

01/06/2011

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

RIGHT NUMBER: 37-496C

NAME AND ADDRESS: DONNA F TUTTLE TRUST DATED JANUARY 5 1
DONNA F TUTTLE TRUSTEE
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 07/01/1883

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

0.050 CFS

PLACE OF USE: MITIGATION in BLAINE County

T03N R18E S20 SENW

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

Pursuant to approval and licensing of 37-8759 this right has been modified to provide mitigation for diversion authorized by 37-8759. Water authorized by 37-496C shall remain undiverted and left in the Big Wood River at the head of the Mizer Ditch at the point of diversion described above.

The owner of water right no. 37-8759 must maintain right no. 37-496C in compliance with requirements and assessments of the operative water district(s) with jurisdiction over 37-496C.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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 37-496C
Date Received: 12/21/1988
Receipt No: X777777
Received By:

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

1. Name of Claimant(s)

DONNA F TUTTLE TRUST DATED JANUARY 5 1 Phone: (208)726-4421

DONNA F TUTTLE TRUSTEE
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID USA 83340

2. Date of Priority: 07/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
03N	18E	18	NE	NE	BLAINE	

5. Description of diverting works:

MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.05	

7. Total Quantity Appropriated is:
0.05 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
03N	18E	20	SE	NW	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER CARTER-NEW OWNER.
QUITCLAIM DEED AND ASSIGNMENT OF PERMIT INCLUDED. PROBLEM WITH P/U
***** 4/12/96, DJ: PLACE OF USE AMENDED PER SIGNED AND NOTARIZED CLAIM
RECEIVED 3/29/96
***** 3/7/2000 TF;
OWNERSHIP CHANGED SUSAN CARTER TRUST TO DONNA TUTTLE TRUST PER 1409(6) AND QUITCLAIM
DEED REC'D 2/11/2000

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 2001

Donna F Tuttle Trust
C/O James P Speck
PO Box 987
Ketchum, ID 83340

RE: Snake River Basin Adjudication (SRBA) **Change of Address**
A37-496C

Dear Claimants:

Thank you for notifying us of your change in address on the above-referenced claim. Our records have been updated and enclosed is a copy of the revised Notice of Claim.

If you have any questions, please feel free to call our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorothy L. Worley', is written over the typed name and title. The signature is fluid and cursive.

Dorothy L Worley
SRBA Records Clerk

Enclosure

RECEIVED

AUG 16 2001

Department of Water Resources
Southern RegionIDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST., STE .200
TWIN FALLS, ID 83301-3380
(208) 736-3033

NOTICE OF CHANGE IN ADDRESS

- ☐ Water Right Number(s): A37-00496C
- ☐ Old Mailing Address: Donna F. Tuttle Trust Dated January 5, 1994
468 N Camden Dr. Ste 300
Beverly Hills CA 90210
- ☐ New Mailing Address: Donna F. Tuttle Trust Dated January 5, 1994
c/o James P. Speck, P O Box 987
Ketchum, Idaho 83340
- ☐ New Telephone Number: (208) 726-4421
- ☐ Signature of Claimant(s): *Donna Tuttle*

Date:

6/19/2001

FOR IDWR USE ONLY

INITIAL Review and Data Entry

Date:

By:

Further Action Needed:

Further Action Taken:

Date:

By:

Final Review and Data Entry

Date:

By:

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

August 14, 2001

RECEIVED

AUG 16 2001

**Department of Water Resources
Southern Region**

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: Notice of Change of Address
A37-00496C**

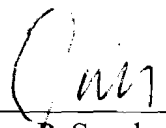
Dear Allen:

Enclosed, you will find the original and one copy of a Notice Of Change In Address in Water Right No. A37-00496C. Please receipt date stamp the copy of the Notice and return to me in the postage pre-paid, self-addressed envelope I have included for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jgm
enclosure
cc: Client

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: A37-00496C

Date Received: 12/21/1988

Receipt No: X777777

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DONNA F TUTTLE TRUST DATED JANUARY 5 1994 310-285-1715
Address: DONNA F TUTTLE TRUSTEE
468 N CAMDEN DR STE 300
BEVERLY HILLS CA 90210

2. Date of Priority: JUL 1, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18	NE	NE	NE		BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	20	SE	NW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER
CARTER-NEW OWNER. QUITCLAIM DEED AND ASSIGNMENT OF PERMIT
INCLUDED. PROBLEM WITH P/U.

4/12/96, DJ: PLACE OF USE AMENDED PER SIGNED AND NOTARIZED CLAIM
RECEIVED 3/29/96.

3/7/2000 TF; OWNERSHIP CHANGED SUSAN CARTER TRUST TO DONNA TUTTLE
TRUST PER 1409(6) AND QUITCLAIM DEED REC'D 2/11/2000.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

March 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONNA F TUTTLE TRUST DATED JANUARY 5 1994
DONNA F TUTTLE TRUSTEE
468 N CAMDEN DR STE 300
BEVERLY HILLS CA 90210

RE: SRBA Claim(s) A37-00496C

Dear Ms. Tuttle:

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

Sincerely,

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

Trish Fawcett
Technical Records Specialist

Enc.

cc: James P. Speck

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

RECEIVED

FEB 11 2000

Department of Water Resources
Southern Region

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) 37-00496C
 Adjudication Claim Number(s) A37-00496C
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 Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acre outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimants Susan M. Carter, Trustee of the Susan M. Carter Revocable Trust,
Dated May 16, 1994
P.O. Box 4679, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Donna F. Tuttle, Trustee of the Donna F. Tuttle Trust Dated January 5, 1994
 Name connector (check one): [] AND, [] OR, [] AND/OR
 New Mailing Address 468 N Camden Dr., Ste. 300
 City, State and ZIP Code Beverly Hills, CA 90210
 New Telephone Number (310) 285-1715
5. Date you acquired the property March 19, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(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 _____
 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) Don F. Tuttle Date 3/25/98
DONNA F. TUTTLE, TRUSTEE Date _____
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. 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.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), of Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right. During an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed Claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believe there are Water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector “and”, “or” or “and/or”. If an “and” is used, all parties must sign this form. If an “and/or” or “or” is used, all parties may sign, however only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of “closing” in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be “split” to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than ½ acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033
IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d’Alene, ID 83814-2615 (208) 769-1450
IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECEIVED
FEB 11 2000
Department of Water Resources
Southern Region

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, SUSAN M. CARTER, TRUSTEE OF THE SUSAN M. CARTER REVOCABLE TRUST, DATED MAY 16, 1994, whose address is P. O. Box 4679, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto DONNA F. TUTTLE, TRUSTEE OF THE DONNA F. TUTTLE TRUST DATED JANUARY 5, 1994, whose address is 1800 Century Park East, Suite 210, Los Angeles, CA 90067 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises situated in Blaine County, Idaho, to wit:

0.050 cfs of that certain water right for the diversion of the waters of the Big Wood River for irrigation purposes with priority date of July 1, 1883, decreed to Thomas Mizer in S.C. Frost, et al. v. Alturas Water Company, et ux, dated December 13, 1909, and identified as water right 37-00496, a portion of which is claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-00496C.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

DATED this 19 day of March, 1998.

GRANTOR:

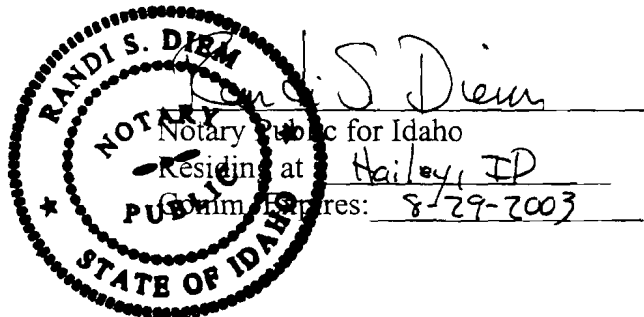
DATE:

SUSAN M. CARTER, TRUSTEE OF THE SUSAN
M. CARTER REVOCABLE TRUST, DATED MAY
16, 1994

STATE OF IDAHO)
) ss.
County of Blaine)

On this 19th day of March, 1998, before me the undersigned notary public in and for said state, personally appeared SUSAN M. CARTER, TRUSTEE OF THE SUSAN M. CARTER REVOCABLE TRUST, DATED MAY 16, 1994 and the person who executed the foregoing instrument on behalf of said trust and acknowledged to me that said trust executed the same.

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



SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

February 8, 2000

RECEIVED
FEB 11 2000
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: Notice of Change of Water Right Ownership
37-00496C and A37-00496C**

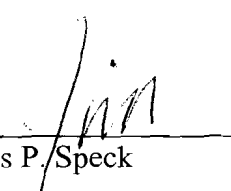
Dear Allen:

I represent Donna F. Tuttle, Trustee of the Donna F. Tuttle Trust Dated January 5, 1994 in the above-referenced water right claims. Enclosed you will find a Notice of Change of Water Right Ownership for Water Right No. 37-00496C and A37-00496C. Please call me if you have any questions about this Notice. If not, kindly send me copies of the computer printouts reflecting the change of ownership once the information has been entered into the IDWR database.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
enclosures
cc: Client (w/encls.)

RECEIVED

MAR 29 1996

Department of Water Resources
Southern Region

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: A37-00496C
Date Received: 12/21/1988
Receipt No: X777777
Received By: _____

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

1. Name: SUSAN M CARTER REVOCABLE TRUST 208-726-8935
Address: SUSAN CARTER TRUSTEE
PO BOX 4679
KETCHUM ID 83340

2. Date of Priority: JUL 1, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18	NE	NE	NE		BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	20	SE	NW		IRR	2.0

MICROFILMED

NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER
CARTER-NEW OWNER. QUITCLAIM DEED AND ASSIGNMENT OF PERMIT
INCLUDED. PROBLEM WITH P/U.
CLAIM AMENDED TO CORRECT P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
NOV 22 1996

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): Susan M. Cabler Date: 3/25/96
_____ Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of March 19 96

[Signature]
Notary Public

Seal

Residing at Hailey

My Commission Expires 8/4/99

MICROFILMED
NOV 22 1996

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: A37-00496C
Date Received: 12/21/1988
Receipt No: X777777
Received By: *O/C HLB*

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: SUSAN M CARTER REVOCABLE TRUST 208-726-8935
Address: SUSAN CARTER TRUSTEE
PO BOX 4679
KETCHUM ID 83340

2. Date of Priority: JUL 1, 1883

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

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Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18		NE	NE		BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	2.0

MICROFILMED

NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER
CARTER-NEW OWNER. QUITCLAIM DEED AND ASSIGNMENT OF PERMIT
INCLUDED. PROBLEM WITH P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

NOV 22 1996

Date: 06/19/95



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

DATE OF CLOSING: Jan. 31, 1995

FEB 16 1995

LEGAL DESCRIPTION OF PROPERTY: Township Range Department of Water Resources
 Section , 1/4 of 1/4 of 1/4, Govt. Lot , BM. Southern Region
 Lot , Block, , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
 Assigned by IDWR: — A37-00496C

☐ Name and Address of Former Owner/Claimant(s)(Seller): Elizabeth P. Cook
P O Box 1626

☐ New Owner/Claimant (Purchaser): Hailey ID 83333
Susan M. Carter Revocable Trust dated May 16, 1994
Susan M. Carter, Trustee

☐ New Mailing Address:
P O Box 4679
Ketchum ID 83340

☐ New Telephone Number: (208) 726 - 8935

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: See Attached Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): *Susan M. Carter* Date 2/3/95
 Date

☐ Signature of Former Owner/Claimant(s): Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 6/19/95 By: HLB

Claim Numbers of Split, if any:

MICROFILMED

NOV 22 1996

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

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

February 15, 1995

RECEIVED

FEB 15 1995

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

Department of Water Resources
Southern Region

Re: SRBA Claim No. A37-00496C and Permit No. 37-08759

Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for SRBA Claim No. A37-00496C to change the ownership from Elizabeth B. Cook to Susan M. Carter, Trustee of the Susan M. Carter Revocable Trust dated May 16, 1994. Attached to the Notice are copies of the two quitclaim deeds showing the chain of title from Mrs. Cook to Susan Carter as an individual, and then to Susan Carter as Trustee. Please send me a copy of the computer printout as soon as these changes have been made in your data base.

I have also enclosed the Assignment of Permit from Susan M. Carter to Susan M. Carter, Trustee of the Susan M. Carter Revocable Trust dated May 16, 1994 for Permit No. 37-08759. Will you please record this Assignment in the IDWR records.

Kindly call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

James P. Speck

JPS:sab
enclosures
cc: Susan Carter (w/encl.)
Elizabeth Cook (w/encl.)

MICROFILMED

NOV 22 1995

INTER-DEPARTMENT MEMO

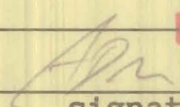
TO: File 37-08759SUBJECT: Assignment FeeFROM: Allen MerrittDATE: 2/17/95

I Phoned Jim Speck and informed him of
See for assignment. He indicated to hold
assignment if he will send CK next
week

Assignment put in Mury's basket

MICROFILMED

NOV 22 1996


signature

() For your information

() Response required

INTER-DEPARTMENT MEMO

TO: A37-00496C

SUBJECT: _____

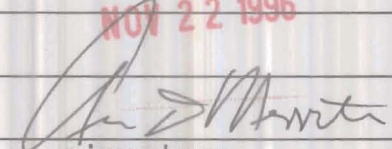
FROM: Allen MerrittDATE: 11/30/94

This right is being used to mitigate the
damage for approval of irrigation under
permit 37-08759.

See Permit file 37-08759.

MICROFILMED

NOV 22 1996


signature

() For your information

() Response required

RECEIVED

MAR 16 1996

RECEIVED

FEB 16 1995

ORIGINAL IN RED

Hogue, Speck & Aanstad

Department of Water Resources
Southern Region

375633

Deed

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

BLAINE CO. REQUEST

OF: *Hogue, Speck*

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD, P.A.
Post Office Box 987
Ketchum, Idaho 83340

'95 FEB 13 AM 11 26

MARY GREEN, CLERK *MP*

(space above line for Recorder's use)

FEES \$ *6.00*

QUITCLAIM DEED

FOR VALUE RECEIVED, ELIZABETH P. COOK, a single woman, whose current mailing address is Post Office Box 1626, Hailey, Idaho 83333 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto SUSAN M. CARTER, a single woman, whose current mailing address is Post Office Box 4679, Ketchum, Idaho 83340 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.050 cfs of that certain water right for the diversion of the waters of the Big Wood River for irrigation purposes with priority date of July 1, 1883, decreed to Thomas Mizer in S.C. Frost, et al. v. Alturas Water Company, et ux, dated December 13, 1909, and identified as water right 37-00496, a portion of which is claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-00496C.

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

QUITCLAIM DEED - 1

RECEIVED

MICROFILMED FEB 15 1995

NOV 22 1996 Hogue, Speck & Aanstad

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

DATED this 13 day of March, 1992.

GRANTOR:

Elizabeth P. Cook
ELIZABETH P. COOK

STATE OF Idaho)
County of Blaine) ss.

On this 13 day of March, 1992, before me, the undersigned Notary Public in and for said state, personally appeared ELIZABETH P. COOK, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Janet Lee
Notary Public for Idaho
Residing at: Hailey
Commission Expires: 10-6-94

f:\don\jps\carterqt.clm
March 2, 1992

QUITCLAIM DEED - 2

MICROFILMED
NOV 22 1996

ORIGINAL IN RED

RECEIVED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

FEB 16 1995

James P. Speck, Esq.

HOGUE, SPECK & AANESTAD Department of Water Resources

P. O. Box 987

Southern Region

Ketchum, Idaho 83340

375634

Deed

BLAINE CO. REQUEST

(space above line for Recorder's use)

FEES \$
9⁰⁰

OF *Hogue & Speck*

'95 FEB 13 AM 11 28

QUITCLAIM DEED

MARY GREEN, CLERK *mp*

FOR VALUE RECEIVED, I, SUSAN M. CARTER, of P. O. Box 4679, Ketchum, Idaho 83340, ("Grantor"), do hereby convey, release, remise and forever quitclaim unto SUSAN M. CARTER REVOCABLE TRUST, DATED MAY 16, 1994, SUSAN M. CARTER, TRUSTEE whose current mailing address is P. O. Box 4679, Ketchum, Idaho 83340, ("Grantee"), any and all interest I may have in the following described premises, situated in Blaine County, Idaho, to wit:

1. See Attached Exhibit A, Metes & Bounds Description of Tax Lot 4018;
2. Lot 8, Block 4, as shown on a REPLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND 8 WEYYAKIN SUBDIVISION AMENDED, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder as Instrument No. 224903, records of Blaine County, Idaho.
3. 0.050 cfs of that certain water right for the diversion of the waters of the Big Wood River for irrigation purposes with priority date of July 1, 1883, decreed to Thomas Mizer in S.C. Frost, et al. v. Alturas Water Company, et ux, dated December 13, 1909, and identified as water right 37-00496, a portion of which is claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-00496C.

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

QUITCLAIM DEED - 1

MICROFILMED
NOV 22 1998

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

DATED this 3rd day of Feb, 1995.

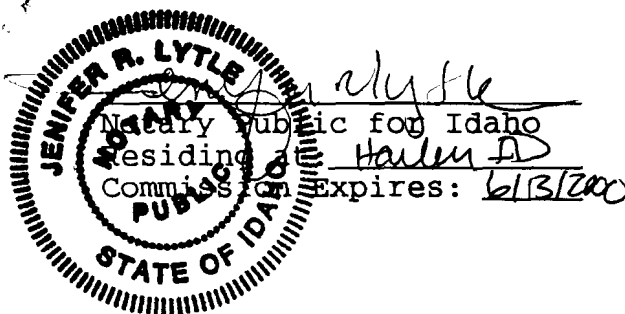
GRANTOR:

Susan M. Carter
Susan M. Carter

STATE OF IDAHO)
) ss.
County of Blaine)

On this 3rd day of February, before me, the undersigned, a notary public in and for said state, personally appeared Susan M. Carter known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



MICROFILMED
NOV 22 1996

METES AND BOUNDS DESCRIPTION
Tax Lot 4018

T5N-R17E, HES 329:

Commencing at corner 2 of said HES 329, thence S 57° 05'W 2070.77 feet to the true point of beginning.

Thence S 43° 12'E 413.94 feet

Thence S 46° 48'W 307.00 feet

Thence N 43° 12'W 469.57 feet

Thence N 57° 05'E 312.02 feet to the true point of beginning.

Cancels Tax Lot 3828, contains 3.12 acres.

MICROFILMED

NOV 22 1996

EXHIBIT A

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: **A37-00496C**
Date Received: 12/21/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ELIZABETH P. COOK
Address: P.O. BOX 1869
KETCHUM ID

208-788-5052

83340

2. Date of Priority: JUL 1, 1883

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18	NE	NE	NE		BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	2.0

Section Acres

2.0

Total Acres

2.0

RECORDED
FEB 23 1992

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

WICHITA COUNTY
FEB 23 1992

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: A37-00496B
Date Received: 10/21/1988
Receipt No: C004250 *Lat*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELIZABETH P. COOK 208-788-5052
Address: P.O. BOX 1869
KETCHUM, ID 83340

2. Date of Priority: JUL 01, 1883

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

4. Point of Diversion:

18 o.k.
Township Range Section 1/4 of 1/4 of 1/4 Lot County
03N 18E 20 SE SW BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	2.0

n Acres 2.0

Acres 2.0

Date: 01/24/89

RECORDED
FEB 23 1993

Re number C

Lufkin should get B

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

Decree Plaintiff

vs

Decree Defendant

RECORDED
FEB 23 1993

16. Signature(s)

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

Number of attachments: _____

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 _____

RECORDED
FEB 23 1993

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

A37-00496B

Date Received

10-21-88

Receipt Number

C004250

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 21 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Elizabeth P. Cook Phone (28) 788-5252Mailing Address P.O. Box 1869, Ketchum, Idaho Zip 833402. Date of Priority (Only one (1) per claim) July 1, 18833. Source of water supply (a) Big Lost River - Mize #20 Headgate
which is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 3N. Range 18E. Section 18,
NE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of BlaineAdditional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township 3N Range 18E. Section 20, 1/4 of SE 1/4 of SW 1/4,Govt. Lot B.M., County of Blaineending point is: Township 3N. Range 18E Section 20, 1/4 of SE 1/4 ofSW 1/4, Govt. Lot B.M., County of Blaine5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Mize #20 Headgate -conveyance ditches to place of use.MICROFILMED
FEB 23 1989

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .05 ~~cfs~~ and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
31	18E	18	2																

Total number of acres irrigated 2 acres

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Last Name Cook

Ident No. 37-0496

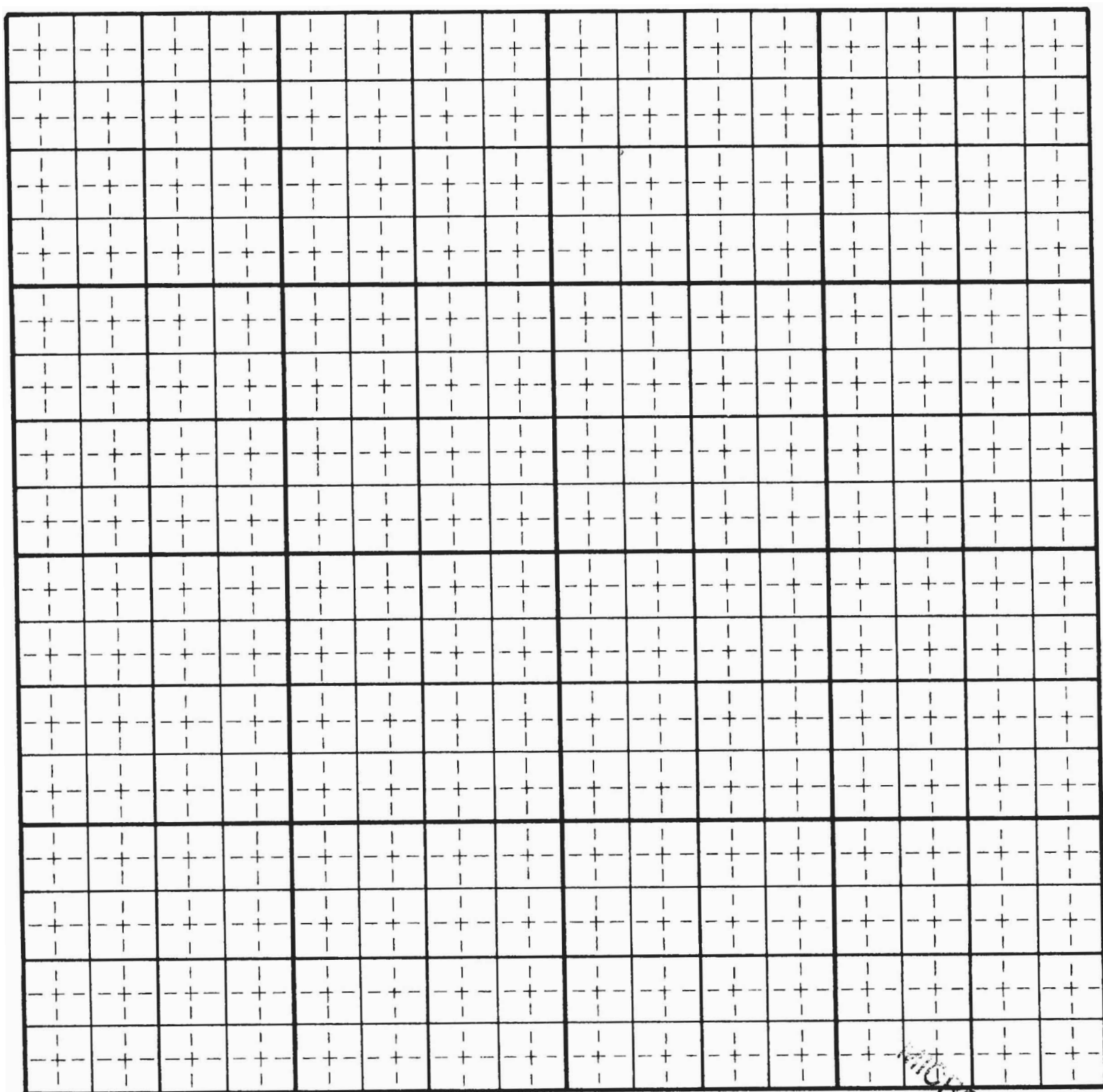
Copies: White -State, Yellow-Claimant

MICROFILMED
FEB 23 1995



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

Scale: 2 inches equals 1 mile



MICROFILMED
FEB 23 1993

Last Name

Cook

Ident No.

37-0426

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date July 1, 1883 to Thomas Mize

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Elizabeth P. Cook Date 10-20-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing document in the space below as _____ Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20th day of October 19 88

SEAL

Notary Public Dee Chavey

Residing at Harley

My Commission Expires 9/10/92

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Cook Ident. Number 37-4496

White-State, Yellow-Claimant

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

19-Nov-1991 09:40

Elizabeth P. Cook
PO Box 1869
Ketchum, ID 83340

RECEIVED
NOV 23 1991
Department of Water Resources
Southern Region Office

RE: SRBA Claim A37-00496B number change to A37-00496C

Dear Claimant:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of **A37-00496C**. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

RECEIVED
FEB 23 1993

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: A37-00496C
Date Received: 12/21/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ELIZABETH P. COOK 208-788-5052
Address: P.O. BOX 1869
KETCHUM ID 83340

2. Date of Priority: JUL 1, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18	NE	NE	NE		BLAINE

5. Description of diverting works:
MIZER #20 HEADGATE, CONVEYANCE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	2.0

Section Acres

Total Acres

2400
FEB 23 1993
RECEIVED

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

WRONG FILED
FEB 23 1993

MEMO TO FILE

DATE: AUGUST 29, 1994

FROM: MEL SCHULTE

MTA

RE: APPLICATION 37-08759
N/O SUSAN M. CARTER

ON AUGUST 26, 1994 I MET WITH ELIZABETH COOK TO INSPECT THE TWO ACRE PARCEL PROPOSED TO BE DRIED UP IN THE MITIGATION PLAN FOR THE ABOVE REFERENCED APPLICATION.

THE PROPERTY CONSISTS OF A VACANT FIELD IN ADDITION TO LAWN, SHRUBS AND GARDEN ADJACENT TO A RESIDENCE. THE LAWN AND GARDEN AREA OF LESS THAN ONE/HALF ACRE IS CURRENTLY IRRIGATED FROM A DOMESTIC WELL. WHILE THE SURFACE WATER APPURTENANT TO THE PARCEL WAS NOT CURRENTLY BEING APPLIED, THERE WAS SUFFICIENT PHYSICAL EVIDENCE TO INDICATE IT HAD BEEN USED IN THE PAST. I DID NOT MEASURE THE AREA BUT IT DID APPEAR TO BE ABOUT TWO ACRES IN SIZE. THE PROPERTY IS AN UNPLATTED AREA ADJACENT TO STARWEATHER SUBDIVISION THAT WAS RETAINED BY THE OWNERS WHEN THE LARGER PLATTED PARCEL WAS SOLD TO THE SUBDIVIDERS.

THERE IS A PROBLEM WITH THE LEGAL DESCRIPTION USED IN THE SRBA CLAIM (A37-00496C). THE PARCEL IS LOCATED IN 3N, 18E, S20, SENW NOT IN 3N, 18E, S18, NENE.

ELIZABETH COOK INDICATED THE LAST TIME THE SURFACE WATER WAS APPLIED TO THE SUBJECT PARCEL WAS ABOUT FOUR YEARS AGO. THE WATER MASTER RECORDS INDICATED ELIZABETH COOK WAS LAST BILLED AND DELIVERED WATER IN 1990. THE DELIVERY SYSTEM FROM THE MIZER DITCH TO HER PROPERTY IS NO LONGER SERVICEABLE BUT THERE IS STILL EVIDENCE OF A SMALL ADJACENT IRRIGATION DITCH.

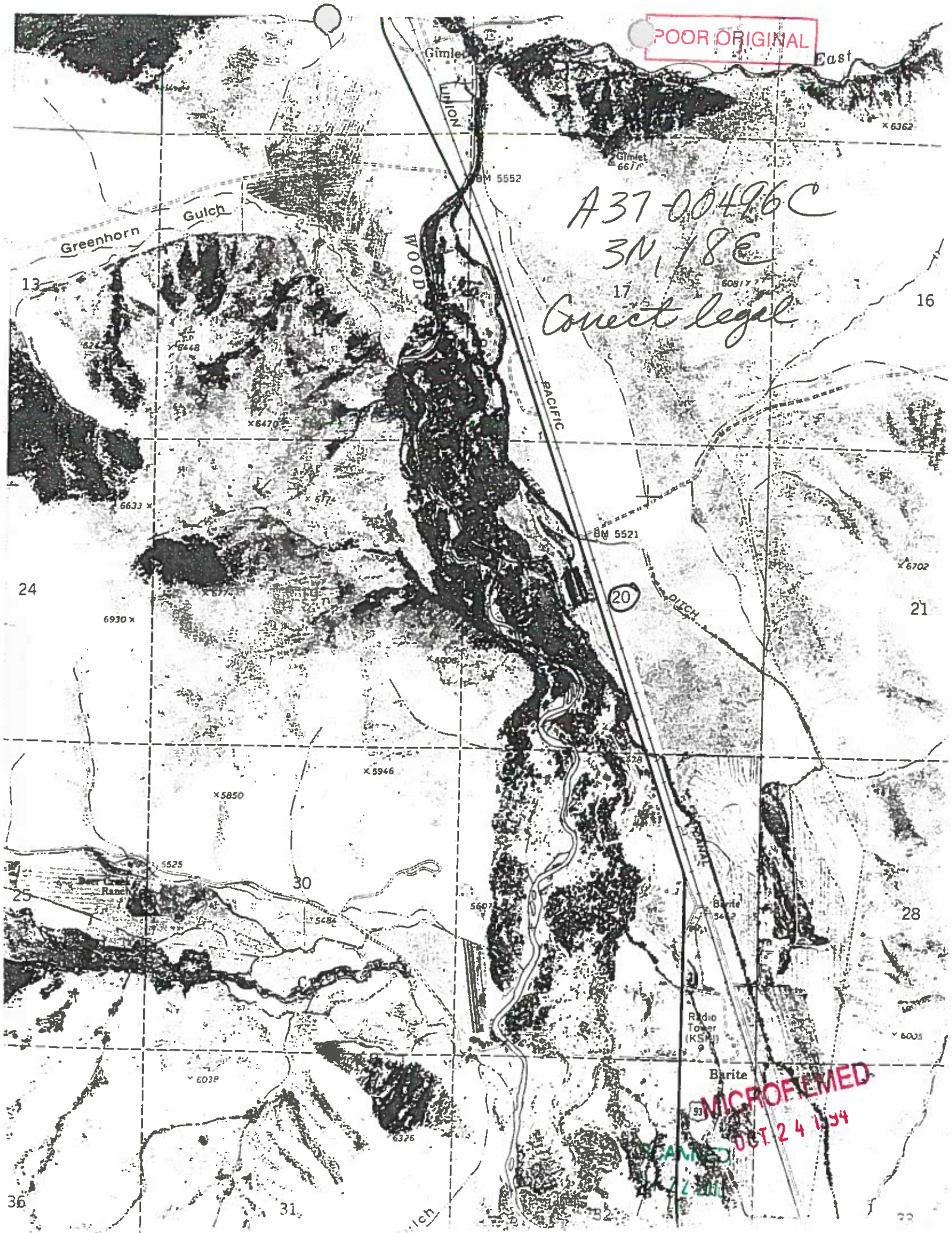
IN A TELEPHONE CONVERSATION WITH LEE PETERSON, WATERMASTER, HE EXPRESSED CONCERN WITH THE ABILITY TO MAINTAIN CONTROL OF THE MITIGATED SURFACE RIGHT. IF THE APPLICATION IS APPROVED HE INSISTS THE WELL BE VALVED SO HE CAN TURN OFF THE IRRIGATION COMPONENT WHEN NECESSARY WITHOUT INTERFERING WITH THE DOMESTIC COMPONENT.

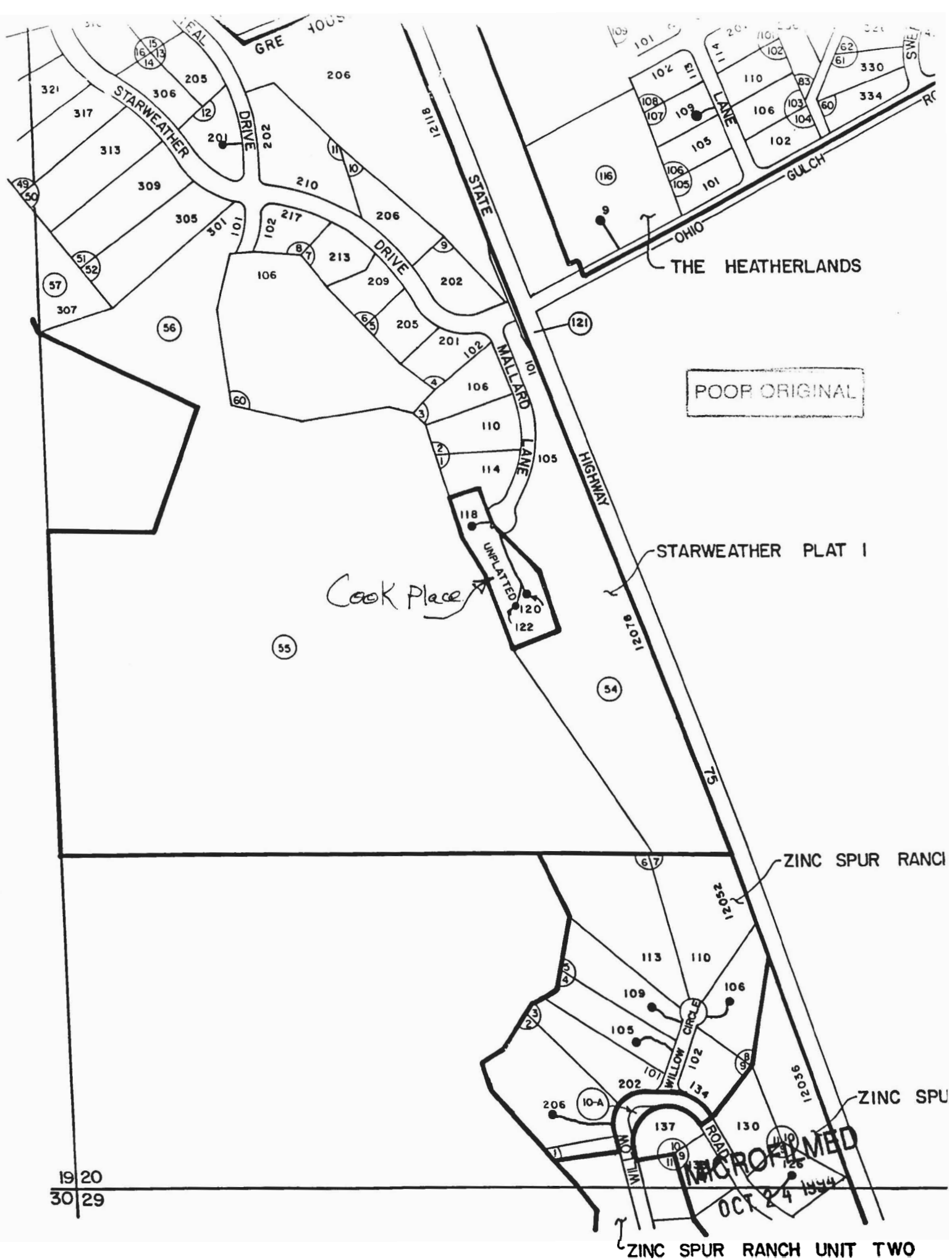
THE PROPOSED P/U IN THE APPLICATION IS IN THE EAGLE CREEK AREA ABOUT 13 MILES NORTH OF THE P/U FOR THE PROPOSED MITIGATION RIGHT. THE INTERRELATIONSHIP OF THE AQUIFER UNDER EAGLE CREEK AND THE BIG WOOD RIVER NEEDS TO BE ADDRESSED BEFORE THE APPLICATION IS APPROVED.

MICROFILMED
OCT 24 1994

POOR ORIGINAL

A37-00496C
3N, 18E
Correct legal





COPY

FILED
TWIN FALLS CO., IDAHO
FILED

2007 NOV 14 PM 2 29

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

Water Rights: 37-496C

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☒ Issuance of License pending on an associated permit

☐ Substitution of Party/Split Water Right

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: 6/1/08

Dated

11/14/07

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 14, 2007

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

RE: SRBA Claim(s) 37-496C

Dear Counselor:

Please find the enclosed copy of the Notice of Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Sub Case

BA Water Right Claimant

37 00496 C Area: 16

Action: (A,U,R,C)

File#: 1656

Claimant

Type

Name: DONNA F TUTTLE TRUST

B

#OBJs:

Address: DONNA F TUTTLE TRUSTEE

#ROAs: 1

Address: C/O JAMES P SPECK

Address: PO BOX 987

City: KETCHUM ID 83340

OBJ Due Date: 11-14-2007

Phone: 208-726-4421

IDWR Attn: _____

Attorney: PRO SE

Attorney: _____

Water Master: 199 MELANSON, JOHN M

Federal/State Issue: S Point of Diversion:

Source of water: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

Note:

Status: 4 ADMIN PROCEED PENDING

Type of Case:

Adjudication:

Last Event

Next Event

Trial

M/R/R

Filed

Decree

Filed

8

NOTES

ADMIN DEADLN

=====
F1:Menu F2:Prior F3:Next F4:Find F6:Help F7:AddClm F8:D/R F9:Split
F10:OBJ F11:ROA F12:RES F13:P/D F14:Sched F15:Tck F16>Note F17:Exh F18:OthPty

Pending Lic. on 3-2-2008 and 10-10-2008

`BA Register of Action

File#: 1656

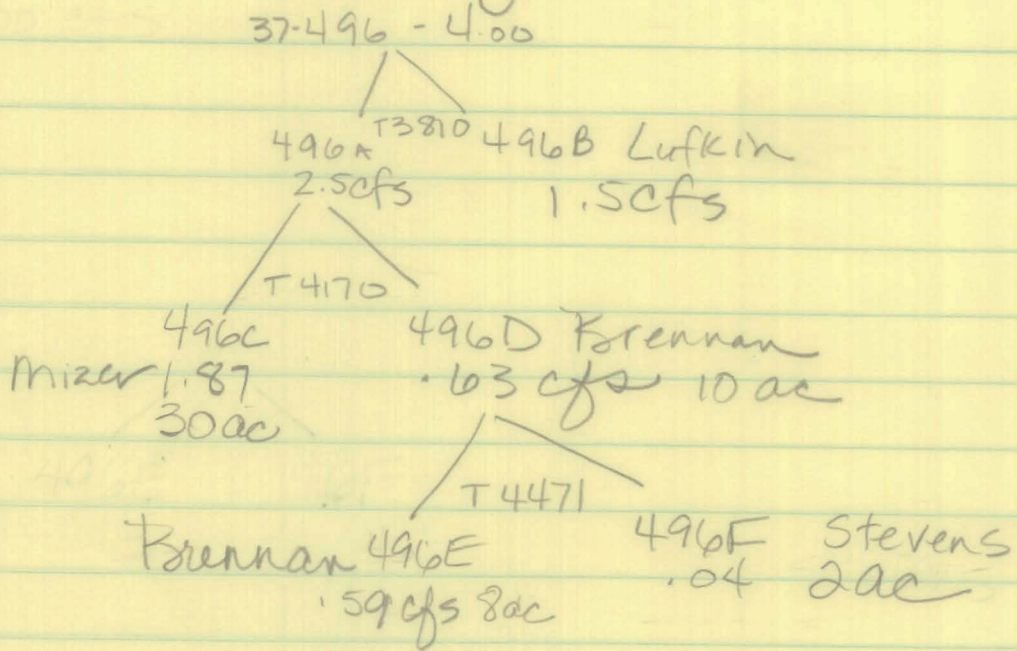
LR: 1

Filed Disp/~~SET~~ Res/
MMDDYEAR WA MMDDYEAR Obj

[illegible]--> A:add U:update D:delete C:copy L:link P:print T:top B:bottom **NOTES**

F1=Menu F2=Prior F3=Next F4=Name/Subcase List F5=N/L Evt F8=D/R
F9=Claimant F10=Objection F11=Copy F12=Respondant F13=P/D F14=Sched F24=Scan

Water Rights

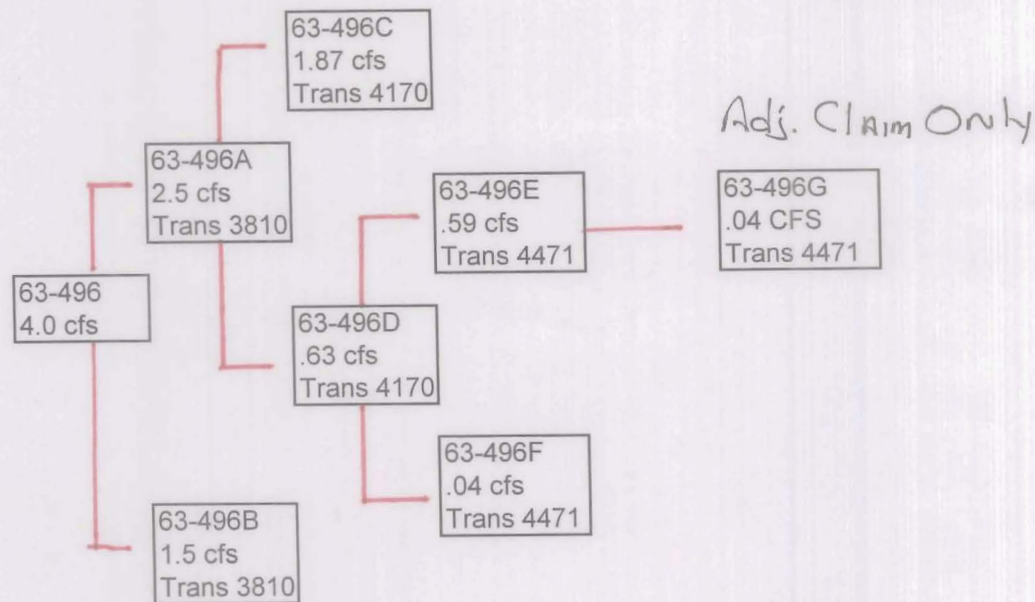


Adjudication

Lufkin claimed 37-496 for 1.5cfs renumbered to 496B
 Cook claimed 37-496C for .05cfs as mitigation for 37-8757
 Starweather claimed 37-496A for 2.5cfs

WR		AS
496B	1.5cfs =	496B 1.5cfs
496C	1.87cfs =	496D 1.87 = should not be a parent
496E	.59cfs =	496F .59 — 1.82
496F	.04	496G .04
		496C .05

37-496 Splits



Transfer 3180 gave 63-496B POD of NENE, Sec 19, T3N, R18E for 1.5 cfs

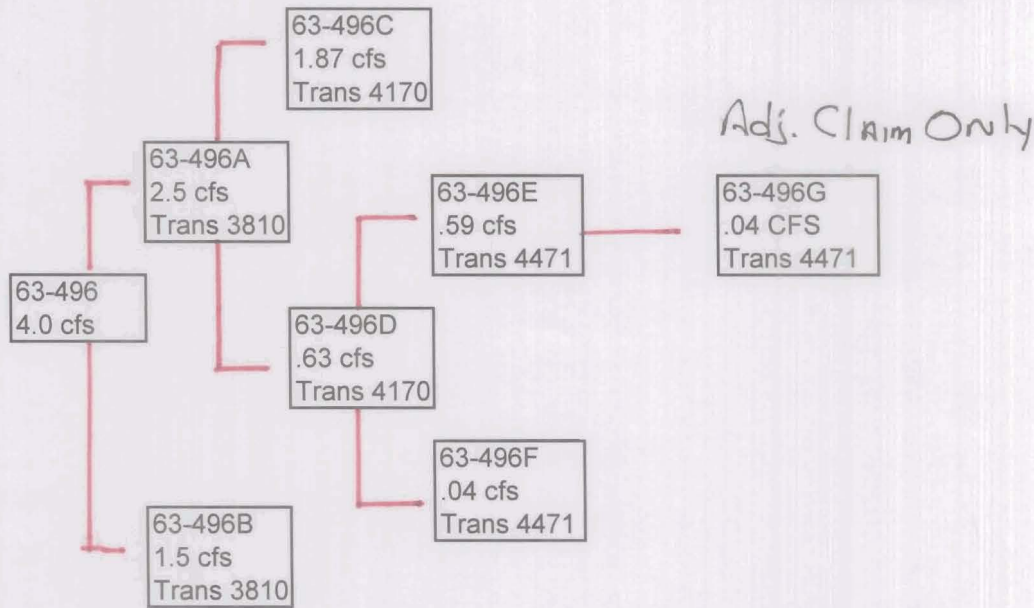
Transfer 4170 for 63-496D shows POD at SESW, Sec 20, T3N, R18E for .63 cfs
From this transfer 63-496C POD is NENE, Sec 19, T3N, R18E for 1.87 cf

Transfer 4471 for 63-496F shows POD at SENE, Sec 6, T3N, R18E for .04 cfs
Leaving 63-496E with .59 cfs at SESW, Sec 20, T3N, R18E for .59 cfs

Analysis: WR shows	Owner	Adj Claim shows	Owner
63-496F .04 cfs POD at SENE, Sec 6, T3N, R18E	Grant Stevens	.59 cfs POD at SESW, Sec 20, T3N, R18E	Berlow/Barr from Robert Brennan
63-496E .59 cfs POD at SESW Sec 20, T3N, R18E	Robert Brennan	.63 cfs POD at SESW, Sec 20, T3N, R18E	
63-496G none		.04 cfs POD is SENE, Sec 6, T3N, R18E	Simon Family Trust from Grant Stevens

Quinta W

37-496 Splits



Transfer 3180 gave 63-496B POD of NENE, Sec 19, T3N, R18E for 1.5 cfs

Transfer 4170 for 63-496D shows POD at SESW, Sec 20, T3N, R18E for .63 cfs
From this transfer 63-496C POD is NENE, Sec 19, T3N, R18E for 1.87 cf

Transfer 4471 for 63-496F shows POD at SENE, Sec 6, T3N, R18E for .04 cfs
Leaving 63-496E with .59 cfs at SESW, Sec 20, T3N, R18E for .59 cfs

Analysis: WR shows

Owner

Adj Claim shows

Owner

63-496F	.04 cfs POD at SENE, Sec 6, T3N, R18E	Grant Stevens	.59 cfs POD at SESW, Sec 20, T3N, R18E
63-496E	.59 cfs POD at SESW Sec 20, T3N, R18E	Robert Brennan	.63 cfs POD at SESW, Sec 20, T3N, R18E
63-496G	none		.04 cfs POD is SENE, Sec 6, T3N, R18E

Berlow/Barr from
Robert Brennan

Simon Family Trust
from Grant Stevens

Quinta W



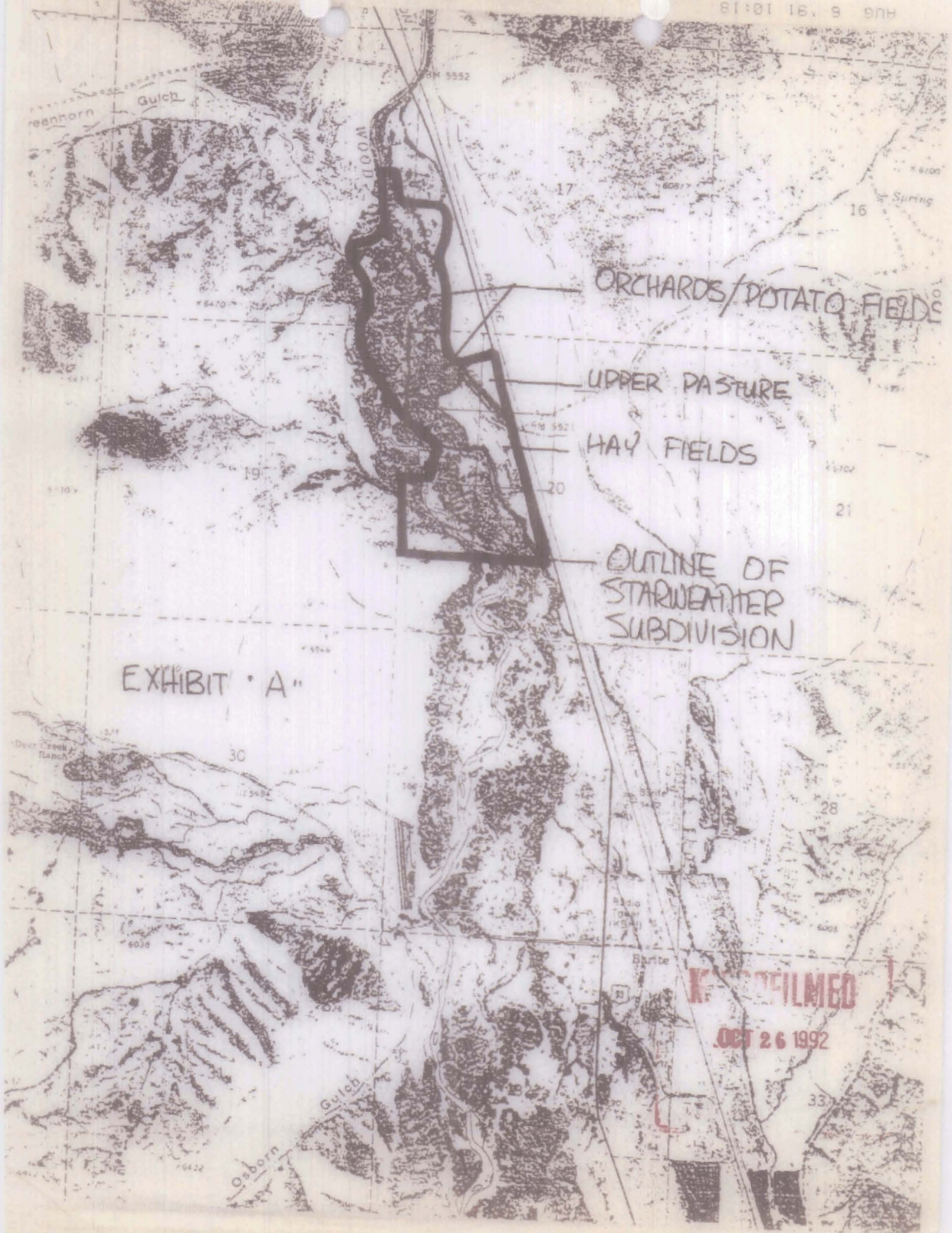


EXHIBIT 'A'

K-1 FILMED
OCT 26 1992

ORIGINAL FILED**RECEIVED**

APR 11 1995

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:Department of Water Resources
Southern RegionJames P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P O Box 987
Ketchum, Idaho 83340

PLACE TO REQUEST

Hogue, Speck et al

APR 29 AM 11:26

311137

Space Above This Line For Recorder's Use)

Mary Green

CLERK

Deal

QUITCLAIM DEED

FOR VALUE RECEIVED, ROBERT M. BRENNAN, a married man dealing in his separate property, whose address is P O Box 1991, Sun Valley, Idaho 83353, ("Grantor") does hereby convey, release, remise and forever quitclaim unto STARWEATHER SUBDIVISION PROPERTY OWNER'S ASSOCIATION, an Idaho non-profit corporation, whose address is c/o Super Sec, P O Box 254, Ketchum, Idaho 83340, ("Grantee"), any and all interest which Grantor may have in the following described water rights:

1.87 cfs of Idaho Water Right No. 37-00496C, with a priority date of July 1, 1883; and

0.9375 cfs of Idaho Water Right No. 37-00497, with a priority date of July 1, 1892.

Both water rights used for the irrigation of thirty (30) acres within the West Half of Section 20, Township 3 North, Range 18 East B.M., Blaine County, Idaho.

DATED this 12 day of September, 1994.

Robert M. Brennan
Robert M. Brennan

STATE OF IDAHO)
) ss.
County of Blaine)

On this 12 day of September, 1994, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Robert M. Brennan, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

(SEAL)



Donna Bennett
Notary Public for Idaho
Residing at Ketchum
My Commission Expires 7/21/95

WATER RIGHT NUMBER	NAME	CFS
37-00496	THIS RIGHT SPLIT INTO PARTS A & B THRU TRANSFER NO. 3810.	
37-00496A	THIS RIGHT SPLIT INTO PARTS C AND D THRU TRANSFER NO. 4170.	
37-00496B	LUFKIN , ELISE G	1.50
37-00496C	MIZER , THOMAS	1.87
37-00496D	PARENT Split into 37-00496E & F by Trans. #4471.	
37-00496E	BRENNAN , ROBERT M	0.59
37-00496F	STEVENS , SHERI EAGLE STEVENS , W GRANT	0.04

MINNESOTA
MAY 18 1995

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-8759

WATER RIGHT NUMBER: 37-8759

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA F TUTTLE TRUST C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	SUSAN M CARTER , ID

Priority Date: 10/03/1991

Basis:

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	0.050 CFS	
DIVERSION TO STORAGE	1/01 to 12/31	0.050 CFS	
FIRE PROTECTION STORAGE	1/01 to 12/31		0.10 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4NE1/4	Sec. 14, Twp 05N, Rge 17E, 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	
05N	17E	14			1.5														1.5

Total Acres: 1.5

DOMESTIC same as IRRIGATIONConditions of Approval:

- 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-8759

3. This water right application is approved in conjunction with an exchange of a surface water right which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
A flow rate of 0.05 cfs authorized by right no. 37-00496 (Adjudication Claim A37-00496C), must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this permit. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this permit if right no. 37-00496 is deliverable.
For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be October 3, 1991.
The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation and to require the collection and reporting of pumpage and use data.
Water must be applied to the land by an efficient method that conserves the quantity of water delivered.
Domestic use is for 1 home.
4. 057 The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
7. 46A A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

Remarks:

Comments:

1. VAULT 10/2/1996 Extension of Time Received
Comment: Extension of Time Received
2. KTOWNSEN 1/21/2000 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4471
WATER RIGHT NO. 37-00496F

This is to certify that: **SHERI EAGLE STEVENS**
W GRANT STEVENS
4644 LINCOLN BLVD
SUITE 552
MARINA DEL REY CA 90292

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	0.04 CFS	7.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 6, Township 03N, Range 18E
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>
03N	18E	6	SENE	2		2
Total number of acres irrigated:						2

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4170
WATER RIGHT NO. 37-00496D

This is to certify that: **ROBERT M BRENNAN**
PO BOX 1991
SUN VALLEY ID 83353

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	0.20 CFS	35.0 AF
FIRE PROTECTION	01/01 to 12/31	0.43 CFS	
AESTHETIC	04/15 to 10/15	0.43 CFS	35.0 AF
TOTAL:		0.63 CFS	35.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 20, Township 03N, Range 18E
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>
03N	18E	29	NWNW 5	SWNW 5		10
Total number of acres irrigated:						10

PLACE OF USE: FIRE PROTECTION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
03N	18E	20	SWSW
		29	NWNW
			SWNW

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS/REMARKS:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 37.

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 05/04/95

PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
37-00496	-----	
	THIS RIGHT SPLIT INTO PARTS A & B THRU TRANSFER NO. 3810.	
37-00496A	THIS RIGHT SPLIT INTO PARTS C AND D THRU TRANSFER NO. 4170.	
37-00496B	LUFKIN , ELISE G	1.50
37-00496C	MIZER , THOMAS	1.87
37-00496D	Split into 37-00496E & F by Trans. #4471.	
37-00496E	BRENNAN , ROBERT M	0.59
37-00496F	STEVENS , SHERI EAGLE STEVENS , W GRANT	0.04

MAY 18 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4170
WATER RIGHT NO. 37-00496D

This is to certify that: **ROBERT M BRENNAN**
PO BOX 1991
SUN VALLEY ID 83353

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	0.20 CFS	35.0 AF
FIRE PROTECTION	01/01 to 12/31	0.43 CFS	
AESTHETIC	04/15 to 10/15	0.43 CFS	35.0 AF
TOTAL:		0.63 CFS	35.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 20, Township 03N, Range 18E
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>
03N	18E	29	NWNW 5	SWNW 5		10
Total number of acres irrigated:						10

PLACE OF USE: FIRE PROTECTION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
03N	18E	20	SWSW
	29		NWNW
			SWNW

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS/REMARKS:

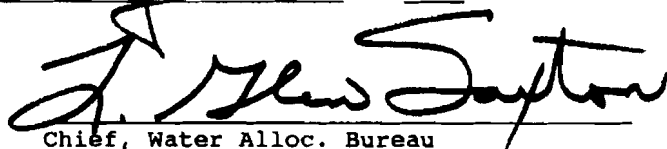
1. Use of water under this right is subject to control by the watermaster of State Water District No. 37.

TRANSFER NO. 4170
WATER RIGHT NO. 37-00496D

CONDITIONS/REMARKS:

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 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.
6. 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.

Dated this 4th day of May, 1994.


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4471
WATER RIGHT NO. 37-00496F

This is to certify that: **SHERI EAGLE STEVENS**
W GRANT STEVENS
4644 LINCOLN BLVD
SUITE 552
MARINA DEL REY CA 90292

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	0.04 CFS	7.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 6, Township 03N, Range 18E
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>
03N	18E	6	SENE	2		2
Total number of acres irrigated:						2

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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.

TRANSFER NO. 4471
WATER RIGHT NO. 37-00496F

CONDITIONS/REMARKS:

5. 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.
6. 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.
7. Place of use is also known as Lot 2A, Gimlet Subdivision No. 1, Revised.

Dated this 3rd day of May, 1995


Chief, Water Alloc. Bureau

37 0484	Miller, Benjamin F.	150 inches.	31	July 16, 1907.	Big Wood River.
37 0485	Millsaps, Frank	55	27	Apr. 1, 1883.	Little Wood River.
	"	"	"	"	(Also shares in Big Cottonwood Canal Co.)
37 0486	Millsaps, Mary E.	160	322	June 27, 1908.	Little Wood River.
37 0487	Minear, John W.	50	16	Sept. 1, 1883.	Soldier Creek. ✓
37 0488	"	40	75	May 15, 1884.	"
37 0489	"	60	237	June 1, 1898.	"
37 0490	Mink, Amanda M.	160	45	May 14, 1883.	"
37 0491	Mink, Cicero B.	140	244	Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
37 0492	Mink, James D.	160	40	June 30, 1883.	Soldier Creek. ✓
37 0493	Mink, T. M.	80	20	June 1, 1882.	Corral Creek.
37 0494	Miser, Jacob	100	114	May 1, 1886.	Big Wood River.
37 0495	"	140	195	July 1, 1892.	"
37 0496	Miser, Thomas	200	41	July 1, 1883.	"
37 0497	"	100	195	July 1, 1892.	"
37 0498	Monroe, James W.	80	92	Aug. 11, 1884.	"
37 0499	"	100	293	May 1, 1905.	"
37 0500	Moody, Marcus L.	320	280	Oct. 20, 1902.	"
37 0501	Morgan, W. Y.	400	114	May 1, 1886.	" #568
37 0502	Morrell, Siegel	40	84	June 31, 1884.	Soldier Creek. ✓
37 0503	"	120	237	June 1, 1898.	"
37 0504	Morris, Frank H.	145	302	Apr. 30, 1906.	Big Wood River or Malad River.
37 0505	Moulton, W. H.	160	229	May 20, 1896.	Big Wood River.
37 0506	"	80	270	May 15, 1902.	" * Trans #121
37 0507	Mullins Canal & Reservoir Co.	750	110	June 15, 1890.	"
37 0508	Murphy, Mrs. Susan R.	120	44	May 1, 1885.	Deer Creek.
37 0509	Nyers, B. J.	200	28	June 1, 1884.	Big Wood River.
37 0510	"	140	45	Oct. 15, 1884.	"

N., R. 14 E., containing 160 acres.

Mink, Cicero B. N 1/2 of NW 1/4, SE 1/4 of NW 1/4, and SW 1/4 of NE 1/4 of Sec. 28, T. 1 S., R. 12 E.

Mink, James D. SE 1/4 of Sec. 21, T. 1 N., R. 14 E., containing 160 acres, and 60 acres of the SW part of SW 1/4 of Sec. 22, T. 1 N., R. 14 E.

Mink, T. M. SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NW 1/4 of SE 1/4, and NE 1/4 of SW 1/4 of Sec. 29, T. 1 N., R. 13 E.

Mizer, Jacob NW 1/4 of NW 1/4, SW 1/4 of NW 1/4, and NE 1/4 of SW 1/4 of Sec. 28, T. 3 N., R. 18 E., containing 120 acres.

Mizer, Thomas W 1/2 of NW 1/4, SE 1/4 of NW 1/4, and N 1/2 of SW 1/4 of Sec. 20, T. 3 N., R. 18 E., containing 200 acres.

Monroe, James W. S 1/2 of NE 1/4 of Sec. 22, T. 5 S., R. 24 E., containing 80 acres. Also, N 1/2 of NE 1/4, and NE 1/4 of NW 1/4 of Sec. 27, and NE 1/4 of NW 1/4 of Sec. 23, T. 5 S., R. 14 E., containing 160 acres.

Moody, Marcus L. S 1/2 of NW 1/4 of Sec. 30, and NW 1/4 of Sec. 31, T. 4 E., R. 16 E., and S 1/2 of NE 1/4 of Sec. 25, T. 4 S., R. 15 E., containing 320 acres.

Morgan, W. Y. SW 1/4 of Sec. 32, T. 1 N., R. 19 E., and NE 1/4 of Sec. 3, T. 1 S., R. 19 E., containing 320 acres.

Morrell, Siegel NE 1/4 of Sec. 9, T. 1 S., R. 14 E., containing 160 acres.

Morris, Frank H. S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Sec. 28, T. 6 S., R. 14 E.

496 4.00
- B 2.25
CFA 1.75

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

Transfer No. 3810

Name of applicant ELISE G. LUFKIN Phone (208) 726-4421
Post Office address C/O JAMES P. SPECK, ESQ., HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM ID 83340

A. 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 PURCHASED PORTIONS OF PURCHASED WATER RIGHTS AND DESIRES TO USE THEM ON HER LANDS. THIS REQUIRES A NEW POINT OF DIVERSION AND CHANGE OF THE PLACE OF USE. APPLICANT ALSO DESIRES TO USE THESE WATERS FOR DOMESTIC FIRE PROTECTION.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE * AMENDED PER LETTER OF JIM SPECK 8-16-91 7/1/8-27-91

1. Right Number	Priority	Amount (cfs/ac-ft) *	Nature of Use	Period of Use
37-00496 B	7/1/1883	~~0.60~~ 1.41 CFS	IRRIGATION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	~~0.30~~ 0.705 CFS	IRRIGATION	APRIL 1 to NOV 1
37-00496 B	7/1/1883	~~0.90~~ 1.41 CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	~~0.45~~ 0.705 CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1

2. Total amount of water being transferred ~~2.25~~
2.105 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NN	NE	NE	19	3N	18E	BLAINE	NONE

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	19	20			10													30
3N	18E	19				F/A													

Total acres 30

PART 1

6. General Information:

a. Description of diversion system Pump in river to open ditch to storage pond to sprinkler system. Pump for storage pond through pipeline to single family residence for emergency fire protection purposes.

b. 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.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
It will no longer be irrigated. It is a residential subdivision.

d. Remarks:

Although not listed in the Frost Decree, land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20 that is west of Hwy 75 has always been part of this farm (3 irrigated acres total). Old deeds confirm that these lands were part of this farm.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0496 & 37-0497

And said application is hereby APPROVED, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

Witness my hand this

28th day ofOctober, 1991

J. Glen Saxton
Chief, Water Allocation Bureau

SCANNED
SEP 22 2013

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00496 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority _____

5. Water is used for the following purpose:

amount 4.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	20						30	20	20	15								85
3N	18E	20						11	17	7	20	15							70*

Total acres 85 70*

9. Describe any other water rights used for the same purpose as described above 37-00497

SCANNED
SEP 22 2013

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0496 & 37-0497

Transfer No. 3810

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. The total combined annual consumptive volume of water diverted under Right Nos. 37-0496 & 37-0497 as authorized by this transfer shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.
3. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. Access must be provided for the watermaster to both the point of diversion and point of return.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. 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.
7. 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.

Dated this 28th day of October, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

SCANNED
SL 11 2013

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00497 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other QUITCLAIM DEED

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 7/1/1892

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/acre)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	20						30	20	20	15								85

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-00496

SCANNED
SEP 22 2010

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.5 0.6 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.7 for APERTHETES purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for 3 FIRE PROTECTION purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MUZER #20 HEADGATE

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20																	30
							9	13	8										30*

Total acres 30

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.5 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20							20	20	15								55
							2	4	7	12	15								40*

Total acres 55 40

SCANNED
SEP 2 11 41 AM

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00497 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other QUITCLAIM DEED

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 7/1/1892

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/acre)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20						30	20	20	15								85

Total acres 85

37-00496

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.75 0.30 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.45 for AFESTHETICS purposes from APRIL 1 to NOV 1
 (cfs/ac-ft)
 amount _____ for FIRE PROTECTION purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20						30											30
		20					7	13	5										30*

Total acres 30

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.25 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

3. Lands irrigated or place of use:

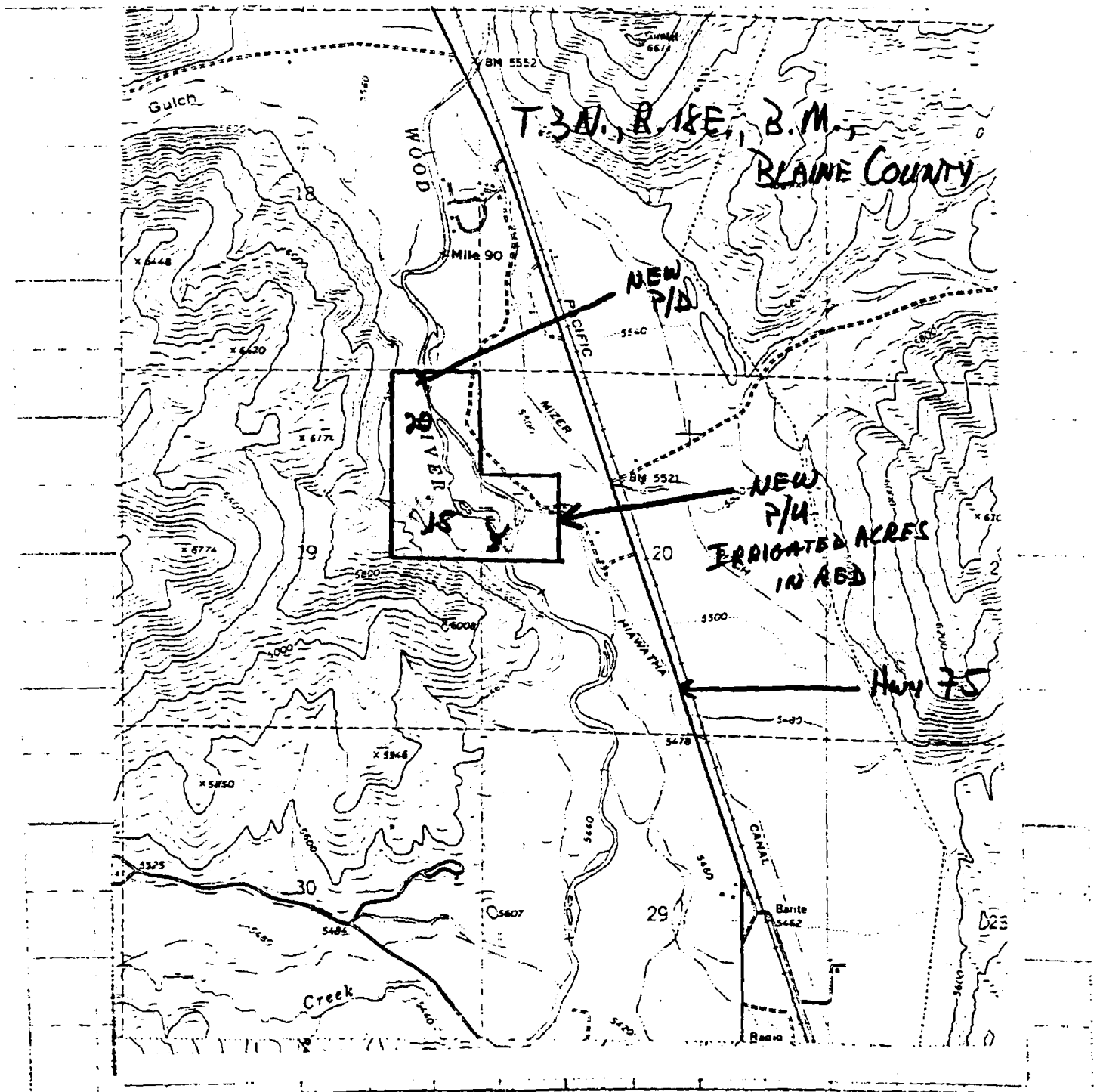
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20							20	20	15								55
		20					2	4	7	12	15								40*

Total acres 55

1. IRRIGATION 1.25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/acre-ft) ~~XXXXX~~	Hours/days/year	Period of Use
	Domestic fire protection	<u>2.25 cfs</u>	<u>24/214/year</u>	<u>Apr. 1 to Nov. 1</u>
<u>4</u>	<u>2 AESTHETICS</u>	<u>1.35 cfs</u>		to _____

* AMENDED PER 8/16/91, RR "J" SECURE 12 8-37 11

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

Will be the same as water removed from the river. The amount of the return flow depends entirely upon that left over from irrigation. The location of point of return is shown on the above map.

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

None

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.

Chae R. [Signature]

(Signature of Applicant)

Subscribed and sworn to before me this

20th

day of

August

, 19 90

James D. [Signature]

(Notary Public)

My commission expires

1/27/91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and 6 attachments

Received by M. Baldwin Date 8/27/90 Protest filed by _____

Prelim. check by J. Stanton Fee 50.00 R# 3012321

Received by DRJ Date 12/5/90

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 3/6 & 3/13/91 Hearing held by _____ Date _____

Watermaster recommendation requested on 3/27/91 Recommended for ☐ approval ☐ denial

_____ rec'd. 3/6/91 by _____

Copy of transfer sent to lien holder _____

RECEIVED

MAR 16 1935

Hogue, Speck & Aarnestad

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AARNESTAD, P.A.
Post Office Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, ELIZABETH P. COOK, a single woman, whose current mailing address is Post Office Box 1626, Hailey, Idaho 83333 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto SUSAN M. CARTER, a single woman, whose current mailing address is Post Office Box 4679, Ketchum, Idaho 83340 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.050 cfs of that certain water right for the diversion of the waters of the Big Wood River for irrigation purposes with priority date of July 1, 1883, decreed to Thomas Mizer in S.C. Frost, et al. v. Alturas Water Company, et ux, dated December 13, 1909, and identified as water right 37-00496, a portion of which is claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-00496C.

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

QUITCLAIM DEED - 1

MICROFILMED
JAN 19 1935

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

DATED this 13 day of March, 1992.

GRANTOR:

Elizabeth P. Cook
ELIZABETH P. COOK

STATE OF Idaho)
County of Blaine) ss.

On this 13 day of March, 1992, before me, the undersigned Notary Public in and for said state, personally appeared ELIZABETH P. COOK, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Janet Key
Notary Public for Idaho
Residing at: Idaho
Commission Expires: 11-16-94

f:\don\jps\carterqt.cla
March 2, 1992

QUITCLAIM DEED - 2

RECORDED
JAN 19 1995

RECEIVED

MAR 29 1996

Department of Water Resources
Southern Region

Water Right No. 37-00496C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$100.00.

1. Name of water right holder: Susan M. Carter, Trustee of the Susan M. Carter Revocable Trust dated May 16, 1994.
2. Post office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, Idaho, 83340.
3. The right was obtained or is evidenced by:
 - a. Decree No. 37-00496C.
 - b. Snake River Basin Adjudication Claim No. A37-00496C.
4. Source of water: Big Wood River.
Tributary to: Malad River.
5. Date of priority: July 1, 1883.
6. Amount of water: 0.05 cfs.
7. Water is used for: Irrigation

JUN 27 1996

8. Location of point of diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
3N	18E	18		NE	NE		Blaine

9. Lands irrigated or place of use:

		<u>NE</u>			<u>NW</u>			<u>SW</u>			<u>SE</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>TOTAL</u>
3N	18E	20								2									2
TOTALS																			2.0

10. Give the last date when water was applied to beneficial use: 1991.

Length of extension of time requested: Until November 1, 2000.

11. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and the reasons for non-use: The water right was purchased by Ms. Carter to use in a plan of mitigation for Permit 37-08759. The Application for Permit was filed in October, 1991 and the Permit was not issued until January, 1995. Although Ms. Carter has completed plans for the project to be served by this Permit, it is possible it will not be completed until the 1997 season, so the additional time is requested to avoid forfeiture. Ms. Carter has no other means of applying this water right to beneficial use until the project is finished and water diverted pursuant to the Permit, at which time beneficial use shall resume through the mitigation plan.

I hereby assert that noone will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Susan M. Carter, Trustee
SUSAN M. CARTER, TRUSTEE

SUBSCRIBED AND SWORN TO before me this 25th March day of ~~February~~, 1996.

[Signature]
Notary public for Idaho
Residing at Idaho
Commission expires 8/4/99

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

Resumption of water for a beneficial use shall occur on or before November 1, 2000.

This right shall be forfeited if Water Right Permit No. 37-08759 is not perfected. Approval of this extension does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Witness my hand this 26th day of June, 1996.

[Signature]
Chief, Water Allocation Bureau

For Department Use Only

Received by W. J. Date 5-29-96 Time 10 am Preliminary check by Y
Fee \$ 100.00 Receipted by CS Date 1-24-96 Publication prepared by mb
Published in Wood River Journal Dates 5/1 & 5/8/96
Publication approved by mb Date 5/9/96 Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by AD

JUN 27 1996

022'30" 712000T E. 713 SUN VALLEY 6 MI.
KETCHUM (IDAHO 75) 4.2 MI.

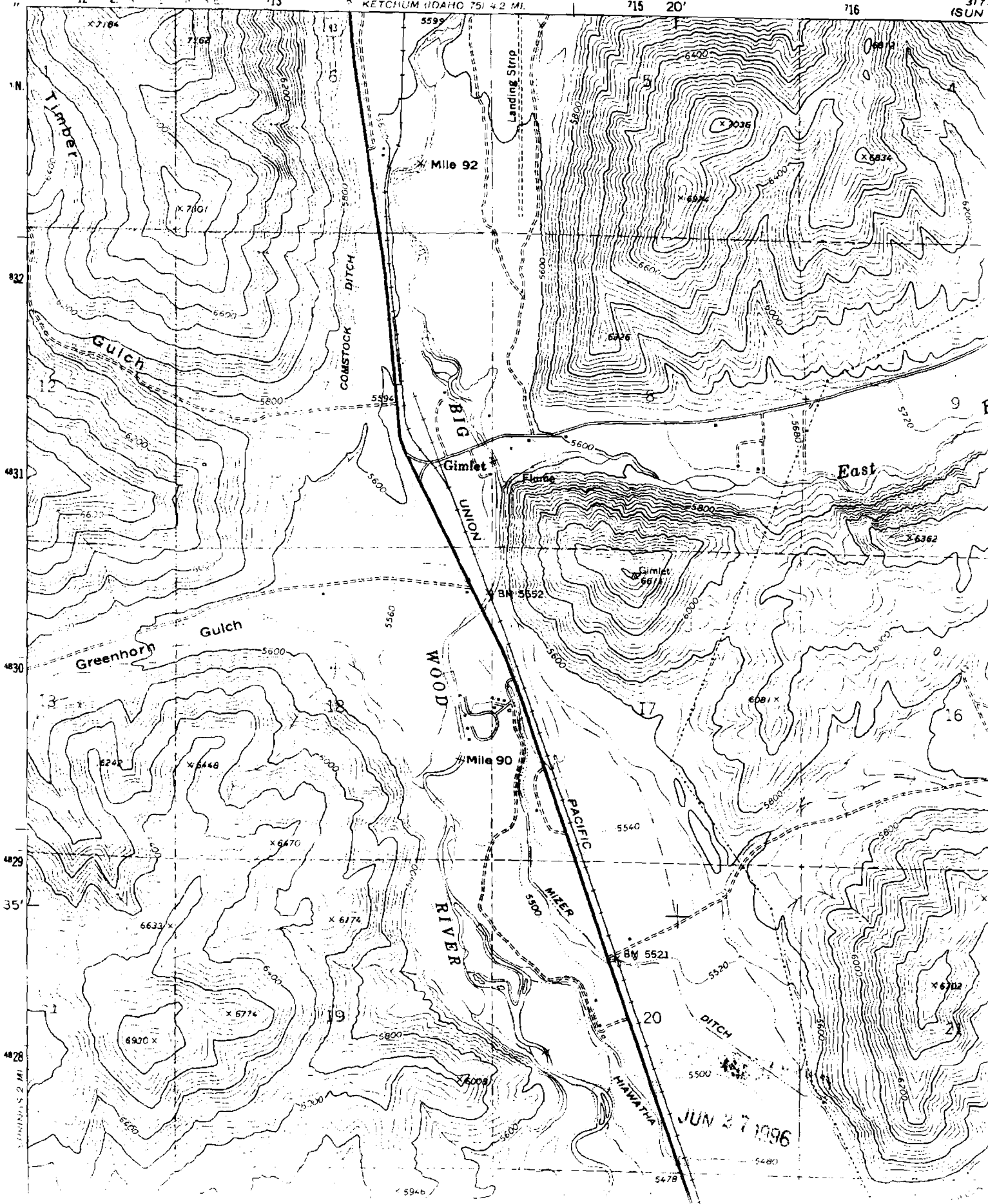
°22'30" 712000m E. 4 17 E 2 13 E.

713

SUN VALLEY 6 MI.
KETCHUM (IDAHO 75) 4.2 MI.

715 20'

716

317
(SUN

11/15/2006

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

RIGHT NUMBER: 37-496C

NAME AND ADDRESS: DONNA F TUTTLE TRUST DATED JANUARY 5 1
DONNA F TUTTLE TRUSTEE
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION:

T03N R18E S18 NENE 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	0.050 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S20 SENW 2.00

2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



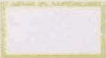
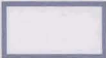
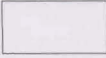
Idaho Department of Water Resources

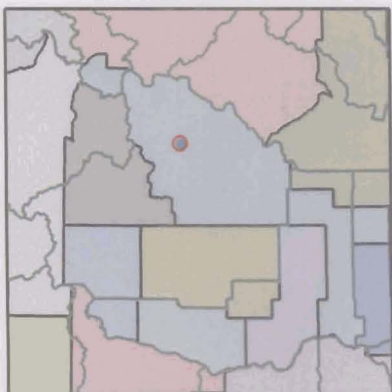
SRBA Recommendation:

37-496C

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by A. Warntjes
On Wednesday, November 15, 2006
1987/88 Aerial Photography

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

March 28, 1996

Mr. James E. Stanton
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301-6105

RECEIVED
MAR 29 1996
Department of Water Resources
Southern Region

Re: App for Extension of Time to Avoid Forf., Susan Carter

Dear Mr. Stanton:

Enclosed please find an Application for Extension of Time to Avoid Forfeiture of a Water Right and an Amended Notice of a Claim to a Water Right Acquired Under State Law both signed by Mrs. Carter as per your January 31, 1996 letter to Mr. Speck. If you have any questions, please give Mr. Speck a call. Thank you for your help in this matter.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Stephanie Davidson

Stephanie Davidson

enclosures

A37-00496C

MICROFILMED
NOV 22 1996

Water Right Number - R37-00496C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CARTER REVOCABLE TRUST

SUSAN M

1 - SUSAN CARTER TRUSTEE

2 -

3 - PO BOX 4679

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-8935

*** O - ORIGINAL OWNER ***
COOK

ELIZABETH P

1 - PO BOX 1869

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-788-5052

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/01/1883 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
03N 18E 18 NE NE (13) BLAINE+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.050+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 5.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
03N 18E 18 NE NE 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 2.0

- - Diversion Means - MIZER #20 HEADGATE, CONVEYANCE DITCHES

- - Non-Irrigation Use -

- - Other Rights for Same Use - NONE

+ - - - - - - - - - - - - - - - Remarks - - - - - +
OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER
CARTER-NEW OWNER. QUITCLAIM DEED AND ASSIGNMENT OF PERMIT
INCLUDED. PROBLEM WITH P/U.NOV 22 1996
MICROFILMED

Water right number - R37-00496C

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

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

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

+ - - - - Comments - - - - - +

Date: 06/19/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE MADE 6/19/95 BY TLB. COOK-FORMER OWNER CARTER-NEW OWNER. QUITCLAIM DEED AND ASSIGNMENT OF PERMIT
INCLUDED. PROBLEM WITH P/U.

+ - - Audit Fields - - +
06/19/95 TBACKLUN

+ - - - - 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 | - 12/21/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
NOV 22 1996

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

February 15, 1995

Mr. Lee Peterson
District 37 Watermaster
P O Box T
Shoshone ID 83352

Re: Susan M. Carter, Trustee - Permit No. 37-08759 and
portion of Water Right No. 37-00496

Dear Lee:

Enclosed you will find copies of the following:

1. Permit No. 37-08759;
2. Assignment of Permit;
3. Quitclaim Deed from Elizabeth P. Cook to Susan M. Carter for 0.05 cfs of Water Right No. 37-00496; and
4. Quitclaim Deed from Susan M. Carter to Susan M. Carter, Trustee for 0.05 cfs of Water Right No. 37-00496.

Will you please change your ownership and billing records accordingly.

You will note from Conditions 9 and 10 to Permit No. 37-08759 that the 0.05 cfs of 37-00496 must remain in the Big Wood River at its described point of diversion (the Mizer headgate) to compensate for the depletion caused by the diversion of ground water pursuant to the Permit. Ms. Carter hopes to drill her well this summer and if you have any suggestions or requirements as to the measuring device and lockable controlling works, please send that information on to me. Once the well has been completed and Ms. Carter is ready to divert ground water for irrigation purposes, she will contact your office and request "delivery" of the 0.05 cfs of Water Right No. 37-00496. This "delivery" will then be accomplished by leaving the water right in the Big Wood River. Please let me know how you propose to administer the ground water permit as a water right under your jurisdiction.

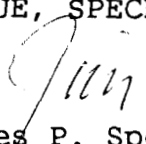
MICROFILMED
NOV 22 1996

Mr. Lee Peterson
February 7, 1995
Page 2

Please do not hesitate to call me if you have any questions.
Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:sab
enclosures
cc: Susan M. Carter
Elizabeth P. Cook
Allen Merritt (IDWR/Twin Falls)
Glen Saxton (IDWR/Boise)

MICROFILMED
NOV 22 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08759

Proposed Priority: October 3, 1991

Maximum Diversion Rate:

0.09 CFS

This is to certify, that **SUSAN M CARTER**

C/O JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION | 04/15 to 10/15 | 0.05 CFS | |
| DOMESTIC | 01/01 to 12/31 | 0.04 CFS | |
| FIRE PROTECTION STORAGE | 01/01 to 12/31 | | 0.1 AF |
| DIVERSION TO STORAGE | 01/01 to 12/31 | 0.05 CFS | |
| | Totals | 0.09 CFS | |

LOCATION OF POINT(S) OF DIVERSION:

NESWNE , Sec. 14, Township 05N, Range 17E
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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N | 17E | 14 | SWNE | 1.5 | | 1.5 |

Total number of acres irrigated: 1.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1997**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
6. Construction of the well must comply with Idaho well construction standards.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.

MICROFILMED

NOV 22 1996

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08759

CONDITIONS/REMARKS:

8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
9. This water right application is approved in conjunction with an exchange of a surface water right which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
10. A flow rate of 0.05 cfs authorized by right no. 37-00496 (Adjudication Claim A37-00496C), must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this permit. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this permit if right no. 37-00496 is deliverable.
11. For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be October 3, 1991.
12. The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation and to require the collection and reporting of pumpage and use data.
13. Water must be applied to the land by an efficient method that conserves the quantity of water delivered.
14. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

3rd day of January, 1995.

[Signature]
for R. Keith Higginson, Director

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUNE 19, 1995

SUSAN M CARTER
PO BOX 4679
KETCHUM, ID 83340

RE: SRBA CLAIM A37-00496C
COOK

DEAR CLAIMANT:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS THE ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

CC: JAMES SPECK, PO BOX 987, KETCHUM, ID 83340

MICROFILMED
NOV 22 1996

FROM: Allen Merritt

DATE: May 30, 1996

TO: EXTENSION OF TIME TO AVOID FORFEITURE
RIGHT 37-00496C PART (A37-00496C)
AFFECTS PERMIT 37-08759

SUBJECT: REVIEW AND RECOMMENDATION

This extension request to avoid forfeiture is for a right being used for mitigation of permit 37-08759. The file indicates watermaster last delivered water in 1990. Application indicates last use in 1991. Permit 37-08759 granted in 1995 requiring right be left in river. The question needing answered is has right been forfeited already. I believe that since permit 37-08759 was granted in 1995, the non-use has been part of condition of permit and protects the right from forfeiture. Also the current owner has no means to divert or place to put it other than leave it in the river.

I recommend that the extension be approved with the condition that the right is forfeited if permit 37-08759 is not perfected.

Note that from the file it appears that much effort was made to properly get the P/U recorded on A37-00496C where the right historically has been used. (Actually I think the P/U is both SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Twp.03N, Rge.18E, B.M. instead of just the SE $\frac{1}{4}$ NW $\frac{1}{4}$.) I believe this is a moot point since the right is now left in the river. I believe before we adjudicate these types of mitigation rights, we be given direction how to record the P/D, P/U, etc. It seems to me there is no P/D or P/U. Also it would seem that the mitigator should be required to retain the right and pay for the non-delivery and the watermaster should keep the water in the river and not allow it to be diverted by junior right holders. I'm not sure this is being done.

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

19-Nov-1991 09:40

Elizabeth P. Cook
PO Box 1869
Ketchum, ID 83340

RE: SRBA Claim A37-00496B number change to A37-00496C

Dear Claimant:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of **A37-00496C**. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

RECORDED
FEB 23 1993

Water Right Number - 37-00496

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
MIZER

THOMAS

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/01/1883 17 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 18E 18 NE NE (13) BLAINE

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

01 - IRRIGATION

4.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - RW Usage - +
4.000+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|-------|--|--|----|------------|--------------|
| 03N | 18E | 20 | NW NW | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | SW NW | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | SE NW | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | NE SW | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | NW SW | | | 01 | IRRIGATION | (13) BLAINE |

Total Acres:

+ - - Diversion Means - MIZER #20 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.FEB 23 1993
IOWA DEPARTMENT OF WATER RESOURCES

+ - Decree Date - +
12/13/1909

05/28/88 CONVERT

[illegible]

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|------|
| 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 | - 07/01/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 12/13/1909 | | | | |

RECEIVED
FEB 23 1993

Water Right Number - 37-00496 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
MIZER

THOMAS

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1883 17 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

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

03N 18E 18 NE NE (13) BLAINE

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

01 - IRRIGATION 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

| | | | | | | | |
|-----|-----|----|-------|--|----|------------|--------------|
| 03N | 18E | 20 | NW NW | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | SW NW | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | SE NW | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | NE SW | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 20 | NW SW | | 01 | IRRIGATION | (13) BLAINE |

Total Acres:

+ - - Diversion Means - MIZER #20 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

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

FEB 23 1989
WATERMASTER

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|------|
| 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 | - 07/01/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 12/13/1909 | | | | |

RECEIVED
FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301



248

RECEIVED

NOV 22 1991

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 23 1992

RETURN TO SENDER
FORWARDING ORDER
HAS EXPIRED