

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-578F
Date Received: 9/30/1988
Receipt No: X777777
Received By:

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

1. Name of Claimant(s)

ELIZABETH N SMITH Phone: (208)788-2724
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313

2. Date of Priority: 05/02/1884

3. Source: GROUND WATER , BIG WOOD RIVER Trib. to: , MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	35	SW SE	BLAINE	
02N	18E	35	NE NW	BLAINE	

5. Description of diverting works:

WRENCHER #39 HEADGATE IN BROADFORD SLOUGH, WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.1	12.3

7. Total Quantity Appropriated is:
0.1 C.F.S. and/or 12.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	35	SW	SE	IRRIGATION	3.5
Section Acres						3.5
Total Acres						3.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 2654

DIVERSION NOT TO EXCEED 21.0 AFA

RT. DECREED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

***** CLAIM AMENDED
PURSUANT TO APPROVED TRANSFER 4467: 1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING
PERMIT REQUIRE- MENTS OF SECTION 42-235, IDAHO CODE

2. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE
WATER DISTRICT NO. 37

3. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS
DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE
THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION

4. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .03 CFS
PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE

5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR
OF THE DATE OF THIS APPROVAL

6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR
TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE
RESCINDED

7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE
VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION

8. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR
DIVERSION UNDER COMBINED RIGHT NOS. 37-00578F AND 37-00686D FROM THEIR ORIGINAL
SOURCE

9. DIVERSION OF GROUNDWATER UNDER COMBINED RIGHT NOS. 37-00578F AND 37-00686D IS
LIMITED TO IRRIGATION OF 3.5 TOTAL ACRES, A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS
AND TOTAL COMBINED ANNUAL VOLUME OF 12.3 AF

10. POINT OF DIVERSION FOR GROUNDWATER IS LOCATED IN THE SWSE, AND DIVERSION FROM
BIG WOOD RIVER IS LOCATED IN THE NENW, S35, T02N, R18E

10/26/95 TF ***** ATTORNEY ADDED
10/27/95 TF

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

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

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

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

September 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: SRBA Claim(s) 37-196, 37-578F, 37-686D, 37-8001D
Decreed Water Right 37-12327

Dear Mr. Speck:

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

Sincerely, --

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

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
SEP 12 2001
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-196				
37-578F	37-578F				
37-686D	37-686D				
37-8001D	37-8001D				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Elizabeth N. Rood and/or James L. Smith
1350 Tasso St., Palo Alto, CA 94301
4. New Owner/Claimant(s) Elizabeth N. Smith
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address Post Office Box 895 / 6 Fox Hollow Gulch
- City, State and Zip Code Bellevue,, Idaho 83313
- New Telephone Number (208) 788-2724
5. Date you acquired the property July 30, 2001

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

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

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

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

By: Elizabeth A. Smith
Elizabeth A. Smith

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

For Office Use only

Received by <u>[Signature]</u>	Date <u>9/13/01</u>	Fee <u>0</u>
Received by <u>[Signature]</u>	Date _____	Receipt No. _____
Processed by <u>[Signature]</u>	AJ Date <u>9/17/01</u>	WR _____ Date _____

COPY

HAILEY, IDAHO
 2001-08-01 11:30:00 No. of Pages: 2
 Recorded for: HOLLAND & HART
 MARSHA RIEMANN Fee: 5.00
 Ex-Officio Recorder Deputy
 Index to: WTYOC/CORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, Melville W. Fisher II, Personal Representative of the ESTATE OF JAMES L. SMITH, DECEASED, "Grantor," hereby conveys, releases, remises and forever quit claims unto ELIZABETH N. SMITH, a single woman, "Grantee," whose current address is 6 Fox Hollow Gulch, P.O. Box 895, Bellevue, Idaho 83313, all right, title, and interest in and to that certain parcel of real property in the County of Blaine, State of Idaho, more particularly described as follows, to-wit:

Legal Description attached hereto as Exhibit "A" and incorporated herein by reference.

Also known by street and number as:
 06 Fox Hollow Gulch, Bellevue, Idaho.

together with its appurtenances.

IN WITNESS WHEREOF, Grantors have hereunto set their hands the 30th day of July, 2001.

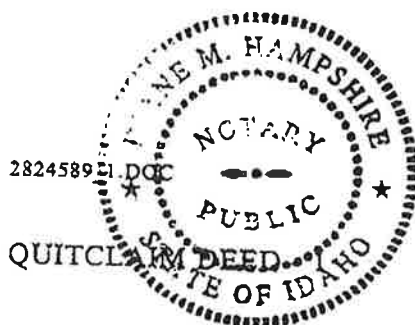
ESTATE OF JAMES L. SMITH, DECEASED

By: Melville W. Fisher II
 Melville W. Fisher II
 Personal Representative

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of July, 2001, before me, a notary public for said State, personally appeared Melville W. Fisher II, known or identified to me to be the Personal Representative of the ESTATE OF JAMES L. SMITH, DECEASED, who executed the instrument, and acknowledged to me that he executed the same on behalf of the Estate.

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



Kenneth M. Hampshire
 Notary Public
 Residing at: _____
 My Commission Expires: 12-31-02

20989
Legal Description

Exhibit "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 35: COMMENCING at the NW corner of the S4SE of Section 35; thence

S. 89°42'30" E., 183.18 feet; thence
E. 19°56'47" E., 419.37 feet to the TRUE POINT OF BEGINNING; thence
S. 89°44'14" E., 807.46 feet; thence
S. 00°25'48" W., 194.82 feet; thence
N. 89°55'19" W., 297.59 feet; thence
S. 07°05'06" E., 566.33 feet; thence
N. 89°39'27" W., 290.97 feet; thence
N. 25°17'27" W., 623.22 feet; thence
S. 89°37'19" E., 10.10 feet; thence
N. 03°54'57" E., 92.06 feet; thence
N. 19°56'47" W., 109.70 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an Easement for road access, twenty feet in width as disclosed on that certain Warranty Deed recorded May 20, 1980, as Instrument No. 203657, records of Blaine County, Idaho.

SUSAN D. FLAX, SBN: 114906
ESSELSTEIN, WRIGHT, JONES & GREENBERG
750 Menlo Avenue, Suite 250
Menlo Park, California 94025
Telephone: (650) 324-0622

Attorneys for Petitioner

FILED

90 JAN 20 AM 9:15

STEPHEN V. LOVE
COUNTY CLERK
SANTA CLARA COUNTY
BY 8 DEPUTY

FILMED

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In the Matter of the
Application of

No. CV769818

ELIZABETH N. ROOD,

DECREE CHANGING NAME

Petitioner,

for Change of Name.

The Petition for Change of Name for an order changing Applicant's name from ELIZABETH N. ROOD to ELIZABETH N. SMITH came on regularly for hearing on January 20, 1998, at 9:00 a.m. in Department 1. of the above-entitled court, the Honorable *Thomas P. Hansen*, presiding.

The court finds that all notices required by law have been given, no objections were filed by any person and the allegations of the petition are sufficient and true.

WHEREFORE, the court orders that this petition be granted and the name of applicant be and is changed from ELIZABETH N. ROOD to ELIZABETH N. SMITH.

DATED: *1-20-98*

Thomas P. Hansen
JUDGE OF THE SUPERIOR COURT

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
DOUGLAS J. AANESTAD

September 11, 2001

RECEIVED
SEP 12 2001
Department of Water Resources
Southern Region

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

**RE: Elizabeth N. Smith - Notice of Change in Water Right Ownership
Our File No. 950322**

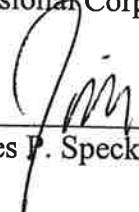
Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for my client, Elizabeth N. Smith. The water rights in question are presently recorded in her former name, Elizabeth N. Rood, and her now deceased husband, James L. Smith. Attached to the notice are copies of the Decree Changing Name and the Quitclaim Deed from the personal representative of the estate of James L. Smith, deceased for the property which is the place of use for these water rights. Please contact me right away if you have any questions or need any additional information to make this ownership change in your records. Kindly receipt date stamp the enclosed copy of the Notice and return it to me in the postage prepared self-addressed envelope included for that purpose. Once the Department records have been changed, please forward to me the computer printouts reflecting the new ownership of the water rights.

Thank you again for your continuing cooperation in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
enclosures
cc: client, w/encls.

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

RECEIVED
JAN 26 2000
 Department of Water Resources
 Southern Region

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

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A37-00578B, A37-08001D, and A37-00686A
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 Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Elizabeth N. Rood and/or James L. Smith
 Owner/Claimants 1350 Tasso St., Palo Alto, CA 94301
4. New Owner/Claimant(s) Elizabeth N. Smith and James L. Smith
 Name connector (check one): [] AND, [] OR, [X] AND/OR
 New Mailing Address PO Box 895
 City, State and ZIP Code Bellevue, ID 83313
 New Telephone Number (208) 788-2724
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(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 Elizabeth N. Smith Date 1/24/00
 Owner/Claimant(s) _____
 (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.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

January 25, 2000

RECEIVED
JAN 26 2000
Department of Water Resources
Southern Region

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

**RE: Water Right No. 37-12327 and SRBA Claims
37-00578B, A37-080001D and A37-00686A
Elizabeth N. Smith and James L. Smith
Our File No. 950322**

Dear Allen:

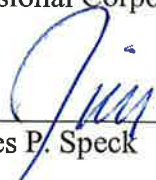
Enclosed you will find two Notices of Change of Water Right Ownership of the above-referenced water right and SRBA claims. Water Right No. 37-12327 is the subject of SRBA Case No. 37-12327 which has been resolved through a Standard Form 5 signed by my clients and the objector, BLM. The SRBA claims represent irrigation water rights claimed by my clients. The purpose of the Notices is to correct Ms. Smith's last name and to get their proper mailing address on IDWR records. Please call me right away if you have any questions about these Notices.

Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS:rsd
enclosures
cc: client, w/encls.
Larry A. Brown, Special Attorney, w/encls.

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: **A37-00578F**
Date Received: 9/30/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES L SMITH 415-326-3299
Address: 1350 TASSO ST
PALO ALTO CA 94301
AND/OR
Name: ELIZABETH N ROOD 415-326-3299
Address: 1350 TASSO ST
PALO ALTO CA 94301
2. Date of Priority: MAY 2, 1884
3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
GROUNDWATER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	35	NE	NW			BLAINE
			SW	SE			BLAINE
5. Description of diverting works:
WRENCHER #39 HEADGATE IN BROADFORD SLOUGH, WELL
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.100		12.30
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 12.30 A.F.A.
8. Total consumptive use is 8.7 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	35	SW	SE		IRR	3.5
Section Acres							3.5
Total Acres							3.5

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:
A37-00686D

14. Remarks:

TRANS. 2654.

DIVERSION NOT TO EXCEED 21.0 AFA.

RT. DECREED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4467:

1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

2. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

3. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

4. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

8. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER COMBINED RIGHT NOS. 37-00578F AND 37-00686D FROM THEIR ORIGINAL SOURCE.

9. DIVERSION OF GROUNDWATER UNDER COMBINED RIGHT NOS. 37-00578F AND 37-00686D IS LIMITED TO IRRIGATION OF 3.5 TOTAL ACRES, A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TOTAL COMBINED ANNUAL VOLUME OF 12.3 AF.

10. POINT OF DIVERSION FOR GROUNDWATER IS LOCATED IN THE SWSE, AND DIVERSION FROM BIG WOOD RIVER IS LOCATED IN THE NENW, S35,

14. Remarks: Continued

T02N, R18E.

10/26/95 TF

ATTORNEY ADDED 10/27/95 TF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

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: **A37-00578F**
Date Received: 9/30/1988
Receipt No: X777777
Received By: _____

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

1. Name: JAMES L SMITH 415-326-3299
Address: 1350 TASSO ST
PALO ALTO CA 94301

AND

Name: ELIZABETH N ROOD 415-326-3299
Address: 1350 TASSO ST
PALO ALTO CA 94301

2. Date of Priority: MAY 2, 1884

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
02N	18E	35	NE	NW			BLAINE

5. Description of diverting works:
WRENCHER #39 HEADGATE IN BROADFORD SLOUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	35	SW	SE		IRR	3.5

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Section Acres 3.5

Total Acres 3.5

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:

A37-00686D

14. Remarks:

TRANS. 2654.

DIVERSION NOT TO EXCEED 21.0 AFA.

RT. DECREED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED
FEB 23 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

January 19, 1993

RECEIVED

JAN 20 1993

Mr. Allen Merritt
Department of Water Resources
222 Shoshone Street, East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

RE: Notice of Change of Water Right Ownership
for Portions of Claims A37-00686A, A37-00578B,
A37-08001

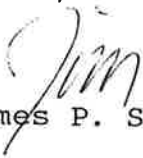
Dear Allen:

My clients, Jim L. Smith and Elizabeth Rood, closed on January 15, 1993, the acquisition of a small piece of property which includes portions of the above-described adjudication claims. Will you please make the appropriate changes in the Departments computer database and return copies of the new claims for my clients to me. Please make a notation on those claims that I will be appearing as Attorney of Record.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dlw
Enclosures

MICROFILMED
FEB 23 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

DATE OF CLOSING: 1/15/93

JAN 20 1993

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E Section 35 SW 1/4 of SE 1/4 of 1/4 Gov. Lot 1 Block 1 Subdivision/Townsite 1
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A 37-00578B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
John Borton and Jamie Borton
P.O. Box 15, DuBois, WY 82513
- ☐ New Owner/Claimant (Purchaser):
Jim L. Smith and Elizabeth Rood
- ☐ New Mailing Address:
1350 Tasso St., Palo Alto, CA 94301
- ☐ New Telephone Number: (415) 326 - 3299
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? Yes
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.1cfs to irrigate 3.5 Acres

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed
(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): Elizabeth K. Rood Date 1/14/93
- ☐ Signature of Former Owner/Claimant(s): John Borton Date 1/14/93

(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:

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



BCT #19903232

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received DONNA Q. WEST, AN UNMARRIED WOMAN,

the Grantor hereby grants, bargains, sells, conveys and warrants unto JAMES L. SMITH, AN UNMARRIED MAN, AS TO AN UNDIVIDED 50% INTEREST AND ELIZABETH N. ROOD, AN UNMARRIED WOMAN, AS TO AN UNDIVIDED 50% INTEREST,

the Grantee whose current address is: 1350 TASSO ST., PALO ALTO, CA 94301

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

326227

STATE OF IDAHO }
COUNTY OF BLAINE }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF
BLAINE COUNTY TITLE
AT 11:43 O'CLOCK A.M.
12-14 A.D. 1990
RECORDED IN BOOK _____ ON PAGE _____
OF Deeds
BY Mary Green EX-OFFICIO RECORDER
FEES \$6.00 DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 07, 1990

DONNA Q. WEST

X STATE OF IDAHO, COUNTY OF KOOTENAI
On this 12th day of December, 1990
before me, a Notary Public in and for said State, personally appeared

DONNA Q. WEST

known to me on the basis of satisfactory evidence of known to me to be the person whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same.

[Signature]
Notary Public,
Idaho.
Residing at Carlin, Idaho
Comm. Expires 2-18-94

STATE OF IDAHO, COUNTY OF
I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock A.M.
this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

By _____
Deputy

Fees \$
Amount to:

RECORDED
FEB 23 1991

EXHIBIT "A"

All that part of the following described property lying within
Lot 8 of Section 35, Township 2 North, Range 18 East, Boise
Meridian, Blaine County, Idaho:

Township 2 North, Range 18 E., B.M., Blaine County, Idaho
Section 35: Land located in the SW1/4 of the SE1/4 of said
Section 35, more particularly described as follows:

COMMENCING at an iron pin marking the Southeast corner of
Section 35; proceed N 0 degrees 11' E., 744.2 feet;
THENCE N 89 degrees 42' 31" W., 1808.00 feet to the Real Point
of Beginning of the property being described;
THENCE continue N 89 degrees 42' 31" W., 485.52 feet;
THENCE S 25 degrees 21' 29" E., 621.92 feet;
THENCE S 89 degrees 42' 31" E., 290.52 feet;
THENCE N 7 degrees 05' 31" W., 666.00 feet to the REAL POINT
OF BEGINNING.

MICROFILMED
FEB 23 1995

RECEIVED

JAN 24 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL IN RED

Claimants Names:
Elizabeth N. Smith

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

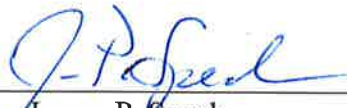
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Elizabeth N. Smith, for the following water right which is not the subject of a subcase: 37-578F.

DATED this 23 day of January, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of January, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

09/22/2006

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

RIGHT NUMBER: 37-578F

NAME AND ADDRESS: ELIZABETH N SMITH
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313

SOURCE: BROADFORD SLOUGH
GROUND WATER

TRIBUTARY: BIG WOOD RIVER
TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-578F at its original source, Big Wood River.

QUANTITY: 0.100 CFS
12.300 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Diversion under Right Nos. 37-578F, 37-686D, and 37-8001D is limited to a total combined diversion rate of 0.11 cfs and a total combined annual volume of 12.3 af.

PRIORITY DATE: 05/02/1884

POINT OF DIVERSION:

T02N R18E S35 NENW Lot 1 Within BLAINE County

T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS 12.30 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 Lot 8 SWSE 3.50

3.5 ACRES TOTAL

Diversion under Right Nos. 37-578F, 37-686D, and 37-8001D when combined is limited to the irrigation of 3.5 total acres.

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.

09/22/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



Idaho Department of Water Resources

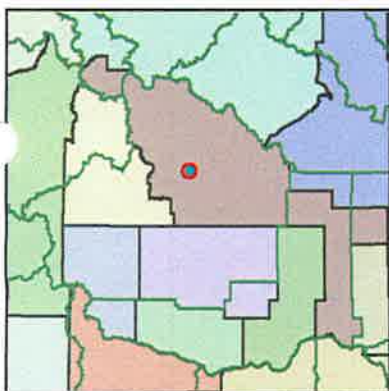
SRBA Recommendation:

37-578F

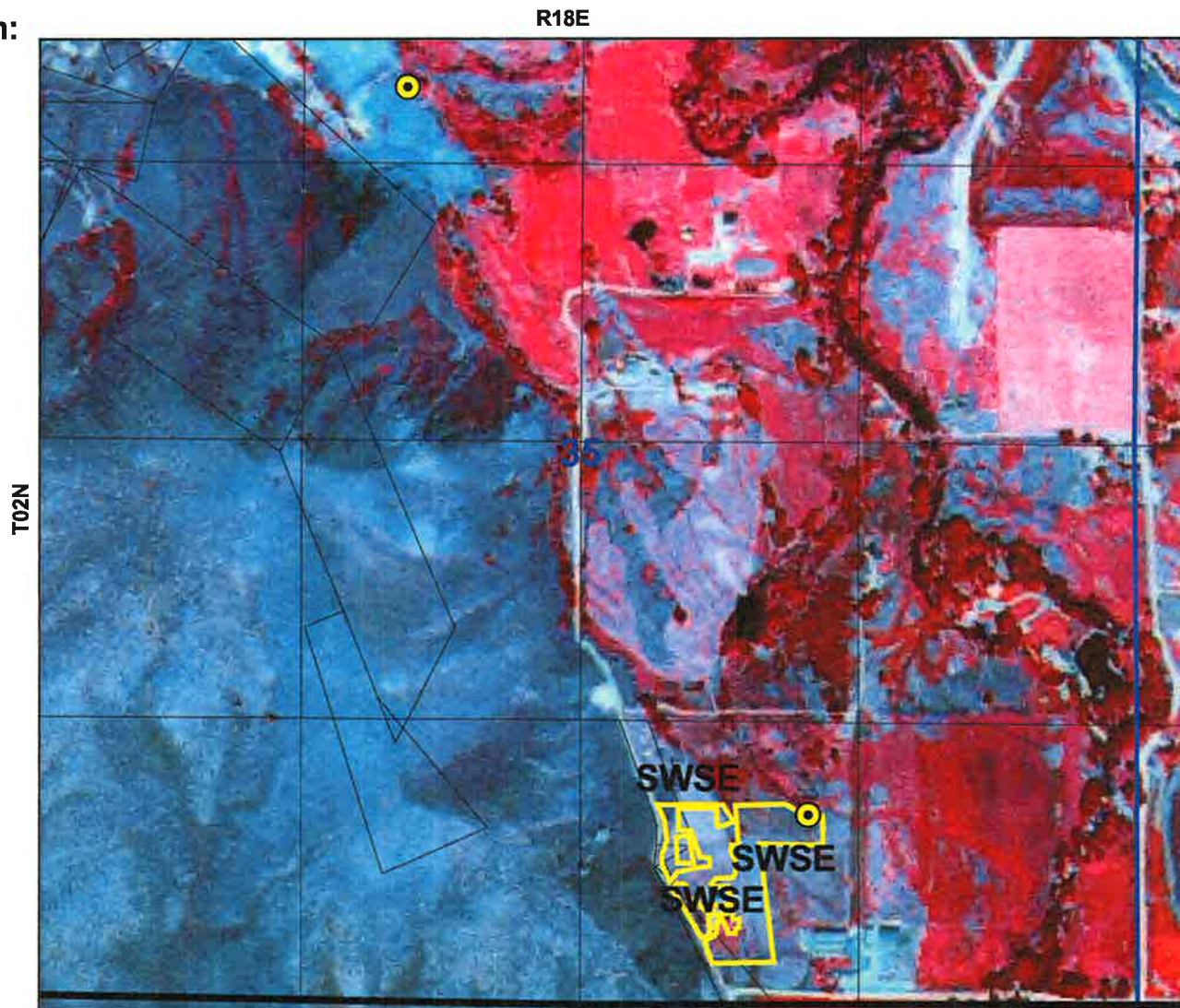
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

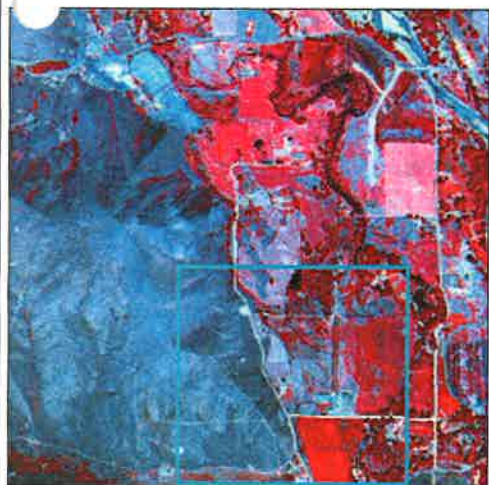
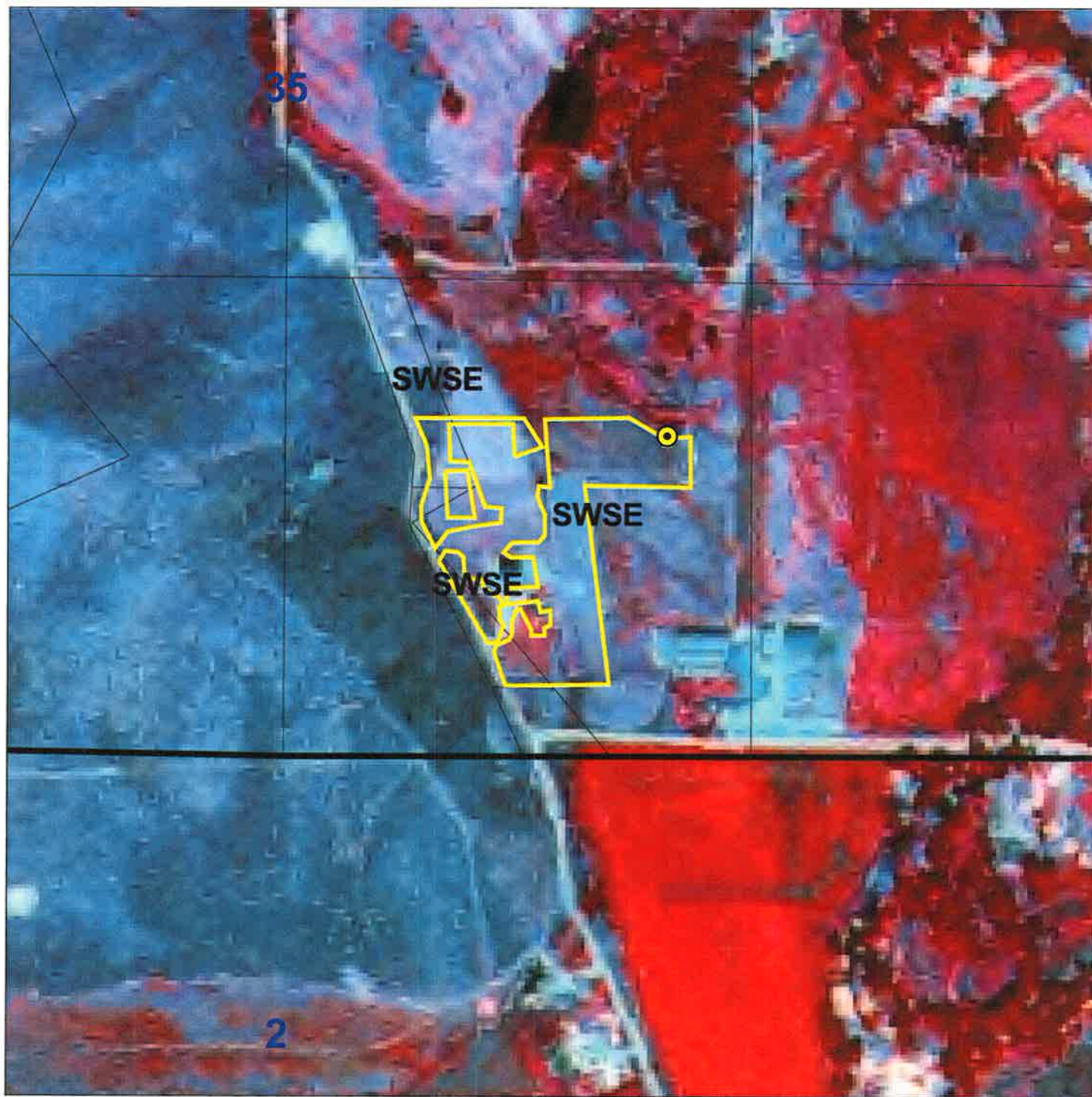


0 0.3 0.6 Miles



Prepared by E. NORQUES
On Friday, September 22, 2006
1987/88 Aerial Photography

37-578F





Idaho Department of Water Resources

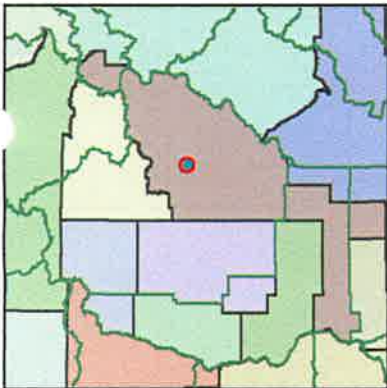
SRBA Recommendation:

37-578F

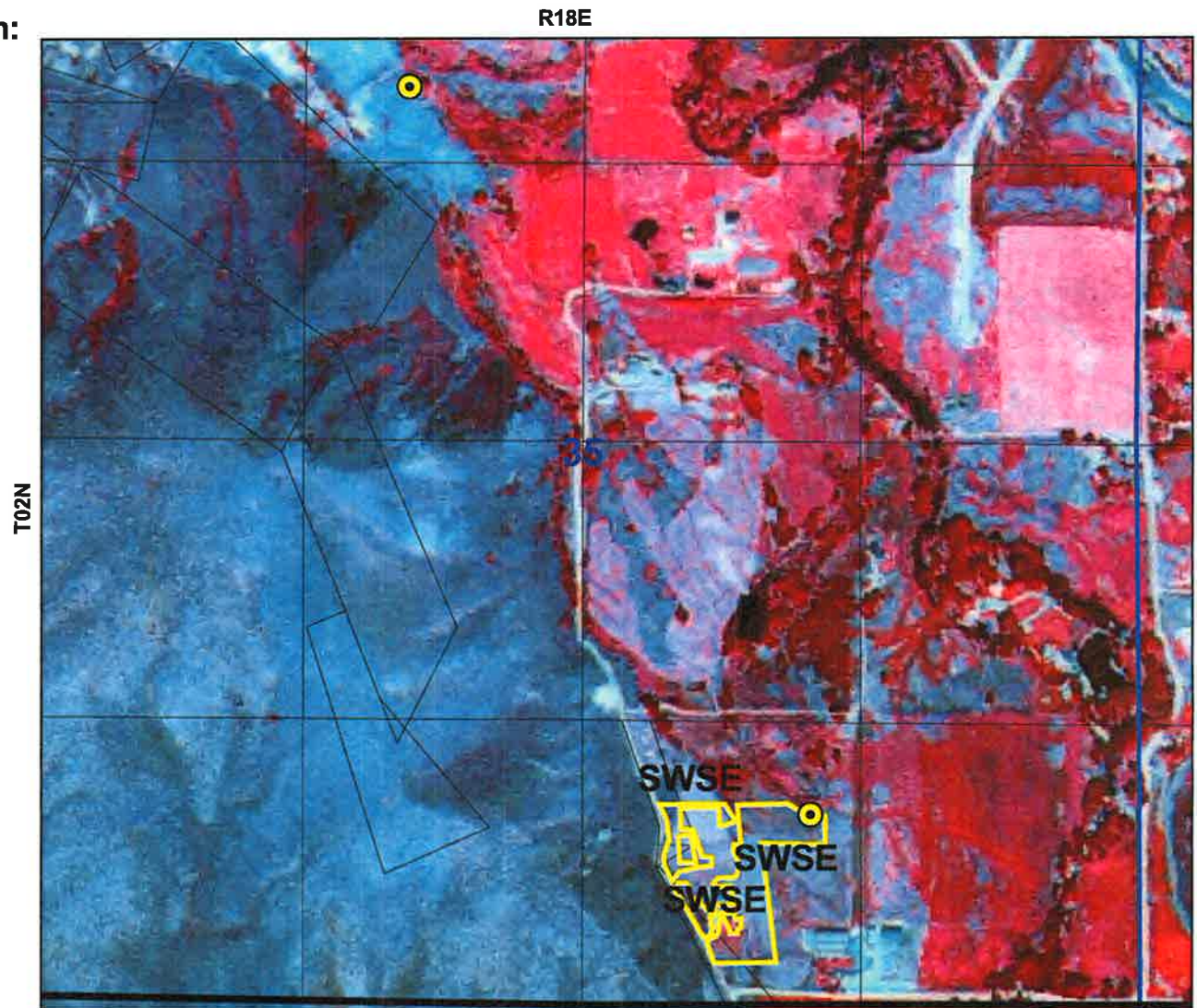
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

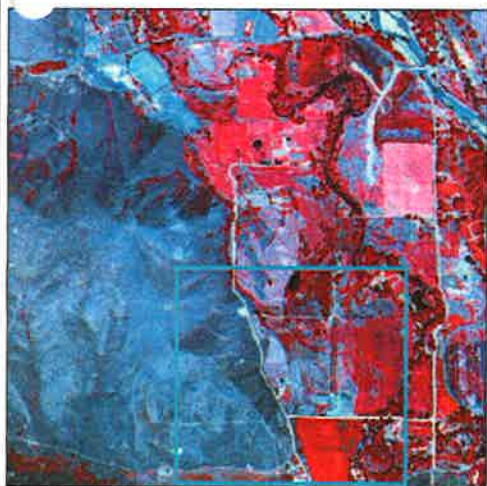
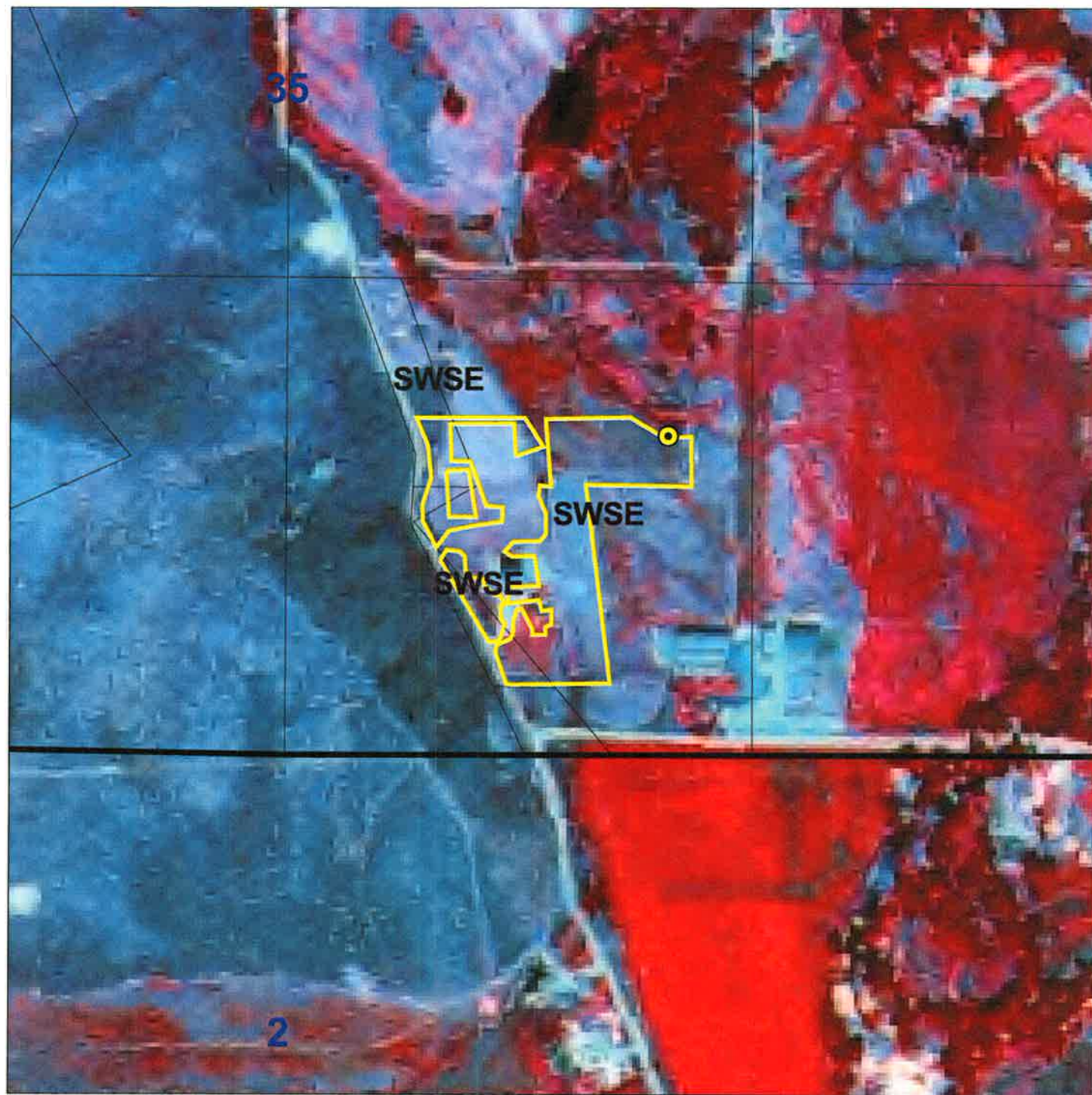


0 0.3 0.6 Miles



Prepared by E. NORQUES
On Friday, September 22, 2006
1987/88 Aerial Photography

37-578F



11/21/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 05 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-578F

ELIZABETH N SMITH
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313
Telephone Number: (208)788-2724

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

11/29/06

SIGNATURE:

Elizabeth N. Smith

Please print your name:

ELIZABETH N. SMITH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC - 5 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

December 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

James L. Smith
Elizabeth N. Rood
P.O. Box 895
Bellevue, ID 83313

2-14-00
response

Re: Snake River Basin Adjudication (SRBA)
Water Right #37-12327 and Notices of Claim #A37-00196,
A37-00686D, A37-08001D and A37-00578F

Dear Water Right Holders:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 5, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

RECEIVED

MAR 08 2000

Department of Water Resources
Southern Region

SS:region

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

Water Right Holder's Signature

Telephone No.

37-00578F

Fax

TO: Diana Delany, SRBA Court
Roxanne Brown, IDWR-SO

FROM: Fred Price, BLM-ISO

RE: New Addresses for Objections Returned as
Undeliverable
37-04144 McClure (California), now in Boise, ID.
37-12327 Smith (California), now in Bellevue, ID.

November 5, 1999

RECEIVED

NOV 16 1999

Department of Water Resources

The objections sent to the claimants were returned as undeliverable.

New addresses for these claimants have been obtained from the Assessor's Office.

Copies of Objection will be mailed to the new addresses on Nov. 8th, 1999.

SUBCASE	NEW ADDRESS
37-04144	Richard & Sharon McClure
37-04145	5215 N. Watersedge Ave. Boise, ID. 83703

37-12327	James & Elizabeth Smith
37-00196	Box 895
R+A - 006860	Bellevue, ID. 83313
R+A - 08001D	

R+A-00578F

Same address } as James L. Smith
Same phone }

RECEIVED

MAR 09 2000

Department of Water Resource
Southern Region



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 26, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES L SMITH AND ELIZABETH N ROOD
C/O JAMES P SPECK
HOGUE, SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Amendment of SRBA Claims A37-08001D, A37-00578F and A37-00686D

Dear Mr. Speck:

Pursuant to the approval of Transfer Nos. 4467 and 4468, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfers. Please find enclosed a printout of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

NOV 28 1995

Southern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4467
WATER RIGHT NO(S). 37-00578F/37-00686D

RECEIVED

JUN 14 1985

Department of Water Resources
Southern Region

This is to certify that: JAMES L SMITH
ELIZABETH N ROOD
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00578F : IRRIGATION	04/15 to 10/15	0.10 CFS	12.3 AF
Right No. 37-00686D : IRRIGATION	04/15 to 10/15	0.15 CFS	12.3 AF
	TOTAL:	* 0.25 CFS	12.3 AF

DATE OF PRIORITY:

Right No. 37-00578F : 05/02/1884
Right No. 37-00686D : 06/01/1886

SOURCE

BIG WOOD RIVER
GROUNDWATER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 35, Township 02N, Range 18E
SWSE , Sec. 35, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	SWSE	3.5		3.5
Total number of acres irrigated:						3.5

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

NOV 28 1985

TRANSFER NO. 4467
WATER RIGHT NO(S). 37-00578F/37-00686D

CONDITIONS/REMARKS:

- * 2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- * 3. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 4. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
- 5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Diversion of groundwater is limited to those times water is available for diversion under combined Right Nos. 37-00578F and 37-00686D from their original source.
- * *9. Diversion of groundwater under combined Right Nos. 37-00578F and 37-00686D is limited to irrigation of 3.5 total acres, a total combined diversion rate of 0.11 cfs and a total combined annual volume of 12.3 af.
- * 10. Point of diversion for groundwater is located in the SWSE, and diversion from Big Wood River is located in the NENW, S35, T02N, R18E.

Dated this 26th day of

May, 1995.

J. Glen Saylor
Chief, Water Alloc. Bureau

NOV 28 1995

INTER-DEPARTMENT MEMO

TO: John Borton Transfer App. , T# 4525

SUBJECT: Staff Analysis

FROM: Jim Stanton

DATE: 11-30-94

The applicant owns about 4½ acres of land west of Bellevue. Of this land, only about 2.5 acres have been cleared and are being irrigated. The rest of the land is uncleared waste. The licensing exam for 37-8001 confirmed this. So the proposed transfer should be limited to 2.0 acres instead of the 3.5 acres claimed. Recent use of surface rights on this ground is questionable, but watermaster records show that the water was at least put into the diversion ditch within the last 5 years. Whether the water actually reached the property is unclear. Pending Transfer #4467 covers this same system on land recently sold by Mr. Borton. Diversion rate from the well should be limited to 1.5"/ac X 2.0 ac. or 0.03 cfs in total for the decreed & licensed rights. Under proposed T. #4468, the groundwater license will supply will supply 0.03 cfs. So the surface rights should be limited to 0.03 cfs. Due to other recent work on this property, I do not plan to do another site visit.

(x) For your information

signature

() Response required

NOV 28 1996

37-0578 F, 37-0686 D, T# 4467

DEC 22 1994

FROM: Allen Merritt

DATE: December 16, 1994

TO: Transfer Files #4467 & #4468 both in the name of Rood

SUBJECT: Review and Recommendation

After reviewing both transfers I believe an explanation of the purpose of these transfers is in order.

It is my understanding that both transfers propose to divert water from a future or new well which is intended to be drilled on the Rood property. At present the Rood property is already irrigated by portions of the subject water rights.

Transfer #4467 proposes to add the source of groundwater to the old decrees which have historically been diverted out of the Big Wood River (Broadford Slough) and to affirm an accomplished transfer claimed under A37-00686D which moved the p/u from the original decree location to the claimed location.

Transfer #4468 involves Rood's original part (37-08001B for 0.05 cfs) and a portion (0.01 cfs) of Borton's original part (37-08001A for 0.04 cfs); leaving Borton with 0.03 cfs. The two parts which Rood now has control (0.05 + 0.01) will be moved from the well on the Borton property to the new well on the Rood property.

The total acreage to be covered by these two transfers is the same 3.5 acres.

APPROVAL CONDITIONS:

Transfer #4467 should be under control of watermaster of District 37 and should be regulated by priority with Big Wood rights. The well must have a meter and lockable control valve which would allow the watermaster to regulate.

Transfer #4468 since it involves same well should have measuring device and control works condition.

Both transfers should be limited such that when the well is utilized to divert all rights from both transfers that the diversion rate from the well is limited to the reasonable rate of 1.5"/acre for acreages less than 5 acres or in this case it would be limited to 0.11 cfs for the 3.5 acres.

Both transfers should be subject to : T09, 046

NOV 23 1995

37-0578 F, 37-0686 D, 1 # 7461

Form 222
7/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant: James L. Smith &/or Elizabeth N. Rood Phone: 1-208-726-4421Post Office address: c/o James P. Speck, Hogue, Speck & Aanestad, P. O. Box 987, Ketchum, ID 83340**PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correct P/D description

2. Describe the reason for the proposed changes: Applicant has difficulty getting these water rights to his property from the Broadford Slough and would like to add a new well to be drilled on his property as an additional point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount	Nature	Period of Use	Volume
37-00578 ^F ~~FS~~	May 2, 1884	0.1 cfs	irrigation	April 15 to ^{October 15} ~~November 1~~	
37-00686 ^A ~~D~~	June 1, 1886	0.15 cfs	irrigation	April 15 to ^{October 15} ~~November 1~~	

2. Total amount of water being transferred: 0.25 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water: Big Wood River (Broadford Slough) tributary to Malad River
and groundwater tributary to Big Wood River

4. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	SE	35	2N	18E	Blaine	well
		SW	^{NE} ~~NW~~	^{NW} ~~NE~~	35	2N	18E	Blaine	Wrencher #39 Headgate in Broadford Slough

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	35														3.5			3.5

Total acres: 3.5

NOV 28 1996

6. General Information:

a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: None.

c. Remarks: The portion of 37-00686A which is the subject of this transfer was purchased from John Borton and is claimed in the SRBA as A37-00686D. There is no record of the transfer of this right to Borton's lands. Therefore, a change of place of use is requested for this right to confirm the accomplished transfer. The place of use for the unchanged portions of the rights described below is that for 37-00578B, which is consistent with the accomplished and unrecorded transfer of 37-00686A. The portion of 37-00578B which is the subject of this transfer was purchased from John Borton and is claimed in the SRBA as A37-00578F.

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. 37-00578B: amount 0.1 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)

37-00686A: amount 0.15 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)

2. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	NE	35	2N	18E	Blaine	

3. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	35									3.5								3.5

Total acres: 3.5

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00686A Decreed to Joseph Werry Sr.
in case of S.C. Frost, Et AL vs. Alturas Water Co., Et AL
dated 12-13-1907 in 4th district county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Broedford Slough tributary to Big Wood River
4. Date or priority 6-1-1886

5. Water is used for the following purpose:

amount 0.30 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.30 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	NW	35	2N	18E	Blaque	Wrencher #39 headgate

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35									X								

Total acres _____

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

37-00598B RWR

NOV 28 1937

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.15 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:
- Same as 2.A.7.

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>35</u>									X								

Total acres _____

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

1. amount 0.15 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:
- Same as 2.A.7.

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>35</u>									X								

Total acres _____

NOV 28 1998

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00578B Decreed to Elizabeth Roberts
 in case of S.C. Frost, Et. AL. vs. Alturas Water Co., Et. AL.
 dated 12-13-1909 in Fourth 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. 2654 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Broadford Slough tributary to Big Wood River
4. Date or priority 5-2-1884

5. Water is used for the following purpose:

amount 0.20 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.20 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	NW	35	2N	18E	Blaine	Wrencher #39 headgate

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35															7.0		7.0

Total acres 7.0

9. Describe any other water rights used for the same purpose as described above A37-00686C & D, 37-08001

NOV 2 1988

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.10 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>35</u>															<u>3.5</u>		<u>3.5</u>

Total acres 3.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.10 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use:

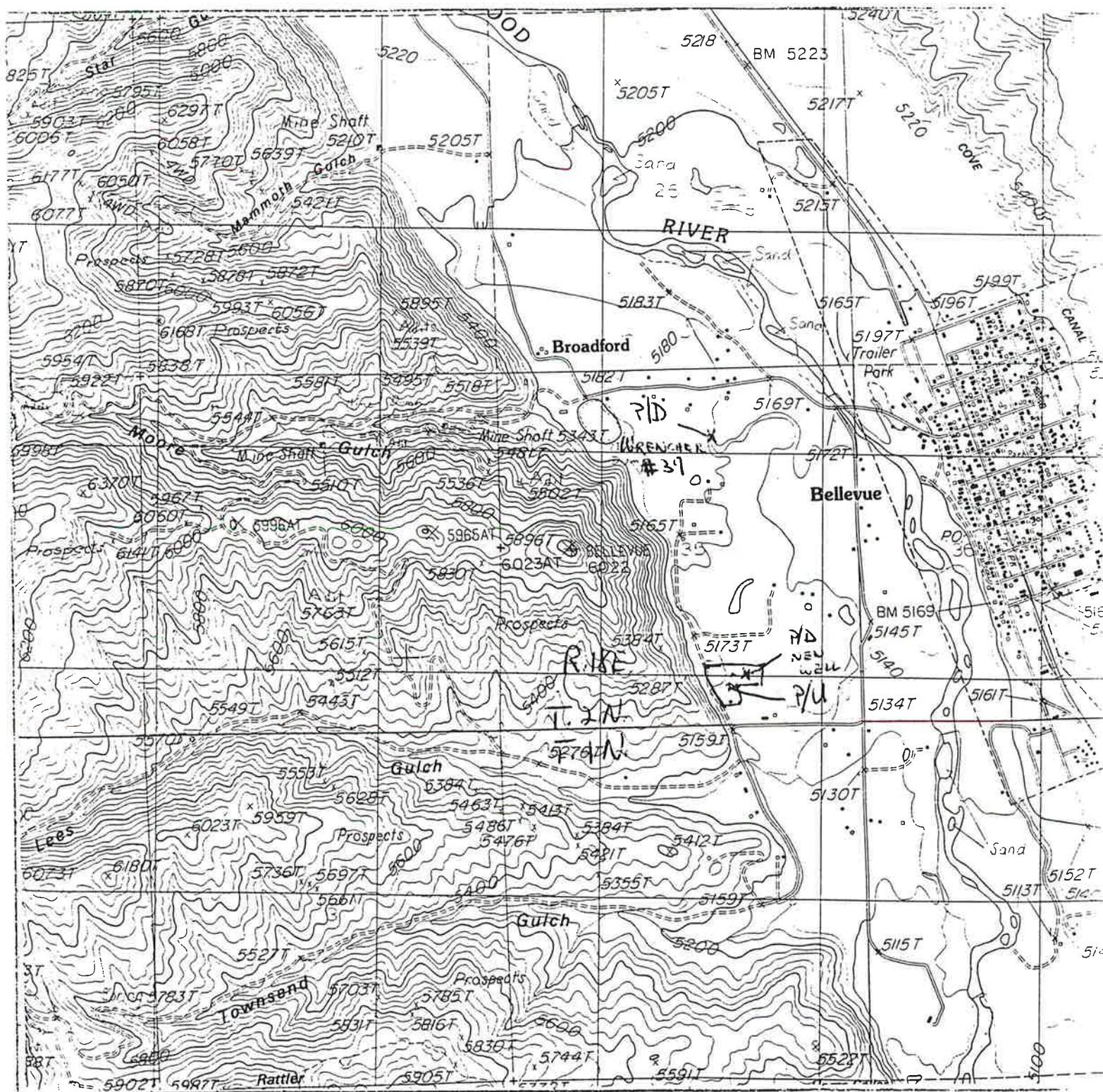
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>35</u>															<u>3.5</u>		<u>3.5</u>

Total acres 3.5

NOV 28 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.

NOV 23 1996

717

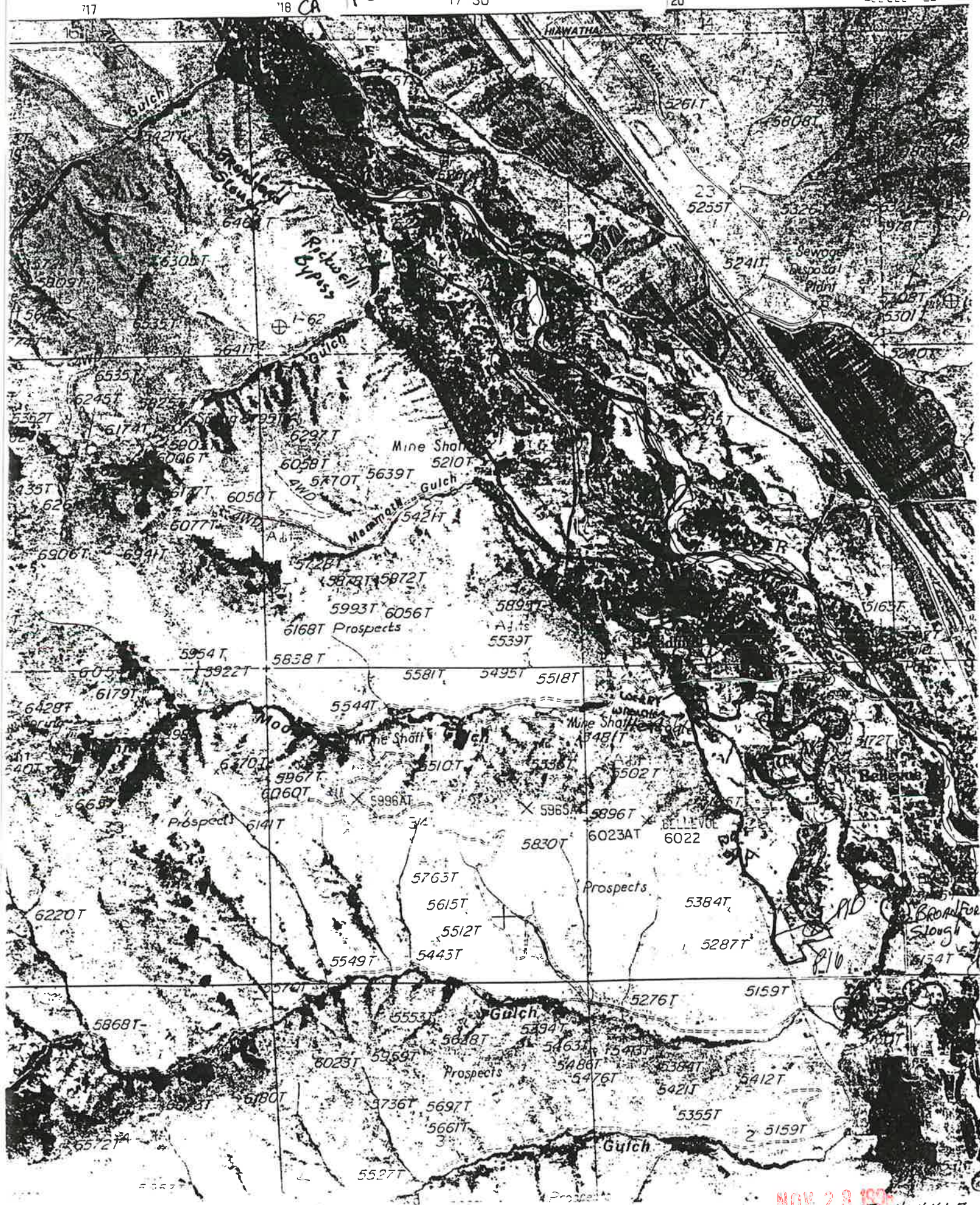
18 CA

P2

17' 30"

20

430000 FEET

NOV 28 1964
T # 4467

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

1.

<u>New Nature of Use</u>	<u>Amount (cfs/AF)</u>	<u>Hours/Days/Year</u>	<u>Period Of Use</u>
			to
			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.

(Signature of applicant)

Subscribed and sworn to before me this 11 day of June, 1994.

Notary Public for Idaho
Residing at East Fork, Idaho
My commission expires 1/29/97

FOR DEPARTMENT USE ONLY

Received by J. F. Stanton Date 7-18-94
Prelim. check by MTS Fee \$100.00
Receipted JP # 5017143
Published in Wood River Journal
Pub. dates 11/9 & 11/16/94 Recommend: X approve deny
Watermaster recommendation requested 11/1/94 rec'd 11/17/94
Field exam conducted (required for statutory claims) _____

Protest filed by:

None

Hearing held by:

NOV 28 1994

JUL 21 1994

Department of Water Resources
Southern Region Office

NOV 28 1994

JAMES L SMITH & ELIZABETH ROOD
TRANSFER APPLICATIONS
PROPOSED SPLIT TREES

37-00578B (BORTON)

DIV. RATE: .20 CFS

P/D: 2N, 18E, S35, NENW

P/U: 2N, 18E, S35, SWSE--7 ACRES

E

37-00578~~F~~ (BORTON)

DIV. RATE: .10 CFS

P/D: 2N, 18E, S35, NENW

P/U: 2N, 18E, S35, SWSE--3.5 ACRES

F

37-00578~~G~~ (SMITH & ROOD)

DIV. RATE: .10 CFS

P/D: 2N, 18E S35, NESWSE--WELL

P/U: 2N, 18E, S35, SWSE--3.5 ACRES

37-00686A

DIV. RATE: .30 CFS

P/D: 2N, 18E, S35, NENW

P/U: 2N, 18E, S35, NESW

37-00686C

DIV. RATE: .15 CFS

P/D: 2N, 18E, S35, NENW

P/U: 2N, 18E, S35, NESW

37-00686D

DIV. RATE: .15 CFS

P/D: 2N, 18E, S35, NESWSE

P/U: 2N, 18E, S35, SWSE--3.5 ACRES

NOV 28 1986

T # 4467

MEMO TO FILE

FROM: MEL SCHULTE
SOUTHERN REGION *MSA*

DATE: 8-31-1994

RE: TRANSFER APPLICATION
JAMES L SMITH & ELIZABETH N ROOD
37-00578F & 37-00686D

1. The application proposes to change the P/U, ad a P/D, correct a P/D description and change the diversion of the referenced surface rights to a well to be drilled under groundwater right 37-08001D.
2. A field inspection was conducted August 26, 1994.
3. The current delivery system for the surface water is in poor condition. From the Wrencher #39 headgate to the P/U, the water must flow through a ditch full of weeds, logs and debris for about 3/4 mile. Whether water can be delivered through this system is questionable.
4. According to the water master, these rights were last delivered and assessed to John Borton in 1991. Their records also indicate there is one other user on the ditch with an equal amount of water (20" total).
5. The site of the proposed new well is about one/fourth mile West from the surface water source, Broadford Slough. The groundwater source is most likely recharged by seepage from the slough which establishes an interrelationship between the two sources.
6. The approval of this application and another pending transfer for groundwater right 37-08001D would provide a total of approximately 4.43"/acre (.86" + 3.57") from the well. I recommend the combination of all the rights be limited to the department standard of 1.5"/acre.

NOV 28 1994

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

MAR 18 1992

Name(s) of Claimant (please print):

James L. Smith and Elizabeth Rood

Department of Water Resources
Southern Region Office

I/we acknowledge (check one):

_____ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

X I/we are now represented by the attorney at the address below.

James P. Speck, Esq.
Hogue, Speck & Aanestad
Post Office Box 987
Ketchum, Idaho 83340
Attorney's Phone (208) 726-4421

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A37-00196 A37-12327 A37-00578F A37-08001B A37-00686D

For Individuals:

Authorized signature(s) Date

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____ Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

Revised Date 4-03-92

NOV 28 1992

SD-0601-2 Last Name: ROOD

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	ROOD						
-	ELIZABETH N.	C	A37-00196✓	05/01/1896	BIG WOOD RI	0.500	01 IRR
-	ELIZABETH N	C	A37-00686D✓	06/01/1886	BROADFORD S	0.150	01 IRR
-	ELIZABETH N	C	A37-00578F✓	05/02/1884	BIG WOOD RI	0.100	01 IRR
-	ELIZABETH N	C	A37-08001B✓	02/08/1982	GROUNDWATER	0.070	01 IRR
-	ELIZABETH N	C	R37-00578F✓	05/02/1884	BIG WOOD RI	0.100	01 IRR
-	ELIZABETH N	C	R37-00686D✓	06/01/1886	BROADFORD S	0.150	01 IRR
-	ELIZABETH N	C	R37-08001B✓	02/08/1982	GROUNDWATER	0.070	01 IRR
-	ELIZABETH N.	C	A37-12327✓	05/31/1980	GROUNDWATER	0.040	43 DOMEST
-	ELIZABETH N.	C	R37-12327✓	05/31/1980	GROUNDWATER	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

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

March 10, 1993

RECEIVED

MAR 11 1993

Department of Water Resources
Southern Region Office

Mr. Allen Merritt
Department of Water Resources
Southern Regional Office
222 Shoshone Street, East
Twin Falls, Idaho 83301

Re: Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication
A37-00196, A37-12327, A37-00578B, A37-08001
and A37-00686A

Dear Mr. Merritt:

Please find enclosed the original Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication executed by Elizabeth Rood and James L. Smith regarding the above referenced water rights. Please be kind enough to file this document and return a file-stamped copy to my office. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck

JPS\dlw
Enclosure
cc: James L. Smith
Elizabeth Rood

NOV 28 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

31-Mar-1993 09:51

JAMES P SPECK
HOGUE SPECK & AANESTAD
120 EAST AVE
PO BOX 987
KETCHUM ID 83340

RE: SRBA Water Claims A37-00196 - A37-12327 - 00578B* - A37-08001 AND
A37-00686A - JAMES L SMITH & ELIZABETH N ROOD

Dear Mr. Speck:

In response to your request on the above-referenced SRBA Claims, I have researched our computer records. I am enclosing proofs of the Claims for your review.

A37-00686A - split - with Ms. Rood's Claim No. A37-00686D
A37-00578B - split - with Ms. Rood's Claim No. A37-00578F
A37-08001 - split - with Ms. Rood's Claim No. A37-08001B

Claims A37-00196 and A37-12327, I will wait to add your name as Attorney til you return the form with the corrected numbers. Should you have any further questions, please do not hesitate to contact me at this office.

Sincerely,

Judy Givens . .
Adjudication Secretary

/jg

Enclosures

NOV 28 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

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

April 8, 1993

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

Re: James L. Smith and Elizabeth N. Rood
SRBA Water Claims A37-00686D, A37-00578F and A37-08001B

Dear Judy:

As a follow-up to our telephone conversation this afternoon, enclosed please find the Claimant Acknowledgement of Change in Attorney reflecting the new numbers for the above-referenced Claims. You indicated that identification numbers for claims A37-00196 and A3-12327 will remain the same.

Please call if you have any questions.

Sincerely,

Deborah Kirby

dmk
Enclosure

NOV 28 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

May 24, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA CLAIM NOS. A37-00578F & A37-00686D
LOCATION OF WRENCHER #39 POINT OF DIVERSION

Dear Mr. Speck,

It appears there is some confusion over the correct Legal Description for the Point of Diversion for the Wrencher #39 headgate. Your concerns and questions were forwarded to me and together we should be able to resolve this.

Enclosed please find a document I prepared listing the diversions above Magic Reservoir from the Big Wood Drainage. The information given in this list for the first 45 diversions is based on field confirmations of the actual diversions by me, Allen Merritt, and Reid Newby, former watermaster. The second half of the listing is taken from review of aerial photos and maps. If you can confirm any corrections to this information I would gladly welcome the assistance.

Your previous correspondence with our staff indicates we agree on the Township-Range-Section, but, you say the #39 headgate is located in SWNWNE and we said no, it's the SWNENW. Since our records consistently show the SWNENW; is it possible the diversion you actually refer to in the SWNWNE is the Wrencher #39-A?

Please refer to the enclosed map. There were two Wrencher points of diversion identified by Mr. Reid Newby and located by me in the slough. If your legal description is correct as stated it may be referring to the #39-A site instead of the #39 site. My notes indicate this diversion site was created or added in 1989.

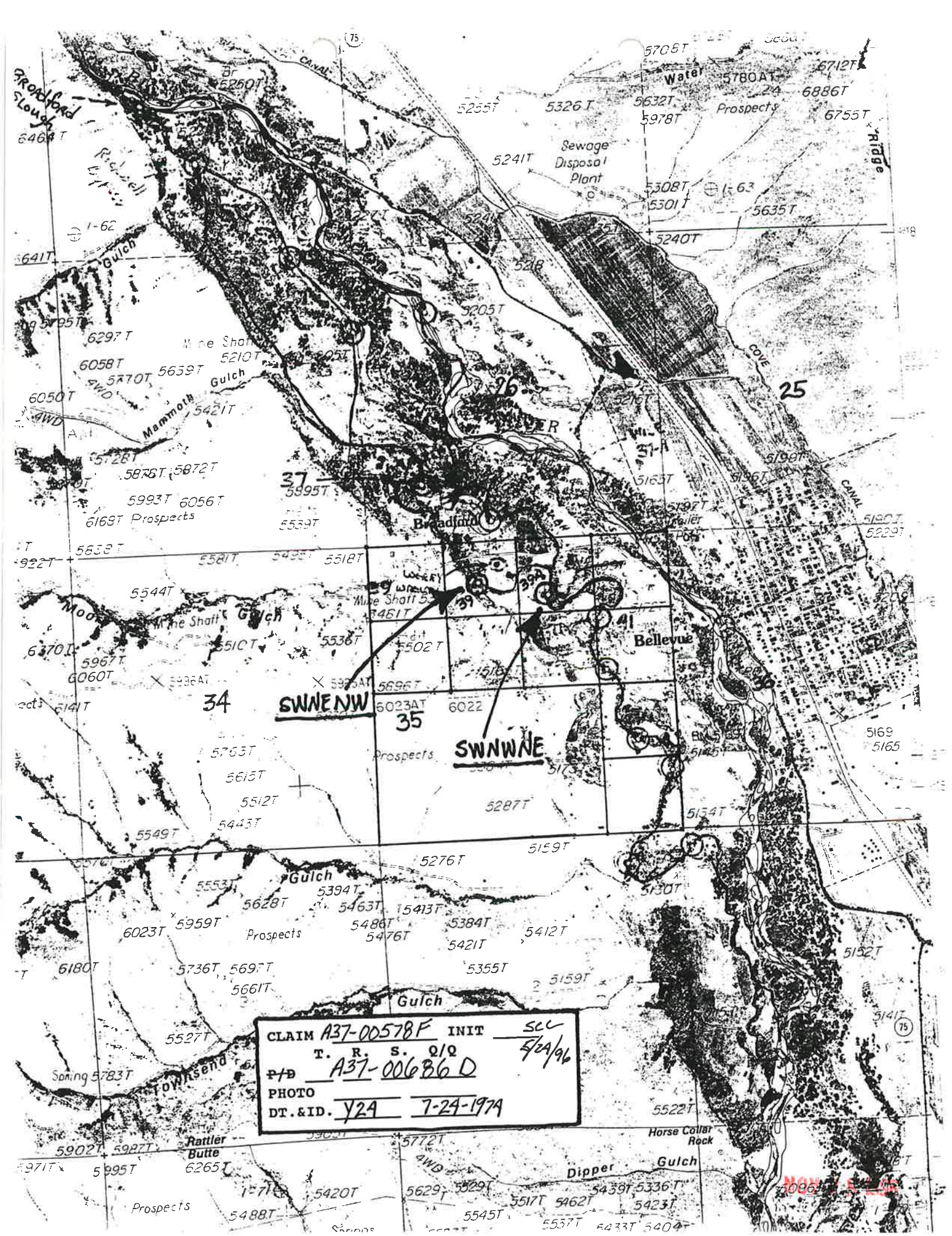
After you have reviewed the information herein, please feel free to contact me at our office to make any necessary corrections to the Transfers 4467 & 4468 or to the SRBA claims A37-00578F & A37-00686D. If necessary I am willing meet with the parties involved to clarify this via on-site examination of the diversion and Broadford Slough area.

Sincerely,

STEVE CLELLAND
Water Resource Agent

/scc
ENC:

NOV 28 1996



April 4, 1996

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent TRISH FAWCETT

At 12:15 p.m. Jim Speck called regarding the correspondence we have had about claims A37-00578F and A37-00686D James Smith and Elizabeth Rood. On July 21, 1994 Mr. Speck filed Transfer 4467 on behalf of Smith and Rood proposing to add a P/D and change the P/U. Mr. Speck listed the existing P/D (Wrencher #39 headgate) in the SWNWNE of T2N, R18E, S35. At some point in time someone changed it to SWNENW. The transfer was approved with the P/D in the SWNENW. I data entered the approved transfer 10/27/95 and sent a copy of the amended claim to Mr. Speck. On Nov 16, 1995 I received a letter from Mr. Speck requesting I double check the location of the Wrencher #39 headgate. A subsequent check of our records indicated Wrencher #39 was in the SWNENW. I sent Mr. Speck copies of the records I checked (the original AJ claims filed by John Borton and the transfer that originally changed to P/D to Wrencher #39) and suggested he call Lee Peterson if he still felt our records to be in error. When he called this afternoon, he stated that he had phoned Lee Peterson and that Lee told him the Wrencher #39 headgate was in the SWNWNE as shown on the original filing of Transfer 4467. I told Mr. Speck I would have to check with my supervisor and that someone would get back with him as to what needed to be done to correct the claims.

NOV 28 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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

March 1, 1996

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

RE: James L. Smith and Elizabeth N. Rood
Approved Transfer Nos. 4467 and 4468
SRBA Claim Nos. A37-00578F and A37-00686D

Dear Mr. Speck:

I have spent some time investigating whether the location of the Wrencher #39 headgate is in the SWNWNE or the SENENW of Section 35, Township 2 North, Range 18 East, in regards to the question you posed in your November 13, 1995 letter. All of the records I checked listed the Wrencher #39 headgate in the SENENW.

I am enclosing, for your reference, copies of John Borton's original adjudication filings listing the point of diversion in the SENENW and a copy of Transfer 2654 which also lists Wrencher #39 in the NENW. If you would like to pursue this further, the watermaster for the Big Wood River would have the most complete records. His name is Lee Peterson, telephone number 886-2451 in Shoshone.

If I can be of any further assistance, please let me know.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enclosures

NOV 28 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

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

November 13, 1995

Ms. Trish Fawcett
Technical Records Specialist
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: James L. Smith and Elizabeth N. Rood

Approved Transfers Nos. 4467 and 4468 and Amendment of SRBA Claims A37-08001,
A37-00578F and A37-00686D

Dear Ms. Fawcett:

My records indicate that the Wrencher #39 headgate, which is the point of diversion for water rights Nos. 37-00578F and 37-00686D from the Big Wood River (Broadford Slough) is in the southwest quarter northwest quarter northeast quarter of Section 35, Township 2 North, Range 18 East, rather than the southeast quarter northeast quarter northwest quarter of Section 35. Will you please double check this and, if I am correct, make the proper changes to the amendments of the SRBA claims and the approved transfers.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:cao

cc: James L. Smith and Elizabeth N. Rood

NOV 28 1995

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

Water Right Number - R37-00578F

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

SPECK ESQ

JAMES P

1 - HOGUE SPECK & AANESTAD

2 - PO BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

*** C - CURRENT OWNER ***

SMITH

JAMES L

1 - 1350 TASSO ST

2 -

3 -

City- PALO ALTO

State- CA Zip- 94301

Phone - 415-326-3299

ROOD

ELIZABETH N

1 - 1350 TASSO ST

2 -

3 -

City- PALO ALTO

State- CA Zip- 94301

Phone - 415-326-3299

*** O - ORIGINAL OWNER ***

BORTON

JOHN

1 - P O BOX 1275

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-3042

+ - - Priority Date - - +
05/02/1884

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

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

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

02N 18E 35 NE NW (13) BLAINE
SW SE (13) BLAINE

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

01 - IRRIGATION 04/15 10/15 0.100 12.30

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

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

02N 18E 35 SW SE 3.5 01 IRRIGATION (13) BLAINE

Total Acres: 3.5

Water right number - R37-00578F

Prefix Translation: RESEARCH

+ - - Diversion Means - WRENCHER #39 HEADGATE IN BROADFORD SLOUGH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00686D

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

TRANS. 2654.
DIVERSION NOT TO EXCEED 21.0 AFA.
RT. DECREED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4467:
1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIRE-
MENTS OF SECTION 42-235, IDAHO CODE.
2. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37.
3. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING
WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE
CONTROL OF THE DIVERSION.
4. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .03 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR
THE LANDS ABOVE.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE
APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING
SNAKE RIVER BASIN ADJUDICATION.
8. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS
AVAILABLE FOR DIVERSION UNDER COMBINED RIGHT NOS. 37-00578F AND
37-00686D FROM THEIR ORIGINAL SOURCE.
9. DIVERSION OF GROUNDWATER UNDER COMBINED RIGHT NOS. 37-00578F
AND 37-00686D IS LIMITED TO IRRIGATION OF 3.5 TOTAL ACRES, A
TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TOTAL COMBINED
ANNUAL VOLUME OF 12.3 AF.
10. POINT OF DIVERSION FOR GROUNDWATER IS LOCATED IN THE SWSE,
AND DIVERSION FROM BIG WOOD RIVER IS LOCATED IN THE NENW, S35,
T02N, R18E. 10/26/95 TF

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

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

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department
- shall be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.

Page 3

Prefix Translation: RESEARCH

+ - Decree Date - +
00/00/0000

+ -Comments- +

Date: 10/26/1995 User Id: TFAWCETT Subject: AMENDED/TRANSFER

CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4467.

Date: 10/27/1995 User Id: TFAWCETT Subject: ATTORNEY ADDED

ATTORNEY NAME ADDED

+ - - Audit Fields - - +

10/27/95 TFAWCETT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

Water Right Number - R37-00578F

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
SMITH

JAMES L

1 - 1350 TASSO ST

2 -

3 -

City- PALO ALTO

State- CA Zip- 94301

Phone - 415-326-3299

ROOD

ELIZABETH N

1 - 1350 TASSO ST

2 -

3 -

City- PALO ALTO

State- CA Zip- 94301

Phone - 415-326-3299

*** O - ORIGINAL OWNER ***
BORTON

JOHN

1 - P. O. BOX 1275

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-3042

+ - - Priority Date - - +
05/02/1884+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
BIG WOOD RIVER+ - - - - Tributary - - - - - +
MALAD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

02N 18E 35 NE NW (13) BLAINE

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

01 - IRRIGATION

04/01

11/01

0.100

+ - Total Div. Rate - + + - Total Div. Volume - +
0.100+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N

18E

35

SW SE

3.5

01 IRRIGATION

(13) BLAINE

Total Acres: 3.5

+ - - Diversion Means - WRENCHER #39 HEADGATE IN BROADFORD SLOUGH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00686D

Water right number - R37-00578F

Prefix Translation: RESEARCH

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

TRANS. 2654.
DIVERSION NOT TO EXCEED 21.0 AFA.
RT. DECREEED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

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

No Old Water Right Numbers Found

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

- R01 - A measuring device of a type approved by this Department shall
 - be maintained as a part of the diverting works.
- R02 - A lockable device subject to the approval of the Department
 - shall be maintained on the diverting works in a manner that will
 - provide the watermaster suitable control of the diversion.
- R04 - Use of water under this water right will be regulated by the
 - watermaster of State Water District No. &DISTRICT.

+ - - - - Decree Plaintiff - - - +

S. C. FROST, ET. AL.

+ - - - - Decree Defendant - - - +

ALTURAS WATER COMPANY, ET. AL.

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

Water Right Number - A37-005788

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SPLIT RIGHT1 -
2 -
3 -City- X
Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***
BORTON

JOHN

1 - P. O. BOX 1275
2 -
3 -
City- HAILEY
Phone - 208-788-3042

State- ID Zip- 83333

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/02/1884 17 SOUTHERN Z - SEE REMARKS+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER
SPLIT RIGHT MALAD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02N 18E 35 NE NW (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.200
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.200 21.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 35 SW SE 7.0 01 IRRIGATION (13) BLAINE

Total Acres: 7.0

+ - - Diversion Means - WRENCHER #39 HEADGATE IN BROADFORD SLOUGH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00686A

+ - - - - Remarks - - - - - +
TRANS. 2654.
DIVERSION NOT TO EXCEED 21.0 AFA.MICROFILMED
FEB 23 1993

Water right number - A37-005788

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - - +
RT. DECREED FROM BIG WOOD R. BUT DELIVERED FROM BROADFORD SLOUGH.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department
- shall be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. &DISTRICT.

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

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

+ - - Audit Fields - - +
02/02/93 CHRISTEN

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002628	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 23 1993