

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: **A37-04042**
Date Received: 9/ 9/1988
Receipt No: S002125
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JAMES K FIGGE 208-726-2112
Address: PO BOX 233
SUN VALLEY ID 83353
AND
Name: SANDRA FIGGE 208-726-2112
Address: PO BOX 233
SUN VALLEY ID 83353

2. Date of Priority: JAN 4, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	19	SE	NE	NW		BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.070	306	7 A.F.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSEHOLD, S/ 10 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	19	NW	NE		STOCK	
			NW	NE		IRR	0.5
			SW	NE		IRR	0.5
			NE	NW		IRR	0.5
			SE	NW		DOMEST	
			SE	NW		IRR	0.5
						Section Acres	2.0
						Total Acres	2.0

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:
CLAIM ON SPRING FOR SAME USES.

14. Remarks:
THE P/U & P/D ON LOTS 1 & 2 BLK. 7 OF WEYYAKIN SUBDIVISION.

10/31/96 TF; OWNERSHIP CHANGE

9/30/98 TF; OWNERSHIP CHANGED BALLARD TO FIGGE PER 1409(6) AND
GRANT DEEDS REC'D 9/21/98.

15. Basis of Claim: STATUTORY CLAIM

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

RECEIVED

SEP 15 1998

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

RECEIVED

SEP 21 1998

Department of Water Resources
 Southern Region

1. Water Right or Adjudication Claim No(s): A37-04042

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

BRIAN BALLARD

1203 N. 25th, Boise, ID 83702

4. New Owner/Claimant(s)

JAMES K. FIGGE and SANDRA FIGGE

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

New Mailing Address

P.O. Box 233

City, State and ZIP Code

Sun Valley, ID 83353

New Telephone Number

(208) 726-2112

5. Date you acquired the property September 15, 1997

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)

James K. Figge
Sandra Figge

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

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: A37-04042
Date Received: 9/09/1988
Receipt No: 5002125
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETRA E. MORRISON 208-726-5036
Address: P.O. BOX 245
KETCHUM, ID 83340

AND/OR

Name: ELLA MARIE BENNETT 208-774-3328
Address: P.O. BOX 906
KETCHUM, ID 83340

2. Date of Priority: JAN 04, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	19	SE	NE	NW		BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.070		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, S/ 10 HORSES OR RANGE CATTLE

COPY
MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	18E	19	NW		NE		STOCK	
			NW		NE		IRR	0.5
			SW		NE		IRR	0.5
			NE		NW		IRR	0.5
			SE		NW		DOMEST	
			SE		NW		IRR	0.5
							Section Acres	2.0
							Total Acres	2.0

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:
CLAIM ON SPRING FOR SAME USES.

14. Remarks:
THE P/U & P/D ON LOTS 1 & 2 BLK. 7 OF WEYYAKIN SUBDIVISION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Petra E. Marlin Date: Sept. 9, 1988
Ella Marie Bennett Date: 9-9-'88

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Sept. 19 88
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

N 1/4 COR 18
AT FENCE COR 19

S 89° 46' 22" E 819.80'

S 89° 42' 33" E 4

FD. BC. BY HANSEN (1957)

IDAHO
PARKS BOARD

BASIS OF BEARINGS (J.U.B. '73)
N 0° 51' 50" E 2670.46'

927.81'

1244.78'
719.65'

BY SAWTOOTH '78

N 42° 02' 28" E
1430.00'

S 36° 12' 11" E
626.85'

FOUND BC. 1.6' EAST OF 1/2" BAR BY JUB.
FOUND 3/4" PIPE 1.6' EAST OF LINE

N 0° 51' 50" E 32.82'

N 0° 30' 42" E 85.79'

MINIMUM 220' SETBACK
N LOT 2

LOT 3
1.28 A.

LOT 4
3.83 A.

BLOCK 8
OPEN SPACE

BLOCK 7

LOT 2
101 A.

LOT 1
28 A.

8' DEDICATED
BICYCLE PATH

W/ CAP 33' FROM
BRASS CAP AT
PT 50+299 IS OFFSET

house

400' MINIMUM
BUILDING SETBACK
CLUSTER #1

MICROFILMED
FEB 23 1993

BLOCK 1
21 Dwelling Units

BLOCK 5
OPEN SPACE

BLOCK 4
25 Dwelling Units

406037

Deal

BLAINE CO. REQUEST
OF SAWTOOTH TITLE

Order No. 23430

GRANT DEED

'97 SEP 16 PM 4 00

FOR VALUE RECEIVED

MARY GREEN, CLERK *ms*

Brian Ballard, a married man dealing with his sole and separate property, FEES \$ 6.00

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

James K. Figge and Sandra Figge, husband and wife,

GRANTEE(s) whose address is: 7234 Tory Lane, Naples, Florida 34108-8790

the following described real property in Blaine County, Idaho, to wit:

Lot 2 in Block 7 of WEYYAKIN SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 203838 and Amended by Instrument No. 211842, records of Blaine County, Idaho.

Subject To: Taxes, easements, restrictions and encumbrances of record, and those matters set forth on Exhibit "A," attached hereto and made a part hereof.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever.

Dated: September 15, 1997

[Signature]
Brian Ballard

STATE OF IDAHO)

County of Ada) ss.

On this 15th day of September 1997, before me, Christina A. Shull, a Notary Public in and for said State, personally appeared Brian Ballard, known or identified to me to be the person whose name is subscribed to the foregoing instrument, 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 in this certificate first above written.



Christina A. Shull
Notary Public for Idaho
Residing at Kuna, ID
My commission expires 7/20/99

EXHIBIT "A" TO GRANT DEED

1. Taxes or assessment accrued or accruing from and after the date of recordation of this Grant Deed.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents and state deeds or in acts authorizing the issuance thereto; water rights, claims, or title to water.
6. Any lien, or right to a lien for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Easements, Restrictions and Notes as shown on the recorded plat of Weyyakin Subdivision.
8. Master Declaration of Covenants, Conditions and Restrictions for Weyyakin Ranch, (but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c)) recorded May 29, 1980, as Instrument No. 203639 and Amendment recorded June 9, 1995, as Instrument No. 379123.

405382

Deed

BLAINE CO. REQUEST

OF: **SAWTOOTH TITLE**

Order No. 23260

GRANT DEED

'97 AUG 26 PM 3 15

FOR VALUE RECEIVED

MARY GREEN, CLERK *ms*

Brian Ballard, a married man dealing with his sole and separate property, **FEES \$ 6.00**

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

James K. Figge and Sandra Figge, husband and wife,

GRANTEE(s) whose address is: 7234 Tory Lane, Naples, Florida 34108-8790

the following described real property in Blaine County, Idaho, to wit:

Lot 1 in Block 7 of WEYAKIN SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 203638 and Amended by Instrument No. 211842, records of Blaine County, Idaho.

Subject To: Taxes, easements, restrictions and encumbrances of record, and those matters set forth on Exhibit "A," attached hereto and made a part hereof.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever.

Dated: August 6, 1997

[Signature]
Brian Ballard

STATE OF IDAHO

County of Ada

On this 6th day of August, 1997, before me, Christina A. Hull, a Notary Public in and for said State, personally appeared Brian Ballard, known or identified to me to be the person whose name is subscribed to the foregoing instrument, 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 in this certificate first above written.



Christina A. Hull
Notary Public for Idaho
Residing at Kuna, ID
My commission expires 7/20/99

EXHIBIT "A" TO GRANT DEED

1. Taxes or assessment accrued or accruing from and after the date of recordation of this Grant Deed.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents and state deeds or in acts authorizing the issuance thereof; water rights, claims, or title to water.
6. Any lien, or right to a lien for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Easements, Restrictions and Notes as shown on the recorded plat of Weyyakin Subdivision.
8. Master Declaration of Covenants, Conditions and Restrictions for Weyyakin Ranch, (but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c)) recorded May 29, 1980, as Instrument No. 203539 and Amendment recorded June 9, 1995, as Instrument No. 379123.

633

NOTES:

1. Minimum building setback is 400' from Hwy in Block 4 and 6.
2. Average building setback is 500' from Hwy No 75 ROW in Blocks 3, 4, and 6 for the five westerly lot clusters fronting Hwy 75.
3. Weyyakin Drive and Farnham Place are private roads.
4. Dwelling units are zero lot line townhouse subdivision lots, excepting Block 7.
5. All allowable density on this plat (98 Dwelling Units) has been utilized in the form of a P.U.D. and no residential development shall be permitted except as specified on this plat.

PLAT SHOWING
WEYYAKIN SUBDIVISION

A PORTION OF SECTION 19, T.4 N., R.18 E., B. M.
BLAINE COUNTY, IDAHO 1980

200 00 0 200 400 600

SCALE IN FEET

CERTAIN PORTIONS AMENDED JANUARY 1981
ARE CITED IN NOTE 8 BELOW.

SAWTOOTH TITLE CO., INC.

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

CURVE DATA

CURVE	R	Δ	L	CH	FB	BEARING
C-1	803.30	20°12'27"	108.92	215.20	214.46	N 32°17'41" E
C-2	574.50	1°51'54"	72.84	145.60	145.67	N 31°21'57" E
C-3	400.00	20°04'35"	108.71	210.25	209.18	N 57°52'18" E
C-4	263.10	7°24'50"	33.80	334.07	310.07	N 84°12'30" E
C-5	400.00	4°51'00"	86.37	322.32	320.22	N 36°30'00" E
C-6	600.00	2°07'00"	150.76	236.82	232.82	N 58°22'30" E
C-7	300.00	4°27'00"	72.63	243.04	238.45	S 85°42'30" E
C-8	425.36	33°45'00"	122.87	238.60	235.17	S 72°02'30" E
C-9	384.00	4°10'00"	146.04	282.60	278.27	N 34°10'00" E
C-10	784.00	3°45'00"	9.24	36.41	36.39	S 81°01'30" E
C-11	361.82	5°51'00"	150.54	350.48	336.92	S 53°00'00" E
C-12	81.57	23°55'22"	80.16	517.41	146.74	S 58°52'18" E
C-13	263.10	14°49'42"	34.24	68.07	67.90	N 85°14'21" E
C-14	-	50°21'00"	123.67	231.21	223.84	S 84°12'30" E
C-15	300.00	2°07'30"	54.59	108.00	107.62	S 58°22'30" E
C-16	-	25°47'24"	68.68	155.04	153.50	N 18°18'18" E
C-18	300.00	7°34'18"	17.41	34.77	34.74	N 66°28'51" E
C-19	100.00	23°04'00"	36.89	76.10	75.28	N 54°18'00" E
C-20	-	80°52'42"	152.31	257.97	215.14	N 30°54'44" E
C-21	605.50	12°36'57"	66.87	133.79	132.92	N 28°22'40" W
C-22	-	7°48'00"	41.27	82.40	82.34	N 38°32'34" W

NOTES:

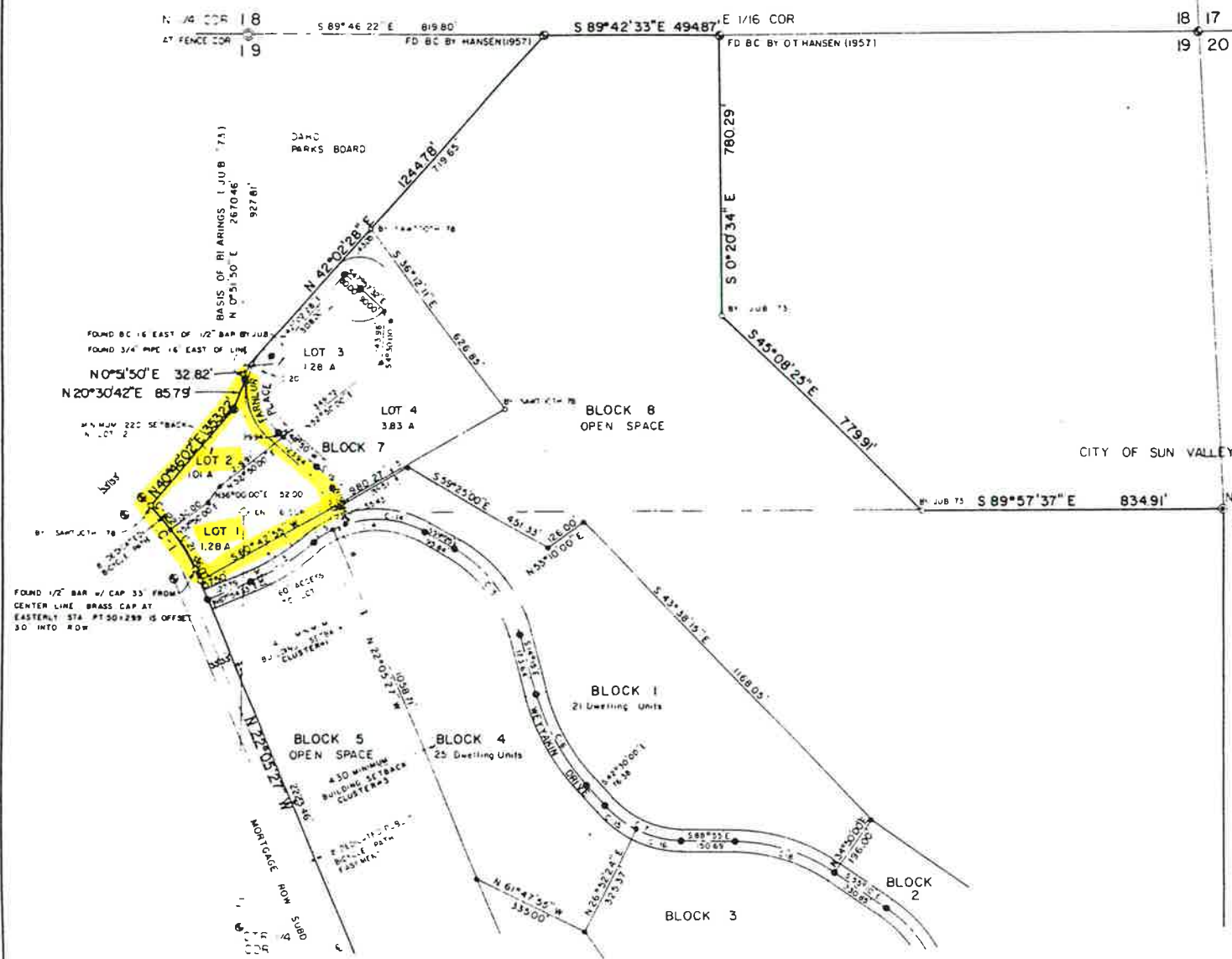
6. The P.U.D. and Master Plan are on file in the Planning Offices of Blaine County, City of Ketchum, and City of Sun Valley (showing cluster locations).
7. No solid wood fences within 400' setback (Block 5).
8. The Lot Line Shift includes Northerly boundary of Block 1 and the Southerly portion of Weyyakin Drive and the 60' driveway to Lot 1, Block 7.



- LEGEND
- FD 1/2" BAR
 - FD 5/8" BAR
 - ⊙ FD IRON PIPE
 - FD BRASS CAP
 - SET 1/2" BAR W / YELLOW CAP
 - SET 5/8" BAR W / YELLOW CAP

WEYYAKIN SUBDIVISION
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

SHEET 1 of 4



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: A37-04042
Date Received: 9/ 9/1988
Receipt No: S002125
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BRIAN BALLARD 208-338-6609
Address: 1203 N 25TH
BOISE ID 83702

2. Date of Priority: JAN 4, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	19	SE	NE	NW		BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.070		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, S/ 10 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	19	NW	NE		STOCK	
			NW	NE		IRR	0.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	19	SW	NE		IRR	0.5
			NE	NW		IRR	0.5
			SE	NW		DOMEST	
			SE	NW		IRR	0.5
					Section Acres		2.0
					Total Acres		2.0

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:
CLAIM ON SPRING FOR SAME USES.

14. Remarks:
THE P/U & P/D ON LOTS 1 & 2 BLK. 7 OF WEYYAKIN SUBDIVISION.

10/31/96 TF; OWNERSHIP CHANGE

15. Basis of Claim: STATUTORY CLAIM



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

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 18, 1996

BRIAN BALLARD
1203 N 25TH
BOISE ID 83702

RE: SRBA Claim(s) A37-04042

Dear Mr. Ballard:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership 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,

A handwritten signature in cursive script, reading 'Trish Fawcett'. The signature is written in dark ink on a white background.

Trish Fawcett
Technical Records Specialist

enc.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUL 31 1996

Please print or type

(see instructions on back of page)

DATE OF CLOSING: September 22, 1995

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 4 N Range 18 E
 Section 19, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot , BM.
 Lot 1 & 2, Block 7, Subdivision/Townsite Weyyakin Subdivision
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A 37-04042
 Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Petra E. Morrison and/or Ella Marie Bennett
P.O. Box 245 P.O. Box 906
Ketchum, ID 83340 Ketchum, ID 83340

☒ New Owner/Claimant (Purchaser):

Brian Ballard

☒ New Mailing Address:

1203 North 25th

Boise, ID 83702

☐ New Telephone Number: (208) 338 - 6609

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Two (2) Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Date 7/1/96

Date _____

☐ Signature of Former Owner/Claimant(s):

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

Order No. 21229

WARRANTY DEED

FOR VALUE RECEIVED

Merle H. Amundson, Trustee of the Merle H. Amundson and Mary C. Amundson Family Trust

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Brian Ballard, a single man

GRANTEE(s) whose address is: 1203 North 25th, Boise, ID 83702

the following described real property in Blaine County, Idaho, to wit:

Lots 1 & 2 in Block 7 of WEYAKIN SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 203838 and Amended by Instrument No. 211842, records of Blaine County, Idaho.

382635
 BLAINE CO. REQUEST
 OF SHAW-SHAW TITLE
 '95 SEP 27 PM 2 42
 MAIL ROOM, BLAINE
 FEES \$ 3.00

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

Dated: September 22, 1995

Merle H. Amundson, Trustee
 Merle H. Amundson, Trustee

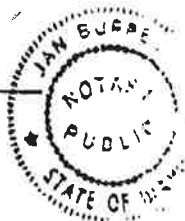
State of Idaho

County of Blaine

On this 22nd day of September, in the year 1995 before me the undersigned personally appeared Merle H. Amundson, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the Merle H. Amundson and Mary C. Amundson Family Trust and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal

John E. Amundson
 Notary Public
 Residing at: Halley
 Commission Expires 2-18-98



15857

Courtesy of SAWTOOTH TITLE CO., INC.

WARRANTY DEED

For Value Received

PETRA MORRISON AND FRANK MORRISON, WIFE AND HUSBAND; ELLA MARIE BENNETT AND EDMUND D. BENNETT, WIFE AND HUSBAND; DAWN MARIE JOHNSON aka DAWN MARIE WHITMAN, A DIVORCED WOMAN; CHRISTINA THOMPSON, A MARRIED WOMAN; WAYNE MORRISON, A MARRIED MAN.

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

MERLE H. AMUNDSON, TRUSTEE OF THE MERLE H. AMUNDSON AND MARY C. AMUNDSON FAMILY TRUST

whose address is: 19 BEACON BAY, NEWPORT BEACH, CA 92660

Hereinafter called the grantee, the following described premises, in BLAINE County, Idaho, to-wit:

Lots 1 and 2, Block 7, WEYAKIN SUBDIVISION, Blaine County, Idaho, according to the official plat thereof of record in the office of the County Recorder, Blaine County, Idaho.

SUBJECT TO Easements, Restrictions and Encumbrances of Records.

309443
BLAINE CO. REQUEST
OF: Sawtooth Title Co., Inc.
63 AUG 31 PM 3 42
MARY GREEN, CLERK
FEES \$ 62

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

Dated:

Petra Morrison *Frank Morrison* *Ella Marie Bennett* *Edmund D. Bennett*
PETRA MORRISON FRANK MORRISON ELLA MARIE BENNETT EDMUND D. BENNETT
Dawn Marie Johnson *Christina Thompson* *Wayne Morrison*
DAWN MARIE JOHNSON CHRISTINA THOMPSON WAYNE MORRISON
Mary Green
MARY GREEN, CLERK

STATE OF IDAHO, COUNTY OF BLAINE

On this 14th day of AUGUST, 1989,
before me, a Notary Public in and for said State, personally appeared

PETRA MORRISON AND FRANK MORRISON

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Robert B. ...
Notary Public
Residing at *Hailey*
Comm. Expires *10/1/93*

STATE OF IDAHO
COUNTY OF BLAINE

On this 14th day of August, 1989,
before me, the undersigned, personally appeared ELLA MARIE BENNETT, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of DAWN MARIE JOHNSON, aka DAWN MARIE WHITMAN, and acknowledged to me that she subscribed the name of DAWN MARIE JOHNSON, aka DAWN MARIE WHITMAN, thereto as principal and her own name as attorney in fact.

Robert B. ...
Notary Public for IDAHO
Residing at *Hailey*

09/03/2008

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

RIGHT NUMBER: 37-4042

NAME AND ADDRESS: SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340

VERIFIED BY

KKC
9-3-08

JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
7.000 AFY

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

PRIORITY DATE: 01/04/1940

POINT OF DIVERSION:

T04N R18E S19 SENENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/15 10/31	0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S19	NWNE	0.50	T04N R18E S19	SWNE	0.20
T04N R18E S19	NENW	0.80	T04N R18E S19	SENE	0.50

STOCKWATER in BLAINE County

T04N R18E S19 NWNE

DOMESTIC in BLAINE County

T04N R18E S19 SENW

2 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Lots 1 & 2, Blk 7, Weyyakin Subdivision.

09/03/2008

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

RIGHT NUMBER: 37-4042

NAME AND ADDRESS: SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340

JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
7.00 AFY

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

PRIORITY DATE: 01/04/1940

POINT OF
DIVERSION:

T04N R18E S19 SENENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/15 10/31	0.060 CFS 7.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S19	NWNE	0.50	T04N R18E S19	SWNE	0.20
T04N R18E S19	NENW	0.80	T04N R18E S19	SENE	0.50

STOCKWATER in BLAINE County

T04N R18E S19 NWNE

DOMESTIC in BLAINE County

T04N R18E S19 SENW

2 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Lots 1 & 2, Blk 7, Weyyakin Subdivision.

09/03/2008

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

RIGHT NUMBER: 37-4042

NAME AND ADDRESS: SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340

JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
7.00 AFY

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

PRIORITY DATE: 01/04/1940

POINT OF
DIVERSION:

T04N R18E S19 SENENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/15 10/31	0.060 CFS
		7.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S19	NWNE	0.50	T04N R18E S19	SWNE	0.20
T04N R18E S19	NENW	0.80	T04N R18E S19	SENEW	0.50

STOCKWATER in BLAINE County

T04N R18E S19 NWNE

DOMESTIC in BLAINE County

T04N R18E S19 SENW

2 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Lots 1 & 2, Blk 7, Weyyakin Subdivision.

06/03/2005

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 37-4042

SANDRA D FIGGE

~~PO BOX 233~~

~~SUN VALLEY ID 83353~~

Telephone Number: (208) 726-2112

JAMES K FIGGE

~~PO BOX 233~~

~~SUN VALLEY ID 83353~~

Telephone Number: (208) 726-2112

P.O. Box 4995
KETCHUM, ID 83340

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: James K Figge

Please print your name: _____

IDWR Regional Office,

UPDATED CBX

06/03/2005

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

RIGHT NUMBER: 37-4042

NAME AND ADDRESS: SANDRA D FIGGE
PO BOX 233
SUN VALLEY ID 83353

JAMES K FIGGE
PO BOX 233
SUN VALLEY ID 83353

VERIFIED BY NT

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
7.000 AFY

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

PRIORITY DATE: 01/04/1940

POINT OF DIVERSION:

T04N R18E S19 SENENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/15 10/31	0.060 CFS 7.00 AFY

PLACE OF USE: STOCKWATER Within BLAINE County

T04N R18E S19 NWNE

DOMESTIC Within BLAINE County

T04N R18E S19 SENW

IRRIGATION Within BLAINE County

T04N R18E S19	NWNE	0.5	T04N R18E S19	SWNE	0.2
T04N R18E S19	NENW	0.8	T04N R18E S19	SENE	0.5

2 ACRES TOTAL

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

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

THE P/U & P/D ON LOTS 1 & 2 BLK. 7 OF WEYYAKIN SUBDIVISION.

***** 10/31/96 TF;

OWNERSHIP CHANGE

***** 9/30/98 TF;

OWNERSHIP CHANGED BALLARD TO FIGGE PER 1409(6) AND GRANT
DEEDS REC'D 9/21/98.

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

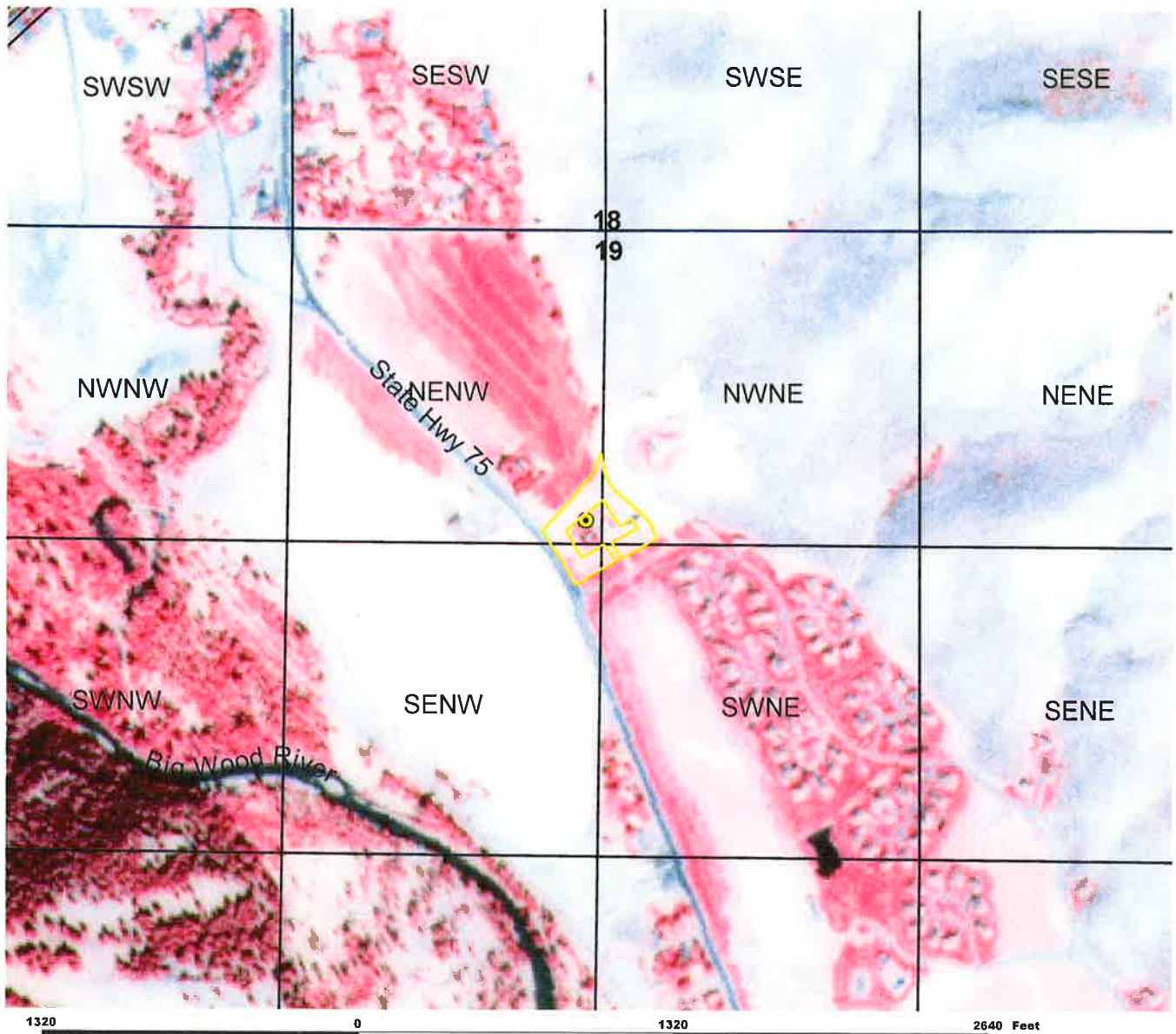
EXPLANATORY MATERIAL: Beneficial Use

Water Right 37-4042

1

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR
37-4042



PLACE OF USE
TWP 04N, RNG 18E, SEC 19
Data entry on June 02, 2005

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  TOWNSHIP LINES
-  SECTION LINES
-  QUARTER/QUARTER LINES

 LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



Notes

05/26/05

Received an Affidavit Jim Speck (Attorney) for
WR 37-4042. for James and Sandra Figge. The Affidavit
provides sufficient Evidence of Priority of Jan 4, 1940.
However The Figges no longer own this property.
The New owners are Petra Morrison and Ella Bennett
I called and left a message with Jim Speck in hopes
for the completion of a change in ownership to be
completed.

06/02/05

Jim Speck called clarified that James and
Sandra Figge are the current owners, not
Morrison. I also found and filed the appropriate
change of ownership form. Ready to Recommend.

AFA calculations

Irrigation

1 Acre $\rightarrow$ allowed 0.03 cfs/Ac

CFS = - This claim = 2 Acres = 0.06 cfs total

AFA = Hardgate Requirement = 3.5 AF/year/Ac so... $\frac{0.06 \text{ cfs}}{2 \text{ Acres}} = 7 \text{ AFA}$

Domestic

1 household $\rightarrow$ 0.04 cfs or 13,000 gal/day

CFS = - This claim = 1 household = 0.04 cfs total

AFA = $0.04 \text{ cfs} \times 1.48 (\text{cfs/day}) \times 365 \text{ days} = 29 \text{ AFA}$
or $\frac{13,000 \text{ gal} (0.04 \text{ cfs})}{325,850 \text{ gal (acre-ft)}} = 0.04 \times 365 \text{ days} = 14.6 \text{ AFA}$

Stockwater

N09

N10

N11

N13 = 13,000

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

July 30, 1996

RECEIVED

JUL 31 1996

Department of Water Resources
Southern Region

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: Notice of Change of Ownership

Dear Department of Water Resources:

Enclosed is a completed and executed Notice of Change of Water Right Ownership for right no. A37-04042, along with two (2) warranty deeds documenting the transfer of title. Please process the notice. If you discover any problems, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

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

May 23, 2005

RECEIVED

MAY 26 2005

Department of Water Resources
Southern Region

Mr. Doug Jones
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls, Idaho 83301

**Re: Water Right 37-4042/James K. and Sandra D. Figge;
Our File No.: 950314/5**

Dear Doug:

Enclosed you will find a copy of the Affidavit of George Roessler which we had signed some time ago to support the priority date for this claim. I trust you will find this sufficient to recommend the Water Right as claimed. If not, please contact me right away.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS/jef
Enclosure
cc: Clients w/encl.

AFFIDAVIT

RECEIVED

MAY 26 2005

Department of Water Resources
Southern Region

STATE OF IDAHO)
)
COUNTY OF LINCOLN) SS.

I, GEORGE ROESSLER, being duly sworn, depose and state as follows:

1. I am a resident of Lincoln County, Idaho. I was in the well drilling business from 1934 until 1984. During that time, I drilled many wells in Blaine County.

2. I knew Mr. O. S. Farnlun and am familiar with the former Farnlun Ranch which has since been subdivided into many residential lots.

3. In 1935 or 1936, at the time the Sun Valley resort was under construction, I was supposed to travel to Blaine County to drill the wells for the resort and, at the same time, a well on the Farnlun Ranch. Unfortunately, I was called away to help out my father who had gotten stuck fishing, so the wells were then drilled by O. H. Haigh, another well driller from Shoshone.

4. I have reviewed the Claim to a Water Right filed by Mr. Farnlun for Water Right No. 37-04042 for the well on the Farnlun Ranch in which he claims the water was first put to beneficial use January 4, 1940. To the best of my knowledge, this is correct.

Dated this 24th day of June, 1996.

George Roessler
GEORGE ROESSLER

SUBSCRIBED AND SWORN to before me this 24th day of June, 1996.

[Signature]
Notary Public for Idaho
Residing at: Shoshone, ID
Commission Expires: 1-18-97

RECEIVED
NOV 14 1995

Hague, George - 1901

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------------------|----|----------------|
| Amount | <u>.32</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u> </u> | Use | <u>Irritation</u> | Period of Use: | From | <u>April 1</u> | To | <u>Nov. 1</u> |
| Amount | <u> </u> | Use | <u>Stockwater</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | (both dates inclusive) | | |

- (X) (4) Priority claimed: (the date water was first applied to beneficial use) January 4, 1940

(5) A) Point of diversion: (give location of point where water is diverted from its source)

Additional points of diversion:

submersible, 1 hp, O. H. Haigh, Shoshone, ID -- 1933 well driller

- [illegible]

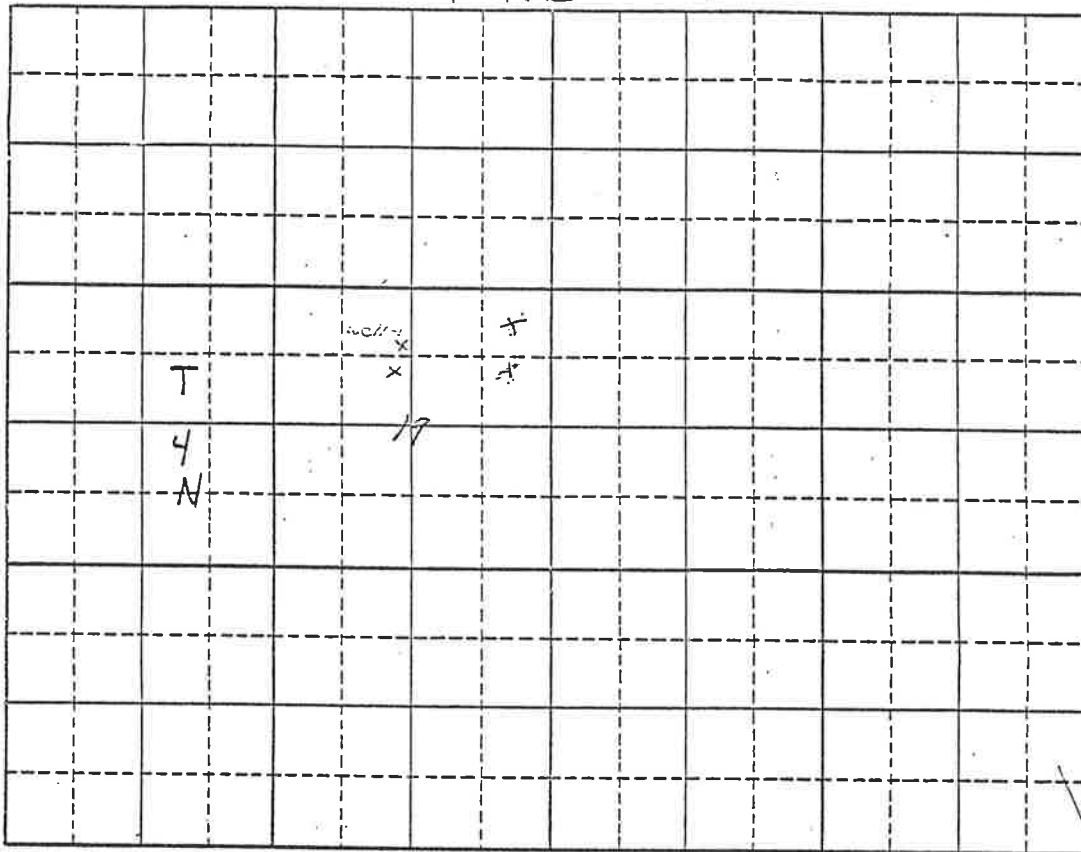
Total No. of acres 211

- (7) If you are claiming water as a member of an organization, list name of organization: _____

37-4042

8) Remarks

R 18 E



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Blaine

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 14th day of April, 19 73

C. J. Farnsworth
(Claimant)

Notary Public

Residing at

Conrad, Idaho
Ketchikan, Alaska

My commission expires

My co.

Expires 5-27-75

For Department Use Only

Received by alut

Date 5-2-73

Exception filed by:

Forwarded to

Date

Prelim. check by YB

Date

claimant by:

\$10.00 fee received by YB

Date 4-21-73

Approved for publication by YB

Published in Wood River Journal, Bozeman, ID

Dates 5-10 & 5-17-73