

RECEIVED
OCT 17 2006
DEPARTMENT OF
WATER RESOURCES

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 37-7554
Date Received: 11/6/1989
Receipt No: S010381
Received By:

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

1. Name of Claimant(s)

FROSTENSON REVOCABLE TRUST Phone: (541)389-9185
59649 OKANAGAN LN
BEND OR 97702

2. Date of Priority: 02/01/1977

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	15E	21	SW	NW	NW	CAMAS	

5. Description of diverting works:

WELL, 185' DEEP, 75 HP PUMP, 16" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.12	

7. Total Quantity Appropriated is:
2.12 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	15E	21	NE		NW	IRRIGATION	39
			NW		NW	IRRIGATION	39
			SW		NW	IRRIGATION	39
			SE		NW	IRRIGATION	40
						Section Acres	157
						Total Acres	157

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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

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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
37-7554					

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)

4. New Owner/Claimant(s)

Theodore R. Frostenson & Marian M. Frostenson as
 Co-Trustees of the Frostenson Revocable Trust
 Name Connector (Check one): [] and, [] or, [] and/or UTA dated Dec. 8, 00

New Mailing Address

59649 Okanagan Lane

City, State and ZIP Code

Bend, Oregon 9702

New Telephone Number

541 389-9185

5. Date you acquired the property

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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)

Theresa R Frostenson
man m 4 trust

Co-Trustees of the Frostenson Revocable Trust
UTA dated Dec. 8, 2000

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 _____

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WARRANTY DEED

Recording requested by and
when recorded return to:

Thomas J. Sayeg
Karnopp, Petersen, Noteboom,
Hansen, Arnett & Sayeg, LLP
1201 N.W. Wall Street
Suite 300
Bend, Oregon 97701

Recorded at the Register's Office
by Thomas T. Sayeg PM
at 3:15
01-05 2001
In Book 32 395
of Deeds
74298
By Karri Blodgett ORDER
Fees \$ 6.00

For value received, T. R. FROSTENSON and MARIAN M. FROSTENSON, husband and wife, Grantors, do hereby grant, bargain, sell and convey unto THEODORE R. FROSTENSON and MARIAN M. FROSTENSON, as Co-Trustees of the Frostenson Revocable Trust U/T/A dated December 8, 2000, whose current address is 59649 Okanagan Lane, Bend, Oregon 97702, Grantee, the following described premises, in Camas County, Idaho, to-wit:

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho
Section 21: NW1/4

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that it is free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 8th day of December, 2000.

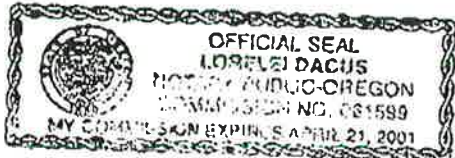
T. R. Frostenson
T. R. FROSTENSON

Marian M. Frostenson
MARIAN M. FROSTENSON

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 8th day of December, 2000, by **T. R. FROSTENSON** and **MARIAN M. FROSTENSON**, husband and wife.

Lorelei Dacus
Notary Public for Oregon



Recorded at the Request of

at _____ M

in Book _____

of _____

CANAS COUNTY RECORDER

By _____

Fees \$ _____

Page 2. **WARRANTY DEED**

10054.1\0012ao.wd

Kamopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP
ATTORNEYS AT LAW
Riverpointe One • 1201 N.W. Wall Street, Suite 300 • Bend, Oregon 97701-1957 • (541) 382-3011

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*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



John A. Rosholt
jar@idahowaters.com

113 Main Avenue West, Suite 303
Post Office Box 485
Twin Falls, Idaho 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

1010 Jefferson, Suite 120
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

October 10, 2006

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

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: 37-7554 Change of Ownership and Address

Dear Clerk:

Please change Water Right No. 37-7554 to reflect the owners and their addresses per the enclosed form.

Water right 37-7554 is owned by Theodore R. Frostenson and Marian M. Frostenson, Co-Trustees of the Frostenson Revocable Trust URA dated December 8, 2000. IDWR presently lists the address of the current owner as Theodore R. Frostenson c/o John I. Frostenson, Rt. 1 Box 1020, Fairfield, Idaho 83327. Co-Trustees Theodore R. and Marian M. Frostenson seek to have the address changed to 59649 Okanagan Lane, Bend, Oregon 97702, and the John I. Frostenson reference and address deleted.

Our check for the in the amount of \$25.00 is enclosed. Please call with any questions.

Regards,

Barker, Rosholt & Simpson

By *John A. Rosholt*

JAR/jf

Enclosures

CC: Ted Frostenson with enclosures

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OCT 17 2006



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

October 16, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FROSTENSON REVOCABLE TRUST
59649 OKANAGAN LN
BEND OR 97702

RE: SRBA Claim No. #37-7554

Dear Mr. and Mrs. Frostenson,

The Department has received the *Notice of Change of Water Right Ownership* you recently submitted referenced above. We have changed the record of current ownerships to you. Please find the enclosed copy of the water right claim noting the change in owners. Review this record and if there is an error, or you have any questions, please contact this office.

Since this claim has not been decreed in the Snake River Basin Adjudication, no fees are due at this time. I am herein returning your check #1563 for twenty-five dollars (\$25.00)

Should you have any questions please call me at (208) 736-3033.

Sincerely,

Carrie Hahn
Clerk

Enc.

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OCT 17 2006

\$207
POA

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: A37-07554
Date Received: 11/6/89
Receipt No: 5010381
Received By: TW
had

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THEODORE R. FROSTENSON
Address: C/O JOHN I. FROSTENSON
RT. 1, BOX 1020
FAIRFIELD, ID 83327
208-764-2591

2. Date of Priority: FEB 01, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	15E	21	SW	NW	NW		CAMAS

5. Description of diverting works:
WELL, 185' DEEP, 75 HP PUMP, 16" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.120		

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

8. Total consumptive use is 392.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	15E	21	NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0

A37-07554

Page 1

Date: 10/18/89

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FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	15E	21	SE NW		IRR	40.0

Section Acres	157.0
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Total Acres	157.0
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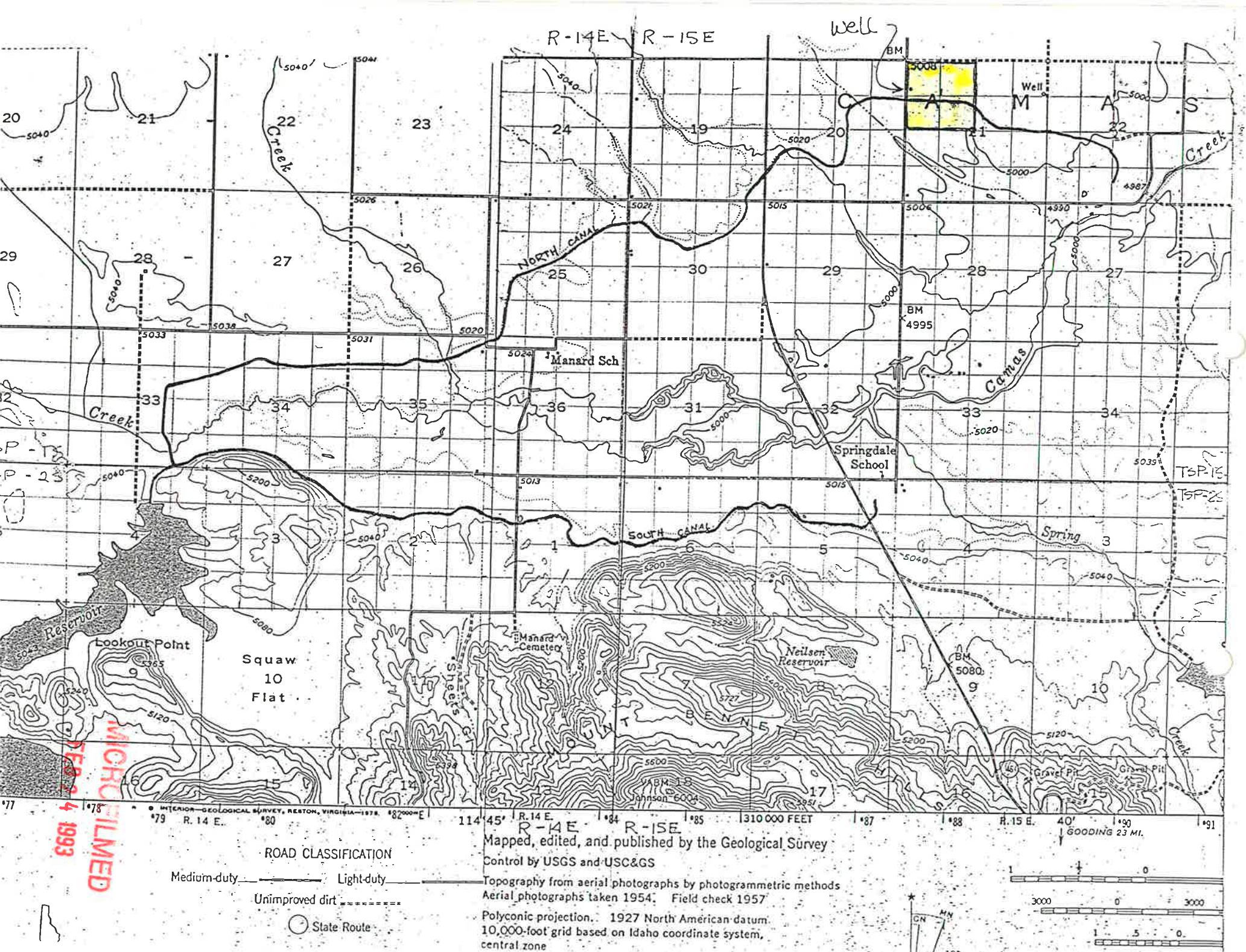
11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE



16. Signature(s)

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

Number of attachments: 1 MAP

For Individuals:

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

Signature of Claimant(s): Theodore R. Frostenson Date: 18 Oct 89
P.O.A. John L. Frostenson Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of October 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

SEE IMPORTANT NOTICE ON REVERSE SIDE OF FORM

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, THEODORE R. FROSTENSON temporarily residing in the Republic of Ghana, do by these presents hereby make, constitute and appoint JOHN I. FROSTENSON of the City of FAIRFIELD state of IDAHO true and lawful attorney in fact for and in name, place and stead, to DEAL WITH ALL MATTERS RELATING TO THE OWNERSHIP AND MANAGEMENT OF MY IDAHO PROPERTY INCLUDING BUT NOT LIMITED TO THE SECURING OF WATER RIGHTS Granting and giving unto said attorney in fact full authority and power to do and perform any and all other acts necessary of incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

In testimony whereof I have hereunto set my hand this 30th day of OCTOBER 1989.

Theodore R. Frostenson

REPUBLIC OF GHANA)
CITY OF ACCRA)
GREATER ACCRA REGION)
EMBASSY OF THE UNITED)
STATES OF AMERICA)

I, Dorothea-Marra Rosen, — Consul of the United States of America at Accra, Ghana, duly commissioned and qualified, do hereby certify that on this 30th day of October, 1989, before me personally appeared Theodore Frostenson, and known to me to be the individual(s) described in, whose name(s) is subscribed to, and who executed said instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year last above written.

Dorothea Maria Rosen
Dorothea-Maria Rosen
American Consul



MICROFILMED
FEB 24 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TWIN LAKES RES & IRR CO
FROSTENSON FARMS

Nov. 7, 1989

Re: A37-07554
A37-13124
A37-13120

TWIN LAKES RES CO
JACK FROSTENSON
RT 1 BOX 1020
FAIRFIELD ID 83327

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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FEB 24 1993

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NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

11/01/2006

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: November 21, 2006

Water right number: 37-7554

FROSTENSON REVOCABLE TRUST
59649 OKANAGAN LN

BEND OR 97702

Telephone Number: (541)389-9185

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: 11/10/06 SIGNATURE: T.R. Frostenson

Please print your name: T. R. FROSTENSON

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED

NOV 14 2006

04/05/2006

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

RIGHT NUMBER: 37-7554

NAME AND ADDRESS: THEODORE R FROSTENSON
C/O JOHN I FROSTENSON
RT 1 BOX 1020
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.120 CFS
471.000 AFY

PRIORITY DATE: 02/01/1977

POINT OF DIVERSION:

T01S R15E S21 SWNWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.120 CFS 471.00 AFY

PLACE OF USE: IRRIGATION Within CAMAS County

T01S R15E S21	NENW	39.00	T01S R15E S21	NWNW	39.00
T01S R15E S21	SWNW	39.00	T01S R15E S21	SENW	40.00

157 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

Use of this right is combined with water from Twin Lakes Reservoir & Irrigation Company Ltd.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.



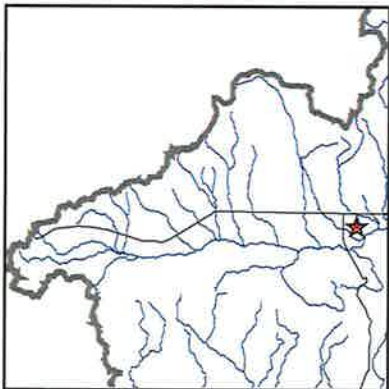
Idaho Department of Water Resources

Adjudication Claim:

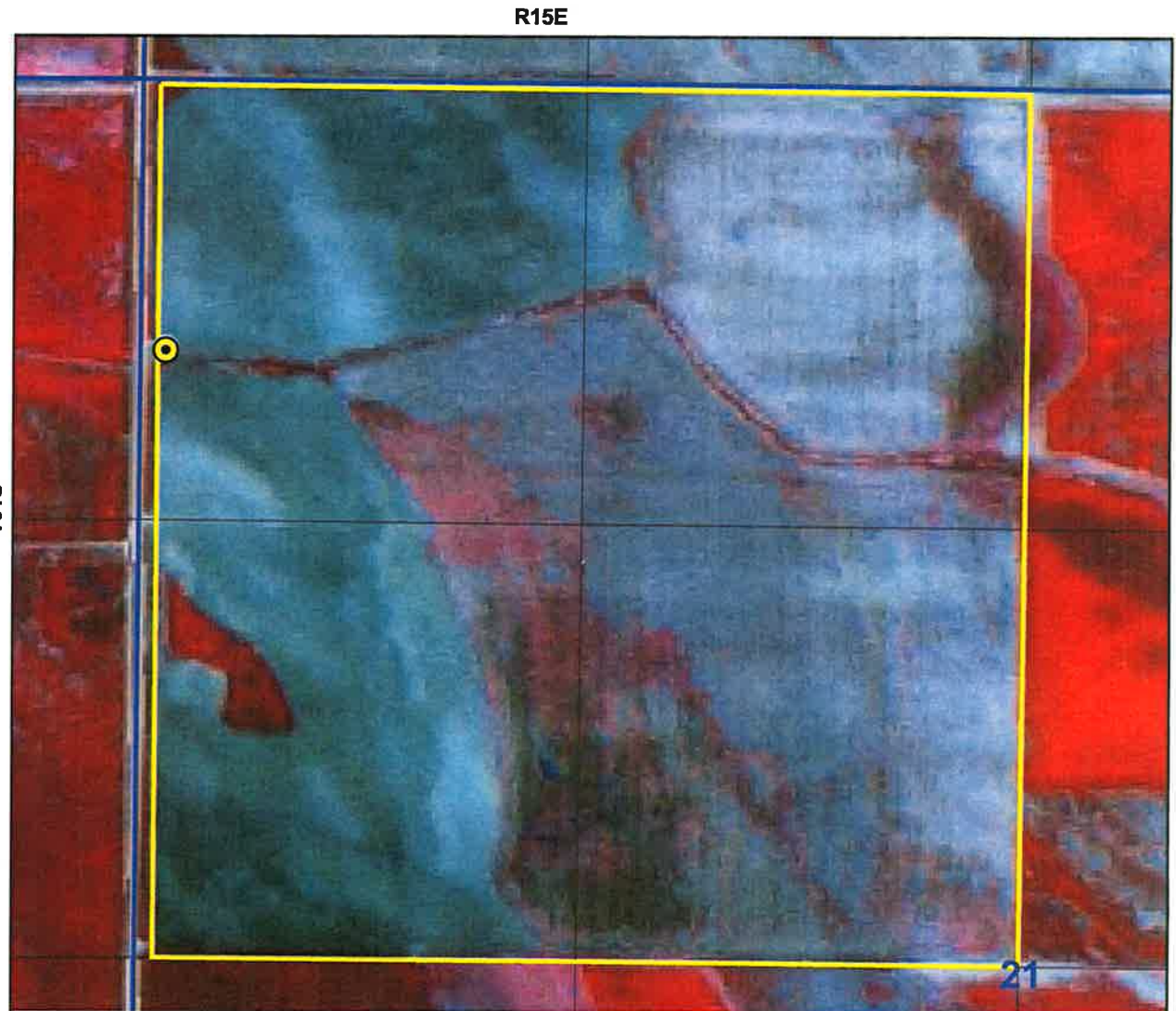
37-7554

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Thursday, March 9, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-7554

Background Data

- Source is Groundwater
- Licensed for 2.12 cfs on 157 acres
- Claimed for 2.12 cfs on 157 acres

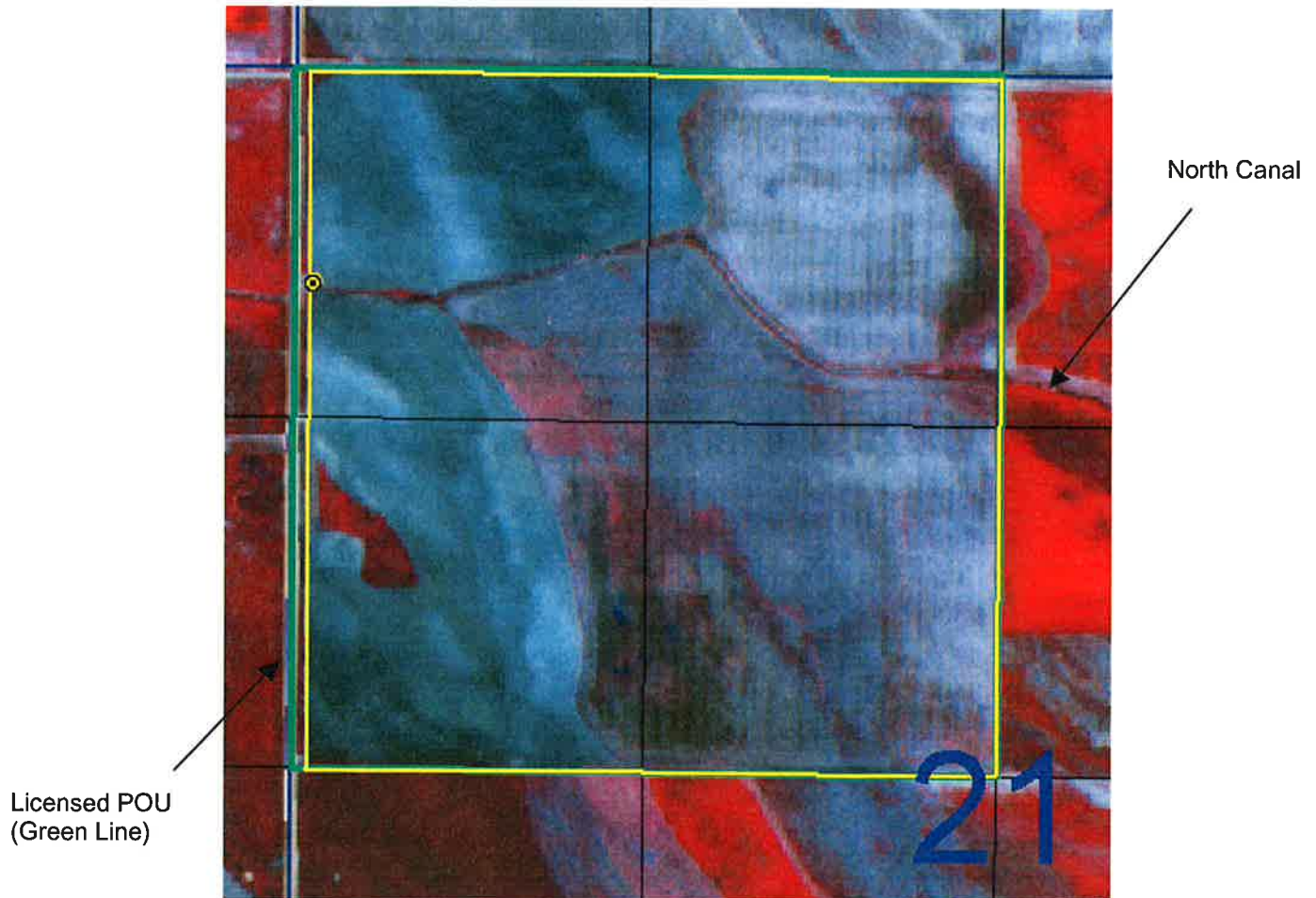
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R15E Section 21

- Found 157 acres
- POD digitized based on license documents and USGS 24K map

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Frostenson Farms, Inc.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 2.12 cfs and	471.0 acre feet
	from	cfs and	
	from	at cfs and	

(both dates inclusive)

Description and location of place of use:

Twp.	Range	NEW				NW¼				SW¼				Totals
		NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	
1S	15E	21				39	39	39	40					157

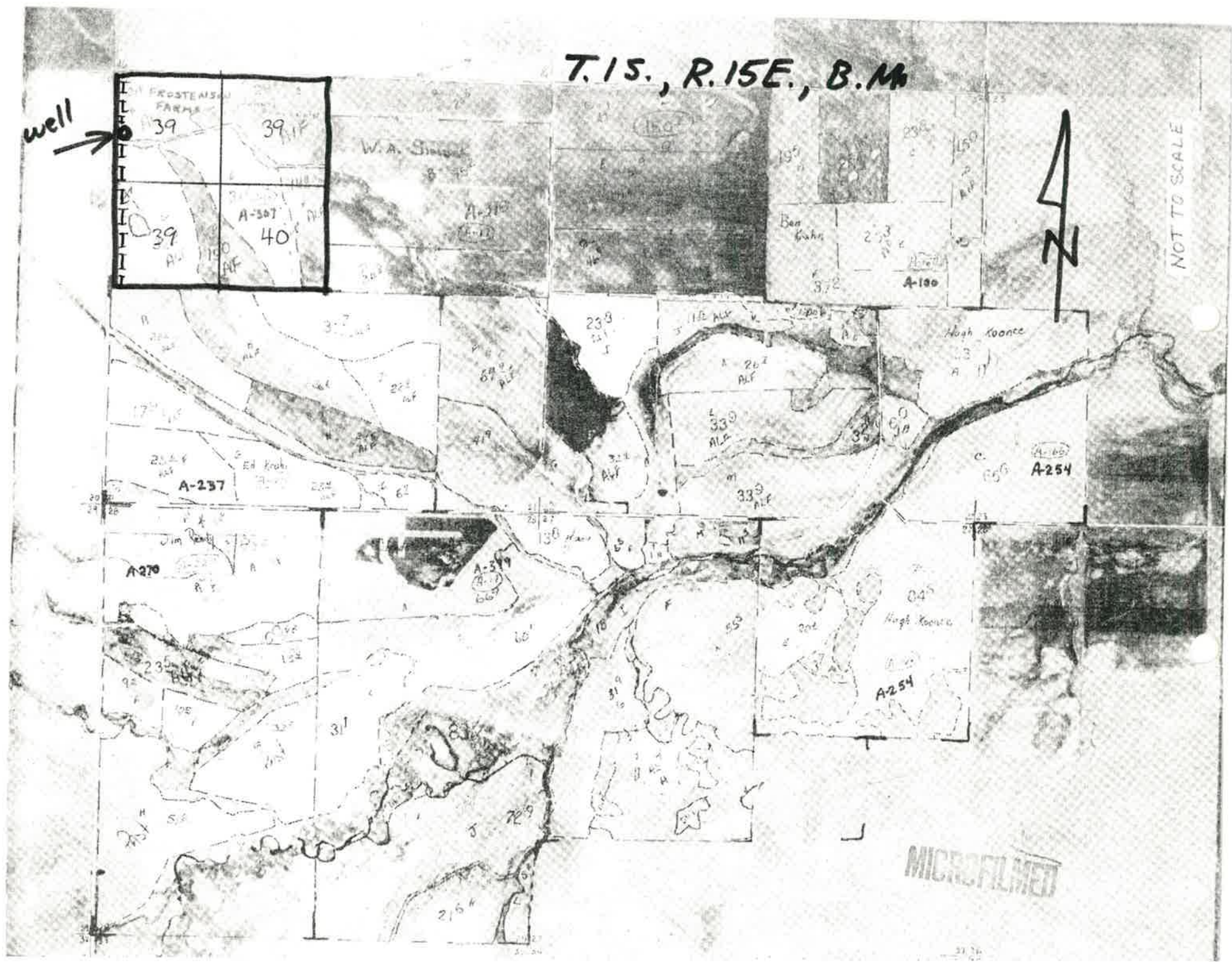
Director

T.15., R.15E., B.M.

well



NOT TO SCALE



MICROFILMED