



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2013

ROMAN GARZA
MELISSA GARZA
1794 E 1800 S
GOODING ID 83330

RE: Change of Ownership for Water Right Nos. 37-20847

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: First American Title Co. (File No. 455633-J)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 12 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

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

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-20847	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Robert G. Husome and Carbara A. Husome

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Roman Garza and Melissa Garza

New owner(s) as listed on the conveyance document

Name connector

☒ and ☐ or ☐ and/or

1794 East 1800 South

Gooding

ID

83330

Mailing address

City

State

ZIP

208-421-6283

Telephone

Email

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

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

5. Date you acquired the water rights and/or claims listed above: August 9, 2013

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

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

8. Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date

- Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature]

Date

8.12.2013

Receipt No.

5033462

Receipt Amt.

\$25-

Approved by

Processed by

Date

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
199 Country Lane
Jerome, ID 83338

Instrument # 245768
GOODING COUNTY, GOODING, IDAHO
08-08-2013 13:58:47 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$13.00
Ex-Officio Recorder Deputy: MJS
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **455633-J (mkk)**

Date: **August 07, 2013**

For Value Received, **Robert G. Husome and Barbara A. Husome, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Roman Garza and Melissa Garza, husband and wife**, hereinafter called the Grantee, whose current address is **1794 East 1800 South, Gooding, ID 83330**, the following described premises, situated in **Gooding County, Idaho**, to-wit:

Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho
Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter more particularly described as follows:

BEGINNING at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
THENCE North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

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.

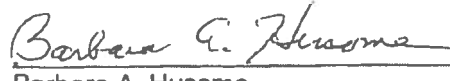
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

Date: 08/07/2013

Warranty Deed
- continued

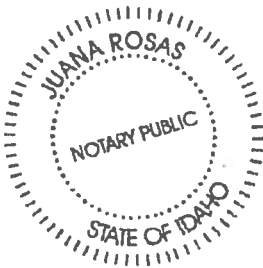
File No.: 455633-J (mkk)

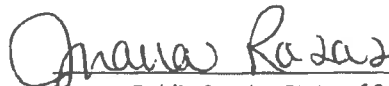

Robert G. Husome


Barbara A. Husome

STATE OF Idaho)
ss.
COUNTY OF Twin Falls)

On this **Eighth day of August, 2013**, before me, a Notary Public in and for said State, personally appeared **Robert G. Husome and Barbara A. Husome**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Twin Falls, ID
My Commission Expires: 8-04-2015

RECEIVED

OCT 19 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 16 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 37-20847

[] Name(s): Barbara A. Husome

Robert G. Husome

[] Old Mailing Address: 4490 N 1325 E

Buhl, Idaho 83316

[] New Mailing Address: 1794 E 1800 S

Gooding, Idaho 83330-5094

Telephone Number: (208) 934 - 5846

[] Signature(s) of Owner(s) Barbara A. Husome

Robert G. Husome
(Include your title if on behalf of company or organization)

Date: _____

SCANNED

OCT 19 2006



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

October 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BARBARA AND ROBERT HUSOME
1794 E 1800 S
GOODING ID 83330-5846

RE: Change of Address Notification

Dear Claimants:

Thank you for notifying us of your change in address on your water right claim . Our record has been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Clerk

SCANNED

OCT 19 2006



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

RECEIVED

MAR 13 2005

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2005

ROBERT HUSOME
BARBARA HUSOME
4490 N 1325 E
BUHL ID 83316

*Returned mail
3-7-05
Husome - Temporarily
away*

Re: SRBA Claim(s) 37-20847

Dear Mr. and Mrs. Husome:

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.

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 37-20847
Date Received: 1/7/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT G HUSOME Phone: (208)543-1763
4490 N 1325 E
BUHL ID 83316

BARBARA A HUSOME Phone: (208)543-1763
4490 N 1325 E
BUHL ID 83316

2. Date of Priority: 04/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	36	SW SE SE	GOODING	

5. Description of diverting works:

Pump in Little Wood River, flow meter on mainline to sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
37-20847

02/28/2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	36	SE	SE	IRRIGATION	3.8
Section Acres						3.8
Total Acres						3.8

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Basis of Claim: Decreed

RECEIVED

MAR 01 2005

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

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Receipt No:
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4490 N 1325 E
BUHL ID 83316

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4490 N 1325 E
BUHL ID 83316

2. Date of Priority: 04/01/1883

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

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Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	36	SW SE SE	GOODING	

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37-20847

02/28/2005

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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

February 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBERT HUSOME
BARBARA HUSOME
4490 N 1325 E
BUHL ID 83316

Re: SRBA Claim(s) 37-20847

Dear Mr. and Mrs. Husome:

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,

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

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED**FEB 23 2005**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.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-20847</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) TODD & AMY WARNER
1794 E 1800 South
Gooding, Idaho 83330
4. New Owner/Claimant(s) Robert G. Husome Barbara A. Husome
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4490 N. 1325 E
 City, State and ZIP Code Buhl, Idaho 83316
- New Telephone Number (208) 543 1763
5. Date you acquired the property 11-2-04

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) _____

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 _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

TODD J. WARNER and AMY J. WARNER, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

ROBERT G. HUSOME AND BARBARA A. HUSOME, husband and wife

the grantee(s), whose current address is

4490 N 1325 E , BUHL, ID 83316

the following described premises, to-wit:

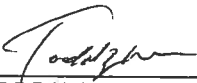
Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho,

Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter more particularly described as follows:

BEGINNING at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
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THENCE South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: October 21, 2004


TODD J. WARNER


AMY J. WARNER

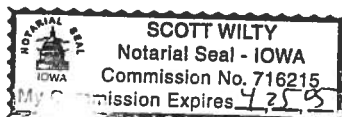
STATE OF IOWA
: ss
COUNTY OF GOODING
POLK

Instrument # 208519
GOODING, GOODING, IDAHO
2004-11-01 04:40:21 No. of Pages: 1
Recorded for : GOODING TITLE
HELEN EDWARDS Fee: 3.00
Ex-Officio Recorder Deputy 

On This 21 day of October, in the year 2004, before me, a Notary Public in and for said State, personally appeared **TODD J. WARNER and AMY J. WARNER**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public of
Residing at 318 7 AVE ALTOONA IA 50009
Commission Expires: 4.25.05





GOODING
TITLE & ESCROW
COMPANY

RECEIVED

FEB 23 2005

Department of Water Resources
Southern Region

February 22, 2005

VIA REGULAR MAIL

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

Re: Order No. G040591

Dear Sir or Madam::

Enclosed please find Notice of Change in Water Right Ownership to transfer water right 37-20847 from Todd & Amy Warner to Robert & Barbara Husome .

Buyer Information: Robert G. & Barbara A. Husome
4490 N. 1325 E.
Buhl, Idaho 83316

Also enclosed are the following document:

- Warranty Deed

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Debbie Zatica
Escrow Assistant
Gooding Title & Escrow Company

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20847

WATER RIGHT NUMBER: 37-20847

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES M LUTHER PO BOX 207 GOODING, ID 83330-0207 (208)934-4595
Original Owner	DEBRA A INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738
Original Owner	JOHN N INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738
Current Owner	TODD J WARNER 1794 E 1800 S GOODING, ID 83330
Current Owner	AMY J WARNER 1794 E 1800 S GOODING, ID 83330

Priority Date: 04/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 3,	Twp 06S,	Rge 15E, B.M.
GOODING County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	14E	36																4.6	4.6

Total Acres: 4.56

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-20847

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-193B.

Comments:

Dates and Other Information:

Claim Received Date: 1/7/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20846
Date Received: 1/7/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEBRA A INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

JOHN N INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

2. Date of Priority: 04/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	NE SW NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.36	

7. Total Quantity Appropriated is:

0.36 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	14E	36	SE	SE	IRRIGATION	15.44
					Section Acres	15.44
					Total Acres	15.44

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-193B.

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2003

JOHN INFANGER
DEBRA INFANGER
1821 S 1800 E
GOODING ID 83330

RE: SRBA Claim(s) 37-193B

Dear Claimants:

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been renumbered to 37-20846, while the portion you sold to Todd and Amy Warner has been numbered 37-20847.

Enclosed please find a copy of your claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

SCANNED

NOV 14 2003

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

RECEIVED
JAN 07 2003
 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.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-193-B		XX			

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) John N. Infanger and Debra A. Infanger
1821 South 1800 East, Gooding, ID 83330
4. New Owner/Claimant(s) Todd J. Warner and Amy J. Warner
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1794 East 1800 South, Gooding, ID 83330
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property November 29, 2002

SCANNED

NOV 14 2003

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)

Todd J. Warner

Amy J. Warner

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>1/7/03</u>	Fee _____
Received by <u>[Signature]</u>	Date _____	Receipt No. _____
Processed by <u>[Signature]</u> AJ	Date <u>1/7/03</u>	WR _____ Date <u>SCANNED</u>

NOV 14 2003

For Value Received

John N. Infanger and Debra A. Infanger, husband and wife

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

Todd J. Warner and Amy J. Warner, husband and wife

Address: 1794 East 1800 South, Gooding, ID 83330

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

TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter more particularly described as follows:

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
Thence North 89°54'06" West a distance of 300.00 feet along the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

This property is subject to the following deed restriction: Purchasers may not sell any portion of this 4.56 acre parcel separate from the entire 4.56 acres. This restriction shall be valid for 10 years from October 31, 2002.

tw dw

SUBJECT TO:

Instrument # 198018

GOODING, GOODING, IDAHO

2002-11-29 02:11:24 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00

Penny Watson

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2002, which are not yet due or payable.

2002 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to two(2) miners inches of water delivered from the Slough Ditch, being split from Water Right No. 37-193B filed with the State of Idaho, Department of Water Resources.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns

NOV 14 2003

of the Grantor forever. The Grantor does hereby covenant to and with the Grantee, that the Grantor is the owner in fee simple of said premises and that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

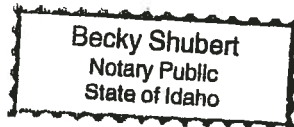
Dated: November 26, 2002

John N. Infanger
John N. Infanger

Debra A. Infanger
Debra A. Infanger

STATE OF IDAHO)
COUNTY OF Gooding) ss.

On this 26th day of November, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared John N. Infanger and Debra A. Infanger, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

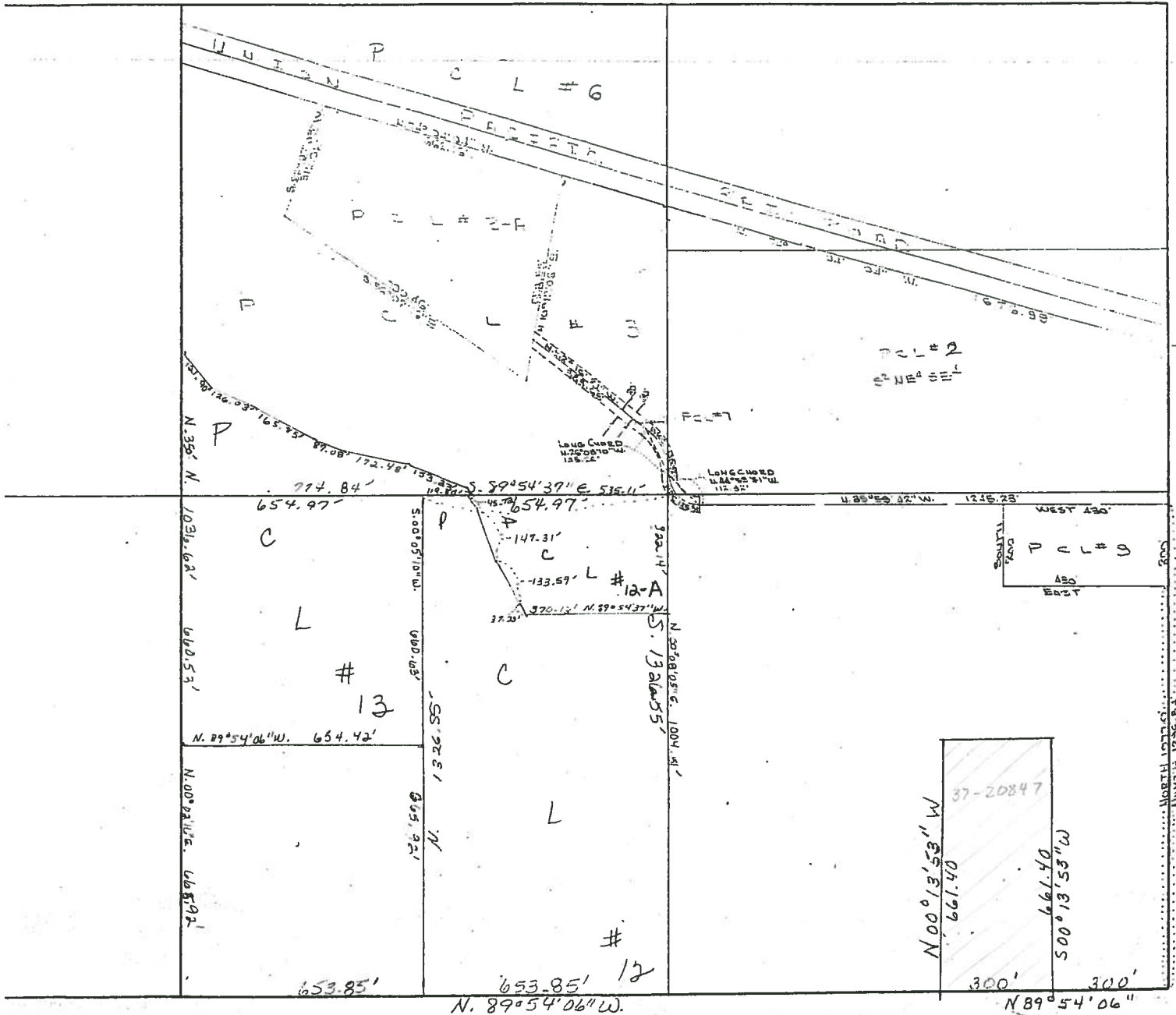


Becky Shubert
Notary Public
Residing at: Wendell ID
My Commission expires: 02-23-08

SCANNED

NOV 14 2003

SOUTH HALF



THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

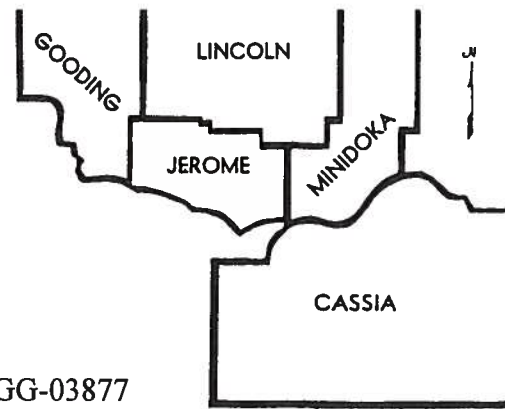
SCANNED

NOV 14 2003

SCALE 1" = 400'

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



January 6, 2003

REFER TO:
OFFICE:

GG-03877
Gooding

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

RE: Change of ownership

Dear Sirs:

RECEIVED
JAN 07 2003
Department of Water Resources
Southern Region

Please find enclosed the paperwork for completing the change of ownership on this right. I did not collect a fee, if you need one please call me right away and I will send you a check. Thank you.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Becky Shubert".

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

SCANNED

NOV 14 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20846

WATER RIGHT NUMBER: 37-20846

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES M LUTHER PO BOX 207 GOODING, ID 83330-0207 (208)934-4595
Current Owner	DEBRA A INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738
Current Owner	JOHN N INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738

Priority Date: 04/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.360 CFS	
<u>Total Diversion:</u>		0.360 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 3,	Twp 06S,	Rge 15E, B.M.
GOODING County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	14E	36																	15.4	15.4

Total Acres: 15.44

Conditions of Approval:Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-193B.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20846

Comments:

Dates and Other Information:

Claim Received Date: 1/7/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2003

TODD WARNER
AMY WARNER
1794 E 1800 S
GOODING ID 83330

RE: SRBA Claim(s) 37-193B

Dear Claimants:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-20847.

Enclosed please find a copy of your claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

SCANNED

NOV 14 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

RECEIVED
JAN 07 2003
Department of Water Resources
Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-193-B		XX			

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) John N. Infanger and Debra A. Infanger
1821 South 1800 East, Gooding, ID 83330
4. New Owner/Claimant(s) Todd J. Warner and Amy J. Warner
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1794 East 1800 South, Gooding, ID 83330
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property November 29, 2002

SCANNED

NOV 14 2003

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)

Todd J. Warner

Amy J. Warner

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>1/7/03</u>	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <u>[Signature]</u> AJ	Date <u>1/7/03</u>	WR _____ Date _____

WARRANTY DEED

#GG-03877

For Value Received

John N. Infanger and Debra A. Infanger, husband and wife

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

Todd J. Warner and Amy J. Warner, husband and wife
Address: 1794 East 1800 South, Gooding, ID 83330

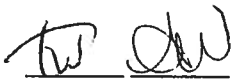
Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter more particularly described as follows:

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
Thence North 89°54'06" West a distance of 300.00 feet along the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

This property is subject to the following deed restriction: Purchasers may not sell any portion of this 4.56 acre parcel separate from the entire 4.56 acres. This restriction shall be valid for 10 years from October 31, 2002.



SUBJECT TO:

Instrument # 198018

GOODING, GOODING, IDAHO

2002-11-29 02:11:24 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00



All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2002, which are not yet due or payable.

2002 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

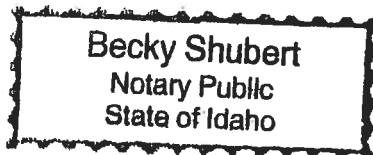
Dated: November 26, 2002

John N. Infanger
John N. Infanger

Debra A. Infanger
Debra A. Infanger

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

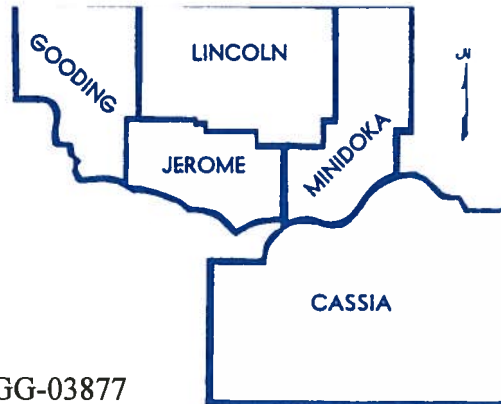
On this 26th day of November, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **John N. Infanger and Debra A. Infanger**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Becky Shubert
Notary Public
Residing at: Wendell ID
My Commission expires: 02-23-08

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



January 6, 2003

REFER TO:
OFFICE:

GG-03877
Gooding

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

RE: Change of ownership

Dear Sirs:

RECEIVED
JAN 07 2003
Department of Water Resources
Southern Region

Please find enclosed the paperwork for completing the change of ownership on this right. I did not collect a fee, if you need one please call me right away and I will send you a check. Thank you.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

SCANNED

NOV 14 2003

Title:		Date: 01-07-2003
Scale: 1 inch = 2000 feet	File:	
Tract 1: 4.555 Acres: 198419 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 1923 Feet		
001=/se,se,se,36,5s,14e	004=n00.1353e 661.40	
002=/n89.5406w 300.00	005=s89.5406e 300.00	
003=n89.5406w 300.00	006=s00.1353w 661.40	

SCANNED

NOV 14 2003

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 37-20847
Date Received: 1/7/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TODD J WARNER Phone:
1794 E 1800 S
GOODING ID 83330

AMY J WARNER Phone:
1794 E 1800 S
GOODING ID 83330

2. Date of Priority: 04/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06S	15E	3	NE	SW	NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	

7. Total Quantity Appropriated is:

0.04 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	14E	36	SE	SE	IRRIGATION	4.56
					Section Acres	4.56
					Total Acres	4.56

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-193B.

15. Basis of Claim: Decreed

RECEIVED

NOV - 4 2003

Department of Water Resources

Right
Water^v 37-193 History

70" NE $\frac{1}{4}$ S. 1 6S 14E & SW/SW 1, 31 5S / SE Dwyer

→ A 20" S $\frac{1}{2}$ NE 1, 1 & SW/SW 1, 31 Dwyer **

T3761

→ B 50" 38 ac N $\frac{1}{2}$ NE 1, 1 Kuntz *

* Claimed as 193A by Kuntz

** Claimed as 193B by Chafinger on 20 ac in SE/SE 1, 36 5S 14E

□ Claim 37-193B → 37-2084⁶ ~~Warner~~ Chafinger 0.36 cfs 18.6 ac (amended)

→ 37-20847 Warner 0.04 cfs 4.56 ac

□ FSA photo shows 18.6 ac irrigated in SE/SE 1, 36

One View ≈ 19.8 ac

DOQ shows ≈ 19.6 ac

Claim 37-20846 → 37-21172 Chafinger 14.04 ac 0.32 cfs

→ 37-21173 Quellhorst 0.04 cfs 4.56 ac

Post-it [®] Fax Note	7671	Date	# of pages ▶ 1
To	Carter Fritschle	From	Jim Stanton
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-193B

WATER RIGHT NUMBER: 37-193B

RECEIVED

JAN - 9 2003

Department of Water Resources

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES M LUTHER PO BOX 207 GOODING, ID 83330-0207 (208)934-4595
Current Owner	DEBRA A INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738
Current Owner	JOHN N INFANGER 1821 S 1800 E GOODING, ID 83330 (208)934-5738

Priority Date: 04/01/1883

Basis: Decreed

Status: **PARENT**

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.400 CFS	
	<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 3,	TwP 06S,	Rge 15E, B.M.
GOODING County				

Place of UseIRRIGATION Within GOODING County

T05S R14E S36 SESE 20.0

Total Acres: 20

Conditions of Approval:Remarks:

1. General **SPLIT RIGHT: SEE RIGHT NOS. 37-20846 AND 37-20847.**

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-193B

Dates and Other Information:

Claim Received Date: 8/11/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-193B
Date Received: 8/11/1988
Receipt No: M001032
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEBRA A INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

JOHN N INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

2. Date of Priority: 04/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	NE SW NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:
0.4 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	14E	36	SE	SE	IRRIGATION	20
					Section Acres	20
					Total Acres	20

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:

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

February 7, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**JOHN N INFANGER
DEBRA A INFANGER
1821 S 1800 E
GOODING ID 83330**

**Re: SRBA Claim 37-193B
Decreed Water Right 37-10884**

Dear Mr. and Mrs. Infanger:

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.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 06 2002
 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.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-0193					
37-10884					

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) Clive A. Pope and Vivian H. Pope
1773 E. 1850 S., Gooding, ID 83330
4. New Owner/Claimant(s) John N. Infanger and Debra A. Infanger
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 1821 S 1800 E
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number (208) 934-5909 work 934-5738 home
5. Date you acquired the property February 2002

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)

John N. Infanger
John N. Infanger
Debra A. Infanger
Debra A. Infanger

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 <i>Howatt</i>	Date <i>2/7/02</i>	Fee <i>25.00</i>
Received by <i>Howatt</i>	Date <i>2/7/02</i>	Receipt No. <i>5024588</i>
Processed by <i>Howatt</i> AJ	Date <i>2/7/02</i>	WR _____ Date _____

WARRANTY DEED

#GG-03289

For Value Received

Clive A. Pope and Vivian H. Pope, husband and wife

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

John N. Infanger and Debra A. Infanger, husband and wife

Address: 821 South 1800 East, Gooding, ID 83330

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

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

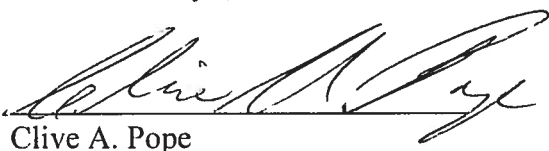
Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

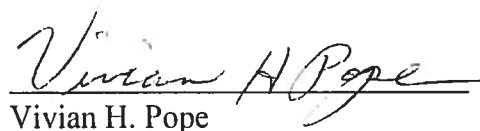
Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 20 inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

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

Dated: February 5, 2002


Clive A. Pope


Vivian H. Pope

Instrument # 193844

GOODING, GOODING, IDAHO

2002-02-04 03:48:28 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

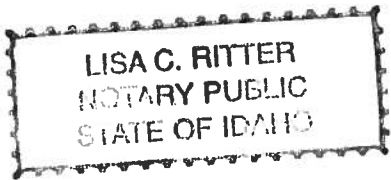
Ex-Officio Recorder Deputy

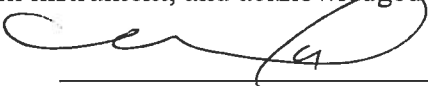
Fee: 6.00



STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 4 day of **February, 2002**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Clive A. Pope and Vivian H. Pope**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.





Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/06/04

WARRANTY DEED

#GG-03132

For Value Received

Nancy Ballard as Personal Representative of the Estate of Charles M. Luther, deceased, pursuant to Letters Testamentary, Dated March 13, 2001, Case number SP-01-00041, Gooding County Fifth Judicial District, recorded as Instrument number 189746, Gooding County records

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

**Clive A. Pope and Vivian H. Pope, husband and wife
Address: 1773 East 1850 South, Gooding, ID 83330**

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

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the railroad;

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2001, which are not yet due or payable.

2001 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Orra Bliss, his wife to Idaho Power Company, a corporation, dated June 21, 1935, recorded April 22, 1936 in Book 4 of Miscellaneous at Page 45 as Instrument Number 64395, Gooding County records, affecting SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Ora Bliss, his wife to Idaho Power Company, a corporation, dated April 4, 1940, recorded September 6, 1940 in Book 4 of Miscellaneous at Page 429 as Instrument

Instrument # 193075

GOODING, GOODING, IDAHO

2001-11-30

02:09:04

No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 6.00



Number 78119, Gooding County records, affecting SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Easement given by R.F. Bliss and Owa E. Bliss to The Mountain States Telephone and Telegraph Co. the right, privilege and authority to construct, operate and maintain its lines, dated November 25, 1941, recorded May 23, 1942 in Book 5 of Miscellaneous at Page 131 as Instrument Number 84174, Gooding County records, affecting the N½SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Charles M. Luther, unmarried to Idaho Power Company, a corporation, dated July 31, 1967, recorded February 23, 1968 as Instrument Number 24412, Gooding County records, affecting the SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian..

Unrecorded lease executed by Charles M. Luther, Lessor, and City of Gooding, Lessee, upon the terms, conditions and provisions contained therein, constructive notice of which is given by instrument recorded July 28, 1985, as Instrument No. 115623, Gooding County records.

Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 30 shares of stock in Big Wood Canal Company and twenty inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

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

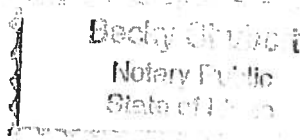
Dated: November 29, 2001

Nancy Ballard
Nancy Ballard as Personal Representative
of the Estate of Charles M. Luther, Deceased

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 30th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ballard, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Charles M. Luther, and acknowledged to me that she executed the same as such Personal Representative.

Becky Shuckert
Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05



1800 E

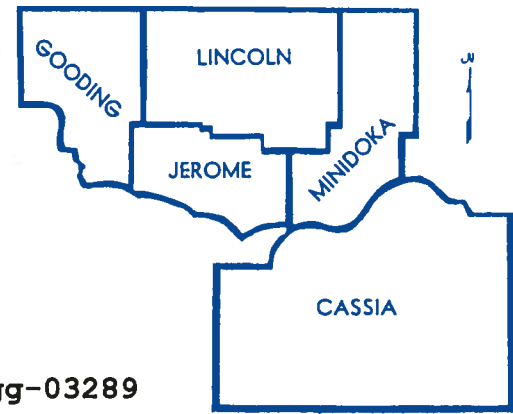
25
36

25 30
36 31



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE:

gg-03289
Gooding

February 5, 2002

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

RECEIVED
FEB 06 2002
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Pope to Infanger
Cert Mail #7000 0520 0015 3076 1735

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
for Water Right Number 37-0193
- Copy of Deed #193075 & 193844
- Copy of Map
- Check #11465 in the amount of \$25.00 for fee

Thank you,

LAND TITLE AND ESCROW, INC.


Lisa Ritter
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1199

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 37-193B
Date Received: 8/11/1988
Receipt No: M001032
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VIVIAN H POPE Phone: (208)934-5370
1773 E 1850 S
GOODING ID 83330

CLIVE A POPE Phone: (208)934-5370
1773 E 1850 S
GOODING ID 83330

2. Date of Priority: 04/01/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	NE SW NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:

0.4 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	14E	36	SE	SE	IRRIGATION	20
					Section Acres	20
					Total Acres	20

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:

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2002

VIVIAN H POPE
CLIVE A POPE
1773 E 1850 S
GOODING ID 83330

Re: SRBA Claim(s) 37-193B
Decreed Water Rights 37-10883, 37-10884

Dear Mr. and Mrs. Pope:

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,

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

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED**DEC 14 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.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-193B	37-10883	—			—
	37-10884	—			—
		—			—
		—			—
		—			—

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) Charles M. Luther Estate
1817 S 1750 E. Gooding, ID 83330
4. New Owner/Claimant(s) Clive A. Pope, 1773E 1850 S, Gooding, ID 83330
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address Vivian H Pope
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property 11-29-2001

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)

Clive A. Pope
Clive A. Pope

Vivian H. Pope
Vivian H. Pope

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> AJ	Date <i>1/9/02</i>	WR _____ Date _____

WARRANTY DEED

#GG-03132

For Value Received

Nancy Ballard as Personal Representative of the Estate of Charles M. Luther, deceased, pursuant to Letters Testamentary, Dated March 13, 2001, Case number SP-01-00041, Gooding County Fifth Judicial District, recorded as Instrument number 189746, Gooding County records

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

**Clive A. Pope and Vivian H. Pope, husband and wife
Address: 1773 East 1850 South, Gooding, ID 83330**

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

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the railroad;

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2001, which are not yet due or payable.

2001 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Instrument # 193075

GOODING, GOODING, IDAHO

2001-11-30

02:09:04

No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 6.00

H. Edwards

Number 78119, Gooding County records, affecting SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Easement given by R.F. Bliss and Owa E. Bliss to The Mountain States Telephone and Telegraph Co. the right, privilege and authority to construct, operate and maintain its lines, dated November 25, 1941, recorded May 23, 1942 in Book 5 of Miscellaneous at Page 131 as Instrument Number 84174, Gooding County records, affecting the N¼SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Charles M. Luther, unmarried to Idaho Power Company, a corporation, dated July 31, 1967, recorded February 23, 1968 as Instrument Number 24412, Gooding County records, affecting the SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian..

Unrecorded lease executed by Charles M. Luther, Lessor, and City of Gooding, Lessee, upon the terms, conditions and provisions contained therein, constructive notice of which is given by instrument recorded July 28, 1985, as Instrument No. 115623, Gooding County records.

Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 30 shares of stock in Big Wood Canal Company and twenty inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

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

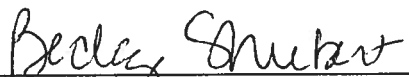
Dated: November 29, 2001



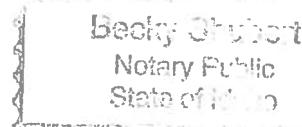
Nancy Ballard as Personal Representative
of the Estate of Charles M. Luther, Deceased

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 30th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ballard, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Charles M. Luther, and acknowledged to me that she executed the same as such Personal Representative.



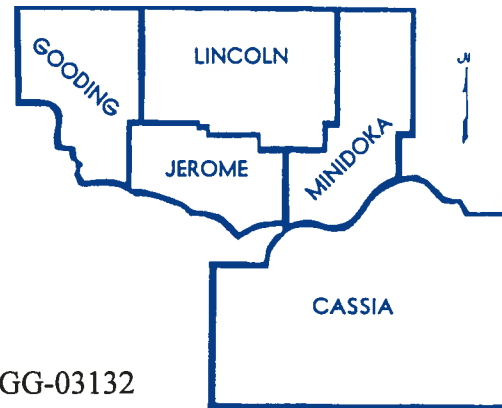
Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05





Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



December 13, 2001

REFER TO:
OFFICE:

GG-03132
Gooding

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

RECEIVED

DEC 14 2001

Department of Water Resources
Southern Region

RE: Charles Luther Estate to Clive Pope

Dear Sir /Madam:

Please find enclosed the documents necessary to complete the transfer of ownership. I was told there was no fee.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1199

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: A37-00193B
Date Received: 8/11/1988
Receipt No: M001032
Received By: GC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES M. LUTHER 208-934-5153
Address: 1817 S. 1750 E.
GOODING, ID 83330

2. Date of Priority: APR 01, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	15E	3	NE	SW	NW		GOODING

5. Description of diverting works:
SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	14E	36	SE	SE		IRR	20.0
Section Acres							20.0

A37-00193B

Page 1

Date: 08/11/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 20.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER CO. ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Charles M. Luther Date: 8-11-88

Date: _____

State of Idaho)
County of Goodwin) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of Aug 19 88

John Dale Cole
Notary Public

Seal

Residing at Boise ID

My Commission Expires 4/2/94

57° 30"

Charles Luther

TRIBE PLANNED

200 NESNW

SECTION 3

T06S R15E

T5S

T6S

POU

SE SE

SECTION 36

T05S R14E



06/09/2015

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

RIGHT NUMBER: 37-20847

NAME AND ADDRESS: ROMAN GARZA
MELISSA GARZA
1794 E 1800 S
GOODING ID 83330

BARBARA A HUSOME
ROBERT C HUSOME
4490 N 1325 E
BUHL ID 83316

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SNNW Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 3.80

3.8 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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

~~The source of this right is waste water originally diverted by the Big Wood Canal Co.~~

~~Water is delivered through the Slough Ditch.~~

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-20847

NAME AND ADDRESS: BARBARA A HUSOME
ROBERT G HUSOME
4490 N 1325 E
BUHL, ID 83316

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION: T06S R15E S03 SWNW Within Gooding County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.04 CFS

PLACE OF USE: Irrigation
T05S R14E S36 SESE 3.8 Within Gooding County
3.8 Acres Total

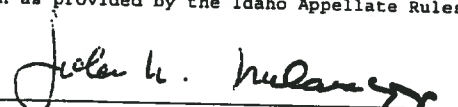
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

May 13, 2004

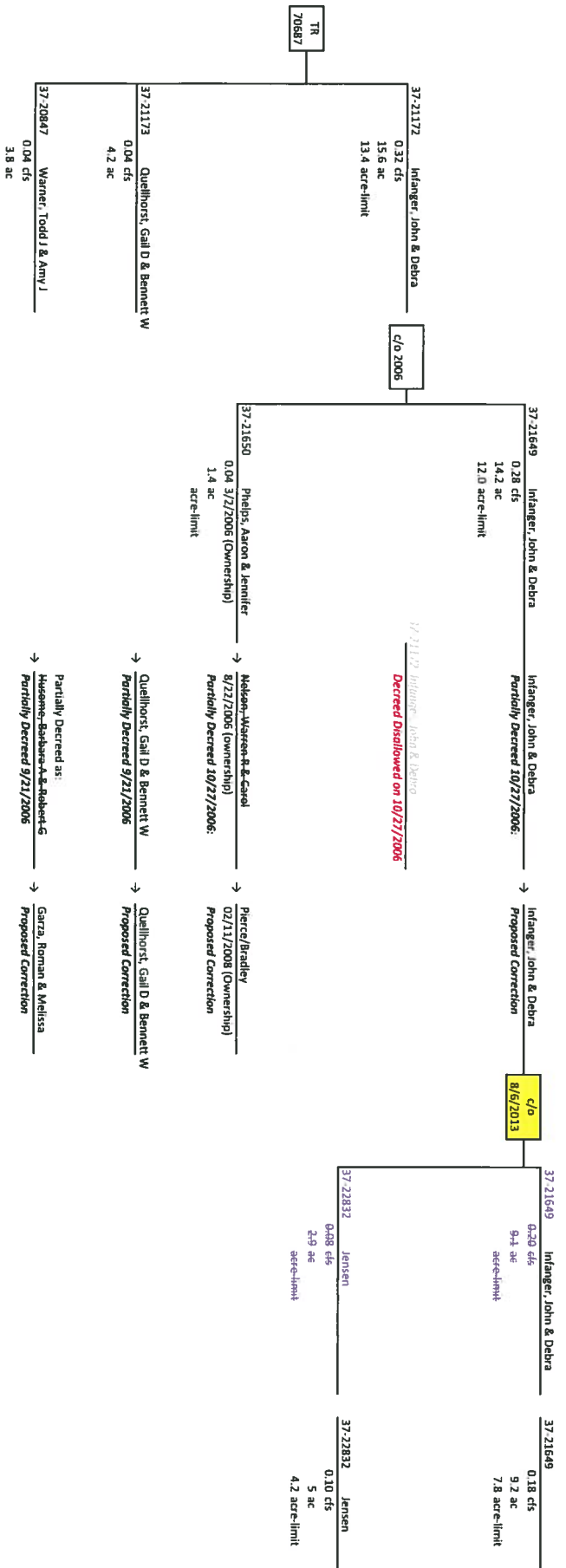
3/7/2006

Should be: 10/27/2006

Currently on the Database

Currently on the Database

Should be:



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

RIGHT NUMBER: 37-20847

NAME AND ADDRESS: ROMAN GARZA
1794 E 1800 S
GOODING ID 83330

MELISSA GARZA
1794 E 1800 S
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF

DIVERSION: ~~T06S R15E S3 SWNW~~ T05S R14E S36 SESE Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.040 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 3.80

3.8 ACRES TOTAL

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

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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.~~

~~Water is delivered through the Slough Ditch.~~

~~The source of this right is waste water originally diverted by the Big Wood Canal Co.~~

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, April 23, 2015 1:34 PM
To: Luke, Tim
Cc: Blades, Emmi; Jones, Doug
Subject: RE: 37-20847

Tim,

I found the file in Carters office. In it is a Proposed Correction to Partial Decree dated 3/4/2014. In the draft Proposed Correction, the B02 condition is struck through indicating they were intending to remove it. However, it isn't one the courts webpage so if they were going to submit the request to correct the PD, it never went through.

Vicki might know something about it. Am copying her on this to see if she has any input.

At a minimum, it looks like need for the B02 condition has been questioned fairly recently.

Thanks,
c

From: Saxton, Craig
Sent: Thursday, April 23, 2015 1:16 PM
To: Luke, Tim; Jones, Doug
Cc: Blades, Emmi
Subject: RE: 37-20847

Hey Tim,

I don't know why it is there, but I can tell you it was on the original Director's Report submitted to the court. The Director's Report is dated 11/4/2005. Everything I see indicates that it was intentional...but I don't see it addressed anywhere.

B02 is an explanatory condition/remark (I don't think we distinguish a difference between a condition or remark anymore) so the fact that it isn't displayed on the Partial Decree is expected.

As to what kind of legal basis or credibility... that all depends. On May 4, 2012, Judge Wildman issued a ruling that among other things, concluded that an explanatory remark does have significance despite it not being on the partial decree. I have attached an e-mail where Chris Bromley summarizes the decision. Attached to Chris' email is Wildman's order.

I looked around for the file. It was last bar coded in transit to Carter in 2003. I will ask Lori H. if she has any ideas of where it might be and let you know if we find anything.

Later,
c

From: Luke, Tim
Sent: Thursday, April 23, 2015 11:31 AM
To: Saxton, Craig; Jones, Doug

Cc: Blades, Emmi
Subject: 37-20847

Gents,

Carter is out but hoping one of you could help with explaining a specific condition that appears on decreed right 37-20847. See attached, the condition in question is B02. This right is one of the numerous rights included in the Little Wood River delivery call. This condition or comment does not appear on the partial decree, and it is not on the right as approved by a 2004 transfer. The partial decree was issued in 2006. The condition seems a bit odd to me given the rather senior priority date and the fact that the source on the right is Little Wood River. The right seems to have been split from an old decree/natural flow right (37-193B). Interestingly though, Kevin Lakey did advise me that there is not a direct conveyance of water from the river to the property but there is a nearby ditch or channel off the tail end of one of the Big Wood Canal Company ditches/laterals which just sinks water about 800 ft away.

Is condition B02 appropriate on this particular right and/or is there a reason it was included? Is it a condition or remark? If it is appropriate, does it have any legal basis or credibility?

Tim

Saxton, Craig

From: Luke, Tim
Sent: Thursday, April 23, 2015 2:00 PM
To: Jones, Doug; Saxton, Craig
Cc: Blades, Emmi
Subject: RE: 37-20847

I'm totally confused – the POD on the PD, transfer and Spatial Layer do not match, so I have three records all with different POD locations. Why is the spatial location different than the PD or transfer? What is the correct or official POD of record? The watermaster says the water right POD is the Slough 93.

Doug – maybe you could call me?

From: Jones, Doug
Sent: Thursday, April 23, 2015 1:49 PM
To: Saxton, Craig; Luke, Tim
Cc: Blades, Emmi
Subject: RE: 37-20847

.... Furthermore, the transfer was approved in 2004 and the Partial Decree issued in 2006. The P.D. represents pre-Transfer_Approval record, except for the claim which WAS updated by the transfer approval. Apparently the approval came to Southern Region and the file was in Carter's office – no Notice of Completed Admin Proceeding was sent to the court. The presently described diversion on the record is the head of the Slough Ditch. The transfer moved it to a pump near the PoU in SESE Sec36. The Docs files are informative.

Doug

From: Saxton, Craig
Sent: Thursday, April 23, 2015 1:16 PM
To: Luke, Tim; Jones, Doug
Cc: Blades, Emmi
Subject: RE: 37-20847

Hey Tim,

I don't know why it is there, but I can tell you it was on the original Director's Report submitted to the court. The Director's Report is dated 11/4/2005. Everything I see indicates that it was intentional...but I don't see it addressed anywhere.

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I looked around for the file. It was last bar coded in transit to Carter in 2003. I will ask Lori H. if she has any ideas of where it might be and let you know if we find anything.

Later,

C

From: Luke, Tim
Sent: Thursday, April 23, 2015 11:31 AM
To: Saxton, Craig; Jones, Doug
Cc: Blades, Emmi
Subject: 37-20847

Gents,

Carter is out but hoping one of you could help with explaining a specific condition that appears on decreed right 37-20847. See attached, the condition in question is B02. This right is one of the numerous rights included in the Little Wood River delivery call. This condition or comment does not appear on the partial decree, and it is not on the right as approved by a 2004 transfer. The partial decree was issued in 2006. The condition seems a bit odd to me given the rather senior priority date and the fact that the source on the right is Little Wood River. The right seems to have been split from an old decree/natural flow right (37-193B). Interestingly though, Kevin Lakey did advise me that there is not a direct conveyance of water from the river to the property but there is a nearby ditch or channel off the tail end of one of the Big Wood Canal Company ditches/laterals which just sinks water about 800 ft away.

Is condition B02 appropriate on this particular right and/or is there a reason it was included? Is it a condition or remark? If it is appropriate, does it have any legal basis or credibility?

Tim

04/05/2005

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

RIGHT NUMBER: 37-20847

NAME AND ADDRESS: ROBERT G HUSOME
4490 N 1325 E
BUHL ID 83316

BARBARA A HUSOME
4490 N 1325 E
BUHL ID 83316

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T06S R15E S3 SWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.040 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36 SESE 3.8

3.8 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.

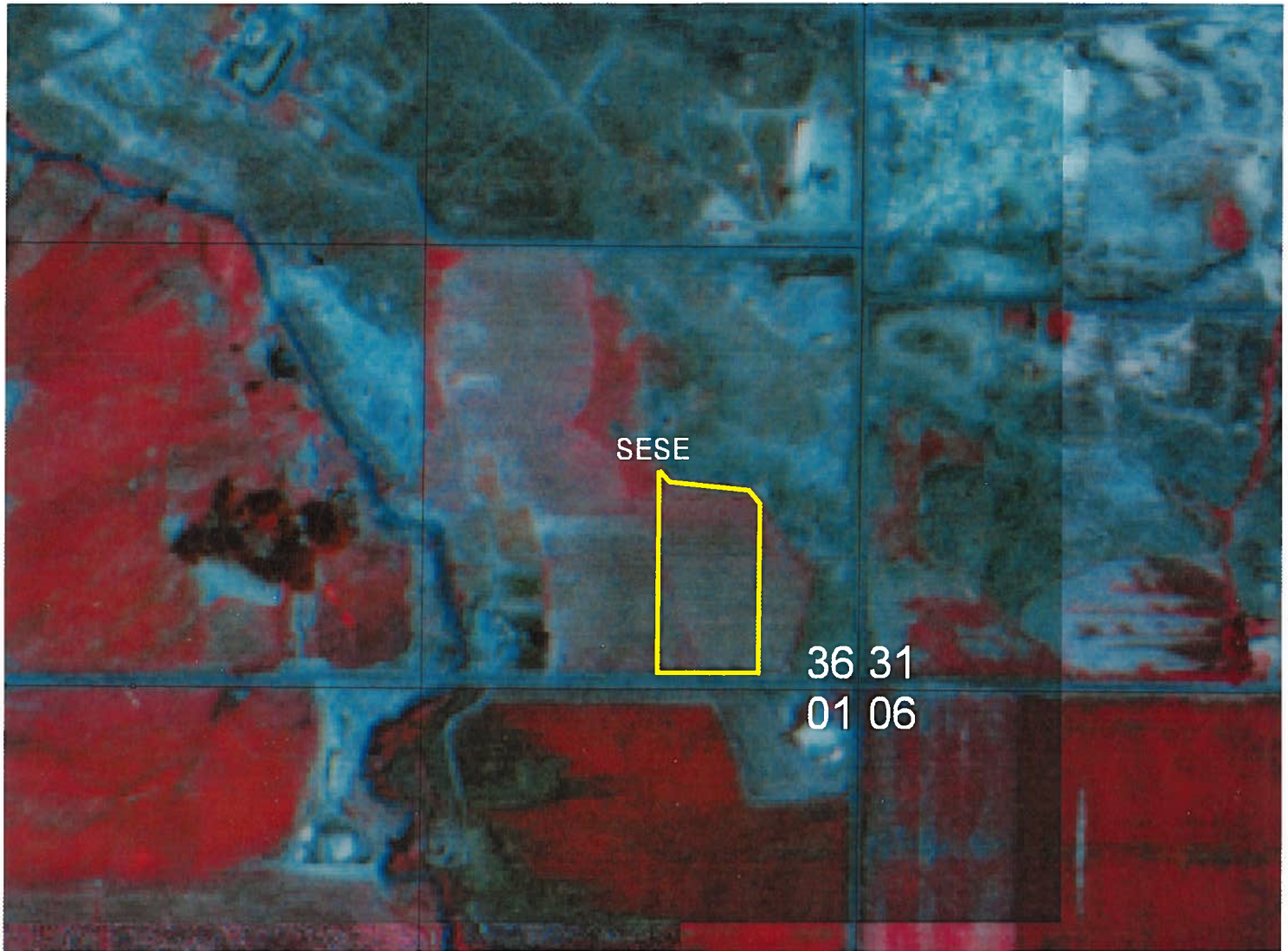
EXPLANATORY MATERIAL: Decreed

The source of this right is waste water originally diverted by the Big Wood Canal Co.

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

Water is delivered through the Slough Ditch.

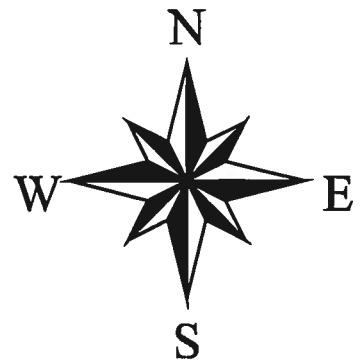
37-20847



600 0 600 1200 1800 Feet

T05S R14E S36

Map prepared by: Carter Fritschle
Date prepared: 11/14/03
1987-1988 NAPP photography
Idaho Department of Water Resources



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70687**

This is to certify that: JOHN N INFANGER

1821 S 1800 E
GOODING ID 83330
(208)934-5738

And

DEBRA A INFANGER

1821 S 1800 E
GOODING ID 83330
(208)934-5738

And

TODD J WARNER

1794 E 1800 S
GOODING ID 83330
(208)934-5738

And

AMY J WARNER

1794 E 1800 S
GOODING ID 83330
(208)934-5738

And

BENNETT W QUELLHORST

1786 E 1800 S
GOODING ID 83330
(208)934-5738

And

GAIL D QUELLHORST

1786 E 1800 S
GOODING ID 83330
(208)934-5738

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70687

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20847	AJC/Decreed	04/01/1883	0.04 cfs	N/A	N/A	3.8	LITTLE WOOD RIVER
37-21172	AJC/Decreed	04/01/1883	0.32 cfs	N/A	N/A	13.4	LITTLE WOOD RIVER
37-21173	AJC/Decreed	04/01/1883	0.04 cfs	N/A	N/A	4.2	LITTLE WOOD RIVER

Purpose of Transfer (Changes Proposed)

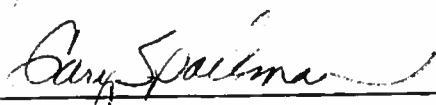
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20847	NO	YES	NO	NO	NO	NO
37-21172	NO	YES	YES	NO	NO	NO
37-21173	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20847	37-20847	0.04 cfs	N/A	N/A	3.8		N/A	N/A	N/A	N/A
37-21172	37-21172	0.32 cfs	N/A	13.4	15.6		N/A	N/A	N/A	N/A
37-21173	37-21173	0.04 cfs	N/A	N/A	4.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.40 cfs	N/A	21.4	23.6		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21172
As Modified by Transfer No. 70687

In accordance with the approval of Transfer No. 70687, Water Right No. 37-21172 is now described as follows.

Right Holder: DEBRA A INFANGER
 1821 S 1800 E
 GOODING ID 83330

And

JOHN N INFANGER
 1821 S 1800 E
 GOODING ID 83330

Priority Date: April 01, 1883

Source: LITTLE WOOD RIVER

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.32 CFS	
			0.32 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE WOOD RIVER SWSESE Sec. 36 Twp 05S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	14E	36																	15.6

Total Acres: 15.6

WATER RIGHT NO. 37-21172
As Modified by Transfer No. 70687

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.4 acres within the place of use described above in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21173
As Modified by Transfer No. 70687

In accordance with the approval of Transfer No. 70687, Water Right No. 37-21173 is now described as follows.

Right Holder: GAIL D QUELLHORST
 1786 E 1800 S
 GOODING ID 83330

And

BENNETT W QUELLHORST
 1786 E 1800 S
 GOODING ID 83330

Priority Date: April 01, 1883

Source: LITTLE WOOD RIVER

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.04 CFS	
			0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE WOOD RIVER SWSESE Sec. 36 Twp 05S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	14E	36																4.2	4.2

Total Acres: 4.2

WATER RIGHT NO. 37-21173
As Modified by Transfer No. 70687

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20847
As Modified by Transfer No. 70687

In accordance with the approval of Transfer No. 70687, Water Right No. 37-20847 is now described as follows.

Right Holder: TODD J WARNER
1794 E 1800 S
GOODING ID 83330

And

AMY J WARNER
1794 E 1800 S
GOODING ID 83330

Priority Date: April 01, 1883

Source: LITTLE WOOD RIVER

Tributary: BIG WOOD RIVER

BENEFICIAL USE

IRRIGATION

From

03/15 to 11/15

To

Diversion Rate

0.04 CFS

0.04 CFS

Volume

LOCATION OF POINT(S) OF DIVERSION:

LITTLE WOOD RIVER SWSESE Sec. 36 Twp 05S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S 14E 36																	3.8
																	3.8

Total Acres: 3.8

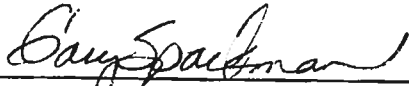
WATER RIGHT NO. 37-20847
As Modified by Transfer No. 70687

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of May, 2004



Chief, Water Allocation Bureau

11/01/2005

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

RIGHT NUMBER: 37-20847

NAME AND ADDRESS: ROBERT G HUSOME
4490 N 1325 E
BUHL ID 83316

BARBARA A HUSOME
4490 N 1325 E
BUHL ID 83316

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF
DIVERSION: T06S R15E S3 SWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36 SESE 3.8

3.8 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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through the Slough Ditch.

The source of this right is waste water originally diverted by the Big Wood Canal Co.