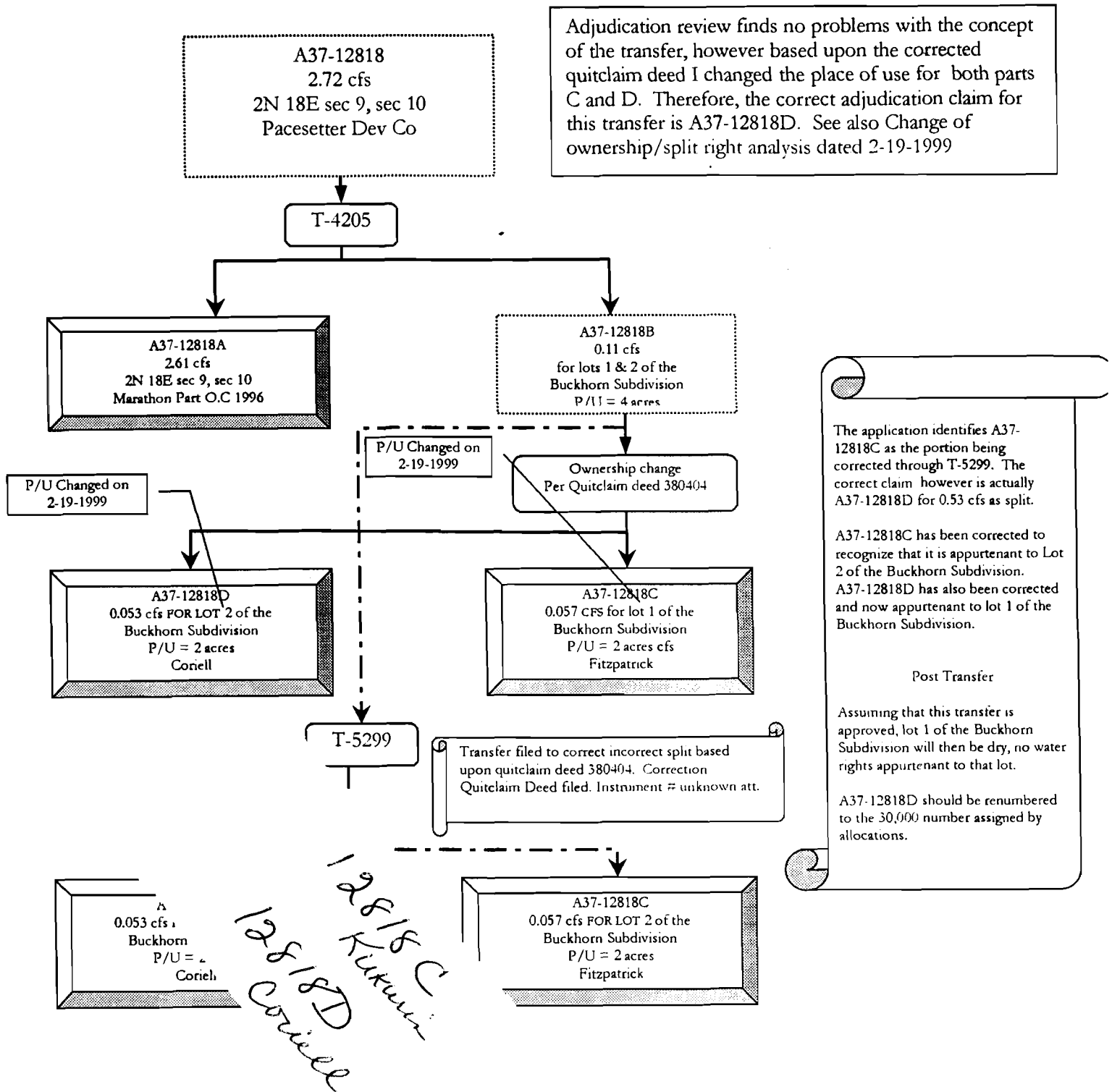
Actions required after approved transfer 5299

- Change the number of claim A37-12818D to the assigned 37-30000? number. This is to keep all 'Riley Right' rights within the 30,000 series.
- Update that claim with the current approved transfer data.

Kelly K Christensen
Senior Water Resource Agent

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5299
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 02/19/99



TO: File

DATE: April 24, 1998

FROM: Jim Stanton

SUBJECT: Claims A37-12818C & D, X37-12818B

A37-12818C
Transfer #4205, approved 3-17-1995, moved 0.11 cfs of the Riley Right to Lots 1 & 2 of the Buckhorn Subdivision First Addition. Lot 1 is in the NE/NW Sec. 4 T. 2N R. 18E, and Lot 2 is in this tract (about 0.2 ac) and in the SE/SW Sec. 33 T. 3N R. 18E (1.8 ac). Each lot is about 2 acres. J. P. Fitzpatrick owned both lots. In July of 1995, Fitzpatrick erroneously quitclaimed Lot 2 and half of the transferred claim to Randy & Teresa Coriell; this portion was given the number of 12818D. The remaining portion of the claim, appurtenant to Lot 1, was numbered 12818C. It was Fitzpatrick's intention to sell the water off of Lot 1 to Coriell for use on Lot 5, which is in the north end of the SE/SW Sec. 33; Coriell got the land from a different party without water rights. In September of 1997, we got a change of ownership and quitclaim deed for Lot 2 to Jim & Michelle Kukurin. As this land was shown in the name of Coriell instead of Fitzpatrick, correspondence to the various parties was sent by SRBA staff in order to straighten out this mess.

Jim Speck has just filed an app. for transfer to correct the record, and has explained the situation to me. One problem was that T. 4205 had no subdivision descriptions in any of the paper records in our office. In order to understand the transfer, I have had to dig into this mess.

As of right now, Coriell's Lot 5 has no recorded water rights. His water is still on Lot 1 in Sec. 4 instead of in Sec. 33 where it belongs. The new transfer will correct this. The D portion of the right belongs to Kukurin; Fitzpatrick or Jim Speck need to withdraw the original faulty quitclaim deed that gave Lot 2 to Coriell.

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent VIKIE HANCOCK

DATE February 9, 1998

CUSTOMER: Jim Speck

walk-in () phone (x)

SUBJECT: Ownership change submitted 10-2-97. Fitzpatrick to Kukurin. A37-12818B - split to A37-12818C and -12818D.

Mr. Speck replied to my letter dated Jan 27, 1998. He reported that: A) Lot 2 was never purchased by Coriell, just the water rights were, and he referenced here a lot 5 (This confused me, but I didn't pursue it) and that B) Fitzpatrick sold lot 1 without water rights. Now he has sold lot 2 to Kukurin and Kukurin wants water rights, so Fitzpatrick will be in to transfer water from lot 1 to lot 2.

I informed Mr. Speck that I would place all the previous documents and correspondence in the file and wait for the transfer to proceed before doing anything with the Adjudication claim.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 27, 1998

James P. Speck
HOGUE, SPECK & AANESTAD
P.O. Box 987
Ketchum, Idaho 83340

RE: SRBA Claim Numbers A37-12818C AND A37-12818D
J. Peter Fitzpatrick, Client

Dear Mr. Speck:

On October 2, 1997 we recieved a Change of Ownership request from J. Peter and Claire B. Fitzpartick conveying their Adjudication Claim to Jim and Michelle Kukurin. A Warranty Deed dated September 4, 1997 (enclosed) was included with the request to document change of ownership of the property. The property described in this Warranty Deed is Lot 2 in Block 1 of Buckhorn Subdivision, First Addition. Although the Notice of Change of Ownership refers to claim number A37-12818B, this claim was split June 16, 1996 into claim numbers A37-12818C (Fitzpatrick) and A37-12818D (Coriell).

At the time of the split, we asked for clarification of the division of the properties. In a letter dated June 21, 1996, your office stated that Fitzpatrick retained the two acres in Section 4, T2N, T18E, and that Coriell now owned the two acres in Section 33, T3N, R18E. A Quitclaim Deed submitted with that Notice of Change of Ownership (enclosed) verified that the parcel conveyed to the Coriells was Lot 2 Buckhorn Subdivision, which, according to a Plat Map of the subdivision is in Section 33, T3N, R18E.

The question arises as to whether the Fitzpatricks re-acquired the parcel known as Lot 2 from the Coriells and are now re-selling to the Kukurins, or has a mistake been made in the division of the water rights. I am enclosing several documents which may help explain my confusion, and would greatly appreciate your assistance in this matter.

Sincerely,

Vikie Hancock
SRBA Records Clerk

XX Warranty Deed - Instrument No. _____
Quitclaim Deed - Instrument No. _____
Escrow Instructions _____
Tax Notice _____
Insurance Binder _____
Lender's Documents _____
Cover Letter(s) - Copy _____
Owner's Policy No. _____
Mortgagee's Policy No. _____
Endorsements _____

Lot Book Report _____
Lien Affidavit _____
XX Other: Copy of plat map _____
XX Other: Original change of water right ownership _____
Check # _____ in the amount of \$ _____
Representing: _____

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


Melody Odegard
Escrow Officer

Underwritten by Stewart Title Guaranty Company

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 21, 1996

RECEIVED

JUN 24 1996

Department of Water Resources
Southern Region

Tara L. Backlund
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: A37-12818B/Fitzpatrick and Coriell

Dear Tara:

Thank you for your letter alerting me to the mistake in the amended claims. The correct information regarding place of use for each of the above-referenced parties is:

Fitzpatrick - T2N, R18E, Section 4
Coriell - T3N, R18E, Section 33

I apologize for the inconvenience and appreciate your assistance. If you require further information, please do not hesitate to contact me.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

NOV 28 1996



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUNE 19, 1996

MICHELE MESKE
HOGUE SPECK & ANNESTAD
PO BOX 987
KETCHUM ID 83340

RE: A37-12818B FOR FITZPATRICK & CORIELL

DEAR MS. MESKE:

I AM WORKING ON SPLITTING THIS SRBA CLAIM FOR THESE CLAIMANTS. I HAVE ALL THE INFORMATION EXCEPT FOR THE LOCATION OF THE ACREAGE.

A37-12818B WAS MADE BASED ON TRANSFER NUMBER 4205. IT HAS TWO ACRES IN T3N, R18E, SEC 33 SESW, AND TWO ACRES IN T2N, R18E, SEC 4 NENW. IN THE AMENDED CLAIMS THAT WERE SENT HERE BOTH HAVE TWO ACRES IN 3N, 18E, SEC 33. COULD YOU PLEASE CLARIFY WHO IS IN WHICH SECTION. I AM SENDING A COPY OF THE TRANSFER.

IF YOU COULD SEND ME THIS INFORMATION, IT WOULD BE APPRECIATED. IF YOU HAVE ANY QUESTIONS, PLEASE GIVE ME A CALL. THANK YOU FOR YOUR TIME.

SINCERELY,

TARA L BACKLUND
SRBA RECORDS CLERK

ENCLOSURES

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 7, 1996

RECEIVED

JUN 10 1996

Department of Water Resources
Southern Region

Ms. Tara Backlund
Idaho Dept. of Water Resources
222 Shoshone East
Twin Falls, ID 83301

Re: SRBA Claim A37-12818

Dear Tara:

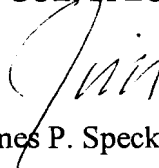
Enclosed you will find for filing in the SRBA a New Property Owner Notice of Change of Water Right Ownership, Claimant Acknowledgment of Change in Attorney, and Amended Notice of Claim for that portion of Claim No. A37-12818 acquired by Randy and Teresa Coriell from Peter and Claire Fitzpatrick. You should now be able to complete your records of this final split in this portion of this water right and return to me copies of the amended claims for both the Fitzpatricks and Coriells as entered in your database.

I will be out of the office from until August 12, 1996. If any questions concerning this arise during my absence which cannot wait until I return, please contact my associate, Michele Meske.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:jrs

c: Randy and Teresa Coriell (w/ encl.)
Peter and Claire Fitzpatrick (w/o encl.)

NOV 28 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

January 22, 1996

Idaho Department of Water Resources
Southern Region Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

RECEIVED
JAN 23 1996
Department of Water Resources
Southern Region

Re: Water Right No. A37-12818

Dear Water Resources:

Enclosed for processing and filing is a Notice of Change of Water Right Ownership, Claimant Acknowledgment of Change in Attorney, and Amended Notice of Claim to Water Right for J. Peter and Claire B. Fitzpatrick regarding the above-referenced water right.

If you have questions or require further information, please contact me.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

1/22/96 11:40 am

NOV 28 1996



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

FEBRUARY 5, 1996

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

RE: SRBA CLAIM A37-12818^B(FITZPATRICK)

DEAR MR. SPECK:

THANK YOU FOR INFORMING US OF THIS OWNERSHIP CHANGE SPLIT. I NEED TO HAVE SOME ADDITIONAL INFORMATION.

FIRST, THIS CLAIM IS FOR .110 CFS, NOT .106 CFS. DO YOU STILL WANT TO SPLIT THIS IN HALF? I ALSO NEED TO ASK FOR SOME INFORMATION ON RANDY & TERESA CORIELL. I CAN COMPLETE THE SPLIT FOR YOUR CLIENT'S PROPERTY. I CAN ONLY PUT THE CORIELLS AS A PRESENT OWNERS, NOT THE CURRENT OWNERS ON THE OTHER CLAIM BECAUSE I DO NOT HAVE THEIR SIGNATURE ON ANY PAPERWORK.

I HAVE PUT YOU ON AS ATTORNEY AND UPDATED THE FITZPATRICKS' CURRENT ADDRESS. I AM SENDING A PROOF REPORT OF THE CLAIM AS IT STANDS NOW. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

NOV 28 1996

Water Right Number - A37-128188

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SPLIT CLAIM

1 -
2 -
3 -
City- XX State- ID Zip- XX
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
PACESETTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DRIVE
2 -
3 -
City- NEWPORT BEACH State- CA Zip- 92660
Phone - 714-852-8600

FITZPATRICK

J PETER

1 - 7511 GILBRALTER STREET
2 -
3 -

FITZPATRICK

CLAIRE B

City- CARLSBAD State- CA Zip- 92009
Phone - 619-436-3115
1 - 7511 GILBRALTER STREET
2 -
3 -

SPECK

JAMES P

City- CARLSBAD State- CA Zip- 92009
Phone - 619-436-3115
1 - C/O HOGUE SPECK & AANESTAD
2 -
3 - PO BOX 987

SPECK

JAMES P

City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421
1 - HOGUE SPECK & AANESTAD
2 - PO BOX 987
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 ERROR IN REGION Z - SEE REMARKS

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

03N 18E 20 SW NW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.110 14.00

NOV 29 1996

Prefix Translation: ADJUDICATION CLAIM

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.110	14.00	10.0	

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	02N	18E	4	NE NW		2.0	01	IRRIGATION	(13) BLAINE	
	03N	18E	33	SE SW		2.0	01	IRRIGATION	(13) BLAINE	

Total Acres: 4.0

+ - - Diversion Means - DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

[illegible]

GEN THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALY DECREED TO W.
T. RILEY.
CONFORMED ATTORNEY MAILING ADDRESS DMS

THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED
TRANSFER 4205:
1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37.
2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING
WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE
CONTROL OF THE DIVERSION.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR
THE LANDS ABOVE.
4. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR
EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER
THAN THE RIGHT OWNER.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE
APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING
SNAKE RIVER BASIN ADJUDICATION.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE RESULTED IN A SPLIT INTO A37-12818C(FITZPATRICK)
AND A37-12818D(CORIELL). 6/19/96 TLB

NOV 28 1956

Water right number - A37-128188

Prefix Translation: ADJUDICATION CLAIM

```

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers Found

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

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
S. C. FROST ET. AL.                  ALTURUS WATER COMPANY, ET. AL.      00/00/0000

+ - - - - Comments - - - - - +
      No Comments Found

+ - - Audit Fields - - +
      00/00/00

+ - - - - 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 -
      Response Filed Date - 00/00/0000   Verified Date - 00/00/0000   Old Case Number -
      Claim Received Date - 02/03/1989   Last Amended Date - 09/05/1995   Old Judicial District -
                                          Receipt Number - X777777   Temporary Right - P
                                          POJ Ownership Flag - Y   Water District -
                                          Name Connector - AND/OR   Federal/State Indicator - S
                                          Presumption Flag -
                                          Notice of Error Flag -
  
```

NOV 28 1996

Water Right Number - A37-12818B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

~~CLAIM~~

1 -
2 -
3 -
City- XX State- ID Zip- XX
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

PACESETTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DRIVE
2 -
3 -
City- NEWPORT BEACH State- CA Zip- 92660
Phone - 714-852-8600

FITZPATRICK

J PETER

1 - 7511 GILBRALTER STREET
2 -
3 -

FITZPATRICK

CLAIRE B

City- CARLSBAD State- CA Zip- 92009
Phone - 619-436-3115
1 - 7511 GILBRALTER STREET
2 -
3 -

SPECK

JAMES P

City- CARLSBAD State- CA Zip- 92009
Phone - 619-436-3115
1 - C/O HOUGE SPECK & AANESTAD
2 -
3 - PO BOX 987

SPECK

JAMES P

City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421
1 - HOGUE SPECK & AANESTAD
2 - PO BOX 987
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-000-0000

+ - - Priority Date - - +
03/24/1883

+ - - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - + + - - - Status - - - +
2 - ~~WEB ADJUDICATION~~

+ - - - - Source - - - - - +
BIG WOOD RIVER
~~CLAY~~

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
03N 18E 20 SW NW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.110 14.00

NOV 28 1996

Prefix Translation: ADJUDICATION CLAIM

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.110	14.00	10.0	

Place of Use									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
02N	18E	4	NE NW		2.0	01	IRRIGATION	(13)	BLAINE
03N	18E	33	SE SW		2.0	01	IRRIGATION	(13)	BLAINE

Total Acres: 4.0

+ - - Diversion Means - DIVERSION DAM & HEADGATE, HIAWATHA CANAL, PUMP IN CANAL, SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

[illegible]

GEN THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALY DECREED TO W.
T. RILEY.
CONFORMED ATTORNEY MAILING ADDRESS DMS

THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED
TRANSFER 4205:
1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37.
2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING
WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE
CONTROL OF THE DIVERSION.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR
THE LANDS ABOVE.
4. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR
EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER
THAN THE RIGHT OWNER.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE
APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING
SNAKE RIVER BASIN ADJUDICATION.

NAME CHANGE MADE 2/2/96 TLB

OWNERSHIP CHANGE RESULTED IN A SPLIT INTO A37-12818C(FITZPATRICK)
AND A37-12818D(CORIELL). 6/19/96 TLB

NOV 28 1996

Water right number - A37-128188

Prefix Translation: ADJUDICATION CLAIM

```
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers Found
+ - - - - Conditions of Approval - - - - - +
      No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
S. C. FROST ET. AL.                  ALTURUS WATER COMPANY, ET. AL.      00/00/0000
+ - - - - Comments - - - - - +
      No Comments Found
+ - - Audit Fields - - +
      00/00/00
+ - - - - 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 -
      Response Filed Date - 00/00/0000  Verified Date - 00/00/0000  Old Case Number -
      Claim Received Date - 02/03/1989  Last Amended Date - 09/05/1995  Old Judicial District -
      Receipt Number - X777777  Water District -
      POJ Ownership Flag - Y  Federal/State Indicator - S
      Name Connector - AND/OR  Presumption Flag -
      Notice of Error Flag -
```

NOV 28 1996



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUN 25, 1996

MICHELE MESKE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA CLAIM(S) A37-12818B (A37-12818C & A37-12818D
FITZPATRICK & CORIELL FOR JAMES SPECK

DEAR MS. MESKE:

PURSUANT TO THE NOTIFICATION THAT YOUR CLIENT(S) HAVE PURCHASED
PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE
CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES
ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS
OFFICE.

SINCERELY,

TARA L. BACKLUND
SRBA RECORDS CLERK

ENCLOSURES

NOV 28 1996

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



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

September 6, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES P SPECK ESQ
HOGUE, SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Amendment of SRBA Claim A37-12818

Dear Mr. Speck:

Pursuant to the approval of Transfer No. 4205, the above referenced Notice of Claim in the Snake River Basin Adjudication has been amended to conform with the transfer. As a result of the transfer, two new claims were created to reflect the changes.

Claim A37-12818B is for .11 cfs to irrigate 4 acres in the name of J. Peter and Claire B. Fitzpatrick. Claim A37-12818A contains the remainder of Pacesetter Development Company's original water right A37-12818. Enclosed please find printouts of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended changes. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF A CLAIM TO A WATER RIGHT

TRANSFER NO. 4205
CLAIM NO. A37-12818B

RECEIVED

MAR 22 1985

Department of Water Resources
Southern Region Office

This is to certify that: J PETER FITZPATRICK
CLAIRE B FITZPATRICK
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.11 CFS	14.0 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
BIG WOOD RIVER	MALAD RIVER		

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4	NENW	2		2
03N	18E	33	SESW	2		2
Total number of acres irrigated:						4

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

NOV 2 9 1985

TRANSFER NO. 4205
CLAIM NO. A37-12818B

CONDITIONS/REMARKS:

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 17th day of March, 1995.


Chief, Water Alloc. Bureau

NOV 28 1995

Water Right No.	Name Last, First	W N	Priority Date	Stg/ Sts	Source	Use	
						Code	Desc
A37-12818	PACESETTER DEVELOPMENT	C	03/24/1883	D/	BIG WOOD RIVER	01	IRR
A37-12819	JENSEN, DAVID	C	12/31/1930	J/	WASTEWATER	01	IRR
	JENSEN, BRENDA	C					
A37-12820	MARLOW, HOBBS B.	C	08/01/1962	J/	GROUNDWATER	43	DOMEST
A37-12821	MARLOW, HOBBS B.	C	08/01/1962	J/	GROUNDWATER	43	DOMEST
A37-12822	MARLOW, HOBBS B.	C	08/01/1962	J/	GROUNDWATER	43	DOMEST
A37-12823	HONGOLA, NANCY	C	07/01/1975	J/	GROUNDWATER	43	DOMEST
A37-12824	BUTTE ENTERPRISES INC,	C	05/11/1961	J/	GROUNDWATER	43	DOMEST
A37-12825	JENSEN, CLIFTON E.	C	07/01/1946	J/	UNNAMED SPRING	43	DOMEST
	JENSEN, SUZANNE K.	C					
A37-12826	JENSEN, EVERLAND	C	07/01/1946	J/	SPRING	43	DOMEST
	JENSEN, AMY	C					
A37-12827	JENSEN, EVER	C	06/01/1926	J/	SPRING	43	DOMEST
	JENSEN, AMY	C				04	STOCK
A37-12828	COOPER, LARRY M.	C	07/31/1954	J/	GROUNDWATER	43	DOMEST
A37-12829	DURKHEIMER, ALAN	C	09/01/1977	J/	GROUNDWATER	43	DOMEST

(Enter=Continue) (GOLD7=This Query) (Menu)

OCT 28 1993

MEMORANDUM

DATE: 28-Oct-1993

FROM: Loren Holmes *LH*

TO: Files; Transfer 4205, Apps for permit 37-8587, 8270, 8819, 8821

SUBJECT: Final region review of files

SRBA claim A37-12818, which is a previously unrecorded split of 37-00577, is proposed to be used as the basis for mitigation plans enabling approval of the applications for permit. A .11 cfs portion of the right is proposed for transfer under transfer 4205.

The following is a summary of the proposed changes in acres and amounts of water:

Application	Acres	Q	Acres remaining	Q remaining
T4205	4	.11	99	2.61
37-08587	3	.079	96	2.531
37-08220	1	.026	95	2.505
37-08819	1	.026	94	2.479
37-08821	40	.80	54	1.679

Approval of these applications will result in an untransferred remainder of A37-12818 of 1.679 cfs appurtenant to an unspecified 54 acres of the claimed place of use.

The claim has been completely reviewed by SRBA staff according to the standards set for review of claims. A claim verification report (CVR) has been completed and the claim has been recommended for disallowal based on a finding of 5 years non-use. Pertinent parts of the CVR and the reviewing agent's analysis are attached.

If water under claim A37-12818 has historically been turned into the canal, then execution of the mitigation plans will result in an actual contribution of water to the river.

If water has not been turned into the canal, then the river flows have actually been augmented by this water for some time. The mitigation plans will contribute no additional water to the river and exercise of the groundwater permits will further stress the existing conditions.

A study of historic daily flows in the Hiawatha canal documented in "Water distribution and Hydrometric Work in Water District 37" reports covering the 1970's to the present may shed some light on whether the water was turned into the canal. The region does not have a complete set of these records.

NOV 28 1993

With respect to Transfer 4205, the file supports a recommendation of denial because water has not been beneficially used on the place of use of the water right. On the other hand, if this right has been delivered by the watermaster at the Hiawatha headgate, and this is sufficient to prevent a forfeiture, the transfer can be granted.

Of course, the court may uphold the disallowal of the claim which would render this set of applications impossible. It may be necessary to hold the whole matter in abeyance until the SRBA court rules on the claim.

NOV 28 1996

4 3

R18E

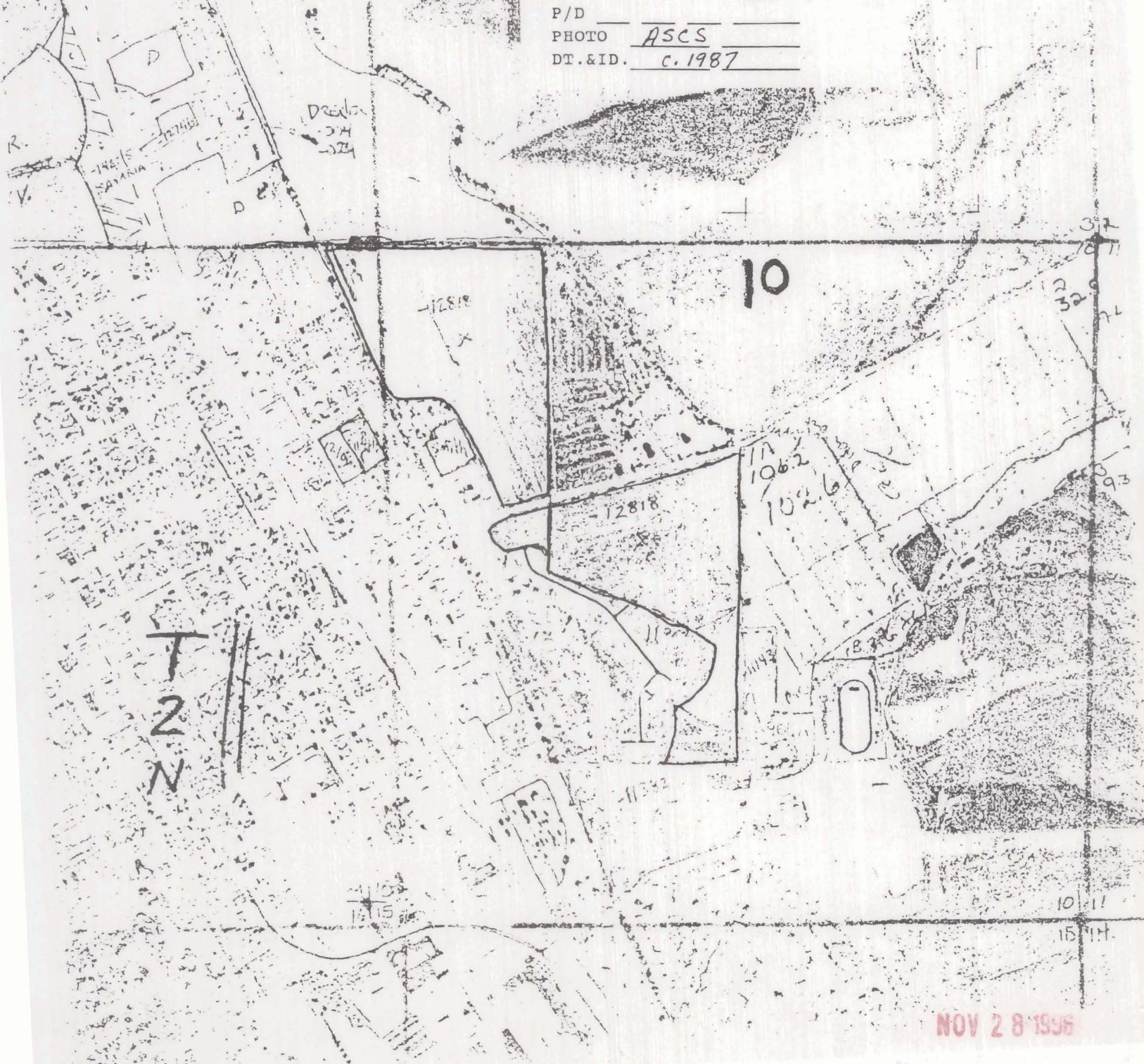
CLAIM 437-12818 INIT

T. R. S. Q/Q

P/D

PHOTO ASCS

DT.&ID. C. 1987



1988
NAPP

CLAIM A37-12818 INIT SC

T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE

DT. & ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY DITCHES TO THIS
POW SHOW NO EVIDENCE OF
CARRYING WATER. POW LOOKS
UNIRRIGATED IN THIS PHOTO.

NOV 28 1996

Water Right Number - R37-12818

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

SPECK

JAMES P

1 - PO BOX 987

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-000-0000

*** C - CURRENT OWNER ***

PACESETTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DR

2 -

3 -

City- NEWPORT BEACH

State- CA Zip- 92660

Phone - 714-852-8600

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 ERROR IN REGION I - DISALLOWED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

03N 18E 20 SE SW NW (13) BLAINE HIAWATHA CANAL

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.720

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.720 257.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 9 NE NE 6.0 01 IRRIGATION (13) BLAINE
02N 18E 10 NW NW 37.0 01 IRRIGATION (13) BLAINE
02N 18E 10 SW NW 17.0 01 IRRIGATION (13) BLAINE
02N 18E 10 SE NW 27.0 01 IRRIGATION (13) BLAINE
02N 18E 10 NE SW 16.0 01 IRRIGATION (13) BLAINE

Total Acres: 103.0

+ - - Diversion Means - VIA HEADGATE #22 & HIAWATHA CANAL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

NOV 29 1993

Water right number - R37-12818

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
FORFEITED/ABANDONED.

+ - - - - Old Water Right Numbers - - - - -
3700577

+ - - - - Conditions of Approval - - - - -
P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
S.C. FROST ET AL ALTURUS WATER CO., ET AL 00/00/0000

+ - - - - Comments - - - - -
Date: 10/15/1993 User Id: CLELLAND Subject: RECOMMENDATION/DISALLOWAL
SEE FILE FOR DETAILS OF REVIEW. WATER HAS NOT BEEN USED FOR A PERIOD OF AT LEAST 5 YEARS; 1987-1992.

+ - - Audit Fields - - +
10/15/93 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/30/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/15/1993	Old Judicial District	-
Claim Received Date	- 02/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

NOV 29 1996

A37-12818

Comparison of Evidences & Review

10-15-93
STEVE CLEGGARD

	1974	X74 OPQ irrigation not shown
ABANDONED)	1980	Plats filed to Subdivide w/ County.
	1984	Landset does not support irrigation uses
	1985	W. Master bills for Water.
FORGOTTEN)	1986	W. Master Bills for Water.
①	1987	No Billing. Napp shows Non-irrigation
②	1988	No Billing. Napp shows Non-irrigation
③	1989	No Billing.
④	1990	Billed. 6-11 Field Exam no irrigation, No System.
⑤	1991	Billed.
⑥	1992	Billed.
	1993	9-30 Field Exam - No irrigation, system reditched. 5-14 Field Exam (by Mel Schulte) no irrigation - No Delivery System.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

1991 July - claims to irrigate SENE 5.10 for Cattle Grazing.
Aug - claims to irrigate North of Quigley Road
for Cattle Grazing.

(replaces an earlier sworn Statement.)

No system for irrigation existed in 1990 or in 1993
to irrigate the lands in SENE. They looked the same
on both exams - unirrigated and prepared for Subd.

No cattle were grazed here either; no fences
during either exam and no cattle signs of grazing
i.e. manure, Tracks, or grazed off crops.

NOV 28 1996

P. 2 of 5

A37-12818 review

In discussing the irrigation possibilities for lands north of Quigley road, Mel Schulte and I compared what we had viewed on previous exams and we concluded; No irrigation system for delivery existed until our last exam in 9-30-93, At that time new ditches had been dug or cleaned. No evidence of Cattle grazing had occurred. The area was not completely fenced off from Residential areas and the signs of cattle were absent.

The crop/vegetation found growing on 9-30-93 was a mixture of local weeds, some sagebrush has started to reclaim the land, and a volunteer alfalfa crop was found. Not uncommon for alfalfa to remain growing like that due to the deep root system & gravelly soils.

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

He moved to property adjacent to A37-12812 pou. Since then has irrigated the parcels & pastured horses.

NOV 22 1995

See the listing on page one of this review.
Property may have been irrigated in part
during 1983 as claimed. It is possible
Landsat reports list a partial irrigation
in 1984, but from 1987 onward to present
no evidence supports this affiant's claims.
Again, the place is not fenced nor are there
signs of grazing by horses or cattle in
this field.

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85

Says he farmed & irrigated the property
North of Ourgley Road. also pastured
Horses there.

Evidence supports some possible irrigation
on parts of this parcel in Landsat of 1984.
No ~~upper~~ information on 1983 or 1985.

P. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991

July

1993

Aug

{ same as the first affidavit, except
← change in date on the August
entry from 1993 to 1991. }

Raises the question of the validity of
"sworn statements" by affiant

Summary:

The history of this right is pretty clear and is supported by the evidence available at this time of Review.

In 1974 when the downstream rights on Hiawatha Canal were abandoned, this place became the last delivery on the ditch. A reduced flow in the Canal made economical use of this land and water impractical. (See CVR page 10 for analysis.) Finally, in 1980 the Decfield Plats were filed to Subdivide this property. Some partial use occurred around 1983 & 84. By 1987 no use was being made of

595

437-12818

the water for irrigation and the Water Master never billed for its use until 1990. All the evidence during this time confirms the non-use of water for irrigation on this property.

The Billing of Water Master for these rights doesn't support its use in 1990, 91 or 92.

It has been my experience with water users that they believe merely paying the assessment to the Water Master will insure continued validity of their rights. This belief is reinforced by water masters also. (Dale Mizer mentioned this to me during our conversation of this area and its rights.)

My personal field exam in 1990 on June 11th would have followed 3 years of non use on these lands as indicated by the evidence shown. In Sept 30 1993 when I returned for a followup look at the same property, the conditions and appearance of the property had not changed it remained unirrigated.

Only in 1993, when mitigation uses appear for this right, are any efforts made to develop the irrigation system. But the efforts aren't complete since the right is not wanted for irrigation use.

Recommend: Disallowal by Forfeiture/Abandonment

Steve Callahan

NOV 28 1996

10-15-93

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. 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 ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 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.)

1b. CALCULATIONS

$$\frac{2.72 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$

$$= 1.32''/\text{Ac}$$

may need to run a Hubble analysis on this system.
This Field is now the last place on the ditch, a ditch claimed by others upstream and the Watermaster to be heavy on conveyance losses. When the places downstream, Woodside area, were taken out of production in 1974 the flow in the Canal was reduced. Without those additional flows, this rate of 1.32''/Acre may not have been sufficient to sustain an economical crop. This led to the nonuse of the land & water as found.

See 12-15-92

Referenced
in Jones' notes
NOV 28 1996

RECEIVED

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 01 1993 Transfer No. 4205

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant J. PETER FITZPATRICK and/or CLAIRE B. FITZPATRICK Phone (619) 431-2665

Post Office address c/o JAMES P. SPECK, ESQ., 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 APPLICANTS ARE PURCHASING A PORTION OF A WATER RIGHT AND DESIRE TO CHANGE PLACE OF USE TO THEIR PROPERTY.

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>37-00577</u> <i>Part</i> | <u>3/24/1883</u> | <u>0.11 cfs</u> | <u>IRRIGATION</u> | <u>April 1</u> to <u>Nov. 1</u> |
| <u>A37-12818</u> <i>Part</i> | <u>3/24/1883</u> | <u>0.11 cfs</u> | <u>IRRIGATION</u> | <u>April 1</u> to <u>Nov. 1</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |

2. Total amount of water being transferred 0.11 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water BIG WOOD RIVER tributary to MALAD RIVER
4. Point(s) of Diversion:

[illegible]

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	4					2												2
3N	18E	33												2					2

NOV 28 1996

PART 1

6. General Information:

a. Description of diversion system DIVERSION DAM AND HEADGATE, HIAWATHA CANAL, PUMP IN CANAL TO SPRINKLER IRRIGATION SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

LAND WILL BE SUBDIVIDED AND SERVED WITH CITY OF HAILEY MUNICIPAL WATER SUPPLY.

d. Remarks:

It is unknown which portion or portions of W.T. Riley right are owned by seller.

Claim of title to land can be traced to Burlington Savings Bank, record owner of

37-00577R. Watermaster records confirm delivery of 2.72 cfs to seller's predecessors for more than 20 years.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19____.

NOV 28 1998

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. 37-00577 *Port* Decreed to W.T. RILEY
in case of S.C. FROST, ET AL vs. ALTURUS WATER COMPANY, ET UX
dated 12/13/1909 in _____ county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 PURCHASE & SALE AGREEMENT

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 3/24/1883

5. Water is used for the following purpose:

amount _____ 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 _____ 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	SW	NW	20	3N	18E	BLAINE	HAIWATHA HEADGATE #22

8. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

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	

Total acres NOV 28 1996

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

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.11 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	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

3. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

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	

Total acres 4

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

1. amount _____ 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	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

3. Lands irrigated or place of use: NONE SPECIFIED IN DECREE. USED ON LANDS IN AND AROUND HAILEY.

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	

NOV 28 1998

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-12818 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 PURCHASE & SALE AGREEMENT

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 3/24/1883

5. Water is used for the following purpose:

amount 2.72 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 2.72 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	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

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	
2N	18E	9	6																6
2N	18E	10						37	17	27	16								97

Total acres 103

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 0.11 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	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

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	
2N	18E	9	4																4

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.61 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	SW	NW	20	3N	18E	BLAINE	HIAWATHA HEADGATE #22

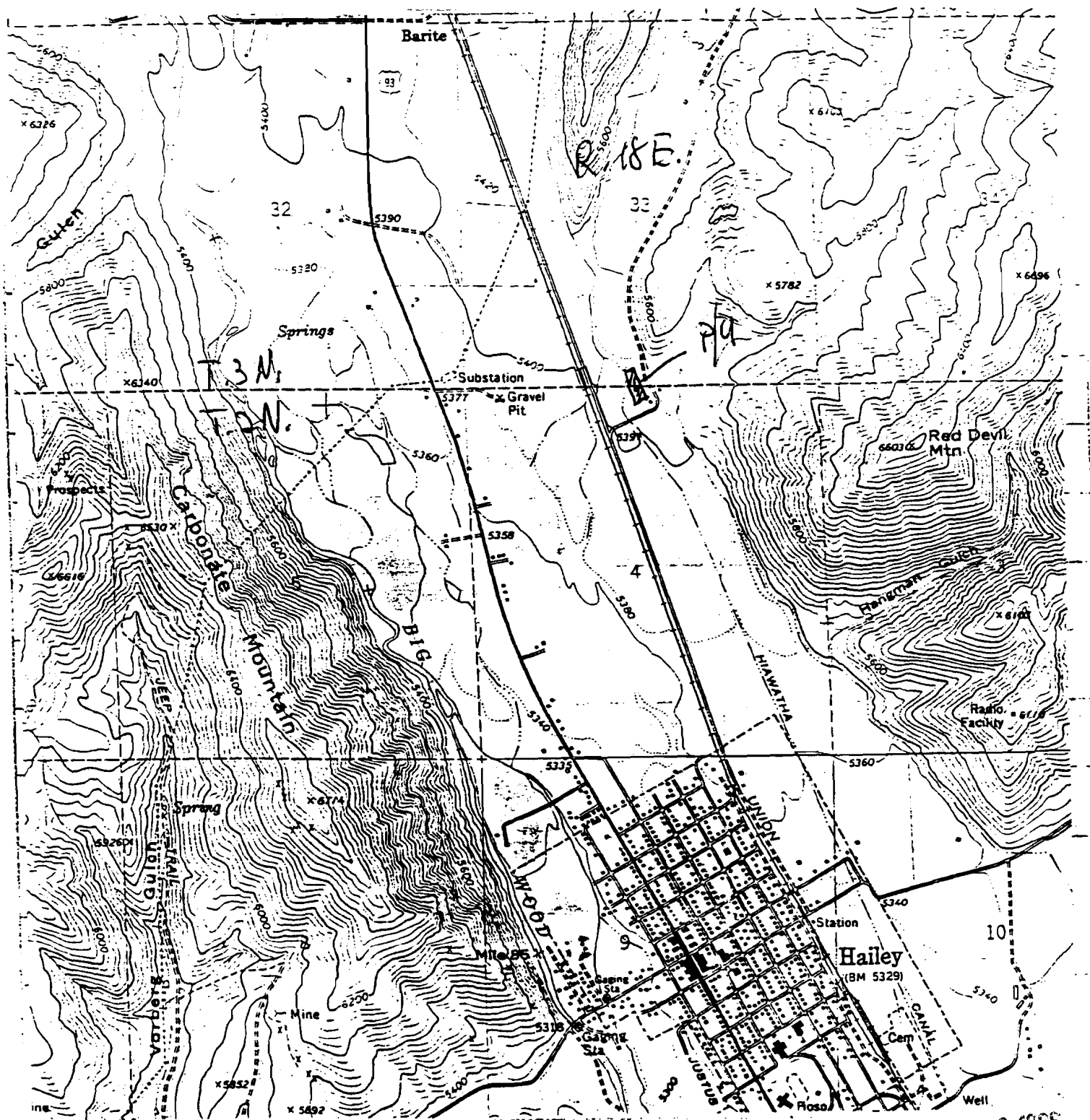
3. Lands irrigated or place of use:

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	
2N	18E	9	2																2
2N	18E	10						37	17	27	16								97

NOV 28 1996

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

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



NOV 28 1896

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

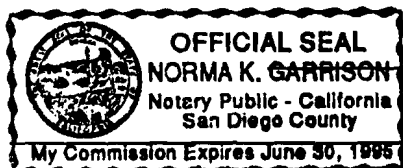
3. Describe effects on other water uses resulting from the proposed change:

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.

Claire B. Fitzpatrick
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of MARCH, 1993



Norma K. Garrison
(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 0 attachmentsReceived by R. Foster Date 4/1/93

Protest filed by _____

Prelim. check by MTS Fee \$30 (5015622)Receipted by MTS Date 4-15-93Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 9/15 + 9/22/93

Hearing held by _____ Date _____

Watermaster recommendation requested on 8/27/93Recommended for ☐ approval ☐ denial_____ rec'd. 9/23/93

by _____

Copy of transfer sent to lien holder _____

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 25, 1993

RECEIVED

MAR 29 1993

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources
Southern Region Office

Re: Application for Permit No. 37-08587
Mr. Gregg K. Sturtevant - Plan of Mitigation

Dear Glen:

I represent Mr. Gregg K. Sturtevant who has filed Application for Permit No. 37-08587 (the "Application") which seeks the diversion of 0.11 cfs of groundwater for the irrigation of 3.74 acres of a single family residential lot located in the Croy Canyon area west of Hailey, Idaho. This Application seeks a permit to divert ground water for a consumptive use within the Big Wood River Ground Water Management Area (the "Area"). The proposed point of diversion (well) is within the upper Big Wood River Basin as defined in section I, A of the Management Policy for the Area (the "Policy"). Under section III of the Policy, approval of this Application may be granted if it is determined the water supply is adequate and other water rights will not be injured by the new diversion to a consumptive use. Applicant proposes the following plan of mitigation to satisfy these requirements.

MITIGATION PLAN

I. THE MITIGATION RIGHT.

Marathon Partners, an Idaho general partnership ("Marathon"), is the owner of 2.72 cfs of Idaho Water Right No. 37-00577, commonly known as the "W. T. Riley right", and claimed in the Snake River Basin Adjudication (the "Adjudication") as Claim No. 12818 for the irrigation of 103 acres in Sections 9 and 10, Township 2 North, Range 18 East, B.M owned by Marathon. No other water rights have been used for this purpose. All of this

Mr. Glen Saxton
March 25, 1993
Page 2

land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivisions Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The Subdivisions will be served by the municipal water supply of the City.

Applicant has purchased from Marathon (see enclosed copy of Quitclaim Deed), contingent upon approval of the Application, 0.079 cfs of this water right (this acquired portion of the water right is hereinafter referred to as the "Mitigation Right").

II. EXCHANGE OF WATER RIGHTS.

The Mitigation Right has historically irrigated the following lands within the subdivision (2.72 cfs / 103 acres = 0.026 cfs / acre; 0.079 cfs / 0.026 cfs / acre = 3 acres):

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Irrig. Acres</u>
2N	18E	10	NW	NW	3

Total number of irrigated acres: 3

These lands will no longer be irrigated by the Mitigation Right. Applicant proposes to "exchange" the Mitigation Right pursuant to the provisions of I.C. § 42-105 in return for the consumptive ground water diversion under the permit and license sought by the Application, as amended to reduce the amount to 0.079 cfs and the place of use to 3.0 acres of irrigated land (the "Ground Water Right"), on the following terms and conditions:

1. The Mitigation Right shall remain in the Big Wood River to compensate for depletion of the Big Wood River flows available for diversions pursuant to valid water rights and for the supply of water to Magic Reservoir.

2. The Ground Water Right shall have the same priority date as the Mitigation Right (March 24, 1883) for the conjunctive administration of ground water and surface water diversions from the Big Wood River and its tributaries.

3. The Ground Water Right shall have a priority date of January 9, 1990 for its administration solely with respect to other ground water rights,

4. A measuring device and lockable controlling works

Mr. Glen Saxton
March 25, 1993
Page 3

of a type acceptable to the Department shall be permanently installed and maintained as a part of the diverting works for the Ground Water Right prior to any diversion thereunder.

5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River.

6. The maximum instantaneous diversion rate under the Ground Water Right shall be 0.079 cfs.

7. The annual diversion volume and annual consumptive use of the Ground Water Right shall be limited to 10.5 acre feet and 7.5 acre feet respectively, and the maximum number of acres irrigated by the Ground Water Right during any one irrigation season shall be three (3) acres.

8. Upon approval of this Application and issuance of the permit for the Ground Water Right, Applicant shall file a claim for the Ground Water Right in the Snake River Basin Adjudication. The provisions of this "exchange" shall be incorporated into the Director's recommendations for the Mitigation Right and the Ground Water Right in the Director's Report for Basin 37 to be filed in the Snake River Basin Adjudication. The non-use of the Mitigation Right for irrigation purposes as a part of this "exchange" shall not be deemed non-use subject to the forfeiture provisions of I.C. § 42-222.

The consumptive use of the Mitigation Right (7.5 AFA for the irrigation of three (3) acres) is the same as the consumptive use of the Ground Water Right. The total annual volume historically diverted by the Mitigation Right will also be the total annual volume limitation for the Ground Water Right (3.5 AFA X 3 acres = 10.5 AFA - paragraph 5 of the Application should be amended to reflect this diversion volume limitation). The Mitigation Right will be "left in the river", so that neither the total annual volume diverted from the interconnected ground water and surface flow resource nor the consumptive use of such diverted water shall increase over the present uses. Thus, there will not be any injury to other surface water rights in the Big Wood River or its tributaries, or to the storage rights in Magic Reservoir. Finally, it should be noted that any return flows from the Mitigation Right are presently to the Big Wood River and not to Silver Creek. Thus, this proposal will not affect in any way the surface flows of Silver Creek or its tributary aquifer.

I am also enclosing a copy of my letter of even date to Loren Holmes forwarding an Application for Permit in the name of

Mr. Glen Saxton
March 25, 1993
Page 4

the Blaine County School District, which also proposes the use of a part of Marathon's claimed portion of the W. T. Riley Right for mitigation. It makes sense to me that the Department consolidate its review of this water right for each of the applications into a single process.

Mr. Sturtevant's Application for Permit No. 37-08587 was not protested. I am also sending a copy of this letter to Loren Holmes in the event the Application is still in his office. Please contact me as soon as you have had an opportunity to review this proposal. Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk
(enclosures)

cc: Mr. Gregg K. Sturtevant (w/ enclosures)
Mr. Edmund E. Dumke (w/ enclosures)
Mr. Gary Slette (w/ enclosures)
Mr. Loren O. Holmes (w/ enclosures)