

Adjudication Claim Report 37-2168B

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2168B

05N 17E 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
												X			X		

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank:

SCANNED
NOV 2006

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
NOV 20 2006
DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
~~37-11874~~					
37-12862	A37-2168B				

Part
Gary
Marin
IN 18E sec 29

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

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

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

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

OR

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

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

DAVE & MARY JANE MARIN

4. New Owner/Claimant(s)

DAVID E & MARY JANE CONGER

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

New Mailing Address

(same as old) P.O. Box 545

City, State and ZIP Code

KETCHUM, ID 83340

New Telephone Number

(208) 726-3440

5. Date you acquired the property

Feb 20, 1997 into CONGER TRUST
APR 18 1997

SCANNED
NOV 20 2006

erin Betelle

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

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

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

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

Mary Jane Longen
David E. Longen

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.

SCANNED

For Office Use Only

Received by [Signature] Date 11/20/06 Fee _____
 Received by [Signature] Date 11/30/06 Receipt No. 5029072
 Processed by [Signature] AJ Date _____ WR _____ Date _____

L 3362

CERTIFICATE OF LIMITED PARTNERSHIP

1 03 PM '97

To the: STATE OF IDAHO SECRETARY OF STATE
CORPORATIONS DIVISIONSECRETARY OF STATE
STATE OF IDAHOPHONE: (208) 334-5955 FAX: (208) 334-2282
700 WEST JEFFERSON, ROOM 203 / P.O. BOX 83720 • BOISE, ID 83720-0060
2301

1. The name of the limited partnership is:

(Must include, without abbreviation, the words "Limited Partnership.")

ASPEN KNOLL LIMITED PARTNERSHIP

2. The name and business address of the registered agent are:

David E. Conger 13552 Highway 75 N - Ketchum, ID 83340

(not a P.O. Box)

3. The name and business address of each general partner are:

NameAddressDAVID E. CONGERP. O. Box 545Ketchum, ID 83340MARY JANE CONGERP. O. Box 545Ketchum, ID 83340

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is:

December 31, 2030

5. Other matters (optional):

6. Signatures of all general partners:

Mary Jane Conger
David E. Conger

Secretary of State use only

IDAHO SECRETARY OF STATE

DATE 02/20/1997

0900 65921 2

CK #: 5846 CUST# 75865

LTD FTR IN 10 100.00= 100.00

CLP793

File in Duplicate Original

Fee: \$100

SCANNED

NOV 1 2006

400881

BLAINE CO. REQUEST

OF:

John J. Chapman

'97 APR 14 AM 11 56

MARY JANE CONGER, CLERK

FEE \$ 6.00**QUITCLAIM DEED**

FOR VALUE RECEIVED, DAVID E. CONGER and MARY JANE CONGER (formerly Mary Jane Marin), husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto DAVID E. CONGER and MARY JANE CONGER, as Trustee of the "DAVID E. CONGER and MARY JANE CONGER TRUST dated June 26, 1995", the Grantee, whose current address is: P. O. Box 545, Ketchum, ID 83340, the following described premises, in Blaine County, State of Idaho, to-wit:

A parcel of land within H.E.S. 123 and H.E.S. 124 in unsurveyed T5N, R17E, B.M., Blaine County, Idaho, and more particularly described by metes and bounds as follows:

Commencing at a stone marking Cor. N. 4 of said H.E.S. 123; thence N 18°32'W, 1410.1 feet to a 1/2" rebar and said rebar being the true point of beginning.

Thence N41°49'E, 1422.1 feet to a 1/2" rebar on the westerly boundary of U.S. Highway No. 93:

Thence S54°18'W, 1293.3 feet to a 1/2" rebar on the westerly boundary of said H.E.S. 123;

Thence S18°32'E, 322.2 feet along the westerly boundary of said H.E.S. 123 to a 1/2" rebar, said rebar being the true point of beginning, and said parcel containing 4.57 acres more or less,

together with 7.59 inches of the waters of Oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

DATED this 1st day of April, 1997.

David E. Conger
DAVID E. CONGER

Mary Jane Conger
MARY JANE CONGER

SCANNED

NOV 11 2006

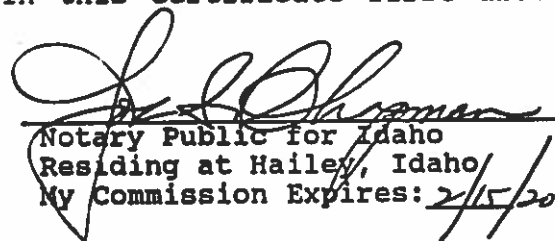
QUITCLAIM DEED

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

On this 1st day of April, 1997, before me, a Notary Public in and for said State, personally appeared DAVID E. CONGER and MARY JANE CONGER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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.




Notary Public for Idaho
Residing at Hailey, Idaho
My Commission Expires: 2/15/2003

SCANNED

NOV 14 2006

QUITCLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, I, DAVID E. CONGER and MARY JANE CONGER, husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto ASPEN KNOLL LIMITED PARTNERSHIP, the Grantee, whose current address is: P. O. Box 545, Ketchum, Idaho, the following described premises, in Blaine County, State of Idaho, to-wit:

A parcel of land within Homestead Entry Survey Nos. 123 & 124 in unsurveyed T5N, R17E, B.M., Blaine County, Idaho, and more particularly described by metes and bounds as follows:

Commencing at a stone marking Cor. No. 4 of said H.E.S. No. 123; thence N18°32'W, 1068.5 feet along the westerly boundary of said H.E.S. No. 123 to an "x" on a stone, and said stone being the true point of beginning.

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thence S33°17'E, 307.2 feet along the westerly boundary of U.S. Highway No. 93 to a 1/2" rebar;

thence S41°49'W, 1512.1 feet to an "x" on a stone, said stone being the true point of beginning,

and said parcel containing 10.00 acres more or less;

together with 16-2/3 inches of the waters of oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

399727 DATED this 20th day of February, 1997.

399727

BLAINE CO. REQUEST

OF: John S. Chapman

'97 MAR 7 AM 11 01

MARY GREEN, CLERK mt

FEE \$ 6.00

David E. Conger
DAVID E. CONGER

Mary Jane Conger
MARY JANE CONGER

SCANNED

100 2006

State of Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
NOV 20 2006
11-16 - 06
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Dear Sirs:

The enclosed completed form for Change in Water Right Ownership is in response to the recent letter I received from your office regarding the Second Round Service of commencement notice for Basin 37, Part 3.

Attached are:

- The Filing Fee (\$50. total, \$ 25. for each of two water rights,
- Two Quitclaim Deeds with attached legal descriptions for my two parcels with water rights

Thank you for your assistance in directing me towards the necessary information required by your office.

Sincerely,


Mary Jane (Marin) Conger

SCANNED
NOV 20 2006

Hahn, Carrie

To: Allen, Debbie

Subject: REFUND SO29072

Hi Debbie,
Mary Jane Griffith Conger, PO Box 545, Ketchum, ID 83340; sent in a check for \$50 for an ownership change.
One right was still in adjudication so we need to refund her \$25.
The receipt is # S029072.
Thanks, Carrie

SCANNED
NOV 9 2006

11/30/2006

w-1
RECEIVED
DEC 01 2006
DEPARTMENT OF
WATER RESOURCES
SOUTHERN REGION

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

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

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

Water Right No(s) Adjudication Claim No(s) Split

Part Gary Marin 3N18E 29-29-29
- ~~37-11874~~ *AS2*
- ~~37-12862~~ *A37-21108B*

Water Right No(s) Adjudication Claim No(s) Split

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

DAVE & MARY JANE MARIN

4. New Owner/Claimant(s)

DAVID E & MARY JANE CONGER
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

(same as old) P.O. Box 545

City, State and ZIP Code

KETCHUM, ID 83340

New Telephone Number

(208) 726-3440

5. Date you acquired the property

Feb 20, 1997 into CONGER Trust
APR 14 1997

SCANNED
DEC - 4 2006

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

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

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

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

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

For Office Use Only

Received by _____	Date <u>11/20/06</u>	Fee _____
Receipted by <u>[Signature]</u>	Date <u>11/30/06</u>	Receipt No. <u>5029072</u>
Processed by _____	AJ Date _____	WR _____

SCANNED

DEC - 4 2006

400881

Recd

BLAINE CO. REQUEST

OF: *John D. Chapman*

'97 APR 14 AM 11 56

MARY GREEN, CLERK *md*

FEE \$ 6.00

QUITCLAIM DEED

FOR VALUE RECEIVED, DAVID E. CONGER and MARY JANE CONGER (formerly Mary Jane Marin), husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto DAVID E. CONGER and MARY JANE CONGER, as Trustees of the "DAVID E. CONGER and MARY JANE CONGER TRUST dated June 26, 1995", the Grantee, whose current address is: P. O. Box 545, Ketchum, ID 83340, the following described premises, in Blaine County, State of Idaho, to-wit:

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together with 7.59 inches of the waters of Oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

DATED this 1st day of April, 1997.

David E. Conger
DAVID E. CONGER

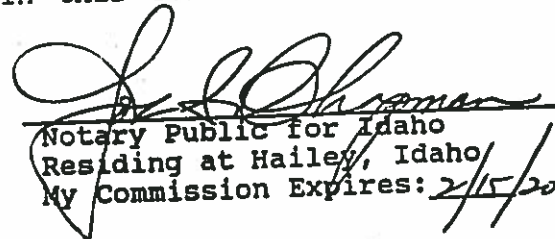
Mary Jane Conger
MARY JANE CONGER

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

On this 1st day of April, 1997, before me, a Notary Public in and for said State, personally appeared DAVID E. CONGER and MARY JANE CONGER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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.




Notary Public for Idaho
Residing at Hailey, Idaho
My Commission Expires: 2/15/2003

JOHN S. CHAPMAN

Attorney at Law

11872 HIGHWAY 75
P.O. BOX 744
SUN VALLEY, ID 83353

QUITCLAIM DEED

FOR VALUE RECEIVED, I, DAVID E. CONGER and MARY JANE CONGER, husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto ASPEN KNOLL LIMITED PARTNERSHIP, the Grantee, whose current address is: P. O. Box 545, Ketchum, Idaho, the following described premises, in Blaine County, State of Idaho, to-wit:

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thence S41°49'W, 1512.1 feet to an "x" on a stone, said stone being the true point of beginning,

and said parcel containing 10.00 acres more or less;

together with 16-2/3 inches of the waters of Oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

DATED this 20th day of February, 1997.

399 727

BLAINE CO. REQUEST.

OF: John S. Chapman

David E. Conger
DAVID E. CONGER

Mary Jane Conger
MARY JANE CONGER

'97 MAR 7 AM 11 01

MARY GREEN, CLERK not

FEE \$ 6.00

SCANNED

DEC - 4 2006

RECEIVED

NOV 20 2006
11-16-06
DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Dear Sirs:

The enclosed completed form for Change in Water Right Ownership is in response to the recent letter I received from your office regarding the Second Round Service of commencement notice for Basin 37, Part 3.

Attached are:

- The Filing Fee (\$50. total, \$ 25. for each of two water rights,
- Two Quitclaim Deeds with attached legal descriptions for my two parcels with water rights

Thank you for your assistance in directing me towards the necessary information required by your office.

Sincerely,


Mary Jane (Marin) Conger

SCANNED
DEC - 4 2006

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: A37-02168B
Date Received: 2/15/1989
Receipt No: S006297
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY JANE MARIN 208-726-3440
Address: P.O. BOX 545
KETCHUM, ID 83340

2. Date of Priority: JAN 22, 1910

3. Source: OREGON CREEK (GULCH) Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	17E	9	NW	NE	SE		BLAINE

5. Description of diverting works:
CONCRETE DAM, HEADGATE, 18" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/01	0.340		
STOCKWATER	05/15	10/01	0.145		

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

8. Total consumptive use is 36.4 Acre Feet Per Annum.

9. Non-irrigation uses:
S/2 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	10	SE	SW		IRR	4.5
			SE	SW		STOCK	

A37-02168B

Page 1

Date: 02/15/89

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	10	SW	SE		IRR	10.0
			SW	SE		STOCK	
						Section Acres	14.5
						Total Acres	14.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 5840

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: 39576
Ident. Number A37-02168 B
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Mary Jane Marin Phone (208) 726 - 3440
Mailing Address P.O. Box 545, Ketchum, Idaho Zip 83340

2. Date of Priority (Only one (1) per claim) 122 January 1910

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

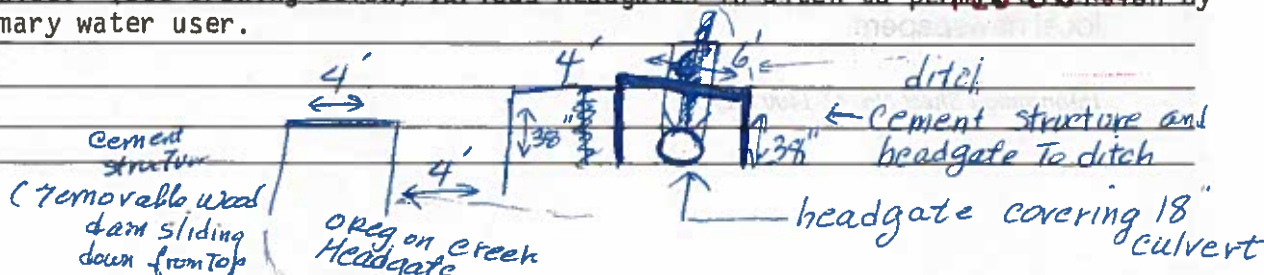
4. a. Location of existing point of diversion is: Township 5N Range 17E Section 9,
NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: Not applicable

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. Concrete dam in Oregon Creek with removable
board; headgate opens into an 18" culvert pipe leading to ditch. Dam is 6' high,
4' wide on each side of Oregon Creek. Headgate cement wall with headgate for ditch is
38' high, 6' wide. (See drawing below) Various headgates in ditch to permit diversion by
one other primary water user.



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from May 15 to October 1 amount .34 or _____

For Stock water purposes from May 15 to October 1 amount :145 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .485 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36.43 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 2 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	
5N	17E	10															X		10
5N	17E	10												X					4.57

Total number of acres irrigated 14.57 acres

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

12. Do you own the property listed above as place of use? Yes 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.
Domestic well referred to in separate claim filed by claimant or None ()

14. Remarks: for residence and adjacent lawn and garden.

MICROFILMED

FEB 23 1993

Last Name MARIN Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License 5840 Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 3

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

Signature of Claimant (s) Mary Jane Moran Date 01-30-89

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 30th day of January 19 89

SEAL

Notary Public Dee Sharkey

Residing at Hailey, Idaho

My Commission Expires 9-10-94

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 _____

MICROFILMED

FEB 23 1993

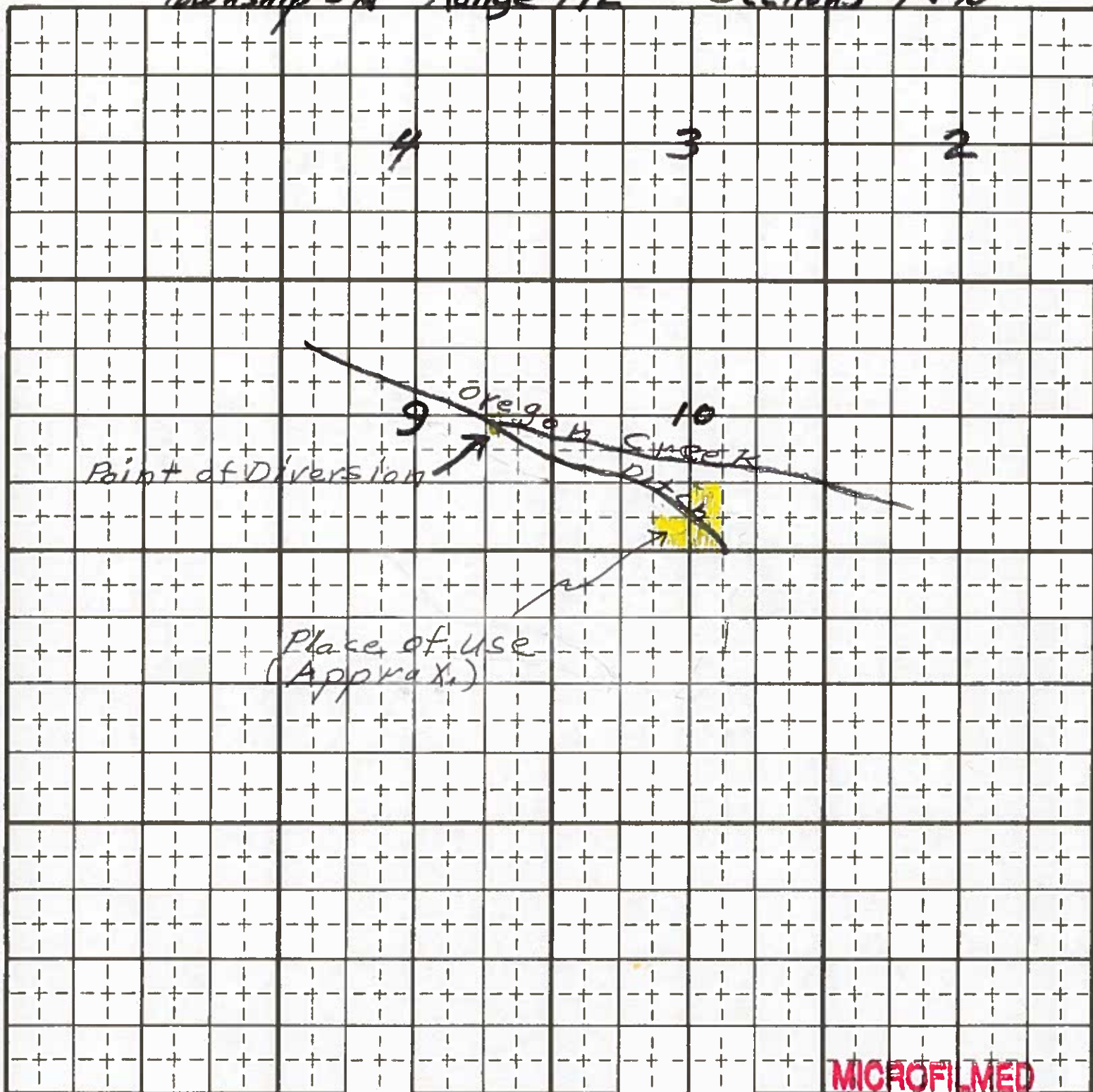
Last Name MARIN Ident. Number _____

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

Township 5N Range 17E Sections 9 & 10



MICROFILMED

FEB 23 1993

Last Name MARIN Ident No. _____

Copies: White-State, Yellow-Claimant

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 37-2168B
Date Received: 2/15/1989
Receipt No: S006297
Received By:

AMENDED

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

RECEIVED

OCT 03 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Claimant(s)

ASPEN KNOLL LIMITED PARTNERSHIP Phone:

PO BOX 545
KETCHUM ID USA 83340

DAVID E CONGER Phone: (208)726-3440

PO BOX 545
KETCHUM ID USA 83340

MARY JANE CONGER Phone: (208)726-3440

PO BOX 545
KETCHUM ID USA 83340

2. Date of Priority: 01/22/1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	9	NW NE SE	BLAINE	

5. Description of diverting works:

CONCRETE DAM, HEADGATE, 18" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/15	10/01	0.485	
STOCKWATER	5/15	10/01	0.02	

7. Total Quantity Appropriated is:
0.485 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
05N	17E	10	SE	SE	IRRIGATION	1.0
			SW	SE	IRRIGATION	5.9
			SW	SE	STOCKWATER	
					Section Acres	6.9
		15	NW	NE	STOCKWATER	
		15	NW	NE	IRRIGATION	0.8
					Section Acres	0.8
					Total Acres	7.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks: Claim amended to correct legal descriptions of place of use.

15. Basis of Claim: License

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): David E. Longor Date: 10/1/07

10-01-07

Mary Jane Longor

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of
Title

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

Signature of Authorized Agent _____

Title and Organization

Date

State of Idaho)
County of BLAINE) SS.

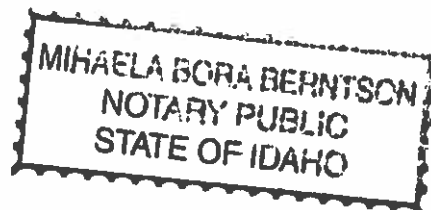
Subscribed and sworn (or affirmed) before me this
of 10/01 2007

Mikaela Bora Berntson

Notary Public

Residing at Ketchum

My commission Expires Aug 25, 2015



37-21680 - 100 feet
37-12862

Claimed as 41.5 acres

OSN 17E 10 SE SW

10 acres

OSN 17E 10 SW SE

recommended as

9.1

OSN 17E 10 SW SE

?

needs to amend claim to

? ADD Acres in

- total 14.56 acres OSN 17E 15 N W NE -

and right need split

between Canger + Aspen

Mary Jane Mann is now

Mary Jane Canger

Panelic well with house



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 10, 2007

MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

Re: Water Right #37-2168B

Dear Mrs. Conger,

Your claim for water right 37-2168B was claim with the wrong legal description for the 4.57 acres. The claim should have been in T05N R17E Sec 15 NWNE (see enclosed map).

The claim will have to be amended to include this additional land for irrigation. Any of our agents will be willing to help and you can set up an appointment by calling (208) 736-3033

Sincerely,

Carrie Hahn
Clerk

10-02-07
Dony -
I have taken your
card to our new
neighbor who just
purchased 5 ac B
Chris Flannigan's
property with your message.
CH

RECEIVED
DEC 01 2006
DEPARTMENT OF
WATER RESOURCES
SOUTHERN REGION

DECEIVED
DEC 01 2006

DEV ✓

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<i>part Gary marin 3N18E sec 29</i> ~~37-11874~~	<i>Summit A32</i> ~~37-12862~~				
	<i>A37-2108B</i>				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) DAVE & MARY JANE MARIN
4. New Owner/Claimant(s) DAVID E & MARY JANE CONGER
Name Connector (Check one) ☐ and, ☐ or, ☒ and/or
- New Mailing Address (same as old) P.O. Box 545
- City, State and ZIP Code KETCHUM, ID 83340
- New Telephone Number (208) 726-3440
5. Date you acquired the property Feb 20, 1997 into CONGER Trust
APR 18 1997

6.

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

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

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

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

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

7.

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

Mary Jane Conger
Don E. Conger

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

For Office Use Only

Received by <u>[Signature]</u>	Date <u>11/20/06</u>	Fee _____
Received by <u>[Signature]</u>	Date <u>11/30/06</u>	Receipt No. <u>5029072</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

400881

Deed

BLAINE CO. REQUEST

OF: *John J. Chapman*

97 APR 14 AM 11 56

MARY JANE H. CLERK *md*FEE \$ 6.00**QUITCLAIM DEED**

FOR VALUE RECEIVED, DAVID E. CONGER and MARY JANE CONGER (formerly Mary Jane Marin), husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto DAVID E. CONGER and MARY JANE CONGER, as Trustees of the "DAVID E. CONGER and MARY JANE CONGER TRUST dated June 26, 1995", the Grantee, whose current address is: P. O. Box 545, Ketchum, ID 83340, the following described premises, in Blaine County, State of Idaho, to-wit:

A parcel of land within H.E.S. 123 and H.E.S. 124 in unsurveyed T5N, R17E, B.M., Blaine County, Idaho, and more particularly described by metes and bounds as follows:

Commencing at a stone marking Cor. N. 4 of said H.E.S. 123; thence N 18°32'W, 1410.1 feet to a 1/2" rebar and said rebar being the true point of beginning.

Thence N41°49'E, 1422.1 feet to a 1/2" rebar on the westerly boundary of U.S. Highway No. 93:

Thence S54°18'W, 1293.3 feet to a 1/2" rebar on the westerly boundary of said H.E.S. 123;

Thence S18°32'E, 322.2 feet along the westerly boundary of said H.E.S. 123 to a 1/2" rebar, said rebar being the true point of beginning, and said parcel containing 4.57 acres more or less,

together with 7.59 inches of the waters of Oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

DATED this 1st day of April, 1997.

David E. Conger
DAVID E. CONGER

Mary Jane Conger
MARY JANE CONGER

QUITCLAIM DEED

STATE OF IDAHO)

ss.

County of Blaine)

On this 1st day of April, 1997, before me, a Notary Public in and for said State, personally appeared DAVID E. CONGER and MARY JANE CONGER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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.



[Signature]
Notary Public for Idaho
Residing at Hailey, Idaho
My Commission Expires: 2/15/2003

ms
copy

JOHN S. CHAPMAN
Attorney at Law

11872 HIGHWAY 75
P.O. BOX 744
SUN VALLEY, ID 83353

QUITCLAIM DEED

FOR VALUE RECEIVED, I, DAVID E. CONGER and MARY JANE CONGER, husband and wife, of Ketchum, County of Blaine, State of Idaho, the Grantors, do hereby convey, release, remise and forever quitclaim unto ASPEN KNOLL LIMITED PARTNERSHIP, the Grantee, whose current address is: P. O. Box 545, Ketchum, Idaho, the following described premises, in Blaine County, State of Idaho, to-wit:

A parcel of land within Homestead Entry Survey Nos. 123 & 124 in unsurveyed T5N, R17E, B.M., Blaine County, Idaho, and more particularly described by metes and bounds as follows:

Commencing at a stone marking Cor. No. 4 of said H.E.S. No. 123; thence N18°32'W, 1068.5 feet along the westerly boundary of said H.E.S. No. 123 to an "x" on a stone, and said stone being the true point of beginning.

Thence N18°32'W, 341.6 feet along the westerly boundary of said H.E.S. No. 123 to a 1/2" rebar;

thence N41°49'E, 1422.1 feet to a 1/2" rebar on the westerly boundary of U.S. Highway No. 93;

thence S33°17'E, 307.2 feet along the westerly boundary of U.S. Highway No. 93 to a 1/2" rebar;

thence S41°49'W, 1512.1 feet to an "x" on a stone, said stone being the true point of beginning,

and said parcel containing 10.00 acres more or less;

together with 16-2/3 inches of the waters of Oregon Gulch, when all rights to such waters are full and pro-rated with the remainder of said H.E.S. Nos. 123 & 124 when the waters are in short supply.

together with their appurtenances.

399727 DATED this 20th day of February, 1997.

399727

BLAINE CO. REQUEST.

OF: John S. Chapman

David E. Conger
DAVID E. CONGER

Mary Jane Conger
MARY JANE CONGER

'97 MAR 7 AM 11 01

MARY GREEN, CLERK mt

FEE \$ 6.00

RECEIVED

NOV 20 2006
11-16-06
DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Dear Sirs:

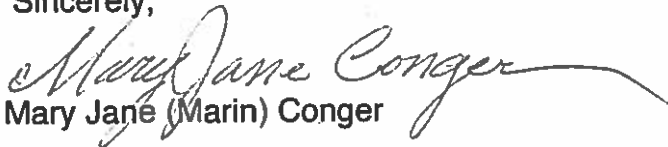
The enclosed completed form for Change in Water Right Ownership is in response to the recent letter I received from your office regarding the Second Round Service of commencement notice for Basin 37, Part 3.

Attached are:

- The Filing Fee (\$50. total, \$ 25. for each of two water rights,
- Two Quitclaim Deeds with attached legal descriptions for my two parcels with water rights

Thank you for your assistance in directing me towards the necessary information required by your office.

Sincerely,


Mary Jane (Marin) Conger

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2168B V1

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-12862

WATER RIGHT NUMBER: 37-12862

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY JANE MARIN PO BOX 545 KETCHUM, ID 83340 (208)726-3440

Priority Date: 11/05/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 10, Twp 05N, Rge 17E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	17E	10															X		

Conditions of Approval:

1. PARCEL NO. 05S170107860
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-12862

Comments:

1. DUNN1 11/7/1993 COPIED FROM REMARKS

Comment: ALSO FILED A37-02168. HES 123.

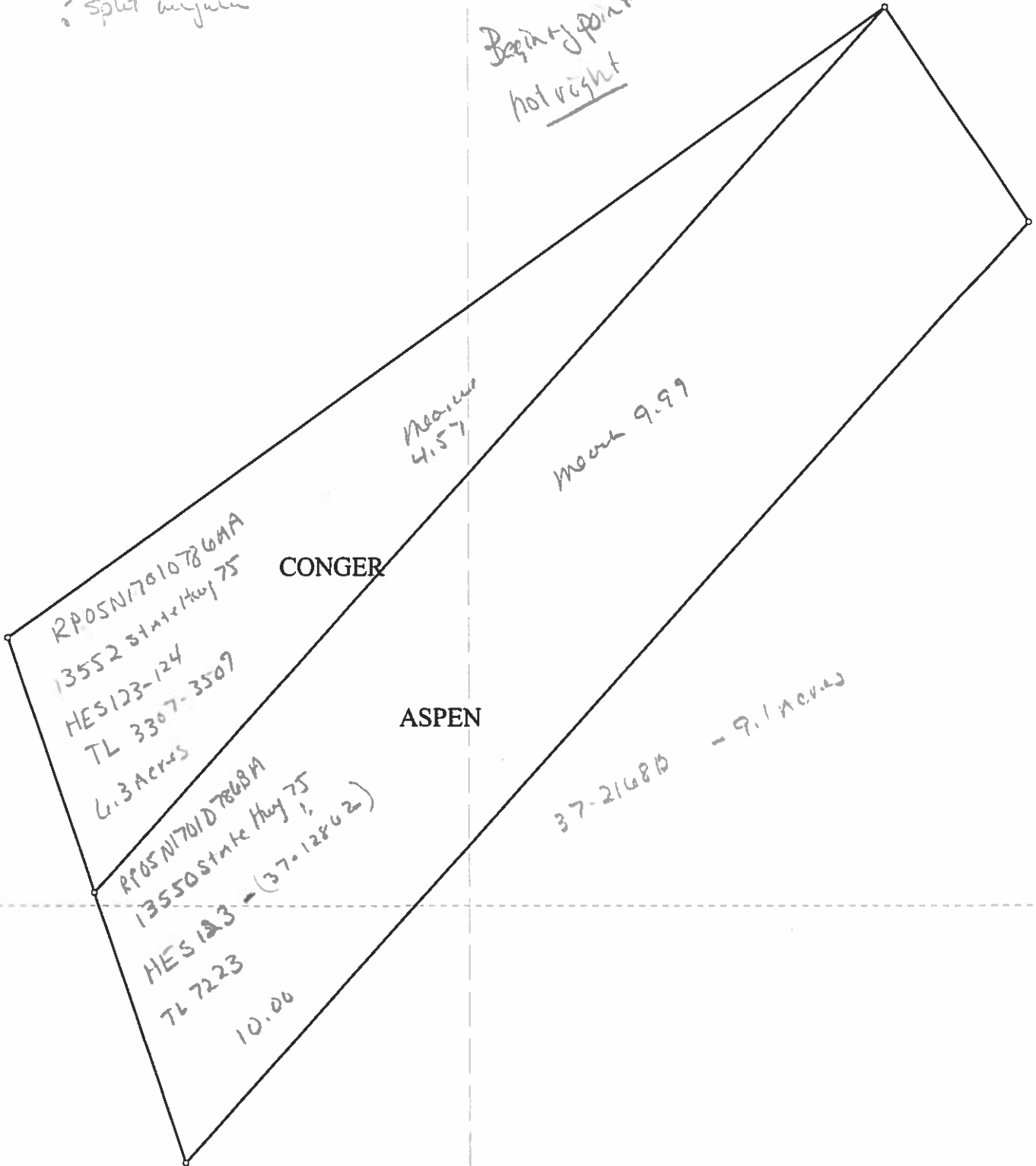
2. CORR2 10/7/1997 COPIED FROM REMARKS

Comment: PARCEL NO. 05S170107860 PROPERTY ALSO KNOWN AS 13532 STATE HWY 75

Water Supply Bank:

domestic to Conger
? split angular

beginning point
not right



Title:

Date: 08-09-2007

Scale: 1 inch = 175 feet

File:

Data and Deed Call Listing of File:

+Tract 1: 4.570 Acres: 199052 Sq Feet: Closure = n45.5953w 0.46 Feet: Precision = 1/6624: Perimeter = 3038 Feet

+Tract 2: 9.999 Acres: 435540 Sq Feet: Closure = n84.0242e 0.00 Feet: Precision > 1/999999: Perimeter = 3583 Feet

Net Area= 14.568 Acres: 634592 Sq Feet

001=/NW,NW,10,05N,17E

002=/N18.32W 1410.1

003=N41.49E 1422.1

004=S54.18W 1293.3

005=S18.32E 322.2

006=@0+

007=/NW,NW,10,05N,17E

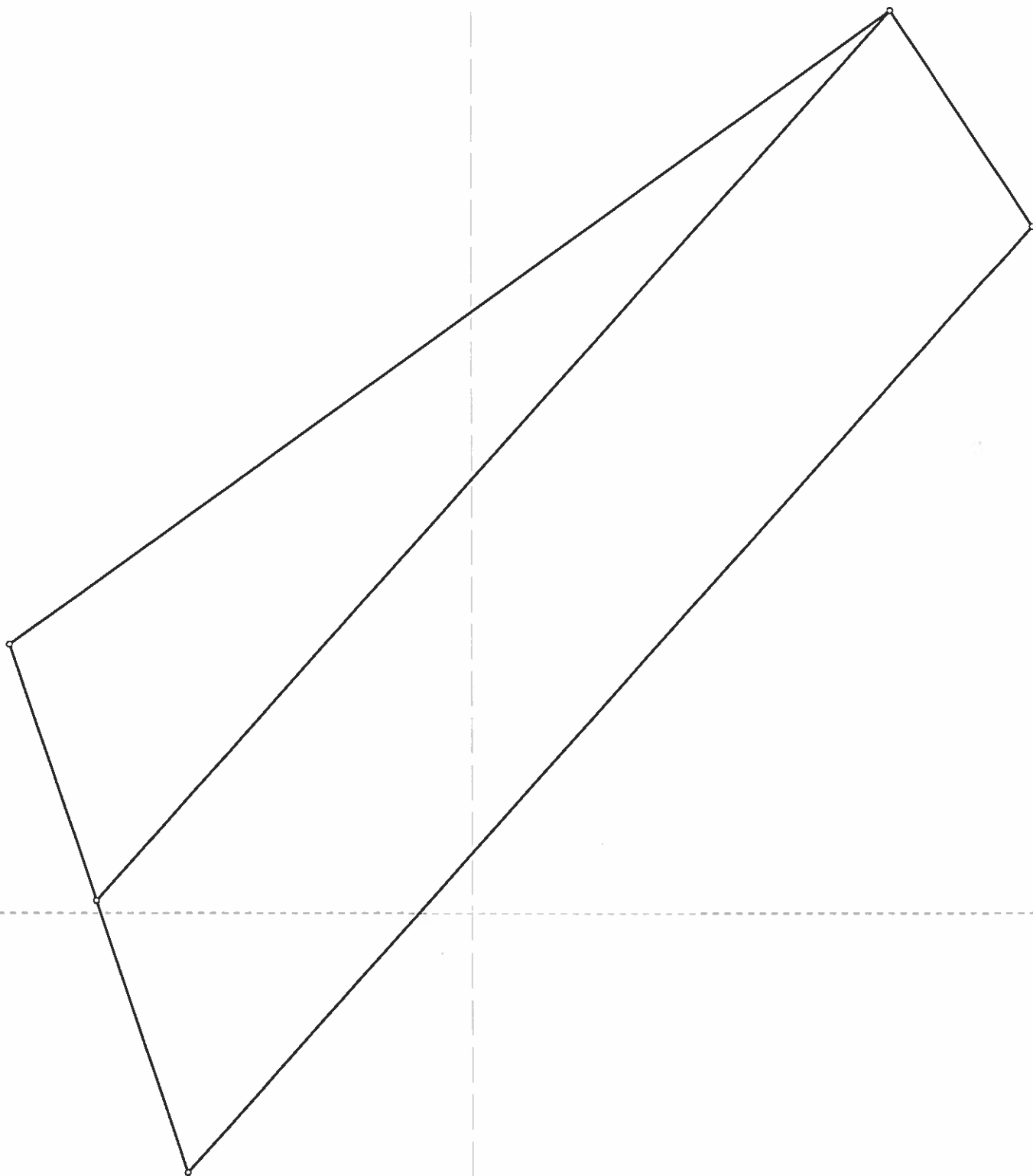
008=/N18.32W 1068.5

009=N18.32W 341.6

010=N41.49E 1422.1

011=S33.17E 307.2

012=S41.49W 1512.1



Title:

Date: 08-09-2007

Scale: 1 inch = 175 feet

File:

Data and Deed Call Listing of File:

+Tract 1: 4.570 Acres: 199052 Sq Feet: Closure = n45.5953w 0.46 Feet: Precision = 1/6624: Perimeter = 3038 Feet

+Tract 2: 9.999 Acres: 435540 Sq Feet: Closure = n84.0242e 0.00 Feet: Precision > 1/999999: Perimeter = 3583 Feet

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001=/NW,NW,10,05N,17E

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003=N41.49E 1422.1

004=S54.18W 1293.3

005=S18.32E 322.2

006=@0+

007=/NW,NW,10,05N,17E

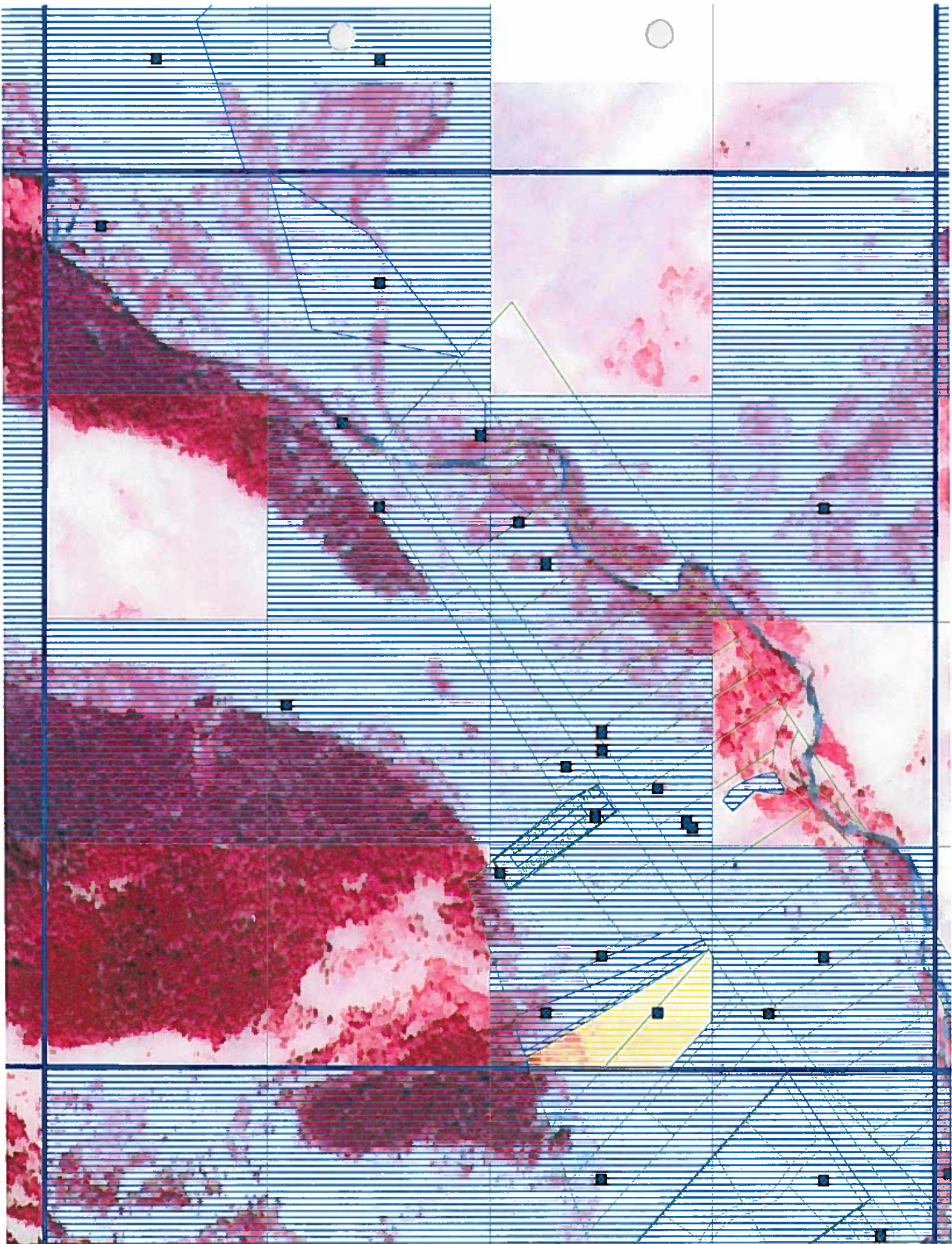
008=/N18.32W 1068.5

009=N18.32W 341.6

010=N41.49E 1422.1

011=S33.17E 307.2

012=S41.49W 1512.1



(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

- Aspen Knoll Limited Partnership**

Secretary of State was 2/20/97 and it's Domestic State is: Idaho

- ☐ a. The name of the limited partnership is amended to read:

- ☒ b. The name and business address of the registered agent are amended to read:

Gregory A. Byron, 1101 W. River Street, Suite 340, Boise, Idaho 83702

- ☒ c. The name of each withdrawing general partner is:

David E. Conger

- ☐ d. The name and business address of each new general partner are:
(if more space is needed, continue in block f)

- ☒ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.

- ☐ f. Other amendments (optional):

- Signature Donald E. Conger

Typed Name David E. Conger

Signature Handwritten Signature

Typed Name Mary Jane Conger

Secretary of State use only

IDAHO SECRETARY OF STATE
 01/06/2005 05:00
 CR: 5373 CT: 44531 BH: 785764
 1 0 30.00 = 30.00 LP AMEND # 2

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YES FOR IT

L3362

01/11/2007

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: January 19, 2007

Water right number: 37-2168B

ASPEN KNOLL LIMITED PARTNERSHIP
PO BOX 545
KETCHUM ID 83340

DAVID E CONGER
PO BOX 545
KETCHUM ID 83340
Telephone Number: (208) 726-3440

MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340
Telephone Number: (208) 726-3440

RECEIVED
FEB 01 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Bx 16

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 1-25-07 SIGNATURE: Mary Jane (Marin) Conger
Please print your name: MARY JANE (MARIN) CONGER

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033



Idaho Department of Water Resources

SRBA Recommendation:

37-2168B

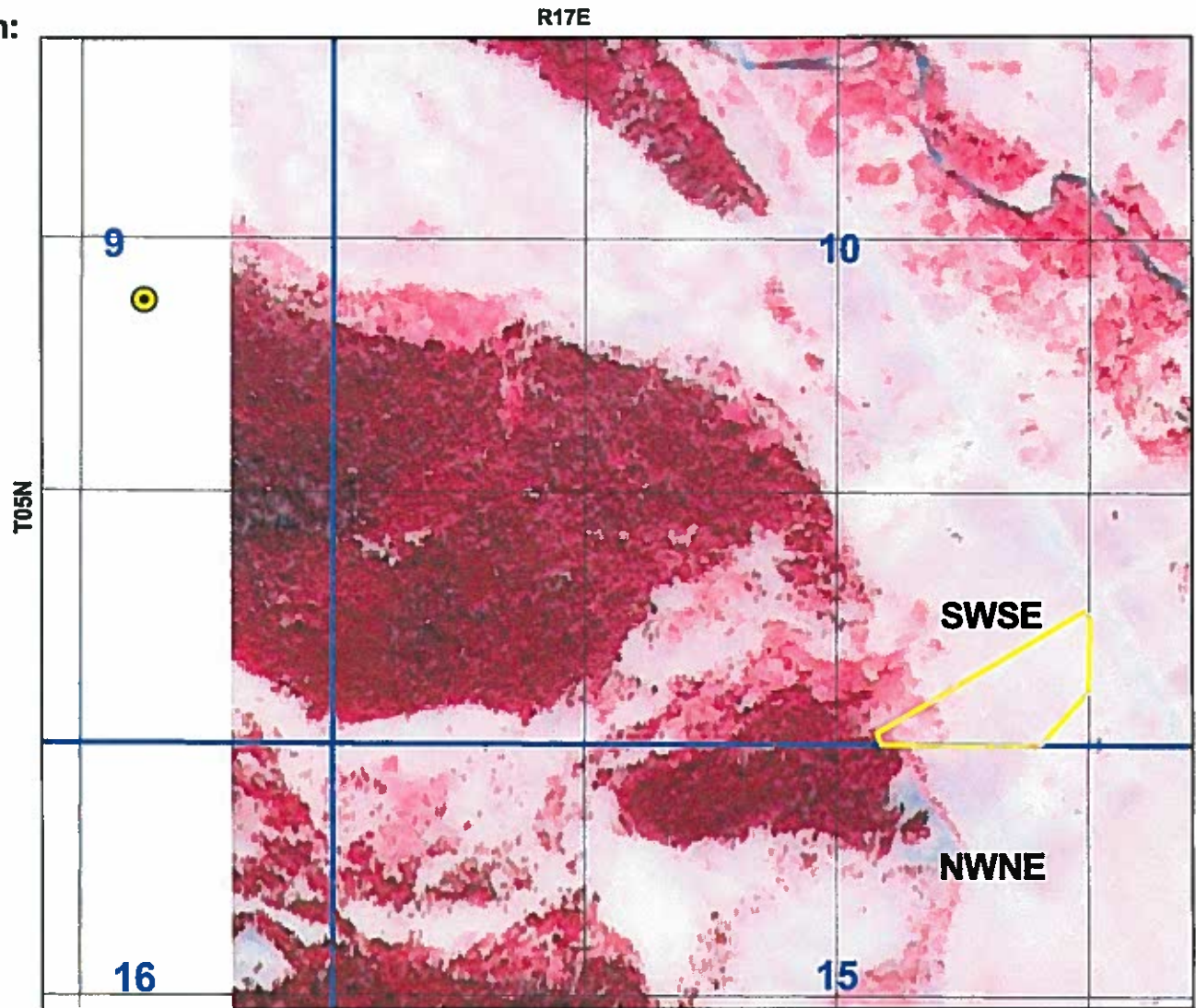
(Irrigation)

Legend

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



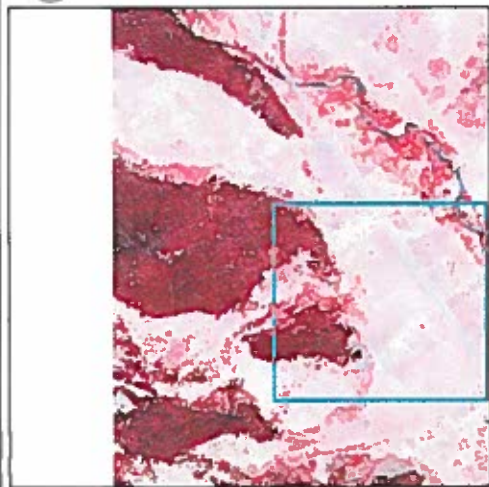
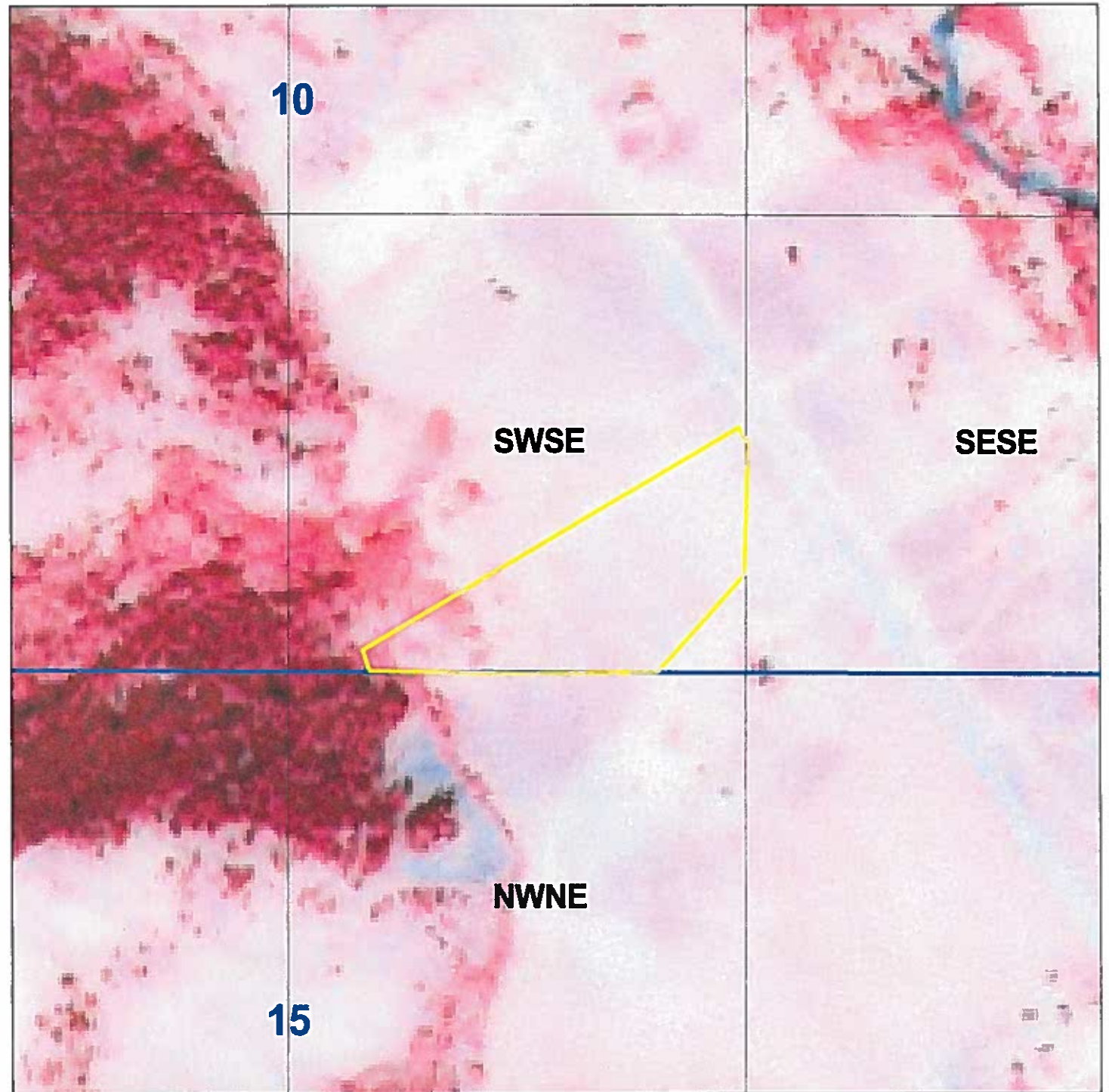
Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by D. Smith
On Wednesday, January 10, 2007
1987/88 Aerial Photography

37-2168B



01/10/2007

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

RIGHT NUMBER: 37-2168B

NAME AND ADDRESS: ASPEN KNOLL LIMITED PARTNERSHIP
PO BOX 545
KETCHUM ID 83340

DAVID E CONGER
PO BOX 545
KETCHUM ID 83340

MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

SOURCE: OREGON CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.230 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/22/1910

POINT OF DIVERSION:

T05N R17E S9 NWNESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/01	0.210 CFS
STOCKWATER	05/15 10/01	0.020 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10 SWSE 9.10

STOCKWATER in BLAINE County

T05N R17E S10 SWSE

9.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 2 horses.

THE UNITED STATES OF AMERICA.

May 1909.

T. P. Brinegar.

TO ALL TO WHOM THIS PRESENTS SHALL COME, GREETING.

Know all men, that whereas

By Act of Congress

AMERICAN. There have been deposited in the

General Land Office of the United States a Certificate of title deposited in the General Land Office at

Idaho, has been deposited in the General Land Office at

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Received in the presence of
V. D. George.
April 5, 1916.
at 2:30 P. M.
B. E. George.
Geo. A. McLean,
County Recorder
J. L. George.

Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Location Monument No. 123 bears north seventy degrees, six minutes west one and twenty-eight-hundredths chains distant; thence south forty-three degrees, five minutes east sixty-six and eighty-nine-hundredths chains to corner No. 2; thence south forty-five degrees, thirty-one minutes west twenty five and sixty-six hundredths chains to corner No. 3; thence North fifty-one degrees, sixteen minutes west twenty-eight and nineteen-hundredths chains to corner No. 4; thence North sixteen degrees, forty-seven minutes west forty-four and seventy-one hundredths chains to corner No. 5; thence North fifty-two degrees, fifteen minutes east eleven and twenty-four hundredths chains to corner No. 1, the place or bearing, containing one hundred fifty-eight and seventy-nine hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General

Now KNOW YE, That there has been granted by the United States unto the said

claimant

the tract of land above described

TO HAVE AND TO HOLD (the said tract of land, with the appurtenances thereto) unto the said claimant

claimant

and to his heirs and assigns forever, subject to

any vested and unvested water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs now in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decrees of Courts, and also subject to the right of the proprietor of a water right, to extend and remove the same therefrom, should the same be found to be contrary to the public interest, as provided by law. And there is reserved from the lands hereby granted a right of way for the use of ditches or canals constructed by the authority of the United States

IN TESTIMONY WHEREOF

Woodrow Wilson

President of the United

States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington the seventeenth

March

sixteen.

fortieth

BY THE PRESIDENT

Woodrow Wilson

M. P. LeRoy

L. Q. C. Lamar

Secretary

Recorder of the General Land Office.

Recorded Patent Number 519455.

Recorded Idaho Vol

Page



MICROFILMED

FEB 23 1993

County: Blaine
Stream: Oregon Creek
Amount: 2 sec. ft.
Use: Irrigation.
Priority: 1-22-10

STATE OF IDAHO

Water License No. 5840
Water District No. 7 B.

WHEREAS, On the 22d day of January, A. D. 1910,

Thomas Edward Brineger,
of Ketchum, County of Blaine, State of Idaho, duly made application
(No. 8226) to me for a permit to use two (2) cubic feet per second of the waters of Oregon Creek,
in Water District No. 7 B,

County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 21st day of March, A. D. 1910, Permit No. 5840 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 21st day of March, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 21st day of March, A. D. 1915, and,

WHEREAS, On the 10th day of July, A. D. 1914,

Thomas Edward Brineger

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 5840
dated July 28, 1914, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use two (2) cubic feet per second of said water,
with date of priority of January 22d, 1910, and

WHEREAS, On the 13th day of March, A. D. 1915,

Thomas Edward Brineger,

the holder of said permit, duly made proof of the application to beneficial use of two (2) cubic
feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to

Thomas Edward Brineger,

of Ketchum, County of Blaine, State of Idaho, the holder and owner
of said Permit No. 5840, a perpetual right, dating from January 22, 1910
to the use of two (2) cubic feet per second of the waters of Oregon Creek,

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point about 1 1/2 miles from mouth of said creek,

and conducted to and upon 160 acres of unsurveyed land, divided as follows: 80 acres in Section
10 and 80 acres in Section 15, T. 5 N., R. 17 E., B. M.,

MICROFILMED

FEB 23 1993

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source of supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of October
A. D., nineteen hundred and seventeen.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Thomas E. Brinegar- Permit: 5840
2. State source of water supply: Oregon Creek- 2 sec. ft.
3. Location of point of diversion: About 1 1/2 miles from mouth of creek

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

Has shown accordance with license and permit

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: Headgate 3 ft
- (b) Width at water line: 3 ft
- (c) Depth of water: 4 inches at low water
- (d) Grade per mile: 12 ft
- (e) Capacity of ditch: 2 (or more) second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Has been used for years is now turning all the water in Oregon Creek.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Unsurveyed land in Sec. 10 & 15, T.5 N., R. 17 E. B.M.

30 acres in cultivation.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Just enough water was for domestic use. Land well improved and all in cultivation there is water for next year

August 22-1915

John E. Badley

STATE OF IDAHO,

County of _____

} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____

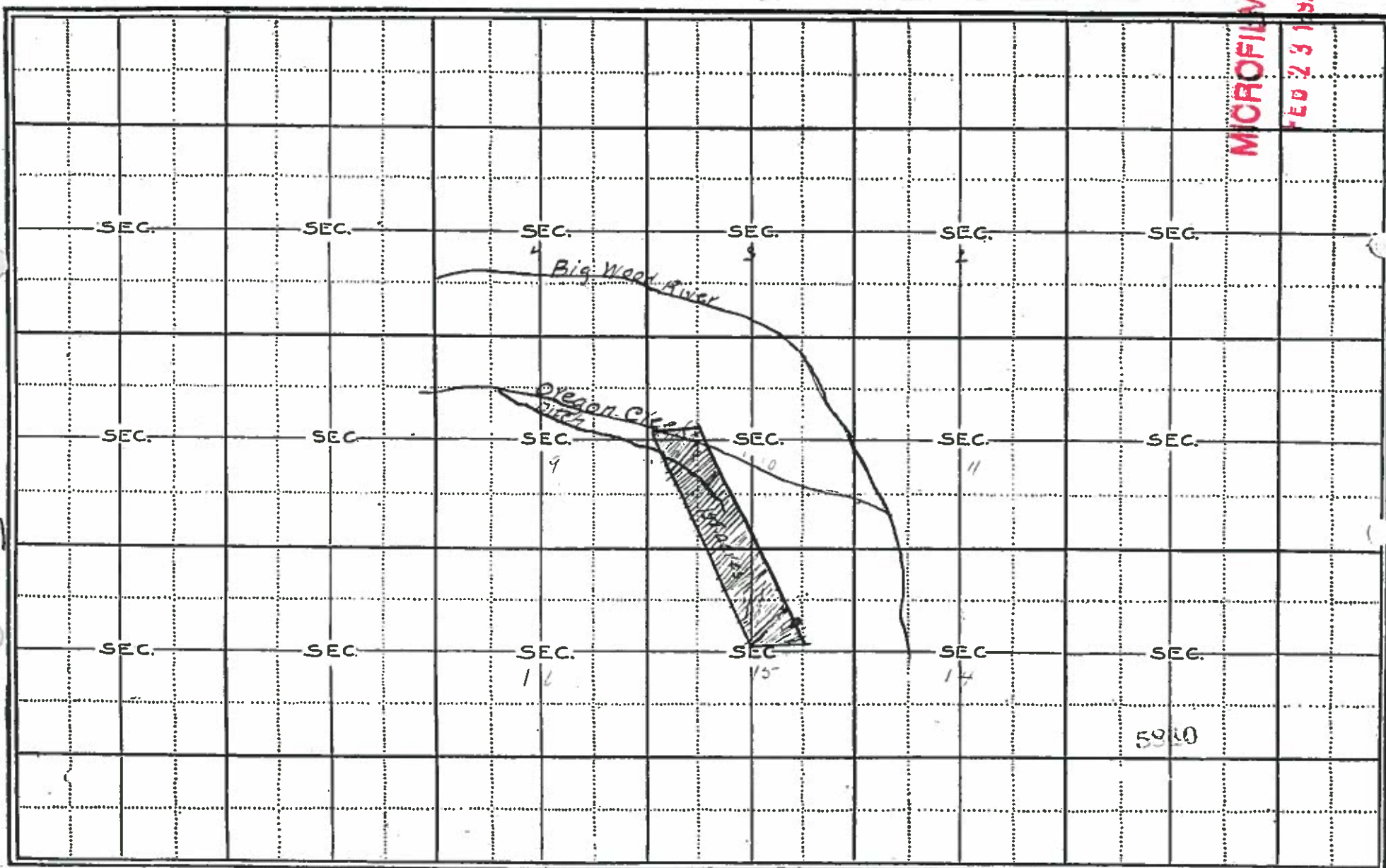
My Commission Expires _____

5840 Notary Public.

MICROFILMED

FEB 2 1993

Name of Applicant: Thos. Brinegar



MICROFILMED

551570

SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

37-2168

No. 8226

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Thomas Edward Brinogar,
Postoffice address: Hetchum
County Blaine State Idaho
2. The quantity of water claimed is two cubic feet per second.
3. Source of water supply: Oregon Creek
County of Blaine,
4. Location of point of diversion: About 1½ miles from mouth of Oregon Creek,
5. To be used for:-
1- Irrigation and domestic use:
(a) Amount of land to be irrigated: 160 acres.
(b) In the following legal subdivisions: Unsurveyed, 80 acres. in Sec. 10
and 80 acres in Sec. 15 T. 5 N. R. 17 E. S. 1.
6. Estimated cost of works: Two hundred dollars.
7. Description of works for diversion:
I. Kind of works: Headgate and ditch
II. Dimensions of works:
(a) Height of dam Five feet, length of dam at top 20 feet, length of dam at
bottom 15 feet. Material used in construction. Earth, stone and lumber.
(c) Size of headgate: Width one ½ feet, height one ½ feet.
(d) Conduit Ditch, width at bottom one ½ feet, width at water line two feet,
depth of water one foot. Average grade per mile is 15 feet, Length of conduit is
one quarter mile and it crosses the following quarter sections:
To land described in 5 I (b) above, which is the point of intended use.
8. The time required for the completion of the construction of such work is four years.
9. Time required for the complete application of the water to the proposed use is
one additional year.

BE IT FURTHER That the undersigned hereby makes application for a permit to appropriate the public waters of the state of Idaho as herein set forth.

Thomas Edward Brinogar,
Applicant.

REMARKS : Land is unsurveyed, situated on Hetchum Stanley Road about 8 miles North-west of Hetchum on West side of Wood River, between what is known as 7 mile bridge and 9 mile bridge.

MICROFILMED

FEB 23 1993

APPROVAL OF STATE ENGINEER

The number of this permit is 5840.

Date of first receipt of application 9.00 A.M. January 22, 1910.

Returned to applicant for correction January 22, 1910.

Corrected application received March 21, 1910

Recorded in Book 17 Page 5840 Approved March 21, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before May 20, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 21, 1912.

The whole of said work to be completed on or before March 21, 1914.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to March 21, 1915.

Witness my hand this twenty-first day of March, 1910.

Jan. Stephenson, Jr.,

State Engineer.

MICROFILMED
FEB 23 1993

STATE OF IDAHO,
County of Blaine.

Thomas T. Grinager, being first duly sworn, upon his oath deposes and says:

That he is the owner of a water right appurtenant to the following described land,
to-wit: 159.74 acres Sec. 10, 11, 14, 15, T. 5 N., Range 17 E., S. 11.

That he is the owner and holder of Permit to appropriate the public water of
the State of Idaho, No. 5049.

That he intends to change the point of diversion, as described in said permit,
to the following described point: 1/4 one quarter of a mile further up the river from
the old ditch as shown on map.

That such change will be made for the following reasons, to-wit: The reason is
where I first had the water on the water bank and I had to go further up the river
in order to get the amount of water desired.

That no one will be injured by such change and that defendant will be held harmless
at his own risk.

And further defendant saith not.

T. T. Grinager.

Subscribed and sworn to before me this 23rd day of July, 1914.

William H. Reid,

Notary Public.

My Commission Expires May 17, 17.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho,
at 9.30 a.m. July 27, 1914.

P. P. King,

State Engineer.

License issued for 2 second

MICROFILMED
FEB 23 1993

Proof of completion of work made July 19, 1914.

Certificate of completion issued July 28, 1914.

Permit No. 5840

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Thomas Edward Brinegar, of Ketchum, County of Blaine and State of Idaho, the holder of Permit No. 5840, issued upon Application No. 8226, bearing date of priority of January 22, 1910, authorizing the diversion of two (2) second feet of the waters of Oregon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second feet of the waters of Oregon Creek; that the point of diversion of said water is at a point about 1-3/4 miles above mouth of Oregon Creek (unsurveyed), and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Unserved 80 acres in Sec. 10 and unserved 80 acres in Sec. 15, T. 5 N., R. 17 E., S. 1 E., making a total of 160 acres.

Witness my hand this 28th day of July, A. D. 1914.

T. P. King,

State Engineer of the State of Idaho.

License issued for 2 second feet

Page 2175

MICROFILMED
FEB 23 1993

RECEIVED

FEB 06 1989

Department of Water Resources
Southern Region Office February 1, 1989

State of Idaho Department of Water Resources
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301

Dear Sirs:

Accompanying this letter is a packet containing my (returned) water rights claim application. My original applications met your date deadline in October, 1988. However, I neglected to include my checks for the two applications.

Your office returned my (stamped) applications to me for some corrections, clarification, and my checks, and a new deadline (February 10, 1989)

The enclosed applications include the cover (form) letters, stating what I need to include in this packet. I believe you will find the applications in order this time.

Thank you.

Sincerely,

Mary Jane Marin
Mary Jane Marin
Box 545
Ketchum, Idaho 83340

cc

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

RECEIVED

FEB 06 1989

Department of Water Resources
Southern Region Office

Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County since the filing fee was inadvertently missing [X] or incorrect []. The filing fee required for this claim is \$ 850 base + \$15 variable = \$865.00

Additionally, in checking your claim it appears that the following items need clarification: (Please review enclosed instructions)

(Please find enclosed extra claim form)

- [] None
- [] Item #1 Name - Address
- [] Item #2 Priority
- [] Item #3 Source
- [] Item #4 Point of Diversion Legal Description
- [] Item #5 Description of Diversion Works
- [] Item #6 Uses descriptions
- [X] Item #7 Total Diversion Rate
- [X] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [X] Item #16 Signature & Notorization

Doesn't add up from Item #6

Should be $2.5 \times 1457 = 36.43$

I want to be sure
together -
usually if natural
use is changed
according to Allen Merritt
1-30-89 Tel ea. 89

If you will make any necessary corrections and return the documents with the correct fee before Feb 10, 1989, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm

Enclosures:

MICROFILMED

FEB 23 1989

Twin. Ann. CK.