

COPY

1999 AUG 13 PM 2:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

SUB CASE NO. 37-12284, 37-12285

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Kennedy Living Trust
Jack F Kennedy Jr Trustee
c/o Kennedy Cadillac
1400 S Camino Real
San Bernadino CA 92408
Phone: (714) 884-0111

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

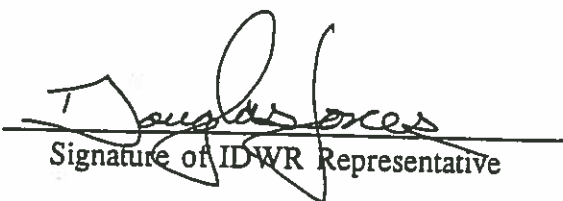
Charles Thomas Foley
Kathleen Maher Foley
430 Park Ave 18th Floor
New York NY 10022

Phone: (212) 319-4343

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 Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

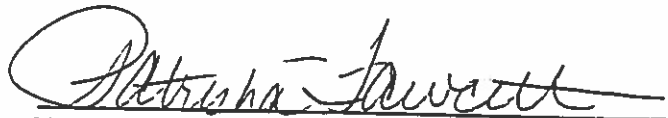
DATED: 8/9/99


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/13, 1999, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Charles Thomas Foley
Kathleen Maher Foley
430 Park Ave 18th Floor
New York NY 10022
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. 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: AUG-5-1999
PAGE: A-9

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-12284

NAME & ADDRESS: KATHLEEN MAHER FOLEY
CHARLES THOMAS FOLEY
430 PARK AVE 18TH FLOOR
NEW YORK NY 10022

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1962

POINT OF DIVERSION: T01S R19E S23 SWNESE 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
T01S R19E S23 NESE

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
PARCEL NO. RP01S19023162BA

AJ5856NP

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

DATE: AUG-5-1999
PAGE: A-10

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-12285

NAME & ADDRESS: CHARLES THOMAS FOLEY
KATHLEEN MAHER FOLEY
430 PARK AVE 18TH FLOOR
NEW YORK NY 10022

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 09/08/1976

POINT OF DIVERSION: T01S R19E S23 SENESE Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within BLAINE County
	T01S R19E S23	NESE
	DOMESTIC	Within BLAINE County
	T01S R19E S23	NESE

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
PARCEL NO. RP01S190231628A

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

12285
RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 28 1999

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

Department of Water Resources
Southern Region

1. Water Right No(s): Claim #'s A37-026867^B; A37-07598B; A37-08225A; 37-12284 & 37-12285
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant
Kennedy Living Trust, Jack F. Kennedy, Trustee
1400 South Camino Real
San Bernadino, CA 92408
4. New Owner/Claimant(s)
Charles Thomas Foley & Kathleen Maher Foley
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
430 Park Avenue, 18th Floor
New Mailing Address
New York, New York 10022
City, State and ZIP Code
(212) 319-4343
New Telephone Number
5. Date you acquired the property
June 15, 1999
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 _____ 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]
[Signature]
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

124

428501

Deed

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Edward A. Lawson, Esq.
Hawley Troxell Ennis & Hawley LLP
P.O. Box 297
371 Walnut Avenue
Ketchum, Idaho 83340

BLAINE CO. REQUEST
SAWTOOTH TITLE

'99 JUN 15 PM 3 54

MARSHA RIEMANN, CLERK *mm*
FEES \$ *90*

Order No. 25722

(Space Above This Line For Recorder's Use)

WARRANTY DEED

Jack F. Kennedy, Trustee of the Kennedy Living Trust dated November 1, 1979, as restated on May 20, 1982, hereinafter called the Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Charles Thomas Foley and Kathleen Maher Foley, husband and wife, whose current address is c/o Estabrook Capital Management, 430 Park Avenue, 18th Floor, New York, NY 10022, hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

SECTION 23: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH an easement for ingress, egress and the extension of utilities, more particularly described as follows:

A strip of land, 25 feet in width, extending along the western boundary of the NW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of Section 24, Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho, from the right-of-way for Idaho Highway 20 on the north, to a point 25 feet south of the northern boundary of the SW $\frac{1}{4}$ of said Section 24, on the south.

TOGETHER WITH all improvements, minerals, mineral rights, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto, if any, including but not limited to the following:

IDWR Claim No. A37-026863
IDWR Claim No. A37-07598B
IDWR Claim No. A37-08225A
IDWR Claim No. 37-12284
IDWR Claim No. 37-12285

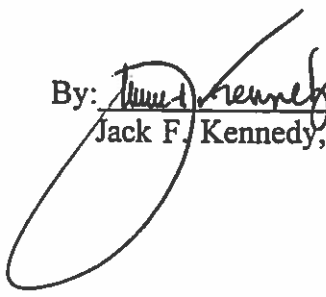
SUBJECT TO:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any state or railroad deed;
3. Building and zoning ordinances, restrictions and regulations;
4. Easements established or of record, restrictions, encumbrances and other matters of record as disclosed by the records of Blaine County, Idaho; and
5. The final outcome of all proceedings, terms and conditions of any decree entered in *The General Adjudication of Rights to Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576.

TO HAVE AND TO HOLD, the said premises, and their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that (1) the Grantor is the owner in fee simple of said premises; (2) Grantor has the right to convey the premises; (3) the premises are free from all liens and encumbrances except as above described; (4) Grantor warrants and will defend the quiet and peaceable possession of the premises by the Grantee, his heirs and assigns forever, against all lawful claims whatsoever.

DATED this 8th day of June, 1999.

The Kennedy Living Trust u/a/d 11/1/79
and restated 5/20/82

By:  Trustee
Jack F. Kennedy, Trustee

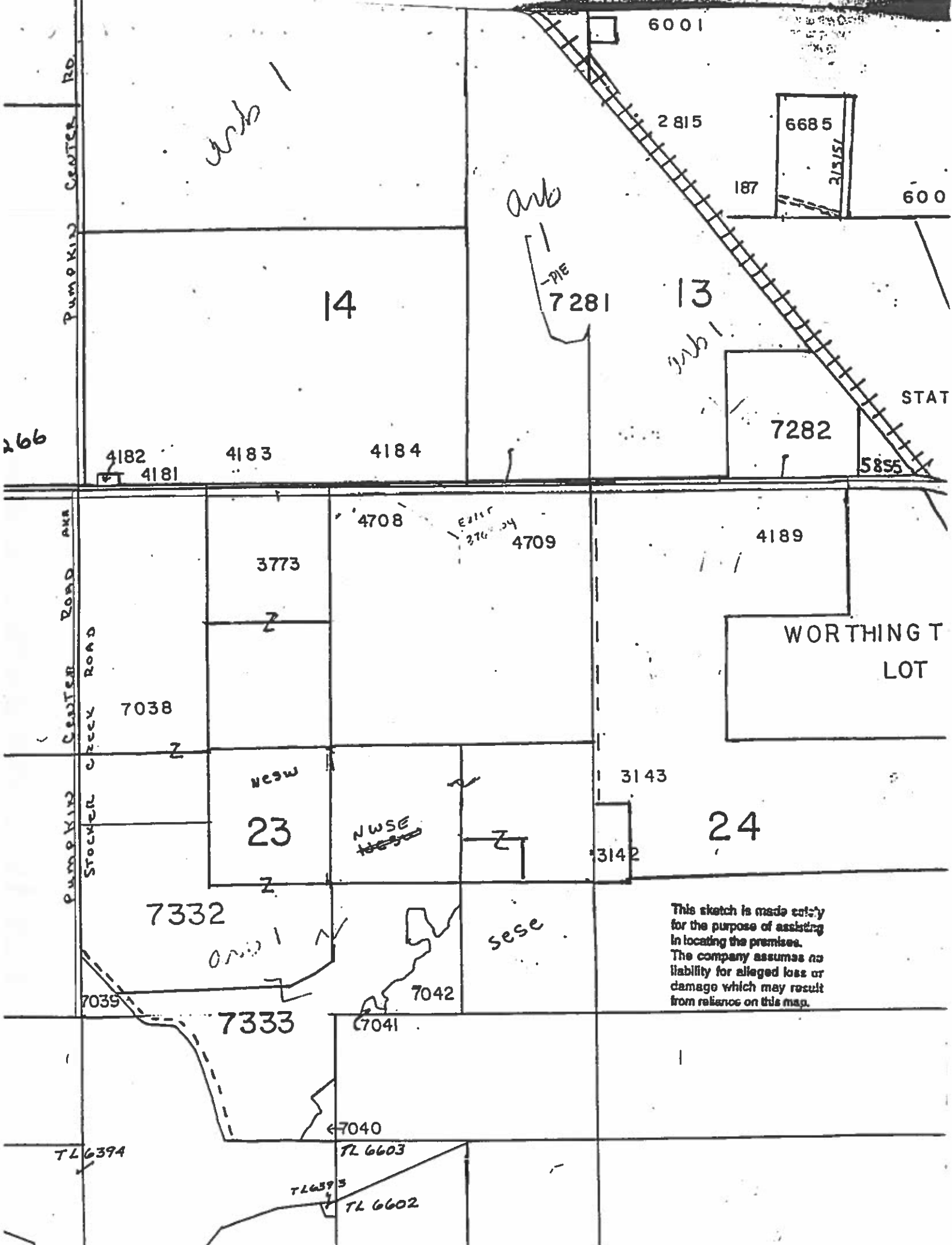
STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 11th day of June, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack F. Kennedy, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument as Trustee of the Kennedy Living Trust u/a/d 11/1/79 and as restated 5/20/82, and acknowledged to me that he executed the same on behalf of said Trust.

WITNESS my hand and official seal.



Marla G. Mink
Notary Public for Idaho
Residing at Bellevue, Id.
Commission expires 12/01/2000



HAWLEY TROXELL ENNIS & HAWLEY LLP

P. O. Box 297
371 Walnut Avenue North
Ketchum, Idaho 83340-0297

Telephone: (208) 726-1700
FAX: (208) 726-9743

TRANSMITTAL MEMO

RECEIVED

JUN 28 1999

Department of Water Resources
Southern Region

TO: IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

FROM: Edward A. Lawson

DATE: June 25, 1999

RE: Charles and Kathleen Foley
Water Right Nos: A37-026863
A37-07598B
A37-08225A
37-12284
37-12285
HTEH File No. 32370-3

Enclosed is a Notice of Change of Water Right Ownership, as well as a copy of the Warranty Deed granting said water rights to Mr. and Mrs. Foley.

Please return a date-stamped copy of the Notice in the envelope provided. Thank you.

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1195

RIGHT NUMBER: 37-12285

NAME & ADDRESS: KENNEDY LIVING TRUST
JACK F KENNEDY JR TRUSTEE
C/O KENNEDY CADILLAC
1400 S CAMINO REAL
SAN BERNADINO CA 92408

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 09/08/1976

POINT OF DIVERSION: T01S R19E S23 SENESE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within BLAINE County
T01S R19E S23 NESE

DOMESTIC Within BLAINE County
T01S R19E S23 NESE

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
PARCEL NO. RP01S19023162BA

D 7-29-98

Claim processed by: GW
Date: 1103

WATER RIGHT NUMBER - A37-12285

PREFIX TRANSLATION: ADJUDICATION CLAIM

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.020	
+ - TOTAL DIV. RATE - +		+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +	
0.060				+ - TOTAL CONSUMPTIVE USE - +	
				0.0	

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
01S	19E	23	NE SE			04	STOCKWATER	(13) BLAINE
01S	19E	23	NE SE			43	DOMESTIC	(13) BLAINE

+ - - DIVERSION MEANS - WELL, 30' DEEP, PUMP, 8" CASING

+ - - NON-IRRIGATION USE - D/1 HOUSEHOLD, 20 HORSES

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - REMARKS - 18434 Utility 20
NO REMARKS FOUND.+ - - OLD WATER RIGHT NUMBERS -
NO OLD WATER RIGHT NUMBERS FOUND.+ - - CONDITIONS OF APPROVAL -
NO CONDITIONS OF APPROVAL FOUND.+ - - DECREE PLAINTIFF - - - + - - - DECREE DEFENDANT - - - + - - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/25/89 GIBSON 10/03/89 REFUNDML

+ - - COMMENTS -
NO COMMENTS FOUND

+ - - 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	- 12/13/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C003914	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- DR	NOTICE OF ERROR FLAG	-

DATA ENTRY

ENTERED

CHECKED

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement

VERIFIED

FEB 29 1992

CERTIFIED
MAR 27 1992
WATER EXAMINER