

RECEIVED

MAR 05 2004

Department of Water Resources

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 37-303B
Date Received: 2/6/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

NANCY MCAFEE Phone: (208)823-4999

PO BOX 74
CAREY ID USA 83320

2. Date of Priority: 04/26/1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	21E	26	NW NE NW	BLAINE	

5. Description of diverting works:

10 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
01S	21E	26	NE NW	IRRIGATION	40
				Section Acres	40
01S	21E	27	NE NE	IRRIGATION	33.8

Section Acres 33.8
Total Acres 73.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 80 AC. DECREE ORIGINALLY FOR 1.6 CFS. FISH &
GAME USES .80 CFS ON NWNW 40 AND CLAIMANT USES .80 ON NENE 40.
AMENDED TO CORRECT DESCRIPTIONS OF P/D & P/U.

OWNER CHANGE COMPLETED BENNETT TO MCAFEE, 3-4-2004, DJ.

15. Basis of Claim: Decreed

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

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FEB 10 2004

Department of Water Resources
Southern Region

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

*logged in
tracking
D.E. as
P-owner*

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
	37-303B	✓			

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)

4. New Owner/Claimant(s)

Nancy McAfee

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

New Mailing Address

P.O. Box 74

City, State and ZIP Code

Carey, Idaho 83320

New Telephone Number

208 823-4999 - 208-481-2012-Cell.

5. Date you acquired the property

Aug. 16, 1993

SCANNED

MAR 05 2004

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)

Nancy McAfee

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 JS Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by JS AJ Date 3/4/04 WR _____ Date _____

SCANNED

MAR 05 2004

Order No. 19156

WARRANTY DEED

FOR VALUE RECEIVED

Yolande C. Bennett, a married woman, as her sole and separate property

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Rodney L. McAfee and Nancy J. McAfee, husband and wife

GRANTEE(s) whose address is: P. O. Box 4359, Ketchum, ID 83340

the following described real property in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 26: NE4 NW4, Excepting therefrom the North 66 feet.

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said 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 encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 16, 1993

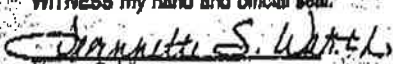

 Yolande C. Bennett

State of Idaho

County of Blaine

On this 16th day of August 1993, before me, a notary public in and for said State, personally appeared Yolande C. Bennett personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


 Notary Public

 Residing at Hailey, ID
 Commission Expires: 11-29-99

Attest my hand and seal



BLAINE CO. REQUEST

OF SAWTOOTH TITLE

1993 AUG 16 P 3 53

MARY GREEN, CLERK

355898

FEE \$ 3

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FEB 10 2004

Department of Water Resources

RECEIVED

2004

**SERVICE
COPY**

414337
C. TOM ARKOOSH 5/18/98 *Judge*
ERIC J. WILDMAN
ARKOOSH LAW OFFICES
301 Main Street
Post Office Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872

BLAINE CO. REQUEST

OF: *Arkoosh*
Law Office

88 MAY 18 PM 2 27

MARY GREEN, CLERK *ynpp*

ATTORNEY FOR PLAINTIFF

FEES \$6⁰⁰

STATE OF IDAHO
COUNTY OF GOODING
I hereby certify that the foregoing is a true copy
of the original instrument on file in my office.

Dated 5-14-1998
HELEN R. EDWARDS
District Court Clerk

Helen R. Edwards
Deputy Clerk

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

NANCY McAFEE,

Plaintiff,

vs.

RODNEY L. McAFEE,

Defendant.

Case No. CV 97 00431

ABSTRACT OF JUDGMENT

On January 7, 1998, a judgment and decree of divorce was entered in favor of Nancy McAfee, the Plaintiff above named, and against Rodney L. McAfee, the Defendant above named, in the above named court and cause. As a part of said judgment and decree, Plaintiff was awarded the real property located at #80 Mountain View Drive, Blaine County, Idaho, which is more particularly described as follows:

ABSTRACT OF JUDGMENT

1

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MAR 11 2004

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FEB 10 2004

Township 1 South, Range 21 East of the Boise Meridian, Blaine County, State of Idaho:

Section 26: NE1/4 NW1/4, Excepting therefrom the North 66 feet.

I hereby certify that the foregoing is a correct abstract of the judgment and decree of divorce, as it pertains to the real property, entered in said action.

DATED this 13th day of May, 1998.

HELENE L. WARD
CLERK OF THE COURT

By: KAY SMITH
Deputy

ABSTRACT OF JUDGMENT

2

SCANNED

MAR 05 2004

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 37-303B
Date Received: 2/6/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

AARL J BENNETT

Phone: (208)788-1894

PO BOX 3813
CAREY ID USA 83320

YOLANDE BENNETT

Phone: (208)788-1894

PO BOX 3813
HAILEY ID USA 83333

2. Date of Priority: 04/26/1893

3. Source: LITTLE WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	21E	26	NW	NE	NW	BLAINE	

5. Description of diverting works:

10 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
01S	21E	26	NE	NW	IRRIGATION	40
					Section Acres	40
01S	21E	27	NE	NE	IRRIGATION	33.8
					Section Acres	33.8
					Total Acres	73.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 80 AC. DECREE ORIGINALLY FOR 1.6 CFS. FISH & GAME USES .80 CFS ON NWNW 40 AND CLAIMANT USES .80 ON NENE 40.
AMENDED TO CORRECT DESCRIPTIONS OF P/D & P/U.

15. Basis of Claim: Decreed



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JAN 29 2004

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 37-303

☐ Old Mailing Address: Yolande Bennett & Arl J. Bennett (Deceased)
PO Box 225

Carey, ID 83320

☐ New Mailing Address: Yolande Bennett
PO Box 3813

Hailey, ID 83333

☐ New Telephone Number: (208) 788 - 1894

☐ Signature of Claimant(s): Yolande C. Bennett

Date: 1-29-04

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:



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

January 30, 2004

YOLANDE BENNETT
PO Box 3813
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 37-303
Change of Address Notification

Dear Mrs. Bennett,

Thank you for notifying us of your change in address on the water right claim referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

(208) 736-3033

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', written over a horizontal line.

Carrie Hahn
Clerk

/ch

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: A37-00303
Date Received: 7/26/1988
Receipt No: S001090
Received By: AD

OCT 12 1989

Department of Water Resources

Southern Region Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: AARL J. BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

AND/OR

Name: YOLANDE BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

2. Date of Priority: APR 26, 1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	26	NW	NE	NW		BLAINE

5. Description of diverting works:
10HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.800		

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

8. Total consumptive use is 184.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A37-00303

Page 1

Date: 10/12/89

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	26	NE	NW		IRR	40.0
					Section Acres		40.0
		27	NE	NE		IRR	33.8
					Section Acres		33.8
					Total Acres		73.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

SHARES LITTLE WOOD IRRIG. DIST. & LITTLE WOOD CANAL CO.

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 80 AC. DECREE ORIGINALLY
FOR 1.6 CFS. FISH & GAME USES .80 CFS ON NWNW 40 AND CLAIMANT
USES .80 ON NENE 40.
AMENDED TO CORRECT DESCRIPTIONS OF P/D & P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Carl J. Benne Date: 10-12-89
_____ Date: _____

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Oct. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 8/30/94

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: A37-00303
Date Received: 7/26/1988
Receipt No: S001090
Received By: SC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: AARL J. BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

AND/OR

Name: YOLANDE BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

2. Date of Priority: APR 26, 1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	26	NW	NE	NW		BLAINE

5. Description of diverting works:
10HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	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
01S	21E	26	NE NW		IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 80 AC. DECREE ORIGINALLY
FOR 1.6 CFS. FISH & GAME USES .80 CFS ON NWNW 40 AND CLAIMANT
USES .80 ON NENE 40.
AMENDED TO CORRECT DESCRIPTIONS OF P/D & P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, 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): Paul J. Bennett Date: Aug. 2, 1988
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 88 Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

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: A37-00303
Date Received: 7/26/1988
Receipt No: S001090
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AARL J. BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

AND/OR

Name: YOLANDE BENNETT 208-823-4556
Address: BOX 225
CAREY, ID 83320

2. Date of Priority: APR 26, 1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	26	NW	NE	NE		BLAINE

5. Description of diverting works:
10HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	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
01S	21E	26	NE NE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 80 AC. DECREE ORIGINALLY
FOR 1.6 CFS. FISH & GAME USES .80 CFS ON NWNW 40 AND CLAIMANT
USES .80 ON NENE 40.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): Carl J. Bennett Date: July 26, 1988
Date:

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

Subscribed and sworn (or affirmed) before me this 26th day
of July 19 88 Lon White
Notary Public

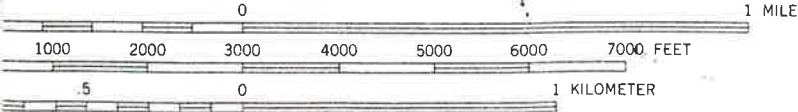
Seal

Residing at TF
My Commission Expires 5/95

NOT FILMED
FEB 22 1993



(CAREY)
3270 IV SW
SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
GICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
BING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092

ROAD CLASSIFICATION

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

LAKE
N432

DMA 327

MICROFILMED
FEB 22 1993

03/10/2004

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

RIGHT NUMBER: 37-303B

NAME AND ADDRESS: NANCY MCAFEE
PO BOX 74
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 04/26/1893

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.800 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S26 NENW 41.0

41 ACRES TOTAL

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

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

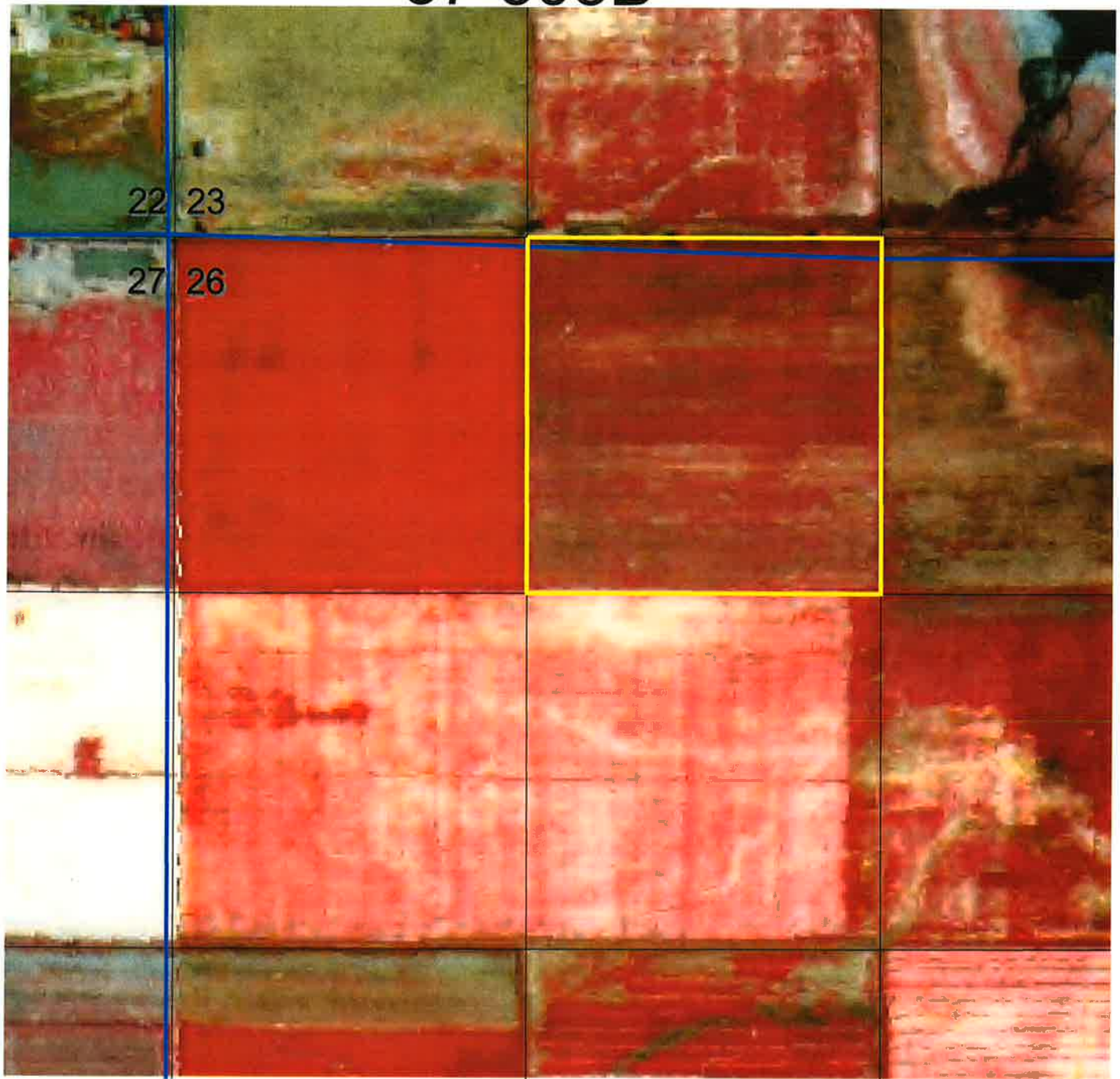
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH EAST CANAL.

IDAHO DEPT OF WATER RESOURCES

37-303B



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC. 26



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 10, 2004

37-303 B

(McAfee)

3/10/04 SCC

After reviewing the docs sent in by McAfee regarding lands with IDFG, while not clearly spelled out, it does lend credence that the ~~land~~ decreed right could have been moved to the current location from the decreed POL. At least it sways my opinion for review at this time.

Mrs Bennett has voluntarily given up pursuing this right for the land in NENE, S.27 and I will be rec'ding this on NENW, S.26 only.

FACSIMILE

To: Doug Jones From: Nancy McAfee
Company: Dept. Water Resources Company: _____
Fax Number: 208-736-3031 Sent by: _____

Date: 2-13-04Page 1 of 4

Comments:

he was biologist for Carey Lake area & is familiar.
Doug's sheets sent by Bruce Palmer in Jerome Fr G Dist office.
1st page i underlined what mentioned Bennett land swap.
2nd page - i X'd 'my section' on land purchase by J & G - & shows water decrees - currently my land
3rd page - i X'd 'the section' that i assume was involved in the land swap as purchase price was \$0000 in cost -
Next Tues. 17th - i am going to recorder's office 8:00^{am} to do research -

Call me on my cell - 481-2012 - even if no questions to let me know you have received this.

SCANNED

MAR 05 2004

i tried to call Jo and Bennett & she must be out of town - as not returned my call - i will be nice to her - but wanted to ask about land details on that - if only for my knowledge

APPENDIX I

LAND LEGAL DESCRIPTION

<u>Name</u>	<u>Funds</u>	<u>Conveyance</u>	<u>Date Acquired</u>	<u>Acquire From</u>	<u>Cost</u>	<u>Acres</u>
CAREY LAKE WMA	PR	WARRANTY DEED	5/16/49	CAREY LAKE RESERVOIR COMP	\$3,100.00	130

T 1 S, R 21 E, BM. S $\frac{1}{2}$ NW $\frac{1}{4}$ lying 3 inches below the top of the top sill of the outlet structure, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying 3 inches below the top of the top sill of the outlet structure, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ together with 43 cfs of the waters of Little Wood River following the filling of Little Wood River Reservoir. Flowage Easements and Canal Right-of-Ways An 11-foot strip of land for canal right-of-way on and across the N portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27. A 20-foot strip of land for canal right-of-way on and across the N portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 27 also an additional 11 feet over the N part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27. Also, a strip of land across the N portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26; this right-of-way was obtained in the purchase of the Turnbull property, and right of use was granted to Bennett in the land exchange. A strip of land 11 feet wide across the N side of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27 running along the S side of a 15-foot right-of-way, and also a 20-foot strip across the N side of the NE $\frac{1}{4}$ of Sec. 27 commencing near the N $\frac{1}{4}$ corner and running E along the N side of a canal right-of-way owned by A. M. Phippen and in length, 150 rods. Also, a strip 1 $\frac{1}{2}$ rods wide running along the E 25 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27. Flowage easement over portions of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23 described as follows: beginning at SW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, thence E 48 rods, thence N 20 rods, thence E 26 rods, thence NW 60 rods to a point 40 rods W from the NE corner of Sec. 23, thence N 52 rods, thence W 40 rods, thence S 132 rods to place of beginning and such lands that will necessarily be flooded in raising water to the water level line of the lake survey at 3 inches below the top of the top sill of the Carey Lake outlet headgate. Patented lands subject to reservoir flowage and storage rights of the Carey Lake Reservoir Company which reservoir and storage rights were assigned to the Department.

T 1 S, R 21 E, BM.
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

SCANNED
MAR 05 2004

MAR 05 2004

SCANNED

<u>Name</u>	<u>Funds</u>	<u>Conveyance</u>	<u>Date Aquired</u>	<u>Aquire From</u>	<u>Cost</u>	<u>Acres</u>
CAREY LAKE WMA	NONE	AGREEMENT	10/30/56	BLM	\$0.00	320
T 1 S, R 21 E, BM. Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$; Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$.						
CAREY LAKE WMA	PR	WARRANTY DEED	5/18/55	ADAMSON BROTHERS INC	\$2,100.00	6.06
T 1 S, R 21 E, BM. Sec. 26, E 200 feet of SW $\frac{1}{4}$ NW $\frac{1}{4}$.						
CAREY LAKE WMA	PR	WARRANTY DEED	3/1/54	J L BENNETT	\$0.00	98.55
T 1 S, R 21 E, BM. Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying S of US Highway 26; Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying S of US Highway 26. Fifty-nine-acre-feet storage in Little Wood River Reservoir.						

MAR 05 2004

<u>Name</u>	<u>Funds</u>	<u>Conveyance</u>	<u>Date Aquired</u>	<u>Aquire From</u>	<u>Cost</u>	<u>Acres</u>
CAREY LAKE WMA	PR	WARRANTY DEED	4/22/55	FOREST ELDREDGE	\$11,000.00	55

T 1 S, R 21 E, BM.
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; 38 inches decreed water; 3 $\frac{1}{2}$ shares canal stock; 120-acre-feet storage in Little Wood River Reservoir.

CAREY LAKE WMA	PR	WARRANTY DEED	10/24/56	OLIVER ELDREDGE	\$15,000.00	52.6
-------------------	----	---------------	----------	-----------------	-------------	------

T 1 S, R 21 E, BM.
Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and portion of S $\frac{1}{2}$ NW $\frac{1}{4}$ plus grazing rights on 40 acres of Reservoir Company lands, 93 inches decreed water, three shares canal stock, and 28.85-acre-feet storage in Little Wood River Reservoir. Note: 1 share of canal stock = 31 inches of water.

CAREY LAKE WMA	PR	WARRANTY DEED	1/11/51	JAMES TURNBULL	\$12,000.00	42
-------------------	----	---------------	---------	----------------	-------------	----

T 1 S, R 21 E, BM.
Sec. 26, NWNE and N 66 feet of NENW; 40 inches decreed water - priority, 4/26/93; 2-3/4 shares canal stock; and 40-acre-feet storage in lower Little Wood River Reservoir. Eighty-acre-feet storage, Little Wood River Dam addition.

CAREY LAKE WMA	PR	CORRECTED DEED	1/17/57	F W DAVIS	\$14,500.00	45
-------------------	----	----------------	---------	-----------	-------------	----

T 1 S, R 21 E, BM.
Sec. 23, portions of NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ plus grazing rights on 50 acres of Carey Lake Reservoir Company lands; 65 inches decreed water; 3 $\frac{4}{5}$ shares canal stock; and 91-acre-feet storage in Little Wood River Reservoir.

Nancy McAfee

481-2012 cell- 823-4999-home²³

SCANNED

Doug Jones - 2-24-04
Water Resources

RECEIVED

FEB 23 2004

Department of Water Resources
Southern Region~~oada~~

Copy of Warranty Deed when
F+G purchased ~~my~~ 40 ac.

Also copy of Water master log
of Decree for Aarl Bennett +
F+G - on The Perry Harris place
as it was known as he had the
original Decree of 1893.

Call me on my cell 481-2012
; also found other info at recorder's
& want to discuss with you.
; am meeting Yolanda Bennett
this evening. Thanks, Nancy McAfee

SCANNED

MAR 05 2004

No. 98785

WARRANTY DEED

JAMES TURNBULL ET UX TO STATE OF IDAHO

THIS INDENTURE, Made this 11th day of January in the year of our Lord, one thousand nine hundred and fifty-one, between JAMES TURNBULL and DOROTHY TURNBULL, husband and wife, now and at all times since acquiring title to the property hereinafter described, of Blaine County, State of Idaho, the parties of the first part, and STATE OF IDAHO, for the use and benefit of the Idaho Fish and Game Department, the party of the second part:

WITNESSETH: That the parties of the first part, for and in consideration of the sum of Twelve Thousand Dollars (\$12,000.00) in hand paid by the said party of the second part, the receipt whereof is here by acknowledged, have granted, bargained, sold, remised, released, alienated, and confirmed and by these presents do grant, bargain, sell, remise, release, alienate and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described lots, pieces, or parcels of land situate in the County of Blaine, State of Idaho, known and described as follows, to-wit:

All of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and all of the northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section twenty-six (26), Township One (1) South, Range Twenty-one (21) East of the Boise Meridian;

Together with all pasturage rights and re-purchase rights that accrue or may accrue from that certain Deed of Conveyance from Perry Harris and Ada Harris, his wife, dated November 5, 1914, and recorded May 19, 1919, in Book 84 of Deeds, on page 323 of the records of Blaine County, Idaho, to the Carey Lake Reservoir Company, excepting therefrom all right to Carey Lake Reservoir Company as reserved in said deed. and water rights

Also conveying all rights of way and easements and all water/ used, had or appertaining to said premises, including, but not limited to, the following:

80 inches of waters of Little Wood River of priority date of April 26, 1893 as decreed to Perry Harris;

80 acre feet storage right in Little Wood River Reservoir;

five and one-half ($5\frac{1}{2}$) shares canal stock of Little Wood River Canal Co., Ltd.;

Also all rights under that certain application made by James Turnbull for eighty (80) acre feet of storage water applied for in Little Wood River Irrigation District.

Also granting an easement for canal right of way for conveyance of water on and over the following described land;

Beginning at a point thirty-three (33) feet North of the Southwest corner of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-two (22), Township One (1) South, Range twenty-one (21) East, Boise Meridian; thence East 605 feet, thence 134 feet North, thence 715 feet East, being the center line of the right of way and extended thirty-three (33) feet on both sides.

(\$13.20 I.R.S.)
(Affixed and)
(Cancelled.)

SCANNED

MAR 05 2004

PERMIT AND LICENSED RIGHTS ON

Little Wood River, 1979

30yd STOCKING - WATER MASTER. DISTRICT 37N

NUMBER	DECEED OWNER	PRESENT OWNER	PRIORITY DATE	INCHES AMOUNT	
37 0636 A		Ross Young	4-1 1891	8	SW 1/4
37 0636 B		Donald Green	4-1 1891	8	FRAC 1/4
	La Fayette SMITH				
37 0636 C		Jim McHam	4-1 1891	7	FRAC 1/4
37 0636 D		BLAINE COUNTY Fair Grounds	4-1 1891	7	FRAC 1/4
37 0292 B		W.C. Stocking	4-1 1892	50	W 1/2
	George Guiver				
37 0292 B		Verl Simpson	4-1 1892	50	E 1/2
37 0157 A		Barton Ranches	12-1 1892	80	N 1/2
	Joseph Cooper				
37 0157 B		Robert Hennefer	151 1892	80	SW 1/2
		L.W.R. Canal Co	4-15 1893	1600	LAND
421					DIB
	James Peterson		4-22 1893	40	SW 1/4
	James Peterson				SW 1/4

SCANNED

MAR 05 2004

31	0654	U		Fair Roads	4-1
37	0292	B		W.G. Stocking	4-1
			George Guiver		
37	0292	B		Verl Simpson	4-1
37	0157	#		Barton Ranches	12-1
			Joseph Cooper		
37	0157	B		Robert Hennefer	151
37	0421			L.W.R. Canal Co	4-15
37	0304		Susannah Harris	James Peterson	4-22
37	0303	#		Idaho Fish + Game	4-26
			Perry Harris		
37	6303	B		Harri Bennett	4-26

SCANNED

MAR 05 2004

37N

	PRIORITY DATE	INCHES AMOUNT	REMARKS, LAND TO BE IRRIGATED	SEC.	TWR
4-1	1891	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	1-S
4-1	1891	8	Fraction SW $\frac{1}{4}$ SW $\frac{1}{4}$ T.L. 3042	22	1-S
4-1	1891	7	Fraction NE $\frac{1}{4}$ NW $\frac{1}{4}$, T.L. 331	27	1-S
4-1	1891	7	Fraction SW $\frac{1}{4}$ SE $\frac{1}{4}$ T.L. 2366	27	1-S
4-1	1892	50	W $\frac{1}{2}$ NE $\frac{1}{4}$	15	2-S
4-1	1892	50	E $\frac{1}{2}$ NE $\frac{1}{4}$	15	2-S
12-1	1892	80	N $\frac{1}{2}$ SW $\frac{1}{4}$	10	2-S
R 151	1892	80	S $\frac{1}{2}$ SW $\frac{1}{4}$	10	2-S
4-15	1893	1600	LANDS WITHIN THE IRRIGATION DISTRICT		
4-22	1893	40	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	1-S
4-26	1893	40	~~NE$\frac{1}{4}$ NW$\frac{1}{4}$~~ NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	1-S
4-26	1893	40	~~NE$\frac{1}{4}$ NW$\frac{1}{4}$~~ NE $\frac{1}{4}$ NW $\frac{1}{4}$ correct description	26	1-S

SCANNED

MAR 05 2004

TOTAL P.05

RECEIVED

FEB 25 2004

Department of Water Resources
Southern Region

To: Doug Jones
Water Resource - Twin Falls

This is a copy between Yolanda Bennett's father in law & Fr G when my parcel was & traded given to Bennett. Yolanda gave me this copy. Hope it finalizes all questions my cell # 481-2012 if need to get in touch. I would like to get this transfer done asap as (Yolanda too) is selling her parcel in Carey & finalization is pending on this on this water decree.

Thanks

Nancy McAfee

SCANNED

MAR 05 2004

WARRANTY DEED

THIS INDENTURE, Made and entered into this 30 day of March 1954, by and between the STATE OF IDAHO represented by the DEPARTMENT OF FISH AND GAME OF THE STATE OF IDAHO as by law hereunto duly authorized, hereafter called the first party, and J. L. BENNETT and EVA J. BENNETT, husband and wife, of Carey, Idaho, hereafter called second parties, Witnesseth as follows:

In consideration of a like conveyance of other real property by second parties to first party, receipt of which is hereby acknowledged, first party hereby Grants, Bargains, Sells and Conveys to second parties, the following described real property situated in Blaine County, State of Idaho:

The NORTHEAST QUARTER of the NORTHWEST QUARTER (NE¹/₄NW¹/₄) of Section TWENTY-SIX (26), Township ONE (1) SOUTH, Range TWENTY-ONE (21) EAST BOISE MERIDIAN together with all water and water rights appurtenant thereto or thereunto belonging as hereafter set out, excepting therefrom the extreme northerly sixty-six (66) feet of said tract of land.

The water rights hereby conveyed to second parties comprises the diversion and use of forty (40) inches of the water of Little Wood River, with priority date of April 26, 1893, at which time said water right was decreed to one Perry Harris; forty (40) acre feet of storage water from the Little Wood River Reservoir; rights represented by two and three fourths (2-3/4) shares of Canal stock of the Little Wood River Canal Company, Limited.

There is also conveyed hereby to the second parties the right to use the INLET LATERAL CANAL which runs easterly across the extreme northern part of the northwest quarter of the northwest quarter of Section Twenty-Six (26) and the extreme northern part of the northeast quarter and the northeast quarter of the northwest quarter of Section Twenty-Seven (27), all in Township One (1) South, Range Twenty-One (21) East, Boise Meridian, for the purpose of carrying irrigation water to the real property hereby conveyed to second

SCANNED

MAR 05 2004

TOTAL P.02

Doug Jones - 2-24-04
Water Resources

~~add~~
Copy of Warranty Deed when
F+G purchased ~~may~~ 40 ac.

Also copy of Water master log
of Decree for Aarl Bennett &
F+G - on The Perry Harris place
as it was known as he had the
original Decree of 1893.

Call me on my cell 481-2012
; also found other info at recorder's
& want to discuss with you
; am meeting Yolanda Bennett
this evening. Thanks, Nancy McAfee

SCANNED
MAR 05 2004

No. 98785

WARRANTY DEED

JAMES TURNBULL ET UX TO STATE OF IDAHO

THIS INDENTURE, Made this 11th day of January in the year of our Lord, one thousand nine hundred and fifty-one, between JAMES TURNBULL and DOROTHY TURNBULL, husband and wife, now and at all times since acquiring title to the property hereinafter described, of Blaine County, State of Idaho, the parties of the first part, and STATE OF IDAHO, for the use and benefit of the Idaho Fish and Game Department, the party of the second part:

WITNESSETH: That the parties of the first part, for and in consideration of the sum of Twelve Thousand Dollars (\$12,000.00) in hand paid by the said party of the second part, the receipt whereof is here by acknowledged, have granted, bargained, sold, remised, released, alienated, and confirmed and by these presents do grant, bargain, sell, remise, release, alienate and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described lots, pieces, or parcels of land situate in the County of Blaine, State of Idaho, known and described as follows, to-wit:

All of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and all of the northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section twenty-six (26), Township One (1) South, Range Twenty-one (21) East of the Boise Meridian;

Together with all pasturage rights and re-purchase rights that accrue or may accrue from that certain Deed of Conveyance from Perry Harris and Ada Harris, his wife, dated November 5, 1914, and recorded May 19, 1919, in Book 84 of Deeds, on page 323 of the records of Blaine County, Idaho, to the Carey Lake Reservoir Company, excepting therefrom all right to Carey Lake Reservoir Company as reserved in said deed, and water rights

Also conveying all rights of way and easements and all water/ used, had or appertaining to said premises, including, but not limited to, the following:

80 inches of waters of Little Wood River of priority date of April 26, 1893 as decreed to Perry Harris;

80 acre feet storage right in Little Wood River Reservoir;

five and one-half ($5\frac{1}{2}$) shares canal stock of Little Wood River Canal Co., Ltd.;

Also all rights under that certain application made by James Turnbull for eighty (80) acre feet of storage water applied for in Little Wood River Irrigation District.

Also granting an easement for canal right of way for conveyance of water on and over the following described land:

Beginning at a point thirty-three (33) feet North of the Southwest corner of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-two (22), Township One (1) South, Range twenty-one (21) East, Boise Meridian; thence East 605 feet, thence 134 feet North, thence 715 feet East, being the center line of the right of way and extended thirty-three (33) feet on both sides.

(\$13,20 I.R.S.)
(Affixed and)
(Cancelled.)

SCANNED

MAR 05 2004

PERMIT AND LICENSED RIGHTS ON

Little Wood River, 1979

Boyd Stocking - Water Master. DISTRICT 37N

NUMBER	DECEED OWNER	PRESENT OWNER	PRIORITY DATE	INCHES AMOUNT	
37 0636 A	LaFayette SMITH	Ross Young	4-1 1891	8	SW 1/4
37 0636 B		Donald Green	4-1 1891	8	FRAC.
37 0636 C		Jim McHam	4-1 1891	7	FRAC.
37 0636 D		Blaine County Fair Grounds	4-1 1891	7	FRAC.
37 0292 A		W.C. Stocking	4-1 1892	50	2 1/2
37 0292 B	George Guiver	Verl Simpson	4-1 1892	50	E 1/2
37 0157 A	Joseph Cooper	Barton Ranches	12-1 1892	80	N 1/2
37 0157 B		Robert Hennefer	12-1 1892	80	S 1/2
37 0157 C		L.W.R. Canal Co	4-15 1893	1600	LAND
37 0157 D	Susanna Harris	James Peterson	4-22 1893	40	DIB
37 0157 E					SW 1/4

RECEIVED

MAR 05 2004

37	0654	U		Fair Roads	4-1
37	0292	B		W.C. Stocking	4-1
			George Guiver		
37	0292	B		Herl Simpson	4-1
37	0157	#		Barton Ranches	12-1
			Joseph Cooper		
37	0157	B		Robert Hennefer	151
37	0421			L.W.R. Canal Co	4-15
37	0304		Susannah Harris	James Peterson	4-22
37	0303	#		Idaho Fish & Game	4-26
			Perry Harris		
37	0303	B		Harl Bennett	4-26

SCANNED

MAR 05 2004

37N

	PRIORITY DATE	INCHES AMOUNT	REMARKS, LAND TO BE IRRIGATED	SEC.	TWR
4-1	1891	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	1-S
4-1	1891	8	Fraction SW $\frac{1}{4}$ SW $\frac{1}{4}$ T.L. 3042	22	1-S
4-1	1891	7	Fraction NE $\frac{1}{4}$ NW $\frac{1}{4}$, T.L. 331	27	1-S
4-1	1891	7	Fraction SW $\frac{1}{4}$ SE $\frac{1}{4}$ T.L. 2366	27	1-S
4-1	1892	50	W $\frac{1}{2}$ NE $\frac{1}{4}$	15	2-S
4-1	1892	50	E $\frac{1}{2}$ NE $\frac{1}{4}$	15	2-S
12-1	1892	80	N $\frac{1}{2}$ SW $\frac{1}{4}$	10	2-S
R 151	1892	80	S $\frac{1}{2}$ SW $\frac{1}{4}$	10	2-S
4-15	1893	1600	LANDS WITHIN THE IRRIGATION DISTRICT		
4-22	1893	40	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	1-S
4-26	1893	40	~~NE$\frac{1}{4}$~~ ~~NW$\frac{1}{4}$~~ NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	1-S
4-26	1893	40	~~NW$\frac{1}{4}$~~ ~~NE$\frac{1}{4}$~~ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Correct description	26	1-S

SCANNED

MAR 05 2004

TOTAL P.05

COMMUNICATION DOCUMENTATION

He called back to tell me he does not handle water law and the case has been forwarded to Fritz Haemmerle, he will call me.

Clelland, Steve

From: Jones, Doug
Sent: Tuesday, March 02, 2004 12:58 PM
To: Clelland, Steve
Subject: RE: 37-303B

Hi Steve,

I have been in daily conversation with McAfee (!). I will tell her we have the letter from Bennett and will proceed with the owner change that we presently have along with various deeds and other information. We will complete it without changing the legals and allow you to recommend the smaller place of use (NENW S26).

Thanks for letting me know about the letter.

Doug

-----Original Message-----

From: Clelland, Steve
Sent: Tuesday, March 02, 2004 12:54 PM
To: Jones, Doug
Subject: RE: 37-303B

Doug,

I got a letter back from Mrs. Bennett and she states she does not want this decreed water and understands it has all been recently going to Mrs. McAfee. I am okay with this as a statement giving the water to McAfee for the recommendation. No enlargement claim is needed and Mrs. McAfee can file a simple change of ownership to claim the entire right. Does that sound okay by you? Can you contact Mrs. McAfee and get the COO form? I can call Mrs. Bennett and tell her the letter is sufficient at this time.

steve

-----Original Message-----

From: Jones, Doug
Sent: Tuesday, February 17, 2004 10:07 AM
To: Clelland, Steve
Subject: 37-303B

Steve,

Nancy McAfee sent some data from Fish & Game for when they acquired certain properties. The info contained some reference to water, but lacked specifics for the NENW tract. I asked her to get records from the Records office for the NENW.

She said she spoke to Yolanda Bennett and Nancy indicated that Bennett isn't interested in the decree water, just the storage water. I don't know how to deal with the owner change on the NENW, once we get the chain of ownership on the NENW, since the claim indicates NENW S26 & NENE S27. Any suggestions? Can you get confirmation that Bennett isn't interested in the 37-303B?

I'll keep you posted on from this end.

Doug

February 27, 04

Dear Mr. Mc Clelland,

You stated that all correspondence would still be under my husband's name and J. Bennett.

Enclosed, 2 copies of Quitclaim deeds for the properties on this claim.

These properties were Quitclaimed to me by my husband.

I cannot travel to Boise, The Water Master of Leray, told me I could do the necessary paper work in Twin Falls.

I was also informed, that Mrs McClee has been receiving the 40 inches of Decree 1893 since she and her (former) husband purchased the 40 acres in 1993.

I am willing to sign the necessary papers to transfer this 40 inches of water into the name of Nancy McClee.

The remaining water to remain on my property that is being farmed.

Please help me make the correct changes as soon as possible - I would appreciate it very much if the paperwork could be done through the mail - if not, please make an appointment for me in Twin Falls with someone that would know of this case.

My understanding is, just doing a Water Transfer.

Thank you -

Yolande Bennett
Box 3813

SCANNED

MAR 01 2004

Wilder - Id 8 22 22

RECEIVED
MAR 01 2004
Department of Water Resources

QUITCLAIM DEED

THIS INDENTURE, Made this 2 day of February

in the year of our Lord one thousand nine hundred and 1993

between

Bennett, Arl J

as Grantor and

✓ Bennett, Yolande C.

as Grantee

whose current address is

Box 225, Carey, ID 83320

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in, County of Blaine, State of Idaho, bounded and particularly described as follows, to-wit:

FR NENE TL 283, SEC 27

349598

T1S R21E

BLAINE CO. REQUEST

OF Yolande Bennett

'93 FEB 2 AM 11 42 Deed

MARY GREEN, CLERK MP

FEES \$ 3.00

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Arl J. Bennett

STATE OF IDAHO, COUNTY OF Blaine
On this 2 day of Feb., 19 93,
before me, a Notary Public in and for said State, personally appeared

Arl J. Bennett

identified to me on the basis of satisfactory evidence or known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

W. L. Dick

Residing at Harley

Notary Public,
Idaho.

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at the request of

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

Ex-Officio Recorder.

By _____ Deputy

Fees. 5
Mail to:

SCANNED

MAR 01 2004

RECEIVED
MAR 01 2004
Department of Water Resources

QUITCLAIM DEED

THIS INDENTURE, Made this 2 day of February 1993
in the year of our Lord one thousand nine hundred and 1993 between

Bennett, Arl J & Yolande C. Bennett as Grantor and

BENNETT, Arl Yolande C as Grantee

whose current address is Box 225 - CAREY - ID 83320

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in, County of Blaine, State of Idaho, bounded and particularly described as follows, to-wit:

N E N W, SEC 26

349597

T I S R 21 E

BLAINE CO. REQUEST

OF Yolande Bennett
Deed

'93 FEB 2 AM 11 41

MARY GREEN, CLERK MP

FEES \$ 3.00

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Arl J. Bennett
Yolande C. Bennett

STATE OF IDAHO, COUNTY OF Blaine
On this 2 day of February, 1993,
before me, a Notary Public in and for said State, personally appeared

Arl J. Bennett &
Yolanda C. Bennett

identified to me on the basis of satisfactory evidence or known to me
to be the person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

Wick L. Dick
Notary Public,
Idaho.
Residing at Harley

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at the request of

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

Ex-Officio Recorder.

By _____ Deputy

Fees, \$ _____
Mail to: _____

SCANNED

MAR 01 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FEBRUARY 6, 2004

YOLNDE BENNETT
PO BOX 3813
CAREY ID 83320

RE: OWNERSHIP OF DECREED RIGHT 37-303

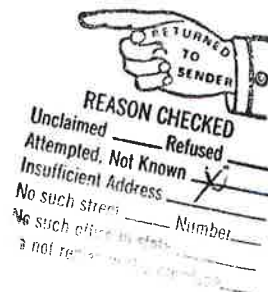
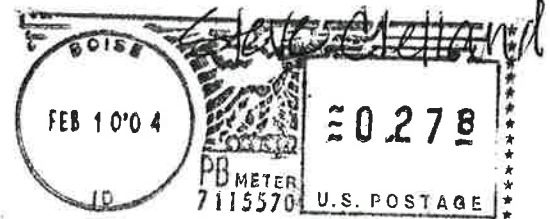
*2/18/04. see
should be
city of Hailey*

Dear Mrs. Bennett,

IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, ID 83720-0098

Postage Requested

PRESORTED
FIRST CLASS



RECEIVED
FEB 18 2004
Department of Water Resources

with this claim. Enclosed is a copy of the claim for your records.

4. Deceased Owner: Aarl J. Bennett will remain as a claimant on this right until you file a Change of Ownership with IDWR showing his estate is now fully owned by you or another party. Forms for this process can be obtained at our local regional office or online at our website at www.IDWR.state.id.us.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FEBRUARY 6, 2004

YOLNDE BENNETT
PO BOX 3813
CAREY ID 83320

RE: OWNERSHIP OF DECREEED RIGHT 37-303

Dear Mrs. Bennett,

After initially reviewing your claim 37-303, I have discovered several issues that need to be addressed by you to allow the final recommendation to be completed for this claim.

1. Ownership: This right was decreed to land in T1S, R21E, S26 N1/2 NE. You don't own the land where the water right is appurtenant and you will need to show IDWR how you came to acquire the ownership of half of this right. (The IDFG appears to have correctly claimed and owned the second half of the right.)
2. Acre Limit: This right was decreed upon a limited land tract of 80 acres and cannot be expanded beyond that. In your case you may have claim to the remaining half of the right or 40 acres of actual irrigated acres. Your claim is for 73.8 acres. If you wish to pursue these additional acres you will need to file an enlargement claim for the extra acres or claim them as a beneficial use right, depending on when the enlargement took place.
3. Renumbered Claim: I have renumbered your claim to reflect the split status of the right. Please refer to **37-303B** in future correspondence with this claim. Enclosed is a copy of the claim for your records.
4. Deceased Owner: Aarl J. Bennett will remain as a claimant on this right until you file a Change of Ownership with IDWR showing his estate is now fully owned by you or another party. Forms for this process can be obtained at our local regional office or online at our website at www.IDWR.state.id.us.

February 6, 2004

I am the agent responsible for preparing your claim for reporting in the upcoming Director's Report for Basin 37 Part I. In order to make an accurate recommendation of your claim I need your quick response to these issues. Failure to resolve the ownership issue will result in a disallowal of this claim.

If you have further questions on this water right, please feel free to call me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Clelland". The signature is fluid and cursive, with the first name "Steve" and last name "Clelland" clearly distinguishable.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

MEMO

FROM: Jim Stanton

DATE: 1-30-04

TO: File

SUBJECT: Claim 37-303, Yolande Bennett

Mrs. Bennett came into my office yesterday to discuss this claim. She sold 2 pieces of the claimed ground several years ago, and hopes to sell the remaining portion in March. There was a question about how much of this right is left for the remaining portion (the land just east of Carey High School).

Today I spoke with Watermaster Bob Simpson. He said that the Lake Ditch runs easterly along the north side of the claimed property, eventually feeding water into Carey Lake under a Fish & Game Dept. right. In order to irrigate out of this ditch, users have installed pumps. Bob said that the east 40 (NENW Sec. 26) has been watered this way for quite a few years, so it appears that a portion of the claim has been put to use by Ms. McAfee (who bought the land under a deed that did not mention any specific water rights). Bob said that he split the right evenly between McAfee & Bennett. I expect that McAfee will be filing a COO shortly; I was told that she tried to do it a couple years ago, but we show no record of that.

The north 6 acres of the west 40 (NENE Sec. 27) have never been watered with this right since they were sold, as no pump has been installed; 5 reservoir shares went with this land, but may not have been used. Bob said that only a couple acres out of the 6 would actually be irrigable.

The proportional split of this claim is 0.43 cfs for McAfee based on 40 acres of the claimed 73.6. This would leave 0.37 cfs for Bennett, but it may take a water transfer to consolidate this onto her remaining land. I called Steve in Boise to get his input, as he is the SRBA agent for this area. This is a 54%/46% split, not 50/50 as mentioned by the watermaster. He mentioned that last year's delivery report is incorrect, as it shows all of this claim going to McAfee.

SCANNED

JAN 30 2004



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
GovernorKARL J. DREHER
Director

January 29, 2004

Yolande Bennett
PO Box 3813
Hailey, ID 83333

RE: Claim 37-303

Dear Mrs. Bennett;

After reviewing the information that you submitted, I have found the following:

You sold 40 acres of land in the NE/NW Sec. 26 to Mr. & Mrs. McAfee. No mention of water was made on the deed, so any appurtenant water rights would legally go with this property. The buyers need to file a Change of Ownership form with IDWR to record their portion of the right (0.43 cfs).

You also sold 8 acres in the NE/NE Sec. 27 to Lisa Whitaker. This deed specifically mentioned 5 shares of old storage rights in Little Wood Reservoir, and this amount has been removed from the 147.3 shares of this water that you formerly owned. You have stated that you did not intend to sell any other water rights to Ms. Whitaker. If she did file a Change of Ownership for a portion of this claim, her proportionate share would be 0.07 cfs.

If both of these parties file Changes of Ownership for portions of this claim, your remaining portion would be 0.30 cfs on 27.8 acres in the NE/NE Sec. 27. Until we find out what the buyers of your land intend to do, it is not possible to say how much of this claim would be left on your remaining land. If the buyers agree that they have no portion of this claim, then you will need to apply for a water transfer to reduce the place of use for this claim from 73.8 acres to just your remaining land. You will need written permission from the buyers to make this transfer. If you can obtain this, I can assist you in filing the application.

Regards,

James E. Stanton
Sr. Water Resource Agent

Post-It® Fax Note	7671	Date	1-30-04	# of pages	1
To	Steve Clelland	From	Jim Stanton		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

SCANNED

JAN 30 2004

(Dead)

FIELD EXAM NOTES

1-27-04 ARK I & Yolande BENNETT 37-303

I Met with Bob Simpson W/M for the Irrigation Dist to discuss this water right and land owner-s, Bob informed me Ark is no longer here and the 2 40acre parcels are owned differently.

A. - to start the map within this file is not ~~in~~ the correct map. this map and areas marked are in 1 N not 1 South as should be (see attached map) This land belongs down South but just north of landing strip in Sec 26 & 27, and south side of Mt. View Drive proceeding East to Carey Lake, and is owned by 2 people Yolande Bennett and Nancy McAFEE - Nancy 80 Mt. View Drive 208-823-4999 and Yolande lives in Ketchum. 208-788-1894.

1- attached map shows correct Poll for each person, and the water is delivered thru the Fish & game ditch, delivered from the East Canal

2 East Canal

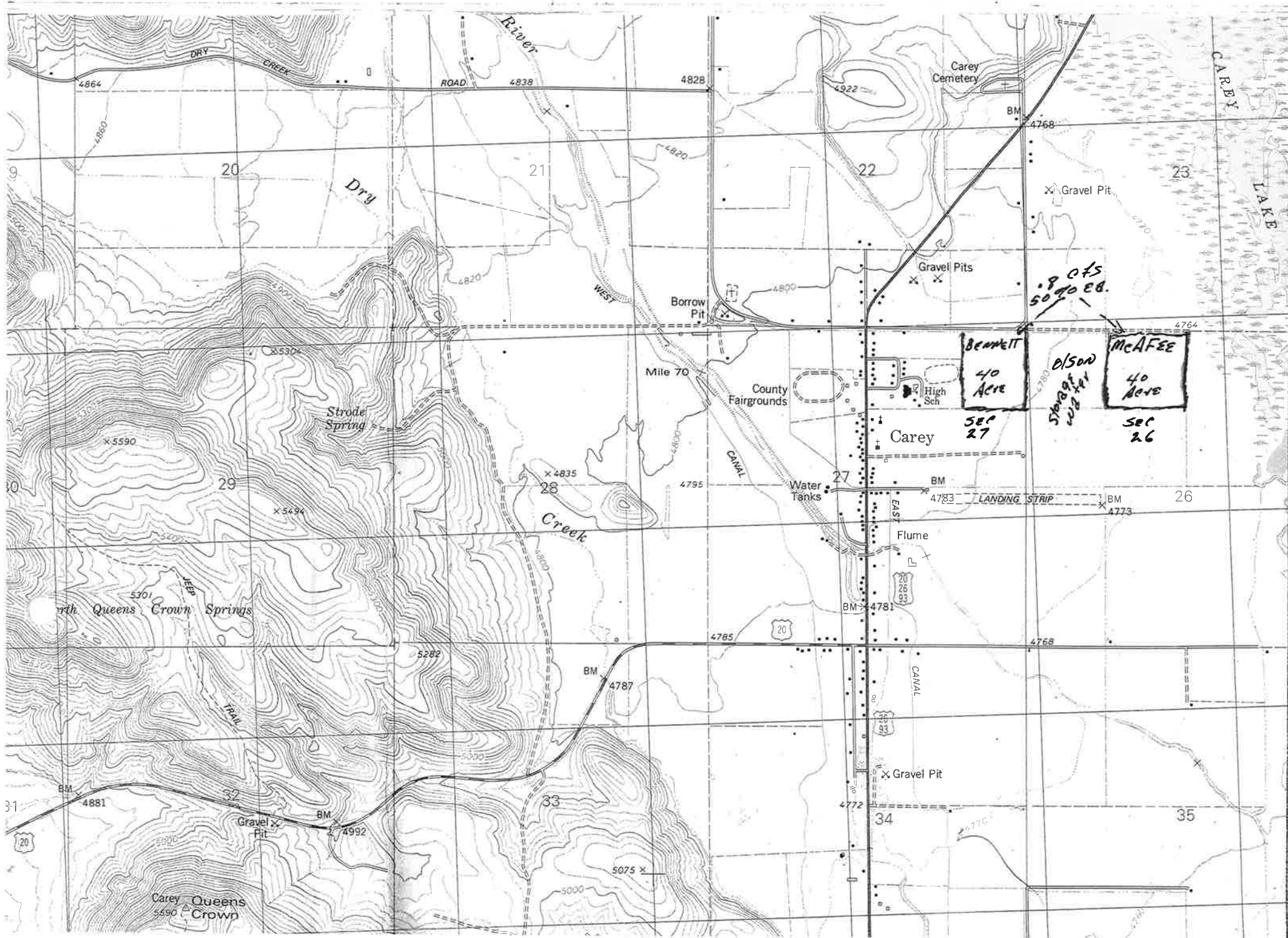
I have called Mrs BENNETT about having her or her Attorney call Steve and provide the information to amend this filing. I also have call in to Nancy McAFEE but no answer yet.

Mrs Bennett returned my call second time she will take the info to Twin.

1-28-04

Nancy McAfee Contact me regarding her land and water rights she acquired from Yolande Bennett some time back. She advised me that she would get deeds and etc take them all to IDWR twin Falls and try to get her portion of this file amended.

(EXAM BY LEE PETERSON)



11/22/02
SCU

37-303 (part B) $\langle$ Need to renumber
this claim $\rangle$

Unclear where this right is claimed.
3 claims list 3 parcels & map shows
another location not in T1S, R21E

WR contradicts the claimed POU.

Part ~~A~~ (-303~~A~~) by Fish & Game claims
S.26 NWNE. This leaves NENE unclaimed?

1/22/04
SCU

1. Confirm POU Acres irrigated: *Photo of map*
2. Locate & map POD pump in LWR:

GIS POU shows 69.3 acres.

POD is EAST CANAL. T1N R21E S30 NWSWSE

1/6/04
SCU

this right decreed to 80 acres. $\frac{1}{2}$ is now
owned by F & G (37-303A) and $\frac{1}{2}$ is owned
by Bennett. Should be limited to 40 acres
as limited by decree. Also Bennett must show
ownership of the decreed portion of this Right
since it is decreed to S.26 NENE, now owned by
BLM (Cary Lake).

Claim is RENUMBERED to 37-303B



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-303

WATER RIGHT NUMBER: **37-303**

Owner Type Name and Address
 Current Owner PERRY HARRIS

, ZZ

Priority Date: 04/26/1893

Basis: Decreed

Status: Active

Source

LITTLE WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion:

1.600 CFS

Location of Point(s) of Diversion

LITTLE WOOD RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	21E	26	X	X															

Conditions of Approval:

Coey Lake!
 (owned by BLM)

NOT DECREEED TO
 CLAIMED POW!

Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 80 AC.

Comments:Dates and Other Information:

SPLIT
 37-303 Bennett 0.80
 -303A FAG .80
 1.60

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-303

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37N
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False