

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: **A37-00657E**
Date Received: 11/ 4/1992
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: COTTONWOOD CREEK INVESTMENTS INC 208-622-4706
Address: PO BOX 1965
SUN VALLEY ID 83353

2. Date of Priority: MAY 1, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	20		SW	NW		BLAINE
				SE	SW		BLAINE
		29		NW	SE		BLAINE

5. Description of diverting works:
HIAWATHA CANAL, PURDUM SLOUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	29	SW	NE		IRR	19.0
			NW	SE		IRR	19.0

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NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	38.0
					Total Acres	38.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00577CG

14. Remarks:

PURSUANT TO APPROVED TRANSFER 4171:

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

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THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

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

4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION.

6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. A37-00577CG AND A37-00657E SHALL NOT EXCEED 133.0 ACRE FEET.

7. POINT OF REDIVERSION UNDER RIGHT NOS. A37-00577CG AND A37-00657E IS FROM PURDUM SLOUGH.

CHANGE OF OWNERSHIP MADE 9/21/95 TF. BRENNAN TO COTTONWOOD CREEK INVESTMENTS INC.

THIS CLAIM WAS SPLIT FROM A37-00657C PURSUANT TO APPROVED TRANSFER 4171.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

MICROFILMED
NOV 22 1996

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs

Decree Defendant

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 21, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ATTN: EVERETT DAVIS
COTTONWOOD CREEK INVESTMENTS INC
PO BOX 1965
SUN VALLEY ID 83353

RE: SRBA Claims A37-00657E and A37-00577CG

Dear Claimant:

Pursuant to the approval of Transfer No. 4171, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been created to conform with the transfer. Enclosed please find a printout of your claim records. Please check these records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILMED
NOV 22 1996

501 a

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER

SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701

TELEPHONE

(208) 344-6000

FAX

(208) 342-3829

POCATELLO OFFICE

125 NORTH GARFIELD

POST OFFICE BOX 4167

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-0845

RICHARD B. BURLEIGH

15 15 15 15 15

AUG 03 1994

Department of Water Resource
Southern Region Office

Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720-9000

Attention: Adjudication Bureau

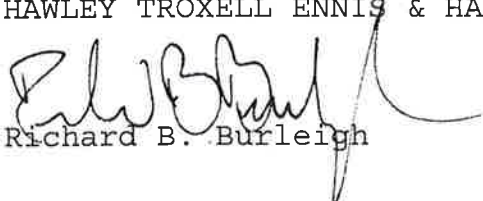
Re: Notice of Change of Water Right Ownership

Dear Sir or Madam:

Please find enclosed a Notice of Change of Water Right Ownership for Water Right No. 37-00577BY and 37-00657B. If you have any questions regarding this change of ownership please contact the undersigned.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY


Richard B. Burleigh

RBB:ag
Enclosure

RECEIVED

AUG 01 1994

Department of Water Resources

MICROFILMED
NOV 22 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

AUG 03 1994

Department of Water Resource
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18ESection 29, * 1/4 of 1/4 of 1/4 Govt. Lot _____, BM _____

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

* SWNE and NWSE of Section 29

RECEIVED

AUG 01 1994

Department of Water Resources

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

☐ Water Right Number(s)

Assigned by IDWR: 37-00577BY and 37-00657B

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Robert M. BrennanP.O. Box 1991Sun Valley, ID 83353

☐ New Owner/Claimant
(Purchaser):

Cottonwood Creek Investments, Inc.

☐ New Mailing Address:

P.O. Box 1965Sun Valley, ID 83353

☐ New Telephone Number:

(208) 622 - 4706

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no

If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

Water right previously split pursuant to Transfer No. 4171approved on January 25, 1994.

☐ Attach proof of
ownership, describe
proof attached:

Warranty Deed

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

☐ Signature of New
Owner/Claimant(s)

Robert M. BrennanDate 7/24/94Cottonwood Creek Investments

Date _____

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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NOV 22 1996

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

Order No. 16967

WARRANTY DEED

For Value Received Robert M. Brennan, a married man as his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Cottonwood Creek Investments, Inc., an Idaho corporation whose address is: P. O. Box 1686, Rancho Santa Fe, CA, 92067

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

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

Subject to:

A Mortgage to secure an indebtedness of \$1,590,720.00, recorded June 8, 1990, as Instrument No. 320429, records of Blaine County, Idaho.

Dated: June 4, 1990.

Mortgagor: Robert M. Brennan, an unmarried man.

Mortgagee: Gary J. Hibbard and Donna G. Hibbard, husband and wife.

Final Due Date: June 4, 1990.

(Includes Additional Property)

And Re-recorded as Instrument No. 323269, records of Blaine County, Idaho, to correct the final due date to be June 4, 1994.

And Re-recorded as Instrument No. 325923, records of Blaine County, Idaho, to correct the legal description.

And Re-recorded January 14, 1992 as Instrument No. 337196, records of Blaine County, Idaho, to add Exhibit "B".

The Grantee(s) herein agree(s) to assume and pay according to the terms and conditions of the above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 25, 1993

Robert M. Brennan
Robert M. Brennan

BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.

OF

1993 NOV -2 P 3:26

358637

MARY GREEN, CLERK WMP

Deed

FEES \$6.00

State of

County of

On _____ before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Brennan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature _____

Commission Expires:

*I, provided, however, that the Mortgagee agrees to extend the maturity date from June 4, 1994 to November 1, 1995. If the Mortgagee is unable or unwilling to so extend the maturity then Grantor agrees to purchase the said Mortgage and the indebtedness secured thereby and then extend the maturity date to November 1, 1995, or extend credit to Grantee in an amount sufficient to pay in full the indebtedness secured by the Mortgage on the same terms and conditions as are contained in the said Mortgage and Note secured thereby excepting that the maturity date shall be extended to November 1, 1995.

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NOV 22 1996

POOR ORIGINAL

Order # 10312

16

PROMISSORY NOTE

\$100,000.00

Ketchum, Idaho March 19, 1993

For Value Received, I, We, or either of us promise to pay in the order of: Everett Davis III Separate Property Trust

The Principal Sum of One Hundred Thousand and 00/100

in lawful money of the United States of America, with interest thereon at the rate of ten percent per annum

from March 19, 1993

PAYABLE AS FOLLOWS:

One installment of \$100,000.00, plus interest, all due and payable on or before May 3, 1993. Payments to be applied first to accrued interest at said annual rate and second to reduction of principal.

The holder hereof may repay any or all sums due hereunder at any time without prior notice to the holder and without penalty or premium of any kind.

In case of failure to pay any installment when same shall become due, the holder at his option, may declare the whole principal hereof to be immediately due and payable. In case this note is collected by an attorney, either with or without suit the undersigned hereby agree to pay a reasonable attorney's fee.

This note is secured by a Mortgage of even date executed by the undersigned on certain real property described therein.

The undersigned hereby waive presentment, protest, and notice.

PAYABLE TO:

Everett Davis III Separate Property Trust
P. O. Box 1886
Rancho Santa Fe, CA 92067

Robert M. Breuer
Robert M. Breuer

This Promissory Note is collateralized by the property described in Exhibit A attached hereto and made a part hereof.

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO

MAR 22 P 1:18

351049

PAID TO EVERETT DAVIS III

my-

POOR ORIGINAL

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NOV 22 1996

Exhibit "A"

Parcel 1:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and Parcel A of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

Parcel II:

Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho.

Section 20: S1/2 SW1/4

Excepting therefrom all that portion of Zinc Spur Ranch Units Two and Three, Blaine County, Idaho, lying within said S1/2 SW1/4.

Section 29: W1/2 NW1/4, NE1/4 NW1/4

Excepting therefrom all that portion of Zinc Spur Ranch Unit Two, Blaine County, Idaho, lying within said NE1/4 NW1/4 AND Excepting therefrom all that portion of Lots 1 through 11, inclusive, of Cottonwood Creek Subdivision, Blaine County, Idaho.

STATE OF IDAHO
COUNTY OF Blaine
On March 22, 1993

and State personally appeared Robert M. Brennan

personally known to me and known to me on the basis of his
factory evidenced to be the person whose name is subscribed
witness to the within instrument and acknowledged to me that
he/they were executing the same

Witness my hand and official seal

Signature *Robert M. Brennan*
My Commission Expires: 1-12-97



POOR ORIGINAL

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NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 19, 1995

RICHARD B BURLEIGH
HAWLEY, TROXELL, ENNIS, & HAWLEY
PO BOX 1617
BOISE, ID 83701

RE: SRBA CLAIMS A37-00577BY & A37-00657B
BRENNAN-COTTONWOOD INVESTMENTS
OWNERSHIP CHANGE

DEAR SIR:

IN REVIEWING THE CHANGE OF OWNERSHIP THAT WAS SENT IN AUGUST OF 1994, THERE ARE SOME PROBLEMS IN COMPLETING THIS TRANSACTION.

THE FIRST PROBLEM IS THAT THE ABOVE-REFERENCED CLAIMS ARE NOT IN THE NAME OF ROBERT M BRENNAN. A37-00577BY IS IN THE NAME OF BRUCE BUCHANAN, AND A37-00657B IS IN THE NAMES OF GARY AND DONNA HIBBARD.

THE SECOND PROBLEM IS THE WARRANTY DEED AND THE PROMISARY NOTE ARE CONFLICTING WITH THE SIGNATURE ON THE FORM. THE PROMISARY NOTE IS GOING FROM EVERETT DAVIS III SEPERATE PROPERTY TO ROBERT BRENNAN. THE WARRANTY DEED THEN HAS BRENNAN SELLING THE COTTONWOOD INVESTMENTS, WITH THE HIBBARDS BEING COTTONWOOD INVESTMENTS. THE PROBLEM IS THAT EVERETT DAVIS SIGNED THE FORM AS THE PRESIDENT OF COTTONWOOD INVESTMENTS.

I AM SENDING YOU A COPY OF THE CHANGE OF OWNERSHIP SENT FOR YOUR REVIEW. I AM ALSO SENDING PROOFS OF THE CLAIMS THAT WERE REFERENCED, ALSO THE PROOFS OF A37-00657C & A37-00577C THAT ARE IN THE NAME OF ROBERT BRENNAN ARE INCLUDED. A NEW OWNERSHIP CHANGE FORM IS INCLUDED.

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

PAGE 2

IF YOU HAVE ANY QUESTION PLEASE FEEL FREE TO CALL ME AT THIS
OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 22 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS
FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

TELEPHONE
(208) 344-6000
FAX
(208) 342-3829

KETCHUM OFFICE
319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

RICHARD B. BURLEIGH

June 8, 1995

Tara Backlund
Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301-6105

Re: Notice of Change of Water Right Ownership

Dear Tara:

Please find enclosed the revised Notice of Change of Water Right Ownership for water previously owned by Robert Brennan and transferred to Cottonwood Creek Investments, Inc. The notice of change was revised to address the issues raised in your May 19, 1995 letter. Also enclosed is a Warranty Deed from Robert Brennan to Cottonwood Creek Investments, Inc. a Warranty Deed and Quitclaim from Gary J. Hibbard and Donna G. Hibbard to Robert Brennan and a copy of Transfer No. 4171 which split Robert Brennan's water right.

Mr. Davis has been and continues to be the president of Cottonwood Creek Investments, Inc. and in that capacity is authorized to sign the Notice on behalf of the corporation. There is no relationship between Gary J. Hibbard and Cottonwood Creek Investments, Inc. The reference to Cotton Creek Investment, Inc. on the Proof for Water Right No. A37-00657B may not be correct. At any rate, to the best of my knowledge it is not associated with Mr. Davis or Cottonwood Creek Investments, Inc. Mr. Hibbard did transfer to Mr. Brennan certain water rights including the water rights subject to Transfer No. 4171. (See attached Quitclaim Deed). Mr. Hibbard has no current ties or ownership interest in the water subject to this notice or the land on which it is used.

MICROFILMED
NOV 22 1996

HAWLEY TROXELL ENNIS & HAWLEY

June 8, 1995
Page 2

If you have any questions regarding this Notice of Change of Water Right Ownership, please contact me as soon as possible.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY


Richard B. Burleigh

RBB\jkc
Enclosures
cc: E. Davis

MICROFILMED
NOV 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E

Section 29, * 1/4 of 1/4 of 1/4 Govt. Lot _____

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

*SWNE and NESE of Section 29

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

☒ Water Right Number(s) 37-00577C and 37-00657C
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Robert M. Brennan
P.O. Box 1991
Sun Valley, Idaho 83353

☒ New Owner/Claimant (Purchaser): Cottonwood Creek Investments, Inc.

☒ New Mailing Address: P.O. Box 1965
Sun Valley, Idaho 83353

☒ New Telephone Number: (208) 622 - 4706

- ☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Water rights split by Transfer No. 4171 (attached). Cottonwood
Creek Investments owns 0.69 cfs of 37-00577C and 0.76 cfs of
37-00657C used to irrigate 38 acres in the SWNE & NWSE of Section
29, T3N R18E, B.M. The remaining 0.37 cfs of 37-00577C & 0.40 cfs

☒ Attach proof of ownership, describe proof attached: of 37-00657C will remain in Robert Brennan's name.
Warranty Deed

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

☒ Signature of New Owner/Claimant(s) *Robert M. Brennan* Date 6/13/95
President, Cottonwood Creek Investments, Inc. Date _____

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

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

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NOV 22 1996

RECEIVED
JUN 09 1995
Department of Water Resources
Southern Region

Order No. 16967

WARRANTY DEED

For Value Received Robert M. Brennan, a married man as his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Cottonwood Creek Investments, Inc., an Idaho corporation whose address is: P. O. Box 1686, Rancho Santa Fe, CA, 92067

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

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

Subject to:

A Mortgage to secure an indebtedness of \$1,590,720.00, recorded June 8, 1990, as Instrument No. 320429, records of Blaine County, Idaho.

Dated: June 4, 1990.

Mortgagor: Robert M. Brennan, an unmarried man.

Mortgagee: Gary J. Hibbard and Donna G. Hibbard, husband and wife.

Final Due Date: June 4, 1990.

(Includes Additional Property)

And Re-recorded as Instrument No. 323269, records of Blaine County, Idaho, to correct the final due date to be June 4, 1994.

And Re-recorded as Instrument No. 325923, records of Blaine County, Idaho, to correct the legal description.

And Re-recorded January 14, 1992 as Instrument No. 337196, records of Blaine County, Idaho, to add Exhibit "B".

The Grantee(s) herein agree(s) to assume and pay according to the terms and conditions of the above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 25, 1993

Robert M. Brennan
Robert M. Brennan

BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.

OF

1993 NOV -2 P 3:26

358637

MARY GREEN, CLERK mp

Deed

FEES \$6.00

State of

County of

On _____ before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Brennan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature _____

Commission Expires:

* provided, however, that the Mortgagee agrees to extend the maturity date from June 4, 1994 to November 1, 1995. If the Mortgagee is unable or unwilling to so extend the maturity then Grantor agrees to purchase the said Mortgage and the indebtedness secured thereby and then extend the maturity date to November 1, 1995, or extend credit to Grantee in an amount sufficient to pay in full the indebtedness secured by the Mortgage on the same terms and conditions as are contained in the said Mortgage and Note secured thereby excepting that the maturity date shall be extended to November 1, 1995.

POOR ORIGINAL

MICROFILMED
NOV 22 1995

QUITCLAIM DEED

For Value Received

Gary J. Hibbard and Donna G. Hibbard, husband and wife

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

Robert M. Brennan, a single person

whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

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

The following described water rights:

58 inches of 1881 priority
 53 inches of 1883 priority
 183 inches of 1889 priority
 200 inches of 1891 priority

BLAINE CO. REQUEST
 OF FIRST AMERICAN TITLE CO.

1991 MAR 29 P 3:26

328718

MARY GREEN, CLERK
 FEES \$

mp

3.00

Deed

Post-It [®] brand fax transmittal memo 7671		# of pages
To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

maureen

together with their appurtenances.

Dated: June 8, 1990

Gary J. Hibbard
 Gary J. Hibbard

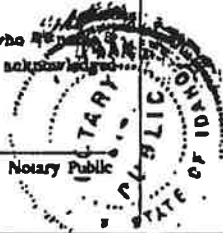
Donna G. Hibbard
 Donna G. Hibbard

STATE OF Idaho COUNTY OF ~~Blaine~~ Lincoln
 On this 26th day of February, 1991,
 before me, a notary public in and for said State, personally
 appeared Gary J. Hibbard and Donna G.
 Hibbard

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

Virginia Churchman
 Notary Public

Residing at Shoshone, Idaho
 Commission Expires: 6/24/94



MICROFILMED
 NOV 22 1996

28.9449
 28.9449

WARRANTY DEED

For Value Received Gary J. Hibbard and Donna G. Hibbard, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Robert M. Brennan, a single person
whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

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

See Attached Schedule "A" Made a Part Hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 31, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

State of Idaho

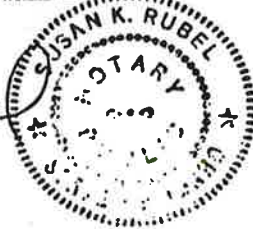
County of Blaine

On June 4 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary J. Hibbard and Donna G. Hibbard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Susan K. Rubel

Commission Expires: 3-11-95



BLAINE CO. REQUEST
OF: Deed
FIRST AMERICAN TITLE CO.
90 JUN 8 PM 3 35
MARY CREECH CLERK
FEES \$ 6.00

320427

MICROFILMED
NOV 22 1996

COPY

DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

2000 SEP 11 PM 11 34

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. 37-577CG 37-657E

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:

9/10/03


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

Cottonwood Creek Investments Inc
c/o Robin Taylor
PO Box 2840
Ketchum ID 83340



Signature of person or attorney mailing the form

07/29/2008

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

RIGHT NUMBER: 37-577CG

NAME AND ADDRESS: COTTONWOOD CREEK INVESTMENTS INC
C/O ROBIN TAYLOR
PO BOX 2840
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.690 CFS

The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S20 SESW Within BLAINE County
T03N R18E S29 NWSE Rediversion 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	0.690 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S29 SWNE 19.00	T03N R18E S29 NWSE 19.00	
	38 ACRES TOTAL		

Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres 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

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

Point of rediversion is from Purdum Slough.

Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.

Water is delivered through the Hiawatha canal and the Purdum Slough.

Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.

The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.

07/29/2008

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

RIGHT NUMBER: 37-657E

NAME AND ADDRESS: COTTONWOOD CREEK INVESTMENTS INC
C/O ROBIN TAYLOR
PO BOX 2840
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.760 CFS

The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.

PRIORITY DATE: 05/01/1881

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S20 SESW Within BLAINE County
T03N R18E S29 NWSE Rediversion 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	0.760 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S29 SWNE 19.00	T03N R18E S29 NWSE 19.00	
	38 ACRES TOTAL		

Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres 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

Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.

Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.

Water is delivered through the Hiawatha canal and the Purdum Slough.

The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.

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

Point of rediversion is from Purdum Slough.



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

COTTONWOOD CREEK INVESTMENTS INC
C/O ROBIN TAYLOR
PO BOX 2840
KETCHUM ID 83340

RE: SRBA Claim(s) 37-577CG, 37-657E

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Updated by CLH
Date 7/21/08

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

JUL 21 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

[] Water Right Number(s): 37-657E

[] Name(s): Cottonwood Creek Investments, Inc.

[] Old Mailing Address: P.O. Box 1965
Sun Valley, ID 83353

[] New Mailing Address: c/o Robin Taylor
Secretary
Cottonwood Creek HOA
P.O. Box 2840, Ketchum, ID 83340

Telephone Number: (208) 721 - 1165

Email: _____

[] Signature(s) of Owner(s) Robin Taylor
Secretary
(Include your title if on behalf of company or organization)

Date: 7/18/08

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

SCANNED

JUL 21 2008

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



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JAN 03 2007
DEPARTMENT OF
WATER RESOURCES

37-657E
37-577CG

COTTONWOOD CREEK INVESTMENTS
INC
~~PO BOX 1005~~
~~SUN VALLEY ID 83353~~

Fwd to:
marion address
#30 Asprey Jr.
Hawley Id. 83333



POST OFFICE BOX
NUMBER REQUIRE
FOR DELIVERY

12/21/2006

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

RIGHT NUMBER: 37-657E

NAME AND ADDRESS: COTTONWOOD CREEK INVESTMENTS INC
PO BOX 1965
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.760 CFS

The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

T03N R18E S20 SESW Within BLAINE County

T03N R18E S29 NWSE Rediversion Within BLAINE County

Point of rediversion is from Purdum Slough.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.760 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29	SWNE	19.00	T03N R18E S29	NWSE	19.00
---------------	------	-------	---------------	------	-------

38 ACRES TOTAL

Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres 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

Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.

Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.

Water is delivered through the Hiawatha canal and the Purdum Slough.

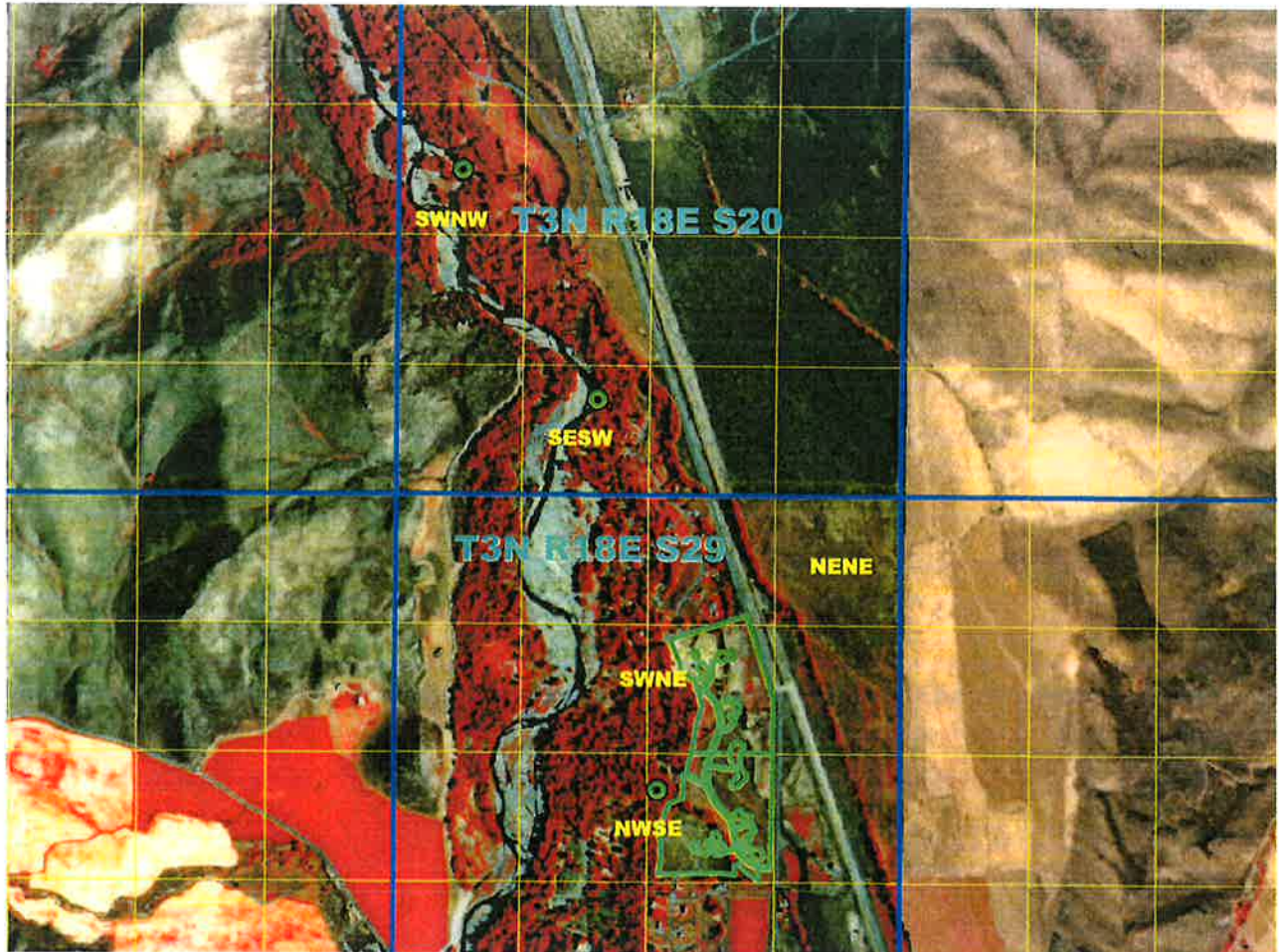
The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 20 & 29
WATER RIGHT(S) : 37-577CG & 37-657E



Shape File determined from transfer # 4171.

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

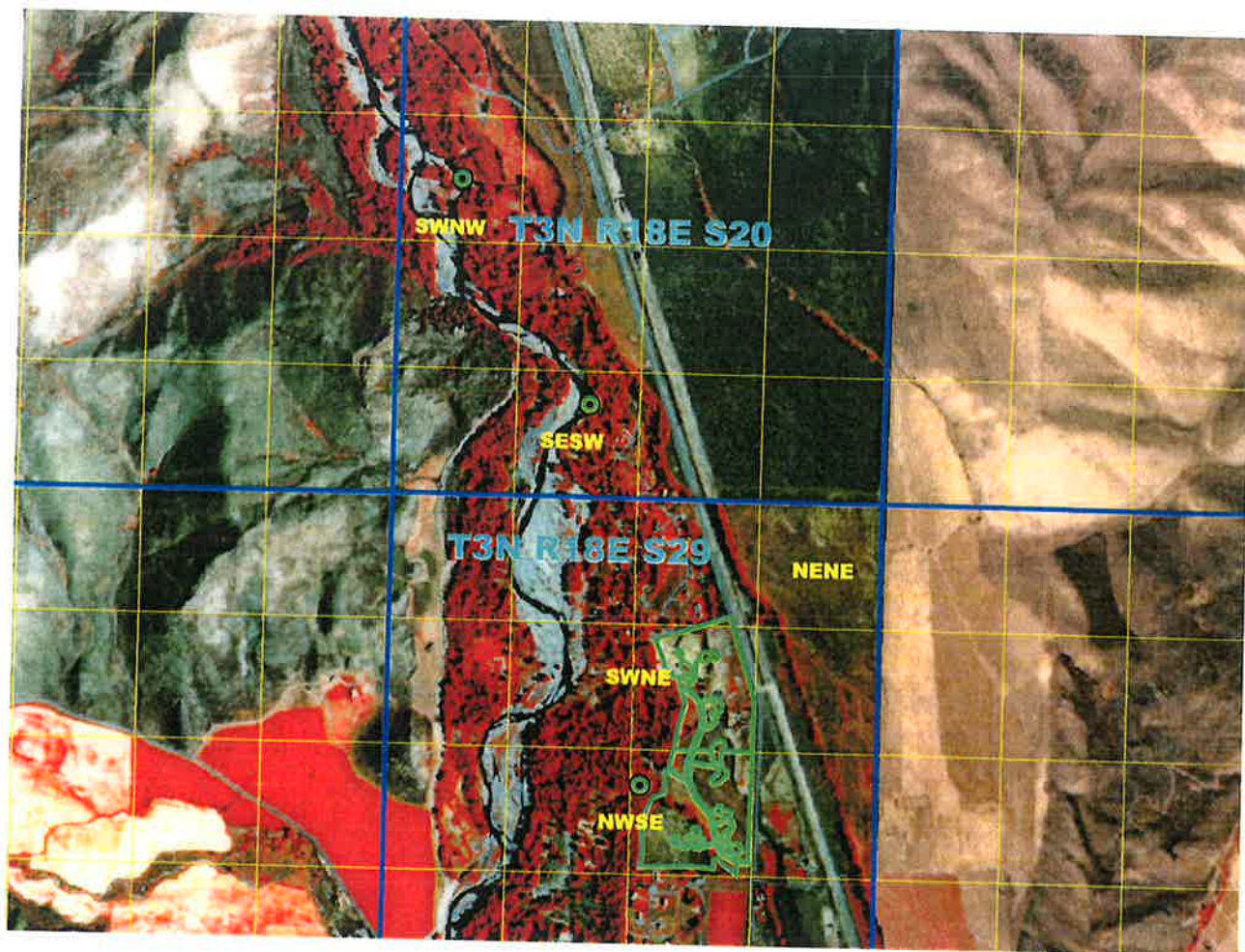
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 20 & 29
WATER RIGHT(S) : 37-577CG & 37-657E



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

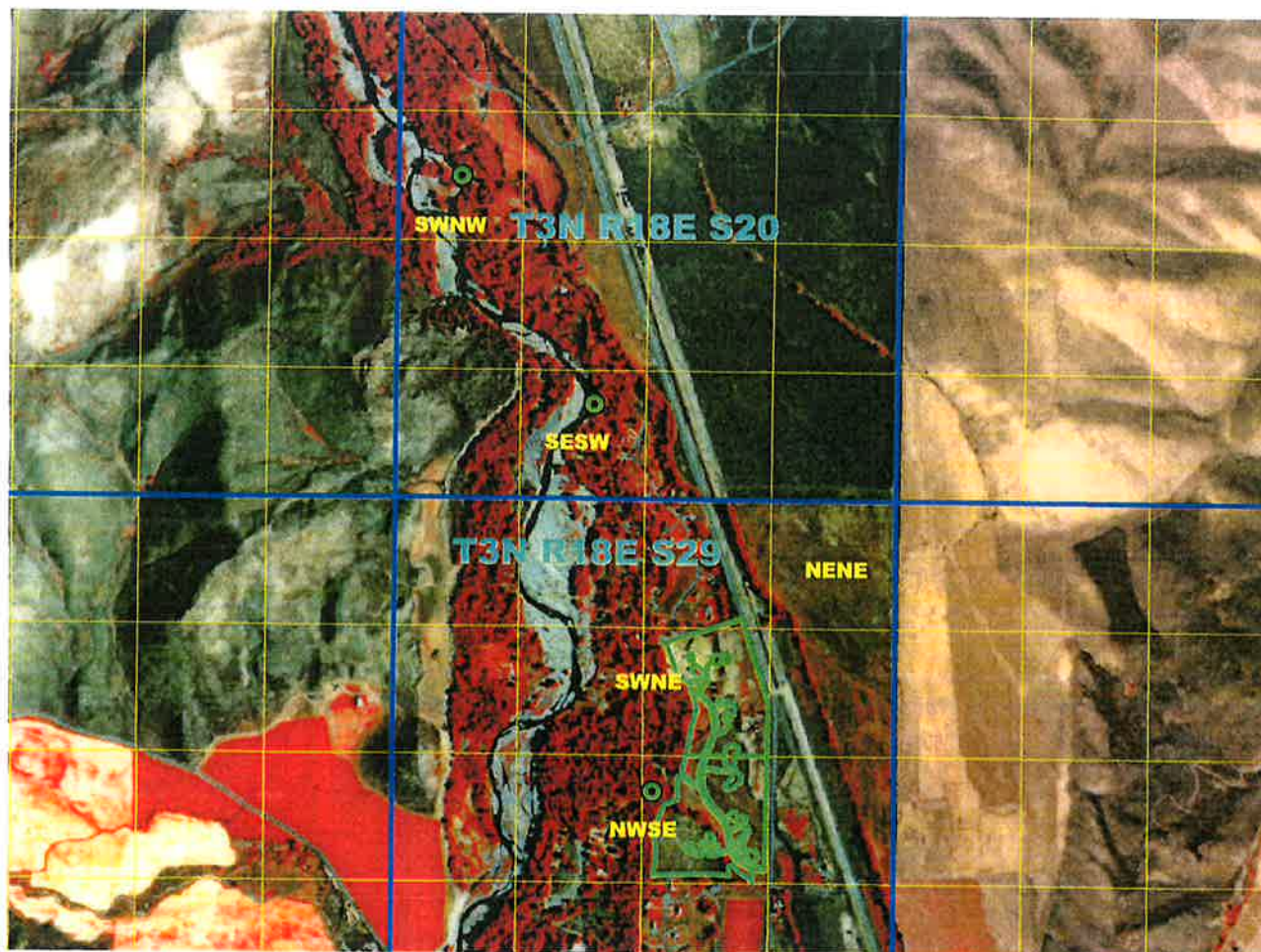
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R18E SECTION(S) 20 & 29
WATER RIGHT(S) : 37-577CG & 37-657E



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

Total Irrigated Acres = 38 acre(s)

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



TO: ADJUDICATION CLAIM FILE 37-577CG & 37-657E

FROM: DANIEL A. NELSON

DATE: 12/21/06

SUBJECT: CLAIM REVIEW

This claim is based on two older decreed rights that were transferred in 1994 to split the rights and change the place of use. This transfer is the true basis of these claims, and the recommendation on these claims will reflect the transfer. The biggest issue with the transfer is the map showing the actual place of use. The place of use drawn on the map shows approximately 53 acres of ground. The purpose of the transfer was to move the water around to accommodate a new subdivision. The actual acres to be irrigated had not been determined at the time of the transfer, so a general boundary was drawn.

Current aerial photography of the property shows that the roads and several ponds have been constructed, but the homes and other structures of the subdivision have yet to be developed. This makes it impossible to determine the actual acres irrigated. The land available for irrigation at this time is 47 acres, which could easily be reduced to the 38 acres allowed once all the development is complete. Therefore, I left the acre amounts the same as listed on the transfer, and drew a map that excluded the ground that has already been taken out of production. The map will need to be refined once the development is completed.

There are no other significant overlapping water rights for this property. These claims are numbered differently on the water right database due to changes of ownership and other reasons. Water right 37-577CG is now listed as 37-30037 in the water rights database, and water right 37-657E is listed as 37-657B in the water rights database. The adjudication water right numbers will override the water right numbers once the SRBA is complete, and the decrees are moved over to the water right database.

The point of diversion in the SESW Section 20 is the point of diversion for the Purdum Slough, and the point of re-diversion in the NWSE of Section 29 is the point where water is diverted from the Purdum Slough. The Point of diversion in the SWNW Section 20 is point of diversion for the Hiawatha canal.

All of the conditions listed on the transfer will be carried over to the recommendation.

T3N R18E
S20 SWNW

T3N R18E S29

NENE

SWNE
19 acres

NWSE
19 acres

PLEASE NOTE: The maps available don't show the exact acres being irrigated. The exact acres being irrigated will not be known until the development has been fully completed. Therefore, the shape file represents the area where 38 acres could be irrigated once the development is complete.

3/15/2006

BIG WOOD ABOVE MAGIC DECREE BOOK

DIVER NO	R	DIVER NAME	DIST_PRIOR	LAST NAME- OWNER ST_ID	DECREE TO	PRIOR DATE	INCHES	CFS	OWNER TRANSFER NUMBERS & PERMIT NUMBERS CFS
22	D	HIAWATHA	4-A2	COTTONWOOD INVESTMENT COTTONWOOD INVESTMENT	37-0657B ANNA B TROGER	05 / 01	1881	38.00	0.76 0.76 CAN BE DELIVERED AT 23-P1
22	D	HIAWATHA	19-A2	COTTONWOOD INVESTMENT	37-0577BY W.T.RILEY	03 / 24	1883	34.50	0.69 1.45

37-657B

Renumbered TO
37-657 E in
SABA.

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

Yellow highlighted rights indicates rate and name match.

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

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

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

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

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

watermaster records				ADJUDICATION CLAIMS				WATER RIGHTS	
sort									
55-C	E	8 WASHINGTON ASPHALT	37-0577	0.20	11816	Wood River Ranch Co		Possible match	
44	E	5 ECCLES WINDOW ROCK RANCH LI	37-0577AT	0.35					
22	D	5 DAVID L CROPPER	37-0577	0.11					
22	D	4 EDMUND E DUMKE	37-0577	1.41	21112	1.42 MARATHON PARTNERS LLC		rates match	
22	D	5 JACKSON W ALLRED II	37-0577	0.06					
22	D	2 ERIC AND JOAN RAZOR	37-0577	0.06	20807	0.06 RASOR, ERIC N ; RASOR, JOAN T			
		2 ROD THORNTON	37-0577BN	0.03	21113	0.03 Thornton		RE: License 37-8820	
55-C	E	4 JEFFERY ANDERTON	37-0577	0.19	577 CC	?????? PART???		Going to file a late claim 12/04/06	
55-C	X	4 BIG WOOD RIVER	37-0577BH	0.02	577 BH	0.18 BRUNKER, BUFFY R ; BRUNKER, MICHAEL B		0.02 lost to river, 0.16 delivered to Baseline	
22	D	4 THOMAS HICKEY	37-0577	0.48	577 CE	1.09 YOUNG, FERN ; YOUNG, ROBERT		Possible part of this right.	
RLR-30	E	4 MICHAEL B BRUNKER-RLR-30	37-0577BH	0.16	577 BH	BRUNKER, BUFFY R ; BRUNKER, MICHAEL B			
55-C	E	4 LEWIS WILLIAM DYE	37-0577	0.50	577 CC	1.8 DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST		Recommended 1.8 which includes Dye and Sunbeam Holding total holdings.	
55-C	E	4 LEWIS WILLIAM DYE	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST			
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.50	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST			
55-C	E	4 SUNBEAM HOLDING TRUST	37-0577	0.40	577 CC	DYE, WILLIAM LEWIS ; SUNBEAM HOLDING TRUST			
22	D	3 DAVID B HENNESSY	37-0577	0.10	11411	0.1 GORMAN, DONNA F ; GORMAN, JAMES A			
45	E	3 JOHN SCHERER	37-0577	2.20	577 BT	2.2 SOUTH COUNTY ESTATES LLC			
22	D	3 WOOD RIVER COUNTRY CLUB	37-0577T&V	1.56	577 BV	1.69 THE VALLEY CLUB INC			
55-C	E	3 A W MOLYNEUX	37-30000P	0.76	20571	0.77 MOLYNEUX, A W ; MOLYNEUX, MAXINE			
22	D	3 WOOD RIVER COUNTRY CLUB	37-0577	1.20	577 BU	1.2 THE VALLEY CLUB INC			
77	X	3 J D SPRING CREEK RANCH	37-0577BB	0.18	19831	1.02 J D SPRING CREEK RANCH LLC		conveyance losses of right	
22	D	3 J D SPRING CREEK RANCH	37-0577BK	4.14	11483	6.96 J D SPRING CREEK RANCH LLC			
22	D	3 J D SPRING CREEK RANCH	37-577BH	2.82	11483	J D SPRING CREEK RANCH LLC			
22	D	3 MELVIN B EVANS	37-0577	0.03					
22	D	3 MELVIN B EVANS	37-0577	0.03	20806	0.06 EVANS, JANET ; EVANS, MELVIN B			
45	E	3 H G 2 LIMITED PARTNERSHIP	37-0577	0.99	11526 A	0.99 HG2 LIMITED PARTNERSHIP			
27	D	3 HARRY S RINKER	37-0577	0.20	577 AK	0.2 RINKER POSSIBLE MATCH			
22	D	3 LISELOTTE BODNER	37-0577BM	0.22	11654 A	0.23 KEGLEY, RODNEY			
RLR-04	F	3 J D SPRING CREEK RANCH	37-0577BB	1.02	19831	1.02 J D SPRING CREEK RANCH LLC			
0005	H	2 GENE GOOLD	37-0577	0.99	30009	1.1 GOOLD, GENE		below Magic 0.11 cfs for conveyance losses	
22	D	2 EMB-HAILEY L P	37-0577	0.84	12869	0.95 EMB-HAILEY LP A CALIFORNIA LTD PTNR			
22	D	2 JIM SAVARIA	37-0577	0.42	14275	0.48 SAVARIA, JAMES R ; SAVARIA, SHIRLEY J			
22	D	2 S F ECCLES RLS-06	37-0577	1.40	577 BP	7 ECCLES FLYING HAT RANCH LLC		conveyance losses per T-68526	
38-P1	E	2 S F ECCLES	37-0577	5.60	577 BP	ECCLES FLYING HAT RANCH LLC			
RLR-02	E	2 E HADLEY STUART-RLR-02	37-0577	2.70	30020	2.9 STUART JR, E HADLEY			
					577	2.9 STUART JR, E HADLEY			

33	E	2 RANDY W JOHNSON	37-0577BK	0.10	577 CB	0.1 MILLER, RICHARD D				
22	D	2 CHARLES E CORD	37-0577PT	0.39	11596	split into 21139 & 21140	30034	0.39	CORD JR, CHARLES E	
22	X	2 THOMAS-SETWART FMLY TR-GW	37-30000D	0.04	577 CM	0.04 THOMAS-STEWART FAMILY TRUST	30000	0.03	THOMAS-STEWART FAMILY TRUST	
45	E	2 BELLEVUE FARMS	37-0577	5.06						
45	E	2 CURT BARKER	37-0577	0.22						
45	E	2 THOMAS O GARA	37-0577	0.55	577 BZ	0.69 THOMAS M O GARA FAMILY TRUST	21346 7 21347		appears to be split	
50	E	2 WILLIAM D BROWN	37-0577	0.69	11830	BROWN, FRANCIS J ; BROWN, ROBERT C ; BROWN, WALTER C ; BROWN, WILLIAM D				
RLR-20	E	2 EDWARD CAMERON-RLR-20	37-0577	0.46	577 Y	0.5 CAMERON, GEORGE EDWARD ; CAMERON, MARGARET J				
RLR-06	E	2 WILLIAM S LEET-RLR-06	37-0577BB	0.45	577 BB	0.48 LEET, MARY HELEN ; LEET, WILLIAM S				
55-C	E	2 A W MOLYNEUX UNIT #1	37-30011B	0.12	20893	0.28 SCHMID, KATHRYN ; SCHMID, STEPHEN	30011	0.12	MOLYNEUX, A W	
55-C	E	2 A W MOLYNEUX UNIT #1	37-30011C	0.16		See Remarks	30011	0.16	MOLYNEUX, A W	
0-P1A	D	2 COYOTE BLUFF	37-30024	0.40	11654 D	0.36 COYOTE BLUFF HOMES ASSN INC				
22	D	2 HIAWATHA CANAL CO	37-0577	0.15	12097	HIAWATHA CANAL WATER				
22	D	2 HIAWATHA CANAL CO	37-0577	0.02	12098	0.15 USERS ASSOCIATION OF LATERAL OR LATERALS				
55-C	E	1 A W MOLYNEUX UNIT #1	37-30000L	0.03	20892	0.05 SCHMID, KATHRYN ; SCHMID, STEPHEN				
55-C	E	1 A W MOLYNEUX UNIT #1	37-30000K	0.02	20892	0.05 SCHMID, KATHRYN ; SCHMID, STEPHEN				
33	X	1 BRUCE WILLIS-NCP	37-00577AH	1.20	577 CH	1.2 PETER M THOMAS TRUST ; RIVER GROVE FARM	30013	1.2	PETER M THOMAS TRUST RIVER GROVE FARM	
21	D	1 RIVERBEND PARTNRES ONE	37-0577	0.38	577 CJ	0.38 RIVERBEND PARTNERS ONE	30012	0.38	MOORE, KENNETH	
22	D	1 HELEN LEIDY SAMSON	37-0577	0.10	577 CL	0.1 SAMSON, HELEN LEIDY ; THE SAMSON 1991 REVOCABLE TRUST				
22	D	1 CITY OF HAILEY	37-0577	2.86	10717	2.86 CITY OF HAILEY				
22	D	1 DAVID L CROPPER	37-0577	0.90	577 BS	0.9 CROPPER, DAVID L ; CROPPER, LINDA C				
22	D	1 JOHN R SCHERER	37-0577	0.04	11757	0.04 SCHERER, JOHN R ; SCHERER, PATRICIA J				
22	D	1 MARY MIZER	37-0577	0.10	12106	0.1 MIZER, MARY M				
22	D	1 TIMOTHY MYLNAR	37-0577	0.03	20808	0.03 MYLNAR, JOAN ; MYLNAR, TIMOTHY				
RLR-52	D	1 RICHARD NELSON	37-0577	0.06	577 BR	0.06 NELSON, RICHARD W				
22	D	1 HENRICUS BEEKWILDER	37-0577	0.26	11801	0.26 HENRICUS P BEEKWILDER FAMILY REVOCABLE TRUST				
22	D	1 TOM RICHMOND	37-0577	0.02	11704	0.02 RICHMOND, LUNDA ; RICHMOND, TOM				
33	E	1 MITCHELL GUTCHES	37-0577	0.10	577 BY	0.1 GUTCHES, CAROLYN L ; GUTCHES, MITCHELL T				
33	E	1 WAYNE BURKE	37-0577	0.02	577 AQ	0.02 BURKE, JANE ; BURKE, WAYNE L				
45	E	1 SPENCER ECCLES	37-0577	3.50	11978	3.5 ECCLES FLYING HAT RANCH LLC				
45	E	1 B S RANCH	37-0577	0.07	11526 C	0.07 B S RANCH				
45	E	1 CARL BROWING	37-0577	0.04	11526 B	0.04 BROWNING, BARBARA ; BROWNING, CARL				
45	E	1 DON L NISSON	37-0577	1.38	577 K	1.38 NISSON, DELORES ; NISSON, DON				
45	E	1 GERALD B BASHAW	37-0577	0.69	11556	0.69 BASHAW, AUDREY ; BASHAW, GERALD B				
45	E	1 JAMES EAKIN	37-0577	2.80	577 V	2.8 EAKIN, JAMES I				
RLR-31	E	1 JOHN STEVENSON-RLR-31	37-0577	1.43	577 AP	1.43 STEVENSON, JOHN F				
45	E	1 ROBERT GARDNER	37-0577	1.38	11671	1.38 GARDNER, KATHRYN ALLRED ; GARDNER, ROBERT E				
45	E	1 THOMAS M BECK	37-0577	0.55	11566	0.55 BECK, THOMAS M				
55-C	E	1 C REID LAU	37-0577	0.28	20438	0.28 LAU, C REID				
55-C	E	1 ROD KOTIGA	37-0577	0.19	12045	0.19 KOTIGA, ROD ; SALFELD, VICKY				

37-11526A/WRADJUDII
37-21065/WRADJUI
37-21066/WRADJUI
37-21067/WRADJUI
37-21068/WRADJUI
37-21069/WRADJUI
37-21070/WRADJUI
37-21071/WRADJUI
37-21072/WRADJUI
37-21073/WRADJUI
37-21074/WRADJUI
37-21075/WRADJUI
37-21076/WRADJUI
37-21077/WRADJUI
37-21078/WRADJUI
37-21079/WRADJUI
37-21080/WRADJUI
37-21081/WRADJUI
37-21082/WRADJUI
37-21083/WRADJUI

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-657E V1

WATER RIGHT NUMBER: 37-657E V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BRIAN L BALLARD PO BOX 1617 BOISE, ID 83701 (208)344-6000
Current Owner	COTTONWOOD CREEK INVESTMENTS INC PO BOX 1965 SUN VALLEY, ID 83353 (208)622-4706
Original Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.760 CFS	
	<u>Total Diversion:</u>	0.760 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County	(Rediversion)	
BIG WOOD RIVER	SE1/4SW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	18E	29	19.0				38.0

Total Acres: 38

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-657E V1

1. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of redirection.
2. T08 Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.
3. The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. Water is delivered through the Hiawatha canal and the Purdum Slough.
6. T07 The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. Point of redirection is from Purdum Slough.
9. E55 Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-657E V1

Comments:

1. dnelson 12/21/2006 Claim Review

Comment: This claim is based on two older decreed rights that were transferred in 1994 to split the rights and change the place of use. This transfer is the true basis of these claims, and the recommendation on these claims will reflect the transfer. The biggest issue with the transfer is the map showing the actual place of use. The place of use drawn on the map shows approximately 53 acres of ground. The purpose of the transfer was to move the water around to accommodate a new subdivision. The actual acres to be irrigated had not been determined at the time of the transfer, so a general boundary was drawn.

Current aerial photography of the property shows that the roads and several ponds have been constructed, but the homes and other structures of the subdivision have yet to be developed. This makes it impossible to determine the actual acres irrigated. The land available for irrigation at this time is 47 acres, which could easily be reduced to the 38 acres allowed once all the development is complete. Therefore, I left the acre amounts the same as listed on the transfer, and drew a map that excluded the ground that has already been taken out of production. The map will need to be refined once the development is completed.

There are no other significant overlapping water rights for this property. These claims are numbered differently on the water right database due to changes of ownership and other reasons. Water right 37-577CG is now listed as 37-30037 in the water rights database, and water right 37-657E is listed as 37-657B in the water rights database. The adjudication water right numbers will override the water right numbers once the SRBA is complete, and the decrees are moved over to the water right database.

The point of diversion in the SESW Section 20 is the point of diversion for the Purdum Slough, and the point of re-diversion in the NWSE of Section 29 is the point where water is diverted from the Purdum Slough. The Point of diversion in the SWNW Section 20 is point of diversion for the Hiawatha canal.

All of the conditions listed on the transfer will be carried over to the recommendation.

2. dnelson 12/21/2006 Text

Comment: PURSUANT TO APPROVED TRANSFER 4171: 1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS TRANSFER.

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

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

4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION.

6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. A37-00577CG AND A37-00657E SHALL NOT EXCEED 133.0 ACRE FEET.

7. POINT OF REDIVERSION UNDER RIGHT NOS. A37-00577CG AND A37-00657E IS FROM PURDUM SLOUGH. CHANGE OF OWNERSHIP MADE 9/21/95 TF. BRENNAN TO COTTONWOOD CREEK INVESTMENTS INC.

***** THIS CLAIM WAS SPLIT FROM A37-00657C PURSUANT TO APPROVED TRANSFER 4171.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-657E V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/21/2006 11:19:35 AM	dnelson			Active
POD	12/21/2006 11:23:11 AM	dnelson			Active
Source	12/21/2006 11:29:29 AM	dnelson			Active
POU	12/21/2006 11:31:00 AM	dnelson			Active
Use	12/21/2006 11:31:18 AM	dnelson			Active
Season	12/21/2006 11:31:58 AM	dnelson			Active
Quantity	12/21/2006 11:32:28 AM	dnelson			Active
Summary			12/21/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/21/2006 11:22:57 AM	dnelson	Updated shape
POD	12/21/2006 11:21:40 AM	dnelson	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-657E V1

General	12/21/2006 11:19:36 AM	dnelson	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/21/2006 11:22:14 AM	dnelson	Updated shape
POU	12/21/2006 11:31:01 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Summary	12/21/2006 11:35:09 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (No) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/21/2006 11:23:12 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-657E V1

Source	12/21/2006 11:29:30 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/21/2006 11:30:45 AM	dnelson	Updated shape for Active POU
Use	12/21/2006 11:31:18 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/21/2006 11:31:59 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/21/2006 11:32:29 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/3/2006 4:55:01 PM	CFRITSCH	Bulk Copy

Water Supply Bank:

12/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-657E

WATER RIGHT NUMBER: 37-657E

37-657 B ON

Owner TypeName and Address

Original Owner

BRIAN L BALLARD
PO BOX 1617
BOISE, ID 83701
(208)344-6000

Current Owner

COTTONWOOD CREEK INVESTMENTS INC
PO BOX 1965
SUN VALLEY, ID 83353
(208)622-4706

Original Owner

ROBERT M BRENNAN
PO BOX 1933
SUN VALLEY, ID 83353
(208)788-9876water right
side and
in xfer
4171

OK

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

OK
OK
OKSource

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 10/15

Diversion Rate

0.760 CFS

Annual VolumeTotal Diversion:

0.760 CFS

4-15-10-13-1

Fix

Location of Point(s) of Diversion

BIG WOOD RIVER

NW1/4SE1/4

Sec. 29, Twp 03N, Rge 18E, B.M.

BLAINE County

BIG WOOD RIVER

SE1/4SW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

BLAINE County

BIG WOOD RIVER

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	18E	29													38.0
			19.0												

Total Acres: 38

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-657E

1. PURSUANT TO APPROVED TRANSFER 4171: 1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS TRANSFER.
2. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
3. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION. - Remove
4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION.
6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. A37-00577CG AND A37-00657E SHALL NOT EXCEED 133.0 ACRE FEET.
7. POINT OF REDIVERSION UNDER RIGHT NOS. A37-00577CG AND A37-00657E IS FROM PURDUM SLOUGH.

***** CHANGE OF OWNERSHIP MADE 9/21/95
 TF. BRENNAN TO COTTONWOOD CREEK INVESTMENTS INC.
 ***** THIS CLAIM WAS SPLIT FROM A37-00657C
 PURSUANT TO APPROVED TRANSFER 4171.

Remarks:Comments:

ADD - combined
 Acre Limit.

Dates and Other Information:

Claim Received Date: 11/4/1992
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-657B

WATER RIGHT NUMBER: 37-657B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANNA B TROEGER
	, ID
Original Owner	DONNA HIBBARD PO BOX 414 SHOSHONE, ID 83352
Current Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876
Original Owner	GARY J HIBBARD PO BOX 414 SHOSHONE, ID 83352 (208)886-2123

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.760 CFS	
	<u>Total Diversion:</u>	0.760 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County	(Rediversion)	
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SE1/4SW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																	38.0
			19.0												19.0				

Total Acres: 38

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-657B

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
4. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of redirection.
The combined annual volume of water under this right and Right No. 37-00577BY shall not exceed 133.0 acre feet.
Point of redirection is from Purdum Slough.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. BALDWIN 6/24/1993 T# 4171

Comment: T# 4171 proposes add a diversion point, change place of use, and split water rights.

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: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Alturas Water Co, et al

Decree Plaintiff: S C Frost, et al

Civil Case Number:

Judicial District: Fourth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Region Adjunct

TRANSFER OF WATER RIGHT

TRANSFER NO. 4171
WATER RIGHT NO(S). 37-00577BY/37-00577BZ/37-00657B/37-00657C

This is to certify that: ROBERT M BRENNAN
PO BOX 1991
SUN VALLEY ID 83353

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00577BY:		
IRRIGATION	04/15 to 10/15	0.69 CFS
Priority: 03/24/1883		
Right No. 37-00577BZ:		
IRRIGATION	04/15 to 10/15	0.37 CFS
Priority: 03/24/1883		
Right No. 37-00657B :		
IRRIGATION	04/15 to 10/15	0.76 CFS
Priority: 05/01/1881		
Right No. 37-00657C :		
IRRIGATION	04/15 to 10/15	0.40 CFS
Priority: 05/01/1881		

RECEIVED

FEB 01 1994

Department of Water Resources
Southern Region Office

SOURCE

TRIBUTARY OF

BIG WOOD RIVER

MALAD RIVER

Right Nos. 37-00577BY^{CG} and 37-00657B^E :

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

SWNW , Sec. 20, Township 03N, Range 18E
SESW , Sec. 20, Township 03N, Range 18E
NWSE , Sec. 29, Township 03N, Range 18E
BLAINE County

Right Nos. 37-00577BY^{CG} and 37-00657B^E :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	29	SWNE 19	NWSE 19		38

Total number of acres irrigated:

MICROFILMED
NOV 22 1996

TRANSFER NO. 4171
 WATER RIGHT NO(S). 37-00577BY/37-00577BZ/37-00657B/37-00657C

Right Nos. 37-00577BZ^{CF} and 37-00657C^D :

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 20, Township 03N, Range 18E
 BLAINE County

Right Nos. 37-00577BZ^{CF} and 37-00657C^D :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	20	SWSW 10			10
03N	18E	29	NWNW 05	SWNW 05		10
Total number of acres irrigated:						20

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37.
5. Measuring devices of a type approved by this Department shall be installed and maintained at each point of diversion and point of rediversion.
6. The combined annual volume of water under Right Nos. 37-00577BY and 37-00657B shall not exceed 133.0 acre feet.
7. The combined annual volume of water under Right Nos. 37-00577BZ and 37-00657C shall not exceed 70.0 acre feet.
7. Point of rediversion under Right Nos. 37-00577BY and 37-00657B is from Purdum Slough.

Dated this 25th day of

January, 1994.

J. Glen Saylor
 Chief, Water Alloc. Bureau

MICROFILMED
 NOV 22 1996

Date Sent to _____

OCT 1 1993

Page 1 of 12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4171

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAY 18 1993

Name of applicant Robert M. Brennan Phone 788-8826 Department of Water Resources
Post Office address PO Box 1991, Sun Valley, ID 83353 Southern Region Office

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split rights

2. Describe the reason for the proposed changes When land is being subdivided, so portions of original farm will no longer be irrigated. Water from these areas is being moved to west side of Big Wood R. Also to show a split of these rights that occurred in 1990.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
1) 37-00577 Part	3-24-1883	0.88 cfs	Irrig.	4-15 to 10-15
37-00657 ^E	5-1-1881	0.76 cfs } 1.45	"	" to "
2) 37-00577 Part	3-24-1883	0.37 cfs	"	" to "
37-00657 ^F	5-1-1881	0.40 cfs } 0.77	"	" to "

2. Total amount of water being transferred 2.22 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Melad River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
1)		SW	NW	20	3N	18E	Blaine	Headgate & Hiawatha Canal
		SE	SW	"	"	"	"	Purdum Slough
		NW	SE	29	"	"	"	Re-diversion From Purdum Slough
2)	SE	SW	SE	20	"	"	"	Private pump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1)	3N	18E			19											19			38
2)	3N	18E			20								10						10
		29						5	5										10
																			20

MICROFILMED
NOV 22 1993

Total acres

58

PART 1

6. General Information:

a. Description of diversion system Pump in Wood River, pipeline & ditch to pond. Pump in pond to sprinklers (Parcel #2). Gravity diversion via Higwatha Canal & Purdum Slough (Parcel #1).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will no longer be irrigated.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____

, 19 _____

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NOV 22 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00577BY Decreed to W. T. Riley
in case of S. C. Frost, Et. AL. vs. Alturas Water Co., Et. AL.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. Many which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River
4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 13.38 cfs for Irrig. purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 13.38 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blaine	Headgate #22 - Hiawatha Canal

8. Lands irrigated or place of use: Unspecified lands under Hiawatha Canal

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

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NOV 22 1986

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-00657 Part

PART 2

Transfer No. 4171

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.06 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>26</u>					<u>3</u>	<u>3</u>					<u>26</u>			<u>58</u>

Total acres 58

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

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

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use: Unspecified lands under Hiqwatha Canal

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00577C Amended on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Mohd River

4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 1.06 cfs for Irrig. purposes from 4-15 to 10-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) (cfs/ac-ft) (cfs/ac-ft)

6. Total amount of water under right 1.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blaine	Headgate #22 & Highway Canal
		SE	SW	20	"	"	"	Purdum Slough

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	29			26					3	3					26			58

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NOV 22 1996

Total acres 58

9. Describe any other water rights used for the same purpose as described above A37-00657C

PART 2

Transfer No. 4171

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.37 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same (will be changed by transfer)

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>7</u>					<u>3</u>	<u>3</u>					<u>7</u>			<u>20</u>

Total acres 20

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

1. amount 0.69 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) Same

2. Point(s) of Diversion: _____

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>19</u>											<u>19</u>			

Total acres 22

NOTIFIED
 NOV 22 1995

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00657 Decreed to Anna R. Troeger
 in case of S.C. Frost, Et. AL. vs. Alturas Water Co., Et. AL.
 dated 12-13-1907 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2491, Unrecorded Split which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Big Wood River tributary to Malad River4. Date or priority 5-1-1881

5. Water is used for the following purpose:

amount 3.2 cfs for Irrig. purposes from 4-15 to 10-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blaine	Headgate & Higwaytha Canal
		SE	SW	"	"	"	"	Purdum Slough
		NW	SE	29	"	"	"	Re-div. from Purdum Slough

8. Lands irrigated or place of use: Per Trans. 2491

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	21			40	40				40	40			40	40	40			280

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NOV 22 1996

Total acres 2809. Describe any other water rights used for the same purpose as described above 37-00577

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.16 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>26</u>					<u>3</u>	<u>3</u>					<u>26</u>			<u>58</u>

Total acres 58**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.04 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use: Per SRBA claims A37-00657A & B

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>29</u>	<u>40</u>	<u>7</u>		<u>33</u>									<u>21</u>				<u>101</u>

Total acres 101

21
 MICROFILMED
 NOV 22 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00657C Amended on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Mald River

4. Date or priority 5-1-1881

5. Water is used for the following purpose:

amount 1.16 cfs for Irrig. purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.16 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blaire	Headgate #22 + Highway 1
		SE	SW	"	"	"	"	Purdum Slough

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	29			26					3	3					26			58

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NOV 22 1993

Total acres 58

9. Describe any other water rights used for the same purpose as described above A37-00577C

PART 2

Transfer No. 4171

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.40 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same (will be changed by transfer)

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>7</u>					<u>3</u>	<u>3</u>					<u>7</u>			<u>20</u>

Total acres 20**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.76 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) Same

2. Point(s) of Diversion: _____

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>29</u>			<u>19</u>											<u>19</u>			<u>38</u>

Total acres 38MICROFILMED
NOV 22 1996

1/4 Mile 90

EXHIBIT D

RIVER

PACIFIC

MIZER

P/D
20 (HEAD OF HIAWATHA)

ALTERNATE P/D
(HEAD OF PURDUM SLOUGH)

P/D
(NEW)
x 5946

P/U (NEW)
(20 acres)

BIG WOOD
RIVER

P/U (38 acres)

Radio
Tower
(KSKI)

Barite

BLAINE COUNTY
T3N R18E
SECS 20 & 29

32

33

34

Springs

Substation

Gravel Pit

MICHOELED
NOV 21 1988

Red Devil
Mtn.

Hangman
Gulch

Prospects

Carbonate

x 6100



9.6

29	28
32	33

T11 B 15.1

A 30.0

C 34.0

6.0

MICROFILMED
NOV 22 1996

A-72
(87A)

D 15.1

E 5.1

DITCH

PLACE OF USE

HISTORICAL

X 5946

5850

30

Radio
Tower
(KSN)

Barite

BEFORE
TRANSFER

REF FILMED
22 1996

90
CONTAINED
22 1996

EXHIBIT B

T # 4171

 $\times 6432$

BLAINE COUNTY
TWP. 3N R. 18E
SEC. 20 & 29

20

PLACE
OF
USE

X 5946

5850

30

AS
DECREED

BEFORE
TRANSFER

Radio
Tower
(KSNH)

Barite

Gulch

X 326

X 6432

Osborn

NOV 22 1951

EXHIBIT A

19

20

DITCH

PLACE
OF
USE

X 6008

X 5946

5850

30

5607

Barite
5462

Radio
Tower
(KSN)

Barite

AFTER
TRANSFER

56326

31

Gulch

32

90

X 6432

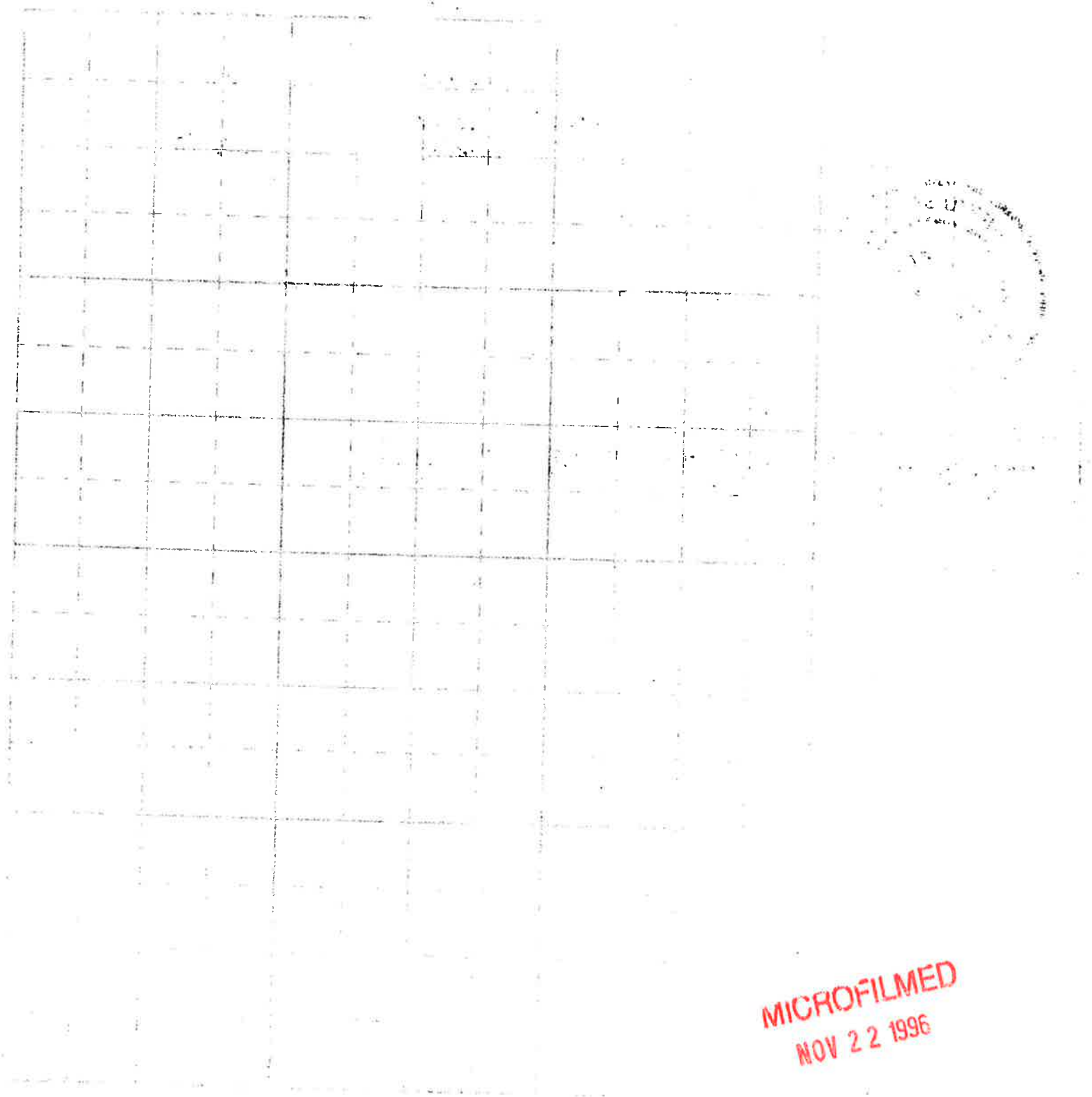
Osborn

EXHIBIT C

NOT FILMED
NOV 22 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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NOV 22 1996

MEMORANDUM

DATE: 05-Oct-1993

FROM: Loren Holmes *LH*

TO: Transfer 4171 file

SUBJECT: Summary of review at region

- Note that applicant relinquishes (abandons?) several water rights in the process of this transfer.

Jim Stanton's field exam on 5/25/93 indicates existing ditches carrying water & irrigable, but possibly not irrigated land. Jim recommends denial of the application based on non-use.

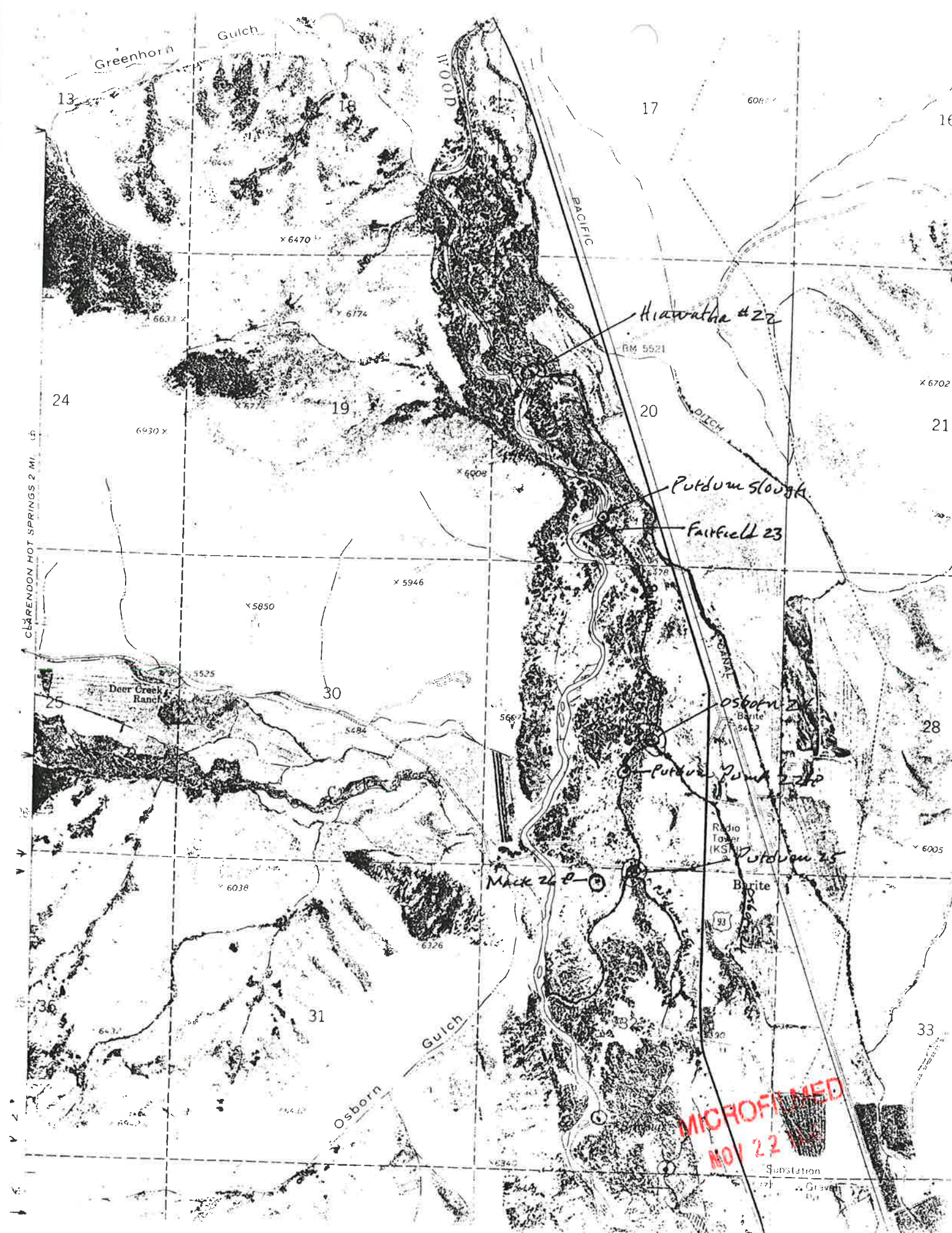
Transfer 2491 on rights 37-00657 & 00658 allowed the rights to be diverted at the applicant's choice of the Hiawatha 22 headgate or via the Purdum Slough. A 5% loss was to be deducted from water delivered via the Purdum Slough.

The Purdum Slough is not administered as a delivery headgate by the water district, but as a side channel of the river or a feeder canal. Water is turned into the Purdum Slough and delivered at numbered headgates along the slough. Excess water is returned to the river downstream.

Additional information from maps and the Memorandum Decision & Order on transfer 2491 indicates that the ditch observed by Jim Stanton is the Osborn 24 ditch.

After review of available information, I don't believe a strong argument exists for a finding of non-use of these water rights, although use on all of the decreed place of use is questionable. The fact that the applicant relinquishes other apparently appurtenant rights on this place indicates an eagerness to establish a firm water supply with the best rights in the package. The applicant's project, which is already in place, incorporates irrigation with extensive use of the water for landscaping purposes.

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NOV 22 1996



RECEIVED

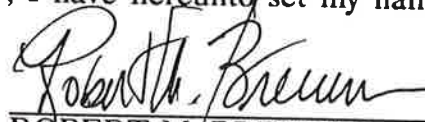
POWER OF ATTORNEY

MAY 18 1993

Department of Water Resources
Southern Region Office

KNOW ALL MEN BY THESE PRESENTS that I, ROBERT M. BRENNAN, of Blaine County, Idaho, hereby make, constitute and appoint BRIAN L. BALLARD, my true and lawful attorney for me and in my name to do anything and everything that I myself could do if personally present, giving my said attorney full power and authority to do everything whatsoever necessary to be done in the premises as fully as I could do if personally present specifically relating to all water right matters, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute or substitutes shall lawfully do or cause to be done by virtue hereof.

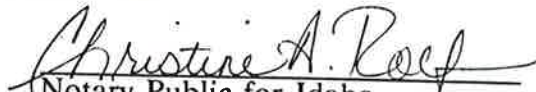
IN WITNESS WHEREOF, I have hereunto set my hand this 6 day of May, 1993.


ROBERT M. BRENNAN

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this _____ day of May, 1993, before me, the undersigned, a Notary Public in and for said county and state, personally appeared ROBERT M. BRENNAN, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.


Notary Public for Idaho
Residing at Idaho, Idaho
Commission expires 6-6-99

b1b\brennan.poa

MICROFILMED
NOV 22 1996

T# 4171

WARRANTY DEED

For Value Received Gary J. Hibbard and Donna G. Hibbard, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Robert M. Brennan, a single person

whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

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

See Attached Schedule "A" Made a Part Hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 31, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

State of Idaho

County of Blaine

On June 4 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary J. Hibbard and Donna G. Hibbard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Susan K. Rubel
Commission Expires: 3-11-95



BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO.
Dated
90 JUN 8 PM 3 35
NOTARY CLERK
FEE \$ 6.00

320427

MICROFILMED
NOV 22 1996

QUITCLAIM DEED

For Value Received

Gary J. Hibbard and Donna G. Hibbard, husband and wife

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

Robert M. Brennan, a single person

whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

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

The following described water rights:

58 inches of 1881 priority
53 inches of 1883 priority
183 inches of 1889 priority
200 inches of 1891 priority

BLAINE CO. REQUEST
OF FIRST AMERICAN TITLE CO.

1991 MAR 29 P 3:26

328778

MARY GREEN, CLERK *mgp*

FEES \$

3⁰⁰

Deed

together with their appurtenances.

Dated: June 8, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

STATE OF Idaho COUNTY OF ~~Blaine~~ Lincoln
On this 26th day of February, 1991,
before me, a notary public in and for said State, personally
appeared Gary J. Hibbard and Donna G.
Hibbard

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

Virginia Churchman

Residing at Shoshone, Idaho
Commission Expires: 6/28/94

Notary Public

MICROFILMED
NOV 22 1996

QUITCLAIM DEED

For Value Received

Gary J. Hibbard and Donna G. Hibbard, husband and wife

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

Robert M. Brennan, a single person

whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

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53 inches of 1883 priority
183 inches of 1889 priority
200 inches of 1891 priority

BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.
OF _____

1991 MAR 29 P 3:26

328778

MARY GREEN, CLERK *mp*
FEES \$ *3.00*

Deed

together with their appurtenances.

Dated: June 8, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

STATE OF Idaho COUNTY OF ~~Blaine~~ Lincoln

On this *26th* day of February, 1991,
before me, a Notary Public in and for said State, personally
appeared Gary J. Hibbard and Donna G.
Hibbard

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

Virginia Churchman

Notary Public

Residing at Shoshone, Idaho
Commission Expires: 6/28/94

MICROFILMED
NOV 22 1995

GRANT DEED

FOR VALUE RECEIVED, GANN - F.C.I., LTD., an Idaho limited partnership, the Grantor, hereby grants, bargains, sells and conveys unto ROBERT M. BRENNAN, a married man, dealing with his sole and separate property, whose current address is: 115 R. Seacliff, Shell Beach, California 93449, the Grantee, the real property located in Blaine County, Idaho, described on Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, his successors and assigns forever, subject to the encumbrances shown on Exhibit "B" attached hereto.

IN WITNESS WHEREOF, the Grantor has caused its name to be subscribed to the within instrument effective the 27th day of May, 1987.

"GRANTOR"

GANN-F.C.I., LTD., an Idaho
limited partnership

By R. Wayne Gann
R. Wayne Gann,
General Partner

PLANNED
REQUEST OF
87 JUN 23 AM 11 31
Dated
HAY GREEN, Clerk
FFC & GPC

FIRST AMERICAN TITLE CO

235348

GRANT DEED - 1
2/5-22-87/A14/GFGD

MICROFILMED
NOV 22 1996

T # 4171

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

On this 27th day of May, 1987, before me, the undersigned,
a Notary Public in and for said State, personally appeared R.
WAYNE GANN, known or identified to me to be the General Partner
of GANN - F.C.I., LTD., an Idaho Limited Partnership, and
acknowledged to me that he executed the within and foregoing
instrument for and on behalf of said Partnership and in said
Partnership's name.

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



Thomas Leone

Notary Public for California
Residing at: _____
Commission expires: _____

GRANT DEED - 2
2/5-22-87/A14/OFOD

MICROFILMED
NOV 22 1996

Order No. 11681ES040
Legal Description

EXHIBIT "A"

Lots 1,2,3,4,5,6,7,8,9,10,11,13,14,15,16,17,18,21,22,23,25,27,28,29,30,31,33,
34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,59,60,
61,62,63 and 64 of STARWEATHER PLAT 1, JANUARY 1982, AMENDED MAY 1983, according
to the official plat thereof, recorded as Instrument No. 257442, records of
Blaine County, Idaho.

AND

Common Lot 58 of STARWEATHER PLAT 1, AMENDED MARCH 1985, according to the
official plat thereof, recorded as Instrument No. 261808, records of Blaine
County, Idaho.

AND

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

A tract of land lying in the SE1/4 SE1/4 of SECTION 18, the E1/2 NE1/4 of
SECTION 19 and the SW1/4 NW1/4 of SECTION 20, more particularly described as
follows:

BEGINNING at the 1/4 corner common to Sections 19 and 20; thence
N. 88° 33' 53" W., 1312.65 feet to the SW corner of the NE1/4 SE1/4 of Section
19; thence
N. 00° 18' 57" E., 3948.42 feet to the NW corner of the SE1/4 SE1/4 of Section
18; thence
N. 89° 18' 50" E., 80.00 feet; thence
S. 06° 33' 06" E., 300.87 feet; thence
S. 40° 16' 47" E., 773.37 feet; thence
S. 32° 44' 07" W., 499.30 feet; thence
S. 05° 34' 55" E., 261.73 feet; thence
S. 24° 26' 38" E., 362.49 feet; thence
S. 15° 15' 18" E., 570.09 feet; thence
S. 77° 16' 32" E., 317.81 feet; thence
S. 37° 44' 49" E., 392.05 feet; thence
S. 15° 04' 07" E., 269.26 feet; thence
S. 62° 03' 46" E., 747.06 feet; thence
S. 22° 19' 43" W., 605.39 feet; thence
N. 87° 47' 35" W., 434.18 feet to the TRUE POINT OF BEGINNING.

NOTE FOR INFORMATION: Said Parcel located in Sections 18, 19 and 20, Township 3
North, Range 18 East, is known as Tax Lot No. 6113 on the
Assessor Rolls of Blaine County, Idaho.

EXCEPTING THEREFROM THE RIGHT OF WAY OF THE BIG WOOD RIVER.

TOGETHER WITH ALL APPURTENANCES, INCLUDING WATER, DITCHES, AND
DITCH RIGHTS.

THIS CONVEYANCE OF THE COMMON-AREA LOTS IS MADE SUBJECT TO ANY
RIGHT, TITLE OR INTEREST OF THE STARWEATHER SUBDIVISION HOMEOWNERS
ASSOCIATION OR THE INDIVIDUAL LOT OWNERS' INTEREST IN SUCH LOTS.

FILED
NOV 22 1980

EXHIBIT "B"

1. General taxes for the year 1987.
2. Power Line Easement in favor of IDAHO POWER COMPANY, recorded as Instrument No. 97359, records of Blaine County, Idaho. (Blanket Easement - NW1/4 SW1/4 of Section 17, Township 3 North, Range 18 East & NE1/4 SE1/4 of Section 18, Township 3 North, Range 18 East).
3. Reservations set forth in that certain Warranty Deed from JOSEPHINE PRICE, Grantor, to STARWEATHER PARTNERS, Grantee, recorded as Instrument No. 196004, records of Blaine County, Idaho, as follows: "Reserving unto the Seller, rights of ingress and egress on a footpath running from the ranch house to the Hiawatha Canal and the Big Wood River; Grantor shall have use of a right-of-way reasonably maintained by Grantee, and subject to Grantor's approval providing the access from the highway to the Grantor's remaining property line and to property owned by Robert McDowell, abutting on Grantor's remaining property."
4. Development Easement in favor of BLAINE COUNTY, recorded as Instrument No. 223012, records of Blaine County, Idaho.
5. Master Declaration of Covenants, Conditions and Restrictions as to the Use of Real Property Embraced within the STARWEATHER SUBDIVISION, located in Blaine County, Idaho, recorded as Instrument No. 223013, records of Blaine County, Idaho. The conveyance of the common-area lots is made subject to any right, title or interest of the Starweather Subdivision Homeowners Association or the individual lot owners' interest in such lots.
6. Moratorium recorded September 3, 1986, as Instrument No. 276346, records of Blaine County, Idaho (as to subdivided lots only).

MICROFILMED
NOV 22 1996