

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: A37-08001C  
Date Received: 9/30/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN BORTON 208-774-3767  
Address: HC 64 BOX 9900  
STANLEY ID 83278  
AND  
Name: JAIMIE BORTON 208-774-3767  
Address: HC 64 BOX 9900  
STANLEY ID 83278

2. Date of Priority: FEB 8, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 18E   | 35      | NE     | SW     | SE  |     | BLAINE |

5. Description of diverting works:  
WELL, PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.030 |      |        |

7. Total Quantity Appropriated is:  
0.030 C.F.S. (and/or) 7.00 A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 18E   | 35      | SW     | SE  |     | IRR | 2.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 2.0   |
|          |       |         |            |     | Total Acres   | 2.0   |

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:

RIGHT WAS SPLIT FROM A 37-08001A PURSUANT TO APPROVED TRANSFER  
4468 10/20/95 TF.

\*\*\*\*\*DIVERSION & CONSUMPTIVE VOLUMES ADDED 12/6/95 TF.

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: 39576

Ident. Number: **A37-08001C**  
Date Received: 9/30/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN BORTON 208-774-3767  
Address: HC 64 BOX 9900  
STANLEY ID 83278  
AND  
Name: JAIMIE BORTON 208-774-3767  
Address: HC 64 BOX 9900  
STANLEY ID 83278

2. Date of Priority: FEB 8, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 18E   | 35      | NE     | SW     | SE     |     | BLAINE |

5. Description of diverting works:  
WELL, PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.030 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 02N      | 18E   | 35      | SW     | SE     |     | IRR | 2.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 2.0   |
|          |       |         |            |     | Total Acres   | 2.0   |

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:  
RIGHT WAS SPLIT FROM A 37-08001A PURSUANT TO APPROVED TRANSFER  
4468.

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: 39576

Ident. Number: **A37-08001A**  
Date Received: 9/30/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

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

1. Name: JOHN TAYLOR BORTON 208-788-3042  
Address: BOX 1275  
HAILEY ID 83333

2. Date of Priority: FEB 8, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 18E   | 35      | NE     | SW     | SE     |     | BLAINE |

5. Description of diverting works:  
WELL, PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.090  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC, 1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 02N      | 18E   | 35      | SW     | SE     |     | IRR   | 4.5   |
|          |       |         | SW     | SE     |     | STOCK |       |

**MICROFILMED**  
**FEB 23 1993**

10. Place of Use: Continued

Section Acres 4.5

Total Acres 4.5

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:

THIS WELL IS ALSO USED FOR DOMESTIC AND AT THE TIME OF FILING  
OF PERMIT THE D/ USE DID NOT REQUIRE A WR.

ALTHOUGH PROOF HAS NOT BEEN FILED, WR HAS BEEN IN USE BEFORE  
11-19-1987.

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: \_\_\_\_\_

**MICROFILMED**  
**FEB 23 1993**

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: A37-08001  
Date Received: 9/30/1988  
Receipt No: S002628  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOHN TAYLOR BORTON 208-788-3042  
Address: BOX 1275  
HAILEY, ID 83333

2. Date of Priority: FEB 08, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 18E   | 35      | NE     | SW     | SE     |     | BLAINE |

5. Description of diverting works:  
WELL, PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.160 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.040 |      |        |

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use    | Acres |
|----------|-------|---------|--------|--------|-----|--------|-------|
| 02N      | 18E   | 35      | SW     | SE     |     | IRR    | 8.0   |
|          |       |         | SW     | SE     |     | DOMEST |       |

Section Acres 8.0

A37-08001

Page 1

Date: 09/30/88

**MICROFILMED**

**FEB 23 1993**

10. Place of Use: Continued

Total Acres 8.0

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:

THIS WELL IS ALSO USED FOR DOMESTIC AND AT THE TIME OF FILING  
OF PERMIT THE D/ USE DID NOT REQUIRE A WR.  
ALTHOUGH PROOF HAS NOT BEEN FILED, WR HAS BEEN IN USE BEFORE  
11-19-1987.

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 x 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): John Taylor Brown Date: 9-30-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twain Falls ) SS.

Subscribed and sworn (or affirmed) before me this 30th day  
of September 19 88

Roxanne Storey  
Notary Public

Seal

Residing at Bull Id  
My Commission Expires 6-30-94

COPY

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 18 2010

By \_\_\_\_\_ Clerk  
Deputy Clerk

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

In Re SRBA

Case No. 39576

Subcase No. 37-578E, 37-686C,  
37-8001C

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: 2/17/10

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 2-18, 200<sup>10</sup>~~9~~, 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

Restated McMahan 1986 Revocable Trust  
William A. McMahan Trustee  
PO Box 3125  
Ketchum ID 83340

Lisa Grand-Jean  
PO Box 6086  
Ketchum ID 83340

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



Signature of person or attorney mailing the form

11/25/2009

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

RIGHT NUMBER: 37-578E

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST  
WILLIAM A MC MAHAN TRUSTEE  
PO BOX 3125  
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-578E at its original source, Big Wood River.

QUANTITY: 0.100 CFS  
7.00 AFY

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/02/1884

POINT OF  
DIVERSION:

T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS  
7.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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 - Decreed

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

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

11/25/2009

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

RIGHT NUMBER: 37-686C

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST  
WILLIAM A MC MAHAN TRUSTEE  
PO BOX 3125  
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Diversion of ground water is limited to those times water is available for diversion under Right No. 37-686C at its original source, Big Wood River.

QUANTITY: 0.150 CFS

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/01/1886

POINT OF  
DIVERSION:

T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.150 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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 - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

11/25/2009

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

RIGHT NUMBER: 37-8001C

NAME AND ADDRESS: RESTATED MC MAHAN 1986 REVOCABLE TRUST  
WILLIAM A MC MAHAN TRUSTEE  
PO BOX 3125  
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS  
7.00 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

PRIORITY DATE: 02/08/1982

POINT OF  
DIVERSION:

T02N R18E S35 NESWSE Lot 8 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.030 CFS  
7.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

February 18, 2010

RESTATED MCMAHAN 1986 REVOCABLE TRUST  
WILLIAM A MCMAHAN TRUSTEE  
PO BOX 3125  
KETCHUM ID 83340

RE: SRBA Claim(s) 37-578E, 37-686C, 37-8001C

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enclosure

cc: Lisa Grand-Jean  
James P. Speck

# 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.

- 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<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| 37-578E              |                             |          |                      |                             |          |
| 37-686C              |                             |          |                      |                             |          |
| 37-8001C             |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

- The following **REQUIRED** information must be submitted with this form:
  - The appropriate **FILING FEE**. See instructions for fee amounts.
  - 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**.
  - 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**

- 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.

- Name and Address of Former Owner/Claimant(s)

Lisa Grand-Jean

P.O. Box 6086

Ketchum, ID 83340
- New Owner/Claimant(s)

William A. McMahan, Trustee of the Restated McMahan 1986 Revocable Trust Dated November 25, 1986

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

New Mailing Address

P.O. Box 3125

City, State and ZIP Code

Ketchum, ID 83340

New Telephone Number

(208) 726-9022 Email: cozm81@hotmail.com

5. Date you acquired the property September 22, 2009

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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

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) 

(title if applicable)

(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 \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_

Receipt Amt. \_\_\_\_\_  
 Receipt No. \_\_\_\_\_  
 WR \_\_\_\_\_ Date \_\_\_\_\_



**SUN VALLEY  
TITLE  
C O M P A N Y**

**Instrument # 571507**

BLAINE, IDAHO  
2009 08:29:40 No. of Pages: 2  
Recorded for: SUN VALLEY TITLE CO.  
JOLYNN DRAGE Fee: \$6.00  
Ex-Officio Recorder Deputy: JB  
Electronically Recorded by Simplifile

Order No. 0924803

**WARRANTY DEED**

FOR VALUE RECEIVED

**LISA GRAND-JEAN, an unmarried woman**

the Grantor does hereby grant, bargain, sell, convey and warrant unto

**WILLIAM A. MCMAHAN, TRUSTEE OF THE RESTATED MCMAHAN 1986  
REVOCABLE TRUST DATED NOVEMBER 25, 1986**

the Grantee whose current address is:

**PO Box 3125  
Ketchum, ID 83340**

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

**TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,  
IDAHO.**

**Section 35: A parcel of land more particularly described as:**

Commencing at the NW corner of the SWSE of Section 35; thence  
South 89°42'30" East 183.18 feet to the TRUE POINT OF BEGINNING;  
thence  
South 89°42'30" East 953.48 feet; thence  
South 00°25'48" West 393.08 feet; thence  
North 89°44'14" West 807.46 feet; thence  
North 19°56'47" West 419.37 feet;

Also known as Tax Lot 6893

Together with an easement for access along existing roads as described in  
that certain Warranty Deed recorded as Instrument No. 183531, records of Blaine County,  
Idaho.

Together with any and all water rights appurtenant thereto  
including, but not limited to, Water Rights Nos. 37-578E, 37-686C and 37-8001C  
as claimed and recommended in the SRBA.

**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  
Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with  
the said Grantee, that she is the owner in fee simple of said premises; that said premises are free  
from all encumbrances and that she will warrant and defend the same from all lawful claims  
whatsoever.

Lisa Grand-Jean 09.22.09  
Lisa Grand-Jean Date

State of: Idaho  
County of: Blaine

On this 22 day of September, 2009, before me, the undersigned, a Notary Public, in and for said State, personally appeared **LISA GRAND-JEAN**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

  
\_\_\_\_\_  
Notary Public  
Residing at: Ketchum ID  
Commission Expires: 9/18/2012

QUITCLAIM DEED

FOR VALUE RECEIVED

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife and  
JAIMIE BOLINE BORTON, an unmarried woman

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

LISA GRAND-JEAN, an unmarried woman

whose address is: P.O. Box 6086, Ketchum, ID 83340

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

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being  
monumented by a BLM Brass Cap and lying  
N. 89° 42' 30" W., 1314.19 feet from a 5/8" rebar marking the SE 1/16 corner of said Section  
35; thence  
S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the  
northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING;  
thence  
S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence  
N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the  
approximate centerline of Fox Hollow Gulch Road; thence  
N. 19° 56' 47" W., 417.37 feet to a point on said 1/16 section line, said point being  
witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox  
Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence  
S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS: #A37-00578E, A37-00686C, AND C37-  
08001C

together with their appurtenances.

Dated: September 15, 1997

TAYLOR  
John Taylor Borton  
JOHN TAYLOR BORTON

Jaimie Boline Borton  
JAIMIE BOLINE BORTON

Katherine T. Borton  
KATHERINE T. BORTON

State of Idaho

County of Blaine

On this 15<sup>th</sup> day of September, in the year 1997, before me, the undersigned,  
personally appeared John Taylor Borton and Katherine T. Borton and Jaimie Boline Borton, 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.

Marla G. Mine  
Notary Public

Commission Expires: 12/01/2000



40787

## QUITCLAIM DEED

Car Deed # 407992  
BLAINE CO. REQUEST  
SAWTOOTH TITLE

FOR VALUE RECEIVED

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife and  
JAIMIE BOLINE BORTON, an unmarried woman

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

'97 NOV 18 PM 3 39

LISA GRAND-JEAN, an unmarried woman

PAYEE: LISA GRAND-JEAN ymPP

whose address is: P.O. Box 6086, Ketchum, ID 83340

FEES \$ 3.00

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

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being monumented by a BLM Brass Cap and lying  
N. 89° 42' 30" W., 1314.19 feet from a 5/8" rebar marking the SE 1/16 corner of said Section 35; thence  
S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING;  
thence  
S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence  
N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the approximate centerline of Fox Hollow Gulch Road; thence  
N. 19° 56' 47" W., 419.37 feet to a point on said 1/16 section line, said point being witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence  
S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS: #A37-00578E, A37-00686C, AND C37-08001C

JTB KTB JBS

together with their appurtenances.

Dated: September 15, 1997

TAYLOR

JOHN TAYLOR BORTON

JAIMIE BOLINE BORTON

KATHERINE T. BORTON

State of Idaho

County of Blaine

On this 15th day of September, in the year 1997, before me, the undersigned, personally appeared John Taylor Borton and Katherine T. Borton and Jaimie Boline Borton, 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.

Marla G. Mink

Notary Public

Commission Expires: 12/01/2000



Order No. 23259  
2225

# WARRANTY DEED

FOR VALUE RECEIVED and as relinquished property in an I.R.C. 1031 tax deferred exchange

JOHN TAYLOR BORTON and KATHERINE T. BORTON, husband and wife, as to an undivided 1/2 interest and JAIMIE BOLINE BORTON, an unmarried woman, as to an undivided 1/2 interest, as tenants in common

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

LISA GRAND-JEAN, an unmarried woman

GRANTEE(s) whose address is: P.O. Box 6086, Ketchum, ID 83340

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

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF. 408086

Car Deed  
BLAINE CO. REQUEST # 407991

SAWTOOTH TITLE

'97 NOV 18 PM 3 39

MARY GREEN, CLERK mpp

FEES \$6.00

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: September 15, 1997

John Taylor Borton  
JOHN TAYLOR BORTON

Jaimie Boline Borton  
JAIMIE BOLINE BORTON

Katherine T. Borton  
KATHERINE T. BORTON

State of Idaho

County of Blaine

} ss.

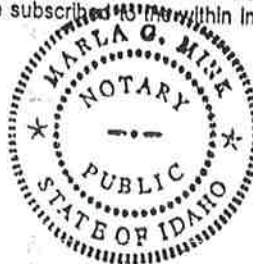
On this 15th day of September in the year 1997, before me, the undersigned, personally appeared JOHN TAYLOR BORTON and KATHERINE T. BORTON and JAIMIE BOLINE BORTON, known or identified to me to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Marla G. Mink

Notary Public

Commission Expires: 12/01/2000



ORDER NO. 23259  
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: COMMENCING at the center section 1/16 corner of said Section 35, said corner being monumented by a BLM Brass Cap and lying N. 89° 42' 30" W., 1314.19 feet from a 5/8" rebar marking the SE 1/16 corner of said Section 35; thence S. 89° 42' 30" E., 1136.66 feet along the 1/16 section line to a 1/2" rebar marking the northeast corner of Tax Lot 6591, said corner being the TRUE POINT OF BEGINNING; thence S. 00° 25' 48" W., 393.08 feet along a fence line to a 1/2" rebar; thence N. 89° 44' 14" W., 807.46 feet to a 1/2" rebar with an aluminum cap lying along the approximate centerline of Fox Hollow Gulch Road; thence N. 19° 56' 47" W., 419.37 feet to a point on said 1/16 section line, said point being witnessed by a rebar with an aluminum cap lying within the approximate centerline of Fox Hollow Gulch Road S. 19° 56' 47" E., 0.37 feet; thence S. 89° 42' 30" E., 953.48 feet to the TRUE POINT OF BEGINNING.

J.T.B. KTB - gbb

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**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION

**ATTORNEYS**

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

JAMES P. SPECK  
jim@speckandaanestad.com

DOUGLAS J. AANESTAD  
doug@speckandaanestad.com

TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

November 23, 2009

Ms. Trish Fawcett  
Idaho Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301

RECEIVED  
NOV 25 2009  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

**Re: Notice of Changes in Water Right Ownership  
37-578E, 37-686C, 37-8001C**

Dear Trish:

Enclosed is a n original and one copy of the Notice of Change in Water Right Ownership in the above-referenced water rights. Please arrange to have the copy receipt date-stamped and returned to us in the postage prepaid, self-addressed envelope I have included for that purpose.

I am also enclosing the deeds showing transfer of ownership from the Borton to Lisa Grand-Jean – I think you mentioned that you had requested these from Lisa Grand-Jean but had not yet received them, so here you go! Hopefully this will facilitate the complete and appropriate transfer to Mr. McMahan.

Please call me if you have any questions or if you need further information. Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation



Jennifer Pinkerton  
Asst. to James P. Speck

Enclosures



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

September 14, 2009

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LISA GRANDJEAN  
PO BOX 5190  
KETCHUM ID 83340

RE: Water Right Change in Ownership 37-578E, 37-686C and 37-8001C

Dear Ms. Grandjean:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive it within 30 days we will return your notice and all attachments and your notice will not be processed.

Please feel free to contact this office if you have any questions.

Sincerely,

Trish Fawcett  
Technical Records Specialist

RECEIVED

SEP 01 2009

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

SEP 10 2009

**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<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
|                      | 37-8001C                    |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

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<br>Owner/Claimant(s) | John Taylor Borton                                                                                                     |
|                                                    | P.O. Box 15                                                                                                            |
|                                                    | Dubois, WY 82513-0015                                                                                                  |
| 4. New Owner/Claimant(s)                           | Lisa Grandjean                                                                                                         |
|                                                    | Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or |
|                                                    | P.O. Box 5190                                                                                                          |
|                                                    | Ketchum, Idaho 83340                                                                                                   |
|                                                    |                                                                                                                        |
| New Mailing Address                                |                                                                                                                        |
| City, State and ZIP Code                           |                                                                                                                        |
| New Telephone Number                               | ( 208 ) 720-9213 Email:                                                                                                |

SCANNED

SEP - 3 2009

5. Date you acquired the property Sept. 15, 1997
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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*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) \_\_\_\_\_

*Lisa Grandjean*

(title if applicable)

(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. \$ 91-2009 SR2  
 Receipt No. \_\_\_\_\_  
 WR \_\_\_\_\_ Date \_\_\_\_\_

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

6/23/2009

## WATER RIGHT NO. 37-8001C

| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
|-------------------|---------------------------------------------------------------------------|
| Current Owner     | JOHN TAYLOR BORTON<br>PO BOX 15<br>DUBOIS, WY 82513-0015<br>(307)455-2466 |

Priority Date: 02/08/1982

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/15        | 10/15     | 0.03 CFS              | 7 AFA         |
| Total Diversion       |             |           | 0.03 CFS              |               |

Location of Point(s) of Diversion:

|              |      |         |              |           |               |
|--------------|------|---------|--------------|-----------|---------------|
| GROUND WATER | SWSE | Sec. 35 | Township 02N | Range 18E | BLAINE County |
|--------------|------|---------|--------------|-----------|---------------|

Licensed Diversion Capacity: 0.09

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

**SCANNED**

SEP 3 2009

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02N      | 18E   | 35      |     | SWSE  | 2     |     |       |       |     |       |       |     |       |       |

Total Acres: 2

Conditions of Approval:

|    |     |                                                                                                                                                              |
|----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | R30 | This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above. |
|----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

Dates:

Licensed Date: 02/26/1994

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

SCANNED

SEP - 3 2009

09/22/2006

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

RIGHT NUMBER: 37-8001C  
NAME AND ADDRESS: JAIMIE BORTON  
HC 64 BOX 9900  
STANLEY ID 83278  
  
JOHN BORTON  
HC 64 BOX 9900  
STANLEY ID 83278

SOURCE: GROUND WATER                      TRIBUTARY:  
QUANTITY: 0.030 CFS  
7.000 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.  
  
Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C is limited to a total combined diversion rate of 0.06 cfs and a total combined annual volume of 7.0 af.

PRIORITY DATE: 02/08/1982

POINT OF DIVERSION:

T02N R18E S35 NESWSE Lot 8 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 11/01          | 0.030 CFS<br>7.00 AFY |

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 Lot 8 SWSE 2.00

2 ACRES TOTAL

Diversion under Right Nos. 37-578E, 37-686C, and 37-8001C when combined is limited to the irrigation of 2.0 total acres.

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



# Idaho Department of Water Resources

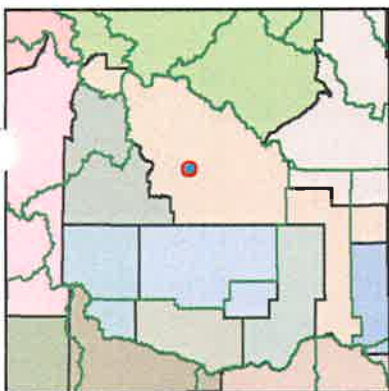
SRBA Recommendation:

**37-8001C**

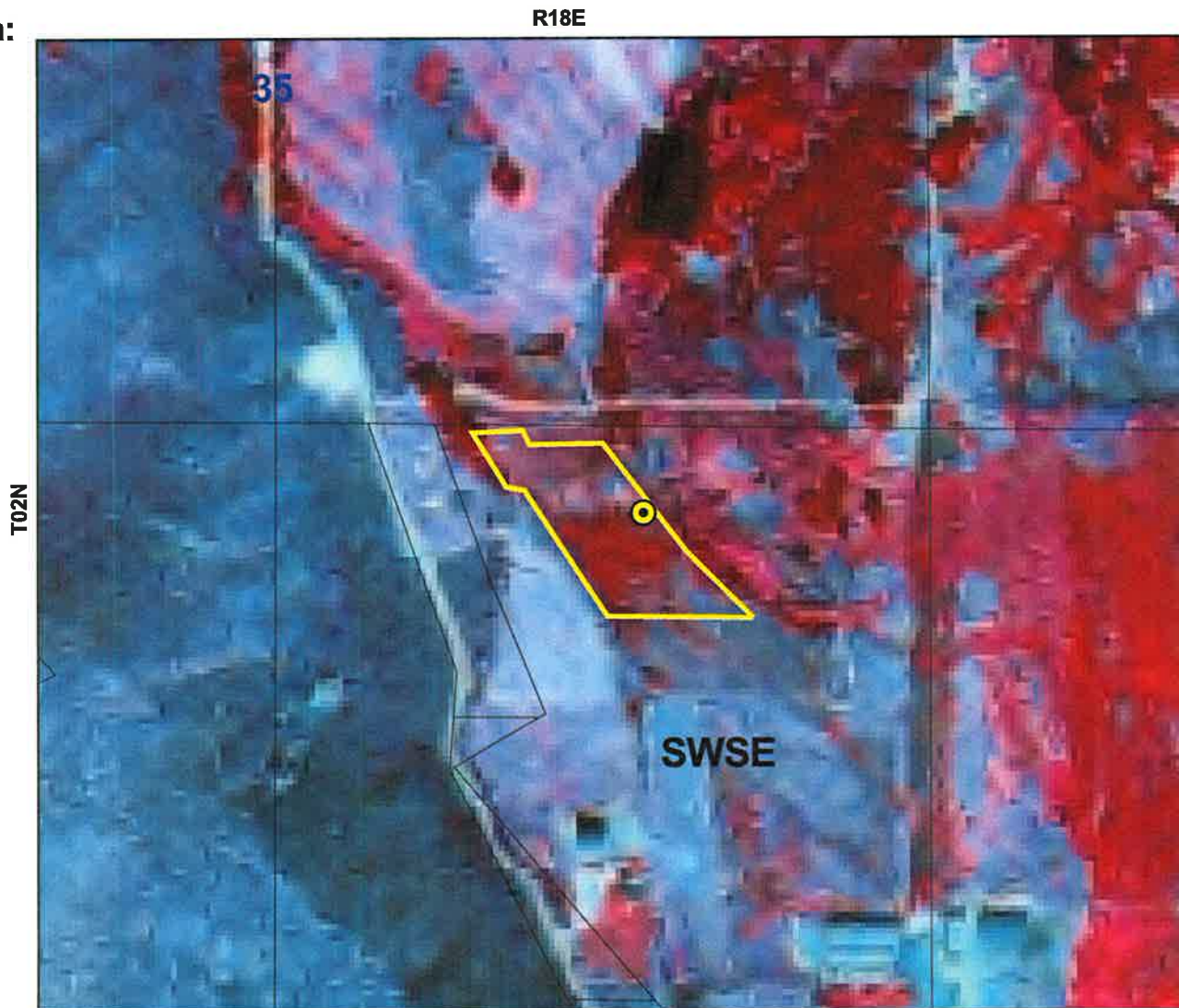
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES  
On Friday, September 22, 2006  
1987/88 Aerial Photography



# Idaho Department of Water Resources

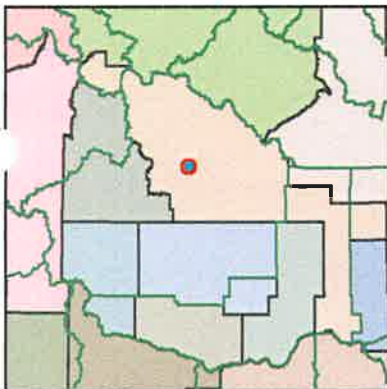
SRBA Recommendation:

**37-8001C**

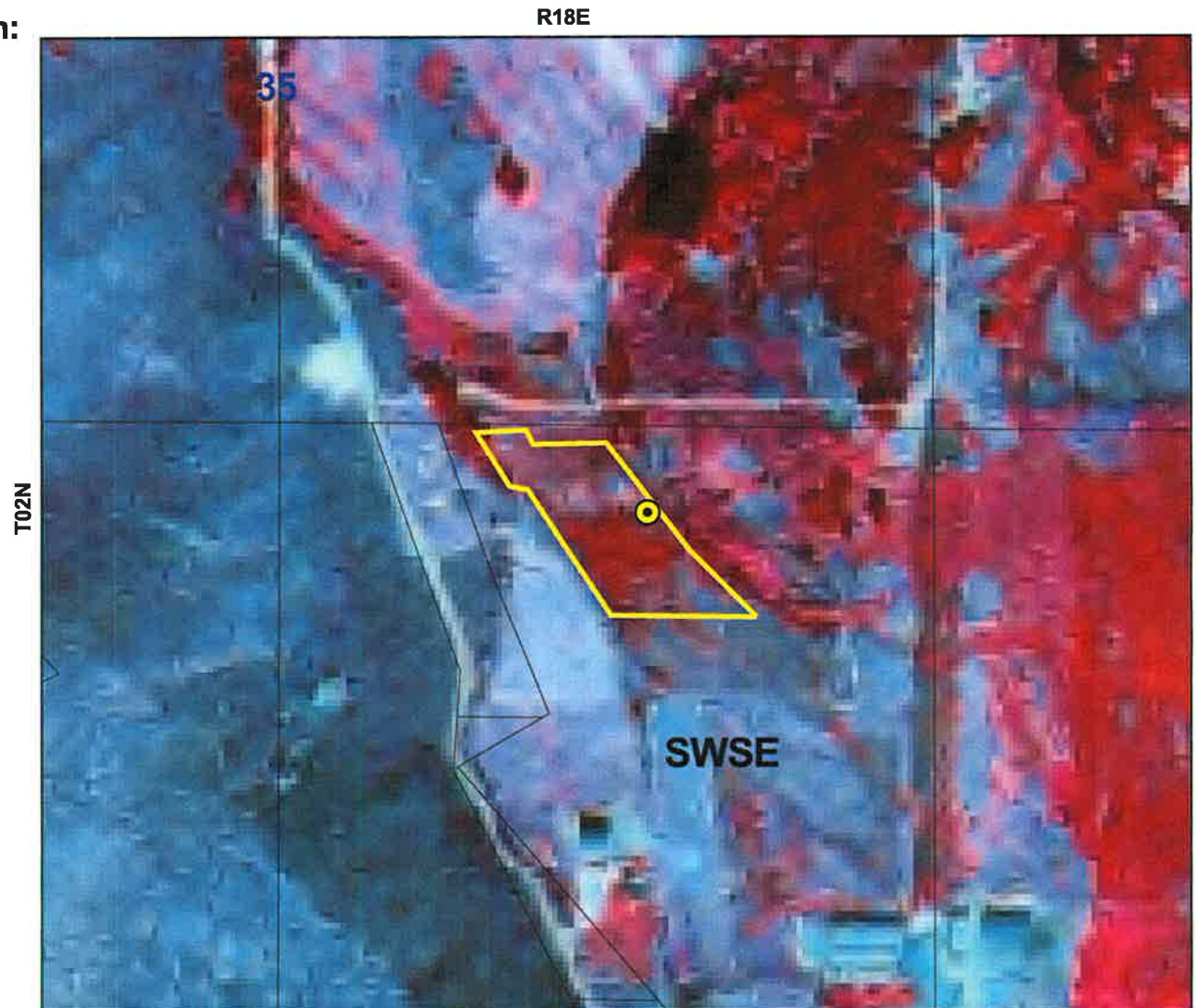
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES  
On Friday, September 22, 2006  
1987/88 Aerial Photography



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

December 12, 2006

LISA GRAND-JEAN  
241 WHISTLER RD  
HIGHLAND PARK IL 60035

RE: Snake River Basin Adjudication (SRBA)  
**Notices of Claim to a Water Right #37-578E, 37-686C and 37-8001C**

Dear Claimant:

We have been advised you may be the owner of the property and water right claims referenced above.

Before we can change our records, we require the enclosed Notice of Change in Water Right Ownership form be completed.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

ss:region  
Enclosure:

Notice of Change in Water Right Ownership Form

**SCANNED**

DEC 12 2006

## **Keen, Shelley**

---

**From:** Keen, Shelley  
**Sent:** Monday, December 11, 2006 10:59 AM  
**To:** Sherman, Sally  
**Subject:** Possible New Owner of 37-578E, 37-686C, and 37-8001C

Sally,

Can you notify the following person that she may need to submit an ownership change notice for Claims 37-578E, 37-686C, and 37-8001C?

Lisa Grand-Jean  
241 Whistler Rd.  
Highland Park, IL 60035

Thanks.

Shelley

December 4, 2006

Karl J. Dreher - Director  
State of Idaho Dept. of Water Resources  
P.O. Box 83720  
Boise ID 83720-0098

Dear Mr. Dreher:

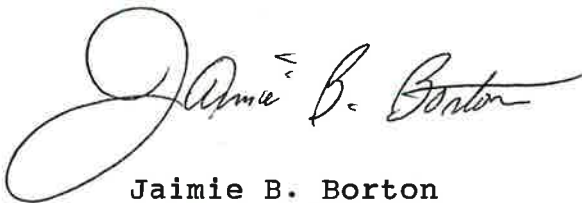
Thank you for your correspondence in reference to irrigation water rights 37-578E, 37-686C and 37-8001C that you refer to. Since about nine years ago, when John and I sold the referred parcel, we have had no involvement with the associated water rights. I do not know who the current owner is. I was a co-owner, however I was not involved with the sale or transfer of this land and it's water rights in any way other than periphally to sign my name.

I am no longer married to John Borton and I am not at liberty to share his address.

Please cc me on any further correspondence regarding this matter until it is resolved.

Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script that reads "Jaimie B. Borton". The signature is written in dark ink and is positioned above the printed name and address.

Jaimie B. Borton  
P.O. Box 5  
Stanley ID 83278

SCANNED  
DEC 9 2006

6/9/94

### COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

**IDWR Employee/Agent** Georgia Satterlee

DATE

March 3, 1998 9:26am

CUSTOMER

Tim Rolf

**SUBJECT:** A37-00578E,-00686C,-08001C

phone call (X) walk-in (.)

He is a contractor who will be building on lot, and wanted to know all the poop on water rights so he could answer questions of the neighbors if their curiosity begins to swell.

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. BORTON CLAIMS

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

June 24, 1997 2:18pm

NAME:  
PAM SKAGGS-WR SECTION-S.O.

RE:  
BORTON CLAIMS: A37-00578E,  
-00686C AND -08001C. CHECK  
EXHIBIT(S) IN FILES FOR AN  
ACREAGE CONFIRMATION.

TF AT 11:10 AM-TCW. DISCUSSED THE ISSUE OF IRRIGATED ACRES AS A  
RESULT OF TRANSFERS AND AMENDED SRBA CLAIMS.

NEEDED A REVIEW OF THE FILES TO SEE IF ANY OTHER INFORMATION IS AVAILABLE SINCE THE CLAIMS WERE AMENDED IN 10-1995.

PULLED THE NOTED CLAIMS AND REVIEWED. FOUND A TELEPHONE CONVERSATION FILE NOTE BY COREY SKINNER DATED 06-10-1996 DOCUMENTING THE REVIEW OF THE CLAIMS SHOWING 2 ACRES IN 2N 18E SEC 35 FOR THE CLAIMS AS AMENDED AND SENT TO BORTON 10-26-1995.

TT PAM AT 1:56 PM-TCW. SUGGESTED I FAX HER A COPY. SHE AGREED AND THE MEMO COPY WAS SENT 2:13 PM. TRANSMISSION RECEIPT TO CLAIM FILES ALONG WITH CC OF COVER SHEET. A CC OF THIS JOURNAL ENTRY WILL BE FILED AS WELL IN EACH CLAIM.

ORIGINAL

# TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: MISS PAM SKAGGS  
WR PERMITS SECTION  
TOWN S.O.  
327-7866

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: A37-00578E, -00686C and  
-0800/C AJ claims file note - phone  
conference w/ JOHN BORTON owner/claimant.

FROM: IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: 7H

## CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: \_\_\_\_\_

Please remit to the above address.

COMMENTS: Best wishes... 7H

ORIGINAL

# CONVERSATION MEMORANDUM

NAME OF PARTY JOHN BORTON  
EMPLOYEE COREY SKINNER CS

DATE JUNE 10, 1996  
FILE A37-08001C  
A37-00578E  
A37-00686C

RE: \_\_\_\_\_

THIS DAY, JOHN BORTON CALLED WANTING TO  
KNOW HOW MANY ACRES HE COULD IRRIGATE UNDER  
" 37-08001A, 37-00578E, AND 37-00686C ". I REVIEWED  
OUR RECORDS UNDER THESE THREE RIGHTS AND  
CALLED MR. BORTON BACK.

I TOLD MR. BORTON THAT HIS THREE  
WATER RIGHTS 37-08001C, 37-00578E, AND 37-00686C  
(CREATED BY TRANSFERS #4468 AND ~~THE~~ #4525)  
ARE LIMITED TO THE IRRIGATION OF THE SAME  
2 ACRES. MY BASIS FOR THIS STATEMENT WAS THE  
APPROVAL CONDITIONS #3, AND #8 FOR TRANSFER #4525,  
PARAGRAPH #3 OF PAM SKAGG'S MAY 10, 1995 MEMO IN TRANSFER  
# 4525 FILE, AND ALLEN MERRITT'S 01/31/1995 MEMO  
IN TRANSFER #4525 FILE REFERRING TO 2.0 ACRES OF  
HISTORICAL IRRIGATION.

MISS PAM:  
Note portion  
conflict in file #s  
on top vs. text.  
CC is in C portion.

-327-  
7866

RECEIVED

JUN 24 1997

Department of Water Resources  
Southern Region

COPY

TRANSMISSION VERIFICATION REPORT

TIME : 06/24/1997 14:14  
NAME : IDWR SOUTHERN REGION  
FAX : 2087363037  
TEL : 2087363033

|              |                     |
|--------------|---------------------|
| DATE, TIME   | 06/24 14:13         |
| FAX NO./NAME | 912083277866-540044 |
| DURATION     | 00:01:01            |
| PAGE(S)      | 02                  |
| RESULT       | OK                  |
| MODE         | STANDARD            |

ORIGINAL

## CONVERSATION MEMORANDUM

NAME OF PARTY JOHN BORTON  
EMPLOYEE COREY SKINNER CS

DATE JUNE 10, 1996  
FILE A37-08001C  
A37-00578E  
A37-00686C

RE: \_\_\_\_\_

THIS DAY, JOHN BORTON CALLED WANTING TO  
KNOW HOW MANY ACRES HE COULD IRRIGATE UNDER  
" 37-08001A, 37-00578E, AND 37-00686C ". I REVIEWED  
OUR RECORDS UNDER THESE THREE RIGHTS AND  
CALLED MR. BORTON BACK.

I TOLD MR. BORTON THAT HIS THREE  
WATER RIGHTS 37-08001C, 37-00578E, AND 37-00686C  
(CREATED BY TRANSFERS #4468 AND ~~#~~ #4525)  
ARE LIMITED TO THE IRRIGATION OF THE SAME  
2 ACRES. MY BASIS FOR THIS STATEMENT WAS THE  
APPROVAL CONDITIONS #3 AND #8 FOR TRANSFER #4525,  
PARAGRAPH #3 OF PAM SKAGG'S MAY 10, 1995 MEMO IN TRANSFER  
# 4525 FILE, AND ALLEN MERRITT'S 01/31/1995 MEMO  
IN TRANSFER #4525 FILE REFERRING TO 2.0 ACRES OF  
HISTORICAL IRRIGATION.

NOV 28 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

October 26, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

JOHN AND JAIMIE BORTON  
HC 64 BOX 9900  
STANLEY ID 83340

RE: Amendment of SRBA Claims A37-08001C, A37-00578E and A37-00686C

Dear Claimant:

Pursuant to the approval of Transfer Nos. 4525 and 4468, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfers. Please find enclosed a printout of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enc.

NOV 28 1995

Southern AJ

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4468  
WATER RIGHT NO. 37-08001D

RECEIVED

JUN 14 1995

Department of Water Resources  
Southern Region

This is to certify that: JAMES L SMITH  
ELIZABETH N ROOD  
C/O JAMES P SPECK ESQUIRE  
PO BOX 987  
KETCHUM ID 83340

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.06 CFS              | 12.3 AF              |

SOURCE

GROUNDWATER

Priority: 02/08/1982

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 35, Township 02N, Range 18E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 02N 18E 35                       | SWSE 3.5     |              |              | 3.5          |
| Total number of acres irrigated: |              |              |              | 3.5          |

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- \* 2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- \* 3. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

NOV 28 1996

TRANSFER NO. 4468  
WATER RIGHT NO. 37-08001D

CONDITIONS/REMARKS:

- \*4. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
- 5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- \*8. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
- \*9. Right No. 37-08001D when combined with Right Nos. 37-00578F and 37-00686D is limited to irrigation of 3.5 total acres, a total combined diversion rate of 0.11 cfs and a total combined annual volume of 12.3 af.

Dated this 26<sup>th</sup> day of May, 1995.

J. Glen Saylor  
Chief, Water Alloc. Bureau

NOV 28 1996

INTER-DEPARTMENT MEMO

TO: John Borton Transfer App., T # 4525

SUBJECT: Staff Analysis

FROM: Jim Stanton

DATE: 11-30-94

The applicant owns about 4½ acres of land west of Bellevue. Of this land, only about 2.5 acres have been cleared and are being irrigated. The rest of the land is uncleared waste. The licensing exam for 37-8001 confirmed this. So the proposed transfer should be limited to 2.6 acres instead of the 3.5 acres claimed. Recent use of surface rights on this ground is questionable, but watermaster records show that the water was at least put into the diversion ditch within the last 5 years. Whether the water actually reached the property is unclear. Pending Transfer #4467 covers this same system on land recently sold by Mr. Borton. Diversion rate from the well should be limited to 1.5"/ac X 2.6 ac. or 0.08<sup>6</sup> cfs in total for the decreed & licensed rights. Under proposed T. #4468, the groundwater license will supply will supply 0.03 cfs. So the surface rights should be limited to 0.03 cfs. Due to other recent work on this property, I do not plan to do another site visit.

( X ) For your information

signature

( ) Response required

37-08001, T # 4468

NOV 28 1994

DEC 22 1994

FROM: Allen Merritt

DATE: December 16, 1994

TO: Transfer Files #4467 &amp; #4468 both in the name of Rood

SUBJECT: Review and Recommendation

After reviewing both transfers I believe an explanation of the purpose of these transfers is in order.

It is my understanding that both transfers propose to divert water from a future or new well which is intended to be drilled on the Rood property. At present the Rood property is already irrigated by portions of the subject water rights.

Transfer #4467 proposes to add the source of groundwater to the old decrees which have historically been diverted out of the Big Wood River (Broadford Slough) and to affirm an accomplished transfer claimed under A37-00686D which moved the p/u from the original decree location to the claimed location.

Transfer #4468 involves Rood's original part (37-08001B for 0.05 cfs) and a portion (0.01 cfs) of Borton's original part (37-08001A for 0.04 cfs); leaving Borton with 0.03 cfs. The two parts which Rood now has control (0.05 + 0.01) will be moved from the well on the Borton property to the new well on the Rood property.

The total acreage to be covered by these two transfers is the same 3.5 acres.

#### APPROVAL CONDITIONS:

Transfer #4467 should be under control of watermaster of District 37 and should be regulated by priority with Big Wood rights. The well must have a meter and lockable control valve which would allow the watermaster to regulate.

Transfer #4468 since it involves same well should have measuring device and control works condition.

Both transfers should be limited such that when the well is utilized to divert all rights from both transfers that the diversion rate from the well is limited to the reasonable rate of 1.5"/acre for acreages less than 5 acres or in this case it would be limited to 0.11 cfs for the 3.5 acres.

Both transfers should be subject to : T09, 046

NOV 28 1994

37- 8001 B, D / # 4468

JUL 18 1994

Transfer No. 4468

Form 222  
7/92

Department of Water Resources

Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

JUL 18 1994

## JUL 14 1994 APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Department of Water Resources

Department of Water Resources

Southern Region Office

Southern Region Office

Name of applicant: James L. Smith &amp;/or Elizabeth N. Rood

Phone: 1-208-726-4421

Post Office address: c/o James P. Speck, Hogue, Speck &amp; Aanestad, P. O. Box 987, Ketchum, ID 83340

## 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 : Applicant has acquired the portion of 37-08001A from his neighbor and desires to change the place of use to his property. In addition, the present point of diversion for both 37-08001A and 37-08001B is a well on the neighbor's land. Applicant desires to change the point of diversion to a new well on his land.

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

1.

| Right Number | Priority | Amount                   | Nature     | Period of Use |               | Volume                 |
|--------------|----------|--------------------------|------------|---------------|---------------|------------------------|
| 37-08001A D  | 2/8/1982 | <del>0.01</del> 0.06 cfs | irrigation | April 15      | to October 15 | <del>1.8</del> 1.75 AF |
| 37-08001B    | 2/8/1982 | 0.05 cfs                 | irrigation | April 15      | to October 15 | 10.5 AF                |
|              |          |                          |            |               | to            |                        |
|              |          |                          |            |               | to            |                        |

2. Total amount of water being transferred: ~~0.058~~ 0.06 cubic feet/second and/or ~~12.25~~ 12.3 acre-feet per annum.

3. Source of water: groundwater tributary to

4. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----|-----|-----|------|------|------|--------|--------------------------|
|           |           | NE  | SW  | SE  | 35   | 2N   | 18E  | Blaine | New well to be drilled   |

5. Lands irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |     |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|-----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW  | SE |        |
| 2N  | 18E | 35  |     |    |    |    |     |    |    |    |     |    |    |    |     |    | 3.5 |    | 3.5    |

Total acres: 3.5

NOV 28 1996

## 6. General Information:

a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The lands irrigated by the portion of 37-08001A acquired from John Borton (1/2 acre) will no longer be irrigated.

c. Remarks: The unchanged portion of the right described below refers only to the portion of 37-08001A retained by John Borton.

## C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount 0.32 cfs for irrigation purposes from April 15 to October 15  
(cfs/ac-ft)  
 amount                      for                      purposes from                      to                       
(cfs/ac-ft)

## 2. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----|-----|-----|------|------|------|--------|--------------------------|
|           |           |     | SW  | SE  | 35   | 2N   | 18E  | Blaine |                          |
|           |           |     |     |     |      |      |      |        |                          |
|           |           |     |     |     |      |      |      |        |                          |
|           |           |     |     |     |      |      |      |        |                          |

## 3. Lands irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |     |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|-----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW  | SE |        |
| 2N  | 18E | 35  |     |    |    |    |     |    |    |    |     |    |    |    |     |    | 2.0 |    | 2.0    |

Total acres: 2.0

NOV 28 1996

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

1.

| <u>New Nature of Use</u> | <u>Amount<br/>(cfs/AF)</u> | <u>Hours/Days/Year</u> | <u>Period Of Use</u> |
|--------------------------|----------------------------|------------------------|----------------------|
|                          |                            |                        | to                   |
|                          |                            |                        | 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.

(Signature of applicant)

Subscribed and sworn to before me this 11 day of June, 1994.

Notary Public for Idaho  
Residing at 201 N. 1st St.  
My commission expires 12/21/97

**FOR DEPARTMENT USE ONLY**

Received by J. S. Stanton Date 7-18-94  
Prelim. check by M+S Fee \$100.  
Receipted JS # 5017142  
Published in Wood River Journal  
Pub. dates 11/9 & 11/16/94 Recommend: X approve Adm 12/22/94 deny  
Watermaster recommendation requested 11/1/94 rec'd 11/17/94  
Field exam conducted (required for statutory claims) \_\_\_\_\_

Protest filed by:

None

Hearing held by:

11 13 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

**JUL 21 1994**

Department of Water Resources  
Southern Region Office **NOV 28 1996**

**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. 37-08001A 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 2-8-1982

5. Water is used for the following purpose:

amount 0.04 cfs for Irrig. purposes from 4-15 to 10-15  
 (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 0.04 cubic feet per second and/or 8.8 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion       |
|-----|-----|-----|-----|------|------|------|--------|--------------------------------|
|     |     | SW  | SE  | 35   | 2N   | 18E  | Blaine | Same well used under 37-08001B |
|     |     |     |     |      |      |      |        |                                |
|     |     |     |     |      |      |      |        |                                |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 2N   | 18E  | 35   |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 2.5    |        | 2.5    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 2.5

9. Describe any other water rights used for the same purpose as described above A37-00578E, 00686C

NOV 28 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe \_\_\_\_\_

# **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 0.01 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion: Same as 2.A.7.

| 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 |            |
| <u>2N</u> | <u>18E</u> | <u>35</u> |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <u>0.5</u> |      | <u>0.5</u> |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |

Total acres 0.5

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

1. amount 0.03 cfs for Irrig. purposes from 4-15 to 10-15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion: Same as 2.A.7.

| 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 |            |
| <u>2N</u> | <u>18E</u> | <u>35</u> |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <u>2.0</u> |      | <u>2.0</u> |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |
|           |            |           |      |      |      |      |      |      |      |      |      |      |      |      |      |      |            |      |            |

Total acres 2.0  
 NOV 28 1996

**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. 37-08001A 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 2-8-1982

5. Water is used for the following purpose:

amount 0.05 cfs for Irrig. purposes from 4-15 to 10-15  
(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 0.05 cubic feet per second and/or 10.5 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4       | 1/4       | Sec.      | Twp.      | Rge.       | County        | Local name for diversion              |
|-----|-----|-----------|-----------|-----------|-----------|------------|---------------|---------------------------------------|
|     |     | <u>SW</u> | <u>SE</u> | <u>35</u> | <u>2N</u> | <u>18E</u> | <u>B/qine</u> | <u>Same well used under 37-08001A</u> |
|     |     |           |           |           |           |            |               |                                       |
|     |     |           |           |           |           |            |               |                                       |

8. Lands irrigated or place of use:

| Twp.      | Rge.       | Sec.      | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |            |        | Totals     |
|-----------|------------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------|--------|------------|
|           |            |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4     | SE 1/4 |            |
| <u>2N</u> | <u>18E</u> | <u>35</u> |        |        |        |        |        |        |        |        |        |        |        |        |        |        | <u>3.0</u> |        | <u>3.0</u> |
|           |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |            |        |            |
|           |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |            |        |            |
|           |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |            |        |            |
|           |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |            |        |            |
|           |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |            |        |            |

Total acres 3.0

9. Describe any other water rights used for the same purpose as described above A37-00578F, 00686D

NOV 28 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe \_\_\_\_\_

### 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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| 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 |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

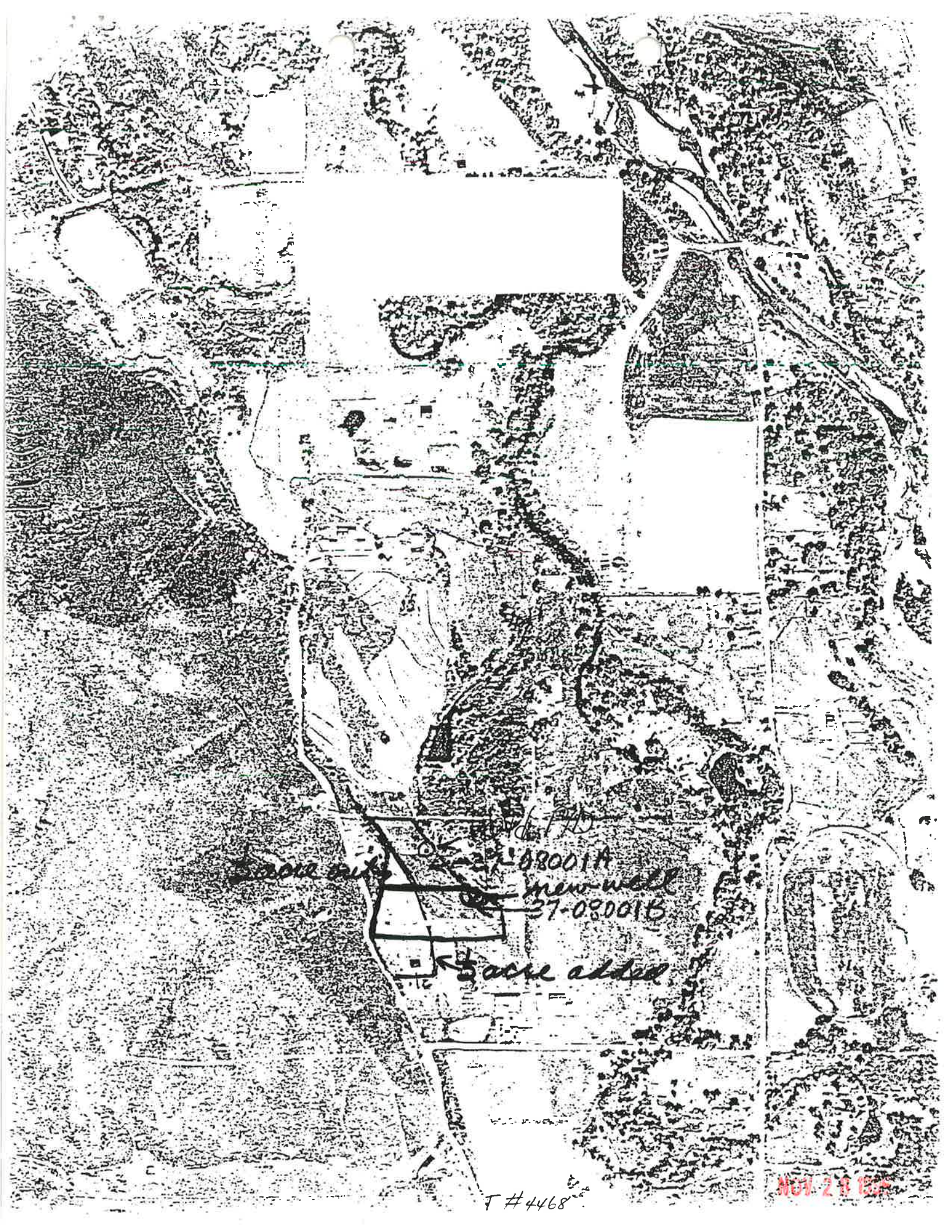
3. Lands irrigated or place of use:

| 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 |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres MOV 2 R 1998

NOV 29 1998



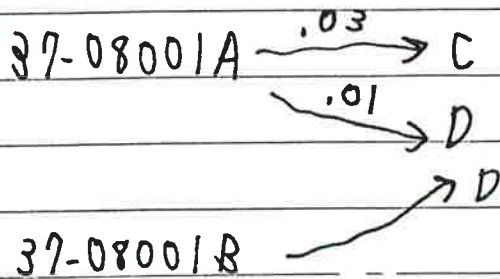


37-08001A  
new well  
37-08001B  
acre added

T #4468

NOV 29 1968

## Smith/Rood Transfer Split



\* Recommend split of A & all of B combined into Part D, as there will be one water system

### Split Tree

37-08001A

Div. rate: .04 cfs.

P/D: 2N, 18E, S35, SWSE

P/U: 2N, 18E, S35, SWSE - 2.5 acres

37-08001C

Div. rate: .03 cfs.

P/D: same as 37-08001A

P/U: 2N, 18E, S35, SWSE - 2 acres.

37-08001D

Div. rate: .06 cfs (.01 + .05)

P/D: 2N, 18E, S35, NESWSE

P/U: " " " SWSE - 3.5 acres.

\* 37-08001B - See above

NOV 28 1996

T # 4468

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
TRACY DUNLAP  
JOHN A. SEILLER

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340  
(208) 726-4421  
FAX (208) 726-0752

HAILEY OFFICE:  
16 WEST CROY STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 788-3567  
FAX (208) 788-4230

January 19, 1993

RECEIVED

JAN 20 1993

Mr. Allen Merritt  
Department of Water Resources  
222 Shoshone Street, East  
Twin Falls, Idaho 83301

Department of Water Resources  
Southern Region Office

RE: Notice of Change of Water Right Ownership  
for Portions of Claims A37-00686A, A37-00578B,  
A37-08001

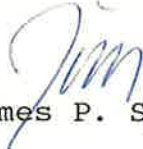
Dear Allen:

My clients, Jim L. Smith and Elizabeth Rood, closed on January 15, 1993, the acquisition of a small piece of property which includes portions of the above-described adjudication claims. Will you please make the appropriate changes in the Departments computer database and return copies of the new claims for my clients to me. Please make a notation on those claims that I will be appearing as Attorney of Record.

Kindly call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

  
James P. Speck

JPS\dlw  
Enclosures

MICROFILMED

FEB 23 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

# RECEIVED

JAN 20 1993

DATE OF CLOSING: 1/15/93

Department of Water Resources  
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E Section 35 SW 1/4 of SE 1/4 of 1/4 Govt. Lot 1 BM.

Lot 1, Block 1, Subdivision/Townsite 1  
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A 37-08001
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):  
John Borton and Jamie Borton  
P.O. Box 15, DuBois, WY 82513
- ☐ New Owner/Claimant (Purchaser):  
Jim L. Smith and Elizabeth Rood
- ☐ New Mailing Address:  
1350 Tasso St., Palo Alto, CA 94301
- ☐ New Telephone Number: (415) 326 - 3299
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X Yes ~~XXXXXX~~  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
0.07cfs to irrigate 3.5 acres within the SW1/4 SE1/4 Section 35,  
T2N, R18E, B.M. Blaine County, Idaho

- ☐ Attach proof of ownership, describe proof attached: Assignment of Permit  
(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 owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Elizabeth Rood Date 1/14/93
- ☐ Signature of Former Owner/Claimant(s): John Borton Date 1/14/93

(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: \_\_\_\_\_

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

FEB 23 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ASSIGNMENT OF PERMIT

JOHN TAYLOR BORTON and JAMIE BORTON, husband and wife (collectively the "Assignor"), hereby assigns to JAMES L. SMITH and/or ELIZABETH N. ROOD (collectively the "Assignee"), whose address is 1350 Tasso Street, Palo Alto, CA 94301, 0.07 cfs of Idaho Water Permit No. 37-08001 to appropriate the public waters of the State of Idaho for the irrigation of 3.5 acres within the SW1/4SE1/4, Section 35, Township 2 North, Range 18 East, B.M., Blaine County, Idaho.

IN WITNESS WHEREOF, the Assignor has signed and executed this Assignment of Permit on the \_\_\_\_\_ day of January, 1993.

John T. Borton  
JOHN TAYLOR BORTON

Jamie B. Borton  
JAMIE BORTON

STATE OF IDAHO )

County of Blaine )

ss.

On the 10 day of January, 1993, before me the undersigned notary public in and for said state, personally appeared JOHN TAYLOR BORTON and JAMIE BORTON, known or identified to me to be the persons whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Shirley B.  
Notary Public for Idaho  
Residing at : Hailey  
Commission Expires: 10.9.93

ASSIGNMENT OF PERMIT - 1

|                                          |                        |                     |
|------------------------------------------|------------------------|---------------------|
| Post-It™ brand fax transmittal memo 7671 |                        | # of pages <u>2</u> |
| To <u>Bob Benjamin</u>                   | From <u>John Speck</u> |                     |
| Co.                                      | Co.                    |                     |
| Dept.                                    | Phone #                | <u>FEB 23 1993</u>  |
| Fax #                                    | Fax #                  |                     |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: 137-08001

| WR ELEMENT      | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT RECEIVED | COMPLETED<br>REVIEW | COMPLETED<br>DATA ENTRY |
|-----------------|-------------------|---------------------------------|---------------------|-------------------------|
| PRIORITY DATE   | N                 |                                 | SCC<br>3-20-90      |                         |
| POINT OF DIV.   | N                 |                                 | SCC<br>4-26-90      |                         |
| SOURCE          | N                 |                                 | ↓                   |                         |
| PLACE OF USE    | N                 |                                 |                     |                         |
| DIV. AMOUNT     | N                 |                                 |                     |                         |
| CONSUMPTIVE USE | N                 |                                 |                     |                         |
| USES            | N                 |                                 |                     |                         |
| PERIOD OF USE   | N                 |                                 | ↓                   |                         |
| BASIS OF CLAIM  | YES               |                                 |                     |                         |

## REMARKS:

Permit w/ Proof Due; Proof filed on  
3-20-89 → EXAM NEEDED for Licensing  
← Proof filed after Commencement

Recommended - pending License Exam

MICROFILMED

FEB 23 1993

GENERAL INFORMATION

Claim number: A37-08001

LAST: BORTON

FIRST: JOHN TAYLOR

ADDRESS: PO. Box 1275

CITY: HAILEY

STATE: ID

ZIP: 83333

PHONE: (208) 788 - 3042

OWNER CODE: C

OWNER CONNECTOR: \_\_\_\_\_

LAST: \_\_\_\_\_

FIRST: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

PHONE: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

OWNER CODE: \_\_\_\_\_

FIELD EXAMINATION INFORMATION

CONTACT PERSON: \_\_\_\_\_ PHONE NUMBER (\_\_\_\_) \_\_\_\_ - \_\_\_\_

DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_ APPOINTMENT MADE? Y(\_\_\_\_) N(\_\_\_\_), TIME: \_\_\_\_\_

ACCOMPANIED BY: \_\_\_\_\_ PHONE NUMBER (\_\_\_\_) \_\_\_\_ - \_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS: \_\_\_\_\_

MICROFILMED  
FEB 23 1993

## PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-08001A. SRBA CLAIM # A37-08001 PRIORITY DATE: 2/8/1982 STAGE PB. IDWR RECORD # 37-08001 PRIORITY DATE: 2/8/1982 STAGE PC. REVIEW - FIELD EXAM NEEDED? Y( ) N(☒)ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N(☒)  
IF YES EXPLAIN.

REMARKS: \_\_\_\_\_

RECOMMENDED PRIORITY DATE: 2/8/1982REVIEWED BY Sec DATE 3-20-90MICROFILMED  
FEB 23 1993

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

| TWP.      | RGE.       | SEC.      | 1/4       | 1/4       | 1/4       | LOT | CNTY      |
|-----------|------------|-----------|-----------|-----------|-----------|-----|-----------|
| <u>2N</u> | <u>18E</u> | <u>35</u> | <u>NE</u> | <u>SW</u> | <u>SE</u> | —   | <u>13</u> |

SOURCE: G. W. TRIB: \_\_\_\_\_

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

| TWP.      | RGE.       | SEC.      | 1/4 | 1/4       | 1/4       | LOT | CNTY      |
|-----------|------------|-----------|-----|-----------|-----------|-----|-----------|
| <u>2N</u> | <u>18E</u> | <u>35</u> | —   | <u>SW</u> | <u>SE</u> | —   | <u>13</u> |

SOURCE: G. W. TRIB: \_\_\_\_\_

C. REVIEW - FIELD EXAM NEEDED? Y( ) N( )

|              |                     | ATTACHED     | OR | SEE FILE        |
|--------------|---------------------|--------------|----|-----------------|
| VERIFIED ( ) | TOPO MAP/ORTHO-PQ   | YES( ) NO( ) |    | _____           |
| WITH: ( )    | ASCS MAP            | YES( ) NO( ) |    | _____           |
| ( )          | WATERMASTER RECORDS | YES( ) NO( ) |    | _____           |
| ( )          | FIELD EXAM          | YES( ) NO( ) |    | _____           |
| (X)          | OTHER <u>PERMIT</u> | YES( ) NO(X) |    | <u>37-08001</u> |

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.      | RGE.       | SEC.      | 1/4       | 1/4       | 1/4       | LOT | COUNTY    |
|-----------|------------|-----------|-----------|-----------|-----------|-----|-----------|
| <u>2N</u> | <u>18E</u> | <u>35</u> | <u>NE</u> | <u>SW</u> | <u>SE</u> | —   | <u>13</u> |
| —         | —          | —         | —         | —         | —         | —   | —         |
| —         | —          | —         | —         | —         | —         | —   | —         |

SOURCE: G.W. TRIB: \_\_\_\_\_

REVIEWED BY SCC DATE 4-26-90

MICROFILMED  
FEB 23 1993

## PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # 137-08001FIELD EXAM REQUIRED: Y( ) N(☒)

PRESUMPTION FLAG: Y( ) N( )

ROOT WATER RIGHT NUMBERS 37-08001

| TWP RGE SEC 1/4 1/4                  | S.R.B.A.<br>#/ACRES | I.D.W.R<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|--------------------------------------|---------------------|---------------------|-----------------|----------------|------------------|
| <u>2N 18E 35 SW SE 137-00196 / 5</u> |                     | <u>37-00196 / 5</u> | <u>0</u>        |                |                  |
| <u>-005788 / 7</u>                   |                     | <u>-005788 / 7</u>  |                 |                |                  |
| <u>-00686A / 7</u>                   |                     | <u>- /</u>          |                 |                |                  |
| <u>-08001 / 8</u>                    |                     | <u>-08001 / 8</u>   |                 |                |                  |
| <u>-00315B / 10</u>                  |                     | <u>- /</u>          |                 |                |                  |
| <u>-00686B / 10</u>                  |                     | <u>-00686B / 1</u>  |                 |                |                  |
| <u>-00688D / 10</u>                  |                     | <u>- /</u>          |                 |                |                  |
| <u>00688E 10</u>                     |                     |                     |                 |                |                  |
| <u>-00713A / 10</u>                  |                     | <u>- /</u>          |                 |                |                  |
| TOTAL ACRES                          |                     |                     |                 |                |                  |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )  
 IF YES SEE ATTACHED SHEET:

REMARKS:

REVIEWED BY

See

DATE

4-26-90

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A. S.R.B.A CLAIMED USES:

| PURPOSES               | MONTH/DAY                       | RATE            |
|------------------------|---------------------------------|-----------------|
| FOR <u>IRRIGATION</u>  | FROM <u>4-1</u> TO <u>11-1</u>  | <u>0.16</u> CFS |
| FOR <u>STOCK WATER</u> | FROM <u>1-1</u> TO <u>12-31</u> | <u>0.04</u> CFS |
| FOR _____              | FROM ____ TO ____               | ____ CFS        |

B. I.D.W.R. RECORDED USES:

| PURPOSES              | MONTH/DAY                      | RATE            |
|-----------------------|--------------------------------|-----------------|
| FOR <u>IRRIGATION</u> | FROM <u>4-1</u> TO <u>11-1</u> | <u>0.16</u> CFS |
| FOR _____             | FROM ____ TO ____              | ____ CFS        |
| FOR _____             | FROM ____ TO ____              | ____ CFS        |

PRESUMPTION FLAG: \_\_\_\_\_

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y(X) N( )

RECOMMENDED AS CLAIMED?

Y(X) N( )

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y( ) N( )

REMARKS:

RECOMMENDED USES:

| PURPOSES        | MONTH/DAY         | RATE     |
|-----------------|-------------------|----------|
| FOR <u>Same</u> | FROM ____ TO ____ | ____ CFS |
| FOR _____       | FROM ____ TO ____ | ____ CFS |
| FOR _____       | FROM ____ TO ____ | ____ CFS |

REVIEWED BY

SCU

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

SRBA CLAIMED RATE: 0.16 CFS IDWR ROOT RIGHT RATE: 0.16 CFS  
\*\*\*IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.\*\*\*

IS FLOW MEASUREMENT REQUIRED? Y(☐) N(☐)

B. FLOW MEASUREMENTS

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES \_\_\_\_\_ X 0.02 CFS/ACRE = \_\_\_\_\_ CFS.  
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☐) N(☐)

\*\*\*IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y(☐) N(☐)\*\*\*

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES \_\_\_\_\_ X CONSUMPTIVE RATE FOR AREA \_\_\_\_\_ A.F./ACRE =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ ACRE FEET/ANNUM

ACRES \_\_\_\_\_ X FIELD APPLIC. RATE FOR AREA \_\_\_\_\_ A.F./ACRE =

TOTAL FIELD APPLIC. \_\_\_\_\_ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y(☐) N(☐) SEE ATTACHED SHEET? Y(☐) N(☐)

RECOMMENDED DIVERSION RATE:        CFS

RECOMMENDED CONSUMPTIVE USE:        AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: \_\_\_\_\_ AF/ANNUM

REVIEWED BY SCC

DATE

4-26-90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                        | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------|------------------------|-----------------|
| OWNERSHIP _____        | ( )                    | ( )             |
| FORFEIT/ABANDON _____  | ( )                    | ( )             |
| EXCESSIVE AMOUNT _____ | ( )                    | ( )             |

THIS SRBA CLAIM CFS/ACRE

0.02

OTHER SRBA CLAIMS CFS/ACRE

\_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_ - \_\_\_\_\_

\*\*Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

|                    |                 |           |
|--------------------|-----------------|-----------|
| ROOT RIGHT # _____ | SPLITS # _____  | _____ CFS |
| _____ CFS          | # _____         | _____ CFS |
|                    | # _____         | _____ CFS |
|                    | # _____         | _____ CFS |
|                    | # _____         | _____ CFS |
|                    | TOTAL CFS _____ |           |

\*\*Do the sum of the parts equal the whole?

Y( ) N( )

\*\*IF NO is the written review sheet ATTACHED?

Y( ) N( )

REMARKS: \_\_\_\_\_

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_

*Stu [Signature]*

DATE: \_\_\_\_\_

4-26-90

NAME OF FIELD EXAMINER: \_\_\_\_\_

TITLE: \_\_\_\_\_

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