

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: **A37-00833Q**
Date Received: 8/20/1993
Receipt No: S016125
Received By: _____

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

1. Name: EARL R COHEN
Address: PO BOX 2518
KETCHUM ID 83340

AND/OR

Name: SUSAN COHEN
Address: PO BOX 2518
KETCHUM ID 83340

2. Date of Priority: NOV 12, 1936

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	32	NW	SW	NW		BLAINE

5. Description of diverting works:

HEADGATE, CIP. WEIR, DITCH TO SMALL POND, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

7. Total Quantity Appropriated is:

0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3.0 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	31	SE	SE		IRR	1.2

MICROFILMED

OCT 24 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.2
					Total Acres	1.2

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:
NONE

14. Remarks:

This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836.

PURSUANT TO APPROVED TRANSFER NO. 3895:

1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
2. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
3. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SRBA.
4. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/25/1949

MICROFILMED
OCT 24 1994

ROCKWELL

Decree Plaintiff

COFFIN

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: **A37-00833Q**
Date Received: 8/20/1993
Receipt No: S016125
Received By: SC

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

1. Name: EARL R COHEN
Address: PO BOX 2518
KETCHUM ID 83340

AND/OR

Name: SUSAN COHEN
Address: PO BOX 2518
KETCHUM ID 83340

2. Date of Priority: NOV 12, 1936

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	32	NW	SW	NW		BLAINE

5. Description of diverting works:

HEADGATE, CIP. WEIR, DITCH TO SMALL POND, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

7. Total Quantity Appropriated is:

0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3.0 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	31	SE	SE		IRR	1.2

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.2
					Total Acres	1.2

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:
NONE

14. Remarks:

This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/25/1949

ROCKWELL

Decree Plaintiff

COFFIN

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: _____

MICROFILMED

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on behalf 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 me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

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

August 25, 1993

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

Mr. Steve Clelland
State of Idaho Department
of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

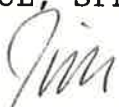
Re: SRBA Claim No. A37-00833Q

Dear Steve:

Thank you for your August 20, 1993 letter. Would you please change the address for the Cohens for the Notices of Claim to Post Office Box 2518, Ketchum, Idaho 83340. Paragraph 15 of the claim record should also be changed to indicate the basis of the claim is a decree as stated in the Notice of Claim. Please call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

cc: Earl and Susan Cohen

RECEIVED

AUG 26 1993

Department of Water Resources
Southern Region Office

MICROFILMED
OCT 24 1994

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: **A37-00833Q**
Date Received: 7/28/1993
Receipt No: S016125
Received By: Sen

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

1. Name: EARL R COHEN 619-670-6469
Address: 10919 SUN RAY PLACE
LA MESA CA 92041

AND/OR

Name: SUSAN COHEN 619-670-6469
Address: 10919 SUN RAY PLACE
LA MESA CA 92041

2. Date of Priority: NOV 12, 1936

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	32	NW	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE, CIP. WEIR, DITCH TO SMALL POND, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

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

8. Total consumptive use is 3.0 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	31	SE	SE		IRR	1.2

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10. Place of Use: Continued

Section Acres 1.2

Total Acres 1.2

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:

NONE

14. Remarks:

This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836.

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf 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 me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

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 A37-00833 Q
Date Received 7-28-93
Receipt Number 5016125

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 28 1993

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Earl R. &/or Susan Cohen
Phone: 1-619-670-6469
Mailing Address: 10919 Sun Ray Place
La Mesa, CA 92041

2. Date of Priority: Nov. 12, 1936

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>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
4N	18E	32		NW	SW	NW	Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Headgate and Cippolletti weir; earthen ditch to small holding pond, pump from pond into underground residential sprinkler irrigation system.

MICROFILMED
OCT 24 1994

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.08 cfs

7. Total Quantity Claimed: 0.08 cfs

8. Total consumptive use claimed is 3.0 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Use</u>	<u>Irrig. Acres</u>
4N	18E	31	SE	SE	I	1.2

Total number of irrigated acres: 1.2

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. **Remarks:** This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836.

Last Name: Cohen

Ident No. _____

j\water\

MICROFILMED
OCT 24 1994

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

Scale: 2 inches equals 1 mile

POOR ORIGINAL



Last Name COHEN Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
01.1 24 1994

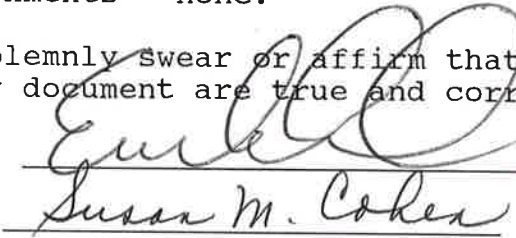
15. **Basis of Claim:** Decree
IDWR Water Right Number: 37-00833J
Court: 4th District Court, Blaine County
Case Number:
Decree Date: August 25, 1949
Plaintiff v. Defendant:
Rockwell v. Coffin

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 - none.

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)


Susan M. Cohen

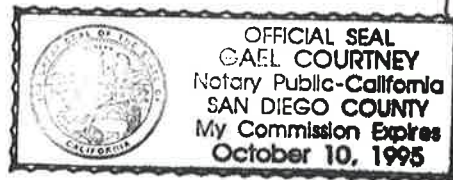
Date

6/15/93

Date

6/15/93

State of CALIFORNIA)
County of SAN Diego) ss.



Subscribed and sworn before me this 15 day of JUNE, 1993.

Notary Public

Gael Courtney

Residing at

SAN Diego

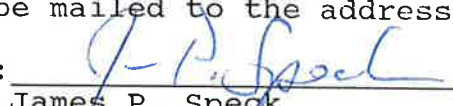
Commission Expires

10-10-1995

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:


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

Date:

7/14/93

, 1993.

Last Name: Cohen

j\water\

Ident No.

MICROFILMED
OCT 24 1994

ORIGINAL IN RED

Claimants Names:

Earl and Susan Cohen

Attorney Name & Address:

**James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752**

RECEIVED
JAN 25 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

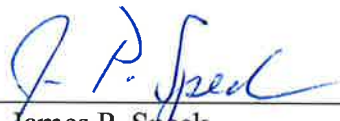
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Earl and Susan Cohen, for the following water right which is not the subject of a subcase: 37-833Q.

DATED this 24 day of January, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of January, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

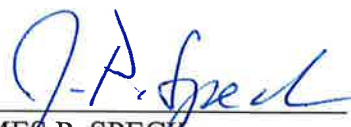
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

January 23, 2007

RECEIVED
JAN 25 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

***Re: Claim No.: 37-833Q;
Earl and Susan Cohen;
Notice of Appearance***

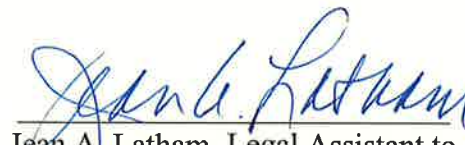
Dear Trish:

Enclosed is an original and one copy of the Notice of Appearance in the above-referenced claim. Please arrange to have the copy receipt date-stamped and returned to my office in the postage prepaid, self-addressed envelope provided for that purpose.

If you have any questions please call me. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation


Jean A. Latham, Legal Assistant to
James P. Speck

Enclosures

cc: Client (w/out encls.)

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAL SERVICE
02 1A
0004389393
\$ 00.630
JAN 12 2007
MAILED FROM ZIP CODE 83702

RECEIVED
JAN 29 2007
DEPARTMENT OF
WATER RESOURCES

37-8339



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

SUSAN COHEN
PO BOX 2518

EARL R COHEN
PO BOX 2518
KETCHUM ID 83340

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

RECEIVED
JAN 29 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Water Right Number(s): 37-8330

Previous Mailing Address: P.O. Box 2518
Ketchum, ID 83340

New Mailing Address: P.O. Box 4942
Ketchum, ID 83340

Telephone Number: (208) 726-5642

Signature of Claimant(s): Susan M. Cohen
Please print your name below your signature
Susan M. Cohen

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. Of Water Resources
1910 Northwest Blvd., Se. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. Of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. Of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-4800
Ph. 208/287-4800
FAX 208/287-6701**

01/09/2007

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

RIGHT NUMBER: 37-833Q

NAME AND ADDRESS: SUSAN COHEN
PO BOX 2518
KETCHUM ID 83340

EARL R COHEN
PO BOX 2518
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF DIVERSION:

T04N R18E S32 NWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31 SESE 1.20

1.2 ACRES TOTAL

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.

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/09/2007

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

The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

Right No. 37-07836 is also diverted through point of diversion described above.

Use of water under this right will be regulated by the watermaster of state water district no. 37.

01/08/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-833Q V1

WATER RIGHT NUMBER: 37-833Q V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN COHEN PO BOX 2518 KETCHUM, ID 83340
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	EARL R COHEN PO BOX 2518 KETCHUM, ID 83340

Priority Date: 11/12/1936

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	04/01 to 11/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SW1/4NW1/4	Sec. 32, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	31																1.2	1.2

Total Acres: 1.2

Conditions of Approval:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-833Q V1

2. This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836
3. 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.
4. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.
5. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Water must be diverted through the Rockwell By-Pass in association with delivery of valid priority water rights.
8. The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.
9. F05 Right No. 37-07836 is also diverted through point of diversion described above.
10. Use of water under this right will be regulated by the watermaster of state water district no. 37.

Remarks:Comments:

1. eretelle 9/28/2006 WR 37-833 M
 Comment: Corresponds to WR 37-833 M

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-833Q V1

Contacts	9/28/2006 3:11:22 PM	eretelle	Active
Priority Date	9/28/2006 3:12:02 PM	eretelle	Active
POD	9/28/2006 3:12:14 PM	eretelle	Active
Source	9/28/2006 3:15:42 PM	eretelle	Active
POU	9/28/2006 3:16:01 PM	eretelle	Active
Use	9/28/2006 3:20:59 PM	eretelle	Active
Season	9/28/2006 3:22:20 PM	eretelle	Active
Quantity	9/28/2006 3:22:50 PM	eretelle	Active
Summary		09/28/2006	eretelle Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/28/2006 3:12:14 PM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	9/28/2006 3:15:28 PM	eretelle	Updated shape
POU	9/28/2006 3:16:02 PM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	9/28/2006 3:19:33 PM	eretelle	Updated shape for Active POU
Contacts	9/28/2006 3:11:22 PM	eretelle	(No) 1. Do you want to schedule an appointment? Comment for 1: Transfer 3895
General	9/28/2006 3:12:02 PM	eretelle	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-833Q V1

Source	9/28/2006 3:15:42 PM	eretelle	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Quantity	9/28/2006 3:22:50 PM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Transfer 3895
Summary	9/28/2006 3:29:40 PM	eretelle	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Use	9/28/2006 3:20:59 PM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/28/2006 3:22:20 PM	eretelle	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-833Q V1

09/28/2006

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

RIGHT NUMBER: 37-833Q
NAME AND ADDRESS: SUSAN COHEN
PO BOX 2518
KETCHUM ID 83340
EARL R COHEN
PO BOX 2518
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

PRIORITY DATE: 11/12/1936

POINT OF DIVERSION:

T04N R18E S32 NWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T04N R18E S31 SESE 1.20

1.2 ACRES TOTAL

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 change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

This claim is submitted to conform to recently approved Transfer No. 3895. The water right (37-00833J) was owned and used by Mr. and Mrs. Ed Van Every at the commencement of the Adjudication and the time for filing claims in Blaine County. However, a claim was never filed and the water right subsequently sold to Mr. and Mrs. Cohen in 1990. The transfer application was then filed in 1991 and processed with the agreement that a claim would only be filed upon the approval of the transfer. The point of diversion and delivery ditch are the same used by Water Right No. 37-07836

Right No. 37-07836 is also diverted through point of diversion described above.

Use of water under this right will be regulated by the watermaster of state water district no. 37.



Idaho Department of Water Resources

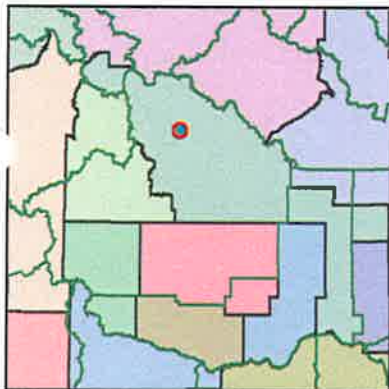
SRBA Recommendation:

37-833Q

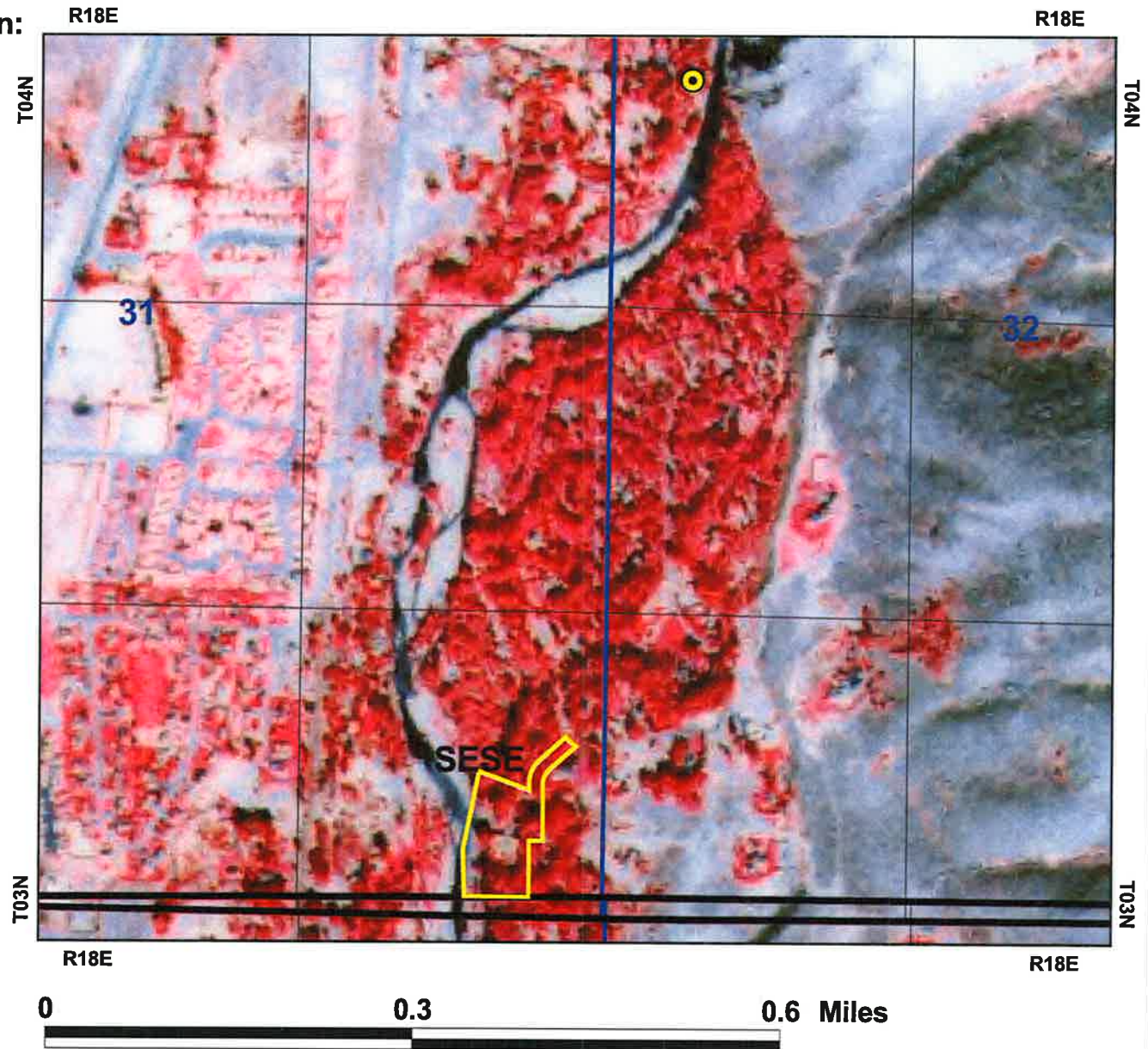
(Irrigation)

Legend

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

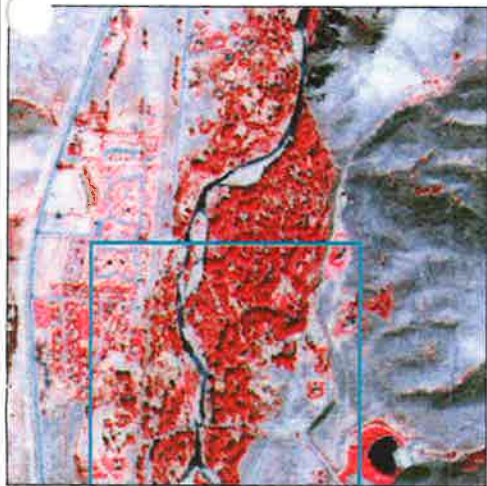
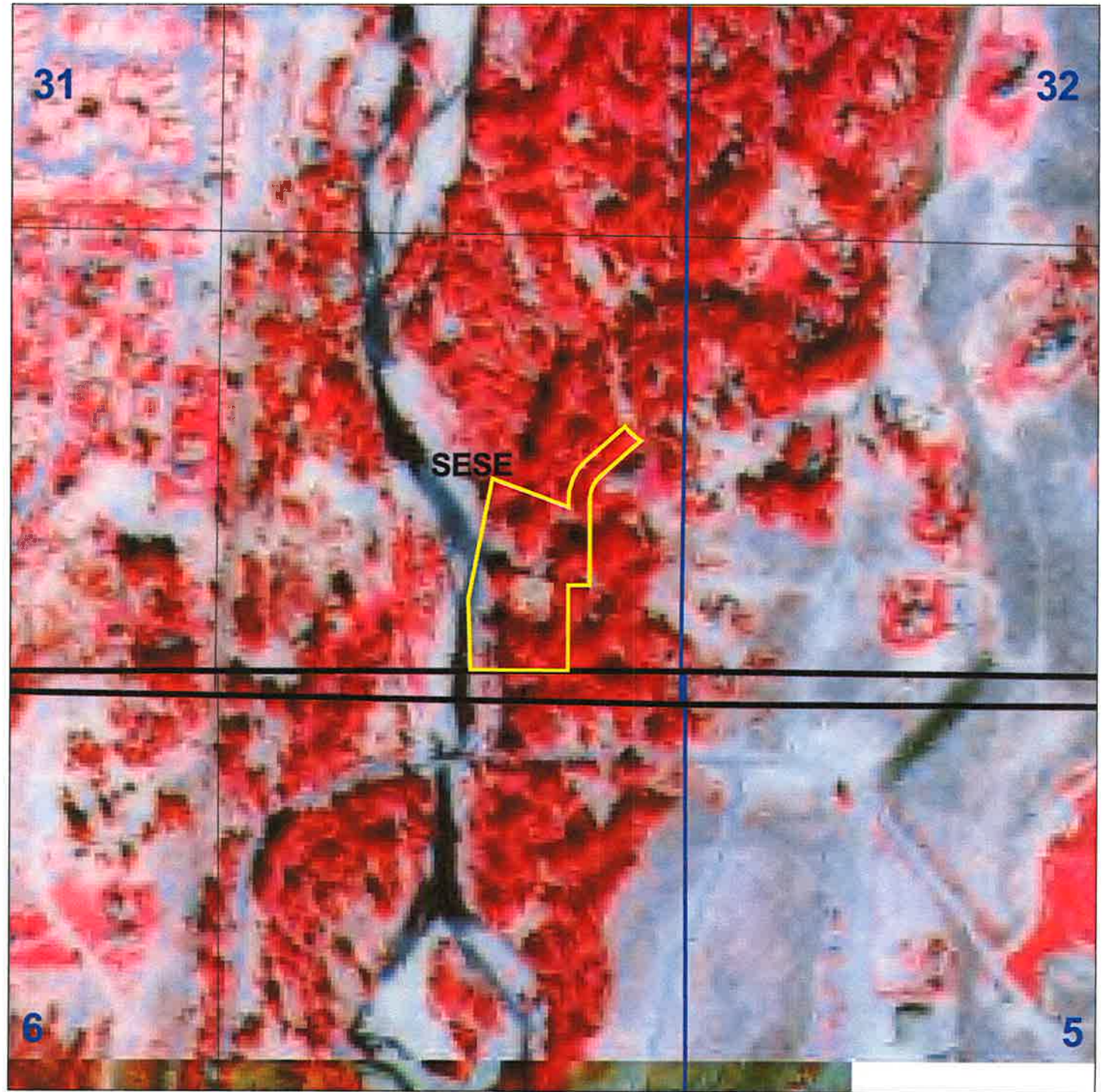


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Friday, September 29, 2006
1987/88 Aerial Photography

37-833Q





Idaho Department of Water Resources

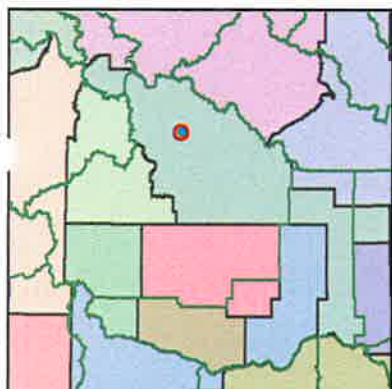
SRBA Recommendation:

37-833Q

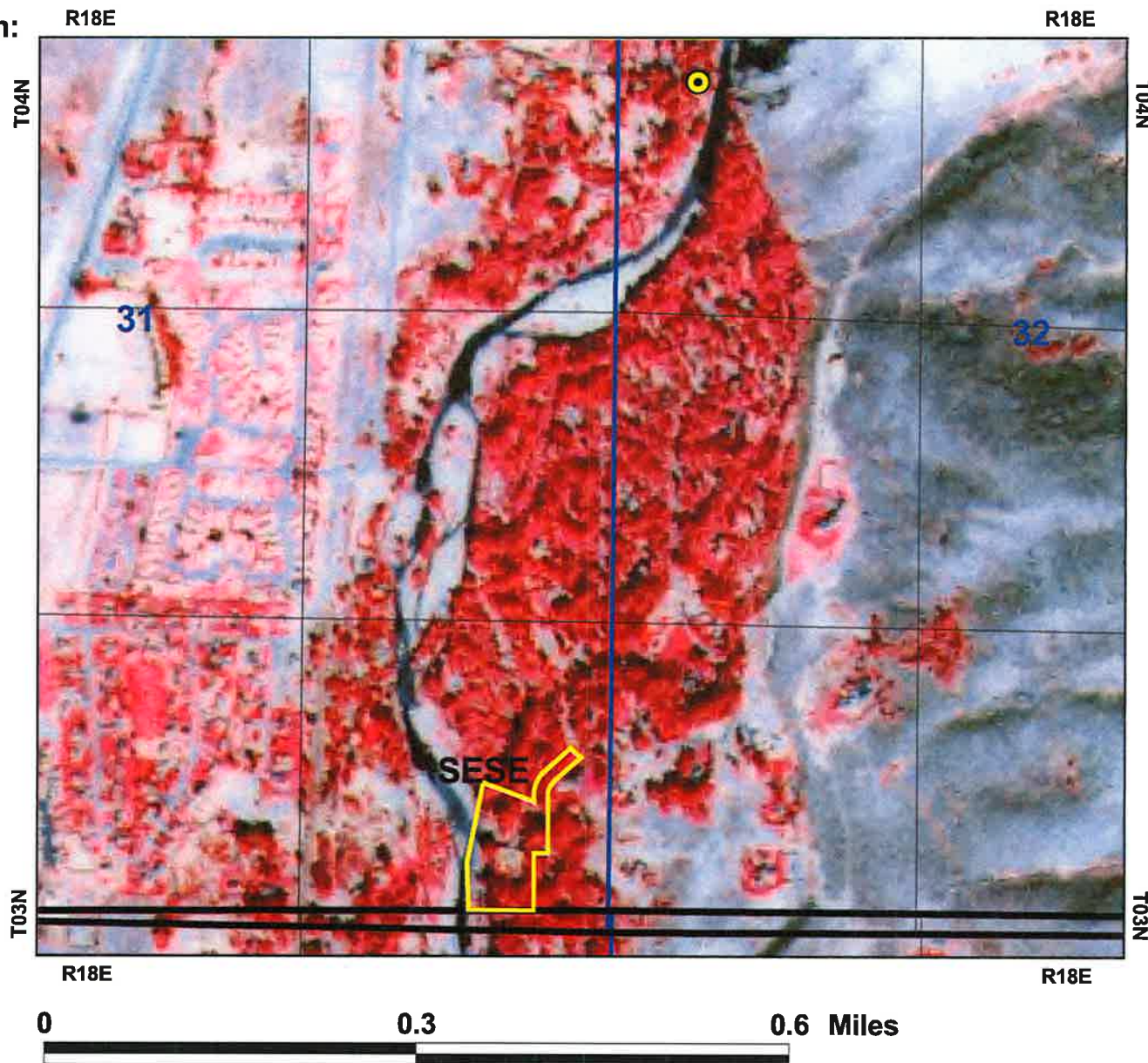
(Irrigation)

Legend

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

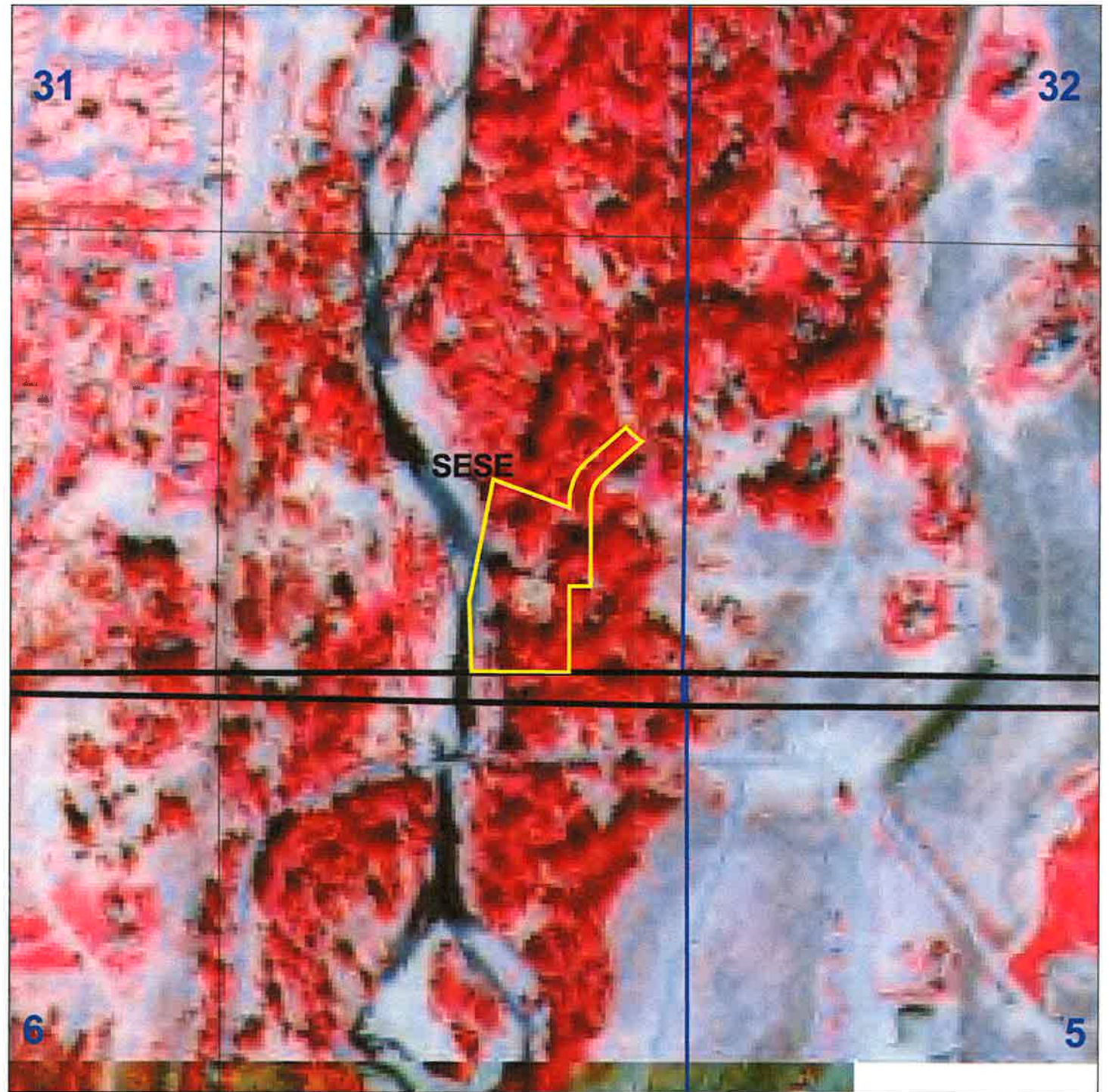
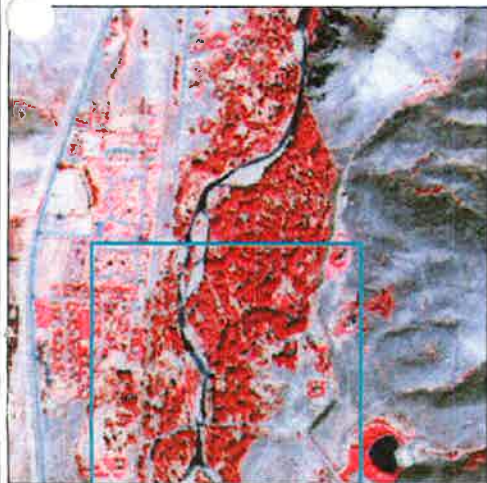


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Friday, September 29, 2006
1987/88 Aerial Photography

37-833Q



OF IDAHO
TMENT OF WATER RESOURCES
more Street, Suite 200
s, Idaho 83301-3380

SERVICE REQUESTED

Nick

37-8330

COHEN
PO BOX 2518
KETCHUM ID 83340



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

★ ★ PITNEY BOWES
★ ★
U.S. POSTAGE
1830 PB3524253
3391 \$00.37 SEP 10 2004
2428 MAILED FROM ZIP CODE 83301

RECEIVED

SEP 20 2004

Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

AUGUST 20, 1993 R. KEITH HIGGINSON
Director

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

RE: EARL R. AND SUSAN COHEN SRBA CLAIM A37-00833Q

DEAR MR. SPECK,

ENCLOSED PLEASE FIND THE TWO COPIES OF THE COHEN CLAIM AS IT NOW READS ON OUR DATA BASE. PLEASE REVIEW THE CLAIM FOR ACCURACY AND IF CHANGES ARE NEEDED CORRECT THE COPY AND RETURN IT TO OUR OFFICE. COHEN'S COPY OF THIS CLAIM IS INCLUDED HERE AND HAS NOT BEEN SENT TO HIM.

AS YOU DESCRIBED THE SITUATION, NO LATE FEE IS DUE FOR THIS CLAIM AND THE CLAIM IS NOW A VALID PART OF THE SRBA RECORDS.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,


STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED
OCT 24 1994

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

May 28, 1993

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

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

RECEIVED

JUL 28 1993

Re: Snake River Basin Adjudication Notice of Claim
- Water Right No. 37-00833J

Department of Water Resources
Southern Region Office

Dear Allen:

Enclosed you will find a Notice of Claim to Water Right No. 37-00833J which I have prepared on behalf of my clients, Mr. and Mrs. Earl R. Cohen, together with a check payable to the Department in the sum of \$52.00 representing the filing fee. I am requesting a waiver of the \$50.00 late filing penalty for the reasons set forth below.

Mr. and Mrs. Cohen purchased the water right from Mr. and Mrs. Ed Van Every after the deadline for filing claims in Blaine County had expired. We then filed an Application for Transfer to move the point of diversion and place of use of the water right to my clients' property. The Department agreed that we would file a Notice of Claim if and only if the Transfer was approved. The Transfer has now been approved and this Claim is filed to conform to the approved Transfer.

I am out of the office until August 2, 1993. Please advise my office of your action on this request for waiver of the late filing penalty. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck

MICROFILMED

OCT 24 1994

DOOR ORIGINAL

JPS/dmk
Enclosures

cc: Mr. and Mrs. Cohen (w/encls.)

WUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340



RECEIVED

JUL 28 1993

Department of Water Resources
Southern Region Office

MR. ALLEN MERRITT
DEPT. WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301

MICROFILMED
1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AJ COPY

TRANSFER OF WATER RIGHT

TRANSFER NO. 3895
WATER RIGHT NO. 37-00833M

This is to certify that: SUSAN COHEN
EARL R COHEN
10919 SUN RAY PLACE
LA MESA CA 92041

has requested a change to the above captioned water rights. 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>
IRRIGATION	04/01 to 11/01	0.08 CFS	4.2 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 11/12/1936

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 32, Township 04N, 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>
04N	18E	31	SESE	1.2		1.2

Total number of acres irrigated: 1.2

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED
OCT 24 1994

37-00833M

T # 3895

TRANSFER NO. 3895
WATER RIGHT NO. 37-00833M

CONDITIONS/REMARKS:

6. 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.
7. All right holders entitled to use of water under portions of Right No. 37-00833 are required to maintain the Rockwell By-Pass from its entrance to its discharge into the Broadford Slough sufficient to provide free flowing conveyance for not less than 17.36 cfs during the irrigation season.

Dated this

2nd day of

April

, 19

93

J. Glen Saylor

Chief, Water Alloc. Bureau

MICROFILMED
OCT 24 1994

Transfer No. _____

RIGHT LIVE

NOV 25 1991

Phone Department of Water Resources
Southern Region Office

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

TRANSFER THE POINT OF DIVERSION AND PLACE OF USE TO HIS PROPERTY.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-00833J m	11/12/1936	0.08 cfs	IRRIGATION	APR. 1 to NOV. 1
				to
				to
				to

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Point(s) of Diversion:

[illegible]

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	31																1.2	1.2

MICROFILMED
OCT 24 1994

MICROFILMED
OCT 24 1994

PART 1

6. General Information:

- a. Description of diversion system STEELHEAD GATE AND CIPPOLLETTI WEIR, EARTHEN DITCH, SMALL HOLDING POND, PUMP FROM POND INTO UNDERGROUND RESIDENTIAL SPRINKLER IRRIGATION 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:
IT WILL NO LONGER BE IRRIGATED
- d. Remarks:
SEE ATTACHED ADDENDUM

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 _____.

MICROFILMED
OCT 24 1994

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

PART 2

(Attach one copy for each right)

RECEIVED

NOV 25 1991

Department of Water Resources
Southern Region Office**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 37-00833J Decreed to IRVIN E. ROCKWELL
 in case of ROCKWELL vs. COFFIN
 dated 8-25-1949 in 4th DISTRICT COURT county of BLAINE
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other _____

3. Source of water SEE ATTACHED ADDENDUM tributary to _____4. Date or priority 11/12/1936

5. Water is used for the following purpose:

amount 1.66 cfs for IRRIGATION purposes from APR. 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 1.66 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	16	2N	18E	BLAINE	COVE CANAL
		NE	SW	8	3N	18E	BLAINE	COMSTOCK DITCH/ Headgate #13, Cramer
		SW	SE	11	4N	17E	BLAINE	Headgate #6, Farnlum Ditch Ditch

8. Lands irrigated or place of use: SEE ATTACHED ADDENDUM

P/U as recorded; actual P/U unknown

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	32	X		X	X				X	X				X	X			
		33										X	X	X					

MICROFILMEDTotal 007 24 19949. Describe any other water rights used for the same purpose as described above NONE

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.08 cfs for IRRIGATION purposes from APR. 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	16	2N	18E	BLAINE	COVE CANAL

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	
2N	18E	36 JS		1.2													1.2		1.2
		*																	

* Per Telecom w/James Speck, 11-26-91

Total acres 1.2

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

1. amount 1.58 cfs for IRRIGATION purposes from APR. 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	16	2N	18E	BLAINE	COVE CANAL
		NE	SW	8	3N	18E	BLAINE	~~GOMSTOCK DITCH~~ <u>Cramer Ditch</u>
		SW	SE	11	4N	17E	BLAINE	<u>Fannlum Ditch</u>

3. Lands irrigated or place of use: SEE ATTACHED ADDENDUM

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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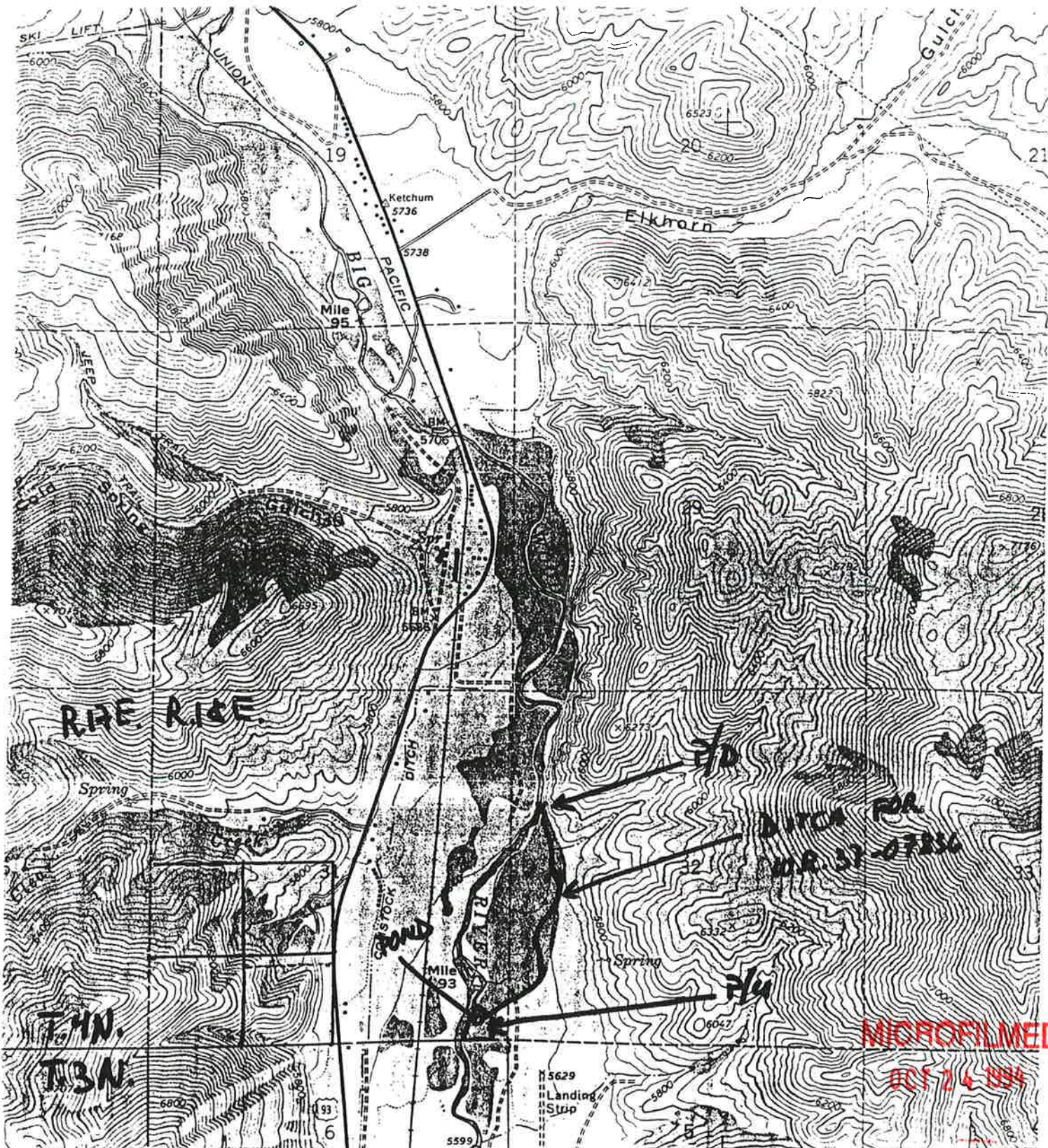
OCT 24 1994

Total acres _____

POOR ORIGINAL

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.



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.

Earl R. Cohen, by Jim P. Spak, his attorney in fact
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of November, 19 91.

Deborah H. Kirby
(Notary Public)

My commission expires Life

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments

Received by J. Stanton Date 11-25-91

Protest filed by _____

Prelim. check by BS Fee \$30, 50/3948

Receipted by GA Date 11-25-91

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 1/15 + 1/22/92

Hearing held by _____ Date _____

Watermaster recommendation requested on 1/3/92

Recommended for ☒ approval ☐ denial

_____ rec'd. 1/27/92

by SA

Copy of transfer sent to lien holder _____

MICROFILMED

OCT 24 1994

ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHT
BY

EARL R. COHEN &/OR SUSAN COHEN

RECEIVED

NOV 25 1991

Department of Water Resources

The following is an Addendum to the Application for the
Transfer of Water Right submitted by Earl R. Cohen &/or Susan
Cohen:

PART 1

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

6. General Information.

d. Remarks: The right acquired by Applicants is a portion of the remaining balance of Water Right No. 37-00833, commonly referred to as the Rockwell Bypass Right, after several recorded transfers (37-00833J). The place of use and points of diversion of the remainder were changed by unrecorded transfers. The 0.08 cfs which is the subject of this Application was purchased from Ed and Ann VanEvery in 1990 (see Attachment 1 - copy of transfer document). The VanEvery's acquired the 0.08 cfs approximately 15 years before from W. R. Watts for use on lands in and adjacent to the City of Bellevue (Lots 7, 8 and 9, Block 72, City of Bellevue and a 3/4 acre parcel to the north). During Watts' and VanEvery's ownership, the 0.08 cfs was delivered through the Cove Canal (see Attachments 2 and 3 - copies of Watermaster records). The Application does not seek to expand the number of acres historically irrigated during this prior ownership. Those lands irrigated and the number of irrigated acres for the remainder of 37-00833J (1.58 cfs) are unknown (see IDWR database records).

The point of diversion will be the same as Water Right No. 37-07836 and delivery will be through a lengthy ditch into a small holding pond on Applicants' property, Lot 10, Gimlet Subdivision No. 9 (see Attachment No. 4 - copy of plat).

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

3. Source of Water: See Remarks, above.

6. Lands Irrigated or Place of Use: See Remarks, above.

ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHT
BY
EARL R. COHEN &/OR SUSAN COHEN

RECEIVED

NOV 21 1991

Department of Water Resources
Northern Region

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

3. Lands Irrigated or Place of Use: See Remarks, above.

Clemens Associates
P.O. Box 300
110 Fifth St., Suite 103
Ketchum, Idaho 83340
208/ 726-5331
208/ 726-4108 FAX

RECEIVED

September 11, 1990

NOV 21 1990

Department of Fish and Game
Southwest Office

Re: Rockwell Bypass Water Right #37-00833

The above mentioned water right, Rockwell Bypass #37-0083 which amounts to 4 inches (.08 cfs) has been sold to Earl Susan Cohen by Ed and Ann VanEvery for an agreed upon amount and which sale shall become effective on 12 September, 1990.

The intent is to transfer the above mentioned water right the Cohen property in Gimlet.

The sale of this water right to the Cohens is verified by signatures below:

<u>Ed VanEvery</u>	<u>9-11-90</u>
Ed VanEvery	Date
<u>Ann VanEvery</u>	<u>9/11/90</u>
Ann VanEvery	Date

MINICOMPUTER

0000000000000000

NOV-12-91 TUE 14:05

FATC' - KETCHUM

FAX NO. 208793567

P.01

POOR ORIGINAL

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POOR ORIGINAL

Post-It™ brand fax transmittal memo 7671 # of pages 2

To *J. M. Speck*

From *Maurice*

Co.

Phone #

Fax #

Dept.

Fax #

RECEIVED

NOV 25 1991

Department of Water Resources
Southern Region Office

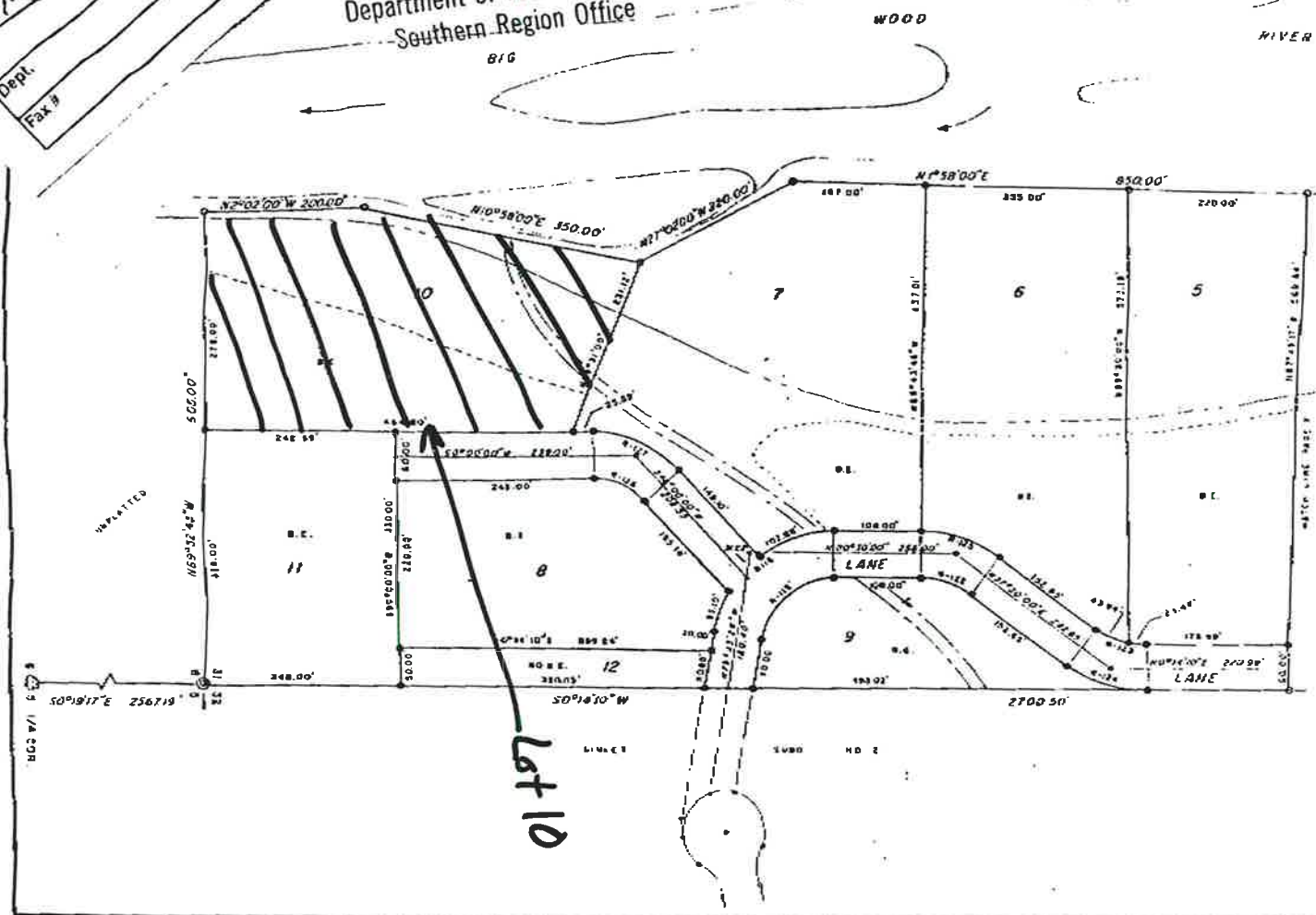
GIMLET SUBDIVISION NO. 9

SEC. 31, T4N, R18E, B.M.

BLAINE COUNTY,

IDAHO

PAGE 1 OF



SCALE: 1" = 100'

LEGEND

- 1/2" x 24" rubber seal
- Pipe to concrete found
- Shore found
- Fluvial way line
- Building overtop
- Drainage easement

CURVE DATA

CURVE	Δ	M	LC	LC
H-118	80°12'56"	95.00'	822.30'	822.30'
H-116	-	155.00'	299.30'	218.35'
H-122	38°50'00"	108.14'	65.63'	67.59'
H-124	-	165.44'	105.31'	105.31'
H-126	31°08'50"	154.81'	104.64'	104.28'
H-125	-	104.31'	64.34'	61.61'
H-126	49°10'00"	82.50'	16.15'	14.35'
H-122	-	142.20'	815.36'	815.23'

MEMORANDUM

DATE: 13-Jan-1993

FROM: Loren Holmes 

TO: Transfer file 37-0833M, Cohen

Field investigation and watermaster records support a conclusion that this right is appurtenant to the Van Every lands described as original place of use.

No SRBA claim has been filed based on this right. Any approval prior to receipt of a claim should be conditioned to void the transfer if no claim is filed.

The Cove #33 diversion is upstream from the Rockwell Bypass reach where the water saving which creates this right occurs. The transfer proposes to move the diversion upstream to the Cramer #13 headgate, leapfrogging 24 existing diversions and dewatering this reach of the river by .08 cfs.

This reach is part of the place of use of permit 37-7919 and applications 37-8258 & 37-8307 for instream flows. Approval should be conditioned to make the right, as transferred, subject to permit 37-7919, and possibly, the two applications.

Right 37-0886 overlaps the Van Every lands. There is no evidence of actual use of 37-0886 on the lands, and the right is unclaimed. The database should be annotated to indicate that 37-0886 is not valid for these lands.

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OCT 24 1994