

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 37-351B
Date Received: 12/23/1988
Receipt No: C004666
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAWRENCE SCHOEN Phone: (208)788-2938
18351 US HWY 20
BELLEVUE ID 83313

2. Date of Priority: 06/01/1886

3. Source: WILSON CREEK Trib. to: SILVER CREEK
GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	23	NE NE NW	BLAINE	
01S	19E	23	NW NE NW	BLAINE	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.16	50.4

7. Total Quantity Appropriated is:
0.16 C.F.S. and/or 50.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	23	NE	NW	IRRIGATION	32
			SE	NW	IRRIGATION	13
					Section Acres	45
					Total Acres	45

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:

30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION.

THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351.

THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER. RIGHT DECREED FROM BUTTE CREEK BUT DELIVERED FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

CONFORMED ATTORNEY MAILING ADDRESS DMS

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion, The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

The total instantaneous diversion of water from all points of diversion under Transfer 5312 shall not exceed 0.29 cfs, nor a total combined annual volume of 50.4 af.

Diversion of groundwater or surface water from Wilson Creek is limited to those times water is available for diversion under these rights and priorities from Silver Creek.

An equivalent amount of surface water in Silver Creek shall remain undelivered and allowed to sink to mitigate the use of groundwater under these rights.

The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

Right 37-00351B is limited to the irrigation of 14.4 acres in the place of use described above in a single irrigation season.

Rights 37-00351B and 37-00352B when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 50.4 af at the field headgate and the irrigation of 14.4 acres.

The portion of Rights 37-00351B and 37-00352B identified as abandoned prior to approval of Transfer 5312 is described as 11.6 acres, 40.6 af and 0.26 cfs under Right 37-00352B.

The period of use for the irrigation described in this approval may be extended to an ending date of 10-31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10-15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 01-31-1994.

A single new well is authorized within either the NENENW or NENENW, S23, T01S, R19E.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00351B**
Date Received: 12/23/1988
Receipt No: C004666
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE NATURE CONSERVANCY 208-726-3007
Address: PO BOX 165
SUN VALLEY ID 83353

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	24	NE	SW	SW		BLAINE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		58.10

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) 58.10 A.F.A.

8. Total consumptive use is 65.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	24	SW	SW		IRR	6.0
			SE	SW		IRR	20.0

Section Acres 26.0

10. Place of Use: Continued

Total Acres 26.0

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:
37-00352B

14. Remarks:

30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION.
THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351.

THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED
FROM WATERMASTER. RIGHT DECREED FROM BUTTE CREEK BUT DELIVERED
FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER
FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED
TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

PURSUANT TO APPROVED TRANSFER NO. 4186, THIS RIGHT WAS AMENDED TO
MATCH THE WATER RIGHT DATA BASE AND SPLIT, CREATING A37-00351C TO
REFLECT THE WILDLIFE USE.

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37M.
2. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY
THE APPROVAL FOR THE TRANSFER SHOULD NOT BE RESCINDED.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE
ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE
DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE
INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE
MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS.

37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.

CONFORMED ATTORNEY MAILING ADDRESS DMS

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

MICROFILMED
NOV 22 1996

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

MICROFILMED
NOV 22 1996

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: **A37-00351B**
Date Received: 12/23/1988
Receipt No: C004666
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE NATURE CONSERVANCY 208-726-3007
Address: PO BOX 165
SUN VALLEY ID 83353

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	24	NE	SW	SW		BLAINE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	24	SW	SW		IRR	6.0
			SE	SW		IRR	20.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	26.0
					Total Acres	26.0

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:
37-00352B

14. Remarks:

30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION. THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351. THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER. RIGHT DECREEED FROM BUTTE CREEK BUT DELIVERED FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

PURSUANT TO APPROVED TRANSFER NO. 4186, THIS RIGHT WAS AMENDED TO MATCH THE WATER RIGHT DATA BASE AND SPLIT, CREATING A37-00351C TO REFLECT THE WILDLIFE USE.

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET.
8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER.
9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS

MICROFILMED

14. Remarks: Continued

CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY
THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

DATA ENTERED BY AP
DATE 6/4/93

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: **A37-00351B**
Date Received: 12/23/1988
Receipt No: C004666
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE NATURE CONSERVANCY 208-726-3007
Address: PO BOX 165
SUN VALLEY ID 83353

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	24	NE	SW	SW		BLAINE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.250		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	24	SW	SW		IRR	11.0
			SE	SW		IRR	23.0

OCT 24 1994
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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	34.0
		25	NW	NW	IRR	6.0
					Section Acres	6.0
					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:
37-00352B

14. Remarks:

30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION.
THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351.
THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED
FROM WATERMASTER. RIGHT DECREEED FROM BUTTE CREEK BUT DELIVERED
FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER
FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED
TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

15. Basis of Claim: DECREEED

Case Number:

Court : FIFTH

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 24 1994

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 A37-00351B

Date Received _____

Receipt Number _____

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

RECEIVED

JUN 04 1993

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): The Nature Conservancy
Phone: 1-208-726-3007
Mailing Address: P. O. Box 165
Sun Valley, ID 83353

2. Date of Priority: June 1, 1886

3. Source of water supply (a) Silver Creek
which is tributary to (b) Little Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
1S	19E	24	NE	SW	SW		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: 30 HP pump in Silver Creek
to ditches for flood irrigation.

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OCT 24 1994

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.25 cfs

7. Total Quantity Claimed: 0.25 cfs

8. Total consumptive use claimed is 100 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>
1S	19E	24	SW	SW	I	11
1S	19E	24	SE	SW	I	23
1S	19E	25	NW	NW	I	6

Total number of irrigated acres: 40

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? A37-00352B

14. Remarks: Claim represents a 50% ownership of 37-00351. Point of diversion not given in decree, but determined from watermaster. Right decreed from Butte Creek, but this portion delivered from Silver Creek. Point of diversion and place of use differ from recorded right as a result of unrecorded, accomplished transfers as provided for by I.C. §42-1416A.

Last Name: The Nature Conservancy
water\tnc\3700351b.clm

Ident No. A37-00351B

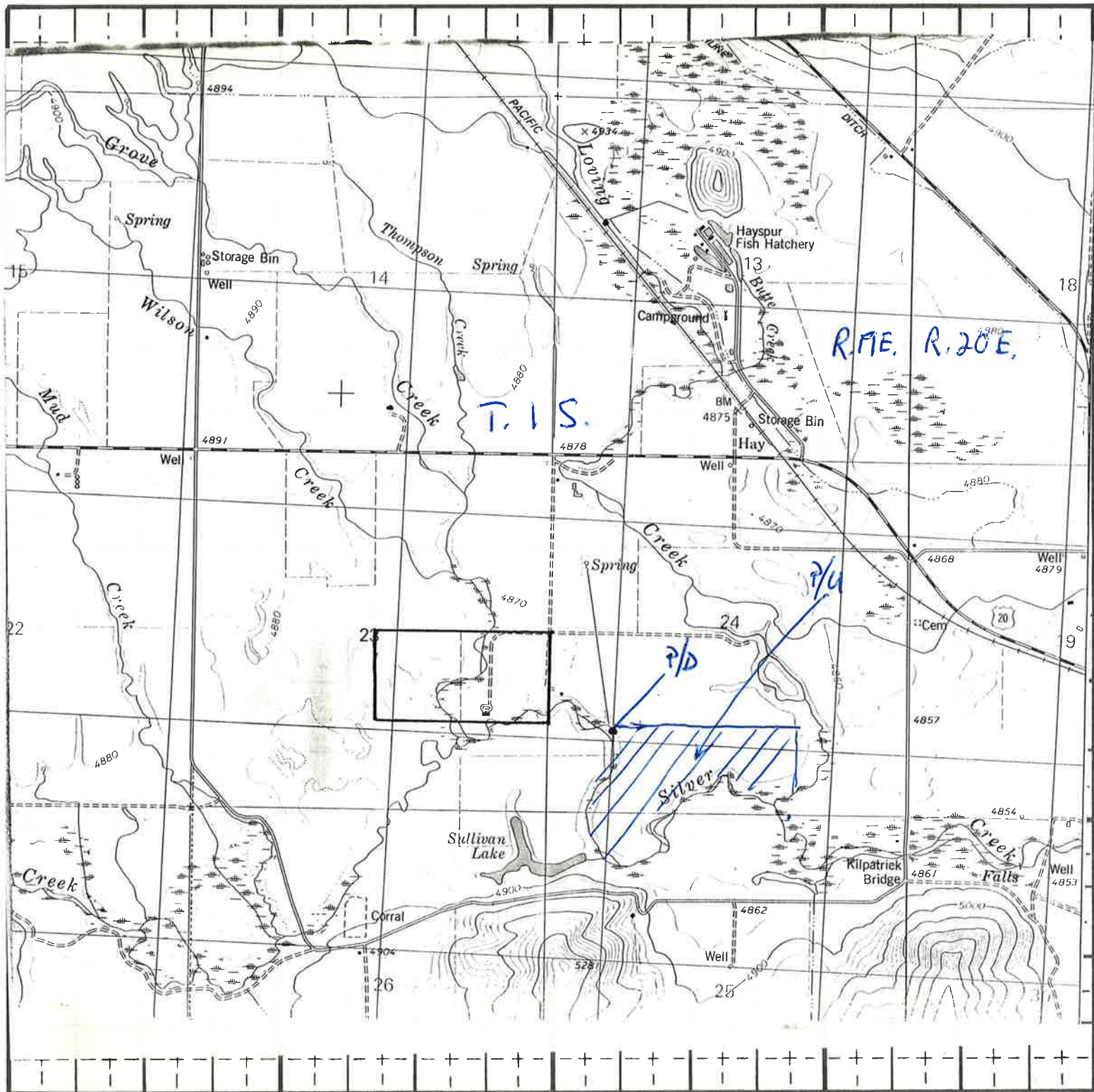
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

POOR ORIGINAL



MICROFILMED

OCT 24 1994

Last Name THE NATURE CONSERVANCY Ident No. A37-003512

Copies: White-State, Yellow-Claimant

15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-00351
Court: Lincoln County District Court, Fourth Judicial District
Case Number:
Decree Date: 12/13/1909
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 - none.

[For Organizations] I do solemnly swear or affirm that I am the Area Manager of The Nature Conservancy, that I have signed the foregoing document in the space below as Area Manager of such corporation and that the statements contained in the foregoing document are true and correct.

THE NATURE CONSERVANCY

DATE: 2 June 1993

By: Louis C. Smith Jr., its
Area Manager

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 2 day of June, 1993.

Notary Public Deborah L. Erickson
Residing at Stavely, ID
Commission Expires 9/21/98

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

Date: 5/30/91

Last Name: The Nature Conservancy
water\tnc\3700351b.clm

Ident No. A37-00351B

MICROFILMED
OCT 24 1994

SWK

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: A37-00351B
Date Received: 10/27/1988
Receipt No: C004666
Received By: _____

de
sf

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE NATURE CONSERVANCY
Address: P O BOX 64
SUN VALLEY, ID 83353 208-726-3007

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	24	SW	SW			BLAINE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.250		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	24	SE	SE		IRR	40.0
						Section Acres	40.0
		25	NE	NE		IRR	40.0

A37-00351B

Page 1

Date: 08/16/91

MICROFILMED
FEB 23 1994
001334

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	80.0

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:
37-00352

14. Remarks:

30 HP PUMP AT POINT OF DIVERSION IN SILVER CREEK. DITCHES USED FOR FLOOD IRRIGATION IN SECTIONS 24 AND 25. THIS CLAIM REPRESENTS A 50% OWNERSHIP RIGHT OF WATER RIGHT NUMBER 37-00351. THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED FROM WATER MASTER. RIGHT DECREEED FROM BUTTE CREEK BUT DELIVERED FROM SILVER CREEK.

15. Basis of Claim: DECREEED

Water Right Number: 00352

Case Number:

Court : FIFTH

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

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 A37-00351B
Date Received 10-27-1988
Receipt Number C0046660

RECEIVED

OCT 31 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 27 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) The Nature Conservancy Phone (208) 726-3007
Mailing Address P.O. Box 64 Sun Valley Zip 83353
2. Date of Priority (Only one (1) per claim) June 1, 1886
3. Source of water supply (a) Silver Creek
which is tributary to (b) Little Wood River
4. a. Location of existing point of diversion is: Township 01S Range 19E Section 24,
SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 01S Range 19E Section 24, SW 1/4 of SW 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of Blaine
ending point is: Township 01S Range 19E Section 24, SW 1/4 of SW 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of Blaine
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 30 hp Pump at point
of diversion in Silver Creek. Ditches used for
flood irrigation in Sections 24 & 25.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 200 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
01S	19E	24																	
		25	40															40	

Total number of acres irrigated 80

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

37-00352

or None (initials)

14. Remarks:

This claim represents a 50% ownership right of water right number
37-00351. The point of diversion was not given in decree but
determined from Water master. Right decreed from Butte Creek but
delivered from Silver Creek.

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Last Name The Nature Conservancy Agent No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A hand-drawn map on a grid. The grid is divided into four quadrants by a vertical line and a horizontal line. The horizontal line is labeled 'T-S' in the center. The vertical line is labeled 'R19 E' in the center. A point labeled 'Point of Diversion' is marked with a dot on the horizontal line. A line connects this point to a shaded square labeled 'Place of Use'. The shaded square is located in the bottom-right quadrant. The grid squares are numbered: 24 is in the top-right quadrant, and 25 is in the bottom-left quadrant. The word 'MICRO' is written vertically in red in the bottom-right corner.

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FEB 22 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-00351

Court _____ Case Number _____ Decree Date 12/13/1909

Plaintiff vs Defendant S.C. Frost, ET. AL. vs. Alturas Water Co., ET. AL.

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am VICE PRESIDENT Title

of NATURE CONSERVANCY Organization, that I have signed the foregoing

document in the space below as VICE PRESIDENT Title of NATURE CONSERVANCY Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gary Bonnin

Title and Organization VICE PRESIDENT, NATURE CONSERVANCY Date 10/26/88

State of Idaho/or _____)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 26TH day of OCTOBER 19 88

SEAL

Notary Public Beverly McLean

Residing at 300 MAIN STREET, KETCHUM

My Commission Expires SEPT 1993

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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FEB 22 1993

Last Name The Nature Conservancy Ident. Number _____

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A37-00351

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SPLIT RIGHT

1 -

2 -

3 -

City- X

State- ID Zip- 00000

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

NISSON

CHRISTIAN

1 -

2 -

3 -

City- X

State- ID Zip- 0000

Phone - 208-000-0000

JOHNSON

H. P.

1 -

2 -

3 -

City- X

State- ID Zip- 0000

Phone - 208-000-0000

+ - - Priority Date - - +

06/01/1886

+ - - - Region - - - +

17 SOUTHERN

+ - - - Stage - - - +

+ - - - Status - - - +

Z - SEE REMARKS

+ - - - - Source - - - - - +

LOVING CREEK

SILVER CREEK

SPLIT RIGHT

+ - - - - Tributary - - - - - +

SILVER CREEK

LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

01S 19E 24 SE NW (13) BLAINE

01S 19E 25 NW NW (13) BLAINE

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.500

+ - Total Div. Rate - + + - Total Div. Volume - +

0.500

+ - Total Consumptive Use - + + - KW Usage - +

0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

01S 19E 24 SE SE 01 IRRIGATION (13) BLAINE

01S 19E 25 NE NE 01 IRRIGATION (13) BLAINE

Total Acres:

+ - - Diversion Means - SUN VALLEY #3-P PUMP, GILLIHAN #11 HEADGATE

MICROFILMED
FEB 22 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

08/16/91 10:21:22
Page 2

Water right number - A37-00351

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
RT. DECREED FROM BUTTE CR., BUT DELIVERED FROM LOVING & SILVER CR
A37-00351A PICABO LIVESTOCK CO., INC.
A37-00351B THE NATURE CONSERVANCY

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
S. C. FROST, ET. AL.
+ - - - - Decree Defendant - - - +
ALTURAS WATER COMPANY, ET. AL.
+ - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
08/16/91 FRAZEE

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/16/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- 7777777	Water District	- 37M
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

MICROFILMED
FEB 22 1993

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-352B

LAWRENCE SCHOEN
18351 US HWY 20
BELLEVUE ID 83313

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Clarify point of diversion

2. Describe the changes you wish to make in the proposed recommendation:

Please retain the diversion of this surface water right as a diversion via groundwater and rescind the allowed (but unused) diversion ~~via~~ the surface waters of

3. Give a brief explanation as to why you disagree with these portions:

*Wilson Creek.
Groundwater source is metered and power supply is lockable.*

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: *12/4/06*

SIGNATURE: *[Signature]*

Please print your name: *LAWRENCE SCHOEN*

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 14 2006



Idaho Department of Water Resources

SRBA Recommendation:

37-351B

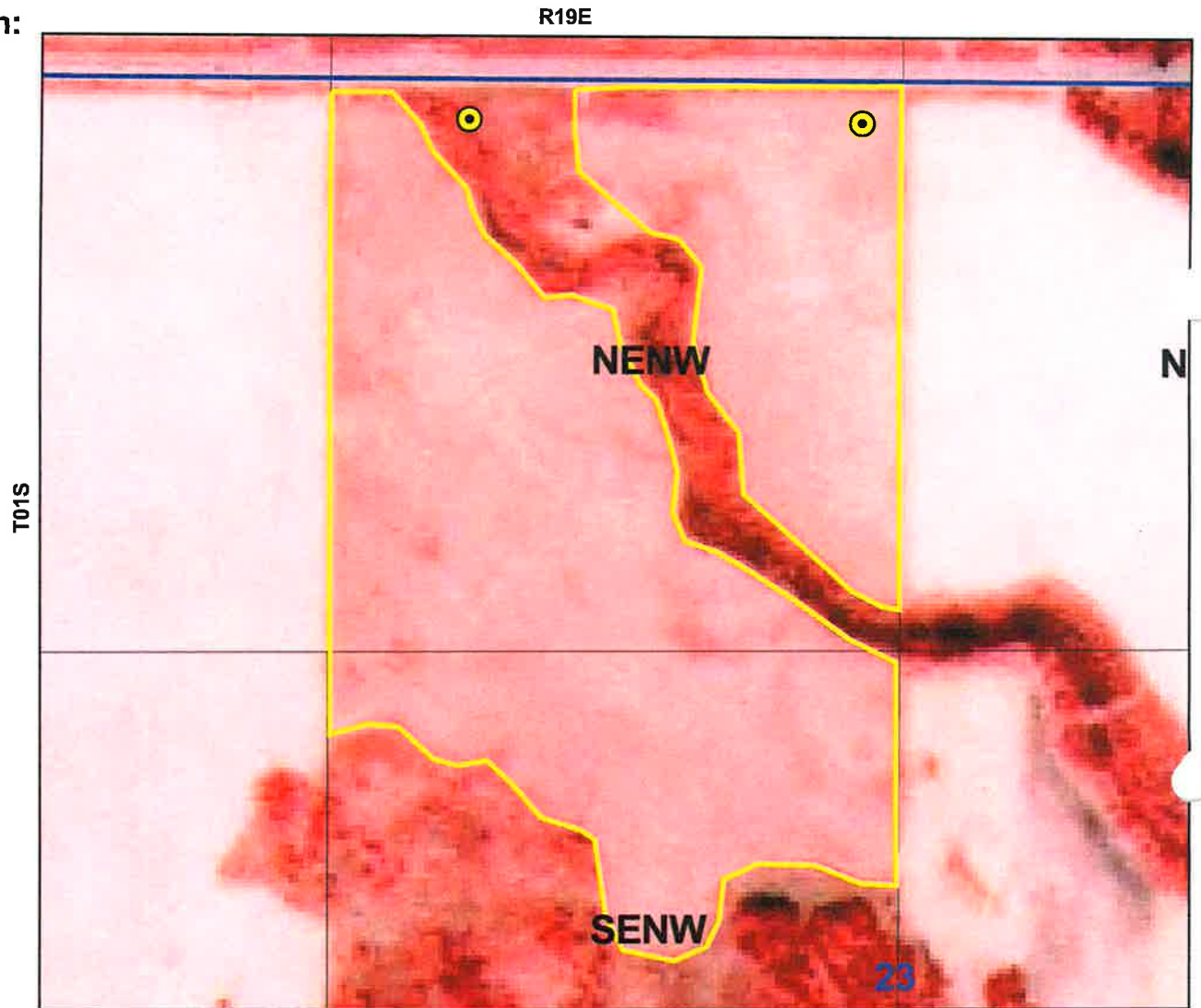
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0

0.2

0.4 Miles

Prepared by E. NORQUES
On Wednesday, October 18, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

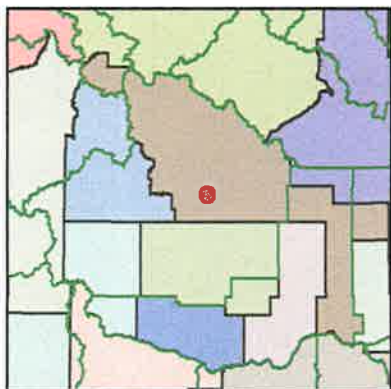
SRBA Recommendation:

37-351B

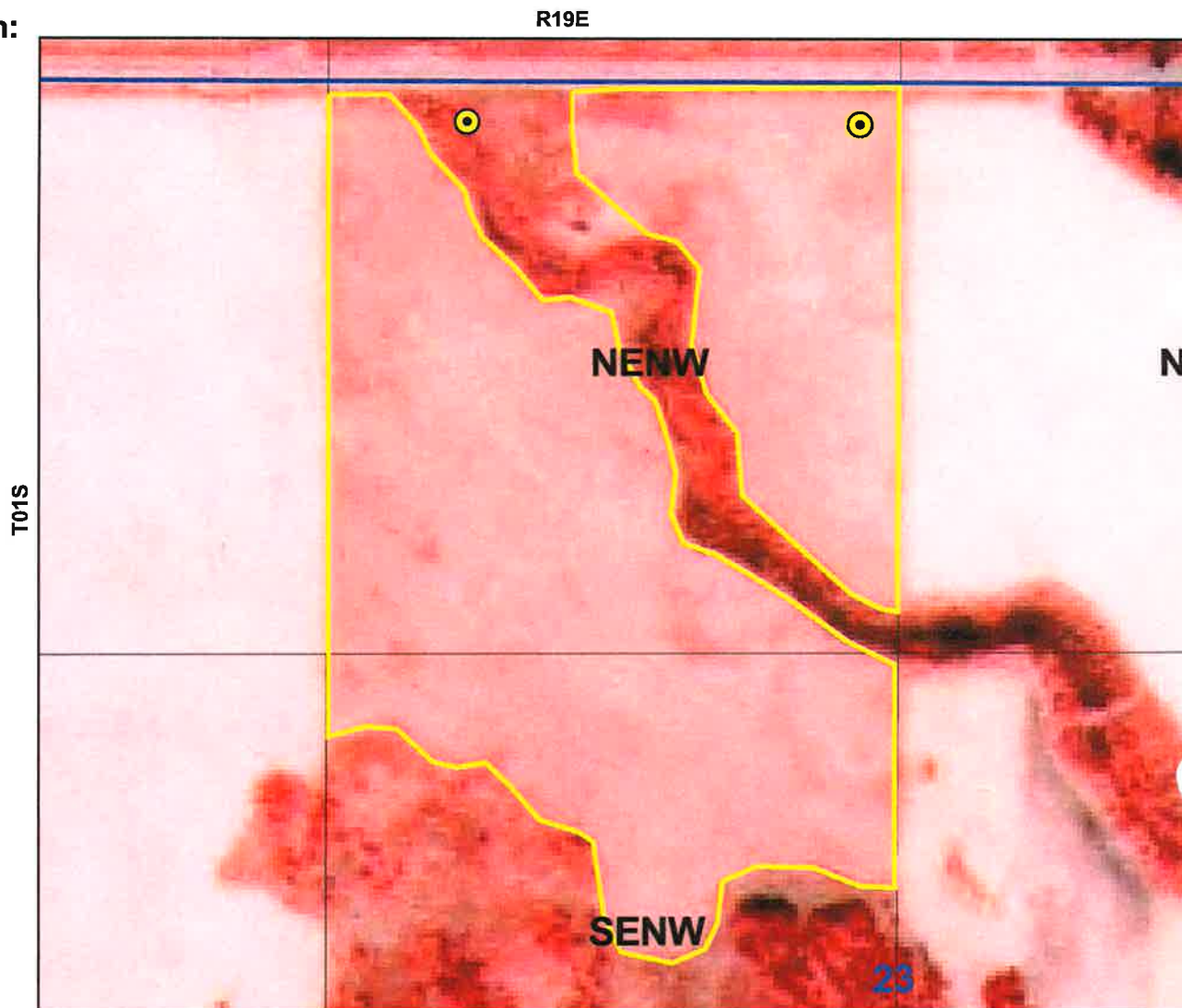
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0

0.2

0.4 Miles

Prepared by E. NORQUES
On Wednesday, October 18, 2006
1987/88 Aerial Photography

10/14/2006

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

RIGHT NUMBER: 37-351B

NAME AND ADDRESS: LAWRENCE SCHOEN
18351 US HWY 20
BELLEVUE ID 83313

SOURCE: GROUND WATER
WILSON CREEK

TRIBUTARY:
TRIBUTARY: SILVER CREEK

QUANTITY: 0.160 CFS
50.400 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-351B and 37-352B are limited to a total combined diversion rate of 0.29 cfs and to a total combined annual diversion volume of 50.4 AF.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T01S R19E S23 NENENW Within BLAINE County

T01S R19E S23 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.160 CFS 50.40 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R19E S23	NENW	32.00	T01S R19E S23	SENE	13.00
---------------	------	-------	---------------	------	-------

45 ACRES TOTAL

Right Nos. 37-351B and 37-352B are limited to the irrigation of a combined total of 14.4 acres in a single irrigation season.

This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.

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

Diversion of groundwater or surface water from Wilson Creek is limited to those times water is available for diversion under these rights and priorities from Silver Creek.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.

10/14/2006

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

The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

An equivalent amount of surface water in Silver Creek shall remain undelivered and allowed to sink to mitigate the use of groundwater under these rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The portion of Rights 37-351B and 37-352B identified as abandoned prior to approval of Transfer 5312 is described as 11.6 acres, 40.6 af and 0.26 cfs under Right 37-352B.

The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

COPY FOR REFERENCE

10/14/2006

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

RIGHT NUMBER: 37-351B
NAME AND ADDRESS: LAWRENCE SCHOEN
18351 US HWY 20
BELLEVUE ID 83313
SOURCE: GROUND WATER
WILSON CREEK
TRIBUTARY:
TRIBUTARY: SILVER CREEK
QUANTITY: 0.160 CFS
50.400 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-351B and 37-352B are limited to a total combined diversion rate of 0.29 cfs and to a total combined annual diversion volume of 50.4 AF.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:
T01S R19E S23 NENENW Within BLAINE County
T01S R19E S23 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.160 CFS 50.40 AFY

PLACE OF USE: IRRIGATION Within BLAINE County
T01S R19E S23 NENW 32.00 T01S R19E S23 SENW 13.00
45 ACRES TOTAL

Right Nos. 37-351B and 37-352B are limited to the irrigation of a combined total of 14.4 acres in a single irrigation season.

This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.

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

Diversion of groundwater or surface water from Wilson Creek is limited to those times water is available for diversion under these rights and priorities from Silver Creek.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.

10/14/2006

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

The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

An equivalent amount of surface water in Silver Creek shall remain undelivered and allowed to sink to mitigate the use of groundwater under these rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The portion of Rights 37-351B and 37-352B identified as abandoned prior to approval of Transfer 5312 is described as 11.6 acres, 40.6 af and 0.26 cfs under Right 37-352B.

The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5312
WATER RIGHT NO(S). 37-00351B/37-00352B

RECEIVED

APR 10 2000

Department of Water Resources
Southern Region

This is to certify that: **LAWRENCE SCHOEN**
18351 US HWY 20
BELLEVUE ID 83313

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00351B :			
IRRIGATION	04/15 to 10/15	0.16 CFS	50.4 AF
Priority: 06/01/1886			
Right No. 37-00352B :			
IRRIGATION	04/15 to 10/15	0.13 CFS *	50.4 AF
Priority: 06/15/1887			
TOTAL:		0.29 CFS **	50.4 AF **

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
*** WILSON CREEK	SILVER CREEK
*** GROUNDWATER	

LOCATION OF POINT(S) OF DIVERSION:

NENENW , Sec. 23, Township 01S, Range 19E
NWNENW , Sec. 23, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	23	NENW 32	SENW 13		45
Total number of acres irrigated:						45 ****

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5312
WATER RIGHT NO(S). 37-00351B/37-00352B

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
- ** 8. The total instantaneous diversion of water from all points of diversion under Transfer 5312 shall not exceed 0.29 cfs, nor a total combined annual volume of 50.4 af.
- *** 9. Diversion of groundwater or surface water from Wilson Creek is limited to those times water is available for diversion under these rights and priorities from Silver Creek.
10. An equivalent amount of surface water in Silver Creek shall remain undelivered and allowed to sink to mitigate the use of groundwater under these rights.
11. The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
- **** 12. Right 37-00351B is limited to the irrigation of 14.4 acres in the place of use described above in a single irrigation season.
- **** 13. Right 37-00352B is limited to the irrigation of 14.4 acres in the place of use described above in a single irrigation season.
- **** 14. Rights 37-00351B and 37-00352B when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 50.4 af at the field headgate and the irrigation of 14.4 acres.
- * 15. The portion of Rights 37-00351B and 37-00352B identified as abandoned prior to approval of Transfer 5312 is described as 11.6 acres, 40.6 afa and 0.26 cfs under Right 37-00352B.
16. The period of use for the irrigation described in this approval may be extended to an ending date of 10-31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10-15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 01-31-1994.
17. A single new well is authorized within either the NENENW or NWNENW, S23, T01S, R19E.

Dated this 3rd day of April, 2000.

L. Glen Saxton
Chief, Water Allocation Bureau

DEPARTMENT OF WATER RESOURCES MAY 14 1988

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Lawrence Schoen Phone 788-6580
 Office address 18351 US Hwy 20, Bellevue, ID 83313

PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU

Describe the reason for the proposed changes I am purchasing two Silver Creek rights now owned by the Nature Conservancy. They are no longer irrigating their land, & I have dry land that will benefit from irrigation.
In order to keep more water in the stream, I want to divert from a well if possible.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-00351B</u>	<u>6-1-1986</u>	<u>0.16 cfs</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-15</u>
		<u>58.1 AFA</u>		to
<u>37-00352R</u>	<u>6-15-1987</u>	<u>0.39 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
		<u>91.0 AFA</u>		to

Total amount of water being transferred 0.55 cubic feet per second and/or 91.0 acre-feet per annum.

Source of water Silver Creek tributary to Little Wood River

Point(s) of Diversion: Groundwater

* Changed per telecon w/applicant 7-28-98

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NW</u>	<u>NE</u>	<u>NW</u>	<u>23</u>	<u>15</u>	<u>19E</u>	<u>Blaine</u>	<u>Pump in Wilson Creek</u>
	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>Well & pump - possible well site</u>
	<u>NE</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>" " " "</u>
<u>* 15</u>								

Lands irrigated or place of use: PPU not to exceed 26 acres per year.

wp.	Rge.	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	
<u>S</u>	<u>19E</u>	<u>23</u>					<u>32</u>			<u>13</u>									<u>45</u>

37-00351B & 37-00352R # 5312

PART 1

General Information:

1. Description of diversion system Pump in Wilson Creek, pipeline to sprinklers. Drilled well & pump to sprinklers. If well is allowed, only it will be used. If well is not allowed, creek pump will be used. Exact well site is uncertain - only well will be drilled.
2. 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 changes.
3. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will no longer be irrigated - will be natural wildlife habitat

1. Remarks:

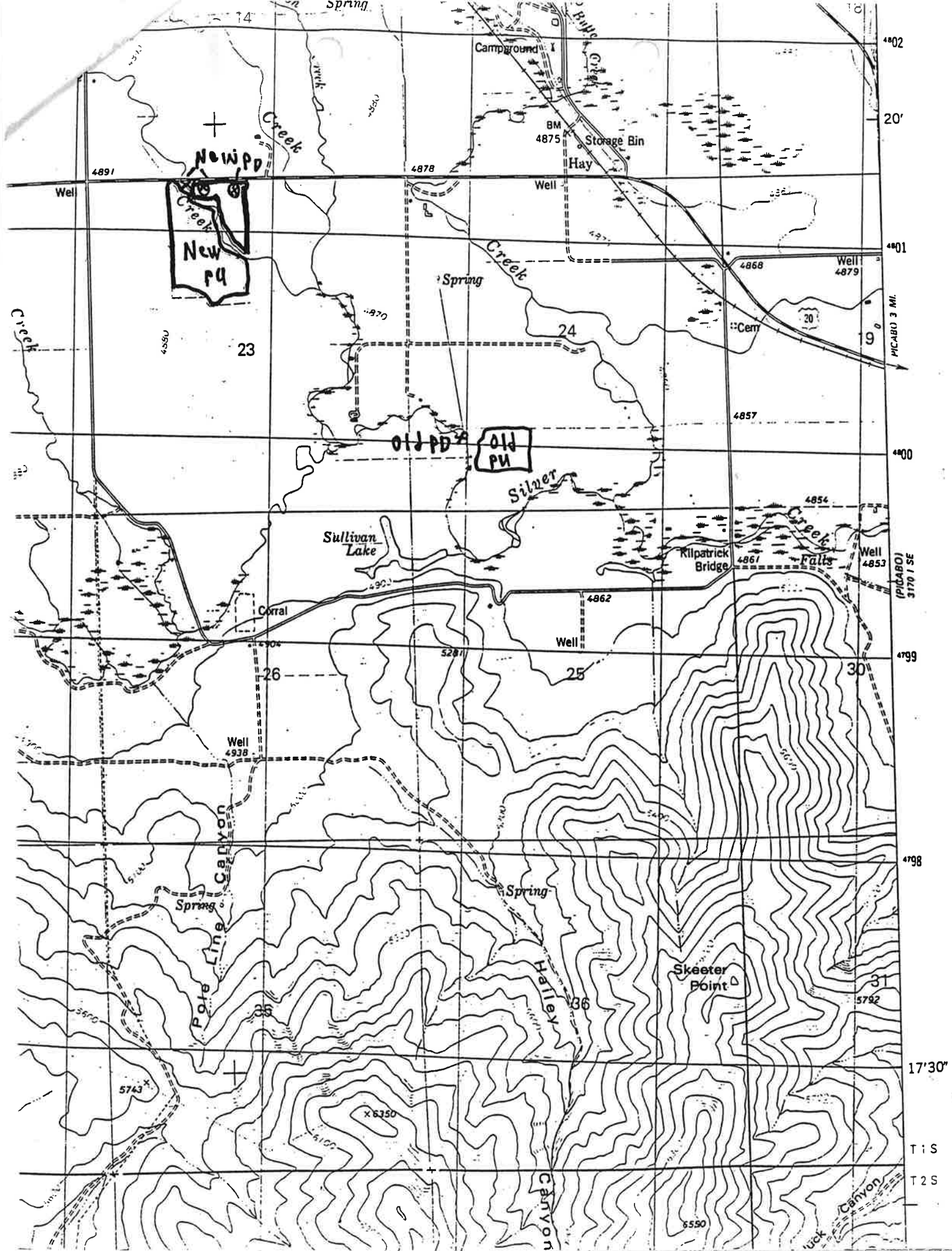
Some of this land is naturally sub irrigated. Water will be moved around to maximize production on the drier areas of the property.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

I said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 11, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

THE NATURE CONSERVANCY
C/O JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Amendment of SRBA Claims A37-00351B and A37-00352B

Dear Mr. Speck:

Pursuant to the amendment of approved Transfer No. 4186, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been modified to conform with the transfer. Please find enclosed a printout of the way your client's claim records have been changed. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

Enclosures

MICROFILMED

NOV 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-00351B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - HOGUE SPECK & AANESTAD
2 - PO BOX 987
3 -
City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

*** C - CURRENT OWNER ***
NATURE CONSERVANCY

THE

1 - PO BOX 165
2 -
3 -
City- SUN VALLEY
Phone - 208-726-3007

State- ID Zip- 83353

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1886 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SILVER CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 19E 24 NE SW SW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.160 58.10

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.160 58.10 65.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 19E 24 SW SW 6.0 01 IRRIGATION (13) BLAINE
01S 19E 24 SE SW 20.0 01 IRRIGATION (13) BLAINE

Total Acres: 26.0

+ - Diversion Means - SEE REMARKS

+ - Non-Irrigation Use - NONE

+ - Other Rights for Same Use - 37-00352B

+ - - - - Remarks - - - - - +
30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION.
THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351.
THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED
FROM WATERMASTER. RIGHT DECREED FROM BUTTE CREEK BUT DELIVERED
FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER

MICROFILMED
NOV 22 1996

Water right number - R37-00351B

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED
TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

PURSUANT TO APPROVED TRANSFER NO. 4186, THIS RIGHT WAS AMENDED TO
MATCH THE WATER RIGHT DATA BASE AND SPLIT, CREATING A37-00351C TO
REFLECT THE WILDLIFE USE.
1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37M.
2. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY
THE APPROVAL FOR THE TRANSFER SHOULD NOT BE RESCINDED.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE
ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE
DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE
INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE
MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS.
37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.
CONFORMED ATTORNEY MAILING ADDRESS DMS

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
S.C. FROST, ET AL ALTURAS WATER CO., ET AL 12/13/1909

+ - - - - Comments - - - - - +

Date: 12/16/1994 User Id: JROBERTS Subject: AMENDED/TRANSFER
This claim was amended pursuant to approved Transfer No. 4186, which also split the claim into part C to reflect the Wildlife
Use. jr
Date: 03/31/1995 User Id: DSMITH Subject: DATA ENTRY
CONFORMED ATTORNEY MAILING ADDRESS DMS
Date: 09/08/1995 User Id: TFAWCETT Subject: AMENDED TRANSFER
PURSUANT TO AMENDED TRANSFER 4186, DIVERSION RATE, ANNUAL VOLUME AND COMMENTS WERE CHANGED.

+ - - Audit Fields - - +
09/08/95 TFAWCETT

2012
22
1996
FILED

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/08/95 08:41:38
Page 3

Water right number - R37-00351B

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	- FIFTH
Claim Received Date	- 12/23/1988	Last Amended Date	- 12/16/1994	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C
				Notice of Error Flag	-

NOV 22 1996
MICROFILMED

Water Right Number - R37-00351B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

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City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

*** C - CURRENT OWNER ***
NATURE CONSERVANCY

THE

1 - PO BOX 165
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City- SUN VALLEY
Phone - 208-726-3007

State- ID Zip- 83353

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1886 ERROR IN REGION D - DECREED

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SILVER CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 19E 24 NE SW SW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.090

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 19E 24 SW SW 6.0 01 IRRIGATION (13) BLAINE
01S 19E 24 SE SW 20.0 01 IRRIGATION (13) BLAINE

Total Acres: 26.0

+ - - Diversion Means - SEE REMARKS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 37-00352B

+ - - - - Remarks - - - - - +
30 HP PUMP IN SILVER CREEK TO DITCHES FOR FLOOD IRRIGATION.
THIS CLAIM REPRESENTS A 50% OWNERSHIP OF 37-00351.

MICROFILMED
NOV 22 1996

Water right number - R37-00351B

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

THE POINT OF DIVERSION WAS NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER. RIGHT DECREED FROM BUTTE CREEK BUT DELIVERED FROM SILVER CREEK. POINT OF DIVERSION AND PLACE OF USE DIFFER FROM RECORDED RIGHT AS A RESULT OF UNRECORDED, ACCOMPLISHED TRANSFER AS PROVIDED FOR BY I.C. 42-1416A.

PURSUANT TO APPROVED TRANSFER NO. 4186, THIS RIGHT WAS AMENDED TO MATCH THE WATER RIGHT DATA BASE AND SPLIT, CREATING A37-00351C TO REFLECT THE WILDLIFE USE.
1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET.
8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER.
9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

S.C. FROST, ET AL ALTURAS WATER CO., ET AL 12/13/1909

+ - - - - - Comments - - - - - +

Date: 12/16/1994 User Id: JROBERTS Subject: AMENDED/TRANSFER
This claim was amended pursuant to approved Transfer No. 4186, which also split the claim into part C to reflect the Wildlife Use. jr

+ - - Audit Fields - - +

MICROFILMED
NOV 22 1996

Water right number - R37-00351B

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	- FIFTH
Claim Received Date	- 12/23/1988	Last Amended Date	- 12/16/1994	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C
				Notice of Error Flag	-

NOV 22 1998
MICHOFILMED

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

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 2, 1993

RECEIVED

JUN 04 1993

Mr. Allen Merritt
Department of Water Resources
Southern Regional Office
222 Shoshone Street, East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Regional Office

Re: Nature Conservancy - Amended Claims
No. A37-00351B and A37-00352B

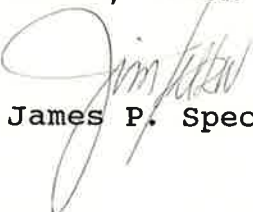
Dear Allen:

Enclosed you will find the above-referenced amended notices of claims which I have prepared on behalf of the Nature Conservancy. Please note that the irrigated acreage under these two rights has been reduced from a combined 240 acres to 40 acres. This is consistent with the original water right which historically irrigated a total of 80 acres and with the claims filed by Picabo Land and Livestock Co. for the other half of each water right to irrigate a total of approximately 40 acres. Please also note that I have filed this same day with Loren Holmes an application for transfer of portions of each of these water rights and that part two for the claims in the application for transfer is consistent with these amended claims.

I will be out of the office until August 2, 1993. If you have any questions while I am gone, please contact Lou Lunte at the Nature Conservancy (726-3007). Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/dlw
Enclosures

cc: The Nature Conservancy (w/enclosures)
Attn: Lou Lunte
Dr. Charles Brockway

MICROFILMED
OCT 24 1994

THE NATURE CONSERVANCY of Idaho

August 21, 1991

RECEIVED
AUG 26 1991

Mr. John Carlson
State of Idaho
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Department of Water Resources
Joe

Dear Mr. Carlson,

Thank you for your recent notification concerning our water right claims #A37-12410, #A37-00351B and #A37-00352B. We accept the modifications you made on #A37-00351B and #A37-00352B. We do not see a need for any further changes on these claims. We corrected #A37-12410 to reflect the fact that this water right is no longer used for stockwatering purposes. If you have any further questions please contact me.

Sincerely,

Lou

Lou Lunte
Area Manager

P.O. Box 64, Sun Valley, Idaho 83353 (208) 726-3007
Telecopier (208) 726-1258

MICROFILMED
FEB 22 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 19, 1991

The Nature Conservancy
P.O. Box 64
Sun Valley, ID 83353

RE: Snake River Basin Adjudication (SRBA)
Blaine County - #A37-12410, #A37-00351B, and #A37-00352B

RECEIVED
AUG 20 1991
TMC-1570

Dear Claimant:

Review of the Notices of Claim which you filed in the Snake River Basin Adjudication revealed a few problems which need to be addressed. These problems, and ways to resolve them, are outlined below. In addition, receipt #C004666 for \$320 and receipt #C004667 for \$500 are enclosed.

First, please refer to the enclosed computer generated copies of claims #A37-00351B and #A37-00352B. In the process of data entry, we have interpreted the data from these claims and have made some minor modifications which we feel more accurately reflect the true status of these water rights. The items that were modified are highlighted. In both cases, the claim you submitted describes a stream reach for an instream flow right at Item #4. However, the only use listed in Item #10 is irrigation, which is not an instream flow use. Therefore, in data entry we have omitted the stream reach description.

→ I don't see it

Please review the enclosed forms to ensure that these modifications agree with your water rights. If you agree that the modifications are correct, please keep the claim copies for your records. If you feel we have misinterpreted these claims, please do the following:

- 1) Make the appropriate changes to the Notice of Claim forms enclosed,
- 2) Initial the changes,
- 3) Sign the forms before a notary public, and
- 4) Return the claims and a copy of this letter to this office by September 16, 1991

Second, a data entered copy of Claim #A37-12410 is also enclosed. At Item #9 of this claim form, please describe the type and number of stock served by this right. Be sure to initial and date the changes. Then, sign the claim notice before a notary and return it to this office. If you return this claim by September 19, 1991, then no late fee will be assessed to you.

MICROFILMED
FEB 22 1993

DATE RECEIVED	<u>10/27/88</u>	CK #	<u>COO 4666</u>	AMOUNT \$	<u>130.00</u>	YES	NO	Required Info?
1. Is the name and address complete with zip code?						☒	☐	*
2. Is a priority date entered?						☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?						☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.						☒	☐	*
3. (a) Is a source entered?						☒	☐	*
(b) Is a tributary to entered? (if required) N/A						☒	☐	
4. Is the legal description of the p.d. sufficient?						☒	☐	* Not Instream Flow
5. Is there a description of the diverting works?						☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.						☒	☐	*
Is the period of use included?						☒	☐	
Is a quantity claimed for each use?						☒	☐	*
7. Is a total quantity claimed entered?						☒	☐	
8. If required is a consumptive use entered? N/A						☒	☐	
Is the consumptive use correct? N/A						☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A						☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?						☒	☐	*
11. Is (are) the county(ies) entered?						☒	☐	
12. Is the ownership of p.u. checked?						☒	☐	
13. Are other water rights listed or "none" indicated?						☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A						☒	☐	
15. Is the basis of the claim indicated?						☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A						☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.						☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?						☒	☐	*
19. Was this claim filed on time, or was an extension granted?						☒	☐	*
20. Is the fee enclosed correct? Exempt						☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered? N/A						☒	☐	
22. Should this claim be data entered?						☒	☐	

Claim checked by: S.W. Keen Date: 8-14-91

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: Shaff Date: 12/23/88

Claim data entered by: gray ee Date: 8-16-91 Checked by: SWK Date: 8-16-91

Sent to claimant by: _____ Date: _____

Comments: Postmark of 10/26/88 = Filing Deadline

NOT INSTREAM FLOW !!

oh S.W. Keen 8-28-91

Portion A to PICABO LIVESTOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

This is to certify that: THE NATURE CONSERVANCY
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00351B :			
IRRIGATION	04/15 to 10/15	0.16 CFS	58.1 AF
Priority: 06/01/1886			
Right No. 37-00352B :			
IRRIGATION	04/15 to 10/15	0.39 CFS	91.0 AF
Priority: 06/15/1887			
SUBTOTAL:		0.55 CFS	* 91.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 19E 24	SWSW 6	SESW 20		26
Total number of acres irrigated:				26

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00351C :			
WILDLIFE	04/15 to 10/15	0.09 CFS	32.7 AF
Priority: 06/01/1886			
Right No. 37-00352C :			
WILDLIFE	04/15 to 10/15	0.21 CFS	76.2 AF
Priority: 06/15/1887			
SUBTOTAL:		0.30 CFS	108.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 26, Township 01S, Range 20E
BLAINE County

PLACE OF USE: WILDLIFE

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 20E 26	NESE	NWSE	SWSE	
	SESE			
TOTAL:				0.85 CFS 199.9 AF

SOURCE
SILVER CREEK

TRIBUTARY OF
LITTLE WOOD RIVER

MICROFILMED
NOV 22 1996

AMENDED

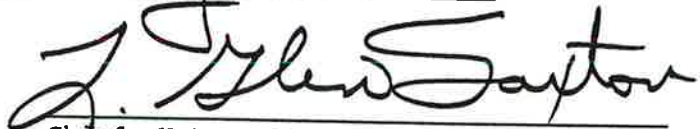
TRANSFER NO. 4186

AMENDED

WATER RIGHT NO(S). 37-00351B/37-00352B

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. 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 prior to the diversion of water.
6. The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
7. Right Nos. 37-00351C and 37-00352C provide mitigation water to prior rights in connection with diversion of water under Right No. 37-08726.
- * 8. The combined annual volume of water under Right Nos. 37-00351B and 37-00352B shall not exceed 91.0 acre feet.

Dated this 27th day of February, 1995.

Chief, Water Alloc. Bureau

MICROFILMED
NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

✓ Carter
Southern AJ

TRANSFER OF WATER RIGHT

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

This is to certify that: **THE NATURE CONSERVANCY**
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

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<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00351B :		
IRRIGATION	04/15 to 10/15	0.09 CFS
Priority: 06/01/1886		
Right No. 37-00351C :		
WILDLIFE	04/15 to 10/15	0.09 CFS
Priority: 06/01/1886		
Right No. 37-00352B :		
IRRIGATION	04/15 to 10/15	0.21 CFS
Priority: 06/15/1887		
Right No. 37-00352C :		
WILDLIFE	04/15 to 10/15	0.21 CFS
Priority: 06/15/1887		
Total		0.30 cfs

SOURCE

TRIBUTARY OF

SILVER CREEK

LITTLE WOOD RIVER

Right Nos. 37-00351B and 37-00352B :

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 19E 24	SWSW 6	SESW 20		26
Total number of acres irrigated:				26

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NOV 22 1996

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

Right Nos. 37-00351C and 37-00352C :

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 26, Township 01S, Range 20E
BLAINE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

01S 20E 26

NESE
SESE

NWSE

SWSE

CONDITIONS/REMARKS:

1. This transfer provides mitigation water to prior rights in connection with diversion of groundwater under Right No. 37-08726.
2. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37M.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. 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 prior to the diversion of water.
6. The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
7. The combined annual volume of water under Right Nos. 37-00351B and 37-00352B shall not exceed 101.5 acre feet.
8. Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.
9. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this

31st

day of

January

1974

[Signature]
Chief, Water Alloc. Bureau

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NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4186APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant THE NATURE CONSERVANCY Phone 208-726-4421
 Post Office address C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM, ID 83340

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other SPLIT RIGHTS
2. Describe the reason for the proposed changes APPLICANT PROPOSED TO LEASE WATER RIGHTS TO WILLIAM J. SWANSON TO BE DIVERTED WITH PERMIT 37-08726 FOR WILDLIFE HABITAT PURPOSES DURING THE IRRIGATION SEASON.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
ART C	37-00351C	6/1/1886	.09 cfs	IRRIGATION	4/15 to 10/15
	37-00352C	6/15/1887	.21 cfs	IRRIGATION	4/15 to 10/15
ART D	37-00351D	6/1/1886	.09 cfs	WILDLIFE HABITAT	4/15 to 10/15
	37-00352D	6/15/1887	.21 cfs	WILDLIFE HABITAT	4/15 to 10/15

2. Total amount of water being transferred 0.3 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SILVER CREEK tributary to LITTLE WOOD RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	
	NE	SE	SW	26	1S	20E	BLAINE	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	20					26
1S	20E	26																	

Total acres 26

PART 1

6. General Information:

a. Description of diversion system Headgate in Silver Creek into canal to wetlandsb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

It will not be irrigated during the two (2) year term of the lease and transfer.

d. Remarks:

See Addendum**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

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NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00351B Decreed to H. P. JOHNSON AND CHRISTIAN NISSON
in case of S. C. FROST ET AL vs. ALTURUS WATER CO. ET AL
dated 12/13/1909 in FOURTH JUDICIAL DIST. county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water SILVER CREEK/LOVING CREEK tributary to LITTLE WOOD RIVER/SILVER CREEK

4. Date or priority 6/1/1886

5. Water is used for the following purpose:

amount .25 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right .25 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	SUN VALLEY #3-P

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											11	23					34
1S	19E	25						6											6

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Total acres 40

9. Describe any other water rights used for the same purpose as described above 37-00352B

7-24-93 Lincoln County / River Management

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.088 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											5	3.1					8.1
1S	19E	25						6											6

Total acres 14.1

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.162 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	19.9					25.9

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NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00352B Decreed to H. P. JOHNSON AND CHRISTIAN NISSON
in case of S. C. FROST ET AL vs. ALTURUS WATER CO. ET AL
dated 12/13/1909 in FOURTH JUDICIAL DIST. county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water SILVER CREEK/LOVING CREEK tributary to LITTLE WOOD RIVER/SILVER CREEK

4. Date or priority 6/15/1887

5. Water is used for the following purpose:

amount 0.6 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	SUN VALLEY #3-P

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	19E	24											11	23					34
15	19E	25						6											6

Total acres 40

9. Describe any other water rights used for the same purpose as described above 37-00351B

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NOV 22 1996

37-00352B Transfer of Water Right / Appurtenant

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.212 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											5	3.1					8.1
1S	19E	25						6											6

Total acres 14.1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.388 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	19.9					25.9

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 NOV 22 1996

15, 1915
The State Highway
Transfer Application

373.003514 373.003514

Transfer from site

FOLLOW

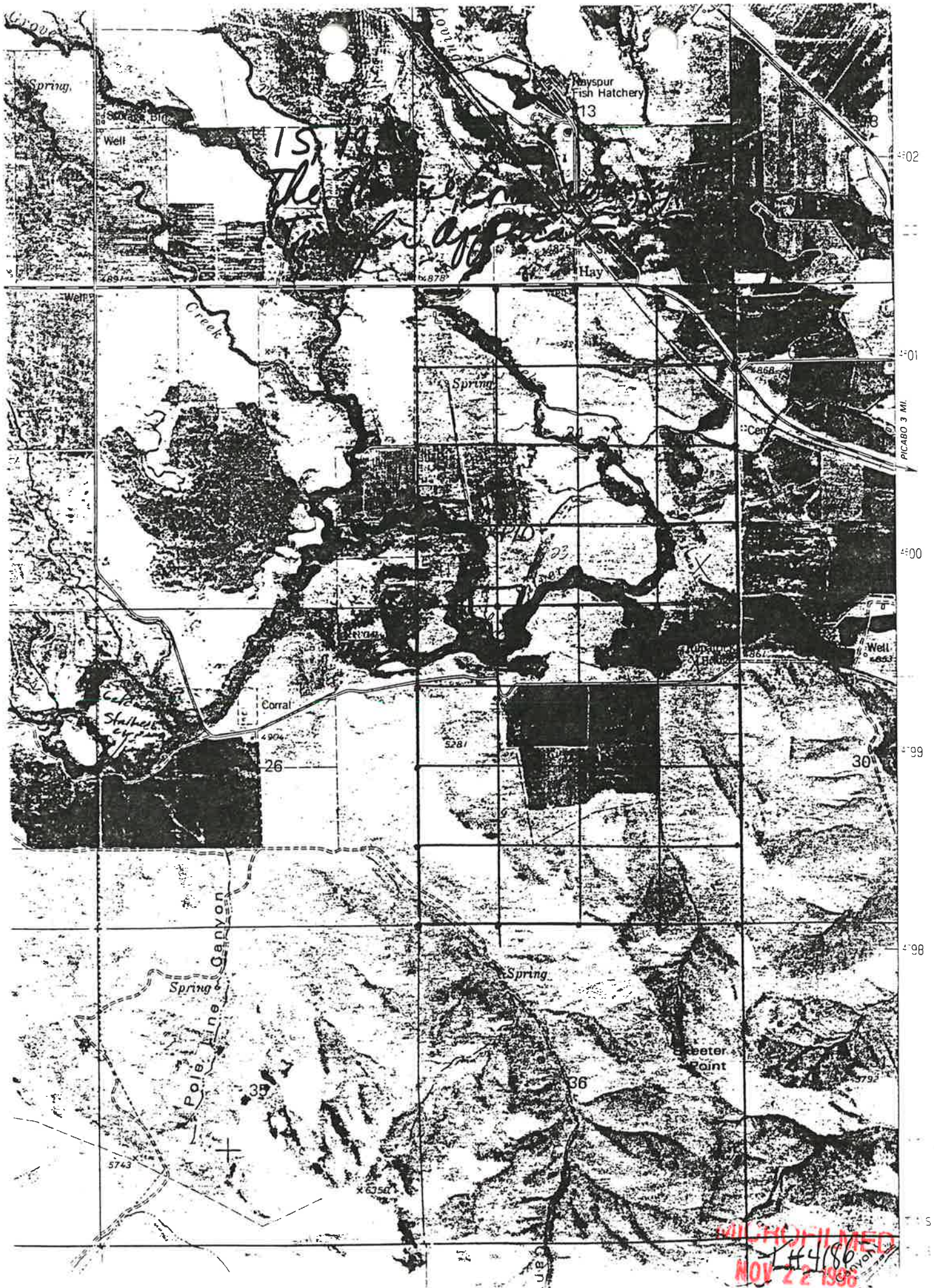


UNAPPROVED
NOV 11 1915

T#4186

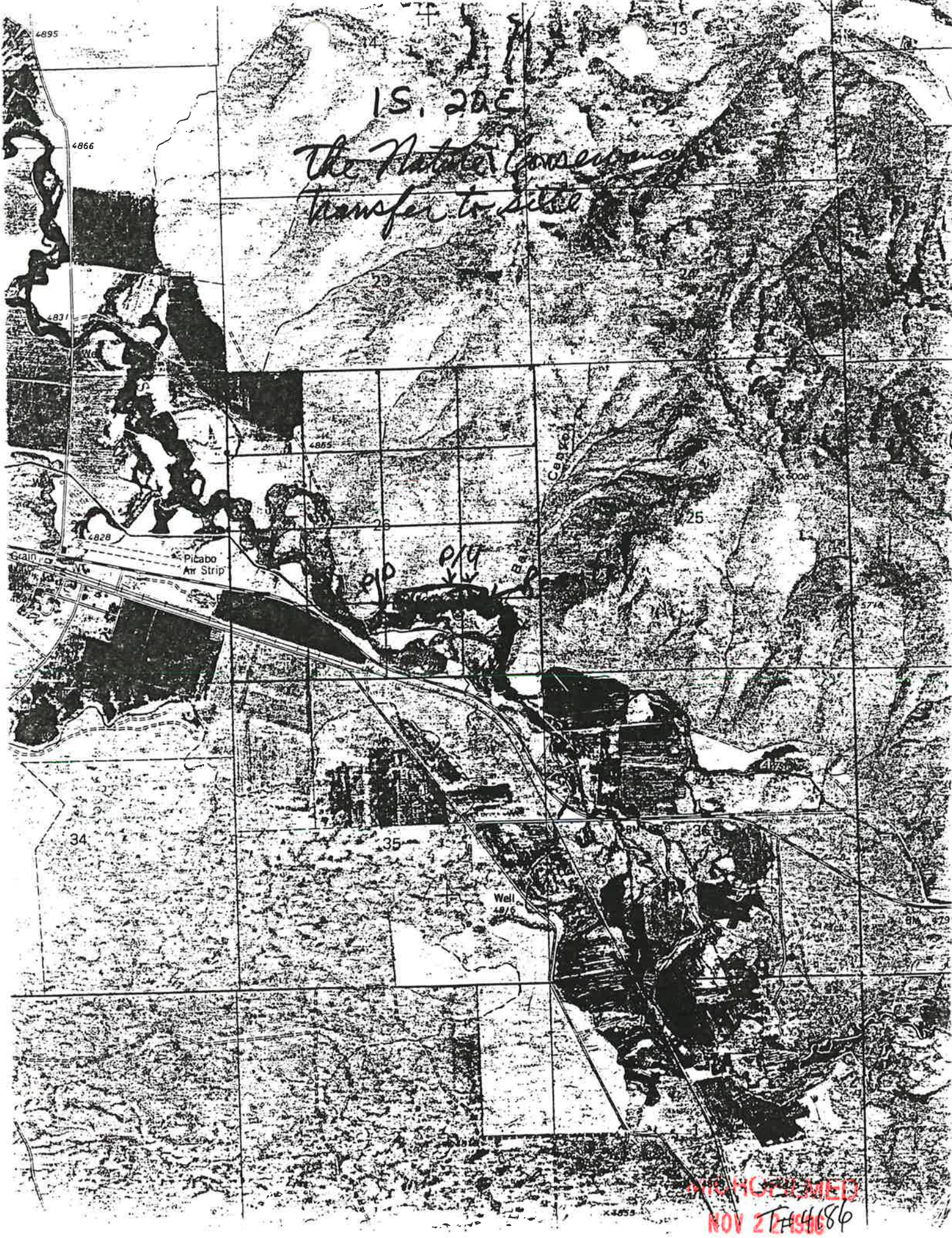
26 35
35 36

25 30
36 31



IS. 20E

The Natchez Conservancy
Transfer to state



1S, 20E

The National Wetlands
Transfer Application

37-00351 & 37-00352

Transfer to Site

23
27 26

10
11
20.9

WEIR at
VERSION
SITE

General
Wetland
Area

WEIR at
RECENT
SITE

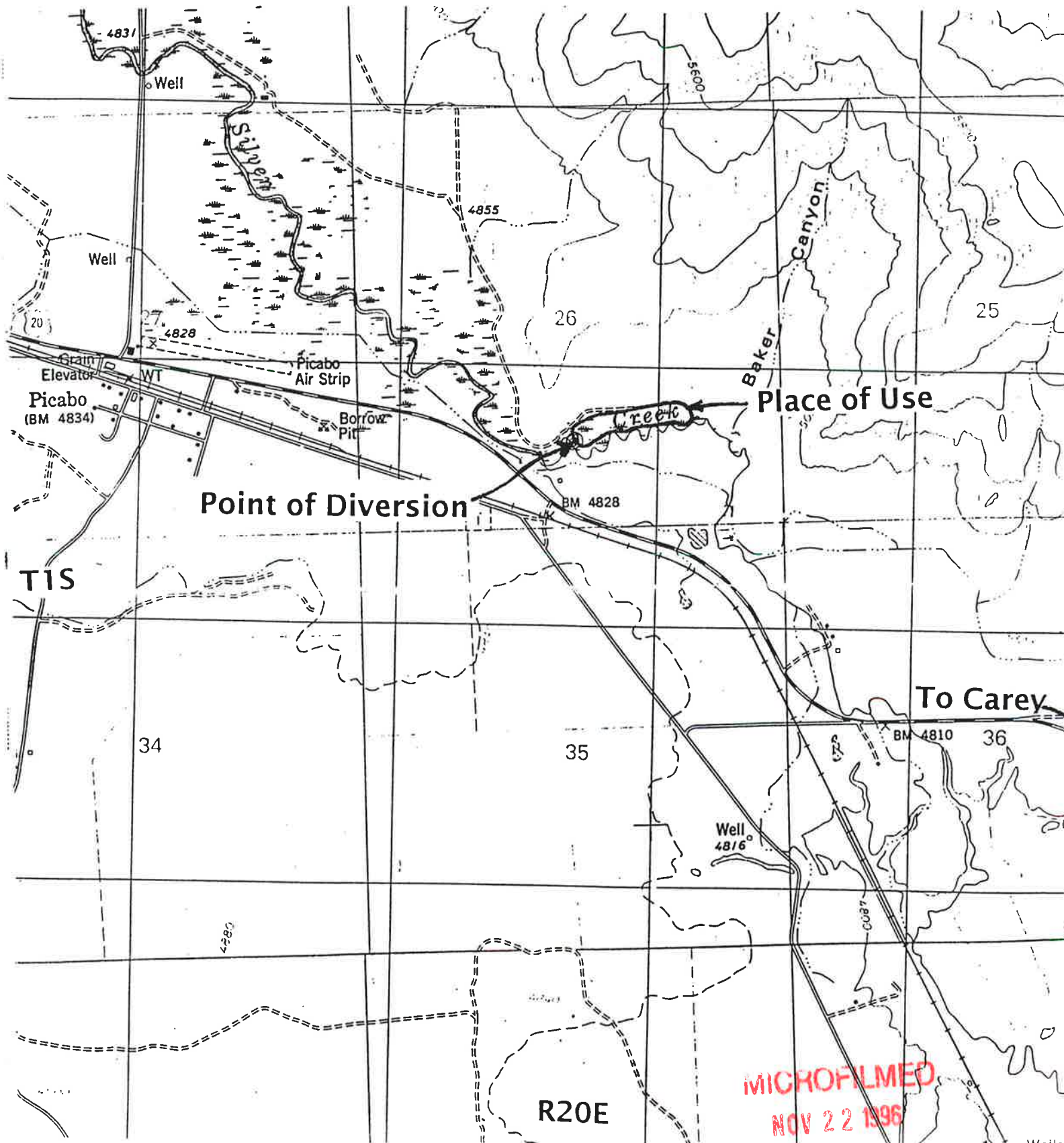
NOV 22 1988

T#4186

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>wildlife habitat</u>	<u>0.3 cfs</u>		<u>April 1</u> to <u>Nov. 1</u>
				to

2. Quantity and quality of return flows and location of discharge:

No return flows.

3. Describe effects on other water uses resulting from the proposed change:

None

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.

Louis C. Luntz Jr., Area Manager
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of April, 1993

Deborah L. Erickson
(Notary Public)

My commission expires 9-24-98**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachmentsReceived by R. Foster Date 6-4-93 Protest filed byPrelim. check by Fee \$500 5015840Receipted by J. F. Stanton Date 6-4-93Published in Wood River Journal Copies of protest forwarded byPub. dates 9/15 & 9/22/93 Hearing held by DateWatermaster recommendation requested on 9/8/93 Recommended for ☐ approval ☐ denialrec'd. 9-24-93 by

Copy of transfer sent to lien holder

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NOV 22 1996

T#4186

ADDENDUM TO
APPLICATION FOR TRANSFER
BY
THE NATURE CONSERVANCY

RECEIVED

JUL 30 1993

Department of Water Resources

The following is an Addendum to the Application for
Transfer submitted by THE NATURE CONSERVANCY:

PART 1

B.6.d Remarks: Applicant proposes to lease the water rights to William J. Swanson the holder of Application for Permit 37-08726 (the "Swanson Application"). The Swanson Application seeks the right to divert 2.5 cfs from Silver Creek from Jan 1 through Dec. 31 for wildlife habitat purposes. The Swanson's project is to enhance and develop some lost wetlands along a stretch of Silver Creek as it passes through their property. Dr. Charles Brockway has calculated there will be a loss of approximately 0.3 cfs in the amount of water returned to Silver Creek compared to the amount diverted. There must be compensation for this loss during the irrigation season.

The Swansons have committed to restricting further development of their property and to enhancing the wildlife habitat through the donation of a conservation easement to the Applicant. Applicant desires to assist and cooperate with the Swansons in preserving these important values for their property by transferring the water rights to the Swanson project where they will be diverted into the system together with the 2.5 cfs under the Swanson application for wildlife habitat purposes. The amount of the return flow will be measured to accurately determine the loss. The amount of the transferred water rights will then be adjusted so the return flows to Silver Creek are 2.5 cfs. These measurements will take place over the two (2) year term of the lease. It is anticipated that the Swansons will then permanently acquire from Applicant that portion of the water rights determined to be necessary to fully compensate for losses in their project.

PART 2

Applicant owns one-half (1/2) of each of these rights, which are decreed from Butte Creek, but actually delivered from Silver Creek (the other one-half (1/2) of the rights is actually delivered from Loving Creek - see Claims Nos. A37-00351A and A37-00352A). The record place of use is incorrect for all portions of these rights due to unrecorded transfers. Applicant intends

PAGE 1

water\tnc\tansfer.add
7/29/93

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NOV 22 1996

T#4186

IDFO
file copyCORPORATION WARRANTY DEED

THIS INDENTURE, Made this 26th day of August, 1976, between SUN VALLEY COMPANY, INC., a corporation duly organized and existing under the laws of the State of Idaho and having its principal office in Idaho at Sun Valley, in the County of Blaine, party of the first part, and THE NATURE CONSERVANCY, a District of Columbia corporation of Arlington, County of Arlington, State of Virginia, party of the second part,

WITNESSETH:

That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of ONE and NO/100 DOLLARS, lawful money of the United States of America, to it in hand paid by the said party of the second part, together with other valuable consideration, receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its heirs and assigns forever, all the following described real estate situated in the County of Blaine, State of Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

SECTION 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 24: S $\frac{1}{4}$ S $\frac{1}{4}$
SECTION 26: N $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and Tax Lot No. 1245 in
the NE $\frac{1}{4}$ NE $\frac{1}{4}$, being all the NE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT
the following tract;

Beginning at a point 490 feet South of the
Northeast corner of said Section 23; thence
North 200 feet; thence
West 200 feet; thence -
South 200 feet; thence
East 200 feet to the POINT OF BEGINNING.

SECTION 26: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{4}$ NE $\frac{1}{4}$;

MICROFILMED

TH 4186

NOV 22 1996

EXCEPTING THEREFROM THE RIGHT OF WAY FOR
SILVER CREEK; and

SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT
BETWEEN SUN VALLEY CO., INC., and LOUIS HUBSHMAN, JR.,
TO CONSTRUCT FENCING AND USE ACCESS ROAD LYING WITHIN
PROPERTY DESCRIBED HEREIN, RECORDED OCTOBER 13, 1969,
AS INSTRUMENT NO. 133843, RECORDS OF BLAINE COUNTY
IDAHO.

TOGETHER WITH all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or in anywise apper-
taining, and the reversion and reversions, remainder and
remainders, rents, issues and profits thereof, and all estate,
right, title and interest in and to the said property, as well
in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above-mentioned
and described premises, together with the appurtenances, unto
the party of the second part, and to its heirs and assigns
forever. And the said party of the first part, and its
successors, the said premises in the quiet and peaceable possession
of the said party of the second part, its heirs and assigns,
against the said party of the first part, and its successors,
and against all and every person and person whomsoever, lawfully
claiming or to claim the same, shall and will warrant and by
these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has
caused its corporate name to be hereunto subscribed by its

President and its corporate seal to be affixed by
its Secretary in pursuance to said resolution the day and
year first above written.

SUN VALLEY COMPANY, INC.

By

W. J. H. M.
President

ATTEST:

Gene L. Lyle
Secretary



STATE OF IDAHO,)
) ss.
County of Blaine,)

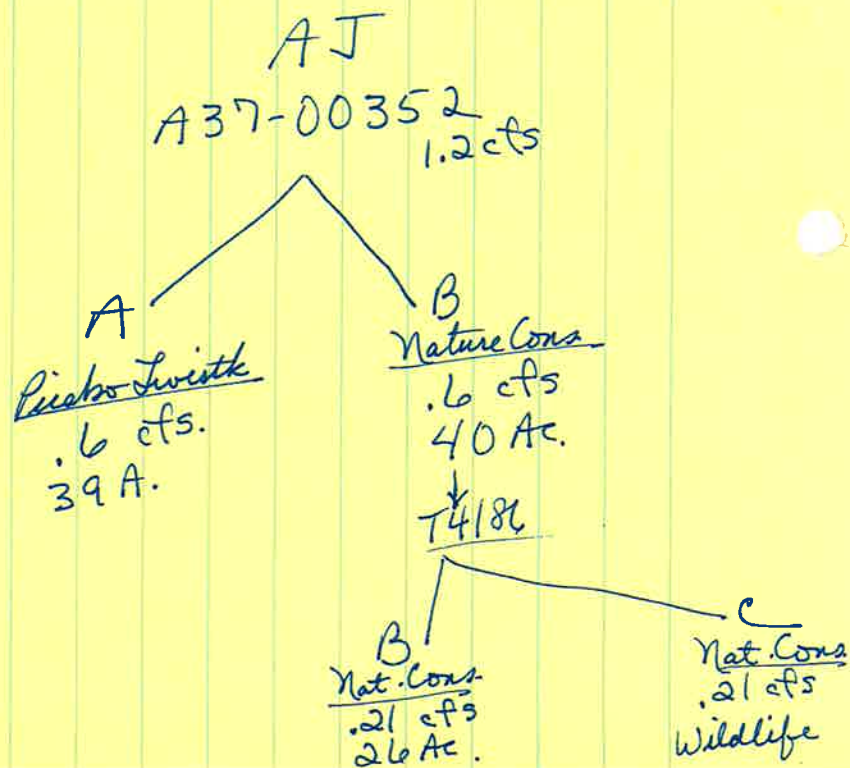
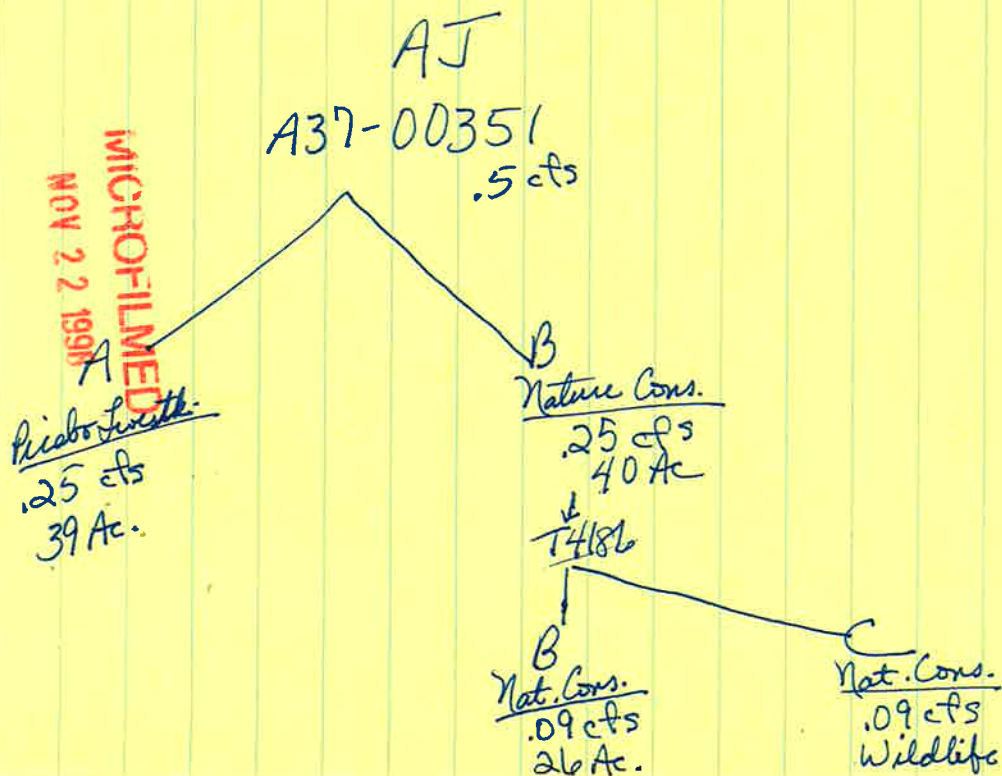
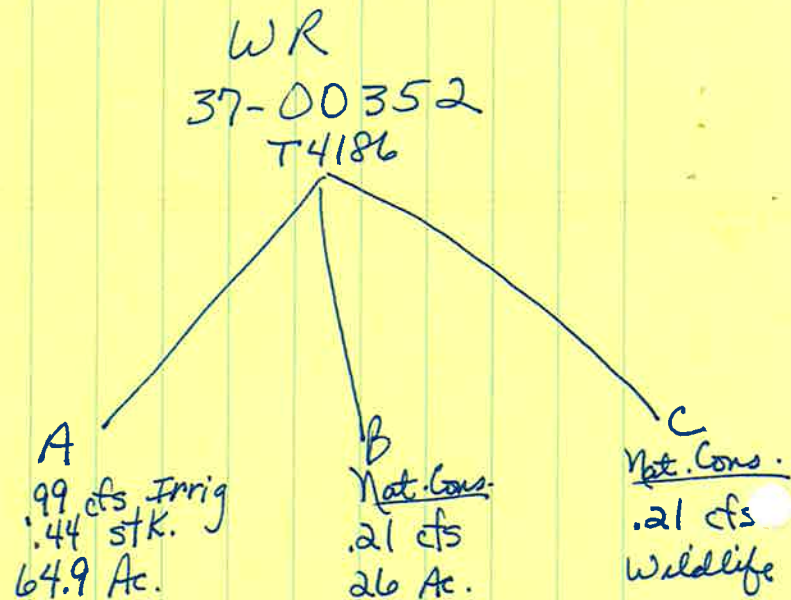
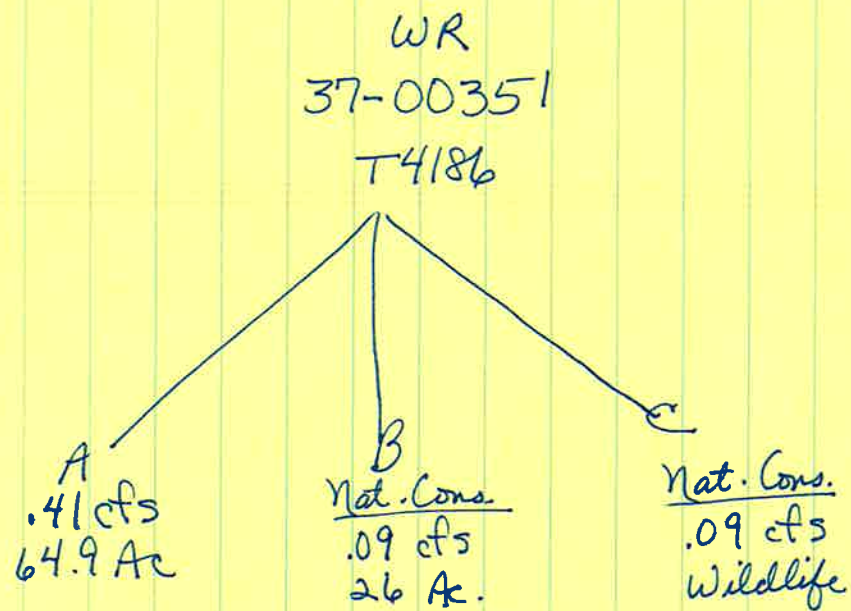
On this 20th day of July, 1976, before me, the undersigned, personally appeared William C. James, known to me to be the President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Mary C. Johnson
NOTARY PUBLIC for Idaho
Residing at Sun Valley, Idaho-Hetchum, Idaho
My Commission expires July 11, 1979

STATE OF IDAHO,)
) ss.
County of Blaine,)
On this 20th day of July, 1976, before me, the undersigned, personally appeared William C. James, known to me to be the President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.
IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal, the day and year in this certificate first above written.
Mary C. Johnson
NOTARY PUBLIC for Idaho
Residing at Sun Valley, Idaho-Hetchum, Idaho
My Commission expires July 11, 1979

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NOV 22 1996





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

December 16, 1994

JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

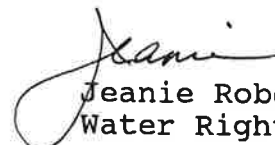
RE: AMENDED CLAIMS - ADJUDICATION CLAIM NOS. A37-00351B, A37-00352B
A37-00351C, A37-00352C
THE NATURE CONSERVANCY

Mr. Parsons;

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), I have enclosed copies of the amended claims pursuant to approved Transfer No. 4186. Please look the amended records over carefully to be sure they correctly reflect your intended change.

If you should have any questions, feel free to give me a call at the office.

Sincerely,


Jeanie Robertson
Water Right Agent

Enclosures
/jr

MICROFILMED
MAY 22 1996



RECEIVED
AUG 22 1994
Department of Water Resources
AUG 22 1994

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LARRY ECHOHAWK
ATTORNEY GENERAL

STEPHEN V. GODDARD
W. DALLAS BURKHALTER
DEPUTY ATTORNEYS GENERAL

DEPARTMENT OF FISH & GAME
600 S. WALNUT STREET
P.O. BOX 25
BOISE, IDAHO 83707
TELEPHONE: (208) 334-3715

August 18, 1994

Mr. Keith Higginson, Director
Idaho Department of Water Resources
1311 North Orchard
Statehouse Mail
Boise, ID 83720

11 15 16 17 18

AUG 24 1994

Department of Water Resource
Southern Region Office

RE: Water Rights 37-00252 and 37-00712

Dear Director Higginson:

As you are aware, there has been a dispute between the Idaho Department of Fish and Game and Mr. McMahan regarding the validity of the above-referenced water rights.

As a result of the dispute, Fish and Game took the depositions of Mr. Richard C. Mallon and Mr. William Molyneaux in the Snake River Basin Adjudication, Civil No. 39576. Enclosed are copies of the depositions for your files on the above-referenced water rights. I would appreciate verification that these documents will be included in the appropriate files.

Thank you for your assistance in this matter. I look forward to hearing from you.

Sincerely,

Stephen V. Goddard
Deputy Attorney General

SVG:cb

c: (Letter) Jim Speck
Cindy Robertson
Phil Rassier
Bill Hutchinson

MICROFILMED
OCT 24 1994



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

26-Aug-1994 11:58

Stephen V. Goddard
Department of Fish & Game
PO Box 25
Boise, ID 83707

RE: SRBA Claims A37-00252 & A37-00712

Dear Mr. Goddard:

Our office recently received copies of the depositions by Mallon & Molyneaux which relate to the above described claim files. Please be informed we have placed these copies in those claim files and will consider the depositions at the time we prepare our recommendations for these claims.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED

OCT 24 1994