

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: **A37-00310B**
Date Received: 6/ 8/1992
Receipt No: S014622
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GREG C CARR 617-576-9192
Address: 975 MEMORIAL DRIVE #1008
CAMBRIDGE MA 02138

2. Date of Priority: MAR 24, 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
03N	18E	6	NW	NE	SE		BLAINE

5. Description of diverting works:
RINKER #11 HEADGATE; DITCH & POND; PUMP TO SPRINKLERS & HYDRANT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	6	NE	SE		IRR	4.0
Section Acres							4.0

10. Place of Use: Continued

Total Acres 4.0

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:
NONE

14. Remarks:

SEE TRANS. 1888. TRANSFER 1888 MOVED PLACE OF USE AND POINT OF
DIVERSION TO TO LOTS 6 & 7 , GIMLET SUBDIV. NO.1 (INCORRECTLY
IDENTIFIED IN THE TRANSFER AS NWNE S06, T03N, R18E) POND
HOLDS WATER FOR IRRIGATION PUMPING AND FOR FIRE PROTECTION IN
RURAL, RESIDENTIAL AREA OF COUNTY.

ADDRESS CHANGE REC'D 07/14/1994 SS.

CONFORMED ATTORNEY MAILING ADDRESS DMS

5-14-98: OWNERSHIP CHANGE BERTEA TO CARR PER NOTICE REC'D 1-29-98
VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL

vs Decree Defendant



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

May 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Greg C. Carr
975 Memorial Drive #1008
Cambridge, MA 02138

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A37-00310B
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

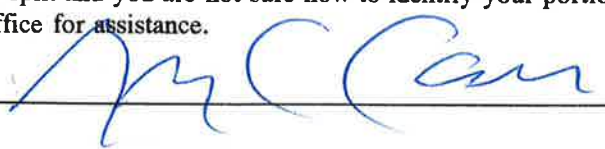
RECEIVED

JAN 29 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

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.

1. Water Right No(s): 37-00310B
Adjudication Claim No(s): A37-00310B
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 Richard Bertea and Hyla Bertea
120 McKnight Drive, Laguna Beach, CA 92651
4. New Owner/Claimant(s) Greg C. Carr
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 975 Memorial Drive #1008
City, State and ZIP Code Cambridge, Mass. 02138
New Telephone Number (617) 576-9192
5. Date you acquired the property 1/23/98
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 4 Number and type of stock _____
Diversion rate in CFS .4 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) 
(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..

JDX-5/15/98

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

Richard Bertea and Hyla Bertea, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Greg C. Carr, an unmarried man

the grantee, whose current address is

975 Memorial Drive #1008
Cambridge, Mass 02138

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

See Exhibit "A" attached hereto and made a part hereof

INCLUDING ANY AND ALL WATER RIGHTS APPURTENANT THERETO

This transaction is a 1031 Exchange for the benefit of Greg C. Carr, grantee, "replacement property"

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 16, 1998

Richard Bertea

Hyla Bertea

RECEIVED

JAN 29 1998

Department of Water Resource
Southern Region

State of Idaho

County of Blaine

On this 16th day of January, 1998, before me a Notary Public in and for said State, personally appeared Richard Bertea and Hyla Bertea known or identified to me to be the persons whose names are subscribed to the foregoing instrument,

'98 JAN 23 AM 9 12
MARY GREEN, CLERK YN
FEE \$ 6.00

BLAINE CO. REQUEST
OF: SUN VALLEY TIT

410025

EXHIBIT "A"

Lots 5, 6 and 7 of GIMLET SUBDIVISION NO. 1 REVISED, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded June 7, 1972, as Instrument No. 143858, records of Blaine County, Idaho.

AND

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 6: A parcel of land in the SE¼, more particularly described as follows:

COMMENCING at the SE corner of Lot 7 of Gimlet Subdivision No. 1 Revised, the POINT OF BEGINNING; thence
South 85°11'15" W. 486.98 feet; thence
South 2°30'09" E. 100 feet; thence
North 85°11'15" E. 490.84 feet; thence
100 feet along a curve to the left with a central angle of 12°34'06"; a
radius of 760.75 feet to the POINT OF BEGINNING.

This parcel is designated as Tax Lot 5708 on the Blaine County Tax Assessor's Rolls.

AND

A parcel of property formerly being a portion of Gin Ridge Road, as shown within the plat GIMLET SUBDIVISION NO. 1, REVISED, Blaine County, Idaho, said plat having been recorded as Instrument No. 143848, records of Blaine County, Idaho, and said parcel being described by metes and bounds as follows:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, said corner lying S. 00°17'00" W., 2567.68 feet from the NE Section Corner of said Section 6, thence S. 26°54'49" W., 984.21 feet to the southwest corner of Lot 11, Gimlet Subdivision No. 1 Revised said corner being the TRUE POINT OF BEGINNING.

Thence along the following boundaries of said Gimlet No. 1 Subdivision, Revised:
S. 85°11'15" W., 60.11 feet to the southeast corner of Lot 7; thence following the easterly boundary of said Lot 7, 66.88 feet along a curve to the left, said curve having a central angle of 05°02'13" a radius of 760.75 feet, and a chord length of 66.86 feet that bears N. 11°00'04"W; thence following the easterly boundaries of Lots 7, 6 and 5 356.35 feet along a



SUN VALLEY
TITLE
COMPANY

(208) 726-9341
FAX (208) 726-7495

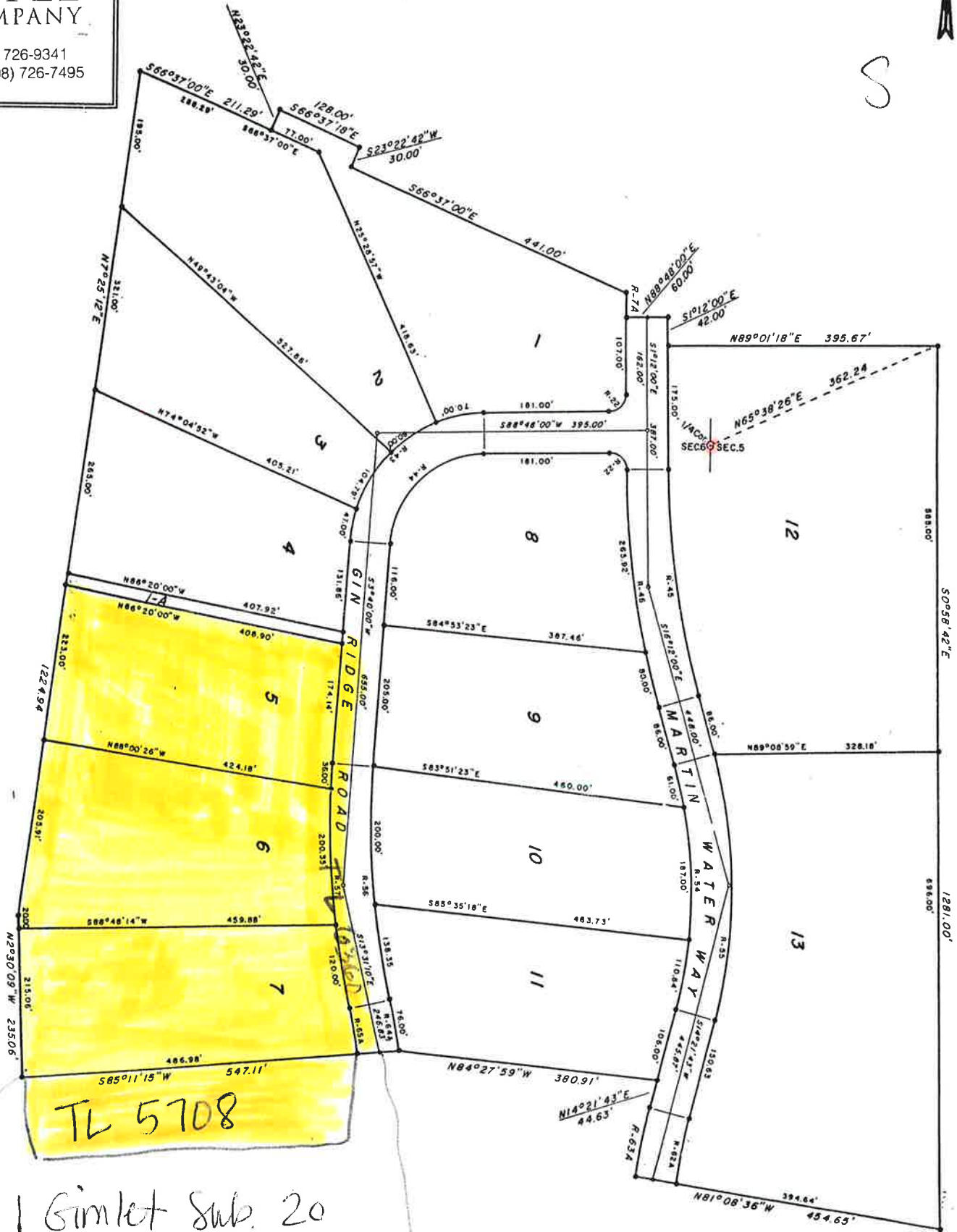
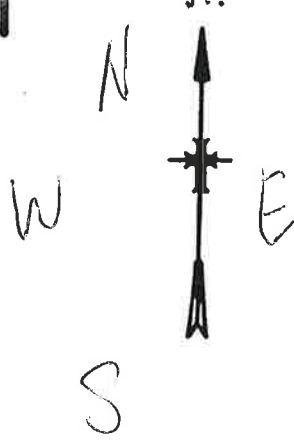
GIMLET SUBDIVISION NO.1

SECS. 5&6, T3N, R18E, L...

REVISED

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.

Land Title Guaranty Company
Hailey, Idaho



lot 1 Gimlet Sub. 20



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 27, 1994

RICHARD BERTEA
120 NEWPORT CENTER DR STE 245
NEWPORT BEACH CA 92660

RECEIVED

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A37-00310B
Change of Address

JUN 29 1994

Department of Water Resource
Southern Region Office

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help to make sure you receive the future notices we intend to send to you that will keep you notified about SRBA matters.

If the ownership of the property to which this water right applies has changed, please call this office toll-free at 1-800/451-4291 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:region

#####

The address is correct as shown above or as otherwise changed.

Claimant

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 27, 1994

RICHARD BERTEA
120 NEWPORT CENTER DR STE 245
NEWPORT BEACH CA 92660

RECEIVED

JUN 14 1994

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A37-00310B
Change of Address

Record Modified 07-18-94.
-ss

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help to make sure you receive the future notices we intend to send to you that will keep you notified about SRBA matters.

If the ownership of the property to which this water right applies has changed, please call this office toll-free at 1-800/451-4291 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:region

#####

The address is correct as shown above or as otherwise changed.



Claimant

MICROFILMED

OCT 24 1994

DATE: 07/18/94
PAGE: 1

JUL 20 1994
Department of Water Resources
Southern Region Office

OCT 24 1954



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jun-1992

JAMES SPECK
PO BOX 987
KETCHUM ID 83340

RE: ADJUDICATION CLAIM NO. A37-00310B

Mr. Speck:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed the receipt and a copy of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

FILED
2 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: A37-00310B
Date Received: 6/ 8/1992
Receipt No: S014622
Received By: AD.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD BERTEA 714-851-3500
Address: 18321 JAMBOREE BLVD
IRVINE CA 92715

2. Date of Priority: MAR 24, 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
03N	18E	6	NW	NE	SE		BLAINE

5. Description of diverting works:
RINKER #11 HEADGATE; DITCH & POND; PUMP TO SPRINKLERS & HYDRANT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	6	NE	SE		IRR	4.0

Section Acres 4.0

Total Acres 4.0

RECORDED
FEB 22 1993

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:
NONE

14. Remarks:

SEE TRANS. 1888. TRANSFER 1888 MOVED PLACE OF USE AND POINT OF
DIVERSION TO TO LOTS 6 & 7 , GIMLET SUBDIV. NO.1 (INCORRECTLY
IDENTIFIED IN THE TRANSFER AS NWNE S06, T03N, R18E) POND
HOLDS WATER FOR IRRIGATION PUMPING AND FOR FIRE PROTECTION IN
RURAL, RESIDENTIAL AREA OF COUNTY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, 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: _____

MICROFILMED
FEB 22 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 22 1993

RECEIVED

JUN 08 1992

Department of Water Resources
Southern Region Office

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

CIVIL CASE NUMBER: 39356

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

Ident Number

Date Received

Receipt Number

A37-00310B

5014622-AD~

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Richard Berteau
Phone: 1-714-851-3500
Mailing Address: 18321 Jamboree Blvd.
Irvine, CA 92715

2. Date of Priority: March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of point of diversion is:

Township	Range	Section	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	Lot	County
3N	18E	6	NW	NE	SE		Blaine

Additional points of diversion if any: None

b. If instream flow, beginning point:

Township	Range	Section	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	Lot	County

Ending point:

Township	Range	Section	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	Lot	County

5. Description of existing diversion works: Rinker #11 Headgate; ditch and pond; pump in pond to underground, residential sprinkler system and to hydrant for fire protection.

RECORDED
FEB 22 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.4 cfs

7. Total Quantity Claimed: 0.4 cfs

8. Total consumptive use claimed is 10 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	6	NE	SE	I	4

Total number of irrigated acres: 4

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

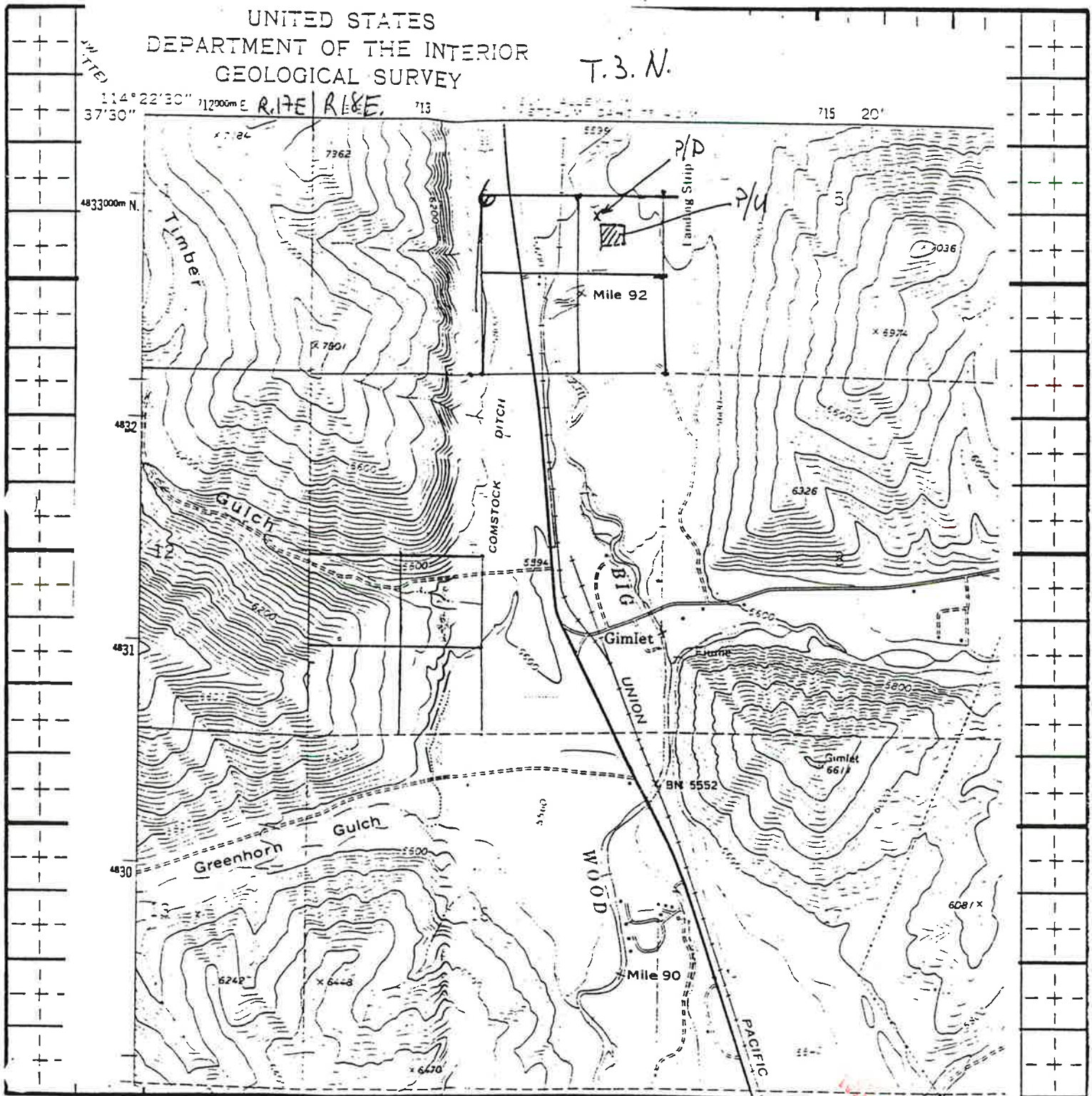
14. Remarks: See Transfer 1888. Originally decreed to Henry Hewett in S. C. Frost, et al. v. Alturus Water Company, et ux. Transfer 1888 moved place of use and point of diversion to Lots 6 and 7, Gimlet Subdivision No. 1 (incorrectly identified in the Transfer as located in NW1/4NE1/4, Section 6, T.3N., R.18E.). Pond holds water for irrigation pumping and for fire protection in rural, residential area of county.

Last Name: Bertea Ident No. _____

RECORDED
FEB 22 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name BERTEA

Ident No. _____

Copies: White-State, Yellow-Claimant

NOT FILMED
FEB 22 1993

RECEIVED

JUN 08 1992

Department of Water Resources
Southern Region Office

15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-00310B
Court: Lincoln County District Court
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S. C. Frost, et al. v. Alturus Water Company, et ux.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

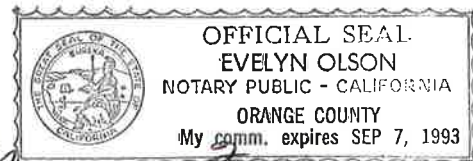
[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) *Richard Bertea*
RICHARD BERTEA

Date 5-28-92

Date _____

State of California ss.
County of Orange



Subscribed and sworn before me this 29th day of May, 1991.

Notary Public *Evelyn Olson*
Residing at *Missouri Valley, Ca.*
Commission Expires *9/7/93*

17. **Notice of Appearance:**

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: *James P. Speck*
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 6/1/92

Last Name: Bertea Ident No.: _____

j\water\bertea.clm
9/25/91

MICROFILMED
FEB 22 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
DONALD E. MITCHELL

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 3, 1992

RECEIVED

JUN 05 1992

Department of Water Resources
Southern Region Office

CERTIFIED MAIL

Mr. Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301

Re: Richard Berteau-Snake River Basin Adjudication Notice
of Claim-Water Right No. 37-00310B

Dear Loren:

Enclosed you will find a Notice of Claim which I have prepared for Mr. Richard Berteau for water right no. 37-00310B for filing in the Snake River Basin Adjudication together with our check payable to the Department in the sum of \$104.00 representing the \$54.00 filing fee and \$50.00 late fee. Please return a conformed copy from the Department's computer database as soon as the claim has been entered.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures
cc: Mr. Dick Berteau (w/encls.)

RECORDED
FEB 22 1993

IOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

Fold at line over top of envelope to the right
of the return address.

CERTIFIED

P 059 723 345

MAIL



RECEIVED

JUN 10 1993

Department of Water Resources
Southern Region Office

MR LOREN HOLMES
DEPARTMENT OF WATER RESOURCES
222 SHOSHONE STREET
TWIN FALLS IDaho 83301

Name	
1st Notice	
2nd Notice	
Return	

RECORDED
FEB 22 1993

11/13/2006

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

RIGHT NUMBER: 37-310B
NAME AND ADDRESS: GREG C CARR
975 MEMORIAL DR #1008
CAMBRIDGE MA 02138
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.400 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:
T03N R18E S6 NESE Within BLAINE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 11/01	0.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County
T03N R18E S06 NESE 4.00

4 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: BASIS OF CLAIM - Decreed

Transfer 1888 moved place of use and point of diversion to Lots 6 & 7 , Gimlet Subdiv. No.1 (incorrectly identified in the transfer as NWNE S06,T03N, R18E) pond holds water for irrigation pumping and for fire protection in rural, residential area of county.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



Idaho Department of Water Resources

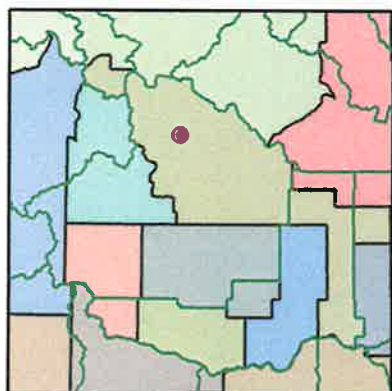
SRBA Recommendation:

37-310B

(Irrigation)

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by A. Warntjes
On Monday, November 13, 2006
1987/88 Aerial Photography

Transfer No. 3196
 A=37-0577AY
 Water Right No. B=37-0310A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Davis Investment Co. Phone 213-426-8824
 Post Office address P.O. Box 92978 Long Beach, Calif. 90809

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: A=37-0577 B=37-0310
 - a. Decree No. _____ Decreed to A= W.T. Riley B= Henry Hewett
 (Name)
 in case of S.C. Frost vs Alturas Water Co.
 dated in December 1909 in Fourth Judicial Dist county of Lincoln
 (Name of court)
 - b. License No. _____ issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____
3. Source of water Big Wood River tributary to Snake River
 A= 3-24-1883
4. Date of priority B=3-24-1883
5. Water is used for the following purposes:
 amount A= 16.604 for Irrigation purposes from April to November
 amount B= .40 for Irrigation purposes from April to November
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)
 A= 16.604
6. Total amount of water under right: a. B= .40 cubic feet per second
 &/or
 b. _____ acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20
 Township 3 N Range 18 E, B.M. in Blaine County
 Additional points of diversion, if any _____
8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
A	3N	18E	28																
			29																
			33																
	2N	18E	4-5-8-9-10-15-16-22-23-25-26																
B	2N	18E	Block: _____ 107 Hailey Townsite																

Total number of acres to be irrigated

9. Describe any other water rights used for the same purpose as described above None by Applicant
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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4/8/84

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

A= 1.20 C.F.S.

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1. Amount of water: a. B= .40 C.F.S. cubic feet per second &/or
b. _____ acre feet per annum

2. Point of diversion SW 1/4 NW 1/4, Section 20, Township 3N, Range 18 E, B.M., Blaine County
Additional points _____

3. Place of use: See attached description & Hailey Townsite Plat

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
A=	3N	18E	10																
	2N	18E	10																
	2N	18E	10																
B=	2N	18E	10																
	2N	18E	10																

Total number of acres to be irrigated 68

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

1. General Information

A=1.20 C.F.S. = 51" after loss
= 47" after loss

- a. Amount of water to be diverted B= .40 C.F.S. c.f.s. &/or _____ acre feet
b. Description of diverting works Existing headgate and canals on diversion and Pump & sprinklers on redirection
c. Describe the reasons for the proposed changes to use the water on more productive land.

2. Change in point of diversion

Point of diversion SW 1/4 NW 1/4, Section 22, Township 1S, Range 18 E, B.M., Blaine County
Additional points _____

3. Change in place of use

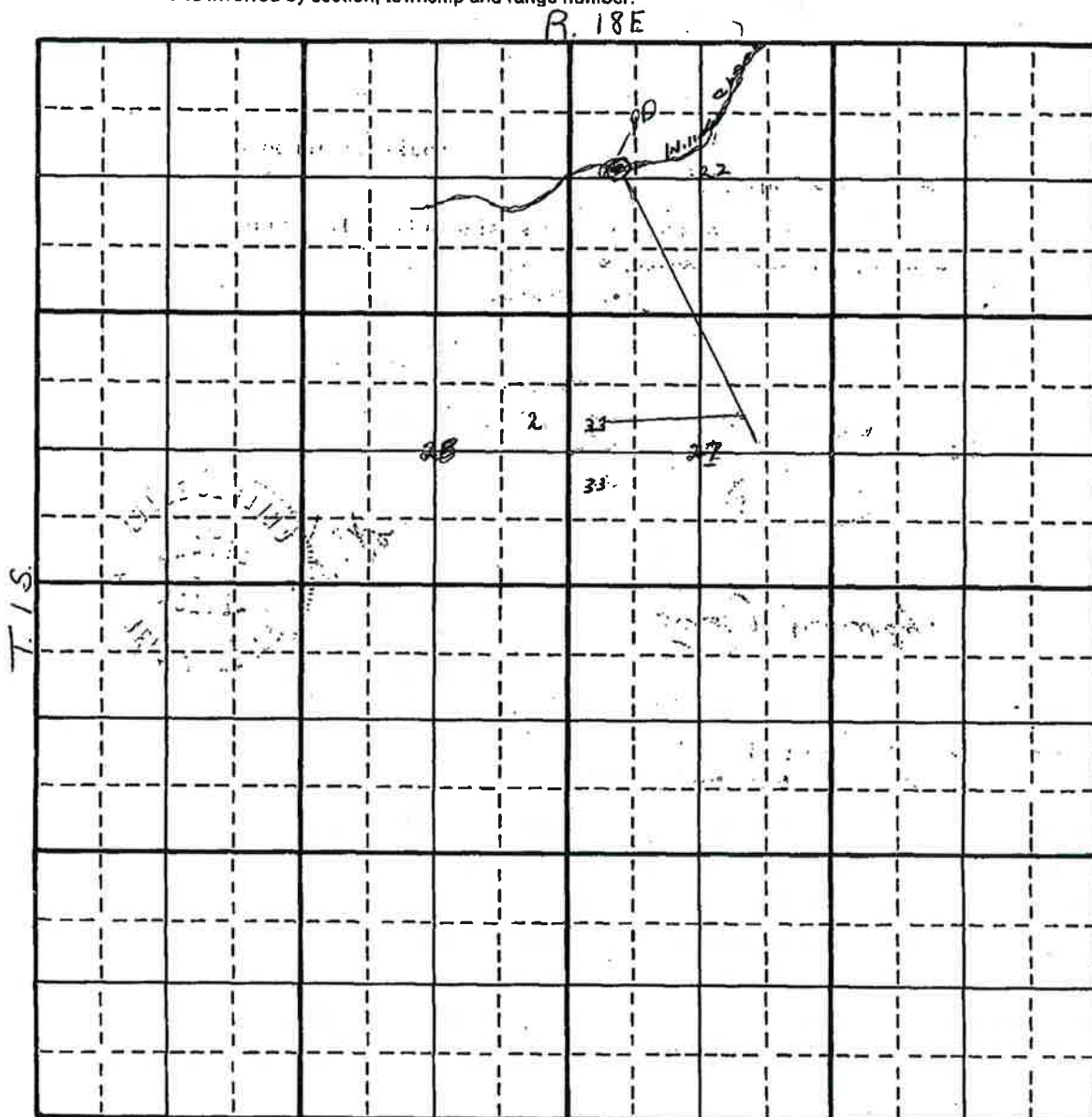
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer This land will be Subdivided and will be used for residential use only

c. 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	
1S	18E	27							33				33						66
1S	18E	28				2													2

Total number of acres to be irrigated 68

- Describe any other water rights used for the same purpose as described above. State W.R. 37-0181 & 37-0180 used in Sec. 26 & 27 for irrigation
- 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.

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D. REMARKS

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

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Davis Engineering Co.
by: Rick K. Davis - Pres
 (Signature of Applicant)

Subscribed and sworn to before me this 24th day of May, 19 85.

Reid J. Newby
 (Notary Public)

My commission expires

Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0310A/0577BB and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the 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.
3. A 15% river channel loss is assessed to the rights identified herein.
4. The maximum rate of diversion for Right 37-0577BB shall not exceed 1.02 cfs and Right 37-0310A shall not exceed 0.34 cfs at the point of diversion.

Witness my hand this 30th day of October, 19 85

J. Glen Saxton
 Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>JG</u>	Date <u>8-5-85</u>	Protest filed by <u>None</u>
Prelim. check by <u>RB</u>	Fee <u>\$50. #36700</u>	
Received by <u>JG</u>	Date <u>8-5-85</u>	
Published in <u>Wood River Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>Sept 5 + 12, 1985</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on <u>8/27/85</u>	Recommended for <u>approval</u>	denial
_____ rec'd. <u>8/29/85</u>	by <u>ADM Jim</u>	

Re: State Water Rights 37-0577 & 37-0310
Transfer by Davis Investment Co.

Part 8 of Transfer (Lands irrigated or place of use:
Mr. Stanley Levison who used this water just prior to this
transfer stated that He used the water on the following described
Land.

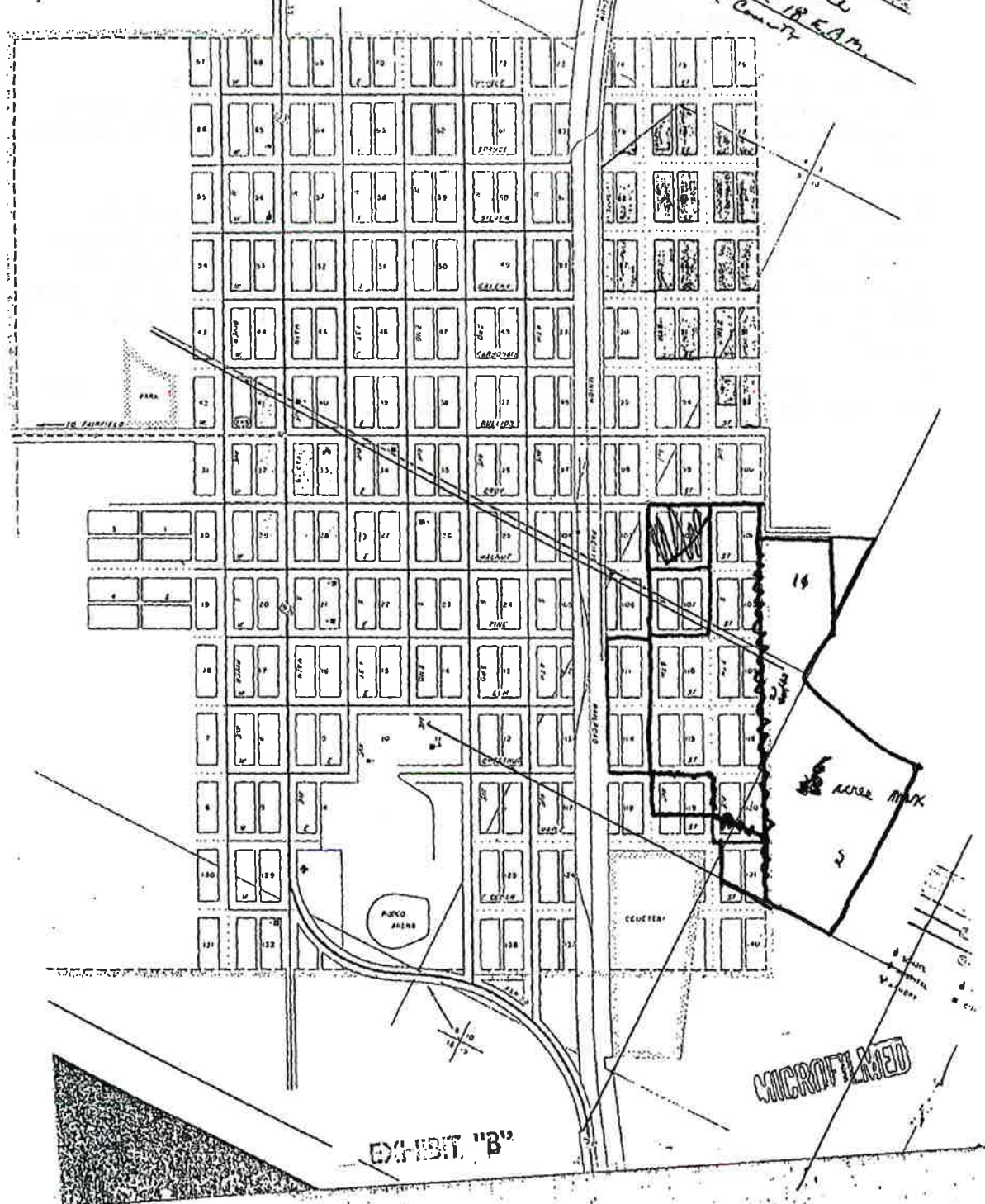
All of Blocks 101,102,107,108,109,110,115,116,120 and That
part of blocks 111, 114, lying North and East of the Oregon
Shortline Railroad. Also lots 1,2,3,4,5,6,7,8,13,14,15,16,
17,18,19, and 20 in block 119 and that part of Block 121 within
NE $\frac{1}{4}$,SE $\frac{1}{4}$, of Section 10, T.2N, R.18 E.B.M. all in Hailley Townsite
Blaine County, Idaho.

Mr. Levison stated that He also owned the land due East and
contiguous to the above listed lands.

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Revised Plat

55 9 + 10
Hailey Township
T. 2 N. R. 18 E. M.
Blaine County



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37-310 Splits

Basin	Sequence	Suffix	Basis	Status	Priority Dat	Rate(cfs)	Volume(	Source	Water Use(s	Owner(s)	Source Table
37	310	A	Decreed	Active	1883-03-24	0.4		BIG WOOD R	IRRIGATION	SPRING CREEK IDAHO F	wrAdjudicationClaim
37	310	B	Decreed	Active	1883-03-24	0.4		BIG WOOD R	IRRIGATION	CARR, GREG C (Current)	wrAdjudicationClaim
37	310	A			1883-03-24	0.4		BIG WOOD R	IRRIGATION	SPRING CREEK IDAHO F	wrAdjudicationRecommendation
37	310	B			1883-03-24	0.4		BIG WOOD R	IRRIGATION	CARR, GREG C (Current)	wrAdjudicationRecommendation
37	310			See Remarks							wrWaterApplication
37	310			See Remarks							wrWaterRight
37	310	A	Decreed	Active	1883-03-24	0.4		BIG WOOD R	IRRIGATION	DAVIS INVESTMENT CO	wrWaterRight
37	310	B	Decreed	Active	1883-03-24	0.4		BIG WOOD R	IRRIGATION	SMITH, ROBERT E (Curre	wrWaterRight
37	310			See Remarks							wrWaterPermit

RECEIVED Know all Men by these Presents

Department of Water Resources
Southern District Office

That

ROSTAN, INC.

in consideration of One Dollar and other valuable considerations

Dollars, to it paid by Robert E. Smith

the receipt whereof is hereby acknowledged, do hereby Grant, Bargain,

Sell and Convey to the said Robert E. Smith

executors, administrators, and assigns, the following described personal property, to-wit:

Twenty (20) inches of water from
Hiawatha No.22 division point, priority
date, March 24, 1883. Said twenty
inches are part of one hundred (100)
inches acquired by Rostan, Inc., from
Triple S Co.

Is This W. T. Riley

Proven

Transfer No. 1888

RECEIVED

APR 24 1975

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use Department of Water Resources
Southern District Office

1. Name of Right Holder ROBERT E. SMITH
Post office address Box 672, Ketchum, Idaho 83340
2. Right obtained by:
a. Decree to Henry Hewitt in Case of S. C. Frost
(Name)
vs. Alturas Water Co, Dated 10-6-1909 In Fourth Judicial District
Court. County of Blaine 37-0310 (Name of Court)
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Big Wood River tributary to Snake River
(Name of stream or source)
4. Date of Priority March 24, 1883
5. Amount of water a. 0.80 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from 4-1 to 10=1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20,
Township 3N, Range 18E, B.M., in Blaine County;
- Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

[illegible]

Total number of acres presently irrigated_____

MICROFILMED

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

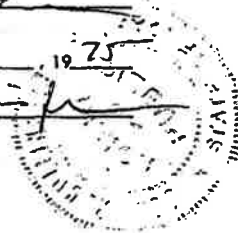
I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Russell
(signature of applicant)

Subscribed and sworn to before me this 23RD day of APRIL, 19 75

John R. Cullen
(notary public)

My commission expires MAY 28, 1978



**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0310
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 16 day of July, 19 75

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by CC Date 4-24-75

Protest filed by: _____ Date _____

Prelim. check by RLN Date _____

Fee received by CC Date 4-24-75 Fee \$22.00

Approved for publication by RLN

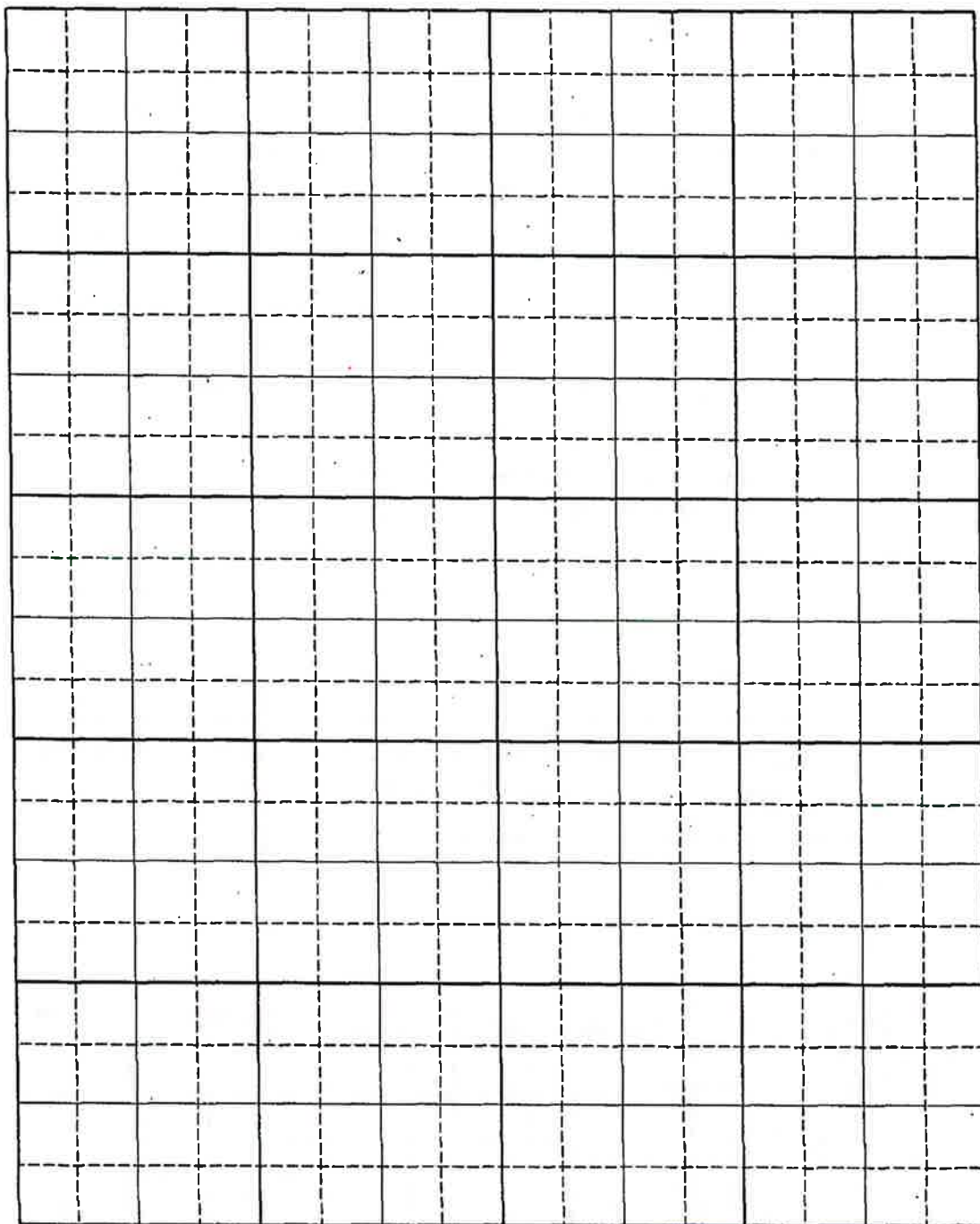
Published in Wendover J. Dates 6-19 & 6-26-75

Hearing held _____

Watermaster Recommendation sent _____

#14796

RECEIVED
JUL 1 1975
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

UNRECORDED

9. If applicant was not the original holder of this right explain how it was acquired: _____

By purchase

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 0.40 c.f.s. and/or _____ acre feet

b. New point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 3N
Range 18E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Headgates and ditches.

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

New lands to be irrigated:

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes. However, seller retains
substantial rights diverted from old point of diversion.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

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 $\frac{1}{4}$	
From 2N	18E		Block 102																
to																			
3N	18E	6			20														20

Total number of acres to be irrigated 20

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7	0300✓	Harness, David H.	c 10 inches.	June 1, 1886.	Corral Creek.
7	0301✓	" "	40 "	260 May 20, 1901.	Lansing Creek. - Trans #73
7	0302✓	Harrington, W. H.	100 "	187 June 1, 1891.	Big Wood River. TRANS #1916 2580
7	0303✓	Harris, Perry	80 "	207 Apr. 26, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
7	0304✓	Harris, Susannah	40 "	207 Apr. 22, 1893. Trans #847	Little Wood River. (Also shares in Little Wood River Canal Co.)
7	0305✓	Hartsough, Albert H.	120 "	154 June 30, 1888.	Breck's Creek and Little Silver Creek.
7	0306✓	Hartwell, Orville	50 "	145 Apr. 1, 1888.	Little Wood River.
7	0307✓	Hecker, Adolph, and W. D. Scharff	80 "	138 June 10, 1887.	Big Wood River.
7	0308✓	Hendrick, E. H.	80 "	115 May 14, 1886.	Big Wood River. Trans #258
7	0309✓	Hersey, F. L.	160 "	127 June 2, 1883.	Soldier Creek. ✓
7	0310✓	Hewett, Henry	40 "	36 Moh. 24, 1883.	Big Wood River. TRANS #1888 (From Riley ditch.)
7	0311✓	Higginson, Charles H.	90 "	270 Apr. 3, 1884.	Big Wood River.
7	0312✓	Higgs, Ben.	100 "	158 Aug. 31, 1888.	Soldier Creek.
7	0313✓	Higgs, John	280 "	147 May 1, 1888.	Willow Creek, a tributary of Upper Malad.
7	0314✓	"	90 "	255 June 10, 1900.	Willow Creek.
7	0315✓	Hinesley, J. F.	100 "	102 June 1, 1885.	Big Wood River.
7	0316✓	Hoaks, Henry	160 "	4001 Oct. 15, 1884.	" " "
7	0317✓	Hodgman, W. A.	150 "	54 June 14, 1883.	Silver Creek. Trans #499, #1738
7	0318✓	Hodgman, Adelaide B.	180 "	51 June 14, 1883.	trans #66A Decree Howard vs Cook 1185-1
7	0319✓	"	50 "	100 May 15, 1885.	" " "
7	0320✓	Howard, Mrs. E.	120 "	277 June 1, 1894.	Little Wood River.
7	0321✓	Hughes, Patrick H.	150 "	77 Apr. 30, 1884.	" " " (Also shares in Big Cottonwood Canal Co.)
7	0322✓	Hughes, Thomas	80 "	281 Dec. 18, 1903.	Big Wood River.
7	0323✓	Hulstrom, Annie M.	150 "	136 June 1, 1887.	Soldier Creek. ✓
7	0324✓	"	160 "	181 Nov. 22, 1890.	" " "
7	0325✓	Hulstrom, John A.	240 "	181 Nov. 22, 1890.	" " " ✓ Trans #622

JUN 04 1906

thence North 1/2 mile, to point of beginning,
containing 50 acres.

Harris, Perry N 1/2 of NE 1/4 of Sec. 26, T. 1 S., R. 21 E.,
containing 80 acres.

Harris, Susannah SW 1/4 of NE 1/4 of Sec. 26, T. 1 S., R. 21 E.,
containing 40 acres.

Hartsough, Albert E. W 1/2 of SW 1/4 of Sec. 13, T. 1 S., R. 18 E.,
containing 80 acres.

Hartwell, Orville E 1/2 of SW 1/4 of Sec. 11, T. 2 S., R. 21 E.

Heckerd, Adolph, and
William D. Scharff E 1/2 of NW 1/4 and SW 1/4 of NE 1/4 of Sec. 27,
and SE 1/4 of SW 1/4 of Sec. 22, T. 1 N., R.
18 E.

Hendrick, E. H. W 1/2 of E 1/2 of SW 1/4 of Sec. 4, T. 2 N., R.
18 E., containing 40 acres.

Hershey, I. L. NE 1/4 of Sec. 28, T. 1 N., R. 14 E.

Hewett, Henry A block of ground 800 feet long by 366 feet wide
situated on the South side of Croy Street and
East side of Fourth Avenue, being all of Blocks
102 and 107 of the town of Hailey, Blaine
County, Idaho.

Higginson, Charles H. SE 1/4 of SW 1/4 of Sec. 26, T. 2 N., R. 18 E.,
containing 40 acres, and five acres of the
Broadford townsite.

Higgs, Ben. NE 1/4 of Sec. 32, T. 1 N., R. 14 E.

Higgs, John E 1/2 of NW 1/4 and W 1/2 of NE 1/4 of Sec. 10,
T. 1 S., R. 16 E., containing 160 acres. Also,
NW 1/4 of SE 1/4 and NE 1/4 of SW 1/4 of Sec.
10, T. 1 S., R. 16 E., containing 80 acres.

Hinealey, J. F. E 1/2 of SE 1/4 of Sec. 35, T. 2 N., R. 18 E.,
containing 80 acres.

JUN 04 1996

Green, Miss Belle, Guardian,	350 inches.	May 1, 1883.	Trail Creek. (See Edwards and Grenfell.) (See Finding No. 18.)
Grenfell, Annie, and John Edwards			
Grey, John J.			
Guiver, George	100 inches.	Apr. 1, 1892.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Gwinn, Frank	120 "	Apr. 23, 1906.	Big Wood River.
Gwinn, Frank P.	160 "	Nov. 15, 1897.	" " "
Gwinn, William R.	280 "	Apr. 23, 1906.	" " "
Hailey Water & Power Company	All of creek.	(Exclusive right, (as successor of) (Nancy M. Tucker.)	Indian Creek.
Do.	300 inches.	Nov. 26, 1886.	Big Wood River.
Hamblett, S. G.	200 "	Sept. 18, 1885.	" " "
Hardin, Arthur L.	154 "	Nov. 2, 1885.	" " "
Harness, David H.	10 "	June 1, 1886.	Corral Creek.
" " "	40 "	May 20, 1901.	Lansing Creek.
Harrington, W. H.	100 "	June 1, 1891.	Big Wood River.
Harris, Perry	80 "	Apr. 26, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Harris, Susannah	40 "	Apr. 22, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Hartsough, Albert E.	120 "	June 30, 1888.	Breck's Creek and Little Silver Creek.
Hartwell, Orville	50 "	Apr. 1, 1888.	Little Wood River.
Heckerd, Adolph, and W.D. Scharff	80 "	June 10, 1887.	Big Wood River.
Hendrick, E. H.	80 "	May 14, 1886.	" " "
Hershey, I. L.	160 "	June 2, 1883.	Soldier Creek.
Hewett, Henry	40 "	Mich. 24, 1883.	Big Wood River. (From Riley ditch.)
Higginson, Charles H.	90 "	Apr. 3, 1884.	Big Wood River.
Higgs, Ben.	100 "	Aug. 31, 1888.	Soldier Creek.

JUN 04 1900

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hewitt, Henry	0.80		37-0310
1888	Smith, Robert E.	0.40		37-0310B
	Hewitt, Henry	0.40		37-0310A
3196	Davis Investment Co. *Limited to 0.34 cfs at pt. of diversion	0.40*		37-0310A

T
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A
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MICROFILMED

95600-10310


Department of State
CERTIFICATE OF INCORPORATION
OF

SOUTH GIMLET WATER USERS ASSOCIATION, INC.

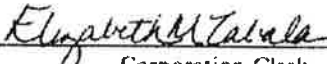
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of _____
SOUTH GIMLET WATER USERS ASSOCIATION, INC.
duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated June 19, 1991.




SECRETARY OF STATE


Corporation Clerk

CINP 778

**ARTICLES OF INCORPORATION
OF**

SOUTH GIMLET WATER USERS ASSOCIATION, INC.
an Idaho non-profit corporation

91 JUN 19 AM 8 37
The undersigned, acting as the incorporator of a nonprofit corporation ("Corporation") organized under and pursuant to the Idaho Nonprofit Corporation Act, Chapter 3, Title 30, Idaho Code ("Act"), adopts the following Articles of Incorporation for the Corporation.

ARTICLE I

NAME

The name of the Corporation is South Gimlet Water Users Association, Inc.

ARTICLE II

NONPROFIT STATUS

The Corporation is a nonprofit corporation.

ARTICLE III

PERIOD OF DURATION

The period of duration of the Corporation is perpetual.

ARTICLE IV

INITIAL REGISTERED OFFICE AND AGENT

The location of the Corporation is in the City of Ketchum, County of Blaine, State of Idaho. The address of the initial registered office is 120 East Avenue, P. O. Box 987, Ketchum, Idaho 83340, and the name of the initial registered agent at this address is James P. Speck.

ARTICLE V

PURPOSES

The purposes for which the Corporation is organized and will be operated are as follows:

- A. To own, operate and maintain a recreational and

ARTICLES OF INCORPORATION - 1

aesthetic water system, including all water rights necessary for the operation of such system, for the mutual and non-exclusive benefit of the members of the Corporation.

B. To exercise all powers granted by law necessary and proper to carry out the above-stated purposes, including but not limited to the power to accept donations of money, property, whether real or personal, or any other thing of value. Nothing herein contained shall be deemed to authorize or permit the Corporation to carry on any business for profit, to exercise any power, or to do any act that a corporation formed under the Act, or any amendment thereto or substitute therefor, may not at any time lawfully carry on or do.

ARTICLE VI

LIMITATIONS

No part of the net earnings or the assets of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article V hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time.

ARTICLE VII

MEMBERSHIP

There shall be one membership in the Corporation for each of the following lots (a "Lot") within the Gimlet area of Blaine County, Idaho, as shown on the official plats of the respective subdivisions recorded in the office of the Blaine County Recorder in the City of Hailey, Blaine County, Idaho:

(SEE EXHIBIT A ATTACHED HERETO)

Each membership is and shall always be appurtenant to a particular Lot and shall automatically pass with transfer of

ARTICLES OF INCORPORATION - 2

title to the Lot, but is otherwise non-assignable. The owner of a Lot automatically becomes the owner of the membership for that Lot and automatically has the benefits of and is subject to the burdens attributable to such membership. If title to a Lot is held by more than one person, the membership relating to that Lot shall be shared by all such persons in the same proportion and interests and in the same type of tenancy in which title to the Lot is held. There shall be one class of membership and each member shall have one vote for the membership attributable to a Lot. Cumulative voting shall be allowed in the election of Directors of the Corporation as provided by Section 30-134, Idaho Code. Each member may vote by written proxy under the terms and conditions prescribed in the Bylaws of the Corporation.

ARTICLE VIII

BOARD OF DIRECTORS.

The affairs of the Corporation shall be managed by its Board of Directors. The Board of Directors shall consist of not less than three (3) nor more than five (5) individuals, each of whom, at all times, shall be a member of the Corporation. The actual number of Directors shall be fixed by the Bylaws of the Corporation, except that the number of the initial board is as set forth below. Other than the Directors constituting the initial Board of Directors, who are designated in these Articles, the Directors shall be elected or appointed by the Members in the manner and for the term provided in the Bylaws of the Corporation.

The names and mailing addresses of the persons constituting the initial Board of Directors are:

<u>NAME</u>	<u>ADDRESS</u>
Brian J. Finegan	P. O. Box 1677 Ketchum, ID 83340
Richard Emik	P. O. Box 861 Ketchum, ID 83340
Wyman Taylor	P. O. Box 2382 Ketchum, ID 83340
Francesca Lyon	P. O. Box 6037 Ketchum, ID 83340
Robert N. Lieder	P. O. Box 3609 Ketchum, ID 83340

ARTICLES OF INCORPORATION - 3

ARTICLE IX

MEMBERSHIP ASSESSMENTS.

The Corporation may levy assessments upon its Members in equal shares. The Board of Directors may from time to time fix the total amount and method of collection of such assessments as further provided in the Bylaws of the Corporation. The payment of such assessments shall be secured by liens upon the Lots in the manner prescribed in the Bylaws of the Corporation.

ARTICLE X

DISTRIBUTION ON DISSOLUTION.

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute all the assets of the Corporation consistent with the purposes of the Corporation. Any such assets not so distributed shall be distributed by the district court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organizations, as such court shall determine to be consistent with the purposes of the Corporation.

ARTICLE XI

INCORPORATOR.

The name and street address of the incorporator is James P. Speck, 120 East Avenue, Ketchum, Idaho 83340.

ARTICLE XII

BYLAWS.

Provisions for the regulation of the internal affairs of the Corporation shall be set forth in the Bylaws.

DATED this 17th day of June, 1991.


JAMES P. SPECK

j\gimlet\artinc
6/17/91

ARTICLES OF INCORPORATION - 4

STATE OF IDAHO)
) ss
County of Blaine)

I, the undersigned, a notary public, do hereby certify that on this 17th day of June, 1991, personally appeared before me JAMES P. SPECK, who, being by me first duly sworn, declared that he is the Incorporator of SOUTH GIMLET WATER USERS ASSOCIATION, INC., that he signed the foregoing document as Incorporator of the corporation, and that the statements therein contained are true.

Betty Marie Becker
Notary Public for Idaho
Residing at: Nashua, ND
Comm. Expires: 1/17/93

J:\gimlet\artinc
6/17/91

ARTICLES OF INCORPORATION - 5

EXHIBIT "A"**GIMLET WATER SYSTEM PROPERTY DESCRIPTION**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30 and 31 of GIMLET SUBDIVISION NO. 11, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 20, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 5, 6, 7, 9, 10 and 11 of GIMLET SUBDIVISION NO. 1, Revised, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 8A, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Tax Lots 4398, 4590, 4513, 4276 and 4512, Sec. 6, 3N, 18E, Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 8, according to the official plat thereof on file in the records of Blaine County, Idaho.

Jean\jimwater.doc

RECEIVED

JUL 15 1999

Department of Water Resources
Bureau of ReclamationSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A37-00310B
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 RICHARD BERTEA AND HYL A BERTEA
120 MCKNIGHT DRIVE, LAGUNA BEACH, CA.92651
4. New Owner/Claimant(s) GREG C. CARR
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 975 MEMORIAL DR. #1008
City, State and ZIP Code CAMBRIDGE, MA. 02138
New Telephone Number (208) 522-7815
5. Date you acquired the property JAN. 23, 1998
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 4.0 Number and type of stock _____
Diversion rate in CFS _____ Number of homes 1 Other uses PONDS
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) Steven E. Carr for Greg C. Carr
Steven E. Carr
(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..

EXHIBIT "A"

Lots 5, 6 and 7 of GIMLET SUBDIVISION NO. 1 REVISED, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded June 7, 1972, as Instrument No. 143858, records of Blaine County, Idaho.

AND

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 6: A parcel of land in the SE 1/4, more particularly described as follows:

COMMENCING at the SE corner of Lot 7 of Gimlet Subdivision No. 1 Revised, the POINT OF BEGINNING; thence South 85°11'15" W. 486.98 feet; thence South 2°30'09" E. 100 feet; thence North 85°11'15" E. 490.84 feet; thence 100 feet along a curve to the left with a central angle of 12°34'06"; a radius of 760.75 feet to the POINT OF BEGINNING.

This parcel is designated as Tax Lot 5708 on the Blaine County Tax Assessor's Rolls.

AND

A parcel of property formerly being a portion of Gin Ridge Road, as shown within the plat GIMLET SUBDIVISION NO. 1, REVISED, Blaine County, Idaho, said plat having been recorded as Instrument No. 143848, records of Blaine County, Idaho, and said parcel being described by metes and bounds as follows:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, said corner lying S. 00°17'00" W., 2567.68 feet from the NE Section Corner of said Section 6, thence S. 26°54'49" W., 984.21 feet to the southwest corner of Lot 11, Gimlet Subdivision No. 1 Revised said corner being the TRUE POINT OF BEGINNING.

Thence along the following boundaries of said Gimlet No. 1 Subdivision, Revised:

S. 85°11'15" W., 60.11 feet to the southeast corner of Lot 7; thence following the easterly boundary of said Lot 7, 66.88 feet along a curve to the left, said curve having a central angle of 05°02'13" a radius of 760.75 feet, and a chord length of 66.86 feet that bears N. 11°00'04" W; thence following the easterly boundaries of Lots 7, 6 and 5 356.35 feet along a curve to the right, said curve having a central angle of 17°11'10", a radius of 1188.02 feet, and a chord length of 355.02 feet that bears N. 04°55'35" W; thence N. 03°44'24" E. 174.67 feet along the easterly boundary of Lot 5 to the northeast corner of said Lot 5; thence N. 03°55'35" E. 15.00 feet along the easterly boundary of Lot 1-A to the northeast corner of said Lot 1-A; thence S. 86°20'00" E. 59.37 feet to a point on the westerly boundary of Lot 9; thence S. 03°33'46" W. 189.54 feet along the westerly boundary of Lot 9 to the northwest corner of Lot 10; thence following the westerly boundaries of Lots 10 and 11 338.35 feet along a curve to the left, said curve having a central angle of 17°11'10", a radius of 1128.02 feet, and a chord length of 337.09 feet that bears S. 04°55'35" E; thence following the westerly boundary of said Lot 11, 76.00 feet along a curve to the right, said curve having a central angle of 05°18'20", a radius of 820.75 feet, and a chord length of 75.97 feet that bears S. 10°52'00" E to the TRUE POINT OF BEGINNING.

This parcel is designated as Tax Lot 6360 on the Blaine County Tax Assessor's Rolls.

SVTC Order No. 98-14375

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

Richard Berteau and Hyla Berteau, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Greg C. Carr, an unmarried man

the grantee, whose current address is

975 Memorial Drive #1008
Cambridge, Mass 02138

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

See Exhibit "A" attached hereto and made a part hereof

INCLUDING ANY AND ALL WATER RIGHTS APPURTENANT THERETO

This transaction is a 1031 Exchange for the benefit of Greg C. Carr, grantee, "replacement property"

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 16, 1998

Richard Berteau
Richard Berteau

Hyla Berteau
Hyla Berteau

State of Idaho

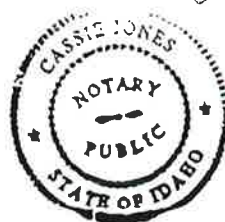
County of Blaine

On this 16th day of January, 1998, before me a Notary Public in and for said State, personally appeared Richard Berteau and Hyla Berteau known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Cassie Jones
Notary Public

Residing at: Hailey, Id

Comm. expires: 9-7-2000



98 JUN 23 PM 9 12
MARY GREEN, CLERK YMP
FEE \$ 6.00

BLAINE CO. REQUEST
OF: SUN VALLEY TITLE

410025

410025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Point(s) of Diversion:

Y03N R18E S06

NWNESE

Place of use Legal Description for: IRRIGATION

TOTAL A

POU County: BLAINE

Other Rights: NONE

Conditions of Approval:

RD1 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks: GEN SEE TRANS. 1888. TRANSFER 1888 MOVED PLACE OF USE AND POINT OF
DIVERSION TO TO LOTS 6 & 7 , GIMLET SUBDIV. NO.1 (INCORRECTLY
IDENTIFIED IN THE TRANSFER AS NWNE S06, T03N, R18E) POWD
HOLDS WATER FOR IRRIGATION PUMPING AND FOR FIRE PROTECTION IN
RURAL, RESIDENTIAL AREA OF COUNTY.
ADDRESS CHANGE REC'D 07/14/1994 SS.
CONFORMED ATTORNEY MAILING ADDRESS DMS

5-14-98; OWNERSHIP CHANGE BERTEA TO CARR PER NOTICE REC'D 1-29-98
VH

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 37 Field Inspection Flag:
Presumption Flag: C

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: JO HEISS

fax # 788 - 3852

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: PROFILE REPORT OF SNAKE RIVER
BASIN ADJUDICATION CLAIM A37-00310B FILED
BY RICHARD BERTEA.

FROM: **IDAHO DEPARTMENT OF WATER RESOURCES**
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Corey Skinner

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: None
Please remit to the above address.

COMMENTS: NOTE THAT THE WATER RIGHT(S) THAT
THIS CLAIM IS BASED ON ARE RECORDED
SOLELY AS IRRIGATION RIGHTS ON DIFFERENT
GROUND.

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

June 23, 1999 10:56am

CUSTOMER

Idaho Title & Trust

SUBJECT: A37-00310B

phone call (x) walk-in (.)

After researching data base, the only claim in Carr's name was the above. I faxed the profile report to Idaho Falls Office:522-7976