

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 37-11281
Date Received: 9/8/1988
Receipt No: S002111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS H NIEDRICH Phone: (208)788-4145
PO BOX 291
HAILEY ID 83333

LISA A NIEDRICH Phone: (208)788-4145
PO BOX 291
HAILEY ID 83333

2. Date of Priority: 07/10/1884

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	NE SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL #45

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.12	

7. Total Quantity Appropriated is:

0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
01N	18E	1	SW	NE	IRRIGATION	2.5
			NW	SE	IRRIGATION	0.5
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 37-0113.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 12, 2004

DOUGLAS H AND LISA A NIEDRICH
PO BOX 291
HAILEY ID 83333

Re: SRBA Claim #37-11281

Dear Mr. and Mrs. Niedrich,

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 copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', is written over a faint, larger signature that is partially obscured.

Carrie Hahn
Office Specialist

Enc.

RECEIVED

NOV 09 2004

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

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
~~37-11281~~	37-11281	-	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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)

Frank A Stephenson
Fern E Stephenson

4. New Owner/Claimant(s)

Douglas H and Lisa A Niedrich

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 291

City, State and ZIP Code

Hailey Idaho 83333

New Telephone Number

208 788 4145

5. Date you acquired the property

November 13, 2001

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

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

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

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

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

For Office Use Only
 Received by JS Date 11-10-04 Fee -
 Receipted by _____ Date _____ Receipt No. -
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED

Frank Stephenson and Fern Stephenson, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Richard A. Niedrich and Elaine Niedrich, husband and wife

the grantees, whose current address is **PO Box 2297**
Hailey, ID 83333

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

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

Dated: July 3, 2001

Frank Stephenson
Frank Stephenson

Fern E. Stephenson
Fern Stephenson

State of Idaho
County of Blaine

On this 11th day of July, 2001, Before me a Notary Public in and for said State, personally appeared **Frank Stephenson and Fern Stephenson** known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Carolyn Baud
Notary Public
Residing at Hailey
Comm. Expires 3-14-2003



COPY
x-deferred exchange.

A circular notary seal for Carolyn Baird, a Public Notary in the State of Illinois. The seal features the text "STATE OF ILLINOIS" around the top inner edge, "CAROLYN BAIRD" around the bottom inner edge, and "PUBLIC NOTARY" in the center. There are small stars on either side of the central text.

Exhibit "A"

Parcel I:

A parcel of land within the East ½, SECTION 1, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the northerly boundary of said Section 1 to an iron pin on the easterly boundary of State Highway No. 75; thence South 18°47'00" East, 2641.33 feet along said easterly boundary of State Highway No. 75 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 100.55 feet; thence North 71°13'00" East, 407.24 feet to the centerline of the canal; thence North 8°32'00" East, 113.17 feet along said canal centerline; thence South 71°13'00" West, 459.18 feet to the POINT OF BEGINNING.

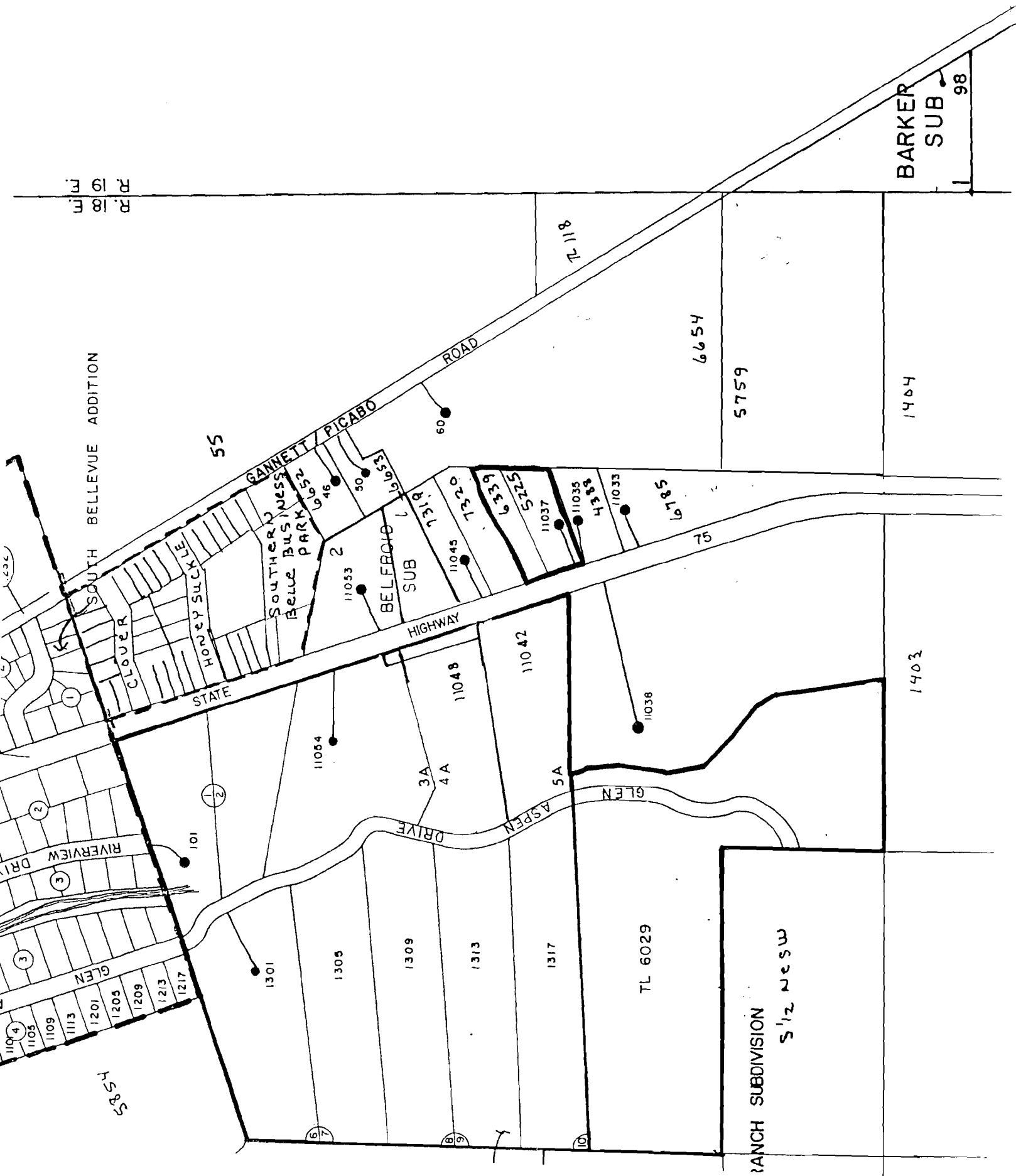
(Shown on the Blaine County Tax Assessor's Rolls as Tax Lot #6339)

Parcel II:

A parcel of land in the East ½, SECTION 1, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the northerly boundary of said East ½, Section 1 to an iron pin on the easterly boundary of U. S. Highway No. 93; thence South 18°47'00" East, 2741.88 feet along said easterly boundary of Highway 93 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 255.72 feet along said easterly boundary of Highway 93 to a iron pin; thence North 71°13'00" East, 269.00 feet to the centerline of a canal; thence North 14°40'10" East, 51.13 feet along said canal centerline; thence North 8°32'00" East, 239.81 feet along said canal centerline; thence South 71°13'00" West, 407.24 feet to the POINT OF BEGINNING.

(Shown on the Blaine County Tax Assessor's Rolls as Tax Lot #5252)



R. 18 E.
R. 19 E.

BARKER
SUB
98

SOUTH BELLEVUE ADDITION

55

SOUTHERN
BELLEVUE PARK 52

BELFROID
SUB

STATE
HIGHWAY

GANNETT / PICABO
ROAD

6654

5759

1464

75

1403

TL 6029

RANCH SUBDIVISION
S 1/2 NW SW

1104
1103
1109
1113
1201
1205
1209
1213
1217

1301

1305

1309

1313

1317

11048

11042

11054

11053

11045

11037

11035

11034

11033

6785

TL 118

60

50

46

33

19

13

6

5225

6339

7320

6785

RIVERVIEW DRIVE

3

2

1

101

3A

4A

5A

GLEN DRIVE

11036

5854

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: A37-11281
Date Received: 9/08/1988
Receipt No: 5002111
Received By: ADK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK A. STEPHENSON 208-788-2714
Address: 11037 STATE HIGHWAY 75
BELLEVUE, ID 83313

AND/OR

Name: FERN E. STEPHENSON 208-788-2714
Address: 11037 STATE HIGHWAY 75
BELLEVUE, ID 83313

2. Date of Priority: JUL 10, 1884

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA DISTRICT CANAL #45

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	1	SW	NE		IRR	2.5
			NW	SE		IRR	0.5
Section Acres							3.0
Total Acres							3.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 37-0113.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

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

Signature of Claimant(s): Frank A. Stephenson Date: 9-8-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of Sept. 19 88

Michael J. Smith
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

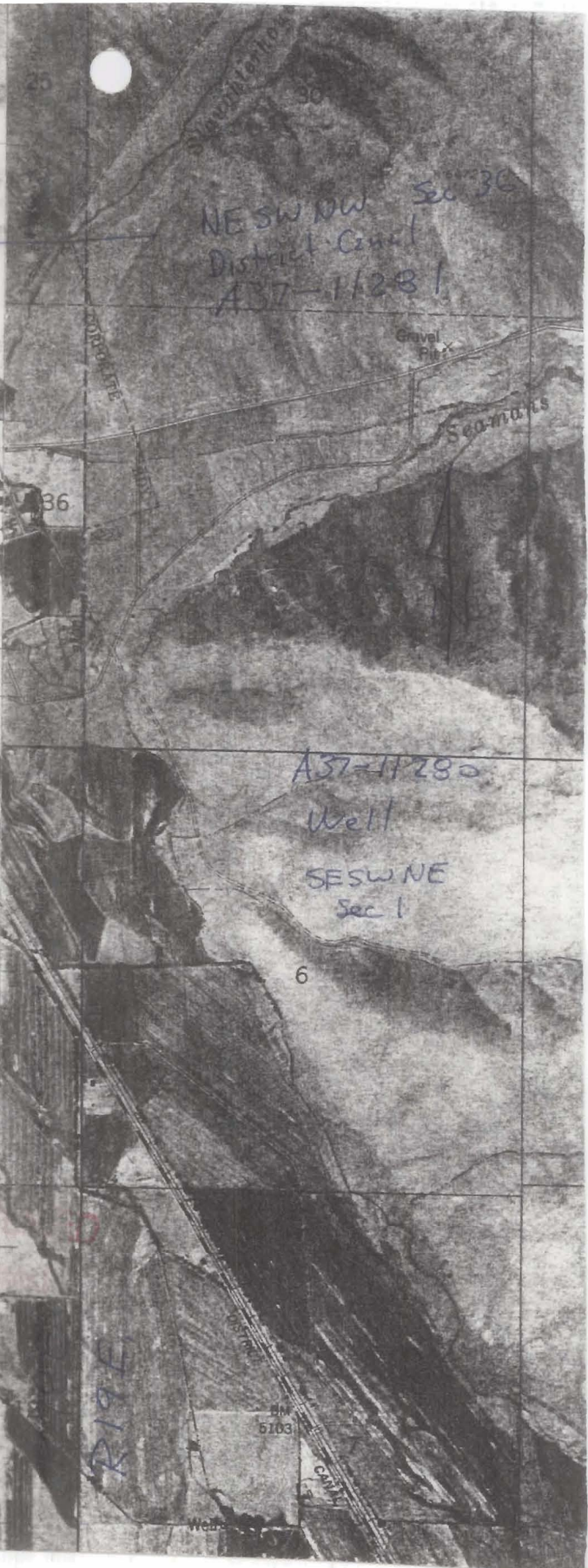


EXHIBIT "A"

A PARCEL OF LAND WITHIN THE E $\frac{1}{2}$, SECTION 1 T. 1 N., R.
18 E., B.M., BLAINE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID E $\frac{1}{2}$, SECTION 1;

THENCE SOUTH 89° 57' 30" EAST 195.82 FEET ALONG THE NORTHERLY
BOUNDARY OF SAID SECTION 1 TO AN IRON PIN ON THE EASTERLY BOUNDARY
OF STATE HIGHWAY NO. 75;

THENCE SOUTH 18° 47' 00" EAST 2641.33 FEET ALONG SAID EASTERLY
BOUNDARY OF STATE HIGHWAY NO. 75 TO THE REAL POINT OF BEGINNING;
THENCE CONTINUING SOUTH 18° 47' 00" EAST 100.55 FEET ALONG SAID HIGHWAY;
THENCE NORTH 71° 13' 00" EAST 407.24 FEET TO THE CENTERLINE
OF THE CANAL;

THENCE NORTH 8° 32' 00" EAST 113.17 FEET ALONG SAID CANAL
CENTERLINE;

THENCE SOUTH 71° 13' 00" WEST 459.18 FEET TO THE POINT OF BEGINNING,
CONTAINING 1.00 ACRES.

A parcel of land in the E $\frac{1}{2}$, Section 1, Township 1 North,
Range 18 East, Boise Meridian, Blaine County, Idaho, more
particularly described as follows:

Commencing at the Northwest Corner of said E $\frac{1}{2}$, Section 1; thence
S. 89° 57' 30" E., 195.82 feet along the Northerly boundary of
said E $\frac{1}{2}$, Section 1 to an iron pin on the Easterly Boundary of
U.S. Highway No. 93; thence
S. 18° 47' 00" E., 2741.88 feet along said Easterly Boundary of
Highway 93 to the Real Point of Beginning; thence continuing
S. 18° 47' 00" E., 255.72 feet along said Easterly Boundary of
Highway 93 to a iron pin; thence
N. 71° 13' 00" E., 269.00 feet to the centerline of a canal; thence
N. 14° 40' 10" E., 51.13 feet along said canal centerline; thence
N. 8° 32' 00" E., 239.81 feet along said canal centerline; thence
S. 71° 13' 00" W., 407.24 feet to the point of beginning. *2.00 acres*

Subject to: Taxes, easements, encumbrances and assessments
as shown of record.

Total of 3 acres

MICROFILMED

FEB 25 1953

QUITCLAIM DEED

For Value Received

MELVIN W. SWANSON and ELVERA B. SWANSON, husband and wife

do hereby convey, release, remise and forever quit claim unto

FRANK STEPHENSON and FERN STEPHENSON, husband and wife
whose address is: 11037 State Highway 75, Bellevue, Idaho 83313

the following described premises situated in Blaine County, Idaho, to-wit:

THE FOLLOWING DESCRIBED WATER RIGHTS APPURTENANT TO THE LAND DESCRIBED IN
EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Six inches (6") of waters of the Big Wood River with date of priority
of July 10, 1884. (Priority #40-D. State #37-0113)

BLAINE CO.
RECEIVED
Melvin Swanson
27 DEC 1 PM 2 22
Dad
D. Dudley DEPUTY
SHERIFF
Blaine Co. Id.

290327

together with their appurtenances.

Dated: November 30, 1987

Melvin W. Swanson
MELVIN W. SWANSON

Elvera B. Swanson
ELVERA B. SWANSON

STATE OF Idaho COUNTY OF Blaine

On this 1st day of December, 1987,
before me, a notary public in and for said State, personally
appeared

MELVIN W. SWANSON and ELVERA B. SWANSON

known or identified to me to be the person whose name is
is subscribed to the within instrument and acknowledged
to me that they executed the same.

Susan M. Stoneback
Notary Public

Residing at

Commission Expires: 2/1/88



08/11/2010

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

RIGHT NUMBER: 37-11281

NAME AND ADDRESS: DOUGLAS H NIEDRICH
PO BOX 291
HAILEY ID 83333

LISA A NIEDRICH
PO BOX 291
HAILEY ID 83333

VERIFIED BY KKC
8-11-10

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 07/10/1884

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01

SWNE

3.90

T01N R18E S01

NWSE

0.60

4.5 ACRES TOTAL

This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.

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 is a split from former right 37-113.

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, August 11, 2010 12:56 PM
To: Kelly, Vicki
Subject: 37-113P 11281 Niedrich

Just talked to Lisa and they are in agreement with the recommendations. This has a Sept 1 date so hopefully we can rush them through and get the hearing vacated.

Note 37-11281 was originally disallowed so no underline/strikeout entries.



37-113P NIEDRICH
SF-5.docx



37-11281
NIEDRICH SF-5.docx

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

08/11/2010

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

RIGHT NUMBER: 37-11281

NAME AND ADDRESS: DOUGLAS H NIEDRICH
PO BOX 291
HAILEY ID 83333

LISA A NIEDRICH
PO BOX 291
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 07/10/1884

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>
IRRIGATION	04/15 10/31	0.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNE 3.90	T01N R18E S01	NWSE 0.60
---------------	-----------	---------------	-----------

4.5 ACRES TOTAL

This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.

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 is a split from former right 37-113.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, August 07, 2009 11:33 AM
To: Jones, Doug; Kelly, Vicki; Fritschle, Carter; Bromley, Chris
Subject: RE: Right 37-113P Niedrich

Attachments: 37-113P 11281 NIEDRICH ANALYSIS.doc

I dug a little further into this one and found that a portion of the recommended POU was not a part of the transactions associated with the two 0.12 cfs portions of 37-113 water appurtenant to the Niedrich property. I have not seen the historical WM records that identify delivery for the two different parcels but I assume that there is info that both rights were delivered.

I was thinking of sending this analysis to Niedrich but probably should include information about WM records.

Let me know what you think.



37-113P 11281
NIEDRICH ANALYSIS.doc

kkc

From: Christensen, Kelly
Sent: Thursday, June 18, 2009 3:04 PM
To: Jones, Doug; Kelly, Vicki; Fritschle, Carter; Bromley, Chris
Subject: RE: Right 37-113

I should be able to handle this. The problem will be in setting a reminder down the road to work on it. I have enough stuff going that I don't want to start on this for a couple of months.

kkc

From: Jones, Doug
Sent: Thursday, June 18, 2009 2:01 PM
To: Christensen, Kelly; Kelly, Vicki; Fritschle, Carter; Bromley, Chris
Subject: RE: Right 37-113

I was the lucky contact for the Niedrichs and with the info they had, the info in the files already and by word of mouth through Lakey's office a error on IDWR's part was made in halving the flow rate of the parts they are delivered. Part of the confusion is that they got 12" in two 6-inch parts from different people. One of the previous landowners of one of the parcels tracks in the WM delivery spreadsheet we used and the claimant of that part was TWICE REMOVED from the present. The Niedrichs appear in the WM list getting delivered 0.12 cfs so that is what we recommended. Once we got chain of title it appeared clear that we disallowed one of the 0.12 cfs rights in error. SM is probably prudent to seek assurance that there still is still 0.12 cfs available in all those splits.

Doug

From: Christensen, Kelly
Sent: Thursday, June 18, 2009 1:38 PM
To: Kelly, Vicki; Jones, Doug; Fritschle, Carter; Bromley, Chris
Subject: RE: Right 37-113

As of a January search I had found 13.98 cfs specifically identifying 37-113 claimed against the decreed 15.6 cfs. There are a group of 10,000 series claims that need research to determine if they are claiming against 37-113 or not. Part of the problem is that there are at least 4 different rights with a decreed priority date of 7-10-1884. The right association table has not been completed yet. With a hearing date of Dec 9 we don't have much time to get the research done.

Doug if you don't have any additional information on the splits I guess that I could look into it. Attached is the latest

spreadsheet that I know of.
kkc

<< File: 1884-07-10 info search data.xls >>

From: Kelly, Vicki
Sent: Thursday, June 18, 2009 1:16 PM
To: Christensen, Kelly; Jones, Doug; Fritschle, Carter
Cc: Bromley, Chris
Subject: Right 37-113

Greetings

Parent right 37-113 (Big Wood River) has undergone various splitting--some children objected to, some not. A motion for late objection was filed on child 37-113P (and 37-11281) and, at the hearing on that motion, SM Bilyeu asked the dept to take a closer look at all the portions of the 37-113 right and see if there is any available water remaining. The initial hearing on 37-113P and 37-11281 (Niedrich) is set out to December 9. SM Bilyeu would also like us to contact the claimant before that hearing takes place. The portions that are also currently at issue are 37-113G, H and T. Most of the initial work on these was done by Amanda, Matt, Shelley or Allen. Kelly, I think you may have lightly touched the G portion. Does anyone feel like tackling this group for us and tracking out the various splits?? Thanks - Vicki

NOTICE: THIS ELECTRONIC MESSAGE TRANSMISSION CONTAINS INFORMATION WHICH MAY BE PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) OR ENTITY(IES) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS ELECTRONIC TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER AND DELETE THE COPY YOU RECEIVED.

37-113P 37-11281 NIEDRICH ANALYSIS

SUMMARY

The objections to the two rights seek 0.12 cfs for each right as valid based upon the premise that their property was made up of the purchase of two different properties bordering each other and each with 0.12 cfs appurtenant to their respective parcels. Warranty deeds and/or quitclaim deeds do identify 0.12 cfs for two different parcels (three different transactions) now owned by Niedrich which is in conflict with the recommendation and water master records. Further research did determine that a portion of the recommended POU included a third parcel not associated with either of the two previously discussed parcels. Historical irrigation activity on the northern 2/3^{rds} is not clear. On available photography it appears dry from 1987 to an unknown date prior to 2004.

ANALYSIS

37-113P was recommended for the irrigation of 5.2 acres at 0.12 cfs. The amended claim was for 5.6 acres at 0.12 cfs. The claim was amended to increase the claimed place of use for 37-113P from 3 acres to the 5.6 acres. The intent was to recognize both claimed place of uses for the claims listed above on one claim. The original claim was filed by Charles Mc Maines in 1988.

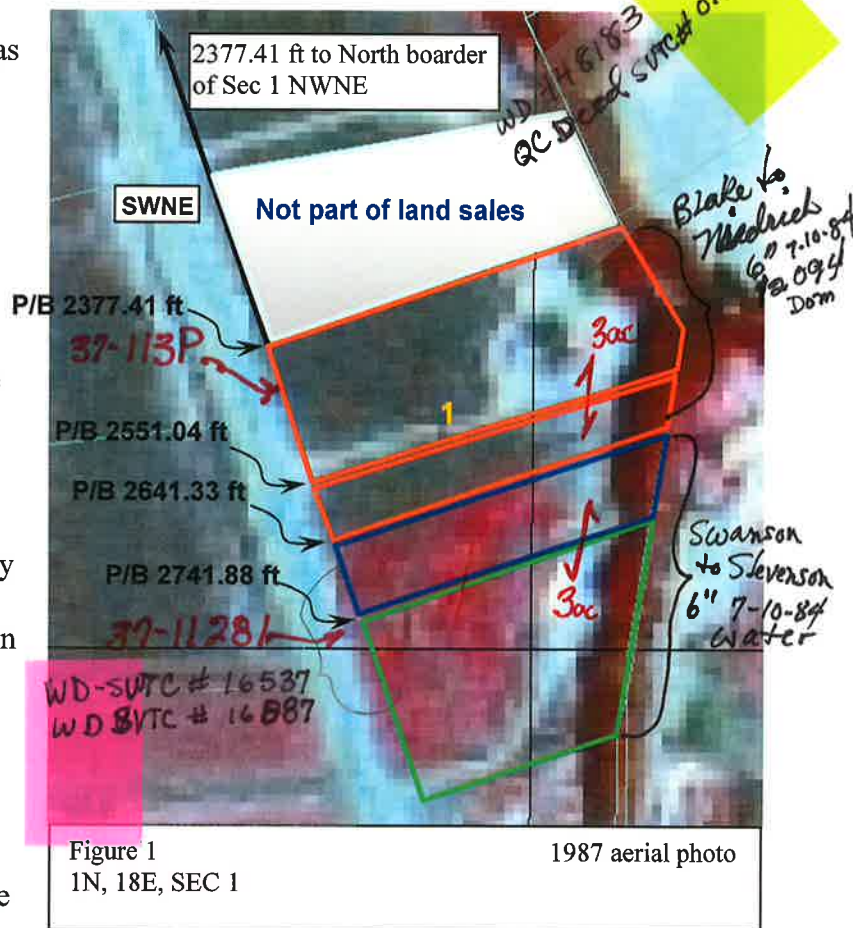
37-11281 was recommended for disallowal. The primary reason for disallowal was that the watermaster records only show 0.12 cfs associated with Niedrich and that 37-113P was amended to include all of the Niedrich property.

The northern most parcel is owned by Douglas Niedrich but is not a part of the properties identified in the various deeds.

For the northern parcel outlined in orange warranty deed # 448183 Blake to Niedrich dated Feb 5, 2001 states with appurtenances (PC Doc 37-113P, Pgs 29-30) but a quit claim deed dated Feb 9, 2001 states 6" of 37-113 water and 37-12094. (PC Doc 37-113P, Pgs 6-7). The property description is the same in both documents and is attached as Figure 2. The purchased property is in orange Figure 1 and the exception is outlined in Blue.

The change of ownership from Frank Stephenson to Douglas Niedrich on 11-10-2004 included the front page from two different warranty deeds and one Attachment A that describes the property. The assumption is that the two warranty deeds are for the same ground.

The first warranty deed Frank Stephenson to Richard Niedrich is dated July 3, 2001, and includes appurtenances (PC Doc 37-11281 Pg 6).



The second warranty deed Richard Niedrich to Douglas Niedrich is dated Nov 13, 2001, and includes appurtenances (PC Doc 37-11281 Pg 7). The attachment identifies two parcels with the first parcel being the exception area previously identified as the blue parcel and the second parcel as the green parcel. Parcel 1 is identified as 1 acre and parcel 2 as 2 acres for a total acreage of 3 acres (PC Doc 37-11281 Pg 8).

The same 2 parcels are also identified in a quitclaim deed Swanson to Stevenson dated Nov 30, 1987 and specifically identifies "Six inches (6") of waters of the Big Wood River with date of priority of July 10, 1884. (Priority # 40-D. State # 37-113)" (PC Doc 37-11281 Pg 14).

Currently 1957, 1987, 1992, 2004, and 2006 aerial photography are available for this area. In 1957 the entire area between the highway and the canal was pasture and irrigation on approximately 2/3rds of the ground is visible. It may be that water just hadn't been applied to the eastern portion of that ground yet. Irrigation was from north to the south basically parallel to the highway. The 1987 photo (insert) shows irrigation on the Stephenson parcel with the remainder appearing dry. The 1992 photo does not show any irrigation other than around the homes. By 2004 the pasture areas of the Blake purchased property show what appears to be rows of trees or other large vegetation in the pasture area and an increase in 'lawn' area around the two homes. The southern parcel pasture area appears dry. There does not appear to be much or any changes in the 2006 aerial photo.

Figure 2

Attachment A associated with a quitclaim deed Gregory Blake to Douglas Niedrich dated Feb 9, 2001.
(PC Docs 37-113P Pg 7).

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

SECTION 1: Two parcels of land in the East ½ more particularly described as follows:

Commencing at the Northwest corner of said East ½ of Section 1; thence South 89°57'30" East, 195.82 feet along the Northerly boundary of said East ½, Section 1 to an iron pin on the Easterly boundary of State Highway 75; thence South 18°47'00" East, 2377.41 feet along said Easterly boundary of Highway 75 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 173.63 feet; thence North 71°13'00" East, 505.80 feet to the centerline of a canal; thence North 8°32'00" East, 25.90 feet along said canal centerline; thence North 32°16'00" West, 117.10 feet along said canal centerline; thence North 24°53'00" West, 36.95 feet along said centerline; thence South 71°13'00" West, 486.46 feet to the POINT OF BEGINNING

AND

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the Northerly boundary of said East ½, Section 1 to an iron pin on the Easterly Boundary of State Highway 75; thence South 18°47'00" East, 2551.04 feet along said Easterly Boundary of Highway 75 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 190.84 feet along said Easterly boundary of Highway 75; thence North 71°13'00" East, 407.24 feet East to the centerline of a canal; thence North 8°32'00" East, 214.79 feet to the centerline of a canal; thence South 71°13'00" West, 505.80 feet to the POINT OF BEGINNING.

EXCEPTING therefrom the following:

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the Northerly Boundary of said Section 1 to an iron pin on the Easterly Boundary of State Highway No. 75; thence South 18°47'00" East, 2641.33 feet along said Easterly Boundary of State Highway No. 75 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 100.55 feet along said highway; thence North 71°13'00" East, 407.24 feet to the centerline of the canal; thence North 8°32'00" East, 113.17 feet along said canal centerline; thence South 71°13'00" West, 459.18 feet to the POINT OF BEGINNING.

Figure 3 Attachment A

Associated with warranty deed Frank Stephenson to Richard Niedrich dated July 3, 2001.

Also, warranty deed Richard Niedrich to Douglas Niedrich dated Nov 13, 2001
(PC Docs 37-11281 Pgs 6 - 8).

Parcel I:

A parcel of land within the East ½, SECTION 1, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the northerly boundary of said Section 1 to an iron pin on the easterly boundary of State Highway No. 75; thence South 18°47'00" East, 2641.33 feet along said easterly boundary of State Highway No. 75 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 100.55 feet; thence North 71°13'00" East, 407.24 feet to the centerline of the canal; thence North 8°32'00" East, 113.17 feet along said canal centerline; thence South 71°13'00" West, 459.18 feet to the POINT OF BEGINNING.

(Shown on the Blaine County Tax Assessor's Rolls as Tax Lot #6339)

Parcel II:

A parcel of land in the East ½, SECTION 1, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

Commencing at the Northwest corner of said East ½, Section 1; thence South 89°57'30" East, 195.82 feet along the northerly boundary of said East ½, Section 1 to an iron pin on the easterly boundary of U. S. Highway No. 93; thence South 18°47'00" East, 2741.88 feet along said easterly boundary of Highway 93 to the REAL POINT OF BEGINNING; thence continuing South 18°47'00" East, 255.72 feet along said easterly boundary of Highway 93 to an iron pin; thence North 71°13'00" East, 269.00 feet to the centerline of a canal; thence North 14°40'10" East, 51.13 feet along said canal centerline; thence North 8°32'00" East, 239.81 feet along said canal centerline; thence South 71°13'00" West, 407.24 feet to the POINT OF BEGINNING.

(Shown on the Blaine County Tax Assessor's Rolls as Tax Lot #5252)

90
71.13
18.87

Chg own
11-10-04
Frank to
Douglas

Sec 1
NWNE

SWNE

Blake to Niedrich
warranty deed
448183 dated Feb 5, 2001
w/appurtenances
Pc Doc 37-113P
Pg 29, 30, 31

Pc Doc 37-113P pg 6-7
Blake to Niedrich Quit Claim
Deed
AT claim 37-113P.12c to
w/ 37-12094 & dated
6' of 37-113 Feb 9, 2001
Original claimant
McMaine

Frank Stephenson to
Richard Niedrich
July 3, 2001
Pc Doc 37-11281 Pg 6

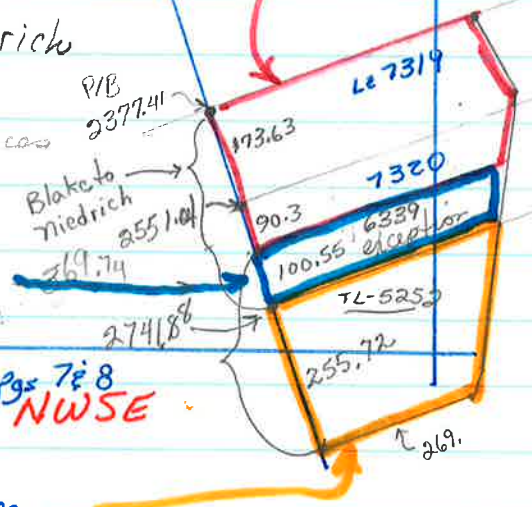
Richard Niedrich to
Douglas Niedrich
Nov 13, 2001
w/appurtenances
Pg 7

The exception
Niedrich to Niedrich
Dated Nov 13, 2001
w/appurtenances
Pc Doc 37-11281 Pgs 7 & 8

Stevenson to Niedrich
w/appurtenances
Dated July 3, 2001
Pc Doc 37-11281
Pg 6

Quit Claim
Swanson to Stephenson
6' of 37-113

290327 Recorded Dec 1, 1987
Pc Doc 37-11281 Pgs 14 & 15



[illegible]

Blake to Niedrach Lts 7319, 7320
AJ. claim 37-113P 12 ch.

Swinson to Stephenson
Nov 30, 1887 6" of 7-10-1884 water # (37-113)

Hand-drawn map of a field area with various points and distances. The map shows a red-outlined polygon and an orange-outlined polygon. Distances are labeled in feet: 2377.41 P/B, 2551.04 P/B, 2641 P/B, 2741.98 P/B, 173.63', 190.84', 255.72', 100.55', 903', 7319, 7320, 6339, 5252. A note says "e/c up led from Parol #2 BLAKE to Niedmich".

RECEIVE
12/11/2006
DEC 18 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 37-11281

DOUGLAS H NIEDRICH
PO BOX 291
HAILEY ID 83333
Telephone Number: (208)788-4145

LISA A NIEDRICH
PO BOX 291
HAILEY ID 83333
Telephone Number: (208)788-4145

RECEIVED
DEC 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12.14.06 SIGNATURE: Lisa Niedrich
Please print your name: Lisa Niedrich

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

11/29/2006

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

RIGHT NUMBER: 37-11281

DISALLOWED

NAME AND ADDRESS: DOUGLAS H NIEDRICH
PO BOX 291
HAILEY ID 83333

LISA A NIEDRICH
PO BOX 291
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 07/10/1884

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>
IRRIGATION	4/01 11/01	0.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNE	2.50	T01N R18E S01	NWSE	0.50
---------------	------	------	---------------	------	------

3 ACRES TOTAL

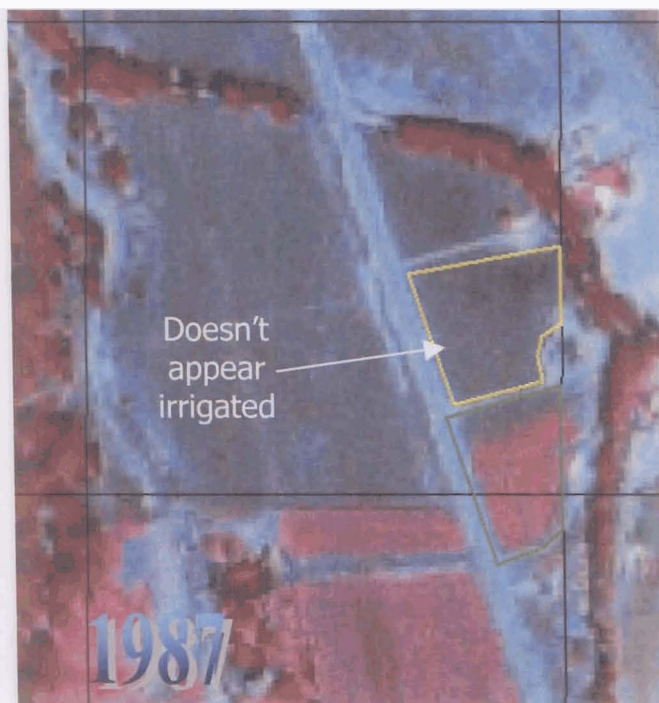
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

37-113P & 37-11281



Inclination is to disallow A37-11281, as Watermaster records do not show water being delivered under that right, only under 37-113P.

Since 113P is being delivered 0.12 cfs (as claimed) which is 2" to the acre, claimant could have the option of amending SRBA claim 37-113P to include area claimed under 11281...with no more diversion rate...which would essentially be @ 6 acres of irrigation at 1" per acre.

Call to B37 Watermaster on Nov. 29, 2006 indicated that he was only delivering water under 37-113P.

BIG WOOD RIVER	37-0113K	RF & ROSA BUHLER	07 / 10 / 1884	0.08		
DOUGLAS H NIEDRICH	37-0113P	RF & ROSA BUHLER	07 / 10 / 1884	0.12	0.12	0.12
B S RANCH	37-0114	RF & ROSA BUHLER	05 / 01 / 1886	0.16	0.28	0.28
CARL BROWNING	37-0114	RF & ROSA BUHLER	05 / 01 / 1886	0.08	0.36	0.36

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

Southern

RECEIVED

SEP 28 2004

Department of Water Resources
Southern Region

3711281
Now owned by
Niedrich

STEPHENSON
821 PINON DR
HAILEY ID 83333



POST OFFICE BOX
NUMBER REQUIRED
FOR DELIVERY

83333/3392

