

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10345 V1

WATER RIGHT NUMBER: 37-10345 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	KENNETH OHLINGER 1951 E 1775 S GOODING, ID 83330 (208)934-5763
Directors Report Owner	WANDA OHLINGER 1951 E 1775 S GOODING, ID 83330 (208)934-5763
Current Owner	ELIZABETH J BURNETT 38 STEUBEN BAY ALAMEDA, CA 94502 (510)865-2097
Current Owner	MONTIE S DAY 38 STEUBEN BAY ALAMEDA, CA 94502 (510)865-2097

Priority Date: 06/20/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NE1/4	Sec. 25, Twp 05S, Rge 16E, B.M.
LINCOLN County		

Place of UseDOMESTIC Within GOODING County

T05S R16E S25 NWNE

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP 05S16E250000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-10345 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

November 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MONTIE S DAY
ELIZABETH J BURNETT
38 STEUBEN BAY
ALAMEDA CA 94502

Re: SRBA Claim(s) 37-460, 37-461, 37-10343
Decreed Water Right 37-10345

Dear Mr. Day and Ms. Burnett:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

COPY

Form 47 (Rev. 1-04-00) July 2000

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

RECEIVED
NOV 13 2001
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-460	37-460				
37-461	37-461				
37-10343	37-10343				
37-10345					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
Kenneth Ohlinger and Wanda Ohlinger
1951 East 1775 South, Gooding, Idaho 83330
4. New Owner/Claimant(s)
Montie S. Day and Elizabeth J. Burnett
Name Connector (Check one): () and () or () and/or
38 Steuben Bay
New Mailing Address
Alameda, CA 94502
City, State and ZIP Code
New Telephone Number
(510) 865-2097
Date you acquired the property
November 1, 2001 Closing Date

Form 12.258/42-1406(6) Aug. 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Monte S. Day
Elmer S. Bunker

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <i>[Signature]</i>	Date <i>11/14/01</i>	WR _____ Date _____

WARRANTY DEED

For Value Received Kenneth Ohlinger and Wanda Ohlinger, husband and wife

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

Montie S. Day and Elizabeth J. Burnett, husband and wife

whose address is: 38 Steuben Bay, Alameda, CA 94502

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

See Attached Legal Description

TOGETHER WITH 75 Shares Big Wood Canal Company Water Stock.

Also Together with:

State Water Right No. 37-460, Priority Date 06/03/1884, 4.000 CFS

State Water Right No. 37-461, Priority Date 07/17/1884, 1.400 CFS

State Water Right No. 37-10343, Priority Date 05/27/1899, 7.060 CFS

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

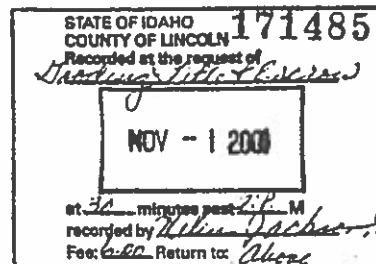
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 26, 2001

Kenneth Ohlinger
Kenneth Ohlinger

Wanda Ohlinger
Wanda Ohlinger

STATE OF Idaho
ss.
COUNTY OF JEROME



On this 16th day of October, 2001, before me Shawna A. Wageman, personally appeared Kenneth Ohlinger and Wanda Ohlinger, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shawna A. Wageman
Notary Public of Idaho

Residing at Jerome, Idaho
Commission Expires: 03/07/03

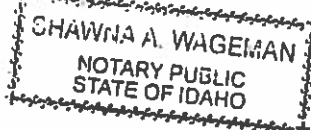


EXHIBIT "A"

Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho.

Section 24: The East one-half of the Southwest Quarter.
The West one-half of the Southeast Quarter.
The South one-half of the Southeast Quarter of the
Southwest Quarter of the Southwest Quarter.

Section 25: The Northeast Quarter.
The East one-half of the Northwest Quarter.
The Northwest Quarter of the Northwest Quarter.
The Northwest Quarter of the Southeast Quarter.

K.O.
Joe



First American Title

260 Third Ave. North • Twin Falls, ID 83301
Phone (208)734-2905 • Fax (208)734-2945

November 9, 2001

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RECEIVED
NOV 13 2001
Department of Water Resources
Southern Region

RE: TF29740

Dear Ladies and Gentlemen,

Enclosed, please find the following document(s) in connection with the above referenced transaction:

State of Idaho Department of Water Resources Notice of Change of Water Right Ownership. I am also enclosing a copy of the recorded warranty deed.

We appreciate the opportunity of working with you on this transaction, and look forward to working with you again in the future.

If you should have any questions, please contact me. Thank you.

Sincerely,

Jayne Shepard
Escrow Assistant

AJ0749NP
No. R37-10345

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WANDA OHLINGER	06/20/1948	DOMESTIC	01-01 12-31	0.04 CFS	
C	KENNETH OHLINGER					
	1951 E 1775 S					
	GOODING ID 83330					
	(208) 934-5763					
				TOTAL DIVERSION:	0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R16E S25

SNNWNE

LINCOLN County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
05S	16E	25	:																	:
			:																	:

POU County: GOODING

Non-Irrigation Uses: 1 HOUSE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP 05S16E250000

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 07/21/98 SEGBERT

OK
KRC
2-8-99

AJ5856NP

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

DATE: SEP-5-1997

PAGE: A-21

RIGHT NUMBER: 37-10345

NAME & ADDRESS: WANDA OHLINGER
KENNETH OHLINGER ✓
1951 E 1775 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/20/1948

POINT OF DIVERSION: T05S R16E S25 ✓

SWNWNE ✓

Lincoln
Within ~~GOODING~~ County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE ✓
DOMESTIC D/ 1 HOUSE

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC ✓
T05S R16E S25 ✓

Within GOODING County
NWNE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 05S16E250000

Verified by *Be* Date: *7-15-98*

Verification Source: *map alpha*

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: A37-10345
Date Received: 6/29/1988
Receipt No: S000624
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WANDA OHLINGER 208-934-5763
Address: 1951 E 1775 S
GOODING ID 83330

AND/OR

Name: KENNETH OHLINGER 208-934-5763
Address: 1951 E 1775 S
GOODING ID 83330

2. Date of Priority: JUN 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	25	SW	NW	NE		LINCOLN

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	25	NW	NE		DOMEST	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: A37-10345
Date Received: 6/29/1988
Receipt No: S000624
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WANDA OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330

AND/OR
Name: KENNETH OHLINGER 208-934-5763
Address: 1951 E. 1775 S.
GOODING, ID 83330

2. Date of Priority: JUN 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	25	SW	NW	NE		GOODING

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	16E	25	NW NE		DOMEST	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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: 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): Kenneth Ohlenger Date: 6/29/88

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 29th day

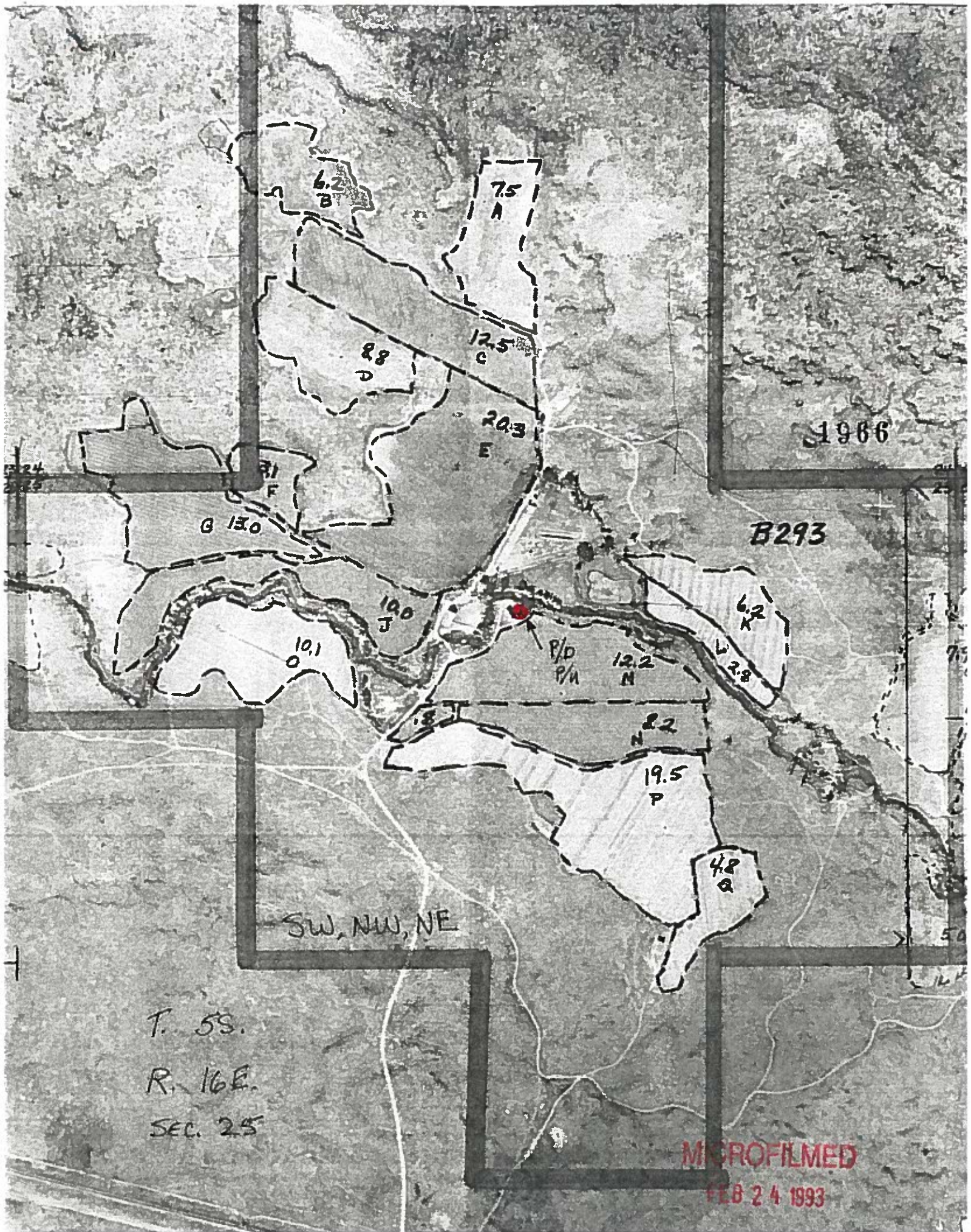
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, ID

My Commission Expires 10-16-1992



T. 5S.
R. 16E.
SEC. 25

MICROFILMED
FEB 24 1993