

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 37-4265

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) Big Wood River
which is tributary to (b) Malad 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	SE	NE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: Comstock Ditch 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	4.0 cfs
Recreation Storage	January 1	December 31	1.93 acre-feet

7. **Total Quantity Claimed:** 4.0 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

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?**
37-4150.

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

37-4265 AmendedNoticeOfClaim.wpd

Ident No. 37-4265

6/22/10

Plaintiff v. Defendant:

37-4265 AmendedNoticeOfClaim.wpd

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: _____

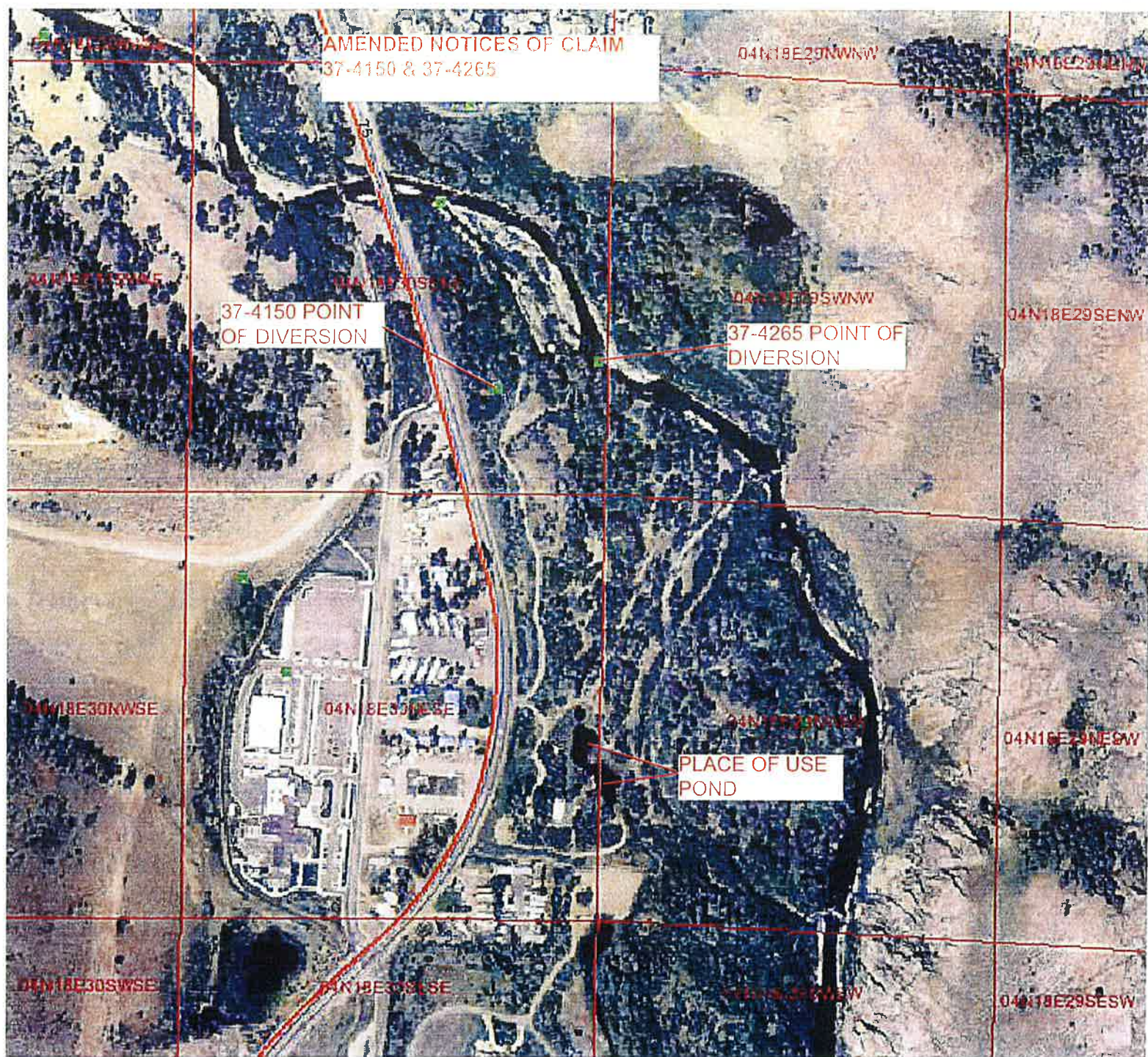
Date: _____

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

37-4265 AmendedNoticeOfClaim.wpd

Ident No. 37-4265

6/22/10



RECEIVED
JAN 05 2008
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

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 _____

K24613

①

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

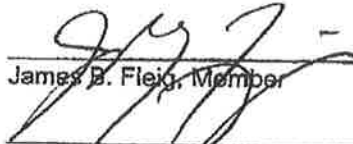
An undivided 1/5 interest Lot C of River's Edge Ranch, according to the official plat, recorded as Instrument No. 219995, records of Blaine County, Idaho.

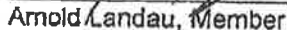
This document is being executed in counterparts and when recorded will constitute one document.

Instrument # 461918
HALEY, 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: WTYQCICORP DEED

together with their appurtenances.

Dated: February 8, 2002


James B. Fleig, Member


Arnold Landau, Member

STATE OF CA)
COUNTY OF ORANGE) ss.

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: 23511 Aniso Creek Rd #31 Aniso Viejo CA 92656

Commission Expires: Nov 19, 2005



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: WTTWCCORP 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**

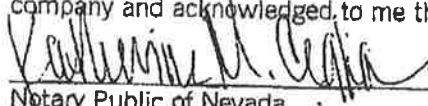


STATE OF Nevada)

)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: Indie Village

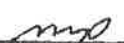
Commission Expires: 10/01/05



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: 8.00
Ex-Officio Recorder Deputy 
Index to: WTYQCICORP 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, and * ~~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.

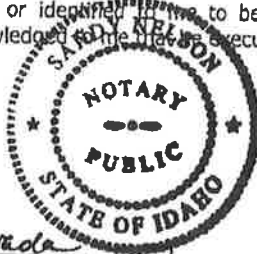
River's Edge Associates, LLC, an Idaho
Limited Liability Company


By: James B. Fleig, Managing Member


By: Arnold Landau, Managing Member

STATE OF Idaho)
) SS.
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: Betterville, ID
Commission Expires: 7-12-11

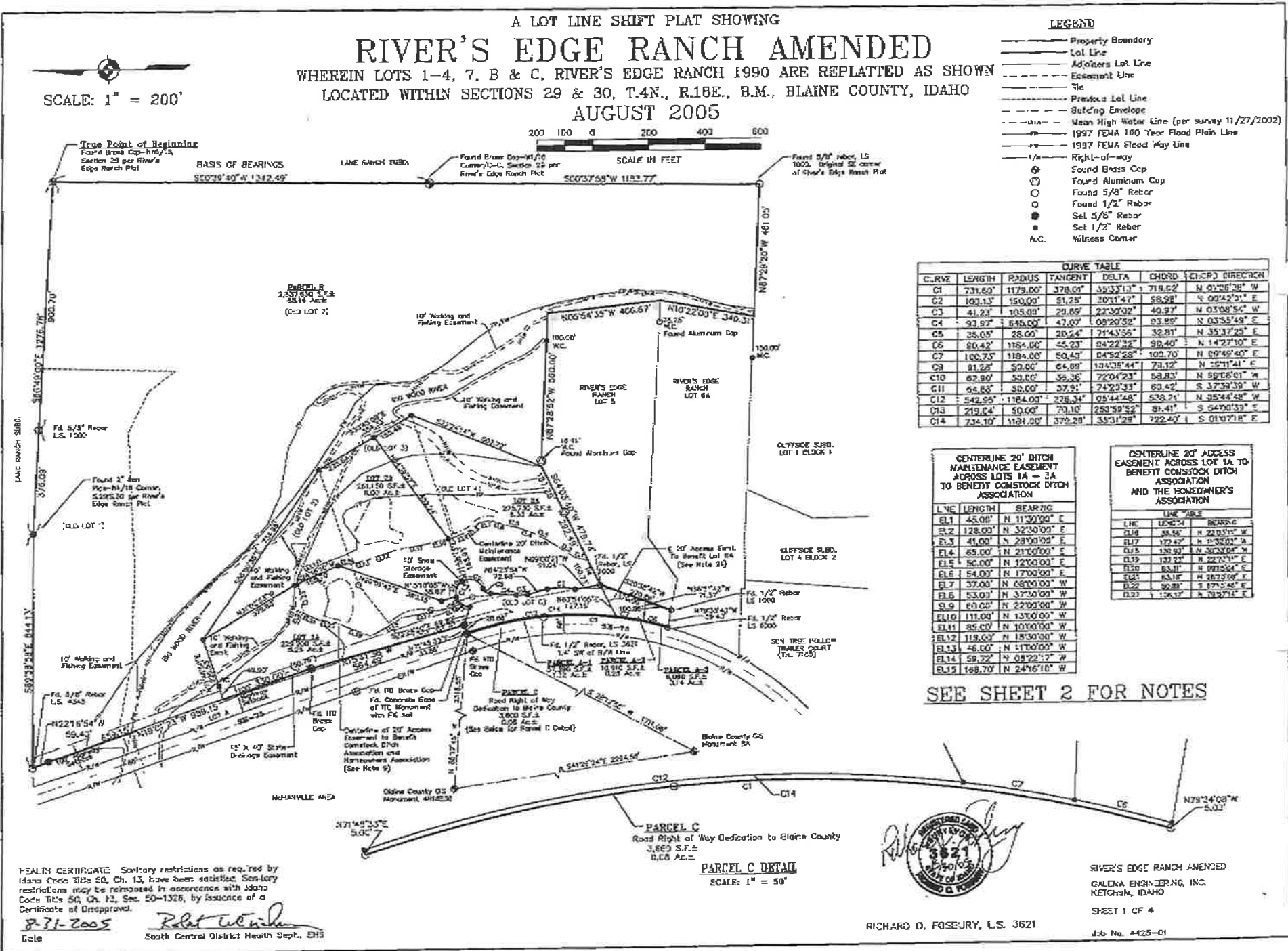
STATE OF Nevada)
) SS.
COUNTY OF Washoe)

On this 14 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



P. 02
FAX NO. 12087260752
APR-01-2009 WED 11:27 AM SPECK & AANESTAD



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. 20-1326, by issuance of a Certificate of Disapproval.

8-31-2005
Cale
South Central District Health Dept., SHS

PARCEL C DETAIL
SCALE: 1" = 50'



RICHARD D. POSEJRY, L.S. 3621

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

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 hereon 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 boulders 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 created 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.

RIVER'S EDGE RANCH AMENDED

GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 2 OF 4

Job No. 4423-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, B & 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 525670, 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

6/10/05
Dated

Don Weilmunster
By: Don Weilmunster, 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

6/3/05
Dated

James B. Fleig
By: James B. Fleig, Managing Member

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

6/10/05
Dated

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

6/3/05
Dated

James B. Fleig
By: James B. Fleig, Managing Member

6/10/05
Dated

Arnold Landa
By: Arnold Landa, Managing Member

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

6/3/05
Dated

James B. Fleig
By: James B. Fleig

6/10/05
Dated

Arnold Landa
By: Arnold Landa

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 Weilmunster, 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 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.

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

ACKNOWLEDGMENT

STATE OF ID
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.



Kimberlee M. Johnson
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 the 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.



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

ACKNOWLEDGMENT

STATE OF ID
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.



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

CERTIFICATE OF OWNERSHIP, CONTINUED

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 10th day of JUNE, 2005, before me, a Notary Public in and for said State, personally appeared Arnold Landau, 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.



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

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 20th 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 the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



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

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 10th day of JUNE, 2005, 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 foregoing instrument, and acknowledged to me that he executed the same.

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



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

SURVEYOR'S CERTIFICATION

I, Richard D. Fosbury, a duly licensed Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Jim W. Kaane, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Kaane 8/19/09
Blaine County Surveyor

BLAINE COUNTY PLANNING AND ZONING APPROVAL

The foregoing plat was approved by the Blaine County Planning and Zoning Administrator on this 1st day of September, 2005.

Scott S. Smith
Administrator

BLAINE COUNTY COMMISSIONERS APPROVAL

The foregoing plat was approved by the Blaine County Board of Commissioners on this 1 day of Sept, 2005.

Sarah Michael
Chairman, Blaine County Commissioners

ACCEPTANCE OF DEDICATION BY BLAINE COUNTY

Dedication of Parcel C, as shown on this plat, was approved and accepted this 1 day of Sept, 2005 by Blaine County.

Sarah Michael
Chairman, Blaine County Commissioners

BLAINE COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat is hereby approved this 2nd day of September, 2005.

Christy Duke by Hal Peterson
Blaine County Treasurer

BLAINE COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE } ss

Instrument # 423674
HAILEY, BLAINE, IDAHO
RECORDED 07-16-09 BL. OF RECORDS
RECORDED - PLAT AND BOOK TITLE
MARIONA KERNAN Page 1508
EXACTLY REPRODUCED COPY
Date of PLAT

RIVER'S EDGE RANCH AVENUE

GALEN & ENGINEERING, INC.
KETCHUM, IDAHO
SHEET 4 OF 4

Job No. 4425-03

RECEIVED

JAN 05 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

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

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 37-4265
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: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

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

5. Description of diverting works:

36" PIPE CULVERT, HEADGATE, APPROX. 1400 DITCH, .8 AC. LAKE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	1/01	12/31	4	
WILDLIFE STORAGE	1/01	12/31	0	0.8

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

8. Total consumptive use:

37-4265

03/06/2001

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	SE	NE	WILDLIFE STORAGE	
			SE	NE	WILDLIFE	
			NE	SE	WILDLIFE	

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:

THE ABOVE DESCRIBED WATER USE HAS BEEN IN USE SINCE JAN 1 1939. I SUBSEQUENTLY FILED AN APPLICATION FOR PERMIT 37-8278 TO FURTHER PROTECT THE USE. I WISH TO USE JAN 1 1939 AS PRIORITY DATE
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 121/30/99

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 Flay 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
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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.

MARSHAL 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 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 14:20 PAX 2087263567

1ST AMER C, CHAMBERS

0017

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 280 feet back to the true point of beginning.

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

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2. When my parents acquired the property they immediately proceeded to construct the lake using the spoil or gravel removed from the lake site in the construction of the foundation for their house.

3. The lake was approximately 0.5 acres in surface area with an average depth of four feet. It remained essentially unchanged from 1939 until I sold the property to Rivers Edge Associates, LLC in December, 1999. During that entire time the lake was used every year for recreation and it provided excellent habitat for nesting ducks, trout fry, elk, deer, foxes, coyotes, black bear and numerous other water fowl.

4. Attached hereto as Exhibit B is a copy of a photograph taken of my mother and me canoeing on the lake on our property in 1940.

5. Attached hereto as Exhibit C is a copy of a photograph taken of my step-father, Jay Fassett, and my mother canoeing on the lake on our property in 1943.

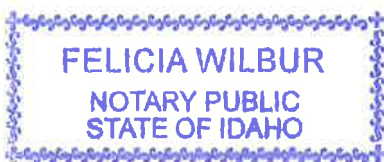
6. Attached hereto as Exhibit D is a copy of a photograph taken of my mother canoeing on the lake on our property in 1948.

FURTHER, YOUR AFFIANT SAYETH NOT.

Dated this 8th day of March, 2002.


ROBERT H. SHERWOOD

SUBSCRIBED AND SWORN TO before me this 8th day of March, 2002.




NOTARY PUBLIC for State of IDAHO
Residing in: Boise, Idaho
My Commission Expires: 9/17/2002
Ada County

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 2002, I served a true and correct copy of the foregoing AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of
Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

No. 79116

WARRANTY DEED

R. C. PRICE TO JAY FASSETT

THIS INSTRUMENT, Made this 18th day of April, in the year of our Lord one thousand nine hundred and Thirty-nine between R. C. Price, a widower, of Cannett, Blaine County, Idaho the party of the first part, and Jay Fassett of New York City, N. Y. the party of the second part;

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

Beginning at a point 1720 ft. South of the Section corner common to Sections 19, 20, 29 and 30, T. 4 N. 41. 18 E. R. M. known as Corner No. 1; thence East 1720 feet to corner No. 2; thence South 2470 feet to Corner No. 3; thence West 1721 feet to Corner No. 4; thence N. 17° E. 470 feet to corner No. 5; thence N. 2° W. 720 feet to corner No. 6; thence N. 20° W. 1930 feet to Corner No. 7; thence due East 917 feet to corner No. 1, the place of beginning, containing 12.4 acres, more or less, being in Sections 29 and 30, T. 4 N. R. 18 E. B. M.

(\$2.00 I.R.S.)
(AFFIXED)
(A CANCELLED)

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, -- heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:) R. C. Price (SEAL)
Joseph W. Fuld)

STATE OF IDAHO,)
County of Blaine) ss.

On this 18th day of April in the year 1939, before me Joseph W. Fuld, a Notary Public in and for said State, personally appeared R. C. Price, a widower, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Joseph W. Fuld Notary Public,

My Commission Expires February 24, 1940.

Residing at Halley, Blaine County, Idaho.

Filed for record at request of Joseph W. Fuld at 9:15 o'clock A. M., June 22, 1939.

B. P. Thamm, Ex-Officio Recorder.

By R. C. Price, Jr., Deputy.

EXHIBIT A

39
RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

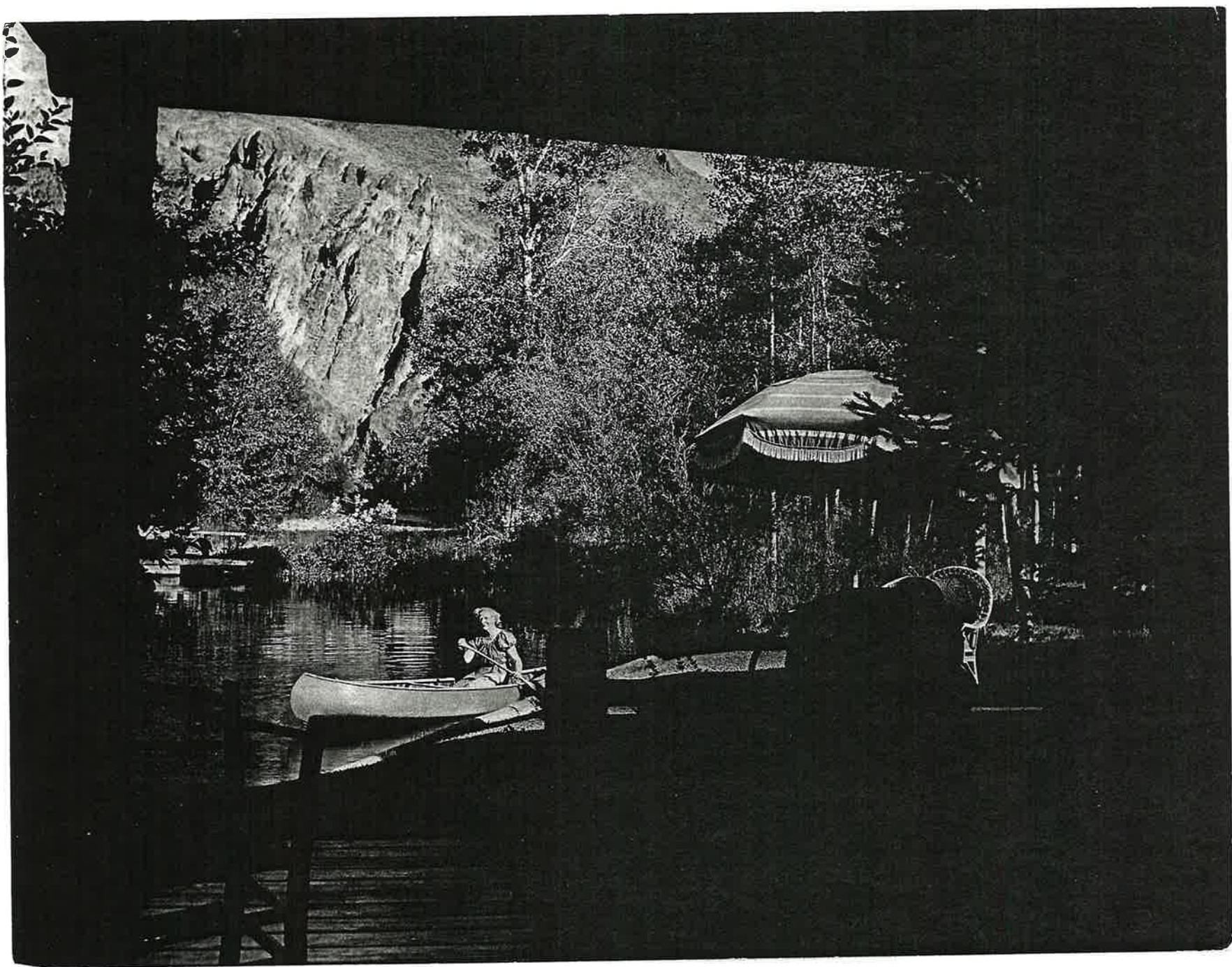
EXHIBIT B



Exhibit C



EXHIBIT D



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: **A37-04265**
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: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

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

5. Description of diverting works:
36" PIPE CULVERT, HEADGATE, APPROX. 1400 DITCH, .8 AC. LAKE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	01/01	12/31	4.000		
WILDLIFE STORAGE	01/01	12/31			0.80

7. Total Quantity Appropriated is:
4.000 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 USE, WILDLIFE HABITAT, VARIABLE KIND AND NUMBER

10. Place of Use:

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

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

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

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:
37-04150 AND 37-04151.

14. Remarks:

THE ABOVE DESCRIBED WATER USE HAS BEEN IN USE SINCE JAN 1 1939.
I SUBSEQUENTLY FILED AN APPLICATION FOR PERMIT 37-8278 TO FURTHER
PROTECT THE USE. I WISH TO USE JAN 1 1939 AS PRIORITY DATE.

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 24 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

A37-4265

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
BOX 273 SUN VALLEY, ID Zip 83353

2. Date of Priority (Only one (1) per claim) JAN 1, 1939

3. Source of water supply (a) BIG WOOD RIVER
which is tributary to (b) STANLEY MEADOW

4. a. Location of existing point of diversion is: Township S 40 Range 18E Section 30,
SE 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.

36" DIA CULVERT WITH MEASURING HEAD GATE
DISCHARGING TO DITCH OF APPROX 1400 FT RUN TO SOUTH
LEADING TO A RIVER OF 0.8 AF STORAGE LAKE
DISCHARGES TO DITCH AND THROUGH DITCH TO POND S
BACK TO BIG WOOD RIVER.

COPY
MICROFILMED
FEB 24 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DIVERSION TO STORAGE purposes from _____ to _____ amount 4 or 0

For WILDLIFE STORAGE purposes from _____ to _____ amount _____ or 0.8

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (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>4</u>	<u>18E</u>	<u>30</u>				<u>W/STOCK</u>									<u>W/STOCK</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.

A-37-4150

or None ()

14. Remarks:

THE ABOVE DESCRIBED WATER USE HAS BEEN
IN USE SINCE JAN 1 1939. I SUBSEQUENTLY FILED
AN APPLICATION FOR PERMIT 37-8278 TO FURTHER
PROTECT THE USE. I WISH TO USE JAN 1 1939
AS PRIORITY DATE

MICROFILMED
FEB 24 1993

COPY

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number 37-4265
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) [Signature] Date Nov 30, 1992

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

S. 89°54'25"W.

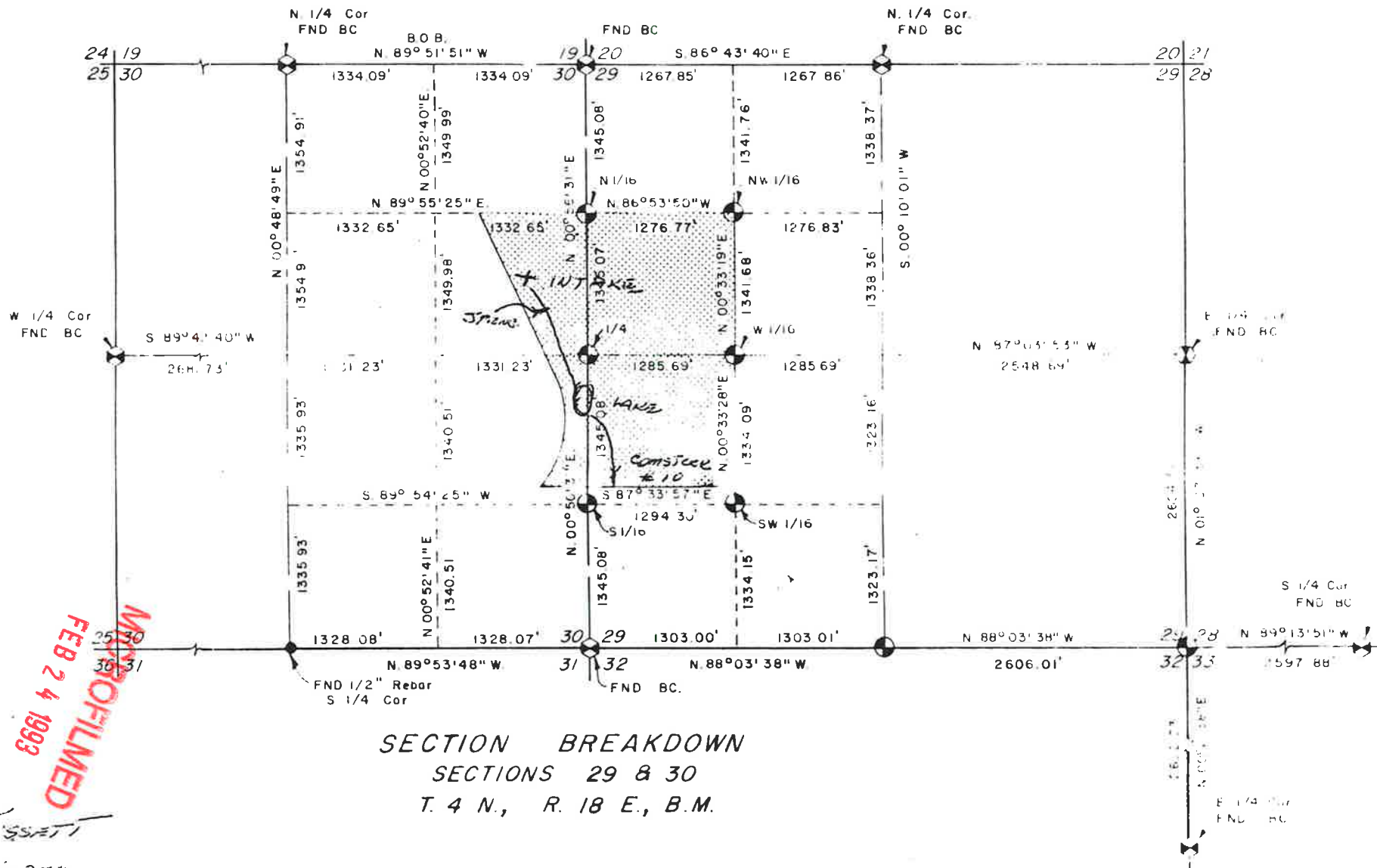
SUN TREE

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

(75)

VICINITY SKETCH

NOT TO SCALE



SECTION BREAKDOWN
SECTIONS 29 & 30
T. 4 N., R. 18 E., B.M.

MICROFILMED
FEB 24 1993

Box 273
Sun 11/2/24 ID 83373

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

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

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 24 1993

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 24 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

Page 1 of 3

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 30 02*
#3 - Tributary needs to be completed *APR 15, 1939*
#6 - Discrepancy in Purposes
#10 - Based on the map, the place of use is *SOUTH OF BRIDGE*
OK. - NESE, Sec. 30 and NWSW, Sec. 29 *SPRING*
#14 - Clarify the purposes for which the water *600 FT S OF*
right is claimed *BRIDGE*
1.04 cfs

37-
W/3 SHOWING CLAIM 0265
T B See NE 1/4 SE 1/4
4N 18E 30
SE 1/4 NE 1/4
A37-04151: #2 - Discrepancy in Priority Date *APR 26, 80*
NORTH END BRIDGE #3 - Tributary needs to be completed
SPRING RISE EAST 600 FT S OF #10 - Based on the map, place of use is *NORMAL SP.*
OK. - SENE, Sec. 30
W/3 DISCHARGES 6710 #14 - Clarify the purposes for which the water
FIRST FLOOD SPRING TOWER right is claimed
W/3 DISCHARGES

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
APR 24 1993
NE FUNDING BRILL
IDWR

ENCLOSING. APPROVED CLAIMS OCT 29, 82 COPY FURNISHED. CLAIM, HIGGINSON APPROVE
APPROVED PERMIT

Page 2 of 3

WATSON 70
22.75
BOWLING GREEN

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

MR FUNDRAISER

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:

		Fees Due	Fees Applied	
3 WELLS.	A37-12363	\$25	\$25	
	A37-12366	\$25	\$25	75 use.
	A37-12367	\$25	\$25	
LOT 2	A37-04150	\$154		SPRING SOLD TO WATSON 750 FT. S OF BRIDGE CK 154
LOT 1	A37-04151	\$234		SPRING SOLD TO FARMER CK 234
	A37-08278	\$400		INTAKE - 1400 DITCH - LAKE LOT 6 CK 400

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, signed by Helen Murdoch Fassett and have put a copy of it in each of the claim files. We will contact you regarding any questions on these claims unless we are made aware of any changes.

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

FIN'S NOV 23, 92

MICROFILMED
FEB 24 1993

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

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 24 1993

Priority 9/25/86 *INTAKE - INDOFT DITCH - LAKE.*
APPROVED 37-4265 CI *APP 37-8278 PERMIT*
Received by M. Baldwin Date 9/25/86 Time 1:30 p. Preliminary check by AD
Fee \$ 105.⁰⁰ Received by M. Baldwin # 38732 Date 9/25/86
Publication prepared by M. Baldwin Date 10/14/86 Published in Wood River Journal
Publication approved M. Baldwin Date 11/18/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8278, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
Use of water under this permit shall be non-consumptive.
Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Done.
This App
has been done
and inspected

Witness my hand this 30th day of December, 1986.

J. Glen Saxton
Chief, Operations Bureau

Send copy to
Helen
Stamington
Nov 23, 1986

MICROFILMED
FEB 24 1993

Draft

4265

04/07/2011

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

RIGHT NUMBER: 37-4265

NAME AND ADDRESS: JAMES B FLEIG
PO BOX 4993
KETCHUM ID 83340

ARNOLD LANDAU
PO BOX 4993
KETCHUM ID 83340

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
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.

*5/11/11
update SF5 draft.*

only change

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	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:

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

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: 37-4265

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):

place of use; quantity

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

*Add NWSW S.29 and change SENE S.31 to
NESE S.31. Quantity should be 2.0 AFA not 0.8 AFA.*

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

*Aerial photo shows ponds are in both NESE S.31
and NWSW S.29, but NOT in SENE S.31*

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

DATE:

11.12.07

SIGNATURE:

J. P. Speck, attorney
JAMES P. SPECK

Please print your name:

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

Sherwood Affidavit states pond is 2 AF in size.

RECEIVED
JAN 25 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED
JAN 22 2007

151
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

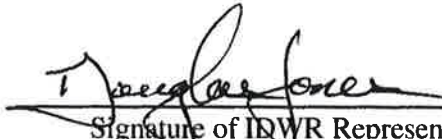
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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

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

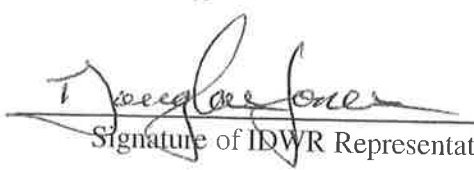
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IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

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: 37-4265

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS
0.800 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: RECREATION in BLAINE County

T04N R18E S30 SENE

RECREATION STORAGE in BLAINE County

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



Idaho Department of Water Resources

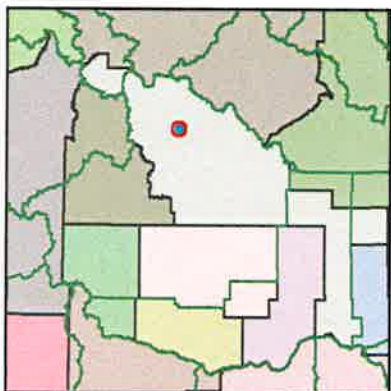
SRBA Recommendation:

37-4265

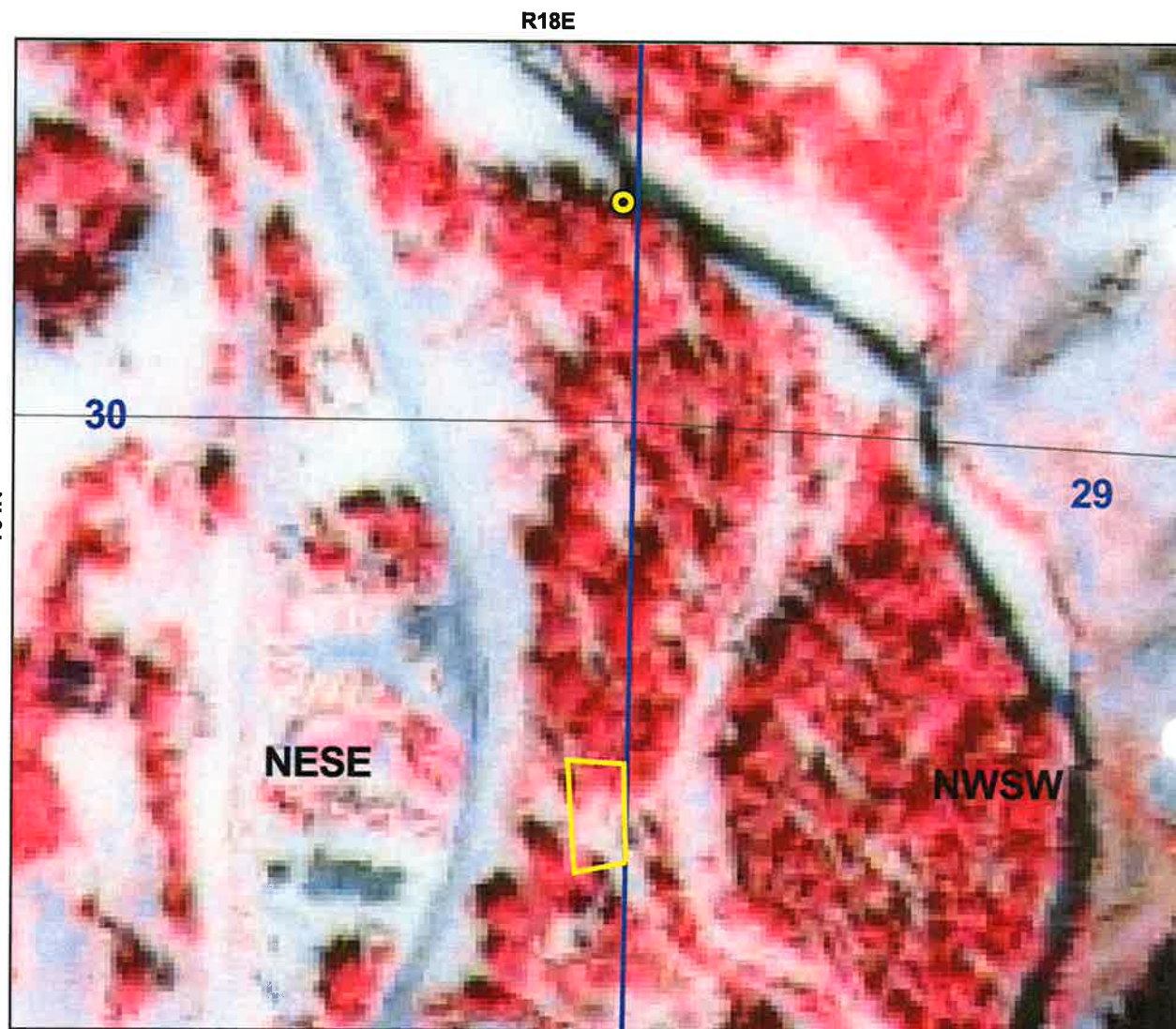
(Recreation)

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 37-4265 V1

WATER RIGHT NUMBER: 37-4265 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: 03/01/1939

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	4.000 CFS	
RECREATION STORAGE	01/01 to 12/31		0.80 AF
	<u>Total Diversion:</u>	4.000 CFS	0.80 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION Within BLAINE County

T04N R18E S30 SENE

RECREATION STORAGE Within BLAINE County

T04N R18E S30 SENE

Conditions of Approval:

1. E60 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.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-4265 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: USE WAS ORIGINALLY DEVELOPED AS RECREATION PER SHERWOOD AFFIDAVIT. WILDLIFE WAS ANCILLARY AND AS SUCH NOT A VALID USE PER SRBA BASINWIDE ISSUE 91-12. USES WILL BE CHANGED TO RECREATION AND RECREATION STORAGE.

3. Vmusic 1/4/2007 OVERLAP

Comment: 37-4150 FOR SAME LAKE AND USES, DIFFERENT SOURCE

4. Vmusic 1/4/2007 LICENSE

Comment: 37-8278 LICENSE FOR WILDLIFE. CLAIMANT NEEDS TO FILE CLAIM FOR LICENSE TO HAVE THE WILDLIFE USE.

5. Vmusic 1/4/2007 POU

Comment: CLAIMANT CLAIMED ADDITIONAL POU FOR WILDLIFE NOT CLAIMED IN STATUTORY CLAIM OR REFERENCED IN AFFIDAVIT. THESE ADDITIONAL QQ ARE DESCRIBED IN THE ORIG CLAIM AS THE DITCH SYSTEM THAT DELIVERS THE WATER FROM THE BIG WOOD, I THINK. AFFIDAVIT ONLY COVERS LAKE. ONLY RECOMMENDED POU QQ THAT THE LAKE IS IN.

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	11/12/2006 11:51:00 AM	dsmith			Active
Priority Date	11/12/2006 11:52:41 AM	dsmith			Active
Source	11/12/2006 11:59:26 AM	dsmith			Active
POU	11/12/2006 12:00:28 PM	dsmith			Active
Use	11/12/2006 12:01:12 PM	dsmith			Active
Season	11/12/2006 12:02:01 PM	dsmith			Active
Quantity	11/12/2006 12:03:06 PM	dsmith			Active
Summary			11/12/2006	dsmith	Active
POD	11/12/2006 12:10:54 PM	dsmith			Active
Summary			01/04/2007	Vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/12/2006 12:10:55 PM	dsmith	(No) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4265 V1

Contacts	11/12/2006 11:51:01 AM	dsmith	(No) 1. Do you want to schedule an appointment?
Source	11/12/2006 11:59:26 AM	dsmith	Comment for 1: sufficient info in file (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?
Use	11/12/2006 12:01:13 PM	dsmith	(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?
Summary	11/12/2006 12:10:49 PM	dsmith	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 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	11/12/2006 11:57:07 AM	dsmith	Updated shape
POU	11/12/2006 12:00:29 PM	dsmith	(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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Per original statutory claim pou is hbitat along ditch & lake

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4265 V1

Season	11/12/2006 12:02:01 PM	dsmith	(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?
Quantity	11/12/2006 12:03:07 PM	dsmith	(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?
General	11/12/2006 11:52:42 AM	dsmith	(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? Description for Question 12/13 - Deed submitted for original 1985 statutory claim. Copy in file
POD	1/4/2007 3:33:15 PM	Vmusic	Updated shape
POU	1/4/2007 3:38:36 PM	Vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4265 V1

Summary	1/4/2007 3:41:20 PM	Vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (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?
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Water Supply Bank:

Townsend, KariLynn

From: Peppersack, Jeff
Sent: Friday, April 06, 2001 7:56 AM
To: Jones, Doug
Cc: Townsend, KariLynn
Subject: RE: 37-8278 Owner change

I agree with your assessment. We need to request additional documentation regarding the ownership change and plan to mention the need for the SRBA claim as well. This will give them an opportunity to decide which way to go. If they choose to file the claim, they could avoid the \$25 (or possibly \$100 for a split) ownership change fee.

Jeff

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

From: Jones, Doug
Sent: Thursday, April 05, 2001 5:05 PM
To: Peppersack, Jeff; Townsend, KariLynn
Cc: Merritt, Allen; Fawcett, Trish
Subject: 37-8278 Owner change

Pretty darn confusing.

I recommend that the license ownership be changed at your end, and this end will notify Rivers Edge that an SRBA claim has not been filed on this. Proof was filed before 11/19/1987 and therefore a claim is needed if the license is to be protected. However, this licensed use is also covered under 37-4265, with an earlier priority date. The file for 37-4265 appears to indicate that Lee Peterson was asked about the usage and that he delivers only 4.0 cfs - his records are referencing 37-8278 (probably because of the "perfected" nature of the license). One or the other of these uses/rights will be recommended.

I ask that you change the ownership in order to have better records when SRBA sends second round notice in a few years. We will make a place holder file for 37-8278 to ease the burden of tracking things when they ignore our soon-to-be-made request to file the claim if they are interested and then bring the matter up in a couple of years. Updating your ownership record couldn't hurt and may help down the line.

Thanks,

Doug

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:

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

:rsd
enclosures

Memorandum

To: 37-08278, 37-04265, A37-04265

CC: Files

From: Jeanie Robertson

Date: 05/23/00

Re: Same Water

The license 37-08278 appears to be the same water as adjudication/statutory claim A37-04265. No additional adjudication claim has been filed for 37-08278 but it really doesn't need to be as the proof of beneficial use was due after the commencement... (Watermaster, Lee Petersen, stated he only delivers a total of 4.0 cfs, based on 37-08278)

flow rate of 4 cfs confirmed by watermaster

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
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

March 15, 2002

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

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

Re: Rivers Edge Associates, Inc. - SRBA Claim No. 37-4265
Our File No.: 010029

Dear Doug:

Enclosed you will find original and one copy of the Affidavit of Robert H. Sherwood relating to the above-described SRBA claim based upon beneficial use. This Affidavit should be filed with that claim in support of its priority date and other elements of that water right.

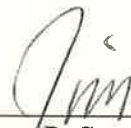
Please receipt date stamp the copy and return it to me in the postage prepaid and self-addressed envelope I have included for that purpose.

Kindly call me if there are any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encl)

WR5809NP
No. 37-04265

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

Suppl. Claim 37 4265 05, 82
Presm. rt 37-8278 Approved
Dec 31 86 letter
Sept 25 86 Approved

DATE: 11/13/92
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C	HELEN M. FASSETT <i>THIS OK.</i>	01/01/1939	WILDLIFE	01-01 12-31	4.00 CFS	
---	----------------------------------	------------	----------	-------------	----------	--

DEAD OFFERS FIRM PROOF

TOTAL DIVERSION: 4.00 CFS

Water Source: BIG WOOD RIVER

Tributary to: MAJAD RIVER NO, SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R18E S30 SE NE

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
04N	18E	30	:																
			:																

Pou County: BLAINE

Non-Irrigation Uses: W/HABITAT ALONG DITCH & LAKE

Dates:	App. Received:	Priority Date:	01/01/1939
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37 Field Exam Fee:

Wkone
Presm. APPROVED

MICROFILMED
FEB 24 1993

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

37-4265

*Sent Copy Nov 23 1982
Helen H. Farnsworth
Hanson*

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 20 1982

HELEN M. FASSETT
BOX 273
SUN VALLEY

ID 83353

RE: Claim No. 37-4265

to be supplied by Permit # 37 8278

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Allen D. Merritt

ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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FEB 24 1993

Water Right Number - 37-04265

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

FASSETT

HELEN M.

1 - P. O. BOX 273

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1939 17 S - STATUTORY CLAIM+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
04N 18E 30 SE NE (13) BLAINE+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
16 - WILDLIFE 01/01 12/31 4.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.000+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 18E 30 SE NE 16 WILDLIFE (13) BLAINE
04N 18E 30 NE SE 16 WILDLIFE (13) BLAINE

Total Acres:

+ - - Diversion Means - PIPE CULVERT, HEADGATE, DITCH

+ - - Non-Irrigation Use - W/HABITAT ALONG DITCH & LAKE

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
No Remarks found.+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Microfilm Rolls -

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FEB 24 1993

Water right number - 37-04265

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 04/11/86

05/28/88 CONVERT

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/11/1986	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 24 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 24 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</u>	(the flat fee for A37-04265)	

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

MICROFILMED
FEB 24 1993

January 5, 1993.

RECEIVED

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 your 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.

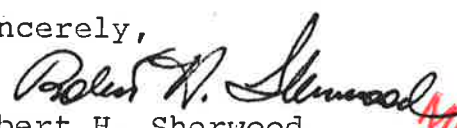
I enclose a check at your request for an outstanding balance
of \$ 50.00 and marked flat fee for A 37-04265.

In regard to claim A 37-04150 I find that this was not conveyed to another property 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 its 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,

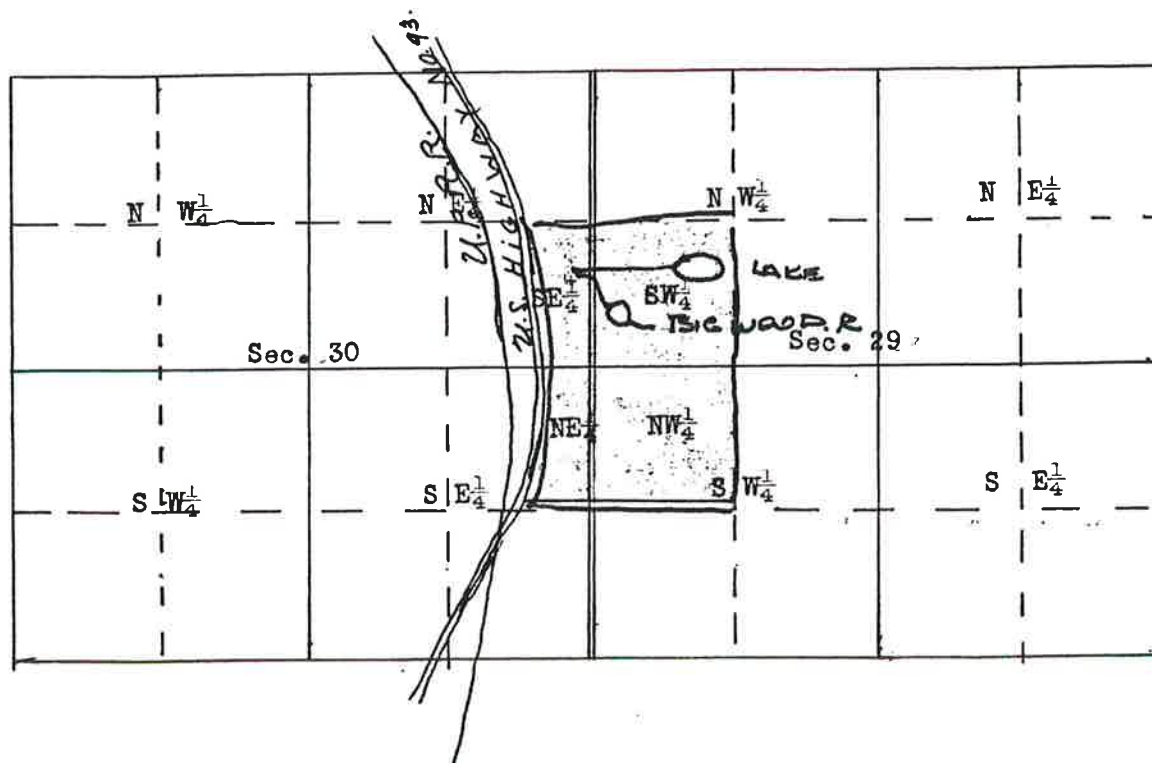

Robert H. Sherwood

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

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

MICROFILMED
FEB 24 1993

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 24 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 $\frac{1}{2}$ 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 $\frac{1}{4}$
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 24 1993

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

5015265

Date:
Time:

1/ 7/1993
14:30:40

Received
From:

SHERWOOD, ROBERT H
Type of Payment

Program Acct Class

Amount

ADJUDICATION FEE

41503

337

1155

50.00

Total

CHECK

5267

\$50.00

Water Right Numbers

A37-04265

Region: SOUTHERN

Signature:

Kelly K. Christensen

*payment of final amt
due.*

MICROFILMED
FEB 24 1993

11/12/2006

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

RIGHT NUMBER: 37-4265
NAME AND ADDRESS: RIVERS EDGE ASSOCIATES LLC
PO BOX 869
KETCHUM ID 83340
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 4.000 CFS
0.800 AFY
PRIORITY DATE: 03/01/1939
POINT OF DIVERSION:

T04N R18E S30 SESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

REC 5 for REC

PURPOSE OF USE	PERIOD OF USE	QUANTITY
~~WILDLIFE STORAGE~~	1/01 12/31	0.80 AFY
~~WILDLIFE~~	1/01 12/31	4.000 CFS

PLACE OF USE:

WILDLIFE in BLAINE County

T04N R18E S30

SENE

T04N R18E S30

NESE

WILDLIFE STORAGE in BLAINE County

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

THE ABOVE DESCRIBED WATER USE HAS BEEN IN USE SINCE JAN 1 1939. I SUBSEQUENTLY FILED AN APPLICATION FOR PERMIT 37-8278 TO FURTHER PROTECT THE USE. I WISH TO USE JAN 1 1939 AS PRIORITY DATE.

limited to 4 cfs & .8 afy w/ 37-4150.

wildlife use not valid under SRBA BW 41-12. Was not originally developed for wildlife but for recreation per Sherwood affidavit. Needs to claim 37-8278 for wildlife use.

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

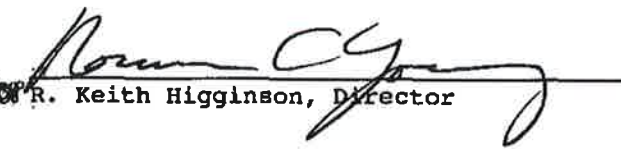
WATER RIGHT LICENSE

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.

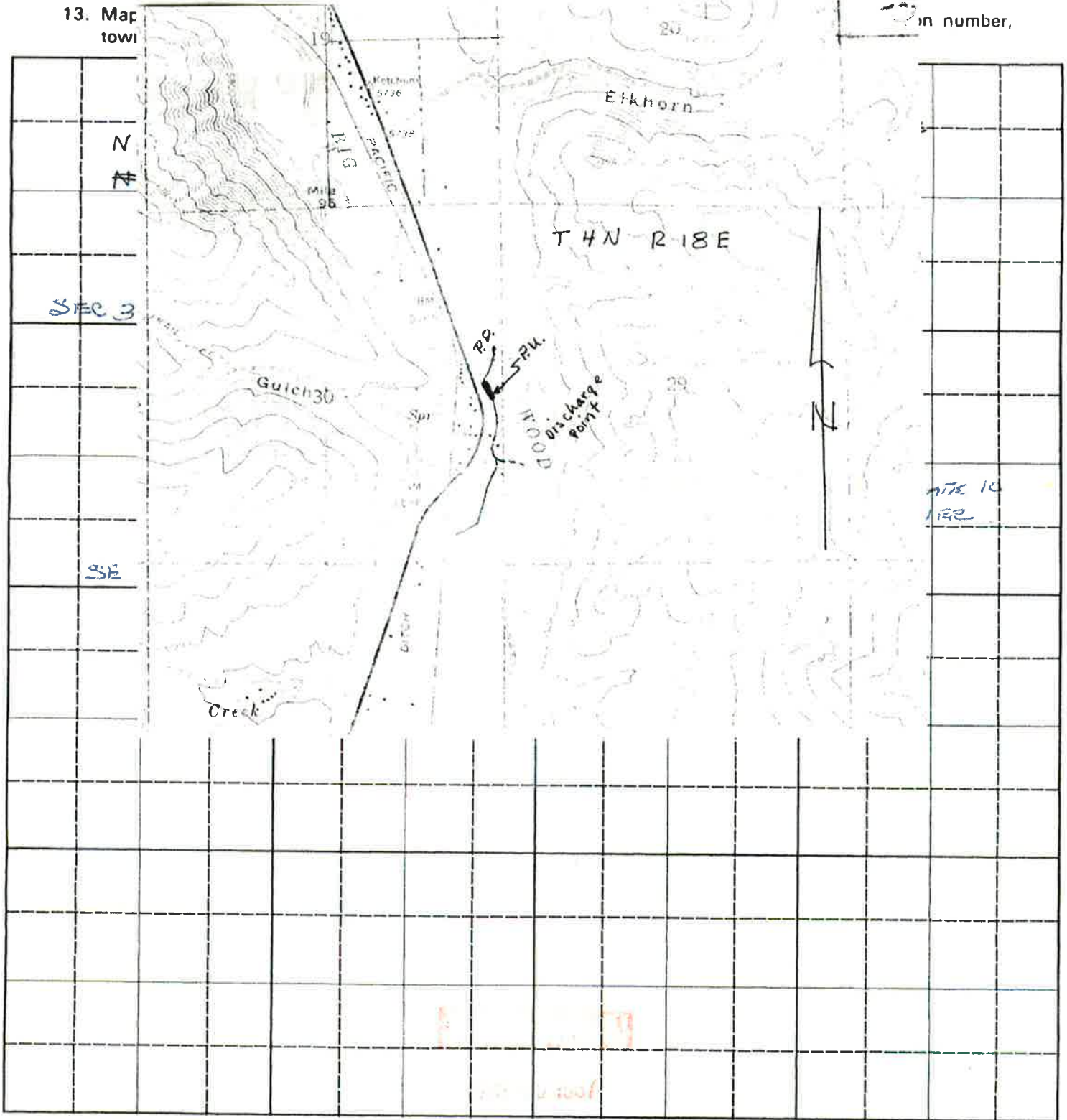
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2ND day of FEBRUARY, 1994.

Acting for  R. Keith Higginson, Director

FEB 07 1994

13. Map
town

in number,

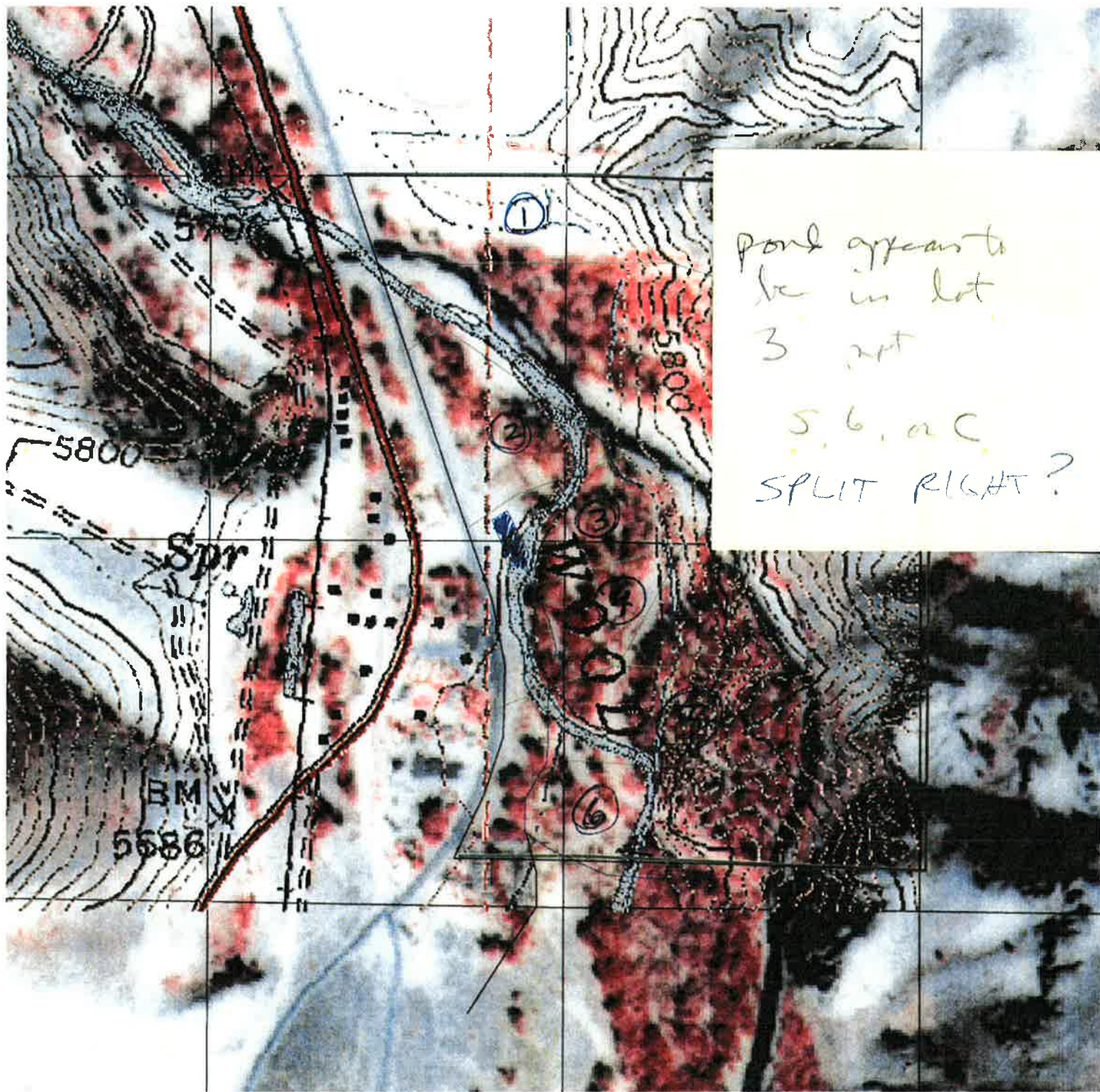


Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert A. Shumard City IN FAY FOR
HELEN M. FASSATI.

(Applicant)



pond appears to
be in lot
3 not

5.6. ac
SPLIT RIGHT?

Form 217
03/86

RECEIVED

OCT 26 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 28 1987

For Office Use Only
Fee Received 175
Date 10/26/87
Receipt # 44308
Receipt by M. Goldwin
Reviewed by NJ
Sent to region 10/27/87
S.O. 10-29-87

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-8278

Name(s) of Permit Holder: HELEN M. FASSETT

Post Office Address: Box 273 SUN VALLEY IDAHO

Telephone No. 726-3300

Source of Water: BIG WOOD RIVER

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remark WILD LIFE HABITAT

Total rate and/or volume for which proof is submitted 4 cfs 2920/yr acre-feet

Show the date water was first diverted and beneficially used under this permit: 9/25/86

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ 175
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

ROBERT H. SHERWOOD

726-3300

(Name)

(Telephone Number)

Box 273 SUN VALLEY IDAHO

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed, and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 19, 1987

Date

Robert H. Sherwood ATTY IN FACT
for Helen M. FASSETT

Signature of Permit Holder (and title, if appropriate)

FEB 07 1994

RECEIVED

Feb 25 1986
6/85

Department of Water Resources
Southeast District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8278

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant HELEN M. FASSETT Phone 726-3300
Post office address Box 273 SUN VALLEY, IDAHO 83353
2. Source of water supply WOOD RIVER which is a tributary of SNAKE
3. Location of point of diversion is SE 1/4 SE 1/4 of NE 1/4 of 1/4, Govt. Lot
Sec. 30 Township 4N Range 18E B.M. BLAINE County; additional
points of diversion if any:

4. Water will be used for the following purposes: JAN 1 to DEC 31 R.H.S.
Amount 4 CFS for WIND LIFE HABITAT purposes from YEAR ROUND to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4 CFS and/or (b) 2920
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 36" DIA PIPE CULVERT LEADING
TO MEASURING HEADGATE DISCHARGING TO DITCH OF 1400 FT RW TO SOUTH.
LEADING TO LAKE OF 0.4 A WITH 0.8 A FT STORAGE. LAKE DISCHARGES TO COMSTOCK
HEADGATE OR TO WOOD RIVER. DITCH ALSO CAPTURES SPRING WATER
b. Height of storage dam 2 FT feet; active reservoir capacity 0.8 A. FT. acre-feet; total
reservoir capacity 0.8 acre-feet; period of year when water will be diverted to storage:
JAN 1 to DEC 31 inclusive.
c. Proposed well diameter is NA. inches; proposed depth of well is NA. feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
ALLOW 1 yr. - KW 12/22/86
COMPLETE years (minimum 1 year).

MICROFILMED

JAN 29 1986

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. WILD LIFE HABITAT - A REARING SITE FOR TROUT & WATER FOWL. DEER, BEAVER, MUSKRAT, RED FOX USE WATER COURSE. LAKE SITE SUPPLIES SCIENTIFIC ACTIVITY IN THE STUDY OF FLORA & FAUNA

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	18E	30				W									W				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. PERMIT IS TO SUPPLANT CLAIM # 37-4265 (Oct 29, 82)

11. a. Who owns the property at the point of diversion? HELEN M. FASSETT

b. Who owns the land to be irrigated or place of use? HELEN M FASSETT

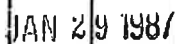
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 CHING PATENT DATED JULY 19, 1893, WARRANTY DEEDS # 79569 & 79116 DATED JUN. 22, 1939 TO FASSETT AND RECORDED IN C. OF BLAINE DEED BOOK 145 P 39 & P 68

MICROFILMED

JAN 29 1981

in number,



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth. Robert D. Greenwood DTV IN FARM

Robert A. Dimmock City IN FAYT too
HELEN M. FASATI.

(Applicant)

Proposed Priority 9/25/86
Received by M. Baldwin Date 9/25/86 Time 1:30 p. Preliminary check by AS
Fee \$ 105.⁰⁰ Received by M. Baldwin # 38732 Date 9/25/86
Publication prepared by M. Baldwin Date 10/14/86 Published in Wood River Journal
Publication approved M. Baldwin Date 11/18/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8278, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
Use of water under this permit shall be non-consumptive.
Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 30th day of December, 1986.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

JAN 29 1987

RECEIVED
DEC 03 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

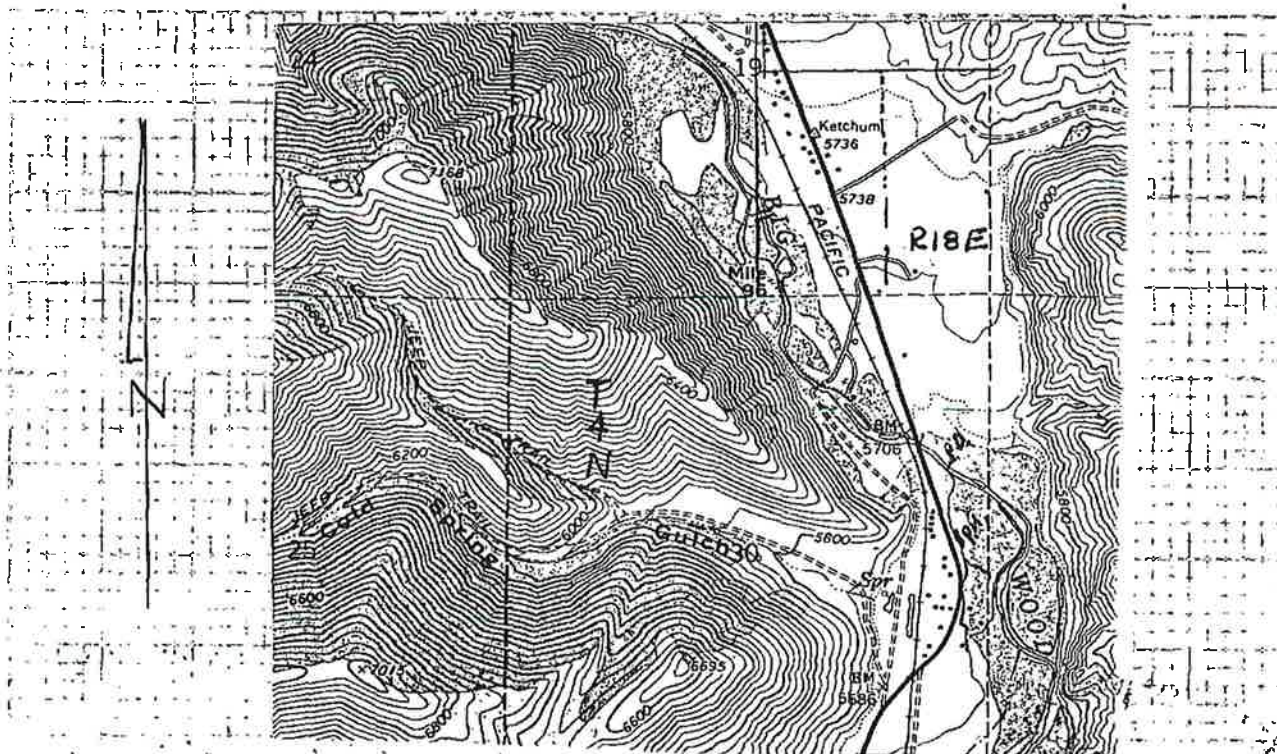
Permit No. 37-8278
1. Owner: Helen M. Fassett Phone No. _____
Current Address: Bx 273, Sun Valley, Idaho 83353
2. Accompanied by: Robert H. Sherwood EXAM. DATE: 7/5/88
Address: SAME Phone No. 5/26/88
Relationship to Permit Holder: Son
3. Source: Big Wood River tributary to Malad River BC

B. OVERLAP REVIEW

1. Other water rights with same place of use: NO ☐ Copies Attached
2. Other water rights with same point of diversion: NO ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

FEB 07 1994

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water is diverted from the Big Wood River to Place of use. The water is diverted at the lower end of the large pond into the Comstock Canal used for Irrigation.

The pond is 250' Lg x 120' Wd x 3.5' Deep.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	30	4N	18E	Blaine	See U.S.G.S. Map.

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	30				X									X				

Do not use this space

FEB 07 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

water measurements were retained from Wood River watermaster - See ATT.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (4.0)(365 \text{ days})(1.9835) 2895.91 \text{ AFA.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

FEB 07 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wild Life HABITAT	Jan 1	Dec. 31	4.0	2895.0
Totals:			4.0	2895.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

☒ None

☐ Other

J. AUTHENTICATION

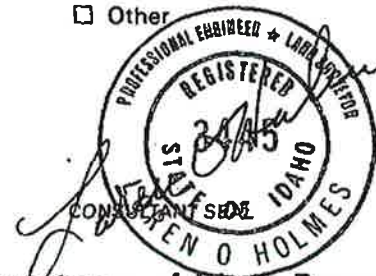
Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Ray Funderburg
Ray Funderburg
4/10/91
3/22/89



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECEIVED
FEB 07 1994

FEB 07 1994

Microsoft TerraServer

Display Image

USGS Aerial Photograph

4 km S of Ketchum, Idaho, United States 09 Aug 1992

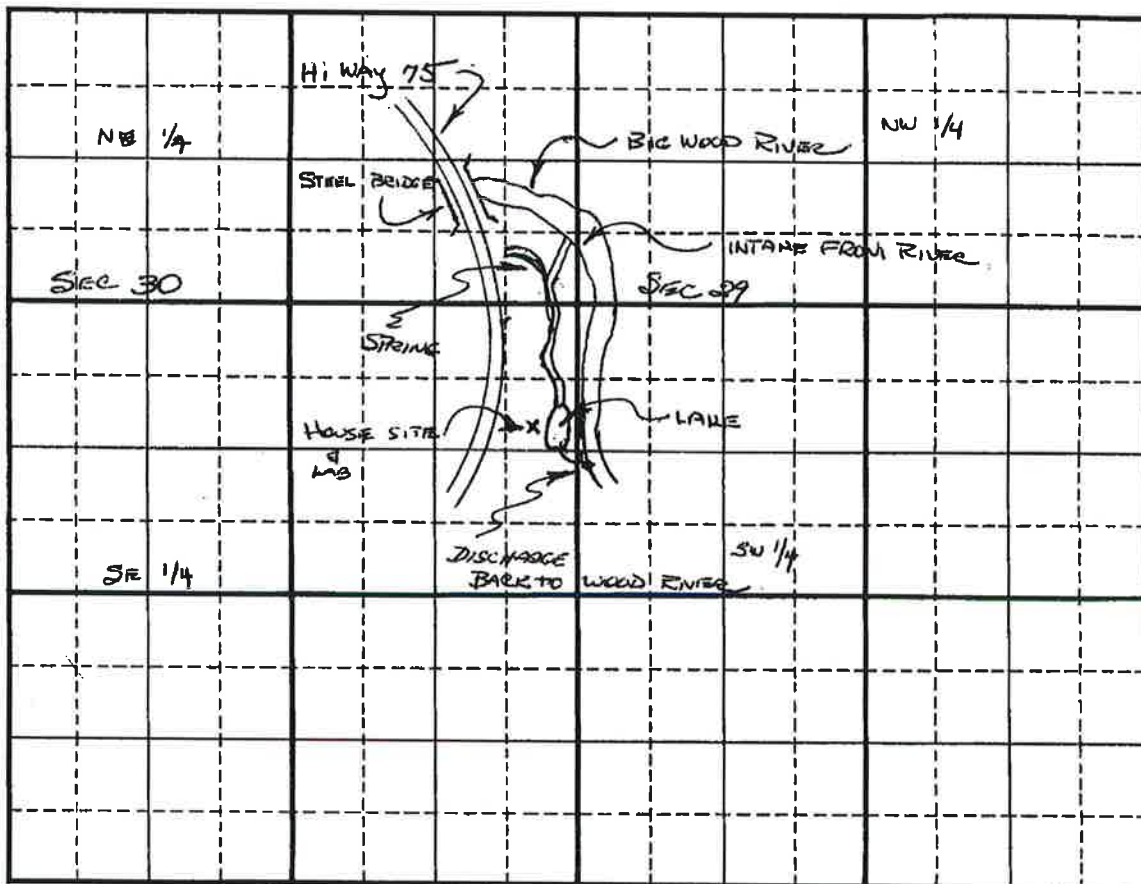


0 100M

0 100yd

Image courtesy of the US Geological Survey.

- (8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE PASSPORT 463 BEING
PATENT DATED JULY 19, 1893 SNAPEVILLE IDAHO # 79569 & 79116
DATED JUNE 22, 1939 TO FASSITT AS RECORDED IN G. OF 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. FASSITT.

Charles H. Shumaker ATTORNEY IN FACT

(Claimant)

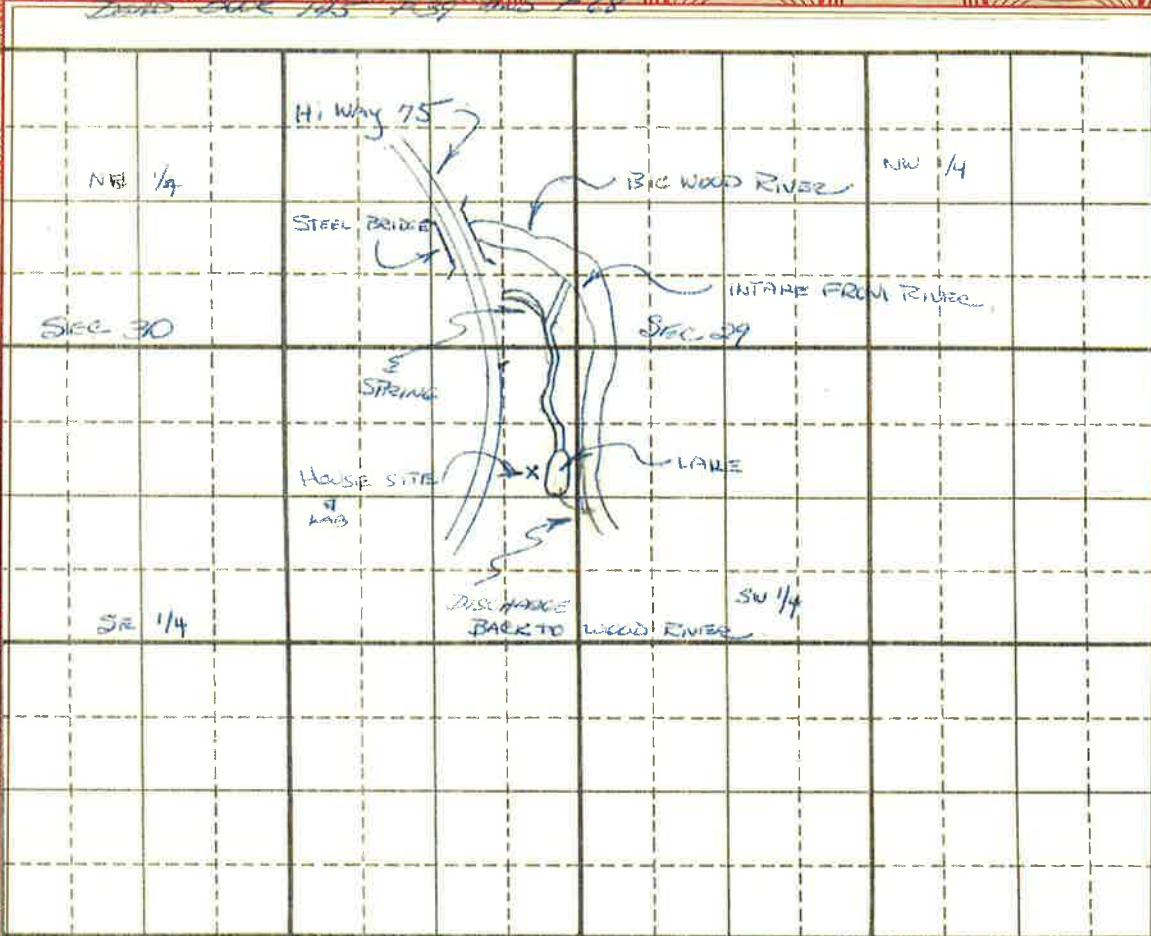
Sworn to before me this 27 day of October, 1982

Barbara Montgomery
 Notary Public
 Residing at Hailey

My commission expires September

FOR DEPARTMENT USE ONLY

Received by mae Date 10/27/82 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by mae Date 11-9-82 claimant by: _____
 \$20.00 fee received by mae Date 11/29/82 # 23820
 Published in Hailey Record
 Dates 11/25 & 12/2/82 12/2 & 12/9/82



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.

Harold M. Fossitt

Robert A. Shumard ATTORNEY IN FACT

(Claimant)

Sworn to before me this 27 day of October, 1988

Notary Public
Residing at

Barbara Montgomery
Hailey

My commission expires

September

FOR DEPARTMENT USE ONLY

Received by me

Date

10/21/88
11-7-88

Exception filed by:

Forwarded to
claimant by:

Date

Submitted for review by

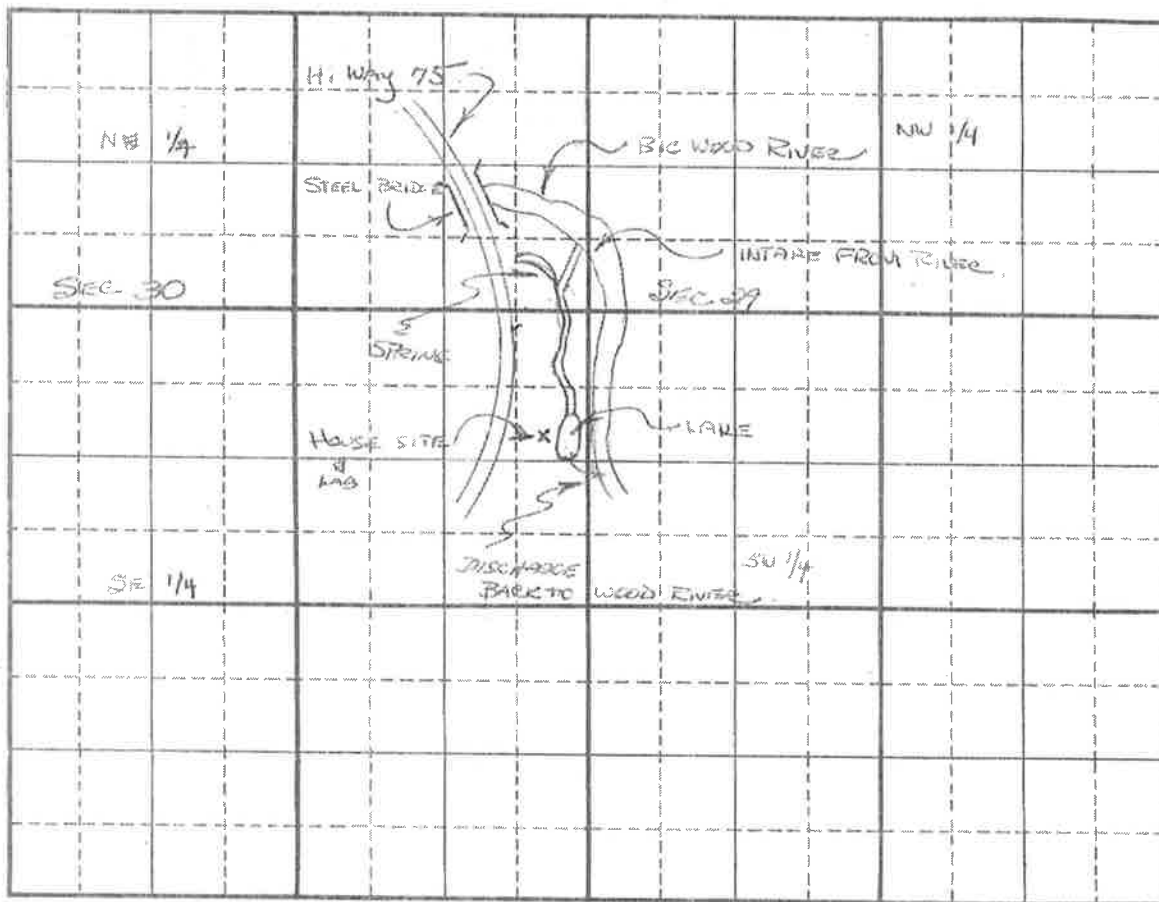
Date

11-7-88

Permitted to

Discontinue

(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE RESERVING #163 CAVING
PATENT DATED JULY 19, 1893 SUPERVISOR DIND, # 79569 & 79116
DATED JUNE 22, 1939 TO PATENT AS RECORDED IN CO. OF 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

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. ROBERTS Attorney in Fact

Sworn to before me this 27 day of October, 1982

Notary Public
Residing at

My commission expires

FOR DEPARTMENT USE ONLY

Received by myself Date 10/27/82 Exception filed by: _____ Date _____
Prelim. check by RA Date 11-1-82
\$20.00 fee received by myself Date 11/1/82 # 23820
Published in local news february
Dates 4/25 + 10/25/82 11/1/82

AFFIDAVI. of PUBLICATION

State of Idaho, }
County of Blaine } SS.

Gordon O. Gaston, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of December, 1982, and the date of the last publication was on the 9 day of December, 1982.

Subscribed and sworn to before me this 9th

day of December, 1982
(SEAL)

Robert A. Gardner
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 32
Number of Insertions 2

32 Lines tabular at 4¢ / Pica
32 Lines straight at 12.48 3¢ / Pica
32 Subsequent lines at 8.32 2¢ / Pica

TOTAL COST 20.80

COPY OF NOTICE

(Paste Here)

37-4265

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N TF

NOTICE OF CLAIM TO WATER RIGHT

NOTICE IS HEREBY GIVEN, That the following claim to water right has been established by diversion and application to beneficial use:

37-4265

FASSETT, HELEN M.
Box 273

Sun Valley, Idaho 83353

Source: BIG WOOD RIVER

tributary to MALAD RIVER

Priority Date: 01/01/1939

Amount: 4.00 CFS

Diversion Point: SENE Sec 30 T 04N R 18E, BLAINE CO.

Use: WILDLIFE (4.00 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 30 T 04N R 18E

Diversion Means: PIPE CULVERT, HEADGATE, DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Publish: Wood River Journal--
December 2 & 9, 1982.

(Idaho Code, Rev. Statutes 1980)

7-8 pt. per line, straight	4¢ / Pica
7-8 pt. per line, tabular	4¢ / Pica
7-8 pt. per line successive insertions	2¢ / Pica

NO DEC 17 53

Department of Water Resources
Twin Falls Office



EXHIBIT B

MICROFILMED
MAR 27 2002

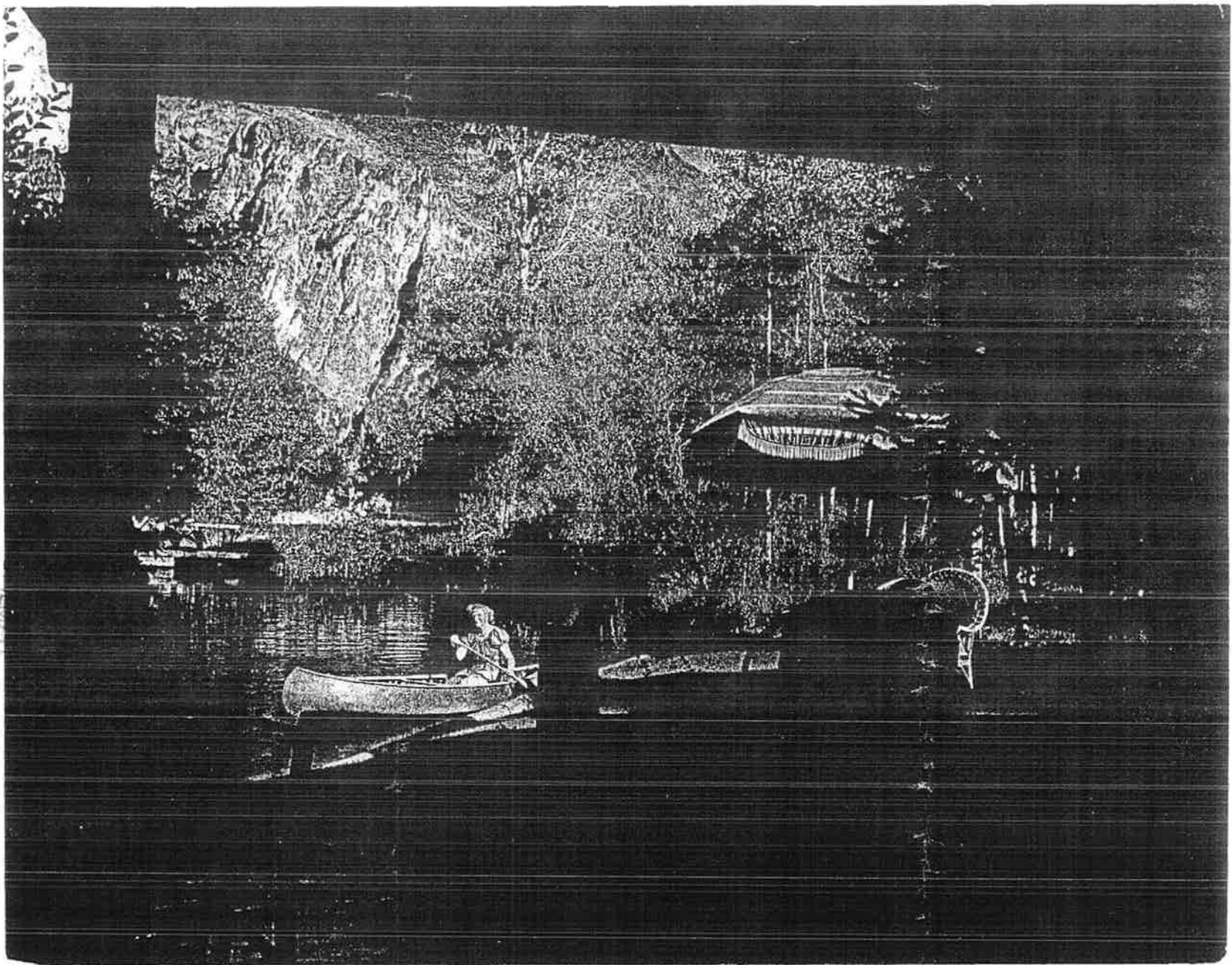
EXHIBIT C

MAR 27 2002

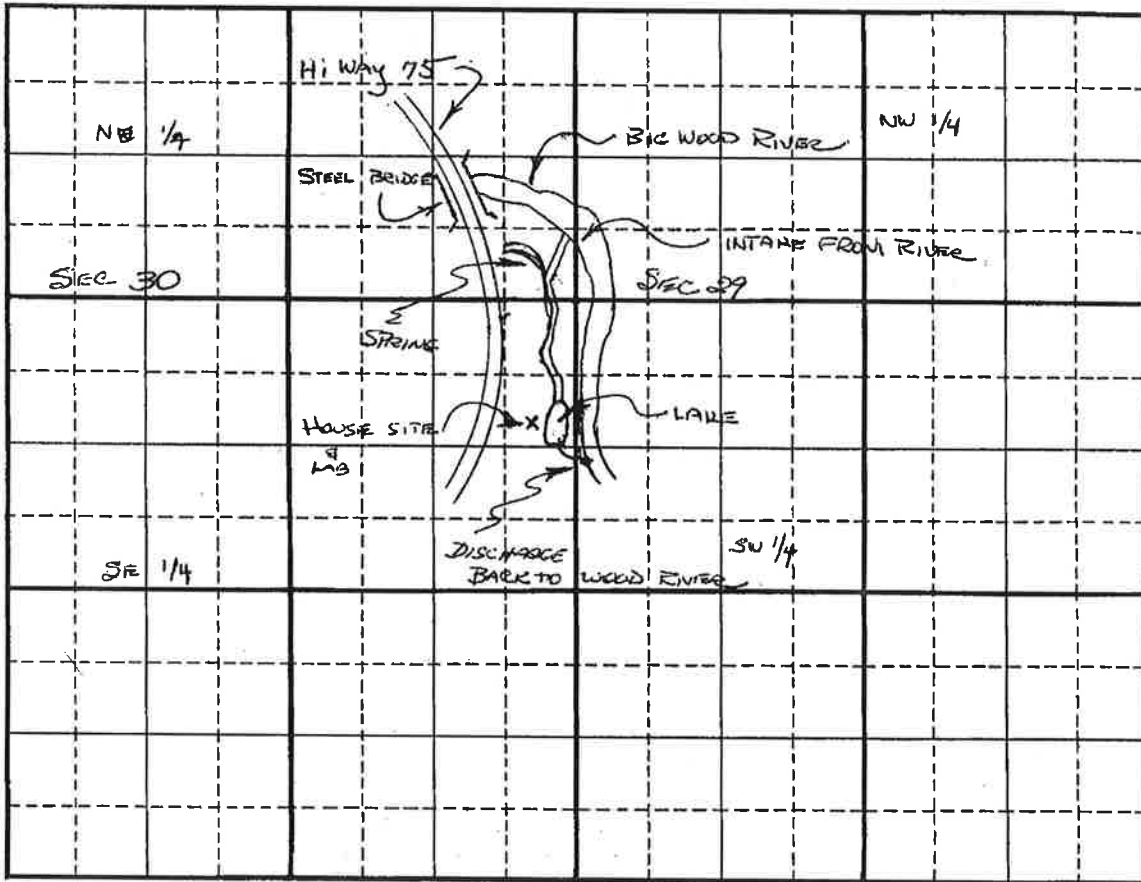
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EXHIBIT D 27 2002



(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 Citing
PATENT DATED JULY 19, 1893 S. MONTGOMERY DAVIS # 79569 & 79116
DATED JUNE 22, 1939 TO FASSITT AS RECORDED IN CO. OF 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. FASSITT John H. Shumaker ATTORNEY IN FACT
 (Claimant)

Sworn to before me this 27 day of October, 1982

Barbara Montgomery
 Notary Public
 Residing at Hailey

My commission expires Life term

FOR DEPARTMENT USE ONLY

Received by maey Date 10/21/82 Exception filed by: _____ Date _____
 Prelim. check by maey Date 11-9-82 Forwarded to claimant by: _____
 \$20.00 fee received by maey Date 11/21/82 # 23820
 Published in Hailey News Journal
 Dates 11/25 & 12/2/82 11/2 & 11/9/82

BOX 25B

KETCHUM, IDAHO 83340

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, HELEN MURDOCH FASSETT, of Ketchum, Idaho, do hereby appoint ROBERT HENRY SHERWOOD, my attorney for me and in my name, to execute deeds to any real property owned wholly or jointly by me, or to enter into contracts for the sale of real property; to write checks on any checking accounts I may have either jointly or alone, and particularly any checking accounts at the First Security Bank of Idaho at Ketchum Branch; and generally do and perform all other things as fully and effectually in all respects as I could do if personally present.

IN WITNESS WHEREOF, I have hereunto set my hand the 17th day of November, 1969.

HELEN MURDOCH FASSETT

STATE OF IDAHO,)
County of Blaine) ss:

On this 17th day of November, in the year 1969, before me, the undersigned Notary Public for said State, personally appeared HELEN MURDOCH FASSETT, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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 for Idaho
Residing at Ketchum, Idaho.

My commission expires:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 5, 1982

Robert Sherwood
Box 273
Sun Valley, Idaho 83353

Dear Bob:

We are returning the claim to a water right in the name of Helen Fassett.

We have corrected Item 5 and completed Item 6, as we discussed. Please initial these changes and return the claim to this office for further processing. We also need a copy of your power of attorney for Mrs. Fassett.

A receipt for your filing fee is enclosed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya

Enc):

AFFIDAVI. of PUBLICATION

State of Idaho, }
County of Blaine } SS.

Gordon O. Glasman, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of December, 1982, and the date of the last publication was on the 9 day of December, 1982.

Subscribed and sworn to before me this 9th

day of December, 1982
(SEAL)

Robert D. Kender
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 32
Number of Insertions 2
Lines tabular at _____ 4¢ / Pica
32 Lines straight at 12.48 3¢ / Pica
32 Subsequent lines at 8.32 2¢ / Pica
TOTAL COST 20.80

COPY OF NOTICE

(Paste Here)

37-4265

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lake Blvd N T F

NOTICE IS HEREBY GIVEN, That the following claim to water right has been established by diversion and application to beneficial use:

FASSETT, HELEN M.
Box 473
Sun Valley, Idaho 83353
Source: BIG WOOD RIVER
tributary to MALAD RIVER
Priority Date: 07/07/1938
Amount: 400 CFS
Diversion Point: DENE See 30 T 04N R 18E, Section 20
Use: IRRIGATION 30 CFS from 01/01 to 12/31
Place of Use: DENE See 30 T 04N R 18E, Section 20
Diversion Structure: PIPE CULVERT, HEADGATE, 1940
The undersigned is duly sworn water right man, and is the owner of the Idaho Department of Water Resources, 1041 Blue Lake Boulevard North, Twin Falls, Idaho 83301.

(Idaho Code, Rev. Statutes 1980)

7-8 pt. per line, straight	3¢ / Pica
7-8 pt. per line, tabular	4¢ / Pica
7-8 pt. per line successive insertions	2¢ / Pica

RECEIVED

NOV 17 1982

Department of Water Resources
Southern District Office

RECEIVED

MAR 20 2002

Department of Water Resources

RECEIVED

MAR 11 2002

SPECK & AANESTAD

Claimant's Name:
Rivers Edge Associates, LLC

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

**AFFIDAVIT OF ROBERT H.
SHERWOOD FOR 37-4265**

DESCRIPTIVE SUMMARY

This is an affidavit in support of the claim for Water Right 37-4265.

AFFIDAVIT

STATE OF IDAHO)
)ss.
County of ADA)

ROBERT H. SHERWOOD, being first duly sworn upon oath deposes and states as follows:

1. I am 82 years old and a resident of Boise, Idaho. In 1939, when I was 19 years old, my parents acquired property along the Big Wood River approximately 2 miles south of Ketchum. Attached hereto as Exhibit A is a true and correct copy of the deed by which they acquired title to the property.

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 1

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3/1/02 5:36 pm

FILED
MAR 27 2002

2. When my parents acquired the property they immediately proceeded to construct the lake using the spoil or gravel removed from the lake site in the construction of the foundation for their house.

3. The lake was approximately 0.5 acres in surface area with an average depth of four feet. It remained essentially unchanged from 1939 until I sold the property to Rivers Edge Associates, LLC in December, 1999. During that entire time the lake was used every year for recreation and it provided excellent habitat for nesting ducks, trout fry, elk, deer, foxes, coyotes, black bear and numerous other water fowl.

4. Attached hereto as Exhibit B is a copy of a photograph taken of my mother and me canoeing on the lake on our property in 1940.

5. Attached hereto as Exhibit C is a copy of a photograph taken of my step-father, Jay Fassett, and my mother canoeing on the lake on our property in 1943.

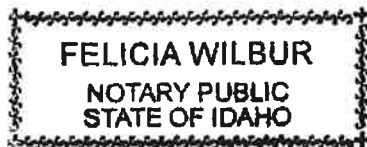
6. Attached hereto as Exhibit D is a copy of a photograph taken of my mother canoeing on the lake on our property in 1948.

FURTHER, YOUR AFFIANT SAYETH NOT.

Dated this 8th day of March, 2002.


ROBERT H. SHERWOOD

SUBSCRIBED AND SWORN TO before me this 8th day of March, 2002.




NOTARY PUBLIC for State of IDAHO
Residing in: Boise, Idaho
My Commission Expires: 9/17/2002
Ada County

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 2

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MICROFILMED

MAR 27 2002

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2002, I served a true and correct copy of the foregoing AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of
Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 3

RECORDED
MAR 27 2002

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3/18/02 8:51 am

No. 7116

WARRANTY DEED

R. C. PRICE TO JAY FASSETT

THIS INSTRUMENT, Made this 18th day of April, in the year of our Lord one thousand nine hundred and Thirty-nine between R. C. Price, a widower, of Hannett, Blaine County, Idaho the party of the first part, and Jay Fassett of New York City, N. Y. the party of the second part;

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One (\$1.00) dollar and other valuable considerations, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

Beginning at a point 1720 ft. South of the Section corner now on to Sections 13, 20, 24 and 30, T. 4 N. R. 18 E. N. known as Corner No. 1; thence East 1720 feet to corner No. 2; thence South 2470 feet to Corner No. 3; thence West 1721 feet to Corner No. 4; thence N. 17° E. 470 feet to corner No. 5; thence N. 2° W. 720 feet to corner No. 6; thence N. 20° W. 1730 feet to Corner No. 7; thence due East 917 feet to corner No. 1, the place of beginning, containing 12.4 acres, more or less, being in Sections 24 and 30, T. 4 N. R. 18 E. N.

(\$2.00 I.R.S.)
(AFFIXED)
(A CANCELLED)

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, -- heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of: }
Joseph W. Fuld }

R. C. Price (SEAL)

STATE OF IDAHO,)
County of Blaine) ss.

On this 18th day of April in the year 1939, before me Joseph W. Fuld, a Notary Public in and for said State, personally appeared R. C. Price, a widower, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Joseph W. Fuld Notary Public,

My Commission Expires February 24, 1940.

Residing at Halley, Blaine County, Idaho.

Filed for record at request of Joseph W. Fuld at 2:15 o'clock A. M., June 22, 1939.

B. P. Tharm, Ex-Officio Recorder.

By R. C. Price, Jr., Deputy.

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EXHIBIT A

EXHIBIT B

MICROFILMED
APR 22 1992

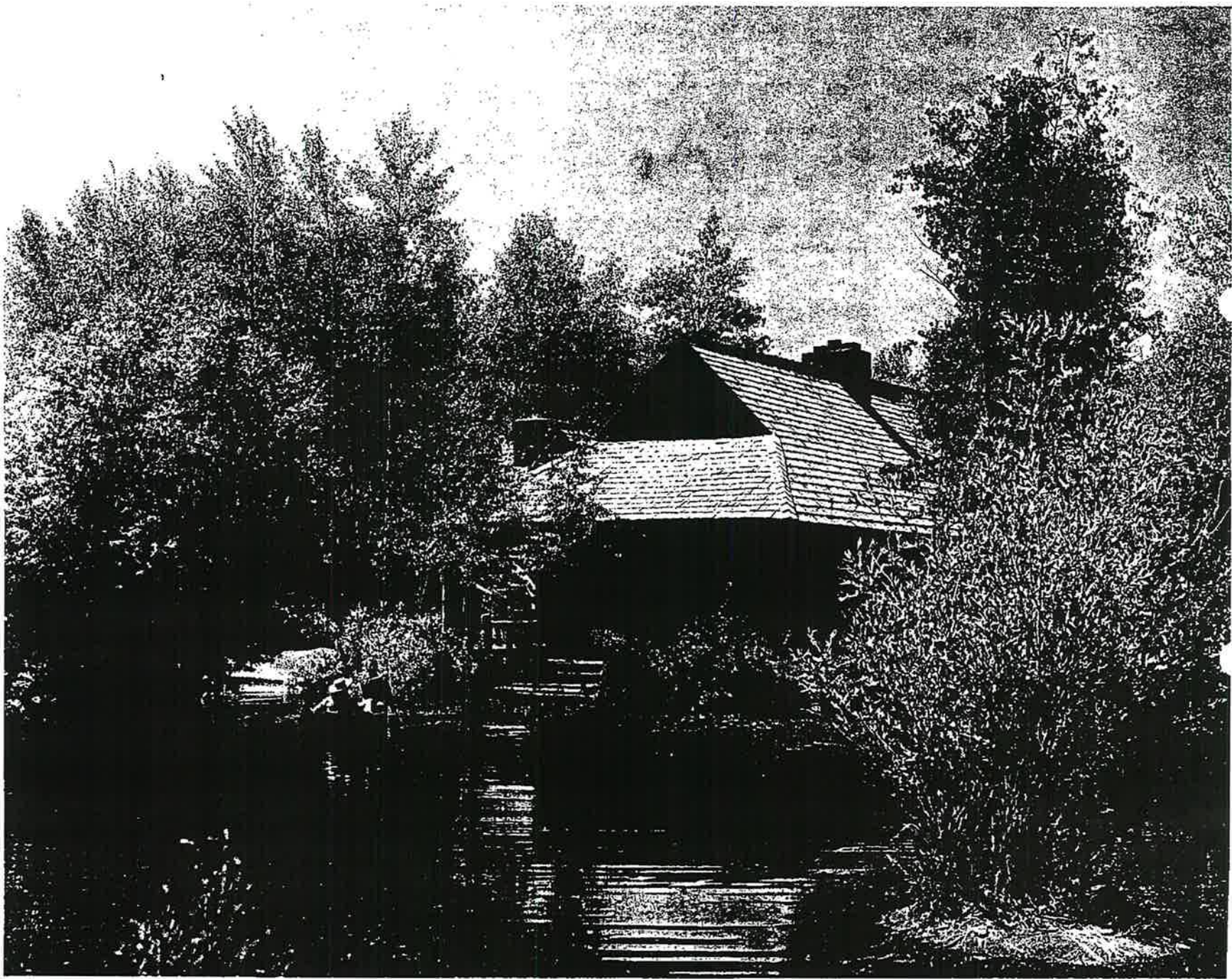


EXHIBIT C

W/ 4/27/72

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EXHIBIT D^o 2 / 2002