

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 37-22118
Date Received: 11/6/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES M JOHNSON Phone: (208)788-3668
CONNIE JOHNSON Phone: (208)788-3668
PO BOX 1883
HAILEY ID USA 83333

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SW NW	BLAINE	

5. Description of diverting works:

HIAWATHA CANAL HEADGATE, 5-1/2 MI. CANAL, 3 MI. DITCH TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.545	
STOCKWATER	04/01	11/01	0.02	
RECREATION	04/01	11/01	0.545	
AESTHETIC	04/01	11/01	0.545	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	18E	10	NE NW	RECREATION	
			NW NW	RECREATION	

SW	NW	RECREATION	
SE	NW	RECREATION	
NE	NW	IRRIGATION	5
NW	NW	IRRIGATION	5
SE	NW	IRRIGATION	5
SW	NW	IRRIGATION	5
NE	NW	STOCKWATER	
NW	NW	STOCKWATER	
SW	NW	STOCKWATER	
SE	NW	STOCKWATER	
NE	NW	AESTHETIC	
NW	NW	AESTHETIC	
SW	NW	AESTHETIC	
SE	NW	AESTHETIC	

Section Acres 20

Total Acres 20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PORTIONS OF PROPERTY BEING SOLD TO: JAMES ROSEFELD, P.O. BOX 665, HONAUNAU, HI 96726 THOMAS HICKEY, P.O. BOX JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83333
 ***** 8/28/95, DJ: REVIEW OF SUBMITTED CLAIM SHOWED DATA ENTRY OMISSION OF 10 AC IRR IN SENW SEC 10, CORRECTED THIS DAY.

This right is a split from former right 37-577CE.

15. Basis of Claim: Decreed

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
A37-00577CE					

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

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

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

Robert and Fern Young
 17513 S.E. 133rd RENTON WA 98052

4. New Owner/Claimant(s)

Charles M. and Connie Johnson

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 1883

City, State and ZIP Code

Hailey, ID 83333

New Telephone Number

(208) 788-3668

5. Date you acquired the property

4-3-1992

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation	.480	13.55 Acres
Stock	.020	25 Horses/Cow
Domestic		
Other	.480	recreation: Asthetic
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s)

Lex (Lear), Power of Attorney
(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by _____ Date _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

POWER OF ATTORNEY

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

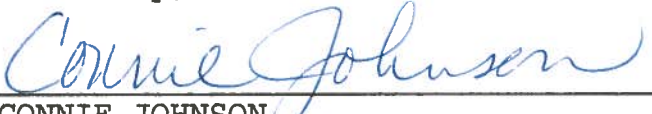
KNOW ALL MEN BY THESE PRESENTS, that I, CONNIE JOHNSON, the undersigned, of Hailey, Idaho, do hereby make, constitute, and appoint FRITZ X. HAEMMERLE of Hailey, Idaho, 83333, my true and lawful attorney in fact for me and in my name, place, and on my behalf, and for the use and benefit:

1. To exercise and all documents necessary for filing and/or amending a claim(s) for water rights(s) or with regard to any claim I have filed in the Snake River Basin Adjudication:

2. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or substitute or substitutes, shall lawfully do or cause to be done by virtue of this Power of Attorney and rights and powers herein granted;

3. The rights, powers, and authority of said attorney in fact herein granted shall commence and be in full force and effect on this 3rd day of January, 2007, and such rights, powers, and authority shall remain in full force and effect thereafter during the remainder of my life or until said power conveyed is terminated by the undersigned.

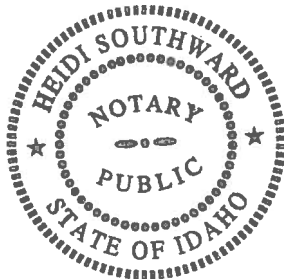
DATED this 3 day of January, 2007.


CONNIE JOHNSON

STATE OF IDAHO)
 ss.
County of)

On this 3 day of January, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared CONNIE JOHNSON, known to me to be the person whose name is subscribed to the foregoing Power of Attorney, and acknowledged to me that she executed the same.

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

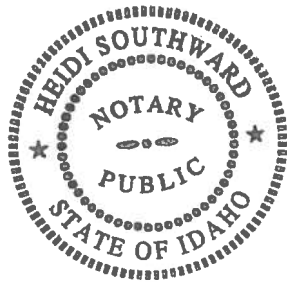


Heidi Southward
NOTARY PUBLIC in and for
the State of Idaho
residing at: Hailey
Commission expires: 7-18-11

POWER OF ATTORNEY -

Connie Johnson
CONNIE JOHNSON

SUBSCRIBED AND SWORN TO before me this 3rd day of January,
2007.



Heidi Southward
NOTARY PUBLIC in and for
the State of Idaho
residing at: Hailey
Commission expires: 1-28-11

POWER OF ATTORNEY

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

KNOW ALL MEN BY THESE PRESENTS, that I, CHARLES M. JOHNSON, the undersigned, of Hailey, Idaho, do hereby make, constitute, and appoint FRITZ X. HAEMMERLE of Hailey, Idaho, 83333, my true and lawful attorney in fact for me and in my name, place, and on my behalf, and for the use and benefit:

1. To exercise and all documents necessary for filing and/or amending a claim(s) for water rights(s) or with regard to any claim I have filed in the Snake River Basin Adjudication:

2. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or substitute or substitutes, shall lawfully do or cause to be done by virtue of this Power of Attorney and rights and powers herein granted;

3. The rights, powers, and authority of said attorney in fact herein granted shall commence and be in full force and effect on this 3rd day of January, 2007, and such rights, powers, and authority shall remain in full force and effect thereafter during the remainder of my life or until said power conveyed is terminated by the undersigned.

DATED this 3 day of January, 2007.

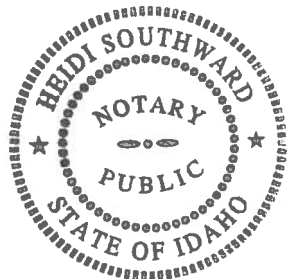


CHARLES M. JOHNSON

STATE OF IDAHO)
 ss.
County of)

On this 3 day of January, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared CHARLES M. JOHNSON, known to me to be the person whose name is subscribed to the foregoing Power of Attorney, and acknowledged to me that he executed the same.

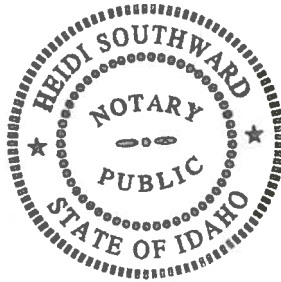
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Heidi Southward
NOTARY PUBLIC in and for
the State of Idaho
residing at: Hailey
Commission expires: 1-18-11

Charles M. Johnson
CHARLES M. JOHNSON

SUBSCRIBED AND SWORN TO before me this 3rd day of January,
2007.



Heidi Southward
NOTARY PUBLIC in and for
the State of Idaho
residing at: Hailey
Commission expires: 1-18-11

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 A 37-00577CE

Date Received 11-03-89

Receipt Number C 012692

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

RECEIVED

MAY 17 1999

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) CHARLES M. & CONNIE JOHNSON Phone (208) 788-3668

Mailing Address P.O. Box 1883, Hailey, Idaho Zip 83333

2. Date of Priority (Only one (1) per claim) March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 20,
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

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. Hiawatha Canal Headgate on
Bigwood River through Hiawatha Canal and High Ditch of Hiawath
Canal approximately 5 1/2 miles to place of use. Property is
flood irrigated through a series of ditches and ponds. Also,
portion is sprinkler irrigated with 5 hp pump and handlines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .546 or _____

For stockwater purposes from 4/1 to 11/1 amount .020 or _____

For recreation purposes from 4/1 to 11/1 amount .546 or _____

For aesthetic purposes from 4/1 to 11/1 amount .546 or _____

7. Total quantity claimed (a) .546 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is not required acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater - 4 horses

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	10					11			2									13
							S			S									
							J			J									
							R			R									

Total number of acres irrigated 13

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

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

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

14. Remarks: see attachments

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Foster v. Alturas Water Co.

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 X
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) Charles M. Johnson Date 6-5-98

Connie T. Johnson Date 6-5-98

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____
Organization Title Organization

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

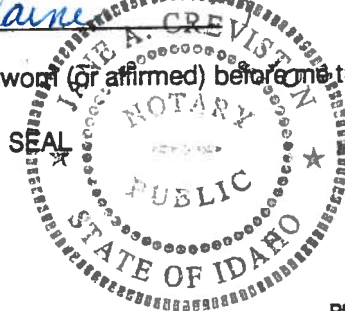
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 5th day of June 19 98



Notary Public Jane A. Creviston

Residing at Harley

My Commission Expires 3-22-99

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 _____

Copies White-State, Yellow-Claimant

ATTACHMENT

14. ADDITIONAL REMARKS: In addition to Lot 1 of Marvin Gardens Subdivision, the claimants own the water rights on Lots 7 and 9 of Marvin Gardens Subdivision. These water rights were reserved in the warranty deeds to the purchasers of those lots. The present owners of the lots are as follows: Lot 9 - Edward S. Wheeler, P.O. Box 3508, Hailey, Idaho, 83333; and, Lot 7 - John and Alma Mills, P.O. Box 3669, Hailey, Idaho, 83333. These lots were part of the lands upon which the original SRBA claim was filed by Robert and Fern Young and upon sale to the claimants a Notice of Transfer was filed (copy attached).

Ident. No. _____

FACT SHEET.

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rock

Soil water holding capacity: poor

Soil intake family (if known): _____

Field slope: _____

Anticipated crops: hay (grass/alphalpa), ornamental trees and shrubs

Method of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? yes

Have you changed the irrigated method from the one first developed? no

If yes, describe. _____

Remarks The irrigation water is conveyed from its point of diversion
five and one-half miles and is subject to substantial ditch loss
due to rock/gravel soils, that slope and length of ditch.

#117571
175/258
9.26.62

338

WARRANTY DEED RECORD

No. 117571

R. B. YOUNG ET AL TO ROBERT C. YOUNG ET AL

WARRANTY DEED

THIS INSTRUMENT, Made this 9th day of December in the year of our Lord one thousand nine hundred and sixty R. B. Young and Clara B. Young, Husband and Wife of Halley County of Blaine State of Idaho between the parties of the first part, and Robert C. Young and Fern Young, Husband and Wife of White Center County of King State of Washington the part least the second part.

WITNESSETH, That the said part least the first part, for and in consideration of the sum of Five thousand and no/100 lawful money of the United States of America,

DOLLARS.

parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, in hand paid by the said do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all of the following described real estate, situated in Blaine, State of Idaho, to-wit:

The 5 1/2 of the NW 1/4 of Section 10 in Township 2 North of Range 18 East Boise Meridian, together with that certain water right deeded by Emma E. Donovan and J. J. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 53, Records of Blaine County, Idaho, together with all water and water rights, ditches and ditch rights to the same belonging or in anywise appertaining.

Also deeding four (4) inches of the waters of Big Wood River dating from March 24th, 1993, as decreed in the suit of S. C. Frost et al vs. Alturas Water Company, et al.

(35.50 I.R.S.)

(Affixed and)

(Cancelled)

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part least the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part least the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part least the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

R. B. Young (SEAL)
Clara B. Young (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO.

County of Blaine

On this 12th day of

December

in and for said State, personally appeared R. B. Young and Clara B. Young, husband and wife, in the year 19 50, before me a Notary Public

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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)

Thomas P. Wolfe
Notary Public for the State of Idaho.

Residing at Halley, Idaho.

STATE OF IDAHO,) ss.
County of Blaine.

I hereby certify that this instrument was filed for record at the request of R. B. Young at 30 minutes past 2:00 o'clock P. M. this 25 day of September, A.D. 19 52, in my office, and duly recorded in Book 175 of Deeds at page 258.

George F. McCoy

Ex-Officio Recorder.

By Hazel Barber Deputy.

Department of Water Resources
Southern Region

MAY 17 1950

RECEIVED

356

WARRANTY DEED RECORD

CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto Charles M. Johnson and Connie Johnson, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 2312, Sun Valley, Idaho 83353, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 1, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor(s) have set their hand and seal the day and year first written above.

GRANTORS:

Robert C Young
ROBERT YOUNG

Fern E. Young
FERN YOUNG

ACKNOWLEDGEMENT

STATE OF WASHINGTON,)
County of King.) ss.

On this 18 day of July, 1992, before me, a Notary Public in and for said State, personally appeared Robert Young ^{Proved to be} known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

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

Diana L. Hage
NOTARY PUBLIC FOR WASHINGTON
Residing at: Lebanon
Commission expires: 9-10-95



BLAINE CO. REQUEST

of Rick, Donovan

1992 AUG 25 P 1:15

344052

CLERK
FEES \$ 9.00

can. seed

STATE OF WASHINGTON,)
) ss.
County of King.)

On this 18 day of July, 1992, before me,
a Notary Public in and for said State, personally appeared Fern
Young ^{Proved} known to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that she executed the same.

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

Diana L. Hoge
NOTARY PUBLIC FOR WASHINGTON
Residing at: Auburn
Commission expires: 9-10-95

JWP/nm/johnson.dee





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
MAY 17 1999
Department of Water Resources
Southern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 19E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot 1, Block, 1, Subdivision/Townsite Marvin Gardens Plat
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: A 37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Renton, Washington 98053
Charles M. and Connie Johnson

☐ New Mailing Address: P.O. Box 1993
Hailey, Idaho 83333

☐ New Telephone Number: (208) 788-3568

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1983, W.T. Riley Decree

☐ Attach proof of ownership, describe proof 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): Charles M. Johnson Date 4-11-93
Connie M. Johnson Date _____

☐ Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any:

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

RECEIVED
JUN 25 1992
CLERK OF DISTRICT COURT
IDAHO

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Blaine)

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353,
being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I previously held the position of Water Master of Water District 37 and 37M. In my capacity as Water Master and on a private basis I have measured water flows regularly over the past twenty-five (25) years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water measurements of water diverted from the Hiawatha Canal into the "High Ditch" through three properties: (1) Lot 1, Block 1, Marvin Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot 2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned by James and Evelyn Phillips. The purpose of the measurements was to determine ditch loss from the point of diversion from the Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with a spin test of two (2) minutes thirty-five (35) seconds, the meter came to a very gradual stop indicating it was performing correctly on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up 5 3/8 inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed 5 3/8 inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles (1/2) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Robert A. Quinn
NOTARY PUBLIC FOR IDAHO

Residing at: Shoshone, Idaho

Commission Expires 9-1-94

JIM\NEWBY.AFD

AFFIDAVIT

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

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT.

Martin Young
MARTIN YOUNG

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

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Emmett
Commission expires: 6-15-94

JWP\YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

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 A 37-00577 CE

Date Received 11-03-89

Receipt Number C 012692

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

RECEIVED

no check
MAY 10 1962

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) THOMAS & LOUISE HICKEY Phone (208) 788-9307

Mailing Address P.O. Box 2312 Sun Valley, ID Zip 83353

2. Date of Priority (Only one (1) per claim) March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 20,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Blaine

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. From Hiawatha Canal Headgate on Big Wood River water runs through Hiawatha Canal and High Ditch approximately 5 1/2 miles to place of use. Claimant has one headgate and flood irrigates through series of ditches and a pond. Also, sprinkler irrigates with 3 hp pump and handlines.

Copies: White-State, Yellow-Claimant

ORIGINAL

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .546 or _____
 For stockwater purposes from 4/1 to 11/1 amount .02 or _____
 For recreation purposes from 4/1 to 11/1 amount .546 or _____
 For aesthetic purposes from 4/1 to 11/1 amount .546 or _____

7. Total quantity claimed (a) .546 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is not required acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater - 4 horses

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
						10			3										13
						S			S										
						J			J										
						R			R										

Total number of acres irrigated 13

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

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

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

14. Remarks:

See attachments

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ Inse _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Foster vs. Alturas Water Co.

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 X
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)

Frank M. Hickey
Louise Hickey

Date

2/17/99

Date

2-17-99

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 _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 17th day of February 19 99



Notary Public

Heidi Southward

Residing at

Hailey

My Commission Expires

12-8-2004

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 _____

Copies White-State, Yellow-Claimant

ATTACHMENT

14. ADDITIONAL REMARKS: In addition to Lot 2 of Marvin Gardens Subdivision, the claimants own the water rights on Lots 8 and 4 of Marvin Gardens Subdivision. These water rights were reserved in the warranty deeds to the purchasers of those lots. The present owners of the lots are as follows: Lot 8 - John and Debra Town, P.O. Box 1473, Hailey, Idaho, 83333; and, Lot 4 - 3 Quigley Ranch Road Living Trust, P.O. Box 297, Ketchum, Idaho, 83340. These lots were part of the lands upon which the original SRBA claim was filed by Robert and Fern Young and upon sale to the claimants a Notice of Transfer was filed (copy attached).

RECEIVED

MAY 10 1999

Department of Water Resources
San Joaquin Region

Ident. No. _____

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rock

Soil water holding capacity: poor

Soil intake family (if known): _____

Field slope: _____

Anticipated crops: hay (grass/alfalfa), ornamental trees and shrubs

Method of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? yes

Have you changed the irrigated method from the one first developed? no

If yes, describe. _____

Remarks The irrigation water is conveyed from its point of diversion
five and one-half miles and is subject to substantial ditch loss
due to rock/gravel soils, that slope and length of ditch.



NEW PROPERTY OWNER NOTICE CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
MAY 10 1999

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4, Govt. Lot , B.M.
Lot 2, Block 1, Subdivision/Townsite Marvin Gardens Plat
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Renton, Washington 98058
Thomas and Louise Hickey

☐ New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353

☐ New Telephone Number: (208) 788 - 9307

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley decree

☐ Attach proof of ownership, describe proof 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): Thomas Hickey Date 4-10-93
Louise Hickey Date 4-10-93

☐ Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any: _____

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

COPIES

#117571
175/258
9.26.62

258

WARRANTY DEED RECORD

No. 117571

R. B. YOUNG ET UX TO ROBERT C. YOUNG ET UX

WARRANTY DEED

THIS INDENTURE, Made this 9th day of December in the year of our Lord one thousand nine hundred and sixty six, between R. B. Young and Clara B. Young, Husband and Wife of Halley County of Blaine State of Idaho the parties of the first part, and Robert C. Young and Fern Young, Husband and Wife of White Center County of King State of Washington the part less of the second part.

WITNESSETH, That the said part less of the first part, for and in consideration of the sum of Five Thousand and no/100 lawful money of the United States of America,

DOLLARS,

parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

The E $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 10 in Township 2 North of Range 18 East Boise Meridian, together with that certain water right deeded by Emma E. Donovan and J. J. Donovan to Ous Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 53, Records of Blaine County, Idaho, together with all water and water rights, ditches and ditch rights to the same belonging or in anywise appertaining.

Also deeding four (4) inches of the waters of Big Wood River dating from March 24th, 1933, as decreed in the suit of S. C. Frost et al vs. Alturas Water Company, et al.

(\$5.50 I.R.S.)
(Affixed and)
(Cancelled)

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, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.
TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part less of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part less of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

R. B. Young (SEAL)
Clara B. Young (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,

County of Blaine

On this 12th day of December in the year 1950, before me the undersigned, a Notary Public in and for said State, personally appeared R. B. Young and Clara B. Young, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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)

Thomas P. Wolfe
Notary Public for the State of Idaho.

Residing at Halley, Idaho.

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

I hereby certify that this instrument was filed for record at the request of R. B. Young at 30 minutes past 2:00 o'clock P. M., this 26 day of September, A.D. 1952, in my office, and duly recorded in Book 175 of Deeds at page 258.

George F. McCoy

Ex-Officio Recorder.

By Hazel Barber Deputy

256

WARRANTY DEED RECORD

CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto Thomas Hickey and Louise L. Hickey, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 2312, Sun Valley, Idaho 83353, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 2, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor(s) have set their hand and seal the day and year first written above.

GRANTORS:

Robert C Young
ROBERT YOUNG

Fern C. Young
FERN YOUNG

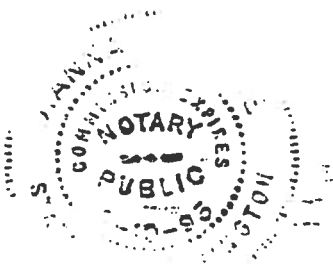
ACKNOWLEDGEMENT

STATE OF WASHINGTON,)
County of King.) ss.

On this 18 day of July, 1992, before me, a Notary Public in and for said State, personally appeared Robert Young ^{Proved to} ~~known~~ to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

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

Donna L. Bigge
NOTARY PUBLIC FOR WASHINGTON
Residing at: Auburn
Commission expires: 9-10-95



PLAINE CO. REQUEST

of Clark Donovan

1992 AUG 25 P 1:17

344053

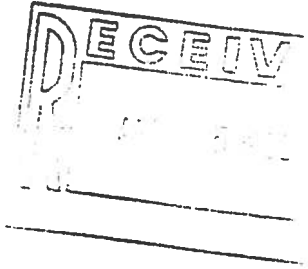
CLARK GREEN, CLERK
DEEDS

con. Deed

RECEIVED

MAY 10 1999

Department of Water Resources
Southern Region



AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Blaine)

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353,
being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I
previously held the position of Water Master of Water District 37
and 37M. In my capacity as Water Master and on a private basis I
have measured water flows regularly over the past twenty-five (25)
years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water
measurements of water diverted from the Hiawatha Canal into the
"High Ditch" through three properties: (1) Lot 1, Block 1, Marvin
Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot
2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise
Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned
by James and Evelyn Phillips. The purpose of the measurements was
to determine ditch loss from the point of diversion from the
Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with
a spin test of two (2) minutes thirty-five (35) seconds, the meter
came to a very gradual stop indicating it was performing correctly
on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up 5 3/8 inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed 5 3/8 inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles (1/2) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Robert A. Quinn
NOTARY PUBLIC FOR IDAHO

Residing at: Shoshone, Idaho

Commission Expires 9-1-94

JIM\NEWBY.AFD

AFFIDAVIT OF REID J. NEWBY - 3

AFFIDAVIT

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

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some and additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there

AFFIDAVIT OF MARTIN YOUNG - 1

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT.

Martin Young
MARTIN YOUNG

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

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: Emmett

Commission expires:

11-13-94

JWP\YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 10 1999

Department of Water Resources
Southern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot 2, Block, 1, Subdivision/Townsite Marvin Gardens Plat
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A37-QQ577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Renton, Washington 98058
Thomas and Louise Hickey

☐ New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353

☐ New Telephone Number: (208) 788 - 9307

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley decree

☐ Attach proof of ownership, describe proof 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) Louise Hickey Date 4-10-93

☐ Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any:

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

COPIES



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVE

DATE OF CLOSING: _____

APR 14 1993

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot , BM
Lot 2, Block 1, Subdivision/Townsite Marvin Gardens Plat
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd
Renton, Washington 98058

☐ New Owner/Claimant (Purchaser): Thomas and Louise Hickey

☐ New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353

☐ New Telephone Number: (208) 788 - 9307

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley decree

☐ Attach proof of ownership, describe proof 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) Louise Hickey Date 4-10-93

☐ Signature of Former Owner/Claimant(s): Robert C Young Date 2-8-93
Fern Young Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any:

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)

DATE OF CLOSING: _____

RECEIVED

APR 14 1993

Idaho Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot 1, Block 1, Subdivision/Townsite Marvin Gardens Plat
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: A 37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Renton, Washington 98058
Charles M. and Connie Johnson

☐ New Mailing Address: P.O. Box 1883
Hailey, Idaho 83333

☐ New Telephone Number: (208) 788-3668

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley Decree

☐ Attach proof of ownership, describe proof 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) Charles M. Johnson Date 4-11-93
Connie Johnson Date _____

☐ Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

(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

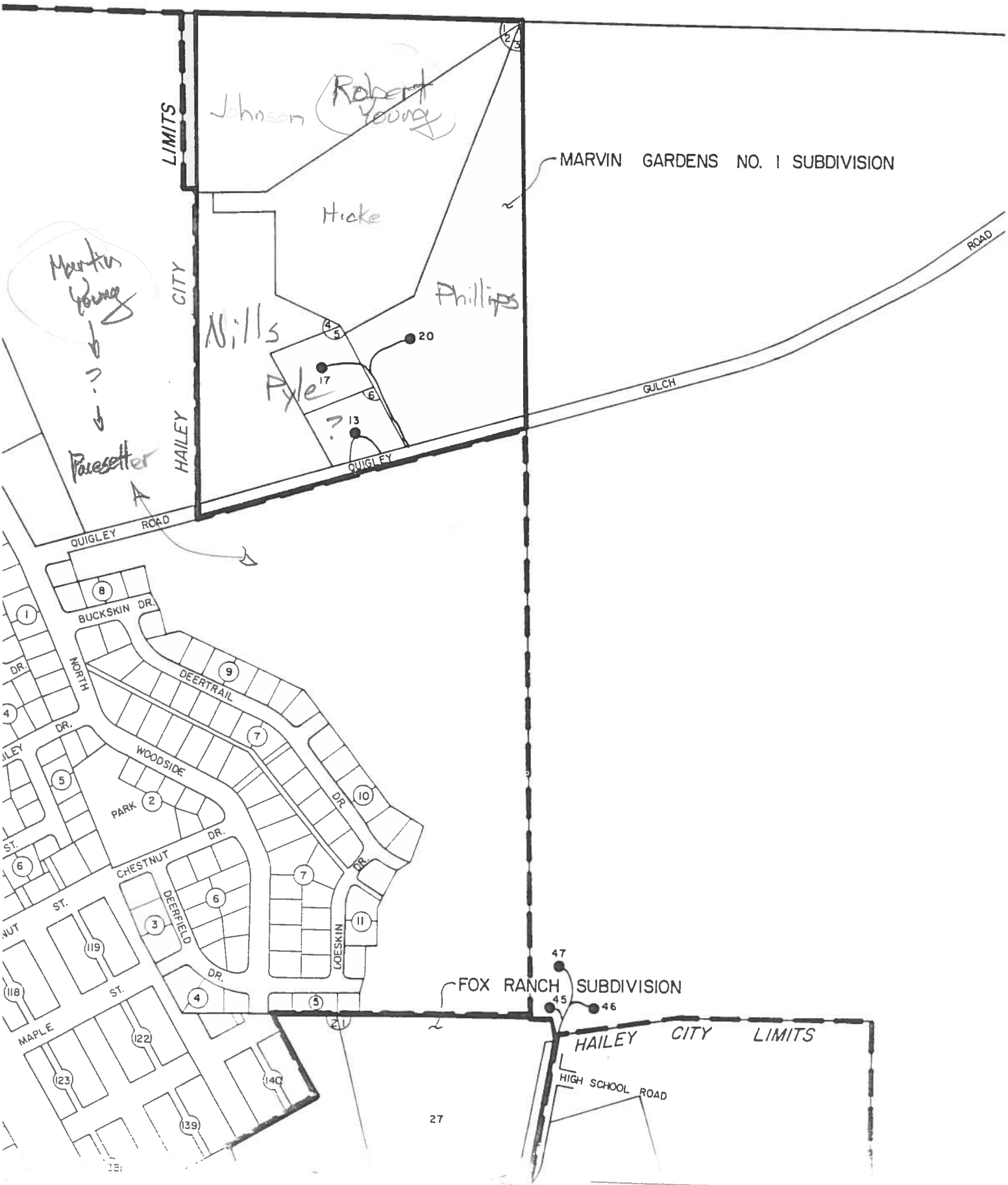
Date: _____ By: _____

Claim Numbers of Split, if any:

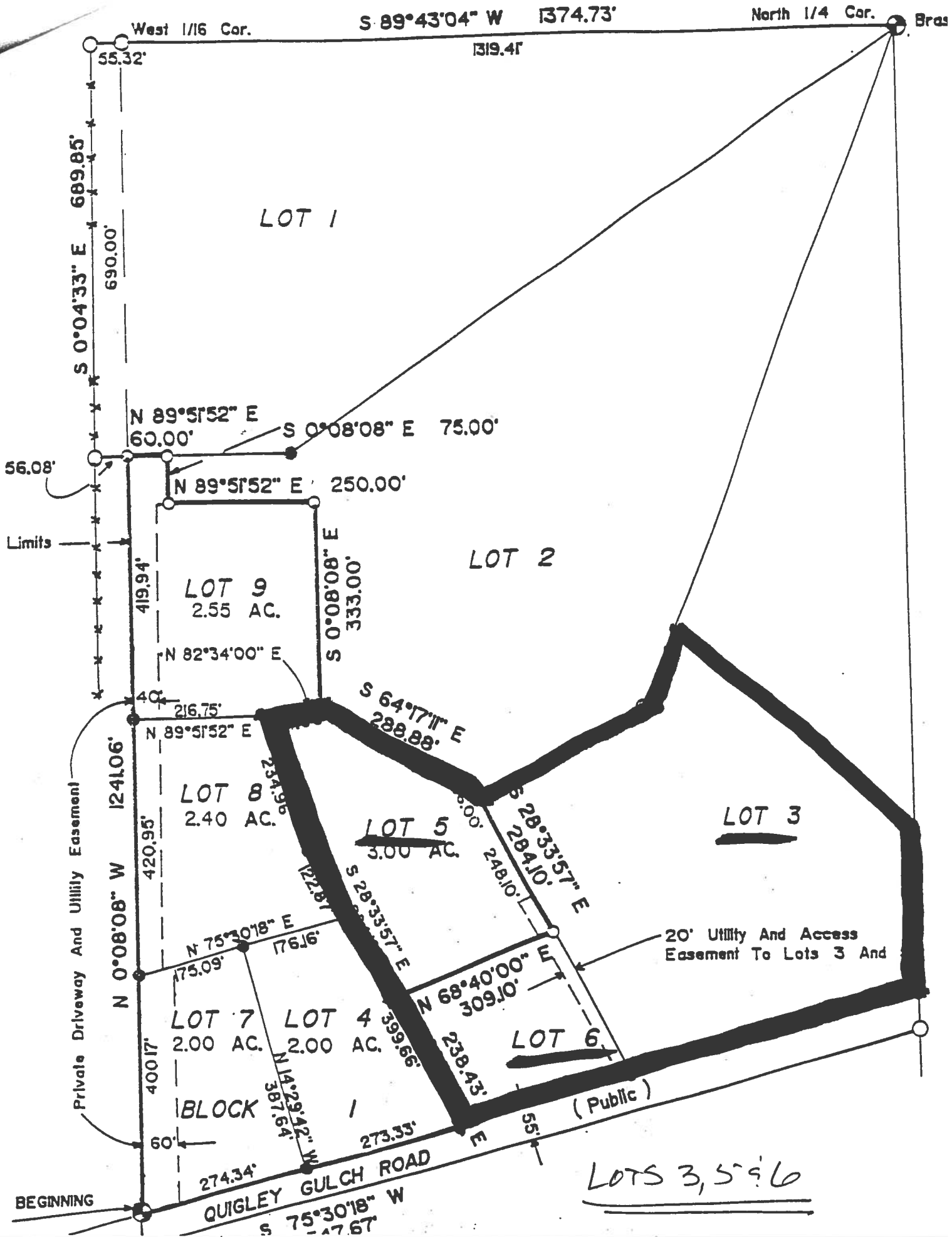
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

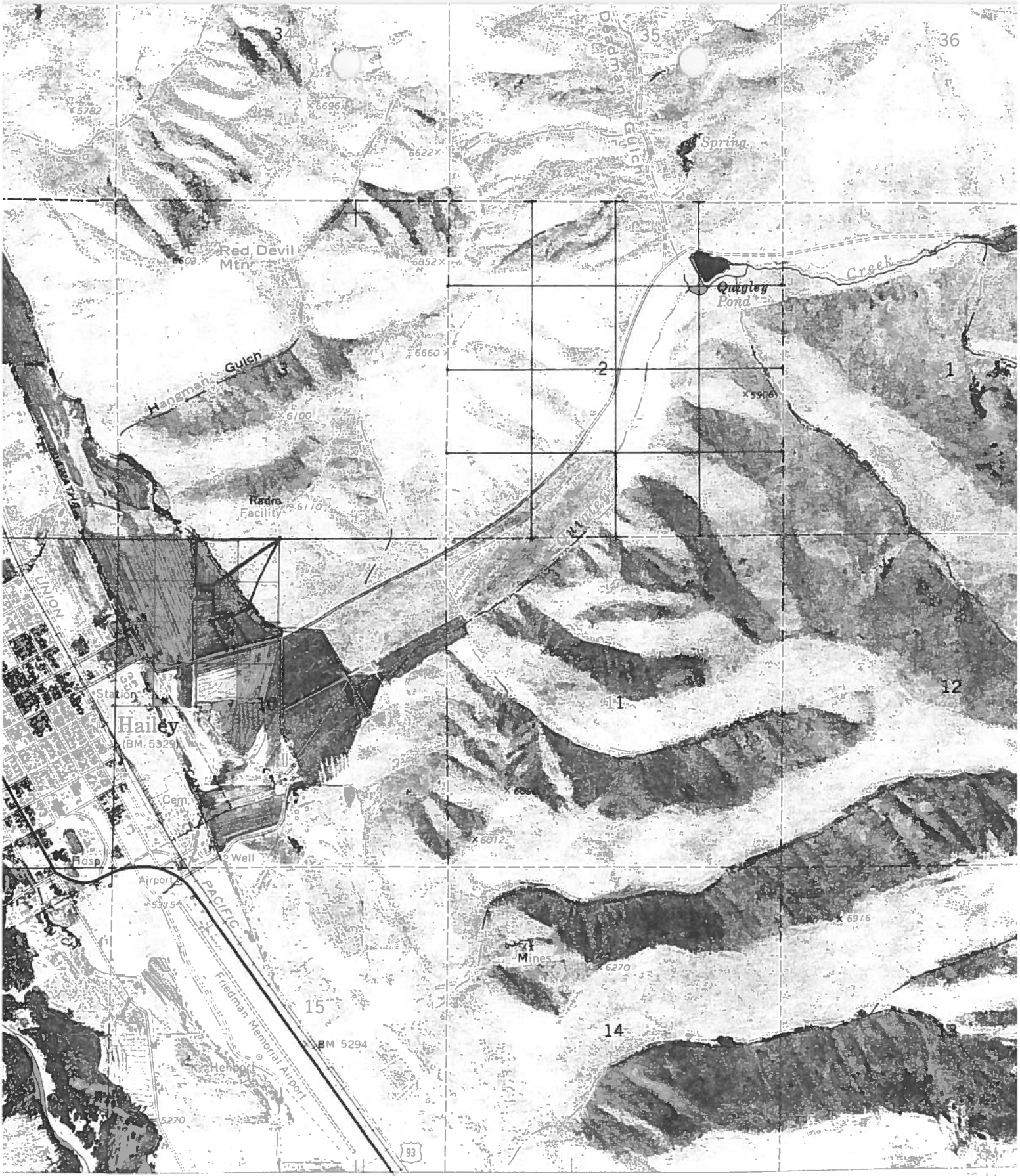
1.45'

$$\frac{5280}{10.6} = 498' \approx 500'$$

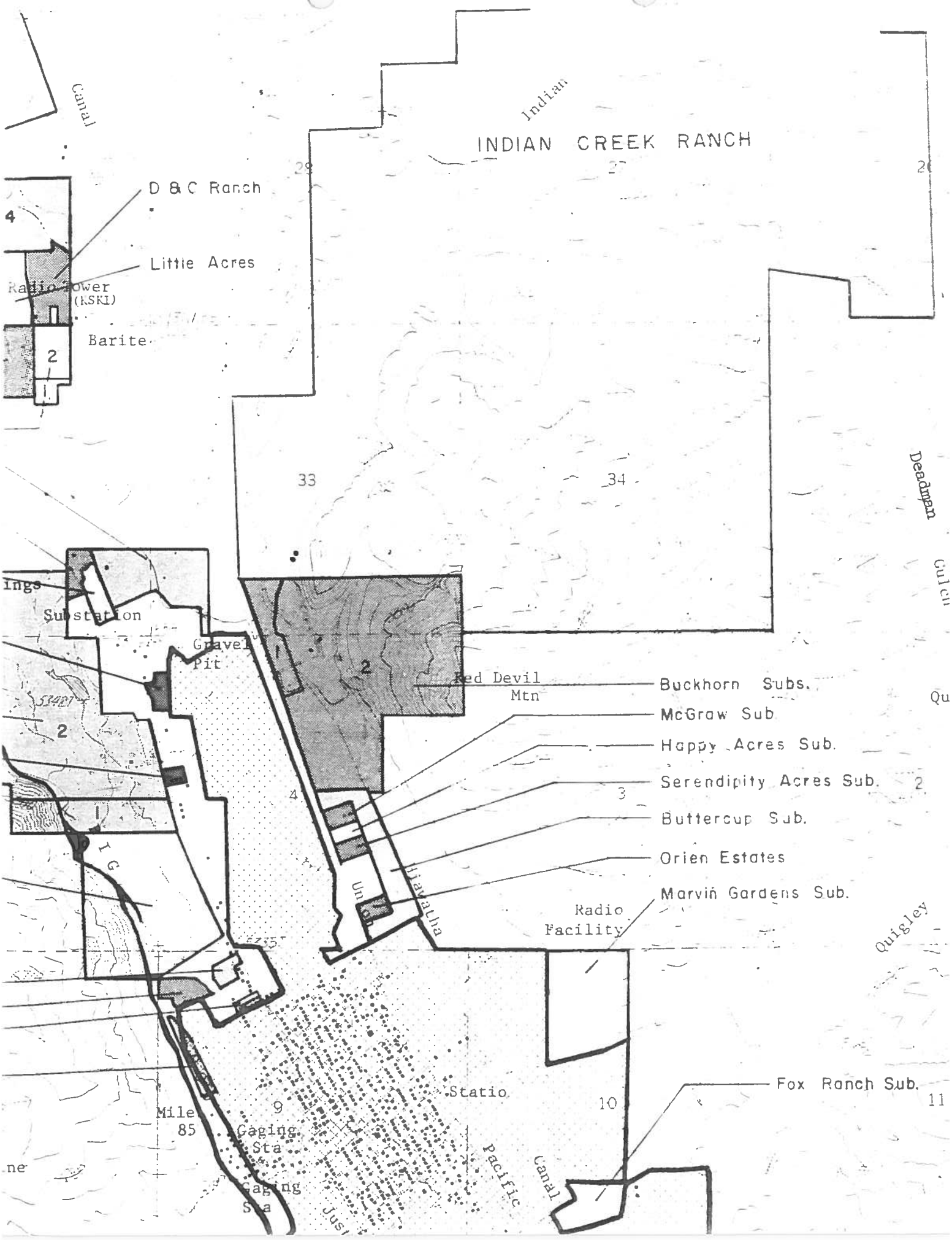


ROCK GARDEN SUBDIVISION





BELLEVUE (IDAHO 23) 28 MI.
TWIN FALLS 63 MI.



INDIAN CREEK RANCH

D & C Ranch

Little Acres

Radio Tower
(KSKL)

Barite

Substation

Gravel
Pit

Red Devil
Mtn

Buckhorn Subs.

McGraw Sub.

Happy Acres Sub.

Serendipity Acres Sub.

Buttercup Sub.

Orien Estates

Marvin Gardens Sub.

Radio
Facility

Fox Ranch Sub.

Mile
85

Gaging
Sta.

Gaging
Sta.

Statio.

Pacific
Canal

Quigley

Deadman
Gulch

IN THE DISTRICT COURT OF THE FIRST
IN AND FOR THE COUNTY OF

DISTRICT OF THE STATE OF IDAHO,
FALLS

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

29" Hickey

24" Johnson

6.5" ?

54.5" (1.09)

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00577CE

Date Received: 11/ 6/1989

Receipt No: C012692

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CONNIE JOHNSON
Address: PO BOX 1883
HAILEY ID

83333

208-788-3668

AND

Name: THOMAS HICKEY
Address: PO BOX 2312
SUN VALLEY ID

83353

208-788-9307

AND

Name: ROBERT YOUNG
Address: 17513 SE 133RD
RENTON WA

98058

206-228-2601

AND

Name: FERN YOUNG
Address: 17513 SE 133RD
RENTON WA

98058

206-228-2601

AND

Name: CHARLES M JOHNSON
Address: PO BOX 1883
HAILEY ID

83333

208-788-3668

AND

Name: LOUISE HICKEY
Address: PO BOX 2312
SUN VALLEY ID

83353

208-788-9307

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:

HIAWATHA CANAL HEADGATE, 5-1/2 MI. CANAL, 3 MI. DITCH TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.090		
STOCKWATER	04/01	11/01	0.040		
RECREATION	04/01	11/01	1.090		
AESTHETIC	04/01	11/01	1.090		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HORSES, COWS

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	18E	10	NE		NW		IRR	10.0
			NE		NW		REC	
			NE		NW		AES	
			NE		NW		STOCK	
			NW		NW		IRR	10.0
			NW		NW		STOCK	
			NW		NW		REC	
			NW		NW		AES	
			SW		NW		STOCK	
			SW		NW		REC	
			SW		NW		AES	
			SW		NW		IRR	10.0
			SE		NW		IRR	10.0
			SE		NW		STOCK	
			SE		NW		REC	
			SE		NW		AES	

Section Acres 40.0

Total Acres 40.0

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:

PORTIONS OF PROPERTY BEING SOLD TO:

14. Remarks: Continued

JAMES ROSEFELD, P.O. BOX 665, HONAUNAU, HI 96726

THOMAS HICKEY, P.O. BOX

JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83333

8/28/95, DJ: REVIEW OF SUBMITTED CLAIM SHOWED DATA ENTRY
OMISSION OF 10 AC IRR IN SENW SEC 10, CORRECTED THIS DAY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



ROARK, RIVERS & PHILLIPS

ATTORNEYS AND COUNSELORS AT LAW

409 NORTH MAIN STREET POST OFFICE BOX 2740
HAILEY, IDAHO 83333 - 2740

R. Keith Roark
Kathleen E. Rivers
James W. Phillips

RECEIVED

April 12, 1993

APR 14 1993

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, ID 83301

Re: Notice of Change of Ownership

Dear Mr. Holmes:

Enclosed you will find a Notice of Change of Water Right Ownership for a portion of those water rights claimed by Robert and Fern Young in the Snake River Basin Adjudication to Thomas Hickey and Louise Hickey. Please record these documents in the IDWR's SRBA records.

Thank you very much for your assistance in this matter and should you have any questions or require additional information, please advise.

Very truly yours,

ROARK, RIVERS & PHILLIPS


James W. Phillips

JWP\ltr\hs\holmes1.let



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM. _____
Lot 2, Block, 1, Subdivision/Townsite Marvin Gardens Plat
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young

17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Renton, Washington 98058

Thomas and Louise Hickey

☐ New Mailing Address: P.O. Box 2312

Sun Valley, Idaho 83353

☐ New Telephone Number: (208) 788 - 9307

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

twenty-four inches of March 24, 1883, W.T. Riley decree

☐ Attach proof of ownership, describe proof 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) Thomas Hickey Date 4-10-93

Louise Hickey

Date 4-10-93

☐ Signature of Former Owner/Claimant(s): Robert C Young Date 2-8-93

Fern Young

Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any:

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



ROARK, RIVERS & PHILLIPS

ATTORNEYS AND COUNSELORS AT LAW

409 NORTH MAIN STREET POST OFFICE BOX 2740
HAILEY, IDAHO 83333 - 2740

R. Keith Roark
Kathleen E. Rivers
James W. Phillips

April 12, 1993

RECEIVED

APR 14 1993

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, ID 83301

Re: Notice of Change of Ownership

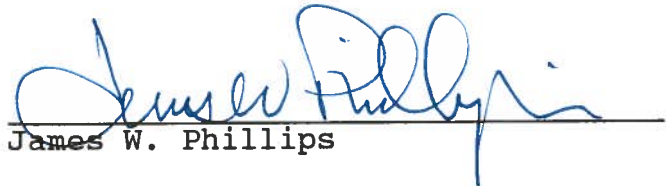
Dear Mr. Holmes:

Enclosed you will find a Notice of Change of Water Right Ownership for a portion of those water rights claimed by Robert and Fern Young in the Snake River Basin Adjudication to Charles M. Johnson and Connie Johnson. Please record these documents in the IDWR's SRBA records.

Thank you very much for your assistance in this matter and should you have any questions or require additional information, please advise.

Very truly yours,

ROARK, RIVERS & PHILLIPS



James W. Phillips

JWP\ltr\hs\holmes.let



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

RECEIVED

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 19, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot 1, Block, 1, Subdivision/Townsite Marvin Gardens Plat
If you have additional legal descriptions, please attach separate sheet.

APR 14 1993

Department of Water Resources
Southern Region Office

☐ 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: A 37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller):

Robert and Fern Young

17513 S.E. 133rd

Renton, Washington 98058

☐ New Owner/Claimant (Purchaser):

Charles M. and Connie Johnson

☐ New Mailing Address:

P.O. Box 1883

Hailey, Idaho 83333

☐ New Telephone Number:

(208) 788-3668

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

twenty-four inches of March 24, 1883, W.T. Riley Decree

☐ Attach proof of ownership, describe proof 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)

Charles M. Johnson

Date 4-11-93

Connie Johnson

Date _____

☐ Signature of Former Owner/Claimant(s):

Robert C. Young

Date 2-8-93

Fern Young

Date 2-8-93

(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: _____ By: _____

Claim Numbers of Split, if any:

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

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: A37-00577CE
Date Received: 11/03/1989
Receipt No: C012692
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT YOUNG 206-228-2601
Address: 17513 S.E. 133RD
RENTON, WA 98058

AND

Name: FERN YOUNG 206-228-2601
Address: 17513 S.E. 133RD
RENTON, WA 98058

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:
HIAWATHA CANAL HEADGATE, 5-1/2 MI. CANAL, 3 MI. DITCH TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.090		
STOCKWATER	04/01	11/01	0.040		
RECREATION	04/01	11/01	1.090		
AESTHETIC	04/01	11/01	1.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HORSES, COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	10	NE	NW		IRR	10.0
2N			NE	NW		STOCK	
			NE	NW		REC	
			NE	NW		AES	
			NW	NW		IRR	10.0
			NW	NW		STOCK	
			NW	NW		REC	
			NW	NW		AES	
			SW	NW		IRR	10.0
			SW	NW		STOCK	
			SW	NW		REC	
			SW	NW		AES	
			SE	NW		IRR	
			SE	NW		STOCK	
			SE	NW		REC	
			SE	NW		AES	

Section Acres 30.0

Total Acres 30.0

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:
PORTIONS OF PROPERTY BEING SOLD TO:
JAMES ROSEFELD, P.O. BOX 665, HONAUNAU, HI 96726
THOMAS HICKEY, P.O. BOX
JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83333

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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 A37-00577Date Received 11-3-89Receipt Number 012692

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 03 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Robert & Fern Young, husband and wife Phone (206) 228-2601
Mailing Address 17513 S.E. 133rd, Renton, Washington Zip 98058

2. Date of Priority (Only one (1) per claim) March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 19,
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, 1/4 B.M., County of Blaine

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. Hiawatha Canal Headgate on Big Wood River
diverts water into Hiawatha Canal which runs S.E. for five and one-half miles to
beginning of place of use. A ditch headgate takes water from Hiawatha Canal
approximately three miles to place of use.

MICROFILMED
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April 1 to Nov 1 amount 1.09 or _____
 For stockwater purposes from April 1 to Nov 1 amount .04 or _____
 For recreation purposes from April 1 to Nov 1 amount 1.09 or _____
 For aesthetic purposes from April 1 to Nov 1 amount 1.09 or _____

7. Total quantity claimed (a) 1.09 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1.09 (cfs) _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater up to fifty horses or cows

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	10					10	10	10	10									40
							S	S	S	S									
							J	J	J	J									
							R	R	R	R									

Total number of acres irrigated 40

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

12. Do you own the property listed above as place of use? Yes 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. _____ or None ()

14. Remarks: Portions of property being sold to:

James Rosenfeld, P.O. Box 665, Honaunau, Hawaii, 96726

Thomas Hickey, P.O. Box

James W. Phillips, P.O. Box 864, Hailey, Idaho, 83333

Note: Recreation use are ponds and man-made streams and water features.

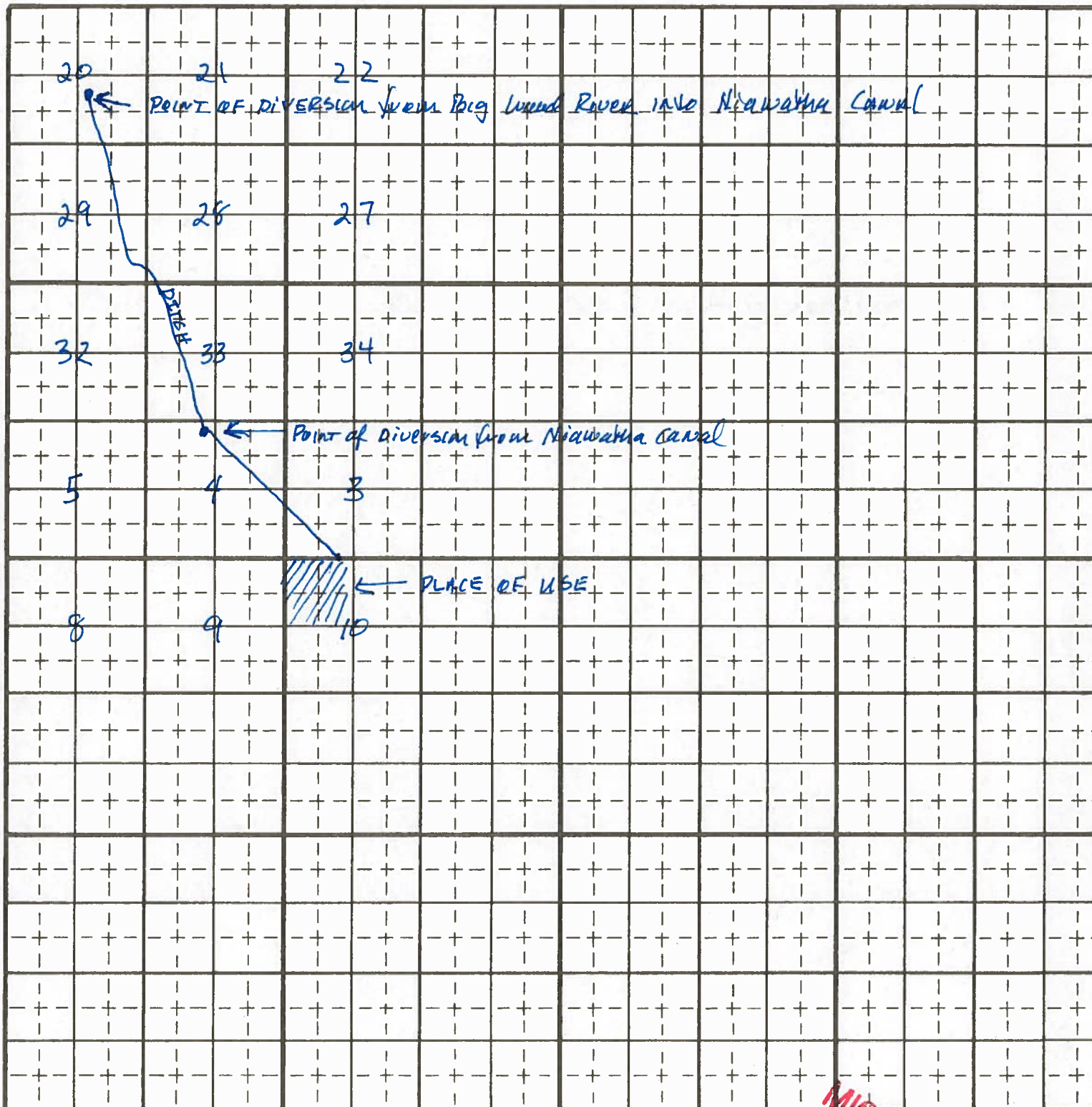
MICROFILMED
FEB 23 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED
FEB 23 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-0577
Court _____ Case Number _____ Decree Date Mar 24, 1883
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

Robert C Young
Fern E. Young

Date 10-23-89

Date 10-23-89

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 _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 23^d day of October 1989

SEAL

Notary Public

R. Keith Rourke

Residing at

Harley

My Commission Expires

1995

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 _____

Copies White-State, Yellow-Claimant

MICROFILMED
FEB 23 1993

Ident. No. _____

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: Loam, gravel, sand and river rock

Soil water holding capacity: Poor

Soil intake family (if known): _____

Field slope: _____

Anticipated crops: Hay (grass/alphalpa), ornamental trees and shrubs

Method of irrigation: Flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? Yes

Have you changed the irrigated method from the one first developed? No

If yes, describe. _____

Remarks The irrigation water is conveyed from its point of diversion five and one-half miles and is subject to substantial ditch loss due to rock/gravel soils, slope and length of ditch.

MICROFILMED
FEB 23 1993

37-577 CE

Claimed Pod 3N 18E Sec 19 SENE
Claimed Pod 3N 18E Sec 10 NW¹/₄

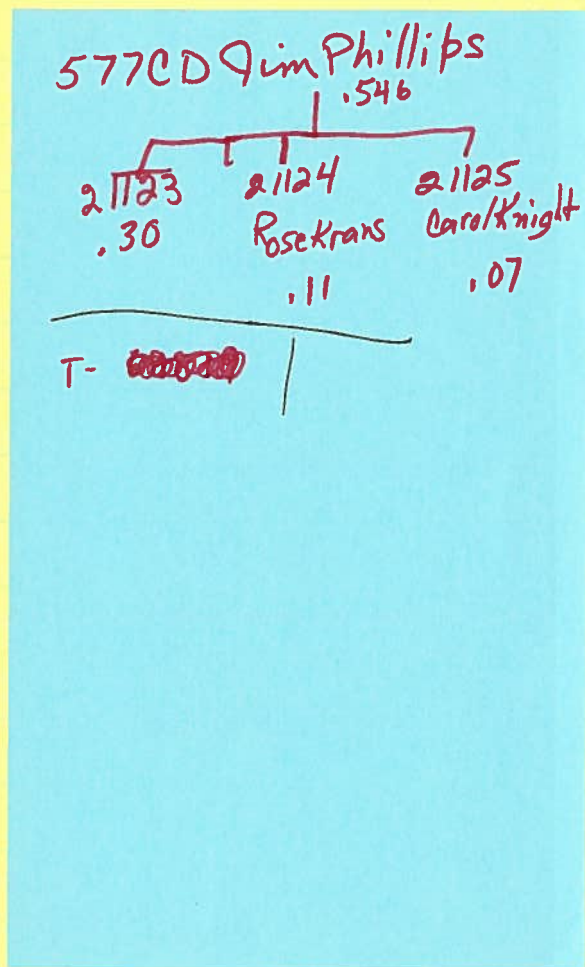
needs change of ownership

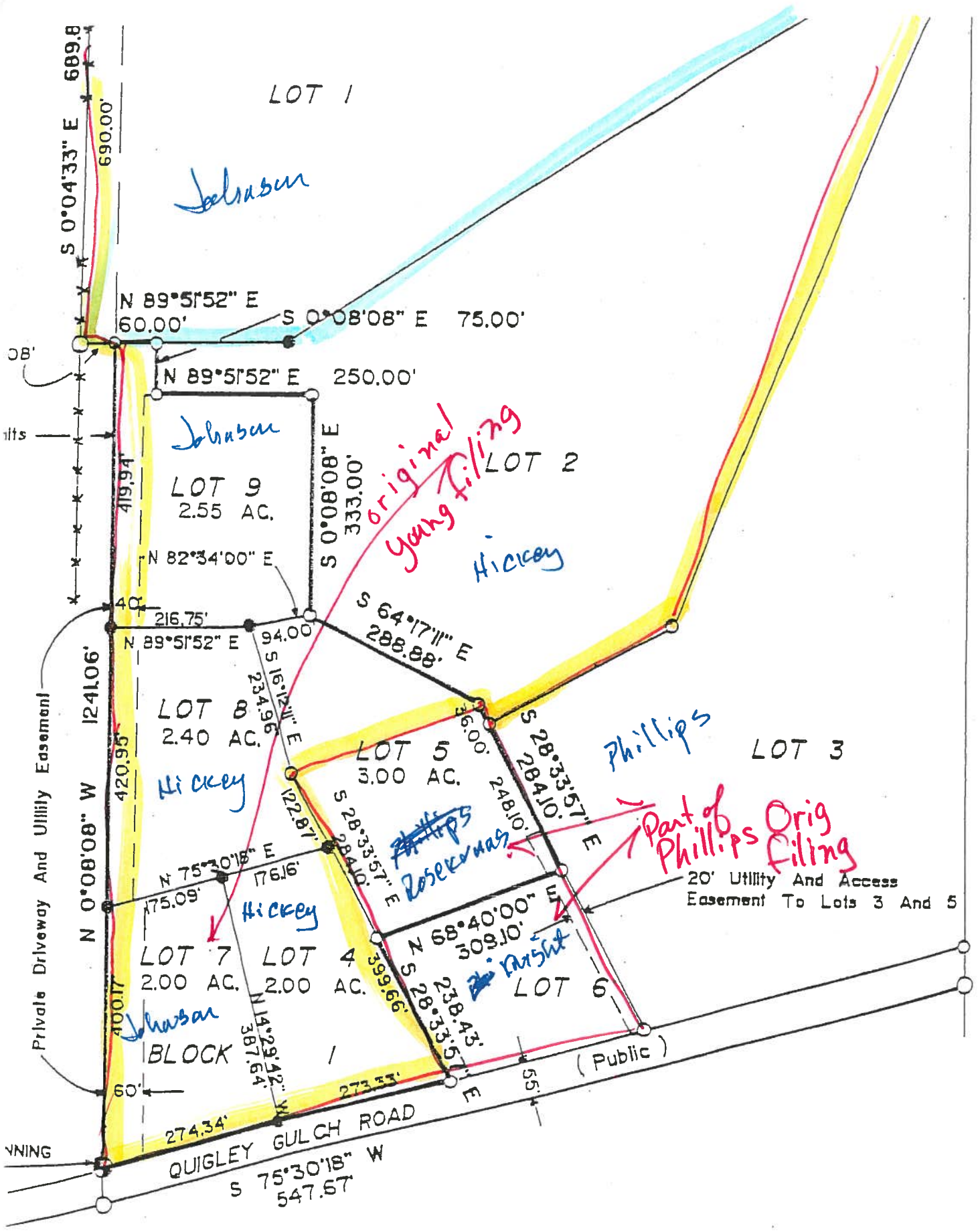
Young to Johnson .48 cfs

Young to Hickey .48 cfs

claim is for 1.09 cfs (balance to be allowed) ^{.96 cfs}

Jim Phillips





FAX TRANSMITTAL MEMO

TO: KELLEY CHRISTENSEN
IDAHO DEPARTMENT OF WATER RESOURCES

FROM: CHARLES JOHNSON

DATE: 1/02/07

FAX NO: 208-736-3037

RE: SRBA CLAIM - WATER RIGHT A37-00577CE,
CHARLES M. AND CONNIE JOHNSON, CLAIMANTS

Dear Mr. Christensen:

In reviewing the SRBA information regarding claims and recommendations on the IDWR website, I noticed an error in the information with regard to my above-referenced claim.

While it reads that Robert and Fern Young are the current owners of the water rights and are the present owners of the property, the fact is that my wife, Connie, and myself are the present owners of a substantial portion of the original Young property and current owners of the water rights with regard thereto.

By way of short history, along with James and Evelyn Phillips and Thomas and Louise Hickey, we purchased the property and water rights from Robert and Fern Young. The property was subdivided, and along with the water rights, divided between the three of us (Phillips, Johnson, and Hickey).

In April of 1999, we each filed with IDWR an SRBA Amended Notice of Claim along with a copy of our Notice of Change of Ownership and other supporting documentation, all of which spelled out in detail the transfers of ownership. A copy of the 1999 filing is transmitted to you with this Memo.

The correct information on our water rights is as follows:

1. Lot 1, Marvin Gardens Subdivision - .3006 cfs
Charles & Connie Johnson - current owners of the water rights.
Charles & Connie Johnson - present owners of the property.
2. Lot 7, Marvin Gardens Subdivision - .0765 cfs.
Charles & Connie Johnson - current owner of the water rights.
John & Claudia Gaeddert - present owners of the property.
3. Lot 9, Marvin Gardens Subdivision - .0975 cfs
Charles & Connie Johnson - current owners of the water rights.
Edward Wheeler and Elizabeth Simpson - present owners of the property.

Because of the erroneous claim information, at my request James Phillips contacted Danni Smith in the Boise Office. Upon examining the SRBA file in her office, she confirmed that the 1999 information was in the file, but that it had never been "worked" probably because it involved a split of the Young's original claim. So she advised Mr. Phillips to call her at the end of December as by that time the file would be reviewed. Upon doing so last week, she advised him to contact you.

Also, Ms. Smith told him that because the Watermaster had reported our water had not been delivered, IDWR was going to recommend our water rights not be recognized. However, I have paid my annual assessments and personally know the water has, in fact, been delivered to me each year. At my request, James Phillips confirmed this with Cindy at the Watermaster's Office in Shoshone. She was going to contact IDWR to confirm the delivery of my water.

All of this may seem a little confusing, but in 1999 when we sent in our Amended SRBA Claim and copy of our Notice of Change of Ownership, I thought everything was done to provide IDWR with the current status of our property and water rights. Hopefully, your review of our file will confirm this.

If you have any questions or desire any other documentation, please call me at 208-788-9307 or James W. Phillips at 208-788-3496 or Fritz Haemmerle at 208-578-0520. Mr. Phillips and Mr. Haemmerle have been retained as attorneys to represent us in the SRBA proceedings. Please feel free to contact either of them to discuss our claims.

Obviously we want the upcoming IDWR Report on our basin to accurately reflect the ownership of our water rights. Therefore, we request that you make the changes outlined in this letter prior to issuance of that report.

Thank you very much for your assistance in this matter.

May 11, 1999

Idaho Depart. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CE - FILING OF AMENDED CLAIM
Charles M. and Connie Johnson, claimants

Dear Sirs;

Enclosed with this letter is the above referenced Amended SRBA Water Rights Claim being filed at this time.

Also, I thought it might be helpful to provide you with a short history of the property transactions, water rights and water usage. The above referenced claim is for a portion of property and water rights included within the Marvin Gardens Subdivision which was developed by myself and two other parties and SRBA claimants: James W. Phillips and Evelyn Phillips SRBA Claim #A37-00557CD and, Thomas and Louise Hickey SRBA Claim #A37-00557CE.

These parties contracted to purchase from Robert and Fern Young approximately the property and 72 inches of March 24, 1883 water rights deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of that deed by which the Youngs acquired the water rights is enclosed for your records.

Over the years, we have subdivided and resubdivided the property, until now Marvin Gardens Subdivision is comprised of nine (9) lots ranging in size from two to thirteen acres. The water appurtenant to the various lots has been equally divided between us on the basis of the property and water rights we each received from the Youngs. I received 24" of the water right of that water right in my deed from the Youngs. A copy of that deed is enclosed for your records. A Notice of Transfer of Water Right Ownership was filed at that time and a copy is enclosed for your records.

The water rights to Lot 7 and Lot 9 were specifically reserved in the deed when those lots were sold. The deed to Lot 7 is recorded with Blaine County as Instrument # 293884 and the deed to Lot 9 as Instrument # 298977. As a result, I have the water appurtenant to those three lots and am filing this Amended Claim, in part, to clarify this. Those three lots have a total of 12.5 irrigated acres.

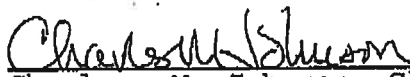
The claimed water is used to irrigate those lots by buried lines with sprinklers and by handlines with water pumped from a small pond on the property. Part of the reason for the amount of water used is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal for approximately 3 1/2 miles and then through the high ditch for a distance of approximately 1 1/2 miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the historical use of the entire water right and ponds on the property.

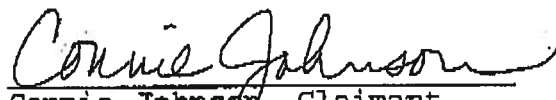
1007
COPY

Because all of the water rights are necessary due to irrigate the property, we retained the water rights when the lots were sold so that, while appurtenant to each lot, the rights could not be transferred elsewhere by new a purchaser.

Should you have any questions or desire any further information, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,


Charles M. Johnson, Claimant


Connie Johnson, Claimant

Form No. 42-1409 (2) & 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A 37-00577CE

Date Received 11-03-89

Receipt Number C 012692

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

Please type or print clearly

1. Name of Claimant (s) CHARLES M. & CONNIE JOHNSON Phone (208) 788-3668

Mailing Address P.O. Box 1883, Hailey, Idaho Zip 83333

2. Date of Priority (Only one (1) per claim) March 24, 1883

3. Source of water supply (a) Big Wood River

which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 20

SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot B.M., County of Blaine

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. Hiawatha Canal Headgate onBigwood River through Hiawatha Canal and High Ditch of Hiawath
Canal approximately 5 1/2 miles to place of use. Property isflood irrigated through a series of ditches and ponds. Also,
portion is sprinkler irrigated with 5 hp pump and hand lines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .546 or _____For stockwater purposes from 4/1 to 11/1 amount .020 or _____For recreation purposes from 4/1 to 11/1 amount .546 or _____For aesthetic purposes from 4/1 to 11/1 amount .546 or _____7. Total quantity claimed (a) .546 (cfs) and/or (b) _____ (acre feet)8. Total consumptive use claimed is not required acre feet per annum.9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater - 4 horses

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	10					11			2									13
							S			S									
							J			J									
							R			R									

Total number of acres irrigated 1311. In which county (ies) are lands listed above as place of use located? Blaine12. Do you own the property listed above as place of use? Yes X (pner) No X (pner)
If your answer is No, describe in Remarks below the authority you have to claim this water right.13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)14. Remarks: see attachments

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Foster v. Alturas Water Co.

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 X
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)

Charles W. Johnson

Date 6-5-98

Connie N. Johnson

Date 6-5-98

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 _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 98

Notary Public

Residing at

My Commission Expires

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 _____

Copies White-State, Yellow-Claimant

ATTACHMENT

14. ADDITIONAL REMARKS: In addition to Lot 1 of Marvin Gardens Subdivision, the claimants own the water rights on Lots 7 and 9 of Marvin Gardens Subdivision. These water rights were reserved in the warranty deeds to the purchasers of those lots. The present owners of the lots are as follows: Lot 9 - Edward S. Wheeler, P.O. Box 3508, Hailey, Idaho, 83333; and, Lot 7 - John and Alma Mills, P.O. Box 3669, Hailey, Idaho, 83333. These lots were part of the lands upon which the original SRBA claim was filed by Robert and Fern Young and upon sale to the claimants a Notice of Transfer was filed (copy attached).

Ident. No. _____

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rockSoil water holding capacity: poor

Soil intake family (if known): _____

Field slope: _____

Anticipated crops: hay (grass/alfalfa), ornamental trees and shrubsMethod of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? yesHave you changed the irrigated method from the one first developed? no

If yes, describe. _____

Remarks The irrigation water is conveyed from its point of diversion
five and one-half miles and is subject to substantial ditch loss
due to rock/gravel soils, that slope and length of ditch.

CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto Charles M. Johnson and Connie Johnson, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 2312, Sun Valley, Idaho 83353, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 1, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor(s) have set their hand and seal the day and year first written above.

GRANTORS:

Robert C Young
ROBERT YOUNG

Fern E. Young
FERN YOUNG

ACKNOWLEDGEMENT

STATE OF WASHINGTON,)
County of King.) SS.

On this 18 day of July, 1992, before me, a Notary Public in and for said State, personally appeared Robert Young ^{Proved to be} known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

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



Diana L. L.
NOTARY PUBLIC FOR WASHINGTON
Residing at: Abundant
Commission expires: 9-10-95

ELAINE CO. REQUEST

of Roark, Donovan

1992 AUG 25 P 1:15

344052

CLERK
JES S

can be used

WARRANTY DEED - 2

220 560

STATE OF WASHINGTON,)
County of King.) ss.

On this 18 day of July, 1992, before me,
a Notary Public in and for said State, personally appeared Fern
Young ^{Proved} known to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that she executed the same.

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

Shirley L. Gage
NOTARY PUBLIC FOR WASHINGTON
Residing at: Liberty
Commission expires: 9-10-95

JWP/nm/johnson.dee



Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 13E
Section 10 1/4 of 1/4 of 1/4 Govt. Lot _____, BM. _____
Lot 1 Block 1 Subdivision/Townsite Marvin Gardens Plat
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: A 37-00577CE

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

☐ New Owner/Claimant (Purchaser): Benton, Washington 98002
Charles M. and Connie Johnson

☐ New Mailing Address: P.O. Box 1883
Hailey, Idaho 83333

☐ New Telephone Number: (208) 738-3666

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1983, W.T. Riley Decree

☐ Attach proof of ownership, describe proof 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 4-11-93

☐ Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

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

FOR IDWR USE ONLY:

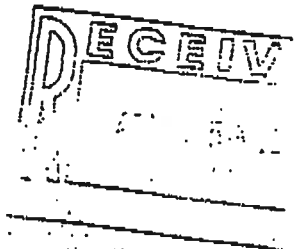
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed: _____

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any: _____

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

AFFIDAVIT

STATE OF IDAHO)

) ss.

County of Blaine)

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353,
being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I previously held the position of Water Master of Water District 37 and 37M. In my capacity as Water Master and on a private basis I have measured water flows regularly over the past twenty-five (25) years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water measurements of water diverted from the Hiawatha Canal into the "High Ditch" through three properties: (1) Lot 1, Block 1, Marvin Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot 2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned by James and Evelyn Phillips. The purpose of the measurements was to determine ditch loss from the point of diversion from the Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with a spin test of two (2) minutes thirty-five (35) seconds, the meter came to a very gradual stop indicating it was performing correctly on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up 5 3/8 inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed 5 3/8 inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles (1/2) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Robert A. Quinn
NOTARY PUBLIC FOR IDAHO

Residing at: Shoshone, Idaho
Commission Expires 9-1-94

JIM NEWBY.AFD

AFFIDAVIT

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

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some and additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT.

Martin Young
MARTIN YOUNG

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

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: Franklin St.

Commission expires: 4-13-94

JMY:YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

FAX TRANSMITTAL MEMO

TO: KELLEY CHRISTENSEN
IDAHO DEPARTMENT OF WATER RESOURCES

FROM: THOMAS HICKEY

DATE: 1/02/07

FAX NO: 208-736-3037

RE: SRBA CLAIM - WATER RIGHT A37-00577CE,
THOMAS AND LOUISE HICKEY, CLAIMANTS

Dear Mr. Christensen:

In reviewing the SRBA information regarding claims and recommendations on the IDWR website, I noticed an error in the information with regard to my above-referenced claim.

While it reads that Robert and Fern Young are the current owners of the water rights and are the present owners of the property, the fact is that my wife, Louise, and myself are the present owners of a substantial portion of the original Young property and current owners of the water rights with regard thereto.

By way of short history, along with James and Evelyn Phillips and Charles and Constance Johnson, we purchased the property and water rights from Robert and Fern Young. The property was subdivided, and along with the water rights, divided between the three of us (Phillips, Johnson, and Hickey).

In April of 1999, we each filed with IDWR an SRBA Amended Notice of Claim along with a copy of our Notice of Change of Ownership and other supporting documentation, all of which spelled out in detail the transfers of ownership. A copy of the 1999 filing is transmitted to you with this Memo.

The correct information on our water rights is as follows:

1. Lot 2, Marvin Gardens Subdivision - .3225 cfs
Thomas & Louise Hickey - current owners of the water rights.
Thomas and Louise Hickey - present owners of the property.
2. Lot 4, Marvin Gardens Subdivision - .0716 cfs
Thomas and Louise Hickey - current owner of the water rights.
The 3 Quigley Gulch Road Living Trust - present owner of the property.
3. Lot 8, Marvin Gardens Subdivision - .0859 cfs
Thomas and Louise Hickey - current owners of the water rights.
David and Deborah Town - present owners of the property.

Because of the erroneous claim information, at my request James Phillips contacted Danni Smith in the Boise Office. Upon examining the SRBA file in her office, she confirmed that the 1999 information was in the file, but that it had never been "worked" probably because it involved a split of the Young's original claim. So she advised Mr. Phillips to call her at the end of December as by that time the file would be reviewed. Upon doing so last week, she advised him to contact you.

Also, Ms. Smith told him that because the Watermaster had reported our water had not been delivered, IDWR was going to recommend our water rights not be recognized. However, I have paid my annual assessments and personally know the water has, in fact, been delivered to me each year. At my request, James Phillips confirmed this with Cindy at the Watermaster's Office in Shoshone. She was going to contact IDWR to confirm the delivery of my water.

All of this may seem a little confusing, but in 1999 when we sent in our Amended SRBA Claim and copy of our Notice of Change of Ownership, I thought everything was done to provide IDWR with the current status of our property and water rights. Hopefully, your review of our file will confirm this.

If you have any questions or desire any other documentation, please call me at 208-788-9307 or James W. Phillips at 208-788-3496 or Fritz Haemmerle at 208-578-0520. Mr. Phillips and Mr. Haemmerle have been retained as attorneys to represent us in the SRBA proceedings. Please feel free to contact either of them to discuss our claims.

Obviously we want the upcoming IDWR Report on our basin to accurately reflect the ownership of our water rights. Therefore, we request that you make the changes outlined in this letter prior to issuance of that report.

Thank you very much for your assistance in this matter.

April 29, 1999

Idaho Depart. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CE - FILING OF AMENDED CLAIM
Thomas and Louise Hickey, claimants

Dear Sirs;

Enclosed with this letter is the above referenced Amended SRBA Water Rights Claim being filed at this time.

Also, I thought it might be helpful to provide you with a short history of the property transactions, water rights and water usage. The above referenced claim is for a portion of property and water rights included within the Marvin Gardens Subdivision which was developed by myself and two other parties and SRBA claimants: James W. Phillips and Evelyn Phillips SRBA Claim #A37-00557CD and, Charles M. and Connie Johnson SRBA Claim #A37-00557CE (successors to James Rosenfeld).

These parties purchased from Robert and Fern Young the property and 72 inches of March 24, 1883 water rights deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of that deed by which the Youngs acquired the water rights is enclosed for your records.

Over the years, we have subdivided and resubdivided the property, until now Marvin Gardens Subdivision is comprised of nine (9) lots ranging in size from two to thirteen acres. The water appurtenant to the various lots has been equally divided between us on the basis of the property and water rights we each received from the Youngs. I received 24" of the water right of that water right from the Youngs. A copy of the deed is enclosed for your records. A Notice of Transfer of Water Right Ownership was filed at that time and a copy is enclosed for your records.

The water rights to Lot 4 and Lot 8 were specifically reserved in the deed when those lots were sold. The deed to Lot 4 is recorded with Blaine County as Instrument # 293532 and the deed to Lot 8 as Instrument # 302653. As a result, I have the water appurtenant to those three lots and am filing this Amended Claim, in part, to clarify this. Those three lots have a total of 13.5 irrigated acres.

The claimed water is used to irrigate those lots by sprinklers and by handlines drawing water from a small pond and by flood irrigation. Part of the reason for the amount of water used is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal for approximately 3 1/2 miles and then through the high ditch for a distance of approximately 1 1/2 miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the

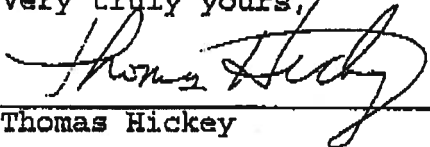
FILE COPY

historical use of the entire water right and ponds on the property.

Because all of the water rights are necessary due to the ditch loss, we retained the water rights when the lots were sold so that, while appurtenant to each lot, the rights could not be transferred elsewhere by a new purchaser.

Should you have any questions or desire any further information, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,


Thomas Hickey

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A-37-00577 CE

Date Received 11-03-89

Receipt Number C-012692

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

Please type or print clearly

1. Name of Claimant (s) THOMAS & LOUISE HICKEY Phone (208) 788-9307
Mailing Address P.O. Box 2312 Sun Valley, ID Zip 833532. Date of Priority (Only one (1) per claim) March 24, 18833. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 3N Range 18E Section 20,
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Blaine

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. From Hiawatha Canal Headgateon Big Wood River water runs through Hiawatha Canal and High Ditch
approximately 5 1/2 miles to place of use. Claimant has one
headgate and flood irrigates through series of ditches and a pond.
Also, sprinkler irrigates with 3 hp pump and handlines.

WWS

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
 Section 19 1/4 of 1/4 of 1/4 Govt. Lot BM.
 Lot 2 Block 1 Subdivision/Townsite Marvin Gardens Plat
 If you have additional legal descriptions, please attach separate sheet.

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

[] Water Right Number(s)
Assigned by IDWR: A37-Q0577CE

[] Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

[] New Owner/Claimant (Purchaser): Renton, Washington 98058
Thomas and Louise Hickey

[] New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353

[] New Telephone Number: (208) 788 - 9307

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley decree
(.48cfs)
(kxc)

[] Attach proof of ownership, describe proof 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) Louise Hickey Date 4-10-93

[] Signature of Former Owner/Claimant(s): Robert C. Young Date 4-10-93
Fern Young Date 2-8-93
 Date 2-8-93

(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 _____ By: _____
Claim Numbers of Split, if any: _____

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

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 546 or _____

For stockwater purposes from 4/1 to 11/1 amount 02 or _____

For recreation purposes from 4/1 to 11/1 amount 546 or _____

For aesthetic purposes from 4/1 to 11/1 amount 546 or _____

7. Total quantity claimed (a) 546 (cfs) and/or (b) _____ (acre feet)8. Total consumptive use claimed is not required acre feet per annum.9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater - 4 horses

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
						10				3									13
						S				S									
						J				J									
						R				R									

Total number of acres irrigated 13

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

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

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

14. Remarks:

See attachments

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Foster vs. Alturas Water Co.

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 X
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) Frank Hickey Date 2/17/99
Louise Hickey Date 2-17-99

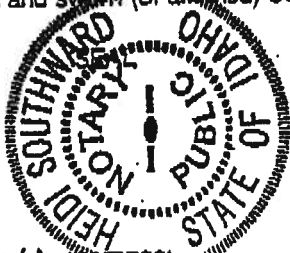
For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn to (or affirmed) before me this 17th day of February 19 99



Notary Public Heidi Southward

Residing at Hailey

My Commission Expires 12-8-2004

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 _____

Copies White-State, Yellow-Claimant

ATTACHMENT

14. ADDITIONAL REMARKS: In addition to Lot 2 of Marvin Gardens Subdivision, the claimants own the water rights on Lots 8 and 4 of Marvin Gardens Subdivision. These water rights were reserved in the warranty deeds to the purchasers of those lots. The present owners of the lots are as follows: Lot 8 - John and Debra Town, P.O. Box 1473, Hailey, Idaho, 83333; and, Lot 4 - 3 Quigley Ranch Road Living Trust, P.O. Box 297, Ketchum, Idaho, 83340. These lots were part of the lands upon which the original SRBA claim was filed by Robert and Fern Young and upon sale to the claimants a Notice of Transfer was filed (copy attached).

Ident. No. _____

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rockSoil water holding capacity: poor

Soil intake family (if known): _____

Field slope: _____

Anticipated crops: hay (grass/alphalpa), ornamental trees and shrubsMethod of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? yesHave you changed the irrigated method from the one first developed? no

If yes, describe. _____

Remarks The irrigation water is conveyed from its point of diversion
five and one-half miles and is subject to substantial ditch loss
due to rock/gravel soils, that slope and length of ditch.

FORM 42-142M(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ BM.
 Lot _____ Block _____ Subdivision/Townsite Garrison Gardens Plat
 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: A27-0057702
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd
Renton, Washington 98058
- ☐ New Owner/Claimant (Purchaser): Thomas and Louise Hickey
- ☐ New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353
- ☐ New Telephone Number: (208) 722-2707
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1923, W.T. Riley decree
- ☐ Attach proof of ownership, describe proof 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): Louise Hickey Date _____
Thomas Hickey Date _____
- ☐ Signature of Former Owner/Claimant(s): Robert P. Young Date 2-8-93
Fern Young Date 2-8-93

(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 _____ By _____
 Claim Numbers of Split, if any:

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

CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s); for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto Thomas Hickey and Louise L. Hickey, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 2312, Sun Valley, Idaho 83353, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 2, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor(s) have set their hand and seal the day and year first written above.

GRANTORS: :

Robert C Young
ROBERT YOUNG

FERN YOUNG

ACKNOWLEDGEMENT

STATE OF WASHINGTON,)
) ss.
County of King.)

On this 18 day of April, 1992, before me,
a Notary Public in and for said State, personally appeared Robert
Young ^{Proved to} ~~known~~ to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that he executed the same.

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

NOTARY PUBLIC FOR WASHINGTON

Residing at: Adhwa

Commission expires: 9-10-95



CLARK CO. REQUEST

of Laark Donovan

1992 AUG 25 P 1:17.

344053

WILLIAM GREEN, CLERK

Wm. Deane

WARRANTY DEED - 2

339 559

STATE OF WASHINGTON,)
) ss.
County of King.)

On this 18 day of July, 1992, before me,
a Notary Public in and for said State, personally appeared Fern
^{Proved to} Young known to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that she executed the same.

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

Diana Luge
NOTARY PUBLIC, FOR WASHINGTON
Residing at: Auburn
Commission expires: 9-10-95

JWP/nm/hickey.dae





NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
 Section 19, 1/4 of 1/4 of 1/4 Gov. Lot _____, BM.
 Lot 2, Block 1, Subdivision/Townsite Marvin Gardens Plat
 If you have additional legal descriptions, please attach separate sheet.

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

[] Water Right Number(s)
 Assigned by IDWR: A37-Q0577CE

[] Name and Address of Former Owner/Claimant(s)(Seller): Robert and Fern Young
17513 S.E. 133rd

[] New Owner/Claimant (Purchaser): Renton, Washington 98058
Thomas and Louise Hickey

[] New Mailing Address: P.O. Box 2312
Sun Valley, Idaho 83353

[] New Telephone Number: (208) 788 - 9307

[] Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
twenty-four inches of March 24, 1883, W.T. Riley decree

[] Attach proof of ownership, describe proof 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): Thomas Hickey Date 4-10-93
Louise Hickey Date 4-10-93

[] Signature of Former Owner/Claimant(s): Robert C. Young Date 2-8-93
Fern Young Date 2-8-93

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

FOR IDWR USE ONLY:

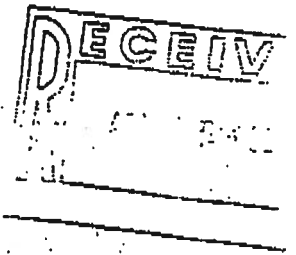
Initial Review and Data-Entry
 Date _____ By _____
 Further Action Needed:

Further Action Taken
 Date _____ By _____

Final Review and Data-Entry
 Date _____ By _____

Claim Numbers of Split, if any:

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

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Blaine)

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353,
being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I previously held the position of Water Master of Water District 37 and 37M. In my capacity as Water Master and on a private basis I have measured water flows regularly over the past twenty-five (25) years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water measurements of water diverted from the Hiawatha Canal into the "High Ditch" through three properties: (1) Lot 1, Block 1, Marvin Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot 2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned by James and Evelyn Phillips. The purpose of the measurements was to determine ditch loss from the point of diversion from the Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with a spin test of two (2) minutes thirty-five (35) seconds, the meter came to a very gradual stop indicating it was performing correctly on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT:

Martin Young
MARTIN YOUNG

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

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Emmett
Commission expires: 11-15-94

JWP\YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up 5 3/8 inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed 5 3/8 inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles (1/2) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Carol A. Quinn
NOTARY PUBLIC FOR IDAHO

Residing at: Shoshone, Idaho
Commission Expires 9-1-94

JIM\NEWBY.AFD

AFFIDAVIT

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

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some and additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 15, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

EDWARD WHEELER
ELIZABETH SIMPSON
PO BOX 3508
HAILEY ID 83333

RE: Notice of Change of Water Right Ownership
Water right 37-22118 (Part)

Dear Mr. Wheeler and Ms. Simpson:

Thank you for notifying the department you are the current owners of the property known as lot 9 block 1 Marvin Gardens #1 subdivision. Because you indicated there might be an issue with the Johnsons over the water, I researched our files and carefully read all the deeds in the chain of title.

Contained in our files was a warranty deed dated August 5, 1988, that conveyed Lot 9 of Marvin Gardens #1 subdivision to Skip and Leslie Conner 'exclusive of all water and ditch rights which shall be retained by the sellers.' Also contained in the file was a quitclaim deed that conveyed the water rights appurtenant to lots 7 and 9 to Charles and Connie Johnson. Water rights are conveyed with the property unless they are expressly withheld in the warranty deed; consequently, based on these two deeds, I cannot change a portion of water right 37-22118 into your names.

I am herein returning the Notice of Change of Water Right Ownership you submitted and have requested a refund of the \$100 fee you paid. I am also enclosing copies of the warranty deed and quitclaim deed that pertain the water right appurtenant to your property. If you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Fawcett, Trish

From: Fawcett, Trish
Sent: Thursday, September 15, 2011 3:44 PM
To: Allen, Debbie
Subject: refund

Hi Debbie,

Please initiate a refund of \$100 from receipt S031946 to Edward Wheeler, PO Box 3508, Hailey ID 83333. He paid to get part of a water right in his name that he wasn't entitled to, so his notice was rejected. Thanks Debbie!

Trish Fawcett
Technical Records Specialist
IDWR - Southern Region
1341 Fillmore St Suite 200
Twin Falls ID 83301
phone 208.736.3033
fax 208.736.3037
trish.fawcett@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED RECEIVED
MAY 31 2011 MAY 23 2011
DEPT. OF WATER RESOURCES SOUTHERN REGION
DEPT. OF WATER RESOURCES SOUTHERN REGION

Notice of Change in Water Right Ownership

- List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-22118	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

- Previous Owner's Name:

Connie Johnson
Name of current water right holder/claimant

- New Owner(s)/Claimant(s):

Edward S Wheeler and Elizabeth L Simpson
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☒ and ☐ or ☒ and/or

P.O. Box 3508

Mailing address

Hailey

City

208 788-1176

Telephone

ID

State

83333

ZIP

edwheeler@aol.com

Email

- If the water rights and/or adjudication claims were split, how did the division occur?

- ☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- Date you acquired the water rights and/or claims listed above: upon purchase of property, did not

- This form must be signed and submitted with the following **REQUIRED** items: ^{know to file}

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

- Signature:

Edward S Wheeler
Signature of new owner/claimant

Title, if applicable

5/16/11

Date

- Signature:

Elizabeth L. Simpson
Signature of new owner/claimant

Title, if applicable

5/14/11

Date

For IDWR Office Use Only:

Received by

Alse

Date

5/13/11

Receipt No.

3031946

Receipt Amt.

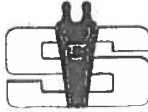
100.00

Approved by

Processed by

Date

RECEIVED
MAY 31 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION



Instrument # 468986

HAILEY, BLAINE, IDAHO
2002-08-07 03:21:00 No. of Pages: 1
Recorded for : BLAINE COUNTY TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/CIC/CRP DEED

QUITCLAIM DEED

THIS INDENTURE, Made this 19th day of July, 2002 between

EDWARD S. WHEELER and ELIZABETH SIMPSON

as Grantor and

EDWARD S. WHEELER and ELIZABETH SIMPSON, husband and wife

as Grantee

whose current address is P.O. Box 3508, HAILEY, IDAHO 83333

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

LOT 9 IN BLOCK 1 OF A REPLAT OF LOTS 4 & 5, MARVIN GARDENS NO. 1 SUBDIVISION, BLAINE COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED APRIL 5, 1988, AS INSTRUMENT NO. 293527, RECORDS OF BLAINE COUNTY, IDAHO.

Parcel Number: ~~0000000000~~ 004020010090A

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 its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Edward S. Wheeler
EDWARD S. WHEELER

Elizabeth Simpson
ELIZABETH SIMPSON

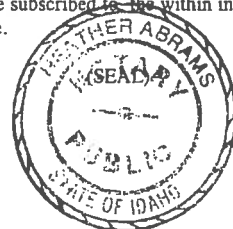
State of Idaho ss.
County of Blaine

On this 5th day of August, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared EDWARD S. WHEELER and ELIZABETH SIMPSON

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Heather Abrams
Notary Public
Residing at: Blaine Co.
Commission Expires: 2/15/2006





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Wednesday, May 24, 2011

EDWARD WHEELER AND ELIZABETH SIMPSON
PO BOX 3508
HAILEY ID 83333

Re: Water Right # 37-22118

Dear New Owners,

RECEIVED

MAY 31 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership for the above water right. During our review we noticed you submitted a Deed of Trust for your conveyance document. A Deed of Trust or a mortgage is not conveyance documents. They are used to protect the interests of a lender in real property transactions. The conveyance document needs to be one of the following: a warranty deed, a quitclaim deed, a court decree, a contract of sale, etc. Because the Department cannot process the ownership change proper documentation we will return your notice, all attachments and your check #6511 for \$100.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$100.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

Please feel free to resubmit the application with proper documentation and fees. Contact this office if you have any questions. We will be glad to help. (208) 736-3033

Sincerely,

Carrie Hahn
Clerk
Enclosures

Jeff Cooper
Idaho Department of Water Resources
1341 Fillmore St, Suite 200
Twin Falls, ID 83301

RECEIVED
MAY 31 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
MAY 23 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Dear Mr. Cooper;

Thank you for assisting me when I called to research the surface water rights on our property in Hailey, at 7 Quigley Lane.

Attached is the application for transfer and the \$100 fee. I am hoping that since you understand my situation, that you will pass my application on to the appropriate person that you mentioned as being in charge of transfers.

As you will recall, we have a groundwater pumping right for irrigation dated 1988. When we purchased our property were not told that we have surface rights appurtenant to our land. The water right is still apparently held on paper by Connie Johnson, #9 Quigley Lane. We are anxious to secure our water right as we have irrigated horse pasture, and so appreciate your assistance.

Dealing with you on the telephone was a most pleasant experience, and the state of Idaho should be pleased to have an employee with such effective communication skills.

Thank you for your assistance.

With best regards,



Elizabeth (Lili) Simpson

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

RECEIVED
NOV 27 2003
DEPARTMENT OF
WATER RESOURCES

37-22118

CHARLES M JOHNSON

CONNIE JOHNSON
PO BOX 1883
HAILEY ID 83333

☒ Moved, Left No Address
☐ Attempted To Forward
☐ Unclaimed
☐ No Such Street
☐ Insufficient Address
☐ Refused
☐ No Such Number
Rt. _____ Int. _____

FIRST CLASS



UNITED STATES POSTAGE
FIRST CLASS
\$01.11
02 1A
0004310839 NOV 21 20
MAILED FROM ZIP CODE 837

01/31/2007

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

RIGHT NUMBER: 37-22118
NAME AND ADDRESS: CHARLES M JOHNSON
PO BOX 1883
HAILEY ID 83333

CONNIE JOHNSON
PO BOX 1883
HAILEY ID 83333

VERIFIED BY *KKC*
KAY K. CROOK, REGISTERED PROFESSIONAL ENGINEER

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.480 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.480 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>					
T02N R18E S10	NENW	5.50	T02N R18E S10	NWNW	1.10
T02N R18E S10	SWNW	0.10	T02N R18E S10	SENW	1.60
<u>STOCKWATER in BLAINE County</u>					
T02N R18E S10	NENW		T02N R18E S10	NWNW	
T02N R18E S10	SWNW		T02N R18E S10	SENW	

8.3 ACRES TOTAL

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

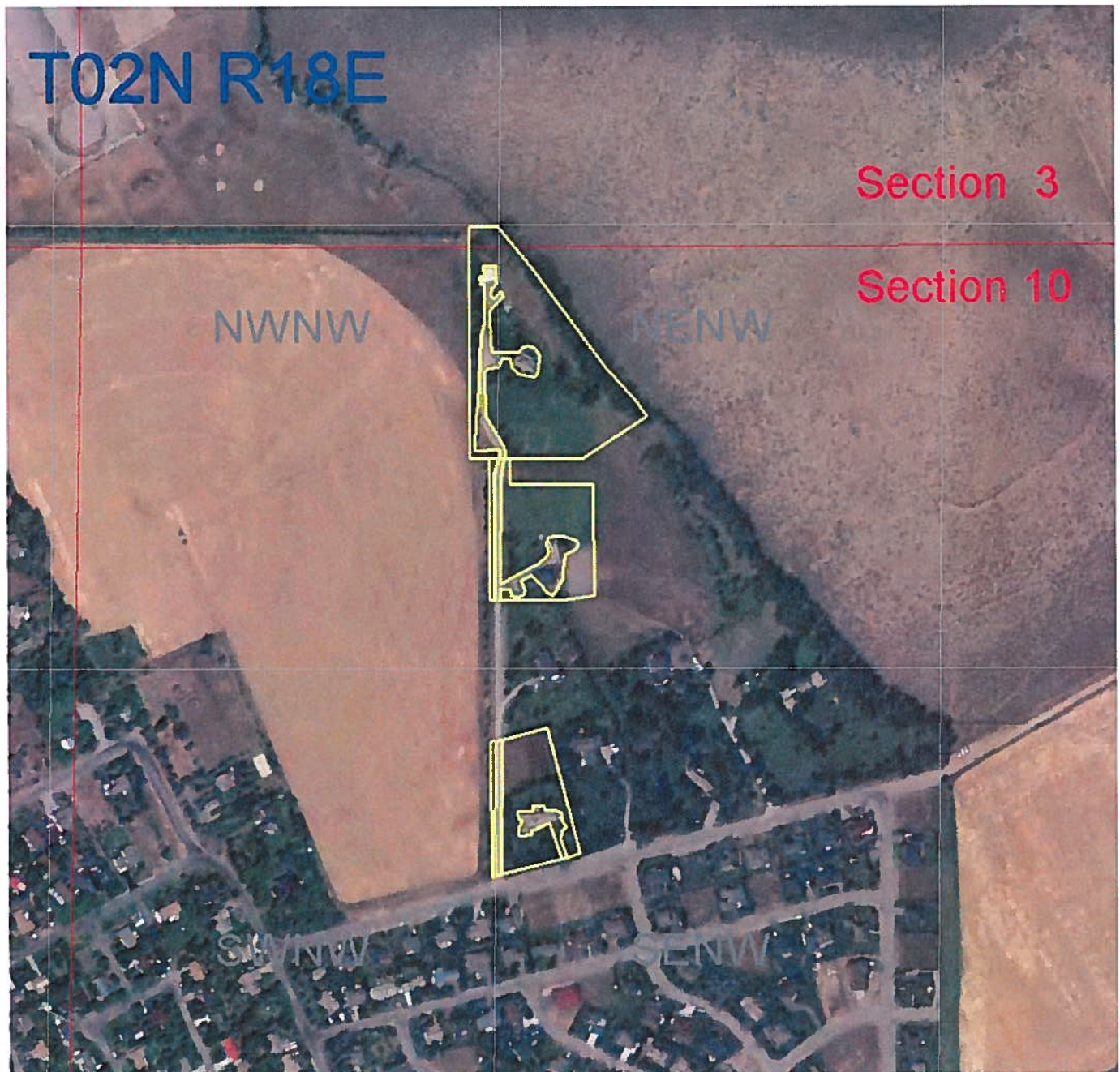
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

37-22118



Legend

- Point of Diversion
- Place of Use
- GCDB
- Section Lines
- Township Boundaries

GIS Place of Use Presentation
Photography: 2004 NAIP
Data Entry: 01/25/2006
T. D. Baker

Always consider the possibility that river losses or conveyance losses for a ditch system may exist even if the claim matches the water master list.

Yellow highlighted rights indicates rate and name match.

Blue and/or green highlighted rights indicate Possible match but with problems

Bright blue = research after 6-23-2005 matches.

Red = likely guess of a match or some kind of significant problem.

The list is not necessarily comprehensive. Most water carried on the watermaster list as Big Wood River losses or Conveyance losses are not shown on this comparison. Further research by right needs to be done.

Note: some entries contain a comments box (small red triangle in upper left corner of a cell

		watermaster records		ADJUDICATION CLAIMS		WATER RIGHTS	
	sort						
55-C	E	5 WASHINGTON ASPHALT	37-0577	0.20	11816	Wood River Ranch Co	Possible match
44	E	5 ECCLES WINDOW ROCK RANCH L	37-0577AT	0.35			
22	D	5 DAVID L CROPPER	37-0577	0.11			
22	D	4 EDMUND E DUMKE	37-0577	1.41	21112	1.42 MARATHON PARTNERS LLC	rates match
22	D	5 JACKSON W ALLRED II	37-0577	0.06			
22	D	2 ERIC AND JOAN RAZOR	37-0577	0.06	20807	0.06 RASOR, ERIC N ; RASOR, JOAN T	
		2 ROD THORNTON	37-0577BN	0.03	21113	0.03 Thornton	RE: License 37-8820
55-C	E	4 JEFFERY ANDERTON	37-0577	0.19	577 CC	??? ??? PART ???	Going to file a late claim 12/04/06
55-C	X	4 BIG WOOD RIVER	37-0577BH	0.02	577 BH	0.18 BRUNKER, BUFFY R ; BRUNKER, MICHAEL B	0.02 lost to river, 0.16 delivered to
	D	4 THOMAS HICKEY	37-0577	0.48	577 CE	1.09 YOUNG, FERN ; YOUNG, ROBERT	Possible part of this right.
RLR-30	E	4 MICHAEL B BRUNKER-RLR-30	37-0577BH	0.16	577 BH	BRUNKER, BUFFY R ; BRUNKER, MICHAEL B	
55-C	E	4 LEWIS WILLIAM DYE	37-0577	0.50	577 CC	1.8 DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST	Recommended 1.8 which includes
55-C	E	4 LEWIS WILLIAM DYE	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST	
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.50	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST	
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST	
22	D	3 DAVID B HENNESSY	37-0577	0.10	11411	0.1 GORMAN, DONNA F ; GORMAN, JAMES A	
45	E	3 JOHN SCHERER	37-0577	2.20	577 BT	2.2 SOUTH COUNTY ESTATES LLC	
22	D	3 WOOD RIVER COUNTRY CLUB	37-05777&V	1.56	577 BV	1.69 THE VALLEY CLUB INC	

Wastermaster Records for Basin 37

DIVER	R	DIST	PRIOR	OWNER	ST ID	DECREE TO	PRIOR	INCHES	CFS	ABOVE
22	D	19-C		CHARLES E CORD	37-0024	MARTIN ALB	/ 24 / 1883	160.00	3.20	37.78
22	D	19-D1		CHARLES E CORD	37-0004B	WILLIAM ABH	/ 24 / 1883	20.50	0.41	38.19
22	D	19-A10		CHARLES E CORD	37-0577PT	W.T.RILEY	/ 24 / 1883	19.50	0.39	38.58
22	D	19-A30		CHARLES M JOHNSON	37-0577	W T RILEY	/ 24 / 1883	24.00	0.48	39.06
22	D	19-A15		CITY OF HAILEY	37-0577	W.T.RILEY	/ 24 / 1883	142.90	2.86	41.92
22	D	19-A2		COTTONWOOD INVESTM	37-0577BY	W.T.RILEY	/ 24 / 1883	34.50	0.69	42.61
22	D	19-A17		DAVID B HENNESSY	37-0577	W.T.RILEY	/ 24 / 1883	5.00	0.10	42.71
22	D	19-A6		DAVID L CROPPER	37-0577	W.T.RILEY	/ 24 / 1883	44.90	0.90	43.61
22	D	19-E19		DAVID L CROPPER	37-0577	W.T.RILEY	/ 24 / 1883	5.50	0.11	43.72

AFFIDAVIT

I, CHARLES M. JOHNSON, being sworn upon oath, state as follows:

1. I make the statements and averments contained herein of my own personal knowledge and would testify to the facts as presented herein if called upon to do so.

2. By way of general background, I was involved in the development of the Marvin Gardens Subdivision No.1, Blaine County, Idaho, and the Replat thereof along with Thomas and Louise Hickey and James W. and Evelyn Phillips. Initially, the real property and water rights were owned by Robert and Fern Young (the "Youngs"). The real property was purchased and developed in stages under a contract of sale from the Youngs. First, while the Youngs still owned the property, it was subdivided into large lots with the recording of the Marvin Gardens Subdivision No. 1 plat. Later, Lot 4 of that subdivision was re-subdivided into four smaller lots with the recording of the Replat of the Marvin Gardens Subdivision plat. Each of those four smaller lots were sold with the water rights reserved in each of the deeds of conveyance.

3. Currently, me and my wife, Connie Johnson, are the owners of Lot 1 of the Replat of Marvin Gardens Subdivision, according to the official plat thereof on file in the records of Blaine County, Idaho, ("said Replat") and we are the owners of the water rights appurtenant to said Lot 1 and to Lot 7 and Lot 9 of said Replat. A copy of said Replat is attached hereto as Exhibit A, with those Lots 1, 7 and 9 outlined in pink.

4. We acquired said Lot 1 by Warranty Deed dated July 17, 1992, and a copy of that deed is attached hereto as Exhibit B.

5. We acquired the water rights appurtenant to Lot 7 and Lot 9 of said Replat by Quit Claim Deed dated April 30 1999, a copy of which is attached hereto as Exhibit C.

6. My predecessors-in-interest acquired the water rights appurtenant to Lot 7 and Lot 9 (which water rights were transferred to us by attached Exhibit C) as follows:

A. Robert and Fern Young conveyed Lot 4 of Marvin Gardens Subdivision No. 1 by Warranty Deed to James W. and Evelyn

Phillips and James and Alice Rosenfeld, (collectively "Phillips/Rosenfeld"). A copy of that deed is attached hereto as Exhibit D-1 and a copy of the Marvin Gardens Subdivision No. 1 Subdivision plat is attached hereto as Exhibit D-2.

B. Thereafter, Phillips/Rosenfeld recorded said Replat subdividing Lot 4 of Marvin Gardens Subdivision No. 1 into four lots smaller (Replat is attached Exhibit A).

C. Phillips/Rosenfeld sold Lots 4, 7, 8 and 9 of the Replat, each time reserving the water rights as set forth in the Warranty Deeds, copies of which are attached hereto as Exhibits E, F, G and H, respectfully.

D. Then by Quit Claim Deed (attached Exhibit C) Phillips/Rosenfeld transferred the water rights appurtenant to Lot 7 and Lot 9 to me and my wife. At the same time, Phillips/Rosenfeld, by similar quit claim deed, transferred the water right appurtenant to Lot 8 and 4 of the Replat to Thomas and Louise Hickey.

E. When my wife and I received our deed to Lot 1 from the Youngs in 1992 (attached Exhibit B), the deed referred to 24 inches of March 24, 1883 W.T Riley water rights, and included in that 24 inches were the water rights appurtenant to not only Lot 2, but also to Lot 7 and Lot 9, calculated on a pro-rata basis based upon irrigated acres of each of the three lots and totalling 24 miners inches.

7. Currently, the water rights appurtenant to each of the lots is as follows:

- A. Lot 1, Marvin Gardens Subdivision: .306 cfs
- B. Lot 7, Marvin Gardens Subdivision: .0765 cfs
- C. Lot 9, Marvin Gardens Subdivision: .0975 cfs

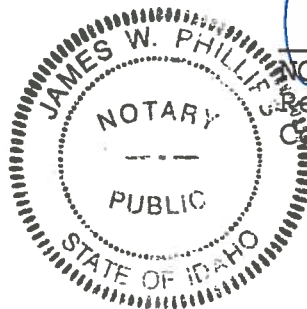
8. Also, I have read the Affidavit of Thomas Hickey of even date herewith, who, along with his wife Louise, acquired Lot 2, of said Replat from Robert and Fern Young at the same time as I did. And, as with my deed, the Hickey deed refers to 24 inches of inches of March 24, 1883 W.T Riley water rights, and included therein are the water rights appurtenant to Lot 4 and Lot 8 of Replat. I concur

with his statements and his claim of ownership to those water rights of appurtenant to Lots 2, Lot 4 and Lot 8 of said Replat calculated on a pro-rata basis based upon irrigated acres of each of the three lots and totalling 24 miners inches as set forth in his Affidavit.

DATED this 15th day of January, 2007.

Charles M. Johnson
CHARLES M. JOHNSON

SUBSCRIBED AND SWORN to before me this 15th day of January, 2007.



James W. Phillip
NOTARY PUBLIC FOR IDAHO
Residing at: Nailey, ID 83400
Commission expires: 11-06-09

CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto Charles M. Johnson and Connie Johnson, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 2312, Sun Valley, Idaho 83353, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 1, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

EXHIBIT B

VALUATION DEED - 2

STATE OF WASHINGTON,)
) ss.
County of King.)

On this 18 day of July, 1992, before me,
a Notary Public in and for said State, personally appeared Fern
Young ^{Proved to be} known to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that she executed the same.

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

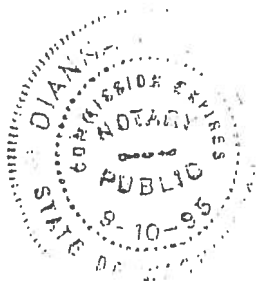
Anna L. Lige

NOTARY PUBLIC FOR WASHINGTON

Residing at: Albany

Commission expires: 9-10-95

JWP/nm/johnson.dee



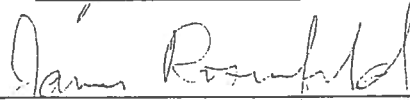
QUIT CLAIM DEED
(Water Rights)

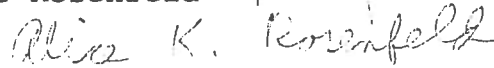
FOR VALUE RECEIVED, James Rosenfeld and Alice K. Rosenfeld of Honaunau, Hawaii, and James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho, do hereby convey, release, remise and forever quit claim unto Charles M. Johnson and Connie Johnson ("Grantees") of P.O. Box 1883, Hailey, Idaho 83340, any and all right, title and interest in and to the water rights, including, without limitation, the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 7, Block 1, and Lot 9, Block 1, A Replat of
Lots 4 and 5 Marvin Gardens Subdivision No. 1,
Blaine County, Idaho, according to the plat
thereof on file as Instrument No 283527, records
of Blaine County, Idaho.

These water rights were filed on by Robert and Fern Young as SRBA Claim # A37-05577CE, and a Notice of Change of Water Right Ownership to the above named Grantees has previously been filed by the Youngs.

DATED this 30th day of April, 1999.


James Rosenfeld


Alice K. Rosenfeld


James W. Phillips

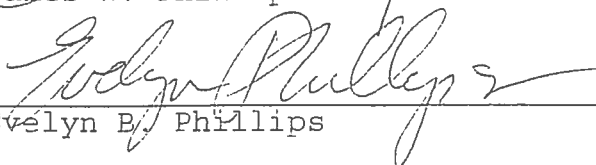

Evelyn B. Phillips

EXHIBIT C

STATE OF Hawaii,)
County of Hawaii) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared James Rosenfeld, a divorced man, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that he executed the same.

S. P. Gacayan S.P. GACAYAN
NOTARY PUBLIC for 3rd Judicial Court
Residing at Kamuela, HI
Commission expires 12-7-99

L.S.

STATE OF Hawaii,)
County of Hawaii) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared Alice K. Rosenfeld, a divorced woman, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that she executed the same.

S. P. Gacayan S.P. GACAYAN
NOTARY PUBLIC for 3rd Judicial Court
Residing at Kamuela, HI
Commission expires 12-7-99

L.S.

STATE OF IDAHO,)
County of Blaine) ss.

On this 20th day of April, 1999, before me, a Notary Public in and for said State, personally appeared James W. Phillips and Evelyn B. Phillips, husband and wife, known to me to be the persons who name are subscribed to the within instrument, and acknowledged to me that they executed the same.

James L. Christensen
NOTARY PUBLIC for IDAHO
Residing at Blackfoot
Commission expires 11-22-99

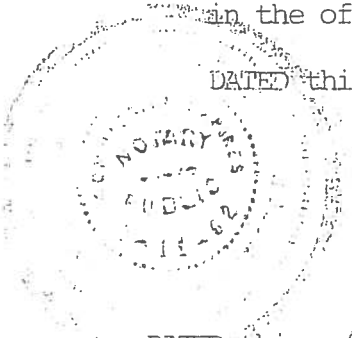
WARRANTY DEED

THIS INDENTURE, made this 10th day of March, 1988, in the year of our Lord one thousand nine hundred and eighty eight, between Robert Young and Fern Young, husband and wife, of 17315 SE 133rd Renton, County of King, State of Washington, the parties of the first part and James and Evelyn Phillips, husband and wife, of Hailey, Idaho, ^{Box 864 83323} and James and Alice K. Rosenfeld, husband and wife, of Honaunau, ^{Box 665 96726} Hawaii, as tenants in common, the party of the second part;

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell convey and confirm unto the said party of the second part, and its heirs and assigns forever, all the following described real estate, situated in Blaine County, State of Idaho, to wit:

Lot 4, Marvin Gardens Subdivision, No. 1, Amended, Blaine County, Idaho, according to the official plat thereof recorded in the office of the Blaine County Recorder, Hailey, Idaho.

DATED this 10th day of March, 1988.

A circular notary seal for the State of Idaho, Blaine County, with the name "NOTARY PUBLIC" and the year "1988" visible.
Robert Young
ROBERT YOUNG

DATED this 10th day of March, 1988.

Fern Young
FERN YOUNG

STATE OF WASHINGTON,

)
) SS.
)

On this 10th day of March, 1988, before me, the undersigned, Notary Public in and for said State, personally appeared ROBERT YOUNG, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Residing at: Isiriguda

My commission expires 2-11-92

STATE OF WASHINGTON,

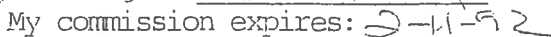
)
) SS.
)

On this 10th day of March, 1988, before me, the undersigned, Notary Public in and for said State, personally appeared FERN YOUNG, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



My commission expires: 2-1-92



PLAT SHOWING **MARVIN GARDENS NO. 1 SUBDIVISION** A PORTION OF THE NW 1/4, SEC. 10, T2N, R18E, B.M. BLAINE COUNTY, IDAHO 1980



LOTS 4, 5 & 6 AMENDED
APRIL 1981

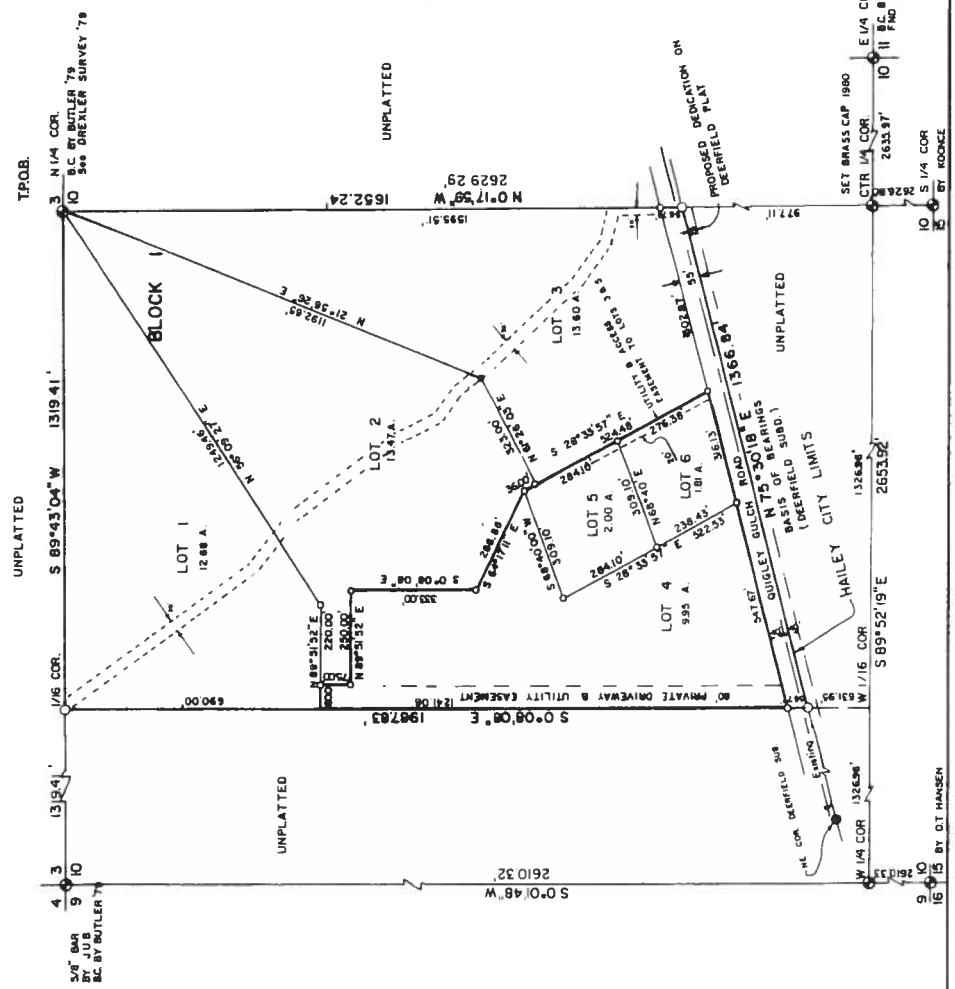


LEGEND

- Set 5/8" x 30" Rebar w/ Plastic # 3621
- Set 1/2" x 24" Rebar w/ Plastic # 3621
- Set 1/2" Rebar
- Brass Cap
- Canal Maintenance Easement
- Utility Easement

NOTE

1. The 60' wide private driveway may be utilized for future public access when the parcel to the West is developed.
2. There shall be a 10' utility easement centered on all side and rear lot lines of lots 3 and 4, and a 10' utility easement centered on all lot lines of lots 1 and 2.
3. Lot 5 may not be further subdivided.



AMENDED MARVIN GARDENS SUBO
 SAWTOOTH ENGINEERS
 KETCHUM, IDAHO

CERTIFICATE OF OWNERSHIP

This is to certify that we are the owners in fee simple of the following described parcel of land:

A parcel of land within the NW 1/4, Section 10, T.2 N., R.18 E., B.M., Blaine County, Idaho, being more particularly described as follows: Commencing at the 5/8" bar marking the West 1/16 corner of said Sections 3 and 10, thence S 0°08'08" E 690.00 feet to the TRUE POINT OF BEGINNING; thence continuing S 0°08'08" E 1241.06 feet; thence N 75°30'18" E 863.80 feet; thence N 28°35'57" W 560.48 feet; thence N 64°17'11" W 288.88 feet; thence N 0°08'08" W 333.00 feet; thence S 89°51'52" W 60.00 feet to the TRUE POINT OF BEGINNING, containing 13.76 acres, more or less.

We, the owners, do hereby include said land in this plat of Marvin Gardens Subdivision, Quigley Gulch Road as shown on this plat is hereby dedicated for the use of public forever.

Robert Young

Howard Knight

James W. Phillips, President

James W. Phillips

Fern Young

Confessio Knight

APPROVAL OF BLAINE COUNTY PLANNING AND ZONING

The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this 21st day of April, 1981.

James D. Smith, Administrator

APPROVAL OF BLAINE COUNTY COMMISSIONERS

The foregoing plat was approved by the Blaine County Board of Commissioners on this 21st day of July, 1981.

Ray Smith, Chairman

ACKNOWLEDGEMENT

STATE OF _____ as

COUNTY OF _____ On this 21st day of July, 1981, before me, a Notary Public in and for said state personally appeared the person whose name subscribed to the Owner's Certificate and acknowledged to me that executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

Notary Public

SURVEYOR'S CERTIFICATE

I, Richard D. Fosbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Marvin Gardens Subdivision is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



SANITARY RESTRICTIONS

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koones, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.



APPROVAL OF CITY ZONING COMMISSION

The foregoing plat was approved by the Halley, Idaho, City Zoning Commission on this 7th day of April, 1981.

Chairman

APPROVAL OF CITY COUNCIL

The foregoing plat was approved by the City Council of Halley, Idaho, on this 15th day of April, 1981.

City Clerk

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by Harold J. Cox, City Engineer for the City of Halley, Idaho, on this 13th day of May, 1981.

City Engineer

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat is hereby approved this 15th day of July, 1981.

Blaine County Treasurer

COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO } as of 7/17/201

COUNTY OF BLAINE } This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 14th day of July, 1981, at 4:30 PM, and duly recorded in Plat Book _____, at page _____.

Ex-officio Recorder

Marvin Gardens Subd. Amended Sheet 2 of 2



BCT #1776

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received

JAMES PHILLIPS and EVELYN PHILLIPS, husband and wife and JAMES ROSENFELD and
ALICE K. ROSENFELD, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto

THOMAS A. PYLE, an unmarried man

the Grantee whose current address is: P.O. Box 94, Ketchum, Idaho 83340

the following described premises, to-wit:

Lot 4 in Block 1 of A REPLAT OF LOTS 4 AND 5, MARVIN GARDENS NO. 1 SUBDIVISION,
Blaine County, Idaho, according to the official plat thereof, recorded 11-2-88
2-18-1988, as Instrument No. 298,557, records of Blaine
County, Idaho.

NO WATER RIGHTS OR DITCH RIGHTS SHALL BE CONVEYED WITH THE TRANSFER OF THE ABOVE
DESCRIBED PROPERTY. NO FURTHER SUBDIVIDING OF THE ABOVE DESCRIBED PROPERTY.

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

Dated: March 17, 1988

James Phillips by Evelyn Phillips
JAMES PHILLIPS BY EVELYN PHILLIPS,
HIS ATTORNEY IN FACT
Evelyn Phillips
EVELYN PHILLIPS

James Rosenfeld
JAMES ROSENFELD
Alice K. Rosenfeld
ALICE K. ROSENFELD

STATE OF IDAHO, COUNTY OF IDAHO
On this 25 day of MARCH, 1988,
before me, a Notary Public in and for said State, personally appeared

EVELYN PHILLIPS

identified to me on the basis of satisfactory evidence or known to me
to be the person whose name is subscribed to the within instrument, and
acknowledged to me that she executed the same

Thomas M. Adams
Notary Public

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock
this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

EXHIBIT E

By _____
Notary

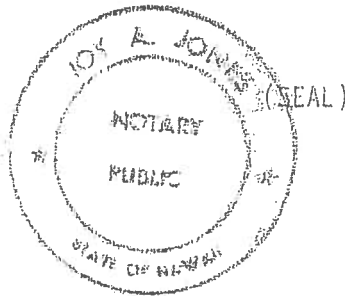
STATE OF HAWAII

COUNTY OF Hawaii

* On this 22nd day of MARCH, 19 88, before me,
the undersigned, a Notary Public, in and for said State, personally
appeared JAMES ROSENFELD and ALICE K. ROSENFELD, husband and wife

known to me and/or identified to me on the basis of satisfactory
evidence to be the person(s) whose name is/are subscribed to the
within instrument and acknowledged to me that they executed
the same.

for a free
NOTARY PUBLIC
Residing at: Kailua, Kona, Hawaii
Commission Expires: 1/28/89



BLAINE CO
RECEIVED
MARCH 5 PM 2 44
DEPUTY

HAWAII COUNTY

293552



BCT #1809

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received

JAMES PHILLIPS and EVELYN PHILLIPS, husband and wife and JAMES ROSENFELD and
ALICE K. ROSENFELD, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto

JOHN D. MILLS and ALMA L. MILLS, Husband and Wife

the Grantee whose current address is: P.O. Box 831, Ketchum, Idaho 83340

the following described premises, to-wit:

Lot 7, Block 1, A REPLAT OF LOTS 4 AND 5 MARVIN GARDENS NO. 1 SUBDIVISION,
Blaine County, Idaho, according to the official plat thereof, recorded
April 5, 1988, as Instrument No. 293527, records of Blaine County, Idaho.

NO WATER RIGHTS OR DITCH RIGHTS SHALL BE CONVEYED WITH THE TRANSFER OF THE
ABOVE DESCRIBED PROPERTY. NO FURTHER SUBDIVIDING OF THE ABOVE DESCRIBED
PROPERTY.

SUBJECT TO: A Lien dated March 16, 1988, executed by JOHN V. CARTER and
GEORGINE CARTER, JAMES PHILLIPS, EVELYN PHILLIPS, JAMES ROSENFELD and
ALICE ROSENFELD, as Owners to BLAINE COUNTY, IDAHO, recorded April 5,
1988, as Instrument No. 293529, records of Blaine County, Idaho.

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

Dated: April 5, 1988

James Phillips, Evelyn Phillips, James Rosenfeld and Alice K. Rosenfeld
X JAMES PHILLIPS, EVELYN PHILLIPS, JAMES ROSENFELD and ALICE K. ROSENFELD
X BY: K. KEITH ROARK, THEIR ATTORNEY-IN-FACT.

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____
before me, a Notary Public in and for said State, personally appeared

STATE OF IDAHO, COUNTY OF

identified to me on the basis of satisfactory evidence or known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

EXHIBIT F

293527
APR 15 PM 3
BLAINE CO
CLERK

293527

WARRANTY DEED

GRANTORS, James W. Phillips and Evelyn B. Phillips, husband and wife, and James Rosenfeld and Alice Rosenfeld, husband and wife, (hereinafter referred to as Grantors) for a good and valuable consideration, the receipt of which hereby acknowledged, does hereby grant bargain, sell and convey unto David Town and Debra Town, husband and wife, whose current address is, City of Hailey, County of Blaine, State of Idaho as Grantees, and to Grantees' heirs and assigns forever, all the following described real estate located in County of Blaine, Idaho:

Lot 8, A Replat of Lots 4 and 5 Marvin Gardens No. 1 Subdivision according to the Official Plat thereof on file in the records of Blaine County, Idaho April 5, 1988, as Instrument No. 293527, exclusive of all water and ditch rights which shall be retained by the Sellers. Said property shall not be further subdivided as a covenant running with the land in perpetuity, and subject to Blaine County fire equipment fees as noted on said plat.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

GRANTORS, for themselves, their heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantees, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 4th day of October, 1988.


JAMES W. PHILLIPS

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

On this 6 day of October, 1988, before me, a Notary Public in and for the said County and State, personally appeared JAMES W. PHILLIPS and EVELYN B. PHILLIPS known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

GIVEN UNDER MY HAND AND SEAL, the day and year in this certificate first above-written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
Commission expires: _____

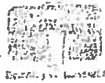
STATE OF IDAHO,)
)
County of Blaine.) ss.

On this 6 day of October, 1988, before me, a Notary Public in and for said County and State, personally appeared R. KEITH ROARK, Esq., known to me to be the person whose name subscribed to the within instrument as the attorney in fact of JAMES ROSENFELD and ALICE ROSENFELD, and acknowledge to me that he subscribed the names of JAMES ROSENFELD and ALICE ROSENFELD thereto as principal, and his own name as attorney in fact.

GIVEN UNDER MY HAND AND SEAL, the day and year in this certificate first above-written.

NOTARY PUBLIC OF IDAHO
Residing at: _____
Commission expires: _____

302653
BLAINE COUNTY TITLE
BLAINE CO. REQUEST
OF: _____
89 JAN 31 PM 4 08
MARY GREEN, CLERK
FEES \$9.00



WARRANTY DEED

GRANTORS, James W. Phillips and Evelyn B. Phillips, husband and wife, and James Rosenfeld and Alice Rosenfeld, husband and wife, (hereinafter referred to as Grantors) for a good and valuable consideration, the receipt of which hereby acknowledged, does hereby grant bargain, sell and convey unto Skip C. Conner and Leslie E. Conner, husband and wife, whose current address is, City of Hailey, County of Blaine, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all the following described real estate located in County of Blaine, Idaho:

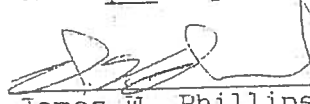
Lot 9, A Replat of Lots 4 and 5 Marvin Gardens No. 1 Subdivision according to the Official Plat thereof on file in the records of Blaine County, Idaho April 5, 1988, as Instrument No. 293527, being 2.55 acres, more or less, exclusive of all water and ditch rights which shall be retained by the Sellers. Said property shall not be further subdivided as a covenant running with the land in perpetuity, and subject to Blaine County fire equipment fee as noted on said plat.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto. Conveying hereby 2.55 acres, more or less

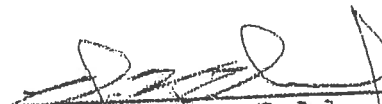
GRANTORS, for themselves, their heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, their heirs and assigns forever against the lawful claims of all persons.

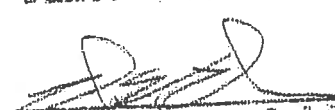
In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors has hereunto subscribed their name to this instrument this 5th day of August, 1988.


James W. Phillips


Evelyn B. Phillips

 - Attorney-in-Fact
James Rosenfeld

 - Attorney-in-Fact
Alice Rosenfeld

290577

RECEIVED

CLARK
SERIES

OCT 7 1943




24th Oct 1943
106 8 00

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

On this 5 day of August, 1988, before me, a Notary Public in and for the said County and State, personally appeared R. KEITH ROARK, Esq., known to me to be the person whose name subscribed to the within instrument as the attorney in fact of JAMES W. PHILLIPS AND EVELYN B. PHILLIPS, and acknowledged to me that he subscribed the name of JAMES W. PHILLIPS AND EVELYN B. PHILLIPS thereto as principal, and his own name as attorney in fact.

GIVEN UNDER MY HAND AND SEAL, the day and year in this certificate first above-written.

Donna M. Adams
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission expires 7/99

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

On this 5 day of August, 1988, before me, a Notary Public in and for said County and State, personally appeared R. KEITH ROARK, Esq., known to me to be the person whose name subscribed to the within instrument as the attorney in fact of JAMES ROSENFELD AND ALICE ROSENFELD, and acknowledged to me that he subscribed the name of JAMES ROSENFELD AND ALICE ROSENFELD thereto as principal, and his own name as attorney in fact.

GIVEN UNDER MY HAND AND SEAL, the day and year in this certificate first above-written.

Donna M. Adams
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission expires 7/99

May 11, 1999

RECEIVED

MAY 17 1999

Department of Water Resources
Southern Region

Idaho Depart. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CE - FILING OF AMENDED CLAIM
Charles M. and Connie Johnson, claimants

Dear Sirs;

Enclosed with this letter is the above referenced Amended SRBA Water Rights Claim being filed at this time.

Also, I thought it might be helpful to provide you with a short history of the property transactions, water rights and water usage. The above referenced claim is for a portion of property and water rights included within the Marvin Gardens Subdivision which was developed by myself and two other parties and SRBA claimants: James W. Phillips and Evelyn Phillips SRBA Claim #A37-00557CD and, Thomas and Louise Hickey SRBA Claim #A37-00557CE.

These parties contracted to purchase from Robert and Fern Young approximately the property and 72 inches of March 24, 1883 water rights deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of that deed by which the Youngs acquired the water rights is enclosed for your records.

Over the years, we have subdivided and resubdivided the property, until now Marvin Gardens Subdivision is comprised of nine (9) lots ranging in size from two to thirteen acres. The water appurtenant to the various lots has been equally divided between us on the basis of the property and water rights we each received from the Youngs. I received 24" of the water right of that water right in my deed from the Youngs. A copy of that deed is enclosed for your records. A Notice of Transfer of Water Right Ownership was filed at that time and a copy is enclosed for your records.

The water rights to Lot 7 and Lot 9 were specifically reserved in the deed when those lots were sold. The deed to Lot 7 is recorded with Blaine County as Instrument # 293884 and the deed to Lot 9 as Instrument # 298977. As a result, I have the water appurtenant to those three lots and am filing this Amended Claim, in part, to clarify this. Those three lots have a total of 12.5 irrigated acres.

The claimed water is used to irrigate those lots by buried lines with sprinklers and by handlines with water pumped from a small pond on the property. Part of the reason for the amount of water used is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal for approximately 3 1/2 miles and then through the high ditch for a distance of approximately 1 1/2 miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the historical use of the entire water right and ponds on the property.

Because all of the water rights are necessary due to irrigate the property, we retained the water rights when the lots were sold so that, while appurtenant to each lot, the rights could not be transferred elsewhere by new a purchaser.

Should you have any questions or desire any further information, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,


Charles M. Johnson, Claimant


Connie Johnson, Claimant

April 29, 1999

RECEIVED

MAY 10 1999

Idaho Depart. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

Department of Water Resources
Southern Region

RE: SRBA Claim ID #A37-00577CE - FILING OF AMENDED CLAIM
Thomas and Louise Hickey, claimants

Dear Sirs;

Enclosed with this letter is the above referenced Amended SRBA Water Rights Claim being filed at this time.

Also, I thought it might be helpful to provide you with a short history of the property transactions, water rights and water usage. The above referenced claim is for a portion of property and water rights included within the Marvin Gardens Subdivision which was developed by myself and two other parties and SRBA claimants: James W. Phillips and Evelyn Phillips SRBA Claim #A37-00557CD and, Charles M. and Connie Johnson SRBA Claim #A37-00557CE (successors to James Rosenfeld).

These parties purchased from Robert and Fern Young the property and 72 inches of March 24, 1883 water rights deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of that deed by which the Youngs acquired the water rights is enclosed for your records.

Over the years, we have subdivided and resubdivided the property, until now Marvin Gardens Subdivision is comprised of nine (9) lots ranging in size from two to thirteen acres. The water appurtenant to the various lots has been equally divided between us on the basis of the property and water rights we each received from the Youngs. I received 24" of the water right of that water right from the Youngs. A copy of the deed is enclosed for your records. A Notice of Transfer of Water Right Ownership was filed at that time and a copy is enclosed for your records.

The water rights to Lot 4 and Lot 8 were specifically reserved in the deed when those lots were sold. The deed to Lot 4 is recorded with Blaine County as Instrument # 293532 and the deed to Lot 8 as Instrument # 302653. As a result, I have the water appurtenant to those three lots and am filing this Amended Claim, in part, to clarify this. Those three lots have a total of 13.5 irrigated acres.

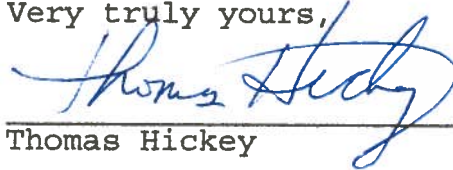
The claimed water is used to irrigate those lots by sprinklers and by handlines drawing water from a small pond and by flood irrigation. Part of the reason for the amount of water used is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal for approximately 3 1/2 miles and then through the high ditch for a distance of approximately 1 1/2 miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the

historical use of the entire water right and ponds on the property.

Because all of the water rights are necessary due to the ditch loss, we retained the water rights when the lots were sold so that, while appurtenant to each lot, the rights could not be transferred elsewhere by a new purchaser.

Should you have any questions or desire any further information, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Thomas Hickey", is written over a horizontal line.

Thomas Hickey

Q ? (S77
CE)

1. WARR. DEEDS.

2. SPLIT:

shows 24"/24"

a) what about Rec./Acs. Uses?

b) Stockw. ?

c) Remaining 6.5" ? who
where

d) How many Acres

* Does not match
appurtenant Rates for Hickory ?
for Johnson ?
for Remaining 6.5" ?

3. POU TEN correction

3N to 2N

Item #10

item #4 is correct
<see letter>

ROARK, DONOVAN, PRAGGASTIS, RIVERS & PHILLIPS
ATTORNEYS AND COUNSELORS AT LAW

HAILEY OFFICE
R. KEITH ROARK
JAMES W. PHILLIPS
KATHLEEN E. RIVERS

KETCHUM OFFICE
MICHAEL F. DONOVAN
THOMAS C. PRAGGASTIS
JENNIFER L. KROOS

409 NORTH MAIN STREET
POST OFFICE BOX 2740
HAILEY, IDAHO 83333-2740

TELEPHONE
(208) 788-2427
FAX: (208) 788-3918

KETCHUM OFFICE
KETCHUM MEDICAL CLINIC BUILDING
251 MAIN STREET SOUTH
POST OFFICE BOX 3240
KETCHUM, IDAHO 83340-3240

TELEPHONE
(208) 726-5961
FAX: (208) 726-5998

February 2, 1993

Idaho Department Water Resources
Attn: Snake River Basin Adjudication
222 Shoshone East
Twin Falls, Idaho 88301

Re: Amendment Notice of Claim
James and Evelyn Phillips claimants
ID # A37-00577CD

RECEIVED

FEB 04 1993

Department of Water Resources
Southern Region Office

Dear Sirs:

In reviewing my files in the above-referenced Snake River Basin Adjudication Notice of Claim I noticed an error in the printout under No. 4 and No. 10. The error simply is that the township is not O3N, but the correct township is O2N, under paragraph 4 and 10. I have enclosed a copy of the printout I received with regard to the claim, noting the mistake in township.

I would like to request amendment of the Notice of Claim information so that the correct township is reflected on this claim. Should you need any additional information, please do not hesitate to give me a call.

Very truly yours,


James W. Phillips

JWP;jc

jim\snakeriv.ltr
Enclosure

Handwritten notes:
P/D 10521

Handwritten notes:
SESN NW Sec 20
T3N R18E

Old (N) Number -

State- WA Zip- 98058

LINE

Water right number - A37-00577CE

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	18E	10	SW NW			52	AESTHETIC	(13) BLAINE
03N	18E	10	SE NW			52	AESTHETIC	(13) BLAINE

Total Acres: 30.0

- - - Diversion Means - HIAWATHA CANAL HEADGATE, 5-1/2 MI. CANAL, 3 MI. DITCH TO POU

- - - Non-Irrigation Use - S/50 HORSES, COMS

- - - Other Rights for Same Use - NONE

PORTIONS OF PROPERTY BEING SOLD TO:
JAMES ROSEFELD, P.O. BOX 665, HONANUAU, HI 96726
THOMAS HICKEY, P.O. BOX
JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83333

- - - 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

- - - Audit Fields - 05/25/90 HARRINGT

- - - Comments - No Comments Found

- - - 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	- 11/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C012692	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- AND	Notice of Error Flag	-

Water Right Number - A37-00577CE

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
YOUNG

ROBERT

1 - 17513 S.E. 133RD
2 -
3 -

State- WA Zip- 98058

YOUNG

FERN

City- RENTON
Phone - 206-228-2601
1 - 17513 S.E. 133RD
2 -
3 -

State- WA Zip- 98058

*** P - PRESENT OWNER ***
JOHNSON

CHARLES M

City- RENTON
Phone - 206-228-2601
1 - PO BOX 1883
2 -
3 -

State- ID Zip- 83333

JOHNSON

CONNIE

City- HAILEY
Phone - 208-788-3668
1 - PO BOX 1883
2 -
3 -

State- ID Zip- 83333

HICKEY

THOMAS

City- HAILEY
Phone - 208-788-3668
1 - PO BOX 2312
2 -
3 -

State- ID Zip- 83353

HICKEY

LOUISE

City- SUN VALLEY
Phone - 208-788-9307
1 - PO BOX 2312
2 -
3 -

State- ID Zip- 83353

+ - - Priority Date - - +
03/24/1883+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
BIG WOOD RIVER+ - - Tributary - - - - +
SNAKE RIVER

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

03N 18E 19 SE NE (13) BLAINE

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

01 - IRRIGATION	04/01	11/01	1.090	
04 - STOCKWATER	04/01	11/01	0.040	
46 - RECREATION	04/01	11/01	1.090	
52 - AESTHETIC	04/01	11/01	1.090	

Water right number - A37-00577CE

Prefix Translation: ADJUDICATION CLAIM

+ - Total Div. Rate - + - Total Div. Volume - +
1.090

+ - Total Consumptive Use - + - KW Usage - +
0.0

		Place of Use						
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	18E	10	NE NW		10.0	01	IRRIGATION	(13) BLAINE
03N	18E	10	NW NW		10.0	01	IRRIGATION	(13) BLAINE
03N	18E	10	SW NW		10.0	01	IRRIGATION	(13) BLAINE
03N	18E	10	SE NW			01	IRRIGATION	(13) BLAINE
03N	18E	10	NE NW			04	STOCKWATER	(13) BLAINE
03N	18E	10	NW NW			04	STOCKWATER	(13) BLAINE
03N	18E	10	SW NW			04	STOCKWATER	(13) BLAINE
03N	18E	10	SE NW			04	STOCKWATER	(13) BLAINE
03N	18E	10	NE NW			46	RECREATION	(13) BLAINE
03N	18E	10	NW NW			46	RECREATION	(13) BLAINE
03N	18E	10	SW NW			46	RECREATION	(13) BLAINE
03N	18E	10	SE NW			46	RECREATION	(13) BLAINE
03N	18E	10	NE NW			52	AESTHETIC	(13) BLAINE
03N	18E	10	NW NW			52	AESTHETIC	(13) BLAINE
03N	18E	10	SW NW			52	AESTHETIC	(13) BLAINE
03N	18E	10	SE NW			52	AESTHETIC	(13) BLAINE

Total Acres: 30.0

+ - - Diversion Means - HIAMATHA CANAL HEADGATE, 5-1/2 MI. CANAL, 3 MI. DITCH TO POJ

+ - - Non-Irrigation Use - S/50 HORSES, COMS

+ - - Other Rights for Same Use - NONE

REMARKS
PORTIONS OF PROPERTY BEING SOLD TO:
JAMES ROSEFELD, P.O. BOX 665, HONAU, HI 96726
THOMAS HICKEY, P.O. BOX
JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83335

No Old Water Right Numbers Found

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

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

Comments -
No Comments Found

+ - - Audit Fields - - - +
03/29/95 TBACKLUN

Water right number - A37-00577CE

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - 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	- 11/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P	
		Receipt Number	- C012692	Water District	-	
		POU Ownership Flag	- Y	Federal/State Indicator	- S	
		Name Connector	- AND	Presumption Flag	-	
				Notice of Error Flag	-	

Post Office Box 864
Hailey, Idaho 83333
208/788-2427

October 31, 1989

RECEIVED
NOV 03 1989

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

Department of Water Resources

ATTENTION: SRBA Filing

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - #P 574 144 652

Dear Sir/Madam:

Enclosed herewith is one (1) Notice of Claim filed by Robert and Fern Young together with the required filing fee calculated as follows: \$50.00 late fee plus \$50.00 base filing fee plus \$40.00 for forty (40) acres for a total of \$140.00.

Should you have any questions, please give me a call.

Very truly yours,


James W. Phillips

da

Enclosures

jwp\idept.let

MICROFILMED
FEB 23 1993

ROARK, DONOVAN, PRAGGASTIS, RIVERS & PHILLIPS

ATTORNEYS AND COUNSELORS AT LAW

HAILEY OFFICE
R. KEITH ROARK
JAMES W. PHILLIPS

KETCHUM OFFICE
MICHAEL F. DONOVAN
THOMAS C. PRAGGASTIS
KATHLEEN E. RIVERS

OF COUNSEL
BRIAN J. BARSOTTI

KETCHUM MEDICAL CLINIC BUILDING
251 MAIN STREET SOUTH
POST OFFICE DRAWER 3240
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-5961

HAILEY OFFICE
MOUNTAIN STATE BUILDING
215 NORTH MAIN
POST OFFICE BOX 2740
HAILEY, IDAHO 83333
TELEPHONE
(208) 788-2427

May 30, 1990

Ms. Helen Harrington
Adjudication
1301 North Orchard
Boise, Idaho 83706

RECEIVED
JUN 5 1990

Re: SRBA Water Right Filing
Robert and Fern Young
IDWR Water Right No. 37-0577

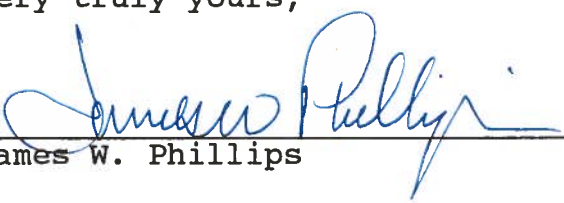
Department of Water Resources

Dear Helen:

On behalf of Robert and Fern Young enclosed herewith is the additional filing fee in the sum of Two Hundred Twenty Dollars (\$220.00).

Thank you for bringing this to our attention. Should you need any further information please advise.

Very truly yours,


James W. Phillips

nm/young.let

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1990

James Phillips
P.O. Box 864
Hailey, ID 83333

RE: Notice of Claim to a Water Right A37-00577CD
Blaine County

Dear Jim:

Thank you for your prompt action regarding the above-referenced claim. Your claim is completely processed and has been filed. I have enclosed a copy for you to retain, as well as Receipt No. C017059 in the amount of \$110.

I am holding the claim for Robert and Fern Young, awaiting the variable fees due on their claim. If I do not receive them within 30 days, I will let you know.

Again, thank you for your efficiency in this matter.

Sincerely,

Helen Harrington-Thornton
Senior Water Rights Agent

HHT:sf:state:tf

Enclosures:

Notice of Claim Referenced Above

Jim -
I received the \$2200.00 Receipts C017144 & C017143 attached. Also copy of claim enclosed for your files.

Thanks -

6/14

MICROFILMED
FEB 23 1993

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Young

CLAIM IDENT. NO. A37-00577C

DATE RECEIVED 11-3-89

CK # _____

AMOUNT \$ 1400 late fee includes

Regular
Info

- | | YES | NO | Regular
Info |
|--|-------------------------------------|--------------------------|-----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | <u>None</u> |
| 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.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: RAE

Date: 5/25/90

Claim must be returned to claimant: (Yes) ☒ (No) ☐

Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: RAE
Claim data entered by: RAE
Sent to claimant by: RAE

Date: _____
Date: _____
Date: _____

Checked by: RAE Date: 5/14/90

Comments: Variable fee for RAE/RAE - Receipts

CO17144
CO17143
FEB 2 1990
MICROFILMED