

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: A37-00665R

Date Received: 10/ 5/1988

Receipt No: X777777

Received By: *QC LAB*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CARL BROWNING 208-788-9673
Address: PO BOX 259
BELLEVUE ID 83313

OR

Name: BARBARA BROWNING 208-788-9673
Address: PO BOX 259
BELLEVUE ID 83313

2. Date of Priority: JUL 10, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		

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

8. Total consumptive use is 50.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	19E	29	NW	NW	4	IRR	20.0

10. Place of Use: Continued

Section Acres 20.0

Total Acres 20.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

SEE A37-02559

14. Remarks:

THIS CLAIM SPLIT DUE TO CHANGE IN OWNERSHIP.

CHANGES IN P/U AND AMOUNT DIVERTED HAVE RESULTED.

SPLIT OF A37-00665E.

OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-00665M.

BS RANCH OWNS "P" PORTION, HG2 OWNS "Q" PORTION, & BROWNING

OWNS "R" PORTION. TLB 6/27/97

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET.AL.

Decree Plaintiff

ALTURAS WATER CO., ET.AL.

vs

Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JUL 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL & BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313

RE: SRBA CLAIM(S): SEE ENCLOSED (CORRECTED SPLIT CLAIMS)
HG2, B.S. RANCH, BROWNING

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

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

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

REC 7 E 10
APR 01 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right Number(s) ALL SURFACE RIGHTS: A37-11526, A37-00664C,
Adjudication Claim Number(s) A37-00665M, A37-00114A, A37-00666K, A37-00667P

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

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

3. Name and Address of Former Owner/Claimant(s) B. S. RANCH
388 GANNETT ROAD, BELLEVUE, ID 83313

4. New Owner/Claimant(s) BROWNING, CARL OR BARBARA
New Mailing Address PO BOX 259 Name connector (Check one): [] AND, [] OR, [] AND/OR

City, State and ZIP Code BELLEVUE, ID 83313
New Telephone Number (208) 788-9673

5. Date you acquired the property 3-30-95

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

Number of acres actually irrigated 20 Number and type of stock 0

Diversion rate in CFS PRORATA Number of homes 0 Other uses
cubic feet per second

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

Signature of New Owner/Claimant(s) Carl Browning Date 3-31-97
Date

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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

REC WED

APR 01 1997

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

1. Water Right Number(s) ALL SURFACE RIGHTS: A37-11526, A37-00664C,
Adjudication Claim Number(s) A37-00665M, A37-00114A, A37-00666K, A37-00667P
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) B. S. RANCH
388 GANNETT ROAD, BELLEVUE, ID 83313
4. New Owner/Claimant(s) HG2 LIMITED PARTNERSHIP
New Mailing Address PO BOX 6250 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
City, State and ZIP Code SUN VALLEY, ID 83354
New Telephone Number 208 622-7119
Date you acquired the property 3-30-95

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

Number of acres actually irrigated 557 Number and type of stock 6

Diversion rate in CFS PRORATA Number of homes 2 Other uses _____
cubic feet per second

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

Signature of New Owner/Claimant(s)  Date 3/28/97
HG2 Limited Partnership
S. N. Kessler, General Partner Date _____

6. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
7. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(208) 622-7119

HG2 LIMITED PARTNERSHIP
PO BOX 6250
SUN VALLEY, IDAHO 83354

Fax (208) 622-8910

3/28/97

REC

VED

APR 01 1997

Department of Water Resources
Southern Region

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

Re: Change of Water Right Ownership

This letter is to clarify and amend a Notice of Change of Water Right Ownership prepared and submitted to IDWR 3/30/95. At that time, HG2 Limited Partnership (HG2LP) purchased Lot 1 of BS Ranch Subdivision from BS Ranch Partnership (BSRP). The Notice, in error, transferred all of the water rights associated with the BS Ranch Subdivision to HG2LP, rather than a prorata share. In addition, IDWR has informed Rob Struthers, a general partner of BSRP, that the decreed priority dates of some of the claims may be incorrect. The following are herein submitted to be substituted for the incorrect submission of 3/30/95:

1. Notice of Change for the transfer of surface water rights from BSRP to HG2LP.
2. Notice of Change for the transfer of surface water rights from BSRP to Carl or Barbara Browning.
3. Notice of Change for the transfer of ground water rights from BSRP to HG2LP.
4. Notice of Change for the transfer of ground water rights from BSRP to Carl or Barbara Browning.
5. A copy of the warrantee deed from BSRP to HG2LP.
6. A copy of the warrantee deed from BSRP to Carl and Barbara Browning.
7. An attachment displaying the understanding of all parties as to the prorata split of the rights.

The priority dates of the following SRBA claims should be corrected as indicated:

- | | |
|-----------------------------------|-------------------------------|
| A. Adjudication claim A37-00665M: | from 7/10/1884 to 10/15/1884 |
| B. Adjudication claim A37-00666K: | from 7/10/1884 to 06/12/1886 |
| C. Adjudication claim A37-00667P: | from 7/10/1884 to 06/15/1891. |


S. N. Kessler, General Partner
HG2 Limited Partnership


Robert Struthers, General Partner
BS Ranch Partnership

PROJECTED WATER RIGHT SPLIT - SRBA CLAIMS - IN INCHES

<u>SRBA CLAIM #</u>	<u>DECREED PRIORITY</u>		<u>OLD BS RANCH CLAIM</u>	<u>NEW HG2LP CLAIM</u>	<u>NEW BROWNING CLAIM</u>	<u>NEW BS RANCH CLAIM (1)</u>	<u>TOTAL NEW CLAIMS</u>
A37-11526	03/24/1883	CFS	1.10	0.99	0.04	0.07	1.10
		AC	617	557	20	40	617
A37-00664C	07/10/1884	CFS	1.96	1.77	0.06	0.13	1.96
		AC	617	557	20	40	617
A37-00665A	10/15/1884	CFS	2.72	2.46	0.09	0.18	2.72
		AC	617	557	20	40	617
A37-00114A	05/01/1886	CFS	2.48	2.24	0.08	0.16	2.48
		AC	617	557	20	40	617
A37-00666K	06/12/1886	CFS	4.65	4.20	0.15	0.30	4.65
		AC	617	557	20	40	617
A37-00667P	06/15/1891	CFS	9.30	8.40	0.30	0.60	9.30
		AC	617	557	20	40	617
=====							
TOTAL SURFACE RIGHTS		CFS	22.21	20.05	0.72	1.44	22.21
		AC	617	557	20	40	617
=====							
A37- 02559	Licensed 10/04/1954	CFS	6.52	6.34	0.18	0.00	6.52
		AC	553	538	15	0	553
=====							

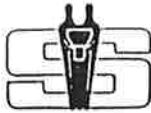
(1) 20 acres Lot 3 in SE/SE, 20 acres Lot 4 in SW/SW.


S. N. KESSLER, G/PARTNER
HG2 LIMITED PARTNERSHIP


ROBERT STRUTHERS, G/PARTNER
BS RANCH PARTNERSHIP


CARL BROWNING

C.U.
HG2 1588.3 90%
P 103.3 6.7%
P 50.90 3.3%



WARRANTY DEED

For Value Received **B S RANCH, A PARTNERSHIP CONSISTING OF ROBERT J. STRUTHERS, AND LAURIE ADAMSON FORMERLY KNOWN AS LAURIE STRUTHERS AND CARL BROWNING AND BARBARA BROWNING**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **HQ2 LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP**

the Grantee whose current address is: **P.O. BOX 6250, SUN VALLEY, IDAHO 83354**

the following described premises, to-wit:

Lot 1 of B.S. RANCH SUBDIVISION, according to the official plat thereof recorded March 31, 1995 as Instrument No. _____, records of Blaine County, Idaho.

TOGETHER WITH any and all appurtenant water rights, including but not necessarily limited to, those portions of the following water rights, based on pro-rata acreage, which are appurtenant to the above described real property, identified by Idaho Department of Water Resources permit, claim and/or license numbers:

37-00577
37-00664
37-00665
37-00114
37-00666
37-00667
37-02559

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

Dated: **March 28, 1995**

B S RANCH, A PARTNERSHIP

(Partnership Name)

BY Carl W Browning
Carl Browning
BY Barbara Browning
Barbara Browning
State of IDAHO

By Robert J. Struthers
Robert J. Struthers
By Laurie Adamson
Laurie Adamson

ss.

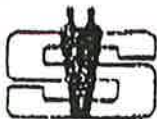
County of **BLAINE**

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Struthers, Carl Browning & Barbara Browning, known to me, or identified to me on the basis of satisfactory evidence, to be the partners of the Partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Marla G Mink
Notary Public
Residing at: **BELLEVUE**
Commission Expires: **12/01/00-2000**





Order No. 94-06471
This form furnished by
Blaine County Title Association

WARRANTY DEED

For Value Received B S RANCH, A PARTNERSHIP CONSISTING OF ROBERT J. STRUTHERS, AND LAURIE ADAMSON FORMERLY KNOWN AS LAURIE STRUTHERS AND CARL BROWNING AND BARBARA BROWNING

the Grantor hereby grants, bargains, sells, conveys and warrants unto CARL BROWNING AND BARBARA BROWNING, HUSBAND AND WIFE

the Grantee whose current address is: P.O. BOX 259, BELLEVUE, IDAHO 83313

the following described premises, to-wit:

Lot 4 of B.S. RANCH SUBDIVISION, according to the official plat thereof recorded March 31, 1995 as Instrument No. 376973, records of Blaine County, Idaho.

376932

Rec'd

BLAINE CO. REQUEST
OF BLAINE COUNTY TITLE

'95 MAR 31 PM 2 55

MARY GREEN CLERK mpp

FEES \$ 3⁰⁰

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

Dated: March 28, 1995

B S RANCH, A PARTNERSHIP

(Partnership Name)

BY Carl Browning
Carl Browning

By Robert J. Struthers
Robert J. Struthers

BY Barbara Browning
Barbara Browning

By Laurie Adamson
Laurie Adamson

State of IDAHO

County of BLAINE

On this 30th day of March, 1995, before me, the

undersigned, a Notary Public, in and for said State, personally appeared Robert J. Struthers, Carl Browning & Barbara Browning

known to me, or identified to me on the basis of satisfactory

evidence, to be The Partners of the Partnership that executed

the within instrument and acknowledged to me that such partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Maria G. Munk
Notary Public

(SEAL)

Located in Section 29, T.1N., R.19E., B.M.,
Blaine County, Idaho
1994

- found brass cap.
- found 5/8" iron pin
- set 5/8" iron pin
- found 1/2" iron pin
- set 1/2" iron pin

CURVE DATA

CURVE	DELTA	RADIUS	ARC	DL	DL BEARING
C-1	39° 58' 19"	2814.72'	1963.67'	1924.09'	S 40° 58' 60" W
C-2	89° 56' 05"	2017.52'	3166.82'	2851.58'	S 44° 59' 23" E
C-3	90° 18' 48"	2002.07'	3155.80'	2839.09'	N 44° 53' 10" E

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date _____

South Central District Health Dept. EMS

NOTES

1. Fire Protection requirements of the Wood River Rural Fire District and Blaine County including road way access and water supply shall be met prior to issuance of a building permit.
2. All proposed utility lines shall be underground.
3. Maintenance and weed control pursuant to State regulations for all lots are the responsibility of the subdivider until the lots are sold and, thereafter the responsibility of the owners of the individual lots.
4. Fences within this subdivision shall not exceed 42 inches in height with the bottom rail a minimum of 18 inches from the ground to allow passage of wildlife.
5. This property is surrounded by active productive agricultural land. Residents and purchasers should be aware that agricultural practices and operations occurring day and night are allowed and may result in dust, odors, use and application of agricultural chemicals, spraying, ground preparation, harvesting, etc. In addition, the roads accessing this property are used by agricultural vehicles. Such practices and uses are normal functions on agricultural lands and are not considered nuisances.
6. The decreed surface water appurtenant to this subdivision will be apportioned to each lot on a pro-rata basis.
7. An easement across property adjacent to Lot 1 on the east for the privet is recorded under Instrument No. 260891, Records of Blaine County, Idaho.

REAL POINT OF BEGINNING



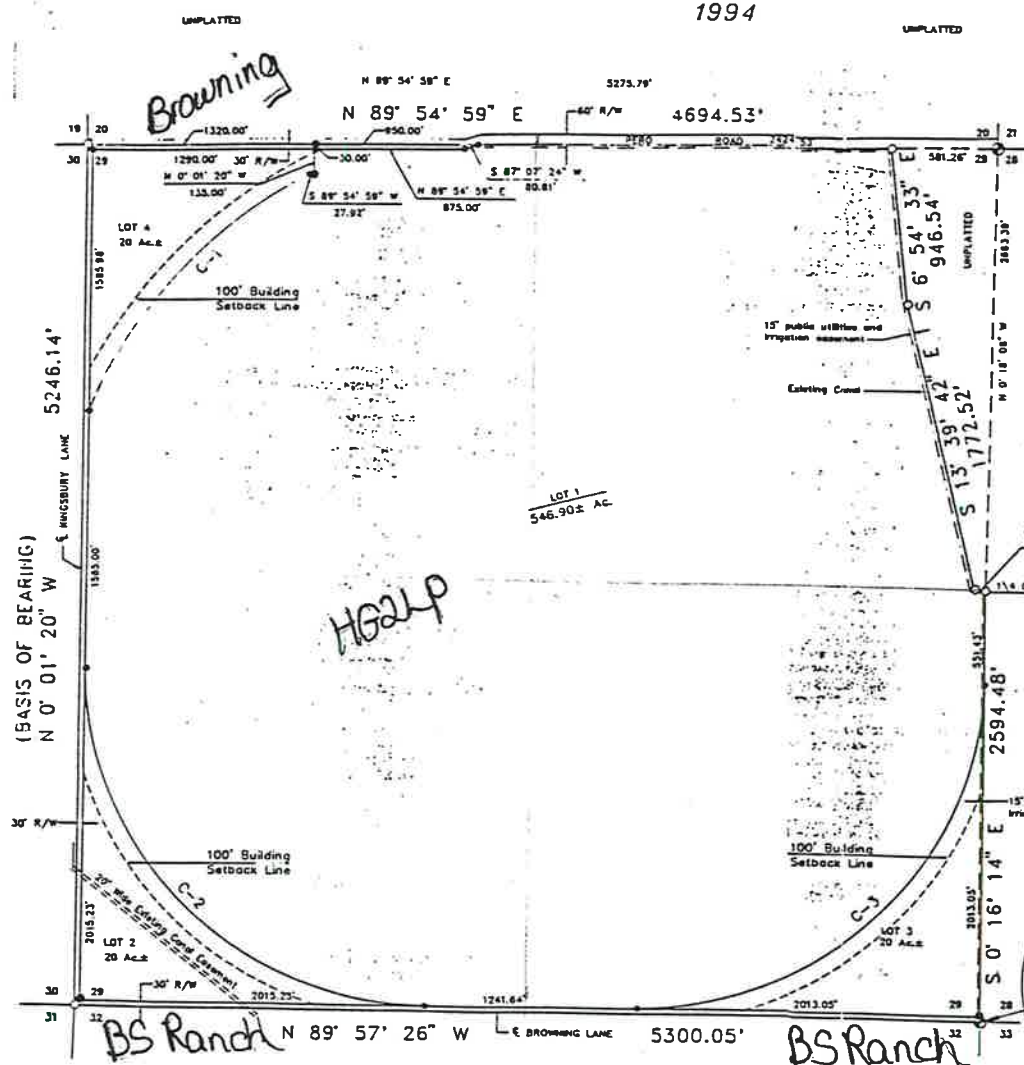
SAWTOOTH ENGINEERING
Civil Engineers and Land Surveyors

Boiley

(208) 788-9060

Idaho

7047.DWG 8-31-94



11/18/2006

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

RIGHT NUMBER: 37-665R

NAME AND ADDRESS: CARL BROWNING
PO BOX 259
BELLEVUE ID 83313

BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313

*claim = 0.09
WM = 0.09*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 10/15/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.080 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S29

NENW

2.00

T01N R19E S29

NWNW

18.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 20 acres in a single irrigation season. Combined Right Nos.: 37-114F, 37-664G, 37-665R, 37-666P, 37-667T, 37-11526B, 37-2559B, and 37-20737.

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

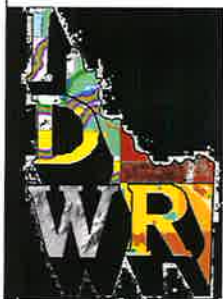
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-665M.

Property is also known as Lot 4A, B. S. Ranch Subdivision. Parcel RP00037000004AA.

correct



Idaho Department of Water Resources

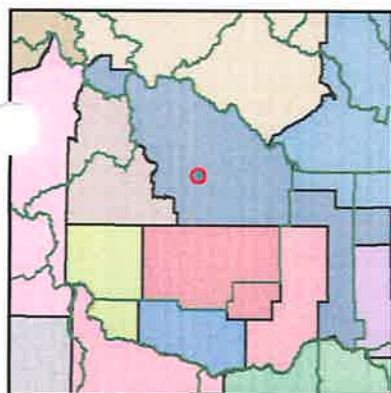
SRBA Recommendation:

37-665R

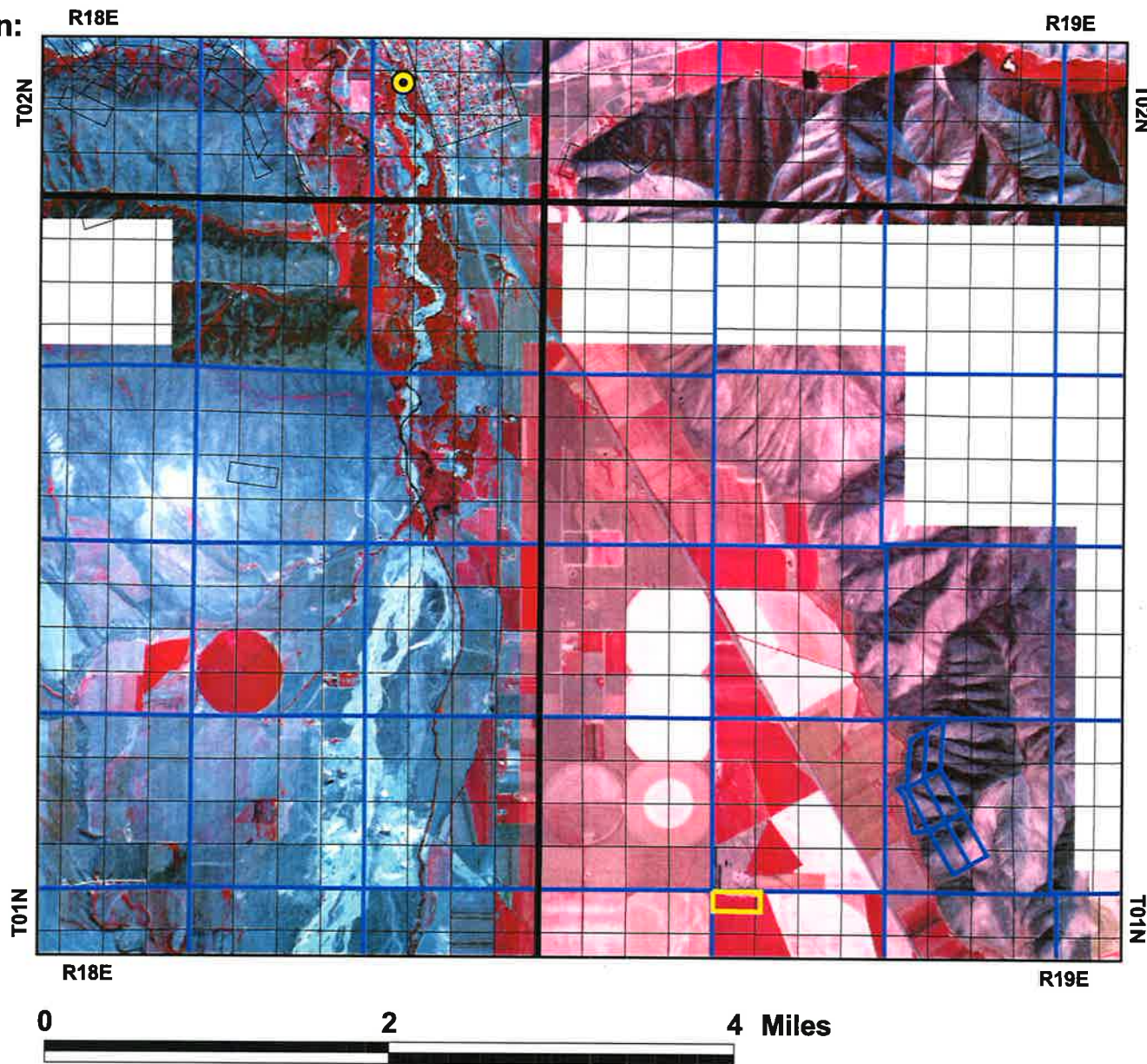
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

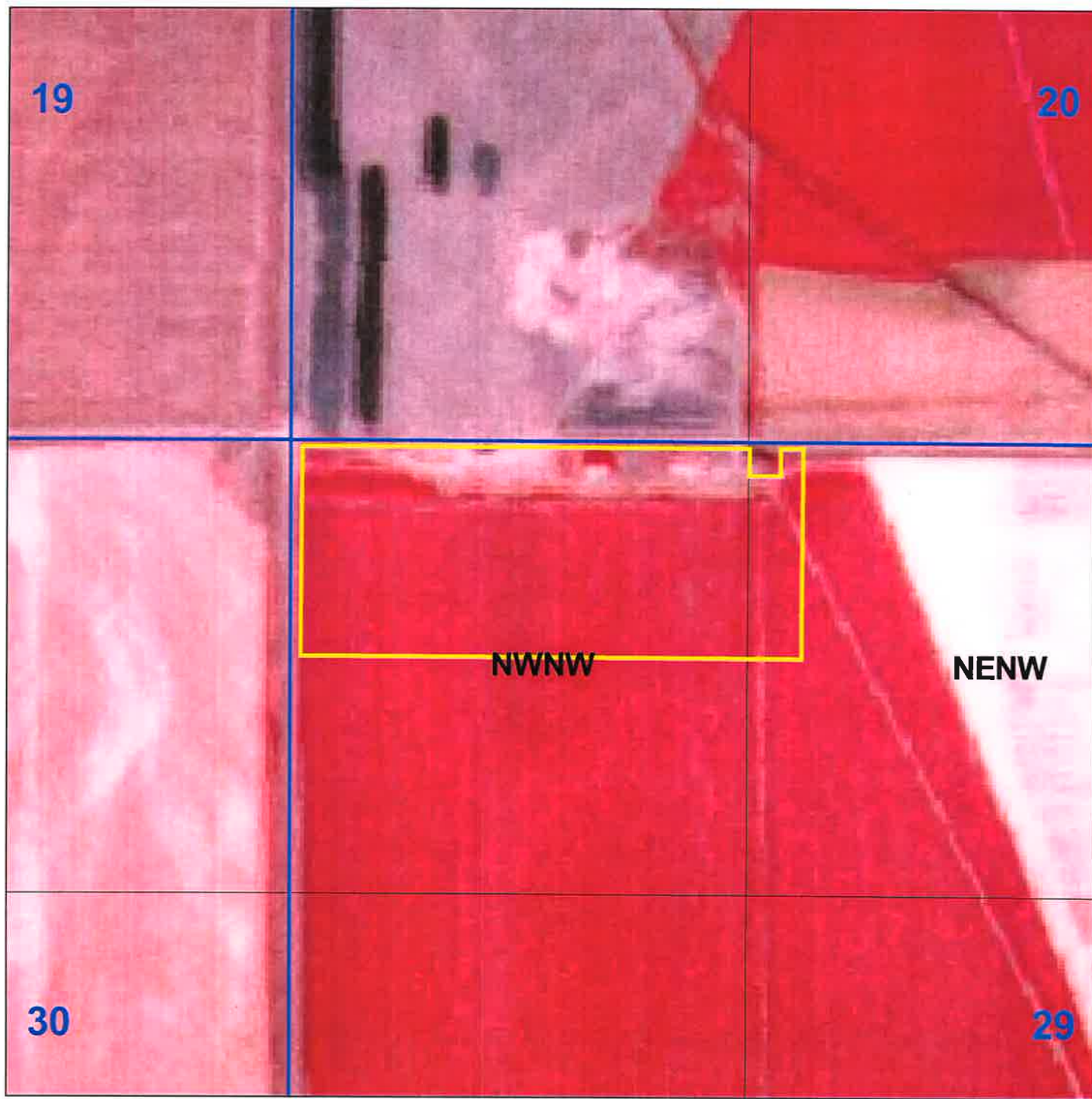


Prepared by J. Roberts
On Tuesday, November 14, 2006
1987/88 Aerial Photography

Owner: Carl Browning

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-665R



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-665R V1

WATER RIGHT NUMBER: 37-665R V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL BROWNING PO BOX 259 BELLEVUE, ID 83313 (208)788-9673
Current Owner	BARBARA BROWNING PO BOX 259 BELLEVUE, ID 83313 (208)788-9673
Original Owner	B S RANCH 388 GANNETT RD BELLEVUE, ID 83313 (208)788-4613
Original Owner	CHARLIE BROWNING INC C/O BS RANCH BOX 610 HAILEY, ID 83333 (208)788-4613
Original Owner	HG2 LIMITED PARTNERSHIP PO BOX 6250 SUN VALLEY, ID 83354 (208)622-7119

Priority Date: 10/15/1884

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	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	L3 (NE1/4SW1/4NW1/4)	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	29					2.0	18.0											20.0

Total Acres: 20

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-665R V1

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 20 acres in a single irrigation season. Combined Right Nos.: 37-114F, 37-664G, 37-665R, 37-666P, 37-667T, 37-11526B, 37-2559B, and 37-20737.
2. 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.
3. P21 This right is a split from former right 37-665M.
4. J01 Property is also known as Lot 4A, B. S. Ranch Subdivision. Parcel RP00037000004AA.

Remarks:

Comments:

1. jroberts 11/14/2006 Basis of Recommendation

Comment: Standard season of use, PoU updated to tax lot which put 2 acres in the NENW and 18 acres in the NWNW of Sec. 29. Diversion rate reduced because this was a split of 37-665M, which was for 2.72 cfs and 617 ac. It was split into P for 0.18 cfs and 40 ac, Q for 2.46 cfs and 557 ac, and this part R. 2.72 cfs minus 0.18 cfs and 2.46 cfs = 0.08 cfs instead of the claimed rate of 0.09 cfs.

2. jroberts 11/14/2006 copied from remarks

Comment: THIS CLAIM SPLIT DUE TO CHANGE IN OWNERSHIP.
CHANGES IN P/U AND AMOUNT DIVERTED HAVE RESULTED.
SPLIT OF A37-00665E.

OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

***** OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-00665M.

BS RANCH OWNS "P" PORTION, HG2 OWNS "Q" PORTION, & BROWNING OWNS "R" PORTION. TLB 6/27/97

Water Supply Bank:

11/08/2006

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

RIGHT NUMBER: 37-665R
NAME AND ADDRESS: CARL BROWNING
PO BOX 259
BELLEVUE ID 83313

BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.090 CFS
PRIORITY DATE: 10/15/1884
POINT OF
DIVERSION: T02N R18E S36 NESWNW Within BLAINE County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/01 11/01	0.090 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>	4/15 10/31	
	T01N R19E S29 Lot 4 NWNW	20.00	
	20 ACRES TOTAL		

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

THIS CLAIM SPLIT DUE TO CHANGE IN OWNERSHIP.
CHANGES IN P/U AND AMOUNT DIVERTED HAVE RESULTED.
SPLIT OF A37-00665E.
OWNERSHIP CHANGE MADE 10/12/95 BY TLB.
***** OWNERSHIP CHANGE RESULTED IN A
SPLIT FROM A37-00665M.
BS RANCH OWNS "P" PORTION, HG2 OWNS "Q" PORTION, &
BROWNING OWNS "R" PORTION. TLB 6/27/97

EXPLANATORY MATERIAL: BASIS OF CLAIM -

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent TARA BACKLUND

DATE

February 28, 1997 10:32am

CUSTOMER

ROB STRUTHERS

SUBJECT: B.S. RANCH, HG2 ADJ CLAIMS

phone call (X) walk-in (.)

HE CALLED TODAY TO SEE HOW THE PROGRESS WAS GOING ON THE OWNERSHIP CHANGES/SPLIT. I TOLD HIM I WAS STILL WAITING ON DOCUMENTATION FROM THE ALL THE OWNERS. HE ASKED WHAT KIND OF DESCRIPTION WAS NEEDED. I TOLD HIM NEEDED, AS SPECIFIC AS POSSIBLE, WHICH PORTIONS OF PROPERTY WENT WITH WHICH OWNER. HE ASKED HOW TO SPLIT THE WATER. I TOLD HIM THAT WAS UP TO HIM. HE SAID HE WOULD DO IT "PRO RATA". HE SAID HE WOULD GET ME THE INFORMATION AS SOON AS POSSIBLE.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE S.
TWIN FALLS ID 83301
(208) 736-3033 FAX (208) 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 15, 1996

FAX LETTER 208-788-5435

ROBERT STRUTHERS
B.S. RANCH
HAILEY ID 83333

RE: SRBA OWNERSHIP CHANGE (B.S. RANCH, BROWNING, HG2)

DEAR MR. STRUTHERS:

I HAVE BEEN REVIEWING THE PAPERWORK REGARDING THE OWNERSHIP CHANGE BETWEEN B.S. RANCH AND HG2 LIMITED PARTNERSHIP. THERE ARE SEVERAL ISSUES THAT NEED TO BE ADDRESSED.

YOU STATED IN OUR TELEPHONE CONVERSATION THAT THERE ARE THREE SEPARATE OWNERS OF THE FOUR LOTS. THIS CLAIM NEEDS TO NOW BE SPLIT THREE WAYS. A SEPARATE DEED IS NEEDED TO STATE THAT BROWNING OWNS LOT 4 SEPARATE OF B.S. RANCH.

IN STUDYING AND MAPPING OUT EXHIBIT "A", I HAVE FOUND PROBLEMS. THE LEGAL DESCRIPTION ONLY EXCLUDES LAND UNPLATTED BY THE CANAL AND 5 ACRES IN LOT 4. THE REST OF SECTION INCLUDING ALL OF LOT 2 AND 3 AND PART OF LOT 4 IS GIVEN TO HG2. THE GROUND WATER WELL (A37-02559) IS NOT ADDRESSED IN EXHIBIT "A". THE WARRANTY DEED STATES THAT IT BELONGS SOLELY TO HG2. THIS NEEDS TO BE CLARIFIED. ALSO THE AMOUNT OF WATER ON THE CLAIMS IS DIFFERENT THAN EXHIBIT "A". THERE IS APPROXIMATELY 1330 INCHES ON CLAIMS AND ONLY 1119 INCHES ON EXHIBIT "A".

I NEED TO KNOW EXACTLY HOW MANY IRRIGATED ACRES ARE OWNED BY THE PARTIES, AND EXACTLY HOW YOU WANT THE WATER SPLIT BETWEEN THE PARTIES. PLUS, IT WAS ALSO BROUGHT TO MY ATTENTION THAT THE PRIORITY DATES NEED TO BE AMENDED. MOST OF THE CLAIMS STATE A 7/10/1884 PRIORITY DATE WHEN EXHIBIT "A" STATES DIFFERENT DATES.

I AM FAXING A NEW OWNERSHIP CHANGE FORM, PLEASE REVIEW THIS AND CALL IF YOU HAVE ANY QUESTIONS ON WHAT IS NEEDED. MY HOURS ARE FROM 10:00 AM TO 5:00 PM, MONDAY-FRIDAY. PLEASE CALL ME AND WE WILL GET THESE CLAIMS IN THE CORRECT FORM. THANKS FOR YOUR COOPERATION.