

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: **A37-01224C**

Date Received: 2/ 8/1989

Receipt No: C005439

Received By: Admiral - Ck

~~COPY FOR~~  
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

~~COPY FOR~~  
~~YOUR FILES~~

1. Name: THE FOSTER FAMILY TRUST  
Address: PO BOX 633  
PICABO ID

83348

2. Date of Priority: JAN 1, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 20E   | 36      | NE     | SE     | SW     |     | BLAINE |

5. Description of diverting works:  
PUMP IN SILVER CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 |      |        |

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

8. Total consumptive use is 34.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01S      | 20E   | 36      | NE     | SW     |     | IRR | 0.6   |
|          |       |         | SE     | SW     |     | IRR | 2.0   |
|          |       |         | NW     | SE     |     | IRR | 1.6   |
|          |       |         | SW     | SE     |     | IRR | 9.5   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 13.7  |
|          |       |         |            |     | Total Acres   | 13.7  |

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:

LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*  
THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT.  
19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:

THE CHANGE AUTHORIZED BY TRANSFER 3945 SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.

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OF THE TRANSFER SHOULD NOT BE RESCINDED.

APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR  
REVIEW FO THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE  
RIVER BASIN ADJUDICATION.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE  
MAINTAINED AS PART OF THE DIVERTING WORKS.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR  
THE LANDS LISTED ABOVE.

\*\*\*\*\*  
10/7/96 TF; OWNERSHIP CHANGED SCHOEN TO OHRSTROM TO FOSTER  
FAMILY TRUST.

\*\*\*\*\*  
02/12/99 CHANGED ADDRESS AS PER REQUEST RECEIVED 02/12/99. CT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

AJ0749NP  
No. A37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/16/99  
PAGE: 1

| OWNER<br>CODE                        | NAME & ADDRESS                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|--------------------------------------|----------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                                    | THE FOSTER FAMILY TRUST<br>PO BOX 633<br>PICABO ID 83348 | 01/01/1800       | IRRIGATION | 04-01 11-01           | 0.20 CFS          |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                                                          |                  |            |                       | 0.20 CFS          | 34.20 AFA           |

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S36 NESESW

BLAINE County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |             |   |      |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|-------------|---|------|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE        | : | SUM  |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac          | : |      |
| 01S | 20E | 36 | : |      |      |      |      | :  |      |      |      |      | : | .6   |      |      | 02   | : |      |      | 01   | 09          | : | 13.7 |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      | TOTAL ACRES |   | 13.7 |

POU County: BLAINE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
- DETERMINATION OF HISTORICAL BENEFICIAL USE.  
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

Remarks: GEN LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*  
THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT.  
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THE LANDS LISTED ABOVE.  
\*\*\*\*\*

AJ0749NP  
No. A37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/16/99  
PAGE: 2

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Remarks: 10/7/96 TF; OWNERSHIP CHANGED SCHOEN TO OHRSTROM TO FOSTER  
FAMILY TRUST.  
\*\*\*\*\*  
02/12/99 CHANGED ADDRESS AS PER REQUEST RECEIVED 02/12/99. CT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag: C

DATE: 02/16/99  
PAGE: 1

Place of use Legal Description for: IRRIGATION

|     |     |    | NE |    |    |      |      | NW   |      |   |    |    | SW   |      |      |      |   | SE |    |      |      |      |      |   |    |    |             |      |      |      |      |     |      |
|-----|-----|----|----|----|----|------|------|------|------|---|----|----|------|------|------|------|---|----|----|------|------|------|------|---|----|----|-------------|------|------|------|------|-----|------|
| T   | R   | S  | :  | Lt | Ac | NENE | NWNE | SWNE | SENE | : | Lt | Ac | NENW | NWNW | SWNW | SENW | : | Lt | Ac | NESW | NWSW | SWSW | SESW | : | Lt | Ac | NENE        | NWSE | SWSE | SESE | :    | SUM |      |
| 01S | 20E | 36 | :  |    |    |      |      |      |      | : |    |    |      |      |      |      | : |    |    | .6   |      |      |      | : |    |    |             | 01   | 09   |      |      | :   | 13.7 |
|     |     |    | :  |    |    |      |      |      |      | : |    |    |      |      |      |      | : |    |    |      |      |      |      | : |    |    | TOTAL ACRES |      | :    |      | 13.7 |     |      |

POU County: BLAINE

Other Rights: NONE

~~Conditions~~ of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
- DETERMINATION OF HISTORICAL BENEFICIAL USE.  
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
- GALLONS PER DAY.

Remarks: GEN

LAND IS LOT 2, HOFSTETTER SUBD.

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APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW FO THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

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

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AJ0749NP  
No. R37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/16/99  
PAGE: 2

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|        |                 |                |                       |
|--------|-----------------|----------------|-----------------------|
| Dates: | Exam Made Date: | Verified Date: | Objection Filed Date: |
|--------|-----------------|----------------|-----------------------|

|       |                        |                        |
|-------|------------------------|------------------------|
| Misc: | Water District Number: | Field Inspection Flag: |
|       |                        | Presumption Flag: C    |

Comments: Date: 12/08/1992 User-ID: MERRITT Subject: CLAIM AMENDED  
PURSUANT TO TRANSFER 3945 THE ORIGINAL CLAIM WAS AMENDED.  
12/8/92 ADM.



Date: 02/12/1999 User-ID: CTIMM Subject: ADDRESS CHANGE  
CHANGED ADDRESS AS PER REQUEST RECEIVED 02/08/99. ALSO UPDATED  
OWNERSHIP TO MATCH THE 'A' RECORD. CT

Audit: 02/16/99 CTIMM



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

PHILIP E BATT  
GOVERNOR

KARL J DREHER  
DIRECTOR

RECEIVED

FEB 03 1999

Department of Water Resources  
Southern Region

### CHANGE IN ADDRESS

AJ 0749 N.P.

☐ Water Right Number(s): NO-A 37-01224C 1/1/1800

EXB. A" W.R. ~~37-012240~~ 0749 N.P.

NO: 37-012240 12/28/1932

☐ <sup>NEW</sup>  
~~Old~~ Mailing Address:  
CURRENT

W. J. FOSTER CO. TRUSTEE OF THE  
FOSTER FAMILY TRUST

PO BOX 633 PICABO, ID. 83348

☐ <sup>OLD</sup>  
~~New~~ Mailing Address:

C. LAURENCE SCHOEN

PO BOX 689

BELLEVUE, ID. 83313

☐ New Telephone Number: (208) 578-0606

☐ Signature of Claimant(s):

W. J. Foster

Date:

FEBRUARY 5, 1999

#### FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 2/12/99 By: CT

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

✓ TS



**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

February 16, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

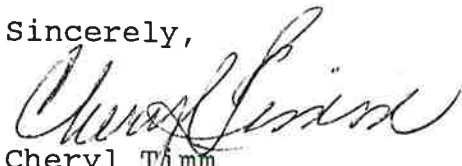
W J FOSTER CO  
FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348

RE: SRBA Claim(s) **A37-01224C**

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claim to you. Please find the enclosed copies of the computer record 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,



Cheryl Timm  
Clerical Specialist, SRBA

Enc.: Claim to a Water Right A37-01224C

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: A37-01224C  
Date Received: 2/ 8/1989  
Receipt No: C005439  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: THE FOSTER FAMILY TRUST 714-494-3368  
Address: 2991 ZURICH COURT  
LAGUNA BEACH CA 92651

2. Date of Priority: JAN 1, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 20E   | 36      | NE     | SE     | SW  |     | BLAINE |

5. Description of diverting works:  
PUMP IN SILVER CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 |      |        |

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

8. Total consumptive use is 34.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 20E   | 36      | NE     | SW  |     | IRR | 0.6   |
|          |       |         | SE     | SW  |     | IRR | 2.0   |
|          |       |         | NW     | SE  |     | IRR | 1.6   |
|          |       |         | SW     | SE  |     | IRR | 9.5   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 13.7  |
|          |       |         |            |     | Total Acres   | 13.7  |

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:

LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*  
THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT. 19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:

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THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS LISTED ABOVE.

\*\*\*\*\*  
10/7/96 TF; OWNERSHIP CHANGED SCHOEN TO OHRSTROM TO FOSTER FAMILY TRUST.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
222 SHOSHONE ST E  
TWIN FALLS ID 83301  
(208) 736-3033

PHILIP E BATT  
GOVERNOR

KARL J DREHER  
DIRECTOR

October 22, 1996

THE FOSTER FAMILY TRUST  
2991 ZURICH COURT  
LAGUNA BEACH CA 92651

RE: SRBA Claim(s) A37-01224C

Dear Mr. Foster:

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 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 that reads "Trish Fawcett".

Trish Fawcett  
Technical Records Specialist

enc.



RECEIVED

MAY 16 1996

Department of Water Resources  
Southern Region

May 10, 1996

Attn.: Adjudication Bureau  
Idaho Department of Water Resources  
Statehouse Mail  
Boise, ID 83720-9000

Re: Order No. 21893

Lot 2 Block 1 Hofstetter Subdivision  
Foster/Ohstrom

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

  x   New Property Owner Notice of Change of Water Right Ownership.

If you have any questions, please feel free to call me.

Sincerely,

**SAWTOOTH TITLE COMPANY**

Florence K. Askew  
Escrow Assistant

fka

Attachment(s)



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 13 1996

DATE OF CLOSING: 5-9-96

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
 Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM \_\_\_\_\_  
 Lot 2, Block, 1, Subdivision/Townsite Hofstetter Subdivision  
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED  
MAY 16 1996

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

☒ Water Right Number(s) \_\_\_\_\_  
 Assigned by IDWR: SRBA A37-01224C and 37-01224D

☒ Name and Address of Former Owner/Claimant(s)(Seller): Richard R. Ohstrom, Deceased

☒ New Owner/Claimant (Purchaser): Wesley J. Foster, Co-Trustee of The Foster Family  
 Trust dated May 6, 1982

☒ New Mailing Address: 2991 Zurich Court, Laguna Beach, CA 92651

☒ New Telephone Number: (714) 494 - 3368

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

(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) \_\_\_\_\_ Date May 6, 1996

☐ 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

Form 42-1409(7)

RECEIVED  
MAY 13 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

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

DATE OF CLOSING: 5-9-96

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot 2, Block, 1, Subdivision/Townsite Hofstetter 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)  
Assigned by IDWR: SRBA A37-01224C and 37-01224D

☒ Name and Address of Former Owner/Claimant(s)(Seller): Richard R. Ohstrom, Deceased

☒ New Owner/Claimant (Purchaser): Wesley J. Foster, Co-Trustee of The Foster Family  
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☐ Attach proof of ownership, describe proof attached:

(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) [Signature] Date 5.8.96

☐ Signature of Former Owner/Claimant(s): [Signature] Date 5/7/96

(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

RECEIVED

MAY 13 1996

Form 42-1409(7)



**NEW PROPERTY OWNER  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources

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

DATE OF CLOSING: 5-9-96

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
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- ☒ Water Right Number(s)  
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- ☒ Name and Address of Former Owner/Claimant(s)(Seller): Richard R. Ohstrom, Deceased
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If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_  
(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) \_\_\_\_\_ Date \_\_\_\_\_
- ☐ Signature of Former Owner/Claimant(s): Richard R. Ohstrom, Executor Date 5/7/96

(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

RECEIVED

MAY 13 1996

Form 42-1409(7)



**NEW PROPERTY OWNER  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources

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

DATE OF CLOSING: 5-9-96

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot 2, Block, 1, Subdivision/Townsite Hofstetter 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)  
Assigned by IDWR: SRBA A37-01224C and 37-01224D

☒ Name and Address of Former Owner/Claimant(s)(Seller): Richard R. Ohstrom, Deceased

☒ New Owner/Claimant (Purchaser): Wesley J. Foster, Co-Trustee of The Foster Family  
Trust dated May 6, 1982

☒ New Mailing Address: 2991 Zurich Court, Laguna Beach, CA 92651

☒ New Telephone Number: (714) 494 - 3368

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_

(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): George P. Ohstrom Date 5/10/96

☐ Signature of Former Owner/Claimant(s): Richard R. Ohstrom, Executor Date 5/7/96

(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: \_\_\_\_\_

RECEIVED

MAY 13 1996

Form 42-1409(7)



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NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources

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

DATE OF CLOSING: 5-9-96

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
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☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_

(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) [Signature] Date \_\_\_\_\_

☐ Signature of Former Owner/Claimant(s): [Signature] Date 5/7/96

(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

EXHIBIT "A"

WR0749NP

No. 37-01224D

## IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT PROFILE REPORT

DATE: 03/12/96

PAGE: 1

OWNER

CODE

NAME &amp; ADDRESS

**PRIORITY**

DATE \_\_\_\_\_

## WATER USE

**USE PERIOD**

FROM TO

## DIVERSION

**RATE**

## DIVERSION

VOLUME

C LAWRENCE SCHOEN

PO BOX 689

BELLEVUE ID 83313

208) 788-2938

12/28/1932

## IRRIGATION

04/15 10/15

0.200 CFS

48.00 AFA

**TOTAL DIVERSION:**

0.200 CFS

**Water Source: SILVER CREEK**

Tributary to: LITTLE WOOD RIVER

**Stage: DECREED**

**Point(s) of Diversion:**

T01S R20E S36

**SESW**

BLAINE County

Place of use Legal Description for: IRRIGATION

NE

NW

SW

SE

[illegible]

Pou County: BLAINE

**Conditions of Approval:**

- 107 - The change authorized by this transfer shall be accomplished
  - within one (1) year of the date of this approval.
- 108 - Failure to comply with the conditions of this transfer is cause
  - for the director to issue an order to show cause why the approval
  - of the transfer should not be rescinded.
- 109 - Approval of this transfer does not preclude the opportunity for
  - review of the validity of the water right(s) in the ongoing
  - Snake River Basin Adjudication.
- R30 - This right when combined with all other rights shall provide no
  - more than .02 cfs per acre nor more than 3.5 afa per acre for the
  - lands above.
- R04 - Use of water under this water right will be regulated by the
  - watermaster of State Water District No. 37M.
- R01 - A measuring device of a type approved by this Department shall
  - be maintained as a part of the diverting works.

Dates: App. Received: 10/15/1991 Priority Date: 12/28/1932  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 06/18/1992 User-ID: BALDWIN Subject: Trans. #3945  
Trans. #3945 was filed to change the point of diversion and place  
of use under a portion of Right 37-01224A.

AJ0749NP  
No. A37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 03/12/96  
PAGE: 1

| OWNER<br>CODE                                                                                          | NAME & ADDRESS                                                       | PRIORITY<br>DATE                | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------|------------|-----------------------|-------------------|---------------------|
| C                                                                                                      | LAWRENCE SCHOEN<br>PO BOX 689<br>BELLEVUE ID 83313<br>(208) 788-2938 | 01/01/1800                      | IRRIGATION | 04-01 11-01           | 0.20 CFS          |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE:                                                                   |                                                                      |                                 |            |                       | 0.20 CFS          | 34.20 AFA           |
| Water Source: SILVER CREEK                                                                             |                                                                      | Tributary to: LITTLE WOOD RIVER |            | Stage: DECREED        |                   |                     |
| Point(s) of Diversion:                                                                                 |                                                                      | T01S R20E S36 NESESW            |            | BLAINE County         |                   |                     |
| Place of use Legal Description for: IRRIGATION                                                         |                                                                      |                                 |            |                       |                   |                     |
| NE NW SW SE                                                                                            |                                                                      |                                 |            |                       |                   |                     |
| T R S : Lt Ac Lt Ac Lt Ac Lt Ac : NENW NWNW SNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM |                                                                      |                                 |            |                       |                   |                     |
| 01S 20E 36 : : : .6 02 : 01 09 : 13.7                                                                  |                                                                      |                                 |            |                       |                   |                     |
| TOTAL ACRES 13.7                                                                                       |                                                                      |                                 |            |                       |                   |                     |

POU County: BLAINE

Other Rights: NONE

Remarks: GEN LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*  
THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT.  
19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:  
THE CHANGE AUTHORIZED BY TRANSFER 3945 SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.  
FAILURE TO COMPLY WITH THE CONDITIONS OF THE TRANSFER IS CAUSE  
FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL  
OF THE TRANSFER SHOULD NOT BE RESCINDED.  
APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR  
REVIEW FO THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE  
RIVER BASIN ADJUDICATION.  
USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE  
WATERMASTER OF STATE DISTRICT NO. 37M.  
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE  
MAINTAINED AS PART OF THE DIVERTING WORKS.  
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR  
THE LANDS LISTED ABOVE.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag: C



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

JUNE 24, 1996

21893  
JUN 25 1996

FLORENCE ASKEW  
SAWTOOTH TITLE CO  
PO BOX 188  
KETCHUM ID 83340

RECEIVED

JUL 15 1996

Department of Water Resources  
Southern Region

RE: SRBA OWNERSHIP CHANGE FOR FOSTER FAMILY  
(A37-01224C)

DEAR MS. ASKEW:

I AM CURRENTLY WORKING ON THIS CHANGE OF OWNERSHIP. IT IS STATED ON THE FORM THAT THIS IS TO BE TRANSFERRED FROM OHSTROM (DECEASED) TO THE FOSTER FAMILY. THE NAME ON THE CLAIM IS LAWRENCE SCHOEN. I NEED TO HAVE SOME LEGAL DOCUMENTATION THAT TRANSFERS THE OWNERSHIP FROM SCHOEN TO OHSTROM. THIS CAN BE DONE WITH EITHER A WARRANTY OR QUITCLAIM DEED.

IF YOU COULD SEND ME THIS INFORMATION, I CAN FINISH THIS TRANSFER.  
IF YOU HAVE ANY QUESTIONS, PLEASE GIVE ME A CALL AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND  
SRBA RECORDS CLERK

Order No. 17723

# WARRANTY DEED

For Value Received Lawrence Schoen, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto  
 Ricard R. Ohrstrom, a single man  
 whose address is: P.O. Box 1213, Sun Valley, ID 83353

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 2 of HOFSTETTER SUBDIVISION, Blaine County, Idaho, according to the  
 official plat thereof, recorded December 16, 1980, as Instrument No.  
 209832, records of 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and  
 except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will  
 warrant and defend the same from all claims whatsoever.

Dated: September 9, 1994

  
 Lawrence Schoen

State of IDAHO

County of BLAINE

On  before me, the undersigned, a Notary Public in and for said State, personally appeared  
 Lawrence Schoen personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose  
 name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal

Signature 

Commission Expires: 10-6-99

BLAINE CO. REQUEST  
 OF FIRST AMERICAN TITLE CO.

1994 SEP 12 P 3:44

370472

Mary Green, CLERK

FEES 3<sup>00</sup> mp Deed

9-12-94

SENT BY: Xerox Telecopier 702 5- 1-96 : 4:56PM : KNEELAND LAW O DE-

# 1

ORIGINAL

Ann Legg, ESQ.  
KNEELAND, KORB, COLLIER, & LEGG  
128 Saddle Road  
P. O. BOX 249  
Ketchum, ID 83340  
(208) 726-9311

Attorney for Estate



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE  
MAGISTRATE DIVISION

In the Matter of  
the Estate of

Ricard R. Ohrstrom, )  
Deceased. )

Case No. 58-95-790

PROOF OF AUTHORITY OF  
DOMICILIARY FOREIGN  
PERSONAL REPRESENTATIVES

The undersigned, as domiciliary foreign personal representatives of the above named decedent, states and represent that:

1. The decedent, Ricard Ohrstrom, died on February 22, 1995, a resident of The Plains, Route 704, Middleburg, VA.
2. Decedent owned property in Blaine County, Idaho.
3. On March 2, 1995, Magalen O. Bryant, Peter A. Kalat, Ricard R. Ohrstrom, Jr., and George L. Ohrstrom II were appointed personal representatives of the decedent in Fauquier County, Virginia, to act without bond. An authenticated copy of the appointment is attached hereto.

Proof of Authority - 1

Clerk County Rec. of  
Kneeland, Korb & Collier  
Date 11/15 A.M.  
12-20-1995  
Edward M. Peck, Clerk  
Wanda J. Murphy  
Deputy  
12th (app. not attached)

4. There is no administration, or application or petition therefore, pending in the State of Idaho for administration of Decedent's estate.

5. This proof of authority is filed pursuant to the Idaho Uniform Probate Code to enable the undersigned to exercise the power of a local personal representative in the State of Idaho and to maintain actions and proceedings in the State of Idaho, subject to any conditions imposed upon nonresident parties generally.

May 5 1995  
Date

Magalen O. Bryant  
Magalen O. Bryant  
Box 1850  
Middleburg, VA 22117

May 1, 1995  
Date

Peter A. Kalat  
Peter A. Kalat  
36 Mianus Drive  
Bedford, NY 10506

5/22/1995  
Date

Ricard R. Ohrstrom, Jr.  
Ricard R. Ohrstrom, Jr.  
186 Old Mill Rd. W.  
Greenwich, CT 06831

5/01/95  
Date

George L. Ohrstrom, II  
George L. Ohrstrom, II  
Rt. 1, Box 1990  
Berryville, VA 22611

SENT BY: Xerox Telecopier 7021 5- 1-96 : 4:57PM : KNEELAND LAW OF DE

# 3

## VERIFICATION

State of Virginia

County of Fauquier

The undersigned, being sworn, having read the foregoing, says that the facts set forth therein are accurate and complete to the best of the undersigned's knowledge and belief.

  
Margaret O. Bryant

Subscribed and sworn to before me on the 5 day of May, 1995.

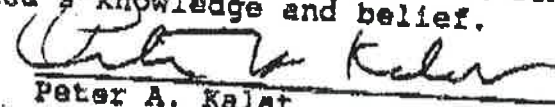
  
Notary Public for Virginia  
Residing at \_\_\_\_\_  
Commission Expires 10-31-95

## VERIFICATION

State of New York

County of New York

The undersigned, being sworn, having read the foregoing, says that the facts set forth therein are accurate and complete to the best of the undersigned's knowledge and belief.

  
Peter A. Kalat

Subscribed and sworn to before me on the 1st day of May, 1995.

  
Notary Public for New York  
Residing at \_\_\_\_\_  
Commission Expires \_\_\_\_\_

JOANNA PERROTTA  
Notary Public, State of New York  
No. 60-4829998  
Qualified in Westchester County  
Certificate Filed in New York County  
Commission Expires April 30, 1996

Proof of Authority - 3

## VERIFICATION

State of Massachusetts )

County of Middlesex )

The undersigned, being sworn, having read the foregoing, says that the facts set forth therein are accurate and complete to the best of the undersigned's knowledge and belief.

Richard R. Ohrstrom, Jr.

Subscribed and sworn to before me on the 6 day of June, 1995.

Elizabeth A. Cerullo  
Notary Public for Massachusetts  
Residing at \_\_\_\_\_  
Commission Expires Feb. 17, 2000

## VERIFICATION

State of Virginia )

County of Loudoun )

The undersigned, being sworn, having read the foregoing says that the facts set forth therein are accurate and complete to the best of the undersigned's knowledge and belief.

George L. Ohrstrom, II

STATE OF IDAHO

County of Blaine

of June, 1995.

Subscribed and sworn to before me on the 19<sup>th</sup> day

I do hereby certify that the foregoing is a full, true and correct copy of the original

thereof, and I have hereunto set my hand and affixed by official seal.

this 19 day of June, 1995

MARY GREEN

Clark District Court

Proof of Authority

Denise S. Darr  
Notary Public for Virginia  
Residing at Winchester VA  
Commission Expires 2-30-99

SENT BY: Xerox Telecopier 702 5- 1-96 : 4:58PM : KNEELAND LAW OFFICE

# 5

210413

0100120

Commonwealth of Virginia, County of Fauquier, to-wit:

I, Wm. D. Harris, Clerk of the Circuit Court of the County of Fauquier do hereby certify that on the 2nd day of March 1995, Magalen O. Bryant, Peter A. Kalat, Ricard R. Ohrstrom, Jr. and George L. Ohrstrom, II

duly qualified in my Court as executors of the last will and testament of RICARD R. OHRSTROM, deceased,

and gave bond as such according to law; and that the same has never been revoked or annulled and is now in full force and effect.

In testimony whereof, I have hereto set my hand and annexed the seal of the said Court, this 3rd day of January 1996.

Wm D Harris Clerk

Commonwealth of Virginia, County of Fauquier, to-wit:

I, William Shore Robertson, Judge of the Circuit Court of the County of Fauquier, hereby certify that Wm. D. Harris, whose name is signed to the foregoing certificate is, and was at the time of said signing the same, Clerk of the said Court, duly qualified; that this attestation is in due form of law; that his signature is genuine, and all his official acts entitled to full faith and credit.

Given under my hand this 3rd day of January 1996.

William Shore Robertson Judge

Commonwealth of Virginia, County of Fauquier, to-wit:

I, Wm. D. Harris, Clerk of the Circuit Court of the County of Fauquier, do hereby certify that William Shore Robertson, whose name is signed to the foregoing certificate is, and was at the time of signing same, Judge of the said Court, duly qualified.

Given under my hand this 3rd day of January 1996.

WM. D. HARRIS Clerk  
BY: Gail I. King Deputy Clerk  
Gail I. King, Deputy Clerk

SENT BY: Xerox Telecopier 702 5- 1-96 : 4:59PM : KNEELAND LAW OFFICE

# 6

0210413

# \_\_\_\_\_  
Custer County Reg. of  
Abbeville Title  
Escrow Corp.  
Date 10:50 A.M.  
2-1 1976  
Elmer M. Peck, Clerk  
Wendy Murphy  
3<sup>rd</sup> Deputy

BOOK 186 PAGE 11

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE  
COUNTY OF FAUQUIER, MARCH 2, 1995

RICARD R. OHRSTROM: Probate Will #CWF95-40

A paper writing dated the 23rd day of December 1994, purporting to be the last will and testament of Ricard R. Ohrstrom, deceased, age 72, late of The Plains, Fauquier County Virginia, within the jurisdiction of this Court and who died February 22, 1995, was this day presented and offered for probate before the Clerk of the Circuit Court of Fauquier County, Virginia, by Magalen O. Bryant, Peter A. Kalat, Ricard R. Ohrstrom, Jr. and George L. Ohrstrom, II, the executors and trustees named therein.

It appearing that the said paper writing was witnessed by A. Horkan, Jr. and Marjorie J. Armstrong as witnesses in the presence of the testator and before a Notary Public in accordance with Section 64.1-87.1 of the Code of Virginia, as amended, said paper writing, consisting of twenty seven (27) typewritten pages is admitted to probate as and for the true last will and testament of Ricard R. Ohrstrom, deceased.

Magalen O. Bryant, Peter A. Kalat, Ricard R. Ohrstrom, Jr. and George L. Ohrstrom, II, the executors and trustees named in said will, asked permission of the Clerk to qualify as such and such permission being granted, they appeared, made oath as the law directs and entered into and acknowledged a bond as such executors and trustees, except the trustees are not appointed for the trust under Paragraph Tenth (a) of the will, in the penalty of Thirty Million Dollars (\$30,000,000.00) payable and

conditioned according to law, but without surety, the will requesting that none be required.

And certificate is granted Magalen O. Bryant, Peter A. Kalat, Ricard R. Ohrstrom, Jr., and George L. Ohrstrom, II for obtaining probate of said will in due form.

In accordance with Section 64.1-133 of the Code of Virginia no appraisers are appointed as the personal representatives do not request any to be appointed and the Clerk deeming it not necessary.

Teste:

*WM D Harris*

Clerk

Date: MAR - 6 1995

I certify that the document to which this authentication is affixed is a true copy of a record in the Fauquier County Circuit Court, that I have custody of the record and that I am the custodian of the record.

WM. D. HARRIS, CLERKBy *Paul H. Barb* Deputy Clerk

*Don L. Trench*  
3945

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: **A37-01224C**  
Date Received: 2/ 8/1989  
Receipt No: C005439  
Received By: \_\_\_\_\_

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

1. Name: LAWRENCE SCHOEN 208-788-2938  
Address: PO BOX 689  
BELLEVUE ID 83313

2. Date of Priority: JAN 1, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 20E   | 36      | NE     | SE     | SW  |     | BLAINE |

5. Description of diverting works:  
PUMP IN SILVER CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 |      |        |

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

8. Total consumptive use is 34.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 20E   | 36      | NE     | SW  |     | IRR | 0.6   |
|          |       |         | SE     | SW  |     | IRR | 2.0   |
|          |       |         | NW     | SE  |     | IRR | 1.6   |
|          |       |         | SW     | SE  |     | IRR | 9.5   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 13.7  |
|          |       |         |            |     | Total Acres   | 13.7  |

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:

LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*

THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT. 19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:

THE CHANGE AUTHORIZED BY TRANSFER 3945 SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.

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

APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW FO THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS PART OF THE DIVERTING WORKS.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS LISTED ABOVE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



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

08-Dec-1992 14:40

Lawrence Schoen  
PO Box 689  
Bellevue, ID 83313

RE: Amendment of SRBA Claim A37-01224C

Dear Mr. Schoen:

Pursuant to the approval of Transfer No. 3945 your above referenced Notice of Claim in the Snake River Basin Adjudication has been amended to conform with the transfer. 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 dark ink, appearing to read 'Allen Merritt', written over a horizontal line.

Allen Merritt, P.E.  
Water Right Supervisor

Encl:

MICROFILMED  
FEB 23 1993

Water Right Number - R37-01224C

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
SCHOEN

LAWRENCE

1 - PO BOX 689  
2 -  
3 -

City- BELLEVUE  
Phone - 208-788-2938

State- ID Zip- 83313

\*\*\* O - ORIGINAL OWNER \*\*\*  
JENSEN

C. JAMES

1 - 530 OVERLAKE DR. EAST  
2 -  
3 -

City- BELLEVUE  
Phone - 206-454-8577

State- WA Zip- 98004

JENSEN

JERI L.

1 - 530 OVERLAKE DR. EAST  
2 -  
3 -

City- BELLEVUE  
Phone - 206-454-8577

State- WA Zip- 98004

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
01/01/1800 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SILVER CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County  
01S 20E 36 NE SE SW (13) BLAINE

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 11/01 0.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.200 34.2

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
01S 20E 36 NE SW 0.6 01 IRRIGATION (13) BLAINE  
01S 20E 36 SE SW 2.0 01 IRRIGATION (13) BLAINE  
01S 20E 36 NW SE 1.6 01 IRRIGATION (13) BLAINE  
01S 20E 36 SW SE 9.5 01 IRRIGATION (13) BLAINE

Total Acres: 13.7

+ - - Diversion Means - PUMP IN SILVER CREEK

FEB 23 1993  
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**MICROFILMED**  
**FEB 23 1993**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3945APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant Lawrence Schoen Phone 726-1881 788-2938  
Post Office address 504 Susan P.O. Box 682, Bellevue, ID 83313

## 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 New point of diversion is needed to facilitate installation of sprinklers on this ground. Field boundaries will change slightly.

\* Priority to be determined in SRRA; recommended as 4-30-1881.

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

| 1. Right Number              | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use             |
|------------------------------|-------------------|-----------------------|------------------|---------------------------|
| <u>37-01224 <sup>D</sup></u> | <u>12-28-1932</u> | <u>0.20 cfs</u>       | <u>Irrig.</u>    | <u>4-1</u> to <u>11-1</u> |
| <u>A37-01224C</u>            | <u>"</u>          | <u>"</u>              | <u>"</u>         | <u>"</u> to <u>"</u>      |
| _____                        | _____             | _____                 | _____            | _____ to _____            |
| _____                        | _____             | _____                 | _____            | _____ to _____            |

2. Total amount of water being transferred 0.20 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Silver Creek tributary to Little Wood R.

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | SE  | SW  | 36   | 15   | 20E  | Blaine | Pump in Silver Cr.       |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. 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 |        |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | .5     |        |        | 2.0    |        | 1.6    | 9.5    |        | 13.7   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 10.9 13.7

**PART 1**

6. General Information:

- a. Description of diversion system Pump is Silver Creek Mainline to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
P/U will ~~change~~ slightly for better use of sprinklers.  
change
- d. Remarks:  
Land was historically irrigated pasture. I plan to raise grain on 1/4/4 for a while, but may go back to pasture eventually.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. 37-01224D, A37-1224C  
 And said application is hereby APPROVED, subject to the following limitations and conditions:  
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 19<sup>th</sup> day of October, 1992

A. Glen Saylor  
 CHIEF, WATER ALLOCATION BUREAU

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**FEB 23 1993**

CONDITIONS OF APPROVAL  
Transfer of Water Rights  
No. 37-01224D

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Dated this 19<sup>th</sup> day of October, 1992.

*J. Glen Saylor*  
Chief, Water Alloc. Bureau

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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. 37-01224A Decreed to Frank A. Clark  
in case of Brett & Clark vs. Chapman ET AL.  
dated 12-28-1932 in Fourth Judicial Court County of Lincoln  
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. 2492 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 Silver Creek tributary to Little Wood River

4. Date or priority 12-28-1932

5. Water is used for the following purpose:

amount 0.90 cfs for Irrig. purposes from 4-15 to 10-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | SW  | 36   | 15   | 20E  | Blaine | Clark Headgate #29       |
|     |     | SE  | NE  | 1    | 25   | 20E  | "      | Clark #29-P Pump         |

8. 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 |        |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | 5      |        |        | 4      |        | 15     | 15     |        | 39     |
| 25   | 20E  | 1    | 33     | 23     | 13     |        |        |        |        |        |        |        |        |        |        |        |        |        | 69     |
|      |      |      | 41     | 42     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 2.3 1993 108

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

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***\* Amount of water purchased with property*

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

1. amount \* 0.20 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | SW  | 36   | 15   | 20E  | Bline  | Clark Heydgate #29       |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |                      |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | 1.6    |        |        | 2.7    |        |        | 2.0    | 8.9    | <del>10.1</del> 15.2 |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |

Total acres ~~10.1~~ 15.2**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.70 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SE  | NE  | 1    | 25   | 20E  | Bline  | Clark #29-P Pump         |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |                      |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | 3.4    |        |        | 1.3    |        |        | 13     | 6.1    | <del>22.7</del> 23.8 |
| 25   | 20E  | 1    | 33     | 23     | 13     |        |        |        |        |        |        |        |        |        |        |        |        |        | 69                   |
|      |      |      | LT1    | LT2    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                      |

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Total acres 92.8

**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. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-01224c 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 Silver Creek tributary to Little Wood River

4. Date or priority 1-1-1800

5. Water is used for the following purpose:

amount 0.20 cfs for Irrig. purposes from 4-15 to 10-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.20 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | NE  | SW  | 36   | 1S   | 20E  | Blaine | Clark #29 Headgate       |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: plu is lot 2 of Hofstetter Subdiv.

| 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 |        |
| 1S   | 20E  | 36   |        |        |        |        |        |        |        |        | 4      |        |        | 4.5    |        | 4      | 13     |        | 25.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

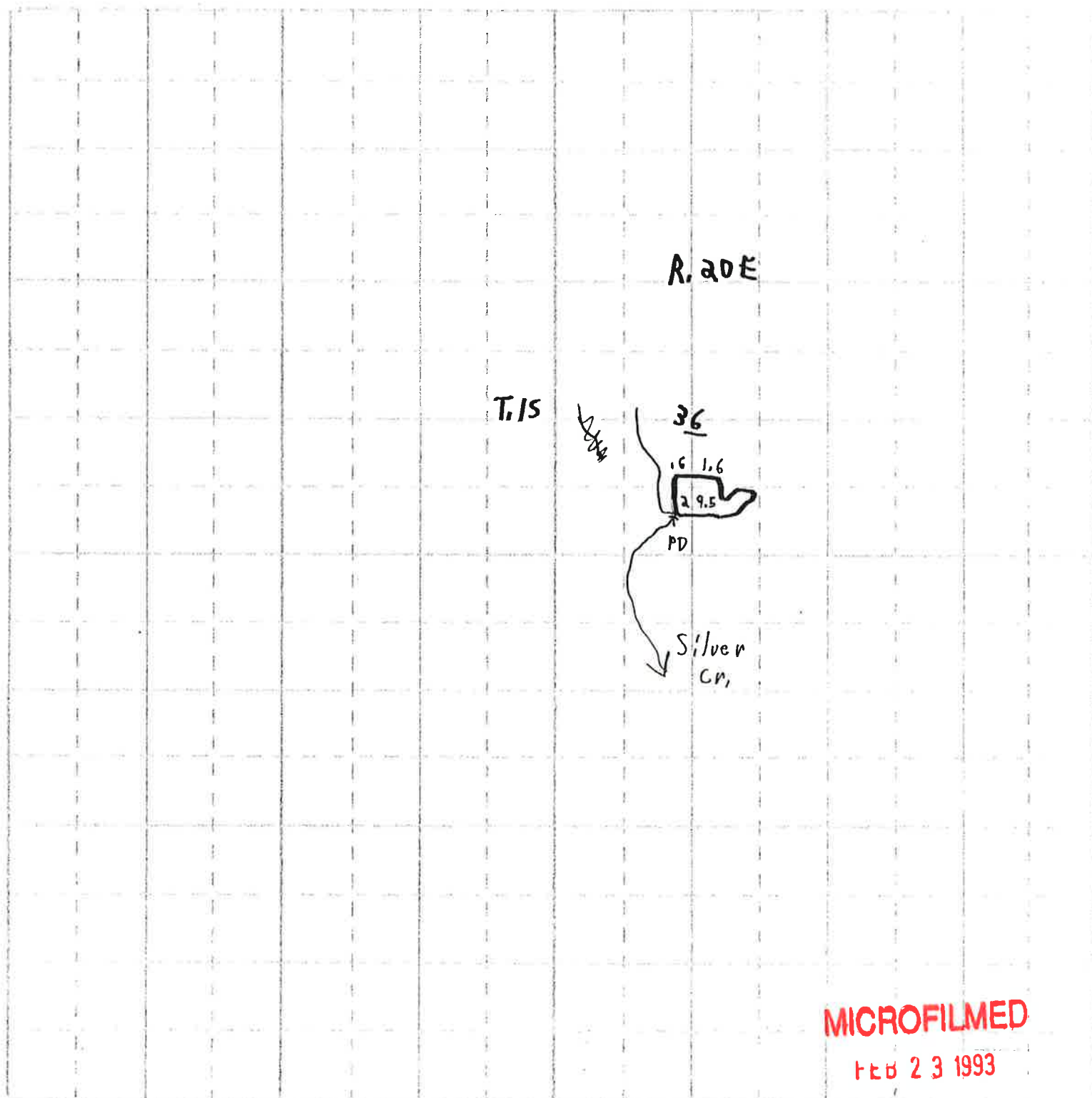
Total acres 25.5

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

FEB 23 1993

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

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



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

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

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

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

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

(Signature of Applicant)

Subscribed and sworn to before me this 15th day of October, 1991.

Twin Falls, Idaho

(Notary Public)

My commission expires July 18, 1995**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 4 attachmentsReceived by J. Stanton Date 10-15-91 Protest filed by \_\_\_\_\_Prelim. check by BS Fee \$30, 5013774Receipted by JA Date 10-15-91Published in Wood River Journal Copies of protest forwarded by \_\_\_\_\_Pub. dates 6/24 & 7/1/92 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on 6/18/92 Recommended for ☒ approval ☐ denial\_\_\_\_\_ rec'd. 7/2/92 by JA

Copy of transfer sent to lien holder \_\_\_\_\_

**MICROFILMED**  
FEB 23 1993

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: **A37-01224C**  
Date Received: 2/ 8/1989  
Receipt No: C005439  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LAWRENCE SCHOEN 208-726-1881  
Address: 504 SUSAN CONSTANT DR.  
VIRGINIA BEACH, VA 23451

2. Date of Priority: JAN 1, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 20E   | 36      | NE     | NE     | SW     |     | BLAINE |

5. Description of diverting works:  
CLARK 29 HEADGATE, ADJUSTABLE ORIFICE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.200 |      |        |

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

8. Total consumptive use is 63.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01S      | 20E   | 36      | NE     | SW     |     | IRR | 4.0   |
|          |       |         | SE     | SW     |     | IRR | 4.5   |
|          |       |         | NW     | SE     |     | IRR | 4.0   |
|          |       |         | SW     | SE     |     | IRR | 13.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 25.5  |
|          |       |         |            |     | Total Acres   | 25.5  |

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:

LAND IS LOT 2, HOFSTETTER SUBD.

\*\*\*\*\*  
OWNERSHIP CHANGE 12/27/90 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho

County of \_\_\_\_\_

)  
) SS.  
)

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

| SD-36     | TOWNSHIP: 01S | RANGE: 20E       | SECTION: 36 | TRACT: SWSE | LOT:                |
|-----------|---------------|------------------|-------------|-------------|---------------------|
| S         | L             | STATE            | O           | S           | MAX # RECORDS 53    |
| E         | O             | WATER            | W           | T           | PRIORITY USE        |
| L TRACT T | RIGHT NO.     | NAME             | N           | AC          | G DATE CODE DESC    |
| SWSE      | A37-01224C    | JENSEN, C. JAMES | C           | 13          | D 01/01/1800 01 IRR |
|           |               | JENSEN, JERI L.  | C           |             |                     |

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU \_\_\_\_\_)

**MICROFILMED**  
FEB 23 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

27--Dec-1990 16:28

Lawrence Schoen  
504 Susan Constant Dr.  
Virginia Beach, VA 23451

Re: Adjudication Claim No. A37-01224C - Jensen

Dear Claimant(s):

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

If you agree with the date entry copy, please sign in the presence of a notary public and send back to this office.

Sincerely,

Judy Givens  
Adjudication Secretary

JG/

Enclosure:

**MICROFILMED**

**FEB 23 1993**

RECEIVED

NOV 30 1990

CHANGE IN OWNERSHIP

Page 1  
Department of Water Resources  
Southern Region Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[ ] Water Right Number(s): A 37-01224C

[ ] Name and Address of Former Claimant(s): J.J. Consulting Corp.

Jim Jensen

1756 114<sup>th</sup> Ave S.E. Bellevue, Washington 98004

[ ] New Claimant(s): LAWRENCE ~~LEE~~ Schoen

[ ] New Mailing Address: 504 Susan Constant Dr.  
Virginia Beach, Virginia  
23451

New Telephone Number: (206) 726-1881

[ ] Does the change in ownership result in a splitting of the water right claimed? X yes no  
If yes, then describe the portion of the water right that is now claimed by the new owner:

See attached:

[ ] 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 claimant.)

[ ] Signature of New Claimant(s): [Signature]

Date: 27 November 1990

CHANGE IN OWNERSHIP

Page 2

[ ] Signature of Former 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: 12/27/90 By: SC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 12/27/90 By: SC

Claim Numbers of Split, if any:

9270  
#9

WATER AND DITCH AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of January, 1981, by and between WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, husband and wife, of Rural Route, Picabo, Blaine County, Idaho, 83348, parties of the first part, and JAMES JENSEN and JERI JENSEN, husband and wife, of P.O. Box 2360, Sun Valley, Blaine County, Idaho, 83333, parties of the second part.

WITNESSETH:

WHEREAS, the parties of the first part are now and for many years last past have been the owners of and entitled to possession of the following described lands and premises situate in the County of Blaine, State of Idaho, more particularly bounded and described as follows, to-wit:

TRACT 1: Township 1 South, Range 20, E.B.M., in Blaine County, Idaho: Section 36: Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ );

All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), lying East of Silver Creek, designated as Tax Lot 1205 on Blaine County Tax Assessor's Rolls;

A strip of land on the East side of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), being 150 feet wide and running the full length of said quarter section, and a strip of land in the said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on the East by the 150 foot strip, on the South by the South boundary line of said quarter section, and on the West by the West boundary line of said quarter section, designated as Tax Lot 2600 on Blaine County Tax Assessor's Rolls;

A piece of land in the Southeast corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on the East by the East boundary of said quarter

thence N 21° 18' 23" W 121.24 feet;

thence N 13° 33' 34" W 232.99 feet;

thence N 32° 34' 54" E 94.64 feet;

thence N 16° 09' 46" W 124.22 feet;

thence leaving said meander line S 80° 12' 52"  
E 1700.59 feet along the southerly boundary of  
a parcel of land conveyed to Warren C. Nisson  
and Rose A. Nisson by Warranty Deed recorded in  
book 45, page 40, Blaine County, Idaho;

thence S 00° 00' 00" E 528.86 feet to the REAL  
POINT OF BEGINNING, comprising of 25.59 acres,  
more or less;

Reserving, however, unto the Grantors the right  
to maintain, clean and repair the existing  
irrigation ditch leading through, over and  
across the above described lands and to convey  
appropriated waters of Silver Creek through  
said ditch to the contiguous lands of the  
Grantors herein, as well as 1980 crops.

Together with ten (10) miner's inches of adjudi-  
cated waters of Silver Creek decreed to Grantor's  
lands a certain action in the District Court of  
the Fourth Judicial District of the State of  
Idaho, in and for the County of Lincoln entitled  
C. F. Brett and Frank A. Clark, Plaintiffs, vs.  
Sewell H. Chapman, Watermaster of Water District  
No. 11-AB, Silver Creek and Lower Little Wood  
River, Defendant, and John Hunter, W. H. Baugh  
and Charles Myers, Intervenor, which said decree  
is recorded in book 10 of judgments page 629 in  
the office of the County Recorder of Blaine County,  
Idaho.

This Grant is subject to the lien of taxes for the  
year 1981, which the Grantees must pay. Grantor's  
warrant payment of taxes for the year 1980 and all  
prior years.

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the Grantees, their heirs and assigns forever.  
And the said Grantors do hereby covenant to and with the said  
Grantees, that they are the owners in fee simple of said premises,  
and that they will warrant and defend the same from all lawful  
claims whatsoever.

DATED this 2nd day of January, 1981.

Walter J. Hofstetter  
WALTER J. HOFSTETTER

Marianne Hofstetter  
MARIANNE HOFSTETTER

STATE OF IDAHO )  
County of Blaine ) ss.

On this 2nd day of January, 1981, before me, a Notary Public in and for said State, personally appeared WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Phyllis M. Hult  
Notary Public  
Residing at: Boise, Idaho

-3-

Saint Louis title  
3:15  
Jan 2, 1981

Deeds

MARIE ME LUYA

Hazel Barker

11/16/80

REPROFILMED  
FEB 23 1993

#10

9270

EASEMENT

THIS INDENTURE, made and entered into this 2nd day of JANUARY, 1981, by and between WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, husband and wife, of Rural Route, Picabo, Idaho, 83348, Blaine County, Idaho, Grantor, and JAMES JENSEN and JERI JENSEN, husband and wife, of P.O. Box 2360, Sun Valley, Blaine County, Idaho, 83353, Grantees.

WITNESSETH:

WHEREAS, the Grantors herein are now and for many years last past have been the owners of and entitled to the possession of the following described lands and premises situate in the County of Blaine, State of Idaho, and bounded and particularly described as follows, to-wit:

TRACT I: Township 1 South, Range 20, E.B.M., in Blaine County, Idaho: Section 36: Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ):

All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), lying East of Silver Creek, designated as Tax Lot 1205 on Blaine County Tax Assessor's Rolls;

A strip of land on the East side of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), being 150 feet wide and running the full length of said quarter section, and a strip of land in the said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on the East by the 150 foot strip, on the South by the South boundary line of said quarter section, and on the West by the West boundary line of said quarter section, designated as Tax Lot 2600 on Blaine County Tax Assessor's Rolls;

A piece of land in the Southeast corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on

section, on the South by the South boundary of said quarter section, and on the West by Silver Creek, designated as Tax Lot 1437 on Blaine County Tax Assessor's Rolls;

Township 2 South, Range 20, E.B.M., Blaine County, State of Idaho:

Section 1: Lots 1 and 2, all of Lot 3 lying North and East of Silver Creek, designated as Tax Lot 544 on Blaine County Tax Assessor's Rolls; all of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), lying North of Silver Creek, designated as Tax Lot 729 on Blaine County Tax Assessor's Rolls;

TRACT II: Township 1 South, Range 20, E.B.M., Blaine County, State of Idaho:

Section 36: The Southeast Quarter of the Southeast Quarter, (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), all of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ), lying South of Highway right-of-way.

AND, WHEREAS, the parties of the first part have this day conveyed by general Warranty Deed a portion of the above described lands to the parties of the second part which said portion thereof is more particularly described as follows, to-wit:

A tract of land located in the S $\frac{1}{4}$  of Section 36, T. 1 S., R. 20 E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at the southeast corner of said Section 36:

thence N 57° 05' 00" W 1632.00 feet to the REAL POINT OF BEGINNING;

thence S 59° 03' 46" W 1431.96 feet more or less to a point on the mean high-water line on the easterly bank of Silver Creek;

thence along the following eight courses and distances along a meander line marking the approximate mean high-water line on the easterly bank of said Silver Creek:

thence N 48° 40' 53" W 88.77 feet;

thence S 85° 35' 57" W 98.83 feet;

thence N 41° 02' 58" W 91.58 feet;

thence N 19° 10' 57" E 193.45 feet;

thence N 21° 18' 23" W 121.24 feet;

thence N 13° 33' 34" W 232.99 feet;

thence N 32° 34' 54" E 94.64 feet;

thence N 16° 09' 46" W 124.22 feet;

thence leaving said meander line S 80° 12' 52" E 1700.59 feet along the southerly boundary of a parcel of land conveyed to Warren C. Nisson and Rose A. Nisson by Warranty Deed recorded in book 165, page 40, Blaine County, Idaho;

thence S 0° 00' 00" E 528.86 feet to the REAL POINT OF BEGINNING, comprising of 25.59 acres, more or less.

AND, WHEREAS, the parties of the first part have conveyed to the parties of the second part by their Warranty Deed 10 miner's inches of the water of Silver Creek adjudicated to the parties of the first part predecessor's in interest and appurtenant to the parties of the first part lands in that certain action prosecuted to decree in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, entitled C. F. Brett and Frank A. Clark, Plaintiffs, vs. Sewell H. Chapman, Watermaster of Water District No. 11-AB, Silver Creek and Lower Little Wood River, Defendant, and John Hunter, W. H. Baugh and Charles Myers, Intervenor, which said 10 miner's inches of water is to be used by the parties of the second part for irrigation purposes, and it is the desire of the parties hereto to fix and determine their respective future rights and the respect future rights of the heirs, successors and assigns of the parties hereto with respect to said water, point of diversion and ditches.

NOW, THEREFORE, in order to accomplish the aforesaid purposes, the parties hereto covenant and agree each with the others, as follows:

The parties hereto acknowledge that there is an existing system of ditches through which the parties of the first part have heretofore conveyed water to their lands pursuant to the

decreed appropriation of waters of Silver Creek in the aforesaid action of Brett and Clark vs. Chapman for irrigation purposes and said system of ditches will continue to be used by the parties of the first part for the irrigation of their remaining lands and the parties of the second part covenant and agree that they will not disturb said ditches or any of them or any way interfere with their continued use by the parties of the first part in their present state, and if the parties of the second part should desire to alter the course of said irrigation ditches or any of them, that such alteration shall only be accomplished after first obtaining the consent in writing of the parties of the first part, it being understood and agreed that said ditches traverse the lands last described this day conveyed by the parties of the first part to the parties of the second part. The parties of the first part covenant and agree that they will not so use said ditches or any of them to convey their irrigation water in such a manner so as to cause the same to flood and overflow its banks on that portion of any of said ditches that traverse the lands this day conveyed to the parties of the second part by the parties of the first part, and the parties of the first part covenant and agree that in cleaning, maintaining, and repairing said ditches as the same traverse the lands of the parties of the second part that they will cause the same to be accomplished in such a manner so as to minimize any damage that might be done to the lands of the parties of the second part.

The parties of the second part covenant and agree that they will make application for change of point of diversion of the 10 miner's inches of water conveyed with said lands by the parties of the first part to the parties of the second part from the waters of Silver Creek so adjudicated to the lands of the parties of the first part in said decree of Brett and Clark vs. Chapman

hereinbefore referred to, and that they will with due diligence cause to be constructed a new ditch conveying said 10 miner's inches of water from Silver Creek to the lands of the parties of the second part this day purchased from the parties of the first part, and that they will cause said change in point of diversion to be accomplished in the year 1981, it being intended that the parties of the second part not commingle their water with the waters retained by the parties of the first part and not take the same from the ditch of the parties of the first part. Provided, however, that the parties hereto acknowledge that the privilege of changing point of diversion is contingent upon approval by the State of Idaho of such change of point of diversion and that if said approval cannot be obtained, then and in that event the parties of the second part will be relieved of the obligation imposed herein to effect such change in point of diversion. Provided, further however, that the parties of the second part covenant and agree that they will make a good faith effort to obtain the necessary approval for change in point of diversion to a point in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 36, Township 1, South Range 20 East of the Boise Meridian and that they will cooperate with the appropriate State authority in order to effect such change.

The parties of the second part covenant and agree that in the event they cannot obtain the approval of the appropriate authorities of the State of Idaho for changing the point of diversion or if there is lack of availability of electric power to pump said ten (10) miner's inches of water from Silver Creek, then and in that event, that they will share with the parties of the first part the obligation of maintaining the said existing ditches or so much thereof as are used by the parties of the second part, and, the parties of the second part further covenant and agree that they will in such event install a wier or other appropriate measuring

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device approved by the Department of Water Resources of the State of Idaho at all points where such water is removed from said ditches to be used in common by the parties of the first part and the parties of the second part, provided, however, that in the event the parties of the second part are unable to obtain approval for change in point of diversion the right and privilege of the parties of the second part to convey water in common through existing ditches shall be limited to those ditches which serve the existing point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 36, Township 1 South, Range 20 East of the Boise Meridian, it being intended that the parties of the second part divert their water from the existing point of diversion in the said NE $\frac{1}{4}$ SW $\frac{1}{4}$  and that they not be permitted to use the existing point of diversion of the parties of the first which is down stream from said point of diversion in the said NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 36.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Walter J. Hofstetter  
WALTER J. HOFSTETTER

Marianne Hofstetter  
MARIANNE HOFSTETTER

James Jensen  
JAMES JENSEN

Jeri Jensen  
JERI JENSEN



STATE OF IDAHO )  
County of Blaine ) ss.

On this 2nd day of January, 1981, before me, a Notary Public in and for said State, personally appeared WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Edna B. Millington  
Notary Public of Idaho

877012 ON

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FEB 23 1993

STATE OF IDAHO )  
County of Blaine ) ss

On this 30 day of December, 1980, before me, a Notary Public in and for said State, personally appeared JAMES JENSEN and JERI JENSEN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Maile G. Surrall  
Notary Public  
Residing at: Hailey, Id.

STATE OF IDAHO  
COUNTY OF BLAINE  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REGISTRY FOR  
Sawtooth title  
AT 3:25 O'CLOCK P. M.  
Jan 2, 1981  
RECORDED VESTED ON PAGE  
Agreements  
MARIE MIE LILYA  
CLERK-OFICIO RECORD  
BY Regal Barber DEPUTY  
JAN 14 1981

ENTERED - INDEXED ON MAR 11  
FILED - O. INDEXED IN FILE 1  
COMPARED O. INDEXED 2nd PARTY O

NO: 210418

MICROFILMED

FEB 23 1993

#11

1270

WARRANTY DEED

For and in consideration of the sum of One Dollar and other good and valuable consideration in hand paid to WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, husband and wife, of Rural Route, Picabo, Idaho, 83348, Blaine County, Idaho, Grantors, by JAMES JENSEN and JERI JENSEN, husband and wife, of P.O. Box 2360, Sun Valley, Blaine County, Idaho, 83353, Grantees; the Grantors do hereby grant, bargain, sell and convey unto the Grantees, the following described real estate, situate in the County of Blaine, State of Idaho, to-wit:

A tract of land located in the S $\frac{1}{2}$  of Section 36,  
T. 1 S., R. 20 E., B.M., Blaine County, Idaho,  
more particularly described as follows:

Commencing at the southeast corner of said  
Section 36;

thence N 57° 05' 00" W 1632.00 feet to the REAL  
POINT OF BEGINNING;

thence S 89° 03' 46" W 1431.96 feet more or less  
to a point on the mean high-water line on the  
easterly bank of Silver Creek;

thence along the following eight courses and  
distances along a meander line marking the  
approximate mean high-water line on the easterly  
bank of said Silver Creek;

thence N 48° 40' 53" W 88.77 feet;

thence S 85° 35' 57" W 98.83 feet;

thence N 41° 02' 58" W 91.58 feet;

thence N 19° 10' 57" E 193.45 feet;

RECORDED  
FEB 23 1993

the East by the East boundary of said quarter section, on the South by the South boundary of said quarter section, and on the West by Silver Creek, designated as Tax Lot 1437 on Blaine County Tax Assessor's Rolls;

Township 2 South, Range 20, E.B.M., Blaine County, State of Idaho:

Section 1: Lots 1 and 2, all of Lot 3 lying North and East of Silver Creek, designated as Tax Lot 544 on Blaine County Tax Assessor's Rolls; all of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), lying North of Silver Creek, designated as Tax Lot 729 on Blaine County Tax Assessor's Rolls;

TRACT II: Township 1 South, Range 20, E.B.M., Blaine County, State of Idaho:

Section 36: The Southeast Quarter of the Southeast Quarter, (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), all of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ), lying South of Highway right-of-way.

Which said tract of land shall be hereinafter referred to as Parcel Number 1.

AND, WHEREAS, the Grantors have this day sold and conveyed by general Warranty Deed a portion of the above described lands to the Grantee herein, which said portion of said lands so sold and conveyed unto the Grantees by the Grantor is situate in the County of Blaine, State of Idaho, and bounded and particularly described as follows, to-wit:

A tract of land located in the S $\frac{1}{4}$  of Section 36, T. 1 S., R. 20 E., B.M., Blaine County, Idaho, more particularly described as Follows:

Commencing at the southeast corner of said Section 36;

thence N 57° 05' 00" W 1632.00 feet to the REAL POINT OF BEGINNING;

thence S 89° 03' 46" W 1431.96 feet more or less to a point on the mean high-water line on the easterly bank of Silver Creek;

thence along the following eight courses and distances along a meander line marking the

approximate mean high-water line on the easterly bank of said Silver Creek;

thence N 48° 40' 53" W 88.77 feet;

thence S 95° 35' 57" W 98.83 feet;

thence N 41° 02' 56" W 91.58 feet;

thence N 19° 10' 57" E 193.45 feet;

thence N 21° 18' 23" W 121.24 feet;

thence N 13° 33' 34" W 232.99 feet;

thence N 32° 34' 54" E 94.64 feet;

thence N 16° 09' 46" W 124.22 feet;

thence leaving said meander line S 80° 12' 52" E 1700.59 feet along the southerly boundary of a parcel of land conveyed to Warren C. Nisson and Rose A. Nisson by Warranty Deed recorded in book 165, page 40, Blaine County, Idaho;

thence S 0° 00' 00" E 528.86 feet to the REAL POINT OF BEGINNING, comprising of 25.59 acres, more or less.

Which said parcel of land is hereinafter referred to as PARCEL NUMBER II.

AND, WHEREAS, the Grantors herein shall hereafter continue to own PARCEL NUMBER I hereinbefore more particularly described, save and except therefrom, PARCEL NUMBER II which has this day been conveyed unto the Grantees by the Grantors.

AND, WHEREAS, the aforesaid PARCEL NUMBER II is without access through, over and across the remaining lands belonging to the Grantors herein, to-wit: PARCEL NUMBER I, save and except therefrom, PARCEL NUMBER II, and, it is the desire of the parties hereto to provide access from PARCEL NUMBER II through, over and across the lands retained by the Grantors to the public highway.

NOW, THEREFORE, the Grantors do hereby grant unto the Grantees an easement through, over and across PARCEL NUMBER I remaining after the severance therefrom of PARCEL NUMBER II, a

strip of land sixty feet (60') wide for the purpose of ingress and egress by motor vehicle, farm machinery, horses and other livestock, as well as motor vehicles.

A strip of land in the S $\frac{1}{2}$  Section 36, T. 1 S., R. 20 E., B.M., Blaine County, Idaho, more particularly described as follows:

A continuous 60 foot wide strip of land, being 60 feet East of the following described line:

Beginning at the said REAL POINT OF BEGINNING of the above described tract of land;

thence said line running N 0° 00' E 1450 feet more or less to the southerly right-of-way boundary of State Highway No. 68.

The easement hereby granted shall run with the land and shall inure to the benefit of the Grantees, their heirs, personal representatives, successors and assigns, and the said PARCEL NUMBER II above described shall be the DOMINANT ESTATE and the SERVIENT ESTATE is and shall be that portion of PARCEL NUMBER I remaining after the severance this day accomplished by the conveyance of PARCEL NUMBER II from the above described PARCEL NUMBER I. And, the Grantors herein covenant and agree that they will not in any way interfere with the use and maintenance of any roadway that may be constructed upon said easement or with the flow of traffic of the type herein provided for thereon by the Grantees, their heirs, successors and assigns, subject, however, to the condition that in the event the Grantees use the same as a means of ingress and egress for horses and other livestock that the Grantees, their heirs, successors and assigns, shall maintain on the boundaries thereof good and sufficient fences so that any horses or other livestock shall be confined within the boundaries of said easement, and, the Grantees warrant on behalf of themselves, their heirs, successors and

assigns, that they will hold the Grantors harmless from any damage to crops or other property in the use of said easement by horses and livestock and any other use to which the same may be put as herein permitted to the end and purpose that no damage be suffered by the Grantors, their heirs, successors and assigns, to any crops or other property on the SERVIENT ESTATE, and, the Grantees acknowledge that said warranty against damage is a condition of the easement herein provided for.

The Grantees acknowledge that they are aware that the easement hereby given does not grant unto the Grantees the right to deprive the Grantors of the free use of the easement hereby granted and the use of the property over which the same traverses so long as such use by the Grantors does not interfere with the use of said easement by the Grantees for the uses and purposes hereby granted, and, that the Grantors and any person or persons deriving title to PARCEL NUMBER 1 or any part thereof, shall have the right to the use of said easement for every other purpose and including the use of the same for ingress and egress to any portion of PARCEL NUMBER 1.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

GRANTORS:

Walter J. Hofstetter  
WALTER J. HOFSTETTER

Marianne Hofstetter  
MARIANNE HOFSTETTER

GRANTEES:

James Jensen  
JAMES JENSEN

Jeri Jensen  
JERI JENSEN

NOT RECORDED

FEB 23 1993

STATE OF IDAHO )  
County of Blaine ) ss.

On this 2nd day of January, 1981, before me, a Notary Public in and for said State, personally appeared WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*R. L. Sullivan*  
Notary Public  
Residing at: *Peach, Idaho*

STATE OF IDAHO )  
County of Blaine ) ss.  
On this 30th day of December, 1980, before me, a Notary Public in and for said State, personally appeared JAMES JENSEN and JERI JENSEN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*Maile G. Burrell*  
Notary Public  
Residing at: *Hailey, Id.*

STATE OF IDAHO )  
COUNTY OF BLAINE )  
I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS DULY FILED IN MY OFFICE AT PEACH, IDAHO, ON JAN 30, 1981.  
MAILE G. BURRELL  
Notary Public  
MAILE G. BURRELL  
Notary Public  
AT 3:30 P.M.  
JAN 30, 1981  
BY *Maile G. Burrell*  
MAILE G. BURRELL  
Notary Public  
AT 12:00 P.M.  
JAN 30, 1981  
BY *Maile G. Burrell*  
MAILE G. BURRELL  
Notary Public

10-210449

RECORDED  
FEB 23 1993

PLAT SHOWING  
HOFSTETTER SUBDIVISION

Located Within Section 36, T.1S.,

R. 20E., B. M.

Blaine County, Idaho

October 1980



LOT 1 AMENDED, 1981

**LEGEND**

- ⊕ Set 1" Pipe with 2" Bronze Cap
- Set 5/8" Rubber
- Set 1/2" Rubber
- ⊙ Fluid Tightway Right of way Bronze Cap  
Set in Concrete

Force Law  
Approx. Expt. Int. Dist. 2.  
20 Ridge (3000000)

to Ltr Cn Sec 36  
Found Marine Store  
Ser Bryn Co

10 526778'  
514 50°39'41"E

Sound World's Store  
10000 Broadway, Chicago, Illinois

See enclosed Carrier  
Invoice Case 7343  
/ 50-24337 in 240 Case

in 40 Can Sec 36  
 1994 - 2000

399°40'22"E ——— E 40

**NOTES:**

1. An easement 10' in width and centered on all sides and rear lot lines is provided for public utilities.
2. All Sewage Disposal Drain Fields shall be located no closer than 300' from Silver Creek.
3. All Building Structures shall be located closer than 30' from the eastern bank of Silver Creek.

1/4 Cor. Sec. 36  
Range 5/8" River  
S. 1/4 E. 1/4 S. 207

4 The Post has never received a building permit  
 furnish a L-12 to 5 framed front-free base 2x  
 usually water from the domestic well for fire  
 protection.

Spiral Curve  
 $\Delta = 27^\circ 29' 34''$   
 $L = 252.81$

Circular Curve  
 $\Delta = 63^{\circ}30'17''$   
 $R = 2924.75'$   
 $T = 12.88'$   
 $L = 23.76'$   
 $C = 23.76'$   
 Ch Bearing  $S 80^{\circ}33'24'' E$

LOT 3  
6275

Real Point Of Beginning

| Sec | Cor |
|-----|-----|
| 1   | 1   |
| 2   | 2   |
| 3   | 3   |
| 4   | 4   |
| 5   | 5   |
| 6   | 6   |
| 7   | 7   |
| 8   | 8   |
| 9   | 9   |
| 10  | 10  |
| 11  | 11  |
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| 97  | 97  |
| 98  | 98  |
| 99  | 99  |
| 100 | 100 |

SAWTOOTH ENGINEERS  
KETCHUM, IDAHO  
MOFFETTER SUBDIVISION  
Sheet 1 of 2

MICROFILMED  
 FEB 1993  
 260722  
 3.146 Lm Ser 100  
 3.146 Lm Ser 100  
 on Force 10

Sanctity Of Contract BCT #19902867

## CORPORATION WARRANTY DEED

J.J. CONSULTING CORPORATION, a corporation  
organized and existing under the laws of the State of WASHINGTON, with its principal office at 1756 114TH  
AVE S.E., BELLEVUE, WA 98004

grantor, hereby CONVEYS or GRANTS and WARRANTS TO  
LAWRENCE SCHOEN, AN UNMARRIED MAN,

grantee

whose current address is: POPINJAY, HOB LN BURTON GREEN, 01144203466512 ENGLAND  
CV810B

the following described tract(s) of land in Blaine County, State of Idaho

Lot 2, HOFSTETTER SUBDIVISION, Blaine County, Idaho, according  
to the official plat thereof, recorded December 16, 1980, as  
Instrument No. 209832, records of Blaine County, Idaho.

MICROFILMED  
FEB 23 1993

Lawrence Schoen  
Box 5737  
Ketchum, Id  
83740



FIRST CLASS

MICROFILMED  
FEB 23 1993

Dept. Water Resources  
222 Shoshone St. East  
Twin Falls, Idaho  
83301

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: A37-01224C  
Date Received: 2/08/1989  
Receipt No: C005439  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: C. JAMES JENSEN  
Address: 530 OVERLAKE DR. EAST 206-454-8577  
BELLEVUE, WA 98004

AND/OR

Name: JERI L. JENSEN  
Address: 530 OVERLAKE DR. EAST 206-454-8577  
BELLEVUE, WA 98004

2. Date of Priority: JAN 01, 1800

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 20E   | 36      | NE     | NE     | SW     |     | BLAINE |

5. Description of diverting works:  
CLARK 29 HEADGATE, ADJUSTABLE ORIFICE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.200  |      |        |

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

8. Total consumptive use is 63.9 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-01224C

Page

1

Date: 02/08/89

MICROFILMED

FEB 23 1993

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 01S           | 20E   | 36      | NE         | SW  | IRR | 4.0   |
|               |       |         | SE         | SW  | IRR | 4.5   |
|               |       |         | NW         | SE  | IRR | 4.0   |
|               |       |         | SW         | SE  | IRR | 13.0  |
| Section Acres |       |         |            |     |     | 25.5  |
| Total Acres   |       |         |            |     |     | 25.5  |

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:  
LAND IS LOT 2, HOFSTETTER SUBD.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

Seal

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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

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

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

A37-01224C

10-23-88

C005439

2/28/89

39576 portion

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 23 1988

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) C. James and/or Jeri L. Jensen Phone (206) 454-8577Mailing Address 530 Overlake Drive East, Bellevue, WA Zip 980042. Date of Priority (Only one (1) per claim) Perpetual right, independent of priority date  
January 1, 18003. Source of water supply (a) Silver Creek  
which is tributary to (b) Little Wood River4. a. Location of existing point of diversion is: Township 1 S Range 20 E Section 36,  
NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Clark 29 Headgate, Adjustable Orifice

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Apr. 15 to Oct. 15 amount 0.20 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 63.975 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 1S  | 20E | 36  |        |       |       |       |        |       |       |       | 4      |       |       | 4.59  |        | 4     | 13    |       | 25.59  |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 25.59

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

\_\_\_\_\_ or None (X)

14. Remarks: This right is part of right 37-1224

This land is lot 2 of Hofstetter subdivision

**MICROFILMED**

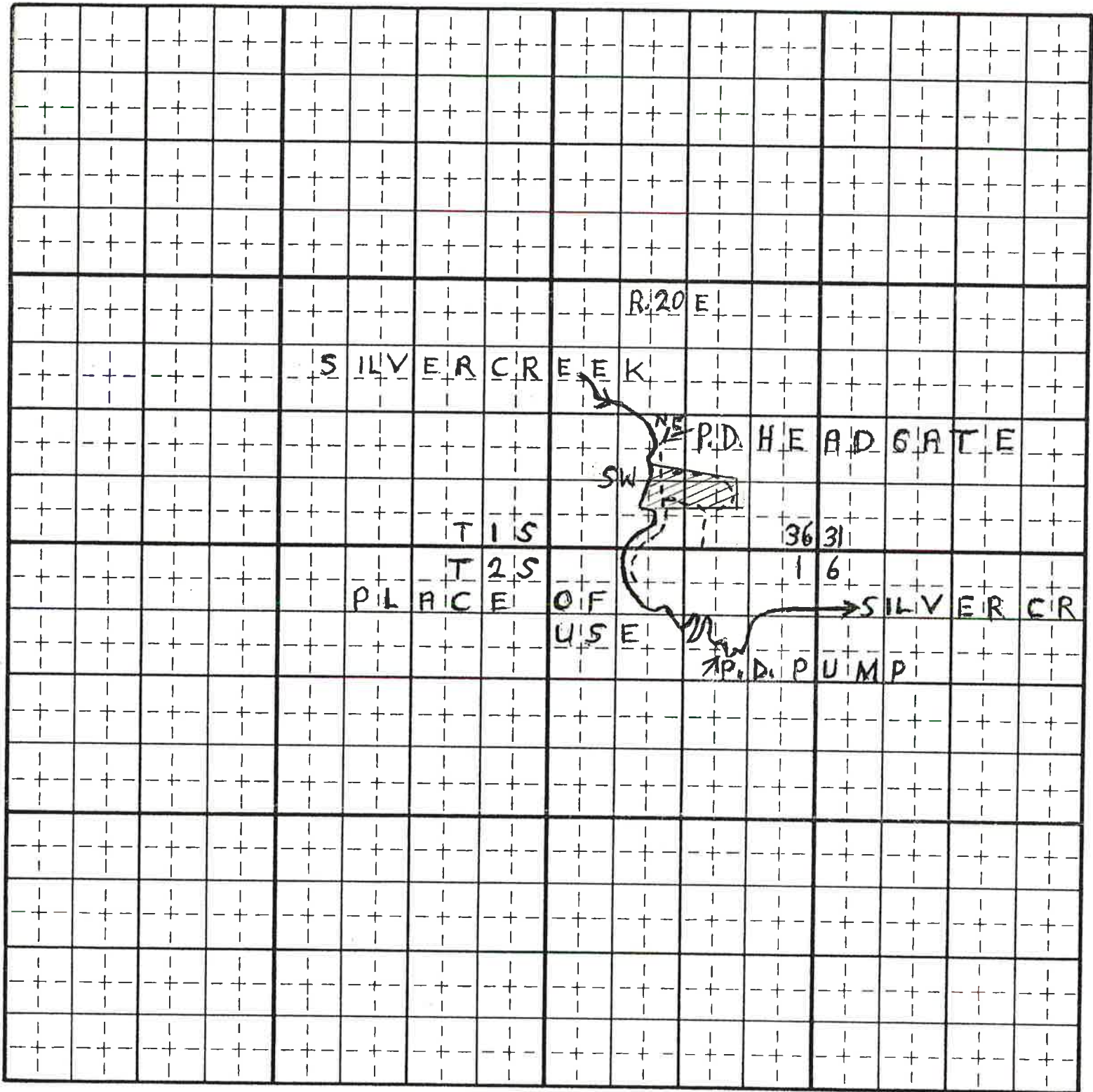
**FEB 23 1993**

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Jensen

Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant **MICROFILMED**

EB 2 3 1993

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 37-1224 part \_\_\_\_\_  
Court 4th Jud. Distr. Lincoln Case Number \_\_\_\_\_ Decree Date Dec. 28, 1932  
Plaintiff vs Defendant C.F. Brett and Frank A. Clark vs. Sewell H. Chapman et al

16. Signature (s)

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

Number of attachments \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 9/19/88

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

Organization \_\_\_\_\_

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or WASHINGTON )  
County of KING ) SS.

Subscribed and sworn (or affirmed) before me this 19th day of September 19 88

SEAL

Notary Public [Signature]

Residing at Issaquah

My Commission Expires 9/13/91

Please Print Name \_\_\_\_\_

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

**MICROFILMED**

Copies White, State, Yellow, Claimant  
**FEB 23 1993**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 17, 1989

Mr. and Mrs. C. James Jensen  
1756 114th Avenue SE, Ste. 234  
Bellevue, WA 98004

RE: Snake River Basin Adjudication

Dear Mr. and Mrs. Jensen:

Your adjudication claim for property in Blaine County and check #2089 for \$75.50 are returned. A critical item of the water right, the date of priority, was left off your claim. This is the date that the water was first placed to beneficial use to the best of your knowledge.

I can appreciate the fact the answer you provided was based on the Wood River decree. However, we must have a date entered at this location. Please try to determine the earliest date that the water was first used as it is used now, on your land.

Also, the correct fee for this filing would be \$76.00. Adjudication fees are always rounded up to the nearest whole dollar amount.

Please return the documents to this office at my attention. If you will make these corrections before February 17, 1989, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,

Donald V. Shaff  
Adjudication Section Supervisor

DVS:db  
Enclosures

Long Form Completed  
Check #2089, \$75.50

MICROFILMED

FEB 23 1993

10/27/1988

## SRBA CLAIMS RECEIVING CHECKLIST

(Part)

CLAIMANT'S NAME Jensen CLAIM NT. NO. A37-01224DATE RECEIVED 9-23-88 CK # 2089 AMOUNT \$ 751. Is the name and address complete with zip code? YES ☒ NO ☐2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES ☒ NO ☐(b) Is a tributary to entered? (if required) N/A ☒4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐5. Is there a description of the diverting works? YES ☒ NO ☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included? YES ☒ NO ☐Is a quantity claimed for each use? YES ☒ NO ☐7. Is a total quantity claimed entered? YES ☒ NO ☐8. If required is a consumptive use entered? N/A ☒Is the consumptive use correct? N/A ☒9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐11. Is (are) the county(ies) entered? YES ☒ NO ☐12. Is the ownership of p.u. checked? YES ☒ NO ☐13. Are other water rights listed or "none" indicated? YES ☒ NO ☐14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒15. Is the basis of the claim indicated? YES ☒ NO ☐16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐Was this claim filed on time, or was an extension granted? YES ☒ NO ☐Is the fee enclosed correct? Exempt ☒If this claim is based on an existing water right, has the identification number been entered? N/A ☒Should this claim be receipted and data entered? YES ☒ NO ☐Claim checked by: CTComments: Needs Priority date, \$76.00 Fee **MICROFILMED**

FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT12/30/88 11:17:16  
Page 1

Water Right Number - 37-01224

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
HOFSTETTER

WALTER J.

1 -  
2 -  
3 -

City- PICABO

State- ID Zip- 833480000

Phone -

HOFSTETTER

MARIANNE

1 -  
2 -  
3 -

City- PICABO

State- ID Zip- 833480000

Phone -

\*\*\* O - ORIGINAL OWNER \*\*\*  
CLARK

FRANK A.

1 -  
2 -  
3 -City-  
Phone -

State- Zip-

+ - - Priority Date - - +  
00/00/0000+ - - Region - - - +  
17+ - - Stage - - - +  
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +  
SILVER CREEK+ - - Tributary - - - - - +  
LITTLE WOOD RIVER

| Twn | Rng | Sec | Tract | Lot | RFlg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
| 01S | 20E | 36  | NE SW |     |      | (13)   | BLAINE             |                                       |
| 02S | 20E | 1   | SE NE |     |      | (13)   | BLAINE             |                                       |

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01   | IRRIGATION  |             |           |           |                |                  |
| 43   | DOMESTIC    |             |           |           | 1.600          |                  |

| Total Div. Rate | Total Div. Volume | Total Div. Capacity | Total Consumptive Use | KW Usage |
|-----------------|-------------------|---------------------|-----------------------|----------|
| 1.600           |                   |                     |                       |          |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County       |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------------|
| 01S | 20E | 36  | NE SW |     | 5.0   | 01                | IRRIGATION  | (13 ) BLAINE |
| 01S | 20E | 36  | SE SW |     | 20.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 01S | 20E | 36  | NW SE |     | 15.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 01S | 20E | 36  | SW SE |     | 40.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 02S | 20E | 1   | NE NE | 1   | 33.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 02S | 20E | 1   | NW NE | 2   | 40.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 02S | 20E | 1   | SW NE |     | 13.0  | 01                | IRRIGATION  | (13 ) BLAINE |
| 02S | 20E | 1   | NE NW | 3   | 23.0  | 01                | IRRIGATION  | (13 ) BLAINE |

FEB 23 1993

MICROFILMED

Water right number - 37-01224

Adj. flag translation: Standard Water Right Number

| Tw | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|----|-----|-----|-------|-----|-------|-------------------|-------------|--------|
|----|-----|-----|-------|-----|-------|-------------------|-------------|--------|

Total Acres: 189.0

+ - - Diversion Means - CLARK #29 HEADGATE, #29-P PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +  
 WHEN COMBINED WITH RT. #37-1223, RT. SUPERCEEDS LIC. 37-2167.  
 RT. IS ABSOLUTE, PERPETUAL, & INDEPENDENT OF OTHER SILVER CREEK  
 RIGHTS REGARDLESS OF PRIORITY DATE.  
 TRANS. 2492.  
 P/U INCOMPLETE. SEE FILE.

+ - - - - - Conditions of Approval - - - - - +  
 01E - A measuring device and lockable controlling works of a type  
 - acceptable to the Department shall be permanently installed and  
 - maintained as part of the diverting works.  
 R04 - Use of water under this water right is subject to control by the  
 - watermaster of State Water District No. 37M  
 R31 - This right when combined with all other rights shall provide no  
 - more than .02 cfs per acre nor more than 4.0 afa per acre for the  
 - lands above.

+ - - - - Decree Plaintiff - - - +  
 BRETT & CLARK

+ - - - - Decree Defendant - - - +  
 CHAPMAN ET AL

+ - Decree Date - +  
 12/28/1932

+ - - Microfilm Rolls -

+ - - Audit Fields - 12/30/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

|                               |                              |                      |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000   | Field Exam Made - 00/00/0000 | Field Exam Fee -     |
| Approved/Denied - 00/00/0000  | Protested Date - 00/00/0000  | Swan Falls -         |
| Proof Made Date - 00/00/0000  | Hearing Date - 00/00/0000    | Temporary Right - P  |
| Start Work Date - 00/00/0000  | Verified Date - 12/30/1986   | DLE/Carey Act -      |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District - 37M |
| Licensed Date - 00/00/0000    | Appl Received - 00/00/0000   | Transfer/Amended - T |
| Decree Date - 12/28/1932      |                              |                      |

MICROFILMED  
 JUL 23 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 3945

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of applicant Lawrence Schoen Phone 726-1884 788-2938

Post Office address 504 Susan P.O. Box 682, Bellevue, ID 83313

## 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 New point of diversion is needed to facilitate installation of sprinklers on this ground. Field boundaries will change slightly.

\* Priority to be determined in SRRA; recommended as 4-30-1881.

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

| 1. Right Number       | Priority   | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------------|------------|--------------------|---------------|---------------|
| 37-01224 <sup>D</sup> | 12-28-1932 | 0.20 cfs           | Irrig.        | 4-1 to 11-1   |
| A37-01224C            | *          | "                  | "             | " to "        |
|                       |            |                    |               | to            |
|                       |            |                    |               | to            |

2. Total amount of water being transferred 0.20 cubic feet per second and/or acre-feet per annum.

3. Source of water Silver Creek tributary to Little Wood R.

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | SE  | SW  | 36   | 15   | 20E  | Blaine | Pump in Silver Cr.       |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. 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 |        |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | .5     |        |        | 2.0    |        | 1.6    | 9.5    |        | 13.7   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 13.7

**PART 1**

## 6. General Information:

- a. Description of diversion system Pump is Silver Creek Mainline to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
P/U will ~~change~~ slightly for better use of sprinklers.  
change
- d. Remarks:  
Land was historically irrigated pasture. I plan to raise grain on 1/4/4 for a while, but may go back to pasture eventually.

**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

APR 25 1974

1993  
MICROFILMED

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. 37-01224A Decreed to Frank A. Clark  
in case of Brett & Clark vs. Chapman ET AL.  
dated 12-28-1932 in Fourth Judicial Dist county of Lincoln 4/17/92
- 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. 2492 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 Silver Creek tributary to Little Wood River4. Date or priority 12-28-1932

## 5. Water is used for the following purpose:

amount 0.90 cfs for Irrig. purposes from 4-15 to 10-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | SW  | 36   | 15   | 20E  | Blaine | Clark Headgate #29       |
|     |     | SE  | NE  | 1    | 25   | 20E  | "      | Clark #29-P Pump         |

## 8. 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 |        |
| 15   | 20E  | 36   |        |        |        |        |        |        |        |        | 5      |        |        | 4      |        | 15     | 15     |        | 39     |
| 25   | 20E  | 1    | 33     | 23     | 13     |        |        |        |        |        |        |        |        |        |        |        |        |        | 69     |
|      |      |      | Lt 1   | Lt 2   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 108

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

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**

*\* Amount of water purchased with property*

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

1. amount \* 0.20 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4       | 1/4       | Sec.      | Twp.      | Rge.       | County        | Local name for diversion  |
|-----|-----|-----------|-----------|-----------|-----------|------------|---------------|---------------------------|
|     |     | <u>NE</u> | <u>SW</u> | <u>36</u> | <u>15</u> | <u>20E</u> | <u>B/gine</u> | <u>Clark Headgate #29</u> |
|     |     |           |           |           |           |            |               |                           |
|     |     |           |           |           |           |            |               |                           |

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 |             |
| <u>15</u> | <u>20E</u> | <u>36</u> |        |        |        |        |        |        |        |        | <u>1.6</u> |        |        | <u>2.7</u> |        | <u>2.0</u> | <u>8.9</u> |        | <u>10.9</u> |
|           |            |           |        |        |        |        |        |        |        |        |            |        |        |            |        |            |            |        |             |
|           |            |           |        |        |        |        |        |        |        |        |            |        |        |            |        |            |            |        |             |
|           |            |           |        |        |        |        |        |        |        |        |            |        |        |            |        |            |            |        |             |
|           |            |           |        |        |        |        |        |        |        |        |            |        |        |            |        |            |            |        |             |

Total acres 10.9 ~~15.2~~

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

1. amount 0.70 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4       | 1/4       | Sec.     | Twp.      | Rge.       | County        | Local name for diversion |
|-----|-----|-----------|-----------|----------|-----------|------------|---------------|--------------------------|
|     |     | <u>SE</u> | <u>NE</u> | <u>1</u> | <u>25</u> | <u>20E</u> | <u>B/gine</u> | <u>Clark #29-P Pump</u>  |
|     |     |           |           |          |           |            |               |                          |
|     |     |           |           |          |           |            |               |                          |

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 |             |
| <u>15</u> | <u>20E</u> | <u>36</u> |            |            |           |        |        |        |        |        | <u>3.4</u> |        |        | <u>1.3</u> |        | <u>1.3</u> | <u>6.1</u> |        | <u>20.7</u> |
| <u>25</u> | <u>20E</u> | <u>1</u>  | <u>33</u>  | <u>23</u>  | <u>13</u> |        |        |        |        |        |            |        |        |            |        |            |            |        | <u>69</u>   |
|           |            |           | <u>LT1</u> | <u>LT2</u> |           |        |        |        |        |        |            |        |        |            |        |            |            |        |             |
|           |            |           |            |            |           |        |        |        |        |        |            |        |        |            |        |            |            |        |             |
|           |            |           |            |            |           |        |        |        |        |        |            |        |        |            |        |            |            |        |             |

Total acres 92.8

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. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-01224c 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 Silver Creek tributary to Little Wood River

4. Date or priority 1-1-1800

5. Water is used for the following purpose:

amount 0.20 cfs for Irrig. purposes from 4-15 to 10-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.20 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | NE  | SW  | 36   | 1S   | 20E  | Blaine | C/ank #29 Headgate       |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: Plu is Lot 2 of Hofstetter Subdiv.

| 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 |        |
| 1S   | 20E  | 36   |        |        |        |        |        |        |        |        | 4      |        |        | 4.5    |        | 4      | 13     |        | 25.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 25.5

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

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:

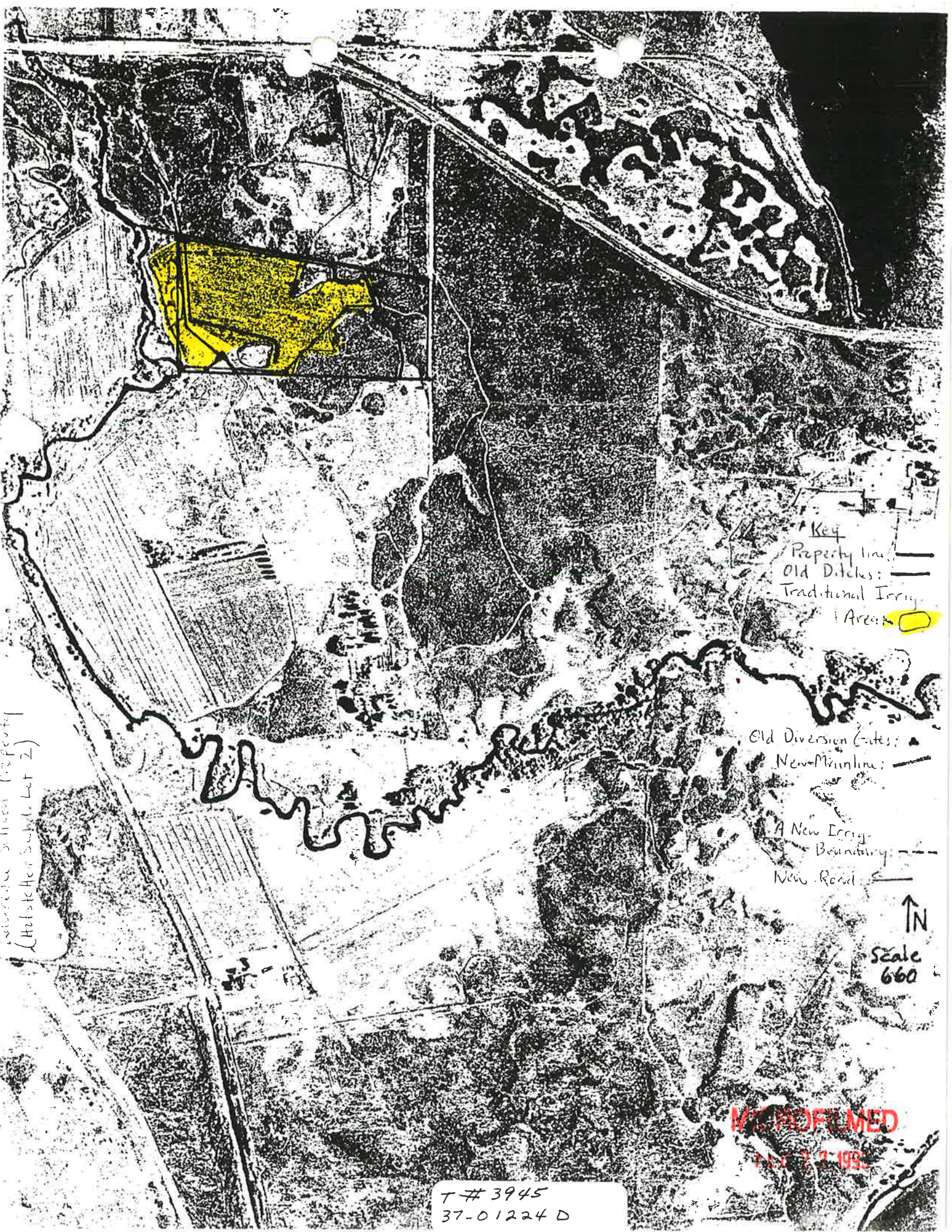
| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

## 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 |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

Watered when property  
(Hofstetter Subd. Lot 2)



Key  
Property line: —  
Old Ditches: —  
Traditional Irrig. Areas: 

Old Diversion Gates:   
New Mainline: —  
A New Irrig. Boundary: - - -  
New Road: —

↑ N  
Scale  
660

MICROFILMED  
FEB 27 1993

T # 3945  
37-01224 D



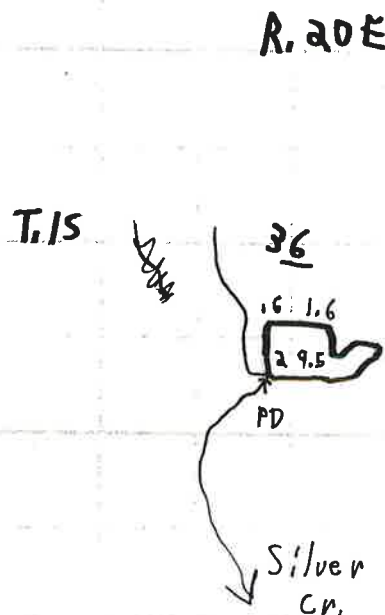


RECEIVED  
FEB 23 1993

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3**

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



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

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

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

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

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

(Signature of Applicant)

Subscribed and sworn to before me this 15th day of October, 1991.

Twin Falls, Idaho

(Notary Public)

My commission expires July 18, 1995**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 4 attachmentsReceived by JF Stanton Date 10-15-91

Protest filed by \_\_\_\_\_

Prelim. check by BS Fee \$30, 5013774Receipted by JA Date 10-15-91Published in Wood River Journal

Copies of protest forwarded by \_\_\_\_\_

Pub. dates 6/24 & 7/1/92

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on 6/18/92Recommended for ☒ approval ☐ denialrec'd. 7/2/92by JA

Copy of transfer sent to lien holder \_\_\_\_\_

RECEIVED

JUL 15 1992

Sanctity Of Contract OCT 11, 1990:

## CORPORATION WARRANTY DEED

J.J. CONSULTING CORPORATION  
organized and existing under the laws of the State of WASHINGTON, with its principal office at 1756 114TH  
AVE S.E., BELLEVUE, WA 98004

grantor, hereby CONVEYS or GRANTS and WARRANTS TO  
LAWRENCE SCHOEN, AN UNMARRIED MAN,

grantee

whose current address is: POPINJAY, HOB LN BURTON GREEN, 01144203466512 ENGLAND  
CV8LOB

the following described tract(s) of land in Blaine County, State of Idaho

Lot 2, HOFSTETTER SUBDIVISION, Blaine County, Idaho, according  
to the official plat thereof, recorded December 16, 1980, as  
Instrument No. 209832, records of Blaine County, Idaho.

ACCEPTED AND APPROVED BY:

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 except as provided in Exhibit "A" attached  
and that it will warrant and defend the same from all lawful claims whatsoever. hereto

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized  
under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended  
by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized  
officers this \_\_\_\_\_ day of May, A.D. 19-90

(CORPORATE SEAL)

J.J. CONSULTING CORPORATION  
A WASHINGTON CORPORATION (CORPORATE NAME)

By \_\_\_\_\_ PRESIDENT

Attest: \_\_\_\_\_ SECRETARY

WA  
State of ~~Idaho~~  
County of

ss.

On the \_\_\_\_\_ day of May  
personally appeared before me  
who being by me duly sworn did say, each for himself, that  
is the president, and he,  
of \_\_\_\_\_  
\_\_\_\_\_

and  
he,

is the secretary  
, a corporation, and that the within and

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ was signed in behalf of said corporation by authority of a resolution of its board

**MICROFILMED**

**FEB 23 1993**

A.D. 19 90

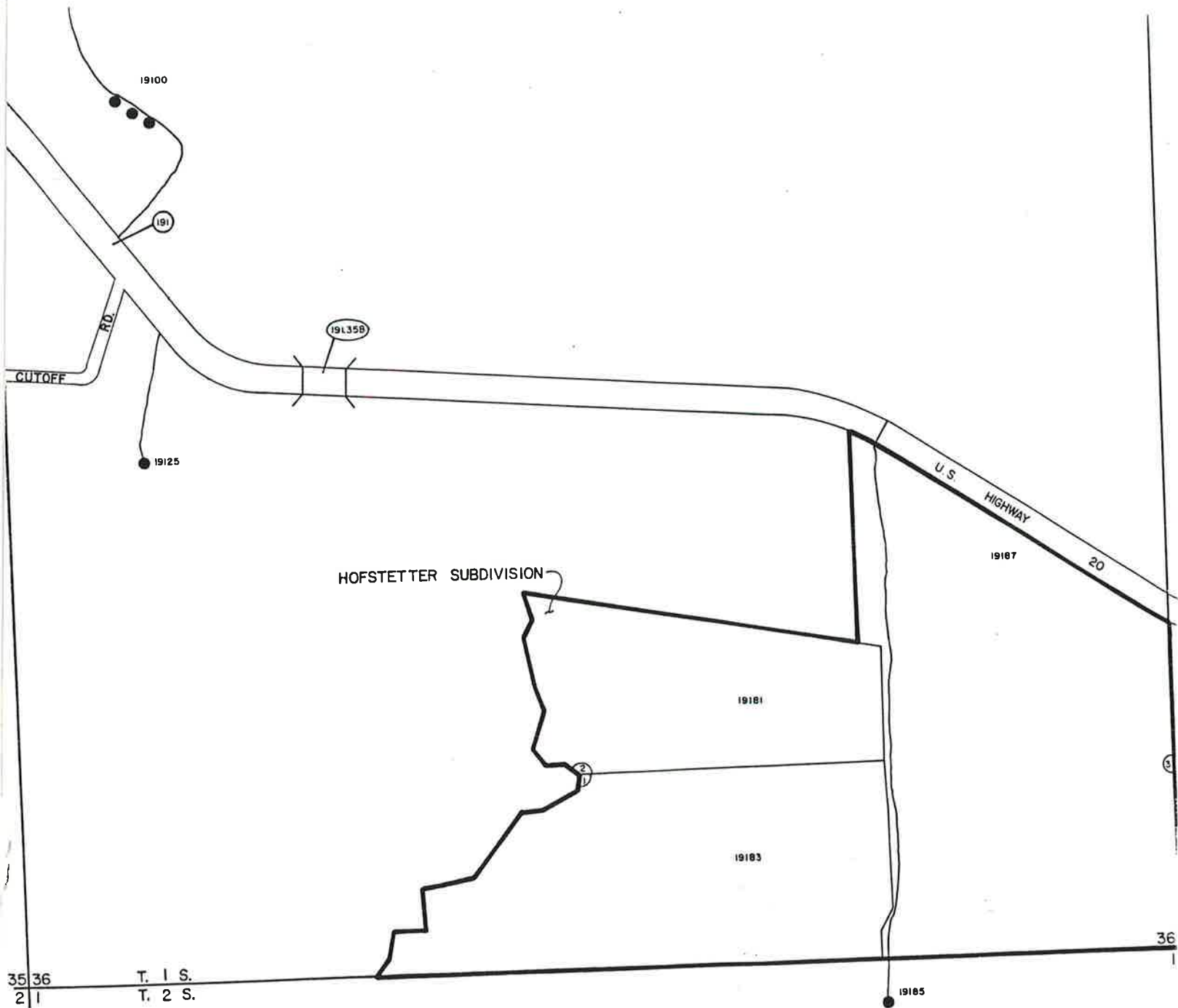
T#3945

EXHIBIT "A"

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. General Taxes for the year 1990, a lien not yet due and payable.
6. Unpatented mining claims, reservations or exceptions in Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
7. Water and Ditch Agreement dated January 2, 1981, by and between WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, husband and wife and JAMES JENSEN and JERI JENSEN, husband and wife, recorded January 2, 1981, as Instrument No. 210448, records of Blaine County, Idaho.
8. Easements and Restrictions as contained in EASEMENT recorded January 2, 1981, as Instrument No. 210449, records Blaine County, Idaho.
9. Restrictions as contained in that certain Warranty Deed recorded January 2, 1981, as Instrument No. 210446, records of Blaine County, Idaho.
10. Easements and Restrictions as shown on the official plat of said HOFSTETTER SUBDIVISION.

MICROFILMED

FEB 23 1993



SEC. 36, T. 1 S., R. 20 E.

**MICROFILMED**  
FEB 23 1993

LAW OFFICES  
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

TELEFAX (208) 726-4515

ROBERT KORB III  
BRUCE COLLIER  
ANN LEGG  
DAVID C. EPIS

G.R. KNEELAND  
OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH  
P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

March 9, 1996

Idaho Department of Water Resources  
Attn: Tara  
222 Shoshone Ave E  
Twin Falls, Idaho 83301

RECEIVED

MAR 12 1996

Department of Water Resources  
Southern Region

RE: Schoen Water Rights/Ohrstrom  
KKCL File No.: 2684-K

Dear Tara:

Some time ago I requested a water rights transfer application  
in connection with water right number A37012240C

Would you please send us the application at your earliest  
convenience.

Thank you.

Sincerely,

KNEELAND, KORB, COLLIER & LEGG

By Holly Cole  
Holly Cole, Paralegal

RK:hkh

Enclosure(s): as stated

Sent Information  
A37-01224C

## CONVERSATION MEMORANDUM

NAME OF PARTY PAM PENKOFF  
EMPLOYEE COREY SKINNER

DATE 03/13/96  
FILE A37-01224C

RE: \_\_\_\_\_

ON 03/11/96 PAM PENKOFF, OF THE REAL ESTATE CENTER IN HAILEY CALLED REQUESTING WATER RIGHT INFO FOR LOT 2 HOFSTETTER SUBDIVISION. SHE SAID THE CURRENT OWNER IS OHRSTROM ESTATE. SHE FAXED ME COPIES OF A PLAT, A WARRANTY DEED, AND PART OF A DITCH AGREEMENT. THESE DOCUMENTS ARE STAPLED TO THIS MEMO, ALONG WITH MY RESPONSE TO MS. PENKOFF.



## 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

March 13, 1996

Pam Penkoff  
Real Estate Center  
400 North Main  
P.O. Box 669  
Hailey, ID 83333

Dear Ms. Penkoff:

Pursuant to your request, I have reviewed the water right records for the parcel of land described as Lot 2 of Hofstetter Subdivision, Blaine County, Idaho. A search through the water right records revealed water right 37-01224D, produced by transfer # 3945, as being appurtenant to this particular parcel of land. This water right has also been claimed in the Snake River Basin Adjudication, claim A37-01224C. I have enclosed two profile reports, water right 37-01224D and SRBA claim A37-01224C, for your reference.

Please note that SRBA claim A37-01224C is in the name of Lawrence Schoen, the owner of the property before Richard Ohrstrom. It is mandatory that all SRBA claims be updated to reflect the present owner of the claim. It is recommended that the current owner, or representative, contact an SRBA agent here at our office so that the ownership record of the claim can be updated. I have enclosed change of ownership forms to assist you in dealing with this situation, and any similar situations that may arise in the future.

Sincerely,

A handwritten signature in cursive script that reads "Corey Skinner".

Corey Skinner, EIT  
Dam Safety Section

Enclosures



# REAL ESTATE CENTER

400 NORTH MAIN • P.O. BOX 669 • HAILEY, IDAHO 83333 • (208) 788-4903 • FAX (208) 788-5023

DATE: 3/12/96

TO: Cory Skinner

FIRM NAME: IDWR

FAX NUMBER: 736-3037 FAX

FROM: PAM PENKOFF

Number of pages transmitted, including the  
transmittal sheet 4.

Should you have any questions or problems,  
call Pam at (208) 788-4903.

Our FAX number is (208) 788-5023.

Thank you.

Thanks Cory -  
look forward to  
hearing from you.

RECEIVED

MAR 12 1996

Department of Water Resources  
Southern Region

RECEIVED

1996  
Department of Water Resources  
Southern Region

# PLAT SHOWING HOFSTETTER SUBDIVISION

Located Within Section 36, T.1S.,

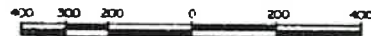
R. 20E., B.M.

Blaine County, Idaho

October 1980



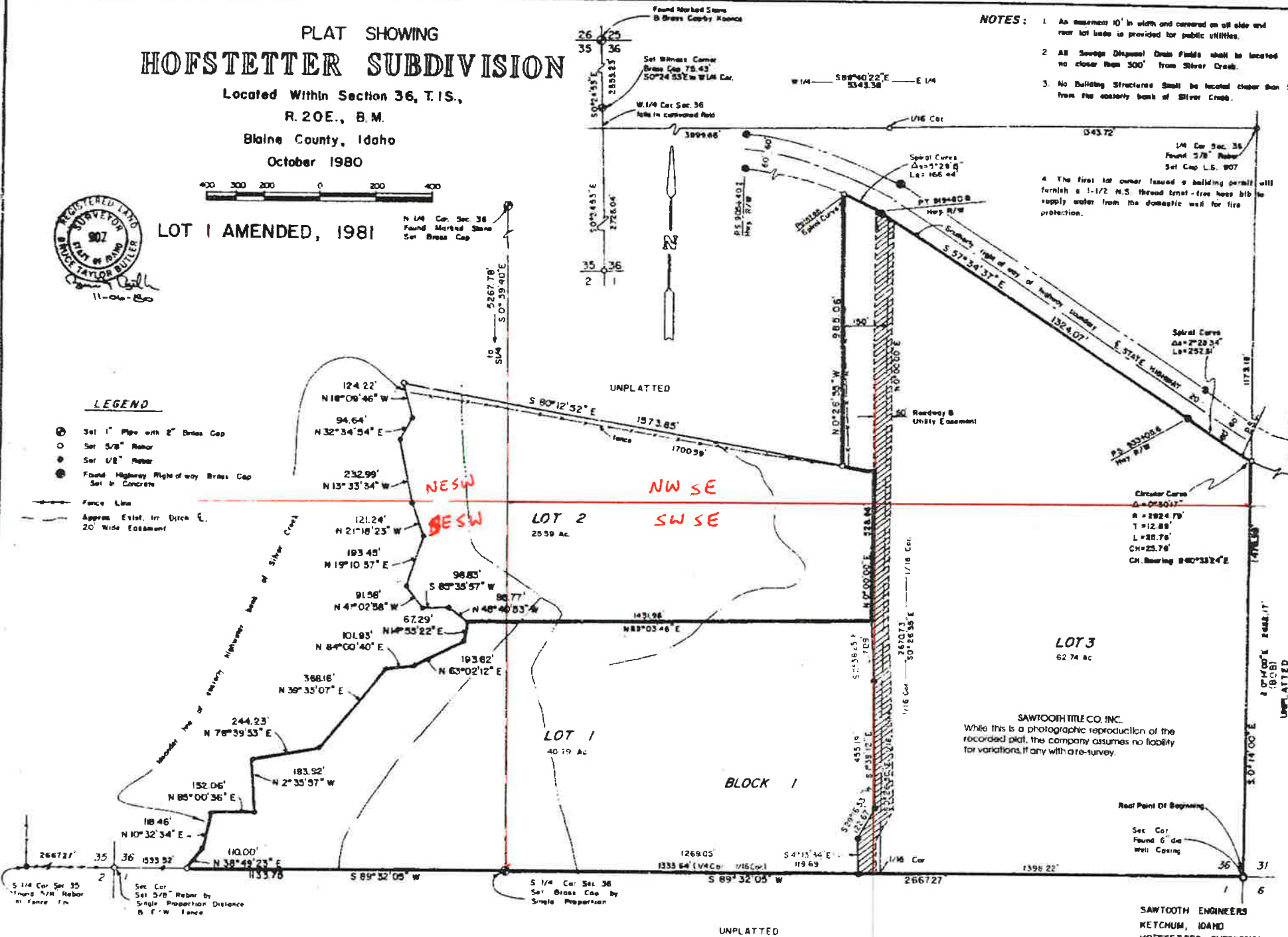
LOT 1 AMENDED, 1981



## LEGEND

- ⊙ Set 1" Pipe with 2" Brass Cap
- Set 5/8" Rebar
- Set 1/8" Rebar
- ⊙ Found Highway Right-of-Way Brass Cap Set in Concrete
- Fence Line
- Approx. Exist. Irr. Ditch E. 20' Wide Easement

- NOTES:**
1. An easement 10' in width and covered on all side and rear lot lines is provided for public utilities.
  2. All Sewage Disposal Drain fields shall be located no closer than 300' from Silver Creek.
  3. No Building Structures Shall be located closer than 5' from the eastern bank of Silver Creek.
  4. The first lot owner issued a building permit will furnish a 1-1/2" M.S. thread test - free hose bib to supply water from the domestic well for fire protection.

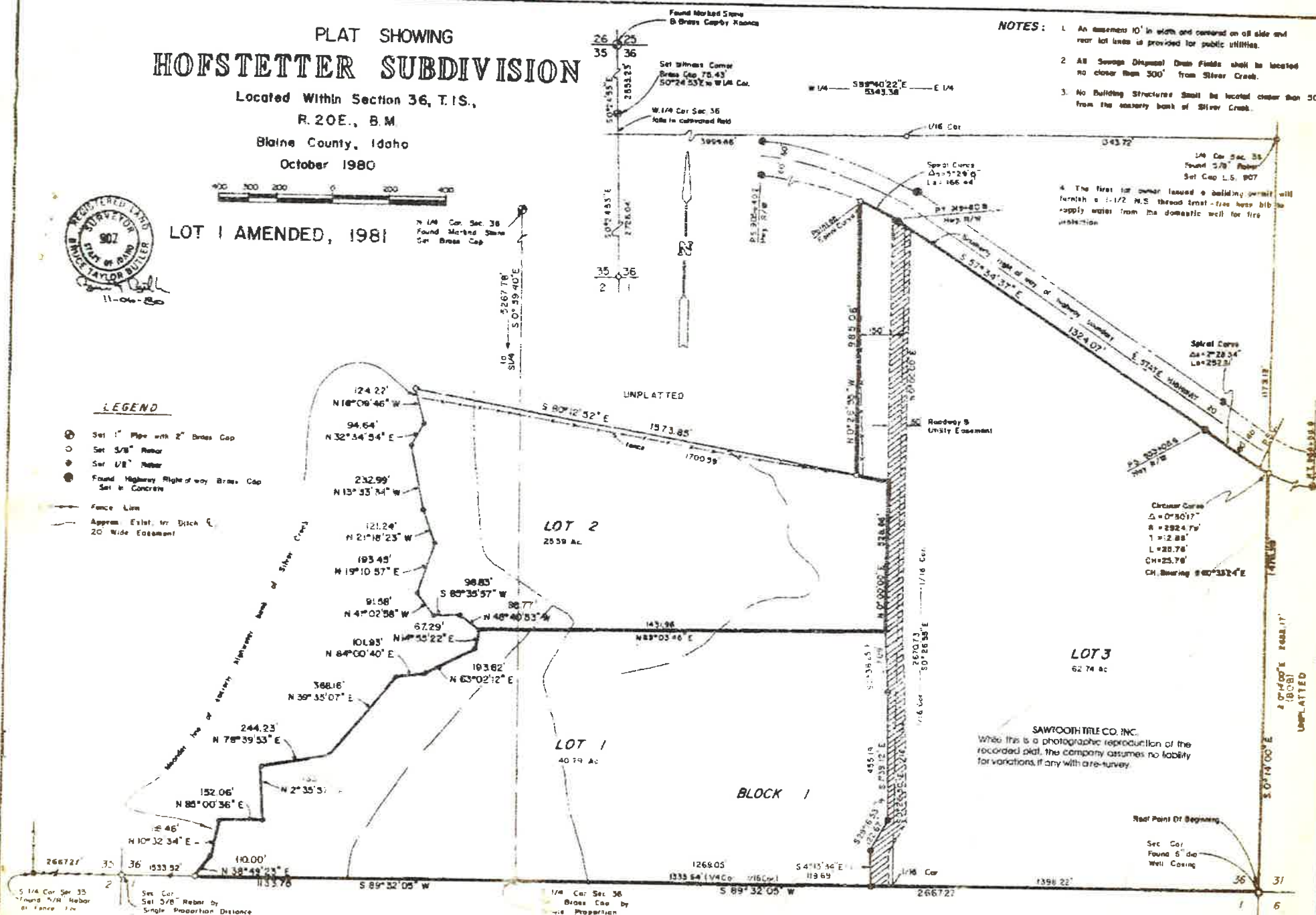


## October 1980



79 140 Cor. Sec. 36  
Found Marten Skunk  
Set Brown Co.

- Set 1" Pipe with 2" Braces Cap
- Set 3/8" Rebar
- Set 1/2" Rebar
- Found Highway Right of way Braces Cap  
Set in Concrete
- Fence Line
- Apparent Exist. or Disc. C.
- 20' Wide Easement



**NOTES:**

1. An easement 10' in width and centered on all side and rear lot lines is provided for public utilities.
2. All Storage (Haystack) Drain Fields shall be located no closer than 300' from Silver Creek.
3. No Building Structures shall be located closer than 30' from the eastern bank of Silver Creek.

4. The firms for power issued a building permit will furnish a 1-1/2 M.S. threaded iron pipe with 1/2" apply water from the domestic well for fire protection.

Circular Curve  
 $\Delta = 0^\circ 30' 17''$   
 $R = 2924.79'$   
 $T = 12.88'$   
 $L = 20.78'$   
 $CH = 25.78'$   
 CH Bearing  $S 60^\circ 35' 24'' E$

SAWTOOTH TITLE CO., INC.  
When this is a photographic reproduction of the  
recorded plat, the company assumes no liability  
for variations, if any with a re-survey.

Red Point Of Beginning

Sec 301  
Found 5<sup>th</sup> dia  
Well Coring

SAWTOOTH ENGINEERS  
KETCHUM, IDAHO  
HOFFSTETTER SUBDIVISION  
Sheet 1 of 2

UNPLATTED

BCT Order NO. 94006268

Order No. 1773

## WARRANTY DEED

For Value Received Lawrence Schoen, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Ricard R. Ohrstrom, a single man

whose address is: P.O. Box 1213, Sun Valley, ID 83353

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 2 of HOFSTETTER SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded December 16, 1980, as Instrument No. 209832, records of Blaine County, Idaho.

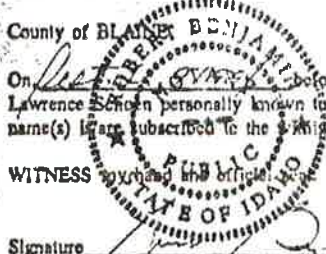
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 9, 1994

  
Lawrence Schoen

State of IDAHO

County of BLAINE

On  before me, the undersigned, a Notary Public in and for said State, personally appeared Lawrence Schoen personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS

Signature

Commission Expires: 10 6 00

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO.

1994 SEP 12 3:44

370472

Mary Green, CLERK

FEES

3.00

MP

Deed

9-12-94

Instrument No. 210448  
January 2, 1981

9270

WATER AND DITCH AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of January, 1981, by and between WALTER J. HOFSTETTER and MARIANNE HOFSTETTER, husband and wife, of Rural Route, Picabo, Blaine County, Idaho, 83348, parties of the first part, and JAMES JENSEN and JERI JENSEN, husband and wife, of P.O. Box 2360, Sun Valley, Blaine County, Idaho, 83353, parties of the second part.

WITNESSETH:

WHEREAS, the parties of the first part are now and for many years last past have been the owners of and entitled to possession of the following described lands and premises situate in the County of Blaine, State of Idaho, more particularly bounded and described as follows, to-wit:

TRACT 1: Township 1 South, Range 20, E.B.M., in Blaine County, Idaho: Section 36: Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ );

All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), lying East of Silver Creek, designated as Tax Lot 1205 on Blaine County Tax Assessor's Rolls;

A strip of land on the East side of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), being 150 feet wide and running the full length of said quarter section, and a strip of land in the said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on the East by the 150 foot strip, on the South by the South boundary line of said quarter section, and on the West by the West boundary line of said quarter section, designated as Tax Lot 2600 on Blaine County Tax Assessor's Rolls;

A piece of land in the Southeast corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ), bounded on the North by an irrigation ditch, on the East by the East boundary of said quarter

NOTICE OF ERROR  
REPLY

01/06/2007  
RECEIVED

JAN 23 2007

DEPARTMENT OF  
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007

Water right number: 37-1224C

THE FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please print your name: \_\_\_\_\_

IDWR Regional Office, 322 E Front St.  
PO Box 83720, Boise, ID 83720-0098, 2082874800

1/18/07

AGREED PER ENCLOSED MATERIAL  
OF (4) PAGES OF INFORMATION SUPPLIED  
BY YOUR OFFICE AND TRANSMITTED  
TO US BY MY COUNCIL.

By: *[Signature]*  
FOSTER FAMILY  
TRUST CO. TRUSTEE.

**ROSHOLT, ROBERTSON & TUCKER  
ATTORNEYS AT LAW**

**142 THIRD AVENUE NORTH  
P.O. BOX 1906  
TWIN FALLS, ID 83303-1906  
(208) 734-0700  
FAX (208) 736-0041**

---

**MEMORANDUM**

**TO:** NMS  
**FROM:** CWV  
**DATE:** November 30, 1999  
**SUBJECT:** The Foster Family Trust

In my research I found one (1) water right appurtenant to Lot 2, Block 1 of Hofstetter Subdivision, owned by The Foster Family Trust.

A37-01224C: A portion of a decreed right for 0.20 cfs (10 inches, for the irrigation of 13.7 acres in Section 36 of T01S R20E.

According to Norma Peterson at the Water District 37 office, this is designated as a "perpetual" right which means it is never cut off. Norma said the use is established and the right is delivered.

I have mapped this right on a USGS map and also on the plat map of the Hofstetter Subdivision. A copy of the current profile report is also attached.

ROSHOLT, ROBERTSON & TUCKER  
Chartered  
ATTORNEYS AT LAW

JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
JAMES C. TUCKER  
GARY D. SLETTE  
JERRY V. JENSEN  
JOHN K. SIMPSON  
NORMAN M. SEMANKO  
PATRICK D. MADIGAN  
TIMOTHY J. STOVER  
AMY CHESTMUT

Twin Falls Office  
142 3rd Ave. North  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 734-0700  
FAX (208) 736-0041

Boise Office  
1221 WEST IDAHO, SUITE 600  
P.O. BOX 2139  
BOISE, IDAHO 83701-2139  
TELEPHONE (208) 336-0700  
FAX (208) 344-6034

December 14, 1999

Wesley and Donna Foster  
19181 U.S. Highway 20  
P.O. Box 633  
Picabo, ID 83348

RE: Water

Dear Wesley and Donna:

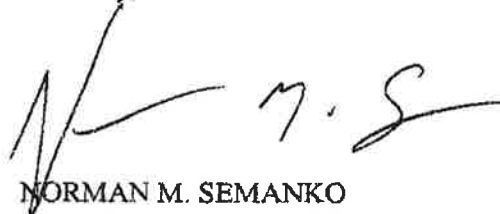
We have completed our review of the water right matter that you asked us to investigate.

A report prepared by our office is enclosed. As you can see, there is one water right appurtenant to the property in the amount of .2 cfs (10 inches), for irrigation of 13.7 acres. The water master's office reports that the water right has always been delivered according to their records and is a very good water right.

In short, the water right is in good order and we see no reason that this claim would not be recommended in the Snake River Basin Adjudication.

If you have any questions about this matter or the enclosed materials, please give me a call.

Sincerely,



NORMAN M. SEMANKO

NMS/jl  
Encls.

(nms99/letters/foster)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/01/99  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO                | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------------------------------------------|------------------|------------|--------------------------------------|-------------------|---------------------|
| C             | THE FOSTER FAMILY TRUST<br>PO BOX 633<br>PICAGO ID 83348 | 01/01/1800       | IRRIGATION | 04-01 11-01                          | 0.200 CFS         |                     |
|               |                                                          |                  |            | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.200 CFS         | 34.20 AFA           |

**Water Source: SILVER CREEK**

Tributary to: LITTLE WOOD RIVER

**Stage: DECREED**

Point(s) of Diversion: T01S R20E S36

**NESESW**

BLAINE COUNTY

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: BLAINE

Other Rights: NONE

Remarks: GEN LAND IS LOT 2, HOFSTETTER SUBD.

LAND 15 101 2; NORSTETICK 3886: \*\*\*\*\*  
THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT.  
19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:  
THE CHANGE AUTHORIZED BY TRANSFER 3945 SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.  
FAILURE TO COMPLY WITH THE CONDITIONS OF THE TRANSFER IS CAUSE  
FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL  
OF THE TRANSFER SHOULD NOT BE RESCINDED.  
APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR  
REVIEW TO THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE  
RIVER BASIN ADJUDICATION.  
USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE  
WATERMASTER OF STATE DISTRICT NO. 37N.  
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE  
MAINTAINED AS PART OF THE DIVERTING WORKS.  
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR  
THE LANDS LISTED ABOVE.  
\*\*\*\*\*  
10/7/96 TF; OWNERSHIP CHANGED SCHOEN TO OHNSTROM TO FOSTER  
FAMILY TRUST.  
\*\*\*\*\*  
02/12/99 CHANGED ADDRESS AS PER REQUEST RECEIVED 02/12/99. CI

|               |                               |                               |                              |
|---------------|-------------------------------|-------------------------------|------------------------------|
| <b>Dates:</b> | <b>Exam Made Date:</b>        | <b>Verified Date:</b>         | <b>Objection Filed Date:</b> |
| <b>Misc:</b>  | <b>Water District Number:</b> | <b>Field Inspection Flag:</b> |                              |
|               |                               | <b>Presumption Flag:</b>      | <b>C</b>                     |

01/06/2007

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

RIGHT NUMBER: 37-1224C  
NAME AND ADDRESS: THE FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348  
SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER  
Water from this right resulted from developed water in Silver Creek.  
QUANTITY: 0.200 CFS  
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 AFA per acre for the lands listed above.  
PRIORITY DATE: 12/28/1932 ?  
rights Pursuant to a call in times of scarcity, this right is senior to all other that did not result from developed water in Silver Creek, as established by and subject to the provisions included within in Re Brett et al. v. S.H. Chapman, Watermaster (Lincoln County, December 28, 1932).

POINT OF DIVERSION: T01S R20E S36 NESESW 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          | 0.200 CFS       |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                      |                 |
|               | T01S R20E S36 NESW 1.10            | T01S R20E S36 SESW   | 0.80            |
|               | T01S R20E S36 NWSE 4.20            | T01S R20E S36 SWSE   | 7.60            |
|               | 13.7 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

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

LAND IS LOT 2, HOFSTETTER SUBD.

AJ5899NP  
No. A37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/01/99  
PAGE: 2

Audit: 02/08/89 SHAFF 12/27/90 GIVENS 12/08/92 MERRITT 03/30/95 POST-STD  
10/07/96 TFAUCETT 02/12/99 CTIMM 02/16/99 CTIMM 02/21/99 BJONES

01/06/2007

**NOTICE OF ERROR  
REPLY**

RECEIVED

JAN 23 2007

DEPARTMENT OF  
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007**

Water right number: 37-1224C

THE FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

\_\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please print your name: \_\_\_\_\_

IDWR Regional Office, 322 E Front St.  
PO Box 83720, Boise, ID 83720-0098, 2082874800

1/18/07

AGREED PER ENCLOSED MATERIAL  
OF (4) PAGES OF INFORMATION SUPPLIED  
BY YOUR OFFICE AND TRANSMITTED  
TO US BY MY COUNSEL.

By: *W. F. Felt*  
FOSTER FAMILY  
TRUST CO. TRUSTEE

SCANNED  
JAN 23 2007

01/06/2007

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

RIGHT NUMBER: 37-1224C

NAME AND ADDRESS: THE FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER  
Water from this right resulted from developed water in Silver Creek.

QUANTITY: 0.200 CFS  
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 AFA per acre for the lands listed above.

PRIORITY DATE: 12/28/1932 ?  
rights Pursuant to a call in times of scarcity, this right is senior to all other  
that did not result from developed water in Silver Creek, as established by  
and subject to the provisions included within In Re Brett et al. v. S.H.  
Chapman, Watermaster (Lincoln County, December 28, 1932).

POINT OF DIVERSION:  
T01S R20E S36 NESESW 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          | 0.200 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                  |      |      |               |      |      |
|------------------|------|------|---------------|------|------|
| T01S R20E S36    | NESW | 1.10 | T01S R20E S36 | SESW | 0.80 |
| T01S R20E S36    | NWSE | 4.20 | T01S R20E S36 | SWSE | 7.60 |
| 13.7 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

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

LAND IS LOT 2, HOFSTETTER SUBD.

SCANNED  
JAN 23 2007

**ROSHOLT, ROBERTSON & TUCKER  
ATTORNEYS AT LAW**

**142 THIRD AVENUE NORTH  
P.O. BOX 1906  
TWIN FALLS, ID 83303-1906  
(208) 734-0700  
FAX (208) 736-0041**

---

**MEMORANDUM**

**TO:** NMS  
**FROM:** CWV  
**DATE:** November 30, 1999  
**SUBJECT:** The Foster Family Trust

In my research I found one (1) water right appurtenant to Lot 2, Block 1 of Hofstetter Subdivision, owned by The Foster Family Trust.

A37-01224C: A portion of a decreed right for 0.20 cfs (10 inches, for the irrigation of 13.7 acres in Section 36 of T01S R20E.

According to Norma Peterson at the Water District 37 office, this is designated as a "perpetual" right which means it is never cut off. Norma said the use is established and the right is delivered.

I have mapped this right on a USGS map and also on the plat map of the Hofstetter Subdivision. A copy of the current profile report is also attached.

**ROSHOLT, ROBERTSON & TUCKER**  
**Chartered**  
ATTORNEYS AT LAW

JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
JAMES C. TUCKER  
GARY D. SLETTE  
JERRY V. JENSEN  
JOHN K. SIMPSON  
NORMAN M. SEMANKO  
PATRICK D. MADIGAN  
TIMOTHY J. STOVER  
AMY CHESTMUT

Twin Falls Office  
142 3rd Ave. North  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 734-0700  
FAX (208) 736-0041

Boise Office  
1221 WEST IDAHO, SUITE 600  
P.O. BOX 2139  
BOISE, IDAHO 83701-2139  
TELEPHONE (208) 336-0700  
FAX (208) 344-6034

December 14, 1999

Wesley and Donna Foster  
19181 U.S. Highway 20  
P.O. Box 633  
Picabo, ID 83348

RE: Water

Dear Wesley and Donna:

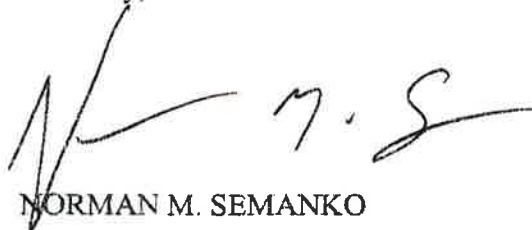
We have completed our review of the water right matter that you asked us to investigate.

A report prepared by our office is enclosed. As you can see, there is one water right appurtenant to the property in the amount of .2 cfs (10 inches), for irrigation of 13.7 acres. The water master's office reports that the water right has always been delivered according to their records and is a very good water right.

In short, the water right is in good order and we see no reason that this claim would not be recommended in the Snake River Basin Adjudication.

If you have any questions about this matter or the enclosed materials, please give me a call.

Sincerely,



NORMAN M. SEMANKO

NMS/jl  
Encls.

(nms99/letters/foster)

SCANNED  
JAN 23 2007

DATE: 09/01/99  
PAGE: 1

SCANNED  
JAN 23 2007

|               |                               |                                                           |                              |
|---------------|-------------------------------|-----------------------------------------------------------|------------------------------|
| <b>Dates:</b> | <b>Exam Made Date:</b>        | <b>Verified Date:</b>                                     | <b>Objection Filed Date:</b> |
| <b>Misc:</b>  | <b>Water District Number:</b> | <b>Field Inspection Flag:</b><br><b>Presumption Flag:</b> | <b>C</b>                     |

AJ5809WP  
No. A37-01224C

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/01/99  
PAGE: 2

Audit: 02/08/89 SHAFF 12/27/90 GIVENS 12/08/92 MERRITT 03/30/95 POST-STD  
10/07/96 TFANCETT 02/12/99 CTIMM 02/16/99 CTIMM 02/21/99 DJONES

SCANNED  
JAN 23 2007

01/06/2007

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

RIGHT NUMBER: 37-1224C

NAME AND ADDRESS: THE FOSTER FAMILY TRUST  
PO BOX 633  
PICABO ID 83348

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

Water from this right resulted from developed water in Silver Creek.

QUANTITY: 0.200 CFS

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

PRIORITY DATE: 12/28/1932

rights Pursuant to a call in times of scarcity, this right is senior to all other that did not result from developed water in Silver Creek, as established by and subject to the provisions included within In Re Brett et al. v. S.H. Chapman, Watermaster (Lincoln County, December 28, 1932).

POINT OF DIVERSION:

T01S R20E S36 NESESW 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          | 0.200 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T01S R20E S36 | NESW | 1.10 | T01S R20E S36 | SESW | 0.80 |
| T01S R20E S36 | NWSE | 4.20 | T01S R20E S36 | SWSE | 7.60 |

13.7 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

LAND IS LOT 2, HOFSTETTER SUBD.



# Idaho Department of Water Resources

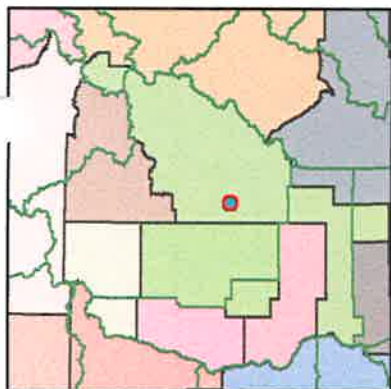
SRBA Recommendation:

**37-1224C**

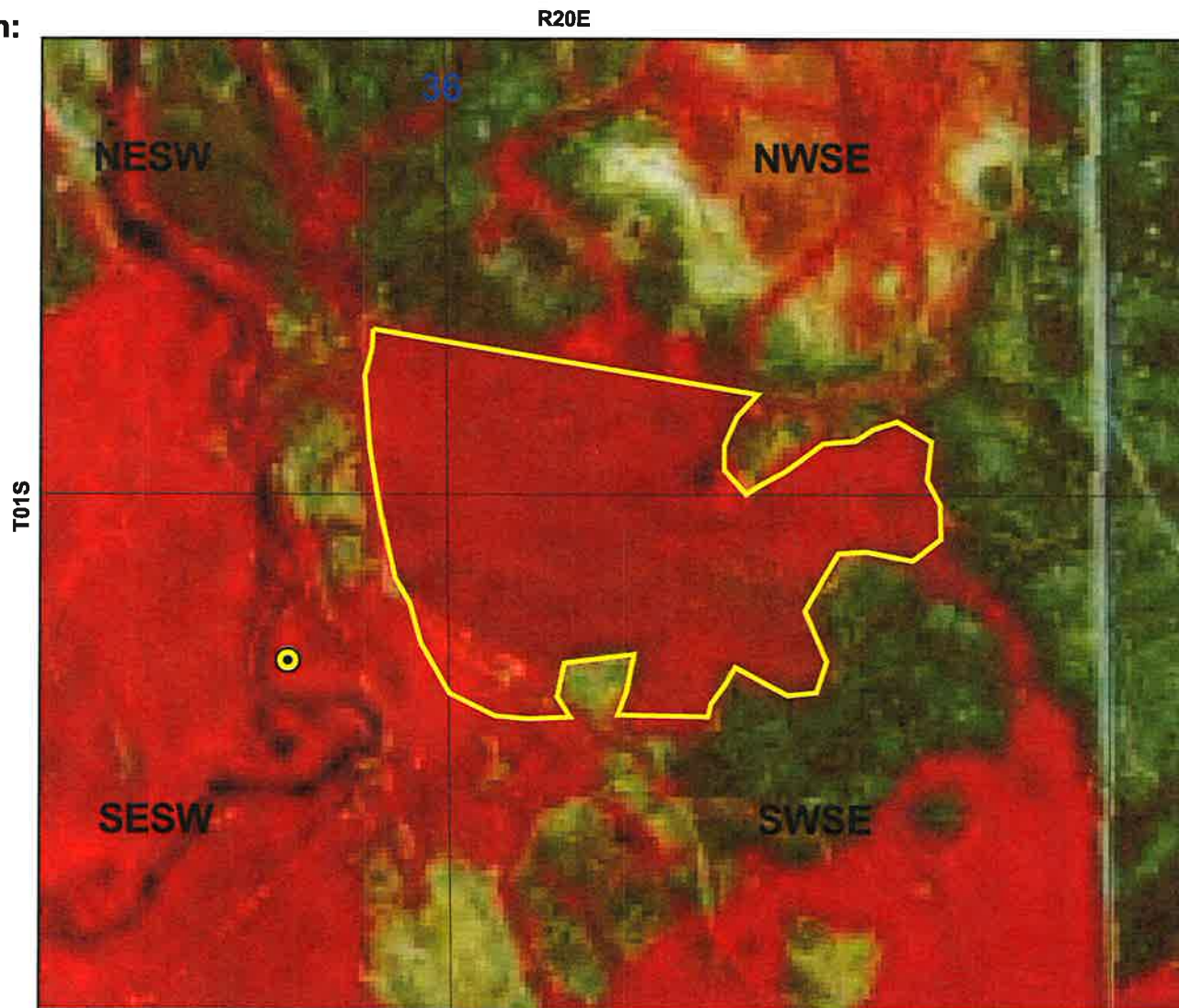
(Irrigation)

## 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 D. Favreau  
On Friday, January 5, 2007  
1987/88 Aerial Photography

37-1224 C

(FOSTER)

3/10/04  
SCC

Priority is listed as 12-28-1932

+ transfer 3945 indicates it should be 4-30-1881

claimed as 1-1-1800

why?

perpetual right

Decree: 12-28-1932  
Brett/Clark v Chapman  
37-L decree

POD:

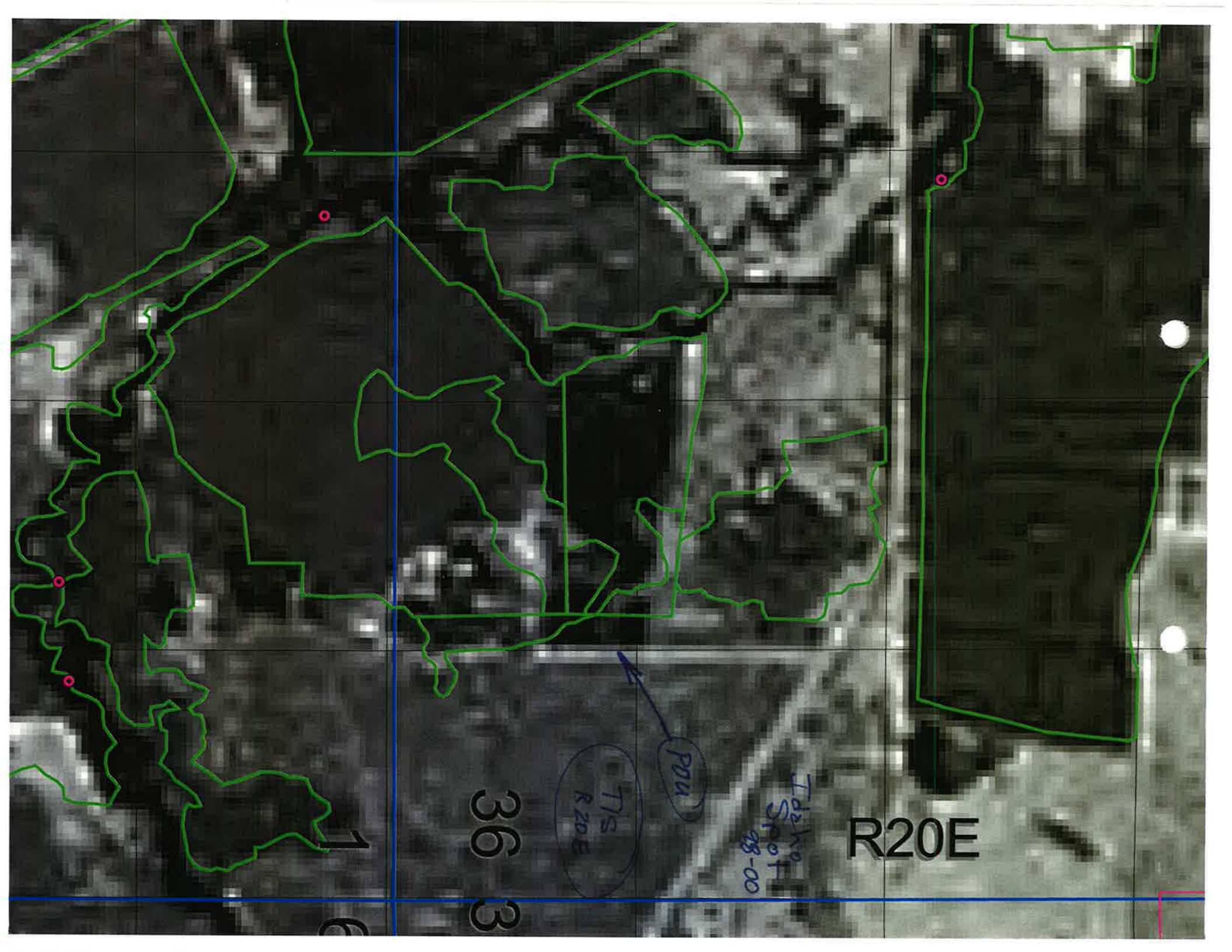
Clark Headgate #29

TRANS. 1S 20E S.36 NESW

CLAIM 1S 20E S.36 NESESW

-1224  
priority date  
12-28-32

conditions: #157 priority  
#156 source



R20E

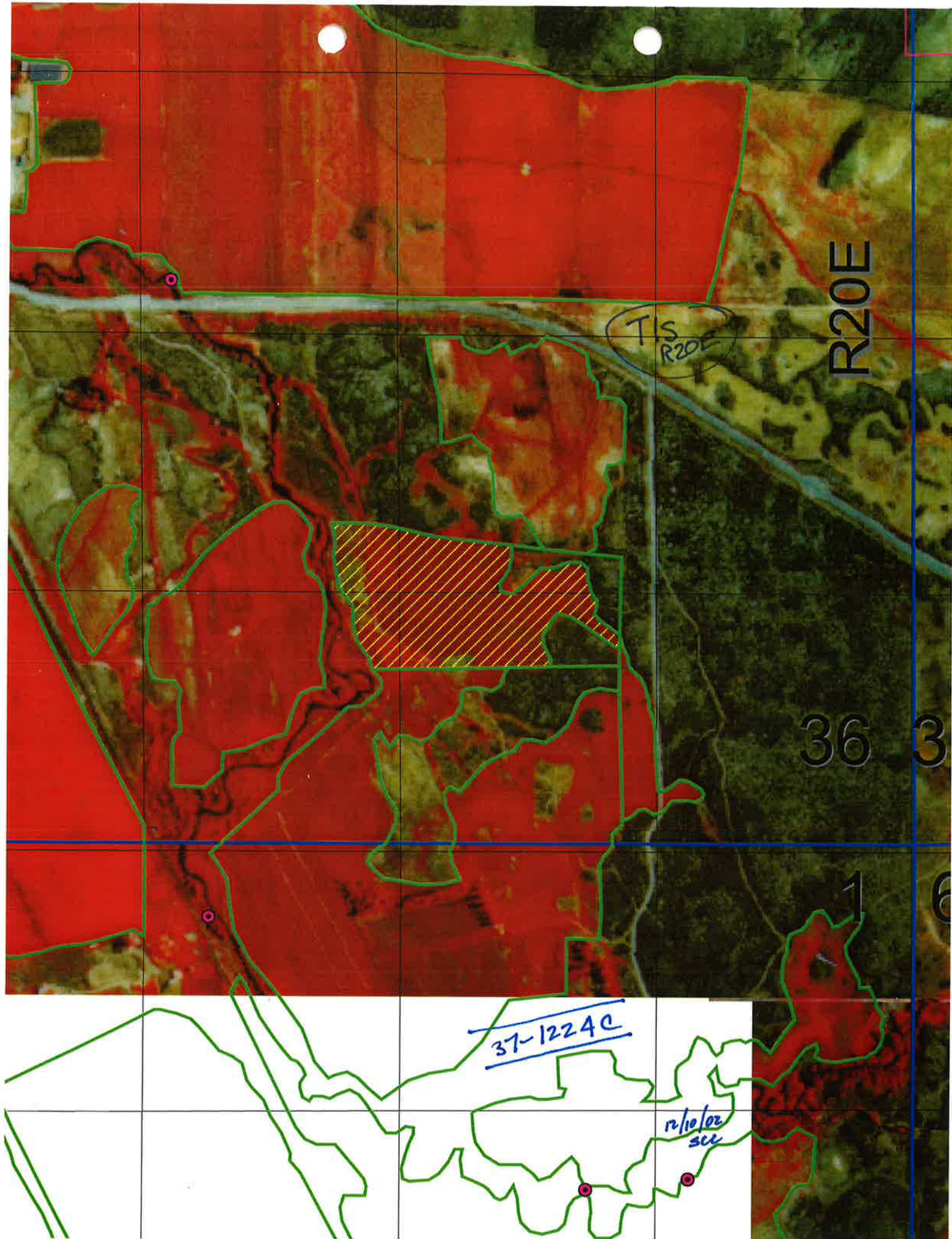
Idaho  
Spot  
98-00

P04

T/S  
R20E

36  
3

1



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1224D

WATER RIGHT NUMBER: **37-1224D**

| <u>Owner Type</u> | <u>Name and Address</u>                                                    |
|-------------------|----------------------------------------------------------------------------|
| Original Owner    | WALTER J HOFSTETTER<br>19185 HWY 20<br>PICABO, ID 83348<br>(208)788-2813   |
| Original Owner    | MARIANNE HOFSTETTER<br>19185 HWY 20<br>PICABO, ID 83348<br>(208)788-2813   |
| Current Owner     | LAWRENCE SCHOEN<br>PO BOX 689<br>BELLEVUE, ID 83313<br>(208)788-2938       |
| Original Owner    | FRANK CLARK<br>3085 S PIONEER LN<br>IDAHO FALLS, ID 83401<br>(208)522-7126 |

Priority Date: 12/28/1932

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u>  |
|---------------|-------------------|
| SILVER CREEK  | LITTLE WOOD RIVER |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 4/15 to 10/15         | 0.200 CFS             | 48.00 AF             |
| <u>Total Diversion:</u> |                       | 0.200 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| SILVER CREEK  | SE1/4SW1/4 | Sec. 36, Twp 01S, Rge 20E, 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 | 20E | 36  |    |    |    |    |    |    |    |    | .6 |    |    |    | 2.0 |    |    |    | 1.6    | 9.5 | 13.7 |

Total Acres: 13.7

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-1224D

2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. BALDWIN 6/18/1992 Trans. #3945

Comment: Trans. #3945 was filed to change the point of diversion and place of use under a portion of Right 37-01224A.

Dates and Other Information:

Licensed Date:  
Decreed Date: 12/28/1932  
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: 37M  
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