

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-11777
Date Received: 10/19/1988
Receipt No: M001649
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROCKY SHERBINE Phone: (208)788-4846
200 BASELINE RD
BELLEVUE ID 83313

TERRI SHERBINE Phone: (208)788-4846
200 BASELINE RD
BELLEVUE ID 83313

2. Date of Priority: 06/02/1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	12	NW SE SW	BLAINE	

5. Description of diverting works:

DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.184	

7. Total Quantity Appropriated is:

0.184 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	19E	6	SE	NE	1	IRRIGATION	13
			NE	SE		IRRIGATION	26
			SE	SE		IRRIGATION	26
						Section Acres	65
01S	19E	7	NE	NE		IRRIGATION	26
			SE	NE		IRRIGATION	26
						Section Acres	52
01S	19E	8	SW	NW		IRRIGATION	20
						Section Acres	20
						Total Acres	137

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 37-00435.

**** TYPO CORRECTED 12/1/88 BY ADM RE: P/U S.8 AT CLAIMANT'S REQUEST ****

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 11, 2004

ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-2582, 37-11773, 37-11774, 37-11776, 37-11777,
37-11778, 37-11779
Decreed Water Rights 37-11787, 37-11789

Dear Mr. and Mrs. Sherbine:

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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

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

RECEIVED
 APR 21 2004
 Department of Water Resources
 Boise, Idaho

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-2582</u>	<u> </u>	<u> </u>	<u>37-11778</u>	<u> </u>	<u> </u>
<u>37-11773</u>	<u> </u>	<u> </u>	<u>37-11779</u>	<u> </u>	<u> </u>
<u>37-11774</u>	<u> </u>	<u> </u>	<u>37-11787</u>	<u> </u>	<u> </u>
<u>37-11776</u>	<u> </u>	<u> </u>	<u>37-11789</u>	<u> </u>	<u> </u>
<u>37-11777</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) **DRUSSEL, Harold A. and Dorothy**
152 Baseline Road, Bellevue, Idaho 83313
4. New Owner/Claimant(s) **SHERBINE, Rocky and Terry**
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address **200 Baseline Road, Bellevue, Idaho 83313**
- City, State and ZIP Code **Bellevue, Idaho 83313**
- New Telephone Number **() 208-788-4846**
5. Date you acquired the property **April 19, 2004**

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

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

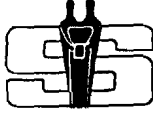
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes,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

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

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

For Office Use Only

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



WARRANTY DEED

For Value Received **HAROLD A. DRUSSEL**, Trustee of the **HAROLD AND DOROTHY DRUSSEL TRUST, AMENDED AND RESTATED**, dated **JUNE 21, 2001**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **ROCKY SHERBINE and TERRI SHERBINE, husband and wife**

the Grantee whose current address is: **200 BASELINE ROAD , BELLEVUE ID 83313**

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

Parcel Number: **RP01S190081210A+**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: **April 13, 2004**

THE HAROLD AND DOROTHY DRUSSEL TRUST, as Amended and Restated, dated June 21, 2001


HAROLD A. DRUSSEL

State of **IDAHO**

ss.

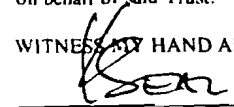
County of **BLAINE**

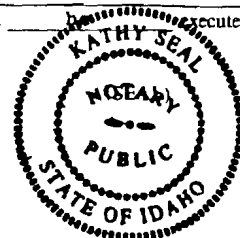
On this 17 day of APRIL, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared **HAROLD A. DRUSSEL**

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Trustee's of **THE HAROLD AND DOROTHY DRUSSEL TRUST, as Amended and Restated, dated June 21, 2001**

the Trust that executed the within instrument and acknowledged to me that _____ executed the same on behalf of said Trust.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public **KATHY SEAL**
Residing at: **KETCHUM**
Commission Expires: **July 09, 2005**



LEGAL DESCRIPTION

Order Number: 04012560

Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho.

A tract described as follows: Commencing at the Northeast corner of Section 6, Township 1 South, Range 19 E.B.M., running thence West along Section line 894.9 feet; thence South 3264.4 feet, more or less to the Southline of said Section 6; thence East 894.9 feet, more or less to the Southeast corner of said Section 6; thence North 3264.4 feet, more or less to the place of beginning. (TL 6539)

And a tract described as follows: Commencing at the Northeast corner of Section 7, Township 1 South, Range 19, E.B.M., running thence South along the Section line 2640 feet to the quarter section corner; thence West 894.9 feet, more or less; thence North 2640 feet, more or less to the North line of said Section 7; thence East 894.9 feet, more or less to the place of beginning. (TL 5879, 5880, 5881, 5882)

And The South Half of the Southwest Quarter of the Northwest quarter (S1/2SW1/4NW1/4) of Section 8, Township 1 South, Range 19, E.B.M. (TL 218)

Excepting a strip of land 16.5 feet wide along the East line of said land for road purposes as shown in Warranty Deed recorded March 16, 1934 in Book 135 of deeds at page 294.

Subject to a life estate reserved for Harold A. Drussel

Life estate reserved for Dorothy Drussel in that certain Deed recorded as Instrument No. 366891, pursuant to attached Exhibit "B" is hereby removed from the property described herein.

Conveying with the herein described land any and all water rights.

State of Idaho
CERTIFICATE OF DEATH

State File No. _____
Local Reg. No. _____

*A: minimum complete items 1: 3; 9a, b, c, d: 20a, 21a, b: 22; and 23a for the 24 Hour Report & Authorization For Final Discharge

BCT
BLAINE COUNTY TITLE

April 19, 2004

IDWR Southern Region
1341 Filmore Street
Suite 200
Twin Falls, ID 83301-3380

RECEIVED
APR 21 2004
BLAINE COUNTY TITLE

Re: Order 04012560

Drussel/Sherbine
152 Baseline Road, Bellevue

To Whom it May Concern:

In connection with the above referenced order, please find attached our check representing:

- ♦ Transfer of Water Rights

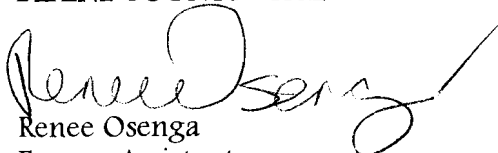
Also, please find attached copies of the following documents:

- ♦ Notice in Change of Water Right Ownership
- ♦ Copy of Signed Warranty Deed
- ♦ Certificate of Death
- ♦ Water Right Reports

Thank you for using Blaine County Title. If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE


Renee Osenga
Escrow Assistant

Attachment(s)

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: A37-11777
Date Received: 10/19/1988
Receipt No: M001649
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD A. DRUSSEL 208-788-2856
Address: 152 BASELINE RD.
BELLEVUE, ID 83313

OR
Name: DOROTHY DRUSSEL 208-788-2856
Address: 152 BASELINE RD.
BELLEVUE, ID 83313

2. Date of Priority: JUN 02, 1890

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
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.184		

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

8. Total consumptive use is 342.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A37-11777

Page 1

Date: 12/01/88

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	6	SE	NE	1	IRR	13.0
			NE	SE		IRR	26.0
			SE	SE		IRR	26.0
						Section Acres	65.0
		7	NE	NE		IRR	26.0
			SE	NE		IRR	26.0
						Section Acres	52.0
		8	SW	NW		IRR	20.0
						Section Acres	20.0
						Total Acres	137.0

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:

A37-11774, 11776, 11773, 11778, 11779

14. Remarks:

THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 37-00435.

**** TYPO CORRECTED 12/1/88 BY ADM RE: P/U S.8 AT CLAIMANT'S
REQUEST ****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A37-11777
Date Received: 10/19/1988
Receipt No: M001649
Received By: GG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD A. DRUSSEL 208-788-2856
Address: 152 BASELINE RD.
BELLEVUE, ID 83313

OR

Name: DOROTHY DRUSSEL 208-788-2856
Address: 152 BASELINE RD.
BELLEVUE, ID 83313

2. Date of Priority: JUN 02, 1890

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

4. Point of Diversion:

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5. Description of diverting works:
DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.184		

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

8. Total consumptive use is 342.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	6	SE	NE	1	IRR	13.0
			NE	SE		IRR	26.0
			SE	SE		IRR	26.0
			Section Acres				65.0
		7	NE	NE		IRR	26.0
			SE	NE		IRR	26.0
			Section Acres				52.0
		8	SW	SW		IRR	20.0
			Section Acres				20.0
			Total Acres				137.0

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:

A37-11774, 11776, 11773, 11778, 11779

14. Remarks:

THIS CLAIM WAS PART OF DECREEED RIGHT NUMBER 37-00435.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date:

S. C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Harold Russell* Date: 10-19-88

Date: _____

State of Idaho)
County of BLAINE) SS.

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

William Gene Gibson
Notary Public

Seal

Residing at Boise, Id
My Commission Expires 9-2-1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



114° 15'
43° 22' 30"

724,000m E

725

12

TIN

T1N

T1S

4805000m N

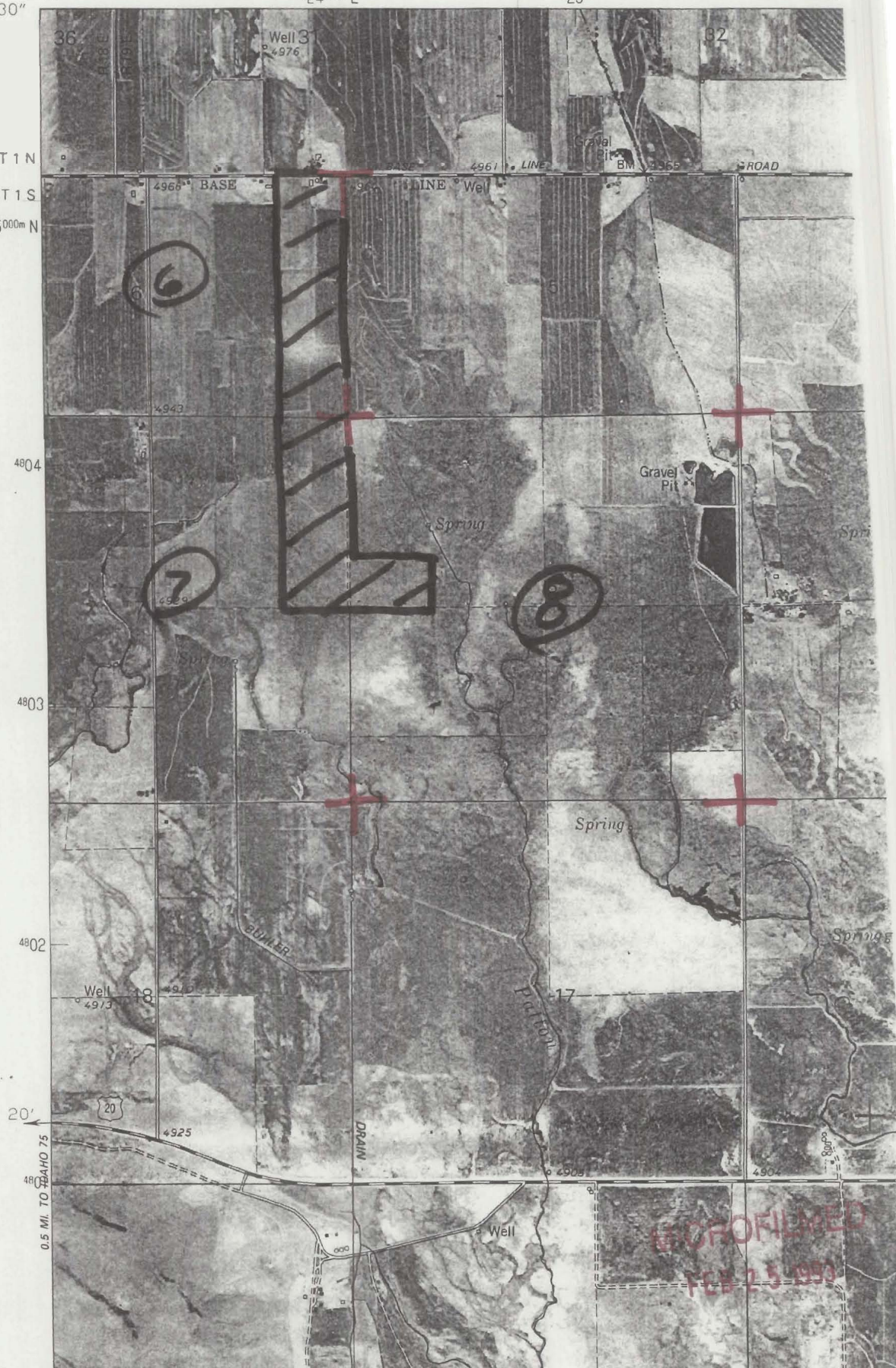
TIS

T1S

R19E

SECTIONS

6 & 7 & 8



12/11/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-11777

ROCKY SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
Telephone Number: (208)309-1235

TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
Telephone Number: (208)788-4846

RECEIVED

JAN 09 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

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

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

DATE: 12-26-06

SIGNATURE:

Rocky Sherbine

Please print your name:

Rocky SHERBINE

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

SCANNED

JAN 04 2007

11/29/2006

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

RIGHT NUMBER: 37-11777

NAME AND ADDRESS: ROCKY SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.180 CFS

PRIORITY DATE: 06/02/1890

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01N R18E S25 NWSESW Rediversion Within BLAINE County

This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.180 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S06 Lot 1 SENE	10.20	T01S R19E S06	NESE	26.70	
T01S R19E S06	SESE	26.70	T01S R19E S07	NENE	26.70
T01S R19E S07	SENE	26.70	T01S R19E S08	SWNW	20.00

137 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 137 acres in a single irrigation season. Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776, 37-11777, 37-11778 and 37-11779.

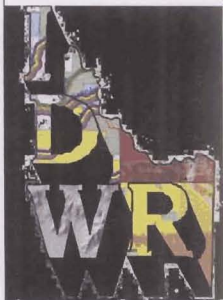
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Base Line Canal Co.

This claim represents a portion of water right No. 37-435.



Idaho Department of Water Resources

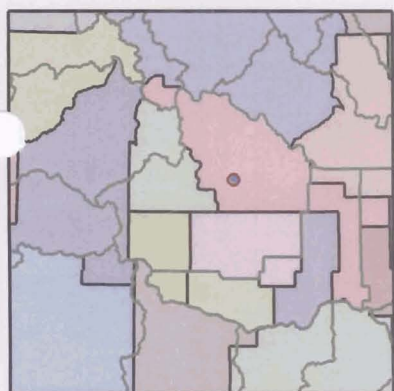
SRBA Recommendation:

37-11777

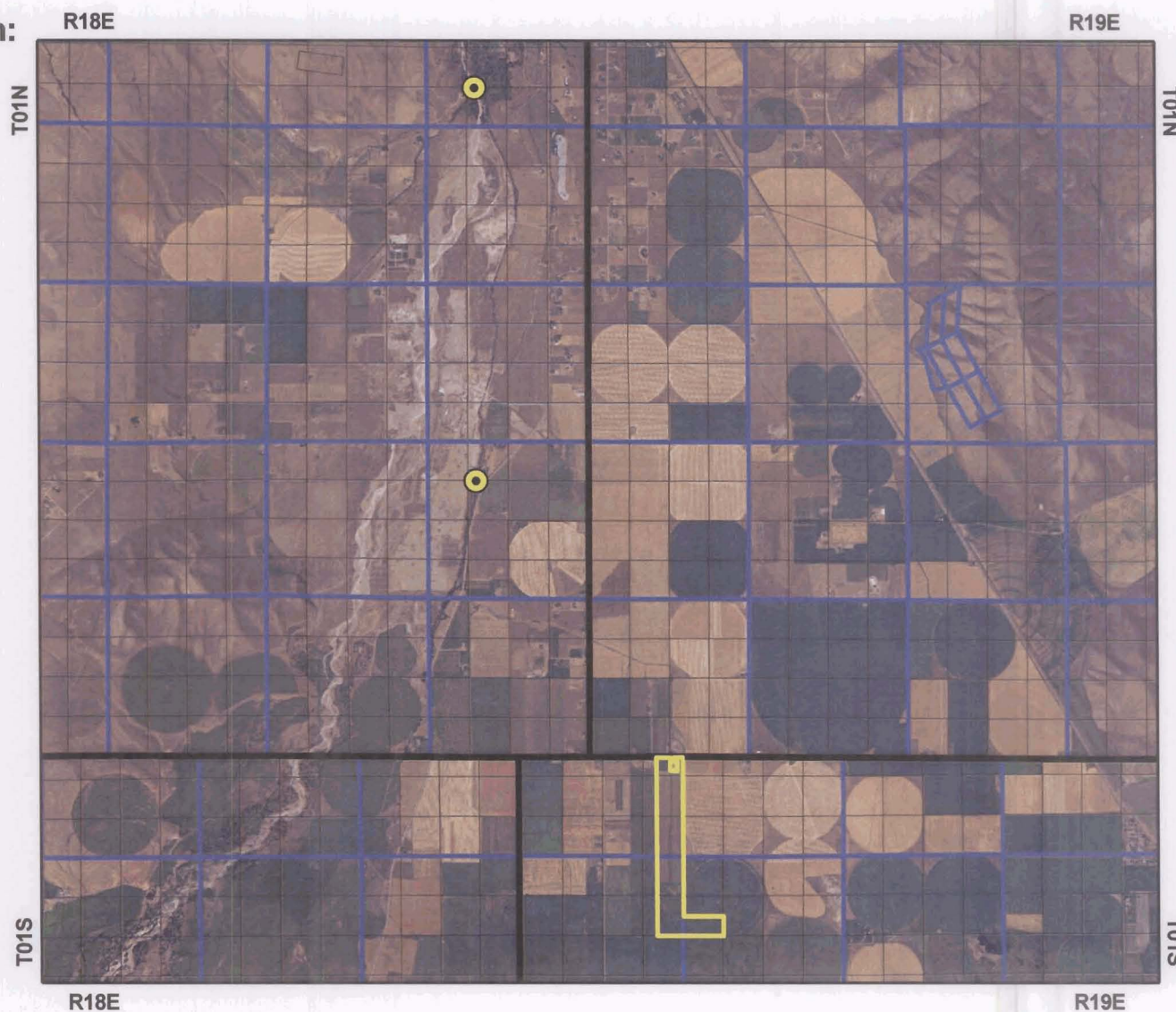
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Owner: Rocky Sherbine

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

Prepared by A. Merritt
On Wednesday, November 29, 2006
2004 Aerial Photography



Idaho Department of Water Resources

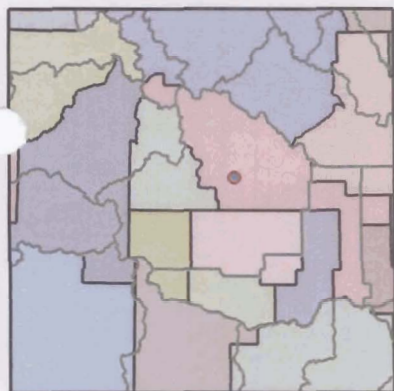
SRBA Recommendation:

37-11777

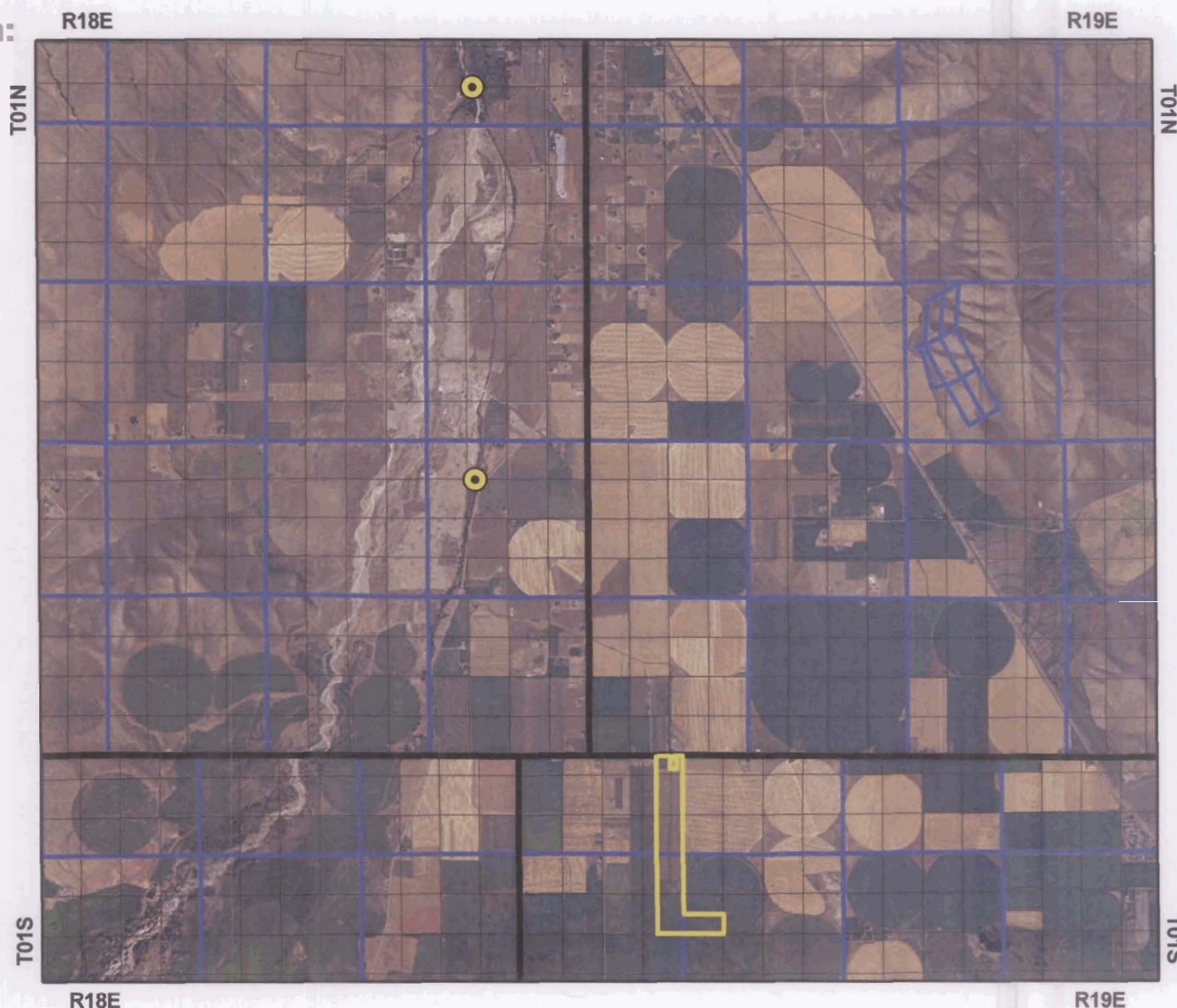
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by A. Merritt
On Wednesday, November 29, 2006
2004 Aerial Photography

Owner: Rocky Sherbine

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