

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-22066
Date Received: 9/15/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

DONNA ALFS Phone: (208)720-5859
PO BOX 850
KETCHUM ID USA 83340

2. Date of Priority: 06/01/1883

3. Source: CROY CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	17E	35	SW NE NE	BLAINE	

5. Description of diverting works:

40 HP PUMP IN CREEK TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.2	

7. Total Quantity Appropriated is:

0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	17E	25	SW SE	IRRIGATION	10
				Section Acres	10
02N	17E	36	NW NE	IRRIGATION	10
				Section Acres	10
				Total Acres	20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-253 .

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

C.L. "BUTCH" OTTER
GOVERNOR

DAVID R. TUTHILL, JR.
INTERM DIRECTOR

January 19, 2007

400 SOUTH MAIN STREET STE 102
PO BOX 1800
HAILEY ID 83333

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS 37-22066, 37-22068, & 37-22070

Dear Fritz

Enclosed is the modified claim based upon the quit claim data previously discussed. Also I have completed the recommendations for the 3 claims and have enclosed the recommendations and layout for them.

When I receive the change of ownership for 37-21285 hopefully I will have enough time to complete it before the director's report.

If you have any questions or concerns, please contact me so that we can discuss them.

If you have additional questions you can reach me at the number listed above.

Sincerely

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

enclosures

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
<u>37-00253</u>	<u>A37-00253</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00254</u>	<u>A37-00254</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00255</u>	<u>A37-00255</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)	<u>Edward A. Van Eenenaam</u>
	<u>(unknown)</u>
4. New Owner/Claimant(s)	<u>Donna S. Alfs</u>
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>P.O. Box 850</u>
City, State and ZIP Code	<u>Ketchum, ID 83340</u>
New Telephone Number	<u>(208) 720-5859</u>

5. Date you acquired the property March 16, 2006

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s) Donna Alf (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

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

Recording Requested By and
When Recorded Return to:

DONNA S. ALFS
PO Box 850
Ketchum, ID 83340

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 16th day of March, 2006, is between **PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #90, LLC**, an Idaho limited liability company ("**Grantor**"), and **DONNA S. ALFS, A SINGLE WOMAN** ("**Grantee**"), whose legal address is: PO Box 850, Ketchum, ID 83340.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Valley, State of Idaho, more particularly described as follows:

Lot 3B A REPLAT OF LOT 3, BLOCK 1, CROY CREEK RANCH SUBDIVISION, according to the official plat thereof, recorded September 21, 1995, as Instrument No. 382432, records of Blaine County, Idaho

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "**Property**").

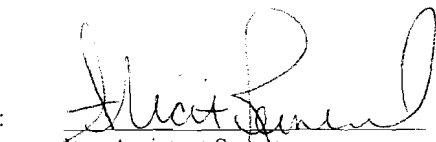
TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of September 30, 2005 .

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

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

PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #*, LLC,
an Idaho limited liability company

By: Pioneer 1031 Company, Member

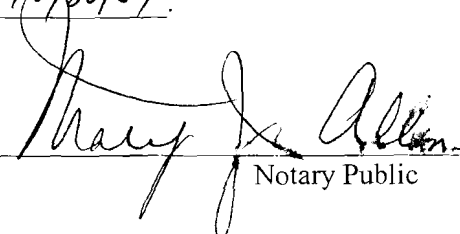
By: 
Its: Assistant Secretary

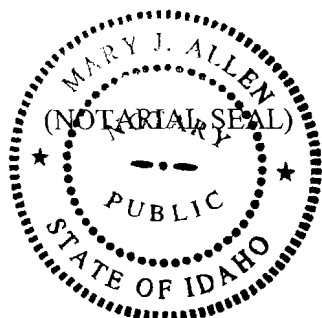
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

The foregoing instrument was acknowledged before me this 16th day of March, 2006, by Alicia Reinhard, as Assistant Secretary of Pioneer 1031 Company, an Idaho corporation, Member of Pioneer Exchange Accommodation Titleholder #90, LLC, an Idaho limited liability company.

WITNESS my hand and official seal.

My commission expires: 10/30/09.


Notary Public



37-22066, 37-22068, 37-22070 Alfs

After working through the objection with Fritz Haemmerle the claimant elected to withdraw the objection.

11-14-2007	OBJ 01 F/B ALFS, DONNA	RB	01-15-2008
0001			
<u>07-18-2008</u>	ORDER RESCINDING ORDER OF REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU AND ORDER OF REFERENCE APPOINTING THEODORE R BOOTH AS SPECIAL MASTER		
09-25-2008	ORIGINAL NOTICE OF CLAIM		
<u>06-15-2010</u>	ORDER SETTING INITIAL HEARING	1S	08-23-2010
1000			
08-23-2010	INITIAL HEARING HELD	1H	08-23-2010
1000			
08-23-2010	MINUTES		
08-23-2010	VERBAL W/D OF OBJECTION		08-23-2010 0001

By Kelly K Christensen 10-4-2010

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, July 20, 2010 9:35 AM
To: 'fxh@haemlaw.com'; Ridgeway, Renea
Subject: 37-22066, 22068 and 22070 Alfs

Initial hearing set for 8-23-2010

Fritz,

You indicated that there was a quit claim deed stating the number of irrigatable acres associated with the sale of this property. I did a brief search of some of the adjudication backfiles associated with the claims but did not find that document. The warranty deed accompanying the change of ownership talked about appurtenances only. Attached is an overview of the basis for the recommendation. With the information before me I do not see anything that would support any additional acreage being irrigated beyond the current recommendation.

Renea,

Could you check with the legal staff to see who will be handling this group?



37-22066 etal POU
RECOMMENDATI...

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

37-22066 etal POU RECOMMENDATION ANALYSIS

The recommendation for the rights associated with the Alfs property is shown below overlaying both the 1987 and 1992 aerial photos. Strictly based upon what appears irrigated/cultivated in 1987 the recommendation appears to overstate the irrigated POU. In reviewing the 1992 aerial photo the field boundaries appear to conform to the 1987 aerial photo with a slight ambiguity as to the irrigation practices next to Croy Creek.

Also attached are clips from the backfile for 37-22065. The historical photos also support a smaller irrigated POU than recommended.

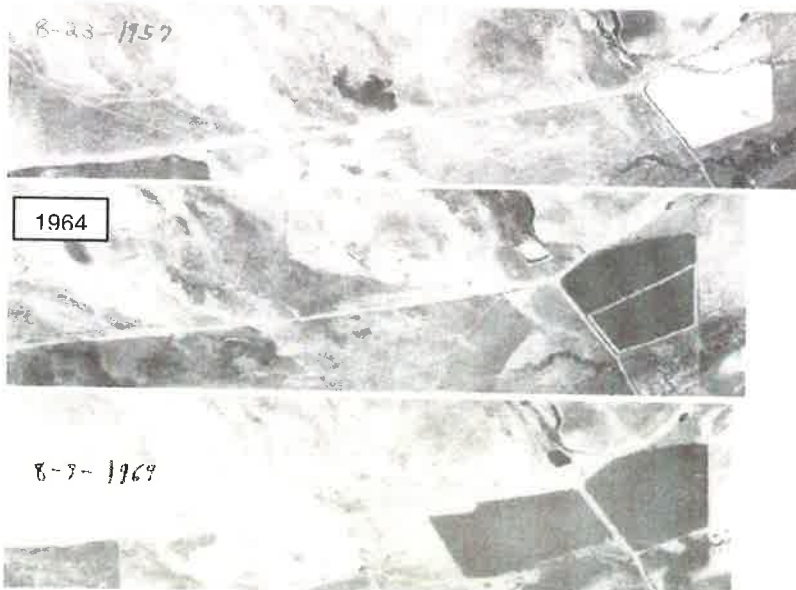
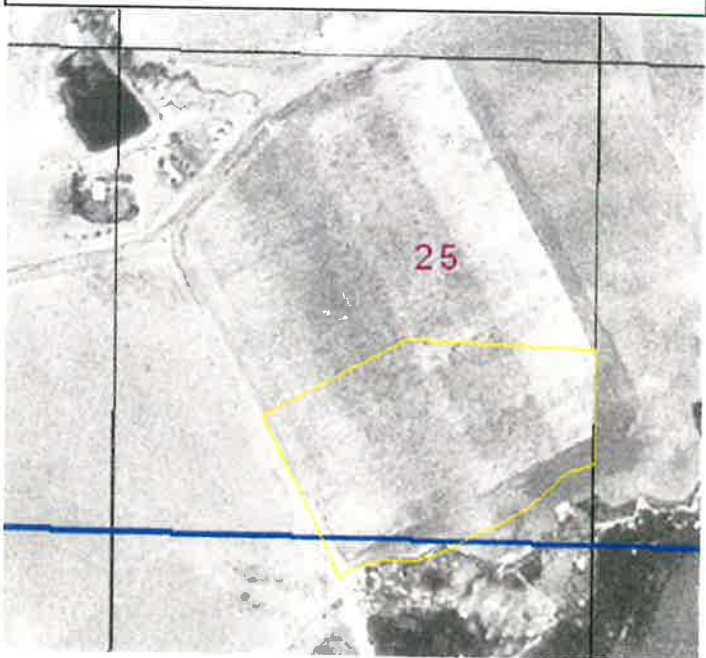
02N, 17E, Sec 25 SWSE

1987 aerial photo



02N, 17E, Sec 25 SWSE

1992 Aerial photo



OUTCLAIM DEED

Hailey, ID 83333**QUITCLAIM DEED - 1**

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

(space above line for Recorder's use)

QUITCLAIM DEED

Instrument # 525013

HAILEY, BLAINE, IDAHO

2005-08-24

02:51:00 No. of Pages: 2

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

INSTRUMENT No. _____

FOR VALUE RECEIVED, Kent S. McAtee and Mary Gladys McAtee, as general partners in the Croy Creek Ranch Limited Partnership (collectively Grantors), do hereby convey, release, remise and forever quit claim unto Edward A. Van Eenenaam, a.k.a. Ed Van (Grantee), an unmarried man, all right, title and interest in and to any water rights including, but are not necessarily limited to, any portion of approximately 9.53 irrigable acres for portions of water rights 37-00253, 37-00254 and 37-00255 appurtenant to the following real property:

Lot 3B, Block 1, Croy Creek Ranch Subdivision, according to the official plat of record of Blaine County, State of Idaho.

DATED this 11 day of July, 2005.

Kent S. McAtee
By: Kent S. McAtee, Grantor

STATE OF IDAHO,)
) ss.
County of Blaine,)

On this 11th day of July, 2005, before me, a Notary Public in and for said State, personally appeared Kent S. McAtee, as a General Partner in the Croy Creek Ranch Limited Partnership Grantor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Laurel Thompson
NOTARY PUBLIC for Idaho
Residing at Ketchikan
Commission expires 1/14/2008



QUITCLAIM DEED - 1

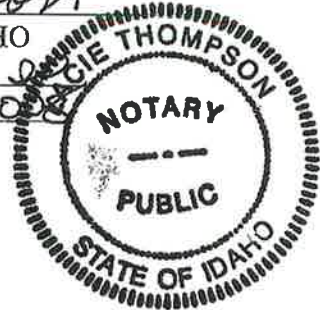
By: Mary Gladys McAtee
Mary Gladys McAtee, Grantor

STATE OF IDAHO)
) ss.
County of Blaine.)

On this 11th day of July, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared Mary Gladys McAtee, as a General Partner for Croy Creek Ranch Limited Partnership, Grantor, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that she executed the same.

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

Laurie Thompson
NOTARY PUBLIC FOR IDAHO
Residing at: Ketchum, Idaho
Commission expires: 1/14/2008



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

) A. (See Exhibit A)
) (Insert water right number)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Donna Alfs

Address: P.O. Box 850

Ketchum, ID 83340

Daytime Phone: _____

Name & Address of Attorney, if any:

Fritz X. Haemmerle

P.O. Box 1800

Hailey, ID 83333

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: (see above)

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 02N 17E Sec. 25 SWSE 10 acres and Sec. 36 NWNE 10 acres
10. ☐ I object because:
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Recommendation does not reflect actual and historical beneficial use.

	Proportionate share	acres
Croy Creek Prop	0.971	319.9
Alfs	0.029	9.4

37-253	7	37-254	2	37-255	0.3
Croy Creek		Croy Creek		Croy Creek	
Prop	Alfs	Prop	Alfs	Prop	Alfs
37-22065	37-22066	37-22067	37-22068	37-22069	37-22070
6.80	0.20	1.94	0.06	0.29	0.01

		storage	Irr fm Storage
Historic POU	106	10	2
Croy Creek Prop	96.6	9.1	1.8
Alfs	9.4	0.9	0.2

01/18/2007

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

RIGHT NUMBER: 37-22065

NAME AND ADDRESS: CROY CREEK PROPERTIES LLC
PO BOX 1330
HAILEY ID 83333

KKC

SOURCE: CROY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.800 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T02N R17E S35 SWNE 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	6.800 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R17E S25	SWSW	9.00	T02N R17E S25	SESW	17.00
T02N R17E S25	NWSE	0.80	T02N R17E S25	SWSE	24.00
T02N R17E S26	SESE	2.30	T02N R17E S35	NENE	40.00
T02N R17E S35	SENE	40.00	T02N R17E S36	NWNE	19.00
T02N R17E S36	SWNE	7.80	T02N R17E S36	NENW	40.00
T02N R17E S36	NWNW	40.00	T02N R17E S36	SWNW	40.00
T02N R17E S36	SENW	40.00			
319.9 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 319.9 acres in a single irrigation season. Combined Right Nos.: 37-22065, 37-22067, 37-22069, and 37-7319.

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

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

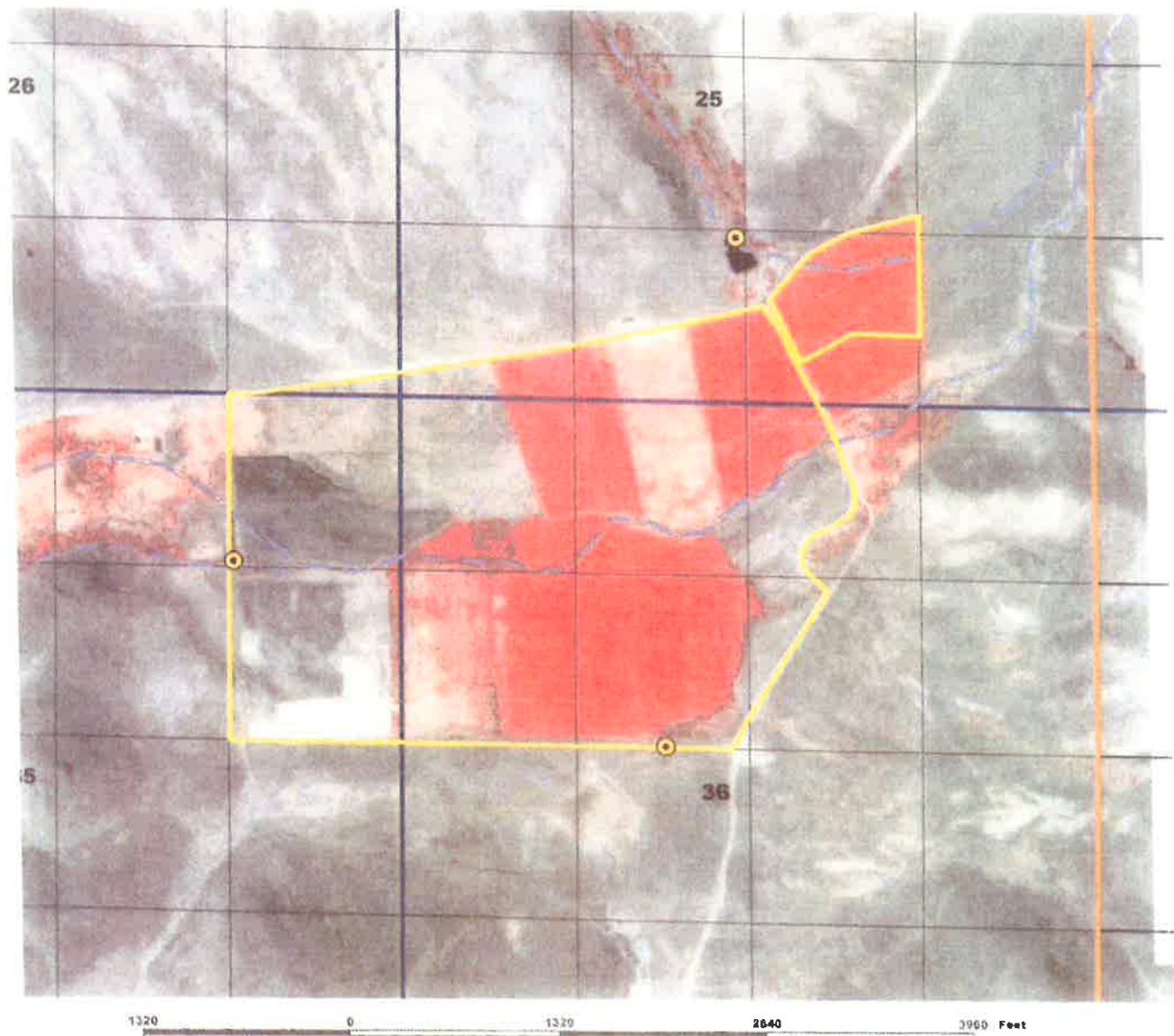
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-253 .

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-22065, 37-22067, & 37-22069,**



Basin 37

PLACE OF USE
TWP 2N, RNG 17E, SEC 25, 26, & 36
Data entry on January 18, 2007



-  **RECOMMENDED POINT OF DIVERSION**
 -  **RECOMMENDED PLACE OF USE**
 -  **TOWNSHIP LINES**
 -  **SECTION LINES**
 -  **QUARTER/QUARTER LINES**
-  **LOCATION IN BASIN**

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

01/18/2007

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

RIGHT NUMBER: 37-22066

NAME AND ADDRESS: DONNA ALFS
PO BOX 850
KETCHUM ID 83340

KKC

SOURCE: CROY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T02N R17E S35 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in BLAINE County

T02N R17E S25	SWSE	8.90	T02N R17E S36	NWNE	0.50
---------------	------	------	---------------	------	------

9.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 37-22066, 37-22068, 37-22070.

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

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

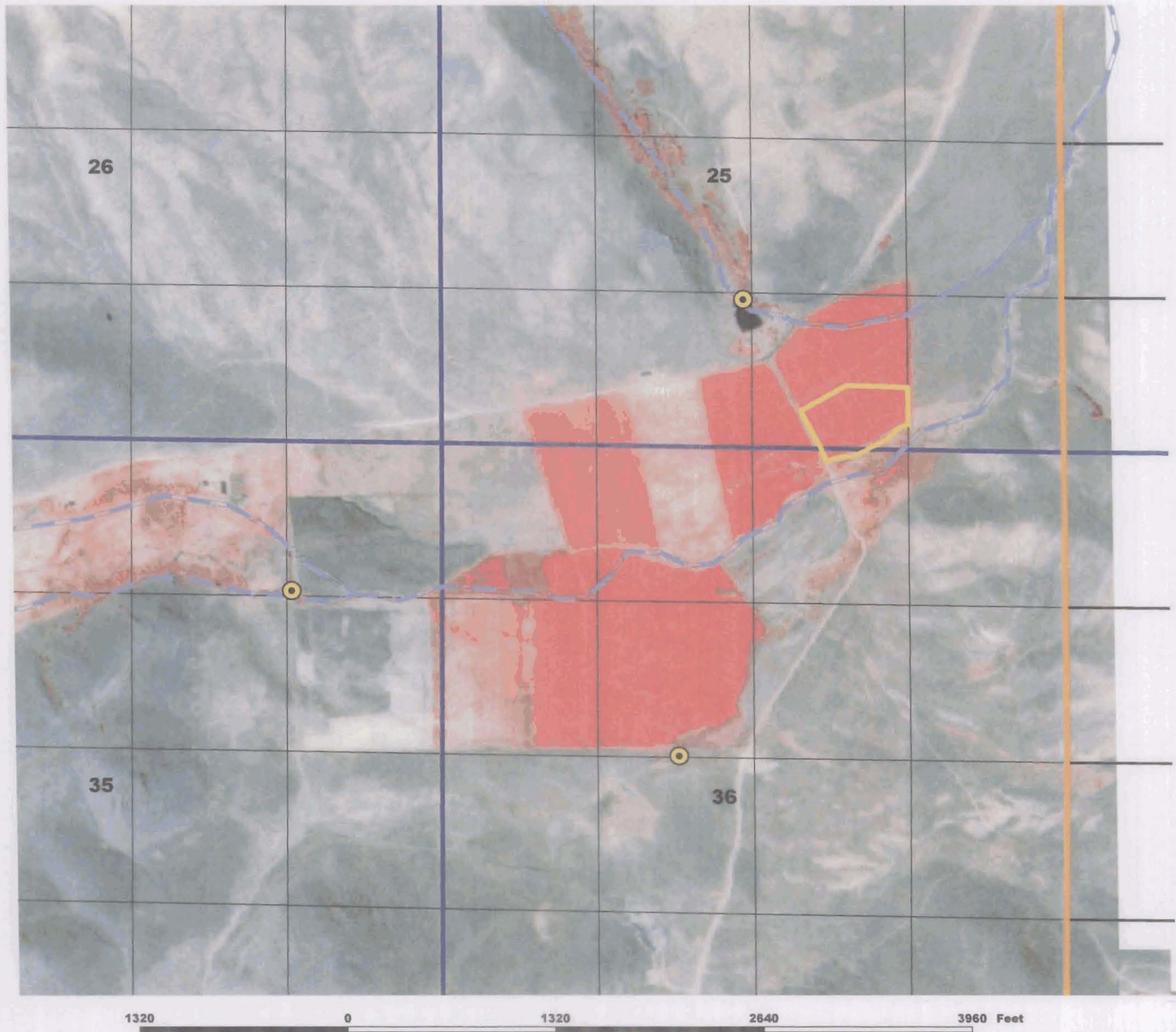
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

This right is a split from former right 37-253 .

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-22066, 37-22068, & 37-22070,**



PLACE OF USE
TWP 2N, RNG 17E, SEC 25 & 36
Data entry on January 18, 2007

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



	Proportionate share	acres
Croy Creek Prop	0.971	319.9
Alfs	0.029	9.4

37-253	7	37-254	2	37-255	0.3
Croy Creek		Croy Creek		Croy Creek	
Prop	Alfs	Prop	Alfs	Prop	Alfs
37-22065	37-22066	37-22067	37-22068	37-22069	37-22070
6.80	0.20	1.94	0.06	0.29	0.01

		storage	lrr fm Storage
Historic POU	106	10	2
Croy Creek Prop	96.6	9.1	1.8
Alfs	9.4	0.9	0.2

