

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: A37-01125
Date Received: 7/12/1988
Receipt No: S000883
Received By: *QC TAB*

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: MAY 20, 1908

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	3.200		

7. Total Quantity Appropriated is:
3.200 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:
A37-00471

14. Remarks:

NW,NW NOT LISTED IN DECREE AND IS CLAIMED UNDER THE PRESUMPTION
CLAUSE. IT HAS BEEN IRRIGATED SINCE 1984 BUT IS NOT USED DURING
DRY YEARS DUE TO LACK OF WATER.

P/D NOT GIVEN IN DECREE BUT BY WATERMASTER AND FROM MAPS.

OWNERSHIP CHANGE MADE 6/17/97 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MC NULTY & TURNER
Decree Plaintiff

DUNN
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, reading 'Tara L. Backlund', is written over a horizontal line.

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to communicate 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 1

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

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

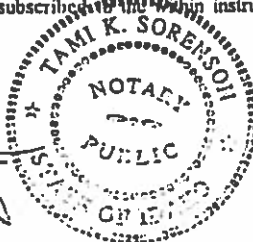
County of Blaine

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.

Signature Tami K. Sorenson

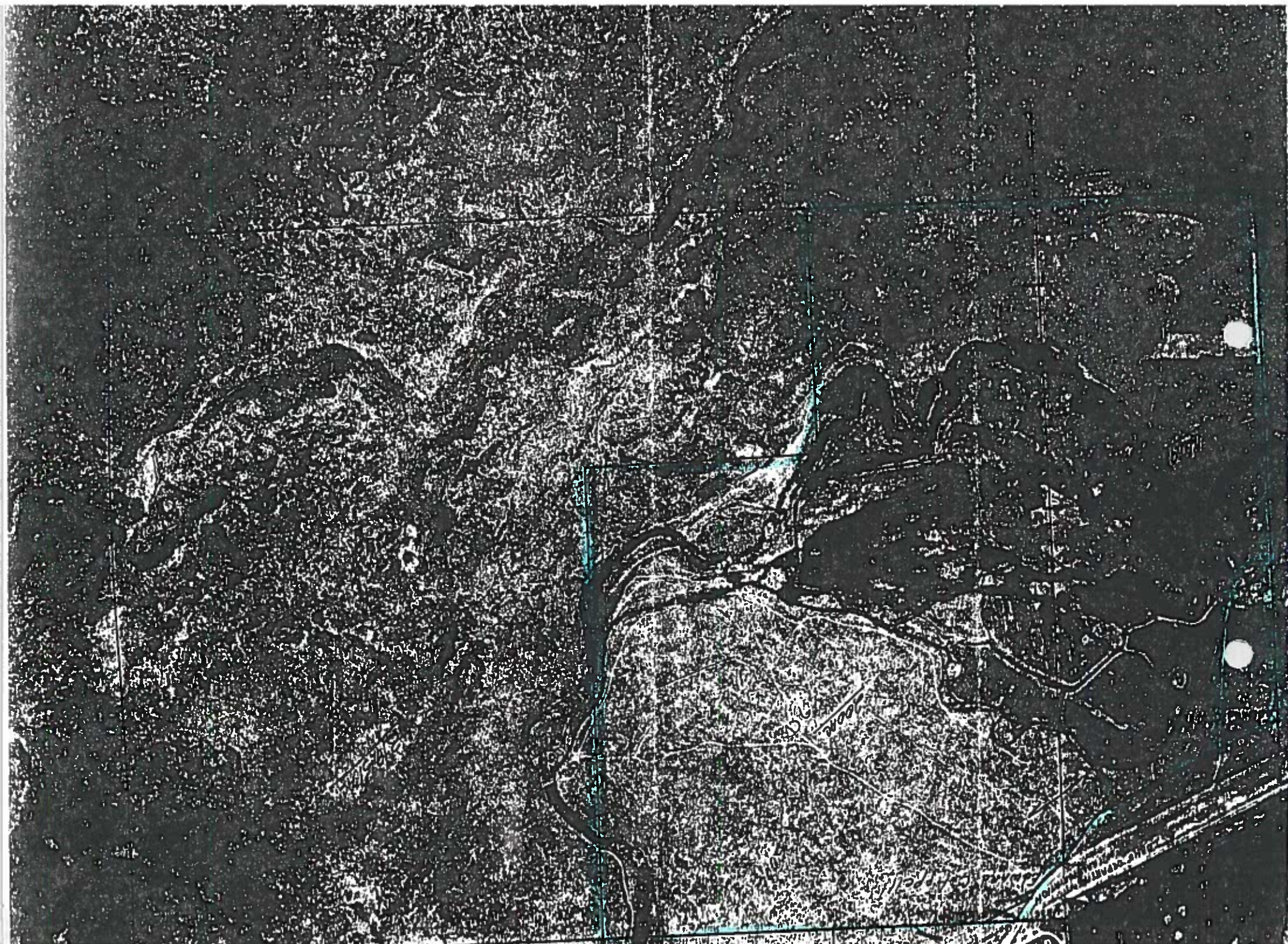
Commission Expires: 7-12-2001



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
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CIVIL CASE NUMBER: 39576

Ident. Number: A37-01125
Date Received: 7/12/1988
Receipt No: S000883
Received By: JCC

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: MAY 20, 1908

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
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5. Description of diverting works:
APPELL #60 HEADGATE

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10. Place of Use:

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			SW	NW		IRR	33.0
			SE	NW		IRR	7.0
			NE	SW		IRR	5.5

A37-01125

Page 1

Date: 07/12/88

MICROFILMED

FEB 23 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

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CLAUSE. IT HAS BEEN IRRIGATED SINCE 1984 BUT IS NOT USED DURING
DRY YEARS DUE TO LACK OF WATER.
P/D NOT GIVEN IN DECREE BUT BY WATERMASTER AND FROM MAPS.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

MC NULTY & TURNER
Decree Plaintiff

DUNN
Decree Defendant

vs

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

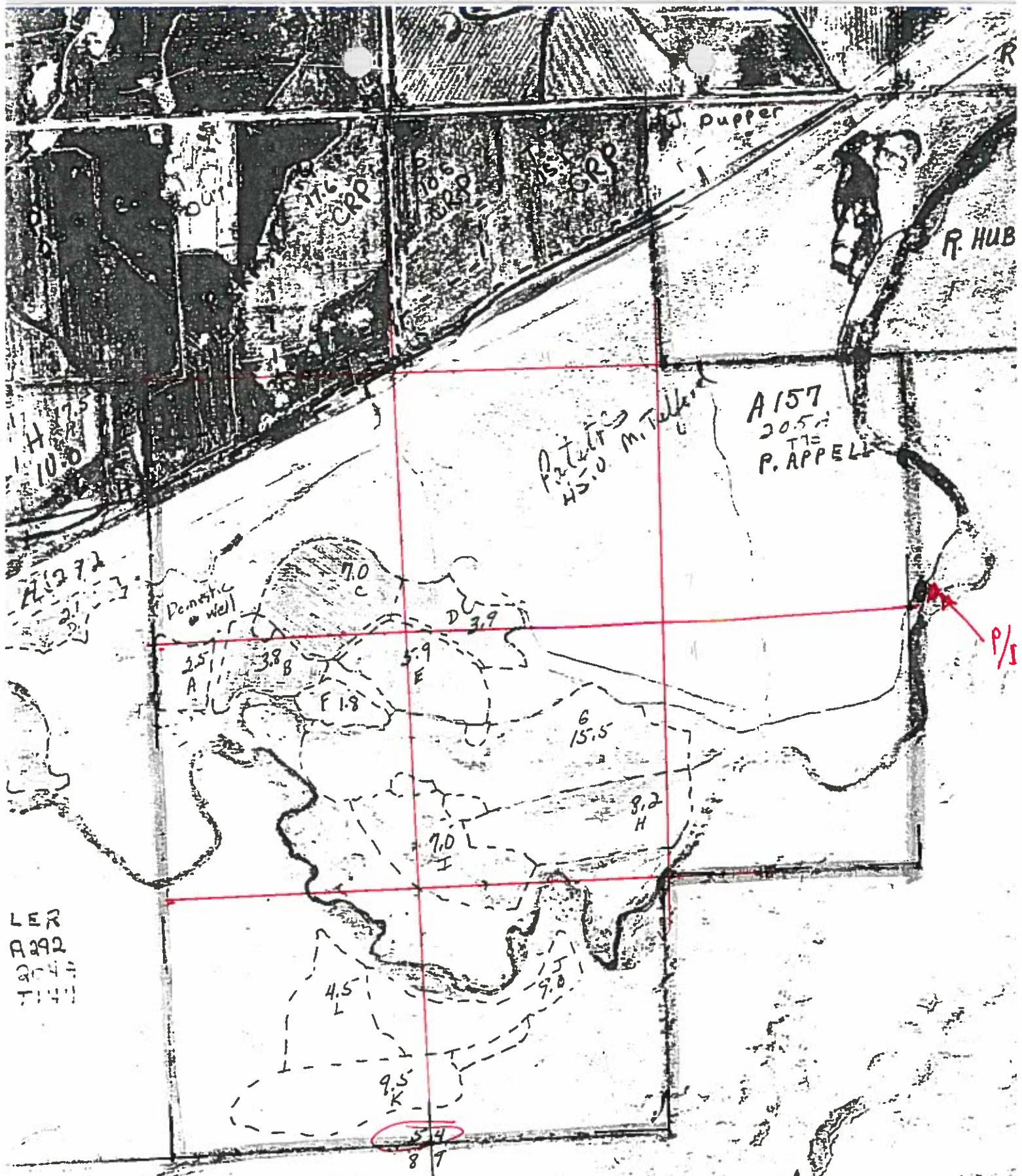
of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Dooding, Id

My Commission Expires 10/16/1992



LER
A292
204
T141

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

5S.
19E.

MICROFILMED
FEB 23 1993
A37-01125

04/24/2003

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

RIGHT NUMBER: 37-1125
NAME AND ADDRESS: JOE MATHENEY
PO BOX 1773
SUN VALLEY ID 83353

CLARK BIEDEBACH
PO BOX 1773
SUN VALLEY ID 83353

RECORDED

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 3.200 CFS
PRIORITY DATE: 05/20/1908
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	3.200 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. 37-471 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 121 ACRES IN A SINGLE IRRIGATION SEASON.

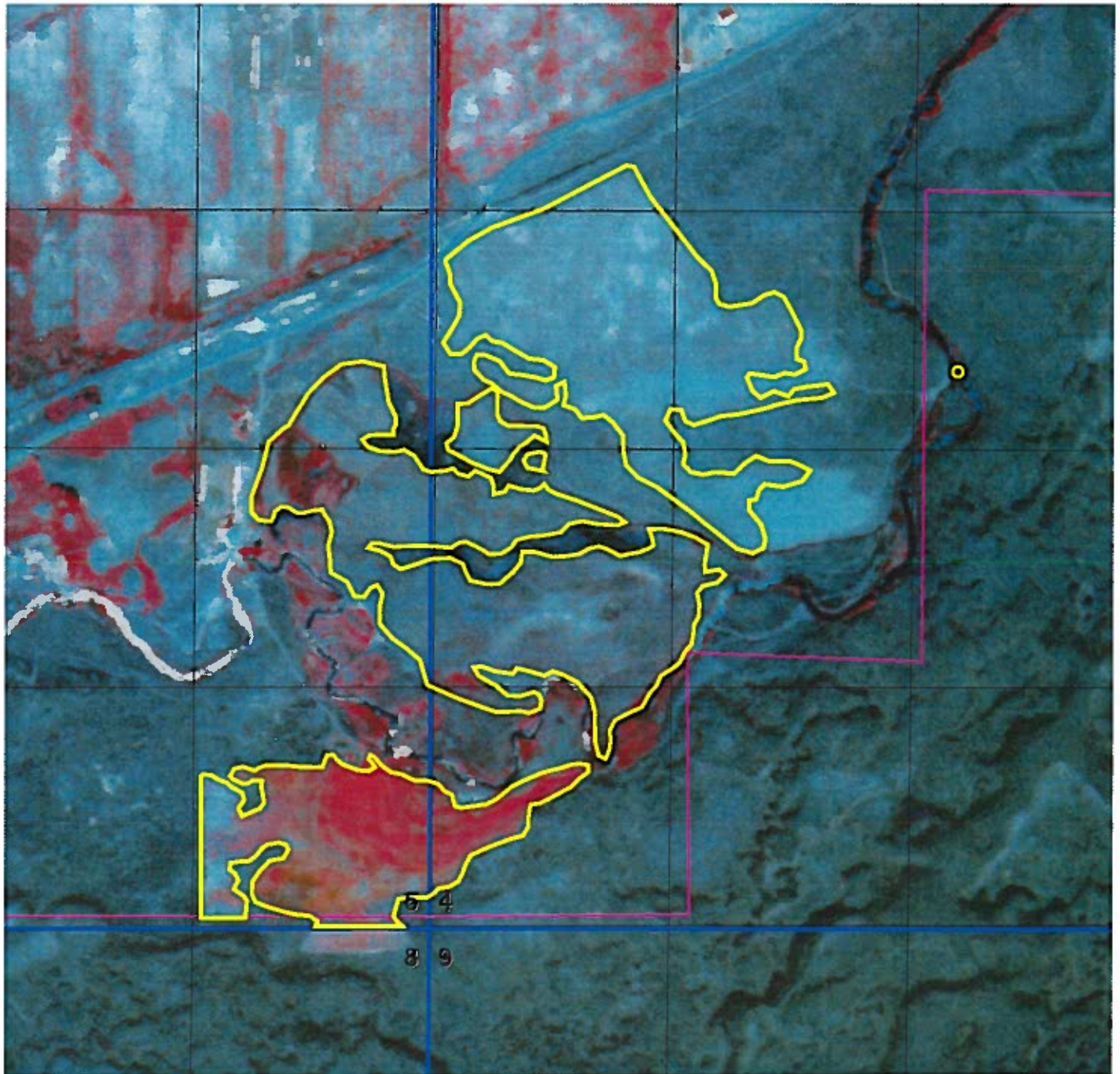
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Water Right Report 37-1125

WATER RIGHT NUMBER: 37-1125

Priority Date: 05/20/1908
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
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 /	3.200 CFS	
DOMESTIC	/	to /		
		Total Diversion:	3.200 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

[illegible]

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

1. 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 37-1125

Dates and Other Information:

Licensed Date:
Decreed Date: 6/6/1912
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