



Haywards
20 Tyler Dr.
Bellevue, ID 83313



State of Idaho
Dept. of Water Resources
P.O. Box 83720
Boise ID
83720-0098



Please Change my
address to

RECEIVED

DEC 13 2005

Jersey Hogan DEPARTMENT OF
WATER RESOURCES

20 Tyler Dr.

Bellevue ID

83313

37-1153A

37-4160

Records
Modified
12-14-05
-10

RECEIVED
DEC 20 2005
Department of Water Resources
Southern Region

Was 1561 2nd Ave N.
Idaho ID 83333

Thank-you

Jersey Hogan

SCANNED

DEC 14 2005

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-1153A
Date Received: 11/18/1992
Receipt No: S015183
Received By:

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

1. Name of Claimant(s)

JERRY P HAYWARD Phone: (208)788-1290
STEPHANIE A HAYWARD
1561 2ND AVE N
HAILEY ID USA 83333

2. Date of Priority: 06/30/1888

3. Source: UNNAMED STREAM Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	13	NW SW	BLAINE	

5. Description of diverting works:

CLOUD DITCH FROM UNNAMED STREAM TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	18E	13	NE	SW	IRRIGATION	35
			SE	SW	IRRIGATION	15
			SW	SE	IRRIGATION	11
					Section Acres	61
					Total Acres	61

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

corrected the point of diversion legal to reflect section 13 as it appears that there was a typo showing section 23. kkc

DELIVERY DITCH IS BELIEVED TO BE THE CLOUD DITCH # 74
***** ADDRESS CHANGED AS PER
REQUEST RECD 10/23/98. CC

15. Basis of Claim: Decreed

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: _____

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

Signature of Claimant(s):

Jerry Byrd
Stephen Haywood

Date: 2-4-05

Date: 2/4/05

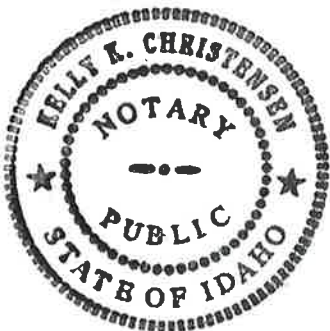
State of Idaho)

) SS.

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 4th day of February 2005

Kelly K. Christensen
Notary Public



Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

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
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ACQUIRED UNDER STATE LAW

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JERRY P HAYWARD Phone: (208)788-1290
1561 2ND AVE N
HAILEY ID 83333

STEPHANIE A HAYWARD Phone: (208)788-1290
1561 2ND AVE N
HAILEY ID 83333

2. Date of Priority: 06/30/1888

3. Source: UNNAMED STREAM Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	23	NW SW	BLAINE	

5. Description of diverting works:

CLOUD DITCH FROM UNNAMED STREAM TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	18E	13	NE	SW	IRRIGATION	35
			SE	SW	IRRIGATION	15
			SW	SE	IRRIGATION	11
					Section Acres	61
					Total Acres	61

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

DELIVERY DITCH IS BELIEVED TO BE THE CLOUD DITCH # 74
***** ADDRESS CHANGED AS PER
REQUEST REC'D 10/23/98. CC

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2004

JERRY P HAYWARD
STEPHANIE A HAYWARD
1561 2ND AVE N
HAILEY ID 83333

Re: SRBA Claim(s) 37-1153A, 37-4160

Dear Mr. and Mrs. Hayward:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

Enc.

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.

RECEIVED
FEB 19 2004
Department of Water Resources
Southern Region

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A37-01153A					
A37-04160					

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

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

OR

OR
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 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) | <u>Ellynn Sue Ragone</u>
<u>P.O. Box 411, Arroyo Seco, NM 87514</u> |
| 4. | New Owner/Claimant(s) | <u>Jerry P. and Stephanie A. Hayward</u> |
| | New Mailing Address | <u>1561 2nd Avenue North, Hailey, ID 83333</u> |
| | City, State and ZIP Code | <u></u> |
| | New Telephone Number | <u>(208) 788-1290</u> |
| 5. | Date you acquired the property | <u>2/13/2004</u> |

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Jerry P. Haywood
Stephen A. Haywood

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

Order No. 53718

Instr. # 499155

HAILEY, BLAINE, IDAHO

2004-02-13 04:03:00 No. of Pages: 2

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

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

ELLYNN SUE RAGONE, an unmarried woman

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

JERRY P. HAYWARD and STEPHANIE A. HAYWARD, husband and wife

GRANTEE(s) whose address is: 1561 2nd AVE N, HAILEY, ID 83333

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

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART THEREOF

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: February 10, 2004

Ellynn Sue Ragone
ELLYNN SUE RAGONE

State of New Mexico

County of Taos

}
}ss.
}

On this 11th day of February, in the year 2004, before me, the undersigned, personally appeared **ELLYNN SUE RAGONE** known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

Joel R. Schantz
Notary Public
Commission Expires: 3-8-05



Order No. 53718
Legal Description

Exhibit "A"

Order No. 26913
LEGAL DESCRIPTION EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A parcel of land, more particularly described as follows:

COMMENCING at the brass cap marking the East 1/4 corner of said Section 13, said corner lying N. 00° 01' 02" W., 2,641.70 feet from a brass cap marking the Southeast section corner of said Section 13; thence

S. 89° 56' 44" W., 2,619.00 feet to a 5/8" rebar marking the center 1/4 corner of said Section 13, said center 1/4 corner being the TRUE POINT OF BEGINNING; thence

S. 00° 15' 43" W., 1,320.72 feet along the Easterly boundary of the SW 1/4 of said Section 13 to a 5/8" rebar marking the CS 1/16 corner of said Section 13; thence

N. 89° 56' 56" E., 1,312.72 feet along the Northerly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar marking the SE 1/16 corner of said Section 13; thence

S. 00° 07' 20" W., 419.46 feet along the Easterly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar on the Northerly boundary of U.S. Highway 20; thence

S. 87° 58' 46" W., 2,416.21 feet along said Northerly boundary of the highway to a brass cap; thence

S. 85° 05' 08" W., 214.62 feet along said Northerly boundary of the highway to a brass cap; thence

S. 87° 58' 26" W., 1.42 feet along said Northerly boundary of the highway; thence

leaving said highway N. 00° 16' 30" E., 1,841.38 feet along the Westerly boundary of the E 1/2 SW 1/4 of said Section 13 to a 5/8" rebar marking the CW 1/16 corner of said Section 13; thence

N. 89° 56' 44" E., 1,315.33 feet along the Northerly boundary of the SW 1/4 of said Section 13 to the TRUE POINT OF BEGINNING.

(TL 6777)

Order No. 53718

QUITCLAIM DEED

Instrument # 499156

HAILEY, BLAINE, IDAHO

2004-02-13

04:04:00

No. of Pages: 2

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQCICORP DEED

FOR VALUE RECEIVED

ELLYNN SUE RAGONE, an unmarried woman

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

JERRY P. HAYWARD and STEPHANIE A. HAYWARD, husband and wife

whose address is: **1561 2ND AVENUE NORTH, HAILEY, ID 83333**

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

SEE LEGAL DESCRIPTION EXHIBIT 'A' ATTACHED HERETO AND MADE A PART THEREOF, AND

TOGETHER WITH BUT NOT LIMITED TO WATER RIGHTS NO. A37-4160 AND A37-1153A

together with their appurtenances.

Dated: **February 10, 2004**

Ellynn Sue Ragone
ELLYNN SUE RAGONE

State of NEW MEXICO

County of Taos

}
}ss.
}

On this 11th day of February in the year 2004, before me, the undersigned, personally appeared **ELLYNN SUE RAGONE**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

Joel K. Schantz
Notary Public

Commission Expires 3-2-08



Order No. 53718
Legal Description

Exhibit "A"

Order No. 26913
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S. 89° 56' 44" W., 2,619.00 feet to a 5/8" rebar marking the center 1/4 corner of said Section 13, said center 1/4 corner being the TRUE POINT OF BEGINNING; thence S. 00° 15' 43" W., 1,320.72 feet along the Easterly boundary of the SW 1/4 of said Section 13 to a 5/8" rebar marking the CS 1/16 corner of said Section 13; thence

N. 89° 56' 56" E., 1,312.72 feet along the Northerly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar marking the SE 1/16 corner of said Section 13; thence

S. 00° 07' 20" W., 419.46 feet along the Easterly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar on the Northerly boundary of U.S. Highway 20; thence

S. 87° 58' 46" W., 2,416.21 feet along said Northerly boundary of the highway to a brass cap; thence

S. 85° 05' 08" W., 214.62 feet along said Northerly boundary of the highway to a brass cap; thence

S. 87° 58' 26" W., 1.42 feet along said Northerly boundary of the highway; thence

leaving said highway N. 00° 16' 30" E., 1,841.38 feet along the Westerly boundary of the E 1/2 SW 1/4 of said Section 13 to a 5/8" rebar marking the CW 1/16 corner of said Section 13; thence

N. 89° 56' 44" E., 1,315.33 feet along the Northerly boundary of the SW 1/4 of said Section 13 to the TRUE POINT OF BEGINNING.

(TL 6777)

This sketch is made solely for the purpose of locating the premises.

The company assumes no liability for alleged loss or damage which may result from reliance on this map.

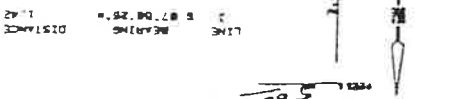


LINE	BEARING	DISTANCE
1	S 00° 07' 25" E	418.45
2	S 87° 00' 06" E	274.02
3	S 87° 06' 30" E	1.42
4	S 86° 53' 41" E	200.00
5	S 87° 06' 06" E	183.75
6	S 00° 01' 02" E	130.04



I do hereby certify that I am a Registered Professional Land Surveyor in the State of Idaho, and that this map has been prepared from a survey made on the ground under my direct supervision in the presence of one or more of my duly Licensed Land Surveyors practicing in Idaho, and that on the basis of my knowledge and belief, this map is an accurate representation of said survey.

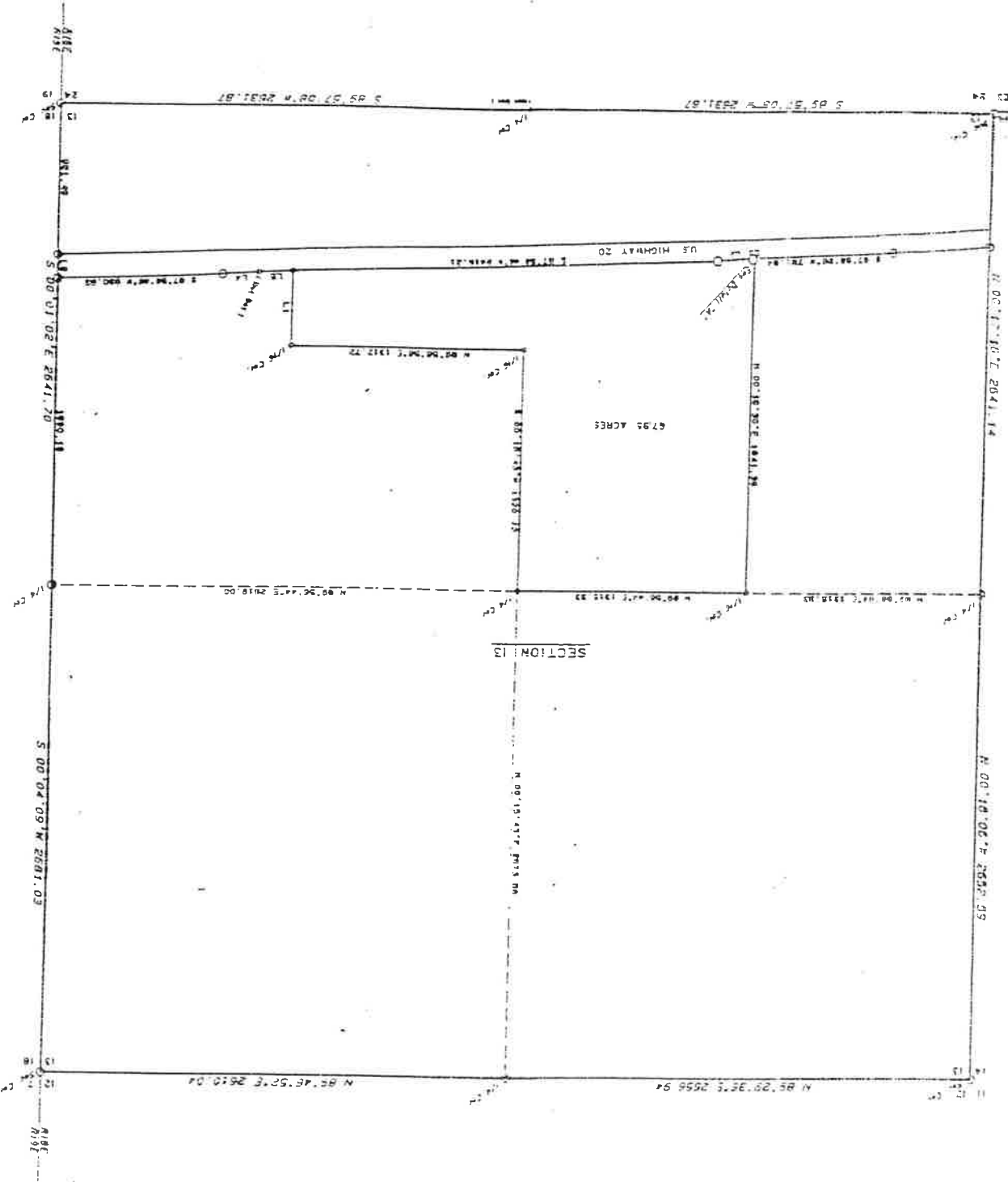
STATE OF IDAHO
COUNTY OF BLAINE
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE RECORDS OF BLAINE COUNTY, IDAHO, ON 03-29-90 AT 10:08 A.M.
RECORDED 01-03-90
BY
323207



DETAIL "A" & SW Corner of Parcel

LEGEND
○ Found Brass Peg
+ Set 3/8" x 30" rod

RECORD OF SURVEY MAP
1. PARCEL OF LAND WITHIN:
SEC. 13, T1S, R18E, B1M,
BLAINE COUNTY, IDAHO
PREPARED BY: FUCHNER AND WILLIAMS, KETTERHAM, IDAHO
SCALE
1" = 400'
CHECKED BY: DEYON WALKER





January 22, 2004

Jerry Hayward
1561 2nd Avenue North
Hailey, ID 83333

RE: Our Order No. 53718
HAYWARD/RAGONE
A portion of Section 13, Township 1 South, Range 18 East - TL 6777

Dear Jerry:

Attached is the Title Insurance Commitment relative to the above numbered order.

Copies of any of the Exceptions under Schedule B, Section 2 of the Commitment will be furnished upon request.

For further information regarding this report please contact:

ESCROW OFFICER: Melody A. Mattson
EMAIL ADDRESS: melodym@ameri-title.com
ESCROW ASSISTANT: Melanie Holmes
TITLE OFFICER: Michelle C. Peterson

Very truly yours,

AMERITITLE


Michelle C. Peterson
Title Officer

mcp

Attachment(s)

cc: Ellynn Sue Ragone
Bushell & Co. – Marilyn Martin
Coldwell Banker/Sun Valley Real Estate – Joe Bergl

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2.

The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

First American Title Insurance Company

BY  PRESIDENT

ATTEST  SECRETARY

BY  COUNTERSIGNED

AmeriTitle

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 -- Requirements	3
SCHEDULE B-2 -- Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact

AmeriTitle

(208) 726-4595 or (800) 837-4595

SCHEDULE A

1. Commitment Date: **01/08/04 at 8:00 a.m.**
Order No. **53718**

2. Policy or Policies to be issued: Policy Amount Premium

extended,
(X) Standard Owners Policy **\$298,500.00** **\$1,202.00** X
Form 1402.92 (10/17/92)
Proposed Insured: **60.10**

JERRY HAYWARD + *Stephanie Hayward*

() Loan Policy
Form 1056.92 (10/17/92)
Proposed Insured: *HFW*

() Endorsement(s) *[Signature]*

3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:

ELLYNN SUE RAGONE, an unmarried woman

4. The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT "A"

NOTE FOR INFORMATION:

Our sources indicate a street address for this property as:
To be Determined, US Highway 20, Blaine County, ID 83313

Order No. 53718
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 13: A parcel of land, more particularly described as follows:

COMMENCING at the brass cap marking the East 1/4 corner of said Section 13, said corner lying N. 00° 01' 02" W., 2,641.70 feet from a brass cap marking the Southeast section corner of said Section 13; thence
S. 89° 56' 44" W., 2,619.00 feet to a 5/8" rebar marking the center 1/4 corner of said Section 13, said center 1/4 corner being the TRUE POINT OF BEGINNING; thence
S. 00° 15' 43" W., 1,320.72 feet along the Easterly boundary of the SW 1/4 of said Section 13 to a 5/8" rebar marking the CS 1/16 corner of said Section 13; thence
N. 89° 56' 56" E., 1,312.72 feet along the Northerly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar marking the SE 1/16 corner of said Section 13; thence
S. 00° 07' 20" W., 419.46 feet along the Easterly boundary of the SW 1/4 SE 1/4 of said Section 13 to a 5/8" rebar on the Northerly boundary of U.S. Highway 20; thence
S. 87° 58' 46" W., 2,416.21 feet along said Northerly boundary of the highway to a brass cap; thence
S. 85° 05' 08" W., 214.62 feet along said Northerly boundary of the highway to a brass cap; thence
S. 87° 58' 26" W., 1.42 feet along said Northerly boundary of the highway; thence
leaving said highway N. 00° 16' 30" E., 1,841.38 feet along the Westerly boundary of the E 1/2 SW 1/4 of said Section 13 to a 5/8" rebar marking the CW 1/16 corner of said Section 13; thence
N. 89° 56' 44" E., 1,315.33 feet along the Northerly boundary of the SW 1/4 of said Section 13 to the TRUE POINT OF BEGINNING.
(TL 6777)

SCHEDULE B - SECTION 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then **make** additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s) N/A.
- (f) Other
- (g) For an Extended Policy, you must give us the following information:
 - 1. Any off record leases or surveys.

IMPORTANT: If this transaction fails to close and/or this commitment is canceled, a fee will be due and owing, which fee complies with the rates currently on file with the Department of Insurance, State of Idaho. We will consider the party who ordered this commitment, and/or the party benefiting from it, responsible for payment unless notified in writing within 30 days to the contrary.

NOTE: If a Deed of Trust is contemplated as a part of this transaction, the correct name to be entered as the trustee is: AMERITITLE, an Oregon Corporation.

NOTE: Copies of any of the Exceptions listed in Schedule B, Section 2 will be furnished upon request.

SCHEDULE B -- SECTION 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 2003, a lien in the amount of \$68.54, of which the first half are paid and the second half are due and payable on or before June 20, 2004. (Parcel #01S18013057E)
8. Power Line Easement in favor of Idaho Power Company, recorded January 4, 1960, in Book 171 of Deeds, page 455, as Instrument No. 1:13484. (Affects SESW)
9. Matters shown on that certain Record of Survey, recorded August 29, 1990, as Instrument No. 323207.
10. Grant of Water Rights, recorded June 7, 1991, as Instrument 330694.
11. Annexation into the Carey Fire Protection District, recorded July 27, 1993, as Instrument No. 355071.

CONTINUED

X 2. Notices of liens in favor of the State Tax Commission, the Department of Labor, and Department of Health and Welfare of the State of Idaho filed in the office of the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code. (Note: At this time we find, unless shown above as an exception, there are no state liens filed against the parties in this transaction. This exception will be deleted from the final title policy.)

END OF EXCEPTIONS

NOTE: Exception Numbers 1, 2, 3, 4 and 6 will not be shown as exceptions on an ALTA Extended Coverage Policy, but will remain as exceptions on an ALTA Standard Coverage Policy.



18 February 2004

**IDWR Southern Region
1341 Filmore Street, #200
Twin Falls, ID 83301-3380**

RECEIVED
FFR 19 2004
Water Resources
Southern Region

RE: Water Rights #1153A and 4160

Enclosed please find the necessary documents to transfer above mentioned water rights.

Please contact me should you find the need.

Sincerely,



**Melody Mattson
Escrow Officer**

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: A37-01153A
Date Received: 11/18/1992
Receipt No: S015183
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ELLYNN RAGONE
Address: PO BOX 2585
SUN VALLEY ID 83353
208-622-7450

2. Date of Priority: JUN 30, 1888

3. Source: UNNAMED CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	18E	23		NW	SW		BLAINE

5. Description of diverting works:
CLOUD DITCH FROM UNNAMED STREAM TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	13	NE	SW		IRR	35.0
			SE	SW		IRR	15.0
			SW	SE		IRR	11.0

10. Place of Use: Continued

Section Acres 61.0

Total Acres 61.0

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:
 37-04160 (GROUND WATER SOURCE)

14. Remarks:
 DELIVERY DITCH IS BELIEVED TO BE THE CLOUD DITCH # 74

 ADDRESS CHANGED AS PER REQUEST REC'D 10/23/98. CC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MARY J FREDRICKSON
Decree Plaintiff

H. L. WURST
vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ELLYN SUE RAGONE
PO BOX 2585
SUN VALLEY ID 83353

RE: Snake River Basin Adjudication (SRBA).
Notice of Claims No. A37-04160, A37-01153A
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Cheryl Cather
Records Clerk, SRBA

/cc

10/23/1998 09:41 20873530

IDWR SOUTHERN REGION

PAGE 01

Decreed



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

OCT 23 1998

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☒ Water Right Number(s):

A-37-04160

A-31-01153A

☐ Old Mailing Address:

Ellynn Ragone

P.O. Box 4168

Ketchum, Id. 83340

☐ New Mailing Address:

Ellynn Ragone

P.O. Box 2585

Sun Valley, Id. 83353

☐ New Telephone Number:

(208) 622-7450

☐ Signature of Claimant(s):

Ellynn Ragone

Date:

October 23, 1998

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 11/02/98 By: ec

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

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: A37-01153A
Date Received: 11/18/1992
Receipt No: 5015183
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELLYNN RAGONE 208-726-8514
Address: PO BOX 4168
KETCHUM ID 83340

2. Date of Priority: JUN 30, 1888

3. Source: UNNAMED CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	18E	23	NW	SW			BLAINE

5. Description of diverting works:
CLOUD DITCH FROM UNNAMED STREAM TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	13	NE	SW		IRR	35.0
			SE	SW		IRR	15.0
			SW	SE		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	61.0
					Total Acres	61.0

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:
37-04160 (GROUND WATER SOURCE)

14. Remarks:
DELIVERY DITCH IS BELIEVED TO BE THE CLOUD DITCH # 74

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MARY J FREDRICKSON
Decree Plaintiff

H. L. WURST
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): Elynn Ragone Date: 11/18/92

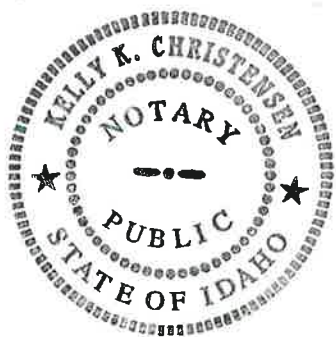
Date: _____

State of Idaho)
County of Twin Falls) SS.

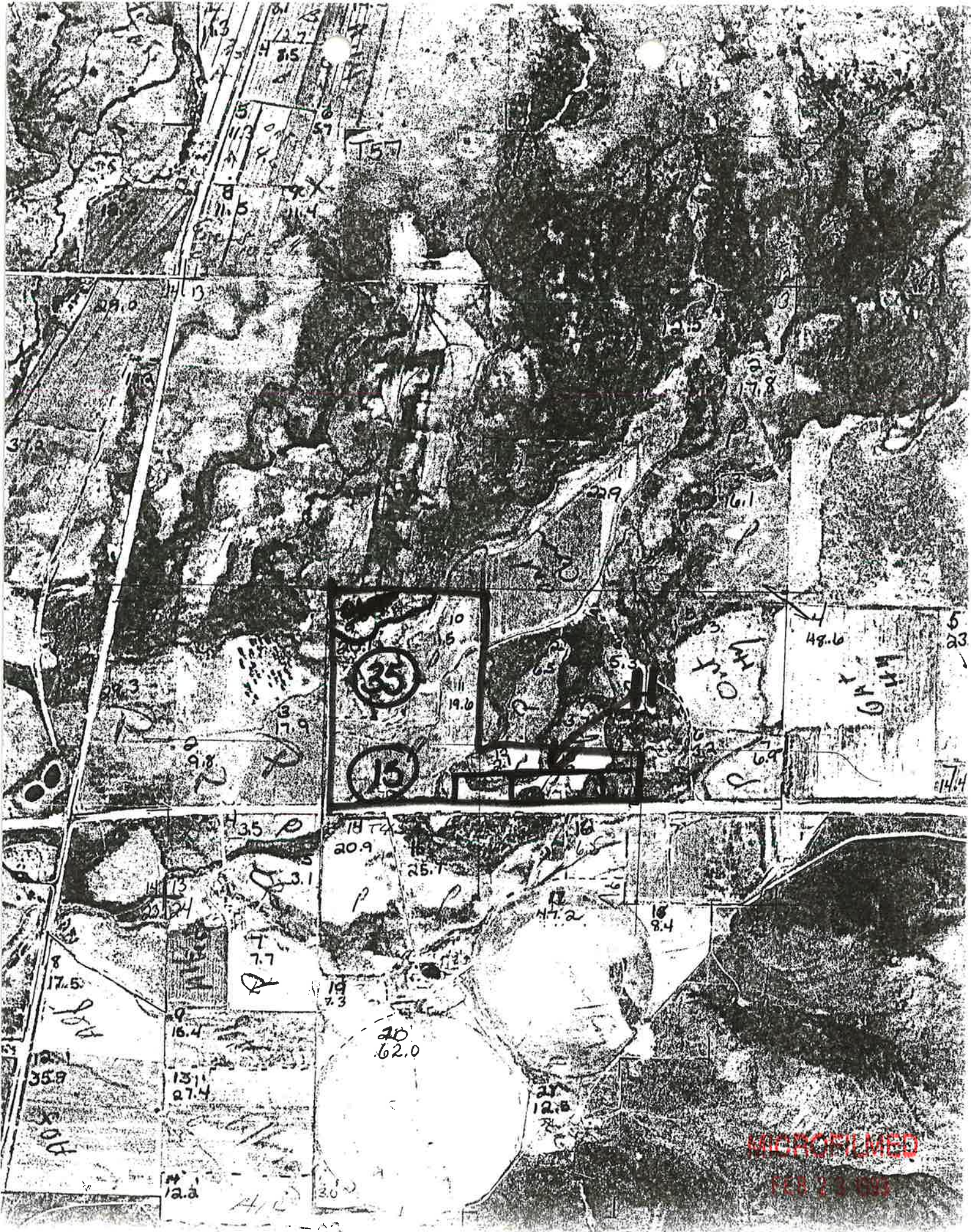
Subscribed and sworn (or affirmed) before me this 18th day
of Nov ~~18~~ 19 92

Kelly K. Christensen
Notary Public

Seal



Residing at Kimberly Rd.
My Commission Expires 3-2-92



MICROFILMED
FEB 23 1983

FOR YOUR INFORMATION

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

+ Kneeland, Korb & Collier
P.O. Box 249
Ketchum, Idaho 83340
(208) 726-9311

BLAINE CO. REQUEST

OF *Kneeland, Korb & Collier*

1991 JUN -7 P 1:22

330694

MARY GREEN, CLERK *mp*

FEES \$ *18.00*

(Space above line for Recorder's use)

GRANT OF WATER RIGHT

This Grant of Water Right is made by Devon Walker and Joan Walker, husband and wife ("Walker"), to Ellyn Sue Ragone ("Ragone"), an unmarried woman of Post Office Box 5685, Ketchum, Idaho 83340.

RECITALS:

A. Walker is the owner of ten inches of State of Idaho Department of Water Resources License No. 37-01153.

B. Walker conveyed real property to Ragone by a Warranty Deed recorded as Instrument Number 322898, Records of Blaine County, Idaho, together with water rights described therein, which included forty inches of State of Idaho Department of Water Resources License No. 37-01153. A copy of the Warranty Deed is attached hereto as Exhibit A and by this reference made a part hereof.

C. Walker desires to grant and convey and Ragone desires to receive an additional ten inches of State of Idaho Department of Water Resources License No. 37-01153 as provided herein.

NOW, THEREFORE, for valuable consideration received, and other good and valuable consideration, the parties agree as follows:

1. Grant of Water Right. Walker hereby grants and conveys to Ragone, her assigns and successors in interest, ten inches of Idaho Department of Water Resources License No. 37-01153. Upon the recording of this Grant and transfer by the Idaho Department of Water Resources, Ragone will be the owner of fifty inches of State of Idaho Department of Water Resources License No. 37-01153.

2. Warranty. Walker warrants that they have good and marketable title to said water right conveyed hereby, and that the same is free and clear without encumbrance. Walker, for themselves, their heirs and assigns, do hereby covenant to warranty and shall defend the quiet and peaceful ownership of the water right conveyed herein to Ragone, her successors and assigns forever, against all lawful claims of all persons.

MICROFILMED

FEB 23 1993

3. Limited Power of Attorney. Walker hereby irrevocably appoints Ragone, as their attorney in fact, to do whatever necessary to accomplish the transfer of the water right conveyed herein as required by the Idaho Department of Water Resources or other regulating entity.

IN WITNESS WHEREOF, Walker has herein subscribed their names to this instrument this 24th day of April, 1991.


Devon Walker

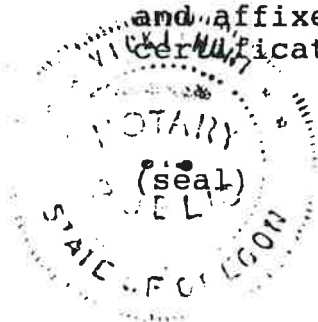

Joan Walker

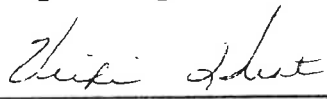
ACKNOWLEDGEMENT

STATE OF Oregon)
County of Lane) ss.

On this 24th day of April, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared DEVON WALKER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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




NOTARY PUBLIC for Oregon
Residing at Koreburg
Commission Expires 8 30-93

MICROFILMED

FEB 23 1993

STATE OF Oregon)
County of Douglas) ss.

On this 24th day of April, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOAN WALKER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



Theresa J. Hunt
NOTARY PUBLIC for Oregon
Residing at Roseburg
Commission Expires 8-30-93

agtwk\walker1.dd

MICROFILMED

FEB 23 1993



BCT #19903085

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received DEVON WALKER AND JOAN WALKER, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto ELLYNN SUE RAGONE, AN UNMARRIED WOMAN,

the Grantee whose current address is: P.O. BOX 5685, KETCHUM, ID 83340

the following described premises, to-wit:

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

Including and and all Water Rights appurtenant to said property, specifically all of State of Idaho Department of Water Right License 37-01153 (40 inches) and 37-4160.

322898
BLAINE CO. REQUEST
Blaine
90 AUG 20 PM 4 42
MARY GREFN. CLERK
FEES \$900

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: August 08, 1990

DEVON WALKER

JOAN WALKER

STATE OF IDAHO, COUNTY OF Blaine
On this 8th day of August, 19 90.
before me, Notary Public in and for said State, personally appeared

DEVON WALKER

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

Notary Public

Residing at Hailey,
Comm. Expires 7-8-91

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 M.,
this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____

Fees \$
Mall to:

MICROFILM

FEB 23 1991

EXHIBIT A

EXHIBIT "A"

DESCRIPTION OF A PARCEL OF PROPERTY WITHIN:

SECTION 13, T1S, R18E, B.M., BLAINE COUNTY, IDAHO
(A PARCEL NORTH OF THE HIGHWAY)

A parcel of property described by metes and bounds as follows:

Commencing at the a brass cap marking the east 1/4 corner of Sec. 13, T1S, R18E, B.M., Blaine County, Idaho, said corner lying N 00°01'02" W, 2641.70 feet from a brass cap marking the southeast Section Corner of said Section 13, thence S 89°56'44" W, 2619.00 feet to a 5/8" rebar marking the center 1/4 corner of said Sec. 13, said center 1/4 corner being the True Point of Beginning.

Thence S 00°15'43" W, 1320.72 feet along the easterly boundary of the SW 1/4 of said Sec. 13 to a 5/8" rebar marking the CS 1/16 Corner of said Sec. 13;
thence N 89°56'56" E, 1312.72 feet along the northerly boundary of the SW 1/4 SE 1/4 of said Sec. 13 to a 5/8" rebar marking the SE 1/16 corner of said Sec. 13;
thence S 00°07'20" W, 419.46 feet along the easterly boundary of the SW 1/4 SE 1/4 of said Sec. 13 to a 5/8" rebar on the northerly boundary of U.S. Highway 20;
thence S 87°58'46" W, 2416.21 feet along said northerly boundary of the highway to a brass cap;
thence S 85°05'08" W, 214.62 feet along said northerly boundary of the highway to a brass cap;
thence S 87°58'26" W, 1.42 feet along said northerly boundary of the highway;
thence leaving said highway N 00°16'30" E, 1841.38 feet along the westerly boundary of the E 1/2 SW 1/4 of said Sec. 13 to a 5/8" rebar marking the CW 1/16 corner of said Sec. 13;
thence N 89°56'44" E, 1315.33 feet along the northerly boundary of the SW 1/4 of said Sec. 13 to the True Point of Beginning.



MICROFILMED

FEB 23 1993

X STATE OF Oregon
COUNTY OF Lane

On this 9th day of August, 19 90, before me,
the undersigned, a Notary Public, in and for said State, personally
appeared JOAN WALKER

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

Artie M. Ladd
NOTARY PUBLIC
Residing at: Lane Co.
Commission Expires: 9/30/91

(SEAL)



INDIVIDUAL NOTARY ACKNOWLEDGEMENT

MICROFILMED

FEB 23 1993

11/10/2006

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

RIGHT NUMBER: 37-1153A

NAME AND ADDRESS: JERRY P HAYWARD
20 TYLER DR
BELLEVUE ID 83313

STEPHANIE A HAYWARD
20 TYLER DR
BELLEVUE ID 83313

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 06/30/1888

POINT OF DIVERSION:

T01S R18E S13 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	1.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S13	NESW	21.00	T01S R18E S13	SESW	16.00
T01S R18E S13	SWSE	11.00			

48 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



Idaho Department of Water Resources

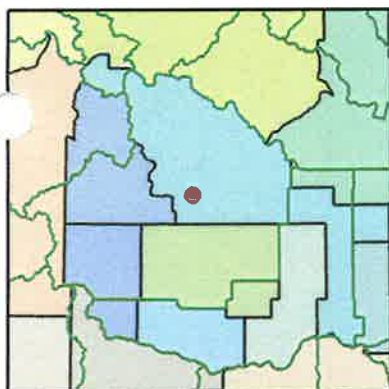
SRBA Recommendation:

37-1153A

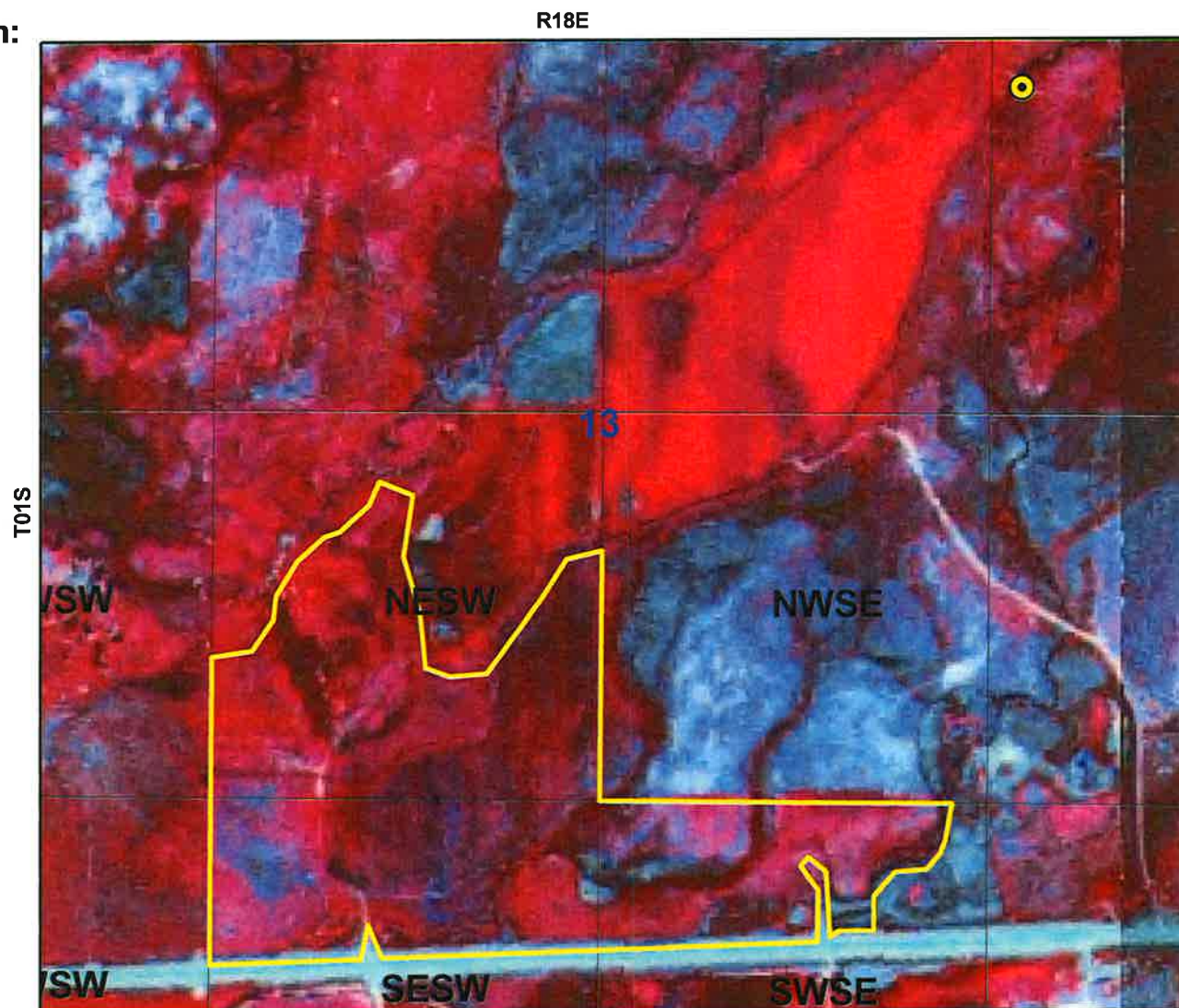
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

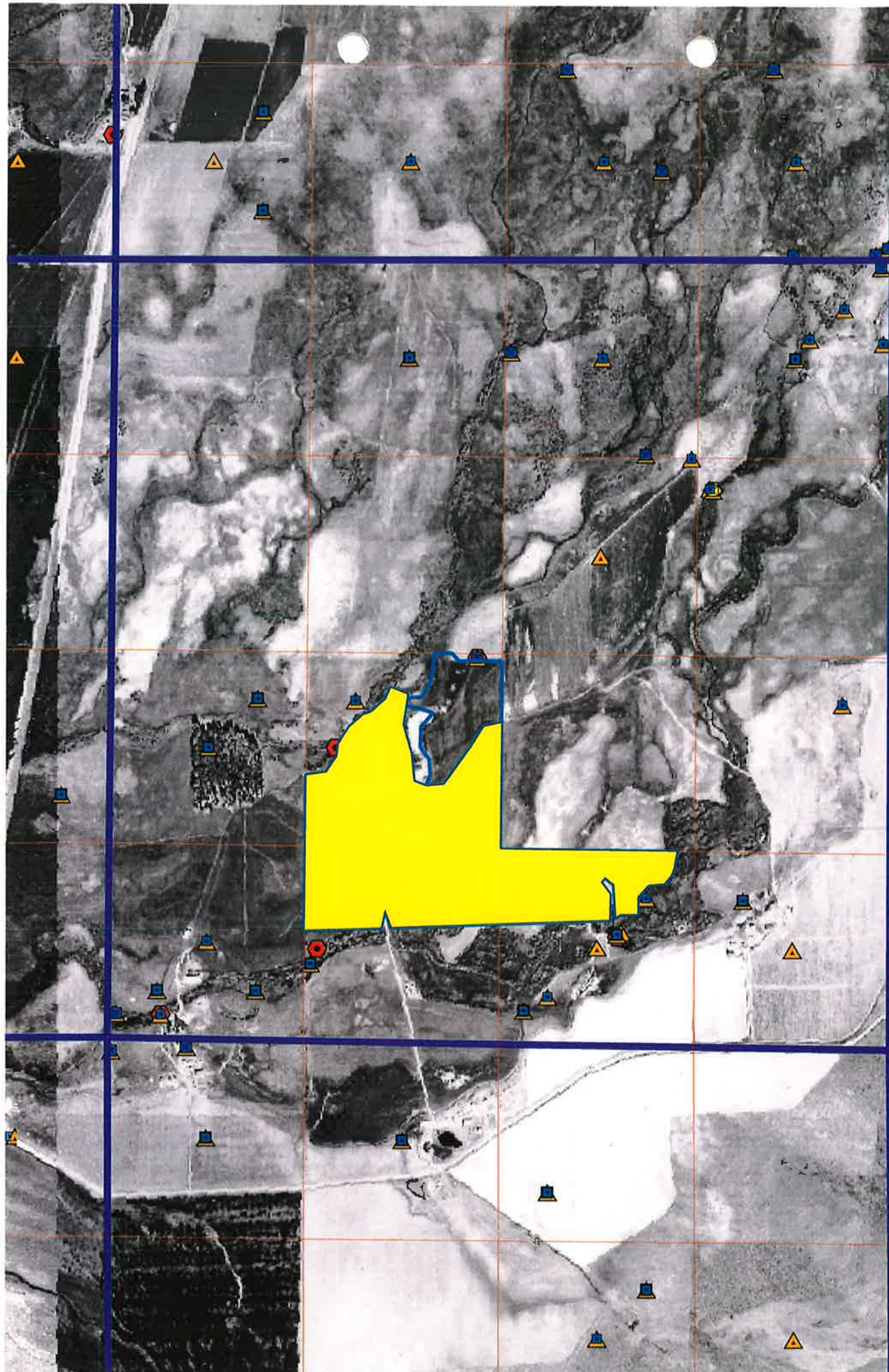


0 0.2 0.4 Miles

Owner: Jerry P Hayward

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Friday, November 10, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1153

WATER RIGHT NUMBER: 37-1153

Owner Type Name and Address
 Current Owner HENRY L WURST
 GANNETT, ID 83329

Priority Date: 06/30/1888

Basis: Decreed

Status: Active Transferred

Dreyer 1.40 Pugel
 Hyman 1.00 Pugel
 2.40 (FR 75)

Source Tributary
 WILLOW CREEK BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to /	2.400 CFS	
<u>Total Diversion:</u>		2.400 CFS	

Location of Point(s) of Diversion

WILLOW CREEK
 BLAINE County

NW 1/4 SW 1/4

Sec. 13, Twp 01S, Rge 18E, B.M.

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	
01S	18E	13									X							X	

Conditions of Approval:

1. RT. FOR 3.2 CFS 3/4 THE TIME, BUT 2.4 CFS IS DELIVERED FULL TIME. SOURCE GIVEN AS SPRING CR., BUT RT. IS DELIVERED FROM WILLOW CR. P/D GIVEN AS SENE S13; PRESENT P/D DESCRIBED BY WATERMASTER. SUPERCEEDS 37-0389 (KORENKO & PUGEL RT. IS FROST DECREE).

Remarks:Comments:

1. pskaggs 12/8/2003 8:14:22 AM Approved Transfer 69843
 Comment: Approved transfer 69843 is associated with all or part of this Right and the following records.
 Claim 37-1153B 1.4 cfs afa 164.5 total acres
 Recommendation 37-2614 2 cfs 450 afa 164.5 total acres
 Claim 37-14289 0.29 cfs 50.8 afa 164.5 total acres

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1153

Dates and Other Information:

Licensed Date:
Decreed Date: 5/20/1942
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: H L Wurst
Decree Plaintiff: Mary J Fredrickson
Civil Case Number: 1631
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

File No.
37-4160- 1153A

Owner
Jerry P & Stephanie Hayward
1561 2nd Ave N
Hailey

Date
6/8/05

I managed to contact Jerry and made an appt. to meet him at their property by Timmerman hill this morning And look over their file and locate the well in the NE part of the property I showed him the color photo With the dark blue outline of the property and he said this looks OK . The artesian well discharges out into a gated pipe irrigation method for irrig. And he shares the Fredrickson [Fred] 24 diversion already GPS There is at this time no measurement system on either diversion I talked to Rockie Sherbine and he said that they put dams in North ditch to irrigate the west and south part of property it flood irrigates all of lands, they use dams in south ditch and flood the lower area . See GPS of well

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Photo look S	Jerry 1	2478404	1348564	A0016192	1060604

FR75

A0015252

Lee R. Peterson

6/8/05

Sec 13

N



37-4160

Priority Date Data

Point of Diversion and Source

GPS file name	Easting	Northing	Plate No.	Photo Id.

GPS the well and the surface water diversions if necessary. Note on the map that there is a GPSed point for Edith Fredrickson already on record.

Layout the ditch routes and irrigation systems, specifically showing how the various areas beyond the braided stream channels that crisscross the claimed place of use.

Identify any measurement capabilities that may exist for each of the systems.

Reviewer: _____

Date: _____

2004 aerial photo



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. A faint vertical margin line is present on the left side, creating a narrow left margin. The paper appears to be from a notebook or a standard ruled sheet.

Date: _____

AREA GPS LOCATIONS

	Date	Name // Claim Number	GPS Name	Position No.	Position No.	Plate No.	Photo No.	Time
1	4/11/05	Phillis Baldwin	Bald 1	2486 102	1350 223	10016173	1050562	8:05
2		" "	" 2	2486 277	1350 224	NONE	568	
3		" "	" 3	2486 347	1350 215	"	569	
4		" "	" 4	2486 535	1350 248	"	566	12:30
5		Edith Fredrickson	Fred 74	2478 112	1348 378	"	567	12:45
6		John McGonigal	John 73	2477 752	1347 827	"	568	1:30
7	4/12	Marydawn Weston	Weston 72	2476 577	1386 651	174	569	7:55
8		Spring Cr. Ranch	SCRch 77	2474 542	1347 267	175	570	
9		Gauge 2A	Gauge 2A	2473 738	1346 924	176	571	
10		Spring Cr. Ranch	SCRh 76P	2476 552	1347 819	NONE	572	
11		" " "	SCR 73A	2477 753	1347 828	"	573	
12								
13								
14								
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26								
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28								
29								
30								

COPY

RECEIVED

APR 13 2005

Department of Water Resources
Southern Region

Bas	Sequ	Su	Bas	Priority	Dat	Rate(c	Owner(s)	Source Table	Comments
37	305		Decre	1888-06-30		2.4	GRILL, ROBERT B (Cu	AJ Claim	
37	1153		Decre	1888-06-30		2.4	DREYER, ROBERT P (	AJ Claim Parent	split into 1153A & 1153B
37	1153	A	Decre	1888-06-30		1	HAYWARD, JERRY P (	AJ Claim	
37	1153	B	Decre	1888-06-30		1.4	DREYER, ROBERT P (	AJ Claim	
						total	2.4		
37	1154		Decre	1888-06-30		0.8	GRILL, ROBERT B (Cu	AJ Claim	
37	1153	B	Decre	1888-06-30		1.4	DREYER, ROBERT P (	AJ Rec	
37	305		Decre	1888-06-30		2.4	HARTSOUGH, ALBER	wrWaterRight	
37	1153		Decre	1888-06-30		2.4	WURST, HENRY L (Cu	wrWaterRight	
37	1154		Decre	1888-06-30		0.8	FREDRICKSON, MAR	wrWaterRight	
				Total		5.6			
37	1153	B		1888-06-30		1.4		xrFromAdjClaimList	
37	1153	B		1888-06-30		1.4		xrToAdjClaimList	



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2003

Kent Foster
PO Box 50130
Idaho Falls, ID 83405

RE: Robert Dreyer Trans

Dear Mr. Foster:

I am in receipt of your letter regarding the filing of the transfer of water rights involved in the transfer for the rights. The photo shows the history of the water under the department's recommendation to the SRBA court for the water

As you know one of the rights is 1153. Your letter request the decree of "Fredrick" included portions of the "deed" and proof reports for right

As far as SRBA claims for this right. Please find enclosed Ellynn Ragone and SRBA documents of this transfer. Currently the determination as to how the

decree would suggest that the right may need to be split between Ragone and Dreyer. Additionally it appears that enlargement of the use of water has occurred over time but is not accurately reflected in the SRBA claims currently of record. By copy of this letter, I request that Ellyn Ragone and Robert Dreyer submit within the next 30 days documents, deeds, affidavits, etc. that may support their ownership of said right. Modification of existing claims or filing of additional claims may need to be considered.

In your letter you asked who the watermaster is for this right. The subject area is under the jurisdiction of the watermaster for the Big Wood River. By copy of this letter I request that Mr. Peterson provide within the next 30 days any records of use for this

12-14-04
Jerry called to report that the P/O legal is wrong. He stated that it should be in Sec 13 rather than 23. I stated that the claim needs to be amended. He said that he will be in after the holidays.
Kelli Christensen



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2003

Kent Foster
PO Box 50130
Idaho Falls, ID 83405

RE: Robert Dreyer Transfer No. 69843

Dear Mr. Foster:

I am in receipt of your letter dated January 2, 2003, with attached photos. As you know the filing of the transfer has caused the department to review the validity of the various water rights involved in the transfer and specifically the validity of the SRBA claims filed for the rights. The photographs and affidavit provided will be helpful in piecing together the history of the water use on the subject lands and will aid in developing the department's recommendation for approval of the transfer and recommendations to the SRBA court for the water rights involved.

As you know one of the rights involved in the transfer is based on a decreed right 37-1153. Your letter requests a copy of the decree; please find enclosed the finding of fact and the decree of "Fredrickson vs. Wurst" which covers right 37-1153. I have also included portions of the "Frost" decree referenced in the "Fredrickson vs. Wurst" decree and proof reports for rights 37-1153 and 37-1154.

As far as SRBA claims for right 37-1153, there are currently two competing claims for this right. Please find enclosed proof reports for SRBA claim 37-1153A in the name of Ellynn Ragone and SRBA claim 37-1153 in the name of Robert Dreyer which is subject of this transfer. Currently the department lacks detailed information to make a determination as to how these competing claims are to be resolved. The reading of the decree would suggest that the right may need to be split between Ragone and Dreyer. Additionally it appears that enlargement of the use of water has occurred over time but is not accurately reflected in the SRBA claims currently of record. By copy of this letter, I request that Ellyn Ragone and Robert Dreyer submit within the next 30 days documents, deeds, affidavits, etc. that may support their ownership of said right. Modification of existing claims or filing of additional claims may need to be considered.

In your letter you asked who the watermaster is for this right. The subject area is under the jurisdiction of the watermaster for the Big Wood River. By copy of this letter I request that Mr. Peterson provide within the next 30 days any records of use for this

particular right or any information that would be pertinent to the claims that Dreyer and Ragone have over this water right.

If this letter prompts any questions from any party please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", written over the word "Sincerely,".

Allen Merritt, PE
Southern Region Manager

CC: Ellynn Ragone
Robert Dreyer
Lee Peterson, Watermaster District 37
Doug Jones, IDWR SRBA Southern Region

Adjudication Claim Report 37-1153A

WATER RIGHT NUMBER: 37-1153A

Priority Date: 06/30/1888
Basis: Decreed
Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.000 CFS	
	Total Diversion:	1.000 CFS	

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
01S	18E	13									35.0			15.0			11.0		61.0

Total Acres: 61

Conditions of Approval:

Remarks:

1. General DELIVERY DITCH IS BELIEVED TO BE THE CLOUD DITCH # 74
***** ADDRESS CHANGED AS PER
REQUEST REC'D 10/23/98. CC

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1153A

Dates and Other Information:

Claim Received Date: 11/18/1992

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1153

WATER RIGHT NUMBER: 37-1153

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DEE A WALKER 11859 US HWY 20 BELLEVUE, ID 83313 (208)788-9457
Original Owner	GERTRUDE L PEET 17859 US HWY 20 BELLEVUE, ID 83313
Original Owner	C JOAN WALKER 11859 US HWY 20 BELLEVUE, ID 83313 (208)788-9457
Current Owner	ROBERT P DREYER PO BOX 4917 KETCHUM, ID 83340 (208)726-2874

Priority Date: 06/30/1888

Basis: Decreed

Status: Active

Source

WILLOW CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 11/01

Diversion Rate

2.400 CFS

Annual VolumeTotal Diversion:

2.400 CFS

Location of Point(s) of DiversionWILLOW CREEK
BLAINE County

NE1/4SW1/4SE1/4

Sec. 13, Twp 01S, Rge 18E, B.M.

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	
01S	18E	13												12.7				14.5	27.2
01S	18E	24	13.1	39.4	13.3		27.9			39.8	3.8								137.3

Total Acres: 164.5

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-1153

Remarks:

1. General RT. FOR 3.2 CFS 3/4 THE TIME, BUT 2.4 CFS IS DELIVERED FULL TIME. SOURCE GIVEN AS SPRING CR., BUT RT. IS DELIVERED FROM WILLOW CR. 2 PUMPS IN WILLOW CR. SERVE SPRINKLERS ON 135.9 AC. CHECK DAM TO POND & DITCH SERVE 28.6 AC. UNDER GRAVITY IRRIGATION. PRESENT SYSTEM HAS BEEN IN PLACE SINCE 1978; P/U & P/D CLAIMED UNDER SEC. 42-1416 IDAHO CODE. *****
OWNERSHIP CHANGE 7/24/90 BY JG.
***** OWNERSHIP CHANGE 2/6/97 BY TLB.

Comments:Dates and Other Information:

Claim Received Date: 10/20/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 37
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

Water Right Report 37-1153

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H L WURST , ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to /	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

WILLOW CREEK NW1/4SW1/4 Sec. 13, Twp 01S, Rge 18E, B.M.
BLAINE County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
01S	18E	13									X			X			X		

Remarks:

1. General RT. FOR 3.2 CFS 3/4 THE TIME, BUT 2.4 CFS IS DELIVERED FULL TIME. SOURCE GIVEN AS SPRING CR., BUT RT. IS DELIVERED FROM WILLOW CR. P/D GIVEN AS SENE S13; PRESENT P/D DESCRIBED BY WATERMASTER.
SUPERCEEDS 37-0389 (KORENKO & PUGEL RT. IS FROST DECREE).

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1153

Dates and Other Information:

Licensed Date:
Decreed Date: 5/20/1942
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1154

WATER RIGHT NUMBER: 37-1154

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY J FREDRICKSON
	, ZZ

Priority Date: 06/30/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to /	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	NW1/4SW1/4	Sec. 13, Twp 01S, 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	
01S	18E	13										X	X						
01S	18E	24					X												

Conditions of Approval:Remarks:

- General RT. FOR 3.2 CFS 1/4 THE TIME, BUT 0.8 CFS IS DELIVERED FULL TIME. DECREEED FROM SPRING CREEK BUT DELIVERED FROM WILLOW CREEK.
P/D GIVEN AS SENE S13; PRESENT P/D DESCRIBED BY WATERMASTER.
SUPERCEEDS 37-0389 (KARENKO & PUGEL RT. IN THE FROST DECREE).
LAND IN S24 IS NORTH OF COUNTY ROAD.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1154

Dates and Other Information:

Licensed Date:
Decreed Date: 5/20/1942
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

MARY J. FREDRICKSON,

Plaintiff

vs.

H. L. WURST,

Defendant

DECREE

This cause having come duly on for hearing and having been taken under advisement, and argued and presented by written briefs, the Court having been duly advised in the premises, and having made Findings of Fact and Conclusions of Law,

7 1153 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the defendant, H. L. Wurst, be permanently enjoined and restrained from, in anywise, interfering with the plaintiff's use of one-fourth of the water afforded by the priority decreed to John Korenko and John Pugel under date of June 30th, 1888, in alternate periods of three (3) days out of twelve (12) days during each ensuing irrigation season, and from in any way, interfering with plaintiff's use of the ditch described in the findings herein made during said three (3) day periods.

7 1154 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is the owner of an undivided one-fourth ($\frac{1}{4}$) interest in said ditch, and an undivided one-fourth ($\frac{1}{4}$) interest in the water right decreed to John Korenko and John Pugel, under date of priority of June 30th, 1888, to be diverted from Spring Creek, under the provisions of the decree rendered in the cause of Frost vs. Alturas Water Company, et al, on December 13th, 1909.

7 1155 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that such ditch and water be used under a system of rotation, by time, during each irrigation season; that plaintiff shall have the exclusive use of said ditch and water right for three (3) days beginning on the 15th day of April of each year, and for the first three (3) days of each twelve (12) day period thereafter, during the entire irrigation season;

That the title in and to such undivided one-fourth interest in said ditch and water be quieted in plaintiff, with a right to use such ditch and water during the periods aforesaid.

That the plaintiff shall pay one-fourth ($\frac{1}{4}$) of the cost of maintenance of such ditch and one-fourth ($\frac{1}{4}$) of the watermaster's charges for diverting such water. That the defendant shall pay three-fourths of the cost of maintenance of said ditch and three-fourths of the watermaster's charges for delivering said water.

That plaintiff and defendant each stand and pay his own costs of suit herein made and expended.

Dated this 20 day of May, 1942.

D. H. SUTPHEN

District Judge

Filed and Entered May 28, 1942,

B. P. Thamm, Clerk, District Court

Blaine County, Idaho

STATE OF IDAHO)
 ss
County of Blaine)

I, BP P. THAMM, 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 at Hailey, this 7th day of July, A. D. 1942.

Attest. B. P. THAMM, Clerk

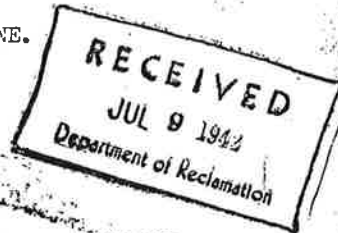
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

#1631

MARY J. FREDRICKSON,
Plaintiff,

vs.

H. L. WURST,
Defendant.



FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE.

Now, on this 9th day of March, 1942, before the Court, sitting without a jury, the above case came duly on for hearing in the regular order upon the docket, HON.

D. H. SUTPHEN, Judge of said Court, present and presiding; the plaintiff being present in person and by her attorneys, MESSRS. NISSELL AND PIRD, and the defendant being present in person and by his attorney, CHARLES L. SHAW, ESQ.,

WHEREUPON, both parties introduced their evidence and rested.

WHEREUPON, the matter was, by the Court, taken under advisement and attorneys for each side were requested to prepare and file memorandum briefs.

The Court being fully advised in the premises, does hereby and now, make its findings of fact;

FINDINGS OF FACT.

FINDING NO. 1

That the plaintiff is now, and since the 15th day of March, 1923, has been the owner of the West Half of the Southwest Quarter of Section 13, and also of that part of the Northwest Quarter of the Northwest Quarter of Section 24 lying North of the Public County Road, all in Township 1 South, of Range 16 East of the Boise Meridian, Blaine County, Idaho; that during all such time mentioned, plaintiff has paid all taxes and assessments levied against said land.

Fredrickson 1154

FINDING NO. 2.

That the defendant is now, and ever since 1933 has been the owner of the East Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 13, Township 1 South of Range 16 East of the Boise Meridian, Blaine County, Idaho.

Wurst 11 53

E 1/2 SW 1/4
SW 1/4 SE 1/4
of Sec 13
15 18E

FINDING NO. 3.

That the lands above described, of both the plaintiff and defendant, are semi-arid in character, and require irrigation for the production of ordinary agricultural crops.

FINDING NO. 4.

That in 1880, the predecessors in interest of plaintiff and defendant jointly constructed an irrigation ditch heading in Spring Creek, a tributary of Big Wood River, at a point in the Southeast Quarter of the Northeast Quarter of said Section 13, extending thence in a southwesterly direction for about 4,000 feet, crossing a portion of the Southeast Quarter of the Northeast Quarter, Southwest Quarter of Northeast Quarter and the Northeast Quarter of Southwest Quarter of said Section 13, extending to the lands of the plaintiff, by means of which ditch, the water of said Creek was carried to the land of the plaintiff.

FINDING NO. 5.

That from the time of the construction of said ditch by the predecessors in interest of the plaintiff and defendant, the said ditch has been used and maintained as a joint ditch.

FINDING NO. 6.

That from 1923 to 1941, the plaintiff has assisted in maintaining such ditch and has used the same under claim of right for the irrigation of her said land.

FINDING NO. 7.

That in a certain action pending in the District Court of the Fourth Judicial District of Idaho in and for the County of Lincoln, known as Frost v. Alturas Water Company, et al, a decree was entered on the 13th day of December, 1909, wherein 160 inches of the waters of Spring Creek, a tributary of Big Wood River, was decreed to John Pugel and John Korenko, with date of priority of June 30th, 1888.

FINDING NO. 8.

That the water so decreed as aforesaid from the time of the entry of said decree to, and including the year 1941, was diverted into the head of such ditch, that the water master's charge for delivery was paid one-half by the plaintiff and one-half by the defendant; that such ditch and water were used by a system of rotation between the plaintiff and defendant, each using such ditch and water under

a claim of right, and hostile to the other; that, as between the plaintiff and the defendant, such use by the plaintiff was hostile, under claim of right and continued up from June, 1933/to and including the year 1941.

FINDING NO. 9.

This plaintiff used said ditch and the total flow thereof, one-fourth of the time during the irrigation season of each of said years, depriving the defendant of the use of said water and ditch one-fourth of the time, under claim of right and adverse to the defendant; that during such time, plaintiff paid one-half of the water master's charges against the ditch and contributed one-half of the maintenance thereof.

FINDING NO. 10.

That such ditch has a capacity of approximately one hundred inches or two second feet; that the water available for diversion into such ditch varies in amount, from time to time, the flow being from ten to a hundred inches during the irrigation season.

FINDING NO. 11.

That owing to the fluctuation in volume of the water flowing in said ditch, the most economical method of utilizing the water for beneficial purpose is to use the same under a system of rotation, measured by time. Each party using the water for a specified period of time during the irrigation season.

D. H. Sutphen
District Judge.

CONCLUSIONS OF LAW.

I.

That the ditch in question is a joint ditch in which each party has a vested interest.

II.

That by reason of the use of the ditch, and the water flowing therein by the plaintiff one-fourth of the time, for a period of more than five years last past, under claim of right, and hostile to the defendant, the plaintiff has acquired the right to the use of the ditch, and the waters flowing therein, decreed to John Fugel and John Korenko, for one-fourth of the time during the irrigation season of each year.

III.

That plaintiff be awarded and decreed to be the owner of an undivided interest in said ditch and of the water aforesaid flowing therein, and entitled to the use thereof one-fourth ($\frac{1}{4}$) of the time during the irrigation season of each year.

IV.

That the plaintiff should be charged with one-fourth ($\frac{1}{4}$) of the cost of maintenance of such ditch and one-fourth ($\frac{1}{4}$) of the water master's charges for delivery into such ditch.

V.

That the periods of use should be fixed in the decree entered herein.

D. H. Sutphen
District Judge.

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

MARY J. FREDRICKSON,

Plaintiff,

vs.

H. L. WURST,

Defendant.

DECREE.

Page 895

This cause having come duly on for hearing and having been taken under advisement, and argued and presented by written briefs, the Court having been duly advised in the premises, and having made Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant, H. L. Wurst, be permanently enjoined and restrained from, in anywise, interfering with the plaintiff's use of one-fourth of the water afforded by the priority decreed to John Korenko and John Pugel under date of June 30th, 1908, in alternate periods of three (3) days out of twelve (12) days during each ensuing irrigation season, and from in any way, interfering with plaintiff's use of the ditch described in the findings herein made during said three (3) day periods.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is the owner of an undivided one-fourth ($\frac{1}{4}$) interest in said ditch, and an undivided one-fourth ($\frac{1}{4}$)

interest in the water right decreed to John Korenko and John Pugel, under date of priority of June 30th, 1888, to be diverted from Spring Creek, under the provisions of the decree rendered in the cause of Frost v. Alturas Water Company, et al, on December 13th, 1909.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that such ditch and water be used under a system of rotation, by time, during each irrigation season; that plaintiff shall have the exclusive use of said ditch and water right for three (3) days beginning on the 15th day of April of each year, and for the first three (3) days of each twelve (12) day period thereafter, during the entire irrigation season;

That the title in and to such undivided one-fourth interest in said ditch and water be quieted in plaintiff, with a right to use such ditch and water during the periods aforesaid;

That the plaintiff shall pay one-fourth ($\frac{1}{4}$) of the cost of maintenance of such ditch and one-fourth ($\frac{1}{4}$) of the water master's charges for diverting such water.

That the defendant shall pay three-fourths of the cost of maintenance of said ditch and three-fourths of the water master's charges for delivering said water.

That plaintiff and defendant each stand and pay his own costs of suit herein made and expended.

DATED: This 20 day of May, 1942.

D. H. Sutphen
District Judge.

Filed and Entered May 28, 1942,
B. P. Thamm, Clerk District Court,
Blaine County, Idaho.

STATE OF IDAHO,)
(SS.
COUNTY OF BLAINE,)

I, B. P. THAMM, 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 FINDINGS OF FACT, CONCLUSIONS OF LAW AND 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 at Hailey, this 7th day of July, A. D. 1942.

Attest:

B. P. Thamm

Clerk.

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

RECEIVED

JAN 31 1910

OFFICE OF STATE ENGINEER

S. C. Frost, et al.

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREE

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants, and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a

37 0375	Kelly, W. B.	60 inches.	100	May 15, 1885.	Little Wood River.	
37 0376	Kilpatrick Brothers Company, a corporation	1000 inches.		Sept. 1, 1883.	Silver Creek.	← Trans #303-5
37 0377	Do.	40	"	145 Apr. 1, 1888.	" "	
37 0378	Do.	100	"	150 June 15, 1888.	" "	
37 0379	Do.	50	"	173 Apr. 1, 1890.	" "	Trans #201
37 0380	Do.	150	"	173 Apr. 1, 1890.	" "	
37 0381	Do.	500	"	173 Apr. 1, 1890.	" "	
37 0382	Kinsey, Alpha A.	120	"	251 May 1, 1900.	Lower Malad River.	*Big Wood R
37 0383	Kinsey, Henry H.	150	"	114 May 1, 1886.	" " "	
37 0384	" "	90	"	114 May 1, 1886.	" " "	
37 0385	" "	70	"	134 May 1, 1887.	" " "	
37 0386	Kinsey, Mrs. H. H.	80	"	251 May 1, 1900.	" " "	
37 0387	Knight, George H.	200	"	150 June 1, 1888.	East Fork of Big Wood River.	
37 0388	Koontz, William E.	120	"	137 May 1, 1887.	West Branch of Chimney Creek.	
37 0389	Korenko, John, and John Pugel	160	"	184 June 30, 1888.	Willow G. R. Spring Creek.	
37 0390	Laidlaw, James	30	"	184 June 30, 1884.	S. Fork Muldoon Creek.	
37 0391	"	20	"	96 Apr. 1, 1885.	Do.	
37 0392	"	110	"	101 May 20, 1885.	Do.	
37 0393	"	60	"	104 June 15, 1885.	Do.	
37 0394	"	50	"	112 Apr. 1, 1886.	Do.	
37 0395	"	160	"	100 June 1, 1888.	Do.	
37 0396	"	160	"	219 Apr. 15, 1896.	Do.	
37 0397	"	160	"	224 June 1, 1897.	Do.	
37 0398	"	160	"	256 Apr. 15, 1901.	Do.	
37 0399	"	60	"	277 Oct. 15, 1902.	Do.	
37 0400	"	800	"	295 July 1, 1905.	Do.	
37 0401	"	All of	"	147 May 12, 1888.	Certain springs.	

Korenko, John,
and John Pugel

Krall, John
See findings #19
rt. abandoned.

Laidlaw, James

E 1/2 of SW 1/4 and SW 1/4 of SE 1/4 of Sec. 13,
and NE 1/4 of NW 1/4 of Sec. 24, T. 1 S., R.
13 E.

NE 1/4 of NW 1/4 of Sec. 22, NE 1/4 of Sec. 22,
W 1/2 of NW 1/4 and SE 1/4 of NW 1/4 of Sec.
23, T. 5 S., R. 14 E., containing 320 acres.

N 1/2 of SE 1/4 and S 1/2 of NE 1/4 of Sec. 27,
T. 2 N., R. 21 E., containing 160 acres. Also,
N 1/2 of SW 1/4 and S 1/2 of NW 1/4 of Sec. 26,
T. 2 N., R. 21 E., except 15 acres. Also, SW
1/4 of SW 1/4 of Sec. 22, SE 1/4 of SE 1/4 and
NE 1/4 of NE 1/4 of Sec. 28, and NW 1/4 of NW
1/4 of Sec. 27, T. 2 N., R. 21 E., containing
160 acres. Also, S 1/2 of SE 1/4 of Sec. 22,
and N 1/2 of NE 1/4 of Sec. 27, T. 2 N., R. 21
E., containing 160 acres. Also, NW 1/4 of
Sec. 13, T. 2 N., R. 21 E., containing 160
acres. Also, N 1/2 of SW 1/4 of Sec. 13, NE
1/4 of SE 1/4 and SE 1/4 of NE 1/4 of Sec. 14,
T. 2 N., R. 21 E., containing 160 acres. Also,
E 1/2 of NE 1/4 and E 1/2 of SE 1/4 of Sec. 26,
T. 2 N., R. 21 E., containing 160 acres. Also,
SW 1/4 of NE 1/4, W 1/2 of SE 1/4, and SE 1/4
of SW 1/4 of Sec. 26, T. 2 N., R. 21 E. Also,
S 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Sec. 22,

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
October 23, 1998 8:36am

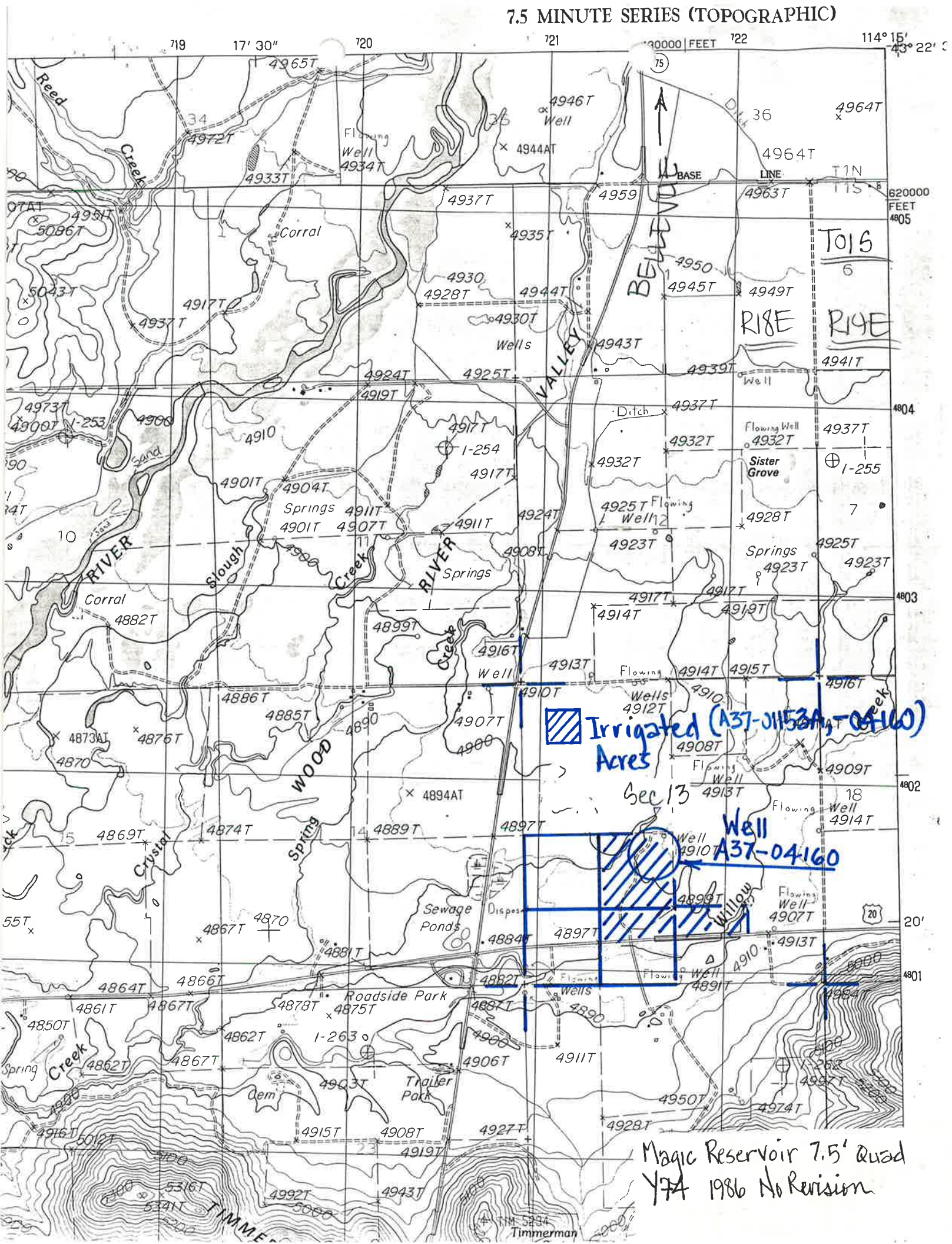
CUSTOMER
Ragone, Ellynn

SUBJECT: A37-01153A,-04160
phone call (x) walk-in (.)

The map I am faxing to you (Fax #622-7450) shows the "well" circled. This is the well associated with A37-04160; also the cross hatch area shows the irrigated lands (A37-01153A,-04160). Your question is, "Where is the water right claim for the artesian well?"

The search through our data base shows only the two claims in your name. Please review the map and delineate where the artesian well is located. If the groundwater claim is actually the artesian well perhaps an amendment to the claim is necessary to denote this information. If you have any more questions and/or concerns, call our office 736-3033, please ask to speak specifically to an ADJUDICATION AGENT. Thank you. GLSatterlee

7.5 MINUTE SERIES (TOPOGRAPHIC)



6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER	
October 23, 1998 2:42pm	ELLYNN RAGONE	A37-04160, A37-01153A

SUBJECT: OWNERSHIP QUESTIONS??
phone call (x) walk-in (.)

She called to make sure these rights were in her name (which they were). Apparently she is thinking of selling some of the well water (which she recently had tested as pumping between 450-480gpm) and wanted to make sure the rights were in her name. I did FAX her an address change form as she said her PO BOX is now in Sun Valley.