

RECEIVED

SEP 12 2006

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 37-8323
Date Received: 10/31/1989
Receipt No: S010340
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DUAINE HAGEN Phone: ((307)868-2140
323 ROAD 4EU
MEETEETSE WY 82433

SHEILA HAGEN Phone: ((307)868-2140
323 ROAD 4EU
MEETEETSE WY 82433

2. Date of Priority: 12/07/1987

3. Source: SPRING , WILLOW CREEK Trib. to: WILLOW CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	15E	36	NE SW SE	CAMAS	
02N	15E	36	SE NW SE	CAMAS	

5. Description of diverting works:

HEADGATE & DITCH TO DUG POND, OVERFLOW BACK INTO WILLOW CR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE STORAGE			1/01 12/31	
30				
DIVERSION TO STORAGE			1/01 12/31	1

7. Total Quantity Appropriated is:
1 C.F.S. and/or 30 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	15E	36	SW	SE	WILDLIFE STORAGE	
			SE	SE	WILDLIFE STORAGE	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

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

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

H. D. MCNEE AND SHARON L. MCNEE TRUSTEES UNDER TRUST AGREEMENT DATED JULY 14, 1971, AS AMENDED.

***** ATTORNEY REMOVED
BY CLAIMANT 7/24/92 JG.

Upon a future determination that the use of water is consuming water required to satisfy prior rights, the right holder will be required to discontinue diversion under this right or provide supplemental water from a source approved by the Department.

Measuring devices shall be maintained at the point of diversion from Willow Creek and at the outlet of the reservoir.

Use of water under this right shall be non-consumptive.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 7, 2004

DUAINE & SHEILA HAGEN
323 RD 4 EU
MEETEETSE WY 82433

Re: SRBA Claim #37-13252, #37-8323, and #37-13317C

Dear Mr. and Mrs. Hagen,

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

Carrie Hahn
Office Specialist

Enc.

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 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
#37-13252					
#37-8323					
#37-13317C					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) HAL D. McNee Jr. and Sharon L. McNee
P.O. Box 2028, Sun Valley, ID 83353
4. New Owner/Claimant(s) Duane & Sheila Hagen
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 323 Rd 4E U
- City, State and ZIP Code Meeteetse WY 82433
- New Telephone Number (307) 868-2140
5. Date you acquired the property 8-30-04

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SEP 01 2004
 Department of Water Resources
 Southern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Daniel Hagen

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

QUITCLAIM DEED

For Value Received H.D. McNee and Sharon L. McNee Under Trust Agreement Dated July 14, 1971, as Amended

do hereby convey, release, remise and forever quit claim unto

Duaine Hagen and Sheila Hagen, husband and wife

whose address is: **323 Road 4U, Meeteetse, WY 82433**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Water Rights Numbers #37-13252, #37-8323, and #37-13317C appurtenant to the following described property:

H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 identical with the SE corner of said Section 36; thence;

North 89°29' West, 17.88 chains to corner No. 2; thence North 38°10' West, 44.35 chains to corner No. 3; thence North 08°40' West, 27.65 chains to corner No. 4; thence North 23°01' East, 12.73 chains to corner No. 5; thence South 35°08' East, 14.17 chains to corner No. 6; thence South 19°59' East, 16.83 chains to corner No. 7; thence South 33°10' East, 55.83 chains to corner No. 1, the place of Beginning.

together with its appurtenances.

Dated: August 30, 2004


H.D. McNee, Trustee


Sharon L. McNee, Trustee

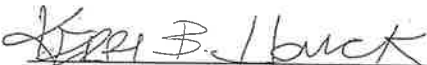
STATE OF Idaho)

) ss:

COUNTY OF Blaine)

On this 30th day of August, in the year of 2004, before me, Kerri B. Houck, the undersigned Notary Public in and for said state, personally appeared H.D. McNee and Sharon L. McNee, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustee under Trust Agreement Dated July 14, 1971, as Amended and acknowledged to me that they executed the same as such Trustee.

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


Notary Public for Idaho

Residing at: Ketchum

My Commission: 5/19/2009



K28561A

WARRANTY DEED

For Value Received **Exchange 04-2522, LLC., an Idaho Limited Liability Company**

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

Duaine Hagen and Sheila Hagen, husband and wife

whose address is: **323 Road 4EU, Meeteetse, WY 82433**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 identical with the SE corner of said Section 36; thence;
 North 89°29' West, 17.88 chains to corner No. 2; thence
 North 38°10' West, 44.35 chains to corner No. 3; thence
 North 08°40' West, 27.65 chains to corner No. 4; thence
 North 23°01' East, 12.73 chains to corner No. 5; thence
 South 35°08' East, 14.17 chains to corner No. 6; thence
 South 19°59' East, 16.83 chains to corner No. 7; thence
 South 33°10' East, 55.83 chains to corner No. 1, the place of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 2004

Exchange 04-2522, LLC., an Idaho Limited Liability Company

BY: Sara Grammett

STATE OF IDAHO)

COUNTY OF)

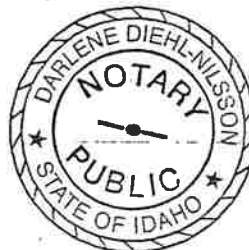
ss.

On this 27th day of August, in the year of 2004, before me, the undersigned, personally appeared Sara Grammett, known or identified to me (or proved to me), to be the manager or a member of Exchange 04-2522, LLC, an Idaho, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Darlene Diehl-Nilsson
 Notary Public of Idaho

Residing at Blackfoot Id

Commission Expires: 11-26-06



X 28561

WARRANTY DEED

For Value Received H.D. McNee and Sharon L. McNee Trustees Under Trust Agreement Dated July 14, 1971, as Amended

Hereinafter called Grantor, hereby grants, bargains, sells and conveys unto Exchange 04-2522, LLC., an Idaho Limited Liability Company

whose address is: P.O. Box 580, Blackfoot, ID 83221

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho, to-wit:

See Attached Exhibit "A"

Dated: July 15, 2004


H. D. McNee, Trustee


Sharon L. McNee, Trustee

Recorded at the Request of
First American Title
at 2:10 PM
July 15, 2004
in Book 34 - Page 510
of Deed

ROLLIE BENTLEY
CAMAS COUNTY RECORDER
By Bobbie D. Walton
Fees \$ 1.00

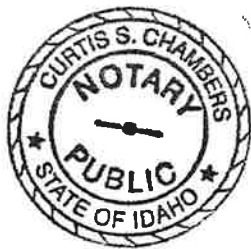
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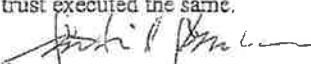
STATE OF IDAHO

:SS

COUNTY OF Blaine

On this 15th day of July in the year 2004, before me a Notary Public of said State, personally appeared H.D. McNee, and Sharon L. McNee, known or identified to me to be the Trustees of Trust Agreement Dated July 14, 1971, as Amended that executed the instrument on behalf of said Trust, and acknowledged to me that such trust executed the same.




Notary Public for ID.
Commission Expires 5-15-10

Policy No. 13 0188 60 000012.

EXHIBIT "A".

The land referred to in this Policy is described as follows:

N. E. Survey No. 620 embracing a portion of approximately Sections 25 and 36 in Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the east corner to said Sections 25 and 36 bears North $64^{\circ} 18'$ East, 40.36 chains distance, thence;
North $35^{\circ} 3'$ West, 14.17 chains to corner No. 2, thence;
South $23^{\circ} 1'$ West, 12.73 chains to corner No. 3, thence;
North $8^{\circ} 54'$ West, 33.05 chains to corner No. 4, thence;
North $00^{\circ} 29'$ West, 46.07 chains to corner No. 5, thence;
South $25^{\circ} 1'$ East, 43.39 chains to corner No. 6, thence;
South $00^{\circ} 29'$ East, 39.40 chains to corner No. 1, the place of beginning, containing 90.75 acres, according to the official plat of the survey of the said land, returned to the General Land Office of the Surveyor-General.

N. E. Survey No. 596 embracing a portion of approximately Sections 25 and 26, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 from which the Southeast corner of said Section 25 bears South $74^{\circ} 37'$ East, 56.64 chains distance, thence;
North $89^{\circ} 39'$ West, 31.85 chains to corner No. 2; thence;
North $00^{\circ} 25'$ West, 49.43 chains to corner No. 3; thence;
North $37^{\circ} 12'$ East, 31.85 chains to corner No. 4; thence;
South $00^{\circ} 29'$ East, 51.07 chains to corner No. 1, the place of beginning, containing 159.96 acres, according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

N. E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1, identical with the SE corner of said Section 36; thence,
North $89^{\circ} 29'$ West, 17.88 chains to corner No. 2; thence,
North $38^{\circ} 10'$ West, 44.35 chains to corner No. 3; thence,
North $6^{\circ} 40'$ West, 27.65 chains to corner No. 4; thence;
North $23^{\circ} 01'$ East, 12.73 chains to corner No. 5; thence,
South $35^{\circ} 08'$ East, 14.17 chains to corner No. 6; thence,
South $19^{\circ} 59'$ East, 16.83 chains to corner No. 7; thence,
South $33^{\circ} 10'$ East, 55.83 chains to corner No. 1, the place of beginning, containing 123.72 acres according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

END EXHIBIT "A".

[illegible]

RECORD OF SURVEY HOMESTEAD ENTRY SURVEY NO. 620

Located in Sections 25 & 36, T.2N., R.15E., B.1W.
Carnegie County, Idaho

1987
0 100' 200' 300' 400' 500'

Scale: 1" = 400'

LEGEND

-  National Forest boundary surveyed and posted
-  Found Forest Service monument, a 2 1/2" x 30" iron pipe w/cap
-  Set 2 1/2" x 30" iron pipe w/cap
-  Record bearing and distance

NOTE: This Survey is a Dependent Resurvey of H.E.S. No. 620 as originally surveyed by N.K. Ottens, Forest Ranger, in November, 1917.

CERTIFICATE OF SURVEY

I, C.N. Bassett, L.S. No. 847, State of Idaho, do hereby certify that the survey represented on this drawing was performed by me or under my supervision in accordance with the laws of the State of Idaho and the records of the Department of Agriculture, Forest Service.



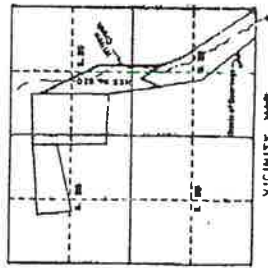
CONTRACT NO. 43 DEW-1-1-1-1-1

CHRONIC & ASSOCIATES, INC.
BOISE, IDAHO

DIRECTOR OF AGRICULTURE
FOREST SERVICE
DEPARTMENT OF AGRICULTURE

SURVEY OF NATIONAL FOREST BOUNDARIES
SAWTOOTH NATIONAL FOREST
HES No. 620

Surveyed on	Sheet	of	1987
Approved on			
NAME	TITLE	DATE	



INSTRUMENT NO. 61262

STATE OF IDAHO
COUNTY OF CAMERON

I hereby certify that this instrument was filed for record at the request of

Payette National Forest

at 00 miles past 0

in my office and duly recorded in

Book 5, Page 91-92

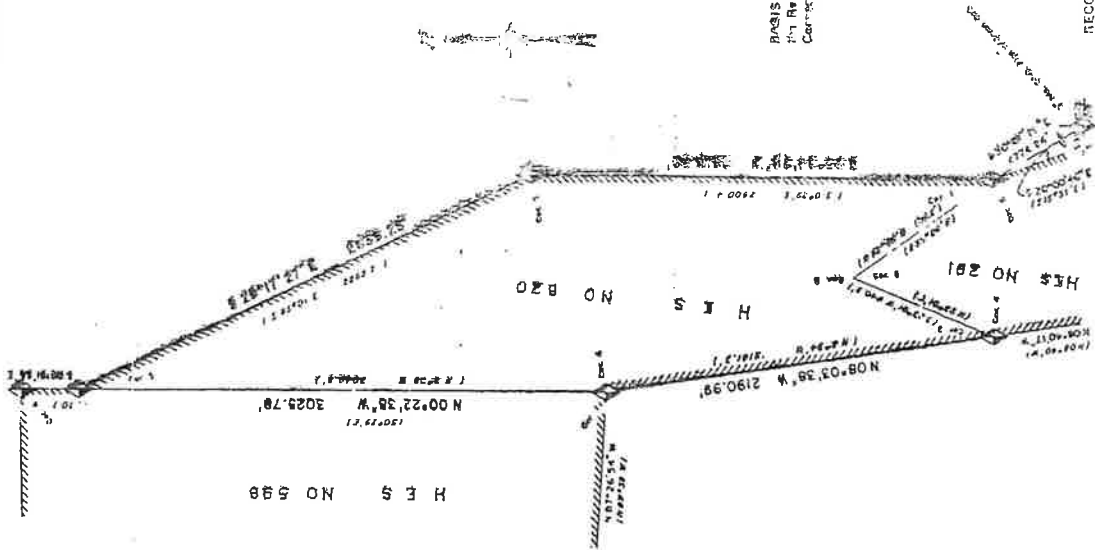
on Page 91-92

W. J. Bassett, L.S. No. 847, Recorder

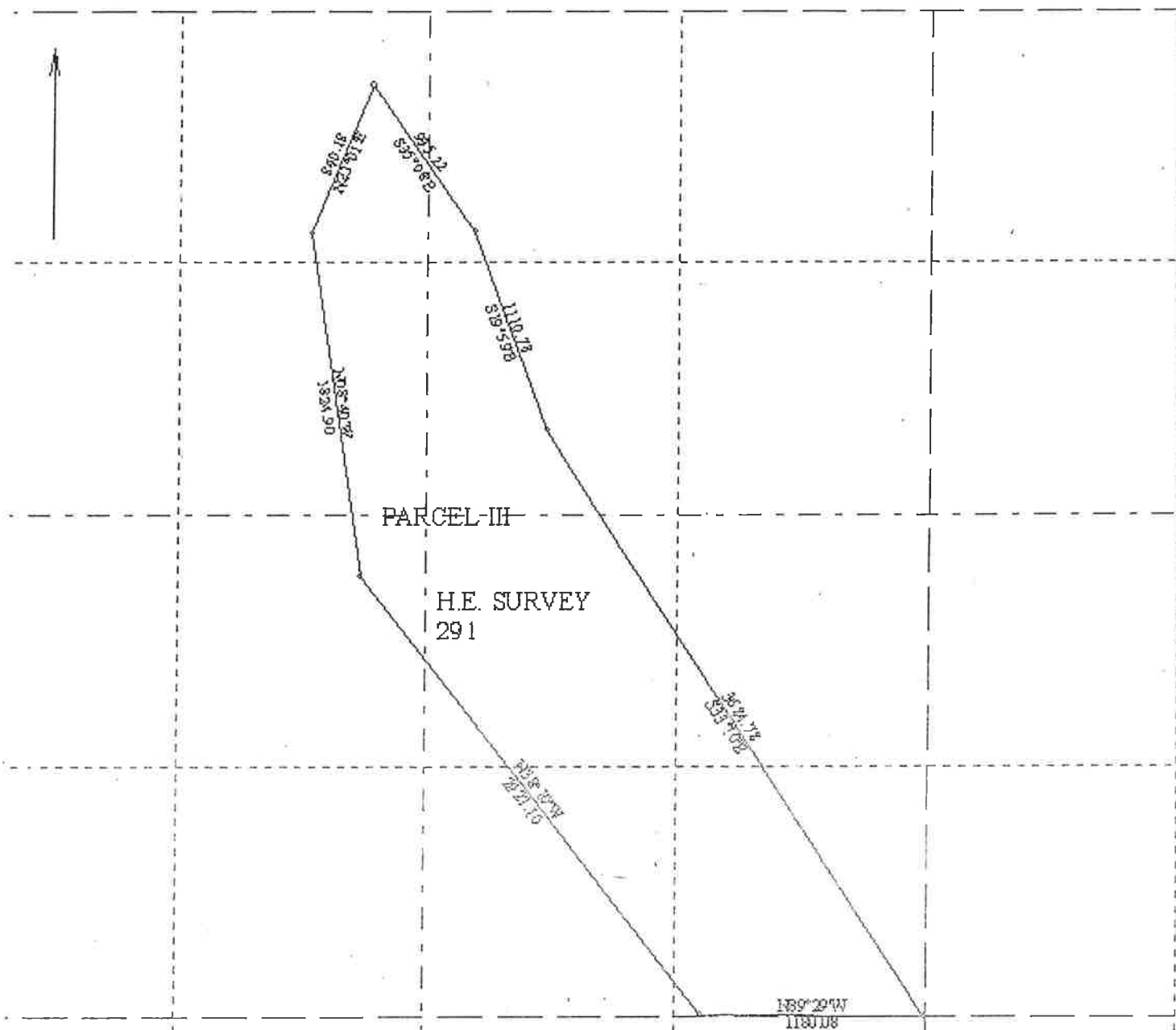
By *B. J. Bassett*, Deputy

Feb. 5, 1987

BASIS OF BEARINGS for this Survey is
the Record bearing of N 38°10' W between
Courses 2 and 3 of H.E.S. No. 281.



RECORD OF SURVEY NO. 2, 1, 1, 25 & 34-0-0-0



Title:

Date: 07-15-2004

Scale: 1 inch = 800 feet

File: K28561C.des

Tract1: 123.823 Acres: 5393711sq Feet: Closure = n23.0520e4.21 Feet: Precision=1/2970: Perimeter= 12503 Feet

001=SE,SE,SE,36.2N,1SE

004=N08.40W1824.90

007=S19.59E1110.78

002=N89.29W1180.08

005=N23.01E840.18

008=S38.10E3684.78

003=N38.10W2927.10

006=S35.08E935.22



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 1, 2004

ATTN KERRI HOUCK
FIRST AMERICAN TITLE CO
PO BOX 7999
KETCHUM ID 83340

RE: Your Order No.: K28561A / Hagen
SRBA Claim Nos. 37-8323, 37-13252, 37-13317C

Dear Kerri:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on the above listed transaction. Because the Snake River Basin Adjudication Court has not yet decreed these claims, no fee is due to process the owner change. I am herein returning First American Title Company's check no. 13222 in the amount of \$75.00.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

FIRST AMERICAN TITLE COMPANY

TRUST ACCOUNT

P.O. BOX 7999
KETCHUM, IDAHO 83340
(208) 726-5688



FIRST BANK OF IDAHO
100 2nd Street East
P.O. Box 3239
Ketchum, Idaho 83340

92-376/1241

13222

NUMBER

--Seventy Five and 00/100

Dollars

August 30, 2004

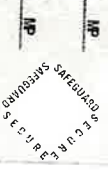
\$ *****75.00

PAY TO THE ORDER OF

IDWR Southern Region
1341 Fillmore St. Ste. 200
Twin Falls, ID 83301-3380
Water Rights Transfer

Order No.: K28561A

Keri Hagen
Keri Hagen



⑈01322⑈ ⑈124103760⑈ ⑈3000 3650⑈

FIRST AMERICAN TITLE COMPANY Ketchum, Idaho 83340
Buyer/Borrower: Duane Hagen and Sheila Hagen

Seller: Exchange 04-2522, LLC, an/McNee

Property: HES 291/Camas ID 83327 /

Date: 08/30/04

13222

Check Amount: \$75.00

Order No.: K28561A

Bank Code: FB-K

Responsible Party: Keri

Pay To: IDWR Southern Region

For: Water Rights Transfer

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 37-8323
Date Received: 10/31/1989
Receipt No: S010340
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MC NEE TRUST Phone: (208)726-2145
C/O H D & SHARON L MC NEE
TRUSTEES
PO BOX 2028
SUN VALLEY ID 83353

2. Date of Priority: 12/07/1987

3. Source: SPRING , WILLOW CREEK Trib. to: WILLOW CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	15E	36	NE SW SE	CAMAS	
02N	15E	36	SE NW SE	CAMAS	

5. Description of diverting works:

HEADGATE & DITCH TO DUG POND, OVERFLOW BACK INTO WILLOW CR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE STORAGE	1/01	12/31		30
DIVERSION TO STORAGE	1/01	12/31	1	

7. Total Quantity Appropriated is:
1 C.F.S. and/or 30 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	15E	36	SW	SE	WILDLIFE STORAGE	
			SE	SE	WILDLIFE STORAGE	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

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Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

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H. D. MCNEE AND SHARON L. MCNEE TRUSTEES UNDER TRUST AGREEMENT DATED JULY 14, 1971, AS AMENDED.

***** ATTORNEY REMOVED
BY CLAIMANT 7/24/92 JG.

Upon a future determination that the use of water is consuming water required to satisfy prior rights, the right holder will be required to discontinue diversion

under this right or provide supplemental water from a source approved by the Department.

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Use of water under this right shall be non-consumptive.

15. Basis of Claim: License

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: **A37-08323**
Date Received: 10/31/1989
Receipt No: S010340
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MC NEE TRUST 208-726-2145
Address: C/O H. D. & SHARON L. MC NEE
TRUSTEES
P.O. BOX 2028
SUN VALLEY ID 83353

2. Date of Priority: DEC 7, 1987

3. Source: SPRING Trib. to: WILLOW CREEK
WILLOW CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	15E	36	SE	NW	SE		CAMAS
			NE	SW	SE		CAMAS

5. Description of diverting works:
HEADGATE & DITCH TO DUG POND, OVERFLOW BACK INTO WILLOW CR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	1.000		
WILDLIFE STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WS/POND FOR FISH & WILDLIFE.

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	15E	36	SW	SE		WILD S	
			SE	SE		WILD S	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

NONE.

14. Remarks:

H. D. MCNEE AND SHARON L. MCNEE TRUSTEES UNDER TRUST AGREEMENT
DATED JULY 14, 1971, AS AMENDED.

ATTORNEY REMOVED BY CLAIMANT 7/24/92 JG.

15. Basis of Claim: PERMIT

16. Signature(s)

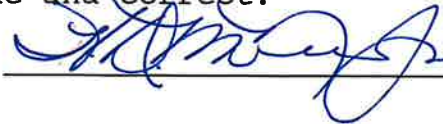
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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:

6-24-92

Date:

MICROFILMED
FEB 23 1993

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of June 19 92

Quincy S. Evans
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires July 18, 1995

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: **A37-08323**
Date Received: 10/31/1989
Receipt No: S010340
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MC NEE TRUST 208-726-2145
Address: C/O H. D. & SHARON L. MC NEE
TRUSTEES
P.O. BOX 2028
SUN VALLEY ID 83353

2. Date of Priority: DEC 7, 1987

3. Source: SPRING Trib. to: WILLOW CREEK
WILLOW CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	15E	36	SE	NW	SE		CAMAS
			NE	SW	SE		CAMAS

5. Description of diverting works:
HEADGATE & DITCH TO DUG POND, OVERFLOW BACK INTO WILLOW CR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	1.000		
WILDLIFE STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WS/POND FOR FISH & WILDLIFE.

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	15E	36	SW	SE		WILD S	
			SE	SE		WILD S	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

NONE.

14. Remarks:

H. D. MCNEE AND SHARON L. MCNEE TRUSTEES UNDER TRUST AGREEMENT
DATED JULY 14, 1971, AS AMENDED.

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 _____

MICROFILMED
FEB 23 1993

RECEIVED

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

DEC 11 1991

[] Water Right Number(s): #37-08323 Department of Water Resources
Southern Region Office

[] Name and Address of Former Claimant: Marshall S. Ashcraft
Post Office Box 2167
Sun Valley, ID 83353

[] New Claimant(s): H. D. McNee and Sharon L. McNee,
Trustees Under Trust Agreement dated
July 14, 1971, as Amended

[] New Mailing Address: Post Office Box 2028
Sun Valley, ID 83353

New Telephone Number: (208) 726 - 2145.

[] Does the change in ownership result in a splitting of the water right claimed? Yes xx No

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copies of Warranty Deed and Closing Documents

[] Signature of New Claimant(s): *H. D. McNee, Trustee*
Sharon L. McNee, Trustee

Date: December 9, 1991

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3/24/92 By: LS

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 3/24/92 By: LS

Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993
forms\wrchgown.fm

WARRANTY DEED

FOR VALUE RECEIVED

Marshall S. Ashcraft, a single man

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

H.D. McNee and Sharon L. McNee Trustees Under Trust Agreement Dated July 14, 1971, as Amended

GRANTEE (s) whose address is: **P. O. Box 2028, Ketchum, ID 83353** Sun Valley, ID 83353

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

See Exhibit 'A' Attached Hereto and Made a Part Hereof

67046

Recorded at the Request of

at 1:30 P M

in Book 12-6, 19 91

of DEEDS Page 242

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By [Signature]

Fees \$ 6.00

Subject To: Taxes, easements, restrictions and encumbrances of record.

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: December 5, 1991

[Signature]
Marshall S. Ashcraft

State of Idaho

County of Blaine

On this December 5, 1991, before me, a notary public in and for said State, personally appeared Marshall S. Ashcraft personally 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.

[Signature]
Notary Public
Residing at Halley
Commission Expires: 2-18-92

\\escrow\format\wd1

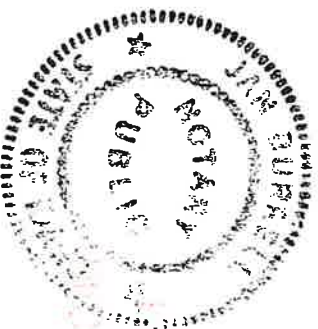


EXHIBIT "A" to Order No. 6258

H.E. Survey No. 620 embracing a portion of approximately Sections 25 and 36, In Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, from which the east corner to said Sections 25 and 36 bears North 64° 18' East, 40.36 chains distance; thence North 35° 08' West, 14.17 chains to corner No. 2; thence South 23° 01' West, 12.73 chains to corner No. 3; thence North 08° 54' West, 33.05 chains to corner No. 4; thence North 00° 29' West, 46.07 chains to corner No. 5; thence South 25° 01' East, 43.39 chains to corner No. 6; thence South 00° 29' East, 39.40 chains to corner No. 1; the place of beginning, containing 90.75 acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor-General.

H.E. Survey No. 596 embracing a portion of approximately Sections 25 and 26, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, from which the Southeast corner of said Section 25 bears South 74° 37' East, 56.64 chains distance; thence North 89° 39' West, 31.85 chains to corner No. 2; thence North 00° 25' West, 49.43 chains to corner No. 3; thence North 87° 12' East, 31.85 chains to corner No. 4; thence South 00° 29' East, 81.07 chains to corner No. 1, the place of beginning, containing 159.96 acres, according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, identical with the SE corner of said Section 36; thence North 89° 29' West, 17.88 chains to corner No. 2; thence North 38° 10' West, 44.35 chains to corner No. 3; thence North 08° 40' West, 27.65 chains to corner No. 4; thence North 23° 01' East, 12.73 chains to corner No. 5; thence South 35° 08' East, 14.17 chains to corner No. 6; thence South 19° 59' East, 16.83 chains to corner No. 7; thence South 33° 10' East, 55.83 chains to corner No. 1, the place of beginning, containing 123.72 acres according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

Including any and all water rights and ditch rights appurtenant thereto, including water right license # 37-08323 Priority December 7, 1987, plus all of my right, title and interest, if any, on the Snake re-adjudication now in process.

All mineral rights of every kind and nature, including geo-thermal, if any, gas, oil and petroleum, if any.

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: A37-08323
Date Received: 10/31/1989
Receipt No: S010340
Received By: R. J. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARSHALL ASHCRAFT
Address: P.O. BOX 2167
SUN VALLEY, ID 83353
208-788-3463

2. Date of Priority: DEC 07, 1987

3. Source: SPRING
WILLOW CREEK
Trib. to: WILLOW CREEK
CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	15E	36	SE	NW	SE		CAMAS
			NE	SW	SE		CAMAS

5. Description of diverting works:
HEADGATE & DITCH TO DUG POND, OVERFLOW BACK INTO WILLOW CR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	1.000		
WILDLIFE STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WS/POND FOR FISH & WILDLIFE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	15E	36	SW	SE		WILD S	
			SE	SE		WILD S	

11. Place of use in counties: CAMAS

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):

Marshall S. Ashcraft

Date:

Oct 31, 1989

Date: _____

State of Idaho)

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of

October 19 89

Robert V. Thorstall

Notary Public

Seal

Residing at

Twin Falls, Idaho

My Commission Expires

January 16, 1995

Twin Falls, Idaho

January 16, 1995



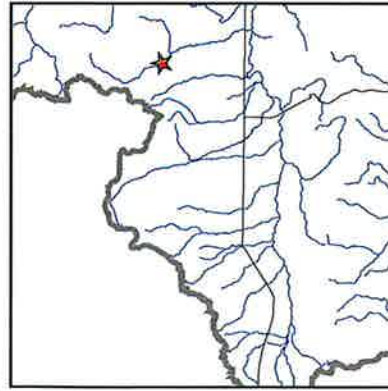
Idaho Department of Water Resources

SRBA Recommendation:

37-8323

Legend

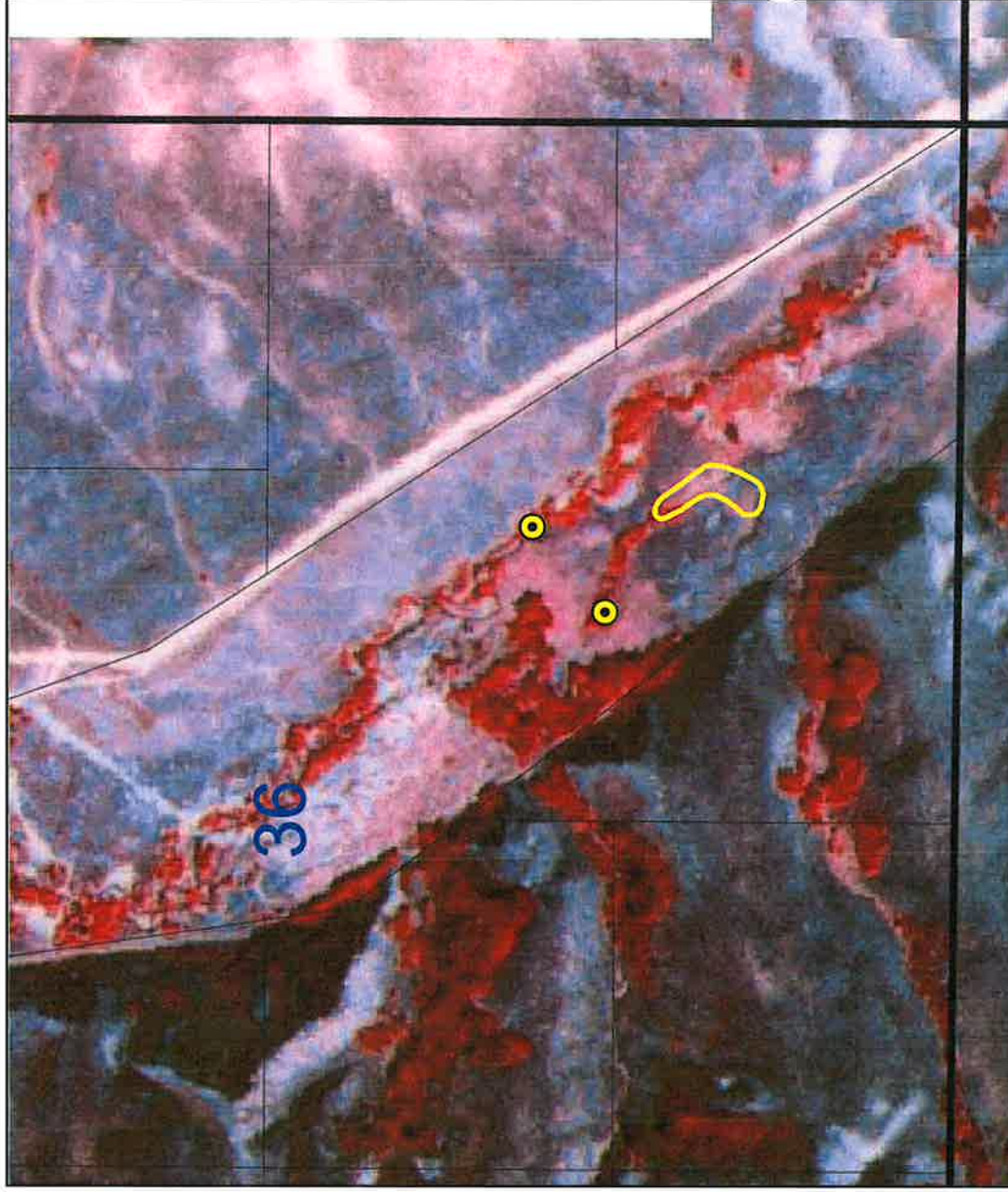
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Camas County
IDWR Basin 37

Prepared by M. Anders
On Monday, September 18, 2006
1987/88 Aerial Photography

R15E



T02N

0 0.25 0.5 Miles

09/18/2006

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

RIGHT NUMBER: 37-8323
NAME AND ADDRESS: DUAINIE HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

SHEILA HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

SOURCE: SPRING
WILLOW CREEK

TRIBUTARY: WILLOW CREEK
TRIBUTARY: CAMAS CREEK

QUANTITY: 1.000 CFS
30.000 AFY

PRIORITY DATE: 12/07/1987

POINT OF DIVERSION:

T02N R15E S36 SENWSE Within CAMAS County
T02N R15E S36 SENWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	1/01 12/31	30.00 AFY
DIVERSION TO STORAGE	1/01 12/31	1.000 CFS

PLACE OF USE: WILDLIFE STORAGE Within CAMAS County

T02N R15E S36	SWSE	T02N R15E S36	SESE
---------------	------	---------------	------

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

09/18/2006

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

Use of water under this right shall be non-consumptive.

Upon future determination that the use of water is consuming water required to satisfy prior rights, the right holder will be required to discontinue diversion under this right or provide supplemental water from a source approved by the Department.

The right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

Use of water under this right is subject to control by the watermaster of State Water District No. 37.

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

Measuring devices shall be maintained at the point of diversion from Willow Creek and at the outlet of the reservoir.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Adjudication Claim Notes

Claim(s): 37-8323

Background Data

- Source is Spring tributary to Willow Creek and Willow Creek tributary to Camas Creek
- Licensed for 1.0 cfs for Diversion to Storage and 30.0 AF for Wildlife Storage
- Claimed 1.0 cfs for Diversion to Storage and 30.0 AF for Wildlife Storage

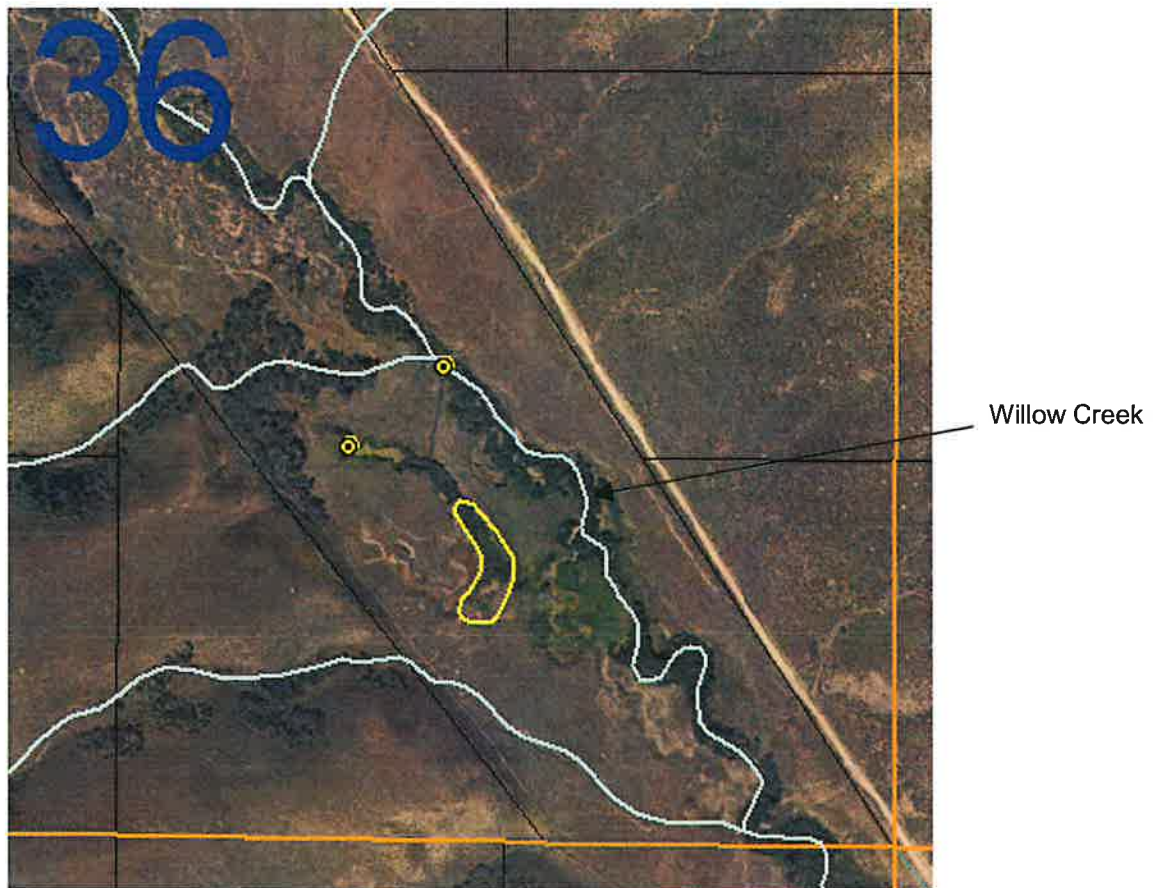
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

2004 Aerial Photo



Notes

T2N R15E Section 36

- Recommended as licensed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

State of Idaho
Department of Water Resources

RECEIVED

NOV 05 1991

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08323

Department of Water Resources
Southern Region Office

Priority: December 7, 1987

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume:¹ 30.0 AF

This is to certify, that MARSHALL ASHCRAFT
PO BOX 2167

SUN VALLEY ID 833530000 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 7, 1987; and
has submitted Proof of Beneficial Use on February 28, 1991. An examination indicates
that the works have a diversion capacity of 1.660 cfs of water from:

SPRING
WILLOW CREEK

tributary to WILLOW CREEK
tributary to CAMAS CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		30.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.00 CFS	30.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESWSE , Sec. 36, Township 02N, Range 15E
SENWSE , Sec. 36, Township 02N, Range 15E
CAMAS County

PLACE OF USE: WILDLIFE STORAGE
TWN RGE SEC

02N 15E 36 SWSE SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

37-08323

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

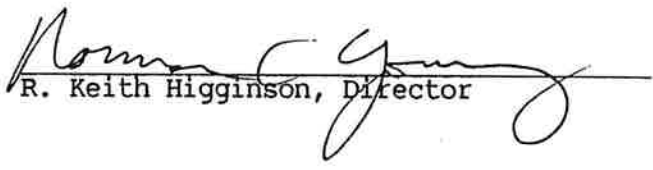
WATER RIGHT NO. 37-08323

CONDITIONS/REMARKS:

6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
7. Use of water under this right shall be non-consumptive.
8. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
9. Upon a future determination that the use of water is consuming water required to satisfy prior rights, the right holder will be required to discontinue diversion under this right or provide supplemental water from a source approved by the Department.
10. Measuring devices shall be maintained at the point of diversion from Willow Creek and at the outlet of the reservoir.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of OCTOBER, 1991.

Acting for


R. Keith Higginson, Director

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

Memo to the file

Date: 12/29/2003

To: [Click here and type names]

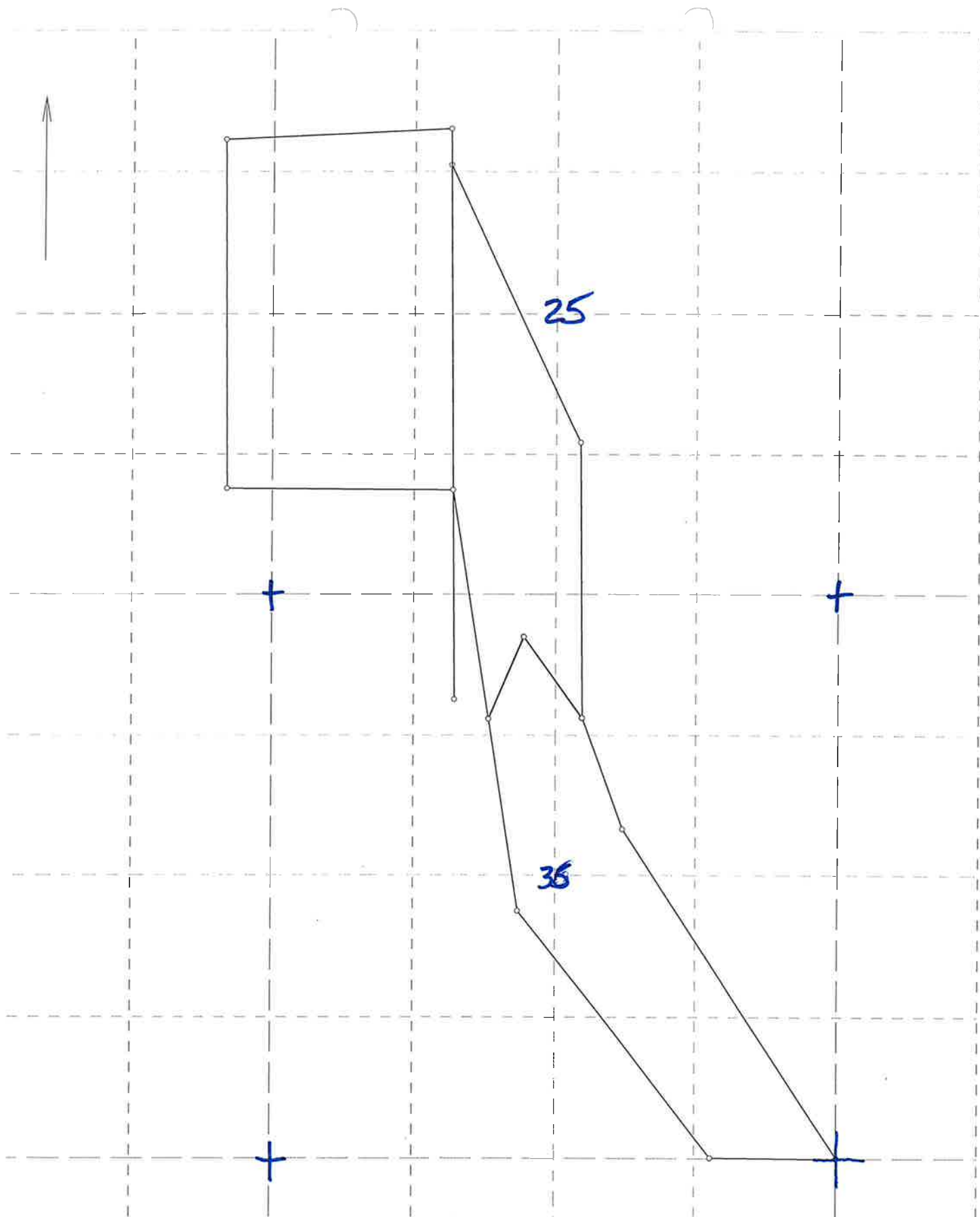
Cc: [Click here and type names]

From: chahn

RE: survey #596

When I plotted the shape to deed plotter I had a pesky tail (see figure A) causing my shape to record more acreage than listed. With Doug's help we pinpoint the problem to be a typo in the H.E. Survey No. 596. Corner number one should be 51.07 chains and not 81.07 chains.

ch/ch



Title:

Date: 12-23-2003

Scale: 1 inch = 1218 feet

File: 37-8323-1.des

37-8323

37-13252

Figure A

Data and Deed Call Listing of File: 37-8323-1.des

Tract 1: 90.631 Acres: 3947895 Sq Feet: Closure = n61.0828w 3.51 Feet: Precision = 1/3549: Perimeter = 12455 Feet
Tract 2: 199.973 Acres: 8710803 Sq Feet: Closure = n00.3301w 1972.70 Feet: Precision = 1/6: Perimeter = 12817 Feet
Tract 3: 123.600 Acres: 5384031 Sq Feet: Closure = s77.3331w 6.57 Feet: Precision = 1/1903: Perimeter = 12503 Feet

001=/se,25,2n,15e
002=/s64.18w 40.36c
003=n35.08w 14.17c
004=s23.01w 12.73c
005=n8.54w 33.05c
006=n0.29w 46.07c
007=s25.01e 43.39c
008=s0.29e 39.30c
009=@0 Merge 1
010=/se,25,2n,15e
011=/n74.37w 56.64c
012=n89.39w 31.85c
013=n0.25w 49.43c
014=n87.12e 31.85c
015=s0.29e 81.07c
016=@0 Merge 1
017=/se,36,2n,15e
018=n89.29w 17.88c
019=n38.10w 44.35c
020=n8.40w 27.65c
021=n23.01e 12.73c
022=s35.08e 14.17c
023=s19.59e 16.83c
024=s33.19e 55.83c

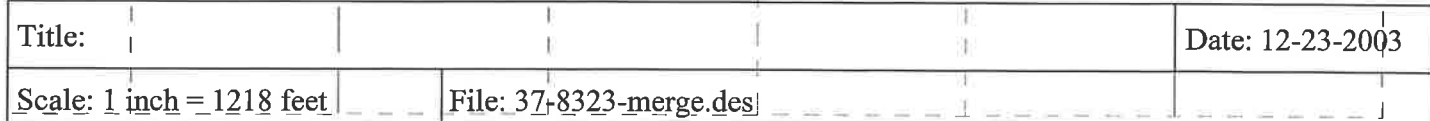
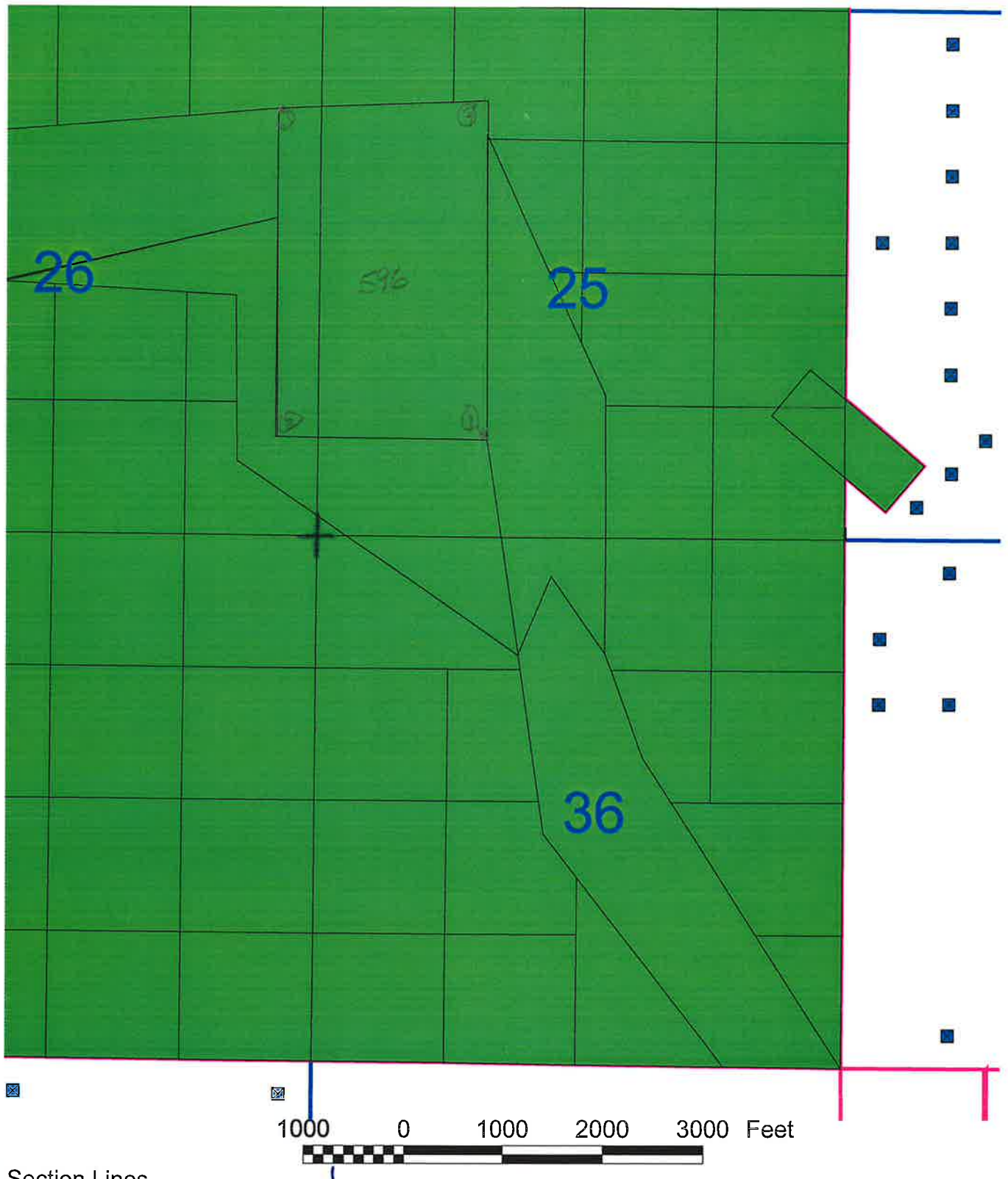


Figure B

Data and Deed Call Listing of File: 37-8323-merge.des

90,75 Tract 1: 90.631 Acres: 3947895 Sq Feet: Closure = n61.0828w 3.51 Feet: Precision = 1/3549: Perimeter = 12455 Feet
154,96 Tract 2: 159.973 Acres: 6968419 Sq Feet: Closure = s17.0001w 7.66 Feet: Precision = 1/1415: Perimeter = 10837 Feet
123,72 Tract 3: 123.600 Acres: 5384031 Sq Feet: Closure = s77.3331w 6.57 Feet: Precision = 1/1903: Perimeter = 12503 Feet

001=/se,25,2n,15e
002=/s64.18w 40.36c
003=n35.08w 14.17c
004=s23.01w 12.73c
005=n8.54w 33.05c
006=n0.29w 46.07c
007=s25.01e 43.39c
008=s0.29e 39.30c
009=@0 Merge 1
010=/se,25,2n,15e
011=/n74.37w 56.64c
012=n89.39w 31.85c
013=n0.25w 49.43c
014=n87.12e 31.85c
015=s0.29e 51.07c
016=@0 Merge 1
017=/se,36,2n,15e
018=n89.29w 17.88c
019=n38.10w 44.35c
020=n8.40w 27.65c
021=n23.01e 12.73c
022=s35.08e 14.17c
023=s19.59e 16.83c
024=s33.19e 55.83c



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



GIS PLACE OF USE PRESENTATION
 PHOTOGRAPHY: about 1992
 DATA ENTRY: 11/2003
 DOUGLAS JONES

INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

DATE 7/25/91

TO File 37-8323

SUBJECT Recommended Licensing Condition.

To help assure this diversion does not
consume water the license should be conditioned
to require that diversion under this L+ & Lic. 37-2191
should not exceed 1 cfs when combined.

SIGNATURE

37-8323

100⁰⁰ / pd. Cao

For Office Use Only
Amt. of Fee \$ 100⁰⁰
Date 2/28/91
Receipt No. 5013036
Received by dst

RECEIVED

FEB 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

Southern Region Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-8323 Telephone No. 788 3463

Name(s) of Permit Holder(s): Marshall Ashcraft

Post Office Address: P.O. Box 2167, Sun Valley, ID 83353

Source of Water: Willow G. Spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

1.0 cfs. Div to storage 30.05 storage for Wildlife

Total rate and/or volume for which proof is submitted 1.0 cfs 30.0 acre/feet

Show date water was first diverted and beneficially used under this permit: 12-7-87

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ___ No Installed? ☒ Yes ___ No

OR

Flow Measurement Port: Required? ___ Yes ___ No Installed? ___ Yes ___ No

Fee Enclosed: \$ 100⁰⁰ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Marshall Ashcraft 788-3463
Name Telephone No.

Same
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

10-25-90 Marshall Ashcraft
Date Signature (and title if on behalf of a company or organization)

37-8323

RECEIVED

NOV 21 1989

Department of Water Resources
Salt Lake Region Office

11-19-89

Mr. Gary Spackman, Supervisor Water Rights
Dept. Water Resources Permits Section
Statehouse
Salt Lake City, Utah 83720

Reference: Permit # 37-08323

Howdy Mr. Spackman,

This letter is to confirm our
telephone conversation today with reference
paragraph three, your letter to me dated
Feb. 27, 1989

As you suggested I will notify Water
Resources, Salt Lake in the Spring prior to
putting in the water weir and diversion works, etc

Thank you for re-confirming the
final completion date February 17, 1991.

Best regards,

Marshall Ashcraft
C.C. Loren O. Holmes, P.E. Southern Region Mgr.
enc. form 204-P. 6/82

37-8323

RECEIVED

NOV 21 1989

Department of Water Resources
Southern Region Office

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-08323
Name(x) of Permit Holder(s): Marshall Ashcraft
Post Office Address: 2167 Sun Valley, Idaho 83353
Tel. No. 188-3463

☒ I hereby certify that construction of diversion works for the above referenced permit began on 10-17-89 ^{Completed} 10-19-1989 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:
Mr. Hugh Rounce, SCS Commissioner, Portland & Mr. Dan Dallas, SCS
inspected the site and advised me to wait until Spring of 90 to begin
Diversion

*Note: A financing difficulty is
not an acceptable reason.

Date

Signature of Permit Holder

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 21 1989

Department of Water Resources
Southern Region Office

Statehouse
Boise, Idaho 83720
~~(208) 334-7900~~
February 27, 1989

327-
7900

MARSHALL ASHCRAFT
P. O. BOX 2167
SUN VALLEY, ID 833530000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08323

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

11-19-89 OK.
"Contact Water Resources in
Spring before
Taking Water from
Willow Creek"
Knooz & D. Koss's
Views on ditch from
Will Creek to DM.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

FEB 22 1989

To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

1. Name of applicant Marshall Ashcraft

Phone 726-4678

602-763-8737
788-3463 GF

Post office address P. O. Box 2167, Sun Valley, ID 83353

2. Source of water supply Spring Willow Cr. which is a tributary of Willow Cr. Camas Cr.
spring -

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____

Sec. 36 Township 2N Range 15E B.M. Camas County; additional

points of diversion if any: Willow Cr. - SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36 T. 2N R. 15E

4. Water will be used for the following purposes:

Amount 1.0 cfs for Div. to Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 30.0 AF for Storage for Wildlife purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.0 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate & ditch to dug pond, overflow
back into Willow Cr.

b. Height of storage dam 10 feet; active reservoir capacity 22 acre-feet; total
reservoir capacity 30 acre-feet; period of year when water will be diverted to storage:
Jan 1 to Dec 31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

31-8323

3. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Pond for fish & wildlife habitat

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	15E	36															X	X	

X = P/U for wildlife storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

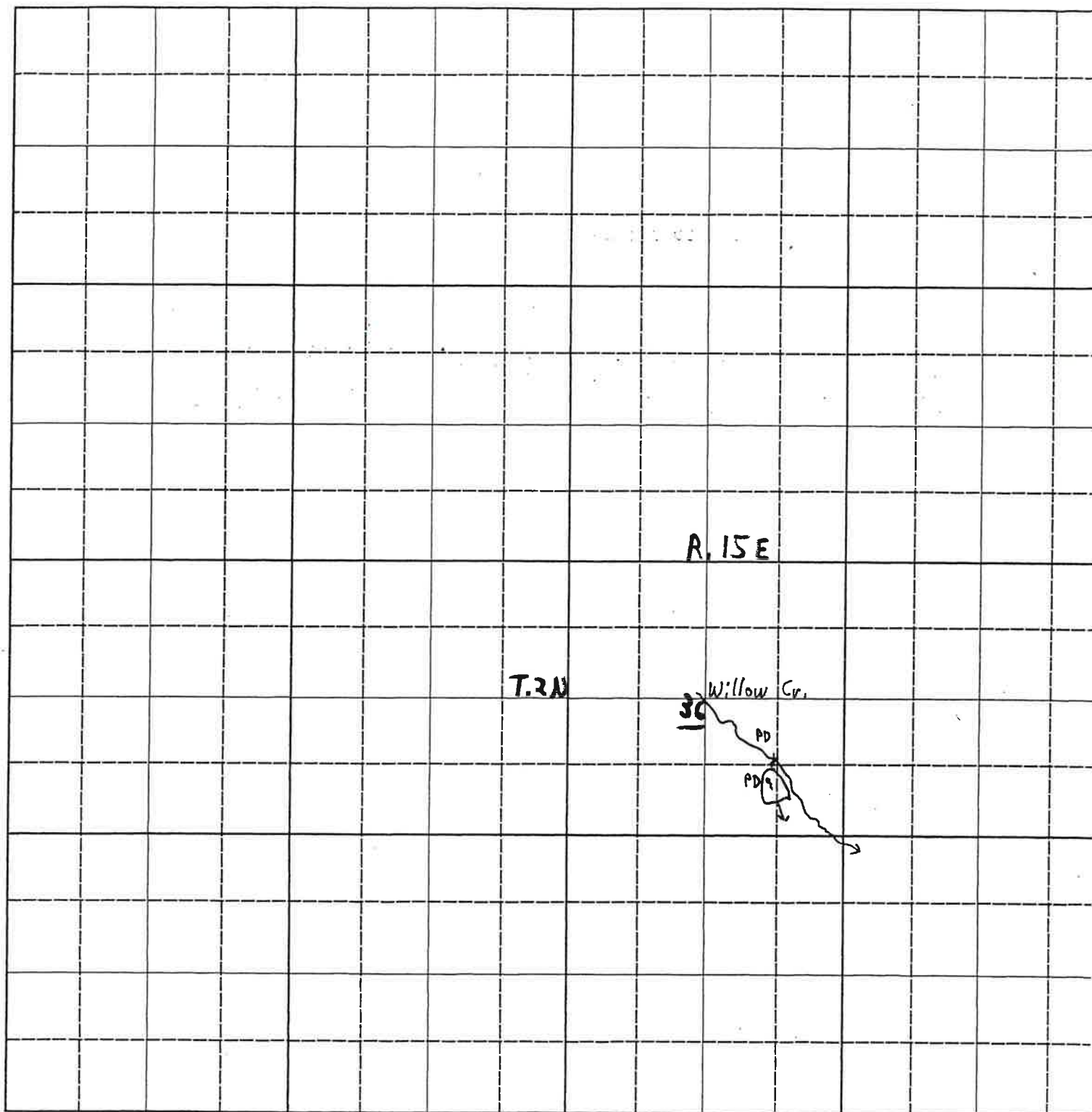
11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: A small spring seeps into a 1/2-acre pond that has been there for a long time. I want to enlarge the pond. There is an old headgate on /Wd/ Willow Cr. used to water 7 acres below the pond. I want to enlarge the ditch and run it thru the pond, as additional flow is needed to maintain the enlarged pond.

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



Scale: 2 inches equal 1 mile.

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

Marshall J. Ascraft
(Applicant)

Received by J. Stanton Date 12-7-87 Time 11:57 AM Preliminary check by AD
 Fee \$ 45.00 Received by JS # 44390 Date 12-7-87
 Publication prepared by LW Date 2/19/88 Published in The Snowshoe
Gooding County
 Publication approved M. Baldwin Date 2/11/88, 12/28/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8323, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 91.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.

Use of water under this permit shall be non-consumptive.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 17th day of February, 1989.

J. Stanton



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

28-Feb-1989

R. KEITH HIGGINSON
Director

Reid J. Newby, Watermaster
Water District #37
Box T
Shoshone, ID 83352

Re: Application for Permit No. 37-8323

Dear Mr. Newby:

Enclosed please find a APPROVED copy of the above referenced application for permit for your files and information.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

Enclosure

Form 42-1409(a)

**Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication (SRBA)****Name(s) of Claimant (please print):**Mc Nee Trust C/O H. D. & Sharon L. McNee**I/we acknowledge (check one):**☒ **The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.**☐ **I/we are now represented by the attorney at the address below.**Attorney's Phone**The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).**A37-08323**For Individuals:****Authorized signature(s) Date** x 6-24-92**For Organizations:****I am** _____ **of** _____ **and I****Title****Organization****have signed the foregoing document in the space below as****of** _____**Title****Organization****Signature of Authorized Agent** _____Judy GivensSG**Title** Adjudication Secretary**Date** 6/24/92**Organization** IDWR**IDWR Use:****Date Received** 7/24/92**Data Entry** SG

CONVERSATION MEMORANDUM

NAME OF PARTY Robert Korb, Attorney
EMPLOYEE: Judy - Southern Region
Adjudication Sec.

DATE 3/24/92 - 1:15 pm.
FILE A37-08323

RE: Representative

I called Mr. Korb's Law Office in reference to him being listed as the attorney on the above-referenced file. I talked to Devon Denny, his Legal assistant. She asked that all correspondence concerning this file be sent to Mr. Korb.

I will put the A in the name screen in the computer.

MICROFILMED
FEB 23 1993

LAW OFFICES
KNEELAND, KORB, COLLIER, LEGG & HAUKAAS

ROBERT KORB III
BRUCE COLLIER
ANN LEGG
H. CRAIG HAUKAAS
DOUGLAS NELSON

KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340

(208) 726-9311
TELEFAX (208) 726-4515

HAILEY OFFICE:
301 FIRST AVENUE SOUTH
P.O. BOX 606
HAILEY, IDAHO 83333
(208) 788-4733
TELEFAX (208) 788-5101

G. R. KNEELAND
OF COUNSEL

December 10, 1991

RECEIVED

DEC 11 1991

Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

Re: Change in Ownership of Notice of Claim: 37-08323,
Ashcraft/McNee Trust
KK&C File No. 5284-D

Dear Sir:

Enclosed please find an original Change in Ownership of Notice of Claim concerning the above water right, together with conforming copies of the Warranty Deed and closing documents which reflect the transfer of the property and water rights from Marshall Ashcraft to the McNee Trust.

Please review the enclosures, and advise if the documentation appears in order. If I do not hear from you in the near future, I will assume the documentation is acceptable.

Your continuing assistance and cooperation in these matters is appreciated.

Thank you.

Very truly yours,

KNEELAND, KORB, COLLIER, LEGG & HAUKAAS


Robert Korb

civwk\mcnee.dwr
cc: H. D. McNee, Jr.

MICROFILMED

FEB 23 1992

LAW OFFICES
KNEELAND, KORB, COLLIER, LEGG & HAUKAAS

ROBERT KORB III
BRUCE COLLIER
ANN LEGG
H. CRAIG HAUKAAS
DOUGLAS NELSON

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TELEFAX (208) 726-4515

HAILEY OFFICE:
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P.O. BOX 606
HAILEY, IDAHO 83333
(208) 788-4733
TELEFAX (208) 788-5101

G. R. KNEELAND
OF COUNSEL

December 13, 1991

RECEIVED

DEC 16 1991

Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Id 83301

Department of Water Resources
Southern Region Office

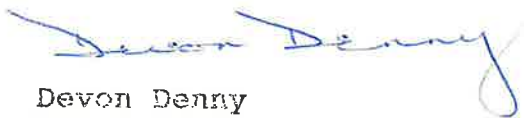
Re: Change in Ownership of Notice of Claim: 37-08323,
Ashcraft/McNee Trust
KK&C File No. 5284-D

Dear Sir:

Enclosed please find a copy of our December 10, 1991 letter to you, together with a copy of the Warranty Deed that was inadvertently not included with that letter. We apologize for any inconvenience this may have caused.

Sincerely,

KNEELAND, KORB & COLLIER


Devon Denny
Legal Assistant

ciwvk\mcnee.wra
enclosure

MICROFILMED

FEB 23 1992



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

25-Mar-1992 13:03

ROBERT KORB
KNEELAND KORB COLLIER LEGG & HARKAAS
128 SADDLE ROAD, SUITE 103
PO BOX 249
KETCHUM ID 83340

Re: Ownership Change for Adjudication Claim No.(s): A37-08323 -
Ashcraft/McNee Trust

Dear Mr. Korb:

Pursuant to the notification that you are representing the new claimants on the above-referenced Adjudication Claim(s), the Department has changed the record(s) of the current owner as you requested.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
FEB 23 1993

LAW OFFICES
AND, KORB & COLLIER
AND PROFESSIONAL BUILDING
SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340



C-3 Not C-19

RECEIVED

DEC 11 1991

Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
2148 FOURTH AVENUE EAST
TWIN FALLS ID 83301

MICROFILMED

FEB 23