

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 37-497A
Date Received: 10/25/1988
Receipt No: S003228
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STARWEATHER SUBD PROPERTY OWNERS ASSN INC Phone: (208)726-5657

PO BOX 254
KETCHUM ID USA 83340

2. Date of Priority: 07/01/1892

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	0.9375	

7. Total Quantity Appropriated is:
0.9375 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	18E	20	NW NW	IRRIGATION	4
			SW NW	IRRIGATION	1
			SE NW	IRRIGATION	8

NE	SW	IRRIGATION	15
NE	NW	IRRIGATION	2
		Section Acres	30
		Total Acres	30

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:

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.

5/11/2006, DJ: Claim refiled after being withdrawn in 1993 for some unknown reason.

15. Basis of Claim: Decreed

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 37-497A

Date Received 5/11/02

Receipt Number 5028637

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 11 2002

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Claimant(s): Starweather Subdivision Property Owners Association, Inc.
Phone: 1-208-726-5657
Mailing Address: P. O. Box 254
Ketchum, ID 83340
2. Date of Priority: July 1, 1892
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>1/4</u>	<u>1/4</u>	<u>1/4</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

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.9375 cfs

7. Total Quantity Claimed: 0.9375 cfs

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

9. Non-irrigation uses:

10. Place of use:

<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?
37-496A.

14. Remarks:

Last Name: Starweather Subdivision Property Owners
Association, Inc.

Ident No. 37-497A

15. Basis of Claim: Decree

IDWR Water Right Number: 37-00497

Court:

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant: S.C. Frost et al. v. Alturus Water Company, et ux.

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, Inc., that I have signed the foregoing document in the space below in such capacity on behalf of the corporation and that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

Robyn Nawcamb, President

Date

11/21/05

Starweather Subdivision Property Owners Association, Inc.

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 21 day of NOVEMBER, 2005.



Notary Public for Idaho

Residing at Hailan

Commission Expires 11/16/07

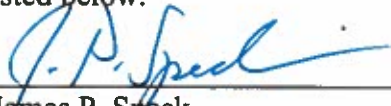
Last Name: Starweather Subdivision Property Owners
Association, Inc.

Ident No. 37-497A

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
Speck & Aanestad
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: Feb. 21, 2005.

Last Name: Starweather Subdivision Property Owners
Association, Inc.

Ident No. 37-497A

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

May 9, 2006

RECEIVED
MAY 11 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Doug Jones
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls, Idaho 83301

**Re: SRBA Claim 37-497A;
Starweather Subdivision Property Owners Association, Inc.;**
Our File No. 384/950610

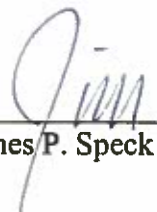
Dear Doug:

Enclosed you will find the original and one copy of above-referenced SRBA Claim together with a check payable to the Department for the \$50 filing fee. We ask that the late fee be waived in this instance as the filing of this claim by the original developer was overlooked and we only recently discovered that no claim had ever been filed for this water right.

Please receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope included for that purpose. If you have any questions kindly give me a call. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef
Enclosures
cc:



NEW PROPERTY OWNER NOTICE CHANGE OF WATER RIGHT OWNERSHIP

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

5 10 15 20

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 10, 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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 22 1996

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

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*

Real

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.

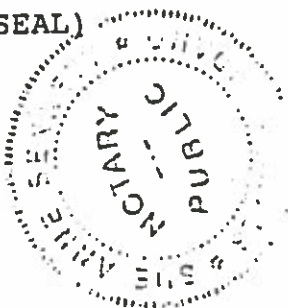
Robert M. Brennan
Robert M. Brennan

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 7/21/95

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 Att. Gen.

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

RELINQUISHMENT OF NOTICE OF CLAIM

Form 25c

TO WHOM IT MAY CONCERN:

I Robert M. Brenngn hereby relinquish and
Print Name(s)

withdraw any and all of my right, title and interest in and to
Notice of Claim to a Water Right # A37-00497A, filed under
\$42-1409, Idaho Code.

Signed at Boise Idaho this 18th day
of May, 1993.

Robert M. Brenngn
By Ben I. [Signature] his attorney in fact
Signature of Claimant

WITHDRAWN

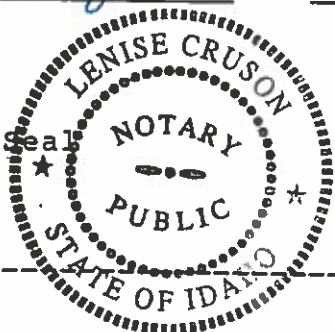
Signature of Claimant

State of Idaho

County of Ada

ss.

Subscribed and sworn (or affirmed) before me this 13th day
of May, 1993.



Lenise Cruson
Notary Public

Residing at Boise, Idaho

My Commission Expires 9/9/98

For IDWR Use

Data Entry
Claim File

Initials

Date

AM
Made "P" record 5/19/93
status "W"

Return to:
Idaho Department of Water Resources
Adjudication Section
222 Shoshone St. East
Twin Falls, ID 83301

-7-

RECEIVED
MICROFILMED
MAY 18 1993
OCT 24 1994
Department of Water Resources
Southern Region Office

RELINQUISHMENT OF NOTICE OF CLAIM

Form 25c

TO WHOM IT MAY CONCERN:

I Robert M. Brennan hereby relinquish and
Print Name(s)

withdraw any and all of my right, title and interest in and to
Notice of Claim to a Water Right # A37-00497A, filed under
§42-1409, Idaho Code.

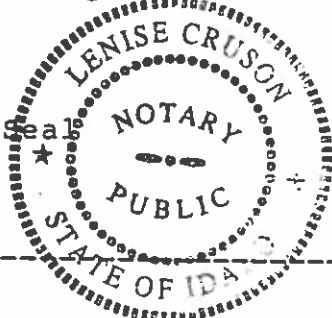
Signed at Borik Idaho this 18th day
of May, 1993.

Robert M. Brennan
My Attorney in fact
Signature of Claimant

Signature of Claimant

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 13th day
of May, 1993.



Lenise Cruson
Notary Public

Residing at Borik, Idaho

My Commission Expires 9/9/98

For IDWR Use

Data Entry
Claim File

Initials AD Date 5/19/93
Make "R" record Status "W"

Return to:
Idaho Department of Water Resources
Adjudication Section
222 Shoshone St. East
Twin Falls, ID 83301

-7-

MICROFILMED
OCT 24 1994

RECEIVED

POWER OF ATTORNEY

MAY 18 1993

Department of Water Resources

KNOW ALL MEN BY THESE PRESENTS that I, ROBERT M. BRENNAN, of Blaine County, Idaho, hereby make, constitute and appoint BRIAN L. BALLARD, 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 relating to all water right matters, 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 6 day of May, 1993.

Robert M. Brennan
ROBERT M. BRENNAN

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this _____ day of May, 1993, 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 subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Christine A. K. G.
Notary Public for Idaho
Residing at Hammond
Commission expires 12.6.94

blb\brennan.poa

MICROFILMED
OCT 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Dec-1990 13:24

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

RE: Quitclaim Deed of portion of A37-00497 from Brennan to Lufkin

Dear Mr. Speck:

Our office recently received a copy of a quitclaim deed as referenced above. Since we do not have sufficient information to split the original claim into two separate parts, we have not changed the record of the original claim.

I am not exactly certain of your intent but if it is the intention to split the original claim we will need to not only know the amount of water split off but will need to know what portion of the original lands should be identified with the split off portion. I have enclosed a change in ownership form for your use as well as proof reports of A37-00497 and A37-00496A which seem to be connected.

If it is the intention of the quitclaim deed to record a recent sale of water in preparation for movement of the water to other lands than were originally irrigated then you are reminded that the proper transfer application will need to be filed.

Please clarify the intention of the quitclaim deed and our office will process the necessary filing. Please call if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
FEB 23 1993

RECEIVED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

DEC 19 1990

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

Department of Water Resources
Southern Region Office

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, I, ROBERT M. BRENNAN, a single man, whose address is 1411 Marsh St., Suite 207, San Luis Obispo, CA 93401 ("Grantor"), do hereby convey, release, remise and forever quitclaim unto ELISE G. LUFKIN, a single woman, whose address is P. O. Box 1854, Ketchum, ID 83340 ("Grantee"), any and all interest I may have in the following described water rights:

0.75 cfs of Idaho Water Right No. 37-00497, originally decreed to Thomas Mizer with a priority date of July 1, 1892 for waters of the Big Wood River in S. C. Frost et al v. Alturus Water Company, and claimed in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System as Claim No. A37-00497.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 6 day of ^{November}~~August~~, 1990.

"GRANTOR"


ROBERT M. BRENNAN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 6th day of November, 1990, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT M. BRENNAN, known to me to be the person whose name is subscribed to the within instrument, and

QUITCLAIM DEED - 1

MICROFILMED
FEB 23 1993

acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.




Notary Public for Idaho
Residing at: Capitola

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 A37-00497A
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, 1892

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.

MICROFILMED
NOV 22 1996

OCT 18 1994
Department of Water Resources
Southern Region Office

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.9375cfs

7. Total Quantity Claimed: 0.9375cfs

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

9. Non-irrigation uses:

10. Place of use:

<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>TOTALS</u>
3N	18E	20																									30
																											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? A37-00496A.

14. Remarks: Claimant has acquired sole interest in this portion of the water right. The remainder is owned by Bob Brennan.

Last Name: Starweather Subdivision Property Owners Assoc.

MICROFILMED

NOV 22 1958 Ident No. A37-00497A

15. Basis of Claim: Decree

IDWR Water Right Number: 37-00497

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 20, 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

Residing at

Commission Expires

[Signature]
Frost to Alturus
1/27/97

MICROFILMED
NOV 22 1995

Last Name: Starweather Subdivision Property Owners Assoc.

Ident No. A37-00497A

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.

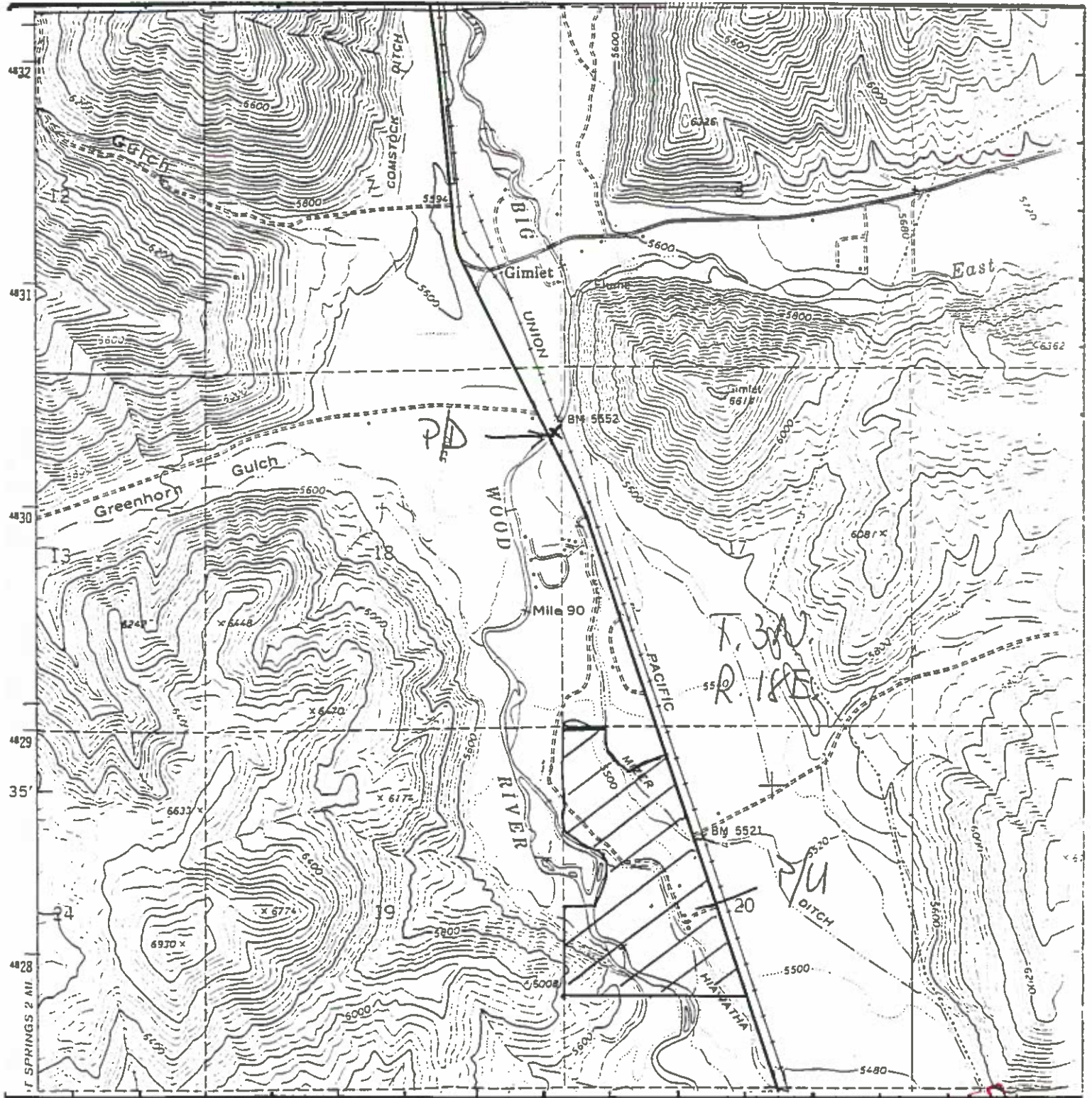
MICROFILMED
NOV 22 1996

Last Name: Starweather Subdivision Property Owners Assoc.

Ident No. A37-00497A

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. 37-00497A

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: A37-00497A

Date Received: 10/25/1988

Receipt No: _____

Received By: _____

WITHDRAWN

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

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

OR

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

2. Date of Priority: JUL 1, 1892

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	1.250		

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

8. Total consumptive use is 425.0 Acre Feet Per Annum.

9. Non-irrigation uses:

RECORDED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	18E	20	NW		NW		IRR	10.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0

Section Acres 170.0

Total Acres 170.0

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:
A37-00496A

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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
FEB 23 1993

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: A37-00497 **A**
Date Received: 10/25/1988
Receipt No: 5003228
Received By: SCC

*Split by ownership
change & transfer*

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, 1892

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	2.000		

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

8. Total consumptive use is 500.0 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	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	200.0
						Total Acres	200.0

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:
A37-00496A

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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST

Decree Plaintiff

vs

ALTURAS WATER CO.

Decree Defendant

25/88
MICROFILMED
FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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
_____, Title
_____, 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 A37-00497
Date Received _____
Receipt Number 5003228

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

STARWEATHER SUBDIVISION PROPERTY
OWNER'S ASSOCIATION, INC.

Please type or print clearly

1. Name of Claimant (s) and/or ROBERT M. BRENNAN Phone (208) 726-5657

Mailing Address c/o P.O. BOX 297, KETCHUM, IDAHO Zip 83340

2. Date of Priority (Only one (1) per claim) 7/01/1892

3. Source of water supply (a) BIG WOOD RIVER
which is tributary to (b) MAJAD 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
MICROFILMED
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For IRRIGATION purposes from APR 1 to NOV 1 amount 2.00 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 500 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	20					40	40	40	40	40								200

Total number of acres irrigated 200

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes X No X (see remarks)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
39-00496 or None ()

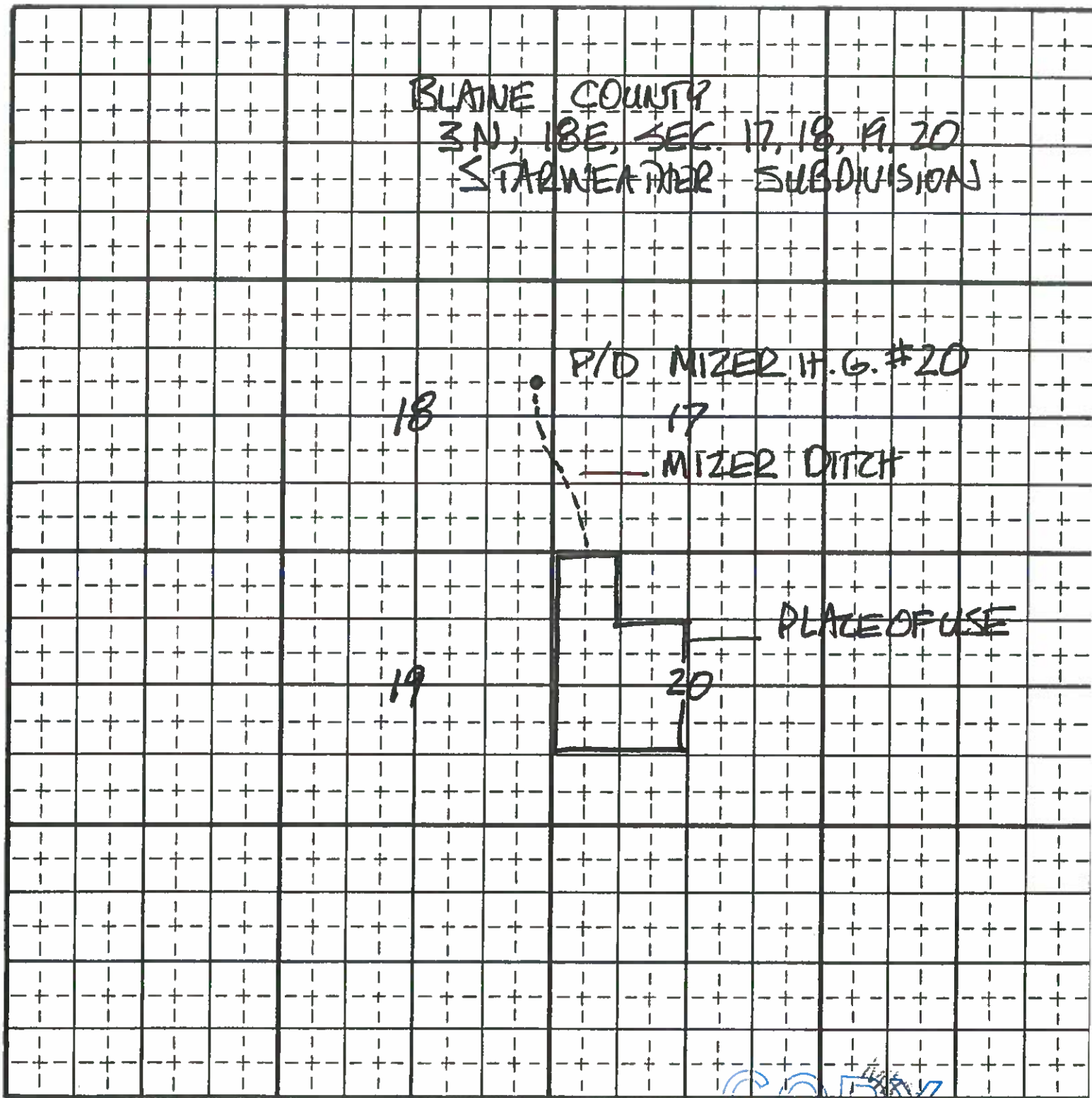
14. Remarks: BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER;
PROPERTY OWNED OUTRIGHT BY BRENNAN AND BY
OTHER LOT OWNERS IS SUBJECT TO PLAT AND
CCR'S PURSUANT TO WHICH WATER RIGHTS
ARE TO BE OWNED BY THE HOME
OWNER'S ASSOCIATION

Last Name SPARWEATHER Ident No. 39-00497

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



COPY FILED
FEB 23 1993

Last Name STARWEATHER Ident No. A37-00497

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 37-0497

Court LINCOLN COUNTY Case Number Decree Date 12/13/1909

Plaintiff vs Defendant S.C. FROST V. ALTURAS 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. OWNER'S 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 1988

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

MICROFILMED
FEB 23 1993

COPY

Last Name STARWEATHER Ident. Number A37-00497

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.

Linda L. Spool
Notary Public for Idaho
Residing at Idaho

rlp\brennan.pow

MICROFILMED
FEB 23 1993

A37-00497

11/15/2006

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

RIGHT NUMBER: 37-497A

NAME AND ADDRESS: STARWEATHER SUBD PROPERTY OWNERS ASSN INC
PO BOX 254
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.938 CFS

PRIORITY DATE: 07/01/1892

POINT OF DIVERSION:

T03N R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.938 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S20	NENW	2.00	T03N R18E S20	NWNW	4.00
T03N R18E S20	SWNW	1.00	T03N R18E S20	SENW	8.00
T03N R18E S20	NESW	15.00			

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

SRBA Recommendation:

37-497A

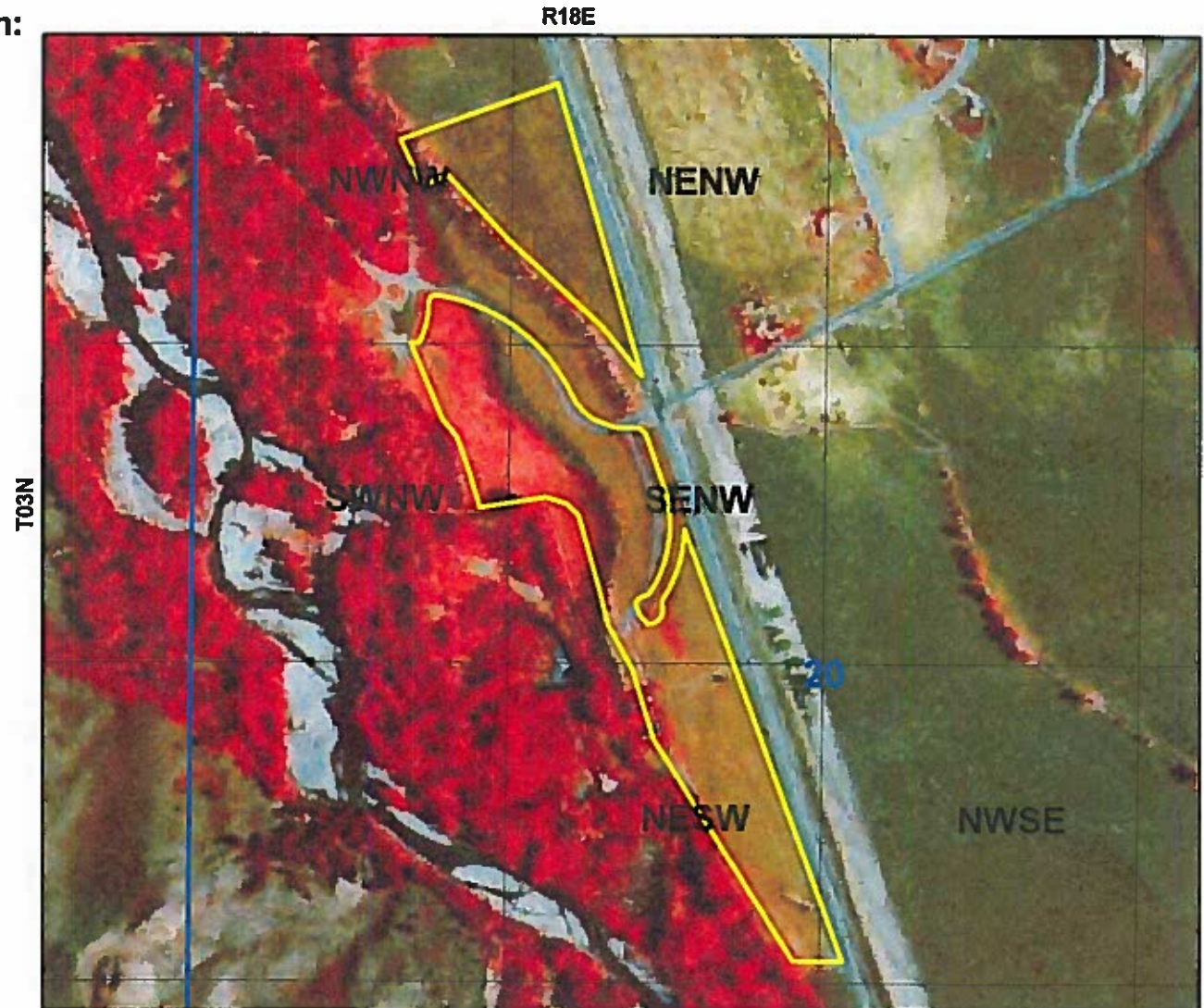
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles



Prepared by A. Warntjes
On Wednesday, November 15, 2006
1987/88 Aerial Photography



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

November 30, 1995

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

RE: Water Right No. 37-00497A
Claim No. A37-00497A

Dear Mr. Speck:

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

Please notify the Department as soon as you resume use. If you have not notified the Department, 60 days prior to November 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 - Regional Office

RECEIVED
DEC 05 1995
Department of Water Resources
Southern Region

MICROFILMED
NOV 22 1995

RECEIVED

MAR 15 1995

Water Right No. 37-00497A

Department of Water Resources
Southern Region

STATE OF IDAHO
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. A37-00497A.
4. Source of water: Big Wood River.
Tributary to: Malad River.
5. Date of priority: July 1, 1892.
6. Amount of water: 0.9375 cfs.
7. Water is used for: Irrigation

MICROFILMED
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>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>TOTAL</u>	
3N	18E	20				2	4	1	8	15																	30	
TOTALS																												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:

Beneficial use of water under this right must resume on or before November 1, 2000.

Approval of this extension of time does not preclude the review of the validity of the water right in the Snake River Basin Adjudication.

Witness my hand this 9 th day of November, 1995.

[Signature]
Chief, Water Alloc. Bureau

For Department Use Only

Received by J. Stanton Date 3-15-95 Time 10 am Preliminary check by MTS
Fee \$50.00 Receipted by GO \$01/865 Date 3-15-95 Publication prepared by MB
Published in Wood River Journal Dates 7/26 + 8/2/95
Publication approved by MB Date 8/7/95 Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

RECEIVED
NOV 22 1995

Water Right Number - A37-00497A

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

STARWEATHER SUBD. PROPERTY OWNER'S

1 - ASSOCIATION INC.

2 - P.O. BOX 297

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

1 - P.O. BOX 297

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

BRENNAN

ROBERT M.

*** P - PRESENT 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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/01/1892 ERROR IN REGION W - WITHDRAWN+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER
WITHDRAWN+ - - - - 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 1.250+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.250 425.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
03N 18E 20 NW NW 10.0 01 IRRIGATION (13) BLAINE
03N 18E 20 SW NW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 SE NW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 NE SW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 NW SW 40.0 01 IRRIGATION (13) BLAINE

Total Acres: 170.0

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

MICROFILMED
NOV 22 1996

Water right number - A37-00497A

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00496A

+ - - - - - 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.

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

+ - - - - - 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 - - +
03/30/95 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 10/25/1988	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - S003228	Water District - 37
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector - OR	Presumption Flag -
		Notice of Error Flag -

MICROFILMED
NOV 22 1998

RECEIVED

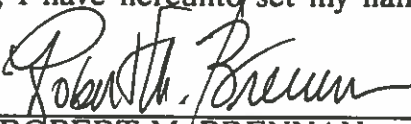
POWER OF ATTORNEY

MAY 18 1993

Department of Water Resources
Blaine County, Idaho

KNOW ALL MEN BY THESE PRESENTS that I, ROBERT M. BRENNAN, of Blaine County, Idaho, hereby make, constitute and appoint BRIAN L. BALLARD, 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 relating to all water right matters, 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 6 day of May, 1993.


ROBERT M. BRENNAN

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this _____ day of May, 1993, 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 subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.


Notary Public for Idaho
Residing at Hailey, Idaho
Commission expires 1-6-99

blb\brennan.poa

MICROFILMED
OCT 24 1994

Water Right Number - R37-00497A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

STARWEATHER SUBD. PROPERTY OWNER'S

1 - ASSOCIATION INC.

2 - P.O. BOX 297

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

BRENNAN

ROBERT M.

1 - P.O. BOX 297

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5657

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1892 ERROR IN REGION W - WITHDRAWN+ - - - - 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 1.250+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.250 425.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
03N 18E 20 NW NW 10.0 01 IRRIGATION (13) BLAINE
03N 18E 20 SW NW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 SE NW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 NE SW 40.0 01 IRRIGATION (13) BLAINE
03N 18E 20 NW SW 40.0 01 IRRIGATION (13) BLAINE

Total Acres: 170.0

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

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00496A

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OCT 24 1994

Water right number - R37-00497A

Prefix Translation: RESEARCH

```

+ - - - - - 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.

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

+ - - - - - 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 - - +
      00/00/00 MERRITT

+ - - - - - 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 -
      Response Filed Date - 00/00/0000     Verified Date - 00/00/0000   Old Case Number -
      Claim Received Date - 10/25/1988     Last Amended Date - 00/00/0000   Old Judicial District -
                                          Receipt Number - S003228       Temporary Right - P
                                          POU Ownership Flag - Y         Water District - 37
                                          Name Connector - OR           Federal/State Indicator - S
                                                                        Presumption Flag -
                                                                        Notice of Error Flag -
  
```

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MAY 20 1993

Department of Water Resources

RECEIVED

MAY 18 1993

Department of Water Resources
Southern Region Office

RELINQUISHMENT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho, all my
right, title and interest in and to ^{Right} ~~Permit~~ to appropriate the
Public Waters of the State of Idaho, No. 37-00477A.

Signed at BODAC, Idaho this 13th day
of May, 1993.

Robert M. Berman
By Bill J. Bell his attorney in fact
Permit Holder

ATTEST:

Genise Cruse

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OCT 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

19-Nov-1991 13:43

Starweather Subd. Property Owner's Association Inc.
Attn: Robert Brennan
PO Box 297
Ketchum, ID 83340

RE:SRBA Claim A37-00497 number change to A37-00497A

Dear Mr. Brennan:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action has been taken as a result of your quitclaiming to Elise Lufkin 0.75 cfs of your original claim. As you may know Ms. Lufkin has transferred her portion of the water right and claimed her portion under A37-00497B. Your claim has been reduced according to the transfer analysis such that your portion of the original claim has been reduced from 2.00 cfs to 1.25 cfs and the acres from 200 to 170. (Note that the acres may not be correct).

Please note that the change in the number of your claim does not affect the validity of your claim. Please review the enclosed copy of the computer printout and if you need to modify the record please contact this office. Please refer to the new number in all future correspondence. If you have any questions please feel free to contact our office.

Sincerely, c

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

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37 0484	Miller, Benjamin F.	150 inches.	July 16, 1907.	Big Wood River.
37 0485	Millsaps, Frank	55	Apr. 1, 1883.	Little Wood River.
				(Also shares in Big Cottonwood Canal Co.)
37 0486	Millsaps, Mary M.	160	June 27, 1908.	Little Wood River.
37 0487	Minear, John W.	50	Sept. 1, 1883.	Soldier Creek. ✓
37 0488	" "	40	May 15, 1884.	" "
37 0489	" "	60	June 1, 1898.	" "
37 0490	Mink, Amanda M.	160	May 14, 1883.	" "
37 0491	Mink, Cicero B.	140	Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
37 0492	Mink, James D.	160	June 30, 1883.	Soldier Creek. ✓
37 0493	Mink, D. M.	80	June 1, 1882.	Corral Creek.
37 0494	Minear, Jacob	100	May 1, 1886.	Big Wood River.
37 0495	" "	140	July 1, 1892.	" " "
37 0496	Minear, Thomas	200	July 1, 1883.	" " "
37 0497	" "	100	July 1, 1892.	" " "
37 0498	Minear, James W.	80	Aug. 11, 1884.	" " "
37 0499	" "	100	May 1, 1905.	" " "
37 0500	Moody, Marcus L.	520	Oct. 20, 1902.	" " "
37 0501	Morgan, W. Y.	400	May 1, 1886.	" " " #568
37 0502	Morrison, Siegel	40	June 31, 1884.	Soldier Creek. ✓
37 0503	" "	120	June 1, 1898.	" "
37 0504	Morris, Frank H.	145	Apr. 30, 1906.	Big Wood River or Malad River.
37 0505	Moulton, W. H.	100	May 20, 1896.	Big Wood River.
37 0506	" "	80	May 15, 1902.	" " " Trans #12
37 0507	Millins, Daniel A.	121	June 15, 1890.	" " "
37 0508	Reservoir Co.	750	" "	" " "
37 0509	Murphy, Mrs. Susan R.	120	May 1, 1885.	Deer Creek.
37 0510	Myers, B. J.	200	June 1, 1884.	Big Wood River.
37 0511	" "	140	Oct. 15, 1884.	" " "

JUN 04 1996

N., R. 14 E., containing 160 acres.

Mink, Cicero B. N 1/2 of NW 1/4, SE 1/4 of NW 1/4, and SW 1/4 of NE 1/4 of Sec. 28, T. 1 S., R. 12 E.

Mink, James D. SE 1/4 of Sec. 21, T. 1 N., R. 14 E., containing 160 acres, and 60 acres of the SW part of SW 1/4 of Sec. 22, T. 1 N., R. 14 E.

Mink, T. M. SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NW 1/4 of SE 1/4, and NE 1/4 of SW 1/4 of Sec. 29, T. 1 N., R. 13 E.

Mizer, Jacob NW 1/4 of NW 1/4, SW 1/4 of NW 1/4, and NE 1/4 of SW 1/4 of Sec. 28, T. 3 N., R. 18 E., containing 120 acres.

Mizer, Thomas W 1/2 of NW 1/4, SE 1/4 of NW 1/4, and N 1/2 of SW 1/4 of Sec. 20, T. 3 N., R. 18 E., containing 200 acres.

Monroe, James W. S 1/2 of SE 1/4 of Sec. 22, T. 5 S., R. 14 E., containing 80 acres. Also, N 1/2 of NE 1/4, and NE 1/4 of NW 1/4 of Sec. 27, and SE 1/4 of SW 1/4 of Sec. 22, T. 5 S., R. 14 E., containing 160 acres.

Moody, Marcus L. S 1/2 of NW 1/4 of Sec. 30, and NW 1/4 of Sec. 31, T. 4 S., R. 16 E., and S 1/2 of SE 1/4 of Sec. 25, T. 4 S., R. 15 E., containing 320 acres.

Morgan, W. Y. SW 1/4 of Sec. 32, T. 1 N., R. 19 E., and SE 1/4 of Sec. 5, T. 1 S., R. 19 E., containing 320 acres.

Morrell, Siegel NE 1/4 of Sec. 9, T. 1 S., R. 14 E., containing 160 acres.

Morris, Frank H. S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Sec. 28, T. 6 S., R. 14 E.

JUN 04 1956

Melick, John	193 inches.	June 20, 1884.	Big Wood River.
" "	43 "	June 2, 1890.	" " "
Meller, J. W.	120 "	June 10, 1887.	" " "
" " "	140 "	June 10, 1887.	" " "
Miller, Annie I.	1000 "	June 15, 1891.	" " "
Miller, Annie I., John Q. Packard, Jane E. Turner, William M. Wayman & Olive Wayman.	1000 "	Aug. 1, 1882.	" " "
Do.	1000 "	Aug. 1, 1884.	" " "
Do.	5000 "	Aug. 1, 1902.	" " "
Miller, Benjamin F.	150 "	July 16, 1907.	" " "
Millsaps, Frank	55 "	Apr. 1, 1883.	Little Wood River.
" "			Also shares in Big Cottonwood Canal Co.
Millsaps, Mary E.	160 "	June 27, 1908.	Little Wood River.
Minear, John W.	50 "	Sept. 1, 1883.	Soldier Creek.
" " "	40 "	May 15, 1884.	" "
" " "	60 "	June 1, 1898.	" "
Mink, Amanda M.	160 "	May 14, 1883.	" "
Mink, Cicero B.	140 "	Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
Mink, James D.	160 "	June 30, 1883.	Soldier Creek.
Mink, T. M.	80 "	June 1, 1882.	Corral Creek.
Mizer, Jacob	100 "	May 1, 1886.	Big Wood River.
" "	140 "	July 1, 1892.	" " "
Mizer, Thomas	200 "	July 1, 1883.	" " "
" "	100 "	July 1, 1892.	" " "
Monroe, James W.	80 "	Aug. 11, 1884.	" " "
" " "	100 "	May 1, 1905.	" " "
Moody, Marcus L.	320 "	Oct. 20, 1902.	" " "
Morgan, W. Y.	400 "	May 1, 1886.	" " "

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JUN 04 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 14, 1995

Mr. James Speck
Attorney at Law
Hogue, Speck & Aanestad
P O Box 987
Ketchum ID 83340

Dear Jim:

I received your letter of April 11, 1995 and the enclosed Quitclaim Deed conveying water rights from Robert Brennan to your client, Starweather Property Owner's Assn.. The information you provided is helpful but, unfortunately doesn't solve all of the problems associated with the recent extension application you filed for Starweather. There are several issues we need to address.

First, the statement you make about Mr. Brennan having the authority to relinquish that portion of the right appurtenant to the lots individually owned, has merit. Right now I'm not sure how we determine what portion of the right was intended to be relinquished and how the right could be split.

The original SRBA claim, a copy is enclosed, was filed by the owners association and/or Mr. Brennan. Despite the fact it was split by virtue of an approved transfer and ownership change for part of the property, a portion of the claim still remained in the and/or ownership designation. This concern is resolvable by the filing of a new claim to replace the withdrawn claim.

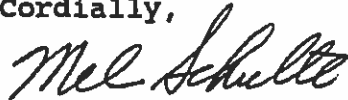
I'm concerned with the diversion rate and land list you specify in the Application for Extension of Time. I still can't relate the .9375 cfs diversion rate to the department records. When transfer 3810 that you filed for Elise Lufkin was approved in 1991 it split the right into two parts. The Lufkin part for .75 cfs for 30 acres with the remaining portion being 1.25 cfs for 55 acres. Its the remaining portion that relates to these discussions. The 55 acres that remained does not cover the NENW nor the NWNW, S20 that is part of the land list specified in your application.

At the present time I'm speculating that a transfer application might be an appropriate way to address both of our concerns. It could provide a way to determine the validity of the right, a way to resolve the ownership of the land and a way to split the right and transfer water to the acres not currently covered by the right.

Give this idea some consideration and let me know what you think. Right now I don't see how we can approve an extension of time application without knowing exactly what part of the right would be extended.

Call me at 736-3033 if you want to discuss this matter in more detail.

Cordially,

A handwritten signature in cursive script that reads "Mel Schulte". The signature is written in dark ink and is positioned below the word "Cordially,".

Mel Schulte
Sr. Water Rights Agent

Enc.