

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: **A37-02686D**

Date Received: 12/ 6/1988

Receipt No: C003752

Received By: ownership change *JK*

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

1. Name: AUBREY SPRING RANCH L L C 208-765-1414
Address: PO BOX 6600
COEUR D'ALENE ID 83816-1933

2. Date of Priority: DEC 11, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	13	SW	SE	SW		BLAINE

5. Description of diverting works:
WELL, 12 3/4" CASING TO 24' 9", 15 HP SUB. PUMP, WHEEL LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	13	SE	SW		IRR	19.0
Section Acres							19.0

10. Place of Use: Continued

Total Acres 19.0

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:
37-07598, 37-00252

14. Remarks:

OWNERSHIP CHANGE FROM MC MAHAN TO AUBREY SPRING RANCH 3/24/97. jr

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOV 1 1996 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.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A37-02686D; A37-07598D; A37-00252; A37-00712; A37-025534; A37-02575
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 Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) William A. McMahan
P. O. Box 3125
Ketchum, ID 83340
4. New Owner/Claimant(s) Aubrey Spring Ranch L.L.C.
 Name connector (Check one): [] AND, [] OR, [] AND/OR
 New Mailing Address P. O. Box 6600
 City, State and ZIP Code Coeur D'Alene, ID 83816-1933
 New Telephone Number (208) 765 - 1414
5. Date you acquired the property October 16, 1996
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 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 Owner/Claimant(s) WT Richards Date 11-1-96
 _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 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.

BCT 96007804

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

STATE OF IDAHO } 375617
COUNTY OF BLAINE }
I HEREBY CERTIFY THAT THE
MENT WITHIN IS A TRUE AND
OFFICE AT THE BLAINE COUNTY TITLE
AT 186 231
10-17-96
EX OFFICIO RECORDER
BY 15 DEPUTY

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, whose address is P.O. Box 3125, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto AUBREY SPRING RANCH, L.L.C., an Idaho limited liability company, whose address is P. O. Box 6600, Coeur D'Alene, ID 83816-1933 ("Grantee"), that certain real property situated in Blaine County, Idaho and particularly described as follows (the "Property"):

See Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all water rights appurtenant to the above-described real property, specifically including, but not limited to, the following rights:

LICENSED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-02686D	12/11/1962	Irrigation
A37-07598D	07/08/1977	Irrigation
A37-02553A	06/28/1954	Irrigation
A37-02575	07/13/1955	Irrigation

DECREED RIGHTS

SRBA CLAIM NO.	PRIORITY	PURPOSE
A37-00252	06/01/1887	Irrigation
A37-00712	06/01/1887	Irrigation

P:\WPDATA\JAN\MCMAHAN\WARRANTY.DOC

-1-

NOV 1 1996

SUBJECT TO the following:

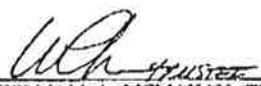
1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Blaine County, Idaho;
5. The determination in those judicial proceedings known as In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA") of each and every element of any water right appurtenant to the Property, for Grantor does not make any representation or warranty whatsoever as to any element other than fee simple title to such water rights.

TO HAVE AND TO HOLD, the said 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 Property, that said 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. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

Date: 10/14/96


WILLIAM A. MCMAHAN, TRUSTEE OF THE
WILLIAM A. MCMAHAN TRUST, DATED
NOVEMBER 25, 1986, AS AMENDED AND
RESTATED JUNE 14, 1995

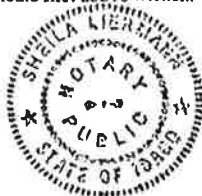
STATE OF IDAHO)

County of Blaine)

ss.

On this 16th day of October, 1996, before me, the undersigned notary public in and for said state, personally appeared, WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, known or identified to me to be the person whose name is subscribed to said instrument as trustee of said trust and acknowledged to me that he executed the same as trustee of said trust.

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



Sheila Lierman
Notary Public for Idaho
Residing at: Blaine County, Idaho
Commission expires: Aug 2001, 1999

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast corner of said Section 14, which point is North 89° 31' 00" West 2640.89 feet from the North 1/4 Corner of said Section 13;
THENCE South 89° 06' 49" West 1014.63 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING.
THENCE continuing South 89° 06' 49" West 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E1/2NE1/4, Section 14;
THENCE South 0° 13' 42" East 5239.68 feet along the West Boundary of said E1/2NE1/4, Section 14 and also the West Boundary of the E1/2SE1/4, Section 14 to a 5/8" rebar on the North Boundary of Highway No. 20;
THENCE North 89° 56' 22" East 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the West Boundary of the SW1/4SW1/4, said Section 13;
THENCE North 0° 19' 28" West 1248.96 feet along said East Boundary of the SW1/4SW1/4, Section 13, to an aluminum cap at the Northeast Corner of said SW1/4SW1/4;
THENCE South 89° 42' 28" East 898.34 feet along the South Boundary of the NE1/4SW1/4, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;
THENCE North 39° 09' 48" West 5155.21 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the POINT OF BEGINNING.

AND

A parcel of land located within the SE1/4 SW1/4, Section 13, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho more particularly described as follows:

Commencing at a 5/8 inch rebar by L.S. 792 marking the SW1/16 corner, also the northwest corner of said SE1/4 SW1/4, Section 13, which point is the REAL POINT OF BEGINNING;

thence South 0° 19' 28" West 1248.96 feet along the west boundary of said SE1/4 SW1/4 to a 5/8 inch rebar by L.S. 792 marking the north boundary of Idaho State Highway No. 20;

thence North 89° 56' 22" East 1332.51 feet along said Highway No. 20 to a 5/8 inch rebar by L.S. 792 marking Milt Fife's southwest corner on the east boundary of said SE1/4 SW1/4, which point lies 66.6 feet North 0° 27' 27" West from the South One Quarter corner of said Section 13;

thence North 0° 27' 27" West 708.18 feet, more or less, along said east boundary SE1/4 SW1/4 and Milt Fife's west boundary to a 5/8 inch rebar by L.S. 792 on the southwest boundary of the old U.P.R.R. right-of-way;

thence North 39° 09' 48" West 689.74 feet along said old U.P.R.R. Right-of-Way
Continued on next page

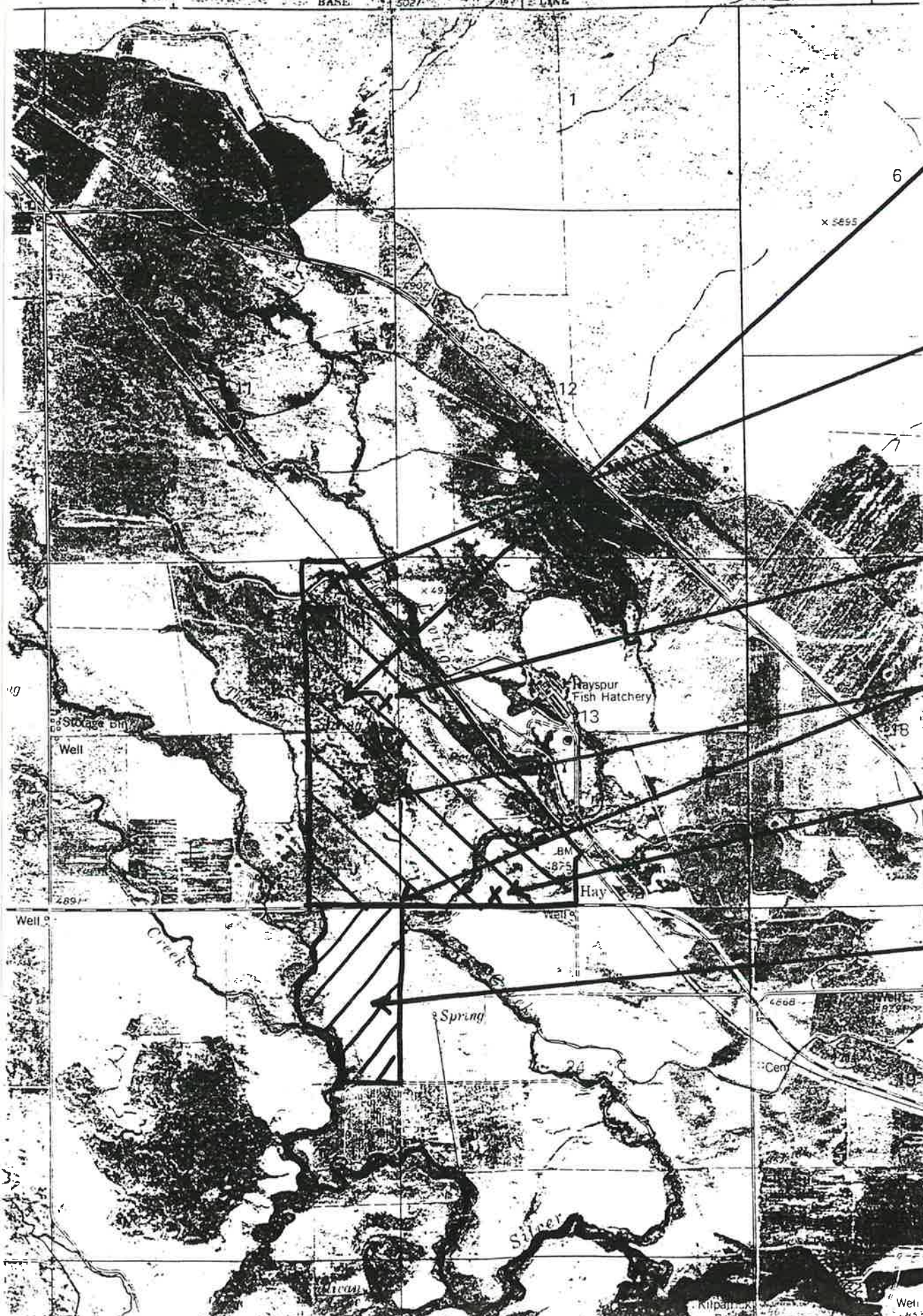
Attached Legal Description
Order Number: 96007804

to a 5/8 inch rebar by L.S. 792 on the north boundary of said SE1/4 SW1/4,
thence North 89°42'28" West 898.34 feet along said north boundary SE1/4 SW1/4
to the POINT OF BEGINNING.

Note: The street address is purported to be 1482 U.S. Highway 20.
Blaine County, Idaho 83313

TIN
TIS

X 5675



**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

STATE OF IDAHO

COUNTY OF BLAINE

} ss 395617

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE BLAINE COUNTY TITLE

AT 1:56 P.M. 10-17-96

BY [Signature] EX-OFFICIO RECORDER

FEES \$ 15.00 DEPUTY [Signature]

(Space above line for Recorder's use)

WARRANTY DEED

OCT 22 1996

FOR VALUE RECEIVED, WILLIAM A. MCMAHAN, TRUSTEE OF THE WILLIAM A. MCMAHAN TRUST, DATED NOVEMBER 25, 1986, AS AMENDED AND RESTATED JUNE 14, 1995, whose address is P.O. Box 3125, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto AUBREY SPRING RANCH, L.L.C., an Idaho limited liability company, whose address is P. O. Box 6600, Couer D'Alene, ID 83816-1933 ("Grantee"), that certain real property situated in Blaine County, Idaho and particularly described as follows (the "Property"):

See Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all water rights appurtenant to the above-described real property, specifically including, but not limited to, the following rights:

LICENSED RIGHTS

<u>SRBA CLAIM NO.</u>	<u>PRIORITY</u>	<u>PURPOSE</u>
A37-02686D	12/11/1962	Irrigation
A37-07598D	07/08/1977	Irrigation
A37-02553A	06/28/1954	Irrigation
A37-02575	07/13/1955	Irrigation

DECREED RIGHTS

<u>SRBA CLAIM NO.</u>	<u>PRIORITY</u>	<u>PURPOSE</u>
A37-00252	06/01/1887	Irrigation
A37-00712	06/01/1887	Irrigation

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Blaine County, Idaho;
5. The determination in those judicial proceedings known as In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA") of each and every element of any water right appurtenant to the Property, for Grantor does not make any representation or warranty whatsoever as to any element other than fee simple title to such water rights.

TO HAVE AND TO HOLD, the said 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 Property, that said 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. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

Date: 10/16/96


WILLIAM A. MCMAHAN, TRUSTEE OF THE
WILLIAM A. MCMAHAN TRUST, DATED
NOVEMBER 25, 1986, AS AMENDED AND
RESTATED JUNE 14, 1995

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast corner of said Section 14, which point is North 89° 31' 00" West 2640.89 feet from the North 1/4 corner of said Section 13;

THENCE South 89° 06' 49" West 1014.43 feet along the North boundary of said Section 14 to a 5/8" rebar on the Southwest boundary of the U.P.R.R. right-of-way, which point is the REAL POINT OF BEGINNING.

THENCE continuing South 89° 06' 49" West 298.37 feet along said North Boundary of Section 14 to an aluminum cap marking the Northwest corner of the E1/2NE1/4, Section 14;

THENCE South 0° 13' 42" East 5239.68 feet along the West Boundary of said E1/2NE1/4, Section 14 and also the West boundary of the E1/2SE1/4, section 14 to a 5/8" rebar on the North Boundary of Highway No. 20'

THENCE North 89° 56' 22" East 2641.92 feet along the North Boundary of said Highway No. 20 to a 5/8" rebar at the intersection of said Highway No. 20 and the East Boundary of the SW1/4SW1/4, said Section 13;

THENCE North 0° 19' 28" West 1248.96 feet along said East Boundary of the SW1/4SW1/4, Section 13, to an aluminum cap at the Northeast Corner of said SW1/4SW1/4;

THENCE South 89° 42' 28" East 898.34 feet along the South Boundary of the NE1/4SW1/4, Section 13, to a 5/8" rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

THENCE North 39° 09' 48" West 5155.23 feet along said Southwest Boundary of the U.P.R.R. right-of-way to the POINT OF BEGINNING.

AND

A parcel of land located within the SE1/4 SW1/4, Section 13, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho more particularly described as follows:

Commencing at a 5/8 inch rebar by L.S. 792 marking the SW1/16 corner, also the northwest corner of said SE1/4 SW1/4, Section 13, which point is the REAL POINT OF BEGINNING;

thence South 0°19'28" East 1248.96 feet along the west boundary of said SE1/4 SW1/4 to a 5/8 inch rebar by L.S. 792 marking the north boundary of Idaho State Highway No. 20;

thence North 89°56'22" East 1332.51 feet along said Highway No. 20 to a 5/8 inch rebar by L.S. 792 marking Milt Fife's southwest corner on the east boundary of said SE1/4 SW1/4, which point lies 86.6 feet North 0°27'27" West from the South One Quarter corner of said Section 13;

thence North 0°27'27" West 708.18 feet, more or less, along said east boundary SE1/4 SW1/4 and Milt Fife's west boundary to a 5/8 inch rebar by L.S. 792 on the southwest boundary of the old U.P.R.R. Right-of-Way;

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Continued on next page

Attached Legal Description

Order Number: 96007804

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thence North 89°42'28" West 898.34 feet along said north boundary SE1/4 SW1/4
to the POINT OF BEGINNING.

**Note: The street address is purported to be 18482 U.S. Highway 20,
Blaine County, Idaho 83313**

LEGAL DESCRIPTION

Order Number: 96007804

A parcel of land located within Sections 13 and 14, Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

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THENCE South $0^{\circ} 13' 42''$ East 5239.68 feet along the West Boundary of said $E1/2NE1/4$, Section 14 and also the West boundary of the $E1/2SE1/4$, section 14 to a $5/8$ " rebar on the North Boundary of Highway No. 20

THENCE North $89^{\circ} 56' 22''$ East 2641.92 feet along the North Boundary of said Highway No. 20 to a $5/8$ " rebar at the intersection of said Highway No. 20 and the East Boundary of the $SW1/4SW1/4$, said Section 13;

THENCE North $0^{\circ} 19' 28''$ West 1248.96 feet along said East Boundary of the $SW1/4SW1/4$, Section 13, to an aluminum cap at the Northeast Corner of said $SW1/4SW1/4$;

THENCE South $89^{\circ} 42' 28''$ East 898.34 feet along the South Boundary of the $NE1/4SW1/4$, Section 13, to a $5/8$ " rebar at the Southwest Boundary of said U.P.R.R. right-of-way;

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Continued on next page

Attached Legal Description
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to the POINT OF BEGINNING.

Note: The street address is purported to be 18482 U.S. Highway 20,
Blaine County, Idaho 83313

BLAINE COUNTY TITLE

208 SPRUCE AVENUE NORTH
P.O. BOX 3176 - KETCHUM, IDAHO 83340
(208) 726-0700
(208) 726-8406 (FAX)
1-800-346-6879
(OUTSIDE OF IDAHO)

SCOTT E. MARY
PRESIDENT

IDAHO DEPARTMENT OF WATER RESOURCES
IDWR SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS, ID 83301-6105

October 18, 1996

RE: Escrow No. 96007804 AUBREY SPRINGS RANCH/MCMAHAN

Dear IDWR,

With regards to the above described real estate transaction, please find enclosed the following:

☐ Title Commitment
☐ Closing Statement
☐ Deed of Trust - Instrument No. _____
☐ Note
☒ Warranty Deed - Instrument No. _____
☐ Quitclaim Deed - Instrument No. _____
☐ Escrow Instructions
☐ Tax Notice
☐ Insurance Binder
☐ Lender's Documents
☐ Cover Letter(s) - Copy
☐ Owner's Policy No. _____
☐ Mortgagee's Policy No. _____
☐ Endorsements _____
☐ Lot Book Report
☐ Lien Affidavit
☒ Other: IDWR ASSIGNMENT OF PERMITS (3)
☐ Other: _____
☐ Check # _____ in the amount of \$ _____
☐ Representing: _____

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


MELODY MATTSON
ESCROW ASSISTANT

CA

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: A37-02686D
Date Received: 10/14/1988
Receipt No: C003752
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM A. MC MAHAN 208-622-4400
Address: P.O. BOX 3125
KETHCUM, ID 83340

2. Date of Priority: DEC 11, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	13	SW	SE	SW		BLAINE

5. Description of diverting works:
WELL, 12 3/4" CASING TO 24' 9", 15 HP SUB. PUMP, WHEEL LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	13	SE	SW		IRR	19.0

Section Acres 19.0

Total Acres 19.0

A37-02686D

Page 1

Date: 12/08/88

MICROFILMED
FEB 23 1988

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:
37-07598, 37-00252

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
FEB 23 1993

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: 39356
Ident. Number A37-02686D
Date Received 10-14-88
Receipt Number C003752

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 14 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) William A. McMahan Phone (208) 622-4400
Mailing Address P.O. Box 3125, Ketchum, Idaho Zip 83340

2. Date of Priority (Only one (1) per claim) December 11, 1962

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 1S Range 19E Section 13,
SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Fifteen Horsepower Submersible Pump,
12 3/4 inch casing to a depth of 24 feet 9 inches. Water is pumped from the
well through a 4" mainline with risers to a wheel line.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 20.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1S	19E	13												19					19

Total number of acres irrigated 19

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
37-7598 ; 37-0252 or None ()

14. Remarks:

Last Name McMahan Ident No. _____

Copies: White -State, Yellow-Claimant

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FEB 23 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____ 37-2686D
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this _____

day of _____

19 88

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JAMES P. SPECK will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Hogue, Speck & Aarstad, P.O. Box 987, Ketchum, ID 83340

Address _____

Date _____

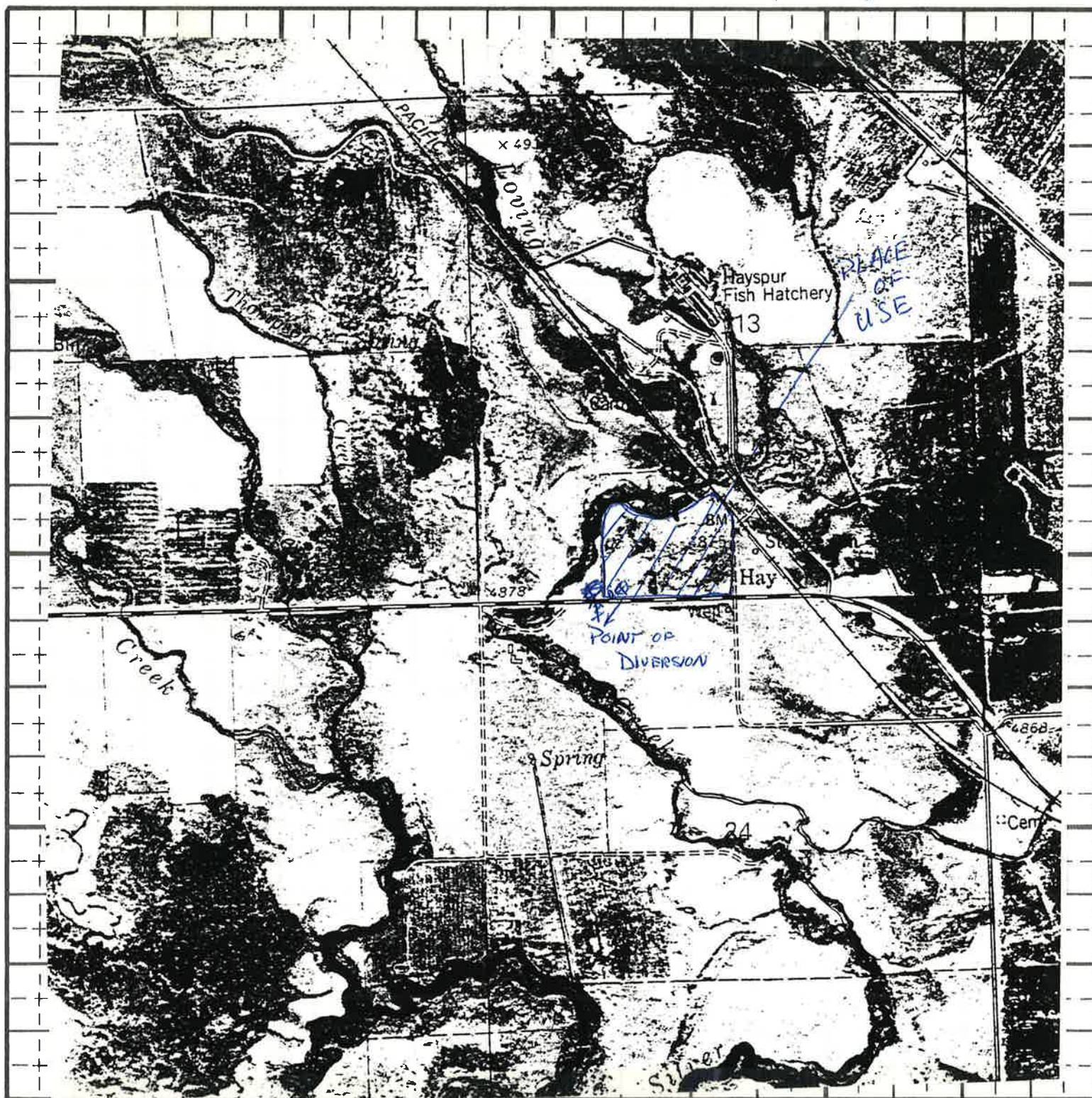
Last Name McMahan Ident. Number _____

MICROFILMED
FEB 23 1993
Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 1 SOUTH, RANGE 19 EAST, B.M., BLAINE COUNTY



Last Name

Mc Mahan

Ident No.

Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 22 1993

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



02 1A
0004389393

\$ 01.35⁰

DEC 12 2006

MAILED FROM ZIP CODE 83702

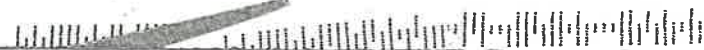


NO SUCH
NUMBER

37-712 37-2686D
37-252 37-7598D
37-2575

AUBREY SPRING RANCH LLC
PO BOX 6600
COEUR D ALENE ID 83816-1933

RECEIVED
DEC 20 2006
DEPARTMENT OF
WATER RESOURCES





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

March 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: OWNERSHIP CHANGE - ADJUDICATION CLAIM NOS. A37-00252,
A37-00712, A37-02553A, A37-02575,
A37-02686D, A37-07598D
WILLIAM MC MAHAN/AUBREY SPRING RANCH

Mr. Speck;

Pursuant to the notification that you are representing the claimants on the above referenced Adjudication Claims, please find the enclosed copies of the claims showing the ownership records have been changed as you requested.

If you should have any questions, feel free to give me a call at the office.

Sincerely,

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

Jeanie Robertson
Sr. Water Right Agent

/jr

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

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

November 14, 1996

NOV 14 1996

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

Re: Notice of Change of Water Right Ownership

Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for several SRBA claims formerly filed and owned by William A. McMahan and now acquired by the Aubrey Spring Ranch, L.L.C. I have also included a copy of a Notice of Appearance indicating my firm will represent the new claimant/owner in the SRBA for these claims. Please let me know immediately if you need any additional information for this change of ownership.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:rb
enc.

pc: Mr. Jim English (w/enc.)
Jim Johnson (w/enc.)

NOV 1 1996

Claimant Name:

Aubrey Spring Ranch, L.L.C.

Attorney Name & Address:

**James P. Speck
Hogue, Speck & Aanestad, P.A.
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

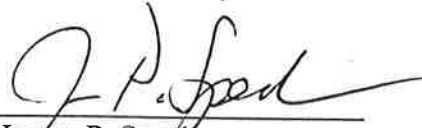
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Hogue, Speck & Aanestad hereby enters its appearance in the action on behalf of Claimant Aubrey Spring Ranch, L.L.C. for the following water right claims: A37-000252, A37-00712, A37-02553A, A37-02575, A37-02686A and A37-07598A.

DATED this 14th day of November, 1996.

HOGUE, SPECK & AANESTAD, P.A.

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 1996, 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



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

October 23, 1996

AUBREY SPRING RANCH LLC
PO BOX 6600
COEUR D'ALENE ID 83816-1933

RE: SRBA CLAIM NOS. A37-02686D, A37-07598D, A37-02553A,
A37-02575, A37-00252, A37-00712

Gentlemen:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, I have enclosed a NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Please complete it per the instructions on the back of the form, attach the required information (I already have a copy of the warranty deed) and return them to me in the enclosed self-addressed envelope. I will then make the changes in our computer records and forward copies back to you.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

/tf
Enclosures

5.0

RECEIVED
JAN 21 1992

Department of Water Resources

1
2
3
4 James P. Speck
5 HOGUE, SPECK & AANESTAD, P.A.
6 120 East Avenue
7 P.O. Box 987
8 Ketchum, Idaho 83340

9 Telephone: (208) 726-4421

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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)

The State of Idaho, ex rel.)
R. Keith Higginson in his official)
capacity as Director of the Idaho)
Department of Water Resources)

Petitioner,)

vs.)

The United States; the State of)
Idaho; and all Claimants to the)
Use of Water from the Snake River)
Basin Water System)

Case No. 39576

NOTICE OF APPEARANCE

A-37-00252
- - 00712
- - 02553A
- - 02575
✓ - 02686D
✓ - 07598D

DESCRIPTIVE SUMMARY

Notice of Appearance of James P. Speck of the law firm
of Hogue, Speck & Aanestad, P.A. for William A. McMahan and other
parties.

NOTICE OF APPEARANCE - 1

jps\water\srbanot.app

MICROFILMED
AUG 24 1994

1 TO: PETITIONER AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that James P. Speck of the law firm
3 of Hogue, Speck & Aanestad, P.A. hereby enters its appearance as
4 attorneys of record for William A. McMahan and numerous other
5 parties as identified in Claims filed in this action.

6 DATED this 17th day of January, 1992.

7 HOGUE, SPECK & AANESTAD, P.A.

8

9

By


James P. Speck

10

11

CERTIFICATE OF MAILING

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NOTICE OF APPEARANCE - 2

jps\water\srbanot.app

28

HOGUE, SPECK &
AANESTAD, P.A.

P.O. BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

MICROFILMED

AUG 24 1994

Roger D. Ling
Ling, Nielsen & Robinson
P. O. Box 396
Rupert, ID 83350

Roy L. Eiguren
Josephine P. Beeman
Davis, Wright & Tremaine
Suite 700
702 West Idaho Street
Boise, ID 83702

Craig R. Zaiss, Esq.
P. O. Box 628
Parma, ID 83660-0628

Albert P. Barker
Don A. Olowinski
Steven R. Ormiston
Hawley, Troxell, Ennis & Hawley
P. O. Box 1617
Boise, ID 83701

Scott L. Campbell
Elam, Burke & Boyd
P. O. Box 1539
Boise, ID 83701

Bruce M. Smith
Rosholt, Robertson & Tucker
P. O. Box 2139
Boise, ID 83701-2139

William F. Ringert
David Hammerquist
Ringert, Clark, Harrington,
Reid, Christenson & Kaufman
P. O. Box 2773
Boise, ID 83701

Peter G. Monson
Indian Resources Section
Environment & Natural Resources
Division
U.S. Department of Justice
P. O. Box 44378
Washington, D.C. 20026-4378

John A. Rosholt
James C. Tucker
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

Rebecca Craven
Elliott L. Moffett
Douglas R. Nash
Danial C. Picard
Nez Perce Tribe
P. O. Box 365
Lapwai, ID 83540

Jeanette Wolfley
Candy L. Jackson
Tribal Attorneys Office
Shoshone-Bannock Tribes
P. O. Box 36
Fort Hall, ID 83203

Wayne B. Slaughter, Jr.
Terry T. Uhling
J.R. Simplot Company
P. O. Box 912
Pocatello, ID 83204

Carolyn M. Minder
Snake River Basin Adjudication
7283 Obsidian
Boise, ID 83709

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P. O. Box 50130
Idaho Falls, ID 83405

Steven L. Herndon
Legal Department
Idaho Power Company
P. O. Box 70
Boise, ID 83707

James Annest, Esq.
P. O. Box 686
Burley, ID 83318

EXHIBIT A -- CERTIFICATE OF MAILING

MICROFILMED
AUG 24 1994

Gary Ebert
P. O. Box S
Ontario, OR 97914

Kenneth S. Gallant
Associate Professor
College of Law
University of Idaho
Moscow, ID 83843

Doug Grant
College of Law
University of Idaho
Moscow, ID 83843

Janet O'Crowley
Committee for Idaho's High Desert
P. O. Box 664
Picabo, ID 83348

Don F. Pickett, Esq.
Route 1, Box 80
Oakley, ID 83346

David B. Shaw, Chief
Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Lorraine Bodi -
Office of General Counsel
NOAA
7600 Sand Point Way N.E.
Seattle, WA 98115

Gary L. Boyle
USDA Forest Service
324 25th Street
Ogden, UT 84401

Robert D. Dellwo, Esq.
601 West Riverside, No. 1900
Spokane, WA 99201-0913

Lester Edelman
U.S. Army Corp of Engineers
Room 8220
10 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Mark Eissler
Office of General Counsel
Bonneville Power Administration
P. O. Box 3621
Portland, OR 97208

Maurice O. Ellsworth
U.S. Attorney
U. S. Federal Building, Box 37
550 West Fort Street
Boise, ID 83702

Bill Lloyd
CH2M Hill
P. O. Box 8748
Boise, ID 83707

Fred Lyons, Clerk
Supreme Court Building
451 West State Street
Boise, ID 83720

Don L. Roberts
City Attorney
P. O. Box 617
Lewiston, ID 83501

Edward Jiran
Department of Energy
Room 6H065
1000 Independence Ave., S.W.
Washington, D.C. 20585

Larry Echohawk
Idaho Attorney General
Room 210, Statehouse
Boise, ID 83720

EXHIBIT A -- CERTIFICATE OF MAILING

MICROFILMED
AUG 24 1994

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Mc Mahan

CLAIM IDENT. NO.

A37-02686DDATE RECEIVED 10-14-88CK # 1537AMOUNT \$ 577

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES ☒ NO ☐
- (b) Is a tributary to entered? (if required) N/A ☒
4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐
5. Is there a description of the diverting works? YES ☒ NO ☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES ☒ NO ☐
- Is the period of use included? YES ☒ NO ☐
- Is a quantity claimed for each use? YES ☒ NO ☐
7. Is a total quantity claimed entered? YES ☒ NO ☐
8. If required is a consumptive use entered? N/A ☐
- Is the consumptive use correct? N/A ☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒
10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐
11. Is (are) the county(ies) entered? YES ☒ NO ☐
12. Is the ownership of p.u. checked? YES ☒ NO ☐
13. Are other water rights listed or "none" indicated? YES ☒ NO ☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒
15. Is the basis of the claim indicated? YES ☒ NO ☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐
- Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐
- Was this claim filed on time, or was an extension granted? YES ☒ NO ☐
- Is the fee enclosed correct? Exempt ☒
- If this claim is based on an existing water right, has the identification number been entered? N/A ☒
- Should this claim be receipted and data entered? YES ☒ NO ☐

Claim checked by: CAComments: 50.00MICROFILMED
FEB 23 1993

Water Right Number - 37-02686D

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MC MAHAN

WILLIAM A.

1 - P.O. BOX 3125

2 -

3 -

City- KETHCUM

State- ID Zip- 833400000

Phone -

*** O - ORIGINAL OWNER ***
HUBSHMAN, JR.

LOUIS

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +
12/11/1962+ - - Region - - - +
17+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 19E 13 SE SW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.160

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.160+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

01S 19E 13 SE SW 19.0 01 IRRIGATION (13) BLAINE

Total Acres: 19.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.FEB 23 1993
MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

12/06/88 13:53:10
Page 2

Water right number - 37-02686D

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Microfilm Rolls -

+ - - Audit Fields - 04/10/86 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/10/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 00/00/0000				

MICROFILMED
FEB 23 1993