

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: **A37-02553A**

Date Received: 12/ 6/1988

Receipt No: C003752

Received By: *ownership change*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AUBREY SPRING RANCH L L C 208-765-1414
Address: PO BOX 6600
COEUR D'ALEND ID 83816-1933

2. Date of Priority: JUN 28, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	14	SE	SE	NE		BLAINE

5. Description of diverting works:
WELL, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		350.00

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 350.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	14	NE	NE		IRR	15.0
			SE	NE		IRR	35.0
			NE	SE		IRR	27.0
			SE	SE		IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	100.0
					Total Acres	100.0

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:
37-02575, 37-00712, 37-00252

14. Remarks:

CLAIMANT PURCHASED 2.0 CFS OF THIS RIGHT IN 1982 FROM KEN HELLYER, OWNER OF ADJACENT PROPERTY, WHO RETAINED THE BALANCE OF 2.0 CFS FOR HIS LANDS. THE FULL RIGHT OF 4.0 CFS WAS LICENSED FOR THE IRRIGATION OF 390 ACRES. CLAIMANT HAS IRRIGATED 195 ACRES WITH HIS HALF OF THE ORIGINAL RIGHT.

PURSUANT TO APPROVED TRANSFER NO. 4254:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
2. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
7. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
8. DIVERSION UNDER RIGHT NO. 37-02553B MAY OCCUR ONLY WHEN FLOW IS AVAILABLE FROM THE ORIGINAL SOURCE, AN UNNAMED STREAM, AT THE ORIGINAL POINT OF DIVERSION LOCATED ON OR NEAR THE LINE BETWEEN NENW AND NWNW, S14, T01S, R19E.

CONFORMED ATTORNEY MAILING ADDRESS DMS

14. Remarks: Continued

OWNERSHIP CHANGE FROM MC MAHAN TO AUBREY SPRING RANCH 3/24/97. jr

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOV 1 1996 NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Incomplete forms will be returned.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A37-02686D; A37-07598D; A37-00252; A37-00712; A37-02553A; A37-02575

2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) William A. McMahan
P. O. Box 3125
Ketchum, ID 83340

4. New Owner/Claimant(s) Aubrey Spring Ranch L.L.C.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address P. O. Box 6600

 City, State and ZIP Code Coeur D'Alene, ID 83816-1933
 New Telephone Number (208) 765 - 1414

5. Date you acquired the property October 16, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

 Number of acres actually irrigated _____ Number and type of stock _____

 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) W. T. [Signature] Date 11-1-96
 _____ Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

BCT 96007804

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

STATE OF IDAHO } 375617
COUNTY OF BLAINE }
I HEREBY CERTIFY }
MENT OF }
OFFICE AT THE }
AT 186 } 21
10-17-96 }
EX OFFICIO RECORDER
BY }
FEES 15- } Deputy

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, whose address is P.O. Box 3125, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto AUBREY SPRING RANCH, L.L.C., an Idaho limited liability company, whose address is P. O. Box 6600, Couer D'Alene, ID 83816-1933 ("Grantee"), that certain real property situated in Blaine County, Idaho and particularly described as follows (the "Property"):

See Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all water rights appurtenant to the above-described real property, specifically including, but not limited to, the following rights:

LICENSED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-02686D	12/11/1962	Irrigation
A37-07598D	07/08/1977	Irrigation
A37-02553A	06/28/1954	Irrigation
A37-02575	07/13/1955	Irrigation

DECREED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-00252	06/01/1887	Irrigation
A37-00712	06/01/1887	Irrigation

P:\PDATA\WMA\MCMAHAN\WARRANTY.D01

-1-

10/14/96

NOV 1 1996

STATE OF IDAHO)

County of Blaine)

ss.

On this 16th day of October, 1996, before me, the undersigned notary public in and for said state, personally appeared WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, known or identified to me to be the person whose name is subscribed to said instrument as trustee of said trust and acknowledged to me that he executed the same as trustee of said trust.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Sheila Wierwille
 Notary Public for Idaho
 Residing at: Blaine County, Idaho
 Commission expires: Aug 12, 1998

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast corner of said Section 14, which point is North 89° 31' 00" West 2640.89 feet from the North 1/4 corner of said Section 13;
THENCE South 89° 06' 49" West 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING.
THENCE continuing South 89° 06' 49" West 298.37 feet along said North boundary of Section 14 to an aluminum cap marking the Northwest corner of the E1/2NW1/4, Section 14;
THENCE South 0° 13' 42" East 5239.68 feet along the West boundary of said E1/2NW1/4, Section 14 and also the West boundary of the E1/2SE1/4, Section 14 to a 5/8" rebar on the North boundary of Highway No. 20;
THENCE North 89° 56' 22" East 2641.92 feet along the North boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East boundary of the SW1/4SW1/4, said Section 13;
THENCE North 0° 19' 28" West 1248.96 feet along said East boundary of the SW1/4SW1/4, Section 13, to an aluminum cap at the Northeast corner of said SW1/4SW1/4;
THENCE South 89° 42' 28" East 898.34 feet along the South boundary of the NW1/4SW1/4, Section 13, to a 5/8" rebar at the Southwest boundary of said U.P.R.R. right-of-way;
THENCE North 39° 09' 48" West 5155.23 feet along said Southwest boundary of the U.P.R.R. right-of-way to the POINT OF BEGINNING.

AND

A parcel of land located within the SE1/4 SW1/4, Section 13, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho more particularly described as follows:

Commencing at a 5/8 inch rebar by L.S. 792 marking the SW1/16 corner, also the northwest corner of said SE1/4 SW1/4, Section 13, which point is the REAL POINT OF BEGINNING;

thence South 0°19'28" West 1248.96 feet along the west boundary of said SE1/4 SW1/4 to a 5/8 inch rebar by L.S. 792 marking the north boundary of Idaho State Highway No. 20;

thence North 89°56'22" East 1332.51 feet along said Highway No. 20 to a 5/8 inch rebar by L.S. 792 marking Milt Fife's southwest corner on the east boundary of said SE1/4 SW1/4, which point lies 86.6 feet North 0°27'27" West from the South One Quarter corner of said Section 13;

thence North 0°27'27" West 708.18 feet, more or less, along said east boundary SE1/4 SW1/4 and Milt Fife's west boundary to a 5/8 inch rebar by L.S. 792 on the southwest boundary of the old U.P.R.R. right-of-way;

thence North 39°09'48" West 689.74 feet along said old U.P.R.R. Right-of-Way
Continued on next page

Attached Legal Description
Order Number: 96007804

to a 5/8 inch rebar by L.S. 792 on the north boundary of said SE1/4 SW1/4;
thence North 89°42'28" West 898.34 feet along said north boundary SE1/4 SW1/4
to the POINT OF BEGINNING.

Note: The street address is purported to be 14482 U.S. Highway 20,
Blaine County, Idaho 83313

TIN
TIS

BASE 522

LINE

x 5679

X-2000

P/4

-P/D for
A37-00252
A37-00712

-P/D for
A37-02553A
Permit 37-02870

-P/D for
A37-02575

-P/D for
A37-02686D
A37-07598D

7/4 for portion
of Permit
37-02810

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

STATE OF IDAHO } ss 395617
COUNTY OF BLAINE }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF
BLAINE COUNTY TITLE
AT 1:56 P.M.
OCT 17 1996
EX-OFFICIO RECORDER
BY *mp* DEPUTY
FEES \$ 15.00 *Deed*

(Space above line for Recorder's use)

WARRANTY DEED

OCT 22 1996

FOR VALUE RECEIVED, WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, whose address is P.O. Box 3125, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto AUBREY SPRING RANCH, L.L.C., an Idaho limited liability company, whose address is P. O. Box 6600, Couer D'Alene, ID 83816-1933 ("Grantee"), that certain real property situated in Blaine County, Idaho and particularly described as follows (the "Property"):

See Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all water rights appurtenant to the above-described real property, specifically including, but not limited to, the following rights:

LICENSED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-02686D	12/11/1962	Irrigation
A37-07598D	07/08/1977	Irrigation
A37-02553A	06/28/1954	Irrigation
A37-02575	07/13/1955	Irrigation

DECREED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-00252	06/01/1887	Irrigation
A37-00712	06/01/1887	Irrigation

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Blaine County, Idaho;
5. The determination in those judicial proceedings known as In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA") of each and every element of any water right appurtenant to the Property, for Grantor does not make any representation or warranty whatsoever as to any element other than fee simple title to such water rights.

TO HAVE AND TO HOLD, the said Property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said Property, that said Property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

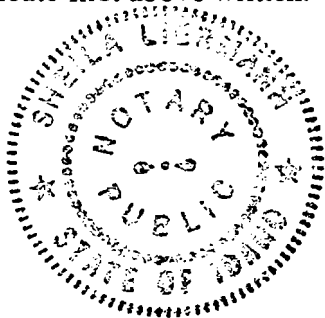
Date: 10/16/96


WILLIAM A. MCMAHAN, TRUSTEE OF THE
WILLIAM A. MCMAHAN TRUST, DATED
NOVEMBER 25, 1986, AS AMENDED AND
RESTATED JUNE 14, 1995

STATE OF IDAHO)
)
County of Blaine) ss.

On this 16th day of October, 1996, before me, the undersigned notary public in and for said state, personally appeared WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, known or identified to me to be the person whose name is subscribed to said instrument as trustee of said trust and acknowledged to me that he executed the same as trustee of said trust.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Sheila Lieberman
Notary Public for Idaho
Residing at: Blaine County, Idaho
Commission expires: Apr 30, 1998

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast corner of said Section 14, which point is North 89° 31' 00" West 2640.89 feet from the North 1/4 corner of said Section 13;

THENCE South 89° 06' 49" West 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING.

THENCE continuing South 89° 06' 49" West 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E1/2NE1/4, Section 14;

THENCE South 0° 13' 42" East 5239.68 feet along the West Boundary of said E1/2NE1/4, Section 14 and also the West boundary of the E1/2SE1/4, section 14 to a 5/8" rebar on the North Boundary of Highway No. 20'

THENCE North 89° 56' 22" East 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW1/4SW1/4, said Section 13;

THENCE North 0° 19' 28" West 1248.96 feet along said East Boundary of the SW1/4SW1/4, Section 13, to an aluminum cap at the Northeast Corner of said SW1/4SW1/4;

THENCE South 89° 42' 28" East 898.34 feet along the South Boundary of the NE1/4SW1/4, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

THENCE North 39° 09' 48" West 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the POINT OF BEGINNING.

AND

A parcel of land located within the SE1/4 SW1/4, Section 13, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho more particularly described as follows:

Commencing at a 5/8 inch rebar by L.S. 792 marking the SW1/16 corner, also the northwest corner of said SE1/4 SW1/4, Section 13, which point is the REAL POINT OF BEGINNING;

thence South 0°19'28" East 1248.96 feet along the west boundary of said SE1/4 SW1/4 to a 5/8 inch rebar by L.S. 792 marking the north boundary of Idaho State Highway No. 20;

thence North 89°56'22" East 1332.51 feet along said Highway No. 20 to a 5/8 inch rebar by L.S. 792 marking Milt Fife's southwest corner on the east boundary of said SE1/4 SW1/4, which point lies 86.6 feet North 0°27'27" West from the South One Quarter corner of said Section 13;

thence North 0°27'27" West 708.18 feet, more or less, along said east boundary SE1/4 SW1/4 and Milt Fife's west boundary to a 5/8 inch rebar by L.S. 792 on the southwest boundary of the old U.P.R.R. Right-of-Way;

thence North 39°09'48" West 689.74 feet along said old U.P.R.R. Right-of-Way

Continued on next page

Attached Legal Description
Order Number: 96007804

to a 5/8 inch rebar by L.S. 792 on the north boundary of said SE1/4 SW1/4;

thence North 89°42'28" West 898.34 feet along said north boundary SE1/4 SW1/4
to the POINT OF BEGINNING.

Note: The street address is purported to be 18482 U.S. Highway 20,
Blaine County, Idaho 83313

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast corner of said Section 14, which point is North 89° 31' 00" West 2640.89 feet from the North 1/4 corner of said Section 13;

THENCE South 89° 06' 49" West 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING.

THENCE continuing South 89° 06' 49" West 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E1/2NE1/4, Section 14;

THENCE South 0° 13' 42" East 5239.68 feet along the West Boundary of said E1/2NE1/4, Section 14 and also the West boundary of the E1/2SE1/4, section 14 to a 5/8" rebar on the North Boundary of Highway No. 20'

THENCE North 89° 56' 22" East 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW1/4SW1/4, said Section 13;

THENCE North 0° 19' 28" West 1248.96 feet along said East Boundary of the SW1/4SW1/4, Section 13, to an aluminum cap at the Northeast Corner of said SW1/4SW1/4;

THENCE South 89° 42' 28" East 898.34 feet along the South Boundary of the NE1/4SW1/4, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

THENCE North 39° 09' 48" West 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the POINT OF BEGINNING.

AND

A parcel of land located within the SE1/4 SW1/4, Section 13, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho more particularly described as follows:

Commencing at a 5/8 inch rebar by L.S. 792 marking the SW1/16 corner, also the northwest corner of said SE1/4 SW1/4, Section 13, which point is the REAL POINT OF BEGINNING;

thence South 0°19'28" East 1248.96 feet along the west boundary of said SE1/4 SW1/4 to a 5/8 inch rebar by L.S. 792 marking the north boundary of Idaho State Highway No. 20;

thence North 89°56'22" East 1332.51 feet along said Highway No. 20 to a 5/8 inch rebar by L.S. 792 marking Milt Fife's southwest corner on the east boundary of said SE1/4 SW1/4, which point lies 86.6 feet North 0°27'27" West from the South One Quarter corner of said Section 13;

thence North 0°27'27" West 708.18 feet, more or less, along said east boundary SE1/4 SW1/4 and Milt Fife's west boundary to a 5/8 inch rebar by L.S. 792 on the southwest boundary of the old U.P.R.R. Right-of-Way;

thence North 39°09'48" West 689.74 feet along said old U.P.R.R. Right-of-Way

Continued on next page

Attached Legal Description
Order Number: 96007804

to a 5/8 inch rebar by L.S. 792 on the north boundary of said SE1/4 SW1/4,
thence North 89°42'28" West 898.34 feet along said north boundary SE1/4 SW1/4
to the POINT OF BEGINNING.

Note: The street address is purported to be 18482 U.S. Highway 20,
Blaine County, Idaho 83313

BLAINE COUNTY TITLE

208 SPRUCE AVENUE NORTH
P.O. BOX 3176 - KETCHUM, IDAHO 83340
(208) 726-0700
(208) 726-8406 (FAX)
1-800-346-6879
(OUTSIDE OF IDAHO)

SCOTT E. MARY
PRESIDENT

IDAHO DEPARTMENT OF WATER RESOURCES
IDWR SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS, ID 83301-6105

October 18, 1996

RE: Escrow No. 96007804 AUBREY SPRINGS RANCH/MCMAHAN

Dear IDWR,

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

____ Title Commitment
____ Closing Statement
____ Deed of Trust - Instrument No. _____
____ Note
XX ____ Warranty Deed - Instrument No. _____
____ Quitclaim Deed - Instrument No. _____
____ Escrow Instructions
____ Tax Notice
____ Insurance Binder
____ Lender's Documents
____ Cover Letter(s) - Copy
____ Owner's Policy No. _____
____ Mortgagee's Policy No. _____
____ Endorsements _____
____ Lot Book Report
____ Lien Affidavit
XX ____ Other: **IDWR ASSIGNMENT OF PERMITS (3)**
____ Other: _____
____ Check # _____ in the amount of \$ _____
____ Representing: _____

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

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


MELODY MATTSON
ESCROW ASSISTANT

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: ~~208-622-4400~~
Date Received: 12/ 6/1988
Receipt No: C003752
Received By: _____

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

1. Name: WILLIAM A MC MAHAN 208-622-4400
Address: C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

2. Date of Priority: JUN 28, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	14	SE	SE	NE		BLAINE

5. Description of diverting works:
WELL, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		350.00

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 350.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	14	NE	NE		IRR	15.0
			SE	NE		IRR	35.0
			NE	SE		IRR	27.0
			SE	SE		IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	100.0
					Total Acres	100.0

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:
37-02575, 37-00712, 37-00252

14. Remarks:

CLAIMANT PURCHASED 2.0 CFS OF THIS RIGHT IN 1982 FROM KEN HELLYER, OWNER OF ADJACENT PROPERTY, WHO RETAINED THE BALANCE OF 2.0 CFS FOR HIS LANDS. THE FULL RIGHT OF 4.0 CFS WAS LICENSED FOR THE IRRIGATION OF 390 ACRES. CLAIMANT HAS IRRIGATED 195 ACRES WITH HIS HALF OF THE ORIGINAL RIGHT.

PURSUANT TO APPROVED TRANSFER NO. 4254:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
2. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
7. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
8. DIVERSION UNDER RIGHT NO. 37-02553B MAY OCCUR ONLY WHEN FLOW IS AVAILABLE FROM THE ORIGINAL SOURCE, AN UNNAMED STREAM, AT THE ORIGINAL POINT OF DIVERSION LOCATED ON OR NEAR THE LINE BETWEEN NENW AND NWNW, S14, T01S, R19E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 4254
WATER RIGHT NO. 37-02553B

FEB 07 1995

Department of Water Resources
Southern Region

This is to certify that: **WILLIAM A MCMAHAN**
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.00 CFS	350.0 AF

SOURCE

GROUNDWATER

Priority: 06/28/1954

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 14, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	14	NENE 15	SENE 35	NESE 27	100
			SESE 23			100

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

MICROFILMED
NOV 27 1995

TRANSFER NO. 4254
WATER RIGHT NO. 37-02553B

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. Diversion under Right No. 37-02553B may occur only when flow is available from the original source, an unnamed drain, at the original point of diversion located on or near the line between NENW and NWNW, S14, T01S, R19E.

Dated this 30th day of January, 1995.


Chief, Water Alloc. Bureau

MICROFILMED

NOV 27 1996

C4

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: A37-02553A
Date Received: 10/14/1988
Receipt No: C003752
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM A. MC MAHAN 208-622-4400
Address: P.O. BOX 3125
KETCHUM, ID 83340

2. Date of Priority: JUN 28, 1954

3. Source: UNNAMED DRAIN Trib. to: LOVING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	14	NW	NW	NW		BLAINE

5. Description of diverting works:
CHECK DAMS IN DRAINAGE DITCH, BOTH FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 487.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	13	SW	NW		IRR	20.0
			NE	SW		IRR	10.0
			NW	SW		IRR	40.0
			SW	SW		IRR	10.0

Section Acres 80.0

A37-02553A

Page 1

Date: 12/18/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	14	NE		NE		IRR	20.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			SE		SE		IRR	15.0
							Section Acres	115.0
							Total Acres	195.0

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:
37-02575, 37-00712, 37-00252

14. Remarks:
CLAIMANT PURCHASED 2.0 CFS OF THIS RIGHT IN 1982 FROM KEN HELLYER, OWNER OF ADJACENT PROPERTY, WHO RETAINED THE BALANCE OF 2.0 CFS FOR HIS LANDS. THE FULL RIGHT OF 4.0 CFS WAS LICENSED FOR THE IRRIGATION OF 390 ACRES. CLAIMANT HAS IRRIGATED 195 ACRES WITH HIS HALF OF THE ORIGINAL RIGHT.

15. Basis of Claim: LICENSE

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: 39356
Ident Number A37-02553A
Date Received 10-14-88
Receipt Number C003752

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): William A. McMahan
Phone: (208) 622-4400
Mailing Address: P.O. Box 3125
Ketchum, ID 83340
2. Date of Priority: June 28, 1954
3. Source of water supply (a) Unnamed drain
which is tributary to (b) Loving Creek
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
1S	19E	14	NW	NW	NW		Blaine

Additional points of diversion if any: See paragraph 5.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

MICROFILMED
FEB 23 1993

5. Description of existing diversion works: A drainage ditch is checked at several points along its length creating subirrigation and a surface flow which is then used for both flood irrigation and pressurized into a portable sprinkler system. The drainage ditch starts in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, and runs east along the northern boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and then turns south as shown on the map.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	2.0 cfs

7. Total Quantity Claimed: 2.0 cfs

8. Total consumptive use claimed is 487.5 feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Use</u>	<u>Irrig. Acres</u>
1S	19E	13	SW	NW	I	20
1S	19E	13	NE	SW	I	10
1S	19E	13	NW	SW	I	40
1S	19E	13	SW	SW	I	10
1S	19E	14	NE	NE	I	20
1S	19E	14	SE	NE	I	40
1S	19E	14	NE	SE	I	40
1S	19E	14	SE	SE	I	15

Total number of irrigated acres: 195

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-2575, 37-0712, 37-0252.

14. Remarks: Claimant purchased 2.0 cfs of this right in 1982 from Ken Hellyer, owner of adjacent property, who retained the balance of 2.0 cfs for his lands. The full right of 4.0 cfs was licensed for the irrigation of 390 acres. Claimant has irrigated 195 acres with his half of the original right.

Last Name: McMahan Ident No. _____

MICROFILMED
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: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

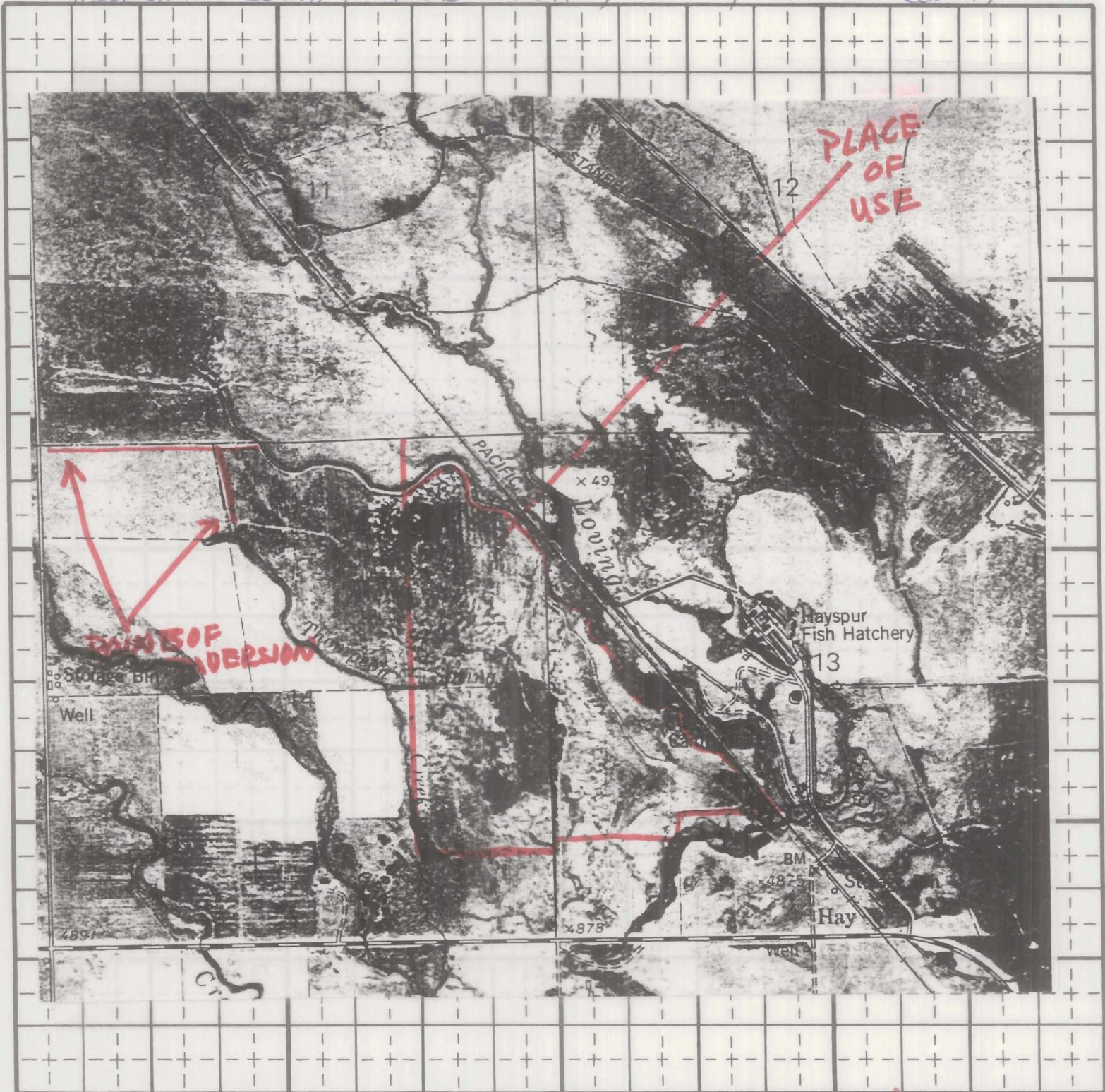
Seal

Residing at _____
My Commission Expires _____

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

Scale: 2 inches equals 1 mile

TOWNSHIP 1 SOUTH, RANGE 19 EAST, B.M., BLAINE COUNTY



MICROFILMED
FEB 23 1993

Last Name McMAHAN

Ident No. _____

Copies: White-State, Yellow-Claim

15. Basis of Claim: License.
IDWR Water Right Number: 37-2553
Court:
Case Number:
Decree Date:
Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments 0

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

Signature of Claimant

Date

10/4/88

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 4th day of October, 1988.

Notary Public

Residing at

Commission Expires

James P. Speck
East Fork, ID
1/22/91

17. Notice of Appearance:

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

Signature:

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

Date:

10/4/88

Last Name: McMahan
a:\mcmhn2.clm

Ident No.:

MICROFILMED
FEB 23 1993

07/20/2010

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

RIGHT NUMBER: 37-2553A

NAME AND ADDRESS: AUBREY SPRING RANCH LLC
8836 N HESS ST STE D
HAYDEN ID 83835

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
350.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/28/1954

POINT OF
DIVERSION:

T01S R19E S14 SESENE 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	2.000 CFS 350.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S14	NENE	15.00	T01S R19E S14	SENE	35.00
T01S R19E S14	NESE	27.00	T01S R19E S14	SESE	23.00

100 ACRES TOTAL

Right Nos. 37-252, 37-712, 37-2553A, 37-2553B, 37-2575, 37-2686D and 37-7598D are limited to the irrigation of a combined total of 224 acres in a single irrigation season.

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

The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.

Diversion under Right No. 37-02553A may occur only when flow is available from the original source, an unnamed drain, at the original point of diversion located on or near the line between NENW and NWNW, S14, T01S, R19E.

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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2553B

WATER RIGHT NUMBER: 37-2553B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM A MC MAHAN C/O JAMES P SPECK ESQUIRE PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	SILAS DAYLEY GANNETT, ID 83329

Priority Date: 06/28/1954

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	2.000 CFS	350.00 AF
	<u>Total Diversion:</u>	2.000 CFS	350.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 14, Twp 01S, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	19E	14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			15.0			35.0									27.0			23.0	100.0

Total Acres: 100

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
4. 803 The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2553B

5. Diversion under Right No. 37-02553B may occur only when flow is available from the original source, an unnamed drain, at the original point of diversion located on or near the line between NENW and NWNW, S14, T01S, R19E.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. BALDWIN 12/16/1993 TRANSFER NO. 4254

Comment: T# 4254 filed on 10/15/93. T# 4254 proposes to change the point of diversion, the place of use, split the right into parts A & B and change the source from surface water to groundwater. T# 4254 also proposes to combine water right No. 37-02553A with Water Right No. 37-07810 to be diverted from the same well. Application protested by Id. Fish & Game on 1/5/94.

2. mciscell 11/27/2006 POD

Comment: PODID 17907 correlated from SpatialDataID 172974 to SpatialDataID 381994

Dates and Other Information:

Licensed Date: 5/15/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 37M
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7811

WATER RIGHT NUMBER: 37-7811

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THREE CREEKS RANCH LLC 1901 BAYADERE TERR CORONA DEL MAR, CA 92625 (714)545-7101x2101
Original Owner	KENNETH F HELLYER 2409 143RD PL SE MILL CREEK, WA 98012

Priority Date: 12/05/1979

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	3.360 CFS	
	<u>Total Diversion:</u>	3.360 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 14, Twp 01S, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	14		24.0	37.5		26.0	36.0	9.5	35.0									168.0

Total Acres: 168

Conditions of Approval:

1. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 588 af for the lands above.
3. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7811

4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Remarks:

Comments:

Water Supply Bank:

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
02 1A
0004388393
\$ 00.63⁰⁰
NOV 24 2006
MAILED FROM ZIP CODE 83702

NO SUCH
NUMBER

By 22

37-2553A

AUBREY SPRING RANCH LLC
PO BOX 6600
COEUR D ALENE ID 83816-1933

RECEIVED
NOV 28 2006
DEPARTMENT OF
WATER RESOURCES

10/02/2006

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

RIGHT NUMBER: 37-2553A

NAME AND ADDRESS: AUBREY SPRING RANCH LLC
PO BOX 6600
COEUR D ALENE ID 83816-1933

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.

Diversion under Right No. 37-02553A may occur only when flow is available from the original source, an unnamed drain, at the original point of diversion located on or near the line between NENW and NWNW, S14, T01S, R19E.

QUANTITY: 2.000 CFS
350.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/28/1954

POINT OF DIVERSION: T01S R19E S14 SESENE 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	2.000 CFS 350.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R19E S14	NENE	15.00	T01S R19E S14	SENE	35.00
T01S R19E S14	NESE	27.00	T01S R19E S14	SESE	23.00

100 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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

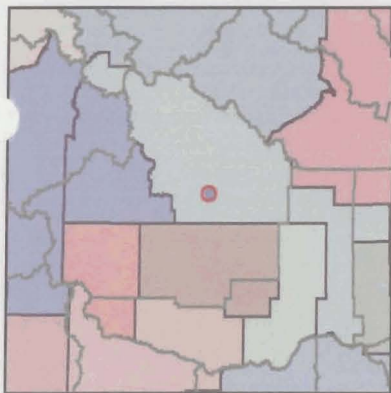
SRBA Recommendation:

37-2553A

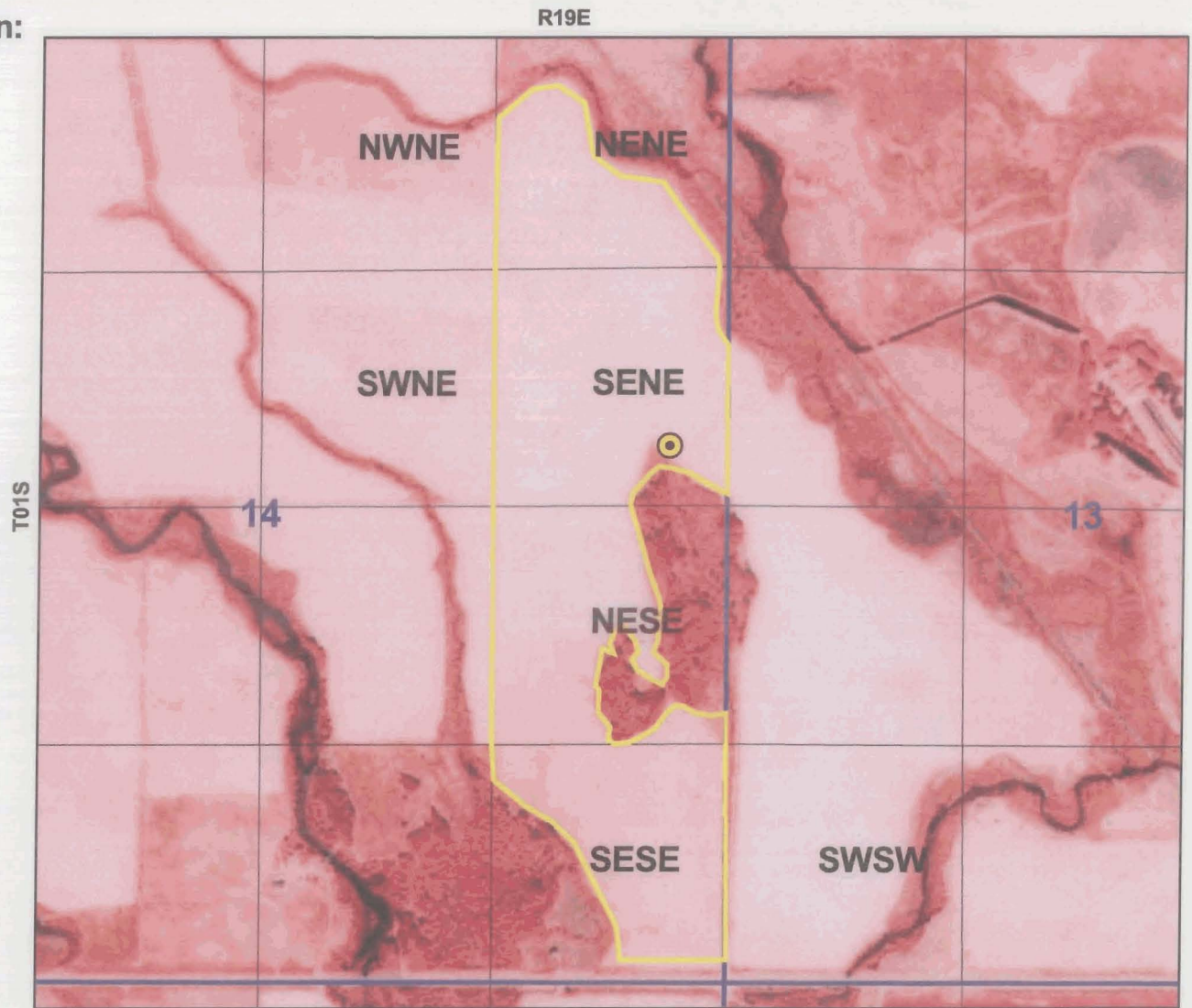
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

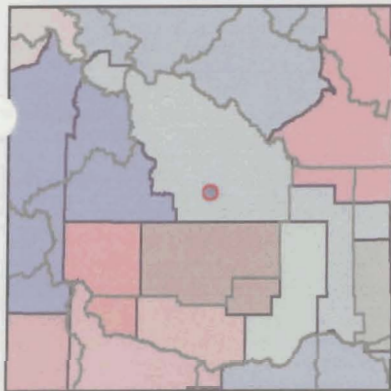
SRBA Recommendation:

37-2553A

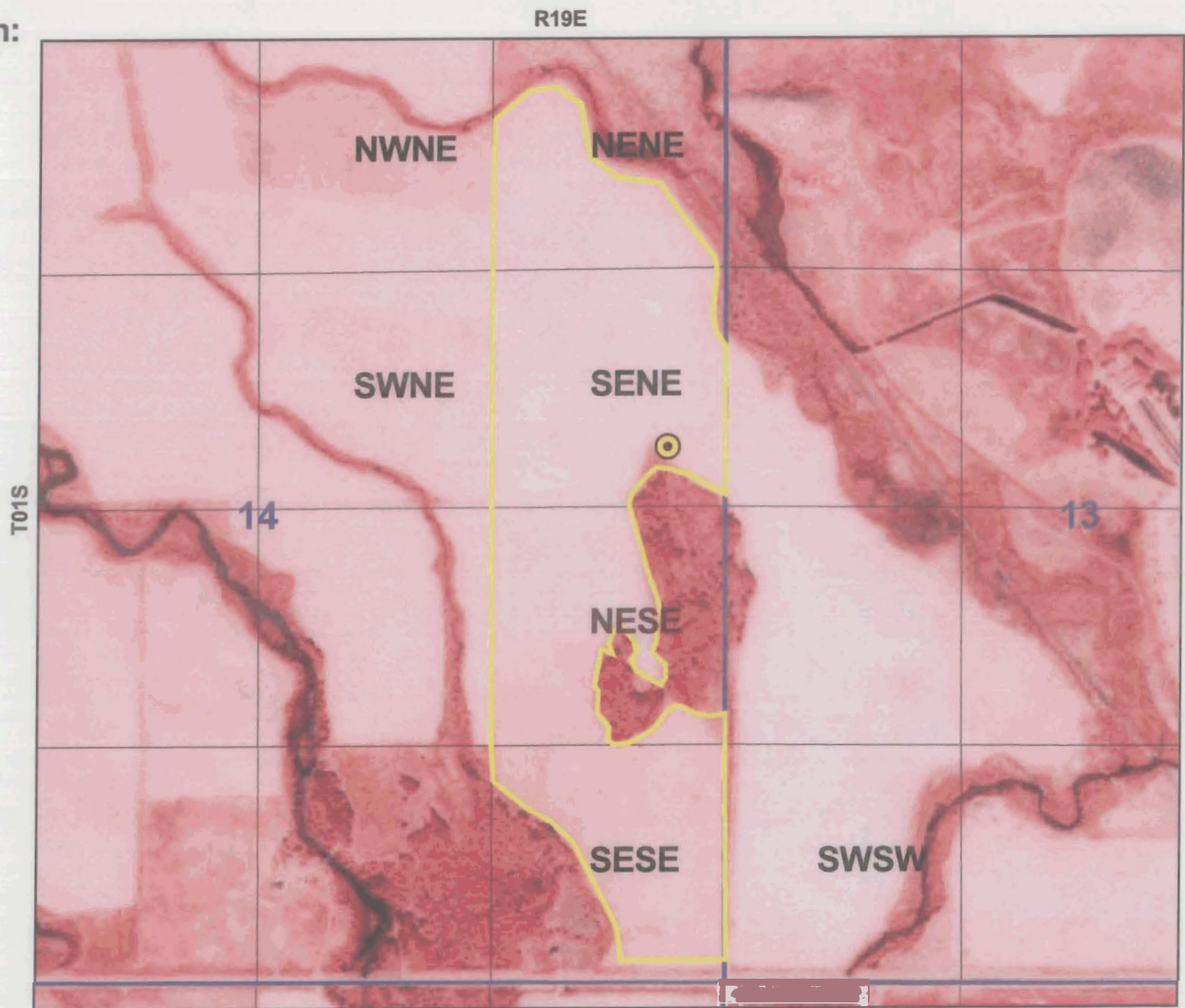
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4254
WATER RIGHT NO. 37-02553B

This is to certify that: **WILLIAM A MCMAHAN**
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.00 CFS	350.0 AF

SOURCE

GROUNDWATER

Priority: 06/28/1954

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 14, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 19E 14	NENE 15	SENE 35	NESE 27	100
	SESE 23			

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

MICROFILMED

MAR 23 1995

TRANSFER NO. 4254
WATER RIGHT NO. 37-02553B

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. Diversion under Right No. 37-02553B may occur only when flow is available from the original source, an unnamed drain, at the original point of diversion located on or near the line between NENW and NWNW, S14, T01S, R19E.

Dated this 30th day of January, 1995.


Chief, Water Alloc. Bureau

RECEIVED

23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 24, 1997

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

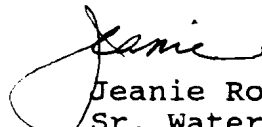
RE: OWNERSHIP CHANGE - ADJUDICATION CLAIM NOS. A37-00252,
A37-00712, A37-02553A, A37-02575,
A37-02686D, A37-07598D
WILLIAM MC MAHAN/AUBREY SPRING RANCH

Mr. Speck;

Pursuant to the notification that you are representing the claimants on the above referenced Adjudication Claims, please find the enclosed copies of the claims showing the ownership records have been changed as you requested.

If you should have any questions, feel free to give me a call at the office.

Sincerely,


Jeanie Robertson
Sr. Water Right Agent

/jlr



Idaho Department of Water Resources

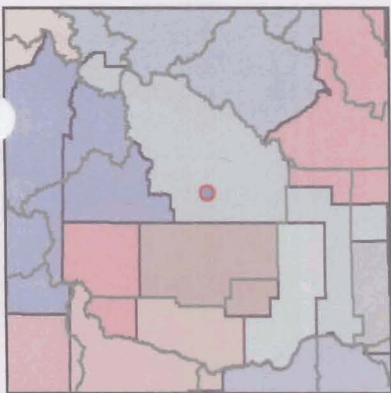
SRBA Recommendation:

37-2553A

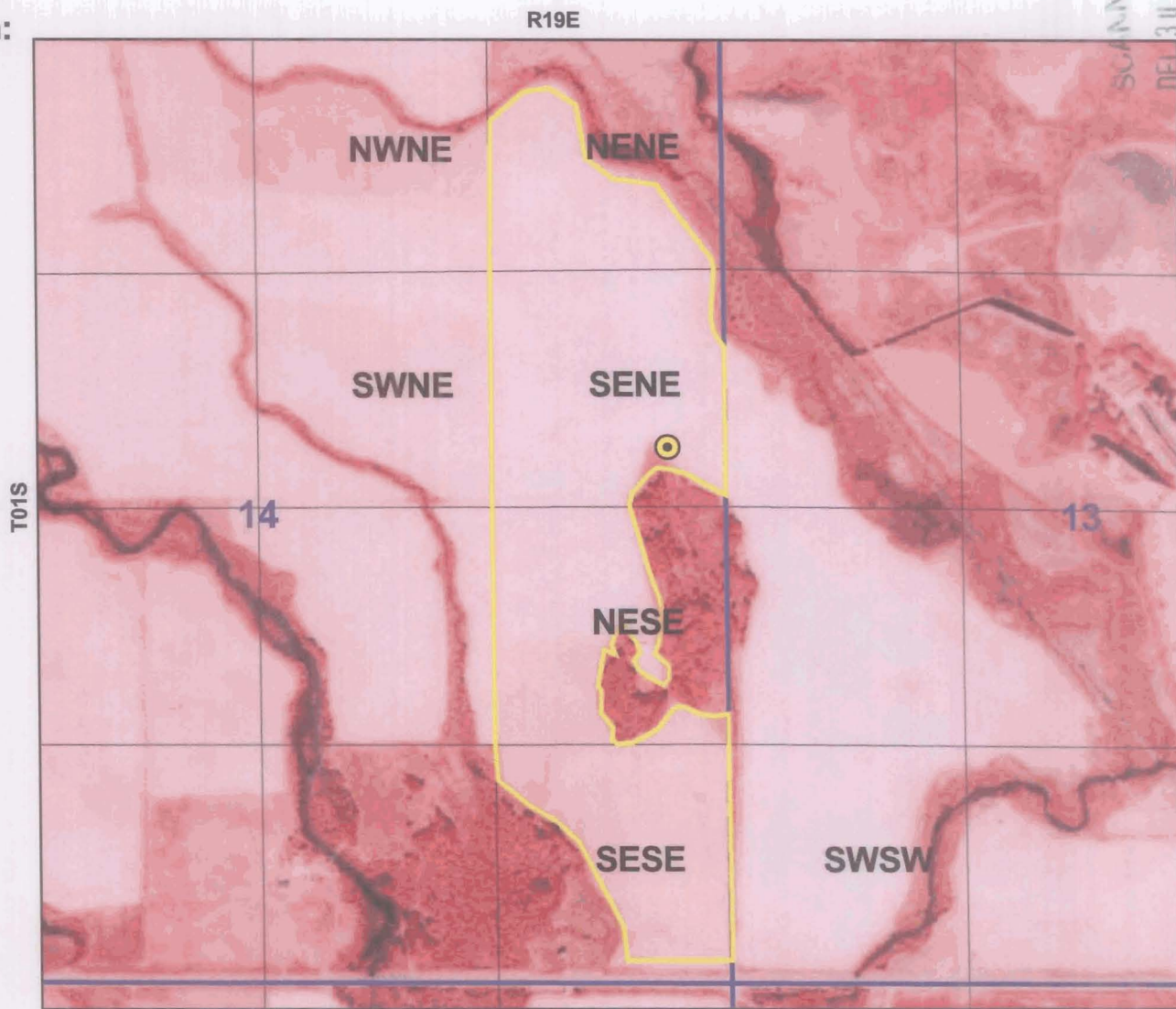
(Irrigation)

Legend

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

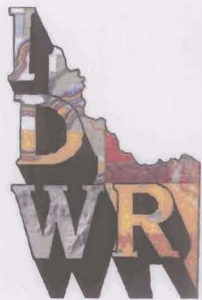


Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

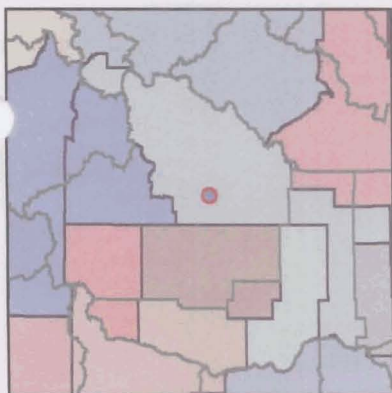
SRBA Recommendation:

37-2553A

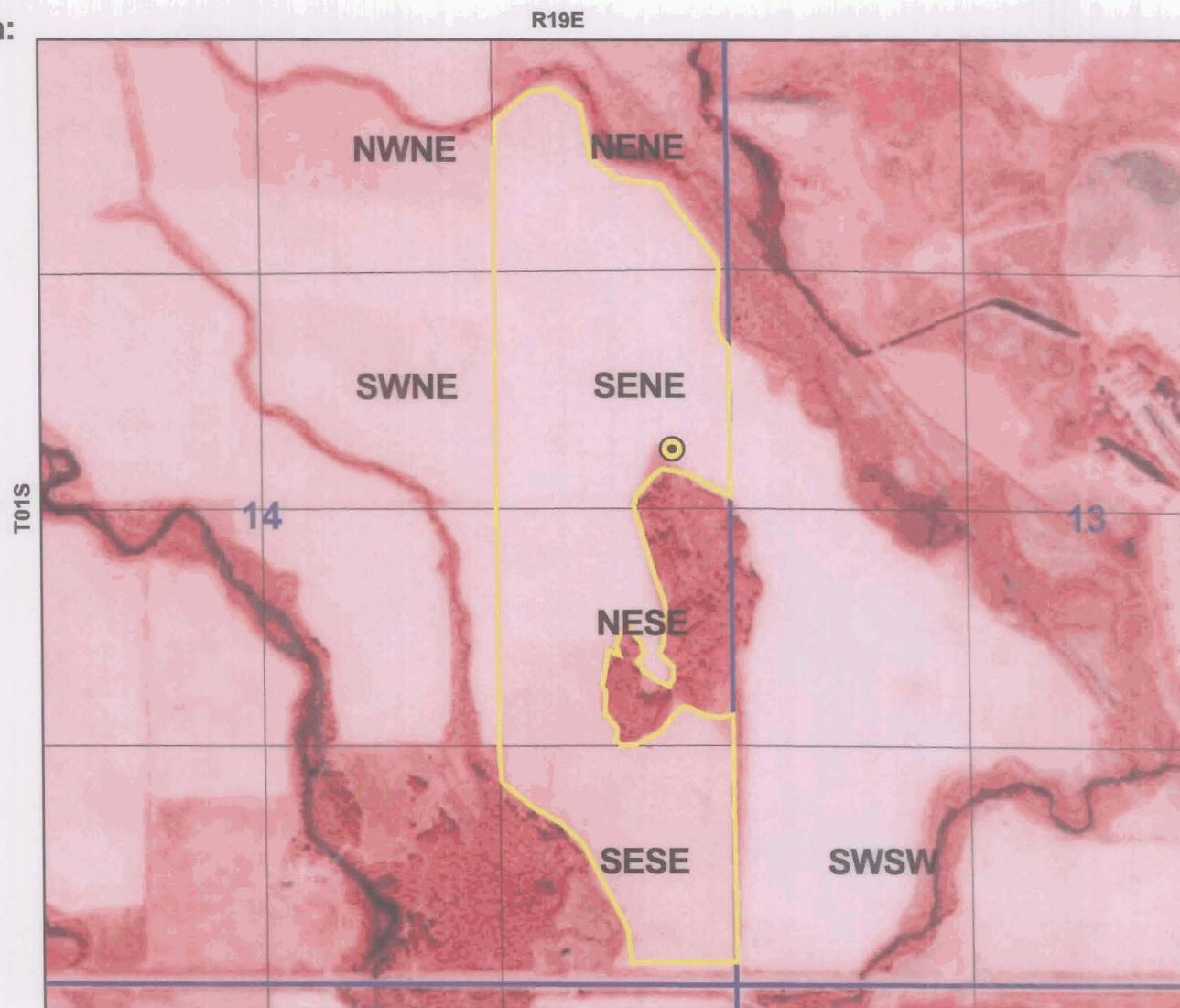
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography

AJ0749NP
No. R37-02553A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/24/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AUBREY SPRING RANCH L L C PO BOX 6600 COEUR D'ALENE ID 838161933 (208) 765-1414	06/28/1954	IRRIGATION	04-15 10-15	2.00 CFS	350.00 AFA
TOTAL DIVERSION:					2.00 CFS	350.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R19E S14

SESENE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
01S	19E	14	:	15				35	:									27		23	:	100.0
TOTAL ACRES																				:	100.0	

POU County: BLAINE

Other Rights: 37-02575, 37-00712, 37-00252

Remarks: GEN CLAIMANT PURCHASED 2.0 CFS OF THIS RIGHT IN 1982 FROM KEN HELLYER, OWNER OF ADJACENT PROPERTY, WHO RETAINED THE BALANCE OF 2.0 CFS FOR HIS LANDS. THE FULL RIGHT OF 4.0 CFS WAS LICENSED FOR THE IRRIGATION OF 390 ACRES. CLAIMANT HAS IRRIGATED 195 ACRES WITH HIS HALF OF THE ORIGINAL RIGHT.

PURSUANT TO APPROVED TRANSFER NO. 4254:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
2. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
7. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE

AJ0749NP
No. R37-02553A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/24/97
PAGE: 2

Remarks:

THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL
ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
8. DIVERSION UNDER RIGHT NO. 37-02553B MAY OCCUR ONLY WHEN FLOW
IS AVAILABLE FROM THE ORIGINAL SOURCE, AN UNNAMED STREAM, AT
THE ORIGINAL POINT OF DIVERSION LOCATED ON OR NEAR THE LINE
BETWEEN NENW AND NWNW, S14, T01S, R19E.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 02/07/1995 User-ID: JROBERTS Subject: AMENDED/TRANSFER
This claim was amended pursuant to approved Transfer No. 4254. jr

Date: 04/03/1995 User-ID: DSMITH Subject: DATA ENTRY
CONFORMED ATTORNEY ADDRESS DMS

Date: 03/24/1997 User-ID: JROBERTS Subject: OWNERSHIP CHANGE
FORM AND WARRANTY DEED RECEIVED FOR OWNERSHIP CHANGE FROM WILLIAM
MC MAHAN TO AUBREY SPRING RANCH. A37-02553A ALSO CHANGED. jr

Audit: 03/24/97 JROBERTS

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

November 14, 1996

NOV 14 1996

Mr. Allen Merritt
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, Idaho 83301

Re: Notice of Change of Water Right Ownership

Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for several SRBA claims formerly filed and owned by William A. McMahan and now acquired by the Aubrey Spring Ranch, L.L.C. I have also included a copy of a Notice of Appearance indicating my firm will represent the new claimant/owner in the SRBA for these claims. Please let me know immediately if you need any additional information for this change of ownership.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:rb

enc.

pc: Mr. Jim English (w/enc.)

Jim Johnson (w/enc.)

NOV 1 1996

Claimant Name:

Aubrey Spring Ranch, L.L.C.

Attorney Name & Address:

**James P. Speck
Hogue, Speck & Aanestad, P.A.
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752**

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

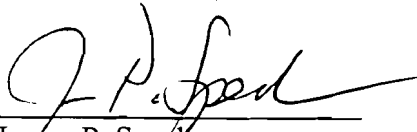
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Hogue, Speck & Aanestad hereby enters its appearance in the action on behalf of Claimant Aubrey Spring Ranch, L.L.C. for the following water right claims: A37-000252, A37-00712, A37-02553A, A37-02575, A37-02686A and A37-07598A.

DATED this 14TH day of November, 1996.

HOGUE, SPECK & AANESTAD, P.A.

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 15TH day of November, 1996, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

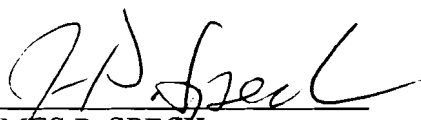
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

October 23, 1996

AUBREY SPRING RANCH LLC
PO BOX 6600
COEUR D'ALENE ID 83816-1933

RE: SRBA CLAIM NOS. A37-02686D, A37-07598D, A37-02553A,
A37-02575, A37-00252, A37-00712

Gentlemen:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, I have enclosed a NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Please complete it per the instructions on the back of the form, attach the required information (I already have a copy of the warranty deed) and return them to me in the enclosed self-addressed envelope. I will then make the changes in our computer records and forward copies back to you.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

/tf
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 1, 1994

JUL 26 1994

AUG 03 1994

Department of Water Resource
Southern Region Office

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

RE: APPLICATION FOR TRANSFER NO. 4254 OF WATER RIGHT NO. 37-02553
IN THE NAME OF WILLIAM A. MCMAHAN, TRUSTEE

Dear Mr. Speck:

I have reviewed your letter dated July 26, 1994 in connection with the above referenced matter. In order for the department to thoroughly analyze your proposal, please provide a legal description of the specific location of the 100 acres which you suggest reducing from the 195 acres shown on the application for transfer. Upon receipt of the information, I will further review the matter.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

37-02553

MICROFILMED
NOV 27 1996

64

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

July 26, 1994

RECEIVED

JUL 28 1994

L. J. McMAHAN

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: William A. McMahan - Application for Transfer No. 4254 - Portion of Water
Right No. 37-02553

Dear Glen:

You have requested information to establish that the changes requested by Mr. McMahan's Application for Transfer No. 4254 of a portion of Water Right No. 37-02553 (the "Application") will not result in an enlargement in use of the subject water right to meet the requirements of Idaho Code § 42-222. This letter is in response to that request.

Mr. McMahan's portion of Water Right No. 37-02553 is presently diverted by means of a "drainage ditch" or "longitudinal well" originally developed by Silas Dayley to take advantage of the extremely high water table in the vicinity of Loving Creek. Ground water flows in this ditch which is approximately seven to nine feet deep. "Checks" are placed in the ditch which cause the water to flow into irrigation ditches and also further raise the water table for subirrigation. When the checks are not in place, water flows from the ditch into Loving Creek. This method of diversion will be eliminated by the Application, resulting in an increase of water flowing into Loving Creek.

The lands irrigated by Mr. McMahan's portion of Water Right No. 37-02553 are also irrigated by Permit No. 37-07810, which covers a total of 300 acres. As you know, the Application seeks to move the point of diversion of Mr. McMahan's portion of Water Right No. 37-02553 to the well which is the point of diversion for Permit No. 37-07810. Mr. McMahan will agree to limit the combined diversion of his portion of Water Right No. 37-02553 and Permit No. 37-07810 to 6.0 cfs for the irrigation of 300 acres with a combined annual volume limited to 900 AFA. The new place of use for Mr. McMahan's portion of 37-02553 will be reduced from 195 acres to 100 acres. Permit No. 37-07810 will be reduced to 4.0 cfs to irrigate 200 acres. As a result, the total volume of water diverted from the deep artesian aquifer through the well will remain the same. The total amount and volume of water diverted by these two water rights will each be less after the changes proposed by the Application.

MICROFILMED

NOV 27 1996

Mr. L. Glen Saxton
July 26, 1994
Page 2

The advantages sought by Mr. McMahan through the Application are the following:

1. The present point of diversion is on adjacent lands not owned by Mr. McMahan. The change will eliminate the potential for conflicts between neighbors in the use, maintenance and repair of the drainage ditch.

2. The priority date for 2.0 cfs to irrigate 100 acres from the well will be improved from 1979 to 1954.

Finally, the change of place of use requested by the Application will merely confirm the current use of Mr. McMahan's portion of Water Right No. 37-02553. With the reduction of irrigated acres from 195 to 100, this change will not be an enlargement nor will it injure any other water rights.

Please call me to discuss this proposal at your earliest convenience. Mr. McMahan will be unreachable until August 9, 1994. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j

cc: client

MICROFILMED
NOV 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

JUL 13 1994

Department of Water Resources
Southern Region Office

July 11, 1994

RE: Application for Transfer No. 4254 of Water Right
No. 37-02553 in the name of William A. McMahan

Dear Interested Parties:

I have enclosed a copy of the ORDER granting the
Petition of Reconsideration submitted by James P. Speck
on behalf of the permit holder William A. McMahan on July
6, 1994.

If you have any questions or if I can be of any
assistance, please feel free to contact me at (208)327-
7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

37-02553

NOV 27 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4254 OF WATER)
RIGHT NO. 37-02553 IN THE NAME)
OF WILLIAM A. MCMAHAN)
_____)

ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a Petition for Reconsideration, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 20, 1994, the department issued a Preliminary Order Denying Application for Transfer No. 4254 of water right no. 37-02553 (application) in the name of William A. McMahan (applicant).

2. On June 30, 1994, the applicant submitted a Petition for Reconsideration to the department asking the department to rescind the Preliminary Order and to allow the applicant until August 1, 1994, to provide evidence or other materials requested in the past by the department.

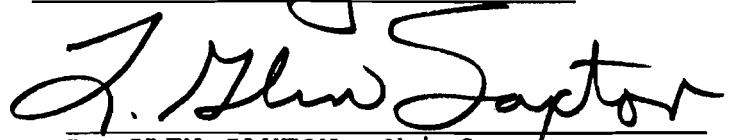
CONCLUSIONS OF LAW

1. The department should allow the additional time requested by the applicant.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the effect of the Preliminary Order issued by the department on June 20, 1994 is **STAYED** until August 1, 1994, at which time the Preliminary Order will again be considered in full force and effect if the applicant has not timely provided the requested information to the department.

Dated this 11th day of July, 1994.

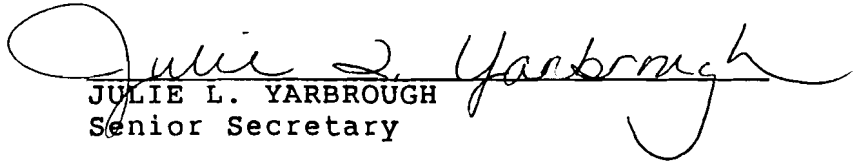

L. GLEN SAXTON, Chief
Water Allocation Bureau

ORIGINAL
JUL 27 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of July, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER to the following:

William A. McMahan
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340


JULIE L. YARBROUGH
Senior Secretary

MICROFILMED
NOV 27 1996

RECEIVED

37-2553

MAR 9 1987

State of Idaho
License and Certificate of Water Right

Water License No. G-25072

Amount 4.0 c.f.s.

Water District No.

Priority June 28, 1954

THIS IS TO CERTIFY that SILAS DAYLEY of Gannett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 28, 1954; that Permit No. G-25072 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.0 second feet, was issued thereunder on October 11, 1957, showing that said works were completed on the 24th day of June, 1957; and that on the 24th day of June, 1957, SILAS DAYLEY

of Gannett, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a drainage ditch, a tributary of, for the purpose of Irrigation and domestic use, under Use Permit No. G-25072 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6122, on the 11th day of October, 1957; The right hereby confirmed dates from June 28, 1954; The Point of Diversion are located 3 in the NE 1/4 NW 1/4 and 2 in the NW 1/4 NW 1/4, Sec. 14, Tp. 1 S., R. 19 E., B. M. County Blaine

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	19 E.	13	SW 1/4 NW 1/4	10	20
			NW 1/4 SW 1/4	15	20
			NE 1/4 SW 1/4	40	40
		14	NE 1/4 NE 1/4	30	20
			NW 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	35	40
			NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	20	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SE 1/4	40	20
Total number of acres irrigated				- - -	390

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of the herein described, as provided by the laws of Idaho.

WITNESSES the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

11th day of October, 1957

/s/ Mark R. Eulip

MICROFILMED
NOV 27 1998

37-2553



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
JUN 23 1994
Department of Water Resources
Southern Region Office
CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

RE: In the matter of Application for Transfer No. 4254 of Water
Right No. 37-02553 in the name of William A. McMahan

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

1-02553-1-7427-2
MICROFILMED
NOV 27 1998

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4254 OF WATER RIGHT)
NO. 37-02553 IN THE NAME OF)
WILLIAM A. MCMAHAN)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of the review of an application for transfer, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 15, 1993, William A. McMahan (applicant) filed Application for Transfer No. 4254 of Water Right No. 37-02553 (application) with the department proposing to change the point of diversion and place of use of 2.0 cfs of the right. The application also proposed to change the source of water from an unnamed man-made drain to an existing well located in the SE1/4SE1/4NE1/4 Section 14, T1S, R19E, BM., Blaine County, Idaho.

2. The application was protested by the Idaho Department of Fish and Game who ultimately withdrew its protest.

3. On May 11, 1994, the department corresponded with the applicant and requested information to show that the proposed transfer would not enlarge the use of water and would not injure other water rights. As an alternative, the department advised that the applicant may wish to propose mitigation if the changed use would either enlarge the original use or would injure other water rights.

4. The applicant did not respond to the department and did not provide the requested information.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change

does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. Application for Transfer No. 4254 will constitute an enlargement in use of the original right and will injure other water rights if the application is approved as submitted.

3. The department should deny the application for transfer pursuant to Section 42-222, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 4254 of Water Right No. 37-02553 in the name of William A. McMahan is **DENIED** as provided in Section 42-222, Idaho Code.

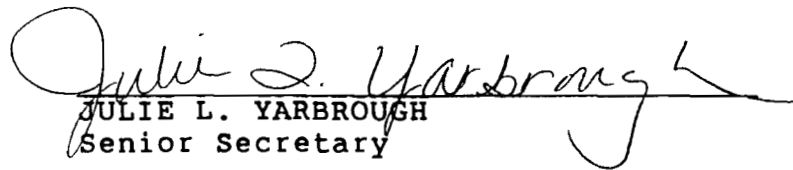
Dated this 20th day of June, 1994.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 21st day of June, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the following:

William A. McMahan
c/o James P. Speck
HOUGE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340


JULIE L. YARBROUGH
Senior Secretary

MICROFILMED
NOV 27 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

May 11, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

MAY 12 1994

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

Dep. Resources

RE: APPLICATION FOR TRANSFER NO. 4254 OF WATER RIGHT NO. 37-02553
IN THE NAME OF WILLIAM A. MCMAHAN, TRUSTEE

Dear Mr. Speck:

I have reviewed the above referenced application which our Twin Falls office recently forwarded for final review and action. While the protest of the Idaho Department of Fish and Game has been withdrawn, there is still a matter you need to address before the department can consider approval of the application.

More specifically, the application proposes to change the source of water to a deep artesian aquifer. The license shows the source as a "drainage ditch", which likely accumulates surface water and perhaps some shallow ground water. While surface and ground water in the Big Wood River drainage generally has been determined to be interconnected, you need to address the question of enlargement in water use. Since water diverted from the artesian aquifer is a more reliable source that water which accumulates in the drains, the likelihood of diversion of a larger volume of water is imminent. Such an enlargement would injure other water rights and is specifically prohibited by Section 42-222, Idaho Code.

Please provide convincing evidence to show that there will be no enlargement of the existing right and no injury to other users. An alternative to the injury showing is proposed mitigation which will remove the injury concern. Another alternative may be to offer to advance the priority of the right so it would not interfere with the priority of other ground water rights. Please respond within thirty (30) days in order for the department to further consider the application. Failure to timely respond will result in denial of the application.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

NOV 27 1994

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Southern Region Office
Phone: 1-208-726-4421Name of applicant: William A. McMahan, TrusteePost Office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340**PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other:
2. Describe the reason for the proposed changes : Applicant desires to combine this water right with 37-07810 to be diverted from the same well for irrigation of a portion of the same lands.

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

1.

Right Number	Priority	Amount	Nature	Period of Use	Volume
37-02553 <u>A</u>	June 28, 1954	2.0 cfs	irrigation	April 1 to November 1	

2. Total amount of water being transferred: 2.0 cubic feet/second and/or _____ acre-feet per annum.3. Source of water: groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	NE	14	1S	19E	Blaine	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	19E	13							20			10	40	10					80
1S	19E	14	20			40										40		15	115

Total acres: 195

37-02553 A, 1 #

GR0114

NOV 27 1994

OCT 15 1993

Trans. No. 4254

6. General Information:

Department of Water Resources
Southern Region Office

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

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: None.

c. Remarks: The existing, licensed source is an unnamed, man-made drain and the method of diversion is by placing checks in the drain to both raise the water table for sub-irrigation and to create a source from which water can be pumped to sprinkler irrigation systems. The drain is located on adjacent lands owned by other persons. The new point of diversion (the existing well for 37-07810) is located within the Big Wood River Groundwater Management Area where groundwater and surface water are presumed to be interconnected sources. Applicant purchased the lands where the water is used together with 2.0 cfs of 37-02553 from Ken Hellyer in 1981. The change of ownership was not recorded with IDWR. The requested change of place of use is made only to confirm where the water has been used since it was acquired by Applicant.

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount 2.0 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			NE	NW	14	1S	19E	Blaine	
			NW	NW	14	1S	19E	Blaine	

3. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	19E	14		30	5		40	40	40	40									195

Total acres: 195

NOV 27 1993

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02553

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.00 CFS
DOMESTIC	to	
	Totals	4.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
UNNAMED DRAIN	LOVELAND CREEK

Priority: 06/28/1954

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 14, Township 01S, Range 19E
NWNW , Sec. 14, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	13	SWNW 20	NESW 40	NWSW 20	80
		14	NENE 20	NWNE 30	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESE 20	310
				Total number of acres irrigated:		390

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. 2 P/D IN NWNW, 3 IN NENW, S14, T1S, R19E.
2. SOURCE DESCRIBED AS A DRAINAGE DITCH.

RECORDED
NOV 27 1954

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (USE FOR SPECIAL RIGHTS ONLY)

Water Right Number 37-02553 Part B

Amount 2.0 cfs/af Use Irrigation
 Amount _____ cfs/af Use _____
 Amount _____ cfs/af Use _____

from 4-15 to 10-15
 from _____ to _____
 from _____ to _____

Point(s) of Diversion: (If additional space is needed, use back of Part 2)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pod Flag	Local name for diversion
		SE	SE	NE	14	15	19E	Blaine		Existing well

Lands Irrigated or Place(s) of Use: (If additional space is needed, use back of Part 2)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	19E	13							9		9	34	31	2					85
		14	20			38									24			26	108

Total acres 193

DESCRIPTION OF UNCHANGED PORTION OF RIGHT

Water Right Number 37-02553 Part A

Amount 2.0 cfs/af Use Irrigation
 Amount _____ cfs/af Use _____
 Amount _____ cfs/af Use _____

from 4-15 to 10-15
 from _____ to _____
 from _____ to _____

Point(s) of Diversion: (If additional space is needed, use back of Part 2)

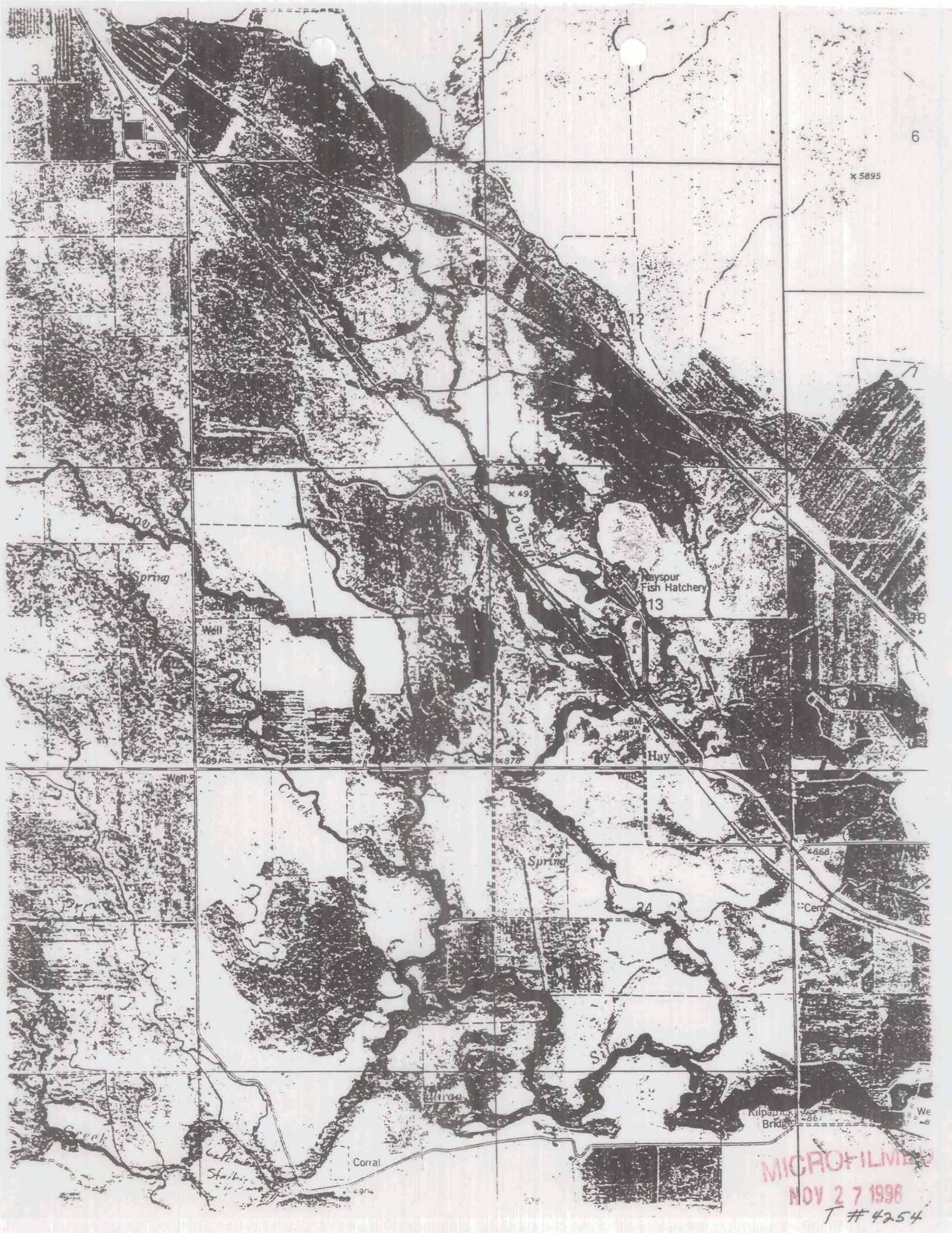
Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pod Flag	Local name for diversion
			NE	NW	14	15	19E	Blaine		Checkgate in drain
			NW	NW	14	15	19E	"		" " "

Lands Irrigated or Place(s) of Use: (If additional space is needed, use back of Part 2)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	19E	14		30	5		40	40	40	40									195

Total acres 195

NOV 27 1996



6

x 5895

12

x 49

Hayspur Fish Hatchery

13

Hay

Spring

24

Silver

Kilpatrick Bridge

Cent

Corral

MICROFILMED
NOV 27 1996
T # 4254

William A. McMahon, Trustee
Transfer Application
37-02553

Old Headgates x 50 Loving Creek

SOURCE -
Unnamed Drain

Old Headgate

|||| = A 37-02553 A
|||| = Original 37-02553
■ = PMA proposed
IN TRANSFER

O = acres from Part I
of transfer and SRBA claim
O = Acres determined from
field exam

NOV 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

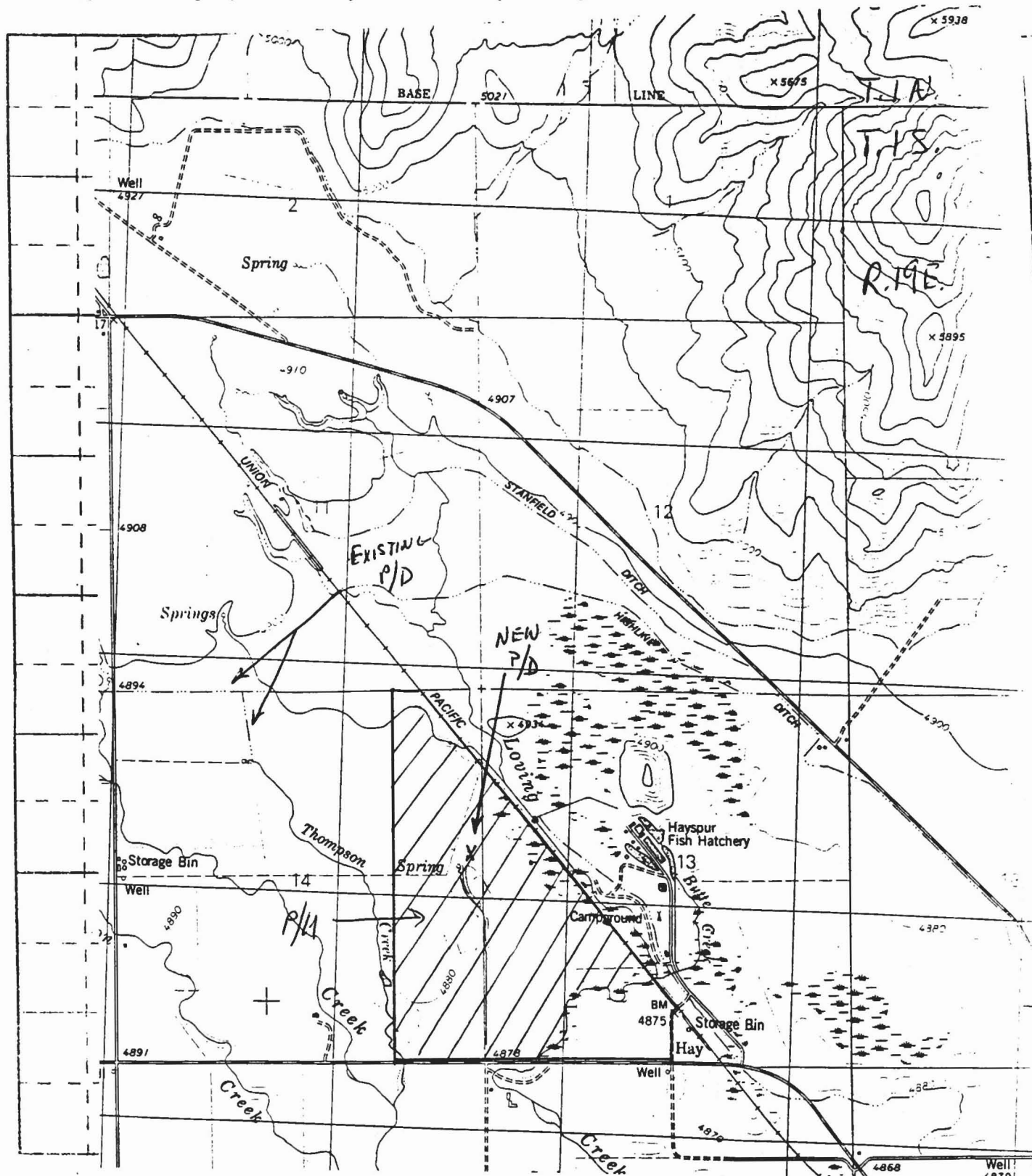
APPLICATION FOR TRANSFER OF WATER RIGHT OCT 15 1993

PART 3

Department of Water Resource

Southern Region Office

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED
NOV 27 1996

PART 3

RECEIVED

OCT 15 1993

A. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount (cfs/AF)	Hours/Days/Year	Period of Use Water Resource Southern Region Office
			to
			to
			to

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

W. H. [Signature]
(Signature of applicant)

Subscribed and sworn to before me this 12TH day of October, 1993.

J. D. Speck
Notary Public for Idaho
Residing at East Fork, ID
My commission expires 1/29/97

FOR DEPARTMENT USE ONLY

Received by G. F. Stanton Date 10-15-93
 Prelim. check by MTS Fee \$50.
 Receipted JS # 5016298
 Published in Wood River Journal
 Pub. dates 12/22 & 12/29/93 Recommend: approve deny
 Watermaster recommendation requested 12/14/93 rec'd 1/3/94
 Field exam conducted (required for statutory claims)

Protest filed by:

Hearing held by:

Date:

MICROFILMED

NOV 27 1996

RECEIVED

QUITCLAIM DEED

OCT 15 1993

For Value Received

Department of Water Resources
Southern Region Office

WILLIAM A. McMAHAN, an unmarried man

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

WILLIAM A. McMAHAN, OR HIS SUCCESSOR, TRUSTEE OF THE WILLIAM A. McMAHAN 1986 TRUST DATED NOVEMBER 25, 1986, whose current address is: P.O. Box 3125, Ketchum, Idaho 83340

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

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF AND INCORPORATED HEREIN

together with their appurtenances.

DATED: October 27, 1989


WILLIAM A. McMAHAN

STATE OF IDAHO

COUNTY OF BLAINE

) ss

On this 30th day of October, 1989, before me, a Notary Public in and for said State, personally appeared WILLIAM A. McMAHAN, an unmarried man, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.


NOTARY PUBLIC
Residing at: Blaine County, Idaho
Commission Expires: May 1990

MARY GREEN, CLERK
FEES \$ 6.00

90 FEB 9 PM 4 18

OF: BLAINE CO. REQUEST

FIRST AMERICAN TITLE CO. 316263



RECORDED
27 NOV 1989

T#4254

RECEIVED

OCT 15 1993

PROPERTY DESCRIPTION
FOR
BILL MCMAHAN

Department of Water Resources
Southern Region Office

A parcel of land located within Sections 13 and 14, T.1S., R.19E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the Northeast corner of Said Section 14, which point is N 89° 31'00" W. 2640.89 feet from the North ½ corner of said Section 13;

thence S 89° 06' 49" W. 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING:

thence continuing S 89° 06' 49" W. 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E½ NE¼, Section 14;

thence S 0° 13' 42" E. 5239.68 feet along the West Boundary of said E½ NE¼, Section 14 and also the West Boundary of the E½ SE¼, Section 14 to a 5/8" rebar on the North Boundary of Highway No. 20;

thence N 89° 56' 22" E. 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW¼ SW¼, said Section 13;

thence N 0° 19' 28" W. 1248.96 feet along said East Boundary of the SW¼ SW¼, Section 13, to an aluminum cap at the Northeast Corner of said SW¼ SW¼;

thence S 89° 42' 28" E. 898.34 feet along the South Boundary of the NE¼ SW¼, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

thence N 39° 09' 48" W. 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the point of beginning, containing 251.48 acres, more or less.

AND

All that portion of the SE¼ SW¼, Section 13, T. 1S., R. 19E., B.M., Blaine County, Idaho, lying south and west of the U.P.R.R. right-of-way,

mcmahnle.gal/jal

EXHIBIT A

MICROFILMED
NOV 27 1996

WARRANTY DEED

RECEIVED

OCT 15 1993

For Value Received

✓ WILLIAM A. McMAHAN and LAURA L. McMAHAN or their successors Trustees of the McMahan 1981 Trust dated January 31, 1981
 Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 WILLIAM A. McMAHAN as his sole and separate property.

Department of Water Resources
 Southern Region Office

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

The subject properties being conveyed are more particularly described on Exhibits A, B and C attached hereto and made a part hereof.

BLAINE CO.
 REC'D
 WILLIAM McMAHAN
 26 JUN 22 AM 11 00
 DAD
 MARIE McMAHAN CLERK
 DEPUTY
 FEES \$ 8.00

269944

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 21, 1986

Laura L. McMahan
 TRUSTEE OF THE McMAHAN 1981 TRUST
 DATED JANUARY 31, 1981

William A. McMahan
 TRUSTEE OF THE McMAHAN 1981 TRUST
 DATED JANUARY 31, 1981

Instrument No.

STATE OF IDAHO, COUNTY OF BLAINE

On this 21st day of January, 1986, before me, a notary public in and for said State, personally appeared

Laura L. McMahan & William A. McMahan
 Trustees of the McMahan 1981 Trust
 DATED JANUARY 31, 1981
 to whom the basis of satisfactory evidence or known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.
Sharon A. Fox
 Notary Public
 Residing at Ketchum, Idaho.

STATE OF IDAHO, COUNTY OF BLAINE

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
 this _____ day of _____,
 19 _____, in my office, and duly recorded in Book of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$ _____
 Mail to: _____

NOV 27 1993
 T # 4254

OCT 15 1993

Department of Water Resources
Southern Region Office

A parcel of land located within Sections 13 and 14, T.1S., R.19E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the Northeast corner of said Section 14, which point is N 89° 31' 00" W. 2640.89 feet from the North $\frac{1}{4}$ corner of said Section 13;

thence S 89° 06' 49" W. 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING:

thence continuing S 89° 06' 49" W. 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 14;

thence S 0° 13' 42" E. 5239.68 feet along the West Boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 14 and also the West Boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14 to a 5/8" rebar on the North Boundary of Highway No. 20;

thence N 89° 56' 22" E. 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 13;

thence N 0° 19' 28" W. 1248.96 feet along said East Boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 to an aluminum cap at the Northeast Corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

thence S 89° 42' 28" E. 898.34 feet along the South Boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

thence N 39° 09' 48" W. 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the point of beginning, containing 251.48 acres, more or less.

Together with the following-described water rights:

1. 2.0 c.f.s. of the waters of a drainage ditch represented by Idaho Water License No. 37-2553 (formerly No. G-25072), a copy of which is attached hereto as Exhibit B and made a part hereof.

2. All other water rights, if any, which may be appurtenant to the above-described real property.

EXHIBIT A

MICROFILMED
NOV 27 1996

RECEIVED

OCT 15 1993

Department of Water Resources
Southern Region Office

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

MAJORIE LEE CLERK
DEPUTY
FEES \$ 10.00

BLAINE CO.
REQUEST OF
William Mc Mahan
66 JAN 22 AM 10 26

269936

(space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, K. F. HELLYER and MARJORIE P. HELLYER, husband and wife, of Bellevue, Idaho ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto WILLIAM A. McMAHAN and LAURA L. McMAHAN, or their successors, Trustees of the McMahan 1981 Trust dated January 31, 1981 ("Grantee", whether one or more), the following-described real property situated in Blaine County, Idaho:

(see Exhibit A attached hereto and made a part hereof).

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 22 day of September, 1981.

K. F. Hellyer
K. F. Hellyer

Marjorie P. Hellyer
Marjorie P. Hellyer

William A. McMahan
P.O. Box 3125
KETCHUM, IDAHO
83340

MICROFILMED
NOV 27 1990

T#4254

RECEIVED

OCT 15 1993

Department of Water Resources
Southern Region Office

A parcel of land located within Sections 13 and 14, T.1S., R.19E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the Northeast corner of said Section 14, which point is N 89° 31' 00" W. 2640.89 feet from the North $\frac{1}{4}$ corner of said Section 13;

thence S 89° 06' 49" W. 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING;

thence continuing S 89° 06' 49" W. 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 14;

thence S 0° 13' 42" E. 5239.68 feet along the West Boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 14 and also the West Boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14 to a 5/8" rebar on the North Boundary of Highway No. 20;

thence N 89° 56' 22" E. 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 13;

thence N 0° 19' 28" W. 1248.96 feet along said East Boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 to an aluminum cap at the Northeast Corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

thence S 89° 42' 28" E. 898.34 feet along the South Boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

thence N 39° 09' 48" W. 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the point of beginning, containing 251.48 acres, more or less.

Together with the following-described water rights:

1. 2.0 c.f.s. of the waters of a drainage ditch represented by Idaho Water License No. 37-2553 (formerly No. G-25072), a copy of which is attached hereto as Exhibit B and made a part hereof.

2. All other water rights, if any, which may be appurtenant to the above-described real property.

EXHIBIT A

NOV 27 1993

Water Right Number - R37-02553A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
SPECK

JAMES P.

1 - HOGUE, SPECK & AANESTAD

2 - P.O. BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-000-0000

*** C - CURRENT OWNER ***
MC MAHAN

WILLIAM A

1 - C/O JAMES P SPECK ESQUIRE

2 - PO BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-622-4400

*** O - ORIGINAL OWNER ***
DAYLEY

SILAS

1 -

2 -

3 -

City- GANNETT

State- ID Zip- 83329

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/28/1954 ERROR IN REGION L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
01S 19E 14 SE SE NE (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 2.000 350.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.000 350.00 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 19E 14 NE NE 15.0 01 IRRIGATION (13) BLAINE
01S 19E 14 SE NE 35.0 01 IRRIGATION (13) BLAINE
01S 19E 14 NE SE 27.0 01 IRRIGATION (13) BLAINE
01S 19E 14 SE SE 23.0 01 IRRIGATION (13) BLAINE

Total Acres: 100.0

+ - - Diversion Means - WELL, FLOOD AND SPRINKLER IRRIGATION

NOV 27 1996
CLOCKWORK

00/00/0000

APR 27 1936

Prefix Translation: RESEARCH

+ Comments +

Date: 02/07/1995 User Id: JROBERTS Subject: AMENDED/TRANSFER
This claim was amended pursuant to approved Transfer No. 4254. jr

+ - - Audit Fields - - +

02/07/95 JROBERTS

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/06/1988	Last Amended Date	- 02/07/1995	Temporary Right	- P
		Receipt Number	- C003752	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor PHIL BATT

R. KEITH HIGGINSON
Director

February 7, 1995

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

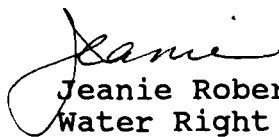
RE: AMENDED CLAIM - ADJUDICATION CLAIM NO. A37-02553A (McMahon)

Mr. Speck;

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find the enclosed copy of the amended claim based on approved Transfer No. 4254. Please look the records over carefully to be sure they correctly reflect the intended change.

If you should have any questions, feel free to give me a call at the office.

Sincerely,


Jeanie Robertson
Water Right Agent

/jr
Enclosures:

COPIES
NOV 27 1995

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME McMahon CLAIM IDENT. NO. A3702553A

DATE RECEIVED 10-14-88 CK # 1537 AMOUNT \$ 577 (6)

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). **USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS).** EXPLAIN IN COMMENTS.

- | | | |
|---|-------------------------------------|-------------------------------------|
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A | ☒ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? | N/A | ☒ |
| Is the consumptive use correct? | N/A | ☒ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A | ☒ |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A | ☒ |
| 15. Is the basis of the claim indicated? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | Exempt | ☒ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A | ☒ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by:

Comments:

\$147⁰⁰ \$147

MICROFILMED
FEB 23 1993

Water Right Number - 37-02553

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 25072

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

*** C - CURRENT OWNER ***
DAYLEY

SILAS

1 -
2 -
3 -

City- GANNETT
Phone -

State- ID Zip- 83329

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/28/1954 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED DRAIN LOVELAND CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 19E 14 NE NW (13) BLAINE
01S 19E 14 NW NW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION
43 - DOMESTIC

4.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.000

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01S	19E	13	SW NW	20.0	01	IRRIGATION	(13) BLAINE
01S	19E	13	NE SW	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	13	NW SW	20.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	NE NE	20.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	NW NE	30.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	SW NE	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	SE NE	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	NE NW	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	NW NW	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	SW NW	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	SE NW	40.0	01	IRRIGATION	(13) BLAINE
01S	19E	14	NE SE	20.0	01	IRRIGATION	(13) BLAINE

Total Acres: 390.0

Diversion Means -

Non-Irrigation Use -

A37-02553 A - Mc Mahan
no claim from Ken Hellyer

MICROFILMED
FEB 23 1993

+ - - Other Rights for Same Use -

	Remarks
2 P/D IN NWNW, 3 IN NENW, S14, T1S, R19E.	
SOURCE DESCRIBED AS A DRAINAGE DITCH.	

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

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - + 00/00/0000

+ - - Microfilm Rolls -

+ - - Audit Fields - 04/23/85 05/28/88 CONVERT

+ - Water Rights Dates and Flaps Area - - - - - - - - - - - - - - +

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Start Work Date	-	00/00/0000	Verified Date	-	04/23/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	05/15/1979	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000						

MICROFILMED
FEB 23 1993

CERTIFIED MAIL

HOGUE, SPECK & AANESTAD

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

A PROFESSIONAL ASSOCIATION
OF
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

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

October 4, 1988

Idaho Department Of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301
Attn: Jim Stanton

Re: Snake River Basin Adjudication
Notices of Claims to Water Rights
Mr. William A. McMahan

Dear Jim:

Enclosed you will find the original and one copy each of
Notices of Claims to Water Rights which we have prepared on behalf
of Mr. William A. McMahan for the following- described water
rights:

1. 37-0252;
2. 37-1712;
3. 37-2553;
4. 37-2575;
5. 37-2686D; and
6. 37-7598 D.

Also enclosed is Mr. McMahan's check to cover the filing fees for
these Claims. The amount was computed on the basis of a total of
277 irrigated acres for all of the claims.

Please stamp the copy of each claim to confirm its
receipt and filing with the Department, and then return them to me
in the stamped and addressed envelope which I have also enclosed
for that purpose. Kindly call if you have any questions.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/
cc: Mr. William A. McMahan

MICROFILMED
FEB 23 1993

Mc Mahan

Blaine Co.

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
~~15~~	~~19E~~	~~13~~					A37	-00	25	2						<u>\$159</u>			
15	19E	13					~~4~~	~~4~~	~~4~~	~~4~~	9	34	36	30					109
							A37	-00	71	2									
15	19E	13							15							<u>\$120</u>			15
		14	15			35									5				55
							A37	-0	25	5	3					<u>\$147</u>			
15	19E	13							20		10	40	10		~~40~~	~~40~~	~~40~~	~~40~~	195
		14	20			15			5		1	6	0		~~40~~	~~40~~	~~40~~	~~40~~	115
			5			5									35			40	
~~15~~	~~19E~~	~~13~~					A37	-0	25	7	5								
15	19E	14							18		10	40	37	30		<u>\$51</u>			135
		14	~~40~~			27			0		0	0	1	0	40			40	107
						0									0			0	
							A37	-0	26	8	6	D							
15	19E	13												19		<u>50</u>			19
														0					
							A37	-0	75	9	8	D							
15	19E	13												19		<u>50</u>			19
														0					
							TOTAL	IRRIGATED											
15	19E	13							20		10	40	37	30					137
		14	20			40									40			40	140

MICROFILMED
FEB 23 1993

5.0

RECEIVED
JAN 21 1992

Department of Water Resources

James P. Speck
HOGUE, SPECK & AANESTAD, P.A.
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340

Telephone: (208) 726-4421

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

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as Director of the Idaho
Department of Water Resources

Petitioner,

vs.

The United States; the State of
Idaho; and all Claimants to the
Use of Water from the Snake River
Basin Water System

Case No. 39576

NOTICE OF APPEARANCE

A-37-00252
- 00712
- 02553 A
- 02575
✓ - 026867
✓ - 07598D

DESCRIPTIVE SUMMARY

Notice of Appearance of James P. Speck of the law firm
of Hogue, Speck & Aanestad, P.A. for William A. McMahan and other
parties.

NOTICE OF APPEARANCE - 1

jps\water\srbanot.app

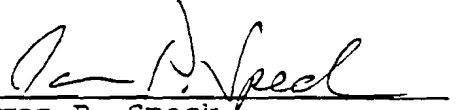
MICROFILMED
AUG 24 1991

1 TO: PETITIONER AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that James P. Speck of the law firm
3 of Hogue, Speck & Aanestad, P.A. hereby enters its appearance as
4 attorneys of record for William A. McMahan and numerous other
5 parties as identified in Claims filed in this action.

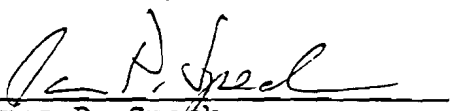
6 DATED this 17th day of January, 1992.

7 HOGUE, SPECK & AANESTAD, P.A.

8
9 By 
10 James P. Speck

11 CERTIFICATE OF MAILING

12
13 I hereby certify that on January 17, 1992, a true and
14 correct copy of the foregoing document was mailed, postage
15 prepaid, to the parties listed on Exhibit "A" attached hereto.

16
17 
18 James P. Speck

19
20
21
22
23
24
25
26
27 NOTICE OF APPEARANCE - 2

28 jps\water\srbanot.app

Roger D. Ling
Ling, Nielsen & Robinson
P. O. Box 396
Rupert, ID 83350

Roy L. Eiguren
Josephine P. Beeman
Davis, Wright & Tremaine
Suite 700
702 West Idaho Street
Boise, ID 83702

Craig R. Zaiss, Esq.
P. O. Box 628
Parma, ID 83660-0628

Albert P. Barker
Don A. Olowinski
Steven R. Ormiston
Hawley, Troxell, Ennis & Hawley
P. O. Box 1617
Boise, ID 83701

Scott L. Campbell
Elam, Burke & Boyd
P. O. Box 1539
Boise, ID 83701

Bruce M. Smith
Rosholt, Robertson & Tucker
P. O. Box 2139
Boise, ID 83701-2139

William F. Ringert
David Hammerquist
Ringert, Clark, Harrington,
Reid, Christenson & Kaufman
P. O. Box 2773
Boise, ID 83701

Peter G. Monson
Indian Resources Section
Environment & Natural Resources
Division
U.S. Department of Justice
P. O. Box 44378
Washington, D.C. 20026-4378

John A. Rosholt
James C. Tucker
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

Rebecca Craven
Elliott L. Moffett
Douglas R. Nash
Danial C. Picard
Nez Perce Tribe
P. O. Box 365
Lapwai, ID 83540

Jeanette Wolfley
Candy L. Jackson
Tribal Attorneys Office
Shoshone-Bannock Tribes
P. O. Box 36
Fort Hall, ID 83203

Wayne B. Slaughter, Jr.
Terry T. Uhling
J.R. Simplot Company
P. O. Box 912
Pocatello, ID 83204

Carolyn M. Minder
Snake River Basin Adjudication
7283 Obsidian
Boise, ID 83709

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P. O. Box 50130
Idaho Falls, ID 83405

Steven L. Herndon
Legal Department
Idaho Power Company
P. O. Box 70
Boise, ID 83707

James Annest, Esq.
P. O. Box 686
Burley, ID 83318

EXHIBIT A -- CERTIFICATE OF MAILING

MICROFILMED

AUG 24 1994

Gary Ebert
P. O. Box S
Ontario, OR 97914

Kenneth S. Gallant
Associate Professor
College of Law
University of Idaho
Moscow, ID 83843

Doug Grant
College of Law
University of Idaho
Moscow, ID 83843

Janet O'Crowley
Committee for Idaho's High Desert
P. O. Box 664
Picabo, ID 83348

Don F. Pickett, Esq.
Route 1, Box 80
Oakley, ID 83346

David B. Shaw, Chief
Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Lorraine Bodi -
Office of General Counsel
NOAA
7600 Sand Point Way N.E.
Seattle, WA 98115

Gary L. Boyle
USDA Forest Service
324 25th Street
Ogden, UT 84401

Robert D. Dellwo, Esq.
601 West Riverside, No. 1900
Spokane, WA 99201-0913

Lester Edelman
U.S. Army Corp of Engineers
Room 8220
10 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Mark Eissler
Office of General Counsel
Bonneville Power Administration
P. O. Box 3621
Portland, OR 97208

Maurice O. Ellsworth
U.S. Attorney
U. S. Federal Building, Box 37
550 West Fort Street
Boise, ID 83702

Bill Lloyd
CH2M Hill
P. O. Box 8748
Boise, ID 83707

Fred Lyons, Clerk
Supreme Court Building
451 West State Street
Boise, ID 83720

Don L. Roberts
City Attorney
P. O. Box 617
Lewiston, ID 83501

Edward Jiran
Department of Energy
Room 6H065
1000 Independence Ave., S.W.
Washington, D.C. 20585

Larry Echohawk
Idaho Attorney General
Room 210, Statehouse
Boise, ID 83720

EXHIBIT A -- CERTIFICATE OF MAILING

MICROFILMED
AUG 24 1994