

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: A37-00043C
Date Received: 11/14/1989
Receipt No: S010453
Received By: CJC FJB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BRIAN KLEINWACHTER
Address: PO BOX 16
WASCO IL

708-584-2316

60183

2. Date of Priority: JUN 1, 1891

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
01N	18E	12	SW	NE	SW		BLAINE

5. Description of diverting works:
VIA BANNON #49 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.588		

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

A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	14	SE	NE		IRR	20.0

Section Acres

2016
NOV 21 1996
XEROFILMED

10. Place of Use: Continued

Total Acres 20.0

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:
 NONE

14. Remarks:
 2HIS IS A PORTION OF DECREE 37-0043. P/U IS LOT 3 BLK. 1 OF
 SLEEPY ACRES SUBD.
 OWNERSHIP CHANGE MADE 9/22/95 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED
NOV 21 1996

Form 42-1408(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 12/15/94

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 18 E
Section 14, SE 1/4 of NE 1/4 of 1/4 Gov. Lot BM.
Lot Block Subdivision/Townsite

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

LOT 3 OF SLEEPY ACRES SUB, BLAINE COUNTY, ID

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: 437-13310 437-00043C

[] Name and Address of Former Owner/Claimant(s)(Seller): PATRICK TROPEA

P.O. BOX 608

[] New Owner/Claimant (Purchaser): EAGLE, ID 83616

BRIAN KLEINWACHTER

[] New Mailing Address: BOX 16

WASCO, IL 60183

[] New Telephone Number: (708) 584-2316

[] 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): Brian Kleinwachter Date 9/21/95

Date

[] Signature of Former Owner/Claimant(s): _____ Date _____

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 _____ By _____

Further Action Needed:

Further Action Taken

Date _____ By _____

Final Review and Data Entry

Date 9/22/95 By THB

Claim Numbers of Split, if any:

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

MICROFILMED

NOV 21 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 12/15/94LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 18 ESection 14, SE 1/4 of NE 1/4 of 1/4, Govt. Lot , BM Lot , Block , Subdivision/Townsite .

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

LOT 3 OF SLEEPY ACRES SUB, BLAINE COUNTY, ID

[] 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:

A37-13310A37-00043C

[] Name and Address of Former Owner/Claimant(s)(Seller):

PATRICK TROPEAP.O. Box 608EAGLE, ID 83616

[] New Owner/Claimant (Purchaser):

BRIAN KLEINWACHTER

[] New Mailing Address:

BOX 16WASCO, IL 60183

[] New Telephone Number:

(708) 584-2316

[] 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)

Date

Date

[] Signature of Former Owner/Claimant(s):

Date

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: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 9/22/95 By: TAB

Claim Numbers of Split, if any:

MICROFILMED

NOV 21 1996

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



Order No. 94005958
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received PATRICK TROPEA AND KATIE M. TROPEA, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto BRIAN * KLEINWACHTER, AN UNMARRIED MAN,

the Grantee whose current address is: P.O. BOX 3201, BAILEY, ID 83333

the following described premises, to-wit:

Lot 3 of SLEEPY ACRES SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded February 10, 1981, as Instrument No. 211908, records of Blaine County, Idaho.

BLAINE CO. REQUEST

BLAINE COUNTY TITLE

REC'D DEC 15 1994

373963

Mary Green, CLERK

FEES - 3

12-16-94

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: December 12, 1994

Patrick Tropea
PATRICK TROPEA

Katie M. Tropea
KATIE M. TROPEA

State of IDAHO

County of ADA

On this 14th day of December, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared PATRICK TROPEA AND KATIE M. TROPEA

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

X Jennifer R. Sawyer
Notary Public
Residing at: Boise, ID
Commission Expires: 7-19-00

MICROFILMED

NOV 21 1996

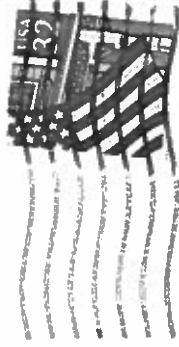


Windermere
Real Estate

Sun Valley

Windermere Real Estate/
Wood River-Sun Valley
P.O. Box 1270
Kilauea, Idaho 83333

NOV 21 1996
MICROFILMED



RECEIVED
U.S. ID 833
21 SEP 1996
SEP 22 1996
Services

IDWR
222 SHOSTONE ST E.
Twin Falls, ID
83301

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: A37-00043C
Date Received: ~~9/08/1988~~ 11/14/89
Receipt No: 501045J
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PATRICK R. TROPEA 208-788-3209
Address: P.O. BOX 24
KETCHUM, ID 83340

2. Date of Priority: JUN 01, 1891

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
01N	18E	12	SW	NE	SW		BLAINE

5. Description of diverting works:
VIA BANNON #49 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.588		

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

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	14	SE	NE		IRR	20.0
Section Acres							20.0

A37-00043C

Page 1

Date: 11/14/89

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 20.0

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:
 NONE

14. Remarks:
 THIS IS A PORTION OF DECREE 37-0043. P/U IS LOT 3 BLK. 1 OF
 SLEEPY ACRES SUBD.

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

Decree Plaintiff

vs

Decree Defendant

MICROFILMED
FEB 22 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): x Patrick R. Inopen Date: 11/14/89

Date: _____

State of Idaho)

County of Twine Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of Nov. 19 89

[Signature]
Notary Public

Seal

Residing at Kilsbury, IL.

My Commission Expires 6/30/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

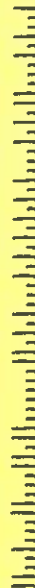
AUG 04 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION



BRIAN KLEINWACHTER
PO BOX 16
WASCO IL 60183

NIXIE 601 DE 1 00 08/01/09
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 63301525950 *3014-00045-28-37



UTF



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

July 28, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BARBARA TOMASI
130 GLENDALE RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-43C

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Brian Kleinwachter

07/14/2009

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

RIGHT NUMBER: 37-43C

NAME AND ADDRESS: BARBARA TOMASI
130 GLENDALE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T01N R18E S12 NWSESW 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	0.590 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S14	SENE 20.00	
	20 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

Place of use is located within Lot 3, Sleepy Acres Subdivision.

COPY

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

2009 JUL 28 PM 1 36

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. 37-43C
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

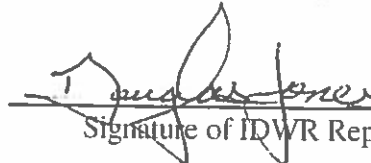
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 7/27/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7-28, 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

Barbara Tomasi
130 Glendale Rd
Bellevue ID 83313

Brian Kleinwachter
PO Box 16
Wasco IL 60183



Signature of person or attorney mailing the form



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

March 9, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARBARA TOMASI
PO BOX 179
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 37-43C

Dear Ms. Tomasi:

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete the areas highlighted in yellow, include the required information listed under item 2 and return everything to this office by March 20, 2009. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Please note Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-43C V1

WATER RIGHT NUMBER: 37-43C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRIAN KLEINWACHTER PO BOX 16 WASCO, IL 60183 (708)584-2316
Present Owner	BARBARA TOMASI BOX 179 HAILEY, ID 83333

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.590 CFS	
	<u>Total Diversion:</u>	0.590 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12, Twp 01N, 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	
01N	18E	14				20.0													20.0

Total Acres: 20

Conditions of Approval:

1. Place of use is located within Lot 3, Sleepy Acres Subdivision.
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.

Remarks:



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 27, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARBARA TOMASI
PO BOX 179
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 37-43C

Dear Ms. Tomasi:

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to this office. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

 **REASON CHECKED**
☐ Illegible
☐ Insufficient Address
☐ Moved, Left No Address
☐ Stamps Void When Coated
☐ Defaced or Reused
☐ Returned For Postage

**ADDRESS SERVICE
REQUESTED**

unable to

37-43C
27-4330

BRIAN KLEINWACHTER
PO BOX 16
~~WASCOIL-60183~~

FIRST CLASS



UNITED STATES POSTAL SERVICE
02 1A
0004310839 NOV 21 2
\$ 00.50
MAILED FROM ZIP CODE 83

FORWARDED

RECEIVED
NOV 30 2003
DEPARTMENT OF
WATER RESOURCES

11/21/2006

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

RIGHT NUMBER: 37-43C

NAME AND ADDRESS: BRIAN KLEINWACHTER
PO BOX 16
WASCO IL 60183

BARBARA TOMASI
BOX 179
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.590 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S14

SENE

20.00

20 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

Place of use is located within Lot 3, Sleepy Acres Subdivision.



Idaho Department of Water Resources

SRBA Recommendation:

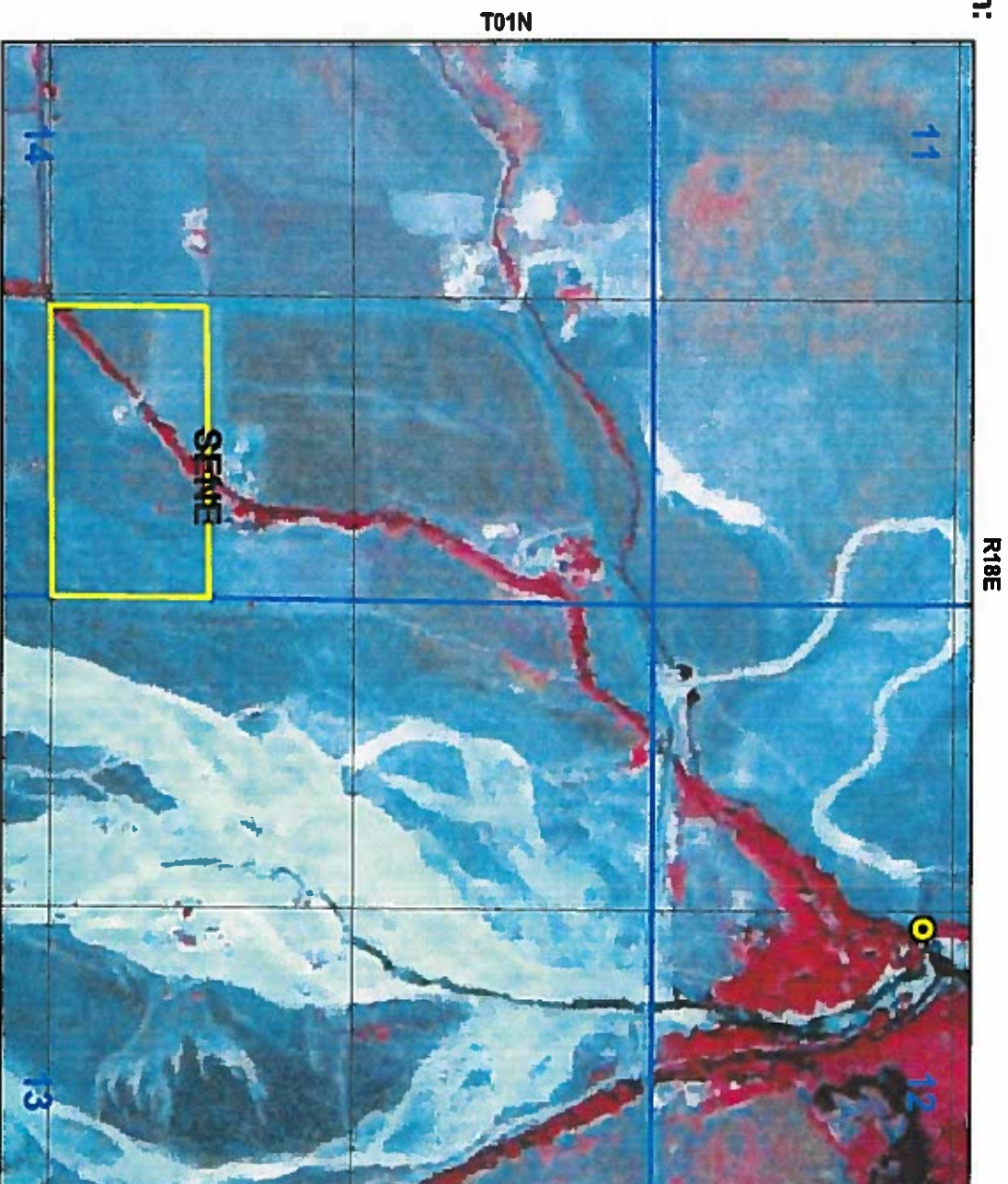
37-43C
(Irrigation)

Legend

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

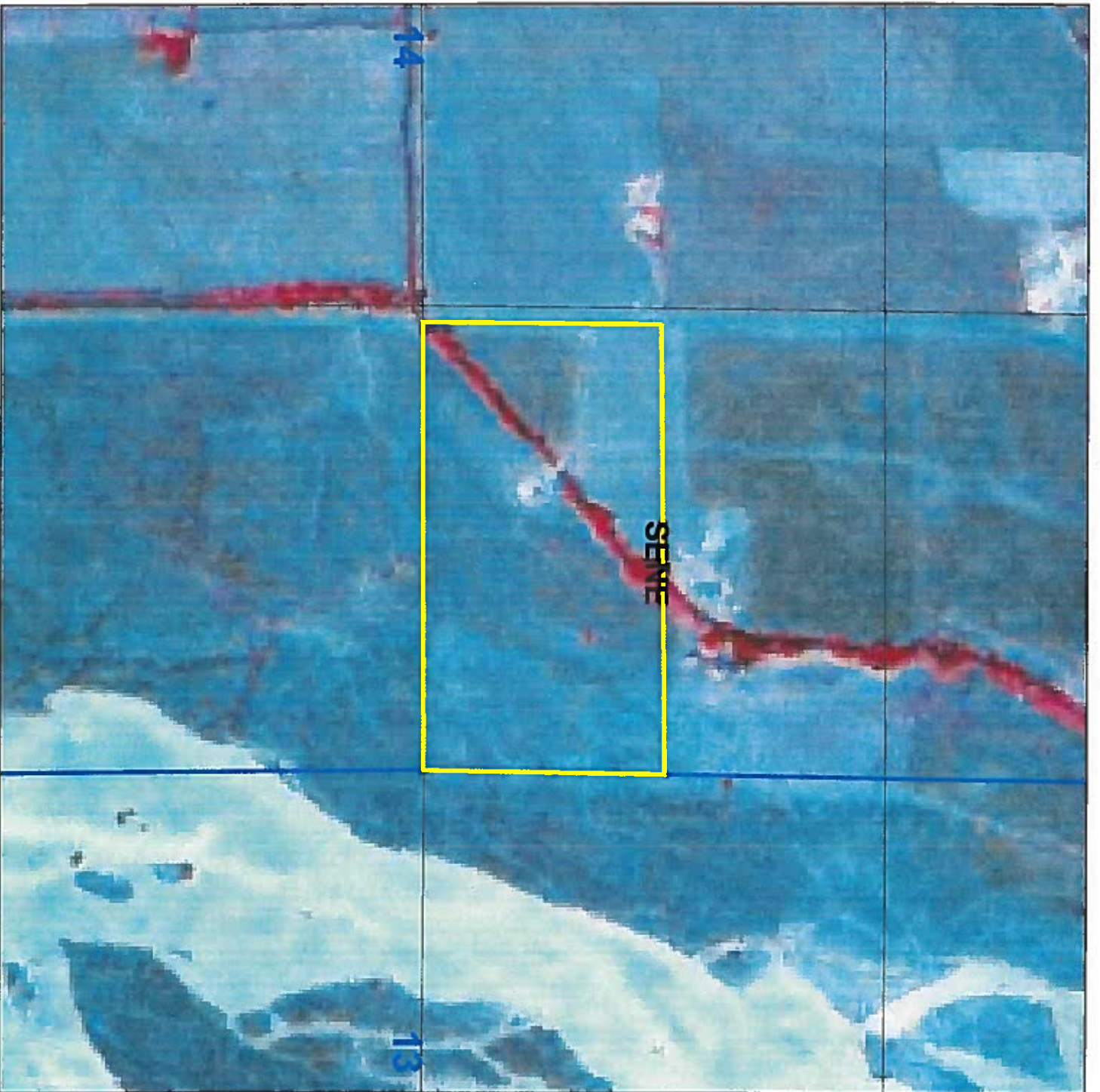


Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Tuesday, November 21, 2006
1987/88 Aerial Photography

37-43C





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 22, 1995

BRIAN KLEINWACHTER
PO BOX 16
WASCO, IL 60183

RE: SRBA CLAIMS A37-13310 & A37-00043C
TROPEA

DEAR CLAIMANT(S):

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

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THE OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 21 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 19, 1995 10:20am **CUSTOMER** CHRIS HOLLEY A37-00043C

SUBJECT: HOW GOOD IS THIS WATER RIGHT???
phone call (X) walk-in (.)

He is a real estate salesman in Ketchum and wanted to know how good this water right is. Told him the best way to find out would be to talk to Lee Peterson, the watermaster for that water district. He good give him information on how he has been delivering water on that right and how late in the season it usually lasted. Gave him Lee's phone number - 886-2451.

MICROFILMED

NOV 21 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 22, 1995 12:47pm **CUSTOMER** ROBIN TOMASI A37-00043C

SUBJECT: QUESTIONS ON POSSIBLE RECOMMENDATIONS OF THIS CLAIM?????
phone call (X) walk-in (.)

She is interested in possibly buying this property and had questions on whether the right might be disallowed in the future through the SRBA? She said that only about 4 or 5 acres have actually been irrigated for a long time. The parcel is for 20 acres but 15 of those acres are in old growth sage brush and look like they've never been irrigated. The real estate agent assured her that the water rights are for the entire 20 acres but she wondered how we would look at it when we get to that basin? She also indicated she'd like to clear those 15 acres and start irrigating them and wanted to know if that would make any difference in our recommendation? She talked to the watermaster, Lee Peterson, who told her he hadn't been delivering water there for a long time but kept assessing the money to keep the right valid and indicated he could see no problem with starting to deliver the water if she buys the place. He thought it normally would be good through June and probably July, but not August. I checked our Claims Investigation Manual on forfeiture and resumption and told her that I couldn't guarantee anything. If we have evidence that a portion of the right has not been used we may very well disallow that portion, whether she has resumed usage or not. Resumption states that if there are appropriators from the same source (Big Wood River in this case) with a priority between hers (1891) and the date of resumption (say 1995) then the claim (or that portion of) should be recommended as beneficial use with the priority date advanced to the date of resumption. Gave her these facts and just said it didn't look real promising for the entire 20 acres to be recommended but I really couldn't say for sure what might happen. SHE would have to make the call as to whether or not to purchase the property...

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