

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/8/2014

Water Right 37-4258

Owner Type **Name and Address**
 Current Owner DAVID BACHMEIER
 PO BOX 5
 SPANAWAY, WA 98387
 (253)208-1843

Current Owner JANICE BACHMEIER
 PO BOX 5
 SPANAWAY, WA 98387
 (253)208-1843

Priority Date: 5/27/1958

Basis: Decreed

Status: Active

Source
 GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.020 CFS	3.5 AF
DOMESTIC	01/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	3.5 AF

Source and Point(s) of Diversion

GROUND WATER L5(SESW) Sec. 11, Twp 04N, Rge 17E, BLAINE County

Place Of Use

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	11												1.0					1.0
														L5					

POU Total Acres: 1.0

DOMESTIC within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	11												X					
														L5					

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

State of Idaho
Department of Water Resources
Attachment To Water Right Decree
37-4258

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

17E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.005 0.01 0.02 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
SEP 12 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-4258	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Jerry Ritchey
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

David and Janice Bachmeier
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

P.O. Box 5

Mailing address

Spanaway, WA

98387

City

State

ZIP

253-208-1843

Jrbachmeier@

Telephone

Email

gmail.com

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 9-24-08

6. This form must be signed and submitted with the following **REQUIRED** items:

- ✓ • A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
• Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
✓ • Filing fee (see instructions for further explanation):
o \$25 per undivided water right.
o \$100 per split water right.
o No fee is required for pending adjudication claims.

7. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

DM

Date

9-12-2012

Receipt No.

5032783

Receipt Amt.

\$25-

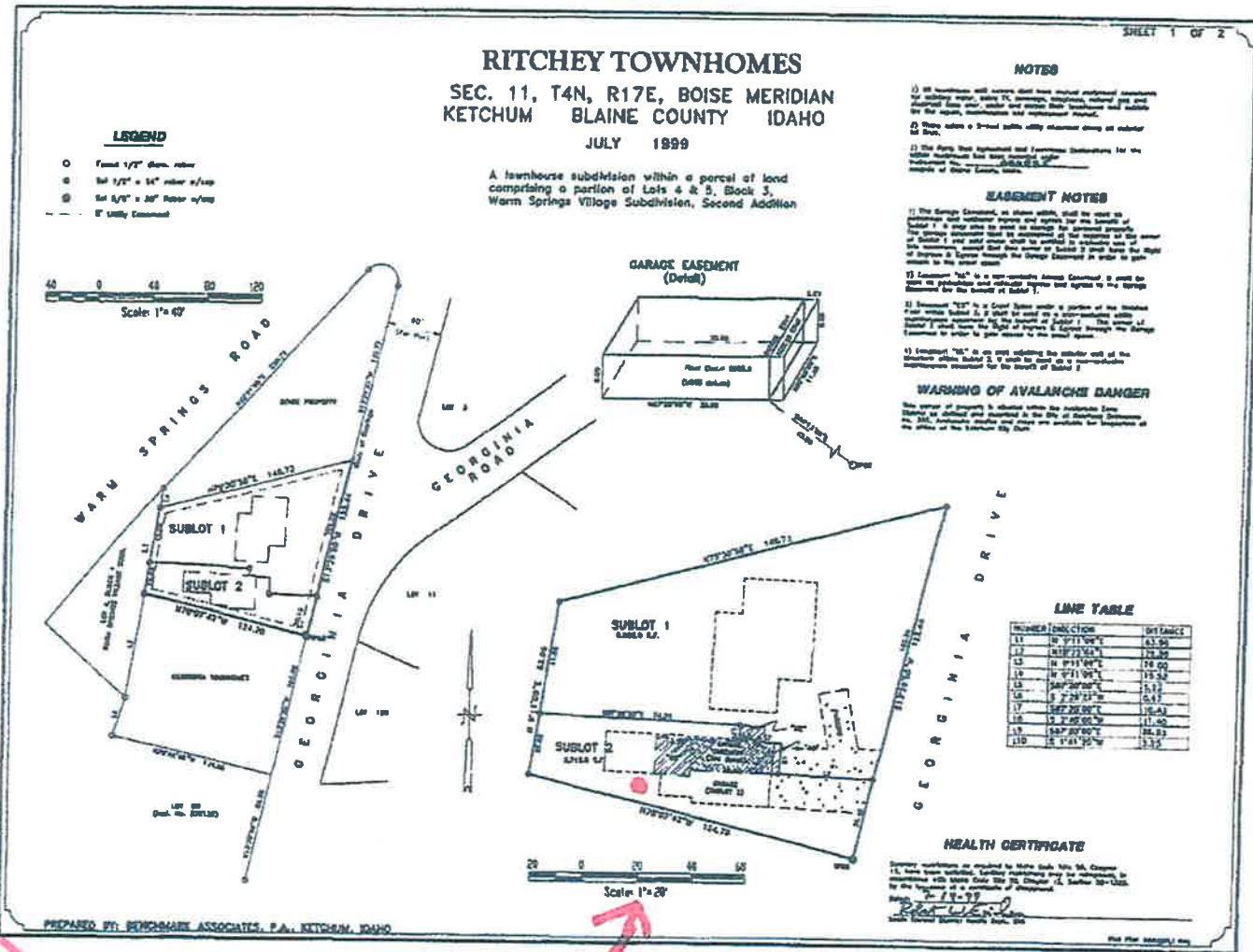
Approved by

Processed by

Date

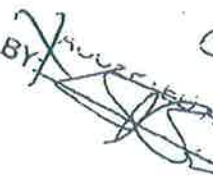
Sublot 2
well location

= well



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Ave. North/P.O. Box 7999
Ketchum, ID 83340

BY:  ACCEPTED AND APPROVED
BY:  ACCEPTED AND APPROVED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **267652-K (sn)**

Date: **September 24, 2008**

For Value Received, **David L. Walker and Danielle B. Walker, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **David J. Bachmeier and Janice R. Bachmeier, husband and wife**, hereinafter called the Grantee, whose current address is **P.O. Box 5, Spanaway, WA 98387**, the following described premises, situated in **Blaine County, Idaho**, to-wit:

SUBLOT 2 OF RITCHEY TOWNHOMES, according to the official plat thereof, recorded as Instrument No. 430934, 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.

David L. Walker

Danielle B. Walker

STATE OF

Idaho

)
SS.

COUNTY OF

Blaine

)

On this 30th day of **September, 2008**, before me, a Notary Public in and for said State, personally appeared **David L. Walker and Danielle B. Walker**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Sandy Nelson

Notary Public for the State of Idaho

Residing at: Bellvue, ID

My Commission Expires: 4-12-11

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Ave. North/P.O. Box 7999
Ketchum, ID 83340

Space Above This Line for Recorder's Use Only

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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.



David L. Walker



Danielle B. Walker

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

RECEIVED

JAN 18 2007

DEPARTMENT OF
WATER RESOURCES

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	87-4258				

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) is for ten or more acres of irrigation, you must submit a 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)

LOUIS C SIMON JR.
 Box 892, KETCHUM, ID 83340

- * 4. New Owner/Claimant(s)

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

New Mailing Address

PO Box 14001-198

City, State and ZIP Code

Ketchum Id 83340

New Telephone Number

(831) 588 5027

5. Date you acquired the property

@ 1992

SCANNED

JAN 22 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (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 <u>37 4258</u>		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	<u>heating, & domestic</u>	
Other	_____	_____
Total	_____	

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	Description
	(cubic feet per second or acre-feet per annum)	(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)

Jerry R. Ritchey

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



Idaho Department of Water Resources

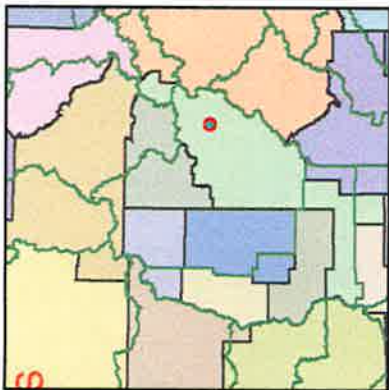
SRBA Recommendation:

37-4258

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by M. Ciscell
On Sunday, December 17, 2006
2004 Aerial Photography

SCANNED
JAN 22 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

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: A37-04258
Date Received: 9/19/1988
Receipt No: C002618
Received By: _____

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

1. Name: LOUIS C. SIMON, JR. -702-747-4152
Address: 2055 SIMPSON AVE. 775
RENO NV 89503

Name: LOUIS C. SIMON, JR.
Address: PO BOX 892
KETCHUM ID 83340

2. Date of Priority: MAY 27, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	11	SE	SW		5	BLAINE

5. Description of diverting works:
WELL & PUMP DELIVERS TO SINGLE UNITS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	11	SE	SW	5	IRR	1.0
			SE	SW	5	DOMEST	
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRRIG. = 3/4 AC.
P/D IS IN LOT 5, BLK. 3 WARM SPRINGS SUBD., 2ND ADDITION.
P/U IS LOTS 3 & 4, BLK. 1 OF WARM SPRINGS SUB., & LOTS 4
& 5, BLK. 3 OF WARM SPRINGS SUBD., 2ND ADDITION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED
FEB 24 1993

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

CA

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04258
Date Received: 9/19/1988
Receipt No: C002618
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUIS C. SIMON, JR. 702-747-4152
Address: 2055 SIMPSON AVE.
RENO, NV 89503

2. Date of Priority: MAY 27, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	11	SE	SW		5	BLAINE

5. Description of diverting works:
WELL & PUMP DELIVERS TO SINGLE UNITS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	11	SE	SW	5	IRR	1.0
			SE	SW	5	DOMEST	

Section Acres 1.0

A37-04258

Page 1

Date: 10/02/88

MICROFILMED
FEB 24 1993

0. Place of Use: Continued

Total Acres 1.0

1. Place of use in counties: BLAINE

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

3. Other Water Rights Used:
NONE

4. Remarks:

AC. IRRIG. = 3/4 AC.

P/D IS IN LOT 5, BLK. 3 WARM SPRINGS SUBD., 2ND ADDITION.

P/U IS LOTS 3 & 4, BLK. 1 OF WARM SPRINGS SUB., & LOTS 4
& 5, BLK. 3 OF WARM SPRINGS SUBD., 2ND ADDITION.

5. Basis of Claim: STATUTORY CLAIM

MICROFILMED
FEB 24 1993

6. 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 1995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

A37-04258

9-19-1988

COO 2618

CJ

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 19 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Louis C. Simon, Jr. Phone (702) 747-4152Mailing Address 2055 Simpson Ave., Reno NV Zip 895032. Date of Priority (Only one (1) per claim) May 27, 19583. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 17E Section 11,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, 5 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.well and pump delivers
to two single units.MICROFILMED
FEB 24 1989

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount 0.08 or _____

For Irrigation purposes from 4-1 to 11-1 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic 2 Homes

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	
4N	17E	11												D					
														3/4					3/4

Total number of acres irrigated 3/4

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 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.

or None ☒

14. Remarks:

P/D located within Lot 5, Block 3, Warm Springs Subdivision.
P/U further described as Lots 3 & 4, Block 1 of Warm Springs Village Sub. and Lots 5 & 4, Block 3 of Warm Springs Village Subdivision, Second Addition.

Last Name Simon Ident No. A37-04258

Copies: White -State, Yellow-Claimant

MICROFILMED
FEB 24 1985

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 37-04258

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 _____

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

Signature of Claimant (s) Louis C. Simon Jr. Date 9/14/88

Mary B. Simon Date 9/14/88

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

of _____ Organization _____, that I have signed the foregoing

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 NEVADA)
County of WASHOE) SS.

Subscribed and sworn (or affirmed) before me this 14th day of September 19 88



Notary Public Tonia M. Meyers

Residing at Reno, Nevada

My Commission Expires 11/6/91

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 _____

MICROFILMED
FEB 24 1993

Last Name Simon Ident. Number A37-04258

Copies White-State, Yellow-Claimant

THIS
WELL SERVES THE
KEN BAKERS &
LOUIS SIMONS

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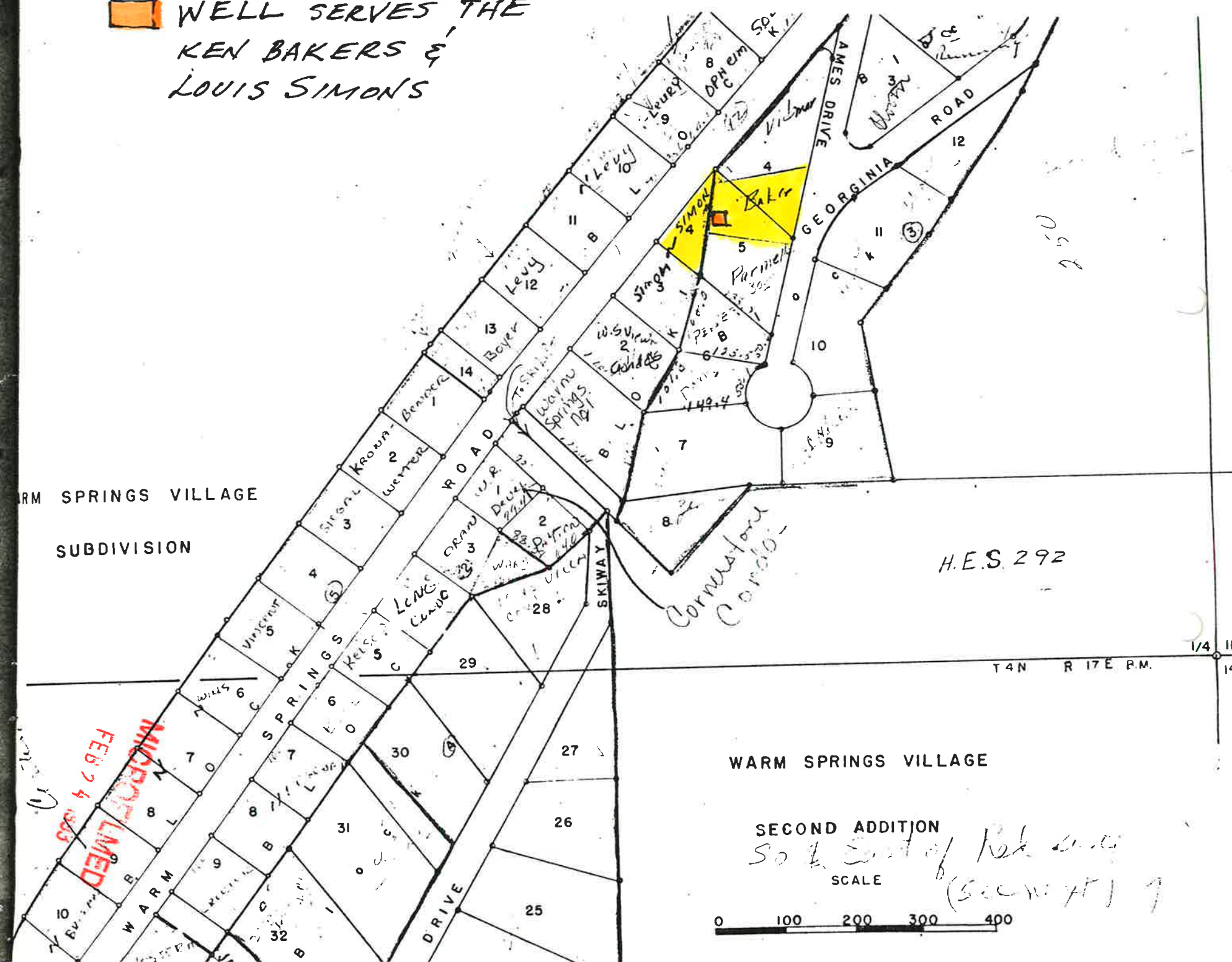
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ARM SPRINGS VILLAGE

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H.E.S. 292

WARM SPRINGS VILLAGE

SECOND ADDITION

So E. End of R.R. 2nd
SCALE
(See map 7)

0 100 200 300 400

T4N



42' 30"

4342

4841

4840

4839

40'

4837

T4N
R17E

Scale
1" = 2000'

MICROFILMED
FEB 7 4 1955

Simon

A37-04258

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

I, MARIE IVIE LILYA, Ex-Officio Recorder in and for said County and State, do hereby certify that the foregoing is a full, true and correct copy of that certain instrument of record in my office, as Instrument No. 123563 BOOK 183 page 338 in Agreement Records of Blaine County, State of Idaho.

Witness my hand and official seal this 5 day of August 1982.

By

Marlene Dudley

Deputy.

MARIE IVIE

Ex-Officio Recorder.

MICROFILMED
FEB 24 1993

2

LOUIS C. SIMON and MARY B. SIMON,
husband and wife
KENNETH J. BAKER,

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

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

(SEAL)

Joseph McFadden
Notary Public for Idaho,
Residing at Hailey, Idaho

STATE OF IDAHO)
) ss
County of Blaine)

On this 11th day of June, 1958, before me, the undersigned, a Notary Public, in and for said State, personally appeared:

HEATHER A. BAKER,

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 TESTIMONY WHEREOF, I have hereunto set my hand and official seal on the day and year in this certificate above written.

(SEAL)

A. W. Ensign, Jr.
Notary Public, residing at Hailey, Idaho

Filed for record at the request of Sawtooth Title Co. at 4:10 o'clock P.M. Nov. 30, 1965

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy

MICROFILMED
FEB 24 1968

LOUIS C. SIMON ET UX AND KENNETH J. BAKER ET UX

THIS AGREEMENT, Made and entered into this 27 day of May, 1958, by and between LOUIS C. SIMON and MARY B. SIMON, husband and wife, first parties, and KENNETH J. BAKER and HEATHER A. BAKER, husband and wife, second parties,

WITNESSETH,

THAT WHEREAS, first parties are the owners of and in possession of the following described tract of land, to-wit:

A parcel of land within Lot 5, Block 3, according to the official plat of Warm Springs Subdivision, Second Addition on file in the Blaine County Recorder's Office, Hailey, Idaho, and more particularly described by metes and bounds as follows:

Commencing at $\frac{1}{2}$ " rebar marking the NE corner of said Lot 5, Block 3, Warm Springs Village Subdivision, Second Addition; thence S $13^{\circ} 32'$ W. 8.1 feet along the easterly boundary of said Lot 5 to a $\frac{1}{2}$ " rebar; thence N $75^{\circ} 53'$ W. 81.5 feet to a $\frac{1}{2}$ " rebar, said rebar marking the true point of beginning.

Thence N. $75^{\circ} 53'$ W. 8.0 feet to a $\frac{1}{2}$ " rebar;

Thence N. $14^{\circ} 07'$ E. 8.0 feet;

Thence S. $75^{\circ} 53'$ E. 8.0 feet;

Thence S. $14^{\circ} 07'$ W. 8.0 feet to a $\frac{1}{2}$ " rebar, said rebar marking the true point of beginning, Said parcel containing 0.002 acres more or less.

AND WHEREAS the second parties are the owners of and in possession of the following described tract of land, to-wit:

Warranty Deed, Book 165 Page 529, Kenneth H. Borchers, to Kenneth J. Baker and Heather A. Baker, May 9, 1958, Recorded May 9, 1958.

A parcel of land within Lot 4 and 5, Block 3, Warm Springs Village Subdivision, Second Addition, according to the official plat thereof on file in the office of the County Recorder of Blaine County, Idaho, and more particularly described by metes and bounds as follows:

Commencing at a $\frac{5}{8}$ " reinforcing rod marking the SW corner of said Lot 5, Block 3, Warm Springs Village Subdivision, Second addition, Thence N $9^{\circ} 02'$ E. 75.0 feet along the westerly boundary of said Lot 5 to a $\frac{1}{2}$ " reinforcing rod, and said rod being the true point of beginning;

Thence N. $9^{\circ} 02'$ E. 64.1 feet along the westerly boundary of said Lot 5 to a $\frac{1}{2}$ " reinforcing rod;

Thence N. $75^{\circ} 41'$ E. 147.0 feet to a $\frac{1}{2}$ " reinforcing rod on the easterly boundary of said Lot 4;

Thence S. $13^{\circ} 32'$ W. 133.9 feet along the easterly boundaries of said Lot 4 and 5 to a $\frac{1}{2}$ " reinforcing rod;

Thence N. $75^{\circ} 53'$ W. 125.0 feet to a $\frac{1}{2}$ " reinforcing rod on the westerly boundary of said Lot 5 and said rod being the true point of beginning and said parcel containing 0.29 acres more or less,

And whereas the parties hereto are desirous of installing and using a common well, with

RECORDED
MICROFILMED
FEB 24 1984

electric pump, for domestic purposes and for gardening on their respective tracts of ground, and are desirous of settling all matters pertaining to said well, pump and use of water.

NOW THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the said second parties do hereby convey, grant and quit claim to first parties an undivided one-half interest in and to one certain tract of land situate on the southwest-erly portion of their premises, which said tract of ground shall be eight feet square; that the said tract of ground shall be used and held for and as a well-site and place to install pump; also granting an easement and right of way over and across said premises for the purpose of maintaining pump, water line, and electric power lines.

And it is further agreed between the two parties, that upon said well being drilled, and pump and pipe being installed each of the respective parties hereto shall be owners of an undivided one-half interest in and to said tract of ground, and also the well when drilled, and all pump, piping, motor and other equipment, used or appertaining to said premises and shall be entitled to use of half of all water therefrom.

And it is further agreed between the parties hereto that each of the said parties shall bear one-half of all the expenses of drilling said well, installation of the pump, and motor, pipe from the said well, but after the said pump, and motor, pipe from the said well, but after the said pump and well is drilled or installed, each of the parties shall be responsible for the installation of all piping from the said well to their respective place of use.

And it is further agreed that all costs of maintenance power, repair or replacement shall be borne between the parties half and half, and each shall contribute equally to said costs.

And it is further agreed that the above mentioned well pump and well site shall be, and hereby are made appurtenances to the respective property owned by each of the parties hereto and this agreement shall be considered as a covenant or agreement running with the land. That this agreement shall be recorded in the office of the County Recorder, Blaine County, Idaho, and any successor in interest of the respective parties hereto shall be bound by the terms and conditions hereof; any assignment or conveyance of either of the respective parties hereto shall also be considered as an assignment or conveyance of any prepaid costs in said well, pump or site, and a assignment of any reserve for depreciation that may be established by the parties.

And first parties do hereby grant, convey and assign to second parties their heirs, successors and assigns and as a tenement and hereditament to their premises a right of way and easement over and across first parties for the purpose of installing and maintaining a water line for the purpose of bringing natural hot water from presently existing line to premises of the said second party.

That this agreement shall be binding on the heirs, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first
above written.

Louis C. Simon

Mary B. Simon
First parties

Kenneth J. Baker

Heather A. Baker

ACKNOWLEDGMENT

STATE OF IDAHO,)
)
County of Blaine) ss

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Louis C. Simon, Jr.
(Name of Claimant)

2055 Simpson Ave., Reno, Nevada, 89503 Telephone No. 747-4152
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) May 27, 1958

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

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

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

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.08 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>0.02 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Apr. 15</u>	To <u>Nov. 1</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 0.10 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
(Gov't SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11 Twp. 4N Rge. 17E B.M., County of Blaine
Lot 5) Additional points of diversion: P/D located within Lot 5, Block 3, Warm Springs Subdivision, Second Addition

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well & pump delivers to two single family units.

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	17E	11												3/4					3/4
			P/D further described as Lots 3 & 4 Block 1 of Warm Springs Village Sub and Lot 5 & 4 Block 3 of Warm Springs Village Subdivision, Second Addition																

No. of acres 3/4

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Domestic use for two families. See attached copy of Agreement No. 123563

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

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



WARM SPRINGS
VILLAGE SUP
BLOCK 1

well

BAKER

See Attached Map
W.S.
View
CONDO

WARM SPRINGS
VILLAGE SUP
2nd ADD

4N 17E
Sec. 11

MAP DRAWN-UP
FOR LOUIS SIMON
BY THE OFFICE OF
THE COUNTY REORDER
OF BLAINE COUNTY, IDAHO
83333

LOUIS C. SIMON ET UX AND KENNETH J. BAKER ET UX

THIS AGREEMENT, Made and entered into this 27 day of May, 1958, by and between LOUIS C. SIMON and MARY B. SIMON, husband and wife, first parties, and KENNETH J. BAKER and HEATHER A. BAKER, husband and wife, second parties,

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Thence N. $75^{\circ} 53'$ W. 8.0 feet to a $\frac{1}{2}$ " rebar;

Thence N. $14^{\circ} 07'$ E. 8.0 feet;

Thence S. $75^{\circ} 53'$ E. 8.0 feet;

Thence S. $14^{\circ} 07'$ W. 8.0 feet to a $\frac{1}{2}$ " rebar, said rebar marking the true point of beginning, Said parcel containing 0.002 acres more or less.

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Thence N. $75^{\circ} 53'$ W. 125.0 feet to a $\frac{1}{2}$ " reinforcing rod on the westerly boundary of said Lot 5 and said rod being the true point of beginning and said parcel containing 0.29 acres more or less,

And whereas the parties hereto are desirous of installing and using a common well, with

4

electric pump, for domestic purposes and for gardening on their respective tracts of ground, and are desirous of settling all matters pertaining to said well, pump and use of water.

NOW THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the said second parties do hereby convey, grant and quit claim to first parties an undivided one-half interest in and to one certain tract of land situate on the southwest-erly portion of their premises, which said tract of ground shall be eight feet square; that the said tract of ground shall be used and held for and as a well-site and place to install pump; also granting an easement and right of way over and across said premises for the purpose of maintaining pump, water line, and electric power lines.

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And first parties do hereby grant, convey and assign to second parties their heirs, successors and assigns and as a tenement and hereditament to their premises a right of way and

Merritt, Allen

From: Merritt, Allen
Sent: Friday, May 09, 2014 9:18 AM
To: 'jrbachmeier@gmail.com'
Subject: RE: docs
Attachments: 37-4248.jpg; abandonment.pdf

Here is a map for the right as it currently exists. The area highlighted in blue is the place of use and the dot is the general location of the well. Both of these are based on taxlot records and may or may not be entirely correct. This is something we can discuss.

If the well is no longer used for any purpose attached is an abandonment form to get rid of the water right.

From: Merritt, Allen
Sent: Thursday, May 08, 2014 4:48 PM
To: 'jrbachmeier@gmail.com'
Subject: docs

NORTHSLOPE CONDO OWNERS

MATKINS JAKE P

DOTY MICHAEL R

BERSE DEANE BERSE CHARLYN J TRUSTEES

LEVY JO ANN, LEVY LYNN T

SESW 5

COSGROVE JENNIFER S TRUSTEE, JENNIFER S COSGROVE LIVING TRUST

RITCHIE JERRY R

DANITE

LEVY JO ANN, LEVY LYNN T

11

SACHMEIER DAVID J, SACHMEIER JANE E

SIMON LOUIS

APPLETON JANET, THOMAS GLENN

GRASSI BEAT, GRASSI MARIA ROSARIO L
SESW

COIMER WALTER A, COIMER HOLLY P

IGNOSEN LARRY

SIMON LOUIS C JR, SIMON MARY B

LANDAU MICHAEL, LANDAU SHARON

KETCHUM CITY OF

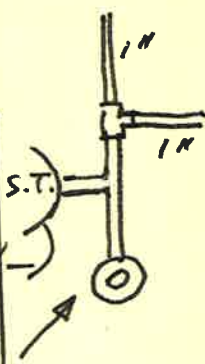
SCHWALBE DANIELA

SMITH CONNIE J TRUSTEE, SMITH NEVINS FAMILY TRUST HUTCHINSON DAVID C, HUTCHINSON GEORGIA R

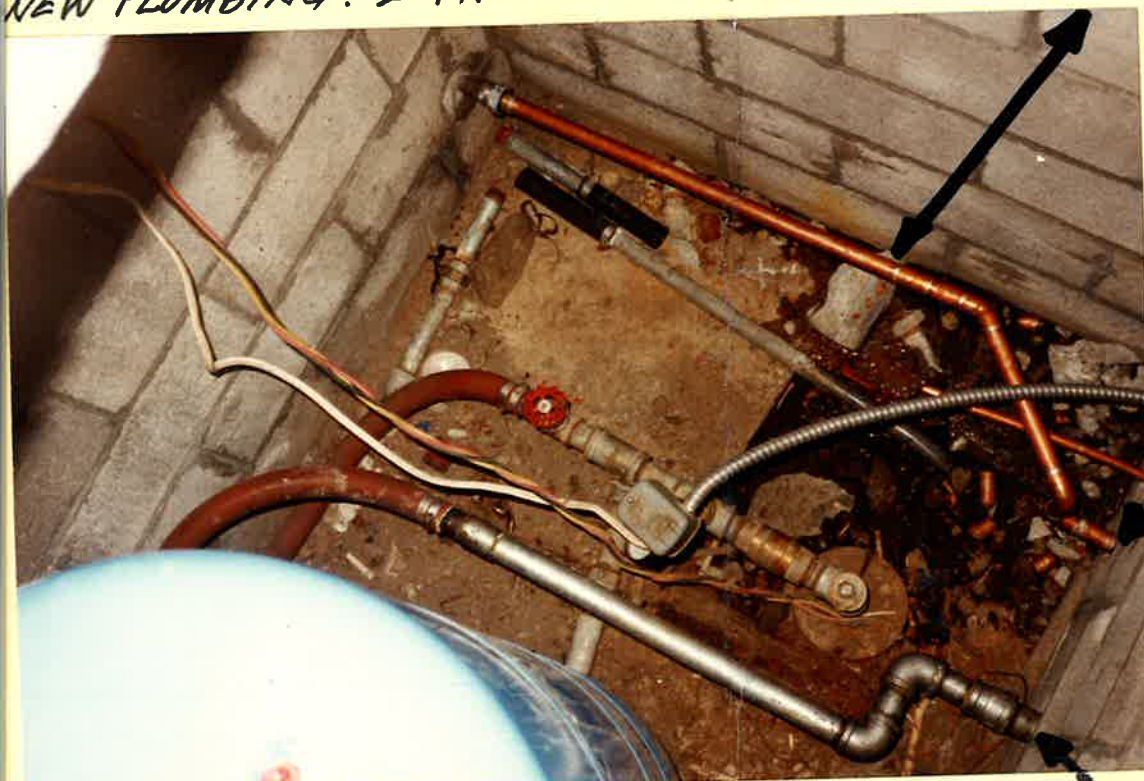
LOUIS SIMON PHONE: 726-2313
Box 892
KETCHUM, ID. 83340

1. ORIGINAL PLUMBING

I HAVE NO PICTURES OF THE ORIGINAL PUMP HOUSE (NEVER THOUGHT THIS WOULD EVER HAPPEN - IT WAS A "T" WITH ONE (1") PIPES GOING TO MY NEIGHBORS AND MY HOME FOR = WATER



2. NEW PLUMBING: 2" PIPE TO HIM, & 1" PIPE TO ME.



3. PUMP HOUSE WATER GOES THROUGH FLOOR OF GARAGE. BEFORE IT COMES TO ME.



3. CONT. BEFORE I RECEIVE WATER FROM THE FIRST PUMP, IT GOES THROUGH HIS GARAGE (& ELSEWHERE?) FIRST, THEN BACK THROUGH PUMP HOUSE AND TO ME - WATER SMELLS LIKE CHEMICALS, & IS SUDSY. OUR COLD WATER WELL TURNED VERY WARM, & HE DECIDED TO USE IT TO HEAT HIS FLOOR, ETC. I WAS NEVER TOLD WHAT HE WAS DOING - FOUND OUT SEPT. 17TH

4. HE HAS "MANY" CONTROL VALVES.



(5) NEIGHBOR CONTROLS WATER IN HIS GARAGE, WHICH HAS ELECTRONIC DOORS - MY EASEMENT IS VIOLATED. NO WAY TO GET IN IN CASE OF AN EMERGENCY!

ENCLOSED: LETTER, PHOTOGRAPHS, & WELL WRITTEN INSTRUMENT. Nov 30, 1991

DEAR MR. TUTHILL,

THE DEPT. OF WATER RESOURCES IN BOISE TOLD ME TO CONTACT YOU CONCERNING MY WELL PROBLEMS -

I'VE HAD THE WELL WITH A NEIGHBOR SINCE 1958 AND NEVER HAD A PROBLEM UNTIL HE SOLD HIS PROPERTY, AND THE NEW OWNER HAS COMPLETELY RE-PLUMBED THE PUMP HOUSE WITHOUT EVER CONSULTING ME. (SEE PICTURES 1. & 2. ON BACK SIDE PLEASE)

MY NEIGHBOR ~~WAS~~^{IS} BUILDING A NEW BLDG. ON HIS PROPERTY, AND I WAS NOT AWARE OF WHAT HE WAS DOING TO THE PUMP HOUSE UNTIL SEPT. 17TH, 1991.

THE ^{COLD} WELL WATER IN WARM SPRINGS HAS TURNED VERY WARM IN THE PAST FEW YEARS, AND HE DECIDED HE WOULD USE IT TO HELP HEAT HIS GARAGE FLOOR BEFORE IT WAS RETURNED TO ME. (SEE PICTURES 3, 4, & 5 ON BACK SIDE PLEASE) ^{THE WATER IS USED BY HIM FOR MORE THAN THE GARAGE FLOOR.}

HIS GARAGE HAS 2 ELECTRONIC GARAGE DOORS, & A LOCKED OUTSIDE SIDE DOOR. IN CASE THERE WAS AN EMERGENCY I WOULD HAVE NO WAY TO TAKE CARE OF IT WITHOUT BREAKING IN, OR RE-PLUMBING THE PUMP HOUSE. ^{WHEN I GET IT.}

THE FLOOR WATER IS "SUDSY" & SMELLS LIKE CHEMICALS. HE TOLD ME THAT IT IS THE PIPE DOPE, & IT WOULD SOON WEAR OFF; HOWEVER HE HAS CHANGED OVER TO CITY WATER FOR HIS DRINKING & HOUSE WATER, & HAS LEFT ME WITH WHAT I GET FROM THE GARAGE FLOOR FOR MY DOMESTIC WATER.

OTHER "NICE" THINGS HE HAS DONE:

1. TURNED OUR WATER OFF SEVERAL TIMES DURING CONSTRUCTION WITHOUT NOTIFYING ME - ONCE FOR 3 DAYS, & RECENTLY FOR 16 DAYS WHEN HE WENT TO HAWAII -
2. TRIED TO PULL THE CEMENT TOP OFF THE PUMP HOUSE SO HE COULD PUT THE PUMP HOUSE STORAGE ^{TANK} ~~HOUSE~~ IN HIS NEW GARAGE. THE CEMENT TOP IS PERMANENT, AND THE PUMP HOUSE & PUMP WERE SEVERELY JOLTED BY THE CHAIN ATTACHED TO A FRONT LOADER, OPERATED BY CURTIS EXCAVATION.
3. HAS RE-PLUMBED THE PUMP HOUSE 2 MORE TIMES IN THE PAST 3 WEEKS SINCE THE FIRST TIME HE DID IT. (SEE 2 ON BACK SIDE PLEASE) (I'M NOT SENDING PICTURES, BECAUSE GOD KNOWS WHAT HE IS GOING TO DO NEXT?)
4. IT ALWAYS STAYS THE SAME WHEN HE RE-PLUMBS - HE GETS TWICE THE VOLUME OF WATER - THAT I DO.

MR. TUTHILL, PLEASE ADVISE ME WHAT TO DO - I DO HAVE AN ATTORNEY, BUT WOULD APPRECIATE YOUR KNOWLEDGE OF THE MATTER. SINCERELY, LOUIE SIMON

DEC - 2 1991

Department of Water Resources
Western Regional Office

MICROFILMED

FEB 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

04-Dec-1991

R. KEITH HIGGINSON
Director

LOUIS SIMON
BOX 892
KETCHUM ID 83340

Re: Water well, Water right No. A37-04258

Dear Mr. Simon:

The material you sent to Dave Tuthill in Boise has been forwarded to me for reply.

The water right, in this case represented by SRBA claim No A37-04258, provides a basis for delivery of water in time of shortage on a "first in time is first in right" basis.

The problem you describe appears not to involve any question of nature or extent of your water right, but one involving the actions of parties to a private agreement about the use of a common well.

In my opinion, the department is without authority to administer this dispute and I can only recommend that you consult with private counsel to seek a resolution.

If I can be of any assistance in answering questions about this matter, please feel free to contact me.

Sincerely,


Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED
FEB 24 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 3, 1991

RECEIVED

DEC 04 1991

Department of Water Resources
Southern Region Office

Louis Simon
Box 892
Ketchum, ID 83340

Re: Well Problems

Dear Mr. Simon:

We received your letter and pictures in regard to the problems with your well. We have forwarded these to our Southern Region in Twin Falls since this falls within their area. Mr. Loren Holmes will be happy to assist you in this matter.

Sincerely,

DAVID R. TUTHILL JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Loren Holmes
IDWR, Southern Region
222 Shoshone St. East
Twin Falls, ID 83301
Phone: 736-3033

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

25-Nov-1991 13:39

Louis C. Simon, Jr.
PO Box 892
Ketchum, ID 83340

RE: SRBA Claim A37-04258

Dear Mr. Simon:

Pursuant to our phone conversation this day please find enclosed copies of the documents on file with the Department which evidence your water right. You have filed a statutory claim **37-04258** and you have filed an adjudication claim **A37-04258**. To understand what these filings represent I need to explain a little bit about how Idaho Water Law has evolved over the years and the present status of the Snake River Basin Adjudication.

First let me say that in Idaho we adhere to the appropriation doctrine whereby water rights are delivered according to the priority date of the right. To orderly keep track of the priorities of the rights there has over history been various methods to establish the priorities and the other elements of the water rights.

Prior to 1963 you could have established a water right from groundwater by merely developing the use. These types of rights are deemed "beneficial use" rights. After 1963 it became mandatory that to establish any non-single household domestic and/or stockwater right using less than 13,000 gallons per day you must first get a permit from the State of Idaho. It appears that your water use was established without a permit; however, you have claimed that it was established before 1963 so you were not required to get a permit. The basis of your claim is then considered "beneficial use". In 1978 in an effort to get a handle on the unrecorded "beneficial use" water rights the State of Idaho amended Title 42-243 of the Idaho Code. The amendment required all water users who had a "beneficial use" type water right to file a statutory claim for that use. Our records indicate that on September 29, 1982 you filed such a claim and it was numbered **37-04258**. Please understand that had you not claimed this use the right would have been deemed forfeited. Also understand that the information claimed on this statutory claim has never been confirmed and it is not considered an adjudication of the water right.

MICROFILMED
FEB 24 1993

PAGE 2 25-Nov-1991

In 1987 the Snake River Basin Adjudication (SRBA) started. The SRBA is a court case involving all the water users in the Snake River Basin to settle all the water rights in the basin existing prior to 1987. Out of the court case all water rights will be settled and all water rights will be confirmed by decree of the court. Since you are a wateruser in the Snake River Basin you were required to file an adjudication claim with the court or your water right would be found by the court to have been forfeited even though you had claimed it under Title 42-243. Our records indicate that on September 19, 1988 you filed a claim in the adjudication and it has been numbered A37-04258.

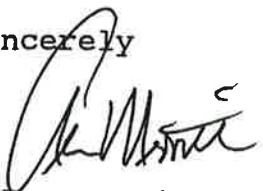
Ultimately the SRBA will confirm your water right by court decree however the sub-basin numbered "37" in which your right is located is not scheduled for field review until 1994 and probably will not be decreed until 1995 or 1996.

Pursuant to our phone conversation I have changed your address as listed above for your claim A37-04258.

Regarding the dispute with your neighbor about changes made to your plumbing, this matter as I understand it, appears to be a civil matter between you and your neighbor. This matter could affect your water right. When we do the field work to confirm your water use, if we find that you do not have the diversion capacity you have claimed, we will be forced to recommend to the court your actual diversion capacity.

If you have other questions about your claims please feel free to contact this office.

Sincerely



Allen Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
FEB 24 1993

RECEIVED
DEC - 2 1991

Department of Water Resources
Western Regional Office
2

LOUIS C. SIMON and MARY B. SIMON,
husband and wife
KENNETH J. BAKER,

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

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

(SEAL)

Joseph McFadden
Notary Public for Idaho,
Residing at Hailey, Idaho

RECEIVED

DEC 04 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
County of Blaine) ss

On this 11th day of June, 1958, before me, the undersigned, a Notary Public, in and for said State, personally appeared:

HEATHER A. BAKER,

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 TESTIMONY WHEREOF, I have hereunto set my hand and official seal on the day and year in this certificate above written.

(SEAL)

A. W. Ensign, Jr.
Notary Public, residing at Hailey, Idaho

Filed for record at the request of Sawtooth Title Co. at 4:10 o'clock P.M. Nov. 30, 1965

George F. McCoy, Ex-Officio Recorder
By Hazel Barber, Deputy

MICROFILMED

FEB 24 1993

S SIMON
892
CHUM, ID
83340



RECEIVED

DEC 02 1991

Department of Water Resources
Southern Region Office

MR ALLEN MERRIT, P.E.
WATER RIGHTS SUPERVISOR
% I. D. W. R.
SOUTHERN REGION
222 SHOSHONE ST. E.
TWIN FALLS, ID. 83301

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

02-Dec-1991

Louis C. Simon, Jr.
PO Box 892
Ketchum, ID 83340

RE: SRBA Claim A37-04258

Dear Mr. Simon:

In response to your letter dated Nov. 30, 1991 I will again attempt to explain to you what records you have filed with the Department and what they represent. From your letter I sense your frustration with the complexity of this matter but please understand that I cannot make simple something that is not simple.

In Idaho all the waters naturally flowing above or below the ground are considered to be the property of the state. The state holds these waters in trust for the people of the state and allows the use of these waters on the basis of the "water rights" granted by the state. When the state was first formed our constitution granted the use of the state's water to those who put these waters to "beneficial use"; furthermore, the constitution established that the state could regulate the use of the waters and in doing so would adhere to the appropriation doctrine. Whereby; if it ever became necessary to judge one water right against another that the one with the earliest date of first use or "priority" would be judged the better water right.

Since the waters of the state are a finite resource only those water rights with the earliest priorities can be delivered water all the time. A perfect example of how this works is the Big Wood River drainage in which you live. Those right holders who have early 1880 water rights from the Big Wood River generally can get water from the river anytime they need it. Those with later 1910 water rights can only get delivery of the water in the early spring when the river is flowing high. Later in the season the 1910 water rights may not be deliverable if the flow in the river has dropped. This same concept applies to groundwater uses although generally there is no great annual fluctuation. However, there has been a steady increase in demand on the resource and eventually it may become necessary to regulate who can take what. At that time it will be those individuals who have the earliest priority rights who will continue to be allowed to divert from the groundwater and those who have a later priority right will be restricted or completely shut off.

To keep track of what water rights are out there the state has passed legislation over the years which has established the rules of how the

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FEB 24 1993

state goes about granting water rights and how these rights are defined, viewed, recorded, etc. In my earlier letter I attempted to convey to you that these rules have changed over the years. The reasons for change are many but the important point here is that the rules have changed.

The following is a time line with notes relevant to your water development.

1890 -- Statehood

Could establish a water right by putting water to Beneficial Use. Extent of Right is that which is beneficially used and priority of the right is the date when water first used.

(Note that the state has no record of these uses.)

Late 1800's to Present -- Court Decrees

One method of confirmation of a water right would be thru court decree in which the court would define what the water right was and how it affected all the other parties to the lawsuit. This considered the best type of evidence of a water right but the main legal drawback is that it is only binding on the parties involved in the lawsuit.

Early 1900's -- Establishment of Permit process.

Could establish a water right by obtaining a permit from the State and then completing development of use and then the state issues a License to document the established use. The advantage of this process was that the priority date was the when the permit was applied for and you could hold this date of priority without development for up to 5 years. Additionally the state would document the development and acknowledge the License as "prima facie evidence" of the water right. This process was optional. **You did not obtain a permit.**

March 25, 1963 -- Permit Process Becomes Mandatory for Groundwater

As of this date to establish a right to divert from groundwater a Permit was required to be obtained.

1978 -- Statutory Claim Process Required

In an effort to get a handle on all the old water rights that were not recorded with the state in either the voluntary permit and/or mandatory permit process or had not been decreed in a court case, the state required that all holders of such rights file a statutory claim to record their use. This recording was considered for informational purposes only and was not considered a confirmation of the water right by the state.

You filed statutory claim 37-04258.

Nov. 19, 1987 -- All Waterusers in Snake River Basin enjoined in SRBA

All waterusers in the Snake River Basin were included in the civil case # 39576 which is a lawsuit to settle all the water rights in the basin. This lawsuit requires all waterusers to file an adjudication claim for all water rights with a priority earlier than 1987. **You filed adjudication claim A37-04258.**

Ultimately your right will be confirmed in this process. Your

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FEB 24 1993

Page 3

priority will be decreed; the location of your use will be confirmed; the location of your well will be confirmed; the amount of water you divert will be confirmed and the other aspects as to how your water use relates to the other water rights in the basin will be confirmed. The Decree will also be binding on all waterusers in the basin including the Federal Government.

If you do not fully understand the foregoing or if you have further questions I suggest you make an appointment with our office so that we can talk face to face. You may also consider seeking further explanation from competent legal council.

Sincerely

A handwritten signature in dark ink, appearing to read "Allen Merritt", written in a cursive style.

Allen Merritt, P.E.
Water Rights Supervisor

MICROFILMED
FEB 24 1966

RECEIVED

11/30/91

DEC 02 1991

Department of Water Resources
Southern Region Office

A37-04258

DEAR MR. MERRIT:

THANK YOU FOR YOUR LETTER OF NOVEMBER 25, 1991.

UNFORTUNATELY, MY LETTER TO YOU ABOUT MY CLAIM WAS RETURNED TWICE TO ME BECAUSE I USED THE OLD I. D. W. R. ADDRESS - IN MY LETTER I STRESSED THAT I WOULD APPRECIATE MY QUESTIONS AND FURTHER ASSISTANCE BE ANSWERED IN "LAYMAN'S TERMINOLOGY."

I HAVE READ YOUR LETTER 3 TIMES AND I'M STILL IN THE DARK. WILL YOU PLEASE HELP ME UNDERSTAND THIS CLAIM A LITTLE BIT BETTER? THANKS -

YOU START OFF BY TELLING ME THAT SINCE I'VE HAD THIS WELL SINCE MAY 27, 1958 WHICH IS PRIOR TO 1963, I HAVE "BENEFICIAL USE" RIGHTS -

ALSO, THE MAN WHO ~~DR~~ DRILLED OUR WELL, PLUS MOST OF THE WELLS IN THE KETCHUM AREA WAS GEORGE ROESLER - FURTHERMORE, JOSEPH MCFADDEN, A NOTARY PUBLIC FOR IDAHO, RESIDING AT HAILEY, IDAHO. WAS EXTREMELY DEMANDING ABOUT THE INFORMATION WE GAVE HIM FOR WRITING US THAT CERTAIN INSTRUMENT OF RECORD WHICH IS RECORDED IN THE RECORDS OF BLAINE COUNTY, STATE OF IDAHO. MR. MCFADDEN WAS A LAWYER, AND LATER BECAME A STATE OFFICER. I'M SURE MR. MCFADDEN WOULD HAVE INSISTED THAT MR. ROESLER HAVE A WELL DRILLING PERMIT -

GETTING BACK TO 1963 - WHY WAS I EVER REQUIRED

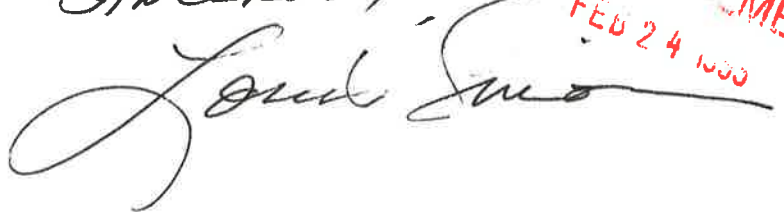
MICROFILMED
FEB 24 1993

2.
TO FILE FOR A CLAIM TO A WATER RIGHT WHEN YOU
STATE THAT BY MERELY DEVELOPING THE USE
CONSTITUTES A WATER RIGHT? IN THE U.S.
POST OFFICE THEY POSTED A NOTICE TO SECURE
YOUR WATER RIGHTS WHICH WAS UP THE SUMMER
OF 1988, & THIS IS WHEN I BEGAN WORKING ON
MY CLAIM WITH YOUR OFFICE - BUT IF THIS
WASN'T NEEDED ACCORDING TO YOUR LETTER, THEN,
WHY WASN'T I INFORMED THAT MY CLAIM WAS
OK - I.E., SEE THIS IS WHY I WANTED YOUR
LETTER TO ME IN LAYMAN'S TERMINOLOGY -

NEXT YOU TELL ME IN YOUR LETTER THAT ON
SEPT. 29, 1982 (WHICH WAS 1988) THAT HAD I
NOT FILED THIS CLAIM, MY CLAIM TO THE RIGHT
WOULD HAVE BEEN DEEMED FORFEITED - ALSO,
~~AND~~ THAT NOTHING I HAVE SENT HAS BEEN CONFIRMED.

BELIEVE ME, I DO APPRECIATE YOUR TIME
AND EFFORT IN ANSWERING MY QUESTIONS, & I
CAN ALMOST UNDERSTAND WHAT YOU ARE SAYING,
BUT WILL YOU PLEASE TRY AGAIN TO EXPLAIN THIS
TO ME -

THANK YOU -

SINCERELY,

MICROFILMED
FEB 24 1990

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Simon, Luis C. CLAIM ENT. NO. A37-4258DATE RECEIVED 9-19-88 CK # 1427 AMOUNT \$ 59.00

YES

NO

1. Is the name and address complete with zip code? ☒ ☐2. Is a priority date entered? ☒ ☐

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

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. ☒ ☐3. (a) Is a source entered? ☒ ☐(b) Is a tributary to entered? (if required) ☐ N/A ☒ ☐4. Is the legal description of the p.d. sufficient? ☒ ☐5. Is there a description of the diverting works? ☒ ☐6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ ☐Is the period of use included? ☒ ☐Is a quantity claimed for each use? ☒ ☐7. Is a total quantity claimed entered? ☒ ☐8. If required is a consumptive use entered? ☐ N/A ☒ ☐Is the consumptive use correct? ☐ N/A ☒ ☐9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. ☒ ☐10. Is (are) the place(s) of use entered? ☒ ☐11. Is (are) the county(ies) entered? ☒ ☐12. Is the ownership of p.u. checked? ☒ ☐13. Are other water rights listed or "none" checked? ☒ ☐14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ N/A ☒ ☐15. Is the basis of the claim checked? ☒ ☐16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ ☐Has the claim been signed, sealed, and dated by a notary? ☒ ☐Is the fee enclosed correct? ☒ ☐If this claim is based on an existing water right, has the identification number been entered? ☐ N/A ☒ ☐Should this claim be receipted and data entered? ☒ ☐Claim checked by: CFMICROFILMED
FEB 24 1989

Comments: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 8, 1988

Mr. Louis C. Simon, Jr.
2055 Simpson Avenue
Reno, NV 89503

Dear Mr. Simon:

Thank you for your recent correspondence. The claim you enclosed does not satisfy the filing requirements for a Notice of Claim to a Water Right in the Snake River Basin Adjudication. Your previous filing of a Claim to a Water Right on Form No. 243 recorded your water right, however it did not confirm it. To obtain a confirmed water right, and to preserve the priority of your water use, a Notice of Claim to a Water Right will have to be filed.

I have enclosed a partially completed claim form based on the information you have supplied for Water Right No. 37-04258. Please check all of the items entered for accuracy. Items needing completion are Items 12 and 13. If you could also mark the location of the well and the two houses it serves on the map enclosed with the claim form, it would be very helpful when reviewing your claim. The filing fee for the claim as it appears is \$59.00. This is determined by adding the variable fees of \$8.00 (\$100.00 per cfs X 0.08 cfs) and \$1.00 minimum variable fee for any irrigation claimed to the \$50.00 flat fee for this type of claim.

Also enclosed is a blank claim form and instructions. This should be used if you wish to claim your water right in a different manner than what I have entered on the claim form.

After you complete the claim, you must have your signature confirmed by a notary public. Return the completed claim with the filing fee to this office.

If you have any questions, please contact this office.

Sincerely,

Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

MICROFILMED
FEB 24 1993

RE: SENIOR WATER RESOURCE ANALYST
DEAR SIR, OR

TO WHOM IT MAY CONCERN:

9/2/88
RECEIVED
SEP 06 1988

DOES MY ENCLOSED CLAIM ^{Department of Water Resources} ~~NO. 37-2258~~
SATISFY ^{YOUR} ~~MY~~ LEGAL REQUIREMENTS TO ^{YOUR} ~~MY~~
"NOTICE OF CLAIM TO A WATER RIGHT." ?
I.E., I ASKED YOU THIS IN MY LAST LETTER
TO YOU, WHICH YOU NEVER ANSWERED - YOU
MERELY SENT ME NEW FORMS - TO FILL OUT.

PLEASE LET ME KNOW IF I AM PROTECTED,
IT TOOK ME A MONTH ON THE LAST ^{ENCLOSED} CLAIM,
~~AND~~ AND THIS INFORMATION REQUESTED IN YOUR
FORMS IS NOT FOR ANY LAYMAN TO FILL
OUT - I HAD TO HAVE HELP!

SINCERELY,

LOUIS SIMON, JR.
3055 SIMPSON AVE.
RENO, NEVADA 89503

P.S. I WOULD APPRECIATE AN EARLY REPLY SO
THAT I CAN MEET YOUR OCT 15TH
DEADLINE --

MICROFILMED
FEB 24 1993

SIMON

2 short forms sent
8/26/88
ab

AUGUST 9, 1988

File

IDAHO DEPT. OF WATER RESOURCES
ADJUDICATION BUREAU

STATE HOUSE MAIL
BOISE, IDAHO 83720

RECEIVED

AUG 16 1988

Department of Water Resources

RE: CIVIL No. 39576 IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF
TWIN FALLS. (RIGHTS TO THE USE OF
WATER FROM THE SNAKE RIVER BASIN
WATER SYSTEM.)

DEAR SIR,

IN RESPONSE TO YOUR NOTICE PLEASE
NOTE:

I THREE NOTICES WERE MAILED TO ME, I.E.,
① LOUIS SIMON, ② LOUIS C. SIMON, JR., & ③
SIMON, LOUIS C. JR., & SIMON, MARY B.

PLEASE MAKE THE CORRECTION - & DIRECT
ALL FUTURE CORRESPONDENCE TO NO. 3.
THANKS.

MICROFILMED
FEB 24 1989

II TWO YEARS AGO I FILED MY WATER
RIGHTS FOR MY COLD WATER WELL

THAT I SHARE WITH MY NEIGHBOR -
 KEN & HEATHER BAKER, BOX 91, SUN VALLEY,
 IDAHO 83353 TO YOUR DEPT. IT REQUIRED
 A MAP WITH THE EXACT LOCATION OF
 THE WELL. MY COPY OF THIS DOCUMENT*
 IS IN MY SAFETY DEPOSIT BOX IN RENO.
 PLEASE LET ME KNOW IF THIS IS THE
 INFORMATION YOUR DEPT. WANTS.

IF FURTHER FORMS ARE REQUIRED,
 PLEASE SEND ME 2 FORMS FOR THE
 BAKERS & US WITH ADDITIONAL INSTRUCTIONS
 IF NEEDED.

THANK YOU.

SINCERELY,

SUMMER LOUIS C. SIMON, JR.

ADDRESS - ~~7~~ BOX 892

(UNTIL SEPT. 1ST) KETCHUM, IDAHO 83340

P.S. IF YOU DON'T HAVE MY WELL DOCUMENT*,
 PLEASE CHECK WITH THE TWIN FALLS
 OFFICE, BECAUSE, IT IS ON FILE.

MICROFILMED
 FEB 24 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

~~OCTOBER 27, 1982~~
November 12, 1982

LOUIS C. SIMON, JR.
2055 SIMPSON AVE.
RENO NW 89503

RE: Claim No. 37-4258

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
Senior Water Resource Analyst

Enclosure

MICROFILMED
FEB 24 1983

STATE OF IDAHO,
County of Blaine,

}

ss.

1-327-7900 BOISE
DUPLICATION 1301 N. ORCHARD

I, MARIE IVIE LILYA, Ex-Officio Recorder in and for said County and State, do hereby certify that the foregoing is a full, true and correct copy of that certain instrument of record in my office, as Instrument No. 123543 BKK 183 page 338 in Agreement, Records of Blaine County, State of Idaho.

Witness my hand and official seal this 5 day of August, 1982.

By

Romaine Dudley

Deputy.

MARIE IVIE

Ex-Officio Recorder.

MICROFILMED
FEB 24 1993