

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: **A37-02468C**
Date Received: 10/20/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: G PETER KOSS 208-726-3351
Address: PO BOX 1758
KETCHUM ID 83340

2. Date of Priority: FEB 15, 1945

3. Source: LEES GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, PIPE IN DITCH FOR GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.670		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 13.4 Acre Feet Per Annum.

9. Non-irrigation uses:
EXTERNAL DOMESTIC USE AT ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	2	NE	NW	3	IRR	6.0

Section Acres 6.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE.

14. Remarks:

OWNERSHIP CHANGE RESULTS IN A SPLIT. A37-02468B WITH TWO ACRES
(.33 CFS) BELONGS TO GOULEY. A37-02468C WITH SIX ACRES (.67 CFS)
BELONGS TO KOSS. WARRANTY AND QUITCLAIM DEED SHOWING CHAIN
OF OWNERSHIP INCLUDED. TLB 8/1/95
VIA PHONE CALL, MR. GOULEY INFORMED ME THAT THE DOMESTIC PART
WENT WITH MR. KOSS. TLB 8/7/95

15. Basis of Claim: LICENSE

Water Right Number: 19589

MICROFILMED
NOV 22 1996

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: **A37-02468C**

Date Received: 10/20/1988

Receipt No: X777777

Received By: RLB

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: G PETER KOSS 208-726-3351
Address: PO BOX 1758
KETCHUM ID 83340

2. Date of Priority: FEB 15, 1945

3. Source: LEES GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, PIPE IN DITCH FOR GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.670		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 13.4 Acre Feet Per Annum.

9. Non-irrigation uses:
EXTERNAL DOMESTIC USE AT ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	2	NE	NW	3	IRR	6.0

Section Acres 6.0

RECORDED
NOV 22 1996

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
 NONE.

14. Remarks:
 OWNERSHIP CHANGE RESULTS IN A SPLIT. A37-02468B WITH TWO ACRES
 (.33 CFS) BELONGS TO GOULEY. A37-02468C WITH SIX ACRES (.67 CFS)
 BELONGS TO KOSS. WARRANTY AND QUITCLAIM DEED SHOWING CHAIN
 OF OWNERSHIP INCLUDED. TLB 8/1/95

15. Basis of Claim: LICENSE

Water Right Number: 19589

MICROFILMED
NOV 22 1996

RECEIVED

FEB 23 1993

Department of Water Resources
Southern Region Office

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 5/9/91

LEGAL DESCRIPTION OF PROPERTY: Township 1 North Range 18 East
Section 2, NE 1/4 of NW 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
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: A37-02468 A37-11880

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert Romanazzi and Patricia Romanazzi
P.O. Box 184

☐ New Owner/Claimant (Purchaser): Manacquan, NJ 08736
G. Peter Koss

☐ New Mailing Address: P.O. Box 1758
Ketchum, Idaho 83340

☐ New Telephone Number: (208) 726 - 3351

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
A37-02468 .67CFS to irrigate 6 acres in Ne, NW of Section 2

☐ Attach proof of ownership, describe proof attached: 2 Warranty Deeds 1 Quitclaim Deed

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

☐ Signature of New Owner/Claimant(s): [Signature] Date 2-22-93

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8/1/95 By: MSB

Claim Numbers of Split, if any:

A37-02468B & A37-02468C

MICROFILMED

NOV 22 1996

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

Order No. 15036EX

WARRANTY DEED

RECEIVED

FEB 23 1991

Department of Water
Southern Region

For Value Received Robert Romanazzi, a single man and Patricia Romanazzi, shown of record as Patricia Stake, a married woman dealing with her sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto G. Peter Koss, a married man dealing in his sole and separate property whose address is: P. O. Box 1758, Ketchum, ID, 83340

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

Lots 1 & 2 in Block 1 of LEE'S GULCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 328157, records of Blaine County, Idaho.

Together with an undivided two-thirds (2/3) interest in that certain water right represented by Notice of Claim A37-02460 filed by Gerald D. and/or Lola Sherman in In Re The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls County District Court Case No. 39576 (hereinafter referred to as the "Adjudication")

AND

Together with all of that certain water right represented by Notice of Claim A37-11880 filed by Gerald D. and/or Lola Sherman in Adjudication.

SUBJECT TO:

A Mortgage to secure an indebtedness of \$255,000.00, recorded June 11, 1990, as Instrument No. 320534, records of Blaine County, Idaho.

Dated: May 31, 1990.

Mortgagor: Robert Romanazzi, a single man and Patricia Romanazzi, a single woman.

Mortgagee: Richard W. Gouley and Kathleen Chase Gouley, husband and wife.

Final Due Date: May 31, 1992.

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: April 22, 1991

Robert Romanazzi

Patricia Romanazzi

State of Idaho

County of Blaine

On May 11, 1991 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Romanazzi, 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: 3/1/95



MICROFILMED

NOV 22 1996

POOR ORIGINAL

State of Idaho

County of Blaine

On March 17, 1993 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Romanazzi, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as the Attorney in Fact of Patricia Romanazzi and acknowledged to me that he subscribed the name(s) of Patricia Romanazzi thereto as principal(s), and his own name as Attorney in Fact.

WITNESS my hand and official seal.

Signature

Robert Romanazzi

51193



NOTARY REQUEST

FIRST AMERICAN TITLE CO.

RS 007-0 2.10.51

329897

6⁰⁰ MP Deed

POOR ORIGINAL

MICROFILMED

NOV 22 1996

16545

Courtesy of RAWLCO, Inc.
Published past 1990

Record at

WARRANTY DEED

RECEIVED

For Value Received

Richard W. Couley and Kathleen Chase Couley, husband and wife

FEB 23 1993

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

Robert Romanazzi, a single man; and Patricia Romanazzi, a single woman

whose address is: P.O. Box 184, Manassas, NJ 08736

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

Township 1 North, Range 18 East, 14th, Blaine County, Idaho

Section 21 Government Lot 3

Together with a two-thirds (2/3) interest in the water rights attached hereto
as Exhibit "A";

AND

Together with all of the water rights attached hereto as Exhibit "B".

PROPERTY SHALL NOT BE SUBDIVIDED INTO MORE THAN FIVE (5) LOTS.

MICROFILMED

NOV 22 1996

NOV 22 1996

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: June 4, 1990

Richard W. Couley

Kathleen Chase Couley

MICROFILMED

NOV 22 1996

STATE OF Idaho, COUNTY OF Blaine
On this 8th day of June, 1990,
before me, a notary public in and for the State of Idaho, personally appeared:

Richard W. Couley and Kathleen Chase Couley

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Notary Public
Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of Rawlco Title Co., Inc.

at 3:11 minutes past 11 o'clock P.M.
this 19th day of June, 1990, in my office, and duly recorded in Book
of Deeds at page

Notary Public

By Deputy

Fees \$18.00
Mail to

POOR ORIGINAL

4300532

EXHIBIT 000

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: A37-02468

Date Received: 10/20/1988

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD D. SHERMAN 208-788-5697
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID 83313

AND/OR
Name: LOLA SHERMAN 208-788-5697
Address: BOX 48 TOWNSEND GULCH ROAD
BELLEVUE, ID 83313

2. Date of Priority: FEB 15, 1945

3. Source: LEES GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, PIPE IN DITCH FOR GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	04/01	11/01	1.000	
DOMESTIC	01/01	12/31	0.020	

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

A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
EXTERNAL DOMESTIC USE AT ONE HOME

DEED 2/3 TO BUYER

A37-02468

Page 1

Date: 10/20/88

13.33

POOR ORIGINAL

MICROFILMED
NOV 22 1988

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres
01N 10E 2 NE NW DOMEST

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:
A37-02468 FOR EXTERNAL DOMESTIC USE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____

A37-11880

Page 2

Date: 10/20/88

POOR ORIGINAL

MICROFILMED

NOV 22 1996

PROFIL

NOV 22 1996

EXHIBIT "E"

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: A37-11880

Date Received: 10/20/1988

Receipt No: _____

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD D. SHERMAN
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID 83313 200-788-5697

AND/OR

Name: LOLA SHERMAN
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID 83313 208-788-5697

2. Date of Priority: JUN 15, 1980

3. Source: GROUNDWATER Trib. to: _____

4. Point of Diversion:

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

5. Description of diverting works:
PUMP AND PIPELINE TO HOME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	11/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acres Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

DEEDS IN FULL TO BUYER

A37-11880

Page 1

Date: 10/20/88

POOR ORIGINAL

MICROFILMED

NOV 22 1996

EXHIBIT 100

10. Place of Use:

Township	Range	Section	1/4 of 1/4	1/4	Acres	Use	Acres
01N	18E	2	NW	NE	2	IRR	2.0
			NE	NW	3	IRR	6.0
Section Acres							8.0
Total Acres							8.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 19589

MICROFILMED
NOV 22 1996

POOR ORIGINAL

EXHIBIT "B"

16. Signature(s)

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

NUMBER OF ATTACHMENTS: _____

For Individuals:

I/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 _____

Subscribed and sworn to (affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

NOV 22 1996

A17-02460

Page 1

Date: 10/20/88

FOR ORIGINAL

QUITCLAIM DEED

RECEIVED

For Value Received

Gerald Sherman and Lola Sherman, husband and wife

FEB 23 1993

Department of Water Resources
Southern Region Office

do hereby convey, release, remise and forever quit claim unto

Richard W. Couley and Kathleen Chase Couley, husband and wife
whose address is: P. O. Box 1051, Hailey, ID 83333

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

Water Rights Disclosed on Exhibit "A" Attached Hereto and Made a Part Hereof

POOR ORIGINAL

310655

FIRST AMERICAN TITLE CO.
BLAINE CO. REQUEST

SEP 23 PM 3:31

SEP 18 1989

together with their appurtenances.

Dated: September 22, 1989

Gerald Sherman

Gerald Sherman

Lola Sherman

Lola Sherman

MICROFILMED
NOV 22 1996STATE OF *ID* COUNTY OF *Blaine*
On this *23rd* day of *Sept*, 1989,
before me, a notary public in and for said State, personally
appeared *Gerald Sherman and Lola Sherman*known or identified to me to be the person whose name is
subscribed to the within instrument and acknowledged
to me that they executed the same.*[Signature]*
Notary PublicResiding in *Blaine, ID*
Commission Expires *11/20/92*

ED

IN THE DISTRICT COURT OF THE SIXTH 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: A37-02468

Date Received: 10/20/1988

Receipt No:

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD D. SHERMAN
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID

208-788-5697

83313

AND/OR

Name: LOLA SHERMAN
Address: BOX 48 TOWNSEND GULCH ROAD
BELLEVUE, ID

208-788-5697

83313

2. Date of Priority: FEB 15, 1945

3. Source: LEES GULCH

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot
01N	18E	2	SE NW NW	4

NOV County
BLAINE 1996

5. Description of diverting works:
DIVERSION DAM, PIPE IN DITCH FOR GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	04/01	11/01	1.000	
DOMESTIC	01/01	12/31	0.020	

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

A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
EXTERNAL DOMESTIC USE AT ONE HOME

A37-02468

Page

1

Date: 10/20/88

POOR ORIGINAL

10. Place of Use:

Township	Range	Section	1/4 of 360	Acres	Use	Acres
01N	18E	2	NW	2	IRR.	2.0
			NE	3	IRR.	6.0
					Section Acres	8.0
					Total Acres	8.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 19589

MICROFILMED
NOV 22 1996

POOR ORIGINAL

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: A37-11880
Date Received: 10/20/1988
Receipt No: _____
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD D. SHERMAN 208-788-5697
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID 83313
AND/OR
Name: LOLA SHERMAN 208-788-5697
Address: BOX 48
TOWNSEND GULCH ROAD
BELLEVUE, ID 83313

2. Date of Priority: JUN 15, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
PUMP AND PIPELINE TO HOME.

6. Water is used for the following purposes:

Purpose:	From	To	C.F.S. (or)	A.F.A.
DOMESTIC	01/01	12/31	0.040	

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

A.F.A. NOV 22 1996

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

9. Non-irrigation uses:
DOMESTIC, 1 HOME

A37-11330

Page 1

Date: 10/20/88

POOR ORIGINAL

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	2	NE NW		DOMEST	

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:
A37-02468 FOR EXTERNAL DOMESTIC USE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): _____

State of Idaho)

County of _____)

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

Seal

Residing at _____

My Commission Expires _____

A37-11880

Page

2

Date: 10/20/88

POOR ORIGINAL

DATE
Date:
NOV 22 1996

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)

SS.

County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

NOV 22 1996

A37-02468

Page

3

Date: 10/20/88

POOR ORIGINAL

SERVICE REQUESTED

37-2468C



U.S. POSTAGE PB3524253
1770 3333 \$00.440 FEB 14 2011
1444 MAILED FROM ZIP CODE 83301

RECEIVED
FEB 22 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

T 837 NFE 1 C101 00 02/18/11
 RETURN TO SENDER
 KOSS
 TEMPORARILY AWAY
 RETURN TO SENDER
 BC: 83301525950 *3014-02489-14-41
 |||||



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 22, 2007

G Peter Koss
PO Box 277
Hailey, ID 83333

RE: SRBA Recommendation 37-2468C; Your Dam On Lees Gulch

Dear Mr. Koss;

As we discussed, enclosed is a form to change your address for our records. Please sign the completed form before returning it to our office for processing. Since you never received the SRBA recommendation for your claim on Lees Gulch due to the address problem, a printout of the recommendation is enclosed for your information. You can object to the recommendation if you disagree with any part of it.

With regard to the now-dry pond on Lees Gulch, it appears that the dam across the stream is manmade rather than the work of beavers. The slide gate and standpipe were probably put in to control water levels in a beaver pond, however, so there appears to be a bit of a mystery here. At any rate, you do not have a right to store water on this stream. Based on our conversation, you are apparently not interested in this pond. We therefore require that the dam be removed within 60 days to prevent water from being impounded there in the future. Any manmade structures that protrude above the bottom of the stream channel should also be removed. You would not be held accountable in the future if beavers build their own structure at this site. Let me know when the required work has been completed.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Allen Merritt, IDWR
Terry Blau, IDWR
Megan Stelma, Blaine Count P & Z



3.2 ac

POU - 37-2468C

2.1 ac

POD

MEMO

.....

FROM: Jim Stanton

DATE: 10-19-07

TO: File

SUBJECT: Koss Pond On Lees Gulch

Today I spoke with Peter Koss regarding this pond. I noticed that the address we had for him was not correct, so I found his phone number on the internet (he had not responded to my 30-day letter). He gave me the correct address and cell #, so I will mail the appropriate form so our records can be updated. Anyway, he told me that he has owned this property for 15 years. He may have pumped some water onto it once, but has never used the old buried pipeline developed many years ago; he said the headgate was broken up and unusable, so he could not use the pipeline without replacing the head works. He said that he has no plans to irrigate the property. He said that the pond and structures on the south end of his land has been there since before he bought it, and that he was just removing some trees felled by beavers when Megan found him working in the stream. He said that there used to be an old road across the dam, but that it washed out some time ago. He was open and cooperative when we spoke, and I did not get any sense that he was hiding anything. Having the pond there does not appear to be of any value to him, especially with the beavers holding back all the water upstream. He said that Jim Speck was his attorney. I told him that I would have another look at the situation and get back to him if I needed anything more.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 10, 2007

G Peter Koss
PO Box 1758
Ketchum, ID 83349

RE: The Pond That You Recently Built On Lees Gulch

Dear Mr. Koss;

Based on a request from the Blaine County Planning Office, I recently viewed your property on Lees Gulch. County employee Megan Stelma accompanied me. I thought that you might have developed a new point of diversion for Claim 37-2468C, although this would be illegal without an approved water transfer. I walked the area upstream from your property, but found no diversion works of any kind that could have historically transported water to your land. Your claim has been recommended in the Snake River Basin Adjudication, however, so I presume that you will end up with a decreed water right for irrigation.

With regard to Lees Gulch itself, there is a beaver dam above you that was impounding all the available flow in the Gulch. A small beaver dam below that would hold a little water if any water reached it. Below that, and roughly in the middle of your property, is the dam that you constructed. A standpipe and check valve above the dam would control water flow through the dam if any water was there, which it was not during my visit. A standpipe above the outlet works appeared to have no purpose. I thought that this installation might be intended as a pump site, but saw no evidence of that.

What is the purpose of this pond? It would not appear to add much aesthetic value to your property. Water rights are required for all surface-water developments made since 1971, but it does not appear that you have a water right for this. The pond therefore appears to be illegal. Working below the mean high-water mark of a perennial stream without a water right and without a stream-channel-alteration permit is also illegal.

Please respond by October 10 so that we can determine the proper course of action to take in this matter.

Regards,

James E. Stanton
Sr. Water Resource Agent

MEMO

TO: FILE DATE: 7-31-07
FROM: JIM STANTON
RE: Site Visit To Lees Gulch

Today I visited the Koss property in the NE/NW Sec. 2 T. 1N R. 18E accompanied by Megan Stelma of the Blaine County P & Z office. She had previously found a dug pond with a standpipe and gate valve in the channel of Lees Gulch near the middle of this 40. It is a fairly new construction; apparently Koss violated county wetland rules in constructing the pond. The location of the construction does not match the recommended pod for 37-2468C, which covers irrigation of a portion of this 40.

To verify the actual historic pod, I walked from the Lees Gulch Road down to the stream at a couple of locations in the NW/NW Sec. 2. There was no evidence of any ditches feeding into this property. It is a good drop from the road to the stream, so any pod would have to be quite a distance upstream to have sufficient elevation to reach the pou. But a gully cuts off the stream in about the center of the NW/NW; any diversion above this point would fall into the gully and lose its head. So I was not able to verify any historic pod for this right.

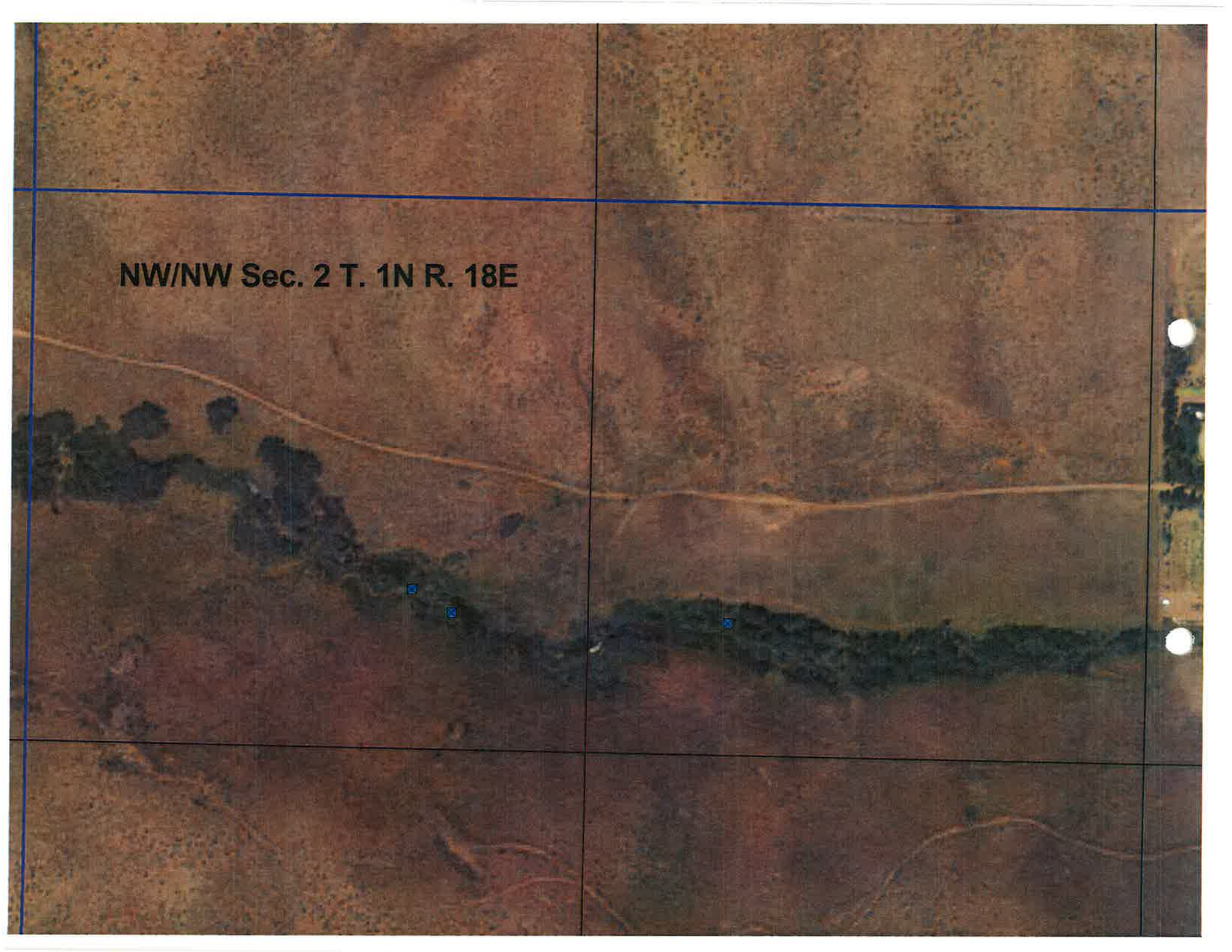
The place of use is also in question. While it does appear to be irrigated on the 1987 ArcView photo, I think this is not a correct conclusion. With no indication of any irrigation system, it is hard to believe that the land was irrigated. It is a hillside covered with native grass that is still surprisingly green in this dry year. I would expect that a new infrared photo of the property would look the same as the 1987 photo. So I believe that the SRBA recommendation should be changed to a forfeiture for non use. Having said that, I would have probably recommended the same pod and pou given just the 1987 ArcView photo. The 2004 & 2006 non-infrared photos does not appear sufficient to recommend a place of use.

Looking at the construction done by Mr. Koss, I could not determine what it is for. The pond above the standpipe would have to fill up before water would run into the concrete standpipe and then back into the stream channe. The slide gate inside the standpipe is in the wrong location to control the amount of water leaving the standpipe, so I don't know what it is for. There is also a perforated metal standpipe just upstream from the concrete standpipe; I don't know what this is for either. I thought that a pump station would be installed in the pond, but none has been so far; maybe he plans to install one when one of the 2 lots is sold. The irony here is that beavers have completely stopped the flow of the stream perhaps 300 feet above the pond. There is also a second beaver dam closer to the pond on the dewatered portion of the stream. So all this construction has accomplished nothing useful so far; the beavers have seen to that. I will contact Mr. Koss to get more information on his plans.

NW/NW Sec. 2 T. 1N R. 18E



NW/NW Sec. 2 T. 1N R. 18E



This is an aerial photograph of a rural landscape, likely in the United States, showing a section of land divided into four quadrants by a blue grid. The text "NW/NW Sec. 2 T. 1N R. 18E" is printed in the top-left quadrant. The landscape features a mix of brown and tan soil, with a prominent dark, irregularly shaped area in the lower-left quadrant. A thin, light-colored line, possibly a road or a ditch, runs diagonally across the middle of the image. Three small blue 'x' marks are visible on the dark area in the lower-left quadrant. The right edge of the image shows a white border with two circular punch holes.

NW/NW Sec. 2 T. 1N R. 18E



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2468C

WATER RIGHT NUMBER: 37-2468C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	OREN L STOKES
	BELLEVUE, ID 83313
Original Owner	RICHARD W GOULEY
	PO BOX 1051
	HAILEY, ID 83333
	(208)788-4573
Attorney	JAMES P SPECK
	SPECK & AANESTAD
	PO BOX 987
	KETCHUM, ID 83340
	(208)726-4421
Original Owner	LOLA SHERMAN
	BOX 48
	TOWNSEND GULCH RD
	BELLEVUE, ID 83313
	(208)788-5697
Current Owner	G PETER KOSS
	PO BOX 1758
	KETCHUM, ID 83340
	(208)726-3351
Original Owner	GERALD D SHERMAN
	BOX 48
	TOWNSEND GULCH RD
	BELLEVUE, ID 83313
	(208)788-5697
Original Owner	LYLE L JAMES
	BELLEVUE, ID 83313

Priority Date: 02/15/1945

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.670 CFS	
DOMESTIC	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.670 CFS	

Location of Point(s) of Diversion

LEES GULCH CREEK	L4 (SE1/4NW1/4NW1/4)	Sec. 2,	Twp 01N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-2468C

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	6.0
							6.0												6.0
							L 3												

Total Acres: 6

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. OWNERSHIP CHANGE RESULTS IN A SPLIT. A37-02468B WITH TWO ACRES (.33 CFS) BELONGS TO GOULEY. A37-02468C WITH SIX ACRES (.67 CFS) BELONGS TO KOSS. WARRANTY AND QUITCLAIM DEED SHOWING CHAIN OF OWNERSHIP INCLUDED. TLB 8/1/95 VIA PHONE CALL, MR. GOULEY INFORMED ME THAT THE DOMESTIC PART WENT WITH MR. KOSS. TLB 8/7/95

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 10/20/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2468C V1

WATER RIGHT NUMBER: 37-2468C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	OREN L STOKES
Original Owner	BELLEVUE, ID 83313 RICHARD W GOULEY PO BOX 1051 HAILEY, ID 83333 (208)788-4573
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	LOLA SHERMAN BOX 48 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-5697
Current Owner	G PETER KOSS PO BOX 1758 KETCHUM, ID 83340 (208)726-3351
Original Owner	GERALD D SHERMAN BOX 48 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-5697
Original Owner	LYLE L JAMES BELLEVUE, ID 83313

Priority Date: 02/15/1945

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

LEES GULCH	L4 (SE1/4NW1/4NW1/4)	Sec. 2,	Twp 01N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2468C V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2					5.3												5.3
							L 3												

Total Acres: 5.3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. jstanton 1/23/2007 Source
Comment: Source changed to agree with USGS map.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:



BLAINE COUNTY PLANNING/ZONING/BUILDING DEPARTMENT

219 1st Avenue South, Suite 208 Hailey, ID 83333

Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576

www.blainecounty.org

June 18, 2007

Idaho Department of Water Resource
Allen Merritt
1341 Fillmore Suite 200
Twin Falls, ID 83301

Re: Head gate Location
110 Lee's Gulch Road / Rural Parcel # RP003830000010

Dear Allen Merritt:

Thank you for taking the time to review my request. The county believes that the location of the head gate on the above property might be in violation of Idaho Water Rights. I spoke with Jim in your office yesterday and he had informed me that the recommended location for a head gate would be SE, NW, NW Lot 4. However I believe this head gate is located in Lot 3. I currently have an outstanding violation for a Stream Alteration and would appreciate a follow up to this review request. We believe it might be Water Right number 37-2468C. I have enclosed pictures of the head gate along with the plat of the property indicating where head gate is. Thank you again for reviewing and please do not hesitate to call me with any questions.

Sincerely,

Megan Stelma
Code Compliance

C: Tom Bergin, Acting Director Planning & Zoning/Building Department
Robert Brochu, US Army Corps of Engineers

A PLAT SHOWING
LEE'S GULCH SUBDIVISION
 LOCATED IN GOVERNMENT LOT 3, SECTION 2, T1N, R18E, B.M., BLAINE COUNTY, IDAHO
 DECEMBER, 1990

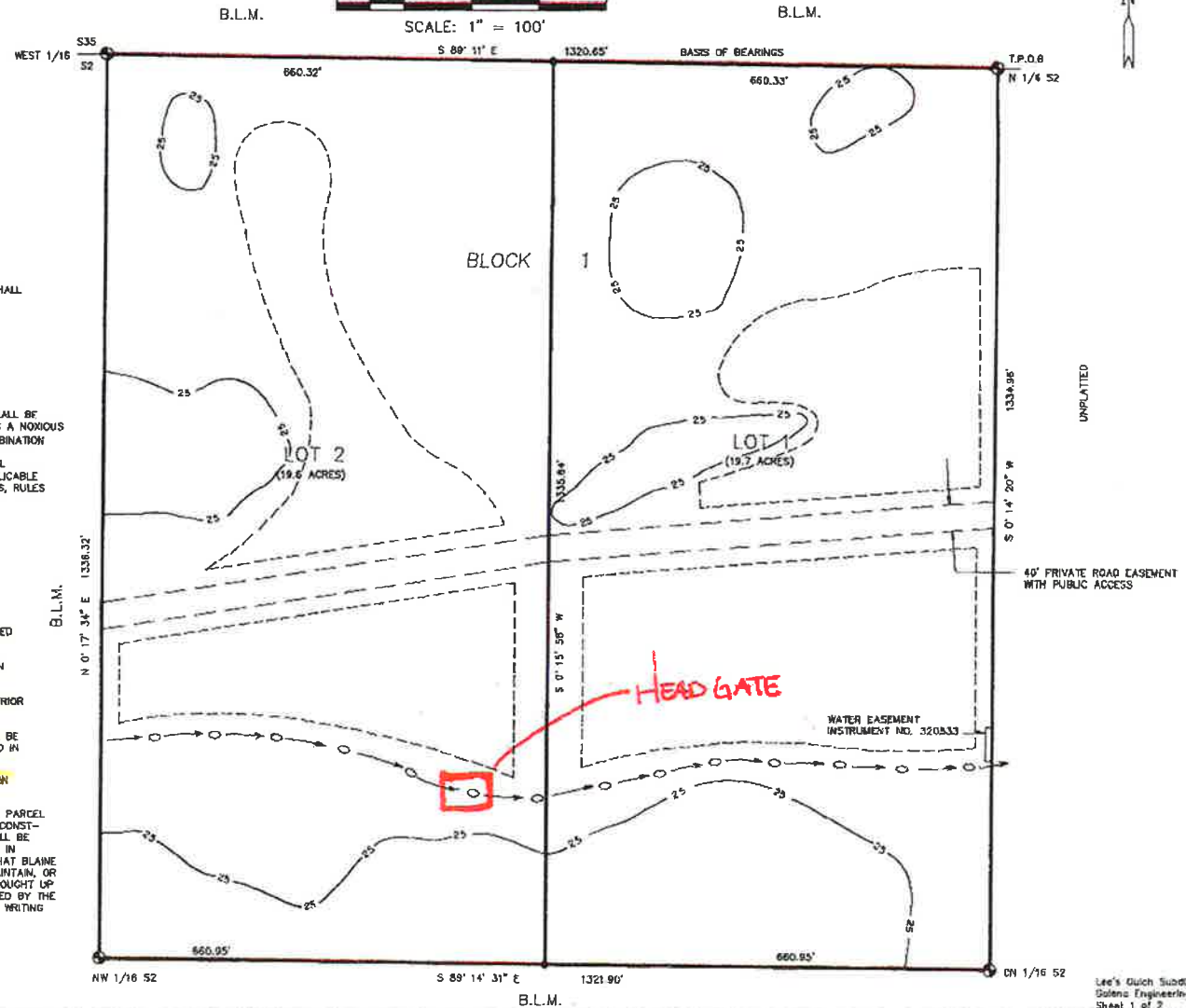


LEGEND

- FOUND B.L.M. BRASS CAP
- SET 1/2" REBAR, L.S. 3621
- - - BUILDING ENVELOPE
- APPROX. CENTER OF STREAM
- 25- APPROX. 25% SLOPE LINE

NOTES

1. ACCESS TO LEE'S GULCH SUBDIVISION IS RECORDED WITH THE BLAINE COUNTY RECORDER AS INSTRUMENT NO. 320333.
2. RESIDENCES LARGER THAN 2500 SQUARE FEET SHALL PROVIDE ADEQUATE FIRE PROTECTION, PER STANDARDS AT THAT TIME.
3. LEE'S GULCH ROAD IS TO BE A 40 FOOT PRIVATE DRIVEWAY EASEMENT CONSTRUCTED TO BLAINE COUNTY 40 FOOT PRIVATE DRIVEWAY STANDARDS, CENTERED ON THE EXISTING ROAD, AND SHALL BE RESERVED FOR PUBLIC ACCESS FOREVER.
4. THE OWNERS OF LOTS WITHIN THE SUBDIVISION SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING A NOXIOUS WEED CONTROL PROGRAM THAT SHALL BE A COMBINATION OF PRESERVING NATIVE VEGETATION, DOMESTIC LANDSCAPING, AND RESEEDING/CHEMICAL CONTROL IN DISTURBED AREAS, IN ACCORDANCE WITH APPLICABLE FEDERAL STATE OR LOCAL STATUTES, ORDINANCES, RULES OR REGULATIONS.
5. RIPARIAN VEGETATION ALONG THE STREAM SHALL BE PRESERVED.
6. FENCING SHALL CONFORM TO FISH AND GAME DEPARTMENT REGULATIONS. (< 42" HIGH)
7. THERE SHALL BE NO GRAZING/CORRALS ABOVE THE 15% SLOPE LINE.
8. A 30' DRAINAGE EASEMENT IS RESERVED, CENTERED ON THE EXISTING STREAM.
9. A 10' PUBLIC UTILITY EASEMENT IS CENTERED ON ALL LOT LINES.
10. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.
11. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
12. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.
13. THE PURCHASER AND/OR OWNER OF THIS LOT OR PARCEL UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE, AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR HOMEOWNERS' ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN, OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED, AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.





RECE

JUN 13 2007

BLAINE COUNTY
& ZON

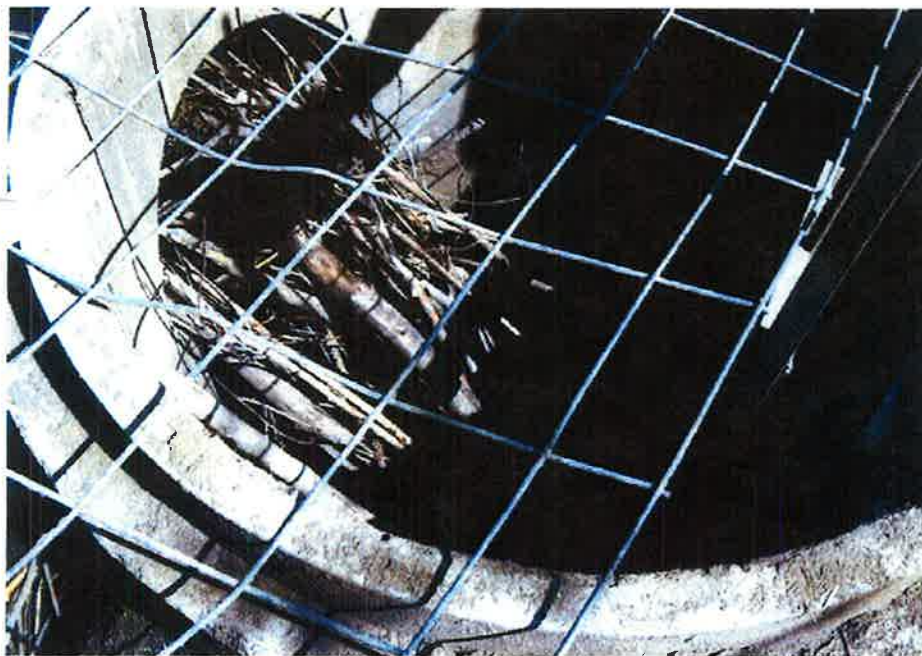


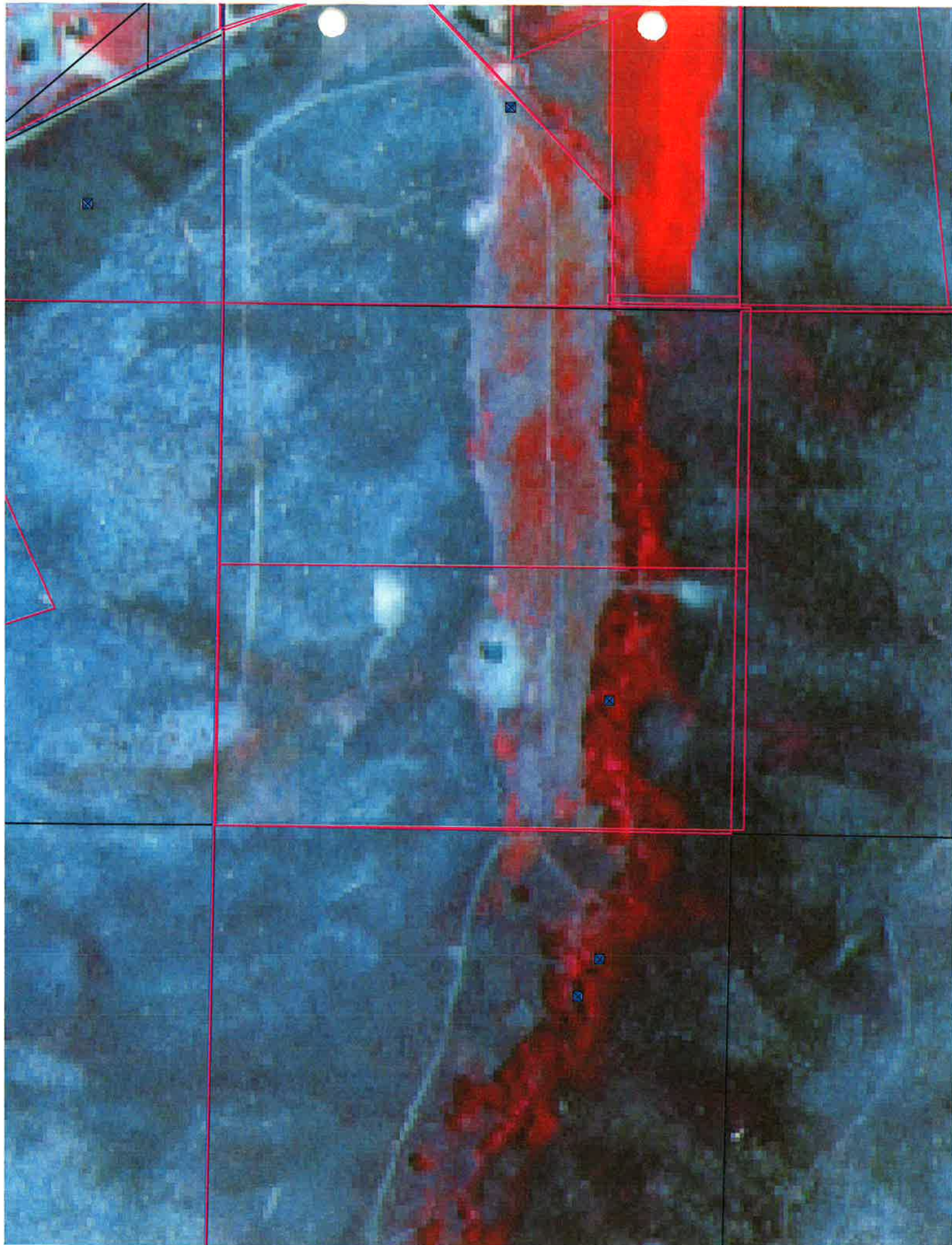


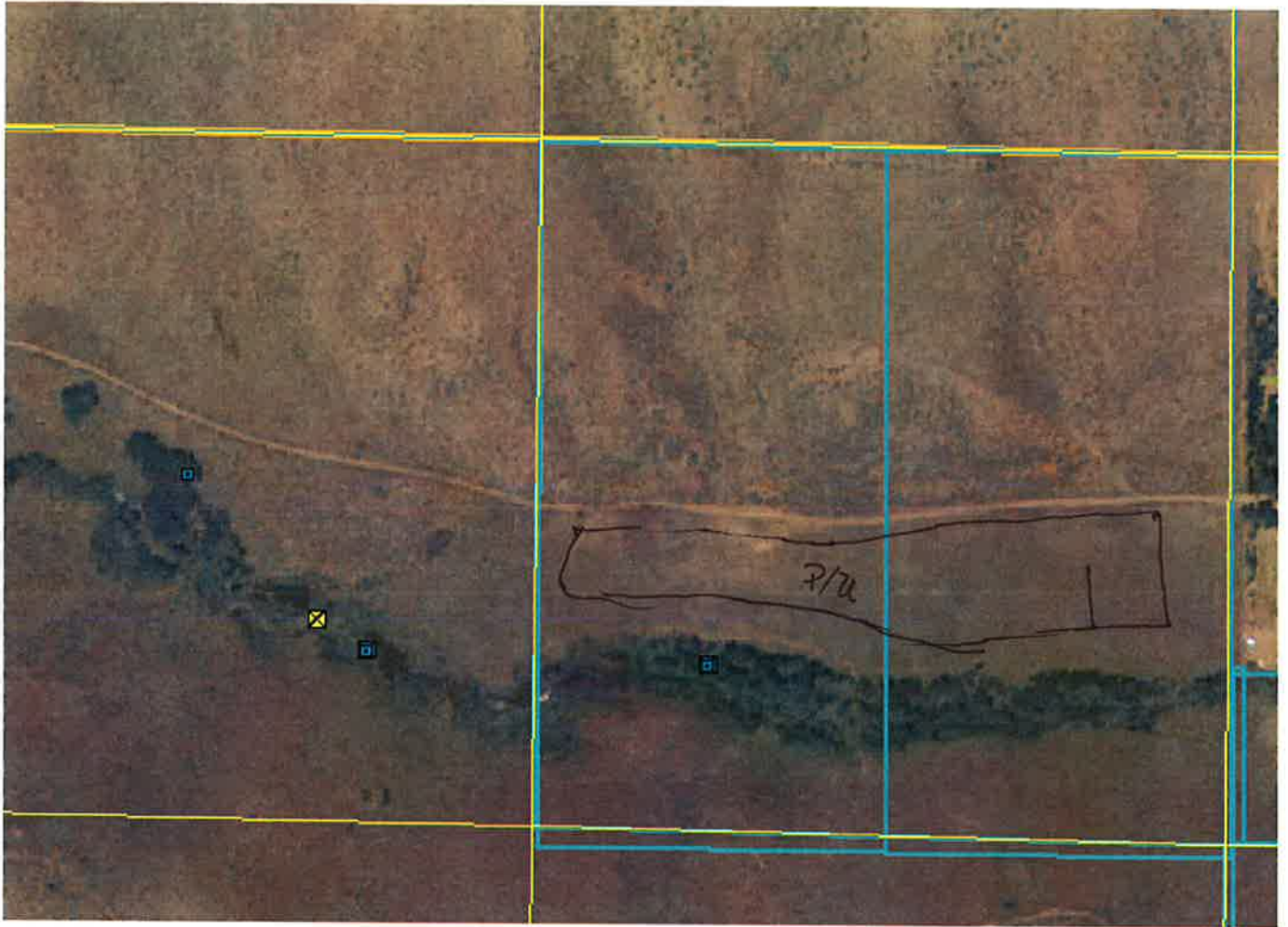
RECEIVED

JUN 13 2007

BLAINE COUNTY
PLANNING/ENGINEERING









BLAINE COUNTY PLANNING/ZONING/BUILDING DEPARTMENT

219 1st Avenue South, Suite 208 Hailey, ID 83333

Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576

www.blainecounty.org

June 18, 2007

Idaho Department of Water Resource
Allen Merritt
1341 Fillmore Suite 200
Twin Falls, ID 83301

RECEIVED
JUN 27 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Head gate Location
110 Lee's Gulch Road / Rural Parcel # RP003830000010

Dear Allen Merritt:

Thank you for taking the time to review my request. The county believes that the location of the head gate on the above property might be in violation of Idaho Water Rights. I spoke with Jim in your office yesterday and he had informed me that the recommended location for a head gate would be SE, NW, NW Lot 4. However I believe this head gate is located in Lot 3. I currently have an outstanding violation for a Stream Alteration and would appreciate a follow up to this review request. We believe it might be Water Right number 37-2468C. I have enclosed pictures of the head gate along with the plat of the property indicating where head gate is. Thank you again for reviewing and please do not hesitate to call me with any questions.

Sincerely,

Megan Stelma
Code Compliance

C: Tom Bergin, Acting Director Planning & Zoning/Building Department
Robert Brochu, US Army Corps of Engineers

B.L.M.

B.L.M.

FOUND B.L.M. BRASS CAP

● SET 1/2" REBAR, L.S. 3621

— — BUILDING ENVELOPE

→ ○ → APPROX. CENTER OF STREAM

— 25 — APPROX. 25% SLOPE LINE

- ACCESS TO LEE'S GULCH SUBDIVISION IS RECORDED WITH THE BLAINE COUNTY RECORDER AS INSTRUMENT NO. 320533.
2. RESIDENCES LARGER THAN 2500 SQUARE FEET SHALL PROVIDE ADEQUATE FIRE PROTECTION, PER STANDARDS AT THAT TIME.
3. LEE'S GULCH ROAD IS TO BE A 40 FOOT PRIVATE DRIVEWAY EASEMENT CONSTRUCTED TO BLAINE COUNTY 40 FOOT PRIVATE DRIVEWAY STANDARDS; CENTERED ON THE EXISTING ROAD; AND SHALL BE RESERVED FOR PUBLIC ACCESS FOREVER.
4. THE OWNERS OF LOTS WITHIN THE SUBDIVISION SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING A NOXIOUS WEED CONTROL PROGRAM THAT SHALL BE A COMBINATION OF PRESERVING NATIVE VEGETATION, DOMESTIC LANDSCAPING, AND RESEEDING/CHEMICAL CONTROL IN DISTURBED AREAS, IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, RULES OR REGULATIONS.
5. RIPARIAN VEGETATION ALONG THE STREAM SHALL BE PRESERVED.
6. FENCING SHALL CONFORM TO FISH AND GAME DEPARTMENT REGULATIONS. ($< 42'$ HIGH)
7. THERE SHALL BE NO GRAZING/CORRALS ABOVE THE 15% SLOPE LINE.
8. A 30' DRAINAGE EASEMENT IS RESERVED, CENTERED ON THE EXISTING STREAM.
9. A 10' PUBLIC UTILITY EASEMENT IS CENTERED ON ALL LOT LINES.
10. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.
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12. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.
13. THE PURCHASER AND/OR OWNER OF THIS LOT OR PARCEL UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR HOMEOWNERS' ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN, OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED, AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.

BLOCK

LOT 2
(19.6 ACRES)

LOT 1
(19.7 ACRES)

HEAD GATE

WATER EASEMENT
INSTRUMENT NO. 320533

UNPLATTED

Lee's Gulch Subdivision
Galena Engineering, Inc.
Sheet 1 of 2
Job No. 2653



BLAINE COUNTY PLANNING/ZONING/BUILDING DEPARTMENT

219 1st Avenue South, Suite 208 Hailey, ID 83333

Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576

www.blainecounty.org

June 26, 2007

Peter G. Koss
PO Box 277
Hailey, ID 83333

RECEIVED

JUN 27 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Notice of Violation, Stream Alterations Without a Permit
110 Lee's Gulch Road / Rural Parcel # RP003830000010

Dear Mr. Koss,

Thank you for taking the time to speak with me this last week in regards to Lee's Gulch Subdivision. I do appreciate the removal of wood and rebar out of the 40 foot Access Driveway easement. We have reviewed the other item that I had mentioned to you which is the work within the riparian of Lee's Gulch. It has been determined no Stream Alteration Permits have been found for this project or this site. The riparian work in the Lee's Gulch Creek on this property is in violation of Blaine County Code. Clean up of dead or hazardous trees are permitted, however dredging or filing is not a permitted use. Violations include but are not limited to violations of Blaine County Code, Title 9, Chapter 17 Floodplain Management District (FP) and Riparian Setback District (R).

"Non-Disturbance In Stream Setbacks: Except as provided below, no disturbance of land shall be allowed in the stream setbacks set forth in Section 9-17-6.E, including but not limited to dredging, filing, -new construction, substantial improvements or modifications, installation of septic systems, scraping by motorized equipment, and removal of vegetation or root systems."

In order to begin rectifying this violation, Blaine County requires a Stream Alteration Permit to be submitted to the Planning and Zoning Department. This application must be certified by the Planning and Zoning Department before 5:00 pm on July 31, 2007. Further remediation may be required and will be determined by this office as necessary in cooperation with Idaho Department of Water Resources and the United States Army Corps of Engineers. State and Federal Agencies may issue separate notices of violation and require more or other remediation work to be done.

Specifically violations are currently issued pursuant to Blaine County Code Title 9, Chapter 17, Section 6 Riparian Setback District use regulations subsection C:

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES
02 1M
0004230683
\$ 00.87
MAR 07 2007
MAILED FROM ZIP CODE 83720

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES



UNDELIVERABLE
AS ADDRESSED,
FORWARDING
ORDER EXPIRED

Wf

37-2468C

G PETER KOSS
PO BOX 1758
KETCHUM ID 83340

11/16/2006

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

RIGHT NUMBER: 37-2468C

NAME AND ADDRESS: G PETER KOSS
PO BOX 1758
KETCHUM ID 83340

SOURCE: LEES GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 02/15/1945

POINT OF DIVERSION:

T01N R18E S2 SENWNW Lot 4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.090 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02 Lot 3 NENW 5.30

5.3 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 - License



Idaho Department of Water Resources

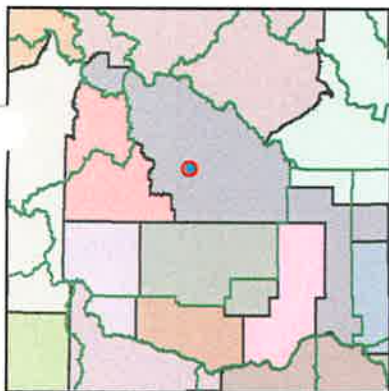
SRBA Recommendation:

37-2468C

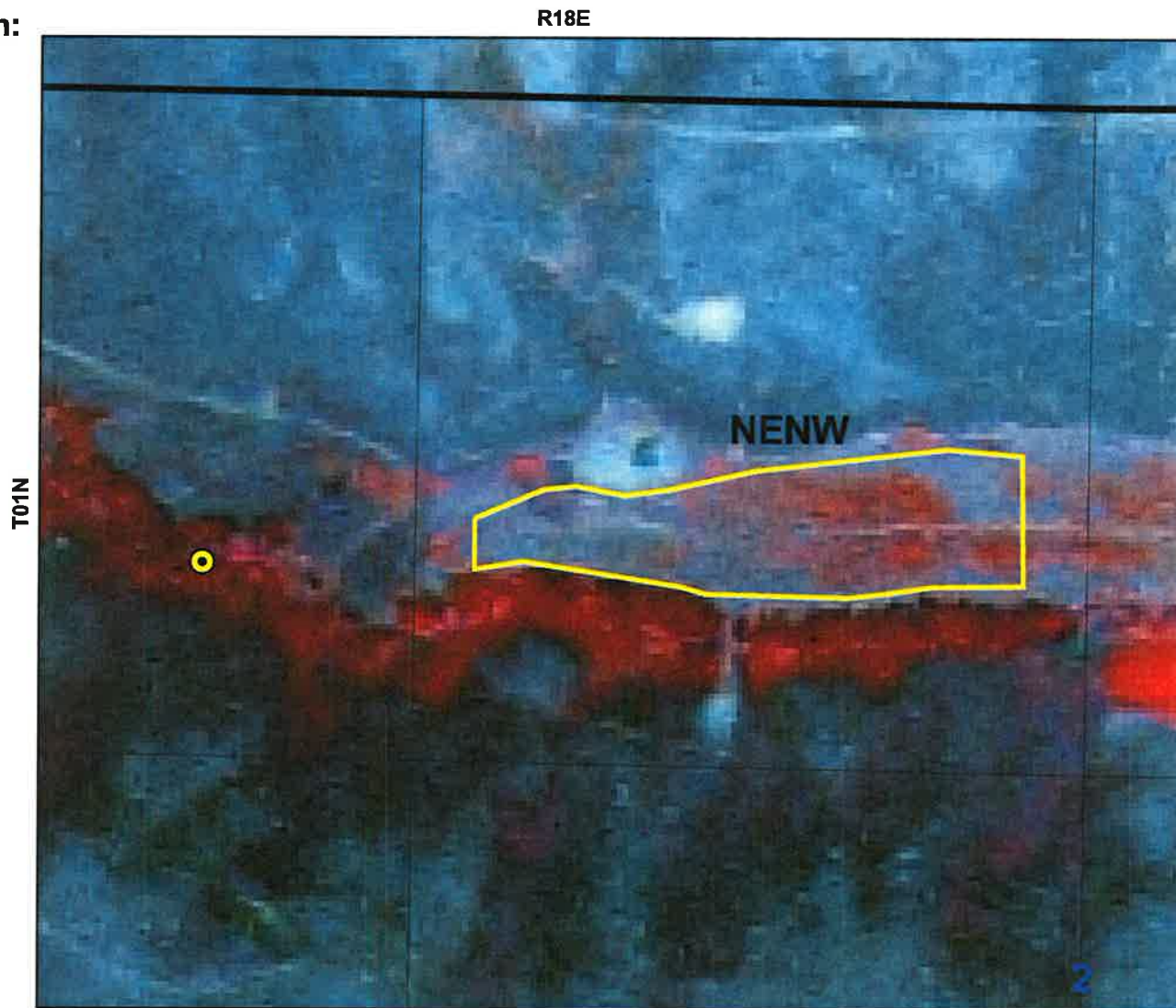
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

A scale bar showing distances of 0, 0.1, and 0.2 miles.

Prepared by S. Keen
On Thursday, November 16, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

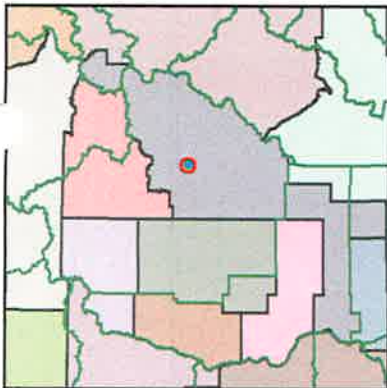
SRBA Recommendation:

37-2468C

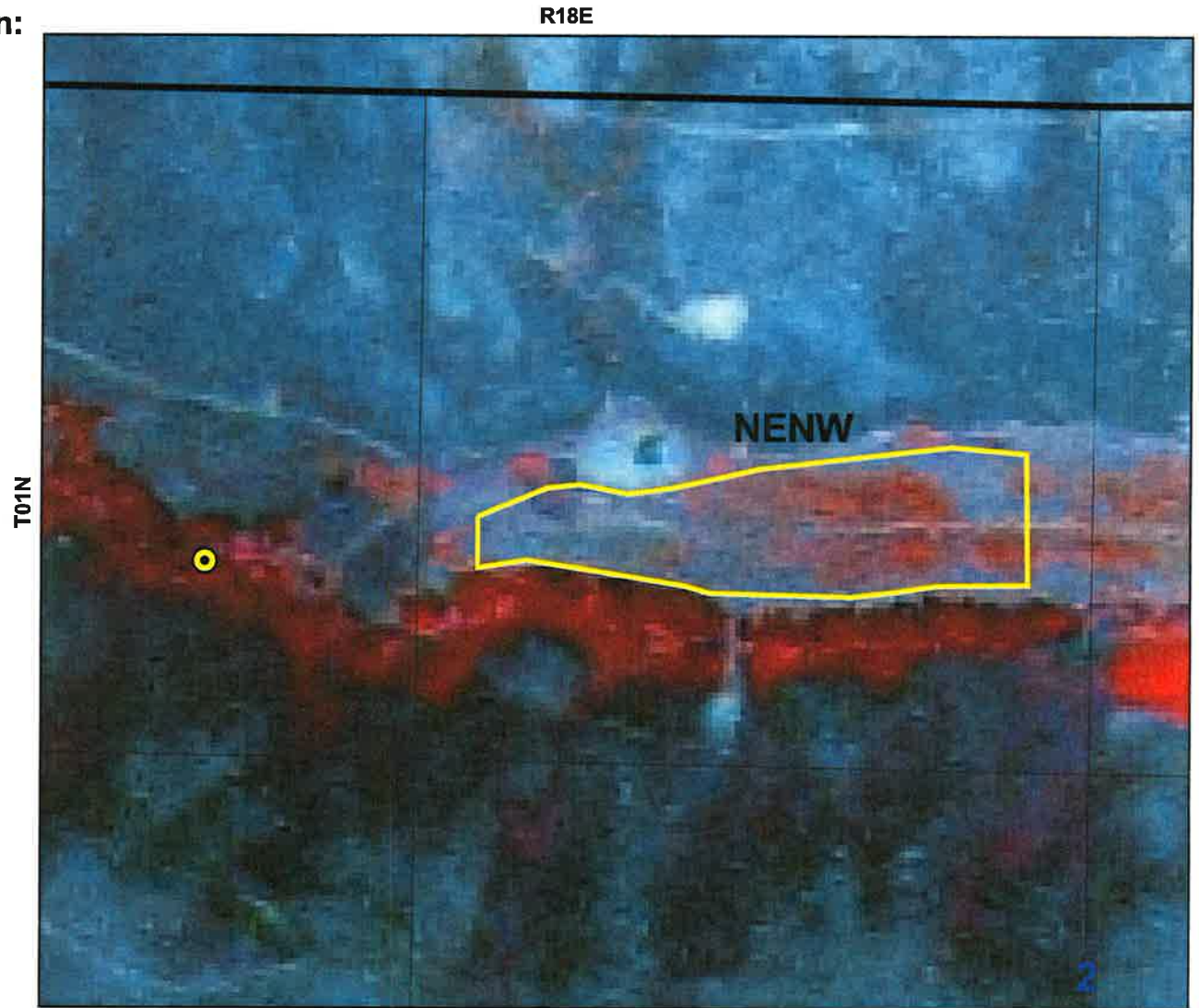
(Irrigation)

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 S. Keen
On Thursday, November 16, 2006
1987/88 Aerial Photography

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, November 29, 2006 12:40 PM
To: 'Jim Speck'
Subject: RE: Koss/Lee's Gulch - 37-2468C

Jim,

I've attached a copy of the draft recommendation and map and a copy of my handwritten notes for Claim 37-2468C. I think the notes will help to answer your questions. This is interrelated with some other claims which I haven't finished reviewing yet. I'm specifically thinking of 37-2468A and 37-4076. I think both of those claims may represent a portion of the original licensed right. The POU for Claim 37-4076 does not match the POU of the original statutory claim, but it does seem to match the source and POU for part of License 37-2468. SRBA Claim 37-4076A seems to match Statutory Claim 37-4076.

As for the separate streams issue, I recommend writing Dave Tuthill and explaining your position.

As always, call or email if you have questions.

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, November 28, 2006 9:27 PM
To: Keen, Shelley
Cc: koss@sunvalley.net
Subject: Re: Koss/Lee's Gulch - 37-2468C

Shelley,

Can you e-mail me the prelim on this one. Based on what I see on the internet and before discussing it with my client I have the following comments:

1. Why has the amount been reduced? I believe flood irrigation was used historically?
2. I assume your GIS calculates 5.3 acres instead of the claimed 6, correct?
3. This - with the other subparts - is the only water right on the creek, it is intermittent and has never been administered by the Watermaster. However, it's not on the preliminary list of separate streams. We believe it should be. What will it take to get there??!!

Thanks for all your help!!

11/29/2006

Jim

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

CONFIDENTIAL COMMUNICATION

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Review of Claim 37-2468C

Amount

$$\frac{\text{Licensed rate/acre}}{58 \text{ acres}} = \frac{1.0 \text{ cfs}}{58 \text{ acres}} = 0.0172 \text{ cfs/acre}$$

$$0.017 \text{ cfs/acre} \times \frac{6 \text{ acres}}{5.3} = \frac{0.10}{0.09} \text{ cfs}$$

Gerald + Lola Sherman claimed 1.0 cfs for 8.0 acres in 1988 on Claim 37-2468. In 1989 they quit-claimed the entire claim to Richard and Kathleen Donley. In 1990 the Donleys sold Sqrt. Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and $\frac{2}{3}$ interest in Claim 37-2468 to Robert and Patricia Romanazzi. The Romanazzis ~~submitted~~ sold Sqrt. Lot 3 and $\frac{2}{3}$ of 37-2468 (claim) to G. Peter Koss in 1991. In 1993 Peter Koss submitted an ownership change notice to split Claim 37-2468. On the notice Koss described his portion of the claim as 0.67 cfs ($\frac{2}{3}$ of the claimed rate) and 6 acres ($\frac{3}{4}$ of the claimed acreage). IDWR split the claim as indicated by Koss, which is not consistent with the $\frac{2}{3}$ split stated on the deeds from Donley to Romanazzi and from Romanazzi to Koss.

Review of Claim 37-2468C

The actual split of the claim should be:

Koss	$\frac{2}{3}(1.0 \text{ cfs}) = 0.67 \text{ cfs}$	$\frac{2}{3}(8.0 \text{ acres}) = 5.3 \text{ acres}$
Donley	$\frac{1}{3}(1.0 \text{ cfs}) = 0.33 \text{ cfs}$	$\frac{1}{3}(8.0 \text{ acres}) = 2.7 \text{ acres}$
<u>Total</u>	<u>1.0 cfs</u>	<u>8.0 acres</u>

POU

1987 photography = 8.7 acres	} Why only 6 acres claimed in Dist. Lot 3?
1992 photography = 7.5 acres	

Permit was for 11 acres in Lot 3.

Field exam found 10 acres in Lot 3.

License said 24 acres in Lot 3, but should have
been 24 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in Lot 3.

My share is 5.3 acres, but it's < the actual.

Water Use

Domestic use was claimed, but only as
external use. The claimants have Right 37-11880
for use from their domestic well. There's no
need for domestic use of SW separate from the irrigation,
and there's no evidence of SW use around the house
on the aerial photography.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent TARA BACKLUND

DATE August 4, 1995 2:15pm CUSTOMER RICHARD GOULEY

SUBJECT: A37-02468B
phone call (X) walk-in (.)

HE CALLED ME TO VERIFY ABOUT THE OWNERSHIP CHANGE HE RECEIVED .
HE CONFIRMED TO ME THAT TO DOMESTIC PART WENT WITH MR. KOSS.
I TOLD HIM I WOULD MAKE THE CHANGE AND SEND HIM THE MODIFIED
VERSION. HE THANKED ME

MICROFILMED
NOV 22 1996



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

10-May-1993

RICHARD GOULEY
PO BOX 1051
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR SNAKE RIVER BASIN ADJUDICATION
CLAIMS A37-02468 AND A37-11880

Dear Mr Gouley

Enclosed is a change of ownership form to record your purchase of property from the Shermans. I have received warranty deeds showing the sequence of ownership changes from the Shermans to Peter Koss but the description of the property split that occurred when you sold to the Romanazzis is not clear. The deed states 2/3 of the right goes to the Romanazzis and that you retained 1/3. In the deed from Romanazzi to Koss the property is referred to as lots 1 & 2 block 1 of the Lee's Gulch Subdivision. Is the portion that you retained a portion of the subdivision or is it acreage outside the subdivision?

Based upon the information available I would split A37-02468 as follows;

<u>Claim</u>	<u>Ownership</u>	<u>Place of use</u>
A37-02468A	Gouley	1N 18E Sec 2 NW NE - 2 acres @ .33 cfs
A37-02468B	Koss*	1N 18E Sec 2 NE NW - 6 acres @ .67 cfs

* Koss as the final owner of the portion sold to Romanazzi

I have enclosed two adjudication proof reports of the claims involved. Please identify the correct place of use for each portion and I will split the claims accordingly.

If you have any further questions please contact this office and someone here can discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

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NOV 22 1996

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

Name(s) of Claimant (please print):

FEB 23 1993

Department of Water Resources
Southern Region Office

G. Peter Koss
I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

James P. Speck, Esq.
Hogue, Speck & Aanestad
Post Office box 987
Ketchum, Idaho, 83340
Attorney's Phone (208) 726-4421

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A37-02468 A37-11880 _____

For Individuals:

Authorized signature(s) Date 2-22-93

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____ Date _____

Organization _____

IDWR Use:

Date Received 8/1/95Data Entry HLBMICROFILMED
NOV 22 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

February 19, 1993

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

RECEIVED

FEB 23 1993

RE: Notice of Change of Ownership
Claim Nos. A37-02468 and A37-11880

Department of Water Resources
Southern Region Office

Dear Allen:

Enclosed you will find a Notice of Change of Ownership which I prepared on behalf of my client, Mr. G. Peter Koss. Mr. Koss acquired the water rights in question in May, 1991. He recently became aware that the claims were not properly transferred into his name. In fact, the claims had not been transferred into the previous two owners before Mr. Koss!

Therefore, I have attached to the Notice of Change of Ownership copies of the last three Deeds in the chain of Title showing the transfer of the water rights. Please note there is a typographical error in the Warranty Deed to Mr. Koss in that the claim no. A37-02468 is incorrectly referred to as A37-02460.

If everything is in order, kindly return to me a copy of the computer generated claims for Mr. Koss. I have also enclosed a Claimant Acknowledgement of Change in Attorney to designate me as the attorney of record for Mr. Koss with respect to the above mentioned claims.

Please call me if you have any questions.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

MICROFILMED
NOV 22 1996

JPS\dlw
cc: G. Peter Koss
Enclosures



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

AUGUST 1, 1995

JAMES P SPECK
HOUGE, SPECK, & AANESTAD
PO BOX 987
KETCHUM, ID 83340

RE: SRBA CLAIMS A37-11880 & A37-02468 SPLIT
SHERMAN
A37-02468B (GOULEY) A37-02468C (KOSS)

DEAR SIR:

PURSUANT TO THE NOTIFICATION THAT YOUR CLIENT HAS PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS FOR ACCURACY.

COULD YOU PLEASE REVIEW THE DOMESTIC PART, I WOULD LIKE TO KNOW IF THIS GOES TO MR. KOSS OR WITH MR. GOULEY? IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

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NOV 22 1996

/TLB
ENCLOSURES