

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 37-509
Date Received: 10/24/1988
Receipt No: S003179
Received By:

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

AMENDED

1. Name of Claimant(s)

JOHN D PIERCE Phone: (949)640-9270
PO BOX 827
BELLEVUE ID USA 83313

THE R DANIEL OLMSTEAD REVOCABLE TRUST Phone: (949)640-9270
PO BOX 827
BELLEVUE ID USA 83313

2. Date of Priority: 06/01/1884

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	Big Wood R
01N	18E	12	SE SE NW	BLAINE	Big Wood R

5. Description of diverting works:

District 45 headgate and canal from the river to delivery ditch with a small pond on the property. Irrigation water is pumped from the pond to pressurize sprinklers for irrigation purposes. Overflow from the pond discharges into wildlife/aesthetic area on the property which also provides some subirrigation. Alternate point of diversion is from the well in Sec 12 and is used for the irrigation of up to 7 acres of the place of use. (see attached field exam for 37-8098).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.4	
WILDLIFE	04/15	10/15	2.6	
AESTHETIC	04/15	10/15	2.6	

7. Total Quantity Appropriated is:
4 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	12	SW	NE	IRRIGATION	20 80
			SE	NW	IRRIGATION	15 40
			NE	SW	IRRIGATION	5 20
			NW	SE	IRRIGATION	30 70
			NE	SW	WILDLIFE	
			SE	SW	WILDLIFE	
			NW	SE	WILDLIFE	
			NE	SW	AESTHETIC	
			SE	SW	AESTHETIC	
			NW	SE	AESTHETIC	
					Section Acres	70
					Total Acres	70

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:

Non-irrigation uses description -- Wildlife and aesthetic use maintains water supply, habitat, and food source during the dry summer months. Open water is maintained in a secluded area for waterfowl refuge as well as water supply for upland birds and game animals. The wildlife and aesthetic use area is within the private land owned by the claimant.

water rights used description -- About 7 acres of irrigated land receives water from a well. A companion application for permit is being filed with this amended claim as a precaution.

Remarks -- This amended claim reflects an accomplished transfer of a portion of the irrigation water supply for the property that is consistent with current and past use. The terrain suggests the use of a portion of this water for wildlife and aesthetic purposes has been a long standing practice. The overflow from the pumping pond maintains part of high water channel with water and vegetation for habitat and aesthetic purposes as well as providing subirrigation. The irrigation use from the well represents an accomplished transfer of the point of diversion from the District 45 headgate to the well for the irrigation of up to 7 acres.

The claim was amended on 6-12-2005 to change portions of the use, point of diversions, place of use, and rates. kkc

15. Basis of Claim: Decreed



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eraboise@eroresources.com

RECEIVED
DEC 09 2005
Department of Water Resources
Southern Region

December 7, 2005

Kelly K. Christensen
Senior Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

RE: SRBA Claim 37-509 Amendment

Dear Kelly:

I received your letter of December 6, 2005 and a copy of the data entered amended claim no. 37-509. A review of the claim shows the place of use for aesthetic and wildlife purposes is not included in the description of the water right.

The amended claim shows the place of use for aesthetic and wildlife to be in the E1/2SW1/4, NW1/4SE1/4, Section 12, T1N, R18E, B.M. Since this place of use does not precisely overlap the irrigation place of use I believe it needs to be separately listed in the description of the claim.

Please let me know if you have any questions or need any additional information.
Thank you for your help with this claim.

Yours truly,

David B. Shaw

DBS:sw

Encl.



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RECEIVED

DEC 06 2005

Department of Water Resources
Southern Region

December 2, 2005

Kelly K. Christensen
Sr. Water Resource Agent
Idaho Department of Water Resources, Southern Region
1341 Fillmore St, Ste 200
Twin Falls, ID 83301-3037

RE: Snake River Basin Adjudication (SRBA) Claim 37-509 Amendment

Dear Kelly :

Enclosed with amended claim 37-509 are checks of \$300 and \$220 as requested in your letter of November 23, 2005, copy enclosed.

Please let me know if you need any additional information.

Yours truly,

A handwritten signature in dark ink, appearing to read "David B. Shaw", is written over a horizontal line.

David B. Shaw

DBS:bah

Enclosures



ERO Resources Corp.
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Boise, ID 83703-5836
(208) 373-7983
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eroboise@eroresources.com

RECEIVED

NOV 17 2005

Department of Water Resources
Southern Region

November 16, 2005

Kelly K. Christensen
Senior Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

RECEIVED

DEC 06 2005

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication Claim 37-509 Amendment

Dear Kelly:

Thank you for your letter of November 4, 2005 regarding this amended claim. The amended claim was inadvertently completed showing the wildlife and aesthetic purposes to be additional uses rather than an accomplished transfer of a portion of the original decreed right. I have changed the page 2 of the amended claim to reflect wildlife and aesthetic purposes for 2.6 cfs, the remaining amount of the decreed 4 cfs in excess of the amount used for irrigation purposes.

With regard to the fee for the additional uses, my understanding of adjudication rule 35.04.a, the variable fee charged for "public purpose" uses is based upon the provision of section 42-1414(1)(b)(v), Idaho Code. This rule states for public purposes that variable fee will be charged only one time rather than for each purpose as in the case of sequential uses in which one use is accomplished and a second use is accomplished independent of the first. Accordingly, I have enclosed a check for \$260⁰⁰ for the additional variable fee for this claim. If my interpretation of the adjudication rule is incorrect please let me know regarding the variable fee.

Also on this amended claim I show an accomplished transfer to an alternate point of diversion from ground water. This point of diversion is an existing well that was in place prior to November 17, 1987 and the commencement of the SRBA. As you may know, the claimant has filed a separate application for permit for this well in an effort to be certain the existing water use from the well is covered by a valid water right.

Please let me know if you need any additional information or if I can answer any questions for you. Thank you for your consideration of this amended claim.

Yours truly,

David B. Shaw

Encl.

cc: Dan Olmstead

Should questions arise during the processing of this application please contact:
David Shaw - ERO Resources Corp. (208) 373-7983

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

37-509

Date Received

Receipt Number

RECEIVED

DEC 06 2005

Department of Water Resources
Southern Region

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

RECEIVED

NOV 17 2005

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant(s) R Daniel Olmstead, Jr. Trustee of the R Daniel Olmstead Revocable Trust and John D Pierce Phone (949) 640-9270
Mailing Address PO Box 827, Bellevue, ID Zip 83313
2. Date of Priority (Only one (1) per claim) 06/01/1884
3. Source of water supply (a) Big Wood River
Which is tributary to (b) Malad River
4. a. Location of point of diversion is: Township 2N Range 18E Section 36,
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____, B.M., County of Blaine
Additional points of diversion if any: SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 12, Twp 1N Rge 18E, B.M.
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. District 45 headgate and canal from the river to delivery ditch with a small pond on the property. Irrigation water is pumped from the pond to pressurize sprinklers for irrigation purposes. Overflow from the pond discharges into wildlife/ aesthetic area on the property which also provides some subirrigation. Alternate point of diversion is from the well in Sec 12 and is used for the irrigation of up to 7 acres of the place of use. (See attached field exam for 37-8098.)

COPIED

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4/15 to 10/15 amount 1.40 or _____
For Wildlife purposes from 4/15 to 10/15 amount 2.60 or _____
For Aesthetics purposes from 4/15 to 10/15 amount 2.60 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.00 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Wildlife and Aesthetic use maintains water supply, habitat, and food source during the dry summer months. Open water is maintained in a secluded area for waterfowl refuge as well as water supply for upland birds and game animals. The Wildlife and Aesthetic use area is within the private land owned by the claimant.

10. Description of place of use:

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

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

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
1N	18E	12			20					15	5					30			70
		12									W/A			W/A		W/A			

Total number of acres irrigated 70

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

About 7 acres of irrigated land receives water from a well. A companion application for permit is being filed with this amended claim as a precaution. or None ()

14. Remarks:

This amended claim reflects an accomplished transfer of a portion of the irrigation water supply for the property that is consistent with current and past water use. The terrain suggests the use of a portion of this water for wildlife and aesthetic purposes has been a long standing practice. The overflow from the pumping pond maintains part of high water channel with water and vegetation for habitat and aesthetic purposes as well as providing subirrigation. The irrigation use from the well represents an accomplished transfer of the point of diversion from the District 45 headgate to the well for the irrigation of up to 7 acres.

Last Name Olmstead Ident. Number 37-509

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile.

See Attached Photo for Location of Property and Water Uses

Last Name Olmstead Ident. Number 37-509

Copy

15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-509
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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." 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 1

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

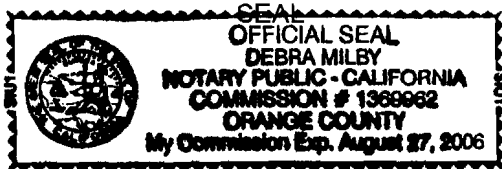
Signature of Claimant(s) [Signature] Title TTCE Date 10/27/05
[Signature] Date 10-27-05

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or California) SS.
County of Orange)

Subscribed and sworn (or affirmed) before me this 27th day of October 20 05



Notary Public Debora Milby
Residing at 4071 Eureka Dr. Yorba Linda CA 92886
My Commission Expires August 27, 2006

17. Notice of Appearance:

Please Print Name

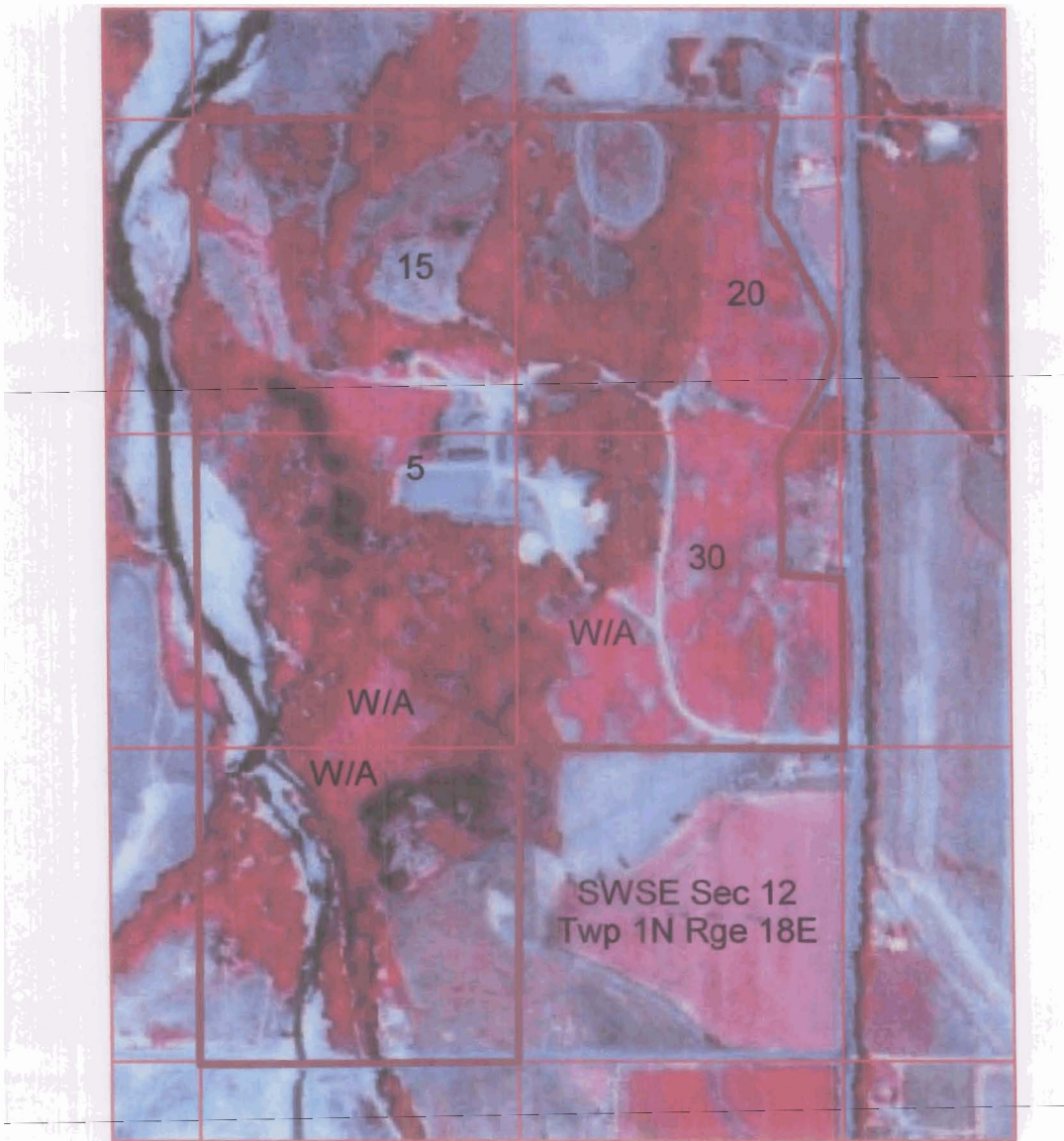
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Olmstead Ident. Number 37-509

COPY

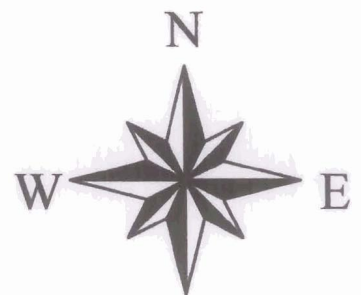
Swiftsure



0.2 0 0.2 0.4 Miles

A horizontal scale bar with alternating black and white segments, corresponding to the 0.2-mile intervals marked above it.

 **Swiftsure Ranch**
 **PLS-QQ**



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 14 1989

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8098

1. Owner: Bruce ARMSTRONG

Phone No. 788-2824

Current Address: Rt 1 Bx 58 Bellevue, Ida

2. Accompanied by: _____

EXAM. DATE: 8/3/87

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

☐ Copies Attached

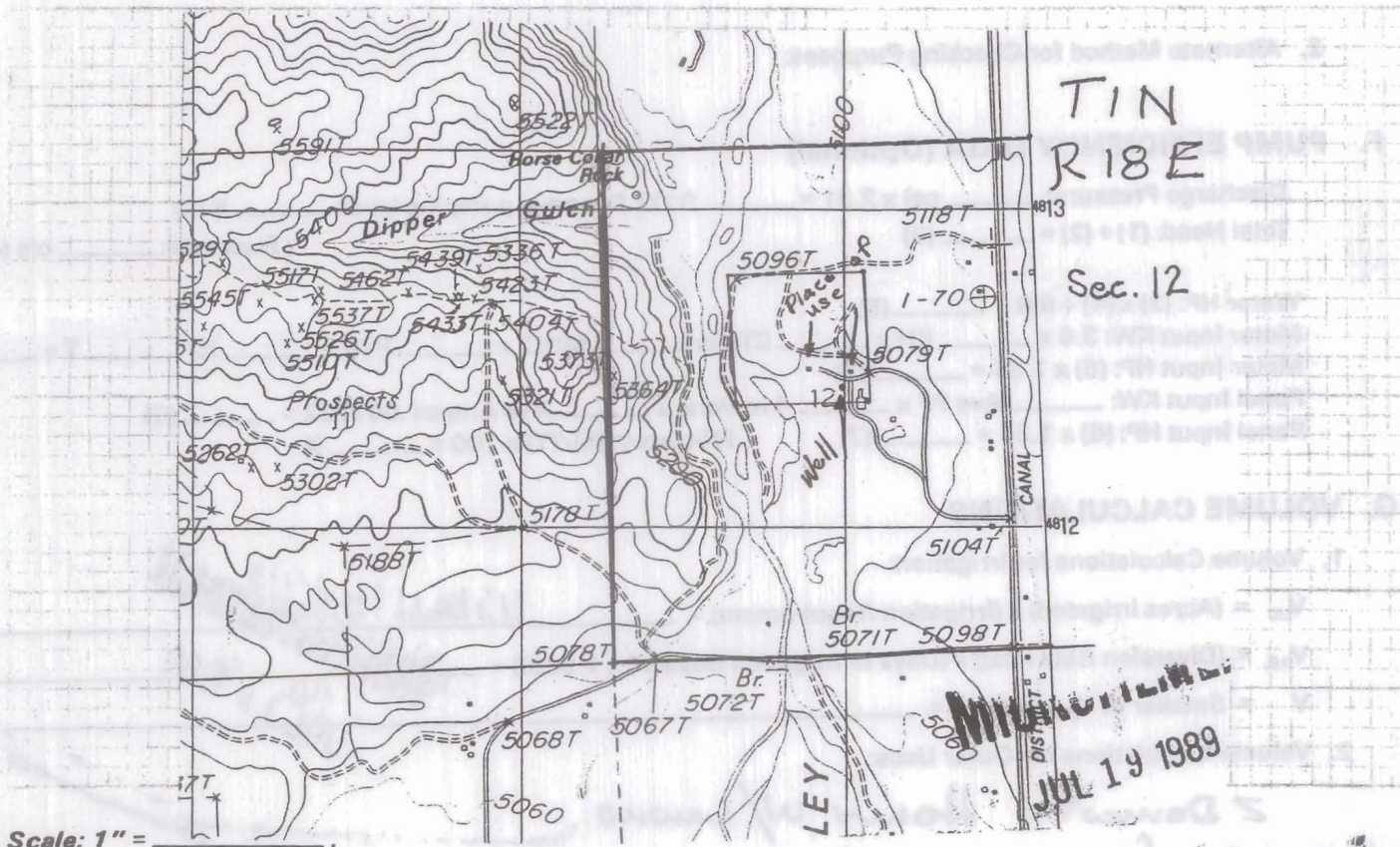
2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater and stockwater)

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

2 Domestic House w/ Lawns
106 c.f.s. 2.4 AFA.

MAINTENANCE
JUL 14 1989

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

686-1 for 3-00

NOTED

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Submersible	GE	7.5	-		

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	12	1 N	18 E	Jerome	

6. Place(s) of Use:

Indicate Method of Determination

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	
1 N	18 E	12								D									

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1-1	12-31	0.06 cfs	2.4
Totals:			0.06 cfs	2.4

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

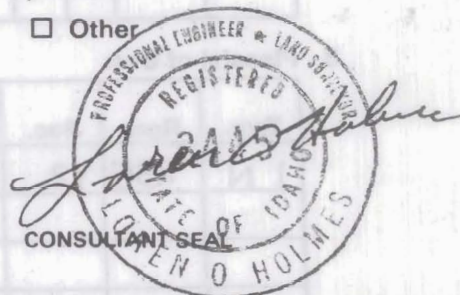
☐ Other

J. AUTHENTICATION

Field Examiner's Name

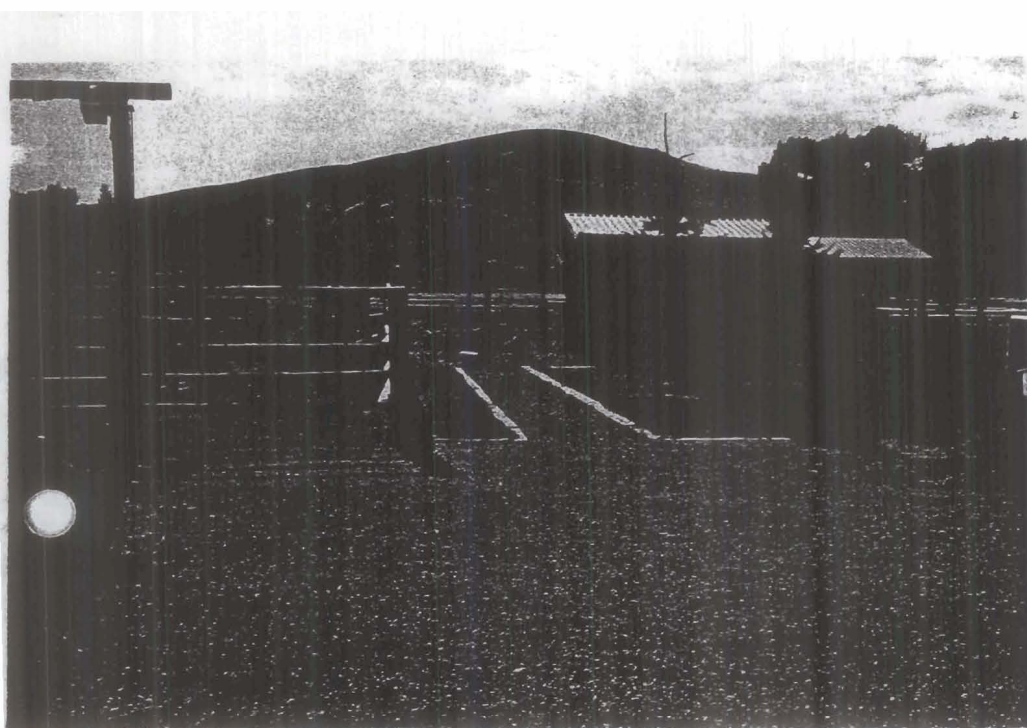
Signature

GARY FUNDERBURG
Gary Funderburg
5/15/87
8/3/87

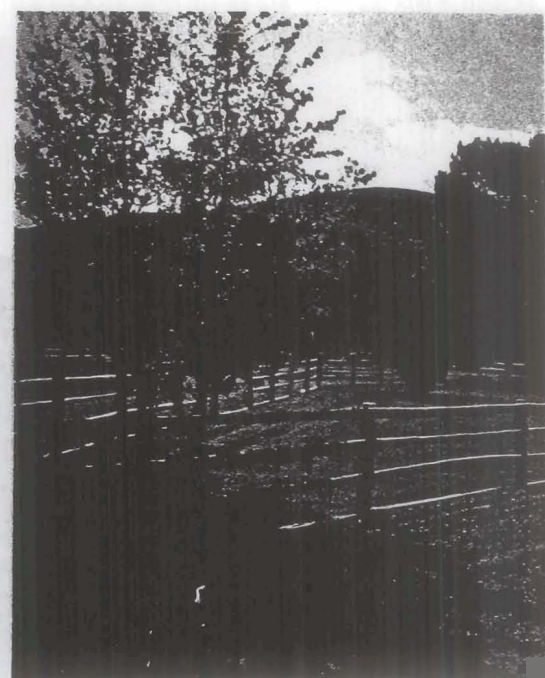


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

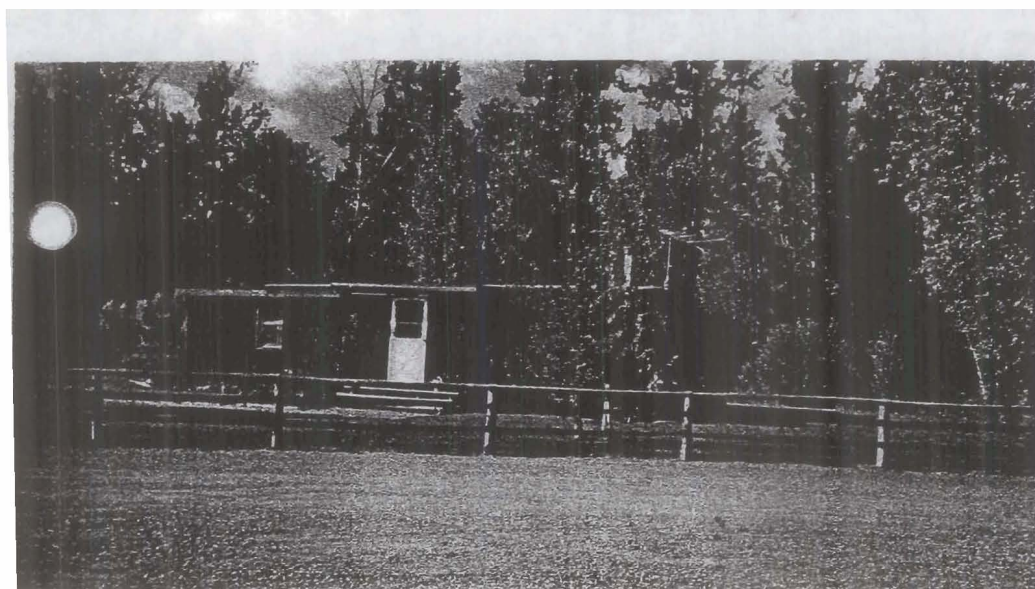
JOM 3/6/89



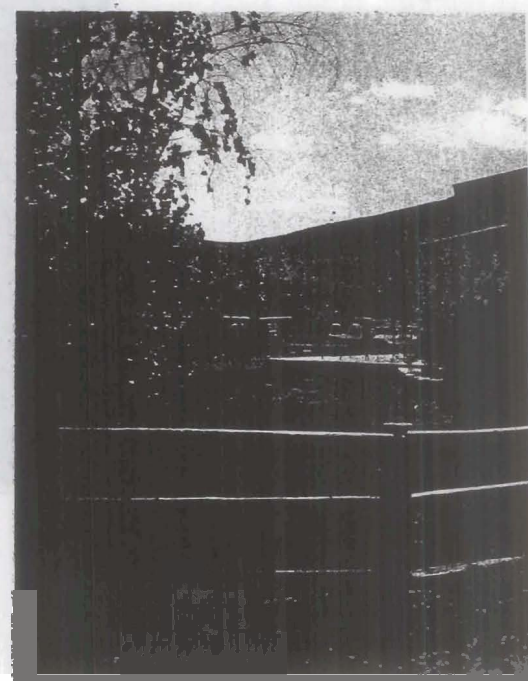
WELL AND WELLHOUSE.



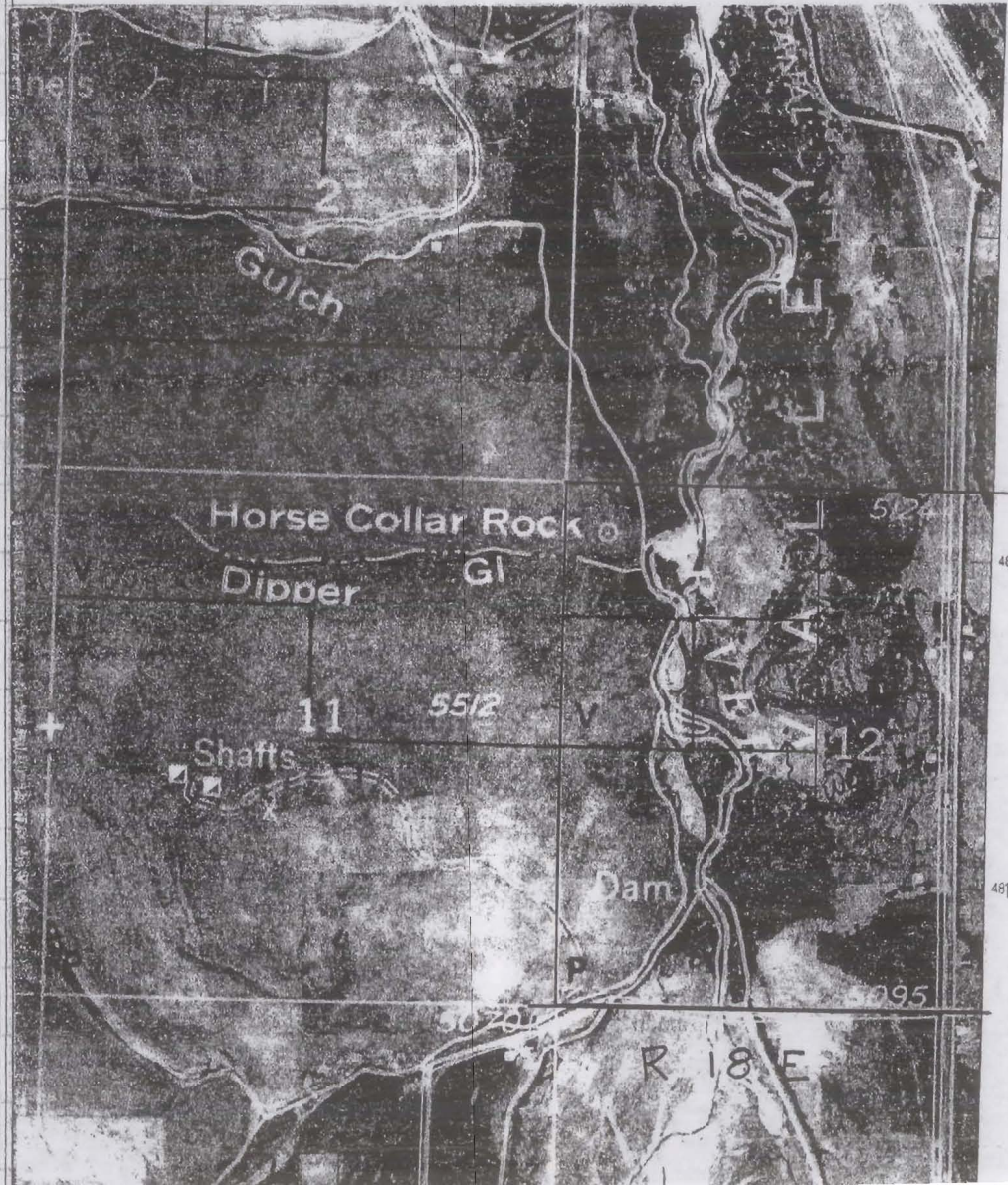
PROPERTY BEING IRRIGATED



HOUSES AND LAWN THAT IS IRRIGATED.



MICROFILMED
JUL 19 1989



1.1 N

T
-
N

DETACHED 21 1987 INDIANA SECTION
H0222 AND H0211 12 1987



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 6, 2005

DAVID SHAW
ERO RESOURCES CORPORATION
3314 GRACE ST
BOISE ID 83703

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-509 AMENDMENT

Dear Dave

Enclosed is the amended claim as data entered. Please review the claim to confirm that the data entries were made correctly. Also enclosed is the receipt for the additional variable fees.

If there you have any questions you can reach me at the number above.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 23, 2005

NOV 28 2005

DAVID SHAW
ERO RESOURCES CORPORATION
3314 GRACE ST
BOISE ID 83703

RECEIVED

DEC 8 2005

Department of Water Resources
Southern Region

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-509 AMENDMENT

Dear Dave

I am returning the amended claim form and the \$300.00 filing fee as the direction that I received from the state office is that each use does have an associated variable fee due.

I requested input from the state office on the fees due for this amendment and I received the following direction from Nick Spencer.

Filing fee	\$ 50.00
Variable fee	70.00 (acre)
Variable fee	260.00 (wildlife)
Variable fee	260.00 (aesthetics)
Claim fee due	\$640.00
Fee prev pd	120.00
TOTAL DUE	<u>\$520.00</u>

Nick indicated that Don Shaff often fields claim fee issues, however he is out of the office until next week. If you wish you can check with Don for a second opinion before returning the claim to this office for data entry.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 23, 2005

DAVID SHAW
ERO RESOURCES CORPORATION
3314 GRACE ST
BOISE ID 83703

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-509 AMENDMENT

Dear Dave

I am returning the amended claim form and the \$300.00 filing fee as the direction that I received from the state office is that each use does have an associated variable fee due.

I requested input from the state office on the fees due for this amendment and I received the following direction from Nick Spencer.

Filing fee	\$ 50.00
Variable fee	70.00 (acre)
Variable fee	260.00 (wildlife)
Variable fee	260.00 (aesthetics)
Claim fee due	\$640.00
Fee prev pd	120.00
TOTAL DUE	<u>\$520.00</u>

Nick indicated that Don Shaff often fields claim fee issues, however he is out of the office until next week. If you wish you can check with Don for a second opinion before returning the claim to this office for data entry.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

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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
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-509
Date Received: 10/24/1988
Receipt No: S003179
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN D PIERCE Phone: (949) 640-9270
PO BOX 827
BELLEVUE ID 83313

THE R DANIEL OLMSTEAD REVOCABLE TRUST Phone: (949) 640-9270
PO BOX 827
BELLEVUE ID 83313

2. Date of Priority: 06/01/1884

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:

HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
4 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	12	SW	NE	IRRIGATION	20
			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	5
			NW	SE	IRRIGATION	35
					Section Acres	70
					Total Acres	70

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:

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

11/22/2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN D PIERCE &
THE R DANIEL OLMSTEAD REVOCABLE TRUST
PO BOX 827
BELLEVUE ID 83318

Re: SRBA Claim #37-509, #37-8098

Gentlemen,

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a horizontal line.

Carrie Hahn
Office Specialist

Enc.

Should questions arise during the processing of this application please contact:
Dave Shaw - ERO Resources Corp. (208) 373-7983

RECEIVED

NOV 19 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
<u>37-509</u>	<u>A37-509</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-8098</u>	<u>A37-8098</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) D. Bruce Armstrong
P.O. Box 2047
Ketchum, ID 83340-2047
4. New Owner/Claimant(s) R. Daniel Olmstead, Jr. trustee of The R. Daniel Olmstead
Revocable Trust and John D. Pierce
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 827
- City, State and ZIP Code Bellevue, Idaho 83313
- New Telephone Number (949) 640-9270
5. Date you acquired the property 9/23/03

Form 42-248/42-1409(6) July, 2000

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)

[Handwritten Signature]

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

For Office Use Only

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



Instrument # 492442
HAILEY, BLAINE, IDAHO
2003-09-20 03:00:00 No. of Pages: 2
Recorded for: BLAINE COUNTY TITLE
MARSHA NIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index by: RTT/90/CLMP/DELO

CORPORATION WARRANTY DEED

ELEKTON CORPORATION, a corporation
organized and existing under the laws of the State of Washington, with its principal office at

114 CALYPSO LANE, BELLEVUE, ID 83513

grantor, hereby CONVEYS or GRANTS and WARRANTS TO R. DANIEL OLMSTEAD, JR., as Trustee of THE R. DANIEL OLMSTEAD, JR. REVOCABLE TRUST U/T/D 12/19/2000, AS AMENDED (also known as THE R. DANIEL OLMSTEAD REVOCABLE TRUST) as to an undivided 67.1429% and JOHN D. PIERCE, a married man as his sole and separate property, as to an undivided 32.8571%, as tenants-in-common, grantee
whose current address is: 532 SEAWARD ROAD, CORONA DEL MAR CA 92623

the following described premises to wit:

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

Parcel Number: 000200000010/20

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.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers dated: September 23, 2003

ELEKTON CORPORATION, a Washington
corporation

By Colleen Sullivan
COLLEEN SULLIVAN President

Attest: _____
Secretary

State of IDAHO

County of BLAINE

On this 29 day of SEPTEMBER, 2003, before me, the
undersigned, a Notary Public, in and for said State, personally appeared COLLEEN SULLIVAN

known to me, and/or identifying me on the basis of
satisfactory evidence, to be the President
of the corporation that executed
the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a
resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

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



LEGAL DESCRIPTION

Order Number: 03012004

Lots 1 & 2 of ARKSTROM RANCH SUBDIVISION AMENDED, according to the official plat thereof, recorded as Instrument No. 361627, records of Blaine County, Idaho.

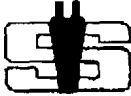
Excepting therefrom the following portion of Lot 1, more particularly described as follows:

COMMENCING at an iron pin marking the Northwest corner of said SW1/4NE1/4; thence

North 89°11'39" East 1311.57 feet along the North Boundary of said SW1/4NE1/4 to an iron pin on the West Boundary of State Highway No. 75; thence South 00°16'32" West 26.14 feet along said Highway Boundary to a brass cap highway monument; thence South 00°12'17" East 571.86 feet along said Highway Boundary to an iron pin marking the REAL POINT OF BEGINNING; thence continuing South 0°12'17" East 148.00 feet to a fence intersection; thence South 89°47'43" West 54.00 feet along a fence to a fence intersection; thence North 26°11'57" West 322.55 feet along a fence to a fence intersection; thence South 52°08'04" East 250.15 feet to the POINT OF BEGINNING.

END OF EXCEPTION PARCEL

Including any and all water rights appurtenant thereto.



Instrument # 492446

HAILEY, BLAINE, IDAHO

2003-09-30

03:54:00 No. of Pages: 1

for: BLAINE COUNTY TITLE

MARSHA BEHMAN

Fee: 3.00

Ex-Officio Recorder Deputy

Under the WY-RC/Prop 65

QUITCLAIM DEED

THIS INDENTURE, Made this 29th day of September, 2003 between

ELEKTON CORPORATION, a Washington corporation as Grantor and

R. DANIEL OLMSTEAD, JR., as Trustee of THE R. DANIEL OLMSTEAD, JR. REVOCABLE TRUST U/T/D 12/19/2000, AS AMENDED (also known as THE R. DANIEL OLMSTEAD REVOCABLE TRUST) as to an undivided 67.1429% and JOHN D. PIERCE, a married man as his sole and separate property, as to an undivided 32.8571%, as tenants-in-common, as Grantee

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

1. IDWR# 37-509: Priority date 6/1/1884 for 4.00 CFS; Source - Big Wood River for irrigation
2. IDWR# 37-8093: Priority date 4/19/1983 for .06 CFS; Source - Groundwater for domestic and irrigation from groundwater.

Parcel Number: 000200000010/20

TOGETHER With all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversions and reversion, remainder and remainders, rents, issues and profits thereof.

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

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

ELEKTON CORPORATION, a Washington Corporation

By Colleen Sullivan
Colleen Sullivan President

Attest: _____
Secretary

State of IdahoCounty of Blaine

On this 29 day of SEPTEMBER, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared COLLEEN SULLIVAN

known to me, and/or identified to me on the basis of satisfactory evidence, to be the PRESIDENT of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation in authority of a resolution of its board of directors and acknowledged to me that such corporation acknowledged the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public KATHY BEALResiding at: HatchmanCommission Expires: 7.9.2006



ERO Resources Corp.
1106 N. Cole Rd. Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985
Denver • Boise
www.eroresources.com
eroboise@eroresources.com

RECEIVED

NOV 19 2004

Department of Water Resources
Southern Region

November 16, 2004

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Dear Sir or Madam:

Please find enclosed a Notice of Change in Water Right Ownership in behalf of R. Daniel Olmstead, Jr. and John D. Pierce for water rights 37-509 and 37-8098. If you need any additional information please contact me.

Yours truly,

A handwritten signature in cursive script that reads "Dave".

David B. Shaw

DBS:sw

Encl.

cc: R. Daniel Olmstead, Jr.

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: A37-00509
Date Received: 10/24/1988
Receipt No: 5003179
Received By: 40

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE ARMSTRONG 208-726-4530
Address: P.O. BOX 2047
KETCHUM, ID 83340

2. Date of Priority: JUN 01, 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:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	12	SW	NE		IRR	20.0
			SE	NW		IRR	10.0
			NE	SW		IRR	5.0

A37-00509

Page 1

Date: 10/24/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	12	NW	SE		IRR	35.0
Section Acres							70.0
Total Acres							70.0

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:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

NOT RECORDED
FEB 23 1993

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Bruce Rumburg Date: Oct. 24, 1988
Date: _____

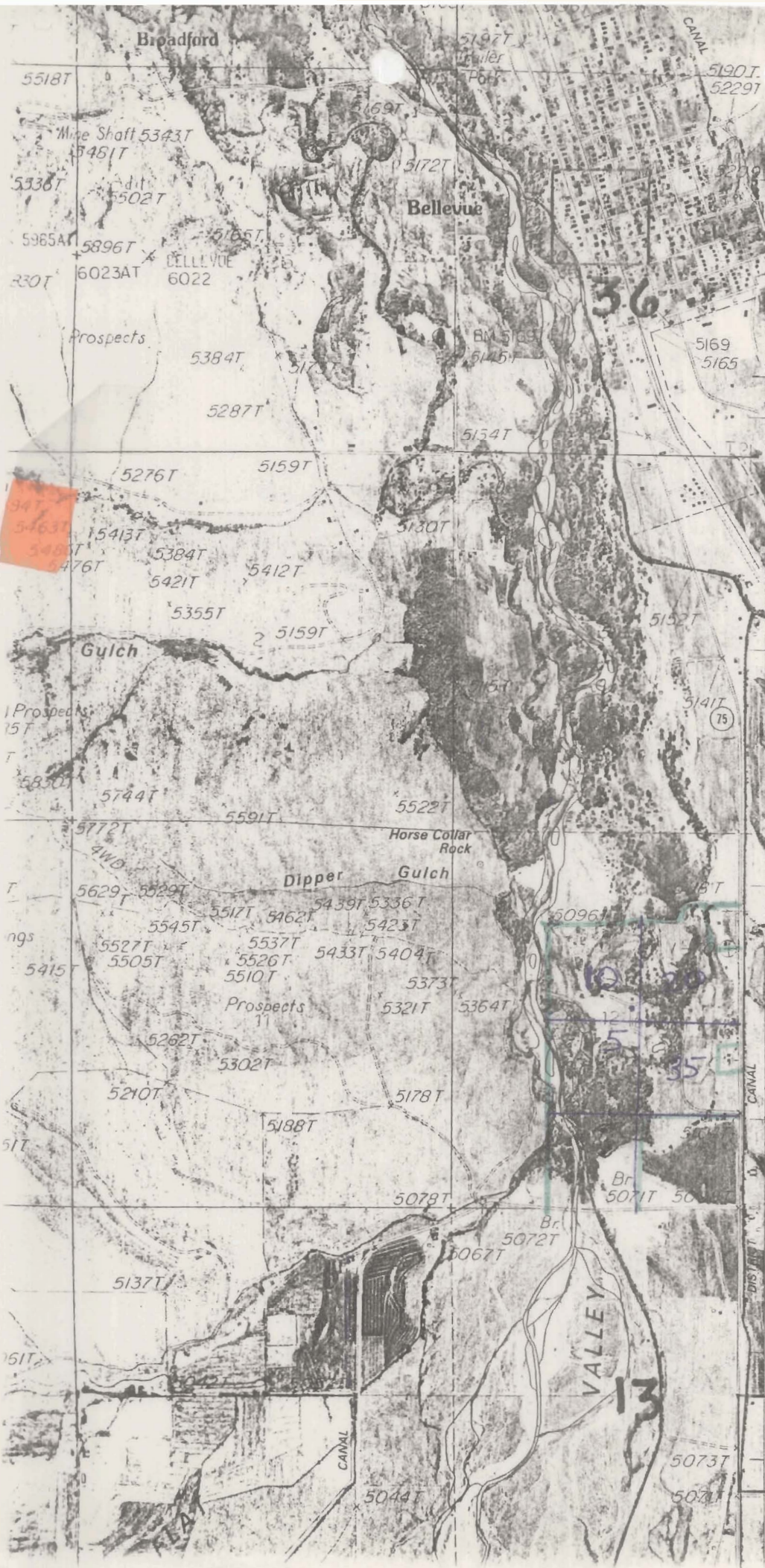
State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 29th day
of Oct. 19 88 Lee D. Menter
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

RECORDED
FEB 23 1993

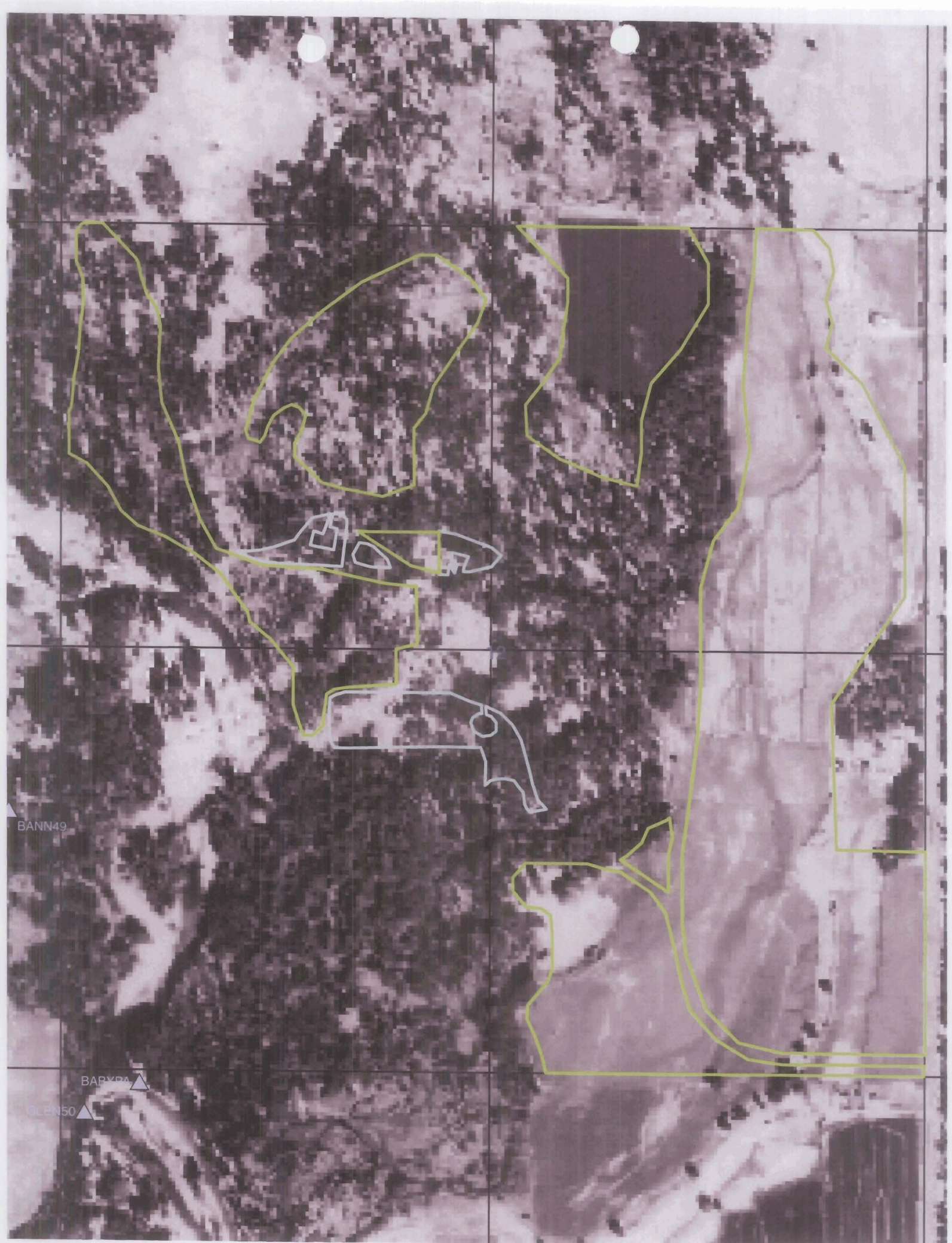


R18E

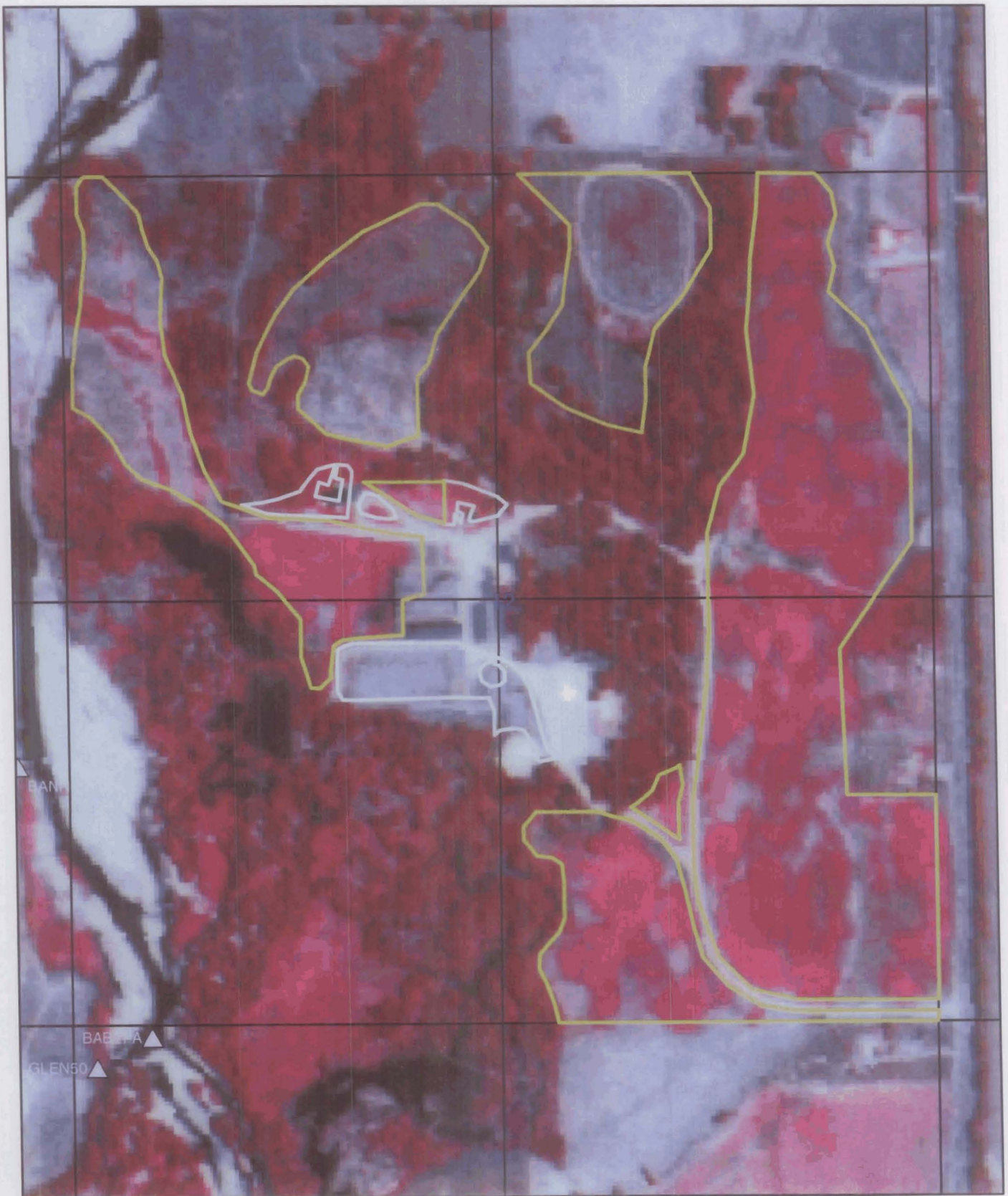
T2N

T1N

MICROFILMED
FEB 23 1993









ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
erobaise@eroresources.com

RECEIVED
DEC 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

December 7, 2006

Idaho Department of Water Resources
Adjudication Bureau
PO Box 83720
Boise, ID 83720-0098

Re: Notice of Error for 37-509

Gentlemen:

Enclosed please find a notice of error for the above numbered proposed recommendation. Please feel free to contact me if you have questions or if I can provide you with any additional information.

Yours truly,

A handwritten signature in black ink, appearing to read "Dave", written over a horizontal line.

David B. Shaw

Enc.

cc: Dan Olmstead

RECEIVED
DEC 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

05/31/2005

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-509

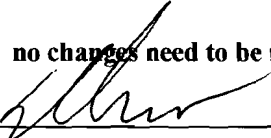
The R. Daniel Olmstead Revocable Trust and John D Pierce
PO Box 827
Bellevue, ID 83313
Telephone Number: (949) 640-9270

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
We disagree with the quantity of water, the number of irrigated acres and the points of diversion.
We don't believe an accomplished change in POU has occurred but believe an accomplished change in POD has occurred.

2. Describe the changes you wish to make in the proposed recommendation:
The attached 2006 photo shows about 64.5 acres of irrigation instead of the 61 in the proposed recommendation.
The full 2.6 cfs should be recommended for aesthetics and wildlife.
The alternate point of diversion for the well in SE ¼ SE ¼ NW ¼ Sec 12 Twp 1N Rge 18E should be included.

3. Give a brief explanation as to why you disagree with these portions:
The management of this ranch has not been consistent in recent history and that has impacted the amount of irrigation that occurred in any given year. The ranch was decreed water for the entire parcel and that full amount of water has been diverted historically. The attached 2006 photo shows irrigation under present management and should be the basis for the acreage to be decreed even though the acreage is less than for the original decree. The 2006 photo also shows the more luscious, dense vegetation in the wildlife and aesthetic area than in similar areas that do not receive the benefit of applied water. As noted above, the full amount of this right has historically been diverted and the 2006 photo shows the extent of that beneficial use, both for irrigation and for the aesthetic and wildlife area. The reduced diversion in the proposed recommendation will not meet the needs of the aesthetic and wildlife area and the full decreed amount should be recommended.

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

DATE: 12/7/06 SIGNATURE: 

Please print your name: David B. Shaw
Agent

IDWR Regional Office 322 E Front St., Boise, ID 83720-0098

Swiftsure Ranch



RECEIVED

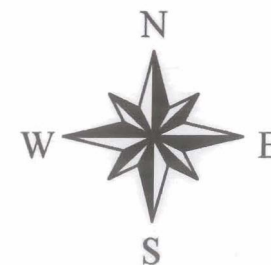
DEC 15 2008

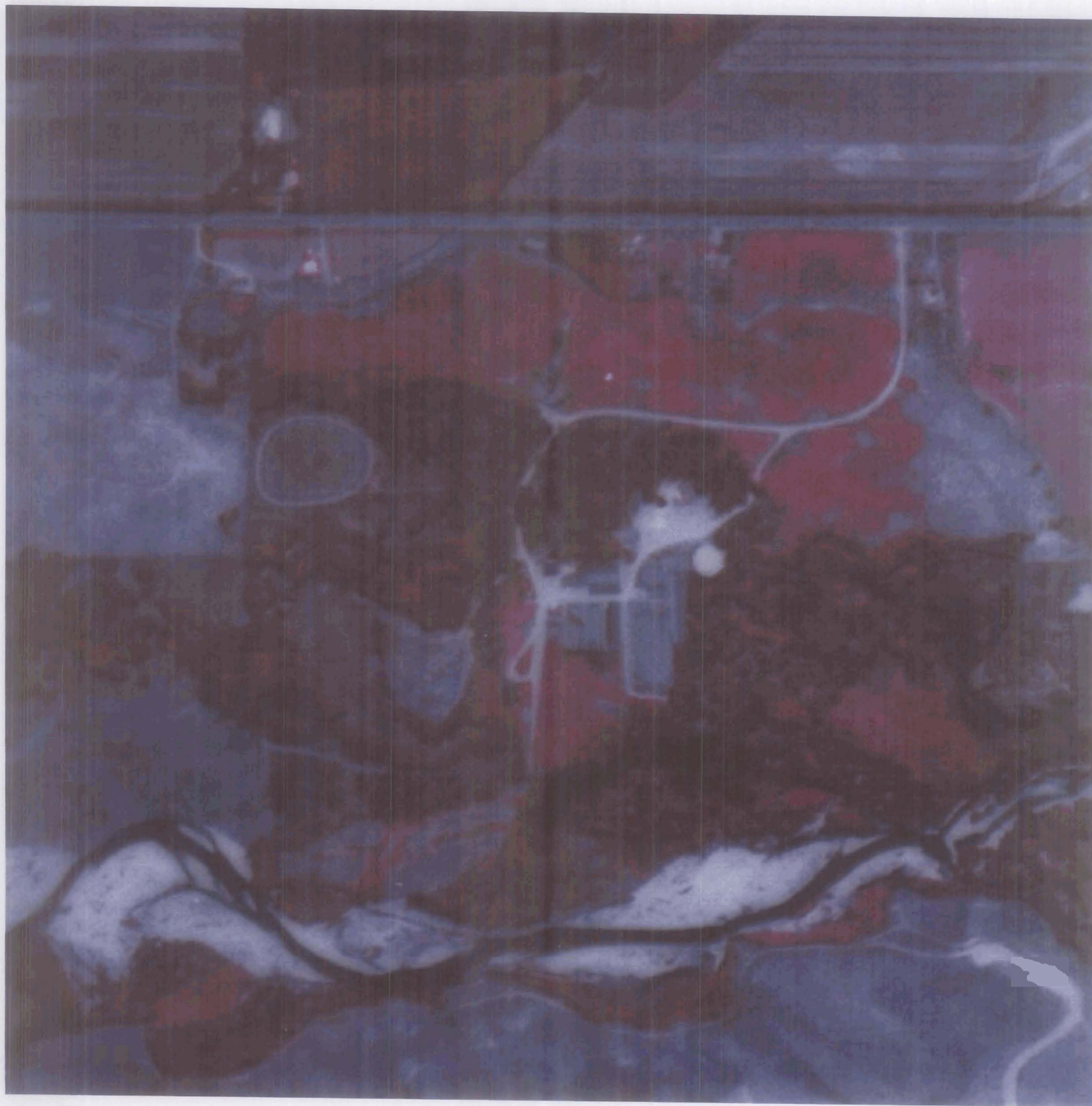
DEPARTMENT OF
WATER RESOURCES

RECEIVED

DEC 11 2006

DEPARTMENT OF
WATER RESOURCES





12/21/2006

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

RIGHT NUMBER: 37-509

NAME AND ADDRESS: JOHN D PIERCE
PO BOX 827
BELLEVUE ID 83313

THE R DANIEL OLMSTEAD REVOCABLE TRUST
PO BOX 827
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	04/15 10/31	0.100 CFS
AESTHETIC	04/15 10/31	0.100 CFS
IRRIGATION	04/15 10/31	2.750 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S12	SWNE	20.00	T01N R18E S12	SENW	16.00
T01N R18E S12	NESW	1.00	T01N R18E S12	NWSE	24.00

WILDLIFE in BLAINE County

T01N R18E S12	NESW	T01N R18E S12	SESW
T01N R18E S12	NWSE		

AESTHETIC in BLAINE County

T01N R18E S12	NESW	T01N R18E S12	SESW
T01N R18E S12	NWSE		

61 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

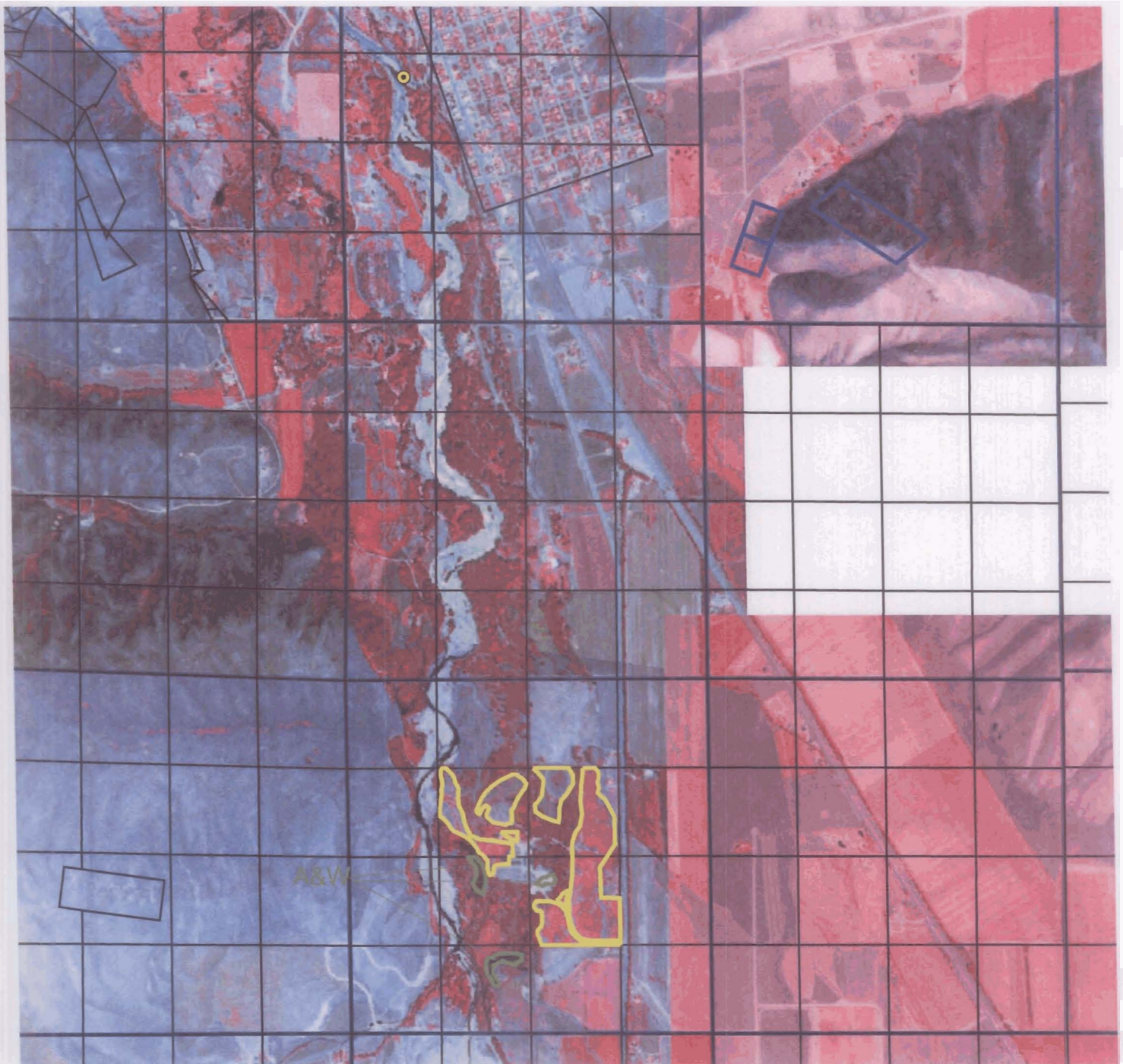
Idaho Department of Water Resources

Right(s): 37-509

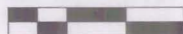
Recommended Place of Use

TWP 01N RNG 18E S12

Prepared November 27, 2006



660 0 660 1320 Feet

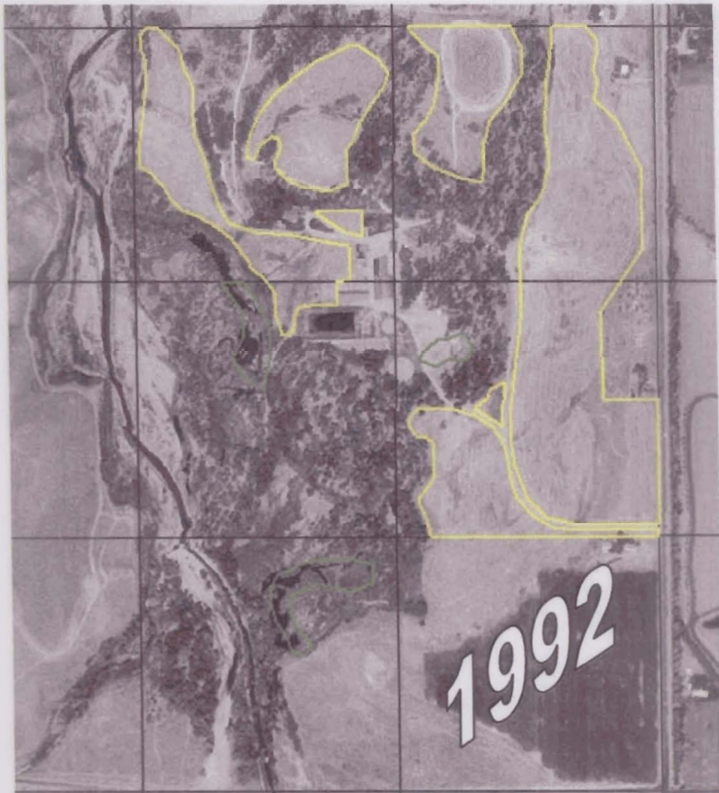
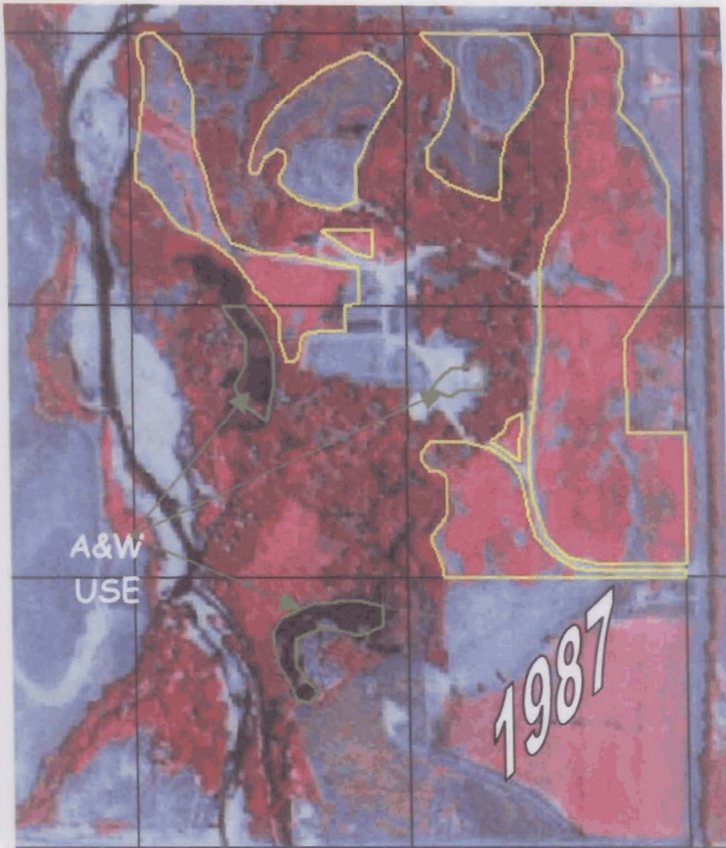


-  Recommended Point of Diversion
-  Recommended Place of Use
-  Quarter Section Lines
-  PLSS Section Lines

GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

37-509



5 13 portion of POU unclaimed...80 acres... $(80)(0.01428) = 1.14$ cfs

Frost Decree

SJ Meyers

June 1, 1884

"...200 (4.0 cfs) in the SW $\frac{1}{4}$, NESE, SENW, SWNE of 1N 18E S12...and 80 acres in the SENE, SWNE of 1N 18E S13"

1 SRBA claim: A37-509 for S12

Claimant states that they are claiming aesthetic and wildlife as an accomplished transfer of use. Decree was for irrigation only. Portion of claimed irrigation not on decreed POU but will recognize that as an accomplished transfer, as it is possible that the decreed portion of the POU listed in the NESE should actually have been in the NWSE.

E-mailed Don Shaff re: claimed accomplished transfer of use (aesthetic & wildlife) for the claimed POU in the SESW, NESW, & NWSE of S12. He seemed to think it could probably be recognized as they are claimed during the irrigation season. He did wonder if the water being used on these pieces of ground was actually waste water from the irrigation use. If that is the case...how should the non-irrigation water be recommended?

1964 imagery shows no irrigation occurring on this decreed POU...although 1987 does; resumption of use??

1987 irrigation POU; imagery finds 61 acres.

$4.0 \text{ cfs} / 280 \text{ acres} = 0.01428 \text{ cfs/acre}$

$61 * 0.01428 \text{ cfs} = 0.87 \text{ cfs}$

$61 * 0.02 \text{ cfs} = 1.22$

Also claimed a well as an "alternate pod"...cannot recognize this under decree.

Season of Use: 4-15 to 10-31

Not sure where to identify A&W use; need information from claimant:

Shapes drawn based on USGS map

1. Need a description of physical layout of system

- Where does the irrigation water get to?
- How?
- Where is the developed water?

Recommended diversion rate based on acres of A&W

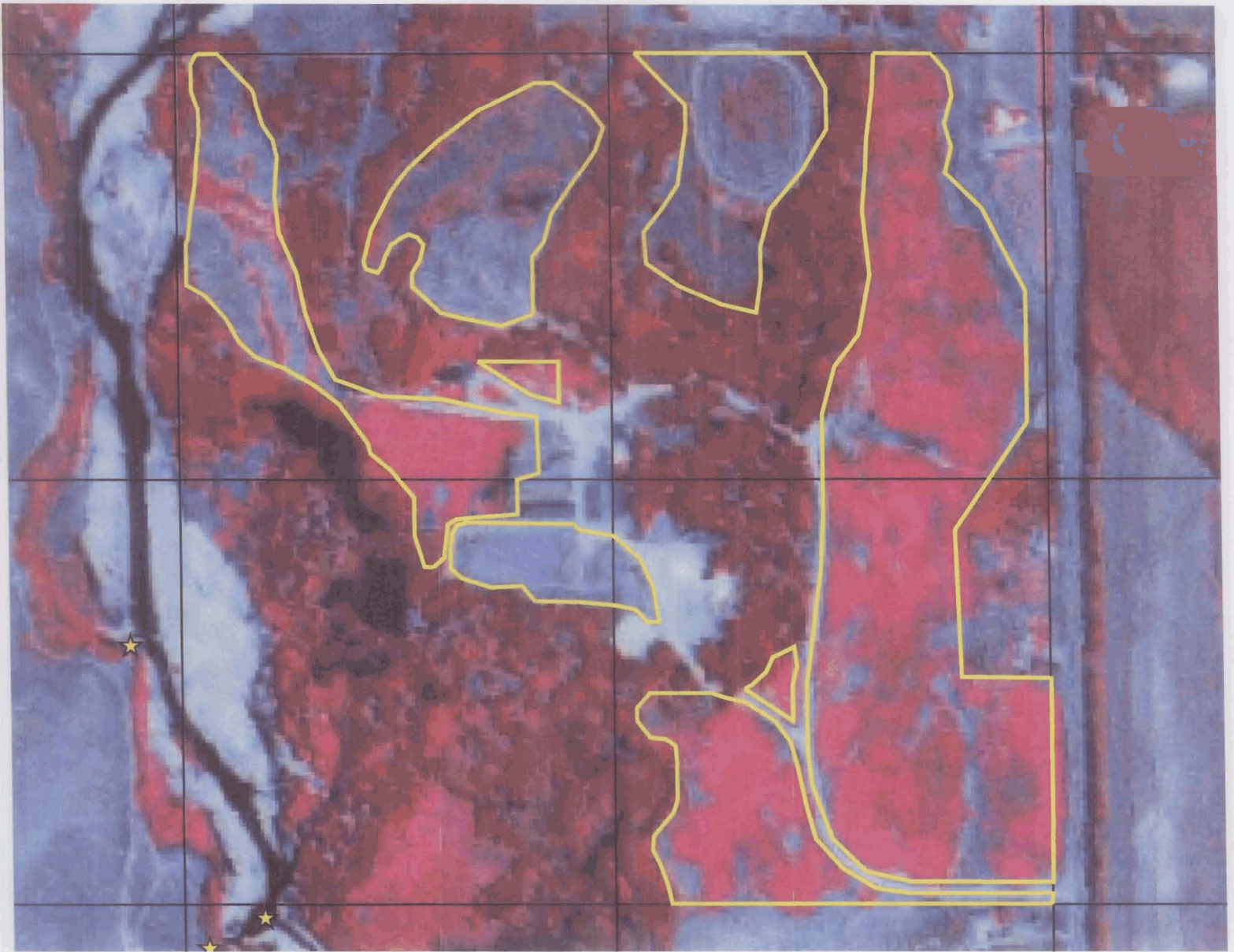
identified: 5 acres... $5 * 0.02 \text{ cfs} = 0.10 \text{ cfs}$

Total Diversion= irrig+A&W = 1.32 cfs

Notice of Error reply received 12-15-06:

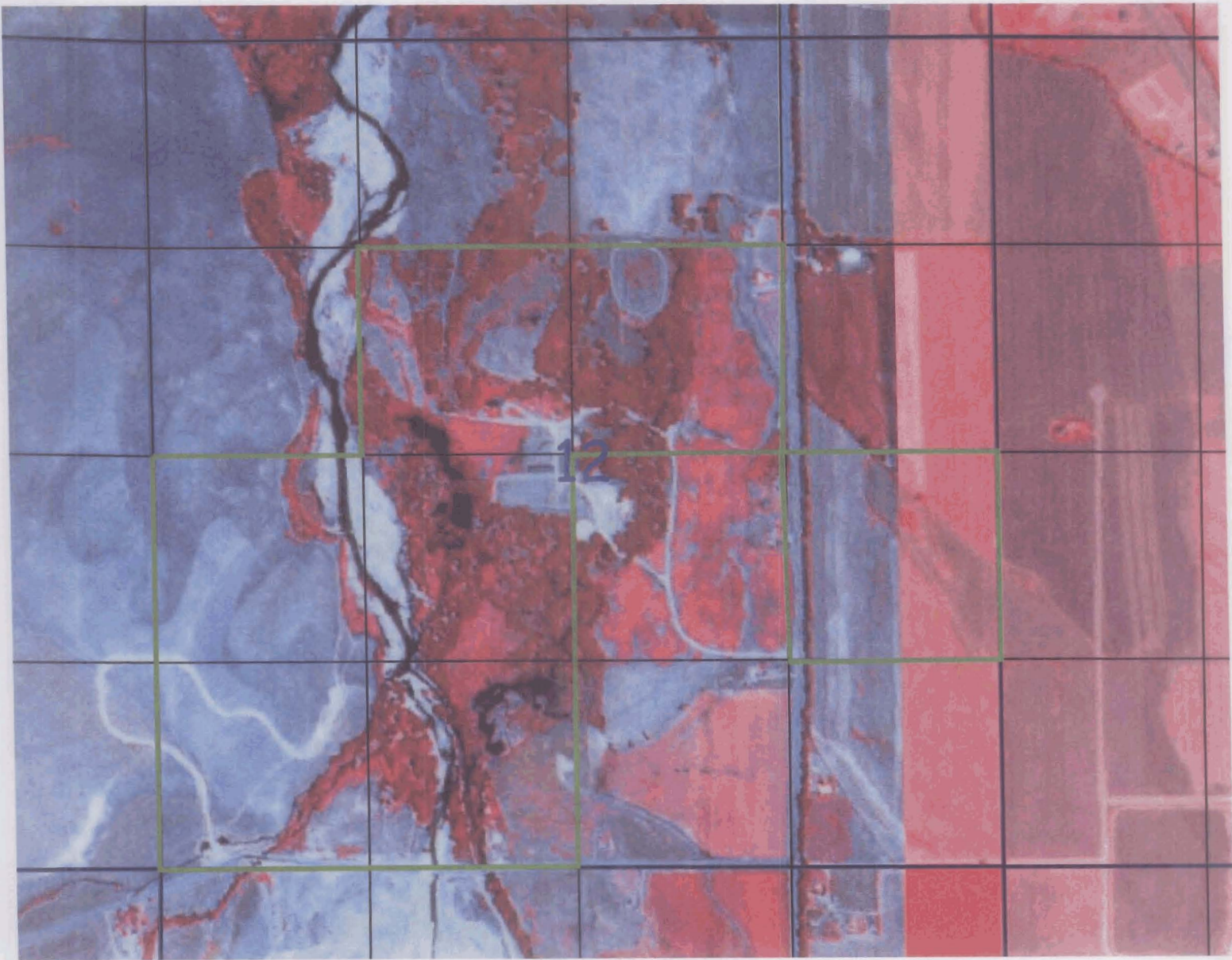
Requested additional diversion rate, additional POD, more acres. Cannot recommend more acres per 1987 imagery nor recognize the well...am willing to recommend 200 acres worth (S12) of diversion... $200 * 0.01428 = 2.85 \text{ cfs}$

irrig (2.75) + A&W (0.10) = 2.85 cfs... until info



Claimed Augation for 37-509

37-509 Decreed POU



Decree also for SENE & SWNE of S13

37-509

Frost Decree

"...200 acres in the SW $\frac{1}{4}$, NESE, SENW, SWNE of 1N 18E S12....and 80 acres in the SENE, SWNE of 1N 18E S13"

200" (4.0 cfs) June 1, 1884

modem
bip

37 0484	Miller, Benjamin F.	150 inches.	31	July 16, 1907.	Big Wood River.
37 0485	Millsaps, Frank	55	27	Apr. 1, 1883.	Little Wood River.
					(Also shares in Big Cottonwood Canal Co.)
37 0486	Millsaps, Mary E.	160	322	June 27, 1908.	Little Wood River.
37 0487	Minear, John W.	50	✓	Sept. 1, 1883.	Soldier Creek. ✓
37 0488	"	40	76	May 15, 1884.	"
37 0489	"	60	237	June 1, 1898.	"
37 0490	Mink, Amanda M.	160	45	May 14, 1883.	"
37 0491	Mink, Cicero B.	140	246	Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
37 0492	Mink, James D.	160	60	June 30, 1883.	Soldier Creek. ✓
37 0493	Mink, T. M.	80	20	June 1, 1882.	Corral Creek.
37 0494	Miser, Jacob	100	44	May 1, 1886.	Big Wood River.
37 0495	"	140	195	July 1, 1892.	"
37 0496	Miser, Thomas	200	61	July 1, 1883.	"
37 0497	"	100	195	July 1, 1892.	"
37 0498	Monroe, James W.	80	92	Aug. 11, 1884.	"
37 0499	"	100	245	May 1, 1905.	"
37 0500	Moody, Marcus L.	520	280	Oct. 20, 1902.	"
37 0501	Morgan, W. Y.	400	44	May 1, 1886.	" #568
37 0502	Morrill, Siegel	40	95	June 31, 1884.	Soldier Creek. ✓
37 0503	"	120	287	June 1, 1898.	"
37 0504	Morris, Frank H.	145	302	Apr. 30, 1906.	Big Wood River or Malad River.
37 0505	Moulton, W. #2	160	228	May 20, 1896.	Big Wood River.
37 0506	"	80	220	May 15, 1902.	" # Trans #121
37 0507	Mullins Canal & Reservoir Co.	750	110	June 15, 1890.	"
37 0508	Murphy, Mrs. Susan R.	120	44	May 1, 1885.	Deer Creek.
37 0509	Ivers, B. J.	200	26	June 1, 1884.	Big Wood River.
37 0510	"	140	95	Oct. 15, 1884.	"

Myers, S. J.

37-509

SW 1/4, NE 1/4 of SE 1/4, SE 1/4 of NW 1/4, and SW 1/4 of NE 1/4 of Sec. 12, T. 1 N., R. 18 E., containing 200 acres. Also, S 1/2 of NE 1/4 of Sec. 13, T. 1 N., R. 18 E., containing 80 acres.

Niedermeyer, G. C.

All that part of the following described land lying and situated on the Westerly side of the Wood River Branch of the Oregon Short Line Railroad right-of-way, and South of Silver Creek, to-wit: SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, and Lots 2 and 3, of Sec. 1, T. 2 S.,

R. 20 E., and Lot 4, Sec. 1, T. 2 S., R. 20 E.

~~SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, and Lot 4, Sec. 1, T. 2 S., R. 20 E.~~ *See Bt 7C, p. 60.*

~~SW 1/4 of NE 1/4 of Sec. 36, T. 5 S., R. 14 E.~~

Nelson, Charles

Newhouse, R. A.

Nisson, Christian,
and H. P. Johnson

Nisson, Christian

(Same as Johnson, H. P., and Christian Nisson.)

SE 1/4 of SW 1/4 and Lot 4, of Sec. 19, T. 1 S., R. 20 E.

Novinger, George B.

E 1/2 of Sec. 10, T. 5 S., R. 17 E., containing 320 acres.

Novinger, Leonora G.

Lots 3 and 4 of Sec. 2, T. 5 S., R. 17 E., and S 1/2 of SW 1/4, and NW 1/4 of SW 1/4 of Sec. 35, and N 1/2 of SE 1/4 and SW 1/4 of NE 1/4 of Sec. 34, T. 4 S., R. 17 E., containing 320 acres.

Olson, Peter

S 1/2 of SE 1/4, and NW 1/4 of SE 1/4 of Sec. 26, and NE 1/4 of NE 1/4 of Sec. 35, T. 1 S., R. 14 E., containing 160 acres.

Osborn, Israel T.

SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, and NW 1/4 of SE 1/4 of Sec. 32, S 1/2 of SE 1/4 of Sec. 29, N 1/2 of NE 1/4 and SE 1/4

JUN 04 1996

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

RETURN SERVICE REQUESTED

37-509
37-8098
37-8663

Stanton

RECEIVED
SEP 20 2004
Department of Water Resources
Southern Region

ARMSTRONG
PO BOX 2047
KETCHUM ID 83340-2047

ARMS047* 033402016 1A03 08 09/16/04
RETURN TO SENDER
ARMSTRONG
81120 LEGENDS WAY
LA QUINTA CA 92253-7608
RETURN TO SENDER

83301033380 2019



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

RETURN SERVICE REQUESTED



RECEIVED
DEC 12 2004
Department of Water Resources
Southern Region

Olms
727



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

11/22/2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN D PIERCE &
THE R DANIEL OLMSTEAD REVOCABLE TRUST
PO BOX 827
BELLEVUE ID 83318

Re: SRBA Claim #37-509, #37-8098

Gentlemen,

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

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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 37-509
Date Received: 10/24/1988
Receipt No: S003179
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN D PIERCE Phone: (949) 640-9270
PO BOX 827
BELLEVUE ID 83313

THE R DANIEL OLMSTEAD REVOCABLE TRUST Phone: (949) 640-9270
PO BOX 827
BELLEVUE ID 83313

2. Date of Priority: 06/01/1884

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:

HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
4 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	12	SW	NE	IRRIGATION	20
			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	5
			NW	SE	IRRIGATION	35
					Section Acres	70
					Total Acres	70

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:

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-8098 V2

WATER RIGHT NUMBER: 37-8098 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE R DANIEL OLMSTEAD REVOCABLE TRUST PO BOX 827 BELLEVUE, ID 83313 (949)640-9270
Current Owner	JOHN D PIERCE PO BOX 827 BELLEVUE, ID 83313 (949)640-9270
Original Owner	D BRUCE ARMSTRONG PO BOX 2047 KETCHUM, ID 83340-2047 (208)726-4530

Priority Date: 04/19/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	2.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NW1/4	Sec. 12, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	12																	

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-8098 V2

Remarks:

1. Explanatory PARCEL NO. 000200000010

Comments:

1. chahn 11/22/2004 partial decree
Comment: new version reflects partial decree