

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: A37-00547

Date Received: 10/12/1988

Receipt No: M001567

Received By: *OTC HLB*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CHARLES WHITWORTH

Address: 41 BARTON ROAD

CAREY ID

83320

AND

Name: CONNIE WHITWORTH

Address: 41 BARTON ROAD

CAREY ID

83320

2. Date of Priority: MAY 26, 1883

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:

VIA WEST CANAL, HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

7. Total Quantity Appropriated is:

2.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

295.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	21E	9	NE	NE		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	9	NW	NE		IRR	21.0
			SW	NE		IRR	30.0
			SE	NE		IRR	36.0
Section Acres							118.0
Total Acres							118.0

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:
RES. AND CANAL RT.

14. Remarks:
WEST CANAL REDIVERSION NE,NE,NE, S.9, 2S. 21E. AT HEADGATE.

OWNERSHIP CHANGE MADE 6/16/97 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL

vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JUL 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES & CONNIE WHITWORTH
41 BARTON ROAD
CAREY ID 83320

RE: SRBA CLAIM(S): A37-00547
SIMPSON

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES



RECEIVED

MAR 28 1997

Department of Water Resources
Southern Region

March 27, 1997

Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Order No. 22760

Ptn. of Sections 9 & 10, Township 2 South, Range 21 East
Whitworth / Simpson

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

 x Notice of Change of Ownership of Water Right Ownership along with a copy of the
Warranty Deed. **ORIGINAL.**

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Jan L Burrell
Vice President

jlb

Attachment(s)

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

REG. V E D

MAR 28 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned. Department of Water Resources
Southern Region

1. Water Right Number(s) 37-0547
Adjudication Claim Number(s) 37-0547

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

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Verl and Maxine Simpson
Post Office 27, Carey, ID 83320

4. New Owner/Claimant(s) Charles Whitworth and Connie Whitworth
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 41 Barton Road
City, State and ZIP Code Carey, ID 83320
New Telephone Number () -

5. Date you acquired the property March 26, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) *Charles Whitworth* Date 3/25/97
Connie Whitworth Date 3-25-97

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 22760

WARRANTY DEED

For Value Received Verl Simpson and Maxine Simpson, husband and wife, the Grantors, do hereby grant, bargain, sell, convey and confirm unto Charles Whitworth and Connie Whitworth, husband and wife, whose current address is 41 Barton Road, Carey, Idaho 83320, the premises located in Blaine County, Idaho, more particularly described as follows:

Attached as Exhibits A and B, and incorporated herein by this reference as though set forth in full; and,

Subject to a life estate in Maria Simpson in that real property described as Exhibit "B" attached hereto and incorporated herein by this reference as though set forth in full.

Subject to easements, rights of way and encumbrances of record or appearing upon the land, if any. Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, Grantees' heirs, and assigns forever, and the Grantors do hereby covenant to and with the said Grantees, that Grantors are said owners in fee simple of said premises, and that Grantors will warrant and defend the same from all lawful claims

EXHIBIT "A"

Section 9: NE 1/4, Township 2 South, Range 21 East, Boise Meridian, Blaine County, Idaho;

Together with one hundred forty seven (147) acre feet of old Little Wood Reservoir storage water rights in the Little Wood Dam and one hundred eighty (180) acre feet of new Little Wood Reservoir storage water rights in the Little Wood dam; and 2 shares of Little Wood River Canal Company stock; and, one hundred (100) inches decreed by water resource right WR#37-0547, with a priority date of May 26, 1883; and,

EXHIBIT "B"

Township 2 South, Range 21 East, Boise Meridian, Blaine County, Idaho.

Section 10: A parcel of land lying within the SW1/4 SW1/4 NW1/4 of said Section, more particularly described as follows:

Commencing 49.5 feet East and 33.0 feet North of the SW corner of the NW 1/4; thence

E. 519.75 feet; thence

N. 268.13 feet; thence

W. 519.75 feet; thence

S. 268.13 feet to the PLACE OF BEGINNING. (Tax Lot 467)

whatsoever.

DATED this 26 day of March, 1997.

Verl Simpson
Verl Simpson

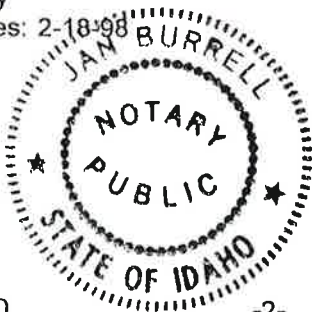
Maxine Simpson
Maxine Simpson

State of Idaho }
County of Blaine } ss.
}

On this 26 day of March, in the year 1997, before me, the undersigned, personally appeared **Verl Simpson and Maxine Simpson** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Jan L. Burrell
Notary Public for Idaho
Residing at: Hailey
Commission Expires: 2-18-98



WARRANTY DEED

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: A37-00547
Date Received: 10/12/1988
Receipt No: M001567
Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERL W. SIMPSON 208-823-4533
Address: BOX 05
STOCKING RD.
CAREY, ID 83320

OR

Name: MAXINE SIMPSON 208-823-4533
Address: BOX 05
STOCKING RD.
CAREY, ID 83320

2. Date of Priority: MAY 26, 1883

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:
VIA WEST CANAL, HEADGATES AND DITCHES

6. Water is used for the following purposes:

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IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 295.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00547

Page 1

Date: 10/12/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	9	NE	NE		IRR	31.0
			NW	NE		IRR	21.0
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			SE	NE		IRR	36.0
						Section Acres	118.0
						Total Acres	118.0

11. Place of use in counties: BLAINE

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

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RES. AND CANAL RT.

14. Remarks:
WEST CANAL REDIVERSION NE,NE,NE, S.9, 2S. 21E. AT HEADGATE.

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

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): *Paul W. Simpson* Date: 10/12/88
_____ Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 12 day

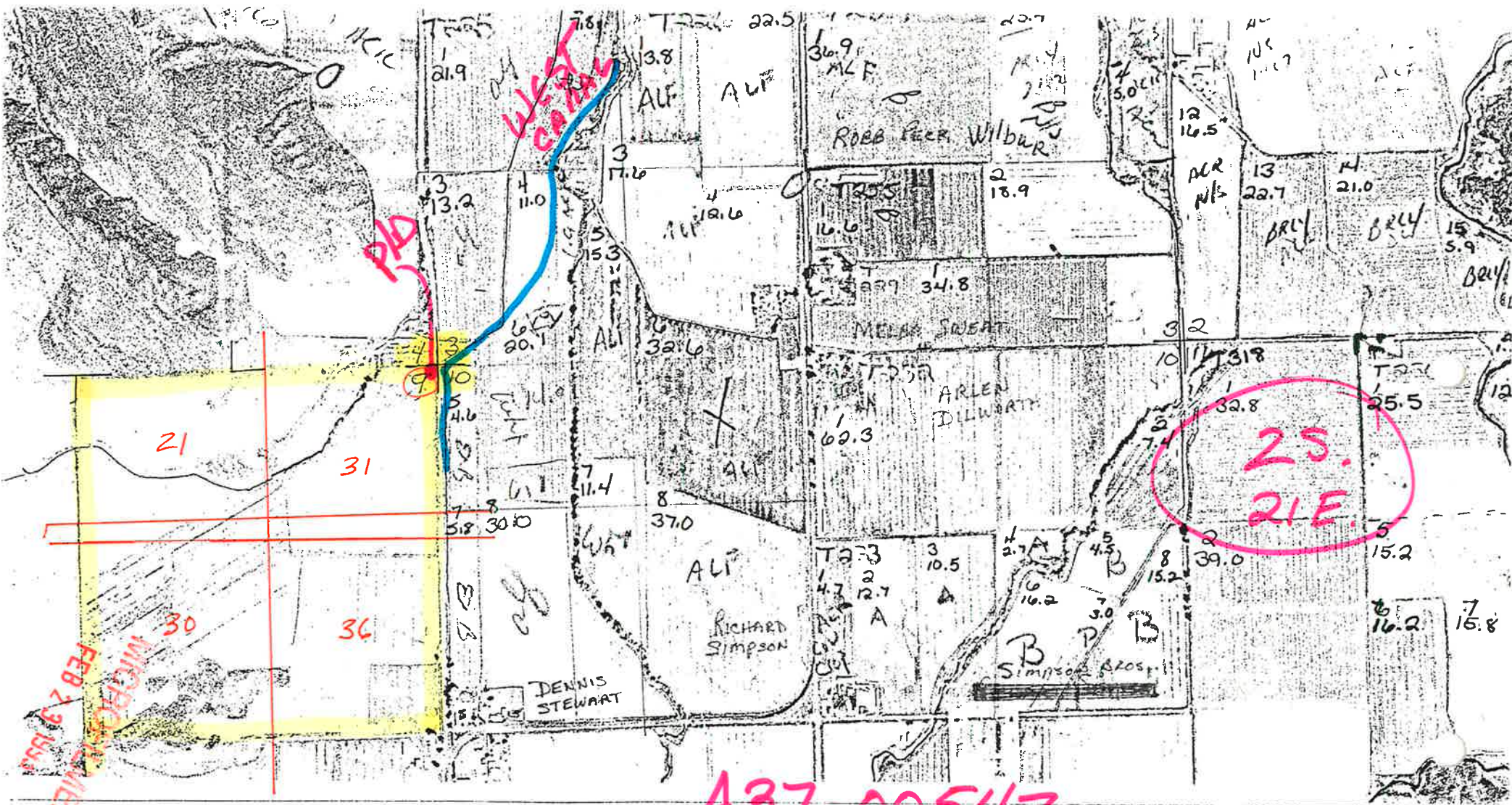
of Oct 19 88

John Dal Cacho
Notary Public

Seal

Residing at Boise ID

My Commission Expires 6/2/94



A37-00547

10/13/2004

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

RIGHT NUMBER: 37-547

NAME AND ADDRESS: CHARLES WHITWORTH
041 BARTON RD
CAREY ID 83320

CONNIE WHITWORTH
041 BARTON RD
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/26/1883

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	2.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S09	NENE	29.0	T02S R21E S09	NWNE	18.0
T02S R21E S09	SWNE	33.0	T02S R21E S09	SENE	38.0

118 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.

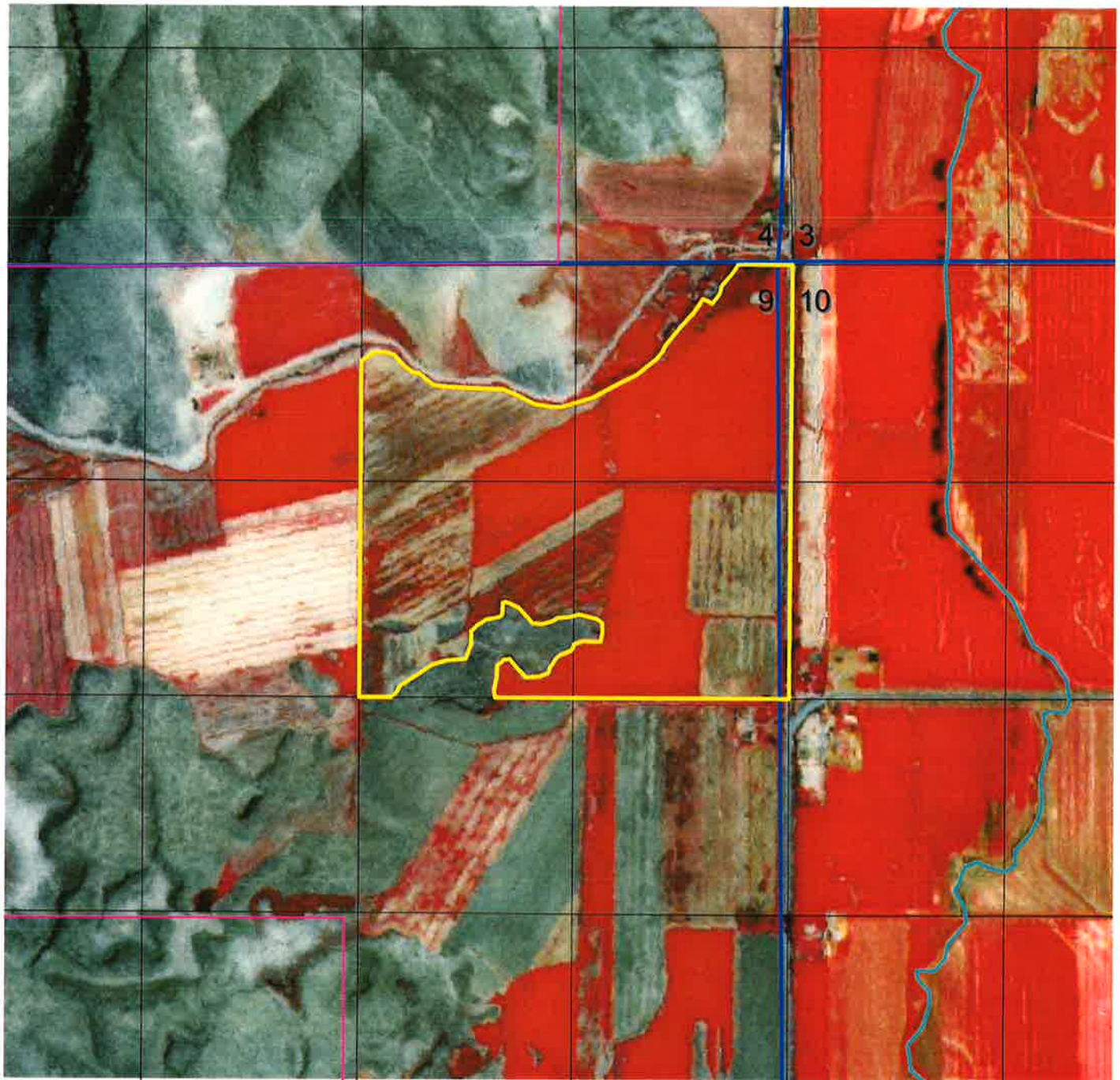
EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.

IDAHO DEPT OF WATER RESOURCES

37-547



1320 0 1320 Feet

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

TWN: 2S
RNG: 21E
SEC. 9



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

Date: OCTOBER 13, 2004

37-547

(WHITWORTH)

10/5/04

POD @ WEST CANAL.

POU adjust distribution of acres = 118 ac as claimed
(GIS = 119 ac)

T2S
R21E

4

3

9

10

GIS AC = 119 AC

37-547

