

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-8001D
Date Received: 9/30/1988
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ELIZABETH N SMITH Phone: (208)788-2724
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313

2. Date of Priority: 02/08/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	4/15	10/15	0.06	12.3

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 12.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	35	SW	SE	IRRIGATION	3.5
Section Acres						3.5
Total Acres						3.5

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:

14. Remarks:

CHANGE OF OWNERSHIP FROM DONNA Q. WEST TO JAMES L. SMITH AND/OR ELIZABETH N. ROOD BY ATTORNEY JAMES SPECK
CONFORMED ATTORNEY MAILING ADDRESS DMS
RIGHT WAS CREATED BY COMBINING .01 OF A37-08001A AND A37-08001B
PURSUANT TO APPROVED TRANSFER 4468:
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
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THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED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

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

September 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: SRBA Claim(s) 37-196, 37-578F, 37-686D, 37-8001D
Decreed Water Right 37-12327

Dear Mr. Speck:

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

Sincerely, --

A handwritten signature in cursive script, appearing to read 'Trish', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
SEP 12 2001
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-196	☐			☐
37-578F	37-578F	☐			☐
37-686D	37-686D	☐			☐
37-8001D	37-8001D	☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Elizabeth N. Rood and/or James L. Smith
1350 Tasso St., Palo Alto, CA 94301
4. New Owner/Claimant(s) Elizabeth N. Smith
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 895 / 6 Fox Hollow Gulch
- City, State and Zip Code Bellevue, Idaho 83313
- New Telephone Number (208) 788-2724
5. Date you acquired the property July 30, 2001

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

By: Elizabeth N. Smith
Elizabeth N. Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by <u>[Signature]</u>	Date <u>9/13/01</u>	Fee <u>0</u>
Receipted by <u>[Signature]</u>	Date _____	Receipt No. _____
Processed by <u>[Signature]</u>	AJ Date <u>9/17/01</u>	WR _____ Date _____

COPY

HAILEY AINE, IDAHO
 2001-08-03 11:30:00 No. of Pages: 2
 Recorded for: HOLLAND & HART
 MARSHA RIEMANN Fee: 6.00
 Ex-Officio Recorder Deputy
 Index to: WTYOCICORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, Melville W. Fisher II, Personal Representative of the ESTATE OF JAMES L. SMITH, DECEASED, "Grantor," hereby conveys, releases, remises and forever quit claims unto ELIZABETH N. SMITH, a single woman, "Grantee," whose current address is 6 Fox Hollow Gulch, P.O. Box 895, Bellevue, Idaho 83313, all right, title, and interest in and to that certain parcel of real property in the County of Blaine, State of Idaho, more particularly described as follows, to-wit:

Legal Description attached hereto as Exhibit "A" and incorporated herein by reference.

Also known by street and number as:
 06 Fox Hollow Gulch, Bellevue, Idaho.

together with its appurtenances.

IN WITNESS WHEREOF, Grantors have hereunto set their hands the 30th day of July, 2001.

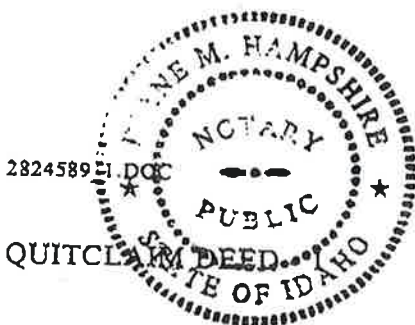
ESTATE OF JAMES L. SMITH, DECEASED

By: Melville W. Fisher II
 Melville W. Fisher II
 Personal Representative

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of July, 2001, before me, a notary public for said State, personally appeared Melville W. Fisher II, known or identified to me to be the Personal Representative of the ESTATE OF JAMES L. SMITH, DECEASED, who executed the instrument, and acknowledged to me that he executed the same on behalf of the Estate.

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



[Signature]
 Notary Public

Residing at: [Address]

My Commission Expires: Dec 31

Ex 20989
Legal Description

Exhibit "A"

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

Section 35: COMMENCING at the NW corner of the S4SE of Section 35; thence

S. 89°42'30" E., 183.18 feet; thence
S. 19°56'47" E., 419.37 feet to the TRUE POINT OF BEGINNING; thence
S. 89°44'14" E., 807.46 feet; thence
S. 00°25'48" W., 194.82 feet; thence
N. 89°55'19" W., 297.59 feet; thence
S. 07°05'06" E., 566.33 feet; thence
N. 89°39'27" W., 290.97 feet; thence
N. 25°17'27" W., 623.22 feet; thence
S. 89°37'19" E., 10.10 feet; thence
N. 03°54'57" E., 92.06 feet; thence
N. 19°56'47" W., 109.70 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an Easement for road access, twenty feet in width as disclosed on that certain Warranty Deed recorded May 20, 1980, as Instrument No. 203657, records of Blaine County, Idaho.

SUSAN D. FLAX, SBN: 114906
ESSELSTEIN, WRIGHT, JONES & GREENBERG
750 Menlo Avenue, Suite 250
Menlo Park, California 94025
Telephone: (650) 324-0622

Attorneys for Petitioner

FILMED

FILED

30 JAN 20 AM 9:15

STEPHEN M. LOVE
COUNTY CLERK
SANTA CLARA COUNTY
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In the Matter of the
Application of

No. CV769818

ELIZABETH N. ROOD,

DECREE CHANGING NAME

Petitioner,

for Change of Name.

The Petition for Change of Name for an order changing Applicant's name from ELIZABETH N. ROOD to ELIZABETH N. SMITH came on regularly for hearing on January 20, 1998, at 9:00 a.m. in Department 1. of the above-entitled court, the Honorable *Thomas P. Hansen*, presiding.

The court finds that all notices required by law have been given, no objections were filed by any person and the allegations of the petition are sufficient and true.

WHEREFORE, the court orders that this petition be granted and the name of applicant be and is changed from ELIZABETH N. ROOD to ELIZABETH N. SMITH.

DATED: 1-20-98

[Signature]
JUDGE OF THE SUPERIOR COURT

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD

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

September 11, 2001

RECEIVED
SEP 12 2001
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RE: Elizabeth N. Smith - Notice of Change in Water Right Ownership
Our File No. 950322

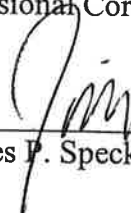
Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for my client, Elizabeth N. Smith. The water rights in question are presently recorded in her former name, Elizabeth N. Rood, and her now deceased husband, James L. Smith. Attached to the notice are copies of the Decree Changing Name and the Quitclaim Deed from the personal representative of the estate of James L. Smith, deceased for the property which is the place of use for these water rights. Please contact me right away if you have any questions or need any additional information to make this ownership change in your records. Kindly receipt date stamp the enclosed copy of the Notice and return it to me in the postage prepared self-addressed envelope included for that purpose. Once the Department records have been changed, please forward to me the computer printouts reflecting the new ownership of the water rights.

Thank you again for your continuing cooperation in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
enclosures
cc: client, w/encls.

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: **A37-08001D**
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: JAMES L SMITH 208-726-4421
Address: C/O JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

AND/OR

Name: ELIZABETH N ROOD 208-726-4421
Address: C/O JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

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	04/15	10/15	0.060		12.30

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 12.30 A.F.A.

8. Total consumptive use is 8.7 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	3.5
Section Acres						3.5
Total Acres						3.5

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:

CHANGE OF OWNERSHIP FROM DONNA Q. WEST TO JAMES L. SMITH AND/OR ELIZABETH N. ROOD BY ATTORNEY JAMES SPECK.
CONFORMED ATTORNEY MAILING ADDRESS DMS

RIGHT WAS CREATED BY COMBINING .01 OF A37-08001A AND A37-08001B PURSUANT TO APPROVED TRANSFER 4468:
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.
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

14. Remarks: Continued
ANNUAL VOLUME OF 12.3 AF.

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: **A37-08001B**

Date Received: 9/30/1988

Receipt No: X777777

Received By: _____

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

1. Name: JAMES L SMITH

Address: 1350 TASSO ST

PALO ALTO CA

94301

AND

Name: ELIZABETH N ROOD

415-326-3299

Address: 1350 TASSO ST

PALO ALTO CA

94301

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	0.070		

7. Total Quantity Appropriated is:

0.070 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	3.5

MICROFILMED

10. Place of Use: Continued

Section Acres 3.5

Total Acres 3.5

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:

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Claimants Names:
Elizabeth N. Smith

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

RECEIVED
JAN 24 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL IN RED

**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

)
) **NOTICE OF APPEARANCE**
)
)
)
)

DESCRIPTIVE SUMMARY

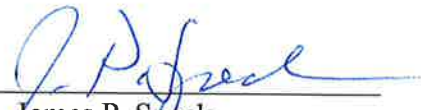
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Elizabeth N. Smith, for the following water right which is not the subject of a subcase: 37-8001D.

DATED this 23 day of January, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of January, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

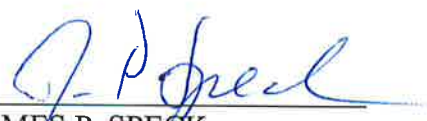
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

09/22/2006

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

RIGHT NUMBER: 37-8001D

NAME AND ADDRESS: ELIZABETH N SMITH
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

This right to divert ground water 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 approval of the Department.

QUANTITY: 0.060 CFS
12.300 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. 37-578F, 37-686D, and 37-8001D is limited to a total combined diversion rate of 0.11 cfs and a total combined annual volume of 12.3 af.

PRIORITY DATE: 02/08/1982

POINT OF DIVERSION: T02N R18E S35 SWSE Lot 8 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.060 CFS 12.30 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35 Lot 8 SWSE 3.50

3.5 ACRES TOTAL

Diversion under Right Nos. 37-578F, 37-686D, and 37-8001D when combined is limited to the irrigation of 3.5 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.

09/22/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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.



Idaho Department of Water Resources

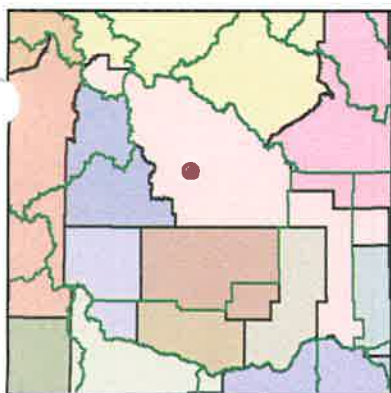
SRBA Recommendation:

37-8001D

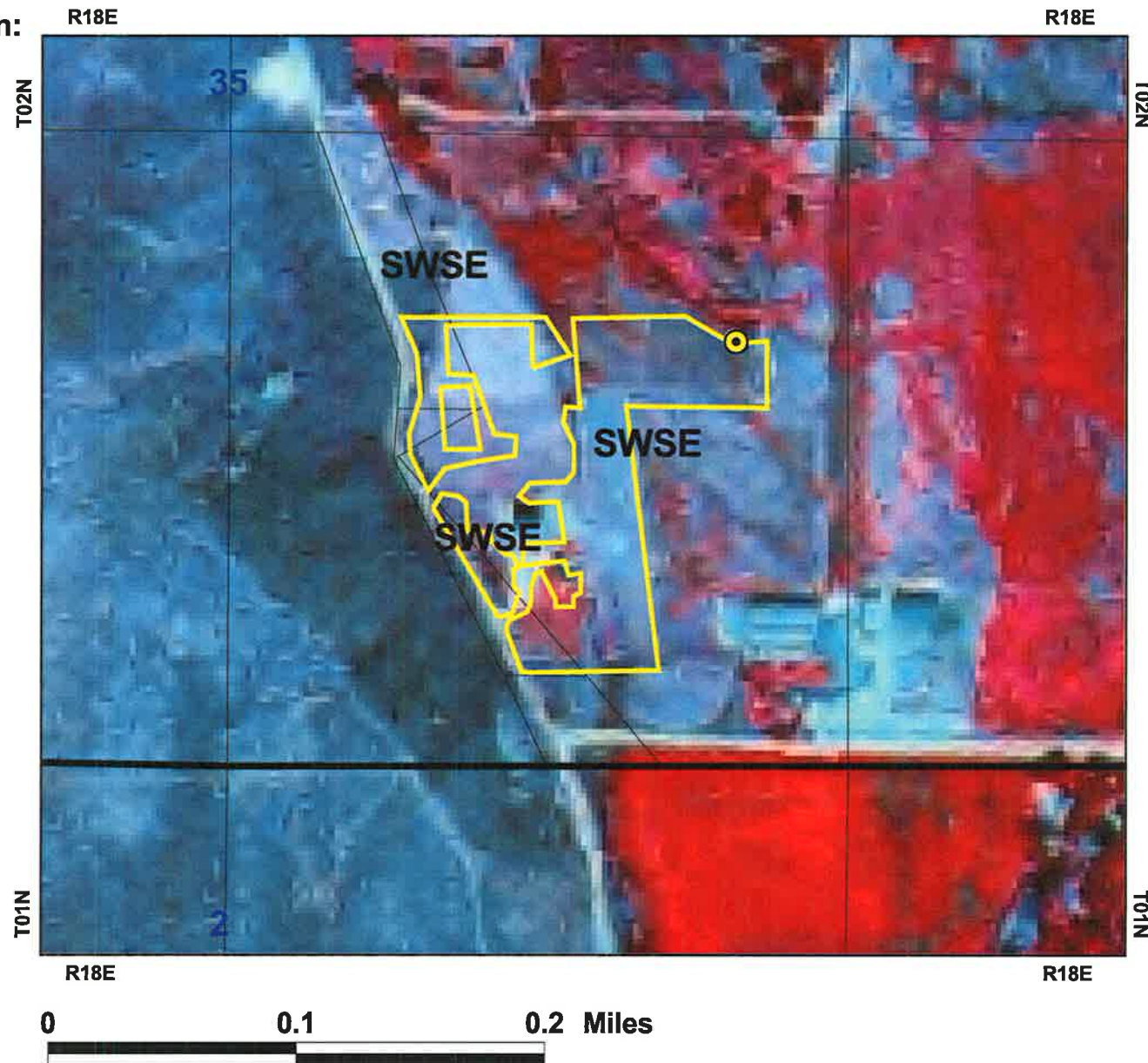
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



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



Idaho Department of Water Resources

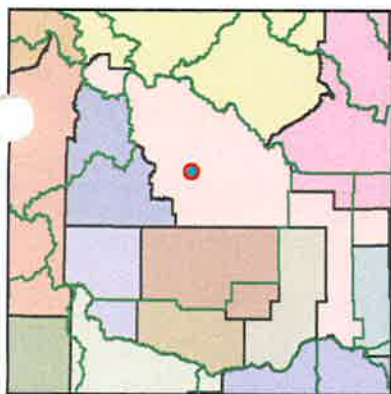
SRBA Recommendation:

37-8001D

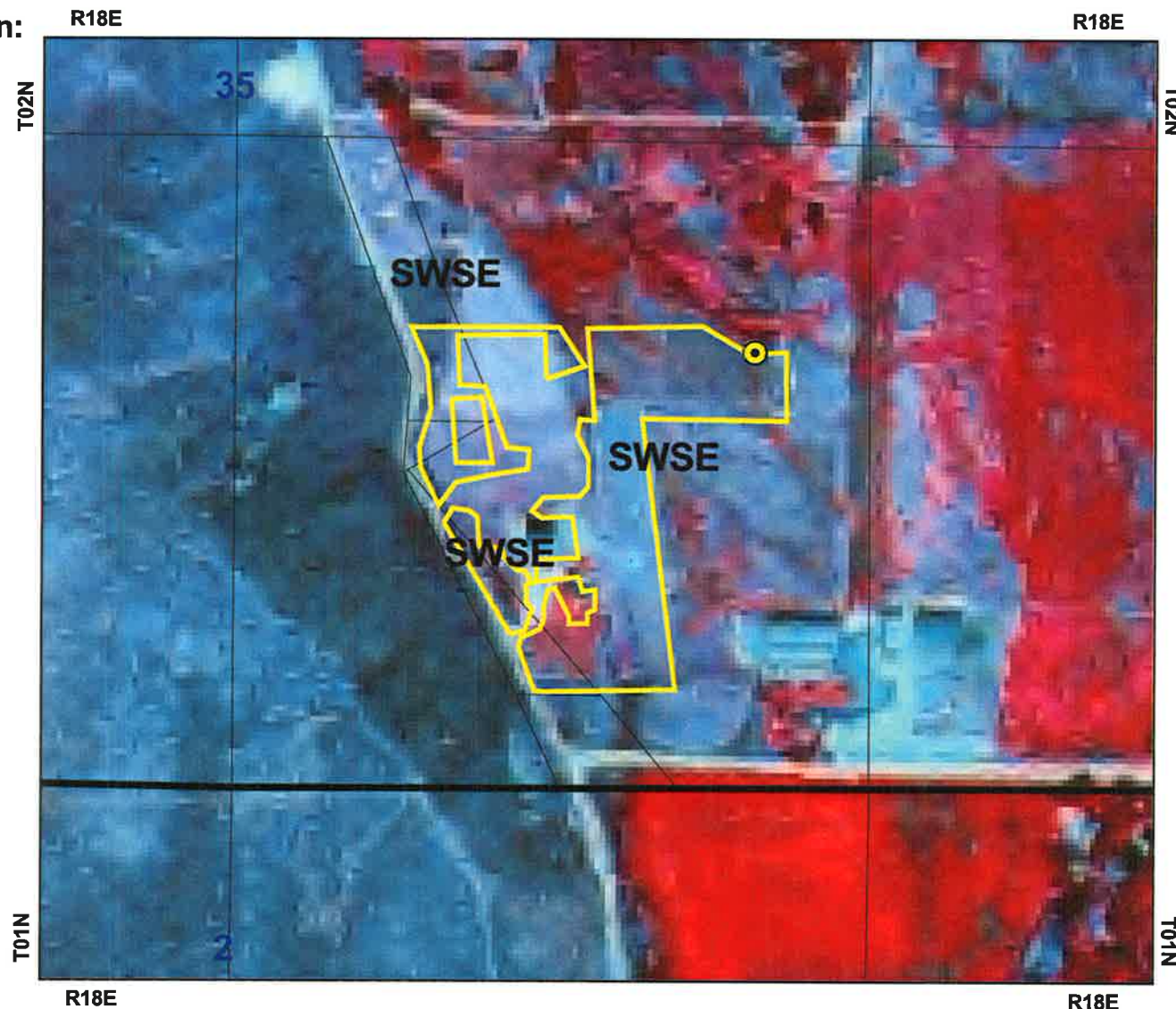
(Irrigation)

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

11/21/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 05 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-8001D
ELIZABETH N SMITH
6 FOX HOLLOW GULCH
PO BOX 895
BELLEVUE ID 83313
Telephone Number: (208)788-2724

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

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

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

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/28/06

SIGNATURE:

Elizabeth N. Smith

Please print your name: ELIZABETH N. SMITH

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

SCANNED

DEC - 5 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

James L. Smith
Elizabeth N. Rood
P.O. Box 895
Bellevue, ID 83313

2-14-00
of response
no

Re: Snake River Basin Adjudication (SRBA)
Water Right #37-12327 and Notices of Claim #A37-00196,
A37-00686D, A37-08001D and A37-00578F

Southern

Dear Water Right Holders:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 5, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

The address is correct as shown above or as otherwise changed.

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region

Water Right Holder's Signature

Telephone No.

37-08001D

Fax

TO: Diana Delany, SRBA Court
Roxanne Brown, IDWR-SO

FROM: Fred Price, BLM-ISO

RE: New Addresses for Objections Returned as
Undeliverable
37-04144 McClure (California), now in Boise, ID.
37-12327 Smith (California), now in Bellevue, ID.

November 5, 1999

RECEIVED

NOV 16 1999

Department of Water Resources

The objections sent to the claimants were returned as undeliverable.

New addresses for these claimants have been obtained from the Assessor's Office.

Copies of Objection will be mailed to the new addresses on Nov. 8th, 1999.

SUBCASE	NEW ADDRESS
37-04144	Richard & Sharon McClure
37-04145	5215 N. Watersedge Ave. Boise, ID. 83703

37-12327	James & Elizabeth Smith
37-00196	Box 895
R+A - 006860	Bellevue, ID. 83313

R+A - 080010

R+A - 00578F

same address } as James L. Smith
same phone

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region



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

JAMES L SMITH AND ELIZABETH N ROOD
C/O JAMES P SPECK
HOGUE, SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Amendment of SRBA Claims A37-08001D, A37-00578F and A37-00686D

Dear Mr. Speck:

Pursuant to the approval of Transfer Nos. 4467 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

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</u>	<u>RGE</u>	<u>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 26th 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 0.08⁶ 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, 1 11 110
NOV 28 1996

DEC 22 1994

FROM: Allen Merritt

DATE: December 16, 1994

TO: Transfer Files #4467 & #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 1996

37- 8001 4, 0

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

Department of Water Resources

Southern Region Office

JUL 14 1994 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Southern Region Office

Name of applicant: James L. Smith &/or Elizabeth N. Rood Phone: 1-208-726-4421

Post Office address: c/o James P. Speck, Hogue, Speck & 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	~~0.01~~ 0.008 cfs	irrigation	April 15	to October 15	~~1.8~~ 4.75 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~~ 0.069 cubic feet/second and/or ~~12.25~~ 12.39 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 X 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 0.33 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 (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 East Fork, ID
My commission expires 1/22/97

FOR DEPARTMENT USE ONLY

Received by J. E. 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 12 13 14 15 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)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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															0.5		0.5

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)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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															2.0		2.0

Total acres NOV 20 1995

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. 37-08001B 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) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 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
		SW	SE	35	2N	18E	R/line	Same well used under 37-08001A

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															3.0		3.0

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

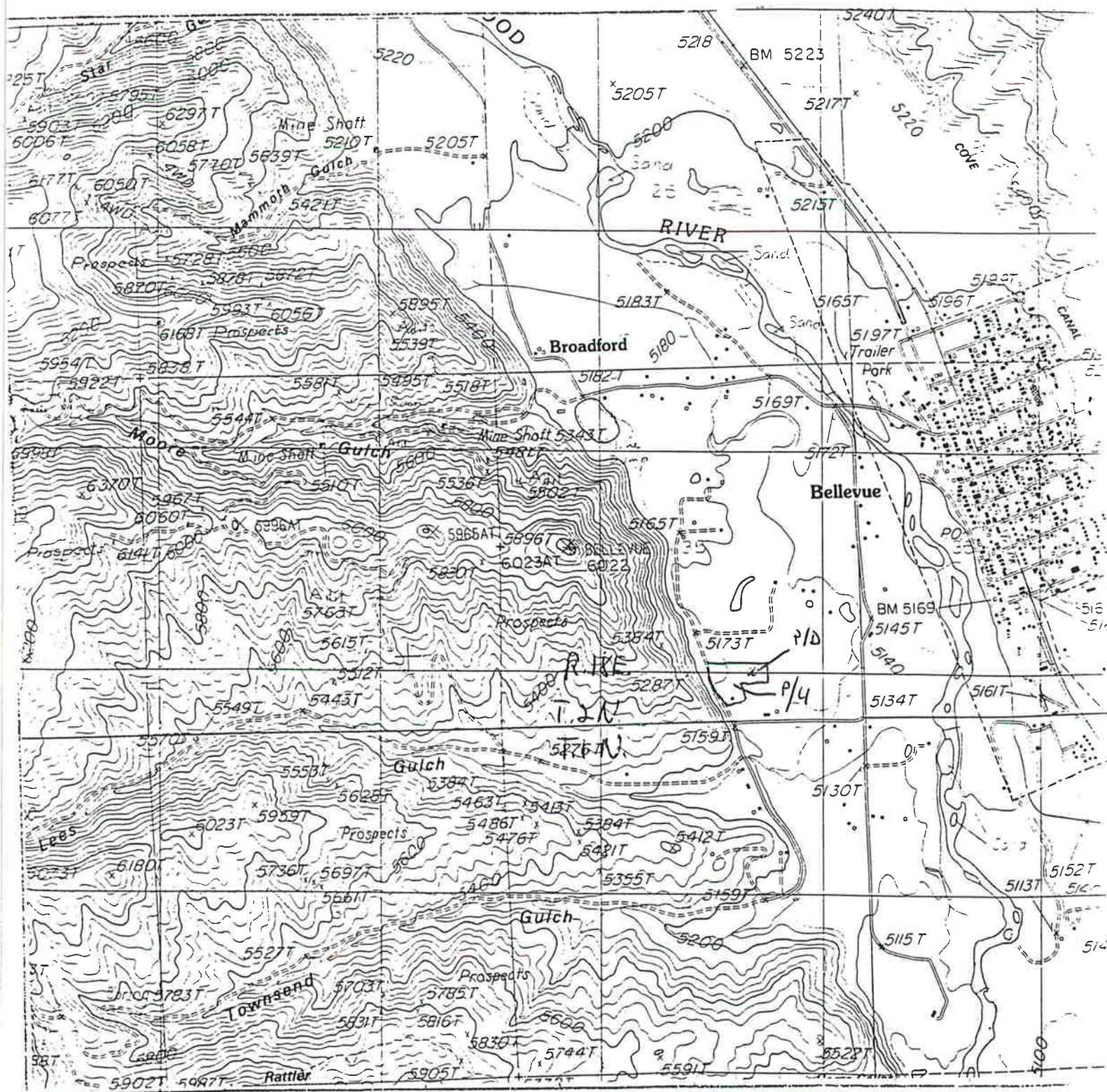
3. Lands irrigated or place of use:

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 _____

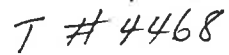
NOV 28 1996

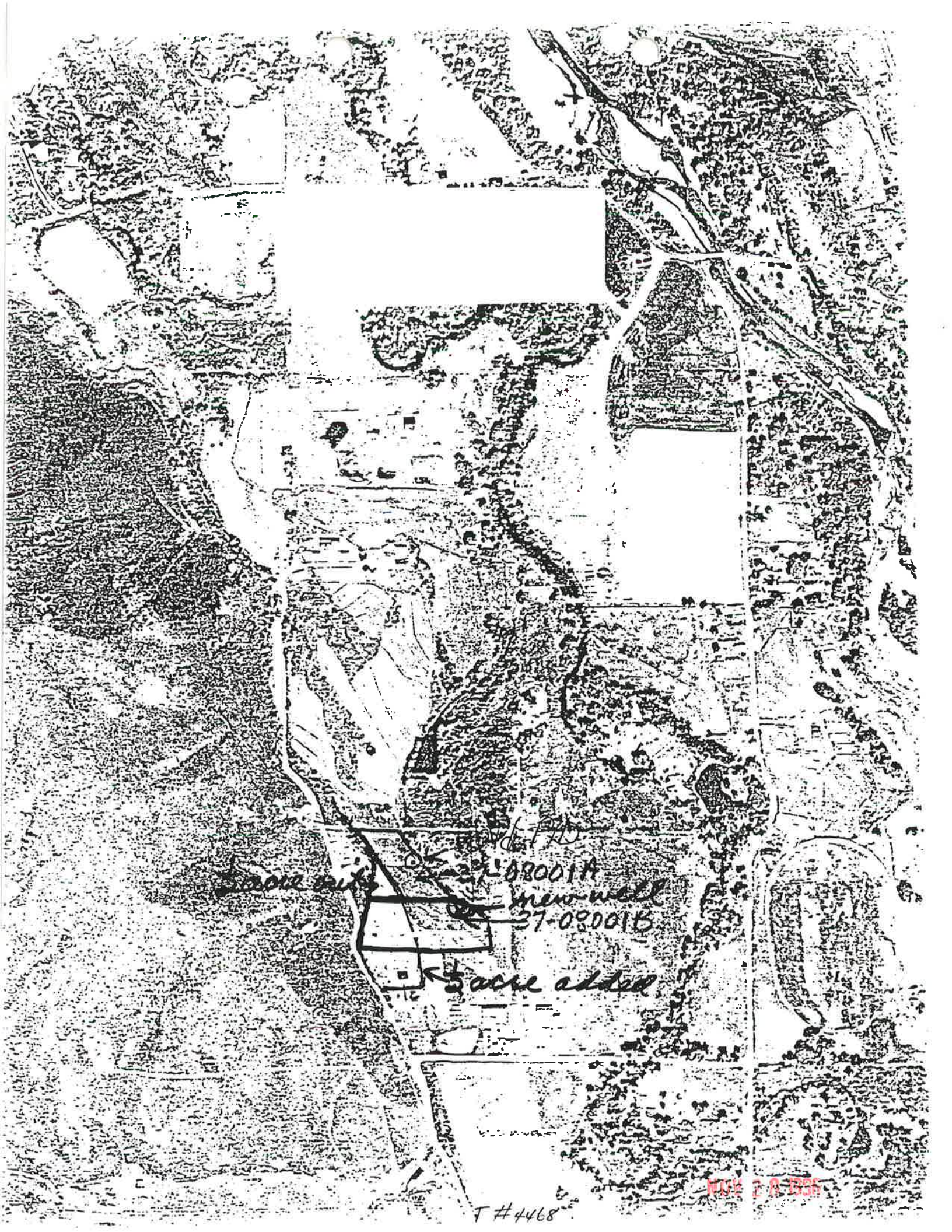
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



NOV 28 1996

-17



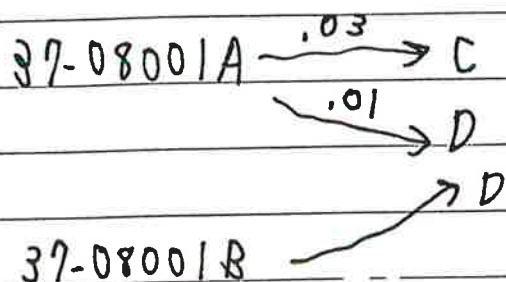


same site
new well
37-0001B
same added

T #4468

MAY 2 1956

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/A: 2N, 18E, S35, SWSE

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

- 37-08001C

Div. rate: .03 cfs.

P/A: same as 37-08001A

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

- 37-08001D

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

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

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

* 37-08001B - See above

NOV 28 1996

T # 4468



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

31-Mar-1993 09:51

JAMES P SPECK
HOGUE SPECK & AANESTAD
120 EAST AVE
PO BOX 987
KETCHUM ID 83340

RE: SRBA Water Claims A37-00196 - A37-12327 - 00578B* - A37-08001 AND
A37-00686A - JAMES L SMITH & ELIZABETH N ROOD

Dear Mr. Speck:

In response to your request on the above-referenced SRBA Claims, I have researched our computer records. I am enclosing proofs of the Claims for your review.

A37-00686A - split - with Ms. Rood's Claim No. A37-00686D
A37-00578B - split - with Ms. Rood's Claim No. A37-00578F
A37-08001 - split - with Ms. Rood's Claim No. A37-08001B

Claims A37-00196 and A37-12327, I will wait to add your name as Attorney til you return the form with the corrected numbers. Should you have any further questions, please do not hesitate to contact me at this office.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

Enclosures

NOV 28 1996

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
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(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

March 10, 1993

RECEIVED

MAR 15 1993

Department of Water Resources
Southern Regional Office

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

Re: Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication
A37-00196, A37-12327, A37-00578B, A37-08001✓
and A37-00686A

Dear Mr. Merritt:

Please find enclosed the original Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication executed by Elizabeth Rood and James L. Smith regarding the above referenced water rights. Please be kind enough to file this document and return a file-stamped copy to my office. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck

JPS\dlw
Enclosure
cc: James L. Smith
Elizabeth Rood

NOV 28 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
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(208) 788-3567
FAX (208) 788-4230

April 8, 1993

RECEIVED

APR 09 1993

Department of Water Resources
Southern Region Office

Ms. Judy Givens
Adjudication Secretary
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: James L. Smith and Elizabeth N. Rood
SRBA Water Claims A37-00686D, A37-00578F and A37-08001B

Dear Judy:

As a follow-up to our telephone conversation this afternoon, enclosed please find the Claimant Acknowledgement of Change in Attorney reflecting the new numbers for the above-referenced Claims. You indicated that identification numbers for claims A37-00196 and A3-12327 will remain the same.

Please call if you have any questions.

Sincerely,



Deborah Kirby
(for Dusty Williams)

dmk
Enclosure

NOV 28 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
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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

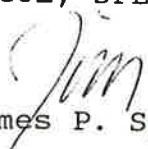
Dear Allen:

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: BM.
Lot Block Subdivision/Townsite
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 X No X Yes X No X Yes
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

MICROFILMED

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

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 this January 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.

Notary Public for Idaho

Residing at : Hailey

Commission Expires: 10.9.93

ASSIGNMENT OF PERMIT - 1

Post-It™ brand fax transmittal memo 7571		2 of pages 2
To <u>Bob Benjamin</u>	From <u>Nem Speck</u>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

MICROFILMED

FEB 23 1993