

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 37-28J
Date Received:
Receipt No:
Received By:

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

RECEIVED
DEC 15 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Claimant(s)

Thomas A. Kennedy
Deborah M. Kirby
P.O. Box 2773
Ketchum, ID 83340

Phone: (208) 788-6407

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	0.87
AESTHETIC STORAGE	01/01	12/31		0.87
AESTHETIC	04/15	10/31	0.01	0.47

7. Total Quantity Appropriated is:
0.04 CFS/1.34 AFA

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

Last Name: Kennedy/Kirby

Subcase No. 37-28J

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												1.2					1.2
3N	18E	33												A ¹					

Total number of acres irrigated: 1.2

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: 37-297M

13. Remarks:

Right Nos. 37-28J and 37-297M are limited to the irrigation of a combined total of 1.2 acres in a single irrigation season.

Rights 37-28J and 37-297M when combined shall not exceed a total annual maximum storage volume of 1.34 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: Thomas A. Kennedy Date: 12/12/08
Thomas A. Kennedy

State of Idaho)

County of)

Subscribed and sworn (or affirmed) before me this 12th of December, 2008.



Opal Davis
Notary Public

Residing at Rt 1, Box 1210, Fairfield ID 83327
My commission Expires 6/20/13

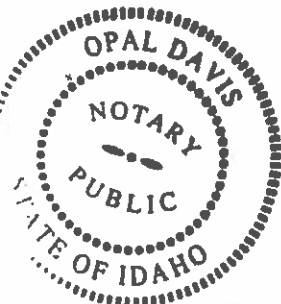
I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant: Deborah M. Kirby Date: 12/12/08
Deborah M. Kirby

State of Idaho)

County of)

Subscribed and sworn (or affirmed) before me this 12th of December, 2008.



Opal Davis
Notary Public

Residing at Rt 1, Box 1210, Fairfield ID 83327
My commission Expires 6/20/13

Last Name: Kennedy/Kirby

Subcase No. 37-28J

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 Thomas A. Kennedy and Deborah M. Kirby (the claimants).

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 claimants' home was completed (see attached map, the home is clearly visible on the 1987/88 aerial photography).

The pond now lies on three properties, owned by Kennedy and Kirby (the claimants), and their neighbors (Clifford 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 ²
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 ²

Table 1: Area Water Rights

The surface area of the pond is 0.44 acres, of which 0.29 acres are on the Kennedy/Kirby lot. The pond depth averages three feet for a total volume of 1.32 acre-feet (0.87 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 2, 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 (1.9 acres were irrigated). The irrigated area after construction of the home and driveway and excavation of the pond was also determined using GIS technology (1.2 acres are currently irrigated).

² The Kennedy/Kirby place of use was originally recommended in the SRBA as 1.1 acres. This amended claim asserts the original place of use (prior to excavation of the pond) was 1.9 acres.

Online data, available from the ET_{Idaho} website for the Hailey Ranger Station site (www.kimberly.uidaho.edu/ETIdaho), was used to calculate three volumes: 1) the volume of water used during the irrigation season for irrigation of 1.9 acres of grass hay, 2) the volume of water used for irrigation during the irrigation season for 1.2 acres of turf grass (lawn), and 3) the volume of water consumed by evaporative losses from the pond surface on the Kennedy/Kirby property (0.29 acres) year-round. The ET_{Idaho} data is attached to this application. These volumes were compared to show no enlargement of the water rights occurred when the change in nature of use and season of use was accomplished (see Table 5).

Precipitation Deficit (grass hay)	Mean Monthly PD* (mm/day)	Days	PD (mm)	PD (feet)	PD Vol (acre-feet)
April	0.52	15	7.80	0.03	0.05
May	2.43	31	75.33	0.25	0.47
June	4.64	30	139.20	0.46	0.87
July	6.40	31	198.40	0.65	1.24
August	4.20	31	130.20	0.43	0.81
September	2.60	30	78.00	0.26	0.49
October	0.54	31	16.74	0.05	0.10
			Total	2.12	4.02

Table 2: Irrigation before change (grass hay)

Precipitation Deficit (turf grass)	Mean Monthly PD* (mm/day)	Days	PD (mm)	PD (feet)	PD Vol (acre-feet)
April	0.47	15	7.05	0.02	0.03
May	2.02	31	62.62	0.21	0.25
June	4.04	30	121.20	0.40	0.48
July	5.42	31	168.02	0.55	0.66
August	4.49	31	139.19	0.46	0.55
September	2.69	30	80.70	0.26	0.32
October	0.6	31	18.60	0.06	0.07
			Total	1.96	2.35

Table 3: Irrigation after change (turf grass)

Precipitation Deficit (pond)	Mean Monthly PD* (mm/day)	Days	PD (mm)	PD (feet)	PD (acre-feet)
January	-1.91	31	-59.21	-0.19	0.00
February	-1.05	28	-29.40	-0.10	0.00
March	0.07	31	2.17	0.01	0.00
April	1.33	15	19.95	0.07	0.02
May	2.19	31	67.89	0.22	0.06
June	2.62	30	78.60	0.26	0.07
July	3.97	31	123.07	0.40	0.12
August	3.40	31	105.40	0.35	0.10
September	2.17	30	65.10	0.21	0.06
October	1.03	31	31.93	0.10	0.03
November	-0.78	30	-23.40	-0.08	0.00
December	-1.53	31	-47.43	-0.16	0.00
			Total	1.10	0.47

Table 4: Evaporation from pond surface after change

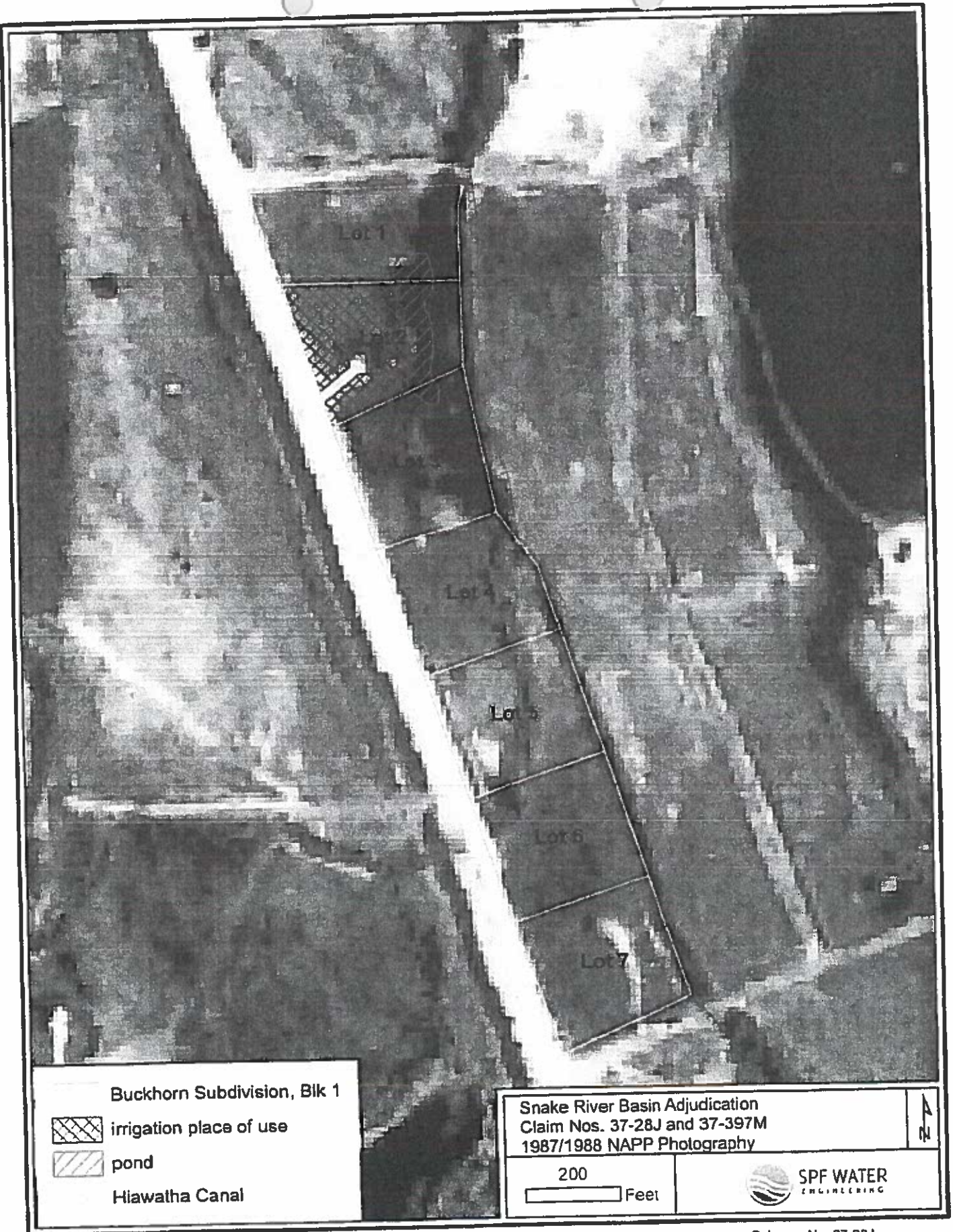
Before Change		Diversion (cfs)	Area (acres)	Vol (afa)	PD Vol (afa)	Notes
irrigation	37-28J	0.04	1.9		4.02	grass hay; 4/15 to 10/31
	37-297M	0.08				
Totals		0.12	1.9	4.03 afa for irrigation only		
After Change		Diversion (cfs)	Area (acres)	Vol (afa)	PD Vol (afa)	Notes
irrigation	37-28J	0.03	1.2		2.35	turf grass; 4/15 to 10/31
	37-297M	0.05				
diversion to pond	37-28J	0.04		0.87		4/15 to 10/31
	37-297M	0.08				
pond evaporation	37-28J		0.29		0.47	4/15 to 10/31
	37-297M					
Totals		0.12	1.49	0.87	2.82	
				3.69 for irrigation and storage		

Table 5: Water Consumption Before and After Change in Nature of Use

Summary

The Kennedy/Kirby 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 4.02 acre-feet annually. Actual water consumption (for irrigation and evaporative loss) after excavation of the pond is estimated to be 3.69 acre-feet annually (including filling the pond annually, when needed).



Last Name: Kennedy/Kirby

Subcase No. 37-28J

ETIdaho --- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2007, University of Idaho.

Hailey Ranger Stn (NWS NOAA--103942)
Statistics based on 30 years between 1947 to 1981

For a different land cover or crop click on the above link.
You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass - Turf (lawns) - Irrigated														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.02	0.13	0.21	0.47	2.02	4.04	5.42	4.49	2.69	0.60	-0.26	-0.05	574	620
15-Day Moving Average ^c	0.03	0.12	0.23	0.46	1.94	4.02	5.48	4.45	2.66	0.57	-0.38	-0.06		
7-Day Moving Average ^d	0.03	0.12	0.22	0.47	1.98	3.99	5.45	4.48	2.67	0.57	-0.33	-0.06		
3-Day Moving Average ^e	0.02	0.13	0.21	0.46	2.02	4.02	5.42	4.50	2.68	0.60	-0.28	-0.06		
Standard Deviation	mm/day												mm	
Monthly	0.15	0.09	0.19	0.30	1.62	1.26	0.69	1.54	1.10	0.82	0.26	0.29	84	83
15-Day Moving Average	0.15	0.15	0.22	0.41	1.42	1.59	0.63	1.49	1.37	0.85	0.49	0.31		
7-Day Moving Average	0.25	0.28	0.36	0.66	1.78	2.09	0.87	1.66	1.70	1.21	0.82	0.43		
3-Day Moving Average	0.43	0.45	0.62	1.14	2.23	2.64	1.32	2.03	2.17	1.63	1.25	0.62		
20% Exceedance	mm/day												mm	
Monthly	0.10	0.21	0.31	0.75	3.06	4.96	5.83	5.12	3.70	0.85	-0.07	0.04	630	689
15-Day Moving Average	0.23	0.34	0.51	0.95	4.28	5.77	6.10	5.66	4.30	1.98	0.25	0.17		
7-Day Moving Average	0.33	0.54	0.74	1.16	5.18	6.40	6.67	6.20	4.63	2.85	0.45	0.27		
3-Day Moving Average	0.40	0.61	1.02	1.83	6.19	7.17	7.25	6.61	5.59	3.54	0.66	0.34		
80% Exceedance	mm/day												mm	
Monthly	0.08	0.04	0.04	0.21	0.94	3.21	4.88	4.19	1.71	0.18	-0.56	-0.17	491	546
15-Day Moving	-	-	-	-	-	-	-	-	-	-	-	-		

Average	0.27	-0.13	-0.21	-0.29	-0.02	2.07	4.48	3.44	0.23	0.59	-1.27	-0.35		
7-Day Moving Average	0.75	0.60	-0.72	-0.93	-2.04	-1.25	3.39	1.82	0.76	2.21	-2.63	-0.79		
3-Day Moving Average	2.03	-1.43	-1.92	-2.67	-5.52	-3.46	1.21	-0.17	5.12	5.38	-6.48	-1.68		
Ave Highest ET	mm/day												--	
15-Day Moving Average ^f	0.16	0.28	0.44	0.78	2.95	5.04	5.92	5.15	3.58	1.21	0.15	0.11		
7-Day Moving Average ^g	0.27	0.45	0.65	1.09	4.02	5.98	6.42	5.84	4.17	1.64	0.39	0.23		
3-Day Moving Average ^h	0.36	0.55	0.88	1.62	5.21	6.72	6.96	6.34	4.97	2.20	0.51	0.29		
Ave Lowest ET	mm/day												--	
15-Day Moving Average ^f	0.13	-0.02	-0.01	0.06	0.99	3.06	4.98	3.78	1.74	0.04	-0.65	-0.23		
7-Day Moving Average ^g	0.42	-0.31	-0.38	-0.62	-0.21	1.62	4.31	2.87	0.81	0.95	-1.42	-0.54		
3-Day Moving Average ^h	1.06	-0.92	-1.30	-2.10	-2.48	-0.80	2.52	1.06	1.10	2.67	-3.16	-1.23		
Special normal distribution parameters for monthly, seasonal, and annual intervals													--	
Skew	0.28	-0.82	0.12	0.26	0.16	-0.89	0.14	-0.75	0.65	0.18	-0.38	-1.14	0.31	0.15
Kurtosis	0.81	3.57	0.72	2.81	0.64	3.66	0.64	1.61	2.52	0.90	2.22	3.78	3.11	2.87

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

Copyright 2007, University of Idaho.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho

Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

ETIdaho --- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2007, University of Idaho.

Hailey Ranger Stn (NWS NOAA--103942)
Statistics based on 30 years between 1947 to 1981

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Hay														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.06	0.12	0.21	0.52	2.43	4.64	6.40	4.20	2.60	0.54	-0.38	-0.19	624	657
15-Day Moving Average ^c	0.06	0.12	0.23	0.48	2.38	4.58	6.50	4.04	2.57	0.50	-0.47	-0.22		
7-Day Moving Average ^d	0.06	0.12	0.22	0.49	2.41	4.56	6.46	4.13	2.57	0.50	-0.43	-0.19		
3-Day Moving Average ^e	0.06	0.12	0.21	0.50	2.44	4.61	6.40	4.18	2.58	0.53	-0.40	-0.19		
Standard Deviation	mm/day												mm	
Monthly	0.46	0.11	0.19	0.38	1.74	1.32	0.69	1.48	1.13	0.90	0.44	0.45	87	88
15-Day Moving Average	0.42	0.17	0.22	0.44	1.56	1.67	0.66	1.51	1.39	0.93	0.63	0.50		
7-Day Moving Average	0.60	0.31	0.36	0.70	1.98	2.16	0.94	1.79	1.72	1.34	1.01	0.65		
3-Day Moving Average	0.87	0.49	0.62	1.20	2.43	2.68	1.38	2.16	2.24	1.82	1.52	0.93		
20% Exceedance	mm/day												mm	
Monthly	0.10	0.21	0.31	0.75	3.64	5.66	6.75	4.84	3.62	0.68	-0.08	0.03	677	742
15-Day Moving Average	0.23	0.34	0.51	1.00	4.63	6.68	7.20	6.16	4.18	1.91	0.24	0.17		
7-Day Moving Average	0.33	0.54	0.74	1.18	5.43	7.19	7.56	6.70	4.70	2.67	0.45	0.27		
3-Day Moving Average	0.40	0.61	1.02	2.08	6.33	7.61	7.98	6.98	5.56	3.40	0.66	0.34		
80% Exceedance	mm/day												mm	
Monthly	0.16	0.04	0.04	0.21	1.46	3.82	5.90	3.71	1.70	0.03	-0.83	-0.41	544	580

15-Day Moving Average	0.50	-0.13	-0.20	-0.29	0.48	2.69	5.34	2.79	0.23	0.63	-1.69	-0.95	
7-Day Moving Average	1.07	-0.60	-0.72	-0.93	-1.21	-0.77	4.17	1.15	0.76	2.56	-3.05	-1.88	
3-Day Moving Average	2.53	-1.43	-1.95	-2.67	-5.81	-3.59	1.41	0.00	4.47	5.74	-6.92	-3.94	
Ave Highest ET	mm/day												--
15-Day Moving Average ^f	0.15	0.28	0.44	0.86	3.53	5.70	6.97	5.08	3.41	1.20	0.14	0.10	
7-Day Moving Average ^g	0.27	0.45	0.65	1.23	4.63	6.69	7.31	5.93	4.10	1.66	0.39	0.23	
3-Day Moving Average ^h	0.36	0.55	0.88	1.90	5.72	7.28	7.77	6.64	4.78	2.19	0.52	0.29	
Ave Lowest ET	mm/day												--
15-Day Moving Average ^f	0.26	-0.03	0.00	0.06	1.32	3.55	5.95	3.16	1.72	0.16	-0.89	-0.49	
7-Day Moving Average ^g	0.68	-0.32	-0.38	-0.61	-0.02	2.07	5.07	2.18	0.76	1.20	-1.81	-1.04	
3-Day Moving Average ^h	1.62	-0.97	-1.30	-2.10	-2.34	-0.41	3.27	0.69	1.24	3.23	-3.88	-2.24	
Special normal distribution parameters for monthly, seasonal, and annual intervals													--
Skew	1.16	-1.89	0.11	0.97	0.11	-0.74	0.16	-0.54	0.66	0.08	-1.01	-0.51	0.44
Kurtosis	3.30	8.06	0.71	3.81	0.68	3.46	0.74	1.21	2.67	1.00	3.31	1.19	3.27

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

Copyright 2007, University of Idaho.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under

contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

ETIdaho --- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberlyuidaho.edu Copyright 2007, University of Idaho.

Hailey Ranger Sta (NWS NOAA--103942)
Statistics based on 30 years between 1947 to 1981

For a different land cover or crop click on the above link.
You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	-1.91	-1.05	0.07	1.33	2.19	2.62	3.97	3.40	2.17	1.03	-0.78	-1.53	353	353
15-Day Moving Average ^c	-2.13	-1.02	0.01	1.48	2.17	2.59	4.01	3.43	2.12	1.03	-0.94	-1.46		
7-Day Moving Average ^d	-2.00	-1.03	0.03	1.40	2.19	2.56	4.00	3.43	2.15	1.02	-0.84	-1.51		
3-Day Moving Average ^e	-1.93	-1.02	0.04	1.33	2.20	2.59	3.97	3.41	2.17	1.03	-0.79	-1.53		
Standard Deviation	mm/day												mm	
Monthly	2.42	1.13	0.99	0.91	1.49	1.33	0.63	1.09	0.86	0.98	1.06	2.54	118	118
15-Day Moving Average	2.67	1.75	1.10	1.15	1.51	1.65	0.57	1.10	1.19	1.00	1.43	2.51		
7-Day Moving Average	3.52	2.55	1.51	1.63	1.90	2.20	0.76	1.24	1.52	1.44	1.99	3.31		
3-Day Moving Average	4.76	3.40	2.24	2.37	2.44	2.74	1.12	1.62	2.09	1.96	2.77	4.19		
20% Exceedance	mm/day												mm	
Monthly	-0.55	-0.10	0.75	1.98	2.88	3.75	4.32	3.84	2.80	1.67	0.29	-0.20	459	459
15-Day Moving Average	0.37	0.64	1.33	2.88	3.84	4.22	4.59	4.19	3.16	2.06	0.64	0.36		
7-Day Moving Average	0.63	0.99	1.62	3.18	4.23	4.64	4.75	4.31	3.52	2.46	1.06	0.48		
3-Day Moving Average	0.76	1.09	2.03	3.60	4.64	4.89	4.98	4.54	3.73	2.70	1.16	0.59		
80% Exceedance	mm/day												mm	

Monthly	-3.55	-2.27	-0.83	0.23	1.71	1.58	3.64	3.11	1.66	0.26	-2.00	-2.46	280	280
15-Day Moving Average	-6.21	-4.27	-1.94	-0.96	0.18	0.11	3.18	2.35	0.49	0.92	-3.92	-4.25		
7-Day Moving Average	10.90	-8.97	-3.84	-2.94	-1.79	3.01	2.16	1.17	1.26	2.62	-6.30	-6.68		
3-Day Moving Average	16.43	15.38	-8.92	-6.49	-5.97	6.56	0.04	-1.57	5.32	6.20	10.55	13.65		
Ave Highest ET	mm/day												--	
15-Day Moving Average ^f	0.19	0.38	0.93	2.23	3.11	3.61	4.35	3.91	2.78	1.76	0.36	0.17		
7-Day Moving Average ^g	0.48	0.87	1.45	2.77	3.91	4.38	4.59	4.23	3.29	2.16	0.82	0.40		
3-Day Moving Average ^h	0.64	1.00	1.77	3.22	4.30	4.75	4.85	4.45	3.59	2.51	1.05	0.50		
Ave Lowest ET	mm/day												--	
15-Day Moving Average ^f	-3.77	-2.22	-0.86	0.50	1.17	1.60	3.63	2.85	1.46	0.30	-1.84	-2.87		
7-Day Moving Average ^g	-6.92	-4.66	-2.20	-1.05	-0.48	0.01	2.98	2.05	0.53	0.97	-3.55	-5.21		
3-Day Moving Average ^h	12.77	-8.87	-5.14	-3.85	-3.36	2.44	1.54	0.43	1.77	3.31	-6.94	-9.69		
Special normal distribution parameters for monthly, seasonal, and annual intervals													--	
Skew	-0.39	-0.58	-0.12	-0.53	-0.51	0.92	0.31	-1.28	1.30	0.07	-0.53	-1.00	-0.13	-0.13
Kurtosis	0.95	2.84	0.51	2.60	1.63	3.39	0.87	4.26	4.28	0.49	2.19	3.23	3.36	3.36

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

Copyright 2007, University of Idaho.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

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: A37-00028J
Date Received: 9/21/1992
Receipt No: S014991
Received By: *O/C AB*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS A KENNEDY 208-788-6407
Address: PO BOX 2773
KETCHUM ID 83340
AND/OR
Name: DEBORAH M KIRBY 208-788-6407
Address: PO BOX 2773
KETCHUM ID 83340

2. Date of Priority: MAR 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
03N	18E	20	SW	NW			BLAINE

5. Description of diverting works:
VIA HIAWATHA DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	33	SE	SW		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:
A37-00297M

14. Remarks:

PROPERTY ALSO KNOWN AS LT 2, BLK 1 OF BUCKHORN SUBDIVISION, FIRST ADDITION.
OWNERSHIP CHANGE MADE 1-5-95 BY TLB.

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

JUN 16 1993

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 5/27/93

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 18E
Section 20, 1/4 of SW 1/4 of NW 1/4, Govt. Lot , BM.
Lot 2, Block, 1, Subdivision/Townsite BUCKHORN SUBDIVISION, FIRST ADDITION
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A37-00028J and A37-00297M

☒ Name and Address of Former Owner/Claimant(s)(Seller): MR. CRAIG JOHNSON
P. O. BOX 579, HAILEY, IDAHO 83333

☒ New Owner/Claimant (Purchaser): THOMAS A. KENNEDY AND DEBORAH M. KIRBY

☒ New Mailing Address: POST OFFICE BOX 2773
KETCHUM, IDAHO 83340

☒ New Telephone Number: (208) 788 - 6407

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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) Deborah M. Kirby Date 5/25/93

Thomas A. Kennedy Date 5/25/93

☐ Signature of Former Owner/Claimant(s): Craig Johnson Date 5-26-93

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-5-95 By: HLB

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 1-5-95 By: HLB

Claim Numbers of Split, if any:

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



ACCEPTED AND APPROVED BY:

ACCEPTED AND APPROVED BY:

Order No. 19934835

This form furnished by
Blaine County Title Associates**CORPORATION
WARRANTY DEED****RECEIVED**

JUN 16 1993

NITCO, INC., AN IDAHO CORPORATIONorganized and existing under the laws of the State of IDAHO
3176, KETCHUM, IDAHO 83340

Department of Water Resources

South 2nd Box Office

, with its principal office in

grantor, hereby CONVEYS or GRANTS and WARRANTS TO **THOMAS A. KENNEDY, A UNMARRIED
MAN, AND DEBORAH M. KIRBY, AN UNMARRIED WOMAN,**

grantee

whose current address is:

the following described premises, to-wit:

**Lot 2 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.**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 it will warrant and defend the same from all lawful claims whatsoever.The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized
under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a
quorum.In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized
officers this 25th day of May, 1993, A.D.**NITCO, INC., AN IDAHO CORPORATION**

(Corporate Seal)

(Corporate Name)

By _____
PresidentAttest: _____
Secretary

State of IDAHO

ss.

County of BLAINE

On this _____ day of May, 1993, before me, the
undersigned, a Notary Public, in and for said State, personally appeared **DAVID A. FAUTH**_____, known to me, or identified to me on the basis of satisfactory
evidence, to be the **VICE PRESIDENT**
of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation
by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Notary Public

Residing at: KETCHUM, ID

Commission Expires: 12/03/97

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: A37-00028J
Date Received: 9/21/1992
Receipt No: 5014991
Received By: AP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CRAIG W JOHNSON 208-788-9696
Address: PO BOX 579
HAILEY ID 83333

2. Date of Priority: MAR 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
03N	18E	20	SW	NW			BLAINE

5. Description of diverting works:
VIA HIAWATHA DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	33	SE	SW		IRR	2.0

COPY

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:
A37-00297M

14. Remarks:
PROPERTY ALSO KNOWN AS LT 2, BLK 1 OF BUCKHORN SUBDIVISION, FIRST ADDITION.

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): Garig W Johnson Date: 9-21-92

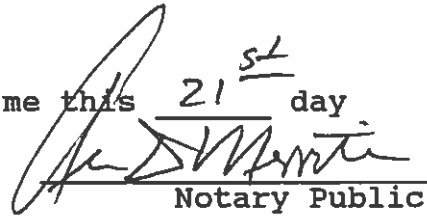
Date: _____

State of Idaho

County of Trifolia) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of Sept. 19 92

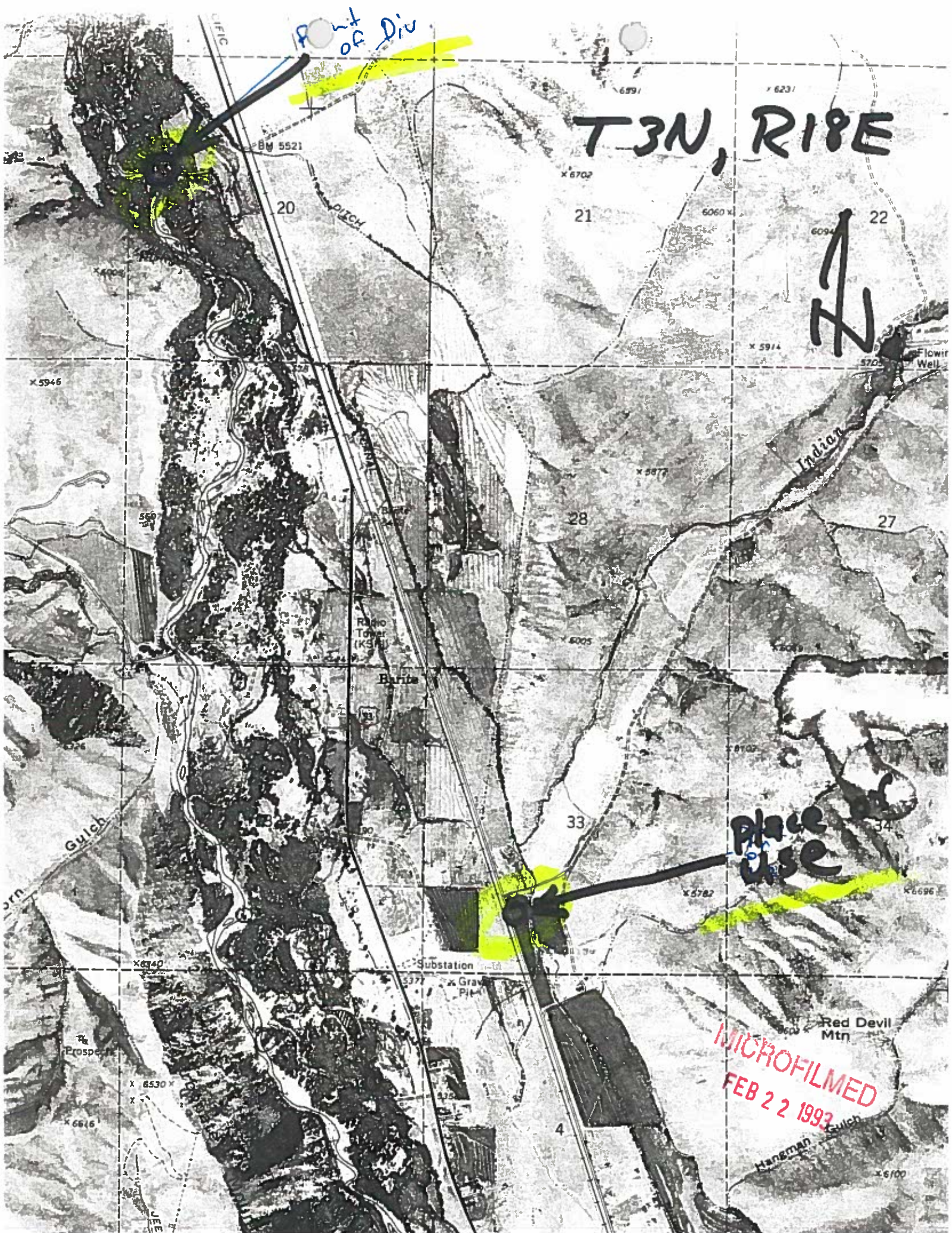

Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/92

COPY MICROFILMED
FEB 22 1993



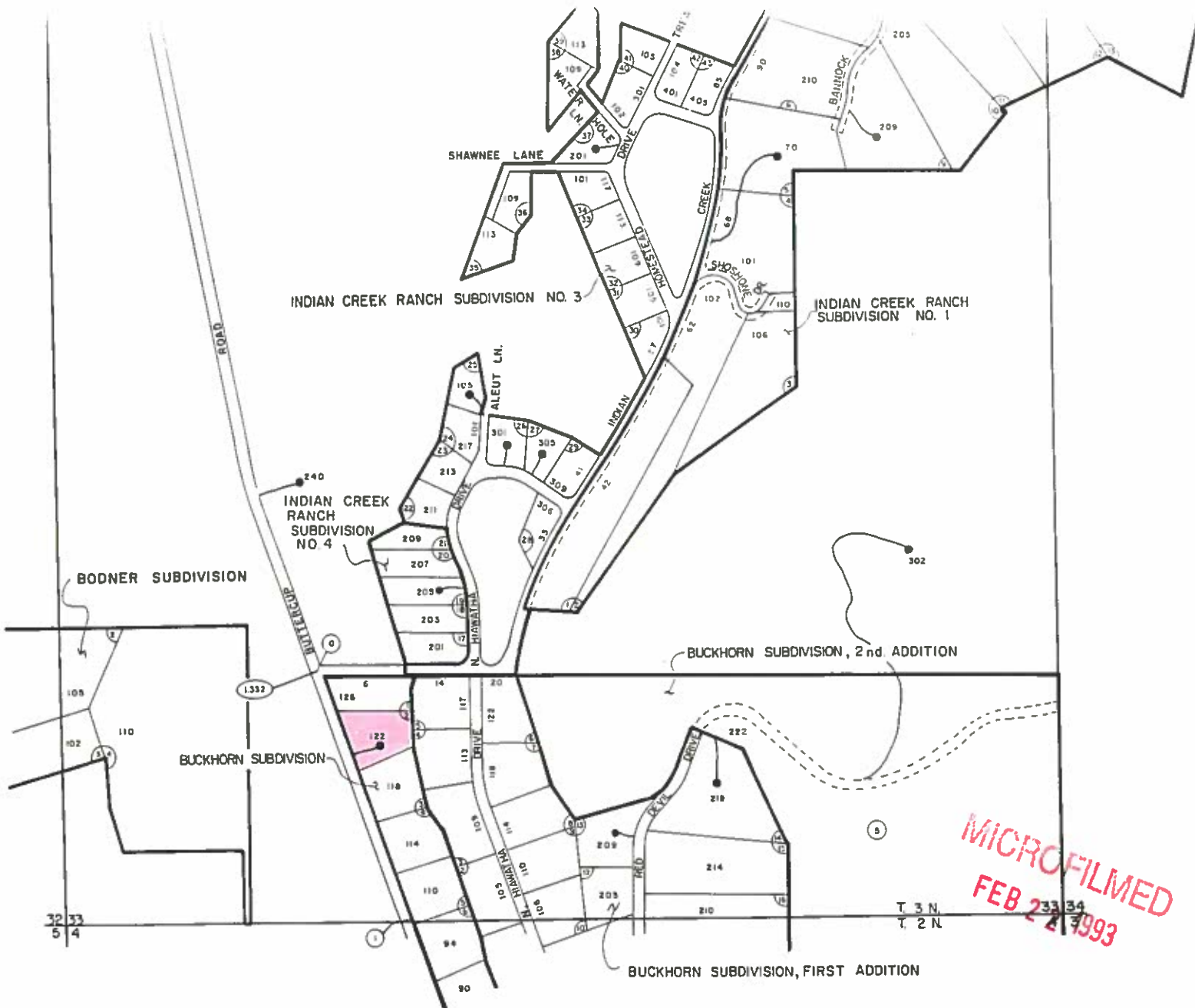
Point of Div

T3N, R18E



Place Use

MICROFILMED
FEB 22 1993



SEC. 33, T. 3 N., R. 18 E.

12/23/2008

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

RIGHT NUMBER: 37-28J

NAME AND ADDRESS: THOMAS A KENNEDY
PO BOX 2773
KETCHUM ID 83340

DEBORAH M KIRBY
PO BOX 2773
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

Right Nos. 37-28J and 37-297M are diverted into a pond with a storage capacity 0.87 AF, and are limited to a total combined annual volume of 1.34 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>
AESTHETIC STORAGE	01/01 12/31	1.34 AFY
DIVERSION TO STORAGE	04/15 10/31	0.010 CFS
IRRIGATION	04/15 10/31	0.030 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S33 SESW 1.20

AESTHETIC STORAGE in BLAINE County

T03N R18E S33 SESW

1.2 ACRES TOTAL

Right Nos. 37-28J and 37-297M are limited to the irrigation of a combined total of 1.2 acres in a single irrigation season.

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

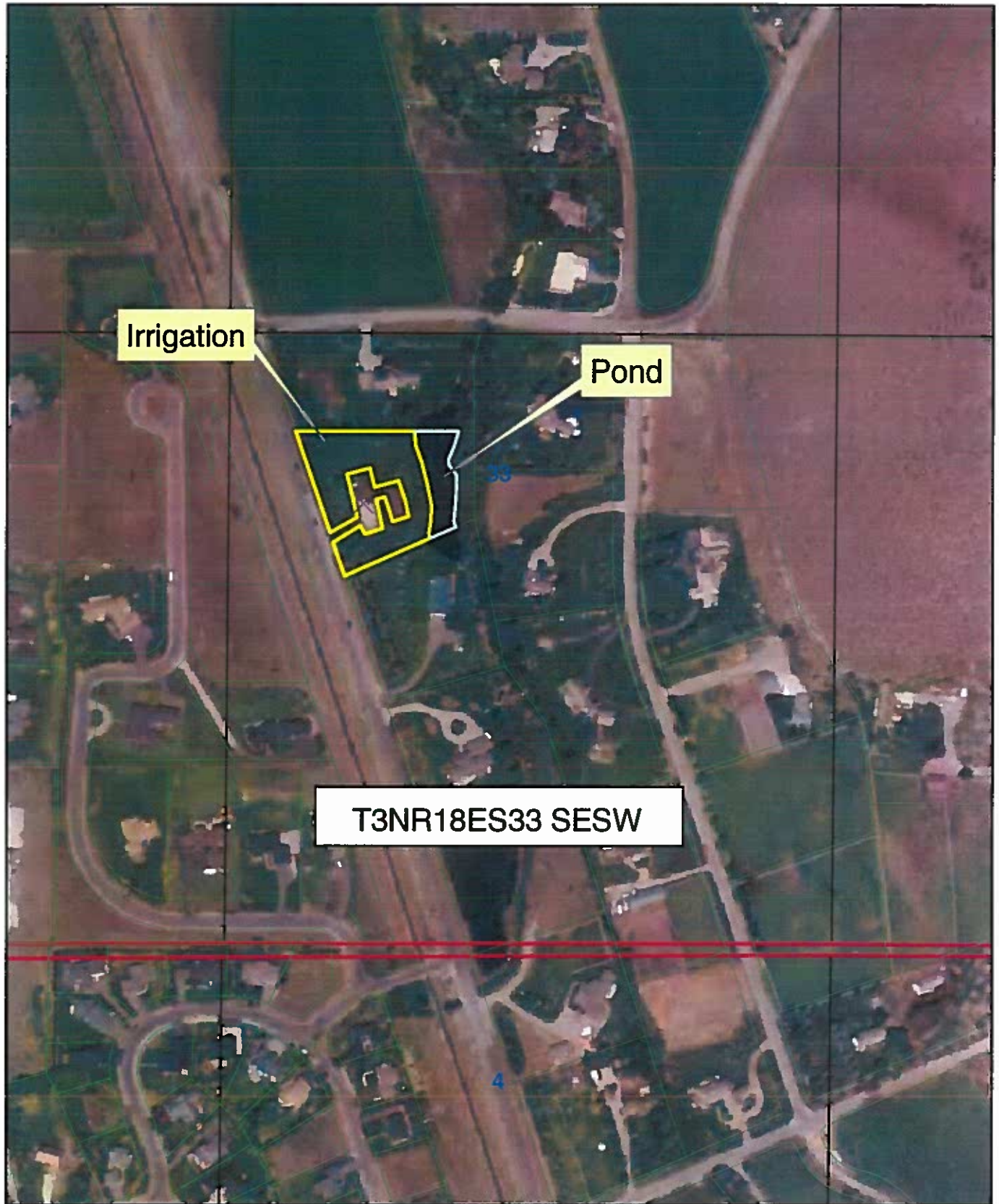
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

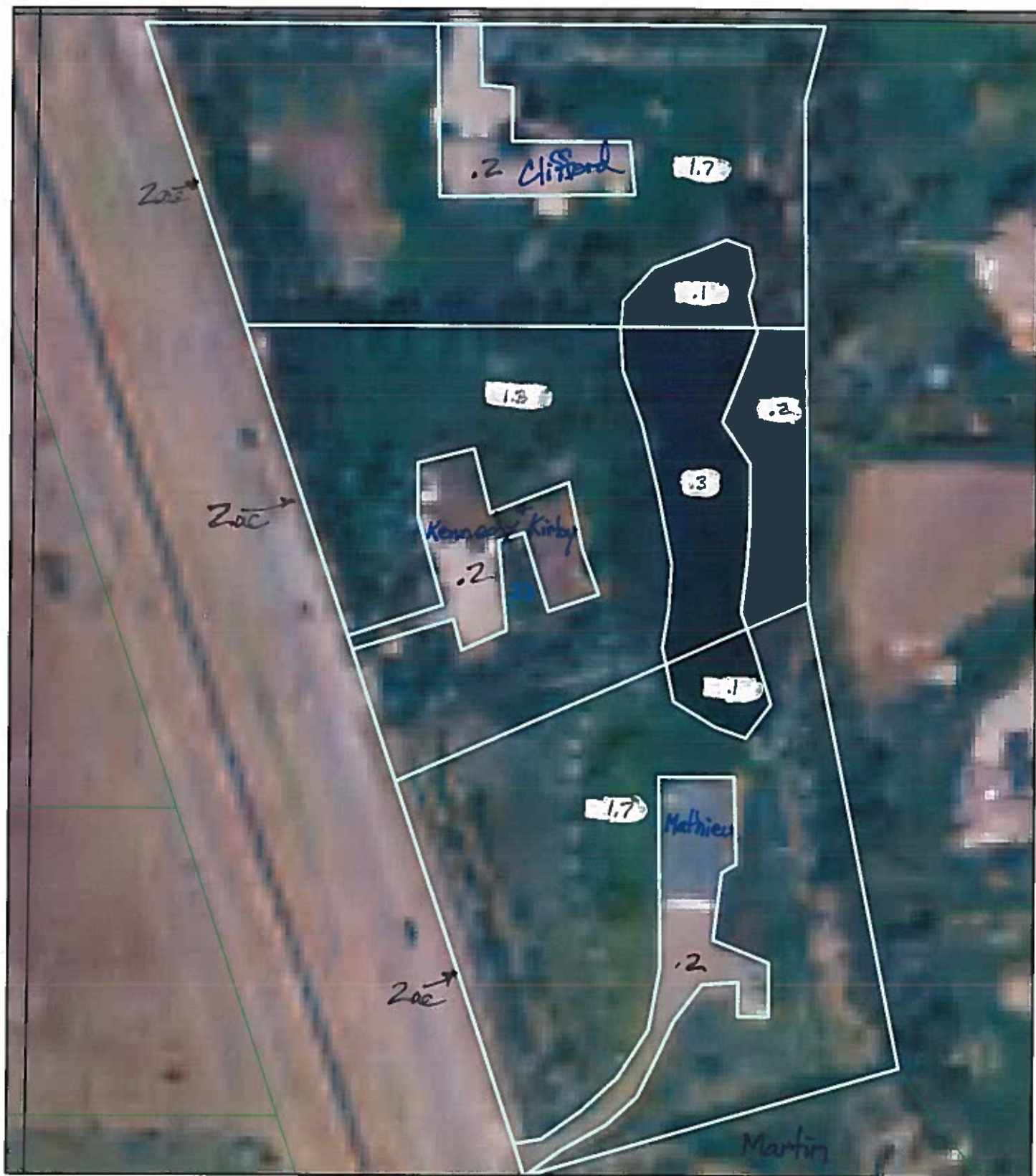
Property also known as LT 2, BLK 1 of Buckhorn Subdivision, First Addition.

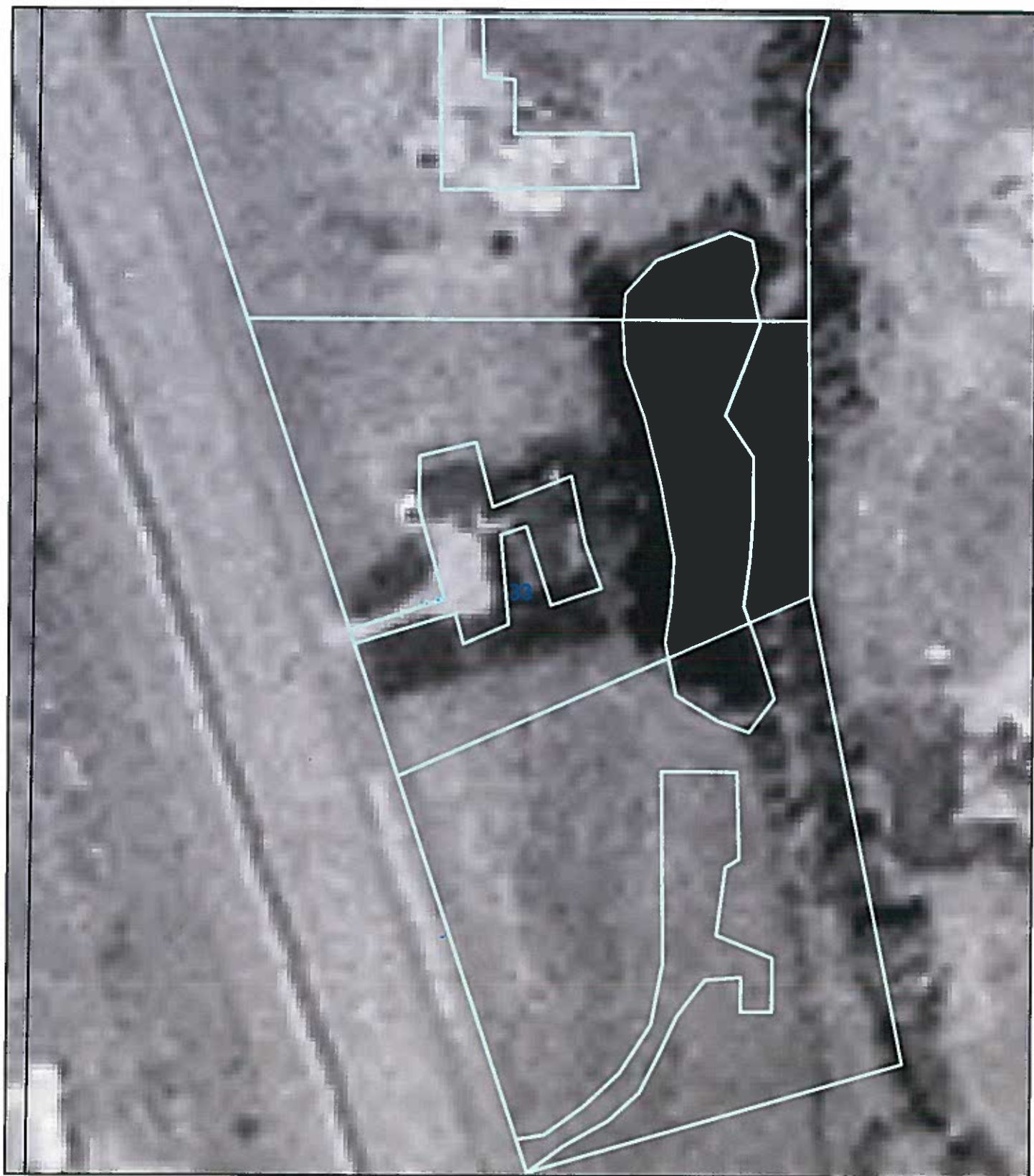
Right includes accomplished change in period of use pursuant to Section 42-1425, Idaho Code.

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



37-28J & 37-297M Amended Director's Report





1992

Jones, Doug

From: Fritschle, Carter
Sent: Monday, December 22, 2008 1:25 PM
To: Jones, Doug; Kelly, Vicki
Subject: RE: Kennedy

Doug,

Since the total of the rates of the two rights for diversion to storage is equal to 0.04 cfs is there any reason to restate it in the combined rate condition?

Perhaps you could get by with a single condition along these lines:

Right nos. 37-28J and 37-297M are diverted into a pond with a storage capacity of 0.87 AF and are limited to a total combined annual volume of 1.34 AF for Aesthetic Storage.

This allows them to put the entire amount of both rights into the pond, but still limits the extent of the aesthetic portions of the rights. The 24 hour "rule" for storing irrigation water will allow for maintenance of the pond during the irrigation season, as long as they continue to pump from the pond to irrigate the land around the pond.

Carter

From: Jones, Doug
Sent: Monday, December 22, 2008 12:38 PM
To: Fritschle, Carter; Kelly, Vicki
Subject: FW: Kennedy

Now with attachments- grrr.

From: Jones, Doug
Sent: Monday, December 22, 2008 12:37 PM
To: Fritschle, Carter; Kelly, Vicki
Subject: Kennedy

Here are the latest stabs at recommendations. I think I have the gist of what you were saying last week.

If things look good "Reply to all" with an OK. Ms V could you help me out with a cover to the court for these, please?

Thanks,

Doug

12/23/2008

Jones, Doug

From: Fritschle, Carter
Sent: Friday, December 19, 2008 12:14 PM
To: Jones, Doug
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

Possibly, but I would not call it facility volume. Instead, I have used this condition for storage rights:

The capacity of the (storage reservoir or pond) is ____ AF. The (reservoir or pond) may be refilled multiple times up to the total diversion volume in a single year.

This should be modified to choose either reservoir or pond, and "total diversion volume" could be replaced with "diversion volume for aesthetic use."

Carter

From: Jones, Doug
Sent: Friday, December 19, 2008 11:08 AM
To: Fritschle, Carter
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

What, so Aesthetic Storage is 1.34 AF with the condition that the facility volume is 0.87 AF?

From: Fritschle, Carter
Sent: Friday, December 19, 2008 11:00 AM
To: Jones, Doug
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

Can't it be part of the combined total?

From: Jones, Doug
Sent: Friday, December 19, 2008 10:51 AM
To: Fritschle, Carter
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

I think that there needs to be an Aesthetic use, too, for the 0.47 evaporative consumptive volume. They didn't quantify a seepage volume. Your numbers only reflect the 37-297M 1886 right.

From: Fritschle, Carter
Sent: Friday, December 19, 2008 10:45 AM
To: Jones, Doug
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

Doug,

The diversion to storage doesn't need to have a volume, so deleting that is a good thing.

The condition look fine, but will the amendment of the claims of the other two water users affect the total amount of water

12/22/2008

stored?

So, is this what the water uses will look like?

IRRIGATION	04/15	10/31	0.050 CFS
DIVERSION TO STORAGE	04/15	10/31	0.030 CFS
AESTHETIC STORAGE	01/01	12/31	0.87 AFY

Carter

From: Jones, Doug
Sent: Friday, December 19, 2008 10:24 AM
To: Fritschle, Carter
Cc: Kelly, Vicki
Subject: RE: Kennedy 37-28J & 297M ADRs

Ok, I can change that. Should I remove the extra 0.87 AF from diversion to storage? Are the limiting conditions ok?

doug

From: Fritschle, Carter
Sent: Friday, December 19, 2008 9:26 AM
To: Jones, Doug
Subject: RE: Kennedy 37-28J & 297M ADRs

Doug,

The only question I have is why do we need a direct flow aesthetics use as well as the diversion to storage? The "rule of thumb" I gave Roxanne was that the sum of the direct flow parts cannot exceed the total of the original right. I think having both 0.03 cfs for diversion to storage and 0.03 cfs for aesthetics still constitutes an enlargement. I would keep the 0.03 cfs diversion to storage and delete the 0.03 cfs aesthetics.

Leaving the volume of the total is no big deal. We are not real consistent with it when we mix storage and direct flow uses. However, this does bring up a question as to whether or not they store water for irrigation since Roxanne told me they only run the sprinklers a few days out of the week.

And, Jim Speck called earlier this week and they are going to file late objections and amended claims for the two neighbors that share the pond. He was thinking it would be best to get everyone on the same path.

Carter

From: Jones, Doug
Sent: Friday, December 19, 2008 9:06 AM
To: Fritschle, Carter
Subject: FW: Kennedy 37-28J & 297M ADRs

Carter,

Before we send these in would you take a peek at them, please? One thing I wanted to point out is my leaving the volume off the total quantity. My reluctance to include volume stems from no volume on surface water diversions at the source, in general. Volume on the individual uses would establish the extent for that use, but not restrict the diversion at the source.

What do you think?

Doug

12/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-28J V1

WATER RIGHT NUMBER: 37-28J V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS A KENNEDY PO BOX 2773 KETCHUM, ID 83340 (208)788-6407
Current Owner	DEBORAH M KIRBY PO BOX 2773 KETCHUM, ID 83340 (208)788-6407
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	CRAIG W JOHNSON PO BOX 579 HAILEY, ID 83333 (208)788-9696

Box 18

Priority Date: 03/24/1883

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 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	
03N	18E	33																	1.1

Total Acres: 1.1

Conditions of Approval:

- Property also known as LT 2, BLK 1 of Buckhorn Subdivision, First Addition.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-28J V1

2. 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.
3. Property also known as LT 2, BLK 1 of Buckhorn Subdivision, First Addition.

Remarks:

Comments:

1. TBACKLUN 1/5/1995 OWNERSHIP CHANGE

Comment: OWNERSHIP CHANGE RECEIVED 6-16-93. JOHNSON-FORMER OWNER, KENNEDY & KIRBY-NEW OWNER, FORM HAS BOTH SIGNATURES WITH WARRANTY DEE INCLUDED. OWNERSHIP CHANGED 1-5-95.

2. awamtje 10/17/2006 Contact

Comment: Ownership change made 1-5-95 by TLB.

Water Supply Bank:

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

December 28, 2006

RECEIVED

DEC 29 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

**Re: Thomas A. Kennedy and Deborah M. Kirby
Water Right No. 37-28J, 37-297M;
Notices of Appearance**

Dear Trish:

Enclosed for filing are two originals and copies of the Notices of Appearance for Water Right Nos. 37-28J and 37-297M. Please arrange to have the originals filed, the copies receipt date stamped and return them to my office in the postage prepaid self-addressed envelope provided for that purpose.

Thank you for your continued assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jal
Enclosures
cc: Client w/encls.

Claimants Names:

Thomas A. Kennedy and Deborah M. Kirby

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**

RECEIVED

DEC 29 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL IN RED

**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

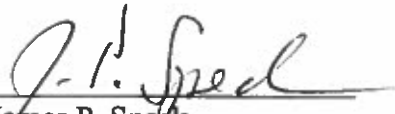
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Thomas A. Kennedy and Deborah M. Kirby, for the following water right which is not the subject of a subcase: 37-297M.

DATED this 28 day of December, 2006.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of December, 2006, 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

10/17/2006

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

RIGHT NUMBER: 37-28J
NAME AND ADDRESS: THOMAS A KENNEDY
PO BOX 2773
KETCHUM ID 83340

DEBORAH M KIRBY
PO BOX 2773
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.040 CFS
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	0.040 CFS

PLACE OF USE: IRRIGATION Within BLAINE County
T03N R18E S33 SESW 1.10

1.1 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 LT 2, BLK 1 of Buckhorn Subdivision, First Addition.



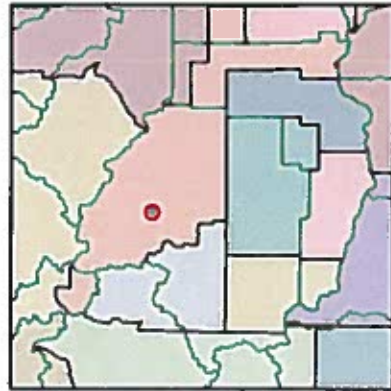
Idaho Department of Water Resources

SRBA Recommendation:

37-28J
(Irrigation)

Legend

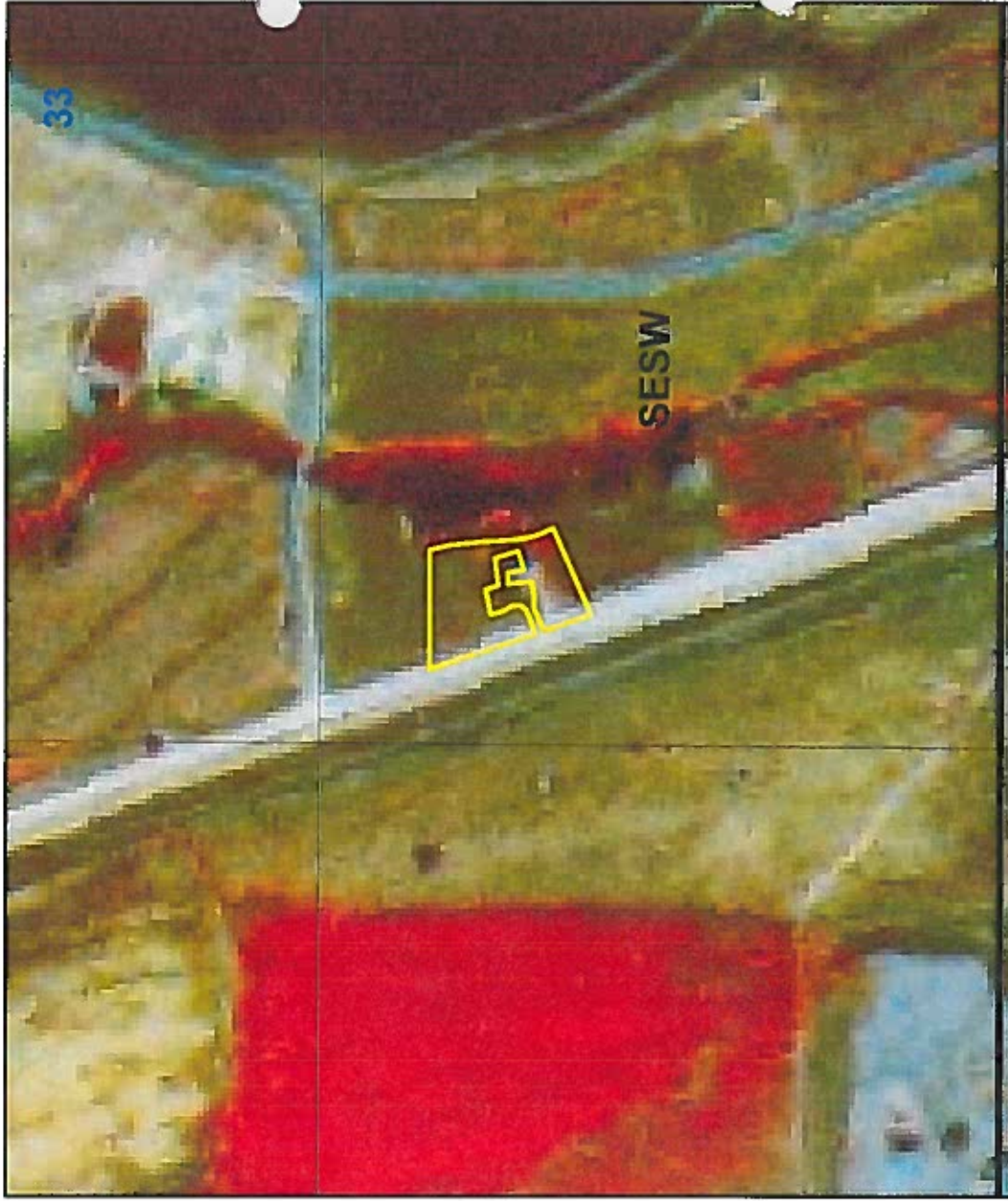
	Place of Use
	Townships
	PLS Sections
	Quarter Quarters



Blaine County
IDWR Basin 37



R18E



T03N

0 0.1 0.2 Miles

Prepared by A. Warntjes
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

37-28H: .15 cfs Temporary Robert Brennan	37-20352 Susan J. Passovoy 3 acres Lot 2, Blk 2, Buckhorn Sub #3	0.063
--	---	------------------

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

[illegible]

Reviewer: _____

Date: _____

[illegible]

Date: _____

Background Data

37-0028J

- 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 for irrigation (watermaster delivering 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 for irrigation (watermaster delivering 0.04 cfs)
 - 37-20359 claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)

37-0297M

- 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 for irrigation (watermaster delivering 0.08 cfs)
 - 37-00297G claimed for 0.08 cfs for irrigation (watermaster delivering 0.08 cfs)
 - 37-00297K claimed for 0.96 cfs and 93.6 af
 - 37-00297M claimed for 0.08 cfs for irrigation (watermaster delivering 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

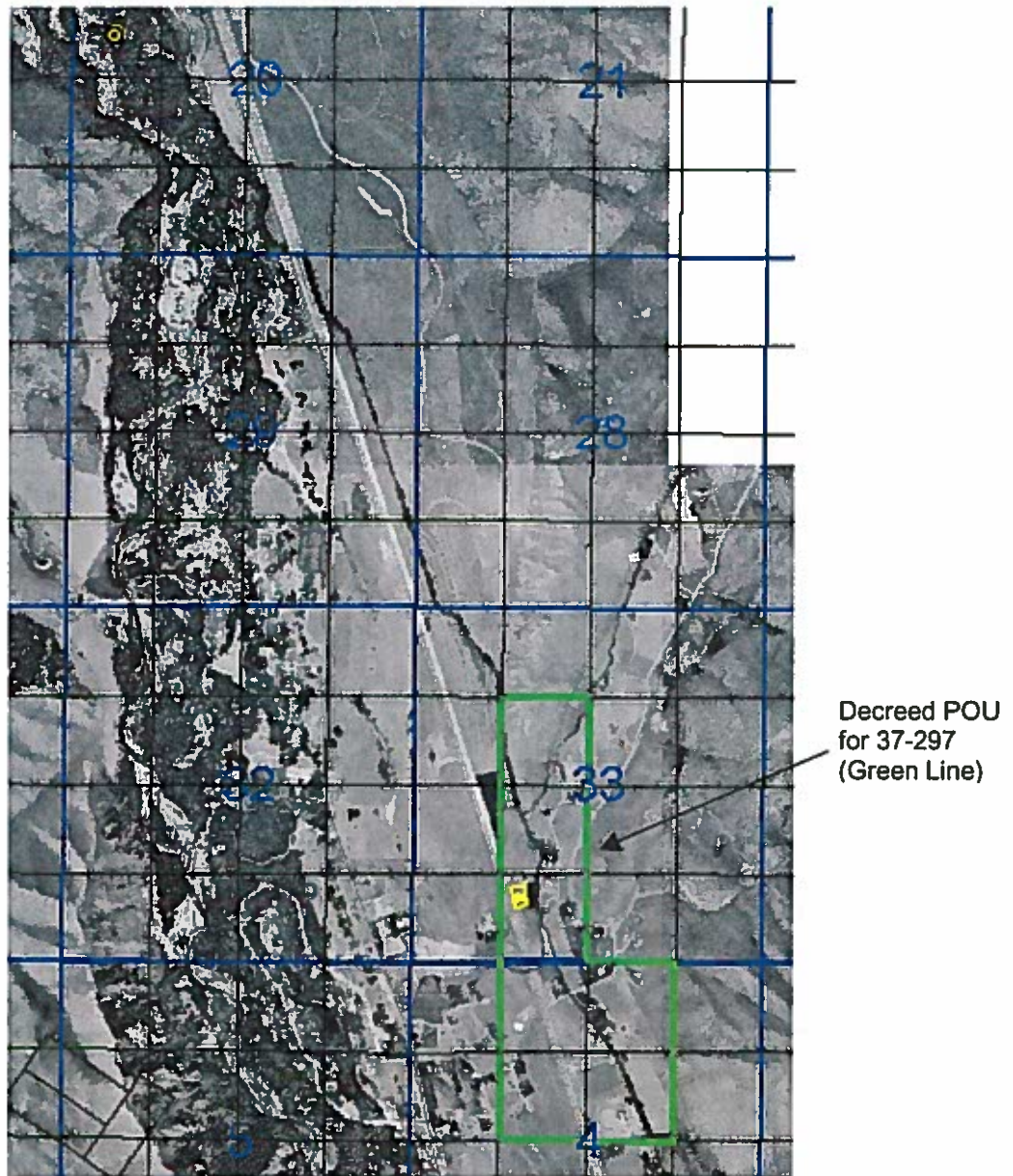
Hiawatha Canal?



POU
correct?

Pond?

1992 Aerial Photo





2004 Aerial Photo



Notes

T3N R18E Section 33

- Found 1.1 acres.
- POU was taken extracted from the Blaine Co tax lot records.
- What was being irrigated in 1987? Irrigation is not apparent on entire property on the photo.
- Pond on east end 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?
- Need to GPS the PODs

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

AJ0743NP
(00-124)

DO NOT FILM

Water Right Number - R37-00028J Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

KENNEDY THOMAS A 1 - PO BOX 2773 State- ID Zip- 83340

2 - 2 - City- KETCHUM Phone - 208-788-6407

3 - 1 - PO BOX 2773 2 - 3 - State- ID Zip- 83340

KIRBY DEBORAH M City- KETCHUM Phone - 208-788-6407

1 - PO BOX 579 State- ID Zip- 83340

2 - 3 - City- HAILEY Phone - 208-788-9696 State- ID Zip- 83333

*** O - ORIGINAL OWNER ***

JOHNSON CRAIG W 1 - PO BOX 579 State- ID Zip- 83340

2 - 3 - City- HAILEY Phone - 208-788-9696 State- ID Zip- 83333

+ - - - - Priority Date - - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +

03/24/1883 17 SOUTHERN D - DECREED D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - +

BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Water Use	Period From	Period To	Diversion Rate	Diversion Volume
03N	18E	20	SW NW		(13)	BLAINE					
01 - IRRIGATION											
04/15 10/15 0.040											
+ - - - - Total Div. Rate - - - + + - - - - Total Div. Volume - - - + + - - - - Total Consumptive Use - - - + + - - - - KW Usage - - - +											
0.040 5.0											
+ - - - - Place of Use - - - - - +											
Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County			
03N	18E	33	SE SW	2.0	01	IRRIGATION	(13) BLAINE				
Total Acres: 2.0											
+ - - - - Diversion Means - VIA HIAWATHA DITCH											
+ - - - - Non-Irrigation Use - INCIDENTAL STOCKWATER											
+ - - - - Other Rights for Same Use - A37-00297M											

Water right number - R37-00028J Prefix Translation: RESEARCH

PROPERTY ALSO KNOWN AS LT 2, BLK 1 OF BUCKHORN SUBDIVISION, FIRST ADDITION.
OWNERSHIP CHANGE MADE 1-5-95 BY TLB.

No Old Water Right Numbers Found

No Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - - +
00/00/0000

Date: 01/05/1995 User Id: TBACKLUN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE RECEIVED 6-16-93. JOHNSON-FORMER OWNER, KENNEDY & KIRBY-NEW OWNER, FORM HAS BOTH SIGNATURES WITH
WARRANTY DEE INCLUDED. OWNERSHIP CHANGED 1-5-95.

Audit Fields - - - +
01/05/95 TBACKLUN

Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
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	- 09/21/1992	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

"DO NOT FILM"



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

06-JAN-94 09:25

THOMAS KENNEDY
DEBORAH KIRBY
PO BOX 2773
KETCHUM, ID 83340

RE: SRBA CLAIMS: A37-00297M & A37-00028J
JOHNSON

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM, WE HAVE CHANGED THE DEPARTMENT'S RECORD(S) AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS(S) FOR ACCURACY.

YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED

NOV 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

JUN 16 1993

DATE OF CLOSING: 5/27/93

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 18E
Section 20, 1/4 of SW 1/4 of NW 1/4, Govt. Lot , BM.
Lot 2, Block, 1, Subdivision/Townsite BUCKHORN SUBDIVISION, FIRST ADDITION
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A37-00028J and A37-00297M

☒ Name and Address of Former
Owner/Claimant(s)(Seller): MR. CRAIG JOHNSON
P. O. BOX 579, HAILEY, IDAHO 83333

☒ New Owner/Claimant
(Purchaser): THOMAS A. KENNEDY AND DEBORAH M. KIRBY

☒ New Mailing Address: POST OFFICE BOX 2773
KETCHUM, IDAHO 83340

☒ New Telephone Number: (208) 788 - 6407

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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) Deborah M. Kirby Date 5/25/93

Thomas A. Kennedy Date 5/25/93

☐ Signature of Former
Owner/Claimant(s): Craig Johnson Date 5-26-93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-5-95 By: HLB

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 1-5-95 By: HLB

Claim Numbers of Split, if any:

MICROFILMED
NOV 22 1996

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



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

06-JAN-94 09:25

THOMAS KENNEDY
DEBORAH KIRBY
PO BOX 2773
KETCHUM, ID 83340

RE: SRBA CLAIMS: A37-00297M & A37-00028J
JOHNSON

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM, WE HAVE CHANGED THE DEPARTMENT'S RECORD(S) AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS(S) FOR ACCURACY.

YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

RECEIVED

JUN 16 1993

Department of Water Resources
Southern Region Office

Post Office Box 2773
Ketchum, Idaho 83340

Idaho Dept. Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301

Gentlemen,

Enclosed please find a fully
completed Notice of Change of Water
Right Ownership.

Please call if you have
any questions. Thank you.

Deborah Kirby

phone: (208) 788-6407