

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1404

RIGHT NUMBER: 37-12643

NAME & ADDRESS: M B & LOIS H HURTIG TRUST
LOIS H HURTIG TRUSTEE
PO BOX 185
SUN VALLEY ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1893

POINT OF DIVERSION: T04N R17E S12 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 S12 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
PARCEL NO. K4N170120890A

D7-27-98

Claim proofread by: WW

Date: 1103

DATA ENTERED BY lw
DATE 7/25/89

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: A37-12643
Date Received: 10/21/1988
Receipt No: C004286
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M.B. & LOIS H. HURTIG TRUST 208-726-5725
Address: LOIS H. HURTIG, TRUSTEE
P.O. BOX 185
SUN VALLEY, ID 83353

2. Date of Priority: DEC 31, 1893

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	12	SW	SE			BLAINE

5. Description of diverting works:
WELL, PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	12	SW	SE		DOMEST	

11. Place of use in counties: BLAINE

A37-12643

Page 1

Date: 07/25/89

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

13. Other Water Rights Used:
NONE

14. Remarks:
WELL IMPROVED IN 1965 BY JACK DITEMAN, ORIGINALLY DRILLED BY
PHILADELPHIA SMELTER CO.

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 _____

58
RatIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A31-12643

10-21-88

000286

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

M.B. Hurtig & ^{LOIS} H. Hurtig Trust1. Name of Claimant (s) LOIS H. HURTIG, TRUSTEE Phone (208) 726-5725Mailing Address P. O. BOX #185 SUN VALLEY, IDAHO Zip 833532. Date of Priority (Only one (1) per claim) 12/31/18933. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. Location of point of diversion is: Township 4N Range 17E
Section 12, 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,
County of _____

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. Well & Pump

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

(Both dates are inclusive)

(cfs)

For DOMESTIC purposes from Jan. 1 to Dec. 31st amount 0.04

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) DOMESTIC - One household connected

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Copies: White-State, Yellow-Claimant

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
4N	17E	12															D	

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

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.
_____ or None (X)

14. Remarks: Well improved in 1965 by Jack Diteman.
Well originally drilled by Philadelphia Smelter Co.

15. Basis of Claim (check one) Beneficial Use X Posted Notice License Permit
Decree

If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

Signature of Claimant (s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am Trustee
Title

of M.B. Hurtig & Lois H. Hurtig Trust that I have signed the foregoing
Organization
document in the space below as Trustee of M.B. Hurtig & Lois Hurtig Trust
Title Organization

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

Signature of Authorized Agent Lois H. Hurtig, Trustee
Title and Organization Trustee, M.B. Hurtig & Lois Hurtig Trust Date 10/21/88

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

Subscribed and sworn (or affirmed) before me this 21st day of Oct. 19 88

SEAL

Notary Public Ken & Meritt
Residing at Kimberly, Id.

My Commission Expires 6/30/94
FEB 20 1993

Last Name Hurtig Trust Ident No.

11B^{ny} *Lois H*
TRUST AGREEMENT

1
2
3 THIS TRUST AGREEMENT, made this 30th day of
4 JUNE, 1983, by and between M. B. Hurtig and
5 Lois (Peggy) Helms Hurtig, husband and wife, of Blaine
6 County, Idaho, hereinafter called "Grantors" and Lois (Peggy)
7 Helms Hurtig, hereinafter called "Trustee."

8 WITNESSETH, That

9 WHEREAS, the Grantors desire to create a trust
10 effective this date and the above-named Trustee agrees to
11 act as Trustee thereof.

12 NOW, THEREFORE, the parties mutually agree as
13 follows:

14 ARTICLE I

15 The Grantors do hereby and by these presents
16 convey, transfer, assign, set over and deliver to the Trustee
17 all of the real and personal property described in Schedule
18 "A" attached hereto and by reference made a part hereof.

19 The Grantors, or either of them, or any other
20 person, may from time to time deposit with the Trustee
21 additional property, assets or life insurance policies, and
22 may transfer, bequeath or devise by Will other property to
23 the Trustee.

24 All of the property so transferred and delivered
25 to the Trustee shall, upon written acceptance thereof by the
26 Trustee, constitute the trust estate and shall be held,

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1 managed and distributed as provided herein.

2 ARTICLE II

3 The Trustee shall collect and receive all income,
4 revenue and profits arising from, or accruing to said trust
5 estate. Such sums from the income of the trust estate, if
6 any, shall be paid to the Grantors in quarterly or other
7 convenient installments during their lifetime (or to such
8 other person or persons and in such proportions), as Grantors,
9 may from time to time direct.

10 ARTICLE III

11 In the event of the death of Lois (Peggy) Helms
12 Hurtig, the trust property shall be held in trust for the
13 use and benefit of the Grantor, M. B. Hurtig, during the
14 term of his natural life; provided, however, that in the
15 event that he chooses not to reside in the residence owned
16 by the trust for a period of six months or more, the trustee
17 is then authorized and directed to distribute all of the
18 trust property to John T. Hastings, Jr., and Elizabeth
19 Hastings Bennett, in equal shares or if they should not then
20 be living, to their issue then living by right of representation
21 and the trust shall terminate. The Grantor, M. B. Hurtig,
22 shall pay the expenses of upkeep and taxes on the residence
23 of the trust during the term of his life estate.

24 ARTICLE IV

25 In the event of the death of M. B. Hurtig, the
26 Trustee shall continue the trust during the the term of the

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FEB 26 1993

1 natural life of Lois (Peggy) Helms Hurtig; provided, however,
2 that the trust estate, without limitations, shall be distributed
3 to the said Lois (Peggy) Helms Hurtig or to such persons as
4 she may from time to time direct or request with any of the
5 trust property remaining in the trust at the time of the
6 death of the said Lois (Peggy) Helms Hurtig to be distributed
7 to John T. Hastings, Jr., and Elizabeth Hastings Bennett, in
8 equal shares or if they should not then be living, to their
9 issue then living by right of representation and the trust
10 shall terminate.

11 ARTICLE V

12 No interest in the principal or income of any
13 trust created under this trust shall be anticipated, assigned,
14 or encumbered, or subject to any creditor's claim or to
15 legal process, prior to its actual receipt by the beneficiary.

16 ARTICLE VI

17 All receipts and expenditures shall be administered
18 by the Trustee, subject to any limitations stated elsewhere
19 herein and allocated as to principal and income as provided
20 in the Uniform Principal and Income Act, being Chapter 10 of
21 Title 68, Idaho Code, as now in effect and as it may hereafter
22 be amended.

23 ARTICLE VII

24 To carry out the purposes of the trust created
25 under this Trust Agreement, and subject to any limitations
26 stated elsewhere herein, the Trustee is vested with all of

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1 the powers and authority as set forth in the
2 Uniform Trustees' Powers Act, being Chapter 1 of Title 68,
3 Idaho Code, as now in effect and as it may hereafter be
4 amended.

5 ARTICLE VIII

6 The Trustee shall not be liable for an error in
7 judgment but shall be liable only for its willful misconduct
8 or negligence.

9 ARTICLE IX

10 The Trustee, Lois (Peggy) Helms Hurtig, shall at
11 all times have the right to designate a co-trustee or successor
12 trustee who shall serve as such during such time as she may
13 designate. She shall also have the right by written instrument
14 during her lifetime or upon her death by Last Will and
15 Testament to designate one or more successor trustees to
16 serve after her death; and if she fails to make any such
17 designation or appointment or if she shall for any reason fail
18 to qualify or cease to act as the trustee, Grantors appoint
19 John T. Hastings, Jr., as the Trustee. If John T. Hastings,
20 Jr., shall for any reason fail to qualify or cease to act
21 as the trustee, Grantors appoint Elizabeth Hastings Bennett
22 as the Trustee. The term "the Trustee" as used in this
23 Trust Agreement shall include any Trustee named in this
24 Trust.

25 ARTICLE X

26 This trust shall be deemed irrevocable insofar as

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1 M. B. Hurtig is concerned but may be altered, amended or
2 revoked by Lois (Peggy) Helms Hurtig.

3 ARTICLE XI

4 The laws of the State of Idaho shall control the
5 construction and interpretation of this Trust Agreement.

6 IN WITNESS WHEREOF, the parties hereto have executed
7 this agreement the day and year first above written.

8
9 M. B. Hurtig
10 M. B. HURTIG

11 Lois (Peggy) Helms Hurtig
12 LOIS (PEGGY) HELMS HURTIG

13 "Grantors"

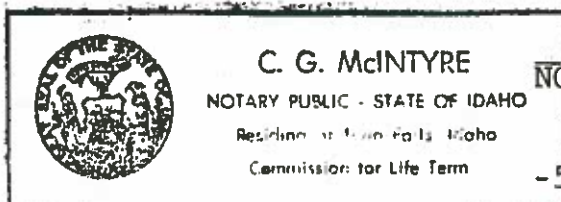
14 Lois (Peggy) Helms Hurtig
15 LOIS (PEGGY) HELMS HURTIG

16 "Trustee"

17
18 STATE OF IDAHO)
19 County of Twin Falls) ss.

20 On this 30th day of June, 1983, before
21 me, the undersigned, a Notary Public in and for said County
22 and State, personally appeared M. B. Hurtig and Lois (Peggy)
23 Helms Hurtig, husband and wife, known to me to be the persons
24 whose names are subscribed to the within instrument and
25 acknowledged to me that they executed the same.

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



C. G. McIntyre
NOTARY PUBLIC

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FEB 26 1993

1 STATE OF IDAHO)
2 County of Twin Falls) ss.

3 On this 30th day of June, 1983,
4 before me, the undersigned, a Notary Public in and for said
5 County and State, personally appeared Lois (Peggy) Helms
6 Hurtig, known to me to be the person whose name is subscribed
7 to the within instrument as Trustee and acknowledged to me
8 that she executed the same as such Trustee.

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



12 C. G. McINTYRE
13 NOTARY PUBLIC - STATE OF IDAHO
14 Residing at Twin Falls, Idaho
15 Commission for Life Term

16 *C. G. McIntyre*
17 NOTARY PUBLIC

1 SCHEDULE "A"

2 PERSONAL PROPERTY:

3 All household furnishings, paintings, objects of
4 art, rare and valuable books, Dresden china and
5 other tangible articles of a personal nature
6 presently in the residence occupied by the Grantors
7 on the below described real property.

8 REAL PROPERTY:

9 Township 4 North, Range 17 E., B.M., Blaine County,
10 Idaho,

11 Section 12: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ more
12 particularly described as follows:

13 BEGINNING at a point N. 50°48' E., 52.94 feet from
14 the Southeast corner of the Sun Valley Subdivision
15 according to the plat on file in the office of the
16 County Recorder of Blaine County, Idaho; THENCE N.
17 50°48' E., 146.28 feet; THENCE N. 27°39' E., 101.92
18 feet to the real place of beginning; THENCE N.
19 21°46' W., 349.35 feet to Big Wood River; THENCE
20 Southeasterly along said Big Wood River approximately
21 510.50 feet; THENCE N. 74°30' W., 56.2 feet to the
22 place of beginning.

23 ALSO BEGINNING at a point N. 50°48' E., 52.94 feet
24 from the Southeast corner of Sun Valley Subdivision
25 as filed; THENCE N. 50°48' E., 146.28 feet along
26 said Subdivision; THENCE N. 27°59' E., 101.92 feet
along said Subdivision; THENCE S. 74°30' E., 56.2
feet to Big Wood River; THENCE following said river
approximately 278 feet Southerly; THENCE N. 63°41' W.,
242 feet to the place of beginning.

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WATER RIGHT NUMBER - A37-12643

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
HURTIG TRUST

M.B. & LOIS H.

1 - LOIS H. HURTIG, TRUSTEE
2 - P.O. BOX 185
3 -
CITY- SUN VALLEY
PHONE - 208-726-5725

STATE- ID ZIP- 83353

+ - - PRIORITY DATE - - +
12/31/1893

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

04N 17E 12 SW SE (13) BLAINE

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	

TOTAL DIV. RATE - +	TOTAL DIV. VOLUME - +	TOTAL DIV. CAPACITY - +	TOTAL CONSUMPTIVE USE - +	KW USAGE - +
0.040			0.0	

TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
04N	17E	12	SW SE			43 DOMESTIC		(13) BLAINE

+ - - DIVERSION MEANS - WELL, PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
WELL IMPROVED IN 1965 BY JACK DITEMAN, ORIGINALLY DRILLED BY
PHILADELPHIA SMELTER CO.

+ - - - - 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 HARRINGT 07/25/89 WHITE 10/03/89 REFUNDML

NOV 28 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

PREFIX TRANSLATION: ADJUDICATION CLAIM

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+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +
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K4N170120890A

ENTERED 11-4-93 JLB
CHECKED 2/3/94 DMD

☐ Ver (led By)
☐ topo Map/Ortho-PQ
☐ ASCS Map
☐ Watermaster Records
☐ NAPP Photos
☐ Field Exam
☐ Other (Site Remarks)
☒ County Records
☐ Witness Statement
☐ Project Records
☐ IDWR Reports

VERIFIED
MAR 6 1 1992

PROOF
6 1992

CERTIFIED
MAY 27 1997
WATER EXAMINER