



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 14, 2000

Cliffside Homeowners Association, Inc.
P. O. Box 4630
Ketchum, ID 83340

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A37-00419B,
37-00703E, 37-10913

Dear Claimant(s):

Pursuant to the change in ownership request submitted to the department, we have changed the record of current ownership of the above-referenced claims to you. Enclosed are copies of the computer records of the claims, reflecting the change in claimant.

Please review these records and if there is an error or if you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Florence Munzenrieder'.

Florence Munzenrieder
SRBA Records Clerk

Enclosure

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 37-419B
Date Received: 8/11/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

CLIFFSIDE HOMEOWNERS ASSOCIATION, INC
PO BOX 4630
KETCHUM ID 83340

Phone: (208)726-5997

2. Date of Priority: 08/02/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
04N	18E	30	SE SE NE	BLAINE

5. Description of diverting works:

HEADGATE, DITCH, PONDS, PUMPS & SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.18	

7. Total Quantity Appropriated is:
0.18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	30	SE	SE	IRRIGATION	6
Section Acres						6
Total Acres						6

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:

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

12-8-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-12-00.

15. Basis of Claim: Decreed

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

September 11, 2000

RECEIVED

SEP 12 2000

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**RE: Graystone, Inc. - Cliffside Homeowners Association
Notice in Change of Water Right Ownership**

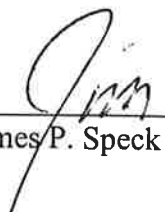
Dear Allen:

Enclosed you will find the Notice in Change of Water Right Ownership for the transfer of the water rights described therein by Graystone, Inc. to Cliffside Homeowners Association, Inc. Also enclosed is our check payable to the Department for the \$50 filing fee, a copy of the Notice and a stamped and self addressed return envelope. Please receipt date stamp the copy of the Notice and return it to me. Kindly call me if you have any questions about this water right transfer.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

enclosures

cc: Peter Gray, w/encl.
Ron Alling, w/encl.

RECEIVED

SEP 12 2000

Department of Water Resources
Southern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-08535</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-08538</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00419B</u>	<u>A37-00419B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00703E</u>	<u>A37-00703E</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00577BL</u>	<u>A37-10913</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Graystone, Inc.
P.O. Box 2473, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Cliffside Homeowners Association, Inc.
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address Post Office Box 4630
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 726-5997
5. Date you acquired the property August 31, 2000

Am

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Don J. Cuy, PRESIDENT

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

For Office Use only

Received by Lawrence Date 9/12/00 Fee \$50.00
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340**

Instrument # 442849

HAILEY BLAINE, IDAHO

2000-09-05 03:54:00 No. of Pages: 2

Recorded for : SPECK & AANESTAD

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(space above line for Recorder's use)

QUITCLAIM DEED

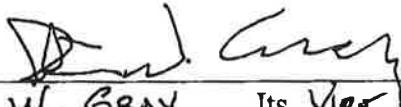
FOR VALUE RECEIVED, GRAYSTONE, INC., an Idaho corporation, ("Grantor"), does hereby convey, release, remise and forever quitclaim to CLIFFSIDE HOMEOWNERS ASSOCIATION, INC., an Idaho nonprofit corporation, P.O. Box 4630, Ketchum, Idaho 83340 ("Grantee"), all of its right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

1. All of Water Right License No. 37-08535;
2. All of Water Right License No. 37-08538;
3. All of Water Right No. 37-00419B which is also claimed in In Re: Snake River Basin Adjudication ("SRBA") as A37-00419B;
4. All of Water Right No. 37-00703E which has been claimed in the SRBA as A37-00703E, and
5. All of Water Right No. 37-00577BL which has been claimed in the SRBA as A37-10913.

DATED this 31 day of AUGUST, 2000.

GRANTOR:

GRAYSTONE, INC.

By: 
PETER W. GRAY Its Vice PRESIDENT

STATE OF IDAHO)
) ss.
County of Blaine)

On this 31st day of August, 2000, before me, the undersigned, a notary public in and for said state, personally appeared Peter W. Gray, known or identified to me to be the Vice-President of Graystone, Inc. and 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 hereunto set my hand and seal the day and year first above written.



Notary Public for Idaho
Residing at: Blaine County, Idaho
Comm. Expires: 1/29/03

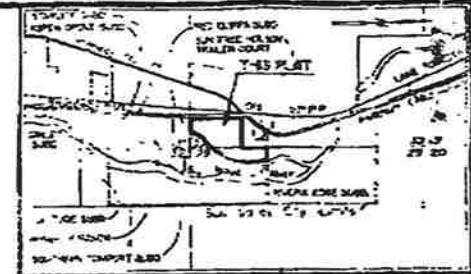


A REPLAT OF CLIFFSIDE SUBDIVISION, BLOCK 2

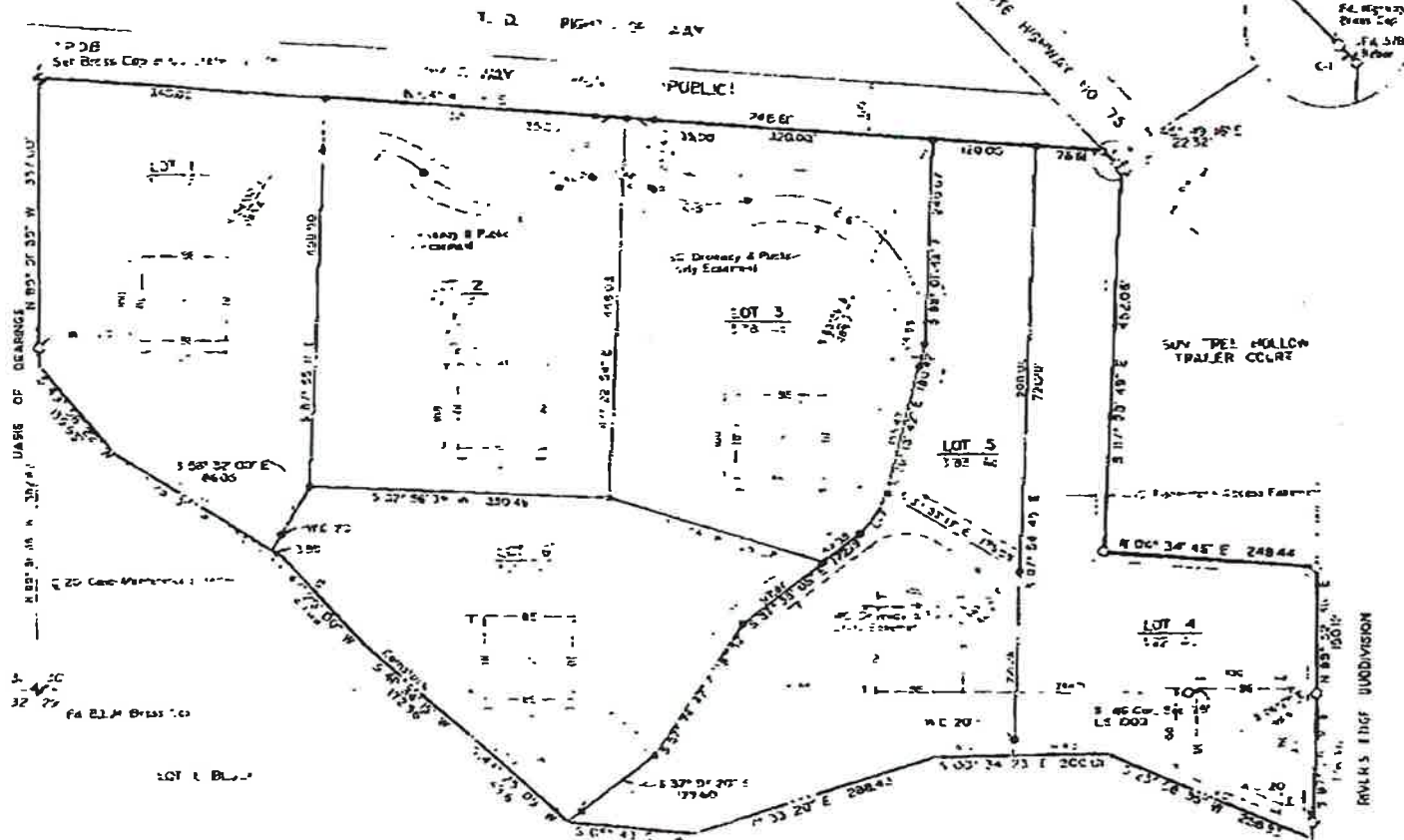
LOCATED WITHIN
SECTIONS 29 & 30, T. 4 N., R. 18 E., B.M., BLAINE COUNTY, IDAHO
AUGUST 1989

SCALE: 1" = 200'

SCALE IN FEET



VICINITY MAP SCALE: 1" = 2000'



LEGEND

- 1 Found Brass Coin
- 2 Found 5/16" Rubber
- 3 Found 1/2" Rubber
- 4 Set 5" Rubber, L.S. 3621
- 5 Set 1/2" Rubber, L.S. 3621
- 6 Existing Canal
- 7 Equipment, With or Without
- 8 Existing Corner, Set as Shown

NOTES

1. Where the responsibility for maintenance of the road is not shown, the responsibility shall be the responsibility of the owner, his successor in interest, or the Homeowners' Association, and Blaine County is hereby authorized to accept, maintain, or improve those roads and the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall not be in violation of any successor in interest of these facts.
2. Locations of wells and water lines shall be approved by and meet the standards of the Southwestern Health District and the Idaho Department of Health and Welfare.
3. To public utility easement shall be shown on all side lots.
4. Access to the driveway shall be limited to one driveway access as shown and approved.
5. No new building shall be constructed on all side lots.
6. Building envelopes shall be approved by the Homeowners' Association, a minimum distance of 50 feet shall be maintained between buildings for the entire lot.

CURVE DATA

Station	Angle	Radius	Chord	Delta
1+00.00	45.00	173.21	119.29	45.00
1+45.00	45.00	173.21	119.29	45.00
1+90.00	45.00	173.21	119.29	45.00
2+35.00	45.00	173.21	119.29	45.00
2+80.00	45.00	173.21	119.29	45.00
3+25.00	45.00	173.21	119.29	45.00
3+70.00	45.00	173.21	119.29	45.00
4+15.00	45.00	173.21	119.29	45.00
4+60.00	45.00	173.21	119.29	45.00
5+05.00	45.00	173.21	119.29	45.00

SAWTOOTH TITLE CO., INC.

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

Signature
D. J. Fecury

D. J. Fecury, S. 3621

A REPLAT OF CLIFFSIDE SUBDIVISION BLOCK 2
BLAINE COUNTY, IDAHO
SHEET OF 2

COMMUNICATION DOCUMENTATION

A37-10913

IDWR Employee/Agent Steve Clelland

MICROFILMED
NOV 29 1996

MEMORANDUM

DATE: May 15, 1996
TO: File No. 37-08538
FROM: Cindy Zimmerman
SUBJECT: Telephone Conversation

=====

The place of use comparison on this permit and the original application identify overlapping rights 37-00419B, 37-00703E, and claim A36-10913. These rights when claimed in the SRBA were identified as serving the common landscaped area within Cliffside Subdivision. However, the 'R' records of these rights identify use within Lots 3-10, Blk. 36, City of Bellevue.

Per telecon with Sandy at Blaine County Assessor's office, Lots 3-10, Blk. 36, City of Bellevue is located within S36, T02N, R18E. Cliffside Subdivision is located within S30, T04N, R18N.

5/20/96

Per Steve Clelland, SRBA Southern Region, disregard 'R' records. Transfer 3590 was approved, the 'A' records were updated, the 'R' records did not get updated. 37-419B/103E/10913 ~~are~~ were transferred from City of Bellevue to Cliffside Sub.

Transfer 3590 specifically states this groundwater permit is supplemental to transferred Big Wood River rights. This license issued on this permit will be conditioned to require use of the surface water.

RECEIVED

JUN 27 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

04-Nov-1992

JAMES R SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: A37-00419B - A37-00703E - A37-10913 - ROSEBERRY, ROSEBERRY &
SORENSEN

Dear Mr. Speck:

This letter is in reference to the CHANGE OF OWNERSHIP for the above-listed Adjudicated Claims you sent in. We have changed our computer records and I am sending you a copy of each Claim. I apologize for the time it has taken and hope it has not caused you any inconvenience.

Please check them for accuracy and should you have any questions, please do not hesitate to contact me at this office at the above-listed telephone number.

Sincerely,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
MAR 11 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00419B**
Date Received: 8/11/1988
Receipt No: S001407
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GRAYSTONE INC. 208-726-5997
Address: C/O PETER GRAY
P O BOX 2162
KETCHUM ID 83353

2. Date of Priority: AUG 2, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	30	SE	SE	NE		BLAINE

5. Description of diverting works:
HEADGATE, DITCH, PONDS, PUMPS & SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	30	SE	SE		IRR	6.0

Section Acres 6.0

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A37-10913, A37-00703E, A37-08538

14. Remarks:
SEE TRANSFER NO. 3590. THE PLACE OF USE IS THE COMMON
LANDSCAPING FRO THE CLIFFSIDE SUBD., CONSISTING OF SIX (6) SINGLE
FAMILY RESIDENTIAL LOTS, AND US OWNED BY THE OWNERS OF THE SIX
(6) LOTS. APPLICANT IS THE DEVELOPER OF THE SUBD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

MICROFILMED
MAR 11 1993

Water right number - R37-00419B

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
04N	18E	30	SE SE		6.0	01 IRRIGATION		(13) BLAINE

Total Acres: 6.0

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-10913 & A37-00703E

Remarks
RT. IS FOR 0.18 CFS (0.20 CFS MINUS 10% CONVEYANCE LOSS). P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

Old Water Right Numbers
A3700419

Conditions of Approval
R01 - A measuring device of a type approved by this Department shall - be maintained as a part of the diverting works. R04 - Use of water under this water right will be regulated by the - watermaster of State Water District No. &DISTRICT.

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

Comments
Date: 11/04/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE CHANGE OF OWNERSHIP RECEIVED 01/02/92 JAMES R SPECK, ATTORNEY, NEW OWNER GRAYSTONE INC. COPY OF WARRANTY DEED SUBMITTED. ORIGINAL OWNERS EUGENE & THOMAS ROSEBERRY & MARGUERITE SORENSON

+ - - Audit Fields - - +
11/04/92 GIVENS

+ - - - - 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	- 08/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- F000000	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
MAR 11 1993

Water Right Number - R37-00419B Prefix Translation: RESEARCH Old (D) Number -

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

*** A - ATTORNEY ***
SPECK JAMES R 1 - HOGUE SPECK & AANSTAD
2 - PO BOX 987
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421

*** C - CURRENT OWNER ***
GRAYSTONE INC 1 - C/O PETER GRAY
2 - P O BOX 2162
3 -
City- KETCHUM State- ID Zip- 83353
Phone - 208-726-5997

*** O - ORIGINAL OWNER ***
ROSEBERRY EUGENE 1 - 520 W. 8TH
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-2113

ROSEBERRY THOMAS 1 - 520 W. 8TH
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-2113

SORENSEN MARGUERITE 1 -
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/02/1889 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
04N 18E 30 SE SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 15.0

MICROFILMED
MAR 11 1993

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

DATE: 11/03/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GRAYSTONE INC. C/O PETER GRAY P O BOX 2162 KETCHUM ID 83353 (208) 726-5997	08/02/1889	IRRIGATION	04-01 11-01	0.18 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.18 CFS	15.0 AFA

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T04N R18E S30 SESENE

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
04N	18E	30	:					:					:					:					:		
																							06	:	6.0
TOTAL ACRES																								:	6.0

POU County: BLAINE

Other Rights: A37-10913, A37-00703E, A37-08538

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.

Remarks: SEE TRANSFER NO. 3590. THE PLACE OF USE IS THE COMMON
LANDSCAPING FRO THE CLIFFSIDE SUBD., CONSISTING OF SIX (6) SINGLE
FAMILY RESIDENTIAL LOTS, AND US OWNED BY THE OWNERS OF THE SIX
(6) LOTS. APPLICANT IS THE DEVELOPER OF THE SUBD.

Dates: Exam Made Date: Verified Date:

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

MICROFILMED
MAR 11 1993

MICROFILMED
MAR 11 1993

Water Right Number - R37-00419B

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GRAYSTONE INC

1 - C/O PETER GRAY
2 - P O BOX 2162
3 -
City- KETCHUM State- ID Zip- 83353
Phone - 208-726-5997

*** O - ORIGINAL OWNER ***
ROSEBERRY

EUGENE

1 - 520 W. 8TH
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-2113

ROSEBERRY

THOMAS

1 - 520 W. 8TH
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-2113

SORENSEN

MARGUERITE

1 -
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/02/1889 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
04N 18E 30 SE SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 15.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 18E 30 SE SE 6.0 01 IRRIGATION (13) BLAINE

Total Acres: 6.0

MICROFILMED
MAR 11 1993

Water right number - R37-00419B

Prefix Translation: RESEARCH

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-10913 & A37-00703E

+ - - - - - Remarks - - - - - +
RT. IS FOR 0.18 CFS (0.20 CFS MINUS 10% CONVEYANCE LOSS).
P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

+ - - - - - Old Water Right Numbers - - - - - +
A3700419

+ - - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. &DISTRICT.

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

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

+ - - Audit Fields - - +
10/28/92 GIVENS

+ - - - - - 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	- 08/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- F000000	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
MAR 11 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

August 11, 1992

RECEIVED

AUG 12 1992

Department of Water Resources
Southern Region Office

Ms. Judy Givens
Adjudication Secretary
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Graystone, Inc./Elizabeth K. Gray and/or Constance K. Gray
A37-00419B, A37-00703E and A37-10913 -
Eugene Roseberry, Thomas Roseberry and Marguerite Sorensen

Dear Ms. Givens:

In response to your letter to Mr. Jim Speck dated August 4, 1992, I am enclosing a copy of the Special Power of Attorney assigned to Mr. Speck from Ms. Gray. I am sorry this was not included with the Notice of Change of Ownership.

Please call if you need any further information. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



Deborah Kirby
Secretary

dmk
Enclosure

MICROFILMED
MAR 11 1993

RECEIVED

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

AUG 12 1992

Department of Water Resources
Southern Region Office

I, ELIZABETH K. GRAY, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

SPECIAL POWER OF ATTORNEY - 1

j:\water\graypwr

MICROFILMED
MAR 11 1993

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 5 day of November, 1991.

Elizabeth K. Gray
ELIZABETH K. GRAY

STATE OF IDAHO)
) ss.
County of Blaine)

On this 5th day of November, 1991, before me, the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that she executed the same.

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

Deborah H. Kirby
Notary Public for Idaho
Residing at: Rehoboth, Idaho

SPECIAL POWER OF ATTORNEY - 2

j:\water\graypw

MICROFILMED
MAR 11 1993



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

04-Aug-1992 11:31

JAMES P SPECK
HOGUE SPECK & AANESTAD
P.O. BOX 987
KETCHUM ID 83340

RE: A37-00419B, A37-00703E & A37-10913 - EUGENE ROSEBERRY, THOMAS
ROSEBERRY & MARGUERITE SORENSON

Dear Mr. Speck:

This letter is in reference to the NOTICE OF CHANGE OF OWNERSHIP FOR CLAIM(S) TO WATER RIGHT(S) on the above-referenced Claims. In reviewing the information enclosed, I failed to see a document showing the power of attorney assigned to you signed by Ms. Gray.

I apologize for the delay this transaction has taken, but due to the backlog of Ownership Changes, I will try to process as soon as possible.

Should you have any questions, please do not hesitate to contact me at this office, or call at the above-listed telephone number.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

MICROFILMED
MAR 11 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

December 30, 1991

726 4421
CERTIFIED MAIL P 450 412 179
RETURN RECEIPT REQUESTED

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

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

Re: Snake River Basin Adjudication
Claims Nos. A37-10913, A37-00419B and A37-00703E
- Graystone, Inc.

Dear Loren:

Enclosed for filing in the Snake River Basin
Adjudication are the following documents submitted by my client,
Graystone, Inc.

1. Notice of Change of Ownership;
2. Amended Claim No. A37-10913;
3. Amended Claim No. A37-00419B; and
4. Amended Claim No. A37-00703E.

Once these Amended Claims have been logged into the Department's
computer database, please send me copies of the appropriate
printouts.

Kindly call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures
cc: Graystone, Inc. (w/encls.)

MICROFILMED
MAR 01 1993

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 A37-00419B

Date Received _____

Receipt Number _____

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

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Graystone, Inc.
Phone: (208) 726-5997
Mailing Address: c/o Peter Gray
P. O. Box 2162
Ketchum, ID 83353

2. Date of Priority: August 2, 1889

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad 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>
4N	18E	30	SE	SE	NE		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>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

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>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

5. Description of existing diversion works: Comstock #10 Headgate, Comstock Ditch, ponds, pumps in ponds to underground sprinkler irrigation system.

MICROFILMED
MAR 01 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.18 cfs

7. Total Quantity Claimed: 0.18 cfs

8. Total consumptive use claimed is 15 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>
4N	18E	30	SE	SE	I	6

Total number of irrigated acres: 6

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? No - see Remarks.

13. Describe any other water rights used at the same place and for the same purposes as described above? A37-10913, A37-00703E, 37-08538.

14. Remarks: See Transfer No. 3590. The place of use is the common landscaping for the Cliffside Subdivision, consisting of six (6) single family residential lots, and is owned by the owners of the six (6) lots. Applicant is the developer of the subdivision.

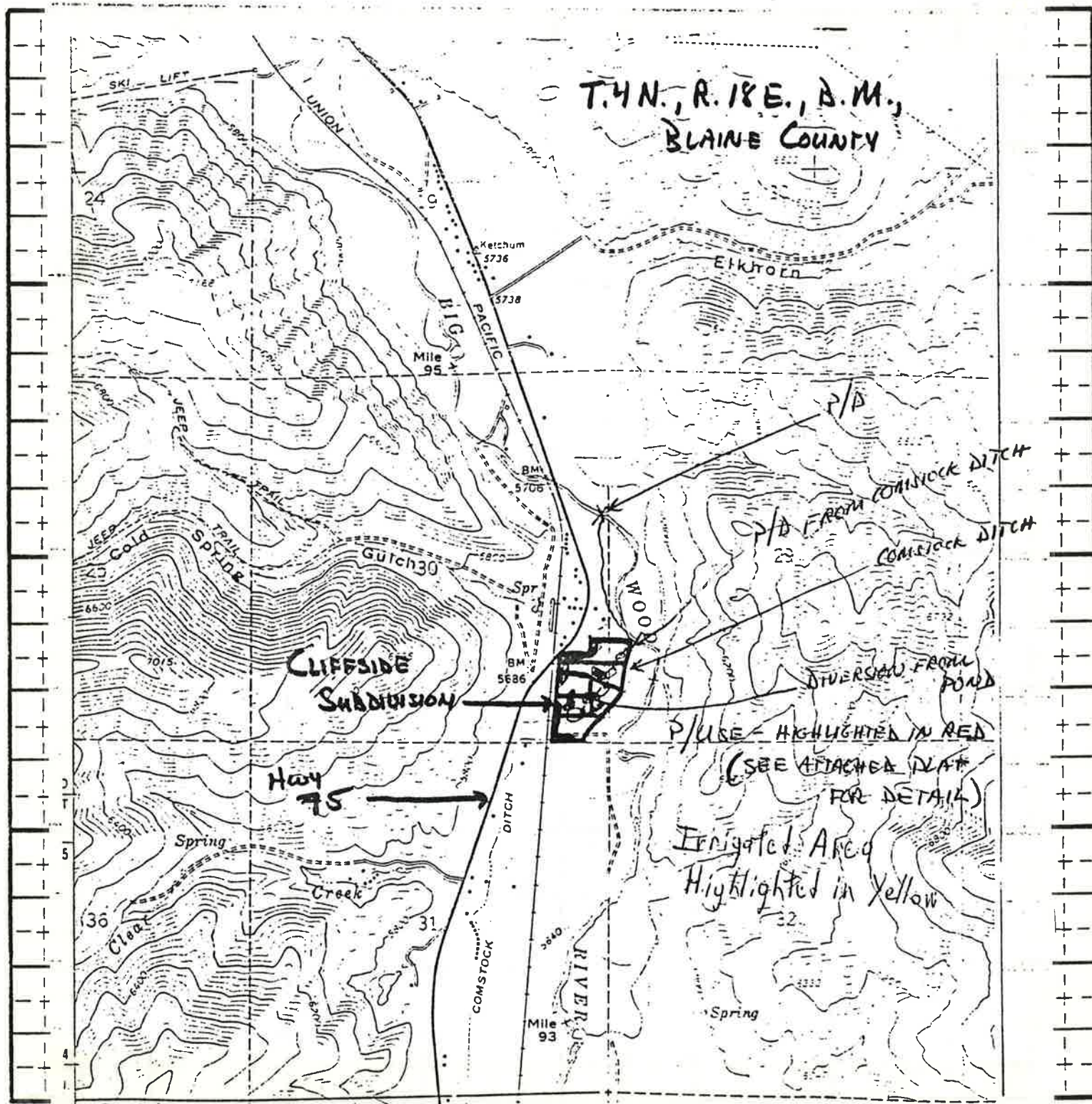
Last Name: Graystone
j\grystne\3700419B.clm

Ident No. A37-00419B

MICROFILMED
MAR 11 1993

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

Scale: 2 inches equals 1 mile



MICROFILMED

MAR 11 1983

Last Name GRAYSTONE

Ident No. A3700419B

Copies: White-State, Yellow-Claim

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-00419B
Court: Lincoln County District Court
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S. C. Frost et al v. Alturus Water Company, et ux

16. **Signature(s)**

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

[For Organizations] I do solemnly swear or affirm that I am the president of Graystone, Inc., an Idaho corporation, that I have signed the foregoing document in the space below as president of Graystone, Inc. and that the statements contained in the foregoing document are true and correct.

GRAYSTONE, INC.

DATE: 12/31/91

By: Elizabeth K. Gray, by Jan P. Speck
Elizabeth K. Gray, President
her attorney-in-fact

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 30 day of December, 1991.

Notary Public Deborah H. Kirby
Residing at Ketchum, Idaho
Commission Expires 11/1/97

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

Date: 12/30/91

Last Name: Graystone
j\grystne\3700419B.clm

Ident No. A37-00419B

MICROFILMED
MAR 01 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00419B**
Date Received: 8/11/1988
Receipt No: S001407
Received By: _____

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

1. Name: EUGENE ROSEBERRY *Shaytown Inc* 208-324-2113
Address: 520 WEST 8TH
JEROME ID 83338
AND/OR
Name: THOMAS ROSEBERRY 208-324-2113
Address: 520 WEST 8TH
JEROME ID 83338
AND/OR
Name: MARGUERITE SORENSON
Address: JEROME ID 83338

2. Date of Priority: AUG 2, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	22	NE	SE			BLAINE
4		26	SE	NE		(R)	BLAINE

5. Description of diverting works:
KOHLER #44 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 1.8 A.F.A.

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	SW	SW	IRR	2.0
					Section Acres	2.0
		36	NW	NW	IRR	2.0
					Section Acres	2.0
					Total Acres	4.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
PART OF 37-0703 & PART OF 37-0577

14. Remarks:
RT. IS FOR 0.18 CFS (0.20 CFS MINUS 10% CONVEYANCE LOSS).
P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

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

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED

MAR 01 1993

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 _____

MICROFILMED

MAR U 1 1993

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

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

CIVIL CASE NUMBER: 39356

RECEIVED

NOTICE OF CHANGE OF OWNERSHIP
FOR
CLAIM(S) TO WATER RIGHT(S)

JAN 02 1992

Department of Water Resources
Southern Region Office

1. Claim Identification Number(s): A37-00419B, A37-00703E, A37-10913
2. Name of Original Claimant(s): Eugene Roseberry, Thomas
Roseberry & Marguerite Sorenson
Mailing Address: 520 West 8th
Jerome, ID 83338
3. Name of Purchaser(s)/New Claimant(s)
of Water Right(s): Graystone, Inc.
Mailing Address: c/o Peter Gray
P. O. Box 2162
Ketchum, ID 83353

4. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the purchaser(s)/new claimant(s) of the water rights identified herein and that all notices required by law to be mailed by the director to the purchaser(s)/new claimant(s) should be mailed to the address listed below.

Signature: *James P. Speck*

James P. Speck
Hogue, Speck & Aanstad
P.O. Box 987
Ketchum, ID 83340

Date: 12/30/91

GRAYSTONE, INC.

MICROFILMED

MAR 01 1993

DATE: 12/30/91

By: *Elizabeth K. Gray*

Elizabeth K. Gray, President

*James P. Speck, for
attorney in fact*

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, THOMAS ROSEBERRY and VETA A. ROSEBERRY, husband and wife, EUGENE P. ROSEBERRY, a married man dealing in his sole and separate property, and MARGUERITE ROSEBERRY, a married woman dealing in her sole and separate property, all of whose mailing address is c/o Thomas Roseberry, 520 8th West, Jerome, ID 83338 (the "Grantor" whether one or more), hereby grants, bargains, sells and conveys unto ELIZABETH K. GRAY, a married woman dealing in her sole and separate property, whose mailing address is P. O. Box 2162, Ketchum, ID 83340 ("Grantee", whether one or more), the following described water rights appurtenant to certain real property situated in Blaine County, Idaho:

As more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, the said water rights and appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said water rights, that said water rights are free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of May, 1989.

Thomas Roseberry
Thomas Roseberry

WARRANTY DEED - 1

MICROFILMED
MAR 01 1993

Veta A. Roseberry
Veta A. Roseberry

Eugene P. Roseberry
Eugene P. Roseberry *his attorney in fact*

Marguerite Sorensen
Marguerite Sorensen

STATE OF IDAHO)
County of Blaine) ss.

On this 19th day of May, 1989, before me, the undersigned, a notary public in and for said state, personally appeared Thomas Roseberry, Veta A. Roseberry and Marguerite Sorensen, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

James P. Seale
Notary Public for Idaho
Residing at: East Fork ID

STATE OF IDAHO)
County of Blaine) ss.

On this 19th day of May, 1989, before me, the undersigned Notary Public in and for said state, personally appeared ~~Thomas~~ Roseberry, known or identified to me to be the person whose name is subscribed to the foregoing instrument as the attorney in fact of Eugene P. Roseberry, and acknowledged to me that he subscribed the name of Eugene P. Roseberry thereto as principal, and his own name as attorney in fact.

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

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

DATED this 10 day of July, 1989.

GRANTOR:

Elizabeth K. Gray
ELIZABETH K. GRAY

STATE OF IDAHO)
)
County of Blaine) ss.

On this 10th day of July, 1989, before me the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

James P. Speck
Notary Public for Idaho
Residing at: East Fork, ID

j:\grayh20.qcd
7/9/89

QUITCLAIM DEED - 2

MICROFILMED
MAR 11 1993

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

(space above line for Recorder's use)

QUITCLAIM DEED

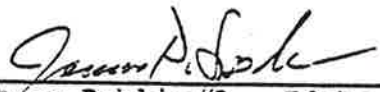
FOR VALUE RECEIVED, ELIZABETH K. GRAY, a married woman dealing in her sole and separate property, whose mailing address is P. O. Box 2162, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto GRAYSTONE, INC., an Idaho corporation, whose mailing address is (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described premises, situated in Blaine County, Idaho, to wit:

1. 7.5 inches (0.15 cfs) of Idaho Water Right No. 37-0577, originally decreed to W. T. Riley for the diversion of waters of the Big Wood River with priority date of March 24, 1883, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-10913.
2. 9 inches (0.18 cfs) of Idaho Water Right No. 37-0419B, originally decreed to Horace C. Lewis, for the diversion of waters of the Big Wood River with priority date of August 2, 1889, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-00419B.
3. 20 inches (0.40 cfs) of Idaho Water Right No. 37-0703C originally decreed to A. D. Williams for the diversion of waters of the Big Wood River with priority date of June 15, 1891, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-00703E.

QUITCLAIM DEED - 1

MICROFILMED
MAR 01 1993

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


Notary Public for Idaho
Residing at: East Fork, ID

j:\gray.ded
5/19/89

WARRANTY DEED - 3

MICROFILMED
MAR U 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3590RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUN 26 1990

Name of applicant Graystone, Inc. Phone (208) 726-4421
Department of Water Resources
Post Office address James P. Speck, Hoque, Speck & Aanestad, P.O. Box 987
Southern Region Office 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 _____
2. Describe the reason for the proposed changes Applicant has purchased water rights
(see attached deeds) and desires to transfer them to its property.

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 |
|-----------------------|----------------------|-----------------------|-------------------|--------------------------|
| <u>37-0577BL Part</u> | <u>Mar. 24, 1883</u> | <u>0.15cfs</u> | <u>irrigation</u> | <u>April 1 to Nov. 1</u> |
| <u>37-0419B</u> | <u>Aug. 2, 1889</u> | <u>0.18cfs</u> | <u>irrigation</u> | <u>April 1 to Nov. 1</u> |
| <u>37-0703E</u> | <u>June 15, 1891</u> | <u>0.40cfs</u> | <u>irrigation</u> | <u>April 1 to Nov. 1</u> |
2. Total amount of water being transferred 0.73 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	30	4N	18E	Blaine	Comstock No. 10 Headgate

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	
4N	18E	30																6	6

MICROFILMED
OCT 26 1994Total acres 6

37-0419B

PART 1**6. General Information:**

- a. Description of diversion system Comstock No. 10 Headgate in Big Wood River to Comstock Ditch to stream and pond system; pump from large pond to underground sprinkler system for irrigation of common landscaping for new residential subdivision
- b. 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 no longer be irrigated, except by domestic wells
- d. Remarks:
See attached Addendum
The P/U was described incorrectly on Transfer #1661. It should have been Blocks 36 and 41 in Bellevue, which cover about 6 acres in Sec. 25 & 36 T. 2N R. 18E. Some of this land was sold without water rights in 1979.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0419B/0577BL/0703C
And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED CONDITIONS OF APPROVAL.

MICROFILMED**OCT 26 1994**

Witness my hand this 22ND day of JUNE, 19 90.

for the

Norman C. Young
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0419B/0577BL/0703C
Transfer No. 3590

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion and use of water pursuant to rights approved by this transfer is subject to control of the watermaster of state Water District #37, Big Wood River.
3. This transfer is associated with permit to appropriate water no. 37-8535. A portion of right no. 37-0577 must compensate for losses of water used pursuant to permit no. 37-8535 as follows:
 - a) When the Comstock Ditch rights are being delivered, the 0.15 cfs of right no. 37-0577, or a requisite portion, must be delivered to the point of return to the Comstock Ditch from the Graystone system.
 - b) When the Comstock Ditch rights are not deliverable, but water is being delivered through the Graystone system, the 0.15 cfs of right no. 37-0577, or a requisite portion, must remain in the Big Wood River.
4. The 0.15 cfs of right no. 37-0577 pertaining to this transfer may be diverted for irrigation use when water is not being delivered to the Graystone system pursuant to right no. 37-8535.
5. Prior to diversion of water as approved by this transfer, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

Witness my hand this 22ND day of June, 1990.

for the Norman C. Gentry
Chief, Water Alloc. Bureau

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OCT 26 1994

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** SEE ATTACHED ADDENDUM

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

1. amount 0.15cfs 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: Present point of diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Re diversion from pond

3. Lands irrigated or place of use:

P/U per
T. 1661True
P/U

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	
2N	18E	26													X			X	7
2N	18E	25											2.5						2.5
		36					1	2.5											3.5

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change) SEE ATTACHED ADDENDUM

1. amount 14.35 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

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	

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OCT 26 1994

Total acres _____

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. 37-0419B Decreed to Horace C. Lewis
in case of S.C Frost, et al vs. Alturua Water Company, et al
dated December 13, 1909 in Lincoln county of _____
- 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. 1661 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 Warranty Deed to water rights only

3. Source of water Big Wood River tributary to Malad River

4. Date or priority Aug. 2, 1889

5. Water is used for the following purpose:

amount 0.18cfs 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)

6. Total amount of water under right 0.18 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

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	
2N	18E	26													X			X	7
2N	18E	25											2.5						2.5
		36					1	2.5											2.5

P/U per
T. 1661

True P/U

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OCT 26 1994

Total acres 6

9. Describe any other water rights used for the same purpose as described above

37-0577 (a portion); 37-0703C (a portion)

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 _____ for _____ purposes from _____ to _____
 (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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	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	

MICROFILMED
OCT 26 1994

Total acres _____

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. 37-0703C Decreed to A.D. Williams
in case of S.C Frost et al vs. Alturus Water Company et al
dated December 13, 1909 in Lincoln county of _____
- 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. 207. 2457 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

Warranty Deed to
water rights on

3. Source of water Big Wood River tributary to Malad River

4. Date or priority June 15, 1891

5. Water is used for the following purpose:

amount 1.4cfs for irrigation purposes from _____ to _____
(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 1.4 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

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	
2N	18E	25											X	X					X

MICROFILMED

OCT 26 1994 X

9. Describe any other water rights used for the same purpose as described above

37-0577(a portion); 37-0419B

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 SEE ATTACHED ADDENDUM

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

1. amount 0.4cfs 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler # 44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

3. Lands irrigated or place of use: Historical P/U since 1971 or earlier

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	
2N	18E	25											2.5						2.5
		36					1	2.5											3.5

Total acres 6

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

1. amount 1.0cfs 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

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	
2N	18E	25											X	X					X

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OCT 26 1994

Total acres X

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

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>N/A</u>	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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

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

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.

GRAYSTONE, INC.

By: _____

Elizabeth K. Gray (President)
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of July, 19 89.

James P. Speck
(Notary Public)

My commission expires 1/22/91

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 26 attachments

Received by JRP Date 7-11-89 Protest filed by _____

Prelim. check by J.P. Stanton Fee 50 500 852

Receipted by JRS Date 7/11/89

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 9/6 & 9/13/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 8/28/89 Recommended for ☒ approval ☐ denial

_____ rec'd. 9/1/89 by Ed.

Copy of transfer sent to lien holder _____

MICROFILMED
OCT 26 1994

26-Jun-1990

REID J NEWBY WATERMASTER
WATER DISTRICT #37
BOX T
SHOSHONE ID 83352

Re: Application for Permit No. 37-08535, Transfer No.
3590 (37-0577BL, 37-0419B, 37-0703E)

Dear Mr. Newby:

Please find enclosed the copies of the above referenced
Applications for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure(s)

MICROFILMED
OCT 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-00419B

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		see 3-27-90	
POINT OF DIV.	N*		see 5-14-90	
SOURCE	N			
PLACE OF USE	YES ~~AT~~ (Verify use) ✓		see 6-6-90	
DIV. AMOUNT	N (EXCESS FLOW) XS			
CONSUMPTIVE USE	N			
USES	N			
PERIOD OF USE	N			
BASIS OF CLAIM	N			

REMARKS: * COMPLETE MAP WITH DITCH; SHOW DELIVERY.

THIS CLAIM IS THE MASTER REVIEW FOR

A37-00703 E

A37-10913

MICROFILMED

MAR 11 1993

GENERAL INFORMATION

Claim number: A37-00419B

LAST: ROSEBERRY

FIRST: EUGENE

ADDRESS: 520 WEST 8TH

CITY: JEROME

STATE: ID

ZIP: 83338

PHONE: (208) 324 - 2113

OWNER CODE: C

OWNER CONNECTOR: AND/OR

LAST: ROSEBERRY

FIRST: THOMAS

ADDRESS: 520 WEST 8TH

CITY: JEROME

STATE: ID

ZIP: 83338

PHONE: (208) 324 - 2113

OWNER CODE: C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____ - ____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED

MAR 01 1993

PRIORITY DATE REVIEW SHEET

A. SRBA CLAIM # A37-00419B PRIORITY DATE: 8/2/1889 STAGE D

B. IDWR RECORD # 37-00419B PRIORITY DATE: 8/2/1889 STAGE D

C. REVIEW - FIELD EXAM NEEDED? Y() N(~~X~~)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(~~X~~)
IF YES EXPLAIN.

[illegible]

RECOMMENDED PRIORITY DATE: 8/2/1889

REVIEWED BY SEC DATE 3-27-90

MICROFILMED
MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-00419B

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>22</u>		<u>NE</u>	<u>SE</u>		
<u>2N</u>	<u>18E</u>	<u>26</u>		<u>SE</u>	<u>NE</u>	<u>R</u>	<u>BLAINE</u>

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>22</u>		<u>NE</u>	<u>SE</u>		
		<u>26</u>		<u>SE</u>	<u>NE</u>	<u>(R)</u>	<u>13</u>

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVERC. REVIEW - FIELD EXAM NEEDED? Y() N(☒)

		ATTACHED	OR	SEE FILE
VERIFIED	(☒) TOPO MAP/ORTHO-PQ	YES(☒)	NO()	
WITH:	() ASCS MAP	YES()	NO()	
	() WATERMASTER RECORDS	YES()	NO()	
	() FIELD EXAM	YES()	NO()	
	() OTHER	YES()	NO()	

REMARKS: RE-DIVERSION NOT REQUIRED BY IDWR.
HOW IS WATER DELIVERED?

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>18E</u>	<u>22</u>	<u>SW</u>	<u>NE</u>	<u>SE</u>		<u>13</u>

SOURCE: B.W.R. TRIB: MALAD RIVERREVIEWED BY SEC DATE 5-14-90MICROFILMED
MAR 11 1993

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-00419BFIELD EXAM REQUIRED: Y(~~X~~) N()PRESUMPTION FLAG: Y(~~X~~) N()ROOT WATER RIGHT NUMBERS 37-00419B

TWP RGE SEC 1/4 1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
<u>2N 18E 26 SW SW</u>	<u>A37-04377 / 3.5</u>	<u>37-04377 / 4</u>	<u>0</u>	—	—
→ <u>-00419B / 2</u>	—	—	—	—	—
→ <u>-00703E / 2</u>	—	—	—	—	—
→ <u>-10913 / 2</u>	—	—	—	—	—
<u>-07312 / 20</u>	—	<u>-07312 / 20</u>	—	—	—
<u>- /</u>	—	<u>-08259 / 5</u>	—	—	—
<u>- /</u>	—	<u>-08308 / 1</u>	—	—	—
<u>- /</u>	—	—	—	—	—
TOTAL ACRES	<u>2</u>	—	—	—	—

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

REMARKS: VERIFY USE

REVIEWED BY

SC

DATE

5-14-90

MICROFILMED
 MAR 11 1993

TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES2N 18E 36 NWNW A37-004198 / 2→ -00703E / 2→ -10913 / 2-11895 / .5-11902 / .5-11904 / .5- / -- / -37-08081 / 5

TOTAL ACRES

2

TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES- / -- / -- / -- / -- / -- / -- / -- / -

TOTAL ACRES

TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES- / -- / -- / -- / -- / -- / -- / -- / -

TOTAL ACRES

MICROFILMED

MAR 01 1953

A. S.R.B.A CLAIMED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.2</u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS

B. I.D.W.R. RECORDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>9-30</u>	<u>0.18</u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS

PRESUMPTION FLAG: D

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y() N(X)

RECOMMENDED AS CLAIMED?

Y(X) N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y(X) N()

REMARKS:

=====

RECOMMENDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.2</u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS
FOR	<u> </u>	FROM <u>-</u> TO <u>-</u>	<u> </u> CFS

REVIEWED BY SCC

DATE 5-14-90

=====

MICROFILMED

MAR 11 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-00419 BA. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)SRBA CLAIMED RATE: 0.20 CFS IDWR ROOT RIGHT RATE: 0.18 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.IS FLOW MEASUREMENT REQUIRED? Y() N(☒)B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☒) N() If YES complete overlap review.OTHER RIGHTS LISTED IN CLAIM: A37-00703E - - -A37-10913 - - -100%
overlapD. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES 4 X 0.02 CFS/ACRE = 0.08 CFS.
(Taken from p/u review)DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☒) N()***IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N(☒)***

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES 4 X CONSUMPTIVE RATE FOR AREA 2.5 A.F./ACRE =TOTAL CONSUMPTIVE USE 10.0 ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: 0.18 CFSRECOMMENDED CONSUMPTIVE USE: 10.0 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY See DATE 5-14-90

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MAR 11 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
EXCESSIVE AMOUNT	()	(X)

THIS SRBA CLAIM CFS/ACRE

0.05

OTHER SRBA CLAIMS CFS/ACRE

0.04 A37-10913

0.10 A37-00703 E

**Excessive water use form filed and ATTACHED? Y(E) N(X)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT	# <u>37-00419</u>	SPLITS	#	_____	_____ CFS
	_____ CFS		#	_____	_____ CFS
			#	_____	_____ CFS
			#	_____	_____ CFS
			#	_____	_____ CFS
				TOTAL	CFS _____

*Complete
IN BASIN
WIDE REVIEW*

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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MAR 01 1993

ADDITIONAL ACREAGE FORM

[illegible]

TOTAL NUMBER OF ACRES 4.0

REMARKS: _____

REVIEWED BY _____

DATE _____

MICROFILMED

MAR 01 1993

DIVER NO	DIST. R PRIOR. OWNER	ST.ID.	ORIG DECREE TO	PRIORITY DATE	INCHES	BWCC	BELOW #10CUT	ABOVE 10	OTHER
22	D 74-B1B SPENGER GRUBB ASSOC.	37-0648B	SUTHERLAND & WEBER	04-30-1889	428.00				
22	D 75-A4 J.R.SIMPLT	37-0522	ISRAEL T.OSBORN	05-04-1889	15.00				
24	D 75-A3 J.H.POPPY	37-0522	ISRAEL T.OSBORN	05-04-1889	55.00				
24	D 75-A1 JOHN CHAPMAN	37-0522	ISRAEL T.OSBORN	05-04-1889	203.00				
22	D 75-A6 LISELOTTE VAN	0522PART	ISREAL T.OSBORN	05-04-1889	40.00				
24	D 75-A5 RAY JEFFERSON	37-0522	ISRAEL T.OSBORN	05-04-1889	10.00				
25	D 75-A2 RONN RICH	37-0522	ISRAEL T.OSBORN	05-04-1889	7.00				
25	D 75-A7 JOHN CHAPMAN	37-0522	ISRAEL T.OSBORN	05-04-1889	20.00				
45	E 78-A2 EDWARD STRICKER	37-0419	HORACE C.LEWIS	06-02-1889	11.40				
45	E 78-A4 ROBERT GARDNER	37-0419	HORACE C. LEWIS	06-02-1889	40.50				
45	E 78-A5 ROBERT GARDNER	37-0419	HORACE C. LEWIS	06-02-1889	5.80				
15-P1	D 76-A2 DEXTOR HAYMOND	37-0100	JAMES N.BROWN	07-01-1889	9.00				
22	D 77-A GARY HIBBARD	37-0659	ANNA TROEGER	07-15-1889	63.00				
22	D 77-A1 THOMAS B.CAMPION	37-0659	ANNA TROEGER	07-15-1889	27.00				
44	E 78-A3 BUD ROSEBERRY	37-0419	HORACE C.LEWIS	08-02-1889	9.00				
45	E 78-A1 M.MONHEIMER%J.STEVENS	37-0419	HORACE C.LEWIS	08-02-1889	23.30				
0	X 78-A6 BIG WOOD RIVER 10.00" LOSS TO BWR BY TRANSFER	37-0419	HORACE C.LEWIS	08-02-1889	10.00				
22	D 79-A GARY HIBBARD	37-0451	JUSTUS MAVIDUS	08-15-1889	120.00				

MICROFILMED

MAR 11 1993

WATER DIST.37 WOOD RIVER ABOVE MAGIC -- PRIORITY BOOK as of:

04/23/88

DIVER NO	DIST. R PRIOR. OWNER	ST.ID.	ORIG DECREE TO	PRIORITY DATE	INCHES	BWCC	BELOW #10CUT	ABOVE 10	OTHER
50	E 80-A1 EDMUND QUESNELL,EST.	37-0422	JOHN T.LOVING	10-31-1889	80.00				
50	E 80-D3 EDWARD CAMERON	37-0047	GUY C.BARNUM	10-31-1889	25.20				
50	E 80-D1 FRED SWANER	37-0047	GUY C.BARNUM	10-31-1889	48.00				
50	E 80-D10 FREDERICK BROWN	37-0047	GUY C.BARNUM	10-31-1889	50.40				

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

01/26/90 09:58:10
Page 1

Water Right Number - A37-00419B

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
ROSEBERRY

EUGENE

1 - 520 WEST 8TH

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-2113

ROSEBERRY

THOMAS

1 - 520 WEST 8TH

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-2113

SORENSEN

MARGUERITE

1 -

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-000-0000

+ - - Priority Date - - +
08/02/1889

+ - - - Region - - - +
17

+ - - - Stage - - - +
D - DECREED + - - - Status - - - +

+ - - - - Source - - - - - +
BIG WOOD RIVER

+ - - - - - Tributary - - - - - +
MALAD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)

02N 18E 22 NE SE (13) BLAINE
02N 18E 26 SE NE R (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.200 12.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

02N 18E 26 SW SW 2.0 01 IRRIGATION (13) BLAINE
02N 18E 36 NW NW 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 4.0

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

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MAR 11 1993

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	-	07/01/1985	Old Judicial District	-	
Claim Received Date	-	08/11/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S001407	Water District	-	37
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	AND/OR			

Water Right Number - 37-00419B Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
ROSEBERRY

CHESTER D.

1 -
2 -
3 -
City- BELLEVUE
Phone -

State- ID Zip- 83313

ROSEBERRY

LUCILLE BONSALE

1 -
2 -
3 -
City- BELLEVUE
Phone -

State- ID Zip- 83313

*** O - ORIGINAL OWNER ***
LEWIS

HORACE C.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/02/1889 17 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

Point of Diversion						Stream Index (Blank if no Index Code)
Twn	Rng	Sec	Tract	Lot	RFlg	County
02N	18E	22	NE SE			(13) BLAINE
02N	18E	26	SE NE	R		(13) BLAINE

Water Use		Diversion Rate	Diversion Volume
Code	Description	Period From	Period To
01 - IRRIGATION		04/01	09/30
		0.180	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.180

Place of Use							Description	County
Twn	Rng	Sec	Tract	Lot	Acres	Code		
02N	18E	26	NE SE			01 IRRIGATION	(13) BLAINE	
02N	18E	26	SE SE			01 IRRIGATION	(13) BLAINE	

Total Acres:

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

MICROFILMED
MAR 1 1993

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/01/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 12/13/1909				

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: A37-00419B
Date Received: 8/11/1988
Receipt No: 5001407
Received By: Ad

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE ROSEBERRY 208-324-2113
Address: 520 WEST 8TH
JEROME, ID 83338

AND/OR

Name: THOMAS ROSEBERRY 208-324-2113
Address: 520 WEST 8TH
JEROME, ID 83338

AND/OR

Name: MARGUERITE SORENSON
Address: JEROME, ID 83338

2. Date of Priority: AUG 02, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	22	NE	SE			BLAINE
		26	SE	NE		R	BLAINE

5. Description of diverting works:
KOHLER #44 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00419B

Page

1

Date: 08/11/88

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MAR 01 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	26	SW	SW		IRR	2.0
						Section Acres	2.0
		36	NW	NW		IRR	2.0
						Section Acres	2.0
						Total Acres	4.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

PART OF 37-0703 & PART OF 37-0577

14. Remarks:

RT. IS FOR 0.18 CFS (0.20 CFS MINUS 10% CONVEYANCE LOSS).

P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

MICROFILMED
MAR 01 1993

16. Signature(s)

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

Number of attachments: 1

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): Thomas C. Rouberry Date: 8-11-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Aug 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/92



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-419B

WATER RIGHT NUMBER: 37-419B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HORACE C LEWIS
Current Owner	, ID CHESTER D ROSEBERRY
Current Owner	BELLEVUE, ID 83313 LUCILLE BONSALL ROSEBERRY
	BELLEVUE, ID 83313

Priority Date: 08/02/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to	9/30	0.180 CFS	
	<u>Total Diversion:</u>		0.180 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4SE1/4	Sec. 22, Twp 02N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SE1/4NE1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County	(Rediversion)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26													X			X	

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-419B

3. TRANS. 1661.
P/U IS BLOCKS 36-41 IN BELLEVUE.
RT. IS FOR 0.18 CFS (0.20 CFS MINUS 10% CONVEYANCE LOSS).
AC. IRRIG. = 7.
P/D GIVEN IN TRANS. AS SENE S26; CORRECT P/D FROM WATERMASTER.
DECREED FROM WARM SPRINGS CR. BUT DELIVERED FROM BIG WOOD R.
4. 016 See remarks for additional conditions of approval.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

37-0419-*

陈如金

RECEIVED

APPROVED

8. Lands presently irrigated or place of use: a) portion owned by applicant

[illegible]

Total number of acres presently irrigated 10 acres

Corrected
Copy

MICROFILMED

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

PURCHASED FROM OWNER

10. CHANGE IN POINT OF DIVERSION

Less 10% to river for loss.

a. Quantity to be diverted at new point: 0.20 c.f.s. and/or _____ acre feet

b. New point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 2 N
_____, Range 18 E, B.M.

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

Diversion is steel gate and cipolletti weir, gravity feed canal to place of use

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

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

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

To apply water to land owned to make more beneficial use of water and land with less loss

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

g. Do you intend to abandon completely the old point of diversion? Yes

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

11. CHANGE IN PLACE OF USE

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

All of Blocks 36 thru 41 of the City of Bellevue, Idaho

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	26													X			X	7
			DUE TO THE POROUS NATURE OF THE LAND IN THIS AREA																
			I AM UNABLE TO IRRIGATE 7 ACRES PROPERLY WITH THE																
			WATER I NOW OWN																

Total number of acres to be irrigated 7

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

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

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: 7.5 inches of 3/24/1883 Decreed to W. T. Riley
20.0 inches of 6/15/1891 Decreed to A. D. Williams

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

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

Chester S. Rosebury - Lucile Bessall Rosebury
(signature of applicant)

Subscribed and sworn to before me this 18th day of January, 1971
M. J. Dietrich
(notary public)

My commission expires June 24, 1974

APPROVED

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

This is to certify that I have examined Application for Transfer of Water Rights No. 1661/37-0419A,
and said application is hereby APPROVED

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

A measuring device of a type approved by this department shall be permanently installed and maintained at the point of diversion.
Subject to regulation by the state watermaster. That not less than 10% or 1" of water be left in the Big Wood River to cover transportation loss.

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

Witness my hand this 5th day of March, 19 71

R. Kirk Higg
State Reclamation Engineer

RECEIVED

MAY 31 1972

Department of Water Administration

Identification No. 37-0418

Transfer No. 37-0419

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is Box "N" Shoshone, Idaho,
have read the attached copy of the application for transfer of water right for
Harold B. Buhler and Wilma F. Buhler, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:
That there be a total of 10% of the water left in the Big Wood
River for transportation loss to protect old Priority Rights

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Shoshone, I, Idaho, this 28 day of May, 1972.

Reid J. Newby
(Signature)

RECEIVED
MAY 31 1972
DEPARTMENT OF WATER ADMINISTRATION

12/22/2006

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

RIGHT NUMBER: 37-419B

NAME AND ADDRESS: CLIFFSIDE HOMEOWNERS ASSN INC
PO BOX 3175
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.180 CFS

PRIORITY DATE: 08/02/1889

POINT OF DIVERSION:

T04N R18E S30 SESENE 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	0.180 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S30 SESE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 37-419B, 37-703E, 37-10913 and 37-8538.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right is for 0.18 cfs (0.20 cfs minus 10% conveyance loss).

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

Prior to diversion of water as approved by transfer no. 3590, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

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



Idaho Department of Water Resources

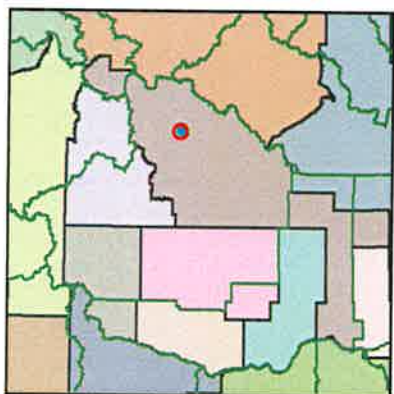
SRBA Recommendation:

37-419B

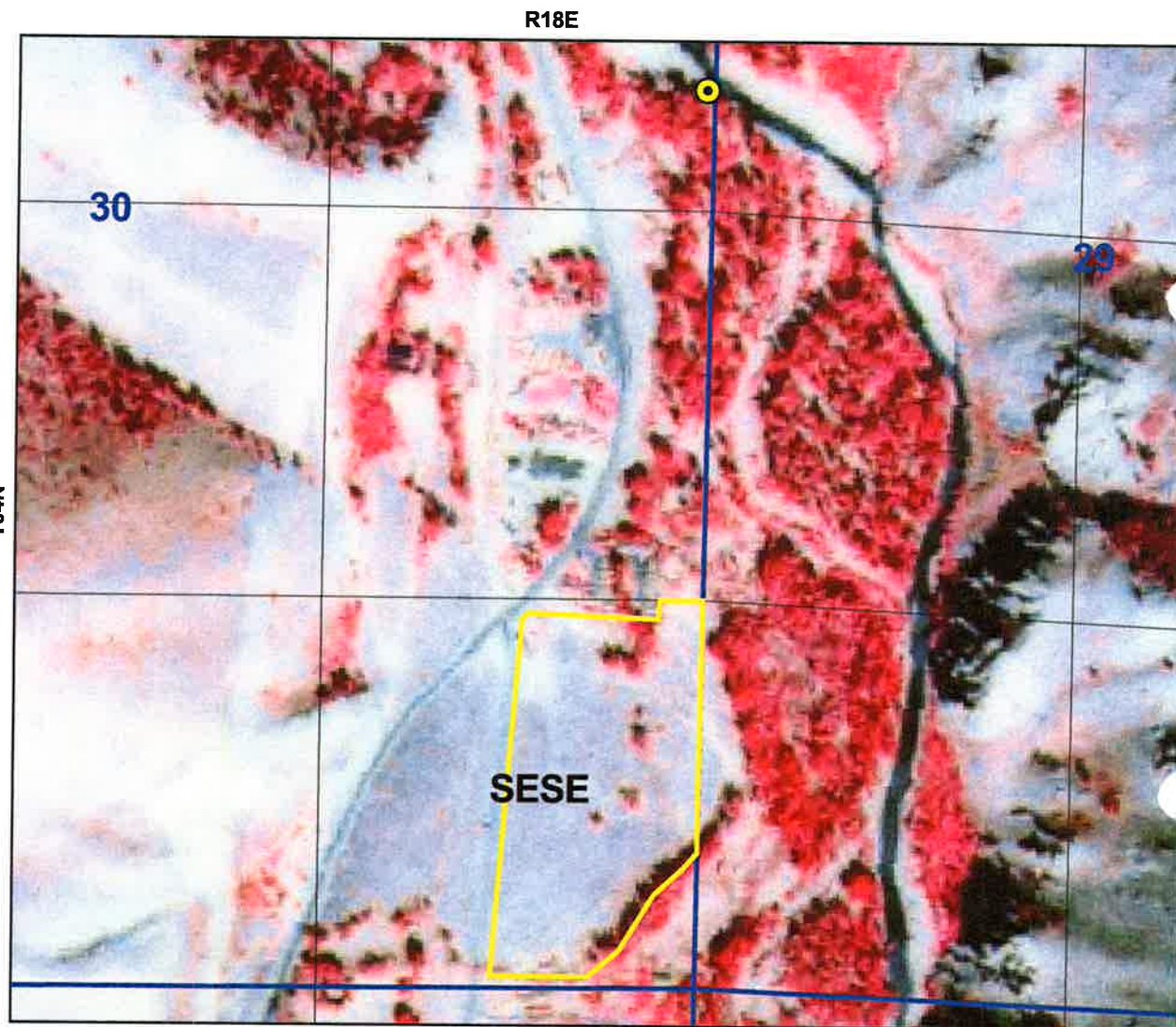
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles



Prepared by L. Graves
On Thursday, December 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-419B V1

WATER RIGHT NUMBER: 37-419B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGUERITE SORENSON
	JEROME, ID 83338
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	EUGENE ROSEBERRY 520 W 8TH JEROME, ID 83338 (208)324-2113
Original Owner	THOMAS ROSEBERRY 520 W 8TH JEROME, ID 83338 (208)324-2113
Original Owner	GRAYSTONE INC C/O PETER GRAY PO BOX 2473 KETCHUM, ID 83340-2473 (208)726-4421
Current Owner	CLIFFSIDE HOMEOWNERS ASSN INC PO BOX 3175 KETCHUM, ID 83340 (208)726-5997

Priority Date: 08/02/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SE1/4NE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE							
	NE		NW		SW		SE		NE		NW		SW		SE		Totals

04N 18E 30					6.0	6.0
Total Acres: 6						

1. Right is for 0.18 cfs (0.20 cfs minus 10% conveyance loss).
2. C18 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.
3. R01 A measuring device and lockable controlling works of a type approved by the Department shall be permanently installed and maintained as a part of the diverting works.
4. E56 The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 37-419B, 37-703E, 37-10913 and 37-8538.
5. Prior to diversion of water as approved by transfer no. 3590, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

1. GIVENS 11/4/1992 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 01/02/92 JAMES R SPECK, ATTORNEY, ORIGINAL OWNERS EUGENE & THOMAS ROSEBERRY & MARGUERITE SORENSON NEW OWNER GRAYSTONE INC. COPY OF WARRANTY DEED SUBMITTED.
2. DSMITH 3/31/1995 DATA ENTRY
Comment: CONFORMED ATTORNEY MAILING ADDRESS DMS
3. fmunzenr 12/14/2000 OWNERSHIP CHANGE
Comment: 12-14-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-12-00.
4. Igraves 12/20/2006 Overlaps
Comment: Rights 37-703E, 37-10913 and 37-8538 are used for irrigaion on the same acres. Right 37-8535 is used for aesthetic use within the p/u, mitigated by right 37-10913.
5. Igraves 12/20/2006 Transfers
Comment: This right is subject to approved transfer nos. 1661 and 3590.
6. Igraves 12/20/2006 P/U
Comment: Parts of the common area appear to overlap into other quarters as verified by the subdivision plat map and licensing exam for right 37-8538, however all the irrigated common area was listed in the SESE per approved transfer no. 3590 and license 37-8538. The transfer was approved in 1990 and the license in 1996 (post 1987). The shape file reflects the subdivision area located in the SESE only.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-419B V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

11/13/2006

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

RIGHT NUMBER: 37-419B

NAME AND ADDRESS: CLIFFSIDE HOMEOWNERS ASSN INC
PO BOX 3175
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.180 CFS

PRIORITY DATE: 08/02/1889

POINT OF DIVERSION:

T04N R18E S30 SESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.180 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S30 SESE 6.00

6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Rt. is for 0.18 cfs (0.20 cfs minus 10% conveyance loss).
POU is lots 3 thru 10 of Blk. 36 of city of Bellevue.

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

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



Idaho Department of Water Resources

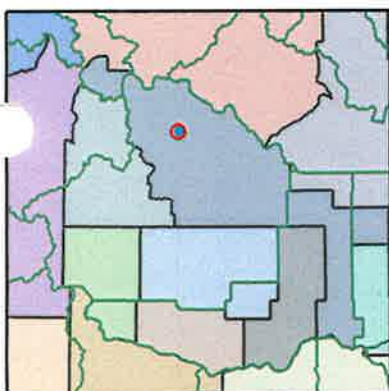
SRBA Recommendation:

37-419B

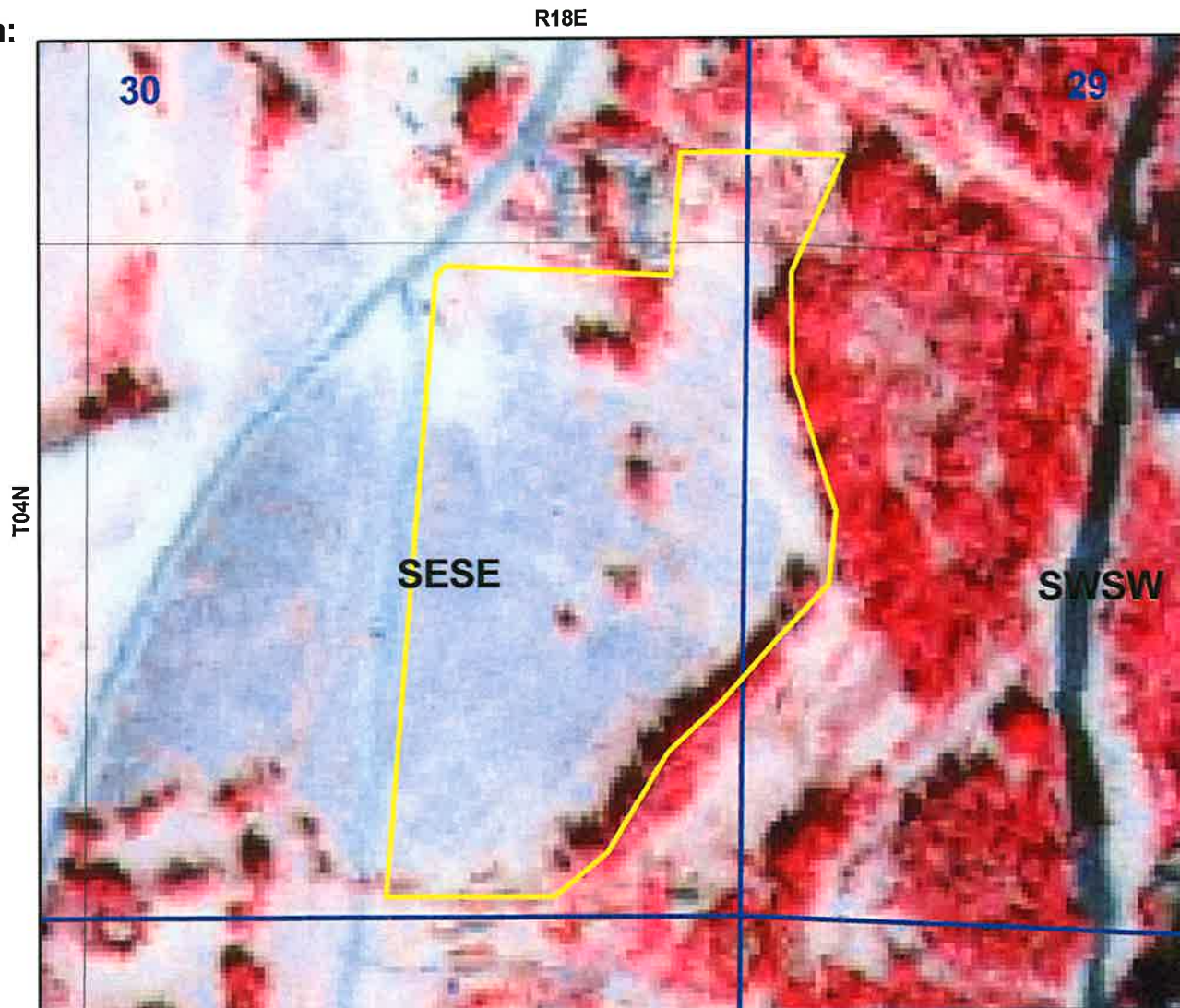
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

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