

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: **A37-01224A**
Date Received: 9/20/1988
Receipt No: S002343
Received By: JK

AMENDED

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

AMENDED

1. Name: WALTER J HOFSTETTER 208-788-2813
Address: 19185 US HWY 20
PICABO ID 83348
OR
Name: MARIANNE HOFSTETTER 208-788-2813
Address: 19185 US HWY 20
PICABO ID 83348

2. Date of Priority: JAN 1, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	20E	36	NE	NE	SW		BLAINE
02S	20E	1	NE	SW	NE		BLAINE

5. Description of diverting works:
CLARK #29 HEADGATE, CLARK #29-P 20 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.671		

7. Total Quantity Appropriated is:
0.671 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
01S	20E	36	NW	SE		IRR	6.0
			SW	SE		IRR	2.0
					Section Acres		8.0
02S	20E	1	NE	NE	1	IRR	33.0
			NW	NE	2	IRR	19.8
			SW	NE		IRR	13.0
					Section Acres		65.8
					Total Acres		73.8

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:

A37-00088A, A37-00089A, A37-00090D

14. Remarks:

THE PRIORITY DATE LISTED IS NOT REAL. THIS RT. IS ABSOLUTE,
PERPERTUAL, & INDEPENDENT OF OTHER SILVER CR. RTS.
REGARDLESS OF PRIORITY DATE.

CLAIM WAS AMENDED BASED ON OWNERSHIP CHANGE WHEN HOFSTETTERS SOLD
3.19 AC IN NWNE SECTION 1 TO YOUNGS, WHO OWN PART B. 3/19/98 jr

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/28/1932

BRETT & CLARK

Decree Plaintiff

CHAPMAN ET.AL.

vs Decree Defendant

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): (Part) A37-00088A, 89A, 90D, 1224A
Adjudication Claim No(s): _____

2. The following REQUIRED information must be submitted with this form:

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant WALTER J. & MARIANNE HOFSTETTER
19185 HWY 20 PICABO ID 83348

4. New Owner/Claimant(s) JACK & ^{OR} FLORENCE YOUNG
Name Connector (Check one): ☒ and, ☒ or, ☐ and/or
New Mailing Address 19183 HWY 20
City, State and ZIP Code PICABO, IDAHO 83348
New Telephone Number (208) 788-5885

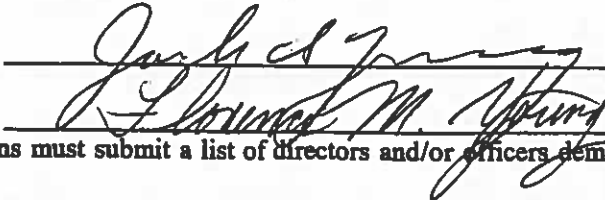
5. Date you acquired the property JAN. 24, 1990

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 3.194 Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

SAWTOOTH TITLE CO., INC.
171 West Sixth Street
P.O. Box 188
Ketchum, Idaho 83340
(208) 726-4595

Date: 3-7-90, 19____
Our Order No. _____
Loan No. ESCROW NO. 941
Re: YOUNG/HOFSTETTER

To: MR. AND MRS. JACK YOUNG
P.O. BOX 549 736
~~BELLEVUE, IDAHO 83313~~
Pocatello, Idaho 83348

Please find enclosed the following, relative to the above transaction:

RETURN	YOUR FILE	
_____	_____	Lawyers Title Ins. Corp. commitment No. _____
_____	_____	Billing Statement No. _____
_____	_____	Escrow Instructions _____
_____	_____	Closing Statement _____
_____	_____	Promissory Note, original _____, Copy _____
_____	_____	Deed of Trust, original _____, copy _____
_____	_____	Mortgage, original _____, copy _____
_____	_____	Authorization to Reconvey _____
_____	_____	Satisfaction of Mortgage _____
_____	XXXXX	Warranty Deed INSTRUMENT NO. 317073
_____	_____	Insurance Certificates _____
_____	_____	Our check # _____ \$ _____ to _____
_____	_____	Our check # _____ \$ _____ to _____
_____	_____	Our check # _____ \$ _____ to _____
_____	_____	Our check # _____ \$ _____ to _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	Lawyers Title Ins. Corp. Owners policy No. _____
_____	_____	Lawyers Title Ins. Corp. Mortgagee policy No. _____

If you have any questions, please let us know.

Truly !!

SAWTOOTH TITLE CO., INC.

[Signature]

15004

Courtesy of SAWTOOTH TITLE CO., Inc.

WARRANTY DEED

For Value Received

WALTER J. HOFSTETTER AND MARIANNE HOFSTETTER, TRUSTEES

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

JACK S. YOUNG AND FLORENCE M. YOUNG, HUSBAND AND WIFE

whose address is: P.O. BOX 549 BELLEVUE, IDAHO 83313

Hereinafter called the grantee, the following described premises, in BLAINE County, Idaho, to-wit:

A PARCEL OF LAND LOCATED WITHING THE NE $\frac{1}{4}$, SECTION 1 TOWNSHIP 2 SOUTH, RANGE 20, EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NE $\frac{1}{4}$:
THENCE S. 53°02'05" E., 662.50 FEET TO A 5/8" BAR THE
TRUE POINT OF BEGINNING:

THENCE S. 88°57'31" E., 336.77 FEET TO A 5/8" BAR;
THENCE S. 31°02'48" W., 488.81 FEET TO A 5/8" BAR;
THENCE S. 48°41'22" W., 361.82 FEET TO A 5/8" BAR;
THENCE N. 15°44'49" E., 689.64 FEET TO THE TRUE POINT OF
BEGINNING, CONTAINING 3.194 ACRES MORE OR LESS.

317073

BLAINE CO. REQUEST
OF: Sawtooth Title Co., Inc.

Dead
90 MAR 2 PM 4 34
MARY GREEN, CLERK
FEES \$300

This instrument filed for record by
Sawtooth Title Co., Inc., as an ac-
commodation only. It has not been
examined as to its execution or as
to its effect upon the title.

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

Dated: JANUARY 24, 1990

Walter J. Hofstetter
WALTER J. HOFSTETTER

Marianne Hofstetter
MARIANNE HOFSTETTER

Walter J. Hofstetter
WALTER J. HOFSTETTER, TRUSTEE

Marianne Hofstetter
MARIANNE HOFSTETTER, TRUSTEE

STATE OF IDAHO, COUNTY OF BLAINE

On this 30th day of January, 1990,
before me, a notary public in and for said State, per-
sonally appeared

WALTER J. HOFSTETTER
AND MARIANNE HOFSTETTER

known to me to be the person whose name is ARE
subscribed to the within instrument and acknowledged to
me that THEY HAVE executed the same.

Notary Public
Residing at
Comm. Expires 5-1-91

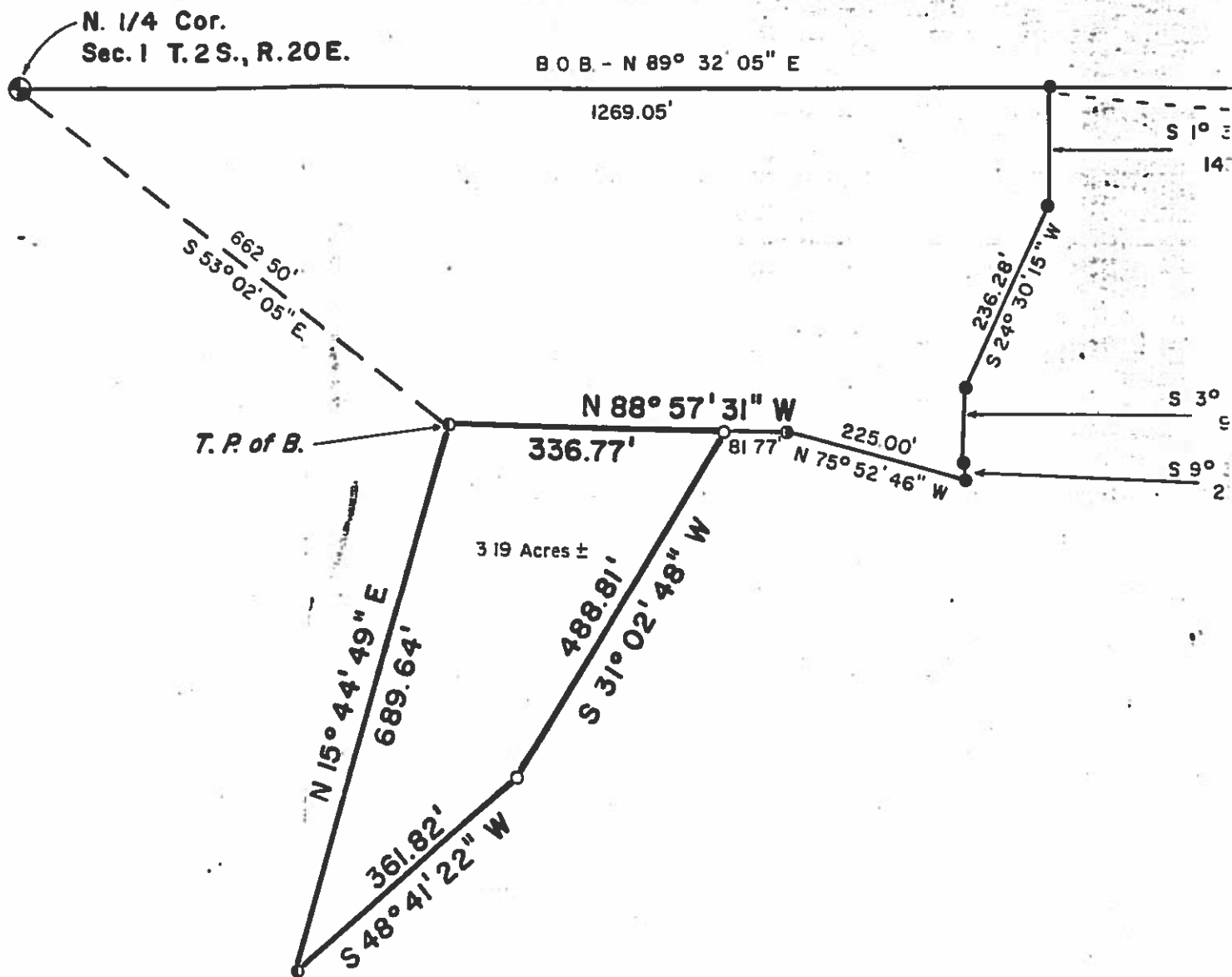
STATE OF IDAHO, COUNTY OF BLAINE

On this 30th day of January, 1990,
before me, a notary public in and for said State, per-
sonally appeared

WALTER J. HOFSTETTER
AND MARIANNE HOFSTETTER
TRUSTEES

known to me to be the person whose name is ARE
subscribed to the within instrument and acknowledged to
me that THEY HAVE executed the same.

Notary Public
Residing at
Comm. Expires 5-1-91



copy

Letter of Agreement between Walter and Marianne Hofstetter and Jack and Florence Young:

Walter and Marianne Hofstetter, in return for One Dollar (\$1.00) and other good and valuable considerations agreed to and received by themselves from Jack and Florence Young, agree to allow the Youngs to fill in the irrigation ditches which cross the Young's property, situated in T1S, S36, R20E and T2S, S1, R20E, Blaine County, and which serve the Hofstetter's property situated in T1S, S36, R20E and T2S, S1, R20E, Blaine County.

The Hofstetters and the Youngs signify by this Agreement that, with reference to their "Water and Ditch Agreement," Document #210448 recorded with Blaine County, these ditches shall heretofore be considered closed, the appurtenant rights of way and ditch maintenance obligations abandoned, and that such ditches can not be reopened in the future unless by mutual consent between the parties to this Agreement, their heirs, representatives, successors and assigns.

Date: 10-22-91

Signed: Walter Hofstetter
Walter Hofstetter

Marianne Hofstetter
Marianne Hofstetter

Jack Young
Jack Young

Florence Young
Florence Young



Notary Public:

Elizabeth Ann Ecker

BLAINE CO. REQUEST

OF Larry Schoen agreement

1991 OCT 22 P 4: 46

334805

MARY GREEN, CLERK ps
FEES \$ 3.00

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

March 19, 1998 9:14am

CUSTOMER

FLORENCE AND JACK YOUNG

A37-00088A & B

A37-00089A & B

A37-00090D & E

A37-01224A & B

SUBJECT: AMENDED CLAIMS/OWNERSHIP CHANGE OF 3.19 AC

phone call (.) walk-in (X)

Walter and Marianne Hofstetter (Part A) sold a 3.19 acre parcel in the NWNE, Lot 2, of Section 1 to Jack and Forence Young (Part B). I amended the claims to show those acres going from Hofstetters to Youngs. Also included in the paperwork is a copy of an agreement between both parties allowing the Youngs to fill in the irrigation ditches which cross the Young's property and serve the Hofstetter's property.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 19, 1998

WALTER J HOFSTETTER
MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348

RE: AMENDED CLAIM/OWNERSHIP CHANGE #A37-00088A, A37-00089A,
A37-00090D, A37-01224A

Dear Mr. and Mrs. Hofstetter:

Enclosed are copies of amended claims which reflect the sale of the 3.19 acres in the NWNE, Lot 2, of Section 1 to the Youngs. I have changed the Places of Use and the Diversion Rates to reflect the transaction. I was able to make these changes without changing your claim numbers.

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

Sincerely,

A handwritten signature in cursive script that reads "Jeanie".

Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures

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: A37-01224A
Date Received: 9/20/1988
Receipt No: S002343
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER J. HOFSTETTER 208-788-2813
Address: 19185 U.S. HWY 20
PICABO, ID 83348
OR
Name: MARIANNE HOFSTETTER 208-788-2813
Address: 19185 U.S. HWY 20
PICABO, ID 83348

2. Date of Priority: JAN 01, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	20E	36	NE	NE	SW		BLAINE
02S	20E	1	NE	SW	NE		BLAINE

5. Description of diverting works:
CLARK #29 HEADGATE, CLARK #29-P 20 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.700		

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

8. Total consumptive use is 193.0 Acre Feet Per Annum.

9. Non-irrigation uses:

COPY

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FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	36	NW	SE		IRR	6.0
			SW	SE		IRR	2.0
						Section Acres	8.0
02S	20E	1	NE	NE	1	IRR	33.0
			NW	NE	2	IRR	23.0
			SW	NE		IRR	13.0
						Section Acres	69.0
						Total Acres	77.0

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:
A37-00088A, A37-00089A, A37-00090D

14. Remarks:
THE PRIORITY DATE LISTED IS NOT REAL. THIS RT. IS ABSOLUTE,
PERPERTUAL, & INDEPENDENT OF OTHER SILVER CR. RTS.
REGARDLESS OF PRIORITY DATE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/28/1932

BRETT & CLARK
Decree Plaintiff

CHAPMAN ET.AL.
Decree Defendant

COPY

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FEB 23 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: 1

For Individuals:

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

Signature of Claimant(s): Mariaume Hofstetter Date: 9/20/88

Date: _____

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 20th day

of September 19 88

Roxanne Story
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

COPY

20 E.

14 Copies

Hwy 20 Bridge

NE/SW
P.D.

NW/SE

NE/SE
62 acres

Tax lot 2600
10a

Jensen 25.59

Tax lot 1205

Young 25

40a

Hofestetter

Lot 1
NE/NE

23.

Tax lot 544
23.3

23

33

Tax lot 152
P.D.

SW/NE

SE/NE

A37-01224 A

P.D. =

NE 1/4 SW 1/4

MICROFILMED

Sep. 1981 23 1993

01/11/2007

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

RIGHT NUMBER: 37-1224A

NAME AND ADDRESS: WALTER J HOFSTETTER
19185 HWY 20
PICABO ID 83348

MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

Water from this right resulted from developed water in Silver Creek.

QUANTITY: 0.671 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 12/28/1932

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed water in Silver Creek, as established by and subject to the provisions included within In Re Brett et al. v. S.H. Chapman, Watermaster (Lincoln County, December 28, 1932).

POINT OF DIVERSION:

T01S R20E S36 NENESW Within BLAINE County

T02S R20E S1 NESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.671 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02S R20E S01 Lot 1 NENE	12.00	T02S R20E S01 Lot 2 NWNE	13.00
T02S R20E S01 SWNE	11.00	T02S R20E S01 SENE	1.80
T02S R20E S01 Lot 3 NENW	0.20		

38 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

This right is a split from former right 37-1224.

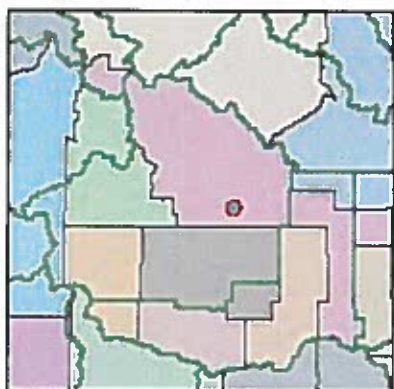


Idaho Department of Water Resources

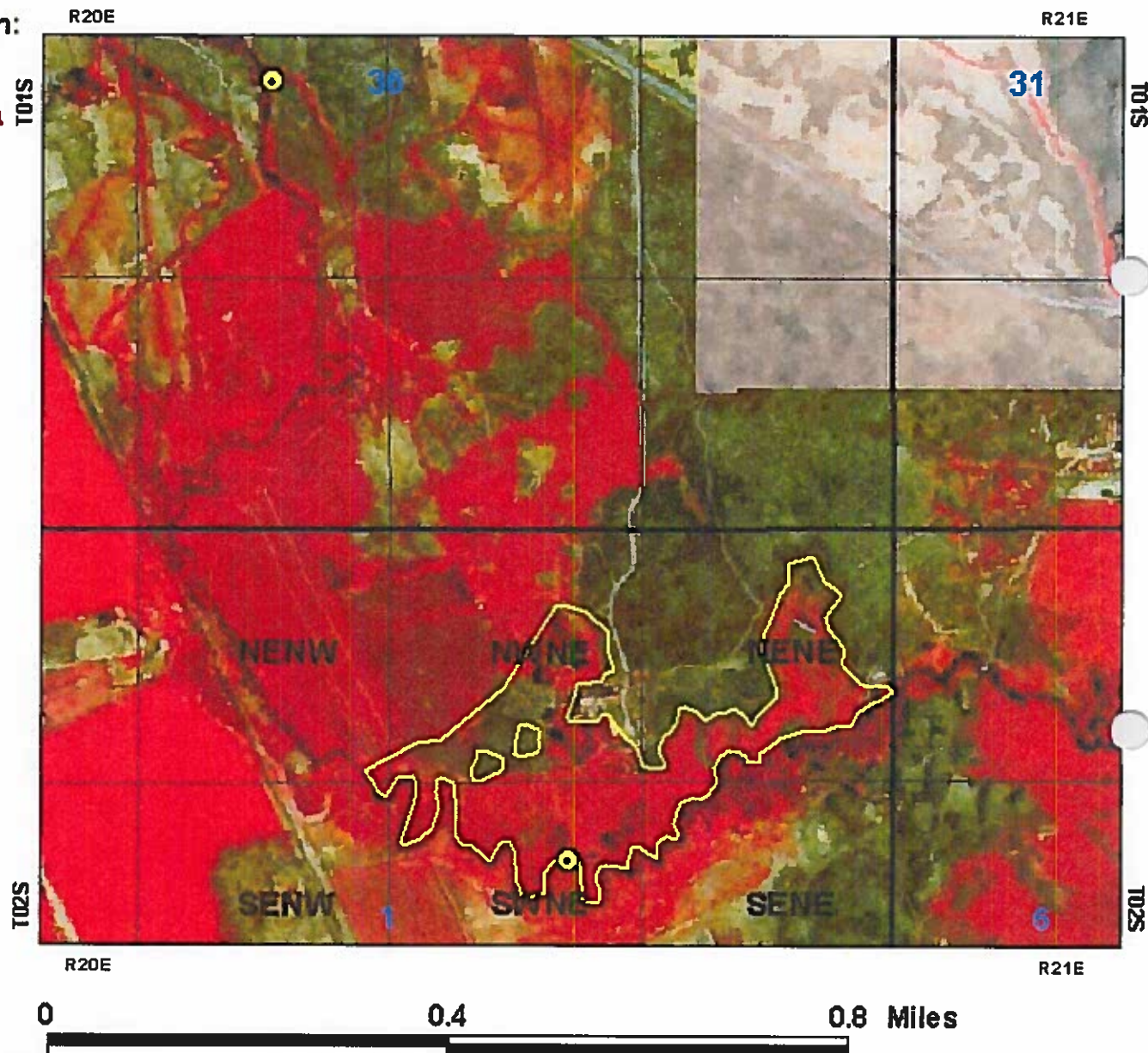
SRBA Recommendation:
37-88A, 37-89A
37-90D, 37-1224A

Legend

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



Blaine County
IDWR Basin 37



Prepared by N. Erickson
On Thursday, January 11, 2007
1987/88 Aerial Photography

APR 16 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. 37-0088, 0089,
0090, 1224
17/2167/8/11/2197

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Walter J. &/or Marianne Hofstetter Phone 788-2813

Post office address Picabo, Idaho 83348

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: see ~~file~~ attachments
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
thru purchase _____

3. Source of water _____ tributary to _____
4. Date of priority _____
5. Water is used for the following purposes:
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: _____

[illegible]

Total number of acres to be irrigated

Describe any other water rights used for the same purposes as described above

MICROFILMED
AUG 24 1994

AUG 24 1994

37-0088A *TF* 2492
37-0089A
37-0090D
37-1224 *io* *Doc*

37-01224

TRANSFER NUMBER T-3549

SEE 37-00088

MICROFILMED
AUG 24 1994