

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: A37-00886H
Date Received: 10/21/1988
Receipt No: M001679
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KEITH MYERS 208-788-4291
Address: PO BOX 242
BELLEVUE ID 83313-0000

Name: JUDY MYERS 208-788-4291
Address: PO BOX 242
BELLEVUE ID 83313

2. Date of Priority: JUN 1, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12	SW	NE	NE	R	BLAINE
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45 & DISTRICT CANAL, REDIVERSION FROM CANAL VIA DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) 7.35 A.F.A.

8. Total consumptive use is 5.2 Acre Feet Per Annum.

9. Non-irrigation uses:

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NOV 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	12	NW	NE		IRR	2.1
Section Acres							2.1
Total Acres							2.1

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:

RT. IS FOR 0.6 CFS - 0.04 CFS CONVEYANCE LOSS = 0.56 CFS.
NOT TO EXCEED 17.5 AFA.
AC. IRRIG. = 3.5.
TRANS. 2545.

UPDATED INFORMATION: TRANSFER APPLICATION FILED BY CLAIMANTS IN LATE 1987 TO USE WATER AS DESCRIBED IN THIS ADJUDICATION CLAIM. 9" ARE CLAIMED FOR 5 ACRES OF IRRIGATION. CANAL IS THE DISTRICT CANAL.

1/18/96 tf: CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3408 (TRANSFER APPROVED 6/30/89 BUT NOT DATA ENTERED):
1. A LOCKABLE MEASURING DEVICE 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.
2. THE USE OF WATER ON THE LANDS TO WHICH THE ABOVE REFERENCED WATER RIGHT WAS APPURTENANT IS HEREBY ABANDONED AND FAILURE TO PUT THE WATER TO BENEFICIAL USE WITHIN FIVE (5) YEARS OF THE DATE OF THE APPROVAL OF THIS TRANSFER ON THE NEW LAND IDENTIFIED UNDER ITEM B.5 SHALL CONSTITUTE LOSS OR FORFEITURE OF THE WATER RIGHT.
3. THE RATE OF DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED 0.20 CFS TO ALLOW FOR A CONVEYANCE LOSS OF 10%.
4. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37, BIG WOOD RIVER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MICROFILMED
NOV 22 1996

SCHARFF, ET. AL.

Decree Plaintiff

JONES

vs

Decree Defendant

MICROFILMED
NOV 22 1996



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

February 23, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEITH AND JUDY MYERS
PO BOX 242
BELLEVUE ID 83313

RE: Amendment of SRBA Claim #A37-00886H

Dear Claimant:

Pursuant to the approval of Transfer No. 3408, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. The transfer was approved June 30, 1989, but your Adjudication claims were never amended to conform to the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

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NOV 22 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number: A37-00886H

Date Received: 10/21/1988

Receipt No: 14001679

Received By: SC

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ACQUIRED UNDER STATE LAW

1. Name: KEITH MYERS 208-788-4291
Address: P.O. BOX 242
BELLEVUE, ID 83313-0000

Name: JUDY MYERS 208-788-4291
Address: P.O. BOX 242
BELLEVUE, ID 83313

2. Date of Priority: JUN 01, 1884

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

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01N	18E	12	NE	NE	NE	R	BLAINE
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45 & DISTRICT CANAL, REDIVERSION FROM CANAL VIA DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00886H

Page 1

Date: 10/21/88

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FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	12	NW NE		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
NONE

14. Remarks:

RT. IS FOR 0.6 CFS - 0.04 CFS CONVEYANCE LOSS = 0.56 CFS.
NOT TO EXCEED 17.5 AFA.

AC. IRRIG. = 3.5.

TRANS. 2545.

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9" ARE CLAIMED FOR 5 ACRES OF IRRIGATION. CANAL IS THE DISTRICT
CANAL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SCHARFF, ET. AL.

Decree Plaintiff

vs

JONES

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: 1

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): Judy Myer Date: 10/21/88

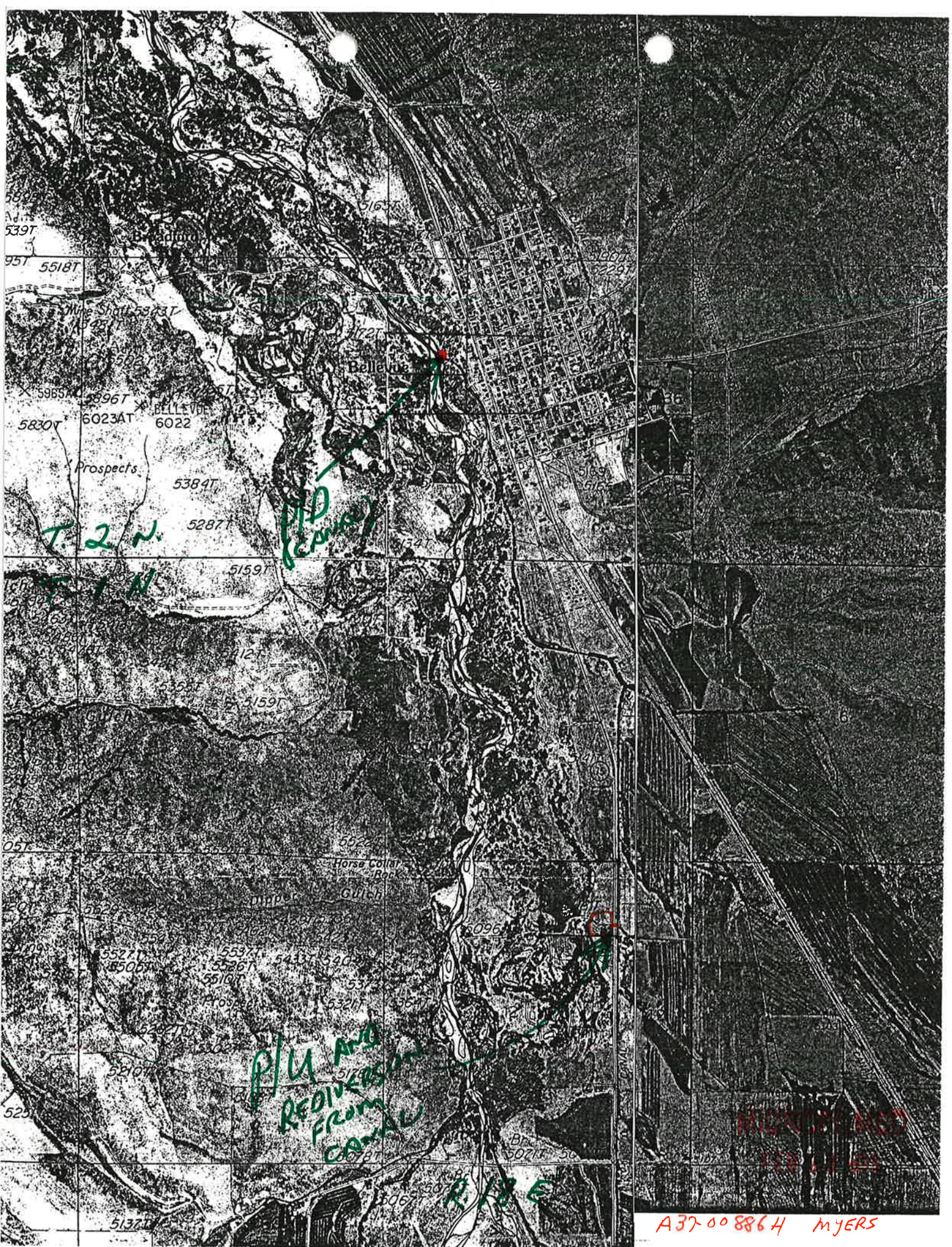
Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of Oct. 19 88
Al D. Smith
Notary Public

Seal

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



A37008864 MYERS

12/08/2006

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

RIGHT NUMBER: 37-886H
NAME AND ADDRESS: KEITH MYERS
PO BOX 242
BELLEVUE ID 83313
JUDITH E MYERS
PO BOX 242
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 06/01/1884
POINT OF DIVERSION:

T01N R18E S12 SWNE Rediversion Within BLAINE County
T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.020 CFS
IRRIGATION	04/15 10/31	0.180 CFS

PLACE OF USE: IRRIGATION in BLAINE County
T01N R18E S12 NWNE 2.10

MITIGATION same as IRRIGATION

2.1 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

Total rate of diversion includes 0.02 cfs charged for channel loss. The right is limited to 0.18 cfs at the point of rediversion.

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

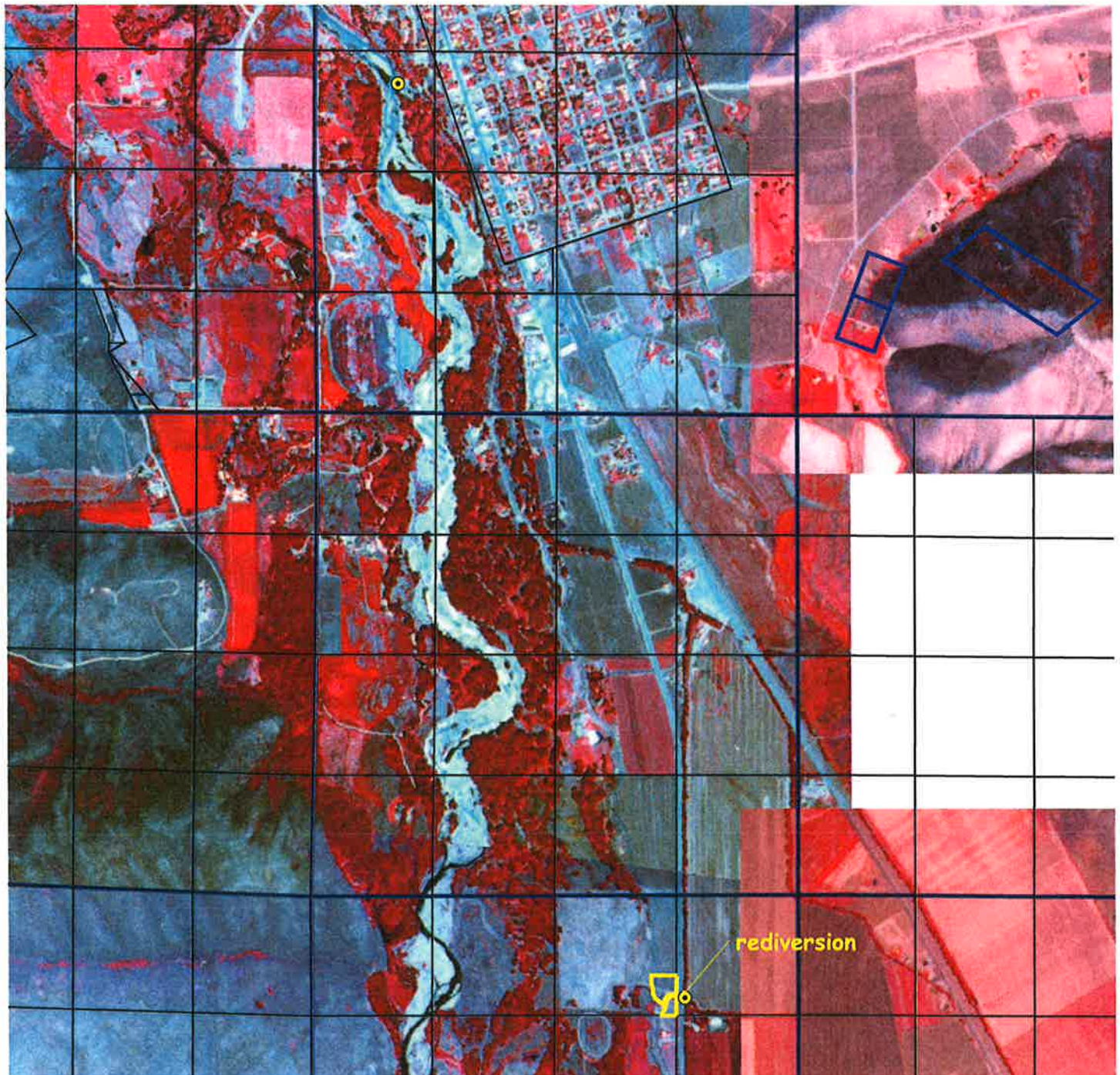
A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

Idaho Department of Water Resources

Right(s): 37-886H

Recommended Place of Use
TWP 01N RNG 18E S12
Prepared November 28, 2006



660 0 660 1320 Feet



-  Recommended Point of Diversion
-  Recommended Place of Use
-  Quarter Section Lines
-  PLSS Section Lines

GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

WR vs. Adj. Split
suffix
discrepancies...

37-886

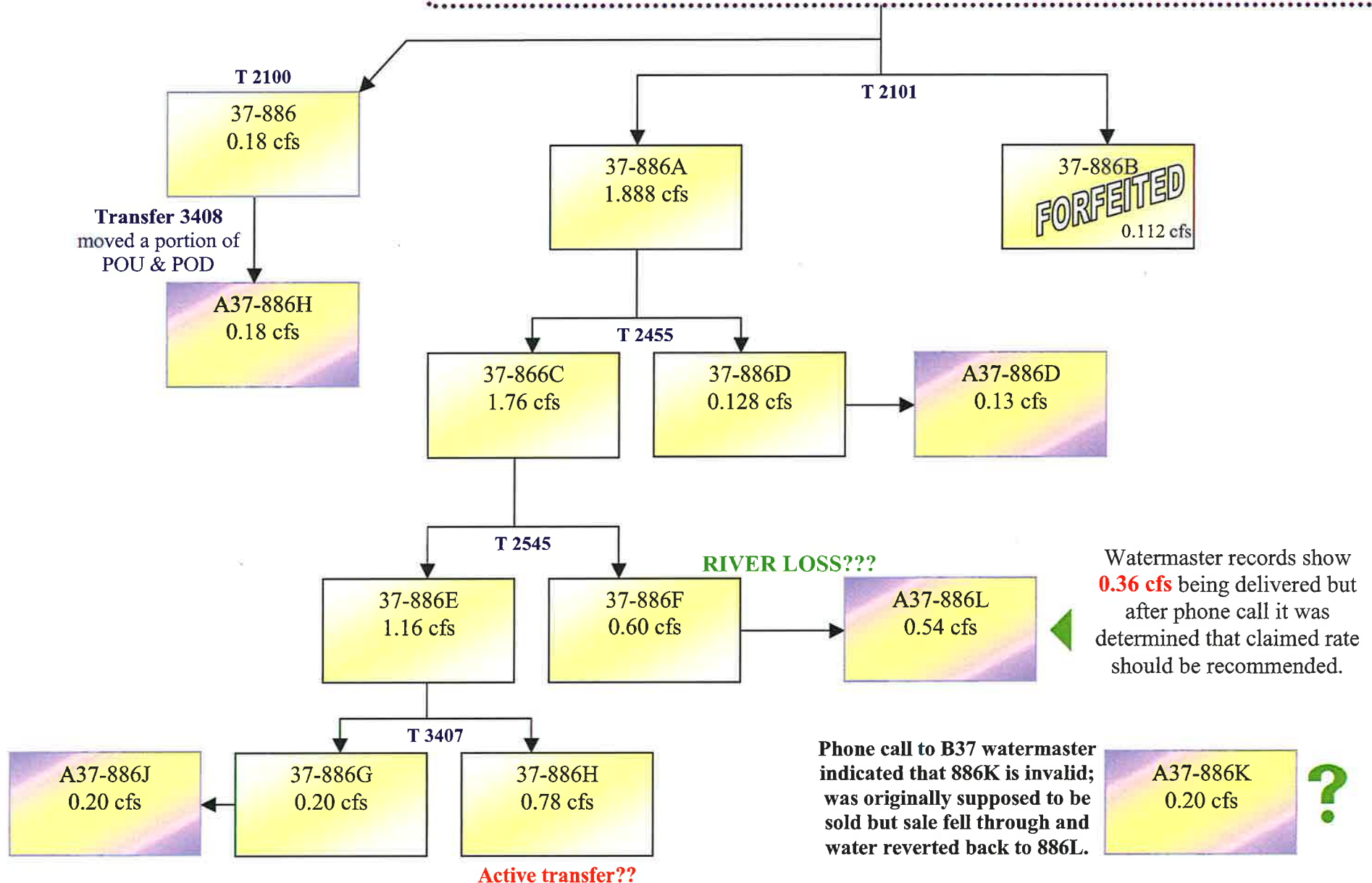
Schariff et all vs. C.A.Jones

JUNE 1, 1884

2.0 CFS

POU: 1N 18E S27 E½ NW, SWNE and 1N 18E S22 SESW acres not specified

POD: 2N 18E S26 SENE



Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3408

G E I V R

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

FEB 22 1938

Name of applicant Keith Myers

Post Office address P. O. Box 242, Bellevue, ID 83313

Department of Water Resources
Phone 3738-4291 ext. 0405

738-4291
RECEIVED

A. PURPOSE OF TRANSFER

JUL - 7 1989

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

Department of Water Resources
Northern Region Office

2. Describe the reason for the proposed changes Water has been purchased for transfer to land we own south of Bellevue. This requires a change in the point of diversion.

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

1. Right Number 37-0886 ^{S.S.} ~~B.H.~~ Priority 6-1-1884 Amount (cfs/ac-ft) 0.18 cfs Nature of Use Irrigation Period of Use Apr 1 to Oct 15

_____ to _____

_____ to _____

_____ to _____

2. Total amount of water being transferred 0.18 cubic feet per second and/or _____ acre-feet per annum

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

4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

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FEB 23 1993

Total acres 2.1

PART 1

6. General Information:

- a. Description of diversion system Headgate #45 & District Canal from Big Wood R. Re-diversion from District Canal.
- ☒ b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ 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:
dry irrigation until built upon
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0886H
And said application is hereby APPROVED, subject to the following limitations and conditions:
1. A lockable measuring device 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. 2. The use of water on the lands to which the above referenced water right was appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right.
3. The rate of diversion under this right shall not exceed 0.20 cfs to allow for a conveyance loss of 10%. 4. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 30th day of JuneJ. Glen Saxton
Chief, Water Alloc. BureauMICROFILMED
JUN 23 1989

19 89

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. 37-0886^{5.5}H Decreed to Mart Morris & Edith McBride
in case of W. D. Scharff, Et. Al. vs. O. A. Jones, Watermaster
dated 5-29-1919 in Fourth District 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. 2100^{5.5} 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 tributary to Malad River
4. Date or priority 6-1-1884
5. Water is used for the following purpose:
- amount 0.18 cfs for Irrigation purposes from Apr 1 to Oct 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 0.18 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	16	2N	18E	Blaine	P/D per Trans. #2100 (incorrect)
		SW	NE	16	2N	18E	Blaine	Actual head of Cove Canal

8. Lands irrigated or place of use: P/U is Blk. 74 & Lots 11 & 12 of Blk. 73 in Bellevue, ID.

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	36		2.1															2.1

Total acres 2.1

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

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FEB 23 1993

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

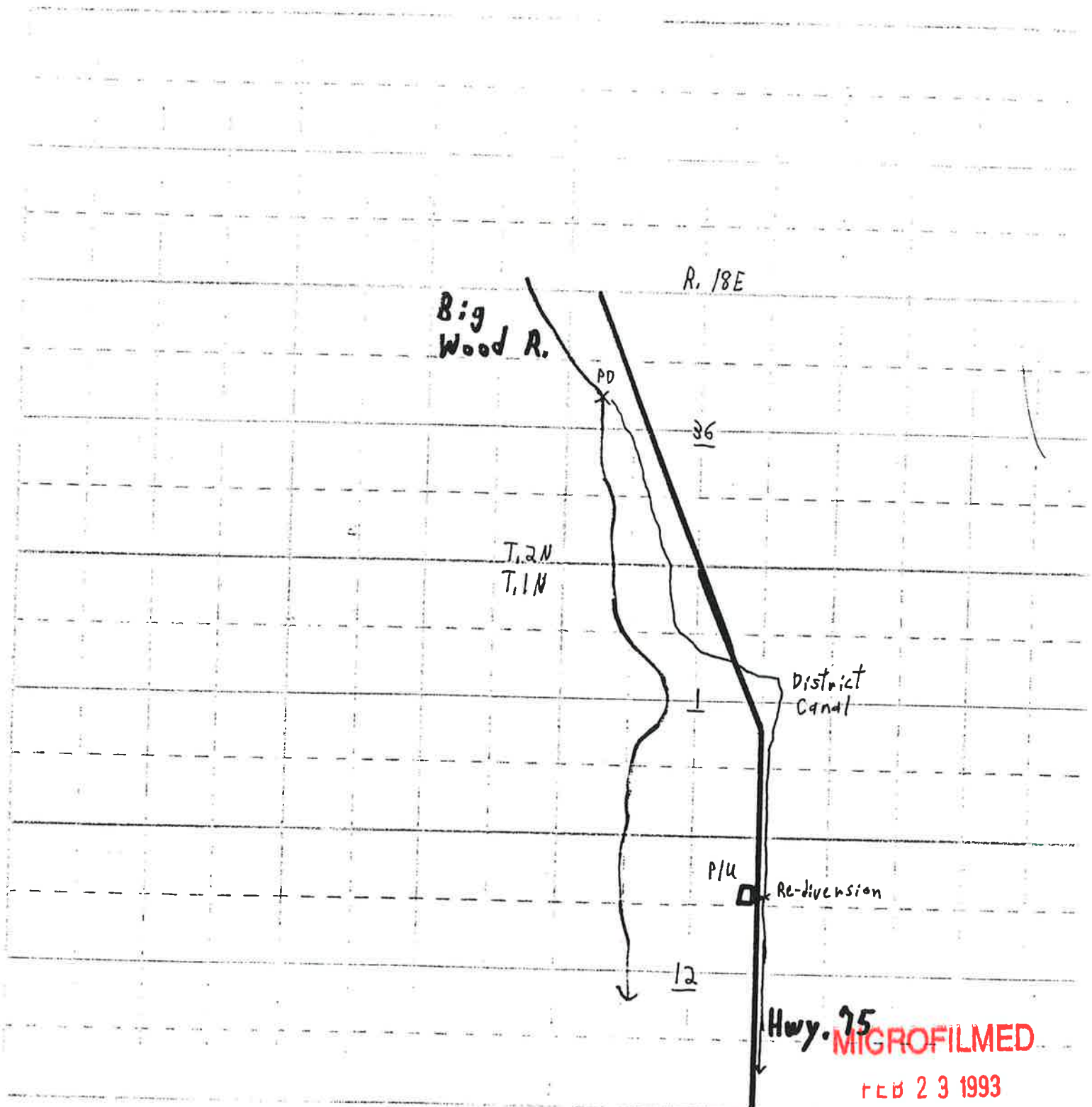
MICROFILMED

4-3-1993

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

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

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

X

Keith Cramer

(Signature of Applicant)

Subscribed and sworn to before me this 18th day of February, 19 88.

Betty L. Vert

(Notary Public)

My commission expires 6/28/89

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by M. Baldwin Date 3/3/88

Protest filed by None

Prelim. check by ADM Fee 792.30, R# 45550

Received by M. Baldwin Date 3/9/88

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 4/6 & 4/13/88

Hearing held by _____ Date _____

Watermaster recommendation requested on 3/16/88

Recommended for ☒ approval ☐ denial

_____ rec'd. 3/29/88

by ADM Jim Gary

Copy of transfer sent to lien holder _____

MICROFILMED

FEB 23 1993

37-0836 CUCOW, EMMA L.
37-0837 LABRUM, HENRY J.
37-0838 PERKINS, WILLIAM V.
37-0839 PERKINS, LEONARD H.
37-0840 WHITE, SARAH
37-0841 WARRING, EST. OF IRA S.

D/ 08-03-1883 SOLDIER CREEK
D/ 07-01-1887 SOLDIER CREEK
D/ 04-30-1887 SOLDIER CREEK
D/ 04-30-1887 SOLDIER CREEK
D/ 05-31-1887 SOLDIER CREEK
D/ 04-01-1886 SOLDIER CREEK

CAMAS CREEK
CAMAS CREEK
CAMAS CREEK
CAMAS CREEK
CAMAS CREEK
CAMAS CREEK

B14

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01/03/1988

NR157

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT NUMBER INDEX

PAGE 721
01/03/1988

WATER RIGHT NUMBER	NAME	OWNER	STAGE/ CODE	PRIORITY STATUS	DATE	SOURCE OF WATER	TRIBUTARY TO
(NUMBER CONTINUED FROM PREVIOUS PAGE)							
37-0841	WARRING, EXEC., ROSE H.						
37-0842	WARRING, EST. OF IRA S.						
37-0843	WARRING, EXEC., ROSE H.		D/		04-01-1887	SOLDIER CREEK	CAMAS CREEK
37-0844	WARRING, EXEC., ROSE H.		D/		04-01-1892	SOLDIER CREEK	CAMAS CREEK
37-0845	NICHOLS, JOSEPH						
37-0846	NUMBER NOT USED. DO NOT ISSUE.						
37-0847	VAN ORSDALE, O. S.		D/		05-31-1886	SOLDIER CREEK	CAMAS CREEK
37-0848	NUMBER NOT USED. DO NOT ISSUE.						
37-0849	NUMBER NOT USED. DO NOT ISSUE.						
37-0850	LIGHTFOOT, JOHN H.		D/		05-14-1883	SOLDIER CREEK	CAMAS CREEK
37-0851	LIGHTFOOT, JOHN H.						
37-0852	LIGHTFOOT, JOHN H.		D/		06-01-1895	SOLDIER CREEK	CAMAS CREEK
37-0853	NUMBER NOT USED. DO NOT ISSUE.						
37-0854	WATSON, HENRY D.		D/		06-01-1897	SOLDIER CREEK	CAMAS CREEK
37-0855	NUMBER NOT USED. DO NOT ISSUE.						
37-0856	BUNDY, LOYD		D/		07-01-1891	SOLDIER CREEK	CAMAS CREEK
37-0857	BUNDY, D. O.						
37-0858	STOUT, LEONARD E.		D/		04-19-1906	SAMPSON CREEK	SOLDIER CREEK
37-0859	STOUT, OLGA						
37-0860	CRIST, AUGUST		D/		02-01-1917	DRY CREEK	BIG WOOD RIVER
37-0861	CRIST, ALLEN T.		D/		02-01-1917	DRY CREEK	BIG WOOD RIVER
37-0862	CRIST, E. L.						
37-0863	SCHAEFER, WILLIAM		D/		05-01-1886	DRY CREEK	BIG WOOD RIVER
37-0864	PETERSON, J. W.		D/		03-01-1914	DRY CREEK	BIG WOOD RIVER
37-0865	KANAUSS, LESTER		D/		03-01-1905	DRY CREEK	BIG WOOD RIVER
37-0866	PETERSON, J. W.						
37-0867	MARR, A. W.		D/		03-01-1886	DRY CREEK	BIG WOOD RIVER
37-0868	WINSLOW, ARTHUR J.		D/		05-01-1883	BIG WOOD RIVER	HALAD RIVER
37-0869	GONES, ANTHONY H.		D/		10-06-1902	EAGLE CREEK	BIG WOOD RIVER
37-0870	ROBERTSON, MABEL L.		D/		07-28-1896	BIG WOOD RIVER	HALAD RIVER
37-0871	ROBERTSON, JENNIE		D/		04-01-1905	BIG WOOD RIVER	HALAD RIVER
37-0872	BIG WOOD CANAL CO.		D/		04-01-1905	BIG WOOD RIVER	HALAD RIVER
37-0873	MC COY, B. A.		D/		11-16-1905	BIG WOOD RIVER	HALAD RIVER
37-0874	ALLER, CASPER		D/		02-10-1906	BIG WOOD RIVER	HALAD RIVER
37-0875	BIG WOOD CANAL CO.		D/		10-30-1912	BIG WOOD RIVER	HALAD RIVER
37-0876	NUMBER NOT USED. DO NOT ISSUE.						
37-0877	BIG WOOD CANAL CO.		D/		06-01-1920	BIG WOOD RIVER	HALAD RIVER
37-0878	DAUBNER, R. H.		D/		01-05-1911	BIG WOOD RIVER	HALAD RIVER
37-0879	DAUBNER, EVERETT F.		D/		11-01-1913	BIG WOOD RIVER	HALAD RIVER
37-0880	DAUBNER, GEORGE E.		D/		11-01-1913	BIG WOOD RIVER	HALAD RIVER
37-0881	SEE RT. 37-0892.						
37-0882	SUPERSEDED BY DECREE. SEE RTS. 37-0873,						
37-0883	SUPERSEDED BY DECREE. SEE RT. 37-0866.						
37-0884	ORRUGH, ROY		D/		05-01-1905	BIG WOOD RIVER	HALAD RIVER
37-0885	NUMBER NOT USED. DO NOT ISSUE.						
37-0886	BALDWIN, ALBERT		D/		05-01-1901	BIG WOOD RIVER	HALAD RIVER
37-0887	UNION CENTRAL LIFE INSURANCE CO.						
37-0888	CAMPBELL, FRANK		D/		06-01-1883	BIG WOOD RIVER	HALAD RIVER
37-0889	CAMPBELL, SARAH						

C14

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01/03/1988

NR158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT NUMBER INDEX

PAGE 726
01/03/1988

WATER RIGHT NUMBER	NAME	OWNER	STAGE/ CODE	PRIORITY STATUS	DATE	SOURCE OF WATER	TRIBUTARY TO
37-0883	PARCIA, MYRON L.		D/		05-15-1883	BIG WOOD RIVER	HALAD RIVER
37-0884	FLORER, MINNIE A.						
37-0885	FAYOR, FRED H.		D/		05-14-1913	BIG WOOD RIVER	HALAD RIVER
37-0886	DRAGER, JOHN A.		D/		07-01-1883	BIG WOOD RIVER	HALAD RIVER
37-0887	SPLIT INTO 37-0886A & 37-0886B BY TRANS.						
37-0888	SPLIT INTO 37-0886C & 37-0886D BY TRANS.						
37-0889	DUDLEY, DORNE		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0890	DUDLEY, MARGARET						
37-0891	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0892	SPLIT INTO 37-0892A & 37-0892B BY TRANS.						
37-0893	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0894	SPENCER, MABEL		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0895	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0896	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0897	DISBENNETT, JR., OTIS		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0898	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0899	SCHARFF, ET AL. W. D.		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0900	DISBENNETT, JR., OTIS		D/		06-01-1884	BIG WOOD RIVER	HALAD RIVER
37-0901	NUMBER NOT USED. DO NOT ISSUE.						
37-0902	MC HONIGLE, PATRICK		D/		11-11-1884	DEER CREEK	BIG WOOD RIVER
37-0903	MC HONIGLE, PATRICK		D/		03-04-1875	DEER CREEK	BIG WOOD RIVER
37-0904	UPPER WOOD RIVER WATER USERS' ASSN. INC.		D/		06-23-1934	WOOD RIVER	BIG WOOD RIVER
37-0905	SEE RTS. 37-0891A, 37-0891B, & 37-0891C.						
37-0906	UPPER BIG WOOD RIVER WATER USERS' ASSN.						
37-0907	BASE LINE CANAL CO.		D/		07-24-1924	BIG WOOD RIVER	HALAD RIVER
37-0908	ALLRED, GEORGE		D/		07-24-1924	BIG WOOD RIVER	HALAD RIVER
37-0909	UPPER BIG WOOD RIVER WATER USERS' ASSN.		D/		07-24-1924	BIG WOOD RIVER	HALAD RIVER
37-0910	SEE RT. 37-0894.		D/		09-01-1920	BIG WOOD RIVER	HALAD RIVER
37-0911	COMBINED WITH 37-0893 BY HISTORICAL USE						
37-0912	BIG WOOD RIVER CANAL CO.		D/		09-01-1920	BIG WOOD RIVER	HALAD RIVER
37-0913	NATURAL WOOD RIVER WATER USERS' ASSN.		D/				

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10-Jul-1989

Reid J. Newby
P. O. Box T
Shoshone, Idaho 83352

Dear Mr. Newby,

Irrigation District # 37

PERMIT NO.: 37-0886H T# 3408

Please find attached copy of approved permit from the
State Office in favor of Keith Myers for you information
and further handling.

Please note section e. "other" under action of the
director, department of water resources.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:LP

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FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROVED
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Department of Water Resources
Southern District Office
Name of applicant Raymond and/or Elva Kinkade Phone 788-4425
Post office address Box 71, Bellevue, Idaho 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree to W.D. Schariff, etal (Name)
in case of W.D. Schariff, etal vs C.A. Jones
dated 29th May, 1919 in 4th Judicial District county of Blaine
(Name of court)
 - b. License No. issued by the Idaho Department of Water Resources
 - c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
(See attached Title Insurance Policy)

3. Source of water Big Wood River tributary to Snake River
4. Date of priority 6/1/1884
5. Water is used for the following purposes:

amount	<u>2.0</u>	CFS	for	<u>irrigation</u>	purposes from	<u>Apr. 1</u>	to	<u>Oct. 15</u>
amount			for		purposes from		to	
amount			for		purposes from		to	

(month/day both dates inclusive)
6. Total amount of water under right: a. 2.0 cubic feet per second
b. 2.0 acre feet per annum
7. Location of original point of diversion is SE 1/4 of NE 1/4 of Section 26
Township 2N Range 18 East R1E in Blaine County
Additional points of diversion, if any

Land indicate for place of use

TWP	RANGE	SEC	NE 1/4	SE 1/4	SW 1/4	NW 1/4	NE 1/4	SE 1/4	SW 1/4	NW 1/4	NE 1/4	SE 1/4	SW 1/4	NW 1/4	TOTAL
See attached Decree for list of land within the City of Bellevue															

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Total number of acres to be appraised

37-0886 H

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. .18 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ Ne $\frac{1}{4}$, Section 26 Township 2N
Range 18 East, B.M., Blaine County
Additional points _____

3. Place of use:

TWP.	RANGE	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		
			All of Block 74 and Lots 11 and 12 of Block 73 of the City of Bellevue.																	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted .18 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE $\frac{1}{4}$ Se $\frac{1}{4}$, Section 16 Township 2N
Range 18, B.M., Blaine County
Additional points _____

c. Description of diverting works Submerged orifice and gravity flow ditch
to place of use.

d. Describe the reasons for applying for a change in the point(s) of diversion Better use of
water with less loss.

2. Change in place of use No Change

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

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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FEB 23 1993

Total number of acres to be irrigated _____

THE TITLE INSURANCE COMPANY

TITLE INSURANCE BUILDING • BOISE, IDAHO

Title Insurance Policy

Policy No. 22-3956

\$ 11,500.00

Order No. 22-2962

THE TITLE INSURANCE COMPANY, a corporation (incorporated under the laws of the State of Idaho), hereinafter called the Company, for a valuable consideration paid for this policy of title insurance,

Does Hereby Insure

RAYMOND ALBERT KINKADE and MELVA M. KINKADE, husband and wife,

together with the persons and corporations included in the definition of "the insured" as set forth in the stipulations of this policy, against loss or damage not exceeding
ELEVEN THOUSAND FIVE HUNDRED AND NO/100- - - - - dollars,
which the insured shall sustain by reason of:

1. Title to the land described in Schedule A being vested, at the date hereof, otherwise than as herein stated; or
2. Any defect in, or lien or encumbrance on, said title existing at the date hereof, not shown or referred to in Schedule B; or
3. Any defect in the execution of any mortgage or deed of trust shown in Schedule B securing an indebtedness, the owner of which is insured by this policy, but only insofar as such defect affects the lien or charge of such mortgage or deed of trust upon said land; or
4. Priority over any such mortgage or deed of trust of any lien or encumbrance upon said land existing at the date hereof, except as shown in Schedule B, such mortgage or deed of trust being shown in the order of its priority.

all subject, however, to SCHEDULES A and B, and the STIPULATIONS herein, all of which schedules and stipulations are hereby made a part of this policy.

IN WITNESS WHEREOF, THE TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, this 20th day of August, 1968, at 5 P. M.

This policy not valid unless countersigned by
Land Title Guaranty Company
by David D. Anderson, Manager

LAND TITLE GUARANTY COMPANY

BY David D. Anderson, Manager

THE TITLE INSURANCE COMPANY

By John B. Bee President

Attest J. M. Epeneter Secretary

FORM 101

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SCHEDULE A

22-2582

The fee simple title to said lands, is at the date hereof, vested in:

RAYMOND ALBERT KINKADE and ELVA M. KINKADE, husband and wife,
presumptively as community property

The land referred to in this policy is described as:

Lots 1, 11 and 12 in Block 73, and all of Block 74, in the City of
Bellevue, Blaine County, State of Idaho, according to the official plat
thereof on file in the office of the County Recorder of Blaine County,
Idaho.

8 lessons in English - 10-1-72

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR BLAINE COUNTY.

M.D. SCHARFF, CHRIS KOHLER,
C.F. COLLINS, MART MORRIS,
JOSEPH SISIAN, CHARLES M.
BLACK, JOHN PEARSON, JESSE STITT,
EDITH McBRIDE AND
BERNICE MCCOY,
Plaintiffs,

VS.
C.A. JOHNS, Watermaster
Defendant

D E C R E E

This cause coming on to be heard the 13th day of May, 1919,
the plaintiffs appearing in person and by their attorneys, McFadden & Perkins,
and the defendant not appearing either in person or by attorney, and it appearing
to the Court that the summons has been duly issued and served upon said defendant
as required by law, and that the said defendant had failed to appear and answer
the complaint, and that the default of the said defendant had been duly entered
herein, and that the notice of the said action had been duly published as required
by law, and proof of which publication has been entered herein, and that
the time for answering and appearing in said action has expired, and that no
appearance has been made by any party in interest or concerned herein, and the
Court after hearing the evidence and considering the same and having made its
findings of fact and conclusion of law heretofore filed in this action now orders
as follows:-

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that these said plaintiffs,
M. D. Scharff, Chris Kohler, C. F. Collins, Mart Morris, Joseph Sisian,
Charles M. Black, John Pearson, Jesse Stitt, Edith McBride and Bernice McCoy,
are the owners of and entitled to the use of 100 inches of the waters of Big Wood
River for irrigation and domestic purposes as of a date of priority
of June 1st, 1884; that the said water is to be used upon the following
described land in Blaine County, to-wit:-
- M. D. Scharff, Lots 4, 5, 6, Block 39, Lots 1, 2, 7, 8, 9, 10, 11, 12, Block 38,
- all of blocks 39, 46, 66, 47, City of Bellevue, also the streets adjoining,

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which were never opened to the public and have been used by him for agricultural purposes,

- Chris Kohler, part of Lot 3 Sec. 25, T.2 N.R.18 S.B.M. described as tax
- lot 1027 containing about six acres.

C.F. Collins, Lots 3, 4, 5, 6, Block 38, City of Bellevue

- Mart Morris, Block 74, City of Bellevue,

- Joseph Sisiam, Lots 3, 4, 5, 6, 7, 8, 9, 10 Block 73 Bellevue,

Charles H. Black All of block 37 except lots 7 and 8, also all
lots 5, 6, 7, and 8 Block 72 City of Bellevue,

John Pearson, S 10ft Lot 10, all lots 11, 12, 1, 2, 3, 4, Block 43 City
of Bellevue,

- Jesse Stitt, Block 67, City of Bellevue,

Edith McBride, Lots 1 and 2 and 11 and 12, Block 73, with public
street on south and East, never opened, of the City of Bellevue,

Fernice McCoy, Lots 1, 2, 3, 4, 9, 10, 11, 12, Block 72 Bellevue,

Mrs C.C. Pater, N. 40' lot 10, 7, 8, 9, Block 43, Bellevue, which ^{said} right
shall continue so long as the said plaintiffs or successors in
interest shall continue to use the said water for the purposes
herein as described in said complaint and findings of fact and that the
said plaintiffs are entitled to divert the said water of Big
Wood River at a point about two and one-half miles north of the
city of Bellevue and convey the same through ditches and canals
to their said lands.

Dated at Bailey, Idaho, this 29th day of May, 1919

U. F. Insign District Judge

Filed May 31, 1919

Cassie L. Russell, Clerk of the District Court

P. B. P. Thamm, Deputy

STATE OF IDAHO)
COUNTY OF BLAINE) SS.

I, CASSIE L. RUSSELL, Clerk of the District Court of the
Fourth Judicial District of the State of Idaho, in and for the County
of Blaine, do hereby certify that the foregoing is a full, true and
correct copy of the original decree in the above entitled action
now on file in my office.

Given under my hand and the seal of said Court in my office

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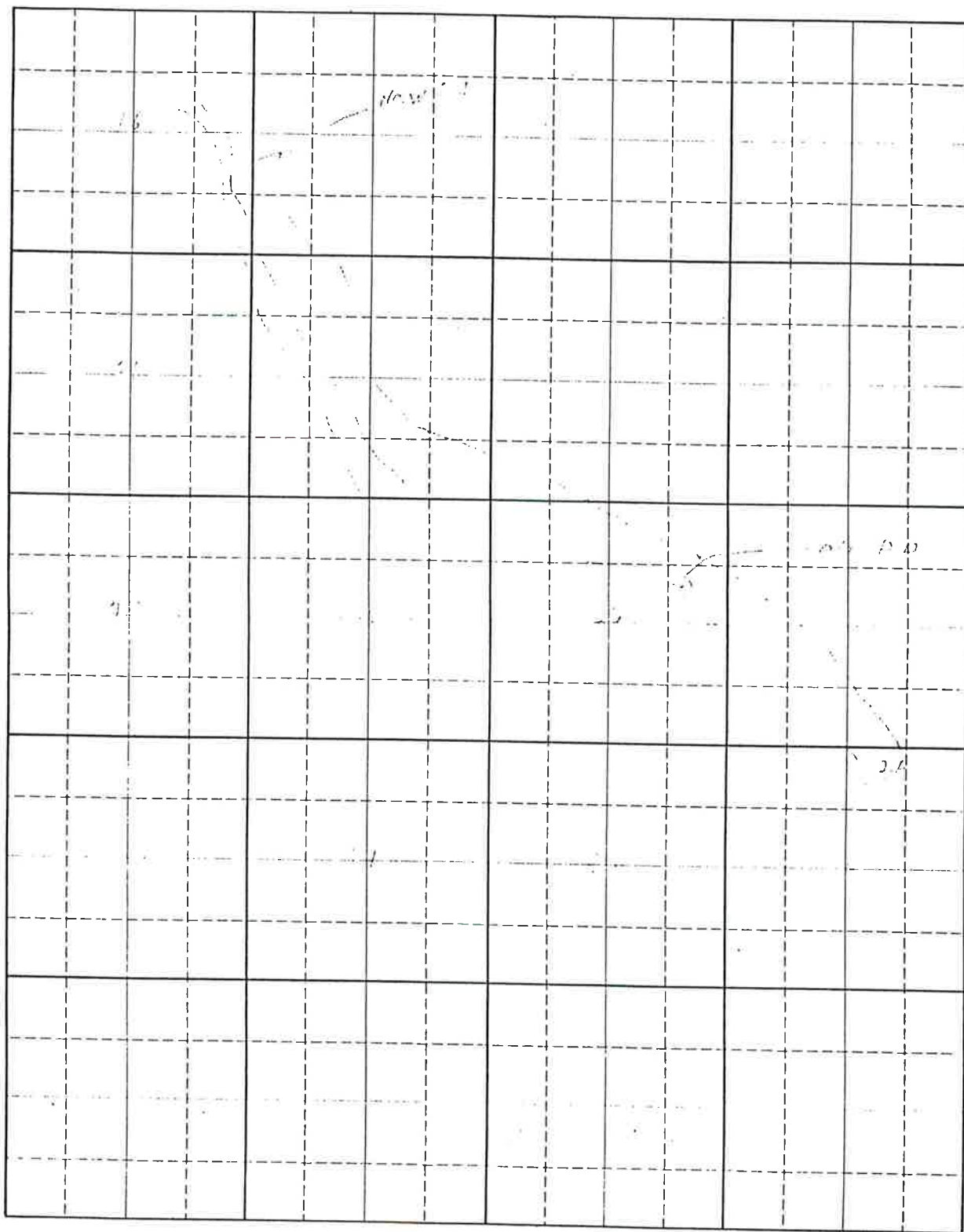
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at Hailey this 20th day of May 1921

/s/ Cassie M. Russell
CLERK

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- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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3. Remarks

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

Raymond A. Kirkland
(Signature of applicant)

Subscribed and sworn to before me this 17th day of MARCH, 1977

(Notary public)

My commission expires FEB. 16, 1980

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. ~~37-0886~~ and 37-0886 H, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 23 day of June, 19 77

(Signature of Director)

FOR DEPARTMENT USE ONLY

Received by SB

Date 3/18/77

Protest filed by

Prelim. check by JS

Fer 10⁰⁰

Rec'd # 2386

Receipted by SB

Date 3/18/77

Published in

Pub. dates

Watermaster recommendation requested on

rec'd.

Copies of protest forwarded by

Hearing held by

Date

Recommended for

approval

by

13 Richard L. Stucke

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FEB 23 1993