

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

Subcase Number 37-28D
Date Received:
Receipt No:
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Tamera L. Clifford
~~William P. Clifford~~ TC
P.O. Box 153
Sun Valley, ID 83353

Phone: (208)622-2166

2. Date of Priority: March 24, 1883

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
3N 18E 20 SW NW Blaine

5. Description of diverting works: Hiawatha Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A
IRRIGATION	04/15	10/31	0.03	
DIVERSION TO STORAGE	04/15	10/31	0.01	0.30
AESTHETIC STORAGE	01/01	12/31		0.30
AESTHETIC	04/15	10/31	0.01	0.16

7. Total Quantity Appropriated is:
0.04 CFS/0.46 AFA

8. Non-irrigation uses: Storage for aesthetic use occurs in an excavated pond

Last Name: Clifford

Subcase No. 37-28D

2009

9. Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	33												1.9					1.9
3N	18E	33												A ¹					

Total number of acres irrigated: 1.9

10. Place of use in counties: Blaine

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used: 37-297E

13. Remarks:

Right Nos. 37-28D and 37-297E are limited to the irrigation of a combined total of 1.9 acres in a single irrigation season.

Rights 37-28D and 37-297E when combined shall not exceed a total annual maximum storage volume of 0.46 af.

14. Basis of Claim: Decree

¹ Aesthetic Storage and Aesthetic use

15. 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: 4 (map, ET_{Idaho} data, calculation spreadsheet and explanation)

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

Signature of Claimant:

Tamera L. Clifford
Tamera L. Clifford

Date: 6/24/09

State of Idaho)

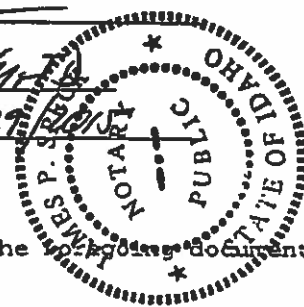
County of)

Subscribed and sworn (or affirmed) before me this 24 of June 2008.

J. P. [Signature]
Notary Public

Residing at Blaine County, ID

My commission Expires 1/29/2015



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

Signature of Claimant: _____

William P. Clifford

Date: _____

State of Idaho)

County of)

Subscribed and sworn (or affirmed) before me this ____ of _____ 2008.

Notary Public

Residing at _____

My commission Expires _____

Last Name: Clifford

Subcase No. 37-28D

Explanation

Aesthetic use and year-round storage for aesthetic use are claimed as accomplished changes in nature of use and season of use, pursuant to §42-1425, Idaho Code. The following is a description of historical water use at the claimed site, changes to the use that occurred prior to 1987, and a narrative description of the net effect on the portions of water rights 37-28 and 37-297 claimed by Tamera and William Clifford (the claimants).

This amended claim also seeks to correct a typographical error in the description of the point of diversion. The water is diverted at the headgate of the Hiawatha Canal, which lies in the SWNW, Section 20, Township 3N, Range 18E; not the SENE, Section 19, Township 3N, Range 18E as originally recommended.

Background

Water rights 37-28 and 37-297 were diverted from the Big Wood River, delivered through the Hiawatha Canal, and used for the irrigation of agricultural land prior to subdivision and development. The claimants' pond was excavated and filled with water as the lots in Buckhorn Subdivision were sold; beneficial use as an aesthetic pond began in April 1987 when the neighboring home was completed and the Clifford's lot was sold.

The pond now lies on three properties, owned by the Cliffords (the claimants), and their neighbors (Kennedy/Kirby and Mathieu, who will be claiming their portions of the pond separately). The following water rights are diverted from the Hiawatha Canal and flow through the claimed pond:

Water Right No.	Owner	Priority Date	Diversion Rate (cfs)	Irrigated Area (acres)
37-28D	Clifford	March 24, 1883	0.04	2.0
37-28J	Kennedy/Kirby	March 24, 1883	0.04	1.9
37-28K	Mathieu	March 24, 1883	0.04	1.9
37-297A	Mathieu	November 26, 1886	0.08	1.9
37-297E	Clifford	November 26, 1886	0.08	1.6
37-297M	Kennedy/Kirby	November 26, 1886	0.08	1.9

Table 1: Area Water Rights

The surface area of the pond is 0.44 acres, of which 0.10 acre are on the Clifford's lot. The pond depth averages three feet for a total volume of 1.32 acre-feet (0.30 acre-feet on the claimants' lot). A total diversion of 0.36 cfs flows into the pond from the Kennedy/Kirby, Clifford and Mathieu water rights.

Analysis

The claimants own a 2-acre parcel (Lot 1, Blk. 1, Buckhorn Subdivision) which was historically irrigated with the claimed water rights. It is assumed the primary crop was grass hay. GIS software was used to determine the irrigation place of use prior to construction of the home and driveway, and excavation of the pond (2.0 acres were irrigated). The irrigated area after excavation of the pond was also determined using GIS technology (1.9 acres were irrigated after construction of the pond).

Summary

The Clifford pond was excavated at the time the subdivision was developed, without benefit of a formal design. The pond is relatively small and the inflow from the Hiawatha canal (a total of 0.36 cfs from Kennedy/Kirby, Clifford and Mathieu) contributes to a pond environment that is clean and clear with a healthy population of fish, aquatic plants and invertebrates. The pond has been used for its aesthetic value since 1987.

Actual water consumption prior to excavation of the pond is estimated to have been 4.24 acre-feet annually. Actual water consumption (for irrigation and evaporative loss) after excavation of the pond is estimated to be 3.89 acre-feet annually (including filling the pond annually, when needed).

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: **A37-00028D**
Date Received: 2/24/1989
Receipt No: S006379
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TAMERA L. CLIFFORD 208-622-2166
Address: PO BOX 153
SUN VALLEY ID 83353
AND/OR
Name: WILLIAM CLIFFORD 208-622-2166
Address: PO BOX 153
SUN VALLEY ID 83353

2. Date of Priority: MAR 24, 1883

3. Source: HIAWATHA CANAL Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	19	SE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:
A37-00297E

14. Remarks:
DECREED 6" TOTAL (.12 CFS) ON 2 ACRE LOT 1, BLK 1, BUCKHORN
SUBD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

OCT 24 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 11/15/92

APR 08 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot 1, Block 1, Subdivision/Townsite Buckhorn

If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A37-000280 & A37-00297E
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Peter, Natalie Miller
Pinedale, Wyoming
- ☐ New Owner/Claimant (Purchaser): William P. Clifford & Tamera L. Clifford
- ☐ New Mailing Address: P.O. Box 153
Sun Valley Id 83353
- ☐ New Telephone Number: (208) 288-0877 work-208 622-2166
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes / no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): William P. Clifford Date 4/6/92
Tamera L. Clifford Date 4/6/92
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

MICROFILMED

OCT 24 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 02-17-93 By: 71

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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

AMENDED PER PHONE

CALL- 5/8/90 jg address change
Ident. Number: A37-00028D
Date Received: 2/24/1989
Receipt No: S006379
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NATALIE V. MILLER 208-788-9538
Address: P.O. BOX 2131
HAILEY, ID 83333

AND/OR

Name: PETER M. MILLER 208-788-9538
Address: P.O. BOX 2131
HAILEY, ID 83333

2. Date of Priority: MAR 24, 1883

3. Source: HIAWATHA CANAL Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	19	SE	NE		IRR	2.0

10. Place of Use: Continued

Section Acres 2.0

Total Acres 2.0

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:

A37-00297E

14. Remarks:

DECREED 6" TOTAL (.12 CFS) ON 2 ACRE LOT 1, BLK 1, BUCKHORN
SUBD.

|

CLAIM AMENDED FOR NEW OWNERSHIP. - 12/29/89 RVW

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

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: _____

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): _____ Date: _____

Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A37-00028D
Date Received: 2/24/1989
Receipt No: S006379
Received By: R.V. SK

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NATALIE V. MILLER 208-788-9538
Address: P.O. BOX 1784
KETCHUM, ID 83340

AND/OR

Name: PETER M. MILLER 208-788-9538
Address: P.O. BOX 1784
KETCHUM, ID 83340

2. Date of Priority: MAR 24, 1883

3. Source: HIAWATHA CANAL Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	19	SE	NE		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
A37-00297E

14. Remarks:
DECREED 6" TOTAL (.12 CFS) ON 2 ACRE LOT 1, BLK 1, BUCKHORN
SUBD.
|
CLAIM AMENDED FOR NEW OWNERSHIP. - 12/29/89 RVW

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

Decree Plaintiff

vs

Decree Defendant

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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A37-00297E A37-00028D

[] Name and Address of Former Claimant: Hilton McCabe

445 S. CONCORD AVE

WATERTOWN VI.

[] New Claimant(s): Pety Miller OR

Box Natatic Miller

[] New Mailing Address: Box 1784

Ketchum ID 83340

New Telephone Number: (~~206~~) 788 - 938

[] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: _____

[] Signature of New Claimant(s): Pety Miller

Date: 12 / 29 / 89

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED
FEB 22 1993



BCT #19892392

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received HILTON H. MCCABE AND SANDRA S. MCCABE, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto PETER M. MILLER AND NATALIE V. MILLER, HUSBAND AND WIFE,

the Grantee whose current address is: P.O. BOX 1784, KETCHUM, ID 83340

the following described premises, to-wit:

Lot 1 in block 1 of BUCKHORN SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, on file in the office of the County Recorder, as Instrument No. 192554, records of Blaine County, Idaho.

308202
BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE
89 AUG 2 PM 3 00
MARY GREEN, CLERKS
FEES \$ 300

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 28, 1989

Hilton H. McCabe
HILTON H. MCCABE

Sandra S. McCabe
SANDRA S. MCCABE

~~STATE OF ILLINOIS~~ ^{WISCONSIN} COUNTY OF Jefferson
On this 1st day of July August 19 89.
before me, a Notary Public in and for said State, personally appeared

HILTON H. MCCABE and SANDRA S. MCCABE

Identified to me on the basis of satisfactory evidence, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Ray E. Neel
Notary Public,
Residing at Johnson Creek, WI
Comm. Expires 10/15/92

STATE OF IDAHO, COUNTY OF
I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

By _____
FEB 22 1993
Official Recorder

Fees \$
Mail to:

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: A37-00028D
Date Received: 2/24/1989
Receipt No: S006379
Received By: CW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HILTON H. MCCABE 414-262-9521
Address: 445 S CONCORD AVE
WATERTOWN, WI 53094

AND/OR

Name: DANDRA S. MCCABE 414-262-9521
Address: 445 S CONCORD AVE
WATERTOWN, WI 53094

2. Date of Priority: MAR 24, 1883

3. Source: HIAWATHA CANAL Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	19	SE	NE			BLAINE

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	19	SE	NE		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
A37-00297E

14. Remarks:
DECREED 6" TOTAL (.12 CFS) ON 2 ACRE LOT 1, BLK 1, BUCKHORN
SUBD.

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

Decree Plaintiff

vs

Decree Defendant

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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:

Ident. Number

Date Received

Receipt Number

39576

A37-00028D

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Hilton H. and Sandra S. McCabe Phone (414) 262-9521
Mailing Address 445 South Concord Ave., Watertown, Wisc. 53094
2. Date of Priority (Only one (1) per claim) 3/24/1883, #37-0028, (2 inches)
3. Source of water supply (a) Hiawatha Canal
which is tributary to (b) Big Wood River
4. a. Location of existing point of diversion is: Township 3 N Range 18 E B.M. Section 19,
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, E B.M., County of Blaine
Additional points of diversion if any: Hiawatha Canal
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

MICROFILMED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3-15 to 11-15 amount 0.03 or 2

For domestic purposes from 1-1 to 12-31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.07 (cfs) and/or (b) 2 (acre feet)

8. Total consumptive use claimed is 2 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - Buckhorn Subdivision, Lot #1, Block #1

Hailey, Idaho

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	19				<u>1</u> <u>2</u>													<u>2</u>

*SE 1/4 of NE 1/4

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

MICROFILMED
FEB 22 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. Each cell contains a dashed crosshair pattern. In the bottom right corner, the date '4/21' is written in the 19th row, 19th column, and '5/20' is written in the 19th row, 20th column.

100-443887-100
FEB 22 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 37-0028 (2 inches)

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Hilton H. McCabe Date 9/10/88

Sandra S. McCabe Date 9/10/88

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~/or Wisconsin

SS.

County of Jefferson

Subscribed and sworn (or affirmed) before me this 10 day of September 19 88

SEAL

Notary Public Levy E. Bell

Residing at Watertown, VT

My Commission Expires 10/30/88

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
FEB 22 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

03/25/2010

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

RIGHT NUMBER: 37-28D

NAME AND ADDRESS: TAMERA L CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS
0.46 AFY

Right Nos. 37-28D and 37-297E are diverted into a pond with a storage capacity of 0.30 AF, and are limited to a total combined annual volume of 0.46 AF for aesthetic storage.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS
DIVERSION TO STORAGE	04/15 10/31	0.010 CFS
AESTHETIC STORAGE	01/01 12/31	0.46 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S33 SESW 1.70

AESTHETIC STORAGE in BLAINE County

T03N R18E S33 SESW

1.7 ACRES TOTAL

Right Nos. 37-28D and 37-297E are limited to the irrigation of a combined total of 1.7 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

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in period of use pursuant to Section 42-1425, Idaho Code.

Property also known as Lot 1, Blk1, Buckhorn Subdivision #1.

03/24/2010

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

RIGHT NUMBER: 37-28D

NAME AND ADDRESS: TAMERA L CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS
0.460 AFY

Right Nos. 37-28D and 37-297E are diverted into a pond with a storage capacity of 0.30 AF, and are limited to a total combined annual volume of 0.46 AF for aesthetic storage.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS
DIVERSION TO STORAGE	04/15 10/31	0.010 CFS
AESTHETIC STORAGE	01/01 12/31	0.46 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 1.70

1.7 ACRES TOTAL

Right Nos. 37-28D and 37-297E are limited to the irrigation of a combined total of 1.7 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

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in period of use pursuant to Section 42-1425, Idaho Code.

Property also known as Lot 1, Blk1, Buckhorn Subdivision #1.



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

August 10, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TAMERA CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

RE: SRBA Claim(s) 37-28D, 37-297E

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

cc: James P. Speck

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 AUG 10 AM 11 27

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

Subcase No. 37-28D 37-297E

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

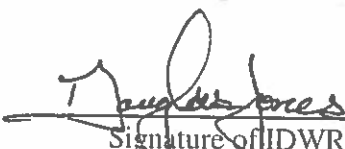
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 8/10/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-10, 2009, 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

Tamera Clifford
PO Box 153
Sun Valley ID 83353

James Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

08/04/2009

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

RIGHT NUMBER: 37-28D

NAME AND ADDRESS: TAMERA L CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S19 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.040 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S33	SESW 2.00	
	2 ACRES TOTAL		

Right Nos. 37-28D and 37-297E are limited to the irrigation of a combined total of 2.0 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 also known as Lot 1, Blk1, Buckhorn Subdivision #1.

08/04/2009

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

RIGHT NUMBER: 37-297E

NAME AND ADDRESS: TAMERA L CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 11/26/1886

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.080 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S33	SESW 1.60	
	1.6 ACRES TOTAL		

Right Nos. 37-28D and 37-297E are limited to the irrigation of a combined total of 2.0 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 known as Lot 1, Block 1, Buckhorn Subdivision No. 1.

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

RECEIVED
AUG 03 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-28D				
	37-297E				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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) Tamera L. Clifford and William P. Clifford
P.O. Box 153
Sun Valley, Idaho 83353

4. New Owner/Claimant(s) Tamera L. Clifford
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 153
New Mailing Address _____
City, State and ZIP Code Sun Valley, Idaho 83353
New Telephone Number (208) 788-0877 Email: SA [unclear]
Aug 1 2009

5. Date you acquired the property June 24, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in 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 (you may copy this page, if 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 (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Amere 2 Clifford
 (title if applicable)

 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

AMAZ
 JUN 11 2009

Recording Requested By and
When Recorded Return to:

HAWLEY TROXELL ENNIS & HAWLEY LLP
Attn: Robert F. Thomas
P.O. Box 1617
Boise, Idaho 83701

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED is made this 24th day of June, 2009, by and between Tamera L. Clifford, Personal Representative of the Estate of William P. Clifford, deceased, hereinafter referred to as "Grantor," and Tamera L. Clifford, dealing with her sole and separate property, hereinafter referred to as "Grantee," whose mailing address is P. O. Box 153, Sun Valley, Idaho, 83353.

WITNESSETH:

Grantor is the duly qualified, appointed and acting Personal Representative of the Estate of William P. Clifford, deceased, filed as Case No. SP-01-2625 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine. Grantor was appointed as such Personal Representative on February 15, 2002.

Pursuant to the powers vested in the Personal Representative under the Idaho Uniform Probate Code, particularly Idaho Code § 15-3-715, the Personal Representative, as Grantor, does by these presents quitclaim, transfer and convey unto Grantee all right, title and interest of William P. Clifford, deceased, and his estate, in and to the following described parcel of real property situate in the County of Blaine, State of Idaho:

Lot 1 in Block 1 of BUCKHORN SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof, on file in the office of the County
Recorder, as Instrument No. 192554, 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 same unto the Grantee and to Grantee's heirs, successors and assigns forever.

IN WITNESS WHEREOF, Grantor has duly executed this Personal Representative's Deed the day and year herein first above written.

**THE ESTATE OF WILLIAM P. CLIFFORD,
DECEASED**

By: Tamera L. Clifford
Tamera L. Clifford, Personal Representative

STATE OF IDAHO)
) ss.
County of Blaine)

On this 24 day of JUNE, 2009, before me, JAMES P. SPECK,
a Notary Public in and for said State, personally appeared Tamera L. Clifford, known or
identified to me to be the person whose name is subscribed to the within instrument as Personal
Representative of the Estate of William P. Clifford, Deceased, and acknowledged to me that she
executed the same as such Personal Representative.

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

J. P. Speck
Notary Public for Idaho
Residing at Blaine
My commission expires 12/29/2015



MEMORANDUM REGARDING TRANSFER OF REAL PROPERTY

THIS MEMORANDUM REGARDING TRANSFER OF REAL PROPERTY is made by Tamera L. Clifford.

1. Tamera L. Clifford is the duly qualified, appointed and acting Personal Representative of the Estate of William P. Clifford, which is filed as Case No. SP 01-2625 in the District Court of the Fifth Judicial District of the State of Idaho.

2. At the time of his death, William P. Clifford and Tamera L. Clifford owned as community property that certain real property commonly known as 6 Indian Creek Road, Hailey, Idaho, and as more particularly described as follows (the "Property"):

Lot 1 in Block 1 of BUCKHORN SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, on file in the office of the County Recorder, as Instrument No. 192554, records of Blaine County, Idaho.

3. The Last Will and Testament of William P. Clifford provided for his estate to be distributed to the duly qualified and acting trustee of the Clifford Family Trust, u/a/d November 19, 1996 ("Trust").

4. William P. Clifford and Tamera L. Clifford were the grantors of the Trust.

5. The Trust was amended by First Amendment to the Clifford Family Trust dated April 10, 2000 ("Amendment"), amending Section 3.03E of the Trust.

6. As amended by the Amendment to the Trust, Section 3.03E of the Trust provides that if William P. Clifford was the first grantor to die, the Property shall be allocated to Trust A, established under the Trust.

7. Pursuant to Section 6.01 of the Trust, the surviving grantor has the power to revoke Trust A and upon revocation the trustees of the Trust are to distribute all of the assets comprising Trust A to the surviving grantor.

8. As the surviving grantor, Tamera L. Clifford has the authority to revoke Trust A and have all assets comprising Trust A distributed to her.

9. Rather than transfer the Property from the Estate of William P. Clifford to the Trust, then from the Trust to Trust A and then have Tamera L. Clifford revoke Trust A and have all Trust A assets, including the Property, distributed to her, Tamera L. Clifford is electing to simply transfer the Property from the Estate of William P. Clifford to herself.

Dated: June 24, 2009

Tamera L. Clifford
Tamera L. Clifford

SEARCHED
SERIALIZED
INDEXED
FILED
AUG 11 2009
FBI - HAILEY

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

July 31, 2009

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

RECEIVED
AUG 03 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**Re: Tamera Clifford – Notice of Change in Water Right Ownership
37-28D and 37-297E**

Dear Allen:

Enclosed you will find the original and one copy of the above-referenced Notice of Change in Water Right Ownership. My client, Tamera Clifford, has acquired ownership of these water rights as her husband recently passed away and she now has sole ownership of the property (see enclosed Personal Representative's Deed). Please receipt date-stamp the copy of this Notice and return it to me in the postage prepaid self-addressed envelope I have also included for that purpose. Please call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

CC w/ Encl: Client

10/17/2006

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

RIGHT NUMBER: 37-28D

NAME AND ADDRESS: TAMERA L CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

WILLIAM P CLIFFORD
PO BOX 153
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S19 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S33 SESW 2.00

2 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 also known as Lot 1, Blk1, Buckhorn Subdivision #1.



Idaho Department of Water Resources

SRBA Recommendation:

37-28D
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



T03N

R18E

33



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.

Prepared by A. Warnijes
On Tuesday, October 17, 2006
1987/88 Aerial Photography

37-28 Splits

Name & No.	CFS
37-28 Robert Sheffer Lot 3, Blk 1, Buckhorn Sub #1	0.04
37-28A John Bazovsky Lot 7, Blk 1, Buckhorn Sub #1	0.04
37-28B The Jeffrey K Rice Family Lot 6, Blk 1, Buckhorn Sub #1	0.04
37-28C Karin t. Martin Lot 4, Blk 1, Buckhorn Sub #1	0.02
37-28D Clifford Tamera Lot 1, Blk 1, Buckhorn Sub #1	0.04

37-20924 Lorraine Wilcox Split from 37-28E Lt 4A, Buckhorn, 2nd Add Lt 3C, Buttercup	0.63
--	------

37-28E Parent Lorraine Wilcox LOTS 3 & 4, BUCKHORN SUBD., 2ND ADDITION

37-20925 Peter George Split from 37-28E 9.4 acres Lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second	0.19
--	------

37-28F Red Devil Mountain Homeowners Assoc Lot 2, Buckhorn Sub #2	0.48
---	------

37-20357 Cat Track Select LLC 3.0 acres Lot 3, Blk2, Buckhorn Sub #3	0.066
---	-------

37-28G: .13 cfs Parent Bonner, Charles Lots 3 & 4, Sub. No. 3
--

37-20358 Peter Brinkman 3 acres Lot 4, Blk 2, Buckhorn Sub #4	0.066
--	-------

37-28 Splits

37-20352 Susan J. Passovoy 3 acres Lot 2, Blk 2, Buckhorn Sub #3	0.063
---	-------

37-28H: .15 cfs Temporary Robert Brennan	
--	--

37-20355 Thomas Hanson 3.5 acres Lot 1, Blk 1, Buckhorn Sub #3	0.07
---	------

37-28J Thomas Kennedy Lot 2, Blk 1, Buckhorn Sub #1	0.04
---	------

37-20359 Jean-Pierre Chesnel Lot 5, Blk 1, Buckhorn Sub #1	0.04
--	------

Total	0.74	1.085
-------	------	-------

[illegible]

Date: _____

Background Data

37-0028D

- Source is Big Wood River tributary to Malad River
- 37-0028 originally decreed for 2.0 cfs to Alturas Water Co for municipal use in City of Hailey (no POU or acres given)
- A preliminary priority date search (3/24/1883) indicated the following, but additional research is needed to confirm splits:
 - 37-0028 claimed for 2.0 cfs
 - 37-0028A claimed for 0.04 cfs for stockwater (watermaster delivering 0.02 cfs)
 - 37-0028B claimed for 0.04 cfs
 - 37-0028C claimed for 0.02 cfs
 - 37-0028D claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)
 - 37-0028F claimed for 0.48 cfs and 72 af
 - 37-0028J claimed for 0.04 cfs
 - 37-20359 claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)

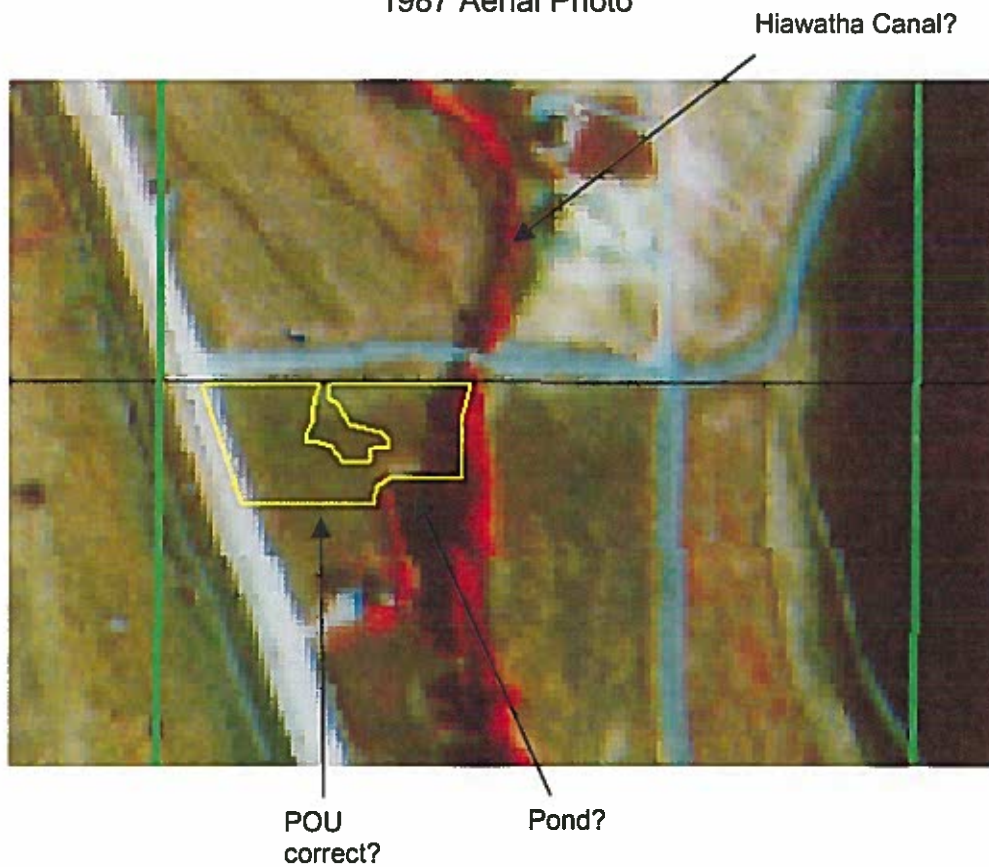
37-0297E

- Source is Big Wood River tributary to Malad River
- 37-0297 originally decreed for 6.0 cfs to Hailey Water & Power on 7 QQ
- A preliminary priority date search (11/26/1886) indicated the following, but additional research is needed to confirm splits:
 - 37-00297A claimed for 0.08 cfs
 - 37-00297B claimed for 0.06 cfs on 2.0 acres for irrigation & 0.02 cfs for stockwater (watermaster delivering 0.08 cfs)
 - 37-00297C claimed for 0.08 cfs
 - 37-00297D claimed for 2.5 af for irrigation and aesthetic (watermaster delivering 0.08 cfs to Holly McCray – Present owner is Chesnel)
 - 37-00297E claimed for 0.08 cfs (watermaster delivering 0.08 cfs)
 - 37-00297G claimed for 0.08 cfs
 - 37-00297K claimed for 0.96 cfs and 93.6 af
 - 37-00297M claimed for 0.08 cfs

Place Of Use Data

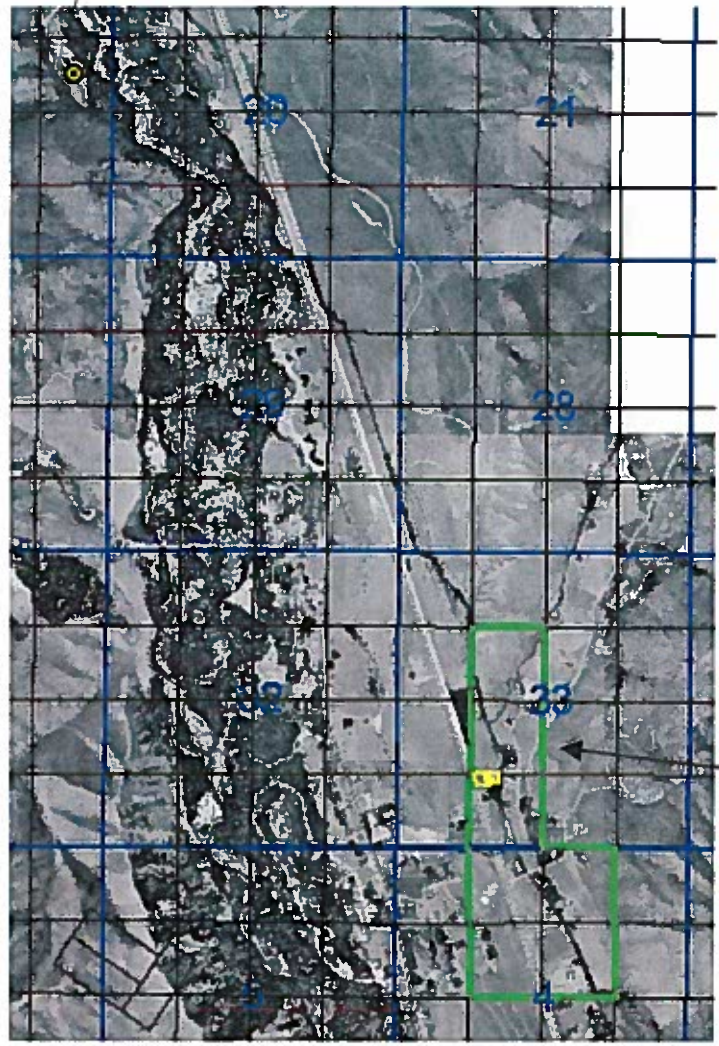
Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

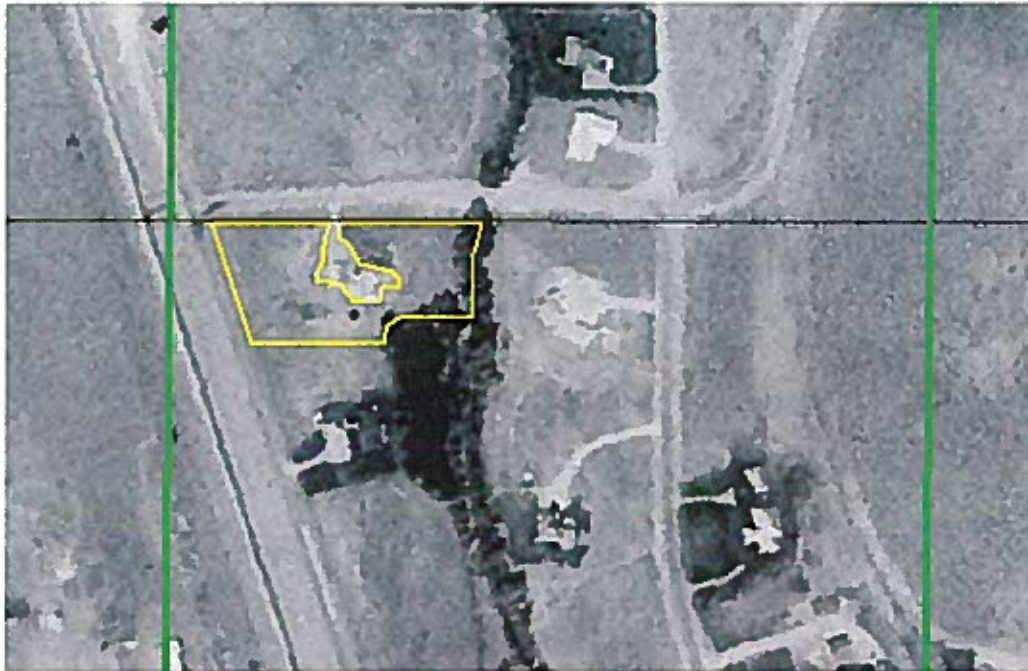


1992 Aerial Photo

Hawaika?



Decreed POU
for 37-297
(Green Line)



2004 Aerial Photo



Notes

T3N R18E Section 33

- Found 1.6 acres.
- POU was taken extracted form the Blaine Co tax lot records.
- What was being irrigated in 1987? Irrigation is not apparent on the photos.
- Pond on SE corner of property?
- Why is irrigation claimed under both rights?
- What is the history of the water usage on this property? Was the water always used here?
Was water transferred here? If transferred: when, from where?
- PODs might be in wrong section. Need to GPS the PODs
- Source should be Big Wood River tributary to Malad River



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Feb-1993

Mr. and Mrs. William P. Clifford
PO Box 153
Sun Valley, ID 83353

RE: Ownership Change for Adjudication Claims Nos **A37-00028D** &
-00297E.

Dear Mr. and Mrs. Clifford:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank'.

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

MICROFILMED
OCT 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

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MICROFILMED
OCT 24 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Water Right Number - R37-000280 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CLIFFORD WILLIAM TANERA L. PETER M. NATALIE

CLIFFORD 1 - PO BOX 153 State- ID Zip- 83353
2 - City- SUN VALLEY
3 - Phone - 208-622-2166
1 - PO BOX 153
2 - City- SUN VALLEY State- ID Zip- 83353
3 - Phone - 208-622-2166
1 - P.O. BOX 2131
2 - City- HAILEY State- ID Zip- 83333
3 - Phone - 208-788-9538
1 - P.O. BOX 2131
2 - City- HAILEY State- ID Zip- 83333
3 - Phone - 208-788-9538

*** O - ORIGINAL OWNER ***
MILLER PETER M. NATALIE

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/24/1883 ERROR IN REGION D - DECREED D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
HIAWATHA CANAL BIG WOOD RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Point of Diversion - - - - - +

03N 18E 19 SE NE (13) BLAINE

+ - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.040

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.040 0.040 0.0

+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

03N 18E 19 SE NE 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 2.0

MICROFILMED
OCT 24 1994

Prefix Translation: RESEARCH

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	35576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-	
Claim Received Date	- 02/24/1989	Last Amended Date	- 00/00/0000	Temporary Right	-	P
		Receipt Number	- S006379	Water District	-	
		PQU Ownership Flag	- Y	Federal/State Indicator	-	S
		Name Connector	- AND/OR	Presumption Flag	-	
				Notice of Error Flag	-	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-May-1990 16:04

PETER &/OR NATALIE V. MILLER
P.O. BOX 2131
HAILEY, ID 83333

RE: ADJUDICATION CLAIMS NO. A37-00028D & A37-00297E

DEAR MR. & MRS MILLER:

I HAVE MADE THE ADDRESS CORRECTION ON YOUR TWO ENCLOSED ADJUDICATION CLAIMS. ATTACH THESE TO YOUR ORIGINAL COPIES TO KEEP. SHOULD ANY QUESTIONS ARISE YOU WOULD HAVE THE MOST RECENT COPY.

PLEASE REVIEW AND IF THERE ARE ANY CORRECTIONS, PLEASE NOTIFY ME AT THE ABOVE LISTED ADDRESS OR PHONE NO. 734-3578.

YOURS TRULY,

JUDY GIVENS
ADJUDICATION SECRETARY

/JG

ENCLOSURES

MICROFILMED
FEB 22 1993