

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 37-632F
Date Received: 10/5/1988
Receipt No: M001516
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

POINT OF ROCKS RANCH LLC Phone: (650)851-2914
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

2. Date of Priority: 06/03/1897

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	20E	16	NW	SW	SE	BLAINE	

5. Description of diverting works:

PUMP AND MOTOR IN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.472	

7. Total Quantity Appropriated is:
1.472 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
01S	20E	16	SE	SE		IRRIGATION	1.9
			NW	SE		IRRIGATION	17
			SE	SW		IRRIGATION	31
			NE	SW		IRRIGATION	39
			SE	NW		IRRIGATION	1.3
			SW	NE		IRRIGATION	0.1
			SW	SE		IRRIGATION	20
						Section Acres	110.3
01S	20E	21	NE	NE		IRRIGATION	34
			NW	NE		IRRIGATION	40
						Section Acres	74
						Total Acres	184.3

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:

THIS RIGHT IS A PORTION OF 3700632B = 1.26 CFS. AND 3700632E = .232 CFS. ALSO
TR.900, AND 2903.
AMENDED POU 6-1-01 SCC.

15. Basis of Claim: Decreed

RECEIVED

MAR 27 2002

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

Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-00237D</u>	_____	_____	<u>37-02591</u>	_____	_____
<u>37-00426D</u>	_____	_____	<u>37-07937</u>	_____	_____
<u>37-00632F</u>	_____	_____	<u>37-11498</u>	_____	_____
<u>37-00943F</u>	_____	_____	<u>37-04427</u>	_____	_____
<u>37-00095F</u>	_____	_____	<u>37-00706D</u>	_____	_____
<u>37-00944F</u>	_____	_____			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) John K. French and Elaine A. French
35 Hidden Valley Lane, Woodside, CA 94062-1203
4. New Owner/Claimant(s) Point Of Rocks Ranch, L.L.C.
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and Zip Code Woodside, CA 94062
- New Telephone Number (650) 851-2914
5. Date you acquired the property February 4, 2002

6.

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

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

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

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

POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company

John K. French *Elaine A. French*
John K. French, Member/Elaine A. French, Member

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Recording Requested By
and
When Recorded Return to:

Thomas C. Praggastis, Esq.
Post Office Box 6090
Ketchum, Idaho 83340

Mail Tax Statements To:

Point of Rocks Ranch, L.L.C.
35 Hidden Valley Lane
Woodside, CA 94062

Instrument # 461573

HAILEY, BLAINE, IDAHO

2002-02-15 11:57:00 No. of Pages: 4

Recorded for : THOMAS C PRAGGASTIS

MARSHA RIEMANN Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

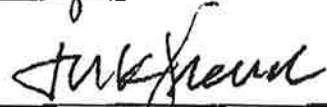
WARRANTY DEED

For Value Received, JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife (collectively "Grantor"), hereby grant, bargain, sell and convey unto POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company, whose address is 35 Hidden Valley Lane, Woodside, California 94062 ("Grantee"), the real property located in Blaine County, Idaho, as more particularly described in Exhibit A attached hereto and incorporated herein by reference and all water rights appurtenant to the real property, as more particularly described in Exhibit B, attached hereto and incorporated herein by reference.

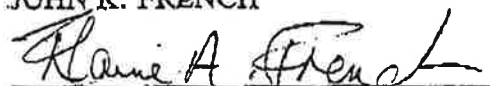
SUBJECT to taxes, easements, restrictions, reservations, assessments and encumbrances of record, if any.

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

DATED this 4th day of February, 2002.



JOHN K. FRENCH



ELAINE A. FRENCH

State of California)
) ss.
County of San Mateo)

On this 4th day of February, 2002, before me, a Notary Public in and for said State, personally appeared JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Marcia Lennon
Notary Public in and for the State of California
Residing at 421 Offenbach Sunnyvale, CA
Commission expires _____

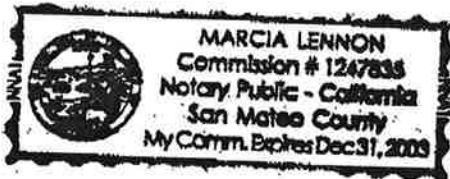


Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{4}$ SE $\frac{1}{4}$: N $\frac{1}{4}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the **REAL POINT OF BEGINNING**; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the **REAL POINT OF BEGINNING**.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less **TO THE POINT OF BEGINNING**.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom the right-of-way for Silver Creek.

EXHIBIT B

WATER RIGHTS

Identification numbers of the Idaho Department of Water Resources
37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-
00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Claimant's Name:
Point of Rocks Ranch, L.L.C.

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

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

)
)
) **NOTICE OF APPEARANCE**
)
)
)

DESCRIPTIVE SUMMARY

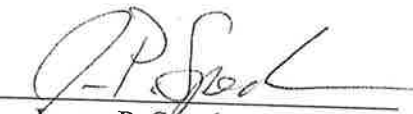
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Point of Rocks Ranch, L.L.C., an Idaho limited liability company, for the following water rights which are not the subject of any subcases: 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-04427 and 37-00706D.

DATED this 5th day of March, 2002.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2002, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

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

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

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

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

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


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

March 26, 2002

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

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

**RE: Notice of Change of Water Right Ownership for 37-00237D,
37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591,
37-07937, 37-11498, 37-04427 and 37-007906D
Our File No.: 020010**

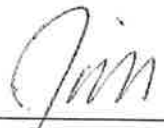
Dear Allen:

Enclosed you will find the original and a copy of the above-referenced Notice of Change of Water Right Ownership for the above-referenced water rights acquired by my client, Point of Rocks Ranch, L.L.C. and the original and one copy of our firm's Notice of Appearance. Please receipt date stamp the copies and return them to me in the postage prepaid, self addressed envelope I have included for that purpose.

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

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

enclosures

cc: Client (w/out encls.)
Chief, Natural Resources Division (w/encl.)
U.S. Dept. of Justice(w/encl.)
IDWR, Document Depository (w/encl.)

Form 92-244(12-110)(6) July 2000

**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.

RECEIVED
DEC 24 2001
Department of Water Resources
Southern Region

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
37-00237D			37-02591		
37-00426D			37-07937		
37-00632F			37-11498		
37-00943F			37-04427		
37-00095F			37-00706D		
37-00944F					

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) Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner
Box 1200, Hailey, ID 83333
4. New Owner/Claimant(s) John K. French and Elaine A. French
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and ZIP Code Woodside, CA 94062-1203
- New Telephone Number (509) 851-2914
5. Date you acquired the property December 17, 2001

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-0095F, 37-00944F
37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Adjudication Claim No(s): XXXX

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

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

3. Name and Address of Former Owner/Claimant

Robert E. Gardner, Kathryn Allred Gardner & Mary Ellen Drashner
Box 1200, Hailey, Id 83333

4. New Owner/Claimant(s)

John K. French & Elaine A. French

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

35 Hidden Valley Lane, Woodside, CA 94062-1203

City, State and ZIP Code

New Telephone Number

(650-851-2914

5. Date you acquired the property

December 17, 2001

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

Number of acres you irrigate _____

Number and type of stock _____

Diversion rate in CFS _____

Number of homes _____

Other uses _____

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

7. Signature of New Owner or Claimant(s)

John K. French
Elaine A. French

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

RECEIVED
DEC 24 2001
Department of Water Resources
Southern Region

Form 42-240/42-1407(6) July, 2000

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 [Signature]

Date

12/27/01

Fee

25.00Received by [Signature]

Date

12/27/01

Receipt No.

5025502Processed by [Signature]

Date

12/27/01

WR

Date

SVTC Order No. 01-16926

WARRANTY DEED

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

MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest in said property

the grantors, do hereby grant, bargain, sell and convey unto

JOHN K. FRENCH AND ELAINE A. FRENCH, husband and wife

the grantee(s), whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

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

Please see attached Exhibit "A"

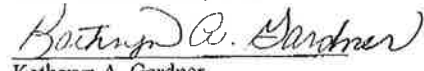
This transaction is a 1031 Exchange for the benefit of Mary Ellen Drashner, Robert E. Gardner and Kathryn Allred Gardner, as relinquished property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any. Reserving and Excepting any and all water rights appurtenant thereto, which water rights shall be separately conveyed by Quitclaim Deed.

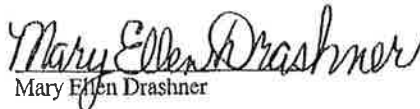
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

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

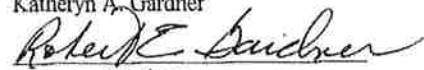
Dated: December 10, 2001



Kathryn A. Gardner



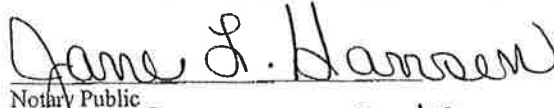
Mary Ellen Drashner



Robert E. Gardner

State of Idaho
County of Blaine

On this 11th day of Dec, 2001, Before me a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public

Residing at

Boise, ID

Comm. Expires

6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



State of Idaho

County of Ada

On this 11th day of Dec, 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

James L. Hansen

Notary Public

Residing at Boise, IDComm. expires 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{2}$ SE $\frac{1}{4}$: N $\frac{1}{2}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less TO THE POINT OF BEGINNING.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom roadways and the right-of-way for Silver Creek.

MAP 12A

16

5657

5656

6273

TL
6274

US

15

US

US

21

22

7655

MAP 13

1744

1746

1745

1748

1750

1751

1749

1045

1047

28

1049

1050

1052

PICABO

6580

1753

27

2940

2942

7523

6610

6820

6822

1758

1760

1794

500

NE PICABO ROAD

Green Supply

OUTPOST ROAD



T. IS., R. ZOE.

SVTC Order No. 01-16926

QUITCLAIM DEED

For Value Received MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest

Do hereby convey, release, remise and forever quitclaim unto

John K. French and Elaine A. French, husband and wife

Whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

the following described water rights:

Identification Numbers of the Idaho Department of Water Resources 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Together with their appurtenances.

Dated: December 10, 2001

Robert E. Gardner Kathryn Allred Gardner
 Robert E. Gardner Kathryn Allred Gardner
Mary Ellen Drashner
 Mary Ellen Drashner

State of Idaho

County of Blaine

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Janet L. Hansen
 Janet L. Hansen

Notary Public

Residing at: Boise, ID

Comm. Expires: 6/11/07

RESIDING AT:
 BOISE, IDAHO
 COMMISSION EXPIRES:
 6-11-2007

State of Idaho

County of Ada

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Janet L. Hansen
 Janet L. Hansen

Notary Public

Residing at: Boise, ID

Comm. Expires: 6/11/07

RESIDING AT:
 BOISE, IDAHO
 COMMISSION EXPIRES:
 6-11-2007



December 21, 2001

SUN VALLEY
TITLE
C O M P A N Y



IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Our Order No. 01-16926
Gardner/French
T1S, R20E, Ptn. Sec. 15, Ptn. Sec. 16

To Whom It May Concern:

Regarding the above, I have enclosed the following:

- Check no. 10709 in the amount of \$25.00
- Notice of Change of Water Right Ownership
- Department of Water Resources Notice of Change in Water Right Ownership
- Copy Warranty Deed
- Map
- Copy Quitclaim Deed

If you have any questions or comments please do not hesitate to contact our office.

Happy Holidays!

Very Truly Yours,

A handwritten signature in cursive script that reads "Lindsay Atienza".

Lindsay Atienza
Escrow Assistant

enc. 1a

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

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

RECEIVED

OCT 08 1998

1. Water Right Number(s) _____
 Department of Water Resources
 Southern Region
 Adjudication Claim Number(s) A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498

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

A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acre outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Charles R. Larkin
 Owner/Claimants P.O. Box 767, Picabo, Idaho 83348

4. New Owner/Claimant(s) Robert E. Gardner, Mary Ellen Drashner, and/or Kathryn Allred Gardner
 Name connector (check one): [] AND, [] OR, [X] AND/OR

New Mailing Address 12 Heron Lane

City, State and ZIP Code Bellevue, ID 83313

New Telephone Number (208) 788 - 2568

5. Date you acquired the property August 18, 1989

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

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

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

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

7. Signature of New Robert E. Gardner Date 10-2-98
 Owner/Claimant(s) Kathryn Gardner Date 10-2-98
Mary Ellen Drashner Date 10-3-98
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

No. 13689

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, whose address is P. O. Box 767, Picabo, ID 83348 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto PIONEER EXCHANGE CORPORATION, an Idaho corporation, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

That real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

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

DATED this 17 day of August, 1989.

Charles R. Larkin
CHARLES R. LARKIN

Gioia B. Larkin
GIOIA B. LARKIN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned, a notary public in and for said state, personally appeared CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Robert P. Spok
Notary Public for Idaho
Residing at: east Fork, ID

j:\lrknpion.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particulary described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto MARY ELLEN DRASHNER, an unmarried woman, whose address is 2953 Leisure Drive, Boise ID 83704 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 24.8344% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 24.8344% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

John A. Butler
Notary Public for Idaho
Residing at: Pen Valley

j:\piomeln.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particular described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 11° 58' 01" E., 53.39 feet to a fence corner; thence N. 04° 11' 25" E., 78.77 feet to a fence corner; thence N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence S. a distance of 940.60 feet to a point; thence S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto ROBERT E. GARDNER, a married man dealing in his sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 21.3576% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 21.3576% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

WARRANTY DEED - 2

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW. ✓

Section 16: S1/2 SE1/4: ✓ N1/2 SE1/4: ✓ NW1/4 ✓ SW1/4: and E1/2 ✓ SW1/4.

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
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N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

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S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
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Section 21: N1/2 NE1/4. ✓

Section 22: N1/2 NW1/4. ✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

**CORPORATION
WARRANTY DEED**

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto KATHRYN ALLRED GARDNER, a married woman dealing in her sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 53.8079% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 53.8079% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
)
County of Blaine) ss.

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

Attorney at Law
Notary Public for Idaho
Residing at: Jun Valley

j:\piokath.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4:✓ N1/2 SE1/4:✓ NW1/4 SW1/4:✓ and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particulary described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
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N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

Claimants Names:

**Robert E. Gardner
Mary Ellen Drashner
Kathryn Allred Gardner
12 Heron Lane
Bellevue, ID 83313**

RECEIVED
OCT 02 1997
*Department of Water Resources
Southern Region*

Attorney Name & Address:

**James P. Speck
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752**

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

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

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation hereby enters its appearance on behalf of Claimants, Robert E. Gardner, Mary Ellen Drashner and Kathryn Allred Gardner, for

the following water right claims which are not the subject of any Subcases: A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498.

DATED this 6th day of October, 1998.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 1998, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

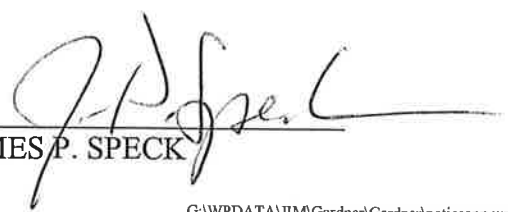
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

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

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

October 6, 1998

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

RECEIVED
OCT 08 1998
Department of Water Resources
Southern Region

**Re: Notice of Change of Water Right Ownership
Larkin - Gardner and Drashner**

Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for several water rights previously claimed in the SRBA by Charles R. Larkin and now owned by Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner. I have also enclosed a Notice of Appearance on behalf of the Gardners and Mrs. Drashner. Please call me if you have any questions about this Notice. If not, kindly send me copies of the computer printouts reflecting the change of ownership once the information has been entered into the IDWR database.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS:jal
Enclosure
cc: Clients (w/encls.)

RECEIVED

JUN 01 2001

Department of Water Resources
Southern Region

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 **37-00632F**
Date Received: 10/5/88
Receipt No: M001516
Received By:

AMENDED

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

1. Name of Claimant(s)

ROBERT E GARDNER

Phone: (208)788-2568

PO BOX 1200

HAILEY ID USA 83333

KATHRYN ALLRED GARDNER

Phone: (208)788-2568

PO BOX 1200

HAILEY ID USA 83333

MARY ELLEN DRASHNER

Phone: (208)788-2568

PO BOX 1200

HAILEY ID USA 83333

2. Date of Priority: 06/03/1897

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	20E	16	NW	SW	SE	BLAINE	

5. Description of diverting works:

PUMP AND MOTOR IN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.472	

7. Total Quantity Appropriated is:
1.472 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
01S	20E	16	SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	1.9
			NW	SE	IRRIGATION	17
			SE	SW	IRRIGATION	31
			NE	SW	IRRIGATION	39
			SE	NW	IRRIGATION	1.3
			SW	NE	IRRIGATION	0.1
Section Acres						110.3
01S	20E	21	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	40
Section Acres						74
Total Acres						184.3

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:

THIS RIGHT IS A PORTION OF 3700632B = 1.26 CFS. AND 3700632E = .232 CFS. ALSO
TR.900, AND 2903.
AMENDED POU 6-1-01 SCC.

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 Individuals:

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

Signature of Claimant(s): Robert Gardner Date: 6-01-2001

_____ 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

Ident. Number: A37-00632F
Date Received: 10/04/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY E. SMITH
Address: XXXXX, ID 00000

OR
Name: CHARLES R. LARKIN 208-788-2823
Address: P.O. BOX 767
PICABO, ID 83348

2. Date of Priority: JUN 03, 1897

3. Source: SILVER CREEK Trib. to: LITTLE WOOD

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	20E	16	NW	SW	SE		BLAINE

5. Description of diverting works:
PUMP AND MOTOR IN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.472		

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

8. Total consumptive use is 227.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

COPY

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	16	SW	SE		IRR	13.0
			SE	SE		IRR	1.0
			Section Acres				14.0
		21	NE	NE		IRR	35.0
			NW	NE		IRR	40.0
			Section Acres				75.0
		22	NW	NW		IRR	2.0
			Section Acres				2.0
			Total Acres				91.0

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:

A3700237D, A3700426D, A3700095F, 37-00944, 3700943.

14. Remarks:

THIS RIGHT IS A PORTION OF 3700632B = 1.26 CFS. AND
3700632E = .232 CFS.
ALSO TR.900, AND 2903.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

COPY

MICROFILMED

FEB 23 1993

16. Signature(s)

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

Number of attachments: _____

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): Chas. R. Larkin Date: 10-4-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Oct. 19 88

John D. Larkin
Notary Public

Seal

Residing at Blaine ID

My Commission Expires 4/2/94

COPY

MICROFILMED

FEB 23 1993

37-00632 F

57.1
10.4
67.4

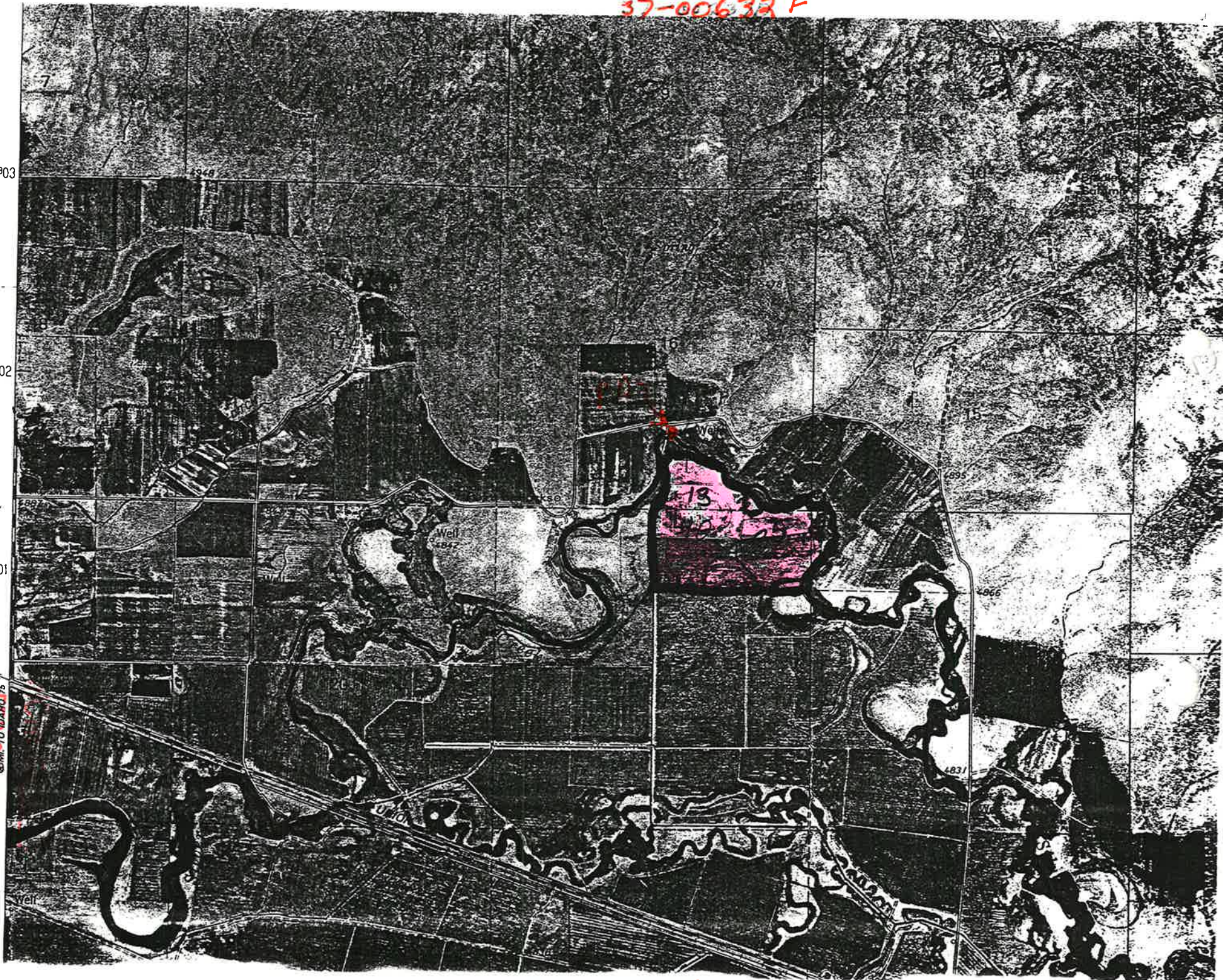
4803

4802

20'

4801

50
FEB 2 1993



T15 R20E

In Re SRBA

STIPULATED ELEMENTS OF A WATER RIGHT

09/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~1.46~~ 1.47 CFS

PRIORITY DATE: 06/03/1897

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~1.46~~ 1.47 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S16	SESW	1.40	T01S R20E S16	NESW	39.00
T01S R20E S16	SESW	30.00	T01S R20E S16	NWSE	17.00
T01S R20E S16	SWSE	21.00	T01S R20E S16	SESE	1.60
T01S R20E S21	NENE	34.00	T01S R20E S21	NWNE	40.00

184 ACRES TOTAL

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

In Re SRBA	)	Subcase No.: 37-706D
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

STANDARD FORM 5

09/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-706D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.39-1.40 CFS

PRIORITY DATE: 03/15/1883

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

KKC

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.39-1.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

09/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

VERIFIED BY

KKC
9-23-2008

1/2 recom

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~1.39~~ 1.470 CFS

PRIORITY DATE: 06/03/1897

POINT OF
DIVERSION:

T01S R20E S16 NWSWE 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	~~1.39~~ 1.470 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16	NESW 39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16	NWSE 17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16	SESE 1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21	NWNE 40.00

184 ACRES TOTAL

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

37- 632F 6-3-1897
 706D 2.8cb 3-15-1883
 2.1cb.

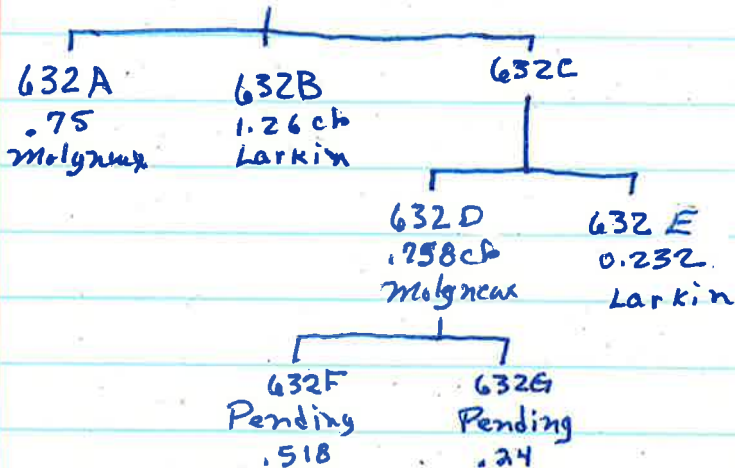
WR

706A 706B 706C
 1.176Qfs .924cfs .720
2.824

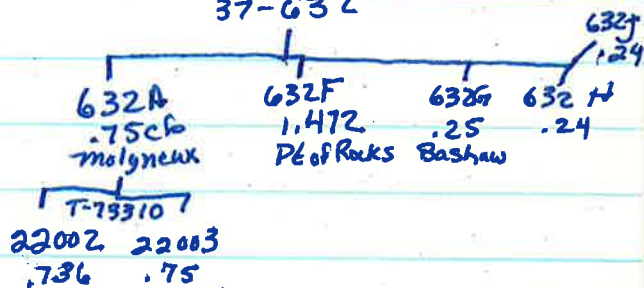
632F
 Part of 632B - 1.26cb
 632E - 1.232
1.492 cb

T-900 & 2903

WR
 37-632



AJ
 37-632



Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, September 22, 2008 11:37 AM
To: Bromley, Chris; Spencer, Nick
Subject: 37-632F and 37-706D Point of Rocks rate issue.

Surface water rights

WR 37-706 was decreed for 2.80 cfs. And split and claimed as follows

37-706A 1.176 cfs	Claimed as a portion of 37-706D 1.396 cfs
37-706B 0.924 cfs	Claimed as a portion of 37-706D 1.396 cfs and 37-706E 0.23 cfs LEAVING 0.474 CFS
UNCLAIMED	
37-706C 0.70 cfs	Claimed and recommended as Adj right 37-706C 0.70 cfs

The short of it is that rounding up the 1.396 cfs to 1.40 cfs would not create a recommendation exceeding the original decreed rate of 2.80 cfs.

Do we want to draft an SF-5 for 1.40 cfs? Should we first obtain an amended claim for 1.40 cfs?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

*Per Modification for 37-2591 & 37-4427
d found*

Point Of Rocks

37-632F } SF-5s generated 9-23-08 (mail-mag)
706D } Speck ccd 11-5-08

37-2591 } Recom waiting for response fm
4427 } Recom claimant - Claimant wants
7937 } possibly disallow to work with BLM possibly
doing a land swap or alternatively
purchasing the trespass acres.

Hearing date
3-18-09

09/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

V-2 recom

RIGHT NUMBER: 37-706D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

VERIFIED BY KKC
9-23-08

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~1.39~~ 1.400 CFS

PRIORITY DATE: 03/15/1883

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	~~1.39~~ 1.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

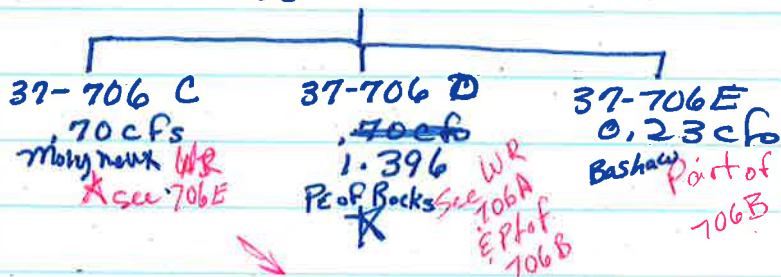
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

37-706 D Point of Rocks

AJ

37-706
2.80 cb



706 C - .70

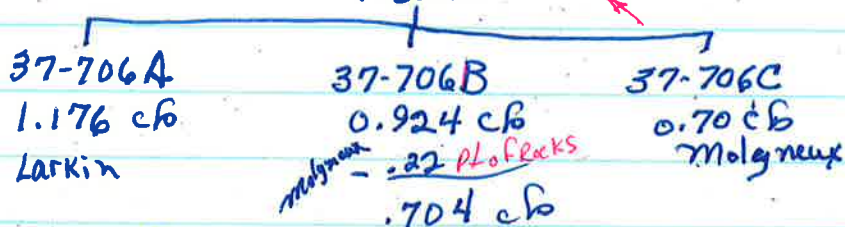
706 D - 1.396

706 E - .23

2.326 cb

WR

37-706
1.80 cb



1.176

.924

.700

2.800 cb

difference between AJ 706 D 1.396 cb

WR 706 A 1.176 cb

0.22 cb

Summary:

Decreed right 37-706 (1.80 cb) has been under claimed and

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2008 SEP 11 PM 11 35

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

SUBCASE NO. 37-95F, 37-237D,
37-426D, 37-632F, 37-706D, 37-943F
37-944F, 37-2591, 37-4427, 37-7937

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

9/10/08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/11, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Point of Rocks Ranch LLC
PO Box 9320
Ketchum ID 83340

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-95F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 05/29/1893

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.290 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-237D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.350 CFS

PRIORITY DATE: 06/15/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		04/15 10/31		1.350 CFS	
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>					
	T01S R20E S16	SENW	1.40	T01S R20E S16	NESW	39.00
	T01S R20E S16	SESW	30.00	T01S R20E S16	NWSE	17.00
	T01S R20E S16	SWSE	21.00	T01S R20E S16	SESE	1.60
	T01S R20E S21	NENE	34.00	T01S R20E S21	NWNE	40.00

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-426D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.460 CFS

PRIORITY DATE: 06/03/1897

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.460 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-706D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.390 CFS

PRIORITY DATE: 03/15/1883

POINT OF
DIVERSION:

T01S R20E S16 NWSWE 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	1.390 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/8/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-943F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

07/8/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-944F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.50 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	1.540 CFS 269.50 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 NWSW 4.50	T01S R20E S15 SWSW	36.00
	T01S R20E S15 SESW 14.00	T01S R20E S16 NESE	2.50
	T01S R20E S16 SESE 20.00		
	77 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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 - License

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.460 CFS
182.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 04/15/1962

POINT OF
DIVERSION:

T01S R20E S16 NESWSE 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	0.460 CFS 182.00 AFY
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T01S R20E S15 SWSW 6.40	T01S R20E S15 SESW 4.60	
T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW 21.00	

52 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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 - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/08/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7937

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
132.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 08/24/1981

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.880 CFS 132.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 SWSW 1.40	T01S R20E S15 SESW 1.60	
	T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW 21.00	
	44 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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 - License

This right is subject to all prior water rights and may be forfeited by five years of non-use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

RE: SRBA Claim(s) 37-95F, 37-237D, 37-426D, 37-632F,
37-706D, 37-943F, 37-944F, 37-2591, 37-4427,
37-7937

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

cc: James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Point of Rocks Ranch

P.O. Box 626
251 North Picabo Road
Picabo, Idaho 83348
(208) 788.6402
(208) 726.1725

RECEIVED

JUL 08 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

JULY 3, 2008

DEAR MR MERRITT,

THANK YOU FOR APPROVING OUR APPLICATION
FOR PERMIT NO. 37-20234.

COULD I ASK THAT YOU CHANGE MY
PERMANENT ADDRESS TO.

POINT OF ROCKS RANCH
114 WALL ST
P.O. BOX 9320
KETCHUM, ID 83340

(OLD ADDRESS: 35 HIDDEN VALLEY LN
WOODSIDE, CA 94062)

THANK YOU VERY MUCH

John K. Freund

01/12/2007

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

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.460 CFS

PRIORITY DATE: 06/03/1897

POINT OF DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.460 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S16	SENW	1.40	T01S R20E S16	NESW	39.00
T01S R20E S16	SESW	30.00	T01S R20E S16	NWSE	17.00
T01S R20E S16	SWSE	21.00	T01S R20E S16	SESE	1.60
T01S R20E S21	NENE	34.00	T01S R20E S21	NWNE	40.00

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-632B

WATER RIGHT NUMBER: 37-632B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENRY E SMITH
	, ID
Current Owner	CHARLES R LARKIN
	PO BOX 767
	PICABO, ID 83348
	(208)788-2823

Priority Date: 06/03/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.260 CFS	
	<u>Total Diversion:</u>	1.260 CFS	

Location of Point(s) of Diversion

SILVER CREEK	SW1/4SE1/4	Sec. 20, Twp 01S, Rge 20E, 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	
01S	20E	16															16.0		16.0
01S	20E	21	30.0	37.0															67.0

Total Acres: 83

Conditions of Approval:

1. TRANS. 900, 2901.
RT. DECREEED FROM BUTTE CR. & POWERS CR. BUT DELIVERED FROM SILVER CR.
WATER DIVERTED UNDER TRANS. 2901 SHALL NOT EXCEED WHAT CAN BE BENEFICIALLY
USED ON 83 ACRES.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No.
&DISTRICT.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works
in a manner that will provide the watermaster suitable control of the diversion.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-632B

4. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. 016 See remarks for additional conditions of approval.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-632E

WATER RIGHT NUMBER: 37-632E

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENRY E SMITH
	, ID
Current Owner	CHARLES R LARKIN
	PO BOX 767
	PICABO, ID 83348
	(208)788-2823

Priority Date: 06/03/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.232 CFS	
	<u>Total Diversion:</u>	0.232 CFS	

Location of Point(s) of Diversion

SILVER CREEK	SW1/4SE1/4	Sec. 20, Twp 01S, Rge 20E, 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	
01S	20E	16												16.0					16.0
01S	20E	21	27.0	37.0															64.0

Total Acres: 80

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. 016 See remarks for additional conditions of approval.
3. TRANS. 900, 2903.
RT. DECREED FROM BUTTE CR. & POWERS CR. BUT DELIVERED FROM SILVER CR.
WATER DIVERTED UNDER THIS TRANSFER SHALL NOT EXCEED WHAT CAN BE
BENEFICIALLY USED ON 80 ACRES.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-632E

4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
5. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

437-006321

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULIE CORD
PO BOX 2412
HAILEY ID 83333

Dear Julie,

Sorry it has taken me so long to get this information mailed off to you. We have been under numerous deadlines recently and it's been hard to keep up with everything. I have included copies of the water rights and adjudication claims that appear to be appurtenant to the land in the legal description you gave me. I would check with the water master to see if he has been delivering the surface water rights to this area.

As I mentioned on the phone, this land is in the Big Wood River Groundwater Management Area (see enclosed map showing the boundaries). I spoke with Gary Funderburg of our office, who is in charge of the well drilling program. He suggested you contact a private engineering firm familiar with that area to measure the temperature of the existing well. He said the department might issue a drilling permit for a new well for domestic and recreation purposes in this area under certain conditions. He also mentioned that if you were drilling for warm water, you would need to put up a bond anywhere from \$5,000 to \$20,000 and furnish a prospectus (usually done by a well driller) at the time of application. He would be happy to discuss any questions you may have if you give him a call at the office.

Another option might be to file a transfer to change the nature of use from irrigation or stockwater to domestic and recreation. This could involve drying up some irrigated acres.

If I can be of any further assistance, please give me a call.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

MEMORANDUM

TO: JULIE CORD
HANGGI & CO
PO BOX 891
KETCHUM ID 83340

FROM: Mary Baldwin, IDWR

DATE: October 20, 1997

SUBJECT: Research, Re: Robert Gardner property

Enclosed please find copies of various documents printed during my research.

To help you understand the enclosed material, I will give you some background information obtained regarding this property. It appears that Ivan Molyneux must have owned the property at the time that Water Right License No. 37-02591 was issued. I have also enclosed a flow chart regarding the processing steps in obtaining a water right license which might be helpful to you. As a general rule, the water right remains in the name of the person who owned the property at the time the water right license is issued and the current owner would appear on the Snake River Basin Adjudication Claim, provided that a claim has been filed with the Department.

The chain of ownership must have gone something like this, based on the deeds, etc. on file with our Department:

Molyneux--->Levard Hansen--->Charles Larkin

Mr. Larkin was the owner who filed and received an Approved Transfer No. 2587 to make changes to Water Right No. 37-02591; HOWEVER, the point of diversion remained in the SWSE, S16, T01S, R20E.

The only well log for geothermal water appears to be in the SWSE, S16, T01S, R20E. Any water temperature over 85 degrees is defined by the Department as geothermal.

****Please note that the Snake River Basin Adjudication Claim No. A37-02591 showing Mr. Larkin as the current owner indicates the point of diversion is within the NESE, S16, T20E.

In order for Mr. Gardner's name to appear as the current owner of Snake River Basin Adjudication Claim No. A37-02591 he would need to file a Change of Ownership form with the Department. That is one of the forms that I faxed to you on 10/17/97.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

10/17/97

Post-it® Fax Note	7671	Date	# of pages
To	Julie Cord	From	Mary
Co./Dept.		Co.	IDWR
Phone #		Phone #	
Fax #	726-2576	Fax #	

Will mail rest of info on 10/20/97.

AJ5809NP
No. A37-00632F

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/97
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY E SMITH XXXXX ID 00000	06/03/1897	IRRIGATION	04-01 11-01	1.47 CFS	
C	CHARLES R LARKIN PO BOX 767 PICABO ID 83348 (208) 788-2823				TOTAL DIVERSION: CONSUMPTIVE USE:	227.50 AFA

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S16 NWSWE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	20E	16	:					:					:					:					:	14.0
01S	20E	21	:	35		40		:					:					:					:	75.0
01S	20E	22	:					:			02		:					:					:	2.0
																						TOTAL ACRES		91.0

POU County: BLAINE

Non-Irrigation Uses: NONE.

Other Rights: A3700237D,A3700426D,A3700095F,37-00944,3700943.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A37-00095F A37-00237D A37-00426D A37-00706D A37-00943F A37-00944F

Other Water Rights Listing Overlapping Place(s) of Use:
A37-00095F A37-00237D A37-00426D A37-00943F A37-00944F A37-02591 A37-07937

Remarks: GEN THIS RIGHT IS A PORTION OF 3700632B = 1.26 CFS. AND
3700632E = .232 CFS.
ALSO TR.900, AND 2903.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/04/88 MOBILE3 02/13/90 MERRITT 03/30/95 POST-STD

WR5809NP

No. 37-00632E

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 06/02/98

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES R. LARKIN	06/03/1897	IRRIGATION	00/00 00/00	0.232 CFS	
TOTAL DIVERSION:					0.232 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S20

SWSE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S	20E	16	:												16						16.0
01S	20E	21	:	27		37															64.0
TOTAL ACRES																			80.0		

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

37-00021	37-00022	37-00095A	37-00095D	37-00186A	37-00186B	37-00187	37-00188	37-00189	37-00213A
37-00213B	37-00214	37-00215E	37-00215F	37-00216	37-00217	37-00218	37-00219	37-00237A	37-00237B
37-00333	37-00351A	37-00352A	37-00376B	37-00376D	37-00376E	37-00377	37-00378	37-00379	37-00380
37-00381	37-00426A	37-00428	37-00632B	37-00632D	37-00694A	37-00694B	37-00695	37-00706B	37-00942
37-00943B	37-00943D	37-00943E	37-00944A	37-00944D	37-00944E	37-02405	37-02617	37-02620	37-02627A
T37-00021									

Other Water Rights Listing Overlapping Place(s) of use:

37-00095A	37-00095D	37-00095E	37-00237A	37-00237B	37-00426A	37-00426B	37-00632B	37-00632D	37-00706A
37-00706B	37-00943B	37-00943D	37-00943E	37-00944A	37-00944D	37-00944E			

Conditions of Approval:

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

Remarks: GEN

TRANS. 900, 2903.
 RT. DECREED FROM BUTTE CR. & POWERS CR. BUT DELIVERED FROM SILVER CR.
 WATER DIVERTED UNDER THIS TRANSFER SHALL NOT EXCEED WHAT CAN BE BENEFICIALLY USED ON 80 ACRES.

WR5809NP

No. 37-00632B

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 06/02/98

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES R. LARKIN	06/03/1897	IRRIGATION	00/00 00/00	1.260 CFS	
TOTAL DIVERSION:					1.260 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S20

SWSE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	20E	16	:																	
01S	20E	21	:	30		37														
TOTAL ACRES																			83.0	

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

37-00021	37-00022	37-00095A	37-00095D	37-00186A	37-00186B	37-00187	37-00188	37-00189	37-00213A
37-00213B	37-00214	37-00215E	37-00215F	37-00216	37-00217	37-00218	37-00219	37-00237A	37-00237B
37-00333	37-00351A	37-00352A	37-00376B	37-00376D	37-00376E	37-00377	37-00378	37-00379	37-00380
37-00381	37-00426A	37-00428	37-00632D	37-00632E	37-00694A	37-00694B	37-00695	37-00706B	37-00942
37-00943B	37-00943D	37-00943E	37-00944A	37-00944D	37-00944E	37-02405	37-02617	37-02620	37-02627A
T37-00021									

Other Water Rights Listing Overlapping Place(s) of use:

37-00095A	37-00095E	37-00237A	37-00426B	37-00632E	37-00943B	37-00943E	37-00944A	37-00944E
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Conditions of Approval:

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

Remarks:

GEN TRANS. 900, 2901.
RT. DECREED FROM BUTTE CR. & POWERS CR. BUT DELIVERED FROM SILVER CR.
WATER DIVERTED UNDER TRANS. 2901 SHALL NOT EXCEED WHAT CAN BE BENEFICIALLY USED ON 83 ACRES.

Dates:

App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 06/03/1897
Proof Made Date:
Exam Sent to S.O.:

To: Mary Baldwin

From: Julie Cord

Date: 10/24/97

Number of Pages: 5

Phone:

Fax: 736-3037

FAX

RECEIVED

OCT 24 1997

Department of Water Resources
Southern Region

Remarks:

Here are 2 legal descriptions (which should be the same) and 2 maps. I would like the water rights - surface, ground, licenses, permits, etc. - that are on this property as well as the adjudication papers to see what has been filed for, the use, & under what name. I would be interested in talking with Gary about the GPS & temperature. I can be reached at 788-6131 or faxed to 726-2576. My P.O. box is 2412 Hailey, ID 83333.
Thank you!

Hanggi & Co. Realtors - P O Box 891 -
Ketchum, ID 83340 - Phone: 208-726-3303 -
Fax: 208-726-2576

Point of Rocks Ranch Silver Creek

A 3-8 70 S 240 ARB AMT	DRASHNER, MARY ELLEN 24.8344% SWSW, SESW, SEC 15 & GARDNER, KATHERYN A 53.8079% - FR SE TL 6274, SESE SEC 16 & GARDNER, ROBERT 21.3576% - N1/2NE, SEC 21 BOX 470 - N1/2NW, SEC 22 BELLEVUE 1S 20E ID 83313 RD 80000 N PICABO	5 1996 63.000 AC 1,825 10 1996 1.000 AC 17,625 31 1996 50,365 32 1996 9,235 TOTALS 319.640 174,915
A 0 A 43-8 S	DRASHNER, MARY ELLEN 24.8344% NESH, FR SESW TL 5657, SEC 16 & GARDNER, KATHERYN A 53.8079% 1S 20E & GARDNER, ROBERT 21.3576% BOX 470 BELLEVUE ID 83313	1 1996 71.000 AC 26,625 TOTALS 71.000 26,625
A 00 B 343-8	DRASHNER, MARY ELLEN 24.8344% - N1/2SE, NWSW, SEC 16; & GARDNER, KATHERYN A 53.8075% 1S 20E & GARDNER, ROBERT 21.3576% BOX 470 BELLEVUE ID 83313	1 1996 16.000 AC 6,000 5 1996 104.000 AC 3,000

120. Ac

3.2. Description

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4; N1/2 SE1/4; NW1/4 SW1/4; and E1/2 SW1/4.

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.15, R.20E, B.M.; thence S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 11° 58' 01" E., 53.39 feet to a fence corner; thence N. 04° 11' 25" E., 78.77 feet to a fence corner; thence N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

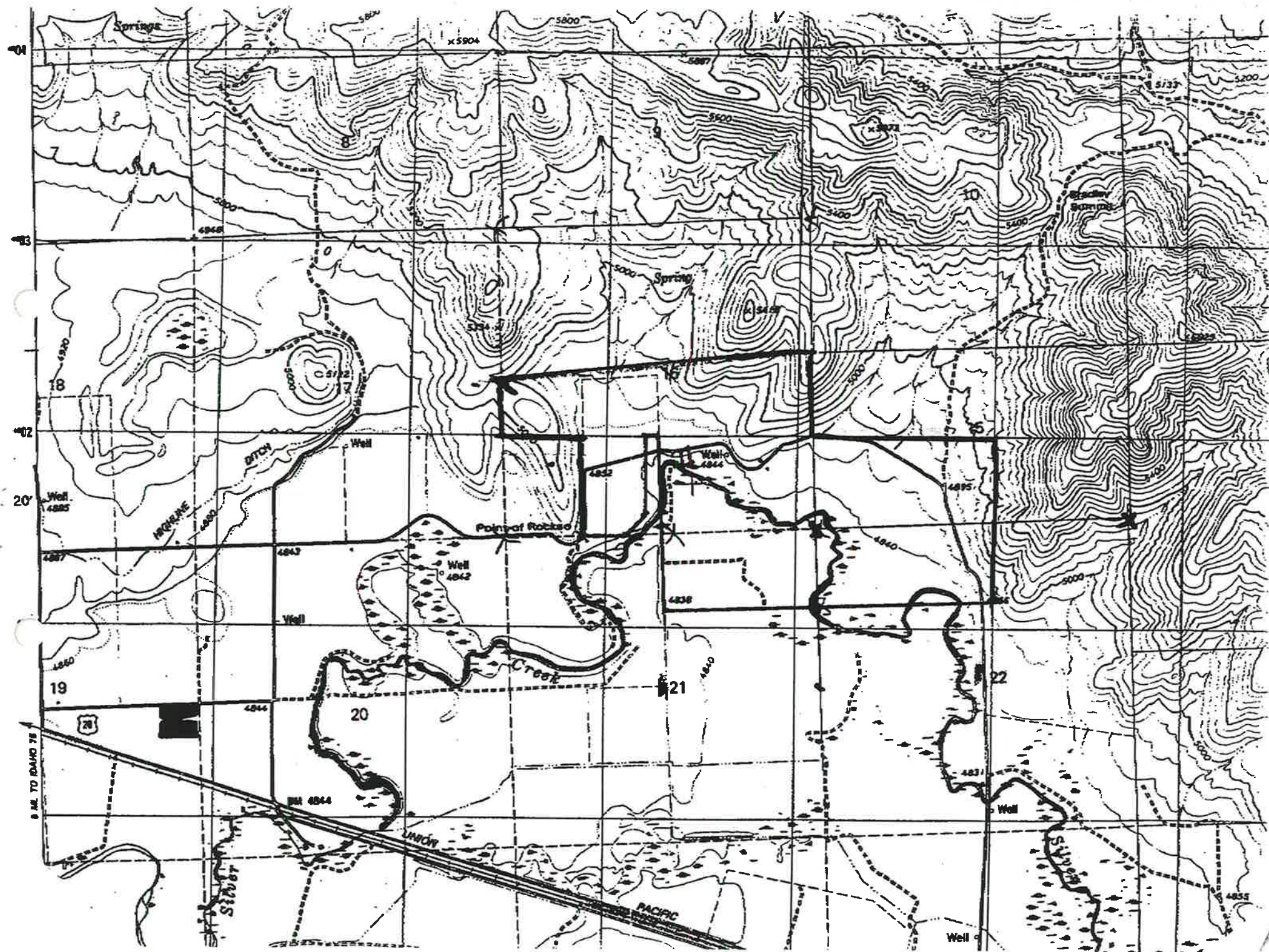
AND FURTHER EXCEPTING

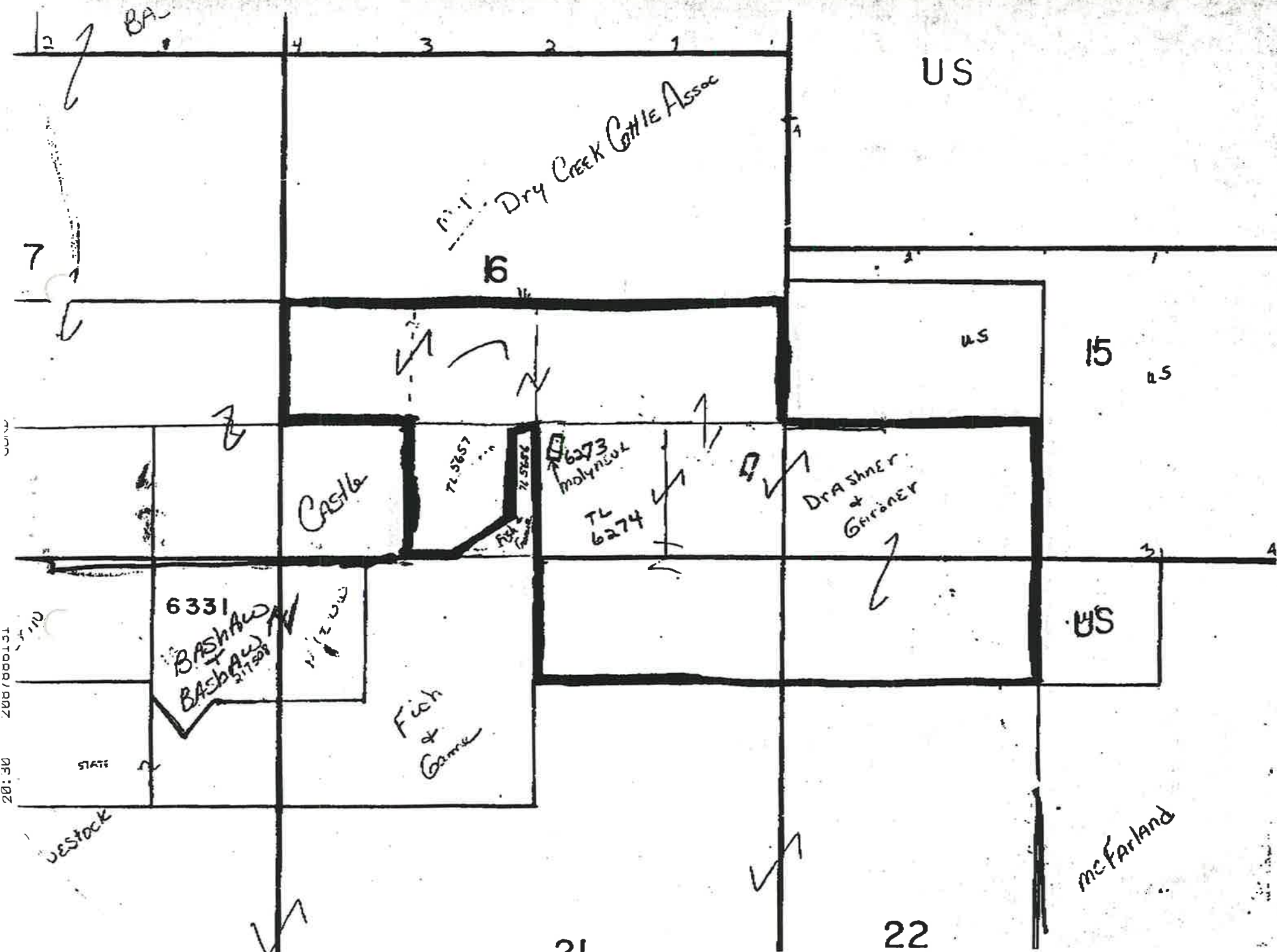
Beginning at the SE corner of said E1/2 SW1/4; thence N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence S. a distance of 940.60 feet to a point; thence S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.





1510000/0027
00:10:20