

COPY

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

2009 NOV 4 PM 2 50

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

) Subcase No: 37-2686B (Split)

) 37-2686E and 37-2686F

) 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

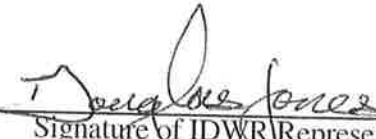
☐ Place of Use

☒ 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: 11/3/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-4, 2009, 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

Charles T. Foley
Kathleen Maher Foley
1 East End Ave Apt #12
New York NY 10075

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



Signature of person or attorney mailing the form

11/2/2009

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>
37-2686B	KATHLEEN MAHER FOLEY 1 EAST END AVE APT #12 NEW YORK NY 10075	Disallowed	Recommended as 37-2686E and 37-2686F.
	CHARLES T FOLEY 1 EAST END AVE APT #12 NEW YORK NY 10075		

11/02/2009

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

RIGHT NUMBER: 37-2686E
NAME AND ADDRESS: KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
76.20 AFY

Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.

PRIORITY DATE: 12/11/1962

POINT OF
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.210 CFS 76.20 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S23	NESE 24.40	T01S R19E S23 NWSE 1.00
	25.4 ACRES TOTAL		

Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres 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

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

11/02/2009

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

RIGHT NUMBER: 37-2686F

NAME AND ADDRESS: KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.000 CFS
6.30 AFY

Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.

Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.

The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.

PRIORITY DATE: 12/11/1962

POINT OF
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	6.30 AFY
AESTHETIC STORAGE	01/01 12/31	6.30 AFY

PLACE OF USE:

RECREATION STORAGE in BLAINE County

T01S R19E S23 NESE

AESTHETIC STORAGE in BLAINE County

T01S R19E S23 NESE

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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.



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

November 4, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHARLES FOLEY
KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

RE: SRBA Claim(s) 37-2686B, 37-7598B, 37-2696

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: James P. Speck

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68535

This is to certify that: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT #12
 NEW YORK NY 10075
 (208)578-7775

have 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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2686B	AJC/License	12/11/1962	0.232 cfs	N/A	N/A	28.0	GROUND WATER
37-7598B	AJC/License	07/08/1977	0.328 cfs	N/A	N/A	28.0	GROUND WATER
37-2696	AJC/License	05/19/1964	3.44 cfs	605.5 af	N/A	173.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2686B	YES	YES	NO	NO	YES	YES
37-7598B	YES	YES	NO	NO	YES	YES
37-2696	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2686B	37-2686F	N/A	6.3 af	N/A		37-2686E	0.21 cfs	76.2 af	N/A	25.4
37-7598B	37-7598F	N/A	6.3 af	N/A		37-7598E	0.29 cfs	76.2 af	N/A	25.4
37-2696	37-22454	N/A	13.0 af	N/A		37-22453	3.33 cfs	586.6 af	N/A	167.6
COMBINED										
TOTA		N/A	19.3 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of September, 20 09


 FOR _____
 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2686E
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-2686E is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: December 11, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.21 CFS	76.2 AF
			0.21 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 19E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	25.4
													24.4	1.0			25.4

Total Acres: 25.4

CONDITIONS OF APPROVAL

1. Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres in a single irrigation season.
4. 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 17th day of September, 20 09


 For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2686F
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-2686F is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: December 11, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
RECREATION STORAGE	01/01 to 12/31		6.3 AF
AESTHETIC STORAGE	01/01 to 12/31		6.3 AF
			6.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	23													X				

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	23													X				

WATER RIGHT NO. 37-2686F
As Modified by Transfer No. 68535

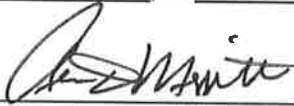
CONDITIONS OF APPROVAL

1. Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.
2. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
3. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.
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 17th day of September, 20 09

For



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7598E
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-7598E is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: July 08, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.29 CFS	76.2 AF
			0.29 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 19E 23													24.4	1.0			25.4

Total Acres: 25.4

CONDITIONS OF APPROVAL

1. Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres in a single irrigation season.
4. 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 17th day of September, 20 09



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7598F
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-7598F is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: July 08, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
RECREATION STORAGE	01/01 to	12/31	6.3 AF
AESTHETIC STORAGE	01/01 to	12/31	6.3 AF
			6.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: RECREATION STORAGE

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 19E 23													X				

PLACE OF USE: AESTHETIC STORAGE

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 19E 23													X				

WATER RIGHT NO. 37-7598F
As Modified by Transfer No. 68535

CONDITIONS OF APPROVAL

1. Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.
2. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
3. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.
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 17th day of September, 2009



For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22453
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-22453 is now described as follows.

Right Holder: CHARLES T FOLEY
 1 EAST END AVE APT #12
 NEW YORK NY 10075

Priority Date: May 19, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.33 CFS	586.6 AF
			3.33 CFS	586.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 14 Twp 01S Rge 19E 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	19E	14													29.8	31.0	28.0	36.0	31.0	11.8	167.6

Total Acres: 167.6

CONDITIONS OF APPROVAL

- 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 17th day of September, 20 09


 For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22454
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-22454 is now described as follows.

Right Holder: CHARLES T FOLEY
 1 EAST END AVE APT #12
 NEW YORK NY 10075

Priority Date: May 19, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
AESTHETIC STORAGE	01/01 to	12/31	13.0 AF
RECREATION STORAGE	01/01 to	12/31	13.0 AF
			13.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: AESTHETIC STORAGE

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 19E 23													X				

PLACE OF USE: RECREATION STORAGE

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 19E 23													X				

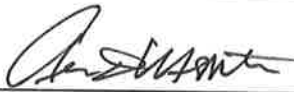
WATER RIGHT NO. 37-22454
As Modified by Transfer No. 68535

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
2. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 17th day of September, 20 09



FOR Chief, Water Allocation Bureau

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: A37-02686B

Date Received: 10/27/1988

Receipt No: C003914

Received By: CF: OWNER CHANGE

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

1. Name: CHARLES THOMAS FOLEY 212-319-4343
Address: 430 PARK AVE 18TH FLOOR
NEW YORK NY 10022

AND

Name: KATHLEEN MAHER FOLEY 212-319-4343
Address: 430 PARK AVE 18TH FLOOR
NEW YORK NY 10022

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	23	NW	NE	SE		BLAINE

5. Description of diverting works:
WELL, 120' DEEP, 10" CASING, 10 HP PUMP, HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.232		

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

8. Total consumptive use is 70.0 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	19E	23	NE	SE		IRR	28.0
Section Acres							28.0
Total Acres							28.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT AND 37-7598B ARE DIVERTED FROM THE SAME WELL AND TOTAL
1 INCH PER ACRE.
CONFORMED ATTORNEY MAILING ADDRESS DMS

06/29/99, CHANGED OWNERSHIP: KENNEDY LIVING TRUST TO THOMAS & KAT
HLEEN FOLEY AS PER WARRANTY DEED AND FORM 1409(6) RECEIVED
06/28/99. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 30899

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NCAP -12284
12285

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 28 1999

Department of Water Resources
Southern Region

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 No(s): Claim #'s A37-026863; A37-07598B; A37-08225A; 37-12284 & 37-12285
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant
Kennedy Living Trust, Jack F. Kennedy, Trustee
1400 South Camino Real
San Bernadino, CA 92408
4. New Owner/Claimant(s)
Charles Thomas Foley & Kathleen Maher Foley
New Mailing Address
Name Connector (Check one): [] and, [] or, [] and/or
430 Park Avenue, 18th Floor
City, State and ZIP Code
New York, New York 10022
New Telephone Number
(212) 319-4343
5. Date you acquired the property
June 15, 1999
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)
Charles Thomas Foley
Kathleen Maher Foley
(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..

124

428501

Deed

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Edward A. Lawson, Esq.
Hawley Troxell Ennis & Hawley LLP
P.O. Box 297
371 Walnut Avenue
Ketchum, Idaho 83340

BLAINE CO. REQUEST
SAWTOOTH TITLE

'99 JUN 15 PM 3 54

MARSHA RIEMANN, CLERK *mm*

FEES \$ *90*

Order No. 25722

(Space Above This Line For Recorder's Use)

WARRANTY DEED

Jack F. Kennedy, Trustee of the Kennedy Living Trust dated November 1, 1979, as restated on May 20, 1982, hereinafter called the Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Charles Thomas Foley and Kathleen Maher Foley, husband and wife, whose current address is c/o Estabrook Capital Management, 430 Park Avenue, 18th Floor, New York, NY 10022, hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

SECTION 23: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH an easement for ingress, egress and the extension of utilities, more particularly described as follows:

A strip of land, 25 feet in width, extending along the western boundary of the NW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of Section 24, Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho, from the right-of-way for Idaho Highway 20 on the north, to a point 25 feet south of the northern boundary of the SW $\frac{1}{4}$ of said Section 24, on the south.

TOGETHER WITH all improvements, minerals, mineral rights, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto, if any, including but not limited to the following:

IDWR Claim No. A37-026863
IDWR Claim No. A37-07598B
IDWR Claim No. A37-08225A
IDWR Claim No. 37-12284
IDWR Claim No. 37-12285

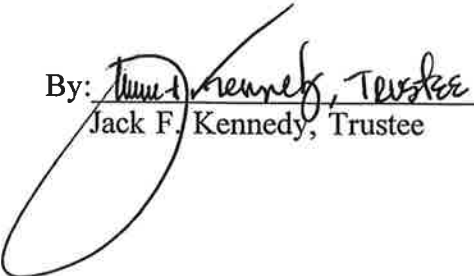
SUBJECT TO:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any state or railroad deed;
3. Building and zoning ordinances, restrictions and regulations;
4. Easements established or of record, restrictions, encumbrances and other matters of record as disclosed by the records of Blaine County, Idaho; and
5. The final outcome of all proceedings, terms and conditions of any decree entered in *The General Adjudication of Rights to Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576.

TO HAVE AND TO HOLD, the said premises, and their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that (1) the Grantor is the owner in fee simple of said premises; (2) Grantor has the right to convey the premises; (3) the premises are free from all liens and encumbrances except as above described; (4) Grantor warrants and will defend the quiet and peaceable possession of the premises by the Grantee, his heirs and assigns forever, against all lawful claims whatsoever.

DATED this 8th day of June, 1999.

The Kennedy Living Trust u/a/d 11/1/79
and restated 5/20/82

By:  Trustee
Jack F. Kennedy, Trustee

STATE OF IDAHO,)
) ss.
County of Blaine.)

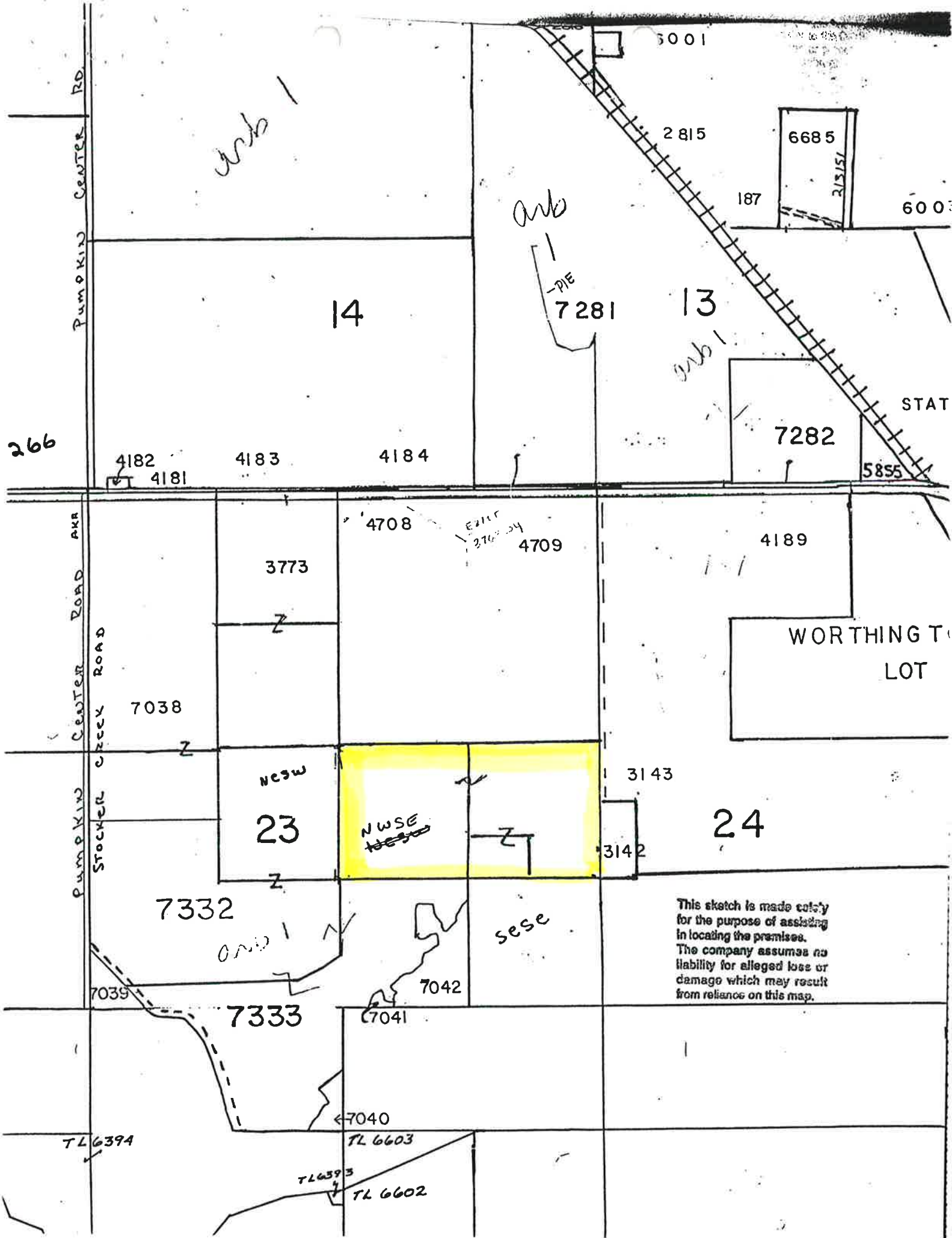
On this 11th day of June, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack F. Kennedy, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument as Trustee of the Kennedy Living Trust u/a/d 11/1/79 and as restated 5/20/82, and acknowledged to me that he executed the same on behalf of said Trust.

WITNESS my hand and official seal.



Marla G. Mink

Notary Public for Idaho
Residing at Belleme, Id.
Commission expires 12/01/2000



This sketch is made solely for the purpose of assisting in locating the premises. The company assumes no liability for alleged loss or damage which may result from reliance on this map.

HAWLEY TROXELL ENNIS & HAWLEY LLP

P. O. Box 297
371 Walnut Avenue North
Ketchum, Idaho 83340-0297

Telephone: (208) 726-1700
FAX: (208) 726-9743

TRANSMITTAL MEMO

RECEIVED

JUN 28 1999

Department of Water Resources
Southern Region

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

FROM: Edward A. Lawson

DATE: June 25, 1999

RE: Charles and Kathleen Foley
Water Right Nos: A37-026863
A37-07598B
A37-08225A
37-12284
37-12285
HTEH File No. 32370-3

Enclosed is a Notice of Change of Water Right Ownership, as well as a copy of the Warranty Deed granting said water rights to Mr. and Mrs. Foley.

Please return a date-stamped copy of the Notice in the envelope provided. Thank you.

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: A37-02686B
Date Received: 10/27/1988
Receipt No: C003914
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNEDY LIVING TRUST
Address: JACK F. KENNEDY, JR., TRUSTEE
C/O KENNEDY CADILLAC
1400 SOUTH CAMINO REAL
SAN BERNARDINO, CA 92408
714-884-0111

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	23	NW	NE	SE		BLAINE

5. Description of diverting works:
WELL, 120' DEEP, 10" CASING, 10 HP PUMP, HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.232		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	23	NE	SE		IRR	28.0

Section Acres 28.0

A37-02686B

Page 1

Date: 01/25/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 28.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT AND 37-7598B ARE DIVERTED FROM THE SAME WELL AND TOTAL
1 INCH PER ACRE.

15. Basis of Claim: LICENSE
Water Right Number: 30899

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 _____

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 A37-02686B
Date Received 10-27-88
Receipt Number _____

RECEIVED

OCT 27 1988

NOTICE OF CLAIM

TO A

WATER RIGHT

Department of Water Resources
Southern Region Office

ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Jack F. Kennedy, trustee of the Kennedy Living Trust, dated November 1, 1979, as restated on May 20, 1982.

Phone: (714) 884-0111

Mailing Address: c/o Kennedy Cadillac
1400 South Camino Real
San Bernardino, CA 92408

2. Date of Priority: December 11, 1962

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
1S	19E	23	NW	NE	SE		Blaine

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

5. Description of existing diversion works: Well, approx. 120 feet deep with 10 inch casing and 10 HP pump; handlines.

MICROFILMED
FEB 23 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.232 cfs/84 afa

7. Total Quantity Claimed: 0.232 cfs/ 84 afa.

8. Total consumptive use claimed is 70 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
1S	19E	23	NE	SE	I	28

Total number of irrigated acres: 28

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-7598B.

14. Remarks: This right and 37-7598B are diverted from the same well and total 1 inch per acre.

Last Name: Kennedy Living Trust

Ident No. _____

MICROFILMED
FEB 23 1993

15. Basis of Claim: License
IDWR Water Right Number: 37-2686B
Court:
Case Number:
Decree Date:
Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am the trustee of the Kennedy Living trust, dated November 1, 1979, as restated May 20, 1982, that I have signed the foregoing document in the space below as trustee of said Trust and that the statements contained in the foregoing document are true and correct.

Signature of Trustee:

James P. Speck, his attorney in fact
Jack F. Kennedy, Jr., trustee

Date:

10/25/88

Title of Organization: The Kennedy Living Trust, dated November 1, 1979, as restated May 20, 1982

State of Idaho)
County of Bonne) ss.

Subscribed and sworn before me this 25th day of October, 1988.

Notary Public

Residing at

Commission Expires

Ruby, Minnie Becker
Sun Valley
1/17/93

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature:

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

Date:

10/24/88

Last Name: Kennedy Living Trust
a:\kennedy2.clm

Ident No.:

MICROFILMED
FEB 23 1993

Scale: 2 inches equals 1 mile

TOWNSHIP 1 SOUTH, RANGE 19 EAST OF
BOISE MERIDIAN, BLAINE COUNTY, IDAHO

IDAHO HIGHWAY 50

POINT OF BEGINNING

23

24

LAND IRRIGATED

MINORS

MICROFILMED
 FEB 23 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

RECEIVED

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

OCT 27 1988

Department of Water Resources
Southern Region Office

I, JACK F. KENNEDY, JR., TRUSTEE OF THE KENNEDY LIVING TRUST, DATED NOVEMBER 1, 1979, AS RESTATED ON MAY 20, 1982, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit as trustee of said Trust for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or

MICROFILMED
FEB 23 1993

OCT-24-88 MON 14:47 HOGUE SPECK ARNESTAD

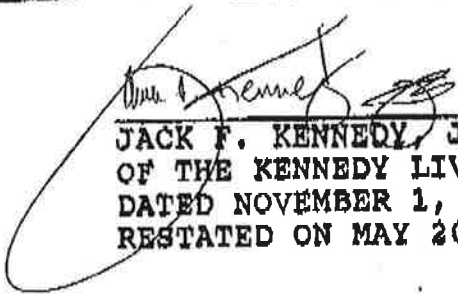
P. 02

our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 24th day of Oct., 1988.


JACK F. KENNEDY, JR., TRUSTEE
OF THE KENNEDY LIVING TRUST,
DATED NOVEMBER 1, 1979, AS
RESTATED ON MAY 20, 1982.

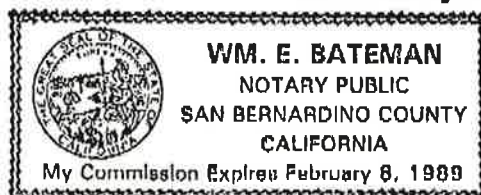
STATE OF Calif.)
County of San Bernardino) ss.

On this 24th day of Oct., 1988, before me, the undersigned notary public in and for said state, personally appeared Jack F. Kennedy, Jr., Trustee of the Kennedy Living Trust, dated November 1, 1979, as restated on May 20, 1982, known to me to be the Trustee whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

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


Notary Public for _____
Residing at: _____

jim:kennedy5.pwr



MICROFILMED
FEB 23 1989

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2686B V1

WATER RIGHT NUMBER: 37-2686B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MAE E KENNEDY TRUST C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Original Owner	KENNEDY LIVING TRUST JACK F KENNEDY, TRUSTEE P O BOX 752 SUN VALLEY, ID 83353 (208)726-5815
Original Owner	LAURA L MC MAHAN PO BOX 3125 KETCHUM, ID 83340
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	KATHLEEN MAHER FOLEY 430 PARK AVE 18TH FL NEW YORK, NY 10022 (212)319-4343
Current Owner	CHARLES T FOLEY C/O ESTABROOK CAPITAL MGMT 430 PARK AVE NEW YORK, NY 10022 (212)319-4343
Original Owner	WILLIAM A MC MAHAN PO BOX 3125 KETCHUM, ID 83340 (208)622-4400
Original Owner	JOHN F KENNEDY JR C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Original Owner	MAE E KENNEDY C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340

T # 3270

Priority Date: 12/11/1962

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.210 CFS

Annual Volume

84.00 AF

.232

.232

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2686B V1

Total Diversion: 0.210 CFS

84.00 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SE1/4

Sec. 23, Twp 01S, Rge 19E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	19E	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	25.0
																			25.0

Total Acres: 25

Conditions of Approval:

1. E53 Right Nos. 37-2686B and 37-7598B are limited to a total combined annual diversion volume of 17.5 AF.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. Includes 1 acre in NWSE S23
3. E55 Right Nos. 37-2686B and 37-7598B are limited to the irrigation of a combined total of 25 acres in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. mciscell 12/2/2006 Quantity

Comment: Reduced rate and volume to match acreage

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2686B V1

Dates and Other Information:

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

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.56		
Combined Water Rights: 37-2686B , 37-7598B , 37-8225A		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.56	84	252.28
Combined Water Rights: 37-2686B , 37-7598B		

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2686B

WATER RIGHT NUMBER: 37-2686B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MAE E KENNEDY TRUST C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Original Owner	KENNEDY LIVING TRUST JACK F KENNEDY, TRUSTEE P O BOX 752 SUN VALLEY, ID 83353 (208)726-5815
Original Owner	LAURA L MC MAHAN PO BOX 3125 KETCHUM, ID 83340
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	KATHLEEN MAHER FOLEY 430 PARK AVE 18TH FL NEW YORK, NY 10022 (212)319-4343
Current Owner	CHARLES T FOLEY C/O ESTABROOK CAPITAL MGMT 430 PARK AVE NEW YORK, NY 10022 (212)319-4343
Original Owner	WILLIAM A MC MAHAN PO BOX 3125 KETCHUM, ID 83340 (208)622-4400
Original Owner	JOHN F KENNEDY JR C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Original Owner	MAE E KENNEDY C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340

Priority Date: 12/11/1962

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

0.232 CFS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2686B

Total Diversion: 0.232 CFSLocation of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SE1/4

Sec. 23, Twp 01S, Rge 19E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	19E	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	28.0
																			28.0

Total Acres: 28

Conditions of Approval:

- THIS RIGHT AND 37-7598B ARE DIVERTED FROM THE SAME WELL AND TOTAL 1 INCH PER ACRE.
CONFORMED ATTORNEY MAILING ADDRESS DMS
***** 06/29/99, CHANGED OWNERSHIP:
KENNEDY LIVING TRUST TO THOMAS & KAT HLEEN FOLEY AS PER WARRANTY DEED AND FORM 1409(6) RECEIVED 06/28/99. C.T.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/27/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2686B

WATER RIGHT NUMBER: 37-2686B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOUIS HUBSHMAN JR 666 FIRTH AVE NEW YORK, NY 10019
Current Owner	MAE E KENNEDY C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Current Owner	MAE E KENNEDY TRUST C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340
Trustee	JOHN F KENNEDY JR C/O JAMES P SPECK HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340

Priority Date: 12/11/1962

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.232 CFS	84.00 AF
	<u>Total Diversion:</u>	0.232 CFS	84.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 23, Twp 01S, Rge 19E, 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	19E	23													28.0				28.0

Total Acres: 28

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2686B

1. TRANS. 3270.

Remarks:Comments:Dates and Other Information:

Licensed Date:
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
-------------	---------------	--------------

0.56		
------	--	--

Combined Water Rights: 37-2686B , 37-7598B , 37-8225A

Water Supply Bank:

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

FIRST CLASS



02 1M
0004230683
\$ 00.8
MAR 07
MAILED FROM ZIP CODE 8

RECEIVED

MAR 27 2007

DEPARTMENT OF
WATER RESOURCES

☐ A
☐ C
☐ S
☐ INSUFFICIENT ADDRESS
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH NUMBER/ STREET
☐ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD
☐ OTHER

RTS
RETURN TO SENDER

CHARLES T FOLEY

CHARLES T FOLEY
C/O ESTABROOK CAPITAL MGMT
430 PARK AVE
NEW YORK NY 10022

37-8225A
37-2686B
37-754813

02/15/2007

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

RIGHT NUMBER: 37-2686B

NAME AND ADDRESS: KATHLEEN MAHER FOLEY
430 PARK AVE 18TH FL
NEW YORK NY 10022

CHARLES T FOLEY
C/O ESTABROOK CAPITAL MGMT
430 PARK AVE
NEW YORK NY 10022

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.232 CFS
84.000 AFY

Right Nos. 37-2686B and 37-7598B are limited to a total combined annual diversion volume of 84.0 AF.

PRIORITY DATE: 12/11/1962

POINT OF DIVERSION:

T01S R19E S23 NWNESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.232 CFS
84.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S23	NESE	27.00	T01S R19E S23	NWSE	1.00
---------------	------	-------	---------------	------	------

28 ACRES TOTAL

Right Nos. 37-2686B and 37-7598B are limited to the irrigation of a combined total of 28 acres 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

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



Idaho Department of Water Resources

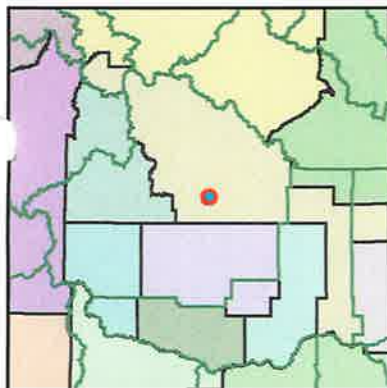
SRBA Recommendation:

37-2686B

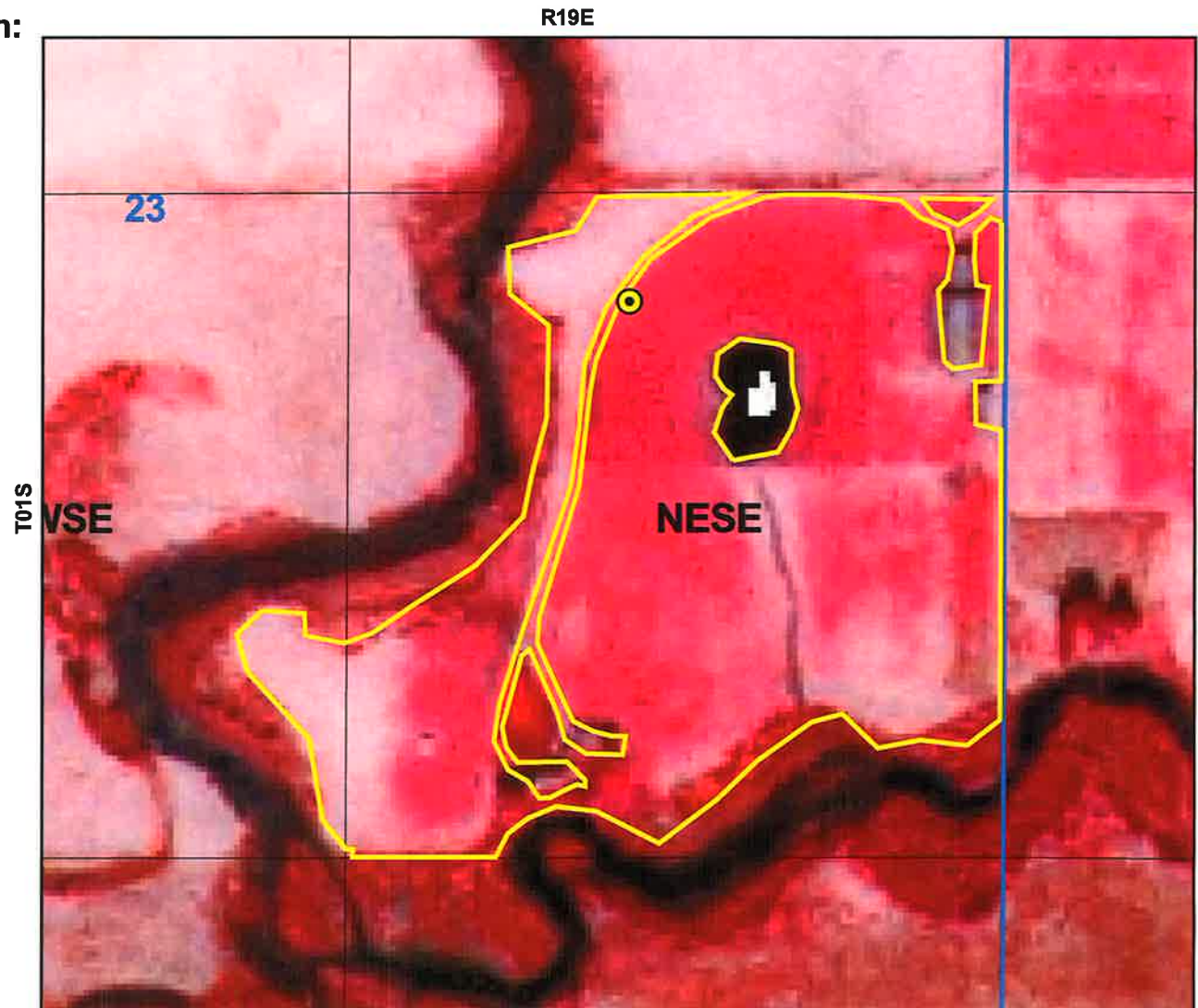
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by C. Skinner
On Thursday, February 15, 2007
1987/88 Aerial Photography

SERVICE REQUESTED


 PITNEY BOWES
 U.S. POSTAGE

1830 PB3524253
 3321 \$00.37 SEP 10 2004
 2246 MAILED FROM ZIP CODE 83301

Department of Water Resources
Southern Region

RECEIVED
SEP 16 2004

**KENNEDY LIVING TRUST
JACK F KENNEDY, TRUSTEE
P O BOX 752
SUN VALLEY ID 83353**

435016832

Abstract

///m///n///t///h///h///d///d///d///n///t///



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

Charles Thomas & Kathleen Maher Foley
430 Park Ave
18th Floor
New York, NY 10022

A37-02686B

Dear Mr. and Mrs. Foley:

Please find enclosed the water right transfer application that you recently submitted to our office along with the \$100.00 filing fee (check # 182). As you recall, the application proposes converting a portion of an irrigation water right to uses associated with a pond for your property located in Blaine County. A preliminary review of the application revealed some potential problems that you should address before we process the application.

Examination of Department records reveals that there are two irrigation water rights. 37-02686B and 37-07598B, that are appurtenant to the property where the pond is located. Your application proposes to modify one of these water rights, 37-07598B, without addressing the second water right, 37-02686B. This proposal would constitute an unstacking of water rights and would result in an expansion of the original water rights associated with the property. In the transfer process, our Department can not allow an expansion of the original water right(s) involved in the transfer.

Further examination of your application reveals that you have proposed removing 2.56 acres of irrigation from water right 37-07598B. Examination of water rights 37-02686B and 37-07598B reveals that they allow the diversion of 84.0 acre feet of groundwater per year for the irrigation of a total of 28 acres. The diversion volume associated with a 2.56 acre portion of both of these water rights would be 7.68 acre-feet per year. For 2.56 acres of irrigation in the area involved with your application, the Department would allow a maximum consumptive use volume of 6.4 acre-feet per year. Your application proposes diverting 19.84 acre feet per year for fish, wildlife, and aesthetic uses associated with the pond. In order to allow the diversion of 19.84 acre-feet per year, the Department would require the removal of 6.61 acres of irrigation from both water rights 37-02686B and 37-07598B.

Page 2
Foley Letter
02/11/2000

These problems should be addressed if you decide to resubmit your application. You may also want to consider filing an application for a new water right to cover the water use at the pond, and use a portion of water rights 37-02686B and 37-07598B as mitigation for the new water right associated with the pond.

If you have any questions, or if you need any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner, P.E.
Water Resource Engineer

Enclosure



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

August 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES THOMAS FOLEY
KATHLEEN MAHER FOLEY
430 PARK AVE 18TH FLOOR
NEW YORK NY 10022

RE: SRBA Claim(s) A37-02686B; A37-07598B; A37-08225A

Dear Claimant:

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

Sincerely,

Cheryl E. Timm
Records Clerk, SRBA

Enc.: Claim to a Water Right(S) referenced above

AJ0749NP
No. A37-02686B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES THOMAS FOLEY	12/11/1962	IRRIGATION	04-01 11-01	0.23 CFS	
C	KATHLEEN MAHER FOLEY 430 PARK AVE 18TH FLOOR NEW YORK NY 10022 (212) 319-4343				0.23 CFS	70.00 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:		

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R19E S23 NWNESE

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	19E	23	:																	:	28.0
																			TOTAL ACRES	:	28.0

POU County: BLAINE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS RIGHT AND 37-7598B ARE DIVERTED FROM THE SAME WELL AND TOTAL
1 INCH PER ACRE.
CONFORMED ATTORNEY MAILING ADDRESS DMS

06/29/99, CHANGED OWNERSHIP: KENNEDY LIVING TRUST TO THOMAS & KAT
HLEEN FOLEY AS PER WARRANTY DEED AND FORM 1409(6) RECEIVED
06/28/99. C.T.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Water Right Number - 37-02686B

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 30899

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
KENNEDY, JR., TRUSTEE

JOHN F.

1 - C/O JAMES P. SPECK
2 - HOGUE, SPECK, & AANESTAD
3 - P.O. BO 987
City- KETCHUM
Phone -

State- ID Zip- 833400000

KENNEDY

MAE E.

1 - C/O JAMES P. SPECK
2 - HOGUE, SPECK, & AANESTAD
3 - P.O. BO 987
City- KETCHUM
Phone -

State- ID Zip- 833400000

MAE E. KENNEDY TRUST

1 - C/O JAMES P. SPECK
2 - HOGUE, SPECK, & AANESTAD
3 - P.O. BO 987
City- KETCHUM
Phone -

State- ID Zip- 833400000

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

LOUIS

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - Priority Date - - +
12/11/1962

+ - - Region - - - +
17

+ - - Stage - - - +
L - LICENSE Status - - - +

+ - - Source - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
01S	19E	23	NE SE			(13)	BLAINE	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		0.232	84.00

+ - Total Div. Rate - + 0.232 + - Total Div. Volume - + 84.00 + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
01S	19E	23	NE SE		28.0	01	IRRIGATION	(13) BLAINE

Total Acres: 28.0

+ - - Diversion Means -

MICROFILMED
FEB 23 1988

Field Exam Fee	-
Swan Falls	-
Temporary Right	- P
DLE/Carey Act	-
Water District	-
Transfer/Amended	- P

UNCLASSIFIED
FEB 23 1993

10/27/1988

P.M. 10-26-88

SRBA CLAIMS RECEIVING CHECKLIST

86

CLAIMANT'S NAME

Kennedy Living Trust

CLAIM IDENT. NO.

A37-02688B

DATE RECEIVED

10-27-88

CK #

1048

AMOUNT \$

178 -

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

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?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

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.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

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?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

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?

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?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

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?

Claim checked by:

Comments:

MICROFILMED
FEB 23 1989