

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: **A37-00686C**
Date Received: 9/30/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN BORTON 208-774-3767
Address: HC 64 BOX 9900
STANLEY ID 83278
AND
Name: JAIMIE BORTON 208-774-3767
Address: HC 64 BOX 9900
STANLEY ID 83278

2. Date of Priority: JUN 1, 1886

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	35	SW	SE			BLAINE

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.150		7.00

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 7.00 A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	35	SW	SE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00578E

14. Remarks:

TRANS. 2654.

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

SOURCE GIVEN IN DECREE AS BIG WOOD RIVER.

CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4525:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

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

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THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

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

7. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER COMBINED RIGHT NOS. 37-00578E AND 37-00686C FROM THEIR ORIGINAL SOURCE, BIG WOOD RIVER.

8. DIVERSION UNDER COMBINED RIGHT NOS. 37-00578E AND 37-00686 IS LIMITED TO IRRIGATION OF 2.0 TOTAL ACRES, A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND A TOTAL COMBINED ANNUAL VOLUME OF 7.0 AF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL.
vs Decree Defendant

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: **A37-00686C**

Date Received: 9/30/1988

Receipt No: X777777

Received By: _____

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

1. Name: JOHN BORTON 208-788-3042
Address: BOX 1275
HAILEY ID 83333

2. Date of Priority: JUN 1, 1886

3. Source: BROADFORD SLOUGH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	35	SE	NE	NW		BLAINE

5. Description of diverting works:
WRENCHER #39 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	35	SW	SE		IRR	3.5

Section Acres 3.5

Total Acres

**MICROFILMED
FEB 23 1993**

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-00578E

14. Remarks:

TRANS. 2654.

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

SOURCE GIVEN IN DECREE AS BIG WOOD RIVER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
FEB 23 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

January 19, 1993

RECEIVED

JAN 20 1993

Mr. Allen Merritt
Department of Water Resources
222 Shoshone Street, East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

RE: Notice of Change of Water Right Ownership
for Portions of Claims A37-00686A, A37-00578B,
A37-08001

Dear Allen:

My clients, Jim L. Smith and Elizabeth Rood, closed on January 15, 1993, the acquisition of a small piece of property which includes portions of the above-described adjudication claims. Will you please make the appropriate changes in the Departments computer database and return copies of the new claims for my clients to me. Please make a notation on those claims that I will be appearing as Attorney of Record.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dlw
Enclosures

MICROFILMED
FEB 23 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

JAN 20 1993

DATE OF CLOSING: 1/15/93

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E Section 35 SW 1/4 of SE 1/4 of 1/4 Govt. Lot 1 Block 1 Subdivision/Townsite 1 BM 1
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A 37-00686A
- [] Name and Address of Former Owner/Claimant(s)(Seller): John Borton and Jamie Borton
P.O. Box 15, DuBois, WY 82513
- [] New Owner/Claimant (Purchaser): Jim L. Smith and Elizabeth Rood
- [] New Mailing Address: 1350 Tasso St., Palo Alto, CA 94301
- [] New Telephone Number: (415) 326 - 3299
- [] Does the change in ownership result in a splitting of the water right owned/claimed? X Yes XXXXXX
If yes, then describe the portion of the water right that is now owned/claimed by the new owner(s):
0.15cfs to irrigate 3.5 Acres

- [] Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s): Elizabeth N. Rood Date 1/14/93
- [] Signature of Former Owner/Claimant(s): John Borton Date 1/14/93

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

FOR IDWR USE ONLY:

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

Further Action Needed:

Further Action Taken
Date: _____ By: _____Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

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

RECEIVED
FEB 23 1993
MICHAEL J. SMITH
SOUTHERN REGION OFFICE
1100 N. 10TH ST.
BOISE, ID 83720



BCT #19903232

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received DONNA Q. WEST, AN UNMARRIED WOMAN,

the Grantor hereby grants, bargains, sells, conveys and warrants unto JAMES L. SMITH, AN UNMARRIED MAN, AS TO AN UNDIVIDED 50% INTEREST AND ELIZABETH N. ROOD, AN UNMARRIED WOMAN, AS TO AN UNDIVIDED 50% INTEREST,

the Grantee whose current address is: 1350 TASSO ST., PALO ALTO, CA 94301

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

326227

STATE OF IDAHO }
COUNTY OF BLAINE }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF
BLAINE COUNTY TITLE
AT 11:43 O'CLOCK A.M.
12-14 A.D. 1990
RECORDED IN BOOK _____ ON PAGE _____
OF Deeds
BY mp EX-OFFICIO RECORDER
FEES \$ 6.00 DEPUTY

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

Dated: December 07, 1990

DONNA Q. WEST

* STATE OF IDAHO, COUNTY OF BOYER
On this 12th day of DECEMBER, 1990,
before me, a Notary Public in and for said State, personally appeared

DONNA Q. WEST

known to me on the basis of satisfactory evidence of known to me
to be the person whose name is subscribed to the within instrument, and
she acknowledged to me that she executed the same.

Reading at

Cabin Express 2-18-94

Notary Public,
Idaho

STATE OF IDAHO, COUNTY OF
I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock _____
of this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder

By _____ Deputy

Fees, \$
Paid to:

NOT RECORDED
FEB 23 1993

EXHIBIT "A"

All that part of the following described property lying within
Lot 8 of Section 35, Township 2 North, Range 18 East, Boise
Meridian, Blaine County, Idaho:

Township 2 North, Range 18 E., B.M., Blaine County, Idaho
Section 35: Land located in the SW1/4 of the SE1/4 of said
Section 35, more particularly described as follows:

COMMENCING at an iron pin marking the Southeast corner of
Section 35; proceed N 0 degrees 11' E., 744.2 feet;
THENCE N 89 degrees 42' 31" W., 1808.00 feet to the Real Point
of Beginning of the property being described;
THENCE continue N 89 degrees 42' 31" W., 485.52 feet;
THENCE S 25 degrees 21' 29" E., 621.92 feet;
THENCE S 89 degrees 42' 31" E., 290.52 feet;
THENCE N 7 degrees 05' 31" W., 566.00 feet to the REAL POINT
OF BEGINNING.

MICROFILMED
FEB 23 1993

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 18 2010

By _____ Clerk
Deputy Clerk

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

In Re SRBA

Case No. 39576

Subcase No. 37-578E, 37-686C,
37-8001C

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

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

Dated: 2/17/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 200¹⁰~~9~~, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Restated McMahan 1986 Revocable Trust
William A. McMahan Trustee
PO Box 3125
Ketchum ID 83340

Lisa Grand-Jean
PO Box 6086
Ketchum ID 83340

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



Signature of person or attorney mailing the form

11/25/2009

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

RIGHT NUMBER: 37-578E

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST
WILLIAM A MC MAHAN TRUSTEE
PO BOX 3125
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-578E at its original source, Big Wood River.

QUANTITY: 0.100 CFS
7.00 AFY

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/02/1884

POINT OF
DIVERSION:

T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS
7.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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

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

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

11/25/2009

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

RIGHT NUMBER: 37-686C

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST
WILLIAM A MC MAHAN TRUSTEE
PO BOX 3125
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-686C at its original source, Big Wood River.

QUANTITY: 0.150 CFS

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/01/1886

POINT OF
DIVERSION:

T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.150 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

11/25/2009

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

RIGHT NUMBER: 37-8001C

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST
WILLIAM A MC MAHAN TRUSTEE
PO BOX 3125
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
7.00 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

PRIORITY DATE: 02/08/1982

POINT OF
DIVERSION:

T02N R18E S35 NESWSE Lot 8 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.030 CFS
7.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RESTATED MCMAHAN 1986 REVOCABLE TRUST
WILLIAM A MCMAHAN TRUSTEE
PO BOX 3125
KETCHUM ID 83340

RE: SRBA Claim(s) 37-578E, 37-686C, 37-8001C

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Lisa Grand-Jean
James P. Speck

RECEIVED
NOV 25 2009
DEPT. 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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-578E					
37-686C					
37-8001C					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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) Lisa Grand-Jean
P.O. Box 6086
Ketchum, ID 83340

4. New Owner/Claimant(s) William A. McMahan, Trustee of the Restated McMahan 1986
Revocable Trust Dated November 25, 1986
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 3125

City, State and ZIP Code Ketchum, ID 83340

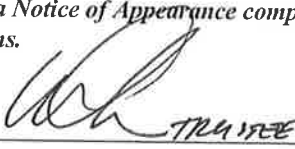
New Telephone Number (208) 726-9022 Email: cozmc81@hotmail.com

5. Date you acquired the property September 22, 2009

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) 

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____



**SUN VALLEY
TITLE**
C O M P A N Y

Instrument # 571507

BLAINE, IDAHO
2009 08:29:40 No. of Pages: 2
Recorded for: SUN VALLEY TITLE CO.
JOLYNN DRAGE Fee: \$6.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

Order No. 0924803

WARRANTY DEED

FOR VALUE RECEIVED

LISA GRAND-JEAN, an unmarried woman

the Grantor does hereby grant, bargain, sell, convey and warrant unto

**WILLIAM A. MCMAHAN, TRUSTEE OF THE RESTATED MCMAHAN 1986
REVOCABLE TRUST DATED NOVEMBER 25, 1986**

the Grantee whose current address is:

**PO Box 3125
Ketchum, ID 83340**

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

**TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO.**

Section 35: A parcel of land more particularly described as:

**Commencing at the NW corner of the SWSE of Section 35; thence
South 89°42'30" East 183.18 feet to the TRUE POINT OF BEGINNING;
thence**

**South 89°42'30" East 953.48 feet; thence
South 00°25'48" West 393.08 feet; thence
North 89°44'14" West 807.46 feet; thence
North 19°56'47" West 419.37 feet;**

Also known as Tax Lot 6893

**Together with an easement for access along existing roads as described in
that certain Warranty Deed recorded as Instrument No. 183531, records of Blaine County,
Idaho.**

Together with any and all water rights appurtenant thereto
including, but not limited to, Water Rights Nos. 37-578E, 37-686C and 37-8001C
as claimed and recommended in the SRBA.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and
encumbrances as shown of record, if any.

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

Lisa Grand-Jean 09.22.09
Lisa Grand-Jean Date

State of: Idaho
County of: Blaine

On this 22 day of September, 2009, before me, the undersigned, a Notary Public, in and for said State, personally appeared **LISA GRAND-JEAN**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



Notary Public
Residing at: Ketchum ID
Commission Expires: 9/18/2012

QUITCLAIM DEED

407992

Deed

CLERK REQUEST

SAWTOOTH TITLE

FOR VALUE RECEIVED

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife and
JAIMIE BOLINE BORTON, an unmarried woman

'97 NOV 14 PM 3 24

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

LISA GRAND-JEAN, an unmarried woman

whose address is: P.O. Box 8086, Ketchum, ID 83340

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

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being monumented by a BLM Brass Cap and lying
 N. 89° 42' 30" W., 1314.19 feet from a 5/8" rebar marking the SE 1/16 corner of said Section 35; thence
 S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING; thence
 S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence
 N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the approximate centerline of Fox Hollow Gulch Road; thence
 N. 19° 56' 47" W., 417.37 feet to a point on said 1/16 section line, said point being witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence
 S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS: #A37-00578E, A37-00686C, AND C37-08001C

together with their appurtenances.

Dated: September 15, 1997

TAYLOR
 JOHN TAYLOR BORTON

Jaimie Boline Borton
 JAIMIE BOLINE BORTON

Katherine T. Borton
 KATHERINE T. BORTON

State of Idaho

County of Blaine

On this 15th day of September, in the year 1997, before me, the undersigned, personally appeared John Taylor Borton and Katherine T. Borton and Jaimie Boline Borton, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public
 Commission Expires: 12/01/2000



40 87

QUITCLAIM DEED

Car Deed # 407992
BLAINE CO REQUEST
SAWTOOTH TITLE

FOR VALUE RECEIVED

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife and
JAIMIE BOLINE BORTON, an unmarried woman

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

'97 NOV 16 PM 3 29

LISA GRAND-JEAN, an unmarried woman

NOT RECORDED YNPP

whose address is: P.O. Box 6086, Ketchum, ID 83340

FEES \$3.00

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

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being monumented by a BLM Brass Cap and lying
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S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING;
thence
S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence
N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the approximate centerline of Fox Hollow Gulch Road; thence
N. 19° 56' 47" W., 419.37 feet to a point on said 1/16 section line, said point being witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence
S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS: #A37-00578E, A37-00686C, AND C37-08001C

JTB KTB JPB

together with their appurtenances.

Dated: September 15, 1997

TAYLOR

JOHN TAYLOR BORTON

KATHERINE T. BORTON

JAIMIE BOLINE BORTON

State of Idaho

County of Blaine

On this 15th day of September, in the year 1997, before me, the undersigned, personally appeared John Taylor Borton and Katherine T. Borton and Jaimie Boline Borton, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Marilyn G. Mink

Notary Public

Commission Expires: 12/01/2000



Order No. 23259
M.B.S.

WARRANTY DEED

FOR VALUE RECEIVED and as relinquished property in an I.R.C. 1031 tax deferred exchange

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife, as to an undivided 1/2 interest and
JAIMIE BOLINE BORTON, an unmarried woman, as to an undivided 1/2 interest, as tenants in common

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

LISA GRAND-JEAN, an unmarried woman

GRANTEE(s) whose address is: P.O. Box 6086, Ketchum, ID 83340

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF. 408086

Car Deed
BLAINE CO. REQUEST # 407991

SAWTOOTH TITLE

'97 NOV 18 PM 3 39

MARY GREEN, CLERK *mpp*

FEES \$ 6.00

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: September 15, 1997

John Borton
JOHN TAYLOR BORTON

Katherine T. Borton
KATHERINE T. BORTON

Jaimie Boline Borton
JAIMIE BOLINE BORTON

State of Idaho

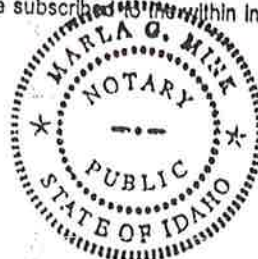
County of Blaine

} ss.

On this 15th day of September in the year 1997, before me, the undersigned, personally appeared JOHN TAYLOR BORTON and KATHERINE T. BORTON and JAIMIE BOLINE BORTON, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Mark G. Mink
Notary Public
Commission Expires: 12/01/2000



ORDER NO. 23259
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being monumented by a BLM Brass Cap and lying
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S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING; thence
S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence
N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the approximate centerline of Fox Hollow Gulch Road; thence
N. 19° 56' 47" W., 419.37 feet to a point on said 1/16 section line, said point being witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence
S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

J.T.B. KTB - gJB

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SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

November 23, 2009

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
NOV 23 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: *Notice of Changes in Water Right Ownership*
37-578E, 37-686C, 37-8001C

Dear Trish:

Enclosed is a n original and one copy of the Notice of Change in Water Right Ownership in the above-referenced water rights. Please arrange to have the copy receipt date-stamped and returned to us in the postage prepaid, self-addressed envelope I have included for that purpose.

I am also enclosing the deeds showing transfer of ownership from the Borton to Lisa Grand-Jean – I think you mentioned that you had requested these from Lisa Grand-Jean but had not yet received them, so here you go! Hopefully this will facilitate the complete and appropriate transfer to Mr. McMahan.

Please call me if you have any questions or if you need further information. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



Jennifer Pinkerton
Asst. to James P. Speck

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 14, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LISA GRANDJEAN
PO BOX 5190
KETCHUM ID 83340

RE: Water Right Change in Ownership 37-578E, 37-686C and 37-8001C

Dear Ms. Grandjean:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

 x Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive it within 30 days we will return your notice and all attachments and your notice will not be processed.

Please feel free to contact this office if you have any questions.

Sincerely,

Trish Fawcett
Technical Records Specialist

RECEIVED

SEP 01 2009

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

SEP 10 2009
Department of Water Resources
Eastern Region

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	Adj. 37-578E				
	Adj. 37-686C				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John and Jaimie Borton
HC 64 Box 9900
Stanley, Idaho 83278
4. New Owner/Claimant(s) Lisa Grandjean
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 5190
New Mailing Address Ketchum, Idaho 83340
City, State and ZIP Code
New Telephone Number (208) 720-9213 Email: _____

SCANNED

SEP - 3 2009

5. Date you acquired the property

Sept. 15, 1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Lisa Brandyean

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. SRB 9-1-2009
 Receipt No. _____
 WR _____ Date _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/23/2009

WATER RIGHT NO. 37-686C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAIMIE BORTON
Current Owner	JOHN BORTON
	HC 64 BOX 9900
	STANLEY, ID 83278
	(208)774-3767
Original Owner	JOSEPH WERRY SR

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.15 CFS	7 AFA
Total Diversion			0.15 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 35	Township 02N	Range 18E	BLAINE County
--------------	------	---------	--------------	-----------	---------------

Place(s) of use:

SCANNED

SEP - 3 2009

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	18E	35		SWSE	2									

Total Acres: 2

Conditions of Approval:

1.	T09	Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37 .
5.	R50	This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
6.	R43	The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7.		Diversion of groundwater is limited to those times water is available for diversion under combined Right Nos. 37-00578E and 37-00686C from their original source, Big Wood River. Diversion under combined Right Nos. 37-00578E and 37-00686 is limited to irrigation of 2.0 total acres, a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

Dates:

Licensed Date:

Decreed Date: 12/13/1909

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 37

SCANNED

SEP - 3 2009

Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 2
Combined Volume Limit: 7
Combined Rate Limit: 0.06
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

SCANNED

SEP - 3 2009

09/21/2006

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

RIGHT NUMBER: 37-686C
NAME AND ADDRESS: JOHN BORTON
HC 64 BOX 9900
STANLEY ID 83278

JAIMIE BORTON
HC 64 BOX 9900
STANLEY ID 83278

SOURCE: GROUND WATER

TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-686C at its original source, Big Wood River.

QUANTITY: 0.150 CFS

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T02N R18E S35 SWSE Lot 8 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	0.150 CFS 7.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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.

09/21/2006

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

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.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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



Idaho Department of Water Resources

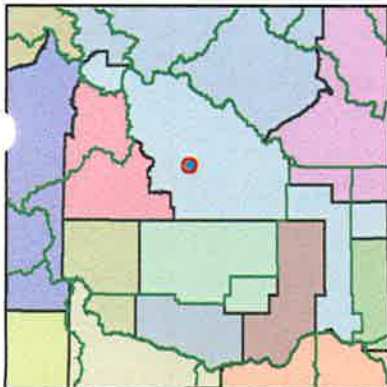
SRBA Recommendation:

37-686C

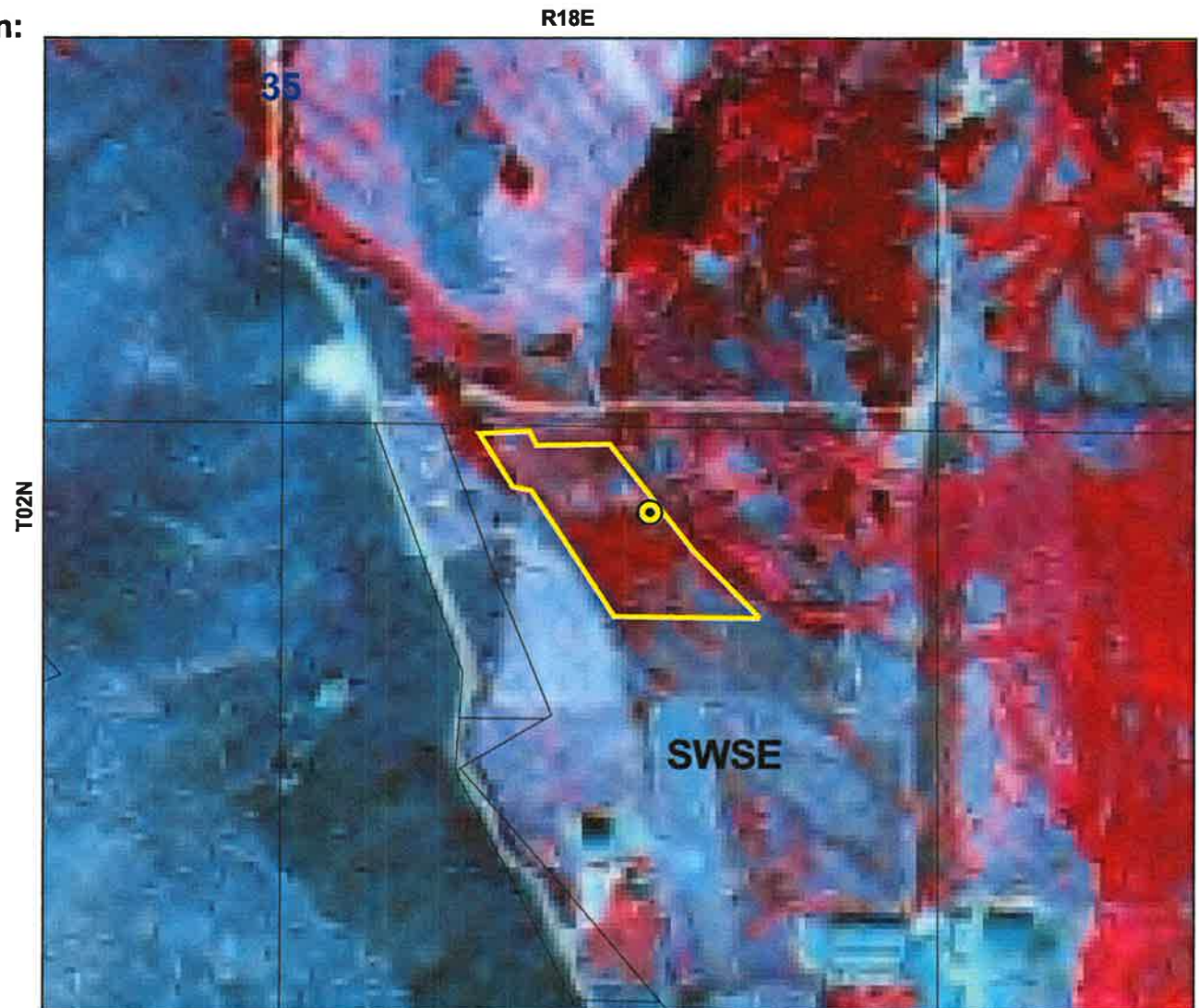
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Friday, September 22, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

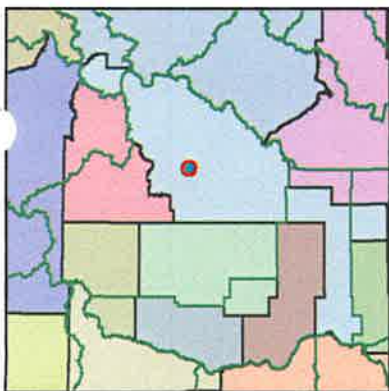
SRBA Recommendation:

37-686C

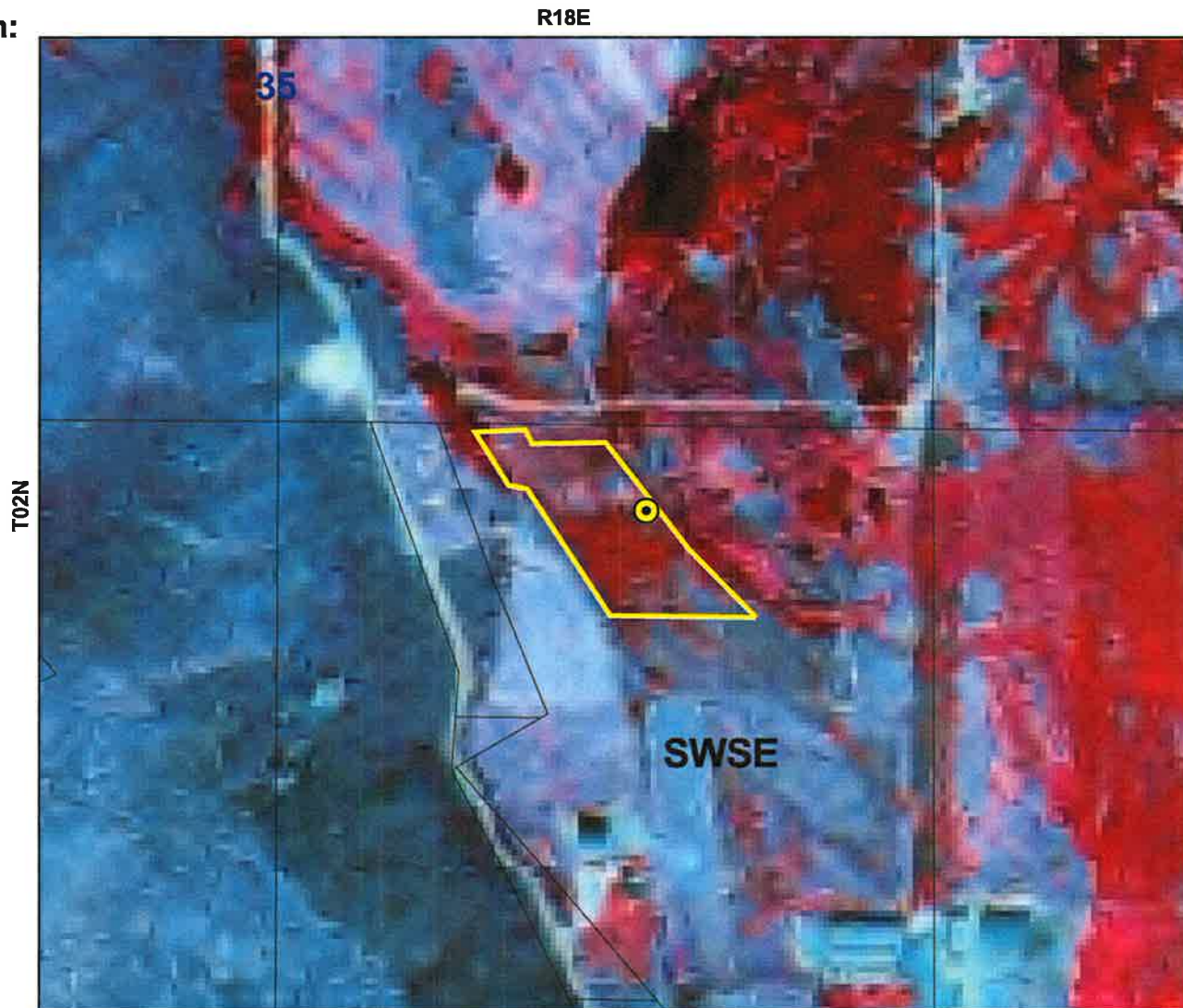
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Friday, September 22, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 12, 2006

LISA GRAND-JEAN
241 WHISTLER RD
HIGHLAND PARK IL 60035

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-578E, 37-686C and 37-8001C

Dear Claimant:

We have been advised you may be the owner of the property and water right claims referenced above.

Before we can change our records, we require the enclosed Notice of Change in Water Right Ownership form be completed.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

ss:region
Enclosure:

Notice of Change in Water Right Ownership Form

SCANNED

DEC 12 2006

56
RECEIVED
DEC 17 2006
BUREAU

December 4, 2006

Karl J. Dreher - Director
State of Idaho Dept. of Water Resources
P.O. Box 83720
Boise ID 83720-0098

Dear Mr. Dreher:

Thank you for your correspondence in reference to irrigation water rights 37-578E, 37-686C and 37-8001C that you refer to. Since about nine years ago, when John and I sold the referred parcel, we have had no involvement with the associated water rights. I do not know who the current owner is. I was a co-owner, however I was not involved with the sale or transfer of this land and it's water rights in any way other than periphally to sign my name.

I am no longer married to John Borton and I am not at liberty to share his address.

Please cc me on any further correspondence regarding this matter until it is resolved.

Thank you for your time and attention.

Sincerely,



Jaimie B. Borton
P.O. Box 5
Stanley ID 83278

SCANNED

DEC 19 2006

Keen, Shelley

From: Keen, Shelley
Sent: Monday, December 11, 2006 10:59 AM
To: Sherman, Sally
Subject: Possible New Owner of 37-578E, 37-686C, and 37-8001C

Sally,

Can you notify the following person that she may need to submit an ownership change notice for Claims 37-578E, 37-686C, and 37-8001C?

Lisa Grand-Jean
241 Whistler Rd.
Highland Park, IL 60035

Thanks.

Shelley

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Georgia Satterlee

DATE

March 3, 1998 9:26am

CUSTOMER

Tim Rolf

SUBJECT: A37-00578E, -00686C, -08001C

phone call (X) walk-in (.)

He is a contractor who will be building on lot, and wanted to know all the poop on water rights so he could answer questions of the neighbors if their curiosity begins to swell.

COMMUNICATION DOCUMENTATION

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

**BORTON CLAIMS: A37-00578E,
-00686C AND -08001C. CHECK
EXHIBIT(S) IN FILES FOR AN
ACREAGE CONFIRMATION.**

TT PAM AT 1:56 PM-TCW. SUGGESTED I FAX HER A COPY. SHE AGREED AND THE MEMO COPY WAS SENT 2:13 PM. TRANSMISSION RECEIPT TO CLAIM FILES ALONG WITH CC OF COVER SHEET. A CC OF THIS JOURNAL ENTRY WILL BE FILED AS WELL IN EACH CLAIM.

COPY

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: MISS PAM SKAGGS
WR PERMITS SECTION
TANK S.O.
327-7866

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: A37-00578E, -00686C and
-0804/C A-T claims file note - phone
conference w/ JOHN BORTON owner/claimant.

FROM: IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: H

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

COMMENTS: best wishes... H

COPY

CONVERSATION MEMORANDUM

NAME OF PARTY JOHN BORTON
EMPLOYEE COREY SKINNER CS

DATE JUNE 10, 1996
FILE A37-08001C
A37-00578E
A37-00686C

RE: _____

THIS DAY, JOHN BORTON CALLED WANTING TO
KNOW HOW MANY ACRES HE COULD IRRIGATE UNDER
"37-08001A, 37-00578E, AND 37-00686C". I REVIEWED
OUR RECORDS UNDER THESE THREE RIGHTS AND
CALLED MR. BORTON BACK.

I TOLD MR. BORTON THAT HIS THREE
WATER RIGHTS 37-08001C, 37-00578E, AND 37-00686C
(CREATED BY TRANSFERS #4468 AND ~~THE~~ #4525)
ARE LIMITED TO THE IRRIGATION OF THE SAME
2 ACRES. MY BASIS FOR THIS STATEMENT WAS THE
APPROVAL CONDITIONS #3, AND #8 FOR TRANSFER #4525,
PARAGRAPH #3 OF PAM SKAGG'S MAY 10, 1995 MEMO IN TRANSFER
#4525 FILE, AND ALLEN MERRITT'S 01/31/1995 MEMO
IN TRANSFER #4525 FILE REFERRING TO 2.0 ACRES OF
HISTORICAL IRRIGATION.

MISS PAM:
Note portion
Conflict in file #s
on top vs. text.
CC is in C portion.

-327-
7866

RECEIVED

JUN 24 1997

Department of Water Resources
Southern Region

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 26, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JOHN AND JAIMIE BORTON
HC 64 BOX 9900
STANLEY ID 83340

RE: Amendment of SRBA Claims A37-08001C, A37-00578E and A37-00686C

Dear Claimant:

Pursuant to the approval of Transfer Nos. 4525 and 4468, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfers. Please find enclosed a printout of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4525
WATER RIGHT NO(S). 37-00578E/37-00686C

RECEIVED

JUN 14 1995

This is to certify that: JOHN BORTON
JAIMIE BORTON
HC 64 BOX 9900
STANLEY ID 83278

Department of Water Resources
Southern Region

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00578E : IRRIGATION	04/15 to 10/15	0.10 CFS	7.0 AF
Right No. 37-00686C : IRRIGATION	04/15 to 10/15	0.15 CFS	7.0 AF
TOTAL:		* 0.25 CFS	7.0 AF

DATE OF PRIORITY:

Right No. 37-00578E : 05/02/1884
Right No. 37-00686C : 06/01/1886

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 35, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	SWSE	2		2
Total number of acres irrigated:						2

CONDITIONS/REMARKS:

- *1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- *2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

NOV 28 1996

TRANSFER NO. 4525
WATER RIGHT NO(S). 37-00578E/37-00686C

CONDITIONS/REMARKS:

- * 3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
- 4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Diversion of groundwater is limited to those times water is available for diversion under combined Right Nos. 37-00578E and 37-00686C from their original source, Big Wood River.
- * *8. Diversion under combined Right Nos. 37-00578E and 37-00686 is limited to irrigation of 2.0 total acres, a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

Dated this 26th day of

May, 1995

J. Glen Supton
Chief, Water Alloc. Bureau

FROM: Allen Merritt

DATE: January 31, 1995

TO: Transfer File #4525 in the name of John Borton

SUBJECT: Review and Recommendation

This transfer proposes to move portions of Big Wood River decrees to a well drilled pursuant to license 37-08001. The license has been split by ownership change and transfer #4468 which if approved will leave 0.03 cfs on 2.0 acres now owned by Borton.

APPROVAL CONDITIONS:

Rights under transfer #4525 should be under control of watermaster of District 37 and should be regulated by priority with Big Wood rights. The well must have a meter and lockable control valve which would allow the watermaster to regulate.

The acreage approved should be limited to no more than 2.0 acres when combined with 37-08001.

The rights under transfer #4525 should be limited such that when the well is utilized to divert all rights including the remaining portion of 37-08001 that the diversion rate from the well is limited to the reasonable rate of 1.5"/acre for acreages less than 5 acres or in this case it would be limited to 0.6 cfs for the 2.0 acres historically irrigated. (See Stanton Memo 11/30/94)

The rights involved are subject to SRBA review.

Any portion not allowed to be diverted as a beneficial is left under the control of the water master for mitigation for allowing water from the well or is lost. (This should be reviewed by IDWR attorney for takings issue.)

THIS TRANSFER SHOULD BE REVIEWED TOGETHER WITH TRANSFERS #4467 & 4468 ON AJOINING PROPERTY AND FROM RELATED WATER RIGHTS.

NOV 28 1996

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4525APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

NOV 29 1994

Department of Water Resources & John Borton Phone 208-774-3767
Post Office address HC 64 - Box 9900, Stanley, ID 83278

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use Correct 1/4 on 37-068
☐ Change nature of use ☐ Change period of use ☒ Other change source to groundwater
2. Describe the reason for the proposed changes Not enough users left in ditch therefore there isn't enough water in the ditch to make it to the end of the ditch and my place of use. This transfer will allow me access to my water.

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>37-00578E</u> | <u>05/02/1884</u> | <u>.10 cfs</u> | <u>Irrigation</u> | <u>April 1 to November 1</u> |
| <u>37-00686C</u> | <u>06/01/1886</u> | <u>.15 cfs</u> | <u>Irrigation</u> | <u>April 1 to November 1</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred .25 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	35	2N	18E	Blaine	Borton property well

5. Lands irrigated or place of use: No Change

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	35															3.5		3.5

Total acres 3.5

PART 1

6. General Information:

a. Description of diversion system well, pump and sprinkler system

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:

N/A

d. Remarks:

The source is decreed to the Big Wood River, but is delivered through the Broadford Slough, Wrencher #39 Headgate.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

NOV 28 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00578B Decreed to Elizabeth Roberts
in case of S.C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12/13/1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00578E on file with the Idaho Department of Water Resources.
- d. Transfer No. 2654 which produced this right.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Big Wood River (Broadford Slough) butary to Malad River

4. Date or priority 05/02/1884

5. Water is used for the following purpose:

amount .20 cfs for Irrigation purposes from April 1 to November 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 .20 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
		NE	NW	35	2N	18E	Blaine	Wrencher #39 Headgate

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	35															7		7

Total acres 7

9. Describe any other water rights used for the same purpose as described above 37-00686A

NOV 28 1996

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 .10 cfs for Irrigation purposes from April 1 to November 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
		NE	NW	35	2N	18E	Blaine	

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	35															3.5		3.5

Total acres 3.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change) See pending T. #4467

1. amount .10 cfs for Irrigation purposes from April 1 to November 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
		NE	NW	35	2N	18E	Blaine	

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	35															3.5		3.5

Total acres 3.5

NOV 28 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00686A Decreed to Joseph Werry Sr.
in case of S.C. Frost Et. Al. vs. Alturas Water Company, Et. Al.
dated 12/13/1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00686C on file with the Idaho Department of Water Resources.
- d. Transfer No. 2654 which produced this right.

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Big Wood River (Broadford Slough) tributary to Malad River

4. Date or priority 06/01/1886

5. Water is used for the following purpose:

amount .30 cfs for Irrigation purposes from April 1 to November 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 0.30 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
		NE	NW	35	2N	18E	Blaine	Wrencher #39 Headgate

8. Lands irrigated or place of use: * Decreed P/U ** Actual present P/U

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	35									*X						**7		7

Total acres 7

9. Describe any other water rights used for the same purpose as described above 3B-00578B

NOV 28 1996

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 .15 cfs for Irrigation purposes from April 1 to November 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
		NE	NW	35	2N	18E	Blaine	

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	35															3.5		3.5

Total acres 3.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) See pending T. #4467

1. amount .15 cfs for Irrigation purposes from April 1 to November 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
		NE	NW	35	2N	18E	Blaine	

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	35															3.5		3.5

NOV 28 1996

Total acres 3.5

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.

R. 18 E

Sec 35

T. 2 N


P.D.

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
---	-------------------	-----------------------	-----------------	---------------

				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.

Subscribed and sworn to before me this

25th _____, 1994

Jamie A. [Signature] (Applicant)

John Barton (Applicant)



My commission expires

9-1-98**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 1 attachmentsReceived by MTS Date 11-29-94Protest filed by NonePrelim. check by J. Stanton Fee \$100Receipted by MTS (5017573) Date 11-28-94Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 1/11 & 1/18/95

Hearing held by _____ Date _____

Watermaster recommendation requested on 12/29/94Recommended for ☒ approval ☐ denial_____ rec'd. 1/19/95by Ad

Copy of transfer sent to lien holder _____

J E G E I V

NOV 29 1994**NOV 28 1996**

Department of Water Resources
Southern Region Office

INTER-DEPARTMENT MEMO

TO: John Borton Transfer App.

SUBJECT: Staff Analysis

FROM: Jim Stanton

DATE: 11-30-94

The applicant owns about 4½ acres of land west of Bellevue. Of this land, only about 2.6 acres have been cleared and are being irrigated. The rest of the land is uncleared waste. The licensing exam for 37-8001 confirmed this. So the proposed transfer should be limited to 2.6 acres instead of the 3.5 acres claimed. Recent use of surface rights on this ground is questionable, but watermaster records show that the water was at least put into the diversion ditch within the last 5 years. Whether the water actually reached the property is unclear. Pending Transfer #4467 covers this same system on land recently sold by Mr. Borton. Diversion rate from the well should be limited to 1.5"/ac X 2.6 ac. or 0.08⁶ cfs in total for the decreed & licensed rights. Under proposed T. #4468, the groundwater license will supply will supply 0.03 cfs. So the surface rights should be limited to 0.03 cfs. Due to other recent work on this property, I do not plan to do another site visit.
(X) For your information

signature

() Response required

NOV 28 1996

T #4525

MEMO TO FILE

FROM: MEL SCHULTE
SOUTHERN REGION *M.S.*

DATE: 8-31-1994

RE: TRANSFER APPLICATION
JAMES L SMITH & ELIZABETH N ROOD
37-00578F & 37-00686D

1. The application proposes to change the P/U, ad a P/D, correct a P/D description and change the diversion of the referenced surface rights to a well to be drilled under groundwater right 37-08001D.
2. A field inspection was conducted August 26, 1994.
3. The current delivery system for the surface water is in poor condition. From the Wrencher #39 headgate to the P/U, the water must flow through a ditch full of weeds, logs and debris for about 3/4 mile. Whether water can be delivered through this system is questionable.
4. According to the water master, these rights were last delivered and assessed to John Borton in 1991. Their records also indicate there is one other user on the ditch with an equal amount of water (20" total).
5. The site of the proposed new well is about one/fourth mile West from the surface water source, Broadford Slough. The groundwater source is most likely recharged by seepage from the slough which establishes an interrelationship between the two sources.
6. The approval of this application and another pending transfer for groundwater right 37-08001D would provide a total of approximately 4.43"/acre (.86" + 3.57") from the well. I recommend the combination of all the rights be limited to the department standard of 1.5"/acre.

NOV 28 1996

T# 4525

CONVERSATION MEMORANDUM

NAME OF PARTY JOHN BORTON
EMPLOYEE COREY SKINNER CS

DATE JUNE 10, 1996
FILE A37-08001C
A37-00578E
A37-00686C

RE: _____

THIS DAY, JOHN BORTON CALLED WANTING TO
KNOW HOW MANY ACRES HE COULD IRRIGATE UNDER
"37-08001A, 37-00578E, AND 37-00686C". I REVIEWED
OUR RECORDS UNDER THESE THREE RIGHTS AND
CALLED MR. BORTON BACK.

I TOLD MR. BORTON THAT HIS THREE
WATER RIGHTS 37-08001C, 37-00578E, AND 37-00686C
(CREATED BY TRANSFERS #4468 AND ~~#~~ #4525)
ARE LIMITED TO THE IRRIGATION OF THE SAME
2 ACRES. MY BASIS FOR THIS STATEMENT WAS THE
APPROVAL CONDITIONS #3 AND #8 FOR TRANSFER #4525,
PARAGRAPH #3 OF PAM SKAGG'S MAY 10, 1995 MEMO IN TRANSFER
#4525 FILE, AND ALLEN MERRITT'S 01/31/1995 MEMO
IN TRANSFER #4525 FILE REFERRING TO 2.0 ACRES OF
HISTORICAL IRRIGATION.

NOV 28 1996

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

10/25/95 16:39:17

Page 1

Water Right Number - R37-00686C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

BORTON

JOHN

1 - HC 64 BOX 9900

2 -

3 -

City- STANLEY

State- ID Zip- 83278

Phone - 208-774-3767

BORTON

JAIMIE

1 - HC 64 BOX 9900

2 -

3 -

City- STANLEY

State- ID Zip- 83278

Phone - 208-774-3767

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1886 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

02N 18E 35 SW SE (13) BLAINE

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

01 - IRRIGATION 04/15 10/15 0.150 7.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.150 0.0

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

02N 18E 35 SW SE 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 2.0

+ - - Diversion Means - WRENCHER #39 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00578E

+ - - - - Remarks - - - - - +

TRANS. 2654.

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

SOURCE GIVEN IN DECREE AS BIG WOOD RIVER.

CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4525:

1. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 37.

Water right number - R37-00686C

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
7. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER COMBINED RIGHT NOS. 37-00578E AND 37-00686C FROM THEIR ORIGINAL SOURCE, BIG WOOD RIVER.
8. DIVERSION UNDER COMBINED RIGHT NOS. 37-00578E AND 37-00686C IS LIMITED TO IRRIGATION OF 2.0 TOTAL ACRES, A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND A TOTAL COMBINED ANNUAL VOLUME OF 7.0 AF.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 00/00/0000

+ - - - - - Comments - - - - - +
Date: 10/25/1995 User Id: TFAWCETT Subject: AMENDED/TRANSFER
CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4525.

+ - - Audit Fields - - +
10/25/95 TFAWCETT

+ - - - - - 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	- 09/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

Water Right Number - A37-00686A Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

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

*** C - CURRENT OWNER ***
BORTON JOHN 1 - BOX 1275
2 -
3 -
City- HAILEY State- ID Zip- 83333
Phone - 208-788-3042

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1886 17 SOUTHERN D - DECREE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BROADFORD SLOUGH BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02N 18E 35 SE NE NW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.300 21.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 35 SW SE 7.0 01 IRRIGATION (13) BLAINE

Total Acres: 7.0

+ - - Diversion Means - WRENCHER #39 HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-005788

+ - - - - Remarks - - - - - +
TRANS. 2654.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
SOURCE GIVEN IN DECREE AS BIG WOOD RIVER.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

MICROFILMED
FEB 23 1993

Water right number - A37-00686A

Prefix Translation: ADJUDICATION CLAIM

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

+ - - - Decree Plaintiff - - - +
S. C. FROST, ET. AL.

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

+ - Decree Date - +
00/00/0000

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

+ - - Audit Fields - - +
00/00/00

+ - - - - 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	- 01/04/1986	Old Judicial District	-
Claim Received Date	- 09/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002628	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 23 1993