

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: A37-10727
Date Received: 7/28/1988
Receipt No: S001151
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY BRADY 208-324-7978
Address: 3155 S. 2300 E.
JEROME, ID 83338
OR
Name: BILLIE J. BRADY 208-324-7978
Address: 3155 S. 2300 E.
JEROME, ID 83338

2. Date of Priority: JUN 20, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	8	NW	NW	SW		BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	04/15	11/01	3.800		

7. Total Quantity Appropriated is: *just lawn now*
3.800 C.F.S. (and/or) *pos. 7/8213 890 on 40 ac for maybe in future*
A.F.A.

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ~~X~~ HOUSE S/ 150 RANGE
2

A37-10727

Page 1

Date: 07/28/88

MICROFILMED
FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	8	NW	SW		DOMEST	
			NW	SW		IRR	40.0
			NW	SW		STOCK	
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
LITTLE WOOD SHARES

14. Remarks:
WELL IS ONLY USED FOR IRRIGATION DURING DRY YEARS TO SUPPLEMENT
CANAL AND RESERVOIR WATER. *yes LC*

15. Basis of Claim: BENEFICIAL USE

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): Roy Brady Date: July 28 1988

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 28th day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10-16-92

10/05/05

P100 - PARCEL MASTER INQUIRY

11:45:49

PARCEL: RP 01S21008234A A F1=SL

F9=MS
F17=DDF12=RC F14=HO
F23=AGSAIYA, RICHARD
C/O C-YA RANCH LLC

*TREND - LEGAL DESCRIPTION

SENW, NESW, SE, SEC 7
W1/2SW, SEC 8
1S 21E

ProVal Area Number 1

CODE AREA 18-0000 OWNER CD

PARC TYPE AI LOC CODE 1800

EFFDATE 2011992 EXPDATE

PREV PARCEL RP01S21008234AA

BOX 7250

KETCHUM ID 83340

35

MECHAM

LN 80000

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2002	233000	AC	52425				
5	2002	86000	AC	2494				
10	2002	1000	AC	31250				
31	2002			78095	78095	39048		
TOTALS		320000		175690	78095	39048		

+

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

K28483

Eddie
GREEN M9
823 4731

Call Eddie
X-100-2-701

AFTER RECORDING MAIL TO:

Richard Saiya
900 "A" Industrial Road
San Carlos, CA 94070

cell 650-773-3680

Instrument # 516114

HAILEY, BLAINE, IDAHO

2005-02-07 03:34:00 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WTYOC/CORP DEED

mp

WARRANTY DEED

File No.: 106013-K (nw)

Date: February 03, 2005

For Value Received, FRE, 182, LLC, a Delaware limited liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Richard Saiya, a married man, hereinafter called the Grantee, whose current address is 900 "A" Industrial Road, San Carlos, CA 94070, the following described premises, situated in County, , to-wit:

TOWNSHIP 1 SOUTH, RANGE 21 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Parcels of land more particularly described as follows:

Section 7: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 2, 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$.

Section 8: W $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 18: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

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: 02/03/2005

Warranty Deed
- continued

File No.: 106013-K (nw)

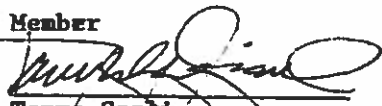
SELLER:

FRE, 182, LLC, a Delaware Limited Liability
Company

By: **First American Exchange Company, LLC**
a Delaware limited liability company

Its: **Sole Member**

By:


Tanya Gagliano
Assistant Secretary

STATE OF

)
ss.

COUNTY OF

)

On this 3rd day of February, in the year of 2005, before me, a Notary Public in and for said State, personally appeared _____, known or identified to me to be one of the manager or a member of FRE, 182, LLC, a Delaware limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Notary Public of
Residing at:
Commission Expires:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

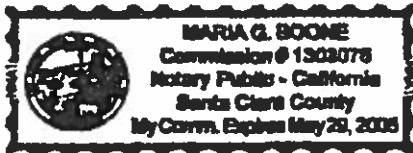
} ss.

On February 3, 2005, before me, Maria G. Boone, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Tanya Gagliano,
Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Maria G. Boone
Signature of Notary Public

Place Notary Seal Above

Commission No. 1303076

OPTIONAL Commission Expires: 5/29/05

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: February 3, 2005 Number of Pages: 2

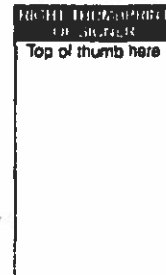
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



IDAHO DEPARTMENT OF WATER RESOURCES

RIGHT NUMBER: 37-10727

NAME AND ADDRESS: BILLIE J BRADY
3155 S 2300 E
JEROME ID 83338

ROY BRADY
3155 S 2300 E
JEROME ID 83338

TRIBUTARY:

The quantity of water under this right shall not exceed 13,000 gallons per day.

POINT OF DIVERSION:

T01S R21E S8 NENSW Within BLAINE County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

T01S R21E S08 NWSW

DOMESTIC in BLAINE County

T01S R21E S08 NWSW

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 - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

37-10727

(Stockwater)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



T01S



Prepared by S. Clelland
On Saturday, November 25, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-10727

Background Data

- Beneficial Use Claim
- Source is groundwater
- Claimed 0.04 cfs for Domestic
- Claimed 0.05 cfs for Stockwater
- Claimed 3.8 cfs for Irrigation

*No Evidence
of Priority*

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photograph





Photograph of POD in Section 8 taken by Lee Peterson during field exam.
 Location: 2500722 1350188
 Plate: A0013565
 Photo #: 1070743

Notes

T1S R21E Section 8

- Stockwater use is from a 500 gal tank in the southern part of the building site. Unsure what the domestic use consists of. The lawn/pasture east of the house is the irrigated area. The current manager said water from this well was used to supplement canal share water in the past, but he could not provide a date.
- The situation according to the license, permit documents, field exam:
 - License right 37-2577 is for irrigation of the land in Section 7 from a well in NENWSW Section 8.
 - Licensed right 37-2059 is appurtenant to this land, but is unclaimed.
 - Claim 37-2577 is for stockwater from a well in NWNESW Section 7
 - Beneficial use claim 37-10727 is for domestic, stockwater, and irrigation from a well in NWSW Section 8.
 - The previous owner, Roy Brady, filed claims 37-2577 and 37-10727. Mr. Brady has since passed and the land was sold to Richard Saiya.
 - There is a possibility of forfeiture due to non-use, need research the use history of this right.

➤ An easier option:

- Have current owner amend the claims so that 37-2577 is from the well in NENWSW Section 8 and 37-10727 is from a well in NWNESW Section 7.

Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-02577- 10727

Roy & Billie Brady [Roy Dead -SOLD]
Richard Saiya [NEW OWNER]
900 A Industrial Road
San Carlos , Ca 94070

10/7/05

On 10/6 I went up to Blaine Co. Assessor and Recorder to find out the new owner of these water rights and I also talked to Bob Simpson Watermaster of Little wood river Irrig. Dist. And Bob informed me of Richards Manager Eddie Green so I called Eddie and got Richard Cell phone , lucky he was in the area and I visited with him about going to IDWR Twin and get these rights changed to his name which he assured me he would do just that . I got an appt. to meet Eddie today and review the rights and POD of each. And while reviewing the files Eddie assured me that right # 2577 is the well in section 7 for stock water , during past the owners used a portable gas motor to run this pump for water stock and the motor is no longer available, Eddie said they have two big water tanks one beside well and the other across the road North [see green photo], irrigation of this land is by District water, and why the License reads section 8 and the claim section 7 Eddie could not answer but by photo it is in section 7 also see GPS. Right 10727 location of well is incorrect the well is and has been for years East of house as marked on 1987 Photo and this well is used for domestic-stock and lawn irrig. Eddie did say that this well may have been use for irrigation of the 40 acres but he is not aware of it and he worked for the past owner, he said this property is also irrigated with District water and this water right is in section 8 as by photo and GPS.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Roy brady=Richard	Saiya 1	2499142	1350197	0013564	1070739-742
" " "	" 2	2500722	1350188	565	740-743

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-10727

Background Data

- Beneficial Use Claim
- Source is groundwater *gee*
- Claimed 0.04 cfs for Domestic
- Claimed 0.05 cfs for Stockwater
- Claimed 3.8 cfs for Irrigation

see note on claim form
→ on 40 acres?

Place Of Use Data

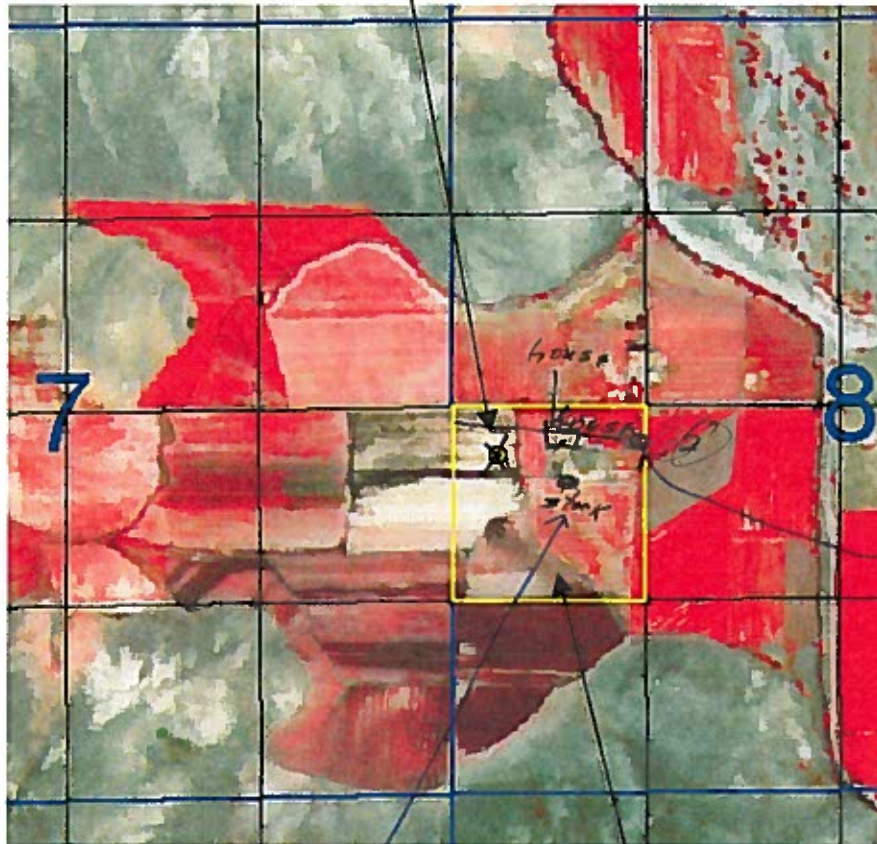
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photograph

Claimed POD is
licensed for 37-2577



- Billie Brady did not really want to talk about this Lee said

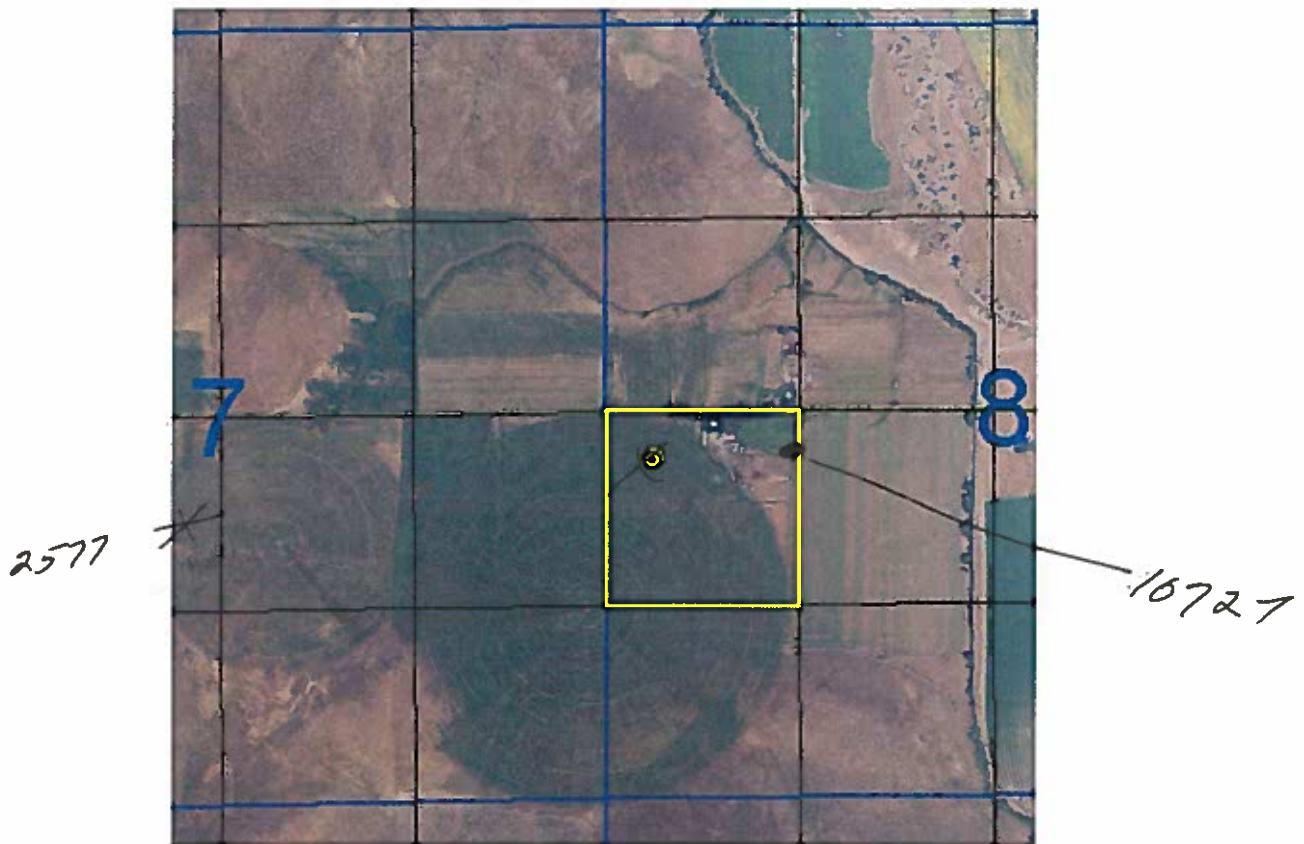
- Eddie ^{green} said when flood covered it they used it as a supplement or for irrigation when no canal water available - this didn't happen very often

- contact them to determine if they want to use this for irrigation

stock tank

Claimed stockwater, domestic, and irrigation POUs

2004 Aerial Photograph

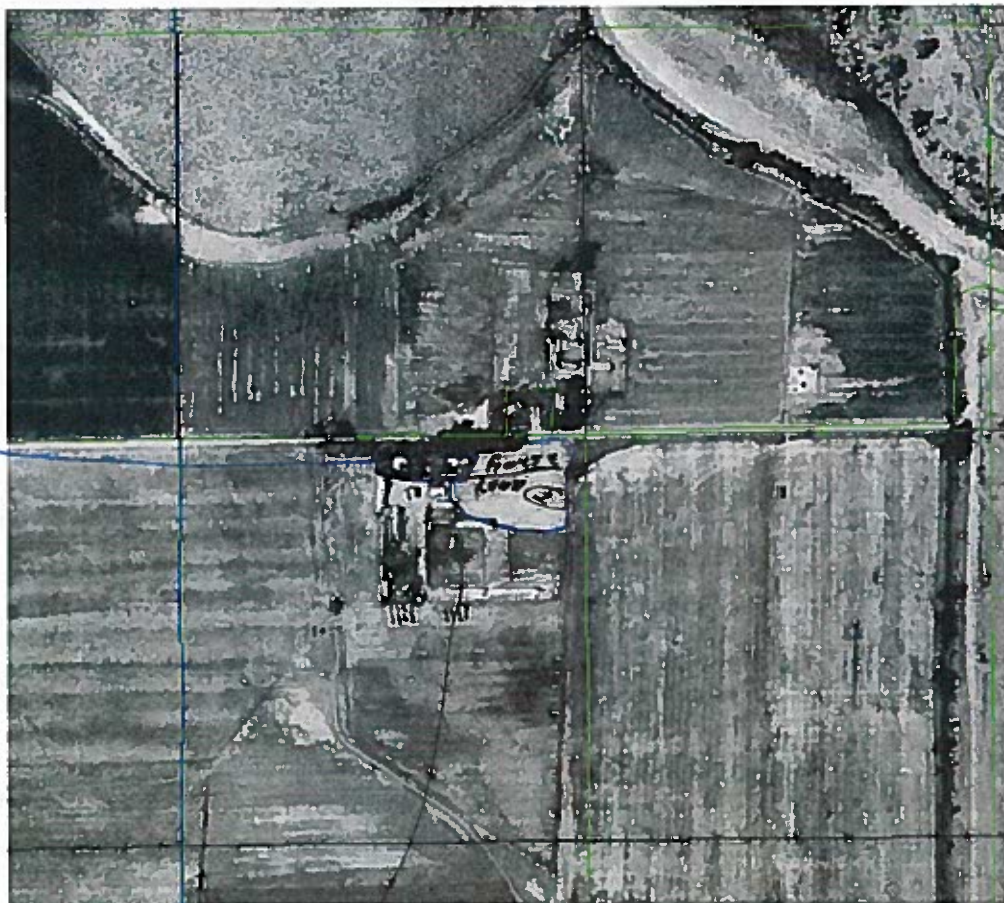


T1S R21E Section 8

- Are the POUs correct?
- They have claimed 3.8 cfs for 40 acres of irrigation. Is this correct?
- The POD was originally licensed for 37-2577. Why is the POD now being claimed for this right? When was the change made? *UNKNOWN*
- GPS the POD *OK*
- Need evidence to support claimed priority date of June 20, 1945.



2004 aerial photo



1992 aerial photo

P/u not obvious
Photo does not fit
with the claimed
P/u.

Irrigation
- lawn
- small
pasture
East of
house

stock water
tank in car and

KICL-Notes