

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: A37-07598B

Date Received: 10/27/1988

Receipt No: C003914

Received By: et: OWNER CHANGE

~~COPI FOR~~  
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

~~COPI FOR~~  
~~YOUR FILES~~

1. Name: CHARLES THOMAS FOLEY 212-319-4343  
Address: 430 PARK AVE 18TH FLOOR  
NEW YORK NY 10022

AND

Name: KATHLEEN MAHER FOLEY 212-319-4343  
Address: 430 PARK AVE 18TH FLOOR  
NEW YORK NY 10022

2. Date of Priority: JUL 8, 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      | 19E   | 23      | NW     | NE     | SE     |     | BLAINE |

5. Description of diverting works:

WELL, 120' DEEP, 10" CASING, 10 HP PUMP, HANDLINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.328 |      |        |

7. Total Quantity Appropriated is:

0.328 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 01S           | 19E   | 23      | NE     | SE  |     | IRR | 28.0  |
| Section Acres |       |         |        |     |     |     | 28.0  |
| Total Acres   |       |         |        |     |     |     | 28.0  |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
37-02686B

14. Remarks:

THIS RIGHT AND 37-2686B ARE DIVERTED FROM THE SAME WELL AND TOTAL  
1 INCH PER ACRE.

CONFORMED ATTORNEY MAILING ADDRESS DMS

\*\*\*\*\*  
06/29/99, CHANGED OWNERSHIP: KENNEDY LIVING TRUST TO FOLEY AS PER  
WARRANTY DEED AND FORM 1409(6) RECEIVED 06/28/99. C.T.

15. Basis of Claim: LICENSE

NCR 12284  
12285

STATE OF IDAHO  
ID. O DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 28 1999

Department of Water Resources  
Southern Region

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): Claim #'s A37-026863<sup>B</sup>; A37-07598B; A37-08225A; 37-12284 & 37-12285  
Adjudication Claim No(s): \_\_\_\_\_
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 Kennedy Living Trust, Jack F. Kennedy, Trustee  
1400 South Camino Real  
San Bernadino, CA 92408  
Charles Thomas Foley & Kathleen Maher Foley  
New Mailing Address Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
430 Park Avenue, 18th Floor  
City, State and ZIP Code New York, New York 10022  
New Telephone Number (212) 319-4343
4. New Owner/Claimant(s)  
New Mailing Address  
City, State and ZIP Code  
New Telephone Number
5. Date you acquired the property June 15, 1999
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)  
Charles Thomas Foley  
Kathleen Maher Foley  
(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..

122

428501

*Deed*

BLAINE CO. REQUEST  
**SAWTOOTH TITLE**

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Edward A. Lawson, Esq.  
Hawley Troxell Ennis & Hawley LLP  
P.O. Box 297  
371 Walnut Avenue  
Ketchum, Idaho 83340

'99 JUN 15 PM 3 54

MARSHA RIEMANN, CLERK *mm*

FEES \$ *9.00*

Order No. 25722

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(Space Above This Line For Recorder's Use)

### WARRANTY DEED

Jack F. Kennedy, Trustee of the Kennedy Living Trust dated November 1, 1979, as restated on May 20, 1982, hereinafter called the Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Charles Thomas Foley and Kathleen Maher Foley, husband and wife, whose current address is c/o Estabrook Capital Management, 430 Park Avenue, 18th Floor, New York, NY 10022, hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,  
BLAINE COUNTY, IDAHO.

SECTION 23: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH an easement for ingress, egress and the extension of utilities, more particularly described as follows:

A strip of land, 25 feet in width, extending along the western boundary of the NW $\frac{1}{4}$  and a portion of the SW $\frac{1}{4}$  of Section 24, Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho, from the right-of-way for Idaho Highway 20 on the north, to a point 25 feet south of the northern boundary of the SW $\frac{1}{4}$  of said Section 24, on the south.

TOGETHER WITH all improvements, minerals, mineral rights, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto, if any, including but not limited to the following:

IDWR Claim No. A37-026863  
IDWR Claim No. A37-07598B  
IDWR Claim No. A37-08225A  
IDWR Claim No. 37-12284  
IDWR Claim No. 37-12285

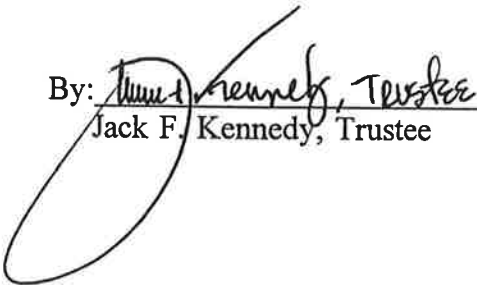
SUBJECT TO:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any state or railroad deed;
3. Building and zoning ordinances, restrictions and regulations;
4. Easements established or of record, restrictions, encumbrances and other matters of record as disclosed by the records of Blaine County, Idaho; and
5. The final outcome of all proceedings, terms and conditions of any decree entered in *The General Adjudication of Rights to Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576.

TO HAVE AND TO HOLD, the said premises, and their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that (1) the Grantor is the owner in fee simple of said premises; (2) Grantor has the right to convey the premises; (3) the premises are free from all liens and encumbrances except as above described; (4) Grantor warrants and will defend the quiet and peaceable possession of the premises by the Grantee, his heirs and assigns forever, against all lawful claims whatsoever.

DATED this 8th day of June, 1999.

The Kennedy Living Trust u/a/d 11/1/79  
and restated 5/20/82

By:  Trustee  
Jack F. Kennedy, Trustee

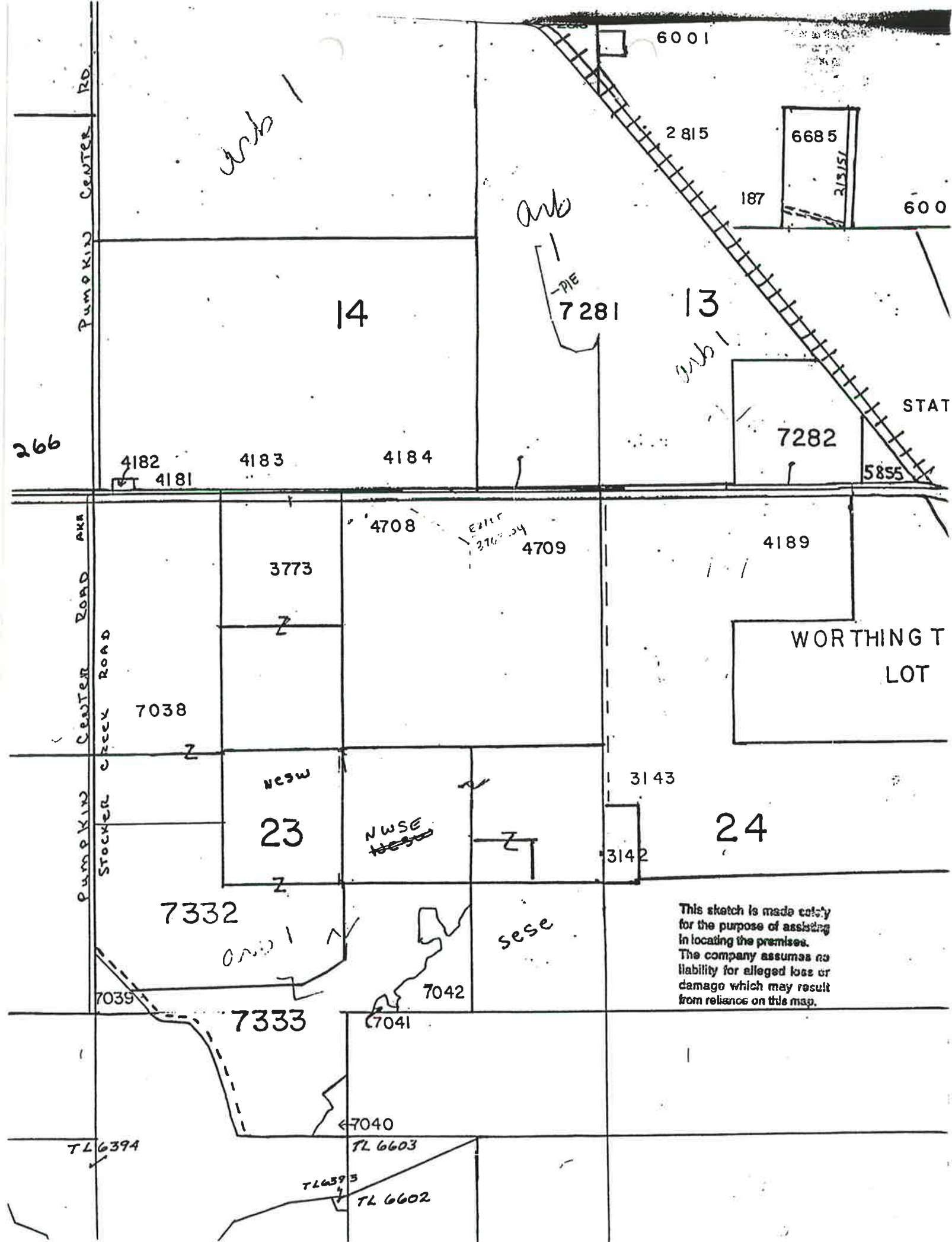
STATE OF IDAHO, )  
 ) ss.  
County of Blaine. )

On this 11<sup>th</sup> day of June, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack F. Kennedy, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument as Trustee of the Kennedy Living Trust u/a/d 11/1/79 and as restated 5/20/82, and acknowledged to me that he executed the same on behalf of said Trust.

WITNESS my hand and official seal.



Marla G. Mink  
Notary Public for Idaho  
Residing at Belleme, Id.  
Commission expires 12/01/2000



**HAWLEY TROXELL ENNIS & HAWLEY LLP**

**P. O. Box 297  
371 Walnut Avenue North  
Ketchum, Idaho 83340-0297**

**Telephone: (208) 726-1700**

**FAX: (208) 726-9743**

**TRANSMITTAL MEMO**

**RECEIVED**

**JUN 28 1999**

**Department of Water Resources  
Southern Region**

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

**FROM: Edward A. Lawson**

**DATE: June 25, 1999**

**RE: Charles and Kathleen Foley  
Water Right Nos: A37-026863  
A37-07598B  
A37-08225A  
37-12284  
37-12285**

**HTEH File No. 32370-3**

Enclosed is a Notice of Change of Water Right Ownership, as well as a copy of the Warranty Deed granting said water rights to Mr. and Mrs. Foley.

Please return a date-stamped copy of the Notice in the envelope provided. Thank you.

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: A37-07598B  
Date Received: 10/27/1988  
Receipt No: C003914  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: KENNEDY LIVING TRUST  
Address: JACK F. KENNEDY, JR., TRUSTEE  
C/O KENNEDY CADILLAC  
1400 SOUTH CAMINO REAL  
SAN BERNADINO, CA 92408 714-884-0111

2. Date of Priority: JUL 08, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 19E   | 23      | NW     | NE     | SE  |     | BLAINE |

5. Description of diverting works:  
WELL, 120' DEEP, 10" CASING, 10 HP PUMP, HANDLINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.328  |      |        |

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 19E   | 23      | NE     | SE  |     | IRR | 28.0  |

Section Acres 28.0

A37-07598B

Page 1

Date: 01/25/89

MICROFILMED  
FEB 24 1993

10. Place of Use: Continued

Total Acres            28.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
37-02686B

14. Remarks:  
THIS RIGHT AND 37-2686B ARE DIVERTED FROM THE SAME WELL AND TOTAL  
1 INCH PER ACRE.

15. Basis of Claim: LICENSE

MICROFILMED  
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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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: 39356  
Ident Number A37-07598B  
Date Received 10-27-88  
Receipt Number \_\_\_\_\_

RECEIVED

OCT 27 1988

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Jack F. Kennedy, trustee of the Kennedy Living Trust, dated November 1, 1979, as restated on May 20, 1982.  
Phone: (714) 884-0111  
Mailing Address: c/o Kennedy Cadillac  
1400 South Camino Real  
San Bernardino, CA 92408

2. Date of Priority: July 8, 1977

3. Source of water supply (a) Groundwater  
which is tributary to (b)

4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|
| 1S              | 19E          | 23             | NW                              | NE                              | SE                              |            | Blaine        |

Additional points of diversion if any: None.

b. If instream flow, beginning point:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|

Ending point:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|

5. Description of existing diversion works: Well, approx. 120 feet deep with 10 inch casing and 10 HP pump; handlines.

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FEB 24 1993

6. Water is claimed for following purposes:

| <u>Purpose</u> | <u>From</u> | <u>To</u>  | <u>Amount</u>    |
|----------------|-------------|------------|------------------|
| Irrigation     | April 1     | November 1 | 0.328 cfs/84 afa |

7. Total Quantity Claimed: 0.328 cfs/ 84 afa.

8. Total consumptive use claimed is 70 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>Use</u> | <u>Irrig. Acres</u> |
|-----------------|--------------|----------------|------------|------------|------------|---------------------|
| 1S              | 19E          | 23             | NE         | SE         | I          | 28                  |

Total number of irrigated acres: 28

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-2686B.

14. Remarks: This right and 37-2686B are diverted from the same well and total 1 inch per acre.

Last Name: Kennedy Living Trust

Ident No. \_\_\_\_\_

MICROFILMED  
FEB 24 1993

**Scale: 2 inches equals 1 mile**

TOWNSHIP 1 SOUTH, RANGE 19 EAST OF  
BOISE MERIDIAN, BLAINE COUNTY, IDAHO

IDAHO HIGHWAY 50

POINT OF BEGINNING

23

24 LAND IRRIGATED

MICROFILMED  
FEB 24 1993

Last Name KENNEDY Ident No. \_\_\_\_\_

**Copies: White-State, Yellow-Claimant**

15. Basis of Claim: License  
IDWR Water Right Number: 37-7598B  
Court:  
Case Number:  
Decree Date:  
Plaintiff v. Defendant:

16. Signature(s)

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am the trustee of the Kennedy Living trust, dated November 1, 1979, as restated May 20, 1982, that I have signed the foregoing document in the space below as trustee of said Trust and that the statements contained in the foregoing document are true and correct.

Signature of Trustee: Jack F. Kennedy, Jr., trustee, by James P. Speck, his attorney in fact  
Jack F. Kennedy, Jr., trustee

Date: 10/25/88

Title of Organization: The Kennedy Living Trust, dated November 1, 1979, as restated May 20, 1982

State of Idaho )  
County of Blaine ) ss.

Subscribed and sworn before me this 25<sup>th</sup> day of October, 1988.

Notary Public Ruby Mung Becka  
Residing at Sun Valley  
Commission Expires 1/17/93

17. 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  
James P. Speck  
Hogue, Speck & Aanestad  
P.O. Box 987  
Ketchum, ID 83340

Date: 10/29/88

Last Name: Kennedy Living Trust  
a:\kennedy1.clm

Ident No.: \_\_\_\_\_

MICROFILMED  
FEB 24 1993

RECEIVED

SPECIAL POWER OF ATTORNEY  
(WATER RIGHTS)

OCT 27 1988

Department of Water Resources  
Southern Region Office

I, JACK F. KENNEDY, JR., TRUSTEE OF THE KENNEDY LIVING TRUST, DATED NOVEMBER 1, 1979, AS RESTATED ON MAY 20, 1982, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit as trustee of said Trust for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or

MICROFILMED  
FEB 24 1993

OCT-24-88 MON 14:47 HOGUE SPECK ARNESTAD

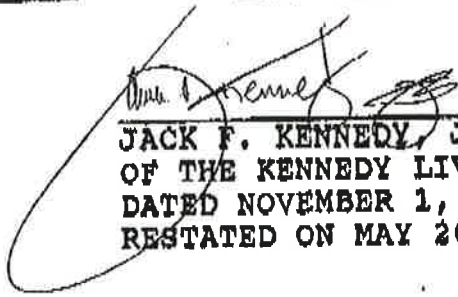
P. 02

our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 24<sup>th</sup> day of Oct., 1988.

  
JACK F. KENNEDY, JR., TRUSTEE  
OF THE KENNEDY LIVING TRUST,  
DATED NOVEMBER 1, 1979, AS  
RESTATED ON MAY 20, 1982.

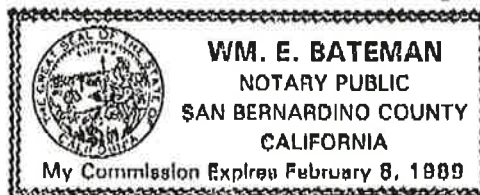
STATE OF Calif. } ss.  
County of San Bernardino

On this 24<sup>th</sup> day of Oct., 1988, before me, the undersigned notary public in and for said state, personally appeared Jack F. Kennedy, Jr., Trustee of the Kennedy Living Trust, dated November 1, 1979, as restated on May 20, 1982, known to me to be the Trustee whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
Notary Public for \_\_\_\_\_  
Residing at: \_\_\_\_\_

jim:kennedy5.pwr



MICROFILMED  
FEB 24 1993

COPY

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 NOV 4 PM 2 50

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: 37-7598B (Split)

37-7598E and 37-7598F

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

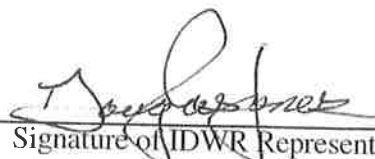
☒ Nature of Use

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: \_\_\_\_\_

11/3/09

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11-4, 2009, 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

Charles T. Foley  
Kathleen Maher Foley  
1 East End Ave Apt #12  
New York NY 10075

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



Signature of person or attorney mailing the form

11/2/2009

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>                         |
|--------------------|---------------------------------------------------------------------|--------------------------|---------------------------------------|
| 37-7598B           | KATHLEEN MAHER FOLEY<br>1 EAST END AVE APT #12<br>NEW YORK NY 10075 | Disallowed               | Recommended as 37-7598E and 37-7598F. |
|                    | CHARLES T FOLEY<br>1 EAST END AVE APT #12<br>NEW YORK NY 10075      |                          |                                       |

11/02/2009

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

RIGHT NUMBER: 37-7598E  
NAME AND ADDRESS: CHARLES T FOLEY  
1 EAST END AVE APT #12  
NEW YORK NY 10075  
KATHLEEN MAHER FOLEY  
1 EAST END AVE APT #12  
NEW YORK NY 10075

SOURCE: GROUND WATER  
QUANTITY: 0.290 CFS  
76.20 AFY  
TRIBUTARY:

Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.

PRIORITY DATE: 07/08/1977

POINT OF  
DIVERSION:

T01S R19E S23 NESE 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          | 0.290 CFS<br>76.20 AFY  |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                      |                         |
|               | T01S R19E S23                      | NESE 24.40           | T01S R19E S23 NWSE 1.00 |
|               | 25.4 ACRES TOTAL                   |                      |                         |

Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres 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 -

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

11/02/2009

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

RIGHT NUMBER: 37-7598F  
NAME AND ADDRESS: CHARLES T FOLEY  
1 EAST END AVE APT #12  
NEW YORK NY 10075  
KATHLEEN MAHER FOLEY  
1 EAST END AVE APT #12  
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.000 CFS  
6.30 AFY

The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.

Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.

Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.

PRIORITY DATE: 07/08/1977

POINT OF  
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>                      | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|--------------------------------------------|----------------------|-----------------|
|               | RECREATION STORAGE                         | 01/01 12/31          | 6.30 AFY        |
|               | AESTHETIC STORAGE                          | 01/01 12/31          | 6.30 AFY        |
| PLACE OF USE: | <u>RECREATION STORAGE in BLAINE County</u> |                      |                 |
|               | T01S R19E S23 NESE                         |                      |                 |
|               | <u>AESTHETIC STORAGE in BLAINE County</u>  |                      |                 |
|               | T01S R19E S23 NESE                         |                      |                 |

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

The right holder shall accomplish the change authorized by this transfer within one 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.

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 approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.



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](http://www.idwr.idaho.gov)

November 4, 2009

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

CHARLES FOLEY  
KATHLEEN MAHER FOLEY  
1 EAST END AVE APT #12  
NEW YORK NY 10075

RE: SRBA Claim(s) 37-2686B, 37-7598B, 37-2696

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

Enclosure

cc: James P. Speck

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-7598B V1

WATER RIGHT NUMBER: 37-7598B V1

| <u>Owner Type</u>                                | <u>Name and Address</u>                                                                                     |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Original Owner                                   | MAE E KENNEDY TRUST<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340       |
| Original Owner                                   | MAE E KENNEDY<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340             |
| Attorney                                         | KENNEDY LIVING TRUST<br>JACK F KENNEDY, TRUSTEE<br>P O BOX 752<br><br>SUN VALLEY, ID 83353<br>(208)726-5815 |
| Original Owner                                   | JOHN F KENNEDY JR<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340         |
| Original Owner                                   | LAURA L MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340                                                        |
| Current Owner                                    | KATHLEEN MAHER FOLEY<br>430 PARK AVE 18TH FL<br>NEW YORK, NY 10022<br>(212)319-4343                         |
| <del>Attorney</del><br><del>Original Owner</del> | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421                       |
| Original Owner                                   | WILLIAM A MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340<br>(208)622-4400                                     |
| Current Owner                                    | CHARLES T FOLEY<br>C/O ESTABROOK CAPITAL MGMT<br>430 PARK AVE<br>NEW YORK, NY 10022<br>(212)319-4343        |

Priority Date: 07/08/1977

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.293 CFS

Annual Volume

84.00 AF

T#3271

ORIGINAL OWNER

.328 cfs

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7598B V1

Total Diversion: 0.293 CFS

84.00 AF

.328 cfs

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SE1/4

Sec. 23, Twp 01S, Rge 19E, B.M.

BLAINE County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |     |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|--------|
| 01S | 19E | 23  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE | 25.0   |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 27 | 1.0 |    |    | 28.0   |

Total Acres: 25

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 37-2686B and 37-7598B are limited to the irrigation of a combined total of 28 acres in a single irrigation season.
3. E53 Right Nos. 37-2686B and 37-7598B are limited to a total combined annual diversion volume of 87.5 AF.

Remarks:Comments:Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

84.0

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-7598B V1

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 0.56        | 84            | 28 28        |

Combined Water Rights: 37-2686B , 37-7598B

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 0.56        |               |              |

Combined Water Rights: 37-2686B , 37-7598B , 37-8225A

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-7598B

WATER RIGHT NUMBER: 37-7598B

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                     |
|-------------------|-------------------------------------------------------------------------------------------------------------|
| Original Owner    | MAE E KENNEDY TRUST<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX987<br>KETCHUM, ID 83340        |
| Original Owner    | MAE E KENNEDY<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340             |
| Attorney          | KENNEDY LIVING TRUST<br>JACK F KENNEDY, TRUSTEE<br>P O BOX 752<br><br>SUN VALLEY, ID 83353<br>(208)726-5815 |
| Original Owner    | JOHN F KENNEDY JR<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340         |
| Original Owner    | LAURA L MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340                                                        |
| Current Owner     | KATHLEEN MAHER FOLEY<br>430 PARK AVE 18TH FL<br>NEW YORK, NY 10022<br>(212)319-4343                         |
| Original Owner    | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421                       |
| Original Owner    | WILLIAM A MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340<br>(208)622-4400                                     |
| Current Owner     | CHARLES T FOLEY<br>C/O ESTABROOK CAPITAL MGMT<br>430 PARK AVE<br>NEW YORK, NY 10022<br>(212)319-4343        |

Priority Date: 07/08/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

0.328 CFS

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7598B

Total Diversion: 0.328 CFSLocation of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SE1/4

Sec. 23, Twp 01S, Rge 19E, B.M.

BLAINE County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 01S | 19E | 23  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 28.0   |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 28.0   |

Total Acres: 28

Conditions of Approval:

- THIS RIGHT AND 37-2686B ARE DIVERTED FROM THE SAME WELL AND TOTAL 1 INCH PER ACRE.  
 CONFORMED ATTORNEY MAILING ADDRESS DMS  
 \*\*\*\*\* 06/29/99, CHANGED OWNERSHIP:  
 KENNEDY LIVING TRUST TO FOLEY AS PER WARRANTY DEED AND FORM 1409(6) RECEIVED  
 06/28/99. C.T.  
 \*\*\*\*\*

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/27/1988  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7598B

WATER RIGHT NUMBER: 37-7598B

| <u>Owner Type</u> | <u>Name and Address</u>                                                                               |
|-------------------|-------------------------------------------------------------------------------------------------------|
| Original Owner    | WILLIAM A MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340<br>(208)622-4400                               |
| Current Owner     | JOHN F KENNEDY JR<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340   |
| Current Owner     | MAE E KENNEDY<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340       |
| Current Owner     | MAE E KENNEDY TRUST<br>C/O JAMES P SPECK<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340 |
| Original Owner    | LAURA L MC MAHAN<br>PO BOX 3125<br>KETCHUM, ID 83340                                                  |

Priority Date: 07/08/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 0.328 CFS             | 84.00 AF             |
|                       | <u>Total Diversion:</u> | 0.328 CFS             | 84.00 AF             |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NE1/4SE1/4 | Sec. 23, Twp 01S, Rge 19E, B.M. |
| 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 | 19E | 23  |    |    |    |    |    |    |    |    |    |    |    |    | 28.0 |    |    |    | 28.0   |

Total Acres: 28

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-7598B

Conditions of Approval:

1. TRANS. 3271.

Remarks:Comments:Dates and Other Information:

Licensed Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

| <u>Rate</u>                                           | <u>Volume</u> | <u>Acres</u> |
|-------------------------------------------------------|---------------|--------------|
| 0.56                                                  |               |              |
| Combined Water Rights: 37-2686B , 37-7598B , 37-8225A |               |              |

Water Supply Bank:

Dept. of Water Resources  
Adjudication Bureau  
P. O. Box 83720  
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE  
02 1M \$ 00.8  
0004230683 MAR 07  
MAILED FROM ZIP CODE 83

RECEIVED  
MAR 27 2007  
DEPARTMENT OF  
WATER RESOURCES

☐ A  
☐ C  
☐ S  
☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ UNABLE TO FORWARD  
☐ OTHER

**RTS**  
RETURN TO SENDER

CHARLES T FOLEY

CHARLES T FOLEY  
C/O ESTABROOK CAPITAL MGMT  
430 PARK AVE  
NEW YORK NY 10022

37-8225A  
37-2686B  
37-759813

02/15/2007

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

RIGHT NUMBER: 37-7598B

NAME AND ADDRESS: CHARLES T FOLEY  
C/O ESTABROOK CAPITAL MGMT  
430 PARK AVE  
NEW YORK NY 10022

KATHLEEN MAHER FOLEY  
430 PARK AVE 18TH FL  
NEW YORK NY 10022

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.328 CFS  
84.000 AFY

Right Nos. 37-2686B and 37-7598B are limited to a total combined annual diversion volume of 84.0 AF.

PRIORITY DATE: 07/08/1977

POINT OF DIVERSION:

T01S R19E S23 NWNESE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.328 CFS  
84.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S23 NESE 27.00 T01S R19E S23 NWSE 1.00

28 ACRES TOTAL

Right Nos. 37-2686B and 37-7598B are limited to the irrigation of a combined total of 28 acres 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 - License

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



# Idaho Department of Water Resources

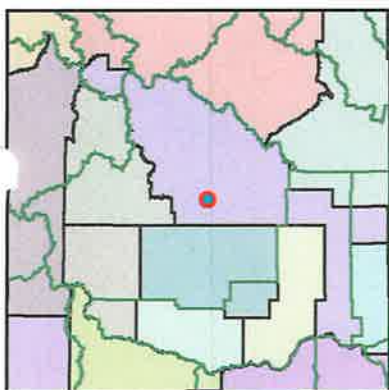
SRBA Recommendation:

**37-7598B**

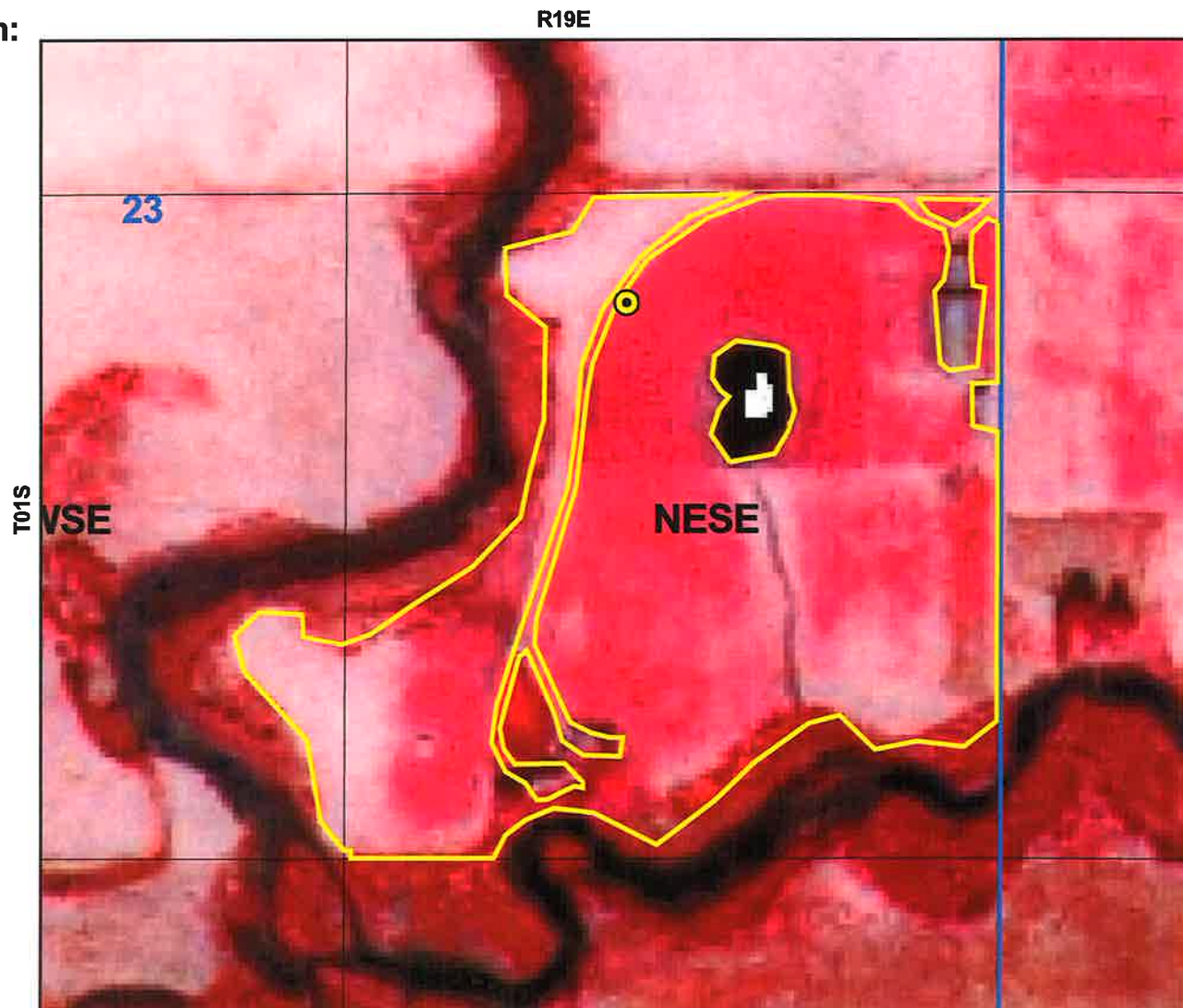
(Irrigation)

## 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 C. Skinner  
On Thursday, February 15, 2007  
1987/88 Aerial Photography

### SERVICE REQUESTED

37-11441  
11442  
12284  
12285  
37-2686B  
37-7598B  
37-8225A



Southern

RECEIVED

OCT 04 2004

Department of Water Resources  
Southern Region

RETURN  
TO SENI  
MOVED  
FIVE  
NEW YORK

212 3194343

**FOLEY  
C/O ESTABROOK CAPITAL MGMT  
430 PARK AVE  
NEW YORK NY 10022**





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

February 11, 2000

Charles Thomas & Kathleen Maher Foley  
430 Park Ave  
18<sup>th</sup> Floor  
New York, NY 10022

A37-07598B

Dear Mr. and Mrs. Foley:

Please find enclosed the water right transfer application that you recently submitted to our office along with the \$100.00 filing fee (check # 182). As you recall, the application proposes converting a portion of an irrigation water right to uses associated with a pond for your property located in Blaine County. A preliminary review of the application revealed some potential problems that you should address before we process the application.

Examination of Department records reveals that there are two irrigation water rights. 37-02686B and 37-07598B, that are appurtenant to the property where the pond is located. Your application proposes to modify one of these water rights, 37-07598B, without addressing the second water right, 37-02686B. This proposal would constitute an unstacking of water rights and would result in an expansion of the original water rights associated with the property. In the transfer process, our Department can not allow an expansion of the original water right(s) involved in the transfer.

Further examination of your application reveals that you have proposed removing 2.56 acres of irrigation from water right 37-07598B. Examination of water rights 37-02686B and 37-07598B reveals that they allow the diversion of 84.0 acre feet of groundwater per year for the irrigation of a total of 28 acres. The diversion volume associated with a 2.56 acre portion of both of these water rights would be 7.68 acre-feet per year. For 2.56 acres of irrigation in the area involved with your application, the Department would allow a maximum consumptive use volume of 6.4 acre-feet per year. Your application proposes diverting 19.84 acre feet per year for fish, wildlife, and aesthetic uses associated with the pond. In order to allow the diversion of 19.84 acre-feet per year, the Department would require the removal of 6.61 acres of irrigation from both water rights 37-02686B and 37-07598B.

Page 2  
Foley Letter  
02/11/2000

These problems should be addressed if you decide to resubmit your application. You may also want to consider filing an application for a new water right to cover the water use at the pond, and use a portion of water rights 37-02686B and 37-07598B as mitigation for the new water right associated with the pond.

If you have any questions, or if you need any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Skinner, P.E.  
Water Resource Engineer

Enclosure



**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 3, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CHARLES THOMAS FOLEY  
KATHLEEN MAHER FOLEY  
430 PARK AVE 18TH FLOOR  
NEW YORK NY 10022

RE: SRBA Claim(s) A37-02686B; A37-07598B; A37-08225A

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claim to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Cheryl E. Timm  
Records Clerk, SRBA

Enc.: Claim to a Water Right(S) referenced above

AJ0749NP  
No. A37-07598B

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 07/12/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | CHARLES THOMAS FOLEY                                                                   | 07/08/1977       | IRRIGATION | 04-01 11-01           | 0.32 CFS          |                     |
| C                | KATHLEEN MAHER FOLEY<br>430 PARK AVE 18TH FLOOR<br>NEW YORK NY 10022<br>(212) 319-4343 |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                                                                                        |                  |            |                       | 0.32 CFS          |                     |
| CONSUMPTIVE USE: |                                                                                        |                  |            |                       |                   | 70.00 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R19E S23 NWNESE

BLAINE County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |   |      |  |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|------|--|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM  |  |
| 01S         | 19E | 23 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : | 28.0 |  |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   | 28.0 |  |

POU County: BLAINE

Non-Irrigation Uses: NONE

Other Rights: 37-02686B

Remarks: GEN THIS RIGHT AND 37-2686B ARE DIVERTED FROM THE SAME WELL AND TOTAL  
1 INCH PER ACRE.  
CONFORMED ATTORNEY MAILING ADDRESS DMS  
\*\*\*\*\*  
06/29/99, CHANGED OWNERSHIP: KENNEDY LIVING TRUST TO FOLEY AS PER  
WARRANTY DEED AND FORM 1409(6) RECEIVED 06/28/99. C.T.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Water Right Number - 37-07598B

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
KENNEDY, JR.

JOHN F.

1 - C/O JAMES P. SPECK  
2 - HOGUE, SPECK, & AANESTAD  
3 - P.O. BOX 987

City- KETCHUM

State- ID Zip- 833400000

Phone -

KENNEDY

MAE E.

1 - C/O JAMES P. SPECK  
2 - HOGUE, SPECK, & AANESTAD  
3 - P.O. BOX 987

City- KETCHUM

State- ID Zip- 833400000

Phone -

MAE E. KENNEDY TRUST

1 - C/O JAMES P. SPECK  
2 - HOGUE, SPECK, & AANESTAD  
3 - P.O. BOX 987

City- KETCHUM

State- ID Zip- 833400000

Phone -

\*\*\* O - ORIGINAL OWNER \*\*\*  
MC MAHAN

WILLIAM A.

1 -  
2 -  
3 -

City-

State- Zip-

Phone -

MC MAHAN

LAURA L.

1 -  
2 -  
3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +  
07/08/1977+ - - Region - - - +  
17+ - - Stage - - - +  
L - LICENSE

+ - - Status - - - +

+ - - Source - - - +  
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 19E 23 NE SE (13) BLAINE

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

0.328

84.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.328 84.00MICHOILMED  
FEB 24 1993

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT

12/13/88 13:21:37  
Page 2

Water right number - 37-07598B

Adj. flag translation: Standard Water Right Number

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County       |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------------|
| 01S | 19E | 23  | NE SE |     | 28.0  | 01                | IRRIGATION  | (13 ) BLAINE |

Total Acres: 28.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 37-2553/2575

+ - - - - - Remarks - - - - - +  
TRANS. 3271.

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - Microfilm Rolls -

+ - - Audit Fields - 10/22/86 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

|                               |                              |                      |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000   | Field Exam Made - 00/00/0000 | Field Exam Fee -     |
| Approved/Denied - 00/00/0000  | Protested Date - 00/00/0000  | Swan Falls -         |
| Proof Made Date - 00/00/0000  | Hearing Date - 00/00/0000    | Temporary Right - P  |
| Start Work Date - 00/00/0000  | Verified Date - 10/22/1986   | DLE/Carey Act -      |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District -     |
| Licensed Date - 00/00/0000    | Appl Received - 00/00/0000   | Transfer/Amended - P |
| Decree Date - 00/00/0000      |                              |                      |

MICROFILMED  
FEB 24 1993

10/27/1988

P.M. 10-26-88

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Kennedy Living Trust

CLAIM IDENT. NO. A37-07598B

DATE RECEIVED 10-27-88

CK # 1048

AMOUNT \$ 178

④

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

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

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

Comments:

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FEB 24 1989