

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 37-2613
Date Received: 11/4/1988
Receipt No: S003573
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH C WARD Phone: (208) 788-6268
PO BOX 278
HAILEY ID 83333

CYNTHIA L WARD Phone: (208) 788-6268
PO BOX 278
HAILEY ID 83333

2. Date of Priority: 05/21/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01N	18E	12	NW	SE	NE	BLAINE	

5. Description of diverting works:

104' DEEP 16" DAI. WELL 50 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	1.8	

7. Total Quantity Appropriated is:
1.8 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
01N	18E	12	SE	NE	IRRIGATION	37
			NE	SE	IRRIGATION	8
					Section Acres	45
					Total Acres	45

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:

RIGHT HOLDER REQUESTS 2 INCHES PER ACRE.

15. Basis of Claim: License

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

RECEIVED
NOV 08 2004
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
37-685A	A37-685A	☐			☐
37-2613	A37-2613	☐			☐
37-11698 (Decreed - Domestic/Stock)		☐			☐
		☐			☐
		☐			☐

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) Gregory A. Mann
P.O. Box 269, Bellevue, ID 83313
4. New Owner/Claimant(s) Kenneth C. Ward and Cynthia L. Ward
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 278
 City, State and ZIP Code Hailey, ID 83333
 New Telephone Number 208-788-6268
5. Date you acquired the property October 7, 2004

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

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

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

7. Signature of New Owner(s) or Claimant(s) Cynthia Ward
(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 10/10/04 Fee 25.00
 Received by [Signature] Date 10/10/04 Receipt No. 5027161
 Processed by AJ Date _____ WR _____ Date _____

**FRITZ X. HAEMMERLE
HAEMMERLE & HAEMMERLE
P.O. Box 1800
400 South Main Street, Suite 102
Hailey, Idaho 83333
Tel: (208) 578-0520
Fax: (208) 578-0564
ISB #3862**

Attorneys for Claimants

**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,	)	Water Rights 37-685A and 37-2613
	)	
Case No. 39576	)	NOTICE OF APPEARANCE
	)	
	)	
	)	

TO: THE CLERK OF THE DISTRICT COURT:

PLEASE TAKE NOTICE that Fritz X. Haemmerle, HAEMMERLE & HAEMMERLE, P.L.L.C., hereby enters an appearance as the attorney of record for Claimant, Kenneth C. and Cynthia L. Ward, for water right numbers 37-685A and 37-2613. The Clerk of the Court is hereby requested to make such entries as may be required to record such appearance. All further pleadings, notices, and correspondence of any kind filed hereafter in this matter should be sent to Fritz X. Haemmerle, HAEMMERLE & HAEMMERLE, P.L.L.C, P.O. Box 1800, Hailey, Idaho 83333.

DATED this 4th day of November, 2004.

HAEMMERLE & HAEMMERLE, P.L.L.C.

By:


FRITZ X. HAEMMERLE

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

November 4, 2004

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

Re: Name Change – Adjudication

To Whom It May Concern:

Please find enclosed a Notice of Change in Water Right Ownership, Notice of Appearance and a filing fee of \$25.00 for the following water rights: 37-685A, 37-2613 and 37-11698.

If anything else is required, please do not hesitate to call. Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxx
Encl.

RECEIVED

NOV 08 2004

Department of Water Resources
Southern Region

SVTC Order No. 03-19671

WARRANTY DEED

FOR VALUE RECEIVED

**GREGORY A. MANN (WHO ACQUIRED TITLE AS GREGORY A. MANN, A SINGLE MAN) AND
CYNTHIA MANN, HUSBAND AND WIFE**

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

KENNETH C. WARD AND CYNTHIA L. WARD, HUSBAND AND WIFE

the grantees, whose current address is **PO Box 278**
Hailey, ID 83333

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

**Lots 1 and 2 of MANN-FORSTMANN SUBDIVISION, BLAINE COUNTY, IDAHO,
according to the official plat thereof recorded October 25, 1984, as Instrument No. 257561, on
file in the office of the County Recorder, Blaine County, Idaho.**

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as
shown of record, if any.

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

Dated: October 7, 2004

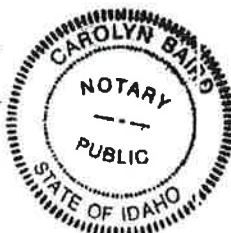
Gregory A. Mann
GREGORY A. MANN

Cynthia Mann
CYNTHIA MANN

State of: Idaho
County of: Blaine

On this 15th day of Oct, 2004, Before me a Notary Public in and for said State,
personally appeared **GREGORY A. MANN and CYNTHIA MANN** 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.

Carolyn Baird
Notary Public
Residing at Hailey
Comm. Expires 11/23/2009



VTC Order No. 03-19671

QUITCLAIM DEED

For Value Received

GREGORY A. MANN and CYNTHIA MANN, husband and wife

Do hereby convey, release, remise and forever quitclaim unto

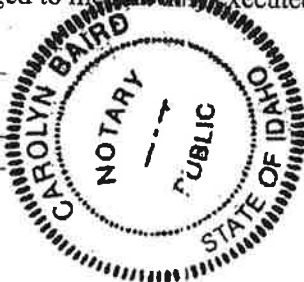
KENNETH C. WARD and CYNTHIA L. WARD, husband and wifeWhose current address is PO Box 278
Hailey, ID 83333

the following described premises, to-wit:

ANY AND ALL WATER RIGHTS PERTAINING TO THE FOLLOWING PROPERTY:**Lots 1 and 2 of MANN-FORSTMANN SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof recorded October 25, 1984, as Instrument No. 257561, on file in the office of the County Recorder, Blaine County, Idaho.**

Together with their appurtenances.

Dated: October 7, 2004

Gregory A. Mann
Gregory A. MannCynthia Mann
Cynthia MannState of: Idaho
County of: BlaineOr this 15th day of Sept, 2004, Before me a Notary Public in and for said State, personally appeared **GREGORY A. MANN AND CYNTHIA MANN** 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.Carolyn Baird
Notary Public
Residing at: Hailey
Comm. Expires: 1/23/2009

Date: October 7, 2004

Order No. 03-19671

ESCROW CLOSING INSTRUCTIONS TO SUN VALLEY TITLE COMPANY

Seller herein deposits with you under these instructions the following documents that have been read and approved:

Executed Escrow Closing OR Settlement Statement
 Warranty Deed
 Seller's Affidavit and Indemnity
 IRS 1099-S Substitute OR 1099-S Certification Exemption
 Sale Proceeds Letter (if applicable)

that you are hereby authorized and instructed to deliver, release and/or record when you have for the account of Seller

\$950,000.00 (NINE HUNDRED FIFTY THOUSAND AND NO/100--),**

subject to any charges and/or credits authorized herein; AND

Buyer herewith deposits with you "COLLECTED FUNDS" as required pursuant to escrow closing statements and the following documents that have been read and approved:

Executed Escrow Closing OR Settlement Statement
 Buyer's Affidavit and Indemnity
 Note
 Deed of Trust
 Loan Closing Package

Buyer has deposited **\$250,000.00** with the Seller pursuant to the escrow closing statement. You are hereby authorized and directed to disburse the funds and documents described above, when you are able to close in accordance with the instructions below:

1. When you are in a position to issue or have issued a policy (or policies) of title insurance insuring Buyer (or as otherwise hereinafter provided) in the form of an ALTA Standard Policy and in the amount (or amounts) as follows:
Owner's Policy in the amount of \$950,000.00
 and
Extended Lenders Policy in the amount of \$710,000.00
 on the real property described in Title Commitment No. 03-19671, which the undersigned have read and approved, which will show record title vested in:
KENNETH C. WARD AND CYNTHIA L. WARD, husband and wife
 free and clear of all encumbrances except for the insuring clauses, exceptions, exclusions, provisions and stipulations customarily contained in the printed provision of such form and exceptions numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 as set forth in above referenced Title Commitment dated September 7, 2004 @ 8:00 a.m.
 AND Deed of Trust/Mortgage executed by **KENNETH C. WARD AND CYNTHIA L. WARD** in favor of First Bank of Idaho, fsb in the amount of **\$710,000.00**.

Then you are instructed to disburse deposited funds pursuant to the Escrow Closing Statements examined and approved by the parties hereto and by this reference made a part hereof. Proceeds of this escrow may be disbursed by your check payable to the respective parties and your checks and documents will be mailed via regular mail unless otherwise instructed.

All documents have been prepared and completed according to the directions and instructions of the parties hereto, or their authorized attorneys or agents.

2. You are instructed to prorate as of October 20, 2004 the following:
 - A. **Taxes based on the last tax statement of the Tax Collector issued prior to the close of escrow in the amount of \$833.96 on lot 1 and \$15.98 on lot 2. (If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted by the parties herein outside of escrow.) Sellers are to forward to buyer any present or future tax bills on property herein.**
 - B. **Levies and assessments of the city and/or associations to be current at close of escrow.**
 - C. **Insurance (including FHA mortgage insurance, if any).**
 - D. **Interest on all existing trust deeds, improvements assessments and/or bonds taken over by buyers.**
 - E. **Rental per rent statement handed you.**
 - F. **Charge the buyer and credit the seller the amount of any funds held in an impound account, if any, in connection with an existing loan.**

THIS PROPERTY MAY BE SUBJECT TO FURTHER ASSESSMENTS WITH RESPECT TO NEW IMPROVEMENTS AND THE FIRST OCCUPANCY THEREOF DURING THE YEAR, WHICH MAY NOT BE INCLUDED ON THE REGULAR ASSESSMENT ROLL AND WHICH ARE A LIEN ON SAID PROPERTY.

NEW OCCUPANCY OWNERS MUST REPORT PROMPTLY TO THE ASSESSOR'S OFFICE TO AVOID ANY PENALTIES.

NEW BUYERS SHOULD CHECK WITH THE ASSESSOR'S OFFICE IMMEDIATELY TO APPLY FOR A HOMEOWNERS EXEMPTION IF THIS IS THEIR PRIMARY RESIDENCE.

3. You are bound solely by the provisions set forth in these escrow instructions and the parties hereto understand that you are not a party to Earnest Money Receipt and Agreement dated 10/6/03 (and Amendments thereto, if any) previously executed by the parties herein, and that said Earnest Money Receipt and Agreement (and Amendments thereto, if any) is not/are not a part of these escrow closing instructions. You are to be concerned only in the performance of your duties in compliance with these escrow-closing instructions. The parties herein certify that they have complied with all the terms, conditions and agreements of the above mentioned purchase and sale agreement and any amendments thereto, if any.
4. All utility charges (except for city water and/or sewer, if any) will be handled by the principals outside of this escrow.
5. I hereby agree to hold you harmless from the failure of the transfer of water rights to myself regardless of the reason or cause. The transfer of water rights is being done as an accommodation for me. I understand that you have not made a search of the water rights to this land. I further understand that you are not making any representation and warranty concerning said water rights.
6. Unless specifically provided elsewhere in these instructions, the cancellation, transfer or purchase of fire or other casualty insurance shall be handled by the parties outside of this escrow.
7. All deposits made by the parties to this escrow shall be deposited by escrow holder in an account designated as "Escrow Trust Account" with any local bank, without any liability for interest unless otherwise instructed. All disbursements shall be made by check of escrow holder drawn on said account. Escrow holder shall not be obligated to identify or to guarantee the signature of any payee on said checks.

Escrow shall not be responsible for any penalties, or loss of principal or interest or any delays in the withdrawal of the (earnest money or closing) funds which may be imposed by the Depository as a result of the making or redeeming of the investment pursuant to our instructions, nor shall Sun Valley Title Company be liable for any loss or impairment of funds while those funds are in the course of collection or while those funds are on deposit in a financial institution if such loss or impairment results from the failure, insolvency or suspension of financial institution.
8. Escrow is authorized to accept funds deposited to our account by our broker or agent without further authorization.
9. You are authorized to deduct from seller's proceeds any additional interest due on loan payoffs to lender after closing if a loan payoff is being made as a part of this transaction. The parties understand that there may be adjustments on unusual recording fees after the signing of these instructions. You are further authorized to deduct same from seller's proceeds and/or deduct from buyer's funds any payments made by you for said recording fees.
10. These escrow-closing instructions may be executed in counterparts with like effect as if all signatures appeared on a single copy.
11. Should any disputes arise between parties interested in property or funds covered by these instructions, you shall have the option to hold all matters pending in their then existing status or to join in or commence a court action, or to bring an action in interpleader, at your option. Upon your determination to hold this escrow open for determination of the rights of the parties, you will be relieved of all responsibility to proceed until the rights of the parties are settled in your satisfaction. Further, you as escrow holder, shall be entitled to continue to so refrain to act until (a) the parties hereto have reached an agreement in their differences and shall have notified the escrow holder in writing of such agreement or (b) the rights of the parties have been duly adjudicated by a Court of competent jurisdiction. It is further agreed that in the event of any suit or claim made against you by a party to this escrow and Sun Valley Title Company prevails or in the event any suit is instituted by you to resolve your responsibility regarding conflicting claims of both parties to this escrow, that said parties, as provided by law, or the non prevailing party or parties, shall be required to pay you all expenses, costs and reasonable attorney's fees incurred by you in connection therewith, whether suit is instituted by you or any of the parties hereto, or not.
12. If the conditions of this escrow have not been complied with at the time provided for in these instructions, you are nevertheless to complete this escrow as soon as the conditions (except as to time) have been complied with, unless a written demand for the return of money and/or instruments by a party to this escrow is received by you prior to the (recording/delivery) of any instrument provided for in these instructions.
13. Escrow holder shall not be held liable for sufficiency or correctness as to form, manner or execution or validity of any document deposited into escrow, nor as to the identity, authority, or rights of any person executing them, nor for failure of any party to this escrow to comply with any of the provisions of any agreement, contract or other instrument filed or referred to in these instructions.

14. The knowledge of escrow holder of matters affecting the property, provided such facts do not prevent compliance with these instructions, does not create any liability or duty in addition to the responsibility of escrow holder under these instructions. Escrow holder shall not be obligated to make any physical examination of any real or personal property described in any document deposited into escrow. The parties agree escrow holder is not making any representations whatsoever regarding this property.
15. The undersigned agrees to indemnify and hold escrow holder harmless by reason of any misrepresentation or omission by the undersigned or their respective agents or the failure of the undersigned to this escrow to comply with the rules and/or regulations of any government agency, state, federal, county, municipal or otherwise.

The parties acknowledge that Sun Valley Title Company has not given any advice in connection with the operation of Chapter 25, title 55, Idaho Code, The Property Condition Disclosure Act. The Buyer acknowledges receipt of the disclosures required from the Seller and/or agent outside of closing. And by this statement Sun Valley Title Company has recommended that the parties obtain legal advice as to the operation of this law. We further understand and acknowledge that any compliance with the Act was done outside of escrow.

AT THE CLOSE OF THIS TRANSACTION, SELLER AUTHORIZES SUN VALLEY TITLE COMPANY TO DISBURSE THE COMMISSIONS AS STATED ON THE CLOSING STATEMENT.

DECLARATION OF ESCROW SERVICES:

Both Buyer and Seller acknowledge the following by their signatures below:

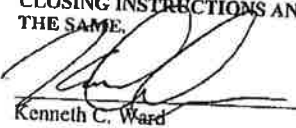
We have been specifically informed that SUN VALLEY TITLE CO, INC. (hereinafter referred to as SVT) is not licensed to practice law and no legal advice has been offered by SVT or any of its employees. We have been further informed that SVT is acting only as escrow holder and that it is forbidden by law from offering any advice to any party respecting the merits of this escrow transaction or the nature and content of the documents executed herein, and that it has not done so.

We have been requested by escrow holder to seek legal counsel of our own choosing at our own expense, if we have any doubt concerning any aspect of this transaction.

We have been afforded adequate time and opportunity to read and understand these escrow instructions and all other documents referred to therein.

These escrow-closing instructions constitute the entire agreement between the escrow holder and the undersigned parties. Any amendment and/or supplement to these instructions must be in writing.

THE UNDERSIGNED HAVE READ AND FULLY UNDERSTAND THE FOREGOING ESCROW CLOSING INSTRUCTIONS AND ALSO THE DECLARATION SET FORTH ABOVE AND AGREE TO THE SAME.


Kenneth C. Ward


Cynthia L. Ward

Gregory A. Mann

Cynthia Mann

grr

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: A37-02613
Date Received: 10/18/1988
Receipt No: 5003573
Received By: Adm

RECEIVED

OCT 19 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREGORY A. MANN
Address: BOX 269
BELLEVUE, ID 83313
208-788-4951

2. Date of Priority: MAY 21, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	NW	SE	NE		BLAINE

5. Description of diverting works:
104' DEEP 16" DAI. WELL 50 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	1.800		

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

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	12	SE	NE		IRR	37.0
			NE	SE		IRR	8.0
Section Acres							45.0

A37-02613

Page 1

Date: 10/18/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 45.0

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:
370685

14. Remarks:
RIGHT HOLDER REQUESTS 2 INCHES PER ACRE.

15. Basis of Claim: LICENSE
Water Right Number: 27949

MICROFILMED
FEB 23 1993

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): Mugon G. Mann Date: 10/18/88

Date: _____

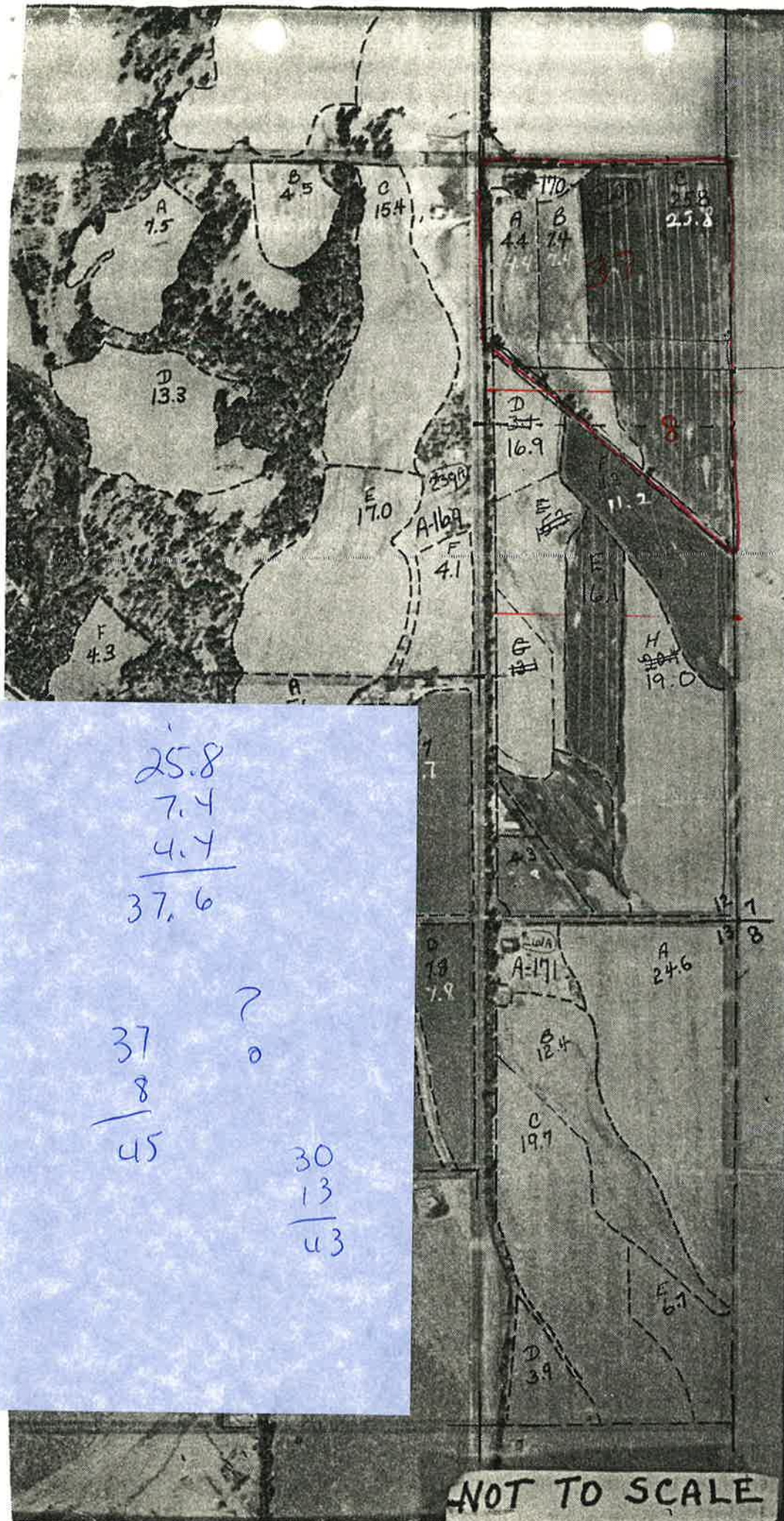
State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of Oct 19 88

John Dale Carlson
Notary Public

Seal

Residing at Boon ID
My Commission Expires 6/2/94



12/21/2006

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

RIGHT NUMBER: 37-2613
NAME AND ADDRESS: KENNETH C WARD
PO BOX 278
HAILEY ID 83333
CYNTHIA L WARD
PO BOX 278
HAILEY ID 83333

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.800 CFS
155.700 AFY

PRIORITY DATE: 05/21/1959

POINT OF DIVERSION:

T01N R18E S12 NWSENE 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	1.800 CFS 155.70 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S12	SENE	37.00	T01N R18E S12	NESE	7.50
---------------	------	-------	---------------	------	------

44.5 ACRES TOTAL

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

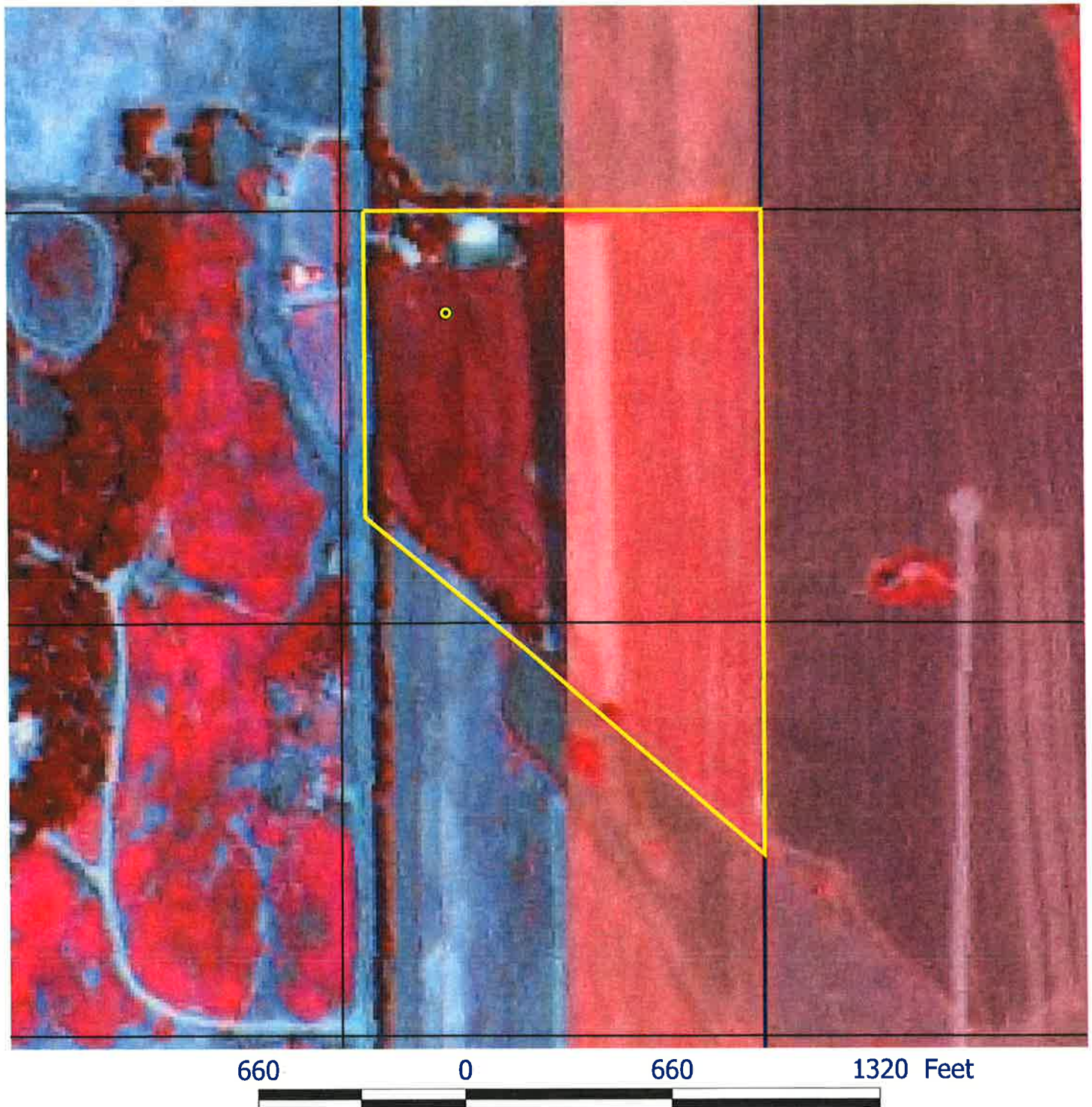
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

Recommended Place of Use
TWP 01N RNG 18E S12
Prepared November 25, 2006

Right(s): 37-2613



Recommended Point of Diversion



Recommended Place of Use



Quarter Section Lines



PLSS Section Lines



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

11/29/2006

RECEIVED
DEC 18 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-2613

KENNETH C WARD
PO BOX 278
HAILEY ID 83333
Telephone Number: (208)788-6268

CYNTHIA L WARD
PO BOX 278
HAILEY ID 83333
Telephone Number: (208)788-6268

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

Quantity: I went from 1.8 cubic feet
to 1.48 cubic feet

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

I would like to keep my right as was with
1.8 cubic feet.

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

1) Rocky Soil

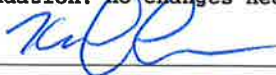
2) Pumping cost
Distributions

are climbing and I may be forced to
Flood Irrigate again.

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

DATE: 12-12-06

SIGNATURE:



Please print your name:

KENNETH C WARD

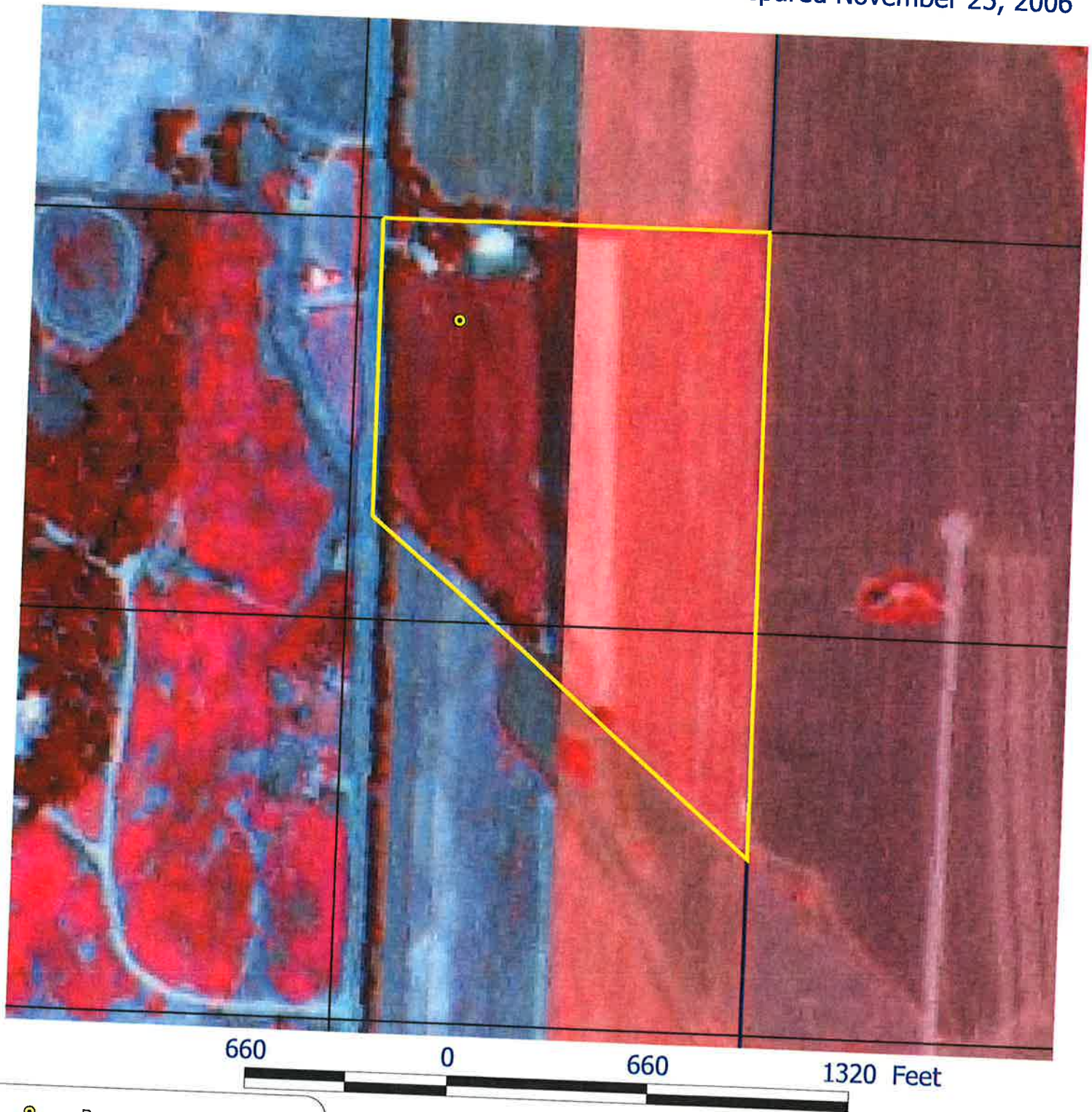
IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Amuel

Idaho Department of Water Resources

Right(s): 37-2613

Recommended Place of Use
TWP 01N RNG 18E S12
Prepared November 25, 2006



660 0 660 1320 Feet

- Recommended Point of Diversion
- Recommended Place of Use
- Quarter Section Lines
- PLSS Section Lines



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

✓ 4-27-64 H **State of Idaho** **License and Certificate of Water Right**

Water License No. G-27949

Amount 4.0 c.f.s.

Water District No. _____

Priority May 21, 1959

THIS IS TO CERTIFY that DON SPENCER
of Hailey, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 21, 19 59; that Permit No. G-27949
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.0 second feet, was issued thereunder on October 7, 19 64, showing that said works
were completed on the 30th day of April, 19 64; and that on the 30th
day of April, 19 64, DON SPENCER

of Ballevue, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation &
domestic use under Use Permit No. G-27949 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8011, on the 7th day of October, 19 64;
The right hereby confirmed dates from May 21, 19 59;

The Point of Diversion is located
in the SE 1/4 NE 1/4, Sec. 12, Tp. 1 N, R. 18 E, B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N.	18 E	12	SE 1/4 NE 1/4	40	40
			E 1/2 SE 1/4	80	80
			Total number of acres to be irrigated:		120

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of October, 19 64.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

37 2613

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35904
Permit No. G- 27949
District No.

1. Name of Applicant: Don Spencer *SV*
Postoffice address: *R.O. Box 446, Bellevue*
Hayley County: Blaine

State Idaho

* 2. Quantity of water claimed: 4 second feet

(a) Rate of withdrawal in cubic feet per second
Miners' inches 200

or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Underground

4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12
Twp. 1 N. , Rge. 18 E. , B.M., County of Blaine

5. Water is to be used for: Irrigation and domestic

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section
Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section

Twp.

Rge.

B.M.

7. Kind of works: Deep irrigation well

8. Estimated cost of works: \$5,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

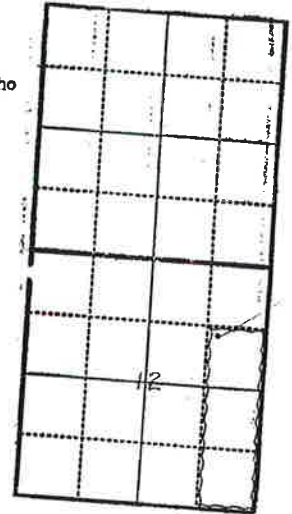
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
240 in. Oct. 1, 1884

(a) 200 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.



LICENSE ISSUED FOR 40 SEC. FF.
LICENSE PAGE NO. 8011

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 27949 / 37-2613
 Old No. New No.

Record

1. Original Owner: Don Spencer

Present Owner: _____

2. Address: P.O. Box 52

3. City: Bellvue State: Id Zip: _____

4. A. Source of Water: GW

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 5-21-59

D. County: 13

E. Total Diversion Rate: 4.

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SENE</u>	<u>12</u>	<u>1N</u>	<u>18E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 4.
 (cfs or AG-FT/yr)

from _____ to _____ for B purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

8. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 27949

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

Ch 5-D-79

500 - July 8, 1964

August 20, 1964

RE: Permit No. G-27949

Don Spencer
Box 52
Bellevue, Idaho

Dear Mr. Spencer:

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-27949 shows the well is ~~66666~~ capable of conveying 200 miner's inches, or 4.0 c.f.s. of water for the irrigation of 120 acres.

Upon receipt of the statutory fees, totaling \$ 11.00, we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of May 21, 1959, to the use of 4.0 second feet of subterranean water with the point of diversion in SE 1/4, Sec. 12, to irrigate 120 acres in SE 1/4, E 1/2, Sec. 12, T. 1 N., R. 18 E.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

27949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27949

REPORT ON PROOF OF Completion of Works & Beneficial Use

Don Spencer, Box 52, Bellevue, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27949

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

1. Name of applicant Don Spencer2. Source of water supply: Subterranean3. Location of point of diversion: Is in the SE 1/4 NE 1/4T. 1 N. R. 18 E. B. M. County of Blaine of Section 12

4. Describe works as they exist, giving dimensions and capacities of same: H.P. INTERNATIONAL Diesel motor # UDF 2254Z-160 Helio shaft Gear drive 50 H.P. # 1215428 perkins pump # 85200 8" x 8" column 16" x 96' casing 11.53' A.D. well depth 135' 8" x 8' discharge pipe into open ditch

5. Water is used for: irrigation and domestic6. 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):

SE 1/4 NE 1/4, E 1/4 SE 1/4 Sec. 12., Twp. 1 N., Rgs. 18 E. B. M.

Mr. Rick Schmidt (owner) has purchased this farm from Mr. Don Spencer.

(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. Rick Schmidt participated in the examination
.77 over 2' weir or 229 inches - by Cipolletti weir

this soil is very granular and needs more than 1 inch to an acre

This examination was made on the 15th day of August, 19 64
(Signed) Ran Hebing Examiner.

27949



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

11/10/2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KENNETH C AND CYNTHIA L WARD
PO BOX 278
HAILEY ID 83333

Re: SRBA Claim #37-685A, #37-2613

Dear Mr. and Mrs. Ward,

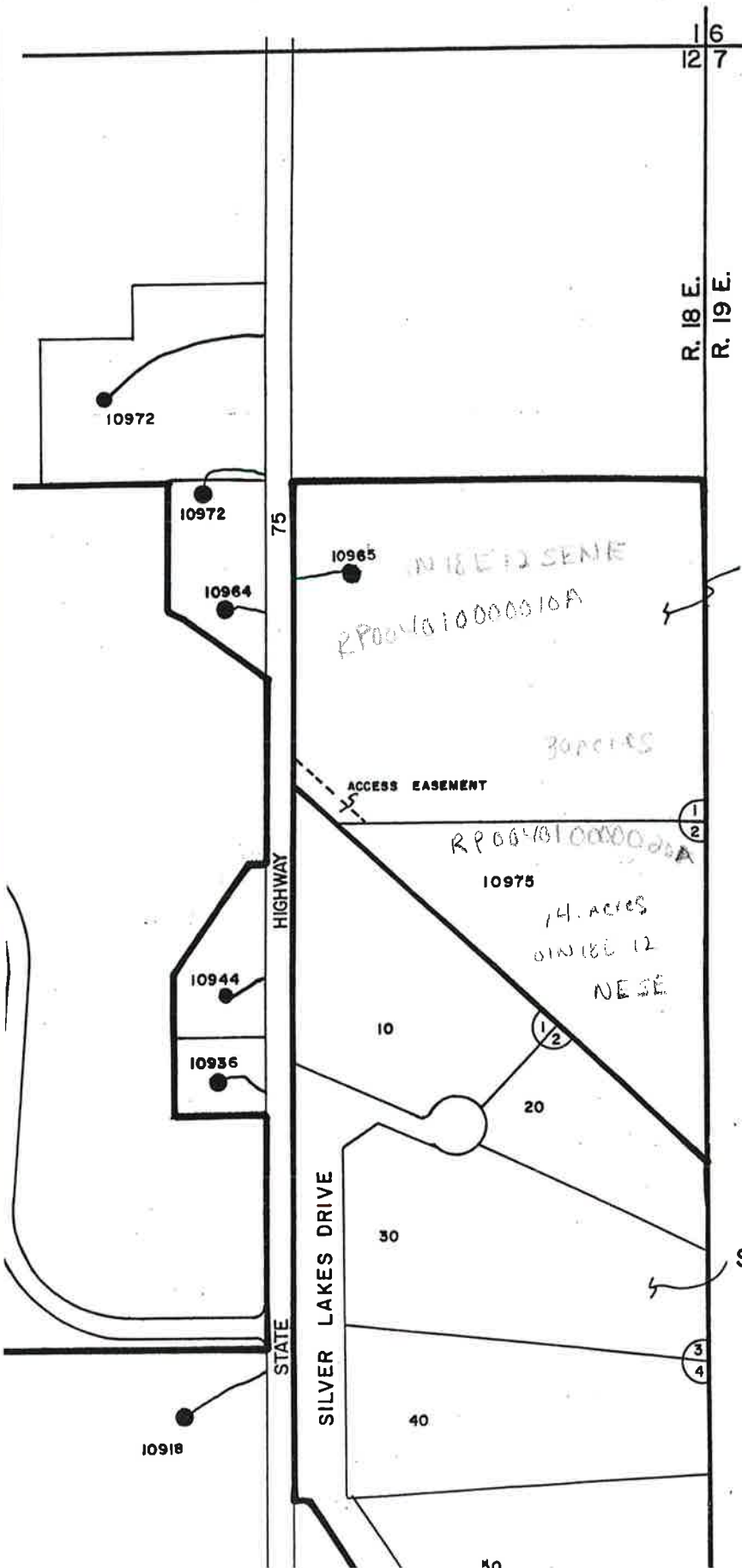
Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimants. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.



MANN - FORSTMANN
SUBDIVISION

SILVER CREEK FARMS
SUBDIVISION



RECEIVED

DEC 20 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

I was unable to
post by 12-8-06, I did
not receive this until
12-3 and did not
pick it up out of my
PO Box until 12-9.

Please accept them

thank you

Km