

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: A37-00471

Date Received: 7/12/1988

Receipt No: S000883

Received By: *QC ASB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOE MATHENEY 208-726-1680
Address: PO BOX 1773
SUN VALLEY ID 83353
AND/OR
Name: CLARK BIEDEBACH 208-726-1680
Address: PO BOX 1773
SUN VALLEY ID 83353

2. Date of Priority: APR 30, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	19E	4	SW	SW	NE		LINCOLN

5. Description of diverting works:
APPELL #60 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 384.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	19E	4	NW	NW		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	19E	4	SW		NW		IRR	33.0
			SE		NW		IRR	7.0
			NE		SW		IRR	5.5
			NW		SW		IRR	26.0
			SW		SW		IRR	10.5
			Section Acres					86.0
		5	SE		NE		IRR	7.0
			NE		SE		IRR	14.0
			SE		SE		IRR	14.0
			Section Acres					35.0
			Total Acres					121.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A37-01125

14. Remarks:

NW,NW NOT LISTED IN DECREE BUT CLAIMED UNDER PRESUMPTION CLAUSE.
LAND HAS BEEN UNDER IRRIGATION SINCE 1984 BUT IS NOT USED
DURING DRY YEARS DUE TO LACK OF WATER.
P/D NOT LISTED IN DECREE BUT AS GIVEN BY WATERMASTER.

OWNERSHIP CHANGE MADE 6/17/97 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant



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

JUL 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOE MATHENEY & CLARK BIEDEBACH
PO BOX 1773
SUN VALLEY ID 83353

RE: SRBA CLAIM(S): A37-00471 & A37-01125
APPELL

DEAR CLAIMANT(S):

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

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

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

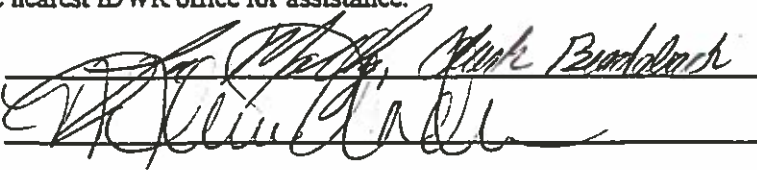
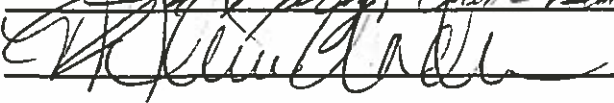
TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

1. Water Right Number(s) 37-0471, 37-1125 APR 21 1997
Adjudication Claim Number(s) _____ Department of Water Resources
Southern Region
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) EDWARD & KATHERINE APPEL
4. New Owner/Claimant(s) JOE MATHENEY & CLARK BIEDEBACH
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address PO BOX 1773, SUN VALLEY, ID 83353
City, State and ZIP Code SUN VALLEY, ID 83353
New Telephone Number (208) 726-1680
5. Date you acquired the property 2-28-97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 2/28/97
 Date _____
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED

APR 21 1997

Department of Water Resources
Southern Region

EXHIBIT A

PARCEL I

Township 5 South, Range 19 East of the Boise Meridian, Lincoln County, Idaho

Section 5: A parcel of land more particularly described as follows:

COMMENCING at a 1980 brass cap marking the Southeast corner of said Section 5 and the TRUE POINT OF BEGINNING;
Thence South 89°51'51" West, 1,324.09 feet along the South boundary of said Section 5;
Thence North 00°11'26" East, 1,885.44 feet along the West boundary of the SE1/4NE1/4 of said Section 5;
Thence North 50°27'38" East, 281.86 feet to a 1/2 inch rebar;
Thence North 09°20'30" East, 1,170.81 feet to the South boundary of the Highway 93 right-of-way according to the Quitclaim Deed from Appell to State of Idaho, Idaho Department of Transportation Department recorded September 7, 1990 as Instrument Number 154245, Lincoln County records;
Thence North 66°22'31" East, 810.13 feet along the South boundary of said right-of-way to a brass cap stamped Idaho Transportation Department;
Thence 211.03 feet along a curve to the left with a central angle of 12°09'07", a radius of 995 feet and a long chord of 210.64 feet that bears North 60°17'58" East to the East boundary of said Section 5;
Thence South 00°13'57" West, 3,646.06 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO A 20 FOOT WIDE NON-EXCLUSIVE ACCESS EASEMENT DESCRIBED AS FOLLOWS:

Commencing at a 1980 brass cap marking the South 1/4 corner of said Section 5;
Thence North 89°51'51" East, 2,648.18 feet along the South boundary of said Section 5 to a 1980 brass cap marking the Southeast corner of said Section 5;
Thence North 28°05'28" West, 2,337.03 feet to a 1/2 inch rebar marking the Southeast corner of Lot 1, Appell Farm and the TRUE POINT OF BEGINNING;
Thence North 09°20'30" East, 1,170.81 feet along the boundary common to Lots 1 and 2, Appell Farm to the South boundary of the Highway 93 Right-of-Way, according to the Quitclaim Deed from Appell to State of Idaho, Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154245, Lincoln County records;
Thence North 66°22'31" East, 23.84 feet along the South boundary of said right-of-way;
Thence South 09°20'30" West, 1,183.78 feet;
Thence North 80°39'30" West, 20.00 feet to the TRUE POINT OF BEGINNING.

L970010

PARCEL II

Township 5 South, Range 19 East of the Boise Meridian, Lincoln County, Idaho

Section 4: SW1/4SW1/4, N1/2SW1/4, S1/2NW1/4

EXCEPTING therefrom the Highway 93 Right-of-Way as described in the Quitclaim Deeds from Appell to State of Idaho, Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154245 and Instrument Number 154247, Lincoln County records.

SUBJECT to an easement for the purpose of constructing and maintaining an 18 inch pipe siphon and headwall as set forth in the Grant of Easement from Appell to Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154246, Lincoln County records.

L970010

2

Order No. 19757

WARRANTY DEED

For Value Received Edward C. Appell and Katherine J. Appell, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Clark Biedebach, a married man and Joe Matheney, an unmarried man, each as
to an undivided 50% interest
whose address is: P.O. Box 54, Richfield Idaho 83349

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

See Exhibit "A" Attached hereto

Together with the following Water Rights: 37-0471, Priority Date
4/3/1884 - 100 inches (100") and 37-1125, Priority Date 5/20/1908 -
160 inches (160")

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

Dated: February 27, 1997

Edward C. Appell
Edward C. Appell

Katherine J. Appell
Katherine J. Appell

State of Idaho

County of Blaine

On this 28th day of February, 1997, before me, the undersigned, a Notary Public in and for said State, personally
appeared Edward C. Appell and Katherine J. Appell, personally known to me (or proved to me on the basis of satisfactory
evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the
same.

WITNESS my hand and official seal.

Tami K. Sorenson
Signature

Commission Expires: 7-12-2001



RECEIVED

APR 21 1997

Department of Water Resources
Southern Region



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: A37-00471
Date Received: 7/12/1988
Receipt No: S000883
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD C. APPELL 208-487-2255
Address: BOX 15
RICHFIELD, ID 83349

2. Date of Priority: APR 30, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	19E	4	SW	SW	NE		LINCOLN

5. Description of diverting works:
APPELL #60 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 384.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	19E	4	NW	NW		IRR	4.0
			SW	NW		IRR	33.0
			SE	NW		IRR	7.0
			NE	SW		IRR	5.5

A37-00471

Page 1

Date: 07/12/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	19E	4	NW	SW		IRR	26.0
			SW	SW		IRR	10.5
			Section Acres				86.0
		5	SE	NE		IRR	7.0
			NE	SE		IRR	14.0
			SE	SE		IRR	14.0
			Section Acres				35.0
			Total Acres				121.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A37-01125

14. Remarks:
NW,NW NOT LISTED IN DECREE BUT CLAIMED UNDER PRESUMPTION CLAUSE.
LAND HAS BEEN UNDER IRRIGATION SINCE 1984 BUT IS NOT USED
DURING DRY YEARS DUE TO LACK OF WATER.
P/D NOT LISTED IN DECREE BUT AS GIVEN BY WATERMASTER.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 22 1993

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Edward C. Appell Date: 7/12/88
Date: _____

State of Idaho)
County of Twin Falls) SS.

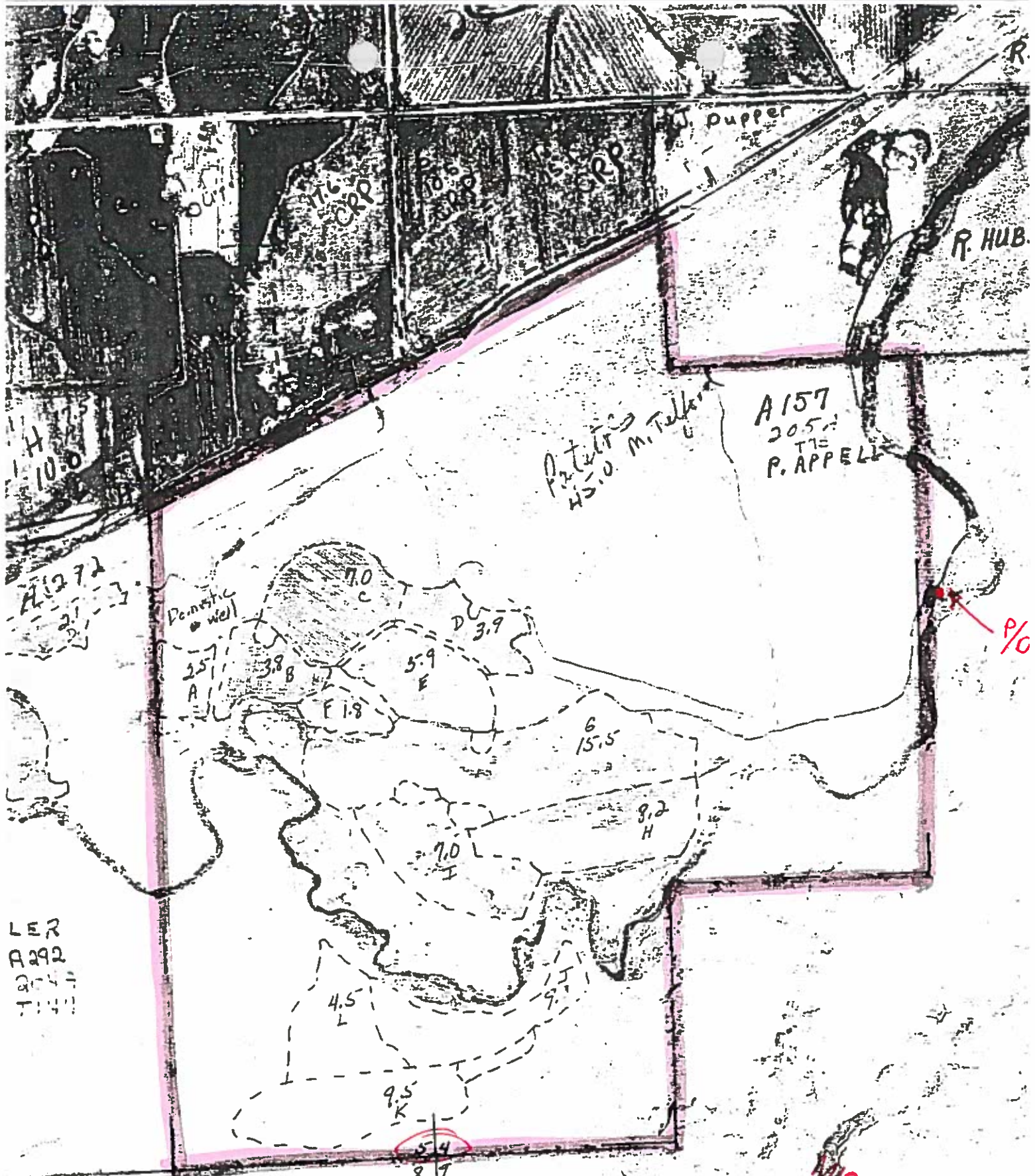
Subscribed and sworn (or affirmed) before me this 12th day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Leading Id
My Commission Expires 10/16/1992



45.0 4.5
 10.8 9.5
 7.0 9.0
 1.8
 5.9 128.1
 3.9
 15.5
 7.0

55.
 19E.

MICROFILMED
 FEB 22 1993
 A37-00471

RECEIVED

04/12/2005 MAY 24 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-471

JOE MATHENEY
PO BOX 54
RICHFIELD ID 83349
Telephone Number: (208)487-3191

MELISSA MATHENEY
PO BOX 54
RICHFIELD ID 83349

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

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

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

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

DATE: 5-20-05

SIGNATURE:

Please print your name:

Joe Matheny
Joe Matheny

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED

MAY 24 2005

04/24/2003

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

RIGHT NUMBER: 37-471
NAME AND ADDRESS: CLARK BIEDEBACH
PO BOX 1773
SUN VALLEY ID 83353

JOE MATHENEY
PO BOX 1773
SUN VALLEY ID 83353

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 2.000 CFS
PRIORITY DATE: 04/30/1884
POINT OF DIVERSION:

T05S R19E S4 SWSWNE Within LINCOLN County Source: LITTLE WOOD RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R19E S04 Lot 4 NWNW	2.0	T05S R19E S04	SWNW	31.0	
T05S R19E S04	SENW	10.0	T05S R19E S04	NESW	7.1
T05S R19E S04	NWSW	29.0	T05S R19E S04	SWSW	7.9
T05S R19E S05	SENE	5.0	T05S R19E S05	NESE	15.0
T05S R19E S05	SESE	14.0			

121 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-1125 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 121 ACRES IN A SINGLE
IRRIGATION SEASON.

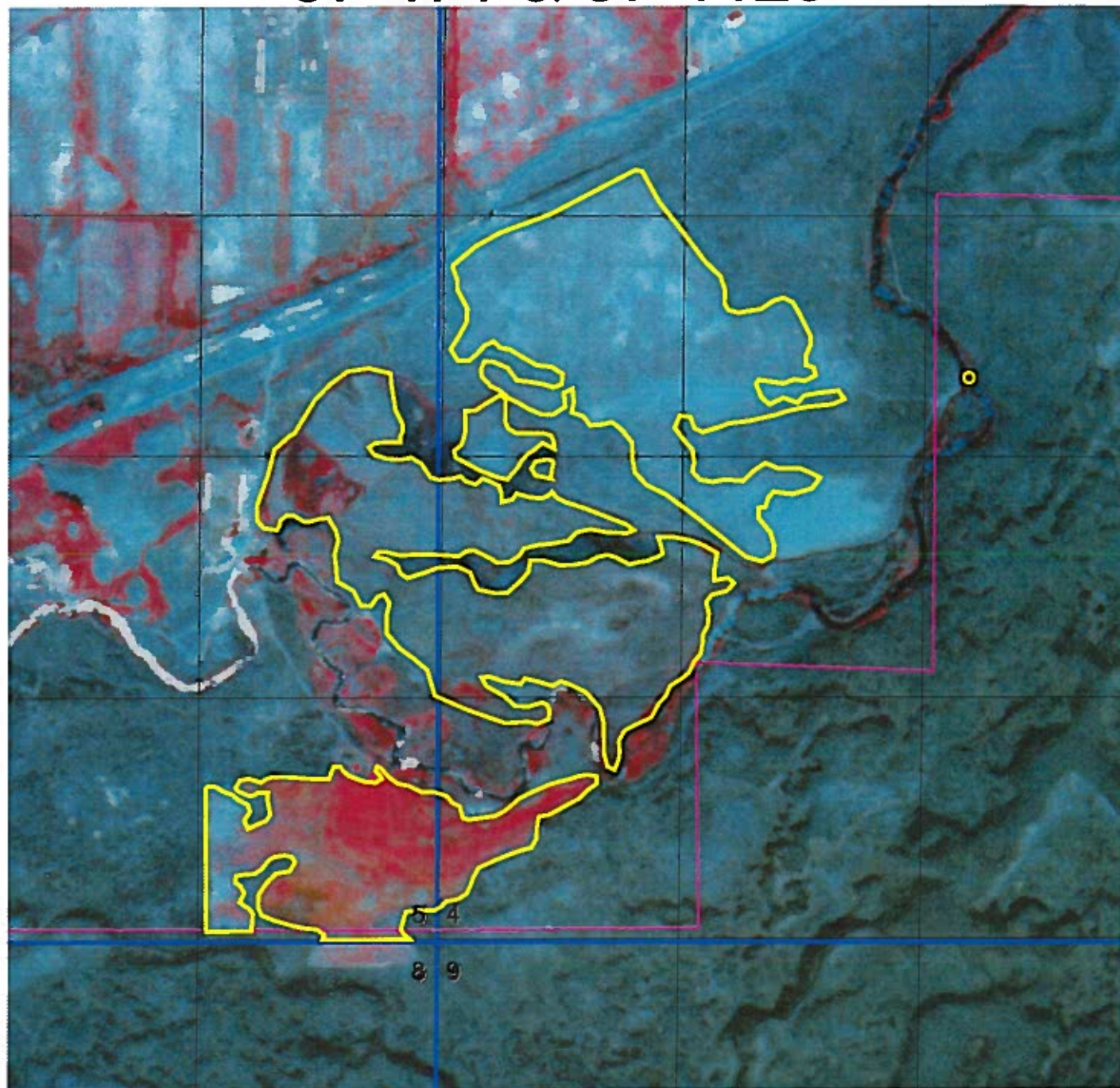
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: Decreed

IDAHO DEPT OF WATER RESOURCES

37-471 & 37-1125



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 19E
SEC: 4 & 5



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 24, 2003

37-471 & 37-1125

4/24/03
Sec

4/22/03
Sec

Call out for exam to confirm POU acres
726-81680 No answer @ 12:20 pm

Claim map & GIS map don't seem to match,
the acres irrigated. GIS is already > claim acres.

4/23/03
Sec

Stopped @ the house west side of pivot... no answer.

Exam date: work continues on the pivot ground
Covering for removing rock piles w/in the pivot.

Q: -471 2.0 cfs (1884) $\div 121 = 0.0165$
 -1125 3.2 (1908) high water
 5.2 cfs $\div 121 \text{ AC} = 0.043 \text{ d}$

STD SEAS. 4/1 to 10/31

(high water is not deliverable
all season. allowed as Flood Rt.)

POU: GIS Ac. (> than claimed) = 130 AC.

Claim = 121 AC. limit to claimed acres.
but use GIS shape.

Ac. Edits made to:

S.4 SENW

S.5 SESE

(Pivot added in mid 90's)

No BWCC found.

Remarks:

E11 POU - limit to 121 AC

37-471
37-1125
T5S R19E
11-25-02 scc
draft

GIS AC = 131.7 AC

AGCS AC = 123.6

CLAIM = 121

37-1125
Deelee

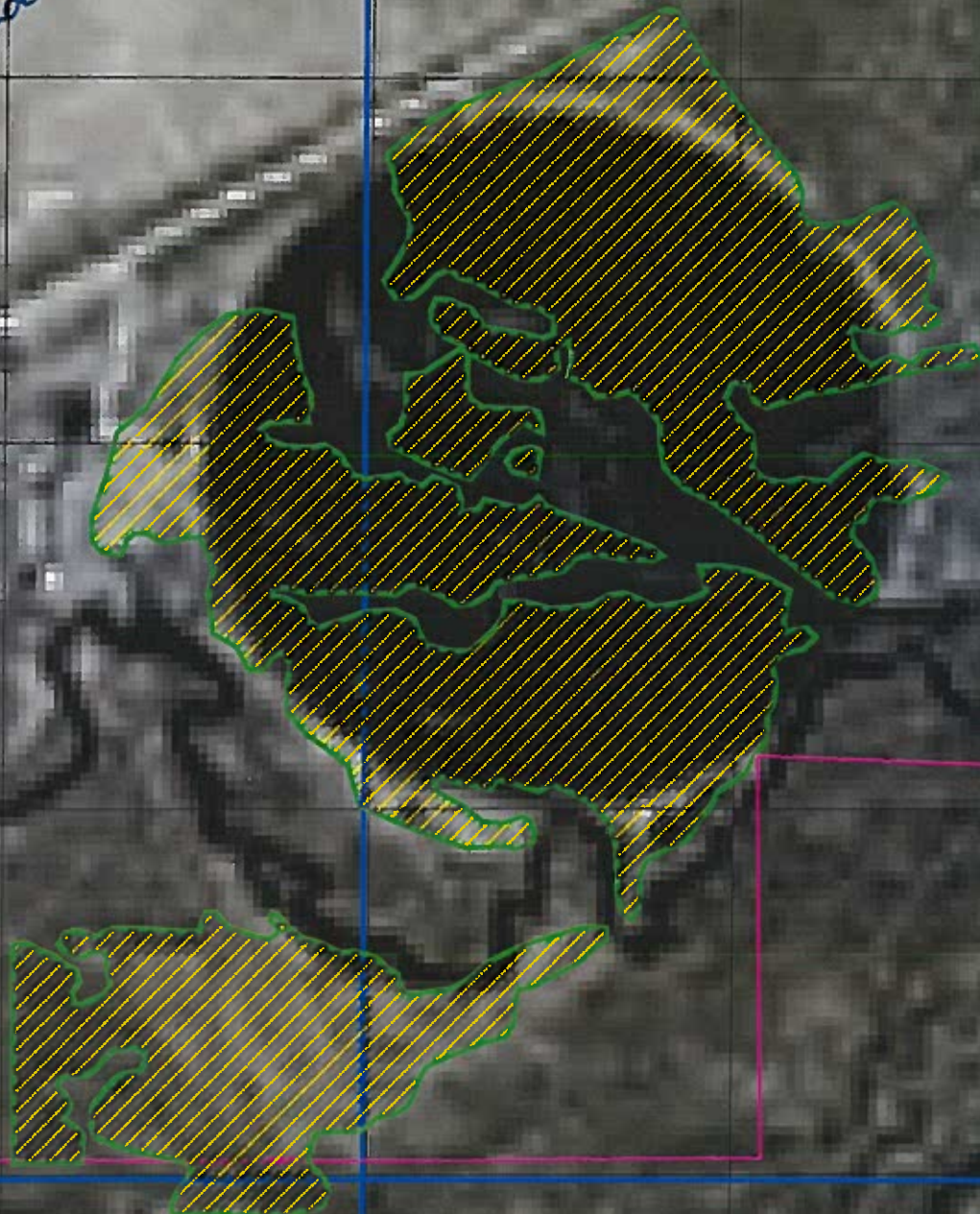
House

Deelee
37-471

5 4
8 9

BLM
(drop from
POU)

C. IDAND SPOT
2000



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-471

WATER RIGHT NUMBER: 37-471

Owner Type Name and Address
 Current Owner DENNIS MC NULTY

, ZZ

Priority Date: 04/30/1884

Basis: Decreed

Status: Active

Source Tributary
 LITTLE WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER SW1/4NE1/4 Sec. 4, Twp 05S, Rge 19E, B.M.
 LINCOLN 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	19E	4										X	X						
05S	19E	5													X			X	

Conditions of Approval:Remarks:

- General AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.
 P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-471

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False