

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

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RECEIVED

JUN 24 2010

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(208) 726-4421  
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DEPARTMENT OF  
WATER RESOURCES

June 23, 2010

Ms. Janet Connell  
Snake River Basin Adjudication  
253 Third Ave. North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

*Re: Subcases 37-4150 and 37-4265 - Amended Notices of Claims*

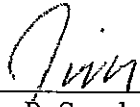
Dear Janet:

Enclosed please find two (2) original Amended Notices of Claims to a Water Right for the above-referenced subcases, along with one copy of each. Please file the Notices and return receipt date-stamped copies to our office in the postage prepaid, self-addressed envelope provided.

Please call if you have any questions. Thank you.

Sincerely,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

Enclosures

cc w/ Enclosures: Client  
Doug Jones, IDWR  
Nick Spencer, IDWR  
Craig Hobdey  
Al Barker

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

CIVIL CASE NUMBER: 39356

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

Ident Number 37-4265

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

1. Name of Claimant(s): James B. Fleig, Arnold Landau, Richard N. Dick and Dolores Pritchard  
Phone: 1-208-725-5200  
Mailing Address: c/o James B. Fleig  
P. O. Box 869  
Ketchum, Idaho 83340
2. Date of Priority: January 1, 1939
3. Source of water supply (a) Big Wood River  
which is tributary to (b) Malad River
4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>¼</u> | <u>¼</u> | <u>¼</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|----------|----------|----------|------------|---------------|
| 4N              | 18E          | 30             | SE       | SE       | NE       |            | Blaine        |

Additional points of diversion if any:

5. Description of existing diversion works: Comstock Ditch to pond

6. Water is claimed for following purposes:

| <u>Purpose</u>     | <u>From</u> | <u>To</u>   | <u>Amount</u>  |
|--------------------|-------------|-------------|----------------|
| Recreation         | January 1   | December 31 | 4.0 cfs        |
| Recreation Storage | January 1   | December 31 | 1.93 acre-feet |

7. Total Quantity Claimed: 4.0 cfs and 1.93 acre-feet

8. Total consumptive use claimed is \_\_\_ acre feet per annum.

9. Non-irrigation uses: recreation and recreation storage in a pond with a surface area of 20,044 sq.ft. , an average depth of 4.2 ft. and a volume of 1.93 acre-feet

10. Place of use:

|               |            |            | <u>NE</u> |           | <u>NW</u> |           | <u>SW</u> |           | <u>SE</u> |           | <u>NE</u> |           | <u>NW</u> |           | <u>SW</u> |           | <u>SE</u> |           | <u>NE</u> |           | <u>NW</u> |           | <u>SW</u> |           | <u>SE</u> |           | <u>TOTALS</u> |
|---------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
| <u>TWP</u>    | <u>RGE</u> | <u>SEC</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>TOTALS</u> |
| 4N            | 18E        | 29         |           |           |           |           |           |           |           |           |           |           |           | R         |           |           |           |           |           |           |           |           |           |           |           |           |               |
| 4N            | 18E        | 30         |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |               |
| <b>TOTALS</b> |            |            |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |               |

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?  
37-4150.

14. Remarks: 37-4150 and 37-4265 are limited to a total combined storage volume of 1.93 acre-feet.

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and  
Dolores Pritchard

37-4265 AmendedNoticeOfClaim.wpd

Ident No. 37-4265

6/22/10

15. Basis of Claim: Beneficial Use

IDWR Water Right Number: 37-4265

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 -

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

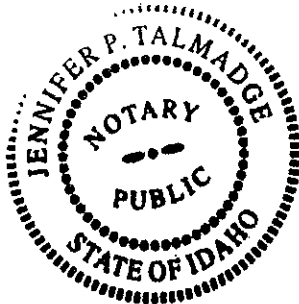
Signature of Claimant(s)

J. P. Speck  
JAMES P. SPECK, attorney for Claimants

Date 6-22-10

State of Idaho )  
 ) ss.  
County of Blaine )

Subscribed and sworn before me this 22 day of June, 2010.



Notary Public for Idaho  
Residing at Ketchum, ID  
Commission Expires 2-9-15

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and  
Dolores Pritchard

37-4265 AmendedNoticeOfClaim.wpd

Ident No. 37-4265

6/22/10

**17. Notice of Appearance:**

Notice is hereby given that \_\_\_\_\_ 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: \_\_\_\_\_

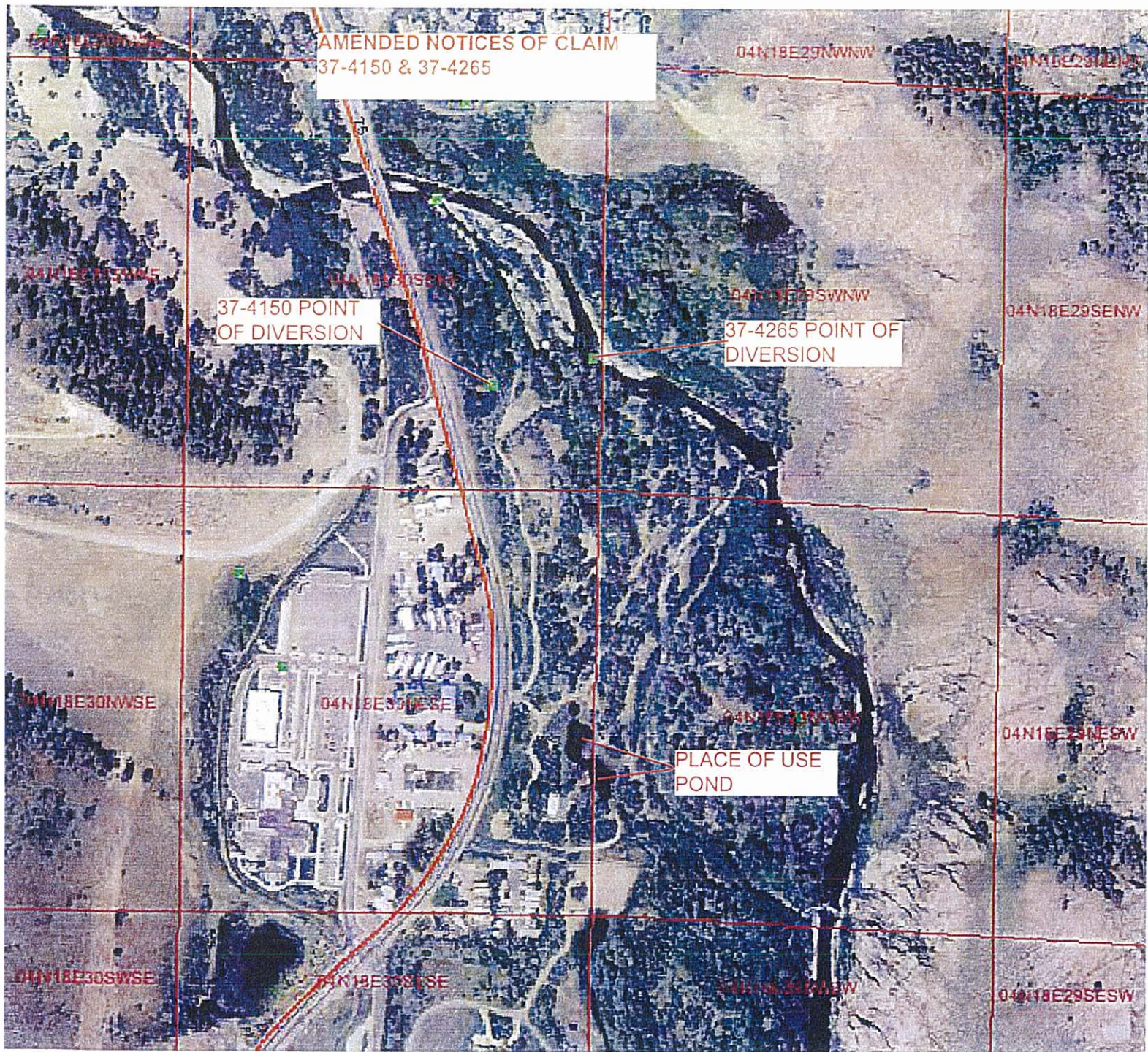
Date: \_\_\_\_\_

**Last Name:** James B. Fleig, Arnold Landau, Richard N. Dick and  
Dolores Pritchard

37-4265 AmendedNoticeOfClaim.wpd

**Ident No.** 37-4265

6/22/10



AMENDED NOTICES OF CLAIM  
37-4150 & 37-4265

37-4150 POINT  
OF DIVERSION

37-4265 POINT OF  
DIVERSION

PLACE OF USE  
POND

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

CIVIL CASE NUMBER: 39356

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

Ident Number 37-4150

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

1. Name of Claimant(s): James B. Fleig, Arnold Landau, Richard N. Dick and Dolores Pritchard  
Phone: 1-208-725-5200  
Mailing Address: c/o James B. Fleig  
P. O. Box 869  
Ketchum, Idaho 83340
2. Date of Priority: January 1, 1939
3. Source of water supply (a) spring  
which is tributary to (b) Big Wood River
4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>¼</u> | <u>¼</u> | <u>¼</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|----------|----------|----------|------------|---------------|
| 4N              | 18E          | 30             |          | SE       | NE       |            | Blaine        |

Additional points of diversion if any:

5. Description of existing diversion works: Entire flow of spring is captured by Comstock Ditch and delivered to pond.

6. Water is claimed for following purposes:

| <u>Purpose</u>     | <u>From</u> | <u>To</u>   | <u>Amount</u>  |
|--------------------|-------------|-------------|----------------|
| Recreation         | January 1   | December 31 | 1.04 cfs       |
| Recreation Storage | January 1   | December 31 | 1.93 acre-feet |

7. Total Quantity Claimed: 1.04 cfs and 1.93 acre-feet

8. Total consumptive use claimed is \_\_ acre feet per annum.

9. Non-irrigation uses: recreation and recreation storage in a pond with a surface area of 20,044 sq.ft. , an average depth of 4.2 ft. and a volume of 1.93 acre-feet

10. Place of use:

| <u>TWP</u>    | <u>RGE</u> | <u>SEC</u> | <u>NE</u> |  |  |  | <u>NW</u> |  |  |  | <u>SW</u> |  |  |   | <u>SE</u> |  |  |   | <u>TOTALS</u> |
|---------------|------------|------------|-----------|--|--|--|-----------|--|--|--|-----------|--|--|---|-----------|--|--|---|---------------|
| 4N            | 18E        | 29         |           |  |  |  |           |  |  |  |           |  |  | R |           |  |  |   |               |
| 4N            | 18E        | 30         |           |  |  |  |           |  |  |  |           |  |  |   |           |  |  | R |               |
| <b>TOTALS</b> |            |            |           |  |  |  |           |  |  |  |           |  |  |   |           |  |  |   |               |

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?  
37-4265.

14. Remarks: 37-4150 and 37-4265 are limited to a total combined storage volume of 1.93 acre-feet.

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and  
Dolores Pritchard

37-4150 AmendedNoticeOfClaim.wpd

Ident No. 37-4150

6/22/10

**Plaintiff v. Defendant:**

## 37-4150 AmendedNoticeOfClaim.wpd

**17. Notice of Appearance:**

Notice is hereby given that \_\_\_\_\_ 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: \_\_\_\_\_

Date: \_\_\_\_\_

**Last Name:** James B. Fleig, Arnold Landau, Richard N. Dick and  
Dolores Pritchard

37-4150 AmendedNoticeOfClaim.wpd

**Ident No.** 37-4150

6/22/10

