

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: 9576

Ident. Number 37-524
Date Received: 10/20/1988
Receipt No: M001666
Received By:

RECEIVED
MAY 27 2005
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DENNIS HENNEFER Phone: (208)823-4537
PO BOX 12
CAREY ID 83320

MARY ANN HENNEFER Phone: (208)823-4537
PO BOX 12
CAREY ID 83320

2. Date of Priority: 05/12/1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	21E	30	NW SW SE	BLAINE	

5. Description of diverting works:

CONCRETE HDGATE DIVERTS EAST CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.6	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	21E	22	SE	NE	IRRIGATION	35
			NE	SE	IRRIGATION	5
					Section Acres	40
					Total Acres	40

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:

ADDRESS CHANGE BY CLAIMANT LETTER.

15. Basis of Claim: Decreed



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

May 26, 2005

DENNIS R HENNEFER
MARY ANN HENNEFER
PO BOX 12
CAREY ID 83320

Re: SRBA Claim(s) 37-524

Dear Mr. and Mrs. Hennefer:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
MAY 19 2005
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-0524	37-0524				
37-11855	.				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Cheryl Orchard

Box 344 Carey, Id 83320

4. New Owner/Claimant(s)

Dennis Ray and/or Mary Ann Hennefer

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

New Mailing Address

P.O. Box 12

City, State and ZIP Code

Carey, Id 83320

New Telephone Number

(208) 823-4537

5. Date you acquired the property

March 24, 1989

SCANNED

MAY 31 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Dennis R. Hennefer
(include title if applicable)

Mary Ann Hennefer

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 <u>C. SKINNER</u>	Date <u>5/19/2005</u>	Fee <u>\$25.00</u>
Received by <u>C. SKINNER</u>	Date <u>5/19/2005</u>	Receipt No. <u>5027684</u>
Processed by _____	AJ Date _____	WR _____ Date _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Kneeland, Korb & Collier
P. O. Box 249
Ketchum, ID 83340

(Space above line for Recorder's Use)

WARRANTY DEED

FOR VALUE RECEIVED, CHERYL ORCHARD SOWER, of P. O. Box 344, Carey, Idaho 83320, hereinafter called the Grantor, hereby grant, bargain, sell and convey unto DENNIS HENNEFER and MARY ANN HENNEFER, husband and wife, of P. O. Box 12, Carey, Idaho 83320, hereinafter called the Grantees, the following described premises situated in Blaine County, State of Idaho, to-wit:

All of that parcel of land beginning at the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Twp. 1 So. Rge. 21 E.B.M. thence East along the North boundary 900 ft., thence South 900 ft. + to the Idaho Central Highway Right of Way, thence in a Southwesterly direction along the Idaho Central Right of Way 550 ft + to the South boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, thence West 550 ft + to the Southwest corner, thence North along the West Boundary 1320 ft. to the point of beginning. Contains 25.59 acres, more or less. Cancels: Tax Lot No. 1951.

All of that portion of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 1 So. Rge. 21 E.B.M. lying Northwest of the Idaho Central Highway Right of Way. Contains 4.1 acres, more or less. Known as: Tax Lot No. 452, together with 40 inches decreed water #37-0524, May 12, 1893.

Together with 150 acre feet of Wood River water, 100 acre feet of Fish Creek, and 4 shares of canal stock.

Except as described herein, all other water rights and canal stock are retained and reserved by Seller and Grantor.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantees and to the Grantees' heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantees, that the Grantor is

SCANNED

MAY 31 2005

the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor has caused her name to be hereunto affixed this 24 day of March, 1989.

Cheryl Orchard Sower
CHERYL ORCHARD SOWER

STATE OF IDAHO)
) ss.
County of Blaine)

On this 24 day of March, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared CHERYL ORCHARD SOWER, 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 set my hand and affixed my official seal the day and year in this certificate first above written.



Robert O. Ketchum
NOTARY PUBLIC for Idaho
Residing at Ketchum
Commission Expires Lifetime

SCANNED

MAY 31 2005

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: A37-00524

Date Received: 10/20/1988

Receipt No: MOO166

Received By: g pe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHERYL F. ORCHARD 208-823-4553
Address: BOX 344
CAREY, ID 83320

2. Date of Priority: MAY 12, 1893

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE

5. Description of diverting works:
CONCRETE HDGATE DIVERTS EAST CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

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

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	21E	22	SE	NE		IRR	35.0
			NE	SE		IRR	5.0
Section Acres							40.0

10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
 A3711855.

14. Remarks:

15. Basis of Claim: DECREED
 Case Number:
 Court :
 Decree date: 12/13/1909

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

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 23 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Cheryl J. Orchard Date: 10/20/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20 day

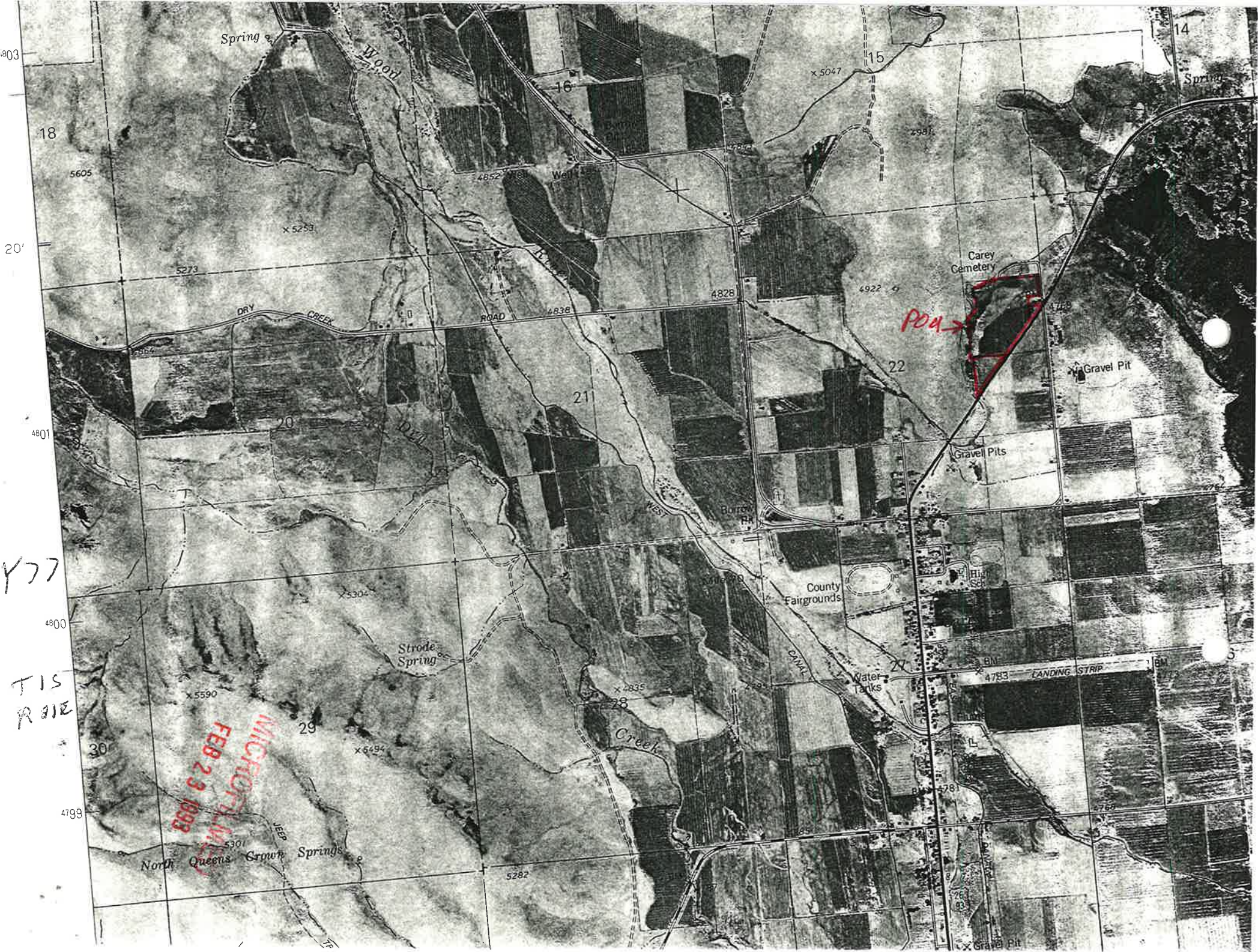
of Oct. 19 88

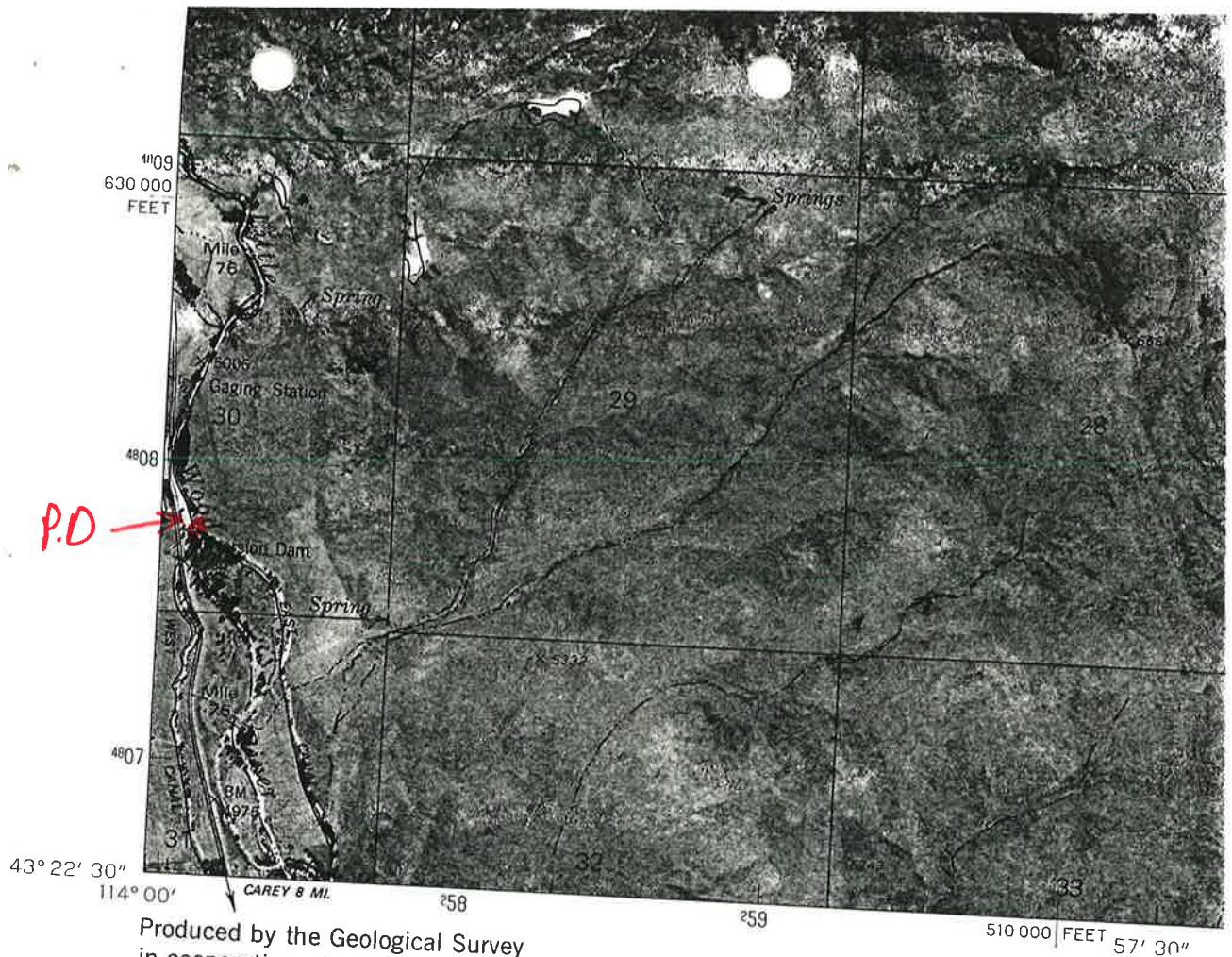
John Dol. Cochran
Notary Public

Seal

Residing at Boise Tel

My Commission Expires 6/2/94





Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken July 24, 1974

Projection and 10,000-foot grid ticks
Idaho coordinate system, central zone
(transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

NORTH

Map has been prepared by the Idaho Department of Water Resources pursuant to
Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the Snake
River Basin Adjudication. No warranty, either express or implied, is made and no legal
liability is assumed by IDWR, its employees, its agents, contractors, and reproduction
particularly by Bonneville Blueprint Supply Co. Inc. or its employees for the accuracy,
completeness, or usefulness of any information set forth on this map.

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

February 16, 1996

KARL J. DREHER
DIRECTOR

CHERYL F ORCHARD SPARKS
68 CEDAR HILLS DR
POCATELLO ID 83204-4438

RECEIVED

APR 24 1996

Re: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim No. A37-00524 & A37-11855
Change of Name and Address

Department of Water Resources

Dear Claimant,

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

If the name and address above are correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Cheryl Sparks
Claimant

MICROFILMED

NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 1996

RECEIVED

MAY 02 1996

Department of Water Resources
Southern Region

CHERYL F ORCHARD SPARKS
68 CEDAR HILLS DR
POCATELLO ID 83204-4438

RE: Snake River Basin Adjudication (SRBA)
Amended Notices of Claim #A37-00524 & #A37-11855

Dear Claimant,

We have modified our records to reflect your new address. If you would like your new name on your Notices of Claim referenced above, we need your signature on the enclosed computer-generated Amended Notices of Claim #A37-00524 and #A37-11855. The only change you see to the claims is the replacement of the name and address. If you believe the description of your water rights should have other changes, please make the correction and initial the change.

Please sign the enclosed Amended Notices of Claim, have your signature notarized and return the forms to my attention. You may want to make a photocopy of the signed claims before returning the originals to this office.

Please contact me at 208/327-7862 if you have any questions.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosure:

Copy of Amended Water Rights #A37-00524 & #A37-11855

MICROFILMED

NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

February 16, 1996

KARL J. DREHER
DIRECTOR

CHERYL F ORCHARD SPARKS
68 CEDAR HILLS DR
POCATELLO ID 83204-4438

Re: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim No. A37-00524 & A37-11855
Change of Name and Address

RECEIVED

FEB 22 1996
Department of Water Resources
Southern Region

Dear Claimant,

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

If the name and address above are correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Claimant

MICROFILMED

NOV 22 1996

SPARK14 833202014 1254 04/19/95
FORWARDING TIME EXPIRED
SPARKS
BA CEDAR HILLS OR
POCATELLO ID 83204-4438
RETURN TO SENDER

03/29/2005

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

RIGHT NUMBER: 37-524
NAME AND ADDRESS: CHERYL F ORCHARD
68 CEDAR HILLS DR
POCATELLO ID 83204-4438
SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 1.600 CFS
PRIORITY DATE: 05/12/1893
POINT OF DIVERSION:
T01N R21E S30 NWSWSE 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	1.600 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S22	SENE 28.0	T01S R21E S22	NESE 4.4
---------------	-----------	---------------	----------

32.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed
WATER IS DELIVERED THROUGH EAST CANAL.

IDAHO DLPT OF WATER RESOURCES

37-524



1320 0 1320 Feet

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

TWN: 1S
RNG: 21E
SEC: 22



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

Date: MARCH 29, 2005

T1S
R21E

15 14

22 23

32.8 AC

37-524

DRAFT
3-30-04
SLC

Water Right Number - 37-00524 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***

PARKE ALBERT 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

05/12/1893 17 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

LITTLE WOOD RIVER MALAD RIVER

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

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			1.600	

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

1.600

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	21E	22	SE NE			01	IRRIGATION	13 BLAINE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

No Remarks found.

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

No Conditions of Approval found.

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

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

+ - - Microfilm Rolls -

+ - - Audit Fields - 02/11/86 05/28/88 CONVERT

FEB 23 1993
MICROFILMED

Water right number - 37-00524

Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

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	- 12/09/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37N
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909				

MICROFILMED
FEB 23 1993