

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: A37-00496D  
Date Received: 10/25/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: STARWEATHER PROPERTY OWNERS ASSOCIATION 208-726-4565  
Address: C/O SUPER SEC  
PO BOX 254  
KETCHUM ID 83340

2. Date of Priority: JUL 1, 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 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 18E   | 18      | SE     | NE     | NE     |     | BLAINE |

5. Description of diverting works:  
MIZER #20 HEADGATE AND DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.870 |      |        |

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 03N      | 18E   | 20      | NE     | NW     |     | IRR | 2.0   |
|          |       |         | NW     | NW     |     | IRR | 1.0   |
|          |       |         | SW     | NW     |     | IRR | 1.0   |
|          |       |         | SE     | NW     |     | IRR | 8.0   |

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NOV 22 1996

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 03N           | 18E   | 20      | NE     | SW  |     | IRR | 15.0  |
| Section Acres |       |         |        |     |     |     | 30.0  |
| Total Acres   |       |         |        |     |     |     | 30.0  |

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:  
A37-00497

14. Remarks:  
CLAIM IS A SPLIT FROM A37-00496A PURSUANT TO APPROVED TRANSFER  
4170. 9/15/95 TF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant

MICROFILMED  
NOV 22 1996

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: A37-00496A  
Date Received: 10/25/1988  
Receipt No: S003228  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: STARWEATHER PROPERTY OWNERS ASSOCIATION 208-726-4565  
Address: C/O SUPER SEC  
PO BOX 254  
KETCHUM ID 83340

2. Date of Priority: JUL 1, 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   | 18      | SE     | NE     | NE  |     | BLAINE |

5. Description of diverting works:  
MIZER #20 HEADGATE AND DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.500  |      |        |

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

8. Total consumptive use is 312.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 03N      | 18E   | 20      | NW     | NW  |     | IRR | 30.0  |
|          |       |         | SW     | NW  |     | IRR | 35.0  |
|          |       |         | SE     | NW  |     | IRR | 20.0  |
|          |       |         | NE     | SW  |     | IRR | 20.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 03N           | 18E   | 20      | NW     | SW  |     | IRR | 20.0  |
| Section Acres |       |         |        |     |     |     | 125.0 |
| Total Acres   |       |         |        |     |     |     | 125.0 |

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:  
A37-00497

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.

\*\*\*\*\*

OWNERSHIP CHANGE MADE 9/14/95 TF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

6 0 5 0 2

OCT 18 1994

Department of Water Resources  
Southern Region Office

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E  
Section 20, 1/4 of 1/4 of 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
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: A37-00496A and A37-00497A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert M. Brennan & Starweather Property Owners Assoc.  
P.O. Box 1991 P.O. Box 254  
Sun Valley, Idaho 83353 Ketchum, Idaho 83340
- ☐ New Owner/Claimant (Purchaser): Starweather Property Owners Association
- ☐ New Mailing Address: c/o Super Sec  
Post Office Box 254  
Ketchum, Idaho 83340
- ☐ New Telephone Number: (208) 726 - 4565
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
See attached Quitclaim Deed

- ☐ Attach proof of ownership, describe proof attached: Quitclaim 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) [Signature] Date Oct 18, 1994
- ☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ 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 6-12-95 By: HCB

Further Action Needed: no further info.

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

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

MICROFILMED  
NOT 2 1996

ORIGINAL FILED

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

James P. Speck, Esq.  
HOGUE, SPECK & AANESTAD  
P O Box 987  
Ketchum, Idaho 83340

BLAINE CO. REQUEST

OF Hogue, Speck et al

1994 SEP 29 A 11:26

371137

Space Above This Line For Recorder's Use)

Mary Green, CLERK ms

Deal

QUITCLAIM DEED

30

FOR VALUE RECEIVED, ROBERT M. BRENNAN, a married man dealing in his separate property, whose address is P O Box 1991, Sun Valley, Idaho 83353, ("Grantor") does hereby convey, release, remise and forever quitclaim unto STARWEATHER SUBDIVISION PROPERTY OWNER'S ASSOCIATION, an Idaho non-profit corporation, whose address is c/o Super Sec, P O Box 254, Ketchum, Idaho 83340, ("Grantee"), any and all interest which Grantor may have in the following described water rights:

1.87 cfs of Idaho Water Right No. 37-00496C, with a priority date of July 1, 1883; and

0.9375 cfs of Idaho Water Right No. 37-00497, with a priority date of July 1, 1892.

Both water rights used for the irrigation of thirty (30) acres within the West Half of Section 20, Township 3 North, Range 18 East B.M., Blaine County, Idaho.

DATED this 12 day of September, 1994.

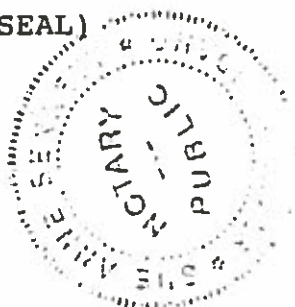
Robert M. Brennan  
Robert M. Brennan

STATE OF IDAHO )  
County of Blaine ) ss.

On this 12 day of September, 1994, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Robert M. Brennan, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

(SEAL)



Lee Anne Bennett  
Notary Public for Idaho  
Residing at Ketchum  
My Commission Expires 7/1/95

MICROFILMED

NOV 22 1996

Claimant Acknowledgement of Change in Attorney  
in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

Starweather Property Owners Association

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

HOGUE, SPECK & AANESTAD, P.A.

James P. Speck

Post Office Box 987

Ketchum, Idaho 83340

Attorney's Phone (208) 726-4421

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

37-00496A

37-00497A

For Individuals:

Authorized signature(s) Date \_\_\_\_\_

For Organizations:

I am President of Starweather Property Owners Association and I

Title

Organization

have signed the foregoing document in the space below as

President of Starweather Property Owners Association.

Title

Organization

Signature of Authorized Agent [Signature]

Title Pres. Den

Date

Sept 10, 1994

Organization Starweather Property Owners Association

IDWR Use:

Date Received \_\_\_\_\_

Data Entry \_\_\_\_\_

Revised Date 4-03-92

MICROFILMED

NOV 22 1996

OCT 18 1994

Department of Water Resources  
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number A37-00496A  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

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

1. Name of Claimant(s): Starweather Subdivision Property Owners Association  
Phone: 1-208-726-4565  
Mailing Address: c/o Super Sec  
P.O. Box 254  
Ketchum, ID 83340

2. Date of Priority: July 1, 1883

3. Source of water supply (a) Big Wood River  
which is tributary to (b) Malad River

4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>¼</u> | <u>¼</u> | <u>¼</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|----------|----------|----------|------------|---------------|
| 3N              | 18E          | 18             | SE       | NE       | NE       |            | Blaine        |

Additional points of diversion if any:

5. Description of existing diversion works: Mizer Ditch Headgate, Mizer Ditch, flood and sprinkler irrigation.

5 7 15 11 1  
OCT 18 1994  
Department of Water Resources  
Southern Region Office

MICROFILMED  
NOV 22 1996

6. Water is claimed for following purposes:

| <u>Purpose</u> | <u>From</u> | <u>To</u>  | <u>Amount</u> |
|----------------|-------------|------------|---------------|
| Irrigation     | April 1     | November 1 | 1.87 cfs      |

7. Total Quantity Claimed: 1.87 cfs

8. Total consumptive use claimed is 75 acre feet per annum.

9. Non-irrigation uses:

10. Place of use:

|            |            |            |           | <u>NE</u> |           | <u>NW</u> |           |           |           | <u>SW</u> |           |           | <u>SE</u> |           |           |           |           |           |               |
|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
| <u>TWP</u> | <u>RGE</u> | <u>SEC</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>TOTALS</u> |
| 3N         | 18E        | 20         |           |           |           |           | 2         | 4         | 1         | 8         | 15        |           |           |           |           |           |           |           | 30            |
| TOTALS     |            |            |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 30.0          |

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? A37-00497A.

14. Remarks: Claimant has acquired sole interest in this portion of the water right. The remainder has been transferred by Bob Brennan pursuant to Transfer No. 4170.

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NOV 22 1996

Last Name: Starweather Subdivision Property Owners Assoc.

Ident No. A37-00496A

15. Basis of Claim: Decree

IDWR Water Right Number: 37-00496

Court: Lincoln County District Court

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant: S.C. Frost v. Alturus Water Company

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For Organizations] I do solemnly swear or affirm that I am the president of Starweather Subdivision Property Owners Association, an Idaho non-profit corporation, that I have signed the foregoing document in the space below as president of Starweather Subdivision Property Owners Association, and that the statements contained in the foregoing document are true and correct.

STARWEATHER SUBDIVISION PROPERTY OWNERS  
ASSOCIATION

Date:

October 10, 1994

By:

[Signature]  
Ken Oring, its president

State of Idaho )  
 ) ss.  
County of Blaine )

Subscribed and sworn before me this 10 day of October, 1994.

Notary Public [Signature]

Residing at East Fork ID

Commission Expires 1/29/97

MICROFILMED

NOV 22 1996

Last Name: Starweather Subdivision Property Owners Assoc.

Ident No. A37-00496A

**17. Notice of Appearance:**

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

Signature: \_\_\_\_\_

James P. Speck  
Hogue, Speck & Aanestad  
P.O. Box 987  
Ketchum, ID 83340

Date: Oct. 10, 1994.

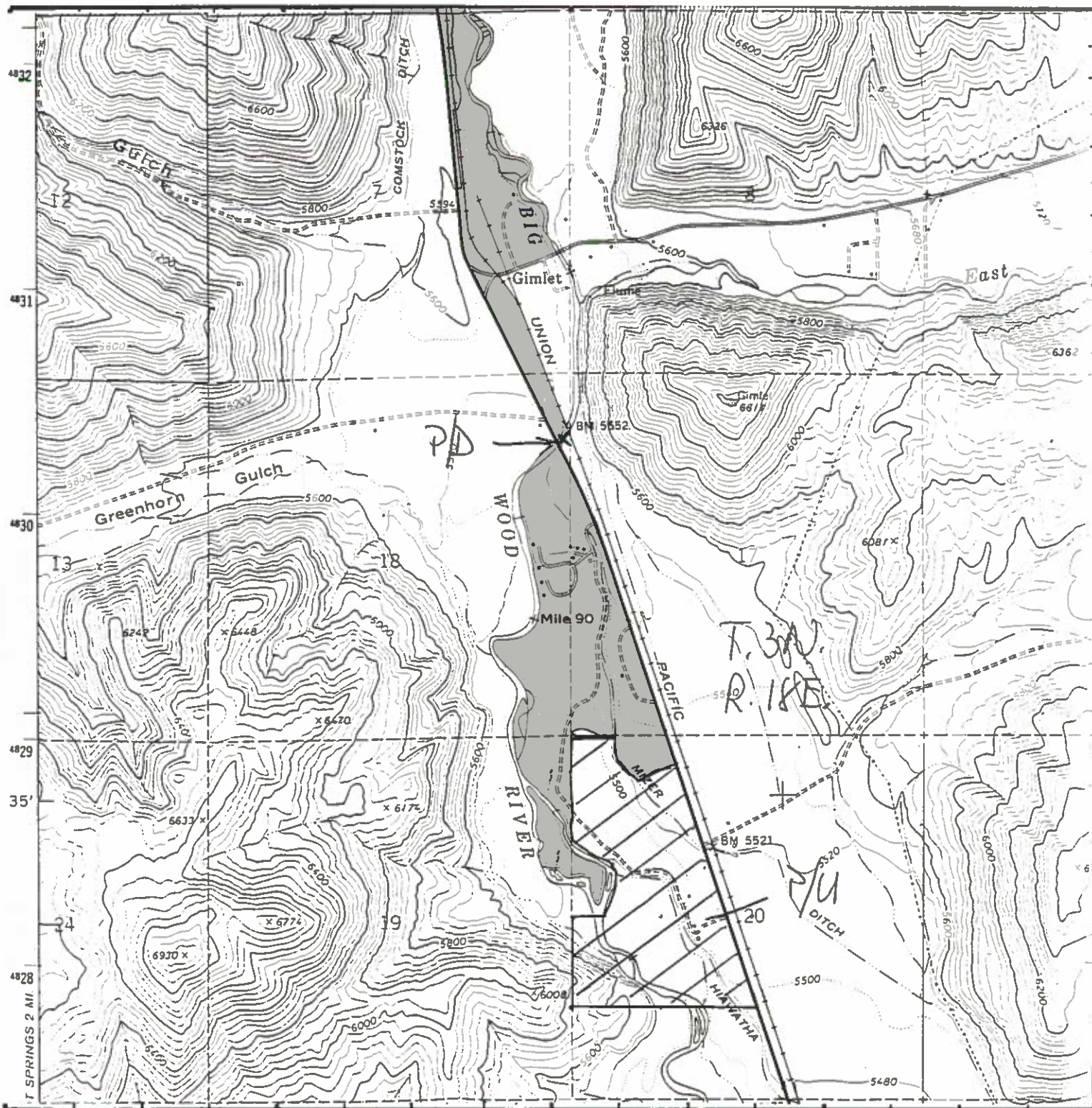
MICROFILMED  
NOV 22 1996

**Last Name:** Starweather Subdivision Property Owners Assoc.

**Ident No.** A37-00496A

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED  
NOV 22 1996

Last Name Starweather

Ident No. 37-00496A

Copies: White-State, Yellow-Claimant

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: A37-00496A  
Date Received: 10/25/1988  
Receipt No: 5003228  
Received By: Sec

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: STARWEATHER SUBD. PROPERTY OWNER'S 208-726-5657  
Address: ASSOCIATION INC.  
P.O. BOX 297  
KETCHUM, ID 83340

OR

Name: ROBERT M. BRENNAN 208-726-5657  
Address: P.O. BOX 297  
KETCHUM, ID 83340

2. Date of Priority: JUL 01, 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   | 18      | SE  |    | NE  |    | NE  |     | BLAINE |

5. Description of diverting works:  
MIZER #20 HEADGATE AND DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.500 |      |        |

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

8. Total consumptive use is 312.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 03N      | 18E   | 20      | NW  |    | NW  |     | IRR           | 30.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 35.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 20.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 20.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 125.0 |
|          |       |         |     |    |     |     | Total Acres   | 125.0 |

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:  
A37-00497

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

vs

ALTURAS WATER CO.

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 Organizations:

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_, that I have signed the foregoing  
Organization document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_ Title  
\_\_\_\_\_ and that the statements contained in the  
Organization foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number A37-00496A  
Date Received \_\_\_\_\_  
Receipt Number 5003228 500

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

STARWEATHER SUBDIVISION PROPERTY  
OWNER'S ASSOCIATION, INC  
1. Name of Claimant (s) and/or ROBERT M. BRENNAN Phone (208) 726-5657  
Mailing Address % P.O. BOX 297, KETCHUM, ID Zip 83340

2. Date of Priority (Only one (1) per claim) 7/01/1983

3. Source of water supply (a) BIG WOOD RIVER  
which is tributary to (b) MALAD RIVER

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 18,  
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BLAINE

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. \_\_\_\_\_

MIZER NO. 20 HEADGATE AND MIZER DITCH

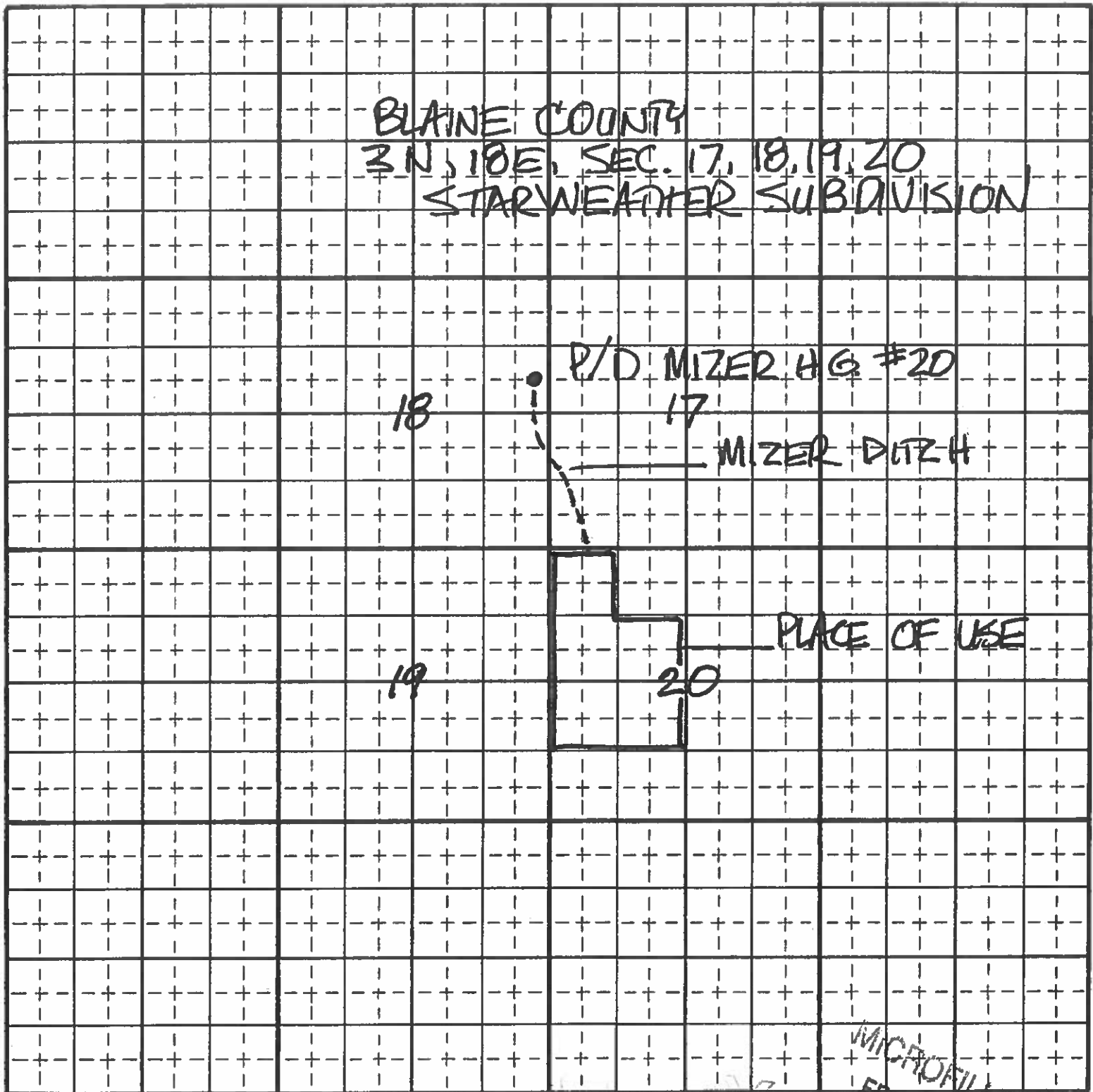
COPY

RECORDED  
FEB 23 1993

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED  
FEB 23 1993

Last Name STARWEATHER

Ident No. A37-00496A

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 37-0494  
Court LINCOLN COUNTY Case Number 12/13/1909  
Plaintiff vs Defendant S.C. FROST V. ALDRA'S WATER CO

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 (POWER OF ATT)

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

Signature of Claimant (s) [Signature] Date 10/25/88

BY: [Signature] Date 10/25/88

ATTORNEY IN FACT

For Organizations: I do solemnly swear or affirm that I am ACTING SECRETARY

of STARWEATHER SUBD. PROP. OWNERS ASSN that I have signed the foregoing

document in the space below as ACTING SECRETARY of SSPOA

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

Signature of Authorized Agent [Signature]

Title and Organization SSPOA / ACTING SEC Date 10/25/88

State of Idaho/or                      )  
County of BLAINE ) SS.

Subscribed and sworn (or affirmed) before me this 25th day of OCTOBER 19 88

SEAL

Notary Public [Signature]

Residing at BLAINE COUNTY

My Commission Expires 12/12/93

Please Print Name

17. Notice of Appearance:

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

Signature [Signature]

Address P.O. Box 297 KETCHUM, IDAHO 83340

Date 10/25/88

COPY  
MICROFILMED  
FEB 23 1993

Last Name STARWEATHER Ident. Number A37-00496A

Copies White-State, Yellow-Claimant

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I ROBERT BRENNAN hereby make, constitute and appoint RAND L. PEEBLES my true and lawful attorney for me and in my name to do anything and everything that I myself could do if personally present, giving my said attorney full power and authority to do everything whatsoever necessary to be done in the premises as fully as I could do if personally present, specifically to execute any and all documents, including but not limited to escrow instructions, deeds, easements, applications for permits, releases and amendments to Starweather Master Declaration necessary to close that certain real property transaction between Robert Brennan, Seller, and Elsie G. Lufkin, Buyer. Said real property is located within the Starweather Subdivision; with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute or substitutes shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 1988.

Robert Brennan  
Robert Brennan

STATE OF Idaho )  
COUNTY OF Blaine ) ss.

On this 29 day of September, 1988, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Robert Brennan, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Andie Speed  
Notary Public for Idaho  
Residing at Dallas

rlp\brennan.pow

MICROFILMED  
FEB 23 1993

A37-#00496A

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-496D V1

WATER RIGHT NUMBER: 37-496D V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                       |
|-------------------|-----------------------------------------------------------------------------------------------|
| Attorney          | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421         |
| Original Owner    | ROBERT M BRENNAN<br>PO BOX 297<br>KETCHUM, ID 83340<br>(208)726-5657                          |
| Original Owner    | STARWEATHER SUBD PROPERTY OWNERS ASSN INC<br>PO BOX 254<br>KETCHUM, ID 83340<br>(208)726-5657 |
| Current Owner     | STARWEATHER SUBD PROPERTY OWNERS ASSN INC<br>PO BOX 254<br>KETCHUM, ID 83340<br>(208)726-5657 |

*This should  
have been  
recommended  
for 1.82*

Priority Date: 07/01/1883

Basis:

Status: Parent

| <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            | 4/01 to 11/01           | 1.870 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.870 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| BIG WOOD RIVER | SE1/4NE1/4NE1/4 | Sec. 18, 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 | 20  |    |    |    |    | 2.0 | 4.0 | 1.0 | 8.0 | 15.0 |    |    |    |    |    |    |    | 30.0   |

Total Acres: 30

Conditions of Approval:

1. CLAIM IS A SPLIT FROM A37-00496A PURSUANT TO APPROVED TRANSFER 4170. 9/15/95 TF.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-496D 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.

Remarks:Comments: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:  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number: 37  
 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

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 11/15/2006                | awarntje        | Parent        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 2/6/2007 11:24:40 AM   | manders         | Correlated PODID 691190 from SpatialDataID 383897 to SpatialDataID 161394                                                                                                                                                                                                                                                                                                                        |
| POD            | 2/6/2007 11:24:55 AM   | manders         | Correlated PODID 691190 from SpatialDataID 383897 to SpatialDataID 161394                                                                                                                                                                                                                                                                                                                        |
| POD            | 2/6/2007 11:24:49 AM   | manders         | Correlated PODID 691190 from SpatialDataID 383897 to SpatialDataID 161394                                                                                                                                                                                                                                                                                                                        |
| POD            | 2/6/2007 11:24:44 AM   | manders         | Correlated PODID 691190 from SpatialDataID 383897 to SpatialDataID 161394                                                                                                                                                                                                                                                                                                                        |
| Summary        | 11/15/2006 10:37:31 AM | awarntje        | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(No) 5. Does this right have any combined use limits with other rights?<br>(No) 6. Is an additional remark and/or condition required? |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-496D V1

Summary

11/3/2006 4:54:45 PM

CFRITSCH

Bulk Copy

Water Supply Bank:



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

September 18, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

STARWEATHER PROPERTY OWNERS ASSOCIATION  
C/O JAMES P SPECK  
HOGUE SPECK & AANESTAD PA  
PO BOX 987  
KETCHUM ID 83340

RE: Amendment of SRBA Claim A37-00496D

Dear Mr. Speck:

Pursuant to the approval of Transfer No. 4170, the above referenced notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett  
Technical Records Specialist

Enc.

MICROFILMED  
NOV 22 1996

AJ0743NP  
(00-124)

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

09/15/95 15:12:25  
Page 1

Water Right Number - A37-004960

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

\*\*\* A - ATTORNEY \*\*\*

SPECK

JAMES P

1 - HOGUE SPECK & AANESTAD PA  
2 - PO BOX 987  
3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

\*\*\* C - CURRENT OWNER \*\*\*

STARWEATHER PROPERTY OWNERS ASSOCIATION

1 - C/O SUPER SEC

2 -

3 - PO BOX 254

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4565

\*\*\* O - ORIGINAL OWNER \*\*\*

STARWEATHER SUBD PROPERTY OWNER'S

1 - ASSOCIATION INC

2 - PO BOX 297

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

BRENNAN

ROBERT M

1 - PO BOX 297

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
07/01/1883 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
03N 18E 18 SE NE NE (13) BLAINE

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 11/01 1.870

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
1.870 75.0

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
03N 18E 20 NE NW 2.0 01 IRRIGATION (13) BLAINE  
03N 18E 20 NW NW 4.0 01 IRRIGATION (13) BLAINE  
03N 18E 20 SW NW 1.0 01 IRRIGATION (13) BLAINE  
03N 18E 20 SE NW 8.0 01 IRRIGATION (13) BLAINE  
03N 18E 20 NE SW 15.0 01 IRRIGATION (13) BLAINE

NOV 22 1995  
MICROFILMED

Total Acres: 30.0

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NOV 22 1996

**Prefix Translation: ADJUDICATION CLAIM**

+ - - Diversion Means - MIZER #20 HEADGATE AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00497

| + | Remarks                                                                             | + |
|---|-------------------------------------------------------------------------------------|---|
|   | CLAIM IS A SPLIT FROM A37-00496A PURSUANT TO APPROVED TRANSFER<br>4170. 9/15/95 TF. |   |

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
No Old Water Right Numbers Found      Old Water Right Numbers
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+

```

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

|                                  |                                  |                     |
|----------------------------------|----------------------------------|---------------------|
| + - - - Decree Plaintiff - - - + | + - - - Decree Defendant - - - + | + - Decree Date - + |
| S.C. FROST                       | ALTURAS WATER CO.                | 12/13/1909          |

+ ..... - Comments - ..... +  
No Comments Found

+ - - Audit Fields - - +  
09/15/95 TFAWCETT

+ . . . . . 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  | - 10/25/1988 | Last Amended Date     | - 09/15/1995 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - X777777    | Water District          | - 37    |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - OR         | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

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NOV 22 1996

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

MAY 20 1994

Department of Water Resources  
Southern Region Office

TRANSFER NO. 4170  
WATER RIGHT NO. 37-00496D

✓ Carter  
✓ Bob  
Southern AJ

This is to certify that: ROBERT M BRENNAN  
PO BOX 1991  
SUN VALLEY ID 83353

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.20 CFS              | 35.0 AF              |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.43 CFS              |                      |
| AESTHETIC             | 04/15 to 10/15       | 0.43 CFS              | 35.0 AF              |
| TOTAL:                |                      | 0.63 CFS              | 35.0 AF              |

| <u>SOURCE</u>  | <u>TRIBUTARY OF</u> |
|----------------|---------------------|
| BIG WOOD RIVER | MALAD RIVER         |

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 20, Township 03N, Range 18E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 03N                              | 18E        | 29         | NWNW 5       | SWNW 5       |              | 10           |
| Total number of acres irrigated: |            |            |              |              |              | 10           |

PLACE OF USE: FIRE PROTECTION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> |      |
|------------|------------|------------|------|
| 03N        | 18E        | 20         | SWSW |
|            | 29         |            | NWNW |
|            |            |            | SWNW |

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS/REMARKS:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 37.

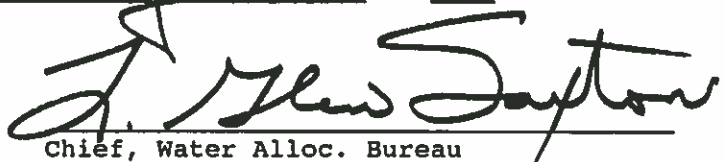
MICROFILMED  
NOV 22 1996

TRANSFER NO. 4170  
WATER RIGHT NO. 37-00496D

CONDITIONS/REMARKS:

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 4<sup>th</sup> day of May, 1994.

  
Chief, Water Alloc. Bureau

MICROFILMED  
NOV 22 1996

Page 1 of 8STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4170APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

AUG 02 1993

Name of applicant Robert M. BrennanPhone 782-9876Post Office address PO Box 1771, Sun Valley, ID 83253

Department of Water Resources

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Ciner

2. Describe the reason for the proposed changes Due to subdivision of original farm, some land is being taken out of production. Applicant wishes to irrigate a large lot west of Big Wood River, & also to develop a ditch & pond for aesthetic & fire protection uses.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number   | Priority        | Amount (cfs/ac-ft) | Nature of Use          | Period of Use               |
|-------------------|-----------------|--------------------|------------------------|-----------------------------|
| <u>39-00496 D</u> | <u>7-1-1883</u> | <u>0.20 cfs</u>    | <u>Irrig.</u>          | <u>4-15</u> to <u>10-15</u> |
|                   |                 | <u>0.43 cfs</u>    | <u>Aesthetics</u>      | " to "                      |
|                   |                 | "                  | <u>Fire Protection</u> | " to "                      |
|                   |                 |                    |                        | to                          |

2. Total amount of water being transferred 0.63 cubic feet per second and/or \_\_\_\_\_ acre-feet per annu.n.

3. Source of water Big Wood River tributary to Muldo River

4. Point(s) of Diversion:

| Lot | %         | %         | %         | S.C.      | Twp.      | Rge.       | County        | Local name for diversion |
|-----|-----------|-----------|-----------|-----------|-----------|------------|---------------|--------------------------|
|     | <u>NW</u> | <u>SE</u> | <u>SW</u> | <u>20</u> | <u>3N</u> | <u>18E</u> | <u>Blaine</u> |                          |
|     |           |           |           |           |           |            |               |                          |
|     |           |           |           |           |           |            |               |                          |
|     |           |           |           |           |           |            |               |                          |

5. Lands irrigated or 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 |           |
| <u>3N</u> | <u>18E</u> | <u>20</u> |      |    |    |    |      |            |            |    |      |    | <u>E/A</u> |    |      |    |    |    |           |
|           |            | <u>21</u> |      |    |    |    |      | <u>S</u>   | <u>S</u>   |    |      |    |            |    |      |    |    |    | <u>10</u> |
|           |            |           |      |    |    |    |      | <u>E/A</u> | <u>E/A</u> |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |            |            |    |      |    |            |    |      |    |    |    |           |

Total acres 10MICROFILMED  
NOV 22 1996

PART 1

6. General Information:

- a. Description of diversion system Pump in river, pipeline & ditch to pond. Pump in pond, pipeline to sprinklers & fire-protection systems. Ditch from pond back into Big Wood R. (aesthetic use in pond & ditch).
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
Land will no longer be irrigated.
- d. Remarks:  
This transfer is similar in nature to Approved Transfer #3810.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

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NOV 22 1996

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00496A

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 11/01       | 2.50 CFS              |
| <u>SOURCE</u>         | <u>TRIBUTARY OF</u>  |                       |
| BIG WOOD RIVER        | MALAD RIVER          |                       |

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 18, Township 03N, Range 18E  
BLAINE CountyPLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 03N 18E 20         | NENW 2       | MWNW 4       | SWNW 7       | 40           |
|                    | SESW 12      | NESW 15      |              | 40           |

Total number of acres irrigated:

CONDITIONS/REMARKS:

NOT RECORDED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. 37-00496A Decreed to Thomas Mizer  
In case of S. C. Frost, Et. AL. vs. Alturas Water Co., Et. AL.  
dated 12/13/1909 In Fourth District county of Lincoln
- b. License No. \_\_\_\_\_ Issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3810 which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ Other Grant Deed3. Source of water Big Wood River tributary to Mild Snake River4. Date of priority 7/1/1883

## 5. Water is used for the following purpose:

amount 2.50 cfs for irrigation purposes from 4/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.50 cubic feet per second and/or \_\_\_\_\_ acre-feet per ann.m.

## 7. Point(s) of Diversion:

| Lot | %  | %  | %  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | SE | NE | NE | 18   | 3N   | 18E  | Blaine | Mizer #20 Headgate       |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 3N   | 18E  | 20   |      |      |      |      | 2    | 4    | 7    | 12   | 15   |      |      |      |      |      |      |      | 40     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 409. Describe any other water rights used for the same purpose as described above 37-00497A None

MICROFILMED

NOV 22 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED Part DC3 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.20 cfs for irrigation purposes from 4/15 to 11/15  
 (cfs/ac-ft) 0.20 cfs for irrigation purposes from 4/15 to 11/15  
 amount 0.20 cfs for fire protection purposes from 4/15 to 11/15  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | % | % | % | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or 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  | 20   |      |      |      |      |      |      | 6    | 4    |      |      |      |      |      |      |      |      | 10     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 10C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Part C

1. amount 1.87 cfs for irrigation purposes from 4/15 to 11/15  
 (cfs/ac-ft) 1.87 cfs for irrigation purposes from 4/15 to 11/15  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | %  | %  | %  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | SE | NE | NE | 18   | 3N   | 18E  | Blaine | Mizer #20 Headgate       |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

3. Lands irrigated or 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  | 20   |      |      |      |      | 2    | 4    | 1    | 8    | 15   |      |      |      |      |      |      |      | 30     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 30MICROFILMED  
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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00476A Amended on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Big Wood River tributary to Mahd River4. Date of priority 7-1-1882

## 5. Water is used for the following purpose:

amount 2.5 cfs for Irrig. purposes from 4-15 to 10-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.5 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | %  | %  | %  | Sec. | Twp. | Rge. | County | Local name for diversion    |
|-----|----|----|----|------|------|------|--------|-----------------------------|
|     | SE | NE | NE | 18   | 3N   | 18E  | BHine  | Hedgegate #20 & Mizer Ditch |
|     |    |    |    |      |      |      |        |                             |
|     |    |    |    |      |      |      |        |                             |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 3N   | 18E  | 20   |      |      |      |      | 2    | 4    | 7    | 13   | 15   |      |      |      |      |      |      |      | 40     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 409. Describe any other water rights used for the same purpose as described above None

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**  
 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.63 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

| Lot | % | % | % | Sec | Twp | Rge. | County | Local name for diversion |
|-----|---|---|---|-----|-----|------|--------|--------------------------|
|     |   |   |   |     |     |      |        |                          |
|     |   |   |   |     |     |      |        |                          |
|     |   |   |   |     |     |      |        |                          |

3. Lands irrigated or 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 |           |
| <u>3N</u> | <u>18E</u> | <u>20</u> |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | <u>10</u> |
|           |            |           |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |           |

Total acres 10

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.87 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

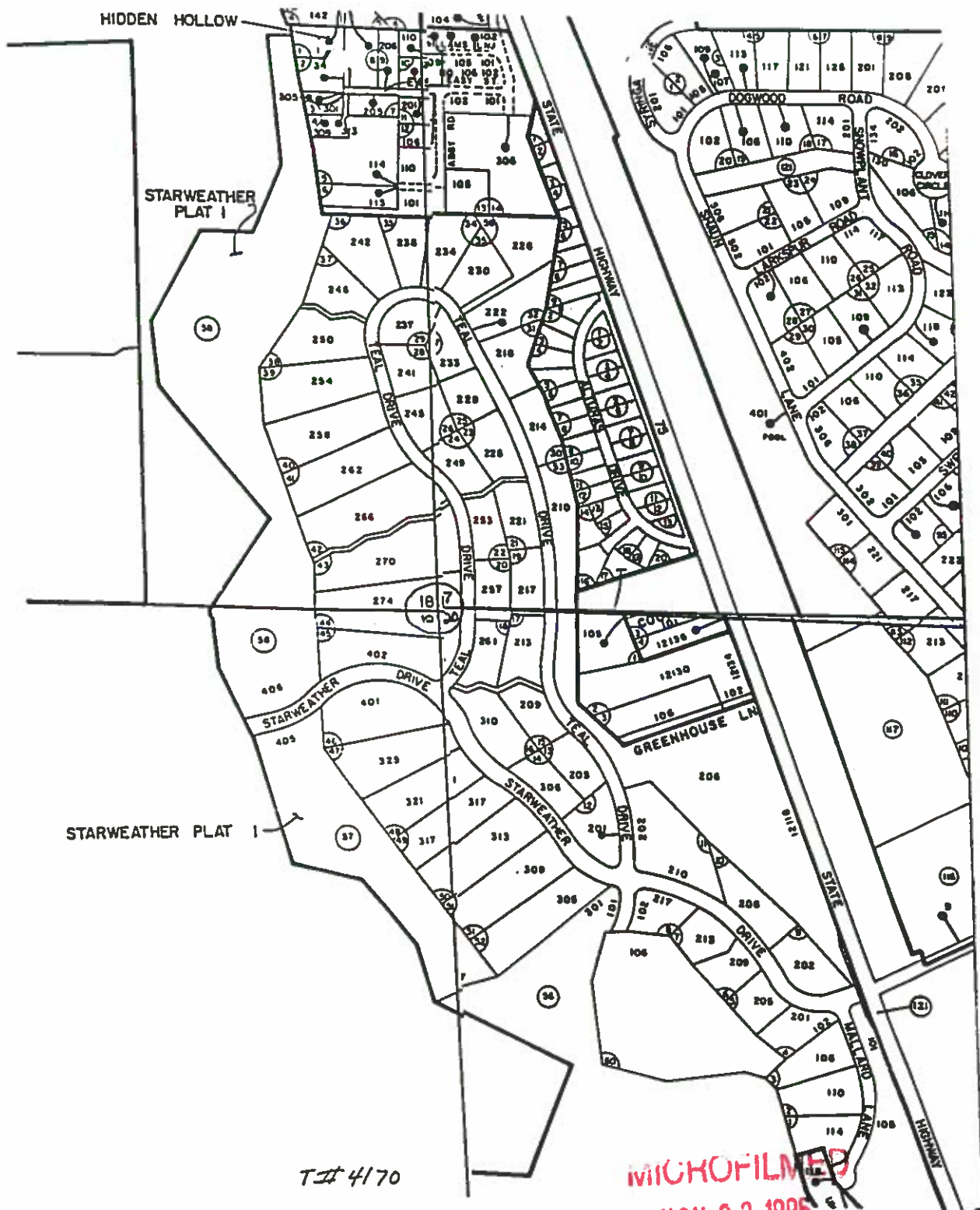
| Lot | % | % | % | Sec | Twp | Rge. | County | Local name for diversion |
|-----|---|---|---|-----|-----|------|--------|--------------------------|
|     |   |   |   |     |     |      |        |                          |
|     |   |   |   |     |     |      |        |                          |
|     |   |   |   |     |     |      |        |                          |

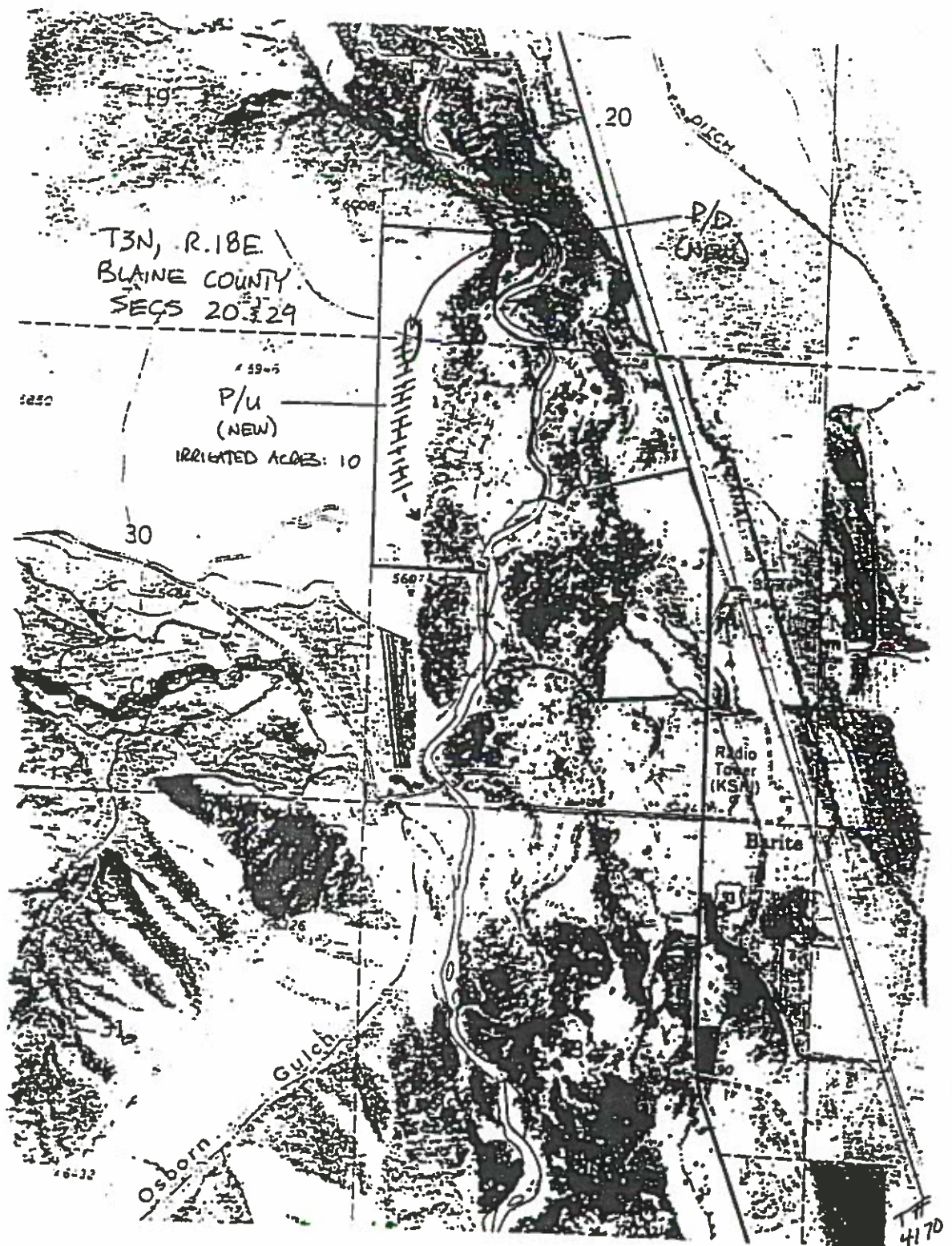
3. Lands irrigated or place of use:

| Twp.      | Rge.       | Sec.      | NE % |    |    |    | NW %     |          |          |          | SW %      |    |    |    | SE % |    |    |    | Totals    |
|-----------|------------|-----------|------|----|----|----|----------|----------|----------|----------|-----------|----|----|----|------|----|----|----|-----------|
|           |            |           | NE   | NW | SW | SE | NE       | NW       | SW       | SE       | NE        | NW | SW | SE | NE   | NW | SW | SE |           |
| <u>3N</u> | <u>18E</u> | <u>20</u> |      |    |    |    | <u>2</u> | <u>4</u> | <u>1</u> | <u>8</u> | <u>15</u> |    |    |    |      |    |    |    | <u>30</u> |
|           |            |           |      |    |    |    |          |          |          |          |           |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |          |          |          |          |           |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |          |          |          |          |           |    |    |    |      |    |    |    |           |
|           |            |           |      |    |    |    |          |          |          |          |           |    |    |    |      |    |    |    |           |

Total acres 30

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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## PART 3

## B. CHANGES IN NATURE OF USE

- | 1 | New Nature of Use                 | Amount<br>(cfs/ac-ft) | Hours/days/year              | Period of Use               |
|---|-----------------------------------|-----------------------|------------------------------|-----------------------------|
|   | <u>Irrigation</u>                 | <u>0.20 cfs</u>       | <u>2 hrs/day, 26 days/yr</u> | <u>4-15</u> to <u>10-15</u> |
|   | <u>Aesthetics/Fire Protection</u> | <u>0.43 cfs</u>       | <u>24/184 days/yr</u>        | <u>4-15</u> to <u>10-15</u> |
2. Quantity and quality of return flows and location of discharge:  
0.43 cfs return to Big Wood R. in SW/4 Sec. 39 T.2N R.18E, with no reduction in water quality.
3. Describe effects on other water uses resulting from the proposed change:  
Amount of return flow may actually increase due to change from gravity to sprinkler irrigation.

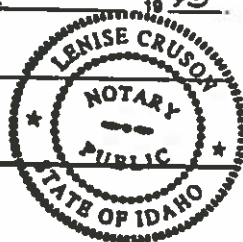
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert H. Bowman by [Signature] (Signature of Applicant)

Subscribed and sworn to before me this 13th day of May 1993

My commission expires 9/9/98 Lenise Cruser (Notary Public) Residing at: Boise, Idaho



## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by J. F. [Signature] Date 5-18-93 Protest filed by \_\_\_\_\_

Prelim. check by MTS Fee \$50.00 5015967

Received by [Signature] Date 5-18-93

Published in Wood River Journal

Pub. dates 6/30 & 7/7/93

Watermaster recommendation requested on 6/18/93

\_\_\_\_\_ rec'd 7/14/93 by \_\_\_\_\_

Copied of protest forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for ☐ approval ☐ denial

Cop. of transfer sent to lien holder \_\_\_\_\_

MICROFILMED  
NOV 22 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340  
(208) 726-4421

FAX (208) 726-0732  
September 10, 1996

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
TRACY DUNLAP  
MICHELE C. MESKE

HAILEY OFFICE:  
16 WEST CROY STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 788-3567  
FAX (208) 788-4230

Mr. Allen Merritt  
Idaho Dept. Of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

RECEIVED

SEP 11 1996

Department of Water Resources  
Southern Region

Re: Water Right No. 37-00496D - Robert M. Brennan -  
Starweather Subdivision Property Owners Association

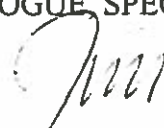
Dear Allen:

Enclosed you will find original signed and acknowledged Relinquishments of a Portion of a Water Right whereby Robert M. Brennan and the Starweather Subdivision Property Owners Association each relinquish any right, title, or interest they may have in and to 0.025 cfs of water right no. 37-00496D. This will hopefully clarify an apparent overlap in the ownership of this water right as has been pointed out to me by the watermaster.

Please call me if you have any questions or comments.

Sincerely yours,

HOGUE, SPECK & AANESTAD

  
James P. Speck

JPS:jal

Enclosures

pc: Mr. Richard Burleigh  
client

MICROFILMED  
NOV 22 1996

A37-00496D

RECEIVED

SEP 11 1996

Department of Water Resources  
Southern Region

RELINQUISHMENT OF A PORTION OF A WATER RIGHT

TO WHOM IT MAY CONCERN:

The undersigned hereby relinquishes to the State of Idaho all of his right, title, and interest in and to 0.025 cfs of Water Right No. 37-00496D attributable to fire protection and aesthetic use as evidenced by Transfer No. 4170.

DATED this 14 day of June, 1996.

Robert M. Brennan  
Robert M. Brennan

STATE OF IDAHO )  
County of Blaine ) ss.

On this 14<sup>th</sup> day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Brennan, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Mira M. Clark  
Notary Public for Idaho  
Residing at Picabo  
My commission expires 8-31-97

MICROFILMED  
NOV 22 1996

Department of Water Resources  
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

December 4, 1995

Starweather Sub. Property  
Owners Assn.  
c/o James P. Speck  
HOGUE SPECK & AANESTAD  
P.O. Box 987  
Ketchum, ID 83340

RECEIVED

FEB 21 1996

Department of Water Resources  
Southern Region

RE: Water Right No. 37-00496C  
Claim No. A37-00496A

Dear Mr. Speck:

Enclosed is a copy of the approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right. Please note that resumption of use of the water for a beneficial use must occur on or before December 1, 2000.

Please notify the Department as soon as you resume use. If you have not notified the Department, 60 days prior to December 1, 2000, the Department will notify you by certified mail of the need to do so.

If you have any questions, or if I can be of any assistance, please feel free to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Region, SRBA Bureau

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NOV 22 1996

RECEIVED

Water Right No. 37-00496C

MAR 15 1995

STATE OF IDAHO

Department of Water Resources  
Southern Region

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID  
FORFEITURE OF A WATER RIGHT

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$50.00.

1. Name of water right holder: Starweather Subdivision Property Owners Association.
2. Post office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, Idaho, 83340.
3. The right was obtained or is evidenced by:
  - a. Decreed to Thomas Mizer in case of S.C. Frost v. Alturus Water Co., dated December 13, 1909 in Lincoln County District Court.
  - b. Snake River Basin Adjudication Claim No. A37-00496A.
4. Source of water: Big Wood River.  
Tributary to: Malad River.
5. Date of priority: July 1, 1883.
6. Amount of water: 1.87 cfs.
7. Water is used for: Irrigation

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NOV 22 1996

8. Location of point of diversion:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>¼</u> | <u>¼</u> | <u>¼</u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|----------|----------|----------|------------|---------------|
| 3N              | 18E          | 18             | SE       | NE       | NE       |            | Blaine        |

9. Lands irrigated or place of use:

|               |            |            |           | <u>NE</u> |           | <u>NW</u> |           |           |           | <u>SW</u> |           | <u>SE</u> |           |           |           |           |           |           |              |
|---------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| <u>TWP</u>    | <u>RGE</u> | <u>SEC</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>TOTAL</u> |
| 3N            | 18E        | 20         |           |           |           |           | 2         | 4         | 1         | 8         | 15        |           |           |           |           |           |           |           | 30           |
| <b>TOTALS</b> |            |            |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 30.0         |

10. Give the last date when water was applied to beneficial use: 1990.

Length of extension of time requested: Until November 1, 2000.

11. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and the reasons for non-use: In September, 1994, the Association acquired ownership of this right from the developer of the subdivision. Almost all of the other rights historically diverted through the Mizer Ditch have been moved to other diversion works and the Mizer ditch is now in total disrepair, making it virtually impossible to deliver the right until new diversion works can be constructed and, if necessary, appropriate easements obtained from other property owners. There is sufficient common area within the subdivision owned by the Association for the full use of the right once the method and route of diversion are determined and, if necessary, constructed. This common area is a portion of the lands historically irrigated by the right

I hereby assert that noone will be injured by such extension. The information contained in this application is true to the best of my knowledge.

STARWEATHER SUBDIVISION PROPERTY OWNERS ASSOCIATION

By: [Signature]  
George Kirk, president

SUBSCRIBED AND SWORN TO before me this 14 day of March, 1995.

[Signature]  
Notary public for Idaho  
Residing at Ketchikan ID  
Commission expires 7/21/95

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

Resumption of water for a beneficial use shall occur on or before December 1, 2000.  
Approval of this extension does not preclude the opportunity for review of the  
validity of the water right in the ongoing Snake River Basin Adjudication.

Witness my hand this 4 <sup>th</sup> day of December, 1995.

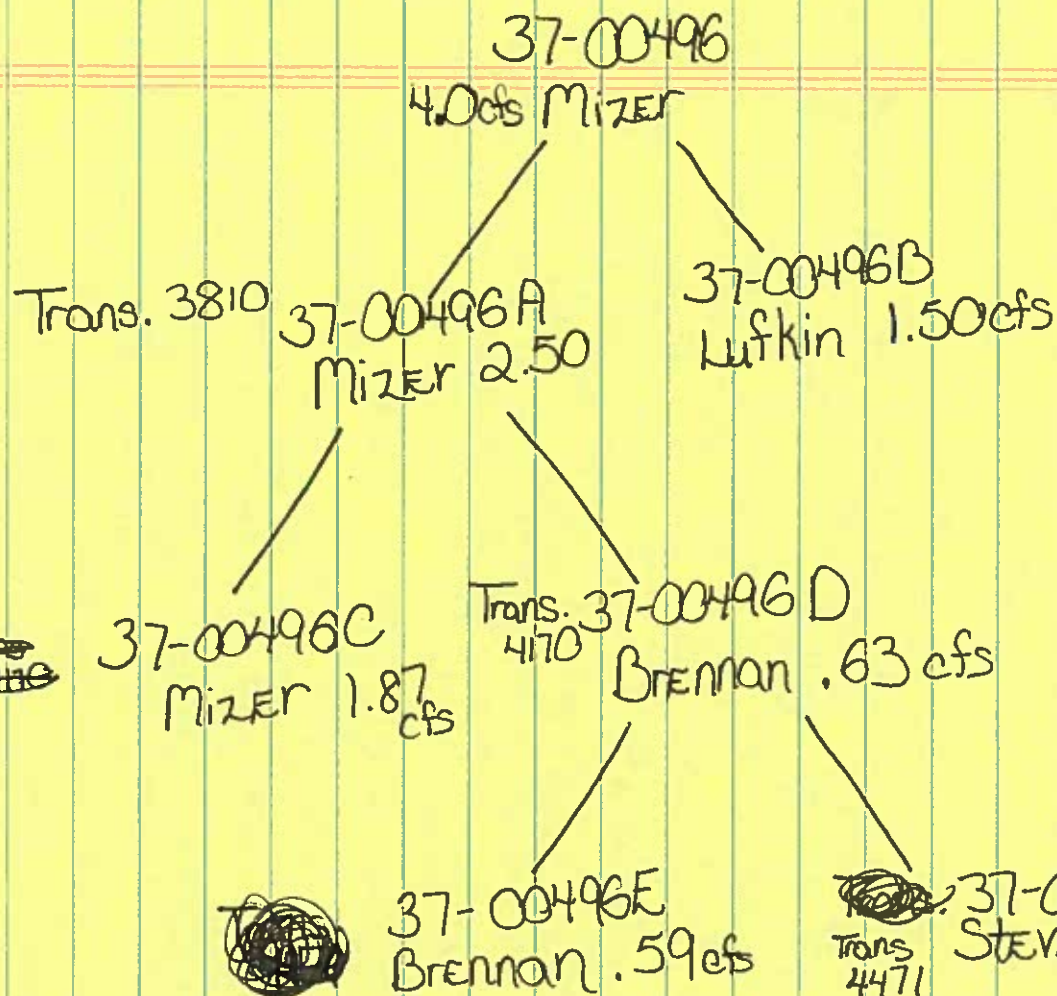
[Signature]  
Chief, Water Allocation Bureau

For Department Use Only

Received by J.F. Stanton Date 3-20-95 Time 10 am Preliminary check by       
Fee \$100.00 Receipted by GO 5017863 Date 3-15-95 Publication prepared by MB  
Published in Wood River Journal 5017887 2-20-95 Dates 4/26 + 5/3/95  
Publication approved by MB Date 5/10/95 Protests filed by None

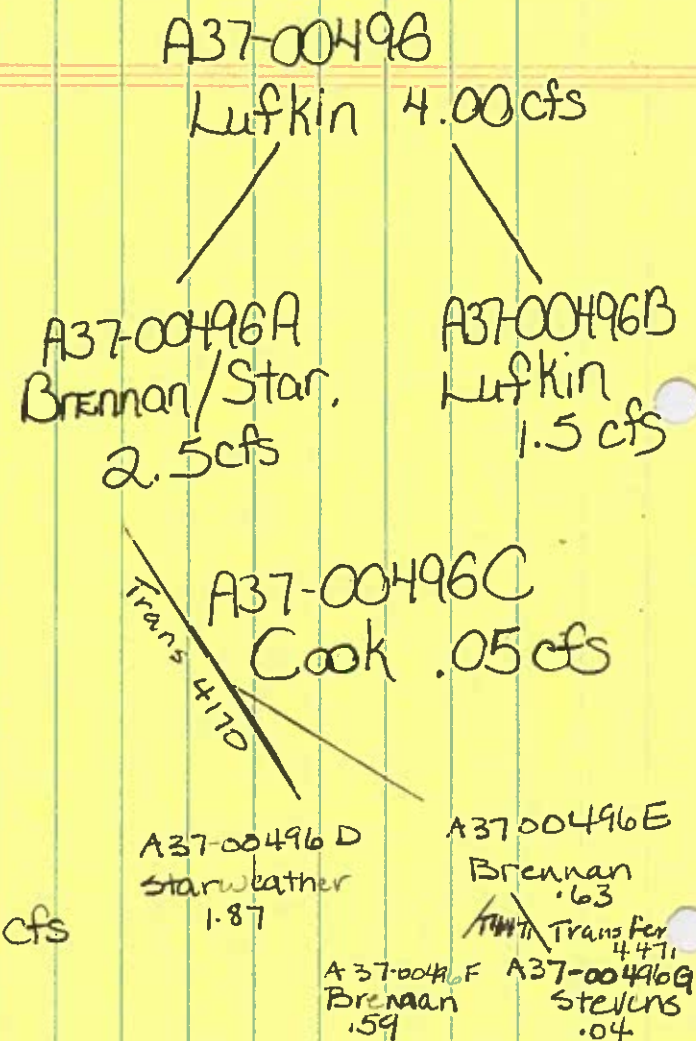
Copies of protests forwarded by N/A Hearing held by N/A Date

# Water Rights



NOV 22 1996  
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# ADS



Doug has to catch up  
~~ADS~~ records with Trans.

Transfer Done in May 1994  
for Brennan .63 37-00496D

Quit Claim Deed dated Sept ~~21~~ 1994  
has 37-00496C 1.87 12

37-00496C = Mizer

MICROFILMED

NOV 22 1996



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

June 12, 1995

JAMES SPECK  
HOGUE, SPECK, & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

RE: SRBA CLAIMS A37-00496A & A37-00497A  
BRENNAN/ STARWEATHER OWNERSHIP CHANGE

DEAR SIR:

IN REVIEWING THE CHANGE OF OWNERSHIP THAT WAS DATED OCT. 18, 1994, THERE ARE A FEW PROBLEMS. A37-00497A WAS WITHDRAWN BY ROBERT BRENNAN IN 1993. A37-00496A CAN BE SPLIT BUT NOT BY 37-00496C.

37-00496C IS IN THE NAME OF MIZER AND 37-00496D FOR .63 CFS WAS IS THE NAME ROBERT BRENNAN. IT HAS SINCE BEEN SPLIT INTO 37-00496E (BRENNAN) FOR .59 CFS AND 37-00496F (STEVENS) FOR .04 CFS.

I AM ENCLOSING COPIES OF THE CHANGE OF OWNERSHIP WITH THE QUITCLAIM DEED. I AM ALSO ENCLOSING PROOFS OF A37-00496A & A37-00497A ALONG WITH WATER RIGHTS PROOFS THAT ARE INVOLVED.

IF YOU ANY QUESTIONS OR HAVE ANY ADDITIONAL INFORMATION, PLEASE CALL ME. I APOLOGIZE FOR THE INCONVENIENCE. THAK YOU FOR YOUR TIME.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/TLB  
ENCLOSURES

MICROFILMED  
NOV 22 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION  
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October 17, 1994

5 7 5 1 1

Allen Merritt  
Idaho Department of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

OCT 18 1994  
Department of Water Resources  
Southern Region Office

Re: Amended Notice of Claims A37-00496A and A37-00497A

Dear Allen:

Enclosed you will find the following documents for filing in the SRBA relating to the claims now held solely by the Starweather Subdivision Property Owners Association:

1. Notice of Change of Water Right Ownership;
2. Claimant Acknowledgement of Change in Attorney in SRBA;
3. Amended Notice of Claim to a Water Right - A37-00496A; and
4. Amended Notice of Claim to a Water Right - A37-00497A.

Please return to me copies of the claims as entered in the IDWR computer database once that task has been completed.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

  
James P. Speck

JPS:jl  
enclosures  
cc: Ken Oring  
Brian Ballard

MICROFILMED  
NOV 22 1996