

03/15/2005

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

RIGHT NUMBER: 37-792H

NAME AND ADDRESS: MONICA C CORNELISSEN
PO BOX 3692
KETCHUM ID 83340

CHARLES R ATKINSON
PO BOX 3692
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

Right nos. 37-792H and 37-4252 are limited to a total combined diversion rate of 0.14 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION:

T06S R13E S17 NESESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.140 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S17 NWSE 7.0

STOCKWATER Within GOODING County

T06S R13E S17 NWSE

7 ACRES TOTAL

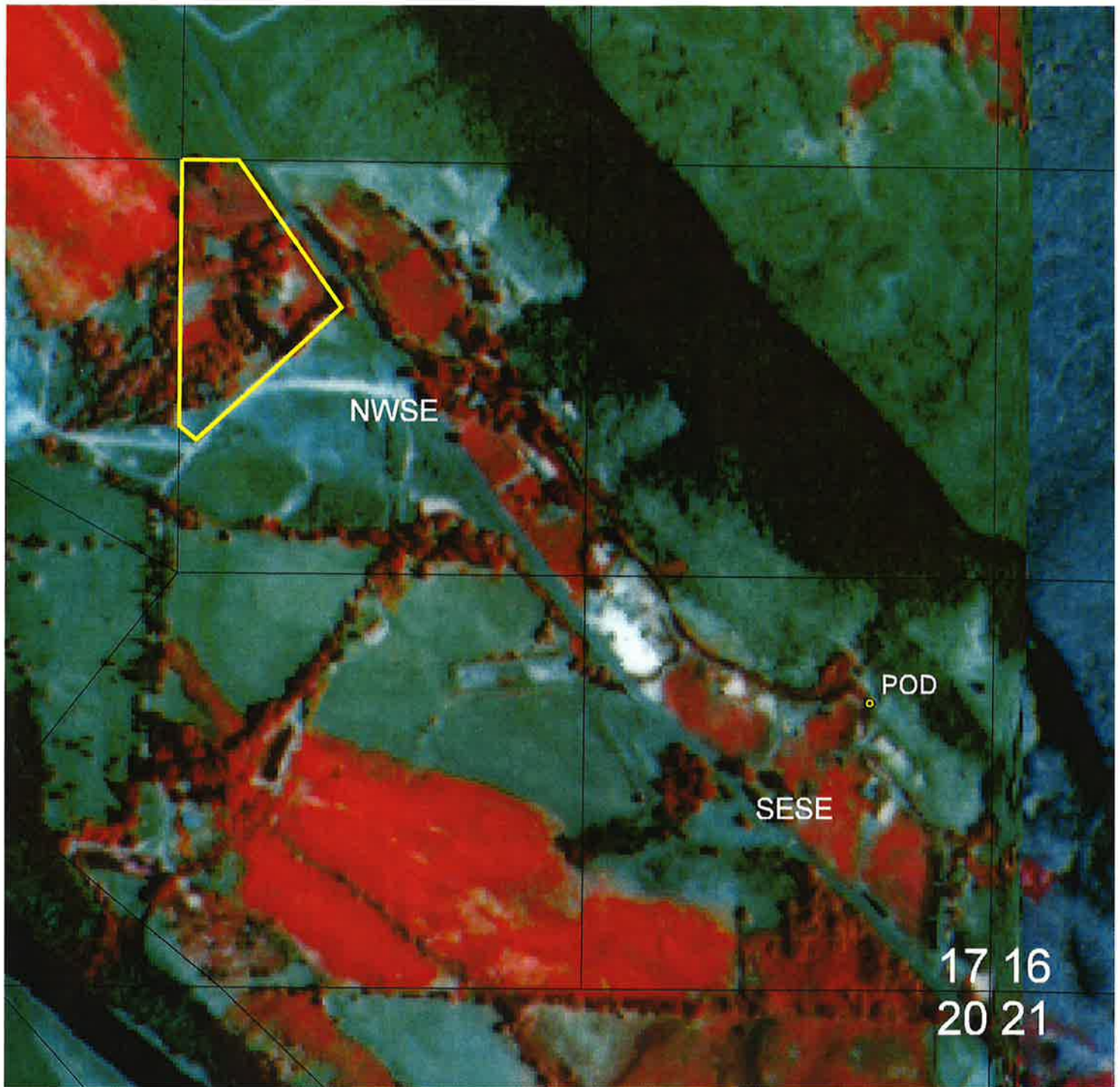
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

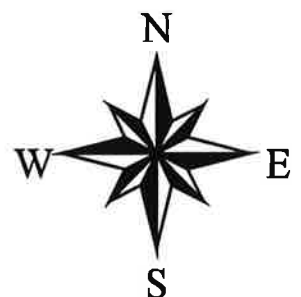
37-792H



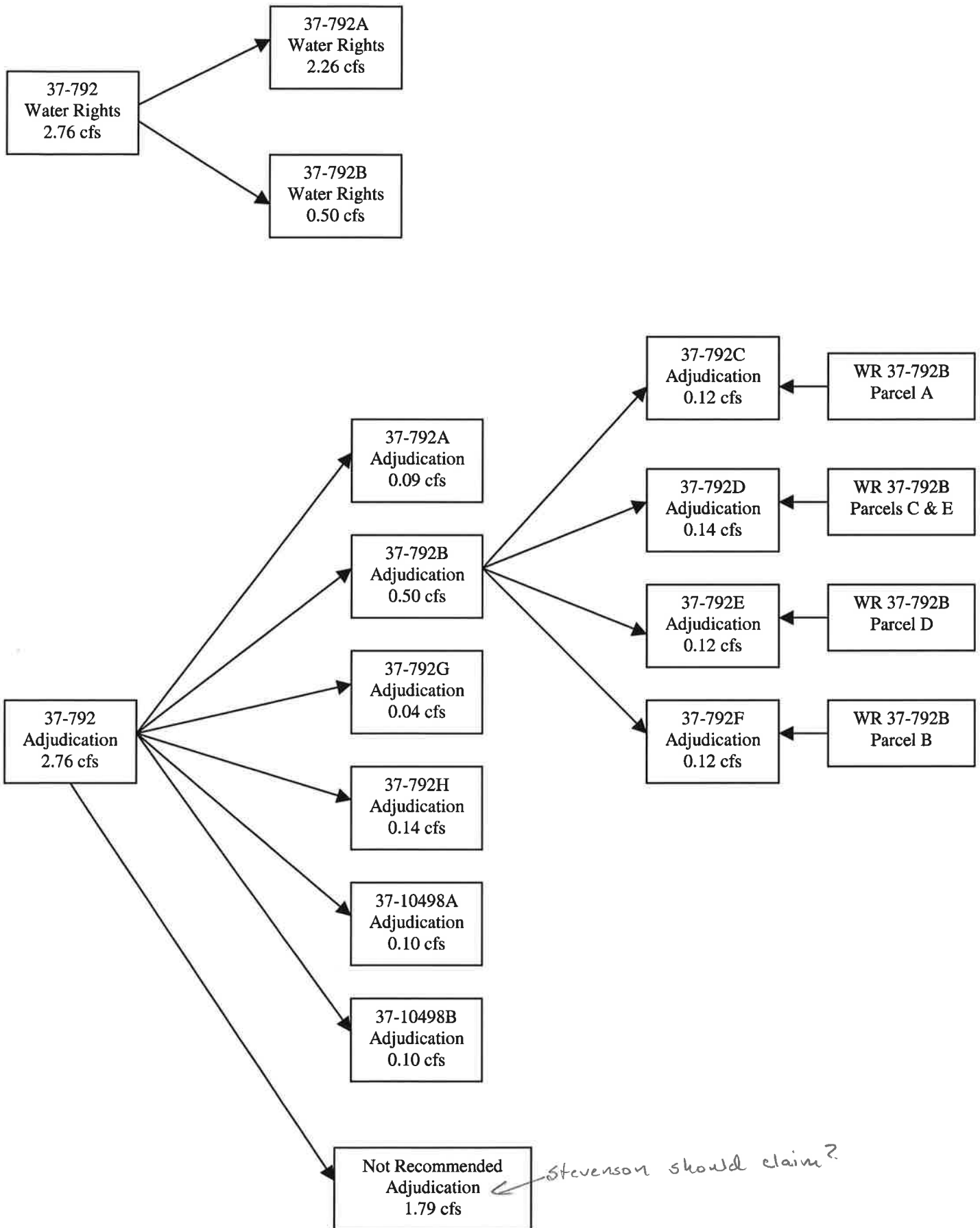
900 0 900 1800 Feet

T06S R13E S17

Map prepared by: Carter Fritschle
Date prepared: 08/01/03
1987-1988 NAPP photography
Idaho Department of Water Resources



37-792 Splits



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: A37-00792H

Date Received: 8/16/1988

Receipt No: W000715

Received By: EJR

AUG 24 1988

Department of Water Resources
Boise Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NOAH L. RAE
Address: 2105 1/2 KOOTENAI ST.
BOISE, ID

208-344-2291

83705

AND/OR

Name: CAROL RAE
Address: 2105 1/2 KOOTENAI ST.
BOISE, ID

208-344-2291

83705

2. Date of Priority: APR 01, 1888

3. Source: SPRINGS
MONTANA MINING CO. DITCH

Trib. to: MONTANA MINING CO. DITCH
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	13E	17	NW SE		GOODING

5. Description of diverting works:
WATERS TAKEN FROM MONTANA MINING CANAL VIA DITCH AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.760		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC STOCKWATER 10 HEAD CATTLE

A37-00792H

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Date: 08/16/88

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	17	NW NW	SE SE	IRR STOCK	7.0
Section Acres						7.0
Total Acres						7.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-4252

14. Remarks:
EXCESS WATERS REMAIN TO MONTANA MINING CANAL.

15. Basis of Claim: DECREED
Case Number:
Court:
Decree date:

WEST ET. AL.

Decree Plaintiff

vs

BELL ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments

For Individuals:

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

Signature of Claimant(s): *[Signature]* Date: 8-16-88
Date:

State of Idaho)
County of Ada) SS.

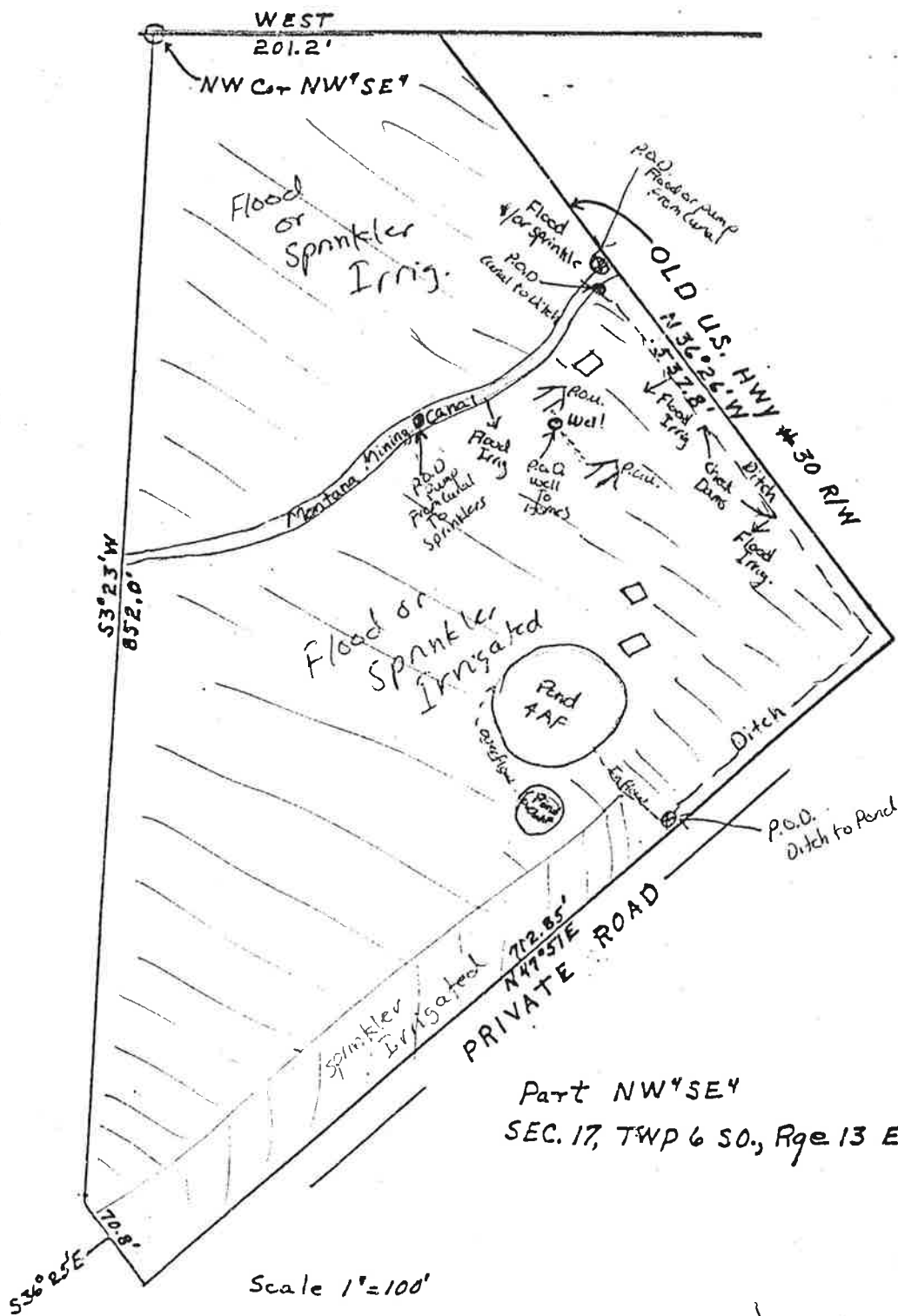
Subscribed and sworn (or affirmed) before me this 16th day
of August 19 88

Nancy M. Lindgren
Notary Public

Seal

Residing at Boise
My Commission Expires 1-19-1994

ATTACHMENT TO SCHEDULE (A)



WARRANTY DEED

37-792 H

FOR VALUE RECEIVED ERNEST D. SOWARDS and MARTHA C. SOWARDS,
Husband and Wife,

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
NOAH RAE and CAROL RAE, Husband and Wife,

GRANTEE(S), whose current address is: 2105 1/2 Kootenai, Boise, ID 83705
the following described real property in GOODING County, State of Idaho,
more particularly described as follows to wit:

Towaship 6 South, Range 13 East of the Boise Meridian

Section 17: Part of the NW 1/4 SE 1/4 described as follows:

Beginning at the Northwest corner of said NW 1/4 SE 1/4; thence

S 30° 23' W, 852.0 feet along a boundary fence purported to be the boundary
between the NW 1/4 SE 1/4 and the NE 1/4 SW 1/4; thence

S 36° 25' E, 70.8 feet to the Northernly line of a private road; thence

N 47° 51' E, 712.85 feet along the Northernly line of said private road to a
point of intersection with the Westerly right of way of Old Highway No. 30; thence
N 36° 26' W, 537.8 feet along the Westerly right of way of old U.S. Highway
30; thence

West 201.2 feet to the point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or
done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if
any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same
from all lawful claims whatsoever.

Dated: This 2nd day of June, 1988

ERNEST D. SOWARDS

by Robert J. Elgee his attorney
in fact

MARTHA C. SOWARDS

by Robert J. Elgee her attorney in fact

ACKNOWLEDGEMENT — Attorney in Fact

Sawyer of Idaho, County of Ada

On this 2nd day of June
in the year of 1988, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Robert J. Elgee

known or identified to me to be the person(s) whose name(s) are subscribed to
the within instrument, as the attorney in fact of Ernest D. Sowards
and Martha C. Sowards

thereto as principal, and his own attorney in fact

Signature: Donna L. Jacobsen
Name: Donna L. Jacobsen
Notary Public

Residence at Boise, Idaho
My commission expires 1/15/93

STATE OF IDAHO, COUNTY OF

I hereby Certify that this Instrument was filed for record at
the request of

at _____ minutes past _____ o'clock _____
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy

Fee \$ _____

Mail to: _____

& Escrow, Inc.