

RECEIVED

MAY 16 2002

Form 42-248/42-1409(6) July, 2000

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

Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-11541				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Alexia A. Maresi
PO Box 369, Bellevue, ID 83313
4. New Owner/Claimant(s) Lawrence Warner
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address PO Box 2320 155 TOWNSEND GLEN RD
- City, State and Zip Code Sun Valley, ID 83353 BELLEVUE, IDAHO
- New Telephone Number (208) 788-9753
5. Date you acquired the property March 30, 1993 CID 291827

6.

IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.

If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7.

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

Tamara Warner

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 [Signature] Date 5/16/02 Fee 25.00
 Receipted by [Signature] Date 5/16/02 Receipt No. 5024941
 Processed by [Signature] AJ Date 5/16/02 WR _____ Date _____



R K

E R S

LIPS

2740

IDAHO

2740

Fold at line over top of envelope to the
right of the return address

CERTIFIED

P 303 053 306

MAIL

MR. LOREN HOLMES
DEPARTMENT OF WATER RESOURCES
222 SHOSHONE STREET
TWIN FALLS, ID 83301



Name _____
1st Notice _____
2nd Notice _____
Return _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

DATE OF CLOSING: 10-8-91

SEP 07 1993

LEGAL DESCRIPTION OF PROPERTY: Township 01N Range 18E Department of Water Resources
Section 2, 1/4 of 1/4 of 1/4, Govt. Lot , BM. Southern Region Office
Lot 2, Block, , Subdivision/Townsite Township Gulch Subdivision.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A-37-01228A
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Alexia A. Maresi
P.O. Box 369
Bellevue, ID 83313

☒ New Owner/Claimant (Purchaser): Mitchell R. Julis

☐ New Mailing Address: 9665 Wilshire, Suite 700
Beverly Hills, CA 90212

☐ New Telephone Number: (310) 247 - 2700

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Split of A37-01228A which has .10 CFS on each of lots 1, 2,
& 3 Townsend Gulch Subdivision with .10 Appurtenant to and
transferred with Lot 2 Townsend Gulch Subdivision.

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) *Mitchell R. Julis* Date 7/26/93

☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

10/11 22-10832

2

WARRANTY DEED

RECEIVE

For Value Received

A. Alexia Maresi, a married woman as her sole and separate property **SEP 07 1993**
the grantor, does hereby grant, bargain, sell and convey unto
Mitchell R. Julis, a single man
the grantee, whose current address is 969 Hillgard, Apt. #1202, Los Angeles, CA 90024
the following described premises, in Blaine County, Idaho, to-wit:

Department of Water
Southern Region

Lot 2 of TOWNSEND RANCH SUBDIVISION, BLAINE COUNTY, IDAHO,
according to the official plat thereof, on file in the
office of the County Recorder, recorded December 5, 1985,
as Instrument No. 268858, records of Blaine County, Idaho.

BLAINE CO. REQUEST
OF **Sun Valley Title Co.**

1991 OCT 16 A 11:12

334627

MARY GREEN, CLERK
FEES \$ 3.00

MP

Deed

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the
owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: October 8, 1991

Alexia Maresi
A. Alexia Maresi

STATE OF IDAHO

COUNTY OF BLAINE

On this 10 day of OCTOBER, in the
year 19 91, before me, a Notary Public, personally appeared

A. Alexia Maresi

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.

Notary Public

Residing at

Comm. Exp.

10/15/1993

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 Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$

Mail to:

Deputy.

INSTRUMENT No.

INSTRUMENT No.

Chicago Title Insurance
Company of Idaho



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: **A37-01228A**
Date Received: 1/27/1994
Receipt No: S002796
Received By: _____

AMENDED

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

AMENDED

1. Name: LAWRENCE WARNER
Address: PO BOX 2320
SUN VALLEY ID 83353
208-726-5147
2. Date of Priority: MAY 1, 1905
3. Source: TOWNSEND GULCH Trib. to: BIG WOOD RIVER (SINKS)
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	2	NE	NW	SW		BLAINE
5. Description of diverting works:
5 H.P. PUMP IN CREEK
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 12.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	2	NW	SW		IRR	5.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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:
37-01227B

14. Remarks:

CLAIM IS AMENDED TO REFLECT DIVISION OF 37-01228 AMONG THE 4 LOTS OF TOWNSEND GULCH SUBDIVISION. CLAIMANT NOW ONLY OWNS LOT 1, WHICH IS THE PLACE OF USE FOR THIS AMENDED CLAIM. TOWNSEND GULCH NORMALLY SINKS BEFORE IT REACHES THE BIG WOOD RIVER AND HAS NOT BEEN ADMINISTERED BY THE DISTRICT 37 WATERMASTER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/ 2/1924

WERRY

Decree Plaintiff

NEWMAN & TEUSCHER

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
AUG 24 1977

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

CIVIL CASE NUMBER: 39356

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

Ident Number A37-01228A

Date Received _____

Receipt Number _____

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

RECEIVED

JAN 27 1994

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Lawrence Warner
Phone: 1-208-726-5147
Mailing Address: P. O. Box 2320
Sun Valley, ID 83353
2. Date of Priority: May 1, 1905
3. Source of water supply (a) Townsend Gulch
which is tributary to (b) Big Wood River (Sinks)
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
1N	18E	2	NE	NW	SW		Blaine

Additional points of diversion if any:

- b. If instream flow beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
Ending point:							
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>

5. Description of existing diversion works: 5 HP pump in Creek

MICROFILMED
AUG 24 1994

COPY

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.1 cfs

7. Total Quantity Claimed: 0.1 cfs

8. Total consumptive use claimed is 12.5 acre feet per annum.

9. Non-irrigation uses: none

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>Use</u>	<u>Irrig. Acres</u>
1N	18E	2	NW	SW	I	5

Total number of irrigated acres: 5

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? A37-01227B

14. Remarks: Claim is amended to reflect division of 37-01228 among the 4 lots of Townsend Gulch Subdivision. Claimant now only owns Lot 1, which is the place of use for this amended claim. Townsend Gulch normally sinks before it reaches the Big Wood River and has not been administered by the District 37 Watermaster.

Last Name: Warner
j\warner\3701228A.clm

Ident No. A37-01228A
MICROFILMED
AUG 24 1994

15. Basis of Claim: Decree.

IDWR Water Right Number: 37-01228

Court: Blaine County District Court

Case Number:

Decree Date: October 2, 1924

Plaintiff v. Defendant:

Werry v. Newman & Teuscher

16. Signature(s)

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

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

Signature of Claimant(s) Lawrence Warner

Date 1/24/94

LAWRENCE WARNER

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 24 day of January, 1994.

Notary Public J. P. Speck

Residing at East Fork, ID

Commission Expires 1/29/97

17. Notice of Appearance:

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

Signature: J. P. Speck

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

Date: 1/24/94

COPY

Last Name: Warner

j\warner\3701228A.clm

Ident No. A3701228A

MICROFILMED

AUG 24 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01228A
Date Received: 10/06/1988
Receipt No: 5002796
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALEXIA A. MARESI 208-788-9753
Address: P.O. BOX 369
BELLEVUE, ID 83313
2. Date of Priority: MAY 01, 1905
3. Source: TOWNSEND GULCH Trib. to: BIG WOOD RIVER (SINKS)
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	2	NW	NE	SW		BLAINE
			NE	NW	SW		BLAINE

5. Description of diverting works:
5 H.P. PUMP UPPER DIV.; CHECK DAM TO EARTHEN DITCH BELOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 117.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	2	NE	SW		IRR	18.0
			NW	SW		IRR	4.0

A37-01228A

Page 1

Date: 10/06/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	2	NW SE		IRR	25.0

Section Acres 47.0

Total Acres 47.0

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:

THIS CLAIM IS BASED ON A PORPORTION OF 37-01228. THE SOURCE ON
A NORMAL YEAR USUALLY SINKS BEFORE IT ENTERS THE BIG WOOD RIVER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WERRY

Decree Plaintiff

vs

NEWMAN & TEUSCHER

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: 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): Alexia M. Puri Date: 10/5/88

Date: _____

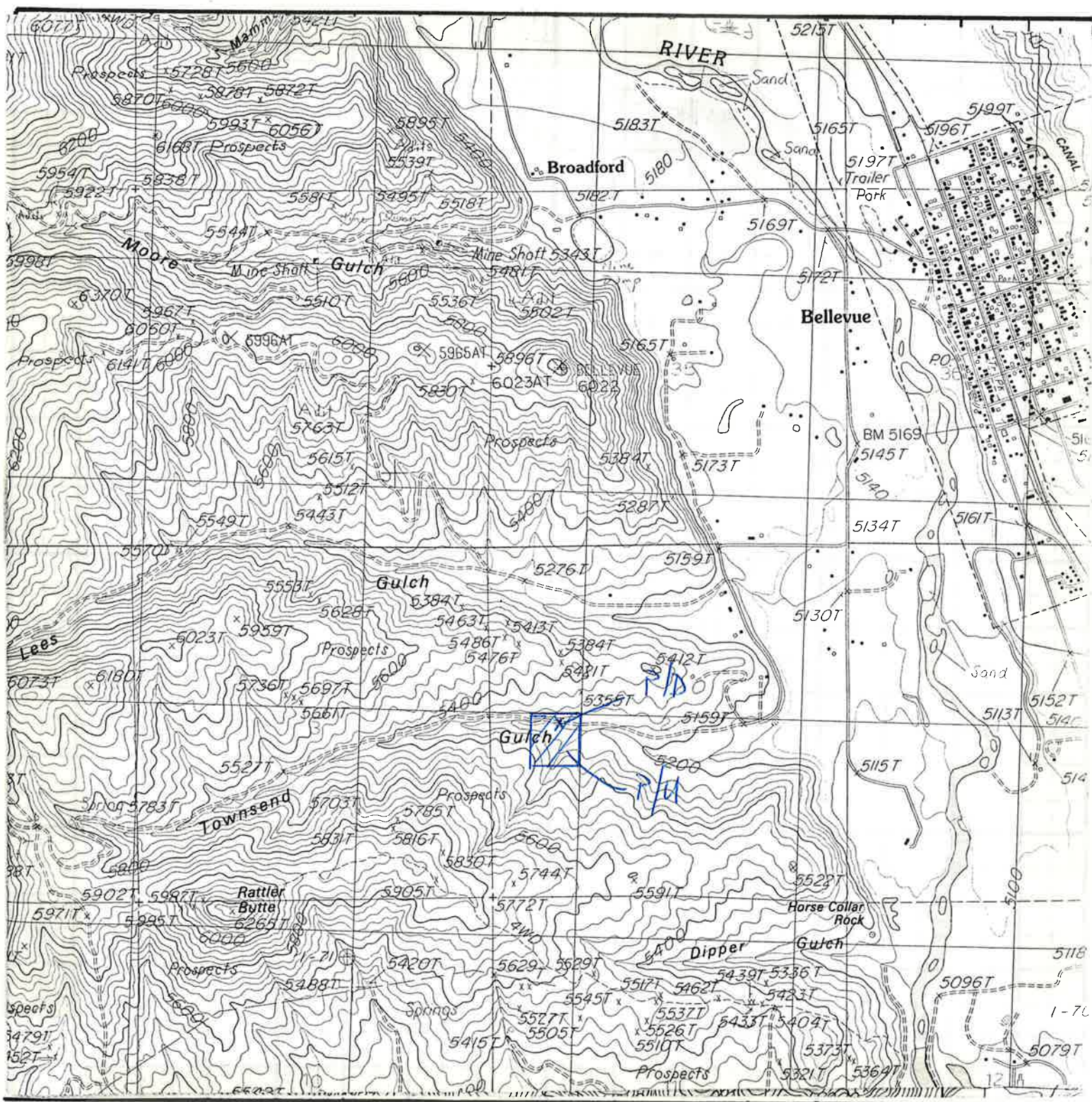
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of Oct. 19 88 [Signature]
Notary Public

Seal

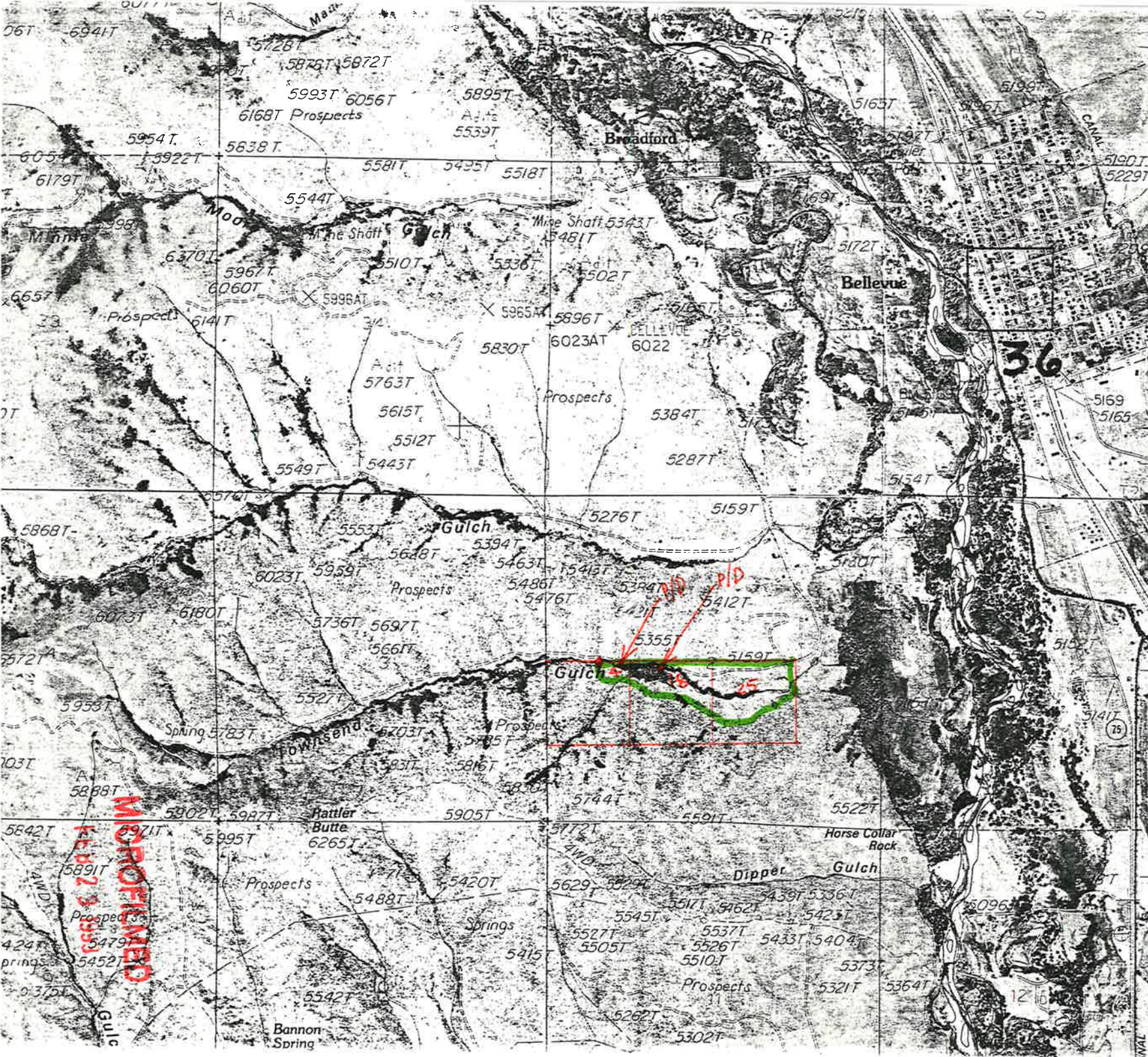
Residing at Kimberly, Id.
My Commission Expires 6/30/94

Scale: 2 inches equals 1 mile



AUG 24 1994

Copies: White-State, Yellow-Claimant



R18E

T2N

T1N

WARRANTY DEED

For Value Received *

A. C. RIDLAND and MARILYNN M. RIDLAND, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
A. ALEXIA MARESI, a single woman

whose address is: P.O. Box 534 Ketchum, Idaho 83340

Hereinafter called the grantee, the following described premises, in ~~Blaine~~ County, Idaho,
to-wit:Lot 1, TOWNSEND RANCH SUBDIVISION, Blaine County, Idaho, according
to the official plat thereof recorded December 5, 1985, as Instrument
No. 268858, records of Blaine County, Idaho.SUBJECT TO Restrictions and Easements of record in the Blaine County
Recorders Office, Blaine County, Idaho.

TO HAVE AND TO HOLD the 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 incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: December 10, 1985

A.C. Ridland

Marilynn M. Ridland

STATE OF Idaho, COUNTY OF Blaine
On this day of December, 1985,
before me, a notary public in and for said State, personally appeared

A.C. Ridland and Marilynn M.
Ridland, husband and wife

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Notary Public
, IdahoResiding at
Comm. Expires

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 Deeds at page

Ex-Officio Recorder

By

Fees \$
Mail to:MICROFILMED
FEB 23 1993

WARRANTY DEED

POOR ORIGINAL

③ 1999 年 12 月 19 日 星期四

1. (b) (6) and (b) (7)(C), 25 USC 1610, husband and wife

§ 10. After said the transfer, her to make, he rains, sells and conveys unto

alt.: 15: 1934, Ketchum, Idaho 83340

and the grantor, the following described premises, in Blaine County, Idaho,

Blaine County, Idaho, according to the
Instrument No. 268858, dated May 5, 1985, as Instrument No. 268858,
Blaine County, Idaho.

with with ~~it~~ ^{the} ~~land~~ ^{estate}, if any, apourtenant thereto.

10. All ID. comments, modifications and reservations of record in the office of the Register, Eagle, Idaho.

TO HAVE AND TO HOLD the 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 incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

$$|T_{\text{eff}} - T_{\text{eff}}^{\text{max}}| \leq \frac{1}{2} \max_{1 \leq i \leq n} |T_i - T_i^{\text{max}}|$$

A. C. Ridland

Marilynn M. Ridland

On this _____ day of _____, 19____, before me, a notary public in and for said State, personally appeared _____,

A. C. Ridland and Marilyn M. Ridland,
Married Wife;

name to me to be the persons whose name
 referred to the within instrument, and acknowledged to
 me that they have excepted the same.

STATE OF IDAHO, COUNTY OF *Blaine*
I hereby certify that this instrument was filed for record at
the request of *Samuel H. Hild*
at *7* minutes past *2:10* o'clock *P* m.,
this *1* day of *December*,
19*11*. In my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

Price \$
\$1.00 per

MICROFILMED Deputy

FEB 23 1993

04/02/2009

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

RIGHT NUMBER: 37-1228A

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: TOWNSEND GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS

Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.14 cfs.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre and 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T01N R18E S2 NENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NESW	1.30	T01N R18E S02	NWSW	3.40
---------------	------	------	---------------	------	------

4.7 ACRES TOTAL

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 4.7 acres in a single irrigation season.

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

Property is also known as Lot 1A, Townsend Ranch Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1228A V1

WATER RIGHT NUMBER: 37-1228A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAWRENCE WARNER 155 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-9753
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TOWNSEND GULCH	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

TOWNSEND GULCH	NE1/4NW1/4SW1/4	Sec. 2, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											.9	1.8							2.7

Total Acres: 2.7

Conditions of Approval:

1. E55 Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 2.7 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. R67 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. E51 Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.15 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1228A V1

5. J01 Property is also known as Lot 1A, Townsend Ranch Subdivision.

Remarks:

Comments:

1. kwalker 1/4/2007 Claim Remarks

Comment: CLAIM IS AMENDED TO REFLECT DIVISION OF 37-01228 AMONG THE 4 LOTS OF TOWNSEND GULCH SUBDIVISION. CLAIMANT NOW ONLY OWNS LOT 1, WHICH IS THE PLACE OF USE FOR THIS AMENDED CLAIM. TOWNSEND GULCH NORMALLY SINKS BEFORE IT REACHES THE BIG WOOD RIVER AND HAS NOT BEEN ADMINISTERED BY THE DISTRICT 37 WATERMASTER.
CONFORMED ATTORNEY MAILING ADDRESS DMS

2. kwalker 1/5/2007 Attorney

Comment: Added Speck as attorney since claim has Notice of Appearance stating he is attorney.

3. kwalker 1/16/2007 NOE

Comment: Received NOE to correct location of point of diversion. Also advised that 37-1227B is for same point of diversion and place of use so added appropriate conditions to limit to 5 acres and 0.03 cfs when combined. Can allow 0.03 cfs per acre up to 5 acres so have recommended this.

4. jstanton 1/23/2007 Source

Comment: Source changed to Townsend Gulch to agree with USGS map.

5. jstanton 2/2/2007 Site Visit

Comment: I visited this property accompanied by Mr. Warner on 1-31-07 to verify the pod & pou. The concrete check dam that feeds a buried pipeline and ditch to a pond and sprinkler system shows up well on the 2006 photo, so I changed the pod accordingly. 2006 was the best water year in a long time that we have data for, so I used this photo to determine what could be practically irrigated from this stream. In dry years, Warner gets no water at all; the pou can vary from nothing to what I am recommending. I am re-verifying his two claims, and will send out my data so he knows what will be in the Directors Report that will go out next week.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1228A V1

SubCase:

SubCase Number: 37-1228A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Jim Stanton

Basis of Claim: Decreed

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 11/7/2007 Objection Status: Active

Water Supply Bank:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

Should be: the combined diversion rate for 37-1227B & 37-1228A should be deleted.

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be: 4.5 acres total

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Walker, Kay

From: Walker, Kay
Sent: Tuesday, January 16, 2007 1:04 PM
To: 'jim@speckandaanestad.com'
Cc: Walker, Kay; Keen, Shelley
Subject: Warner - Recommendations for 37-1227B and 37-1228A

Mr. Speck:

I am trying to assist Shelley in responding to Notices of Error he receives. I have updated the point of diversion location on each of the above recommendations and updated the place of use to that shown on preliminary recommendation of 37-1228A. I also added some combined use conditions to the recommendations after finding out that both of these rights are for the same 5 acre parcel. Please review revisions and let us know if the changes are acceptable.

Thank you.

Kay Walker
Sr. Water Resource Agent
(208) 287-4953



37-1227b and
37-1228a.jpg



37-1228A.pdf



37-1227B.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

February 2, 2007

Lawrence Warner
155 Townsend Gulch Rd
Bellevue, ID 83313

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

RE: SRBA Recommendations 37-1227B & 37-1228A

Dear Mr. Warner;

I have finished the revised recommendations as we discussed. The recommended place of use is what appeared to be irrigated last year, as this is the only known wet year that we have data for. The 2.7 acres being recommended appears to be about all the bottom land that you can practically irrigated; I do not believe that the 5 acres allowed by the 1993 transfer was ever fully developed. Although the place of use is being reduced, I have not changed the diversion rates from what was originally recommended.

I have done all that I can with these recommendations, as the Director's Report for your area will be filed with the SRBA Court next week. Once that happens, you will have to formally object to the Court if you disagree with my findings.

Regards,

James E. Stanton
Sr. Water Resource Agent

02/02/2007

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

RIGHT NUMBER: 37-1227B

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

REVISED 2-2-2007

SOURCE: TOWNSEND GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS
17.500 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.15 cfs.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T01N R18E S2 NENWS Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS 17.50 AFY

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NESW	0.90	T01N R18E S02	NWSW	1.80
2.7 ACRES TOTAL					

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 2.7 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

Property is also known as Lot 1A, Townsend Ranch Subdivision.

02/02/2007

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

RIGHT NUMBER: 37-1228A

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

REVISED 2-2-2007

SOURCE: TOWNSEND GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion
rate of 0.15 cfs.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T01N R18E S2 NENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NESW	0.90	T01N R18E S02	NWSW	1.80
---------------	------	------	---------------	------	------

2.7 ACRES TOTAL

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined
total of 2.7 acres in a single irrigation season.

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

Property is also known as Lot 1A, Townsend Ranch Subdivision.



Idaho Department of Water Resources

SRBA Recommendation:

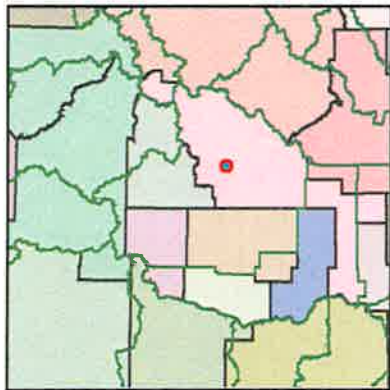
37-1227B

37-1228A

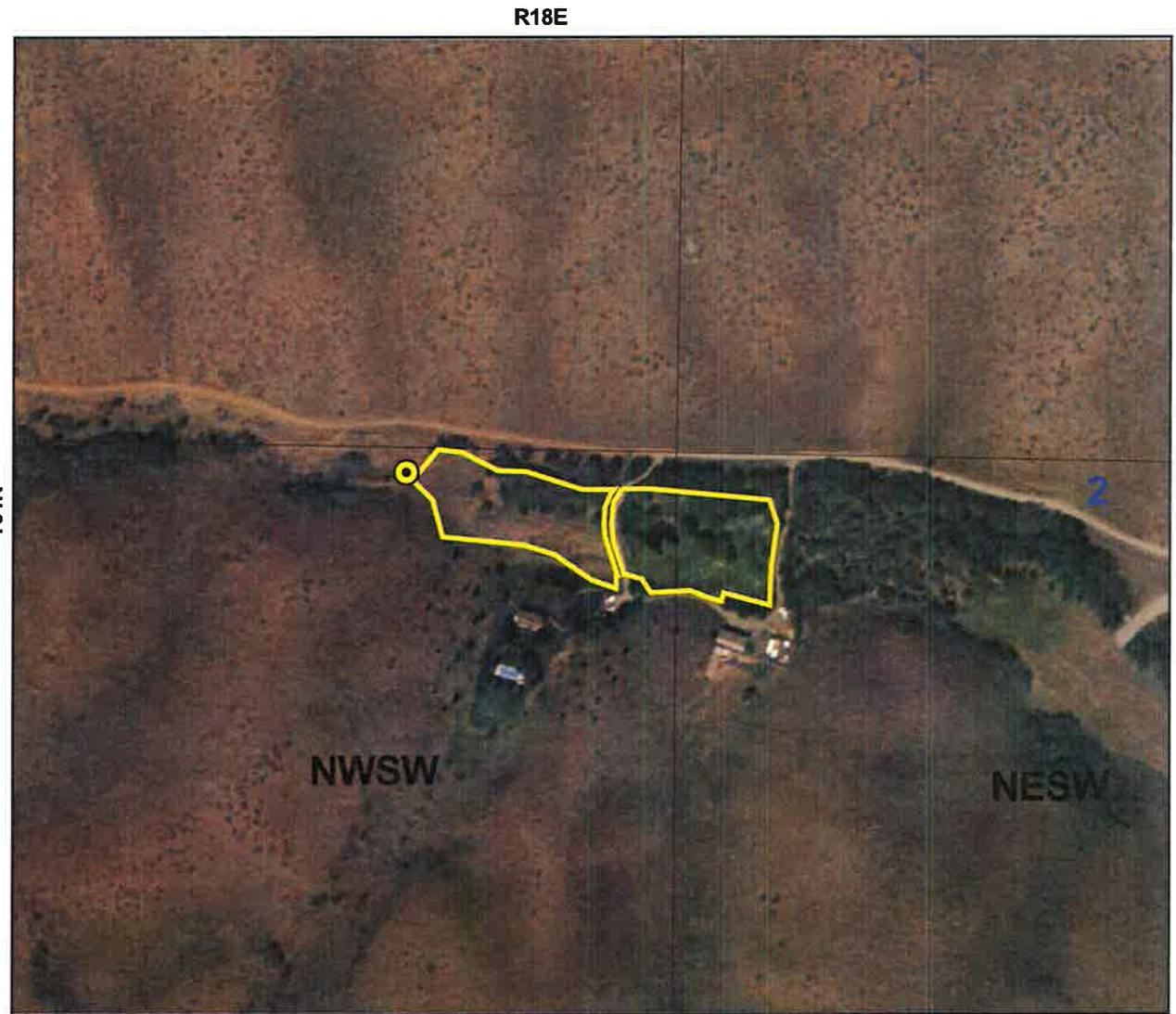
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by J. Stanton
On Friday, February 2, 2007
2004 Aerial Photography

Owner: Lawrence Warner

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

01/16/2007

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

RIGHT NUMBER: 37-1228A

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: TOWNSEND GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS

Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.15 cfs.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T01N R18E S2 NWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NESW	1.00	T01N R18E S02	NWSW	4.00
---------------	------	------	---------------	------	------

5 ACRES TOTAL

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 5 acres in a single irrigation season.

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

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Property is also known as Lot 1A, Townsend Ranch Subdivision.



Idaho Department of Water Resources

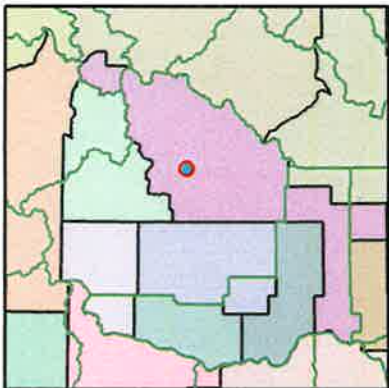
SRBA Recommendation:

37-1228A

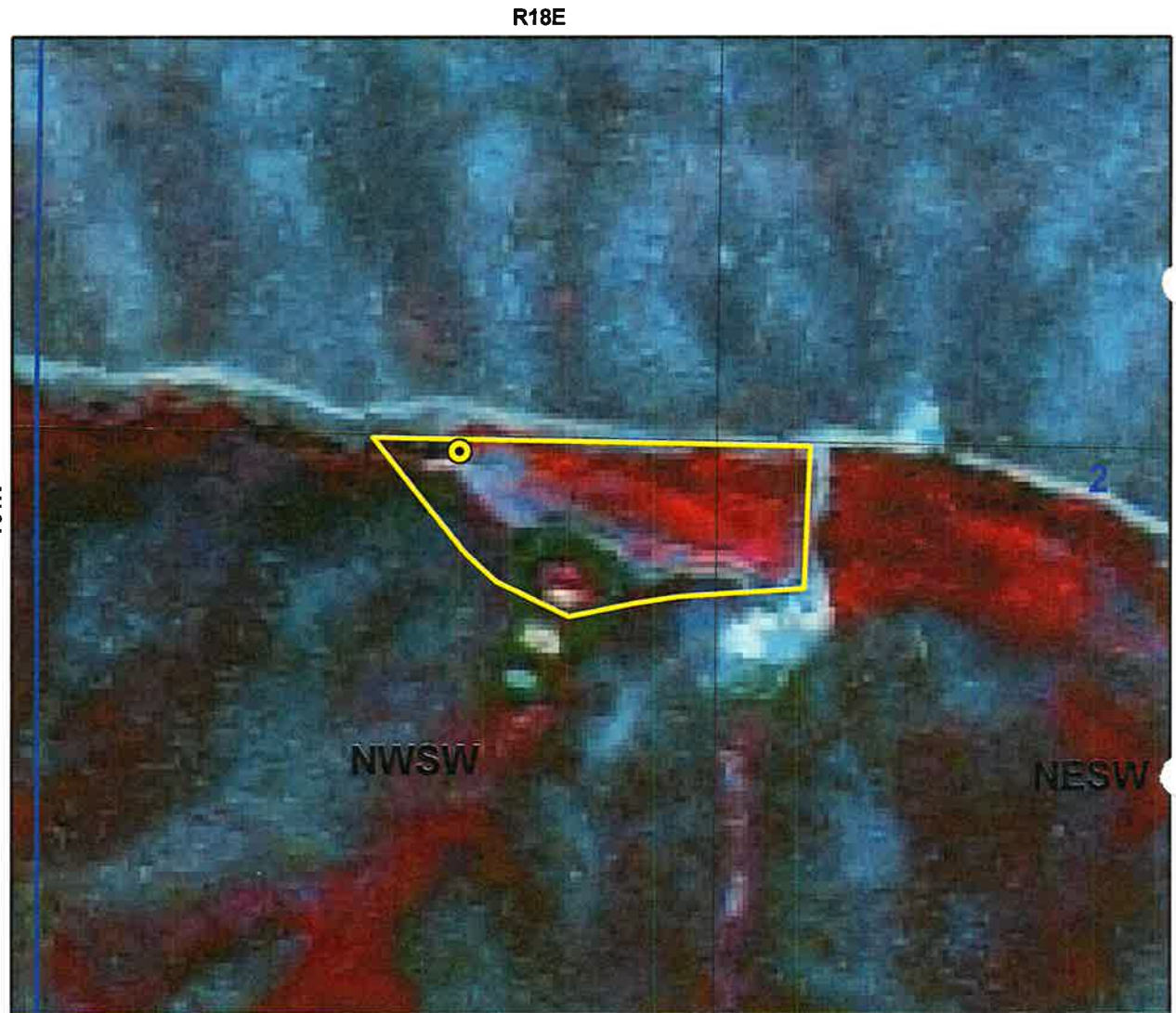
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by K. Walker
On Tuesday, January 16, 2007
1987/88 Aerial Photography

Walker, Kay

From: Keen, Shelley
Sent: Tuesday, January 16, 2007 7:36 AM
To: Walker, Kay
Subject: FW: Warner/Water Rights - 37-1227B and 37-1228A

Kay,

Please look into this message and make changes if they're needed.

Thanks.

Shelley

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, January 15, 2007 12:26 PM
To: Keen, Shelley
Cc: lwarner2@gmail.com
Subject: Re: Warner/Water Rights - 37-1227B and 37-1228A

Shelley,

I think you did these preliminary recommendations. The point of diversion for both is depicted on the attached map. The place of use is the same for both and is correct on the recommendation and map for 37-1228A. Please make the corrections for the director's report. Call me if you have any questions. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

→ See map in
file 37-1227B.
kw 1/16/07

01/05/2007

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

RIGHT NUMBER: 37-1228A

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: TOWNSEND GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T01N R18E S2 NENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02

NESW

1.00

T01N R18E S02

NWSW

4.00

5 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

Property is also known as Lot 1A, Townsend Ranch Subdivision.



Idaho Department of Water Resources

SRBA Recommendation:

37-1228A

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by K. Walker
On Friday, January 5, 2007
1987/88 Aerial Photography

01/03/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1228A

WATER RIGHT NUMBER: 37-1228A

Owner Type

Current Owner

Name and Address

LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE, ID 83313
(208)788-9753

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

Source

TOWNSEND GULCH CREEK

Prietary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To
4/01 to 11/01

Diversion Rate

0.100 CFS

Annual Volume

Total Diversion: 0.100 CFS

Location of Point(s) of Diversion

TOWNSEND GULCH CREEK

NE1/4NW1/4SW1/4

Sec. 2, Twp 01N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	18E	2																	5.0

Total Acres: 5

Conditions of Approval:

1. CLAIM IS AMENDED TO REFLECT DIVISION OF 37-01228 AMONG THE 4 LOTS OF TOWNSEND GULCH SUBDIVISION. CLAIMANT NOW ONLY OWNS LOT 1, WHICH IS THE PLACE OF USE FOR THIS AMENDED CLAIM. TOWNSEND GULCH NORMALLY SINKS BEFORE IT REACHES THE BIG WOOD RIVER AND HAS NOT BEEN ADMINISTERED BY THE DISTRICT 37 WATERMASTER. CONFORMED ATTORNEY MAILING ADDRESS DMS

per deed attached to claim

Remarks:Comments:Dates and Other Information:

Review by
KW 1/5/07

Rt. 37-11541-gw
D & S - Warner

add
Attorney = Speck

Not in decree - Rec. standard
4/15 - 10/31

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1228

WATER RIGHT NUMBER: 37-1228

Owner Type

Original Owner

Name and Address

S P NEWMAN

BELLEVUE, ID 83313

Priority Date: 05/01/1905

Basis:

Status: See Remarks

Source

TOWNSEND GULCH CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.400 CFS

Annual VolumeTotal Diversion:

0.400 CFS

Location of Point(s) of Diversion

TOWNSEND GULCH CREEK

SW1/4SE1/4NE1/4

Sec. 2, Twp 01N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X	X			X	X			

Conditions of Approval:

- THIS WR IS SPLIT AND THIS CLAIM IS FOR REFERENCE USE ONLY.
A37-01228A FOR 0.30 CFS ALEXIA A. MARESI BUT THIS WAS LATER AMENDED TO 0.10 BY
LAWRENCE WARNER A37-01228B FOR 0.10 CFS ALEXANDER C. RIDLAND A37-01228C FOR
0.40 CFS CAL-PACIFICO A37-01228D FOR 0.15 CFS HAUGH A37-01228E FOR 0.14 CFS
MITCHELL JULIS

Remarks:Comments:Dates and Other Information:

Recommends:

37-1228A = 0.100

37-1228E = 0.140

37-21299 = 0.075

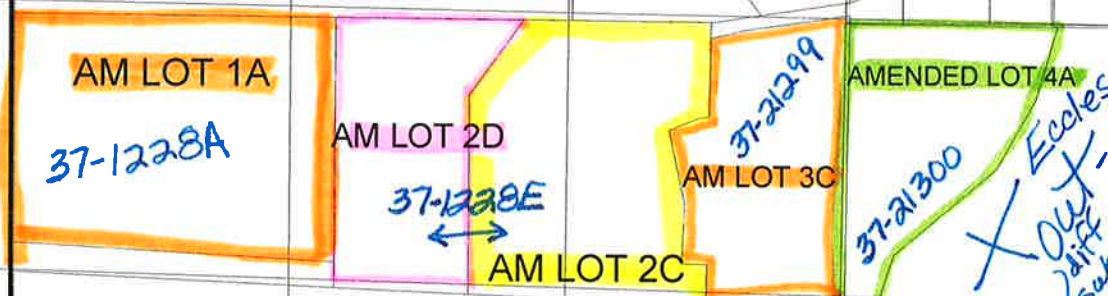
37-21300 = 0.075

0.15 per orig. claim 37-1228D

0.39 cfs ✓

decreed = 0.40 cfs

N $\frac{1}{2}$ S $\frac{1}{2}$
Sec 2



all lots found to
be in Townsend Ranch
Subdivision per Co. tax
records - fw 1/3/07

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1228

WATER RIGHT NUMBER: 37-1228

Owner Type

Current Owner

Name and AddressS P NEWMAN
BELLEVUE, ID 83313

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

Source

TOWNSEND GULCH CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.400 CFS

Annual VolumeTotal Diversion:

0.400 CFS

Location of Point(s) of Diversion

TOWNSEND GULCH CREEK

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	
01N	18E	2									X	X			X	X			

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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

RECEIVED

NOV 13 1930

Department of Land Resources
Southern District Office

THOMAS WERRY and ESTHER WERRY,

Plaintiffs,

vs.

D E C R E E.

S. P. NEWMAN and JOSEPH TEUSCHER,

Defendants.

B-1
File 37-A

This cause coming on regularly to be heard in open Court the 25th day of September, 1924, the said plaintiffs being represented by W. A. Brodhead, Esq., and the said defendants by J. G. Hedrick, Esq.; and after the introduction of certain testimony on the part of the plaintiffs in support of the complaint and testimony on the part of the defendants in support of the cross complaint of S. P. Newman, a stipulation was entered into between counsel for respective parties that judgment in said cause be entered as follows: And the Court being fully advised, and pursuant to said stipulation:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows, to-wit:

1. That the said plaintiffs are now, and they and their predecessors in interest have been since about the year 1883, the owners of and in possession of, and entitled to the possession of the following described land in Blaine County, State of Idaho, to-wit:

Lot 4, Sec. 1, Lots 1 and 2 and ~~Sec. 1~~ Sec. 2 in Tp. 1 N., R. 18 E.B.M.

NOV 13 1930

2. That said land is dry and arid in character and will not in its natural state produce profitable agricultural crops without the artificial application of water for irrigation.

37-1227 3. That the said plaintiffs are the owners of the right to the use of 45 miners inches, equivalent to 0.9 cubic feet per second of the waters of what is known as Townsend Gulch for the irrigation of the land hereinabove described, with date of priority, June 1, 1883.

37-1228 4. That the defendant S. P. Newman is now, and he and his predecessors in interest have been since the year 1905, the owners of the N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 2, Tp. 1 N., R. 18 E.B.L.

5. That said land is dry and arid in character and will not in its natural state produce profitable agricultural crops without the artificial application of water for irrigation.

6. That the said defendant S. P. Newman is the owner of the right to the use of 20 miners inches, equivalent to 0.4 cubic feet per second of the waters of what is known as Townsend Gulch for the irrigation of the land hereinabove described, with date of priority, May 1, 1905.

7. That each of the parties to this action be, and they and their successors agents, servants, and all persons acting by, through, or under them, or either of them be, and they and each of them are hereby perpetually restrained and enjoined from in any manner interfering with the flow of the waters of Townsend Gulch, except as in this decree provided.

Done in open Court this 2nd day of October, 1914.

NOV 2 1913

miners inches, equivalent to 0.9 cubic feet per second of the waters of what is known as Townsend Gulch for the irrigation of the land hereinabove described, with date of priority, June 1, 1883.

4. That the defendant S. P. Newman is now, and he and his predecessors in interest have been since the year 1905, the owners of the N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 2, Tp. 1 N., R. 18 E.B.M.

5. That said land is dry and arid in character and will not in its natural state produce profitable agricultural crops without the artificial application of water for irrigation.

6. That the said defendant S. P. Newman is the owner of the right to the use of 20 miners inches, equivalent to 0.4 cubic feet per second of the waters of what is known as Townsend Gulch for the irrigation of the land hereinabove described, with date of priority, May 1, 1905.

7. That each of the parties to this action be, and they and their successors agents, servants, and all persons acting by, through, or under them, or either of them be and they and each of them are hereby perpetually restrained and enjoined from in any manner interfering with the flow of the waters of Townsend Gulch, except as in this decree provided.

Done in open Court this 2nd day of October, 1924.

H. F. Ensign

District Judge.

Filed and entered Oct. 2, 1924.
Cassie M. Russell, Clerk District Court.
Blaine County, Idaho.
By Geo. A. McLeod, Deputy.

NOV 22 1924

Memo to Files 37-1228A, 37-1228B, 37-1228C, 37-1228D, & 37-1228E
OCTOBER 28, 2002
JEANIE ROBERTSON

37-1228 is a decreed right for 0.4 cfs
There are five claims against it for a total of 0.89 cfs

There are four lots in the Townsend Gulch (or Ranch) Subdivision. Information in the files seems to indicate that .1 cfs was to go to each lot. (There was a lot-line shift sometime later on which appears to have changed the size of lots 2 and 3, **increasing** Lot 2 to 2A and **decreasing** Lot 3 to 3A.)

37-1228A is for Lot 1, Townsend Ranch Subdivision 0.1 cfs
according to the Blaine County Assessor's Office, Lot 1 is owned by Warner

37-1228B may be for Lot 4, Townsend Ranch Subdivision, 0.1 cfs
this claim was filed by Alex Ridland in 1989 and may have been sold to Christie Haugh?

37-1228C was filed by Cal-Pacifico for the entire right based on accomplished transfer

37-1228D was filed by Christie Haugh for 0.15 cfs in 1992
it says it is for Lots 2A and 3A of the Townsend Ranch Subdivision (perhaps it is actually for Lots 3A and 4 according to the legal description, and claim 37-1228B should have been changed?) Lot 2A is owned by someone else and claimed under part E. Lot 3A is owned by Haugh and Lot 4 was recently sold by Haugh to Robert Christiansen.

37-1228E was filed by Mitchell Julis for 0.14 cfs for Lot 2A
I think it may have intended to claim the extra .04 and 2.5 acres in the NWSE of Section 2 because of the so-called lot line shift and reduce the .04 and 2.5 acres in the NWSE of Section 2 from Lot 2A. Lot 3A was sold to Carol & Eugene Holman.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1228A

WATER RIGHT NUMBER: 37-1228A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAWRENCE WARNER 155 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-9753

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TOWNSEND GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

TOWNSEND GULCH CREEK	NE1/4NW1/4SW1/4	Sec. 2,	Twp 01N,	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	
01N	18E	2																	5.0

Total Acres: 5

Conditions of Approval:Remarks:

1. General CLAIM IS AMENDED TO REFLECT DIVISION OF 37-01228 AMONG THE 4 LOTS OF TOWNSEND GULCH SUBDIVISION. CLAIMANT NOW ONLY OWNS LOT 1, WHICH IS THE PLACE OF USE FOR THIS AMENDED CLAIM. TOWNSEND GULCH NORMALLY SINKS BEFORE IT REACHES THE BIG WOOD RIVER AND HAS NOT BEEN ADMINISTERED BY THE DISTRICT 37 WATERMASTER.
CONFORMED ATTORNEY MAILING ADDRESS DMS

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-1228A

Dates and Other Information:

Claim Received Date: A
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:



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

May 16, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

RE: Water Right 37-11541 Owner change
SRBA Claims 37-1227B, 37-1228A Address Change

Dear Mr. Warner:

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 record of the water right(s) noting the change in owner and address. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 31, 1995

JAMES W PHILLIPS
ROARK, RIVERS, & PHILLIPS
PO BOX 2740
HAILEY, ID 83333

RE: SRBA OWNERSHIP CHANGE FOR A37-01228A & A37-01228E
MARESI-JULIS SEPT. 7, 1993

DEAR SIR:

I FIRST MUST APOLOGIZE FOR DELAY IN REVIEWING THIS OWNERSHIP CHANGE THAT YOU SENT. IN REVIEWING IT, THOUGH, I HAVE A QUESTION.

A37-01228E IS ALREADY IN THE NAME OF MITCHELL JULIS SINCE MARCH OF 1992. IT WAS FOR .14 CFS ON LOT 2-A. A37-01228A IS IN THE NAME OF LAWRENCE WARNER. ALEXIA MARESI WAS THE ORIGINAL OWNER AND THEN IT WENT TO MR. WARNER.

DO YOU WANT TO STILL TRANSFER OWNERSHIP FOR A37-01228A AND DO YOU WANT TO DO ANYTHING ELSE WITH A37-01228. I AM SENDING ALL THE INFORMATION I HAVE TO HELP YOU. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE. I AGAIN APOLOGIZE FOR THE INCONVENIENCE. THANK YOU FOR YOUR TIME.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES



ROARK, RIVERS & PHILLIPS

ATTORNEYS AND COUNSELORS AT LAW

409 NORTH MAIN STREET POST OFFICE BOX 2740
HAILEY, IDAHO 83333 - 2740

R. Keith Roark
Kathleen E. Rivers
James W. Phillips
Jennifer L. Kroos

RECEIVED

SEP 07 1993

September 1, 1993

Department of Water Resources
Southern Region Office

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

Re: Notice of Change of Ownership
Lot 2 and Lot 3, Townsend Gulch Subdivision
Blaine County

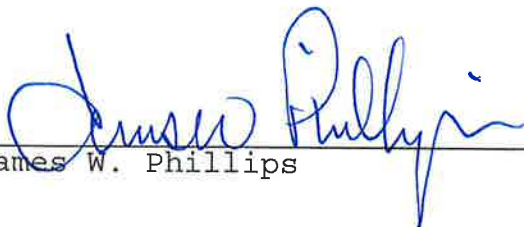
Dear Mr. Holmes:

Enclosed you will find tow (2) Notices of Change of Water Right Ownership for a portion of those water rights claimed by Alexia Maresi in the Snake River Basin Adjudication to Mitchell Julis with regard to Lot 2 and Lot 3, Townsend Gulch Subdivision, Blaine County purchased by Mr. Julis from Ms. Maresi. Please record these documents in the IDWR's SRBA records.

Thank you very much for your assistance in this matter and should you have any questions or require additional information, please advise.

Very truly yours,

ROARK, RIVERS & PHILLIPS


James W. Phillips

JWP\ltr\hs\holmes2.let



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Jan-1994 15:01

James Speck
PO Box 987
Ketchum, ID 83340

RE: Amendment of SRBA Claim A37-01228A

Dear Jim:

Pursuant to the Amended Notice of Claim you recently filed in the name of Lawrence Warner our records have been updated to reflect the amendment. Please find enclosed a printout of the way the claim record has been modified. Please look the modified record over carefully to be sure it correctly reflects your intended change. If you have questions please feel free to contact this office.

Sincerely

A handwritten signature in black ink, appearing to read 'A. Merritt'.

Allen Merritt, P.E.
Water Right Supervisor

Encl:

MICROFILMED
AUG 24 1994

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

January 25, 1994

RECEIVED

JAN 27 1994

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

Department of Water Resources
Southern Region Office

Re: Amended Notice of Claim A37-01228A
Lawrence Warner

Dear Allen:

Enclosed you will find a Amended Notice of Claim A37-01228A which I have prepared on behalf of Mr. Lawrence Warner. Please call me if you have any questions about this Amendment. Once it has been entered into the Department's computer data base, please send me a printout.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/dlm
encl.

MICROFILMED

AUG 24 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Alexia Maresi Phone 208/726-4421Post Office address c/o James P. Speck, Hogue, Speck & Aarnestad, P.O. Box 987, Ketchum, ID 83340

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes See Addendum

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

1. Right Number 37-01227 Priority 6/1/1883 Amount (cfs/ac-ft) 0.9 cfs Nature of Use irrigation Period of Use Apr. 1 to Nov. 1
37-01228 5/1/1905 0.3 cfs irrigation Apr. 1 to Nov. 1
to _____
to _____
2. Total amount of water being transferred 1.2 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Townsend Gulch tributary to Big Wood River
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	2	1N	18E	Blaine	N/A

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	2									25	25							50

MICROFILMED
FEB 23 1993Total acres 50A37-01227
A37-01228

T#

PART 1**6. General Information:**

a. Description of diversion system 5HP pump in creek; flood and sprinkler irrigation

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes XXXXX 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:

Other lands in Townsend Gulch will not be irrigated. Cal Pacifico has other rights to irrigate its lands

d. Remarks:

See Addendum

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19____.

MICROFILMED**FEB 23 1993**

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. 37-01227 Decreed to Thomas Werry
in case of Werry vs. Newman & Teuscher
dated 10/02/1924 in Blaine county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 See Addendum

3. Source of water Townsend Gulch tributary to Big Wood River

4. Date or priority 6/1/1883

5. Water is used for the following purpose:

amount 0.9 for irrigation purposes from Apr. 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.9 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	NE	2	1N	18E	Blaine	N/A

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	2	13	14		23													50

MICROFILMED

FEB 23 1993

Total acres 50

9. Describe any other water rights used for the same purpose as described above 37-00315B; 37-00686B

37-00713A; 37-00688D; 37-00688E; 37-02468A; 37-04076A; 37-01228

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED
FEB 23 1993

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-01228 Decreed to S.P. Newman
in case of Werry vs. Newman & Teuscher
dated 10/02/1924 in Blaine county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 Townsend Gulch tributary to Big Wood River

4. Date or priority 5/01/1905

5. Water is used for the following purpose:

amount 0.3 for irrigation purposes from Apr. 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.3 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
	NW	NE	SW	2	1N	18E	Blaine	N/A
	NE	NW	SW	2	1N	18E	Blaine	N/A

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	2									18	4				25			47

MICROFILMED

FEB 23 1993

Total acres 47

9. Describe any other water rights used for the same purpose as described above None

PART 2

Transfer No. _____

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	

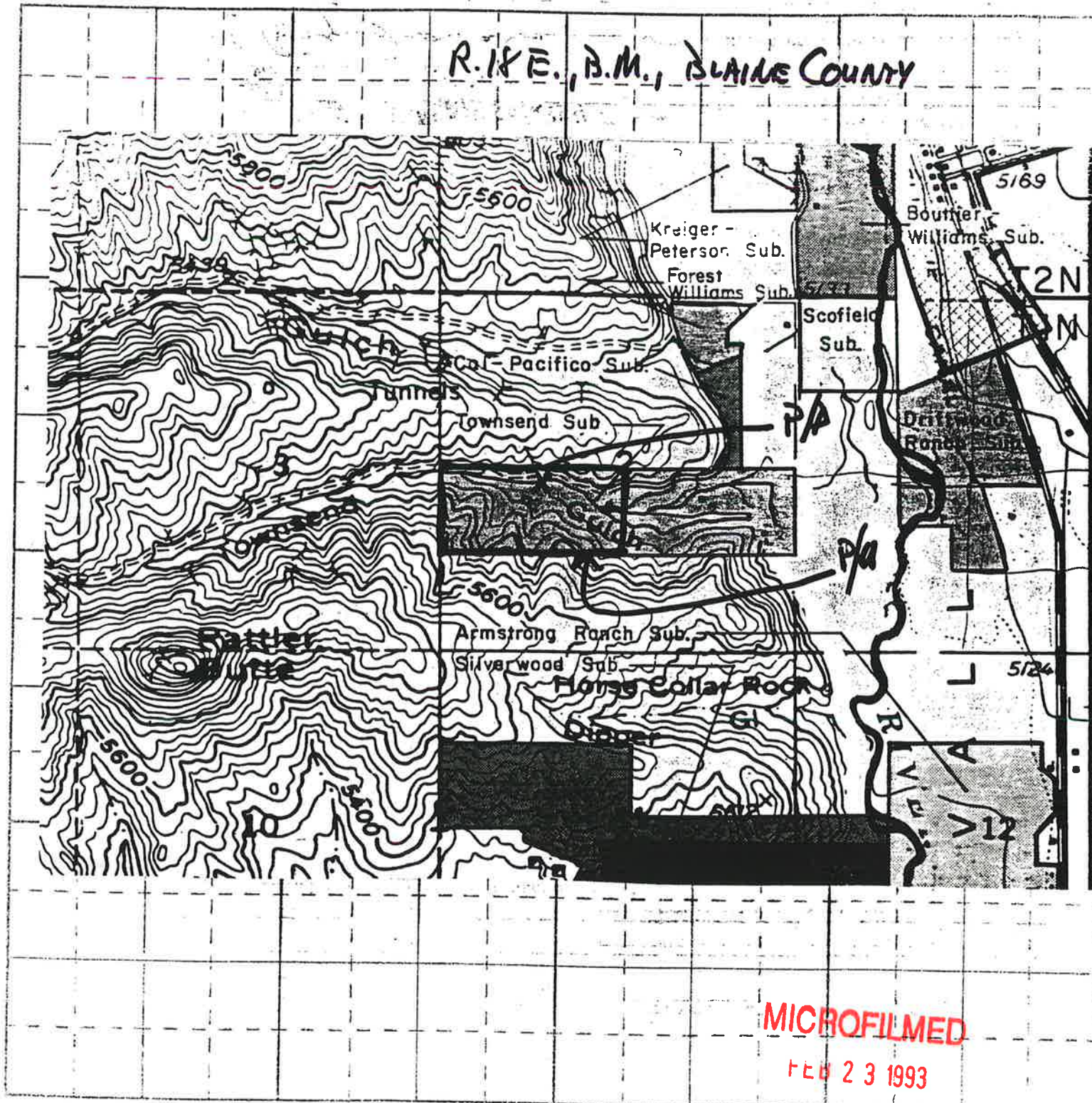
MICROFILMED

FEB 23 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.

ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHT
BY
ALEXIA MARESI

PART 1

A. PURPOSE OF TRANSFER

2. Describe the reason for the proposed change:

Applicant has purchased 37-01227 from Cal-Pacifico contingent upon approval of a transfer to her property. Applicant has sold a portion of the lands irrigated by her portion of 37-01228 and reserved the water rights which she wishes to transfer to lands retained by her in Townsend Gulch.

6. General Information.

d. Remarks: The place of use is Lots 1 and 2 of the Townsend Ranch Subdivision (see plat - Attachment 1). Applicant has sold Lot 3 and desires to transfer her portion of 37-01228 (0.3 cfs claimed in the Adjudication as A37-01228A) to Lots 1 and 2. Applicant has also entered into an agreement to purchase the only other water right on Townsend Gulch (37-01227) from Cal-Pacifico, contingent upon approval of this request to transfer the place of use and point of diversion to Lots 1 and 2 of Townsend Ranch Subdivision. Both water rights will be used on the same lands. In a normal year, Townsend Gulch sinks before it reaches the Big Wood River.

j\mrsixfr.add
9/29/90

MICROFILMED

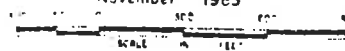
FEB 23 1993

TOWNSEND

RANCH

SUBDIVISION

Located in North 1/2, South 1/2, Section 2, T.1N, R.1E, BM
Blaine County, Idaho
November 1985



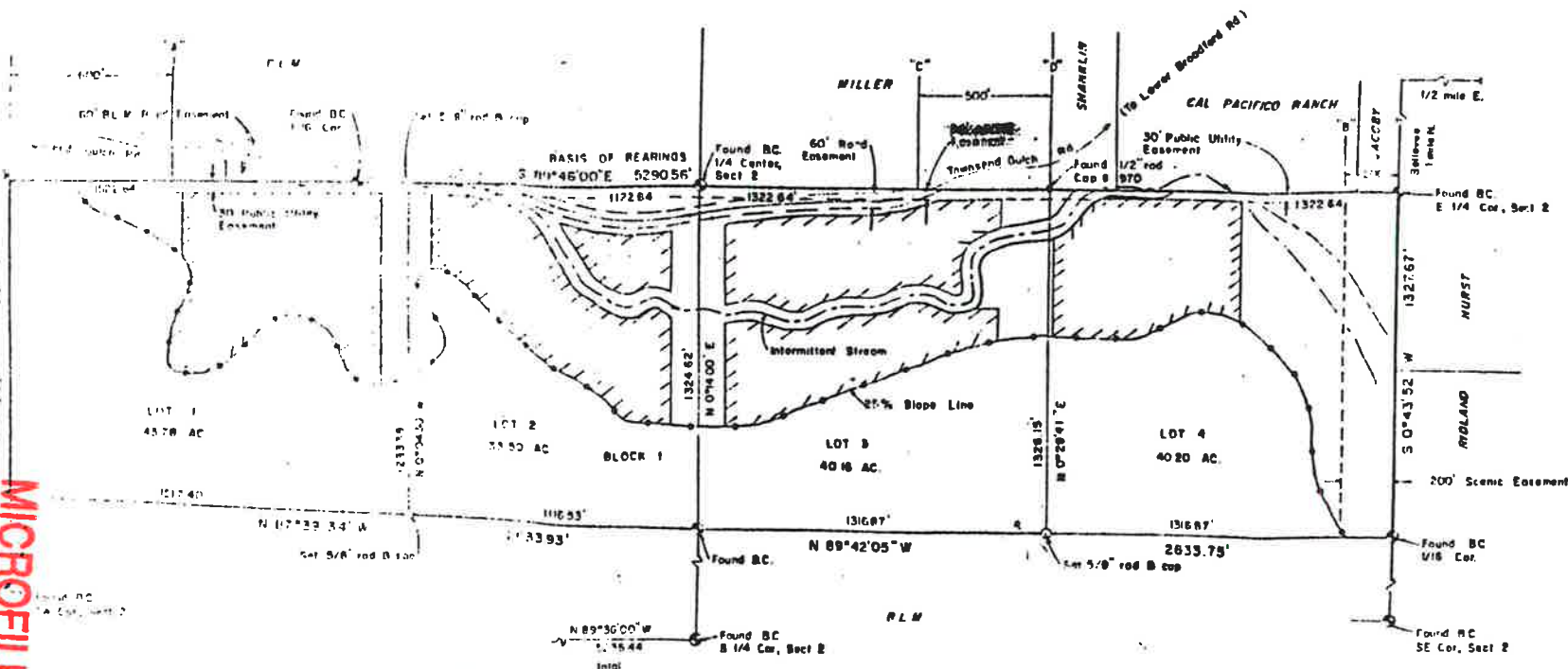
NOTES

1. Building Envelopes [Symbol]
2. 25% Slope Line [Symbol]
3. Intermittent Stream with 10' flood easement
4. All lots are shown this way and to be shown.
5. Lot 1 only, not to further subdivide owners of Lots 2, 3 and 4 who desire to further subdivide must file with the Blaine County Planning Office for a subdivision according to the current regulations.
6. Construction of any kind, except fences, shall be allowed only in the established building envelopes and will require a building permit.
7. No buildings shall be constructed within 40 feet of the center line of the stream, and no any widening or encroachment of the water course, or construction of diversions or other impediments to stream flow, shall be engineered and constructed, including the use of suitably sized culverts, so that there is no permanent obstruction of the water course.
8. Due to the width and condition of Townsend Gulch Road, approval of this subdivision does not obligate the County to improve the road, nor to provide services beyond what is currently provided.
9. Roads within the subdivision shall be built to meet private road specifications, Section 9171 of the Blaine County Subdivision Ordinance 77-6. Each plat shall contain the following statement:
"The purchaser and/or owner of this lot or parcel understands and agrees that private road construction and snow removal shall be the obligation of the owner, his successors in interest, or homeowners' association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to County standards, dedicated and accepted by the County, and that each owner shall notify in writing any successor in interest of these facts."
10. The attached notes, restrictions, and conditions are recorded with the Blaine County Recorder's Office as Instrument Number 20123.
11. For "A", "B", "C" and "D", see Declaration (Easements).

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:

N

Attachment 1



FEB 23 1993

MICROFILMED

PRELIMINARY
DISCUSSION PURPOSES ONLY

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 22 day of October, 1990.

Alexia A. Maresi
ALEXIA A. MARESI

STATE OF IDAHO)
) ss.
County of Blaine)

On this 22 day of October, 1990, before me, the undersigned notary public in and for said state, personally appeared ALEXIA A. MARESI, known to me to be the person whose name is subscribed to the within Special Power of Attorney, 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 first above written.

Ron J. Carter
Notary Public for Idaho
Residing at: Ketchum, Idaho

maresi.pwr