

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 37-4191
Date Received: 9/7/1989
Receipt No: S009094
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

REX AWALT Phone: (805)238-1315
PO BOX 392
SAN MIGUEL CA 93451

2. Date of Priority: 04/01/1934

3. Source: UNNAMED STREAM Trib. to: CHIMNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	12E	33	NW SE	CAMAS	

5. Description of diverting works:

Diversion from creek to pipeline. Pipeline follows creek and serves irrigation systems by gravity pressure.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.24	

7. Total Quantity Appropriated is:
2.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:
37-4191

01/25/2005

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	12E	34	NE		SW	IRRIGATION	36.6
			NW		SW	IRRIGATION	20.8
			SE		SW	IRRIGATION	1.2
			NW		SE	IRRIGATION	25.8
			SW		SE	IRRIGATION	22.4
			SW		NW	IRRIGATION	2.5
			SE		NW	IRRIGATION	2.7
						Section Acres	112
						Total Acres	112

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

PORTIONS OF THE ACRES LISTED HERE OVERLAP WITH LICENSE 37-07938. TOTAL
IRRIGATED LANDS = 109 ACRES.

1/25/05, tf: claim amended - POD, POU, increased diversion rate.

15. Basis of Claim: Statutory Claim



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

January 25, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

C G BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON STE 4
TWIN FALLS ID 83301

Re: SRBA Claim(s) 37-2018, 37-4191, 37-7938 / Awalt

Dear Chuck:

Pursuant to the change in ownership request and amendments that you submitted to the Department on behalf of Rex Awalt, we have amended the claims and changed the record of current ownership as requested. Please find the enclosed copies of the computer records of the claims noting the changes. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

Enc.

cc: Rex Awalt

AMENDED

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number \$3.00 on 5027325

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

RECEIVED
DEC 30 2004
Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Rex Awalt Phone (805) 238-1315Mailing Address P.O. Box 392, San Miguel, CA Zip 934512. Date of Priority (Only one (1) per claim) 4/1/19343. Source of water supply (a) Unnamed Streamwhich is tributary to (b) Chimney Creek

4. a. Location of existing point of diversion is: Township 1N Range 12E Section 33,
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Camas

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.

Diversion from creek to pipeline. Pipeline follows creek and serves irrigation
systems by gravity pressure.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 2.24 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.24 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. 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 together 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
			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	
1N	12E	34							2.5	2.7	36.6	20.8		1.2		25.8	22.4		112.0

Total number of acres irrigated 112.0

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

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

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

37-7938, 37-2018 Or None ☐

14. Remarks:

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) ☒ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐

Decree _____

If applicable provide IDWR Water Right Number 37-4191 (stat. claim)

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (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) _____

Date 9-10-04

Date _____

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

Title _____

Of _____, that I have signed the foregoing

Organization _____

Document in the space below as _____ of _____

Title _____

Organization _____

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

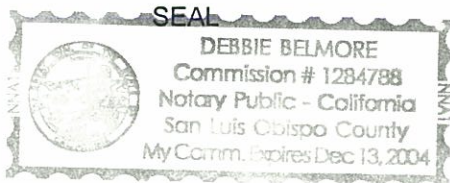
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ or California)

County of San Luis Obispo) SS.

Subscribed and sworn (or affirmed) before me this 30th day of September, 2004



Notary Public _____

Residing at Paso Robles, CA

My Commission Expires 12-13-04

Please Print Name

17. Notice of Appearance:

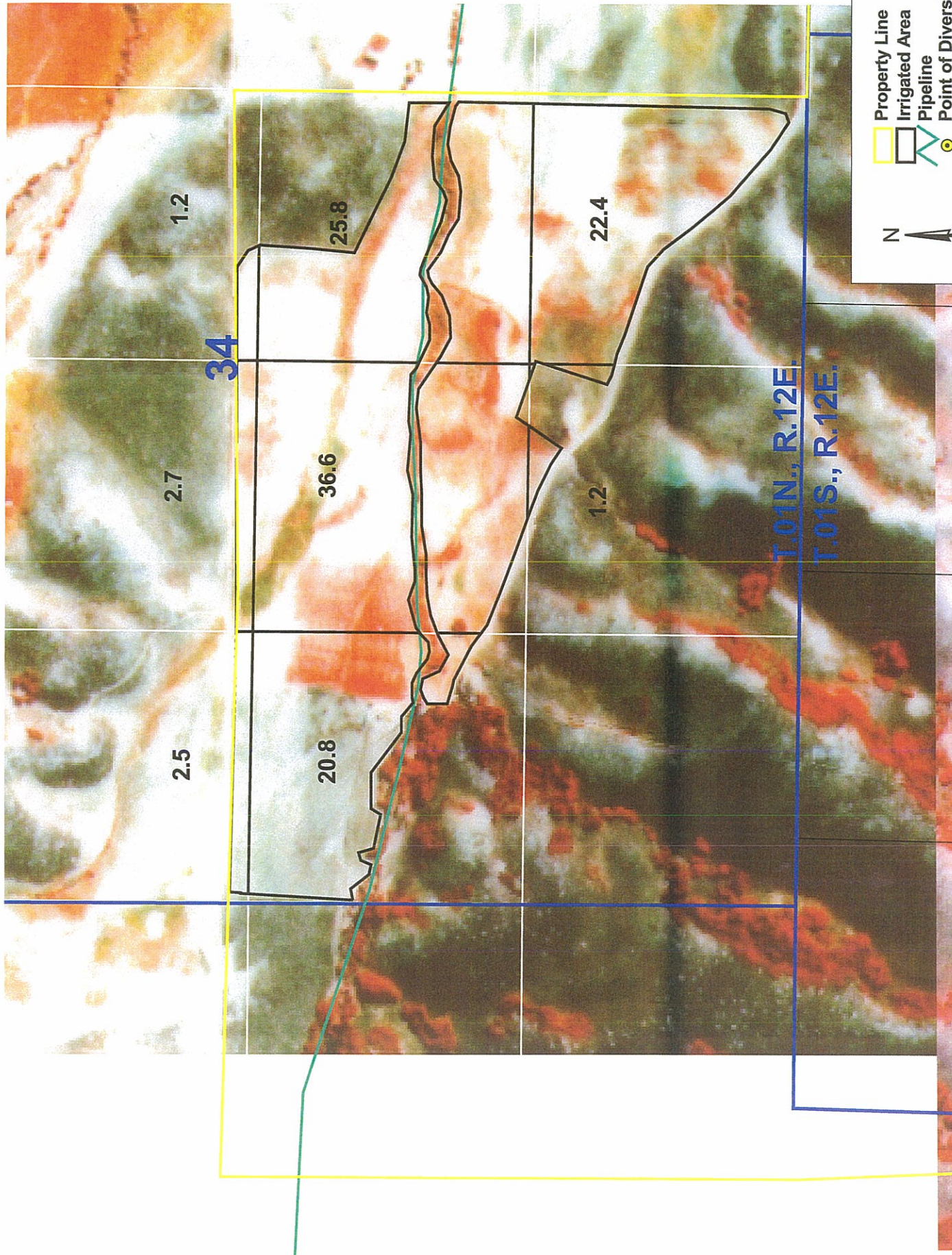
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



N

Property Line

Irrigated Area

Pipeline

Point of Diversion

Section Lines

(white) 1n40's QQ

1s40's.s.shp

R. AWALT

SRBA CLAIM AMENDED #37-4191

FSA Aerial Photo 1987

BROCKWAY ENGINEERING, PLLC.

ALR SEP. 26, 2003

Form 45-10842-1 (08/01) July, 2000

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

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

RECEIVED
DEC 30 2004
 Department of Water Resources
 Southern Region

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-4141	37-4191	—			—
37-7938	37-7938	—			—
		—			—
		—			—
		—			—

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR

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

3. Name and Address of Former Owner/Claimant(s).

RONALD K. WALLER
4057 North 2250 East, Filer ID 83328

4. New Owner/Claimant(s)

REX AWALT
 Name Connector (Check one): ☐ and ☐ or ☐ endor

New Mailing Address

950 Mission Street

City, State and ZIP Code

San Miguel, California 93451

New Telephone Number

() 805-238-1315

5. Date you acquired the property

08-26-2003

Form 42-20942-1409(A) July, 2000

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

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

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

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

[Handwritten Signature]

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

For Office Use Only

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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

KNEELAND, KORB, COLLIER & LEGG
Post Office Box 249
Ketchum, ID 83340
KKCL File No. 7917

Recorded at the Request of
Camas County Title
at August 29 4:02 PM
2003
Deeds 591

076394

Feas \$ 9.00
REC'DER
B. C. Exchange Corporation

020144

(Space above line for Recorder's Use)

GRANT DEED

GRANTOR, B.C. Exchange Accommodation Titleholder III, LLC, duly qualified to do business in the State of Idaho, whose current address is Post Office Box 249, Ketchum, ID 83340, for a good and valuable consideration, the receipt whereof is hereby acknowledged, and as part of an IRC §1031 tax deferred exchange, does hereby grant and convey in fee simple unto Norval R. Awalt and Christy L. Awalt, husband and wife, whose current address is Post Office Box 392, San Miguel, CA 93451, as GRANTEE, and to Grantee's assigns forever, all that certain real estate, as replacement property, situated in the County of Camas, State of Idaho, described on Exhibit A, attached hereto and by this reference made a part hereof.

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

GRANTOR warrants to the GRANTEE, and its successors in title, that GRANTOR has not created or permitted to be created any lien, charge of encumbrance against said real estate which is not shown herein or of record, and GRANTOR covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set its hand and seal this 26th day of August, 2003.

GRANTOR:

B. C. EXCHANGE ACCOMMODATION
TITLEHOLDER III, LLC

By B.C. Exchange Corporation, Managing Member

By Robert Korb
Robert Korb, Its Secretary

ORIGINAL

GRANT DEED

Page 1

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of Blaine)

On this 26th day of August, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Korb, known to me to be the Secretary of B.C. Exchange Corporation, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation as Managing Member of B.C. Exchange Accommodation Titleholder III, LLC.

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

(seal)



Carol Monteverde
NOTARY PUBLIC for Idaho
Residing at Healy, Idaho
Commission Expires 08-31-07

exchwkwalt grant deed 08-26-03

GRANT DEED

Page 2

**EXHIBIT A
C020144**

Township 1 North, Range 12 East, Boise Meridian, Camas County, Idaho

Section 33: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Township 1 South, Range 12 East, Boise Meridian, Camas County, Idaho

Section 2: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of the County Road as now constructed.

EXCEPT a parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2 described as follows:

BEGINNING at a point 1,318.4 feet East and 2,008.5 feet South from the NW corner of said Section 2;
THENCE West a distance of 704.3 feet;
THENCE South a distance of 310.1 feet;
THENCE East a distance of 704.3 feet;
THENCE North a distance of 310.1 feet to the POINT OF BEGINNING.

Section 3: Lots 1, 2, 3, 4; S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the North 124 feet of the SW $\frac{1}{4}$ NW $\frac{1}{4}$

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: A37-04191
Date Received: 9/07/1989
Receipt No: S009094
Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD K. WALLER 208-764-2641
Address: P.O. BOX 162
CORRAL, ID 83322

2. Date of Priority: APR 01, 1934

3. Source: UNNAMED STREAM Trib. to: CHIMNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	12E	33	NE	NE	SE		CAMAS

5. Description of diverting works:
HEADGATE & DITCH, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.240		

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

8. Total consumptive use is 155.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	12E	34	NE	SW		IRR	20.0
			NW	SW		IRR	12.0
			SE	SW		IRR	10.0
			NW	SE		IRR	20.0

Section Acres 62.0

A37-04191

Page 1

Date: 09/07/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 62.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-07938

14. Remarks:
PORTIONS OF THE ACRES LISTED HERE OVERLAP WITH LICENSE 37-07938.
TOTAL IRRIGATED LANDS = 109 ACRES.

15. Basis of Claim: STATUTORY CLAIM

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): *Paula Walker* Date: 9/7/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of September 19 89

Steve Call
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

630 000 FEET
(WEST)

4806

4805000m N

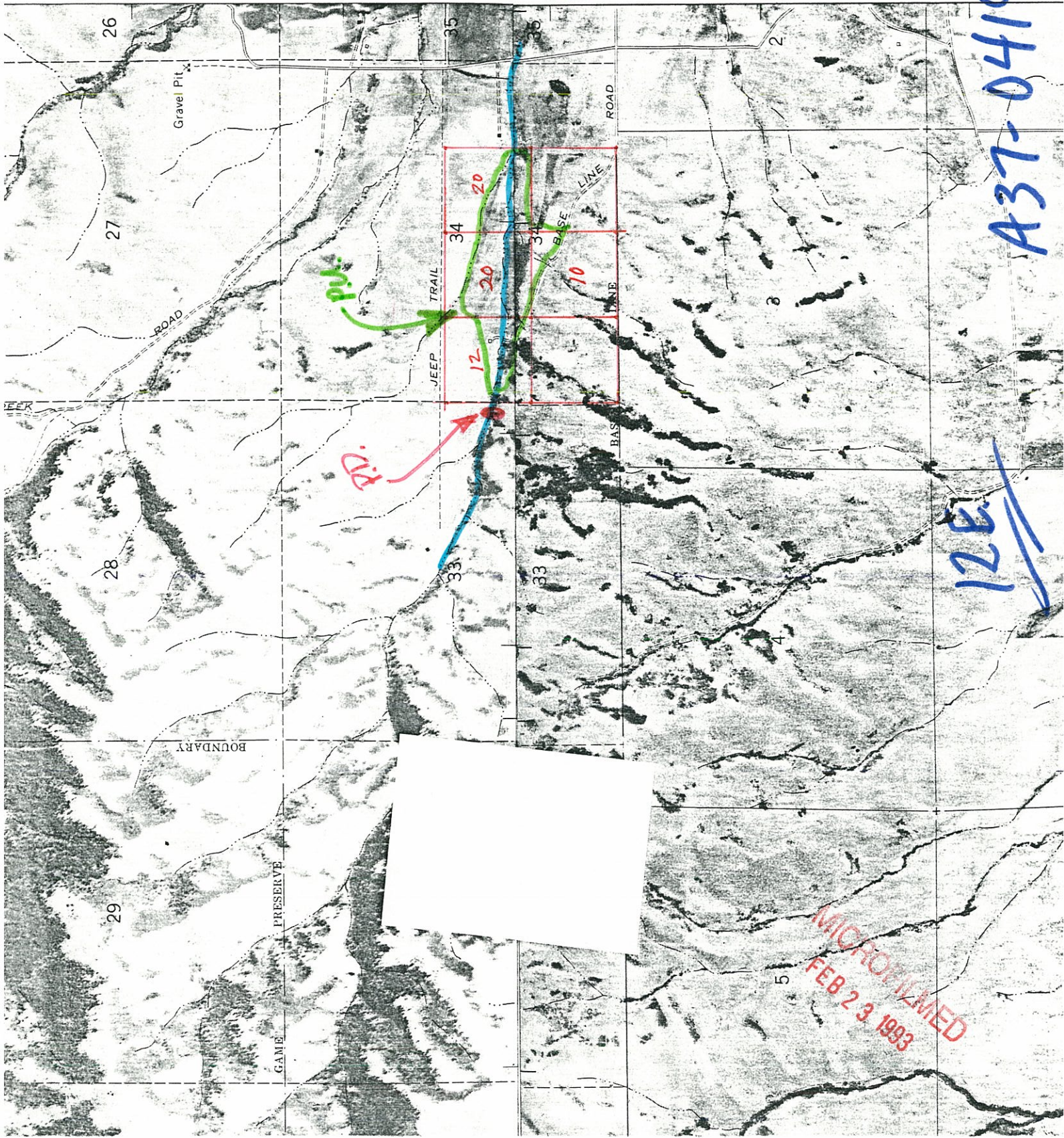
49° 00' 30"

4804

620 000 FEET
(CENTRAL)

4802

TIN
TIS



A37-04191

12E

MICROFILMED
FEB 23 1993

37-4191

RECOMMENDATION Notes

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 37-4191 V1

WATER RIGHT NUMBER: 37-4191 V1

RECEIVED
 DEC 01 2006
 DEPARTMENT OF
 WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AWALT PARTNERSHIP PO BOX 392 SAN MIGUEL, CA 93451-0392
Original Owner	RONALD K WALLER RT 1 BOX 162 CORRAL, ID 83322 (208)764-2641
Previous Owner	NORVAL REX AWALT PO BOX 392 SAN MIGUEL, CA 93451 (805)238-1315

Priority Date: 04/15/1934

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	CHIMNEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.680 CFS	261.00 AF
	<u>Total Diversion:</u>	1.680 CFS	261.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4NE1/4SE1/4	Sec. 33, Twp 01N, Rge 12E, B.M.
CAMAS 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	
01N	12E	34									37.0	7.0		3.0		26.0	22.0		95.0

Total Acres: 95

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-4191 V1

Comments:

Water Supply Bank:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	37-4191	☒		37-7938	☒
	37-21360	☒			
	37-21361	☒			
	37-21362	☒			
	37-2018	☒			

RECEIVED

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Don Waller Norva | Rex Awalt
PO Box 392, San Miguel, CA 93451-0392
P.O. Box 162, Corral, Idaho 83322
4. New Owner/Claimant(s) Awalt Partnership, a California Limited Partners
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 392, San Miguel, CA 93451-0392
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property _____

26-AUG-03

SCANNED

DEC - 4 2006

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. ☒ Signature of New Owner(s) or Claimant(s) *Christy Quatt*, General Partner
(include title if applicable)

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

For Office Use Only

Received by <u><i>JS</i></u>	Date <u>11-21-06</u>	Fee <u>-</u>
Receipted by <u><i>JS</i></u>	Date <u>-</u>	Receipt No. <u>-</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
DEC - 4 2006

11/01/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-4191

NORVAL REX AWALT

PO BOX 392

SAN MIGUEL CA 93451

Telephone Number: (805)238-1315

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

I DISAGREE

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

DATE: _____

SIGNATURE: _____

Christy Rex Awalt

Please print your name: _____

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

*I RESPECTFULLY REQUEST AN EXTENSION
OF TIME ON THIS MATTER.*

*Sincerely,
Christy*

11/01/2006

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

RIGHT NUMBER: 37-4191

NAME AND ADDRESS: NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451

SOURCE: UNNAMED STREAM

TRIBUTARY: CHIMNEY CREEK

QUANTITY: 1.900 CFS

PRIORITY DATE: 04/15/1934

POINT OF DIVERSION:
T01N R12E S33 NENESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.900 CFS
PLACE OF USE:	<u>IRRIGATION Within CAMAS County</u>		
	T01N R12E S34 NESW 37.00	T01N R12E S34 NWSW	7.00
	T01N R12E S34 SESW 3.00	T01N R12E S34 NWSE	26.00
	T01N R12E S34 SWSE 22.00		
	95 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 - Beneficial Use

11/16/2006

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

RIGHT NUMBER: 37-4191

NAME AND ADDRESS: NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451

SOURCE: UNNAMED STREAM

TRIBUTARY: CHIMNEY CREEK

QUANTITY: 1.680 CFS
261.000 AFY

PRIORITY DATE: 04/15/1934

POINT OF DIVERSION:

T01N R12E S33 NENESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.680 CFS 261.00 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01N R12E S34	NESW	37.00	T01N R12E S34	NWSW	7.00
T01N R12E S34	SESW	3.00	T01N R12E S34	NWSE	26.00
T01N R12E S34	SWSE	22.00			

95 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 - Beneficial Use



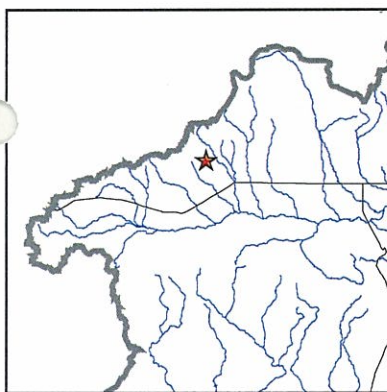
Idaho Department of Water Resources

SRBA Recommendation:

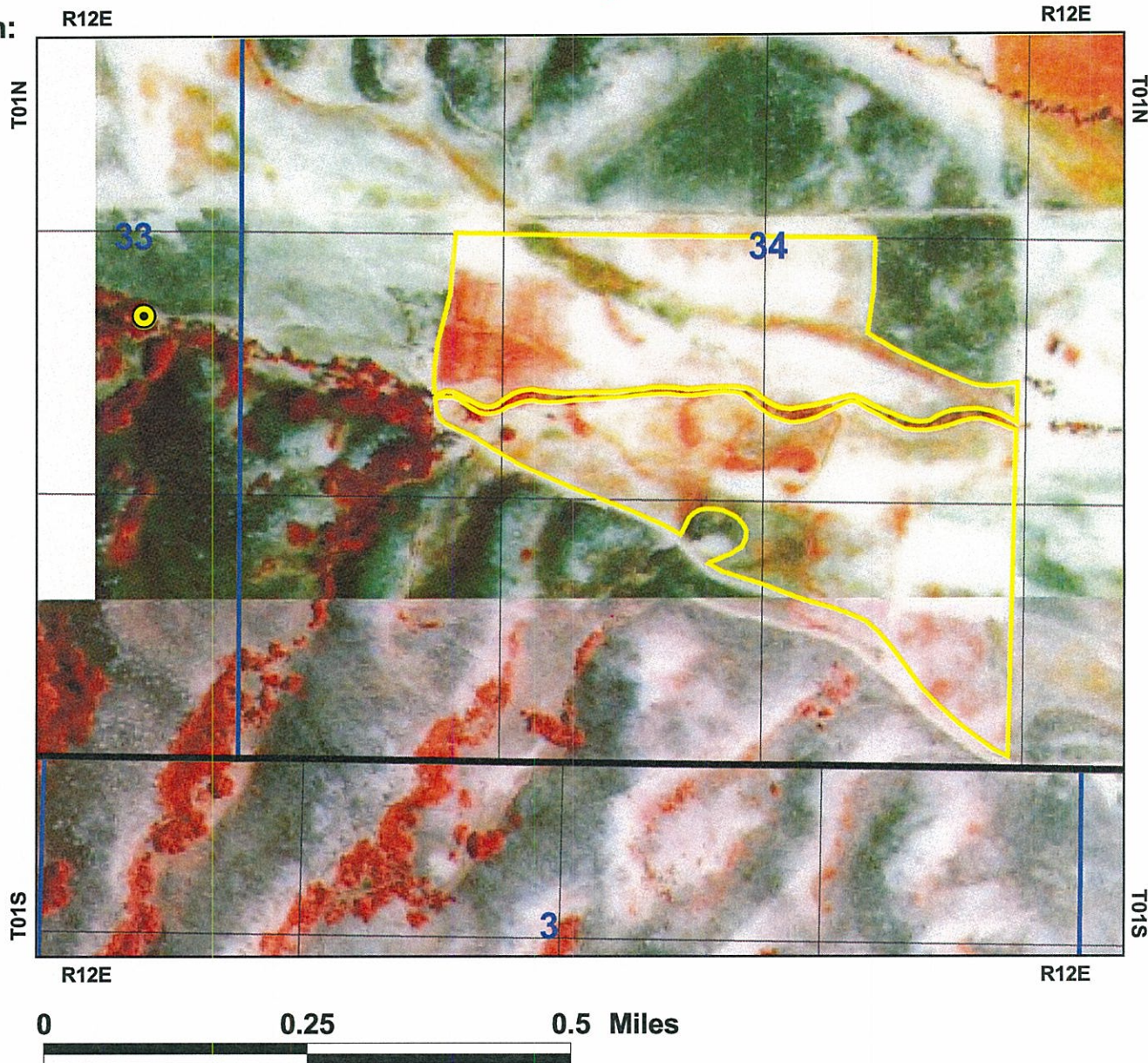
37-4191

Legend

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



Camas County
IDWR Basin 37



Prepared by M. Anders
On Thursday, July 20, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Arden Lauritzen (Name of Claimant)
Corral, Idaho 83322 Telephone No. 764-2495
 (Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1934

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Stream tributary to Chimney Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)	
Quantity	<u>1.24</u>	Use	<u>irrig</u>	Period of Use From	<u>Apr 1</u> To <u>Nov 1</u>
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____

- (4) 1.24 TOTAL QUANTITY USED.
(cfs, gpd, AFA)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33 Twp. 1N Rge. 12E B.M., County of Camas
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate & Ditch (Now used in sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 62

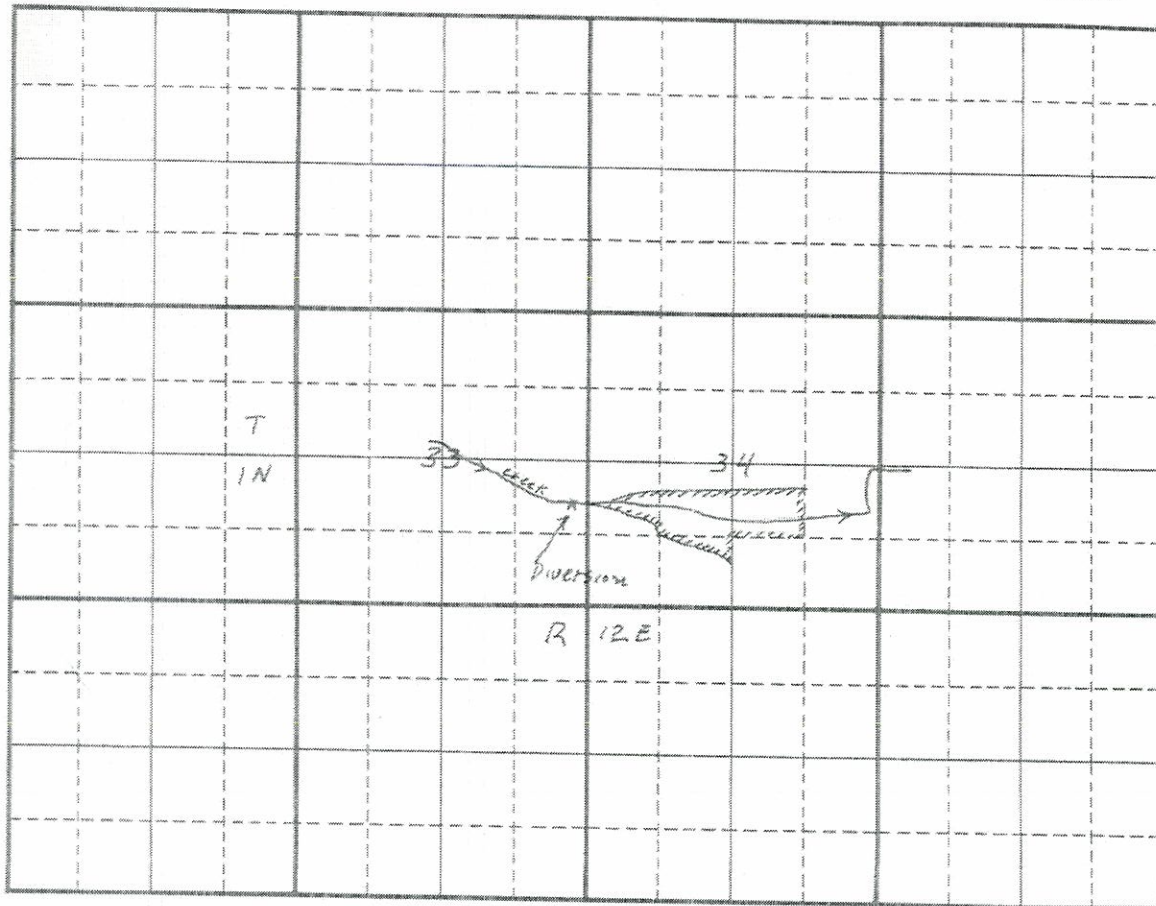
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Medea Lavitzon
(Claimant)

Sworn to before me this 3 day of September, 1981.

Mary A. Hill
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by Sh Date 9/3/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by W Date 9/3/81
\$20.00 fee received by Medea Date 9/3/81 # 18747
Published in Gooding County Record
Dates 9/16 10/2/81

30.00

RECEIVED

MAR 19 1987

State of Idaho

Dept of Water Resources: -

Department of Water Resources

Dear Sirs:

After thinking it over
I think you better make
the license in my name.

I will file it with the
escrow Agent to be transferred
to Mr Waller when he makes
his final payment in 1996.

It seems like a funny
deal to have a priority date
of 1981 when I acquired the
property with a water right
on it in 1933. After the
spring run off I have
used all the water in that
Creek ever since.

MICROFILMED

In the fall of 1973
installed pipe for a
gravity sprinkler system
(over)

MAY work for Proof
of Priority for 37-4191

Copied from
37-7938 Exam
FILES
12/29/05
SLC

APR 13 1987

which I started using in 1934.
I don't know the exact date
but not long after I filed a
claim to a water right that
I already had but was
changing my system and
irrigating a few more acres.

However I guess your
priority date will prevail
so make the license in
my name.

Yours Truly
Arden Lauritzen

MICROFILMED

APR 13 1987

H. REMARKS AND OVERVIEW REVIEW ANALYSIS

The land irrigated is uphill and downhill. An average pressure was used in calculating discharge, and could be affected by the wave topography.

When combined with 37-4191, discharge must not exceed capacity of 1.68 cfs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	Apr 1	Nov 1	1.68 cfs	261 afa
Totals:			1.68 cfs	261 afa

2. Recommended Amendments

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☐ None
- ☒ Change P.U. as reflected above
 ☒ Add P.U. as reflected above
 ☐ Other

J. AUTHENTICATION

Field Examiner's Name Michael McCurdy

Signature Michael McCurdy

Certification Date _____

Field Report Preparation Date 6-19-86

CONSULTANT SEAL

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

MICROFILMED

APR 13 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

11-3-2004

Dr C. G. Brockway
BROCKWAY ENGINEERING
2016 N. WASHINGTON, STE 4
TWIN FALLS ID 83301

RE: Awalt claims

Dear Dr. Brockway:

You will find enclosed copies of the computer records for the stock water claims filed by Awalt. Also enclosed are a receipt #S027139 for the fees submitted, the original amended claims for 37-7938 and 37-4191, and a printout of the new claim for 37-2018.

The amended claims could not be processed without an ownership change from Waller to Awalt, as we discussed by phone last week, and therefore are being returned to you. Please note that the amendments and claim 37-2018 identify an incorrect legal description for the point of diversion. The claims also identify 112 acres where original filings only identified (and paid fees for) 109 acres.

New claim 37-2018 was accepted as claimed; however the following are brought to your attention for consideration. In addition to the incorrect diversion point description and variable fee shortfall, it appears that an unusually recent priority date was claimed. I have included a printout of the water right database record for the license for your reference. I would also point out that license 37-2018 is nowhere appurtenant to the claimed land. Should Mr. Awalt wish to continue with claim 37-2018, and in light of the commencing claim review in the area, I am requesting explanation of his possessory interest in the license.

Sincerely,

Douglas Jones, P. E.
Water Rights Supervisor
Southern Adjudication Unit

AMENDED

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

COPY
RECEIVED
OCT 21 2004
Return to
Brockman
11/3/04
Department of Water Resources
Southern Region

Please type or print clearly

- Name of Claimant (s) Rex Awalt Phone (805) 238-1315
Mailing Address P.O. Box 392, San Miguel, CA Zip 93451
- Date of Priority (Only one (1) per claim) 4/1/1934
- Source of water supply (a) Unnamed Stream
which is tributary to (b) Chimney Creek
- a. Location of existing point of diversion is: Township 1N Range 12E Section 33,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Camas
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- 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. _____
Diversion from creek to pipeline. Pipeline follows creek and serves irrigation
systems by gravity pressure.

Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 2.24 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.24 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. 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 together 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
			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	
1N	12E	34							2.5	2.7	36.6	20.8		1.2		25.8	22.4		112.0

Total number of acres irrigated 112.0

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

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

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

37-7938, 37-2018

Or None ☐

14. Remarks:

Last Name _____

Ident. No. _____

Basis of Claim (check one) ☒ Official Use ☐ X ☐ Posted Notice ☐ License ☐ Permit

Decree _____
If applicable provide IDWR Water Right Number 37-4191 (stat. claim)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (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) [Signature] Date 9-10-04
Date _____

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

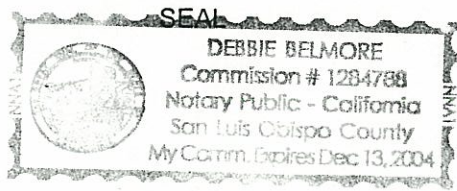
Of _____, that I have signed the foregoing
Organization
Document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of California)
County of San Luis Obispo) SS.

Subscribed and sworn (or affirmed) before me this 30th day of September, 2004



Notary Public [Signature]
Residing at Paso Robles, CA
My Commission Expires 12-13-04

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 _____ Ident. Number _____