

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 37-4427
Date Received: 4/26/1999
Receipt No: S022069
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

POINT OF ROCKS RANCH LLC Phone: (650)851-2914
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

2. Date of Priority: 12/24/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	20E	16	SE	NE	SE	BLAINE	

5. Description of diverting works:

WELL PUMP SPRINKLER IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.51	

7. Total Quantity Appropriated is:
3.51 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	20E	15	NW	SW	IRRIGATION	4.1
			SE	SW	IRRIGATION	15.2
			SW	SW	IRRIGATION	38.6
			Section Acres			57.9
01S	20E	16	NE	SE	IRRIGATION	2.3
			SE	SE	IRRIGATION	25.8
			Section Acres			28.1
			01S	20E	22	NE
NW	NW	IRRIGATION				26.4
Section Acres						46.6
Total Acres						132.6

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:

THIS CLAIM INCLUDES THE AMOUNT OF WATER AND IRRIGATED ACRES FOR 37-02591 AND 37.07937. THESE LATTER RIGHTS WILL BE ABANDONED IF THIS CLAIM IS FULLY DECREED.

15. Basis of Claim: Beneficial Use

RECEIVED

MAR 27 2002

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

Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-00237D</u>	_____	_____	<u>37-02591</u>	_____	_____
<u>37-00426D</u>	_____	_____	<u>37-07937</u>	_____	_____
<u>37-00632F</u>	_____	_____	<u>37-11498</u>	_____	_____
<u>37-00943F</u>	_____	_____	<u>37-04427</u>	_____	_____
<u>37-00095F</u>	_____	_____	<u>37-00706D</u>	_____	_____
<u>37-00944F</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) John K. French and Elaine A. French
35 Hidden Valley Lane, Woodside, CA 94062-1203
4. New Owner/Claimant(s) Point Of Rocks Ranch, L.L.C.
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and Zip Code Woodside, CA 94062
- New Telephone Number (650) 851-2914
5. Date you acquired the property February 4, 2002

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	_____	_____

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)

POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company

John K. French Elaine A. French
John K. French, Member/Elaine A. French, 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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Recording Requested By
and
When Recorded Return to:

Thomas C. Praggastis, Esq.
Post Office Box 6090
Ketchum, Idaho 83340

Mail Tax Statements To:

Point of Rocks Ranch, L.L.C.
35 Hidden Valley Lane
Woodside, CA 94062

Instrument # 461573

HAILEY, BLAINE, IDAHO
2002-02-15 11:57:00 No. of Pages: 4
Recorded for : THOMAS C PRAGGASTIS
MARSHA RIEMANN Fee: 12.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

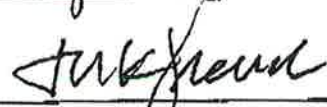
WARRANTY DEED

For Value Received, JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife (collectively "Grantor"), hereby grant, bargain, sell and convey unto POINT OF ROCKS RANCH, L.L.C., an Idaho limited liability company, whose address is 35 Hidden Valley Lane, Woodside, California 94062 ("Grantee"), the real property located in Blaine County, Idaho, as more particularly described in Exhibit A attached hereto and incorporated herein by reference and all water rights appurtenant to the real property, as more particularly described in Exhibit B, attached hereto and incorporated herein by reference.

SUBJECT to taxes, easements, restrictions, reservations, assessments and encumbrances of record, if any.

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

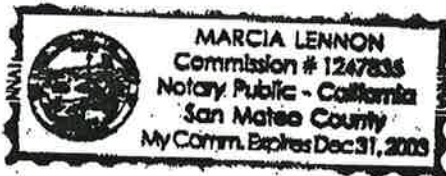
DATED this 4th day of February, 2002.


JOHN K. FRENCH


ELAINE A. FRENCH

State of California)
) ss.
County of San Mateo)

On this 4th day of February, 2002, before me, a Notary Public in and for said State, personally appeared JOHN K. FRENCH and ELAINE A. FRENCH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Marcia Lennon
Notary Public in and for the State of California
Residing at 421 Offenbach Sunnyvale, CA
Commission expires _____

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{4}$ SE $\frac{1}{4}$: N $\frac{1}{4}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the **REAL POINT OF BEGINNING**; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the **REAL POINT OF BEGINNING**.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less **TO THE POINT OF BEGINNING**.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom the right-of-way for Silver Creek.

EXHIBIT B

WATER RIGHTS

**Identification numbers of the Idaho Department of Water Resources
37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-
00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D**

Claimant's Name:
Point of Rocks Ranch, L.L.C.

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

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Point of Rocks Ranch, L.L.C., an Idaho limited liability company, for the following water rights which are not the subject of any subcases: 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-04427 and 37-00706D.

DATED this 5th day of March, 2002.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2002, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE 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

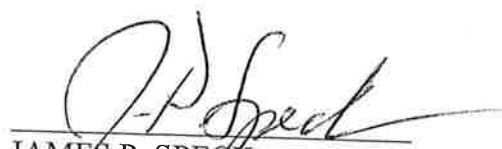
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

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

March 26, 2002

RECEIVED

MAR 27 2002

Department of Water Resources
Southern Region

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

**RE: Notice of Change of Water Right Ownership for 37-00237D,
37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591,
37-07937, 37-11498, 37-04427 and 37-007906D
Our File No.: 020010**

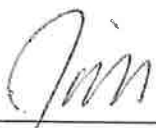
Dear Allen:

Enclosed you will find the original and a copy of the above-referenced Notice of Change of Water Right Ownership for the above-referenced water rights acquired by my client, Point of Rocks Ranch, L.L.C. and the original and one copy of our firm's Notice of Appearance. Please receipt date stamp the copies and return them to me in the postage prepaid, self addressed envelope I have included for that purpose.

Kindly call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
enclosures
cc: Client (w/out encls.)
Chief, Natural Resources Division (w/encl.)
U.S. Dept. of Justice(w/encl.)
IDWR, Document Depository (w/encl.)

Form 92-244(12-14046) July, 2000

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.

RECEIVED
DEC 24 2001
 Department of Water Resources
 Southern Region

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
37-00237D	_____	___	37-02591	_____	___
37-00426D	_____	___	37-07937	_____	___
37-00632F	_____	___	37-11498	_____	___
37-00943F	_____	___	37-04427	_____	___
37-00095F	_____	___	37-00706D	_____	___
37-00944F	_____	___	_____	_____	___

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) Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner
Box 1200, Hailey, ID 83333
4. New Owner/Claimant(s) John K. French and Elaine A. French
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 35 Hidden Valley Lane
- City, State and ZIP Code Woodside, CA 94062-1203
- New Telephone Number (650) 851-2914
5. Date you acquired the property December 17, 2001

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-0095F, 37-00944F
37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Adjudication Claim No(s): XXXX

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

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Robert E. Gardner, Kathryn Allred Gardner & Mary Ellen Drashner
Box 1200, Hailey, Id 83333

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

John K. French & Elaine A. French

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

35 Hidden Valley Lane, Woodside, CA 94062-1203

(650-851-2914

5. Date you acquired the property

December 17, 2001

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____

Number and type of stock _____

Diversion rate in CFS _____

Number of homes _____

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

John K. French

Elaine A. French

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

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

RECEIVED
DEC 24 2001
Department of Water Resources
Southern Region

Form 42-210/42-141/06 July, 2000

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 _____		
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	_____	_____

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) _____

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

12/27/01

Fee

25.00

Received by _____

Date

12/27/01

Receipt No.

5025502

Processed by _____

Date

WR

Date

SVTC Order No. 01-16926

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest in said property

the grantors, do hereby grant, bargain, sell and convey unto

JOHN K. FRENCH AND ELAINE A. FRENCH, husband and wife

the grantee(s), whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Please see attached Exhibit "A"

This transaction is a 1031 Exchange for the benefit of Mary Ellen Drashner, Robert E. Gardner and Kathryn Allred Gardner, as relinquished property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any. Reserving and Excepting any and all water rights appurtenant thereto, which water rights shall be separately conveyed by Quitclaim Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that they/he/she will warrant and defend the same from all lawful claims whatsoever.

Dated: December 10, 2001

Kathryn A. Gardner
Kathryn A. Gardner

Robert E. Gardner
Robert E. Gardner

Mary Ellen Drashner
Mary Ellen Drashner

State of Idaho

County of Blaine

On this 11th day of Dec, 2001, Before me a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jane L. Hansen
Notary Public

Residing at

Boise, ID

Comm. Expires

6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



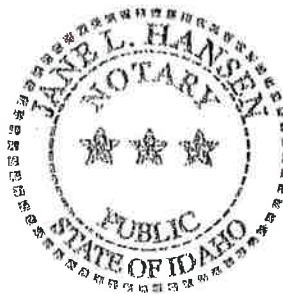
State of Idaho

County of Ada

On this 11th day of Dec, 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

James L. Hansen

Notary Public

Residing at Boise, IdComm. expires 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{2}$ SE $\frac{1}{4}$: N $\frac{1}{2}$ SE $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: and E $\frac{1}{2}$ SW $\frac{1}{4}$

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears South 0°23'00" East, 322.74 feet from the 5/8" bar marking the closing corner to Section 15, Township 1 South, Range 20 East, Boise Meridian; thence South 60°33' 00" West, 2,666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence South 04°07'50" West, 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence North 76°30'09" West, 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence North 11°58'01" East, 53.39 feet to a fence corner; thence North 04°11'25" East, 78.77 feet to a fence corner; thence North 82°12'42" East, 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said East $\frac{1}{2}$ SW $\frac{1}{4}$; thence North a distance of 1,369.00 feet, more or less, to a point on the South right-of way boundary line of existing county road; thence South 75°41' West, along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence South a distance of 940.60 feet to a point; thence South 58°30' West, a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence North 89°55' East, a distance of 819.00 feet, more or less TO THE POINT OF BEGINNING.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Excepting therefrom roadways and the right-of-way for Silver Creek.

MAP 12A

16

5657

5656

6273

TL
6274

US

15

US

US

21

22

7655

MAP 13

1744

1746

1745

1748

1750

1749

1751

1045

1047

28

1049

1050

1052

PICABO

6580

1753

2940

2942

7523

6610

6820

6822

1758

1760

1794

500

NO PICABO ROAD

Green Supply

1794

500

500



T. IS., R. ZOE.

SVTC Order No. 01-16926

QUITCLAIM DEED

For Value Received MARY ELLEN DRASHNER, an unmarried woman, as to an undivided 24.8344 percent interest, ROBERT E. GARDNER, a married man, as his sole and separate property, as to an undivided 21.3576 percent interest and KATHRYN ALLRED GARDNER, a married woman, as her sole and separate property, as to an undivided 53.8079 percent interest, which is all of their interest

Do hereby convey, release, remise and forever quitclaim unto

John K. French and Elaine A. French, husband and wife

Whose current address is 35 Hidden Valley Lane, Woodside, CA 94062-1203

the following described water rights:

Identification Numbers of the Idaho Department of Water Resources 37-00237D, 37-00426D, 37-00632F, 37-00943F, 37-00095F, 37-00944F, 37-02591, 37-07937, 37-11498, 37-04427 and 37-00706D

Together with their appurtenances.

Dated: December 10, 2001

Robert E. Gardner Kathryn Allred Gardner
 Robert E. Gardner Kathryn Allred Gardner
Mary Ellen Drashner
 Mary Ellen Drashner

State of Idaho

County of Blaine

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Robert E. Gardner and Kathryn Allred Gardner known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

James R. Hansen

Notary Public

Residing at: Boise, ID

Comm. Expires: 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007

State of Idaho

County of Ada

On this 11th day of Dec. 2001, before me, a Notary Public in and for said State, personally appeared Mary Ellen Drashner known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

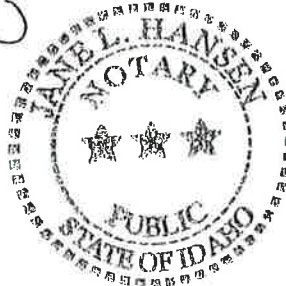
James R. Hansen

Notary Public

Residing at: Boise, ID

Comm. Expires: 6/11/07

RESIDING AT:
BOISE, IDAHO
COMMISSION EXPIRES:
6-11-2007



December 21, 2001

SUN VALLEY
TITLE
C O M P A N Y



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

Re: Our Order No. 01-16926
Gardner/French
T1S, R20E, Ptn. Sec. 15, Ptn. Sec. 16

To Whom It May Concern:

Regarding the above, I have enclosed the following:

- Check no. 10709 in the amount of \$25.00
- Notice of Change of Water Right Ownership
- Department of Water Resources Notice of Change in Water Right Ownership
- Copy Warranty Deed
- Map
- Copy Quitclaim Deed

If you have any questions or comments please do not hesitate to contact our office.

Happy Holidays!

Very Truly Yours,

A handwritten signature in cursive script that reads "Lindsay Atienza".

Lindsay Atienza
Escrow Assistant

enc. 1a

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

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

RECEIVED

OCT 08 1998

1. Water Right Number(s) _____
 Department of Water Resources
 Southern Region
 Adjudication Claim Number(s) A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498

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

A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acre outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Charles R. Larkin
 Owner/Claimants P.O. Box 767, Picabo, Idaho 83348

4. New Owner/Claimant(s) Robert E. Gardner, Mary Ellen Drashner, and/or Kathryn Allred Gardner
 Name connector (check one): [] AND, [] OR, [X] AND/OR

New Mailing Address 12 Heron Lane

City, State and ZIP Code Bellevue, ID 83313

New Telephone Number (208) 788 - 2568

5. Date you acquired the property August 18, 1989

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ cubic feet per second Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Robert E. Gardner Date 10-6-98
 Owner/Claimant(s) Kathryn Gardner Date 10-2-98
Mary Ellen Drashner Date 10-3-98
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

No. 13689

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, whose address is P. O. Box 767, Picabo, ID 83348 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto PIONEER EXCHANGE CORPORATION, an Idaho corporation, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

That real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

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

DATED this 17 day of August, 1989.

Charles R. Larkin
CHARLES R. LARKIN

Gioia B. Larkin
GIOIA B. LARKIN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned, a notary public in and for said state, personally appeared CHARLES R. LARKIN and GIOIA B. LARKIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Robert P. Spade
Notary Public for Idaho
Residing at: east Fork ID

j:\lrknpion.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4:✓ NL/2 SE1/4:✓ NW1/4 SW1/4:✓ and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: NL/2 NE1/4.✓

Section 22: NL/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

**CORPORATION
WARRANTY DEED**

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto MARY ELLEN DRASHNER, an unmarried woman, whose address is 2953 Leisure Drive, Boise ID 83704 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 24.8344% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 24.8344% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing 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 seal the day and year in this certificate first above written.

John A. Carter
Notary Public for Idaho
Residing at: Four Valley

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8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW. ✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4. ✓

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4. ✓

Section 22: N1/2 NW1/4. ✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto ROBERT E. GARDNER, a married man dealing in his sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 21.3576% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 21.3576% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing 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 seal the day and year in this certificate first above written.

Stephen A. Butler
Notary Public for Idaho
Residing at: Green Valley

j:\piorobt.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW.✓

Section 16: S1/2 SE1/4: NE1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4.✓

Excepting therefrom parcels of land in Section 16, more particularly described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. 0° 23' 00" E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence
S. 60° 33' 00" W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence
S. 04° 07' 50" W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 76° 30' 09" W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence
N. 11° 58' 01" E., 53.39 feet to a fence corner; thence
N. 04° 11' 25" E., 78.77 feet to a fence corner; thence
N. 82° 12' 42" E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence
N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence
S. 75° 41' W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence
S. a distance of 940.60 feet to a point; thence
S. 58° 30' W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence
N. 89° 55' E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: NE1/2 NE1/4.✓

Section 22: NE1/2 NW1/4.✓

Excepting therefrom the Right-of-Way for Silver Creek.

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, PIONEER EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 987, Ketchum, ID 83340 ("Grantor"), hereby grants, bargains, sells and conveys unto KATHRYN ALLRED GARDNER, a married woman dealing in her sole and separate property, whose address is P. O. Box 470, Bellevue, ID 83313 ("Grantee", whether one or more), the following described real property situated in Blaine County, Idaho:

An undivided 53.8079% interest as a tenant-in-common in that real property more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH an undivided 53.8079% interest as a tenant-in-common in any and all water rights appurtenant thereto, specifically including, but not limited to, Idaho Water Rights Nos. 37-0706, 37-0426, 37-0237, 37-0095, 37-0632, 37-0943, 37-0944, 37-2591 and 37-7937.

AND TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, if any, the reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO those exceptions and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the

Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 17th day of August, 1989.

PIONEER EXCHANGE CORPORATION, an
Idaho corporation

By: James P. Speck
James P. Speck, President

By: Ruby Becker
Ruby Becker, Secretary

STATE OF IDAHO)
) ss.
County of Blaine)

On this 17th day of August, 1989, before me, the undersigned notary public in and for said state, personally appeared James P. Speck and Ruby Becker, known or identified to me to be the president and secretary, respectively, of PIONEER EXCHANGE CORPORATION and the persons who executed the foregoing 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 seal the day and year in this certificate first above written.

Attorney at Law
Notary Public for Idaho
Residing at: Four Valley

j:\piokath.ded
8/16/89

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 15: S1/2 SW. ✓

Section 16: S1/2 SE1/4: N1/2 SE1/4: NW1/4 SW1/4: and E1/2 SW1/4. ✓

Excepting therefrom parcels of land in Section 16, more particulary described as follows:

COMMENCING at the 5/8" bar by Fosbury, marking the East one-quarter corner of said Section 16, which bears S. $0^{\circ} 23' 00''$ E., 322.74 feet from the 5/8" bar marking the closing corner to Section 15, T.1S, R.20E, B.M.; thence S. $60^{\circ} 33' 00''$ W., 2666.55 feet to a fence corner, said corner being the REAL POINT OF BEGINNING; thence S. $04^{\circ} 07' 50''$ W., 171.12 feet to a fence corner on the Northerly bank of Silver Creek; thence N. $76^{\circ} 30' 09''$ W., 110.53 feet to a fence corner on the Northerly bank of Silver Creek; thence N. $11^{\circ} 58' 01''$ E., 53.39 feet to a fence corner; thence N. $04^{\circ} 11' 25''$ E., 78.77 feet to a fence corner; thence N. $82^{\circ} 12' 42''$ E., 103.93 feet to the fence corner marking the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING

Beginning at the SE corner of said E1/2 SW1/4; thence N. a distance of 1,369.00 feet, more or less, to a point on the South right-of-way boundary line of existing county road; thence S. $75^{\circ} 41'$ W., along said South boundary line of said county road right-of-way a distance of 203.60 feet to a point; thence S. a distance of 940.60 feet to a point; thence S. $58^{\circ} 30'$ W., a distance of 728.30 feet more or less, to a point on the South boundary line of Section 16; thence N. $89^{\circ} 55'$ E., a distance of 819.00 feet, more or less, TO THE POINT OF BEGINNING.

Section 21: N1/2 NE1/4. ✓

Section 22: N1/2 NW1/4. ✓

Excepting therefrom the Right-of-Way for Silver Creek.

Claimants Names:

**Robert E. Gardner
Mary Ellen Drashner
Kathryn Allred Gardner
12 Heron Lane
Bellevue, ID 83313**

RECEIVED
OCT 08 1998
*Department of Water Resources
Southern Region*

Attorney Name & Address:

**James P. Speck
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(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

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)
)
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)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimants and purchasers of water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation hereby enters its appearance on behalf of Claimants, Robert E. Gardner, Mary Ellen Drashner and Kathryn Allred Gardner, for

the following water right claims which are not the subject of any Subcases: A37-00706D, A37-00237D, A37-00426D, A37-00632F, A37-00943F, A37-00095F, A37-00944F, A37-02591, A37-07937, A37-11498.

DATED this 6th day of October, 1998.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 1998, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE 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

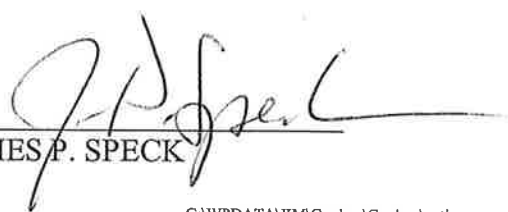
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

IDWR Document Depository
PO 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

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

October 6, 1998

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

RECEIVED
OCT 08 1998
Department of Water Resources
Southern Region

**Re: Notice of Change of Water Right Ownership
Larkin - Gardner and Drashner**

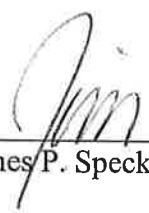
Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for several water rights previously claimed in the SRBA by Charles R. Larkin and now owned by Robert E. Gardner, Kathryn Allred Gardner and Mary Ellen Drashner. I have also enclosed a Notice of Appearance on behalf of the Gardners and Mrs. Drashner. Please call me if you have any questions about this Notice. If not, kindly send me copies of the computer printouts reflecting the change of ownership once the information has been entered into the IDWR database.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
Enclosure
cc: Clients (w/encls.)

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: **A37-04427**
Date Received: 4/26/1999
Receipt No: S022069
Received By: KKC

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	ROBERT E GARDNER	208-788-2568
Address:	12 HERON LANE BELLEVUE ID 83313	
AND/OR		
Name:	KATHRYN ALLRED GARDNER	208-788-2568
Address:	12 HERON LANE BELLEVUE ID 83313	
AND/OR		
Name:	MARY ELLEN GARDNER	208-788-2568
Address:	12 HERON LANE BELLEVUE ID 83313	

2. Date of Priority: DEC 24, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	20E	16	SE	NE	SE		BLAINE

5. Description of diverting works:
WELL PUMP SPRINKLER IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.510		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	15	NW	SW		IRR	4.1
			SW	SW		IRR	38.6
			SE	SW		IRR	15.2
					Section Acres		57.9
		16	NE	SE		IRR	2.3
			SE	SE		IRR	25.8
					Section Acres		28.1
		22	NE	NW		IRR	20.2
			NW	NW		IRR	26.4
					Section Acres		46.6
					Total Acres		132.6

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:

THIS CLAIM INCLUDES THE AMOUNT OF WATER AND IRRIGATED ACRES FOR 37-02591 AND 37.07937. THESE LATTER RIGHTS WILL BE ABANDONED IF THIS CLAIM IS FULLY DECREED.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

APR 26 1999

Department of Water Resources
Southern Region

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: 39576

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

Ident Number A37-04427

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 08 1999
Department of Water Resources
Southern Region

1. **Name of Claimant(s):** Robert E. Gardner, Kathryn Allred Gardner and/or Mary Ellen Drashner
Phone: 1-208-788-2568
Mailing Address: 12 Heron Lane
Bellevue, ID 83313
2. **Date of Priority:** December 24, 1956
3. **Source of water supply (a)** ground water
which is tributary to (b)
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>
1S	20E	16	SE	NE	SE		Blaine

Additional points of diversion if any:

5. **Description of existing diversion works:** well, pump, sprinkler irrigation system

COPY

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	3.51 cfs

7. Total Quantity Claimed: 3.51 cfs

8. Non-irrigation uses:

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>				<u>NW</u>				<u>NE</u>	<u>SW</u>			<u>SE</u>				<u>TOTALS</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>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
1S	20E	15										4.1	38.6	15.2						57.9
1S	20E	16													2.3				25.8	28.1
1S	20E	22						20.2	26.4											46.6
TOTALS																				132.6

10. Place of use is located in Blaine County.

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

12. Describe any other water rights used at the same place and for the same purposes as described above?
37-02591 and 37-07937

13. **Remarks:** This Claim includes the amount of water and irrigated acres for 37-02591 and 37-07937. These latter rights will be abandoned if this Claim is fully decreed.

Last Name: GARDNER

H:\WPDATA\JIM\GARDNER\WaterRights\Noticeofclaim.wpd

Ident No. A37-04427

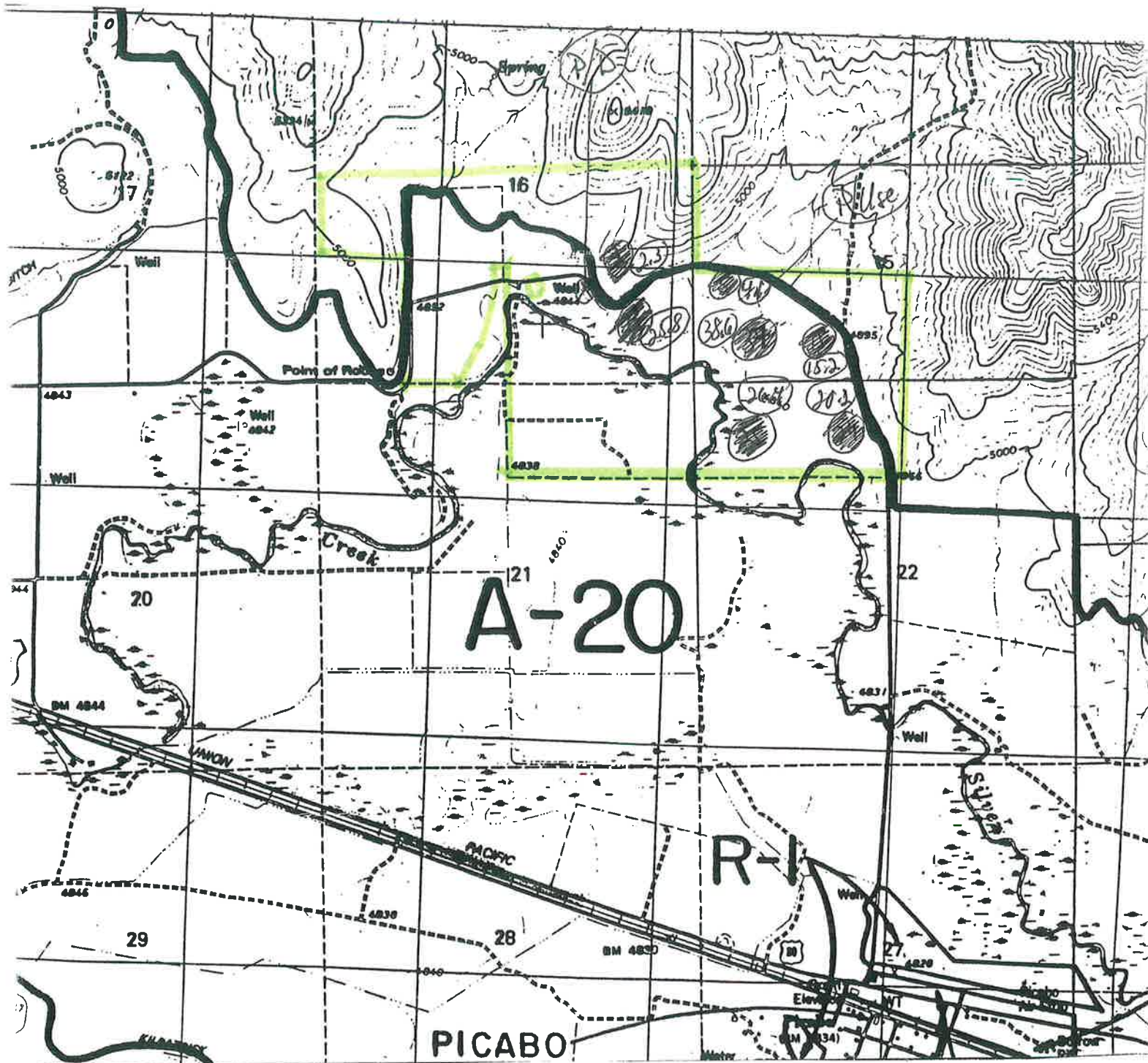
4/22/99

COPY

MAP OF PROJECT

(Show clearly the point of diversion, place of use, section number, township and range number)

Scale: 2 inches equals 1 mile



Last Name: GARDNER

G:\WPDATA\JIM\GARDNER\WaterRights\Noticeofclaim.wpd

Ident No. A37-04427

3/16/99

COPY

14. Basis of Claim: Beneficial Use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

15. Signature(s)

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

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

Signature of Claimant(s)

Robert Gardner
ROBERT GARDNER

Date 4-6-99

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 6th day of April, 1999.



Jean A. Latham
Notary Public for Idaho
Residing at Blaine Co
Commission Expires 1-13-2001

Last Name: GARDNER

G:\WPDATA\JIM\GARDNER\WaterRights\Noticeofclaim.wpd

COPY

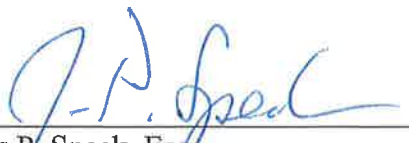
Ident No. A37-04427

3/16/99

16. Notice of Appearance:

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

Signature: _____



James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: April 6, 1999.

Last Name: GARDNER

G:\WPDATA\JIM\GARDNER\WaterRights\Noticeofclaim.wpd

Ident No. A37-04427

3/16/99

COPY

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 18 2010

By _____
Clerk

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: 37-2591, 37-4427

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

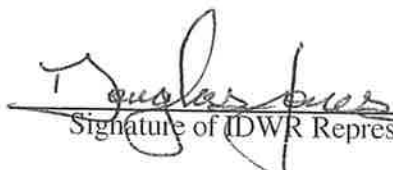
- ☐ Change in Ownership
☐ Point of Diversion
☐ Period of Use

- ☐ Split of Water Right
☒ Place of Use
☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

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

Dated: 2/17/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

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

Point of Rocks Ranch LLC
PO Box 9320
Ketchum ID 83340



Signature of person or attorney mailing the form

02/16/2010

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.540 CFS 269.50 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 SWSW 39.00	T01S R20E S15 SESW	15.00
	T01S R20E S16 NESE 2.50	T01S R20E S16 SWSE	1.10
	T01S R20E S16 SESE 23.90	T01S R20E S22 NENW	20.50
	T01S R20E S22 NWNW 25.00		

127 ACRES TOTAL

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This 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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

02/16/2010

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
175.00 AFY

Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/31/1961

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS 175.00 AFY
<u>PLACE OF USE: IRRIGATION in BLAINE County</u>		
T01S R20E S15 SWSW 39.00	T01S R20E S15 SESW 15.00	
T01S R20E S16 NESE 2.50	T01S R20E S16 SWSE 1.10	
T01S R20E S16 SESE 23.90	T01S R20E S22 NENW 20.50	
T01S R20E S22 NWNW 25.00		

127 ACRES TOTAL

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

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

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.



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

February 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

RE: SRBA Claim(s) 37-2591, 37-4427

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: James P. Speck



Idaho Department of Water Resources

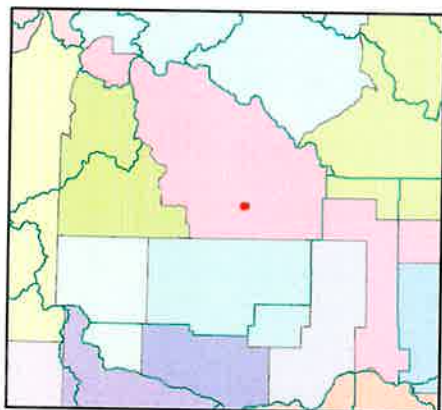
Adjudication Recommendation

37-4427

(IRRIGATION)

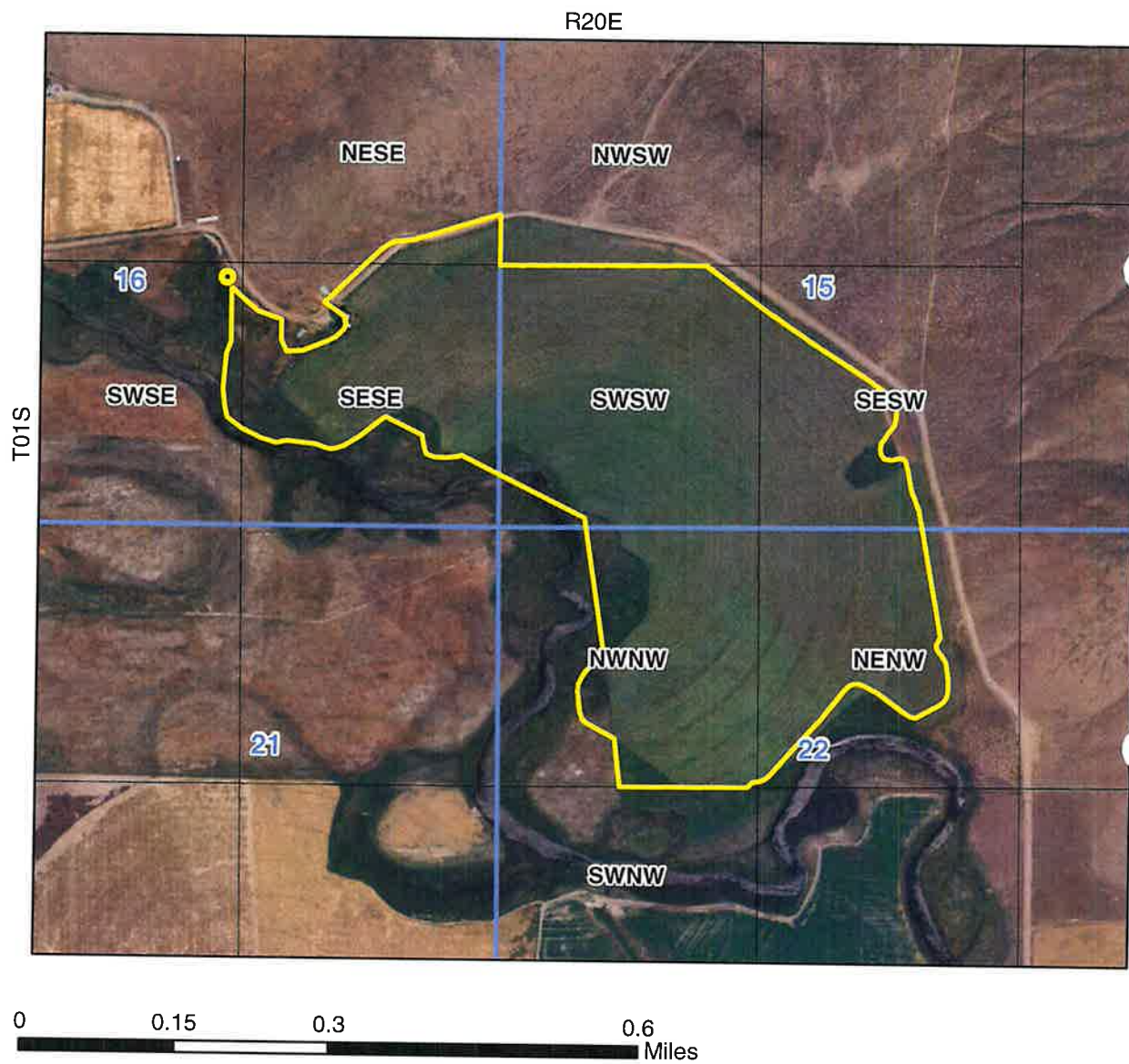
Legend

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



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On February 16, 2010
2004 Aerial Photography



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76141

This is to certify that: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-4427	AJC/Beneficial Use	10/31/1961	1 cfs	N/A	50.0	127.0	GROUND WATER
37-2591	AJC/License	12/24/1956	1.54 cfs	N/A	77.0	127.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-4427	NO	NO	YES	NO	NO	NO
37-2591	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-4427	37-4427	1 cfs	175.0	50.0	127.0		N/A	N/A	N/A	N/A
37-2591	37-2591	1.54 cfs	269.5	77.0	127.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.54 cfs	444.5 af		127		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of December, 20 09

For


Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-2591
As Modified by Transfer No. 76141**

In accordance with the approval of Transfer No. 76141, Water Right No. 37-2591 is now described as follows.

Right Holder: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

Priority Date: December 24, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.54 CFS	269.5 AF
			1.54 CFS	269.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 16 Twp 01S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 15									39.0	15.0							54.0
01S 20E 16													2.5		1.1	23.9	27.5
01S 20E 22					20.5	25.0											45.5

Total Acres: 127

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

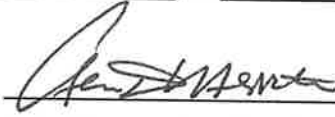
WATER RIGHT NO. 37-2591
As Modified by Transfer No. 76141

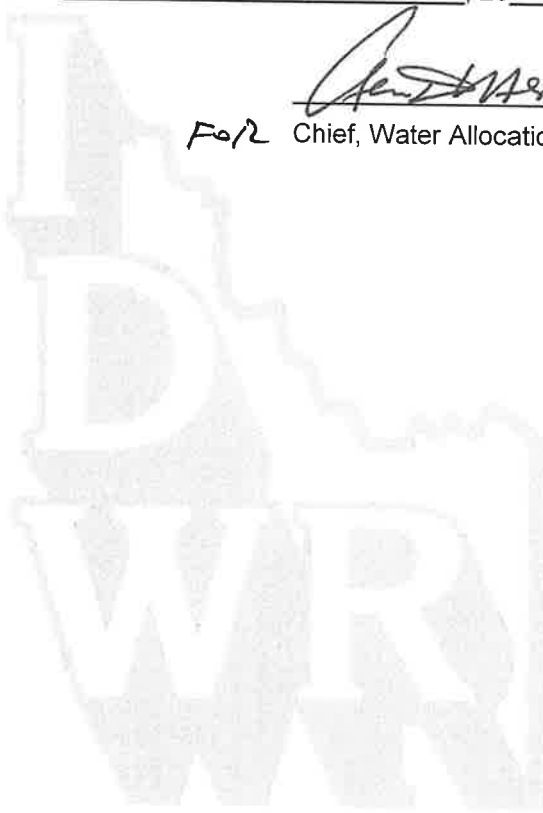
CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of December, 20 09


Forl Chief, Water Allocation Bureau



**WATER RIGHT NO. 37-4427
As Modified by Transfer No. 76141**

In accordance with the approval of Transfer No. 76141, Water Right No. 37-4427 is now described as follows.

Right Holder: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

Priority Date: October 31, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/31	1.00 CFS	175.0 AF
		1.00 CFS	175.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 16 Twp 01S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 15											39.0	15.0					54.0
01S 20E 16													2.5		1.1	23.9	27.5
01S 20E 22					20.5	25.0											45.5

Total Acres: 127

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
2. Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-4427
As Modified by Transfer No. 76141

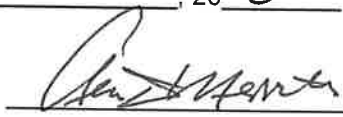
CONDITIONS OF APPROVAL

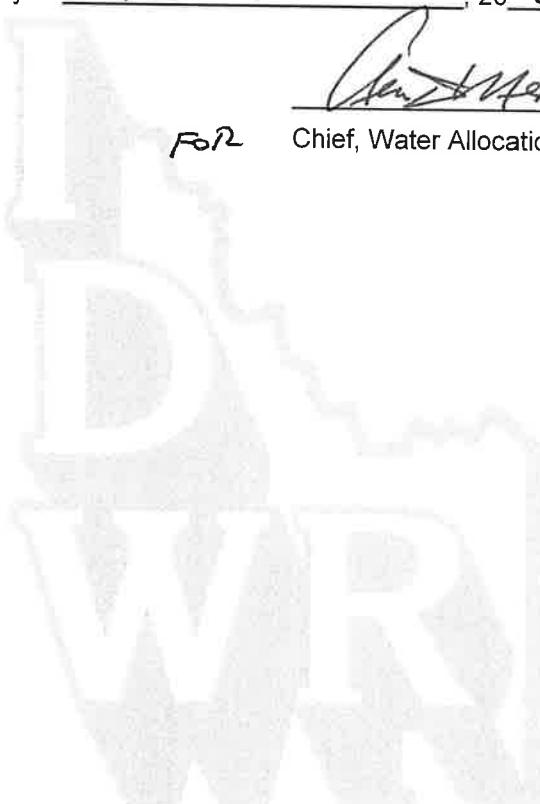
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of December, 20 09

for


Chief, Water Allocation Bureau



COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2003 SEP 11 PM 11 35

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. 37-95F, 37-237D,
) 37-426D, 37-632F, 37-706D, 37-943F
) 37-944F, 37-2591, 37-4427, 37-7937
)
)
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

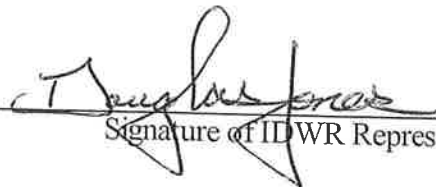
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

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 *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: _____

9/10/03



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/11, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

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

Point of Rocks Ranch LLC
PO Box 9320
Ketchum ID 83340

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



Signature of person or attorney mailing the form

07/08/2008

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

RIGHT NUMBER: 37-95F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 05/29/1893

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.290 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

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 - Decreed

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

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

07/08/2008

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

RIGHT NUMBER: 37-237D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.350 CFS

PRIORITY DATE: 06/15/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.350 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

07/08/2008

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

RIGHT NUMBER: 37-426D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1887

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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 - Decreed

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

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

07/08/2008

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

RIGHT NUMBER: 37-632F

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.460 CFS

PRIORITY DATE: 06/03/1897

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		1.460 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01S R20E S16	SENW	1.40	T01S R20E S16	NESW 39.00
	T01S R20E S16	SESW	30.00	T01S R20E S16	NWSE 17.00
	T01S R20E S16	SWSE	21.00	T01S R20E S16	SESE 1.60
	T01S R20E S21	NENE	34.00	T01S R20E S21	NWNE 40.00
	184 ACRES TOTAL				

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

The rights listed below are limited to the irrigation of a combined total of 83 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, and 37-632F.

This right is limited to the irrigation of 83 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

07/08/2008

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

RIGHT NUMBER: 37-706D

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.390 CFS

PRIORITY DATE: 03/15/1883

POINT OF
DIVERSION:

T01S R20E S16 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.390 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S16 SENW 1.40	T01S R20E S16 NESW	39.00
	T01S R20E S16 SESW 30.00	T01S R20E S16 NWSE	17.00
	T01S R20E S16 SWSE 21.00	T01S R20E S16 SESE	1.60
	T01S R20E S21 NENE 34.00	T01S R20E S21 NWNE	40.00
	184 ACRES TOTAL		

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 37-95F, 37-237D, 37-426D, 37-632F, and 37-706D.

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 - Decreed

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

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

07/8/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-943F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-944F	POINT OF ROCKS RANCH LLC PO BOX 9320 KETCHUM ID 83340	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

07/08/2008

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

RIGHT NUMBER: 37-2591

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
269.50 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 12/24/1956

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	1.540 CFS 269.50 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 NWSW 4.50	T01S R20E S15 SWSW	36.00
	T01S R20E S15 SESW 14.00	T01S R20E S16 NESE	2.50
	T01S R20E S16 SESE 20.00		

77 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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 CLATM - License

07/08/2008

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.460 CFS
182.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 04/15/1962

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.460 CFS 182.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 SWSW 6.40	T01S R20E S15 SESW 4.60	
	T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW 21.00	
	52 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

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

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

RIGHT NUMBER: 37-7937

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
132.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 08/24/1981

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.880 CFS 132.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 SWSW 1.40	T01S R20E S15 SESW 1.60	
	T01S R20E S22 NENW 20.00	T01S R20E S22 NWNW 21.00	
	44 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is subject to all prior water rights and may be forfeited by five years of non-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

September 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

RE: SRBA Claim(s) 37-95F, 37-237D, 37-426D, 37-632F,
37-706D, 37-943F, 37-944F, 37-2591, 37-4427,
37-7937

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

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

Point of Rocks Ranch

P.O. Box 626
251 North Picabo Road
Picabo, Idaho 83348
(208) 788.6402
(208) 726.1725

RECEIVED

JUL 08 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

JULY 3, 2008

DEAR MR MERRITT,

THANK YOU FOR APPROVING OUR APPLICATION
FOR PERMIT NO. 37-20234.

COULD I ASK THAT YOU CHANGE MY
PERMANENT ADDRESS TO.

POINT OF ROCKS RANCH
114 WALL ST
P.O. BOX 9320
KETCHUM, ID 83340

(OLD ADDRESS: 35 HIDDEN VALLEY LN
WOODSIDE, CA 94062)

THANK YOU VERY MUCH

John K. Freund

09/11/2009

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS

The rights listed below are limited to a total combined annual diversion volume of 595 af. Combined Right Nos.: 37-2591 and 37-4427.

PRIORITY DATE: 10/31/1961

POINT OF
DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S15 NWSW	4.00	T01S R20E S15 SWSW 39.00
	T01S R20E S15 SESW	15.00	T01S R20E S16 NESE 2.50
	T01S R20E S16 SESE	21.00	T01S R20E S22 NENW 20.50
	T01S R20E S22 NWNW	25.00	

127 ACRES TOTAL

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

01/22/2007

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

RIGHT NUMBER: 37-4427

NAME AND ADDRESS: POINT OF ROCKS RANCH LLC
35 HIDDEN VALLEY LN
WOODSIDE CA 94062

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.460 CFS
182.000 AFY

The rights listed below are limited to a total combined diversion rate of 2.18 cfs and to a total combined annual diversion volume of 413 AF. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

PRIORITY DATE: 04/15/1962

POINT OF DIVERSION:

T01S R20E S16 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.460 CFS
182.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S15	SWSW	6.40	T01S R20E S15	SESW	4.60
T01S R20E S22	NENW	20.00	T01S R20E S22	NWNW	21.00

52 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 121 acres in a single irrigation season. Combined Right Nos.: 37-2591, 37-4427, and 37-7937.

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

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



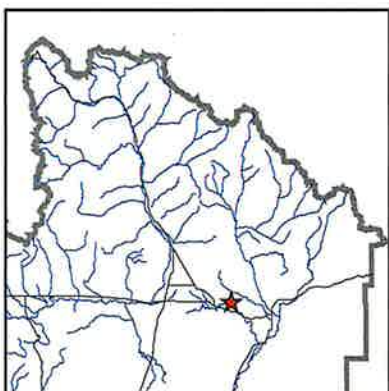
Idaho Department of Water Resources

SRBA Recommendation:

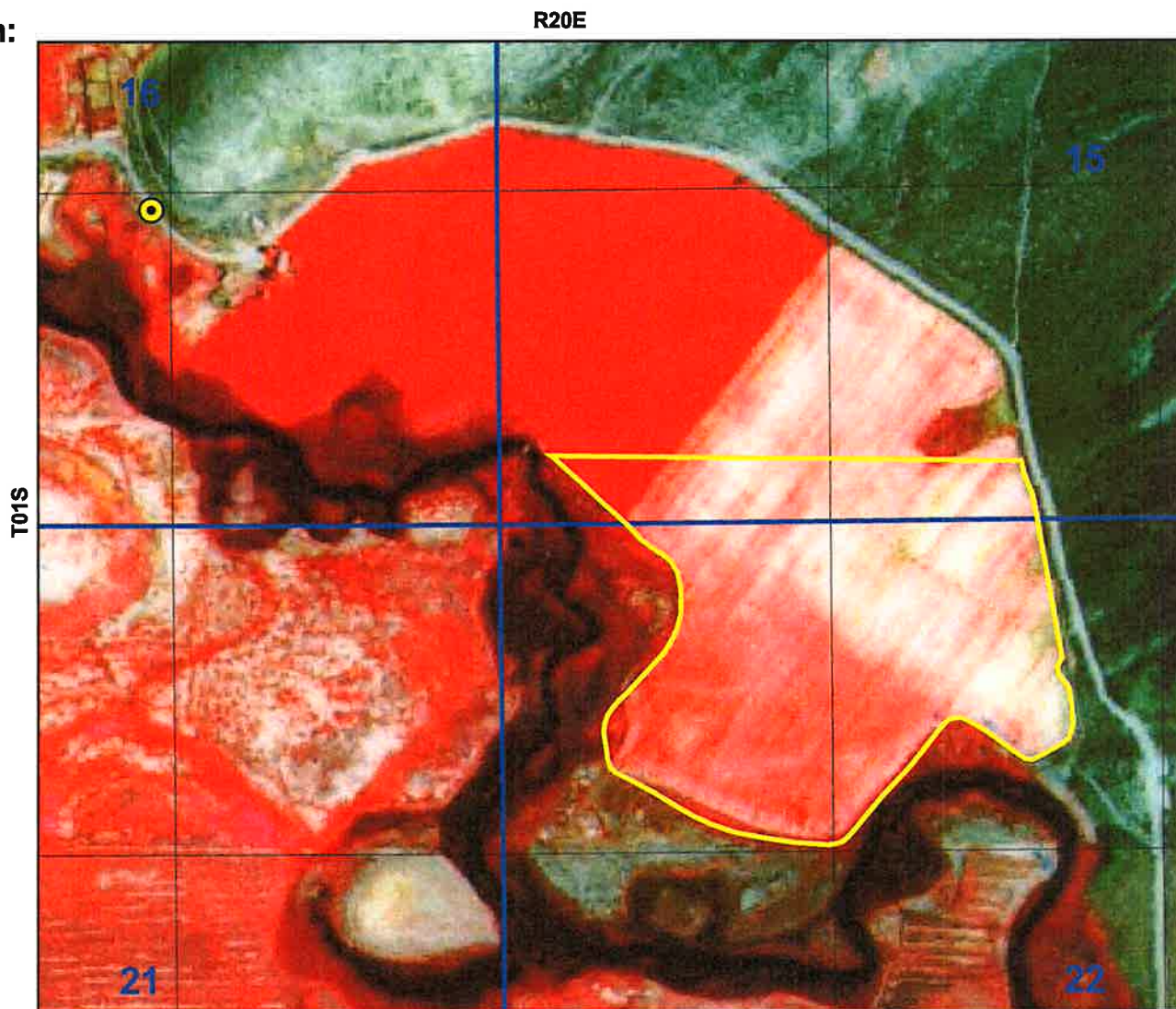
37-4427

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Monday, January 22, 2007
1987/88 Aerial Photography

Jones, Doug

From: Jim Speck [jimspeck@cox-internet.com]
Sent: Tuesday, May 31, 2005 5:19 PM
To: 'Mr. Doug Jones'
Cc: 'Mr. John K. French'
Subject: Re: French_John/Point of Rocks Ranch - 37-4427 Priority Evidence

Doug,

This SRBA claim is based on the statutory claim filed by a previous owner who noted on that claim that 129 acres were found to be irrigated at the time of the beneficial use field exam for 37-2591, but the then owner, Ivan Molyneux, failed to submit the required amendment to the permit and pay the required filing fee resulting in that license (37-2591) issuing for only 77 acres. The engineer's report was dated July, 1962 and my client will accept that for the priority date if you believe it to be more appropriate than the claimed date of December 24, 1956.

Let me know if you need anything else to recommend this claim in the SRBA. Thanks again.

Jim

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

CONFIDENTIAL COMMUNICATION

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State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 7, 1962

Re: Permit No. G-26668

Ivan L. Molyneux
Rt 1
Kimberly, Idaho

Dear Mr. Molyneux:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26668 shows the well(s) capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for the irrigation of 120 acres.

Upon receipt of the statutory fees, totaling \$ 15.00, which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$10.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 24, 1956 to the use of 2.0 second feet of subterranean water with the point of diversion in the SW 1/4, Sec. 16 for irrigation of 120 acres in the SE 1/4, Sec. 15; W 1/4, SE 1/4, Sec. 16; NE 1/4, Sec. 22, T. 1 S., R. 20 E., B.M.

Since your permit does include the SW 1/4, Sec. 15 and the NE 1/4, Sec. 22 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included the statutory fees will total \$15.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEORGE N. CARTER
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

26668

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26668

Ivan L. Molyneux

Route #1

Kimberly, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

26668

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26668

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Ivan L. Molyneux, Route #1, Kimberly, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW 1/4 Sec. 16 of Section 16

T. 1 S. R. 20 E. County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same: #1 Pump 20 HP

US Motor #2885932, Wintworth Pump #9762, Column 60' x 6" - 6" 100'

discharge pipe elevated 35' to open ditch - 4' Gate Valve - 10" closed

#2 Pump - 25 HP US Motor #2930803, Wintworth Pump #9761

Column - 60' x 8" - 150' x 8" discharge pipe elevated 35' to open ditch

10" casing 3' above ground level and perforated. Both wells

when not pumping

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W 1/4 Sec. 16; SE 1/4 Sec. 16; SE 1/4 Sec. 15; NE 1/4 Sec. 22, T. 1 S., R. 20 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Delmar McWillis along

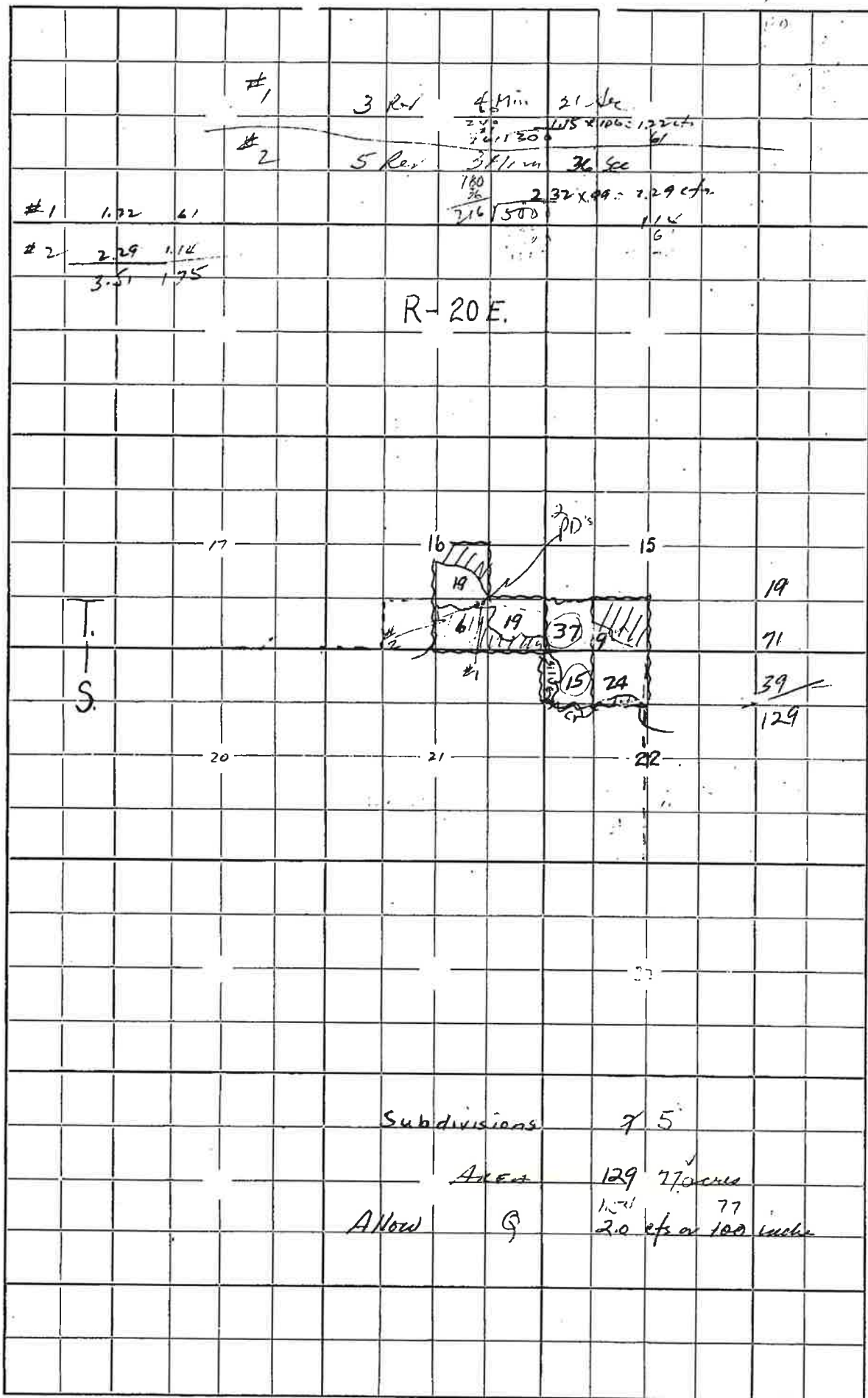
Measured by Spaulding Meter #1 3 Rev. 4 min 21 Sec.

#2 5 Rev. 3 min 36 Sec.

This examination was made on the 19th day of July, 19 62

(Signed) [Signature] Examiner.

26668



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

200008

500 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 7, 1962

Re: Permit No. G-26668

Ivan L. Molyneux
Rt 1
Kimborly, Idaho

Dear Mr. Molyneux:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26668 shows the well(s) capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for the irrigation of 129 acres.

Upon receipt of the statutory fees, totaling \$ 19.00, which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$14.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 24, 1956 to the use of 2.0 second feet of subterranean water with the point of diversion in the SW 1/4, Sec. 16 for irrigation of 129 acres in the SW 1/4, Sec. 15; W 1/4, SE 1/4, Sec. 16; NE 1/4, Sec. 22, T. 1 S., R. 20 E., E. 1/4.

Since your permit does include the SW 1/4, Sec. 15 and the NE 1/4, Sec. 22 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included the statutory fees will total \$15.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEN. N. CARTER
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

26668

RECORDED

JAN 08 2007

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26668

Ivan L. Molyneux

Route #1

Kimberly, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

SCANNED

26668 JAN 08 2007

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-26668

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ivan L. Molyneux, Route #1, Kimberly, Idaho2. Source of water supply: subterranean3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16T. 1 S. R. 20 E. County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same: #1 Pump 20HP
US Motor #2885932, Wintworth Pump #9762, Column 60' x 6" - 6' x 100'
discharge pipe elevated 35' to open ditch - 4" Gate Valve in 8" closed casing
#2 Pump - 25HP US Motor #2980803, Wintworth Pump #9761
Column - 60' x 8" - 150' x 8" discharge pipe elevated 35' to open ditch
10" casing 3' above ground level and perforated. Both ^{flowing} wells
when not pumping

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 1 S., R. 20 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. Delmar McWillis along

Pleasant Riv. Spouting Motor #1 3 Rev. 21 Sec.

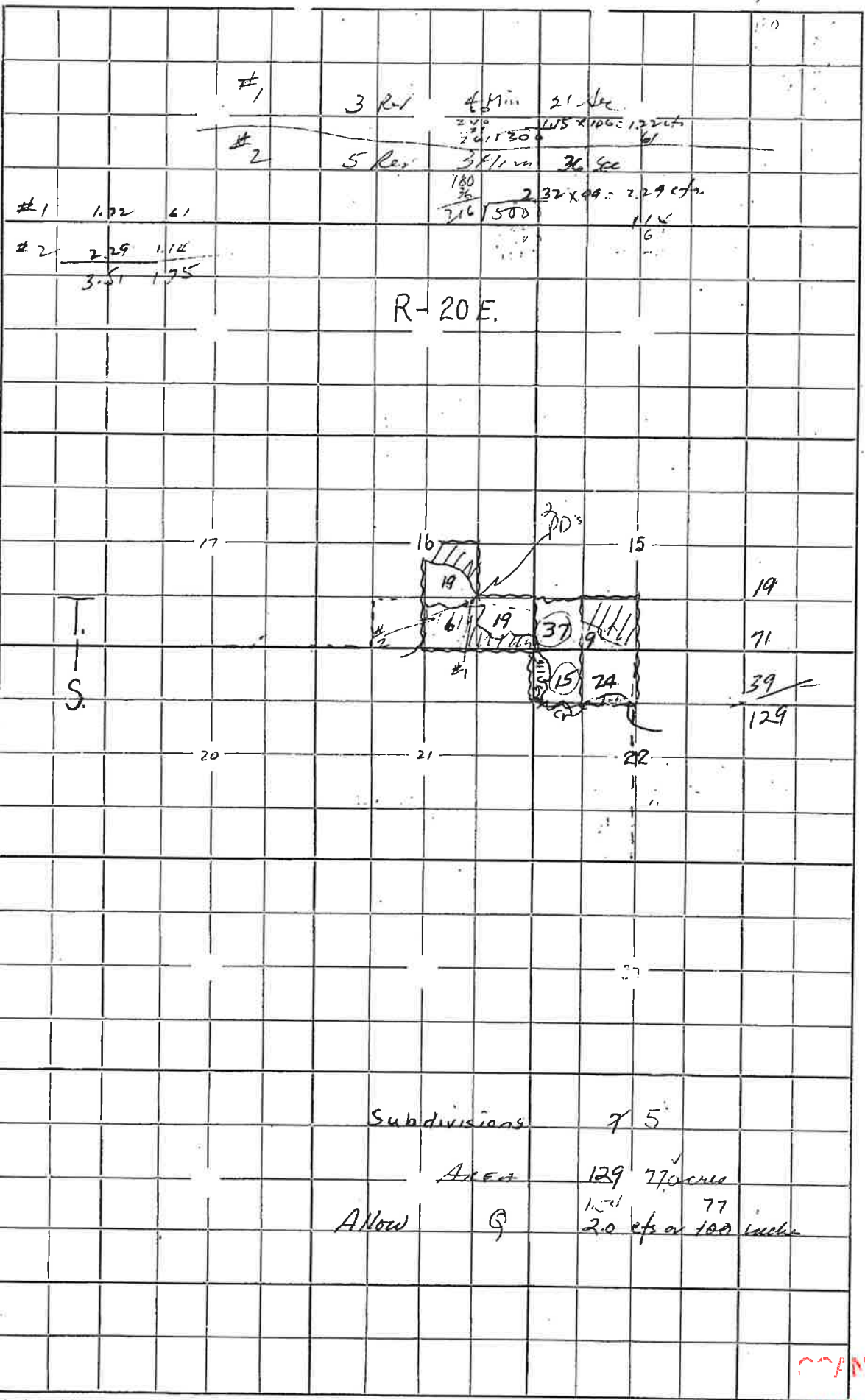
#2 5 Rev. 31 Sec. 36 Sec.

This examination was made on the 19th day of July, 1962(Signed) Logan Johnson

Examiner.

STAMPED

26668 JAN 08 2007



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

200608

SCANNED

JAN 08 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

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

April 23, 1999

RECEIVED

APR 26 1999

Department of Water Resources
Southern Region

Mr. Kelly K. Christensen
Senior Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: SRBA Notice of Claim A37-04427

Dear Kelly:

I have now gone over your April 9, 1999 letter to me with Robert Gardner. He believes the GIS map is accurate and we have therefore revised page 2 of the Claim and the map of the project to include those irrigated acres. Mr. Gardner states the riparian areas are also irrigated. I am also enclosing a check payable to IDWR for the sum of \$62 representing the \$50 filing fee and \$1 per acre variable fee for the additional 12 acres.

I will be out of the office from April 27 until May 13, 1999. If you have any additional questions or need additional information about this claim, please contact either of my legal assistants, Randi Diem or Jean Latham, and they will get the information for you.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)