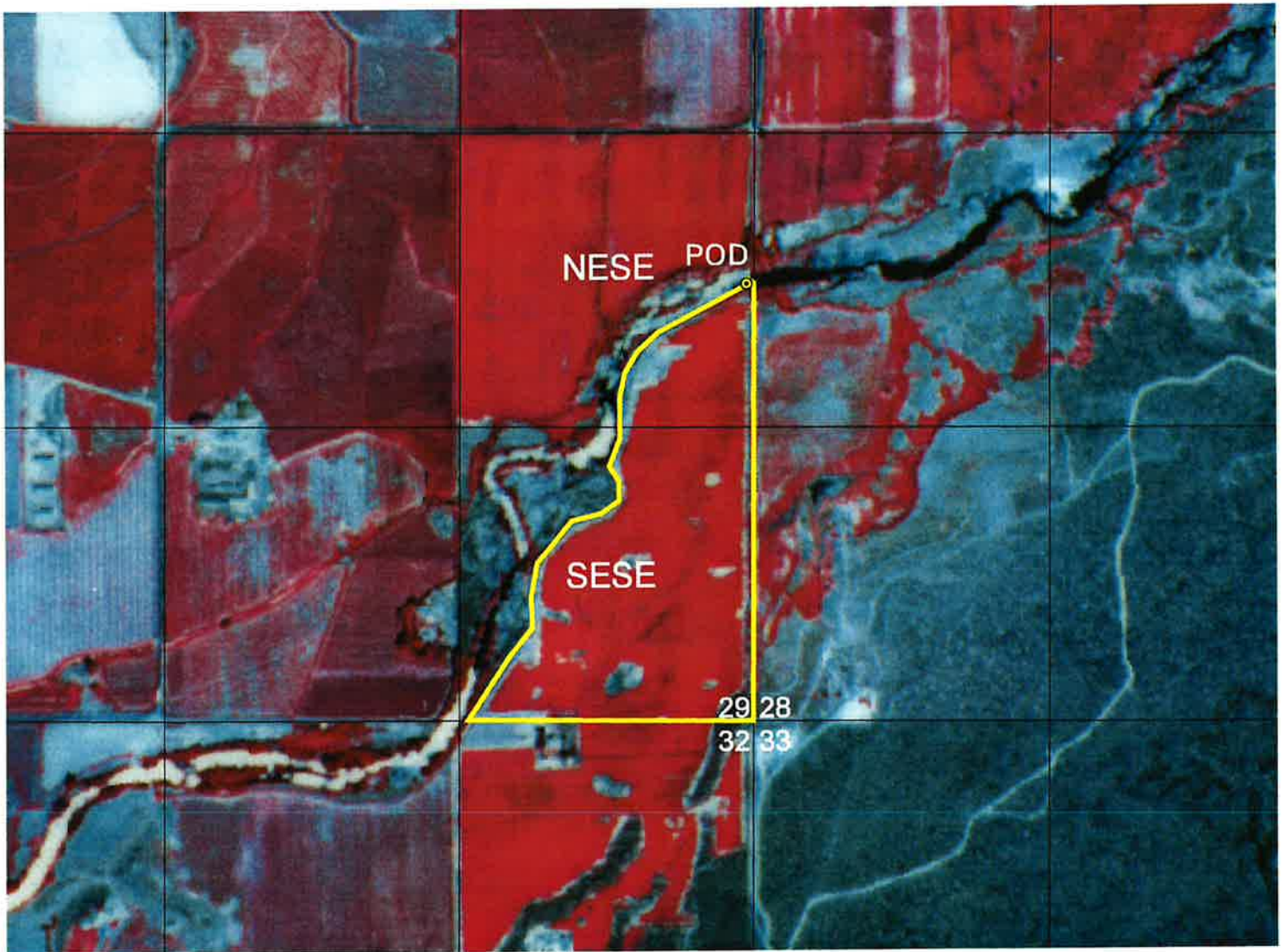


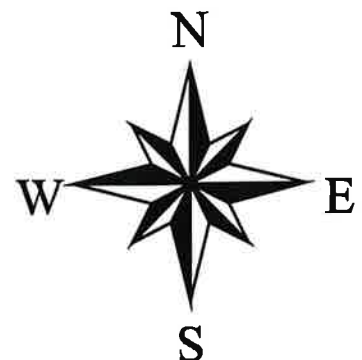
37-21163



800 0 800 1600 2400 Feet

T05S R15E S29

Map prepared by: Carter Fritschle
Date prepared: 10/14/03
1987-1988 NAPP photography
Idaho Department of Water Resources



10/14/2003

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

RIGHT NUMBER: 37-21163

NAME AND ADDRESS: SLIMAN LAND & LIVESTOCK
1642 B HWY 46
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.760 CFS

PRIORITY DATE: 04/15/1883

POINT OF DIVERSION:

T05S R15E S29 NESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.760 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T05S R15E S29

NESE

8.0

T05S R15E S29

SESE

37.0

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: Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

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 37-21163
Date Received: 6/27/1988
Receipt No: 5000571
Received By:

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

1. Name of Claimant(s)

SLIMAN LAND & LIVESTOCK Phone:
1642 B HWY 46
GOODING ID USA 83330

2. Date of Priority: 04/15/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05S	15E	29	NE	SE		GOODING	

5. Description of diverting works:

SILK #31-P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.76	

7. Total Quantity Appropriated is:
0.76 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
05S	15E	29	NE	SE	IRRIGATION	8
			SE	SE	IRRIGATION	37

Section Acres 45

Total Acres 45

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:

THIS RIGHT IS RENUMBERED FROM FORMER RIGHT 37-238D BECAUSE TRANSFER NO. 69115
REMOVED 0.04 CFS FROM 37-238D AND APPLIED IT TO 37-20385.

15. Basis of Claim: Decreed

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: ²¹¹⁶³ ~~A37-00238D~~
Date Received: 6/27/1988
Receipt No: S000571
Received By: RVZ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Owner Change

1. Name: K. GARY OLESEN
Address: 73371 PINYON STREET
PALM DESERT CA

92260

2. Date of Priority: APR 15, 1883

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	28	NW	NE			GOODING

5. Description of diverting works:
SILK #31-P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

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
05S	15E	29	NE	SE		IRR	8.0
			SE	SE		IRR	37.0

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

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:

14. Remarks:

EXCHANGED WR #37-0607A & 37-0608A FOR WR# 37-1188C, WHICH WAS CHANGED TO 37-0238D. THE TRANSFER INCLUDED 40 ACRES IN SEC 32, WHICH IS NOW NOT IRRIGATED UNDER THIS CLAIM. REFER TO TRANSFER #2418

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

W. M. CADY

Decree Plaintiff

WARD M. BRYAN, ET. AL.

vs 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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 22 1993

0000 0000 2345

Form 42-1400(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

DATE OF CLOSING: 11-12-1991

(see instructions on back of page)

NOV 18 1991

LEGAL DESCRIPTION OF PROPERTY: Township 5S Range 15E BM
Section 29 SE 1/4 of SW 1/4 of 1/4, Cont. Lot BM,
Lot Block Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region Office

☐ 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) A37-00234D *corrected after phone call to Janet Carroll, Land Title & Survey, Garding, ID 83330, PA 934-8477 11/10/91*
Assigned by IDWR: A37-110E

☐ Name and Address of Former Owner/Claimant(s)(Seller): Tim J. Spagnolatti
246 Applewood Drive, Twin Falls, ID 83301

☐ New Owner/Claimant (Purchaser): K. GARY OLESEN

☐ New Mailing Address: 73371 Pinyon Street
Palm Desert, CA 92260

☐ New Telephone Number: () - -

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

☐ Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): K. Gary Olesen Date 11/11/91

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data Entry By: _____
Date: _____
Further Action Needed: _____
Further Action Taken By: _____
Date: _____
Final Review and Data Entry By: _____
Date: _____
Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received TIMOTHY J. SPAGNOLETTI, an unmarried man

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

K. GARY OLESEN, an unmarried man
 whose address is: 73 371 Pinyon Street,
 Palm Desert, CA 92260

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
to-wit:

SEE ATTACHED EXHIBIT "A"
 (containing two pages)

NOV 18 1991

Department of Water Resources
 Southern Region Office

146786

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of Land Title Escrow Inc
16 min. past 1 o'clock P. M. this 15
Nov, 1991 ju 9.00

JOHN A. MYERS Recorder

by: Isabelle J. Spagnoletti Deputy
Isabelle M. Spagnoletti

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 12, 1991

TIMOTHY J. SPAGNOLETTI

by: Isabelle M. Spagnoletti Timothy J. Spagnoletti
Isabelle M. Spagnoletti (Attorney in Fact)

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____
 before me, a notary public in and for said State, personally appeared _____

known to me to be the person _____ whose name
 subscribed to the within instrument, and acknowledged
 at _____ executed the same.

Notary Public
 _____, Idaho.

STATE OF IDAHO, COUNTY OF GOODING

On this 15thday of November, 1991, before me, a notary public in and for said State, personally appeared Isabelle M. Spagnoletti known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Timothy J. Spagnoletti and acknowledged to me that she subscribed the name of Timothy J. Spagnoletti as principal, and her own name as attorney in fact.

Janet A. Gorell
 Notary Public for Idaho



COPY

COPY

EXHIBIT "A"

PARCEL NO. 1:

Lots 1, 2 and 3 in Block 2 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

PARCEL NO. 2:

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 29: SE½SE¼, EXCEPT tract described as follows:

Beginning at the South quarter corner of said Section 29;

Thence South 89°48'46" East along the South boundary of Section 29, 1322.63 feet to the Southwest corner of the SE½SE¼;

Thence North 0°11'27" West along the West boundary of the SE½SE¼, 965.38 feet to the Fales ditch,

THE TRUE POINT OF BEGINNING;

Thence South 70°48' East, 38.39 feet;

Thence North 12°59' West, 114.0 feet;

Thence North 62°19' East, 517.00 feet, record,
(North 60°55'23" East, 513.76 feet measured) to the North boundary of said SE½SE¼;

Thence North 89°44'32" West along the North boundary of said SE½SE¼, 460.82 feet to the Northwest corner of said SE½SE¼;

Thence South 0°11'27" East along said West boundary of the SE½SE¼, 350.22 feet to THE TRUE POINT OF BEGINNING.

NE½SE¼ lying South of Big Wood River.

Lots 1 to 13, inclusive, and Lot 15 in Block 1 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

Lots 1 to 19, inclusive, in Block 3 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 38 shares of Big Wood Canal Company Water Stock and 40 MI Big Wood River Decreed Right 37-1188 Priority Date April 15, 1883.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1991 and subsequent years, which are not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Terms and Conditions of the usage of the Main Borneman Supply Ditch as contained in Contract by and between S. S. Clayberg, party of the first part, and Henry J. Borneman, party of the second part, dated September 30, 1916, recorded October 24, 1916 in Book 1 Page 469 as Instrument Number 8630, Gooding County

records, affecting the E1SE1/4 of Section 29, Township 5 South, Range 15, East Boise Meridian.

Easement given by Big Wood Canal Company to the American Telephone and Telegraph Company of Wyoming, dated September 1, 1941, recorded January 5, 1942 in Book 5 Page 43 as Instrument Number 82583, Gooding County records, granting to said company a right of way and easement to construct, operate, maintain, replace and remove a communication system upon, across, over and under Sections 19, 20, 26, 29 and 30, all of Township 5 South, Range 15, East Boise Meridian.

Easement given by Ellen Silk Page and Emma Silk Page to The Mountain States Telephone and Telegraph Co., dated December 30, 1941, recorded May 23, 1942 in Book 5 Page 142 as Instrument Number 84185, Gooding County records, affecting a portion of the NE1/4 of Section 32, Township 5 South, Range 15, East Boise Meridian.

Use of Martin Silk Ditch, or ditch number 31 on Wood River as contained in Document dated April 20, 1949, recorded April 21, 1949 in Book 9 Page 56, Gooding County records, affecting the SE1/4 of Section 29 and the NE1/4 of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 2, 1950, recorded March 22, 1951 in Book 6 Page 599 as Instrument Number 114857, Gooding County records, affecting the NE1/4 of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 5, 1952, recorded February 4, 1954 in Book 7 Page 301 as Instrument Number 123375, Gooding County records affecting the SE1/4 of Section 29, Township 5 South, Range 15, East Boise Meridian.

Sanitary restrictions contained on the Plat of Wood River Narrows Subdivision, recorded November 14, 1980 as Instrument Number 86272, Gooding County records.

Declaration of Covenants, Conditions and Restrictions of Wood River Narrows Subdivision, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86284, Gooding County records. Waiver of Covenants and Conditions dated October 25, 1988, recorded November 2, 1988 as Instrument Number 134361, Gooding County records.

Terms and conditions of an Agreement by and between Gooding County, Idaho, and Timothy James Spagnoletti, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86285, Gooding County records, pertaining to the roads of Wood River Narrows Subdivision.

Easements as shown on the recorded plat of Wood River Narrows Subdivision.

Subject to easement for ingress and egress over a strip of land adjacent to the bank of the Big Wood River as described in Quitclaim Deed dated May 8, 1991, recorded May 13, 1991 as Instrument Number 144792, Gooding County records, and shown on Survey dated May, 1983, recorded July 14, 1983 as Instrument Number 102287, Gooding County records.

Any adverse claim based on the assertion that the location of the Big Wood River has moved.

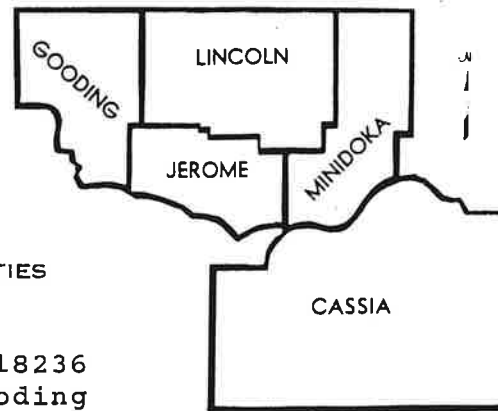
Any adverse claim base on the assertion that some portion of said land is now or at any time has been within the boundaries of the Big Wood River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.

Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

Land Title and Escrow, Inc.

COMPLETE SERVICE

5 IDAHO COUNTIES



REFER TO: G-18236

OFFICE: Gooding

November 15, 1991

Mr. Bob ~~Wortstill~~^{WORTSTELL}
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Real Estate Sale
Spagnoletti to Olesen

Dear Bob:

In connection with the above referenced sale, please find enclosed the following:

1. Notice of Change of Water Right Ownership
with recorded Warranty Deed Attached.

Please transfer water right ownership to K. Gary Olesen and provide this office with copy of transfers.

Thank you for your assistance.

Sincerely,

LAND TITLE AND ESCROW, INC.

Janet

Janet Gorrell
Manager-Gooding

Enclosures

RECEIVED

NOV 18 1991

Department of Water Resources
Southern Region Office

BOX 177 BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349 JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473 GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111 RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED
FEB 22 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: A37-00238D
Date Received: 6/27/1988
Receipt No: ~~S000534~~ 5000571
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIM J. SPAGNOLETTI 208-934-8517
Address: P.O. BOX 324
GOODING, ID 83330

2. Date of Priority: APR 15, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	28	NW	NE			GOODING

5. Description of diverting works:
SILK #31-P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 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 of	Lot	Use	Acres
05S	15E	29	NE	SE		IRR	8.0
			SE	SE		IRR	37.0

Section Acres 45.0

10. Place of Use: Continued

Total Acres 45.0

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:

14. Remarks:

EXCHANGED WR #37-0607A & 37-0608A FOR WR# 37-1188C, WHICH WAS
CHANGED TO 37-0238D. THE TRANSFER INCLUDED 40 ACRES IN SEC 32,
WHICH IS NOW NOT IRRIGATED UNDER THIS CLAIM. REFER TO TRANSFER
#2418

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

W. M. CADY

Decree Plaintiff

vs

WARD M. BRYAN, ET. AL.

Decree Defendant

MICROFILMED
FEB 22 1993

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): *Jim Spagnolito* Date: 6-27-88

Date: _____

State of Idaho)
County of T.E.) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of June 19 88 *Don White*
Notary Public

Seal

Residing at T.E.
My Commission Expires _____

MEMO

FROM: Allen Merritt 

DATE: July 12, 2001

TO: Transfer File No. T69115

In the name of: **Leckenby**

Water Right(s): **37-20385** split from 37-00238D

SUBJECT: Review and Recommendation

This transfer proposes to move the point of diversion from a ditch/pump delivery system to a pump for a portion of the place of use of the water right record. The transfer was processed without protest.

Review of the water right caused some confusion since the right was originally numbered 37-1188 and then changed to 37-00238D. The other main issue is the ownership of the right. In the SRBA the right is currently claimed under 37-00238D in the name of Sliman and 37-20385 in the name of Leckenby. They are essentially competing claims. The current water right record was created in 1982 by T2418 by Jim Reed which placed the right on 85 acres including 40 acres in the NENE S32. When the right was claimed in the SRBA by Spagnoletti in 1988 (37-00238D) he excluded the NENE S32 however 1987 NAPP clearly shows the lands irrigated. The NENE S32 was subdivided into the "Wood River Narrows Subdivision" recorded in 1980 by Spagnoletti.

Spagnoletti purchased the land including the NENE S32 as represented by deed from John Lawrence in 1979 and he was the owner at the time T2418 was approved. Spagnoletti platted the subdivision in 1980 and it appears from his filing of the SRBA Claim his intention was to dry up the subdivision however this was never done since the 1987 NAPP shows the lands in NENE S32 being irrigated and a field visit on 7/13/01 confirmed the land continues to be irrigated.

From the record it appears that Spagnoletti sold lot 14 Blk 1 and Lot 20 Blk 3 (Both appear not irrigated in 1987 NAPP) before selling the remainder of the Subdivision and the lands in S29 to Olesen in 1991. In 1995 Olesen sold the land in S29 and Lots 1 thru 13 & 15 Blk 1 and Lots 4 thru 10 Blk 3 to Sliman. The Olesen to Sliman deed does not list water rights but only appurtenances but in the 2/15/1995 letter from Land Title and Escrow, Inc it indicates that all the Big Wood Water was being transferred to Sliman but 2" of decreed water was being retained by Olesen. In 1998 Olesen sold lots 1, 2 & 3 of Blk 2 to Leckenby and in a quit claim deed from Olesen to Leckenby is listed 2" of decreed water #37-1188 with priority of 4/15/1883. The 1987 NAPP shows that a portion of the Leckenby property was irrigated and our 7/13/01 field visit shows the land cultivated but the water source was not clear since it appears that a portion of it is probably irrigated from a culinary well with the house.

It appears that Sliman has the remaining portion (0.76 cfs) of right 37-00238D

Recommendation

I recommend that this transfer be approved with the following conditions:

- Measuring device and control works at the point of diversion.
- Under control of the watermaster of district 37.
- Subject to SRBA.

700 S.

1951

Letter 77

BLOCK 2

WOOD RIVER NARROWS SUBDIVISION

Stell

WOOD RIVER ROAD

1918

1925

1932

Logan L2V211

Ankeny

BLOCK 1

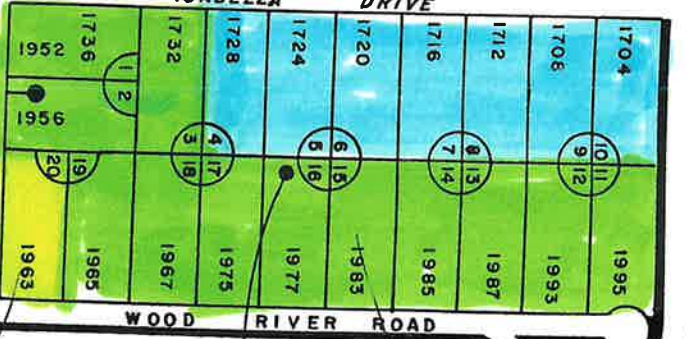
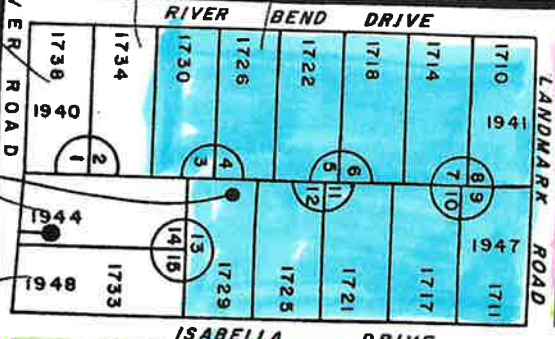
L2V211

Cross

BLOCK 3

Desa

MERRICK ROAD 2000



7/13/01

Notes by Al - please call for 2550550000

SEC. 32, T. 5 S., R. 1 E

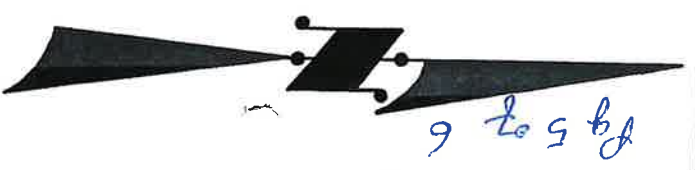


Fig 5 of 6

169116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED**AMENDED**APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Jim Reed Phone Post office address Route 2 Box 198C Gooding, Idaho**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree to Ward M. Bryan & Erma C. Bryan, husband and wife
(Name)in case of W. M. Cady vs Wald M. Bryan et aldated Dec. 16, 1957 in 4th Judicial Dist. county of Gooding
(Name of court)b. License No. issued by the Idaho Department of Water Resourcesc. Claim No. on file with the Idaho Department of Water Resources2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
See attached copy of warranty deed.3. Source of water Big Wood River tributary to Malad River4. Date of priority 4/15/1883**5. Water is used for the following purposes:**amount 0.80 for irrigation purposes from to amount for purposes from to amount for purposes from to
(month/day - both dates inclusive)6. Total amount of water under right: a. .80 cubic feet per second
&/or
b. acre feet per annum7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21
Township 6S Range 14E, B.M., in Gooding County
Additional points of diversion, if any **8. Lands irrigated or place of use:**

* As of transfer 985

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 $\frac{1}{4}$	
6S	14E	21									40	40	40	40				40	200
		28					40	40											80
		29			40		40	40	40										160
																			440
			(Lands presently being irrigated)																
		20												X			X		
		21									X	X	X	X					
		29		X	X		X	X	X	X									

Total number of acres to be irrigated **9. Describe any other water rights used for the same purposes as described above**37-1189C (T985) .68 cfs 8-29-188437-1190C (T985) .92 cfs 6-1-1895

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 0.80 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE 15E 29 SE 29 NE 28 ¼, Section 29 Township 5S
Range 15E, B.M., Gooding County
Additional points _____

c. Description of diverting works Headgate and ditch

d. Describe the reasons for applying for a change in the point(s) of diversion
to deliver water to new place of use

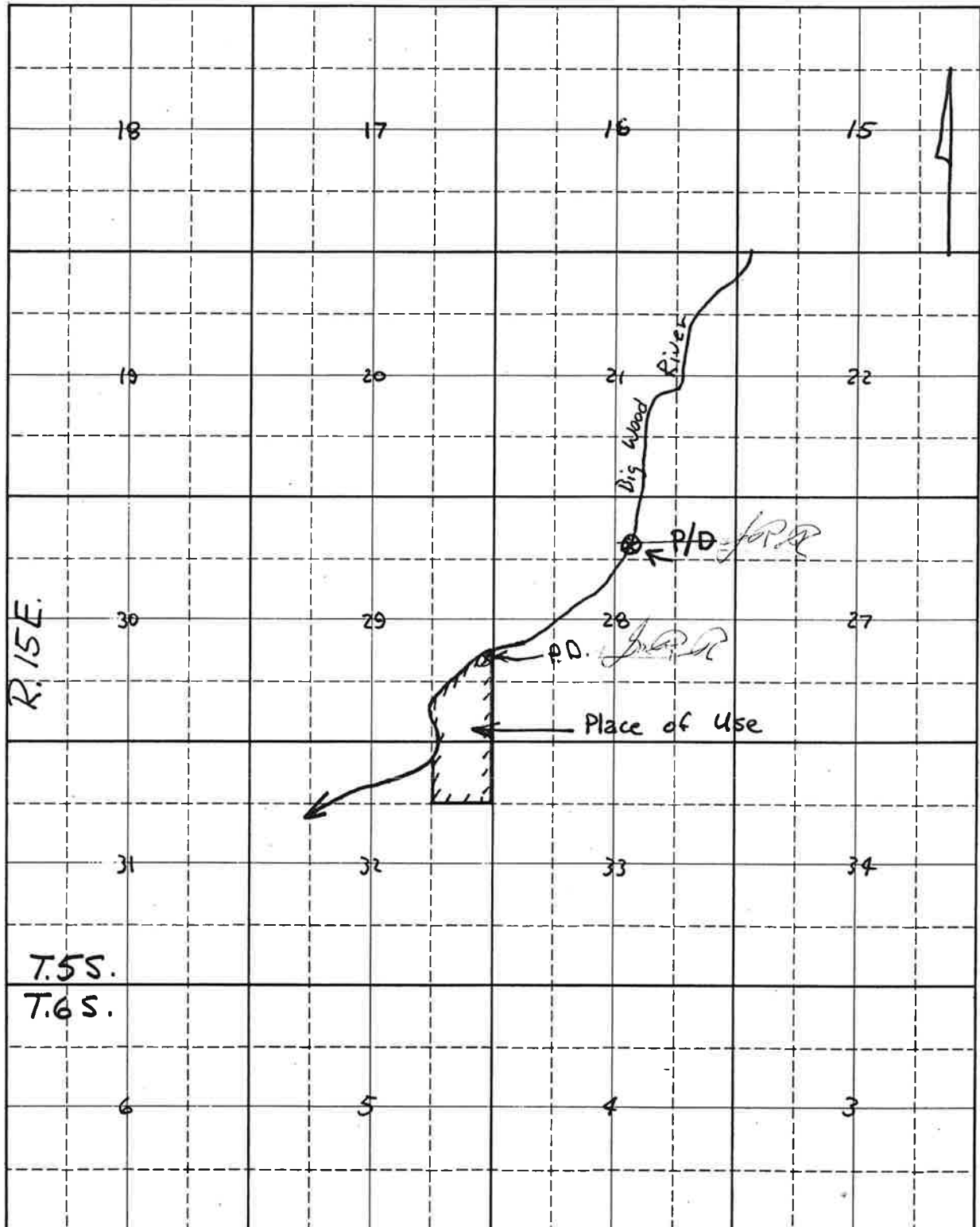
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	15E	29													8			37	45
		32	40																40

Total number of acres to be irrigated 85

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

RECEIVED
MAY 10 1960

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 28th day of March, 19 80.
Jim E. Read
(Signature of applicant)

Verma J. Prince
(Notary public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-1188 C and said application is hereby approve, subject to the following limitations and conditions:
(1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 4th day of August, 19 82.

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by marpa Date 4/3/80 Protest filed by _____
Prelim. check by gf Fee 35.00 4/17/81
Receipted by marpa Date 4/4/80 20.00 #16829
Published in Garding Co. leader Copies of protest forwarded by _____
Pub. dates 4/24/80 3/4 & 3/11/81 Hearing held by _____ Date _____
Watermaster recommendation requested on 4/10/80 Recommended for approval denial
rec'd. 5/12/80 2-24-81 by Jim DRT