

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: **A37-00678E**  
Date Received: 10/26/1989  
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: CLARENCE D STILWILL 208-764-2246  
Address: PO BOX 1281  
FAIRFIELD ID 83327  
AND  
Name: TONA B STILWILL 208-764-2246  
Address: PO BOX 1281  
FAIRFIELD ID 83327

2. Date of Priority: NOV 30, 1882

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 14E   | 9       |        | NW     | NW     |     | CAMAS  |

5. Description of diverting works:  
HEADGATE, PIPE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 11/15 | 0.130 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 01N           | 14E   | 9       | SE     | SW  |     | IRR | 3.8   |
|               |       |         | SW     | SE  |     | IRR | 2.8   |
| Section Acres |       |         |        |     |     |     | 6.6   |
| Total Acres   |       |         |        |     |     |     | 6.6   |

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:  
A37-00680B, A37-02041B

14. Remarks:

SEE TRANS.

OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

\*\*\*\*\*

8-3-98: OWNERSHIP CHANGE RESULTED IN A SPLIT INTO D & E PORTIONS  
WITH SMITH RETAINING 5.4 AC AND .11 CFS, AND STILWILL REC'ING  
6.6 AC AND .13 CFS PER DEED REC'D 2-10-98 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL  
vs Decree Defendant

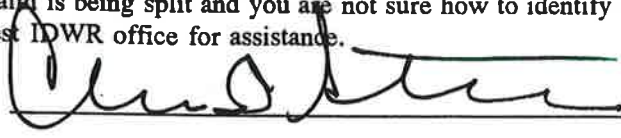
**STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES**

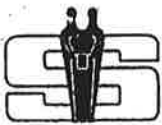
MAR 12 1998

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources

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

1. Water Right No(s): \_\_\_\_\_  
Adjudication Claim No(s): A37 - 13040
  
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 parcels of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Owner/Claimant: GREG SMITH & KATHERINE SMITH  
79720 ROCK CREEK ROAD, WAMIC OR 97063
  
4. New Owner/Claimant(s): CHARLANCE D. AND TONA B. STILLWELL  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address: PO BOX 1281 (ROUTE 1)  
City, State and ZIP Code: FAIRFIELD ID 83327  
New Telephone Number: (208) 764-2246
  
5. Date you acquired the property: 7/21/97
  
- \* 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. \*(SEE ATTACHED PAGE FOR DETAIL)  
Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
7. Signature of New Owner or Claimant(s):   
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
  
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



## WARRANTY DEED

For Value Received GREGORY C. SMITH and KATHERINE T. SMITH, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto CLARENCE D. STILWILL and  
TONA B. STILWILL, husband and wife

the Grantee whose current address is: P.O. BOX 283, HAILEY, ID 83333

the following described premises, to-wit:

LOTS 2, 3, AND 4 OF GIESLER HIDDEN SMILE SUBDIVISION, CAMAS COUNTY, IDAHO,  
ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER  
OF SAID COUNTY.

71052  
Recorded at the Request of  
Blaine Co. Title  
at 4:35 P.M.  
July 21, 19 97  
In Book 30  
of Deeds Page 470  
ROLLIE BENNETT  
CAMAS COUNTY RECORDER  
By Gayle Backeell  
Fees \$ 3.00

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: July 15, 1997

GREGORY C. SMITH

KATHERINE T. SMITH

State of OREGON

ss.

County of WASCO

On this 18 day of July, 1997, before me, the  
undersigned, a Notary Public, in and for said State, personally appeared GREGORY C. SMITH AND  
KATHERINE T. SMITH

known to me, and/or identified to me on the basis of  
satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me  
that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Notary Public  
Residing at:  
Commission Expires: 10-24-99



**Notice of change of Water Right Ownership**

**New Owner: Clarence and Tona Stilwill**

**Property Legal Description: Lots 2,3,4 of Giesler Hidden Smile Subdivision,  
Camas County, Idaho (6.78 Acres Total)**

**Total lots within Section 9 1N 14E : (4) see attached plat map (12.22 Acres Total)**

**% of the following water rights determined as follows: 6.78 divided by 12.22 = 55%**

**Applicable Water Right No.(s)      A37-00678B    55% of .24 cfs = .13 cfs**

**A37-00680B    55% of .36 cfs = .20 cfs**

**A37-02041B    55% of 3.9 inches = 2.15 miners inches \***

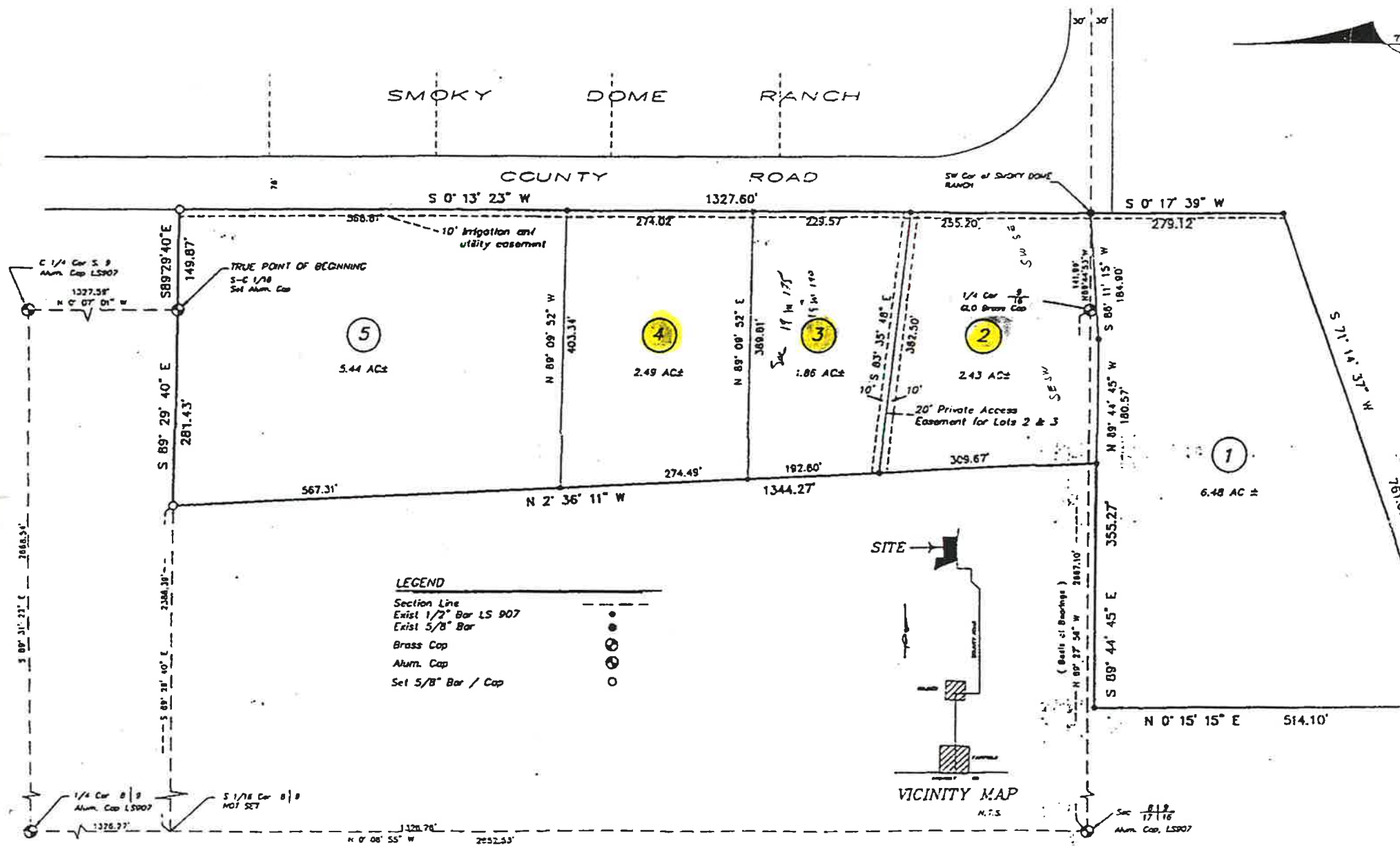
**\* .36cfs/.02 = 18 miners inches**

**18 inches/23 acres = .78 inches per acre**

**5 acres x .78 = 3.9 inches for Section 9**

Sections 9 & 16, Township 1 North, Range 14 East, B.M., CAMAS COUNTY, IDAHO  
1990

SCALE in feet



06/23/2006

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

RIGHT NUMBER: 37-678E

NAME AND ADDRESS: TONA B STILWILL  
PO BOX 1281  
FAIRFIELD ID 83327

CLARENCE D STILWILL  
PO BOX 1281  
FAIRFIELD ID 83327

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.130 CFS

PRIORITY DATE: 11/30/1882

POINT OF DIVERSION:

T01N R14E S9 NWNWNW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.130 CFS       |

PLACE OF USE: IRRIGATION Within CAMAS County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T01N R14E S09 | SESW | 3.80 | T01N R14E S09 | SWSE | 2.80 |
|---------------|------|------|---------------|------|------|

6.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.6 acres in a single irrigation season. Combined Right Nos.: 37-678E, 37-680E, and 37-2041E.

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. 37C.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



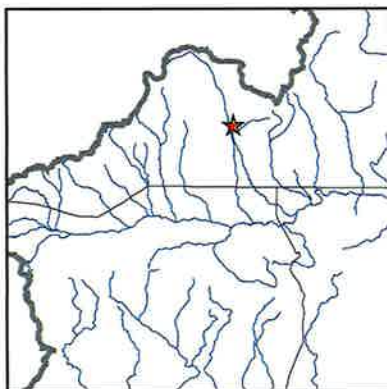
# Idaho Department of Water Resources

SRBA Recommendation:

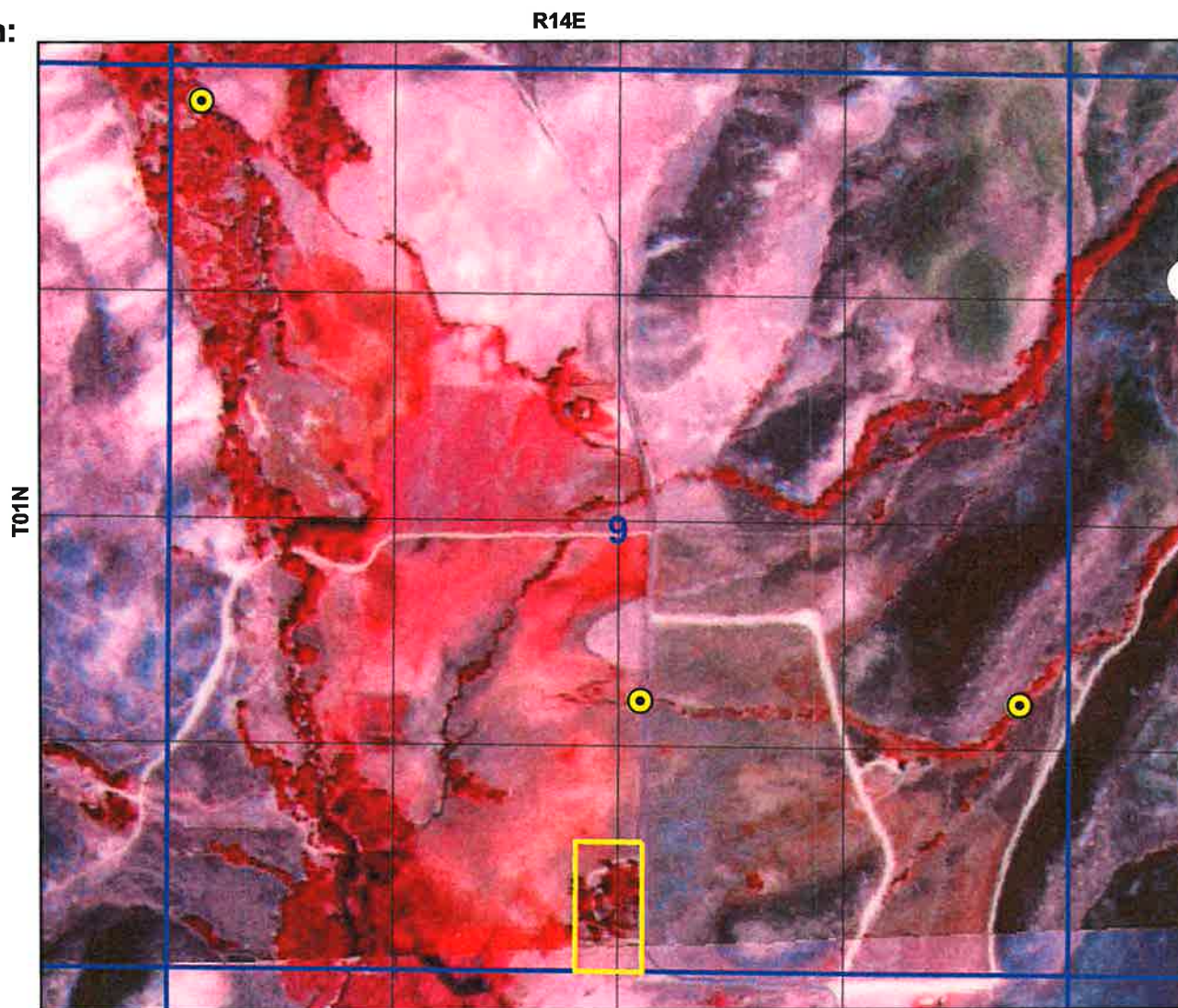
**37-678E**  
**37-680E**  
**37-2041E**

## Legend

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



Camas County  
IDWR Basin 37



0 0.25 0.5 Miles

A scale bar showing distances of 0, 0.25, and 0.5 miles.

Prepared by M. Anders  
On Friday, June 23, 2006  
1987/88 Aerial Photography

## Adjudication Claim Notes

Claim(s): 37-678E, 37-680E, 37-2041E

### Background Data

678E  
37-678A

- Source is Soldier Creek tributary to Camas Creek
- Database search indicates:
  - 37-678 originally decreed for 2.4 cfs on 5 QQ. Transfer No. 3311 split into:
    - 37-678A decreed for 1.6 cfs on 4QQ
      - 37-678A claimed 1.6 cfs for Irrigation of 185 acres
      - 37-678C claimed for 0.8 cfs for Irrigation of 65 acres (claimed portion of 37-678A and 37-678C)
    - 37-678B decreed for 0.24 cfs on 12 acres
      - 37-678D claimed 0.11 cfs for Irrigation of 5.4 acres
      - 37-678E claimed 0.13 cfs for Irrigation of 6.6 acres
    - 37-678C decreed for 0.56 cfs on 36 acres
      - 37-678C claimed for 0.8 cfs for Irrigation of 65 acres (claimed portion of 37-678A and 37-678C)
  - **Summary of 37-678 claims:**
  - Decreed 2.4 cfs on 5QQ
  - Total diversion rate claimed = 2.64 cfs. **Diversion rate overclaimed**
  - Total acreage claimed = 327 acres. **Acres overclaimed**

680E  
37-680A

- Source is Soldier Creek tributary to Camas Creek
- Database search indicates:
  - 37-680 originally decreed for 3.2 cfs on 5 QQ. Transfer No. 3311 split into:
    - 37-680A decreed for 2.14 cfs on 4QQ
      - 37-680A claimed 2.14 cfs for Irrigation of 185 acres
      - 37-680C claimed for 1.06 cfs for Irrigation of 65 acres (claimed portion of 37-680A and 37-680C)
    - 37-680B decreed for 0.36 cfs on 12 acres
      - 37-680D claimed 0.16 cfs for Irrigation of 5.4 acres. Split into:
        - 37-21189 claimed 0.08 cfs for Irrigation of 11.4 acres. Split into:
          - 37-21416 claimed 0.04 cfs for Irrigation of 6 acres
          - 37-21417 claimed 0.04 cfs for Irrigation of 5.4 acres
        - 37-21190 claimed 0.08 cfs for Irrigation of 12 acres
      - 37-680E claimed 0.20 cfs for Irrigation of 6.6 acres
    - 37-680C decreed for 0.70 cfs on 36 acres
      - 37-680C claimed for 1.06 cfs for Irrigation of 65 acres (claimed portion of 37-680A and 37-680C)
  - **Summary of 37-680 claims:**
  - Decreed 3.2 cfs on 5QQ
  - Total diversion rate claimed = 3.36 cfs. **Diversion rate overclaimed**
  - Total acreage claimed = 338.4 acres. **Acres overclaimed**

2041E  
37-2041A

- Source is Wardrop and Sampson Creeks tributary to Soldier Creek
- Priority date search indicates:
  - 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.  
Transfer No. 3312 split into:
    - 37-2041A licensed for 1.9 cfs for Domestic and Irrigation of 90 acres
      - 37-2041A claimed 1.9 cfs for Domestic and Irrigation of 90 acres
    - 37-2041B licensed for 0.36 cfs for Irrigation of 23 acres
      - 37-2041B claimed 0.36 cfs for Irrigation of 23 acres. Split into:
        - 37-2041D claimed 0.32 cfs for Irrigation of 20.3 acres. Split into:
          - 37-21187 claimed 0.13 cfs for Irrigation of 8.3 acres
          - 37-21188 claimed 0.19 cfs for Irrigation of 12 acres
        - 37-2041E claimed 0.04 cfs for Irrigation of 2.7 cares
    - 37-2041C licensed for 0.64 cfs for Irrigation of 32 acres
      - 37-2041C claimed for 1.0 cfs for Irrigation of 32 acres
  - **Summary of 37-2041 claims:**
  - Licensed 2.9 cfs on 145 acres. Licensed rate was 0.02 cfs/acre
  - Total diversion rate claimed = 3.22 cfs. **Diversion rate overclaimed**
  - Total acreage claimed = 142.3 acres

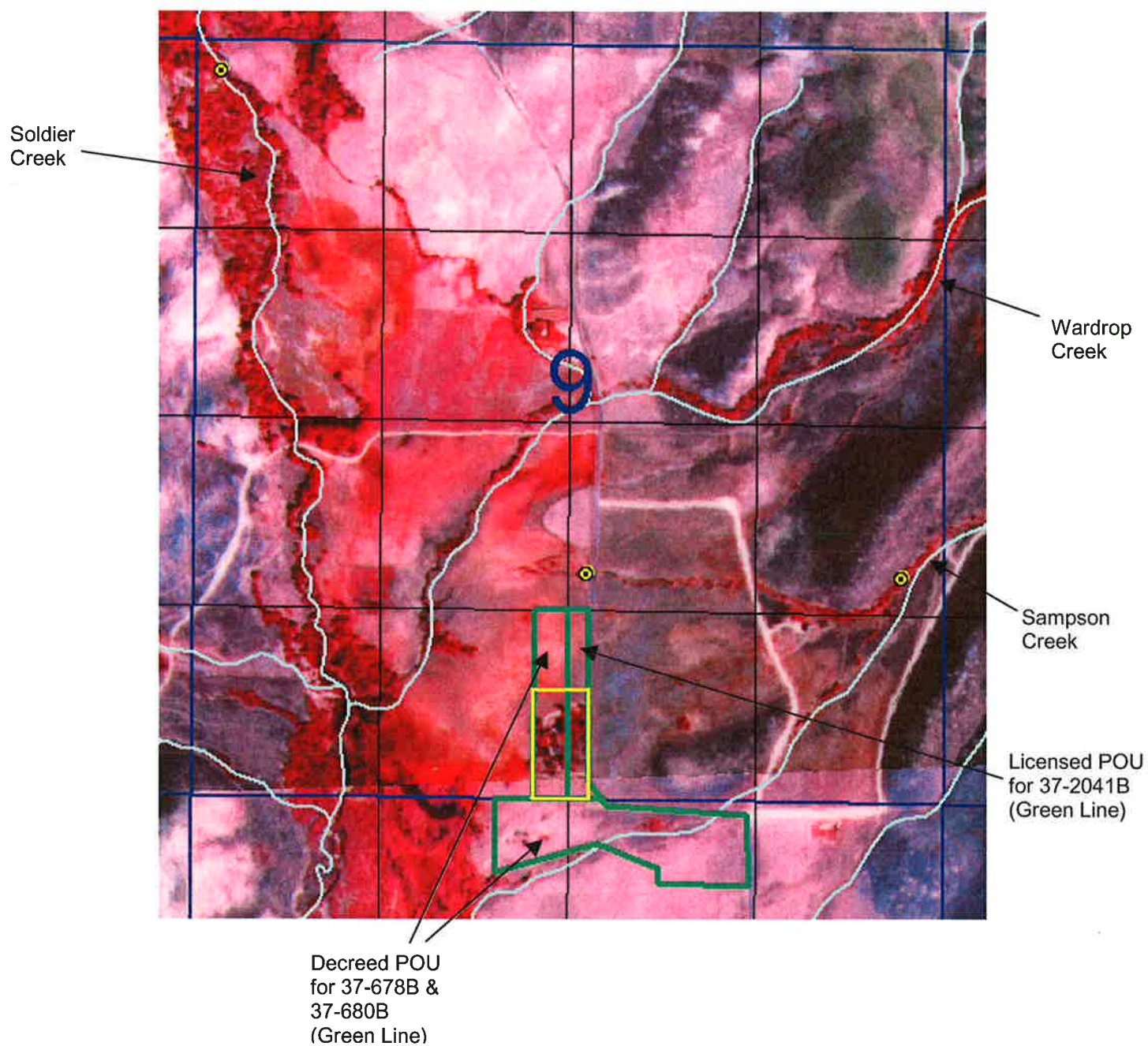
## Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



## Notes

### T1N R14E Sections 8 & 9

- Found 6.6 acres of Irrigation for 37-678E & 37-680E
- Found 2.7 acres of Irrigation for 37-2041E
- POU for 37-2041E only covers east side of parcel, but claimant highly likely uses water on entire parcel. Recommended a 6.6-acre PPU.
- Duty of water: 37-678E –  $0.13 \text{ cfs} / 6.6 \text{ acres} = 0.02 \text{ cfs/acre}$ ; 37-680E –  $0.20 \text{ cfs} / 6.6 \text{ acres} = 0.03 \text{ cfs/acre}$ ; 37-678E –  $0.04 \text{ cfs} / 2.7 \text{ acres} = 0.015 \text{ cfs/acre}$ . These are the same duties as Transfer No. 3311 and 3312.
- Recommendations:
  - PPU for 6.6 acres.
  - Combined use limit of 6.6 acres.
  - 37-678E: 0.13 cfs for Irrigation of 6.6 acres within PPU
  - 37-680E: 0.20 cfs for Irrigation of 6.6 acres within PPU
  - 37-2041E: 0.04 cfs for Irrigation of 2.7 acres within PPU
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Summary of SRBA recommendations:

- 37-678 originally decreed for 2.4 cfs on 5 QQ.
    - 37-678A – 1.6 cfs for Irrigation of 66 acres
    - 37-678C – 0.56 cfs for Irrigation of 36 acres
    - 37-678D – 0.11 cfs for Irrigation of 5.4 acres
    - 37-678E – 0.13 cfs for Irrigation of 6.6 acres
    - **Summary:**
      - Total diversion rate = 2.4 cfs
      - Total acreage = 114 acres
  - 37-680 originally decreed for 3.2 cfs on 5 QQ.
    - 37-680A – 2.14 cfs for Irrigation of 66 acres
    - 37-680C – 0.70 cfs for Irrigation of 36 acres
    - 37-680E – 0.20 cfs for Irrigation of 6.6 acres
    - 37-21417 – 0.04 cfs for Irrigation of 5.4 acres
    - Unallocated – 0.12 cfs for Irrigation of 5.4 acres (should be part of 37-21417)
    - **Summary:**
      - Total diversion rate = 3.2 cfs
      - Total acreage = 114 acres
  - 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.
    - 37-2041A – 1.9 cfs for Domestic and Irrigation of 81 acres
    - 37-2041C – 0.64 cfs for Irrigation of 32 acres
    - 37-2041E – 0.04 cfs for Irrigation of 2.7 acres
    - 37-21187 – 0.13 cfs for Irrigation of 8.3 acres
    - 37-21188 – 0.19 cfs for Irrigation of 12 acres
    - **Summary:**
      - Total diversion rate = 2.9 cfs.
      - Total acreage = 136 acres.
  - 37-220 originally decreed for 1.6 cfs on 6 QQ.
    - 37-13215 – 0.53 cfs for Irrigation of 80 acres
    - 37-13239 – 1.00 cfs for Irrigation of 81 acres
    - Unallocated – 0.07 cfs for Irrigation of 5 acres
    - **Summary:**
      - Total diversion rate = 1.6 cfs.
      - Total acreage = 166 acres.
  - 37-221 originally decreed for 3.2 cfs on 6 QQ.
    - 37-13215 – 1.07 cfs for Irrigation of 80 acres
    - 37-13239 – 2.00 for Irrigation of 81 acres
    - Unallocated – 0.13 cfs for Irrigation of 5 acres
    - **Summary:**
      - Total diversion rate = 3.2 cfs.
- Total acreage = 166 acres.

Page 1 of 8STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3311APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

APPROVED

Name of applicant Richard B. Giesler Phone 734-4721  
Post Office address 807 Campus Drive, Twin Falls, Idaho, 83301

## 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 Water Rights
2. Describe the reason for the proposed changes Describe water rights as reflected by change in ownership.

## 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       |
|------------------|-------------------|--------------------|-------------------|---------------------|
| <u>37-0678 B</u> | <u>11/30/1882</u> | <u>0.24</u>        | <u>Irrigation</u> | <u>* Not Listed</u> |
| <u>37-0678 C</u> |                   | <u>0.56</u>        |                   | <u>to</u>           |
| <u>37-0680 B</u> | <u>4/1/1900</u>   | <u>0.36</u>        | <u>Irrigation</u> | <u>* Not Listed</u> |
| <u>37-0680 C</u> |                   | <u>0.70</u>        |                   | <u>to</u>           |
2. Total amount of water being transferred \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Soldier Creek tributary to Camas Creek
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | NW  | 9    | 1N   | 14E  | Camas  |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. 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 |        |
| 3<br>ations | 1N   | 14E  | 9      |        |        |        |        |        |        |        |        |        | 7      |        |        | 5      |        |        | 12     |
| 2<br>ations | 1N   | 14E  | 9      |        |        |        |        |        |        |        |        | 3      | 33     |        |        |        |        |        | 36     |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

MICROFILMED

AUG 18 1987

Total acres 48

**PART 1**

## 6. General Information:

a. Description of diversion system Farther ditchesb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X 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:

The five acres being removed will not 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. 37-0678B/C & 37-0680B/CAnd said application is hereby APPROVED, subject to the following limitations and conditions:

1. Measuring devices of a type approved by this Department shall be maintained as a part of the divertins works.
2. Lockable devices subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under these rights is subject to control by the watermaster of State Water District No. 37C, Soldier Creek.
4. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

AUG 18 1987

Witness my hand this

6<sup>th</sup>

day of

July, 1987J. Glen Saylor

**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. 37-0678 Decreed to John Wardrop  
in case of S.C. Frost, et. al. vs. Alturas Water Company, et. al.  
dated 12/13/1909 in 4<sup>th</sup> Judicial Dist. 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. \_\_\_\_\_ 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 Sales Agreement

3. Source of water Soldier Creek tributary to Camas Creek

4. Date or priority 11/30/1882

5. Water is used for the following purpose:

amount 2.4 cfs for Irrig. purposes from \* Not Listed in Decree to \_\_\_\_\_  
(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 2.4 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion: \* Not Listed in Decree

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

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 |        |
| IN   | 14E  | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |
| IN   | 14E  | 9    |        |        |        |        |        |        |        |        | X      | X      | X      | X      |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

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 0.80 for Irrig. purposes from \* Not Listed to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | NW  | 9    | 1N.  | 14E. | Camas  | Soldier Creek            |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 1N   | 14E  | 9    |        |        |        |        |        |        |        |        |        |        | 8      | 40     |        |        |        |        | 48     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 48**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.60 for Irrig. purposes from \* Not Listed to 37-0678 A  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | NW  | 9    | 1N.  | 14E  | Camas  | Soldier Creek            |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 1N   | 14E  | 9    |        |        |        |        |        |        |        |        | X      | X      | X      | X      |        |        |        |        |        |
| 1N   | 14E  | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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. 37-0680 Decreed to John Wardrop  
in case of S.C. Frost, et.al. vs. Alturas Water Company, et.al.  
dated 12/13/1909 in 4<sup>th</sup> Judicial Dist. 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. \_\_\_\_\_ 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 Soldier Creek tributary to Camas Creek

4. Date or priority 4/1/1900

5. Water is used for the following purpose:

*\* Not Listed in Decree*

amount 3.2 cfs for Irrig. purposes from \_\_\_\_\_ to \_\_\_\_\_  
(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 \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion: *\* Not Listed in Decree*

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

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 1N   | 14E  | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |
| 1N   | 14E  | 9    |        |        |        |        |        |        |        |        | X      | X      | X      | X      |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

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 \* Not Listed 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:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | NW  | 9    | 1N.  | 14E. | Camas  | Soldier Creek            |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 1N   | 14E  | 9    |        |        |        |        |        |        |        |        |        |        | 8      | 40     |        |        |        |        | 48     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 48**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)37-0680 A

1. amount 2.14 cfs for Irrig. purposes from \* Not Listed 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:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | NW  | 9    | 1N.  | 14E  | Camas  | Soldier Creek            |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 1N   | 14E  | 9    |        |        |        |        |        |        |        |        | X      | X      | X      |        |        |        |        |        |        |
| 1N   | 14E  | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

AUG 18 1981

Total acres \_\_\_\_\_

**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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**PART 3****B. CHANGES IN NATURE OF USE**

1. 

| <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|----------------------|
| _____                    | _____                        | _____                  | _____ to _____       |
| _____                    | _____                        | _____                  | _____ to _____       |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard B. Mesher

(Signature of Applicant)

Subscribed and sworn to before me this 25 day of March, 19 87.

Loren D. Hansen

(Notary Public)

My commission expires 3/21/1993

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and                      attachments

Received by ADM Date 3/25/87 #40725 Protest filed by None

Prelim. check by TB Fee \$50

Receipted by ADM Date 3/25/87

Published in Gooding Co. Leader & Mtn. Home News Copies of protest forwarded by                     

Pub. dates 5/6 & 5/13/87 Hearing held by                      Date                     

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

                     rec'd.                      by ADM Jim Gary

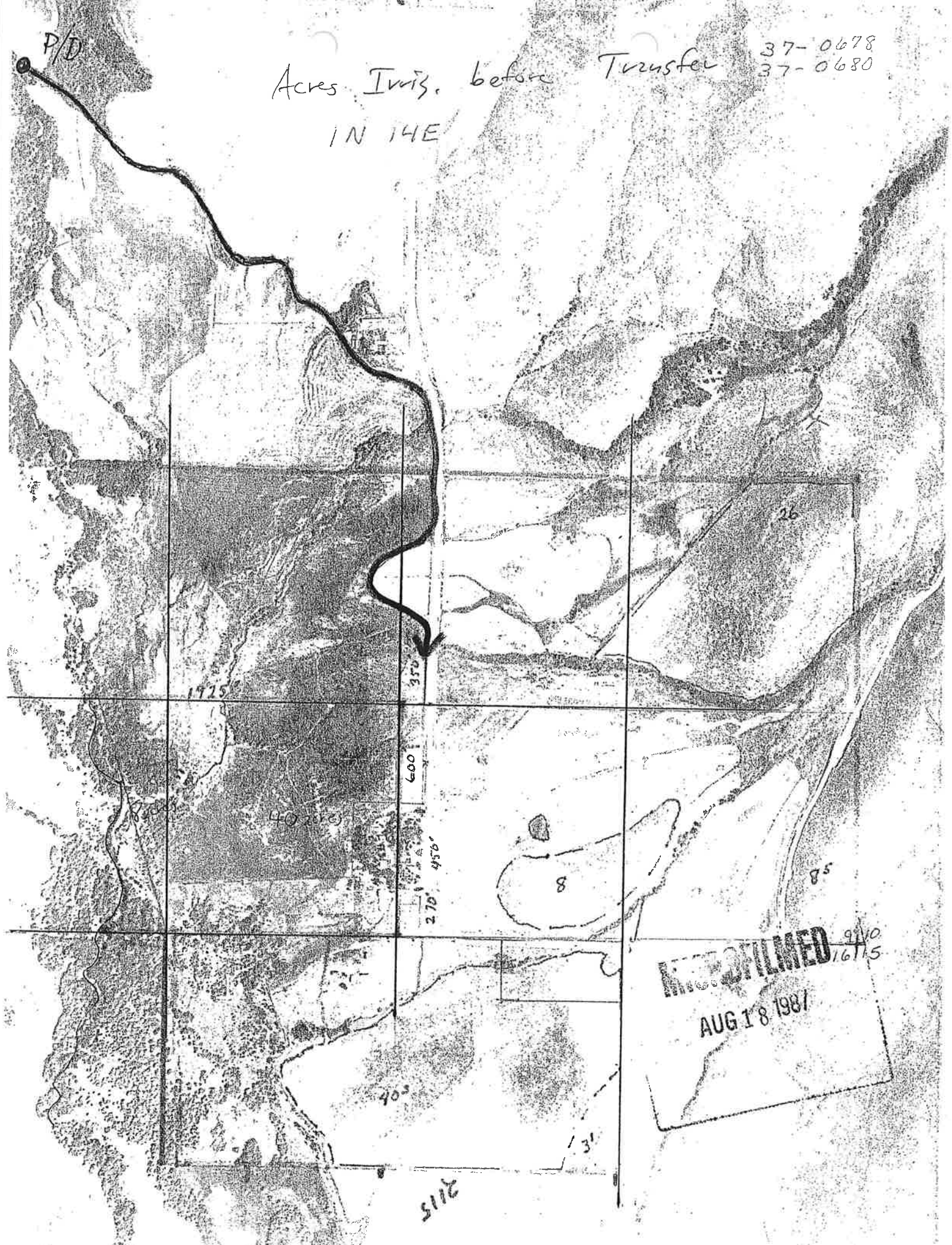
Copy of transfer sent to lien holder                     

**MICROFILMED**

AUG 18 1987

P/D

Acres Irrig. before Transfer 37-0678  
IN 14E 37-0680



AUG 18 1981  
9110 1615  
FILMED

SHE

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-678B

WATER RIGHT NUMBER: 37-678B

| <u>Owner Type</u> | <u>Name and Address</u>                                    |
|-------------------|------------------------------------------------------------|
| Original Owner    | JOHN WARDROP<br>807 CAMPUS DR<br>TWIN FALLS, ID 83301      |
| Current Owner     | RICHARD B GIESLER<br>807 CAMPUS DR<br>TWIN FALLS, ID 83301 |

Priority Date: 11/30/1882

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SOLDIER CREEK | CAMAS CREEK      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | / to /                  | 0.240 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.240 CFS             |                      |

Location of Point(s) of Diversion

|               |            |         |          |               |
|---------------|------------|---------|----------|---------------|
| SOLDIER CREEK | NW1/4NW1/4 | Sec. 9, | Twp 01N, | Rge 14E, B.M. |
| CAMAS 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 | 14E | 9   |    |    |    |    |    |    |    |    |    |    |    | 7.0 |    |    |    | 5.0 | 12.0   |

Total Acres: 12

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. R26 This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-678B

Comments:Dates and Other Information:

Licensed Date:  
Decreed Date: 12/13/1909  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 37C  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Alturas Water Co, et al  
Decree Plaintiff: S C Frost, et al  
Civil Case Number:  
Judicial District: Fourth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 4, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Clarence D. and Tona B. Stilwill  
PO Box 1281  
Fairfield, Idaho 83327

RE: Snake River Basin Adjudication (SRBA)  
Claim Number(s): **A37-02041E, A37-00678E, A37-00680E,**  
**A37-13040**  
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased a portion of the property with the above referenced Snake River Basin Adjudication claims, and our records have been changed, accordingly. **The enclosed copies are for your records,** please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock  
Water Resource Agent