

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

CIVIL CASE NUMBER: 39356

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

Ident Number 37-4150

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s): James B. Fleig, Arnold Landau, Richard N. Dick and Dolores Pritchard
Phone: 1-208-725-5200
Mailing Address: c/o James B. Fleig
P. O. Box 869
Ketchum, Idaho 83340

2. Date of Priority: January 1, 1939

3. Source of water supply (a) spring
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
4N	18E	30		SE	NE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: Entire flow of spring is captured by Comstock Ditch and delivered to pond.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Recreation	January 1	December 31	1.04 cfs
Recreation Storage	January 1	December 31	1.93 acre-feet

7. **Total Quantity Claimed:** 1.04 cfs and 1.93 acre-feet

8. **Total consumptive use claimed is** __ acre feet per annum.

9. **Non-irrigation uses:** recreation and recreation storage in a pond with a surface area of 20,044 sq.ft. , an average depth of 4.2 ft. and a volume of 1.93 acre-feet

= .46 AC

10. **Place of use:**

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
4N	18E	29											R						
4N	18E	30																R	
TOTALS																			

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?** 37-4265.

14. **Remarks:** 37-4150 and 37-4265 are limited to a total combined storage volume of 1.93 acre-feet.

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and Dolores Pritchard

37-4150 AmendedNoticeOfClaim.wpd

Ident No. 37-4150

6/22/10

15. Basis of Claim: Beneficial Use

IDWR Water Right Number: 37-4150

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 -

[For individuals] I do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

J. P. Speck
JAMES P. SPECK, attorney for Claimants

Date 6-22-10

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 22 day of June, 2010.



Notary Public for Idaho

Residing at Ketchum, ID

Commission Expires 2-9-15

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and
Dolores Pritchard

37-4150 AmendedNoticeOfClaim.wpd

Ident No. 37-4150

6/22/10

17. Notice of Appearance:

Notice is hereby given that _____ 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.

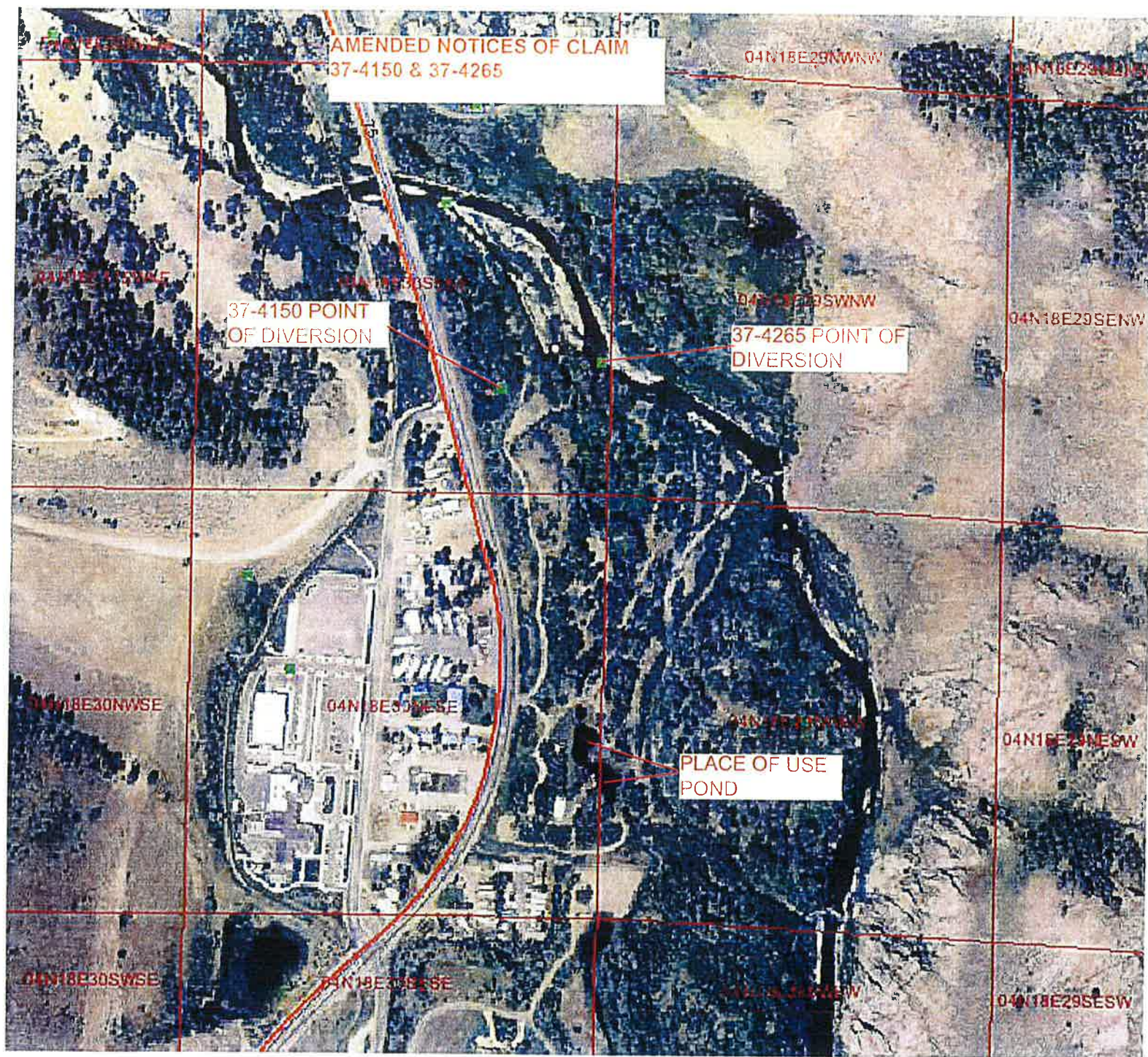
Signature: _____

Date: _____

Last Name: James B. Fleig, Arnold Landau, Richard N. Dick and
Dolores Pritchard

37-4150 AmendedNoticeOfClaim.wpd

Ident No. 37-4150
6/22/10



RECEIVED
JAN 05 2003
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-04150				
	37-04265				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Rivers Edge Assoc., LLC
P O Box 869
Ketchum ID 83340-869

4. New Owner/Claimant(s) Richard N. Dick and Dolores Pritchard, husband and wife
James B. Fleig Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Arnold Landau

New Mailing Address c/o James B. Fleig, P O Box 869

City, State and ZIP Code Ketchum ID 83340-0869

New Telephone Number (208) 725-5200 Email: JamesBFleig@aol.com

SCANNED
APR 23 2003

July 31, 2006

5. Date you acquired the property

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

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

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Richard N. Dick:

Dolores Pritchard

(title if applicable)

Arnold Landau

James B. Fleig

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

SCANNED
APR 23 2013

K24613

⑦

QUITCLAIM DEED

For Value Received **Rivers Edge Associates, LLC, an Idaho Limited Liability Company**

do hereby convey, release, remise and forever quit claim unto

James B. Fleig, an unmarried man

whose address is: P. O. Box 869, Ketchum, ID 83340

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Lot 6A in Block 1 of A Replat of Lot 6, Block 1, River's Edge Ranch Subdivision 1990, according to the official plat, recorded as Instrument No. 435938, records of Blaine County, Idaho.

and

An undivided 1/5 interest Lot C of River's Edge Ranch, according to the official plat, recorded as Instrument No. 219995, records of Blaine County, Idaho.

This document is being executed in counterparts and when recorded will constitute one document.

Instrument # 461918

HAILEY, BLAINE, IDAHO

2002-02-25

04:23:00 No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

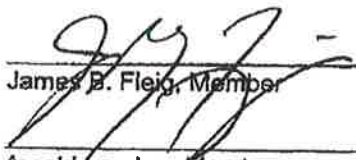
Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WYVICORP DEED

together with their appurtenances.

Dated: February 8, 2002


James B. Fleig, Member


Arnold Landau, Member

SCANNED
APR 23 2003

STATE OF CA)
)ss.
COUNTY OF ORANGE)

On this 8TH day of February, in the year of 2002, before me, the undersigned notary, personally appeared James B. Fleig, known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Kevin Fries
Notary Public of CA

Residing at: 2354 Ariso Creek Rd #31 Ariso Viejo CA 92656
Commission Expires: Nov 19, 2005



SCANNED

APR 23 2003

K27882

WARRANTY DEED

For Value Received **James B. Fleig, an unmarried man**
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Arnold Landau, an unmarried man

whose address is: **P.O. Box 4993, Ketchum, ID 83340**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

An undivided 50% interest in and to the following described property:

Lot 6A in Block 1 of A Replat of Lot 6, Block 1, River's Edge Ranch Subdivision 1990, according to the official plat, recorded as Instrument No. 435938, records of Blaine County, Idaho.

and

An undivided 1/5 interest Lot C of River's Edge Ranch, according to the official plat, recorded as Instrument No. 219995, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 25, 2004


James B. Fleig

STATE OF IDAHO)

COUNTY OF BLAINE)

)ss.

Instrument # 606433

HAILEY, BLAINE, IDAHO

2004-07-09

02:33:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

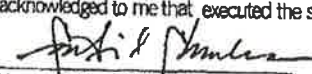
MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WYVOCORP DEED

On this 25th day of June, in the year of 2004, before me, Curtis S. Chambers, personally appeared James B. Fleig, known or identified to me (or proved to me), to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.


Notary Public of Idaho

Residing at: **HAILEY**

Commission Expires: **5.15.10**



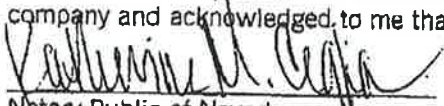
SCANNED
APR 23 2013

STATE OF Nevada)

)ss.

COUNTY OF Washoe)

On this 19th day of February, in the year of 2002, before me, Katherine M. Ceglia, personally appeared Arnold Landau, known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.


Notary Public of NevadaResiding at: Indian Village

Commission Expires: 10/01/05

SCANNED
APR 23 2003

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Avenue North
Ketchum, ID 83340

Instrument # 538025

HAILEY, BLAINE, IDAHO
2006-07-31 03:25:00 No. of Pages: 2
Recorded for : FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 5.00
Ex-Officio Recorder Deputy
Index to: WTYRCORP DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 156816-K (sn)

Date: April 12, 2006

For Value Received, **River's Edge Associates, LLC, an Idaho Limited Liability Company,** hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Richard N. Dick, a nd * married man, as his sole and separate property,** hereinafter called the Grantee, whose current address is **1711 Westcliff Drive, Newport Beach, CA 92660,** the following described premises, situated in **Blaine County, Idaho,** to-wit: ***Dolores Pritchard, husband and wife**

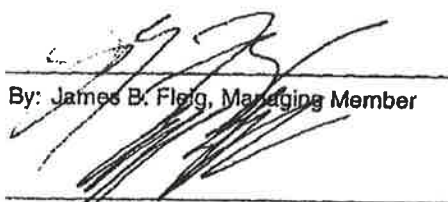
LOT 5 OF RIVER'S EDGE RANCH, ACCORDING TO THE OFFICIAL PLAT, RECORDED AS INSTRUMENT NO. 219995, RECORDS OF BLAINE COUNTY, IDAHO.

PARCEL A-2, RIVER'S EDGE RANCH AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AS INSTRUMENT NO. 525674 RECORDS OF BLAINE COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

River's Edge Associates, LLC, an Idaho
Limited Liability Company

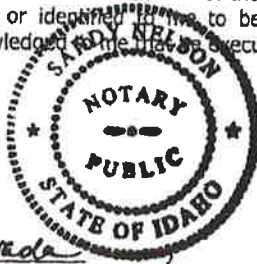
By:  James B. Fleig, Managing Member

By:  Arnold Landau, Managing Member

SCANNED
APR 23 2006

STATE OF Idaho)
)
COUNTY OF Blaine)

On this 12th day of April, 2006, before me, a Notary Public in and for said State, personally appeared **James B. Fleig**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **River's Edge Associates, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Sandy Nelson
Notary Public of Idaho
Residing at: Butterworth, ID
Commission Expires: 7-12-11

STATE OF Nevada)
)
COUNTY OF Washoe)

On this 14th day of April, 2006, before me, a Notary Public in and for said State, personally appeared **Arnold Landau**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **River's Edge Associates, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

Kristine K. Young
Notary Public of Washoe County
Residing at: Incline Village, NV
Commission Expires: 8/1/2009



SCANNED
APR 23 2006

A LOT LINE SHIFT PLAT SHOWING
RIVER'S EDGE RANCH AMENDED
WHEREIN LOTS 1-4, 7, B & C, RIVER'S EDGE RANCH 1990 ARE REPLATTED AS SHOWN
LOCATED WITHIN SECTIONS 29 & 30, T.4N., R.18E., B.M., BLAINE COUNTY, IDAHO
AUGUST 2005

SCALE: 1" = 200'

LEGEND

- Property Boundary
- Lot Line
- Adjacent Lot Line
- Easement Line
- Tie
- Previous Lot Line
- Siding Envelope
- Mean High Water Line (per survey 11/27/2002)
- 1997 FEMA 100 Year Flood Plain Line
- 1997 FEMA Flood Way Line
- Right-of-way
- ⊙ Found Brass Cap
- ⊙ Found Aluminum Cap
- ⊙ Found 5/8" Rebar
- ⊙ Found 1/2" Rebar
- Set 5/8" Rebar
- Set 1/2" Rebar
- Witness Corner

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD DIRECTION
C1	731.80	1179.00	376.00	39°33'13"	719.92	N 01°26'38" W
C2	102.13	150.00	21.25	30°11'47"	58.98	N 00°42'31" E
C3	41.23	105.00	29.89	27°30'02"	40.97	N 03°08'54" W
C4	93.97	645.00	47.07	08°20'52"	93.99	N 03°55'49" E
C5	25.05	26.00	20.24	71°43'56"	32.81	N 35°37'29" E
C6	80.42	1184.00	45.23	04°22'32"	90.40	N 14°27'10" E
C7	100.73	1184.00	50.43	04°52'28"	102.70	N 09°49'40" E
C8	81.28	50.00	64.89	104°35'44"	79.12	N 10°11'41" E
C9	62.80	50.00	35.35	72°04'23"	58.83	N 50°08'01" W
C10	65.88	50.00	37.91	74°20'33"	69.42	S 37°39'39" W
C11	542.59	1184.00	278.34	05°44'48"	538.21	N 05°44'48" W
C12	219.64	50.00	70.10	280°58'59"	81.41	S 84°00'33" E
C13	234.10	1184.00	379.28	35°31'28"	722.47	S 01°07'18" E

CENTERLINE 20' DITCH
MAINTENANCE EASEMENT
ACROSS LOTS 1A - 3A
TO BENEFIT CONSTACK DITCH
ASSOCIATION

LINE	LENGTH	BEARING
EL1	45.00	N 11°30'00" E
EL2	128.00	N 32°30'00" E
EL3	41.00	N 28°00'00" E
EL4	85.00	N 21°00'00" E
EL5	50.00	N 12°00'00" E
EL6	54.00	N 17°00'00" E
EL7	37.00	N 08°00'00" W
EL8	53.00	N 37°30'00" W
EL9	60.00	N 22°00'00" W
EL10	111.00	N 13°00'00" W
EL11	85.00	N 10°00'00" W
EL12	119.00	N 18°30'00" W
EL13	46.00	N 11°00'00" W
EL14	59.72	N 08°22'12" W
EL15	188.70	N 24°16'10" W

CENTERLINE 20' ACCESS
EASEMENT ACROSS LOT 1A TO
BENEFIT CONSTACK DITCH
ASSOCIATION
AND THE HOMEOWNER'S
ASSOCIATION

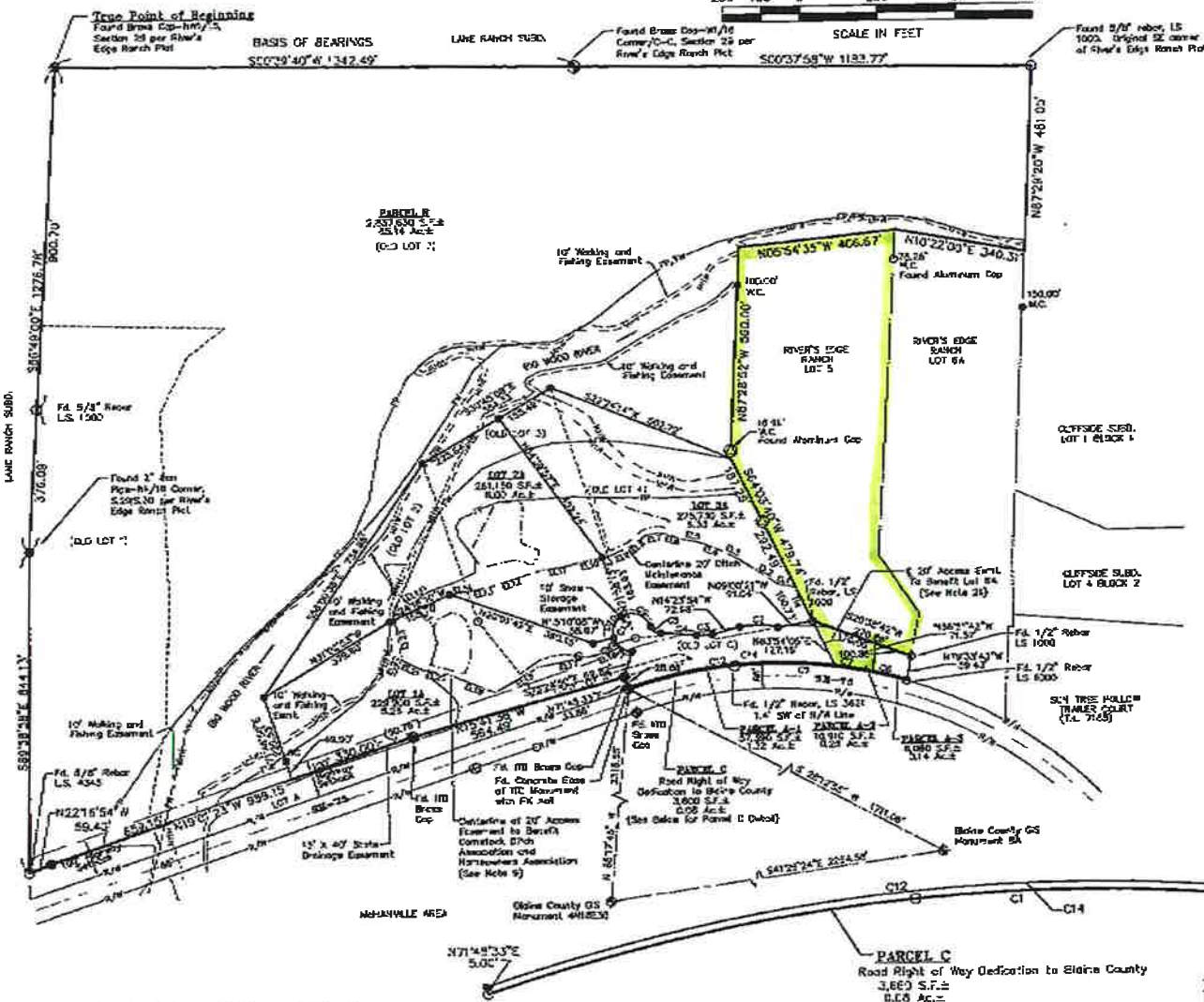
LINE	LENGTH	BEARING
EL16	56.50	N 22°01'11" W
EL17	172.47	N 11°32'01" W
EL18	130.50	N 30°00'00" W
EL19	131.21	N 22°01'11" E
EL20	83.87	N 00°00'00" E
EL21	83.18	N 00°00'00" E
EL22	50.89	E 87°54'46" E
EL23	126.17	N 23°07'18" E

SEE SHEET 2 FOR NOTES



RICHARD D. FOSEJRY, L.S. 3621

RIVER'S EDGE RANCH AMENDED
GALDRA ENGINEERING, INC.
KETCHUM, IDAHO
SHEET 1 OF 4
Job No. 4425-01



HEALTH CERTIFICATE: Sanitary restrictions as required by
Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary
restrictions may be reimposed in accordance with Idaho
Code Title 50, Ch. 13, Sec. 50-1526, by issuance of a
Certificate of Disapproval.
8-31-2005
Cale
South Central District Health Dept., DHS

PARCEL C DETAIL
SCALE: 1" = 50'

RIVER'S EDGE RANCH AMENDED

AUGUST 2005

NOTES

1. FLOODPLAIN NOTE: Portions of this property may be subject to Flood hazard. The floodplain area designated on this plat is considered by the Owner, Blaine County, and Galena Engineering, Inc. as reasonable for regulatory purposes. However, neither the Owner, Blaine County, nor Galena Engineering, Inc. represents, guarantees, warrants or implies that areas outside the designated floodplain area are safe and free from floods or flood danger. Sheet flooding can and will occur and flooding may extend beyond the floodplain boundary lines identified hereon.

2. Lots shown herein are subject to Covenants, Conditions and Restrictions recorded under instrument No. 525676, records of Blaine County, Idaho.

3. Parcel A-1 shall be jointly owned by Lots 1A, 2A, 3A, 5, and 6A to be used for Ingress, Egress and Utilities to benefit the River's Edge Ranch Homeowners Association and Lots 1A, 2A, 3A, 5, and 6A.

4. Parcel A-2 shall be conveyed to and owned by Lot 5 of River's Edge Ranch Subdivision and thereafter shall not be conveyed or otherwise transferred separately from Lot 5.

5. Parcel A-3 shall be conveyed to and owned by Lot 6A of River's Edge Ranch Subdivision and thereafter shall not be conveyed or otherwise transferred separately from Lot 6A.

6. Parcel B is nonbuildable and shall be used as a nature preserve.

7. A possible walking and fishing easement, measured 10 feet from the mean high water mark, is hereby granted along the banks of the Big Wood River, as depicted on this plat map, and shall shift with the banks as they move.

8. No fences shall be constructed within the Walking and Fishing Easement.

9. A 20' wide Access Easement is granted on Lot 1A and within Parcel A-1 to benefit the Homeowner's Association of River's Edge Ranch Subdivision and the Cornstock Ditch Association.

10. A 20' wide Ditch Maintenance Easement is granted on Lots 1A - 3A to benefit the Cornstock Ditch Association.

11. All utilities shall be placed underground.

12. Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot/block is sold and thereafter the responsibility of the owners of the individual lots/blocks. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.

13. All fire protection requirements of the applicable fire district, the Uniform Fire Code and the Blaine County Fire Protection Ordinance, included, but not limited to, water supply, access, and clear zones, shall be complied with prior to the issuance of any building permits with this subdivision.

14. All floodplain, riparian setback or wetland areas shall be fenced off during any construction.

15. Residences, including all garages, accessory dwelling units and other accessory structures, shall be limited to a maximum 10,000 square feet of floor area as measured from the exterior face of the exterior walls and shall be contained within the building envelopes.

16. Adjacent or nearby nonconforming uses exist and may continue.

17. All construction within Lots 1A-3A shall comply with floodplain construction standards set forth in Blaine County Code 9-17.

18. No rip rap shall be permitted within the riparian area on Lot 2A. Improvements on this lot may be protected from any floodwaters by biocheckers or other similar, temporary measures.

19. Lots 1A, 2A and 3A shall not be further subdivided.

20. The riparian setback on Lot 2A shall be 100 feet as measured from mean high water line.

21. A 20' Access Easement to benefit Lot 6A is granted across Parcel A-2 as recorded under instrument No. 525679, records of Blaine County, Idaho.

22. Easements to benefit Parcel B are granted across portions of Lots 2A and 3A, as recorded under instrument Nos. 525680 and 525681, respectively, records of Blaine County, Idaho.

SCANNED
APR 23 2009

RIVER'S EDGE RANCH AMENDED

GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 2 OF 4

Job No. 4425-C1

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of the following described parcel of land:
A parcel of land located within Sections 29 & 30, T.4N., R.18E., S.4., Blaine County, Idaho, more particularly described as follows:

Lots 1, 2, 3, 4, 7, 8 & C, River's Edge Ranch 1990

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that the individual lots described in this plat will be served by individual wells and not by any water system common to one (1) or more of the lots.

We hereby dedicate the five (5) foot strip of land adjacent to State Highway 75, identified on this plat as Parcel C, to Blaine County in perpetuity as public right of way.

Protective Covenants, Conditions, and Restrictions governing this plat are recorded under Instrument Number 525674 Records of Blaine County, Idaho.

It is the intent of the owners to hereby include said land in this plat.

OWNER OF LOTS 1 & 7
IDAHO FOUNDATION FOR PARKS AND LANDS, INC., AN IDAHO NON-PROFIT CORPORATION

Dated 6/10/05 By: Don Wellmunster
By: Don Wellmunster, President

OWNER OF LOTS 2, 3, 4 & B AND PARTIAL OWNERSHIP OF LOT C
FRIENDS OF RIVER'S EDGE LLC, AN IDAHO LIMITED LIABILITY COMPANY

Dated 6/3/05 By: James B. Fleig
By: James B. Fleig, Managing Member

By: Friends of W.R. (Wood River) LLC, An Idaho Limited Liability Company, Managing Member

Dated 6/10/05 By: H. Larry Leasure
By: H. Larry Leasure, Managing Member

PARTIAL OWNER OF LOT C AS OWNER OF LOT 5
RIVER'S EDGE ASSOCIATES LLC, AN IDAHO LIMITED LIABILITY COMPANY

Dated 6/3/05 By: James B. Fleig
By: James B. Fleig, Managing Member

Dated 6/10/05 By: Arnold Landau
By: Arnold Landau, Managing Member

PARTIAL OWNER OF LOT C AS 50% OWNER OF LOT 6A

Dated 6/3/05 By: James B. Fleig
By: James B. Fleig

Dated 6/10/05 By: Arnold Landau
By: Arnold Landau

ACKNOWLEDGMENT

STATE OF ID
COUNTY OF BLAINE } ss

On this 10th day of JUNE, 2005, before me, a Notary Public in and for said State, personally appeared Don Wellmunster, personally known or identified to me to be the President of Idaho Foundation for Parks and Lands, Inc., and the person who executed this instrument, on behalf of said corporation, and acknowledged to me that that said corporation 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.

Notary Public in and for said State
Residing in HAILEY, ID
My Commission Expires 5-15-10

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE CO } ss

On this 3rd day of JUNE, 2005, before me, a Notary Public in and for said State, personally appeared James B. Fleig, known or identified to me to be a Managing Member of FRIENDS OF RIVER'S EDGE LLC, and the person who executed the foregoing instrument on behalf of said limited liability company, and acknowledged to me that he executed the same on behalf of said limited liability company.

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

Notary Public in and for said State
Residing in HAILEY, ID
My Commission Expires 01/10/2011

ACKNOWLEDGMENT

STATE OF ID
COUNTY OF BLAINE } ss

On this 10th day of JUNE, 2005, before me, a Notary Public in and for said State, personally appeared H. Larry Leasure, known or identified to me to be a Managing Member of Friends of W.R. (Wood River) LLC, a Managing Member of FRIENDS OF RIVER'S EDGE LLC, and the person who executed the foregoing instrument on behalf of said limited liability company, and acknowledged to me that he executed the same on behalf of said limited liability company.

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

Notary Public in and for said State
Residing in HAILEY, ID
My Commission Expires 5-15-10

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 3rd day of JUNE, 2005, before me, a Notary Public in and for said State, personally appeared James B. Fleig, known or identified to me to be a Managing Member of RIVER'S EDGE ASSOCIATES LLC, and the person who executed the foregoing instrument on behalf of said limited liability company, and acknowledged to me that he executed the same on behalf of said limited liability company.

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

Notary Public in and for said State
Residing in HAILEY, IDAHO
My Commission Expires 01/10/2011

RIVER'S EDGE RANCH AMENDED
GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 3 OF 4
Job No. 4425-01

Job No. 4425-03

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-4150
Date Received: 11/24/1992
Receipt No: C026097
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RIVERS EDGE ASSOCIATES LLC Phone: (208)725-5200
PO BOX 869
KETCHUM ID 83340

2. Date of Priority: 01/01/1939

3. Source: SPRING Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	30	SE NE	BLAINE	

5. Description of diverting works:

SPRING FLOWS THROUGH 1400' OF DITCH TO 0.8 ACRE LAKE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	1/01	12/31	1.04	
WILDLIFE STORAGE	1/01	12/31		0.8

7. Total Quantity Appropriated is:
1.04 C.F.S. and/or 0.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	30	NE	SE	WILDLIFE	
			NE	SE	WILDLIFE STORAGE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

3/6/01 tf; ownership changed Sherwood to Rivers Edge Assoc per 1409(6) and warranty deed received 3/5/01.

15. Basis of Claim: Beneficial Use

RECEIVED
MAR 05 2001
Department of Water Resources
Southern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>37-12363</u>			<u>37-12366</u>	
	<u>37-12367</u>		<u>37-04150</u>	<u>A37-04150</u>	
<u>37-04265</u>	<u>A37-04265</u>				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Robert H. Sherwood
P. O. Box 273, Sun Valley, ID 83353
4. New Owner/Claimant(s) Rivers Edge Associates, LLC
Name Connector (Check one): ☐ and ☐ or ☐ and or
- New Mailing Address P.O. Box 869
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208) 725-5200
5. Date you acquired the property 12/30/99

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

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

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

Rivers Edge Associates LLC
by James B Fleury member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by [Signature] Date 2/7/01 Fee A
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

12/29/99 14:29 FAX 2087263887

1ST AMER. C. CHARGERS

0010

K22833

WARRANTY DEED

For Value Received Robert Henry Sherwood, a single man at the time of acquiring title.

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

River's Edge Associates, LLC, an Idaho limited liability company

whose address is 3501 Jamboree Road, North Tower, Ste. 2000, Newport Beach, CA 92660

Hereinafter called the Grantee, the following described premises situated in Blaine County, ID, to-wit:

See Attached Exhibit "A"

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO.

1999 DEC 30 P 4: 05.

MARSHA RIEMANN ...CLERK

FEES \$ 6⁰⁰

MPP

435039

12/30/99

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent, reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 28, 1999

Robert Henry Sherwood
Robert Henry Sherwood

STATE OF

Idaho

COUNTY OF

Ada

On this 12-29-1999, before me, a Notary Public in and for said State, personally appeared Robert Henry Sherwood, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public of Idaho

Residing at

Coele, Idaho

Commission Expires

9-10-03

CARROLLEEN RADACH

NOTARY PUBLIC

STATE OF IDAHO

Order No. 22833
Legal Description

Exhibit "A"

Lots 5 and 6 and an undivided 2/5 interest in Lot C of River's Edge Ranch, according to the official plat, recorded as Instrument No. 219995, records of Blaine County, Idaho.
Excepting therefrom portion of Lot 6, more particularly described as follows:

Beginning at the most Southwest corner of said Lot 6; thence Northerly along the Westerly boundary of Lot 6, said boundary also being the Easterly Right of Way line of Highway 75, along a curve to the left for approximately 23 feet to a fence; thence along said fence in an Easterly direction approximately 250 feet, said point being approximately 13 feet from the Northeast corner of Tax Lot 2111; thence leaving said fence, South approximately 13 feet to the Northeast corner of Tax Lot 2111; thence Westerly along the Southerly boundary of Lot 6, said boundary also being the Northerly boundary of Tax Lot 2111, approximately 250 feet back to the true point of beginning.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-4150
Date Received: 11/24/92
Receipt No: C026097
Received By:

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

1. Name of Claimant(s)

RIVERS EDGE ASSOCIATES LLC
PO BOX 869
KETCHUM ID 83340

Phone: (208)725-5200

2. Date of Priority: 01/01/1939

3. Source: SPRING Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	30	SE NE	BLAINE	

5. Description of diverting works:

SPRING FLOWS THROUGH 1400' OF DITCH TO 0.8 ACRE LAKE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	1/01	12/31	1.04	
WILDLIFE STORAGE	1/01	12/31	0	0.8

7. Total Quantity Appropriated is:
1.04 C.F.S. and/or 0.8 A.F.A.

8. Total consumptive use:

37-4150

03/06/2001

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	30	NE	SE	WILDLIFE	
			NE	SE	WILDLIFE STORAGE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

3/6/01 tf; ownership changed Sherwood to Rivers Edge Assoc per 1409(6) and warranty deed received 3/5/01.

15. Basis of Claim: Beneficial Use

RECEIVED
MAR 05 2001
Department of Water Resources
Southern Region

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

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

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

<u>Water Right No(s).</u>	<u>Adjudication Claim No(s).</u>	<u>Split</u>	<u>Water Right No(s).</u>	<u>Adjudication Claim No(s).</u>	<u>Split</u>
	<u>37-12363</u>			<u>37-12366</u>	
	<u>37-12367</u>		<u>37-04150</u>	<u>A37-04150</u>	
<u>37-04265</u>	<u>A37-04265</u>				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Robert H. Sherwood
P. O. Box 273, Sun Valley, ID 83353
4. New Owner/Claimant(s) Rivers Edge Associates, LLC
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address P.O. Box 869
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208) 725-5200
5. Date you acquired the property 12/30/99

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

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

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

Rivers Edge Associates LLC
by James B Fleig member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by <u>[Signature]</u>	Date <u>3/5/01</u>	Fee <u>A</u>
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

12/29/99 14:28 FAX 2087293567

1ST AMER. C. CHANDERS

0010

K22833

WARRANTY DEED

For Value Received Robert Henry Sherwood, a single man at the time of acquiring title.

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

River's Edge Associates, LLC, an Idaho limited liability company

whose address is 3501 Jamboree Road, North Tower, Ste. 2000, Newport Beach, CA 92660

Hereinafter called the Grantee, the following described premises situated in Blaine County, ID, to-wit:

See Attached Exhibit "A"

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO.

1999 DEC 30 P 4: 05.

Deed

435039

MARSHA RIEMANN ... CLERK

12/30/99

FEES \$ 6.00 4M PP

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 I, 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent, reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 28, 1999

Robert Henry Sherwood
Robert Henry Sherwood

STATE OF

Idaho

COUNTY OF

Ada

On this 12-29-1999, before me, a Notary Public in and for said State, personally appeared Robert Henry Sherwood, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Carrolleen Radach
Notary Public of Idaho
Residing at: Eagle, Idaho
Commission Expires: 9-10-03

CARROLLEEN RADACH
NOTARY PUBLIC
STATE OF IDAHO

2/29/99 14:29 FAX 2087263507

1ST AMER C, CHAMBERS

2017

Order No. 22833
Legal Description

Exhibit "A"

Lots 5 and 6 and an undivided 2/5 interest in Lot C of River's Edge Ranch, according to the official plat, recorded as Instrument No. 219995, records of Blaine County, Idaho. Excepting therefrom portion of Lot 6, more particularly described as follows:

Beginning at the most Southwest corner of said Lot 6; thence Northerly along the Westerly boundary of Lot 6, said boundary also being the Easterly Right of Way line of Highway 75, along a curve to the left for approximately 23 feet to a fence; thence along said fence in an Easterly direction approximately 250 feet, said point being approximately 13 feet from the Northeast corner of Tax Lot 2111; thence leaving said fence, South approximately 13 feet to the Northeast corner of Tax Lot 2111; thence Westerly along the Southerly boundary of Lot 6, said boundary also being the Northerly boundary of Tax Lot 2111, approximately 250 feet back to the true point of beginning.

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: **A37-04150**
Date Received: 11/30/1992
Receipt No: C026097
Received By: _____

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

1. Name: ROBERT H SHERWOOD 208-726-3300
Address: RIVERS EDGE RANCH
PO BOX 273
SUN VALLEY ID 83353

2. Date of Priority: JAN 1, 1939

3. Source: UNNAMED SPRING Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	30	SE	NE			BLAINE

5. Description of diverting works:
SPRING FLOWS THROUGH 1400' OF DITCH TO 0.8 ACRE LAKE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	01/01	12/31	1.040		
WILDLIFE STORAGE	01/01	12/31			0.80

7. Total Quantity Appropriated is:
1.040 C.F.S. (and/or) 0.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FOR ENVIRONMENTAL PURPOSES FOR WILDLIFE USE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	30	NE	SE		WILDLF	
			NE	SE		WILD S	

MICROFILMED
FEB 23 1993

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-04151, 37-04265

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 23 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A37-4150

Date Received

11-30-92

Receipt Number

C026097

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ROBERT H. SHERWOOD Phone (208) 726-3300
Mailing Address RIVER'S EDGE RANCH SUN VALLEY ID Zip 83353
Box 273
2. Date of Priority (Only one (1) per claim) JAN 1, 1939
3. Source of water supply (a) SPRING, 750 FT S OF Hiway 75 BRIDGE, 2 mi S of KETCHUM
which is tributary to (b) BIG WOOD RIVER
4. a. Location of existing point of diversion is: Township 4N Range 18E Section 30,
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BLAINE

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

SPRING FLOW'S THROUGH A
A DITCH FOR A MEANDER OF 1400 FT. APPROX. FROM A NORTHEASTLY
DIRECTION TO THE SOUTH TO A LINE OF 0.8 AF STORAGE
LAKE. DISCHARGES TO BIG WOOD RIVER OR TO THE
CONSTOCK CANAL. THIS SYSTEM OF DITCH
HAS BEEN IN USE SINCE JAN 1 1939.

COP

MICROFILMED
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DIV to STORAGE purposes from 1-1 to 12-31 amount 1.04 or _____

For WILDLIFE STORAGE purposes from 1-1 to 12-31 amount _____ or 0.8

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>4N</u>	<u>18E</u>	<u>30</u>									<u>W/STORAGE</u>								<u>1.04</u>

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

CLAIM 37-4265 WITH JAN 1, 1939 PERMITS. or None ()

14. Remarks:

COPY

MICROFILMED
FEB 23 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

S. 89°54' 25" W.

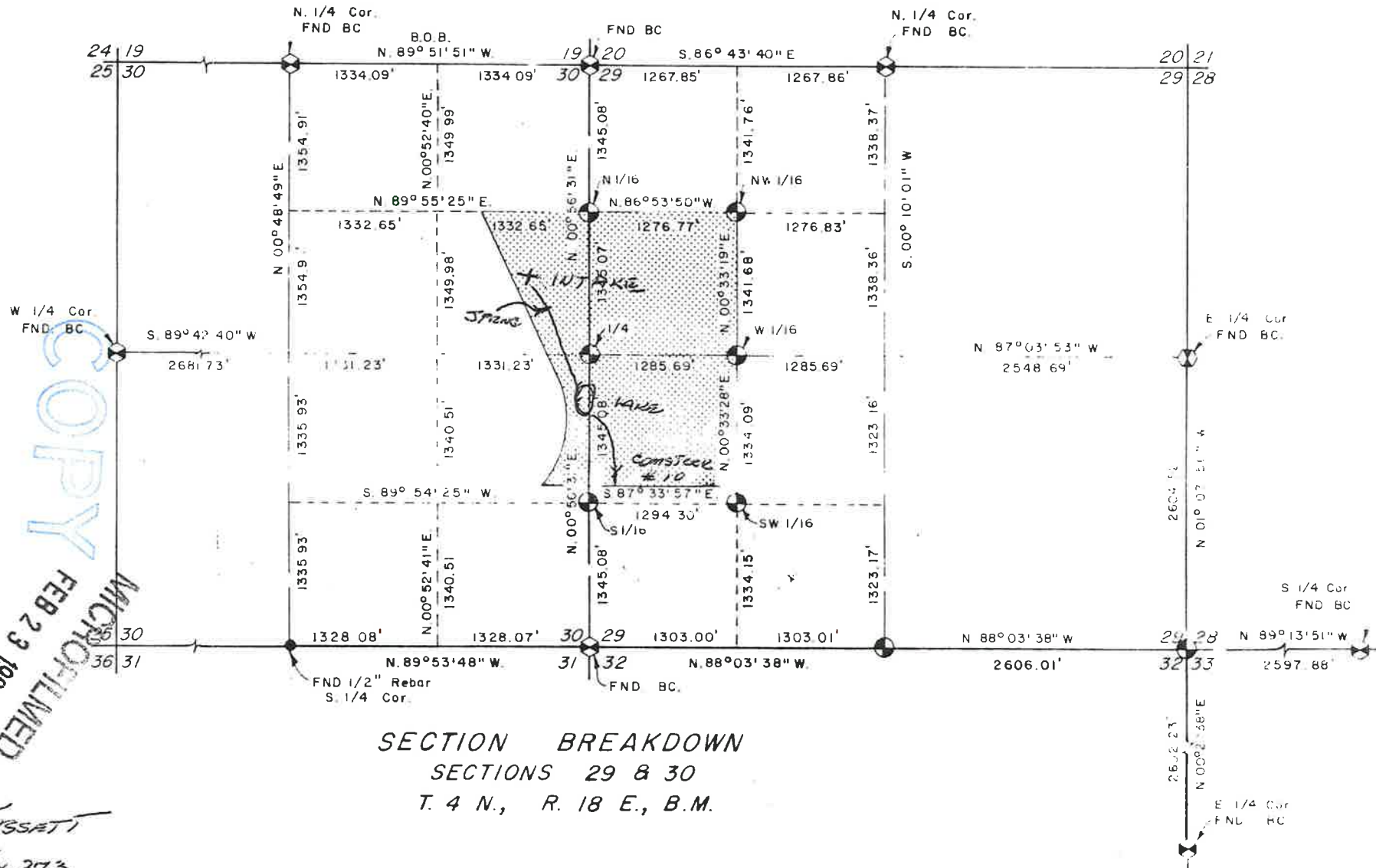
SUN TREE

ARC 52.31'
CHORD 50.30'
TAN. 28.41'
L.C.B. S. 11°56'14" W.

(75)

VICINITY SKETCH

NOT TO SCALE



15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 37-4150
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1 map.

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

Signature of Claimant (s) *Robert H. Hammond* Date Nov 30, '92

Date _____

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

Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day of November 19 92

SEAL

Notary Public *Kelly K. Christensen*

Residing at *Kimberly, Id*

My Commission Expires *3-2-92*

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

COPY



Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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: A37-04150

Date Received:

Receipt No:

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN M. FASSETT
Address: RIVERS EDGE RANCH
P.O. BOX 273
SUN VALLEY, ID 83353
208-726-3300

2. Date of Priority: JAN 01, 1939

3. Source: SPRING Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	30	SE	NE			BLAINE

5. Description of diverting works:
SPRING FLOWS THROUGH 1400' OF DITCH TO 0.4 ACRE LAKE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
WILDLIFE	01/01	12/31	1.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FOR ENVIRONMENTAL PURPOSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	29	NW	SW		WILDLF	
		30	NE	SE		WILDLF	

A37-04150

Page 1

Date: 04/03/89

MICROFILMED
FEB 23 1993

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-08278, 37-04265

14. Remarks:

ALL WATER IS GROUND WATER RECHARGE EITHER GOING TO COMSTOCK DITCH
OR RETURNED TO WOOD RIVER.

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 _____ 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 _____

Draft

4150

04/07/2011

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

RIGHT NUMBER: 37-4150

NAME AND ADDRESS: RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

ARNOLD LANDAU
PO BOX 4993
KETCHUM ID 83340

JAMES B FLEIG
PO BOX 4993
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.200 CFS
1.930 AFY

The aesthetic pond established under this right shall not exceed a total capacity of 1.93 acre-feet or a total surface area of 0.46 acres.

Rights 37-4150, 37-4265, 37-8535, 37-20441 and 37-21176 when combined shall not exceed a total diversion rate of 10.00 cfs.

PRIORITY DATE: 01/01/1939

POINT OF DIVERSION:

T04N R18E S30 SESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.200 CFS
RECREATION STORAGE	01/01 12/31	1.93 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S29	NWSW	T04N R18E S30	NESE
---------------	------	---------------	------

RECREATION STORAGE in BLAINE County

T04N R18E S29	NWSW	T04N R18E S30	NESE
---------------	------	---------------	------

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

5/11/11
update SFS draft
after Review w/ Carter F.

04/07/2011

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

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.

Measuring devices acceptable to the Department shall be permanently maintained at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Clelland, Steve

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, October 20, 2010 10:24 AM
To: 'Al Barker'; 'Craig Hobdey'
Cc: jamesbfleig@aol.com; 'Steve Fisher'; Spencer, Nick; Clelland, Steve
Subject: Re: Fleig et al/SRBA Subcases 37-4150 & 37-4265
Attachments: comstock map.pdf

Al & Craig,

I have added the approximate locations of the measuring weirs for the return flows from the 37-8535 and Draper systems. The former is piped from the last large pond in the Cliffside Subdivision to a small settling pond with a Cipolleti weir at its outlet and then back into a pipeline to the main river channel. For Draper, water is piped from the second, large pond to an old river channel. A Cipolleti weir measures the flow out of that pipe into the old channel which then flows back into the main channel of the river. I understand the re-activation of flows in this old channel has created a nice fish habitat.

Please let me know as soon as you can if our settlement proposal is acceptable. Thank you.

Jim

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

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Clelland, Steve

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, October 12, 2010 4:17 PM
To: 'Al Barker'; 'Craig Hobdey'
Cc: jamesbfleig@aol.com; 'Steve Fisher'; Spencer, Nick; Clelland, Steve
Subject: Re: Fleig/SRBA 37-4150 & 37-4265
Attachments: comstock map.pdf; 37-8535 license.pdf; 37-20441 permit.pdf; Permit 37-21176.pdf; spring pipe outlet.jpg; spring pipe inlet.jpg

Al & Craig,

I have prepared and attached a map of this system and its continuation through other properties "downstream" on the Comstock Ditch. I have also attached copies of the license for 37-8535 (now owned by Cliffside Homeowners Association, Inc.) and the permits for 37-22041 & 37-21176 owned by Ranney Draper. Each of these requires measuring devices at the point of return to the Big Wood River. Each of them also allows the 4 cfs claimed under 37-4265 to flow through their respective places of use and return to the Big Wood River via their respective systems if and when these latter rights are cut due to priority (e.g. a call for the minimum stream flow).

Therefore, the issue of a measuring device at the point of return has actually been addressed in three separate administrative proceedings. Those measuring devices are in place. Therefore, any remark added to the two rights now before the SRBA must be consistent, i.e. it can only require that the water be returned and measured at one or both of the two points of return for 37-8535 & 37-22041/21176.

For 37-4150, the right to divert water from a spring presently recommended for 1.04 cfs, my clients will agree to reduce this to 0.2 cfs. I visited the site to GPS the spring location in early August. Water from the spring (which was then dry) is collected into a buried pipe which then delivers that water into the Comstock Ditch just below the weir for that Ditch. Photos of these are attached. As you can see, measuring devices at either end of this pipe are impractical.

If possible, call me sometime tomorrow before the afternoon status conferences to discuss these points. Thank you.

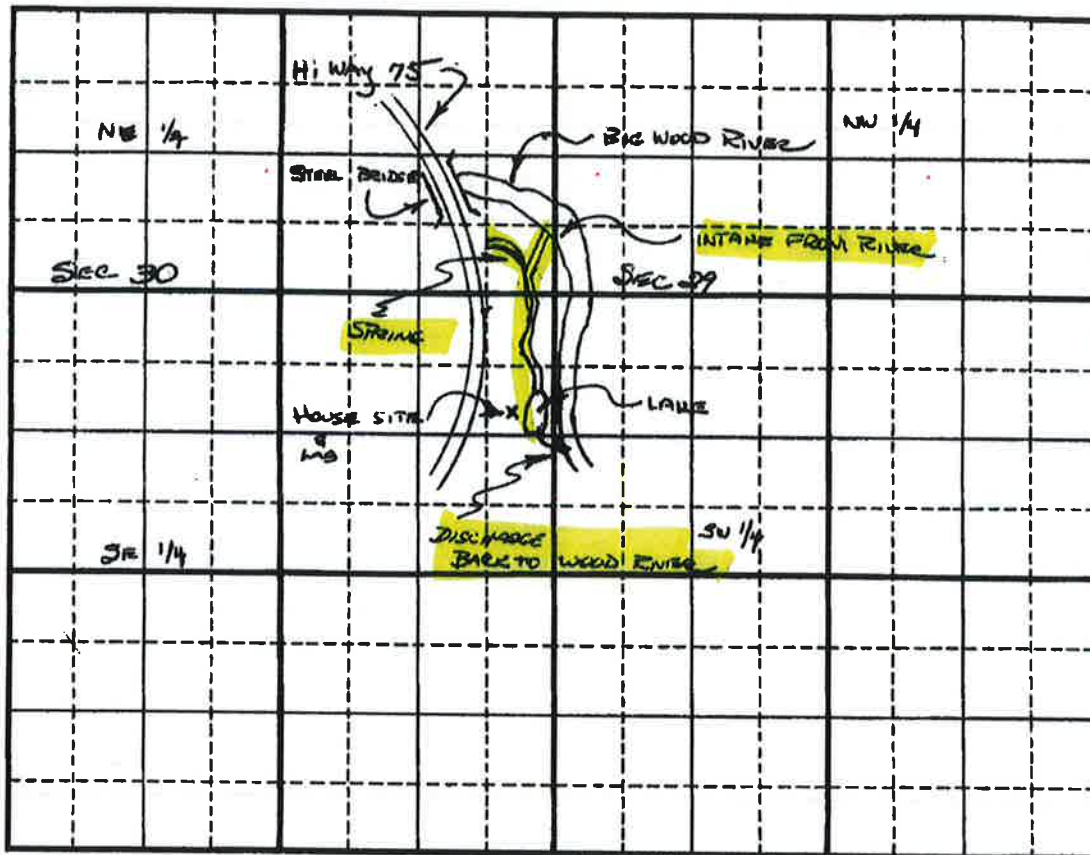
Jim

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

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(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE RESERVATION 4163 2116
PATENT DATED July 19, 1893 SAGRAWAY DED. # 79589 & 79116
DATED June 23, 1939 TO FASSETT AS RECORDED IN G. O. BLAINE
DEED BOOK 145 P. 39 AND P. 68



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 affiant's knowledge.

HELEN M. FASSETT

Robert A. Shumard ATTORNEY IN FACT

Sworn to before me this 27 day of October, 1982

Robert A. Shumard
 Notary Public
 Residing at Nashley

My commission expires September

FOR DEPARTMENT USE ONLY

Received by maey Date 10/20/82 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by fd Date 11-9-82 claimant by: _____
 \$20.00 fee received by maey Date 10/20/82 # 23820
 Published in Grand View Journal
 Dates 11/10/82 & 12/10/82 11/2 & 11/4/82



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

Priority: July 11, 1989

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume: 7239.8 AF

This is to certify, that GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987

KETCHUM ID 83340-0987 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 11, 1989; and
has submitted Proof of Beneficial Use on May 30, 1996. An examination indicates
that the works have a diversion capacity of 10.640 cfs of water from:

BIG WOOD RIVER tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	10.00 CFS	7239.8 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 29	SWSW
30	SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

100 2 9 1007

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

7. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the right holder and the Department of Health & Welfare, Division of Environmental Quality. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
8. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water right nos. 37-07919 and 37-08307.
9. The director retains jurisdiction to review and amend any and all parameters of this right to assure continuing compliance with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. Any person seeking review and amendment of this right shall file a request for a transfer with the department, which request shall include the transfer sought, the reasons for the transfer, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the license. The department shall mail a copy of the request by certified mail, return receipt requested, to the right holder and allow the right holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the department may, in its discretion, decide the right needs to be reviewed. If so, it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the right should be changed for the purpose of assuring it continues to comply with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. The burden of proof at the hearing shall be upon the persons or parties seeking the transfer to establish that a material change in circumstances has occurred since the right was issued or was reviewed that requires a transfer of the right to prevent a conflict with the "local public interest".
10. This right, when combined with water diverted pursuant to right no. 37-08278 shall not exceed ten (10) cfs.
11. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to right no. 37-08278 may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion to the point of discharge of right no. 37-08278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.

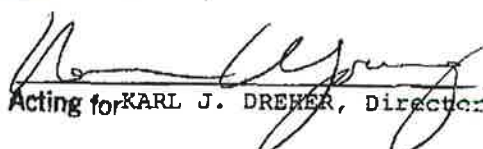
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

12. Right 37-30035 is used in combination with this right to mitigate losses of water resulting from the use of this right. The loss of water available to the holders of senior Comstock Ditch irrigation rights caused by the diversion of water under this right shall be compensated by delivering all or the requisite portion of Right 37-30035 to the point where water diverted under this right is returned to the Comstock Ditch. Whenever the Comstock Ditch irrigation rights are not being diverted, but water is being diverted under this right, then losses to the Big Wood River must be compensated by leaving Right 37-30035 in the river. If compensation water under Right 37-30035 is not available, no water may be diverted under this right.
13. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
14. Measuring devices shall be maintained at the point of discharge to the Comstock Ditch and at the point of discharge to the Big Wood River.
15. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22ND day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

Clelland, Steve

Re: ADR

From: Albert Barker [apb@idahowaters.com]
Sent: Wednesday, July 28, 2010 8:27 AM
To: Jim Speck; Craig Hobdey; Kelly, Vicki; Clelland, Steve
Subject: RE: RE: ADR 37-4150 & 37-4265
Attachments: DOC072810.pdf

37-4150
37-4265

Follow Up Flag: Follow up
Flag Status: Flagged

My notes and the backfiles on these rights show that there is a return flow to the Big Wood River from the pond. The return flow show be explicitly required to be maintained under the terms of the water rights and measured to ensure that the right is nonconsumptive.

Based on Jim's comment below about measuring flow into the ponds, there should not be a problem with a provision that the rights are to be measured with devices acceptable to the Department and under control of the water master, as well.

I am not sure what Jim is referring to about there being no discussion of water flowing into the Comstock from the spring, but the Claim for right 37-4265 clearly shows that the water from the Big Wood and the water from the spring are co-mingled before they get to the pond. See attached. If that is the case I don't know how a field exam could have factored in only the spring and not the water from the Big Wood/Comstock.

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, July 27, 2010 4:52 PM
To: 'Craig Hobdey'; 'Kelly, Vicki'; 'Clelland, Steve'
Cc: Albert Barker; jamesbfleig@aol.com; alandau@jps.net; rndick@rndick.com; 'Steve Fisher'
Subject: RE: RE: ADR 37-4150 & 37-4265

Steve et al,

I believe the license exam focused solely on the diversion from the Big Wood River. There is no discussion whatsoever of the water flowing into the Comstock from the spring. At this point we are not willing to concede that the combined diversion rate is appropriate since it means the diversion at the Comstock Headgate would have to be reduced by the amount flowing from the spring into the ditch, something that, of course, has never been done. The spring flow (whatever it may be), in addition to the 4 cfs from the river, has been captured by the ditch and then delivered into the pond and beneficially used for recreation. We will look into properly measuring the flow.

Jim

Clelland, Steve

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, July 27, 2010 4:52 PM
To: 'Craig Hobdey'; Kelly, Vicki; Clelland, Steve
Cc: 'Albert Barker'; jamesbfleig@aol.com; alandau@jps.net; rndick@rndick.com; 'Steve Fisher'
Subject: RE: RE: ADR 37-4150 & 37-4265

Follow Up Flag: Follow up
Flag Status: Flagged

Steve et al,

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Jim

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

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

From: Clelland, Steve
Sent: Tuesday, July 27, 2010 1:09 PM
To: Craig Hobdey; Jim Speck; Kelly, Vicki
Cc: Albert Barker; jamesbfleig@aol.com; alandau@jps.net; rndick@rndick.com

There are a couple reasons for the diversion limit being used here. The real basis of the recommendation of these two rights comes from the IDWR field exam information that was done for the unclaimed license 37-8278.

That exam found the Comstock Ditch had a capacity of 15 cfs but limited the right to 4 cfs for the uses now described in water rights 37-4150 & 37-4265. If more water was necessary for the development of those uses no effort was made during this licensing phase to indicate that need.

Secondly, there is very little known about the spring source listed in 37-4150. Its exact location is not shown on any map that I reviewed and our GIS point location on the map is based on a generic point called a centroid. I didn't see any reference to a measurement of the flow from the spring. Without a measurement of spring flow into the Comstock Ditch, there is no way to account for any flow that may be added to Ditch flows.

These rights are held to a combined flow of 4 cfs because the beneficial use established was 4 cfs as per the license exam. And, the other users of the Comstock Ditch are injured if the spring flow is not present or is less than claimed.

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913

From: Craig Hobdey [mailto:hobdeycraig@hotmail.com]
Sent: Monday, July 26, 2010 5:27 PM
To: Jim Speck; Kelly, Vicki; Clelland, Steve
Cc: Albert Barker; jamesbfleig@aol.com; alandau@jps.net;
rndick@rndick.com
Subject: RE: ADR 37-4150 & 37-4265

All:

We feel the combined diversion is still appropriate and helpful to the Watermaster.

Craig Hobdey

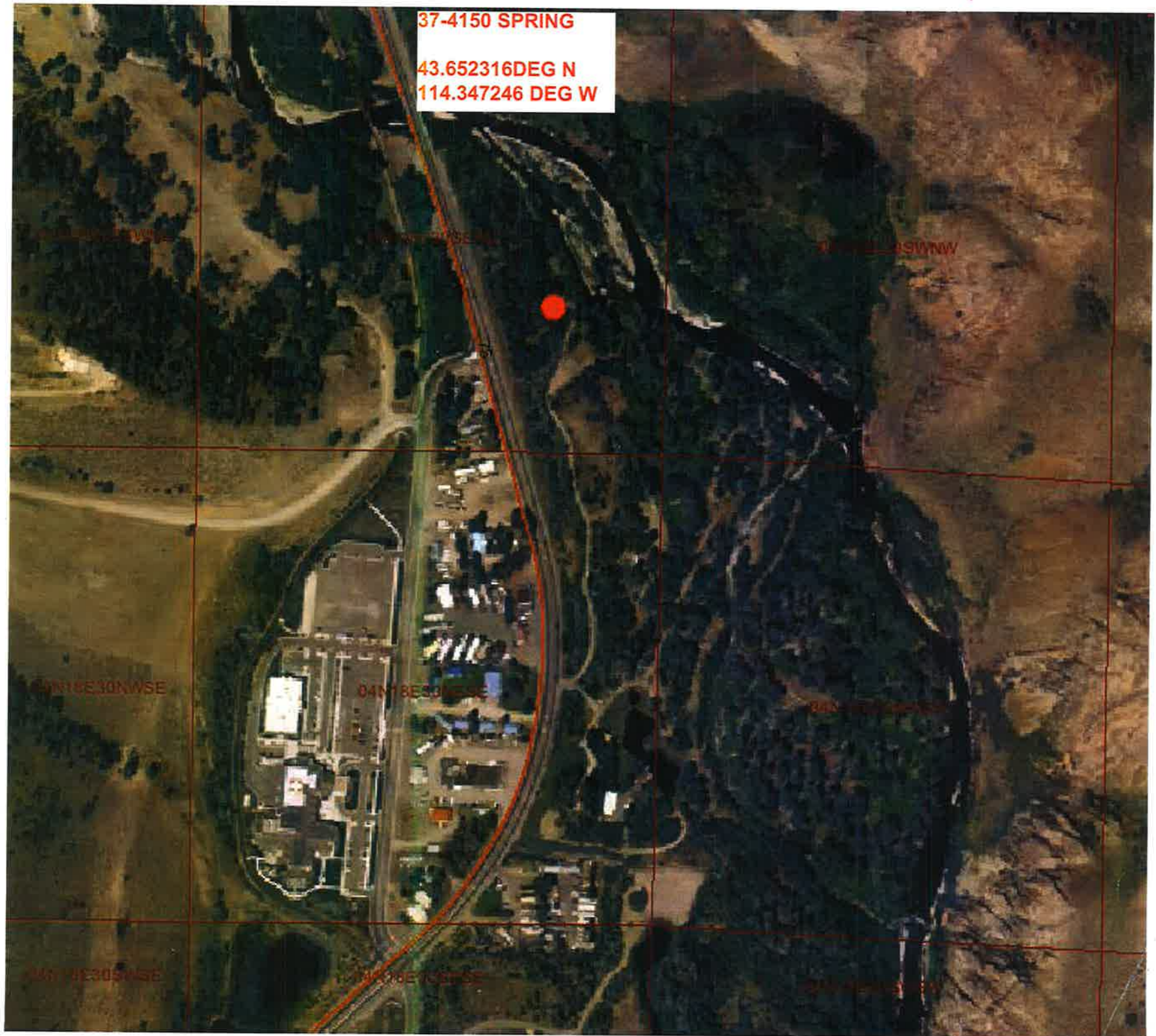
> From: jim@speckandaanestad.com
> To: Vicki.Kelly@idwr.idaho.gov; Steve.Clelland@idwr.idaho.gov
> CC: apb@idahowaters.com; hobdeycraig@hotmail.com; jamesbfleig@aol.com;
alandau@jps.net; rndick@rndick.com
> Subject: RE: ADR 37-4150 & 37-4265
> Date: Mon, 26 Jul 2010 15:40:22 -0600
>
> Vicki & Steve,
>
> These look OK to me with the exception of the combined diversion
> rate limitation. The water comes from two different sources and was
not



37-4150 SPRING

43.652316DEG N

114.347246 DEG W



43.652386 DEG N
114.346676 DEG W

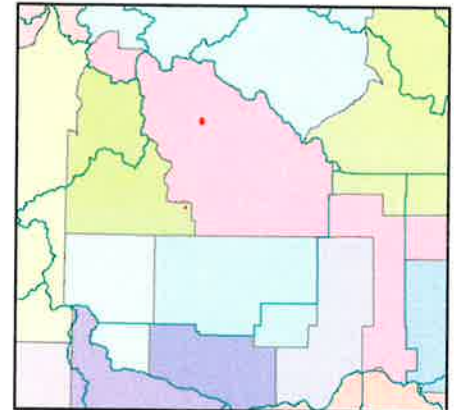


Idaho Department of Water Resources

Adjudication Recommendation 37-4265 (RECREATION)

Legend

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



Blaine County
IDWR Basin 37

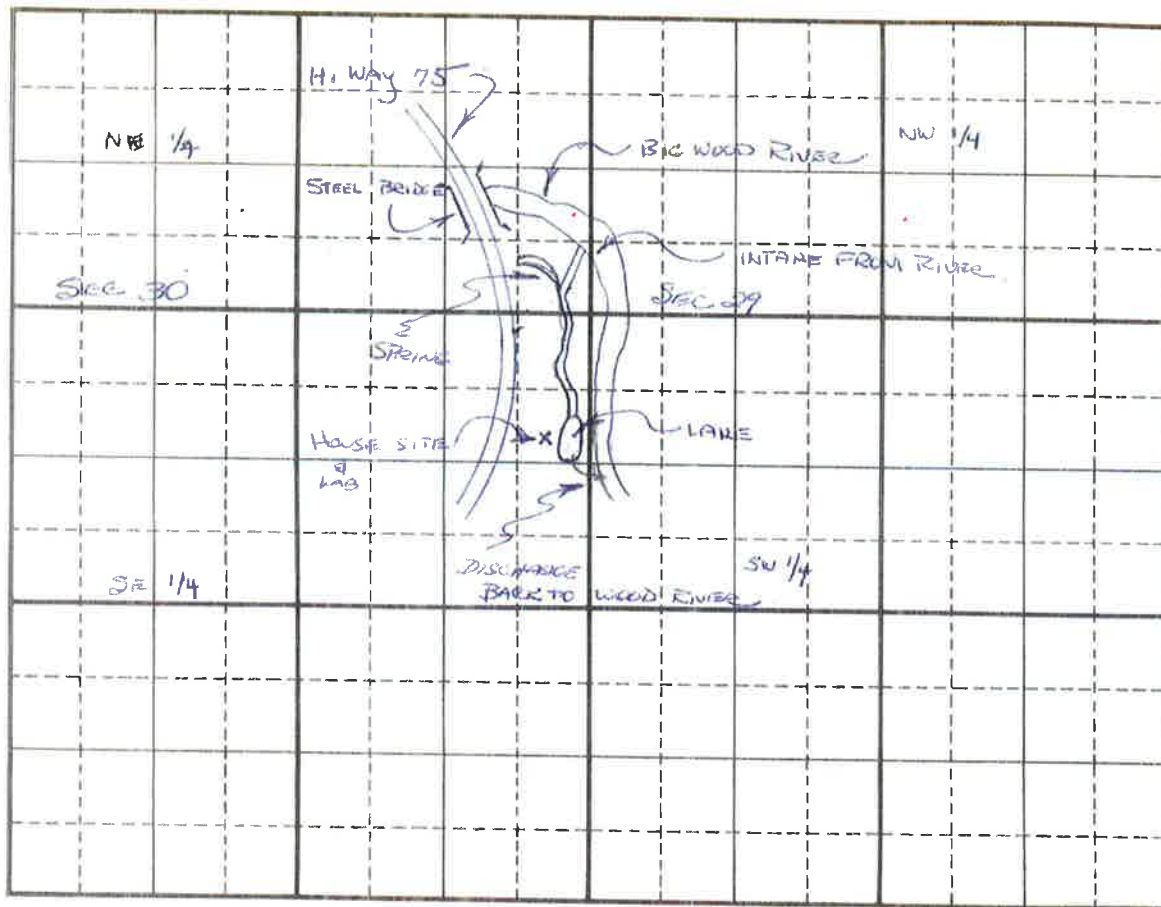
R18E



Prepared by Steve Clelland
On July 23, 2010
2004 Aerial Photography

0 0.05 0.1 0.2
Miles

(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTIN 4163 & 4164
PATENT DATED July 19, 1893 SAGRAWAY Ditch # 79569 & 79116
DATED June 22, 1939 to PASSANT AS RECORDED IN C. OF BLAINE
DITCH BOX 145 P. 39 AND P. 68



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

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 affiant's knowledge.

HELEN M. PASSANT

Robert A. Shumaker ATTORNEY IN FACT

(Claimant)

Sworn to before me this 21 day of October, 1982

Notary Public
Residing at

Bozeman, Montana
Harley

My commission expires

Lifetimi

FOR DEPARTMENT USE ONLY

Received by maugh Date 10/21/82 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by fd Date 11-9-82
 \$20.00 fee received by maugh Date 12/1/82 # 23820
 Published in wood river journal
 Dates 11/25 & 12/2/82 11/2 & 12/2/82

COPY

Permit
sept 86 - ~~late~~
from July 89

8278 (NOT claimed) (?)

PROOF BU BU FINDING

37-4150

Recr. 1.04 spr. 10-26-87
Recr. STOR.

Richard Dick
SPR.

OBJ: 1" AC of pond NO
Limit to 1 RR. SOL NO
meas. flow 1/0 OK
Vol. meas. Annually?

243
1.4 AC
0.8 AF STOR.

37-4265

BWR
4 cfs
0.8 AF

MEAS. @ Comstock
= Below Aes. Pond
meas. for Overflow
TO BWR

Rec'd
0.8 AF

comb Rts
4 cfs
0.8 AF

6/28/10
AMENDED:
- 4150 1.04 cfs
- 4265 4.0 cfs

"Diff Sources"
1.93 AF

4/29/10
I.H. NOTES
ALL H₂O in
Comstock d. (?)
CLIFFSIDE RTS

Spec: pond is larger than 0.8 AF

250' x 120' x 3.5' 1/2 AC. x 4' deep
(= 0.69 AC)
= 2.4 AC-FT PER AFFID. (?)

Remarks:

- Limited to "pond size"
- Withdraw of 8278

NEED AMENDED CLAIM! → 2.5 AF
VERBAL MOTION: GRANTED

* DATES:

A. Claim 6/28
ADR 7/26
OBJ 8/20
Resp. 9/10

Oct 13th 3:30
F/4 TSC

* email to Nick RE: previous Lic.
cc: YK (2.41 AF found)

7/23/10
cc

* Aerial photos prior to 2004 show NO ponds
at this site. (1987 & 92) USGS Topo shows NO pond.
I didn't Review the Proof of Priority for these Rts.

(JULY 12th
CONF. TO MEET for
COND. to AVOID OBJ.
(?))

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08278

Priority: September 25, 1986

Maximum Diversion Rate: 4.00 CFS
Maximum Diversion Volume: 2896.0 AF

This is to certify, that HELEN M FASSETT
PO BOX 273

SUN VALLEY ID 83353 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 25, 1986; and
has submitted Proof of Beneficial Use on October 26, 1987. An examination indicates
that the works have a diversion capacity of 15.000 cfs of water from:

BIG WOOD RIVER tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	4.00 CFS	2896.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESENE , Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

04N 18E 30

SENE

NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. Use of water under this right shall be non-consumptive.

FEB 07 1994

State of Idaho
Department of Water Resources

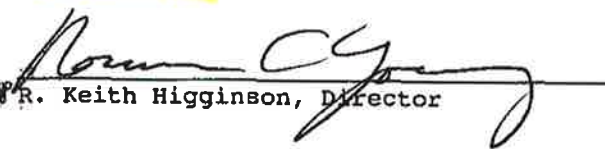
WATER RIGHT LICENSE

WATER RIGHT NO. 37-08278

CONDITIONS/REMARKS:

9. Use of water under this right shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2ND day of FEBRUARY, 1994.

Acting for  R. Keith Higginson, Director

FEB 07 1994

37-4150 (spring)

1. Unable to Verify Location/POD.

~~2.~~

2. No Verification of Spring Flow/Diversion.

3. Priority date is Really unconfirmed.

- Photos in 37-4265 that claim to document the pond show a large hill in the Background - there is no hill near the pond Area.

- Letter from Robert Sherwood (11-23-92)

- says "claim permit" was approved 12/30/86
~ Not sure what this references.

- says all has been inspected & approved by IDWR ... Terry Blaw GRL
~ Blaw was part of Stream Ch. Section
~ not sure what was "Approved".

- Deeds referenced are not provided; References to deed are given.

POD

T4N

R18 E

S. 30

SENE

Rec'd

POD

<Lower pt near Sec. line>

[-4150 no digital pt.]

SE

* -4265

Acic

- 419 B

cliff side

- 703 E

cliff side

- 10913

cliff side

W Right POD

<upper pt by bridge>

NE

-48 B

Elizabeth Gray

(As claimed)

- 8611

friends of Horsedog

- 8535

Cliff side

*

- 8278

Fossett

(as claimed)

<No Rec'd pods
on this point>

37-20440 - claimed for
Renee Draper

(w/ 37-20441 mitigation)

Rec'd

POD (upper pt)

-20440

- 21258

- 21259

- 48 B

TIMELINE

37-4150
(SPR.)



37-4265
(BWR) (see below)

July 17 1980 Stat. Claim ⁽⁻⁴¹⁵⁰⁾ Helen Fasset
1.04 cfs - 0.8 AF STORAGE
Spring Source

Sept 25 1986 LIC. 37-8278 filed

Oct 26 1987 PROOF filed EXAM: 7/1/88

FEB 2ND 1994 LIC ISSUED 4.0 cfs
Source: BWR

- PROOF mentions C. Aitch captures Spr. Water
- Permit 37-8278 to Supplement 37-4265

37-4265

Oct 29, 1982 STAT CLAIM Helen Fasset
4.0 cfs (BWR)

3/8/2002 AFF. by Robert Sheewood (82 yrs) H.F.'s Son
(Same as LIC.)



Notes from a letter to Tim Luke from watermaster Kevin Lakey. Feb. 12, 2008 (aka Resolution#14)

3.) Comstock Ditch

* There are multiple non-consumptive permits along with irrigation rights in this ditch. The Big Wood River feeds the upper part of this system. The middle section of the original system has been abandoned, but the lower end of this system is fed by spring water. One diversion from the lower section of this ditch owns a piece of the "Rockwell Bypass Saved Water" that is tied to the Big Wood River, but the Big Wood River water does not make it to this particular diversion. Also, the lower end of this system feeds the upper part of the Golden Eagle Subdivision referred to in #!2. The Comstock ditch water that is delivered to the Golden Eagle Subdivision is not regulated. How to administer this extra water to Golden Eagle is not understood at this time. The District needs help understanding how to administer this system.

01/06/2007

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: 01/19/2007

Water right number: 37-4150

RIVERS EDGE ASSOCIATES LLC

PO BOX 869

KETCHUM ID 83340

Telephone Number: (208)725-5200

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

Quantity; place of use.

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

change 0.8 AFA to 2.0 AFA; delete combined diversion limits;
change place of use to NESE S.30 and NWSW S.29.

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

Sherwood Affidavit in 37-4265 states pond is 2.0 AF; map shows
ponds in NESE S.30 and NWSW S.29, ~~but NOT in SEAS S.30~~

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

DATE:

1.12.07

SIGNATURE:

J. P. Speck attorney

Please print your name:

JAMES P. SPECK

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

RECEIVED

JAN 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED
JAN 22 2007

RECEIVED

JAN 05 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

December 31, 2008

Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RE: Notices of Change in Water Rights Ownership
37-04150, 37-04265, 37-12363, 37-12366

Dear Trish:

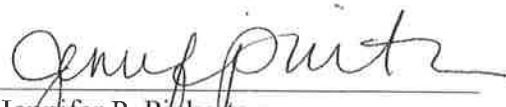
Enclosed please find the original and one copy of two Notices of Change in Water Right Ownership for Water Right Nos. 37-12363 and 37-12366 and Adjudication Claim Nos. 37-04150 and 37-04265, along with a check in the amount of \$50.00 for processing. Please file and return the conformed copies in the enclosed self-addressed postage-paid envelope. Please let me know if you have any questions or need further information.

Thank you. Happy New Year!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:


Jennifer P. Pinkerton
Assistant to James P. Speck

Enclosures

SCANNED
APR 23 2009

17
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____
2009 APR 21 PM 1 02

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

In Re SRBA	)	Subcase No. 37-4150, 37-4265
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

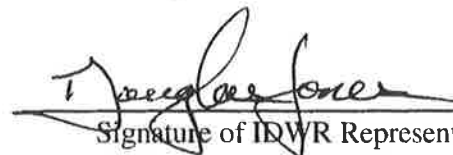
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

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: 4/21/09



Signature of IDWR Representative

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

04/01/2009

2009 APR 21 PM 1 02

RIGHT NUMBER: 37-4150
NAME AND ADDRESS: RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869
DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869
ARNOLD LANDAU
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869
JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

SOURCE: SPRING

QUANTITY: 1.040 CFS
0.80 AFY

TRIBUTARY: BIG WOOD RIVER

Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4 cfs and to a total combined annual diversion volume of 0.8 AF.

PRIORITY DATE: 01/01/1939

POINT OF
DIVERSION:

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
PLACE OF USE:	RECREATION	01/01 12/31	1.040 CFS
	RECREATION STORAGE	01/01 12/31	0.80 AFY
	<u>RECREATION in BLAINE County</u>		
	T04N R18E S30 NESE		
	<u>RECREATION STORAGE in BLAINE County</u>		
	T04N R18E S30 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

COPY

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. 37-4150, 37-4265

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

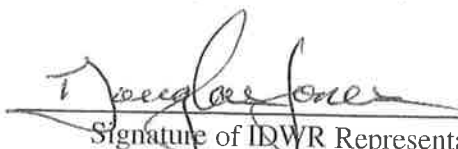
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: 4/21/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-21, 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 West Fort Street MSC 033
Boise ID 83724

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

Rivers Edge Assoc LLC
PO Box 869
Ketchum ID 83340

Albert Barker
Barker Rosholt & Simpson LLP
PO Box 2139
Boise ID 83701

Craig Hobdey
Hobdey & Hobdey
PO Box 176
Gooding ID 83330

Scott Campbell
Andrew Waldera
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise ID 83701



Signature of person or attorney mailing the form

04/01/2009

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

RIGHT NUMBER: 37-4150

NAME AND ADDRESS: RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

ARNOLD LANDAU
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

SOURCE: SPRING

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.040 CFS
0.80 AFY

Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4 cfs and to a total combined annual diversion volume of 0.8 AF.

PRIORITY DATE: 01/01/1939

POINT OF
DIVERSION:

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	RECREATION	01/01 12/31	1.040 CFS
	RECREATION STORAGE	01/01 12/31	0.80 AFY
PLACE OF USE:	<u>RECREATION in BLAINE County</u>		
	T04N R18E S30 NESE		
	<u>RECREATION STORAGE in BLAINE County</u>		
	T04N R18E S30 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/01/2009

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

RIGHT NUMBER: 37-4265

NAME AND ADDRESS: JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

ARNOLD LANDAU
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS
0.80 AFY

Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4.0 cfs and to a total combined annual diversion volume of 0.8 AF.

PRIORITY DATE: 03/01/1939

POINT OF
DIVERSION:

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	RECREATION	01/01 12/31	4.000 CFS
	RECREATION STORAGE	01/01 12/31	0.80 AFY
PLACE OF USE:	<u>RECREATION in BLAINE County</u>		
	T04N R18E S30 SENE		
	<u>RECREATION STORAGE in BLAINE County</u>		
	T04N R18E S30 SENE		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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

April 21, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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

RE: SRBA Claim(s) 37-4150, 37-4265

Dear Counselor:

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: Rivers Edge Associates LLC
Albert Barker, Barker Rosholt & Simpson
Craig Hobdey, Hobdey & Hobdey
Scott Campbell & Andrew Waldera, Moffatt Thomas Barrett Rock & Fields

01/04/2007

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

RIGHT NUMBER: 37-4150

NAME AND ADDRESS: RIVERS EDGE ASSOCIATES LLC
PO BOX 869
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.040 CFS
0.800 AFY

Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4 cfs and to a total combined annual diversion volume of 0.8 AF.

PRIORITY DATE: 01/01/1939

POINT OF DIVERSION:

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	1.040 CFS
RECREATION STORAGE	01/01 12/31	0.80 AFY

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S30 NESE

RECREATION STORAGE in BLAINE County

T04N R18E S30 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

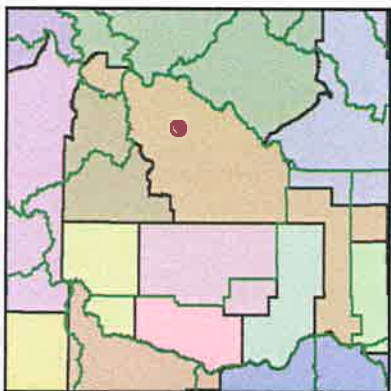
SRBA Recommendation:

37-4150

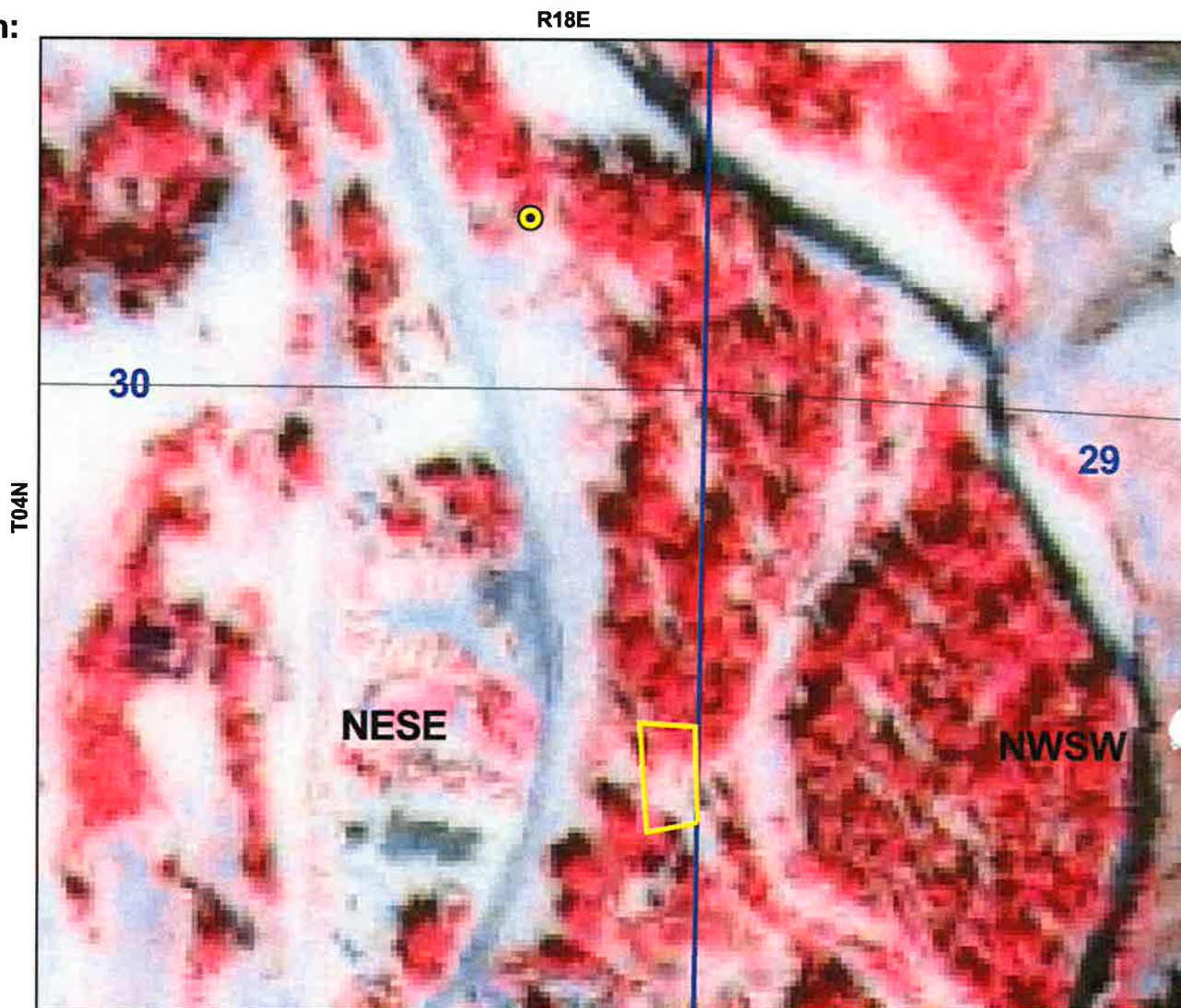
(Recreation)

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 V. Music
On Thursday, January 4, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4150 V1

WATER RIGHT NUMBER: 37-4150 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT H SHERWOOD BOX 273 SUN VALLEY, ID 83353 (208)726-3300
Current Owner	RIVERS EDGE ASSOCIATES LLC PO BOX 869 KETCHUM, ID 83340 (208)725-5200
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 01/01/1939

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	1.040 CFS	
RECREATION STORAGE	01/01 to 12/31		0.80 AF
<u>Total Diversion:</u>		1.040 CFS	0.80 AF

<u>Location of Point(s) of Diversion</u>		
SPRING	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use
RECREATION Within BLAINE County
 T04N R18E S30 NESE

RECREATION STORAGE Within BLAINE County
 T04N R18E S30 NESE

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E60 Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4 cfs and to a total combined annual diversion volume of 0.8 AF.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-4150 V1

Remarks:Comments:

1. tfawcett 3/6/2001 owner change

Comment: ownership changed Sherwood to Rivers Edge Associates per 1409(6) and warranty deed received 3/5/01.

2. Vmusic 1/4/2007 USE

Comment: CLAIMED WILDLIFE FROM 1930 BUT AFFIDAVIT FROM R SHERWOOD, ORIGINAL OWNERS SON, CLEARLY STATES THE ORIGINAL PURPOSE WAS FOR RECREATION. NOT A VALID WILDLIFE USE PER SRBA OPINION IN BASINWIDE ISSUE 91-12 . ALSO, THERE IS AN LICENSE FOR WILDLIFE 37-8278 THAT WAS NOT CLAIMED BECAUSE CLAIMANT WANTED EARLIER PRIORITY DATE. PROOF WAS SUBMITTED 10-1987 SO WILL WRITE TO CLAIMANTS. THEY NEED TO CLAIM THIS LICENSE FOR THE WILDLIFE. THE SRBA DECISION WAS NOT IN EFFECT WHEN CLAIMS WERE MADE SO CLAIMANT WOULD NOT HAVE KNOWN.

3. Vmusic 1/4/2007 FIELD EXAM

Comment: SEE BENEFICIAL USE FIELD EXAM FOR 37-8278 - SAME POU

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/4/2007 2:12:18 PM	Vmusic			Active
Priority Date	1/4/2007 2:13:38 PM	Vmusic			Active
Source	1/4/2007 2:30:35 PM	Vmusic			Active
POU	1/4/2007 2:31:00 PM	Vmusic			Active
Use	1/4/2007 2:31:51 PM	Vmusic			Active
Season	1/4/2007 2:39:22 PM	Vmusic			Active
Quantity	1/4/2007 2:51:00 PM	Vmusic			Active
Summary			01/04/2007	Vmusic	Active
POD	1/4/2007 2:53:46 PM	Vmusic			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	1/4/2007 2:12:19 PM	Vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4150 V1

General	1/4/2007 2:13:38 PM	Vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - AFFIDAVIT OF PRIOR OWNER/RESIDENT
POD	1/4/2007 2:30:08 PM	Vmusic	Updated shape
Summary	1/4/2007 2:53:08 PM	Vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/4/2007 2:53:45 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	1/4/2007 2:30:35 PM	Vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4150 V1

POU	1/4/2007 2:31:00 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - AFFIDAVIT, AERIALS
Use	1/4/2007 2:31:51 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - AFFIDAVIT OF PRIOR OWNER
POU	1/4/2007 2:38:10 PM	Vmusic	Updated shape for Active POU
POU	1/4/2007 2:38:33 PM	Vmusic	Updated shape for Active POU
Season	1/4/2007 2:39:22 PM	Vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR STANDARD
Quantity	1/4/2007 2:51:00 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE LICENSING EXAM 37-8278

STILL MISSING!

I Will Forward A37-04151
Change of Ownership as soon
As it is Retrieved From Cal.

Bob.

MICROFILMED
FEB 23 1993

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

March 2, 2001

RECEIVED
MAR 05 2001
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Re: River's Edge Associates, LLC

Dear Allen:

Enclosed you will find an original and one copy of a Notice of Change of Water Right Ownership for River's Edge Associates, LLC. Please return the copy to me after your office has date stamped it in the self addressed postage paid envelope I have included for that purpose.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation



Randi Diem
Assistant to James P. Speck

:rsd
enclosures



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

April 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RIVERS EDGE ASSOC LLC
PO BOX 869
KETCHUM ID 83340

RE: SRBA Claim(s) 37-4150, 37-4265, 37-12362, 37-12366,
37-12367

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding claims 37-12362, 37-12366 and 37-12367. 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.

Ownership on claims 37-4150 and 37-4265 has also been changed to you. These claims have not yet been reported to the Snake River Basin Adjudication Court in a Director's Report and as such do not require a Notice of Administrative Proceeding. Copies of these claims are also enclosed for your records. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Robert Sherwood

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

March 2, 2001

RECEIVED
MAR 05 2001
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Re: River's Edge Associates, LLC

Dear Allen:

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Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation



Randi Diem
Assistant to James P. Speck

trsd
enclosures

Nov.23,1992

RECEIVED
NOV 24 1992
Department of Water Resources

Helen Harrington-Thornton
Senior Water Adjudication Agent
Adjudication Bureau Dept. of Water Resources
1301 N. Orchard Statehouse Mail
Boise, ID. 83720

RECEIVED

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to Water Right

NOV 25 1992
Department of Water Resources
Southern Region Office

Dear Ms Harrington-Thornton

Received your letter of Nov 16th on the 18th. I had to wait until Sunday Nov 22 to answer to be able to work on its voluminous requests. We devoted the day to the work.

A37-04150 Claim Permit approved 12/30/86
Measuring device installed and approved.
Water is for non-consumptive use in the River's Edge Ranch Sub. Said water is passed to other water users to the South. In case their water rights do not allow the water for irrigation, there is provision for returning said water back to Big Wood River. Both River's Edge Ranch and adjacent Cliffside have environmental non consumptive rights for 4 cfs.

All of the above has been inspected and approved by IDWR in the person of Terry Blau and others.

In an effort to reduce unnecessary water loss the 1400 ft. ditch on River's Edge Ranch and the water passage through Cliffside have all been lined with sealant ,or impervious diaphragm .Small evaporative loss is made up from a well. All of the work has been done by professionals in the field.

All of the above water courses are devoted to providing habitat for nesting ducks, trout fry, elk,deer,foxes,coyotes,black bear. Their presence further protected by a 55 Acre Nature Preserve gifted by my family some 7 years ago. All of the Above has been inspected by IDWR officials like Mr.Funderberg.

As evidence of our satisfactory compliance with conditions specified by L. Glenn Saxon, Chief, Operations Bureau IDWR, the Water Master for Dist. 37 & 37 M has allow 4 cfs flow thorough the system as of Oct 3rd.

MICROFILMED
FEB 23 1993

P.2

Dates of priority for the springs was taken from the deed given by Price to Fassett Apr. 18, 1939. I had used a later deed which was Fassett to Fassett. I think it best to use April 18, 1939.

Location of the 1.04 cfs spring is NESE Sec 30 as you suggest.

A37-04151 Spring, 100 ft W of N end Hi Way 75 bridge crossing Big Wood River taken from the time spring was made to flow in a 600 ft channel going E to a Lake and then returning to the river. The course has been changed recently so that it flows into an old small pond alongside Hi Way 75 and discharges directly into Wood River. Despite adjacency to traffic, pond is frequented by wild ducks. Brook trout grow there.

37-08278 Headgate and Intake for 1400 ft ditch feeding lake. Permit application was approved Dec 30, 1986 Claim 37-4265 (See letter from IDWR's Alan Merritt saying claim had been advertised and that no further action was required.)

Priority taken from date of Deed, April 18, 1939 as 1400 ft ditch was in place as well as headgates. Would rather use this date above instead of 9/25/86.

The tributary (ditch) has been sealed and is working well . The purpose has always been environmental habitat for both the ditch and the water it transports.

A claim summary was filed in SRBA and received by them Oct 25, 1988. I see in the summary sheet that you sent to me that it shows the water flowing out the Malad River Trib. It should be Snake River . Maybe claim is misfiled because of that ?

I have to be in Twin Nov. 30th and would be free by 3:30 or 4:00 . If I can help at that time let me know. If it must be Boise I will have to be represented. Can't travel that far.

Enclosed please find my check for fees of \$ 788 less \$75 you now have, or a balance due of \$713.

Thank you for your help.

Sincerely



Call after 11:00 726-3300

MICROFILMED
FEB 23 1993



State of Idaho DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 16, 1992

Robert Sherwood
Rivers Edge Ranch
P.O. Box 273
Sun Valley, ID 83353

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right, Blaine County

Dear Mr. Sherwood:

In October, 1988, six Notices of Claim were filed by Ms. Helen Fassett. Three of those claims, nos. A37-12363, A37-12366 and A37-12367 were reviewed and processed. Copies of those claims are enclosed for you to retain in your files. Three additional claims were reviewed and found incomplete and were not processed at that time.

We are returning the three unprocessed claims to you in order to allow you the opportunity to change or withdraw these claims. Although the claims were incomplete, documents in IDWR files may supply some of the information necessary to complete these claims. Enclosed are summaries of the records on file with IDWR. Although I would like you to review the entire claim, the following items should specifically be reviewed and completed or changed if necessary:

A37-04150: #2 - Discrepancy in Priority Date *Jan 39 02*
#3 - Tributary needs to be completed *APR 13, 1929*
#6 - Discrepancy in Purposes
#10 - Based on the map, the place of use is
#14 - Clarify the purposes for which the water right is claimed

*SOUTH OF BRIDGE
SPRING
600 FT S OF
BRIDGE
1.04 cfs*

A37-04151: #2 - Discrepancy in Priority Date *APR 26, 80*
#3 - Tributary needs to be completed
#10 - Based on the map, place of use is
#14 - Clarify the purposes for which the water right is claimed

HOERNEL SP.

Regarding the third claim, item #2 identifies an IDWR record of 37-04265; however, the basis of claim shown in item 15 is permit 37-08278. There does not appear to be a claim for 37-04265. As you are aware, the permit had a field examination

*MICROFILMED
FEB 23 1993*

*NE FINDER BRAC
IDWR*

*ENCLOSING. APPROVED CLAIM DEC 29, 82 COPY FINDER. CLAIM, HABITAT APPROVE
APPROVED PERMIT*

Page 1 of 3

3 WILLS

*WA SHOWED CLAIM 4265
T 12 Sec NE 1/4 SE 1/4
9N 18E 30 SE 1/4 NE 1/4*

*NORTH END BRIDGE
" SPRING RUNS EAST WOODLAND
NOW DISCHARGES TO RIV.
FIRST FORD SOUTH FORD
DUCK HABITAT*

#8278

③ Peter Gary
③ WATSON %
Kinton.
④ Doug Chambers.

Robert Sherwood
Rivers Edge Ranch
November 16, 1992
Blaine County - Page 2

MR FUNDERBEC

by IDWR in 1989. That permit is in the process of being licensed. I understand from the office which processes those documents that the license should probably be issued within six months. However, a claim should be filed in the SRBA and we are unable to process this claim without clarification of the basis for the claim. I have enclosed summaries of both IDWR records to assist you in completing this claim. The information on the claim should correspond to the IDWR record as shown on the summary (i.e., Date of Priority, Purposes, Diversion Rates among other items).

However, the correct fees must be paid in order for processing to continue.

The filing fees are as follows:

<u>Fees Due</u>	<u>Fees Applied</u>
-----------------	---------------------

3 WFLS. { A37-12363 \$25 \$25
A37-12366 \$25 \$25
A37-12367 \$25 \$25

LOT 2	A37-04150	\$154	STEELING SOLD TO WATSON 750 FT.) OF BRIDGE	CR 154
LOT 1	A37-04151	\$234	STEELING SOLD TO ABENEL	CR 234
	A37-08278	\$400	INTAKE - 1400 PICT - LAKE LOT 6	CR 400
			LOT 2 LOT 2 TRAIL 6-	

AD 150 The fees for the latter three claims are calculated at \$50 per claim flat fee plus a variable fee of \$100 per cfs for the wildlife use. Receipt C004845 is for \$150. Therefore, there is an outstanding balance of \$75 which can be applied to the balance due. Upon receipt of the completed claims, the available balance will be applied. The above fees are calculated based on a purpose of wildlife; however, if groundwater recharge is the purpose (as described in Remarks), there would not be a variable fee, although the flat fee is due.

ADVISE I have located a Power of Attorney dated November 17, 1969,
HMS signed by Helen Murdoch Fassett and have put a copy of it in each
DEAN of the claim files. We will contact you regarding any questions
I am sure on these claims unless we are made aware of any changes.

5. If we do not hear from you by December 31, 1992, we will initiate a refund of the outstanding \$75 and consider the claims

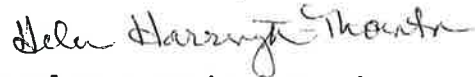
Ans Nov 23, 92

will
claims

Robert Sherwood
Rivers Edge Ranch
November 16, 1992
Blaine County - Page 3

withdrawn. If you would like to discuss these matters or have any questions, please do not hesitate to contact me. I would be happy to arrange an appointment if that would be more convenient. Please contact me in Boise at (208) 327-7935 or our Southern Region Office in Twin Falls, 222 Shoshone St. East, (208) 736-3033.

Sincerely,



Helen Harrington-Thornton
Sr. Water Resource Agent
Adjudication Bureau

HHT:sf:state:south
Enclosures:

Processed Notices of Claim Nos. A37-12367,
A37-12366 & A37-12363
Unprocessed Notices of Claim No. A37-04150,
A37-04151 & A37-08278
Water Right Profile Reports for Notices of Claim
Nos. 37-04150, 37-04151, 37-04265 & 37-08278

MICROFILMED
FEB 23 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Fassett CLAIM ENT. NO. A37-04150DATE RECEIVED 10-25-88 CK # 410 AMOUNT \$ 150 - (6)

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? (Not Correct) ☒ ☐

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: [Signature]

Comments: \$50.00 + Variable Fee (\$104.00) = 154.00 MICROFILMED FEB 23 1993

+ - - Microfilm Rolls -

Water right number - 37-04150

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 05/21/86

05/28/88 CONVERT

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/21/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

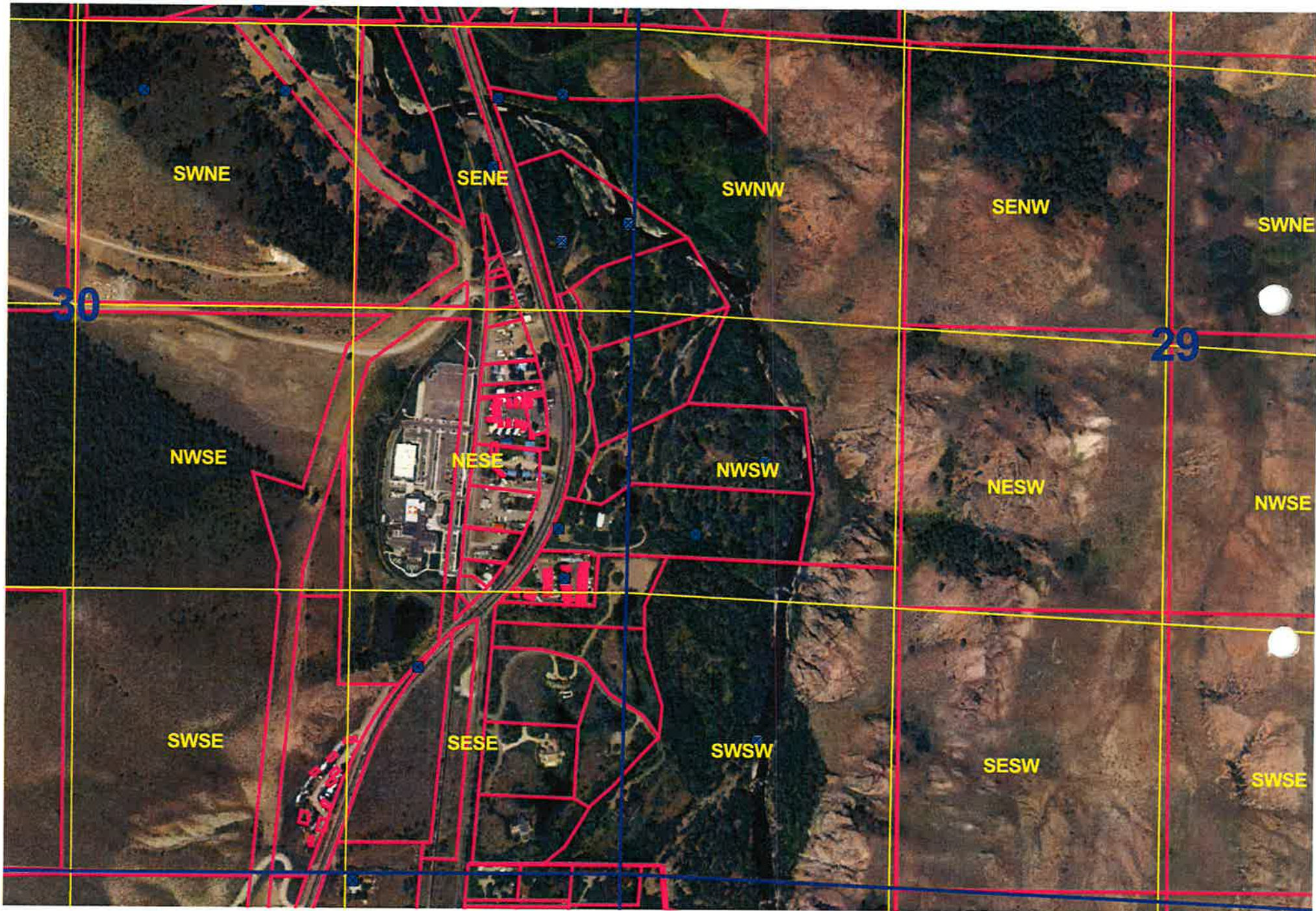
MICROFILMED
FEB 23 1993

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-4150**

01/04/2007

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4375	Claim	04N	18E	30	NE	SE		IRRIGATION	15/60	MARY ELLEN DRASHNER
12757	Claim	04N	18E	30	NE	SE		IRRIGATION	1.5/1.5	ROBERT DONALDSON
2677	Water Right	04N	18E	30	NE	SE		IRRIGATION		E V MC HAN
4375	Water Right	04N	18E	30	NE	SE		IRRIGATION	15/60	KATHRYN GARDNER
12757	Claim	04N	18E	30	NE	SE		COMMERCIAL		ROBERT DONALDSON
8437	Water Right	04N	18E	30	NE	SE		COMMERCIAL		EMIL J CAPIK
4150	Claim	04N	18E	30	NE	SE		WILDLIFE		RIVERS EDGE ASSOCIATES LLC
4265	Claim	04N	18E	30	NE	SE		WILDLIFE		RIVERS EDGE ASSOCIATES LLC
4150	Water Right	04N	18E	30	NE	SE		WILDLIFE		HELEN M FASSETT
4265	Water Right	04N	18E	30	NE	SE		WILDLIFE		HELEN M FASSETT
8278	Water Right	04N	18E	30	NE	SE		WILDLIFE		HELEN M FASSETT
4150	Claim	04N	18E	30	NE	SE		WILDLIFE STORAGE		RIVERS EDGE ASSOCIATES LLC
12757	Claim	04N	18E	30	NE	SE		DOMESTIC		ROBERT DONALDSON
11640	Water Right	04N	18E	30	NE	SE		DOMESTIC		JUDY L MEYER



2004 AERIAL RE 37-4150, 37-4151, 37-4265, 37-8278

To Dena
From Carver

4-3-89

RE: Helen M. Fasset + claims

A37-08278, A37-04150

A37-04151

A37-08278

legals on permit do not match
legals on map furnished with
claim.

10/26/92

checking w/ Jeanie for original
claims A37-12363
A37-12366
A37-12367 } at
Southern

claim 37-04245 is referenced
Rights " in Adj. claim

1) Why did the unpaid claims
get data entered?

O. However, no adjudication
as filed on this water

2) Where are originals on the
domestics (these are paid
for)? Southern

claims have been data entered
to the info. she supplied
at was available in our

3) Has the "attorney in fact"
issue been addressed?
(i.e., is there a power of
attorney floating around?)

the statutory claims have
problems as well as these

No

12-19-91

Anna

Would you
like to take
care of this?

wishes to change her claims
"environmental purposes" (wildlife,
and water recharge the
ld be \$50⁰⁰ each. (Note:
~~no real evidence that it~~
likely that these claims could
or ground water recharge.

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Dec-1992

ROBERT SHERWOOD
RIVERS EDGE RANCH
PO BOX 273
SUN VALLEY ID 83353

RE: ADJUDICATION FILINGS AND FEES PAID FOR CLAIMS A37-12363,
A37-12366, A37-12367, A37-04150, A37-04151, AND A37-04265

Dear Mr Sherwood

I have reviewed your filings and fees paid for your adjudication claims and have found a few minor problems.

Claims A37-12363, A37-12366 and A37-12367 are in Helen Fassett's name. I believe that we discussed that these claims should now be in your name. If this is correct then you need to complete the enclosed change of ownership form and attach some type of documentation that shows that you have legal authority to conduct business for Helen Fassett.

I have also enclosed a change of ownership form for A37-04150 as you indicated that you had sold the property and right to that water. By you signing the change of ownership form for this claim and completing the other relevant portions of the form, evidence of ownership for the second party is not necessary.

During the review I found that the fees due were calculated incorrectly as listed in the letter to you from Helen Harrington-Thornton dated 11-16-92. Fees for A37-08278 which

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FEB 23 1993

SHERWOOD
PAGE 2
28-Dec-1992

are identical to and applied to A37-04265 should have been a variable fee of \$400.00 and a flat fee of \$50.00 for a total of \$450.00. Following is again a summary of fees paid and applied.

CLAIM NO.	FEES DUE	RECEIPT #	AMOUNT PAID
A37-12363	\$25.00	C004845	\$150.00
A37-12366	25.00	C026097	<u>713.00</u>
A37-12367	25.00	TOTAL FEES PAID	\$863.00
A37-04150	154.00		
A37-04151	234.00		
A37-04265	<u>450.00</u>		
TOTAL FEES DUE	\$913.00		
LESS FEES PAID	<u>863.00</u>		
BALANCE DUE	<u>\$ 50.00 (the flat fee for A37-04265)</u>		

Please indicate on your payment that the fees are to apply to A37-04265. If you have any further questions please call this office and I will discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

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FEB 23 1993

January 5, 1993.

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JAN 07 1993

Department of Water Resources
Southern Region Office

Mr. Kelly K. Christensen
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID. 83301

Dear Mr. Christensen,

Thank you for you recent letter of Dec.28, 1992.

Life has been complicated by illness on my part and the fact that the signers to our agreement to change ownership are temporarily out of town.

I am forwarding to-day as you requested :

Proof of authority to conduct the affairs of
Helen M. Fassett (my mother, now deceased)
in the form of a Power of Attorney from Nov.17,'69.

Death Certificate of Jan. 16,'90

Letters Testamentary Probate Case 15695 appointing
me Mrs. Fassett's personal representative . Mar.16,'90.

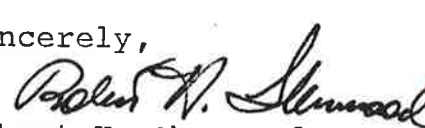
I enclose a check at your request for an outstanding balance
of \$ 50.00 and marked flat fee for A 37-04265.

In regard to claim A 37-04150 I find that this was not conveyed to another prperty owner- nor should it be - since this spring which used to deliver 16 cu ft per second is rightfully to be passed to me , then conveyed to other multiple water users to the South of my property in the River's Edge Ranch Subdivision. It is unknown at this time if the spring flow in question will recover a portion of it's previous delivery. The flow claimed of a little over 1 cu ft per sec was a nominal figure based on 6 years of drought.

I will of course retain ownership of A-37-04265 a non-consumptive flow of 4.00 cu ft per sec.

Thank you for your past help . I do hope that the New Year brings you success and happiness.

Sincerely,

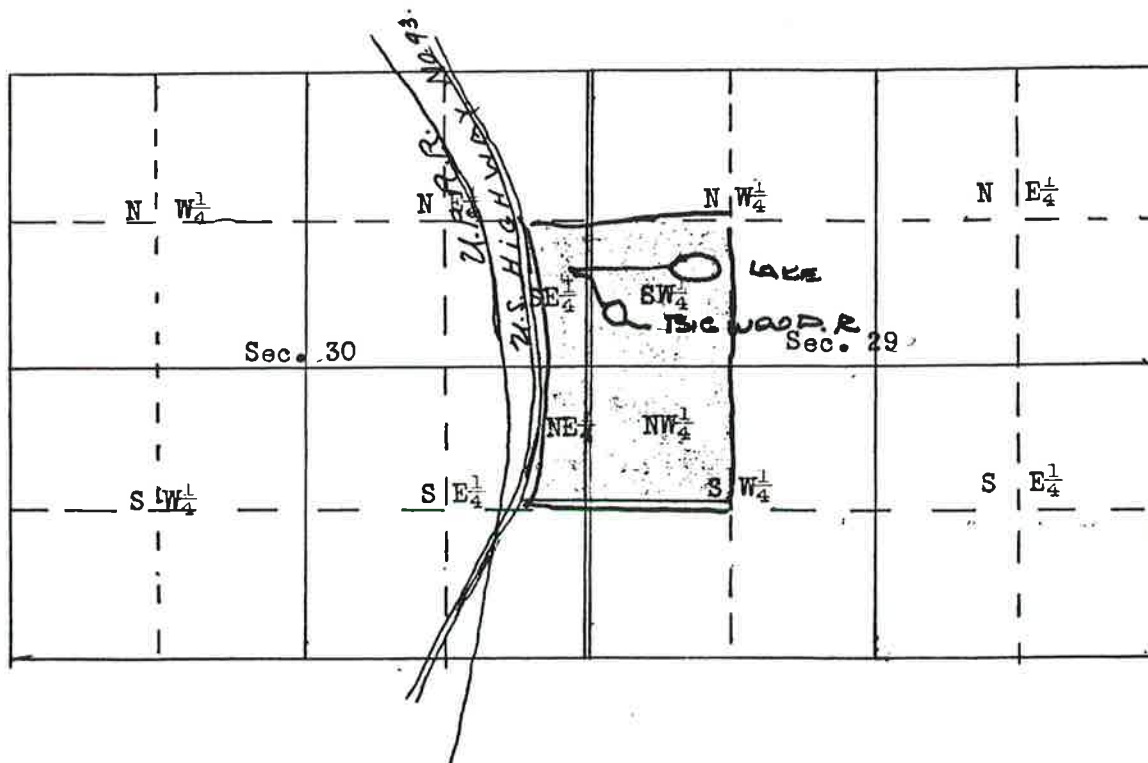

Robert H. Sherwood

MICROFILMED
FEB 23 1993

River's Edge Ranch
P.O. Box 273
Sun Valley ID. 83353

Tel. 726-3300 (after 11 A.M.)

PLAT SHOWING LANDS COVERED BY THIS ABSTRACT BEING, a Fr. of $SW\frac{1}{4}NW\frac{1}{4}$,
 and a Fr. of $NW\frac{1}{4}SW\frac{1}{4}$, of Sec. 29 and a Fr. of $SE\frac{1}{4}NE\frac{1}{4}$ and
 Fr. $NE\frac{1}{4}SE\frac{1}{4}$, of Section 30, all in Township 4 North, Range 18 East
 of the Boise Meridian.



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 FEB 23 1993

Property Owner: Robert H. Sherwood

River's Edge Ranch
Box 273 Sun Valley, ID. 83353
Located 2 miles S of Ketchum
12589 Hi Way 75

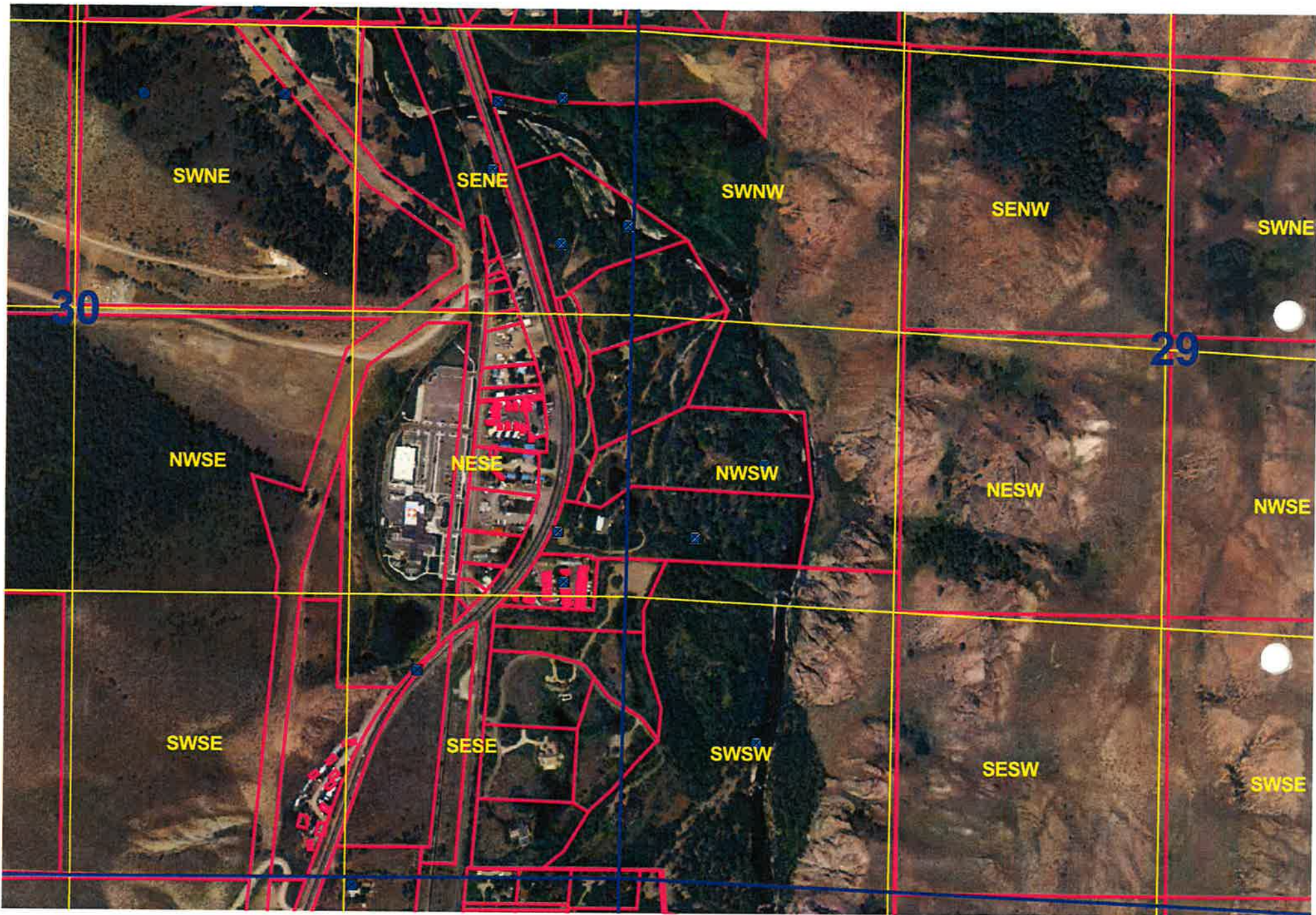
Abstract Description:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a fraction of
NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 29

Fraction of the SE $\frac{1}{4}$ of the NE $\frac{1}{2}$
Fraction of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec 30

Township 4N Range 18E Boise Meridian
See Abstract Map, (Attached)

MICROFILMED
FEB 23 1993



2004 AERIAL RE 37-4150, 37-4151, 37-4265, 37-8278

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-4150

01/04/2007

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
37-20440	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	RANNEY DRAPER
37-12806	Claim	04N	18E	30	SE	NE		GROUND WATER	DOROTHY JONES MILLER
37-4150	Claim	04N	18E	30	SE	NE		SPRING BIG WOOD RIVER	RIVERS EDGE ASSOCIATES LLC
37-4151	Claim	04N	18E	30	SE	NE		SPRING BIG WOOD RIVER	IDAHO FOUNDATION FOR PARKS & LA INC
37-48B	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	ELIZABETH K GRAY
37-154	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	
37-154A	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	
37-419B	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	CLIFFSIDE HOMEOWNERS ASSN IN
37-703E	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	CLIFFSIDE HOMEOWNERS ASSN IN
37-4265	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	RIVERS EDGE ASSOCIATES LLC
37-8278	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	HELEN M FASSETT
37-10913	Claim	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	CLIFFSIDE HOMEOWNERS ASSN IN
37-12144	Claim	04N	18E	30	SE	NE		GROUND WATER	JOHN R BRONS
37-48B	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	ELIZABETH K GRAY
37-4265	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	HELEN M FASSETT
37-8535	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	CLIFFSIDE HOMEOWNERS ASSN IN
37-8611	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	FRIENDS OF RIVERS EDGE LLC
37-30035	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	GRAYSTONE INC
37-8560	Water Right	04N	18E	30	SE	NE		GROUND WATER	IDAHO FOUNDATION FOR PARKS & LA INC
37-12806	Water Right	04N	18E	30	SE	NE		GROUND WATER	ST LUKES MEDICAL CTR WOOD RIV LTD
37-8278	Water Right	04N	18E	30	SE	NE		BIG WOOD RIVER MALAD RIVER	HELEN M FASSETT
37-12144	Water Right	04N	18E	30	SE	NE		GROUND WATER	JOHN R BRONS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that HELEN MURDOCH FASSETT

Box 273 SUN VALLEY IDAHO 83353 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 726-3300

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1939

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING 720 FT SOUTH OF STEEL BRIDGE HWY 75 tributary to DM, SOUTH OF KETCHIKAN CENTER

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use		(Mo., Day)	(Mo., Day)
Quantity	1 C.F.S.	Use	WILD LIFE HABITAT	Period of Use From	ALL YEAR To
Quantity	04	Use	DOMESTIC	Period of Use From	ALL YEAR To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.04 TOTAL QUANTITY USED.

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

NE ¼ SE ¼, Sec. 30 Twp. 4 N Rge. 18 E B.M., County of BLAINE

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. NATURAL FLOW THROUGH IMPROVED NATURAL CHANNEL FOR A MEASURED

change. NATURAL FLOW THROUGH IMPROVED NATURAL CHANNEL FOR A MEANDER OF 1400 FT APPROX. TO A LAKE OF 0.4 AF WITH 0.8 AF STORAGE - LAKE DISCHARGES TO BIG WOOD RIVER.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

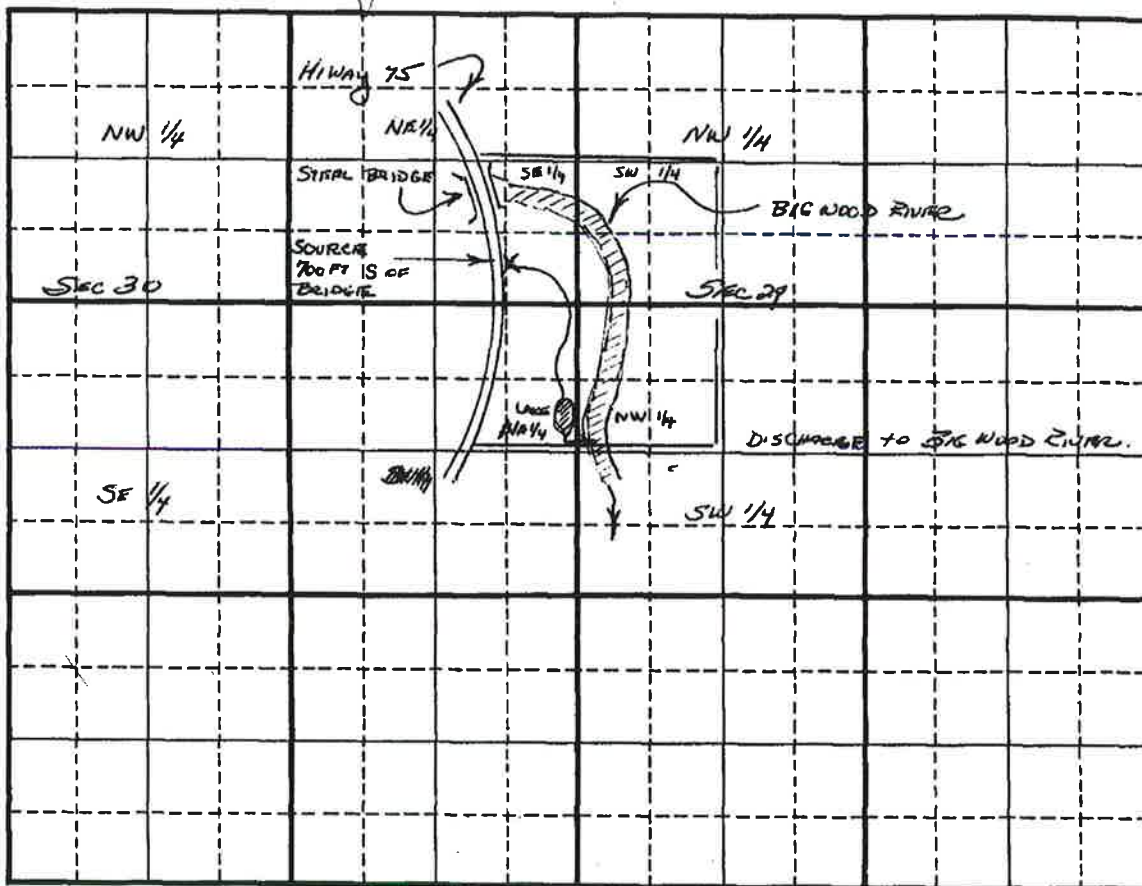
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: LAKE USED FOR HABITAT FOR LOCAL FLORA AND FAUNA AND LANDSCAPE OF HOUSE. RECREATIONAL USE LIMITED TO MAINTAINANCE OF WILD STATE OF LAKE ENVIRONS AND AS A PLANTING SITE FOR TROUT RELEASED TO BIG WOOD RIVER BY PRIVATE AND STATE HATCHERIES. THE LAKE SITE IS PLACE OF SCIENTIFIC EXPERIMENT AND OBSERVATION WITH A LABORATORY ON SITE.

NOTE: Include here the type and number of stock watered:

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

RECEIVED

(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 WHICH CITES
U.S. PATENT DATED JULY 19 1893 AND WARRANT DATED # 79369 & 79116
DATED JUNE 22 1939 JOY FASSETT - RECORDED IN C. OF BLaine
DISTO 300E 145 P 39 AND P 68



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)

) ss.

County of _____)

Helen Murdoch Fassett
Robert H. Leonard (son)
App. in Fact.

Be it known that the undersigned, being duly sworn, deposes and says that 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 affiant's knowledge.

Sworn to before me this 17 day of July

Helen Murdoch Fassett,
 (Claimant)

19 80

Notary Public
 Residing at Ketchikan

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by msc

Date 7-16-80

Exception filed by:

Forwarded to

Date

Prelim. check by msc

Date 7-23-80

\$20.00 fee received by msc

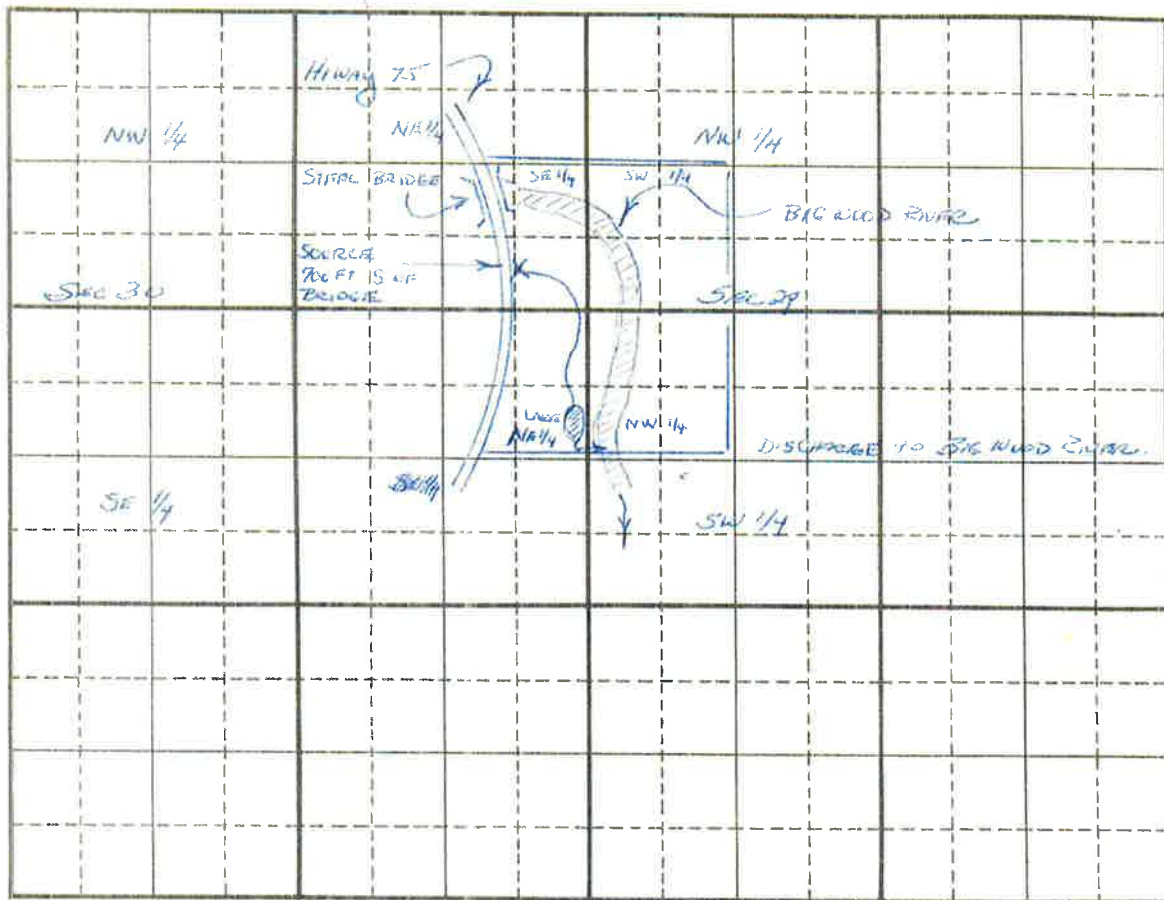
Date 7-23-80 #16527

claimant by:

Published in Idaho News Journal

Dates 8/07 & 8/14/80

(B) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 WHICH CITES
U.S. PATENT DATED JULY 19 1893 AND WARRANT DATED # 79369 9 19116
DATED JUNE 22 1937 JO JAY FASSETT - RECEIVED IN CO. OF BLAINS
DIVID 200 145 P39 AND P 68



Scale: 2 inches equal 1 mile.

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Robert H. Shumard (son)
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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 affiant's knowledge.

Sworn to before me this 17 day of July, 1980.

Helen Murdoch Fassett,
 (Claimant)

Notary Public
 Residing at Ketchikan

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by marya Date 2-15-80 Exception filed by: _____ Date _____
 Prelim. check by marya Date 7-23-80 Forwarded to claimant by: _____
 \$20.00 fee received by marya Date 7-25-80 #16527
 Published in Alaska Business Journal
 Dates 8/07 & 8/16/80