

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 37-353H
Date Received: 7/28/1988
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARBARA BENSON Phone: (208) 788-2111
PO BOX 645
BELLUEVE ID 83313

2. Date of Priority: 06/12/1886

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

4. Point of Diversion:

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

5. Description of diverting works:

EXISTING DITCH & LATERAL, ADD. DITCH TO SUMP & PUMP TO BE INSTALLED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	26.3

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 26.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	19E	18	SW	SW	IRRIGATION	7.5
					Section Acres	7.5
					Total Acres	7.5

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:

CLAIM BASED ON 37-0353 DECREE, SPLIT OFF FROM PART A

***** THIS CLAIM RESULT
OF APPROVED TRANSFER NO. 3679: 1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY
THE WATERMASTER OF STATE WATER DISTRICT NO. 37
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.5 AFA
PER ACRE FOR THE LANDS ABOVE
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR
OF THE DATE OF THIS APPROVAL
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE
VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SRBA
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR
TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL SHOULD NOT BE RESCINDED

15. Basis of Claim: Decreed

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

RECEIVED
SEP 14 2001
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
37-0353 F	A37-00353 H				
	A37-10696				

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)

REID AND KIMBERLY KANTENWEIN
PO BOX 1525, HAILEY, ID 83333

- ☒ 4. New Owner/Claimant(s)

BARBARA J. "MONTANA" BENSON

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 645

City, State and ZIP Code

BELLEVEUE, IDAHO 83312

New Telephone Number

() _____

- ☒ 5. Date you acquired the property

09/07/01

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	_____	_____

X 7.

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

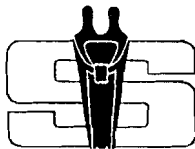
Barbara J. "Montana" Benson

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

ACCEPTED & APPROVED BY:
Barbara J. "Montana" Benson



WARRANTY DEED

For Value Received REID E. KANTENWEIN AND K. KIMBERLY KANTENWEIN, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto BARBARA "MONTANA" BENSON, a single woman

the Grantee whose current address is: P.O. BOX 645, BELLEVUE, ID 83313

the following described premises, to-wit:

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

Parcel Number: 01N19018105KA

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: September 04, 2001

REID E. KANTENWEIN

K. KIMBERLY KANTENWEIN

State of IDAHO

ss.

County of BLAINE

On this 7th day of September, 2001, before me, the undersigned, a Notary Public, in and for said State, personally appeared REID E. KANTENWEIN and K. KIMBERLY KANTENWEIN

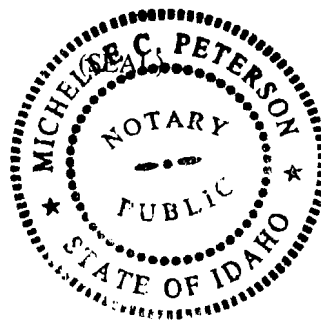
_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at: Bellevue, Idaho

Commission Expires: Aug. 4, 2006



LEGAL DESCRIPTION

Order Number: 01010244

TOWNSHIP 1 NORTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 18: BEGINNING at the Southwest corner of Section 18; thence N. $0^{\circ}26'51''$ W., 660.609 feet; thence N. $89^{\circ}34'03''$ E., 649.251, feet; thence S. $0^{\circ}30'32''$ E., 659.962 feet; thence S. $89^{\circ}30'38''$ W. 649.960 feet to the POINT OF BEGINNING.

There is also granted hereby an easement to be appertenant to the land first above described for roadway purposes and to provide rights of ingress and egress to the grantee herein which easement is described as follows:

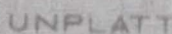
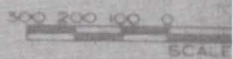
TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A parcel of land more particularly described as follows:

COMMENCING at an iron pin marking the Southeast corner of said Section 13 thence N. $0^{\circ}27'55''$ W., 1,231.22 feet along the East boundary of said Section 13 to an iron pin marking the REAL POINT OF BEGINNING; thence Continuing N. $0^{\circ}27'55''$ W., 60.00 feet along said East boundary to an iron pin; thence S. $89^{\circ}32'05''$ W., 1,325.65 feet to an iron pin on the East boundary of U.S. Highway No. 93; thence S. $0^{\circ}59'45''$ E., 60.00 feet along Highway boundary to an iron pin; thence N. $89^{\circ}32'05''$ E., 1,325.10 feet to the POINT OF BEGINNING.

Excepting however from the parcel first above described a right-of-way for roadway purposes described as beginning at a point from which the southwest corner of said Section 18 bears S. $89^{\circ}30'38''$ W., 649.960 feet; thence N. $0^{\circ}30'32''$ W., 659.962 feet; thence S. $89^{\circ}34'03''$ W., 30.00 feet; thence S. $0^{\circ}30'32''$ E., 611.012 feet; thence 15.504 feet along a curve right with a radius of 20.00 feet, a central angle of $44^{\circ}24'56''$, a tangent of 8.165 feet and a chord of 15.119 feet which bears S. $22^{\circ}44'40''$ W.; thence 38.743 feet along a curve left with a radius of 50.00 feet and a central angle of $44^{\circ}23'46''$, a tangent of 20.403 feet and a chord of 37.781 feet which bears S. $21^{\circ}42'31''$ W.; thence N. $89^{\circ}30'38''$ E., 50.00 feet to the POINT OF BEGINNING.

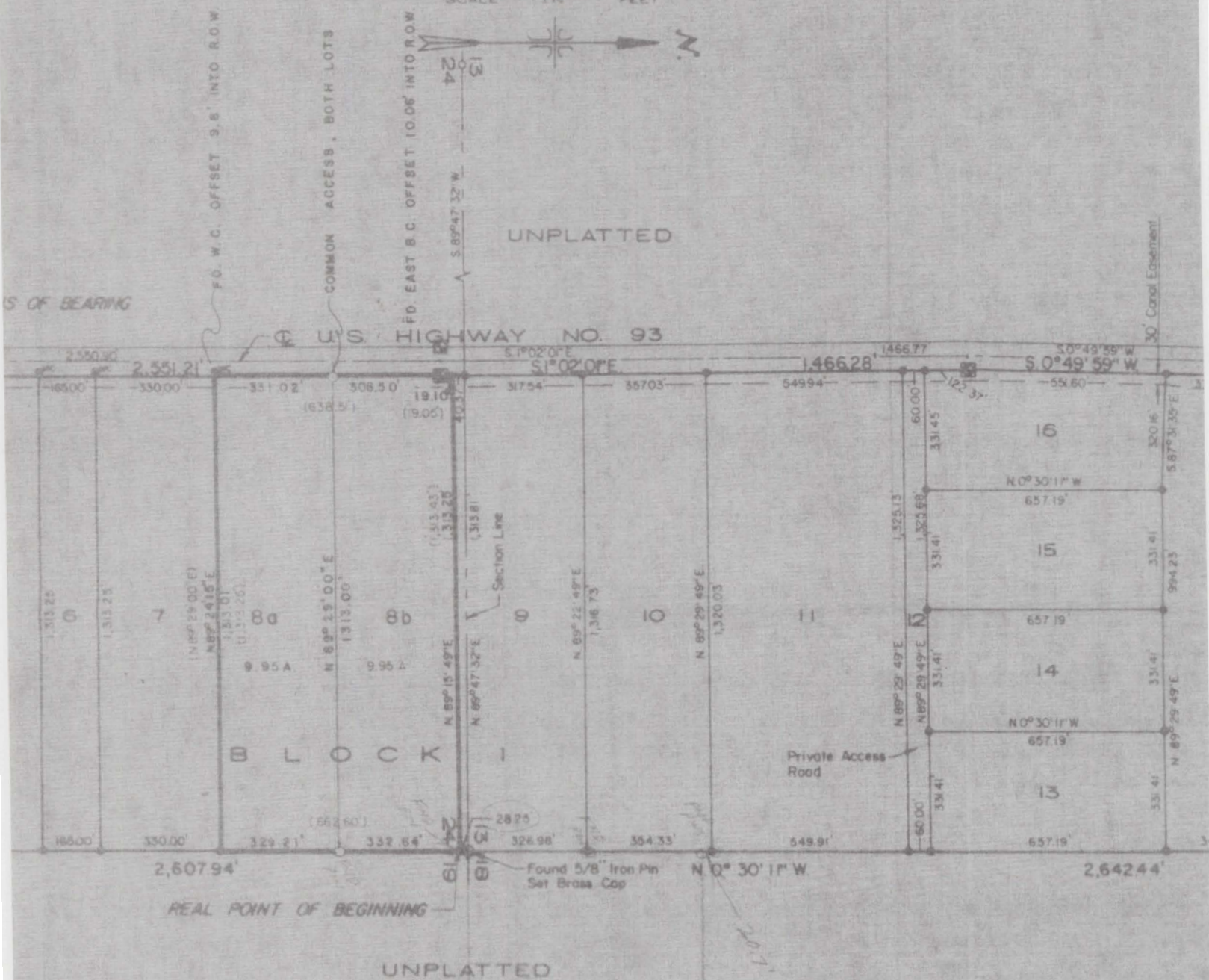
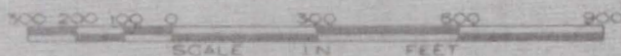
NE 1/4, SE
BLAINE C
LOT 8



1. This replat of said Lot 8 is shown on a copy of the original plat of Dean Ranch Subdivision, 1975 but Sawtooth Engineers is responsible only for Lot 8a and 8b. This procedure is the accepted practice now being utilized by Blaine County.
2. A common access for both lots shall be located as shown.

DEAN RANCH SUBDIVISION PORTIONS OF

NE 1/4, SECTION 24, T1N, R18E, B.M.
BLAINE COUNTY, IDAHO
LOT 8 AMENDED, 1979



NOTE

on a copy of the original plat of
but Sawtooth Engineers is
to 8b. This procedure is the accepted
Blaine County.
be located as shown.

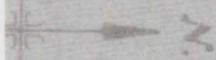
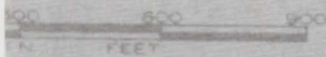
SUBDIVISION

ONS OF

ON 24T1N, R18E, B.M.

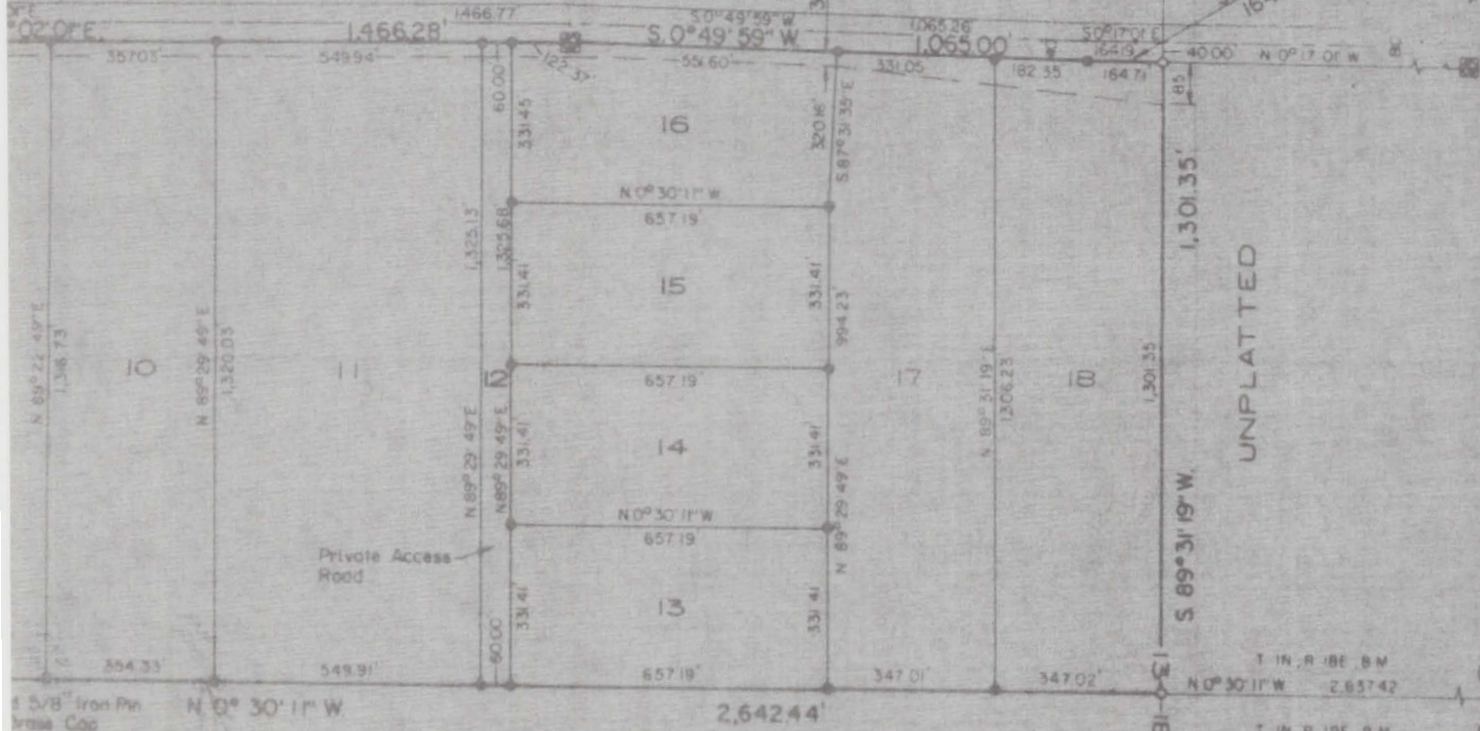
UNTY, IDAHO

ENDED, 1979



PLATTED

NO. 93



LEGEND

- Brass Cap
- Found Stone Monument
- Found Highway R/W Monument
- 5/8" Found Iron Pin
- 5/8" x 30" Set Iron Pin
- Set 5/8" x 30" Iron Pin, Witness Corner 1000' West of Property Corner
- Set 1/2" Bar w/Cap L.S. 3621
- Record Date

Sawtooth Engineers
Consulting Engineers
Ketchum, Idaho

SCHEDULE A

Order Number: 01010244

1. Effective date: August 23, 2001 at 8:00 A.M.

2. Policy or Policies to be issued:
(a) A.L.T.A. Owner's (Standard)

Amount of Insurance
\$ 399,000.00

Proposed Insured:
BARBARA J. BENSON

(b) A.L.T.A. Mortgagee's

\$

Proposed Insured:

(c) Leasehold

\$

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is
fee simple

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:
REID E. KANTENWEIN and K. KIMBERLY KANTENWEIN, husband and wife

5. The land referred to in this Commitment is described as follows:

See Attached Legal Description

SCHEDULE A

Order Number: 01010244

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2. Policy or Policies to be issued:	Amount of Insurance
(a) A.L.T.A. Owner's (Standard)	\$ 399,000.00

Proposed Insured:
BARBARA J. BENSON

(b) A.L.T.A. Mortgagee's	\$
--------------------------	----

Proposed Insured:

(c) Leasehold	\$
---------------	----

Proposed Insured:

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See Attached Legal Description

SCHEDULE A

Order Number: 01010244

LEGAL DESCRIPTION

TOWNSHIP 1 NORTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

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There is also granted hereby an easement to be appertenant to the land first above described for roadway purposes and to provide rights of ingress and egress to the grantee herein which easement is described as follows:

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A parcel of land more particularly described as follows:

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SCHEDULE B
Section 1

Order Number: 01010244

REQUIREMENTS

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:

1. Delivery of a Warranty Deed from REED E. KANTENWEIN and K. KIMBERLY KANTENWEIN, husband and wife to BARBARA J. BENSON, and/or assigns to convey the property described herein.

2. Release of Deed of Trust dated October 19, 1993 executed by REED E. KANTENWEIN and K. KIMBERLY KANTENWEIN, husband and wife as Grantor(s), to TITLE AND TRUST COMPANY, an Idaho corporation as Trustee and FIRST SECURITY BANK OF IDAHO, N.A. as Beneficiary, to secure an indebtedness in the amount of \$61,000.00, recorded October 25, 1993, as Instrument No. 358274, records of Blaine County, Idaho.

3. Release of Deed of Trust dated March 2, 2001 executed by REED E. KANTENWEIN and K. KIMBERLY KANTENWEIN, husband and wife as Grantor(s), to SUN VALLEY TITLE as Trustee and FIRST SECURITY BANK, N.A as Beneficiary, to secure an indebtedness in the amount of \$61,000.00, recorded March 6, 2001, as Instrument No. 448707, records of Blaine County, Idaho.

4. Delivery to the Company of the Affidavit as to Debts and Liens. Upon acceptance and review of said Affidavit, title will be subject to such further matters as appear necessary and appropriate following such review.

5. Pursuant to the State of Idaho Insurance Regulations, a cancellation fee is to be charged on all cancelled orders. Unless otherwise advised, orders will be considered cancelled six months after the effective date on the Commitment. The amount of the fee assessed shall be in accordance with our rate filing with the Idaho Department of Insurance.

If you should decide to change lenders within six months, this commitment can be transferred to avoid a cancellation charge.

SCHEDULE B
Section 2

Order Number: 01010244

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 2001, a lien not yet due and payable.

General taxes for the year 2000, a lien in the amount of \$1,858.74, which are paid in full. (Parcel No. 01N19018105KA)

NOTE: For informational purposes only, not under the insuring provisions of the policy.

8. Right-of-Way for irrigation ditches as reserved in that certain Warranty Deed recorded October 16, 1913, in Book 76 of Deeds, page 361, as Instrument No. 23826, records of Blaine County, Idaho.
9. Easement and Right-of-Way in favor of INTERMOUNTAIN GAS COMPANY, recorded November 16, 1965, in Book 180 of Deeds, page 191, as Instrument No. 123438, records of Blaine County, Idaho.
10. State of Idaho Easement in favor of INTERMOUNTAIN GAS COMPANY, recorded November 16, 1965, in Book 180 of Deeds, page 190, as Instrument No. 123437, records of Blaine County, Idaho.
11. Declaration of Deed Restrictions, Double D Ranch, recorded June 1, 1973, as Instrument No. 149543, First Amendment, recorded as December 30, 1999, Instrument No. 434997, records of Blaine County, Idaho.
12. Notices of liens if any, in favor of the State Tax Commission, the Department of Labor and Department of Health and Welfare of the State of Idaho filed in the office of the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code. (The Idaho State Tax Commission electronically files liens with the office of the Secretary of State and not with the Blaine County Recorder. Until

Continued on next page

Continuation of Schedule B - Section 2

Order Number: 01010244

final review at closing, title may be subject to such further matters as appear necessary and appropriate following such review.)

Items 1-4 and 6 may be removed upon issuance of any ALTA Extended Coverage Policy.

Copies of all recorded documents outlined in this section are available upon request.

SCHEDULE A

Order Number: 01010244

LEGAL DESCRIPTION

TOWNSHIP 1 NORTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 18: BEGINNING at the Southwest corner of Section 18; thence N. $0^{\circ}26'51''$ W., 660.609 feet; thence N. $89^{\circ}34'03''$ E., 649.251, feet; thence S. $0^{\circ}30'32''$ E., 659.962 feet; thence S. $89^{\circ}30'38''$ W. 649.960 feet to the POINT OF BEGINNING.

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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: **A37-00353H**
Date Received: 7/28/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: REID KANTENWEIN
Address: PO BOX 1525
HAILEY ID 83333
208-788-9776
2. Date of Priority: JUN 12, 1886
3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36		SW	NW		BLAINE
5. Description of diverting works:
EXISTING DITCH & LATERAL, ADD. DITCH TO SUMP & PUMP TO BE INSTALLED
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		26.30
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 26.30 A.F.A.
8. Total consumptive use is 18.7 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	19E	18	SW	SW		IRR	7.5

Section Acres 7.5

Total Acres

MICROFILMED
OCT 24 1994

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:
A37-00363D

14. Remarks:

CLAIM BASED ON 37-0353 DECREE, SPLIT OFF FROM PART A.

THIS CLAIM RESULT OF APPROVED TRANSFER NO. 3679:

1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SRBA.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL SHOULD NOT BE RESCINDED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

January 9, 2008

DAVID R. TUTHILL, JR.
Director

RECEIVED

JAN 30 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

JAN 25 2008

WATER RESOURCES

BARBARA BENSON
97 FREEDOM LOOP
BELLEVUE ID 83313-5013

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-353H and 37-10696

Dear Claimant:

*Records modified 1-28-08
NGRP prepared. - M*

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by January 31, 2008. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Barbara Benson
Water Right Holder's Signature

208-788-2111
Telephone N99990.

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

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

ADDRESS SERVICE
REQUESTED

Bens
240

BARBARA BENSON
~~PO BOX 015~~
BELLEVUE ID 83313

BENS260 833132018 1306 11 11/28/06
BENSON FORM 3547
97 FREEDOM LOOP
BELLEVUE ID 83313-5013



FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.87
0004389393 NOV 24 2006
MAILED FROM ZIP CODE 83702

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

37-353 H
37-10696

RECEIVED
DEC 05 2006
DEPARTMENT OF
WATER RESOURCES

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

FIRST



02 MAR 0004230663 MAR
MAILED FROM ZIP CODE

 **ATTEMPTED,
NOT KNOWN**

RECEIVED
MAR 27 2007
DEPARTMENT OF
WATER RESOURCES

37-3534 37-10696

BARBARA BENSON
PO BOX 645
BELLEVUE ID 83725

12/21/2006

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

RIGHT NUMBER: 37-353H

NAME AND ADDRESS: BARBARA BENSON
PO BOX 645
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.200 CFS

PLACE OF USE: MITIGATION in BLAINE County

T01N R19E S18 Lot 4 SWSW

To mitigate for the depletion of water resulting from the use of water under Permit 37-8660, and to prevent injury to senior water right holders, the right holder shall cease using 0.20 cfs formerly diverted from the Big Wood River under Right 37-353H. Said water right shall be left in the Big Wood River for mitigation purposes.

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 right was formerly known as Right 37-353F.



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

September 14, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BARBARA BENSON
PO BOX 645
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-353H, 37-10696

Dear Ms. Benson:

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.

BLAINE COUNTY TITLE

DARYL J. FAUTH
PRESIDENT

208 SPRUCE AVENUE NORTH
P.O. BOX 3176
KETCHUM, IDAHO 83340

MELODY MATTSON
VICE PRESIDENT

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

September 13, 2001

RECEIVED

SEP 14 2001

Department of Water Resources
Southern Region

RE: Escrow No. 01010244 KANTENWEIN/BENSON

Dear Sir/Madam,

With regards to the above described real estate transaction, please find enclosed the following:

____ Title Commitment
____ Closing Statement
____ Deed of Trust - Instrument No. _____
____ Note
☒ 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. 0--
____ Mortgagee's Policy No. _____
____ Endorsements _____
____ Lot Book Report
____ Lien Affidavit
☒ Other: Survey Map.
____ Other: _____
____ Check # _____ in the amount of \$ _____
____ Representing: _____

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

Sincerely,

BLAINE COUNTY TITLE

Cresta Swainston
Cresta Swainston
Escrow Assistant



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1999

Lee Peterson, Watermaster
Water District 37
P.O. Box P
Shoshone, Idaho 83352

RECEIVED
DEC 28 1999
Department of Water Resources
Southern Region

Re: Assessment of Claims to Right No. ~~37-00353~~ Frost Decree – James Johnson)

Dear Lee:

You have requested guidance from the Department of Water Resources on which claimants to parts of Right No. 37-00353 should be included in the Water District 37 "Decree Book." Claims to various parts of the right have been filed in the Snake River Basin Adjudication. The claims, in total, exceed the decreed amount of the right. Some of the new claimants were not previously identified in the Water District records as having an ownership interest in the water right and have not been previously assessed by the Water District. Some of the claimants not previously identified in the Water District's records have called for water delivery based upon their claims. It is my understanding that the right is delivered by the Water District to the head of the District 45 canal along which most of the claimants are located. Because the Water District does not control delivery from the canal, your records do not verify use of water under the rights by the claimants.

Based upon this understanding Water District 37 should include in its Decree Book each of the water users claiming a part of Right No. 37-00353 that have demonstrated a probable ownership. Those having a probable ownership in the right include:

a. Water users listed in the Water District Records as having an ownership interest. These include:

1. Gardner	180 inches
2. Fosnot	20 inches
3. Grigsby (formerly Bick)	20 inches
4. Kantenwein	10 inches
5. Oppenheimer	20 inches
6. Stricker	20 inches
7. Driever	10 inches

It is my understanding that the Water District Records also at one time listed Robert Keirstad as the owner of 40 miners inches. Because Mr. Keirstad has not filed a claim in the SRBA, the county records cast doubt on his continued ownership of any of the right, and he has not called for water for many years, I suggest that Mr. Keirstad not be listed in the Decree Book until these issues are resolved.

b. Claimants not previously listed in the Water District records which have now filed a claim in the SRBA and for which IDWR has entered a preliminary order in response to a petition for distribution by the watermaster. Olsen Livestock Consulting falls into this category.

Other claimants who have not demonstrated a probable ownership to a part of the right, even though they have claims pending in the SRBA, should not be include in the Decree Book until such time as the court confirms their right or IDWR has entered a preliminary order recognizing, at least for the interim period prior to action by the court, that a probable ownership exists by the claimant. The claims filed by Ziker, Price, and Goicoechea are in this category. Ziker has a pending petition calling for distribution of water and has supplied some ownership information. If an order to deliver results from the petition, Ziker should then be included in the Decree Book.

At this time the claimants calling for water that have demonstrated a probable ownership in the right do not exceed the amount of the right. It is easy to see that this will not be the case if all existing claimants call for delivery of water. The preliminary order entered in response to the Olsen Livestock Consulting petition indicates that the amount of water would be prorated among all the claimants if others demonstrate probable ownership to the amounts they are claiming. It is important that all claimants be advised of petitions calling for water under the new claims to allow them to participate in administrative actions. IDWR will provide copies of all preliminary orders to all claimants. Action to resolve the matter in the SRBA is still off in the future because the preliminary Director's Report for Basin 37 is scheduled to be available in December 2002.

Sincerely,



Norman C. Young
Administrator
Water Management Division

A37-00353	BICK, J KARL	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	BICK, JUDITH G	C				4 STOCK
A37-00353A	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER	1 IRR
					SPL IT RI GHT	
A37-00353B	STRICKER, EDWARD W	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	STRICKER, JEANNINE	C				4 STOCK
A37-00353C	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER	1 IRR
					SPL IT RI GHT	
A37-00353D	GARDNER, ROBERT	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	GARDNER, KATHRYN	C				
A37-00353E	OPPENHEIMER JR, HARRY	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353F	ZIKER TRUSTEE, RICHARD	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	ZIKER TRUSTEE, PAULA	C				
A37-00353G	DRIEVER, DOUGLAS	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
~~A37-00353H~~	KANTENWEIN, REID	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353J	OLSEN LIVESTOCK CONSUL	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353K	PRICE, SHERRY	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	PRICE, BRUCE	C				
A37-00353L	GOICOECHEA, TOM	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	GOICOECHEA, ANNETTE	C				

A37-00353H

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

JUL 24 1997
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF A CALL FOR)
DELIVERY OF WATER RIGHT NO.)
37-0353 TO OLSEN LIVESTOCK)
CONSULTANTS, INC.)
_____)

PRELIMINARY ORDER

Scott Campbell, an attorney representing Olsen Livestock Consultants, Inc., requested delivery of 0.40 cfs (20 miners inches) of water from the Big Wood River under water right No. 37-0353. After reviewing the files and records of the Department, Water District 37, and Blaine County, the Department of Water Resources enters the following Findings of Fact, Conclusions of Law, and Preliminary Order.

FINDINGS OF FACT

1. Water Right No. 37-0353 was decreed to James Johnson in the case of S. C. Frost, et al vs. Alturas Water Co., et al. The right is for 6.4 cfs to be diverted from the Big Wood River for irrigation of the E1/2SE1/4 of Section 13 and the E1/2NE1/4, Section 24, T1N R18E, B.M., Blaine County (approximately 160 acres). The water right has been diverted into the Wood River Valley Irrigation District No. 45 canal located within the SW1/4NW1/4, Section 36, T2N, R18E, for delivery to users of the water. The priority of right No. 37-0353 is June 12, 1886.

2. The decreed place of use for right No. 37-0353 was divided in the early 1970's into an 18 lot subdivision known as the Dean Ranch Subdivision. The records of the Department and Water District 37 indicate that right No. 37-0353 was appurtenant to and used upon the decreed place of use up to the time the land was subdivided and on some of the subdivision lots and other land each year thereafter. Lot 2, Block 1 of the subdivision has not been irrigated for more than 10 years as evidenced by a review of aerial photographs and other information available to the department.

3. Olsen Livestock Consultants, Inc. claims ownership of Lot 2, Block 1, Dean Ranch Subdivision. The deeds in the chain of title filed with Blaine County for this lot from the creation of the subdivision to the present are summarized as follows:

a. M.D. and Katherine Dean deeded Lot 1 (approximately 8 acres) and Lot 2 (approximately 10 acres) with appurtenances to Charles A. and Debra Anne Curtis on November 1, 1974. Appurtenant water rights were not specifically described.

- b. Charles A. and D. Anne Curtis deeded Lot 1 with appurtenances to Robert E. Fosnot on October 19, 1978. Appurtenant water rights were not specifically described.
- c. Charles A. and Debra Anne Curtis deeded Lot 2 with appurtenances to Dean R. and Judene Call on December 5, 1978. A water right with an 1887 priority date for 20 inches was specifically included.
- d. Dean R. and Judene Call deeded Lot 2 with appurtenances to Robert D. and Sharyl M. Head on August 5, 1991. A water right with an 1887 priority date for 20 inches was specifically included.
- e. Robert D. and Sharyl M. Head deeded Lot 2 with appurtenances to Olsen Livestock Consultants, Inc. on September 25, 1996. Appurtenant water rights were not specifically described.

4. Blaine County does not have any record of deeds transferring title of any part of Water Right No. 37-0353 separately from the appurtenant land during the time period of December 15, 1969 (date land was deeded to M. D. Dean) to November 1, 1974 (the date of the initial sale of Lot 1 and 2).

5. Water District 37 records list the following as the current owners of water right No. 37-0353:

- a. Harry L. Oppenheimer (20 miners inches) based upon a letter dated October 27, 1977 from M. D. Dean confirming the sale of the water to Jerry Lee Johnson, a February 16, 1978 warranty deed from Jerry Lee Johnson to Marvin Lotspeich, and a 1980 warranty deed from Marvin Lotspeich to Harry L. Oppenheimer.
- b. Robert Kierstad (40 miners inches) based upon an October 28, 1977 letter from M. D. Dean confirming sale of water to Mr. Kierstad.
- c. Ed Stricker (20 miners inches) based upon an October 29, 1977, letter from M. D. Dean confirming sale of the water to Mr. Stricker.
- d. Gus Chek (10 miners inches) based upon a November 1, 1977, letter confirming sale of 20 inches of water to Mr. Chek. Mr. Chek subsequently sold 10 inches to Douglas Driever.
- e. Douglas Driever (10 miners inches) based upon an October 4, 1991 letter from Gus Chek confirming sale of the water and Transfer No. 3679 approved by the department.

f. Robert Gardner (180 miners inches) based upon a June 25, 1982 letter from M. D. Dean confirming sale of the water to Mr. Gardner.

g. J Karl Bick (20 miners inches) based upon a June 25, 1982 letter from M. D. Dean to John Peterson and a quit claim deed dated November 3, 1993 from John Peterson to J Karl Bick.

h. Robert Fosnot (20 miners inches) based upon Transfer No. 2948 approved by the department.

6. The records of Water District 37 list a current owner for all 6.4 cfs (320 miners inches) of right No. 37-0353. Olsen Livestock Consultants, Inc. is not listed as a current owner by the water district. The watermaster records indicate that an assessment has not been paid for delivery of water for use on Lot 2, Block 1, Dean Ranch Subdivision since 1982 or earlier.

7. The following have claimed portions of right 37-0353 in the Snake River Basin Adjudication (SRBA):

- | | | |
|----|---|--------------------|
| a. | A37-0353 J. Karl & Judith G. Bick
(This claim was originally filed by John Peterson.) | 20 miners inches |
| b. | A37-0353B Edward & Jeannine Stricker | 20 miners inches |
| c. | A37-0353D Robert & Kathryn Gardner | 180 miners inches |
| d. | A37-0353E Harry L. Oppenheimer, Jr. | 20 miners inches |
| e. | A37-0353F William R. Long | 10 miners inches |
| f. | A37-0353G Douglas Driever
(This is one half of claim A37-0353C filed by Gus Chek.) | 10 miners inches |
| g. | A37-0353H Reid Kantenwein
(This is one half of claim A37-0353C filed by Gus Chek.) | 10 miners inches |
| h. | A37-0353J Tom Olsen | 13.5 miners inches |
| i. | A37-11688 Paul R. & Robert E. Fosnot
(This claim is based upon water right No. 37-0353.) | 20 miners inches |

8. The SRBA claims on file total 303.5 miners inches.

9. The Water District 37 records show that Wood River Valley Irrigation District No. 45 has paid the Water District 37 assessments for 1997 for Gus Chek and for 1996 and 1997 for Robert Kierstad.

10. The Department, Water District 37, and Blaine County records do not show the transfer of an 1887 water right to Lot 2, Block 1, Dean Ranch Subdivision.

11. Water District 37 has been active each year since 1974 and earlier.

12. Rule 104 of the "Rules of Procedure of the Idaho Department of Water Resources", IDAPA 37.01.01, authorize the department to initiate a formal proceeding by issuing an informal determination that will become final in the absence of further action by the person(s) to whom the document is addressed.

CONCLUSIONS OF LAW

1. Water right No. 37-0353 has not been forfeited as evidenced by the Water District 37 records of delivery and use, although use has not occurred on Lot 2, Block 1 Dean Ranch Subdivision for many years.

2. Lot 2, Block 1 Dean Ranch Subdivision was included in the decreed place of use of water right No. 37-0353. Unless a change in place of use was made in accordance with a valid transfer procedure, water right No. 37-0353 is prorated uniformly to the place of use; i.e., 2 miners inches to each acre of the place of use, *Crow v. Carlson*, 107 Idaho 461 (1984).

3. A water right is an appurtenance to the land and passes by conveyance of the land unless it was specifically reserved in the deed or it can be clearly shown that it was known to both parties that the water right was not intended to be conveyed. *Russell v. Irish*, 20 Idaho 194, 118 P. 501 (1911). Because the 1974 deed from M. D. and Katherine Dean to Charles A. and Debra Anne Curtis did not specifically reserve water rights from the sale, a proportionate share of water right 37-0353 remained appurtenant to the parcel. Deeds and letters confirming the sale of portions of the decreed water right issued by M. D. Dean subsequent to the 1974 deed to Curtis purporting to convey water rights could not have moved the water right from Lot 2.

4. The reference to an "1887" water right in the chain of title to Lot 2, Block 1, Dean Ranch Subdivision, appears to be a typographical error in describing the appurtenant May 12, 1886 priority water right because documentation has not been found to associate an 1887 priority water right with Lot 2, Block 1, Dean Ranch Subdivision. The inclusion of this reference to a water right in the deed to Mr. Call indicates that Mr. Curtis understood that a water right was appurtenant to Lot 2, Block 1, Dean Ranch Subdivision.

5. Section 42-607, Idaho Code, provides that a water user can not adversely possess the water rights of another user in an active water district.

6. The information available to the department indicates that a proportionate share of water right No. 37-0353 is appurtenant to Lot 2, Block 1, Dean Ranch Subdivision owned by Olsen Livestock Consultants, Inc. The watermaster of Water District 37 should be instructed to deliver the water to the authorized point of diversion for delivery and irrigation use.

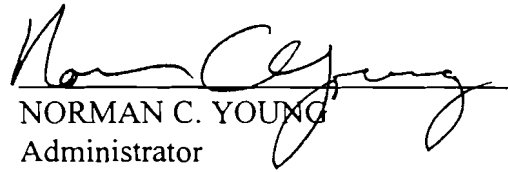
7. The department is not able with the information presently available to determine which of the persons presently listed in the Water District 37 records as owning a portion of water right No. 37-0353 are not entitled to the full amount attributed to them. This matter is left for further determination by the department or the district court. Because some of the persons listed as owning part of the right are not calling for delivery under the right and have not done so for several years, the watermaster can satisfy the Olsen Livestock Consultant, Inc. call without otherwise changing the delivery to those entitled to use the water. If calls for water by those entitled to receive the water exceed the total amount of the right, delivery to each user will be proportionately reduced until the ownership issue is resolved.

ORDER

IT IS, THEREFORE, HEREBY ORDERED:

1. The watermaster of Water District 37 is instructed to deliver 0.20 cfs of water right 37-0353 with a June 12, 1886 priority date to the Wood River Valley Irrigation District No. 45 headgate in the SW1/4NW1/4, Section 36, T2N, R18E for use by Olsen Livestock Consultants, Inc. Prior to delivery of the water under this order, Olsen Livestock Consultants, Inc. shall have paid any applicable Water District 37 assessments.
2. This Order does not constitute a determination that Olsen Livestock Consultants, Inc. has a right-of-way, easement, or other necessary authorities and approvals needed to convey water through the Wood River Valley Irrigation District headgate and canal system.
3. This Order is a preliminary determination subject to revision if additional information is submitted indicating that water right No. 37-0353 is no longer appurtenant to Lot 2, Block 1, Dean Ranch Subdivision. All persons receiving this order and others using or claiming the use of water under right No. 37-0353 have the opportunity to seek reconsideration or file exceptions in accordance with Rule 730 of the "Rules of Procedure of the Department of Water Resources," IDAPA 37.01.01.

Signed at Boise, Idaho, this 22ND day of July, 1997.


NORMAN C. YOUNG
Administrator
Water Management Division

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1997, I served a true and correct copy of the foregoing document on the following person(s) by mailing in the U.S. mail, first class, with the correct postage affixed thereto:

Scott Campbell
Elam & Burke
PO Box 1539
Boise, Idaho 83701

J Karl and Judith G. Bick
PO Box 2014
Sun Valley, Idaho 83353

Gus Chek
PO Box 1984
Hailey, Idaho 83333

Robert and Kathryn Gardner
PO Box 470
Bellevue, Idaho 83313

William R. Long
11710 Mayfield Avenue
Los Angeles, California 90049

Robert Earl Fosnot
PO Box 290
Bellevue, Idaho 83313

E. Lee Schlender
PO Box 296
Hailey, Idaho 83333

Edward and Jeannine Sticker
10767 State Highway 75
Bellevue, Idaho 83313

Douglas Driever
PO Box 2072
Hailey, Idaho 83333

Harry L. Oppenheimer, Jr.
246 Summit Drive
Corde Madera, California 93925

Reid Kantenwein
PO Box 1525
Hailey, Idaho 83333

Paul R. Fosnot
837 Laurel Avenue
Pomona, California 91767


DEBORAH DREW-ELLIS
Legal Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Regin Adjud.

TRANSFER OF WATER RIGHT

TRANSFER NO. 3679
WATER RIGHT NO. 37-00353F

This is to certify that: **GUS CHEK**
PO BOX 1984
HAILEY ID 83333

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	0.20 CFS	26.3 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 06/12/1886

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 36, Township 02N, 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>
01N	19E	18	SWSW	7.5		7.5
Total number of acres irrigated:						7.5

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.
5. 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.

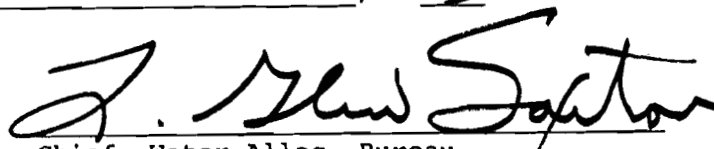
MICROFILMED
OCT 24 1994

PAGE 2

TRANSFER NO. 3679
WATER RIGHT NO. 37-00353F

CONDITIONS/REMARKS:

Dated this 3rd day of November, 1993.


Chief, Water Alloc. Bureau

MICROFILMED
OCT 24 1994

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Pending 10/21/93
100

Name of applicant Gus Check Phone 788-3779

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

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The 1886 water is being sold, as it is not needed on my land. It will supplement groundwater rights on the new P/U.

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 |
|--|-----------|-----------------------|------------------|----------------|
| (Part of)
37-003536A | 6-12-1886 | 0.20 cfs | Irrig. | Apr 1 to Nov 1 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>0.20</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Big Wood River</u> tributary to <u>Malad River</u> | | | | |
| 4. Point(s) of Diversion: <u>No Change</u> | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
111	19E	18																	187.8
111	19E	18																	7.5 *

STATE OF IDAHO

Transfer No. 3678

Page 1 of 6
RECEIVED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

SEP 17 1991

PART 1

APPROVED

Department of Water Resources

Southern Region Office
Name of applicant Gas Chek

Phone 788-3779

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

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes The 1886 water is not needed on the property, as there is enough 1883 to take care of the place.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------------|------------------|--------------------|-------------------|------------------------------|
| <u>37-00353 Part 1</u> | <u>6-12-1886</u> | <u>0.20</u> | <u>Irrigation</u> | <u>Apr 1</u> to <u>Nov 1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.400.20 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Big Wood River tributary to Malad River
- Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	Headgate & ^{District} Bellevue Canal
		NE	SE	13	1N	18E	"	Re-diversion from ^{District} Bellevue Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	13																6	6

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OCT 24 1994

Total acres 6

37-003534 part 1-4 3678

1118E2012
116 323
1-3P18

Transfer No. _____

PART 1

6. General Information:

- a. Description of diversion system Existing canal & ditch to P/U. Additional ditch & ditch pump to be installed.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XX Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will continue to be irrigated with 1883 decreed water.
- d. Remarks:
Water is being sold to Douglas Driever for use on Lot 9 of Dean Ranch Subdiv.
Transfer is made to split SRBA Claim A37-00353C. Please send copy of transfer with final action to Mr. Driever at P. O. Box 2072, Hailey, ID 83333.
This transfer application is based on data claimed under SRBA.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-00353A
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this 9th day of September, 19 91.

[Signature]
Chief, Water Allocation Bureau

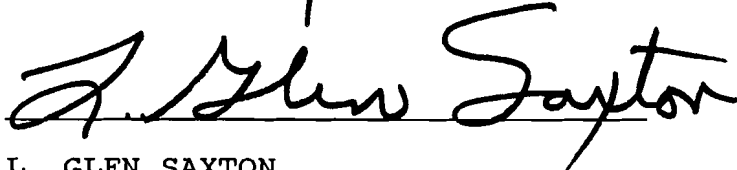
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right No. 37-00353A

Transfer No. 3678

1. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
2. 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.
3. 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.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
5. This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

Dated this 9th day of September, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

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OCT 24 1994

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. 37-00353A Decreed to James Johnson
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2948 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 Deed of Sale

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

4. Date or priority 6-12-1886

5. Water is used for the following purpose:

amount 6.0 cfs for Irrigation purposes from Apr 1 to Nov 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.0 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
		SW	NW	36	2N	18E	Blaine	Headgate #45 & District Canal

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	
1N	18E	13													X			X	
		24	X			X													

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

37-03

Total acre

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OCT 24 1994

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

Unknown 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 0.20 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	Headgate #45 & District Canal
		NE	SE	13	1N	18E	"	Re-diversion from District Canal

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	
1N	18E	13																7.5	7.5

Total acres 7.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 5.8 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

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	

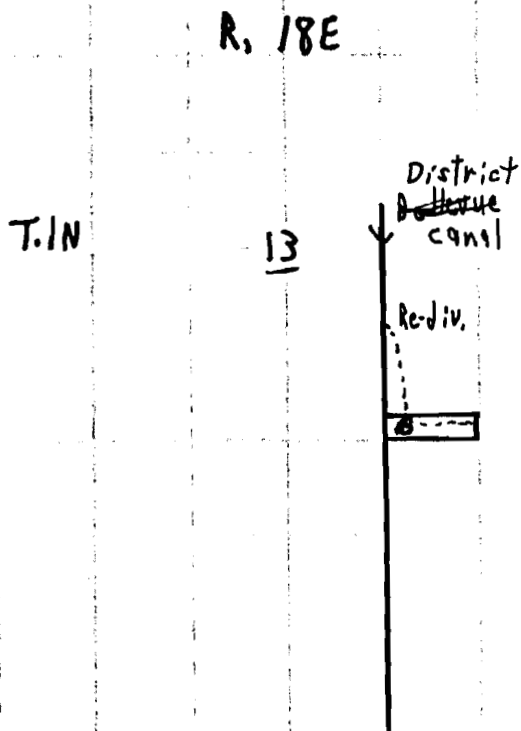
Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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OCT 24 1994

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.

Gus Cheh
(Signature of Applicant)

Subscribed and sworn to before me this January day of 11/22, 1990.

Twin Falls, Idaho

Quincy Coisano
(Notary Public)

My commission expires July 18, 1995

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by J. F. Stanton Date 1-22-90 Protest filed by _____

Prelim. check by DRJ Fee \$30, 50/1025

Receipted by JA Date 1-22-90

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 5/9 & 5/16/90 Hearing held by _____ Date _____

Watermaster recommendation requested on 5/1/90 Recommended for ☐ approval ☐ denial

_____ rec'd. 5/9/90 by _____

Copy of transfer sent to lien holder _____

SD-42 Prefix: A Basin: 37 Starting Water Right: 00353

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
4 A37-00353	PETERSON, JOHN R.	C	06/12/1886	/	BIG WOOD RIVER	01 IRR 04 STOCK
A37-00353A	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER SPLIT RIGHT	01 IRR
4 A37-00353B	STRICKER, EDWARD W.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
4 A37-00353C	STRICKER, JEANNINE	C				04 STOCK
4 A37-00353D	CHEK, GUS A.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
6 A37-00353E	GARDNER, ROBERT	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
4 A37-00353F	GARDNER, KATHRYN	C				
2 A37-00353G	OPPENHEIMER, JR., HARR	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
A37-00353H	LONG, WILLIAM R.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
A37-00353I	LAZY TRIPLE J RANCH, G	C	06/01/1887	D/	THOMPSON CREEK	01 IRR
A37-00353J	KERR PACIFIC CORP.,	C	05/17/1883	D/	BIG WOOD RIVER	01 IRR
A37-00353K	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR
A37-00353L	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

5.4

G. Drievel Turn 3678 .2 6Ac (67)

H. Kenter Turn 3679 .2 7.5Ac.

6 c.u.
2.5
15.0

7.5 c.u.
2.5
3.75
150
18.75

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OCT 24 1994

SD-42		Basin: 37		Starting Water Right: 00353		STATE	
Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Code	Desc
37-00353			00/00/0000	/			
37-00353A			00/00/0000	/Z			
37-00353B	FOSNOT, ROBERT E.	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353C			00/00/0000	/Z			
37-00353D	DRIEVER, DOUGLAS	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353E	JOHNSON, JAMES - 0011,	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353F	CHEK, GUS	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00354	JOHNSON, JAMES E.	C	06/01/1887	D/	THOMPSON CREEK	01	IRR
37-00355	PRICE, R. G.	C	05/17/1883	D/	BIG WOOD RIVER	01	IRR
						43	DOMEST
37-00356	JOHNSON, LOUIS	C	11/13/1907	D/	LITTLE WOOD RIVE	01	IRR
37-00357	JOHNSON, NIELS	C	11/13/1907	D/	LITTLE WOOD RIVE	01	IRR
37-00358			00/00/0000	/			
37-00359			00/00/0000	/			
37-00359A	JONES, KATIE	C	06/01/1884	D/	BIG WOOD RIVER	01	IRR
37-00359B	STEWART, ELLA	C	06/01/1884	D/	BIG WOOD RIVER	01	IRR

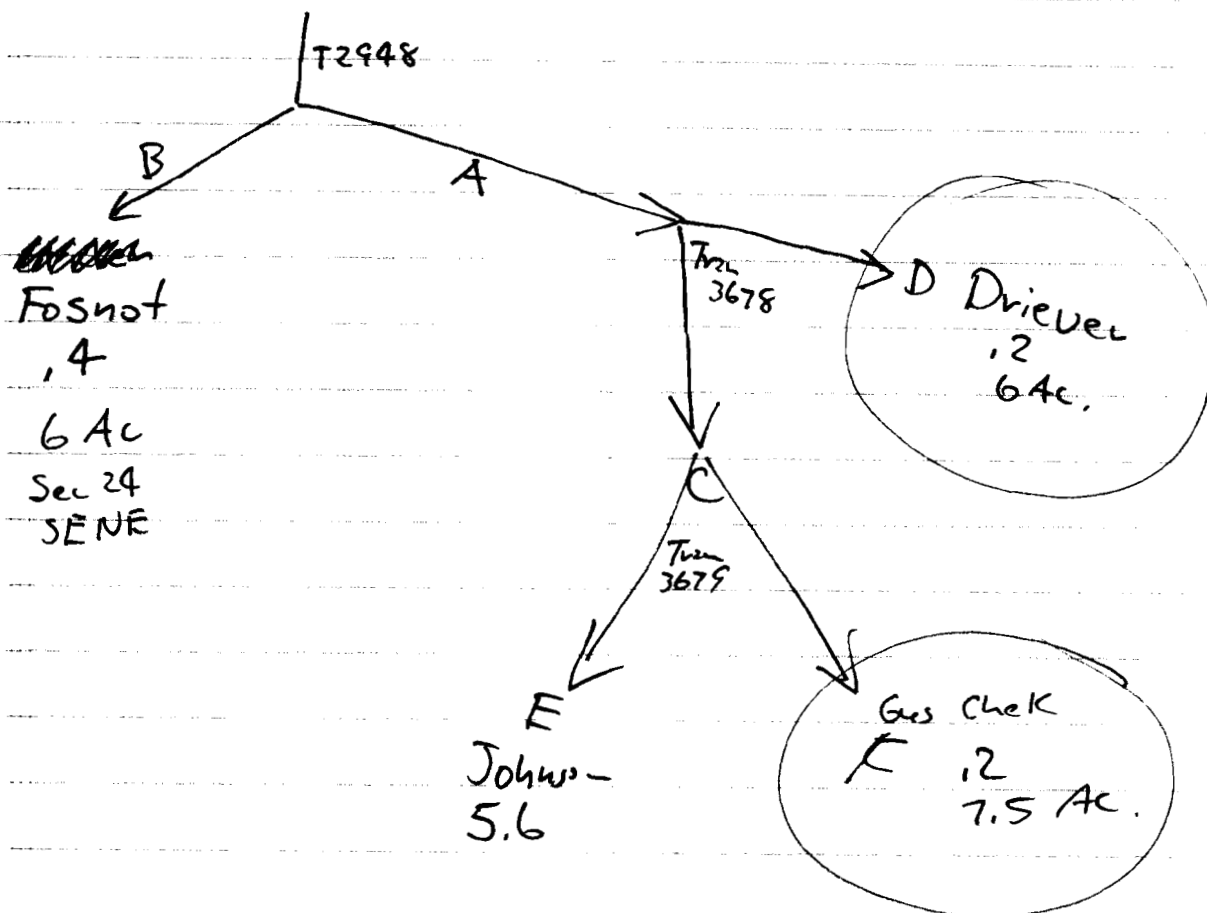
(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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OCT 24 1994

37-00353



6.4 total

Cons use $\frac{7.5}{2.5}$
 $\frac{3.75}{1.50}$
 $\frac{18.75}{}$

MICROFILMED
OCT 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Nov-1993

DOUGLAS DRIEVER
PO BOX 2072
HAILEY ID 83333

RE: Amendment of SRBA Claim #A37-00353C - GUS CHEK

Dear Claimant:

Pursuant to the approval of Transfers No. 3678 & 3679, the above referenced Notice of Claim in the Snake River Basin Adjudication has been amended to conform with the transfers and resulted in a split of that right into parts ~~A37-00353C~~ (Driever) and A37-00353H (Kantenwein). Please find enclosed a printout of the way your claim record has been modified. Please look the modified record over carefully to be sure it correctly reflects your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written in dark ink.

Jeanie Robertson
Records Clerk

Encl:

cc: GUS A. CHEK
PO BOX 1984
HAILEY ID 83333

MICROFILMED
OCT 24 1994

PART 1

6. General Information

a. Description of diversion system Existing Bellevue Canal & lateral. Additional ditch to sump & pump to be installed.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will continue to be irrigated with 1883 water.

d. Remarks:

Water is being sold to Reid Kantenwein. Transfer represents a split of SRBA Calim A37-00353C. Please send copy of transfer with final action to Mr. Kantenwein at P. O. Box 1525, Hailey, ID 83333. Application for Permit 37-8384 has been reduced to 3 acres so it and this transfer can be approved.

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 _____

MICROFILMED
OCT 24 1994

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. 37-00353A Decreed to James Johnson
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2943 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 Deed of Sale

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

4. Date or priority 6-12-1886

5. Water is used for the following purpose:

amount 6.0 cfs for Irrigation purposes from Apr 1 to Nov 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-0363

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OCT 24 1994

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

Unknown 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 0.20 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	Headgate #45 & District Canal
		NE	SE	13	1N	18E	"	Re-diversion from District Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	13																7.5	7.5

Total acres 7.5

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

1. amount 5.8 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

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

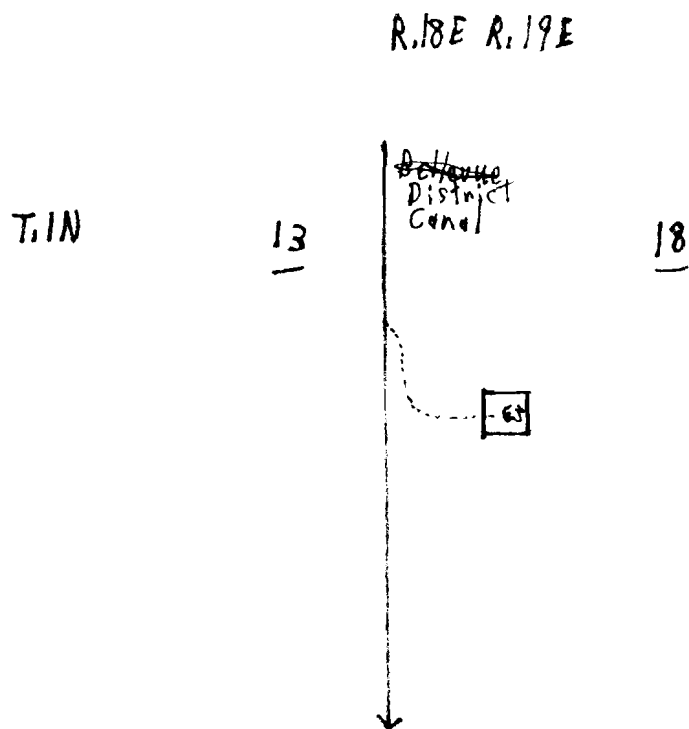
MICROFILMED
OCT 24 1994

Total acres _____

Transfer No. 2027
 POOR ORIGINAL

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

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



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 OCT 24 1994

PART 3

POOR ORIGINAL

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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of January, 1990

[Signature]
(Notary Public)

My commission expires July 18, 1993

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by J. F. Thornton Date 1-22-90 Protest filed by _____

Prelim. check by DRJ Fee \$30.00 _____

Receipted by gd Date 5/1/90 _____

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 5/9 & 5/16/90, 8/15 & 8/22/90 Hearing held by _____ Date _____

Watermaster recommendation requested on 5/1/90, 8/24/90 Recommended for ☐ approval ☐ denial

_____ rec'd. 5/9/90 8:1-90 by _____

Copy of transfer sent to lien holder _____

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OCT 24 1994

POOR ORIGIN

766

2
38.8

12 7

13 18

22 T69 2
143.4

3
4.0

4 130.3

13 16

12 19

T70
155

2
130.0

3
12.2

4A
134.2
98.0

MICROFILMED

OCT 24 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No 57-28560

To appropriate the public waters of the State of Idaho

Pending
10/21/93
AD-

1. Name of applicant Red E. Kantenwein Phone 788-9776
Post office address P.O. Box 1525 Hailey, ID 83333
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 4
Sec. 18 Township 1N Range 19E B.M. Blaine County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.09 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.09 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing well, pump, sprinklers & drip
irrigation
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. ~~Proposed~~ well diameter is 8 inches; ~~proposed~~ depth of well is 149 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower, show total feet of head and proposed capacity in KW _____
- Stockwatering, list number and kind of livestock. _____
- Municipal, show name of municipality. _____
- Domestic, show number of households. _____
- Other, describe fully _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	19E	18											60						6.0

Total number of acres to be irrigated 6.0
on adjacent lands

10. Describe any other water rights used for the same purposes as described above. P37-8384; pending transfer of 37-0353A (part)

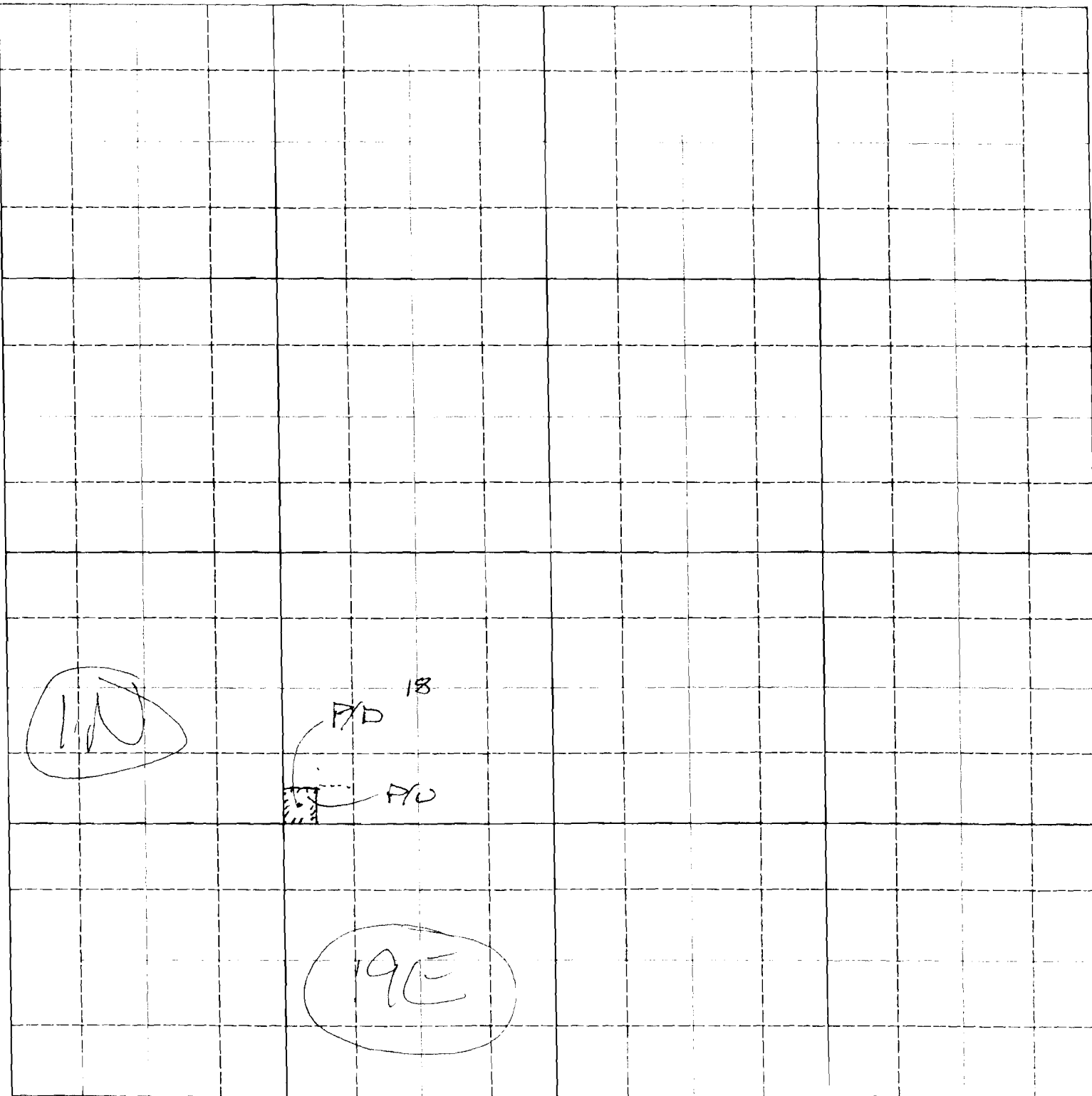
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12. Remarks: Groundwater is supplemental to surface water (transfer pending)

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13 Map of proposed project: show clearly the proposed point of diversion, place of use, section number township and range number



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the water of the State of Idaho as herein set forth.

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(Applicant)

Received by DRJ Date 8/1/90 Time 2 PM Preliminary check by J.E. Stuck
Fee \$ \$30 Received by DRJ # 5012550 Date 8/9/90
Publication prepared by DRJ Date 8/9/90 Published in Idaho Water Resources
Publication approved DRJ Date 8/9/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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SD-42 Prefix: A Basin: 37 Starting Water Right: 00353 STATE

Water Right No.	Name Last, First	W N	Priority Date	Stg/ Sts	Source	Use Code Desc
4 A37-00353	PETERSON, JOHN R.	C	06/12/1886	/	BIG WOOD RIVER	01 IRR
A37-00353A	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER SPLIT RIGHT	04 STOCK 01 IRR
4 A37-00353B	STRICKER, EDWARD W.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
4 A37-00353C	STRICKER, JEANNINE	C				04 STOCK
6 A37-00353D	CHEK, GUS A.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
	GARDNER, ROBERT	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
	GARDNER, KATHRYN	C				
7 A37-00353E	OPPENHEIMER, JR., HARR	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
2 A37-00353F	LONG, WILLIAM R.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
A37-00354	LAZY TRIPLE J RANCH, G	C	06/01/1887	D/	THOMPSON CREEK	01 IRR
A37-00355	KERR PACIFIC CORP.,	C	05/17/1883	D/	BIG WOOD RIVER	01 IRR
A37-00356	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR
A37-00357	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

5.4

G. Driever Trn 3678 .2 6Ac (677)
H. Kunter Trn 3679 .2 7.5Ac.

6 c.u.
2.5
15.0

7.5 c.u.
2.5
3.75
1.50
18.75

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SD-42		Basin: 37		Starting Water Right: 00353		STATE	
Water Right No.	Name Last, First	W N	Priority Date	STG/ STS	Source	Use Code	Desc
37-00353		O	00/00/0000	/			
37-00353A			00/00/0000	/Z			
37-00353B	FOSNOT, ROBERT E.	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353C			00/00/0000	/Z			
37-00353D	DRIEVER, DOUGLAS	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353E	JOHNSON, JAMES - ovi,	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00353F	CHEK, GUS	C	06/12/1886	D/	BIG WOOD RIVER	01	IRR
37-00354	JOHNSON, JAMES E.	C	06/01/1887	D/	THOMPSON CREEK	01	IRR
37-00355	PRICE, R. G.	C	05/17/1883	D/	BIG WOOD RIVER	01	IRR
						43	DOMEST
37-00356	JOHNSON, LOUIS	C	11/13/1907	D/	LITTLE WOOD RIVE	01	IRR
37-00357	JOHNSON, NIELS	C	11/13/1907	D/	LITTLE WOOD RIVE	01	IRR
37-00358			00/00/0000	/			
37-00359			00/00/0000	/			
37-00359A	JONES, KATIE	C	06/01/1884	D/	BIG WOOD RIVER	01	IRR
37-00359B	STEWART, ELLA	C	06/01/1884	D/	BIG WOOD RIVER	01	IRR

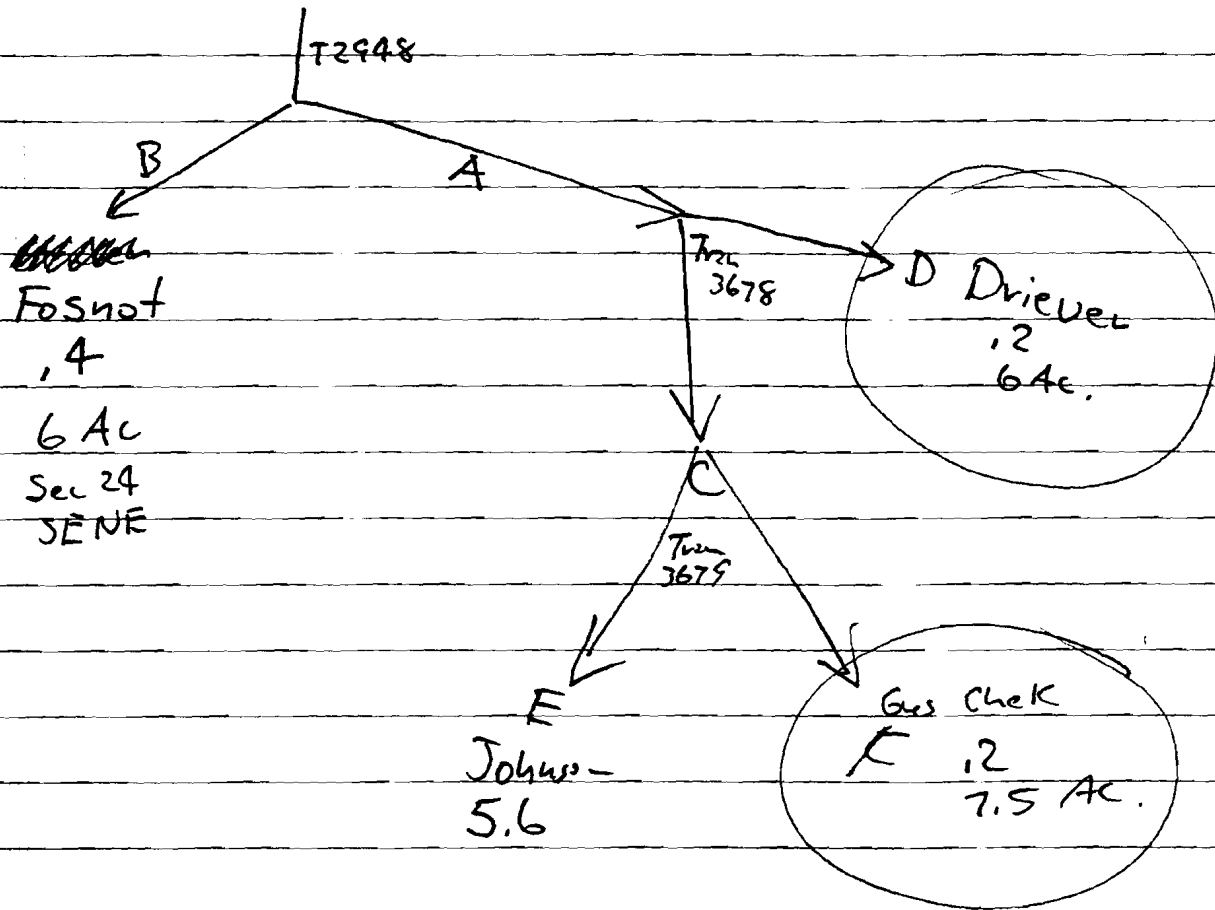
(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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37-00353



6.4 total

Cons use $\frac{7.5}{2.5}$
 $\frac{375}{150}$
 $\frac{18.75}{}$

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OCT 24 1994

MEMORANDUM

DATE: 19-Oct-1993

FROM: Loren Holmes 

TO: Files Transfer 3679 and Application 37-08660

SUBJECT: Processing history, analysis and recommendation

Transfer application 3679 on water right 37-00353 and application for permit 37-8660 relate to the same place of use.

Transfers 3679 and 3678 on water right 37-0053 were filed by Gus Chek on 1/22/90. Each application convey half of the water right to a new place of use. Transfer 3678 was approved, but 3679 ran into a problem with excessive diversion rate for the acreage because the application stated a place of use of 3 acres for the.2 cfs of water to be transferred.

The application was amended to 7.5 acres by the applicant and returned to the region where it was readvertised in August, 1990.

Application for permit was filed Aug. 9, 1990 proposing to appropriate groundwater for 6 acres in the same place of use. The additional information burdens of the Big Wood River GWMA order were imposed and the applicant eventually responded. Permit 37-08384 covers an additional 3 acres of the destination place of use.

A field examination by me in the summer of 1991 indicated that the lands to which transfers 3679 and 3678 moved the water right were dry lands.

The transfer application states in part 1, item 6.c that the original lands will continue to be irrigated with 1883 water.

The file contains a statement from Douglas and Cheryl Powers, buyers of the original place of use from Gus Chek, that it is their understanding that only 1883 water is conveyed with the property.

The file also contains a billing statement from the Big Wood River Irrigation District No 45 (District 45) indicating the delivery of 15 inches (.3 cfs) of 1883 water and 20 inches (.4 cfs) of 1886 water to Gus Chek in 1989.

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Analysis

The changes made by T3678 and 3679 will have no effect on delivery of the water by the watermaster. The watermaster controls the headgate of the District 45 canal and deliveries to individual users are managed by the canal company.

Transfer 3679 may be viewed as as a surface water right used to mitigate the effect of groundwater diversions under 37-08384 and 37-08660.

Recommendation

The department should retain jurisdiction over the use of the transferred right to insure protection of senior surface water rights from flow depletion by groundwater diversion.

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POOR ORIGINAL

EAST
GLENDALE

R. 18 E.
R. 19 E.

EAST

BELLEVUE FARMS SUBDIVISION

EQUUS

LOOP

118

122

34

114

56

75

83

57

10866

75

HIGHWAY

SUBDIVISION

STATE

10804

108

10805

10793

Powers (formerly Chick)
Irrigated under
37 00363D .3 cfs
16 AC

Drier

6 Acres under 37-00753A

DERBY ROAD

DERBY RD.

Kantenwein

3 AC - 37-8784 - Permit, GW

6 AC - 37-8660 - APP, GW

7.5 AC - 37-00353 - T3679 (37-00353 F)?

Dry land

LOOP

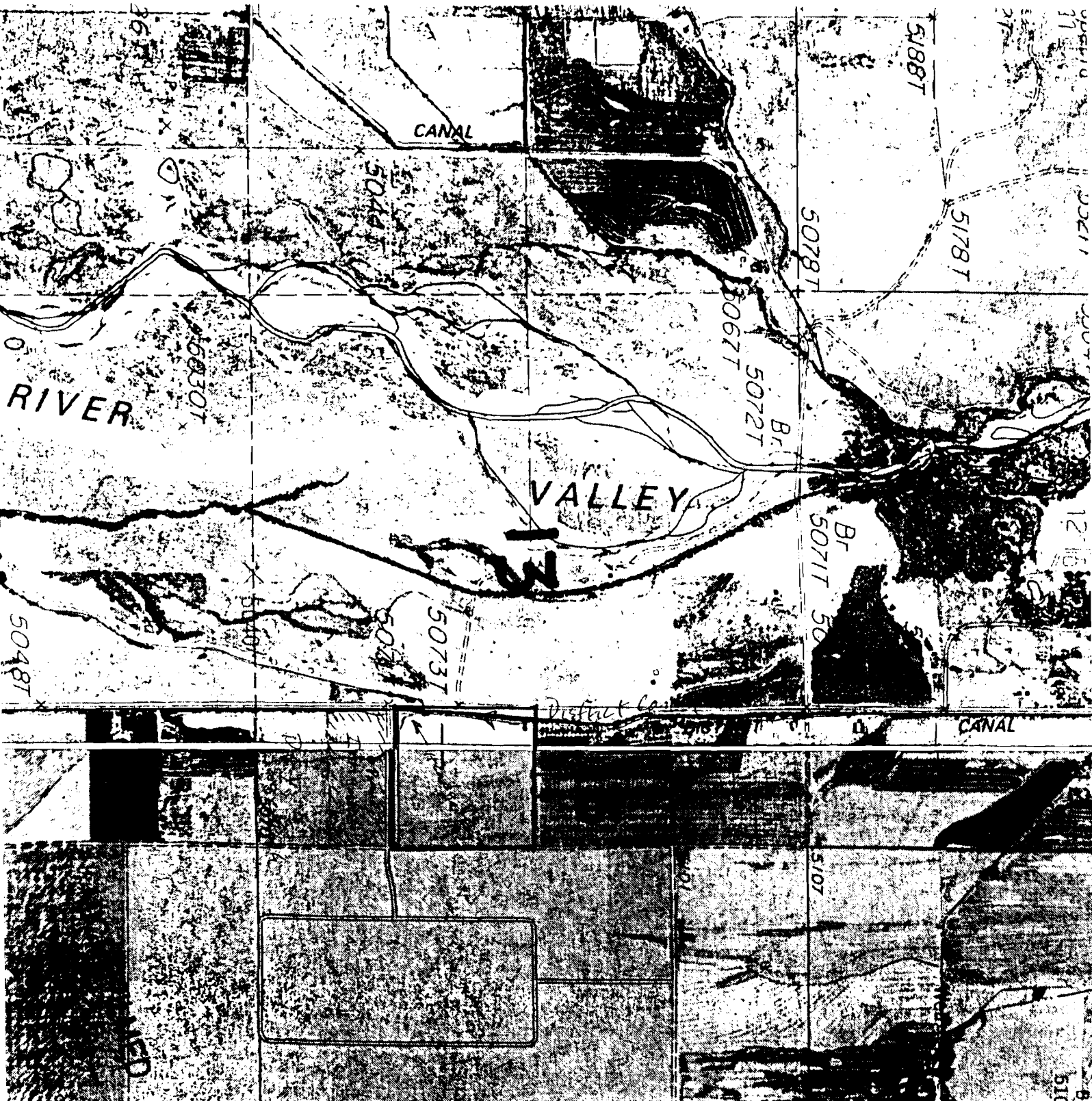
FREEDOM

LOOP

FREEDOM

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OCT 24 1994

POOR ORIGINAL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:50:21
12/03/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00353C

LAST: CHEK
ADDRESS: P.O. BOX 1984
CITY: HAILEY
PHONE NUMBER: 208-788-3779

FIRST: GUS A.
STATE: ID ZIP: 83333

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CLAIM BASED ON 37-0353 DECREE, SPLIT OFF FROM PART A.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/12/91

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Property is South of Derby Road at Hwy 75

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OCT 24 1994

A. AJ CLAIM: # A37-00353C PRIORITY DATE: 06-12-1886 STAGE: D

B. WR RECORD: # 37-00353C PRIORITY DATE: 06-12-1886 STAGE: D

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	<u>1</u>

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(1)
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
06-12-1886

REVIEWED BY _____ DATE 10/24/94

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00353C	02N	18E	36		SW	NW		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A37-00102	R37-07037

WR RECORDS IN SAME 40 ACRE TRACT

A37-00102	37-00102A
A37-00113N	37-00102B
A37-00113R	37-00103
A37-00113T	37-00111
A37-00114B	37-00112
A37-00114C	37-00114
A37-00115B	37-00115B
A37-00115D	37-00115D
A37-00115F	37-00115F
A37-00117	37-00115G
A37-00117B	37-00115H
A37-00236	37-00116
A37-00308	37-00117
A37-00363D	37-00158D
A37-00480	37-00234A
A37-00480A	37-00234B
A37-00480C	37-00235A
A37-00480F	37-00235B
A37-00481A	37-00236
A37-00481B	37-00298B
A37-00481C	37-00308
A37-00482F	37-00316A
A37-00482G	37-00353B
A37-00482H	37-00353D
A37-00483A	37-00363D
A37-00483B	37-00418A
A37-00483C	37-00418D
A37-00501B	37-00419A
A37-00501C	37-00475
A37-00510A	37-00476
A37-00577BT	37-00477
A37-00590A	37-00480
A37-00590B	37-00481
A37-00597B	37-00482A
A37-00665K	37-00483
A37-00665L	37-00501A
A37-00666J	37-00501B
A37-00667C	37-00501C
A37-00667N	37-00501D
A37-00685D	37-00509
A37-00881	37-00510
A37-00886D	37-00577AP
A37-00886L	37-00577K
A37-07037	37-00577M
A37-07919	37-00577P
A37-11539	37-00577Y

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A37-11562
A37-11961
A37-12081
A37-12191
A37-13401

37-00590A
37-00590B
37-00597A
37-00597B
37-00664
37-00665B
37-00665C
37-00665D
37-00666A
37-00666B
37-00667B
37-00667C
37-00667D
37-00667E
37-00667F
37-00685
37-00713B
37-00833F
37-00881
37-00886D
37-00886F
37-00886G
37-00886H
37-02322
37-02345
37-02483
37-04422
37-07037
37-07919
37-08258
37-08307

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.
37-00353C	02N	18E	36

1/4	1/4	1/4	LOT	CNTY
	SW	NW		BLAINE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

37-00102A
37-00102B
37-00103
37-00111
37-00112
37-00114
37-00115B
37-00115D
37-00115F
37-00115G
37-00115H
37-00116
37-00117
37-00158D
37-00234A

A37-00111	NONE
A37-00112	
A37-00113N	
A37-00113R	
A37-00114C	
A37-00115B	
A37-00115G	
A37-00116	
A37-00117	
A37-00158D	
A37-00234B	
A37-00235B	
A37-00353B	
A37-00353D	
A37-00353E	

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OCT 24 1994

37-00234B
37-00235A
37-00235B
37-00236
37-00298B
37-00308
37-00316A
37-00353B
37-00353D
37-00363D
37-00418A
37-00418D
37-00419A
37-00475
37-00476
37-00477
37-00480
37-00481
37-00482A
37-00483
37-00501A
37-00501B
37-00501C
37-00501D
37-00509
37-00510
37-00577AP
37-00577K
37-00577M
37-00577P
37-00577Y
37-00590A
37-00590B
37-00597A
37-00597B
37-00664
37-00665B
37-00665C
37-00665D
37-00666A
37-00666B
37-00667B
37-00667C
37-00667D
37-00667E
37-00667F
37-00685
37-00713B
37-00833F
37-00881
37-00886D
37-00886F
37-00886G
37-00886H
37-02322
37-02345
37-02483
37-04422
37-07037

A37-00363D
A37-00418C
A37-00418D
A37-00419C
A37-00419D
A37-00475
A37-00476
A37-00477
A37-00480
A37-00480A
A37-00480B
A37-00480C
A37-00480D
A37-00481A
A37-00481C
A37-00482F
A37-00482H
A37-00483A
A37-00483C
A37-00501D
A37-00501E
A37-00501F
A37-00509
A37-00510A
A37-00577AP
A37-00577K
A37-00597A
A37-00664B
A37-00665F
A37-00665G
A37-00665H
A37-00665I
A37-00666D
A37-00666E
A37-00666F
A37-00666G
A37-00666H
A37-00667C
A37-00667H
A37-00667J
A37-00667K
A37-00667L
A37-00667M
A37-00685A
A37-00685C
A37-00685D
A37-00713B
A37-00833F
A37-00881
A37-00886D
A37-00886H
A37-00886J
A37-02345A
A37-02483
A37-07919
A37-11281
A37-11539
A37-11543
A37-11566

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OCT 24 1994

37-07919
37-08258
37-08307

A37-11567
A37-11568
A37-11569
A37-11636
A37-11671
A37-11688
A37-11689
A37-11807
A37-11808
A37-11809
A37-11810
A37-11830
A37-11924
A37-11925
A37-11926
A37-11927
A37-11928
A37-11951
A37-11952
A37-11953
A37-11954
A37-11961
A37-12051
A37-12081
A37-12165
A37-12191

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

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OCT 24 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

REVIEWED BY: _____ DATE: _____

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OCT 24 1994

A. ROOT WATER RIGHT NUMBERS: A37-00353C
A37-00353B

A37-00353D

A37-00353E

A37-00353F

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01N	18E	13	SE	SE		CHEK, GUS A.	A37-00353C /15.0	37-00353C /			11.0
			SE	SE		CHEK, GUS A.	A37-00363D /16.0	37-00363D /16.0			
			SE	SE		DRIEVER, DOUGLAS		37-00353D / 6.0			
TOTAL ACRES							A37-00353C	15.00			11.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
1

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 15

REVIEWED BY:

DATE: 8/24/91

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OCT 24 1991

A. AJ CLAIMED USES:

PURPOSES
A37-00353C IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.400 CFS

.400 CFS

*Agrees with Amt.
addressed on 4/2 Dist. &
Conrad Co.*

B. WR RECORDED USES:

PURPOSES
37-00353C IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.800 CFS

5.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE	FIELD EXAMINER
N	
Y	<u>Y</u>
Y	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in remarks, below.

REMARKS:

*Period of use will be subject to the defined
of the irrigation schedule.*

OCT 24 1994
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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(1) N()

*checked by GUS A. CHEK
Diversion 2.07 (0.400) at 1.5*

AJ TOTAL CLAIMED DIVERSION RATE: 0.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.800 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

1 *See WRD Record*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A37-00363D

LIST ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-00353C	BIG WOOD RIVER	CHEK , GUS A.	0.400	0.026		
A37-00363D	BIG WOOD RIVER	CHEK , GUS A.	0.300	0.018		

NO RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION

OCT 24 1994
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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 45.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

OCT 24 1954
MICROFILMED

=====

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION	04-01 10-15	0.400 _____	_____	45.0 _____
TOTAL FOR THIS RIGHT		0.400		45.0

REVIEWED BY: _____ DATE: _____

=====

OCT 24 1984
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A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00353

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 6.400	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-00353C	0.400	-	-	37-00353C	5.800
-	A37-00353B	0.400	-	-	37-00353B	0.400
-	A37-00353D	3.600	-	-	37-00353D	0.200
-	A37-00353E	0.400	-	-	-	-
-	A37-00353F	0.200	-	-	-	-
-	-	-	-	-	37-00353	-
TOTAL CFS		5.000				6.400

DIVERSION RATE REVIEW

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

DATABASE N	FIELD EXAMINER _____ _____
---------------	-------------------------------------

REMARKS:

*Right was retained for share in sale of Lot 11 - Subsequent to
diverted 0.2 cfs to Piever (T3678) & 0.2 cfs to Kantungine (T3679) JH*

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=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

OCT 24 1984
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:50:21
12/03/91

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00353C

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

"VERIFIED BY" CODES

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

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

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OCT 24 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:00:29
12/03/91

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A37-00353C

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																																
C	GUS A. CHEK P.O. BOX 1984 HAILEY ID 83333 (208) 788-3779	06/12/1886	IRRIGATION	04-01 10-15	0.40 CFS																																																																																																																																																	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.40 CFS 45.0 AFA																																																																																																																																																
Water Source: BIG WOOD RIVER		Tributary to: MALAD RIVER		Stage: DECREED																																																																																																																																																		
Point(s) of Diversion:		T02N R18E S36 SWNW		BLAINE County																																																																																																																																																		
Place of use Legal Description for: IRRIGATION																																																																																																																																																						
<table border="0"> <tr> <td colspan="4"></td> <td>NE</td> <td colspan="4"></td> <td>NW</td> <td colspan="4"></td> <td>SW</td> <td colspan="4"></td> <td>SE</td> <td colspan="4"></td> </tr> <tr> <td colspan="2"></td> <td>NENE</td> <td>NWNE</td> <td>SWNE</td> <td>SENE</td> <td>:</td> <td>NENW</td> <td>NWNW</td> <td>SWNW</td> <td>SENW</td> <td>:</td> <td>NESW</td> <td>NWSW</td> <td>SWSW</td> <td>SESW</td> <td>:</td> <td>NESE</td> <td>NWSE</td> <td>SWSE</td> <td>SESE</td> <td>:</td> <td colspan="2"></td> </tr> <tr> <td>T</td> <td>R S</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>SUM</td> </tr> <tr> <td colspan="23">-----</td> </tr> <tr> <td colspan="2">01N 18E 13 :</td> <td colspan="10"></td> <td colspan="10"></td> <td>15</td> <td>15.0</td> </tr> <tr> <td colspan="22"></td> <td>TOTAL ACRES</td> <td>15.0</td> </tr> </table>											NE					NW					SW					SE							NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	-----																							01N 18E 13 :																						15	15.0																							TOTAL ACRES	15.0
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		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:																																																																																																																																	
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM																																																																																																																														

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Other Rights: A37-00363D

Other Water Rights with Same Point(s) of Diversion and Source:

A37-00102	A37-00113M	A37-00113R	A37-00113T	A37-00114B	A37-00114C	A37-00115B	A37-00115D	A37-00115F	A37-00117	
A37-00117B	A37-00236	A37-00308	A37-00316A	A37-00353A	A37-00363D	A37-00480	A37-00480A	A37-00480C	A37-00480E	
A37-00480F	A37-00481	A37-00481A	A37-00481B	A37-00481C	A37-00482A	A37-00482F	A37-00482G	A37-00482H	A37-00483A	
A37-00483B	A37-00483C	A37-00501B	A37-00501C	A37-00510A	A37-00577BT	A37-00590A	A37-00590B	A37-00597B	A37-00665K	
A37-00665L	A37-00666J	A37-00667C	A37-00667E	A37-00667N	A37-00685	A37-00685D	A37-00881	A37-00886D	A37-00886L	
A37-02345	A37-07919	A37-11539	A37-11961	A37-12191	R37-00480E					

Other Water Rights Listing Overlapping Place(s) of use:
A37-00353A A37-00363D

Remarks: CLAIM BASED ON 37-0353 DECREE, SPLIT OFF FROM PART A.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

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OCT 24 1994

SD-42

Basin: 37

Starting Water Right: 00353

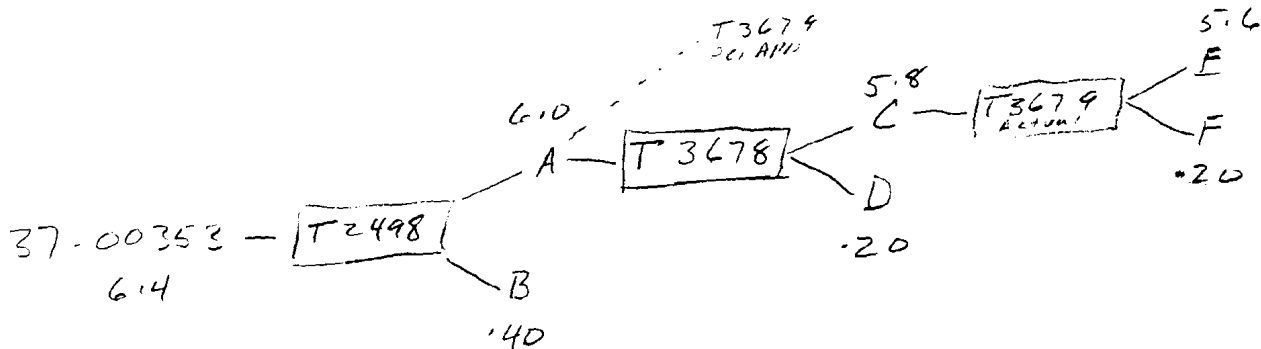
STAT.

Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Code I
37-00353			00/00/0000	/		
37-00353A			00/00/0000	/Z		
37-00353B	FOSNOT, ROBERT E.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
37-00353C	JOHNSON, JAMES	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
37-00353D	DRIEVER, DOUGLAS	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR
37-00354	JOHNSON, JAMES E.	C	06/01/1887	D/	THOMPSON CREEK	01 IRR
37-00355	PRICE, R. G.	C	05/17/1883	D/	BIG WOOD RIVER	01 IRR
						43 DOMI
37-00356	JOHNSON, LOUIS	C	11/13/1907	D/	LITTLE WOOD RIVE	01 IRR
37-00357	JOHNSON, NIELS	C	11/13/1907	D/	LITTLE WOOD RIVE	01 IRR
37-00358			00/00/0000	/		
37-00359			00/00/0000	/		
37-00359A	JONES, KATIE	C	06/01/1884	D/	BIG WOOD RIVER	01 IRR
37-00359B	STEWART, ELLA	C	06/01/1884	D/	BIG WOOD RIVER	01 IRR
37-00359C	MICHALS, CARL	C	06/01/1884	D/	BIG WOOD RIVER	01 IRR
37-00360	JONES, JOHN W.	C	10/31/1889	D/	BIG WOOD RIVER	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)



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SD-42 Prefix: A Basin: 37 Starting Water Right: 00353

S7

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code	D
A37-00353	PETERSON, JOHN R.	C	06/12/1886	/	BIG WOOD RIVER	01 IRR	
A37-00353A	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER SPLIT RIGHT	01 IRR	
A37-00353B	STRICKER, EDWARD W.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR	
	STRICKER, JEANNINE	C				04 STO	
A37-00353C	CHEK, GUS A.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR	
A37-00353D	GARDNER, ROBERT	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR	
	GARDNER, KATHRYN	C					
A37-00353E	OPPENHEIMER, JR., HARR	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR	
A37-00353F	LONG, WILLIAM R.	C	06/12/1886	D/	BIG WOOD RIVER	01 IRR	
A37-00354	LAZY TRIPLE J RANCH, G	C	06/01/1887	D/	THOMPSON CREEK	01 IRR	
A37-00355	KERR PACIFIC CORP.,	C	05/17/1883	D/	BIG WOOD RIVER	01 IRR	
A37-00356	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR	
					COMBINED RIGHT		
A37-00357	COMBINED RIGHT,	C	11/13/1907	/Z	LITTLE WOOD RIVE	01 IRR	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

AJ

Peterson (0.40)

Stricker (0.40)

Chek (0.40)

Gardner (3.60)

Oppenheimer (0.40)

Long (0.20)

WR

B (0.40)

D

5.5)

(0.20)

MICROFILM
OCT 24



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3030

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Nov-1993

REID KANTENWEIN
PO BOX 1525
HAILEY ID 83333

RE: Amendment of SRBA Claim #A37-00353C - GUS CHEK

Dear Claimant:

Pursuant to the approval of Transfers No. 3678 & ~~3679~~, the above referenced Notice of Claim in the Snake River Basin Adjudication has been amended to conform with the transfers and resulted in a split of that right into parts A37-00353G (Driever) and ~~A37-00353H~~ (Kantenwein). Please find enclosed a printout of the way your claim record has been modified. Please look the modified record over carefully to be sure it correctly reflects your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over a circular stamp or seal.

Jeanie Robertson
Records Clerk

Encl:

cc: GUS A. CHEK
PO BOX 1984
HAILEY ID 83333

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OCT 24 1994