

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: **A37-02478**
Date Received: 6/27/1988
Receipt No: S000551
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GARY N NELSON 208-837-6313
Address: 5422 N 400 E
HAGERMAN ID 83332

2. Date of Priority: APR 29, 1947

3. Source: BLACK CANYON CREEK Trib. to: DRY CREEK
DRY CREEK MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	14E	25	SW	SE	SW		GOODING
		36	NW	NE	NW		GOODING

5. Description of diverting works:
NO STRUCTURE, OPEN DITCH FLOWS OUT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.420		
STOCKWATER	01/01	12/31	0.190		

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

8. Total consumptive use is 363.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/800 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	14E	35	NE	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	14E	35	SW	SE		IRR	8.0
			SE	SE		IRR	33.0
					Section Acres		47.0
		36	SW	NW		IRR	22.0
			SE	NW		IRR	22.0
			NW	SW		IRR	37.0
			SW	SW		IRR	36.0
					Section Acres		117.0
05S	14E	1	NW	NW		IRR	40.0
					Section Acres		40.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	10.0
			SW	NE		IRR	12.0
			SE	NE		IRR	30.0
			NE	SE		IRR	20.0
					Section Acres		112.0
					Total Acres		316.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
BIG WOOD AND AMERICAN FALLS SHARES

14. Remarks:
THIS WATER IS ADDED TO THE CANAL SHARES TO IRRIGATE THE FULL
316 ACRE TRACT. THIS CLAIM PROVIDES WATER FOR 121 ACRES.

107099: OWNERSHIP CHANGE BLACK CREEK CANYON RANCH / WOLF TO GARY
NELSON PER DEED SERIES SUBMITTED 12-29-99 - VH

15. Basis of Claim: LICENSE

Water Right Number: 20077

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

A37-10276

1. Water Right No(s):

A37-02478 A37-10279

Adjudication Claim No(s):

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Thomas E. Wolf

4. New Owner/Claimant(s)

Gary N. Nelson

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5422 N 400 E

City, State and ZIP Code

Hagerman, ID 83332

New Telephone Number

(208) 837-6313

5. Date you acquired the property

2-28-97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Gary N. Nelson

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

ALSO SEE A37-02478

Order No.

WARRANTY DEED

For Value Received

DAVID E. BOYLES, JR. AND PAULA K. BOYLES, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto
GARY N. NELSON AND NANCY I. NELSON, husband and wife

the grantee(s), whose current address is

5224 North 400 East, Hagerman, ID 83332,

the following described premises, to-wit:

Township 4 South, Range 14 East, Boise Meridian

Section 35: NE1/4SW1/4, SE1/4

Section 36: NW1/4, NW1/4SW1/4

STATE OF IDAHO, COUNTY OF GOODING

169811

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of 1st American

50 min. past 4 o'clock P.m. this 28th

of February, 1997 300

By Penny Watson Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: February 28, 1997

David E. Boyles Jr.
David E. Boyles, Jr.

Paula K. Boyles
Paula K. Boyles

STATE OF IDAHO

: ss

COUNTY OF GOODING

On February 28, 1997, before me, a Notary Public in and for said State, personally appeared **David E. Boyles, Jr. and Paula K. Boyles**, known or identified to me 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.

Susan M. Bell

Notary Public of Idaho

Residing at Gooding, Idaho

Commission Expires: 10/16/98



First American Title Company of Idaho

Order No. T970145

WARRANTY DEED

For Value Received

DAVID E. BOYLES, JR. AND PAULA K. BOYLES, husband wife

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

GARY N. NELSON AND NANCY I. NELSON, husband and wife

the grantee(s), whose current address is: 5224 North 400 East, Hagerman, ID 83332

the following described real estate, situated in GOODING County, Idaho, to-wit:

Township 5 South, Range 14 East, Boise Meridian, County of Gooding, State of Idaho

Section 1: Lot 4

Section 2: Lots 1 and 2; S1/2NE1/4, and N1/2SE1/4

Including assignment of State Land Lease No. G-7426-5, and all water rights appurtenant, including but not limited to, 146.3 shares American Falls Reservoir District No. 2 (no certificate number) and 38.89 shares Big Wood Canal Co., Certificate #8293.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 03/20/97

David E. Boyles, Jr.
David E. Boyles, Jr.

Paula K. Boyles
Paula K. Boyles

State of IDAHO }
 } ss.
County of GOODING }

On this 21st day of March, in the year 1997, before me, a Notary Public, personally appeared David E. Boyles, Jr. and Paula K. Boyles, known or identified to me 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.

A Susan M. Bell
Notary Public
Residing At: Gooding, ID
Commission Expires: 10-16-98

170159

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of First American

54 min. past 2 o'clock p.m. this 25

of March 19 97 \$3.00

By Alexis M. Ellis Deputy



4-00
6970078

DEED

RECEIVED
DEC 29 1993
Department of Water Resources
Southern Region

JON MELLEN and LANA MELLEN, husband and wife, as Grantor,
do hereby convey, grant, bargain and sell to DAVID G. BOYLES, JR.
and PAULA BOYLES, husband and wife, as Grantee, whose address is
Mc. Ln

for the sum of Ten Dollars and no/100 (\$10.00) and other good and
valuable consideration, the receipt of which is hereby
acknowledged, certain the real property located in Gooding County,
Idaho, which is more particularly described on Exhibit A, attached
and incorporated by reference.

This conveyance shall include any and all appurtenances,
tenements, hereditaments, reversions, remainders, easements,
rights-of-way, mineral rights and/or water rights, in anyway
appertaining to the property herein described.

This conveyance is subject to current real property taxes
and assessments, easements, apparent and/or of record, restrictive
covenants, and all other matters of record, and any other
encumbrances caused or created by the Grantee.

IN WITNESS WHEREOF, the Grantor has executed this
instrument effective April 18th, 1995.

Jon Mellen
Jon Mellen
Lana Mellen
Lana Mellen

169889

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

15 min. past 4 o'clock P.m. this 10th
of March, 1997 9:00

By Penny Watson Deputy

DEED - 1

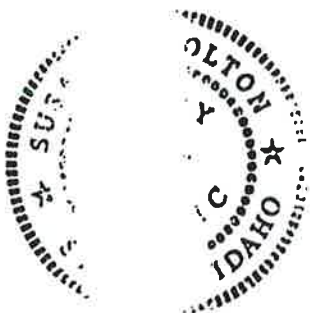
CERTIFICATE OF ACKNOWLEDGMENT

STATE OF IDAHO)
County of Ada) ss.
Gooding

RECEIVED
DEC 29 1998
Department of Water Resources
Southern Region

On this 18th day of April, 1995, before the undersigned, a Notary Public, personally appeared JON MELLEN and LANA MELLEN, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Susan M. Bell
Notary Public for Idaho
Residing at 861/86 Gooding
My commission expires: 10/16/98

EXHIBIT A
LEGAL DESCRIPTION
DOG CREEK RANCH
GOODING COUNTY, IDAHO

RECEIVED
DEC 21 1944
Department of Game and Fish
Columbia Falls

Township 4 South, Range 14 East, Boise Meridian
Section 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 36: NW $\frac{1}{4}$ //SW $\frac{1}{4}$ / NW1/4SW1/4

Township 5 South, Range 14 East, Boise Meridian
Section 1: Lot 4
Section 2: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$

Township 4 South, Range 14 East, Boise Meridian
Section 36: NW $\frac{1}{4}$

Including assignment of State Land Lease No. G-7426-5, and all water rights appurtenant, including but not limited to, 146.3 shares American Falls Reservoir District No. 2 (no certificate number) and 38.89 shares Big Wood Canal Co., Certificate #8293.

Bruce L. Thomas
P.O. Box 2020
802 West Bannock St.
Boise, Idaho 83701
Telephone: (208) 336-3250

Attorney for Plaintiffs

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

JON MEILEN and LANA L. MEILEN,
husband and wife,

Plaintiffs,

vs.

JUSTIN INVESTMENT CO., INC.,
an Idaho corporation;
BLACK CANYON CREEK RANCH,
INC., an Idaho corporation;
and Does I through X and Corp-
actions A through Z,
Defendants.

Case No. 22014

SHERIFF'S CERTIFICATE OF
SALE OF REAL ESTATE ON
EXECUTION

I, James Jax, the Sheriff of the County of Gooding, State
of Idaho, do hereby certify that by virtue of an order of sale of
Foreclosure in the above entitled action dated February 11, 1993
by which I was commanded to make from the sale of property
belonging to the Defendants Justin Investment Co., Inc. and Black
Canyon Creek Ranch, and hereafter described the amount of
\$240,294.29, to satisfy the judgment and decree of Foreclosure.

SHERIFF'S CERTIFICATE OF SALE OF
REAL ESTATE ON EXECUTION - 1

entered in said auction, including interest thereon, as by said Order of Sale of Foreclosure more fully appears, I have levied upon, and on March 26, 1993, sold at public auction, in one lot or parcel, according to the statutes in such cases made and provided, to Jon & Lana L. Mellen, who was the highest bidder, for the sum of \$240,594.95, lawful money of the United States, which was the whole price paid by said purchase for the right, title, claim and interest of the within named Defendants, as aforesaid, in and to the real and personal property, which is more particularly described on Exhibits A and B, attached and incorporated by reference.

And that the said real property is subject to redemption in one (1) year, pursuant to the statutes in such case made and provided, with no exceptions.

Given under my hand, this 26 day of March, 1993.

SHERIFF OF GOODING COUNTY

By [Signature]
Deputy

SHERIFF'S CERTIFICATE OF SALE OF
REAL ESTATE ON EXECUTION - 2

LEGAL DESCRIPTION
WEST SIDE OF DOG CREEK RANCH
GOODING COUNTY, IDAHO

Township 4 South, Range 14 East, Boise Meridian
Section 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
Section 36, NW $\frac{1}{4}$ SW $\frac{1}{4}$

Township 5 South, Range 14 East, Boise Meridian
Section 1, Lot 4
Section 2, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$, SE $\frac{1}{4}$

Township 4 South, Range 14 East, Boise Meridian
Section 36, NW $\frac{1}{4}$

Including assignment of State Lease No. G-7426-5. Including all water rights appurtenant, but not limited to, 146.3 shares American Falls Water (no certificate number) and 38.89 shares Big Wood Water, Certificate #8293.

RECEIVED
DEC 29 1998
Department of Water Resources
Southern Region

EXHIBIT A

PERSONAL PROPERTY SUBJECT
SECURITY INTEREST OF PLAINTIFF

4620 ft. 8" Mainline (Buried) North of Pump

3300 ft. 8" Mainline (Buried) South of Pump

1320 ft. 6" Mainline Portable

660 ft. 4" Mainline Portable

437 Sections of 4 & 5" Wheel Lines

14 Power Movers

21 Sections of 3" Handline

One 75 HP G.E. Motor with Aurora Verti line pump, Serial #X8J022338

1972 Marlette 24 x 62 mobile home, ID # W24362DW-520350 AES, Title
#A532567

EXHIBIT B

WARRANTY DEED

RECEIVED
DEC 29 1998
Department of Water Resources
Southern Region

FOR VALUE RECEIVED, JUSTIN INVESTMENT COMPANY, INC., an Idaho Corporation, the Grantor, does hereby grant, bargain, sell and convey unto the BLACK CANYON CREEK RANCH, INC., an Idaho Corporation, the Grantee, the premises, located in Gooding County, Idaho and more particularly described as follows:

Township 4, South, Range 14 East, Boise Meridian

Section 35: NE 1/4 SW 1/4, SE 1/4

Section 36: NW 1/4, SW 1/4

Township 5 South, Range 14 East, Boise Meridian

Section 1: Lot 4

Section 2: Lots 1 and 2, S 1/2 NE 1/4, NE 1/2 SE 1/4

Township 4 South, Range 14 East, Boise Meridian

Section 36: NW 1/4

Including assignment of State Lease No. G-7426-5

Including all water rights appurtenant, but not limited to,
146.3 shares American Falls water (no certificate number)
and 38.89 shares Big Wood Water, Certificate #8293

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever. And the said Grantor hereby covenants to and with the said Grantee, that it is the owner in fee simply of the said premises; that the said premises are free from all encumbrances, except a first mortgage to Jon Mellen and

132759

STATE OF IDAHO
COUNTY OF GOODING, S.S.
RECORDED AT REQUEST

FIRST AMERICAN TITLE COMPANY
'88 JUL 7 PM 3 28

JOHN A. MYERS, REC.

DEP. 492 FEE 6.00

Lana L. Mellen, husband and wife, dated May 31, 1988, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: July 1, 1988

RECEIVED
DEC 29 1993
Department of Water Resources
Southern Region

JUSTIN INVESTMENT COMPANY, INC.

By: Sandra E. Wolf
President

By: Thomas E. Wolf
Secretary

STATE OF IDAHO)

) ss.

County of Blaine)

On this 5th day of July, 1988, before me, a Notary Public in and for the State of Idaho, personally appeared Sandra E. Wolf and Thomas E. Wolf, known to me to be the President and Secretary respectively of Justin Investment Company, Inc., an Idaho Corporation, and known to me to be the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same on behalf of the said Corporation.

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



Judith M. Nicholson
Notary Public for Idaho
Residing at: Hailey
My Commission Expires: 7/13/95

Mail Tax Notices to:

Black Canyon Creek Ranch, Inc.
P.O. Box 2390
Sun Valley, Idaho 83353



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

FIRST AMERICAN TITLE CO.

By: Shirley Mason

First American Title Insurance Company

BY Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

J 347197

Form No. 1402 (10/92)
ALTA Owner's Policy
Schedule A

SCHEDULE A

File No. G970107

Policy No. J 347197

Amount of Insurance \$ 137,357.14

Premium \$ 528.00

Policy Date: March 25, 1997 at 2:54 P.M.

1. Name of Insured:

GARY N. NELSON and NANCY I. NELSON, Husband and Wife.

2. The estate of interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate of interest in the land is vested in:

GARY N. NELSON and NANCY I. NELSON, Husband and Wife.

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

Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho:

Section 1: Lot 4

Section 2: Lots 1 and 2; S1/2NE1/4; N1/2SE1/4.

Order No. G970107

SCHEDULE B
Part I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Section One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes of assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary line, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claim: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Section Two:

1. General Taxes for 1997 are an accruing lien and not yet due or payable.
2. Levies and assessments due County for Solid Waste.
3. These premises are within the boundaries of American Falls Reservoir District No. 2 and are subject to the levies and assessments thereof and restrictions and limitations thereof as specifically set forth in contract Dated October 14, 1954, by the United States of America with American Falls Reservoir District No. 2, recorded November 13, 1954 in Book 6 Agreements Page 66, records of Gooding County, Idaho.
4. Liens, levies and assessments of the Big Wood Canal Company and rights, powers and easements of said Company, as by laws provided.
5. Canals and laterals of Big Wood Canal Company and subject to the right of ingress and egress.
6. Power line easement granted to Idaho Power Company, a corporation recorded November 20, 1946 in Book 6 of Miscellaneous, Page 140.
7. Power line easement granted to Idaho Power Company, a corporation recorded April 15, 1948 in Book 6 of Miscellaneous, Page 303.

SCHEDULE B - Section II
Continued

File No. G970107

Policy No. J 347197

8. Easement for Right-of-Way for a Stock Driveway, granted to Gooding County Board of Commisioners, recorded August 18, 1948 in Book 6 of Miscellaneous, Page 342, records of Gooding County, Idaho.
9. Exceptions, reservations and easements as set forth in Deed, given by State of Idaho to Stewart Elsner, recorded February 17, 1949, in Book 2 State Conveyances, Page 325, Official Records.
10. Easement granted to State of Idaho Department of Fish and Game, recorded December 5, 1957, in Book 7 of Miscellaneous, Page 589, records of Gooding County, Idaho.
11. Power line easement granted to Idaho Power Company, a corporation recorded August 17, 1962 as Instrument No. 5389.
12. Power line easement granted to Idaho Power Company, a corporation recorded March 1, 1966 as Instrument No. 17504.
13. Power line easement granted to Idaho Power Company, a corporation recorded October 5, 1966 as Instrument No. 19548.
14. Easement granted to Idaho Fish and Game Department, recorded November 17, 1972 as Instrument No. 42760, records fo Gooding County, Idaho.
15. Exceptions, reservations and easements as set forth in Deed, given by State of Idaho to Gary and Shelley Milhous, recorded May 30, 1980, as Instrument No. 83440, Official Records.

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: A37-02478
Date Received: 6/27/1988
Receipt No: S000551
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACK CREEK CANYON RANCH INC. 208-726-3127
Address: P.O. BOX 2390
SUN VALLEY, ID 83353

AND/OR

Name: THOMAS E. WOLF 208-726-3413
Address: P.O. BOX 2390
SUN VALLEY, ID 83353

2. Date of Priority: APR 29, 1947

3. Source: BLACK CANYON CREEK Trib. to: DRY CREEK
DRY CREEK MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	14E	25	SW	SE	SW		GOODING
		36	NW	NE	NW		GOODING

5. Description of diverting works:
NO STRUCTURE, OPEN DITCH FLOWS OUT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.420		
STOCKWATER	01/01	12/31	0.190		

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

8. Total consumptive use is 363.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/800 RANGE

A37-02478

Page 1

Date: 06/27/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
04S	14E	35	NE		SE		IRR	6.0		
			SW		SE		IRR	8.0		
			SE		SE		IRR	33.0		
					Section Acres				47.0	
		36	SW		NW		IRR	22.0		
			SE		NW		IRR	22.0		
			NW		SW		IRR	37.0		
			SW		SW		IRR	36.0		
					Section Acres				117.0	
		05S	14E	1	NW		NW		IRR	40.0
					Section Acres				40.0	
				2	NE		NE		IRR	40.0
NW					NE		IRR	10.0		
SW					NE		IRR	12.0		
SE					NE		IRR	30.0		
NE					SE		IRR	20.0		
					Section Acres				112.0	
				Total Acres				316.0		

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
BIG WOOD AND AMERICAN FALLS SHARES

14. Remarks:
THIS WATER IS ADDED TO THE CANAL SHARES TO IRRIGATE THE FULL
316 ACRE TRACT. THIS CLAIM PROVIDES WATER FOR 121 ACRES.

15. Basis of Claim: LICENSE
Water Right Number: 20077

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [Signature]

Date: 6/27/88

Date: _____

State of Idaho)

County of Blaine Falls)

SS.

Subscribed and sworn (or affirmed) before me this 27th day

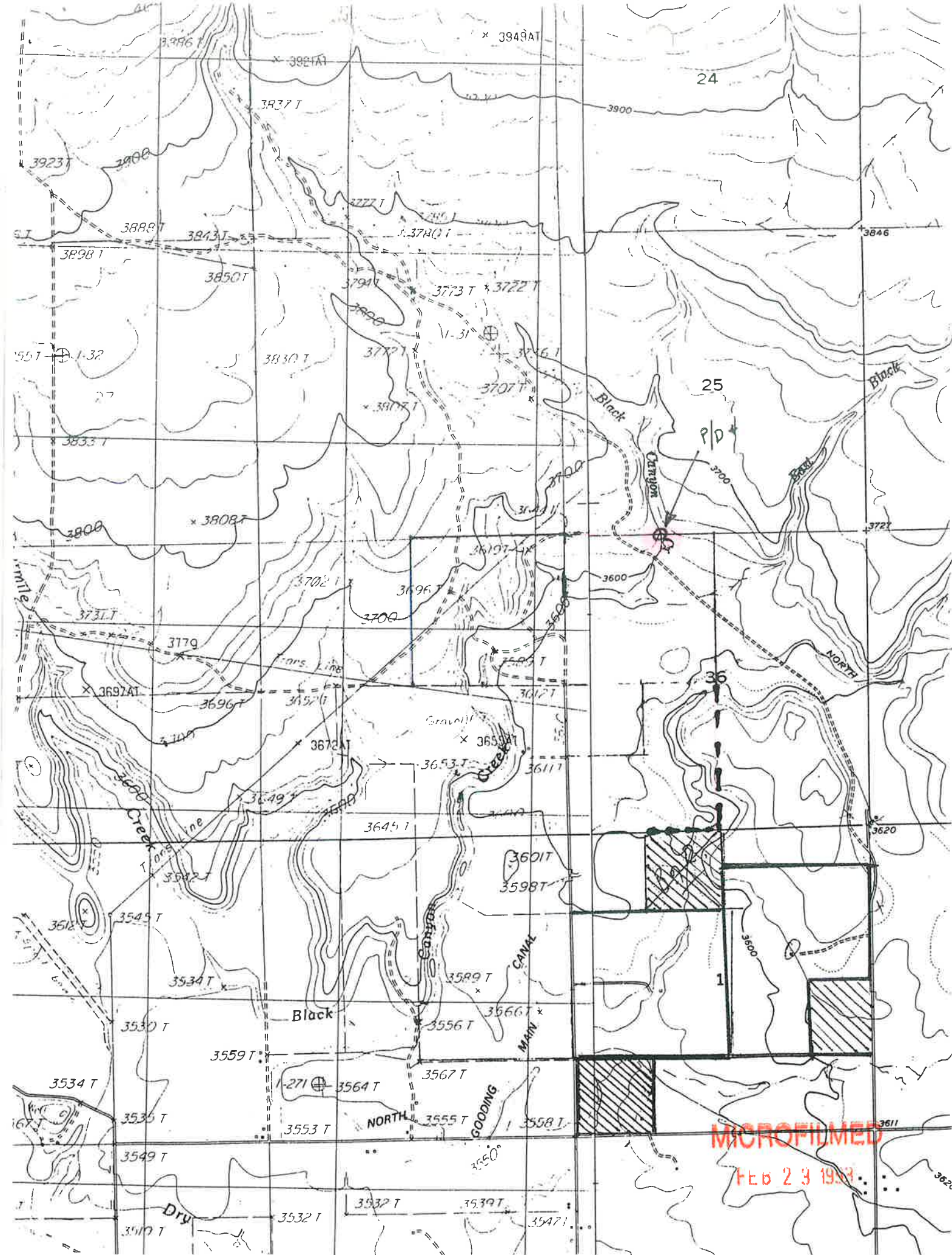
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, ID

My Commission Expires 10/16/1992



COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 OCT 5 PM 12 20

**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

Subcase No. 37-2478

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

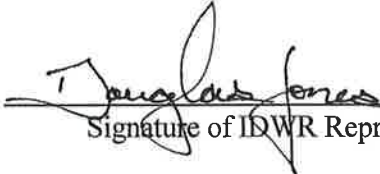
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

10/4/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/5, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

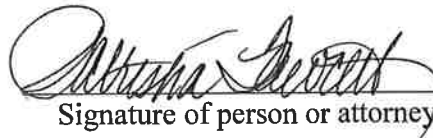
2. Copies to:

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

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Travis Williams
Heather Williams
1173 S 1700 E
Gooding ID 83330

Gary Nelson
5422 N 400 E
Hagerman Id 83332



Signature of person or attorney mailing the form

10/03/2007

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

RIGHT NUMBER: 37-2478

NAME AND ADDRESS: TRAVIS T WILLIAMS
1173 S 1700 E
GOODING ID 83330

HEATHER P WILLIAMS
1173 S 1700 E
GOODING ID 83330

SOURCE: BLACK CANYON CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 2.420 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/29/1947

POINT OF
DIVERSION:

T04S R14E S36 NWNENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/15 11/15	0.190 CFS
IRRIGATION	03/15 11/15	2.420 CFS

PLACE OF USE: IRRIGATION in GOODING County

T04S R14E S35	NESE	13.00	T04S R14E S35	SWSE	6.30
T04S R14E S35	SESE	35.00	T04S R14E S36	SWNW	30.00
T04S R14E S36	SENE	17.00	T04S R14E S36	NWSW	36.00
T04S R14E S36	SWSW	31.00	T05S R14E S01 Lot 4	NWNW	39.00
T05S R14E S02 Lot 1	NENE	39.00	T05S R14E S02 Lot 2	NWNE	10.00
T05S R14E S02	SWNE	9.70	T05S R14E S02	SENE	30.00
T05S R14E S02	NESE	20.00			

STOCKWATER same as IRRIGATION

316 ACRES TOTAL

This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.



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

October 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TRAVIS WILLIAMS
HEATHER WILLIAMS
1173 S 1700 E
GOODING ID 83330

RE: SRBA Claim(s) 37-2478

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Gary Nelson
5422 N 400 E
Hagerman ID 83332

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

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

RECEIVED

SEP 27 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-2478 YI					
PD 37-10276					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

Travis T. and Heather P. Williams
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

1173 S. 1700 E.

City, State and ZIP Code

Gooding, Id. 83330

New Telephone Number

(208) 934-8817

5. Date you acquired the property

June 23, 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) - James T. Williams
Heather P. Williams

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

For Office Use Only

Received by [Signature] Date 9/27/07 Fee \$25
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

GARY N. NELSON and NANCY I. NELSON, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

TRAVIS T. WILLIAMS AND HEATHER P. WILLIAMS, husband and wife

the grantee(s), whose current address is

the following described premises, to-wit:

Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho

Section 1: Lot 4

Section 2: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$

Township 4 South, Range 14 East of the Boise Meridian, Gooding County, Idaho

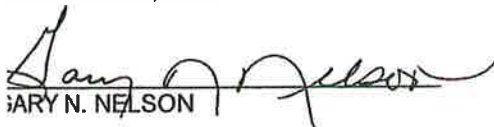
Section 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

Section 36: NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$

together with 38.89 shares of Big Wood Canal Company water and 146.3 shares of American Falls water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: June 23, 2004


GARY N. NELSON

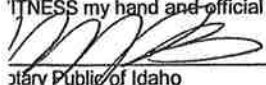

NANCY I. NELSON

STATE OF IDAHO

COUNTY OF GOODING

On This 23 day of June, in the year 2004, before me, a Notary Public in and for said State, personally appeared **GARY N. NELSON and NANCY I. NELSON**, known or identified to me 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.


Notary Public of Idaho
Residing at Gooding, ID
Commission Expires: 2-17-10



COPY

RECEIVED
MAY 24 2007
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 Number: 37-2478

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
Joe R. Williams Bldg.
700 W. State St., 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: Gary N. Nelson
Address: 5422 N 400 E
Hagerman, ID 83332

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. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: The State of Idaho, Department of Lands, hereinafter the "IDL," owns the SW¼SW¼ of section 36, Twp. 04S., Rge. 14E., B.M. The claimant does not have any authorization to claim a water right on this land. This land should be deleted from the authorized place of use.

11. 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 OBJECTION(S):

The IDL acquired on July 3, 1890 the SW¹/₄SW¹/₄ of section 36, Twp. 04S, Rge. 14E, B.M. The claimants have no authorization to claim this land as a place of use of a water right. Attachment I is a map that shows the land owned by the IDL and the water right claimed by the claimant.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

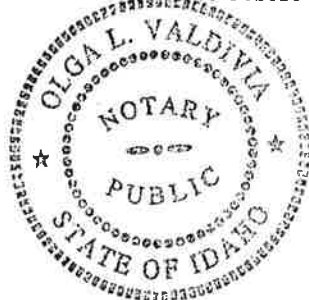
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

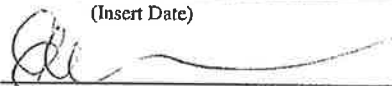
LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: May 22, 2007

(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/5/2012

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 22, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303

HAND DELIVERY

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

Gary N. Nelson
5422 N 400 E
Hagerman, ID 83332

U.S. MAIL

3. Copies to:

State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050

STATEHOUSE MAIL

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

STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

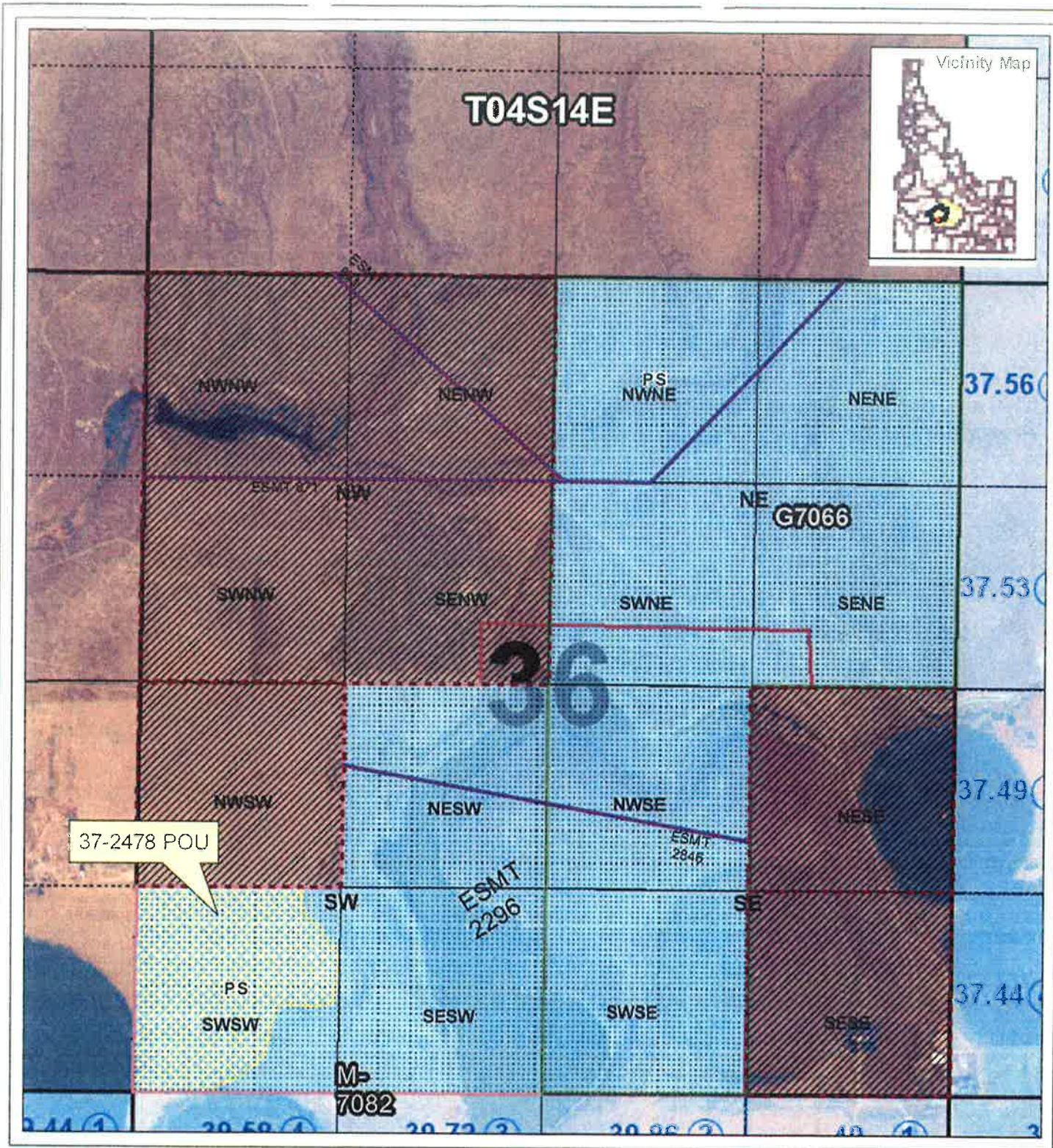
U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf



Legend

- ★ POD_Intersect
- POU_Int_Clip
- State Land
- Deeds
- Easement
- Easement Lines
- GRAZING LEASE
- Basin 37 Part2 Bdndy

IDL ACTIVITIES

- LEASE
- MINING CLAIM
- OTHER
- RESIDENCE
- PERMIT
- 1 - Mineral, Surface
- 2 - Surface, Restricted Mineral
- 3 - State Minerals Only
- 4 - Mineral Rights Only

Place of Use

Basin 37 Part 2

Sequence Number 37-2478
T04S14E - SEC 36

05/19/2007
Scale 1:10,000

Map Notes

Projection: Idaho Transverse Mercator, NAD 27

Map Notes and Data Sources

Place of Use 37-2478 Priority Date 04/23/1947

Idaho Ownership: 07/03/1890

Grazing Lease: G-XXXX

Easement: ESMT 2296

Misc Lease: M-7082

State Land 05/19/2007

Public Land Survey System (PLSS)

2004 NAIP Imagery

Disclaimer:

This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

ATTACHMENT 1

\\idwr\GIS\PHOTO\GIS\Basin37\Basin37_Part2_May2007\Basin_37_Part2_May2007.mxd 05/19/2007

03/27/2006

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

RIGHT NUMBER: 37-2478
NAME AND ADDRESS: GARY N NELSON
5422 N 400 E
HAGERMAN ID 83332
SOURCE: BLACK CANYON CREEK TRIBUTARY: DRY CREEK
QUANTITY: 2.420 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/29/1947
POINT OF DIVERSION: T04S R14E S36 NWNENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/15 11/15	0.190 CFS
IRRIGATION	03/15 11/15	2.420 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T04S R14E S35	NESE	13.00	T04S R14E S35	SWSE	6.30
T04S R14E S35	SESE	35.00	T04S R14E S36	SWNW	30.00
T04S R14E S36	SENW	17.00	T04S R14E S36	NWSW	36.00
(T04S R14E S36	SWSW	31.00)	T05S R14E S01 Lot 4	NWNW	39.00
T05S R14E S02 Lot 1	NENE	39.00	T05S R14E S02 Lot 2	NWNE	10.00
T05S R14E S02	SWNE	9.70	T05S R14E S02	SENE	30.00
T05S R14E S02	NESE	20.00			

STOCKWATER same as IRRIGATION

316 ACRES TOTAL

This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

State of Idaho
License and Certificate of Water Right

Water License No. 20077

Amount 2.42 second feet

Water District No.

Priority April 29, 1947

THIS IS TO CERTIFY that STEWART ELSNER

of Gooding, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 29, 1947; that Permit No. 20077 was issued under said application; that Certificate of Completion of works, with a carrying capacity of Six (6) second feet, was issued thereunder on July 25, 1947, showing that said works were completed on the 22nd day of July, 1947; and that on the 22nd day of June, 1948,

STEWART ELSNER

of Gooding, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Black Canyon Creek and tributaries a tributary of Wood River, for the purpose of irrigation and domestic uses, under Use Permit No. 20077 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4433, on the 24th day of January, 1949;

The right hereby confirmed dates from April 29, 1947;

The Point of Diversion is located 1500 ft. East from NW corner Sec. 36, and on north Section line of Sec. 36, Tp. 4 S., R. 14 E., B. M. Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.42 cubic feet per second of supplemental water

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
4 S.	14 E.	36	NW 1/4 SW 1/4	37	8		
			SW 1/4 SW 1/4	37	36		
		35	NE 1/4 SE 1/4	20	6		
			SW 1/4 SE 1/4	8	8		
5 S.	14 E.	1	SE 1/4 SE 1/4	33	33		
			NW 1/4 NW 1/4	39	-		
		2	NE 1/4 NE 1/4	39	25		
			NW 1/4 NE 1/4	10	5		
			SW 1/4 NE 1/4	15	-		
			SE 1/4 NE 1/4	20	-		
			NE 1/4 SE 1/4	20	-		
			NW 1/4 SE 1/4	25	-		
			Number of acres actually irrigated				-
							121

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 24th day of January, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)



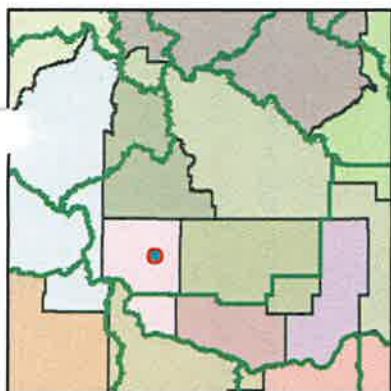
Idaho Department of Water Resources

Adjudication Claim:

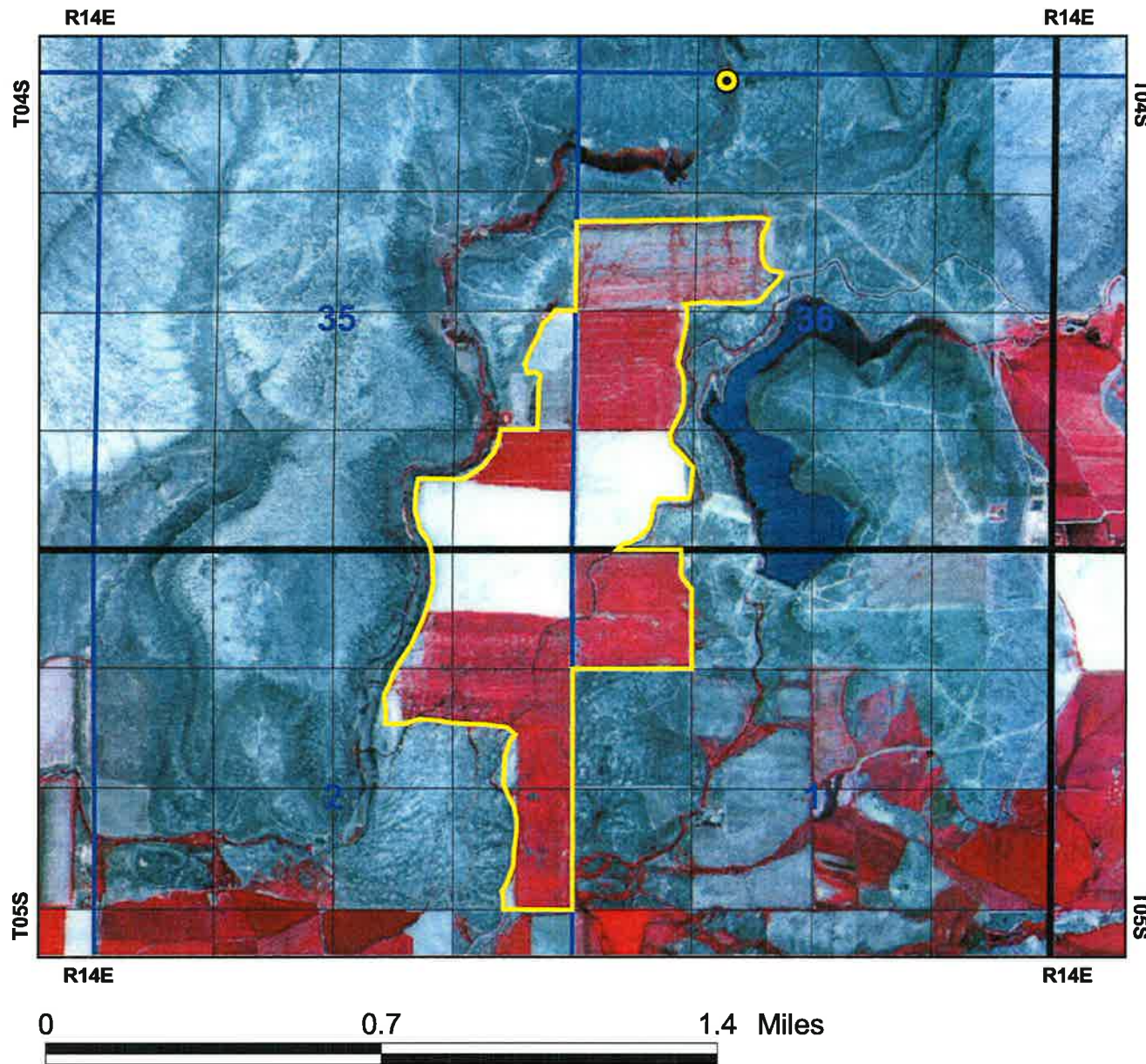
37-2478

Legend

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



Gooding County
IDWR Basin 37



Prepared by S. Clelland
On Monday, March 27, 2006
1987/88 Aerial Photography

LIC AC POU = 121 Ac.

POD

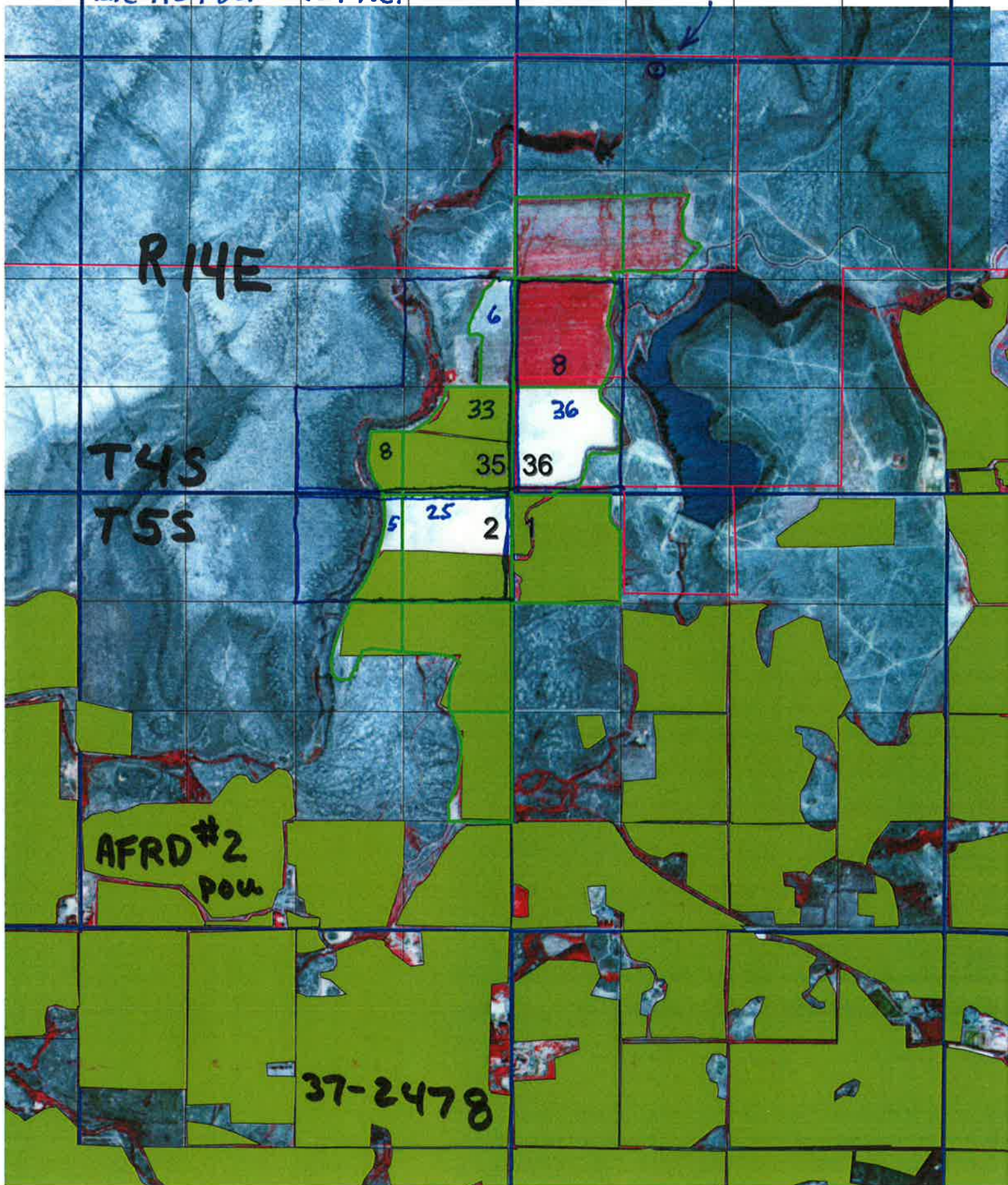
R14E

T4S

T5S

AFRD #2
POU

37-2478



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2478

WATER RIGHT NUMBER: 37-2478

Owner Type Name and Address
 Current Owner STEWART ELSNER
 GOODING, ID 83330

Priority Date: 04/29/1947

Basis: License

Status: Active

Source Tributary
 BLACK CANYON CREEK DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.420 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		2.420 CFS	

Location of Point(s) of Diversion

BLACK CANYON CREEK	SE1/4SW1/4	Sec. 25, Twp 04S, Rge 14E, B.M.
GOODING County		
BLACK CANYON CREEK	SE1/4NW1/4	Sec. 36, Twp 04S, Rge 14E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	14E	35									6.0		8.0	33.0					47.0
04S	14E	36								8.0	36.0								44.0
05S	14E	2	25.0	5.0															30.0

Total Acres: 121

DOMESTIC same as IRRIGATIONConditions of Approval:

- LIC. INCORRECTLY DESCRIBES BLACK CANYON CR. TRIB. TO WOOD RIVER. LIC. DESCRIBES P/D AS 1500 FT. EAST FROM NW CORNER SEC. 36. AND ON NORTH SEC. LINE OF SEC. 36, T4S, R14E.

Remarks:

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-02478

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: Steve Clelland

8/25/99 11:30 AM

NAME:

KEN BLICK & SON

RE:

CHECK ON 37-02478

They wanted to check on this right to see if it was a valid right... they said it had not been fully developed. I found the License and the SRBA claim and told them the right had to have been developed to get the Lic. issued. The realtor told them the pump is not in place to divert the water and has not been used in many years. I told them the SRBA exam will not occur for several years and the right is in a very gray area as to whether it is still a valid right or not. After discussing the situation with them it would appear the right has been forfeited due to non-use over 5 years. I told them if they gather info that suggests otherwise, they should provide us copies to add to this file for the record.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORN
GOVERNOR

KARL J. DREHER
DIRECTOR

January 7, 1999

Gary N. Nelson
5422 North, 400 East
Hagerman, Idaho 83222

RE: Snake River Basin Adjudication (SRBA)
Claim Number(s) A37-02478, A37-10276:
Change of Ownership Notification

Dear Gary:

We have changed our records to reflect that you are current owner of the water right claims referenced above. Upon closer evaluation of the deeds submitted, I found that the water right appurtenant to the State leased land in the SWSW of section 36 was indeed conveyed to you, and so have changed the entire right into your name.

The enclosed copies are for your records, please review these documents for accuracy in all respects. For your information, you should be receiving a "partial decree" of this domestic claim 37-10276 in February, but we aren't scheduled to review the irrigation claims in basin 37 until sometime in 2002. If you have any questions, please don't hesitate to call or come by.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

AJ5809NP
No. A37-02478

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLACK CREEK CANYON RANCH INC PO BOX 2390 SUN VALLEY ID 83353 (208) 726-3127	04/29/1947	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	2.42 CFS 0.19 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	2.42 CFS	363.00 AFA
C	THOMAS E WOLF PO BOX 2390 SUN VALLEY ID 83353 (208) 726-3413					

Water Source: BLACK CANYON CREEK
DRY CREEK

Tributary to: DRY CREEK
MALAD RIVER

Stage: LICENSE

Point(s) of Diversion:

T04S R14E S25
S36

SWSESW
NWNENW

GOODING County
GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
04S	14E	35	:															:	47.0	
04S	14E	36	:															:	117.0	
05S	14E	1	:															:	40.0	
05S	14E	2	:	40		10		12		30		40		22		22		:	112.0	
			:															:	316.0	
																			TOTAL ACRES	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: GOODING

Non-Irrigation Uses: S/800 RANGE

Other Rights: BIG WOOD AND AMERICAN FALLS SHARES

Remarks: GEN THIS WATER IS ADDED TO THE CANAL SHARES TO IRRIGATE THE FULL
316 ACRE TRACT. THIS CLAIM PROVIDES WATER FOR 121 ACRES.

Dates: Exam Made Date:

Verified Date:

05/06/1985

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

city ownership
on complete
claim
D.H.

NOT CONVEYED, but assigned
- IS STATE LEASED LAND



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Nelson
5422 N 400 E
Hagerman, Idaho 83332

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A37-02478 and A37-10276

Dear Gary:

I finally found time to look at this again, and remembered what the problem is with it. Your Title Insurance policy doesn't seem to cover anything in T04S R14E. At least our copy doesn't. I'm sending back what we had. Maybe there's just a page missing? If you remember, we needed the Title Insurance Policy because there was no chain of title from you back through Boyles to our owner of record, Tom Wolf. The alternative would be to provide us with a copy of the deed from Wolf to Boyles, which would be filed in the Gooding County courthouse.

I'm also enclosing a copy of the water right claims. Just a heads up: Since you didn't purchase property in the SWSW Section 36, that proportional part of water right A37-02478 will stay in the name of the original owner, so this right will be split. The other right A37-10276 is only for the domestic well in the NESE Section 35, so will be changed in its entirety.

Just wanted you to know that this was still pending, and that further action on your part was necessary. Sorry for the delay in getting back to you, I'm embroiled in Challis area claims right now. Did happen to notice a few chukars up there during field exams this fall, so that was of interest to Bob. Keep in touch.

Sincerely,

Vikie Hancock
Water Resource Agent

308.3 House lot
18.0 + Horse Pasture
82

290.3

NW 1/4 36 sec

Range 14 East

1127
7-3

320
80,000.00
sec 35
NE 1/4
SW 1/4
SE 1/4

T-1370

220
Deeded
120 state
Lease

200
33750
78000
111450

304
Total
27.1
State
Lease

120 state
480

140 acres
Range
14 East

800
32 AC
Township
5 South

sect 2 Lots
1+2

NE 1/4
SW 1/4
SE 1/4

1000
19 AC

Sec 1
Lot 4

Ree
Pasture

175200
33500
208700.00
Irr
Dry
32000
240000.00
734000.00

Lyle Thomas

173
257

20

146
27.4
25.7
199.1
240,000

COMMUNICATION DOCUMENTATION

Claim No. A37-02478
A37-10276

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IDWR Employee/Agent Jeanie Robertson Date 4/12/95Contact Person(s) Dave Boyles @ 934-4384
1891 S 1750 E, Gooding 83330Nature of Contact phone call

Substance of Communication he's interested in buying some
property and was checking out the water rights. Land
has a license for 121 acres and rest is irrigated with
canal shares from the American Falls Reservoir and the
Big Wood Canal Co. He mentioned it hadn't been irrigated
for 6 years because the buyer (Tom Wolf) lost the place
and the original owner (John Mellen) got it back in a
sheriff's sale. I told him the "forfeiture issue" may or
may not be applicable under those circumstances.
Also said we haven't done our investigation of claims in
that area yet and some issues with the SRBA judge (amnesty
statutes, etc.) are still up in the air at this point. Sent
him AJ proofs for these claims and a WR proof for the
license for him to look over...

COMMUNICATION DOCUMENTATION

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RE:
A37-02478, -10276.

I CALLED HIM BACK AT 11:35-READ HIM THE ELEMENTS OF THE USAGES. HE ASKED FOR CCS TO BE FAXED TO 734-4297. TARA DID SO OVER THE LUNCH HOUR-SEE TRANSMISSION COVER AND RECEIPT IN FILE. HAD HER PUT CC IN THE RECEIPT FILE FOR ACCTS. PAYABLE.