

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 37-7733
Date Received: 9/29/1988
Receipt No: C002750
Received By:

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

1. Name of Claimant(s)

ROGER D TURNER Phone: (212) 474-1668
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

SALLY D TURNER Phone: (212) 474-1668
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

2. Date of Priority: 09/07/1978

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	30	SE NW NE	BLAINE	

5. Description of diverting works:

6" PERFORATED PIPE IN RIVERBED, PIPELINE TO POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION	1/01	12/31	0.2	

7. Total Quantity Appropriated is:
0.2 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
04N	18E	30	SW	NE	RECREATION	

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:

See remarks for additional conditions of approval.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

RECREATION USE IS FOR SWIMMING, FISHING, & BOATING.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 22, 2007

ROGER TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019

RE: Water Right 37-7733

Dear Mr. Turner:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on the above listed water right. Because the Snake River Basin Adjudication Court has not yet decreed this water right no fee is due to process the owner change. I am herein returning your check no. 1458 in the amount of \$25.00.

Thank you and should you have any questions please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37- 7733					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) GEORGE C. CASTLE
P.O. Box 3070, KETCHUM, ID. 83340

4. New Owner/Claimant(s) ROGER D. TURNER and SALLY D. TURNER
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address C/O CRAVATH, SWAINE & MOORE
 City, State and ZIP Code 825 8th AVE., NEW YORK, NY 10019
 New Telephone Number (212) 474-1668

5. Date you acquired the property

1/10/2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Roger D. Turner

(title if applicable)

Shelly D. Turner

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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

RIGHT NUMBER: 37-7733

NAME AND ADDRESS: GEORGE C CASTLE
PO BOX 3070
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS
0.70 AFY

PRIORITY DATE: 09/07/1978

POINT OF
DIVERSION: T04N R18E S30 SENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.200 CFS 0.70 AFY

PLACE OF USE: RECREATION in BLAINE County
T04N R18E S30 SWNE

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

SVTC Order No. 01-17003

WARRANTY DEED

Instrument # 460296

HAILEY, BLAINE, IDAHO

2002-01-15

12:47:00 No. of Pages: 4

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

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

Vanoff Enterprises, LTD., a California Limited Partnership

the grantor, does hereby grant, bargain, sell and convey unto

ROGER D. TURNER and SALLY D. TURNER, husband and wife

the grantees, whose current address is

c/o Cravath, Swaine & Moore

825 Eighth Avenue, New York, NY 10019

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

Please see attached Exhibit "A"

This transaction is a 1031 Exchange for the benefit of Vanoff Enterprises, LTD, as relinquished property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except those shown of record and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2002

Vanoff Enterprises, LTD.

Exhibit "A"

Parcel I:

TOWNSHIP 4 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 30: The following parcels of land as described in that Record of Survey recorded January 8, 2002, as Instrument No. 460053, records of Blaine County, Idaho.

MOUNTAIN PARCEL:

Commencing at a brass cap marking the North Quarter Corner of said Section 30; thence S 01° 10' 55" West, 2,710.16 feet to a brass cap marking the Center Quarter Corner of said Section 30 and the TRUE POINT OF BEGINNING;

Thence N 01° 10' 55" East, 1,355.08 feet to the Northwest Corner of said SW ¼, NE ¼ of Section 30; thence S 89° 44' 29" East 707.55 feet along the north boundary of said SW ¼, NE ¼ of Section 30 to the southwesterly boundary of a 100 foot wide Stock Driveway; thence S 40° 24' 35" East, 938.85 feet along the southwesterly boundary of a 100 foot wide Stock Driveway to the East boundary of Said SW ¼, NE ¼ of Section 30; thence S 01° 22' 16" West, 644.33 feet to the southeast corner of said SW ¼, NE ¼ of Section 30; thence N 89° 40' 49" West, 1,328.71 feet to the TRUE POINT OF BEGINNING.

RIVER PARCEL:

Commencing at a brass cap marking the North Quarter Corner of said Section 30; thence S 01° 10' 55" East, 2,710.16 feet to a brass cap marking the Center Quarter Corner of said Section 30; thence N 01° 10' 55" East, 1,355.08 feet to Northwest Corner of said SW ¼, NE ¼; thence S 89° 44' 29" East, 839.39 feet along the north boundary of said SW ¼, NE ¼ to the TRUE POINT OF BEGINNING; thence S 89° 44' 29" East, 493.82 feet along the north boundary of said SW ¼, NE ¼ of Section 30; thence S 01° 22' 16" West, 562.16 feet to the northeasterly boundary of a 100 foot wide Stock Driveway; thence N 40° 24' 35" West, 741.02 feet along the northeasterly boundary of 100 foot wide Stock Driveway to the TRUE POINT OF BEGINNING.

Parcel II:

Easement for the benefit of Parcel I for the purpose of pedestrian and vehicular egress and ingress as created in Declaration of Easement dated June 2000 and recorded August 2, 2000, as Instrument No. 441753, records of Blaine County, Idaho, on, over, across and through the following described properties:

Legal Description of the River Easement Property, Section A

This road easement is located in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho and is more particularly described as follows:

Commencing at the Southwest corner of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SE $\frac{1}{4}$ NE $\frac{1}{4}$), an Aluminum cap; thence North $89^{\circ} 50' 31''$ East along the Southerly line of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SE $\frac{1}{4}$ NE $\frac{1}{4}$), a distance of 407.31 feet to the TRUE POINT OF BEGINNING; thence North $43^{\circ} 58' 33''$ East, a distance of 106.52 feet; thence Along a curve to the right a distance of 29.04 feet that has a central angle of $11^{\circ} 48' 03''$ with a radius of 141.00 feet and a long chord of 28.99 feet bearing North $49^{\circ} 52' 34''$ East; thence Along a non radial curve to the left a distance of 167.86 feet that has a central angle of $5^{\circ} 24' 11''$ with a radius of 1780.08 feet and a long chord of 167.80 feet bearing North $1^{\circ} 18' 10''$ West; thence North $85^{\circ} 59' 45''$ East, a distance of 80.00 feet to a point on the Westerly line of the Idaho Transportation Department (formerly Oregon Short Line Railroad) right of way; thence Along said Westerly right of way line, a non radial curve to the right for a distance of 209.06 feet that has a central angle of $6^{\circ} 26' 23''$ with a radius of 1860.08 feet and a long chord of 208.95 feet bearing South $0^{\circ} 47' 04''$ East; thence Along a non radial curve to the left a distance of 64.61 feet that has a central angle of $45^{\circ} 42' 18''$ with a radius of 81.00 feet and a long chord of 62.91 feet bearing South $66^{\circ} 49' 42''$ West; thence South $43^{\circ} 58' 33''$ West, a distance of 48.30 feet to a point on said Southerly line of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence South $89^{\circ} 50' 31''$ West along said Southerly line a distance of 83.60 feet to the TRUE POINT OF BEGINNING.

Legal Description of St. Luke's Easement Property, Section B

This 60 foot road easement is located in the Southeast $\frac{1}{4}$ of Section 30, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho and is more particularly described as follows:

Commencing at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 30, an Aluminum cap; thence

North 89° 50' 31" East along the Northerly line of said Northeast ¼ of the Southeast ¼ (NE ¼ SE ¼), a distance of 407.31 feet to the TRUE POINT OF BEGINNING; thence Continuing along said Northerly line North 89° 50' 31" East, a distance of 83.60 feet; thence South 43° 58' 33" West, a distance of 159.01 feet; thence Along a curve to the right a distance of 325.00 feet that has a central angle of 47° 15' 44" with a radius of 394.00 feet and a long chord of 315.87 feet bearing South 67° 36' 25" West; thence North 16° 58' 25" East, a distance of 29.85 feet; thence North 53° 40' 25" East, a distance of 58.65 feet; thence Along a non radial curve to the left a distance of 220.68 feet that has a central angle of 37° 51' 21" with a radius of 334.00 feet and has a long chord of 216.68 feet bearing North 62° 54' 13" East; thence North 43° 58' 33" East, a distance of 100.80 feet to the TRUE POINT OF BEGINNING.

Legal Description of Bench Easement Property, Section C

This 60 foot road easement is located in the Southeast ¼ of Section 30, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho and is more particularly described as follows:

Commencing at the Northwest corner of the Northeast ¼ of the Southeast ¼ (NE ¼ SE ¼) of said Section 30, an Aluminum cap; thence North 89° 50' 31" East along the Northerly line of said Northeast ¼ of the Southeast ¼ (NE ¼ SE ¼), a distance of 377.19 feet; thence South 53° 40' 25" West, a distance of 288.92 feet to the TRUE POINT OF BEGINNING; thence Continuing South 53° 40' 25" West, a distance of 58.65 feet; thence South 16° 58' 25" West, a distance of 29.85 feet; thence Along a non radial curve to the right, a distance of 46.58 feet that has a central angle of 6° 46' 27" with a radius of 394.00 feet and a long chord of 46.56 feet bearing North 85° 22' 29" West; thence North 81° 59' 16" West, a distance of 405.47 feet; thence North 8° 00' 44" East, a distance of 60.00 feet; thence South 81° 59' 16" East, a distance of 405.47 feet; thence Along a curve to the left a distance of 94.32 feet that has a central angle of 16° 10' 50" - with a radius of 334.00 feet and has a long chord of 94.10 feet bearing North 89° 55' 19" East to the TRUE POINT OF BEGINNING.

Roger D. Turner
Cravath, Swaine & Moore LLP
825 Eighth Avenue
New York, NY 10019

RECEIVED
MAR 19 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 15, 2007

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

Re: Water Right No. 37-7733

Dear Sir or Madam:

Enclosed is a Notice of Change in Water Right Ownership relating to the property at 66 Cold Springs Gulch Road in Ketchum owned by me and my wife, along with the following additional items:

- (1) A copy of the statement I recently received from IDWR referring to the relevant water right, issued in the name of the prior owner, George Castle (who sold the property to the party that I purchased the property from in 2002).
- (2) A copy of the deed that conveyed the property to me and my wife.
- (3) A Record of Survey that was recorded in 2004 that changed the lot lines and divided the property into two tax lots. The relevant lot, which includes a portion of the Big Wood River, is designated as "Parcel A". A legal description is included on the face of the Record of Survey. "Parcel B" is all mountainside property and is not relevant to the water right.
- (4) A copy of the aerial survey depicting the property. This is not printed to scale, but it is still helpful to visualize the property and its relation to the Big Wood River.
- (5) A check in the amount of \$25 for the filing fee.

If you have any questions about this matter or require any further information, please do not hesitate to call me at 212-474-1668.

Thank you for your help.

Sincerely,

Roger D. Turner

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: A37-07733
Date Received: 9/29/1988
Receipt No: C002750
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE C. CASTLE 208-726-3770
Address: P.O. BOX 3070
KETCHUM, ID 83340

2. Date of Priority: SEP 07, 1978

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	30	SE	NW	NE		BLAINE

5. Description of diverting works:
6" PERFORATED PIPE IN RIVERBED, PIPELINE TO POND.

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION POND, 120' X 60' X 4' DEEP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	30	SW	NE		REC	

11. Place of use in counties: BLAINE

COPY

MICROFILMED
FEB 24 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:
RECREATION USE IS FOR SWIMMING, FISHING, & BOATING.

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: -0-

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): George C. Coille Date: 9-29-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of September 19 88

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

COPY

MICROFILMED
FEB 24 1993

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 2 AM 11 55

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

) Subcase No. 37-7733
)

Case No. 39576

)
) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
)
_____)

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

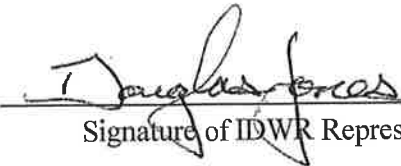
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: _____

5/1/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/2, 2007, 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 West Fort Street MSC 033
Boise ID 83724

Roger Turner
Sally Turner
c/o Cravath Swaine & Moore
825 8th Ave
New York NY 10019-7475



Signature of person or attorney mailing the form

03/20/2007

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

RIGHT NUMBER: 37-7733

NAME AND ADDRESS: ROGER D TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

SALLY D TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS
0.70 AFY

PRIORITY DATE: 09/07/1978

POINT OF
DIVERSION: T04N R18E S30 SENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.200 CFS 0.70 AFY

PLACE OF USE: RECREATION in BLAINE County
T04N R18E S30 SWNE

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Use of water under this water right will be regulated by the watermaster of State Water District No. 6 DISTRICT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

May 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

ROGER TURNER
SALLY TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

RE: SRBA Claim(s) 37-7733

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

07/28/2005

**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:

Water right number: 37-7733

GEORGE C CASTLE
PO BOX 3070
KETCHUM ID 83340

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: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

07/28/2005

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

RIGHT NUMBER: 37-7733

NAME AND ADDRESS: GEORGE C CASTLE
PO BOX 3070
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS
0.70 AFY

PRIORITY DATE: 09/07/1978

POINT OF DIVERSION:
T04N R18E S30 SENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.200 CFS 0.70 AFY

PLACE OF USE: RECREATION Within BLAINE County
T04N R18E S30 SWNE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

See remarks for additional conditions of approval.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water

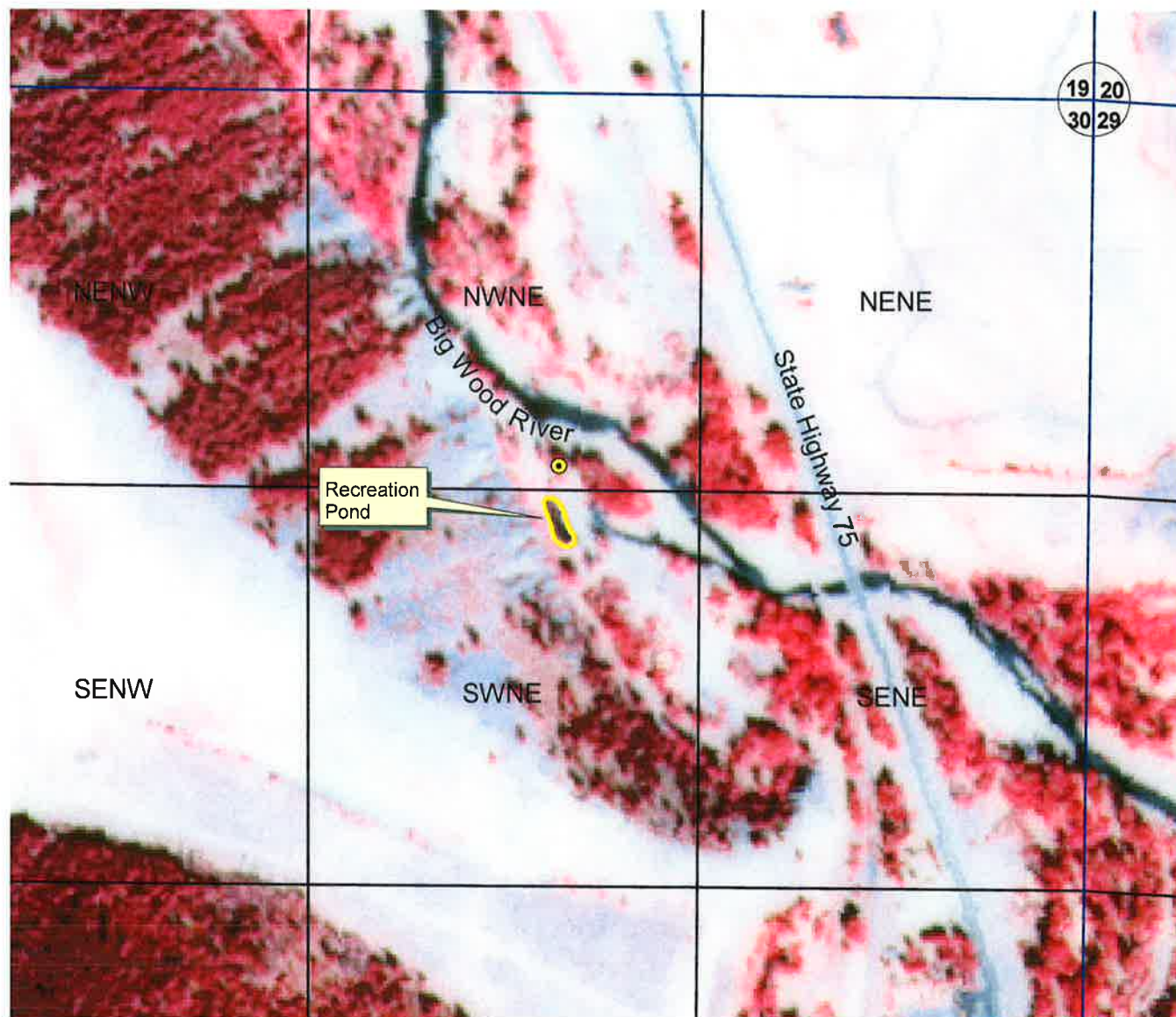
rights

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

RECREATION USE IS FOR SWIMMING, FISHING, & BOATING.

Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
37-7733



1320 0 1320 Feet

PLACE OF USE
TWP 04N, RNG 18E, SEC 30
Data entry on July 28, 2005



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ TOWNSHIP LINES

□ SECTION LINES

□ LOCATION IN BASIN

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



OF IDAHO
MENT OF WATER RESOURCES
more Street, Suite 200
s, Idaho 83301-3380

SERVICE REQUESTED

RECEIVED

AUG 08 2005

Department of Water Resources
Southern Region

Roger Turner
825 Eighth Avenue
New York, NY 10019

10013#7416
8330173392



U.S. POSTAGE

1230

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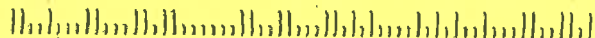
5577 MAILED FROM ZIP CODE

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RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83301339241 *3014-03121-29-40



07/28/2005

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

RIGHT NUMBER: 37-7733

NAME AND ADDRESS: GEORGE C CASTLE
PO BOX 3070
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS
0.700 AFY

PRIORITY DATE: 09/07/1978

VERIFIED BY NT

POINT OF DIVERSION:

T04N R18E S30 SENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
RECREATION

PERIOD OF USE
01/01 12/31

QUANTITY
0.200 CFS
0.70 AFY

PLACE OF USE: RECREATION Within BLAINE County

T04N R18E S30 SWNE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

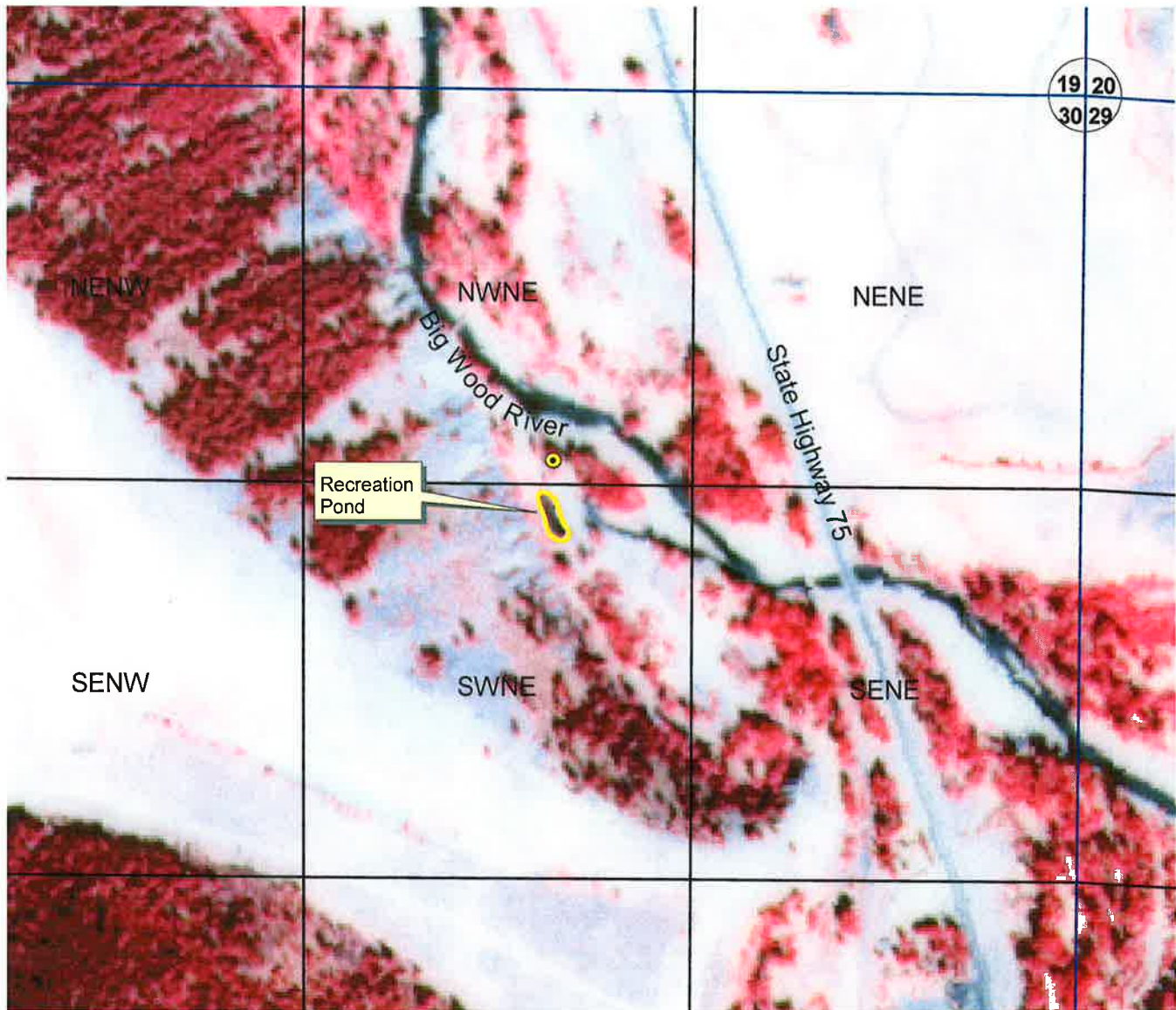
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

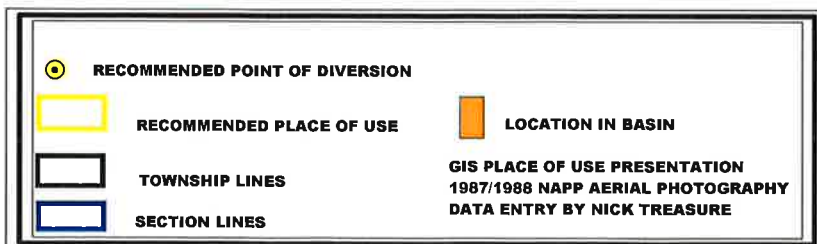
RECREATION USE IS FOR SWIMMING, FISHING, & BOATING.

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-7733**



PLACE OF USE
TWP 04N, RNG 18E, SEC 30
Data entry on July 28, 2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 2005

Roger Turner
825 Eighth Avenue
New York, NY 10019

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-7733

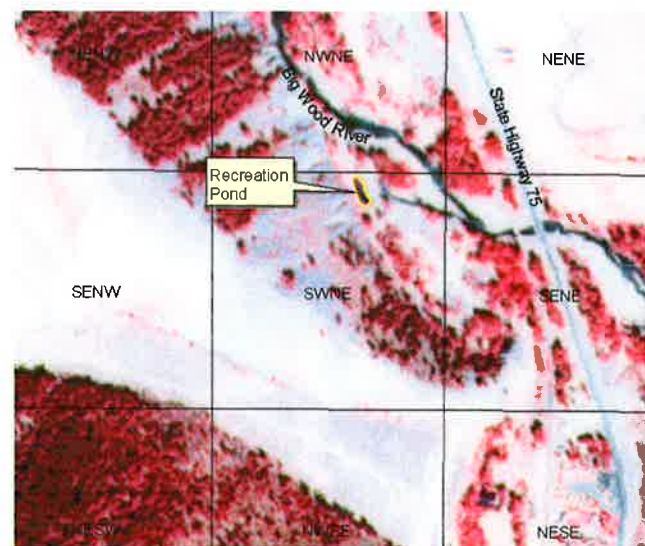
Dear Mr. and Mrs. Turner

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

Water right 37-7733 is a licensed recreational pond right for 0.2 cfs of water. The legal description of this water right is Twp 04N Rng 18E Section 30 SWNE of Blaine County, Idaho. This water right license was issued to George C. Castle and Joseph B. Barnes in November of 1987. However, according to the Blaine County tax lots, it appears that you are now the owner of this property.

If you are the current owner of the above-mentioned property (refer to map), please comply with the following instructions:

- Read and complete all necessary information of the enclosed form "Notice of Change in Water Right Ownership".
- Provide a warranty deed or legal document indicating your legal ownership of the above-mentioned property.
- Return all the necessary documents and forms along with a \$25.00 filing fee to the Idaho Department of Water Resources at the address above.



We appreciate your promptness in this important adjudication process. Feel free to call me at the number above with any questions that may arise.

Sincerely



Nick Treasure

Water Resource Agent

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

Enclosures

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-7733

Priority: September 7, 1978 Amount: .20 CFS .7 AFA

This is to certify, that GEORGE C. CASTLE
JOSEPH B. BARNES

BOX 3070

KETCHUM, ID 83340

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 7, 1978, and has submitted proof to the Department of Water Resources on November 21, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .42 cfs of water from;

BIG WOOD RIVER

tributary to MALAD RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Recreation	01/01 to 12/31	.20 cfs	.7 afa

LOCATION OF POINT OF DIVERSION(S): NWNE , Sec. 30, Township 4N, Range 18E
Blaine County

PLACE OF USE: Recreation

TWN RGE SEC

4N 18E 30

SWNE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this license is subject to control by the watermaster of State Water District No. 37 .
6. Use of water under this right shall be non-consumptive.
7. Recreation use is for swimming, fishing, & boating.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of November , 19 87.

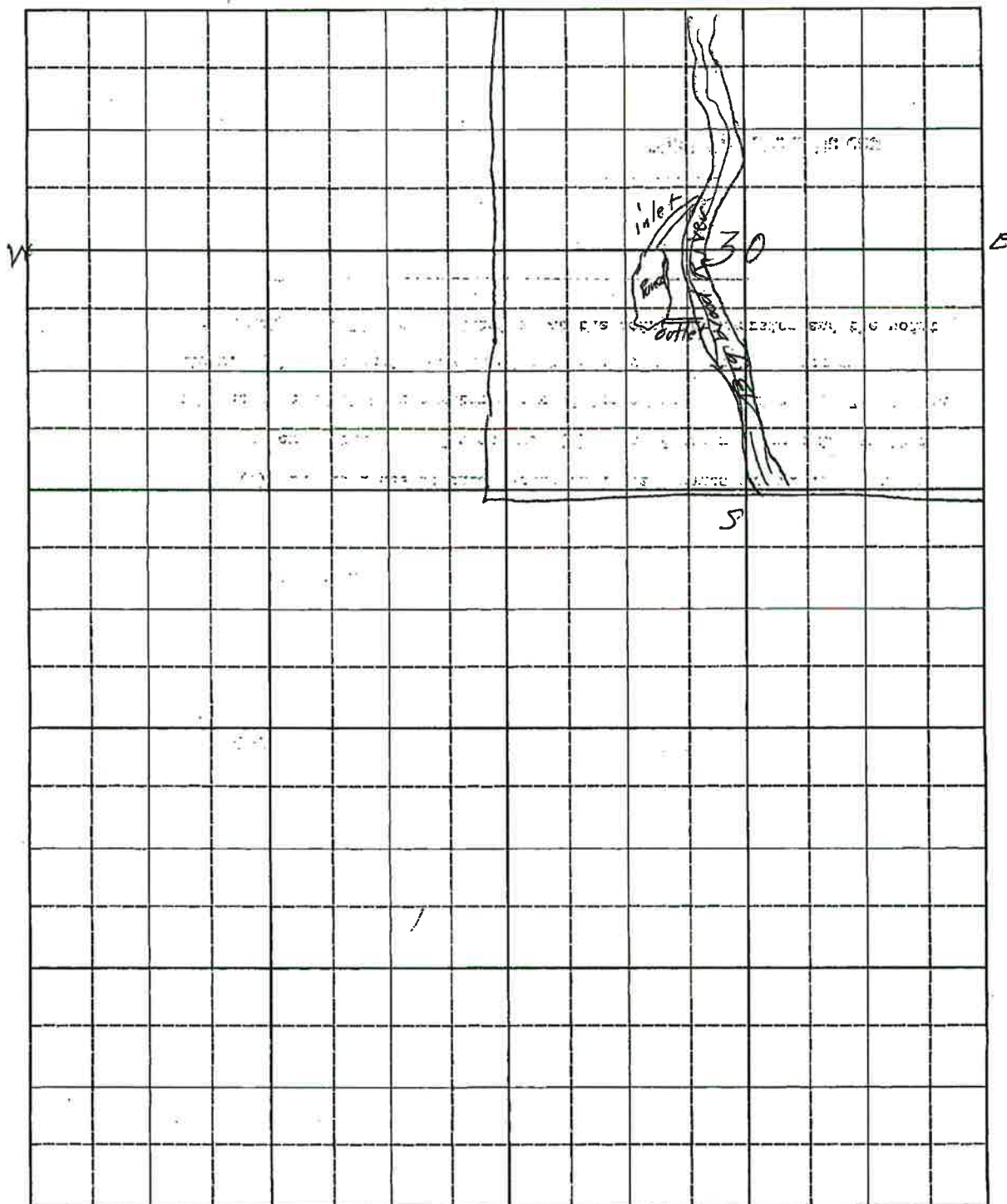
MICROFILMED

Director

MAR 10 1988

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

~~SW 1/4, NE 1/4, S 30 T 9 N R 18 E B 1 A 3.5.~~



Scale: 2 inches equal 1 mile.

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

George C. Castle
(Applicant)
Joseph B. Barnes