

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 37-8011A
Date Received: 3/1/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL P BORDENKIRCHER Phone: (208)720-3150
87 BASELINE RD
BELLEVUE ID 83313

2. Date of Priority: 05/31/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	36	SE SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	04/01	11/01	0.06	9

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	36	SE	SE	IRRIGATION	3
					Section Acres	3
					Total Acres	3

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:

3/1/01 tf; claim was split from 37-8011 pursuant to approved transfer 3692. Ownership changed Montgomery to Witthar/Bordenkircher per 1409(6) and quitclaim deed received 2/8/01.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2004

MICHAEL BORDENKIRCHER
87 BASELINE RD
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-8011A

Dear Mr. Bordenkircher:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records 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,

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED RECEIVED

MAR 26 2004

MAR 16 2004

Department of Water Resources
Southern Region

Department of Water Resources

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
37-12421 P.D.					
37-08011A →	SAME				

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)

Iola Montgomery
Box 750 / Bellevue Idaho 83313

4. New Owner/Claimant(s)

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

New Mailing Address

87 BASELINE ROAD

City, State and ZIP Code

Bellevue Idaho 83313

New Telephone Number

(208) 720 3150

5. Date you acquired the property

26 JANUARY 01

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	_____	_____

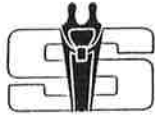
7. Signature of New Owner(s) or Claimant(s) M. H. P. R. L. L. L.
(include title if applicable) OWNER

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 M Date 3.16.04 Fee \$25.00
 Receipted by M Date 3.16.04 Receipt No. C073095
 Processed by _____ A.J. Date _____ WR _____ Date _____

When Recorded, return to:



GRANT DEED

GRANTOR, MICHAEL JAMES WITTHAR, a single man AND MICHAEL P. BORDEN KIRCHER, a single man, as joint tenants with rights of survivorship

whose current address is

for a good and valuable consideration does hereby GRANT, SELL AND CONVEY unto MICHAEL P. BORDENKIRCHER, an unmarried man

GRANTEE, whose address is 87 BASELINE RD, BELLEVUE ID 83313
the following described real property situate in the County of BLAINE COUNTY, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

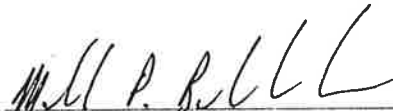
Parcel Number: RP01N180360930A

TOGETHER WITH all hereditaments, tenements, and appurtenances thereunto appertaining.

To have and to hold the property granted by this deed to grantee, and grantee's heirs and assigns forever. And grantor covenants that grantor has not done or suffered anything whereby the described property has been encumbered in any way whatever.

Dated: February 25, 2004


MICHAEL JAMES WITTHAR


MICHAEL P. BORDEN KIRCHER

State of IDAHO

SS.

County of BLAINE

On this 26th day of February, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared MICHAEL JAMES WITTHAR AND MICHAEL P. BORDEN KIRCHER

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public KRISTEN KLUDT
Residing at KETCHUM
Commission Expires: December 14, 2007



Order No. 27254
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 36: A parcel of land lying within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 36, being more particularly described as follows:

COMMENCING at the Southeast corner of Section 36; thence
N. 0° 00' 00" W., 25.0 feet; thence
S. 89° 48' 23" W., 657.87 feet to the TRUE POINT OF BEGINNING; thence
S. 89° 48' 23" W., 163.00 feet; thence
N. 0° 00' 00" E., 547.33 feet; thence
N. 89° 48' 23" E., 795.89 feet; thence
S. 0° 00' 00" W., 203.19 feet; thence
S. 89° 48' 23" W., 632.87 feet; thence
S. 0° 00' 00" N., 344.15 feet to the TRUE POINT OF BEGINNING.
(TL 5058)

Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and MICHAEL P. BORDEN KIRCHER, a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box ~~8038~~, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY

LYNN I. RAINEY

WORDELL J. RAINEY

SANDRA L. TURNER

SHARON K. PURDY

NOLA J. TAYLOR

State of Utah }
County of Summit } ss.

On this 12th day of January, in the year 2001, before me, the undersigned, personally appeared Victor L. Rainey, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Joan W. Lewis
Notary Public
Commission Expires:



Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and ~~MICHAEL P. BORDEN KIRCHER~~ a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box ~~5028~~, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY

Wordell J. Rainey
WORDELL J. RAINEY

LYNN I. RAINEY

SANDRA L. TURNER

SHARON K. PURDY

NOLA J. TAYLOR

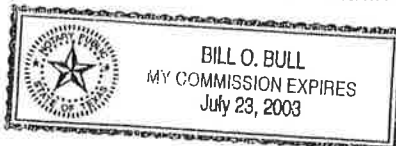
State of *Texas* }
County of *Kerr* } ss.

On this 13 day of January, in the year 2001, before me, the undersigned, personally appeared Wordell J. Rainey known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires: *July 23, 2003*



Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and MICHAEL P. BORDEN KIRCHER, a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box 5038, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY


LYNN I. RAINEY

WORDELL J. RAINEY

SANDRA L. TURNER

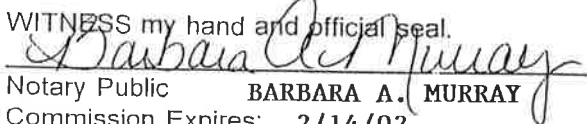
SHARON K. PURDY

NOLA J. TAYLOR

State of CALIFORNIA }
County of RIVERSIDE } ss.
}

On this 17TH day of January, in the year 2001, before me, the undersigned, personally appeared LYNN I. RAINEY, known and identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public BARBARA A. MURRAY

Commission Expires: 2/14/02

Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and MICHAEL P. BORDEN KIRCHER, a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box 5038, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY

WORDELL J. RAINEY

SHARON K. PURDY

LYNN I. RAINEY

Sandra L. Turner

SANDRA L. TURNER

NOLA J. TAYLOR

State of *Idaho* }
County of *Custer* } ss.
}

On this *11* day of *January*, in the year 2001, before me, the undersigned, personally appeared *Sandra L. Turner*, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal

Notary Public

Commission Expires: *2006*

Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and MICHAEL P. BORDEN KIRCHER, a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box 5038, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY

LYNN I. RAINEY

WORDELL J. RAINEY

SANDRA L. TURNER

Sharon K. Purdy

SHARON K. PURDY

NOLA J. TAYLOR

State of *Idaho* }
County of *Blaine* }ss.
}

On this 11th day of January, in the year 2001, before me, the undersigned, personally appeared *Sharon K. Purdy*, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Rosie Peck

Notary Public

Commission Expires: *8/31/01*

Order No. 27254

WARRANTY DEED

FOR VALUE RECEIVED

VICTOR L. RAINEY, WORDELL J. RAINEY, LYNN I. RAINEY, SANDRA L. TURNER, SHARON K. PURDY and NOLA J. TAYLOR, each as their sole and separate property, each as to an undivided 1/6 interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

MICHAEL JAMES WITTHAR, a single man and ~~MICHAEL P. BORDEN KIRCHER~~, a single man, as joint tenants with rights of survivorship

GRANTEE(s) whose address is: P.O. Box 5038, Ketchum, ID 83340
2038

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

VICTOR L. RAINEY

LYNN I. RAINEY

WORDELL J. RAINEY

SANDRA L. TURNER

SHARON K. PURDY

Nola J. Taylor

NOLA J. TAYLOR

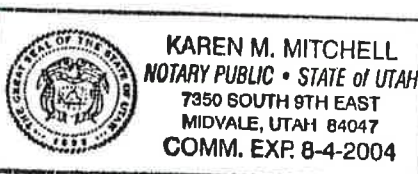
State of _____ }
County of _____ } ss.
_____ }

On this 16th day of January, in the year 2001, before me, the undersigned, personally appeared Nola J. Taylor, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Karen M. Mitchell
Notary Public

Commission Expires:



LEGAL DESCRIPTION

Order Number: 04012388

TOWNSHIP 1 NORTH, RANCH 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 36: A parcel of land lying within the SE1/4SE1/4 of Section 36, being more particularly described as follows:

Commencing at the Southeast corner of said Section 36; thence
N 0° 00'00" W, 25.0 feet; thence
S 89° 48'23" W, 657.87 feet to the TRUE POINT OF BEGINNING; thence
S 89° 48'23" W, 163.00 feet; thence
N 0° 00' 00" E, 547.33 feet; thence
N 89° 48'23" E, 795.89 feet; thence
S 0° 00'00" W, 203.19 feet; thence
S 89° 48'23" W, 632.87 feet; thence
S 0° 00'00" W, 344.15 to the TRUE POINT OF BEGINNING.
(TL 5058)

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 37-8011A
Date Received: 3/1/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL JAMES WITTHAR Phone:
PO BOX 2038
KETCHUM ID 83340

MICHAEL P BORDENKIRCHER Phone:
PO BOX 2038
KETCHUM ID 83340

2. Date of Priority: 05/31/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	36	SE SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.06	9

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	36	SE	SE	IRRIGATION	3
Section Acres						3
Total Acres						3

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:

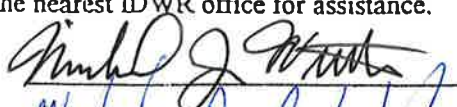
3/1/01 tf; claim was split from 37-8011 pursuant to approved transfer 3692. Ownership changed Montgomery to Witthar/Bordenkircher per 1409(6) and quitclaim deed received 2/8/01.

15. Basis of Claim: License

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

RECEIVED
FEB 08 2001
Department of Water Resources
Southern Region

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

1. Water Right Number(s) 37-08011, 37-08011A and 37-12421
Adjudication Claim Number(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 on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Iola Christina Montgomery c/o Sandra L. Turner
HC 64 Box 692, Clayton, ID 83227
4. New Owner/Claimant(s) Michael James Witthar and Michael P. Bordenkircher
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 5008 2038 Hwy 70 Ketchum
City, State and ZIP Code Ketchum, ID 83340
New Telephone Number () - -
5. Date you acquired the property January 2001
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 actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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/Claimant(s)  Date 1-23-01
 Date 1-23-01
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 27254

Instrument # 447289

HAILEY, BLAINE, IDAHO

2001-01-26

04:04:00 No. of Pages: 2

Recorded for : SAWTOOTH TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED

SANDRA L. TURNER, PERSONAL REPRESENTATIVE OF THE ESTATE OF IOLA CHRISTINA MONTGOMERY

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

MICHAEL JAMES WITTHAR, a single man AND MICHAEL P. BORDEN KIRCHER, single man

whose address is: **P.O. Box 5088, Ketchum, ID 83340**
2038

the following described premises situated in **Blaine** County, Idaho, to wit:

WATER RIGHTS DESCRIBED AS NO. 37-08011, NO. 37-08011A AND NO. 37-12421 APPURTENANT TO THE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: **January 10, 2001**

Sandra L. Turner
SANDRA L. TURNER

State of *Idaho* }
County of *Custer* } ss.

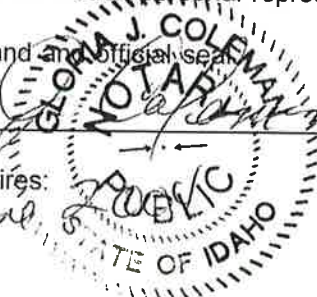
On this *11* day of January, in the year 2001, before me, the undersigned, personally appeared **SANDRA L. TURNER**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as personal representative of the **ESTATE OF IOLA CHRISTINA MONTGOMERY**, and acknowledged to me that she executed the same as such personal representative.

WITNESS my hand and official seal.

Sharon J. Coleman
Notary Public

Commission Expires: *June 8, 2001*

j:\escrow\forms\lga



Order No. 27254

LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 36: A parcel of land lying within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 36, being more particularly described as follows:

COMMENCING at the Southeast corner of Section 36; thence

N. 0° 00' 00" W., 25.0 feet; thence

S. 89° 48' 23" W., 657.87 feet to the TRUE POINT OF BEGINNING; thence

S. 89° 48' 23" W., 163.00 feet; thence

N. 0° 00' 00" E., 547.33 feet; thence

N. 89° 48' 23" E., 795.89 feet; thence

S. 0° 00' 00" W., 203.19 feet; thence

S. 89° 48' 23" W., 632.87 feet; thence

S. 0° 00' 00" N., 344.15 feet to the TRUE POINT OF BEGINNING.

(TL 5058)

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: A37-08011
Date Received: 12/30/1988
Receipt No: C004886
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IOLA MONTGOMERY 208-788-2886
Address: RT. 1 BOX 750
BELLEVUE, ID 83313-0000

2. Date of Priority: MAY 31, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	36	SE	SE			BLAINE

5. Description of diverting works:
WELL, 5 HP PUMP, 84' DEEP, 8" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/10 HEAD BEEF CATTLE OR 20 HEAD OF SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	36	SE	SE		IRR	5.0
			SE	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:
NONE

14. Remarks:

PERMIT WAS LICENSED AFTER THIS CLAIM FILED FOR 8 ACRES.
OTHER LANDS INCLUDED IN THE LANDS LICENSED OWNED BY OTHERS.
THESE OTHER LANDS ARE NOW REPORTED TO BE IRRIGATED FROM OTHER
WELL. 4/26/90 ADM

15. Basis of Claim: PERMIT

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 _____

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A37-08011

[] Name and Address of Former Claimant(s): Iola Montgomery

Rt. 1 Box 750

Bellevue, ID 83813

[] New Claimant(s): Rodney D. &/or Rosan McCoy

[] New Mailing Address: P.O. Box 479

Hailey, ID 83333

New Telephone Number: (208) 788 - 2705

[] Does the change in ownership result in a splitting of the water right claimed? yes X no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached:

(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Rosan M. McCoy

Date: April 24, 1990

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

No Action to
Change ownership
See letter 9/26/90
by ADM.

WARRANTY DEED

For Value Received

ROBERT E. TURNER and SANDRA L. TURNER, Husband and Wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

RODNEY DOUGLAS McCoy and ROSAN MARIE MCCOY, Husband and Wife
whose address is:P.O. Box 216, Hailey, Idaho 83333...
Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,
to-wit:Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho
Section 36: A parcel of land located in the SE $\frac{1}{4}$, more particularly described as
follows:

COMMENCING at the Southeast corner of said Section 36;

THENCE North 0°00'00" East 25 feet to a point on the North boundary of the
Baseline Road;THENCE North 89°48'23" West 25.00 feet along said North boundary of the
Baseline Road to an iron pin marking the REAL POINT OF BEGINNING;THENCE continuing South 89°48'23" West 632.87 feet along said North boundary
of the Baseline Road to an iron pin;

THENCE North 0°00'00" East 344.15 feet to an iron pin;

THENCE North 89°48'23" East 632.87 feet to an iron pin on the West edge of a
public use right-of-way;THENCE South 0°00'00" West 344.15 feet along said West edge of a public use
right-of-way to the REAL POINT OF BEGINNING.SUBJECT TO: Covenants, conditions, restrictions, reservations, and easements of
record in the office of the County Recorder, Blaine County, Idaho.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: December 24, 1986

Robert E. Turner
ROBERT E. TURNERSandra L. Turner
SANDRA L. TURNERSTATE OF Idaho, COUNTY OF Blaine
On this 24th day of December, 1986,
before me, a Notary Public in and for said State, per-
sonally appeared Robert E. Turner and
Sandra L. Turnerknown to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that they executed the same.James P. Wilkin
Notary Public
Residing at
Comm. Expires 9 23 72

STATE OF IDAHO, COUNTY OF

DEC 26 PM 4 32
MARIE L. CLERK
DEPUTY
280450
280450
FEB 24 1988

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: A37-08011
Date Received: 12/30/1988
Receipt No: C004886
Received By: J. Stanton

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RODNEY D. MC COY
Address: P. O. BOX 479
HAILEY, ID 83333
208-788-2705
Name: ROSAN M. MC COY
Address: HAILEY, ID 83333
2. Date of Priority: MAY 31, 1982
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 01N | 18E | 36 | SE SE | | BLAINE |
5. Description of diverting works:
WELL, 5 HP PUMP, 84' DEEP, 8" CASING
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200 | | |
| STOCKWATER | 01/01 | 12/31 | 0.020 | | |
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 15.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/10 HEAD BEEF CATTLE OR 20 HEAD SHEEP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	36	SE	SE	IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
NONE

14. Remarks:

ORIGINAL 8 ACRES WAS SPLIT IN 1986; 3 IRRIGATED ACRES WAS KEPT BY MRS. MONTGOMERY ALONG WITH THE ORIGINAL WELL. THE OTHER 5 IRRIGATED ACRES WAS PURCHASED BY US IN 1986, AND WAS NOT IRRIGATED AGAIN UNTIL 1988. WE STARTED USING OUR WELL IN 1988. A TRANSFER WILL BE FILED TO LEGALIZE THE POINT OF DIVERSION CHANGE. TO THE BEST OF OUR KNOWLEDGE, THE OTHER 3 ACRES HAS NOT BEEN IRRIGATED FOR AT LEAST 5 YEARS. WE BELIEVE THAT IT WAS THE INTENTION OF MRS. MONTGOMERY TO CLAIM THE WATER USED ON OUR 5 ACRES. BOTH HER WELL & OUR WELL ARE 8" DIAMETER BY 84' DEEP.

15. Basis of Claim: PERMIT

Decree Plaintiff

vs

Decree 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 _____ 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): Rosanne M. McElroy Date: April 24, 1990

Date: _____

State of Idaho

County of _____

)
) SS.
)

Subscribed and sworn (or affirmed) before me this _____ day

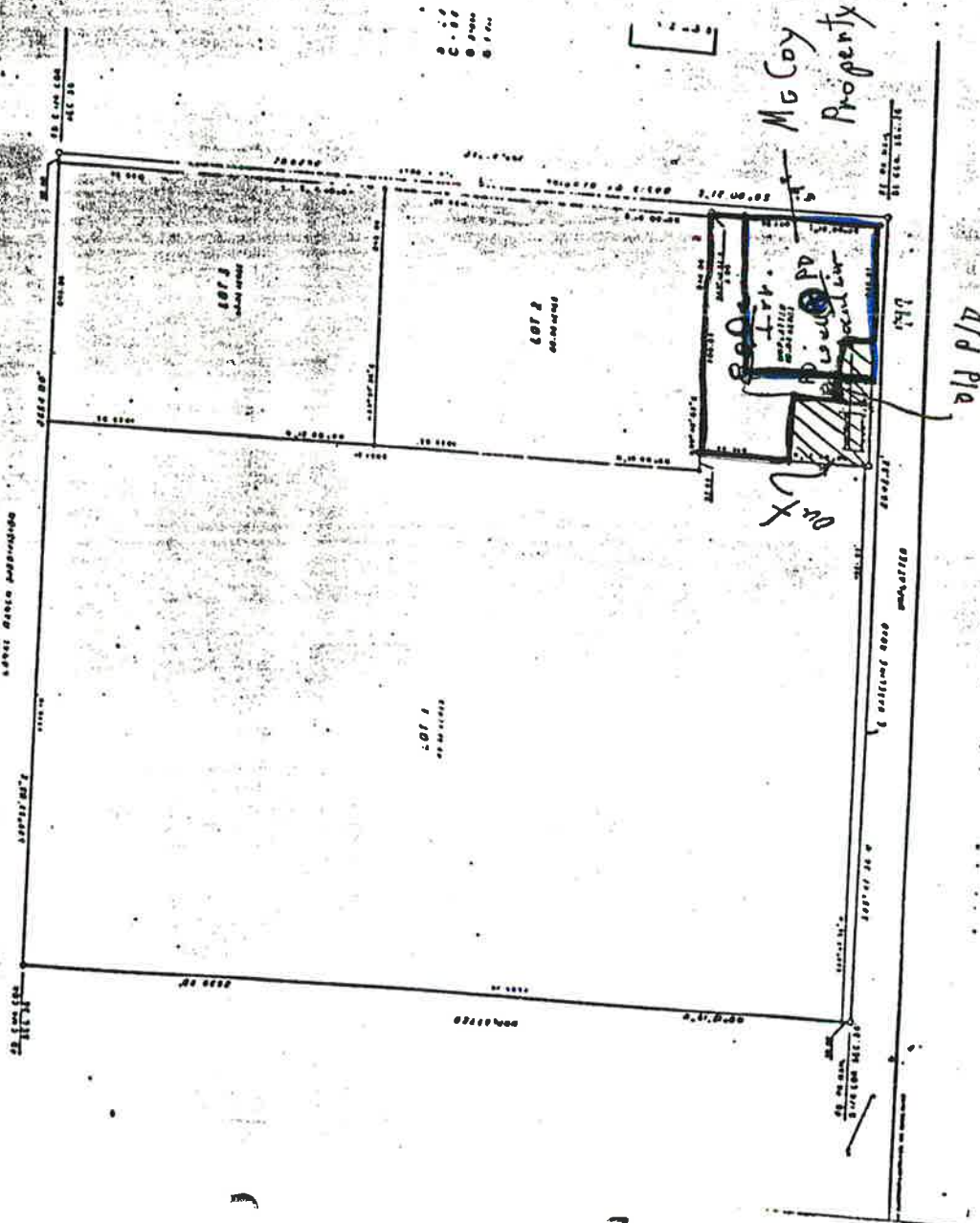
of _____ 19 _____

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: 39576

Ident. Number: A37-08011
Date Received: 10/26/1988
Receipt No: C004886
Received By: GA entered

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IOLA MONTGOMERY
Address: RT. 1 BOX 750
BELLEVUE, ID 83313-0000 208-788-2886

2. Date of Priority: MAY 31, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	36	SE	SE			BLAINE

5. Description of diverting works:
WELL, 5 HP PUMP, 84' DEEP, 8" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/10 HEAD BEEF CATTLE OR 20 HEAD SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	36	SE	SE		IRR	5.0
Section Acres							5.0

A37-08011

Page 1

Date: 01/24/89

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 _____

10. Place of Use: Continued

Total Acres 5.0

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:
NONE

14. Remarks:
REINSTATED 8-13-1987.

15. Basis of Claim: PERMIT

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 A37-08011

Date Received 10-26-88 DW

Receipt Number C004886

CK# 565

RECEIVED

OCT 26 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 24 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) IOLA MONTGOMERY Phone (208) 788-2886

Mailing Address Rt 1 Box 750 Bellevue Id Zip 83315

2. Date of Priority (Only one (1) per claim) 6-12-82

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

4. a. Location of existing point of diversion is: Township 1 NORTH Range 18 EBM Section 36,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BLAINE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. WELL, 8 inch casing 84 feet deep.

5 hp pump submersible

MICROFILMED

Copies: White-State, Yellow-Claimant

FEB 24 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount .20 or _____

For stockwater purposes from 1-1 to 12-31 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5 to 10 head of cattle or Horses / or 20 head of Sheep

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>18E</u>	<u>36</u>																<u>5</u>	<u>5</u>

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Last Name MONTGOMERY Ident No. _____

MICROFILMED
Copies: White State Yellow Claimant

FEB 24 1993

15. Basis of Claim (check one) Beneficial Use _____ Posfed Notice _____ License _____ Permit *378011
Decree _____
If applicable provide IDWR Water Right Number 378011
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Iola Montgomery

Date Oct 18, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____

Title _____

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Blaine)

SS.

Subscribed and sworn (or affirmed) before me this 18 day of October 19 88

SEAL

Notary Public Wendell Rainey

Residing at Hailey

My Commission Expires 9-28-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf 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 me at the address listed below.

Signature _____

Address _____

Date _____

Last Name MONTGOMERY Ident. Number _____

MICROFILMED

Copies White-State, Yellow-Claimant

FEB 24 1993

Scale: 2 inches equals 1 mile

[illegible]

TWINSPO IN. RN 18 EBN

Ident No.

Copies: White-State, Yellow-Claimant

MICROFILMED

State, Yellow-Claimant
FEB 24 1993

12/05/2006

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

RIGHT NUMBER: 37-8011A

NAME AND ADDRESS: MICHAEL P BORDENKIRCHER
87 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
9.000 AFY

PRIORITY DATE: 05/31/1982

VERIFIED BY TDB

POINT OF DIVERSION:

T01N R18E S36 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.060 CFS
10.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S36 SESE 3.00

3 ACRES TOTAL

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

3/1/01 tf; claim was split from 37-8011 pursuant to approved transfer
3692. Ownership changed Montgomery to Witthar/Bordenkircher per
1409(6) and quitclaim deed received 2/8/01.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Ground Water Right: 37-8011A



-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion

1320 0 1320 Feet



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 2004 NAIP
DATA ENTRY: 11/28/2006
TARA D BAKER



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

JAMES E. RISCH
Governor

KARL J. DREHER
DIRECTOR

January 12, 2007

Michael Bordenkircher
87 Baseline Rd
Bellevue, Idaho 83313

RE: Notice Of Error Reply SNAKE RIVER BASIN ADJUDICATION CLAIM(S): 37-8011A

Dear Mr. Bordenkircher,

With regards to the SRBA Basin 37 Notice of Error reply for 37-8011A, you indicated that you would like to see the recommended place of use shifted to the west of the property. However, the recommended place of use was based on approved transfer #3692 which split the original licensed place of use based on ownership. The recommendation for 37-8011A reflects your portion of the licensed place of use.

If you have any questions, feel free to call this office.

Sincerely,

Amanda J. Kriwox
Sr. Water Resource Agent
Idaho Department of Water Resources

12/11/2006

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: 01/05/2007

Water right number: 37-8011A

MICHAEL P BORDENKIRCHER
87 BASELINE RD
BELLEVUE ID 83313
Telephone Number: (208)720-3150

RECEIVED

JAN 09 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Place of Use

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

I would like the "Place of Use" to shift to the west property line as I've already installed electronic valves + underground piping in a more concentrated area immediately on the western property line

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

Don't necessarily disagree would fit into irrigation layout to have "place of use" shifted to western property line.

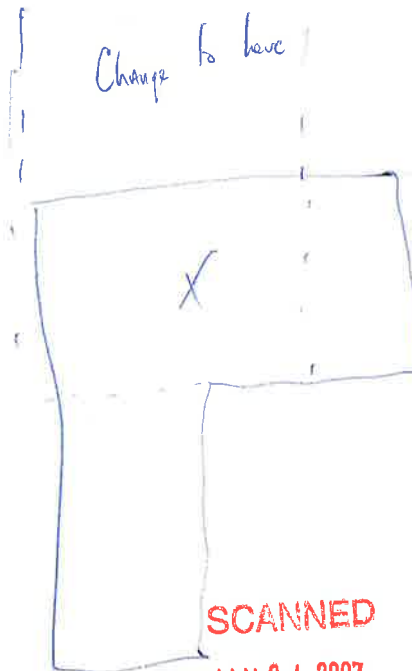
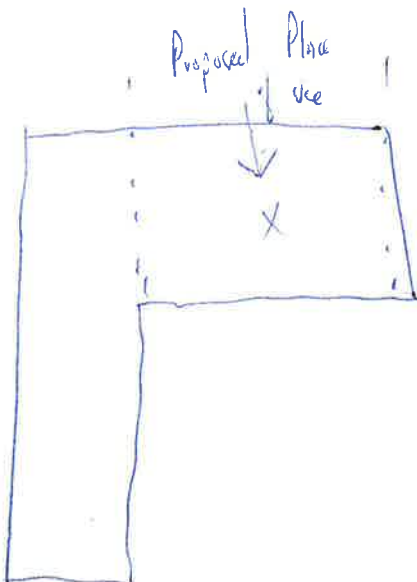
☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 30 Dec 06

SIGNATURE: M P B

Please print your name: MICHAEL P. BORDENKIRCHER

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



SCANNED
JAN 04 2007



RECEIVED
FEB 08 2001
Department of Water Resources
Southern Region

February 7, 2001

Idaho Department of Water Resources
Southern Region
1341 Fillmore St.
Twin Falls, ID 83301

Re: Order No. 27254

Witthar/Rainey
FR SESE TL 5058, 36/1N/18E

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> X </u>	Notice of Change of Water Right Ownership.
<u> X </u>	Quitclaim Deed.

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Kristen Kludt
Escrow Officer

kk

Attachment(s)

3.00024P
No. AIT-080

STATE DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/27/90
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IOLA MONTGOMERY C/O SANDRA TURNER HC 67 BOX 692 CLAYTON ID 832279702 (208) 838-2361	05/31/1982	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.200 CFS 0.020 CFS	
TOTAL DIVERSION:					0.200 CFS	
CONSUMPTIVE USE:						12.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T01N 18E S36

SESE

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	: Lt Ac	NE NE	NE NE	SE NE	: Lt Ac	NE NW	NW NW	SW NW	: Lt Ac	NE SW	SW SW	SE SW	: Lt Ac	NE SE	SE SE	SE SE	: Lt Ac	SUM	
01N	18E	36	:				:				:				:				:	05	5.0
																				TOTAL ACRES	5.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE								
T	R	S	: Lt Ac	NE NE	NE NE	SE NE	: Lt Ac	NE NW	NW NW	SW NW	: Lt Ac	NE SW	SW SW	SE SW	: Lt Ac	NE SE	SE SE	SE SE	: Lt Ac	S
01N	18E	36	:				:				:				:				:	

POU County: BLAINE

Non-Irrigation Uses: S/10 HEAD BEEF CATTLE OR 20 HEAD OF SHEEP

Other Rights: NONE

Remarks: GEN

PERMIT WAS LICENSED AFTER THIS CLAIM FILED FOR 8 ACRES.
OTHER LANDS INCLUDED IN THE LANDS LICENSED OWNED BY OTHERS.
THESE OTHER LANDS ARE NOW REPORTED TO BE IRRIGATED FROM OTHER
WELL. 4/26/90 ADM

ADDRESS CHANGE BY CLAIMANT LETTER 7/20/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 01/24/89 GIBSON 04/24/90 STANTON 04/26/90 MERRITT 04/30/90 CLELLAND
03/30/95 POST-STD 07/20/99 SSSHERMAN

Post-It Fax Note	7671
To: Kristen	From: John
Co Dept: Snakebath Title	Co: IDWR
Phone #	Phone # 736-3033
Fax #	Fax #

Note: This is an
adjudication claim
and is subject to
change pending SRBA
review.

485209NP
Rt. 37-080114

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	A L MONTGOMERY RT 1 BOX 750 BELLEVUE ID 833130000	05/31/1982	IRRIGATION	04/01 11/01	0.060 CFS	9.00 AFA
TOTAL DIVERSION:					0.060 CFS	9.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.180 CFS

Point(s) of Diversion: T01N R18E S36 SESE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S		NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01N	18E	36	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	03	3.0
																				TOTAL ACRES	3.0

Pol County: BLAINE

Dates: App. Received: 05/11/1982 Priority Date: 05/31/1982 (Priority Date Advanced.)
Proof Due Date: 07/01/1987 Proof Made Date: 07/21/1987 (Proof Received Late.)
Exam Made Date: 09/27/1987 Exam Sent to S.O.:
Licensed Date: 01/30/1989

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 09/04/1998 User-ID: PSKAGGS Subject: TRANSFER NO. 3692
Transfer 3692 changed the point of diversion under a portion of
Right 37-08011, splitting the right into Parts A & B.

Audit: 09/04/98 PSKAGGS

ALBECORP
ID: 07/11/1997

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COLA MONTGOMERY C/O SANDRA TURNER HC 67 BOX 692 CLAYTON ID 832279702 (208) 838-2361	05/12/1963	DOMESTIC	01-01 12-31	0.040 CFS	
				TOTAL DIVERSION:	0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R18E S36

SESESE

BLAINE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	;	NE	NW	SE	;	NE	NW	SE	;	NE	NW	SE	;
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01N	18E	36	:												D

POU County: BLAINE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP01M180360930T

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 10/03/1997 User-ID: CORR1 Subject: COPIED FROM REMARKS
PARCEL NO. RP01M180360930T
PROPERTY ALSO KNOWN AS 87 BASELINE RD

Date: 07/20/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 01/03/94 DUNN1 01/09/94 DUNN1 03/30/95 POST-STD 08/20/97 AJU3-DSH
10/03/97 CORR1 03/03/99 CPDSHAFF 04/05/99 ADT-DSHA 07/20/99 SSHERMAN

Page

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 3692

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

APPROVED

Name of applicant Rodney D. &/or Rosan M. McCoy Phone 788-2705

Post Office address P. O. Box 479, Hailey, ID 83333 Department of Water Resources

Southern Region Office

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Original property has been split. A separate well, drilled in 1982, now irrigates our part of the property. Irrigation of the 5 acres from our well began in 1988.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------|-----------------------|------------------|----------------|
| 37-08011B | 5-31-1982 | 0.10 cfs | Irrig. | Apr 1 to Nov 1 |
| | | | | to |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred 0.10 cubic feet per second and/or 15 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

37-8011 B T # 3692

PART 1

6. General Information:

a. Description of diversion system Existing well & pump, sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None. We are merely establishing the use of our separate well on our part of the original licensed ground.

d. Remarks:

Amended SRBA Claim A37-08011 also represents our use of this water.A37-08011 B**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 37-8011BAnd said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this

31st

day of

July, 19 90S. Glen Dayton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-08011 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5-31-1982

5. Water is used for the following purpose:

amount 0.16 cfs for Irrig. purposes from Apr 1 to Nov 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.16 cubic feet per second and/or 24 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	36	1N	18E	Blaine	A. L. Montgomery irrigation well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	36																8	8

Total acres 8

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe 3 acres owned by Mrs. Montgomery has not been irrigated for over 5 years to the best of our knowledge.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.10 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	36																5	5

Total acres 5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.06 cfs for Irrig. purposes from Apr 1 to Nov 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

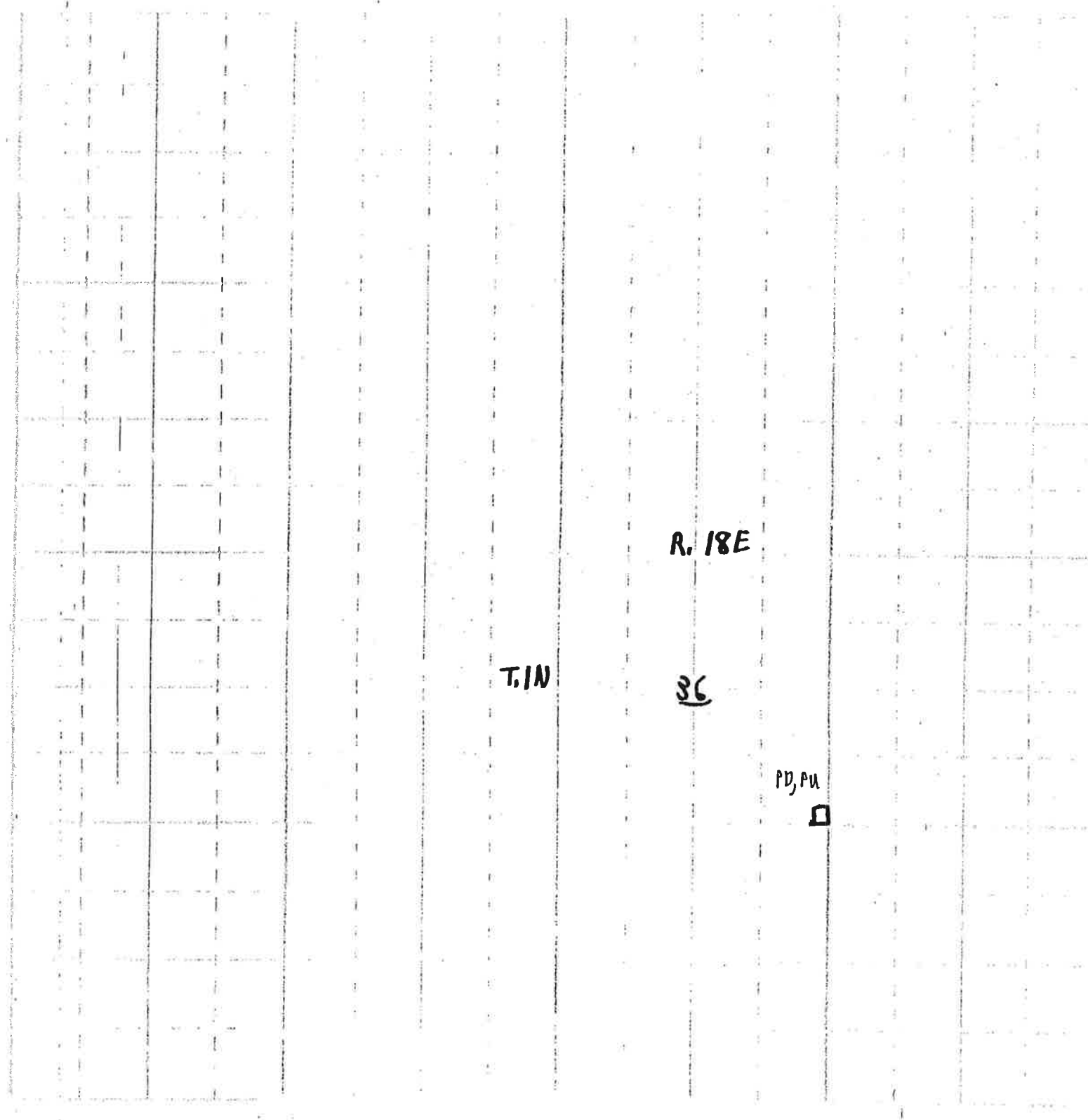
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	36																3	3

Total acres 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Rosan M. McCoy
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of April, 19 90.

Mary A. Baldwin
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by J. Stanton Date 4-24-90

Protest filed by _____

Prelim. check by IRS Fee \$30.50/2/93

Receipted by J. Stanton Date 4-24-90

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 5/23 & 5/30/90

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____



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

September 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jeff Enos
P.O. Box 1662
Sun Valley, ID 83353

Dear Mr. Enos:

Pursuant to your recent request, I have included some proof reports of Department records for your reference. Please find enclosed proof reports of the following records:

Snake River Basin Adjudication Claim **A37-12421**

Snake River Basin Adjudication Claim **A37-08011**

Water Right Record of Licensed Right **37-08011A**

Snake River Basin Adjudication Claim A37-12421 was filed in 1988 by Iola Montgomery for the diversion of water from a well for domestic use. Snake River Basin Adjudication Claim **A37-08011** was filed in 1988 by Iola Montgomery for the diversion of water from a well for irrigation use.

Claim A37-08011 was based on water right permit **37-08011**, which was licensed as water right license **37-08011** in 1989 in the name of A.L. Montgomery. In 1990, Rodney & Rosan McCoy filed an application for transfer, number 3692, to split off a portion of licensed right **37-08011**. This application was approved in 1990, and split water right license **37-08011** into parts **37-08011A** (in the name of Montgomery) and **37-08011B** (in the name of McCoy). Since the Snake River Basin Adjudication claim records, A37-12421 and **A37-08011**, are merely recorded statements from the claimant regarding water use, and have

September 4, 1998
PAGE 2

not yet been verified or updated in the ongoing Snake River Basin Adjudication, water right record 37-08011A is probably the most accurate record regarding the irrigation water right on the Montgomery place.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

Enclosures

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08011

Priority: May 31, 1982

Amount: 0.16 CFS 24.0 AFA

This is to certify, that A. L. MONTGOMERY
RT. 1 BOX 750
BELLEVUE, ID 833130000

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 11, 1982, and has submitted proof to the Department of Water Resources on July 21, 1987, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .180 cfs of water from a GROUNDWATER source 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>
IRRIGATION	04/01 to 11/01	0.16 CFS	24.0 AFA

LOCATION OF POINT OF DIVERSION(S): SESE, Sec. 36, Township 01N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	36	SESE	8		8

Total number of acres irrigated: 8

CONDITIONS/REMARKS:

1. The right to the use of 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.

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 30th day of JANUARY, 1987.

Acting for the Director

Norm C. Young



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

26-Apr-1990 14:57

Rodney &/or Rosan Mc Coy
P.O. Box 479
Hailey, ID 83333

RE: SRBA Claim A37-08011

Dear Mr. & Mrs. Mc Coy:

I have reviewed the "Change in Ownership" request you recently submitted to our office along with the copy of the supporting warranty deed. Because it was not clearly documented that it was the intention of Mrs. Montgomery to surrender her claim into your name, I phoned Mrs. Montgomery to ask of her intentions. Based on my conversation with Mrs. Montgomery it is my understanding that her claim is for her water use on her property and she does not wish to have her claim changed into your name. At this point claim A37-08011 will remain in Mrs. Montgomery's name with the understanding that it is for a water right for the use on the property she presently owns.

In reviewing the existing water right record for license 37-08011 it does appear that a portion of the license covers lands which you presently own. The other portion appears to belong to Mrs. Montgomery's property.

At this point you may consider filing your own claim for your existing water use basing it on a portion of license 37-08011 or you may wish to file for an application for permit to record this use. Please note that since the deadline for filing claims in Blaine County has passed any claim you file may be subject to a late fee of \$50.00 in addition to the normal filing fee. Please find enclosed forms for filing an adjudication claim and also one for filing an application for permit.

Please feel free to contact me at this office if you need further explanation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

CC: Iola Montgomery

MICROFILMED

FEB 24 1993

Water Right Number - 37-08011

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MONTGOMERY

A. L.

1 - RT. 1 BOX 750

2 -

3 -

City- BELLEVUE

State- ID Zip- 833130000

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/31/1982 17 L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
01N 18E 36 SE SE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.160 24.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.160 24.00 0.180

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01N 18E 36 SE SE 8.0 01 IRRIGATION (13) BLAINE

Total Acres: 8.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

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

FEB 24 1993
MICROFILMED

Proof Due Date	- 07/01/1987	Field Exam Made	- 09/27/1987	Field Exam Fee	- R
Approved/Denied	- 07/19/1982	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 07/21/1987	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 01/30/1989	Appl Received	- 05/11/1982	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		
				Microfilm Roll Number	-

FEB 24 1993

Water Right Number - 37-08011

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MONTGOMERY

A. L.

1 - RT. 1 BOX 750

2 -

3 -

City- BELLEVUE

State- ID Zip- 833130000

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/31/1982 17 P - PERMIT+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
01N 18E 36 SE SE (13) BLAINE+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/30 0.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01N 18E 36 SE SE 10.0 01 IRRIGATION (13) BLAINE

Total Acres: 10.0

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use - S/10 RANGE

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
REINSTATED 8-13-1987.+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - Microfilm Rolls -

FEB 24 1993

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

12/30/88 10:45:39
Page 2

Water right number - 37-08011

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/05/88

05/28/88 CONVERT

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

Proof Due Date	- 07/01/1987	Field Exam Made	- 09/27/1987	Field Exam Fee	- R
Approved/Denied	- 07/19/1982	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 07/21/1987	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	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	-
Decree Date	- 00/00/0000				

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Montgomery CLAIM INT. NO. A37-08011DATE RECEIVED 10-26-88 CK # 565 AMOUNT \$ 80 (2)

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? YES ☒ NO ☐

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? YES ☒ NO ☐
- (b) Is a tributary to entered? (if required) N/A ☒
4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐
5. Is there a description of the diverting works? YES ☒ NO ☐
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. YES ☒ NO ☐
- Is the period of use included? YES ☒ NO ☐
- Is a quantity claimed for each use? YES ☒ NO ☐
7. Is a total quantity claimed entered? YES ☒ NO ☐
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? YES ☒ NO ☐
11. Is (are) the county(ies) entered? YES ☒ NO ☐
12. Is the ownership of p.u. checked? YES ☒ NO ☐
13. Are other water rights listed or "none" indicated? YES ☒ NO ☐
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? YES ☒ NO ☐
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?) YES ☒ NO ☐
- Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐
- Was this claim filed on time, or was an extension granted? YES ☒ NO ☐
- 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? YES ☒ NO ☐

Claim checked by: CA

Comments: _____

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