

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-2321
Date Received: 6/6/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROY E CRAWFORD

Phone: (415)772-6705

165 PHILLIP RD
WOODSIDE CA USA 94062

W CLINTON STENNETT

Phone: (208)726-8106

PO BOX 475
KETCHUM ID USA 83340

2. Date of Priority: 11/08/1915

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	Type
01S	20E	36	SW	NW	NW	BLAINE	

5. Description of diverting works:

HEADGATE BROADIE 23.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	20E	35	SE	NW		IRRIGATION	32
			SW	NE		IRRIGATION	34
			SE	NE		IRRIGATION	20
			NW	NE		IRRIGATION	23
			NE	SE		IRRIGATION	17
			SE	SE		IRRIGATION	29
			SW	SE		IRRIGATION	28
						Section Acres	183
						Total Acres	183

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

WE FEEL WE HAVE THE DOCUMENTS TO SUBSTANTIATE THIS RIGHT.

15. Basis of Claim: License

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

1. Name of Claimant(s)

DEBORAH BROADIE

Phone: (208)788-4455

222 PICABO CUTOFF RD
CAREY ID USA 83320

MOJ BROADIE

Phone: (208)788-4455

222 PICABO CUTOFF RD
CAREY ID USA 83320

2. Date of Priority: 11/08/1915

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	Type
01S	20E	36	SW NW NW	BLAINE	

5. Description of diverting works:

HEADGATE BROADIE 23.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

COPY

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	20E	35	SE	NW	IRRIGATION	32
			SW	NE	IRRIGATION	34
			SE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	23
			NE	SE	IRRIGATION	17
			SE	SE	IRRIGATION	29
			SW	SE	IRRIGATION	28
					Section Acres	183
					Total Acres	183

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

WE FEEL WE HAVE THE DOCUMENTS TO SUBSTANTIATE THIS RIGHT.

15. Basis of Claim: License

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): My Brother Date: 6/6/05

_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th
of JUNE 2005

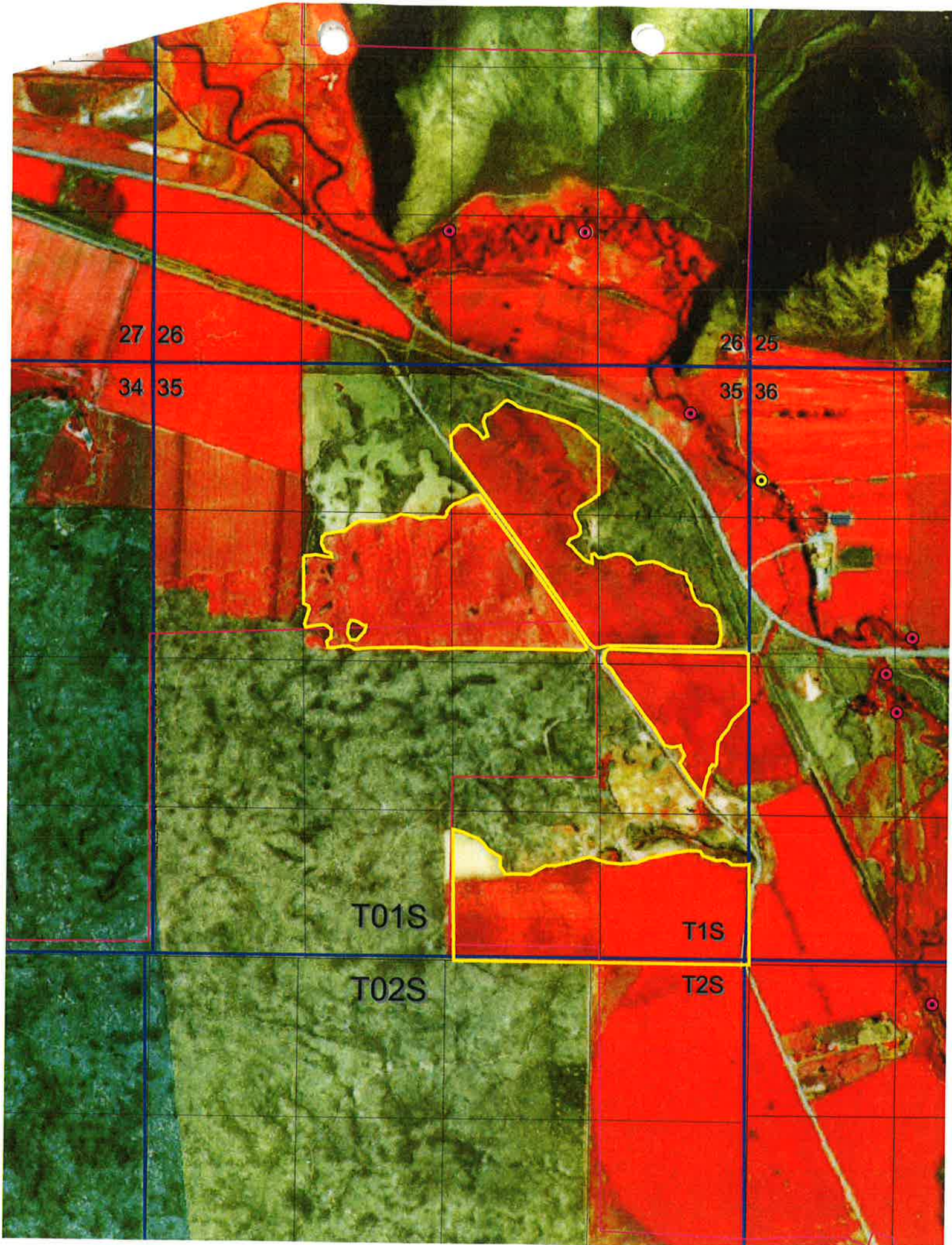
Steve Clelland

Notary Public

Residing at Mendota ID

My commission Expires 12/7/2006





08/05/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

SFS

RIGHT NUMBER: 37-2321

NAME AND ADDRESS: THE MC GRATH 1998 TRUST
180 MONTGOMERY ST 25TH FLOOR
SAN FRANCISCO CA 94104

ROY E CRAWFORD
165 PHILLIP RD
WOODSIDE CA 94062

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 08/04/1936

POINT OF
DIVERSION:

T01S R20E S36 SWNNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENW	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

197 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 197 acres in a single irrigation season. Combined Right Nos.: 37-1213 & 37-2321.

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Clelland, Steve

From: Clelland, Steve
Sent: Wednesday, March 04, 2009 12:02 PM
To: 'Crawford, Roy'
Cc: Kelly, Vicki; Spencer, Nick
Subject: RE: Silver Creek water right 37-2321

Hi Roy,

According to my notes in the file and our emails history, it looks like I have the proposed draft for right 37-2321 ready to go. It looks like we both agree on the facts of the right. You mentioned the change in Priority as being different than you claimed; this was modified to show the Beneficial Use right as being developed after the decreed right: 37-1213. It was clear in the decree (that awarded 37-1213) that only one 50 inch right was present and in use at that time. At some point after the decree the second right was believed to have been developed.

This meeting today is described by the court as an initial hearing. We are already way ahead of that process as I have done in the past. We should be able to tell the Special Master we are in agreement and are simply waiting to sign and send the formal SF5 document. Hope this helps describe where we stand today.

Steve

From: Crawford, Roy [mailto:Rcrawford@mwe.com]
Sent: Tuesday, March 03, 2009 4:14 PM
To: Clelland, Steve
Subject: RE: Silver Creek water right 37-2321

Steve, I've tried to reach you by phone, but with no luck. Our telephone conference with Special Master Billyeau is scheduled for tomorrow at 3:00 PM. I guess I would like to present a settlement agreement. Please note my new office number. My cell phone number (when I remember to bring it with me) is 415-203-9268.

Roy E. Crawford
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100
Menlo Park, California 94025
phone 650-815-7418
fax 650-815-7401
rcrawford@mwe.com

From: Clelland, Steve [mailto:Steve.Clelland@idwr.idaho.gov]
Sent: Wednesday, January 28, 2009 8:03 AM
To: Crawford, Roy
Subject: RE: Silver Creek water right 37-2321

Hi Roy,

Good to hear from you. Thanks for the heads up on this up-coming hearing. I will pull the file and get a feel for what is needed to finish it. I will check with our legal staff and see if all is well on their end too.

Steve

3/11/2009

Steve Clelland
 IDWR
 322 East Front St
 PO Box 83720
 Boise ID 83720-0098
 (208) 287-4913
steve.clelland@idwr.idaho.gov

From: Crawford, Roy [mailto:Rcrawford@mwe.com]
Sent: Tuesday, January 27, 2009 5:58 PM
To: Clelland, Steve
Cc: McGrath, Don J.
Subject: Silver Creek water right 37-2321

Steve, I notice that our "telephone hearing" on water right 37-2321 is set for March 4, a date that now is rapidly approaching. In an email dated September 22, 2008 you mentioned that Nick Spencer was working on some perpetual use right language. Is there anything for the Department to do to change from the initial recommendation not to approve water right 37-2321 to an agreement that water right 2321 should be approved by the Court? Maybe out of an abundance of caution, I would rather have this resolved prior to the telephone hearing. And I suppose the magistrate would like that, too.

Roy E. Crawford
 McDermott Will & Emery LLP
 3150 Porter Drive
 Palo Alto, CA 94304
 (650) 813-4618 - telephone
 (650) 813-5100 - fax
rcrawford@mwe.com

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Please visit <http://www.mwe.com/> for more information about our Firm.

Clelland, Steve

From: Clelland, Steve
Sent: Wednesday, June 18, 2008 9:38 AM
To: Spencer, Nick
Cc: Kelly, Vicki
Subject: Perpetual right: 37-1213 and late claim: 37-2321

Hi Nick,

I thought I would send you this brief summary of a situation regarding these two rights.

37-1213 was recommended with the old perpetual remarks, "Saved or developed right independent of priority date." It has gone on to be partially decreed on 9-29-06.

It probably should have ended there but the owners came back with another late objection, 37-2321. The claim was disallowed by me based on the comment on the water right record that the right was superceded by 37-1213. These rights are each for 1.0 cfs and the historical indication is that this is the same 1.0 cfs in total; not two water rights for 2.0 cfs. The current owner, Roy Crawford, has submitted documentation from the watermaster in Basin 37 that tends to support his case the rights have been delivered as separate rights for 2.0 cfs total.

I would like to have you review the documentation and see if you agree with Mr. Crawford. I am leaning toward his position based on what I have seen. If the right is allowed and recommended we may need to add combined right language for the POU acres.

As a side note: Do we need to re-visit the perpetual remark in the partial decree of 37-1213?

I know you are swamped with work and I have seen your calendar... is there some time that I may discuss this with you, either this week or next?

steve

RECEIVED

MAR 03 2008

DEPARTMENT OF
WATER RESOURCES

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD 37-511			PD 37-11893		
" 37-512			" 37-11894		
" 37-513			" 37-11896		
" 37-1067A					
" 37-1213					
disallowed 37-2321 recommended as right # 37-1213					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	Clint Stennett
	PO Box 475
	Ketchum, ID 83340
4. New Owner/Claimant(s)	Don J. McGrath
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	180 Montgomery St., 25th Floor
City, State and ZIP Code	San Francisco, CA 94104
New Telephone Number	(415) 765-4823 Email: don.mcgrath@bankofthewest.co

(Scanned into Docs as 37-511)

5. Date you acquired the property _____
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature(s) of New Owner(s) or Claimant(s) _____

 (Don McGarra)
 TWS778E (title if applicable)
 _____ (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____ Receipt Amt. \$150.00 + \$50
 Received by ON Date 3/3/08 / 3/21/08 Receipt No. 0096135 / 0096382
 Processed by _____ AJ Date _____ WR _____ Date _____

NCAP prepared 8-24-09

AFTER RECORDING MAIL TO:

The McGrath 1998 Trust
Bank of the West, 180 Montgomery Street
San Francisco, CA 94104

QUITCLAIM DEED

File No.: 137046-K (sn)

Date: October 02, 2006

For Value Received, **W. Clinton Stennett**, a married man as his sole and separate property, do hereby convey, release, remise, and forever quit claim unto **Don J. McGrath, Trustee of The McGrath 1998 Trust**, whose address is **Bank of the West, 180 Montgomery Street, San Francisco, CA 94104**, herein after called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

See attached legal description

together with its appurtenances.

Dated: Nov 8, 2006**W. Clinton Stennett**

APN: 015200262090

Quitclaim Deed - continued

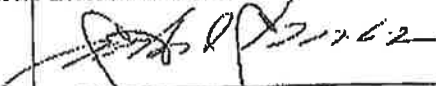
File No.: 137046-K (sn)
Date: 10/02/2006

STATE OF Idaho)

ss.

COUNTY OF Blaine)

11.8.06
On this ~~10/30/2006~~, before me, a Notary Public in and for said State, personally appeared **W. Clinton Stennett**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public of IdahoResiding at: Bellevue, ID **HAILET, ID**Commission Expires: ~~4-12-11~~ **5.8.10**

As to an undivided $\frac{1}{2}$ interest in and to the following described property:

Parcel I

A parcel of land lying within portions of Sections 26 and 35, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at an Aluminum Cap marking the Northwest Corner of said Section 35, proceed S $0^{\circ}17'38''$ E 2656.03 feet to a $\frac{5}{8}$ " rebar marking the West $\frac{1}{4}$ Corner of said Section 35; Thence S $89^{\circ}32'10''$ E, 1340.90 feet to the Southwest Corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35, Thence N $00^{\circ}21'27''$ W, 1330.74 feet to a $\frac{5}{8}$ " rebar by PLS 7048 marking the Southwest Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35, which point is the TRUE POINT OF BEGINNING;

Thence continuing N $0^{\circ}21'25''$ W, 1301.09 feet along the Line between the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35 to a $\frac{5}{8}$ " rebar by PLS 7048 marking the Southwest Corner of the Picabo Cemetery;

Thence N $89^{\circ}39'41''$ E, 263.86 feet along the Southerly Boundary of the Picabo Cemetery to a $\frac{5}{8}$ " rebar by PLS 7048 at a fencepost marking the Southeast Corner of said Cemetery;

Thence N $0^{\circ}50'54''$ E, 257.36 feet along the fence line marking the Easterly Boundary of said Cemetery to a $\frac{5}{8}$ " rebar by PLS 7048 on the Southerly Boundary of the former Railroad Right-of-Way;

Thence S $70^{\circ}40'26''$ E, 2279.85 feet along the Southerly Boundary of said former Railroad Right-of-Way to a $\frac{5}{8}$ " rebar by PLS 7048;

Thence 272.59 feet along a Curve to the Right with a Radius of 1804.19 feet, a Central Angle of $8^{\circ}39'24''$, a Tangent of 136.56 feet and Chord of 272.34 feet that bears S $66^{\circ}21'23''$ E, to a $\frac{1}{2}$ " rebar by PFP;

Thence S $0^{\circ}16'38''$ E, 712.41 feet along the line between the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 35 to a $\frac{1}{2}$ rebar with illegible cap;

Thence N $89^{\circ}39'07''$ W, 2663.90 feet along the line between the N $\frac{1}{2}$ of the N $\frac{1}{2}$ and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 35 to the TRUE POINT OF BEGINNING; containing 3,099,080 square feet, (71.145 acres), more or less.

The described Parcel appears to be subject to a Prescriptive Use Easement by the Public of undetermined width along Cutoff Road and Cutoff Road Cutoff.

Parcel II

A parcel of land lying within a portion of Section 35, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows: Commencing at an Aluminum Cap marking the Northwest Corner of said Section 35, proceed S $0^{\circ}17'38''$ E, 2656.03 feet to a $\frac{5}{8}$ " rebar marking the West $\frac{1}{4}$ Corner of said Section 35; Thence S $89^{\circ}32'10''$ E, 1340.90 feet to a $\frac{5}{8}$ " rebar by PLS 7048 marking

the Southwest Corner of the SE ¼ of the NW ¼ of said Section 35, which point is the TRUE POINT OF BEGINNING;

Thence N 0°21'27" W, 1330.74 feet along the line between the SW ¼ of the NW ¼ and the SE ¼ of the NW ¼ of said Section 35 to a 5/8" rebar by PLS 7048 marking the Northwest Corner of the SE ¼ of the NW ¼ of said Section 35;

Thence S 89°39'07" E, 2663.90 along the line between the N 1/2 of the N 1/2 and the S 1/2 of the N 1/2 of said Section 35 to a 1/2" rebar with illegible cap;

Thence S 89°16'39" E, 729.95 along the line between the N 1/2 of the N 1/2 and the S 1/2 of the N 1/2 of said Section 35 to a 1/2" rebar by PFP marking a point on the Southwesterly Boundary of the former Railroad Right-of-Way;

Thence 96.77 feet along a Non-Tangential Curve to the Right with a Radius of 1804.19 feet, a Central Angle of 3°04'23", a Tangent of 48.39 feet and a Chord of 96.75 feet that bears S 27°21'33" E, being the Southwesterly Boundary of said Railroad Right-of-Way, to a 5/8" rebar by PLS 7048;

Thence S 25°49'21" E, 1289.87 feet along the Southwesterly Boundary of said Railroad Right-of-Way to its intersection with the East Boundary of said Section 35, which point is witnessed by a 5/8" rebar by JUB lying S°01'32"E, 11.29 feet distant;

Thence S 0°22'43" E, 86.70 feet along the East Line of said Section 35 to a 5/8" rebar marking the East ¼ Corner of said Section 35;

Thence S 0°21'44" E, 2725.56 feet along the Easterly Line of said Section 35 to a 5/8" rebar by JUB marking the Southeast Corner of said Section 35;

Thence N 89°13'51" W, 2666.14 feet along the South Line of said Section 35 to a 5/8" rebar by LS907 marking the South ¼ Corner of said Section 35;

Thence N 0°14'21" W, 1351.49 feet to a 5/8" rebar by PLS 7048 marking the Northwest Corner of the SW ¼ of the SE ¼ of said Section 35;

Thence S 89°28'25" E, 1332.09 feet to a 5/8" rebar by PLS 7048 marking the Southwest Corner of the NE ¼ of the SE ¼ of said Section 35; Thence N 0°16'36" W, 985.48 feet along the Westerly Boundary of the NE ¼ of the SE ¼ of said Section 35 the Southwest Corner of an Idaho Power Substation, which point is witnessed by a copper/iron rod by Idaho Power that lies N 88°01'47" E, 6.38 feet distant;

Thence N 88°45'00" E, 251.38 feet along the Southerly Boundary of said Idaho Power Substation to a 5/8" rebar by PLS 7048 at a fence brace;

Thence N 35°49'00" W, 432.39 feet along the Northeasterly Boundary of said Idaho Power Substation, to its intersection with the Westerly Boundary of the NE ¼ of the SE ¼ of said Section 35, which point is witnessed by a copper/iron rod by Idaho Power in a fence line that lies S 35°49'00" E, 0.57 feet distant;

Thence N 0°16'36" W, 15.69 feet along the line between the NW ¼ of the SE ¼ and the NE ¼ of the SE ¼ of said Section 35 to a 5/8" rebar with no cap marking the NW Corner of said NE ¼ of the SE ¼;

Thence N 89°32'10" W, 2663.58 feet along the line between the N 1/2 and the S 1/2 of said Section 35 to the TRUE POINT OF BEGINNING; containing 10,330,450 square feet, (237.15 acres), more or less.

The described Parcel appears to be subject to a prescriptive use easement by the public of undetermined width along Cutoff Road and an unnamed Road running East-West through the Parcel connecting Cutoff Road with US Highway No. 20.

Parcel III

A parcel of land lying within portions of Section 36, Township 1 South, Range 20 East, and Sections 1 and 2, Township 2 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a 5/8" rebar by JUB marking the Corner Common to Sections 35, 36, 1 and 2, which point is the TRUE POINT OF BEGINNING;

Thence N 0°21'44" W, 1362.83 feet along the West Line of said Section 36 to the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 36;
Thence N 89°58'01" E, 691.99 feet along the North Boundary of said SW 1/4 of the SW 1/4 of Section 36 to a 5/8" rebar by JUB at the Southwesterly Boundary of the former Railroad Right-of-Way;
Thence S 25°49'21" E, 1491.71 feet along the said Southerly Boundary of the former Railroad Right-of-Way to a 5/8" rebar by PLS 7048 marking its intersection with the line between the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of said Section 36;
Thence S 0°29'18" E, 10.32 feet along the line between the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of said Section 36 to its intersection with the Line between said Sections 1 and 36 to a 5/8" rebar by JUB;
Thence N 89°33'53" E, 4.89 feet along said line between Sections 1 and 36 to a 5/8" rebar by PLS 7048 on the Southwesterly Boundary of said former Railroad Right-of-Way;
Thence S 25°49'21" E, 2793.42 feet along said former Railroad Right-Way to a 5/8" rebar by PLS 7048;
Thence 137.70 feet along a Curve to the Right with a Radius of 1810.08 feet, a Central Angle of 4°21'31", a Tangent of 68.88 feet and a Chord of 137.66 feet that bears S 23°38'36" E, along said former Railroad Right-of-Way to a 5/8" rebar by PLS 7048 marking its intersection with the South Boundary of the SE 1/4 of the NW 1/4 said Section 1;
Thence S 89°35'33" W, 2604.04 feet to a 5/8" rebar by LS 1000 marking the Southwest Corner of said SW 1/4 of the NW 1/4 of said Section 1;
Thence S 0°01'25" W, 53.34 feet along the Line between said Sections 1 and 2 to an Aluminum Cap by PLS 7048 marking the Southeast Corner of US Govt. Lot 5 in said Section 2;
Thence N 89°44'58" W, 1421.51 feet to a 5/8" rebar by PLS 7048 marking the Southwest Corner of said US Govt. Lot 5;
Thence N 0°03'00" W, 2715.12 feet to a 5/8" rebar by PLS 7048 marking the Northwest Corner of US Govt. Lot 1 of said Section 2; Thence S 89°13'51" E, 1417.88 feet along the North Line of said Section 2 to the TRUE POINT OF BEGINNING; containing 10,455,165 square feet, (240.02 acres), more or less.

The described Parcel appears to be subject to a Prescriptive Use Easement by the Public of undetermined width along Cutoff Road.

Parcel IV

A parcel of land lying within a portion of Section 36, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a 5/8" rebar by JUB marking the Southwest Corner of said Section 36, proceed N 0°21'44" W, 1362.85 feet along the West Line of said Section 36 to a 5/8" rebar by JUB marking the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 36, Thence N 89°58'01" E, 691.99 feet to a 5/8" rebar by JUB marking the intersection of the North Line of said SW 1/4 of the SW 1/4 and the Southwesterly Boundary of the former Railroad Right-of-Way, Thence continuing N 89°58'01" E, 222.12 feet along said North Line of the SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking its intersection with the Northeasterly Boundary of said former Railroad Right-of-Way, which point is the TRUE POINT OF BEGINNING;

Thence continuing N 89°58'01" E, 416.20 feet along said North Line of the SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking the Northeast Corner of said SW 1/4 of the SW 1/4; Thence S 0°29'18" E, 875.78 feet along the East Line of said SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking its intersection with the Northeasterly Boundary of said former Railroad Right-of-Way;

Thence N 25°49'21" W, 972.63 feet along said Northeasterly Boundary of the former Railroad Right-of-Way to the TRUE POINT OF BEGINNING



PRELIMINARY

AN AERIAL MAP SHOWING
MOJ BROADIE PARCELS
WITHIN S26, S35, & S36, T1S, R20E, & S1 & S2, T2S, R20E, RM, BLAINE COUNTY, IDAHO
PREPARED FOR CLINT STENNETT

RECEIVED

MAY 18 2006

May 16, 2006

Department of Water Resources
Adjudication Bureau
Roy E. Crawford
Special Counsel
Roy.Crawford@hellerehrman.com
Direct +1.415.772.6705
Direct Fax +1.415.772.2005
Main +1.415.772.6000
Fax +1.415.772.6268

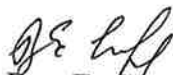
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

Dear Clerk:

Enclosed is a form objecting to the Director's Report on Water Right 37-2321.

Mr. Steve Clellan of the Department of Water Resources recommended that I file this objection, and has informed me that the objection should have been filed earlier. This water right was purchased in August 2005, by W. Clinton Stennett and me from Moj and Debbie Broadie when we purchased the ranch at which water right has been put to beneficial use for over 90 years. The Broadies had earlier objected to the Director's recommendation that this water right 37-2321 not be included in the Director's Report as a recommended right, so we thought that the objection had already been filed. Also, I have had several telephone conversations regarding this right with Mr. Clellan, dating back to 2005, who suggested that if the water right had actually been delivered since 1915, the proper approach may be to simply change the basis for the claim from "license" to "beneficial use," I had not focused on the mechanics for making this change, and (mistakenly) assumed the Department would recommend an (amended) claim.

Very truly yours,


Roy E. Crawford
Special Counsel

Enclosures

Subcase No. 37-2321

STANDARD FORM 1 OBJECTION

ATTACHMENT

E. Reasons Supporting Objections(s):

We understand that the Department did not reconnect 37-2321 for the reasons that it was considered to be a duplicate of water right 37-1213. However, this water right has been delivered along with water right 37-1213, as well as with rights 37-511, 37-512, 37-513, and 37-1067A, and put to beneficial use, since 1915, a period in excess of 90 years. The ownership of the land to which the water is appurtenant has changed from time to time over the years, and this water right has been transferred along with the land.

The watermaster has consistently administered the right according to its 1915-11-08 priority date. We understand the basis for the claim should be changed from "license" to "beneficial use."

10/02/2008

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

RIGHT NUMBER: 37-2321

NAME AND ADDRESS: THE MC GRATH 1998 TRUST
180 MONTGOMERY ST 25TH FLOOR
SAN FRANCISCO CA 94104

ROY E CRAWFORD
165 PHILLIP RD
WOODSIDE CA 94062

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 08/04/1936

POINT OF DIVERSION:

T01S R20E S36 SWNWNW 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	1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

197 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 197 acres in a single irrigation season. Combined Right Nos.: 37-1213 & 37-2321.

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

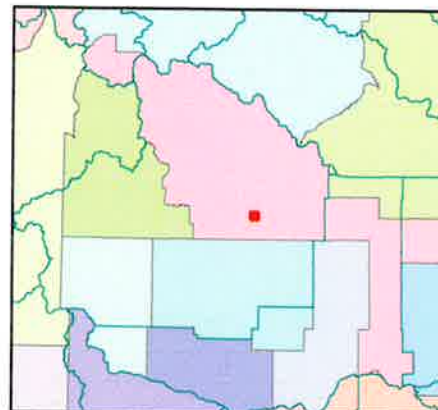
SRBA Recommendation

37-2321

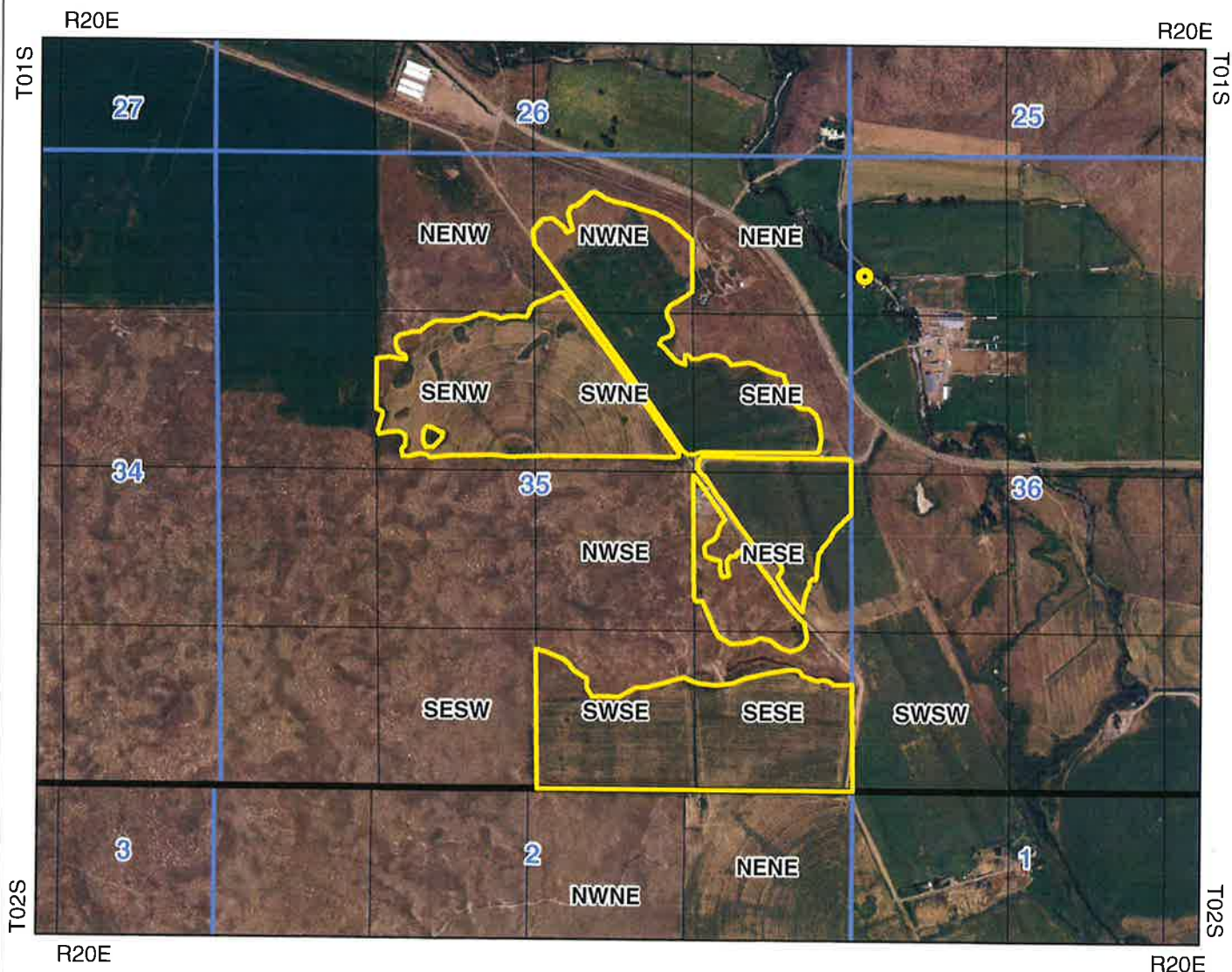
(IRRIGATION)

Legend

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



Blaine County
IDWR Basin 37



Prepared by Steve Clelland
On October 02, 2008
2004 Aerial Photography

0 0.3 0.6 1.2 Miles

Clelland, Steve

From: Clelland, Steve
Sent: Monday, August 11, 2008 9:28 AM
To: 'rcrawford@mwe.com'
Cc: Clelland, Steve; Kelly, Vicki; Spencer, Nick
Subject: Update on claims on Silver Creek (Idaho)

Right ID: 37-1213 & 37-2321

Hi Roy,

We last talked back in June, sorry this has taken so long to answer back. I reviewed these two files with our attorney Nick Spencer. It does appear we are willing to recognize the the beneficial use of 37-2321. The priority date may be moved up to the day after the decree was issued that reported the other right 37-1213.

Neidermeyer v. Mans Coffin, Watermaster (Lincoln County 1936)

The decree awarding 37-1213 was signed by the judge on August 3, 1936 so your right would be assigned August 4, 1936 as the day the beneficial use right could begin.

Nick S. is currently working on a remark that better describes the Perpetual use for right 37-1213. He is reviewing all the Perpetual rights on Siver Creek to assure equal treatment of the perpetual uses. At this time we are not sure how to treat your right since it has already been Partially Decreed by the SRBA court.

Let me know if you have further questions.
Steve Clelland

Roy E. Crawford
165 Phillip Road
Woodside, CA 94062

May 12, 2008

RECEIVED

MAY 15 2008

DEPARTMENT OF
WATER RESOURCES

Steve Clelland
Idaho Department of Water Resources
322 East First Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right 37-2321

Dear Steve:

I visited the office of Kevin Lakey, the Watermaster for District 37, in Shoshone, to see what records exist that would show the extent to which water right 37-2321 has historically been delivered.

Kevin had the general understanding that water right 37-2321 may have been a duplicate of the "perpetual" right 37-1213, despite the oddity that water right 37-2321 has a 1915 priority date and water right 37-1213 has a 1917 date, and one would expect the earlier date to have the lower number.

Nevertheless, I think Kevin believes that water right 37-2321 has in fact been delivered for many years. To document this, Kevin provided me with copies of several records, including:

Attachment 1. Decree Book at the Watermaster's office. This decree book shows that the former Broadie ranch (the water rights now owned by me and by Don McGrath) has six water rights listed, totaling 3.8 CFS. Water right 37-2321 is 1.0 CFS, so the Broadie water rights excluding water right 37-2321 totals 2.8 inches. Delivery of water in preceding years in excess of 2.8 inches would indicate delivery of water under right 37-2321, absent some other event such as a temporary lease of water or transfer under a drought transfer arrangement.

Attachment 2. We then looked at year 2000. The full compliment of 3.8 CFS was delivered June 5 through June 14, when the delivery was cut back to 2.51 CFS. This indicates that water was delivered under water right 37-2321 in year 2000.

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MAY 15 2008

Attachment 3. Next we looked at year 1960, a year chosen because it preceded by something like 19 years the "added" water from a well developed by Pat Millington, the then owner of the Suzy Q Ranch. Part of that water right had as its original place of use a piece of ground leased by Pat Millington from Moj Broadie. The name of the water right holder on the Watermaster's books in 1960 was Neidermeyer, number 23. In July 1960, 3.2 CFS was delivered to the ranch from July 1 through July 24, when it was cut back in increments to 2.4 CFS on July 27. Kevin concluded that part of water right 37-2321 was delivered in year 1960.

We looked at other records, but did not copy any, because interpretation of the records becomes harder with name changes and water transfers. I think it is fair to say that Kevin concluded that the older records are consistent with delivery of water under right 37-2321 for these periods.

Attachment 4. I mentioned to you in a prior telephone conversation that in year 2005 I had asked the Watermaster the dates in recent prior years each of the water rights were delivered, and the schedule sent to me showed the dates of recent delivery of water right 37-2321. (The number of the water right is not shown: it is listed under the cut off date of 11/8/1915.) I enclose that schedule as Attachment 4.

We would greatly appreciate it if you would review these records in light of our appeal of the recommendation of the Department to disapprove our claim of water right 37-2321. It appears that the water right has in fact historically been delivered, and the claim, based on beneficial use, should be recommended for approval. Water Right 37-1213 has been administered as a "perpetual" right, and Water Right 37-2321 has been administered as a separate water right with a November 8, 1915 priority date.

Very truly yours,



Roy E. Crawford

RC/dw
Enclosures
cc: Don McGrath
Kevin Lakey

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11/01/1885	Cut off date	9/01/1887	Cut off date	4/01/1888	Cut off date
1995	9/30/1995	1995	9/30/1995	1995	9/30/1995
1996	9/30/1996	1996	9/30/1996	1996	7/10/1996
1997	9/30/1997	1997	9/30/1997	1997	9/30/1997
1998	9/30/1998	1998	9/30/1998	1998	9/30/1998
1999	9/30/1999	1999	9/30/1999	1999	9/30/1999
2000	7/11/2000	2000	6/12/2000	2000	6/12/2000
2001	4/2/2001	2001	4/2/2001	2001	4/2/2001
2002	7/9/2002	2002	6/18/2002	2002	6/18/2002
2003	7/9/2003	2003	7/9/2003	2003	7/9/2003
2004	7/19/2004	2004	7/12/2004	2004	7/12/2004

4/01/1890	Cut off date	11/8/1915	Cut off date
1995	9/30/1995	1995	7/17/1995
1996	7/1/1996	1996	6/24/1996
1997	9/30/1997	1997	7/16/1997
1998	9/30/1998	1998	9/30/1998
1999	9/30/1999	1999	7/26/1999
2000	6/12/2000	2000	6/12/2000
2001	4/2/2001	2001	4/2/2001
2002	6/18/2002	2002	6/18/2002
2003	7/9/2003	2003	5/28/2003
2004	7/6/2004	2004	6/18/2004

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MAY 15 2008

Attachment 4

WATER DISTRICT 37 & 37M

CANAL NAME	BRODIE					CANAL NO. 23	2000
OWNER	MOJ BRODIE						
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	DATE
1			3.13	1.20	2.00	2.00	1
2			3.13	1.20	2.00	2.00	2
3			3.13	1.20	2.00	2.00	3
4			3.13	1.20	2.00	2.00	4
5			3.80	1.20	2.00	2.00	5
6			3.80	1.20	2.00	2.00	6
7			3.80	1.20	2.00	2.00	7
8			3.80	1.20	2.00	2.00	8
9			3.80	1.20	2.00	2.00	9
10			3.80	1.20	2.00	2.00	10
11			3.80	1.20	2.00	2.00	11
12			3.80	1.00	2.00	2.00	12
13			3.80	1.00	2.00	2.00	13
14			2.51	1.00	2.00	2.00	14
15			2.51	1.00	2.00	2.00	15
16			1.20	1.00	2.00	2.00	16
17		2.80	1.20	1.00	2.00	2.00	17
18		2.80	1.20	1.00	2.00	2.00	18
19		3.13	1.20	1.00	2.00	2.00	19
20		3.13	1.20	1.00	2.00	2.00	20
21		3.13	1.20	1.00	2.00	2.00	21
22		3.13	1.20	1.00	2.00	2.00	22
23		3.13	1.20	1.00	2.00	2.00	23
24		3.13	1.20	1.00	2.00	2.00	24
25		3.13	1.20	1.00	2.00	2.00	25
26		3.13	1.20	1.00	2.00	2.00	26
27		3.13	1.20	1.00	2.00	2.00	27
28		3.13	1.20	2.00	2.00	2.00	28
29		3.13	1.20	2.00	2.00	2.00	29
30		3.13	1.20	2.00	2.00	2.00	30
31		3.13		2.00	2.00		31
TOTAL	0.00	46.29	69.74	37.20	62.00	60.00	

YEARLY C F S	275
YEARLY ACRE FEET	545
TOTAL NO OF DAYS	137
YEARLY MEAN	2

Little Wood River Above Richfield.

JULY - 1960

		July - 1960																													
No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
1	Buller	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.0	4.8	4.4	4.0	3.6	3.2	3.0	2.8	2.6	2.5	2.4	2.3	2.2	2.4	2.6	2.8	2.8	2.8	2.8	2.8	
	Rogers Sprinkler	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	
10	Gillihan & Heath	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	
11	Gillihan & Co.	9.6	11.2	11.2	12.6	14.0	11.5	9.0	6.5	4.0	4.0	4.0	4.0	4.0	4.0	3.6	3.8	4.0	4.0	4.0	5.5	7.0	7.0	7.0	7.0	7.0	11.4	1.5	1.5	1.5	
12	Gillihan & Retsnour	0.6	1.3	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	
13	Stanfield	4.0	4.0	3.9	3.8	3.7	3.6	3.8	4.0	4.0	3.9	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.9	4.0	3.9	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	
14	High Line			0	2.6	5.2	6.1	7.0	5.5	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	5.8	5.2	5.2	5.2	5.1	4.9	4.9	4.9	4.9	4.9	4.9	
14-A	Molyncaux Pump	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	
15	Patterson	2.0	2.0	2.0	1.0	0	0	0	2.6	5.2	5.2	4.1	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	
17	Albrethsen	4.0	0			0	2.1	4.2	7.6	6.2	5.2	4.2	6.1	8.0	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	
18	Kilpatrick	31.0	31.0	31.0	31.0	31.0	32.4	33.8	33.8	33.6	33.5	33.4	33.4	29.3	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	25.5	25.0	24.8	2.4	2.4	2.4	
19	Idon & Pump	13.0	13.0	13.0	11.0	10.0	8.4	7.0	7.6	7.6	7.6	9.4	10.9	11.1	11.6	11.6	11.6	11.6	11.8	12.0	11.3	10.7	9.2	8.6	8.0	7.5	7.5	7.5	7.5	7.5	
21	Baker & Co.											0	1.1	3.4	3.4	3.4	3.4	3.4	3.4	3.7	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	
22	Chaumell	3.4	3.4	3.4	3.6	3.9	3.9	3.9	3.6	3.4	2.7	0	1.1	3.4	3.4	3.4	3.4	3.4	3.4	3.7	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	
23	Neidermeyer	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	
24	Lawson	4.6	4.6	4.6	5.8	6.7	6.7	6.6	6.5	6.6	6.7	2.8	0		0	2.7	4.6	4.6	4.6	4.6	4.6	4.5	4.3	4.3	4.3	4.2	4.1	4.1	4.1	4.1	
26-28	Brett	1.6	1.6	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.2	0				0	1.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
29	Clark	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.5	2.5	2.5	2.5	3.0	3.5	3.0	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	
30	Hunter	4.2	3.6	3.2	1.2	0						0	2.6	4.2	3.9	1.4	0														
Total Diversions Above Sta. 18		963	940	935	938	957	959	965	989	982	961	911	913	905	907	899	897	904	912	915	922	927	907	897	883	900					
31	Osterhouse	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.1	2.1	2.1	2.1	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
32-33	C. M. Glocklin	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	0	5.2	8.3	6.7	6.8	6.9	6.9	6.9	4.3	0					0	3.5	3.5	3.5	3.5	
36	Smith & Co.																														
36-39	W. B. M. Glocklin	5.6	5.6	5.8	5.8	5.8	5.5	5.8	5.8	5.8	5.8	5.9	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	
40	Cook-Howard	4.8	4.8	4.8	4.8	4.8	5.0	5.1	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.5	4.0	4.0	4.0	3.5	4.5	4.4	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	
40	Dist. 11- C. Water	3.0	3.0	3.0	3.0	2.8	2.5	2.8	3.2	3.2	3.2	3.2	3.1	3.0	3.1	3.2	3.2	3.2	2.4	2.4	3.2	3.2	3.0	2.9	2.8	2.7	2.7	2.7	2.7	2.7	
41	Cook	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	0.9	0					0	3.7	5.6	4.5	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	
44	Ragsdale	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	
49	Dixon																														
54	Wilcox																														
Total Diver Sta. 18 to Sta. 10		267	267	269	269	267	263	270	270	270	223	268	299	282	281	277	277	278	276	262	270	274	272	271	270	266					
Total Diver Above Richfield		1230	1207	1204	1207	1224	1222	1235	1259	1252	1184	1179	1212	1187	1188	1176	1174	1182	1188	1177	1182	1201	1179	1168	1153	1166					
Total Diver Above Richfield		590	600	600	610	660	670	620	600	620	670	760	740	680	670	640	620	600	580	620	600	580	560	560	570	570					

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total		
	52	52	52	52	52	52	52	52	52	50	48	44	40	36	32	30	28	26	25	24	23	22	24	26	28	30	31	32	32	32	32	1163		
	14	14	14	14	14	14	14	14	14	14	14	14	14	14	07	0																203		
	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	71.3		
	9.6	11.2	11.2	12.6	14.0	11.5	9.0	6.5	4.0	4.0	4.0	4.0	4.0	3.6	3.8	4.0	4.0	4.0	4.0	5.5	7.0	7.0	7.0	7.0	11.4	15.8	17.0	17.0	15.2	13.4	13.4	265.7		
	0.6	1.3	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	38.8		
	4.0	4.0	3.9	3.8	3.7	3.6	3.8	4.0	4.0	3.9	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.9	4.0	3.9	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	118.9		
			0	2.6	5.2	6.1	7.0	5.5	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	5.8	5.2	5.2	5.2	5.1	4.9	4.9	4.6	4.2	4.1	4.0	4.0	4.0	151.6		
	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.2	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	3.2	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	104.4	
	2.0	2.0	2.0	1.0	0	0	0	2.6	5.2	5.2	4.1	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	1.5	0	1.1	2.2	2.8	3.6	3.6	77.9		
	4.0	0			0	2.1	4.2	7.6	6.2	5.2	4.2	6.1	8.0	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	2.4	8.2	7.0	2.3	0			20.43		
	31.0	31.0	31.0	31.0	31.0	32.4	33.8	33.8	33.6	33.5	33.4	33.4	29.3	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	25.5	25.0	24.8	24.8	24.6	24.2	24.2	24.2	24.2	873.7		
	13.0	13.0	13.0	11.0	10.0	8.4	7.0	7.6	7.6	7.6	9.4	10.9	11.1	11.6	11.6	11.6	11.6	11.8	12.0	11.3	10.7	9.2	8.6	8.0	9.5	11.0	12.8	12.5	11.5	11.2	11.2	327.3		
																																	0.0	
	3.4	3.4	3.4	3.6	3.9	3.9	3.9	3.6	3.4	2.7	0	1.1	3.4	3.4	3.4	3.4	3.4	3.7	3.9	3.9	3.9	3.9	3.9	3.9	3.8	3.7	3.4	3.3	3.9	3.6	3.4	3.4	105.0	
	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.1	3.0	2.9	2.4	2.4	2.4	2.4	2.4	9.46	
	4.6	4.6	4.6	5.8	6.7	6.7	6.6	6.5	6.6	6.7	2.8	0		0	2.7	4.6	4.6	4.6	4.6	4.6	4.5	4.3	4.3	4.2	4.1	3.8	3.5	4.4	5.3	5.3	5.3	5.3	136.9	
	1.6	1.6	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.2	0				0	1.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.4	1.3	1.3	1.4	1.2	1.2	37.2	
	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.5	2.5	2.5	2.5	3.0	3.3	3.0	2.5	2.5	2.5	2.5	2.5	2.1	2.2	2.2	2.2	2.2	2.2	79.3	
	4.2	3.6	3.2	1.2	0					0	2.6	4.2	3.9	3.9	1.4	0													0	1.8	2.8	3.0	35.8	
	963	940	935	938	957	959	965	989	982	961	911	913	905	907	899	897	904	912	915	922	927	907	897	883	900	923	933	906	885	878	880	2859.3		
	20	20	20	20	20	20	20	20	20	20	21	21	21	21	20	20	20	20	20	20	20	20	20	20	20	18	15	17	19	19	19	61.1		
	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	3.2	3.7	3.7	3.7	3.7	3.7	2.6	2.0	2.0	2.0	2.1	2.0	2.0	70.7	
										0	5.2	8.3	6.7	6.8	6.9	6.9	6.9	4.3	0						0	3.5	5.6	4.6	5.1	5.6	5.6	5.6	87.6	
	5.6	5.6	5.8	5.8	5.8	5.5	5.8	5.8	5.8	5.8	5.9	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	5.5	4.5	5.2	6.0	6.0	6.0	180.4	
	4.8	4.8	4.8	4.8	4.8	5.0	5.1	4.8	4.8	4.8	4.8	4.8	4.8	4.5	4.0	4.0	4.0	3.5	4.5	4.4	4.8	4.8	4.8	4.8	4.8	4.1	3.4	4.2	5.0	5.0	5.0	5.0	142.5	
	3.0	3.0	3.0	3.0	2.8	2.5	2.8	3.2	3.2	3.2	3.2	3.1	3.0	3.1	3.2	3.2	3.2	2.4	2.4	3.2	3.2	3.0	2.9	2.8	2.7	2.9	3.1	3.0	2.8	2.8	2.8	2.8	91.7	
	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	0.9	0						0	3.7	5.6	4.5	4.0	4.0	4.0	4.0	1.3	0							82.4	
	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.2	2.8	3.1	3.4	3.4	3.4	110.9	
																																		0.0
																																		0.0
	26.7	26.7	26.9	26.9	26.7	26.3	27.0	27.0	27.0	22.3	26.8	29.9	28.2	28.1	27.7	27.7	27.8	27.6	26.2	27.0	27.4	27.2	27.1	27.0	26.6	25.1	21.9	24.3	26.8	26.7	26.7	827.3		
	123.0	120.7	120.4	120.7	122.4	122.2	123.5	125.9	125.2	118.4	117.9	121.2	118.7	118.8	117.6	117.4	118.2	118.8	117.7	119.2	120.1	117.9	116.8	115.3	116.6	117.4	115.2	114.9	115.3	114.5	114.7	3686.6		
id	590	600	60.0	61.0	66.0	67.0	62.0	60.0	62.0	67.0	76.0	74.0	68.0	67.0	64.0	62.0	60.0	58.0	62.0	60.0	58.0	56.0	56.0	57.0	57.0	55.0	51.0	45.0	47.0	48.0	48.0	1,853.0		
rev	182.0	180.7	180.4	181.7	188.4	189.2	185.5	185.9	187.2	185.4	193.9	195.2	186.7	185.8	181.6	179.4	178.2	176.8	179.7	179.2	178.1	173.9	172.8	172.3	173.6	172.4	166.2	159.9	162.3	162.3	162.7	5,539.6		

R	DIVER NAME	OWNER	STATE ID #	OWNER	PRIORITY DATE	INCHES	CFS	OWNER CFS	CANAL CFS
X	MAN	BRETT BASHAW WATER FROM TICK TOCK 16-P1	37-07349A	DON MC FARLAND	03/07/1974	59.47	1.17	1.17	
X	MAN	WILLIAM J SWANSON RLR-05 WATER FROM TICK TOCK 16-P1 TRANSFER # 68553 COMBINED TOTAL TO DELIVER OF 37-02683B & 37-7349B 1.24 CFS	37-07349B	DON MC FARLAND	03/07/1974	20.53	0.43	0.43	
X	SWAN	WILLIAM J SWANSON	37-08726	W J SWANSON	03/27/1991	125.00	2.50	2.50	2.50
C	SWAN	WILLIAM J SWANSON RLR 06 LOSS TO SYSTEM FOR SEEPAGE & EVAPORATION SEE TR# 68970	37-0351C	JOHNSON & NISSON	06/01/1886	4.50	0.09		
C	SWAN	WILLIAM J SWANSON RLR 06 LOSS TO SYSTEM FOR SEEPAGE & EVAPORATION SEE TR# 68970	37-0352C	H P JOHNSON	06/15/1887	10.50	0.21		
X	CHAUMELL	SCI PROPERTIES, LLC WATER FROM CASTLE WELL, 10% LOSS	37-7770	(OUT OF CREEK)	03/29/1979	277.20	5.54		
C	CHAUMELL	SCI PROPERTIES, LLC	37-1096A	L.J.BAKER	11/01/1889	40.00	0.80	0.80	0.80
C	CHAUMELL	SCI PROPERTIES, LLC	37-1097	L.J.BAKER	05/31/1890	60.00	1.20	1.20	1.20
C	CHAUMELL	SCI PROPERTIES, LLC	37-0215G	F FATOR & A IFLAND	PERP	120.00	2.40	2.40	2.40
C	CHAUMELL	SCI PROPERTIES, LLC SEE 16P SAME WELL	37-7770	CASTLE & MILL	03/29/1979				
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-1213	EARL NIEDERMEYER	PERP	50.00	1.00	1.00	1.00
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-0511	G.C.NEIDERMEYER	11/01/1885	10.00	0.20	1.20	1.20
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-0512	G.C.NEIDERMEYER	09/01/1887	20.00	0.40	1.60	1.60
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-0513	G.C.NEIDERMEYER	04/01/1888	20.00	0.40	2.00	2.00
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-1067A	M.A.OLIVERAS	04/01/1890	40.00	0.80	2.80	2.80
C	BROADIE	CLINT STENNETT & ROY CRAWFORD	37-2321	ROLLY BAKER	11/08/1915	50.00	1.00	3.80	3.80

3/20/04
Deer Creek
at
Watermasters
6/1/04

COPY

RECEIVED

APR 08 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 37-2321

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Roy E. Crawford

Address: 165 Phillip Road

Woodside, CA 94062

Daytime Phone: (415) 203-9268

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Roy E. Crawford

Address: 165 Phillip Road

Woodside, CA 94062

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Beneficial use
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** The IDWR staff incorrectly believed this water right was a duplicate of water right 37-1213. It is not a duplicate. Both water rights have been delivered and put to beneficial use historically. The watermaster has administered this right with a Nov. 18, 1915 priority and water right 37-1213 with a 1918 priority.

F.

VERIFICATION (must be completed)

State of California)
)ss.
County of San Mateo)

Roy E. Crawford, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

R. E. Crawford
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 4, 2008

Notary Public for California
Residing at: Santa Clara County
My Commission Expires: 9/23/2008



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 4, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

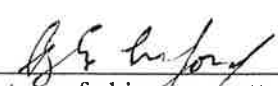
Name: Roy E. Crawford
Address: 165 Phillip Road
Woodside, CA 94062

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

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

In Re SRBA)

A. Subcase 37-2321

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Roy E. Crawford

Address: 165 Phillip Road

Woodside, CA 94062

Daytime Phone: (415) 772-6705

Name & Address of Attorney, if any:

[none]

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: W. Clinton Stennett

Roy E. Crawford

Address: P. O. Box 475

165 Phillip Road

Ketchum, Idaho 83340

Woodside, CA 94062

(208) 726-8106

(415) 772-6705

SCANNED

MAY 22 2008

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): SEE ATTACHMENT

Subcase No. 37-2321

STANDARD FORM 1 OBJECTION

ATTACHMENT

E. Reasons Supporting Objections(s):

We understand that the Department did not reconnect 37-2321 for the reasons that it was considered to be a duplicate of water right 37-1213. However, this water right has been delivered along with water right 37-1213, as well as with rights 37-511, 37-512, 37-513, and 37-1067A, and put to beneficial use, since 1915, a period in excess of 90 years. The ownership of the land to which the water is appurtenant has changed from time to time over the years, and this water right has been transferred along with the land.

The watermaster has consistently administered the right according to its 1915-11-08 priority date. We understand the basis for the claim should be changed from "license" to "beneficial use."

SCANNED

MAY 22 2006

F.

VERIFICATION (must be completed)

State of California)
)ss.

County of San Francisco)

Roy E. Crawford, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 16, 2006

Samantha Andrada
Notary Public for California

Residing at: _____

My Commission Expires: January 8, 2010



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 15, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: None - I am the claimant.

Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 16, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: None - I am the claimant.

Address: _____

3. Copies to:

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PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf

MEMO

TO: file 37-2321
FROM: Steve Clelland
DATE: 11-09-05

RE: review of WR files contents

=====

This day I met with legal staff, Nick S., to determine the correct approach for review of this claim as a valid right. Nothing in the file indicates the use of a second right wouldn't be possible but additional documentation is necessary to prove the right as valid. I reviewed the WR files in the vault for key info and found the following:

- 37-1213 file contains a copy of the decree only. Makes reference to the transfer in file 37-939.
- 37-939 Transfer copies, transfer #4390 part 2, restates in #5, "Rt. Supercedes lic. 37-2321". Dated July 19th 1994. 37-2321 is not part of the transfer.
- 37-2321 Printout of the right, 5-16-1985, "superceded by decree. See No. 37-1213.
Deposition of right holder describes duty of water as 1"/acre. June 18th 1920.
Proof of completion 11-7-1918.

Water Right Report

Page 1 of 2

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AUG 29 2005

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

08/23/2005

WATER RIGHT NO. 37-2321

Owner Type	Name and Address
Current Owner	DEBORAH BROADIE
Current Owner	MOJ BROADIE
	222 PICABO CUTOFF RD
	CAREY, ID 83320
	(208)788-4455

Priority Date: 11/08/1915

Basis: License

Status: Active

Source	Tributary
SILVER CREEK	LITTLE WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	1 CFS	
DOMESTIC USE	01/01	12/31	1 CFS	
Total Diversion				

and STOCKWATER

MB

KATHI L. PECK
Notary Public
State of Idaho

I certify that Moj Broadie
signed below on 8/24/05.

Moj Broadie Kathi L. Peck
Carey, ID.
ex. 8/31/07

Location of Point(s) of Diversion:

SILVER CREEK	SWNWNW	Sec. 36	Township 01S	Range 20E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

SCANNED

AUG 30 2005

Water Right Report

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	20E	35		NWNE	23		SWNE	34		SENE	20			
				SENE	32									
				NESE	17		SWSE	28		SESE	29			

Total Acres: 183

Conditions of Approval:

1. WE FEEL WE HAVE THE DOCUMENTS TO SUBSTANTIATE THIS RIGHT.
--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

SCANNED

AUG 30 2005

Payment Amount \$64.00 Date Received 6/20/2005 2:00:17 PM Region State Status
Payment Type Check Check Number 1947

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$64.00	ADJUDICATION FILING FEE	0337		41503	1155

[illegible]

Signature Line (Dept. Representative)

06/09/2005

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

RIGHT NUMBER: 37-2321

DISALLOW

NAME AND ADDRESS: DEBORAH BROADIE
222 PICABO CUTOFF RD
CAREY ID 83320

MOJ BROADIE
222 PICABO CUTOFF RD
CAREY ID 83320

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: CFS

PRIORITY DATE:

POINT OF DIVERSION:

BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE: IRRIGATION Within BLAINE County

ACRES TOTAL

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

Recommended as Right No. 37-1213.

EXPLANATORY MATERIAL:

APR 30 1980

Note! copy of the complaint is in ^{Department of Water Resources} File 876

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

EARL NIEDERMEYER,

Plaintiff,

vs.

MANS COFFIN, Watermaster of
Water District No. 11-AB, Silver
Creek and Lower Little Wood River,

Defendants.

(D E C R E E

)

The above cause came on regularly for hearing before the above court, sitting in regular session at Shoshone, in Lincoln County, Idaho, on the 3rd day of August, 1936, at 1:30 o'clock P. M., the plaintiff appearing in person and by his attorney, A. F. James, and the defendant appearing not at all. It appeared further that the default of said defendant for his failure to plead had been duly entered by the Clerk, also that the plaintiff had duly and regularly caused to be published for four successive weeks in the Hailey Times, a weekly newspaper published at Hailey, in Blaine County, Idaho, a notice of the pendency and the purpose of this action, which said newspaper had been theretofore designated by this court to make such publication, which notice contained the title of the court and cause, the name of the stream, in the waters of which plaintiff claims an interest, namely, Big Wood River and its tributaries, including Little Wood River and Silver Creek, the date of priority claimed by plaintiff and the date and title of the decree heretofore entered fixing the permanent rights in said streams. It appeared further that no interested party or any party had appeared in said cause or defended

MICROFILMED

APR 04 1988

against plaintiff's rights set out in the complaint.

Whereupon, testimony and documentary evidence were introduced and admitted on behalf of plaintiff and the cause submitted to the court for his consideration and decision and the court having taken the matter under consideration and being fully advised in the premises, it is hereby adjudged and decreed as follows:

37 1213 That each and all of the allegations of the complaint are true. That on or about the 7th day of November, 1918, plaintiff's predecessor in interest, one Rolly L. Baker, saved and reclaimed one (1) cubic ft. per second of time of the waters of Silver Creek, which waters would otherwise have been wasted and lost. That the plaintiff, Earl Niedermeyer, is hereby decreed to be the owner of the right to the use of one cubic ft. per second of time of the waters of Silver Creek so reclaimed and saved by the said Rolly L. Baker, as aforesaid, for the irrigation of the lands described in the complaint, to-wit, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, E $\frac{1}{2}$ of the SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Sec. 35, Twp. 1 S. R. 20 E. B. M. situate in Blaine County, State of Idaho, and for domestic purposes thereon, and that said water right is hereby made appurtenant to said land. That said water right is hereby decreed to be a saved and developed water right, and an absolute, independent and perpetual water right and independent of and prior to all other rights on Silver Creek and Little Wood River, save and except similar saved and developed water rights. The rights of the plaintiff as determined herein are subject to the terms of that certain decree entered December 13, 1909, in the District Court of the Fourth Judicial District of the State of Idaho, in and for Lincoln County, in the

RECORDED

APR 04 1988

case entitled S. C. Frost et al, plaintiffs, vs. Alturas
Water Company, et al, defendants.

Dated this 3rd day of August, 1936.

J. H. Stephen

DISTRICT JUDGE

STATE of IDAHO	)
COUNTY of LINCOLN	) SS
I hereby certify that this is a true and correct copy of the original.	
Date <i>April 29</i> 19 <i>36</i>	
By <i>Marilyn Ladgett</i>	
Deputy Clerk	

MICROFILMED

APR 29 1936