

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 37-7312B
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANDIDA C FORSTMANN Phone: (208)726-7260
PO BOX 201
KETCHUM ID 83340

2. Date of Priority: 11/02/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	45.9

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 45.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	NW	SW	IRRIGATION	1.1
			SW	SW	IRRIGATION	12
					Section Acres	13.1
					Total Acres	13.1

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 right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

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

15. Basis of Claim: License



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

August 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CANDIDA FORSTMANN
PO BOX 201
KETCHUM ID 83340

Re: SRBA Claim(s) 37-7312B

Dear Ms. Forstmann:

Pursuant to the change in ownership request that was submitted to the Department, we have changed the record of current ownership as requested. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED
AUG 07 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
	37.73123				

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)

CANDIDA S. FORSMAN

JANE WENNER : JANA S. WENNER

4. New Owner/Claimant(s)

CANDIDA S. FORSMAN

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

New Mailing Address

P.O. Box 2

City, State and ZIP Code

New Telephone Number

()

5. Date you acquired the property

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in 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)		
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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) Candida Forstmann
(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 _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

August 2, 2006

RECEIVED
AUG 07 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR – Southern Region
Attn: Trish
1341 Fillmore Street – Suite 200
Twin Falls, Idaho 83301-3380

Re: Forstmann – Wenner

Claim # 37-7312B

Dear Trish:

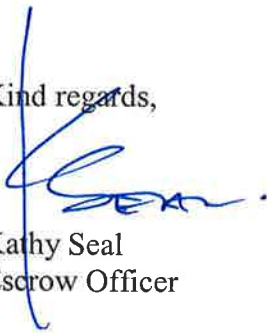
Attached please find the original Notice of Change in Water Right Ownership signed by Candida C. Forstmann.

Please transfer this claim into the name and address indicated on the enclosed document.

Since the claim is still pending adjudication, a check for the filing fee in the amount of \$25.00 has been waived.

With any addition questions or concerns, please feel free to contact me at my office.

Kind regards,



Kathy Seal
Escrow Officer

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, we, JANN S. WENNER and JANE WENNER, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to CANDIDA C. FORSTMANN, a married woman, whose address is _____ ("Grantee"), all our right, title and interest in and to the Water Right No. 37-7312B as claimed in *In Re: The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System*, Twin Falls District Court Case No. 3956 (the "SRBA").

DATED this 21st day of July, 2006.

GRANTORS:

Jann S. Wenner

By: Audrey P. Paul, attorney-in-fact

JANN S. WENNER

Jane Wenner

By: Audrey P. Paul, attorney-in-fact

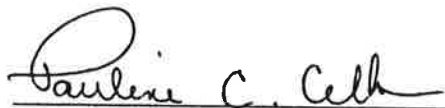
JANE WENNER

QUITCLAIM DEED - 1

STATE OF New York)
) ss.
COUNTY OF New York)

On this 21st day of July, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Audrey P. Rubin, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Jann S. Wenner, and acknowledged to me that he/she subscribed the name of Jann S. Wenner, thereto as principal, and her own name as attorney-in-fact.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public:

My commission expires :

Notary Resides: 576 Lamoka Ave, Staten Island, ny 10312

PAULINE C. CELLA
NOTARY PUBLIC, State of New York
No. 01CE080885
Qualified in Richmond County
Commission Expires July 31, 2009

STATE OF New York

)

) ss.

COUNTY OF New York

)

On this 21st day of July, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Audrey P. Rubin, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Jane Wenner, and acknowledged to me that he/she subscribed the name of Jane Wenner, thereto as principal, and her own name as attorney-in-fact.

WITNESS MY HAND AND OFFICIAL SEAL.

Pauline C. Cella

Notary Public:

My commission expires :

Notary Resides: 576 Lamoka Ave, Staten Island, NY 10312

PAULINE C. CELLA
NOTARY PUBLIC, State of New York
No. 01CE080885
Qualified in Richmond County
Commission Expires July 31, 2009

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

RECEIVED
 AUG 02 2006
 DEPT. 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 (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
	37.731213				

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) CANDIDA C. FORSTMANN
4. New Owner/Claimant(s) JANN S. WENNER AND JANE WENNER
CANDIDA C. FORSTMANN
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. 201
- City, State and ZIP Code KETCHUM, ID 83340
- New Telephone Number (208) 726.7260
- * 5. Date you acquired the property JULY 26, 2006

*
 =

THE PURPOSE OF THIS DEED IS TO "CLEAN UP"
 THE WATER OWNERSHIP RELATIVE TO A
 MISHAP THAT I.D.W.R. MADE WHEN BROADFORD
 FARM WAS DIVIDED.

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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, we, JANN S. WENNER and JANE WENNER, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to CANDIDA C. FORSTMANN, a married woman, whose address is _____ ("Grantee"), all our right, title and interest in and to the Water Right No. 37-7312B as claimed in *In Re: The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System*, Twin Falls District Court Case No. 3956 (the "SRBA").

DATED this 21st day of July, 2006.

GRANTORS:

Jann S. Wenner

By: Audrey P. Paul, attorney-in-fact
JANN S. WENNER

Jane Wenner

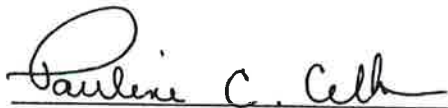
By: Audrey P. Paul, attorney-in-fact
JANE WENNER

QUITCLAIM DEED - 1

STATE OF New York)
) ss.
COUNTY OF New York)

On this 21st day of July, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Audrey P. Rubin, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Jann S. Wenner, and acknowledged to me that he/she subscribed the name of Jann S. Wenner, thereto as principal, and her own name as attorney-in-fact.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public:

My commission expires :

Notary Resides: 576 Lamoka Ave, Staten Island, ny 10312

PAULINE C. CELLA
NOTARY PUBLIC, State of New York
No. 01CE080885
Qualified in Richmond County
Commission Expires July 31, 2009

STATE OF New York

)

) ss.

COUNTY OF New York

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WITNESS MY HAND AND OFFICIAL SEAL.

Pauline C. Cella

Notary Public:

My commission expires :

Notary Resides: 576 Lamoka Ave, Staten Island, NY 10312

PAULINE C. CELLA
NOTARY PUBLIC, State of New York
No. 01CE00000005
Qualified in Richmond County
Commission Expires July 31, 2009

August 1, 2006

RECEIVED
AUG 02 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR – Southern Region
Attn: Trish
1341 Fillmore Street – Suite 200
Twin Falls, Idaho 83301-3380

Re: Order #6014761

Short Legal: Broadford Farm

Adjudication Claim No. 37-7312B

Dear Trish:

Attached please find attached the original Notice of Change in Water Right Ownership signed by Candida C. Forstmann.

Please transfer this claim into the name and address indicated on the enclosed document **for** the above mentioned **from** the following:

Candida C. Forstmann
Jane Wenner
Jann S. Wenner
C/o Gary Slette
PO Box 1906
Twin Falls, Idaho 83303

Since the claim is still pending adjudication, a check for the filing fee in the amount of \$25.00 has been waived.

With any additional questions or concerns. Feel free to contact me at anytime.

Kind regards,



Kathy Seal
Escrow Officer

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 37-7312B
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANDIDA C FORSTMANN Phone: (208)734-0700
C/O GARY SLETTE ESQ
PO BOX 1906
TWIN FALLS ID 83303-1906

JANE WENNER Phone: (208)734-0700
C/O GARY SLETTE
PO BOX 1906
TWIN FALLS ID 83303-1906

JANN S WENNER Phone: (208)734-0700
C/O GARY SLETTE
PO BOX 1906
TWIN FALLS ID 83303-1906

2. Date of Priority: 11/02/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	45.9

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 45.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	NW	SW	IRRIGATION	1.1
			SW	SW	IRRIGATION	12
					Section Acres	13.1
					Total Acres	13.1

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:

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

12/14/2006

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

RIGHT NUMBER: 37-7312B
NAME AND ADDRESS: CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340

SOURCE: GROUND WATER
QUANTITY: 0.200 CFS
45.900 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/02/1973

POINT OF DIVERSION:

T02N R18E S26 SWSW Lot 1 Within BLAINE County
T02N R18E S26 SWSW Lot 1 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	0.200 CFS 45.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	NWSW	1.10	T02N R18E S26 Lot 1 SWSW	12.00
---------------	------	------	--------------------------	-------

13.1 ACRES TOTAL

Place of use for Right No. 37-7312B is located within Lots 1 and 2, Block 1, Vacated Broadford Townsite.

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.

12/14/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794.

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

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af.

After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.



Idaho Department of Water Resources

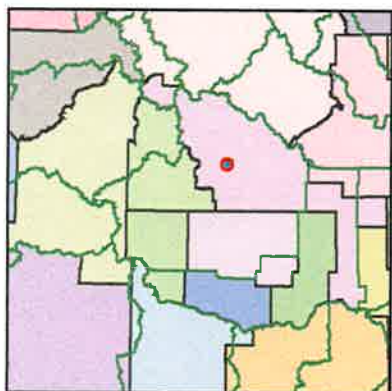
SRBA Recommendation:

37-7312B

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Thursday, December 14, 2006
2004 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

37-7312B

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by S. Keen
On Thursday, December 14, 2006
2004 Aerial Photography

Forstmann

N 70° 15' 27" E 919.11

T.P.O.B.
NE Cor. Vacated Broadford
Townsite

TOWNSITE
CORDS

Lot 1
7.31 Ac.

Existing Building

Grassy Area

Headgate

SW 1/16 Sec. 26

Above
Flood plain
(See Note 1)

Block 1

Approximate
Centerline
Broadford
Slough
(See Note 1)

UNPLATTED
Lewis

60' x 60' Private
Driveway Easement
For Lots 1 & 2

Intermittent
Vegetation

Lot 2
9.35 Ac.

ARENA

Gravel Driveway

S 70° 15' 44" W 759.65'

Owl Creek Subdivision

Datum
Basis of Elevation
Elev. = 5186.19

Q Broadford Road
(Dedicated)

ION

(per Plot)

s 43, 44, 47, 48

s and the

r of

is needed,

Forstmann



SCALE
1" = 50'

BASIS OF BEARINGS IS REPLAT OF BROADFORD TOWNSITE
INSTRUMENT NO. 354841 BLAINE COUNTY RECORDS

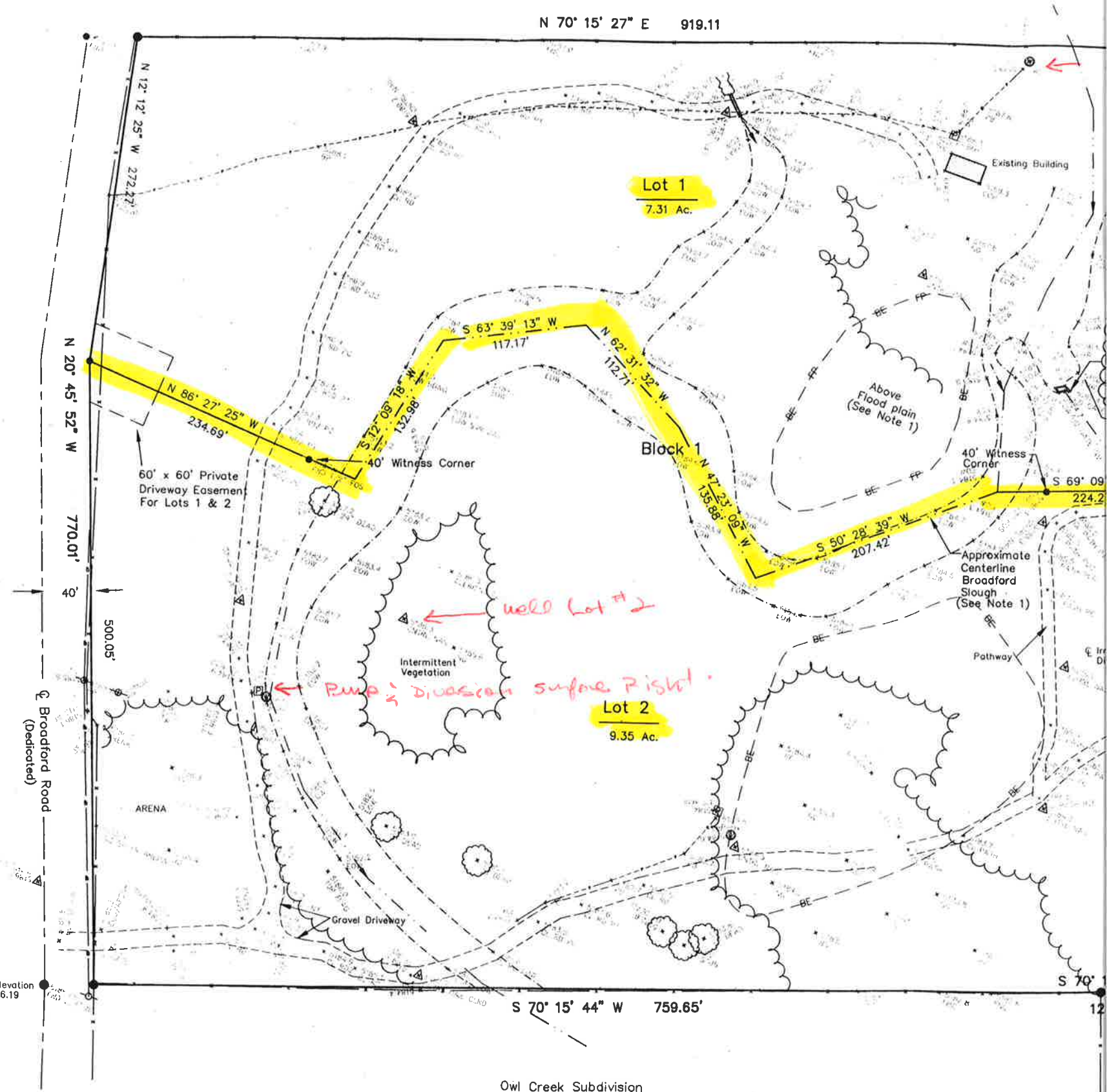
LEGEND

- | | |
|-------|-----------------------|
| AP | Angle Point |
| BE | Building Envelope |
| CL | Centerline |
| CMP | Corrugated Metal Pipe |
| COR | Corner |
| CNTRL | Survey Control Point |
| CP | Control Point |
| DL | Dripline |
| DR | Dirt Road |
| DT | Deciduous Tree |
| DW | Driveway |
| DWELL | Dry Well |
| EOA | Edge of Asphalt |
| EOW | Edge of Water |
| FNC | Fence |
| FL | Flow Line |
| FND | Found |
| GUY | Guy Wire |
| INT | Intersection |
| MTR | Meter |
| NG | Natural Ground |
| PB/BP | Power Buried |
| PBOX | Power Box |
| PHBOX | Telephone Riser |
| POC | Point on Curve |
| POL | Point on Line |
| PP | Power Pole |
| SPKLR | Sprinkler |
| SGN | Sign |
| TOE | Toe of Slope |
| TOP | Top of Slope |
-
- | | |
|---|---------------------------|
| ● | FOUND 1/2" BAR |
| ■ | FOUND 5/8" BAR |
| ⊞ | POWER TRANSFORMER W/METER |
| ⊞ | POWER POLE |
| ⊞ | WELL/PUMP |
| ⊞ | SURVEY CONTROL NAIL |
| ⊞ | LOCATED DEAD TREES |
-
- | | |
|-------|--|
| — | CL BROADFORD SLOUGH |
| - - - | APPROXIMATE BURIED POWER LOCATION |
| - - - | EDGE OF ROAD & PATH |
| - - - | FENCE LINE |
| - - - | EDGE OF CLEARING |
| - - - | APPROXIMATE BUILDING ENVELOPE (per Plot) |
| - - - | OVERHEAD POWER LINE |

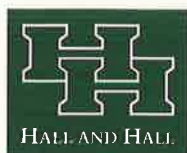
NOTES:

- 1). Boundary and Floodplain information is based on the Replat of Blocks 43, 44, 47, 48 and Blocks 17, 18, Vacate Broadford Townsite
- 2). Datum is 1997 FEMA
- 3). A 10' Public utility easement is reserved centered upon side lot lines and the west 234.69' lot line between lot 1 and 2
- 4). Broadford Slough is to be maintained as natural drainage channel, reserving a drainage easement, bank to bank.
- 5). Building Envelopes shall be a minimum of 25' from Mean High Water of Broadford Slough.
- 6). Easements may exist that are not shown.
- 7). Some heavily vegetated areas are not shown. If more information is needed, contact Galena Engineering, Inc.

Datum
Basis of Elevation
Elev. = 5186.19



Owl Creek Subdivision



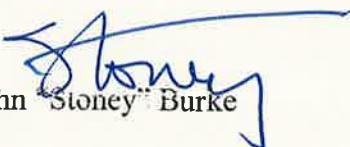
Shelly Keen
Idaho Department of Water Resources
P.O. box 83720
Boise, ID 83707

Dear Shelly,

As per our conversation this morning, I'm enclosing herewith the request to give a more exact location regarding Point of Diversion and Place of Beneficial Use regarding groundwater right 37-7312B and surface water rights 37-537A and 37-538A. To this end, I'm enclosing a plat map of the property these rights are appurtenant to.

Also enclosed is a copy of I.D.W.R.'s Notice of Claim dated August 7, 2006. Note the language regarding 2 points of diversion on lots #1 & #2 Broadford Townsite, this more accurately reflects the Points of Diversion & Place of Beneficial Use. This is a small addition. However, I think we should add this language. Call me to confirm.

Thank you,


John "Stoney" Burke

**DENVER
COLORADO**

1559 LOGAN ST.
DENVER, CO 80203
TEL 303-861-8282
FAX 303-861-5317

**SUN VALLEY
IDAHO**

P.O. Box 4999
560 2ND AVENUE N.
KETCHUM, ID 83340
TEL 208-622-4133
FAX 208-622-4138

**BILLINGS
MONTANA**

P.O. Box 81490
2290 GRANT RD.
BILLINGS, MT 59108-1490
TEL 406-656-7500
FAX 406-656-7550

**BOZEMAN
MONTANA**

924 STONERIDGE DRIVE
SUITE 2
BOZEMAN, MT 59718
TEL 406-587-3090
FAX 406-587-2579

**MISSOULA
MONTANA**

319 W. PINE STREET
MISSOULA, MT 59802
TEL 406-542-3762
FAX 406-542-3763

**NORTH PLATTE
NEBRASKA**

P.O. Box 1515
315 NO. DEWEY #219
NORTH PLATTE, NE 69103
TEL 308-534-9000
FAX 308-534-9002

**JACKSON
WYOMING**

P.O. Box 4855
235 EAST BROADWAY
JACKSON, WYOMING 83001
TEL 307-733-0989
FAX 307-733-9258

WEB SITE

www.hallandhall.com

EMAIL

info@hallandhall.com

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

SCANNED
DEC 13 2006

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: 37-7312B

CANDIDA C FORSTMANN

PO BOX 201

KETCHUM ID 83340

Telephone Number: (208)726-7260

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

Place of use $\frac{1}{2}$ Point of diversion

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

Add: lots 1 and 2, Block 1 UAcate
Broadford Township

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

Provides more exact location

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

DATE:

12/1/06

SIGNATURE:

John A. Burke

Please print your name:

John A. Burke

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

SCANNED
DEC 13 2006

11/21/2006

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

RIGHT NUMBER: 37-7312B
NAME AND ADDRESS: CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
45.90 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/02/1973

POINT OF DIVERSION:

T02N R18E S26 SWSW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.200 CFS 45.90 AFY
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T02N R18E S26	NWSW 1.10	T02N R18E S26 SWSW 12.00
* 13.1 ACRES TOTAL		

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total

rate

of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

SCANNED
DEC 13 2006

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 37-7312B
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANDIDA C FORSTMANN Phone: (208)726-7260
PO BOX 201
KETCHUM ID 83340

2. Date of Priority: 11/02/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	4/15	10/15	0.2	45.9

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 45.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	NW	SW	IRRIGATION	1.1
			SW	SW	IRRIGATION	12
Section Acres						13.1
Total Acres						13.1

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 right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

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

15. Basis of Claim: License

10/10/2006

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

RIGHT NUMBER: 37-7312B
NAME AND ADDRESS: CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340

SOURCE: GROUND WATER
QUANTITY: 0.200 CFS
45.900 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/02/1973

POINT OF DIVERSION:

T02N R18E S26 SWSW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.200 CFS 45.90 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S26 NWSW 1.10 T02N R18E S26 Lot 1 SWSW 12.00

13.1 ACRES TOTAL

change made 12/7/06

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.



Idaho Department of Water Resources

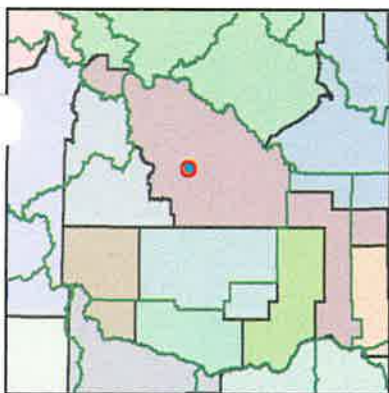
SRBA Recommendation:

37-7312B

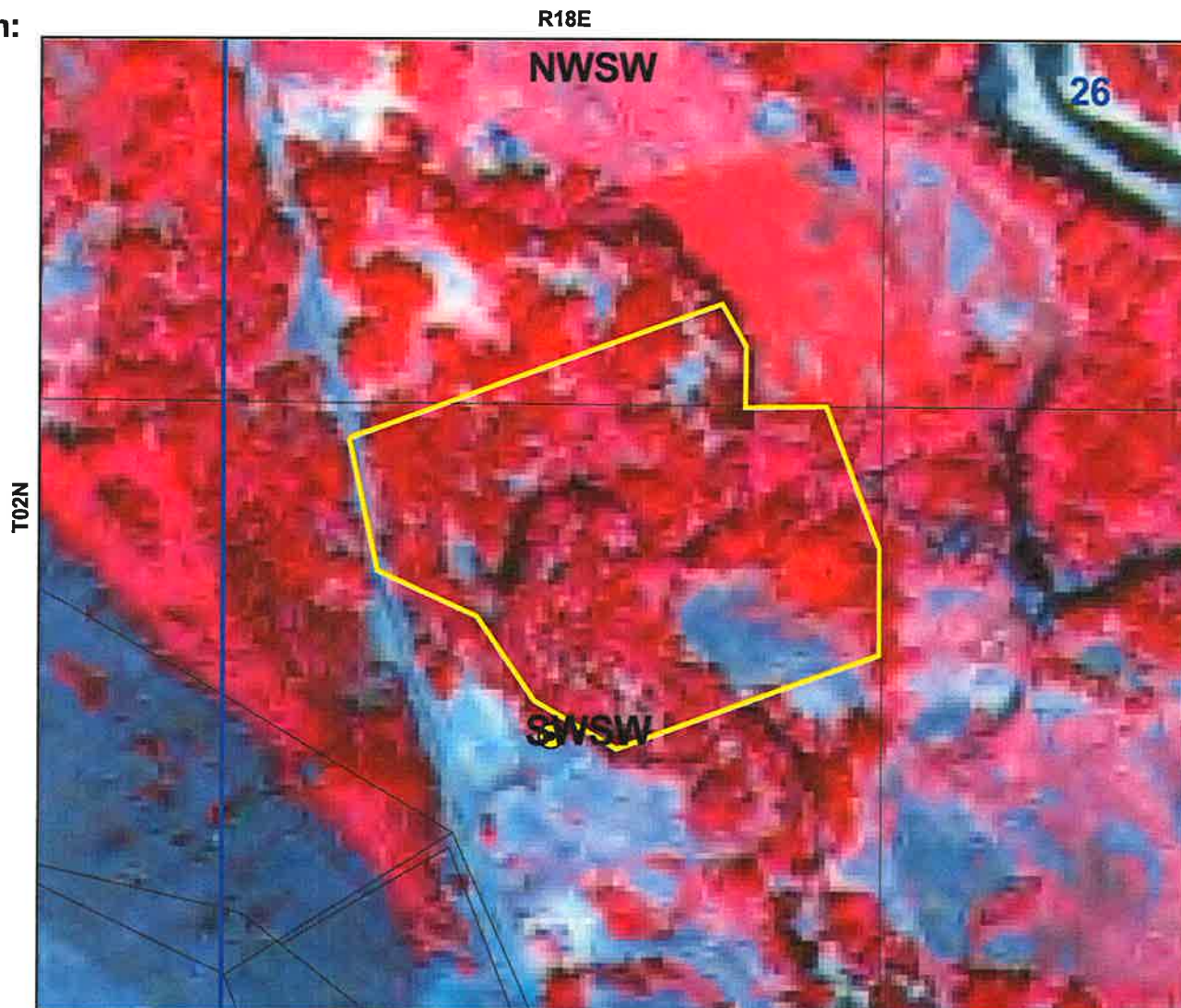
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. NORQUES
On Tuesday, October 10, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

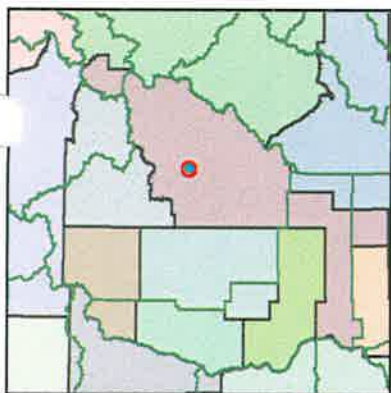
SRBA Recommendation:

37-7312B

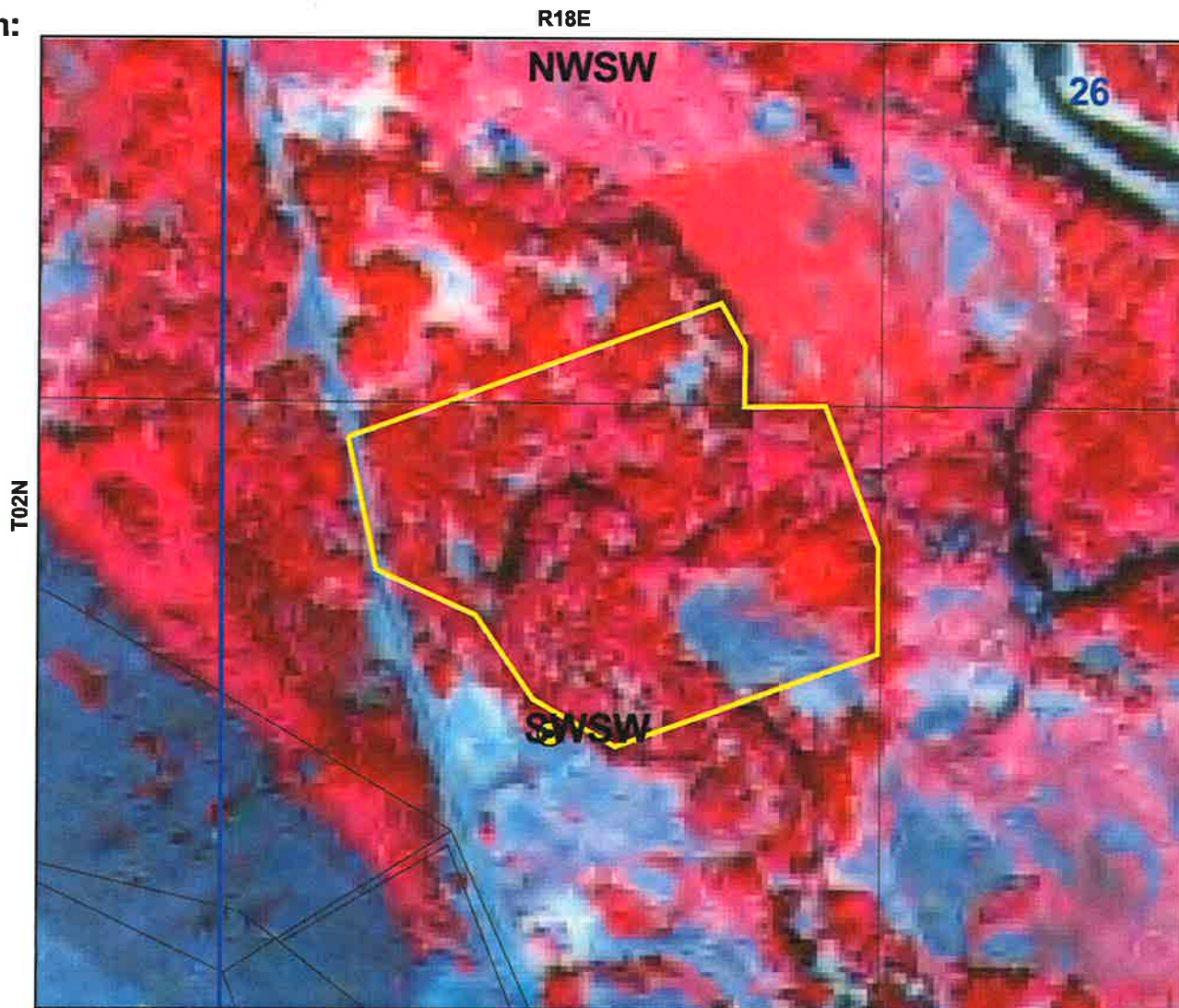
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. NORQUES
On Tuesday, October 10, 2006
1987/88 Aerial Photography



CANDIDA C. FORSTMANN

ne same

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

NOV 01 1996

TRANSFER NO. 4794
WATER RIGHT NO. 37-07312A & 37-07312B Department of Water Resources
Southern Division

This is to certify that: CANDIDA C FORSTMANN
JANN S WENNER
JANE WENNER
C/O GARY SLETTE
PO BOX 1906
TWIN FALLS ID 833031906

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07312A Priority: 11/02/1973 IRRIGATION	04/15 to 10/15	0.62 CFS	109.2 AF
Right No. 37-07312B Priority: 11/02/1973 IRRIGATION	04/15 to 10/15	* 0.20 CFS	* 45.9 AF
	TOTAL:	** 0.82 CFS	155.1 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 37-07312A NWSW , Sec. 26, Township 02N, Range 18E
Right No. 37-07312B SWSW , Sec. 26, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 37-07312A						
02N	18E	26	SWNW 7.9	NESW 3.6	NWSW 19.7	31.2
				Total number of acres irrigated:		31.2
Right No. 37-07312B						
02N	18E	26	NWSW 1.1	SWSW 12		13.1
				Total number of acres irrigated:		13.1
				TOTAL ACRES:	** 44.3	

TRANSFER NO. 4794
WATER RIGHT NO. 37-07312A & 37-07312BCONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with the groundwater diverted under Right No. 37-07312A and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. Right No. 37-07312A shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
8. After specific notification by the Department, the right holder of Right No. 37-07312A shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 10. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af.
11. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department.
12. Two points of diversion are located within SWSW, S26, T02N, R18E.
13. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.
- ** 14. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794.

Dated this 28th day ofOctober, 1996

J. Drew Saxton
Chief, Water Alloc. Bureau

MEMORANDUM

TO: RIGHT NO. 37-07312
FROM: PAM SKAGGS/^{CB}STATE OFFICE
SUBJECT: TRANSFER NO. 4794
DATE: September 9, 1996

=====

RECEIVED

OCT 30 1996

Department of Water Resources
Southern Region

Transfer No. 4794 was filed to add points of diversion, change the place of use and split the water right to reflect current ownership. Part A reflects a change in acres and Part B proposes to add two new wells.

The original owner of the property sold the majority of the land to Wenner's as described under Part A, adjusting the acres to reflect current use. Part B describes the remaining acres owned by Forstmann who proposes to add two new wells to serve them.

Season of use and diversion volume were adjusted to current standards. The total acres and rate of diversion described under this transfer acknowledges the extent that this right has been maintained. That portion of the right in excess of the transfer approval is considered abandoned.

A portion of this right provides supplemental groundwater to acres identified under companion Transfer No. 4799 and Part A has been conditioned to reflect that secondary use.

Recommended conditions include drilling permit requirements, irrigation overlap, supplemental use, multiple points of diversion, future annual reporting, abandoned portion and standard transfer conditions.