

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 37-20865
Date Received: 2/4/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE GULCH TRUST Phone: (425)828-8000
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT
KIRKLAND WA 98033

2. Date of Priority: 11/26/1909

3. Source: ADAMS GULCH CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	2	SE SE	BLAINE	

5. Description of diverting works:

DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.13	23.5

7. Total Quantity Appropriated is:
0.13 C.F.S. and/or 23.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	1	SE	SW	IRRIGATION	6.7
Section Acres						6.7
Total Acres						6.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This claim was split from AJ claim 37-2165C pursuant to approved transfer 5112. It represents WR 37-2165C.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2165C.

CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD. AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

***** OWNERSHIP CHANGE MADE 1/11/96 BY TLB.

15. Basis of Claim: License

AJ = 37-2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2165C

WATER RIGHT NUMBER: 37-2165C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE GULCH TRUST ARTHUR HARRIGAN TRUSTEE C/O T MASON COM INVEST L CC 2300 CARILLON PT

KIRKLAND, WA 98033
(425)828-8000

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.130 CFS	23.50 AF
	<u>Total Diversion:</u>	0.130 CFS	23.50 AF

Location of Point(s) of Diversion

ADAMS GULCH CREEK SE1/4SE1/4 Sec. 2, Twp 04N, 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	
04N	17E	1												6.7					6.7

Total Acres: 6.7

Conditions of Approval:Remarks:

- General This right has been placed in the water supply bank.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2165C

Comments:

1. ZIMMERMA 12/2/1993 EXTENSION OF TIME TO AVOID FORFEITURE

Comment: An extension of time to avoid forfeiture has been approved on a 7 acre portion of this water right. The remaining 3 acres has been irrigated using Adam's Gulch water co-mingled in a pond with groundwater under license 37-8400.

2. PSKAGGS 12/30/1997 TRANSFER 5112

Comment: Transfer 5112 changes the nature, season & period of use under a portion of Right 37-02165B, splitting the right into Parts C & D.

Dates and Other Information:

Licensed Date: 5/8/1979

Decreed Date:

Water Supply Bank Enrollment Accepted: 4/2/1997

Water Supply Bank Enrollment Removed: 12/31/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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: A37-02165C
Date Received: 10/25/1988
Receipt No: C003832
Received By: O/C RAB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE GULCH TRUST
Address: C/O DENNIS WEIBLING
2320 CARILLON POINT
KIRKLAND WA

98033

2. Date of Priority: NOV 26, 1909

3. Source: ADAMS GULCH

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	2	SE	SW			BLAINE

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	1	SE	SW		IRR	10.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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:

CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD. AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

OWNERSHIP CHANGE MADE 1/11/96 BY TLB.

15. Basis of Claim: LICENSE

Water Right Number: 5698

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

JANUARY 11, 1996

THE GULCH TRUST
C/O DENNIS WEIBLING
2320 CARILLON POINT
KIRKLAND, WA 98033

RE: SRBA CLAIM(S) A37-02165C
THE ADAMS GULCH TRUST

DEAR CLAIMANT(S):

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

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

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

MICROFILMED
NOV 22 1996



RECEIVED

JAN 04 1996

Department of Water Resources
Southern Region

January 3, 1996

Water Master
Idaho Department of Water Resources
Attn.: Judy Given
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

Re: Order No. 21511

Lot 4 of Adams Gulch Subdivision
The Gulch Trust/The Adams Gulch Trust

Dear Judy:

In connection with the above mentioned order, please find attached the original Notice of Change of Water Right Ownership along with a copy of the Warranty Deed.

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

Sincerely,

SAWTOOTH TITLE COMPANY

Nancy L. Stabler
Escrow Assistant

nls

Attachment(s)

MICROFILMED

NOV 22 1996

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

JAN 04 1996

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 17E Department of Water Resources
Section 1, 1/4 of 1/4 of 1/4 Govt. Lot 1, BM. Southern Region
Lot 4, Block 1, Subdivision/Townsite Adams Gulch Subdivision
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) 37-08400, 37-02165 and A37-02165C
Assigned by IDWR: _____

[] Name and Address of Former Owner/Claimant(s)(Seller): The Adams Gulch Trust
c/o Stanley R. MacCammon, ORCA Bay Capital Corp.
P.O. Box 21749
Seattle, WA 98111

[] New Owner/Claimant (Purchaser): The Gulch Trust

[] New Mailing Address: c/o Dennis Weibling
2320 Carillon Point
Kirkland, WA 98033

[] New Telephone Number: () _____

[] 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: Warranty Deed

(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) [Signature] Date 1/2/96

[] Signature of Former Owner/Claimant(s): _____ 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: 1/11/96 By: [Signature]
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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
JAN 04 1996

Department of Water Resources
Southern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 17E
Section 1, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot 4, Block 1, Subdivision/Townsite Adams Gulch Subdivision
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: 37-08400, 37-02165 and A37-02165C
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): The Adams Gulch Trust
c/o Stanley B. MacCammon, ORCA Bay Capital Corp.
P.O. Box 21749
Seattle, WA 98111
- ☐ New Owner/Claimant (Purchaser): The Gulch Trust
- ☐ New Mailing Address: c/o Dennis Weibling
2320 Carillon Point
Kirkland, WA 98033
- ☐ New Telephone Number: () -
- ☐ 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: Warranty Deed

(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) _____ Date _____
- ☐ Signature of Former Owner/Claimant(s): [Signature] Date 1-2-96

(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: 1/1/96 By: ALB

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

Order No. 21511

WARRANTY DEED

FOR VALUE RECEIVED

John E. McCaw, Jr., Trustee of The Adams Gulch Trust dated October 22, 1992

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Dennis M. Weibling, Trustee of the Gulch Trust dated December 1, 1995

GRANTEE(s) whose address is: c/o 2320 Carillon Point, Kirkland, WA 98033

the following described real property in Blaine County, Idaho, to wit:

Lot 4 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 272239, records of Blaine County, Idaho.

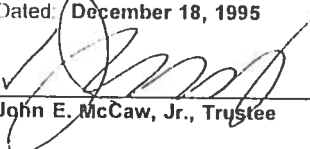
Conveying without warranty, the following water rights:

Water right numbers 37-08400, 37-02165 and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

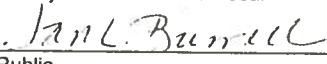
Dated: December 18, 1995


John E. McCaw, Jr., Trustee

State of Idaho)
County of Blaine) ss.

On this 2nd day of January, in the year 1996, before me, the undersigned, personally appeared John E. McCaw, Jr., known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the Adams Gulch Trust dated October 22, 1992, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.


Notary Public

Residing at Harley 27B-92
Commission Expires:

J:\nscrew\forms\wdt



MICROFILMED
NOV 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/11/96 15:26:25
Page 1Water Right Number - R37-02165C
Prefix Translation: RESEARCH
Old (D) Number - 5698

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

*** C - CURRENT OWNER ***
GULCH TRUST

THE

1 - C/O DENNIS WEIBLING
2 -
3 - 2320 CARILLO POINT
City- KIRKLAND
Phone - 208-000-0000

State- WA Zip- 98033

*** O - ORIGINAL OWNER ***
KREITLER

RICHARD

1 - PO BOX 2360
2 -
3 -

State- ID Zip- 83340

FLOWERS

JEANNE P

City- KETCHUM
Phone - 208-726-3632
1 - PO BOX 656
2 -
3 -

State- ID Zip- 83340

O RIORDAN

W HUGH

City- KETCHUM
Phone - 208-726-5051
1 - 702 W IDAHO ST #700
2 -
3 -

State- ID Zip- 83702

ADAMS GULCH TRUST

THE

City- BOISE
Phone - 208-308-8200
1 - C/O W HUGH O RIORDAN
2 - 702 W IDAHO ST #700
3 -

State- ID Zip- 83702

*** T - TRUSTEE ***
WEIBLING

DENNIS

City- BOISE
Phone - 208-338-8200
1 - THE GULCH TRUST
2 -
3 - 2320 CARILLO POINT
City- KIRKLAND
Phone - 208-000-0000

State- WA Zip- 98033

+ - - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
11/26/1909 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ADAMS GULCH BIG WOOD RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

04N 17E 2 SE SW (13) BLAINE

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

01 - IRRIGATION 04/01 11/01 0.200

MICROFILMED
NOV 22 1996

Water right number - R37-02165C Prefix Translation: RESEARCH

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
0.200 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|------|-------|-------------------|-------------|--------|
| 04N | 17E | 1 | SE SW | 10.0 | 01 | IRRIGATION | (13) BLAINE | |

Total Acres: 10.0

+ - - Diversion Means - DITCH & HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW
ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF
TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD.
AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

OWNERSHIP CHANGE MADE 1/11/96 BY TLB.

+ - - - - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - -
+ - - - - - No Conditions of Approval - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - - - - Date: 12/30/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE - - - - - Comments - - - - -
CHANGE OF OWNERSHIP RECEIVED OCT 29, 1992 STATE OFFICE. ORIGINAL OWNER RICHARD K KREITLER NEW OWNER THE ADAMS GULCH TRUST. COPY
OF WARRANTY DEED SUBMITTED WITH FORM AND MR. O'RORDAN'S POWER OF ATTORNEY.
Date: 01/11/1996 User Id: TBACKLUN Subject: COPIED FROM REMARKS
CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF
TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD. AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

OWNERSHIP CHANGE MADE 1/11/96 BY TLB.

+ - - - - - Audit Fields - - - - - 01/11/96 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 -

MICROFILMED
NOV 22 1996

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/11/96 15:26:26
Page 3

Water right number - R37-02165C

Prefix Translation: RESEARCH

+ Adjudication Rights Dates and Flags Area +
Claim Received Date - 10/25/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - C003832 Water District - 37
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag - C
Notice of Error Flag -

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: A37-02165C

Date Received: 10/25/1988

Receipt No: C003832

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE ADAMS GULCH TRUST 208-338-8200
Address: C/O W HUGH O RIODAN
702 W IDAHO ST #700
BOISE ID 83702

2. Date of Priority: NOV 26, 1909

3. Source: ADAMS GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N | 17E | 2 | SE | SW | | | BLAINE |

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N | 17E | 1 | SE | SW | | IRR | 10.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 10.0 |
| | | | | | Total Acres | 10.0 |

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:

CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD. AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

15. Basis of Claim: LICENSE

Water Right Number: 5698

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: _____

MICROFILMED

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

FEB 23 1993

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 29 1992

Department of Water Resources

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 17E Section 1, SE 1/4 of SW 1/4, Govt. Lot____, BM.
Lot 4, Block 1, Subdivision/Townsite ADAMS GULCH SUBDIVISION.

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: 37-08400, 37-02165, A37-02165C

☐ Name and Address of Former

Owner/Claimant(s)(Seller): Richard K. Kreidler
P.O. Box 2360
Ketchum, Idaho 83340

☐ New Owner/Claimant:

The Adams Gulch Trust
c/o W. Hugh O'Riordan
702 West Idaho, Suite 700
Boise, Idaho 83702

☐ New Mailing Address

c/o W. Hugh O'Riordan
702 West Idaho Street, Suite 700
Boise, Idaho 83702

☐ New Telephone Number: 208-338-8200

☐ 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:

37-08400 is for this property. The split of 37-02165 is shown in A37-0216C.

☐ Attach proof of ownership, describe proof attached: Two Warranty Deeds Attached
(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): *[Signature]* Date 10/29/92
Hugh O'Riordan, Attorney-in-Fact for the trustee of the Adams Gulch Trust

☐ Signature of Former

Owner/Claimant(s): _____ 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 12/21/92 By: *[Signature]*

Further Action Needed:

Further Action Taken

Date _____ By: _____

Final Review and Data Entry

Date _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

FEB 23 1993

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED

OCT 29 1992

Department of Water Resources

W. HUGH O'RIORDAN
(208) 338-8211

October 29, 1992

Mr. Donald V. Shaff
Adjudication Department
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Change in Ownership Form for The Adams Gulch Trust

Dear Mr. Shaff:

I am enclosing a Change in Water Right Ownership Form with one quitclaim and two warranty deeds showing that The Adams Gulch Trust is the current owner of water rights 37-02165 (portion), A37-02165C, and 37-8400. My power of attorney for The Adams Gulch Trust is also enclosed. I would appreciate copies of the water rights showing The Adams Gulch Trust as the new owner.

Please call if you have any questions.

Sincerely,

DAVIS WRIGHT TREMAINE


W. Hugh O'Riordan

WHO:ma
Enclosure

28611\14\00004.LTR
Boise

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

MICROFILMED

FEB 23 1993

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

BLAINE CO. REQUEST
OF: *Hogue Speck*
89 FEB 9 AM 11 27
MARY GREEN CLENN
FEES \$ 6.50

302879

POOR ORIGINAL

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, JEANNE PEARL FLOWERS, also known of record as JEANNIE PEARL FLOWERS, as single woman, PEARL FLOWERS, a widow, and PEARL E. FLOWERS, trustee of the Eugene Flowers Testamentary Trust, whose address is (the "Grantor", whether one or more), do hereby convey, release, remise and forever quitclaim unto RICHARD KREITLER, a married man dealing in his sole and separate property, whose address is P. O. Box 2360, Ketchum, ID 83340 ("Grantee"), any and all interest Grantor may have in the following described water right, situated in Blaine County, Idaho, to wit:

0.2 cfs of the waters of Adams Gulch for irrigation ✓
purposes with priority date of November 26, 1909,
identified as Idaho Water Right No. 37-2168.

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.

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 30th day of January, 1989.

GRANTOR:

Jeane Pearl Flowers
JEANNE PEARL FLOWERS

Pearl Flowers
PEARL FLOWERS

QUITCLAIM DEED - 1

MICROFILMED

FEB 23 1993

ORDER NO. 18213

GENERAL WARRANTY DEED

*Recorded 95
341893
6/15/92*

FOR VALUE RECEIVED

Richard Kreitler, a single man,

GRANTOR, does hereby GRANT, CONVEY AND WARRANT unto

JOHN E. McCAW, Jr., a single man,

GRANTEE, whose address is: P. O. Box 2908, Kirkland, WA 98083-2908

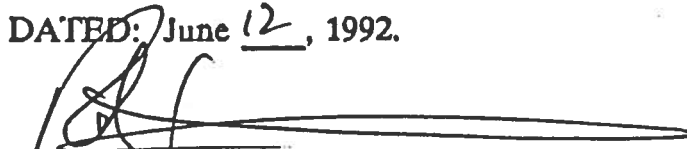
the following described real property in Blaine County, Idaho, to wit:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System;

Subject to easements, restrictions and encumbrances of record and to real property taxes, for the year 1992.

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

DATED: June 12, 1992.
Richard Kreitler

WARRANTY DEED

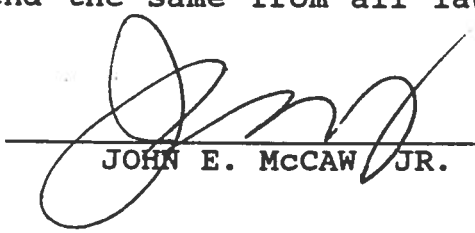
FOR VALUE RECEIVED, JOHN E. McCAW, JR., a single man ("Grantor"), does hereby GRANT, BARGAIN, SELL and CONVEY unto ADAMS GULCH TRUST ("Grantee"), whose current address is 702 W. Idaho, Suite 700, Boise, Idaho 83702, the following described real property in Blaine County, State of Idaho, more particularly described as follows, to wit:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements (if any), of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: 10/27/92


JOHN E. McCAW JR.

STATE OF Washington)
) ss.
COUNTY OF King)

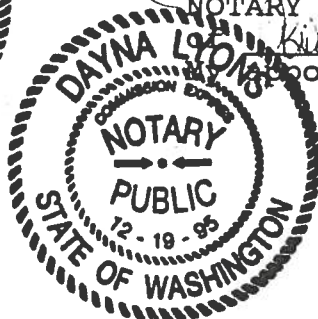
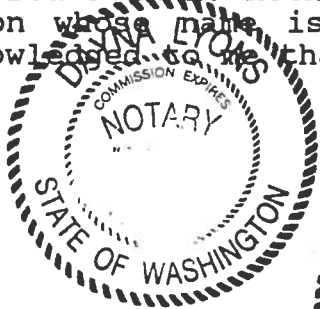
On this 27 day of October, 1992, before me, the undersigned, a Notary Public in and for said State, personally

Robem.McCaw/10.23.92
Seattle

MICROFILMED

FEB 23 1993

appeared JOHN E. McCaw, Jr., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Dayna Lyons
NOTARY PUBLIC in and for the State
of Washington residing at Kirkland
My appointment expires 12/19/95

STATE OF IDAHO)
) ss.
COUNTY OF _____)

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock ____m. this _____ day of _____, 1992, in my office, and duly recorded in Book of Deeds at page _____.

Ex-Officio Recorder

By _____
Deputy

Fee \$ _____
Mail to: _____

LIMITED POWER OF ATTORNEY

I, JOHN E. McCAW, Jr., Trustee of the ADAMS GULCH TRUST, do hereby make, constitute and appoint W. HUGH O'RIORDAN my true and lawful attorney for me and in my name, place and stead and on my behalf as Trustee of the ADAMS GULCH TRUST to act for me in any and every way in respect to all water rights relating to or appurtenant to the following-described real property situated in the County of Blaine, State of Idaho and held in the ADAMS GULCH TRUST:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

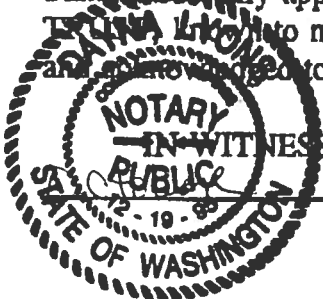
I further give and grant to W. HUGH O'RIORDAN, as my attorney hereunder, full power and authority in my name and as my act and deed as Trustee of the ADAMS GULCH TRUST to sign, seal, execute, deliver and acknowledge all written instruments, including without limitation, applications to the Idaho Department of Water Resources or other state or federal agencies, and deeds, and to do and perform each and every act and thing whatsoever that may be necessary or proper to be done in or about the exercise of the powers and authority hereinabove granted to him respecting prosecution and determination of water rights, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify, approve and confirm all that W. HUGH O'RIORDAN, as my attorney hereunder, shall lawfully do or cause to be done by virtue of the powers granted herein and agree to indemnify and hold W. HUGH O'RIORDAN harmless from any actions or claims made against him as a result of the lawful exercise of the powers granted hereby. This shall be a durable power of attorney and shall not be affected by my disability or death.

STATE OF Washington

: ss.

County of KING

On this 27 day of October, 1992, before me, a notary public in and for said State, personally appeared JOHN E. McCAW, Jr., Trustee of the ADAMS GULCH TRUST, who came 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 this 27 day of October, 1992.

Notary Public for State of Washington
Residing at: Kirkland

My Commission expires 10/27/93

MICROFILMED
FEB 23 1993

Water Right Number - R37-02165C Prefix Translation: RESEARCH Old (D) Number - 5698
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
O RIORDAN

W HUGH

State- ID Zip- 83702

*** C - CURRENT OWNER ***
ADAMS GULCH TRUST

THE

1 - C/O W HUGH O RIORDAN
2 - 702 W IDAHO ST #700
3 -

State- ID Zip- 83702

*** O - ORIGINAL OWNER ***
FLOWERS

JEANNE P.

1 - P.O. BOX 656
2 -
3 -

State- ID Zip- 83340

KREITLER

RICHARD

City- KETCHUM
Phone - 208-726-5051
1 - P.O. BOX 2360
2 -
3 -

State- ID Zip- 83340

City- KETCHUM
Phone - 208-726-3632

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/26/1909 17 SOUTHERN L - LICENSE

+ - - Source - - - - - + + - - Tributary - - - - - +
ADAMS GULCH BIG WOOD RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

04N 17E 2 SE SW (13) BLAINE

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

01 - IRRIGATION 04/01 11/01 0.200

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Consumptive Use - - + + - KW Usage - - +
0.200 0.0

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

04N 17E 1 SE SW 10.0 01 IRRIGATION (13) BLAINE

Total Acres: 10.0

MICROFILMED
FEB 23 1993

Water right number - R37-02165C

Prefix Translation: RESEARCH

+ - - Diversion Means - DITCH & HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +

CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW
ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF
TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD.
AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

+ - - - - - 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: 12/30/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE

CHANGE OF OWNERSHIP RECEIVED OCT 29, 1992 STATE OFFICE. ORIGINAL OWNER RICHARD K KREITLER NEW OWNER THE ADAMS GULCH TRUST. COPY
OF WARRANTY DEED SUBMITTED WITH FORM AND MR. O'RORDAN'S POWER OF ATTORNEY.

+ - - Audit Fields - - +

12/30/92 GIVENS

+ - - - - - 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 | - 10/25/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C003832 | Water District | - 37 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

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

30-Dec-1992 11:46

W HUGH O RIORDAN
DAVIS WRIGHT TREMAINE
702 W IDAHO ST #700
BOISE ID 83702

RE: CHANGE OF OWNERSHIP FORM FOR THE ADAMS GULCH TRUST

Dear Mr. O'Riordan:

This letter is in reference to the CHANGE OF OWNERSHIP (copy enclosed) for the above-listed Adjudicated Claims you sent in. We have changed our computer records on the right(s) that have been adjudicated:

37-08400 - has not been adjudicated - I will give copy to Water Right Allocations to address.

37-02165 - has been split - will do a ownership change on A37-02165C.

Please check them for accuracy and should you have any questions, please do not hesitate to contact me at this office at the above-listed telephone number.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED

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: A37-02165C
Date Received: 10/25/1988
Receipt No: C003832
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD KREITLER 208-726-3632
Address: P.O. BOX 2360
KETCHUM, ID 83340

2. Date of Priority: NOV 26, 1909

3. Source: ADAMS GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N | 17E | 2 | SE | SW | | | BLAINE |

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N | 17E | 1 | SE | SW | | IRR | 10.0 |

Section Acres 10.0

Total Acres 10.0

A37-02165C

Page 1

Date: 01/06/89

MICROFILMED
FEB 23 1993

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:

CLAIM IS FOR A PORTION OF ORIGINAL LICENSE. ATTACHED DEEDS SHOW ALL APPURTENANT WATER RIGHTS WERE TRANSFERRED IN THE CHAIN OF TITLE FROM THE FLOWERS. PLACE OF USE IS LOT 4, ADAMS GULCH SUBD. AND CLAIM IS FOR WATER HISTORICALLY APPURTENANT TO THIS LOT.

15. Basis of Claim: LICENSE
Water Right Number: 5698

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 _____

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

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

CIVIL CASE NUMBER: 39356
Ident Number A37-02165C
Date Received 10/25/88
Receipt Number 0003832

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

1. Name of Claimant(s): Richard Kreitler
Phone: (208) 726-3632
Mailing Address: P. O. Box 2360
Ketchum, ID 83340
2. Date of Priority: November 26, 1909
3. Source of water supply (a) Adams Gulch
which is tributary to (b) Big Wood River
4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>1/4</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|------------|------------|------------|------------|---------------|
| 4N | 17E | 2 | | SE | SW | | Blaine |

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>1/4</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|------------|------------|------------|------------|---------------|
|-----------------|--------------|----------------|------------|------------|------------|------------|---------------|

Ending point:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>1/4</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|------------|------------|------------|------------|---------------|
|-----------------|--------------|----------------|------------|------------|------------|------------|---------------|

5. Description of existing diversion works: Headgate & unnamed ditch.

COPY MICROFILMED
FEB 23 1993

6. Water is claimed for following purposes:

| <u>Purpose</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|----------------|-------------|------------|---------------|
| Irrigation | April 1 | November 1 | 0.2 cfs |

7. Total Quantity Claimed: 0.2 cfs

8. Total consumptive use claimed is 25 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>Use</u> | <u>Irrig. Acres</u> |
|-----------------|--------------|----------------|------------|------------|------------|---------------------|
| 4N | 17E | 1 | SE | SW | I | 10 |

Total number of irrigated acres: 10

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. Remarks: Claim is for a portion of original License. Attached deeds show all appurtenant water rights were transferred in the chain of title from the Flowers. Place of use is Lot 4, Adams Gulch Subdivision, and claim is for water historically appurtenant to this Lot.

COPY

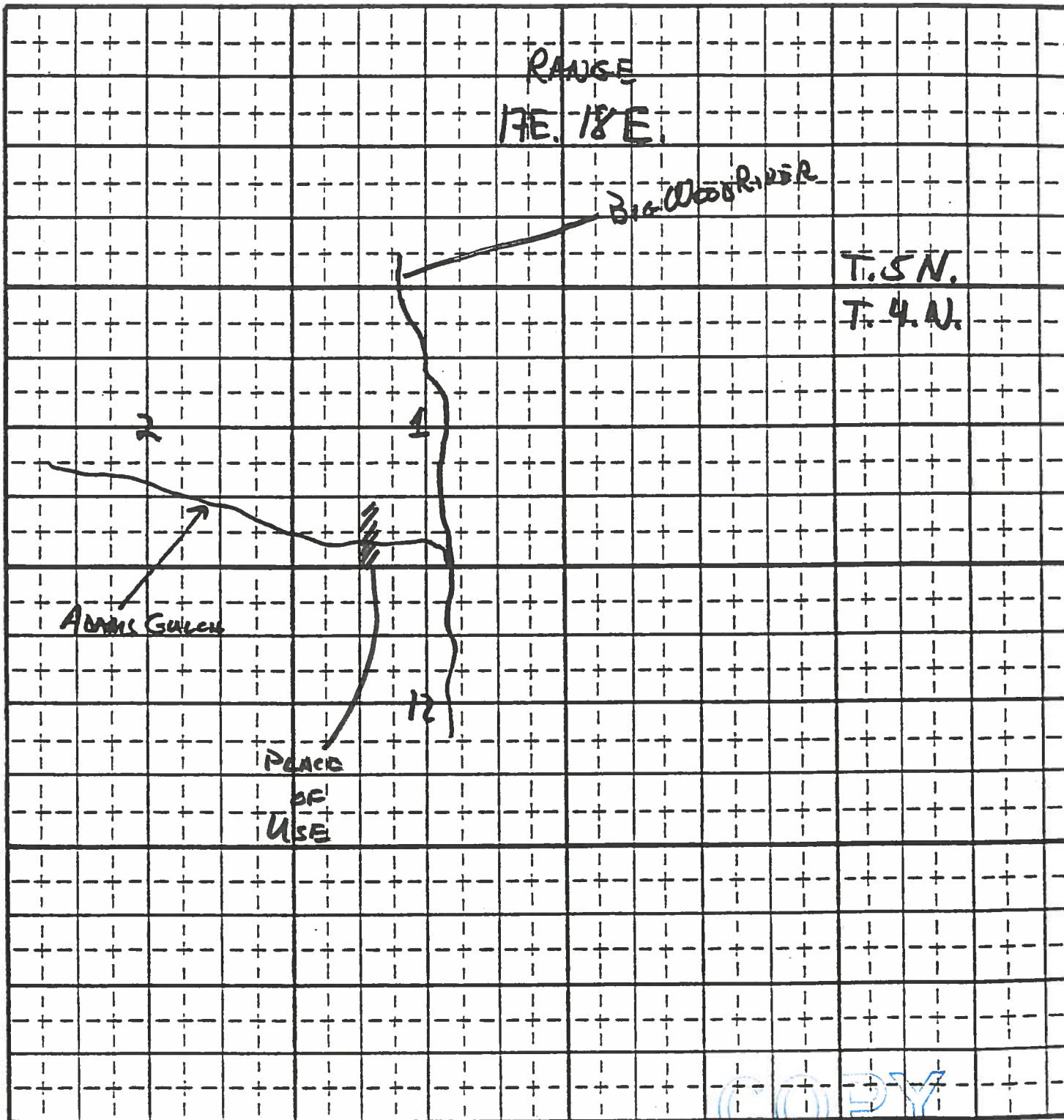
Last Name: Kreitler Ident No. _____

MICROFILMED

FEB 23 1993

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

Scale: 2 inches equals 1 mile



Last Name KREITLER Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
FEB 23 1993

15. Basis of Claim: License
IDWR Water Right Number: 37-2165
Court:
Case Number:
Decree Date:
Plaintiff v. Defendant:

16. Signature(s)

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

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

Signature of Claimant(s) X

Date Oct. 24, 1988

Date _____

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 24 day of October, 1988.

Notary Public Taryn Smith
Residing at Ketchum Id
Commission Expires 1/9/92

17. Notice of Appearance:

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

Signature: James P. Speck

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

Date: 10/24/88

COPY

Last Name: Kreitler
a2:\barclay.clm

Ident No.: _____

MICROFILMED

FEB 23 1993

WARRANTY DEED

JEANNE PEARL FLOWERS, also known of record as
For Value Received of JEANNIE PEARL FLOWERS, a single woman; PEARL FLOWERS,
a Widow, AND PEARL E. FLOWERS, Personal Representative of the Estate of
Eugene Flowers, deceased,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
STEDMAN ADAMS, a single man; MARTIN ADAMS, a single man; RICHARD KREITLER, a
married man, AND SOPHIE ENGELHARD, a single woman, as Tenants in Common
whose address is: P.O. Box 3120, Ketchum, ID 83340

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

Lots 3 and 4, FLOWERS RANCH SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof recorded April 5, 1985
1985, as Instrument No. 261730, records of Blaine County, Idaho.

SUBJECT TO Reservations, restrictions, easements and water rights
of record in the records of Blaine County, Idaho.

FURTHER subject to an access easement from Lot 4 to Lot 5 of Flowers
Ranch Subdivision, pursuant to an agreement between the parties
hereto dated December 19, 1984.

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

Dated: March 4, 1985

Pearl E. Flowers, Personal Representative
of the estate of Eugene Flowers, Dec'd.

Pearl Flowers

Jeannie Pearl Flowers

STATE OF IDAHO, COUNTY OF Blaine,
On this 4th day of March 1985,
before me, a notary public in and for said State, personally appeared Jeannie Pearl Flowers, also
known of record as Jeannie Pearl Flowers, a
single woman; Pearl Flowers, a widow, and
Pearl E. Flowers, as Personal Representative
of the estate of Eugene Flowers, deceased,
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Residing at
Comm. Expires

Bellevue
10/10/86

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

CLERK OF DISTRICT COURT
BLAINE CO.
RECEIVED OF
15 APR 5 PM 4:17
14553
CLERK
DEPUTY

261746

MICROFILMED

FEB 23 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

October 24, 1988

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

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

CERTIFIED MAIL

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

RECEIVED

OCT 25 1988

Attention: Jim Stanton

Department of Water Resources
Southern Region Office

Re: Snake River Basin Adjudication
Notice of Claim to Water Rights
Richard Kreitler

Dear Jim:

Enclosed you will find the original Notice to Claim to Water Rights which we have prepared on behalf of Richard Kreitler for the following-described water rights:

1. 37-2165.

Also find enclosed a check in the sum of \$60.00 to cover the filing fees for these claims.

Kindly call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
Enclosures
cc: Mr. Richard Kreitler

MICROFILMED

FEB 23 1993

Water Right Number - 37-02165 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 5698
+ - - - - Last Name - - - - + + - - - - - Address - - - - - + - - - - -

*** C - CURRENT OWNER ***
FLOWERS
THORNTON W.
1 -
2 -
3 -
City- HAILEY State- ID Zip- 83333
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/26/1909 L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
ADAMS GULCH BIG WOOD RIVER
UNNAMED STREAM ADAMS GULCH

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

04N 17E 2 SE SE (13) BLAINE 272.0 386.0 42.0 0.7
05N 17E 34 SE SW (13) BLAINE 272.0 386.0 42.0 0.8

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To
01 - IRRIGATION 1.200
43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|------|-------|-------------------|-------------|--------|
| 04N | 17E | 1 | NE SW | 15.0 | 01 | IRRIGATION | (13) BLAINE | |
| 04N | 17E | 1 | NW SW | 10.0 | 01 | IRRIGATION | (13) BLAINE | |
| 04N | 17E | 1 | SW SW | 20.0 | 01 | IRRIGATION | (13) BLAINE | |
| 04N | 17E | 1 | SE SW | 15.0 | 01 | IRRIGATION | (13) BLAINE | |

Total Acres: 60.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

REMARKS
SOURCES ARE ADAMS GULCH & UNNAMED STREAM. THE UNNAMED STREAM IS
KNOWN LOCALLY AS SHEEP CREEK.

MICROFILMED

FEB 23 1993

Adj. flag translation: Standard Water Right Number

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

+ - - Audit Fields - 05/06/85

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 | - 05/06/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 37 |
| Licensed Date | - 05/08/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | | | | |

MICROFILMED
FEB 23 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

partial

CLAIMANT'S NAME Kreidler CLAIM ENT. NO. A37-02165

DATE RECEIVED 10/25/88 CK # 5799 AMOUNT \$ 60.00

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

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). License
USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ☒ YES ☐ NO
- (b) Is a tributary to entered? (if required) ☐ YES ☒ N/A

4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO

5. Is there a description of the diverting works? ☒ YES ☐ NO

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO

Is the period of use included? ☒ YES ☐ NO

Is a quantity claimed for each use? ☒ YES ☐ NO

7. Is a total quantity claimed entered? ☒ YES ☐ NO

8. If required is a consumptive use entered? ☐ YES ☒ N/A

Is the consumptive use correct? ☐ YES ☒ N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ N/A

10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO

11. Is (are) the county(ies) entered? ☒ YES ☐ NO

12. Is the ownership of p.u. checked? ☒ YES ☐ NO

13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A

15. Is the basis of the claim indicated? ☒ YES ☐ NO

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO

Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO

Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO

Is the fee enclosed correct? ☐ YES ☒ Exempt

If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A

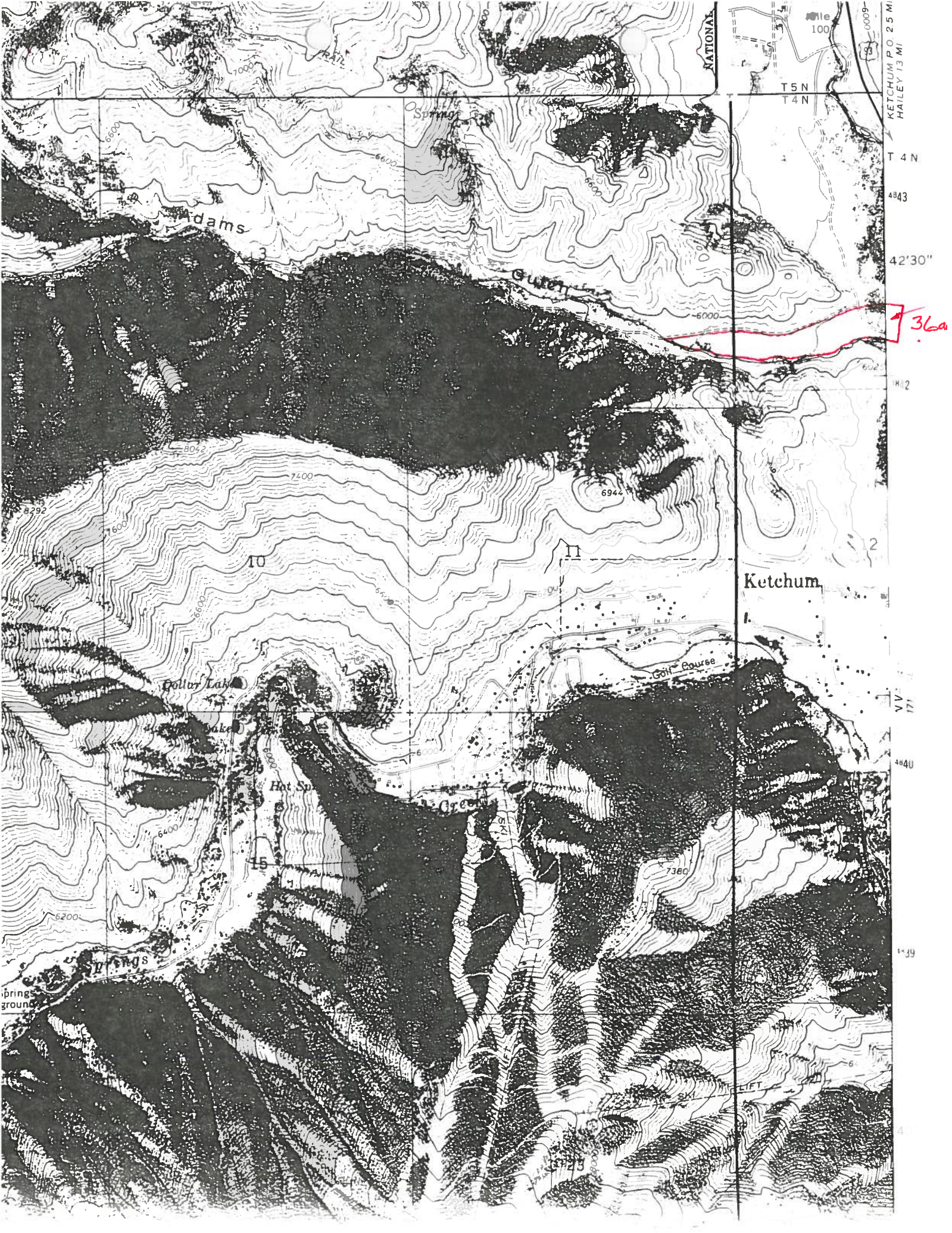
Should this claim be receipted and data entered? ☒ YES ☐ NO

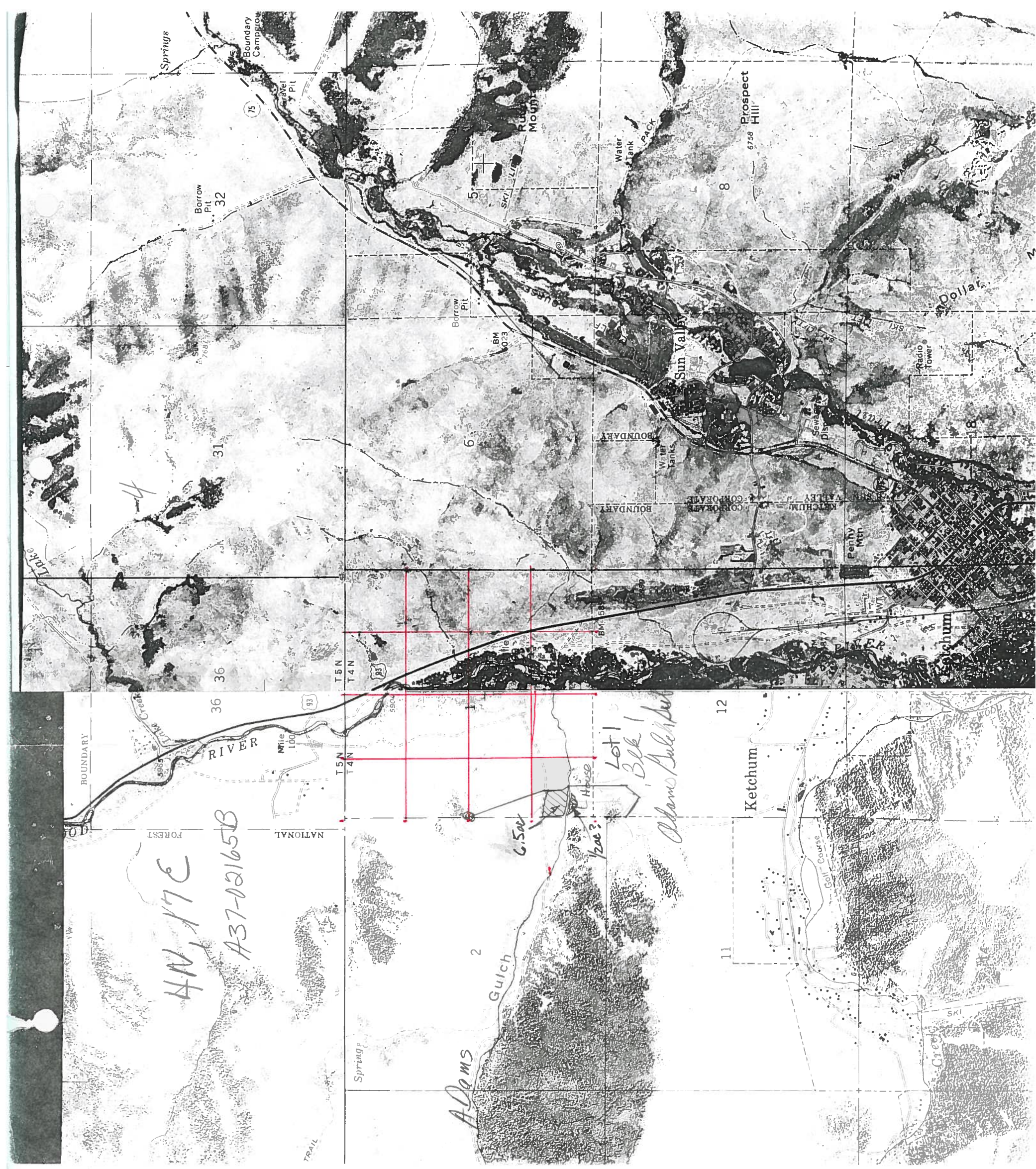
Claim checked by: Lat.

Comments: _____

MICROFILMED

FEB 23 1993





37-02165

S T A T E _ O F _ I D A H O

Water License No. 5698

WHEREAS, On the 26th day of November, A.D. 1909, THORNTON W. FLOWERS, of Hailey, County of Blaine, State of Idaho, duly made application (No. 7954) to me for a permit to use 2.8 cubic foot per second of the waters of Adams Gulch and .4 of 1 cubic foot per second of the waters of Sheep Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 1st day of February, A.D. 1910, Permit No. 5698, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 1st day of August, A.D. 1910, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic foot per second of said waters, as evidenced by my Certificate No. 5698, dated December 1, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic foot per second of the said waters, with date of priority of November 26, 1909, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the application to beneficial use of 1.2 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THORNTON W. FLOWERS, of Hailey, County of Blaine, State of Idaho, the holder and owner of said Permit No. 5698, a perpetual right, dating from November 26, 1909, to the use of 1.2 cubic foot per second of the waters of Adams Gulch and Sheep Creek, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point from Adams Gulch in the southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 2, township 4 North of Range 17 East of the Boise Meridian, and from reservoir on Sheep Creek in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 34, township 5 North of Range 17 East Boise Meridian, and conducted to and upon 10 acres in northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 15 acres in northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 20 acres in southwest quarter of southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and 15 acres in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 1, township 4 North of Range 17 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this first day of December, A.D. nineteen hundred and ten.

(SEAL)

Recorded December 1, 1910

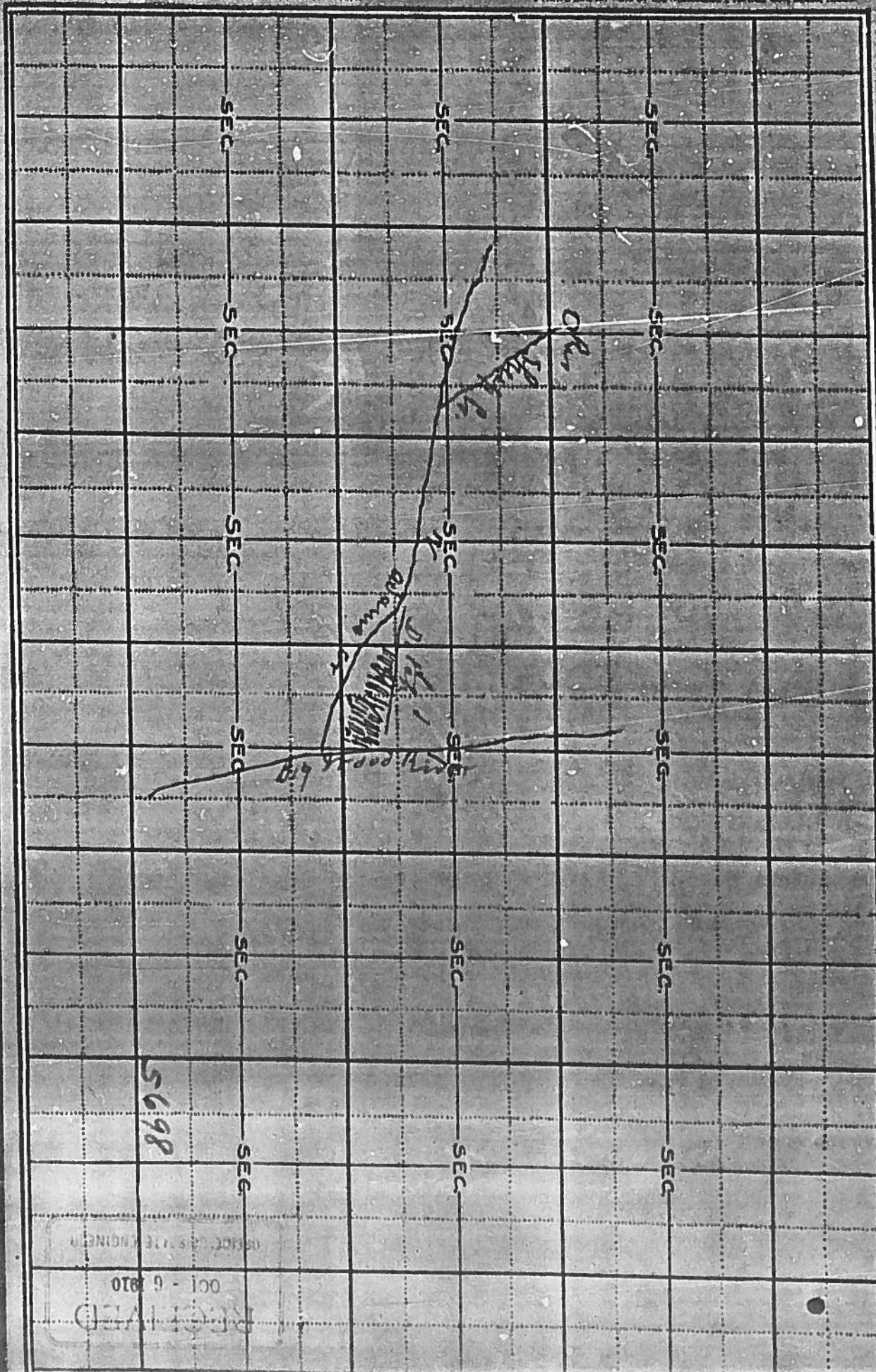
D.G. Martin

State Engineer

37-2165

SCALE: 3 INCHES = 1 MILE. DRAW PLAN IN INK.

Printed and Published by J. B. Lippincott & Co., New York.



01/26/2007

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

RIGHT NUMBER: 37-20865

NAME AND ADDRESS: THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT
KIRKLAND WA 98033

SOURCE: ADAMS GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.110 CFS

PRIORITY DATE: 11/26/1909

POINT OF DIVERSION:

T04N R17E S2 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.110 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S01 SESW 3.70

(3.7⁷ac x 0.02 cfs)

3.7 ACRES TOTAL

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

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

The remainder of this right was forfeited for non-use from 1910 to 1987.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-2165C.

MEMORANDUM

To: Claim file 37-2165A, 37-2165B, 37-2165D, 37-20865, 37-20866, and 37-22126

From: Cynthia Bridge Clark

Date: January 29, 2007

Re: SRBA Claim Review

Preliminary recommendations for the above referenced SRBA claims were revised. Attorney Jim Speck represents the owner of claim 37-2165A. He acknowledged the reduction in acres claimed through the preliminary recommendation but requested the diversion rate reflect the amount claimed. All of the claims referenced above are parts of licensed water right 37-2165. The license authorized diversion of water for irrigation of one inch per acre. Therefore, the diversion rates were reduced accordingly based on the number of acres recommended for each claim. The claimants did not provide additional information to substantiate diversion of more than an inch per acre, but SRBA staff acknowledged that higher rates have been recognized for surface water rights with conveyance losses, etc. Without additional information, the diversion rates were increased to the following (0.03 cfs per acre for less than or equal to 5 acres, 0.15 cfs for 5 to 7.5 acres):

| Claim No. | Diversion Rate | Place of Use |
|----------------------------------|------------------|------------------|
| 37-2165 (renumbered to 37-22126) | 0.03 cfs | 1.0 acre |
| 37-2165A | 0.15 cfs | 6.4 acres |
| 37-2165B | 0.15 cfs | 6.7 acres |
| 37-2165D | 0.15 cfs | 6.1 acres |
| 37-20865 | 0.11 cfs | 3.7 acres |
| 37-20866 | <u>0.07 cfs*</u> | <u>3.0 acres</u> |
| Totals: | 0.66 cfs | 26.9 acres |

*Limited by Transfer no. 5112.

Period of Use

- Standard season: 4/15 to 10/31
- License or Decree: None
- Claims:
 - 37-2165: None
 - 37-2165A: 4/1 to 11/01
 - 37-2165B: 4/1 to 11/01
 - 37-2165D: 4/1 to 11/01
 - 37-20865: 4/15 to 10/15
 - 37-20866: 4/15 to 10/15 & 1/1 to 12/31
- Recommendation: 4/15 to 10/31

Quantity

- Amount Claimed: all claimed at 1 inch per acre. Rate reduced based on reduced acres.
- License 37-2165: 1.2 cfs, 60 acres (1 inch per acre)

Recommendation

| Claim Nos. | Claimed Amounts | | Recommended Amounts | |
|------------|-----------------|---------|---------------------|--------|
| | Rate | POU | Rate | POU |
| 37-2165 | 1.2 cfs | 2.0 ac | 0.02 cfs | 1.0 ac |
| 37-2165A | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.4 ac |
| 37-2165B | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.7 ac |
| 37-2165D | 0.2 cfs | 10.0 ac | 0.12 cfs | 6.1 ac |
| 37-20865 | 0.2 cfs | 10.0 ac | 0.07 cfs | 3.0 ac |
| 37-20866 | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.7 ac |

0.11 cfs
(3.7 x 0.03)

per transfer

29.9 ac

See Rec. 37-22126

3.7 per Rec.
3.0 per Rec.

Blaine County *
Adams Gulch and Sheep Creek *
1.2 second feet **
Irrigation and domestic use *
Priority 11-26-09 *

S T A T E _ _ O F _ _ I D A H O _ _

Water License No. 5698

WHEREAS, On the 26th day of November, A.D. 1909, THORNTON W. FLOWERS, of Hailey County of Blaine, State of Idaho, duly made application (No. 7954) to me for a permit to use 2.8 cubic feet per second of the waters of Adams Gulch and .4 of 1 cubic foot per second of the waters of Sheep Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 1st day of February, A.D. 1910, Permit No. 5698, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 1st day of August, A.D. 1910, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5698, dated December 1, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of the said waters, with date of priority of November 26, 1909, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the application to beneficial use of 1.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THORNTON W. FLOWERS, of Hailey, County of Blaine, State of Idaho, the holder and owner of said Permit No. 5698, a perpetual right, dating from November 26, 1909, to the use of 1.2 cubic feet per second of the waters of Adams Gulch and Sheep Creek, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point from Adams Gulch in the southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 2, township 4 North of Range 17 East of the Boise Meridian, and from reservoir on Sheep Creek in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 34, township 5 North of Range 17 East Boise Meridian, and conducted to and upon 10 acres in northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 15 acres in northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 20 acres in southwest quarter of southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and 15 acres in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 1, township 4 North of Range 17 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this first day of December,

A.D. nineteen hundred and ten.

(SEAL)

Recorded December 1, 1910

D.G. Martin

State Engineer

37-2165

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

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: 12/13/2006

Water right number: 37-20865

THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LLC
2300 CARILLON PT

KIRKLAND WA 98033
Telephone Number: (425)828-8000

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:

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

DATE: 12-7-06

SIGNATURE: Laura Thompson

Gulch Trust

Please print your name: Laura Thompson

Estate Manager

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

1 INVESTMENTS, LLC

2300 Carillon Point
Kirkland, WA 98033-7353

LAURA THOMPSON
Estate Manager

206.730.0069 cell
laura.thompson@comscs.com email

SCANNED
DEC 14 2006

11/06/2006

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

RIGHT NUMBER: 37-20865

NAME AND ADDRESS: THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT

KIRKLAND WA 98033

SOURCE: ADAMS GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 11/26/1909

POINT OF DIVERSION:

T04N R17E S2 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.070 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S01 SESW 3.70

3.7 ACRES TOTAL

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

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

The remainder of this right was forfeited for non-use from 1910 to 1987.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-2165B.



Idaho Department of Water Resources

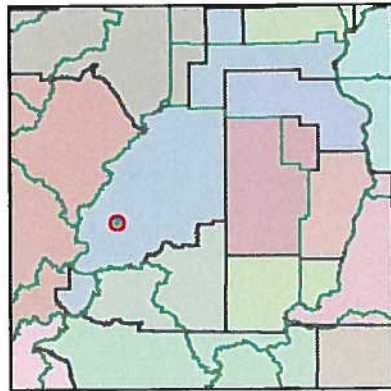
SRBA Recommendation:

37-20865

(Irrigation)

Legend

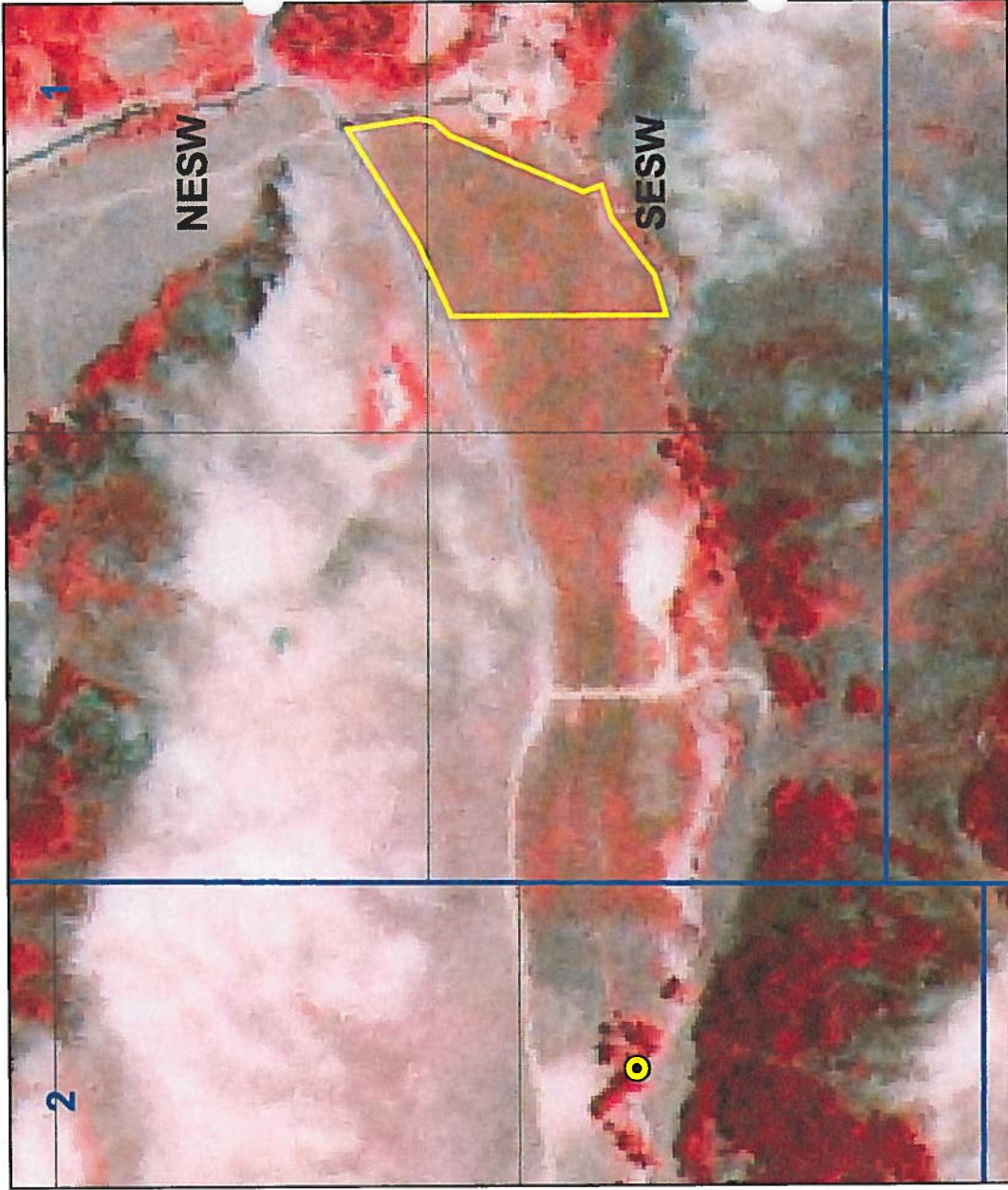
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



R17E



T04N

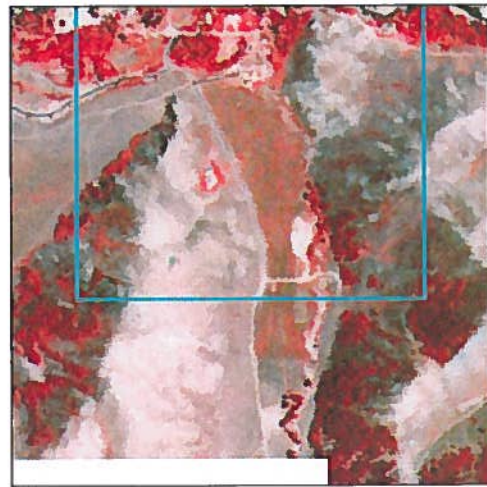
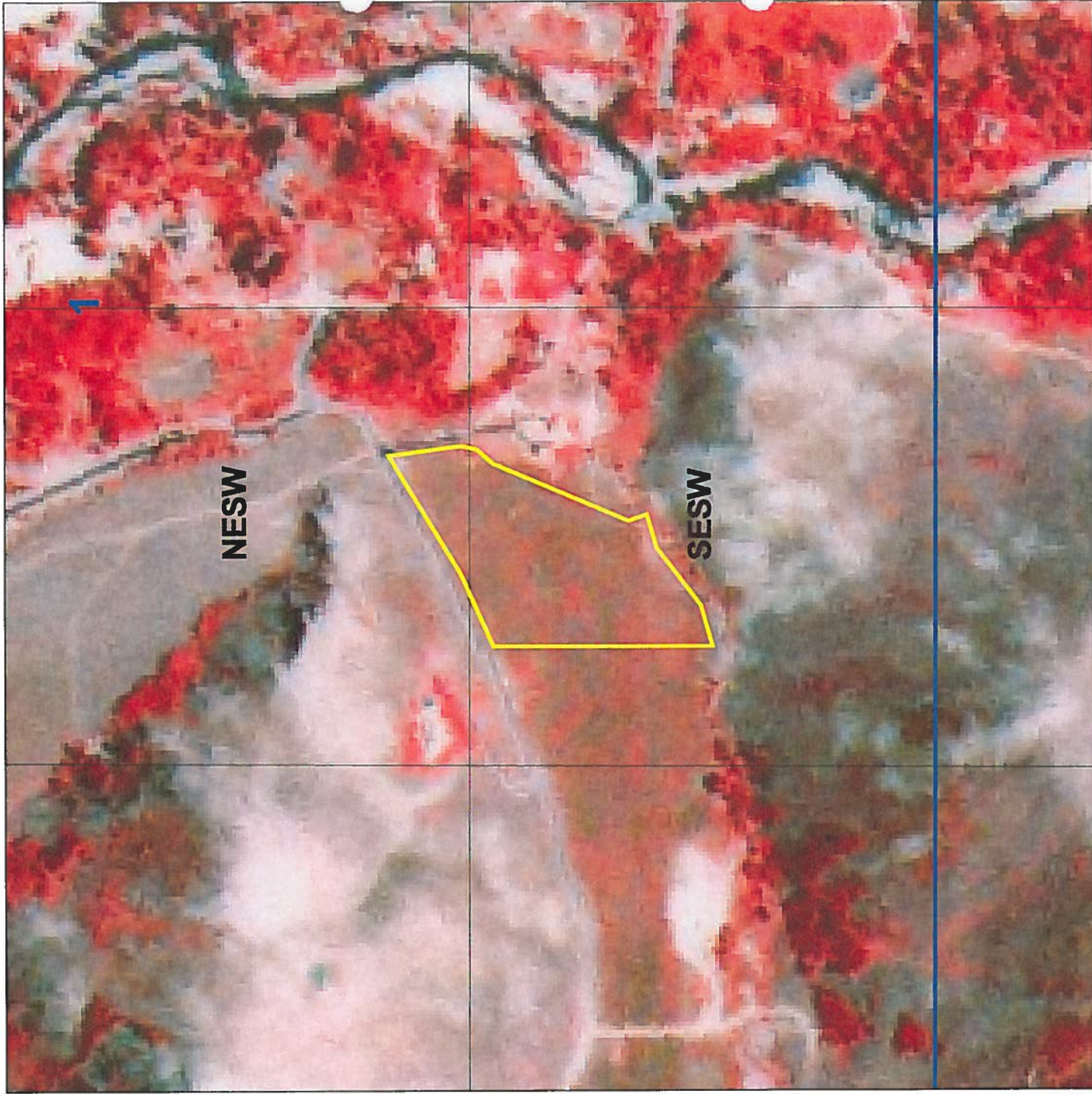
0.4 Miles

0.2

0

Prepared by C. Clark
On Sunday, November 5, 2006
1987/88 Aerial Photography

37-20865



MEMORANDUM

To: Claim files 37-2165, 37-2165A, 37-2165B, 37-2165D, 37-20865, and 37-20866

From: Cynthia Bridge Clark

Date: October 15, 2006

Re: SRBA Claim Review notes

Overview

Water right 37-2165 was licensed with a priority date of 12/1/1910. It was owned by the Flowers family, but was later split into the four parcels to create the Adams Gulch Subdivision. The Flowers Homestead Subdivision sits on the west end of the Adams Gulch Subdivision and consists of four lots. A portion of water right 37-2165 is now owned by each of the lot owners in the Adams Gulch Subdivision and a small portion by the owner of the most easterly lot in the Flowers Homestead Subdivision.

All of these portions were claimed in the SRBA. The claimed amounts have been changed in the preliminary recommendations based on evidence of historic use. Additionally, the water right numbers (e.g. split suffix) do not necessarily match the claim numbers. The corresponding numbers are identified below.

| <u>Water Right No.</u> | <u>Corresponding Claim Nos.</u> |
|---|--|
| 37-2165 | 37-2165 (remaining portion of original water right less other claimed amounts) |
| 37-2165A | 37-2165A |
| | 37-2165B |
| | 37-2165D |
| 37-2165B (parent-split into water rights 37-2165C & 37-2165D through transfer 5112) | |
| 37-2165C | 37-20865 (renumbered) |
| 37-2165D | 37-20866 (renumbered) |

Ownership/Contacts

37-2165: Current owner on the claim is Jeanne Flowers. Based on available tax lot information, the present landowner is Sleigh Bells, LLC. I spoke with Ms. Flowers on the telephone on November 3, 2006 regarding the location of the claim. She said that the water right should have been split between the four lots in the Adams Gulch Subdivision and the adjacent lot in the Flowers Homestead Subdivision. She stated that she sold that lot to Mr. Farrelly. According to the Annual Report Form filed with the Idaho Secretary of State, Robert Farrelly is an officer for Sleigh-Bells, LLC. Mr. Farrelly will be identified as a present owner to receive a copy of the recommendation.

37-2165A: The current claimant (updated through an ownership change) is also the property owner according to available tax lot information.

37-2165B: The current claimant, Timothy H. Harris (updated through an ownership change) does not match the property owner according to available tax lot information.

37-2165D: The current claimant (updated through an ownership change) is also the property owner according to available tax lot information.

37-20865: The current claimant, The Gulch Trust (updated through an ownership change), does not match the property owner, Susan McCaw, according to available tax lot information. However, documents in the water right file and claim files indicate John McCaw was a trustee of the Gulch Trust as a Trustee in the past.

37-20866: Same as above.

Basis of claims

- License 37-2165: 1.2 cfs, 60 acres
- All claims received in 1988 or 1989.

Priority Date

- License: 11/26/1909
- Evidence of Priority: License

POD

- WM Records: N/A
- Claimed POD:
 - Water right license 37-2165: SESE, Section 2, T4N, R17E (Adams Gulch)
SESW, Section 34, T5N, R17E (Res. Sheep Ck)
 - 37-2165: SESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165A: SESW, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165B: NESESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165D: SESW, Section 2, T4N, R17E (Adams Gulch)
 - 37-20865: SESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-20866: SESE, Section 2, T4N, R17E (Adams Gulch)
- Location verification: Original POD from Adams Gulch described in SESE of Section 2. Diversion from the creek into a ditch is also described in field exam for application for extension of time to avoid forfeiture. If all claimants currently divert from ditch, POD should be the same. Diversion from Sheep Creek was not claimed by any of the users. POD for all claims digitized based on description in field exam and imagery (SESE, Section 2, T4N, R17E).

Source

- Notes: Source on license is Adams Gulch and from a reservoir on Sheep Creek, tributary to Adams Gulch.

POU

- POU Overlap:

37-2165: 37-11304 (domestic use for three homes including lawn & garden).

Add combined limit

37-2165A: 37-12563, no indication of irrigation from well.

37-2165B: 37-7682 is municipal right.

37-2165D: 37-7682 is municipal right.

37-20865: 37-20866, 37-8400. Add POU condition.

37-20866: 37-8400. Carry over transfer conditions.

- Forfeiture Original license authorized 1.2 cfs, 60 acres. Based on available imagery, maps and documentation from the owner filed with an application for Extension of Time to Avoid Forfeiture in 1992, and documents in the water right file from the subsequent field exam indicate only about 26.2 acres were farmed under the license. A POU of 27.0 acres was digitized based on available imagery.
- Development/Beneficial Use: approximately 27 acres developed
- Available information/imagery:
 - DOQQ 92, NAIP 1987, SUNV NAIP 2004
 - Not available: 57-77, NAIP 2006.
- Notes:
 - The place of use recommended per claim is based on the number of acres irrigated under the original water right. The acres were split based on the number of historically irrigated acres within each lot.
 - Claims 37-20865 & 37-20866: These were originally covered under water right no. 37-2165B. The water right was split into rights 37-2165C & D (these do not match corresponding claim numbers). They were renumbered to 37-20865 and 37-20866 respectively. An extension of time to avoid forfeiture was approved for water right no. 37-2165B to protect 10 acres from forfeiture. Later water right number 37-2165C (37-20865) was leased to the Water Supply Bank to continue to protect 7 acres from forfeiture. Transfer no. 5112 authorized additional uses (storage, etc.) for the water associated with three acres of irrigation under water right 37-2165D (37-20866). SRBA review indicates that only about 6.7 were historically irrigated on the place of use associated with water right 37-2165B (10 acres). Therefore, irrigation between the claims 37-20865, 37-20866 & domestic right 37-8400 is limited to a total of 6.7 acres. It is not currently possible to irrigate 6.7 acres with the presence of the house, driveway, pond etc. Therefore, POU for claims 37-20865 & 37-20866 overlaps. Combined limit conditions were not added between the two claims because 6.7 acres were irrigated in 1987. However, a transfer may be required in the future to use claim 37-20865 to its full extent.

Water Use

- Notes: recommended as claimed.

Period of Use

- Standard season: 4/15 to 10/31
- License or Decree: None
- Claims:
 - 37-2165: None
 - 37-2165A: 4/1 to 11/01
 - 37-2165B: 4/1 to 11/01
 - 37-2165D: 4/1 to 11/01
 - 37-20865: 4/15 to 10/15
 - 37-20866: 4/15 to 10/15 & 1/1 to 12/31
- Recommendation: 4/15 to 10/31

Quantity

- Amount Claimed: all claimed at 1 inch per acre. Rate reduced based on reduced acres.
- License 37-2165: 1.2 cfs, 60 acres (1 inch per acre)

Recommendation

| Claim Nos. | Claimed Amounts | | Recommended Amounts | |
|------------|-----------------|---------|---------------------|--------|
| | Rate | POU | Rate | POU |
| 37-2165 | 1.2 cfs | 2.0 ac | 0.02 cfs | 1.0 ac |
| 37-2165A | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.4 ac |
| 37-2165B | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.7 ac |
| 37-2165D | 0.2 cfs | 10.0 ac | 0.12 cfs | 6.1 ac |
| 37-20865 | 0.2 cfs | 10.0 ac | 0.07 cfs | 3.0 ac |
| 37-20866 | 0.2 cfs | 10.0 ac | 0.13 cfs | 6.7 ac |

MEMORANDUM

TO: FILE 37-02165B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5112

DATE: January 5, 1998

OK [Signature] 1-5-98

Transfer 5112 changes the nature, season and period of use under a portion of Right 37-02165B, splitting the right into parts C and D. A portion of the irrigated acres has been taken out of production to develop a small pond for irrigation and aesthetic storage uses.

Recommended conditions include watermaster control, measuring device, irrigation overlap, combined rights and standard transfer conditions.

Change in Nature of Use Evaluation

| | | | |
|-----------|----------|------------|---------------------------------------|
| 37-02165B | 0.20 cfs | 10.0 acres | Div.Vol./C.U.Vol
35.0 afa/25.0 afa |
| Part C | 0.13 " | 6.7 " | 23.5 " / 16.8 " |
| Part D | 0.07 " | 3.0 " | 10.5 " / 7.5 " |
| | | (0.3 ") | 1.0 " / 0.7 " |
| | | 3.0 " | 11.5 " / 8.2 " |
| | 0.20 cfs | 9.7 acres | 35.0 afa/25.0 afa |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5112
WATER RIGHT NO. 37-02165D

RECEIVED

JAN 16 1998

This is to certify that: GULCH TRUST
C/O DENNIS WEIBLING
2300 CARILLON
KIRKLAND WA 98033

Department of Water Resources
Southern Region

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 | 0.07 CFS | 10.5 AF |
| IRRIGATION STORAGE | 01/01 to 12/31 | | 1.0 AF |
| IRRIGATION FROM ST | 04/15 to 10/15 | | 1.0 AF |
| AESTHETIC STORAGE | 01/01 to 12/31 | | 1.0 AF |
| DIVERSION TO STORA | 04/15 to 10/15 | 0.07 CFS | |
| Totals | | 0.07 CFS | 11.5 AF |

SOURCE

TRIBUTARY OF

ADAMS GULCH

BIG WOOD RIVER

Priority: 11/26/1909

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 2, Township 04N, 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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 04N | 17E | 1 | SES | 3 | | 3 |
| Total number of acres irrigated: | | | | | | 3 |

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

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

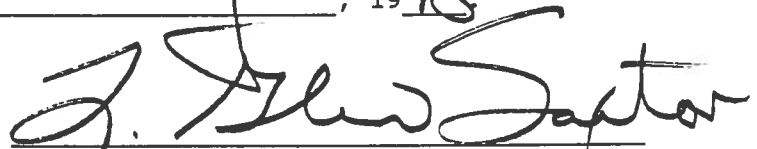
TRANSFER NO. 5112
WATER RIGHT NO. 37-02165D

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Rights 37-02165D and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate for irrigation of 3.0 acres.

Dated this 6th day of

January, 1998


Chief, Water Allocation Bureau

Fawcett, Trish

From: Tiffany Hudak [TH@elamburke.com]
Sent: Thursday, July 05, 2001 8:56 AM
To: tfawcett@idwr.state.id.us
Subject: RE: Hi Trish again

Hi Trish - did you have a nice 4th?

Can you please fax the claims (384-5844) and then also FedEx them with the warranty deeds? Our FedEx # is 1001-3648-1. Thanks.

Can you please look up and see if any water rights are owned by Adams Gulch Trust? The Trust has a water right in the State water bank which is listed as "37-02165 (part)" - they have told us that it is 37-02165E, as follows:

- 37-02165 (part) - Gulch Trust
- Source - Adams Gulch tributary to Big Wood River
- Div rate - 0.13 cfs
- Priority - November 26, 1909
- Volume - 23.5 AFA - 7ac
- Remarks - License
- Pt of div - Sec 2, T4N, R17E, B.M. Near Ketchum, ID
- Term - December 31, 2001

I got this information off of IDWR's website.

Thanks, Tiffany

Tiffany Hudak
Paralegal
Elam & Burke, P.A.
(208) 343-5454
Email: th@elamburke.com

Confidentiality Notice: This e-mail message may contain confidential and privileged information exempt from disclosure under applicable law. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy, or distribute it. Thank you.

>>> "Fawcett, Trish" <tfawcett@idwr.state.id.us> 07/05/01 07:56AM >>>
Good morning Tiffany...

I can find no adjudication or water right file (paper or electronic) for 37-2165E. I can and will certainly fax you the original claims on all the other portions. Do you need copies of the warranty deeds that were submitted with the claims showing which claimants own which lots? If you do, they are of such poor quality I will need to send them FedEx. Also, if you want the deeds, should I just send the claim copies at the same time so all the paper work stays together? So many details.....

Trish

-----Original Message-----

From: Tiffany Hudak [mailto:TH@elamburke.com]
Sent: Tuesday, July 03, 2001 4:15 PM
To: tfawcett@idwr.state.id.us
Subject: Hi Trish again

Trish,

The state office provided us with copies of the initial claims from

microfiche for 37-02165 A/B/C/D, but the copies are not really clear. Can you please make us copies from your files and send them with the file for 37-02165E (if you have it)?

Thanks, Tiff

Tiffany Hudak
Paralegal
Elam & Burke, P.A.
(208) 343-5454
Email: th@elamburke.com

Confidentiality Notice: This e-mail message may contain confidential and privileged information exempt from disclosure under applicable law. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy, or distribute it. Thank you.

Memorandum

To: Tiffany Hudak

From: Trish Fawcett

Re: 37-2165E (Gulch Trust)

Tiffany, I cornered a water right agent to help me research why I could not find any info on this water right number. What we concluded was that the 'E' suffix was a typographical error. Here is a brief synopsis:

It is not unusual for water right and adjudication claim suffixes describing the same portion of a water right to differ.

Water right 37-2165B was split into parts 'C' and 'D' pursuant to the approval of transfer 5112 (a copy of which is included). Part 'C' was then placed in the water bank.

There were adjudication claims filed on the base right 37-2165 as well as on four different portions labeled as 'A', 'B', 'C' and 'D'. Copies of the original adjudication filings are also enclosed.

Approved transfer 5112 has not yet been data entered on the adjudication database. When it is data entered, adjudication claim 37-2165C will split into two new portions and these two new portions (as yet unnumbered) will exactly match the 'C' and 'D' portions on the water right database even though the water right numbers will differ from the adjudication claim numbers. I will endeavor to accomplish this data entry as soon as possible.

In conclusion, we decided the 'E' suffix could only be a typo since there was no reason whatsoever to have created an 'E' portion and the only reference we could find to this portion was a letter from Glen Saxton to Peter Richardson (copy included).

Give me a call if I can answer any additional questions you may have.