

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 37-2639F
Date Received: 10/2/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES TIMOTHY FLOYD Phone: (208)726-4241
PO BOX 3229
HAILEY ID USA 83333

LUBOFF SENAUSKY Phone: (208)726-4241
PO BOX 3229
HAILEY ID USA 83333

Amended

2. Date of Priority: 07/01/1887

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	35	SE SE NE	BLAINE	

5. Description of diverting works:

WELL, PUMP, PRESSURIZED MAINLINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.32	

7. Total Quantity Appropriated is:
0.32 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
02N	18E	35	SE NE	IRRIGATION	13.2
				Section Acres	13.2
				Total Acres	13.2

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:

PURSUANT TO APPROVED TRANSFER NO. 4426: 1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

3. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.

4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

7. PLACE IS USE IS ALSO KNOWN AS LOT 1, BLOCK 2, BROADFORD POLO CLUB SUBDIVISION.

The purpose of this amended claim is to increase the recommended diversion rate of 0.26 cfs to 0.32 cfs as was mandated in the attached Blaine County ID CC&Rs.

15. Basis of Claim: License

AMENDED CLAIM

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 37-2639F
Date Received _____
Receipt Number _____

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

RECEIVED
DEC 14 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Charles Timothy Flyod and Luboff Senavsky Phone 208-788-0979
Mailing Address P.O.Box 3229 Hailey, ID Zip 83333
2. Date of Priority (Only one (1) per claim) 07/01/1887
3. Source of water supply (a) Ground Water
which is tributary to (b) N/A
4. a. Location of existing point of diversion is: Township 02N Range 18E Section 35,
1/4 of SE 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. Well and pump.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.32 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.32 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	18E	35				13.2													13.2

Total number of acres irrigated 13.2

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 _____
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.

37-687 Or None ☐

14. Remarks:

The purpose of this amended claim is to increase the recommended diversion rate of 0.26 cfs to 0.32 cfs as was mandated in the attached Blaine County, ID CC&R's.

Last Name _____ Ident. No. _____

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License ☒ Permit ☒
Decree _____If applicable provide IDWR Water Right Number 37-2639FCourt _____ Case Number _____ Decree Date 5/15/1979

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 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 Timothy KyeDate 12/11/06Luboff SencuskyDate Dec 11 2006

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

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 _____

Title and Organization _____ Date _____

State of Idaho / or _____)

County of Ada) ss.Subscribed and sworn (or affirmed) before me this 11th day of December, 2006.Notary Public Connie A. KnefelResiding at Bose, IdahoMy Commission Expires 1-21-09

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

~~James P. Speck, Esq.~~
~~Hague, Speck & Aarnestad~~
~~P. O. Box 987~~
~~Ketchum, ID 83340~~

BLAINE CO. REQUEST
OF: *Kelli Tidwell*
90 JUL 24 PM 3 45
MARY GREEN, CLERK
FEES \$ 12.00

322011

(Space above line for Recorder's use)

FIRST AMENDMENT TO
AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BLOCKS 1 AND 2, BROADFORD POLO CLUB SUBDIVISION, AS REPLATTED

THE UNDERSIGNED, being the owners of all of the Lots of Blocks 1 and 2, Broadford Polo Subdivision, As Replatted, hereby amend the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Blocks 1 and 2, Broadford Polo Subdivision, As Replatted, recorded October 19, 1989 as Instrument No. 311505, records of Blaine County, Idaho (hereinafter referred to as the "Declaration"), as follows:

1. The second sentence shall be amended to correct a typographical error and shall read as follows:

The Owner of Lot 1, Block 2 shall indemnify and hold harmless the Owner of Lot 3, Block 1, his agents, employees, invitees and guests, from any and all costs, expenses, liability, loss, damage or injury to person or property in any manner arising out of or related to the use, maintenance or repair of this easement by the Owner of Lot 1, Block 2, his agents, employees, invitees or guests, unless caused by the negligence or other wrongful act or acts of the Owner of Lot 3, Block 1, his agents, employees, invitees or guests.

2. Section 9.2 of the Declaration shall be changed to reflect the fact that Declarant was able to only acquire 0.671 cfs of Idaho Water Right No. 37-02639, and shall read as follows:

9.2 Irrigation Water. Declarant is the owner of the following-described irrigation water right appurtenant to the Property: 0.671 c.f.s. of Idaho Water Right No. 37-02639, for the diversion of groundwater with a priority date of July 25, 1966. This irrigation water right is allocated to the Lots as follows:

<u>LOT</u>	<u>BLOCK</u>	<u>AMOUNT</u>
1	1	0.115412 cfs
2	1	0.115412 cfs
3	1	0.115412 cfs
1	2	0.324476 cfs
-----		-----
TOTAL		. cfs

The Owners of Lots shall be responsible, at their sole cost and expense, for obtaining the approval of the Idaho Department of Water Resources (the "Department") for the transfer to their Lots of the point of diversion and place of use of their portions of such water right, and for constructing, maintaining, repairing and operating the well or wells necessary to put such water to beneficial use on their Lots. Declarant does not make any representations as to the likelihood of approval by the Department of such transfers, and each Owner shall accept title to his share of this water right "AS IS".

2. All of the other provisions of the Declaration shall remain the same.

IN WITNESS WHEREOF, this instrument is signed on the dates set forth below.

OWNER OF LOT 1, BLOCK 1

DATE: July 5, 1990

Leslie W. Ratti
(Leslie W. Hornacker)
LESLIE W. RATTI

OWNER OF LOT 2, BLOCK 1

DATE: July 16, 1990

Edwin I. Mosher, Jr.
EDWIN I. MOSHER, JR., (TRUSTEE
OF THE EDWIN I. AND RUTHIE T.
MOSHER 1988 TRUST

DATE: July 16, 1990

Ruthie T. Mosher, Jr.
RUTHIE T. MOSHER, JR., TRUSTEE
OF THE EDWIN I. AND RUTHIE T.
MOSHER 1988 TRUST

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License ☒ Permit ☒
Decree _____If applicable provide IDWR Water Right Number 37-2639FCourt _____ Case Number _____ Decree Date 5/15/1979

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 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) _____

Date 12/11/06Date Dec 11 2006**For Organizations:** I do solemnly swear or affirm that I am _____ Title _____

Of _____, that I have signed the foregoing

Document in the space below as _____ Organization _____ of _____ Organization _____

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

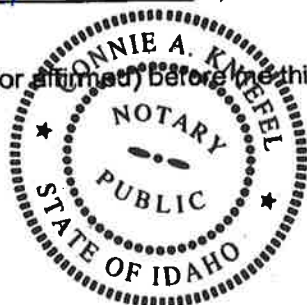
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)

County of Ada) ss.)Subscribed and sworn (or affirmed) before me this 11th day of December, 20 06Notary Public Donna A. KnefelResiding at Bow, IdahoMy Commission Expires 1-21-09

SEAL



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use ☒ X Posted Notice _____ License _____ Permit _____
Decree _____If applicable provide IDWR Water Right Number 37-2639FCourt _____ Case Number _____ Decree Date 5/15/1979

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 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 Timothy Date 12/14/06

Date _____

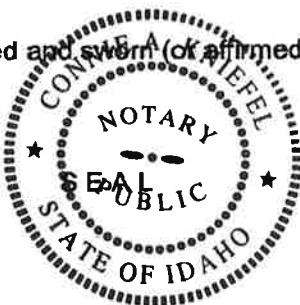
For Organizations: I do solemnly swear or affirm that I am _____ Title _____

Of _____, that I have signed the foregoing
OrganizationDocument 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 _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of Ada) ss.Subscribed and sworn (or affirmed) before me this 14th day of December, 20 06Notary Public Connie A. KriefelResiding at Boise, IdahoMy Commission Expires 1-21-09

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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: **A37-02639F**

Date Received: 10/ 2/1990

Receipt No: X777777

Received By: _____

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

1. Name: LUBOFF SENAUSKY 208-726-4241
Address: PO BOX 3229
HAILEY ID 83333

AND/OR

Name: CHARLES TIMOTHY FLOYD 208-726-4241
Address: PO BOX 3229
HAILEY ID 83333

2. Date of Priority: JUL 25, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	35	SE	SE	NE		BLAINE

5. Description of diverting works:

WELL, PUMP, PRESSURIZED MAINLINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.260		46.20

7. Total Quantity Appropriated is:

0.260 C.F.S. (and/or) 46.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	35	SE	NE		IRR	13.2

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.2
					Total Acres	13.2

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:
A37-00687

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4426:

1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
3. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
7. PLACE IS USE IS ALSO KNOWN AS LOT 1, BLOCK 2, BROADFORD POLO CLUB SUBDIVISION.

15. Basis of Claim: LICENSE

Water Right Number: 33024

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: _____

37-2639 Back File

T-5755 Pg 1 $\rightarrow$ Pg 3 Quad map etc

T-4893 ^{5 6 7} Pg 8 map

T-4154 map Pg 9, 10, 11, 12 map

Barrie Fam Part

* T-4426 map Pg 13, 14 map

T-69154 (5755-66122) Pg 15

T-5755 Pg 16 split fee

Map Photo $\rightarrow$ Pg 17-18

Split list (Corey) Pg 19 ²⁰

Broadford Polo Plat Pg 21/23

AKA T-69154 Drake Pg 1 of Transfer 26 $\Rightarrow$ 30 Amended

5755 ~~T-69154~~ 37-26398 Pg 1 of Transfer 31 $\Rightarrow$ 35

69154 Pg 1 of Application 36 $\Rightarrow$ 47

69154 wd. 48 $\Rightarrow$ 53

69154 Plat 54

" First Amended Amended Cov. Cond & Rest # 322011

for Broadford Polo Subd. Pg 55 $\Rightarrow$ 58

T-4893 Hornocker App. Trans Pg 1 60 $\Rightarrow$ 61

* T-4426 exp of time Pg 62

(T-4426) Floyd/Luboff ~~Sena~~ Senavsky Pg 63 $\Rightarrow$ 64

T-4893 Hornocker App Trans Pg 65 $\Rightarrow$ 74

Chg Owner Tidwell to Hornocker Pg 75 $\Rightarrow$ 83

T-4154 Barrie Fam Part Pg 84 $\Rightarrow$ 101

* WD Tidwell to Floyd/~~Sen~~ Senavsky Pg 102 also 117

Lt 1 Blk 2 of replat of BLKs 1 & 2 #309843

WD's Pg 103 $\Rightarrow$ 108

T-4426 Senavsky App for Transfer Pg 109 $\Rightarrow$ 116

WD Pg 117

* Broadford Polo Sub. WR Pg 118 $\Rightarrow$ 120

2639 Orig Lic
Ap for Permit

Pg 121
Pg 122 $\Rightarrow$ 123 $\rightarrow$ 128

T-69154 - 2639G Tidwell letter Amend Trans Pg 130 $\Rightarrow$ 132
Tidwell Form letters 133 - ~~136~~ 140

T-4893 Hornocker Form letter Pg 141 $\rightarrow$ 142
" " SO. comments Pg 143 $\rightarrow$ 146

T-5755 - 66122 Drake Trans Analysis Sheet Pg 147 $\rightarrow$ 148
Split Tree Pg 149

5755 Southern Trans Rev. memo Pg 150 $\rightarrow$ 155

" Corey's Review Pg 156

Speck letter Pg 157

Adv etc Pg 158 $\Rightarrow$ 161

Split tree 162 aka 19

4893 SO memo (Feb 97) (2639C) 164 Aug 1, 1997

Floyd Resp to Eft time Reg 167 July 31, 1997

Eft time Reg 168

Hornocker Trans approv notice 170 Oct 1997

4893 In Speck RE Partial for Fei. 174 Oct 1997

" 175

4893 Pam's analysis 177

Misc IDWR Docs 178 $\rightarrow$ 182

4893 Trans Analysis Sheet 183

" Allen's Analysis 184 Sept 30, 1996

4893 Adv 185 $\Rightarrow$ 189

Jim S. Memo FE 190 Aug 14, 1996

2639C T Rec 195 10-6-94

2639B T-4154 Dpt form letter 197
Part memo 198 199
T rec

- * 4154 Speck to Pam Re Lt 1 BLK 2 ownership Pg 206
ownership of Sena ~~very~~ gnd.
- * 4154 Pam's letter to Speck Pg 207.
- 4154 ADU etc 209 $\Rightarrow$ 217
- * 4426 Pam Memo to file Pg 225
- * 4426 Transfer review sheet ~~for~~ ^{CS} Pg 226
- Allen's Memo to file Pg ~~228~~ ²³¹
- 4426 ADU 232 $\Rightarrow$ 236
- Jim Field notes 237 $\Rightarrow$ 238
- Permit info & lic info 243 $\Rightarrow$ END

**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

)
)
)
)
)
)
)

Subcase No.: 37-2639F

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Charles Timothy Floyd and
Luboff Senavsky

James R. Laski Date
Attorney for Charles Timothy Floyd and Luboff Senavsky

IDWR CONCURRENCE:

Kelly K. Christensen 2-10-09

Kelly K. Christensen
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James R. Laski
Lawson Laski
P.O. Box 3310
Ketchum, ID 83340

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

02/10/2009

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

RIGHT NUMBER: 37-2639F

NAME AND ADDRESS: LUBOFF SENAVSKY
PO BOX 3229
HAILEY ID 83333

CHARLES TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333

KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
~~39.60~~ 46.20 AFY

This right when combined with all other rights shall provide no more than 0.032 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S35 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.260 CFS
		~~39.60~~ 46.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 SENE 13.20
13.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 13.2 acres in a single irrigation season. Combined Right Nos.: 37-2639F and 37-22053

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 - License

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

~~Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.~~

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.~~

Place of use is located within Lot 1, Block 1, Broadford Polo Subdivision.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, February 05, 2009 1:35 PM
To: Bromley, Chris; Kelly, Vicki
Subject: 37-2639F Senavsky/Floyd rec analysis

Attachments: 37-2639F Senafsky Floyd analysis of recommendation.doc

Attached is a brief summary of my understanding of this right. Unless there is something I am missing I would think that this one should be set for a hearing if the still want to pursue the objection. I don't think that there is anything we can do on the aj side.



37-2639F Senafsky
Floyd analys...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-2639F analysis

The recommendation for this right was based upon T-4426. The transfer application to change the point of diversion was for 0.30 cfs for the irrigation of 13.2 acres. The applicant submitted a water right assignment as related to the various lots and blocks of the Broadford Polo Club property. In part it identified Lot 1, Block 2 as having 0.324476 cfs appurtenant to that parcel. It further identified that one inch (0.02 cfs) had been sold from Lot 1, Block 2 (This would be claim 37-2639D Barrie Family Partners) leaving a balance of 0.204476 cfs for that lot.

Ultimately the transfer was approved on October 7, 1994 for 0.26 cfs and 13.2 acres. The basis for the recommendation was that the 'new' irrigation system was to be a pump and sprinkler irrigation. Allen Merritt stated in part in his Review and Recommendations for T-4426

"Since it appears that the method of irrigation for the segregated portion will not require excess flows for irrigation via sprinklers; I recommend that transfer 4426 be approved for 1"/acre for 13.2 acres (0.26 cfs). That portion (0.304467 – 0.264 cfs) be forfeited by this approval."

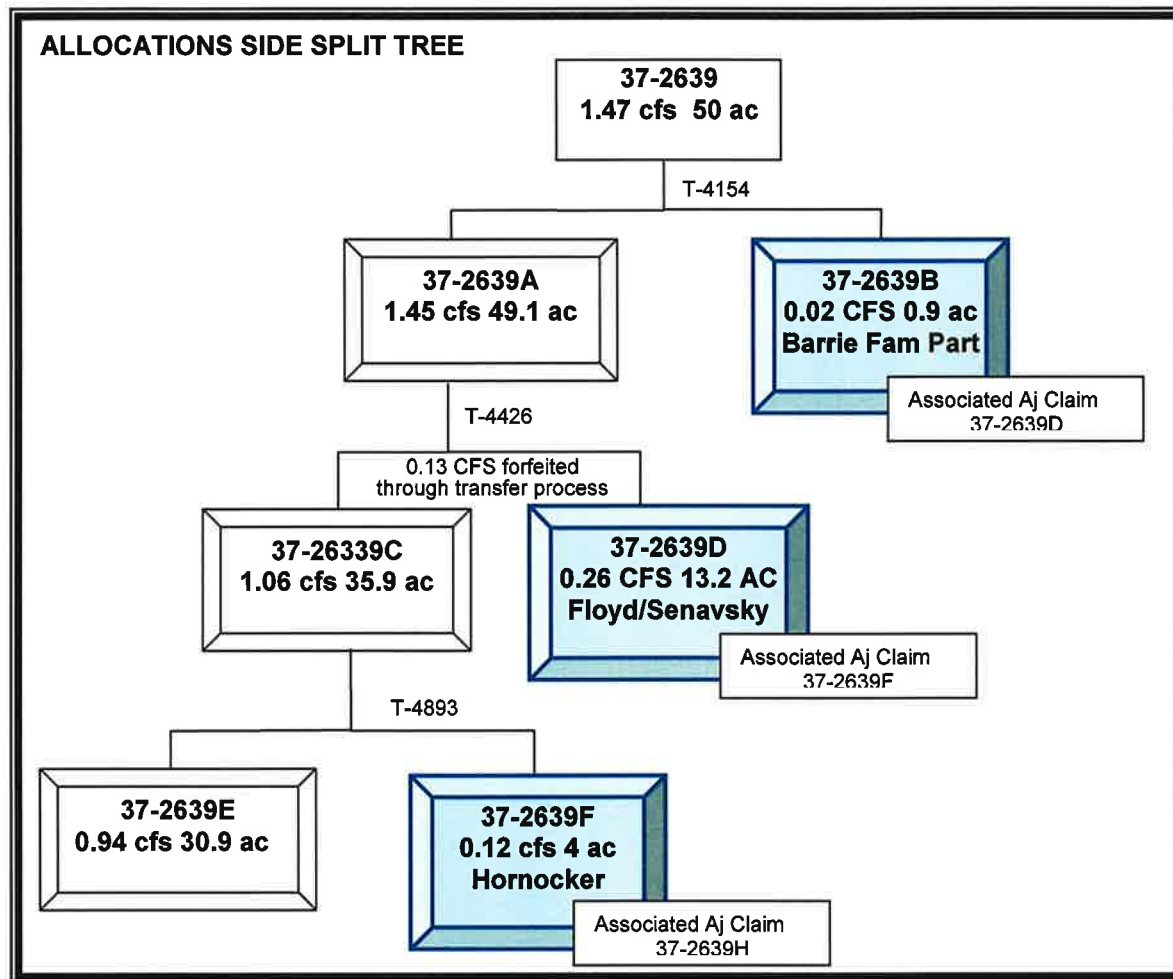
To the best of my knowledge this was not challenged through the transfer administrative process.

Idaho Dept of Water Resources
Claims review notes and narrative

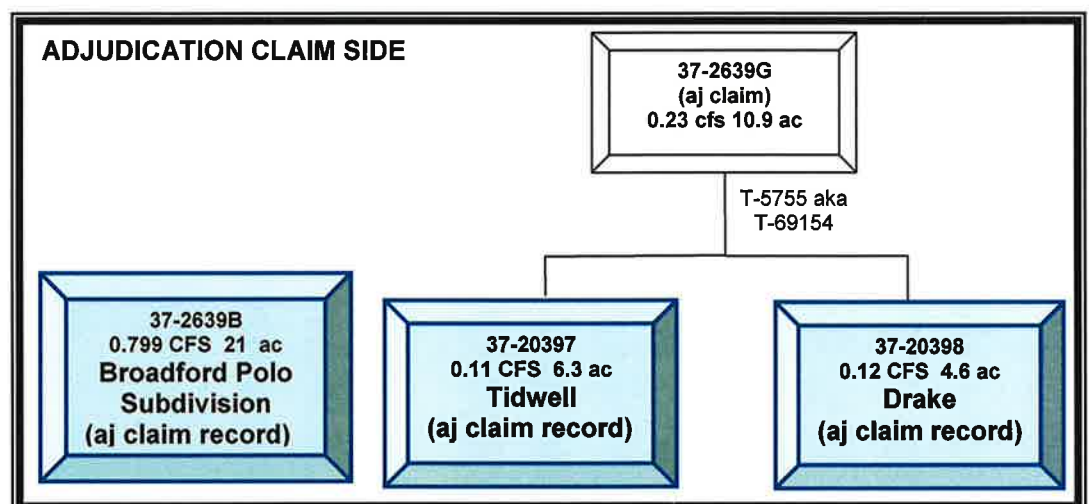
Date: 2-5-2009

File: 37-2639 split tree analysis updated

Prepared by Kelly K Christensen



The first three transfers were based upon allocations records and the last transfer was based upon an adjudication claim. One claim has not been affected by a transfer process 37-2639B.



01/05/2007

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

RIGHT NUMBER: 37-2639F

NAME AND ADDRESS: LUBOFF SENAVSKY
PO BOX 3229
HAILEY ID 83333

CHARLES TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333

VERIFIED BY

KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
39.600 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 07/25/1966

POINT OF DIVERSION:

T02N R18E S35 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.260 CFS 39.60 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 SENE 13.20
13.2 ACRES TOTAL

Place of use is located within Lot 1, Block 1, Broadford Polo Subdivision.

The rights listed below are limited to the irrigation of a combined total of 13.2 acres in a single irrigation season. Combined Right Nos.: 37-2639F and 37-22053

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 - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

S. Keen
12/14/2006

37-2639 F

Notice of Error reviewed.
Recommendation matches
transfer approval. No
change.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 14 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

December 14, 2006

Mr. Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: 37-687 Adjudication Claim and 37-2639F Amended and Beneficial Use
Claims in the name of Charles Timothy Floyd and Luboff Senavsky

Mr. Christensen,

Ground water right 37-2639F has been preliminarily recommended in the SRBA for irrigation on 13.2 acres using 0.26 cfs in the SENE, Sec.35 T.02N R.18E, Blaine County, ID. Although a diversion rate of 0.26 cfs was claimed, an amended claim has been submitted to increase the diversion rate to 0.32 cfs as was granted to Charles Timothy Floyd and Luboff Senavsky in the attached Blaine County declaration of covenants, conditions and restrictions. The place of use described by 37-2639F has also historically served a beneficial use for stockwater. An additional beneficial claim is attached for stockwater with a diversion rate of 0.04 cfs.

Surface water right 37-687 in the SENE, Sec.35 T.02N R.18E Blaine County ID, is being claimed in the SRBA in the names of Charles Timothy Floyd and Luboff Senavsky for the irrigation of 13.2 acres using 0.46 cfs (see attached Quitclaim Deed). The water source is the Broadford Slough from the Big Wood River. Attached is a copy of the Big Wood Decree Book, 4/1/04, containing a record of delivery from 37-0687 of 0.46 cfs to Tim Floyd.

We have also included a check from Brockway Engineering check #6751 for the amount of \$200.00 U.S. dollars to cover the late adjudication claim. Original signed signature sheets for the two claims and one amended claim will be delivered to your office in the near future. Please copy our office on all correspondence regarding these water right claims. Thank you for your assistance and clarification on this matter and if you have questions or comments, please don't hesitate to call.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Sincerely,

A handwritten signature in blue ink, appearing to read "Zach Latham", followed by a long horizontal flourish.

Zach Latham, Hydrologist

cc Tim and Buff Floyd

RECEIVED

DEC 13 2006

DEPARTMENT OF
WATER RESOURCES

11/21/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR IS: 12/13/2006

Water right number: 37-2639F

LUBOFF SENAVSKY
PO BOX 3229
HAILEY ID 83333
Telephone Number: (208) 788-0979

CHARLES TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333
Telephone Number: (208) 788-0979

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

- A. Place of use: should be 14.07 acreas as was claimed.
- B. Discharge allocate: quantity recommended discharge rate for beneficial use of irrigation is less than claimed.

2. Describe the changes you wish to make in the proposed recommendation:

- A. Increase place of use and increase discharge rate for beneficial use of irrigation.
- B. Diversion rate for stock water beneficial use needs to be added to water right 37-2639F

3. Give a brief explanation as to why you disagree with these portions:

The recommendation does not fully describe how water right 37-2639F is being used.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/11/06 SIGNATURE: Luboff Senavsky Charles Timothy Floyd
Please print your name: Luboff Senavsky Charles Timothy Floyd

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 14 2006

10/10/2006

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

RIGHT NUMBER: 37-2639F

NAME AND ADDRESS: LUBOFF SENAVSKY
PO BOX 3229
HAILEY ID 83333

CHARLES TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
46.200 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 07/25/1966

POINT OF DIVERSION:

T02N R18E S35 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.260 CFS 46.20 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 SENE 13.20

13.2 ACRES TOTAL

Place of use is located within Lot 1, Block 1, Broadford Polo Subdivision.

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 - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

10/10/2006

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

RIGHT NUMBER: 37-2639F

NAME AND ADDRESS: LUBOFF SENAUSKY
PO BOX 3229
HAILEY ID 83333

CHARLES TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
46.200 AFY

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POINT OF DIVERSION:

T02N R18E S35 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.260 CFS 46.20 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 SENE 13.20

13.2 ACRES TOTAL

Place of use is located within Lot 1, Block 1, Broadford Polo Subdivision.

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

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Idaho Department of Water Resources

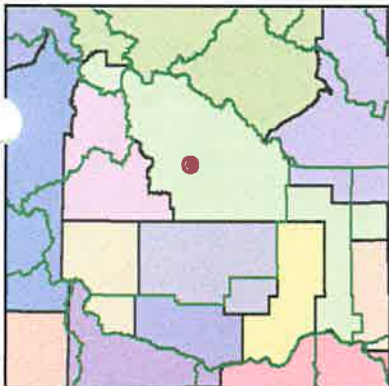
SRBA Recommendation:

37-2639F

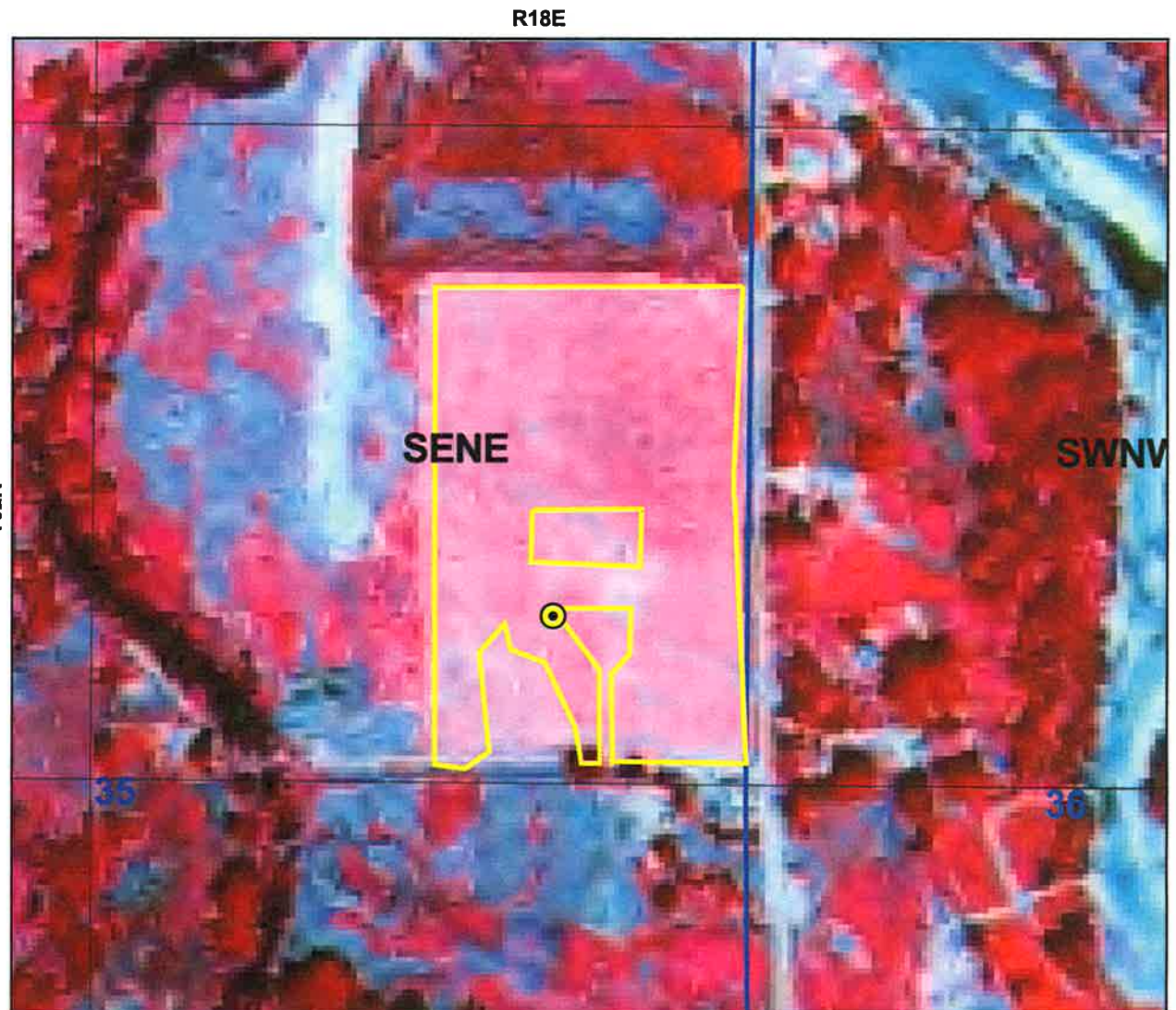
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. NORQUES
On Tuesday, October 10, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

37-2639F

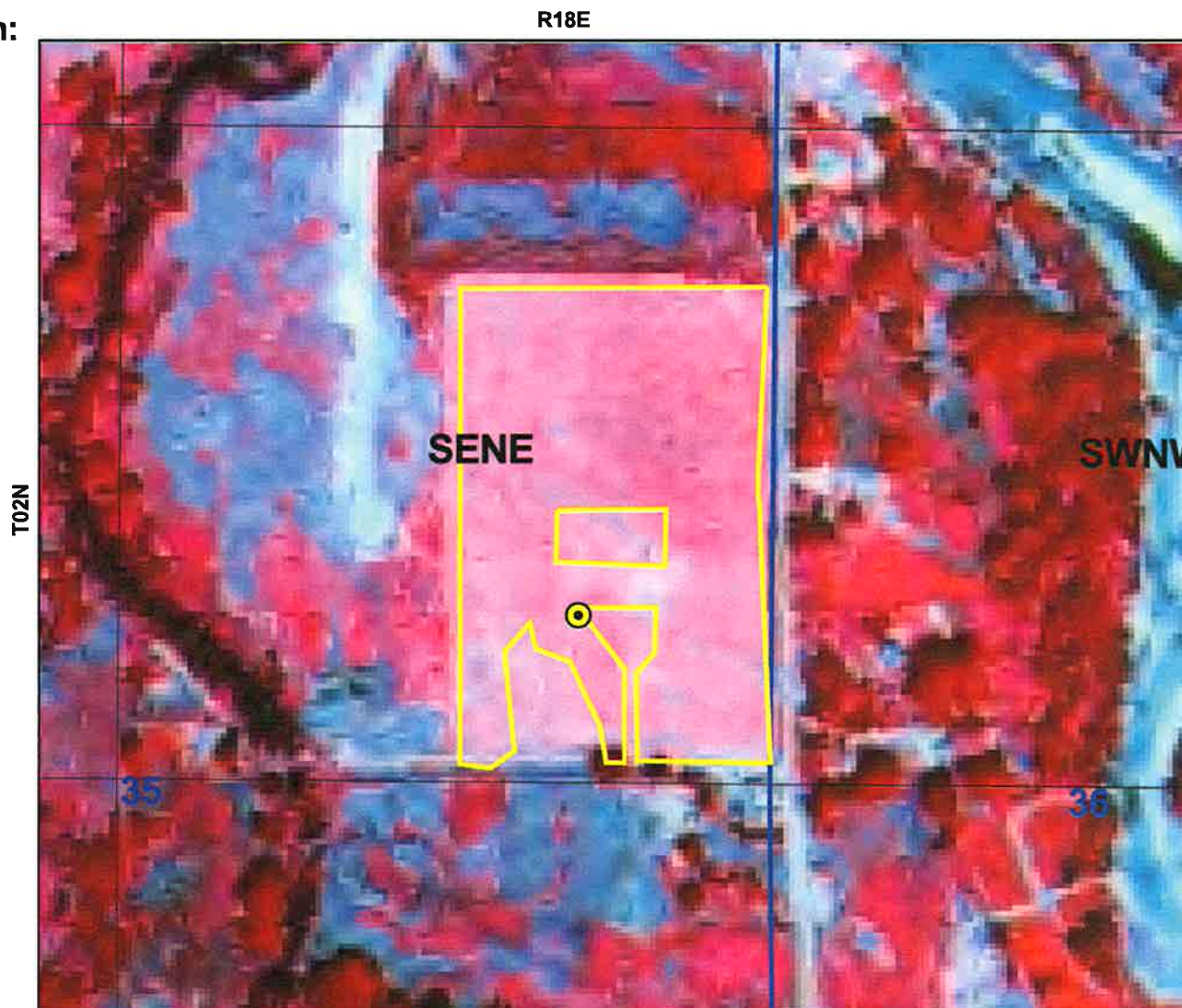
(Irrigation)

Legend

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



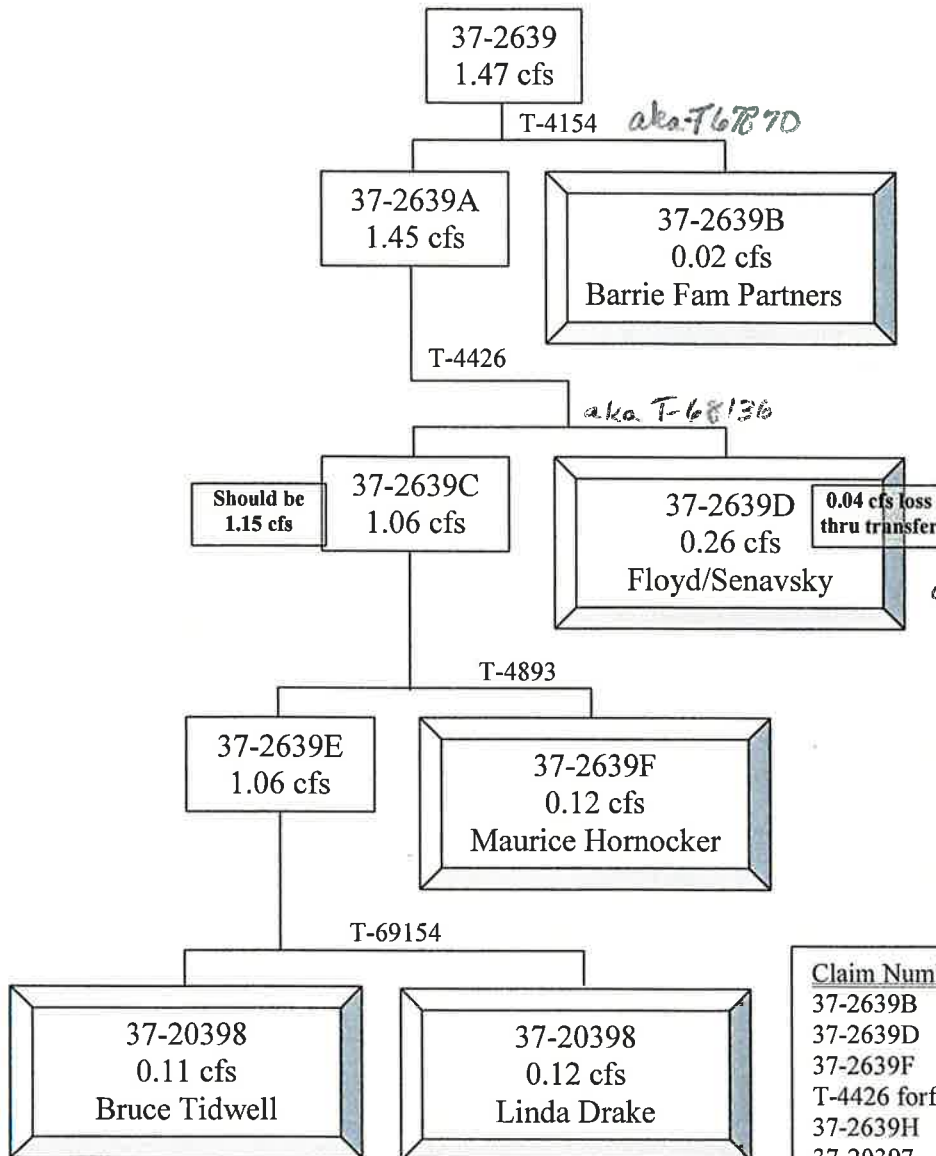
Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. NORQUES
On Tuesday, October 10, 2006
1987/88 Aerial Photography



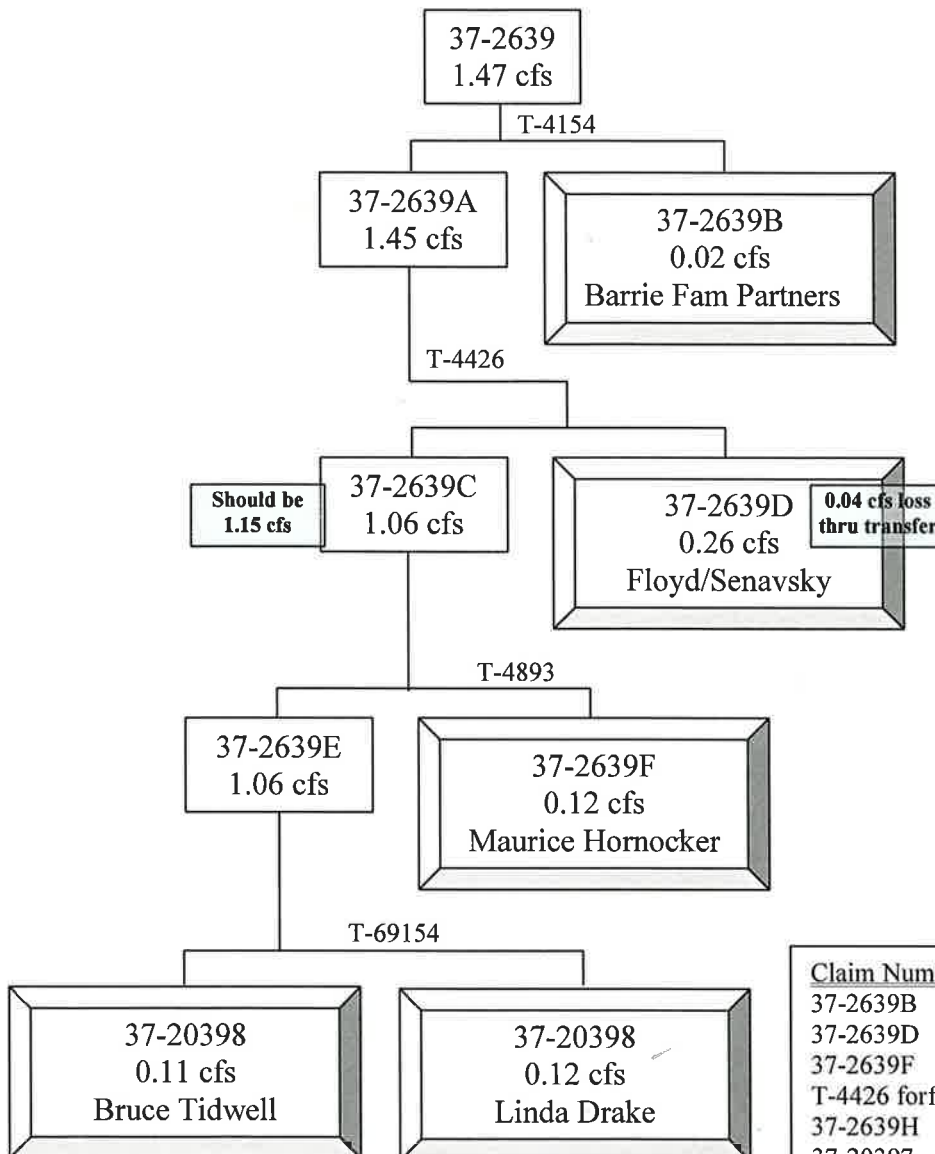
Copied fm remarks

Adjudication Claim Report **37-2639G** A37-02639A WHICH WAS SPLIT INTO PARTS C AND D PURSUANT TO APPROVED TRANSFER NO. 4154. THIS C PART WAS THEN SPLIT INTO PARTS E AND F AS A RESULT OF APPROVED TRANSFER NO. 4426. (.04 CFS WAS FORFEITED IN THE TRANSFER PROCESS). jr

THIS CLAIM IS A PORTION OF A37-02639E WHICH WAS SPLIT INTO PARTS G AND H PURSUANT TO APPROVED TRANSFER NO. 4893.

Claim Number	Rate	Associated with WR
37-2639B	0.80 cfs	37-2639E (roughly associated)
37-2639D	0.02 cfs	37-2639B
37-2639F	0.26 cfs	37-2639D
T-4426 forfeited	0.04 cfs	
37-2639H	0.12 cfs	37-2639F
37-20397	0.11 cfs	37-20397
37-20398	0.12 cfs	37-20398
total	1.47 cfs	

Allocations split tree does not track well as far as the diversion rate splits, however the combined claimed rates total to the original licensed rate. This total recognizes the 0.04 cfs forfeited through T-4426.



Copied fm remarks
 Adjudication Claim Report 37-2639G A37-02639A WHICH WAS SPLIT INTO PARTS C AND D PURSUANT TO APPROVED TRANSFER NO. 4154. THIS C PART WAS THEN SPLIT INTO PARTS E AND F AS A RESULT OF APPROVED TRANSFER NO. 4426. (.04 CFS WAS FORFEITED IN THE TRANSFER PROCESS). jr

 THIS CLAIM IS A PORTION OF A37-02639E WHICH WAS SPLIT INTO PARTS G AND H PURSUANT TO APPROVED TRANSFER NO. 4893.

Lot 1 BLK1 Hornocker .1154
 2 1 Linda Drake .1154 cfs
 3 1 Del Signore .1154/2 cfs

Claim Number	Rate	Associated with WR
37-2639B	0.80 cfs	37-2639E (roughly associated)
37-2639D	0.02 cfs	37-2639B
37-2639F	0.26 cfs	37-2639D
T-4426 forfeited	0.04 cfs	
37-2639H	0.12 cfs	37-2639F
37-20397	0.11 cfs	37-20397
37-20398	0.12 cfs	37-20398
total	1.47 cfs	

Allocations split tree does not track well as far as the diversion rate splits, however the combined claimed rates total to the original licensed rate. This total recognizes the 0.04 cfs forfeited through T-4426.



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

JAMES E RISCH
GOVERNOR

KARL J DREHER
DIRECTOR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Rate(cfs)</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Version</u>
37	2639 B			0.8 IRRIGATION	BROADFORD POLO SUBDIVISION OWNERS ASSN	
37	2639 D			0.02 IRRIGATION	BARRIE FAMILY PARTNERS	
37	2639 F		<u>.04</u>	0.26 IRRIGATION	FLOYD, CHARLES TIMOTHY ; SENAUSKY, LUBOFF	
37	2639 H			0.12 IRRIGATION	HORNOCKER, LESLIE ; HORNOCKER, MAURICE	
37	20397			0.11 IRRIGATION	TIDWELL, BRUCE S ; TIDWELL, LESLIE A	
37	20398			0.12 IRRIGATION	DRAKE, LINDA O	
			1.43			
			<u>.04</u>			
			<u>1.47</u>			

If you have additional questions you can reach me at the number listed above.

Sincerely

37- 2639F claim amended to

Kelly K Christensen

Sr Water Resource Agent

E-mail address: kelly.christensen@idwr.idaho.gov

enclosures

37-2639F amendment analysis

1. Priority Date amended to 1887. That priority date is the priority date for the decreed Big Wood Right 37-22053 (from 37-687.) I am assuming that this is just a data entry error.
Recommend the licensed priority date
2. P/D - no change in amended claim
3. Rate was increased to 0.32cfs, volume was dropped and the season of use was changed to the current dept standard.

Rate analysis: The original right was licensed for 1.47cfs. T-4426 was filed by the claimant to move 0.30 cfs to their personal well, the transfer was approved but 0.04cfs was recognized as forfeited through the transfer process. Recognizing that 0.04cfs along with all other claims fully appropriates the 1.47cfs. Before recognizing the additional 0.02cfs (.32cfs claimed less .30cfs recognized in transfer) Additional info on who should be cut is necessary.

The right was licensed at 3.00 af/ac
The recom should carry the licensed volume forward.

The orig right was licensed for a 4-1 to 11-1 season of use. the licensed season is greater. Recommend the licensed season of use.

4. P/U - no change

37-2639
1.47cb 50ac
irrigation only

A 1.45cb
49.1ac
T-4154 B .02cb .9ac
Barrie Fam.

T-4426

2639C
1.15cb
35.9ac

(2639D
.26cb 13.2ac
.04 forfeited)

4893

E .94cb

F .12cb
4ac

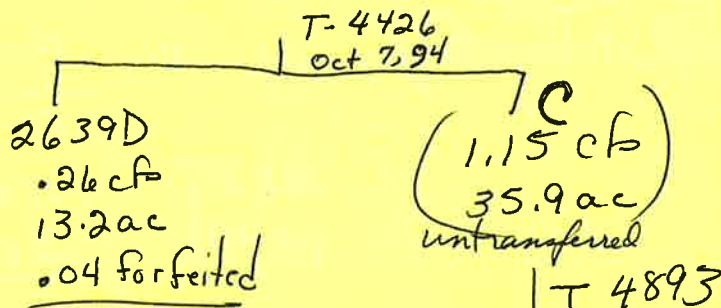
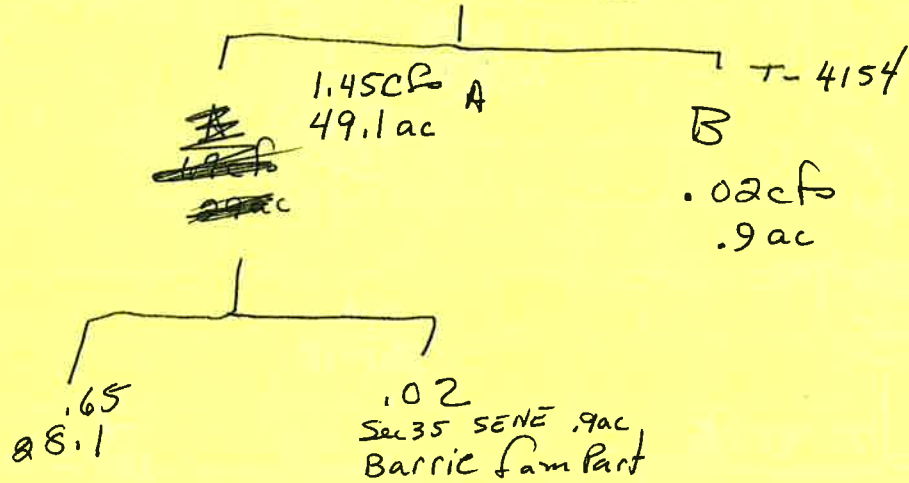
G 10.9ac
.23cb
H .12cb
4ac

20397
.11cb 4.6

20398
.12cb 4.3ac

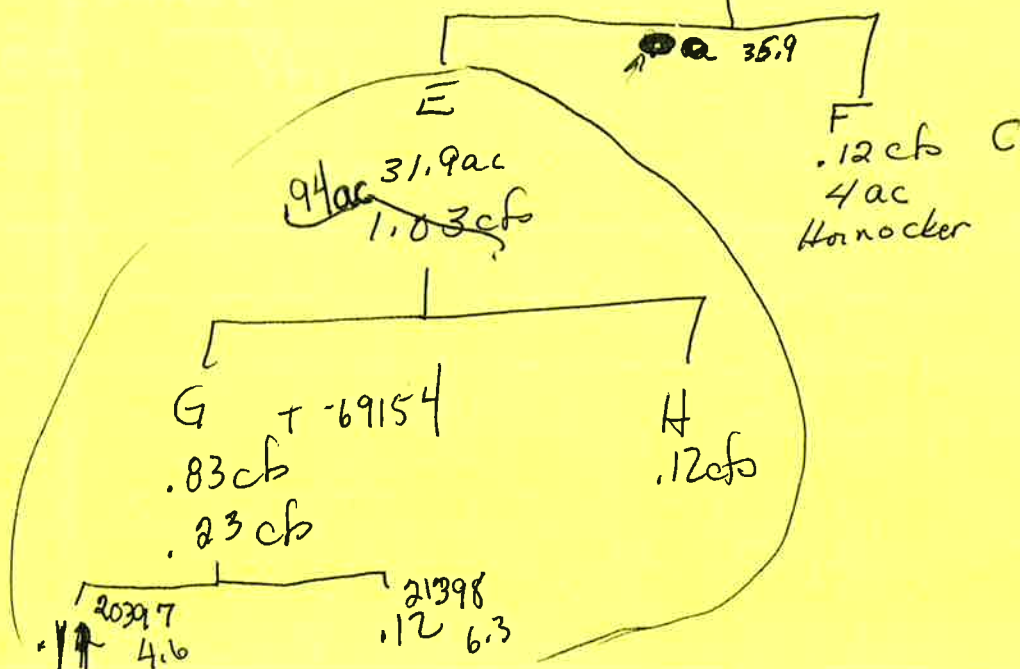
37-2639

1.47 cfb (50ac)
irrigation only



T 4893

E - H



G

H 4ac .12

20397 6.3 .11

20398 4.6 .12 cfb

A37-2639A

.671 cb

29 ac

Per T-~~4426~~
4154

2639B

.79 cb

21 ac

C

D

28.1 ac
.65

.02
Barrie

T-4426

Lic = 1.47 cb

E
(.35 cb
14.9 ac)

F
Floyd
26 (13.2 ac)
(with .04 cb forfeited)

B .80 cb 21 ac

D .02 cb .9 ac
(.04 forfeited)

F .26 13.2 ac

4 .12 cb 4 ac

1.20 cb

20397 .11 cb 4.6 ac

20398 .12 cb 6.3 ac

1.43 cb
.04 forfeited

1.47 50 ac

State of Idaho
Department of Water Resources

RECEIVED

MAY 14 1975

WATER RIGHT LICENSE

License of Water Right No. 33024/37-2639 Priority July 25, 1966

Department of Water Resources
Southern District Office

THIS IS TO CERTIFY, that GRANT ROOKER
of Bellevue, Idaho, has complied with the terms and conditions of Permit
No. 33024/37-2639 issued pursuant to Application for Permit dated July 25, 1966
and has submitted proof to the Department of Water Resources on May 24, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.31 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>1.47</u> cfs and	<u>150 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.47 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
150 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35,
Twp. 2 N, Rge. 18 E, B. M. in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N	18 E	35	12			38													50

Total number of acres irrigated 50

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of
May, 19 75.

Director

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

66245

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat: _____ Long: _____
☒ Air ☐ Flowing Artesian

1. DRILLING PERMIT NO.

Other IDWR No. 37-97-S-0094-000
196 # D0002096
37-026390

2. OWNER:

Name FLOYD, TIM
Address PO BOX 3229
City HATLEY State ID Zip 83333

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
W E S
Twp. 2 North ☐ or South ☐
Rge. 18 East ☐ or West ☐
Sec. 35 1/4 56 acres 1/4 56 acres 1/4 56 acres
Gov't Lot _____ County BLAINE Long: _____
Lat: _____
Address of Well Site 10 HERWOOD LN.
City BELLEVEUE
(Give at least name of road + Distance to Road or Landmark)

Lt. 1 Blk. 2 Sub. Name BROADFORD POLO SUB.

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
BENTONITE	0	20	35K5		OVERBORE

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+1.5	100	.250	STEEL	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

17 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
100		90	1

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
10	0	20	GRAVEL & CLAY		X	
8	20	28	GRAVEL & CLAY		X	
8	28	57	GRAVEL & SAND & CLAY		X	
8	57	65	GRAVEL & SAND			X
8	65	90	GRAVEL & CLAY		X	
8	90	100	GRAVEL		X	

RECEIVED

SEP 02 1997

Department of Water Resources
Southern Region

RECEIVED

MICROFILMED

OCT 10 1997

JAN 09 1998

Department of Water Resources

Completed Depth 100 (Measurable)
Date: Started 08/05/97 Completed 08/06/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name WOOD RIVER DRILLING INC. Firm No. 265

Firm Official Ken Smith Date 08/27/97

and _____

Supervisor or Operator Bob McHargue Date 08/27/97

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



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

August 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TIMOTHY FLOYD MD
PO BOX 3229
HAILEY ID 83333-3229

RE: Water Right No. 37-02639D

Dear Dr. Floyd:

In response to your written request of July 31, 1997, requesting an extension of time I have enclosed an ORDER GRANTING EXTENSION OF TIME TO COMPLETE TRANSFER.

If you have any questions please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

MICROFILMED

DEC 08 1997

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

July 31, 1997 11:22am

CUSTOMER

KEN SMITH/WOOD RIVER DRILLING
RE: A37-02639F (TIMOTHY FLOYD)

SUBJECT: DRILLING PERMIT?

phone call (X) walk-in (.)

Said the Floyd's had given him a file folder of information and wanted him to drill an irrigation well for them. He found my name on an old letter and called to see what he needed to do. Said he was ready to drill and needed to know where and if a drilling permit had been acquired? Did a little research and found Transfer # 4426 had been approved in 1994 to change the point of diversion for this claim. Condition #4 stated the change must be completed within a year of the approval. Since that was several years ago, I asked Allen Merritt if it was still okay? He suggested they contact Glen Saxton to get approval. I relayed the information to Mr. Smith and told him if approval was granted, he needed to contact Gary Funderburg for a drilling permit...

Timothy Floyd
PO Box 3229
Hailey, ID 83333

July 31, 1997

Glen Saxton
Idaho Department of Water Resources
Boise, ID

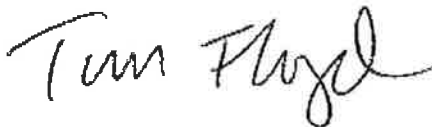
VIA FACSIMILIE 208 327-7866

Dear Mr. Saxton,

My wife, Buff Senavsky, and I, Charles Timothy Floyd, request permission from the Department of Water Resources located in Boise, Idaho, to change the request of Condition of Approval No. 4 on Transfer No. 4426 to allow the irrigation well to be constructed now. The reason for overlooking and not being aware of any deadlines associated with the drilling of our irrigation well contingent of the document of the transfer of water rights was multifactorial, those being:

my wife was out of state taking care of her gravely ill mother until late October, 1995;
extended construction on our house and professional obligations caused this oversight.

Sincerely yours,



Timothy Floyd, M. D.

MICROFILMED
DEC 08 1997

COMMUNICATION DOCUMENTATION

Claim No. A37-02639F
A37-00687

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 1/19/95Contact Person(s) Dr. Timothy FloydNature of Contact phone call

Substance of Communication he called with a couple of questions on a claim I had recently sent him which was created as a result of Transfer #4426. He indicated Jim Speck didn't represent him - I removed his name; he questioned the loss of .04 cfs during transfer process. I explained that .02 cfs per acre was all that was allowed for sprinkled acres (13.2 ac. x .02 = .26 cfs instead of .3 like he proposed) so the .04 was essentially forfeited. We also discussed the surface water right (A37-00687) which was also appurtenant to that same land. I told him I wasn't sure whether he should have a portion of that right or not, and suggested he contact either the watermaster or previous owners to see if that right should also be split among the subdivision owners...



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~CECIL D. ANDRUS~~

Governor PHIL BATT

R. KEITH HIGGINSON
Director

January 19, 1995

TIMOTHY FLOYD
PO BOX 3229
HAILEY ID 83333

RE: SRBA Claim #A37-02639F

Dear Tim:

I've enclosed a new copy of your claim form with the changes we talked about, (item #9 is now blank and item #13 now mentions right A37-00687) as did the claim from which yours was split (A37-02639C). I've also removed Jim Speck's name as the Attorney of Record. As far as claim A37-00687 goes, it was appurtenant to the same 50 acres as A36-02639 was before all the transfers. You may or may not be entitled to a portion of this claim. The best way to find out is either through the watermaster or the previous owners and if it appears you may have a claim to a portion of that right, be sure to notify us (with some sort of proof) so we can split that right also.

If you have any more questions or I can be of any further assistance, please give me a call.

Sincerely,

Jeanie Robertson
Water Rights Agent

Encl:



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

December 23, 1994

CHARLES TIMOTHY FLOYD
LUBOFF SENAUSKY
PO BOX 3229
HAILEY ID 83333

RE: SRBA CLAIM NO. A37-02639C

DEAR CLAIMANT:

Pursuant to the approval of Transfer No. 4426 and notification that you presently own a portion of the property in which the above referenced adjudication claim is appurtenant, the Department has split the claim and changed the records of the original owner (TIDWELL) to A37-02639E, and the record of the portion that you purchased to A37-02639F. Please find enclosed a copy of the computer generated claim noting the changes. Please review the records and if you have any corrections, notify this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the typed name and title.

Jeanie Robertson
Water Right Agent

/jr
Enclosures:

cc: Tidwell/Speck

MEMORANDUM

TO: FILE NO. 37-02639A
FROM: PAM SKAGGS/^{OS}STATE OFFICE
SUBJECT: TRANSFER NO. 4426
DATE: October 6, 1994

OCT 18 1994

Department of Resources
Southern Nevada Office

=====

Transfer No. 4426 was filed to change the point of diversion under a portion of Right No. 37-02639A, splitting the right into parts C and D. The applicants are new property owners who wish to drill a separate well for use on their property.

The original right was licensed at a high rate of diversion probably due to the delivery system of gravity flow thru ditches for 50 acres, while the development planned under this transfer is for an on-site well, pump and sprinkler system to 13.2 acres. 0.02 cfs/acre is generally more than sufficient for a pressurized sprinkler system and the licensed rate would be excessive. This approval is based on the standard limitation of one inch per acre and reduces the total rate under this transfer.

$$13.2 \text{ acres} \times 0.02 \text{ cfs} = 0.26 \text{ cfs.}$$

The season, rate and volume were adjusted to current standards and result in no expansion or net change in total acres or consumptive use. Recommended conditions include drilling permit requirements, irrigation and surface water overlap, and standard transfer conditions.

37-02639, T#4426

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4426
WATER RIGHT NO. 37-02639D

✓ Carter
Southern AJ

This is to certify that: CHARLES TIMOTHY FLOYD
LUBOFF SENAVSKY
PO BOX 3229
HAILEY ID 83333

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.26 CFS	46.2 AF

SOURCE

GROUNDWATER

Priority: 07/25/1966

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 35, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 35	SENE 13.2			13.2
Total number of acres irrigated:				13.2

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- *3. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4426
WATER RIGHT NO. 37-02639D

CONDITIONS/REMARKS:

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Place of use is also known as Lot 1, Block 2, Broadford Polo Club Subdivision.

Dated this 7th day of October, 1994.


Chief, Water Alloc. Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 4426)
OF WATER RIGHT NO. 37-02639D IN) ORDER GRANTING EXTENSION
THE NAME OF CHARLES TIMOTHY FLOYD) OF TIME TO COMPLETE TRANSFER
_____)

FINDINGS OF FACT

1. On October 7, 1994, the Department of Water Resources (department) approved the above captioned transfer in the name of Charles Timothy Floyd (right holder) with the following condition:

The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

2. On July 31, 1997, the right holder contacted the department and requested that the department amend the condition and allow more time in which to complete the change authorized by the transfer.

CONCLUSIONS OF LAW

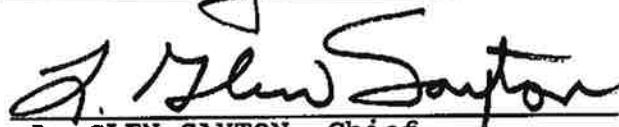
1. The right holder has shown sufficient cause why the department should approve the extension request.

2. The department should approve the request and should allow more time to complete the changes authorized by the transfer.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 4426 is granted additional time to October 7, 1999, to complete the changes authorized by the transfer.

Dated this 31st day of July, 1997.


L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4426
WATER RIGHT NO. 37-02639D

This is to certify that: **CHARLES TIMOTHY FLOYD**
LUBOFF SENAUSKY
PO BOX 3229
HAILEY ID 83333

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.26 CFS	46.2 AF

SOURCE

GROUNDWATER

Priority: 07/25/1966

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 35, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	SENE	13.2		13.2
Total number of acres irrigated:						13.2

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

OCT 20 1994

Pc Docs 63

TRANSFER NO. 4426
WATER RIGHT NO. 37-02639D

CONDITIONS/REMARKS:

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Place of use is also known as Lot 1, Block 2, Broadford Polo Club Subdivision.

Dated this 7th day of October, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

OCT 20 1994

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5/11/2000
P.S.

SD-0611-2 Basin: 37 Starting Water Right: 02639

S	O	S
E Water	Name	W Priority STG/
L Right No.	Last, First	N Date STS Source Desc S

37-02639	00/00/0000 /Z	WR
37-02639A	00/00/0000 /Z	WR
37-02639B	BARRIE FAMILY PARTNE C 07/25/1966 L/	GROUNDWATER IRR WR
37-02639C	00/00/0000 /Z	WR
37-02639D	FLOYD, CHARLES TIMOT C 07/25/1966 L/	GROUNDWATER IRR WR
	SENAVSKY, LUBOFF C	
37-02639E	ROOKER, GRANT C 07/25/1966 L/	GROUNDWATER IRR WR
37-02639F	HORNOCKER, MAURICE C 07/25/1966 L/	GROUNDWATER IRR WR
	HORNOCKER, LESLIE C	
A37-02639	SPLIT RIGHT C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
A37-02639A	SPLIT RIGHT-RENUMBER C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
	RENUMBERED RIGHT	
A37-02639B	BROADFORD POLO SUBDI C 07/25/1966 L/	GROUNDWATER IRR AJ
A37-02639C	SPLIT RIGHT-RENUMBER C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
	RENUMBERED RIGHT	
A37-02639D	BARRIE FAMILY PARTNE C 07/25/1966 L/	GROUNDWATER IRR AJ
A37-02639E	SPLIT RIGHT - SEE G C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
A37-02639F	SENAVSKY, LUBOFF C 07/25/1966 L/	GROUNDWATER IRR AJ
	FLOYD, CHARLES TIMOT C	
A37-02639G	TIDWELL, LESLIE ANNE C 07/25/1966 L/	GROUNDWATER IRR AJ
	TIDWELL, BRUCE C	
A37-02639H	HORNOCKER, MAURICE C 07/25/1966 L/	GROUNDWATER IRR AJ
	HORNOCKER, LESLIE C	
R37-02639A	SPLIT RIGHT-RENUMBER C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
	RENUMBERED RIGHT	
R37-02639B	BROADFORD POLO SUBDI C 07/25/1966 L/	GROUNDWATER IRR AJ
R37-02639C	SPLIT RIGHT-RENUMBER C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
	RENUMBERED RIGHT	
R37-02639D	BARRIE FAMILY PARTNE C 07/25/1966 L/	GROUNDWATER IRR AJ
R37-02639E	SPLIT RIGHT - SEE G C 07/25/1966 /Z	GROUNDWATER IRR AJ
	SPLIT RIGHT	
R37-02639F	FLOYD, CHARLES TIMOT C 07/25/1966 L/	GROUNDWATER IRR AJ
	SENAVSKY, LUBOFF C	

0.02 cfs .9 acres
0.26 cfs 13.2 acres
0.94 cfs 31.9 acres
0.12 cfs 4.0 acres
1.34 cfs 50 acres
0.79 cfs 21 acres
0.02 cfs .9 acres
0.26 cfs 13.2 acres
0.23 cfs 10.9 acres
0.12 cfs 4.0 acres
1.43 cfs 50 acres

WR MATCH

2639B

2639D

2639F

END OF DATA...FOR REPORTS - PRESS GOLD1 OR GOLD 6 IF NOT ALREADY ACTIVATED -
OR MENU OPTION AND/OR PRESS ENTER TO CONTINUE

MICROFILMED

JUN 01 2001



Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4426

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JUN 29 1994

Department of Water Resources
Name of applicant Charles Timothy Floyd and/or Luboff Senavsky Phone 622-3311-W
726-4241-H
Post Office address PO Box 3229, Hailey, ID 83333

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right
- Describe the reason for the proposed changes I have purchased Lot 1, Block 2, Bradford Polo Club Sub Replat. and want to drill my own well to irrigate pasture and yard.

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

- Right Number 37-02639D Priority 7-25-1966 Amount (cfs/ac-ft) .30 Nature of Use Irrigation Period of Use 4-15 to 10-15
to
to
to
- Total amount of water being transferred .30 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Groundwater tributary to _____
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	35	2N	18E	Blaine	New well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35				13.2													13.2

Total acres 13.2

PART 1

6. General Information:

a. Description of diversion system Well with pump to a pressurized mainline to service home, barn and sprinkler system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

See attached document dated 10-8-1992 for allocation of water rights for Broadford Polo Subdivisions.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

OCT 20 1994

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 37-02639A issued by the Idaho Department of Water Resources.
- c. ~~SRBA~~ Claim No. A-37-02639A on file with the Idaho Department of Water Resources.
- d. Transfer No. 4154 which produced this right.

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

☐ Tax Notice Groundwater ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 7-25-1966

5. Water is used for the following purpose:

amount 1.45 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.45 cubic feet per second and/or 147.3 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	2N	18E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35	12			37.1													49.1

Total acres 49.1

9. Describe any other water rights used for the same purpose as described above 37-00687-part

PART 2

TRANS NO. 4426

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02639A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.45 CFS	147.3 AF

SOURCE

GROUNDWATER

Priority: 07/25/1966

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 35, Township 02N, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 35	NENE 12	SENE 37.1 - 13,2723.9		49.1
Total number of acres irrigated:				49.1

CONDITIONS/REMARKS:RECORDED
OCT 26 1994

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.30 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NE NE	35	2W	18E	Blaine	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2W	18E	35				13.2													13.2

Total acres 13.2

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

1. amount 1.15 for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NE NE	35	2N	18E	Blaine	

3. Lands irrigated or place of use:

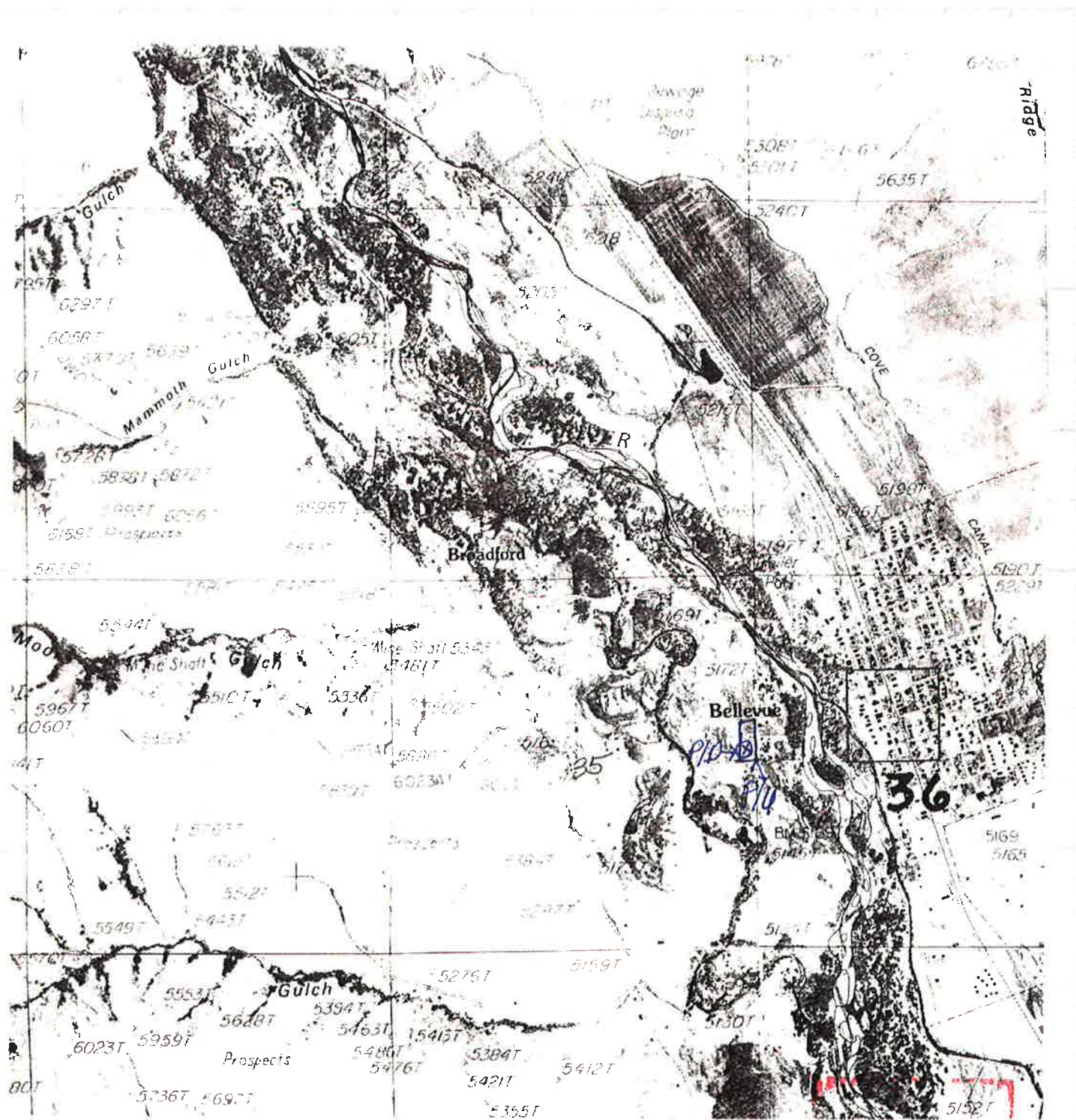
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35	12			23.9													35.9

Total acres 35.9

OCT 20 1994

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

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



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

OCT 20 1994

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

X Charles Timothy Fluegel
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of June, 1994.

Shirley Cattle
(Notary Public)

My commission expires 4-16-99

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments
 Received by MTS Date 6/29/94 6-29-94 Protest filed by None
 Prelim. check by JS Fee \$50-5017057
 Received by MTS Date 6-29-94
 Published in Wood River Journal Copies of protest forwarded by _____
 Pub. dates 8/24 & 8/31/94 Hearing held by _____ Date _____
 Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial
 _____ rec'd. _____ by ADM

Copy of transfer sent to lien holder _____

OCT 20 1994

RECEIVED

JUN 29 1994

Department of Water Resource
Southern Region Office

987-n 80 Photo

14.1 ac

T#
4426

APR 20 1994

WARRANTY DEED

For Value Received Bruce Tidwell and Leslie Anne Tidwell, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Charles Timothy Floyd and Luboff Genavsky, husband and wife

the grantees, whose current address is P.O. Box 3229, Hailey, ID 83333

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 1, Block 2 of REPLAT OF BLOCKS 1 & 2, BROADFORD POLO CLUB SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded September 11, 1989, as Instrument NO. 309843, records of Blaine County, Idaho

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 Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that they are free from all encumbrances

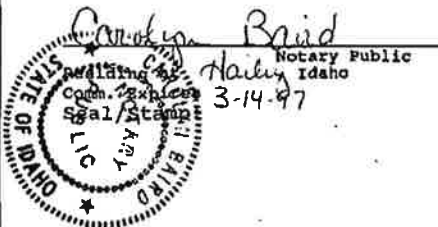
and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 4, 1993

Bruce Tidwell
Bruce Tidwell
Leslie Anne Tidwell
Leslie Anne Tidwell

350691
STATE OF IDAHO }
COUNTY OF BLAINE }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF Sun Valley Title AT 11:50 O'CLOCK A.M. March 10 A.D. 1993 RECORDED IN BOOK _____ ON PAGE _____ OF Deeds BY Mary Green EX-OFFICIO RECORDER DEPUTY
FEES \$ 3.00

STATE OF IDAHO, COUNTY OF BLAINE
On this 10th day of March, 1993 before me, a notary public in and for the said State, personally appeared Bruce Tidwell and Leslie Anne Tidwell known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



For Recordors use only

OCT 20 1994

37-00687
37-02639A

RECEIVED

JUN 14 1994

Department of Water Resources
Sn ... on Offi

T # 4426

Corrected 2/16/93

WATER RIGHTS BROADFORD POLO SUBDIVISIONS
October 8, 1992

There are two water rights that were originally claimed for the entire Broadford Polo Club property - for Blocks 1, 2, & 3.

Ground water right #37-02639 (Out of Well)- originally filed for 73.5 inches (1.47 CFS, 1 CFS=50 inches) to irrigate 50 acres -priority date 1966.

This right was divided between Blocks 1 & 2 and Block 3 - Blocks 1 & 2 received .671 CFS (33.54 inches) or 45.629% of the right and Block 3 received .799 CFS or 54.371% of the right. There are 29.07 acres in Blocks 1 & 2 and 30.04 acres in Block 3 which adds up to 59.11 acres.

The ground water rights for Block 1 and 2 have been divided between the lots and are allocated as follows (First Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions For Blocks 1 & 2, Broadford Polo Club Subdivision, As Replatted):

Lot 1, Block 1	.115412 CFS	5.7706"
Lot 2, Block 1	.115412 CFS	5.7706"
Lot 3, Block 1	.115412 CFS	5.7706"
Lot 1, Block 2	.324476 CFS	16.2238"

One inch of water has been sold from Block 2, Lot 1 to the Natootsi Subdivision since this First Amendment division of water rights. The correct ground water right now allocated to Lot 1, Block 2 is .304476 CFS, 15.2238", available to irrigate 13.17 acres. (See below for additional .5 acre domestic water right available.) (13.2)

Under the provisions of Section 9.2 of the Declaration as amended by the first amendment, each owner has the responsibility of transferring that portion of the water right to their individual lot or the claim can be amended to transfer the water between the lots all at once. Each owner also has the option to transfer their water right into a well located on their own lot.

Prior practice allowed one inch of water to irrigate one acre of land. Now, the Water Resources Board is only allowing the historical acreage irrigated to count. In order to sell one inch of water to another property, .9 acre must be retired from irrigation on the existing irrigated property. In other words, although Blocks 1 & 2 have more inches allocated than

OCT 20 1994

T # 4426

acres, they can only be allowed water rights to the extent of their acres, and furthermore to the extent of the right filed - in this case the right was only filed for 50 acres instead of 59.

In the adjudication process, it is my understanding, based on information from my attorney, Jim Speck, that if the two claims from the subdivisions equal more than 50 acres, the adjudication will be decided on what was historically irrigated. It might be best to work out between the subdivisions now, an equitable split of irrigated acreage rather than leave it up to the adjudication.

Each lot can claim an additional .5 inch water right for any domestic well drilled, which would cover 6 acres in the two subdivisions. The slough also covers several acres so the 50 acre number comes close to covering all possibly irrigatable ground. Finally, there is the possibility that part of the surface water right can be transferred into the well as the surface water was irrigating land not covered by the well right. This is a new option currently under test-case in the adjudication. However, the water user would be held to the priority date of the surface water right - how that would be checked once the right has been transferred into the well has not been determined.

Surface water (Out of Slough) right #37-00687- Priority Date July 1, 1887- Archie Bouttier (previous owner) transferred in 1983 this right for 100 inches (2 CFS) to irrigate 70 acres to the Broadford Polo Club Property.

→ This right has not been divided between Block 3 and Blocks 1 & 2. It has been suggested to use the same percentage allocation as was used on the well right, → 45.629% (.91258 CFS) to Blocks 1 & 2, and 54.371% (1.08742 CFS) to Block 3. Roger Crist in the Snake River Basin Adjudication filed a claim for the entire right on behalf of all the lot owners. There were several inaccuracies in Crist's claim, so that Blocks 1 & 2 (and Block 3) should now file a new claim once the allocation has been decided.

Jim Speck feels that the surface and ground water rights have historically been appurtenant to the same lands. (The original farmer may have used the surface water until his priority date ran out, and then irrigated with the well water.) Therefore, it may not be possible to split the two rights - the surface water may not be able to be sold separately (except

for as mentioned as above in the ground water section
-when the surface water irrigated other lands than
the ground water right).

OCT 20 1994

TRANSFER REVIEW SHEET

Transfer # 4426

Date Reviewed 10-5-94 28

Right(s) 37-02639A _____

(B) Change P/D **C**: Add P/D **D**: Change P/U **E**: Change Nature of Use
F: Change Period of Use **G**: Other **H**: Change P/D & Add P/D
I: Change P/D & P/U **J**: Add P/D & Change P/U

Proof of Ownership ⁵³ Warranty Deed - Lot 1 Block 2 - SENE S35

Transfer All of Right Portion of Right (Part B)

Resulting Split(s) A - Split into C & D
C = 35.9 Acres 1.06 cfs 107.7 af
D = 13.2 Acres .26 cfs 46.2 af
49.1 Acres 1.32 < 1.45 cfs 153.9 > 147.3 af

Check Transfer Against Right B/3.5

- (1) ☒ Priority (2) ☒ Use (3) Season (4) Rate (5) Volume
(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) ^{NA} 37 Water District (12) NO Pertinent Conditions (13) NO Expansion _{no net change CVol.}

- (3) Reduce to standard 4-15 to 10-15
(4) Rate reduced to .02 cfs/acre - changed from ditch + gravity flow to 50 acres, to well + sprinkler system (See ADM Memo 9-2894)
(5) $13.2 \times 3.5 = (46.2 \text{ af}) < .26 \times 18.3 \times 1.98 \times 3.5 = 94.4 \text{ af}$
Allow standard VOL. VOL provides full volume at reduced rate + season.
(6) Source shallow well or dug out spring, but licensed as (dw)
(7) Change P/D - new well
(8) Split P/U
14.07 Acres - .9 (Part B) = 13.17 Acres $\approx$ 13.2 Acres @ .02 cfs/acre = .26 cfs
1.45 cfs / 49.1 Acres / 147.3 af = .029 cfs + 3.0 af per acre

Transfer Remarks PU - Lot 1, Block 2, Bradford Park Club Subdivision

Conditions R30, D46, B03, T07, T08, T09

Database/Processing Notes T files Parts C & D
Clear A when approved. Database Updated 10-12-94
28

SEP 29 1994

FROM: Allen Merritt *Adm*

September 28, 1994

TO: FILE FOR TRANSFER 4426 37-02639(PART)

SUBJECT: REVIEW AND RECOMMENDATIONS

IN REVIEW OF THIS TRANSFER IT APPEARS THAT THE TRANSFER IS REQUESTING TO ONLY ADD A POINT OF DIVERSION FOR A PORTION OF THE WATER RIGHT HOWEVER CLOSE REVIEW OF THE RIGHT SHOWS IT IS FROM GROUNDWATER (A SHALLOW DUG WELL) AND WAS ORIGINALLY ISSUED FOR 1.47 CFS ON 50 ACRES. (1.47"/ACRE) I CAN ONLY ASSUME THIS EXCESS RATE WAS BECAUSE THE DUG WELL WAS GRAVITY FLOWING INTO A DITCH AT THE TIME OF ORIGINAL LICENSING. SINCE THE ORIGINAL LICENSE WAS ISSUED THE RIGHT HAS BEEN SPLIT ONCE BY TRANSFER 4154 WHICH REMOVED 0.02 CFS & 0.9 ACRES FORM THE LICENSED AREA AND MOVED THAT PORTION TO ANOTHER LOCATION; THUS, THE REMAINING PORTION IS FOR 1.45 CFS ON 49.1 ACRES. THE NEW TRANSFER 4426 NOW PROPOSES TO SPLIT THE RIGHT AGAIN AND SPLIT OFF 0.30 CFS FOR 13.2 ACRES AND ALLOW THIS PART TO DRILL A NEW WELL. IT IS PROPOSED THAT THIS PORTION OF THE RIGHT BE IRRIGATED BY SPRINKLERS. REVIEW OF THE FILE INDICATES THAT THE ORIGINAL RIGHT HAS NOT BEEN FORFEITED DUE TO NON-USE BUT IT ALSO INDICATES THAT THIS RIGHT IS SUPPLEMENTAL IN NATURE SINCE 37-00687 FROM THE BIGWOOD RIVER IS THE PRIMARY RIGHT.

SINCE IT APPEARS THAT THE METHOD OF IRRIGATION FOR THE SEGREGATED PORTION WILL NOT REQUIRE EXCESS FLOWS FOR IRRIGATION VIA SPRINKLERS; I RECOMMEND THAT TRANSFER 4426 BE APPROVED FOR 1"/ACRE FOR 13.2 ACRES (0.264 CFS). THAT THE PORTION (0.304467 - 0.264 CFS) BE FORFEITED BY THIS APPROVAL. THIS APPROVAL IS GRANTED WITH THE UNDERSTANDING THAT THE BASE RIGHT 37-00687 REMAIN AS A PRIMARY RIGHT, NOT TO BE AVAILABLE FOR REMOVAL FROM THE LAND UNLESS REMOVED BY FORFEITURE. IT IS ALSO RECOMMENDED THAT THE SEASON OF USE CONFORM OR BE LIMITED TO THE CURRENT STANDARD OF 4/15 TO 10/15.

37-02639 PT, T # 4426

INTER-DEPARTMENT MEMO

TO: Floyd/Luboff Transfer File

SUBJECT: Site Inspection

FROM: Jim Stanton

DATE: 7-18-94

I am familiar with this property, having visited the area many times over the years. I
again visited the property last week. It appears that there has been no irrigation this
year, but I have observed the property being irrigated in previous years. During a transfer
last year on this system, I verified with Idaho Power Co. that the well has been used in
the last 5 years. This right therefore appears to be valid. There appears to be no
problem with approving this transfer. The P/U proposed P/U & P/D appear to be correct.

☒ For your information

☐ Response required


signature

T #442
44246

WR

37-02639

↓ Rooker
T4154

A

Rooker

↓
T4426

B

Barrie Fam. Partners

.02 cfs
.9 Ac.

C

Rooker
1.06 cfs
35.9 Ac.

D

Floyd/Senavsky
.26 cfs
13.2 Ac.

AJ

A37-02639

1.47 cfs
50 Ac.

A

Tidwell

.67 cfs
29 Ac.

B

Broadford Polo
Subdivision

.799 cfs
21 Ac.

↓
T4154

C

Tidwell

.65 cfs
28.1 Ac.

D

Barrie Fam. Partners

.02 cfs
.9 Ac.

↓
T4426

← .04 cfs
forfeited

E

Tidwell

.35 cfs 14.9 Ac.

F

Floyd/Senavsky

.26 cfs 13.2 Ac.

Water Right Number - R37-02639F

Prefix Translation: RESEARCH

Old (D) Number - 33024

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

*** C - CURRENT OWNER ***

FLOYD

CHARLES TIMOTHY

1 - PO BOX 3229

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-726-4241

SENAVSKY

LUBOFF

1 - PO BOX 3229

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-726-4241

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/25/1966 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02N 18E 35 SE SE NE (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.260 46.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.260 46.20 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 35 SE NE 13.2 01 IRRIGATION (13) BLAINE

Total Acres: 13.2

+ - - Diversion Means - WELL, PUMP, PRESSURIZED MAINLINE TO SPRINKLER SYSTEM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00687

+ - - - - Remarks - - - - - +
PURSUANT TO APPROVED TRANSFER NO. 4426:
1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIRE-
MENTS OF SECTION 42-235, IDAHO CODE.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE

Water right number - R37-02639F

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

- NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE
FOR THE LANDS ABOVE.
3. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE
WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION
WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
 4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
 5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY
THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
 6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE
ONGOING SNAKE RIVER BASIN ADJUDICATION.
 7. PLACE IS USE IS ALSO KNOWN AS LOT 1, BLOCK 2, BROADFORD POLO
CLUB SUBDIVISION.

+ - - - - Old Water Right Numbers - - - - - +

A3702639

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 12/23/1994 User Id: JROBERTS Subject: SPLIT/TRANSFER

This claim was created from a split of A37-02639C pursuant to approved Transfer No. 4154. jr

Date: 01/19/1995 User Id: JROBERTS Subject: REMOVED ATTORNEY

Claimant called and stated he wasn't represented by Jim Speck. jr

+ - - Audit Fields - - +

01/19/95 JROBERTS

+ - - - - 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	- 10/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S012715	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

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

April 8, 1994

RECEIVED

APR 11 1994

Department of Water Resources

Ms. Pamela Skaggs
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Barrie Family Partners
Application for Transfer of Water
Right 37-02639(Part)
Transfer No. 4154

Dear Pam:

Enclosed you will find copies of the various Warranty Deeds whereby Bruce and Leslie Ann Tidwell acquired in 1989 title to the entirety of Blocks 1 and 2 of Broadford Polo Subdivision. Mr. and Mrs. Tidwell then replated Blocks 1 and 2 and did not convey Lot 1, Block 2 of the replat until March, 1993. (See enclosed copy of Deed to Charles Timothy Floyd and Luboff Senavsky). The Agreement with the Barrie Family Partners was signed in November, 1992 and the transfer application filed in February, 1993, before the conveyance of the property to Floyd and Senavsky.

Please let me know as soon as possible if you need anything further to continue processing this transfer. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:vl

Enclosures

cc: Ms. Kiki Tidwell
Barry J. Luboviski, Esq.

APR 26 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 25, 1994

Barrie Family Partners
C/O James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

RE: Transfer Application 4154, Water Right 37-02639(Part)

Dear Mr. Speck:

I am currently reviewing the above referenced transfer and require some further information to complete processing.

The transfer was filed to transfer a portion (0.02cfs/0.9 Acre) of a groundwater right to Barrie Family Partners. This agreement between Leslie A. and Bruce S. Tidwell and Barrie Family Partners is described in the Purchase Agreement dated 11-25-1992. The Tidwells agree to cease irrigating 0.9 acres at the original place of use.

The problem I have, is that there is no evidence of ownership by the Tidwells to property in the SENE, S35, T02N, R18E submitted with the transfer application. Nor does the Blaine County Assessor's office find any ownership of land in their name in this tract.

Without proof of ownership of the original place of use, the purchase agreement is meaningless, and the water right cannot be transferred.

Please submit evidence of ownership by the Tidwells or release of the stated portion of the water right by the current substantiated land holder. If there is no further interest in this transfer, please submit a statement withdrawing the transfer.

I will hold the file from processing for 15 days to allow time for your response. I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to assist you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Water Resource Agent

RECEIVED
MAR 30 1994

CORRECTED 9/16/93

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less Barrie Farm
water (.02 cfs)

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1.07
Collected 27

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-when the surface water irrigated other lands than
the ground water right).

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