

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: **A37-00604H**
Date Received: 10/26/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DENNIS O BRIEN 208-788-4217
Address: BOX 1263
KETCHUM ID 83340
AND
Name: PATTI O BRIEN 208-788-4217
Address: BOX 1263
KETCHUM ID 83340

2. Date of Priority: JUN 3, 1887

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
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.533		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	22	NW SE		IRR	20.0
Section Acres						20.0
Total Acres						20.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-07775B

14. Remarks:

CLAIM SPLIT ON 5-2-95 BASED UPON 42-1409(7) AND WARRANTY DEED.KKC
THE PLACE OF USE IS LOCATED WITHIN LOT 4, ROCKING CHAIR R RANCH
SUBDIVISION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

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RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

MAY 18 1993

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 10/28/88

LEGAL DESCRIPTION OF PROPERTY: Township 1N Range 18E
Section 22, E $\frac{1}{2}$ 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot 4, Block, , Subdivision/Townsite Rocking Chair R Ranch
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: A37-00604
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Rod Kegley
P.O. Box 2063, Ketchum, Idaho, 83340
- ☐ New Owner/Claimant (Purchaser): Dennis & Patti O'Brien
P.O. Box 1263, Ketchum, Idaho, 83340
- ☐ New Mailing Address:
- ☐ New Telephone Number: (208) 788-421-7
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
20/150 of 200 inches of June 3/1887 Surface water right A37-00604

- ☐ Attach proof of ownership, describe proof attached: Copy of 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) *Patti O'Brien* Date 5/14/93
Patti O'Brien Date 5/14/93
- ☐ 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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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

From: DWR03::SHAFF
To: DWR60::MERRITT
CC: SHAFF
Subj: 37-07775

9-JUN-1993 14:57:01.01

We have a claim from Kegley for apparently the entire permit but no split for O'Brien who has filed an extension to avoid forfeiture application. I think a change in owner is necessary before the extension may be approved. Would you check the details and follow up as necessary? Thanx

Jeznie

Could you check on this claim. Maybe the change of ownership is around here already. If not then maybe we should write him a letter

AD- MICROFILMED
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WARRANTY DEED

For Value Received

ROD KEGLEY, a single man

RECEIVED

MAY 18 1993

Department of Water Resources
Southern Region Office

the grantor , do es hereby grant, bargain, sell and convey unto

DENNIS O'BRIEN, a single man

the grantee , whose current address is Box 1263, Ketchum, Idaho 83340

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

Lot 4, ROCKING CHAIR R RANCH SUBDIVISION, according to the official plat thereof, recorded October 31, 1988, as Instrument No. 299826, records of Blaine County, Idaho.

And 20/150 of 200 inches of June 3, 1887 surface water rights # 37-777-5 and 20/150 of well ground water # A37-00604

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , his heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee , that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1988

X Rod Kegley

STATE OF IDAHO
COUNTY OF Blaine } ss
On this 31st day of October , in the year 1988 , before me, a Notary Public, personally appeared Rod Kegley 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.

Notary Public
Residing at _____, Idaho.



STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of _____ at 8 minutes past 4:00 o'clock P.M., this 31 day of October 1988, in my office, and duly recorded in Book _____ of Deeds at page _____

By _____ Ex-Officio Recorder
Deputy.

Fees \$ 3.00
Mail to:

INSTRUMENT NO.

299826

Doug,

This deed still shows
the ground water permit
& surface water permit
numbers reversed.
We are in the process
of having this corrected.

Patti O'Brien

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NOV 22 1996

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NOV 22 1996

12/14/2006

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

RIGHT NUMBER: 37-604H

NAME AND ADDRESS: DENNIS P O BRIEN
PO BOX 1263
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 06/03/1887

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.530 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S22 NWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 37-604H and 37-7775B.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

11/21/2006

NOTICE OF ERROR
REPLY

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: 37-604H

PATTI O BRIEN
BOX 1263
KETCHUM ID 83340
Telephone Number: (208)788-4217

DENNIS P O BRIAN
PO BOX 1263
KETCHUM ID 83340
Telephone Number: (208)788-9595

RECEIVED

DEC 14 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

*Name change Spelling Dennis P O'Brien
Delete Patti O'Brien (Divorce Decree included)*

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

Quantity 0.520 CFS to 0.533

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

*EQ Phantation given to EXAMINER (Cary Skinner) That Due to Soil
Conditions water would not Reach smaller Right users IF (and) larger user did not
use his water. This is true for All other smaller/20 acre users in the Rolling E lands*

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

DATE: 12/12/06 SIGNATURE: *[Signature]*

Please print your name: Dennis P O'Brien

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

11/21/2006

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

RIGHT NUMBER: 37-604H
NAME AND ADDRESS: PATTI O BRIEN
BOX 1263
KETCHUM ID 83340
DENNIS P O BRIAN
PO BOX 1263
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/03/1887

POINT OF DIVERSION: T01N R18E S12 NWSESW 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	0.520 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S22 NWSE 20.00		
	20 ACRES TOTAL		

20.0

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 37-604H and 37-7775B.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-604H	IDEM 2	N/A	A37-00604H		N/A

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Dennis POBrien / Patti OBrien
PO Box 1263 Ketchum Id. 83340
4. New Owner/Claimant(s) Dennis P. OBrien
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 1263
- City, State and ZIP Code Ketchum Id. 83340
- New Telephone Number 206 788-4217
5. Date you acquired the property 9-24-1998

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

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

Water Right and/or Adjudication Claim Number _____

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

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

Water Right and/or Adjudication Claim Number _____

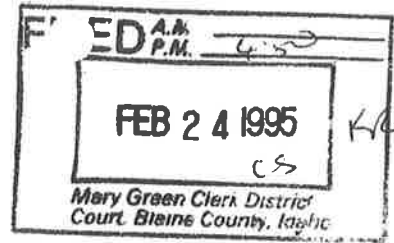
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



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

DENNIS O'BRIEN,

Plaintiff,

vs.

PATRICIA O'BRIEN,

Defendant.

Case No. CV-94-1689

DECREE OF DIVORCE

A Complaint for Divorce is filed in the above entitled case and the Defendant has heretofore signed a Acceptance of Service, Appearance, Notice of Waiver and Consent to Entry of Judgment, which has been filed in this case. The parties have entered into a Marital Settlement Agreement, dated the 1st day of February, 1995 regarding their property, and liabilities, which Agreement is attached to this Decree of Divorce as Exhibit "A" and by reference made a part hereof as if fully set forth herein. There are no further proceedings in this case other than a hearing before this Court this date for the purpose of granting a divorce to the Plaintiff.

This date, the Plaintiff has appeared in court with his attorney, James W. Phillips of the firm Roark, Rivers & Phillips, and the court has read these documents and entered the same of record, and after having heard the evidence, adduces, finds, concludes and decrees as follows:

1. The Plaintiff has for a period of more than six (6) weeks prior to commencement of this action, been a resident of the

DECREE OF DIVORCE - 1

State of Idaho, County of Blaine.

2. The Complaint filed was duly served on the Defendant and is evidenced by execution of the Acceptance of Service and Consent to Entry of Default Judgment by her and is of record in this case. The Defendant has voluntarily entered her appearance in this action, and has authorized the court to grant a Decree of Divorce pursuant to the terms of the Complaint and the Marital Settlement Agreement heretofore executed by her. Consequently, the court has full jurisdiction over all the parties and all property as set forth in the Complaint and Marital Settlement Agreement.

3. The Plaintiff and Defendant were married on or about November 10, 1990, in Plattsburg, Nw York, and ever since that date have been and still are husband and wife.

4. There are no children born as issue of this marriage and the Defendant is not now pregnant.

5. Irreconcilable differences have arisen between the parties hereto which have continued from time to time and which now make it impossible that the legitimate ends of marriage be continued and the same is hereby in all respects forever dissolved and the parties are restored to the status of single and unmarried persons.

6. The Plaintiff and Defendant have entered into a mutually satisfactory Marital Settlement Agreement dated the 1st day of February, 1995, regarding the division of their assets and liabilities, which Agreement is in all respects fair and equitable and satisfactory. The court finds that the parties have entered

into this Agreement voluntarily and are mature and responsible adults and have a full understanding of the nature and consequences of the Marital Settlement Agreement. The court does, therefore, in all respects, approve said Agreement and hereby decrees that any and all executory provisions of the Decree not yet fully performed shall be fully performed by both parties in whatsoever manner as may be necessary to fully effectuate the Agreement. Further, the Marital Settlement Agreement shall be and is hereby merged and incorporated into this Decree.

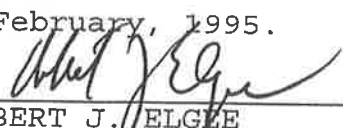
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the bonds of matrimony now existing between Plaintiff and Defendant be, and the same are hereby in all respects forever dissolved and the Plaintiff is hereby awarded a Decree of Divorce against the Defendant on the grounds of irreconcilable differences and the parties hereto are in all respects restored to the status of single and unmarried person.

2. That any and all provisions and executory provisions of the Marital Settlement Agreement marked Exhibit "A" and attached hereto be, and the same are hereby ordered to be executed and said Agreement is in all respects merged and incorporated into this Decree of Divorce in total.

DATED this 24 day of February, 1995.

JWP\div\o'brien.dec


ROBERT J. ELGEE
Magistrate STATE OF IDAHO } ss

County of Blaine
I do hereby certify that the foregoing is a full, true and correct copy of the original thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal.

DECREE OF DIVORCE - 3

this 24 day of Sept 1998
MARY GREEN
Clerk of District Court

EXHIBIT A

(PROPERTY TO HUSBAND)

1. All community right, title and interest in and to Lot 4, Rocking Chair R. Ranch Subdivision, Blaine County, Idaho according to the plat thereof on file in the records of Blaine County, Idaho subject to all indebtedness, liens and encumbrances.
2. All community right, title and interest in and to the 1.25 acres of real property generally described as the Boca del Salado, Municipal de Santiago, Baja, California Sur, Mexico property subject to all indebtedness, obligations, liens, encumbrances and the provisions of paragraph 1(d) of this Agreement.
3. All community right, title and interest in and to Bald Mountain Excavation business and all assets thereof subject to all indebtedness, obligations, liens and encumbrances.
4. All community right, title and interest in and to O'Brien "OB's Sharpening" business and all assets thereof subject to all indebtedness, obligations, liens and encumbrances.
5. The checking and savings accounts at West One Bank and Bank of America.
6. Miscellaneous personal property and effects in possession of Husband as previously divided between the parties.

12/11/2006

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

RIGHT NUMBER: 37-604H
NAME AND ADDRESS: PATTI O BRIEN
BOX 1263
KETCHUM ID 83340
DENNIS P O BRIEN
PO BOX 1263
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.530 CFS
PRIORITY DATE: 06/03/1887
POINT OF DIVERSION:

T01N R18E S12 NWSESW 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	0.530 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S22 NWSE 20.00

20 ACRES TOTAL

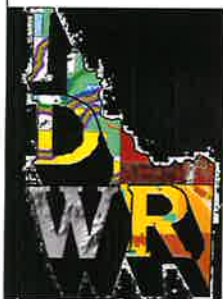
The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 37-604H and 37-7775B.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.



Idaho Department of Water Resources

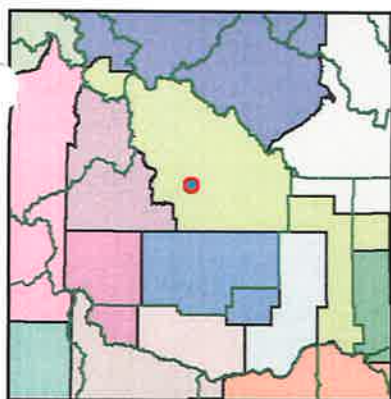
SRBA Recommendation:

37-604H

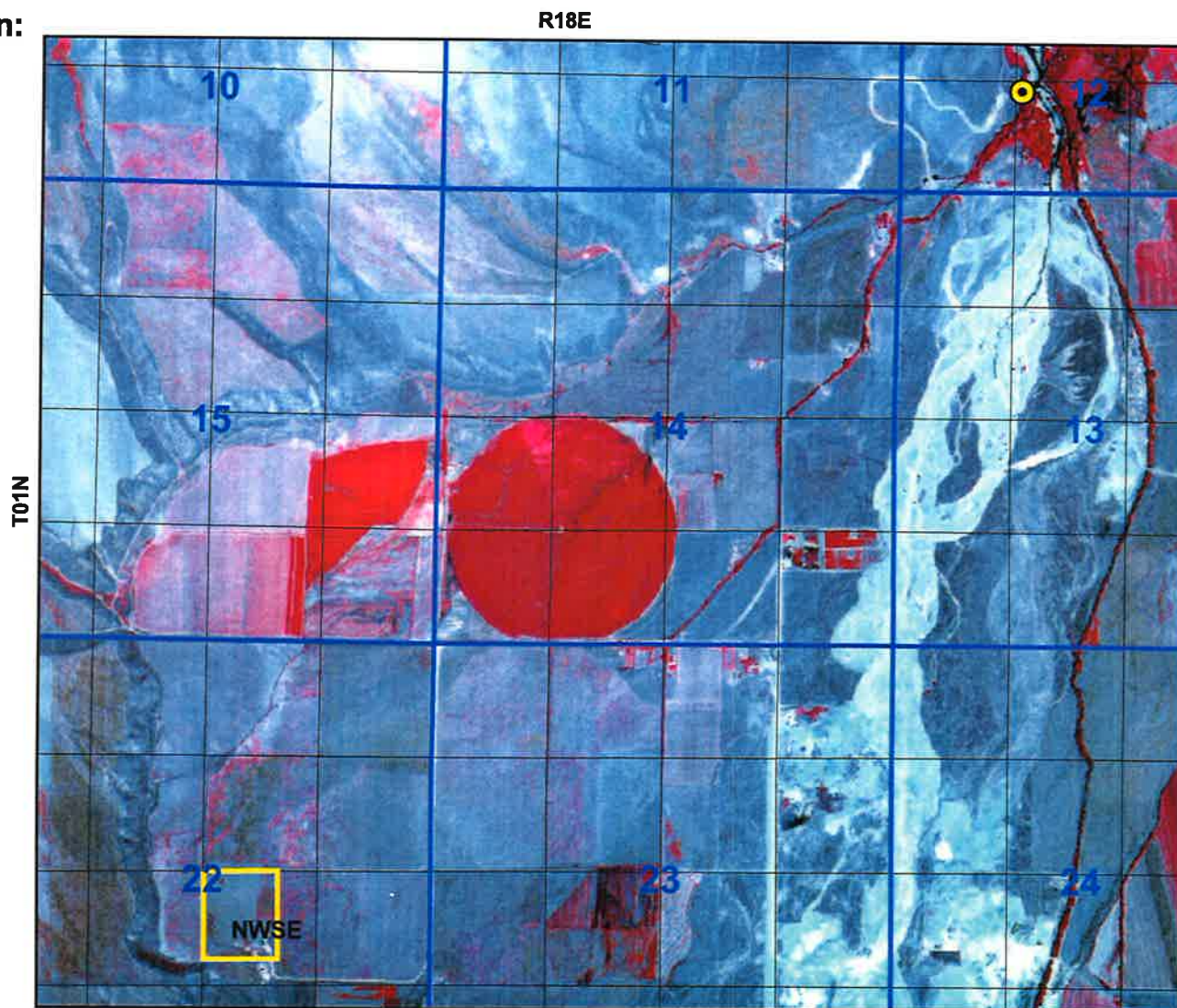
(Irrigation)

Legend

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

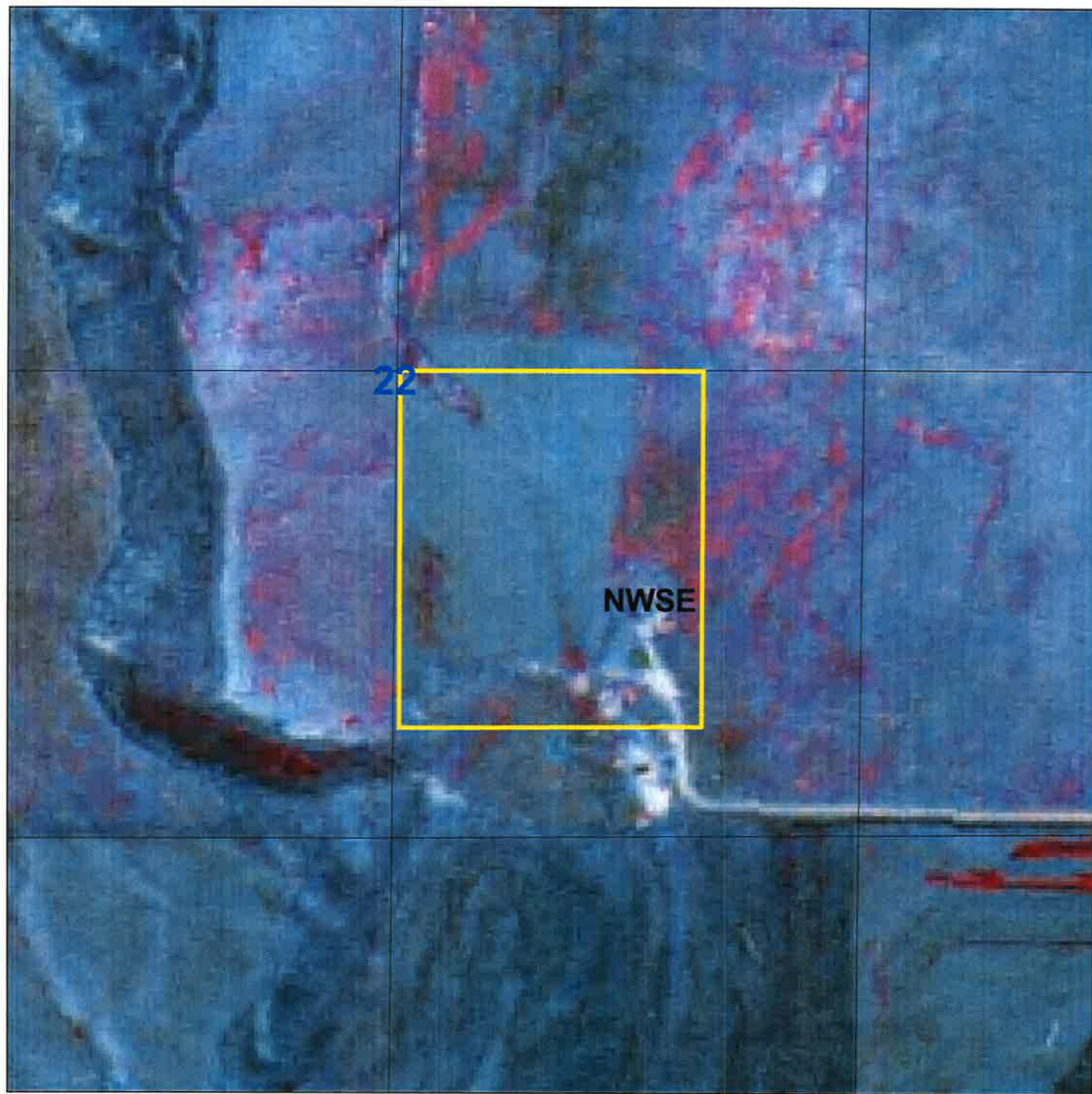


Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Thursday, November 16, 2006
1987/88 Aerial Photography

37-604H





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~CECIL D. ANDRUS~~
Governor PHILLIP E BATT

R. KEITH HIGGINSON
Director

May 2, 1995

DENNIS O BRIEN
BOX 1263
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A37-00604H
CHANGE OF OWNERSHIP

Dear Mr O Brien

Enclosed is your copy of the above listed claim as changed and a copy of your ownership change request. Please review this claim to verify that the data is correct.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

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KKC
5-1-95

37-00604 Decreed for 4.00 CFS
CLAIMED AS

A37-00604A
Rod Kegley
4.00 CFS on 145A

A37-00604B
Jeff Bitton
.22 CFS, Sec 22
NWSE 10A

Pending split



Split Totals

604B .22 CFS
C .532 CFS
D .532 CFS
E 1.04 CFS
F .532 CFS
G .532 CFS
H .533 CFS
3.93 CFS

MICROFILMED

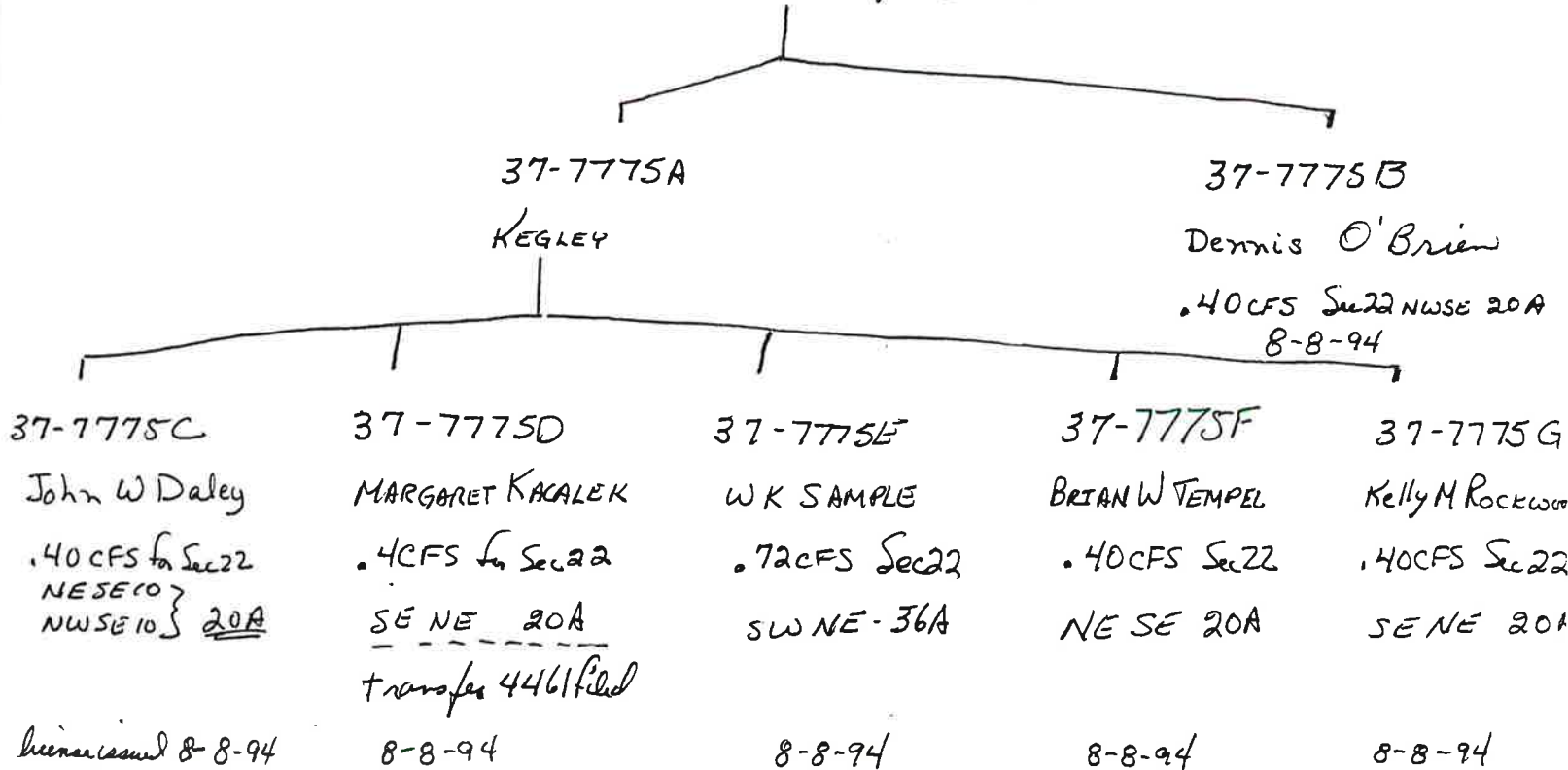
NOV 22 1996

Permit 37-7775

KKC
5-1-95

3.20 CFS for 145 acres

extension of time filed on Aug 31, 1992
for 2.74 CFS & 137 acres



Split Totals

7775B	.40 CFS	20A
C	.40 CFS	20A
D	.40 CFS	20A
E	.72 CFS	36A
F	.40 CFS	20A
G	.40 CFS	20A
Totals	2.72 CFS	136 Acres

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NOV 22 1996