

03/07/2005

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

RIGHT NUMBER: 37-4010

NAME AND ADDRESS: RUTH MC CONVILLE
703 N BAYFRONT
BALBOA ISLAND CA 92662

LAWRENCE MC CONVILLE
703 N BAYFRONT
BALBOA ISLAND CA 92662

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/01/1942

POINT OF DIVERSION:

T06S R13E S27 NWNWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: DOMESTIC Within GOODING County

T06S R13E S27 NWNW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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 37-4010
Date Received: 6/2/1988
Receipt No: S000608
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUTH MC CONVILLE Phone: (949) 673-4475
703 NORTH BAYFRONT
BALBOA ISLAND CA 92662

LAWRENCE MC CONVILLE Phone: (949) 673-4475
703 NORTH BAYFRONT
BALBOA ISLAND CA 92662

2. Date of Priority: 04/01/1942

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	27	NW NW NW	GOODING	

5. Description of diverting works:

CONCRETE HEADBOX, 1.5" PIPELINE TO GARDEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.2	
FIRE PROTECTION	1/01	12/31	0.2	

7. Total Quantity Appropriated is:
0.2 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
06S	13E	27	NW	NW	DOMESTIC	
			NW	NW	FIRE PROTECTION	

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:

14. Remarks:

CHANGED ADDRESS AS PER REQUEST RECEIVED 08/28/98. CC

***** SPRING WAS
ORIGINALLY USED FOR DRINKING WATER, BUT BECAME CONTAM- INATED IN 1969. DOMESTIC USE
WAS MOVED TO OUR EAST SPRING AT THAT TIME; A SEPARATE CLAIM WILL BE FILED TO COVER
THIS USE.

*** CLAIM AMENDED TO CHANGE THE DIVERTING WORKS DESCRIPTION FROM A 4" LINE TO A
1.5" LINE. THIS IS THE NORTH SYSTEM RATHER THAN THE NORTHEAST SYSTEM FROM THE BOX.
THE POINT OF DIVERSION IS DUE NORTH OF THE P/U AND IS IN THE NWNWNW. KKC 05-16-95
***** OWNERSHIP CHANGE MADE 9/28/95 BY TLB.

15. Basis of Claim: Statutory Claim



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 25, 2002

LAWRENCE MCCONVILLE
RUTH MCCONVILLE
703 NORTH BAYFRONT
BALBOA ISLAND CA 92662

Re: SRBA Claim(s) 37-4010, 37-4011
Decreed Water Right 37-10072

Dear Mr. and Mrs. McConville:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
 NOV 22 2002
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-4010	N/A	☐			☐
37-4011	N/A	☐			☐
37-10072	N/A	☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Karen McConnell Mueller-Fulton
103 E. 620 North, Shoshone ID, 83352

4. New Owner/Claimant(s)

Lawrence & Ruth McConnell

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

703 North Bayfront
Balboa Island, CA. 92662

City, State and ZIP Code

New Telephone Number

949 673-4475

5. Date you acquired the property

June

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Lawrence E. Rupp Jr. Cornville
McLain

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by Lawrence Date 11/22/02 Fee 25.00
 Received by Lawrence Date 11/22/02 Receipt No. 5625335
 Processed by Lawrence AJ Date 11/25/02 WR _____ Date _____

Patty Bauscher

ASSESSOR

Gooding County

624 Main Street
Gooding, Idaho 83330
Phone (208) 934-5666

NOVEMBER 12, 2002

LAWRENCE & RUTH MCCONVILLE
703 N BAYFRONT
BALBOA ISLAND, CA 92662

RE: RP06S13E273338

Dear LAWRENCE & RUTH MCCONVILLE:

As you probably know, Idaho Code requires the Assessor to physically inspect 20% of all properties in the County per year. I will be in your area NOVEMBER 18, 2002. If there have been no changes to your home or property in the last five years, a quick inspection and a check of measurements is all that will be needed. If your property is rented out, please notify your renter that I will be around.

If you would like a specific time for me to be there, please call and we can set an appointment. If you have any other questions, comments, or problems, please call me at 934-5666.

Thank you for your cooperation.

Sincerely,

Linda

Gooding County Appraiser

Copy of mortgage payment coupon - RMA

PAYMT. NO.	ACCOUNT NUMBER	"ON TIME" PAYMENT - DUE ON OR BEFORE
4	0200748291	809.68 DEC 1-02
		"LATE" PAYMENT - PAY ON OR AFTER
		845.60 DEC 16-02

LAWRENCE MCCONVILLE
RUTH L MCCONVILLE

MORTGAGE PAYMENT
PLEASE REMIT PAYMENT TO ADDRESS BELOW

FIFTH THIRD BANK
P O BOX 630170
CINCINNATI OH 45263-0170

⑆513360004⑆0200748291⑆

PLEASE BE SURE TO SEND THE RIGHT
COUPON WITH YOUR PAYMENT

MAKE CHECK PAYABLE TO:
GOODING COUNTY TAX COLLECTOR
FAE CHRISTOPHERSON 934-5673
P.O. BOX 326
GOODING, IDAHO 83330

2002 TAX BILL/RECEIPT

PARCEL NUMBER
RP06S13E273338A

BILL# 7187 CODE AREA 28-00 L 31,154
I 64,610

TAX	1ST HALF DUE	494.23 ✓	TAX	2ND HALF DUE	494.23	TAX	FULL DUE	988.46	TOT MV	95,764
LATE			LATE			LATE				
INT			INT			INT				
COST			COST			COST				
TOT			TOT			TOT			TOT ACS	2.210

MCCONVILLE LAWRENCE &
MCCONVILLE RUTH
703 NORTH BAYFRONT
BALBOA ISLAND CA 92662

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.003259085	312.10
BLISS SCH 234	.003681576	352.56
BLISS HWY DIS	.001129749	108.18
HAGERMAN CEM.	.000082939	7.94
HAG. FIRE	.000969831	92.86
GOODING HOSP	.000697754	66.82
DISTRICT TOTAL	.009820934	940.46
LANDFILL FEE		48.00
AMOUNT DUE		988.46

T 6S R 13E SEC 27
TAX 23 IN NW4 NW4 LESS TAX 23;
TAX 30 IN LOT 3;
LOT 2, SPRING ACRES SUBD
COMBINED WITH THIS PARCEL
1 SW (KEEP BLISS ADDRESS)

620 RIVER RD 83314

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

CREDIT CARD PMTS ACCEPTED, CALL OFFICE FOR INFO

STATEMENT BY LARRY BARLOGI, SON OF REX
BARLOGI, GRANDSON
OF ALGEROY PENFOLD.

The History that has been passed down is that Al Penfold and his employee, Henry Clausen tunneled into the slope on the east side of the present highway 30 to develop a source of irrigation water for the portion of his land that was East of the old highway 30, now known as the Bliss highway. This water now arrives to a concrete box that is the east claim no. 37-4011.

Around 1941 Rex Barlogi purchased the land east of old highway 30 from Al penfold with rights to the water. Rex and Nora built a new home on part of this land which was sold later to :Larry Barlogi and is now owned by Karen Mueller. I was involved in digging the trench from the spring north of the house to pipe the water to be used as domestic, garden, and stock water and is now claim no. 37-4010.

When John Lemoyne purchased a part of the property and subdivided this part into spring acres subdivision there was a concrete box installed at the end of the pipe from the source to allow the water to be split up for all the lots with Rex Barlogi retaining rights for water to his property. There also is an easement for the water line and access. This water line was to be used to water the land retained by Rex Barlogi which is rough land and requires more than the usual amount of water to irrigate. Also used as stock water. Claim no. 37-4011

At a later date the domestic water from the north source became contaminated so a line was tied in from the east source as domestic water and is under claim no. 40-4011.

Larry Barlogi



Nov. 1904

STATE OF IDAHO
COUNTY OF GOODING

On this 19th day of November, 2003, before me
SWANNE K. JENSEN, a Notary Public in and
for said State, personally appeared LARRY BARLOGI
known to me to be the person whose name IS subscribed to the within instrument,
and acknowledged to me that he executed the same.

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



Swanne K. Jensen
Notary Public for Idaho, residing at Vaderman Idaho
Commission
Expires: 08/04/2004

SCANNED

DEC 11 2003



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 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2003

37-4010 & 37-4011
LAWRENCE MC CONVILLE
RUTH MC CONVILLE
703 N BAYFRONT
BALBOA ISLAND CA 92662

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
DECEMBER 15, 2003

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claims are appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

SPRING ACRES

A SUBDIVISION LOCATED IN SECTION 27 AND LOT 15, T. 65, R. 15E, N.M. JOHNSON COUNTY, IOWA

SECTION 27

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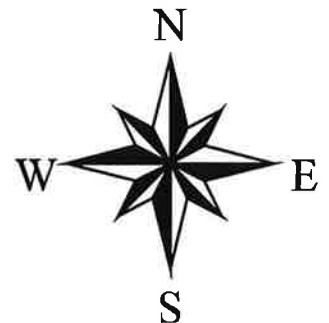
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MEMORANDUM

TO: ADJUDICATION CLAIM FILES A37-04011, A37-10072, A37-04010

FROM: DANIEL A. NELSON - ASSISTANT HYDROGRAPHER WEST ESPA
MEASUREMENT DISTRICT

DATE: 10-01-98

SUBJECT: KAREN MUELLER ADJUDICATION CLAIMS

Cindy Hodges from the State Office of the Idaho Department of Water Resources' Water distribution Section and I went to the Karen Muellers residence to inventory the above water rights for the West ESPA Measurement District. Enclosed you will find Cindy Hodges field notes and a waiver letter to Ms. Mueller from Cindy.

During this inventory Cindy and I discovered that there are 3 pipes coming from a common diversion box that lead to her property. We measured two of the pipes. The other pipe was used for in house domestic use only with small yard irrigation use. This line is associated with adjudication claim # A37-10072.

One of the two lines measured was used to irrigate a 1/4 acre garden behind the house. This diversion was measured and averaged 6.36 gpm or .02 cfs. We measured this diversion with a bucket and stop watch. This diversion is associated with water right # A37-04010.

The last line from the diversion box is used to irrigate approximately 2 acres of pasture (2 separate fields). The pastures were not measured so I can not say for sure if they are 2 acres (there were a lot of rock piles). We measured this diversion using a bucket and stop watch and came up with a total diversion of .17 cfs.

We waived these rights from the West Measurement district due to the low flows and questionable diversion rates. I would recommend that a feil exam be performed on this claim to determine actual use and allowable use per acre amounts and actual acres.

SOUTHERN

ROUTING SLIP

TO: Dan Nelson

FROM: Cindy Hodges

DATE: 9-25-98 TIME: _____

PER:	
Our Conversation	
Your Request	
The Attached	☒

FOR YOUR:		REVIEW AND:	
Information	☒	Take Proper Action	☒
Approval		Comment	
Signature		Draft A Reply	

RECEIVED
SEP 29 1998

ATTACHED TO BE:		Department of Water Resources Southern Region	
Posted		Filed	
Circulated		Copied (_____ copies)	
Distributed			

Attached are the field notes as you requested. ghr



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

September 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KAREN MUELLER
620 RIVER RD
BLISS ID 83314

RE: Water Right Filings

Dear Karen:

Thank you for meeting with Dan Nelson and me last month. As I promised, I would like to follow up regarding the status of your water right claim filings and their exemption from the West Water Measurement District.

We have determined that you will not be required to be a part of the West Water Measurement District. Individually, all three of your water right claims are below the rate of flow threshold which requires measurement. We also found that all three diversions served separate and distinct uses and it was not necessary to consider the combined rates of flow. Your diversions are waived from Measurement District assessment at this time and you will not be required to measure those diversions unless specifically directed by the department in the future.

During our visit, we had discussed amendment of your claims to reduce the claimed rate of flow. This was advised in order to bring the total amount claimed below the measurement threshold and avoid a Measurement District assessment. We felt this would not jeopardize your claims because the rates of flow claimed are either greater than the system capacity or significantly above the standards for your stated beneficial uses.

Since we have awarded you a waiver, you will not be requested to amend your claims at this time. You should be aware that the claims are still subject to reduction during verification for the Snake River Basin Adjudication.

If you have any questions about the Water Measurement District, you may contact Dan Nelson at the Southern Region office in Twin Falls at 208-736-3033. If I can be of any further assistance, please contact me in Boise at 208-327-5406.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

AJ5809NP

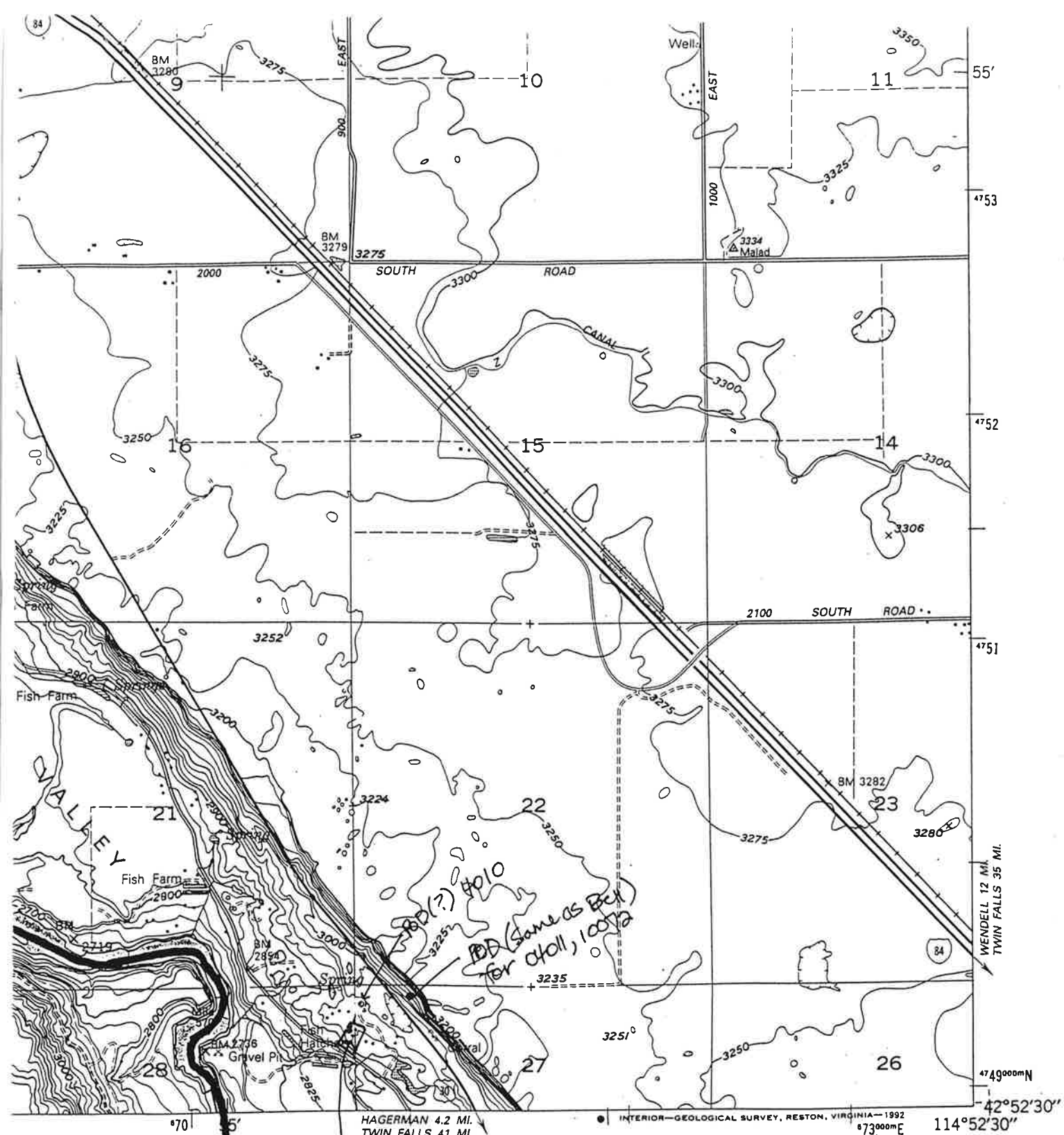
No. A37-04010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/26/98

PAGE: 2

Audit: 05/16/95 KCHRISTE 09/28/95 TBACKLUN



47 37

6000 7000 FEET
1 KILOMETER

POU

HAGERMAN 4.2 MI.
TWIN FALLS 41 MI.

ROAD CLASSIFICATION

- Primary highway, hard surface
- Light-duty road, hard or improved surface
- Secondary highway, hard surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route



QUADRANGLE LOCATION

BLISS, IDAHO
42114-H8-TF-024

Mueller

1949
REVISED 1992

Change of Ownership
Cindy Hodges (signature)STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 28 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): _____
Adjudication Claim No(s): A37-4010, 4011, 10072
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Karen McConville Mueller Fulton
4. New Owner/Claimant(s) Karen Fulton Mueller
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 620 River Road
City, State and ZIP Code BLISS ID 83314
New Telephone Number (208) 837 4696
5. Date you acquired the property 8-15-96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Karen Fulton Mueller
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

data entered 8/31/98 cc
IDX

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-04010 *et al*

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 Frank Hitchcock

November 21, 1996 8:35am

NAME:
KAREN MUELLER

RE:
MISSING FILE DOCUMENTS

CLAIMANT KAREN MC CONVILLE MUELLER FULTON WAS IN 11-19-1996 ON MY AGENT DAY TO REVIEW WATER RIGHT STATUS FOR PROPERTY SHE HAD RECENTLY BOUGHT IN BASIN 37. ON-LINE DATA WAS UP TO DATE AND WE HAD CHANGED OVER THE OWNERSHIP TIMELY WHEN THE ESCROW DOCUMENTS WERE RECIEVED HERE FROM THE TITLE COMPANY.

I SUGGESTED WE CHECK THE MAPS FOR DETAILS AND WENT TO THE VAULT TO PULL FILES. I COULDN'T FIND ANY FILES BOTH WATER RIGHTS (243 CLAIMS) OR ADJUDICATION (3 CLAIMS IN ALL).

THE MICROFILM PEOPLE COULDN'T FIND THE SRBA CLAIMS SO I ASKED TARA TO LOOK WHEN SHE CAME IN THE FOLLOWING MORNING, WEDNESDAY, 11-20-1996.

TARA WAS ABLE TO FIND THE SRBA CLAIMS THAT TURNED UP IN A MICROFILM BOX. I STILL COULDN'T FIND THE 243 CLAIM COPIES IN THE ALLOCATIONS DRAWER. THE DRAWER IS MISSING NUMBERS 37-04001 THROUGH 37-04015 AS OF MY SEARCH.

I CHECKED THE SRBA MICROFILM AND FOUND ONLY 2 OF THE 3 CLAIMS THERE:

A37-04010 ✓ A37-04011 IS MISSING AND DOESN'T SHOW ON THE BC.
A37-10072

I CHECKED THE WR MICROFILM AND THE 2 STATUTORY CLAIMS ARE COPIED BUT THERE IS NO HARD COPY FOR EACH NUMBER IN THE DRAWER.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-04010 ET AL

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 Frank Hitchcock

November 20, 1996 4:30pm

NAME:
KAREN MC CONVILLE MUELLER FULTON

RE:
A37-04010, A37-04011 AND
A37-10072

LOCATED THE CLAIM FILES LATE THIS AM...ERROR IN REFILING BY MICROFILM CREW. FOUND BY TARA AND BROUGHT TO ME. CC ALL CLAIM FILE MATERIALS FOR NEW OWNER AND SEND HAND-OUT PRIMER. CC THE MICROFILM RECORDS OF THE 2 STATUTORY 235 CLAIMS IN ABSENCE OF ANY HARD COPY RECORDS. COVER LETTER TO CALL W/ANY QUESTIONS. SHE WILL SEND AN ADDRESS/PHONE UPDATE IN THE NEAR FUTURE WHEN SHE DECIDES WHAT ADDRESS SHE WILL USE AS A LEGAL. THE CURRENT ADDRESS FOR HER TO RECIEVE MAIL:

KAREN MUELLER 620 RIVER ROAD BLISS, ID 83314 NO CURRENT PHONE GIVEN DURING INTERVIEW HERE 11-19-1996.

TO: KAREN MC CONVILLE MUELLER FULTON
FROM: FRANK HITCHCOCK, IDWR
DATE: WEDNESDAY, 11-20-1996
RE: YOUR VISIT OF YESTERDAY HERE TO REVIEW WATER RIGHTS AS A
RESULT OF THE PURCHASE OF THE BARLOGI PROPERTIES IN 1995.

As always happens, I found the woman who was microfilming our files and she found the adjudication claim files when she came in this morning. They were overlooked by the the first staff person I asked to search for them.

So...here are copies that I would have made for you if we had our act together yesterday. I've copied each file for you back to the original claim after the court case (SRBA) began in 1987.

In addition...the blackish copies are marginal copies of the microfilm records of the original statutory claims filed by Barlogi for your review. I was disappointed to not find any maps that would help in the review of the claimed usages. Long-time staff says that the original claims didn't consistently have maps with the forms.

The enclosed copies show the changes made by Barlogi in the form of the amendment and the paper trail to you as the buyer. I include the review of the domestic use by our department's inspector for your review as well.

I enclose a copy of the information guide we give out that may help clear up the definitions of "beneficial use" and "statutory use".

After you've gone through all this please call me with any questions. I will watch for the address and phone number update to come in at your convenience. Best wishes.

enclosures

cc: A37-04010 ✓
A37-04011
A37-10072
SRBA claim folders



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	CUSTOMER
August 16, 1995 1:44pm	KAREN MUELLER A37-04010, A37-04011, A37-10072

SUBJECT: ?????? ON CLAIMS AND PROPERTY
phone call (X) walk-in (.)

Said she made an offer on this property and had some questions on the water rights associated with it. Sent her proof reports, an Evidence of Priority pamphlet, blank affidavits, and an ownership change form to BOX 3084, KETCHUM.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-04010,
A37-01011 AND A37-10072

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 Kelly K Christensen

DATE CUSTOMER
May 16, 1995 11:04am LARRY BARLOGI

SUBJECT: AMENDMENT FOR A37-04010
phone call (.) walk-in (X)

There was some confusion concerning this right and A37-04011. We discussed all his rights and the confusion between the rights. We finally agreed that the system description for this claim was incorrect. When I pulled up the right there were changes made to the claim that did not reflect his copy or the latest department claim. I changed the P/D on the computer to read nwnwnw rather than nenwnw. The system description described the current system so I left it the same although it was not as shown on the original claim. At Larry's request I also changed the remarks to identify the domestic use as being moved to the EAST SPRING rather than the west spring as it read. Larry was uncomfortable with the first remarks statement that referred to the spring sinking and then flowing to the Snake River but he decided to let that comment stand.

Based upon our discussion, I understand the property is served by three systems represented by A37-04010, A37-04011, and A37-10072. A37-04010 is from the north spring and was developed in 1942 for domestic and lawn use. The spring eventually became contaminated and was replaced by the system claimed under A37-10072 (aka the east system.) The change occurred in 1969.

The east system has several rights beginning at the "BOX". The third system is the irrigation of the 2 acres through a 3" or 4" line. The BOX system was developed different than the current use.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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 Kelly K Christensen

DATE

February 16, 1995 12:35pm

CUSTOMER

LARRY BARLOGI

SUBJECT: WATER RIGHT RESEARCH

He has two water claims a37-04010 and A37-10072 and a third use for irrigation not covered by those claims. We researched the place of use under ajq4 and did not find any water rights for any users of the system. He indicated that he will come back later to file on the use.

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: A37-04010
Date Received: 6/ 2/1988
Receipt No: S000608
Received By: *CJC HLB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KAREN MC CONVILLE MUELLER FULTON 208-726-2714
Address: PO BOX 756
KETCHUM ID 83340

2. Date of Priority: APR 1, 1942

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	27	NW	NW	NW		GOODING

5. Description of diverting works:
CONCRETE HEADBOX, 1.5" PIPELINE TO GARDEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - WATERING A 1/4-ACRE GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	13E	27	NW	NW		DOMEST	
			NW	NW		FIRE	

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:
NONE

14. Remarks:

THIS SPRING SINKS BELOW OUR DIVERSION BEFORE COMING TO THE SURFACE AGAIN AND THEN FLOWING TO THE SNAKE RIVER. SPRING WAS ORIGINALLY USED FOR DRINKING WATER, BUT BECAME CONTAMINATED IN 1969. DOMESTIC USE WAS MOVED TO OUR EAST SPRING AT THAT TIME; A SEPARATE CLAIM WILL BE FILED TO COVER THIS USE. *** CLAIM AMENDED TO CHANGE THE DIVERTING WORKS DESCRIPTION FROM A 4" LINE TO A 1.5" LINE. THIS IS THE NORTH SYSTEM RATHER THAN THE NORTHEAST SYSTEM FROM THE BOX. THE POINT OF DIVERSION IS DUE NORTH OF THE P/U AND IS IN THE NWNWNW. KKC 05-16-95

OWNERSHIP CHANGE MADE 9/28/95 BY TLB.

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 28, 1995

KAREN McCONVILLE MUELLER FULTON
PO BOX 756
KETCHUM, ID 83340

RE: SRBA CLAIM A37-04011, A37-04010, & A37-10072
BARLOGI

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM. WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THE OFFICE.

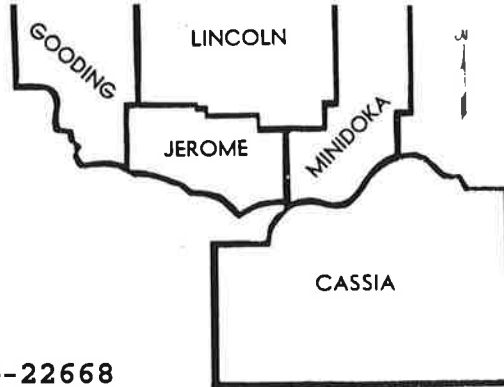
SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: G-22668
OFFICE: Gooding

September 26, 1995

Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED
SEP 27 1995
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Karen McConville Mueller Fulton
Cert Mail #Z 145 880 362

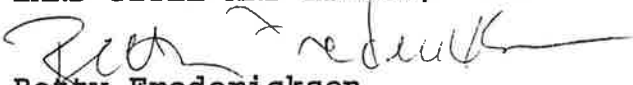
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
Karen McConville Mueller Fulton
on Water Right Number A37-04011; A3-04010; A37-10072
- Copy of Deed #162417

Thank you,

LAND TITLE AND ESCROW, INC.


Betty Fredericksen
(208) 934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

SEP 27 1995

DATE OF CLOSING: AUGUST 22, 1995

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 6 SOUTH Range 13 EAST BM Southern Region
Section 27, 1/4 of 1/4 of PARTNW 1/4 Govt. Lot, BM.
Lot all 2; 3 Pt. Block, Subdivision/Townsite SPRING ACRES. SUBDIVISION
If you have additional legal descriptions, please attach separate sheet.

PLEASE SEE COMPLETE LEGAL ATTACHED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A37-04011 A37-04010 A37-10072

☐ Name and Address of Former Owner/Claimant(s)(Seller): Larry and Patricia R. Barlogi
P.O. BOX 208
HAGERMAN, IDAHO 83332

☐ New Owner/Claimant (Purchaser): KAREN McCONVILLE MUELLER FULTON

☐ New Mailing Address: P.O. BOX 756
KETCHUM, IDAHO 83340

☐ New Telephone Number: (208) 726-2714

☐ Will change in ownership result in a splitting of the water right owned/claimed? yes X no
the portion of the water right that is now owned/claimed by the new owner:

you may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Boise, ID 83720-9000, Attention: Adjudication Bureau.
The former owner/seller should retain one of the copies and return the form to the former owner/seller who is available to sign the form for the property.
The former owner/seller should retain one of the copies and return the form to the former owner/seller who is available to sign the form for the property.

WARRANTY DEED

For Value Received

LARRY D. BARLOGI and PATRICIA RUTH BARLOGI, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

KAREN McCONVILLE MUELLER FULTON, an unmarried woman
Whose Address is 620 River Road, Bliss, Idaho 83314
P.O. BOX 3084, KETCHUM, IDAHO 83340Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho,
to-wit:

SEE SCHEDULE A ATTACHED

162417
 STATE OF IDAHO COUNTY OF GOODING
 Filed for record at the request of *Land Title & Escrow Inc.*
 44 min. past 4 o'clock P.m. this 22
 of Aug, 1995 9:00
 By *Arbata Siles* Deputy

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: **A37-04010**
Date Received: 6/ 2/1988
Receipt No: S000608
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: REX BARLOGI 208-837-4874
Address: STAR RT
BLISS ID 83314
AND/OR
Name: LARRY D BARLOGI
Address: BLISS ID 83314

2. Date of Priority: APR 1, 1942

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	27	NW	NW	NW		GOODING

5. Description of diverting works:
CONCRETE HEADBOX, 1.5" PIPELINE TO GARDEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - WATERING A 1/4-ACRE GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	27	NW	NW		DOMEST	
			NW	NW		FIRE	

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:
NONE

14. Remarks:

THIS SPRING SINKS BELOW OUR DIVERSION BEFORE COMING TO THE SURFACE AGAIN AND THEN FLOWING TO THE SNAKE RIVER. SPRING WAS ORIGINALLY USED FOR DRINKING WATER, BUT BECAME CONTAMINATED IN 1969. DOMESTIC USE WAS MOVED TO OUR EAST SPRING AT THAT TIME; A SEPARATE CLAIM WILL BE FILED TO COVER THIS USE. *** CLAIM AMENDED TO CHANGE THE DIVERTING WORKS DESCRIPTION FROM A 4" LINE TO A 1.5" LINE. THIS IS THE NORTH SYSTEM RATHER THAN THE NORTHEAST SYSTEM FROM THE BOX. THE POINT OF DIVERSION IS DUE NORTH OF THE P/U AND IS IN THE NWNWNW. KKC 05-16-95

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

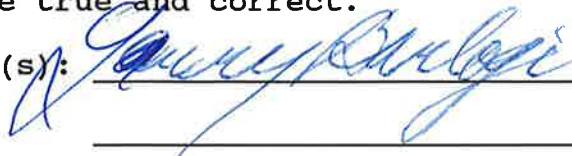
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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:

5/16/95

Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of May 19 95

Kelly L. Christensen
Notary Public

Seal

Residing at Kimberly Rd

My Commission Expires 8 3-2-98

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: A37-04010
Date Received: 6/29/1988
Receipt No: S000608
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REX BARLOGI 208-837-4874
Address: STAR RT.
BLISS, ID 83314

AND/OR

Name: LARRY D. BARLOGI
Address: BLISS, ID 83314

2. Date of Priority: APR 01, 1942

3. Source: SPRING (WEST SPRING) Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	27	NW	NW	NW		GOODING

5. Description of diverting works:
CONCRETE HEADBOX, 4.0" PIPELINE TO GARDEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - WATERING A 1/4-ACRE GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	27	NW	NW		DOMEST	
			NW	NW		FIRE	

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:
NONE

14. Remarks:

SPRING WAS ORIGINALLY USED FOR DRINKING WATER, BUT BECAME CONTAM-
INATED IN 1969. DOMESTIC USE WAS MOVED TO OUR EAST SPRING AT
THAT TIME; A SEPARATE CLAIM WILL BE FILED TO COVER THIS USE.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

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): *Ray Barlow* Date: 6-29-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding Id*

My Commission Expires 10/16/1992

R-13-E

21

22

28

27

8-10

8-10

EC

MICROFILMED
FEB 23 1993