

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: A37-07104
Date Received: 10/26/1988
Receipt No: M001768
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREAS SCHERNTHANNER
Address: P.O. BOX 567
SUN VALLEY, ID 83353

AND/OR
Name: ALICE SCHERNTHANNER
Address: P.O. BOX 567
SUN VALLEY, ID 83353

2. Date of Priority: JUN 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.200		9.60

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 9.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/8 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	11	NE	SE		DOMEST	
		12	NW	SW		DOMEST	

11. Place of use in counties: BLAINE

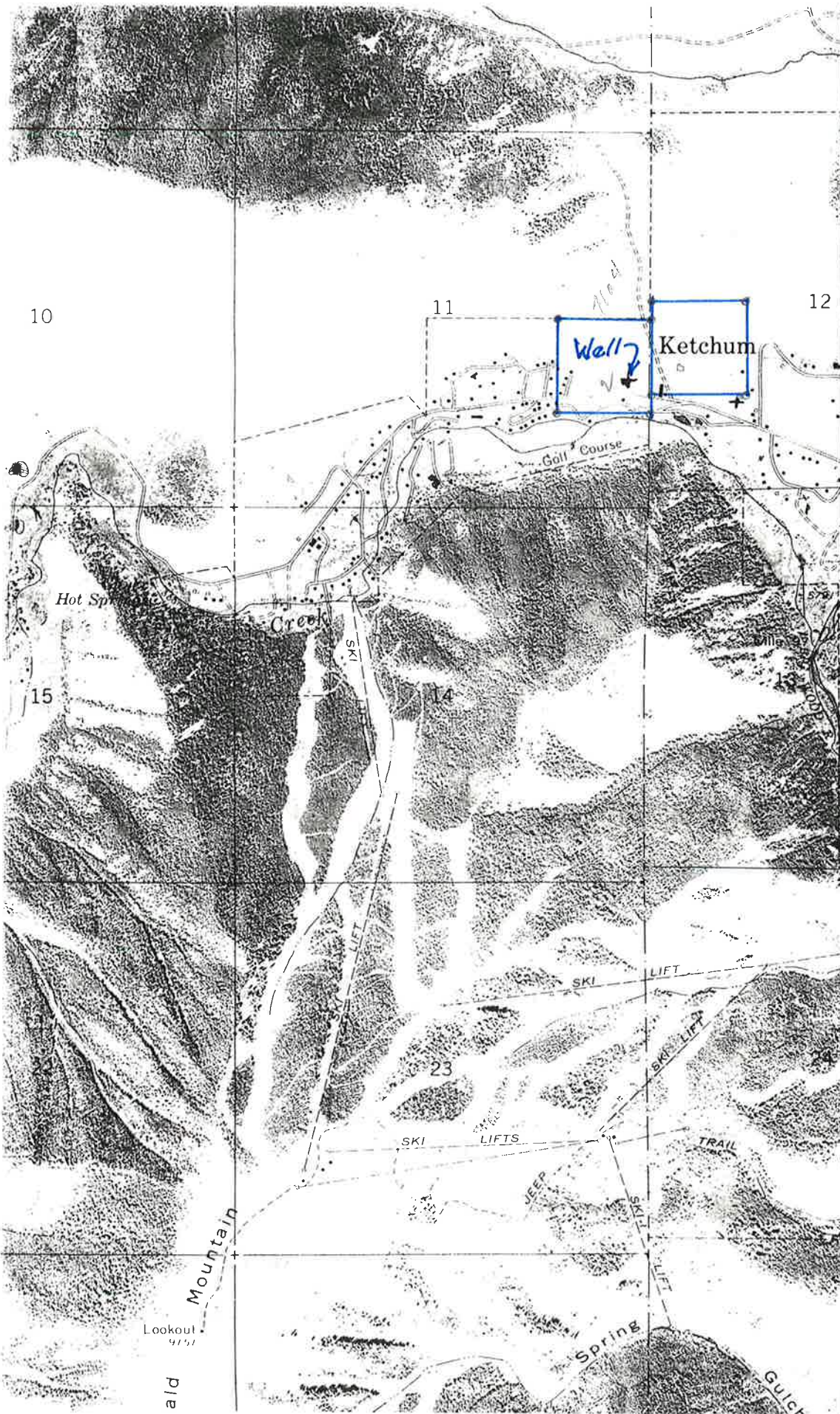
12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993



Tw 4N
Rge 17E.

A37-07104

RECORDED
FEB 24 1993

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Andreas Thernstrom Date: 10-26-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of October 19 88

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 14 June 1994

RECORDED
FEB 24 1993

11/21/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-7104

ANDREAS SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353
Telephone Number: (208)726-5292

ALICE E SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353
Telephone Number: (208)726-5292

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

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

DATE: 12-4-06

SIGNATURE:

Andreas Schernthanner

Please print your name:

ANDREAS SCHERNTHANNER

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

SCANNED
DEC 13 2006

05/09/2005

**NOTICE OF ERROR
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2. Describe the changes you wish to make in the proposed recommendation:

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

05/09/2005

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

RIGHT NUMBER: 37-7104
NAME AND ADDRESS: ANDREAS SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353

ALICE E SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.200 CFS
9.60 AFY

PRIORITY DATE: 06/22/1971

POINT OF DIVERSION:
T04N R17E S11 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.200 CFS 9.60 AFY

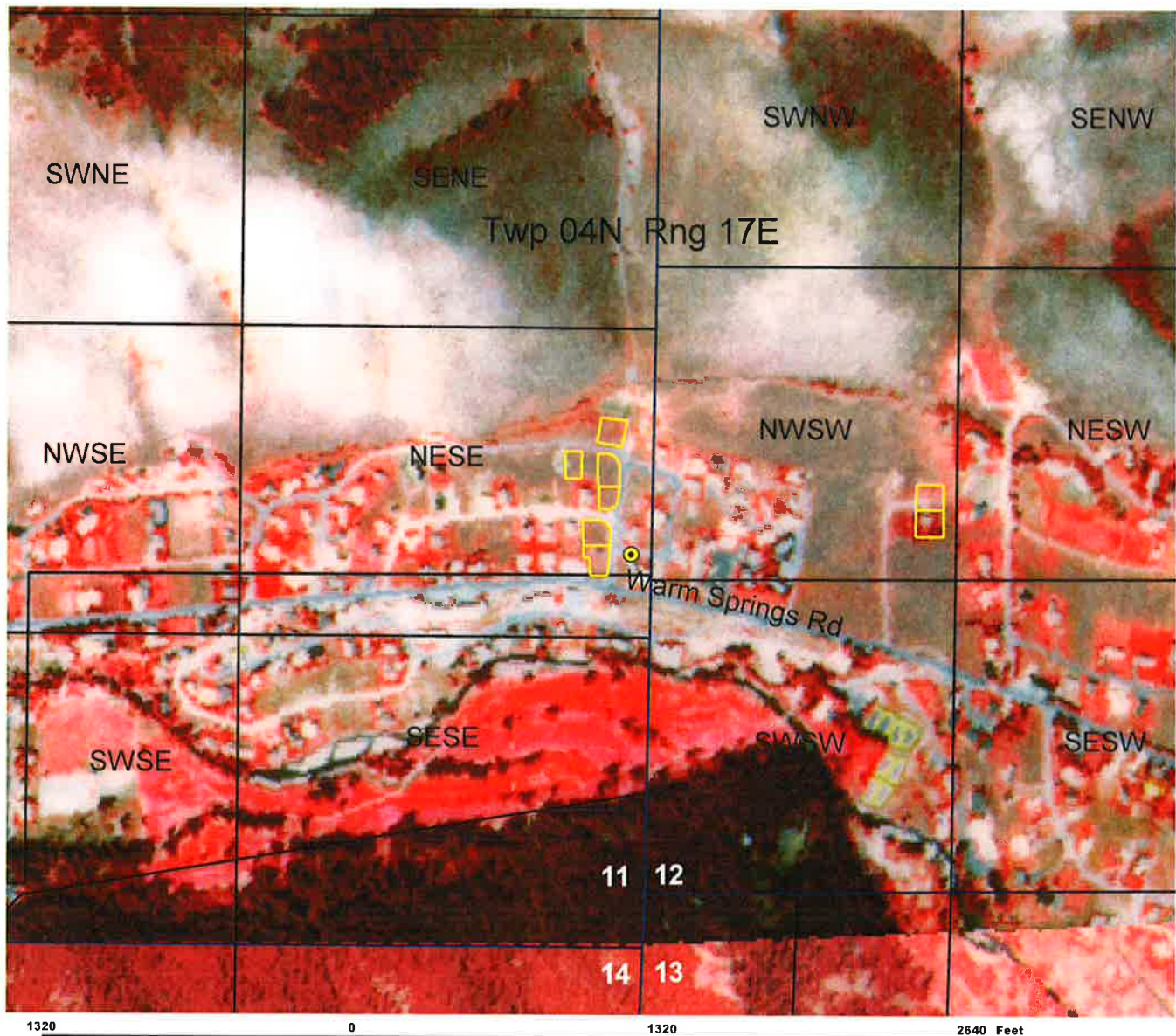
PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S11 Lot 3 NESE T04N R17E S12 NWSW

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

RECOMMENDED PLACE OF USE FOR 37-7104

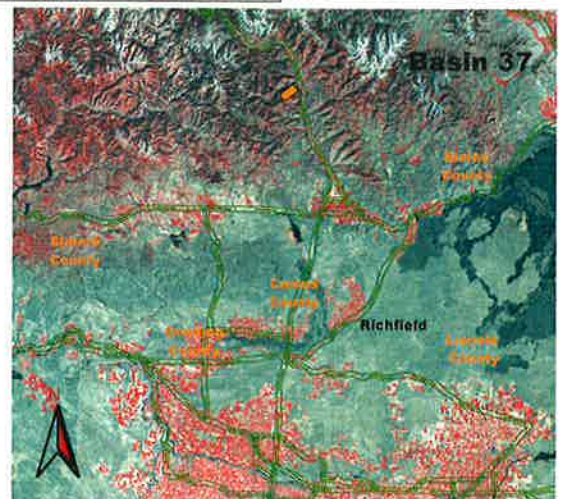


PLACE OF USE
TWP 04N, RNG 17E, SEC 11,12
Data entry on May 09, 2005

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

 **LOCATION IN BASIN**

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



05/09/2005

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

RIGHT NUMBER: 37-7104
NAME AND ADDRESS: ANDREAS SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353

ALICE E SCHERNTHANNER
PO BOX 567
SUN VALLEY ID 83353

VERIFIED BY NT

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.200 CFS
9.600 AFY
PRIORITY DATE: 06/22/1971
POINT OF DIVERSION:

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PERIOD OF USE:

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DOMESTIC	01/01 12/31	0.200 CFS 9.60 AFY

PLACE OF USE: DOMESTIC Within BLAINE County

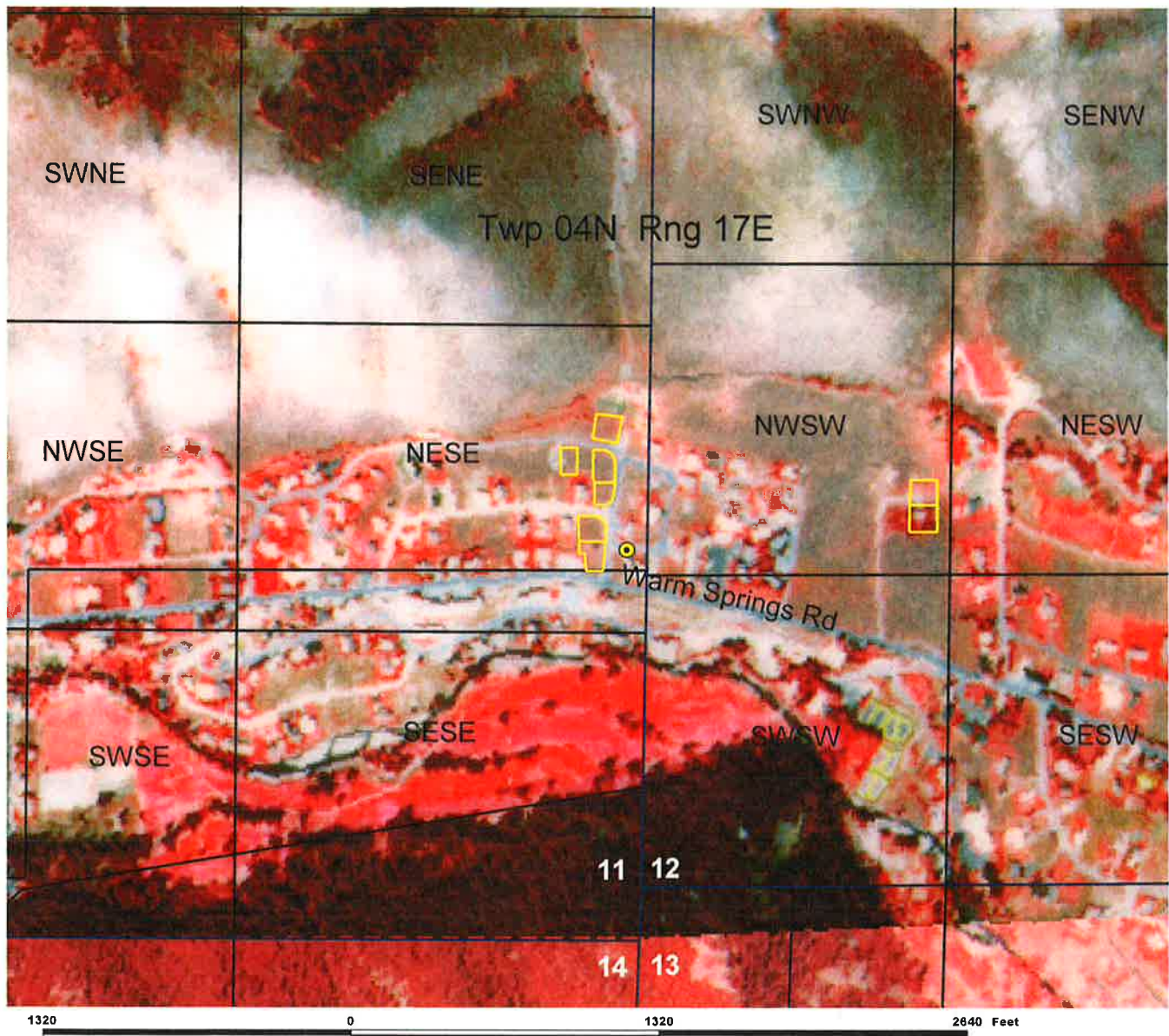
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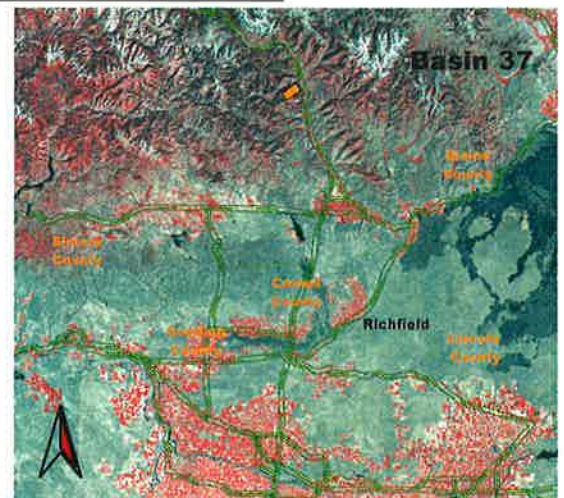
RECOMMENDED PLACE OF USE FOR 37-7104



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





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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 21, 2005

Andreas Schernthanner
P.O. Box 567
Sun Valley, ID 83353

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-7059, 37-7104

Dear claimant

The Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Upper Big Wood Basin in preparation for submittal of Director's Report recommendations to the SRBA Court later this year.

Both of the above listed claims are located at Township 04N, Range 17E, Sections 11 and 12. Claim 37-7104 is a licensed domestic claim for 8 homes with a rate of 0.20 cfs. Claim 37-7059 is licensed for irrigation/stock water purposes for a 28-acre place of use also with a diversion of 0.20 cfs.

In comparing the place of use of both of these water claims to the Blaine county tax lots, it is unclear to the definite boundaries of the 8 homes as well as the 28 acres listed on the license. Using the enclosed maps provided, please help us by outlining the boundaries of the claims you have made. After doing so, return the maps and any other helpful information to IDWR at the address above. Please feel free to call with any questions or clarifications.

Sincerely

Nick Treasure

Water Resource Agent

E-mail address: nick.treasure@idwr.idaho.gov

Enclosures

File No.
A37-07059, A37-07104

Owner
Andreas & Alice Schernthanner
P.O. Box 567
Sun Valley

Date
5/6/05

I called Alice and made an appointment to meet them at noon today and she said Andreas would be there .
To meet me which he did meet me at their home up warm spring . While looking at the photos within each file
He drew where the three home are that could not be identified by yellow he also addressed the three
On the photo in file 37-7059 and some area for irrigation , there is also some irrigation on small lawns by
some homes. Then he took me to the well locations and watched me get GPS,

No. 1 A37-7059
No. 2 A37-7104

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Photo looking SE	Andre 1	2469212	1387859	A0016183	1050582
" " S	" 2	2468825	1387903	"	583

Lee R. Peterson

RECEIVED

MAY 09 2005

Department of Water Resources
Southern Region

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that ANDREAS &/or ALICE SCHERNTHANNER
of Sun Valley, Idaho, has complied with the terms and conditions of Permit
No. 37-7104 issued pursuant to Application for Permit dated June 22, 1971,
and has submitted proof to the Department of Water Resources on July 30, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.20 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 9.6 acre feet per year, said waters to be diverted within the NE 1/4, Sec. 11, Twp. 4N, Rge. 17E, B.M. in the County of Blaine

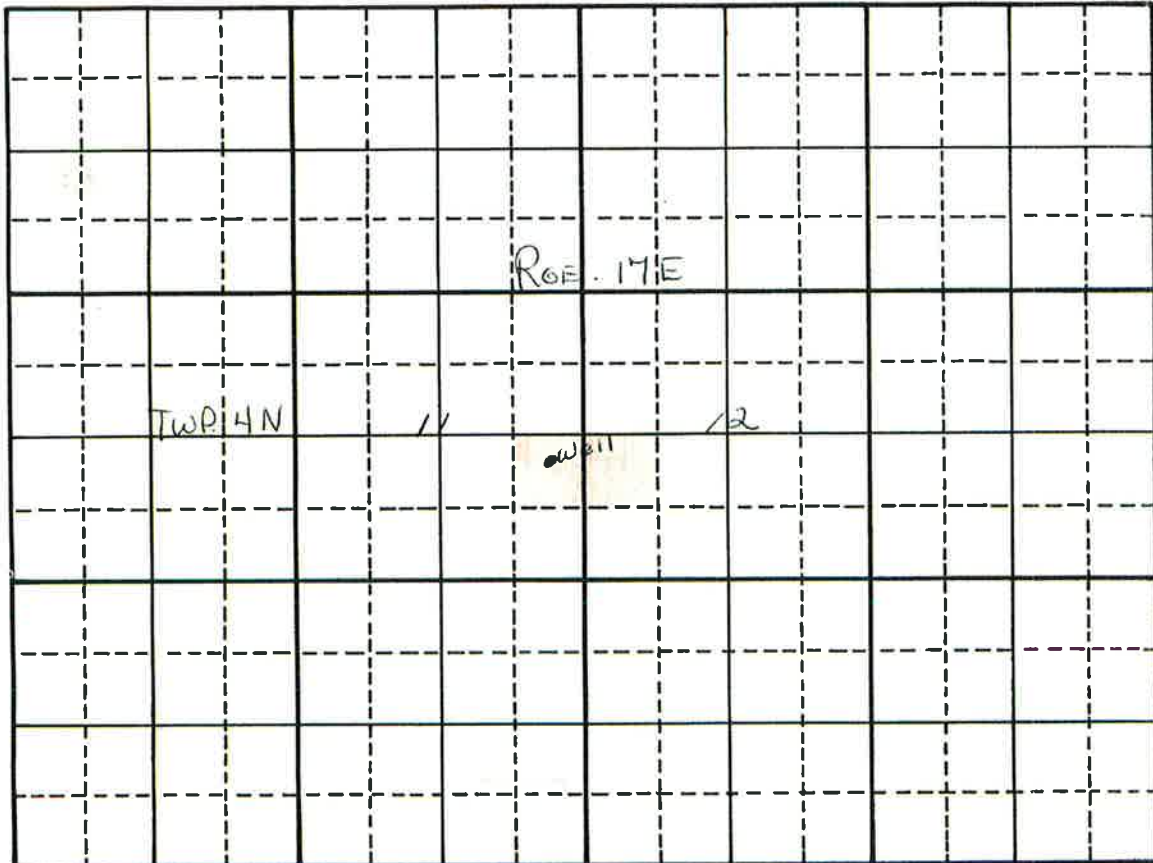
[illegible]

Director

DRTV ✓

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Petchum Idaho, this 3 day of MARCH, 19 80
Ardisa Thernthamer
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ja Fee = \$20.00

Received by ja Date 3/7/80

Publication prepared by _____ Date _____

Published in N/A

Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 37-7104.

Witness my hand this 30 day of June

Stephen Allred
Director

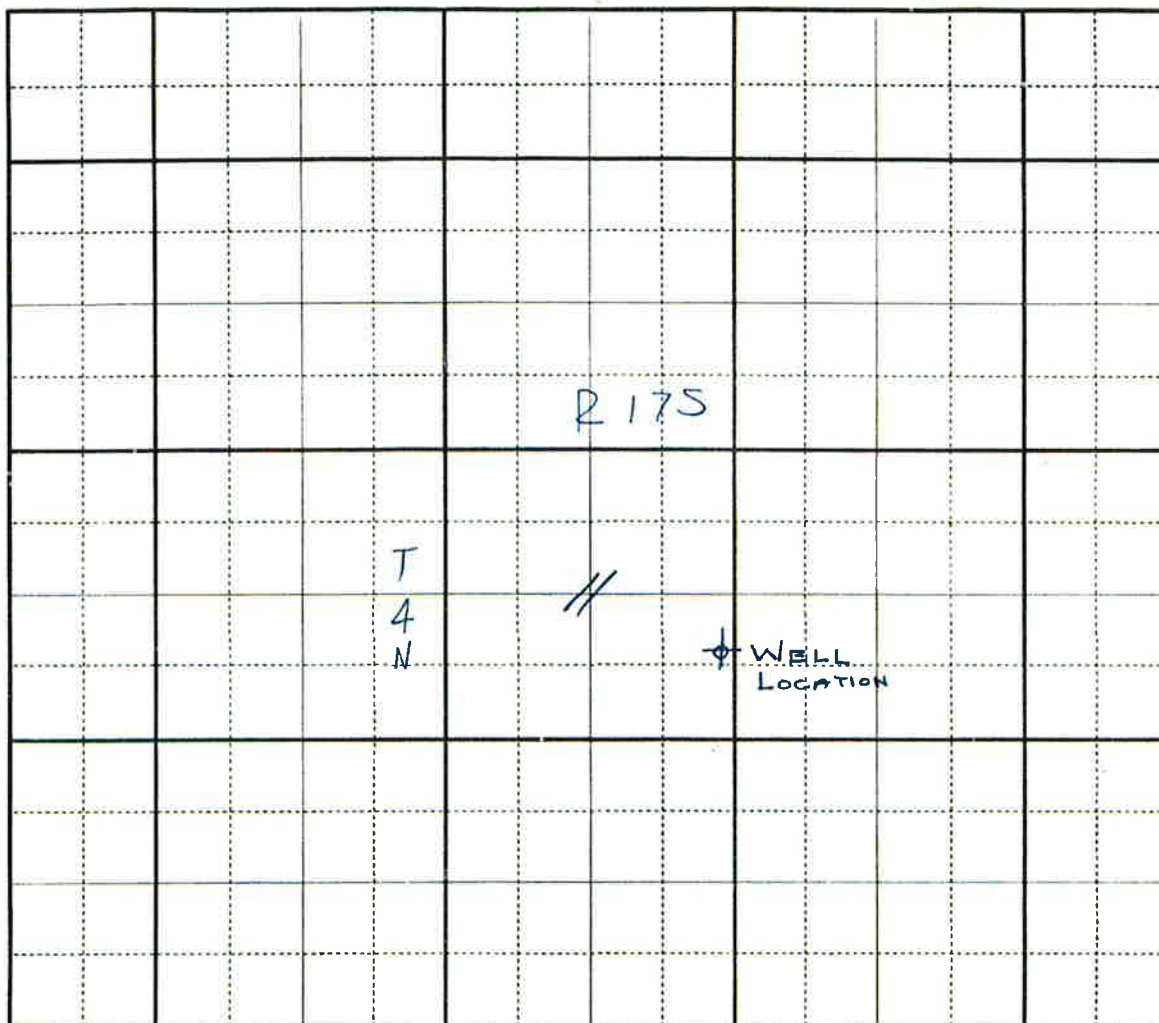


Diagram of System

A grid with handwritten numbers 11 and 12, and a circled plus sign. The grid is composed of solid and dashed lines. The number 11 is written in the middle row, second column from the right. The number 12 is written in the middle row, third column from the right. A circled plus sign is written in the middle row, second column from the right, overlapping the number 11. There are also some small, faint marks and lines around the circled plus sign.

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

1. Steve Schumacher
(Applicant)