

uA
DEC 11 2006
512

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
WR LIC 37.8492			MS 37.12880		
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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)	<u>Larrett O'Brien</u>
4. New Owner/Claimant(s)	<u>Kinsley + Cynthia Murphy</u>
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>PO Box 3818</u>
City, State and ZIP Code	<u>Keetchum, ID. 83340</u>
New Telephone Number	<u>208 726-1151</u>
5. Date you acquired the property	<u>1990 or 1991</u>

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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)

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 AS Date 1-18-07 WR _____ Date _____

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OK to
Change
EL
1-10-07

MEMORANDUM AGREEMENT

THIS AGREEMENT, Made and entered into this 14th day of April, 1972, by and between:

R. W. GROVE and VERNA D. GROVE,
Husband and wife of Shoshone, Lincoln County, Idaho,
Parties of the First Part,

and
CHARLES H. MARTIN and ETHEL C. MARTIN,
Husband and wife of Shoshone, Lincoln County, Idaho,
Parties of the Second Part.

WHEREAS, the Parties of the First Part are the owners of the following described real property:

Lot One of Barlow Subdivision in H.E.S. #124 in Sections 10 and 15 of T. 5 N., R. 17 E., B.M., according to the official map of Barlow Subdivision, filed March 14, 1955, now on file in the office of the County Recorder of Blaine County, Idaho, containing 5 acres, more or less.

WHEREAS, the Parties of the Second Part are the owners of the following described real property:

Lot Two (2) of Barlow Subdivision in H.E.S. #124 in Sections 10 and 15, Township 5 North, Range 17 E.B.M., according to the official map of Barlow Subdivision, filed March 14, 1955, now on file in the office of the County Recorder of Blaine County, Idaho, containing 5 acres, more or less.

WHEREAS, there is a well, pump and well house on the common property line between First Parties property and Second Parties property from which well both parties take water and have taken water therefrom for several years last past.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED between the parties hereto that said well, pump and pump house are jointly owned by the parties hereto, and each has an undivided one-half interest therein and the right to draw, take and receive water therefrom. The parties hereto further agree that all maintenance, upkeep and replacements shall be divided equally between the parties hereto, but that each party shall maintain their own supply line from the well to their home.

MEMORANDUM AGREEMENT, p.1

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IT IS FURTHER UNDERSTOOD AND AGREED between the parties hereto that neither party shall have a cause of action against the other party for water dripping from said pump house on to the other's property.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

[Signature]
Parties of the First Part

[Signature]
Parties of the Second Part

STATE OF IDAHO
County of LINCOLN ss.

On this 1st day of April, 1972, before me, the undersigned, a notary public in and for said state, personally appeared R. W. GROVE and VERA D. GROVE, husband and wife, known to me to be the persons whose names are subscribed to the within 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 in this certificate first written.

[Signature]
Notary Public for Idaho
Residing at [Address], Idaho

STATE OF IDAHO
County of LINCOLN ss.

On this 1st day of April, 1972, before me, the undersigned, a notary public in and for said state, personally appeared CHALMER H. MARTIN and ETHEL C. MARTIN, husband and wife, known to me to be the persons whose names are subscribed to the within 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 in this certificate first written.

[Signature]
Notary Public for Idaho
Residing at [Address], Idaho

MEMORANDUM AGREEMENT, p.2



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No. 142252

Memorandum Agreement

Rod. Greene, et al
and

Chalmer R. Hoskins, et al

Rod. Greene

11:00

April 17

72

Agreement to

Marine Corps

" 1. Same to be made

2. 0000

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DEC 11 2006

ORIGINAL IN REDSETTLEMENT AGREEMENT

This Settlement Agreement is made this 6th day of July, 1989, by and between GARRETT O'BRIEN, M.D. ("O'Brien") and DOUGLAS M. CHRISTENSEN and ANN L. CHRISTENSEN, husband and wife ("Christensen").

RECITALS

1. O'Brien is the owner of certain real property described as follows:

Lot 1 of BARLOW SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 105687, records of Blaine County, Idaho. ("Lot 1")

2. Christensen is the owner of certain real property described as follows:

Lot 2 of BARLOW SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 105687, records of Blaine County, Idaho. ("Lot 2")

3. There is located on the common property line between the above-described real properties a well, a pump and a pump house. At the present time, the pump house is connected to and a part of the main house structure built upon Lot 1 (the single structure consisting of the well, pump, pump house and the main house are both referred to as "Improvements").

4. There is also a fence upon Lot 2 which purports to divide the two properties but which is not in fact located on the common boundary line.

5. The well, pump and pumphouse were the subject of that certain Memorandum Agreement, dated April 14, 1972, recorded on April 18, 1972, as Instrument No. 143252, records of Blaine County, Idaho.

6. A dispute has arisen as to whether the Improvements encroach upon Lot 2, and Christensen has initiated a legal proceeding entitled Douglas M. Christensen and Ann L. Christensen v. Garrett O'Brien, Blaine County Case No. 14793, (the "action").

7. Christensen and O'Brien desire to settle the dispute and, accordingly, the following agreement is made

SETTLEMENT AGREEMENT/Page 1

308223
Blaine Co. Request
agreement
AUG 3 PM 2 11
MARY GREEN, CLERK
FEES \$ 15.00

SCANNED
DEC 11 2006

AGREEMENT

1. O'Brien, shall direct First American Title Insurance Company pursuant to coverage afforded under its policy of title insurance no. H-218087, concurrent with the full execution hereof, to deliver to Christensen the sum of Six Thousand Five Hundred Dollars (\$6,500.00).
2. Christensen, upon receipt of this sum, shall cause the action to be dismissed with prejudice. Christensen agrees to execute the necessary releases, if any, as required by First American Title Insurance Company to effectuate payment of the aforesaid sum.
3. The Improvements on Lot 1 now encroach upon Lot 2 by approximately 4.7 feet at the foundation and 7.9 feet at the roof eaves, as generally depicted upon that certain topography map of Lot 2, Barlow Subdivision, dated February 10, 1988, prepared by Puchner Engineering, which topography map is attached hereto as Exhibit "A" and incorporated herein by this reference. Said encroachments shall be permitted to continue and Christensen and hereby grants to O'Brien and his successors and assigns, an easement in perpetuity, for that purpose PROVIDED, HOWEVER, Christensen may relocate, at Christensen's sole expense, without right of contribution from O'Brien, the fence described above to the surveyed property line as depicted upon the aforementioned topography map. The fence relocation shall be undertaken only in the presence of O'Brien after thirty (30) days written notice to O'Brien, but not sooner than June 1, 1989, and without damage to O'Brien's property, real or personal. The easement herein granted shall run with and burden title to Christensen's land and shall be binding upon the parties hereto, their successors and assigns.
4. Christensen, for the consideration as herein set forth, further hereby releases and quitclaims to O'Brien all right, title and interest which Christensen may have in and to the Improvements, including, without limitation, any right, title and interest under the Memorandum Agreement referred to in paragraph 5 of the recitals, above.
5. O'Brien, as additional consideration hereunder, grants Christensen the right to relocate telephone wires and/or power lines underground on Lot 1, provided that any such relocation, in its entirety, shall be at the sole expense of Christensen without right of contribution from O'Brien, and shall be undertaken only in the presence of O'Brien upon thirty (30) days written notice, and not sooner than June 1, 1989, and without damage to any property, real or personal, of O'Brien.

6. This settlement agreement supersedes the Memorandum Agreement described above. The common boundary line between the two properties shall remain as set forth in the aforementioned topography map -- no shift of the common boundary line occurs by reason of this Agreement.

7. Each party shall be responsible for its attorneys' fees resulting from this dispute and the settlement hereof, provided that in the event of any suit or proceeding by either party herein against the other party, attempting to enforce any right herein granted, the losing party in such suit or proceeding shall pay to the prevailing party such sum or sums as the court shall adjudge reasonable, in such suit or proceeding, for attorneys' fees, including such fees on appeal, for such prevailing party.

8. There shall be no adjustment between the parties as regards any and all real property taxes and assessments. The parties consent and request that the owners of Lot 1 and Lot 2, respectively, shall continue to pay any such taxes and assessments levied on their respective lots.

9. The parties acknowledge and agree that the law firm of Lawson & Peables has represented only O'Brien in all matters pertaining to this agreement, and that the law firm of Hogue, Speck & Aarnestad has represented only Christensen in all matters pertaining to this agreement. It is mutually understood and agreed that no presumption shall be deemed to exist in favor of or against any party hereto as a result of the preparation and/or negotiation of this agreement.

10. Every provision of this agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the legality or validity of the remainder of this agreement.

11. This agreement and the terms and provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

12. This agreement contains the entire agreement between the parties respecting the matters herein set forth and supersedes all prior agreements between the parties hereto respecting such matters.

13. This agreement shall be construed in accordance with the laws of the State of Idaho.

14. This Agreement is not to be interpreted as an admission of liability on the part of any party hereto. The undersigned merely intend to avoid litigation through this Agreement with no admission or denial of liability.

SETTLEMENT AGREEMENT/Page 3

SCANNED

DEC 11 2006

EXECUTED the day and year first above written.

Garrett O'Brien, M.D.
GARRETT O'BRIEN, M.D.

Douglas M. Christensen
DOUGLAS M. CHRISTENSEN

Ann L. Christensen
ANN L. CHRISTENSEN

STATE OF Idaho)
County of Blaine) ss.

On this 6th day of July, 1989, before me, the undersigned, a Notary Public in and for said county and state, personally appeared GARRETT O'BRIEN, M.D., known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Thomas J. Ball
Notary Public for
Residing at Blaine County

STATE OF Idaho)
County of Blaine) ss.

On this 20th day of July, 1989, before me, the undersigned, a Notary Public in and for said county and state, personally appeared DOUGLAS M. CHRISTENSEN and ANN L. CHRISTENSEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

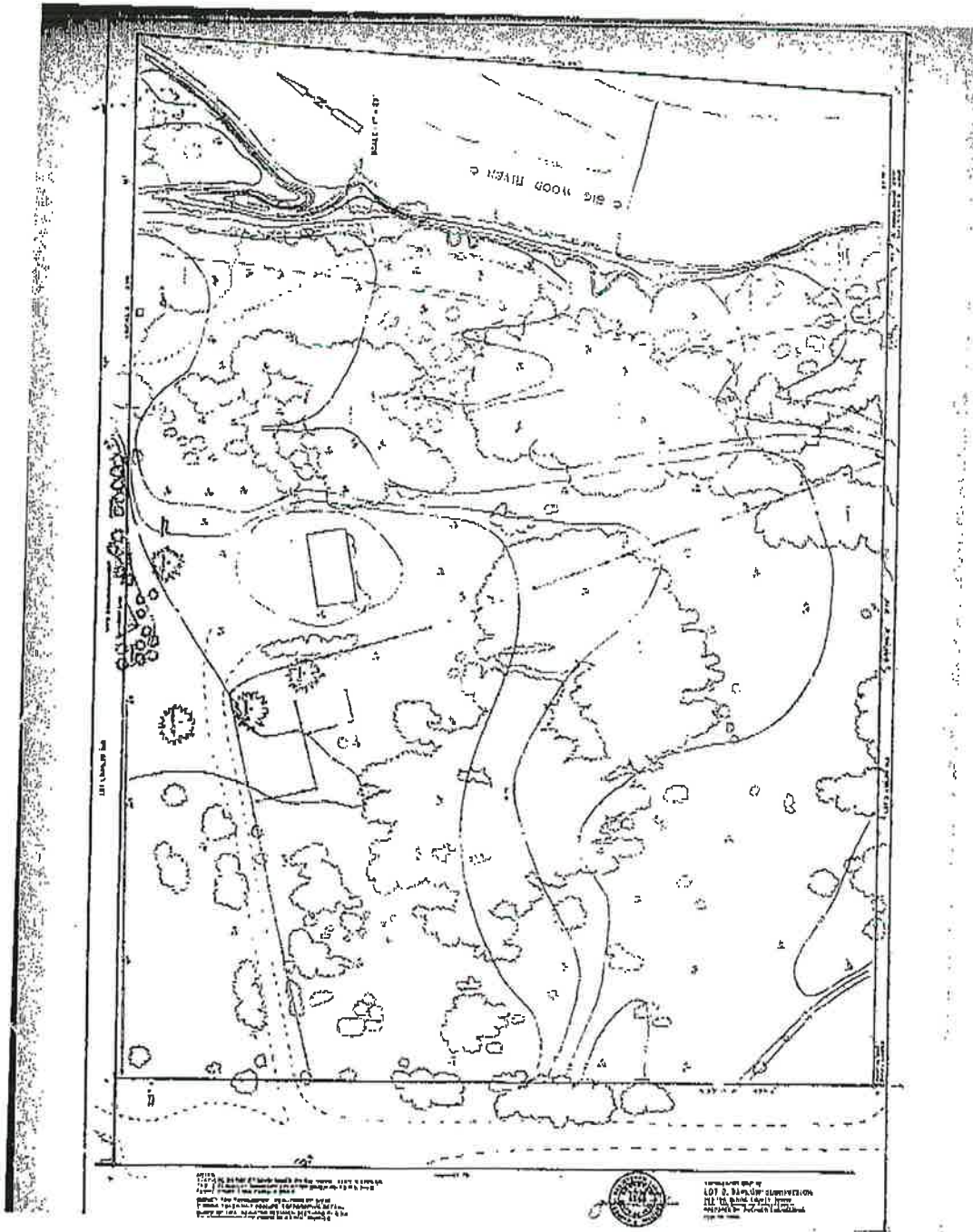
Thomas J. Ball
Notary Public for
Residing at Blaine County

blb/cr/obrien.set

SETTLEMENT AGREEMENT/Page 4

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SCANNED

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RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
David S. Zuckerman, Esq.
Fornaciari, Zuckerman & McQuiller
4 Embarcadero Center, Suite 1610
San Francisco, CA 94111

MAIL TAX STATEMENTS TO:
Kingsley H. Murphy and
Cynthia B. Murphy, Trustees
60 Fairway Drive
San Rafael, CA 94901

Mary Green

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

The undersigned grantors declare:
Documentary transfer tax is \$-0-

Transfer by Grantors to Revocable
Living Trust of which Grantors are
the sole Trustees and Beneficiaries.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KINGSLEY H. MURPHY AND CYNTHIA B. MURPHY, HUSBAND AND WIFE

hereby GRANT, BARGAIN, SELL, CONVEY AND WARRANT unto KINGSLEY H.
MURPHY, III AND CYNTHIA B. MURPHY, AS TRUSTEES OF
THE MURPHY FAMILY REVOCABLE TRUST DATED 11/12/86

the following described real property in the County of Blaine, State of Idaho:

LOT 1 OF BARLOW SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF,
RECORDED AS INSTRUMENT NO. 105637, RECORDS OF BLAINE COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee and its assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all incumbrances and that they
will warrant and defend the same from all lawful claims whatsoever.

It is the Grantors' intent that the foregoing property shall remain the
community property of Kingsley H. Murphy and Cynthia B. Murphy.

Dated June 2, 1994

KINGSLEY H. MURPHY

CYNTHIA B. MURPHY

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

On this 9th day of June, 1994, before me, Susan T. Stratton, a
Notary Public in and for the City and County of San Francisco, State
of California, personally appeared Kingsley H. Murphy and
Cynthia B. Murphy, personally known to me OR I viewed in me
in the face of satisfactory evidence to be the persons whose names
are subscribed to the within instrument and acknowledged to me that by
their signatures on the instrument, the persons, or the entity upon
behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Susan T. Stratton, Notary Public

MURKIWAR.EM4

CAPACITY CLAIMED BY SIGNERS

☒ INDIVIDUALS
☐ CORPORATE
☐ OFFICER(S) TITLE(S)
☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ SUBSCRIBING WITNESS
☐ GUARDIAN/CONSERVATOR
☐ OTHER

SIGNER IS REPRESENTING
NAME OF PERSON(S) OR ENTITY(IES)



(Seal)

SCANNED

DEC 11 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: A37-12880

Date Received: 10/06/1988

Receipt No: C005599

Received By: AB DATA ENTERED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARRETT O'BRIEN M.D. 208-726-7888
Address: BOX 8010
KETCHUM, ID 83340

2. Date of Priority: JAN 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	17E	10	SW	NE			BLAINE

5. Description of diverting works:
WELL 50', 6" CASING, 1 1/2 HP PUMP, 2" PIP DELIVERY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
FIRE PROTECTION	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ SERVANT QUARTERS, F/FIRE PROTECTION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	17E	10	SW	NE		DOMEST	
			SW	NE		FIRE	

A37-12880

Page 1

Date: 02/28/89

MICROFILMED

MAR 01 1993

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:

PLACE OF USE AND POINT OF DIVERSION 1/4, 1/4 WERE AMENDED PER
CORRESPONDENCE OF 2/27/89 (AB)

15. Basis of Claim: BENEFICIAL USE

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 _____

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 437-12880Date Received 10-6-88Receipt Number C005599 RW 25-

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25 (or)
619-325-7888

FIRE/
(DOMESTIC)
#3

Please type or print clearly

1. Name of Claimant (s) GARRETT O'BRIEN M.D. Phone (208) 726-7888Mailing Address Box 8010 Ketchum, ID Zip 833402. Date of Priority (Only one (1) per claim) JAN 1, 19623. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. Location of point of diversion is: Township 5N Range 17E
Section 10, NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,
County of BLANE (SEE MAP)

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. PUMP & WELL; 1 1/2 HPX
6" X 50'; 2" pipe delivery system

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For DOMESTIC purposes from JAN 1 to DEC 31 amount .04 (cfs)
(Both dates are inclusive)For FIRE PROTECTION purposes from JAN 1 to DEC 31 amount .047. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) DOMESTIC; SERVANT QUARTERS; FIRE PROTECTION

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10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
5N	17E	10			D		D											
5N	17E	10					F											

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

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

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

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) Garrett O'Brien, MD Date 10-6-88

_____ Date _____

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

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Id)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 6 day of Oct 19 88

SEAL

Notary Public John Dale Carter

Residing at Blaine, Id

My Commission Expires 6/2/94

Last Name _____ Ident No. _____

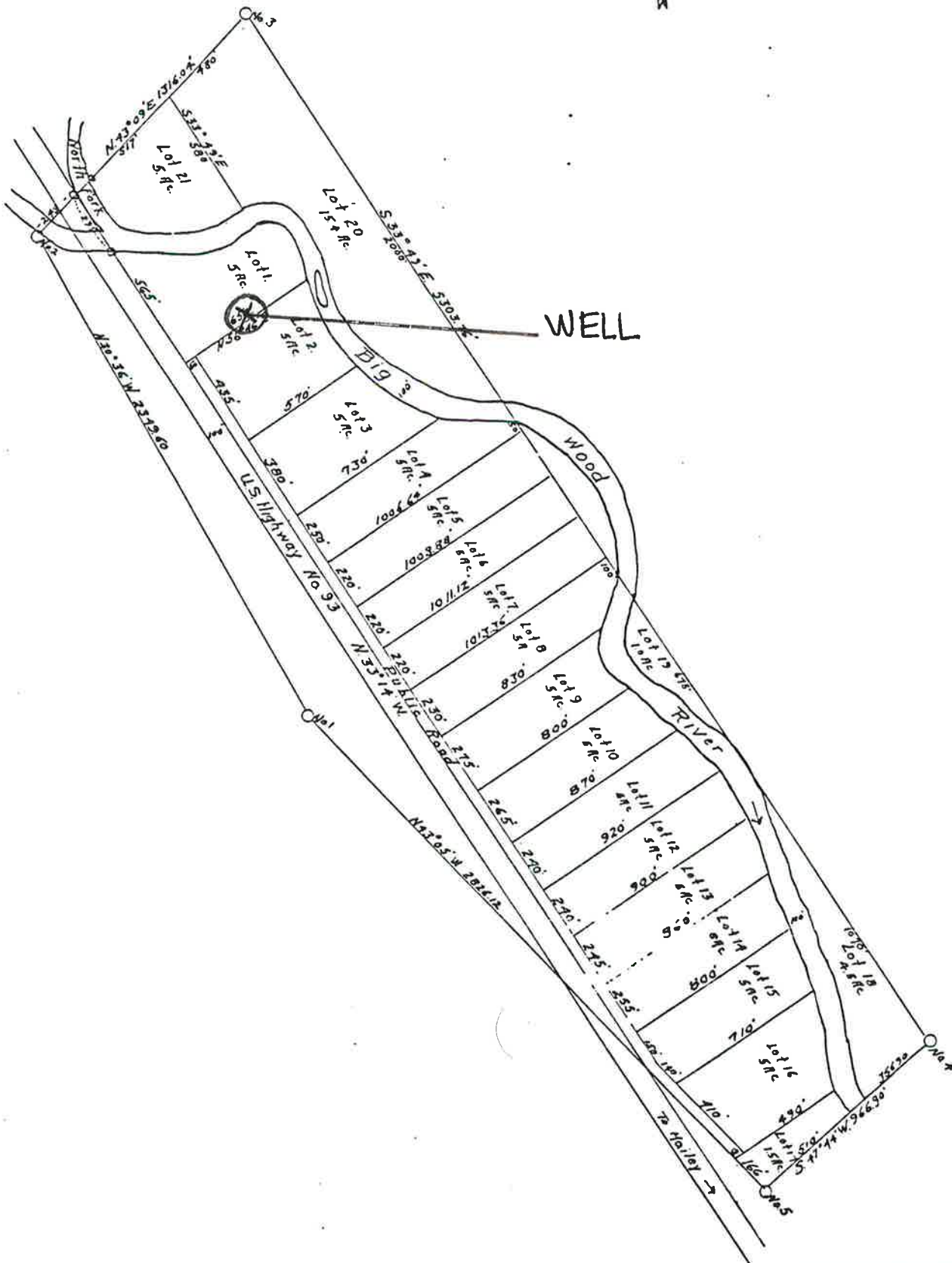
MICROFILMED
MAR 11 1993
Copies White-State, Yellow-Claimant

BARLOW SUBDIVISION

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the Company assumes no liability for variation, if any, with another or re-survey.

LAND TITLE GUARANTY COMPANY

TITLE INSURANCE
BANKS & TRUSTS
SOUTH CAROLINA



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MAR 01 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

Identification No. A37-12800

Date Received _____

Receipt Number 005599

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

FEB 24 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Garrett O'Brien, M.D. Phone (208) 726-7888 or

619 325-7888

Mailing Address P.O. Box 8010, Ketchum, ID Zip 83340

2. Date of Priority (Only one per claim) 1/1/1962 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 05N Range 17E

Section 10, 1/4 of ~~NE~~ SW 1/4 of ~~NE~~ NE 1/4, Govt. Lot _____, BM.,

County of Blaine

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well, 50' deep, 6" casing, 1-1/2hp pump, 2" pipe delivery system

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 ^{Month/Day} to 12/31 ^{Month/Day} amount .04 (cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic use includes servant quarters and emergency fire protection

for residence

MICROFILMED

MAR 01 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

Identification No. A37-12800

Date Received

Receipt Number 1005599

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Garrett O'Brien, M.D. Phone (208) 726-7888 or 619 325-7888
Mailing Address P.O. Box 8010, Ketchum, ID Zip 83340

2. Date of Priority (Only one per claim) 1/1/1962 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 05N Range 17E
Section 10, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of Blaine

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well, 50' deep, 6" casing, 1-1/2hp pump, 2" pipe delivery system

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock)
Domestic use includes servant quarters and emergency fire protection for residence

MICROFILMED

10. Place of use is: Township: 05N Range 17E

Section 10, NE SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Blaine for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Genett Brien, MD Date February 22, 1989

Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 01 1993

10. Place of use is: Township: 05N Range 17E

Section 10, SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Blaine for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Jane B. Breen, MD Date February 22, 1989

Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of _____ } SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
MAR 01 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

Date Received

Receipt Number

10-6-88

RW 25-

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

(or)
619-325-7888

Please type or print clearly

1. Name of Claimant (s) GARRETT O'BRIEN M.D. Phone (208) 726-7888

Mailing Address Box 8010 Ketchum, ID Zip 83340

2. Date of Priority (Only one (1) per claim) JAN 1, 1962

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

4. Location of point of diversion is: Township 5N Range 17E
Section 10, NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,
County of BLAINE (SEE MAP)

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. PUMP & WELL; 1 1/2 HP X
6" X 50'; 2" pipe delivery system

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)
For DOMESTIC purposes from JAN 1 to DEC 31 amount .04 (cfs)
For FIRE PROTECTION purposes from JAN 1 to DEC 31 amount .04

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) DOMESTIC; SERVANT QUARTERS; FIRE PROTECTION

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MAR 6 1993

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
5N	17E	10					D											
5N	17E	10					F											

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

BLAINE

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ☒

14. Remarks:

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number

Court Case Number Decree Date

Plaintiff vs Defendant

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) Garrett O'Brien, MD Date 10-6-88

Date

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho/or ID)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this

6

day of

Oct

19 88

SEAL

Notary Public

John Dale Carter

Residing at

Blaine ID

My Commission Expires

6/2/94

MAR 01 1993

Last Name

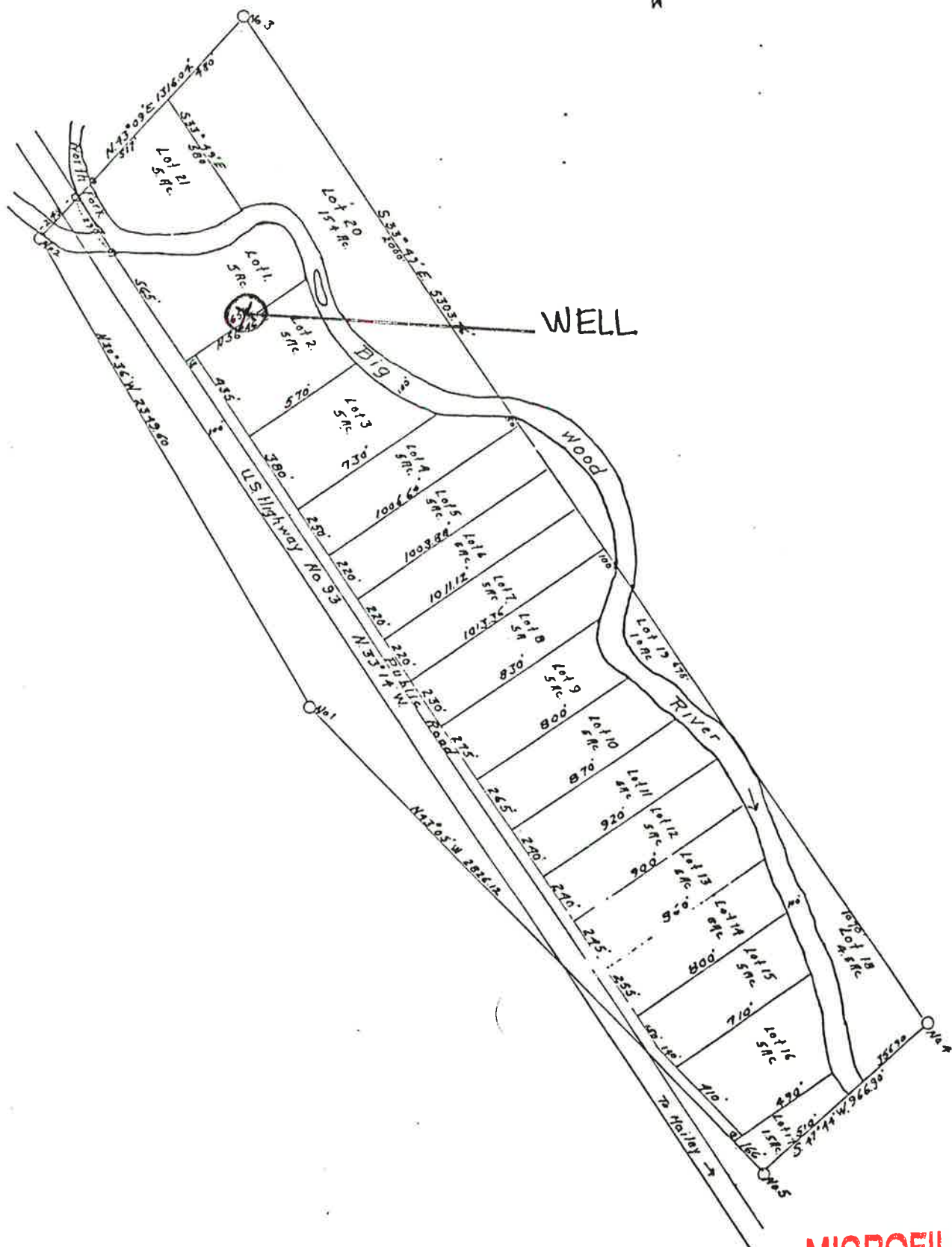
Ident No.

Copies White-State, Yellow-Claimant

BARLOW SUBDIVISION

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the Company assumes no liability for variation, if any, with another or re-survey.

LAND TITLE GUARANTY COMPANY
TITLE INSURANCE RECORDS
PAGES 1 & 2 OF 4



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MAR 01 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: 39356

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Garrett O'Brien, M.D. Phone (208) 726-7888 or 619 325-7888
Mailing Address P. O. Box 8010, Ketchum, ID Zip 83340

2. Date of Priority (Only one (1) per claim) 1/1/1962

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

4. a. Location of existing point of diversion is: Township 05N Range 17E Section 10,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

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

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

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

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

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

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

Well, 50' deep, 6" casing, 1-1/2 hp pump, 2" pipe delivery system

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MAR 01 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For Fire Protection purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic; servant quarters; fireprotection

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
05n	17E	10					D/F												

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

14. Remarks:

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MAR 01 1993

Last Name O'Brien, M.D. Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

RECEIVED 11 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

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

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

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

MAY 01 1993
Copies White-State, Yellow-Claimant

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

Identification No. _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
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For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Garrett O'Brien, M.D. Phone (208) 726-7888 or 619 325-7888
Mailing Address P.O. Box 8010, Ketchum, ID Zip 83340

2. Date of Priority (Only one per claim) 1/1/1962 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 05N Range 17E
Section 10, 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of Blaine

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well, 50' deep, 6" casing, 1-1/2hp pump, 2" pipe delivery system

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1^{Month/Day} to 12/31^{Month/Day} amount .04^(cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic use includes servant quarters and emergency fire protection for residence

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MAR 01 1993

10. Place of use is: Township: 05N Range 17E

Section 10, NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Blaine for (Circle One) Domestic **Stock** **Domestic and Stock**

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use **Posted Notice** **License** **Permit** **Decree**

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 01 1993



Idaho Department of Water Resources

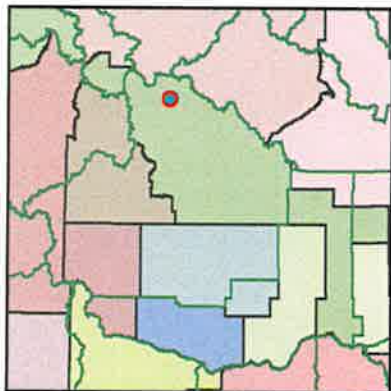
SRBA Recommendation:

37-12880

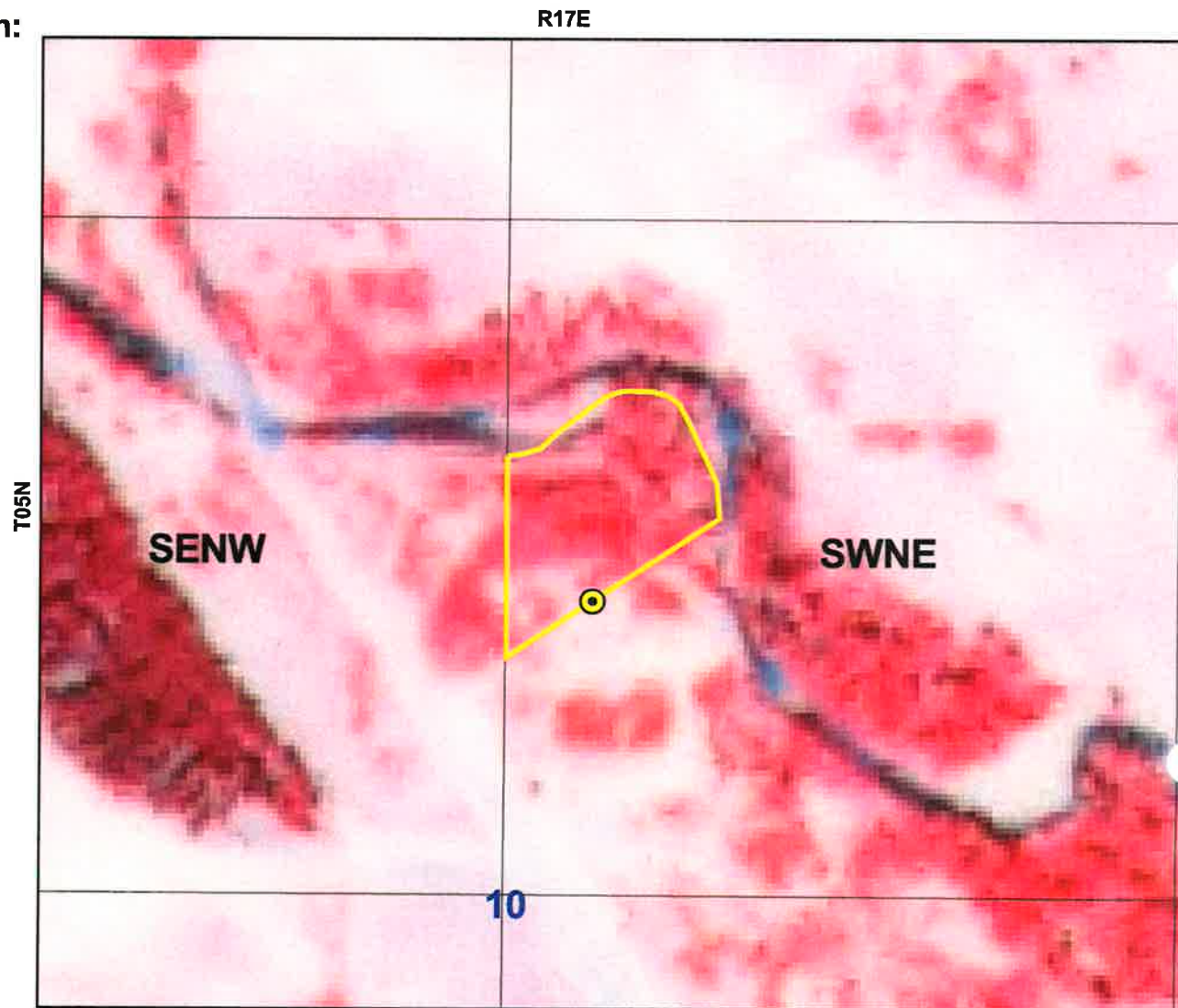
(Domestic)

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 D. Smith
On Friday, January 19, 2007
1987/88 Aerial Photography

01/11/2007

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

RIGHT NUMBER: 37-12880

NAME AND ADDRESS: MURPHY FAMILY REVOCABLE TRUST DATED 11-12-86
CYNTHIA B MURPHY TRUSTEE
PO BOX 3818
KETCHUM ID 83340

MURPHY FAMILY REVOCABLE TRUST DATED 11-12-86
KINGSLEY H MURPHY III TRUSTEE
PO BOX 3818
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

Right Nos. 37-8492 and 37-12880 are limited to a total combined diversion rate of 0.04 cfs and to a total combined annual diversion volume of 0.6 AF for domestic purposes.

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T05N R17E S10 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
		0.60 AFY
FIRE PROTECTION	01/01 12/31	0.040 CFS

Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC in BLAINE County
T05N R17E S10 SWNE
FIRE PROTECTION in BLAINE County
T05N R17E S10 SWNE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

Well #1 near house 37.08492
wpt 28

tied in w/well #2
irrigation ~2 acres
+ fire protection
also domestic

43°46.990
114°25.014

Well #2 in yard 37.08492
wpt 27

tied in w/well #1 (pressure system)
irrigation + fire protection

43°47.047
114°25.052

→ Well #3 end of house

Shallow well

3/4 hp. pump?

no irrigation

domestic only

not tied in w/others

wpt 29

43°46.981

114°24.982

this
claim

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

SERVICE REQUESTED

37-12880
Southern

Southern

37-12880
O BRIEN
PO BOX 8010
KETCHUM ID 83340

RETURNED TO
SENDER
UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED.

1660 P83524253
3351600 370 APR 15 2005
4845 MAILED FROM ZIP CODE 83301

RECEIVED

APR 18 2005

Department of Water Resources
Southern Region



8330





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Garrett O'Brien, MD
PO Box 8010
Ketchum, ID 83340

29-Dec-1988

Dr. O'Brien,

During preliminary review of the application for permit you submitted with the Department, receipt #C004312, I noticed some discrepancy between where you indicate the land to be and where we think the land to be. I have included a topographic map of the area with the enclosed application to assist in resolving this problem. Because of the significant nature of these problems I am not allowed to edit the application, but can provide information to the applicant. There may be one or two annotations I have made to the information you have provided and these would be initialed by me on the application. You are entitled to disagree with my conclusions and not make any changes to the application, I am merely asking for clarification of the information provided.

The first problem is in Item 3 where you indicate the wells are located in the NE 1/4 of the NW 1/4 of Sec 10. I have shaded an area on the included map which may represent the position of the land in relation to the river as shown on the plat you provided. This area seems to show the land to be located in the SE 1/4 of the NW 1/4, and in the SW 1/4 of the NE 1/4 of Sec 10.

The second problem lies in Item 9 where you did not indicate the place of use or the type of use in the appropriate box(es). Irrigation should be indicated with the number of acres in each 40 acre box where it actually lies. The aesthetic pond is considered to be a recreational use and the letter "R" should be put in the appropriate box. Domestic use is indicated in this section with the letter "D", also in the appropriate box. More than one symbol may be entered in any box.

I have retained a copy of the application as you submitted it in case the original is lost in transit. Returning the application for corrections does not jeopardize the priority date of the application if it is returned to us within two weeks, with changes or without.

If you have any questions please contact me.

Sincerely,

Douglas Jones E.I.T.
Southern Region

MICROFILMED

MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Garrett O'Brien, MD
247 W. Vereda Sur
Palm Springs, CA 92262

16-Feb-1989

Dear Dr. O'Brien,

The Department is in receipt of your corrected application for permit and the corrected information is acceptable. You will be notified of the advertising dates when this office has completed the processing and preparation. Section 42-204 of the Idaho Code allows 30 days from the date of mailing of a notice for clarification of information on an application for permit for corrections to be submitted without jeopardy to the priority date. However, in this case, you would not reasonably be expected to have access to the most recent (1974) edition of USGS maps showing section lines in this area - previous editions were unsurveyed. My point of view is that the application was submitted in good faith based on public (albeit old, 1967) information and therefore the priority date should not be harmed. In addition, I have contacted various firms assisting people with water rights in the Wood River area of the more recent information available to them.

I have asked the State Office, in Boise, about the status of the adjudication claim and the related fee refund. The adjudication staff there have recently sent you their analysis of the problems discovered in the claim. From my conversation with them it appears that you have a choice of which form to file and hence which fee to pay. State regulations allow 30 days from the notification mailing date for you to respond to the request for clarification of information until the claim is considered late and subject to late fees. This 30 day response deadline for you is March 9, 1989 (postmark).

The accounting staff acknowledge that they have the request for refund in their office; however, they must process those refunds in chronological order and cannot pull individual files. Because of the large number of claims and the large number of refunds being handled by two different staffs both groups feel that the most practical approach to deal with this situation is for you to submit the appropriate fee with the corrected adjudication claim. I also encourage this approach due to the difficulty of trying to match an application with more than one receipt located in different places (greater chance for human error). I am confident that the refund will be made as soon as possible, but it may happen too late to file a corrected claim by March 9.

If you have any questions or need further assistance please contact me and I'll help you in whatever way possible.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Jones".

MICROFILMED

MAR 01 1993

DONALD V. SHAFF

ADJUDICATION SECTION SUPERVISOR

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 NORTH ORCHARD STREET, STATEHOUSE MAIL

BOISE, IDAHO 83720

FEBRUARY 22, 1989

RECEIVED

FEB 24 1989

Department of Water Resources

DEAR MR. SHAFF:

IN REFERENCE TO YOUR LETTER TO ME OF FEBRUARY 7, 1989, I AM RETURNING THE TWO-PAGE FORM IN GREEN INK WHICH YOU PREPARED FOR MY USE. I HAVE CHANGED THE LOCATION OF THE WELL TO THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 10 WHERE IT IS ACTUALLY LOCATED. ORIGINALLY, THE CLAIM WAS IN ERROR AS TO LOCATION. MR. DOUGLAS JONES IN TWIN FALLS DISCOVERED THE ERROR AND I HAVE SINCE RESUBMITTED THE PROPER PAPERWORK TO HIM (SEE HIS CORRESPONDENCE ENCLOSED.).

I AM INCLUDING THE ORIGINAL PAPERS YOU SENT ME IN CASE YOU NEED MY NOTARIZED SIGNATURE OF OCTOBER 6, 1989.

MY CHECK FOR \$25.00 IS ENCLOSED AS PER YOUR INSTRUCTIONS.

PLEASE LET ME KNOW IF ALL MY PAPERWORK IS NOW CORRECT AND COMPLETE.

VERY TRULY YOURS,

Garrett Brown, MD

247 W. VEREDA SUR

PALM SPRINGS, CA 92262

TEL: (619) 325-7888

MICROFILMED

MAR 01 1993

ST O'BRIEN, M.D.
J. VEREDA SUR
SPRINGS, CA. 92262



DONALD V. SHAFF

ADJUDICATION SECTION SUPERVISOR

STATE OF IDAHO, DEPT OF WATER RESOURCES

1301 NORTH ORCHARD STREET, STATE HOUSE MAIL

BOISE, IDAHO 83720

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 7, 1989

Dr. Garrett O'Brien
P.O. Box 8010
Ketchum, ID 83340

BLAINE

RE: Notice of Claim to a Water Right
Blaine County

Dear Dr. O'Brien:

Enclosed please find a hand-written Notice of Claim to a Water Right which you submitted in October, 1988. We are unable to process the claim as completed; the form which you completed is limited to domestic and/or stockwater use only (see Item 6). We have prepared two versions of a Notice of Claim. Review both claims in light of the letter below and submit one.

According to the Rules of the Department, domestic use includes uses in connection with the household. This includes irrigation of up to one-half acre, associated domestic stock, and has been interpreted to include emergency fire protection in connection with a residence. The two-page form with green ink is limited to 13,000 gallons per day and is prepared listing domestic use only. However, in Item 9, you will note that fire protection has been listed as a part of the domestic use. The fee for this claim is \$25.

If you wish to specifically list fire protection, you must use the four-page form which is attached. Please clarify the fire protection use in Item 9. If you wish to claim a water right in this manner, the total fee is \$50.00. In either case, please explain the use.

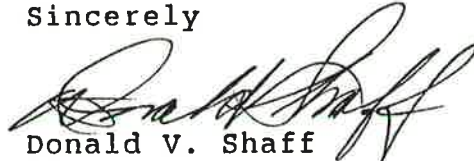
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Dr. Garrett O'Brien
February 7, 1989
Page 2

Your check which accompanied the claim originally submitted, was forwarded to our Allocations Bureau. You should have received some correspondence about the Application for Permit you submitted. Your original check was forwarded with your Application for Permit and the adjudication fees are still due.

Please return the documents to this office at my attention. If you will make these corrections before March 9, 1989, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Sincerely



Donald V. Shaff
Adjudication Section Supervisor

DVS:HH:db
Short Form Completed
Long Form w/Instructions

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME O'Brien CLAIM ENT. NO. _____

DATE RECEIVED 10-6-88 CK # none AMOUNT \$ as per back

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

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ☒ YES ☐ NO
- (b) Is a tributary to entered? (if required) ☒ N/A

4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO

5. Is there a description of the diverting works? ☒ YES ☐ NO

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *needs long form*

Is the period of use included? ☒ YES ☐ NO

Is a quantity claimed for each use? ☒ YES ☐ NO

7. Is a total quantity claimed entered? ☒ YES ☐ NO

8. If required is a consumptive use entered? ☒ YES ☐ NO

Is the consumptive use correct? ☒ YES ☐ NO

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO

10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO

11. Is (are) the county(ies) entered? ☒ YES ☐ NO

12. Is the ownership of p.u. checked? ☒ YES ☐ NO

13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO

15. Is the basis of the claim indicated? ☒ YES ☐ NO

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO

Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO

Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO

Is the fee enclosed correct? ☒ YES ☐ NO

If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO

Should this claim be receipted and data entered? ☒ YES ☐ NO

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Claim checked by: RAI MAR 01 1993

Comments: Correct fee is \$50 (no variable fee for either use).