

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: **A37-00577CJ**
Date Received: 9/ 7/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KEVIN O BRIEN 208-726-6242
Address: PO BOX 3699
KETCHUM ID 83340

2. Date of Priority: MAR 24, 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:
HEADGATE WITH 18" PIPE, POND, AND 18" RETURN PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.380		
FIRE PROTECTION	01/01	12/31	0.380		
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ 1 EARTH POND F/ AVAILABLE WATER

10. Place of Use:

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

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	SE	NE		IRR	3.0
			SE	NE		FIRE	
Section Acres							3.0
Total Acres							3.0

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:
A37-11262

14. Remarks:

NATURE OF USE CHANGED BY TRANS. 1743.
P/U TAKEN FROM TRANSFER MAP, AS LEGAL DESCRIPTION WAS INCORRECT.
TRANS. 1743 ALSO DESCRIBES 3.0 IRRIGATED ACRES IN P/U.
FIRE PROTECTION IS REQUIRED BY INSURANCE CARRIERS.

CLAIM IS SPLIT FROM A37-00577AH PURSUANT TO APPROVED
TRANSFER 3648.

OWNERSHIP CHANGE RECEIVED 8/25/94. MOORE-FORMER OWNER, O'BRIEN-
NEW OWNER. CHAIN OF WARRANTY DEEDS AND QUITCLAIM INCLUDED,
OWNERSHIP CHANGED 10/21/94 TLB.

WHEN APPROVED TRANSFER 3648 WAS RECEIVED IN 1990 IT WAS PUT WITH
A37-00577AH WITHOUT CLAIM BEING SPLIT, CONSEQUENTLY THE ENTIRE
1.58 CFS WAS CHANGED INTO O'BRIENS NAME WHEN IT SHOULD HAVE BEEN
.38 CFS. ON 10/16/95 CLAIMS WERE SPLIT AND AMENDED TO REFLECT
APPROVED TRANSFER 3648.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBRETHSEN

Decree Plaintiff

WOOD RIVER LAND CO.

vs

Decree Defendant

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NOV 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 27, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEVIN O'BRIEN
PO BOX 3699
KETCHUM ID 83340

RE: Amendment of SRBA Claim A37-00577CJ

Dear Claimant:

Pursuant to the approval of Transfer No. 3648, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

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NOV 22 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00577AH**
Date Received: 9/ 7/1988
Receipt No: S002085
Received By: _____

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

1. Name: KEVIN O'BRIEN 208-726-6242
Address: PO BOX 3699
KETCHUM ID 8334-

2. Date of Priority: MAR 24, 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	Lot	County
03N	18E	18	SE		NE		NE		BLAINE

5. Description of diverting works:
HEADGATE WITH 18" PIPE, POND, AND 18" RETURN PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	1.580		
FIRE PROTECTION	01/01	12/31	1.580		
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ 1 EARTH POND F/ AVAILABLE WATER

10. Place of Use:

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

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NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	SE	NE		IRR	3.0
			SE	NE		FIRE	
Section Acres							3.0
Total Acres							3.0

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:
A37-11262

14. Remarks:

NATURE OF USE CHANGED BY TRANS. 1743.
P/U TAKEN FROM TRANSFER MAP, AS LEGAL DESCRIPTION WAS INCORRECT.
TRANS. 1743 ALSO DESCRIBES 3.0 IRRIGATED ACRES IN P/U.
FIRE PROTECTION IS REQUIRED BY INSURANCE CARRIERS.
OWNERSHIP CHANGE RECEIVED 8-25-94. MOORE-FORMER OWNER,
O'BRIEN-NEW OWNER. CHAIN OF WARRANTY DEEDS AND QUITCLAIM
INCLUDED, OWNERSHIP CHANGED 10-21-94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBRETHSEN

Decree Plaintiff

WOOD RIVER LAND CO.

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: _____

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NOV 22 1996

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 _____

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NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-OCT-1994 09:25

KEVIN O'BRIEN
PO BOX 3699
KETCHUM, ID 83340

RE: SRBA CLAIMS: **A37-11262 & A37-00577AH**
KENNETH MOORE

DEAR CLAIMANT(S):

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

THERE WAS A TRANSFER APPROVED SPLITTING 37-00577AH INTO 37-00577CA AND 37-00577CB. THIS TRANSFER PROVIDES AUTHORITY TO SPLIT THE SRBA CLAIM. IF YOU NEED MORE INFORMATION, PLEASE CONTACT THIS OFFICE. I AM SENDING YOU A COPY OF THE TRANSFER.

SHOULD YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

cc: SPECK, HOUGE, & AANESTAD

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NOV 22 1996



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

5 6 5 1 1

DATE OF CLOSING: AUG 10, 1994

AUG 25 1994

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED ADDENDUM

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A37-11262 A37-0057AH

[] Name and Address of Former
Owner/Claimant(s)(Seller): Kenneth L. Moore & Rosemary Moore
106 River Bend Lane

[] New Owner/Claimant
(Purchaser): Ketchum, Idaho 83340
Kevin O'Brien

[] New Mailing Address: Post Office Box 3699
Ketchum, Idaho 83340

[] New Telephone Number: (208) 788 - 6242

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached: Quitclaim/Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s) [Signature] Date 8/23/94

[] Signature of Former
Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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NOV 22 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

11 6 6 13 11

AUG 25 1994

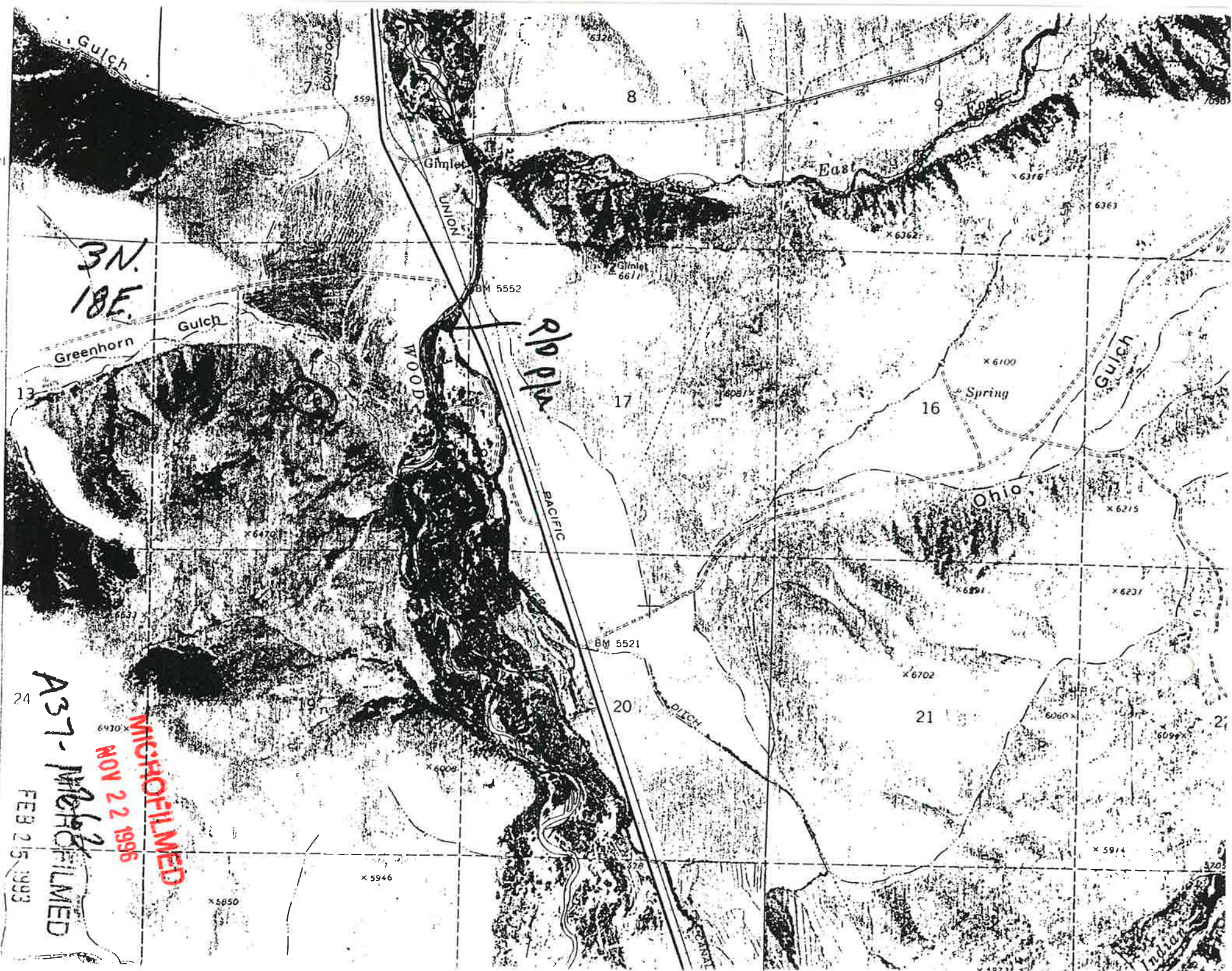
Department of Water Resources
Southern Region Office

**ADDENDUM TO
NEW PROPERTY OWNER
NOTICE OF CHANGE OF OWNERSHIP**

Lot 15 of River Bend Subdivision, according to the official plat thereof, recorded as Instrument No. 137015, records of Blaine County, Idaho.

Lot 16 of River Bend Subdivision, according to the official plat thereof, recorded as Instrument No. 137015, records of Blaine County, Idaho.

**MICROFILMED
NOV 22 1994**



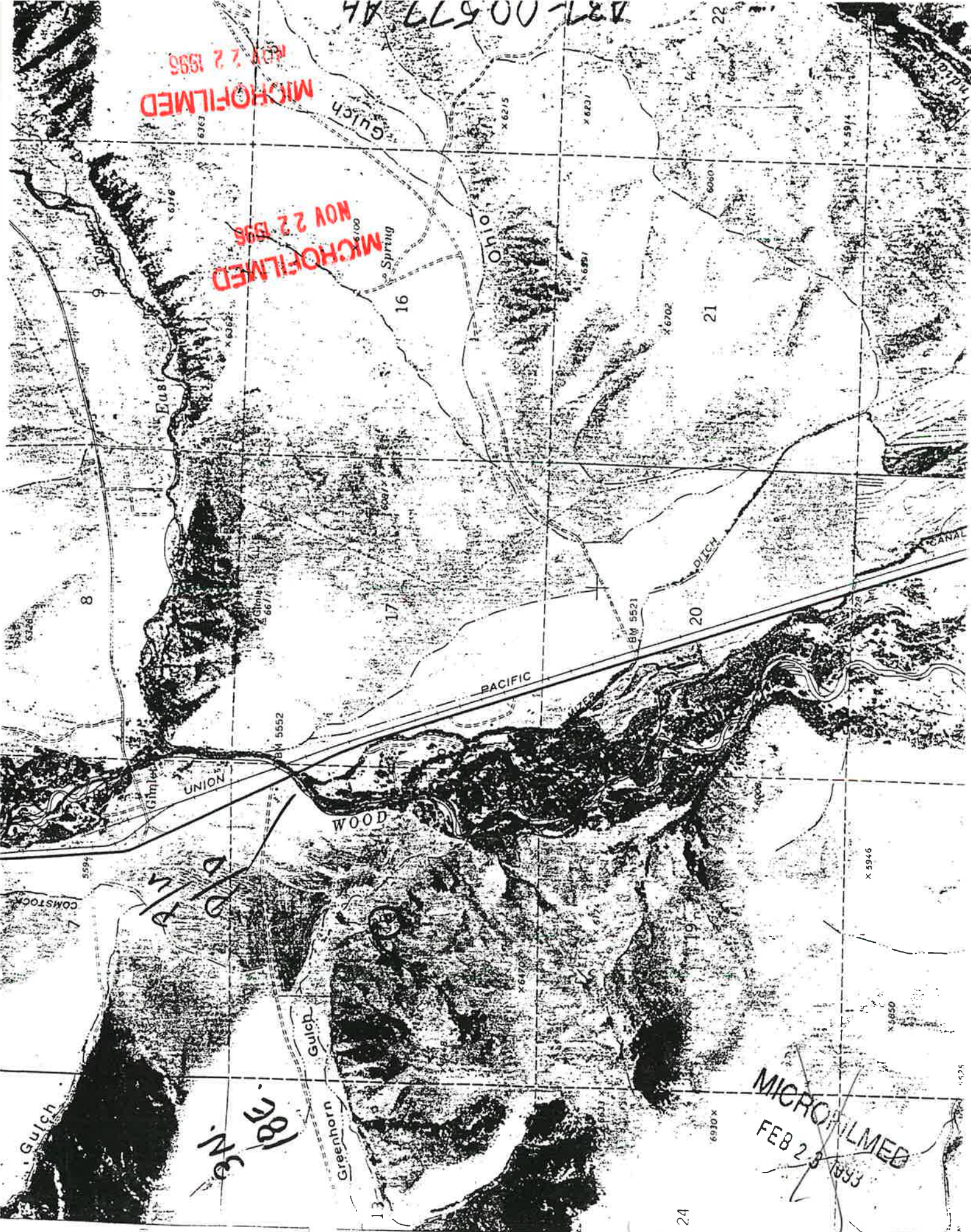
3N.
18E.

900 ft

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NOV 22 1996

A37-1068
FEB 25 1993

MICROFILMED
FEB 23 1993



Order No. 19724

WARRANTY DEED

AUG 25 1994

Department of Water Resources
Southern Region Office

FOR VALUE RECEIVED

Fern R. MacKenzie, an unmarried woman

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Kevin D. O'Brien, an unmarried man

GRANTEE(s) whose address is: P.O. Box 3699, Ketchum, ID 83340

the following described real property in Blaine County, Idaho, to wit:

Lot 16 of RIVER BEND SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 137015, records of Blaine County, Idaho.

BLAINE CO. REQUEST

OF SAWTOOTH TITLE

1994 JUL 28 P 4: 08

368768

Mary Green, CLERK

FEES \$ 3⁰⁰ MP

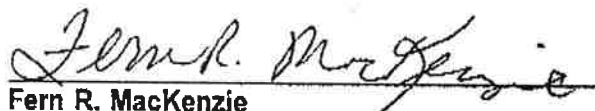
Deed

7-28-94

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

Dated: July 22, 1994



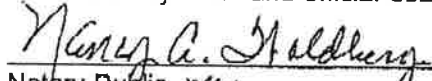
Fern R. MacKenzie

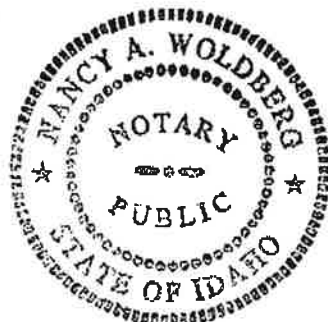
State of Idaho

County of Blaine

On this 27th day of July, 1994, before me, a notary public in and for said State, personally appeared Fern R. MacKenzie personally 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.


 Notary Public *MA*
 Residing at Hatley Bellevue
 Commission Expires: 9-1-99



NOTARY PUBLIC
 WICHOWITZ

AUG 09 '94 03:02PM BLAINE COUNTY

Order No. 19725

WARRANTY DEED

FOR VALUE RECEIVED

Fern R. MacKenzie, an unmarried woman

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Kevin D. O'Brien, a single man

GRANTEE(s) whose address is: P. O. Box 3699, Ketchum, ID 83340

the following described real property in Blaine County, Idaho, to wit:

Lot 15 of RIVER BEND SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 137015, records of Blaine County, Idaho.

Subject To: A Deed of Trust in favor of Calumet Federal Savings & Loan Association of Chicago, in the original amount of \$125,000.00, recorded July 28, 1994, as Instrument No. 368733, records of Blaine County, Idaho, which the Grantee herein agree to assume and pay according to it's terms and conditions.

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

Dated: August 10, 1994

Fern R. MacKenzie
Fern R. MacKenzie

State of Idaho

County of Blaine

On this 10th day of Aug 1994, before me, a notary public in and for said State, personally appeared Fern R. MacKenzie personally known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Nancy A. Woldberg
Notary Public
Residing at Bellevue
Commission Expires: 9-7-99



SAWTOOTH TITLE

1994 AUG 10 P 3:58

369210

CLERK

FEE \$ 3.00

Seal

To <i>Jennifer</i>	From <i>Nancy</i>
Co. <i>Sawtooth Title</i>	Co. <i>Sawtooth Title</i>
Dept.	Phone #

QUITCLAIM DEED

For Value Received

Christie Anne Haugh, a married person, as her sole & separate property, 15 6 13 11 V

do hereby convey, release, remise and forever quit claim unto

MAY 15 1994
Fern R. Biek, a single person

whose address is: P. O. Box 2502, Sun Valley, Idaho 83353

the following described premises situated in Blaine County, Idaho, to-wit:

Lots 15 & 16 of RIVER BEND SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 137015, records of Blaine County, Idaho

AUG 25 1994

Department of Water Resource
Southern Region Office

non-consumptive??

Together with ±19 miners inches of water for use from 1-1 to 12-31 each year and .060 c.f.s. of water for use from 4-1 to 11-1 each year in the Big Wood River. Water right has priority date of March 24, 1883, under Decree in case of Albrethsen vs. Wood Rivr Land Co.

Ejudication # - ~~XXXX~~ **A 37-00577AH**

Dept of Water Resources

con

together with their appurtenances.

Dated: March 21, 1990

Christie Anne Haugh

Christie Anne Haugh

STATE OF *Idaho* COUNTY OF *Blaine*
On this *21* day of *March*, 19*90*,
before me, a Notary Public in and for said State, personally
appeared

Christie Anne Haugh

known or identified to me to be the person who name
is subscribed to the within instrument and acknowledged
to me that she executed the same.

Shirley K. Hubel

Notary Public

Residing at *Hailey*

Commission Expires: *3/1/93*

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NOV 22 1996

Order No. 22-9043

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Christie Ann Haugh
P. O. Box 2081
Ketchum, ID 83340

88 OCT 21 PM 4
HARRY GREEN, CLERK
FEES \$ 6.00

BLAINE CO. REQUEST
OF

299522

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, KENNETH L. MOORE and ROSEMARY A. MOORE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto CHRISTIE ANNE HAUGH, a married woman, as her sole and separate property, the Grantee, whose current address is P. O. Box 2081, Ketchum, Idaho 83340, the following described premises in Blaine County, Idaho, to wit:

Lots 15 and 16 of River Bend Subdivision, Blaine County, Idaho, according to the Official Plat thereof on file in the Office of the County Recorder, recorded October 12, 1970, as Instrument No. 137015, records of Blaine County, Idaho.

This Warranty Deed is subject to taxes, easements, restrictions, reservations, encumbrances, and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises, that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever. Grantors further represent and covenant that, to the best of their knowledge and information, neither the public nor any private individual has acquired any prescriptive easement or other adverse possession claim upon or to the premises, or any portion thereof, and agree to defend on behalf of Grantee any claims therefor.

DATED: October 21, 1988.

Kenneth L. Moore
KENNETH L. MOORE

Rosemary A. Moore
ROSEMARY A. MOORE

POOR ORIGINAL

MICROFILMED
NOV 22 1996

STATE OF IDAHO)

County of Blaine) ss.:

On this 21st day of October, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared KENNETH L. MOORE and ROSEMARY A. MOORE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



K. L. Moore
NOTARY PUBLIC for Idaho
Residing at L.A.
Commission Expires 7/15/91

POOR ORIGINAL

MICROFILMED
NOV 22 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

August 23, 1994

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

AUG 25 1994

Department of Water Resources
96 WEST CROY STREET
Southern Region Office
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

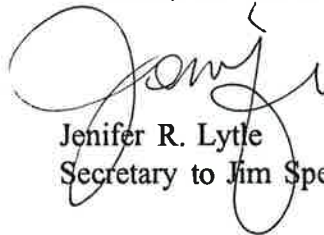
Re: Notice of Change of Ownership
Moore to O'Brien

To Whom it May Concern:

Please find enclosed the original Notice of Change of Ownership in the above-referenced matter. Please file this Notice. If you have any questions, please do not hesitate to call.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.



Jenifer R. Lytle
Secretary to Jim Speck

jl
enclosure

MICROFILMED
NOV 22 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-AUG-1994 13:57

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

SRBA CLAIMS A37-00577AH & A37-11262

DEAR SIR:

I HAVE ENCLOSED THE INFORMATION YOU REQUESTED. PLEASE SUBMIT
\$2.50 FOR COPIES AND POSTAGE.

IF YOU HAVE ANY QUESTION, PLEASE CALL ME AT THIS OFFICE. THANK YOU FOR
YOUR TIME.

SINCERELY,

TARA L BACKLUND
RECORDS CLERK

ENCLOSURES

MICROFILMED
NOV 22 1996

split
CS

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: A37-00577AH
Date Received: 9/07/1988
Receipt No: S002085
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH L. MOORE 208-788-4848
Address: 106 RIVER BEND LANE
P.O. BOX 678
KETCHUM, ID 83340
OR
Name: ROSEMARY A. MOORE 208-788-4848
Address: 106 RIVER BEND LANE
P.O. BOX 678
KETCHUM, ID 83340
OR
Name: KENNETH L. MOORE 714-737-4717
Address: 18182 BEL AIR
CORONA, CA 91719

2. Date of Priority: MAR 24, 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:
HEADGATE WITH 18" PIPE, POND, AND 18" RETURN PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	1.580		
FIRE PROTECTION	01/01	12/31	1.580		
IRRIGATION	04/01	11/01	0.060		

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

A37-00577AH

Page 1

Date: 09/07/88

COPY

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FEB 23 1993

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ 1 EARTH POND F/ AVAILABLE WATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	NE	NE		FISH	
			SE	NE		FISH	
			SE	NE		IRR	3.0
			SE	NE		FIRE	
						Section Acres	3.0
						Total Acres	3.0

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:
A37-11262

14. Remarks:
NATURE OF USE CHANGED BY TRANS. 1743.
P/U TAKEN FROM TRANSFER MAP, AS LEGAL DESCRIPTION WAS INCORRECT.
TRANS. 1743 ALSO DESCRIBES 3.0 IRRIGATED ACRES IN P/U.
FIRE PROTECTION IS REQUIRED BY INSURANCE CARRIERS.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

ALBRETHSEN
Decree Plaintiff

vs

WOOD RIVER LAND CO.
Decree Defendant

COPY

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: 1

For Individuals:

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

Signature of Claimant(s): Annith L Moore Date: 9-7-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of September 19 88

Roxanne Storey
Notary Public

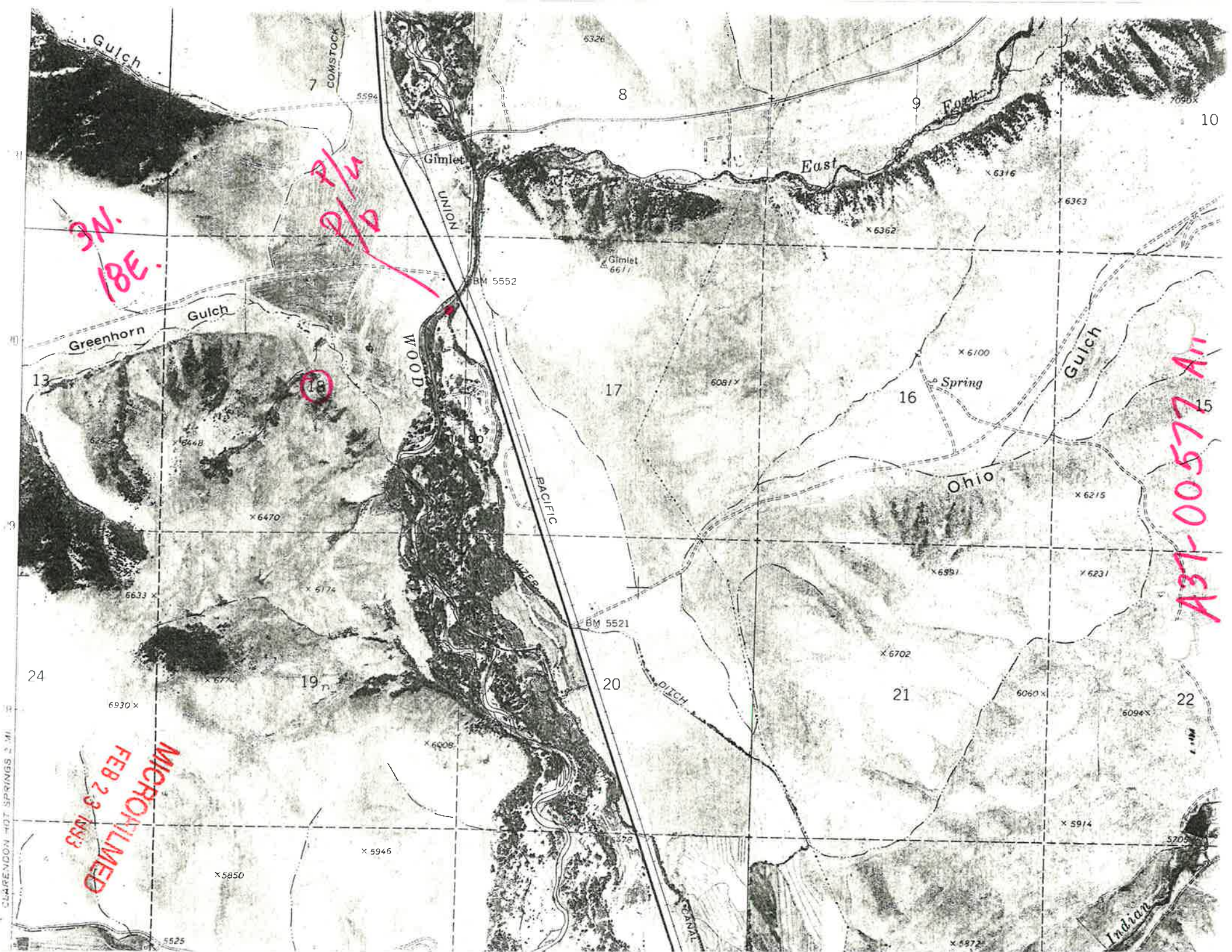
Seal

Residing at Buhl, ID

My Commission Expires 6-30-94

COPY

MICROFILMED
FEB 23 1993



3N.
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P/O

18

A31-00577 AII

MICROFILMED
FEB 23 1983

12/20/2006

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

RIGHT NUMBER: 37-577CJ

NAME AND ADDRESS: RIVERBEND PARTNERS ONE
C/O PETER O BRIEN
1771 N RAINDANCE PL
EAGLE ID 83616

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.380 CFS

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

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	0.380 CFS
IRRIGATION	04/15 10/31	0.060 CFS
FISH PROPAGATION	01/01 12/31	0.380 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S18	NENE	0.30	T03N R18E S18	SENE	1.70
---------------	------	------	---------------	------	------

FISH PROPAGATION in BLAINE County

T03N R18E S18	NENE	T03N R18E S18	SENE
---------------	------	---------------	------

FIRE PROTECTION in BLAINE County

T03N R18E S18	NENE	T03N R18E S18	SENE
---------------	------	---------------	------

2 ACRES TOTAL

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

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

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

TO: ADJUDICATION CLAIM FILE 37-577CJ

FROM: DANIEL A. NELSON

DATE: 12/20/06

SUBJECT: CLAIM REVIEW

This claim is based on a portion of the Riley Right water right number 37-577. In my review of this right, I discovered that nature of use was changed from irrigation to fish propagation, recreation, aesthetic, and irrigation use by transfer 1743. Transfer 1743 allowed 3 acres of irrigation with the remainder going to other uses. A second transfer numbered 3648 was filed in 1990 splitting off 1.20 cfs of the fish propagation, recreation, and aesthetic uses. After transfer 3648, 0.38 cfs was remaining for this portion of the right.

There was some discrepancies concerning the legal descriptions and locations in these transfers, but that was resolved through the change of ownership to Kevin O Brien. In the change of ownership documentation, the documentation shows that Mr. O Brien owned lots 15 and 16 of River Bend Subdivision. Current tax lot information available to the department shows that Lot 15 is now under the ownership of a trust, but this trust could be part of his holdings. Therefore, I have included both lots in the place of use. A name change was filed changing the name from Kevin O Brien to Riverbend Partners One, C/O Kevin O Brien. The recommendation for this right will be in the name of Riverbend Partners One.

The claim does not show the same uses on this claim that were originally given to this right in transfer 1743. Only the irrigation and fish propagation uses were claimed. Fire protection was included on the claim, but was not a use listed in transfer 1743. Fire protection is an exempt use, and this component can only be used to fight an existing fire. Whereas this is an exempted use, and probably has been made available for fire crews since the water right was developed, I have recommended this use as an accomplished transfer. The fish propagation and fire protection seems to include a small pond located in Lot 15, so if a change of ownership should occur for this lot, all of the fire protection and fish propagation should go with that lot. Whereas the other uses created in transfer 1743 were not included on this claim, I cannot recommend them, but I am recommending the irrigation, fish propagation, and fire protection used claimed.

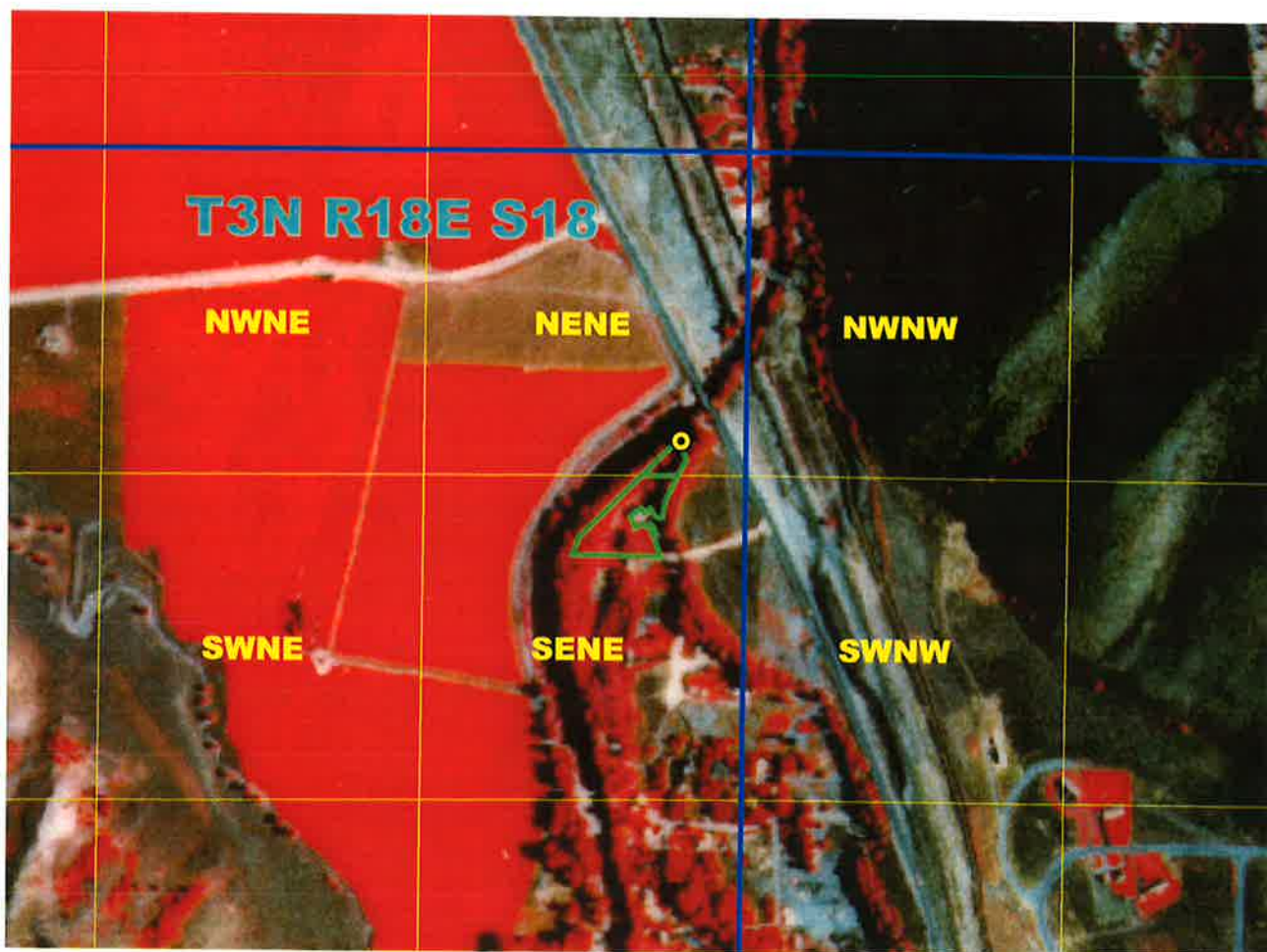
The claim lists 3 acres of irrigation for this right at an inch per acre or 0.02 cfs for a total of 0.06 cfs. However, with both lots combined, I could only find a maximum of 2 acres that are being irrigated. We can allow up to 0.03 cfs or an inch and a half of water per acre for irrigation uses under 5 acres. Therefore, I am recommending this right for 2 acres with the diversion rate of 0.06 cfs. The acres being irrigated were not all in the SENE. 0.3 acres were being irrigated in the NENE and 1.7 acres were being irrigated in the SENE, so this was corrected in the recommendation. The fire protection portion was also added to the NENE, to ensure it was fully covered.

The only significant overlapping right is the groundwater right used for the home in lot 16. This right is 37-11262.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 18
WATER RIGHT(S) : 37-577CJ



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

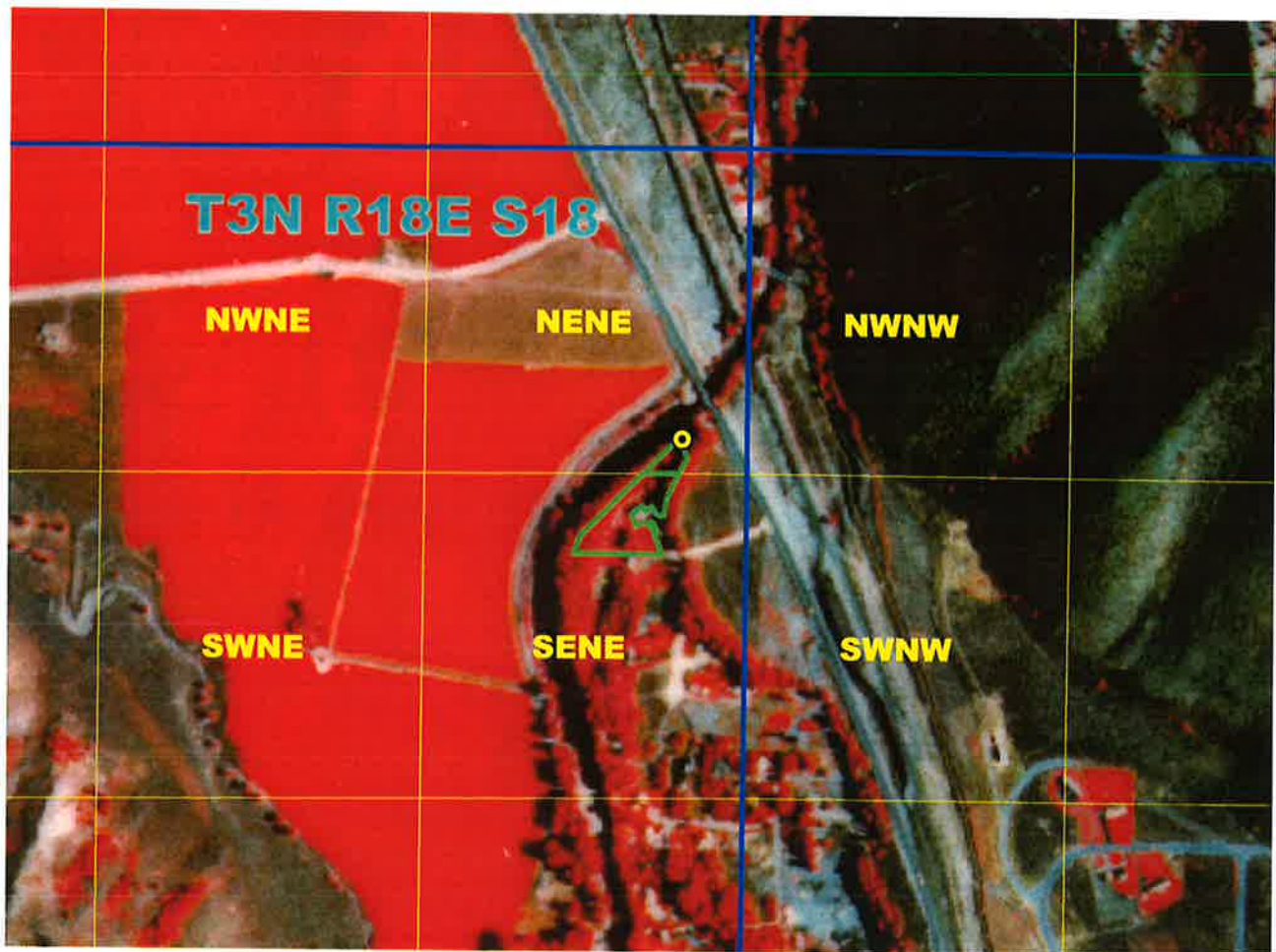
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 18
WATER RIGHT(S) : 37-577CJ



Total Irrigated Acres = 2 acre(s)

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

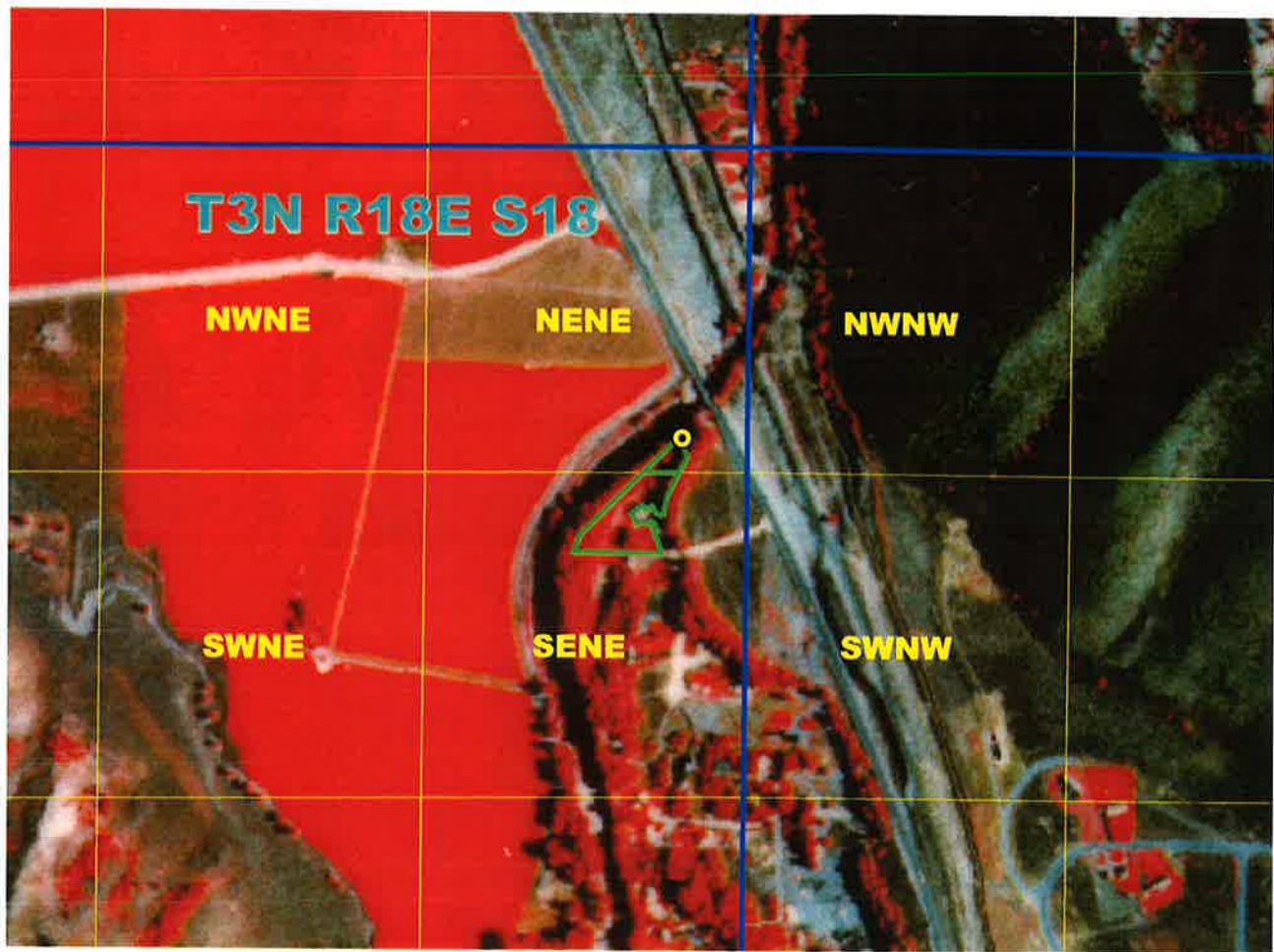
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 18
WATER RIGHT(S) : 37-577CJ



Shape File Copied From Current Taxlot Information.

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006



NENE

T3N R18E S18

**NENE
0.3 ACRES**

POND

LOT 16

LOT 15

**SENE
1.7 ACRES**

SENE

Always consider the possibility that river losses or conveyance losses for a ditch system may exist even if the claim matches the water master list.

Yellow highlighted rights indicates rate and name match.

Blue and/or green highlighted rights indicate Possible match but with problems

Bright blue = research after 6-23-2005 matches.

Red = likely guess of a match or some kind of significant problem.

The list is not necessarily comprehensive. Most water carried on the watermaster list as Big Wood River losses or Conveyance losses are not shown on this comparison. Further research by right needs to be done.

Note: some entries contain a comments box (small red triangle in upper left corner of a cell)

		watermaster records			ADJUDICATION CLAIMS			WATER RIGHTS
	sort							
55-C	E	5 WASHINGTON ASPHALT	37-0577	0.20	11816	Wood River Ranch Co		Possible match
44	E	5 ECCLE'S WINDOW ROCK RANCH LI	37-0577AT	0.35				
22	D	5 DAVID L CROPPER	37-0577	0.11				
22	D	4 EDMUND E DUMKE	37-0577	1.41	21112	1.42 MARATHON PARTNERS LLC		rates match
22	D	5 JACKSON W ALLRED II	37-0577	0.06				
22	D	2 ERIC AND JOAN RAZOR	37-0577	0.06	20807	0.06 RASOR, ERIC N ; RASOR, JOAN T		
		2 ROD THORNTON	37-0577BN	0.03	21113	0.03 Thornton		RE: License 37-8820
55-C	E	4 JEFFERY ANDERTON	37-0577	0.19	577 CC	?????? PART???		Going to file a late claim 12/04/06
55-C	X	4 BIG WOOD RIVER	37-0577BH	0.02	577 BH	0.18 BRUNKER, BUFFY R ; BRUNKER, MICHALE B		0.02 lost to river, 0.16 delivered to
22	D	4 THOMAS HICKEY	37-0577	0.48	577 CE	1.09 YOUNG, FERN ; YOUNG, ROBERT		Possible part of this right.
RLR-30	E	4 MICHALE B BRUNKER-RLR-30	37-0577BH	0.16	577 BH	BRUNKER, BUFFY R ; BRUNKER, MICHALE B		
55-C	E	4 LEWIS WILLAIM DYE	37-0577	0.50	577 CC	1.8 DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST		Recommended 1.8 which includes
55-C	E	4 LEWIS WILLAIM DYE	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST		
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.50	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST		
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST		
22	D	3 DAVID B HENNESSY	37-0577	0.10	11411	0.1 GORMAN, DONNA F ; GORMAN, JAMES A		
45	E	3 JOHN SCHERER	37-0577	2.20	577 BT	2.2 SOUTH COUNTY ESTATES LLC		
22	D	3 WOOD RIVER COUNTRY CLUB	37-0577T&V	1.56	577 BV	1.69 THE VALLEY CLUB INC		

55-C	E	3 A W MOLYNEUX	37-30000P	0.76	20571	0.77	MOLYNEUX, A W ; MOLYNEUX, MAXINE		
22	D	3 WOOD RIVER COUNTRY CLUB	37-0577	1.20	577 BU	1.2	THE VALLEY CLUB INC		
77-P	X	3 J D SPRING CREEK RANCH	37-0577BB	0.18	19831	1.02	J D SPRING CREEK RANCH LLC	conveyance losses of right	
22	D	3 J D SPRING CREEK RANCH	37-0577BK	4.14	11483	6.96	J D SPRING CREEK RANCH LLC		
22	D	3 J D SPRING CREEK RANCH	37-577BH	2.82	11483		J D SPRING CREEK RANCH LLC		
22	D	3 MELVIN B EVANS	37-0577	0.03					
22	D	3 MELVIN B EVANS	37-0577	0.03	20806	0.06	EVANS, JANET ; EVANS, MELVIN B	577BP eccles WATERMASTER HA	
45	E	3 H G 2 LIMITED PARTNERSHIP	37-0577	0.99	11526 A	0.99	HG2 LIMITED PARTNERSHIP	THE P/US. THIS CLAIM MAY POSS	
27	D	3 HARRY S RINKER	37-0577	0.20	577 AK	0.2	RINKER POSSIBLE MATCH	PREVIOUSLY SPLIT RTS. 37-00577	
22	D	3 LISELOTTE BODNER	37-0577BM	0.22	11654 A	0.23	KEGLEY, RODNEY	00577BL.	
RLR-04	F	3 J D SPRING CREEK RANCH	37-0577BB	1.02	19831	1.02	J D SPRING CREEK RANCH LLC		
0005	H	2 GENE GOOLD	37-0577	0.99	30009	1.1	GOOLD, GENE	below Magic 0.11 cfs for conveyance	
22	D	2 EMB-HAILEY L P	37-0577	0.84	12869	0.95	EMB-HAILEY LP A CALIFORNIA LTD PTNR		
22	D	2 JIM SAVARIA	37-0577	0.42	14275	0.48	SAVARIA, JAMES R ; SAVARIA, SHIRLEY J		
22	D	2 S F ECCLES RLS-06	37-0577	1.40	577 BP		7 ECCLES FLYING HAT RANCH LLC		
38-P1	E	2 S F ECCLES	37-0577	5.60	577 BP		ECCLES FLYING HAT RANCH LLC		11
RLR-02	E	2 E HADLEY STUART-RLR-02	37-0577	2.70	30020	2.9	STUART JR, E HADLEY	577	2.9
33	E	2 RANDY W JOHNSON	37-0577BK	0.10	577 CB	0.1	MILLER, RICHARD D		
22	D	2 CHARLES E CORD	37-0577PT	0.39	11596		split into 21139 & 21140	30034	0.39
22	X	2 THOMAS-SETWART FMLY TR-GW	37-30000D	0.04	577 CM	0.04	THOMAS-STEWART FAMILY TRUST	30000	0.03
45	E	2 BELLEVUE FARMS	37-0577	5.06					
45	E	2 CURT BARKER	37-0577	0.22				21346 7 21347	
45	E	2 THOMAS O GARA	37-0577	0.55	577 BZ	0.69	THOMAS M O GARA FAMILY TRUST	FromAdjClaimList 69756	
50	E	2 WILLIAM D BROWN	37-0577	0.69	11830	1.38	BROWN, FRANCIS J ; BROWN, ROBERT C ; BROWN, WALTER C ; BROWN, WILLIAM D		
RLR-20	E	2 EDWARD CAMERON-RLR-20	37-0577	0.46	577 Y	0.5	CAMERON, GEORGE EDWARD ; CAMERON, MARGARET J		
RLR-06	E	2 WILLIAM S LEET-RLR-06	37-0577BB	0.45	577 BB	0.48	LEET, MARY HELEN ; LEET, WILLIAM S		
55-C	E	2 A W MOLYNEUX UNIT #1	37-30011B	0.12	20893	0.28	SCHMID, KATHRYN ; SCHMID, STEPHEN	c 30011	0.12
55-C	E	2 A W MOLYNEUX UNIT #1	37-30011C	0.16			See Remarks	c 30011	0.16
0-P1A	D	2 COYOTE BLUFF	37-30024	0.40	11654 D	0.36	COYOTE BLUFF HOMES ASSN INC		

22	D	2 HIAWATHA CANAL CO	37-0577	0.15	12097	0.15	HIAWATHA CANAL WATER USERS ASSOCIATION OF LATERAL OR LATERALS		
22	D	2 HIAWATHA CANAL CO	37-0577	0.02	12098	0.02	HIAWATHA CANAL WATER USERS ASSOCIATION OF LATERAL OR LATERALS		
55-C	E	1 A W MOLYNEUX UNIT #1	37-30000L	0.03	20892	0.05	SCHMID, KATHRYN ; SCHMID, STEPHEN		
55-C	E	1 A W MOLYNEUX UNIT #1	37-30000K	0.02	20892	0.05	SCHMID, KATHRYN ; SCHMID, STEPHEN		
33	X	1 BRUCE WILLIS-NCP	37-00577AH	1.20	577 CH	1.2	PETER M THOMAS TRUST ; RIVER GROVE FARM	30013	1.2
21	D	1 RIVERBEND PARTNRES ONE	37-0577	0.38	577 CJ	0.38	RIVERBEND PARTNERS ONE	30012	0.38
22	D	1 HELEN LEIDY SAMSON	37-0577	0.10	577 CL	0.1	SAMSON, HELEN LEIDY ; THE SAMSON 1991 REVOCABLE TRUST		
22	D	1 CITY OF HAILEY	37-0577	2.86	10717	2.86	CITY OF HAILEY		
22	D	1 DAVID L CROPPER	37-0577	0.90	577 BS	0.9	CROPPER, DAVID L ; CROPPER, LINDA C		
22	D	1 JOHN R SCHERER	37-0577	0.04	11757	0.04	SCHERER, JOHN R ; SCHERER, PATRICIA J		
22	D	1 MARY MIZER	37-0577	0.10	12106	0.1	MIZER, MARY M		
22	D	1 TIMOTHY MYLNAR	37-0577	0.03	20808	0.03	MYLNAR, JOAN ; MYLNAR, TIMOTHY		
RLR-52	D	1 RICHARD NELSON	37-0577	0.06	577 BR	0.06	NELSON, RICHARD W		
22	D	1 HENRICUS BEEKWILDER	37-0577	0.26	11801	0.26	HENRICUS P BEEKWILDER FAMILY REVOCABLE TRUST		
22	D	1 TOM RICHMOND	37-0577	0.02	11704	0.02	RICHMOND, LINDA ; RICHMOND, TOM		
33	E	1 MITCHELL GUTCHES	37-0577	0.10	577 BY	0.1	GUTCHES, CAROLYN L ; GUTCHES, MITCHELL T		
33	E	1 WAYNE BURKE	37-0577	0.02	577 AQ	0.02	BURKE, JANE ; BURKE, WAYNE L		
45	E	1 SPENCER ECCLES	37-0577	3.50	11978	3.5	ECCLES FLYING HAT RANCH LLC		
45	E	1 B S RANCH	37-0577	0.07	11526 C	0.07	B S RANCH		
45	E	1 CARL BROWING	37-0577	0.04	11526 B	0.04	BROWNING, BARBARA ; BROWNING, CARL		
45	E	1 DON L NISSON	37-0577	1.38	577 K	1.38	NISSON, DELORES ; NISSON, DON		
45	E	1 GERALD B BASHAW	37-0577	0.69	11556	0.69	BASHAW, AUDREY ; BASHAW, GERALD B		
45	E	1 JAMES EAKIN	37-0577	2.80	577 V	2.8	EAKIN, JAMES I		
RLR-31	E	1 JOHN STEVENSON-RLR-31	37-0577	1.43	577 AP	1.43	STEVENSON, JOHN F		

45	E	1	ROBERT GARDNER	37-0577	1.38	11671	1.38	GARDNER, KATHRYN ALLRED ; GARDNER, ROBERT E		
45	E	1	THOMAS M BECK	37-0577	0.55	11566	0.55	BECK, THOMAS M		
55-C	E	1	C REID LAU	37-0577	0.28	20438	0.28	LAU, C REID		
55-C	E	1	ROD KOTIGA	37-0577	0.19	12045	0.19	KOTIGA, ROD ; SALFELD, VICKY		
55-C	E	1	WILLIAM S LEET	37-0577	1.25	577 BN	1.25	LEET, MARY HELEN ; LEET, WILLIAM S		
RLR-23	E	1	WOOD RIVER RANCHES-RLR23&51	37-0577	1.28	11824	1.28	WOOD RIVER RANCH CO INC	30015	1.28
26-P	D	1	LYNN H CAMPION	37-0577 PART	0.26	577 CA	0.26	CAMPION, LYNN H	30033	0.26
33	E	1	RICHARD B ANDERSON	37-0577 PART	0.04	11382 B	0.04	ANDERSON, RICHARD B		
22	D	1	JANET LEE ARGYLE	37-0577AE	0.05	12746 A	0.05	ARGYLE, JANET LEE		
55-C	E	1	MICHALE B BRUNKER	37-0577AE	0.10	12746 B	0.1	BRUNKER, BUFFY R ; BRUNKER, MICHALE B	transfer 3564	
10	D	1	CLIFFSIDE HOMEOWNERS ASSN	37-0577BL	0.15	10913	0.15	CLIFFSIDE HOMES ASSN INC (Current Owner)		
22	D	1	COTTONWOOD INVESTMENT	37-0577BY	0.69	577 CG	0.69	COTTONWOOD CREEK INVESTMENTS INC		
61	E	1	A W MOLYNEUX	37-20570	6.49	20570	6.49	MOLYNEUX, A W ; MOLYNEUX, JOHN I ; MOLYNEUX, KRISTY ; MOLYNEUX, MAXINE		
21-P1	D	1	HARRY RINKER	37-20749	0.02	20749	0.02	WOOD RIVER PROPERTIES INC		
RLR-72	X	1	BIG WOOD RIVER	37-20750	0.21	20750	0.21	RINKER CO		
22	D	1	HARRY RINKER	37-20751	0.13	20751	0.13	RINKER CO		
55-C	E	1	NACHTMAN / WILSON	37-30000Q	0.23	20573	0.23	NACHTMAN, FRANK ; NACHTMAN, JANET ; WILSON, CATHERINE ; WILSON, DWIGHT L		
22	X	1	SAWTOOTH COMMUNITY GARDEN	37-30024B	0.04	30024 B	0.04	SAWTOOTH BOTANICAL GARDEN	30024	0.04
22	D	1	HUF N PUF	37-30024D	0.07	30024 D	0.07	HUF N PUF TRUST		
21-P	D	1	HARRY RINKER	37-30028	0.08	30028	0.08	RINKER CO		
22	D	1	HIAWATHA CANAL CO	37-0577	2.74	577 B	2.74	HIAWATHA CANAL WATER USERS ASSOCIATION OF LATERAL OR LATERALS		
55-C	E	1	JEFF KEYS	37-30000P	0.06	20572	0.06	KEYS, JEFF ; KEYS, SHEILA		
					73.40		69.82			

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577CJ V1

WATER RIGHT NUMBER: 37-577CJ V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH L MOORE 18182 BEL AIR CORONA, CA 91719 (714)737-4717
Previous Owner	KEVIN O BRIEN PO BOX 3699 KETCHUM, ID 83340 (208)726-6242
Original Owner	ROSEMARY A MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Original Owner	KENNETH L MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Current Owner	RIVERBEND PARTNERS ONE C/O PETER O BRIEN 1771 N RAINDANCE PL EAGLE, ID 83616 (208)939-0088

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

FIRE PROTECTION

From To

01/01 to 12/31

Diversion Rate

0.380 CFS

IRRIGATION

04/15 to 10/31

0.060 CFS

FISH PROPAGATION

01/01 to 12/31

0.380 CFS

Total Diversion:

0.380 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4NE1/4NE1/4

Sec. 18, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

FIRE PROTECTION

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577CJ V1

03N 18E 18	X	X				
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IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18	.3			1.7													2.0

Total Acres: 2

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18	X			X													

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-577CJ V1

Comments:

1. dnelson 12/20/2006 Text

Comment: NATURE OF USE CHANGED BY TRANS. 1743.

P/U TAKEN FROM TRANSFER MAP, AS LEGAL DESCRIPTION WAS INCORRECT. TRANS. 1743 ALSO DESCRIBES 3.0 IRRIGATED ACRES IN P/U.

FIRE PROTECTION IS REQUIRED BY INSURANCE CARRIERS.

***** CLAIM IS SPLIT FROM A37-00577AH PURSUANT TO APPROVED TRANSFER 3648.

***** OWNERSHIP CHANGE RECEIVED 8/25/94.

MOORE-FORMER OWNER, O BRIEN- NEW OWNER. CHAIN OF WARRANTY DEEDS AND QUITCLAIM INCLUDED, OWNERSHIP CHANGED 10/21/94 TLB.

***** WHEN APPROVED TRANSFER 3648 WAS RECEIVED IN 1990 IT WAS PUT WITH A37-00577AH WITHOUT CLAIM BEING SPLIT, CONSEQUENTLY THE ENTIRE 1.58 CFS WAS CHANGED INTO O BRIENS NAME WHEN IT SHOULD HAVE BEEN .38 CFS. ON 10/16/95 CLAIMS WERE SPLIT AND AMENDED TO REFLECT APPROVED TRANSFER 3648.

2. dnelson 12/20/2006 Claim Review

Comment: This claim is based on a portion of the Riley Right water right number 37-577. In my review of this right, I discovered that nature of use was changed from irrigation to fish propagation, recreation, aesthetic, and irrigation use by transfer 1743. Transfer 1743 allowed 3 acres of irrigation with the remainder going to other uses. A second transfer numbered 3648 was filed in 1990 splitting off 1.20 cfs of the fish propagation, recreation, and aesthetic uses. After transfer 3648, 0.38 cfs was remaining for this portion of the right.

There was some discrepancies concerning the legal descriptions and locations in these transfers, but that was resolved through the change of ownership to Kevin O Brien. In the change of ownership documentation, the documentation shows that Mr. O Brien owned lots 15 and 16 of River Bend Subdivision. Current tax lot information available to the department shows that Lot 15 is now under the ownership of a trust, but this trust could be part of his holdings. Therefore, I have included both lots in the place of use. A name change was filed changing the name from Kevin O Brien to Riverbend Partners One, C/O Kevin O Brien. The recommendation for this right will be in the name of Riverbend Partners One.

The claim does not show the same uses on this claim that were originally given to this right in transfer 1743. Only the irrigation and fish propagation uses were claimed. Fire protection was included on the claim, but was not a use listed in transfer 1743. Fire protection is an exempt use, and this component can only be used to fight an existing fire. Whereas this is an exempted use, and probably has been made available for fire crews since the water right was developed, I have recommended this use as an accomplished transfer. The fish propagation and fire protection seems to include a small pond located in Lot 15, so if a change of ownership should occur for this lot, all of the fire protection and fish propagation should go with that lot. Whereas the other uses created in transfer 1743 were not included on this claim, I cannot recommend them, but I am recommending the irrigation, fish propagation, and fire protection used claimed.

Page 2
37-577CJ

The claim lists 3 acres of irrigation for this right at an inch per acre or 0.02 cfs for a total of 0.06 cfs. However, with both lots combined, I could only find a maximum of 2 acres that are being irrigated. We can allow up to 0.03 cfs or an inch and a half of water per acre for irrigation uses under 5 acres. Therefore, I am recommending this right for 2 acres with the diversion rate of 0.06 cfs. The acres being irrigated were not all in the SENE. 0.3 acres were being irrigated in the NENE and 1.7 acres were being irrigated in the SENE, so this was corrected in the recommendation. The fire protection portion was also added to the NENE, to ensure it was fully covered.

The only significant overlapping right is the groundwater right used for the home in lot 16. This right is 37-11262.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-577CJ V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 37
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/20/2006 9:25:07 AM	dnelson			Active
Priority Date	12/20/2006 9:35:30 AM	dnelson			Active
POD	12/20/2006 9:37:02 AM	dnelson			Active
Source	12/20/2006 9:37:18 AM	dnelson			Active
POU	12/20/2006 9:42:21 AM	dnelson			Active
Use	12/20/2006 9:42:45 AM	dnelson			Active
Season	12/20/2006 9:44:57 AM	dnelson			Active
Quantity	12/20/2006 9:46:22 AM	dnelson			Active
Summary			12/20/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/20/2006 9:41:06 AM	dnelson	Updated shape for Active POU
POU	12/20/2006 9:41:35 AM	dnelson	Updated shape for Active POU
POU	12/20/2006 9:42:21 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577CJ V1

Use	12/20/2006 9:42:45 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	12/20/2006 9:37:02 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	12/20/2006 9:37:18 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	12/20/2006 9:36:05 AM	dnelson	Updated shape
POU	12/20/2006 9:41:50 AM	dnelson	Updated shape for Active POU
Contacts	12/20/2006 9:25:07 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Watermaster records shows water has been diverted and the amount diverted. Taxlot and aerial phtography show irrigated lands. No field exam is required.
General	12/20/2006 9:35:30 AM	dnelson	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577CJ V1

Season	12/20/2006 9:44:58 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (Yes) 6. Is there evidence that there has been a change in the Period of Use? (No) 7. Does the claim include an enlargement in the Period of Use? (No) 8. Can the change be recommended as an accomplished transfer? (Yes) 11. Was a transfer filed? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/20/2006 9:46:22 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	12/20/2006 9:47:24 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	11/3/2006 4:54:54 PM	CFRITSCH	Bulk Copy

12/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-577CJ

WATER RIGHT NUMBER: 37-577CJ

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH L MOORE 18182 BEL AIR CORONA, CA 91719 (714)737-4717
Previous Owner	KEVIN O BRIEN PO BOX 3699 KETCHUM, ID 83340 (208)726-6242
Original Owner	ROSEMARY A MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Original Owner	KENNETH L MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Current Owner	RIVERBEND PARTNERS ONE C/O PETER O BRIEN 1771 N RAINDANCE PL EAGLE, ID 83616 (208)939-0088

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

FIRE PROTECTION

IRRIGATION

FISH PROPAGATION

From To

1/01 to 12/31

4/01 to 11/01

1/01 to 12/31

Diversion Rate

0.380 CFS

0.060 CFS

0.380 CFS

Total Diversion:

0.380 CFS

Annual VolumeLocation of Point(s) of DiversionBIG WOOD RIVER
BLAINE County

OK SE1/4NE1/4NE1/4

Sec. 18, Twp 03N, Rge 18E, B.M.

Place of Use

FIRE PROTECTION

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

37-11262
is ~~the~~ ^{an} Right
used
FOR
HOUSE
USE.
Riley Right
Delivered
BY WATERMASTER.

Recreation is Aesthetic
Uses NOT claimed.
DON'T include.

FIRE PROTECTION
is ~~not~~ exempt
and is allowed
without a
water right
Acceptable
through
XFER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-577CJ

03N 18E 18 | ~~X~~ | X | | | |

IRRIGATION

Twp	Rge	Sec	NE			NW			SW			SE			Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18	0.3			3.0									8.0
						1.7									2.0

Total Acres: 3

FISH PROPAGATION

Twp	Rge	Sec	NE			NW			SW			SE			Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18	X			X									

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.
2. NATURE OF USE CHANGED BY TRANS. 1743.
P/U TAKEN FROM TRANSFER MAP, AS LEGAL DESCRIPTION WAS INCORRECT. TRANS. 1743 ALSO DESCRIBES 3.0 IRRIGATED ACRES IN P/U.
FIRE PROTECTION IS REQUIRED BY INSURANCE CARRIERS.
***** CLAIM IS SPLIT FROM A37-00577AH
PURSUANT TO APPROVED TRANSFER 3648.
***** OWNERSHIP CHANGE RECEIVED
8/25/94. MOORE-FORMER OWNER, O'BRIEN- NEW OWNER. CHAIN OF WARRANTY DEEDS AND QUITCLAIM INCLUDED, OWNERSHIP CHANGED 10/21/94 TLB.
***** WHEN APPROVED TRANSFER 3648 WAS
RECEIVED IN 1990 IT WAS PUT WITH A37-00577AH WITHOUT CLAIM BEING SPLIT,
CONSEQUENTLY THE ENTIRE 1.58 CFS WAS CHANGED INTO O'BRIENS NAME WHEN IT
SHOULD HAVE BEEN .38 CFS. ON 10/16/95 CLAIMS WERE SPLIT AND AMENDED TO REFLECT
APPROVED TRANSFER 3648.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:Comments:

Add - This ~~Right~~ is a portion of ~~Record~~
Right 37-577.

EXPLAN.

PUT
IN
COMMENT

EXPLAN.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-577CJ

Dates and Other Information:

Claim Received Date: 9/7/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Identification No. _____

Transfer No. 37-05776

1743

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and or the Place of Use

1. Name of Right Holder Kenneth L. Moore
Post office address 701 Lancer Lane, Corona, Calif.
 2. Right obtained by
a. Decree to W. L. Riley in Case of S. C. Frost
(Name) vs Alturas Water Co. Dated Oct. 6, 1909 in Budge
(Name of Court)
Court County of Blaine and Lincoln
b. License No. _____ issued by the State of Idaho, Department of Reclamation
 3. Source of water Big Wood River tributary to Snake River
(Name of stream or source)
 4. Date of Priority March 24, 1883
 5. Amount of water 4 1.58 cfs and/or
_____ acre feet/annum
 6. Water is used for Irrigation from April 15 to Oct. 15
(Month, Day) (Month, Day)
 7. Original location of point of diversion is _____
Township _____, Range _____, B.M. _____ County;
- Additional points of diversion if any was originally decreed to a point within the SW¹/₄,
Sec. 20, T. 33, R. 18E, the _____ of _____, B.M.

8. Lands presently irrigated or place of use.

TWP	RANGE	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	
20	18E	15									X	X	X	X					130.0

Total number of acres presently irrigated 130.0

... to purchase the right from the person presently owning the land to which ...
 ... water was originally decreed

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.58 cfs and/or acre foot
- b. New point of diversion: 33E $\frac{1}{4}$ 33E $\frac{1}{4}$, Section 18, Township 34
 , Range 18E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: gravity diversion
- d. Is water to be conveyed to the lands previously irrigated? Yes No
 If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
The applicant has property north of the present place of use. It not physically
possible to use the water on this land through the present diversion
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	18E	18	X												X				3.00

Total number of acres to be irrigated 3.00

- b. Do you intend to make the lands previously irrigated by this right () not, explain your plans:
- c. Are you () fully abandoning the lands previously irrigated by this right? If not, explain your plans:
- Seventy acres have been abandoned. Sixty acres will be irrigated with Big Wood River water with a 1887 priority.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right. The nature of the use will be changed from consumptive for irrigation to non-consumptive for fish propagation, recreation, and aesthetic use.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.
- I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Leahy & Moore
(signature of applicant)

Subscribed and sworn to before me this 16th day of January, 1973.

(notary public)

My commission expires



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

This is to certify that I have examined Application for Transfer of Water Right, No. 37-05776
and said application is hereby **APPROVED**.

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

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

~~2. The use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.~~

Witness my hand this 28 day of March, 1973.

L. Keith Higin
Director

FOR DEPARTMENT USE ONLY

Received by *alc* Date *1-19-73*

Protost filed by:

Date

Prelim. check by *alc* Date *1-19-73*

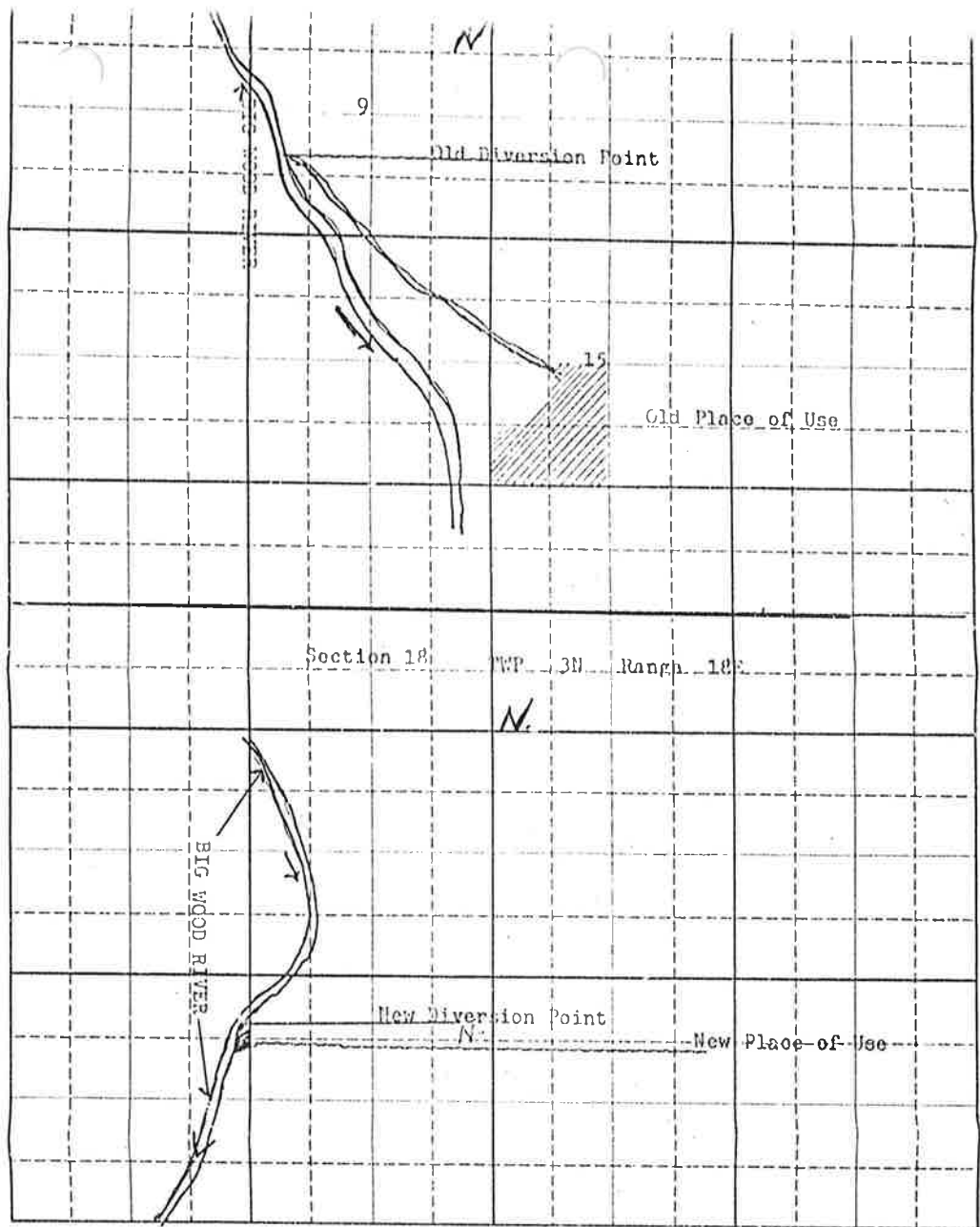
Fee received by *alc* Date *1-19-73* Fee *\$30.00* # *9526*

Approved for publication by

Published in *Div. Journal* 1-19-73

Hearing held

Watermaster Recommendation sent



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

SC

9. If applicant was not the original holder of this right explain how it was acquired: Applicant has an option to purchase the right from the nation government for the purpose of...

WATER DISTRICT 7-AD

BIG WOOD RIVER

WATER DISTRICT 37

LITTLE WOOD RIVER

State of Idaho
Department of Reclamation
Office of the Watermaster
Shoshone, Idaho

Shoshone, Idaho
March 13, 1973

To Whom It May Concern

Sirs;

As Watermaster of Water District 37, Big Wood River
I have reviewed application for a permit to Transfer water
// 37-0577G issued to Kenneth L. Moore and I feel this transfer
should be allowed.

Reid J Nowby
Watermaster
Water District 37

MEMORANDUM

TO: Bruce Willis Transfer File (water right 37-00577 Part)

FROM: Corey Skinner ¹⁵

DATE: October 22, 1996

SUBJECT: Staff Review

3648
1
split
Right
3776
changed A/D

The enclosed transfer application, filed by Brockway Engineering for Bruce Willis, seeks to change the point of diversion, delete a point of diversion, change the place of use, and change the nature of use of a portion of the W.T. Riley right (37-00577) that Mr. Willis owns.

Mr. Willis obtained his portion of the Riley right from the Peter Trust, evident through the enclosed bill of sale signed by Peter Thomas (December 6, 1991). The bill of sale refers to water right 37-00577AH, which at one time was for 1.58 cfs. However, prior to the December 6, 1991 transaction, the Peter Trust filed two separate transfer applications (both eventually approved by the department) for this particular portion (37-00577AH) of the Riley right.

The first transfer (#3648 approved in 1990) was based on 37-00577AH for 1.58 cfs out of the Moore #21 diversion. Transfer #3648 split off 1.20 cfs and changed the diversion point (to Aspen 27-A? headgate) and place of use for this 1.20 cfs to a few miles down river to land near Flying Heart Subdivision. However, even though this transfer resulted in a split of the base right (37-00577AH) a copy of the approved transfer application lists the 1.20 cfs portion as 37-00577AH.

The second transfer (#3776 filed in 1990, approved in 1994) added a diversion point to the 1.20 cfs portion (apparently incorrectly identified as 37-00577AH) with no further splitting of the water right occurring. A copy of the transfer #3776 application lists the 1.20 cfs portion as 37-00577AH. However, the #3776 transfer approval document identifies the 1.20 cfs portion as water right number 37-00577BT. Mr. Willis obtained this particular 1.20 cfs portion of the W.T. Riley right (37-00577??).

A search through the current department records reveal that Mr. Willis' portion of the W.T. Riley right is represented by SRBA claim A37-00577CH and allocations record 37-30013. The enclosed transfer application seeks to properly record how Mr. Willis has been using this particular water right since he obtained it from the Peter Trust back in 1991.

Mr. Willis has diverted his portion of the W.T. Riley right out of the #27 Aspen headgate located in the SENENW $\frac{1}{4}$ of Section 5,

T # 4988

Page 2
Bruce Willis Transfer Memo
10/22/96

Township 02 North, Range 18 East. However, due to transfers #3648 and #3776, department records indicate that Mr. Willis' water right is diverted out of two headgates, the #27 Aspen and the #27A Aspen. Apparently the #27A Aspen headgate was never built and does not exist. The enclosed transfer application seeks to change the recording of the point of diversion of Mr. Willis' water right by removing the #27A Aspen headgate as a listed point of diversion.

The enclosed transfer application also seeks to properly record where and how Mr. Willis has been using his portion of the W.T. Riley right. The place of use for Mr. Willis' water right is currently recorded as the SENE $\frac{1}{4}$ and the NESE $\frac{1}{4}$ of Section 5 (T02N, R18E). This was the place of use originally proposed by transfer #3648 back when the Peter Trust owned the right. However, after Mr. Willis purchased the right, he began using the water right on his property in a series of recreational and aesthetic ponds and ditches. The enclosed transfer proposes a change in the place of use of the water right to Mr. Willis' current system (located in NWNE $\frac{1}{4}$, SWNE $\frac{1}{4}$, and SENE $\frac{1}{4}$ of Section 5, Township 02 North, Range 18 East). In addition, a change in nature of use is proposed due to the removal of fish propagation from the recording of the water right. Mr. Willis proposes to only use his water right for recreational and aesthetic purposes.

Mr. Willis also owns most of water rights 37-00557, 37-00558, and 37-00559 and uses them in the same system involved with the enclosed transfer. These three rights are currently recorded as irrigation rights, but the water is actually used in the recreational and aesthetic pond and ditch system discussed in the proceeding paragraph. Additional transfer applications have been filed to properly record the use(s) of these three rights. However, legal ownership questions exist on these three rights and the processing of these additional applications can not be completed until the ownership issue(s) are cleared up. These three rights are the only overlapping rights involved with the enclosed transfer and should not cause any problems.

Other than the somewhat confusing history of the involved water right, the enclosed transfer application should be pretty straightforward. Approval of the enclosed transfer should not cause any problems and should help to clean up and properly record Mr. Willis' portion of the W.T. Riley right.

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that the PETER TRUST, in consideration of the sum of TWELVE THOUSAND DOLLARS (\$12,000.00), in hand paid, by BRUCE WILLIS, the receipt of which is hereby acknowledged, have granted, bargained, sold, conveyed, transferred, and delivered and by these presents to bargain, sell, grant, convey, transfer, and deliver unto BRUCE WILLIS, those non-consumptive water rights as set forth in Right No. 37-00577AH, with all rights appurtenant thereto.

To have and to hold the same unto BRUCE WILLIS, his executors, administrators, and assigns, forever;

I do for myself, my executors, administrators, and assigns, covenant and agree to warrant exclusive right and title to said water right hereby sold unto BRUCE WILLIS, his executors, administrators, and assigns, against all and every person and persons whomsoever;

I do for myself, my executors, administrators and assigns, warrant and represent to BRUCE WILLIS that the Title conveyed is good, its transfer is rightful; and that said water has been, or shall be, delivered from any security interest or other lien or encumbrance thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of December, 1991.

PETER TRUST

By: [Signature]
James P. Willis

STATE OF IDAHO)
County of Blaine)

ss.

On this the 6th day of December, 1991, before me the undersigned Notary Public, personally appeared Peter Thomas, being first duly sworn and known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he/she executed the same for the purpose contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

[Signature]
Notary Public for Idaho

Residing at: Ketchikan, Alaska

T #4988

Total acres _____

PART 1

8. General Information:

- a. Description of diversion system The diversion works will be a locable gate and measuring device acceptable to the Department of Water Resources and also to Water District 37's requirements.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? no Yes _____. No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
This is a right that has been changed from consumptive to non-consumptive by a transfer made in 1973 by Kenneth Moore. This right is for fire protection, fish propagation, and other non-consumptive uses. It will be used for fire protection, recreation, and non-commercial fish propagation in existing ponds.
- d. Remarks:

Flow returns to Big Wood River at SWNESE Sec 5 T2N R18E.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0577AH

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

Diversion of water under this right is limited to 180 acre-feet annually. Total consumptive volume is limited to 150 acre-feet.

Witness my hand this

12

day of

July, 19 90

J. Glen Saylor
Chief, Water Alloc. Bureau

JUN 07 1995

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: DRJ, 1/25/90
- a. Decree No. 37-0577AH Decreed to W.T. Riley
 In case of S.C. Frost vs. Alturas Water Co.
 dated December 13, 1909 in 4th Judicial 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. 1743 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 Contract of sale
3. Source of water Big Wood River tributary to Malad River
4. Date or priority 03-24-1883
5. Water is used for the following purpose:
 amount 1.58 C.F.S. for Fish, recreation, aesthetic purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
6. Total amount of water under right 1.58 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
		NE	NE	18	3N	18E	Blaine	Moore 21

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	18	X			X													

JUN 27 1995

Total acres _____

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

PART 2

Transfer No. _____

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 1.20 C.F.S. for Non-consumptive purposes from Jan 1 to Dec 31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	18	3N	18E	Blaine	Moore 21

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	18	x			x													

Total acres _____

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

1. amount 0.38 for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: No change DR 1/25/90

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use: No change DR 1/25/90

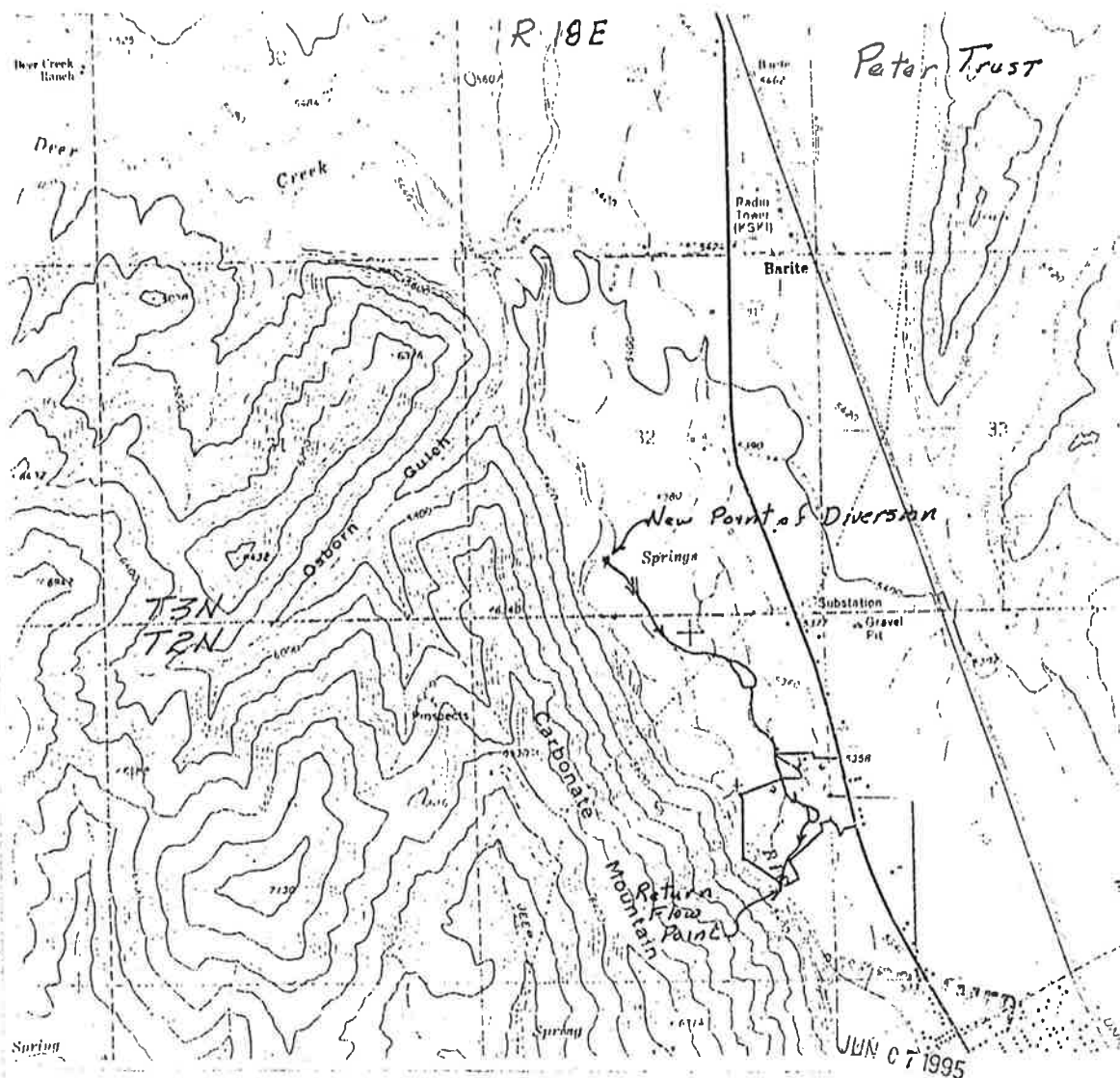
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

JUN 07 1995

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.



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

JUN 67 1995

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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

Chris E. Brackley (owner & attorney)
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of January, 19 90.

John A. Martin
(Notary Public)

My commission expires 6/30/94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by DRJ Date 1/24/90 Protest filed by _____

Prelim. check by _____ Fee \$50.5009187

Received by LRP Date 9/15/89

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 2/7 & 2/14/90 Hearing held by _____ Date _____

Watermaster recommendation requested on 1/24/90 Recommended for ☒ approval ☐ denial

_____ rec'd. by Bay S.

Copy of transfer sent to lien holder _____

RECEIVED

JUN 07 1995

MEMORANDUM

TO: File No. 37-00577AH; Transfer No. 3648
FROM: Gary Spackman *Gary*
DATE: June 12, 1990

RE: Conditions of Approval and Analysis of the Transfer

In 1973, Kenneth L. Moore filed an application for transfer proposing to change the nature of use and place of use for 1.53 cfs of water right no. 37-0577. He alleged that 130 acres had been irrigated with the right, and sought to change the nature of use from irrigation to fish propagation, recreation and aesthetics. The application for transfer was approved, but did not require that the new use of water be solely non-consumptive. The application for transfer stated that the applicant planned to use the water for "non-consumptive . . . fish propagation, recreation, and aesthetics . . ." The place of use was identified by X's in the 40 acre tracts where it is located.

Transfer no. 3648 was filed by Peter Trust, proposing to change the place of use, but leaving the uses as fish propagation, recreation and aesthetics.

In my opinion, the reference to non-consumptive use in the 1973 transfer was a term of art, and did not reflect an intention on the part of the land owner to change his use from a consumptive right to a totally non-consumptive right. I believe he used the term non-consumptive as a term of art referring to the types of uses which he proposed in the transfer. As a result, I do not believe we should impose the condition requiring total non-consumption. Some losses certainly will occur in the delivery of the water to the place of use and in the ponding itself. I propose that we assume an initial irrigation of the 1.20 cfs proposed for transfer of 60 acres. Applying both our diversion volume and consumptive use volume values to the 60 acres, total diversion volume would be limited to 180 acre-feet, and consumptive use would be limited to 150 acre-feet. Following conditions should be imposed.

Diversion of water under this right is limited to 180 acre-feet annually. Total annual consumptive volume is limited to 150 acre-feet.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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

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

Charles E. Grackey (power of attorney)

(Signature of Applicant)

Subscribed and sworn to before me this 24th day of January, 19 90.

John M. Martin

(Notary Public)

My commission expires 6/30/94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by DRS Date 1/24/90 Protest filed by _____Prelim. check by _____ Fee \$50.5009187 _____Receipted by LRP Date 9/15/89 _____Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 2/7 + 2/14/90 Hearing held by _____ Date _____Watermaster recommendation requested on 1/24/90 Recommended for ☒ approval ☐ denial_____ rec'd. _____ by Bay S.

Copy of transfer sent to lien holder _____

RECEIVED

JUN 07 1995

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-577CH

WATER RIGHT NUMBER: 37-577CH

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH L MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Original Owner	ROSEMARY A MOORE 106 RIVER BEND LN PO BOX 678 KETCHUM, ID 83340 (208)788-4848
Current Owner	RIVER GROVE FARM C/O E PARRY THOMAS PO BOX 642 SUN VALLEY, ID 83353
Trustee	PETER M THOMAS 300 S 4TH ST STE 200 LAS VEGAS, NV 89101
Trustee	THOMAS A THOMAS 300 S 4TH ST STE 200 LAS VEGAS, NV 89101
Original Owner	KENNETH L MOORE 18182 BEL AIR CORONA, CA 91719 (714)737-4717
Current Owner	PETER M THOMAS TRUST 300 S 4TH ST STE 200 LAS VEGAS, NV 89101
Representative	CHARLES E BROCKWAY 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301 (208)736-8543

Other
1/2 OF
SPLIT
Resulting
From Transfer
3648

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

FISH PROPAGATION

From To

1/01 to 12/31

Diversion Rate

1.200 CFS

Annual Volume

RECREATION

1/01 to 12/31

1.200 CFS

AESTHETIC

1/01 to 12/31

1.200 CFS

Total Diversion:

1.200 CFS

180.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4NW1/4

Sec. 5, Twp 02N, Rge 18E, B.M.

BLAINE County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-577CH

BIG WOOD RIVER
BLAINE County

SE1/4SW1/4

Sec. 32, Twp 03N, Rge 18E, B.M.

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5				X									X				

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5				X									X				

AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5				X									X				

Conditions of Approval:

- CLAIM WAS SPLIT FROM A37-00577AH PURSUANT TO APPROVED TRANSFER 3648. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO 180 ACRE FEET ANNUALLY. TOTAL COMPUPTIVE VOLUME IS LIMITED TO 150 ACRE FEET.
***** TF, 10/17/95: CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3776: 1. 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.
2. 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.
3. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
4. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO 180 ACRE FEET ANNUALLY.
5. TOTAL CONSUMPTIVE VOLUME IS LIMITED TO 150 ACRE FEET.
6. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION.
***** DIVERSION AND CONSUMPTIVE VOLUMES ADDED 12/5/95 TF.

Remarks:

MEMORANDUM

TO: File No. 37-00577AH; Transfer No. 3648
FROM: Gary Spackman *Gary*
DATE: June 12, 1990

RE: Conditions of Approval and Analysis of the Transfer

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RECEIVED

JAN 25 1990

Department of Water Resources
Southern Region Office

PURCHASE AND SALE AGREEMENT

COPY

THIS AGREEMENT OF PURCHASE AND SALE is made this
20th day of September, 1989, between the PETER TRUST
Peter M. Thomas, Trustee, Post
Office Box 98600, Las Vegas, NV 89193, the "Purchaser," and
KENNETH MOORE, of 18182 Bel Air, Corona, CA 91719,
hereinafter the "Seller."

1. Purchaser agrees to purchase and Seller
agrees to sell sixty inches (60") of water in the Big Wood
River, Blaine County, Idaho, with a priority of 3/24/1883
and with a present provision for nonconsumptive use; said
right is further described as Big Wood Water Permit No.
370577G and was originally decreed to W. G. Riley in the
Frost Decree. The water is presently appurtenant to NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 18, Township 3 North, 18 E.B.M.

2. The purchase price is Seven Thousand Five
Hundred Dollars (\$7,500) payable Five Hundred Dollars (\$500)
upon the execution of this Agreement and the balance on
approval by the State of Idaho, Department of Water
Resources of transfer of the place of use to Lot 1, River
Grove Ranch Subdivision, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, Township 2
North, Range 18 E.B.M.

3. Purchaser shall make application for change
of point of diversion and place of beneficial use without
undue delay to the appropriate agent of the State of Idaho.
If the change is denied, this Agreement shall terminate and
neither party shall have any rights hereunder and Seller
shall promptly refund the Purchaser the Five Hundred Dollars
(\$500) herewith applied on the purchase price.

This Agreement is executed the day and year first
above written.


KENNETH MOORE
18182 Bel Air
Corona, CA 91719

PETER TRUST

By 

Post Office Box 98600
Las Vegas, NV 89193

JUN 07 1995

MICROFILMED

GRK1/sf

JUN 07 1995