

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: **A37-00496B**
Date Received: 11/ 5/1991
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ELISE G. LUFKIN 208-788-3936
Address: PO BOX 1854
KETCHUM ID 83340

2. Date of Priority: JUL 1, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	19	NW	NE	NE		BLAINE

5. Description of diverting works:
PUMP IN RIVER TO DITCH TO POND TO SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		
FIRE PROTECTION	01/01	12/31	0.900		
AESTHETIC	01/01	12/31	0.900		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
FIRE PROTECTION FOR RESIDENCE; AESTHETIC FOR POND AND WATER FLOW

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	19	NE	NE		IRR	20.0
			SE	NE		IRR	10.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	19	SE	NE		FIRE	
			SE	NE		AES	

Section Acres 30.0

Total Acres 30.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-00497B

14. Remarks:
SEE TRANS. 3810

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

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FEB 23 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 23 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 A37-00496 *B*

Date Received

Receipt Number 5013930 *AD*

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

RECEIVED

NOV 13 1991

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Elise G. Lufkin
Phone: (208) 788-3936
Mailing Address: P. O. Box 1854
Ketchum, ID 83340

2. Date of Priority: July 1, 1883

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

4. a. Location of point of diversion is:

<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>
3N	18E	19	NW	NE	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>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Pump in river to open ditch to storage pond to sprinkler irrigation system. Pump in storage pond through pipeline to single family residence for emergency fire protection.

COPY

FILED
FEB 23 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	0.60 cfs
Aesthetics & Fire Protection	Janaury 1	December 31	0.90 cfs

7. Total Quantity Claimed: 1.5 cfs

8. Total consumptive use claimed is 75 acre feet per annum.

9. Non-irrigation uses: Fire protection and aesthetics.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	19	NE	NE	I	20
3N	18E	19	SE	NE	I	10
3N	18E	19	SE	NE	F/A	

Total number of irrigated acres: 30

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? A37-00497B

14. Remarks: Claim is for a portion of the right originally decreed to Thomas Mizer in S.C. Frost et al. v. Alturus Water Co. et ux.. This Amended Claim is filed to document the changes in point of diversion, place of use and nature of use approved by Transfer No. 3810.

Last Name: Lufkin

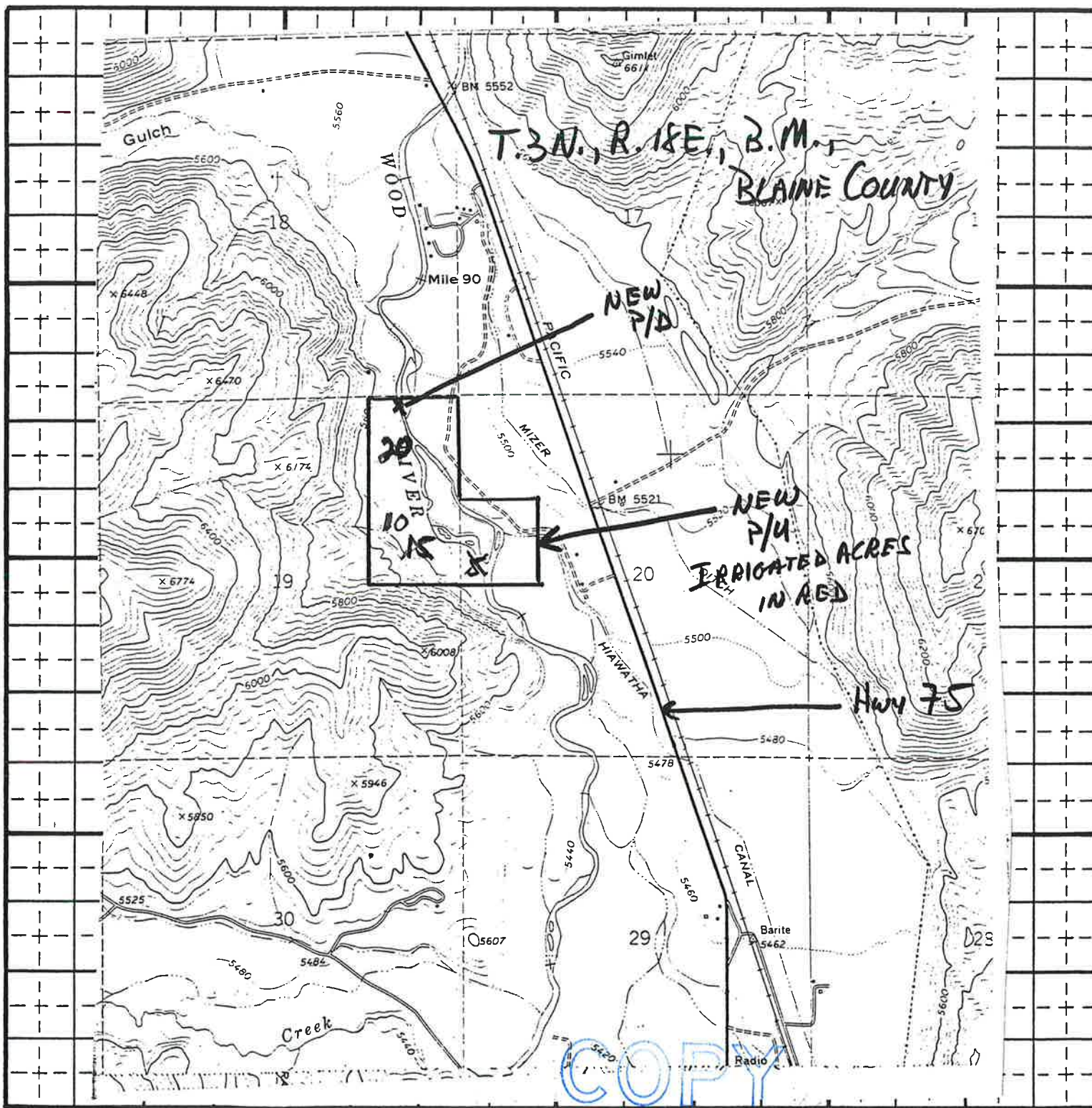
Ident No. A37-00496

CCPY

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FEB 23 1993

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

Scale: 2 inches equals 1 mile



Last Name LURKIN

Ident No. A37-00496

FEB 23 1993
FILMED
Copies: White-State, Yellow-Claimant

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NOV 13 1991

Department of Water Resources
Southern Region Office

15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-0496
Court: Lincoln county
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S.C. Frost et al. v. Alturus Water Co. 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 - one (1).

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

Signature of Claimant(s) Elise G. Lufkin by Date 11/6/91
James P. Speck, her attorney in fact Date _____

State of IDaho)
County of Blaire) ss.

Subscribed and sworn before me this 6th day of November, 1991.

Notary Public Deborah T. Kirby
Residing at Ketchum, Idaho
Commission Expires Life

17. **Notice of Appearance:**

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

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

Date: 11/6/91

Last Name: Lufkin Ident No.: A37-00496_
a:\lufkin.clm

COPY

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FEB 23 1993

RECEIVED

NOV 13 1991

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

Department of Water Resources
Southern Region Office

I, ELISE G. LUFKIN, 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.

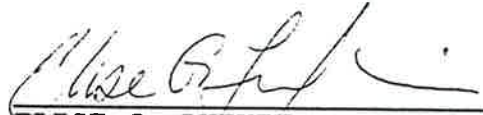
5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates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

MICROFILMED
FEB 23 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 17th day of October, 1990.


ELISE G. LUFKIN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of October, 1990, before me, the undersigned notary public in and for said state, personally appeared ELISE G. LUFKIN, 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.


Notary Public for Idaho
Residing at: Blaine CO.

h20pwr.jpg

SPECIAL POWER OF ATTORNEY - 2

MICROFILMED
FEB 23 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: A37-00496 **B**
Date Received: 1/03/1989 *ret*
Receipt No: C004029
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELISE G. LUFKIN 208-726-8804
Address: P.O. BOX 1854
KETCHUM, ID 83340

2. Date of Priority: JUL 01, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	18	SE	NE	NE		BLAINE

5. Description of diverting works:
MIZER NO. 20 HEADGATE, MIZER DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 187.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	20	NW	NW		IRR	10.0
			SW	NW		IRR	5.0
			SE	NW		IRR	20.0
			NE	SW		IRR	20.0

A37-00496

Page 1

Date: 01/03/89

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FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	20	NW SW		IRR	20.0
					Section Acres	75.0
					Total Acres	75.0

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:
37-0497

14. Remarks:

CLAIMANT RECENTLY PURCHASED APPROX. 77 ACRES ON OTHER SIDE OF BIG WOOD RIVER FROM THE IRRIGATED LANDS DESCRIBED ABOVE, TOGETHER WITH THIS WATER RIGHT (WHICH IS NOT PRESENTLY APPURTENANT TO THE 77 ACRES) FROM ROBERT M. BRENNAN WHO OWNS THE LAND IDENTIFIED AS THE PLACE OF USE AND THE REST OF THE ORIGINAL WATER RIGHT (SEE COPY OF WARRANTY DEED). APPLICANT INTENDS TO APPLY FOR A TRANSFER OF THE PLACE OF USE AND POINT OF DIVERSION SO THIS RIGHT MAY BE USED ON THE PURCHASED LANDS. THIS CLAIM WILL BE PROPERLY AMENDED UPON APPROVAL OF THE TRANSFER.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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
Ident Number A37-00496
Date Received 10-27-88
Receipt Number 0004029

RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 28 1988

Department of Water Resources

1. Name of Claimant(s): Elise G. Lufkin
Phone: (208) 726-8804
Mailing Address: P. O. Box 1854
Ketchum, ID 83340
2. Date of Priority: July 1, 1883
3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
3N	18E	18	SE	NE	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>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Mizer No. 20 Headgate and Mizer Ditch; flood irrigation.

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6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	1.5 cfs

7. Total Quantity Claimed: 1.5 cfs

8. Total consumptive use claimed is 187.5 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
3N	18E	20	NW	NW	I	10
3N	18E	20	SW	NW	I	5
3N	18E	20	SE	NW	I	20
3N	18E	20	NE	SW	I	20
3N	18E	20	NW	SW	I	20

Total number of irrigated acres: 75

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-0497

14. Remarks: Claim is for a portion of the right originally decreed to Thomas Mizer in S.C. Frost et al. v. Alturus Water Co. et ux.. Claimant recently purchased approx. 77 acres on the other side of the Big Wood River from the irrigated lands described above, together with this water right (which is not presently appurtenant to the 77 acres) from Robert M. Brennan who owns the land identified as the place of use and the rest of the original water right (see copy of Warranty Deed attached). Applicant intends to apply for a transfer of the place of use and point of diversion so this right may be used on the purchased lands. This claim will be properly amended upon approval of the transfer.

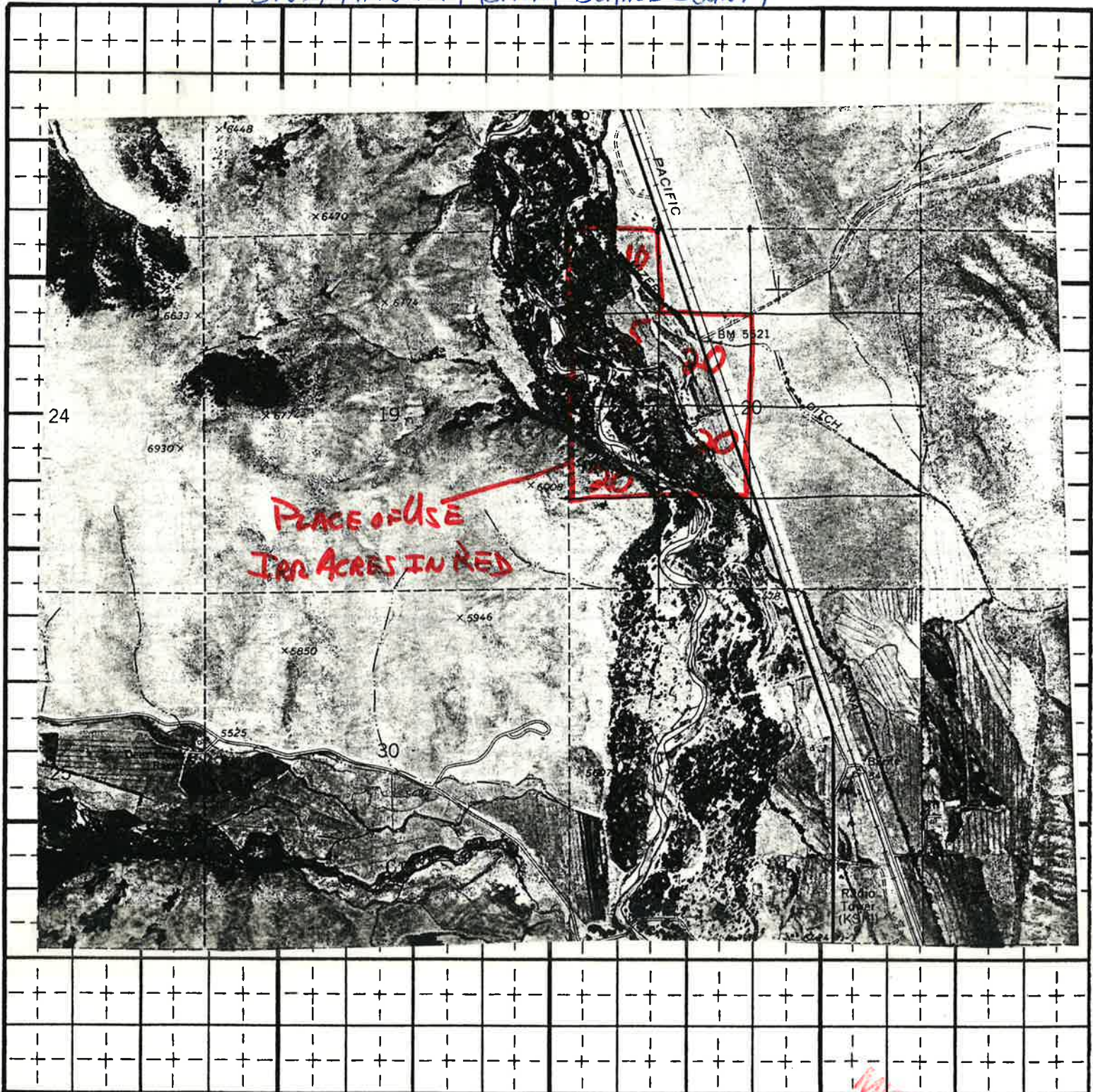
Last Name: Lufkin Ident No. _____

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FEB 23 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

T. 3N., R. 18E., B.M., BLAINE COUNTY



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FEB 23 1992

Last Name LUKIN Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim: Decree
IDWR Water Right Number: 37-0496
Court: Lincoln county
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:

S.C. Frost et al. v. Alturus Water Co. 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 - one (1).

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

Signature of Claimant(s) Chase A. Lufkin Date 10/26/88

Date _____

State of IDAHO)
County of BLAINE) ss.

Subscribed and sworn before me this 26th day of October, 1988.

Notary Public James P. Speck
Residing at East Fork LFR
Commission Expires 1/22/91

17. Notice of Appearance:

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

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

Date: 10/26/88

Last Name: Lufkin Ident No.: _____
a:\lufkin.clm

MICROFILMED
FEB 23 1993

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

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT M. BRENNAN, an unmarried man, as his sole and separate property, whose address is 115B Seacliff, Shell Beach, CA 93449 ("Grantor") hereby grants, bargains, sells and conveys unto ELISE G. LUFKIN, a single woman, whose address is P.O. Box 1854, Ketchum, ID 83340 ("Grantee") the following described real property situated in Blaine County, Idaho:

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

TOGETHER WITH any and all water rights appurtenant thereto, and the following:

1.5 cfs of Idaho Water Right No. 37-0496, with priority date of July 1, 1883 and originally decreed to Thomas Mizer in S.C. Frost et al. v. Alturus Water Company Co. et ux., dated December 13, 1909.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO the following restriction:

Grantee, by acceptance of this conveyance, does hereby agree to restrict the development of the subject property herein to no more than six homesites. The County of Blaine is an intended beneficiary and shall have all rights of

WARRANTY DEED - 1

LUFKIN

37-0496

RECORDED
FEB 23 1993

enforcement as are available under Idaho law to enforce this restriction. Recordation of this deed constitutes acknowledgment by Grantee, her heirs and assigns, of this restriction.

TO HAVE AND TO HOLD, the said real property, with its 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 real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. Grantor does not make any representation or warranty that the Idaho Department of Water Resources will approve any request to transfer the above-described water right; however, Grantor shall provide all reasonable assistance necessary to accomplish such transfer.

DATED this 29th day of September, 1988.

Robert M. Brennan
ROBERT M. BRENNAN

STATE OF IDAHO

)
) ss.

County of Blaine

On this 29th day of September, 1988, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT M. BRENNAN, known 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 affixed by official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at: Ketchikan

RECORDED
FEB 23 1993

Order No. 12675E7515
Legal Description

EXHIBIT "A"

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

A tract of land lying in the SE1/4 SE1/4 of SECTION 18, the E1/2
NE1/4 of SECTION 19 and the SW1/4 NW1/4 of SECTION 20, more
particularly described as follows:

Beginning at the East 1/4 corner of Section 19; thence
S. 87° 25' 36" W. 1,312.54 feet (shown of record to be N. 88° 33'
53" W. 1,312.65 feet) along the center 1/4 Section line to a 5/8"
bar being the E 1/16 corner; thence
N. 00° 33' 26" E. 2,750.69 feet along the E 1/16 line to a 5/8"
bar on the North section line; thence
N. 0° 16' 22" W. 1,290.63 feet to a 5/8 " bar (the last two calls
are shown of record to be N. 0° 18' 57" W. 3,948.42 feet); thence
N. 89° 54' 18" E. 80.18 feet (shown of record to be N. 89° 18'
50" E. 80.00 feet) to a 5/8" rebar; thence
S. 06° 41' 42" E. 301.52 feet (shown of record to be S. 06° 33'
06" E. 300.87 feet) to the centerline of the Bigwood River;
thence along said centerline the following courses and distances;
S. 40° 16' 47" E., 773.37 feet; thence
S. 32° 44' 07" W., 499.30 feet; thence
S. 06° 34' 55" E., 261.73 feet; thence
S. 24° 26' 38" E., 362.49 feet; thence
S. 15° 15' 18" E., 570.09 feet; thence
S. 77° 16' 32" E., 317.81 feet; thence
S. 37° 44' 49" E., 392.05 feet; thence
S. 15° 04' 07" E., 269.26 feet; thence
S. 62° 03' 46" E., 747.06 feet; thence
S. 22° 19' 43" W., 605.39 feet to a point on the center 1/4 line
of Section 20; thence
leaving the centerline of the Bigwood River N. 87° 44' 54" W.,
435.05 feet (shown of record to be N. 87° 47' 35" W. 434.18 feet)
to the TRUE POINT OF BEGINNING.

MICROFILMED
FEB 23 1995

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 14 PM 2 31

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

In Re SRBA

Case No. 39576

SUBCASE NO. 37-496B, 37-497B

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

11/13/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Elise G. Lufkin
505 Starweather Dr
Hailey ID 83333

James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

11/09/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-496B

NAME AND ADDRESS: ELISE G LUFKIN
505 STARWEATHER DR
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.500 CFS

The total combined annual consumptive volume of water diverted under Right No's 37-00496B & 37-00497B as authorized by transfer No. 3810 shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.

PRIORITY DATE: 07/01/1883

POINT OF
DIVERSION:

T03N R18E S19 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	04/01 11/01	0.900 CFS
IRRIGATION	04/01 11/01	0.600 CFS
AESTHETIC	04/01 11/01	0.900 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S19	NENE	20.00	T03N R18E S19	SENE	10.00
---------------	------	-------	---------------	------	-------

FIRE PROTECTION in BLAINE County

T03N R18E S19	SENE
---------------	------

AESTHETIC in BLAINE County

T03N R18E S19	SENE
---------------	------

30 ACRES TOTAL

Right Nos. 37-496B and 37-497B are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.

11/09/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-497B

NAME AND ADDRESS: ELISE G LUFKIN
505 STARWEATHER DR
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.750 CFS

The total combined annual consumptive volume of water diverted under Right Nos. 37-00496B and 37-00497B shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.

PRIORITY DATE: 07/01/1892

POINT OF
DIVERSION:

T03N R18E S19 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.300 CFS
AESTHETIC	04/01 11/01	0.450 CFS
FIRE PROTECTION	04/01 11/01	0.450 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S19 NENE 20.00 T03N R18E S19 SENE 10.00

FIRE PROTECTION in BLAINE County

T03N R18E S19 SENE

AESTHETIC in BLAINE County

T03N R18E S19 SENE

30 ACRES TOTAL

Right Nos. 37-496B and 37-497B are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

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

Measuring devices of a type accepted by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 14, 2007

ELISE LUFKIN
505 STARWEATHER DR
HAILEY ID 83333

RE: SRBA Claim(s) 37-496B, 37-497B

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RECEIVED

NOV 07 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 37-497B, 37-496B

Previous Mailing Address: Elsie G. Lufkin
P.O. Box 1854
Ketchum, Idaho 83340

New Mailing Address: Elsie G. Lufkin
505 Starweather Drive
Hailey, Idaho 83333

Telephone Number: (208) 788-3936

Signature of Claimant(s):


James P. Speck, Attorney of Record

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. Of Water Resources
1910 Northwest Blvd., Se. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. Of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. Of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-4800
Ph. 208/287-4800
FAX 208/287-6701

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

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

RECEIVED

NOV 07 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

November 6, 2007

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

**Re: Water Right Nos.: 37-497B and 37-496B;
Elsie G. Lufkin**

Dear Trish:

Enclosed for filing please find the original and one copy of an Address Change Notice for the above-referenced water rights. Please return the receipt date-stamped copy to our office in the postage prepaid, self-addressed envelope provided. Kindly call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:



Jeanne E. Farnea, Legal Assistant to
James P. Speck

Enclosure

cc: client (w/encl.)

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
EIGHTY BOWLS
02 1A \$ 00.87
0004310839 NOV 22 2006
MAILED FROM ZIP CODE 83702

RECEIVED
NOV 27 2006
DEPARTMENT OF
WATER RESOURCES

Box 18

PLWR



NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

ELISE G LUFKIN
PO BOX 1854
KETCHUM ID 83340

37-496B

37-497B

09/26/2006

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

RIGHT NUMBER: 37-496B

NAME AND ADDRESS: ELISE G LUFKIN
PO BOX 1854
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.500 CFS

The total combined annual consumptive volume of water diverted under Right No's 37-00496B & 37-00497B as authorized by transfer No. 3810 shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION:

T03N R18E S19 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	04/01 11/01	0.900 CFS
IRRIGATION	04/01 11/01	0.600 CFS
AESTHETIC	04/01 11/01	0.900 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S19 NENE 20.00 T03N R18E S19 SENE 10.00

FIRE PROTECTION Within BLAINE County

T03N R18E S19 SENE

AESTHETIC Within BLAINE County

T03N R18E S19 SENE

30 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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.



Idaho Department of Water Resources

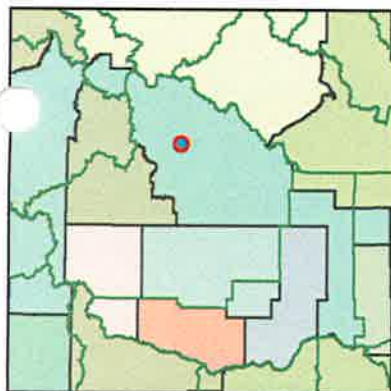
SRBA Recommendation:

37-496B

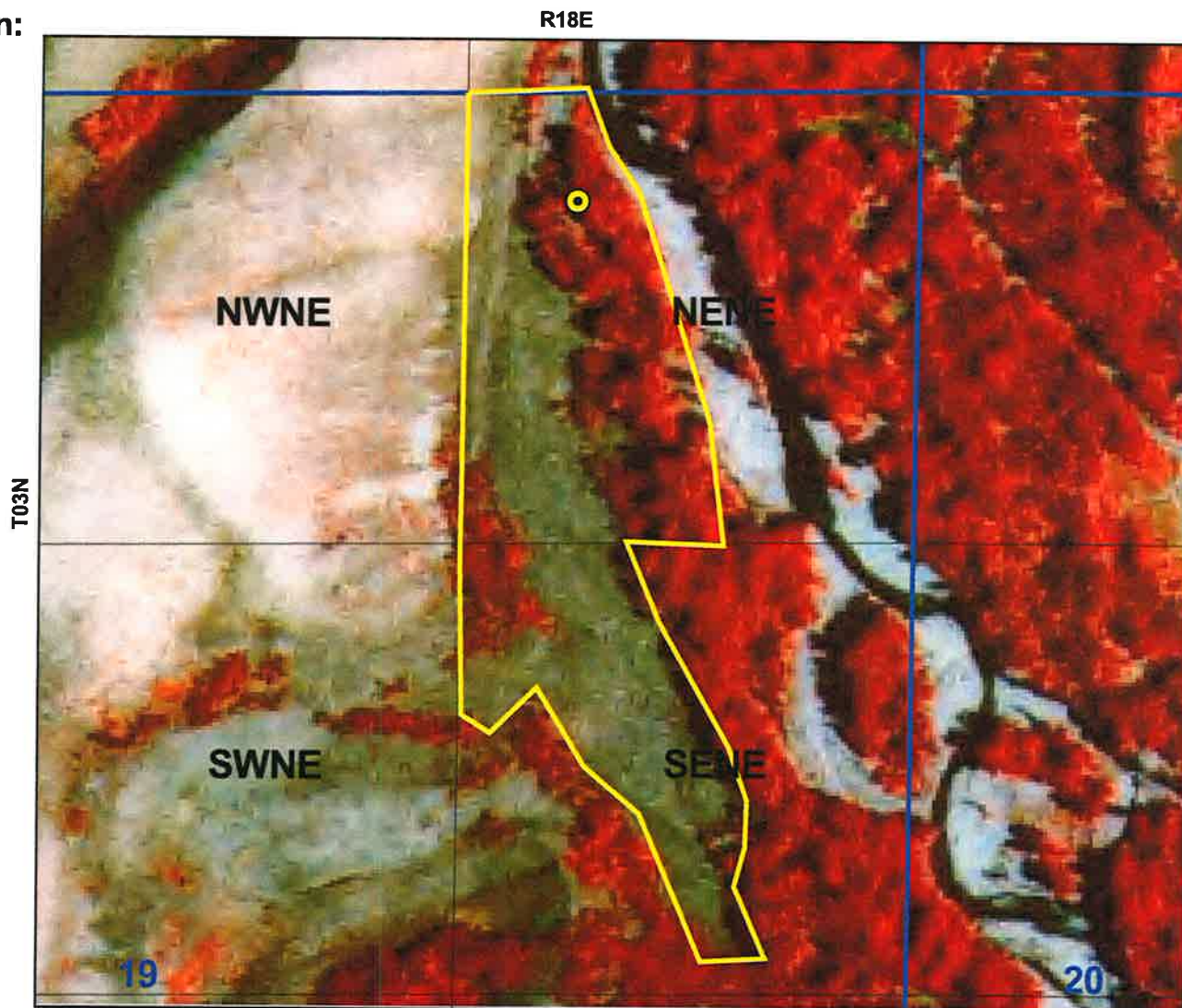
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by E. NORQUES
On Wednesday, September 27, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

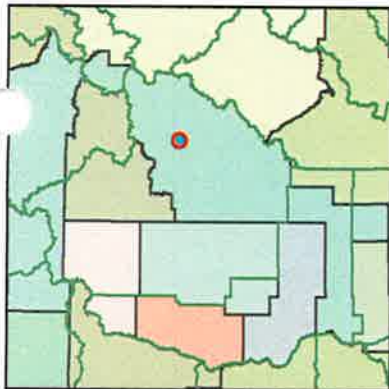
SRBA Recommendation:

37-496B

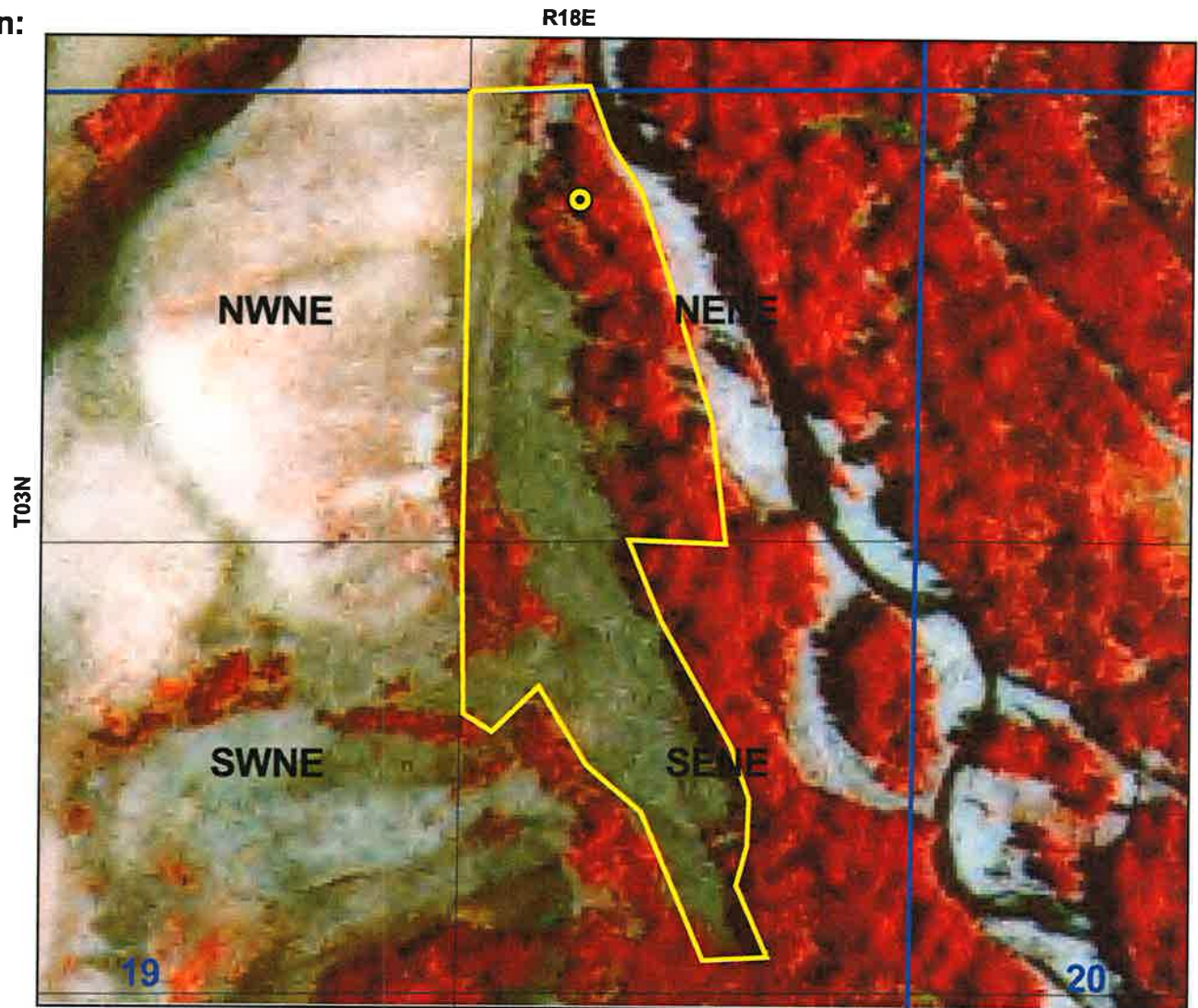
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by E. NORQUES
On Wednesday, September 27, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDEDTransfer No. 3810APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant ELISE G. LUFKIN Phone (208) 726-4421
Post Office address C/O JAMES P. SPECK, ESQ., HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM
ID 83340

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes APPLICANT PURCHASED PORTIONS OF PURCHASED WATER RIGHTS AND DESIRES TO USE THEM ON HER LANDS. THIS REQUIRES A NEW POINT OF DIVERSION AND CHANGE OF THE PLACE OF USE. APPLICANT ALSO DESIRES TO USE THESE WATERS FOR DOMESTIC FIRE PROTECTION.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE * AMENDED PER LETTER of Jim Speck of 8-16-91 JPL 8-27-91

1. Right Number	Priority	Amount (cfs/ac-ft) *	* Nature of Use	Period of Use
37-00496 B	7/1/1883	<u>1.41</u> CFS <u>0.60</u>	IRRIGATION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	<u>0.30</u> <u>0.705</u> CFS	IRRIGATION	APRIL 1 to NOV 1
37-00496 B	7/1/1883	<u>0.90</u> <u>1.41</u> CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	<u>0.45</u> <u>0.705</u> CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1
		<u>2.25</u> <u>2.105</u>		

2. Total amount of water being transferred 2.105 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
	NN	NE	NE	19	3N	18E	BLAINE	NONE

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	
3N	18E	19	20			10													30
3N	18E	19				F/A													

Total acres 30

PART 1

6. General Information:

- a. Description of diversion system Pump in river to open ditch to storage pond to sprinkler system. Pump for storage pond through pipeline to single family residence for emergency fire protection purposes.
- 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. It is a residential subdivision.
- d. Remarks:
Although not listed in the Frost Decree, land in the NE1/4 Sec. 20 that is west of Hwy. 75 has always been part of this farm (3 irrigated acres total). Old deeds confirm that these lands were part of this farm.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 37-0496 & 37-0497And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this

28th day ofOctober, 1991

MICROFILMED

OCT 26 1992

A. Glen Saxton

Chief, Water Allocation Bureau

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0496 & 37-0497

Transfer No. 3810

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. The total combined annual consumptive volume of water diverted under Right Nos. 37-0496 & 37-0497 as authorized by this transfer shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.
3. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. Access must be provided for the watermaster to both the point of diversion and point of return.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day of October, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
OCT 26 1992

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. 37-00496 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority _____

5. Water is used for the following purpose:

amount 4.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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 4.0 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	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30	20	20	15								85
3N	18E	20					11	17	7	20	15	*							70*

RECORDED
OCT 26 1992

* AMENDED 8/9/91 TJJ

Total acres 85 70*

9. Describe any other water rights used for the same purpose as described above 37-00497

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 1.5 0.6 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.9 for AESTHETICS purposes from APRIL 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for 4 FIRE Protection 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
	SE	NE	NE	18	3N	18E	BLAINE	MUZER #20 HEADGATE

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	
3N	18E	20						<u>30</u>											<u>30</u>
		<u>20</u>					<u>9</u>	<u>13</u>	<u>8</u>										<u>30 *</u>

Total acres 30

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

1. amount 2.5 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20							<u>20</u>	<u>20</u>	<u>15</u>								<u>55</u>
							<u>2</u>	<u>4</u>	<u>7</u>	<u>12</u>	<u>15</u>								<u>40 *</u>

OCT 26 1992

Total acres 55 40

* Amended 8-9-91

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. 37-00497 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other QUITCLAIM DEED

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 7/1/1892

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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 2.0 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	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30	20	20	15								85

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-00496

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.75 0.30 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.45 for AESTHETICS purposes from April 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for FIRE PROTECTION 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						<u>30</u>											<u>30</u>
		<u>20</u>					<u>9</u>	<u>13</u>		<u>8</u>									<u>30*</u>

Total acres 30**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.25 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

3. Lands irrigated or place of use:

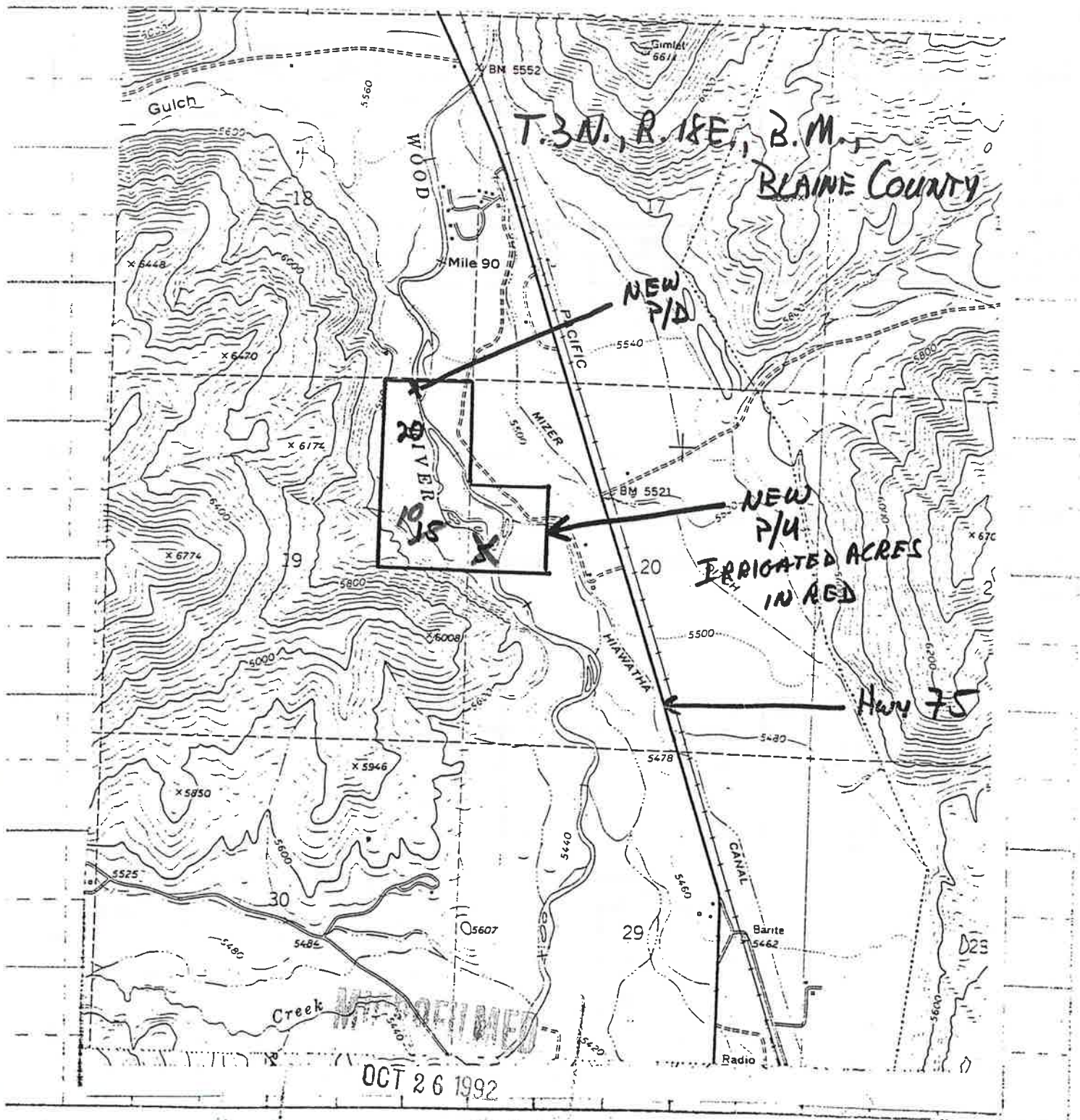
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20							<u>20</u>	<u>20</u>	<u>15</u>								<u>55</u>
		<u>20</u>							<u>2</u>	<u>15</u>									<u>40*</u>

Total acres 55

Amended 8/9/91
T.H.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Domestic fire protection	2.25 cfs	24/214/year	Apr. 1 to Nov. 1
*	<u>8 AESTHETICS</u>	<u>1.35 cfs</u>		

* AMENDE PER 8/16/91 LETTER of Jim SPECK TJL 8-27-91

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

Will be the same as water removed from the river. The amount of the return flow depends entirely upon that left over from irrigation. The location of point of return is shown on the above map.

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

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Subscribed and sworn to before me this 20th day of August, 1990.

Chise R. [Signature]
(Signature of Applicant)

James D. [Signature]
(Notary Public)

My commission expires 1/25/91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and 6 attachments

Received by M. Baldwin Date 8/27/90 Protest filed by _____

Prelim. check by J. Stanton Fee 50.00 R# 5012321

Received by DRJ Date 12/5/90

Published in Wood River Journal

Pub. dates 3/6 & 3/13/91

Copies of protest forwarded by _____

Watermaster recommendation requested on 8/27/91 Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ rec'd. 3/6/91 by _____

Copy of transfer sent to lien holder _____

MICROFILMED

OCT 26 1992

Frank vs Altura Water Co

37 0483	Miller, Benjamin F.	150 inches.	31	July 16, 1907.	Big Wood River.
37 0485	Millsaps, Frank	55	"	31 Apr. 1, 1883.	Little Wood River.
"	"	"	"	"	(Also shares in Big Cottonwood Canal Co.)
37 0486	Millsaps, Mary E.	160	"	326 June 27, 1908.	Little Wood River.
37 0487	Mingar, John W.	50	"	14 Sept. 1, 1883.	Soldier Creek. ✓
37 0488	"	40	"	75 May 15, 1884.	"
37 0489	"	60	"	237 June 1, 1898.	"
37 0490	Mink, Amanda M.	160	"	41 May 14, 1883.	"
37 0491	Mink, Cicero B.	140	"	244 Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
37 0492	Mink, James D.	160	"	60 June 30, 1883.	Soldier Creek. ✓
37 0493	Mink, T. M.	80	"	23 June 1, 1882.	Corral Creek.
37 0494	Mizer, Jacob	100	"	44 May 1, 1886.	Big Wood River.
37 0495	"	140	"	445 July 1, 1892.	"
37 0496	Mizer, Thomas	200	"	61 July 1, 1883.	"
37 0497	"	100	"	195 July 1, 1892.	"
37 0498	Monroe, James W.	80	"	(92 Aug. 11, 1884.	"
37 0499	"	100	"	293 May 1, 1905.	"
37 0500	Moody, Marcus L.	320	"	280 Oct. 20, 1902.	"
37 0501	Morgan, W. Y.	400	"	44 May 1, 1886.	" #568
37 0502	Morrell, Siegel	40	"	41 June 31, 1884.	Soldier Creek. ✓
37 0503	"	120	"	37 June 1, 1898.	"
37 0504	Morris, Frank H.	145	"	302 Apr. 30, 1906.	Big Wood River or Malad River.
37 0505	Moulton, W. H.	160	"	223 May 20, 1896.	Big Wood River.
37 0506	"	80	"	270 May 15, 1902.	" " " Trans #121
37 0507	Mullins Canal & Reservoir Co.	750	"	180 June 15, 1890.	"
37 0508	Murphy, Mrs. Susan R.	120	"	77 May 1, 1885.	Dear Creek.
37 0509	Myers, S. J.	200	"	78 June 1, 1884.	Big Wood River.
37 0510	"	140	"	Oct. 15, 1884.	"

4150

83.0

MICROFILMED
OCT 26 1992

909

N., R. 14 E., containing 160 acres.

Mink, Cicero B. N 1/2 of NW 1/4, SE 1/4 of NW 1/4, and SW 1/4 of NE 1/4 of Sec. 28, T. 1 S., R. 12 E.

Mink, James D. SE 1/4 of Sec. 21, T. 1 N., R. 14 E., containing 160 acres, and 60 acres of the SW part of SW 1/4 of Sec. 22, T. 1 N., R. 14 E.

Mink, T. M. SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NW 1/4 of SE 1/4, and NE 1/4 of SW 1/4 of Sec. 29, T. 1 N., R. 13 E.

Mizer, Jacob NW 1/4 of NW 1/4, SW 1/4 of NW 1/4, and NE 1/4 of SW 1/4 of Sec. 28, T. 3 N., R. 18 E., containing 120 acres.

Mizer, Thomas W 1/2 of NW 1/4, SE 1/4 of NW 1/4, and N 1/2 of SW 1/4 of Sec. 20, T. 3 N., R. 18 E., containing 200 acres.

Monroe, James W. S 1/2 of SE 1/4 of Sec. 22, T. 5 S., R. 14 E., containing 80 acres. Also, N 1/2 of NE 1/4, and NE 1/4 of NW 1/4 of Sec. 27, and SE 1/4 of SW 1/4 of Sec. 22, T. 5 S., R. 14 E., containing 160 acres.

Moody, Marcus L. S 1/2 of NW 1/4 of Sec. 30, and NW 1/4 of Sec. 31, T. 4 S., R. 16 E., and S 1/2 of SE 1/4 of Sec. 25, T. 4 S., R. 15 E., containing 320 acres.

Morgan, W. Y. SW 1/4 of Sec. 32, T. 1 N., R. 19 E., and SE 1/4 of Sec. 5, T. 1 S., R. 19 E., containing 320 acres.

Morrell, Siegel NE 1/4 of Sec. 9, T. 1 S., R. 14 E., containing 160 acres.

Morris, Frank S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Sec. 28, T. 6 S., R. 14 E.

JUN 04 1996

Melick, John	193 inches.	June 20, 1884.	Big Wood River.
" "	43 "	June 2, 1890.	" " "
Meller, J. W.	120 "	June 10, 1887.	" " "
" " "	140 "	June 10, 1887.	" " "
Miller, Annie I.	1000 "	June 15, 1891.	" " "
Miller, Annie I., John Q. Packard, Jane E. Turner, William M. Wayman & Olive Wayman.	1000 "	Aug. 1, 1882.	" " "
Do.	1000 "	Aug. 1, 1884.	" " "
Do.	5000 "	Aug. 1, 1902.	" " "
Miller, Benjamin F.	150 "	July 16, 1907.	" " "
Millsaps, Frank	55 "	Apr. 1, 1883.	Little Wood River.
" "			Also shares in Big Cottonwood Canal Co.
Millsaps, Mary E.	160 "	June 27, 1908.	Little Wood River.
Minear, John W.	50 "	Sept. 1, 1883.	Soldier Creek.
" " "	40 "	May 15, 1884.	" "
" " "	60 "	June 1, 1898.	" "
Mink, Amanda M.	160 "	May 14, 1883.	" "
Mink, Cicero B.	140 "	Jan. 18, 1900.	Cow Creek, a tributary of Upper Malad River.
Mink, James D.	160 "	June 30, 1883.	Soldier Creek.
Mink, T. M.	80 "	June 1, 1882.	Corral Creek.
Mizer, Jacob	100 "	May 1, 1886.	Big Wood River.
" "	140 "	July 1, 1892.	" " "
Mizer, Thomas	200 "	July 1, 1883.	" " "
" "	100 "	July 1, 1892.	" " "
Monroe, James W.	80 "	Aug. 11, 1884.	" " "
" " "	100 "	May 1, 1905.	" " "
Moody, Marcus L.	320 "	Oct. 20, 1902.	" " "
Morgan, W. Y.	400 "	May 1, 1886.	" " "

RECORDED

JUN 04 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

Nick

RECEIVED

SEP 20 2004

Department of Water Resources
Southern Region

721-8804
788-3936

LUFKIN
PO BOX 1854
KETCHUM ID 83340

37-496
37-12356
37-12426



UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED



Water Right Number - 37-00496 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
MIZER THOMAS 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1883 17 D - DECREED

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

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

03N 18E 18 NE NE (13) BLAINE

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

01 - IRRIGATION 4.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.000

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

03N 18E 20 NW NW 01 IRRIGATION (13) BLAINE
03N 18E 20 SW NW 01 IRRIGATION (13) BLAINE
03N 18E 20 SE NW 01 IRRIGATION (13) BLAINE
03N 18E 20 NE SW 01 IRRIGATION (13) BLAINE
03N 18E 20 NW SW 01 IRRIGATION (13) BLAINE

Total Acres:

+ - - Diversion Means - MIZER #20 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

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

MICROFILMED
FEB 23 1989

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	-
Decree Date	- 12/13/1909				

RECEIVED
FEB 23 1953

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

split

CLAIMANT'S NAME

Lufkin

CLAIM IDENT. NO.

A37-00496

DATE RECEIVED

10/27/88

10/26/88

CK #

8681

AMOUNT \$

175.00

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

Comments:

MICROFILMED
FEB 23 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 19, 1988

- James P. Speck.
- P.O. Box 987
- Ketchum, ID 83340

RE: Lufkin
A37-00496

Mr. Speck
Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County for the reason(s) listed below:

- ☐ Your check # _____ in the amount of \$ _____ is also being returned. Upon completion of the items on the Notice of Claim as requested, please return the filing fee.
- ☐ No filing fees were attached to the Notice of Claim. The filing fee required for this claim is \$ _____.
- ☐ Priority date was excluded from Notice of Claim. This date is when the water was first placed to beneficial use, by yourself or your predecessors, to the best of your knowledge.
- ☐ No signature of claimant. Notice of Claim must be signed on Item #16 by person/persons listed as Claimant on Item #1.
- ☒ No Notary Public for signature. The Notary is required on this document as this is the documentation presented in the judicial system.

Please return the documents to this office at my attention. If you will make the necessary corrections before _____, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours truly,

Debra Harrington
for Donald V. Shaff
Adjudication Section
Supervisor

DVS;ds
Enclosures

MICROFILMED
FEB 23 1989

CERTIFIED
P 223 133 218
MAIL



HOGUE, SPECK & AANESTAD

POST OFFICE BOX 987
120 EAST AVENUE
KETCHUM, IDAHO 83340

TO: Ms. Helen Harrington
Idaho Dept. of Water Res.
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

MICROFILMED
FEB 23 1989

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

HAILEY OFFICE:

16 WEST CROY STREET

SUITE K

POST OFFICE BOX 460

HAILEY, IDAHO 83333

(208) 788-3567

DEC 28 1988

Department of Water Resources

December 22, 1988

CERTIFIED MAIL

Ms. Helen Harrington
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

RE: Snake River Basin Adjudication Notices of Claims
Elise G. Lufkin

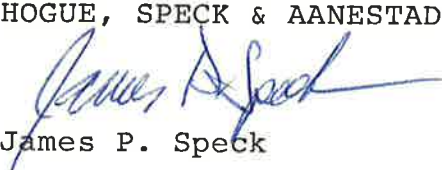
Dear Ms. Harrington:

Enclosed you will find the two Notices of Claims for Ms. Elise G. Lufkin which you returned to me due to my forgetting to impress my Notary Seal on one and to complete Notary Acknowledgment on the other. I apologize for any inconvenience this may have caused in your processing of these Claims.

Please call me if there are any further questions.
Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl.

MICROFILMED
FEB 23 1993

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

HOOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
OF ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

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

October 26, 1988

RECEIVED

OCT 27 1988

CERTIFIED MAIL

Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301
Attn: Jim Stanton

Department of Water Resources
Snake River Basin Office

RE: Snake River Basin Adjudication
Notices of Claims to Water Rights
Elise G. Lufkin

Dear Jim:

Enclosed you will find the original Notice of Claims to Water Rights which we have prepared on behalf of Elise G. Lufkin for the following-described water right:

1. 37-0496;
2. Domestic Well;
3. Stockwater;

Also enclosed is a check in the sum of \$175.00 to cover the filing fees for these claims.

Kindly call if you have any questions.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl.
cc: Elise G. Lufkin

MICROFILMED
FEB 23 1995

SD-42 PREFIX: A BASIN 37 STARTING WATER RIGHT: 0496

STATE

WATER RIGHT NO.	NAME LAST, FIRST	O W N	PRIORITY DATE	STG/ STS	SOURCE	USE CODE	DESC
A37-00496	LUFKIN, ELISE G.	C	07/01/1883	D/	BIG WOOD RIVER	01	IRR
A37-00496A	STARWEATHER SUBD. PROP	C	07/01/1883	D/	BIG WOOD RIVER	01	IRR
	BRENNAN, ROBERT M.	C					
A37-00496B	COOK, ELIZABETH P.	C	07/01/1883	D/	BIG WOOD RIVER	01	IRR
A37-00497	STARWEATHER SUBD. PROP	C	07/01/1892	D/	BIG WOOD RIVER	01	IRR
	BRENNAN, ROBERT M.	C					
A37-00498	COMBINED RIGHT,	C	08/11/1884	/Z	BIG WOOD RIVER	01	IRR
					COMBINED RIGHT		
A37-00499A	COMBINED RIGHT,	C	05/01/1905	/Z	BIG WOOD RIVER	01	IRR
					COMBINED RIGHT		
A37-00500	COMBINED RIGHT,	C	10/20/1902	/Z	BIG WOOD RIVER	01	IRR
					COMBINED RIGHT		
A37-00501B	LEVENTHAL, ROY	C	05/01/1886	D/	BIG WOOD RIVER	01	IRR
	LEVENTHAL, PHYLLIS	C					
A37-00501C	LEVENTHAL, ROY	C	05/01/1886	D/	BIG WOOD RIVER	01	IRR
	LEVENTHAL, PHYLLIS	C					

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU _____)

3-12-91

Re: 37-00496/00497 Transfer

Please note Elise Lufkin is the claimant
for only part of 37-00496. Ownership may
be suspect unless the link is clear in the
transfer application.



RECEIVED

MAR 12 1991

Department of Water Resources
Southern Region OfficeMICROFILMED
FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3810AMENDED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

RECEIVED

NOV 05 1991

Name of applicant ELISE G. LUFKINPhone (208) 726-4421Post Office address C/O JAMES P. SPECK, ESQ., HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUMDepartment of Water Resources
Southern Region 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 PURCHASED PORTIONS OF PURCHASED WATER RIGHTS AND DESIRES TO USE THEM ON HER LANDS. THIS REQUIRES A NEW POINT OF DIVERSION AND CHANGE OF THE PLACE OF USE. APPLICANT ALSO DESIRES TO USE THESE WATERS FOR DOMESTIC FIRE PROTECTION.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE * AMENDED PER LETTER ON

1. Right Number	Priority	Amount (cfs/ac-ft) *	Nature of Use *	Period of Use
37-00496 B	7/1/1883	<u>0.30</u> <u>1.41</u> CFS	IRRIGATION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	<u>0.30</u> <u>0.705</u> CFS	IRRIGATION	APRIL 1 to NOV 1
37-00496 B	7/1/1883	<u>0.90</u> <u>1.41</u> CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	<u>0.45</u> <u>0.705</u> CFS	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1

2. Total amount of water being transferred 2.105 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
	NN	NE	NE	19	3N	18E	BLAINE	NONE

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	
3N	18E	19	20			10													30
3N	18E	19				F													

MICROFILMED
OCT 24 1994

MICROFILMED
OCT 24 1994Total acres 3037-00496B
37-00497B
3810

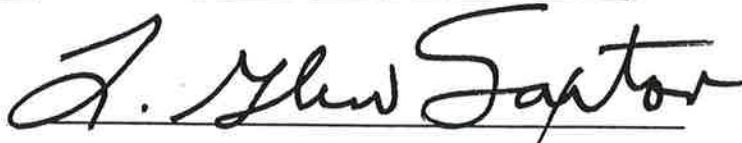
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0496 & 37-0497

Transfer No. 3810

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. The total combined annual consumptive volume of water diverted under Right Nos. 37-0496 & 37-0497 as authorized by this transfer shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.
3. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. Access must be provided for the watermaster to both the point of diversion and point of return.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day of October, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

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OCT 24 1994

PART 1**6. General Information:**

a. Description of diversion system Pump in river to open ditch to storage pond to sprinkler system. Pump for storage pond through pipeline to single family residence for emergency fire protection purposes.

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. It is a residential subdivision.

d. Remarks:

Although not listed in the Frost Decree, land in the NE1/4NW1/4 Sec. 20 that is west of Hwy. 75 has always been part of this farm (3 irrigated acres total). Old deeds confirm that these lands were part of this farm.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0496 & 37-0497

And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this 28th day of October, 1991.

A. Glen Saylor
Chief, Water Allocation Bureau

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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. 37-00496 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority _____

5. Water is used for the following purpose:

amount 4.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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 4.0 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	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30	20	20	15								85
3N	18E	20					11	17	7	20	15	*							70*

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* AMENDED 8/9/91 TFL

Total acres 85 70*

9. Describe any other water rights used for the same purpose as described above 37-00497

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 1.5 0.6 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.9 for AESTHETICS purposes from APRIL 1 to NOV. 1
 (cfs/ac-ft)
 amount _____ for 8 FIRE Protection 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	NE	18	3N	18E	BLAINE	MUZER #20 HEADGATE

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	
3N	18E	20																	<u>30</u>
							9	13	8										<u>30 *</u>

Total acres 30

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

1. amount 2.5 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20							20	20	15								<u>55</u>
							2	4	7	12	15								<u>40 *</u>

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Total acres 55 40

* Amended 8-9-91

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. 37-00497 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other QUITCLAIM DEED

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 7/1/1892

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/acre) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

8. 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	
3N	18E	20						30	20	20	15								85

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Total acres 85
37-00496

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

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.75 0.30 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.45 for AESTHETICS purposes from APRIL 1 to NOV 1
 (cfs/ac-ft)
 amount _____ for FIRE PROTECTION 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30											30

Total acres 30

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

1. amount 1.25 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20							20	20	15								55

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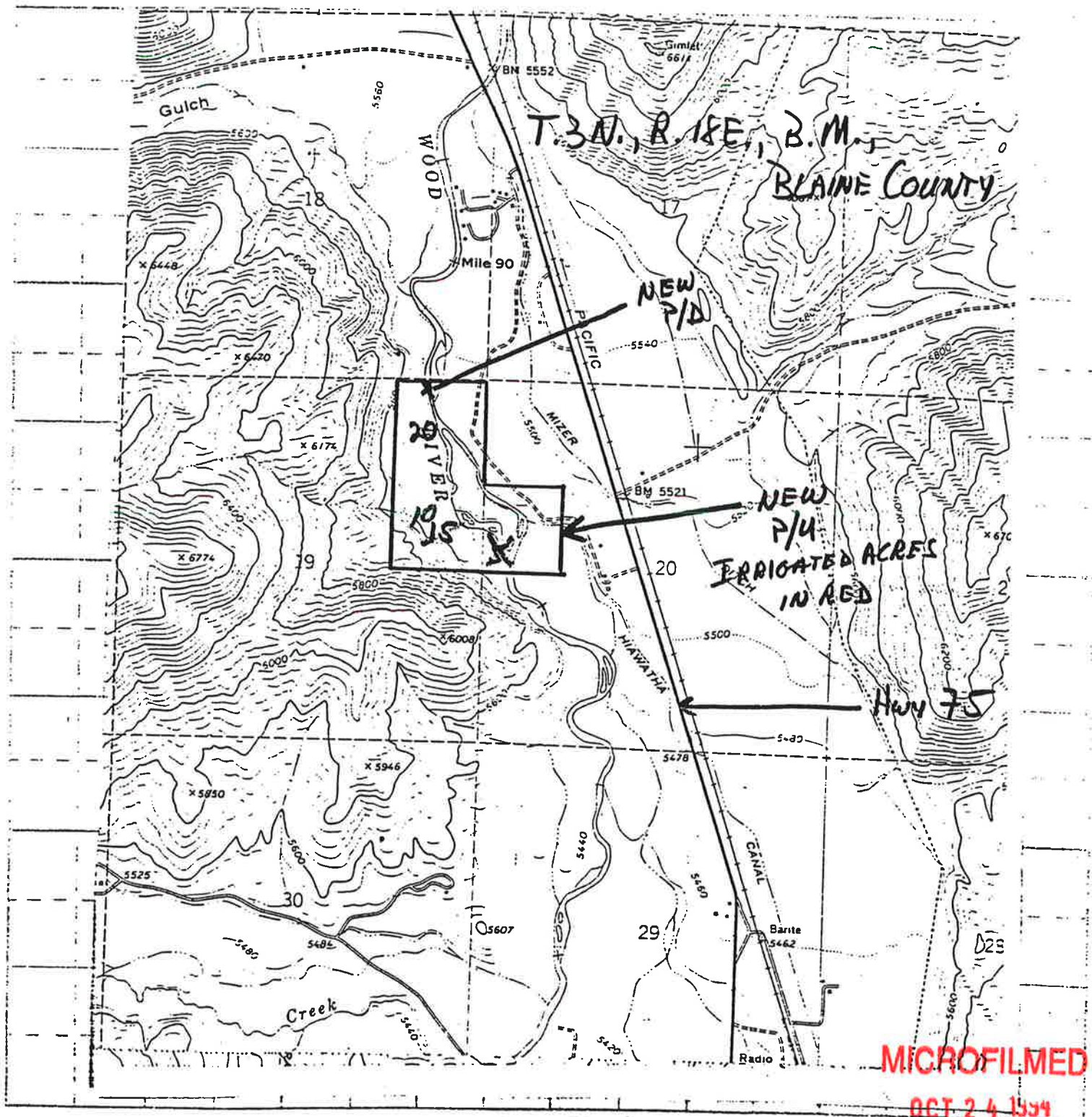
Total acres 55

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/acott) XXXXXX	Hours/days/year	Period of Use
	Domestic fire protection	2.25 cfs	24/214/year	Apr. 1 to Nov. 1
*	8 AESTHETICS	1.35 cfs		to

* Amended per 9/16/91 letter of Jim Speck TTX 8-27-91

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

Will be the same as water removed from the river. The amount of the return flow depends entirely upon that left over from irrigation. The location of point of return is shown on the above map.

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

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Subscribed and sworn to before me this 20th day of August, 1990.

Chise R. [Signature]
(Signature of Applicant)

James D. [Signature]
(Notary Public)

My commission expires 1/29/91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by M. Baldwin Date 8/27/90 Protest filed by _____

Prelim. check by J. Stanton Fee 50.00 R# 3012371 _____

Received by DRJ Date 12/5/90 _____

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 3/6 & 3/13/91 Hearing held by _____ Date _____

Watermaster recommendation requested on 8/27/91 Recommended for ☐ approval ☐ denial

_____ rec'd. 3/6/91 by _____

Copy of transfer sent to lien holder _____

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