

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-2591
Date Received: 10/5/1988
Receipt No: M001516
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

POINT OF ROCKS RANCH LLC Phone: (650)851-2914
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

2. Date of Priority: 12/24/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	20E	16	SE	NE	SE	BLAINE	

5. Description of diverting works:

10" 105' DEEP WELL 75 HP. VERT. TURBINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.54	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
01S	20E	15	NW	SW		IRRIGATION	5		
			SW	SW		IRRIGATION	34		
			SE	SW		IRRIGATION	15		
			Section Acres						54
01S	20E	16	NE	SE		IRRIGATION	2		
			SE	SE		IRRIGATION	18		
			Section Acres						20
			01S	20E	22	NW	NW		IRRIGATION
Section Acres						3			
Total Acres						77			

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

1 P/D IN SWSE, S16, T1S, R20E.
TRANS. 2587.

15. Basis of Claim: License

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-00237D</u>	_____	_____	<u>37-02591</u>	_____	_____
<u>37-00426D</u>	_____	_____	<u>37-07937</u>	_____	_____
<u>37-00632F</u>	_____	_____	<u>37-11498</u>	_____	_____
<u>37-00943F</u>	_____	_____	<u>37-04427</u>	_____	_____
<u>37-00095F</u>	_____	_____	<u>37-00706D</u>	_____	_____
<u>37-00944F</u>	_____	_____			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) John K. French and Elaine A. French
35 Hidden Valley Lane, Woodside, CA 94062-1203
4. New Owner/Claimant(s) Point Of Rocks Ranch, L.L.C.
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and Zip Code Woodside, CA 94062
- New Telephone Number (650) 851-2914
5. Date you acquired the property February 4, 2002

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company

John K. French Elaine A. French
John K. French, Member/Elaine A. French, Member

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Recording Requested By
and
When Recorded Return to:

Thomas C. Praggastis, Esq.
Post Office Box 6090
Ketchum, Idaho 83340

Mail Tax Statements To:

Point of Rocks Ranch, L.L.C.
35 Hidden Valley Lane
Woodside, CA 94062

Instrument # 461573

HAILEY, BLAINE, IDAHO
2002-02-15 11:57:00 No. of Pages: 4
Recorded for : THOMAS C PRAGGASTIS
MARSHA RIEMANN Fee: 12.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

WARRANTY DEED

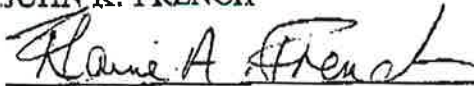
For Value Received, JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife (collectively "Grantor"), hereby grant, bargain, sell and convey unto POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company, whose address is 35 Hidden Valley Lane, Woodside, California 94062 ("Grantee"), the real property located in Blaine County, Idaho, as more particularly described in Exhibit A attached hereto and incorporated herein by reference and all water rights appurtenant to the real property, as more particularly described in Exhibit B, attached hereto and incorporated herein by reference.

SUBJECT to taxes, easements, restrictions, reservations, assessments and encumbrances of record, if any.

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

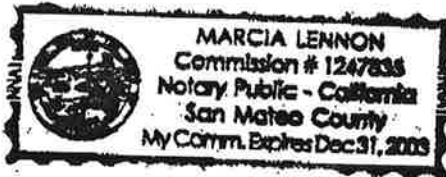
DATED this 4th day of February, 2002.


JOHN K. FRENCH


ELAINE A. FRENCH

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

On this 4th day of February, 2002, before me, a Notary Public in and for said State, personally appeared JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Marcia Lennon
Notary Public in and for the State of California
Residing at 421 Offenbach Sunnyvale, CA
Commission expires _____

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{4}$ SE $\frac{1}{4}$: N $\frac{1}{4}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the **REAL POINT OF BEGINNING**; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the **REAL POINT OF BEGINNING**.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less **TO THE POINT OF BEGINNING**.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom the right-of-way for Silver Creek.

EXHIBIT B

WATER RIGHTS

**Identification numbers of the Idaho Department of Water Resources
37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-
00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D**

Claimant's Name:
Point of Rocks Ranch, L.L.C.

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Point of Rocks Ranch, L.L.C., an Idaho limited liability company, for the following water rights which are not the subject of any subcases: 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-04427 and 37-00706D.

DATED this 5th day of March, 2002.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2002, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

March 26, 2002

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**RE: Notice of Change of Water Right Ownership for 37-00237D,
37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591,
37-07937, 37-11498, 37-04427 and 37-007906D
Our File No.: 020010**

Dear Allen:

Enclosed you will find the original and a copy of the above-referenced Notice of Change of Water Right Ownership for the above-referenced water rights acquired by my client, Point of Rocks Ranch, L.L.C. and the original and one copy of our firm's Notice of Appearance. Please receipt date stamp the copies and return them to me in the postage prepaid, self addressed envelope I have included for that purpose.

Kindly call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

enclosures

cc: Client (w/out encls.)
Chief, Natural Resources Division (w/encl.)
U.S. Dept. of Justice(w/encl.)
IDWR, Document Depository (w/encl.)

Form 43-246(12-1999) July, 2000

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
DEC 24 2001
 Department 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 (under the "split" heading), 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
37-00237D			37-02591		
37-00426D			37-07937		
37-00632F			37-11498		
37-00943F			37-04427		
37-00095F			37-00706D		
37-00944F					

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is 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) Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner
Box 1200, Hailey, ID 83333
4. New Owner/Claimant(s) John K. French and Elaine A. French
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and ZIP Code Woodside, CA 94062-1203
- New Telephone Number (509) 851-2914
5. Date you acquired the property December 17, 2001

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.

RECEIVED
DEC 24 2001
Department of Water Resources
Southern Region

1. Water Right No(s): 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-0095F, 37-00944F
37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Adjudication Claim No(s): XXXX

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

Robert E. Gardner, Kathryn Allred Gardner & Mary Ellen Drashner
Box 1200, Hailey, Id 83333

4. New Owner/Claimant(s)

John K. French & Elaine A. French

New Mailing Address

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

35 Hidden Valley Lane, Woodside, CA 94062-1203

City, State and ZIP Code

New Telephone Number

(650-) 851-2914

5. Date you acquired the property

December 17, 2001

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)

John K. French

Elaine A. French

(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..

Form 42-248/42-141P(6) July, 2000

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) _____

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 12/27/01 Fee 25.00
 Received by [Signature] Date 12/27/01 Receipt No. 5025502
 Processed by AJ Date _____ WR _____ Date _____

SVTC Order No. 01-16926

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest in said property

the grantors, do hereby grant, bargain, sell and convey unto

JOHN K. FRENCH AND ELAINE A. FRENCH, husband and wife

the grantee(s), whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

Please see attached Exhibit "A"

This transaction is a 1031 Exchange for the benefit of Mary Ellen Drashner, Robert E. Gardner and Kathryn Allred Gardner, as relinquished property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any. Reserving and Excepting any and all water rights appurtenant thereto, which water rights shall be separately conveyed by Quitclaim Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

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

Dated: December 10, 2001

Kathryn A. Gardner
Kathryn A. Gardner

Mary Ellen Drashner
Mary Ellen Drashner

Robert E. Gardner
Robert E. Gardner

State of Idaho
County of Blaine

On this 11th day of Dec, 2001, Before me a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner 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.

Jane L. Hansen
Notary Public

Residing at Boise, ID

Comm. Expires 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



State of Idaho

County of Ada

On this 11th day of Dec, 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

James L. Hansen

Notary Public

Residing at Boise, IDComm. expires 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{2}$ SE $\frac{1}{4}$: N $\frac{1}{2}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less TO THE POINT OF BEGINNING.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom roadways and the right-of-way for Silver Creek.

MAP 12A

16

5657

5658

6273

TL
6274

US

15

US

US

21

22

7655

MAP 13

1744

1745

1746

1748

1750

1751

1045

1047

28

1049

1050

1052

PICABO

1753

6580

NO PICABO ROAD

27

2940

2942

GREEN SUPPLY

6610

6820

6822

1758

1760

1794

500



T. IS., R. ZOE.

SVTC Order No. 01-16926

QUITCLAIM DEED

For Value Received MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest

Do hereby convey, release, remise and forever quitclaim unto

John K. French and Elaine A. French, husband and wife

Whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

the following described water rights:

Identification Numbers of the Idaho Department of Water Resources 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Together with their appurtenances.

Dated: December 10, 2001

Robert E. Gardner Kathryn Allred Gardner
Robert E. Gardner Kathryn Allred Gardner
Mary Ellen Drashner
Mary Ellen Drashner

State of Idaho

County of Blaine

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner 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.

James R. Hansen

Notary Public

Residing at: Boise, Id

Comm. Expires: 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007

State of Idaho

County of Ada

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

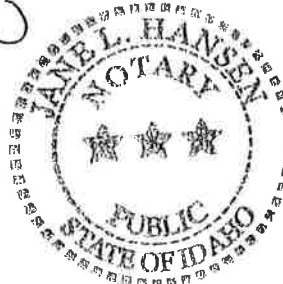
James R. Hansen

Notary Public

Residing at: Boise, Id

Comm. Expires: 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



December 21, 2001

SUN VALLEY
TITLE
C O M P A N Y



IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Our Order No. 01-16926
Gardner/French
T1S, R20E, Ptn. Sec. 15, Ptn. Sec. 16

To Whom It May Concern:

Regarding the above, I have enclosed the following:

- Check no. 10709 in the amount of \$25.00
- Notice of Change of Water Right Ownership
- Department of Water Resources Notice of Change in Water Right Ownership
- Copy Warranty Deed
- Map
- Copy Quitclaim Deed

If you have any questions or comments please do not hesitate to contact our office.

Happy Holidays!

Very Truly Yours,

A handwritten signature in cursive script that reads "Lindsay Atienza". The signature is fluid and written in dark ink.

Lindsay Atienza
Escrow Assistant

enc. 1a

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.

RECEIVED

OCT 08 1998

1. Water Right Number(s) _____
 Department of Water Resources
 Southern Region
 Adjudication Claim Number(s) A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498

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 on file with the county.)

OR

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

3. Name and Address of Former Charles R. Larkin
 Owner/Claimants P.O. Box 767, Picabo, Idaho 83348

4. New Owner/Claimant(s) Robert E. Gardner, Mary Ellen Drashner, and/or Kathryn Allred Gardner
 Name connector (check one): [] AND, [] OR, [X] AND/OR

New Mailing Address 12 Heron Lane

City, State and ZIP Code Bellevue, ID 83313

New Telephone Number (208) 788 - 2568

5. Date you acquired the property August 18, 1989

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(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 actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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 Robert E. Gardner Date 10-6-98
 Owner/Claimant(s) Kathryn Gardner Date 10-2-98
Mary Ellen Drashner Date 10-3-98
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

No. 13684

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, whose address is P. O. Box 767, Picabo, ID 83348 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto PIONEER EXCHANGE CORPORATION, an Idaho corporation, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

That real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

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

DATED this 17 day of August, 1989.

Charles R. Larkin
CHARLES R. LARKIN

Gioia B. Larkin
GIOIA B. LARKIN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned, a notary public in and for said state, personally appeared CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Robert P. Spok
Notary Public for Idaho
Residing at: Centerville, ID

j:\lrknpion.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOLSE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4:✓ N1/2 SE1/4:✓ NW1/4 SW1/4:✓ and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particulary described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

**CORPORATION
WARRANTY DEED**

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto MARY ELLEN DRASHNER, an unmarried woman, whose address is 2953 Leisure Drive, Boise ID 83704 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 24.8344% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 24.8344% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

John A. Butler
Notary Public for Idaho
Residing at: sun Valley

j:\piomeln.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW. ✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4. ✓

Excepting therefrom parcels of land in Section 16, more particular described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 11° 58' 01" E., 53.39 feet to a fence corner; thence N. 04° 11' 25" E., 78.77 feet to a fence corner; thence N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence S. a distance of 940.60 feet to a point; thence S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4. ✓

Section 22: N1/2 NW1/4. ✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto ROBERT E. GARDNER, a married man dealing in his sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 21.3576% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 21.3576% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

Stephen A. Carter
Notary Public for Idaho
Residing at: Green Valley

j:\piorobt.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW. ✓

Section 16: S1/2 SE1/4: ✓ NL/2 SE1/4: ✓ NWL/4 ✓ SWL/4: and E1/2 SWL/4. ✓

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SWL/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: NL/2 NEL/4. ✓

Section 22: NL/2 NWL/4. ✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto KATHRYN ALLRED GARDNER, a married woman dealing in her sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 53.8079% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 53.8079% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

WARRANTY DEED - 2

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence

S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence

✓ S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence

N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence

N. 11° 58' 01" E., 53.39 feet to a fence corner; thence

N. 04° 11' 25" E., 78.77 feet to a fence corner; thence

N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence

N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence

S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence

S. a distance of 940.60 feet to a point; thence

S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence

N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

Claimants Names:

**Robert E. Gardner
Mary Ellen Drashner
Kathryn Allred Gardner
12 Heron Lane
Bellevue, ID 83313**

RECEIVED
OCT 08 1998
*Department of Water Resources
Southern Region*

Attorney Name & Address:

**James P. Speck
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752**

**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

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimants and purchasers of water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation hereby enters its appearance on behalf of Claimants, Robert E. Gardner, Mary Ellen Drashner and Kathryn Allred Gardner, for

the following water right claims which are not the subject of any Subcases: A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498.

DATED this 6th day of October, 1998.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 1998, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

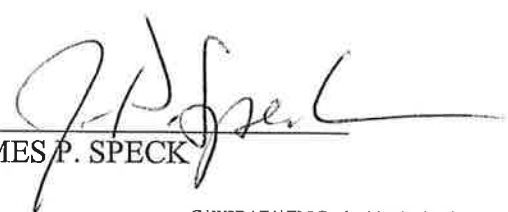
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

October 6, 1998

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED
OCT 08 1998
Department of Water Resources
Southern Region

**Re: Notice of Change of Water Right Ownership
Larkin - Gardner and Drashner**

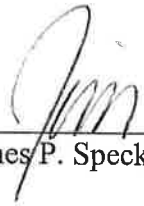
Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for several water rights previously claimed in the SRBA by Charles R. Larkin and now owned by Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner. I have also enclosed a Notice of Appearance on behalf of the Gardners and Mrs. Drashner. Please call me if you have any questions about this Notice. If not, kindly send me copies of the computer printouts reflecting the change of ownership once the information has been entered into the IDWR database.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosure
cc: Clients (w/encls.)

127-99

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: A37-02591
Date Received: 10/04/1988
Receipt No:
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES LARKIN
Address: P.O. BOX 767
PICABO, ID 83348
208-788-2823

2. Date of Priority: DEC 24, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	20E	16	SE	NE	SE		BLAINE

5. Description of diverting works:
10" 105' DEEP WELL 75 HP. VERT. TURBINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	15	NW	SW		IRR	5.0
			SW	SW		IRR	34.0
			SE	SW		IRR	15.0

Section Acres 54.0

A37-02591

Page 1

Date: 10/04/88

COPY MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	16	NE	SE		IRR	2.0
			SE	SE		IRR	18.0
						Section Acres	20.0
		22	NW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	77.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-07937.

14. Remarks:
1 P/D IN SWSE, S16, T1S, R20E.
TRANS. 2587.

15. Basis of Claim: LICENSE
Water Right Number: 26668

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): Chris M. Larkin Date: 10-4-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Oct 19 88

John Dale Carter
Notary Public

Seal

Residing at Bon ID

My Commission Expires 8/2/94

COPY

MICROFILMED
FEB 23 1993



4803

4802

20'

4801

60M TO IDAHO 75

MICROFILMED
FEB 23 1993

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 18 2010

By _____ Clerk

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: 37-2591, 37-4427

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

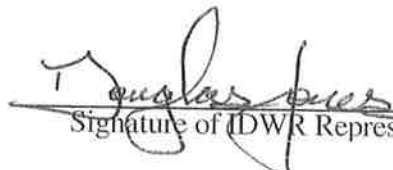
- ☐ Change in Ownership
- ☐ Point of Diversion
- ☐ Period of Use

- ☐ Split of Water Right
- ☒ Place of Use
- ☐ Nature of Use

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: 2/17/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 2010, 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 W Fort St MSC 033
Boise ID 83724

James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Point of Rocks Ranch LLC
PO Box 9320
Ketchum ID 83340



Signature of person or attorney mailing the form

02/16/2010

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.540 CFS 269.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S15	SWSW	39.00	T01S R20E S15	SESW	15.00
T01S R20E S16	NESE	2.50	T01S R20E S16	SWSE	1.10
T01S R20E S16	SESE	23.90	T01S R20E S22	NENW	20.50
T01S R20E S22	NWNW	25.00			

127 ACRES TOTAL

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

02/16/2010

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
175.00 AFY

Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/31/1961

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE		PERIOD OF USE		QUANTITY	
IRRIGATION		04/15	10/31	1.000 CFS 175.00 AFY	
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>					
T01S R20E S15	SWSW	39.00	T01S R20E S15	SESW	15.00
T01S R20E S16	NESE	2.50	T01S R20E S16	SWSE	1.10
T01S R20E S16	SESE	23.90	T01S R20E S22	NENW	20.50
T01S R20E S22	NWNW	25.00			

127 ACRES TOTAL

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

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

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

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.



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

February 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

RE: SRBA Claim(s) 37-2591, 37-4427

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

cc: James P. Speck



Idaho Department of Water Resources

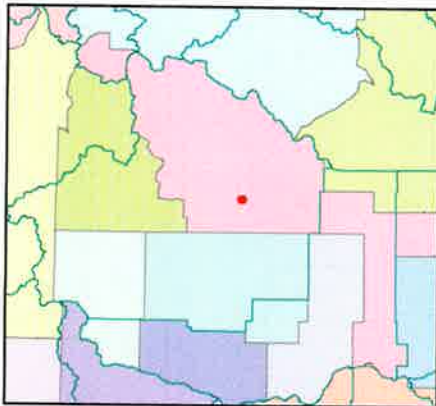
Adjudication Recommendation

37-2591

(IRRIGATION)

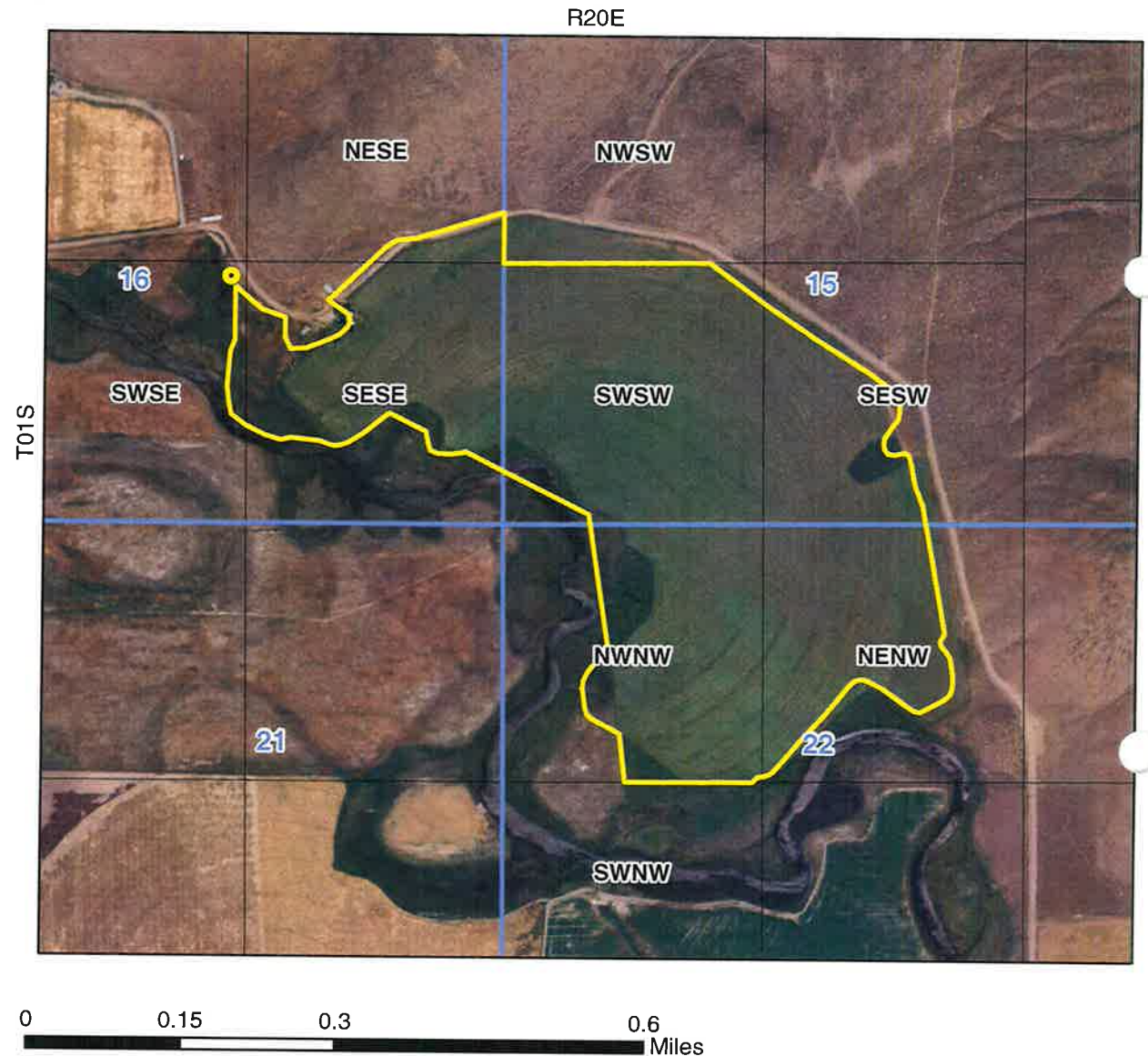
Legend

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



**Blaine County
IDWR Basin 37**

Prepared by Trish Fawcett
On February 16, 2010
2004 Aerial Photography



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76141

This is to certify that: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-4427	AJC/Beneficial Use	10/31/1961	1 cfs	N/A	50.0	127.0	GROUND WATER
37-2591	AJC/License	12/24/1956	1.54 cfs	N/A	77.0	127.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-4427	NO	NO	YES	NO	NO	NO
37-2591	NO	NO	YES	NO	NO	NO

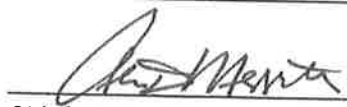
Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-4427	37-4427	1 cfs	175.0	50.0	127.0		N/A	N/A	N/A	N/A
37-2591	37-2591	1.54 cfs	269.5	77.0	127.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.54 cfs	444.5 af		127		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of December, 20 09

FAR


Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-2591
As Modified by Transfer No. 76141**

In accordance with the approval of Transfer No. 76141, Water Right No. 37-2591 is now described as follows.

Right Holder: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

Priority Date: December 24, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.54 CFS	269.5 AF
			1.54 CFS	269.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 16 Twp 01S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 15											39.0	15.0					54.0
01S 20E 16													2.5		1.1	23.9	27.5
01S 20E 22					20.5	25.0											45.5

Total Acres: 127

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

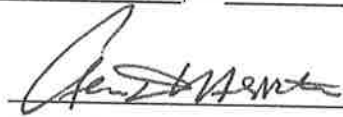
WATER RIGHT NO. 37-2591
As Modified by Transfer No. 76141

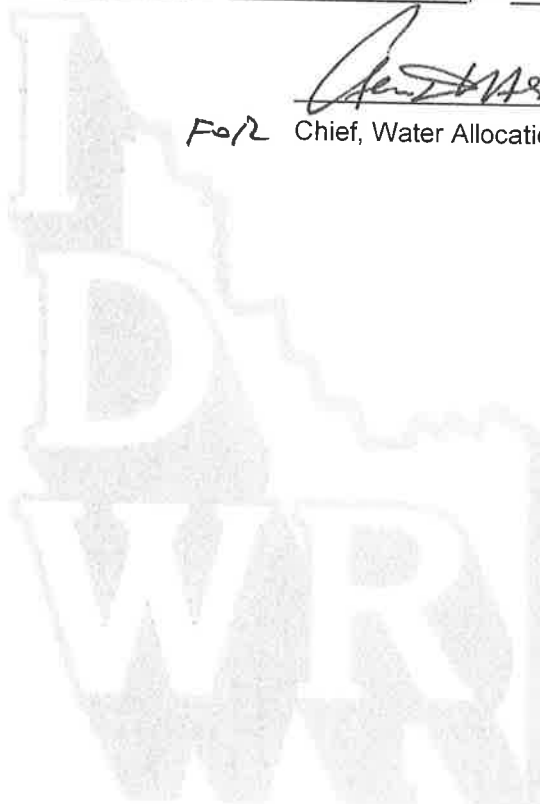
CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of December, 2009


For Chief, Water Allocation Bureau



WATER RIGHT NO. 37-4427
As Modified by Transfer No. 76141

In accordance with the approval of Transfer No. 76141, Water Right No. 37-4427 is now described as follows.

Right Holder: POINT OF ROCKS RANCH LLC
 PO BOX 9320
 KETCHUM ID 83340

Priority Date: October 31, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.00 CFS	175.0 AF
			1.00 CFS	175.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NESWSE Sec. 16 Twp 01S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 15											39.0	15.0					54.0
01S 20E 16													2.5		1.1	23.9	27.5
01S 20E 22					20.5	25.0											45.5

Total Acres: 127

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
2. Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-4427
As Modified by Transfer No. 76141

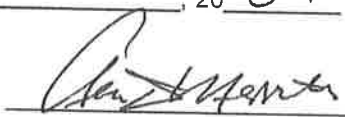
CONDITIONS OF APPROVAL

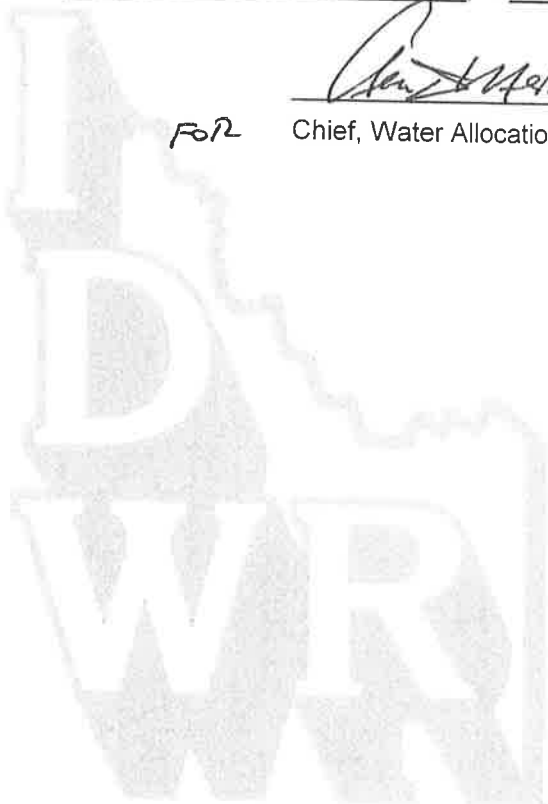
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of December, 2009

For


Chief, Water Allocation Bureau



DISTRICT COURT - 388A
TWIN FALLS COUNTY
FILED
2003 SEP 11 PM 11 35

CERTIFICATE OF MAILING

I certify that on 9/11, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

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

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

Point of Rocks Ranch LLC
PO Box 9320
Ketchum ID 83340

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

07/08/2008

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

RIGHT NUMBER: 37-95F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 05/29/1893

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.290 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW 39.00	
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE 17.00	
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE 1.60	
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE 40.00	
	184 ACRES TOTAL		

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

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

RIGHT NUMBER: 37-237D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.350 CFS

PRIORITY DATE: 06/15/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.350 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

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

RIGHT NUMBER: 37-426D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/08/2008

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

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.460 CFS

PRIORITY DATE: 06/03/1897

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.460 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW 39.00	
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE 17.00	
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE 1.60	
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE 40.00	

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/08/2008

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

RIGHT NUMBER: 37-706D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.390 CFS

PRIORITY DATE: 03/15/1883

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.390 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

07/8/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-943F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

07/8/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-944F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

07/08/2008

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.50 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	1.540 CFS 269.50 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 NWSW 4.50	T01S R20E S15 SWSW	36.00
	T01S R20E S15 SESW 14.00	T01S R20E S16 NESE	2.50
	T01S R20E S16 SESE 20.00		

77 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

07/08/2008

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.460 CFS
182.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 04/15/1962

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.460 CFS 182.00 AFY
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T01S R20E S15 SWSW 6.40	T01S R20E S15 SESW 4.60	
T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW 21.00	
52 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/08/2008

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

RIGHT NUMBER: 37-7937

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
132.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 08/24/1981

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.880 CFS 132.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 SWSW 1.40	T01S R20E S15 SESW	1.60
	T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW	21.00

44 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

This right is subject to all prior water rights and may be forfeited by five years of non-use.



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

September 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

RE: SRBA Claim(s) 37-95F, 37-237D, 37-426D, 37-632F,
37-706D, 37-943F, 37-944F, 37-2591, 37-4427,
37-7937

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

Enclosures

cc: James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Point of Rocks Ranch

P.O. Box 626
251 North Picabo Road
Picabo, Idaho 83348
(208) 788.6402
(208) 726.1725

RECEIVED

JUL 08 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

JULY 3, 2008

DEAR MR MERRITT,

THANK YOU FOR APPROVING OUR APPLICATION
FOR PERMIT NO. 37-20234.

COULD I ASK THAT YOU CHANGE MY
PERMANENT ADDRESS TO.

POINT OF ROCKS RANCH
114 WALL ST
P.O. BOX 9320
KETCHUM, ID 83340

(OLD ADDRESS: 35 HIDDEN VALLEY LN
WOODSIDE, CA 94062)

THANK YOU VERY MUCH

John K. Freund

Christensen, Kelly

To: Jim Speck; Spencer, Nick; Kelly, Vicki
Subject: 37-2591, 37-4427, and 37-7937

Attachments: 37-2591 Pt of Rocks proposed Rec V-2.doc; 37-4427 Pt of Rocks proposed Rec V-2.doc

Attached are the proposed recommendations for settlement. I believe that I have addressed all the issues but please review the proposals and provide any feedback as necessary.
Ultimately 37-7937 will be recommended for disallowal.



37-2591 Pt of



37-4427 Pt of

Rocks proposed R...Rocks proposed R...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

09/11/2009

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS

Proposed

The rights listed below are limited to a total combined annual diversion volume of 595 af. Combined Right Nos.: 37-2591 and 37-4427.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.540 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S15	NWSW	4.00	T01S R20E S15	SWSW	39.00
T01S R20E S15	SESW	15.00	T01S R20E S16	NESE	2.50
T01S R20E S16	SESE	21.00	T01S R20E S22	NENW	20.50
T01S R20E S22	NWNW	25.00			

127 ACRES TOTAL

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

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

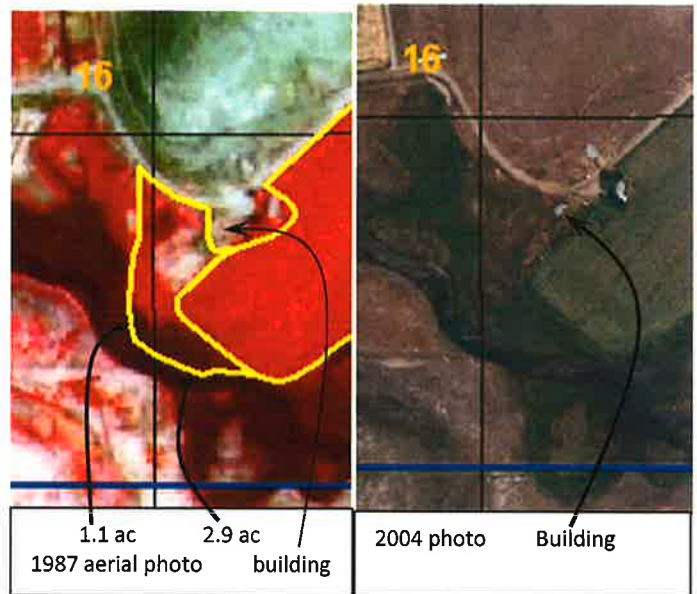
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

37-2591 and 37-4427 PROPOSED TRANSFER REVIEW
November 9, 2009

In reviewing the map provided with the proposed transfer I tried to duplicate the 'new' place of use in the same relationship as proposed. I noticed that in the NE corner of the shape it appears to include a building. The 4 acre shape that I created a slightly different proportion for the respective quarter/quarters. I realize that the 'new' POU boundary is somewhat arbitrary and if you feel that what I have drawn needs to be modified please let me know. Unfortunately, Arc Map has a tendency to nitpick over small acreages.

In looking over the proposed claims that this transfer is based upon I noted that when I copied the quantity remark into one claim and then duplicated it in the second claim I did not update the volume value. The PPU is 127 acres and at 3.5 af/acre the volume should have been 444.5 af. This needs to be corrected. The remark did not include a diversion rate recommendation as the system capacity for 37-2591 was determined to be 3.51 cfs during the 1962 field exam and based upon that information I am recognizing 37-4427 at 1.00 cfs for the 50 recognized acres. At 1 inch per acre the found POU of 127 acres is being recognized for a total of 2.54 cfs. The licensing field examination for 37-7937 found the system capacity for the one well to be 2.18 cfs. Although only one point of diversion is being recognized I do not have enough information in the file to find forfeiture. The date of last use for the second well is not known.



09/11/2009

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS

The rights listed below are limited to a total combined annual diversion volume of 595 af. Combined Right Nos.: 37-2591 and 37-4427.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.540 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 NWSW 4.00	T01S R20E S15 SWSW	39.00
	T01S R20E S15 SESW 15.00	T01S R20E S16 NESE	2.50
	T01S R20E S16 SESE 21.00	T01S R20E S22 NENW	20.50
	T01S R20E S22 NWNW 25.00		

127 ACRES TOTAL

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Proposed

2.18cfs

127 * 3.5 = 444.5af

need vol.

77
50
127 * ac

Status Conf.



3-18-09

37-2591, 4427, 7937 Point of Rocks

still working on things

632F - 37-706D SF-Ss filed.

U. Swissnes - will cooperate retransfer

Speck - Transfer pending.

Sept 2. 2:30 Status & Scheduling conf.

Need to
disallow
7937

Rate analysis

37-2591

the July 19, 1962 field exam found

- 1.) 20 Hp Pump w/ motor 2885952 discharge into open ditch
- 2.) 25 Hp Pump w/ motor 2980803 " " " "

Both wells were flowing when pumps were off.

Measured #1 1.22 cfs
#2 2.29 cfs
total 3.51 cfs. { irr system was well to ditch & gravity irr system.

Transfer 2587 approved Oct 15, 1981 to change POU location for the 71 ac. item C.1.b states "Well & Pump (1 well only) (other well has been permanently abandoned) Licensed for 1.54 cfs

37-7937

the Sept 17, 1985 field exam found the system capacity of 1 well to be 2.18 cfs. System = 75 HP turbine pump & sprinkler system.

Summary:

System developed in 1962 @ 3.51 cfs (2 wells)

Transfer shifts POU for 2591 div = (1 well)

statutory claim filed 1985 for 3.51 cfs

Permit 37-7937 filed in 1981 Lic in 1989 for 0.88 cfs

w/ limit of 2.18 cfs when Gov

note one well abandoned

1 well upgraded to 75 HP pump

37-2591, 4427, 7937

Dept action pending claimant interaction
& accomplishment with BLM in either filing
for a use permit or land purchase/swap.

If no BLM cooperation, then most
reasonable action would be to file a transfer
to move ir off of BLM land.

Recommend 37-2591 & 4427 in a PPU.
Recommend 37-7937 for disallowed. (Recom as 37-4427)

Action tentatively taken, 1) add acres to PPU
based upon Riparian Acres vs Center pivot.

2. Limit combined right rate to 2.18 cfs. based
upon system configuration since 1981.

Chicken & egg issue regarding transfer
vs SF-5.

37-2591, 37-4427, and 37-7937 POINT OF ROCKS LLC

Follow-up on the 9-19-2008 settlement conference.

Disregarding the individual rights I found a total of 127 irrigated acres. This includes 4.5 acres on BLM ground.

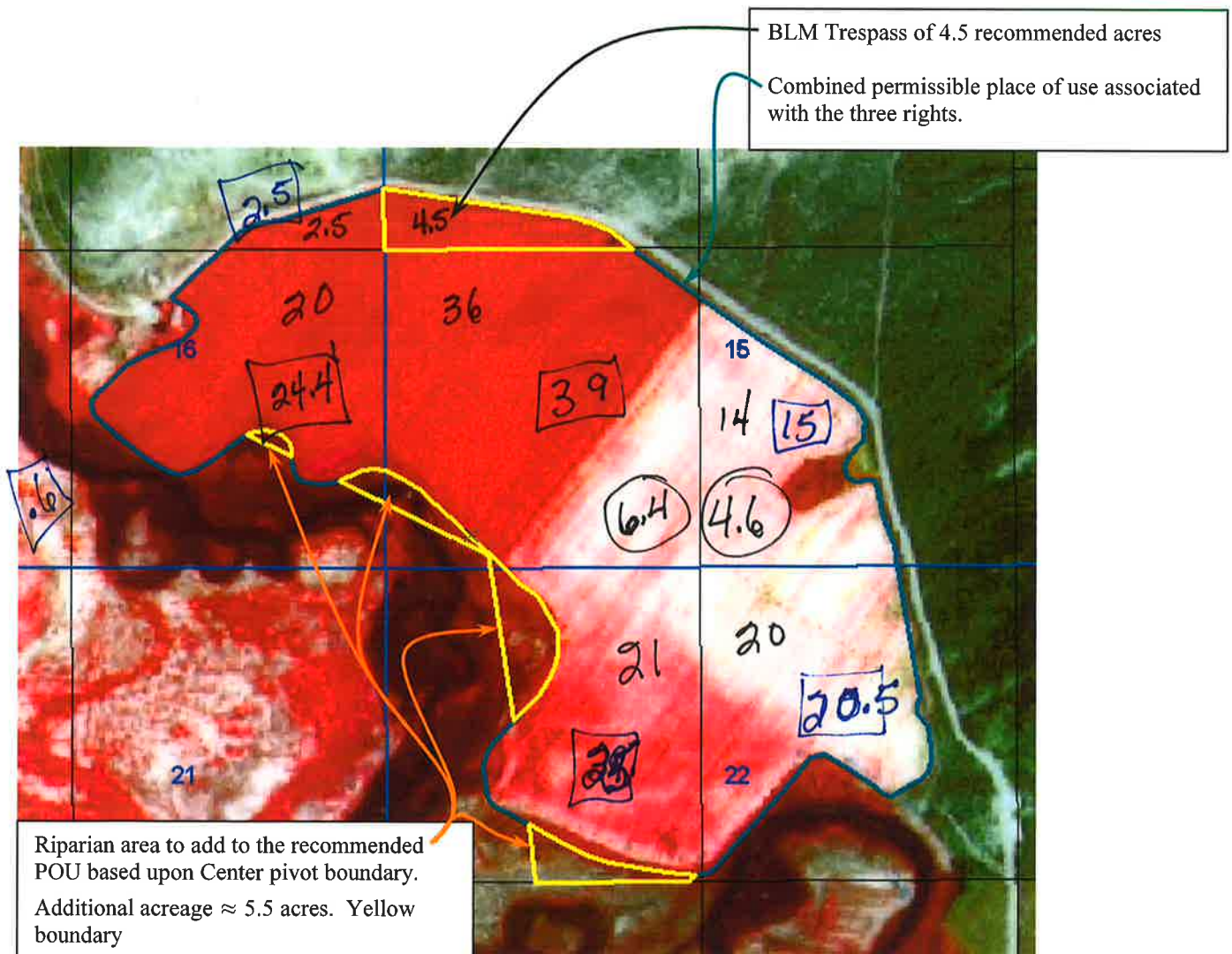
Based upon our discussions, a transfer for the 4.5 acres needs to be filed and then the rights would be recommended as follows;

37-2591 recommended for 77 acres within a 127 acre PPU.

37-4427 recommended for 50 acres within the same 127 acre PPU.

37-7937 recommended for disallowal. (Recommended as 37-4427)

37-2591 and 37-7937 recommended with a combined diversion rate of 2.18 cfs based upon the system capacity as measured during the 1985 field examination for 37-7937 and transfer 2587 approved in 1981 identifying the change in delivery system from 2 wells to one well with a 75 Hp pump.



POINT OF ROCKS FRI @ 10.30

37-632F obj to RATE - Recom = ^{1.46}~~1.472~~ wants 1.47 cfs
706D - obj to Rate - Recom = 1.396 wants 1.40 cfs

Can do the rate chg for 632F. Rate to thousands created through transfer.

706D rate also created thru trans (900) cannot increase rate (?)

37-2591

4427

7937

Short version 37-2591 was permitted for 101ac but licensed for 77ac. Field exam found 129ac but an amendment to the permit was necessary to id. the correct POA acre location. Was not submitted. Field exam done on July 19, 1962.

Permit 37-7937 was filed for additional acres (44) on Aug 24, 1981. A field exam was conducted on 9-17-1985. The examiner found 44ac. The license was issued Oct 24, 19809 for ~~44~~ac @ 0.88 cfs and conditioned to a max div rate when combined with 2591 to 2.18 cfs.

37-4427 was filed on Oct 2, 1985 for 129ac and 3.51 ch. The claim was for the ground covered by 37-7937 and identified in the lic FE for 2591 at the historical rate. The POA was for the irrigated pasture plus riparian area between field & stream channel.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, September 11, 2009 11:49 AM
To: Spencer, Nick; 'Jim Speck'; Kelly, Vicki
Subject: RE: RE: 37-2591, 37-4427, and 37-7937 POINT OF ROCKS

Regarding the diversion rate, it is my intent to recommend 37-2591 at 1.54 cfs as licensed and 37-4427 at 1.00 cfs which represents a combined total of 2.54 cfs for the irrigation of 127 acres. The only issue (and maybe this has been addressed) is that this 127 POU includes the 4.5 acres of trespass on the BLM ground in Sec 15 NWSW. Has there been a resolution to the trespass acres? That may have an affect on the ultimate recommendation.

KKC

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

From: Spencer, Nick
Sent: Wednesday, September 02, 2009 3:09 PM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: RE: RE: 37-2591, 37-4427, and 37-7937 POINT OF ROCKS

Hi Kelly. Jim Speck has his client, John French, at the status conference this afternoon. Jim told me that based upon your e-mail they were agreeing to (1) 127 acres in the POU; (2) the priority date you propose [I gather that is 10-31-1961] and (3) the season of use [which I gather means no change from what was recommended]. As soon as you get a chance you should call Jim to confirm this. However, as to quantity, Jim said that they still believe they should be entitled to "an inch per acre on the ground water right." What is your take on this? NBS

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

From: Christensen, Kelly
Sent: Wednesday, September 02, 2009 10:04 AM
To: 'Jim Speck'; Kelly, Vicki; Spencer, Nick
Subject: RE: RE: 37-2591, 37-4427, and 37-7937 POINT OF ROCKS

The aerial photo identified as 2003 POU outline shows the irrigated field and the riparian area that lays between the field and the river. The riparian area acreage was outlined merely to determine the gross acreage within that area not as a determination of actual irrigated acres. That area was not included within the recommended POU although it is likely that historically a portion of that ground received excess irrigation water from the fields. In viewing the aerial photography in that area the extent of ground that could be covered by irrigation water is not clear but one can observe irregular topography that would create channels thus blocking the complete irrigation of that area. Although the center pivot was not installed until after 1987 I used the pivot limits to identify a representative area for irrigation of the riparian area. This clearly does not identify the specific acres potentially irrigated in the riparian area, rather as a compromise between historic and current practices.

The evidence of priority (the department's field report for 37-2591 supports a July 19, 1962 date. In reviewing the backfile for 37-2591 I see that the proof of beneficial use was submitted Jan 9, 1962. As this indicates a completed system as of that date, I would be willing to go with the last day of the irrigation season for 1961 or 10-31-1961.

In reviewing the season of use for 37-2591 I found that the original license did not have an irrigation season of use. The 4-1 thru 11-1 season of use was placed on the license through T-2587. The department's policy for licenses that had no licensed season of use is to recognize the current season of use of 4-15 thru 10-31. This also applies where transfers added a different season of use. The recommendation for 37-2591 should also reflect the 4-15 thru 10-31 season of use.

Kelly

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, September 01, 2009 4:59 PM
To: Spencer, Nick; Christensen, Kelly
Cc: 'John French'
Subject: FW: RE: 37-2591, 37-4427, and 37-7937 POINT OF ROCKS

Nick & Kelly,

The issues raised below were not addressed at the last status conference. Can you now respond before tomorrow's conference?? Thanks.

Jim

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

From: Jim Speck
Sent: Tuesday, March 17, 2009 5:47 PM
To: 'Spencer, Nick'; 'Christensen, Kelly'
Cc: 'Kelly, Vicki'; 'John French'

Kelly,

I'm sending you the place of use workup you sent me in June, 2003. Can you explain the difference in what you sent me today compared to the 2003 document?

Will you agree to the April 1, 1960 priority date for 37-4427 as noted in our objection? Will you also agree to an April 1 to Nov 1 season of use for 37-4427 so it matches that recommended for 37-2591?

Jim

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

CONFIDENTIAL COMMUNICATION

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

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

From: Christensen, Kelly
Sent: Tuesday, March 17, 2009 4:30 PM
To: Jim Speck; Spencer, Nick
Cc: Kelly, Vicki

The attachment hopefully addresses most if not all of the issues outside of the BLM trespass issue. Look it over and if you have any questions let me know.

<<37-2591, 37-4427 Pt of rocks pot settlement.doc>>

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Attachment(s): 37-2591, 37-4427 Pt of rocks pot settlement.doc

Christensen, Kelly

To: Bromley, Chris; Spencer, Nick
Subject: 37-2591, 37-4427 Point of rocks potential settlement notes

Attachments: 37-2591, 37-4427 Pt of rocks pot settlement.doc

GW rights

Here is the other side of the Point of Rocks system. I have outlined the basics of my understanding of the agreement that was reached. As I recall the rate was touched on but never discussed in detail or actually settled on specifically. Let me know if I have missed anything or should go further in-depth in some area. It is my intent to send this to Speck.



37-2591, 37-4427
Pt of rocks ...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

*Note Claimant wants to try doing a
land swap or land purchase with the BLM.*

37-2591, 37-4427, and 37-7937 POINT OF ROCKS LLC

Follow-up on the 9-19-2008 settlement conference.

Disregarding the individual rights I found a total of 127 irrigated acres. This includes 4.5 acres on BLM ground.

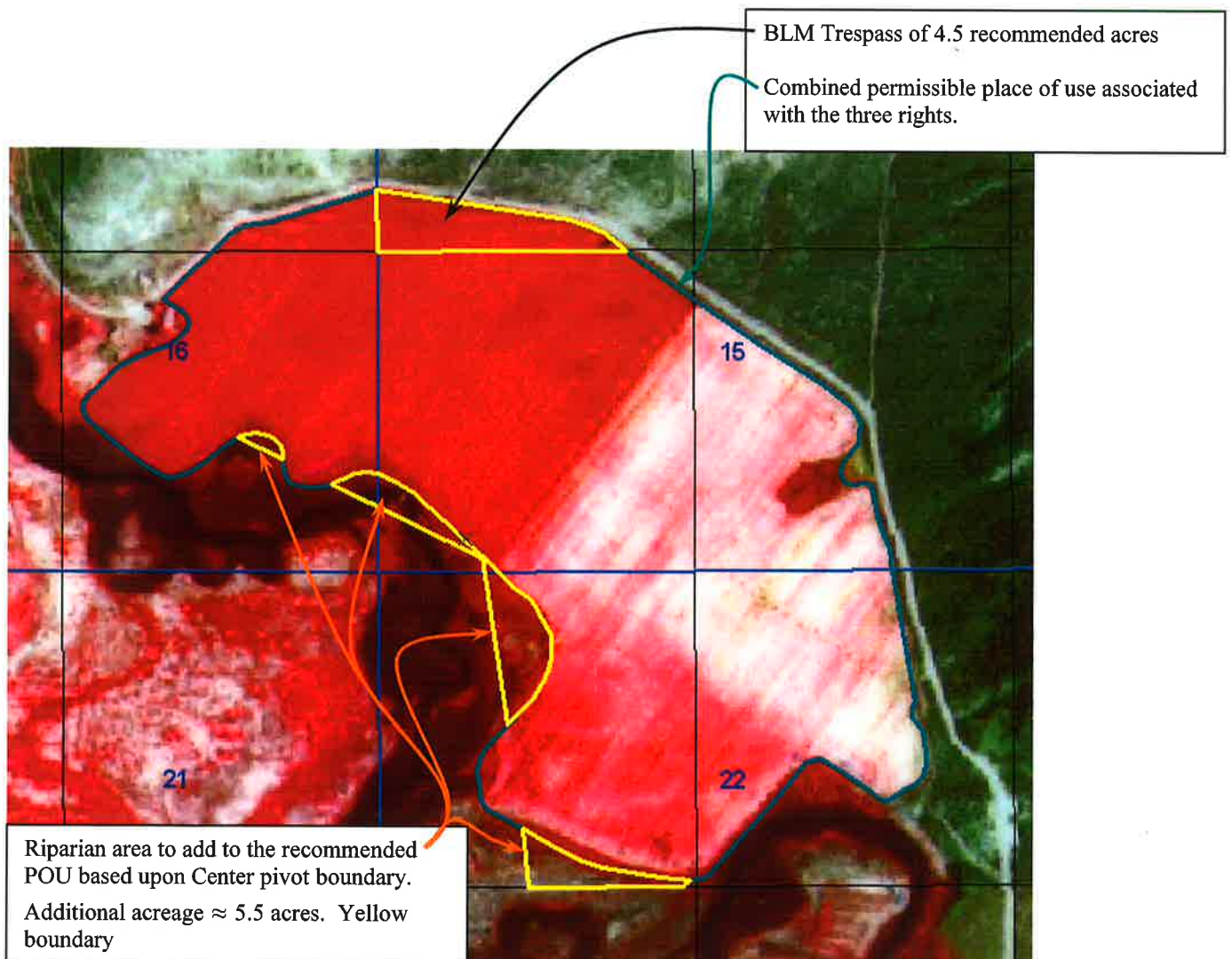
Based upon our discussions, a transfer for the 4.5 acres needs to be filed and then the rights would be recommended as follows;

37-2591 recommended for 77 acres within a 127 acre PPU.

37-4427 recommended for 50 acres within the same 127 acre PPU.

37-7937 recommended for disallowal. (Recommended as 37-4427)

37-2591 and 37-7937 recommended with a combined diversion rate of 2.18 cfs based upon the system capacity as measured during the 1985 field examination for 37-7937 and transfer 2587 approved in 1981 identifying the change in delivery system from 2 wells to one well with a 75 Hp pump.



9-22-08

37-2591 - 37-4427

After adding additional acres based upon center pivot irrigating a portion of the historically irrigated riparian area. Pou acreage is as found.

found ac = $126.6 \overset{127ac}{ac}$

37-2591 - 77.0 ac

37-4427 - 49.6 ac

add 0.4 ac?

50.0 ac

Note: Recom 127 ac PPU & 4.5 ac for transfer

Shape file for 37-2591

identifies 4.1 ac in Sec 15 NWSW } BLM gnd.
recom lists 4.5 ac in Sec 15 NWSW }

(an additional 0.4 ac recom in Sec 15 NWSW > than the arc map identified acreage)

(Recom = 52 ac)

(37-7937 rec = 44 ac)

500 - June 20-62

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

August 7, 1962

Re: Permit No. G-26668

Ivan L. Molyneux
Rt 1
Kimberly, Idaho

*PC Docs 37-2591
Pg 36*

Dear Mr. Molyneux:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26668 shows the well(s) (are) capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for the irrigation of 129 acres.

Upon receipt of the statutory fees, totaling \$ 19.00, which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$14.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 24, 1956 to the use of 2.0 second feet of subterranean water with the points of diversion in the SW¹/₄ SE¹/₄, Sec. 16 for irrigation of 129 acres in the S¹/₂ SW¹/₄, Sec. 15; W¹/₂ SE¹/₄, SE¹/₄ SE¹/₄, Sec. 16; N¹/₂ NW¹/₄, Sec. 22, T. 1 S., R. 20 E., B.M.

Since your permit does include the SW¹/₄ SE¹/₄, Sec. 15 and the NW¹/₄, Sec. 22 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included the statutory fees will total \$15.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

PROFILED

DATE

96668
Jan 30, 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2591 V1

WATER RIGHT NUMBER: 37-2591 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM, ID 83340

Priority Date: 12/24/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.540 CFS	269.50 AF
	<u>Total Diversion:</u>	1.540 CFS	269.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SE1/4	Sec. 16, Twp 01S, Rge 20E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	15									4.5	36.0	14.0						54.5
01S	20E	16												2.5				20.0	22.5

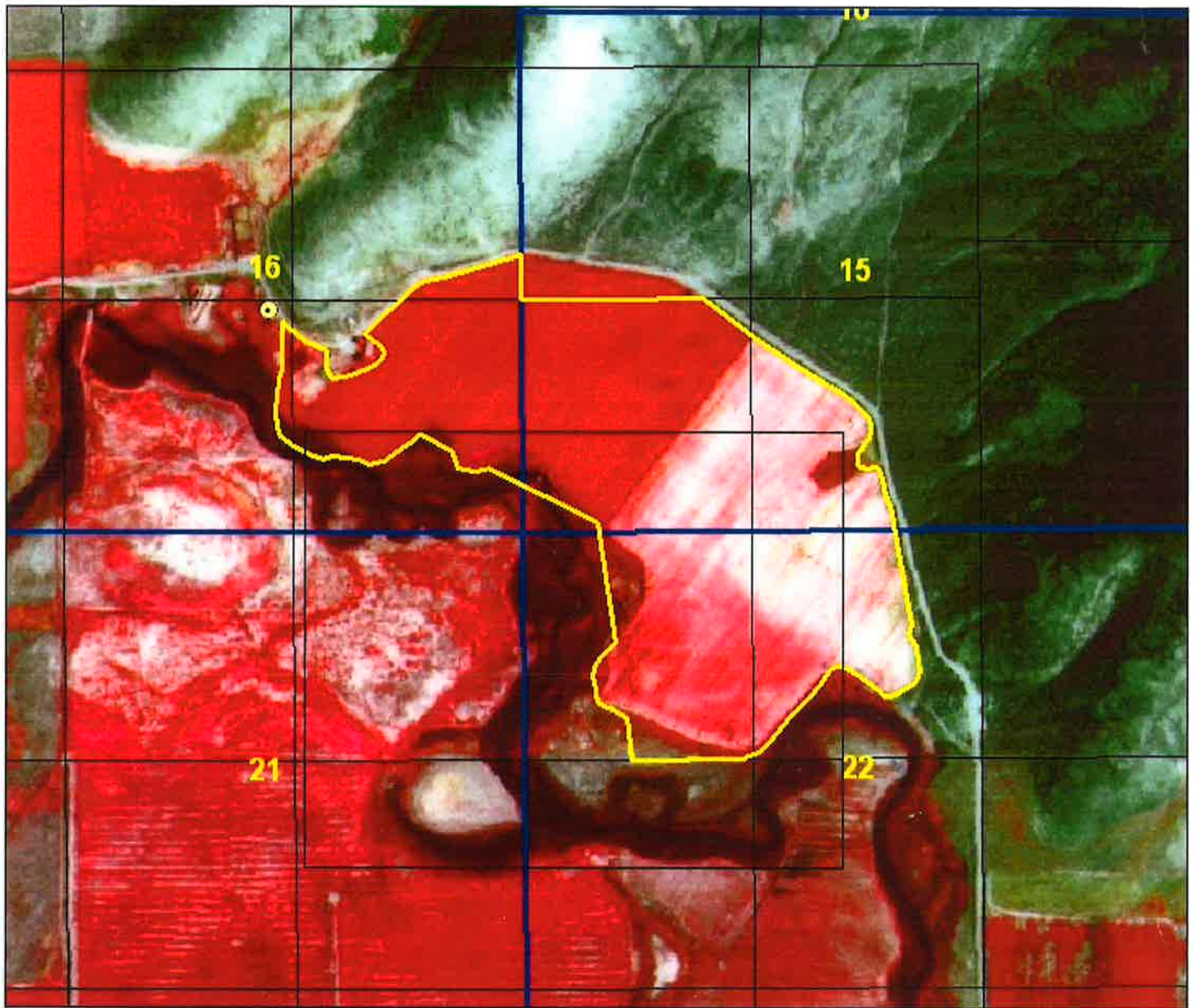
Total Acres: 77

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.
2. E56 The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.
3. 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:

RECOMMENDED PLACE OF USE FOR 37-2591 & 37-4427



PLACE OF USE
TWP 01S, RNG 20E, SEC 15, 16, & 22
Data Entry on January 4, 2010

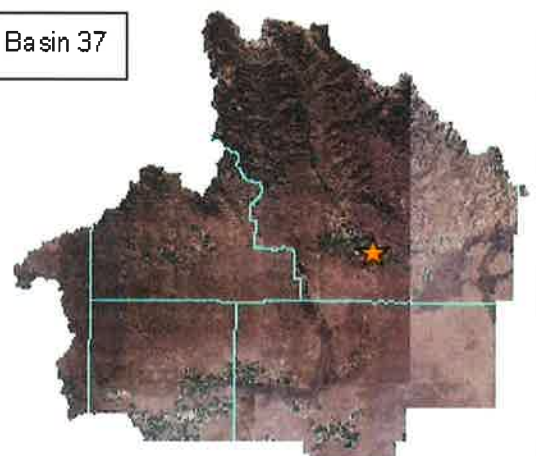
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
BY KELLY K CHRISTENSEN**



Basin 37



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) POINT OPF ROCKS RANCH, LLC Phone (208) 726-1725Mailing address PO Box 9320, Ketchum, ID 83340 Email john.french@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No RepresentativeName of Representative James P. Speck Phone (208) 726-4421Mailing address PO Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable_____
Date_____
Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable_____
Date**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. SRBA recommendations include encroachment on BLM land. That portion of the water rights will be transferred to other lands owned by Applicant**
- _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-2591	1.54 cfs	irrigation	4/15 to 10/31	ground water
☒ ☐	37-4427	1.0 cfs	irrigation	4/15 to 10/31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.54 cfs and/or 444.5 ac-ft

2. Total amount of water proposed to be transferred or changed 2.54 cubic feet per second and/or 444.5 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	20E	15											39.0	15.0					54.0
1S	20E	16													2.5		1.1	23.9	27.5
1S	20E	22					20.5	25.0											45.5

Total Acres (for irrigation use) 127.0

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Well, pivot and handline sprinkler irrigation systems

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: It is BLM land and will no longer be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use) _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2591

Current Owner: POINT OF ROCKS RANCH LLC
Priority Date: 12/24/1956
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.54 CFS

1.54 CFS

Annual Volume

269.5 AFA

269.5 AFA

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

NE1/4SW1/4SE1/4

Sec. 16, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S15	NWSW	4.00	T01S R20E S15	SWSW	39.00
T01S R20E S15	SESW	15.00	T01S R20E S16	NESE	2.50
T01S R20E S16	SESE	21.00	T01S R20E S22	NENW	20.50
T01S R20E S22	NWNW	25.00			

Total Acres: 127

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.
2. K06 This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
3. E54 The rights listed below are limited to a total combined annual diversion volume of 595 af. Combined Right Nos.: 37-2591 and 37-4427.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-4427

Current Owner: POINT OF ROCKS RANCH LLC
Priority Date: 10/31/1961
Origin: Adjudication Recommendation
Status: Active
Basis: Beneficial Use

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To
 04/15 to 10/31
 Total Diversion

Diversion Rate
 1 CFS
 1 CFS

Annual Volume
 175 AFA
 175 AFA

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

NE1/4SW1/4SE1/4 Sec. 16, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S15	NWSW	4.00	T01S R20E S15	SWSW	39.00
T01S R20E S15	SESW	15.00	T01S R20E S16	NESE	2.50
T01S R20E S16	SESE	21.00	T01S R20E S22	NENW	20.50
T01S R20E S22	NWNW	25.00			

Total Acres: 127

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.
2. K06 This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
3. E54 The rights listed below are limited to a total combined annual diversion volume of 595 af. Combined Right Nos.: 37-2591 and 37-4427.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

FOR DEPARTMENT USE ONLY

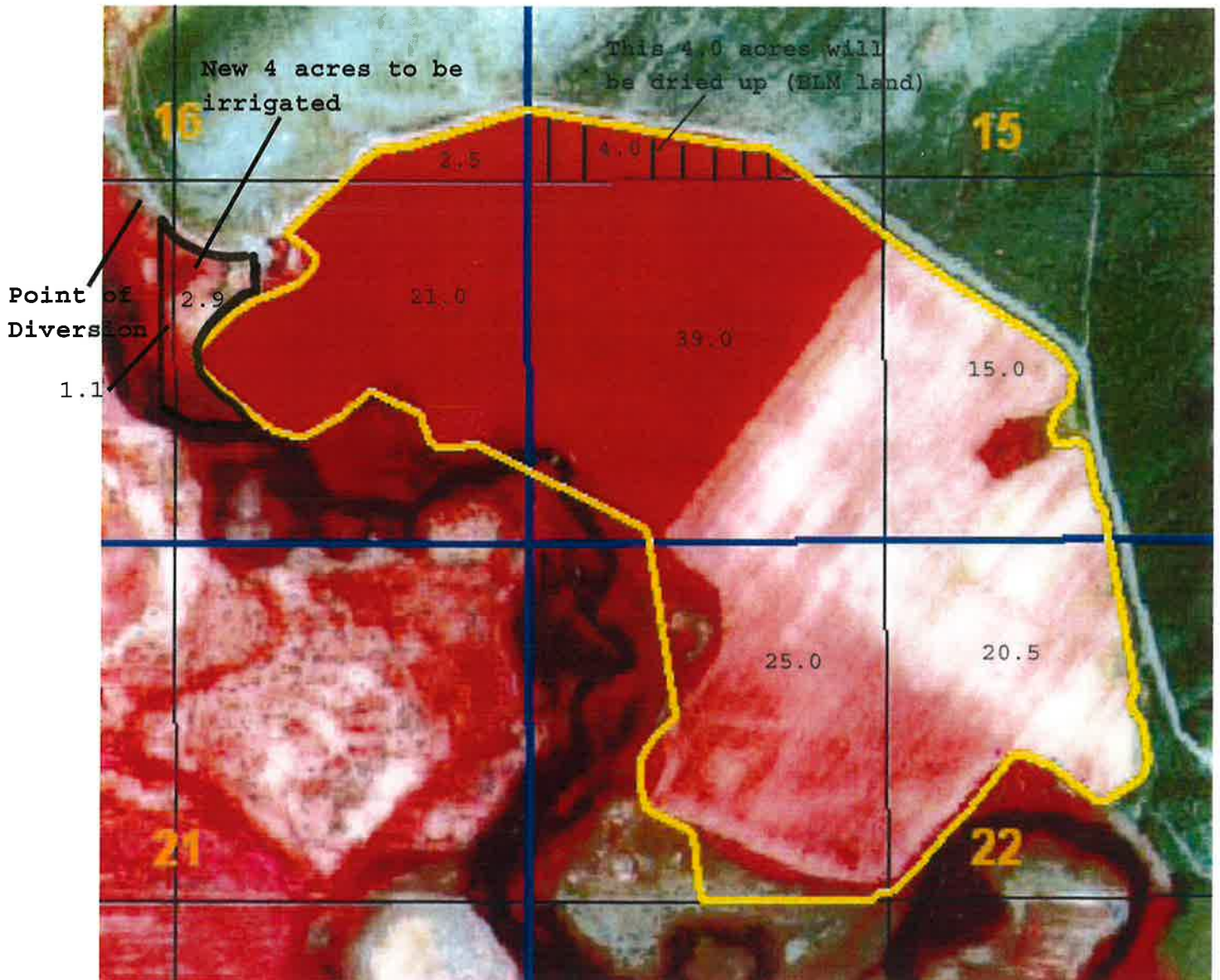
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

POINT OF ROCKS LLC
APPLICATION FOR TRANSFER
ATTACHMENT 7A and 7B



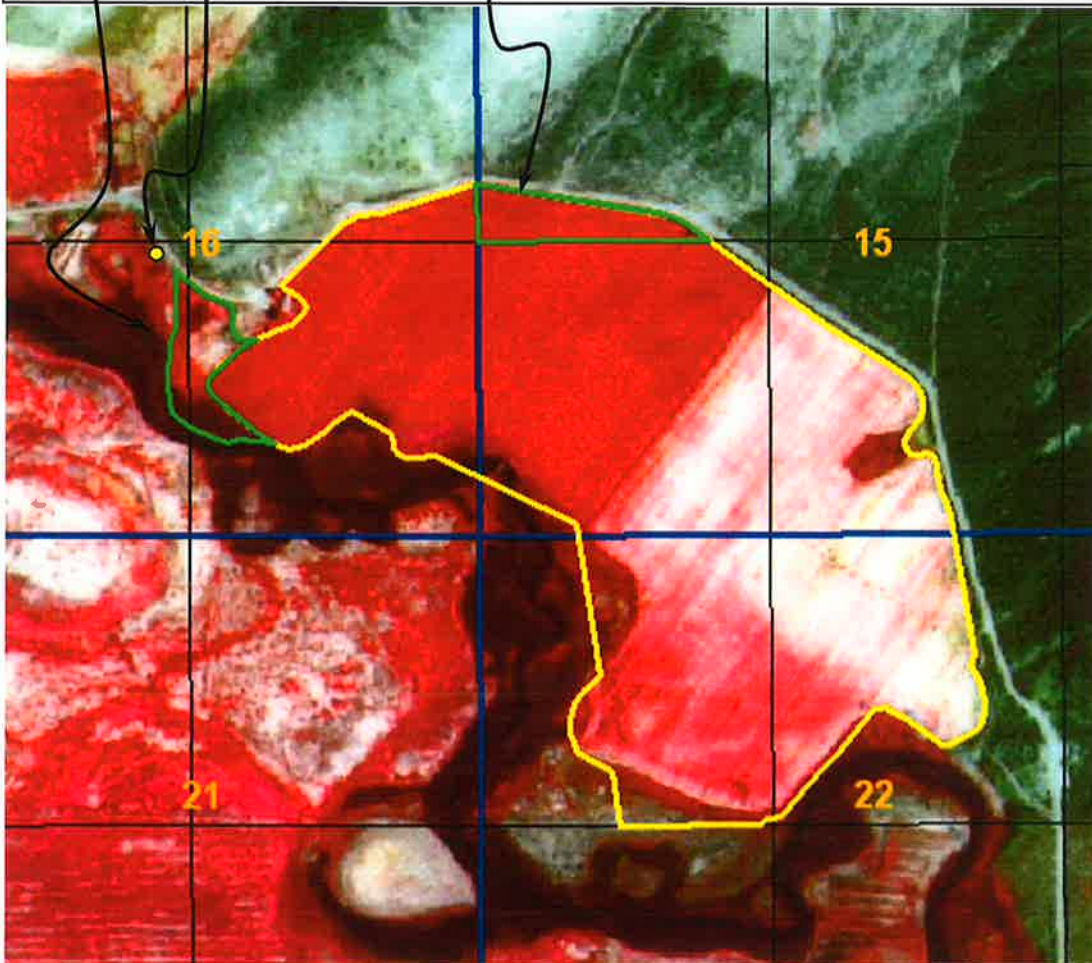
Point of Rocks LLC
1987 aerial photo
New POU

Application for transfer

Attachment 7A and 7B

POD

From POU (BLM ground)



01/22/2007

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.500 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 12/24/1956

POINT OF DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

1.540 CFS
269.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S15	NWSW	4.50	T01S R20E S15	SWSW	36.00
T01S R20E S15	SESW	14.00	T01S R20E S16	NESE	2.50
T01S R20E S16	SESE	20.00			

77 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

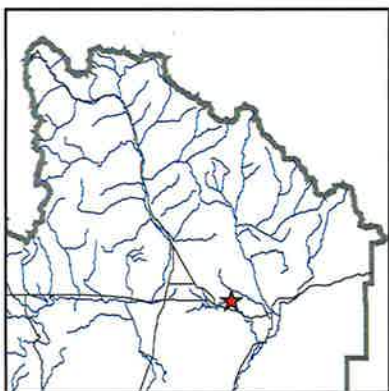
SRBA Recommendation:

37-2591

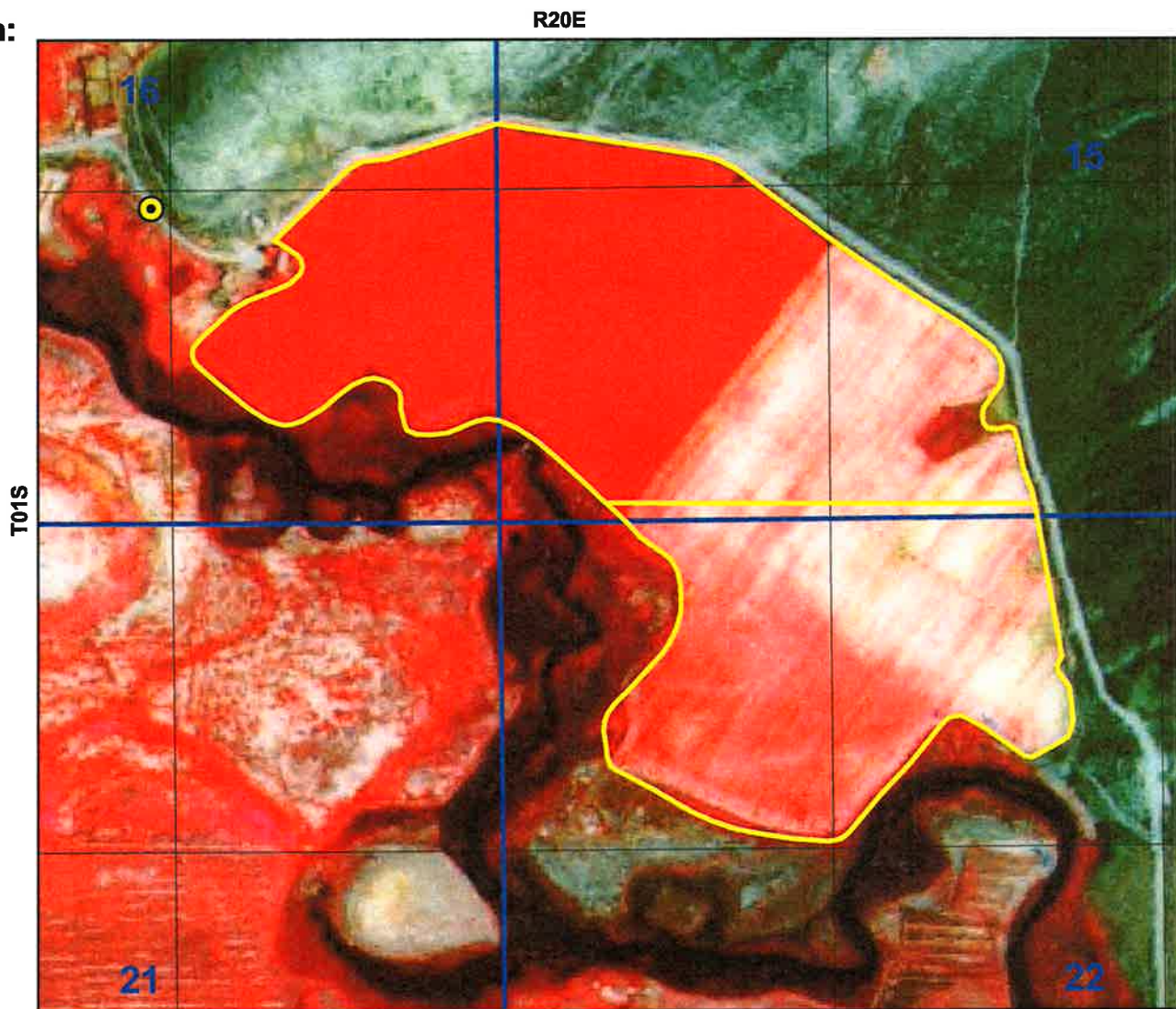
37-7937

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Monday, January 22, 2007
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-2591, 37-4427, 37-7937

Background Data

37-2591

- Source is Groundwater
- Licensed for 1.54 cfs for Irrigation of 77 acres
- Claimed 1.54 cfs for Irrigation of 77 acres

37-4427

- Beneficial Use Claim
- Source is Groundwater
- Claimed 3.51 cfs for Irrigation of 132.6 acres

37-7937

- Source is Groundwater
- Licensed for 0.88 cfs and 132 AF for Irrigation of 44 acres
- Claimed 0.88 cfs and 132 AF for Irrigation of 44 acres

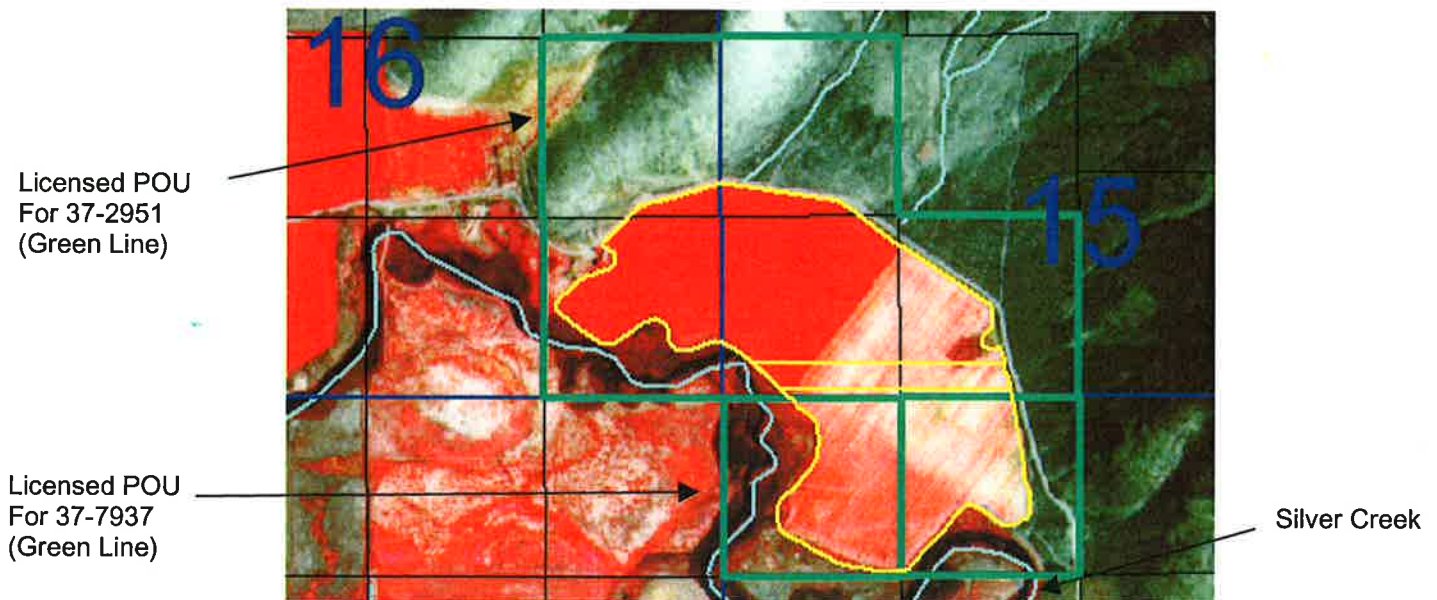
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R20E Sections 15, 16, and 22

- 37-2591, 37-4427, and 37-7937 are diverted from the same well. The field exam for 37-7937 determined the well had a capacity of 2.18 cfs. License 37-7937 has a combined use condition limiting 37-2591 and 37-7937 to 2.18 cfs
 - 37-2591, 37-4427, and 37-7937 are limited to 2.18 cfs when combined.
- Evidence of priority for 37-4427 is the license documents for 37-2591. The field exam showed 129 acres and a well capacity of 2.0 cfs. There is also a letter stating that if the claimant paid additional fees, the license would be for 2.0 cfs and 129 acres.
 - Diversion rate: $2.0 \text{ cfs} - 1.54 \text{ cfs (licensed as 37-2591)} = 0.46 \text{ cfs}$
 - Acreage: $129 \text{ acres} - 77 \text{ acres (licensed as 37-2591)} = 52 \text{ acres}$
 - Priority date: 4/15/1962
 - Start of Irrigation season
 - Prior to mandatory permit date for GW
- Are 37-4427 (beneficial use) and 37-7937 (license) both valid?
 - Sequence of water use:
 - 1956: 1.54 cfs licensed from well as 37-2951
 - License date 1979
 - 1962: additional 0.46 cfs documented from well during field
 - 1981: 0.88 cfs licensed from well as 37-7937
 - License date 1989
 - The evidence of priority shows that in 1962 in addition to the 1.54 cfs licensed in 37-2951 they were using 0.46 from the well.
 - The total diversion rate from well is 2.0 cfs at this time
 - 37-7937 licensed an additional 0.88 cfs
 - added a combined use limit for 37-2951 and 37-7937 of 2.18 cfs
 - The total diversion rate from well is 2.18 cfs at this time
 - Decision:
 - 37-7937 cannot be disallowed because it was issued after the SRBA began. It also brings the diversion rate up to the full capacity of the well.
 - 37-7937 should not be disallowed because beneficial use is documented in 1962.
- POU
 - Cannot create a PPU here. Water appears to be commingled, but 37-7937 was issued in 1989, after the SRBA began.
 - Field exam for 37-2591 found 129 acres of Irrigation, but only 77 acres were licensed. The POU for 37-4427 is 52 acres ($129 - 77 = 52 \text{ acres}$)
 - Assuming accomplished transfer moved the 52 acres to current irrigated land from the land that was being irrigated at the time 37-2591 was licensed.
 - 37-7937 was licensed for 44 acres. The field exam documents indicate 121 acres were being irrigated at that time. 77 acres were being irrigated with 37-2591, so there were 44 acres with no water right. 37-7937 covers the rest of the land.

➤ Recommendations:

- 37-2591, 37-4427, and 37-7937 are limited to 2.18 cfs, 413 AF, and 121 acres when combined.
 - 37-2591
 - 1.54 cfs and 269.5 AF for Irrigation of 77 acres
 - 37-4427
 - 0.46 cfs and 182.0 AF for Irrigation of 52 acres
 - Priority date: 4/15/1962
 - 37-7937
 - 0.88 cfs and 132 AF for Irrigation of 44 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Anders, Matthew

From: Anders, Matthew
Sent: Monday, January 22, 2007 11:24 AM
To: 'Jim Speck'
Subject: RE: RE: RE: point of rocks



point of rocks.zip

Jim,

Thanks for the catching this! I looked that the license documents for 37-7937 and you are correct, the POU was 121 acres.

In summary, here is how I determined the acreages:

Field exam for 37-2591 found 129 acres of Irrigation, but only 77 acres were licensed. The POU for 37-4427 is the 52 acres ($129 - 77 = 52$ acres) found to be irrigated, but not licensed. I assumed an accomplished transfer moved the 52 acres to current irrigated land from the land that was being irrigated at the time 37-2591 was licensed.

The field exam documents for 37-7937 indicate 121 acres were being irrigated at that time, but 37-7937 was only licensed for 44 acres. These 44 acres in 37-7937 represented the remainder of the POU that wasn't covered by 37-2591 (77 acres).

Attached are the updated recommendations.

Thanks again!

Matt

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, January 22, 2007 9:27 AM
To: Anders, Matthew
Cc: 'Mr. John K. French'; hideawayranch@earthlink.net
Subject: RE: RE: RE: point of rocks

Matt,

Thanks for the clarification. That same beneficial use report map shows 121 acres irrigated in 1985. Are you saying that it was not accurately measured at the time? If not, then the loss of the 3 acres would have to be by forfeiture and that can't be shown to have occurred by 1988 when the claims were filed. What do you think?

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421

208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

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

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

From: Anders, Matthew
Sent: Monday, January 22, 2007 7:31 AM
To: Jim Speck

Jim,

37-2591, 37-4427, and 37-7937 are all diverted from the same well. The field exam in 1985 for 37-7937 determined the well had a diversion capacity of 2.18 cfs. License 37-7937 has a combined use condition limiting 37-2591 and 37-7937 to 2.18 cfs. So 37-2591, 37-4427, and 37-7937 are also limited to 2.18 cfs when combined.

Let me know id you have any more questions.

Matt

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Sunday, January 21, 2007 2:18 PM
To: Anders, Matthew
Cc: 'Mr. John K. French'; hideawayranch@earthlink.net
Subject: RE: RE: point of rocks

Matt,

Thanks for the answers. I forgot to ask how you came up with the 2.18 cfs combined diversion rate for the three ground water rights (37-2591, 3327 & 7937) - how did you??

Jim

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

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination,

distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

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

From: Anders, Matthew
Sent: Friday, January 12, 2007 3:38 PM
To: Jim Speck
Cc: Mr. John K. French; hideawayranch@earthlink.net

Jim,

I found an error in the recommendations. The combined use limit for acreage should be "The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F" and it only applies to the three claims listed, so I removed it from the other two claims. Attached are the updated recommendations.

Below are my responses to your questions.

1. Where do the combined limit remarks come from on the surface water rights?

Transfer No. 2901 and 2903 were both approved January 26th 1986. Transfer No. 2901 stacked water rights 37-95A, 37-237A, and 37-632B on 83 acres. Transfer No. 2903 stacked water rights 37-95E and 37-632E on 80 acres that overlapped all but 3 acres of the POU for Transfer No. 2901.

Water right 37-237B consists of 0.89 cfs for Irrigation of 8 quarter-quarter sections (320 acres)

Water right 37-632B consists of 1.26 cfs for Irrigation of 10 quarter-quarter sections (400 acres)

SRBA claim 37-95F combined water rights 37-95A and 37-95E. To avoid expansion of water right 37-95A, the POU for the combined water rights cannot exceed 80 acres.

SRBA claim 37-237D combined water rights 37-237A and 37-237B. To avoid expansion of water right 37-237A, the POU for the combined water rights cannot exceed 83 acres.

SRBA claim 37-632F combined water rights 37-632B and 37-632E. To avoid expansion of water right 37-632E, the POU for the combined water rights cannot exceed 80 acres.

Since water rights 37-95A, 37-95E, 37-237A, 37-632B, and 37-632E are stacked on same land, there is a combined use limit of 83 acres for claims 37-95F, 37-237D, and 37-632F. (I probably should have an additional condition to limit 37-95F and 37-632F to 80 acres).

Water right 37-426A consists of 0.83 cfs for Irrigation of 8 quarter-quarter sections (320 acres)

SRBA claim 37-426D is part of water right 37-426A, so it can be used to irrigate the entire 184-acre PPU.

Water right 37-706A consists of 1.18 cfs for Irrigation of 80 acres.

Water right 37-706B consists of 0.92 cfs for Irrigation of 8 quarter-quarter sections (320 acres)

SRBA claim 37-706D combined water rights 37-706A and 37-706B. To avoid expansion of water right 37-706A, the POU for the combined water rights cannot exceed 80 acres.

Claims 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D are stacked in a 184-PPU, so when combine they are limited to 184 acres.

2. Why are 37-2591 and 37-7937 limited to a combined total of 118 acres instead of their total of 121 acres?

I found a total of 118 acres of Irrigation. Since 37-2591 and 37-7937 add up to 121 acres, they overlap by 3 acres. Since the POU for 37-2591, 37-4427, and 37-7937 overlap, all three rights are included in a combined use limit of 118 acres.

I could not make a PPU with these three rights because 37-7937 was licensed in 10/1989, after the SRBA started.

3. For 37-4427, where does the priority date come from and how did you come up with the place of use?

The field exam for license 37-2591 was conducted on 7/19/1962 and the examiner documented 129 acres of irrigation. A well log dating from 1957 establishes that they had the diversion works in place and irrigation was documented in July 1962, so I set the priority date as the start of the irrigation season 4/15/1962. The POU for 37-4427 is land that was found to be irrigated at the time of the 1962 field exam, but was not included in the POU for license 37-2591 and was still being irrigated in 1987.

Let me know if you have any questions. Thanks!

Matt

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

From: Jim Speck [mailto:jim@speckkandaanestad.com]
Sent: Sunday, January 07, 2007 9:45 PM
To: Anders, Matthew
Cc: 'Mr. John K. French'; hideawayranch@earthlink.net
Subject: RE: point of rocks

Matt,

Some initial questions:

1. Where do the combined limit remarks come from on the surface water rights?

2. Why are 37-2591 and 37-7937 limited to a combined total of 118 acres instead of their total of 121 acres?

3. For 37-4427, where does the priority date come from and how

did you come up with the place of use?

Thanks.

Jim

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

CONFIDENTIAL COMMUNICATION

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

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

From: Anders, Matthew
Sent: Saturday, January 06, 2007 11:02 AM
To: jim@speckandaanestad.com

Jim,

Here the preliminary recommendations for Point of Rocks. Let me know if you have any questions.

<<point of rocks.zip>>

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

--
No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.432 / Virus Database: 268.16.6/617 - Release Date: 1/5/2007
11:11 AM

Attachment(s): point of rocks.zip

--
No virus found in this incoming message.
Checked by AVG Free Edition.

Version: 7.5.432 / Virus Database: 268.16.10/624 - Release Date: 1/12/2007
2:04 PM

Attachment(s): 37-0095F.doc; 37-0237D.doc; 37-0426D.doc; 37-0632F.doc;
37-0706D.doc

--
No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.432 / Virus Database: 268.17.4/644 - Release Date: 1/22/2007
7:30 AM

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2591

WATER RIGHT NUMBER: 37-2591

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES R LARKIN PO BOX 767 PICABO, ID 83348 (208)788-2823
Original Owner	IVAN L MOLYNEUX GANNETT, ID

Priority Date: 12/24/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.540 CFS	
	<u>Total Diversion:</u>	1.540 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 16, Twp 01S, Rge 20E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	15										5.0	34.0	15.0					54.0
01S	20E	16													2.0			18.0	20.0
01S	20E	22						3.0											3.0

Total Acres: 77

Conditions of Approval:

- 2 P/D IN SWSE, S16, T1S, R20E.
TRANS. 2587.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2591

Comments:Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

Transfer No. 2587Water Right No. 37-2591RECEIVED
OCT 19 1981
Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Charles Larkin Phone 788-2823Post Office address Picabo, ID 83348

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 37-2591 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

thru purchase3. Source of water Groundwater tributary to _____4. Date of priority 12-24-1956

5. Water is used for the following purposes:

- amount 1.54 cfs for irrigation purposes from Apr 1 to Nov 1
- amount _____ for _____ purposes from _____ to _____
- amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.54 cubic feet per second
&/or
b. 2 pts. acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16
Township 1S Range 20E, B.M., in Blaine County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1S</u>	<u>20E</u>	<u>15</u>												<u>9</u>					<u>9</u>
		<u>16</u>														<u>19</u>	<u>6</u>	<u>19</u>	<u>44</u>
		<u>22</u>					<u>24</u>												<u>24</u>

Total number of acres to be irrigated 77

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No

If yes, describe in item D. REMARKS

1858 #1
7-2591
7-2587

DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.54 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well & pump (1 well only) (other well has been permanently abandoned).
- c. Describe the reasons for the proposed changes correct error in license

2. Change in point of diversion No Change

Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Town
Range _____, B.M., _____ County

Additional points _____

3. Change in place of use

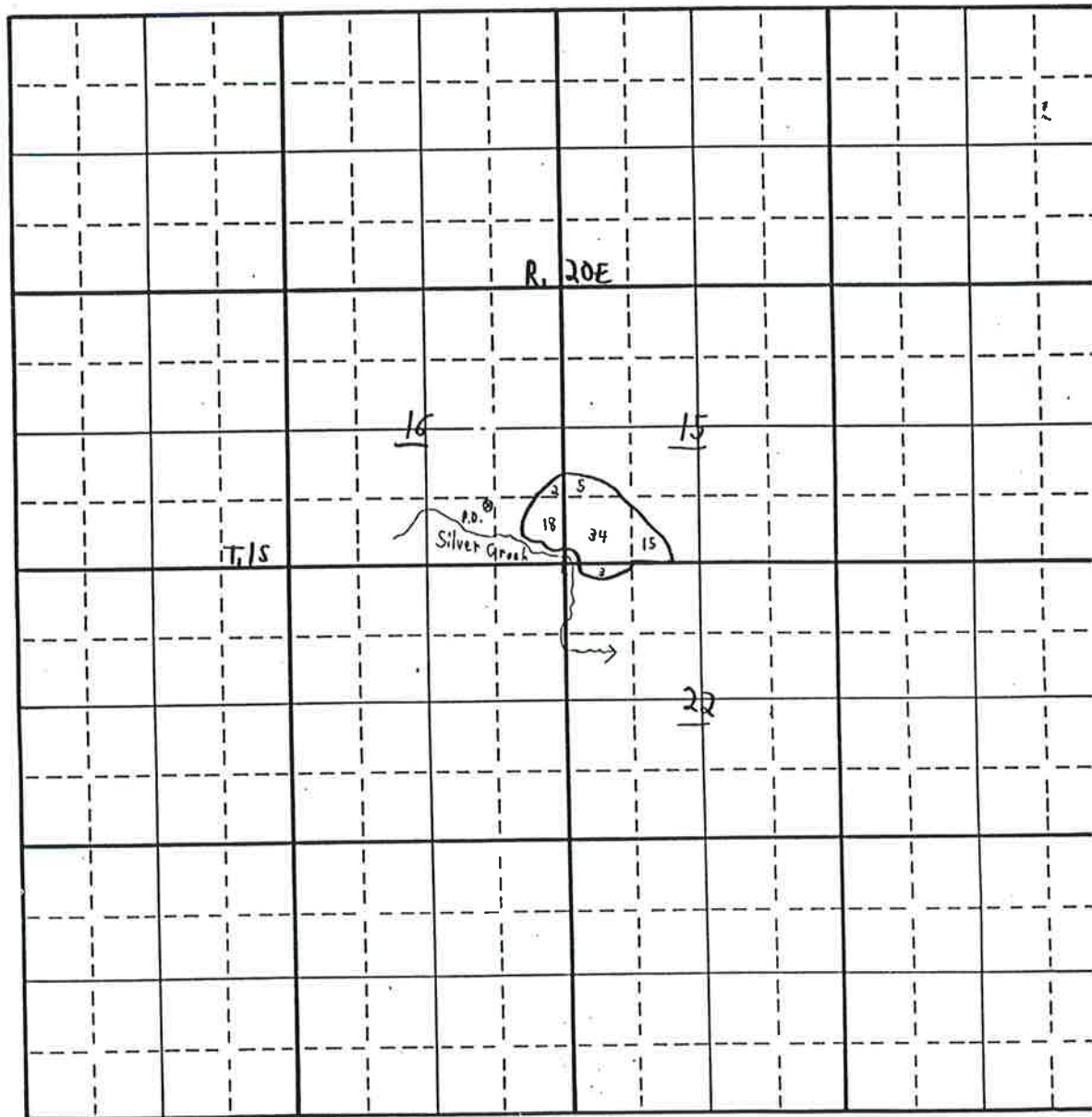
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change - water has always been used on the lands to which it is being transferred, except for a few acres in Sec. 15 that were added about 8 years ago. About 14 acres in Sec. 16 were changed from well water to stream water when sprinklers were installed, but the other acres licensed in Sec. 16 never had well water used on them.

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	20E	15									5	34	15						54
		16													2			18	20
		22						3											3

Total number of acres to be irrigated 77

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

REMARKS

This system has always watered more than 77 acres, but for some unknown reason the license only covered 77 acres. An application for permit will be made to cover the other ground.

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

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

Chas. R. Perkins
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of August, 19 81

Wm. O. Hubner
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2591 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. This right when combined with others shall not provide more than 0.02 cfs per acre nor more than 3.0 acre feet per acre per annum.

Witness my hand this 15th day of October, 19 81

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JP Date 8-24-81 Protest filed by _____
Prelim. check by TS-13 Fee 750⁰⁰ _____
Received by JP Date 8-27-81 #18737 _____
Published in Grand River Journal Copies of protest forwarded by _____
Pub. dates 8/3 + 9/6/81 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial _____
_____ rec'd. _____ by Jim DKT

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26668

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: Ivan L. Molyneux, Route #1, Kimberly, Idaho2. Source of water supply: subterranean3. Location of point of diversion: Is in the SW¹/₄SE¹/₄ of Section 16T. 1 S. R. 20 E. County of Blaine4. Describe works as they exist, giving dimensions and capacities of same: 1. Pump 2000US Motor #2885932, Whitworth Pump #9262, Column 60 x 6" 150' x 8"discharge pipe elevated 35' to open ditch - 4" Gate Valve in 8" Class. Gravitythe line - 25' 6" US Motor #2980805, Whitworth Pump #9262Column - 60 x 6" 150' x 8" discharge pipe elevated 35' to open ditch10' rising 3' above ground 15' x 6" and perforated both with 7" wellswhen not pumping5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW¹/₄SE¹/₄, SE¹/₄SE¹/₄, Sec. 16; SE¹/₄SW¹/₄, Sec. 15; NE¹/₄NW¹/₄, Sec. 22, T. 1 S., R. 20 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Delmar McWillis along

Measured by Spacing Plate #1 3 Rev. 21.28

#2 5 Rev. 31.11 36.56

This examination was made on the

19th

day of

July

1962

(Signed)

Log Johnson

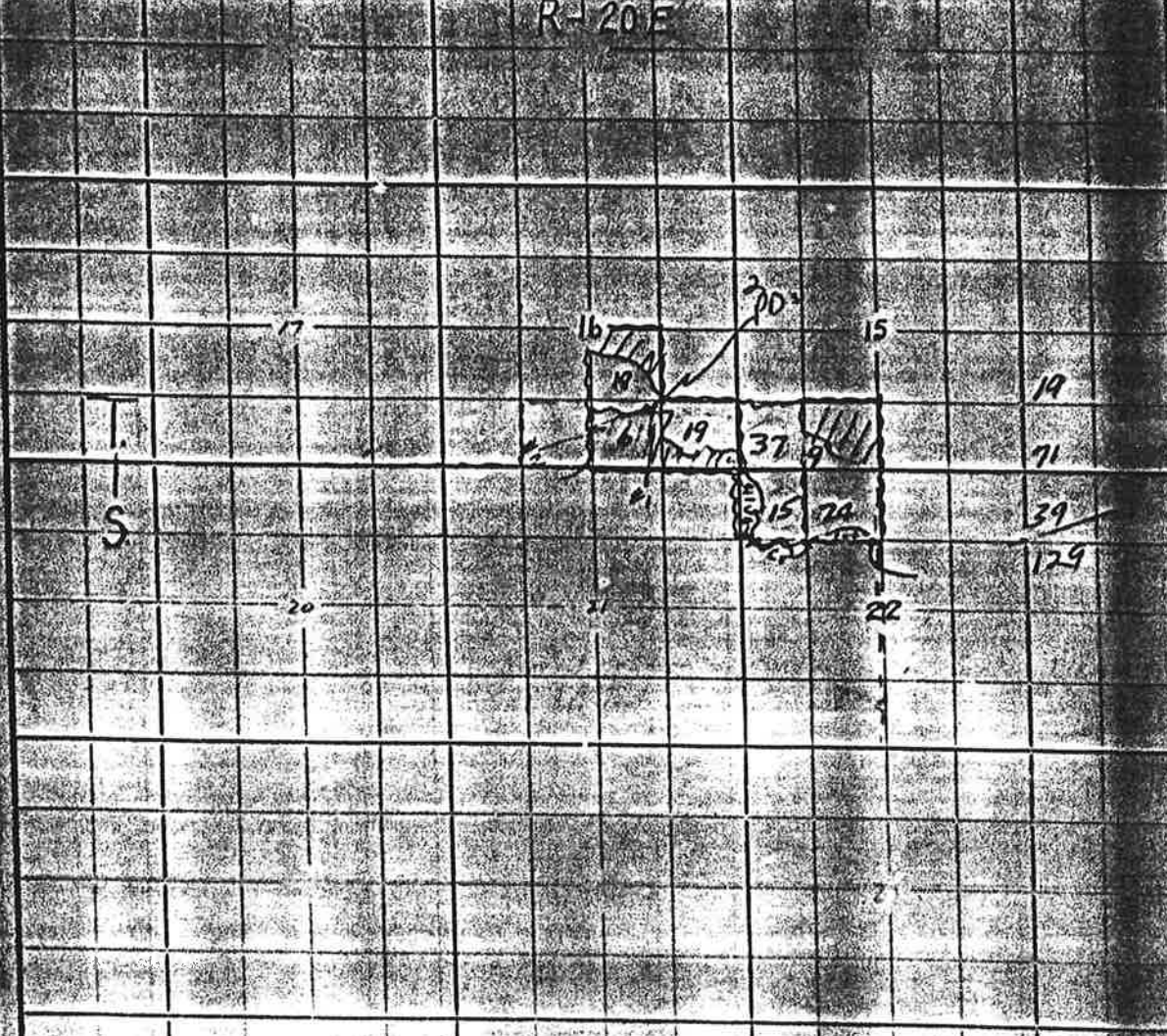
Examiner

26668

3 1/2
 5 1/2
 3 1/2
 2 3/4 x 4 1/2 = 11 1/4
 100
 100
 100

2.1 1.02 6'
 2.2 2.29 1.6
 3.51 1.75

R-20E



Subdivisions 7 5
 Area 129 77
 Allow 9 20 up to 100 inches

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

20608

500 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 7, 1962

Re: Permit No. 0-26668

Ivan L. Molyneux
Rt 1
Kimberly, Idaho

Dear Mr. Molyneux:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 0-26668 shows the well(s) capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for the irrigation of 129 acres.

Upon receipt of the statutory fees, totaling \$ 14.00, which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$ 9.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 24, 1956 to the use of 2.0 second feet of subterranean water with the point of diversion in the SW 1/4, Sec. 16 for irrigation of 129 acres in the SW 1/4, Sec. 15; W 1/2, Sec. 16; W 1/2, Sec. 22, T. 1 S., R. 20 E., S. 4 N.

Since your permit does include the SW 1/4, Sec. 15 and the W 1/2, Sec. 22 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included the statutory fees will total \$15.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

CHAS. W. CARTER
State Reclamation Engineer

(Mrs.) Edna P. Bule
Chief Clerk

EPR:rr

Enc. amendment form

56668

To: Mary Baldwin

From: Julie Cord

Date: 10/24/97

Number of Pages: 5

Phone:

Fax: 736-3037

FAX

RECEIVED

OCT 24 1997

Department of Water Resources
Southern Region

Remarks:

Here are 2 legal descriptions (which should be the same) and 2 maps. I would like the water rights - surface, ground, licenses, permits, etc. - that are on this property as well as the adjudication papers to see what has been filed for, the use, & under what name. I would be interested in talking with Gary about the GPS & temperature. I can be reached at 788-6131 or faxed to 726-2576. My P.O. box is 2412 Hailey, ID 83333.
Thank you!

Hanggi & Co. Realtors - P O Box 891 -
Ketchum, ID 83340 - Phone: 208-726-3303 -
Fax: 208-726-2576

Point of Rocks Ranch
Silver Creek

A 3-8 0 240 ARB AMT	DRASHNER, MARY ELLEN 24.8344% & GARDNER, KATHERYN A 53.8079% & GARDNER, ROBERT 21.3576% BOX 470 BELLEVUE N PICABO ID 83313 RD 80000	SWSW, SESW, SEC 15 FR SE TL 6274, SESE SEC 16 N1/2NE, SEC 21 N1/2NW, SEC 22 1S 20E	5 1996	63.000	AL	865
			10 1996	1.000	AC	1,825
			31 1996			50,365
			32 1996			9,235
			TOTALS	319.640		174,915
A 43-8 S	DRASHNER, MARY ELLEN 24.8344% & GARDNER, KATHERYN A 53.8079% & GARDNER, ROBERT 21.3576% BOX 470 BELLEVUE ID 83313	NESH, FR SESW TL 5657, SEC 16 1S 20E	1 1996	71.000	AC	26,625
			TOTALS	71.000		26,625
			1 1996	16.000	AC	6,005
			5 1996	104.000	AC	3,005
			TOTALS	120.000		9,010
A 10 B 343-8	DRASHNER, MARY ELLEN 24.8344% & GARDNER, KATHERYN A 53.8075% & GARDNER, ROBERT 21.3576% BOX 470 BELLEVUE ID 83313	N1/2SE, NWSW, SEC 16; 1S 20E	1 1996	16.000	AC	6,005
			5 1996	104.000	AC	3,005
			TOTALS	120.000		9,010
			1 1996	16.000	AC	6,005
			5 1996	104.000	AC	3,005

api Description

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4.

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence N. 11° 58' 01" E., 53.39 feet to a fence corner; thence N. 04° 11' 25" E., 78.77 feet to a fence corner; thence N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

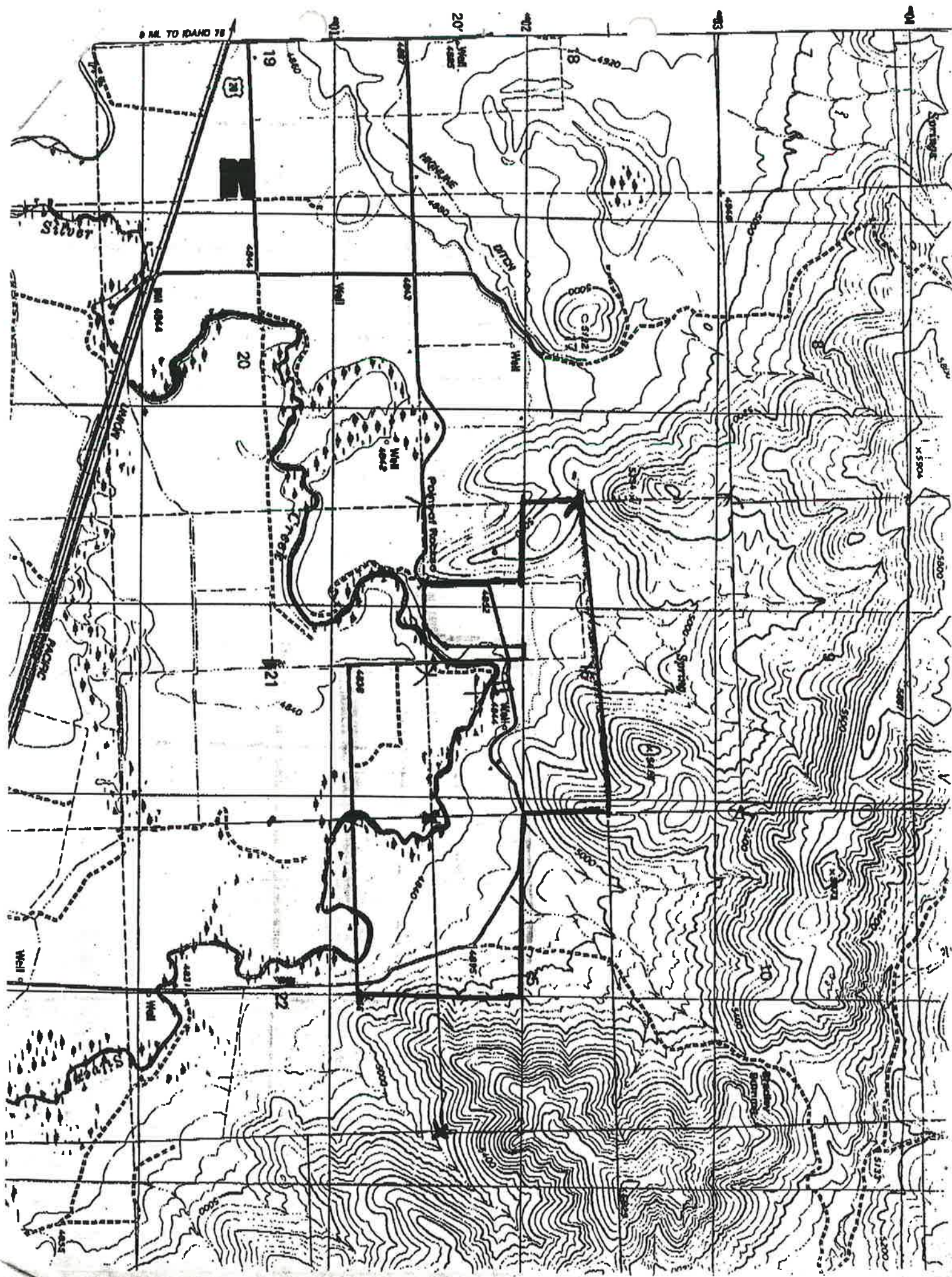
AND FURTHER EXCEPTING

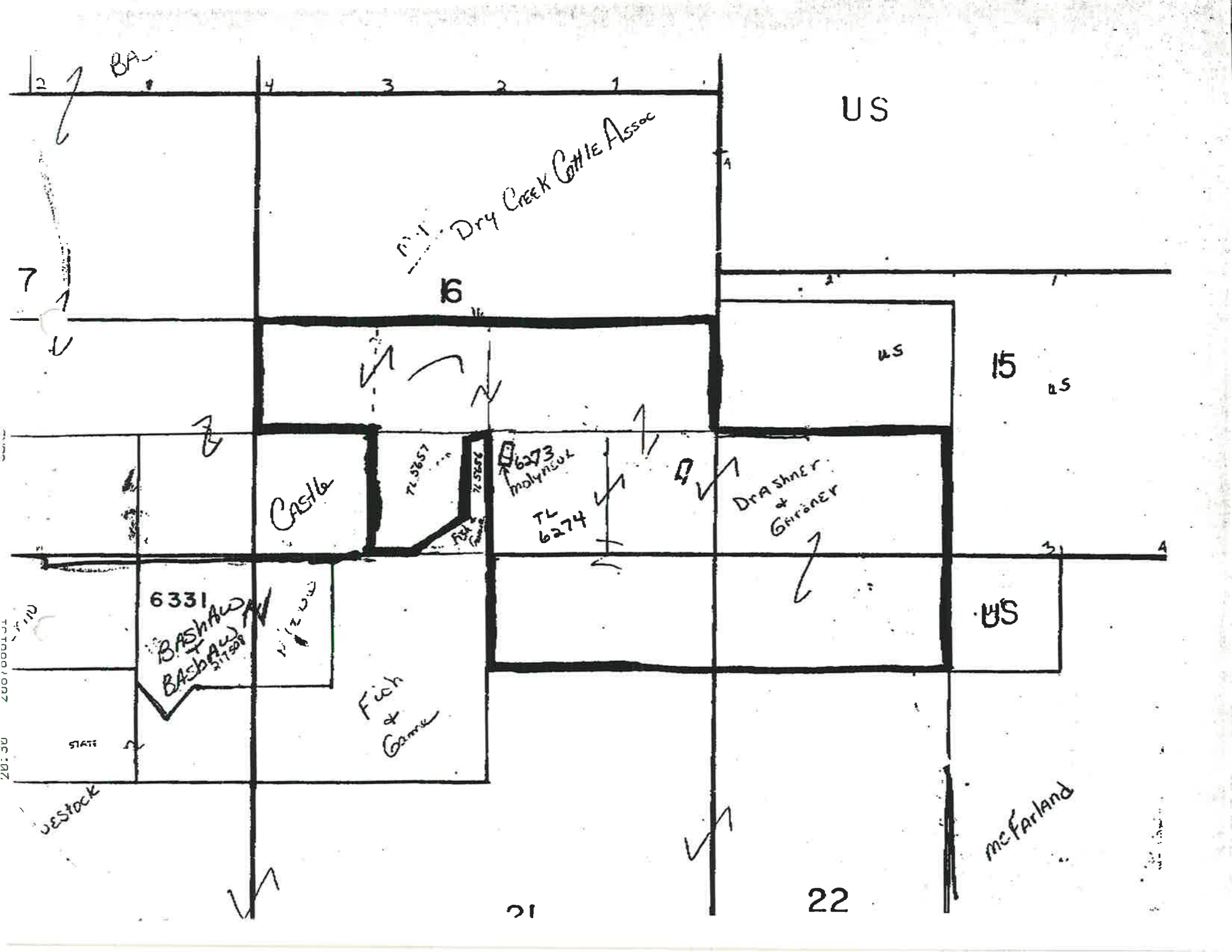
Beginning at the SE corner of said E1/2 SW1/4; thence N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence S. a distance of 940.60 feet to a point; thence S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4.✓

Section 22: N1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.





WR5809NP
No. 37-02591

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/29/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES LARKIN PICABO ID 83348	12/24/1956	IRRIGATION	04/01 11/01	1.540 CFS	
TOTAL DIVERSION:					1.540 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R20E S16

SWSE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	20E	15	:					:					:		05	34	15	:					:	54.0
01S	20E	16	:					:					:					:	02			18	:	20.0
01S	20E	22	:					:		03			:					:					:	3.0
TOTAL ACRES																							77.0	

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
37-00095E 37-00706A 37-04427 37-07937

Other Water Rights Listing Overlapping Place(s) of use:
37-00426B 37-01071B 37-04427 37-07937

Remarks: 2 P/D IN SWSE, S16, T1S, R20E.
TRANS. 2587.

Dates:	App. Received:	Priority Date:	12/24/1956
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	05/15/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 04/23/85 05/28/88 CONVERT

AJ5809NP
No. A37-02591

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES LARKIN PO BOX 767 PICABO ID 83348 (208) 788-2823	12/24/1956	IRRIGATION	04-01 11-01	1.54 CFS	
TOTAL DIVERSION:					1.54 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R20E S16 SENESE

BLAINE 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	Lt	Ac	:	SUM	
01S	20E	15	:											05	34	15				:	54.0	
01S	20E	16	:															02		18	:	20.0
01S	20E	22	:							03											:	3.0
TOTAL ACRES																				:	77.0	

POU County: BLAINE

Non-Irrigation Uses: NONE.

Other Rights: 37-07937.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A37-07937 A37-11498

Other Water Rights Listing Overlapping Place(s) of Use:
A37-00095F A37-00237D A37-00426D A37-00632F A37-00943F A37-00944F A37-07937

Remarks: GEN 1 P/D IN SWSE, S16, T1S, R20E.
TRANS. 2587.

Dates: Exam Made Date: Verified Date: 04/23/1985 Objection Filed Date:

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

Audit: 10/04/88 CARLSON 03/30/95 POST-STD

MEMORANDUM

TO: JULIE CORD
HANGGI & CO
PO BOX 891
KETCHUM ID 83340

FROM: Mary Baldwin, IDWR

DATE: October 20, 1997

SUBJECT: Research, Re: Robert Gardner property

Enclosed please find copies of various documents printed during my research.

To help you understand the enclosed material, I will give you some background information obtained regarding this property. It appears that Ivan Molyneux must have owned the property at the time that Water Right License No. 37-02591 was issued. I have also enclosed a flow chart regarding the processing steps in obtaining a water right license which might be helpful to you. As a general rule, the water right remains in the name of the person who owned the property at the time the water right license is issued and the current owner would appear on the Snake River Basin Adjudication Claim, provided that a claim has been filed with the Department.

The chain of ownership must have gone something like this, based on the deeds, etc. on file with our Department:

Molyneux--->Levard Hansen--->Charles Larkin

Mr. Larkin was the owner who filed and received an Approved Transfer No. 2587 to make changes to Water Right No. 37-02591; HOWEVER, the point of diversion remained in the SWSE, S16, T01S, R20E.

The only well log for geothermal water appears to be in the SWSE, S16, T01S, R20E. Any water temperature over 85 degrees is defined by the Department as geothermal.

****Please note that the Snake River Basin Adjudication Claim No. A37-02591 showing Mr. Larkin as the current owner indicates the point of diversion is within the NESE, S16, T20E.

In order for Mr. Gardner's name to appear as the current owner of Snake River Basin Adjudication Claim No. A37-02591 he would need to file a Change of Ownership form with the Department. That is one of the forms that I faxed to you on 10/17/97.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

10/17/97

Post-it® Fax Note	7671	Date	# of pages
To	Julie Cord	From	Mary
Co./Dept.		Co.	IDWR
Phone #		Phone #	
Fax #	726-2576	Fax #	

Will mail rest of info on 10/20/97.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1997

JULIE CORD
PO BOX 2412
HAILEY ID 83333

Dear Julie,

Sorry it has taken me so long to get this information mailed off to you. We have been under numerous deadlines recently and it's been hard to keep up with everything. I have included copies of the water rights and adjudication claims that appear to be appurtenant to the land in the legal description you gave me. I would check with the water master to see if he has been delivering the surface water rights to this area.

As I mentioned on the phone, this land is in the Big Wood River Groundwater Management Area (see enclosed map showing the boundaries). I spoke with Gary Funderburg of our office, who is in charge of the well drilling program. He suggested you contact a private engineering firm familiar with that area to measure the temperature of the existing well. He said the department might issue a drilling permit for a new well for domestic and recreation purposes in this area under certain conditions. He also mentioned that if you were drilling for warm water, you would need to put up a bond anywhere from \$5,000 to \$20,000 and furnish a prospectus (usually done by a well driller) at the time of application. He would be happy to discuss any questions you may have if you give him a call at the office.

Another option might be to file a transfer to change the nature of use from irrigation or stockwater to domestic and recreation. This could involve drying up some irrigated acres.

If I can be of any further assistance, please give me a call.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

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 JEANIE M ROBERTSON

DATE

June 2, 1998 2:29pm

CUSTOMER

JULIE CORD

A37-02591, 37-04427,
A37-07937, A37-11498

SUBJECT: QUESTIONS ON RIGHTS FROM HOT WATER WELL?????
phone call (X) walk-in (.)

She had contacted me several months ago with questions on this property and the water rights involved... The land now belongs to her parents and they would like to sell it and advertize the hot water well to be used for heating and recreation possibly (a pool?) I told her the water rights are for irrigation and stockwater use, not domestic or recreation and they would probably need to file a transfer to change the nature of use. I sent her a letter last November stating such, along with copies of profile reports and well logs associated with the property. There are quite a few well logs (five) with the same location and I'm not sure if they are all the same well, just deepening etc., or not. She says there is only one well on the property and it is "hot" (around 94 degrees) and that it is used in a pivot for irrigation purposes. She asked if someone from the department could come up and investigate the well and measure the temperature without filing a transfer? Gave that one to Gary...

*The location of this property is in the Big Wood River Groundwater Management Area so a transfer may not be granted...

*Statutory Claim 37-04427 has not been claimed in the adjudication so far...

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

FEB 14 1978

RECEIVED

Log No. _____
Department of Reclamation
Rec. _____, 19____
Well No. _____
Permit No. _____

(DO NOT FILL IN)

Owner JUAN MORALES Address KIMBERLY
Driller EUGENE W. WALKER Address TWIN FALLS Lic. No. 15
Location of Well: SW 1/4 SE 1/4 Sec. 16, T. 1 N, R. 20 E, BLAINE County,
and 50 feet N of S, and 100 feet E of W from NE Corner of SW 1/4 SE 1/4 Sec. 16
Size of Drilled Hole 8 in Total depth of Well 92 1/2
Give depth of standing water from surface _____ Water Temp. 91 °Fahrenheit
On pumping test delivery was Has not been tested g.p.m. or _____ c.f.s. Drawdown was _____ feet.
Size of pump and motor used to make the test _____
Length of time pumped during check was _____ hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. Estimated 300 to 325 and shut in pressure Unknown
If flowing well, describe control works Pipe has Coupling for Valve See Below
(TYPE AND SIZE OF VALVE, ETC.)
Water will be used for Irrigation & domestic Weight of casing per linear foot 25 lb
Thickness of casing 3/5 and 2 7/8 Casing material Steel
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 8 in 92 1/2 ft
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations 150 V-5/8 X 1 1/4 located 60 feet to 85 feet
from surface of ground.
Other perforations _____
Date of commencement of well Nov 28 1956 Date of completion of well Dec 21 1956
Type of well rig _____

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.
8	0	92 1/2		

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

Well is going to be pump test and during such
pumping, Cement the surface Casing, But will
Wait for Warmer Weather,
6 in discharge flows 2/3 full
SWSE 5.16 15 20E

WELL LOG

From Foot	To Foot	Type of Material	Drilling Time		Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
			Hrs.	Min.		
0	11	Surface - Clay with some shale Rock - Water at 11	3		yes	no
11	18	Brown LIME Shale Coarse Rock + shale gravel with clay Flowing Water at 18	8		yes	
18	29	Brown LIME shale - Water flowing clay.	8		yes	
29	39	Lime shale (Coarse) Broken Flowed about 8 & 10 inches	10		yes	
39	46	Lime, Broken, Water increased with each layer of clay	8		yes	
46	57	11	7		yes	
57	62	Pink clay & Lime gravel	3		yes	yes
62	82	Pink shale gravel, flowed about 30 in at 82	30		yes	yes
82	84	Sandstone shale gravel	7		yes	yes
84	88	Sandstone	5		yes	
88	92	Lays clay & shale lime	6		no	
If more space is required use Sheet No. 2						

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Eugene H. Walber

By _____

Dated 4 Jan, 1957

License No. 15

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

FEB 14 1978

Department of Water Resources
Southern District Office

RECEIVED
JAN 9 - 1957

Log No. Department of Reclamation

Rec. _____, 19____

Well No. _____

Permit No. _____

(DO NOT FILL IN)

Owner Ivan Molyneux Address Kimberly

Driller Eugene W. Walker Address Twin Falls Lic. No. 15

Location of Well: SE 1/4 SE 1/4 Sec. 16, T. 1 N/S, R. 20 E/W BLAINE County,
and 100 feet N/S, and 50 feet E/W from NW Corner of SE 1/4 SE 1/4 Sec. 16

Size of Drilled Hole 6 in Total depth of Well 24 ft

Give depth of standing water from surface Flowing Water Temp. 79 °Fahrenheit

On pumping test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make the test _____

Length of time pumped during check was _____ hr., _____ minutes.

If flowing well, give flow in c.f.s. _____ or g.p.m. 5 gal and shut in pressure unknown

If flowing well, describe control works Well seal with discharge piped into Barn
(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for domestic Weight of casing per linear foot 17

Thickness of casing 1/4 Casing material steel
E.G., PIPE, CONCRETE, WOOD.

Diameter, length and location of casing 22 ft
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)

Number and size of perforations iron located _____ feet to _____ feet
from surface of ground.

Other perforations _____

Date of commencement of well Nov 23 Date of completion of well Nov 23 1956

Type of well rig Cushman

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.
0	0	22		Cemented

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

SESE 5.16 15 20E

[illegible]

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Engineer W. Walker

By _____

Dated 4 Jan, 1957.

License No. 13

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED
JUN 29 1961

Log No. Department _____
Rec'd. _____, 19____
Well No. _____
Permit No. _____

(DO NOT FILL IN)

Owner IVAN HOLYN AUX Address KIMBERLY IDAHO
Driller HAR V BOLSON Address TWIN FALLS Lic. No. 6
Location of Well: S 1/4 S 1/4 Sec. 16 1 N 1/4 R 20 BLAINE County,
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 _____ 1/4 Sec. _____
Size of Drilled Hole 10 in Total depth of Well 119
Give depth of standing water from surface baraly flowing Water Temp. _____ °Fahrenheit
On pumping test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.
Size of pump and motor used to make the test _____
Length of time pumped during check was _____ hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. aprox 20 and shut in pressure _____
If flowing well, describe control works None (TYPE AND SIZE OF VALVE, ETC.)
Water will be used for IRIGATION Weight of casing per linear foot 21.15
Thickness of casing 118 Casing material STEEL
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing XI 10 in, 120 ft 0 to 120 ft
6 new ft. (CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations XXXX 3/8 X 12 located 20 feet to 120 feet
from surface of ground.
Other perforations _____
Date of commencement of well MAY 31 1960 Date of completion of well JUNE 12 1960
Type of well rig SENDER

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS... SEALS, GROUTING, ETC.
10	?	120	120	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

SNSE S. 16 15 20 E

[illegible]

If more space is required use Sheet No. 2

WELL DRILLER'S STATEMENT
This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Nancy Bolton

07 1-1000 16-1000

Dated _____, 19_____

License No. _____

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
Rec'd. _____ 19____
Well No. _____
Permit No. _____

(DO NOT FILL IN)

Owner IVAN MOLYNEAUX Address KIMBERLY IDAHO
Driller HARRY BOLTON Address TWIN FALLS IDAHO Lic. No. 6
Location of Well: SW 1/4 SE 1/4 Sec. 16, T. 1 N/S, R. 24 W/S BLAINE Co.
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 _____ 1/4 Sec. _____
Size of Drilled Hole 8 in Total depth of Well 130 ft
Give depth of standing water from surface 0 ft Water Temp. _____ °Faren
On pumping test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ ft
Size of pump and motor used to make the test _____
Length of time pumped during check was _____ hr., _____ min.
If flowing well, give flow in c.f.s. _____ or g.p.m. 180 CPM and shut in pressure _____
If flowing well, describe control works 8 in MANUAL VALVE (TYPE AND SIZE OF VALVE, ETC.)
Water will be used for STOCK Weight of casing per linear foot 16.90
Thickness of casing .188 Casing material STEEL E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 8 in 105 ft lg 0 to 105 ft
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations _____ located _____ feet to _____ ft
from surface of ground.
Other perforations _____
Date of commencement of well JUNE 4 1959 Date of completion of well JUNE 9 1959
Type of well rig SLUDGER

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS -- SEALS, GROUTING, ETC.
8 in	0	105	105	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

SWSE S. 16 15 30 E

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

FEB 14 1978

Log No. **RECEIVED**
Rec. NOV 29 1955
Well Department of Reclamation
Permit No. _____

Department of Water Resources
Southern District Office

Owner Ivan Molyneux Driller Eugene W. Walker (DO NOT FILL IN)
Address Kimberly Address _____ Lic. No. 15
Location of Well: SW 1/4 Sec. 16, T. 1 N/S, R. 20 E/W Blaine County.
and 150 feet N/S, and 150 feet E/W from N.W. corner of 1/4 1/4 Sec.
Water will be used for Domestic Total depth of well 18 1/2
Size of drilled hole 6 in Weight of casing per linear foot 19
Thickness of casing 2 88 Casing material Pipe
Diameter, length and location of casing 17 1/2 e.g., pipe, concrete, wood.
(Casing 12" in diameter and under give inside diameter; casing over 12" in diameter give outside diameter.)
Number and size of perforations none located _____ feet to _____ feet
from surface of ground.
Other perforations: _____
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If non-flowing well, give depth of standing water from surface 5
If flowing well, describe control works _____ (Type and size of valve, etc.)
On pumping test delivery was 600 g.p.m. or _____ c.f.s. Drawdown was _____ feet
Length of time pumped during check was _____ hr. _____ min. Water temp. 72 ° Fahrenheit.
Date of commencement of well Sept 21 1955 Date of completion of well Sept 23 - 55
Type of well rig Churn

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	"Remarks" — Seals, Grouting, Etc.

GENERAL INFORMATION — Pumping Test, Quality of Water, Etc.

SWSE 5.16 15 20E

[illegible]

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed

By

Dated _____, 19____

License No. 15

Subscribed and sworn before me this _____ day of _____, 19____

Notary Public

My commission expires

Residing at

ARMED
DANGER
DO NOT ENTER

NOTARIZATION NOT NECESSARY
UNDER NEW LAW.