

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 37-20927  
Date Received: 4/28/2003  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEORGE PETER KOSS 2001 REVOCABLE TRUST Phone: (208)788-5677  
GEORGE PETER KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST Phone: (208)788-5677  
VICTORIA JANE KERR KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

2. Date of Priority: 11/26/1886

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 03N      | 18E   | 20      | SE     | SW     | NW      | BLAINE |      |

5. Description of diverting works:

HEADGATE #22 & HIAWATHA CANAL, FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.38   |            |

7. Total Quantity Appropriated is:  
0.38 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         |     |
|----------|-------|---------|------------|-----|-----|---------------|-----|
| 02N      | 18E   | 4       | NW         | NE  | 2   | IRRIGATION    | 3   |
|          |       |         | SW         | NE  |     | IRRIGATION    | 6.4 |
|          |       |         |            |     |     | Section Acres | 9.4 |
|          |       |         |            |     |     | Total Acres   | 9.4 |

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:

14. Remarks:

Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-297H.

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**

**April 28, 2003**

**DIRK KEMP THORNE  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

**JAMES P SPECK  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340**

**Re: SRBA Claim(s) 37-28E and 37-297H  
Wilcox / Koss owner change  
Your File No.: 030028**

**Dear Jim:**

Pursuant to the change in ownership request that has been submitted to the Department, we have split and changed the record of current ownership as requested. The remaining portions of the rights still owned by Mr. and Mrs. Wilcox have been renumbered to 37-20924 and 37-20926, while the portions sold to the Koss Trusts are numbered 37-20925 and 37-20927. 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 dark ink, appearing to read 'Trish Fawcett', is written over a horizontal line.

**Trish Fawcett  
Technical Records Specialist**

**Enc.**

RECEIVED  
MAR 19 2003  
Department of Water Resources  
Southern Region

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.

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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 37-28E                |                              | X     |                       |                              |       |
| 37-297H               |                              | X     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) are for ten or more acres of irrigation, you must submit 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) Ronald G. And Lorraine B. Wilcox  
P.O. Box 1255, Sun Valley, Idaho 83353
4. New Owner/Claimant(s) George Peter Koss, as trustee of the George Peter Koss 2001 Revocable Trust  
dated April 10, 2001 and Victoria Jane Kerr Koss, as trustee of the Victoria Jane  
Kerr Koss 2001 Revocable Trust dated April 10, 2001  
Name Connector (Check one): [x] and, [ ] or [ ] and/or
- New Mailing Address P.O. Box 277
- City, State and Zip Code Hailey, Idaho 83333
- New Telephone Number (208) 788-5677
5. Date you acquired the property March 10, 2003

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>37-28E</u>                                                              |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(Cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | <u>0.19 cfs</u>                                                            | <u>9.4 acres</u>                                              |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | <u>0.19 cfs</u>                                                            |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>37-297H</u>                                                             |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(Cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | <u>0.38 cfs</u>                                                            | <u>9.4 acres</u>                                              |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | <u>0.38 cfs</u>                                                            |                                                               |

7. Signature of New owner(s) or Claimant(s)

(include title if applicable)

George Peter Koss, trustee  
Victoria Jane Kerr Koss, trustee

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 [Signature] AJ Date 4/28/03 WR \_\_\_\_\_ Date \_\_\_\_\_

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

James P. Speck  
Speck & Anestad  
A Professional Corporation  
Post Office Box 987  
Ketchum, Idaho 83340

Post-It Fax Note

|           |           |      |       |
|-----------|-----------|------|-------|
| To        | Jim Speck | 7871 | Da    |
| Co./Dept. |           |      | Pr    |
| Phone #   | 4421-726  |      | Co.   |
| Fax #     | 726-0752  |      | Phone |
|           |           |      | Fax # |

(space above line for Recorder's use)

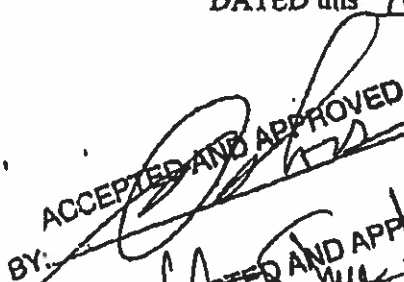
**QUITCLAIM DEED**

FOR VALUE RECEIVED, we, RONALD G. WILCOX and LORRAINE B. WILCOX, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to GEORGE PETER KOSS, as trustee of the George Peter Koss 2001 Revocable Trust dated April 10, 2001, as to an undivided one-half (1/2) interest, and VICTORIA JANE KERR KOSS as trustee of the Victoria Jane Kerr Koss 2001 Revocable Trust dated April 10, 2001, as to an undivided one-half (1/2) interest, whose current address is Post Office Box 277, Hailey, Idaho 83333 ("Grantees"), all our right, title and interest in and to the following described water rights, all of which are appurtenant to Lot 3D of A Replat of Lot 4, Block 1, Buckhorn Subdivision, Second Add. and Lots 3A and 3B, Block 1, Buttercup Meadows Subdivision according to the official plat thereof recorded as Instrument No. 376081, records of Blaine County, Idaho:

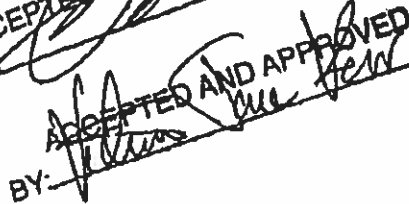
0.19 cfs of Water Right No. 37-28E and 0.38 cfs of Water Right No. 37-297H, both for the irrigation of 9.4 acres.

DATED this 10 day of March, 2003.

GRANTORS:

ACCEPTED AND APPROVED  
BY: 

RONALD G. WILCOX

ACCEPTED AND APPROVED  
BY: 

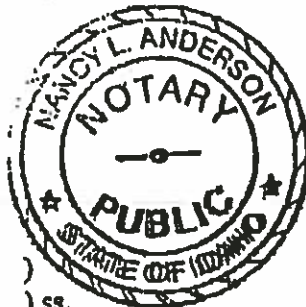
LORRAINE B. WILCOX

QUITCLAIM DEED - 1

STATE OF IDAHO )  
 ) ss.  
 County of Blaine )

On this 11th day of March, 2003, before me, the undersigned, a notary public in and for said state, personally appeared RONALD G. WILCOX, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

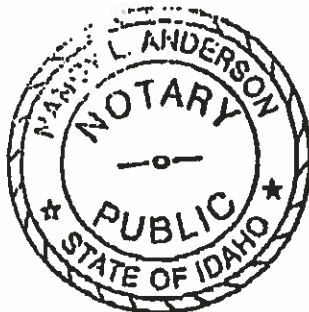


Nancy L. Anderson  
 Notary Public for Idaho  
 Residing at: Harley  
 Comm. Expires: 2/27/03

STATE OF IDAHO )  
 ) ss.  
 County of Blaine )

On this 11th day of March, 2003, before me, the undersigned, a notary public in and for said state, personally appeared LORRAINE B. WILCOX, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Nancy L. Anderson  
 Notary Public for Idaho  
 Residing at: Harley  
 Comm. Expires: 2/27/03

K26308

## WARRANTY DEED

For Value Received Ronald G. Wilcox and Lorraine B. Wilcox, husband and wife

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

George Peter Koss, trustee of The George Peter Koss 2001 Revocable Trust and Victoria Jane Kerr Koss,  
trustee of The Victoria Jane Kerr Koss 2001 Revocable Trust

whose address is: P.O. Box 277, Hailey, ID 83333

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

Lot 3D of A Replat of Lot 4, Block 1, Buckhorn Subdivision 2nd Add; And Lots 3A & 3B, Block 1,  
Buttercup Meadows Subdivision, according to the official plat thereof, recorded as Instrument No.  
376081; records of Blaine County, Idaho.

Reserving and excepting any and all water rights appurtenant thereto, which water rights shall be  
conveyed separately from Grantor to Grantee by a quitclaim deed.

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 year 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: March 6, 2003

Ronald G. Wilcox

Lorraine B. Wilcox

STATE of Idaho

COUNTY of Blaine

On this 10th day of March, 2003, before me the undersigned, personally appeared Ronald G. Wilcox and Lorraine B.  
Wilcox, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the  
within instrument, and acknowledged to me that they executed the same.

Notary Public of Idaho  
Residing at: Hailey  
Commission Expires: 02/27/08



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MAR 19 2003

Department of Water Resources  
Caldwell, Idaho

**Claimants Names:**

George Peter Koss, trustee of  
the George Peter Koss 2001 Revocable Trust  
dated April 10, 2001

Victoria Jane Kerr Koss, trustee of the  
Victoria Jane Kerr Koss 2001 Revocable  
Trust dated April 10, 2001

**Attorney Name & Address:**

James P. Speck, ISB#2067  
Speck & Aanestad  
A Professional Corporation  
120 East Avenue  
P. O. Box 987  
Ketchum, Idaho 83340  
(208) 726-4421  
FAX: (208) 726-0752

**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

)  
)  
) **NOTICE OF APPEARANCE**  
)  
)  
)

**DESCRIPTIVE SUMMARY**

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the  
water rights identified below.

**NOTICE OF APPEARANCE**

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance  
in the action on behalf of Claimants, George Peter Koss, as trustee of the George Peter Koss 2001  
Revocable Trust dated April 10, 2001 and Victoria Jane Kerr Koss, as trustee of the Victoria Jane

Kerr Koss 2001 Revocable Trust dated April 10, 2001 for the following water rights which are the subject of a subcase: 37-28E and 37-297H.

DATED this 18th day of March, 2003.

SPECK & AANESTAD  
A Professional Corporation

By   
James P. Speck

### CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of March, 2003, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division  
Office of the Attorney General, State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

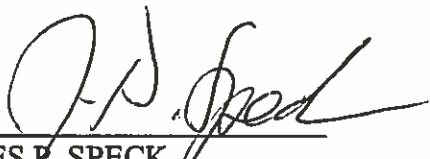
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice  
Environmental and Natural Resources  
Division  
550 West Fort Street  
Box 33  
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources  
Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

  
JAMES P. SPECK

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

JAMES P. SPECK  
jimspeck@cox-internet.com  
DOUGLAS J. AANESTAD  
aanestad@cox-internet.com

March 18, 2003

Mr. Allen Merritt  
Idaho Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls ID 83301

**Re: George Peter Koss and Victoria Jane Kerr Koss  
Water Right Nos. 37-28E and 37-297H  
Our File No.: 030028**

Dear Allen:

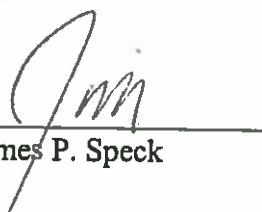
Enclosed you will find an original and one copy of Notice of Change of Water Right Ownership for water rights previously claimed by Ronald and Lorraine Wilcox and now owned by George Peter Koss, as trustee of the George Peter Koss 2001 Revocable Trust dated April 10, 2001 and Victoria Jane Kerr Koss, as trustee of the Victoria Jane Kerr Koss 2001 Revocable Trust dated April 10, 2001. I am also enclosing the original and one copy each of a Notice of Appearance for my firm. Please have your secretary file the originals of each of these documents, confirm the copies and return to me in the self-addressed, postage prepaid envelope I have included for that purpose.

Please call me if you have any questions about these documents. If not, kindly send me copies of the computer printouts reflecting the change of ownership once the information has been entered into the IDWR database.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

JPS:jal  
enclosures  
cc: Client

RECEIVED

MAR 19 2003

Department of Water Resources  
Bootham Building

# A REPLAT OF LOT 4, BLOCK 1, BUCKHORN SUBDIVISION 2nd ADD. AND LOTS 3A & 3B, BLOCK 1, BUTTERCUP MEADOWS SUBDIVISION

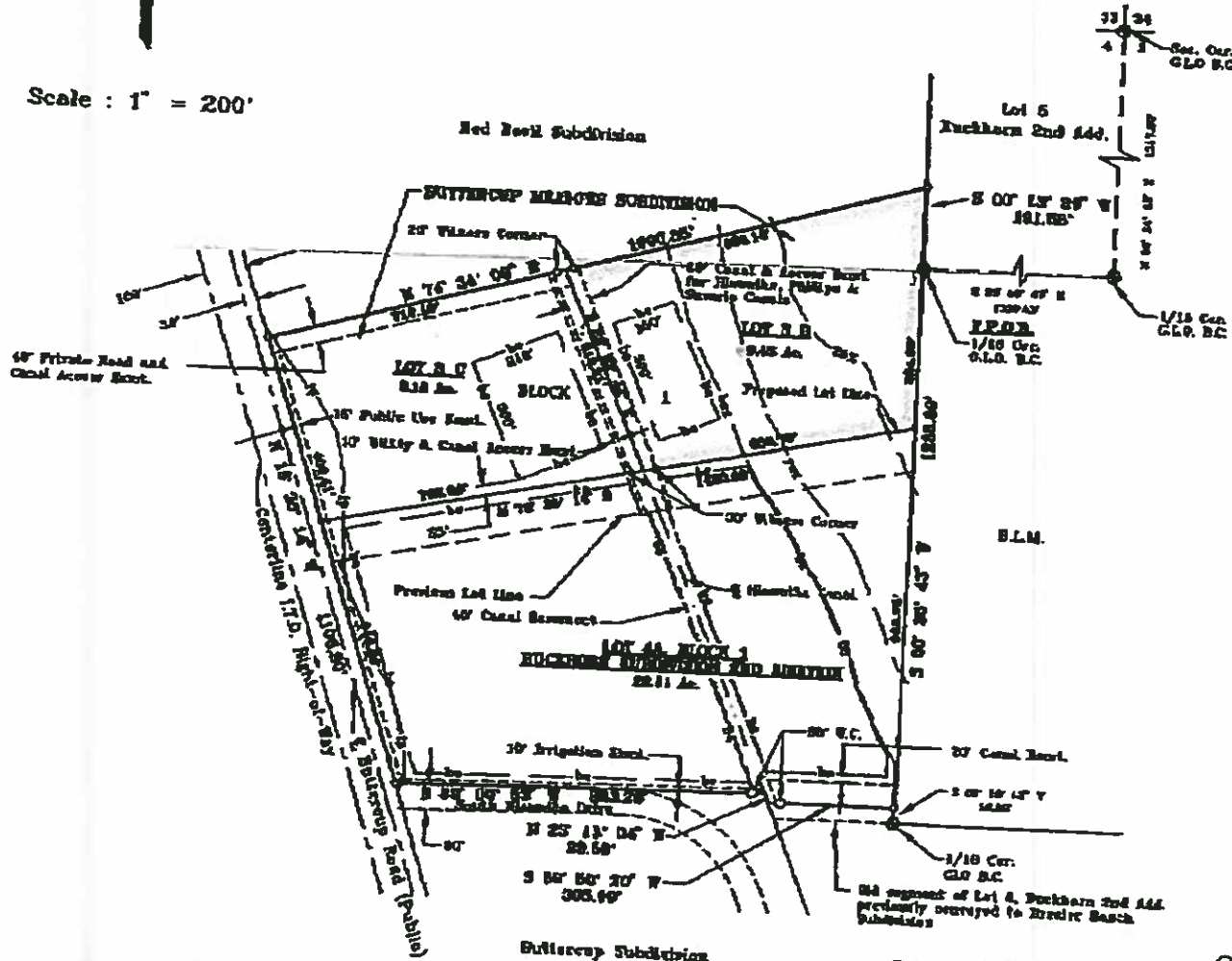
WHEREIN THE LOT LINE BETWEEN LOT 4 AND LOTS 3A & 3B IS SHIFTED TO CREATE LOTS 4A, 3C AND 3D  
LOCATED WITHIN

SECTION 4, T.2 N., R.18 E., B.M., BLAINE COUNTY, IDAHO

SCALE BY FEET  
200 100 0 100 200 300

JANUARY 1995

Scale : 1" = 200'



## LEGEND

- Found Brass Cap
- Found 5/8" Nail
- Found 1/2" Nail
- Set 1/2" Nail, L.I. 3621
- Contiguous Monuments
- Resurvey, Width or Shown
- 100-Year Floodplain
- Building Envelope
- 100' Wide Avalanche Zone (Per Arthur Means Avalanche Study dated March, 1994)
- Red Avalanche Zone (Per Arthur Means Avalanche Study dated March, 1994)
- 100' Wide Floodplain

## NOTES

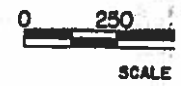
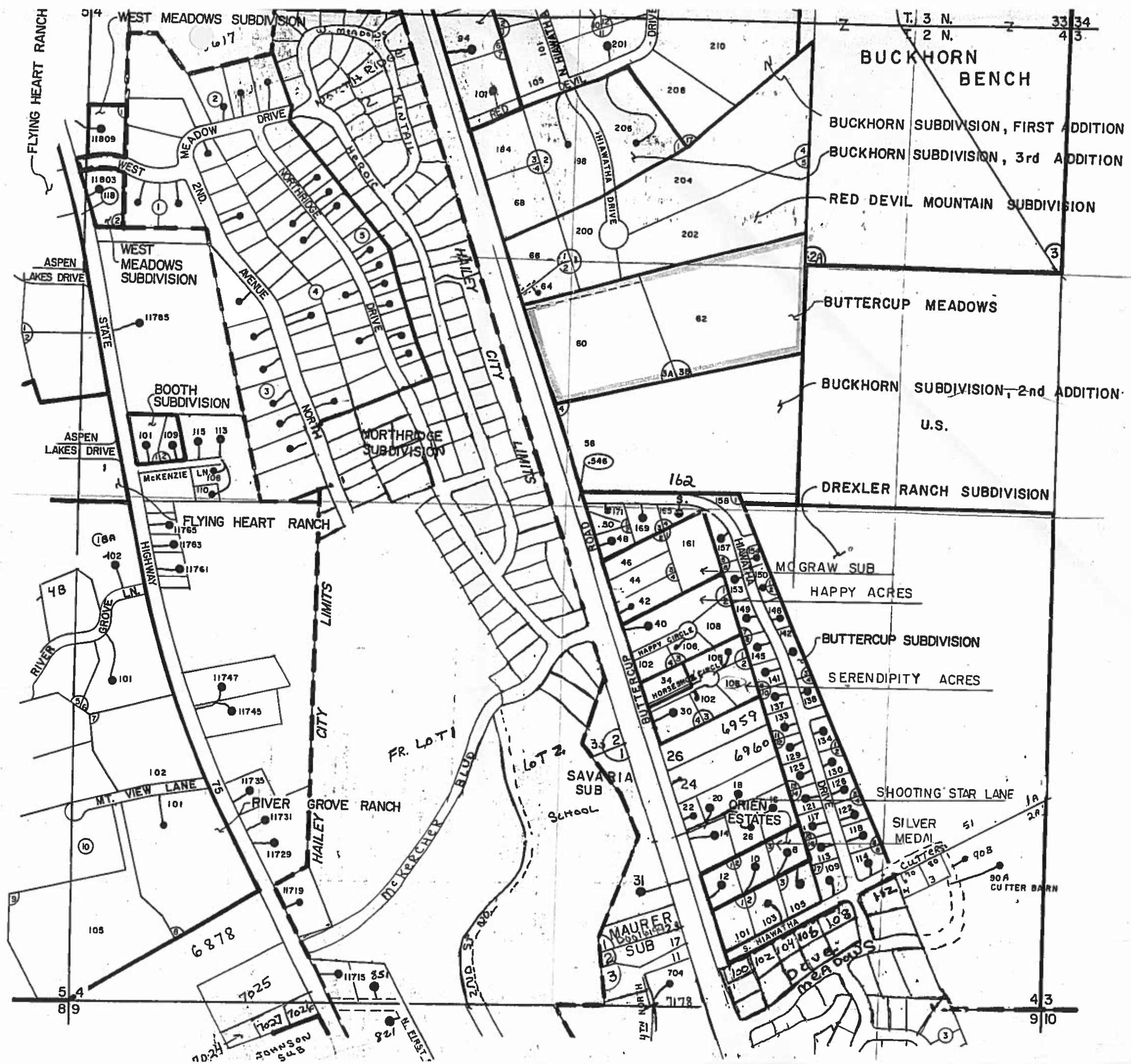
1. Lot 4A is subject to certain conditions and restrictions contained within the plat and to C.C. & B.'s for Buckhorn Subdivision 2nd Addition, recorded in the Blaine County Recorder's office under Instrument Nos. 270457 and 270461, respectively, and any amendments thereto.
2. Lots 3C and 3D are subject to notes, conditions and restrictions contained within the plat and C.C. & B.'s for Buttercup Meadows Subdivision, recorded in the Blaine County Recorder's office under Instrument Nos. 349305 and 349306, respectively, and any amendments thereto.

BLAINE COUNTY, IDAHO. Survey restrictions as required by Idaho Code Title 50, Ch. 12, have been satisfied. Survey restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 12, Sec. 24-1204, by Blaine County Recorder.

Praxler Ranch Subdivision

BASE OF BLAINE IS BUCKHORN SUBDIVISION 1st ADDITION

*[Handwritten signature]*



|      |        |
|------|--------|
| 1923 |        |
| 2501 | Detail |
| 2500 | Page   |

COPY

CLERK OF DISTRICT COURT  
TWIN FALLS COUNTY, IDAHO  
FILED \_\_\_\_\_

2007 NOV 14 PM 2 31

**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 )

Subcase No. 37-20925, 37-20927

Case No. 39576 )

**NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 11/13/07

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Koss Family Ltd Partnership  
PO Box 277  
Hailey ID 83333

James P Speck  
Speck & Aanestad  
PO Box 987  
Ketchum ID 83340



Signature of person or attorney mailing the form

11/09/2007

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

RIGHT NUMBER: 37-20925

NAME AND ADDRESS: KOSS FAMILY LTD PARTNERSHIP  
PO BOX 277  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.190 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE 0.80 T02N R18E S04 SWNE 8.60

9.4 ACRES TOTAL

Right Nos. 37-20925 and 37-20927 are limited to the irrigation of a combined total of 9.4 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: BASIS OF CLAIM - Decreed

Property is also known as Lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.

11/09/2007

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

RIGHT NUMBER: 37-20927

NAME AND ADDRESS: KOSS FAMILY LTD PARTNERSHIP  
PO BOX 277  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 11/26/1886

POINT OF  
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.380 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE 0.80 T02N R18E S04 SWNE 8.60

9.4 ACRES TOTAL

Right Nos. 37-20925 and 37-20927 are limited to the irrigation of a combined total of 9.4 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: BASIS OF CLAIM - Decreed

Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.



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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

November 14, 2007

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

KOSS FAMILY LTD PARTNERSHIP  
PO BOX 277  
HAILEY ID 83333

RE: SRBA Claim(s) 37-20925, 37-20927

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

  
Trish Fawcett  
Technical Records Specialist

Enclosure

cc: JAMES P SPECK  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

RECEIVED

NOV 07 2007

Form 42-248/42-1409(6) July, 2000

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

**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

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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| _____                 | <u>37-20927</u>              | _____ | _____                 | _____                        | _____ |
| _____                 | <u>37-20925</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) are for ten or more acres of irrigation, you must submit 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) George Peter Koss 2001 Revocable Trust, George Peter Koss Trustee and Victoria Jan Kerr Koss 2001 Revocable Trust, Victoria Jane Kerr Koss Trustee  
P.O. Box 277, Haile, ID 83333
4. New Owner/Claimant(s) The Koss Family Limited Partnership  
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address P.O. Box 277
- City, State and Zip Code Hailey, ID 83333
- New Telephone Number (208) 788-5677
5. Date you acquired the property November 1, 2007

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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<br>(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<br>(Cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                         |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(Cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                         |

7. Signature of New owner(s) or Claimant(s)  
(include title if applicable)

*George Peter Koss, Gen Partner*  
Koss-Fmaily Limited Partnership  
George Peter Koss, General Partner

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 \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

ORIGINAL IN RED

RECEIVED

NOV 07 2007

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

**Terry G. Hogue, Esq.  
HOGUE & DUNLAP, L.L.P.  
Post Office Box 460  
Hailey, Idaho 83333**

**Instrument # 514390**

**HAILEY, BLAINE, IDAHO**

**2004-12-23**

**02:14:00 No. of Pages: 2**

**Recorded for: HOGUE & DUNLAP**

**MARSHA RIEMANN**

**Fee: 6.00**

**Ex-Officio Recorder Deputy**

**Index to: WTY/CORP DEED**

(space above line for Recorder's use)

**QUITCLAIM DEED**

FOR VALUE RECEIVED, GEORGE PETER KOSS, as Trustee of the GEORGE PETER KOSS 2001 REVOCABLE TRUST dated April 10, 2001, and VICTORIA JANE KERR KOSS, as Trustee of the VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST dated April 10, 2001, of Post Office Box 277, Hailey, Idaho 83333, (hereinafter collectively referred to as "Grantor"), do hereby convey, release, remise and forever quitclaim to THE KOSS FAMILY LIMITED PARTNERSHIP dated December 7, 2004, of Post Office Box 277, Hailey, Idaho 83333, (hereinafter collectively referred to as "Grantee"), any and all interest said Trusts may have in the following described premises, situated in Blaine County, Idaho, to wit:

Lot 3D of a Replat of Lot 4, Block 1, Buckhorn Subdivision, 2<sup>nd</sup> Add. and Lots 3A & 3B, Block 1, Buttercup Meadows Subdivision, according to the official plat thereof, recorded as Instrument No. 376081, records of Blaine County, Idaho.

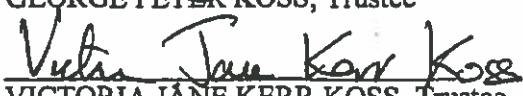
TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

DATED this 7<sup>th</sup> day of December, 2004.

GRANTORS:

  
GEORGE PETER KOSS, Trustee

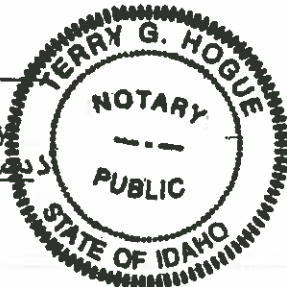
  
VICTORIA JANE KERR KOSS, Trustee

STATE OF IDAHO            )  
                                  ) ss.  
County of Blaine         )

On this 7<sup>th</sup> day of December, 2004, before me, the undersigned, a notary public in and for said state, personally appeared GEORGE PETER KOSS, 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 in his capacity as Trustee of the GEORGE PETER KOSS 2001 REVOCABLE TRUST.

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

  
Notary Public for Idaho  
Residing at: Blaine County  
Comm. expires: 11/11/2005



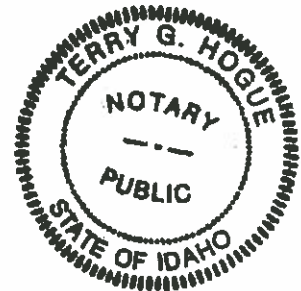
STATE OF IDAHO            )  
                                  ) ss.  
County of Blaine         )

On this 7<sup>th</sup> day of December, 2004, before me, the undersigned, a notary public in and for said state, personally appeared VICTORIA JANE KERR KOSS, 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 in her capacity as Trustee of the VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST.

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

  
Notary Public for Idaho  
Residing at: Blaine County  
Comm. expires: 11/11/2005

Z:\WPDATA\PARTNERS\Koss Family Ltd. PS\buttermcup deed.wpd



QUITCLAIM DEED - 2

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

JAMES P. SPECK  
jlm@speckandaanestad.com

DOUGLAS J. AANESTAD  
doug@speckandaanestad.com

TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

November 6, 2007

RECEIVED

NOV 07 2007

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Ms. Trish Fawcett  
Idaho Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301

**Re: Water Right Nos.: 37-20912 AND 37-20925;  
The Koss Family Limited Partnership**

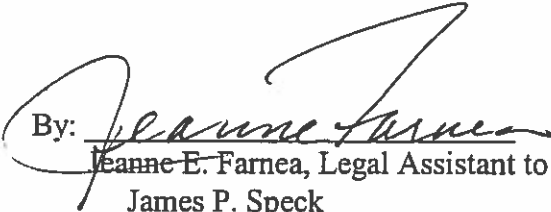
Dear Trish:

Enclosed is a n original and one copy of the Notice of Change in Water Right Ownership in the above-referenced claim. Please arrange to have the copy receipt date-stamped and returned to my office in the postage prepaid, self-addressed envelope provided for that purpose.

If you have any questions please call me. Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: 

Jeanne E. Farnea, Legal Assistant to  
James P. Speck

Enclosure

cc: client (w/encl.)

01/17/2007

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

RIGHT NUMBER: 37-20927

NAME AND ADDRESS: GEORGE PETER KOSS 2001 REVOCABLE TRUST  
GEORGE PETER KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST  
VICTORIA JANE KERR KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 11/26/1886

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/15 10/31

QUANTITY  
0.380 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE 3.00 T02N R18E S04 SWNE 6.40

9.4 ACRES TOTAL

Right Nos. 37-20925 and 37-20927 are limited to the irrigation of a combined total of 9.4 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: BASIS OF CLAIM - Decreed

Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20927 V1

WATER RIGHT NUMBER: 37-20927 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Attorney          | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421                                              |
| Original Owner    | LORRAINE WILCOX<br>PO BOX 2382<br>SUN VALLEY, ID 83353<br>(208)788-7329                                                            |
| Original Owner    | RON WILCOX<br>PO BOX 2382<br>SUN VALLEY, ID 83353<br>(208)726-4397                                                                 |
| Current Owner     | GEORGE PETER KOSS 2001 REVOCABLE TRUST<br>GEORGE PETER KOSS TRUSTEE<br>PO BOX 277<br>HAILEY, ID 83333<br>(208)788-5677             |
| Current Owner     | VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST<br>VICTORIA JANE KERR KOSS TRUSTEE<br>PO BOX 277<br>HAILEY, ID 83333<br>(208)788-5677 |

Priority Date: 11/26/1886

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            | 04/15 to 10/31          | 0.380 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.380 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| BIG WOOD RIVER | SW1/4NW1/4 | Sec. 20, Twp 03N, Rge 18E, B.M. |
| BLAINE 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 |        |
| 02N | 18E | 4   |    | 3.0 | 6.4 |    |    |    |    |    |    |    |    |    |    |    |    |    | 9.4    |
|     |     |     |    | L 2 |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 9.4

IDAHO DEPARTMENT OF WATER RESOURCES  
 Adjudication Recommendation Report 37-20927 V1

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 37-20925 and 37-20927 are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season.
3. J01 Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.

Remarks:Comments:

1. dnelson 12/19/2006 Season of Use

Comment: Season of Use was corrected to 4/15/ to 10/31

2. csaxton 1/17/2007 From Claim (1)

Comment: THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-297H.

3. csaxton 1/17/2007 NOE

Comment: POU limiting condition added per NOE. Note, that no limiting condition on diversion rate was added despite the combine diversion rate is well over one inch per acre. Per Chris Bromley, it is not uncommon for rights in this area to be over one inch per acre.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

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

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 10/20/2006 8:13:24 AM     | awarntje        |                           |                 | Active        |
| Priority Date  | 10/20/2006 8:13:52 AM     | awarntje        |                           |                 | Active        |
| POD            | 10/20/2006 8:15:33 AM     | awarntje        |                           |                 | Active        |
| Source         | 10/20/2006 8:15:51 AM     | awarntje        |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20927 V1

|          |                       |                     |        |
|----------|-----------------------|---------------------|--------|
| POU      | 10/20/2006 8:37:08 AM | awarntje            | Active |
| Use      | 10/20/2006 8:37:34 AM | awarntje            | Active |
| Season   | 10/20/2006 8:41:10 AM | awarntje            | Active |
| Summary  |                       | 10/20/2006 awarntje | Active |
| Quantity | 10/20/2006 8:50:09 AM | awarntje            | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 10/20/2006 8:13:25 AM  | awarntje        | (No) 1. Do you want to schedule an appointment?                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| General        | 10/20/2006 8:13:53 AM  | awarntje        | <p>Comment for 1: Sufficient info in file</p> <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> |
| POD            | 10/20/2006 8:15:22 AM  | awarntje        | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POU            | 10/20/2006 8:35:22 AM  | awarntje        | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU            | 10/20/2006 8:37:08 AM  | awarntje        | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                                                                      |
| Use            | 10/20/2006 8:37:34 AM  | awarntje        | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                            |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20927 V1

|         |                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------|-----------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season  | 10/20/2006 8:41:11 AM | awarntje | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 14. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |
| Summary | 10/20/2006 8:50:06 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p>                                                                                        |
| POD     | 10/20/2006 8:15:34 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Source  | 10/20/2006 8:15:52 AM | awarntje | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20927 V1

|          |                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|-----------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 10/20/2006 8:50:10 AM | awarntje | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required? |
|----------|-----------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Water Supply Bank:

12/19/2006

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

RIGHT NUMBER: 37-20927

NAME AND ADDRESS: GEORGE PETER KOSS 2001 REVOCABLE TRUST  
GEORGE PETER KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST  
VICTORIA JANE KERR KOSS TRUSTEE  
PO BOX 277  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 11/26/1886

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.380 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE 3.00 T02N R18E S04 SWNE 6.40

9.4 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: BASIS OF CLAIM - Decreed

Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-297H.



# Idaho Department of Water Resources

SRBA Recommendation:

**37-20927**

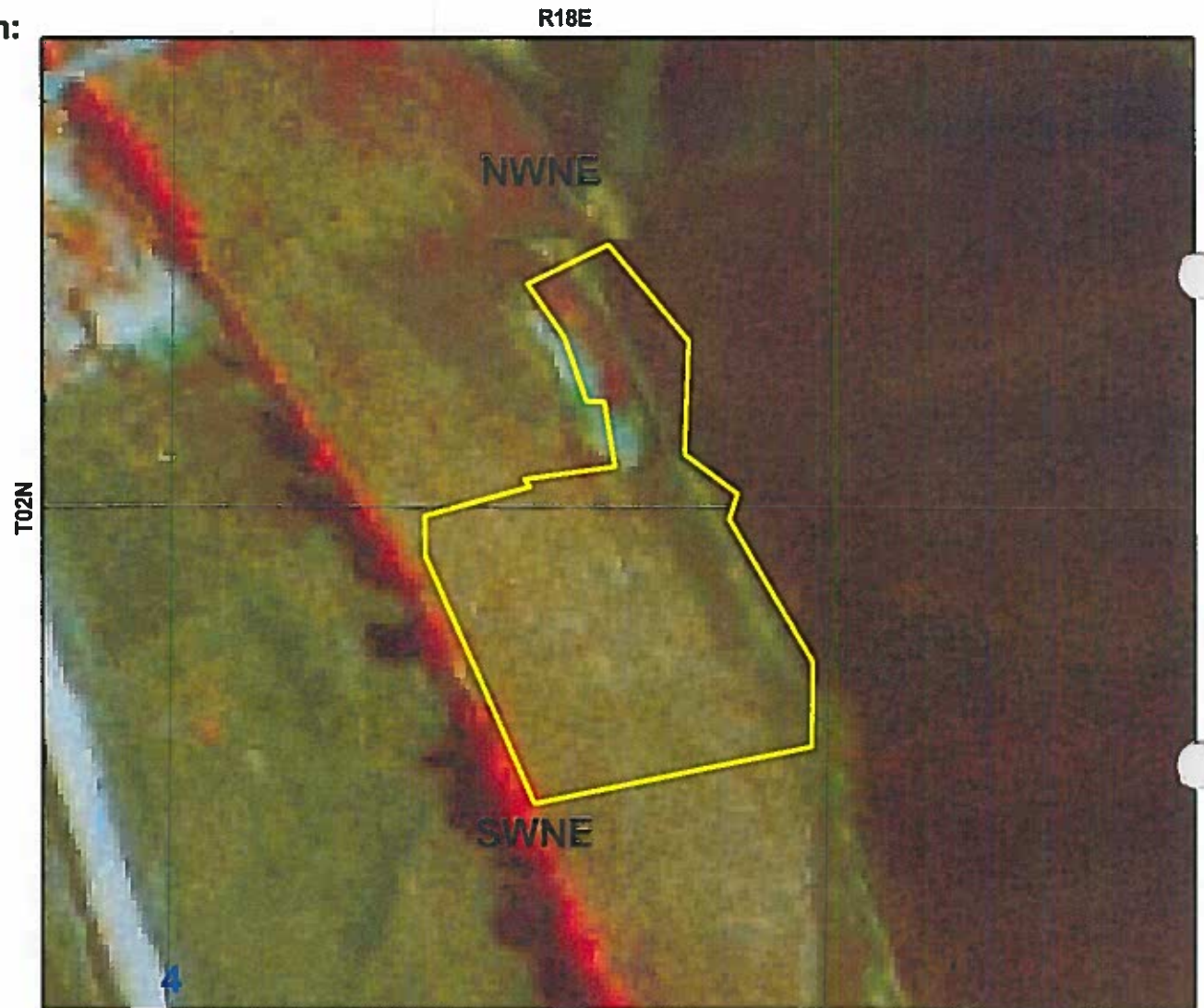
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by A. Warntjes  
On Friday, October 20, 2006  
1987/88 Aerial Photography

**Anders, Matthew**

*Danni,  
please put in claim file.*

**From:** Jim Speck [jim@speckandaanestad.com]  
**Sent:** Wednesday, November 29, 2006 10:13 AM  
**To:** Tuthill, Dave; Anders, Matthew  
**Cc:** 'Peter Koss'  
**Subject:** RE: RE: Koss/Buttercup Meadows Water Rights - 37-20925 & 20927

Matt,

Please let me know when the prelim for 37-20927 is finalized and, if possible, e-mail a copy to me, including the map. Thank you.

Jim

James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
120 East Avenue  
P.O. Box 987  
Ketchum, ID 83340  
208.726.4421  
208.726.0752 (fax)  
jim@speckandaanestad.com

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-----Original Message-----

**From:** Anders, Matthew  
**Sent:** Wednesday, November 29, 2006 7:16 AM  
**To:** Jim Speck; Tuthill, Dave

Dave and Jim,

Mr. Koss called our 1-800 line today and Sally forwarded the call to me. Mr. Koss wanted to know why he received a preliminary for 37-20925, but not 37-20927. I looked at our tracking list and saw 37-20927 was assigned to Dave, but it had not been reviewed yet. So I told Mr. Koss he would get 37-20927 at a later time.

He also asked about which water rights need to be in the SRBA. He said he had an older water right, but didn't have the number. If he finds the number he might try to contact us again.

Matt

-----Original Message-----

**From:** Jim Speck [mailto:jim@speckandaanestad.com]  
**Sent:** Tuesday, November 28, 2006 9:38 PM  
**To:** Anders, Matthew; Tuthill, Dave  
**Cc:** koss@sunvalley.net  
**Subject:** Re: Koss/Buttercup Meadows Water Rights - 37-20925 & 20927

Dave & Matt,

The list says Dave but my client spoke to Matt today!! He received and fax'd to me the prelim for 37-20925 and it is correct. If the prelim on the internet is current for 37-20927 then it is also correct. Can you e-mail me both of them with the map? Thanks!

Jim

James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
120 East Avenue  
P.O. Box 987  
Ketchum, ID 83340  
208.726.4421  
208.726.0752 (fax)  
jim@speckandaanestad.com

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--  
No virus found in this incoming message.  
Checked by AVG Free Edition.  
Version: 7.5.430 / Virus Database: 268,14,19/556 - Release Date: 11/28/2006  
3:22 PM

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20927 V1

WATER RIGHT NUMBER: 37-20927 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Attorney          | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421                                              |
| Original Owner    | LORRAINE WILCOX<br>PO BOX 2382<br>SUN VALLEY, ID 83353<br>(208)788-7329                                                            |
| Original Owner    | RON WILCOX<br>PO BOX 2382<br>SUN VALLEY, ID 83353<br>(208)726-4397                                                                 |
| Current Owner     | GEORGE PETER KOSS 2001 REVOCABLE TRUST<br>GEORGE PETER KOSS TRUSTEE<br>PO BOX 277<br>HAILEY, ID 83333<br>(208)788-5677             |
| Current Owner     | VICTORIA JANE KERR KOSS 2001 REVOCABLE TRUST<br>VICTORIA JANE KERR KOSS TRUSTEE<br>PO BOX 277<br>HAILEY, ID 83333<br>(208)788-5677 |

Priority Date: 11/26/1886

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            | 04/15 to 10/31          | 0.380 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.380 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| BIG WOOD RIVER | SW1/4NW1/4 | Sec. 20, Twp 03N, Rge 18E, B.M. |
| BLAINE 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 |        |
| 02N | 18E | 4   |    | 3.0 | 6.4 |    |    |    |    |    |    |    |    |    |    |    |    |    | 9.4    |
|     |     |     |    | L 2 |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 9.4

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-20927 V1

Conditions of Approval:

1. C18 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.
2. J01 Property is also known as lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second Addition and Lots 3A and 3B, Buttercup Meadows Subdivision.
3. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-297H.

Remarks:Comments:

1. dnelson 12/19/2006 Season of Use  
Comment: Season of Use was corrected to 4/15/ to 10/31

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 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

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 10/20/2006 8:13:24 AM     | awarntje        |                           |                 | Active        |
| Priority Date  | 10/20/2006 8:13:52 AM     | awarntje        |                           |                 | Active        |
| POD            | 10/20/2006 8:15:33 AM     | awarntje        |                           |                 | Active        |
| Source         | 10/20/2006 8:15:51 AM     | awarntje        |                           |                 | Active        |
| POU            | 10/20/2006 8:37:08 AM     | awarntje        |                           |                 | Active        |
| Use            | 10/20/2006 8:37:34 AM     | awarntje        |                           |                 | Active        |
| Season         | 10/20/2006 8:41:10 AM     | awarntje        |                           |                 | Active        |
| Summary        |                           |                 | 10/20/2006                | awarntje        | Active        |
| Quantity       | 10/20/2006 8:50:09 AM     | awarntje        |                           |                 | Active        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-20927 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 10/20/2006 8:13:25 AM  | awarntje        | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Sufficient info in file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| General        | 10/20/2006 8:13:53 AM  | awarntje        | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                                                                                                                                                                                                           |
| POD            | 10/20/2006 8:15:22 AM  | awarntje        | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU            | 10/20/2006 8:35:22 AM  | awarntje        | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POU            | 10/20/2006 8:37:08 AM  | awarntje        | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(Yes) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Use            | 10/20/2006 8:37:34 AM  | awarntje        | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Season         | 10/20/2006 8:41:11 AM  | awarntje        | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 14. Is irrigation claimed as a Purpose of Use?<br>(No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?<br>(No) 18. Is a Period of Use remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20927 V1

|          |                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|-----------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 10/20/2006 8:50:06 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POD      | 10/20/2006 8:15:34 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Source   | 10/20/2006 8:15:52 AM | awarntje | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Quantity | 10/20/2006 8:50:10 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                                 |

Water Supply Bank:

## MEMO TO REVIEWING AGENT

May 1, 2003

Re: 37-28E split into 37-20924 and 37-20925  
37-297H split into 37-20926 and 37-20927

From: Trish Fawcett

I split these rights as requested in the owner change and deed using the same quarter-quarter acre allocation as was submitted in the amended claim. After I split the rights and sent out the confirmation letter to Jim Speck, I did the GIS work and found that although the total acreage was correct, the distribution of acres in each 40 acre tract was not. Recommendations for the rights should be as follows:

Claims 37-20925 and 37-20927 – Lot 3D Buttercup Meadows Subdivision

|     |     |    |      |            |
|-----|-----|----|------|------------|
| 02N | 18E | 04 | NWNE | 1.6        |
|     |     |    | SWNE | <u>7.8</u> |
|     |     |    |      | 9.4        |

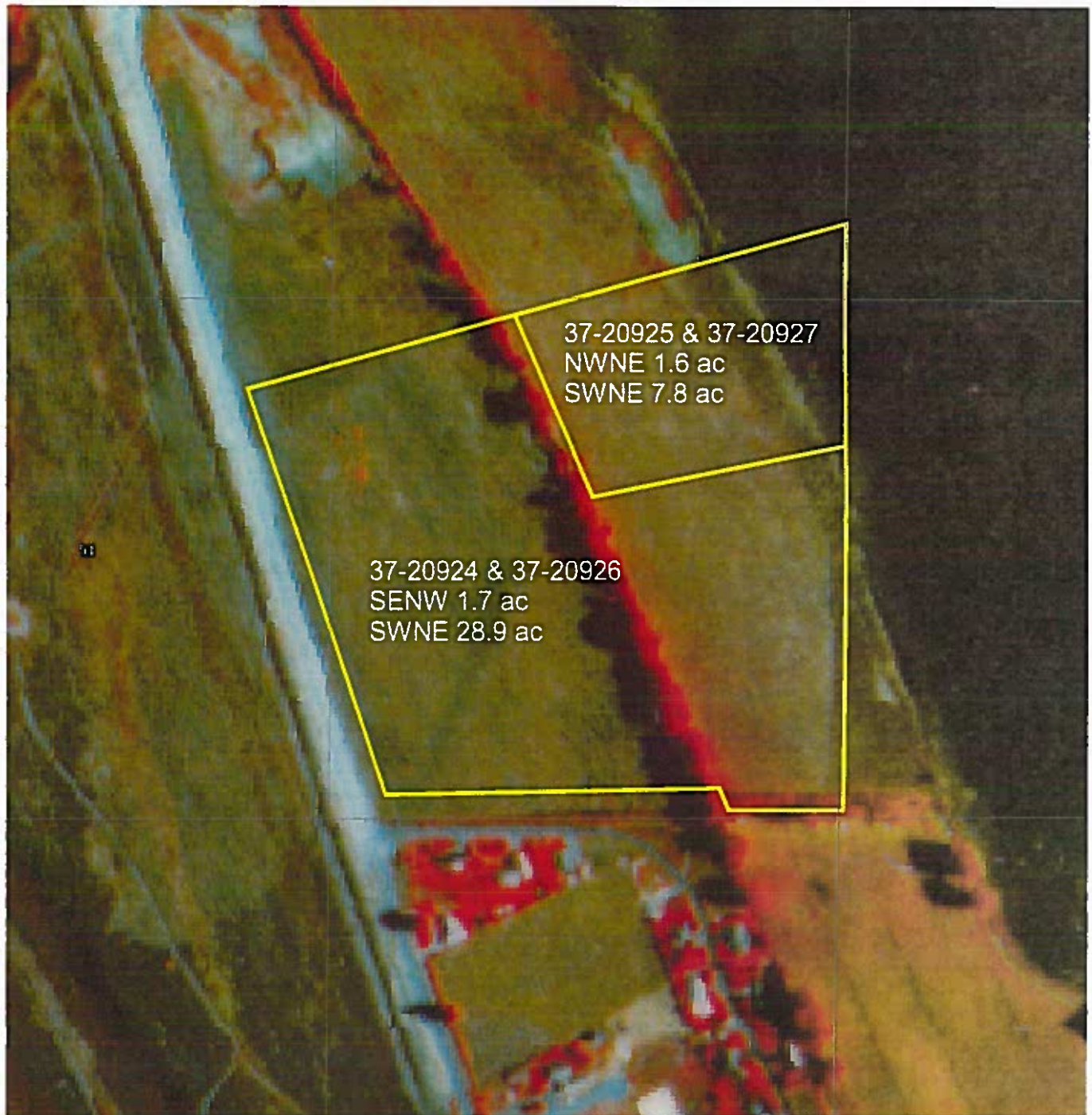
Claims 37-20924 and 37-20926 – Lot 3C Buttercup Meadows Subdivision and Lot 4A Buckhorn Subdivision 2<sup>nd</sup> Addition. (The remaining portions of the base rights.)

|     |     |    |      |             |
|-----|-----|----|------|-------------|
| 02N | 18E | 04 | SENE | 1.7         |
|     |     |    | SWNE | <u>28.9</u> |
|     |     |    |      | 30.6        |

When Lot 3C Buttercup Meadows is split from these two rights 1.5 acres in the SENE will go with this lot, while .2 will stay with Lot 4A Buckhorn Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

**37-20924 and 37-20926**  
**37-20925 and 37-20927**



660 0 660 Feet

- ⊙ POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

PLACE OF USE  
TWP 02N, RNG 18E, SEC 04  
April 30, 2003

GIS PLACE OF USE PRESENTATION  
1987 OR 1988 NAPP Photography  
DATA ENTRY BY TRISH FAWCETT