

WR

37-00703
6/15/1891

AL

37-00703
2.0 cfs AD. Williams

#207

37-00703B
.4 cfs
Sheehan
in 536 NW NW
SW NW

37-00703A
1.6

↔ A37-00703B
combined Rt
(w/ A37-00704H)

→ A37-19827

703B: .4 + 704H: .2
= .6 536 NW NW 18
SW NW 7.5

#2457

37-00703C
1.4 cfs
AD. Williams
35 ac
in 525 SW SW
SE SW

↔ A37-00703C
Split Rt

→ A37-00703E
.4 Roseberry

2455

37-00703D
.2 cfs
Spencer "River Rt"
(not diverted)

→ A37-11904
.4 RL Acker

MICROFILMED

NOV 22 1996

11/30/96 RJ

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-703E
Date Received: 8/11/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

CLIFFSIDE HOMEOWNERS ASSOCIATION INC
PO BOX 4630
KETCHUM ID 83340

Phone: (208)726-5997

2. Date of Priority: 06/15/1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
04N	18E	30	SE SE NE	BLAINE

5. Description of diverting works:

HEADGATE, DITCH, PONDS, PUMPS & SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	30	SE	SE	IRRIGATION	6
					Section Acres	6
					Total Acres	6

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

SEE TRANSFER NO. 3590. THE PLACE OF USE IS THE COMMON LANDSCAPING FOR THE CLIFFSIDE SUBD., CONSISTING OF SIX (6) SINGLE FAMILY RESIDENTIAL LOTS, AND IS OWNED BY THE OWNERS OF THE SIX (6) LOTS. APPLICANT IS THE DEVELOPER OF THE SUBD

12-14-00, FM: OWNER CHANGE COMPLETED PER REQUEST RECEIVED 9-12-00.

15. Basis of Claim: Decreed



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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 14, 2000

Cliffside Homeowners Association, Inc.
P. O. Box 4630
Ketchum, ID 83340

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A37-00419B,
37-00703E, 37-10913

Dear Claimant(s):

Pursuant to the change in ownership request submitted to the department, we have changed the record of current ownership of the above-referenced claims to you. Enclosed are copies of the computer records of the claims, reflecting the change in claimant.

Please review these records and if there is an error or if you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'F. Munzenrieder'.

Florence Munzenrieder
SRBA Records Clerk

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/14/2000

WATER RIGHT NO. 37-703E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFSIDE HOMEOWNERS ASSOCIATION INC PO BOX 4630 KETCHUM, ID 83340 (208)726-5997
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	EUGENE ROSEBERRY
Original Owner	MARGUERITE SORENSON
Original Owner	THOMAS ROSEBERRY 520 W 8TH JEROME, ID 83338 (208)324-2113
Original Owner	GRAYSTONE INC C/O PETER GRAY PO BOX 2162 KETCHUM, ID 83353 (208)726-5997

Priority Date: 06/15/1891
Basis: Decreed
Status: Valid

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.4 CFS		
Total Diversion			0.4 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	18E	30	SE SE NE	0	BLAINE

IRRIGATION Use:

Acre Limit: 6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	18E	30		SESE	6						

Total Acres: 6

Water Right 37-703E

Remarks:

1. General P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.^^^

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
GIVENS	10/28/92	OWNERSHIP CHANGE	CHANGE OF OWNERSHIP RECEIVED 01/02/92 ORIGINAL OWNER EUGENE & THOMAS ROSEBERRY, MARGUERITE SORENSON NEW OWNER GRAYSTONE INC. COPY OF WARRANTY DEED AND QUITCLAIM DEED.
DSMITH	3/31/95	DATA ENTRY	CONFORMED ATTORNEY MAILING ADDRESS DMS
fmunzenr	12/14/00	OWNER CHANGE	12-14-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-12-00.

Dates:

Licensed Date:
Claim Received Date: 08/11/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: AND
Overall Max Diversion Rate: 0.4
Overall Max Diversion Volume: 0
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

RECEIVED
SEP 12 2000
Department of Water Resources
Southern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-08535</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-08538</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00419B</u>	<u>A37-00419B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00703E</u>	<u>A37-00703E</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00577BL</u>	<u>A37-10913</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Graystone, Inc.
P.O. Box 2473, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Cliffside Homeowners Association, Inc.
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 4630
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 726-5997
5. Date you acquired the property August 31, 2000

Am

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

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

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

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

R. J. Cuy, PRESIDENT

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

For Office Use only

Received by Lawrence Date 9/12/00 Fee \$50.00
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340**

Instrument # 442849

HAILEY BLAINE, IDAHO

2000-09-05 03:54:00 No. of Pages: 2

Recorded for : SPECK & AANESTAD

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, GRAYSTONE, INC., an Idaho corporation, ("Grantor"), does hereby convey, release, remise and forever quitclaim to CLIFFSIDE HOMEOWNERS ASSOCIATION, INC., an Idaho nonprofit corporation, P.O. Box 4630, Ketchum, Idaho 83340 ("Grantee"), all of its right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

1. All of Water Right License No. 37-08535;
2. All of Water Right License No. 37-08538;
3. All of Water Right No. 37-00419B which is also claimed in In Re: Snake River Basin Adjudication ("SRBA") as A37-00419B;
4. All of Water Right No. 37-00703E which has been claimed in the SRBA as A37-00703E, and
5. All of Water Right No. 37-00577BL which has been claimed in the SRBA as A37-10913.

DATED this 31 day of August, 2000.

GRANTOR:

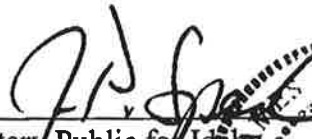
GRAYSTONE, INC.

By: 
PETER W. GRAY Its Vice PRESIDENT

STATE OF IDAHO)
) ss.
County of Blaine)

On this 31st day of August, 2000, before me, the undersigned, a notary public in and for said state, personally appeared Peter W. Gray, known or identified to me to be the Vice-President of Graystone, Inc. and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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


Notary Public for Idaho
Residing at: Blaine County, Idaho
Comm. Expires: 1/29/03

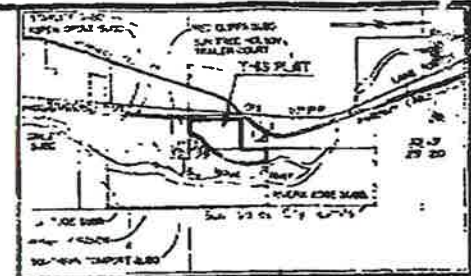


A PLAT SHOWING A REPLAT OF CLIFFSIDE SUBDIVISION, BLOCK 2 LOCATED WITHIN

SECTIONS 29 & 30, T. 4 N., R. 18 E., B.M. BLAINE COUNTY, IDAHO
AUGUST 1989

SCALE 1" = 200'

SCALE 1" = 200'



VICINITY MAP SCALE: 1" = 2000'

LEGEND

- 1. Found Brass Coin
- 2. Found 5/8" Rebar
- 3. Found 1/2" Rebar
- 4. Set 5/8" Rebar, L.S. 3621
- 5. Set 1/2" Rebar, L.S. 3621
- 6. Easement, Width as Shown
- 7. Easement, Width as Shown
- 8. Access Corner, Size as Shown

NOTES

1. Where the replat is for a new lot, the replat shall be approved by the Board of Supervisors.
2. Where the replat is for a new lot, the replat shall be approved by the Board of Supervisors.
3. The replat shall be approved by the Board of Supervisors.
4. The replat shall be approved by the Board of Supervisors.
5. The replat shall be approved by the Board of Supervisors.
6. The replat shall be approved by the Board of Supervisors.
7. The replat shall be approved by the Board of Supervisors.
8. The replat shall be approved by the Board of Supervisors.

CURVE DATA

Station	Angle	Radius	Chord	Delta
1+00.00	90° 00' 00"	100.00	100.00	90° 00' 00"
1+50.00	90° 00' 00"	100.00	100.00	90° 00' 00"
2+00.00	90° 00' 00"	100.00	100.00	90° 00' 00"
2+50.00	90° 00' 00"	100.00	100.00	90° 00' 00"
3+00.00	90° 00' 00"	100.00	100.00	90° 00' 00"
3+50.00	90° 00' 00"	100.00	100.00	90° 00' 00"
4+00.00	90° 00' 00"	100.00	100.00	90° 00' 00"
4+50.00	90° 00' 00"	100.00	100.00	90° 00' 00"
5+00.00	90° 00' 00"	100.00	100.00	90° 00' 00"
5+50.00	90° 00' 00"	100.00	100.00	90° 00' 00"

SAWTOOTH TITLE CO., INC.

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

Signature
8/1/89

D. Fawcett, S. 3621

A REPLAT OF CLIFFSIDE
SUBDIVISION BLOCK 2
SAWTOOTH TITLE CO., INC.
SHEET OF 2

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

September 11, 2000

RECEIVED

SEP 12 2000

Department of Water Resources
Southern Region

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

**RE: Graystone, Inc. - Cliffside Homeowners Association
Notice in Change of Water Right Ownership**

Dear Allen:

Enclosed you will find the Notice in Change of Water Right Ownership for the transfer of the water rights described therein by Graystone, Inc. to Cliffside Homeowners Association, Inc. Also enclosed is our check payable to the Department for the \$50 filing fee, a copy of the Notice and a stamped and self addressed return envelope. Please receipt date stamp the copy of the Notice and return it to me. Kindly call me if you have any questions about this water right transfer.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

enclosures

cc: Peter Gray, w/encl.
Ron Alling, w/encl.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-00419B

A37-00703E

A37-10913

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 Steve Clelland

May 20, 1996 10:35am

NAME:
CINDY ZIMMERMAN IDWR

RE:
OVERLAP REVIEW 37-08538

SHE CALLED TO ADVISE SRBA OF THE POSSIBLE ERRORS AND OVERLAPS WITH THE PENDING LICENSE 37-08538. SHE HAS CONTACTED THE BLAINE CO. ASSESSOR AND THEY LIST THE CLIFFSIDE SUBD. LOTS 3-10, BLK. 36 AS BEING IN T02N, R18E, S36. CLAIM REMARKS REFER TO THESE LOTS AS T04N, R18E, S30. SEEMS TO BE SOME CONFUSION REGARDING THE LOTS AND THE LEGAL AND WETHER THEY OVERLAP WITH THE NEW LICENSE.

I TOLD HER I WILL REVIEW THESE AND GET BACK TO HER.
CLAIMS: A37-00419B, A37-00703E, & A37-10913.

**** CALLBACK ****
May 20, 1996 3:39pm

NAME:
CINDY ZIMMERMAN

RE:
ANSWER TO ABOVE

CLAIMS WERE ORIGINALLY CLAIMED IN LOTS 3-10 IN BELLEVUE. THEY WERE SOLD TO GREYSTONE AND THEN TRANSFERRED BY T#3590 TO LAND IN T04N. CHANGE OF OWNERSHIP WAS FILED AND THE CLAIMS WERE AMENDED. TRANSFER MAY NOT BE FULLY DOCUMENTED IN THE WATER RIGHT DATA BASE.

A37-00419B = 37-00419B
A37-00703E = 37-00703C
A37-10913 = 37-00577*

THESE SURFACE RIGHTS MAY HAVE BEEN REPLACED BY A NEW GROUNDWATER PERMIT 37-08538. APPEARS TO HAVE 100% OVERLAP.

NOV 28 1996

Page 1

Old (D) Number -

State- ID Zip- 833130000

State- Zip-

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- Old Water Right Numbers -
No Old Water Right Numbers found.
```

MICROFILMED
 NOV 22 1995

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/30/96 09:05:54

Page 2

Water right number - 37-00703D

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

S. C. FROST, ET. AL.

ALTURAS WATER COMPANY, ET. AL.

12/13/1909

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 01/04/86 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 01/04/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 37
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 12/13/1909	Name Connector -	POU Ownership Flag-
Presumption Flag -		

MICROFILMED
NOV 22 1996

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

04/26/96 15:26:47

Page 1

Water Right Number - A37-00703E

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - HOGUE SPECK & AANESAD
2 - PO BOX 987
3 -
City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

*** C - CURRENT OWNER ***
GRAYSTONE INC

1 - C/O PETER GRAY
2 - P O BOX 2162
3 -

City- KETCHUM
Phone - 208-726-5997
1 - 520 WEST 8TH

State- ID Zip- 83353

ROSEBERRY

THOMAS

2 -
3 -
City- JEROME
Phone - 208-000-0000

State- ID Zip- 83338

*** O - ORIGINAL OWNER ***
SORENSEN

MARGUERITE

1 -
2 -
3 -
City- JEROME
Phone - 208-000-0000

State- ID Zip- 83338

ROSEBERRY

EUGENE

1 - 520 WEST 8TH
2 -
3 -
City- JEROME
Phone - 208-324-2113

State- ID Zip- 83338

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/15/1891 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
04N 18E 30 SE SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.400 15.0

NOV 22 1996
MICROFILMED

Prefix Translation: ADJUDICATION CLAIM

Total Acres: 6.0

+ Remarks

-----Comments-----
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/11/1988	Last Amended Date	- 11/04/1992	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S001407	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- N	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- AND/OR	Notice of Error Flag	-

MICROFILMED
NOV 22 1996

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: **A37-00703E**

Date Received: 8/11/1988

Receipt No: S001407

Received By: _____

AMENDED

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

AMENDED

1. Name: GRAYSTONE INC. 208-726-5997
Address: C/O PETER GRAY
P O BOX 2162
KETCHUM ID 83353

2. Date of Priority: JUN 15, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	30	SE	SE	NE		BLAINE

5. Description of diverting works:
HEADGATE, DITCH, PONDS, PUMPS & SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	30	SE	SE		IRR	6.0

Section Acres 6.0

MICROFILMED

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
 A37-10913, A37-00419B, 37-08538

14. Remarks:
 SEE TRANSFER NO. 3590. THE PLACE OF USE IS THE COMMON
 LANDSCAPING FOR THE CLIFFSIDE SUBD., CONSISTING OF SIX (6) SINGLE
 FAMILY RESIDENTIAL LOTS, AND IS OWNED BY THE OWNERS OF THE SIX
 (6) LOTS. APPLICANT IS THE DEVELOPER OF THE SUBD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Nov-1992

JAMES R SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: A37-00419B - A37-00703E - A37-10913 - ROSEBERRY, ROSEBERRY &
SORENSEN

Dear Mr. Speck:

This letter is in reference to the CHANGE OF OWNERSHIP for the above-listed Adjudicated Claims you sent in. We have changed our computer records and I am sending you a copy of each Claim. I apologize for the time it has taken and hope it has not caused you any inconvenience.

Please check them for accuracy and should you have any questions, please do not hesitate to contact me at this office at the above-listed telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
MAR 01 1993

Water Right Number - R37-00703E

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES R

1 - HOGUE SPECK & AANESTAD
2 - P.O. BOX 987
3 -
City- JEROME
Phone - 208-000-0000

State- ID Zip- 83338

*** C - CURRENT OWNER ***
GRAYSTONE INC1 - C/O PETER GRAY
2 - P O BOX 2162
3 -
City- KETCHUM
Phone - 208-726-5997

State- ID Zip- 83353

*** O - ORIGINAL OWNER ***
ROSEBERRY

EUGENE

1 - 520 W. 8TH
2 -
3 -City- JEROME
Phone - 208-324-2113

State- ID Zip- 83338

SORENSEN

MARGUERITE

1 -
2 -
3 -City- JEROME
Phone - 208-000-0000
1 - 520 W. 8TH

State- ID Zip- 83338

ROSEBERRY

THOMAS

2 -
3 -
City- JEROME
Phone - 208-324-2113

State- ID Zip- 83338

+ - - Priority Date - - +
06/15/1891+ - - - Region - - - +
ERROR IN REGION+ - - - Stage - - - + + - - - Status - - - +
D - DECREED+ - - - - Source - - - - - +
BIG WOOD RIVER+ - - - - Tributary - - - - - +
MALAD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

04N 18E 30 SE SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

0.400

+ - Total Div. Rate - + + - Total Div. Volume - +
0.400+ - Total Consumptive Use - + + - KW Usage - +
15.0MICROFILMED
MAR 0 1 1993

Water right number - R37-00703E

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
04N	18E	30	SE SE		6.0	01	IRRIGATION	(13) BLAINE

Total Acres: 6.0

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00419B & A37-10913

Remarks
P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

Old Water Right Numbers
A3700703C

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
S.C. FROST		00/00/0000

Comments
Date: 10/28/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE CHANGE OF OWNERSHIP RECEIVED 01/02/92 ORIGINAL OWNER EUGENE & THOMAS ROSEBERRY, MARGUERITE SORENSON NEW OWNER GRAYSTONE INC. COPY OF WARRANTY DEED AND QUITCLAIM DEED.

+ - - Audit Fields - - +
11/04/92 GIVENS

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- F000000	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

MICROFILMED
MAR 01 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

August 11, 1992

RECEIVED

AUG 12 1992

Department of Water Resources
Southern Region Office

Ms. Judy Givens
Adjudication Secretary
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Graystone, Inc./Elizabeth K. Gray and/or Constance K. Gray
A37-00419B, A37-00703E and A37-10913 -
Eugene Roseberry, Thomas Roseberry and Marguerite Sorensen

Dear Ms. Givens:

In response to your letter to Mr. Jim Speck dated August 4, 1992, I am enclosing a copy of the Special Power of Attorney assigned to Mr. Speck from Ms. Gray. I am sorry this was not included with the Notice of Change of Ownership.

Please call if you need any further information. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



Deborah Kirby
Secretary

dmk
Enclosure

MICROFILMED

MAR 01 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
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August 11, 1992

RECEIVED

AUG 12 1992

Department of Water Resources
Southern Region Office

Ms. Judy Givens
Adjudication Secretary
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Graystone, Inc./Elizabeth K. Gray and/or Constance K. Gray
A37-00419B, A37-00703E and A37-10913 -
Eugene Roseberry, Thomas Roseberry and Marguerite Sorensen

Dear Ms. Givens:

In response to your letter to Mr. Jim Speck dated August 4, 1992, I am enclosing a copy of the Special Power of Attorney assigned to Mr. Speck from Ms. Gray. I am sorry this was not included with the Notice of Change of Ownership.

Please call if you need any further information. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



Deborah Kirby
Secretary

dmk
Enclosure

MICROFILMED
MAR 01 1993

RECEIVED

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

AUG 12 1992

Department of Water Resources
Southern Region Office

I, ELIZABETH K. GRAY, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

SPECIAL POWER OF ATTORNEY - 1

j:\water\graypwr

MICROFILMED
MAR 01 1993

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 5 day of November, 1991.

Elizabeth K. Gray
ELIZABETH K. GRAY

STATE OF IDAHO)
) ss.
County of Blaine)

On this 5th day of November, 1991, before me, the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that she executed the same.

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

Deborah H. Kirby
Notary Public for Idaho
Residing at: Reynolds, Idaho

SPECIAL POWER OF ATTORNEY - 2

j:\water\graypwr

MICROFILMED
MAR 01 1993

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

15. **Basis of Claim:** Decree

IDWR Water Right Number: 37-00703E

Court: Lincoln County District Court

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant:

S. C. Frost et al v. Alturus Water Company, et ux

16. **Signature(s)**

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

[For Organizations] I do solemnly swear or affirm that I am the president of Graystone, Inc., an Idaho corporation, that I have signed the foregoing document in the space below as president of Graystone, Inc. and that the statements contained in the foregoing document are true and correct.

GRAYSTONE, INC.

DATE: 12/30/91

By:

Elizabeth K. Gray, by Jan Speck
Elizabeth K. Gray, President
her attorney-in-fact

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 30th day of December, 1991.

Notary Public Deborah L. Kirby

Residing at Ketchum, Idaho

Commission Expires 11/1/92

17. **Notice of Appearance:**

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

Signature: Jan P. Speck

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 12/30/91

Last Name: Graystone
j\grystne\3700703E.clm

Ident No. A37-00703E

MICROFILMED

MAR 01 1993

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: 39356

RECEIVED

NOTICE OF CHANGE OF OWNERSHIP
FOR
CLAIM(S) TO WATER RIGHT(S)

JAN 6 1993
Department of Public Lands
P.O. Box 1000
Twin Falls, ID 83401

1. Claim Identification Number(s): A37-00419B, A37-00703E, A37-10913
2. Name of Original Claimant(s): Eugene Roseberry, Thomas
Roseberry & Marguerite Sorenson
Mailing Address: 520 West 8th
Jerome, ID 83338
3. Name of Purchaser(s)/New Claimant(s)
of Water Right(s): Graystone, Inc.
Mailing Address: c/o Peter Gray
P. O. Box 2162
Ketchum, ID 83353

4. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the purchaser(s)/new claimant(s) of the water rights identified herein and that all notices required by law to be mailed by the director to the purchaser(s)/new claimant(s) should be mailed to the address listed below.

Signature: *James P. Speck*
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 12/30/91

GRAYSTONE, INC.

MICROFILMED

MAR 01 1993

DATE: 12/30/91

By: *Elizabeth K. Gray*
Elizabeth K. Gray, President

James P. Speck, for
attorney in fact

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

RECEIVED

JAN 10 1989

Department of Public Lands
Ketchum, Idaho

(Space above line for Recorder's use)

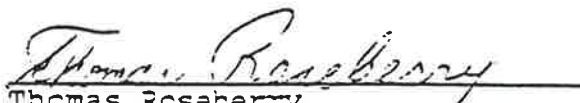
WARRANTY DEED

FOR VALUE RECEIVED, THOMAS ROSEBERRY and VETA A. ROSEBERRY, husband and wife, EUGENE P. ROSEBERRY, a ~~married~~ *T.R.* man dealing in his sole and separate property, and MARGUERITE ~~ROSEBERRY~~ *Marguerite* woman dealing in her sole and separate property, all of whose mailing address is c/o Thomas Roseberry, 520 8th West, Jerome, ID 83338 (the "Grantor" whether one or more), hereby grants, bargains, sells and conveys unto ELIZABETH K. GRAY, a married woman dealing in her sole and separate property, whose mailing address is P. O. Box 2162, Ketchum, ID 83340 ("Grantee", whether one or more), the following described water rights appurtenant to certain real property situated in Blaine County, Idaho:

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

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

DATED this 19 day of May, 1989.


Thomas Roseberry

MICROFILMED

MAR 01 1993

Veta A. Roseberry
Veta A. Roseberry

Eugene P. Roseberry, Jr. & Eugene P. Roseberry
Eugene P. Roseberry *his attorney in fact.*

Marguerite Sorensen
Marguerite Sorensen

STATE OF IDAHO)
) ss.
County of Blaine)

On this 19th day of May, 1989, before me, the undersigned, a notary public in and for said state, personally appeared Thomas Roseberry, Veta A. Roseberry and Marguerite Sorensen, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

James P. Spink
Notary Public for Idaho
Residing at: East Fork, ID

STATE OF IDAHO)
) ss.
County of Blaine)

On this 19th day of May, 1989, before me, the undersigned ^{Notary Public} in and for said state, personally appeared ~~Thomas~~ Roseberry, known or identified to me to be the person whose name is subscribed to the foregoing instrument as the attorney in fact of Eugene P. Roseberry, and acknowledged to me that he subscribed the name of Eugene P. Roseberry thereto as principal, and his own name as attorney in fact.

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


Notary Public for Idaho
Residing at: East Fork, ID

j:\gray.ded
5/19/89

WARRANTY DEED - 3

MICROFILMED
MAR 01 1993

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

RECEIVED

JAN 03 1992

Department of Water Resources
Southern Region Office

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, ELIZABETH K. GRAY, a married woman dealing in her sole and separate property, whose mailing address is P. O. Box 2162, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto GRAYSTONE, INC., an Idaho corporation, whose mailing address is (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described premises, situated in Blaine County, Idaho, to wit:

1. 7.5 inches (0.15 cfs) of Idaho Water Right No. 37-0577, originally decreed to W. T. Riley for the diversion of waters of the Big Wood River with priority date of March 24, 1883, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-10913.
2. 9 inches (0.18 cfs) of Idaho Water Right No. 37-0419B, originally decreed to Horace C. Lewis, for the diversion of waters of the Big Wood River with priority date of August 2, 1889, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-00419B.
3. 20 inches (0.40 cfs) of Idaho Water Right No. 37-0703C originally decreed to A. D. Williams for the diversion of waters of the Big Wood River with priority date of June 15, 1891, and claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls county Case No. 39576, as Identification No. A37-00703E.

QUITCLAIM DEED - 1

MICROFILMED
MAR 01 1993

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 10 day of July, 1989.

GRANTOR:

Elizabeth K. Gray
ELIZABETH K. GRAY

STATE OF IDAHO)
) ss.
County of Blaine)

On this 10th day of July, 1989, before me the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

James P. Speck
Notary Public for Idaho
Residing at: East Ketchikan, ID

j:\grayh20.qcd
7/9/89

QUITCLAIM DEED - 2

MICROFILMED
MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Aug-1992 11:31

JAMES P SPECK
HOGUE SPECK & AANESTAD
P.O. BOX 987
KETCHUM ID 83340

RE: A37-00419B, A37-00703E & A37-10913 - EUGENE ROSEBERRY, THOMAS
ROSEBERRY & MARGUERITE SORENSON

Dear Mr. Speck:

This letter is in reference to the NOTICE OF CHANGE OF OWNERSHIP FOR CLAIM(S) TO WATER RIGHT(S) on the above-referenced Claims. In reviewing the information enclosed, I failed to see a document showing the power of attorney assigned to you signed by Ms. Gray.

I apologize for the delay this transaction has taken, but due to the backlog of Ownership Changes, I will try to process as soon as possible.

Should you have any questions, please do not hesitate to contact me at this office, or call at the above-listed telephone number.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

MICROFILMED
MAR 01 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
DONALD E. MITCHELL

120 EAST AVENUE
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(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

December 30, 1991

726 4421
CERTIFIED MAIL P 450 412 179
RETURN RECEIPT REQUESTED

Mr. Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301

RECEIVED

JAN 13 1992

Department of Water Resources
Southern Region Office

Re: Snake River Basin Adjudication
Claims Nos. A37-10913, A37-00419B and A37-00703E
- Graystone, Inc.

Dear Loren:

Enclosed for filing in the Snake River Basin
Adjudication are the following documents submitted by my client,
Graystone, Inc.

1. Notice of Change of Ownership;
2. Amended Claim No. A37-10913;
3. Amended Claim No. A37-00419B; and
4. Amended Claim No. A37-00703E.

Once these Amended Claims have been logged into the Department's
computer database, please send me copies of the appropriate
printouts.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures
cc: Graystone, Inc. (w/encls.)

MICROFILMED

MAR 01 1993

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

CIVIL CASE NUMBER: 39356

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

Ident Number A37-00703E

Date Received _____

Receipt Number _____

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

RECEIVED

JAN 6 2 1992

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Graystone, Inc.
Phone: (208) 726-5997
Mailing Address: c/o Peter Gray
P. O. Box 2162
Ketchum, ID 83353
2. Date of Priority: June 15, 1891
3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
4N	18E	30	SE	SE	NE		Blaine

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

5. Description of existing diversion works: Comstock #10 Headgate, Comstock Ditch, ponds, pumps in ponds to underground sprinkler irrigation system.

MICROFILMED

MAR 0 1 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.40 cfs

7. Total Quantity Claimed: 0.40 cfs

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
4N	18E	30	SE	SE	I	6

Total number of irrigated acres: 6

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? No - see Remarks.

13. Describe any other water rights used at the same place and for the same purposes as described above? A37-10913, A37-00419B, 37-08538.

14. Remarks: See Transfer No. 3590. The place of use is the common landscaping for the Cliffside Subdivision, consisting of six (6) single family residential lots, and is owned by the owners of the six (6) lots. Applicant is the developer of the subdivision.

Last Name: Graystone
j\grystne\3700703E.clm

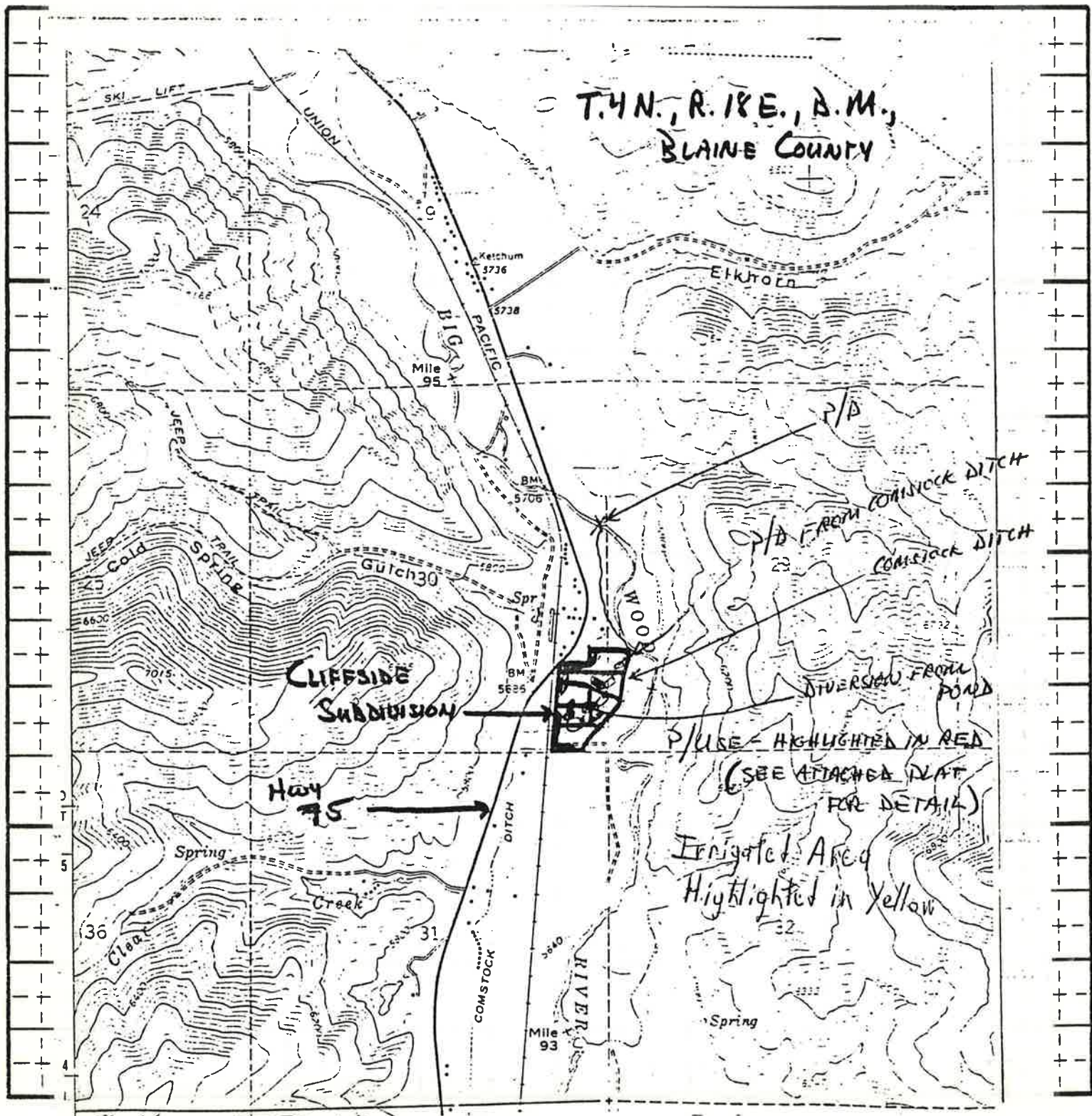
Ident No. A37-00703E

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Map of Project: show clearly the point of diversion, place of use, section number township, and range number.

Scale: 2 inches equals 1 mile



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Copies: White-State, Yellow-Claimant

Last Name GRAYSTONE

Ident No. A3700703E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-00703 E

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		SCC 2/21/90	
POINT OF DIV.	N		SCC 5-14-90	
SOURCE	N			
PLACE OF USE	YES ✓		See 6-6-90	
DIV. AMOUNT	YES XS		See 6-6-90	
CONSUMPTIVE USE	N			
USES	N		SCC 2/21/90	
PERIOD OF USE	N		SCC 2/21/90	
BASIS OF CLAIM	N		SCC 5-14-90	

REMARKS: portion of WR 37-00703 C

VERIFY P/U ✓

SEE A37-00419 B

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MAR 01 1993

GENERAL INFORMATION

Claim number: A37-00703E

LAST: Roseberry

FIRST: Eugene

ADDRESS: 520 West 8th

CITY: Serome

STATE: Id

ZIP: 83338

PHONE: (208) 324-2113

OWNER CODE: C

OWNER CONNECTOR: And/or

LAST: Sorenson

FIRST: Marguerite

ADDRESS: _____

CITY: Serome

STATE: Id

ZIP: 83338

PHONE: (208) 000-0000

OWNER CODE: C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-00703EA. SRBA CLAIM # A37-00703EPRIORITY DATE: 6/15/1891STAGE DB. IDWR RECORD # 37-00703CPRIORITY DATE: 6/15/1891STAGE DC. REVIEW - FIELD EXAM NEEDED? Y() N(X)ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.REMARKS: This claim is Aportion of part 37-00703C.RECOMMENDED PRIORITY DATE: 6/15/1891REVIEWED BY BCLDATE 2/21/90MICROFILMED
MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # 137-00703E

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>26</u> <u>22</u>	—	<u>SE</u> <u>NE</u>	<u>NE</u> <u>SE</u>	—	<u>Blaine</u>

SOURCE: Big Wood RiverTRIB: Malad

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>22</u> <u>26</u>	—	<u>NE</u> <u>SE</u>	<u>SE</u> <u>NE</u> (R)	—	<u>13</u>

SOURCE: BIG WOOD RIVERTRIB: MALAD RIVERC. REVIEW - FIELD EXAM NEEDED? Y() N(X)

VERIFIED WITH:	TOPO MAP/ORTHO-PQ	ATTACHED	OR SEE FILE
(<u>X</u>)	YES() NO()	YES() NO()	<u>137-004193</u>
()	ASCs MAP	YES() NO()	—
()	WATERMASTER RECORDS	YES() NO()	—
()	FIELD EXAM	YES() NO()	—
()	OTHER	YES() NO()	—

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>18E</u>	<u>26</u>	<u>SW</u>	<u>NE</u>	<u>SE</u>	—	<u>13</u>

SOURCE: B.W.R.TRIB: MALAD RIVERREVIEWED BY SWDATE 5-14-90MICROFILMED
MAR 01 1993

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-00703 EFIELD EXAM REQUIRED: Y(~~X~~) N()PRESUMPTION FLAG: Y(~~X~~) N()ROOT WATER RIGHT NUMBERS 37-00703 C

TWP RGE SEC 1/4 1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
<u>2N 18E 26 SW SW A37-00419B/ 2</u>		<u>- / -</u>	<u>0</u>		
<u>- 00703E/ 2</u>		<u>- / -</u>			
<u>- 10913 / 2</u>		<u>- / -</u>			
<u>- 07312 / 20</u>		<u>- 07312 / 20</u>			
<u>- 04377 / 3.5</u>		<u>- 04377 / 4</u>			
<u>- / -</u>		<u>- 08259 / 5</u>			
<u>- / -</u>		<u>- 08308 / 1</u>			
<u>- / -</u>		<u>- / -</u>			
TOTAL ACRES	<u>2</u>				

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

REMARKS:

A in P/U ; VERIFY

REVIEWED BY

Sc

DATE

5-14-98

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TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES2N 18E 36 NW NW A37-004198 / 2-00703E / 2-10913 / 2-11895 / .5-11902 / .5-11904 / .5- / - 37-08081 / 5- / - / -

TOTAL ACRES

TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES- / -- / -- / -- / -- / -- / -- / -- / -

TOTAL ACRES

TWP RGE SEC 1/4 1/4

S.R.B.A.
#/ACRESI.D.W.R
#/ACRESLANDSAT
DATAFIELD
EXAM.RECOMM.
ACRES- / -- / -- / -- / -- / -- / -- / -- / -

TOTAL ACRES

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PAGE 6.
USES REVIEW SHEET

CLAIM # A37-00703E

A. S.R.B.A CLAIMED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>Irrigation</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>2.400</u> CFS
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS

B. I.D.W.R. RECORDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>✓-✓</u> TO <u>✓-✓</u>	<u>1.4</u> CFS
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS

PRESUMPTION FLAG: _____

PERIOD OF USE: _____

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y(~~X~~) N()

RECOMMENDED AS CLAIMED?

Y(~~X~~) N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y() N(~~X~~)

REMARKS:

see next page for DIVERSION AMOUNT REVIEW.

RECOMMENDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.4</u> CFS
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS

REVIEWED BY SCC

DATE

2/21/90

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)

SRBA CLAIMED RATE: 0.4 CFS IDWR ROOT RIGHT RATE: 1.4 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED? Y() N(☒)

B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☒) N() If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: _____

SEE
A37-00419B

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES _____ X 0.02 CFS/ACRE = _____ CFS.
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N()

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES _____ X CONSUMPTIVE RATE FOR AREA _____ A.F./ACRE =

TOTAL CONSUMPTIVE USE _____ ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: 0.40 CFS

RECOMMENDED CONSUMPTIVE USE: 10.0 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY dec DATE 5-14-90

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PAGE 8.
BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # A37-00703E

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
EXCESSIVE AMOUNT _____	()	(X)

THIS SRBA CLAIM CFS/ACRE

0.10

OTHER SRBA CLAIMS CFS/ACRE

_____-_____
_____-_____
_____-_____

SEE
A37-00419B

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # <u>37-00703</u>	SPLITS # _____	_____ CFS
_____ CFS	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	TOTAL CFS	_____

@ BASIN WIDE
REVIEW

**Do the sum of the parts equal the whole?
**IF NO is the written review sheet ATTACHED?

Y() N()
Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

RECORDED
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ADDITIONAL ACREAGE FORM

[illegible]

TOTAL NUMBER OF ACRES 4

REMARKS:

REVIEWED BY _____

DATE _____

MICROPLIMED

MAR 01 1993

63	E 84-B	Y-3 RANCHES YANKE	37-0538	CHARLES PETERLINE	05-15-1891	180.00
49	E 85-C1	HARRY LEMOYNE	37-0051	MARIETTE BALLINGER	05-15-1891	100.00
49	E 85-A	JOHN MAJORS	37-0302	W.H.HARRINGTON	06-01-1891	72.50
49	E 85-C2	HARRY LEMOYNE	37-0043	PETER BANNON	06-01-1891	47.1E 41.2
49	E 85-B	GLENDAL FARM PARTNERS	37-0040	LAURENCE BANNON	06-01-1891	27.50

WATER DIST.37 WOOD RIVER ABOVE MAGIC -- PRIORITY BOOK 25 OF 1

04/23/88

DIVER NO	DIST. R	PRIOR. OWNER	ST.ID.	ORIG DECREE TO	PRIORITY DATE	INCHES	BWCC	BELOW #10CUT	ABOVE 10	OTHER
49	E 86-D	GLENDAL FARM PARTNERS	37-0042	MILES BANNON	06-01-1891	130.00				
49	E 85-A1	WILLIAM D BOBBITT	37-0043	PETER BANNON	06-01-1891	26.44	29.4			
49	E 85-A2	PAT TROPEA	37-0043B	PETER BANNON	06-01-1891	26.44	29.4			
22	D 86-E	GARY HIBBARD	37-0658	ANNA TROEGER	06-15-1891	200.00				
44	E 86-C2	C.L.SCOFIELD	37-0703	A.D.WILLIAMS	06-15-1891	10.00				
44	E 86-C3	BUD ROSEBERRY	37-0703	A.D.WILLIAMS	06-15-1891	20.00				
44	E 86-C	TED DIVINE	37-0703	A.D.WILLIAMS	06-15-1891	40.00				
44	E 86-D	TED DIVINE	37-0704	M.H.WILLIAMS	06-15-1891	160.00				
45	E 86-A5	ANN BEVERSTOCK	37-0480	ANNIE I.MILLER ET AL	06-15-1891	30.00				
45	E 86-A7	ANN SWEET	37-0480	ANNIE I.MILLER ET AL	06-15-1891	31.00				
45	E 86-B7	THOMAS M BECK	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	50.00				
45	E 86-A3	BELLEVUE FARMS	37-0480	ANNIE I.MILLER ET AL	06-15-1891	350.00				
45	E 86-B13	BELLEVUE FARMS	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	30.00				
45	E 86-B	CHARLIE BROWNING	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	480.00				
45	E 86-B6	COLUMBINE PARTNERS	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	160.00				
45	E 86-A1	EDWARD STRICKER	37-0480	ANNIE I.MILLER ET AL	06-15-1891	75.00				
45	E 86-B14	EDWARD STRICKER	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	39.00				
45	E 86-A8	GARY GUTCHES	37-0480	ANNIE I.MILLER ET AL	06-15-1891	29.00				
45	E 86-B11	GENE DRUSSEL	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	27.00				

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MAR 11 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A37-00703E

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
ROSEBERRY

EUGENE

1 - 520 WEST 8TH

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-2113

1 -

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-000-0000

1 - 520 WEST 8TH

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-2113

SORENSEN

MARGUERITE

ROSEBERRY

THOMAS

+ - - Priority Date - - +
06/15/1891

+ - - - Region - - - +

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
BIG WOOD RIVER

+ - - - - Tributary - - - - - +
MALAD

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)

02N 18E 22 NE SE (13) BLAINE

02N 18E 26 SE NE R (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.400 12.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

02N 18E 26 SW SW 2.0 01 IRRIGATION (13) BLAINE

02N 18E 36 NW NW 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 4.0

+ - - Diversion Means - KOHLER #44 HEADGATE

+ - - Non-Irrigation Use -

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Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001407	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR		

RECORDED
MAR 01 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 37-00703C Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - -

*** C - CURRENT OWNER ***
WILLIAMS A. D. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/15/1891 17 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County
02N	18E	22	NE SE		(13)	BLAINE
02N	18E	26	SE NE	R	(13)	BLAINE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			1.400	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.400

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	18E	25	SW SW	3		01	IRRIGATION	(13) BLAINE
02N	18E	25	SE SW	2		01	IRRIGATION	(13) BLAINE

Total Acres:

+ - - Diversion Means - KOHLER #44 HEADGATE, DITCH TO POND. RE-DIVERSION FROM POND.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
TRANS. 207, 2457.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 35 AC.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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Adj. flag translation: Standard Water Right Number

+ - - - - Decree Defendant - - - +
ALTURAS WATER COMPANY, ET. AL.

+ - Decree Date - +
12/13/1909

+ - - Audit Fields -

[illegible]

Proof Due Date	-	00/00/0000
Approved/Denied	-	00/00/0000
Proof Made Date	-	00/00/0000
Start Work Date	-	00/00/0000
Order Show Cause	-	00/00/0000
Licensed Date	-	00/00/0000
Decree Date	-	12/13/1909

Field Exam Made - 00/00/0000
 Protested Date - 00/00/0000
 Hearing Date - 00/00/0000
 Verified Date - 01/04/1986
 Receipt Number -
 Appl Received - 00/00/0000

Field Exam Fee	-	
Swan Falls	-	
Temporary Right	-	P
DLE/Carey Act	-	
Water District	-	37
Transfer/Amended	-	P

Date - +
 909
 MAR 01 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00703E	02N	18E	22		NE	SE		BLAINE
A37-00703E	02N	18E	26		SE	NE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A37-00005 NONE
A37-00419B
A37-00703C

WR RECORDS IN SAME 40 ACRE TRACT

37-00005
37-00418C
37-00419B
37-00703C
37-00704E
37-02093
37-07866
37-08159

SOURCE: BIG WOOD RIVER

TRIB: MALAD

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-00703C	02N	18E	22		NE	SE		BLAINE
37-00703C	02N	18E	26		SE	NE		BLAINE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

37-00005
37-00418C
37-00419B
37-00704E
37-02093
37-07866
37-08159

A37-00005 NONE
A37-00363F
A37-00885A
A37-11895

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	_____
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	_____

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MAR 0 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3590RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUN 26 1990

Name of applicant Graystone, Inc.Phone (208) 726-4421

Department of Water Resources

Post Office address James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987

Southern Region Office

Ketchum, ID 83340

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 _____
2. Describe the reason for the proposed changes Applicant has purchased water rights
(see attached deeds) and desires to transfer them to its property.

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>37-0577BL Part</u>	<u>Mar. 24, 1883</u>	<u>0.15cfs</u>	<u>irrigation</u>	<u>April 1 to Nov. 1</u>
<u>37-0419B</u>	<u>Aug. 2, 1889</u>	<u>0.18cfs</u>	<u>irrigation</u>	<u>April 1 to Nov. 1</u>
<u>37-0703E</u>	<u>June 15, 1891</u>	<u>0.40cfs</u>	<u>irrigation</u>	<u>April 1 to Nov. 1</u>

2. Total amount of water being transferred 0.73 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	30	4N	18E	Blaine	Comstock No. 10 Headgate

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	
4N	18E	30																6	6

Total acres 6

PART 1**6. General Information:**

- a. Description of diversion system Comstock No. 10 Headgate in Big Wood River to Comstock Ditch to stream and pond system; pump from large pond to underground sprinkler system for irrigation of common landscaping for new residential subdivision
- b. 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:
It will no longer be irrigated, except by domestic wells
- d. Remarks:
See attached Addendum
The P/U was described incorrectly on Transfer #1661. It should have been Blocks 36 and 41 in Bellevue, which cover about 6 acres in Sec. 25 & 36 T. 2N R. 18E. Some of this land was sold without water rights in 1979.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0419B/0577BL/0703C

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

SEE ATTACHED CONDITIONS OF APPROVAL.

MICROFILMED

JUN 27 1990

Witness my hand this 22nd day of June, 19 90

for the
Norman C. Young
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0419B/0577BL/0703C
Transfer No. 3590

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion and use of water pursuant to rights approved by this transfer is subject to control of the watermaster of state Water District #37, Big Wood River.
3. This transfer is associated with permit to appropriate water no. 37-8535. A portion of right no. 37-0577 must compensate for losses of water used pursuant to permit no. 37-8535 as follows:
 - a) When the Comstock Ditch rights are being delivered, the 0.15 cfs of right no. 37-0577, or a requisite portion, must be delivered to the point of return to the Comstock Ditch from the Graystone system.
 - b) When the Comstock Ditch rights are not deliverable, but water is being delivered through the Graystone system, the 0.15 cfs of right no. 37-0577, or a requisite portion, must remain in the Big Wood River.
4. The 0.15 cfs of right no. 37-0577 pertaining to this transfer may be diverted for irrigation use when water is not being delivered to the Graystone system pursuant to right no. 37-8535.
5. Prior to diversion of water as approved by this transfer, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

Witness my hand this 22ND day of June, 1990.

for the Norman C. Young
Chief, Water Alloc. Bureau

MICROFILMED

JUN 27 1990

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. 37-0577BL Decreed to W.T. Riley
in case of S.C. Frost et al vs. Alturds Water Company, et al
dated Dec. 13, 1909 in Lincoln county of _____
- 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 Warranty Deed to water rights only

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

4. Date or priority March 24, 1883

5. Water is used for the following purpose: SEE ATTACHED ADDENDUM

amount 14.5 cfs for irrigation purposes from April 1 to Nov. 1
(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 14.5 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	36	3N	18E	Blaine	Headgate #22 & Hiawatha Canal

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	
3N	18E	28, 29 33																	
2N	18E	4.5																	
		8.9																	
		15.16																	
		22.23																	
		25.26																	

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JUN 27 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-0419B, 37-0703C

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

1. amount 0.15 cfs for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Present point of diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Re diversion from pond

3. Lands irrigated or place of use:

P/U per
T. 1661

True
P/U

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	26													X			X	7
2N	18E	25											2.5						2.5
		36					1	2.5											3.5

Total acres 6

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

1. amount 14.35 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) _____

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: Same

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	

MICROFILMED

JUN 27 1990

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. 37-0419B Decreed to Horace C. Lewis
in case of S.C Frost, et al vs. Alturua Water Company, et al
dated December 13, 1909 in Lincoln county of _____
- 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. 1661 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 Warranty Deed to water rights only

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

4. Date or priority Aug. 2, 1889

5. Water is used for the following purpose:

amount 0.18cfs for irrigation purposes from April 1 to Nov. 1
(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 0.18 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

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	
2N	18E	26													X			X	7
2N	18E	25											2.5						2.5
		36					1	2.5											3.5

Total acres 6

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

37-0577 (a portion); 37-0703C (a portion)

P/U per
T. 1661

True P/U

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JUN 27 1990

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 _____ for _____ purposes from _____ 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

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ 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

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	

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JUN 27 1990

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. 37-0703C Decreed to A.D. Williams
in case of S.C Frost et al vs. Alturus Water Company et al
dated December 13, 1909 in Lincoln county of _____
- 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. 207 2457 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 Warranty Deed to water rights only3. Source of water Big Wood River tributary to Malad River4. Date or priority June 15, 1891

5. Water is used for the following purpose:

amount 1.4cfs for irrigation 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 1.4 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
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

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	
2N	18E	25											X	X					X

Total acres X

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

37-0577(a portion); 37-0419B

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 SEE ATTACHED ADDENDUM

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

1. amount 0.4cfs for irrigation purposes from April 1 to Nov. 1
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	22	2N	18E	Blaine	Kohler # 44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

3. Lands irrigated or place of use: Historical P/U since 1971 or earlier

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	
2N	18E	25											2.5						2.5
		36					1	2.5											3.5

Total acres 6

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

1. amount 1.0cfs for irrigation purposes from April 1 to Nov. 1
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate
	SE	SE	NE	26	2N	18E	Blaine	Rediversion from pond

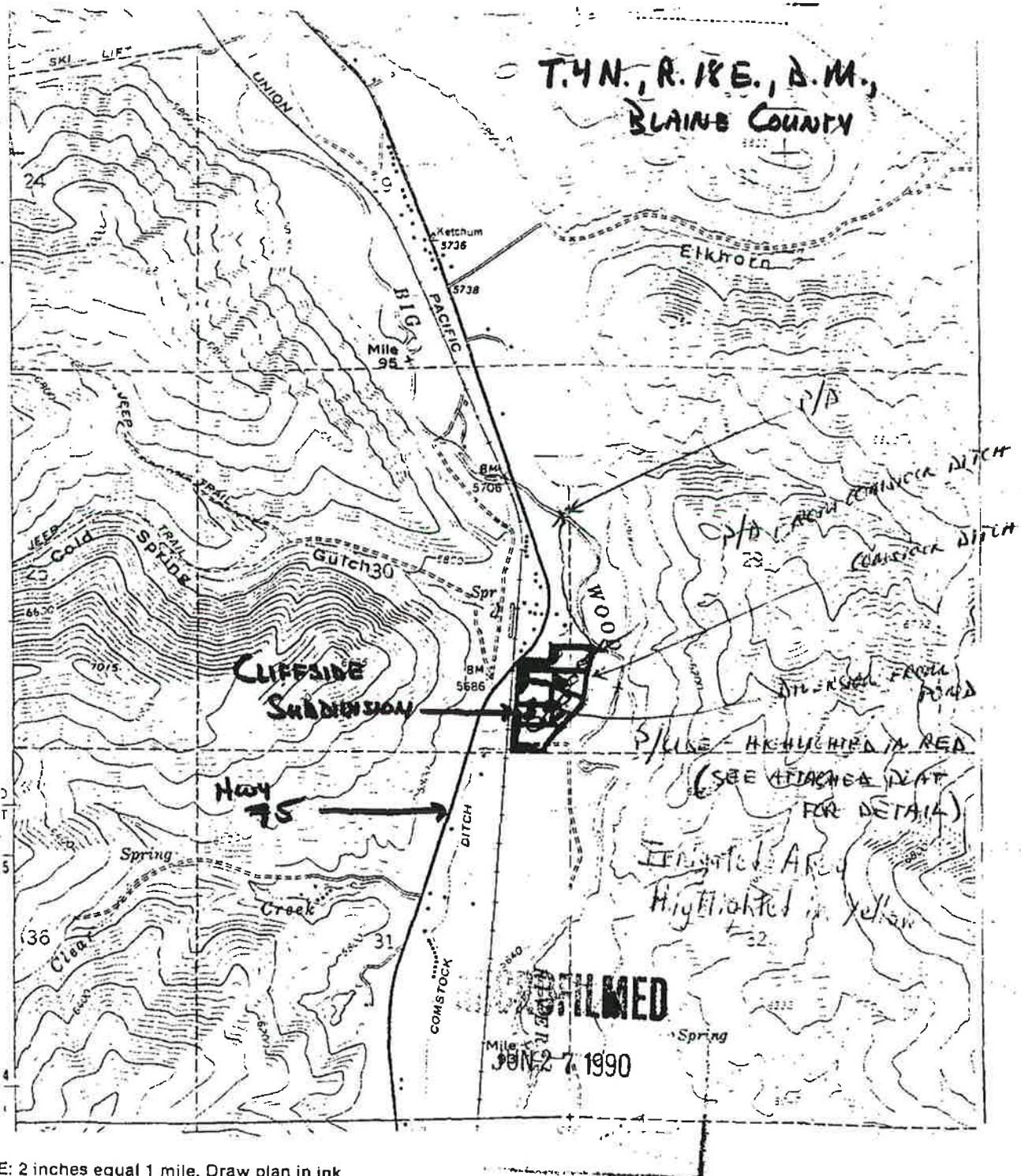
3. Lands irrigated or place of use:

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	
2N	18E	25										X	X						X

Total acres X

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> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>N/A</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.

GRAYSTONE, INC.

By: Elizabeth H. Gray (President)

(Signature of Applicant)

Subscribed and sworn to before me this 10th day of July, 19 89.James P. Spaul

(Notary Public)

My commission expires 1/22/91**FOR DEPARTMENT USE ONLY**Transfer contains 10 pages and 26 attachmentsReceived by JRPDate 7-11-89

Protest filed by _____

Prelim. check by J. E. StantonFee 50 500 8524Receipted by JRSDate 7/11/89Published in Wood River Journal

Copies of protest forwarded by _____

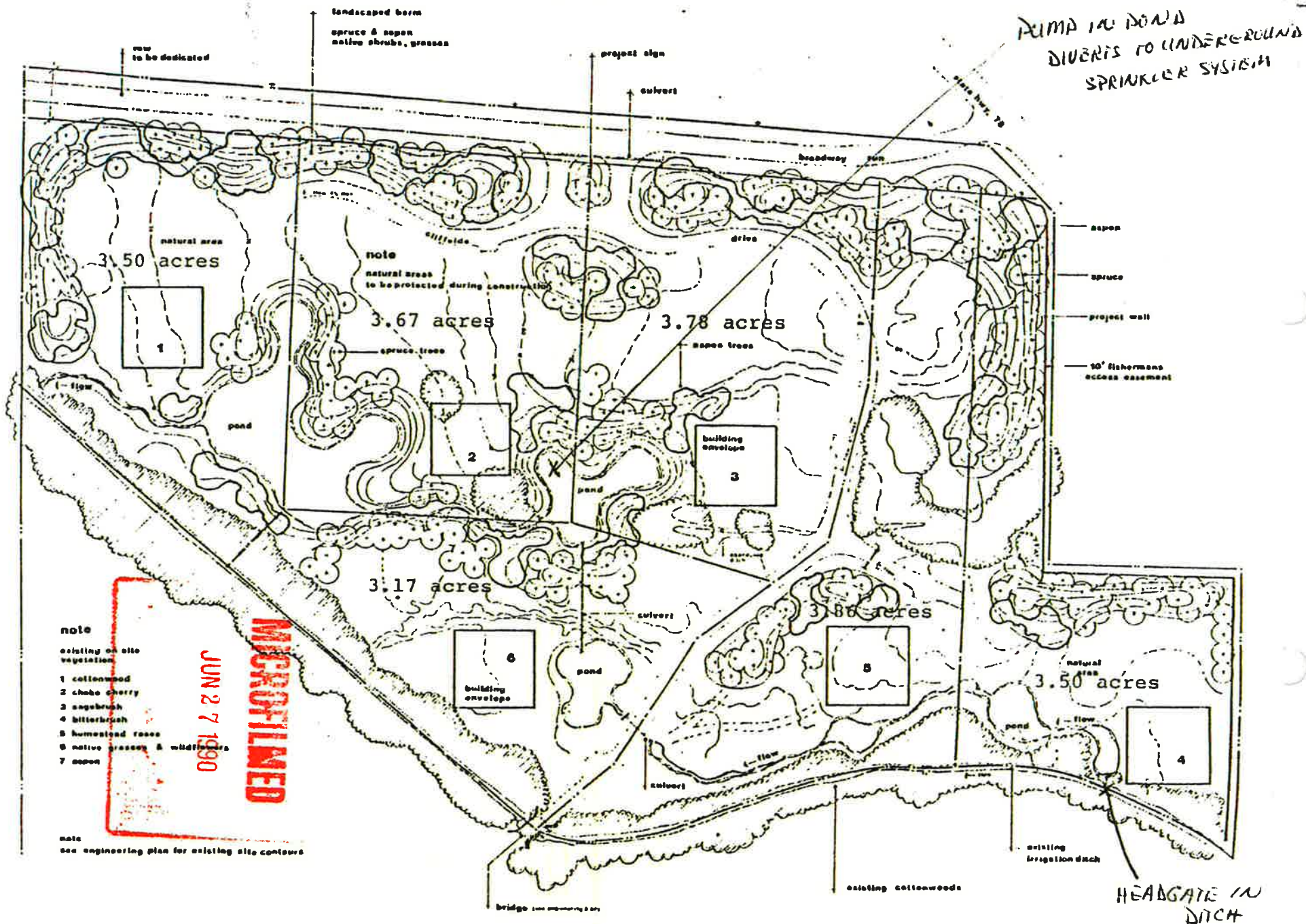
Pub. dates 9/6 & 9/13/89

Hearing held by _____ Date _____

Watermaster recommendation requested on 8/28/89Recommended for ☒ approval ☐ denialrec'd. 9/1/89**MICROFILMED**

Copy of transfer sent to lien holder _____

JUN 27 1990

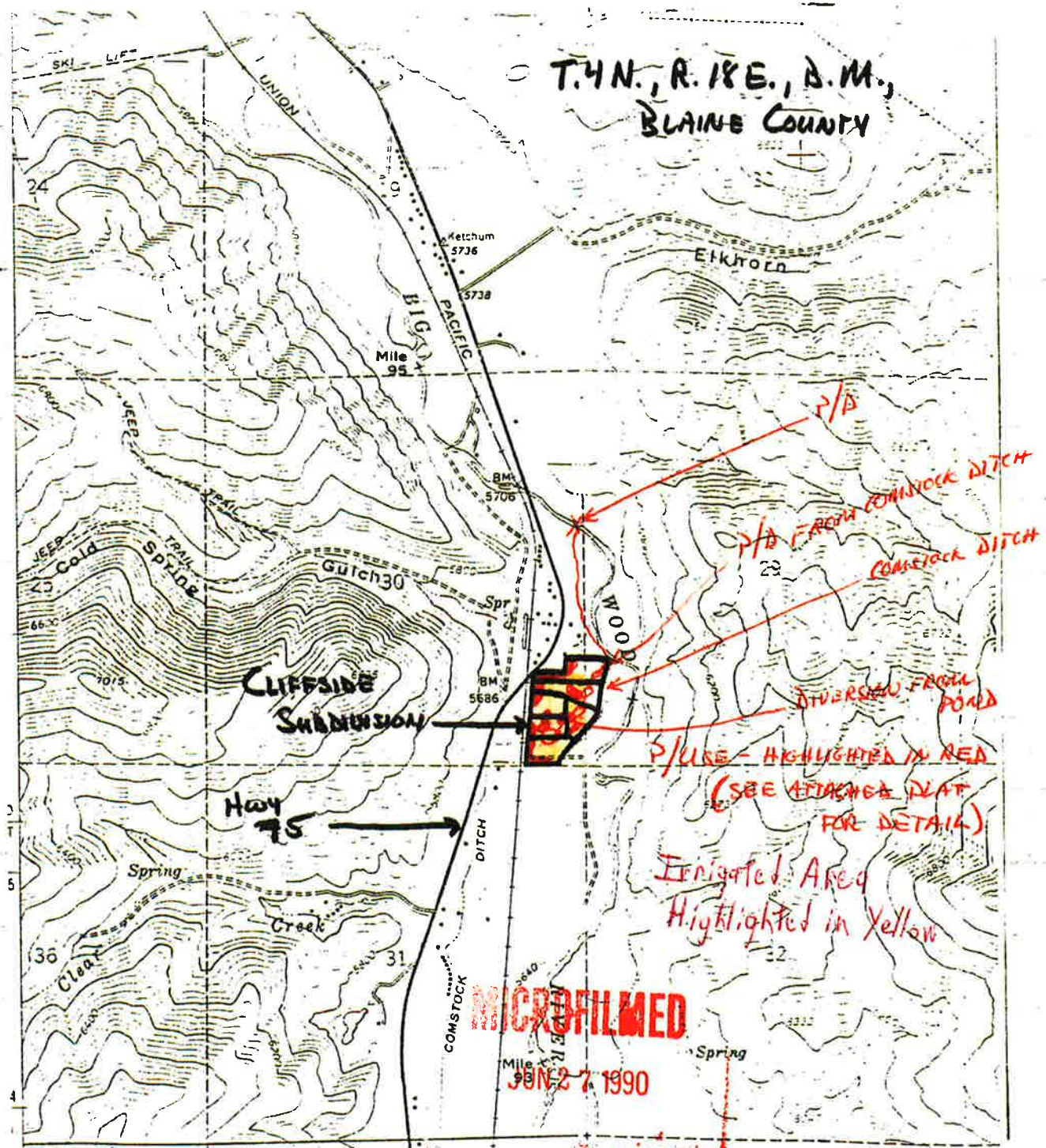


cliffside



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.



**ADDENDUM TO
APPLICATION FOR TRANSFER
BY
GRAYSTONE, INC.**

(A part of 37-0577, 37-0419B and a part of 37-0703C)

1. Elizabeth K, Gray purchased the three (3) water rights which are the subject of theis Application for Transfer from Thomas Roseberry, et al., and then transferred the rights to Applicant (see attached copies of Warranty Deed and Quitclaim Deed).

2. This Application for Transfer is part of a complete water rights plan for the development of a new, large-lot residential subdivision known as Cliffside Subdivision (the "Subdivision"). A copy of the preliminary plat as approved by the Blaine County Planning and Zoning Commission is attached. The water rights which are the subject of this Application for Transfer will be used to irrigate the landscaping depicted on the attached preliminary plat. The landscaping consists of approximately six (6) acres of lawn, trees, shrubs, native grasses and wildflowers, primarily located on bermed areas along the perimeter of the Subdivision and adjacent to the several ponds to be constructed within the Subdivision. Ownership of these water rights and responsibility for maintaining and irrigating this landscaping will be transferred to the homeowners association, consisting of the owners of the six (6) lots in Block 2 of Cliffside Subdivision, upon sale of lots in the Subdivision. The water rights plan includes the following components:

a. Six (6) Applications for Permits - domestic water plus a maximum of 2 acres of irrigated residential landscaping. One (1) Application for Permit is filed for each of the six (6) lots in the Subdivision. Each lot will have its own well to serve one (1) single family residence and any related improvements permitted under the applicable zoning ordinances, and to irrigate any landscaping (up to a maximum of 2 acres) which is not a part of the landscaping covered by the Application for Transfer and Application for Permit described in sub-paragraphs b and c, below.

b. Application for Transfer - three (3) Big Wood River irrigation water rights. This is the subject Application.

c. Application for Permit - irrigation of the Subdivision landscaping. This well will provide "supplemental water" to irrigate the same landscaping which is to be irrigated by the surface rights transferred

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JUN 27 1990

pursuant to the Application for Transfer described in subparagraph c, above.

d. Application for Permit - non-consumptive, aesthetic use of surface water flowing through the system of ponds and streams shown on the plat. Applicant is requesting the right to divert 10.0 cfs of the Big Wood River through the stream - pond system to the boundary of the Subdivision, as shown on the attached preliminary plat, for non-consumptive, aesthetic purposes. The adjacent landowner has agreed to grant an easement to allow the water to then flow across her property back to the Big Wood River. At the same time, this landowner will apply for a permit to obtain the non-consumptive, aesthetic use of the SAME 10.0 cfs as it flows through her land and returns to the Big Wood River. Applicant and the adjacent landowner will provide replacement water necessary to compensate for any measurable loss in the entire system.

3. Applicant is unable to determine which sub-part of the W. T. Riley right (37-0577) is the "Right as Recorded" for the 0.15 cfs purchased from Thomas Roseberry, et al. The same conclusion was reached when Roseberry filed his Claim in the Snake River Basin Adjudication - thus, the Claim was given Identification Number A37-10913. Consequently, the amount, point of diversion and place of use for the "Right as Recorded" and the "Unchanged Portion of the Right" are left blank. The description of the "Portion of Right Being Transferred" identifies the point of diversion and place of use as the same as 37-0419B, since Transfer 1661 for the latter right indicates this portion of the W. T. Riley right was used on the same land at that time.

4. For the portion of 37-0703C being transferred, the description of the "Portion of Right Being Transferred" identifies the point of diversion and place of use as the same as 37-0419B, since Transfer 1661 for the latter right indicates this portion of 37-0703C was used on the same land at that time.

j:\grayxfr.add
7/9/89

RECEIVED

JUN 27 1990



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: A37-00703E
Date Received: 8/11/1988
Receipt No: 5001407
Received By: AP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE ROSEBERRY
Address: 520 WEST 8TH
JEROME, ID 83338 208-324-2113

AND/OR

Name: THOMAS ROSEBERRY
Address: 520 WEST 8TH
JEROME, ID 83338 208-324-2113

AND/OR

Name: MARGUERITE SORENSON
Address: JEROME, ID 83338

2. Date of Priority: JUN 15, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	22	NE	SE			BLAINE
		26	SE	NE		R	BLAINE

5. Description of diverting works:
KOHLER #44 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00703E

Page 1

Date: 08/11/88

MICROFILMED

MAR 01 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	26	SW	SW		IRR	2.0
						Section Acres	2.0
		36	NW	NW		IRR	2.0
						Section Acres	2.0
						Total Acres	4.0

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:
PART OF 37-0419 & PART OF 37-0577

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 37-0703C.
P/U IS LOTS 3 THRU 10 OF BLK. 36 OF CITY OF BELLEVUE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

For Individuals:

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

Signature of Claimant(s): Thomas C Roseberry Date: 8-11-88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Aug 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/92

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-703C

WATER RIGHT NUMBER: 37-703C

Owner Type Name and Address

Current Owner A D WILLIAMS

, ID

Priority Date: 06/15/1891

Basis: Decreed

Status: Active Transferred

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.400 CFS

Annual VolumeTotal Diversion: 1.400 CFSLocation of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SE1/4

Sec. 22, Twp 02N, Rge 18E, B.M.

BLAINE County

BIG WOOD RIVER

SE1/4NE1/4

Sec. 26, Twp 02N, Rge 18E, B.M.

BLAINE County

(Rediversion)

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	
02N	18E	25																	
													X	X					
													L 3	L 2					

Conditions of Approval:

1. TRANS. 207, 2457.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 35 AC.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-703C

Comments:

1. pskaggs 4/24/2002 AJ Record 37-11977

Comment: Some portion of Right 37-703 (0.80 cfs) was identified as AJ Recommendation 37-11977 under Transfer 5843/68526.

2. pskaggs 5/8/2002 8:01:08 AM Approved Transfer 68526

Comment: Approved transfer 68526 is associated with all or part of this Right and the following records.

Recommendation 37-481D 3 cfs afa 675 total acres

Recommendation 37-482J 3 cfs afa 675 total acres

Recommendation 37-483D 3 cfs afa 675 total acres

Recommendation 37-577BP 7 cfs afa 675 total acres

Recommendation 37-917 2.54 cfs afa 675 total acres

Recommendation 37-11975 3.2 cfs afa 675 total acres

Recommendation 37-11976 0.7 cfs afa 675 total acres

Recommendation 37-11977 0.8 cfs afa 675 total acres

Recommendation 37-11978 3.5 cfs afa 675 total acres

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:

Transfer No. 2457

Water Right No. D37-0703

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

MAY 22 1980

Department of Water Resources
Southern District Office

Name of applicant Mabel Spencer

Phone 788-4319

Post office address P.O. Box 52, Bellevue, Idaho 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to A. D. Williams

(Name)

in case of S. C. Frost

vs Alturas Water Company

dated 12-13-1909 in 4th Dist. Court county of Lincoln

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

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

4. Date of priority June 15, 1891 37-0703

5. Water is used for the following purposes:

amount 1.6 cfs for irrigation purposes from April 1 to Nov. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day – both dates inclusive)

6. Total amount of water under right: a. 1.6 cubic feet per second
b. &/or
 acre feet per annum

7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. **Lands irrigated or place of use:**

[illegible]

Total number of acres to be irrigated	24.74
---------------------------------------	-------

9. Describe any other water rights used for the same purposes as described above

1. Amount of water: a. 2 cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26 Township 2 North
Range 18 East, B.M., Blaine County

Additional points _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
											X			Lt 3					
														X					
See copy of Warranty Deed attached hereto dated April 13, 1964, between W. R. Watts and Anna Lee Watts, husband and wife, to Don Spencer and Mabel H. Spencer, husband and wife conveying the above described real property and 20 miner's inches with a priority of 6-15-1891 decreed to A. D. Williams. <i>(See 6th & 10-27-1980) CF</i> <i>20 10 Miner's Inches</i>																			
The water is appurtenant to Lot 3 and NW¼ SW¼ of Section 25, Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho, lying between U.S. Highway 93 (now State Highway 75) and the Union Pacific right of way and also known as Tax Lot 1026 and 2144 of the records of the Blaine County Assessor.																			

1. Change in point of diversion

a. Amount of water to be diverted .2 c.f.s. &/or _____ acre feet

b. Point(s) of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 Township 2 North
Range 18 East, B.M., Blaine County

Additional points _____

c. Description of diverting works existing District Canal #45

d. Describe the reasons for applying for a change in the point(s) of diversion _____
change in place of use as part of the sale of this right to
John Stevenson requires new diversion point.

a. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 720

W L

-
- Twp 2N Rge 18E
- Point of Diversion
Canal #45
- 36
- Twp 1 N Rge 19E
- 30
- 31

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

4. Remarks Sale and transfer of water will facilitate irrigation needs
of property of Buyer. Owner of property has no need for water.

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 20th day of May, 19 80.

Viola H. Spencer
(Signature of applicant)

Ellen M. Scofield
(Notary public)

My commission expires Mar 1 - 1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0703 D
and said application is hereby DENIED, subject to the following limitations and conditions:
Pursuant to Order dated August 25, 1981.

Witness my hand this 28 day of September, 19 81.

A. Kenneth Dunn
A. KENNETH DUNN, DIRECTOR

FOR DEPARTMENT USE ONLY

Received by merge Date 5/22/80

Protest filed by _____

Prelim. check by _____ Fee 20.00 4/16/80

Receipted by merge Date 5/14/80

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 6/19 & 6/26/80

Hearing held by _____ Date _____

Watermaster recommendation requested on 4/16/80

Recommended for approval denial

_____ rec'd. 6/20/80

by Jim DET

Identification No. 37-0703

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

RECEIVED

JUN 20 1980

I, Reid J Newby, watermaster of Big Wood River Department of Water Resources
of Water District No. 37, County of Blaine, State of Idaho, Southern District Office
whose address is Box N Shoshone, Idaho 83352

have read the attached copy of the application for transfer of water right for
Mabel Spencer, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

That there be a 6 % loss charged to this transfer for river
loss, and that there be legal document showing the ownership
of this water sent to the Watermaster's office in Shoshone.

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at _____, Idaho, this _____ day of _____, 19____.

OFFICE OF THE
WATERMASTER

Reid J Newby
(Signature)

12/22/2006

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

RIGHT NUMBER: 37-703E

NAME AND ADDRESS: CLIFFSIDE HOMEOWNERS ASSN INC
PO BOX 3175
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION:

T04N R18E S30 SESENE 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	0.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S30 SESE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 37-419B, 37-703E, 37-10913 and 37-8538.

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.

A measuring device and lockable controlling works of a type approved by the department shall be permanently installed and maintained as a part of the diverting works.

Prior to diversion of water as approved by transfer no. 3590, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.



Idaho Department of Water Resources

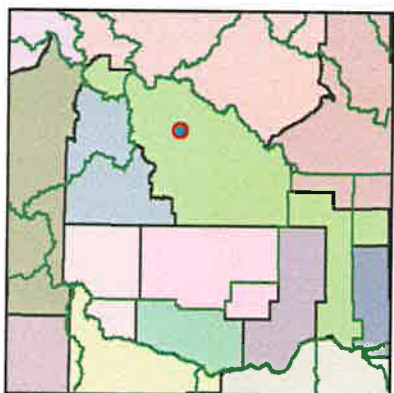
SRBA Recommendation:

37-703E

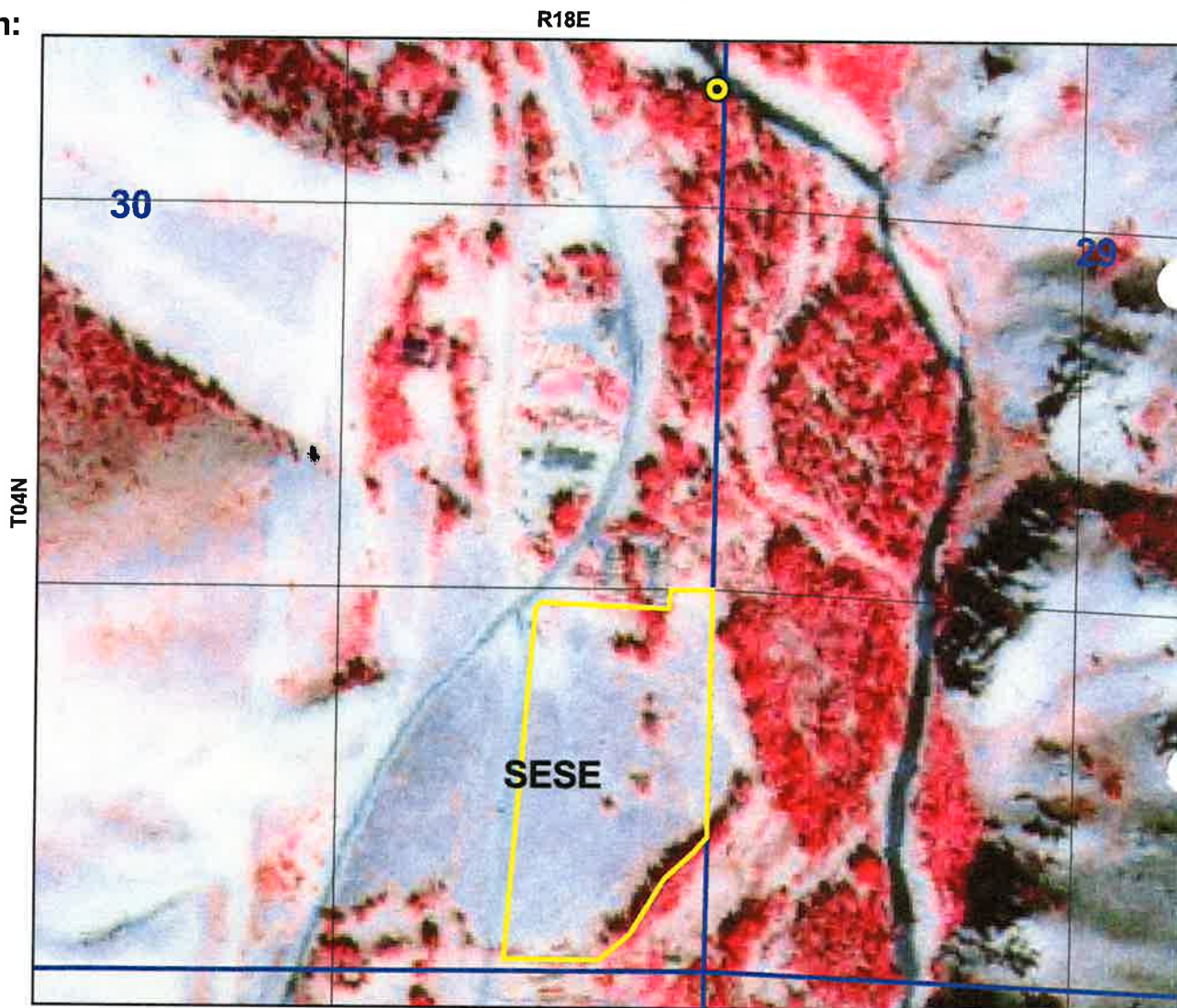
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

A horizontal scale bar with markings for 0, 0.3, and 0.6 miles.

Prepared by L. Graves
On Thursday, December 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-703E V1

WATER RIGHT NUMBER: 37-703E V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EUGENE ROSEBERRY 520 W 8TH JEROME, ID 83338 (208)324-2113
Original Owner	MARGUERITE SORENSON JEROME, ID 83338
Original Owner	THOMAS ROSEBERRY 520 W 8TH JEROME, ID 83338 (208)324-2113
Original Owner	GRAYSTONE INC C/O PETER GRAY PO BOX 2473 KETCHUM, ID 83340-2473 (208)726-4421
Current Owner	CLIFFSIDE HOMEOWNERS ASSN INC PO BOX 3175 KETCHUM, ID 83340 (208)726-5997
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 06/15/1891

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	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SE1/4NE1/4	Sec. 30, Twp 04N, 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-703E V1

04N 18E 30					6.0		6.0
Total Acres: 6							

Conditions of Approval:

1. 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.
2. R05 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. E56 The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 37-419B, 37-703E, 37-10913 and 37-8538.
4. R43 A measuring device and lockable controlling works of a type approved by the department shall be permanently installed and maintained as a part of the diverting works.
5. Prior to diversion of water as approved by transfer no. 3590, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

Remarks:Comments:

1. GIVENS 10/28/1992 OWNERSHIP CHANGE

Comment: CHANGE OF OWNERSHIP RECEIVED 01/02/92 ORIGINAL OWNER EUGENE & THOMAS ROSEBERRY, MARGUERITE SORENSON NEW OWNER GRAYSTONE INC. COPY OF WARRANTY DEED AND QUITCLAIM DEED.

2. DSMITH 3/31/1995 DATA ENTRY

Comment: CONFORMED ATTORNEY MAILING ADDRESS DMS

3. fmunzenr 12/14/2000 OWNER CHANGE

Comment: 12-14-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-12-00.

4. Igraves 12/21/2006 Overlaps

Comment: Rights 37-419B, 37-10913 and 37-8538 are used for irrigation on the same acres. Right 37-8535 is used for aesthetic use within the p/u, mitigated by right 37-10913.

5. Igraves 12/21/2006 Transfers

Comment: This right is subject to approved transfer nos. 1661 and 3590. This claim is a split off of right 37-703C and is delivered by the watermaster. Recently approved transfer no. 68526 involved right 37-703C, which resulted in right 37-703F, renumbered 37-11977. In the transfer review analysis, 37-703E and 37-703F were recognized as valid splits off of 37-703C.

6. Igraves 12/21/2006 P/U

Comment: Parts of the common area appear to overlap into other quarters as verified by the subdivision plat map and licensing exam for right 37-8538, however all the irrigated common area was listed in the SESE per approved transfer no. 3590 and license 37-8538. The transfer was approved in 1990 and the license in 1996 (post 1987). The shape file reflects the subdivision area located in the SESE only.