

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: A37-00586

Date Received: 5/31/1988

Receipt No: S000294

Received By: *[Signature]*

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: RANDY KEADING  
Address: 235 W 360 N  
SHOSHONE ID

83352

AND

Name: ELLEN KEADING  
Address: 235 W 360 N  
SHOSHONE ID

83352

2. Date of Priority: APR 3, 1889

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 04S      | 18E   | 15      | SW     | NW     | SE     |     | LINCOLN |
|          |       | 20      | SW     | SW     | SW     | R   | LINCOLN |

5. Description of diverting works:

HEADGATE & N. SHOSHONE CANAL; CALHOUN #17 HEADGATE IN CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.640  |      |        |

7. Total Quantity Appropriated is:

2.640 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

831.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 05S      | 18E   | 17      | NW            |    | NW  |     | IRR | 38.0  |
|          |       |         | SW            |    | NW  |     | IRR | 31.0  |
|          |       |         | NW            |    | SW  |     | IRR | 10.0  |
|          |       |         | SW            |    | SW  |     | IRR | 20.0  |
|          |       |         | Section Acres |    |     |     |     | 99.0  |
|          |       | 18      | NE            |    | NE  |     | IRR | 36.0  |
|          |       |         | SE            |    | NE  |     | IRR | 36.0  |
|          |       |         | NE            |    | SE  |     | IRR | 38.0  |
|          |       |         | NW            |    | SE  |     | IRR | 40.0  |
|          |       |         | SW            |    | SE  |     | IRR | 15.0  |
|          |       |         | SE            |    | SE  |     | IRR | 13.0  |
|          |       |         | Section Acres |    |     |     |     | 178.0 |
|          |       |         | Total Acres   |    |     |     |     | 277.0 |

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:

37-0587, 37-0589 AND SHARES IN BIG WOOD CANAL CO.

14. Remarks:

11/5/99, CHANGED OWNERSHIP: ROSS TO KEADING AS PER FORM 1409 AND WARRANTY DEED REC'D 2/8/99. C.T.

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  
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  
FEB 08 1999  
Department of Water Resources  
Southern Region

1. Water Right Number(s) A37-00586, A37-00587, A37-00589, A37-10067.  
Adjudication Claim Number(s) AJ5809NPAJ5809NP
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) Kathleen Ross and Brian J. Ross and Michelle Ross  
210 East Station St. Barrington, ILL 60010
4. New Owner/Claimant(s) Randy Keading and Ellen Keading  
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR  
New Mailing Address \_\_\_\_\_  
City, State and ZIP Code \_\_\_\_\_  
New Telephone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_
5. Date you acquired the property 1-19-99
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) Randy Keading Date 1-25-99  
Ellen Keading Date 1-25-99
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.

o/c 11/5/99 cf  
✓ 11/3/2000



**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**

**January 5, 2000**

**DIRK KEMPTHORN  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

**RANDY AND ELLEN KEADING  
235 W 360 N  
SHOSHONE ID 83352**

**RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-00586,  
A37-00587, A37-00589**

**Dear Claimant(s):**

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

**Sincerely,**

**Cheryl E. Timm  
SRBA Records Clerk**

**Enclosure**

**CT:ct**

AJ5809HP  
 No. A37-00587

IDAHO DEPARTMENT OF WATER RESOURCES  
 ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/11/99  
 PAGE: 2

| OWNER<br>CODE | NAME & ADDRESS                                                               | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE                    | DIVERSION<br>VOLUME    |
|---------------|------------------------------------------------------------------------------|------------------|------------|-----------------------|--------------------------------------|------------------------|
| C             | BRIAN J ROSS                                                                 | 04/02/1905       | IRRIGATION | 03-15 11-15           | 0.80 CFS                             |                        |
| C             | NICHELLE R ROSS<br>350 NORTH 225 EAST<br>SHOSHONE ID 83352<br>(208) 886-2927 |                  |            |                       | 0.80 CFS                             |                        |
|               |                                                                              |                  |            |                       | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.80 CFS<br>831.00 AFA |

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T04S R18E S15  
 Point(s) of Re-diversion: T04S R18E S20

SUNWSE  
 SMSWSW

LINCOLN County  
 LINCOLN County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | :     | SUM   |
| 05S | 18E | 17 | : |    |    |    |    |    |    |    |    | 38 | 31 |    |    | 10 | 20 |    |             |       | 99.0  |
| 05S | 18E | 18 | : | 36 |    |    |    | 36 |    |    |    |    |    |    |    |    |    | 38 | 40          | 15    | 178.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 277.0 |       |

POU County: LINCOLN

Other Rights: 37-0586, 37-0589, SHARES IN BIG WOOD CANAL CO.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
 Presumption Flag:

INDEXED

162506

STATE OF IDAHO  
COUNTY OF LINCOLN  
Recorded of the request of  
*Michelle Rae Ross*  
JUL 11 1997  
at 21 minutes past 11 A.M.  
Recorded by *Michelle Rae Ross*  
Fee \$10.00

QUITCLAIM DEED

FOR VALUE RECEIVED, MICHELLE RAE ROSS hereinafter called the "Grantor," hereby releases, releases, and forever quitclaims unto BRIAN JAMES ROSS, whose address is 360 North 235 East, Shoshone, Idaho, hereinafter called the "Grantee," as his sole and separate property, that property located in Lincoln County, Idaho, more particularly described as follows:

- Township 5 South, Range 18 East, Boise Meridian,
- Section 17: W $\frac{1}{4}$  W $\frac{1}{4}$
- Section 18: E $\frac{1}{4}$  E $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 19: N $\frac{1}{4}$  NE $\frac{1}{4}$
- Section 20: NW $\frac{1}{4}$  NW $\frac{1}{4}$

Together with all tenements, hereditaments and appurtenances thereunto belonging or any wise appertaining, including existing water rights and irrigation company stock, including 167.5 shares of stock in Big Wood Canal Company, and decreed water rights for 322 inches of water, subject to any and all easements, rights of way, or restrictions of record.

TO HAVE AND TO HOLD the said premises, with the appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED this 27th day of June, 1997.

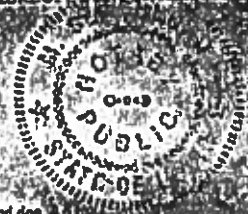
"GRANTOR"

*11/1/99 from divorce for Steve Feldman*  
*Michelle Rae Ross*  
MICHELLE RAE ROSS

STATE OF IDAHO  
County of TWIN FALLS

On this 27th day of June, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MICHELLE RAE ROSS, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



*Michelle Rae Ross*  
NOTARY PUBLIC for Idaho  
Building at *Shoshone*  
Commission expires: June 5, 2002

21wpedeeidwscelqcd.doc

# WARRANTY DEED

#GL-01066

For Value Received

KATHLEEN ROSS, AN UNMARRIED WOMAN and BRIAN J. ROSS, an unmarried man

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

RANDY KEADING and ELLEN KEADING, HUSBAND and WIFE

Address: 235 EAST 360 NORTH  
SHOSHONE, IDAHO 83352

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

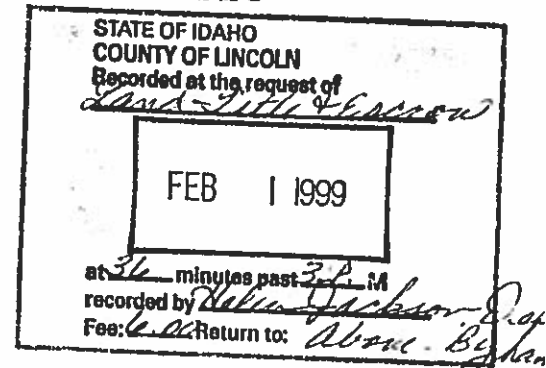
TOWNSHIP 5 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 17:  $W\frac{1}{2}W\frac{1}{2}$ ;

Section 18:  $E\frac{1}{2}E\frac{1}{2}$ ;  $W\frac{1}{2}SE\frac{1}{4}$ ;

Section 19:  $N\frac{1}{2}NE\frac{1}{4}$ ;

Section 20:  $NW\frac{1}{4}NW\frac{1}{4}$ ;



Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to 167.50 shares of Stock in Big Wood Canal Company and also including any licensed domestic or irrigation water rights, licenses with the State or Idaho.

## SUBJECT TO:

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

Taxes subsequent to the year 1998, which are 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.

Restrictions, reservations and easements as set forth in Deed from the State of Idaho, recorded December 7, 1960 in Book 47 of Deeds Page 270, records of Lincoln County, Idaho.

Water Master assessments made by virtue of the water decreed under the case S.C. Frost et al vs. Alturas

County records, affecting the SW 1/4 SE 1/4 and the SE 1/4 SE 1/4 of Section 18, Township 5 South, Range 18, East Boise Meridian.

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: January 20, 1999

Kathleen Ross

Kathleen Ross

Brian J. Ross

Brian J. Ross

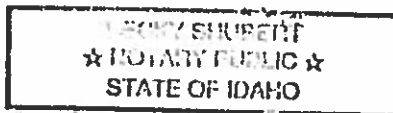
STATE OF IDAHO

COUNTY OF Jerome ) ss. , )

On this 5<sup>th</sup> day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian J. Ross, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Becky Schubert

Notary Public  
Residing at:  
My Commission expires:



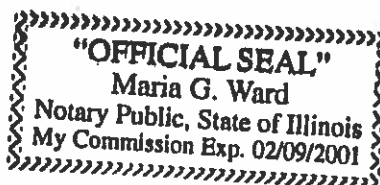
STATE OF ILLINOIS ) ss. , )

COUNTY OF COOK )

On this 21 day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathleen Ross, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Maria G. Ward

Notary Public  
Residing at: BARRINGTON, IL  
My Commission expires: 2-9-2001



166470

STATE OF IDAHO  
COUNTY OF LINCOLN  
Recorded at the request of*David L. & E. L. L. L.*

FEB 4 1999

at *41* minutes past *3 P.* M.  
recorded by *Nelson Jackson, Dep.*  
Fee *1.00* Return to: *above by*WARRANTY DEED

FOR VALUE RECEIVED, THE FEDERAL LAND BANK OF SPOKANE, *hand.*  
a corporation, the Grantor, does hereby grant, bargain, sell  
and convey unto KATHLEEN ROSS, a single person, and BRIAN J.  
ROSS and MICHELLE R. ROSS, husband and wife, Grantees, the  
following described premises in Lincoln County, Idaho, to-wit:

Township 5 South, Range 18 East, Boise  
Meridian,

Section 17:  $W\frac{1}{2}W\frac{1}{2}$   
Section 18:  $E\frac{1}{2}E\frac{1}{2}$ ,  $W\frac{1}{2}SE\frac{1}{4}$   
Section 19:  $N\frac{1}{2}NE\frac{1}{4}$   
Section 20:  $NW\frac{1}{4}NW\frac{1}{4}$

Together with all tenements, hereditaments  
and appurtenances thereunto belonging or  
any wise appertaining, including existing  
water rights and irrigation company stock,  
including 167.5 shares of stock in Big Wood  
Canal Company, and decreed water right for  
322 inches of water, subject to any and all  
easements, rights of way, or restrictions  
of record.

Seller also hereby transfers to Purchasers  
all rights that Seller had in any Govern-  
ment Grain Program relative to the above-  
described real property.

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the said Grantees, their heirs and assigns  
forever. And the said Grantors do hereby covenant to and with  
the said Grantees that they are the owners in fee simple of  
said premises; that the premises are free from all encumbrances  
except easements and encumbrances of record, and that they will

warrant and defend the same from all lawful claims whatsoever.

DATED: December 17th, 1987.

FEDERAL LAND BANK OF SPOKANE

By: Jon W. Maughn

Position: Credit Officer

STATE OF IDAHO )

Jerome ) ss.

County of ~~Twin Falls~~ )

On this 18th day of December, 1987, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jon W. Maughn, known to me to be the Credit Officer of the Federal Land Bank of Spokane who executed the foregoing instrument on behalf of the said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rick Bernsen  
NOTARY PUBLIC FOR IDAHO

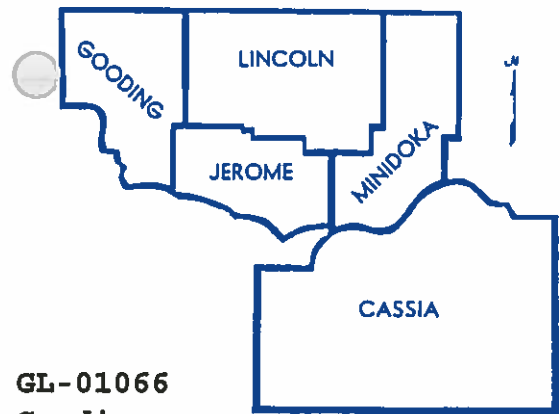
Residing at: Jerome

My commission expires: July 1991

RICK BERNSEN  
NOTARY PUBLIC  
FOR THE STATE OF IDAHO  
Residing: Jerome, Idaho  
My Commission Expires July 1991

# Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



February 4, 1999

REFER TO: GL-01066  
OFFICE: Gooding

State of Idaho  
Department of Water Resources  
Southern Region  
1341 FILLMORE SUITE 200  
Twin Falls, Idaho 83301-3380

RECEIVED  
FEB 08 1999  
Department of Water Resources  
Southern Region

RE: Notice of Change of Water Right Ownership  
Ross to Keading  
Cert. Mail #Z 380 159 663

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
- Copy of Deed # 166446, 166470 & 162506
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

*Keri Craig*  
Keri Craig

(208) 934-8477

P.O. Box 473, 546 Main Street  
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318  
PHONE 676-3524 - FAX 676-4435

BOX 348, JEROME, IDAHO 83336  
PHONE 324-3357 - FAX 324-8961

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

BOX 111, RUPERT, IDAHO 83350  
PHONE 436-0806 - FAX 436-1186

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: A37-00586  
Date Received: 5/31/1988  
Receipt No: 5000294

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRIAN J. ROSS 208-886-2927  
Address: 350 NORTH 225 EAST  
SHOSHONE, ID 83352

AND/OR

Name: MICHELLE R. ROSS 208-886-2927  
Address: 350 NORTH 225 EAST  
SHOSHONE, ID 83352

2. Date of Priority: APR 03, 1889

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 04S      | 18E   | 15      | SW     | NW     | SE     |     | LINCOLN |
|          |       | 20      | SW     | SW     | SW     | R   | LINCOLN |

5. Description of diverting works:  
HEADGATE & N. SHOSHONE CANAL; CALHOUN #17 HEADGATE IN CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.640  |      |        |

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

8. Total consumptive use is 831.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4         | of | 1/4           | Lot   | Use | Acres |
|----------|-------|---------|-------------|----|---------------|-------|-----|-------|
| 05S      | 18E   | 17      | NW          |    | NW            |       | IRR | 38.0  |
|          |       |         | SW          |    | NW            |       | IRR | 31.0  |
|          |       |         | NW          |    | SW            |       | IRR | 10.0  |
|          |       |         | SW          |    | SW            |       | IRR | 20.0  |
|          |       |         |             |    | Section Acres |       |     | 99.0  |
|          |       | 18      | NE          |    | NE            |       | IRR | 36.0  |
|          |       |         | SE          |    | NE            |       | IRR | 36.0  |
|          |       |         | NE          |    | SE            |       | IRR | 38.0  |
|          |       |         | NW          |    | SE            |       | IRR | 40.0  |
|          |       |         | SW          |    | SE            |       | IRR | 15.0  |
|          |       |         | SE          |    | SE            |       | IRR | 13.0  |
|          |       |         |             |    | Section Acres |       |     | 178.0 |
|          |       |         | Total Acres |    |               | 277.0 |     |       |

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:

37-0587, 37-0589 AND SHARES IN BIG WOOD CANAL CO.

14. Remarks:

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

MICROFILMED  
FEB 23 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 ☒ 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): Brian J. Ross Date: 31 May 88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 88

Mary A. Baldwin  
Notary Public

Seal

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

29  
MICROFILMED  
FEB 23 1993

07/12/2004

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

RIGHT NUMBER: 37-586

NAME AND ADDRESS: ELLEN KEADING  
235 E 360 N  
SHOSHONE ID 83352

RANDY KEADING  
235 E 360 N  
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.640 CFS

PRIORITY DATE: 04/03/1889

POINT OF DIVERSION:

T03S R18E S9 SENESE Within LINCOLN County

T04S R18E S15 SWNWSE Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 3/15 11/15    | 2.640 CFS |

PLACE OF USE: IRRIGATION Within LINCOLN County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05S R18E S17 | NWNW | 34.0 | T05S R18E S17 | SWNW | 32.0 |
| T05S R18E S17 | NWSW | 23.0 | T05S R18E S17 | SWSW | 18.0 |
| T05S R18E S18 | NENE | 38.0 | T05S R18E S18 | SENE | 34.0 |
| T05S R18E S18 | NESE | 36.0 | T05S R18E S18 | NWSE | 40.0 |
| T05S R18E S18 | SWSE | 4.1  | T05S R18E S18 | SESE | 7.8  |

266.9 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 266.9 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-587 & 37-589.

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.

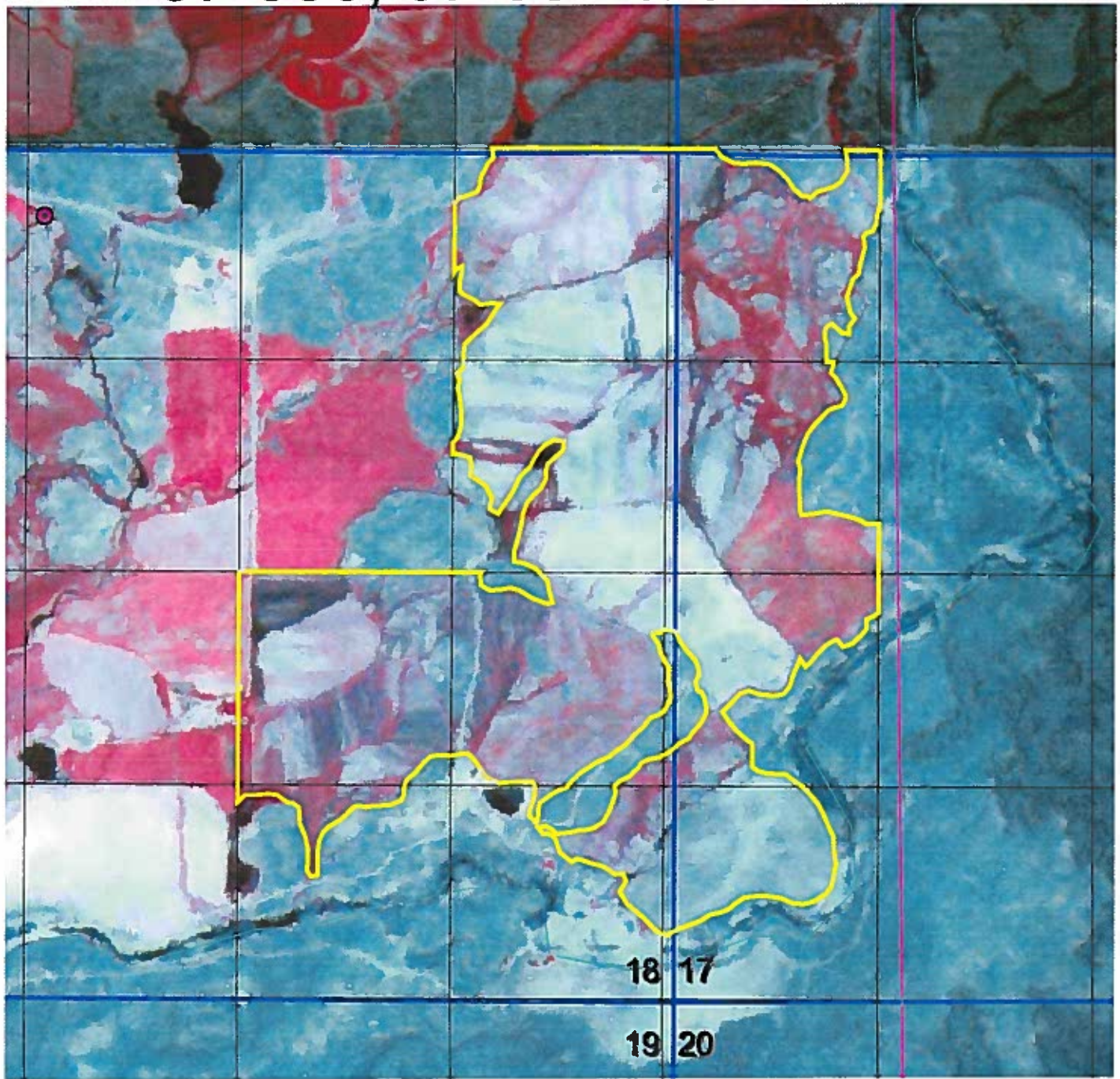
EXPLANATORY MATERIAL: Decreed

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

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

# IDAHO DEPT OF WATER RESOURCES

## 37-586, 37-587 & 37-589



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: 18E  
SEC. 17 & 18



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

Date: JULY 12, 2004

MARCH 6, 2003

BIG WOOD BELOW MAGIC DECREE BOOK

| DIVER NO | R | DIVER_NAME      | OWNER                   | ST ID NO | DECREE TO           | PRIOR DATE | INCHES | CFS  | OWNER CFS | CANAL CFS |
|----------|---|-----------------|-------------------------|----------|---------------------|------------|--------|------|-----------|-----------|
| 0005     | H | LINCOLN BY-PASS | GENE GOOLD RLR-01       | 37-0577  | W.T.RILEY           | 03/24/1883 | 49.70  | 0.99 | 0.99      | 0.99      |
| 0005     | H | LINCOLN BY-PASS | GENE GOOLD              | 37-0126  | WILLIAM CANZLER     | 08/02/1897 | 120.00 | 2.40 | 3.39      | 3.39      |
| 0013     | H | BAYLISS         | BRAD STEPANEK           | 37-0245  | J.B.GEHRIG          | 06/01/1898 | 80.00  | 1.60 | 1.60      | 1.60      |
| 0013     | H | BAYLISS         | BRAD STEPANEK           | 37-0248  | G.B.GEHRIG          | 06/01/1901 | 40.00  | 0.80 | 2.40      | 2.40      |
| 0013     | H | BAYLISS         | BRAD STEPANEK           | 37-0247  | G.B.GEHRIG          | 06/01/1902 | 40.00  | 0.80 | 3.20      | 3.20      |
| 0017     | H | CALHOUN         | RANDY KEADING           | 37-0586  | G.AND JACK ROESSLER | 04/30/1889 | 132.00 | 2.64 | 2.64      | 2.64      |
| 0017     | H | CALHOUN         | RANDY KEADING           | 37-0589  | J.E.ROESSLER        | 05/01/1904 | 150.00 | 3.00 | 5.64      | 5.64      |
| 0017     | H | CALHOUN         | RANDY KEADING           | 37-0587  | G.AND JACK ROESSLER | 04/02/1905 | 40.00  | 0.80 | 6.44      | 6.44      |
| 0019     | H | SILVA           | CORWIN SILVA TRUST      | 37-0611  | A.D.SILVA           | 04/30/1891 | 140.00 | 2.80 | 2.80      | 2.80      |
| 0019     | H | SILVA           | CORWIN SILVA TRUST      | 37-0612  | A.D.SILVA           | 08/02/1903 | 80.00  | 1.60 | 4.40      | 4.40      |
| 0019     | Z | SILVA           | CORWIN SILVA TRUST #302 | 37-AFSW  | AMERICAN FALLS      | AFSW       | 61.75  | 1.24 |           |           |
| 0020     | H | BUTLER          | LAVERN CARPENTER        | 37-0533  | J B PECK            | 05/01/1896 | 28.00  | 0.56 | 0.56      | 0.56      |
| 0020     | Z | BUTLER          | LAVERN CARPENTER 272    | 37-AFSW  | AMERICAN FALLS      | AFSW       | 14.50  | 0.29 |           |           |
| 0020     | H | BUTLER          | JAMES F ENGLE           | 37-0533  | J.B.PECK            | 05/01/1898 | 14.00  | 0.28 | 0.40      | 0.84      |
| 0020     | Z | BUTLER          | JAMES F ENGLE           | 37-AFSW  | AMERICAN FALLS      | AFSW       | 4.31   | 0.09 |           |           |
| 0020     | H | BUTLER          | STEVEN MOHR             | 37-0533  | J.B.PECK            | 05/01/1898 | 12.00  | 0.24 | 0.40      | 1.08      |
| 0020     | H | BUTLER          | STEVEN MOHR             | 37-0533  | J.B.PECK            | 05/01/1898 | 20.00  | 0.40 | 0.64      | 1.48      |
| 0020     | Z | BUTLER          | STEVEN MOHR-CERT #334   | 37-AFSW  | AMERICAN FALLS      | AFSW       | 6.25   | 0.13 |           |           |
| 0020     | Z | BUTLER          | STEVEN MOHR-CERT #327   | 37-AFSW  | AMERICAN FALLS      | AFSW       | 9.69   | 0.19 |           |           |
| 0020     | H | BUTLER          | DONALD R PEAK           | 37-0531  | CHARLES M.PEAK      | 05/01/1905 | 40.00  | 0.80 | 0.80      | 2.28      |
| 0020     | H | BUTLER          | BRET RASMUSSEN          | 37-0533  | J.B.PECK            | 05/01/1898 | 20.40  | 0.41 | 0.41      | 2.69      |
| 0020     | Z | BUTLER          | BRET RASMUSSEN # 359    | 37-AFSW  | AMERICAN FALLS      | AFSW       | 6.19   | 0.12 |           |           |
| 0020     | H | BUTLER          | MIKE SANT               | 37-0533  | J.B.PECK            | 05/01/1896 | 45.60  | 0.91 | 0.91      | 3.60      |
| 0020     | Z | BUTLER          | MIKE SANT #271          | 37-AFSW  | AMERICAN FALLS      | AFSW       | 28.31  | 0.57 |           |           |

37-586 -587 -589 -10068

6/4/03  
SCC

|    |      |                 |                                                          |
|----|------|-----------------|----------------------------------------------------------|
| Q: | -586 | 2.64 cfs        | 4-3-1889                                                 |
|    | -587 | 0.80 cfs        | 4-2-1905                                                 |
|    | -589 | <u>3.00 cfs</u> | 5-1-1904                                                 |
|    |      | 6.44 cfs        | $\div 277 \text{ AC} = \underline{0.023 \text{ cfs/AC}}$ |

-10068 Waste water claim is XS flow above the desired delivery.

GIS Acres = 229.8 AC + 36.5  $\cong$  266.3 AC

100% overlap w/ BWCC.

9/4/03  
SCC WW claim is disallowed. No proof.

POD: claim states POD is into N. Shoshone Canal.

7/12/04  
SCC

→ allow POD from N. Shoshone Canal and Lincoln Bypass since both are used to make diversions.

LINCOLN BP: T3S R18E S9 SENESE (LINCOLN Co)

N. Shoshone: T4S R18E S15 SWNWSE (LINCOLN Co)

(CDS) GIS PLS Acres = 266.9 AC

(SDS) BWCC

~~Water~~

T53  
R18E

GIS AC.  
= 2666 ac.  
=

18 17

19 20

37-586  
-587  
-589

11/27/02  
SCI

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-586WATER RIGHT NUMBER: **37-586**

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | JACOB ROESSLER          |
|                   | , ZZ                    |
| Current Owner     | GEORGE ROESSLER         |
|                   | , ZZ                    |

Priority Date: 04/03/1889

Basis: Decreed

Status: Active

|                |                  |
|----------------|------------------|
| <u>Source</u>  | <u>Tributary</u> |
| BIG WOOD RIVER | MALAD RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | / to /                  | 2.640 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.640 CFS             |                      |

Location of Point(s) of Diversion

|                |               |                                 |
|----------------|---------------|---------------------------------|
| BIG WOOD RIVER | SW1/4SW1/4    | Sec. 20, Twp 04S, Rge 18E, B.M. |
| LINCOLN County | (Rediversion) |                                 |
| BIG WOOD RIVER | NW1/4SE1/4    | Sec. 15, Twp 04S, Rge 18E, 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 | 18E | 17  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 05S | 18E | 18  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |
| 05S | 18E | 19  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 05S | 18E | 20  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-586

Remarks:

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

Comments:

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: 37  
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