

02/04/2005

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

RIGHT NUMBER: 37-2411A
NAME AND ADDRESS: COLLEGE OF SOUTHERN IDAHO
PO BOX 1238
TWIN FALLS ID 83303-1238
SOURCE: SPRING TRIBUTARY: SNAKE RIVER
QUANTITY: 0.050 CFS
1.500 AFY
PRIORITY DATE: 07/18/1921
POINT OF DIVERSION:
T06S R13E S21 NWNWSE 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	0.050 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T06S R13E S21 NWSE 2.5

This right and Right No. 37-791E are limited to the irrigation of a combined total of 5 acres in a single irrigation season.

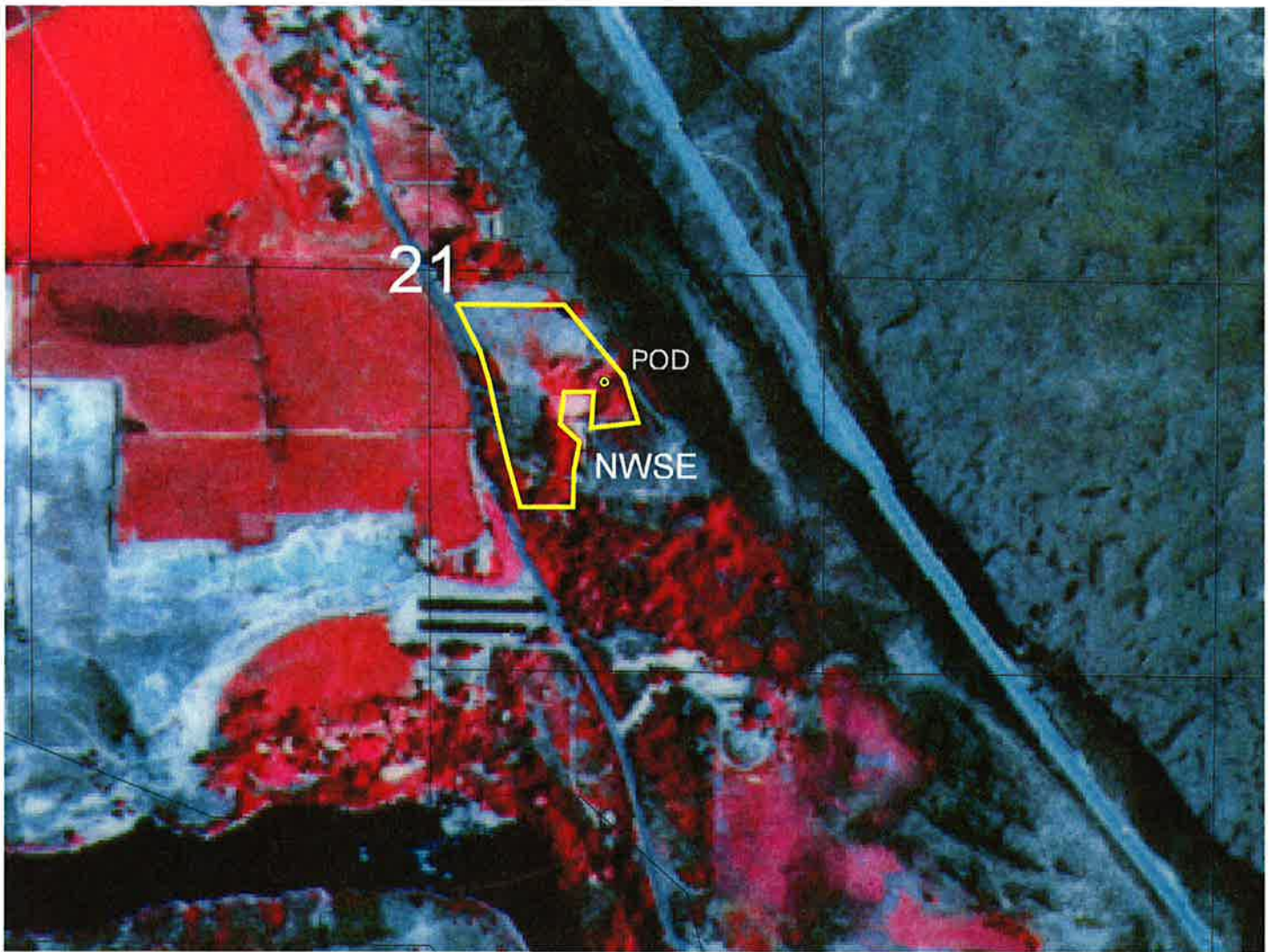
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

Source is also known as Montana Mining Company Ditch Spring No. 4 or Lower Decker Spring.

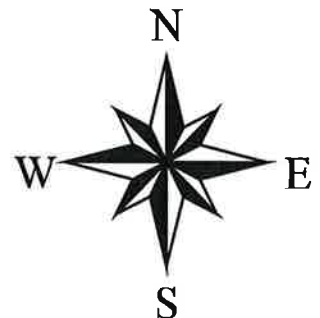
37-2411A



600 0 600 1200 1800 Feet

T06S R13E S21

Map prepared by: Carter Fritschle
Date prepared: 02/04/05
1987-1988 NAPP photography
Idaho Department of Water Resources



Fritschle, Carter

From: Fritschle, Carter
Sent: Friday, November 19, 2004 3:13 PM
To: Allan Frost (E-mail)
Cc: Knowles, Corbin
Subject: Claims 37-791E and 37-2411A, and License 37-8095

Dr.
~~Mr.~~ Frost,

I have reviewed the Snake River Basin Adjudication (SRBA) claims for 37-791E and 37-2411A and determined that they can only be recommended for direct diversion (natural flow) and cannot include a storage component. However, Licensed Right 37-8095 covers the use of storing water in the pond. The proof of beneficial use for License 37-8095 was submitted after the commencement of the SRBA, so a claim may be filed on it, but it is not required. When you convey the land to the College of Southern Idaho, you will want to make sure they are aware of License 37-8095 when they submit the change of ownership, so they put it, as well as claims 37-791E and 37-2411A in their name. I have attempted to include a copy of License 37-8095 with this email. Hopefully you will be able to receive it.

Carter Fritschle

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 37-08095

Priority: June 17, 1983

Maximum Storage Volume:

1.5 AF

This is to certify, that PETER D GACHE

C/O JAMES P SPECK

HOGUE SPECK & AANESTAD

PO BOX 987

KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 17, 1983; and has submitted Proof of Beneficial Use on January 30, 1989. An examination indicates that the works have a storage capacity of 1.500 af of water from:

UNNAMED STREAM

tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 21, Township 06S, Range 13E
GOODING County

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 27TH day of MAY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 04 1998

State of Idaho
License and Certificate of Water Right

Water License No. 15239Amount 1.06 sec.ft.Water District No. 47Priority 7-18-21

THIS IS TO CERTIFY that **E. S. AYRES**
of **Elise, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 18, 19 21; that Permit No. 15239
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.25 second feet, was issued thereunder on October 18, 19 21, showing that said works
were completed on the 12th day of October, 19 21; and that on the 5th
day of January, 19 22,

E. S. AYRES

of **Elise**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of two unnamed springs
, a tributary of **Snake River**, for the purpose of irrigation &
domestic use, under Use Permit No. 15239 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 2917, on the 3rd day of February, 19 22

The right hereby confirmed dates from July 18, 19 21;

The Point of Diversion is located
in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Tp. 6 S., R. 13 E., B. M.
County of Gooding.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1.06 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	13 E.	21	SW $\frac{1}{4}$ NE $\frac{1}{2}$	18	5
			Lot 2	53	44
			NW $\frac{1}{4}$ SE $\frac{1}{2}$	30	4

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 3rd day of February, 19 22.

W. G. SWENDSEN.

Commissioner of Reclamation.

(SEAL)

37 2411

REPORT OF ENGINEER

This proof is for Beneficial Use.In Water District No. 47

1. State name of applicant and number of permit: E. S. Ayres - Permit 15239
2. State source of water supply: 2 unnamed springs
3. Location of point of diversion: NW 1/4 Sec. 21, T. 6 S., R. 13 E., B.M.

4. Describe works as they exist, giving dimensions and capacities of same:

Main ditch from upper spring length 1600 ft turning directly west to a eight inch stave pipe line through a small power plant, thence south 250 feet thence west across highway, thence north 250 feet thence west across Lot 2. From this ditch are taken two main laterals to cover all of the irrigable area on bluff. Ditch two taken from spring below one in a direct line west to cover the irrigable area under the bluff. Is two feet at bottom, 2 1/2 at water line, 12 inches deep. Two laterals approximately 500 feet in length.

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Lot 2 & SW 1/4 & NW 1/4 Sec. 21, T. 6 S., R. 13 E., B.M.

Lot 2 44 acres
SW 1/4 5 acres
NW 1/4 4 acres

7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? The applicant
9. Give names and amount of each right:
10. What large stream would the water here appropriated finally reach? Snake River
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: The applicant makes use of the water in its course to the irrigable to create sufficient electric power for his own need. The water goes directly from the plant to the ditch constructed to carry the water to the land.

This examination was made on the 21 day of October 1921.

(Signed)

H. J. Bush

Examiner.

15239

OVER

E. S. AYRES

SBC

520

-580-

卷之六

SEC

SEC

15239



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

E. S. Ames

10

SBC

333

SEC

257

SECRET

SBC

SEC

—S E C—

三

अथवा

SEE

W. G. SWENDSEN
Commissioner of Fisheries

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

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: **A37-02411A**
Date Received: 9/16/1988
Receipt No: S002235
Received By: _____

AMENDED

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

AMENDED

1. Name: ALLAN R FROST 208-734-6575
Address: 2577 SUNRIDGE CIRCLE
TWIN FALLS ID 83301

Name: FRANCES M FROST 208-734-6575
Address: 2577 SUNRIDGE CIRCLE
TWIN FALLS ID 83301

2. Date of Priority: JUL 18, 1921

3. Source: UNNAMED STREAM Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	21	NW	SE			GOODING

5. Description of diverting works:
DAMMED TO FORM SMALL POND, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/15	11/15			1.50
IRRIGATION FROM STORAGE	03/15	11/15	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 1.50 A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	21	NW	SE		IRR FS	2.5
Section Acres							2.5
Total Acres							2.5

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:
37-00791

14. Remarks:

PORTION ACQUIRED WHEN PROPERTY PURCHASED IN 1980. TOTAL WATER RT. IS FOR 1.06 CFS.

THIS PROPERTY WAS SOLD TO MR. & MRS. FROST ON 12/13/1990. RVW.

2/26/98, DJ: USE CODE IN PLACE OF USE PAGE WAS MODIFIED TO BE CONSISTANT WITH WATER USE PAGE.

03/19/98, TF: CLAIM AMENDED TO SHOW CORRECT RANGE ON POD & POU

15. Basis of Claim: LICENSE

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): Allen R Frost Date: 3/26/98

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Mar 19 98

Kelly K. Christensen
Notary Public

Seal

Residing at Kimberly Rd
My Commission Expires 3-11-04

File with A37-02411
A37-02411 A

V. HANCOCK

9-29-2000

DECREEED RIGHT 37-791

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

Mr. Talbot came into the office subsequent to a meeting with Water Measurement Bureau personnel who noted that he was diverting and putting to use much more than was claimed by him in the Adjudication as his portion of decreed right 37-791. Before my meeting with Mr. Talbot on 10-2-2000 I found the following information about this right as claimed this date:

Decreed Water Right 37-791 - Priority 1888 - Decree date May 1913

2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less

Source - Springs tributary to the Montana Mining Company Ditch

Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims filed and based upon 37-791:

- 791A 0.34 cfs on 11.0 ac
- 791B 0.36 18.2 ac
- 791C 0.18 6.3 ac
- 791D 0.90 30.0 ac
- 791E 0.11 5.0 ac
- 1.89 cfs 70.5 ac

} this does not include
Any domestic or stock
claims which may exist

✓ In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922

1.06 cfs

POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

Adjudication Claims

- 37-02411 1.06 cfs 5.0 ac
- 37-02411A .05 2.5 ac
- 1.11 cfs 7.5 ac

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 26 March 1998
RE: 37-08095

The Frost's bought the property from Peter Djonald Gache in 1991. Although the change of ownership was completed for claims, A37-00791E,-02411A, the permit, 37-08095, was not assigned from Gache to the Frost. The beneficial use field report shows the current owner information.

On 20 March 1998 at 0830 hrs., I met with Allan Frost to perform a field examination on the above permit. The permit is year round use for aesthetic storage for a spring fed pond.

There is one pond formed by direct flow on-stream. The pond area is 100 feet by 150 feet with a depth of 5 feet. The total volume is 1.7 acre feet.

In addition to the permit, Mr. Frost also has two licensed adjudication claims, A37-00791E and A37-02411A, both claiming irrigation and irrigation from storage from spring and/or unnamed stream. All elements of both claims seem to be appropriate. The claim, A37-00791E, covers all 5 acres irrigated. The 2.5 acres called to in A37-02411A is part of the 5 acres.

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: A37-02411A
Date Received: 9/16/1988
Receipt No: S002235
Received By: [Signature]

Change of Owner

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLAN R. FROST 208-734-6575
Address: 2577 SUNRIDGE CIRCLE
TWIN FALLS, ID 83301

Name: FRANCES M. FROST 208-734-6575
Address: 2577 SUNRIDGE CIRCLE
TWIN FALLS, ID 83301

2. Date of Priority: JUL 18, 1921

3. Source: UNNAMED STREAM Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	16E	21	NW	SE			GOODING

5. Description of diverting works:
DAMMED TO FORM SMALL POND, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/15	11/15			1.50
IRRIGATION FROM STORAGE	03/15	11/15	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 1.50 A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	16E	21	NW	SE		IRR	2.5
Section Acres							2.5
Total Acres							2.5

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:
37-00791

14. Remarks:

PORTION ACQUIRED WHEN PROPERTY PURCHASED IN 1980. TOTAL WATER
RT. IS FOR 1.06 CFS.

THIS PROPERTY WAS SOLD TO MR. & MRS. FROST ON 12/13/1990. RVW.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A37-00791E & A37-02411A

[] Name and Address of
Former Claimant: Peter Djonald Gache

P. O. Box #942

Smithtown, New York 11787

[] New Claimant(s): Allan R. Frost and/or Frances M. Frost

[] New Mailing Address: 2577 Sunridge Circle

Twin Falls, Idaho 83301

New Telephone Number: (208) 734 - 6575

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copy of the recorded Warranty Deed

[] Signature of New Claimant(s): Allan R Frost

Date: 1/7/91

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

FEB 23 1993



WARRANTY DEED

For Value Received

Peter Djonald Gache, a single man,
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
 Allan R. Frost and Frances M. Frost, husband and wife,
 hereinafter referred to as Grantee, whose current address is
 2577 Sunridge Circle, Twin Falls, ID, 83301
 the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 13, 1990.

Peter Djonald Gache
 Peter Djonald Gache

STATE OF FLORIDA)
) ss
 COUNTY OF Dade)

On This 13 day of December, in the year 1990, before me, a Notary Public in and for said State, personally appeared Peter Djonald Gache, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.

143256
 STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of *First American Title*

45 min. past 3 o'clock P. M. this 19
 of Dec., 1990, at \$6.00

JOHN A. MYERS, Recorder

By *Helda M. Schmidt*

Jean Sterne
 Notary Public for Florida
 Residing at:
 Commission Expires:



MICROFILMED

FEB 23 1993

First American Title Company of Idaho



EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter in Section 21, Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at a point on the East line of said Northwest Quarter of the Southeast Quarter, 330 feet South of the Northeast corner thereof, THE TRUE POINT OF BEGINNING;
Thence South along said East line, 460 feet;
Thence West to the East line of the highway, (designated U.S. Highway #30 on March 30, 1945);
Thence Northwesterly along said highway line to a point 330 feet South of the North line of said Northwest Quarter of the Southeast Quarter;
Thence East to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes by Warranty Deed recorded October 16, 1957 in Book 49 Page 123 as Instrument Number 133378, Gooding County records.

AND a tract of land in the Northwest Quarter of the Southeast Quarter, described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter of the Southeast Quarter of Section 21;
Thence South $29^{\circ}51'$ East, 128.15 feet to THE TRUE POINT OF BEGINNING, which point is on the Easterly right-of-way of old Highway 30;
Thence North $89^{\circ}49'$ East, 1256.27 feet to the East boundary of said Northwest Quarter of the Southeast Quarter;
Thence South on said boundary, 222.3 feet;
Thence South $89^{\circ}49'$ West, 1149.76 feet to the Easterly right-of-way of old Highway 30;
Thence North $25^{\circ}36'$ West, 246.5 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes by Warranty Deed recorded September 17, 1957 in Book 49 Page 90 as Instrument Number 133209, Gooding County records.

MICROFILMED

FEB 23 1993

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: A37-02411A

Date Received: 1/01/1988

Receipt No: S002235 *llt*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETER DJONALD GACHE
Address: P.O. BOX 942
SMITHTOWN, NY 11787
516-724-3118

2. Date of Priority: JUL 18, 1921

3. Source: UNNAMED STREAM Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	16E	21	NW	SE			GOODING

5. Description of diverting works:
DAMMED TO FORM SMALL POND, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/15	11/15			1.50
IRRIGATION FROM STORAGE	03/15	11/15	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 1.50 A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	16E	21	NW	SE		IRR	2.5
Section Acres							2.5

10. Place of Use: Continued

Total Acres 2.5

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:
37-00791

14. Remarks:

PORTION ACQUIRED WHEN PROPERTY PURCHASED IN 1980. TOTAL WATER
RT. IS FOR 1.06 CFS.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

A 37-02411A

Date Received

9-1-88

Receipt Number

500 2235

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Peter Djonald Gache Phone (516) 724-3118
Mailing Address P.O. Box 942, Smithtown, New York Zip 11787
2. Date of Priority (Only one (1) per claim) July 18, 1921
3. Source of water supply (a) Source
which is tributary to (b) Unnamed Stream
4. a. Location of existing point of diversion is: Township 6S Range 16E Section 21,
1/4 of NW1/4 of SE1/4, Govt. Lot, _____ B.M., County of Gooding
Additional points of diversion if any: None
- 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. Spring flows into an unnamed stream
which is dammed to form a small pond (see Idaho Water Right Permit No. 37-
8095), water is pumped from the pond through a pipeline to irrigated
acreage.

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Storage for irrigation purposes from 3/15 to 11/15 amount or 1.50

For Irrigation from storage purposes from 3/15 to 11/15 amount 0.05 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.5 (cfs) and/or (b) 1.5 (acre feet)

8. Total consumptive use claimed is 7 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	16E	21														2.5			2.5

Total number of acres irrigated 2.5

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

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.
37-0791 or None ()

14. Remarks: Claimant acquired this portion of the water right when he
purchased the property in 1980. The total water right is for 1.06 cfs.

MICROFILMED
FEB 23 1993

Last Name Gache Ident No.

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

TOWNSHIP 6 SOUTH,
RANGE 16 EAST, R.M.,
GOODING COUNTY

SECTION 21

PLACE OF USE

POINT OF DIVERSION

OLD U.S.
HWY. 30

FEB 23 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____ 37-2411
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____ None

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

Signature of Claimant (s) Peter D. Gache, by Date 8/31/88

James P. Speck, his attorney in fact Date _____

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 Blaine) SS.

Subscribed and sworn (or affirmed) before me this 31st day of August 19 88

SEAL

Notary Public Ruby Mung Becker

Residing at San Valley

My Commission Expires 1/17/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JAMES P. SPECK 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 James P. Speck

Address Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340

Date 8/31/88

Last Name Gache Ident. Number _____

MICROFILMED
FEB 23 1993

Copies White-State, Yellow-Claimant

RECEIVED

SEP

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

Department of
Southern
Resources
Office

I, PETER D. GACHE, of 158 Barlow Rd, Ketchum
designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as
my attorney in fact and agent (subsequently called "Agent") to act
in my name and for my benefit for the specific purposes stated
herein only. I grant to my Agent full power and authority to do
everything necessary in exercising any of the powers herein granted
as fully as I might or could do if personally present and fully
competent, hereby ratifying and confirming all that my Agent shall
lawfully do or cause to be done by virtue of this Special Power of
Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have
power to exercise or perform any act, power, duty, right or
obligation whatsoever that I now have or may hereafter acquire,
RELATING ONLY TO the preparation and filing of claims for water
rights in Twin Falls County District Court Civil No. 39576, In Re
the General Adjudication of Rights to the Use of Water from the
SNAKE RIVER BASIN WATER SYSTEM, and the preparation and filing of
applications for permits to or transfers of water rights, or claims
to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is
revocable, provided, that insofar as any governmental agency,
bank, trust company, insurance company, transfer agent, or other
person shall rely upon this power, this power may be revoked only
by a notice in writing executed by me or my Agent and delivered
to such person or institution.

3. INTERPRETATION. This instrument is to be construed
and interpreted as a Special Power of Attorney and shall be limited
in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of
Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon
the representations of the Agent as to all matters relating to any
power granted to my Agent, and no person who may act in
reliance upon the representations of the Agent or the authority
granted to my Agent shall incur any liability to us or our
estates as a result of permitting the Agent to exercise any
power.

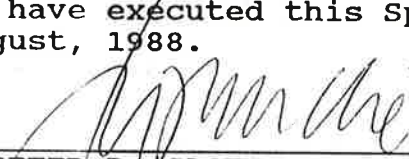
MICROFILMED

FEB 23 1993

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of August, 1988.

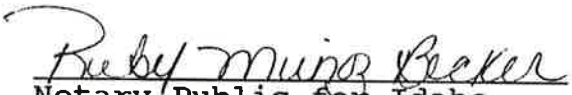


PETER D. GACHE

STATE OF IDAHO)
) ss.
County of Blaine)

On this 26th day of August, 1988, before me, the undersigned notary public in and for said state, personally appeared Peter D. Gache, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

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



Notary Public for Idaho
Residing at: Sun Valley, ID

SPPWRATY.MIS

RECEIVED

SEP 4 1988

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

Department of Water Resources
Southern Region Office

I, PETER D. GACHE, of 158 Barlow Rd, Ketchum
designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as
my attorney in fact and agent (subsequently called "Agent") to act
in my name and for my benefit for the specific purposes stated
herein only. I grant to my Agent full power and authority to do
everything necessary in exercising any of the powers herein granted
as fully as I might or could do if personally present and fully
competent, hereby ratifying and confirming all that my Agent shall
lawfully do or cause to be done by virtue of this Special Power of
Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have
power to exercise or perform any act, power, duty, right or
obligation whatsoever that I now have or may hereafter acquire,
RELATING ONLY TO the preparation and filing of claims for water
rights in Twin Falls County District Court Civil No. 39576, In Re
the General Adjudication of Rights to the Use of Water from the
Snake River Basin Water System, and the preparation and filing of
applications for permits to or transfers of water rights, or claims
to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is
revocable, provided, that insofar as any governmental agency,
bank, trust company, insurance company, transfer agent, or other
person shall rely upon this power, this power may be revoked only
by a notice in writing executed by me or my Agent and delivered
to such person or institution.

3. INTERPRETATION. This instrument is to be construed
and interpreted as a Special Power of Attorney and shall be limited
in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of
Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon
the representations of the Agent as to all matters relating to any
power granted to my Agent, and no person who may act in
reliance upon the representations of the Agent or the authority
granted to my Agent shall incur any liability to us or our
estates as a result of permitting the Agent to exercise any
power.

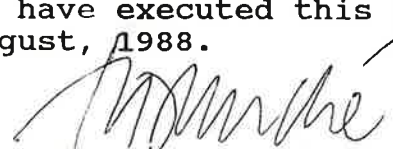
MICROFILMED

FEB 23 1993

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of August, 1988.


PETER D. GACHE

STATE OF IDAHO)
) ss.
County of Blaine)

On this 26th day of August, 1988, before me, the undersigned notary public in and for said state, personally appeared Peter D. Gache, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at: Sun Valley, ID

SPPWRATY.MIS

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Gache

CLAIM IDENT. NO.

A37-0241/ADATE RECEIVED 9-1-88CK # 5002235

AMOUNT \$

portion

YES

NO

1. Is the name and address complete with zip code?

X

2. Is a priority date entered?

X

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

X

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

X

5. Is there a description of the diverting works?

X

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

X

Is the period of use included?

X

Is a quantity claimed for each use?

X

7. Is a total quantity claimed entered?

X

8. If required is a consumptive use entered?

N/A

X

Is the consumptive use correct?

7.5

N/A

X

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

X

10. Is (are) the place(s) of use entered?

X

11. Is (are) the county(ies) entered?

X

12. Is the ownership of p.u. checked?

X

13. Are other water rights listed or "none" checked?

X

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

X

15. Is the basis of the claim checked?

X

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

X

Has the claim been signed, sealed, and dated by a notary?

X

Is the fee enclosed correct?

X

If this claim is based on an existing water right, has the identification number been entered?

N/A

X

Should this claim be receipted and data entered?

XClaim checked by: QATComments: no lib on record

MICROFILMED

FEB 23 1993