

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 37-604B
Date Received: 12/23/1988
Receipt No: C0046711
Received By: 5029076

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

RECEIVED

NOV 30 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Claimant(s)

POVERTY FLATS PROPERTIES LLC Phone: (541)269-1642
C/O BILL LANSING
93962 BRIDGE VIEW LN
NORTH BEND OR USA 97459

2. Date of Priority: 06/03/1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	12	NW SE SW	BLAINE	

5. Description of diverting works:

HEADGATE ON BIG WOOD RIVER, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.30	
STOCKWATER	4/01	11/01	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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01N	18E	22	NE	SE	STOCKWATER	
			NE	SE	IRRIGATION	10.0
01N	18E	22	NW	SE	STOCKWATER	
			NW	SE	IRRIGATION	9.3
					Section Acres	19.3
					Total Acres	19.3

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:

Ownership change from Mystic Saddle Ranch to Poverty Flats Properties LLC
(11/16/2006 CS)

15. Basis of Claim: Decreed

16. Signature(s)

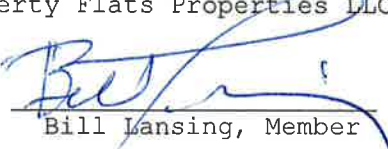
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am a member of Poverty Flats Properties LLC, that I have signed the foregoing document in the space below as a member of Poverty Flats Properties LLC and that the statements contained in the foregoing document are true and correct.

Poverty Flats Properties LLC

By: 
Bill Lansing, Member

11/27/06

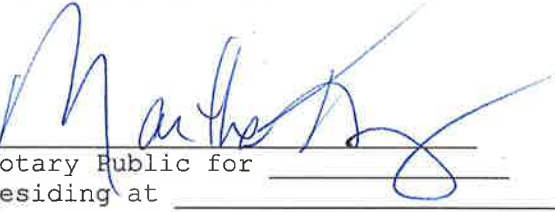
Date

State of Oregon)
County of Coos) SS.

Subscribed and sworn (or affirmed) before me this

of 11-27 2006.




Notary Public for _____
Residing at _____
My commission Expires _____

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 37-604B
Date Received: 12/23/1988
Receipt No: C004671
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

POVERTY FLATS PROPERTIES LLC Phone: (541)269-1642

C/O BILL LANSING
93962 BRIDGE VIEW LN
NORTH BEND OR USA 97459

2. Date of Priority: 06/03/1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	22	NW SE	BLAINE	

5. Description of diverting works:

HEADGATE ON BIG WOOD RIVER, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.2	
STOCKWATER	4/01	11/01	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

NW	SE	IRRIGATION	10
		Section Acres	10
		Total Acres	10

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:

Ownership change from Mystic Saddle Ranch to Poverty Flats Properties LLC
(11/16/2006 CS)

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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

RECEIVED

JUN 12 1991

Ident. Number: A37-00604B
Date Received: 10/27/1988
Receipt No: C004671
Received By: _____

Department of Water Resources
Southern Region Office

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

1. Name: JEFF BITTON 208-774-3591
Address: MYSTIC SADDLE RANCH
STANLEY, ID 83340

AND/OR

Name: DEBRA A. BITTON 208-774-3591
Address: MYSTIC SADDLE RANCH
STANLEY, ID 83340

2. Date of Priority: JUN 3, 1887

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	22	NW	SE			BLAINE

5. Description of diverting works:
HEADGATE ON BIG WOOD RIVER, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	22	NW	SE		IRR	10.0
			NW	SE		STOCK	

JUN 12 1991

Section Acres 10.0

Total Acres 10.0

Department of Water Resources
Southern Region Office

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Water Right Number: 370604

Case Number:

Court :

Decree date: 6/ 3/1887

Decree Plaintiff

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: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

JUN 12 1991

Department of Water Resources
Southern Region Office

MICROFILMED

FEB 23 1993

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

RECEIVED

JUN 12 1991

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

CIVIL CASE NUMBER: Department 39576 Water Resources

Ident. Number A37-13426 COO4671

Date Received 10/27/88

Receipt Number COO4671

CO20593

RECEIVED

MAY 23 1991

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

OCT 27 1988

pm 10/26/88
Department of Water Resources
Western Regional Office

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Jeff & Delora Bittan Phone (208) 774-3591

Mailing Address Mystic Saddle Ranch Stanley Id Zip 83340

2. Date of Priority (Only one (1) per claim) June 3, 1887

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1N Range 18E Section 22,
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: Glendale ditch

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Head gate on Big Wood River,
ditch

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Apr. 1 to Nov 1 amount .2 or 10

For stock water purposes from Apr 1 to Nov 1 amount .08 or 4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 24.22 (cfs) and/or (b) 10.4 (acre feet)

8. Total consumptive use claimed is 10.4 25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water - 50 hd.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>18E</u>	<u>22</u>								<u>X</u>									

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Domestic well permit applied for or None ()

14. Remarks:

Last Name Bitton Ident No. 39576

MICROFILMED

FEB 23 1998

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a crosshair pattern of dashed lines. The grid is used for handwriting practice, with the first four columns and the first four rows highlighted in a darker shade to form a 4x4 sub-grid.

MICROFILMED

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree 20

If applicable provide IDWR Water Right Number 37-0604

Court _____ Case Number _____ Decree Date 6-3-1887

Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Debra A. B. Hor Date 10/20/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or IDAHO)
County of BUTTE) SS.

Subscribed and sworn (or affirmed) before me this 25 day of OCTOBER 19 88

SEAL

Notary Public [Signature]

Residing at 1771454

My Commission Expires 12/18/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Bitton Ident. Number 39576

MICROFILMED

FEB 23 1993

Copies White-State, Yellow-Claimant

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:

JUN 12 1991

39576

Ident. Number

A37 Department of Water Resources

Date Received

10/27/88 Northern Region Office

Receipt Number

C004671

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 27 1988

pm 10/26/88
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Jeff & Debra Bitton Phone (208) 774-3591Mailing Address Mystic Saddle Ranch Stanley Id Zip 833402. Date of Priority (Only one (1) per claim) June 3, 18873. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1N Range 18E Section 22,
NW 1/4 of SE 1/4 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: Glendale ditch

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Head gate on Big Wood River,
ditch

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April to Nov 1 amount _____ or 10

For stock water purposes from April to Nov 1 amount _____ or 4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 10.4 (acre feet)

8. Total consumptive use claimed is 10.4 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water - 50 hd.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>18E</u>	<u>22</u>								<u>X</u>									

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Domestic well permit applied for or None ()

14. Remarks:

Last Name Bitton Ident No. 39576

MICROFILMED

Feb 23 1993
Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-0604
Court _____ Case Number _____ Decree Date 6-3-1887
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Debra A. B. Hon

Date 10/25/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or IDAHO)
County of BUTTE) SS.

Subscribed and sworn (or affirmed) before me this 25 day of OCTOBER 19 88

SEAL

Notary Public [Signature]

Residing at 177454

My Commission Expires 12/18/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Bitton

Ident. Number 39576

MICROFILMED

Copies White-State, Yellow-Claimant
FEB 23 1993

12/11/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 28 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: 01/05/2007

Water right number: 37-604B

POVERTY FLATS PROPERTIES LLC
C/O BILL LANSING
93962 BRIDGE VIEW LN
NORTH BEND OR 97459
Telephone Number: (541)269-1642

RECEIVED

JAN 17 2007

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):

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:

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

DATE: 12/23/2006

SIGNATURE:

Please print your name:

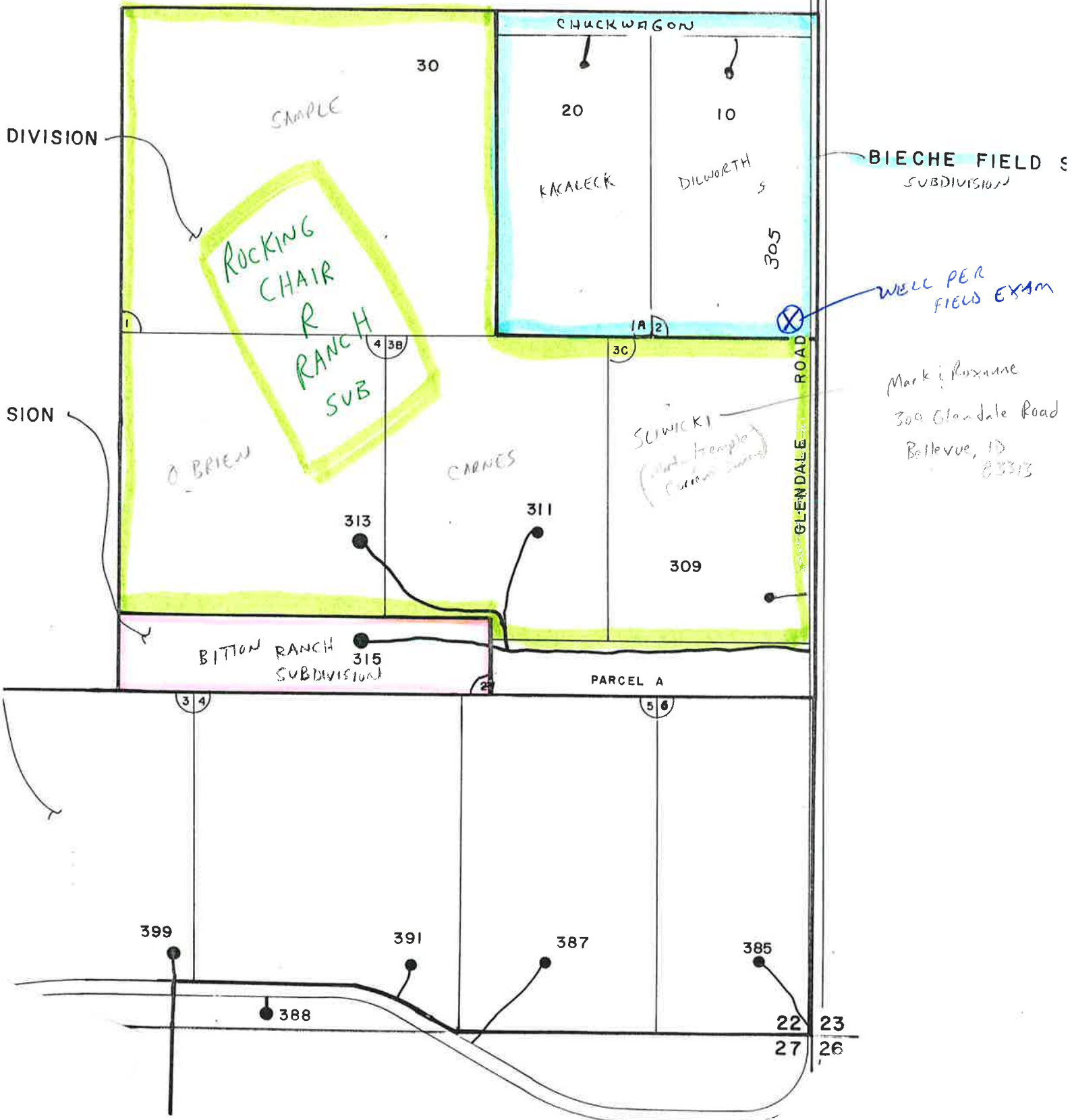
William Lansing member Poverty Flats Properties, LLC

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

SCANNED

DEC 28 2006

4/15 - 10/3



Basin	Sequence Suffix	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Version	Source Ta App ID
37	604	See Remarks	1887-06-03	4		BIG WOOD RIVER	IRRIGATION			wrAdjudicationClaim
37	604 A	See Remarks	1887-06-03	4		BIG WOOD RIVER	IRRIGATION			wrAdjudicationClaim
37	604 B	Active	1887-06-03	0.22		BIG WOOD RIVER	IRRIGATION, STOCKWATER	MYSTIC SADDLE RANCH (Current)		wrAdjudicationClaim 10 -
37	604 C	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	CARNES, VICKI FRANCES (Current)		wrAdjudicationClaim 20 -
37	604 D	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	KACALEK, MARGARET E (Current)		wrAdjudicationClaim 20 -
37	604 E	Active	1887-06-03	1.04	126	BIG WOOD RIVER	IRRIGATION	REED, LINDA K (Current); SAMPLE, WILLIAM K (Current)		wrAdjudicationClaim 20 - 36
37	604 F	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	MARTIN, ROXANNE L (Current); TEMPEL, BRIAN W (Current)		wrAdjudicationClaim 20 -
37	604 G	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	DILWORTH, BRYAN K (Current); ROCKWOOD, KELLY M (Current)		wrAdjudicationClaim 20 -
37	604 H	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	O BRIAN, DENNIS P (Current); O BRIEN, PATTI (Current)		wrAdjudicationClaim 20 -
37	604 A	See Remarks	1887-06-03	4		BIG WOOD RIVER	IRRIGATION			1 wrAdjudicationRecomr
37	604 B		1887-06-03	0.22		BIG WOOD RIVER	IRRIGATION, STOCKWATER	MYSTIC SADDLE RANCH (Current)		1 wrAdjudicationRecomr
37	604 C		1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	CARNES, VICKI FRANCES (Current)		1 wrAdjudicationRecomr
37	604 D	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	KACALEK, MARGARET E (Current)		1 wrAdjudicationRecomr
37	604 E	Active	1887-06-03	1.04	126	BIG WOOD RIVER	IRRIGATION	REED, LINDA K (Current); SAMPLE, WILLIAM K (Current)		1 wrAdjudicationRecomr
37	604 F		1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	MARTIN, ROXANNE L (Current); TEMPEL, BRIAN W (Current)		1 wrAdjudicationRecomr
37	604 G	Active	1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	DILWORTH, BRYAN K (Current); ROCKWOOD, KELLY M (Current)		1 wrAdjudicationRecomr
37	604 H		1887-06-03	0.53		BIG WOOD RIVER	IRRIGATION	O BRIAN, DENNIS P (Current); O BRIEN, PATTI (Current)		1 wrAdjudicationRecomr
37	604	See Remarks								wrWaterRight
37	604 A	Active	1887-06-03	2.96		BIG WOOD RIVER	IRRIGATION	SHIPP, JOSEPH H (Current)		wrWaterRight
37	604 B	Active	1887-06-03	1.04	126	GROUND WATER	IRRIGATION	REED, LINDA K (Current); SAMPLE, WILLIAM K (Current)		wrWaterRight ← approved T #5306

37-604 A 2.96 cfs for three 40 acre tracts

6 claims against 37-604 A total 2.96 cfs for 110 acres

DIVER	R	OWNER	ST_ID	DECREE_TO	PRIOR	INCHES	CFS
50	E	VICKI FRANCES CARNES ✓	37-0604 C	JOSEPH H SHIPP	06 / 03 / 1887	26.00	0.52
50	E	BRYAN D DILWORTH ✓	37-0604 G	JOSEPH H SHIPP	06 / 03 / 1887	26.60	0.53
50	E	MARGARET E KACALEK ✓	37-0604 D	JOSEPH H SHIPP	06 / 03 / 1887	28.60	0.57
50	E	JEFFERY M BITTON	37-0604 B	JOSEPH H SHIPP	06 / 03 / 1887	14.80	0.30
50	E	DENNIS O'BRIEN ✓	37-0604 H	JOSEPH H SHIPP	06 / 03 / 1887	26.00	0.52
50	E	W K SAMPLE ✓	37-0604 E	JOSEPH H SHIPP	06 / 03 / 1887	52.00	1.04
49	E	ROXANNE MARTIN	37-0604 F	JOSEPH H SHIPP	06 / 03 / 1887	26.00	0.52

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



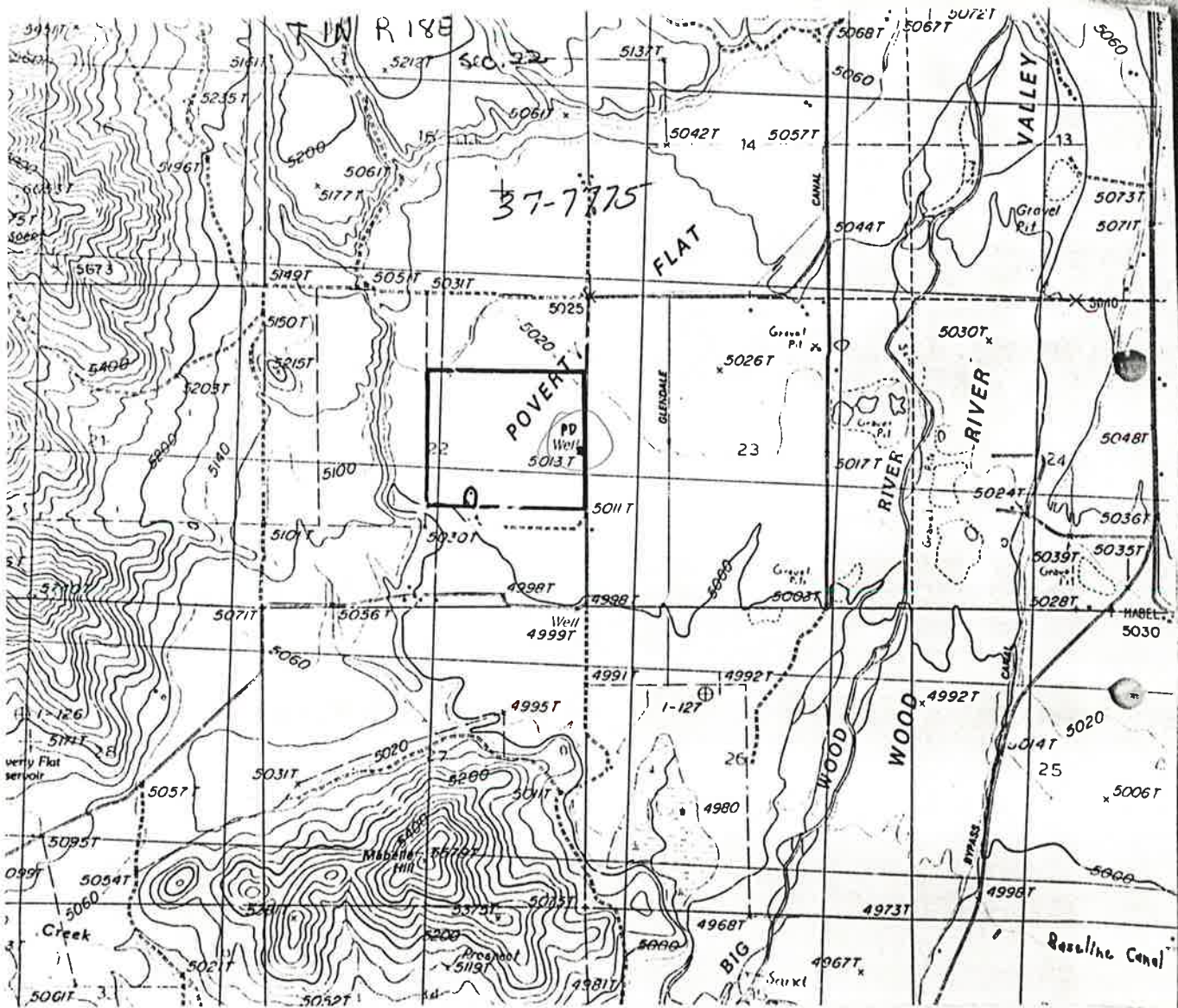
Split Totals

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

from
37-7775
F.E.



15

22

SAMPLE

KACALEK

DILWORTH

3C

CARNES

O'BRIEN



07

04/01/04			BIG WOOD ABOVE MAGIC DECREE BOOK												
DIVER NO	R	DIVER NAME	ST_PRIK	OWNER	ST_ID	DECREE TO	PRIOR DATE				INCHES	CFS	OWNER CFS	CANAL CFS	
50	E	GLENDALE	61-A	JEFFERY BITTON	37-0604 B	JOSEPH H SHIPP	06	/	03	/	1887	14.80	0.30	0.30	0.30
50	E	GLENDALE	85-A1	WILLIAM D BOBBITT-RLR-50 TR # 4157	37-0043	PETER BANNON	06	/	01	/	1891	19.00	0.38	0.38	0.68
50	E	GLENDALE	62-B10	FREDRICK BROWN	37-0307	ADOLPH HECKARD	06	/	10	/	1887	13.60	0.27	0.27	0.95
50	E	GLENDALE	80-D10	FREDRICK BROWN	37-0047	GUY C.BARNUM	10	/	31	/	1889	50.40	1.01	1.28	1.96
50	E	GLENDALE	33-B	JOHN BROWN	37-0203	HENRY ELLIOTT	05	/	02	/	1884	320.00	6.40	6.40	8.36
50	E	GLENDALE	57-A1	JOHN BROWN-RLR-03	37-00562A	J.W.RAVENSCROFT	05	/	10	/	1887	111.89	2.24	8.64	10.59
50	E	GLENDALE	62-A1	JOHN BROWN	37-0479	J.W.MELLER	06	/	10	/	1887	80.00	1.60	10.24	12.19
50	E	GLENDALE	64-A	JOHN BROWN	37-0204	HENRY ELLIOTT	07	/	15	/	1887	400.00	8.00	18.24	20.19
50	E	GLENDALE	93-A	JOHN BROWN	37-0205	HENRY ELLIOTT	08	/	09	/	1889	320.00	6.40	24.64	26.59
50	E	GLENDALE	97-B	JOHN BROWN	37-0206	HENRY ELLIOTT	06	/	01	/	1901	160.00	3.20	27.84	29.79
50	E	GLENDALE	62-BB1	MIKE BRUNETTO	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	29.93
50	E	GLENDALE	80-DB1	MIKE BRUNETTO	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	30.43
50	E	GLENDALE	19-A20	EDWARD CAMERON-RLR-20	37-0577	W.T.RILEY	03	/	24	/	1883	23.00	0.46	0.46	30.89
50	E	GLENDALE	50-B3	EDWARD CAMERON-RLR-15	37-0521	ISRAEL T.OSSBORN	06	/	01	/	1886	47.00	0.94	1.40	31.83
50	E	GLENDALE	62-B3	EDWARD CAMERON	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	1.54	31.97
50	E	GLENDALE	80-D3	EDWARD CAMERON	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	2.04	32.47
50	E	GLENDALE	750-RO	EDWARD CAMERON	37-0633	ROCKWELL BY-PASS	11	/	12	/	1936	27.00	0.54	2.58	33.01
50	E	GLENDALE		VICKI FRANCES CARNES	37-0604 C	JOSEPH H SHIPP	06	/	03	/	1887	26.00	0.52	0.52	33.53
50	E	GLENDALE		BRYAN K DILWORTH	37-0604 G	JOSEPH H SHIPP	06	/	03	/	1887	26.60	0.53	0.53	34.07
50	E	GLENDALE	80-D7	JUDY E DOWNHILL	37-307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	34.20
50	E	GLENDALE	80-D7	JUDY E DOWNHILL	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	34.71
50	E	GLENDALE	57-A3	GARY FARRINGTON RLR-32	37-0562C	J.W.RAVENSCROFT	05	/	10	/	1887	76.00	1.52	1.52	36.23
50	E	GLENDALE	60-D1	GARY FARRINGTON	37-0617	MARY SILVA	06	/	10	/	1887	175.00	3.50	5.02	39.73
50	E	GLENDALE	61-A	MARGARET E KACALEK	37-0604 D	JOSEPH H SHIPP	06	/	03	/	1887	28.60	0.57	0.57	40.30
50	E	GLENDALE	80-A1	WILLIAM L KYES	37-0429	JOHN T LOVING	10	/	31	/	1889	26.66	0.53	0.53	40.83
50	E	GLENDALE	61-A	ROXANNE MARTIN	37-0604 F	JOSEPH H SHIPP	06	/	03	/	1887	26.00	0.52	0.52	41.35
50	E	GLENDALE	80-D7	WILLIAM H MURPHY	37-307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	41.49
50	E	GLENDALE	80-D7	WILLIAM H MURPHY	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	41.99
50	E	GLENDALE	61-A	DENNIS O'BRIEN	37-0604 H	JOSEPH H SHIPP	06	/	03	/	1887	26.00	0.52	0.52	42.51
50	E	GLENDALE	80-A1	MARK PALMER	37-0429	JOHN T LOVING	10	/	31	/	1889	26.66	0.53	0.53	43.04
50	E	GLENDALE	80-A1	DEE BROWN PERRY	37-0429	JOHN T LOVING	10	/	31	/	1889	26.66	0.53	0.53	43.58
50	E	GLENDALE	48-A	BETTY REMBER	37-0601	JAMES SHARP	09	/	18	/	1885	120.00	2.40	2.40	45.98
50	E	GLENDALE	48-A	BETTY REMBER	37-0420	JOHN H LITTLE	10	/	31	/	1889	160.00	3.20	5.60	49.16
50	X	GLENDALE	61-A	W K SAMPLE TR # 5306 TRANSFER TO GROUND WATER CHARGE AS SURFACE LEAVE IN GLENDALE CAN PUMP ONLY.72 CFS FROM WELL	37-0604 E	JOSEPH H SHIPP	06	/	03	/	1887	52.00	1.04	0.72	50.22
50	E	GLENDALE	62-B5	KENNETH R SMITH	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	50.35
50	E	GLENDALE	80-D5	KENNETH R SMITH	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	50.86
50	E	GLENDALE	60-D2	SOUTH 36 L T	37-0617	MARY SILVA	06	/	01	/	1887	50.00	1.00	1.00	51.86
50	E	GLENDALE	62-B1	SOUTH 36 L T	37-0307	ADOLPH HECKARD	06	/	10	/	1887	12.00	0.24	1.24	52.10
50	E	GLENDALE	80-D1	SOUTH 36 L T	37-0047	GUY C.BARNUM	10	/	31	/	1889	48.00	0.96	2.20	53.06
50	E	GLENDALE	85-A2	BARBARA ROBINS TOMASI	37-0043B	PETER BANNON	06	/	01	/	1891	29.40	0.59	0.59	53.65
50	E	GLENDALE	62-B4	JIM TOOTHMAN	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	53.78
50	E	GLENDALE	80-D4	JIM TOOTHMAN	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	54.29
50	E	GLENDALE	42-D3	WOOD RIVER RANCHES	37-0316	HENRY HOAK	10	/	15	/	1884	140.00	2.80	2.80	57.09
50	E	GLENDALE	46-A	WOOD RIVER RANCHES	37-0052	JOSEPH BERGIN	06	/	15	/	1885	130.00	2.60	5.40	59.69
50	E	GLENDALE	80-A2	WOOD RIVER RANCHES	37-0429	JOHN T LOVING	10	/	31	/	1889	80.00	1.60	7.00	61.29
50	E	GLENDALE	80-C	WOOD RIVER RANCHES	37-0360	JOHN W.JONES	10	/	31	/	1889	160.00	3.20	10.20	64.49
50	E	GLENDALE	62-B8	DOUGLAS WYNN	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	64.62
50	E	GLENDALE	80-D8	DOUGLAS WYNN	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	65.13
50	E	GLENDALE	62-B2	MICHAEL E WALBERT	37-0307	ADOLPH HECKARD	06	/	10	/	1887	6.80	0.14	0.14	65.26
50	E	GLENDALE	80-D2	MICHAEL E WALBERT	37-0047	GUY C.BARNUM	10	/	31	/	1889	25.20	0.50	0.64	65.77

Memorandum

To: 37-604B file
CC: Kurt Lansing
From: Jeanie Robertson
Date: 2/9/2005
Re: future ownership change/amended claim

Kurt Lansing
315 Glendale Rd.
Bellevue, ID 83313
720-0502
788-1218

Mr. Lansing called yesterday with questions on the water rights for property he is purchasing in Blaine County, located in T01N, R18E, Section 22, Lot 2 and Parcel A of the Rocking Chair R Ranch Subdivision, consisting of approximately 18 acres. He mentioned a neighbor told him he should check to see if he has any ground water irrigation rights, which the neighbor has on his parcel. Upon review of the location, I found a claim for surface water (37-604B), which was filed by Jeff Bitton in 1991 for Lot 2. The groundwater right in question is 37-7775. A permit was originally filed by Robert Ratto on 160 acres, which included the parcels in question but the applicant subsequently lost the property and never filed proof on the permit. Rod Kegley purchased the property in a sheriff's sale and was able to reinstate the permit, with a later priority date. He filed on 137 acres, which did not include the parcels in question. 37-7775 was licensed through assignments of permit and was split into parts B-G. The entire licensed amount and 137 acres has been claimed and accounted for. It does not appear that this property should have any part of 37-7775 as it was not included in the reinstated permit by Kegley. There is, however, an unclaimed portion of 37-604 that appears to be appurtenant to parcel A. Claim 37-604B could be amended to include the additional acres in Parcel A and the unclaimed diversion rate. I have advised Mr. Lansing that when the sale closes in June, he should complete an ownership change and then amend 37-604B.

There is also a decreed domestic & stockwater right (37-12210) for Bitton. It was claimed and decreed in the SENW of Section 22. (A well log from 1987 shows a well was drilled for Bitton in the NESE.) These parcels are in the NWSE and NESE and I think the house may actually be located in the NWSE. The deeds, therefore, will not match the place of use of 37-12210 for a change of ownership. Options include a transfer to correct 37-12210, motioning the court to have the partial decree set aside and correcting it, filing a new claim, or doing nothing at all since domestics are exempt from the adjudication. Mr. Lansing can decide after the closing.

THE E 1/2, SECTION 22, T.1 N., R.18 E., B.M., BLAINE CO. I

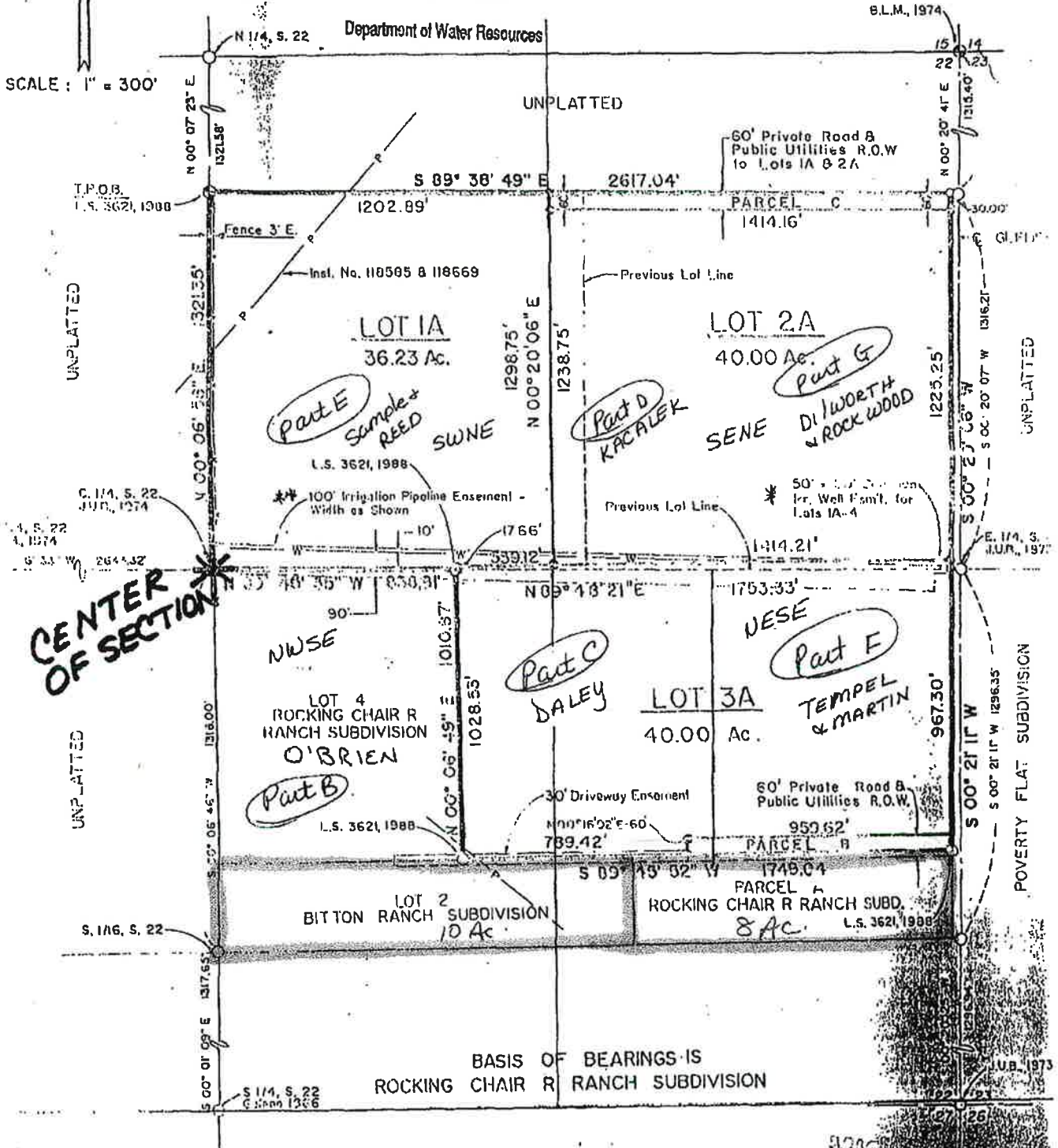
RECEIVED

OCT 07 1992

MAY 1992

SCALE IN FEET

SCALE: 1" = 300'



37-07775 Current Division 6/22/94
Parts B thru G

SEP 09 1994

NWSE

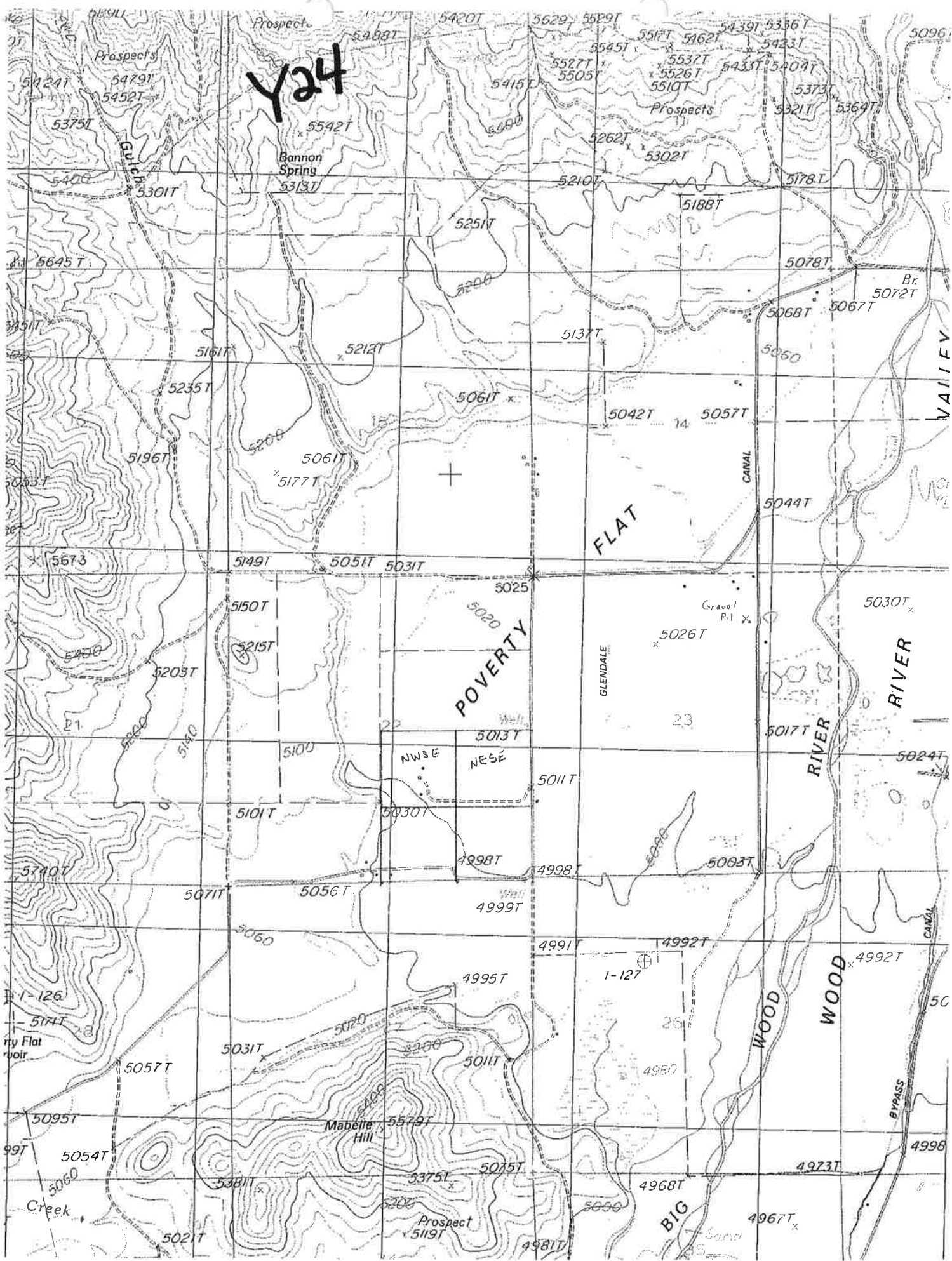
TOIN
R 18E
Sec. 22

NESE

3.34 Ac

6.25 Ac

Parcel
A
(8A)



Water Right Report 37-604A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOSEPH H SHIPP
	, ID

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.960 CFS	
	<u>Total Diversion:</u>	2.960 CFS	

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X	X							X	X						

36 acres to sample per T#5306

36 historical overlaps on POW

1. P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

1. PSKAGGS 4/7/1999 TRANSFER 5306
Comment: Transfer 5306 changes the point of diversion under Right 37-07775E, and changes the point of diversion & source under a portion of Right 37-00604, splitting the right into Parts A & B.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-604A

Licensed Date:

Decreed Date: 12/13/1909

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Alturas Water Co, et al

Decree Plaintiff: S C Frost, et al

Civil Case Number:

Judicial District: Fourth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7775E

WATER RIGHT NUMBER: 37-7775E

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARNETTA RATTO
	, ID
Current Owner	WILLIAM K SAMPLE PO BOX 1042 BELLEVUE, ID 83313 (208)788-3534
Original Owner	ROBERT W RATTO
	, ZZ
Current Owner	LINDA K REED PO BOX 1042 BELLEVUE, ID 83313 (208)788-3534

Priority Date: 08/02/1988

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.720 CFS	126.00 AF
	<u>Total Diversion:</u>	0.720 CFS	126.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 22, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	22																	36.0

Total Acres: 36

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7775E

1. Rights 37-00604B and 37-07775E when combined shall not exceed a total diversion rate of 0.72 cfs and a total annual maximum diversion volume of 126.0 af from the well for the irrigation of 36.0 acres. The right holder shall maintain a totalizing 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 groundwater diversion.
The groundwater point of diversion and place of use are located within Lot 1A, Rocking Chair R Ranch Subdivision.
2. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:Comments:

1. BCHAPMAN 6/22/1994 SPLIT RIGHT

Comment: This right was split from 37-07775A at the time of licensing.

2. PSKAGGS 4/7/1999 TRANSFER 5306

Comment: Transfer 5306 changes the point of diversion under Right 37-07775E, and changes the point of diversion & source under a portion of Right 37-00604, splitting the right into Parts A & B.

Dates and Other Information:

Licensed Date: 9/8/1994
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 37
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.72	126	36
Combined Water Rights: 37-604B , 37-7775E		

11/30/2006

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

RIGHT NUMBER: 37-604B

NAME AND ADDRESS: POVERTY FLATS PROPERTIES LLC
C/O BILL LANSING
93962 BRIDGE VIEW LN
NORTH BEND OR 97459

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 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>
STOCKWATER	04/15 10/31	0.020 CFS
IRRIGATION	04/15 10/31	0.300 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S22	NESE	9.00	T01N R18E S22	NWSE	9.10
---------------	------	------	---------------	------	------

STOCKWATER in BLAINE County

T01N R18E S22	NESE	T01N R18E S22	NWSE
---------------	------	---------------	------

18.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Parcel A, Rocking Chair R Ranch Subdivision and Lot 2, Bitton Ranch Subdivision.



Idaho Department of Water Resources

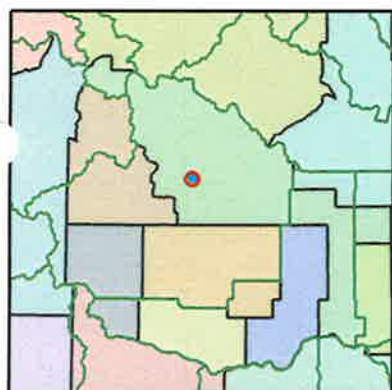
SRBA Recommendation:

37-604B

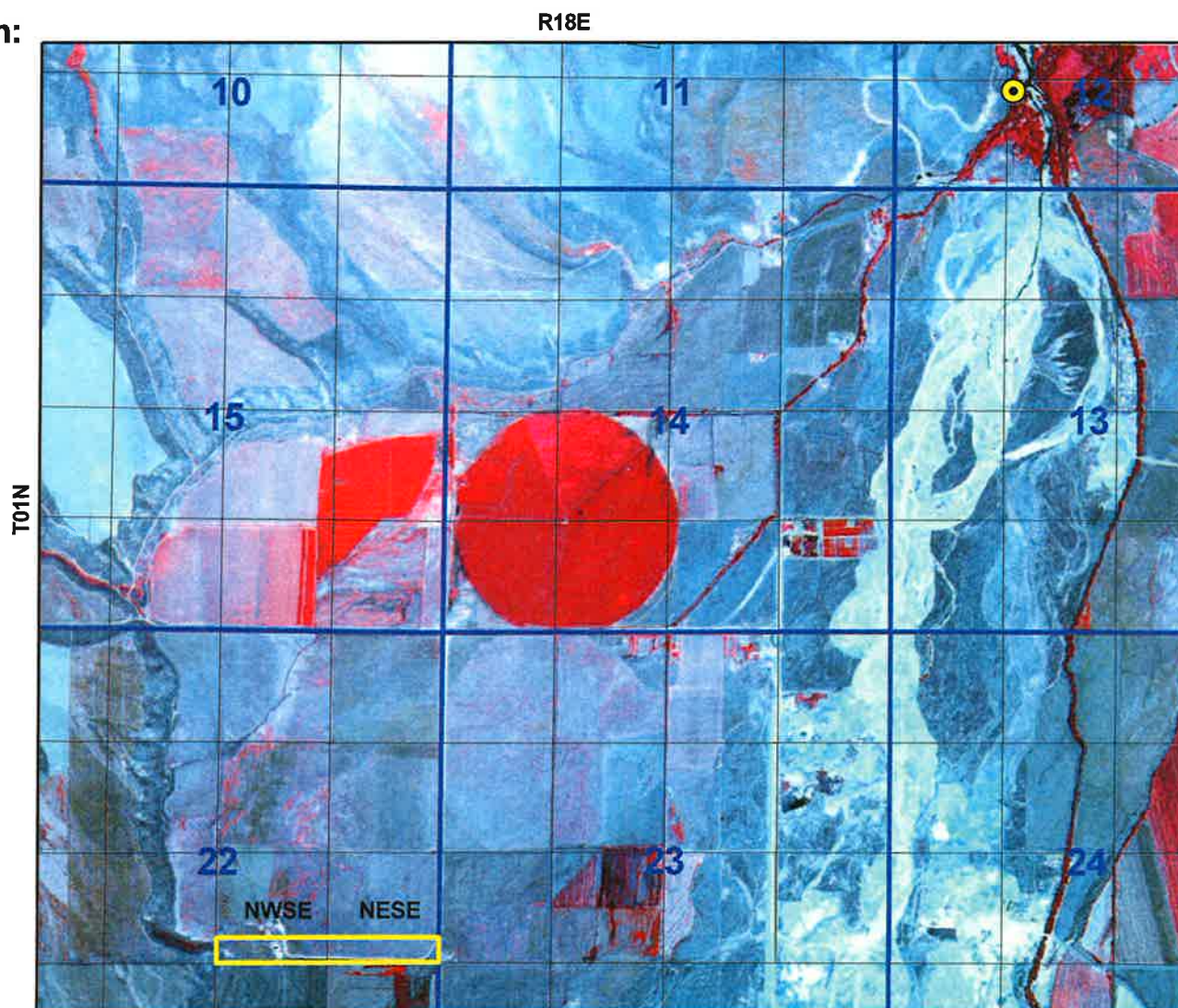
(Irrigation)

Legend

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

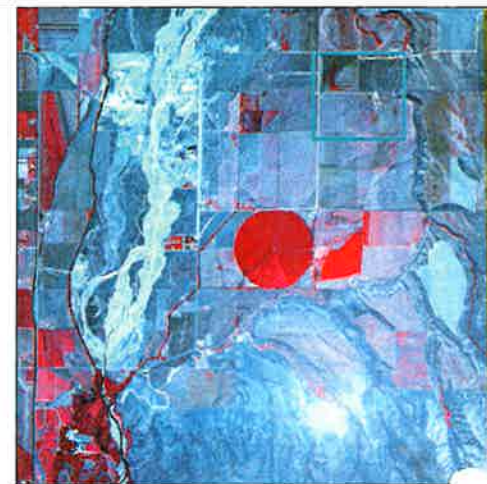
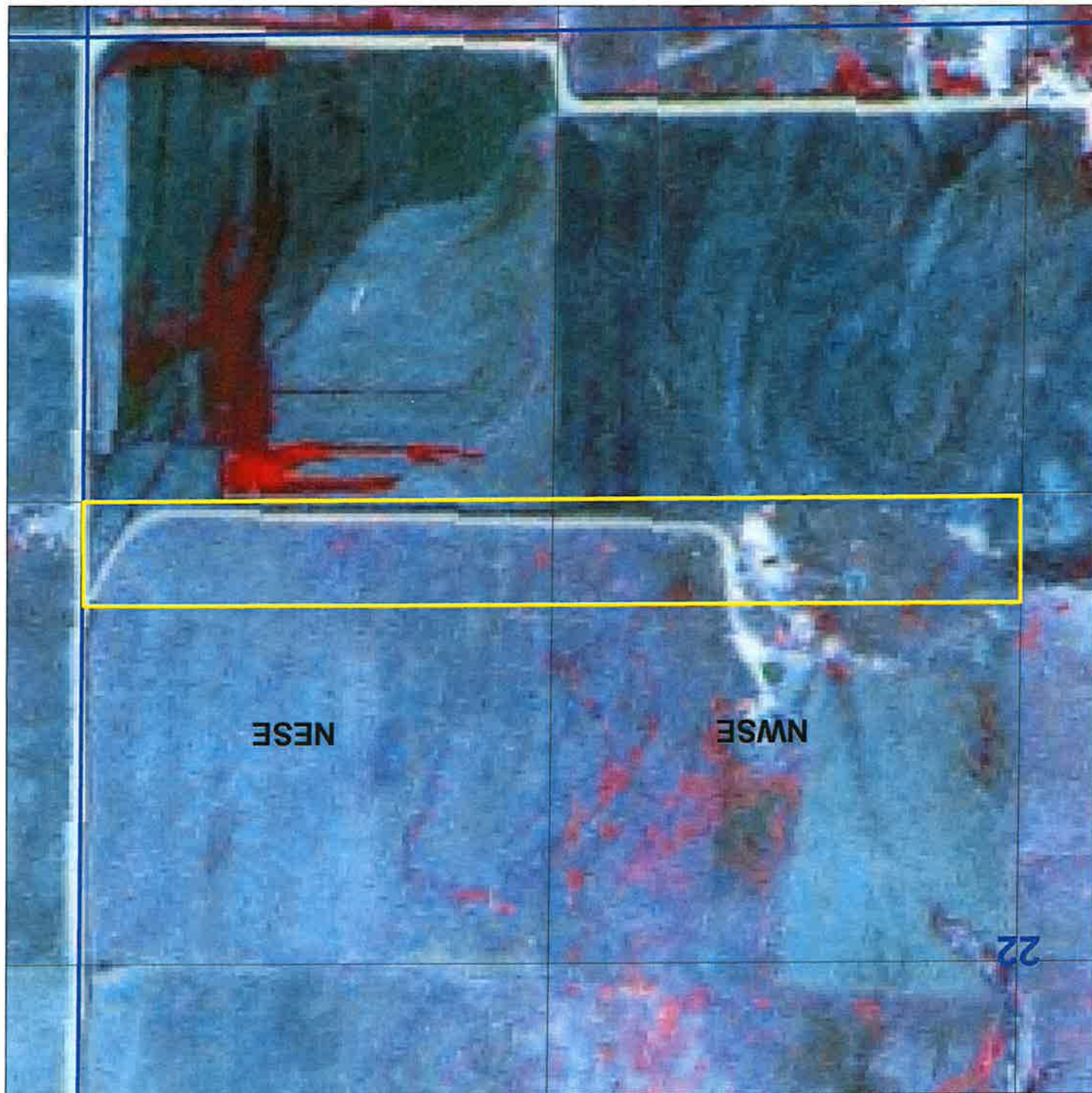


Blaine County
IDWR Basin 37



0 0.9 1.8 Miles

Prepared by C. Skinner
On Thursday, November 30, 2006
1987/88 Aerial Photography



37-604B

blansing

From: Skinner, Corey [Corey.Skinner@idwr.idaho.gov]
Sent: Monday, November 27, 2006 9:55 AM
To: Jim Speck
Cc: blansing@hughes.net
Subject: RE: Poverty Flats Properties LLC Claim 37-604B Amendment

Attachments: 37-604B amended claim.doc



37-604B amended
claim.doc (26 ...

Jim,

*Mr. Skinner.
Enclosed pls. find the signed
Amended water rights for
Poverty Flats Properties LLC.
Thank you, Bill Lansing
11/27/06*

RECEIVED
NOV 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attached is an amended claim for 37-604B. The amendments reflect a correction of the diversion description (to the head of the Glendale Canal), amending the claim to 0.30 cfs (to match water master records), and amending the place of use from 10 acres to 19.3 acres (to match aerial photos and include land on the east end of the property not originally claimed). The amendment fee is \$20.00 (\$2.00 per acre above and beyond the 10 acres originally claimed). If this is acceptable, the signed and notarized amendment (original copy) along with the filing fee can be returned to me and then I will work on preparing the recommendation for this right.

Corey

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, November 22, 2006 9:26 AM
To: Skinner, Corey
Cc: blansing@hughes.net
Subject: RE: Poverty Flats Properties LLC Claim 37-604B Amendment

Corey,

Can you prepare the amended claim and e-mail it to Bill Lansing and me? Thank you very much for picking this up for my client! Happy Thanksgiving!

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Skinner, Corey

Sent: Monday, November 20, 2006 12:36 PM

To: jimspeck@cox-internet.com

Jim,

You recently submitted an ownership change form for claim 37-604B previously owned by Bitton/Mystic Saddle Ranch and now owned by Poverty Flats Properties LLC. This ownership change has been completed and the IDWR claim record should now be updated accordingly. I have created recommendations for the other pieces of right 37-604, but have not yet created a recommendation for claim 37-604B. Currently, the claim is filed for 0.22 cfs for the irrigation of 10 acres in the NWSE of Section 22 (T01N, R18E). During my review of the claims filed against right 37-604, I noticed that the water master has records of delivering 0.30 cfs to right 37-604 to Bitton. In addition, it appears that Bitton may have under claimed the place of use also. It appears that land east of the 10 acre claimed place of use (parcel A of Rocking Chair R Ranch Subdivision), once owned by Bitton and now owned by Poverty Flats Properties LLC, appears irrigated. I believe that I could recommend about 19.3 acres + or - , rather than the 10 acres currently claimed.

In summary, it appears that the claim could be amended from 0.22 cfs to 0.30 cfs, and the place of use could be amended from 10 acres to 19.3 acres (with 10 acres in the NESE of Section 22, and 9.3 acres in the NWSE of Section 22 (both T01N, R18E)). If the claim is not amended, I could recommend the claimed 0.22 cfs and 10 acres, but I would assume your client would want to amend the claim for additional water and acres. The amendment fee would be \$20.00 (based on \$2.00 per acre for additional 9.3 acres).

Anyways, let me know what you want to do on this one. I will hold off on the recommendation for 37-604B as long as I can, or until I receive an amended claim. Let me know if you have any questions, or if you want to discuss.

Corey Skinner
(208) 736-3033

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No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.430 / Virus Database: 268.14.10/541 - Release Date: 11/20/2006
6:48 AM

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No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.430 / Virus Database: 268.14.13/546 - Release Date: 11/22/2006
9:01 AM

Skinner, Corey

From: Skinner, Corey
Sent: Monday, November 20, 2006 10:48 AM
To: 'jimspeck@cox-internet.com'
Subject: Poverty Flats Properties LLC Claim 37-604B Amendment

Jim,

You recently submitted an ownership change form for claim 37-604B previously owned by Bitton/Mystic Saddle Ranch and now owned by Poverty Flats Properties LLC. This ownership change has been completed and the IDWR claim record should now be updated accordingly. I have created recommendations for the other pieces of right 37-604, but have not yet created a recommendation for claim 37-604B. Currently, the claim is filed for 0.22 cfs for the irrigation of 10 acres in the NWSE of Section 22 (T01N, R18E). During my review of the claims filed against right 37-604, I noticed that the water master has records of delivering 0.30 cfs to right 37-604 to Bitton. In addition, it appears that Bitton may have under claimed the place of use also. It appears that land east of the 10 acre claimed place of use (parcel A of Rocking Chair R Ranch Subdivision), once owned by Bitton and now owned by Poverty Flats Properties LLC, appears irrigated. I believe that I could recommend about 19.3 acres + or -, rather than the 10 acres currently claimed.

In summary, it appears that the claim could be amended from 0.22 cfs to 0.30 cfs, and the place of use could be amended from 10 acres to 19.3 acres (with 10 acres in the NESE of Section 22, and 9.3 acres in the NWSE of Section 22 (both T01N, R18E)). If the claim is not amended, I could recommend the claimed 0.22 cfs and 10 acres, but I would assume your client would want to amend the claim for additional water and acres. The amendment fee would be \$20.00 (based on \$2.00 per acre for additional 9.3 acres).

Anyways, let me know what your want to do on this one. I will hold off on the recommendation for 37-604B as long as I can, or until I receive an amended claim. Let me know if you have any questions, or if you want to discuss.

Corey Skinner
(208) 736-3033

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

RECEIVED
 NOV 13 2006
 DEPT. 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
	37-604B				
37-12210					

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 Jeffrey M. Bitton and Debra A. Bitton
 Owner/Claimant(s) H.C. 64, Box 9951, Stanley, Idaho 83340
4. New Owner/Claimant(s) Poverty Flats Properties, LLC
Name Connector (Check one): [] and, [] or [] and/or
 New Mailing Address c/o Bill Lansing 93962 Bridge View Lane
 City, State and Zip Code North Bend, Oregon 97459
 New Telephone Number (541) 269-1642
5. Date you acquired the property March 30, 2005

ORIGINAL IN RED

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	_____	_____

Poverty Flats Properties, LLC, an Idaho limited liability Company

7. Signature of New owner(s) or Claimant(s)

By: _____

Bill Lansing, Member

(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 [Signature] Date 11/15/06 Fee 2500
 Received by C. HAHN Date 11/16/06 Receipt No. 5029039
 Processed by _____ AJ Date _____ WR _____ Date _____

Order No. 0521213

Instrument # 518149

HAILEY, BLAINE, IDAHO

2005-03-31

04:02:00 No. of Pages: 2

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

JEFFREY M. BITTON AND DEBRA A. BITTON, husband and wife

the Grantors do hereby grant, bargain, sell, convey and warrant unto

POVERTY FLATS PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY

the Grantee whose current address is: 315 Glendale Road
Bellevue, ID 83313

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

Lot 2 BITTON RANCH SUBDIVISION, BLAINE COUNTY, IDAHO as shown on the official plat thereof, recorded April 8, 1987, as Instrument No. 283441, records of Blaine County, Idaho.

AND

Parcel A of ROCKING CHAIR R RANCH SUBDIVISION, BLAINE COUNTY, IDAHO as shown on the official plat thereof, recorded October 31, 1988, as Instrument No. 299826, records of Blaine County Idaho, and together with an undivided 1/4 interest in Parcel B of A REPLAT OF LOTS 1, 2, 3 ROCKING CHAIR R RANCH SUBDIVISION, recorded August 5, 1992, as Instrument No. 343403, records of Blaine County Idaho.

This transaction is a 1031 Exchange for the benefit of
Jeffrey M. Bitton and Debra A. Bitton, as relinquished property.

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 Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.


Jeffrey M. Bitton

Mar 31, 05
Date

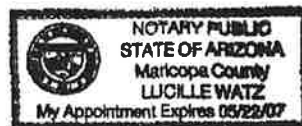

Debra A. Bitton

March 30, 05
Date

State of: ~~Idaho~~ Arizona
County of: Maricopa

On this 30 day of March, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared **JEFFREY M. BITTON AND DEBRA A. BITTON** known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Lucille Watz
Notary Public
Residing at: Peñon, Az 85086
Commission Expires: 5-22-07



Order No. 0521213

QUITCLAIM DEED

Instrument # 518150

HAILEY, BLAINE, IDAHO

2005-03-31

04:03:00 No. of Pages: 2

Recorded for: SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

For Value Received

JEFFREY M. BITTON AND DEBRA A. BITTON, HUSBAND AND WIFE

Do hereby convey, release, remise and forever quitclaim unto

POVERTY FLATS PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY

Whose current address is

315 Glendale Road, Bellevue, ID 83313

The following described premises, to-wit:

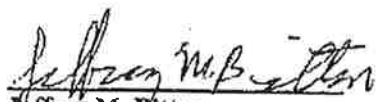
**ANY AND ALL WATER RIGHTS APPURTENANT TO THE BELOW
DESCRIBED PROPERTY**

Lot 2 BITTON RANCH SUBDIVISION, BLAINE COUNTY, IDAHO as shown on the
official plat thereof, recorded April 8, 1987, as Instrument No. 283441, records of Blaine
County, Idaho.

AND

Parcel A of ROCKING CHAIR R RANCH SUBDIVISION, BLAINE COUNTY, IDAHO
as shown on the official plat thereof, recorded October 31, 1988, as Instrument No. 299826,
records of Blaine County Idaho, and together with an undivided 1/4 interest in Parcel B of
A REPLAT OF LOTS 1, 2, 3 ROCKING CHAIR R RANCH SUBDIVISION, recorded
August 5, 1992, as Instrument No. 343403, records of Blaine County Idaho.

Together with their appurtenances.


Jeffrey M. Bitton
Debra A. Bitton

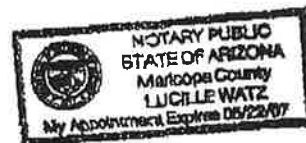
State of: Idaho
County of: Monte Carlo

On this 30 day of March, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared **JEFFREY M. BITTON AND DEBRA A. BITTON** known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Lucille Watz
Notary Public

Residing at: Exeter, CA 95086

Commission Expires: 5-22-07



SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

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

November 6, 2006

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

NOV 13 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**Re: Claim Nos.: 37-604B;
Water Right 37-12210;
Poverty Flats LLC;
Notice of Change in Water Right Ownership**

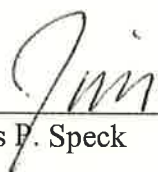
Dear Trish:

Enclosed is an original of the Notice of Change in Water Right Ownership for the above-referenced matters along with one copy. Please arrange to have the copy receipt date-stamped and returned to my office in the postage prepaid, self-addressed envelope provided for that purpose.

If you have any questions please call me. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation


James P. Speck

Enclosures

Memorandum

To: 37-604B file
CC: Kurt Lansing
From: Jeanie Robertson 
Date: 2/9/2005
Re: future ownership change/amended claim

Mr. Lansing called yesterday with questions on the water rights for property he is purchasing in Blaine County, located in T01N, R18E, Section 22, Lot 2 and Parcel A of the Rocking Chair R Ranch Subdivision, consisting of approximately 18 acres. He mentioned a neighbor told him he should check to see if he has any ground water irrigation rights, which the neighbor has on his parcel. Upon review of the location, I found a claim for surface water (37-604B), which was filed by Jeff Bitton in 1991 for Lot 2. The groundwater right in question is 37-7775. A permit was originally filed by Robert Ratto on 160 acres, which included the parcels in question but the applicant subsequently lost the property and never filed proof on the permit. Rod Kegley purchased the property in a sheriff's sale and was able to reinstate the permit, with a later priority date. He filed on 137 acres, which did not include the parcels in question. 37-7775 was licensed through assignments of permit and was split into parts B-G. The entire licensed amount and 137 acres has been claimed and accounted for. It does not appear that this property should have any part of 37-7775 as it was not included in the reinstated permit by Kegley. There is, however, an unclaimed portion of 37-604 that appears to be appurtenant to parcel A. Claim 37-604B could be amended to include the additional acres in Parcel A and the unclaimed diversion rate. I have advised Mr. Lansing that when the sale closes in June, he should complete an ownership change and then amend 37-604B.

There is also a decreed domestic & stockwater right (37-12210) for Bitton. It was claimed and decreed in the SENW of Section 22. (A well log from 1987 shows a well was drilled for Bitton in the NESE.) These parcels are in the NWSE and NESE and I think the house may actually be located in the NWSE. The deeds, therefore, will not match the place of use of 37-12210 for a change of ownership. Options include a transfer to correct 37-12210, motioning the court to have the partial decree set aside and correcting it, filing a new claim, or doing nothing at all since domestics are exempt from the adjudication. Mr. Lansing can decide after the closing.

SEP 09 1994

NWSE

TOIN
R 18E
Sec. 22

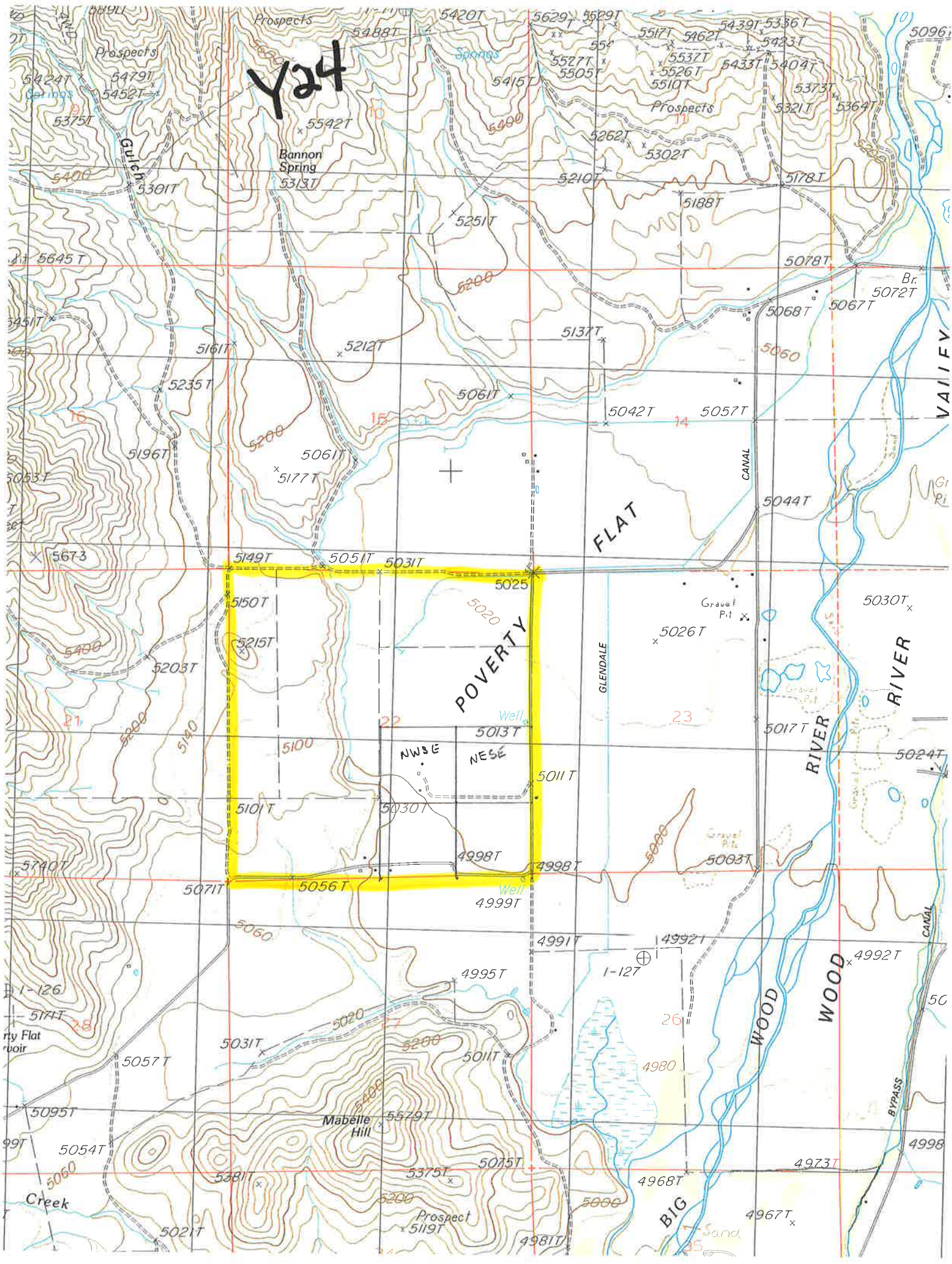
NESE

3.34 Ac

6.25 Ac

Lot 2
(10 Ac.)

Parcel
A
(8 Ac.)



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

NE/SE
TIN-R18E-S22

37-07775 Current Division 6/22/94
Parts B thru G

OCT 26 1992

EXHIBIT 1

Robert William Ratto

Township 1 North, Range 18 East, Boise Meridian.

Section 22: S1/2 NE1/4, N1/2, SE1/4; [EXCEPT a parcel of property more particularly described as follows: Beginning at a point marking the Southwest corner of said N1/2 SE1/4, thence North 300 feet along the West boundary of said N1/2 SE1/4; thence East 1452 feet to a point located in the NE1/4 SE1/4 of said Section 22; thence South at right angles 300 feet to a point on the south boundary of said N1/2 SE1/4; thence West along said south boundary 1452 feet to the point of beginning.]

TOGETHER with water rights covering 200 miner's inches evidenced by Decree dated June 3, 1887, administered through Wood River Irrigation District.

TOGETHER WITH the following described equipment: Engine - Detroit 471, model 4057C, unit no. 4A-80496; Aurora Pump serial number 3750271; Gearhead - Amarillo Right Angle Gear Drive, serial no. S90 88367; five 1/4 mile Wade-Rain 5' wheel lines, four 1/4 mile 3" headlines (hook and latch.)

MICROFILMED

JAN 20 1980

37-7775

MS
64.31

6A
17.0
33.6
613
A44
A4
54.2
11A
413
11B
AKS
A1

15
16.0

37-7775A
KEGLEY

SEP 09 1994

T45

15
64.3
AKS
(C)

61.0

OCT 26

RECEIVED

AUG 31 1992
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. 37-07775A
Permit

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Rod Kegley
Post office address P. O. Box 2063, Ketchum, ID 83340
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____ Fully describe decree _____
 - b. License No. Permit 37-07775 issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Groundwater tributary to _____
(Name of stream or source)
4. Date of priority of right 8-2-1988
5. Amount of water a. 2.74 * c.f.s. and/or * Per licensing exam 3-19-92
b. 479.5 acre feet/annum
6. Water is used for Irrigation from 4-15 to 11-1
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 NE 1/4 of Section 22
Township 1N, Range 18E, B.M., in Blaine County;
Additional points of diversion, if any _____
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	
1N	18E	22			40	39									29	7	28	3	137
					E 36	D 20									C 10				
						G 20									F 20		B 20		

APR 12 1993

Total number of acres irrigated 137 *

9. Give last date when water was applied to beneficial use 1 of 1987

Length of extension of time requested Five years, or until 10-15-1997
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Land has been subdivided into 20- and 40-acre parcels. Parcels will be sold to various individuals with the understanding that each owner will have to drill their own well. Obviously it will take time for all this to occur. Irrigation will probably change from grain to pasture.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Bob CSP
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of August, 1992.

Bondy Hall
(Notary Public)

My commission expires 10-18-92 Residing at Ketchum, ID

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Use of water under this right shall resume on or before October 15, 1997.

Witness my hand this 19th day of February, 1993.

J. Glen Saxton
(Director)

For Department Use Only 5014914

Received by J. Edtasten Date 8-31-92 Time 10 am Preliminary check by MS
Fee \$ 50.00 Receipted by J. Edtasten Date 8-31-92 Publication prepared by MS
Published in Wood River Journal Dates 10/14 & 10/21/92
Publication approved by MS Date 10/29/92 Protests filed by:

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by _____

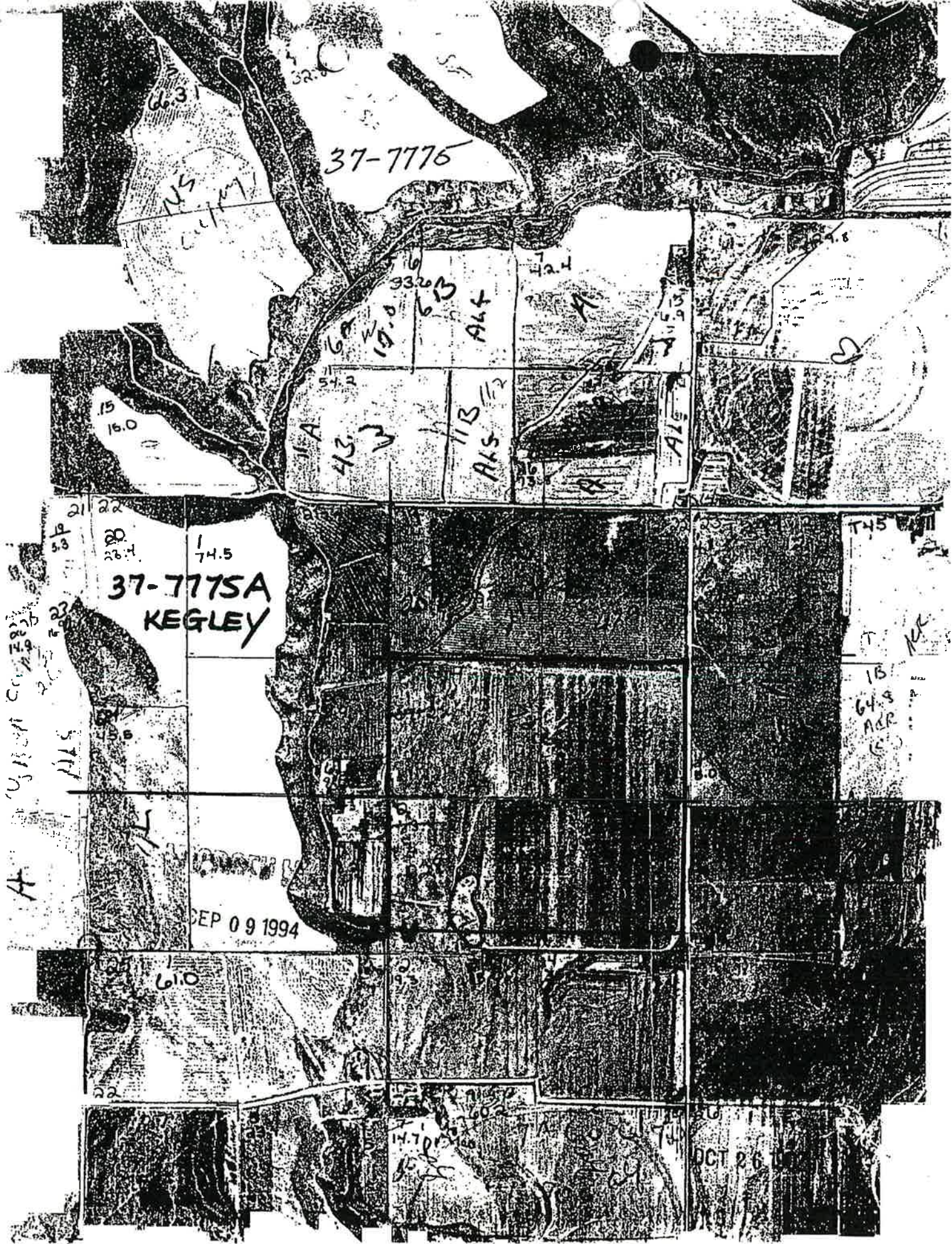
APR 12 1993

37-7776

37-7775A
KEGLEY

SEP 09 1994

OCT 26 1994



THE E 1/2, SECTION 22, T.1 N., R.18 E., B.M., BLAINE CO. ID.

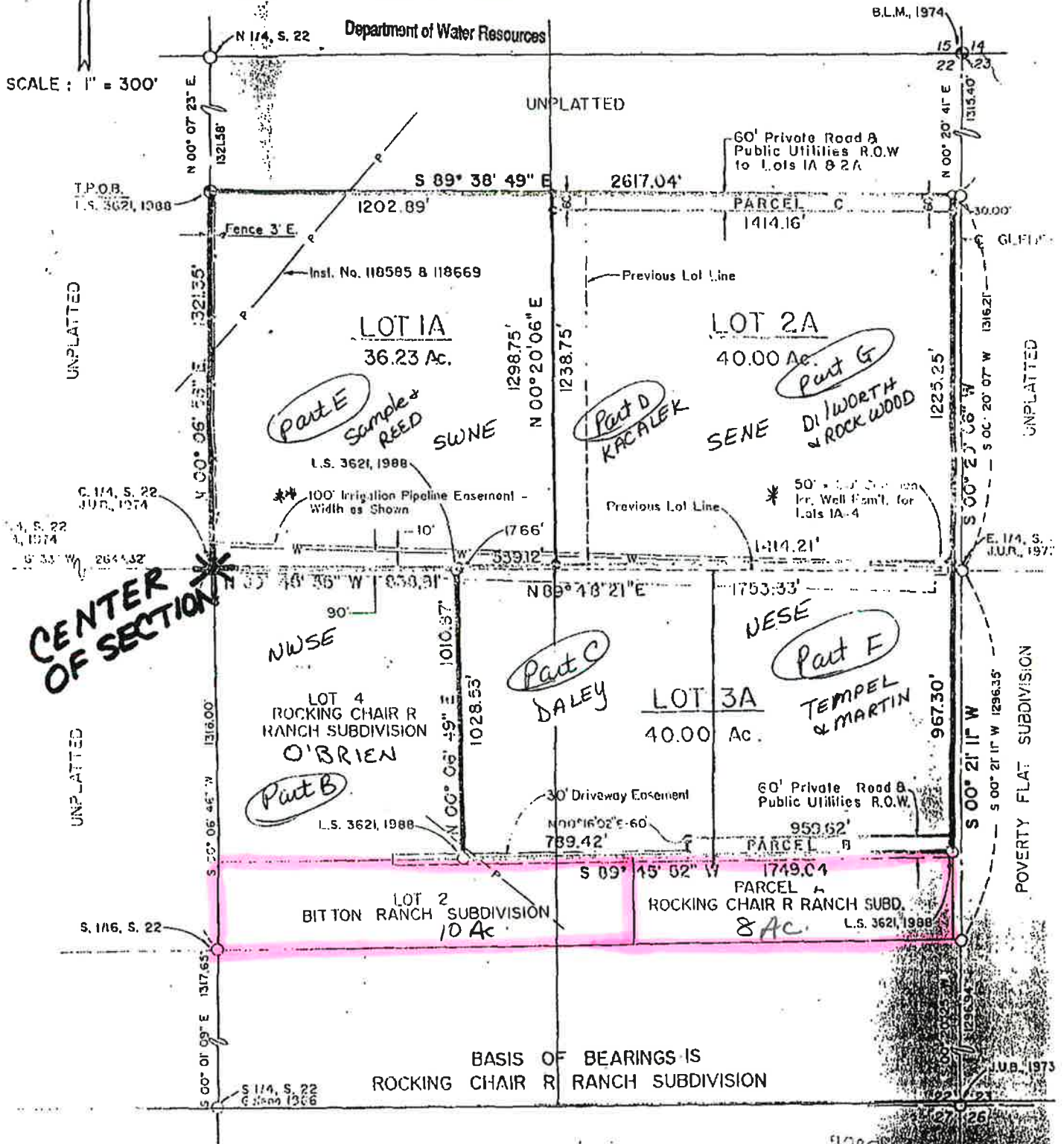
RECEIVED

OCT 07 1992

MAY 1992

SCALE IN FEET

SCALE: 1" = 300'



37-07775 Current Division 6/22/94
Parts B thru G



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 22, 1993

Dennis P. O'Brien
P.O. Box 1263
Ketchum, ID 83340

RE: APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER
RIGHT NO. 37-07775 (Part B)

Dear Mr. O'Brien:

I have completed review of the above referenced application which you filed at the suggestion of the department. During my most recent review of the application for final action, it appears the filing of the application was not necessary for the reasons described below even though the department advised you to file the application.

The original permit was issued for the diversion of 3.2 cfs of ground water for the irrigation of 160 acres located in the S1/2NE1/4 and N1/2SE1/4 Section 2, T1N, R18E, B.M. During the field examination of the property on April 19, 1992, the department found that 137 acres of the 160 filed upon had been irrigated in the past.

On August 31, 1992, Rod Kegley filed an Application for Extension of Time to Avoid Forfeiture of a Water Right with the department. His application included all of the 137 acres found to be irrigated during the department's exam. On February 19, 1993, the department approved the application extending the date of required resumption of use to October 15, 1997.

If you are entitled to a portion of permit no. 37-07775, your portion has already been protected from forfeiture by the approved extension request of Rod Kegley.

Hence, the department will refund your \$50 filing fee if you advise the department in writing you wish to withdraw the application you filed from further consideration. Please send your letter to my attention. Feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

SEP 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

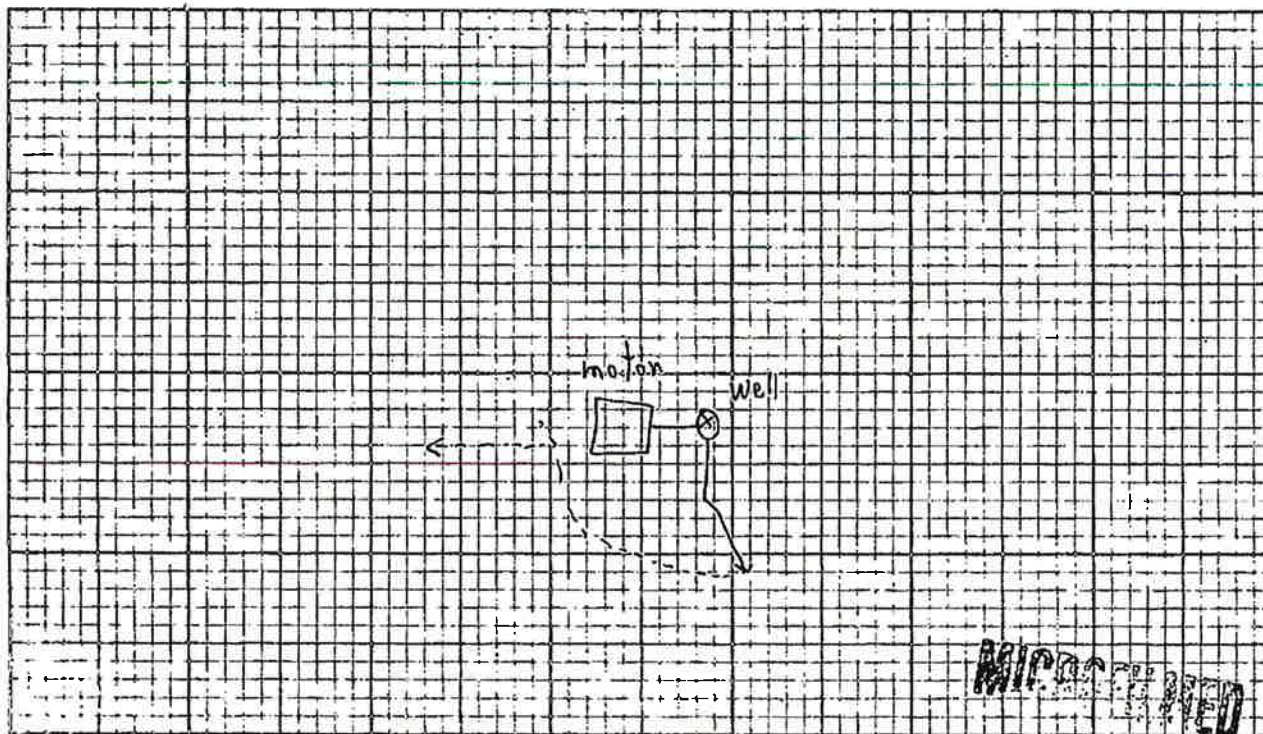
Permit No. 37-7775
Phone No. 726-0725
1. Owner: Rod Kegley
Current Address: P.O. Box 2063, Ketchum, ID 83340
2. Accompanied by: _____ EXAM. DATE: 3-19-92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-00604 (Big Wood R.)
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

RECEIVED

OCT 26 1992

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, ~~motor~~ diesel motor, pump, buried mainline, handlines. Pump rated 1200 gpm at 225' head. Amarillo right-angle gear drive #S80 8367.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GM Diesel	not rated		Aurora	37570271

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	22	1N	18E	Blaine	

6. **Place(s) of Use:**

Indicate Method of Determination

Original
P/U-Ratio

P/U Intended
By Keykey

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	
1N	18E	22			40	39									38	36			152.5
1N	18	22			40	39													137

Give
to
Keykey
147

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Not measured. According to Silver Creek Irrigation Co. who designed & installed the sprinkler system, there were 6 wheel lines with 33 "1/4" nozzles each. Operating pressure was 55 psi. Recommend theoretical calculation be accepted in lieu of measurement. System has plenty of capacity to irrigate this property.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

6 lines x 33 hds/line x 6.8 gpm/hd = 1247 gpm = 2.78 cfs. Allow 137 gpm, 0.2 cfs/sec, 2.74 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V_{I.R.} = (Acres Irrigated) x (Irrigation Requirement) = 137 x 3 = 411 afa

V_{D.R.} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 1163 afa

V = Smaller of V_{I.R.} and V_{D.R.} = 411 afa

2. Volume Calculations for Other Uses:

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OCT 26 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Land is in weeds. No sign of recent use of system. Land north & west of house appears to have been cleared of sagebrush recently, possibly last fall, land is bare, gravelly soil with numerous sagebrush stems showing. Mainline does run all the way to the west property line, so all the land could have been irrigated in the past. Mr. Kegley stated that the sprinklers were removed in the fall of 1987, this has been confirmed by Silver Creek Irrigation Co. Mr. Kegley bought the place in 1988. He has run the pump about every year to test the system, but has not actually irrigated. The land is being subdivided into 20-acre & larger parcels, each of which will eventually have its own well. Water use will decrease from what was developed under this permit. It makes no sense to force Mr. Kegley to spend thousands of dollars to get the original sprinkler system back on line for a licensing measurement, since the system will never again be used as it originally was by Mr. Ratto. Land on the south end of the place was sold dry. Mr. Kegley requests expedited licensing so development of property can proceed.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af/a)
	From	To		
Irrigation	4-1	11-1	2.74	411
Totals:			2.74	411

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

J. E. Stanton

Signature

J. E. Stanton

Certification Date

3/20/92

Field Report Preparation Date

4-15-92



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

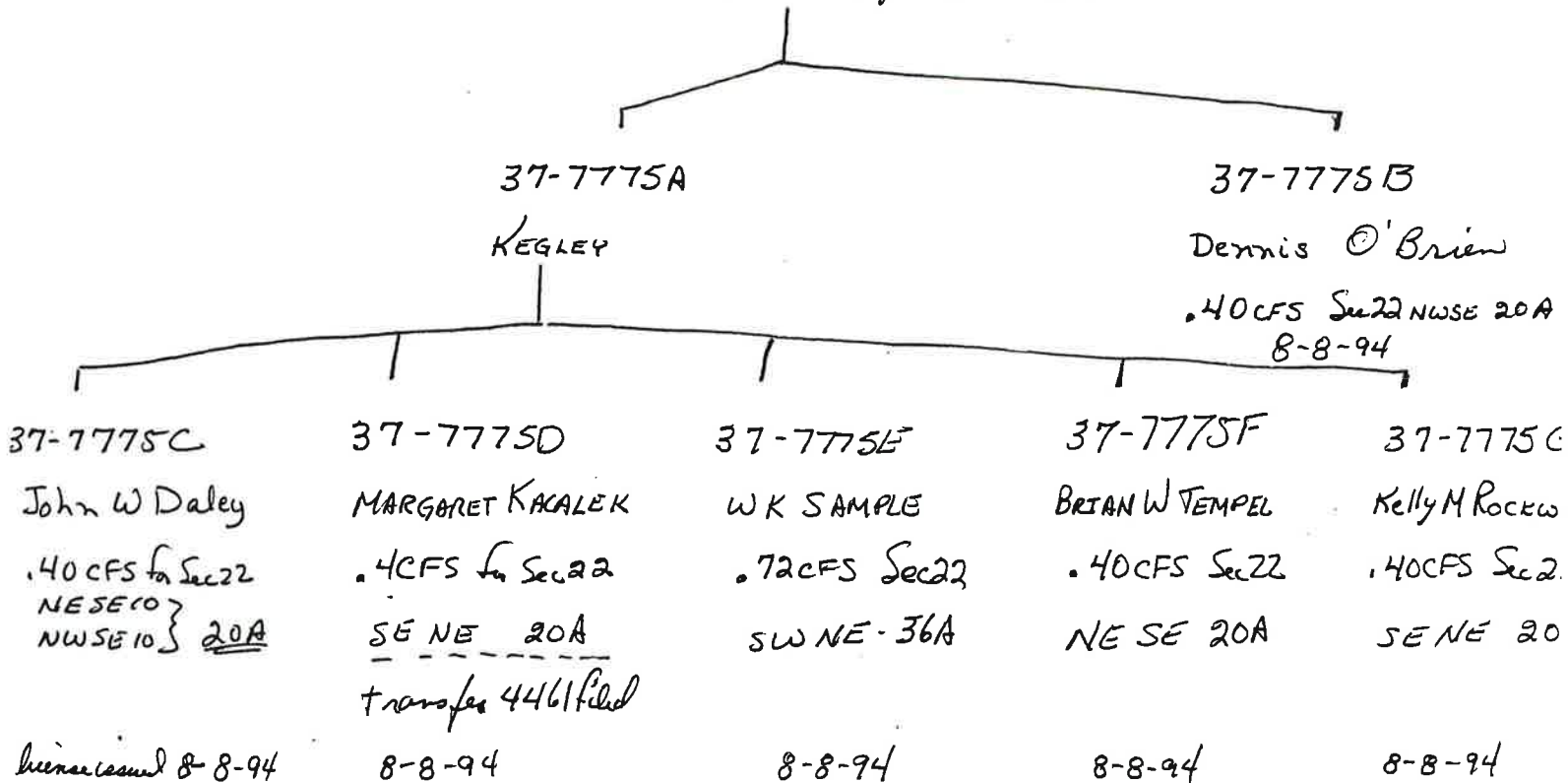
RECEIVED

Permit 37-7775

KKC
5-1-95

3.20 CFS for 145 acres

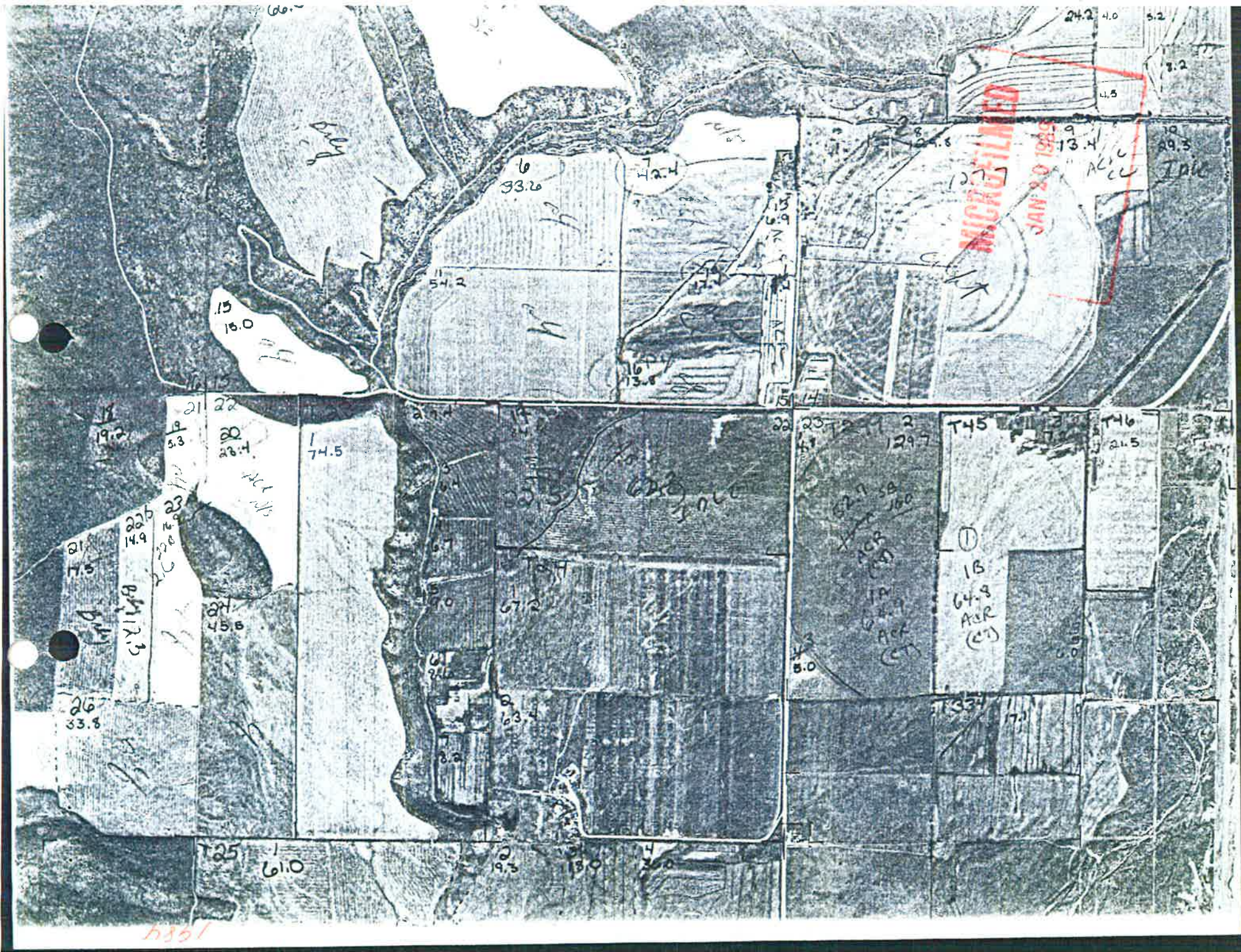
extension of time filed on Aug 31, 1992
for 2.74 CFS & 137 acres

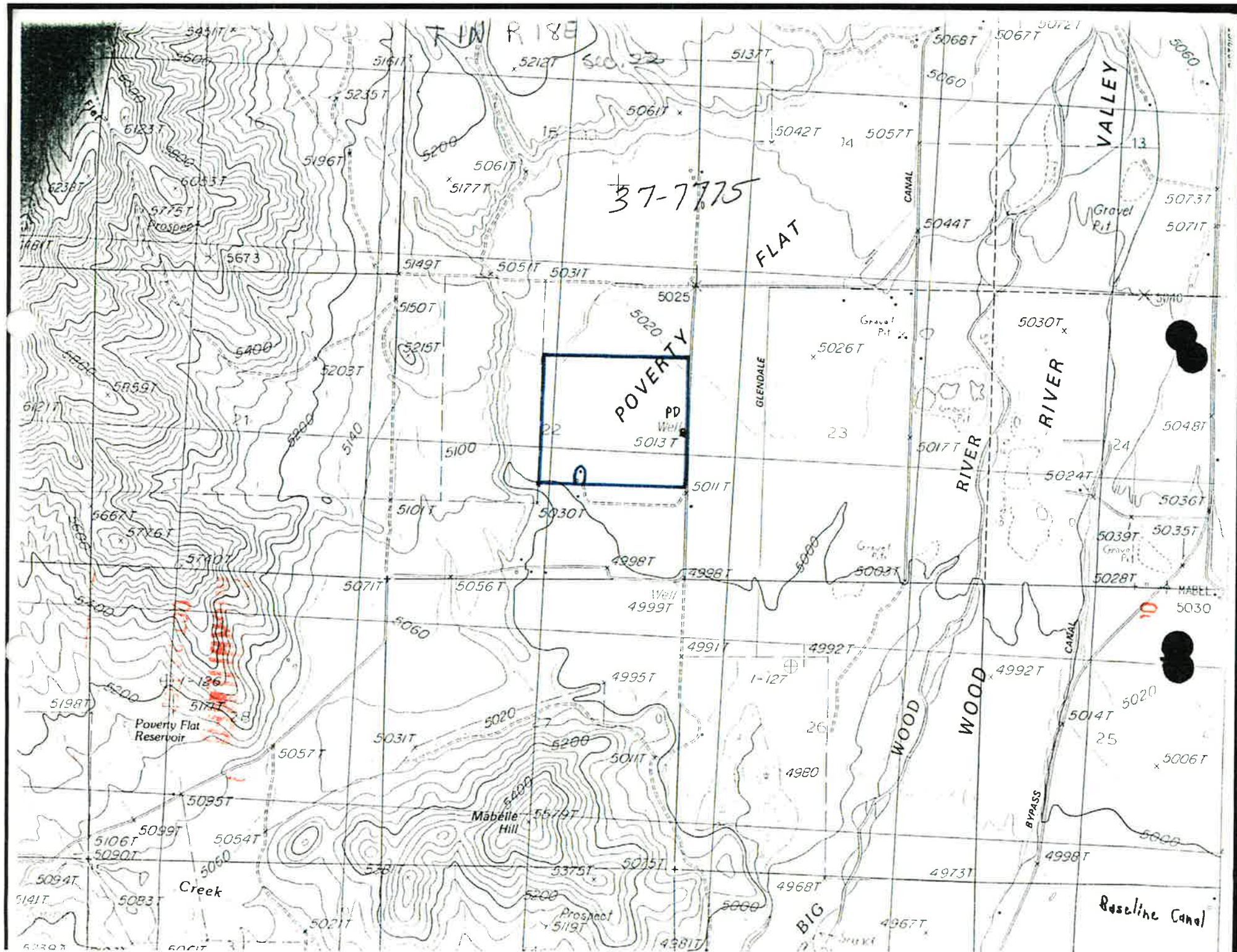


Split Lots

7775B	.40 CFS	& 20A
C	.40 CFS	20A
D	.40 CFS	20A
E	.72 CFS	36A
F	.40 CFS	20A
G	.40 CFS	20A
Lots	<u>2.72 CFS</u>	<u>136 Acres.</u>

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NOV 27 1996





KKC
5-1-95

37-00604 Deeded 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

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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

37-7775A

KEGLEY

37-7775B

Dennis O'Brien

.40 CFS Sec 22 NWSE 20A
8-8-94

37-7775C

John W Daley

.40 CFS for Sec 22
NE SE 10 }
NW SE 10 } 20A

license issued 8-8-94

37-7775D

MARGARET KACALEK

.40 CFS for Sec 22

SE NE 20A

transfer 4461 filed

8-8-94

37-7775E

WK SAMPLE

.72 CFS Sec 22

SW NE - 36A

8-8-94

37-7775F

BRIAN W TEMPEL

.40 CFS Sec 22

NE SE 20A

8-8-94

37-7775G

Kelly M Rockwood

.40 CFS Sec 22

SE NE 20A

8-8-94

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.

MICROFILMED

NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 23, 1991

Jeff and Debra Bitton
Mystic Saddle Ranch
Stanley, ID 83340

RECEIVED

JUN 12 1991

Department of Water Resources
Southern Region Office

Re: Snake River Basin Adjudication (SRBA)
Blaine County - Receipt No. C004671

Dear Mr. and Mrs. Bitton,

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County. We are also enclosing Receipt #C004671 in the amount of \$50.00, for the filing fees. We have noted some problems with your claim which require your attention.

At Item #6, you have omitted the amount of water you actually use in cubic feet per second (cfs). Please refer to the instruction booklet for the Department's recommendations for cfs of use. (I have enclosed a copy for your use.) Item #7 is the total diversion capacity or total of the lines for cfs from Item #6, whichever is less. Additionally, at Item #8, the amount you have listed for consumptive use for your water right may be inaccurate. Using the chart in the Instruction booklet (page 15), and based on your legal description, the Department suggests 2.5 acre feet per acre per annum. You are claiming 10.0 acres of irrigated land; therefore, your consumptive use would be 25.0 acre feet per annum. If this does not agree with your actual usage, please explain at Item #14, "Remarks".

The correct filing fee of \$60.00 for this claim was not enclosed. [The amount enclosed with the claim was \$50.00.] The correct and full filing fees must be submitted with the Notice of Claim in order to include your water right in the report to the court. Please enclose \$10.00 when resubmitting this claim.

Please return the documents to this office to the attention of Roxanne McCarthy. If you will make these corrections before May 23, 1991, you will not be assessed a

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FEB 23 1993

Jeff and Debra Bitton
April 23, 1991
Page 2 - Blaine County

late filing fee. Do not hesitate to contact this office if you have any questions or desire an appointment to obtain assistance in completing the form.

Sincerely,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:RM:state:tf
Enclosures:
Notice of Claim
Receipt #C004671
Instruction Booklet (long)

RECEIVED

JUN 12 1991

Department of Welfare
Southern Regional Office

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FEB 23 1993

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Butter

CLAIM IDENT. NO. A37-13426

DATE RECEIVED 10/27/88 CK # C004671 AMOUNT \$ 50.00

- | | YES | NO | Require Info? |
|---|-------------------------------------|-------------------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memo #1 and #4 to determine if a permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (If required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | * |
| Is a quantity claimed for each use? | ☒ | ☒ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☒ | * |
| 8. If required is a consumptive use entered? | ☒ | ☒ | * |
| Is the consumptive use correct? | ☒ | ☒ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo #4. | ☒ | ☒ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☒ | * |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | * |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | * |
| Is the basis of the claim indicated? | ☒ | ☐ | * |
| 15. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | * |
| Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| Is the fee enclosed correct? | ☒ | ☐ | * |
| If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☒ | * |
| Should this claim be data entered? | ☒ | ☒ | * |

Claim checked by: RMX RMX

Date: 4/19/91 5/24/91

Claim must be returned to claimant:

☒ (Yes) ☐ (No)

Claimant must be notified of modifications:

☒ (Yes) ☐ (No)

Prepared by: _____
data entered by: RMX
to claimant by: _____

Date: _____
Date: 05-24-91
Date: _____

Checked by: _____ Date: _____

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FEB 23 1993

nts: no additional fee submitted; \$10.00 due rd 020593