

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

RIGHT NUMBER: 37-10343

NAME AND ADDRESS:

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

SOURCE:

Source:
BIG WOOD RIVER

Tributary:
MALAD RIVER

Point of injection into the Jim Byrns Slough that flows into the Little Wood River.
Points of redirection from the Little Wood River.

QUANTITY:

10.670 CFS

This right is subject to a 27% conveyance loss; 7.79 cfs may be redirected from the Little Wood River.

PRIORITY DATE:

05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SENE
Within ~~GOODING~~ LINCOLN County

T03S R19E S19 NENE Injection
Within ~~GOODING~~ BLAINE County

T04S R19E S25 NWSE Injection
Within ~~GOODING~~ LINCOLN County

T05S R16E S25 SENE Rediversion
Within ~~GOODING~~ LINCOLN County

T05S R16E S25 SENE Rediversion
Within ~~GOODING~~ LINCOLN County

Two points of redirection located in T05S, R16E, S25, SENE.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	10.670 CFS

PLACE OF USE:

IRRIGATION	within LINCOLN County
T05S R16E S24 NESW 6.9	
~~T05S R16E S24 SWSW 3.5~~	~~T05S R16E S24 SWSW 2.9~~
T05S R16E S24 SESW 23.0	
T05S R16E S24 NWSE 3.6	
T05S R16E S24 SWSE 16.0	
T05S R16E S25 NENE 37.0	
~~T05S R16E S25 NENE 24.0~~	~~T05S R16E S25 NENE 23.0~~
T05S R16E S25 SWNE 22.0	
T05S R16E S25 SENE 12.0	
T05S R16E S25 NENW 31.0	
T05S R16E S25 NWNW 17.0	
T05S R16E S25 SENW 2.3	
T05S R16E S25 NWSE 0.8	

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

199.1 ACRES TOTAL

~~197.5 ACRES TOTAL~~

Place of use does not include federal public lands

Right Nos. 37-460, 37-461 and 37-10343 are limited to the irrigation of a combined total of ~~197~~ 199.1 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

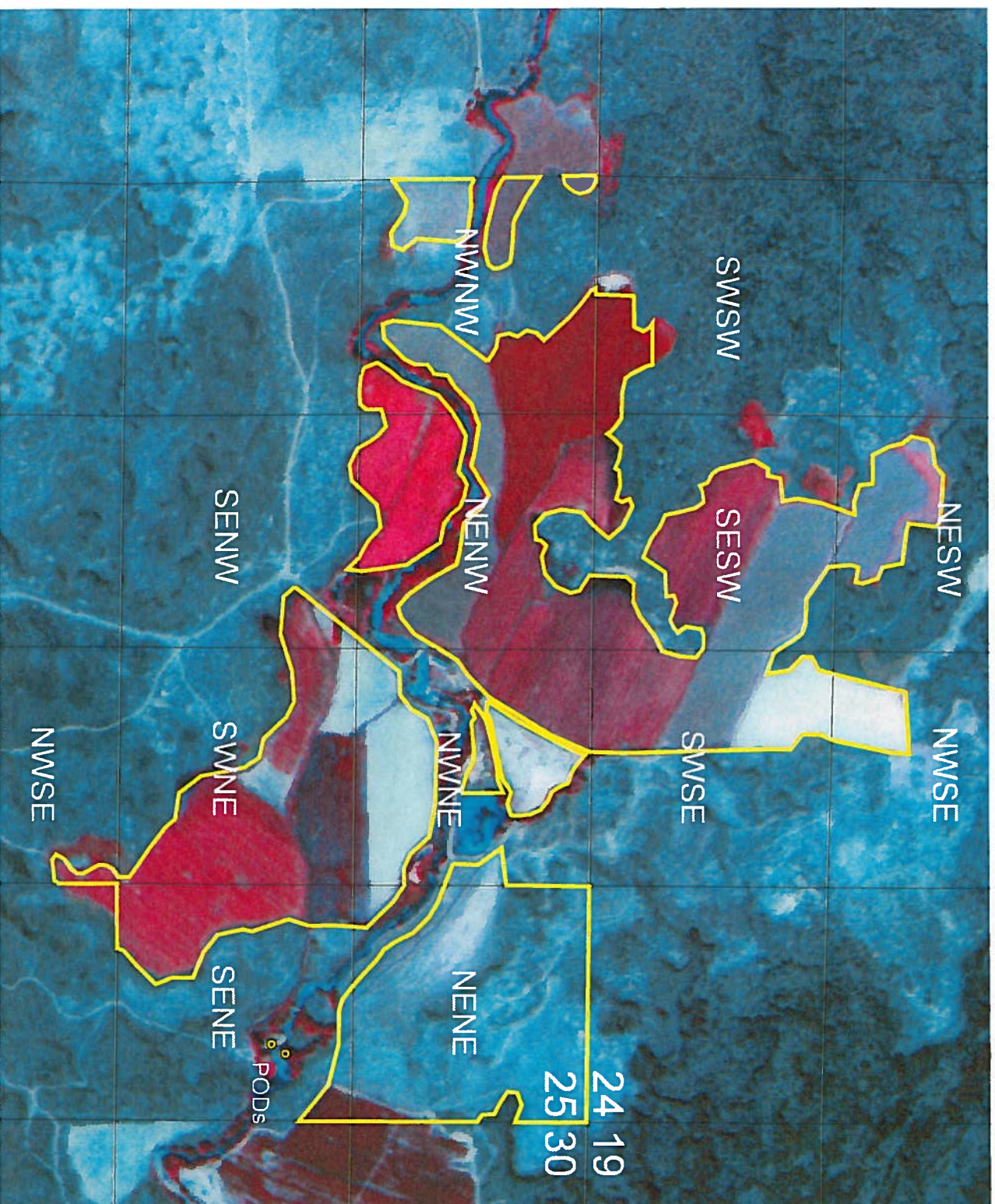
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

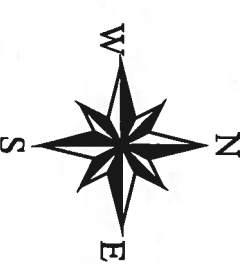
Use of this right is combined with water from Big Wood Canal Co.

Water is delivered through the Richfield Canal and the Mc Fall Headgates, Numbers 76 and 77.

3/-460 3/-461 & 3/-10343



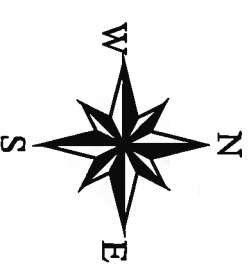
**T05S R16E
S24 & S25**



900 0 900 1800 2700 3600 4500 Feet

Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03 & 07/18/06

**T05S R16E
S24 & S25**



Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03

12/16/2003

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

RIGHT NUMBER: 37-10343

NAME AND ADDRESS: ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

Point of injection into the Jim Byrns Slough that flows into the Little Wood River. Points of redirection from the Little Wood River.

QUANTITY: 10.670 CFS

This right is subject to a 27% conveyance loss; 7.79 cfs may be redirected from the Little Wood River.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SENE Within GOODING County
T03S R19E S19 NENE Injection Within GOODING County
T04S R19E S25 NWSE Injection Within GOODING County
T05S R16E S25 SENE Rediversion Within GOODING County
T05S R16E S25 SENE Rediversion Within GOODING County
TWO POINTS OF REDIVERSION LOCATED IN T05S, R16E, S25, SENE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	10.670 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S24	NESW	6.9	T05S R16E S24	SWSW	2.9
T05S R16E S24	SESW	23.0	T05S R16E S24	NWSE	3.6
T05S R16E S24	SWSE	16.0	T05S R16E S25	NENE	37.0
T05S R16E S25	NWNE	23.0	T05S R16E S25	SWNE	22.0
T05S R16E S25	SENE	12.0	T05S R16E S25	NENW	31.0
T05S R16E S25	NWNW	17.0	T05S R16E S25	SENW	2.3
T05S R16E S25	NWSE	0.8			

197.5 ACRES TOTAL

RIGHT NOS. 37-460, 37-461 AND 37-10343 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 197.5 ACRES IN A SINGLE IRRIGATION SEASON.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

12/16/2003

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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH THE RICHFIELD CANAL AND THE MC FALL
HEADGATES, NUMBERS 76 AND 77.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

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 37-10343
Date Received:
Receipt No: S000624
Received By:

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

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: ~~(510) 865-2097~~ ²⁰⁸⁻⁸⁸⁶⁻⁹⁹⁵³

~~38 STEUBEN BAY~~
~~ALAMEDA CA USA 94502~~

^{PO Box 1045}
^{Shoshone ID 83352} ^{9/13}

or

MONTIE S DAY Phone: (208) 886-9953

PO BOX 1045
SHOSHONE ID USA 83352

2. Date of Priority: 05/27/1899

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
05S	16E	25	NE	SE	NE	~~GOODING~~ Lincoln ^{9/13/50}	

5. Description of diverting works:

MC FALL HEADGATE #76 & 77

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	7.06	

7. Total Quantity Appropriated is:
7.06 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
05S	16E	24	NW	SE	IRRIGATION	3.6
			SE	SW	IRRIGATION	23
			SW	SE	IRRIGATION	16
			SW	SW	IRRIGATION	2.9
			NE	SW	IRRIGATION	6.9

Section Acres 52.4

05S	16E	25	SW	NE	IRRIGATION	22
			NW	NE	IRRIGATION	~~19~~ 29 <i>EPB MSD</i>
			NE	NW	IRRIGATION	31
			SE	NE	IRRIGATION	10
			NW	SE	IRRIGATION	0.8
			NW	NW	IRRIGATION	17
			NE	NE	IRRIGATION	~~9.9~~ 40 <i>EPB MSD</i>
SE	NW	IRRIGATION	2.3			

Section Acres

Total Acres

~~112~~ 152.1 *EPB MSD*
~~164.4~~ 204.5 *EPB MSD*

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
 37-460 and 37-461

14. Remarks:

THESE ACRES ARE OVERLAPPING WITH THE ABOVE WR #.
 THIS CLAIM IS ON FLOODWATER AND IS A SPLIT OF WR# 37-0059.

15. Basis of Claim: Decreed

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): Elizabeth Burmer Date: 12/1/03
Monty S. Day Date: 12/1/03

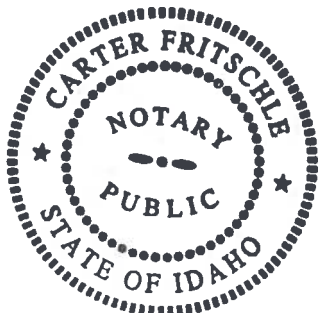
State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 1st day of
December 2003

Carter Fritschle
Notary Public

Residing at 3-21-2006 Kuna ID

My commission Expires 3-21-2006



Cell
(208) 280-3766

Montie S. Day

P. O. Box 1045
Shoshone, Idaho 83352
January 7, 2003

Telephone
(208) 886-9953

RECEIVED

JAN - 9 2003

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

37-460
37-461
37-10343

Records Modified
1-9-03,
-PS

NOTICE OF CHANGE OF ADDRESS

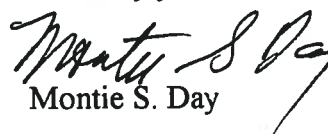
My Property Address: 490 Ohlinger Road
Shoshone, Idaho 83352

Gentlemen:

I request you to change the address on your records to reflect the mailing address of P. O. Box 1045, Shoshone, Idaho 83352, from the old address of 38 Steuben Bay, Alameda, California 94502.

Thank you for your attention to this matter,

Sincerely yours,

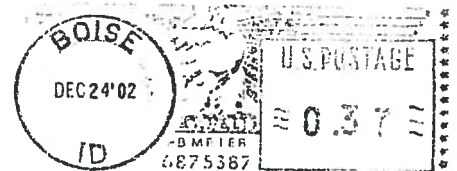

Montie S. Day

STATE OF IDAHO
DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

37-460
37-461
37-10343

Day 038

MONTE DAY
38 STEUBEN BAY
ALAMEDA CA 94502



DAY-038* 945023020 1902 26 01/03/03
NOTIFY SENDER OF NEW ADDRESS
DAY
PO BOX 1045
SHOSHONE ID 83352-1045

94302+6406 63





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 2003

Montie S Day
PO Box 1045
Shoshone ID 83352

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 37-460, 37-461 and 37-103⁴³~~27~~

Dear Claimant:

I am reviewing the claims referenced above, and I believe you may be entitled to more acres than have claimed. In examining the aerial photography available to the Idaho Department of Water Resources, it appears that 164.4 acres are being irrigated rather than the 150 acres claimed.

For your convenience, I have prepared amended claims for you to review that would change the total number of irrigated acres claimed from 150 to 164.4. If you wish to amend your claims, please sign the amended claim forms, have your signature notarized, and return them to my attention at this office. If you wish make changes to any of the other elements of the claims, you may mark those changes on the amended claim forms. However, you must initial any other changes you make to the claim forms.

In addition to the amended claims, I have enclosed printouts of the SRBA notices of claim for these rights and what is called a GIS Layout map identifying the claimed Points of Diversion (yellow dots labeled POD) and claimed Place of Use (outlined in yellow.) If the map incorrectly identifies your points of diversion and place of use, please mark the map to show the correct Points of Diversion and/or Place of Use and return it with your amended claims. If you have any questions, you may contact me using our toll free number, 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures

Amended Claims
Printouts of Claims
GIS Layout

cc w/o enclosures Elizabeth J Burnett

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-10343

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-460	Claim	05S	16E	24	NE	SW		IRRIGATION	6.7/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	24	NE	SW		IRRIGATION	6.7/150	MONTIE S DAY
37-867	Claim	05S	16E	24	NE	SW		IRRIGATION	9/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	24	NE	SW		IRRIGATION	6.7/150	ELIZABETH J BURNETT
37-13043	Claim	05S	16E	24	NE	SW	0	IRRIGATION	9/173356	BIG WOOD CANAL CO
37-13112	Claim	05S	16E	24	NE	SW	0	IRRIGATION	9/173356	BIG WOOD CANAL CO
37-13113	Claim	05S	16E	24	NE	SW	0	IRRIGATION	9/173356	BIG WOOD CANAL CO
37-13114	Claim	05S	16E	24	NE	SW	0	IRRIGATION	9/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	24	NE	SW		IRRIGATION FROM STORAGE	9/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	24	SW	SW		IRRIGATION	5/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	24	SW	SW		IRRIGATION	5/150	MONTIE S DAY
37-10343	Claim	05S	16E	24	SW	SW		IRRIGATION	5/150	ELIZABETH J BURNETT
37-460	Claim	05S	16E	24	SE	SW		IRRIGATION	27.3/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	24	SE	SW		IRRIGATION	27.3/150	MONTIE S DAY
37-867	Claim	05S	16E	24	SE	SW		IRRIGATION	27/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	24	SE	SW		IRRIGATION	27.3/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	24	SE	SW		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	24	SE	SW		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	24	SE	SW	0	IRRIGATION	27/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	24	SE	SW		IRRIGATION FROM STORAGE	27/	BIG WOOD CANAL CO

10/3/2003
claimed 215 ac. within the
Q95 claimed on 37-460 37-461
and 37-10343. No additional
09/23/2003 Fee necessary.

Recommended Claim
Original Claim
6.7
9.0
2.3

2.9
5
2.3
2.3
2.7

37-460	Claim	05S	16E	24	NW	SE	IRRIGATION	3/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	24	NW	SE	IRRIGATION	3/150	MONTIE S DAY
37-867	Claim	05S	16E	24	NW	SE	IRRIGATION	7/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	24	NW	SE	IRRIGATION	3/150	ELIZABETH J BURNETT
37-13043	Claim	05S	16E	24	NW	SE	IRRIGATION	7/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	24	NW	SE	IRRIGATION FROM STORAGE	7/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	24	SW	SE	IRRIGATION	7.5/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	24	SW	SE	IRRIGATION	7.5/150	MONTIE S DAY

3.0
3/1

10
7.5
2.5

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-10343

09/23/2003

2

Water Right #	Type	Twp	Rge	Sec	Q	Q	Lot	Purpose of Use	Acre/Total	Name
37-867	Claim	05S	16E	24	SW	SE		IRRIGATION	23/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	24	SW	SE		IRRIGATION	7.5/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	24	SW	SE		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	24	SW	SE		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	24	SW	SE	0	IRRIGATION	23/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	24	SW	SE		IRRIGATION FROM STORAGE	23/	BIG WOOD CANAL CO
37-59D	Claim	05S	16E	25	NE	NE		IRRIGATION	0.3/301.9	ERNEST A BRYANT III
37-344A	Claim	05S	16E	25	NE	NE		IRRIGATION	0.3/301.9	ERNEST A BRYANT III
37-460	Claim	05S	16E	25	NE	NE		IRRIGATION	5.6/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	NE	NE		IRRIGATION	5.6/150	MONTIE S DAY
37-867	Claim	05S	16E	25	NE	NE		IRRIGATION	11/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	NE	NE		IRRIGATION	5.6/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	NE	NE		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	NE	NE		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	25	NE	NE	0	IRRIGATION	11/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	NE	NE		IRRIGATION FROM STORAGE	11/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	25	NW	NE		IRRIGATION	16.1/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	NW	NE		IRRIGATION	16.1/150	MONTIE S DAY
37-867	Claim	05S	16E	25	NW	NE		IRRIGATION	30/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	NW	NE		IRRIGATION	16.1/150	ELIZABETH J BURNETT

9.9
5.6
11

19
16.1
30

37-460	Water Right	05S	16E	25	NW	NE	IRRIGATION	MATTHEW MC FALL		
37-461	Water Right	05S	16E	25	NW	NE	IRRIGATION	MATTHEW MC FALL		
37-13043	Claim	05S	16E	25	NW	NE	0	IRRIGATION	30/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	NW	NE	IRRIGATION FROM STORAGE	30/	BIG WOOD CANAL CO	
37-460	Claim	05S	16E	25	SW	NE	IRRIGATION	26/150	ELIZABETH J BURNETT	
37-461	Claim	05S	16E	25	SW	NE	IRRIGATION	26/150	MONTIE S DAY	
37-867	Claim	05S	16E	25	SW	NE	IRRIGATION	26/173356	BIG WOOD CANAL CO	
37-10343	Claim	05S	16E	25	SW	NE	IRRIGATION	26/150	ELIZABETH J BURNETT	

22
 26
 26

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 37-10343

09/23/2003

3

Water Right #	Type	Twp	Rge	Sec	Qq	Q	Lot	Purpose of Use	Acres/Total	Name
37-460	Water Right	05S	16E	25	SW	NE		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	SW	NE		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	25	SW	NE	0	IRRIGATION	26/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	SW	NE		IRRIGATION FROM STORAGE	26/	BIG WOOD CANAL CO
37-59D	Claim	05S	16E	25	SE	NE		IRRIGATION	0.6/301.9	ERNEST A BRYANT III
37-344A	Claim	05S	16E	25	SE	NE		IRRIGATION	0.6/301.9	ERNEST A BRYANT III
37-460	Claim	05S	16E	25	SE	NE		IRRIGATION	2.3/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	SE	NE		IRRIGATION	2.3/150	MONTIE S DAY
37-867	Claim	05S	16E	25	SE	NE		IRRIGATION	13/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	SE	NE		IRRIGATION	2.3/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	SE	NE		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	SE	NE		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	25	SE	NE	0	IRRIGATION	13/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	SE	NE		IRRIGATION FROM STORAGE	13/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	25	NE	NW		IRRIGATION	25.1/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	NE	NW		IRRIGATION	25.1/150	MONTIE S DAY
37-867	Claim	05S	16E	25	NE	NW		IRRIGATION	37/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	NE	NW		IRRIGATION	25.1/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	NE	NW		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	NE	NW		IRRIGATION		MATTHEW MC FALL

10
2.3
13

31
25.1
37

37-13043	Claim	05S	16E	25	NE	NW	0	IRRIGATION	37/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	NE	NW		IRRIGATION FROM STORAGE	37/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	25	NW	NW		IRRIGATION	22/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	NW	NW		IRRIGATION	22/150	MONTIE S DAY
37-867	Claim	05S	16E	25	NW	NW		IRRIGATION	24/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	NW	NW		IRRIGATION	22/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	NW	NW		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	NW	NW		IRRIGATION		MATTHEW MC FALL

17
22
24

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-10343

09/23/2003

4

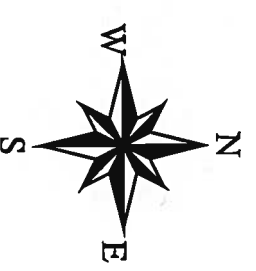
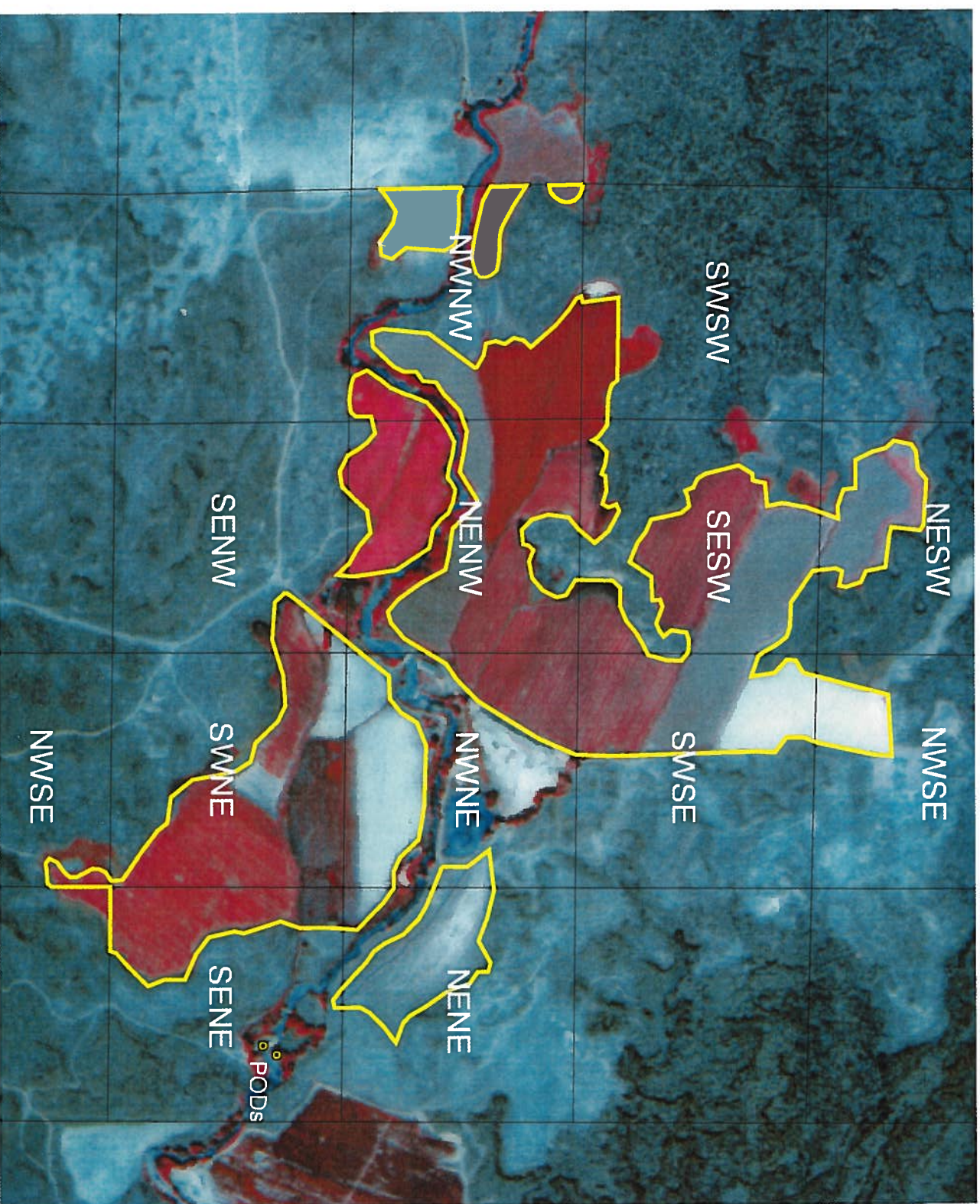
Water Right #	Type	Twp	Rge	Sec	QA	Q	Lot	Purpose of Use	Acres/Total	Name
37-13043	Claim	05S	16E	25	NW	NW	0	IRRIGATION	24/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	NW	NW		IRRIGATION FROM STORAGE	24/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	25	SE	NW		IRRIGATION	2.9/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	SE	NW		IRRIGATION	2.9/150	MONTIE S DAY
37-867	Claim	05S	16E	25	SE	NW		IRRIGATION	4/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	SE	NW		IRRIGATION	2.9/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	SE	NW		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	SE	NW		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	25	SE	NW	0	IRRIGATION	4/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	SE	NW		IRRIGATION FROM STORAGE	4/	BIG WOOD CANAL CO
37-460	Claim	05S	16E	25	NW	SE		IRRIGATION	0.5/150	ELIZABETH J BURNETT
37-461	Claim	05S	16E	25	NW	SE		IRRIGATION	0.5/150	MONTIE S DAY
37-867	Claim	05S	16E	25	NW	SE		IRRIGATION	4/173356	BIG WOOD CANAL CO
37-10343	Claim	05S	16E	25	NW	SE		IRRIGATION	0.5/150	ELIZABETH J BURNETT
37-460	Water Right	05S	16E	25	NW	SE		IRRIGATION		MATTHEW MC FALL
37-461	Water Right	05S	16E	25	NW	SE		IRRIGATION		MATTHEW MC FALL
37-13043	Claim	05S	16E	25	NW	SE	0	IRRIGATION	4/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	16E	25	NW	SE		IRRIGATION FROM STORAGE	4/	BIG WOOD CANAL CO

$\frac{2.3}{2.9} = 4$

$\frac{0.5}{0.5} = 4$

37-460 37-461 & 37-10343

**T05S R16E
S24 & S25**



900 0 900 1800 2700 3600 4500 Feet

Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources

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 37-460
Date Received:
Receipt No: S000624
Received By:

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

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: (510)865-2097

38 STEUBEN BAY
ALAMEDA CA USA 94502

or

MONTIE S DAY Phone: (208)886-9953

PO BOX 1045
SHOSHONE ID USA 83352

2. Date of Priority: 06/03/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05S	16E	25	NE	SE	NE	LINCOLN	

5. Description of diverting works:

McfALL #76 & 77 HEADGATES

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
4 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
05S	16E	24	NW	SE		IRRIGATION	3.6
			SE	SW		IRRIGATION	23
			SW	SE		IRRIGATION	16
			SW	SW		IRRIGATION	2.9
			NE	SW		IRRIGATION	6.9
			Section Acres				
05S	16E	25	SW	NE		IRRIGATION	22
			NW	NE		IRRIGATION	19
			NE	NW		IRRIGATION	31
			SE	NE		IRRIGATION	10
			NW	SE		IRRIGATION	0.8
			NW	NW		IRRIGATION	17
			NE	NE		IRRIGATION	9.9
			SE	NW		IRRIGATION	2.3
Section Acres						112	
Total Acres						164.4	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

37-461 AND 37-10343

14. Remarks:

THERE ARE 2 P/DS IN SENE S25.
THESE ACRES ARE OVERLAPPED BY WR# A37-00461 AND 37-0059.
37-0059 IS RE-NUMBERED A37-10345.
AMERICAN FALLS SHARES .92 CFS.

15. Basis of Claim: Decreed

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: _____

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

_____ 20____

Notary Public

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 37-461
Date Received:
Receipt No: S000624
Received By:

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

1. Name of Claimant(s)

MONTIE S DAY Phone: (208)886-9953

PO BOX 1045
SHOSHONE ID USA 83352

or

ELIZABETH J BURNETT Phone: (510)865-2097

38 STEUBEN BAY
ALAMEDA CA USA 94502

2. Date of Priority: 07/17/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	16E	25	NE SE NE	LINCOLN	

5. Description of diverting works:

McFALL #76 & 77 HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.4	

7. Total Quantity Appropriated is:

1.4 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
05S	16E	24	NW	SE	IRRIGATION	3.6
			SE	SW	IRRIGATION	23
			SW	SE	IRRIGATION	16
			SW	SW	IRRIGATION	2.9
			NE	SW	IRRIGATION	6.9
					Section Acres	52.4
05S	16E	25	SW	NE	IRRIGATION	22
			NW	NE	IRRIGATION	19
			NE	NW	IRRIGATION	31
			SE	NE	IRRIGATION	10
			NW	SE	IRRIGATION	0.8
			NW	NW	IRRIGATION	17
			NE	NE	IRRIGATION	9.9
			SE	NW	IRRIGATION	2.3
					Section Acres	112
					Total Acres	164.4

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

37-460 AND 37-10343

14. Remarks:

THERE ARE 2 P/DS IN SENE S25.
THESE ACRES ARE OVERLAPPING WITH WR# A37-00460 & A37-10343.

15. Basis of Claim: Decreed

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

_____ 20____

Notary Public

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 37-10343
Date Received:
Receipt No: S000624
Received By:

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

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: (510)865-2097

38 STEUBEN BAY
ALAMEDA CA USA 94502

or

MONTIE S DAY Phone: (208)886-9953

PO BOX 1045
SHOSHONE ID USA 83352

2. Date of Priority: 05/27/1899

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
05S	16E	25	NE SE NE	GOODING	

5. Description of diverting works:

MC FALL HEADGATE #76 & 77

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	7.06	

7. Total Quantity Appropriated is:
7.06 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
05S	16E	24	NW	SE		IRRIGATION	3.6
			SE	SW		IRRIGATION	23
			SW	SE		IRRIGATION	16
			SW	SW		IRRIGATION	2.9
			NE	SW		IRRIGATION	6.9
			Section Acres				
05S	16E	25	SW	NE		IRRIGATION	22
			NW	NE		IRRIGATION	19
			NE	NW		IRRIGATION	31
			SE	NE		IRRIGATION	10
			NW	SE		IRRIGATION	0.8
			NW	NW		IRRIGATION	17
			NE	NE		IRRIGATION	9.9
			SE	NW		IRRIGATION	2.3
Section Acres						112	
Total Acres						164.4	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
37-460 and 37-461

14. Remarks:

THESE ACRES ARE OVERLAPPING WITH THE ABOVE WR #.
THIS CLAIM IS ON FLOODWATER AND IS A SPLIT OF WR# 37-0059.

15. Basis of Claim: Decreed

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.

County of _____)

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

_____ 20_____

Notary Public

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 37-10343
Date Received: 6/29/1988
Receipt No: S000624
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ELIZABETH J BURNETT Phone: (510)865-2097
38 STEUBEN BAY
ALAMEDA CA 94502

MONTIE S DAY Phone: (510)865-2097
38 STEUBEN BAY
ALAMEDA CA 94502

2. Date of Priority: 05/27/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	16E	25	NE SE NE	GOODING	

5. Description of diverting works:

MC FALL HEADGATE #76 & 77

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	7.06	

7. Total Quantity Appropriated is:
7.06 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
05S	16E	24	SW	SW	IRRIGATION	5
			SE	SW	IRRIGATION	27.3
			NE	SW	IRRIGATION	6.7
			NW	SE	IRRIGATION	3
			SW	SE	IRRIGATION	7.5
					Section Acres	49.5
05S	16E	25	NW	NW	IRRIGATION	22
			NE	NW	IRRIGATION	25.1
			NW	NE	IRRIGATION	16.1
			SE	NW	IRRIGATION	2.9
			SW	NE	IRRIGATION	26
			NW	SE	IRRIGATION	0.5
			SE	NE	IRRIGATION	2.3
			NE	NE	IRRIGATION	5.6
					Section Acres	100.5
					Total Acres	150

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THESE ACRES ARE OVERLAPPING WITH THE ABOVE WR #.
TOTAL CONSUMPTIVE USE IS LISTED ON A37-00460.
THIS CLAIM IS ON FLOODWATER AND IS A SPLIT OF WR# 37-0059.
THIS WR HAS MANY UNRECORDED TRANSFERS AND WAS NOT CLEAR WHICH SPLIT IT IS FROM.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

November 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MONTIE S DAY
ELIZABETH J BURNETT
38 STEUBEN BAY
ALAMEDA CA 94502

Re: SRBA Claim(s) 37-460, 37-461, 37-10343
Decreed Water Right 37-10345

Dear Mr. Day and Ms. Burnett:

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

COPY

Form 42-249 (2-1-00/6) July 2000

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

RECEIVED
NOV 13 2001
 Department 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.

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-460	37-460	—			—
37-461	37-461	—			—
37-10343	37-10343	—			—
37-10345		—			—
		—			—
		—			—

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

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

3. Name and Address of Former Owner/Claimant(s) Kenneth Ohlinger and Wanda Ohlinger
1951 East 1775 South, Gooding, Idaho 83330

4. New Owner/Claimant(s) Montie S. Day and Elizabeth J. Burnett
 Name Connector (Check one): () and, () or () and/or
38 Steuben Bay
 New Mailing Address
 City, State and ZIP Code Alameda, CA 94502
 New Telephone Number (510) 865-2097

5. Date you acquired the property November 1, 2001 Closing Date

Form 42-248/42-1409(6) July, 2000

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

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

Water Right and/or Adjudication Claim Number _____

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

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

Water Right and/or Adjudication Claim Number _____

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

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

Monte S. Day
Charles B. Baker

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <i>[Signature]</i> _____	Date <i>11/9/20</i> _____	WR _____ Date _____

WARRANTY DEED

For Value Received **Kenneth Ohlinger and Wanda Ohlinger, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Montie S. Day and Elizabeth J. Burnett, husband and wife

whose address is: **38 Steuben Bay, Alameda, CA 94502**

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

See Attached Legal Description

TOGETHER WITH 75 Shares Big Wood Canal Company Water Stock.

Also Together with:

State Water Right No. 37-460, Priority Date 06/03/1884, 4.000 CFS

State Water Right No. 37-461, Priority Date 07/17/1884, 1.400 CFS

State Water Right No. 37-10343, Priority Date 05/27/1899, 7.060 CFS

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

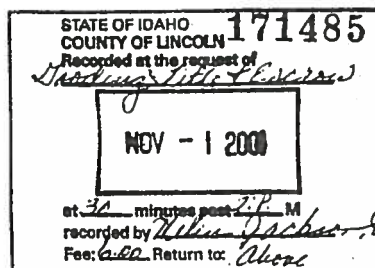
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 26, 2001

Kenneth Ohlinger
Kenneth Ohlinger

Wanda Ohlinger
Wanda Ohlinger

STATE OF Idaho
ss.
COUNTY OF JEROME



By hand.

On this 16th day of October, 2001, before me Shawna A. Wageman, personally appeared Kenneth Ohlinger and Wanda Ohlinger, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shawna A. Wageman
Notary Public of Idaho
Residing at: Jerome, Idaho
Commission Expires: 03/07/03

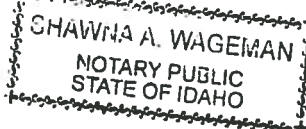


EXHIBIT "A"

Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho.

Section 24: The East one-half of the Southwest Quarter.
The West one-half of the Southeast Quarter.
The South one-half of the Southeast Quarter of the
Southwest Quarter of the Southwest Quarter.

Section 25: The Northeast Quarter.
The East one-half of the Northwest Quarter.
The Northwest Quarter of the Northwest Quarter.
The Northwest Quarter of the Southeast Quarter.

K.O.
Jab



First American Title

260 Third Ave. North • Twin Falls, ID 83301
Phone (208)734-2905 • Fax (208)734-2945

November 9, 2001

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

RECEIVED
NOV 13 2001
Department of Water Resources
Southern Region

RE: TF29740

Dear Ladies and Gentlemen,

Enclosed, please find the following document(s) in connection with the above referenced transaction:

State of Idaho Department of Water Resources Notice of Change of Water Right Ownership. I am also enclosing a copy of the recorded warranty deed.

We appreciate the opportunity of working with you on this transaction, and look forward to working with you again in the future.

If you should have any questions, please contact me. Thank you.

Sincerely,

Jayne Shepard
Escrow Assistant

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: A37-10343-
Date Received: 6/29/1988
Receipt No: S000624
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330

AND/OR

Name: WANDA OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330

2. Date of Priority: MAY 27, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	25	NE	SE	NE		GOODING

5. Description of diverting works:
MC FALL HEADGATE #76 & 77

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	16E	24	NE		SW		IRR	6.7
			SW		SW		IRR	5.0
			SE		SW		IRR	27.3
			NW		SE		IRR	3.0
			SW		SE		IRR	7.5
								Section Acres
								49.5
		25	NE		NE		IRR	5.6
			NW		NE		IRR	16.1
			SW		NE		IRR	26.0
			SE		NE		IRR	2.3
			NE		NW		IRR	25.1
			NW		NW		IRR	22.0
			SE		NW		IRR	2.9
			NW		SE		IRR	0.5
								Section Acres
								100.5
								Total Acres
								150.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A37-00460, A37-00461

14. Remarks:

THESE ACRES ARE OVERLAPPING WITH THE ABOVE WR #.
TOTAL CONSUMPTIVE USE IS LISTED ON A37-00460.
THIS CLAIM IS ON FLOODWATER AND IS A SPLIT OF WR# 37-0059.
THIS WR HAS MANY UNRECORDED TRANSFERS AND WAS NOT CLEAR
WHICH SPLIT IT IS FROM.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

S.C.FROST ET.AL.

Decree Plaintiff

vs

ALTURUS WATER CO., ET.AL.

Decree Defendant

A37-10343

Page

2

Date: 06/29/88

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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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kenneth Ohlman Date: 6/29/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day

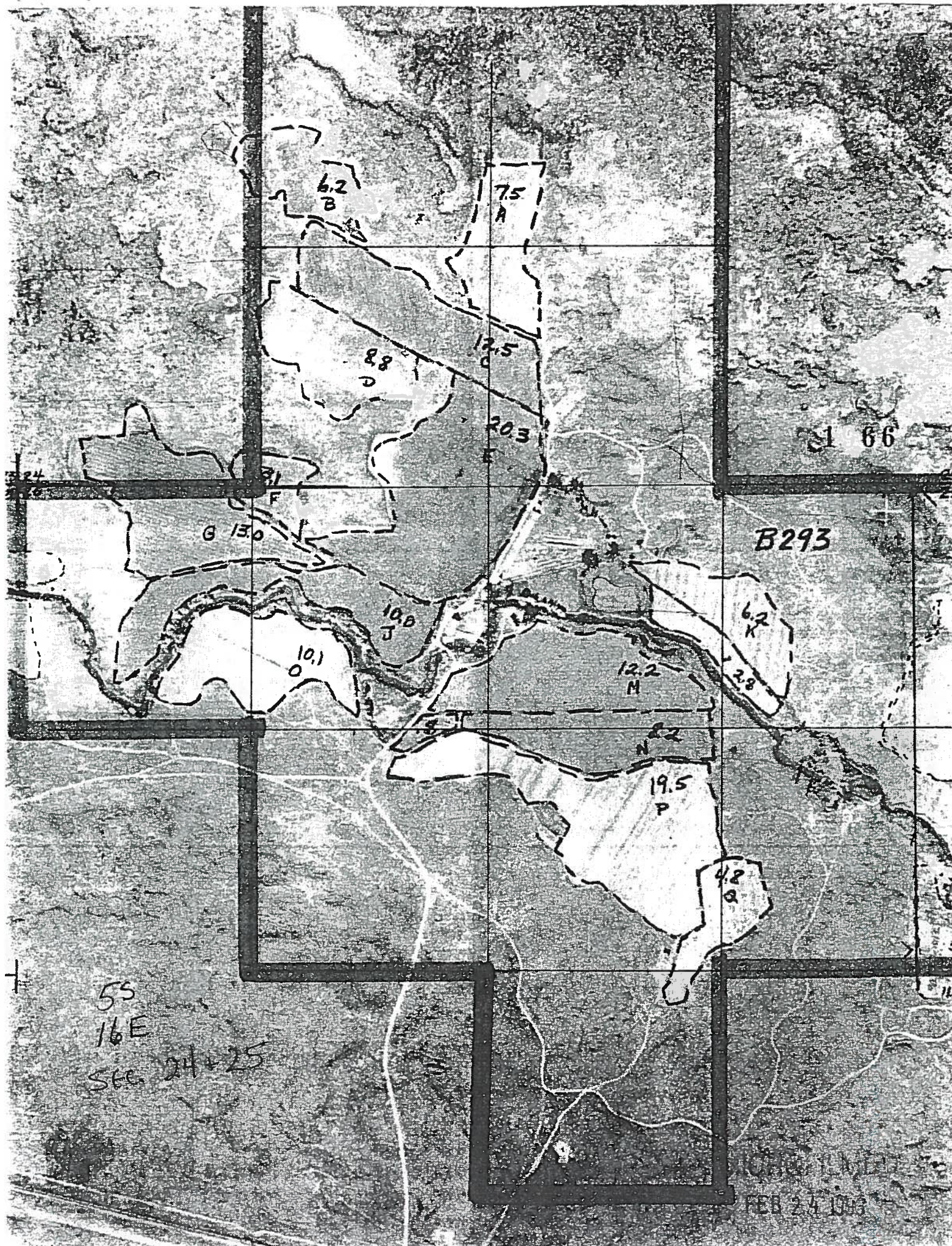
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Dooding, ID

My Commission Expires 10-16-1992



1 66

B293

55
16E
SEC. 24+25

FEB 24 1963