

COPY *done*

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FILED

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 37-12139

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 37-12139

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
4/28/2000

37-12139

PAGE 1

21-12/39

From (Claimant/Seller):

Name of Claimant: CHARLES R BOGE
JANEICE BOGE
Address: 1452 THREE FOUNTAINS DR
IDAHO FALLS ID 83404
Phone: (208) 523-5788

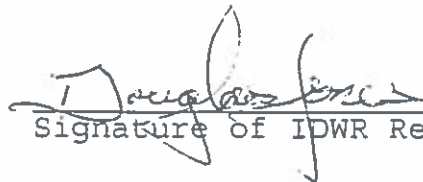
To (Claimant/Purchaser):

Name of Claimant: COUGHLIN FAMILY LIMITED PARTNERSHIP
Address: 401 SUMMIT RIDGE
BOISE ID 83702
Phone: (208) 377-1000

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 5/24/00



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/26/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

CHARLES R BOGE
JANEICE BOGE
1452 THREE FOUNTAINS DR
IDAHO FALLS ID 83404
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

COUGHLIN FAMILY LIMITED PARTNERSHIP
401 SUMMIT RIDGE
BOISE ID 83702
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAY-19-2000
PAGE: A-4

RIGHT NUMBER: 37-12139

NAME & ADDRESS: COUGHLIN FAMILY LIMITED PARTNERSHIP
401 SUMMIT RIDGE
BOISE ID 83702

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1940

POINT OF DIVERSION: T04N R17E S13 SWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S13 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

COUGHLIN FAMILY LIMITED PARTNERSHIP
401 SUMMIT RIDGE
BOISE ID 83702

RE: SRBA Claim(s) 37-12139

Dear Claimants:

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

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

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'. The signature is written in dark ink and is positioned above the printed name and title.

Trish Fawcett
Technical Records Specialist

cc: Charles and Janeice Boge



Michael J. Coughlin, M.D., P.A.

ORTHOPAEDIC SURGERY OF THE HIP, KNEE, FOOT AND ANKLE

April 21, 2000

Trish Fawcett
Technical Record Specialist
State of Idaho – Department of Water Resources
1341 Fillmore St #200
Twin Falls ID 83301-3380

RECEIVED
APR 26 2000
Department of Water Resources
Southern Region
RECEIVED
APR 26 2000
Department of Water Resources
Southern Region

Dear Ms. Fawcett:

I am sending to you copies of our correspondence (1) (2). I had originally written to Sally Sherman and then you wrote me back stating you needed a record that showed conveyance of the property from Dr. Boge to Mr. Kendall. Also enclosed is the document (3) dated 03/06/99, which is the notice of change of water rights from Dr. Boge to myself. Enclosed also is a warranty deed from Mr. Kendall to Michael J. Coughlin (myself) (4).

Enclosed is the warranty deed (5) with the transfer of title from Dr. Boge to Mr. Kendall dated August 29, 1989. Enclosed also is a map of the plat (6).

As I have notified you in the past, we bought the property from Mr. Kendall on February 13, 1990 (warranty deed #4).

What I failed to remember was that we then transferred this property from ownership (owned jointly by Michael J. Coughlin and Kirsten K. Coughlin husband and wife) to the Coughlin Family Partnership on April 24, 1995, along with all improvement, water rights, etc. Therefore I have included with this a grant deed (7) which should make that transfer clear.

Ms. Fawcett, this is a terribly complex process and I hope that after a year we can expedite this and get this cleared up. We have a well on the property that we use for domestic uses in one house and that is simply what we have. I hope that this transfer of paper work will get the job done. Please let me know if we need to do anything else so we can expedite this process and clear this up. Thank you so much.

Sincerely yours,

Michael J. Coughlin, M.D.

MJC/mfs
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

(1)

SOUTHERN REGION

March 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL J COUGHLIN
901 N CURTIS RD
BOISE ID 83702

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-12139

Dear Claimant(s):

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without a deed that establishes conveyance of the property from Mr. Boge to Mr. Kendall.

Enclosed is your original ownership change form. Please attach the required information and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

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

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



RECEIVED

MAY - 6 1999

American Orthopaedic Association
American Academy of Orthopaedic Surgery
American Board of Orthopaedic Surgery
Past President, American Orthopaedic Foot & Ankle Society

Department of Water Resources

Michael J. Coughlin, M.D., P.A.

(2)

ORTHOPAEDIC SURGERY OF THE HIP, KNEE, FOOT AND ANKLE

May 5, 1999

RECEIVED

MAY 10 1999

Department of Water Resources
Southern Region

Sally Sherman
State of Idaho
Department of Water Resources
PO Box 83720
Boise ID 83720-0098

Re: Snake River Basin Adjudication (SRBA)
Water Right #37-12139

Dear Ms. Sherman:

It was nice to talk to you on the phone the other day. Enclosed please find the request for change of water rights to our family. This property was actually sold by Dr. Charles Boge through Charles B. Kendall in 1989 and then we purchased the property in 1990. I have enclosed an actual warranty deed that is notarized. I hope that is appropriate. On the map that was faxed from the Blaine County Assessors office I have marked our property with the arrows. I hope this is sufficient. Let me know if there are any problems with what I have sent you.

Sincerely yours,

Michael J. Coughlin, M.D.

MJC/mfs

Enclosures

RECEIVED
APR 26 2000
Department of Water Resources
Southern Region

NCAP.

(3)

RECEIVED
MAY - 6 1999

Department of Water Resources

RECEIVED
MAY 10 1999

Department of Water Resources
Southern Region

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

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

1. Water Right or Adjudication Claim No(s): 37-12139

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **FLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.) cont. 788-5535

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Charles Bose

Idemo Falls Idaho

A. New Owner/Claimant(s)

Michael J. Coughlin → COUGHLIN LIMITED

New Mailing Address

901 N. CURTIS ROAD

FAMILY PARTNER
SHIP

City, State and ZIP Code

BOISE IDAHO 83702

401 SUMMIT BLVD

New Telephone Number

(208) 377-1000

BOISE IDAHO 83702
208 377-1000

5. Date you acquired the property

2/13/90

4/24/95

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

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

Diversion rate in CFS _____ Number of homes 1 Other uses _____

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

7. Signature of New Owner or Claimant(s)

[Signature]

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

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

TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A Tract of land lying in the SW~~1~~SE~~1~~ more particularly described as follows:

Commencing at the Northeast corner of said SW~~1~~SE~~1~~; thence N. 89°12' W., 780.6 feet; thence

S. 0°14' E., 84 feet to the TRUE POINT OF BEGINNING; thence

N. 89°12' W., 222 feet; thence

S. 46° E., 192 feet; thence

N. 59°30' E., 177 feet; thence

N. 59° W., 90 feet to the TRUE POINT OF BEGINNING.

Shown on the Blaine County Tax Assessor's Rolls as Tax Lot 2796.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee~~s~~, their heirs and assigns forever. And the said Grantor do~~es~~ hereby covenant to and with the said Grantee~~s~~, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 13, 1990

Charles B. Kendall, Jr.
X CHARLES B. KENDALL, JR.

STATE OF IDAHO
COUNTY OF Blaine

On this 13th day of February, in the year 19 90, before me, a Notary Public, personally appeared Charles B. Kendall, Jr. known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Marla G. Mink
Notary Public
Residing at Bellevue, Idaho.

Comm Expires: 12-1-94

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of

Sun Valley Title Co.
at 25 minutes past 4 o'clock PM.,
this 1 day of March,
19 90, in my office, and duly recorded in Book
of Deeds at page

By Mary Green Ex-Officio Recorder
M. Pyne Deputy.

Fees \$ 3.00
Mail to:

INSTRUMENT NO.

317017

Chicago Title Insurance
Company of Idaho



THIS INDENTURE, made this _____ day of August, 1989, by CHARLES R. BOGE and L. JANEICE BOGE, also shown of record as Janiece Boge, also shown of record as L. Janiece Boge, husband and wife, of Idaho Falls, County of Bonneville, State of Idaho, the party of the first part, and CHARLES KENDALL, JR., a married man, as his sole and separate property, whose mailing address is Box 3342 Ketchum, County of Blaine, State of Idaho, the party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and OTHER GOOD AND VALUABLE CONSIDERATION, to the party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell, convey and confirm unto the party of the second part, and to the party of the second part's heirs and assigns, forever, all of the following described real estate situated in the County of Blaine, State of Idaho, to-wit:

TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A tract of land lying in the SW1/4SE1/4 more particularly described as follows:

Commencing at the Northeast corner of said SW1/4SE1/4; thence N. 89°12' W., 780.6 feet; thence S. 0°14' E., 84 feet to the TRUE POINT OF BEGINNING; thence N. 89°12' W., 222 feet; thence S. 46° E., 192 feet; thence N. 59°30' E., 177 feet; thence N. 59° W., 90 feet to the TRUE POINT OF BEGINNING.

SUBJECT to the following:

1. An assessment by the improvement district shown below:

District:	CITY OF KETCHUM
For:	Special assessments and sewage charges
For years:	To date of closing

2. Exceptions and Reservations as set forth in the Patent from the United States of America:

BOOK No.: 129 of Patents
Page No.: 611, records of Blaine County, Idaho

3. An easement for the purpose shown below and rights incidental thereof as set forth in a Power Line Easement:

Granted to: IDAHO POWER COMPANY
Purpose: Power line easement
Recorded: February 4, 1954
Book No.: 166 of Deeds
Page No.: 140, records of Blaine County, Idaho

838.
OK
EK

4. Any rights, interests, or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled "SURVEY MAP FOR G. D. HEKRICK," dated August 1978:

Prepared by: PHILIP F. PUCHNER, Consulting Engineer
Recorded: December 29, 1978, as Instrument No. 190156, records of Blaine County, Idaho

5. Any adverse claim based on the assertion that the location of the Big Wood River has moved.
6. Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
7. All existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all right, title and interest in and to the property, as well in law as in equity, of the party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the

these presents forever defend the premises in the quiet and peaceable possession of the party of the second part, and the party of the second part's heirs and assigns, against the party of the first part, and the party of the first part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the party of the first part hereunto have set their hands the day and year first above written.

Charles R. Boge
Charles R. Boge

L. Janiece Boge
L. Janiece Boge

STATE OF IDAHO }
County of Blaine } ss.
Blaine
(Hannville)

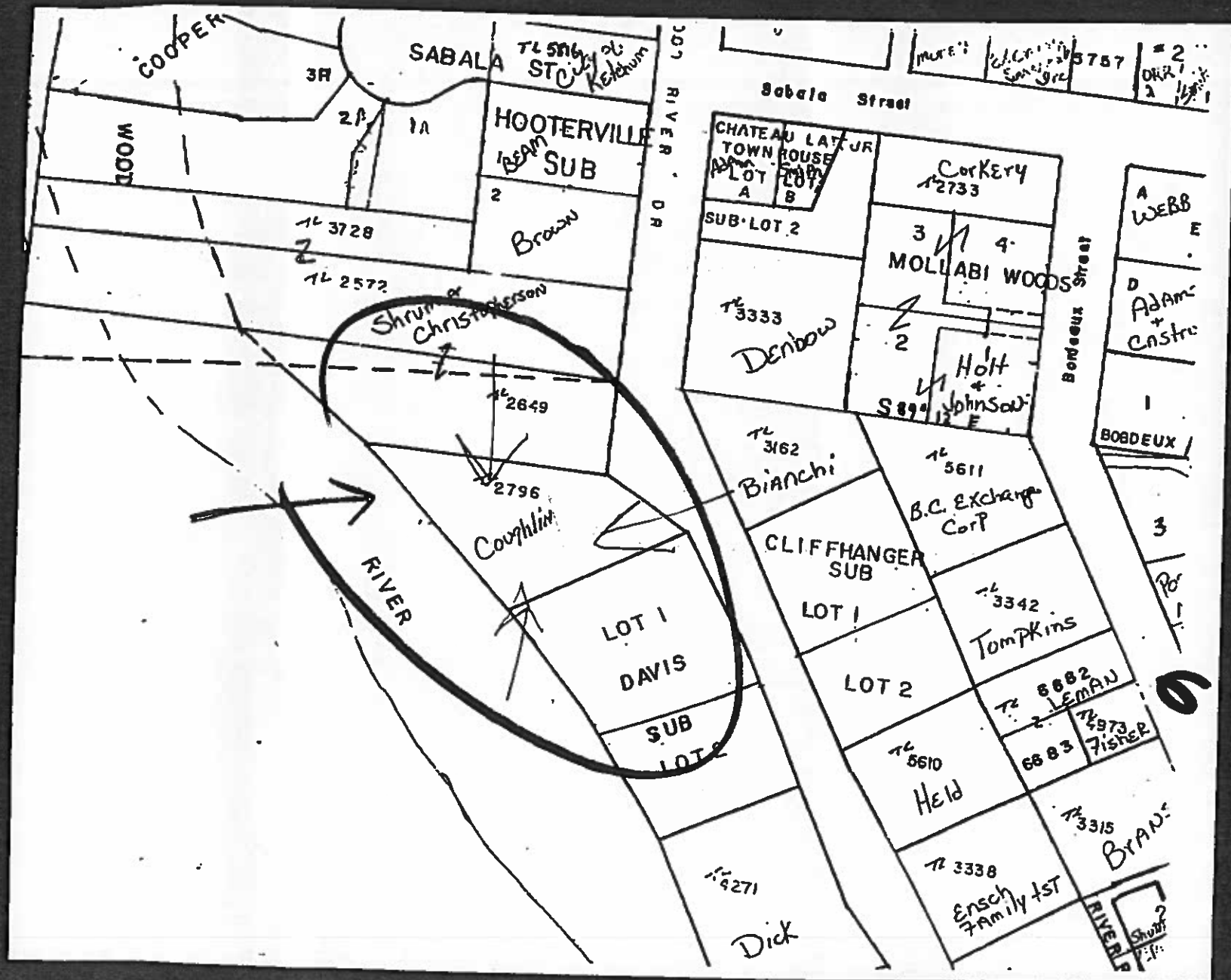
On this 25th day of August, in the year 1989, before me, the undersigned Notary Public for Idaho, personally appeared CHARLES R. BOGE and L. JANEICE BOGE, also shown of record as Janiece Boge, also shown of record as L. Janiece Boge, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing WARRANTY DEED, and acknowledged to me that they 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.

(seal)

1436h/sem/jpr

Marla G. Mink
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 12-1-94



(7)

GRANT DEED

THIS GRANT DEED, made this 24th day of April, 1995, between MICHAEL J. COUGHLIN and KIRSTEN K. COUGHLIN, husband and wife ("GRANTOR"), and THE COUGHLIN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership ("GRANTEE"), the address of the GRANTEE being 401 Summit Ridge, Boise, Idaho 83702;

W I T N E S S E T H:

IN CONSIDERATION OF the sum of Ten and No/100th Dollars, lawful money of the United States of America, and other good and valuable consideration, to the GRANTOR in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, the GRANTOR has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEE, and to its successors and assigns forever, all of the following described real property situate in the County of Blaine, State of Idaho, to-wit:

Township 4 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: A tract of land lying in the SW 1/4 SE 1/4 more particularly described as follows: Commencing at the Northeast corner of said SW 1/4 SE 1/4; thence N. 89°12' W., 780.6 feet; thence S. 0°14' E., 84 feet to the TRUE POINT OF BEGINNING; thence N. 89°12' W., 222 feet; thence S. 46° E., 192 feet; thence N. 59°30' E., 177 feet; thence N. 59° W., 90 feet to the TRUE POINT OF BEGINNING;

Shown on the Blaine County Tax Assessor's Rolls as Tax Lot 2796;

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights, mineral rights, easements, rights-of-way, and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said real property, as well in law as in equity, of the said GRANTOR;

SUBJECT TO current taxes and assessments, liens and encumbrances of record, road rights-of-way, easements, covenants, restrictions and encroachments, if any, of record or appearing upon a physical inspection of said premises;

TO HAVE AND TO HOLD all and singular the above-
described real property, together with the appurtenances unto the
GRANTEE, and to its successors and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed
Grant Deed as of the day and year first above written.

5

Michael J. Coughlin
MICHAEL J. COUGHLIN

Kirsten K. Coughlin
KIRSTEN K. COUGHLIN

E OF IDAHO)
ty of Ada) ss.
)

On this 24th day of April, 1995, before me, the
r. jned, a Notary Public in and for said State, personally
ared MICHAEL J. COUGHLIN and KIRSTEN K. COUGHLIN, known or
tified to me to be the persons whose names are subscribed to
foregoing instrument, and acknowledged to me that they
uted the same.

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

Paul J. Mader
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 8-16-2000

377938

BLAINE CO. REQUEST
OF: Hawley Propell et al

'95 MAY 2 AM 11 16

F DEED - 2

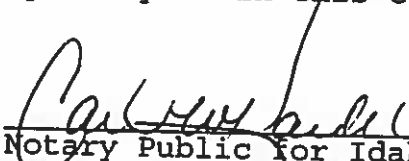
Mary Green, CLERK
FEES \$ 6.00

Deed

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of April, 1995, before me, Carl W. Harder, a Notary Public in and for said State, personally appeared MICHAEL J. COUGHLIN, M.D. and KIRSTEN COUGHLIN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

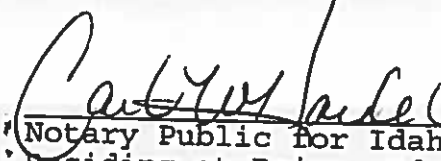
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 8-16-2000

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of April, 1995, before me, Carl W. Harder, a Notary Public in and for said State, personally appeared MICHAEL J. COUGHLIN and KIRSTEN COUGHLIN, known or identified to me to be the General Partners of THE COUGHLIN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, the partnership that executed the within instrument or the persons who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership 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.


Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 8-16-2000

IN WITNESS WHEREOF, Grantors and Grantee have executed
Deed effective this 24th day of April, 1995.

"GRANTORS"

Michael Coughlin
Michael J. Coughlin, M.D.

Kirsten Coughlin
Kirsten Coughlin

"GRANTEE"

THE COUGHLIN FAMILY LIMITED
PARTNERSHIP, an Idaho limited
partnership

By: Michael Coughlin
Michael J. Coughlin,
General Partner

By: Kirsten Coughlin
Kirsten Coughlin,
General Partner

III.

Grantors warrant:

(a) Grantors hold full record ownership of all those rights and interests of a Condominium Unit owner specified in the above described Declaration and as Sublessee under the Ground Lease above described;

(b) Grantors have the full right to transfer their condominium ownership and to sublet under the Ground Lease.

IV.

Grantee above named, for itself, its heirs, successors and assigns, assumes and agrees:

(a) To perform and discharge, as to the specific condominium unit and the associated undivided tenants-in-common interest in Common Area transferred hereunder, all relevant terms and provisions of the Declaration described herein;

(b) That the sublease appertaining to the Condominium unit and undivided tenants-in-common interest in Common Area transferred hereunder shall be subject to all of the terms of the Ground Lease above described;

(c) To be bound by, assume and perform in favor of Saint Alphonsus Regional Medical Center, Medical Office Building, Inc., an Idaho corporation, its successors and assigns, the grantee's Proportionate Part of the responsibilities, duties and obligations due the Lessor by the Lessee under the said Ground Lease;

(d) Any act or transaction which is, or becomes, a breach of obligation, condition or responsibility by Grantee under this Paragraph IV and which constitutes a breach of the underlying Ground Lease shall be invalid and of no legal effect and Saint Alphonsus Regional Medical Center, Medical Office Building, Inc., an Idaho corporation, or its successors and assigns, shall be entitled to enjoin the participants thereof from enjoying the benefits of such act or transactions;

(e) Without in any way limiting the generality of the foregoing, that by acceptance of this Condominium Deed and sublease Agreement, Grantee acknowledges and agrees to be bound by the restrictions of use and ownership, the Lessor's right of first refusal and Lessor's options to acquire the Condominium unit, the associated undivided tenants-in-common interest in the Common Area and the appertaining ground leasehold estate hereunder all as more particularly provided in the Ground Lease.

Nauley, Troxell
ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

CONDOMINIUM DEED AND SUBLEASE AGREEMENT

'95 MAY 1 AM 11 18

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, *Michael*
IN, M.D. and KIRSTEN COUGHLIN, husband and wife, *as*
hereby grant to THE COUGHLIN FAMILY LIMITED
IP, an Idaho limited partnership, 401 Summit Ridge,
aho 83702, as Grantee, as follows:

I.

Saint Alphonsus Regional Medical Center, Medical Office
Inc., an Idaho corporation, the Lessee under the
mended and Restated Ground Lease" dated September 25,
recorded November 18, 1984, with the Ada County
as Instrument No. 84589111 (the "Ground Lease") obtained
t Alphonsus Regional Medical Center, Inc., a leasehold
r 50 years from December 1, 1983, said Ground Lease
orporated herein by reference. Under the Ground Lease,
honsus Regional Medical Center, Medical Office Building,
constructed a medical office building and has converted
ding into a condominium by recording its Amended and
Condominium Declaration with exhibits and the
um plat with the Ada County Recorder, recorded as
t No. 8458912 the ("Declaration"). The terms and
f the Ground Lease and Declaration and any amendments
are hereby incorporated herein by reference.

II.

(1) By this deed and sublease Grantors grant and
receives:

(a) All of the Grantors' right, title and
under the Declaration as is identified and allocated to
fic Condominium Unit and undivided tenants-in-common
in Common Area, described on Exhibit A attached hereto
mises").

(2) A sublease for the term of the Ground Lease, and
visions thereof, by Grantors, of the appertaining ground
l interest for the Condominium Unit transferred
:, including a non-exclusive use in all Common Areas and
consistent with the said Declaration and such rules and
ons as the Condominium Association shall from time to
ermine. Grantee agrees to pay its Proportionate Part of
ortionate Obligations as defined in the Ground Lease,
g but not limited to taxes, charges and assessments with
o the sublease herein granted and abide by all
as of the said Ground Lease.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

March 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL J COUGHLIN
901 N CURTIS RD
BOISE ID 83702

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-12139

Dear Claimant(s):

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without a deed that establishes conveyance of the property from Mr. Boge to Mr. Kendall.

Enclosed is your original ownership change form. Please attach the required information and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

MAY 10 1999

Department of Water Resources

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

RECEIVED

MAY - 6 1999

Department of Water Resources

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

1. Water Right or Adjudication Claim No(s): 37-12139
2. The following **REQUIRED** information must be submitted with this form:
- ☒ A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- AND**
- ☒ B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.) County assessor - 788-5535
- OR**
- ☒ C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Charles Bose
Idemo Falls Idaho

A. New Owner/Claimant(s) Michael J. Cougle
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address 901 N. CURTIS Road

City, State and ZIP Code Boise Idaho 83702

New Telephone Number (208) 377-1000

5. Date you acquired the property _____

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

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

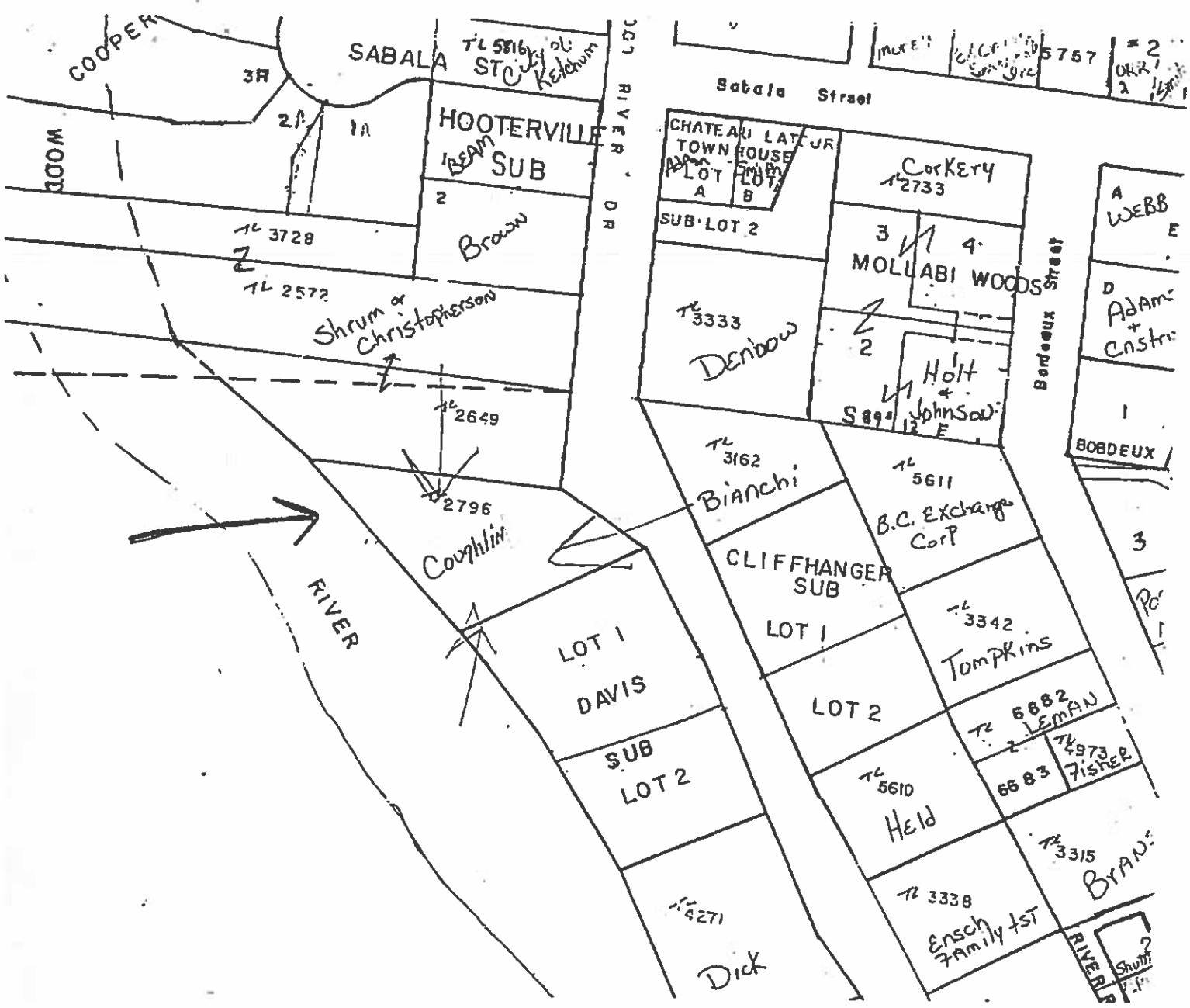
Diversion rate in CFS _____ Number of homes _____ Other uses _____

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

7. Signature of New Owner or Claimant(s) Michael J. Cougle

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

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



COOPER

SABALA

HOOTERVILLE
BEAM SUB

Brown

Shrum or
Christopherson

Sabala Street

CHATEAU LAT
TOWN HOUSE
LOT A LOT B

SUB LOT 2

Denbow

Corkery
12733

MOLLABI WOODS

Holt
Johnson

A WEBB

D Adams
+ Castro

BOBDEUX

Bianchi

B.C. Exchange
Corp

CLIFFHANGER
SUB

Tompkins

LOT 1
DAVIS

SUB
LOT 2

LOT 2

LEMAN

Fisher

Held

BRAND

Dick

Ensch
Family 1st

RIVER

WARRANTY DEED

RECEIVED

MAY - 6 1999

Department of Water Resources

For Value Received

CHARLES B. KENDALL, JR., a married man as his sole and separate property

the grantor, do es hereby grant, bargain, sell and convey unto

MICHAEL J. COUGHLIN and KIRSTEN K. COUGHLIN, husband and wife

the grantees, whose current address is 401 Summit Ridge, Boise, ID 83701

the following described premises, in Blaine County, Idaho, to-wit:

TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A Tract of land lying in the SW¼SE¼ more particularly described as follows:

Commencing at the Northeast corner of said SW¼SE¼; thence N. 89°12' W., 780.6 feet; thence

S. 0°14' E., 84 feet to the TRUE POINT OF BEGINNING; thence

N. 89°12' W., 222 feet; thence

S. 46° E., 192 feet; thence

N. 59°30' E., 177 feet; thence

N. 59° W., 90 feet to the TRUE POINT OF BEGINNING.

Shown on the Blaine County Tax Assessor's Rolls as Tax Lot 2796.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 13, 1990

Charles B. Kendall, Jr.
X CHARLES B. KENDALL, JR.

STATE OF IDAHO

COUNTY OF Blaine

On this 13 day of February, in the year 1990, before me, a Notary Public, personally appeared Charles B. Kendall, Jr. known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Marka G. Mink
Notary Public

Residing at Bellevue, Idaho.

Comm Expires: 12-1-94

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of

Sun Valley Title Co.
at 25 minutes past 4 o'clock PM.

this 1 day of March 1990, in my office, and duly recorded in Book of Deeds at page

Mary Green
Ex-Officio Recorder

By *M. Pyser* Deputy.

Fees \$ 300
Mail to:

INSTRUMENT NO. 317017

Chicago Title Insurance
Company of Idaho



RECEIVED

MAY - 6 1999

American Orthopaedic Association
American Academy of Orthopaedic Surgery
American Board of Orthopaedic Surgery
Past President, American Orthopaedic Foot & Ankle Society

Department of Water Resources

Michael J. Coughlin, M.D., P.A.

ORTHOPAEDIC SURGERY OF THE HIP, KNEE, FOOT AND ANKLE

May 5, 1999

Sally Sherman
State of Idaho
Department of Water Resources
PO Box 83720
Boise ID 83720-0098

RECEIVED

MAY 10 1999

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Water Right #37-12139

Dear Ms. Sherman:

It was nice to talk to you on the phone the other day. Enclosed please find the request for change of water rights to our family. This property was actually sold by Dr. Charles Boge through Charles B. Kendall in 1989 and then we purchased the property in 1990. I have enclosed an actual warranty deed that is notarized. I hope that is appropriate. On the map that was faxed from the Blaine County Assessors office I have marked our property with the arrows. I hope this is sufficient. Let me know if there are any problems with what I have sent you.

Sincerely yours,

Michael J. Coughlin, M.D.

MJC/mfs

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1999

RECEIVED

APR 19 1999

Department of Water Resources
Southern Region

MICHAEL J COUGHLIN MD PA
901 N CURTIS RD STE 503
BOISE ID 83706

RE: Snake River Basin Adjudication (SRBA)
Water Right #37-12139

Dear Water Right Holder:

Thank you for your letter of March 31, 1999, advising us you are the current owner of the property and water right shown above.

Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use. The Blaine County Assessor's office can provide you with the plat map: 208/788-5535.

Please mail the completed form with warranty deed copy and map to our Twin Falls office by April 26, 1999.

Idaho Department of Water Resources
Adjudication Bureau
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Form 42-248/42-1409(6)

APR 05 1999

American Orthopaedic Association
American Academy of Orthopaedic Surgery
American Board of Orthopaedic Surgery
Past President, American Orthopaedic Foot & Ankle Society

Department of Water Resources

**Michael J. Coughlin, M.D., P.A.**

ORTHOPAEDIC SURGERY OF THE HIP, KNEE, FOOT AND ANKLE

March 31, 1999

Karl J Dreher, Director
Department of Water Resources
State of Idaho
PO Box 83720
Boise ID 83720-0098

37-12139

Dear Mr. Dreher:

I received a letter from Charles R. Boge dated March 3, 1999 in which you discussed with him the well that he has on his property in Ketchum, Idaho. This is a domestic well. He sold this property in 1989 to a third party and we purchased it in 1990 from that third party.

The well continues to be in operation for domestic use and for watering of the lawn.

Could you please rectify the error in that he is listed as the owner of the well. Please let me know how we should proceed in order to protect our water rights.

Sincerely yours,

Michael J. Coughlin, M.D.

MJC/mfs

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-127

RIGHT NUMBER: 37-12139

NAME & ADDRESS: CHARLES R BOGE
JANEICE BOGE
1452 THREE FOUNTAINS DR
IDAHO FALLS ID 83404

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 12/31/1940

POINT OF DIVERSION: T04N R17E S13 SWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC (D/I HOUSE) 1 home	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S13 SWSE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

n11
n13

✓ R 2/10/99

Blaine city maps
pg 1807
D/H
2/8/99

Verified by _____ Date: _____

Verification Source: _____

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: A37-12139

Date Received: 11/09/1988

Receipt No: E003924

Received By: LR

DEC 15 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. BOGE 208-523-5788
Address: 1452 THREE FOUNTAINS DR.
IDAHO FALLS, ID 83404

OR

Name: JANEICE BOGE 208-523-5788
Address: 1452 THREE FOUNTAINS DR.
IDAHO FALLS, ID 83404

2. Date of Priority: DEC 31, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	17E	13	SW SE		BLAINE

5. Description of diverting works:
D/WELL AND PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A37-12139

Page 1

Date: 12/14/88

MICROFILMED
FEB 26 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	13	SW SE		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____

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: 39576

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

Identification No. A37-12139Date Received 11-9-88Receipt Number E003924

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Charles R &/or L. Janeice Boge Phone (208) 523-5788Mailing Address 1452 Three Fountains Dr Idaho Falls 834042. Date of Priority (Only one per claim) 1940 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) Domestic Well

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 4N Range 17ESection 13, 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.,County of Blaine

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Domestic Well and pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from Jan 1 Month/Day to Dec 31 Month/Day amount 0.04 (cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

MICROFILMED

8. Total consumptive use claimed is de minimus

FEB 26 1989

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/ one house

10. Place of use is: Township: T4N Range R17E

Section 13, SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of _____ for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X No _____

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.

None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Charles R. Boge Date 9 Nov 88

Date _____

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 Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 9 day of Nov 19 88

SEAL

Notary Public [Signature]

Residing at Idaho Falls

My Commission Expires 9-12-94

MICROFILMED

Last Name _____ Ident No. _____

FEB 26 1993

Copies: White-State, Yellow-Claimant