

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: A37-13375
Date Received: 3/01/1990
Receipt No: C015184
Received By: _____

A-75⁰⁰ fee pd.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RANDALL HERMANN
Address: P.O. BOX 1204
KETCHUM, ID 83340
208-726-4513

2. Date of Priority: DEC 31, 1986

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	17E	10	NW	SE			BLAINE

5. Description of diverting works:
2 WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, G/1 HEAT PUMP SYSTEM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	10	NW	SE		DOMEST	
			NW	SE		HEAT	

11. Place of use in counties: BLAINE

A37-13375

Page 1

Date: 04/10/90

MICROFILMED

MAR 11 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COVERS A HOME WITH A GUEST HOUSE.

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 FALLSIN 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 _____

\$ 50
4
\$ 13
RECEIVED
MAR 8 1990

NOTICE OF CLAIM
TO AWATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region OfficeDepartment of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Randall Hermann Phone (208) 726 4513Mailing Address Box 1204 Ketchum Id Zip 833402. Date of Priority (Only one (1) per claim) ? none3. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 17E Section 10,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: 3 wells

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.

① well 20 gal/min

② well 35 gal/min

③ well 35 gal/min.

MICROFILMED

MAR 11 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 104 or _____
For HEATING purposes from 1/1 to 12/31 amount 106 or _____
For IRRIGATION purposes from 4/15 to 10/15 amount 100 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 102 cfs 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 1 household / Heating - water based heat pumps

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	
5N	17E	10														4			4
5N	17E	10														D			
5N	17E	10														G			

Total number of acres irrigated 4

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:

MICROFILMED

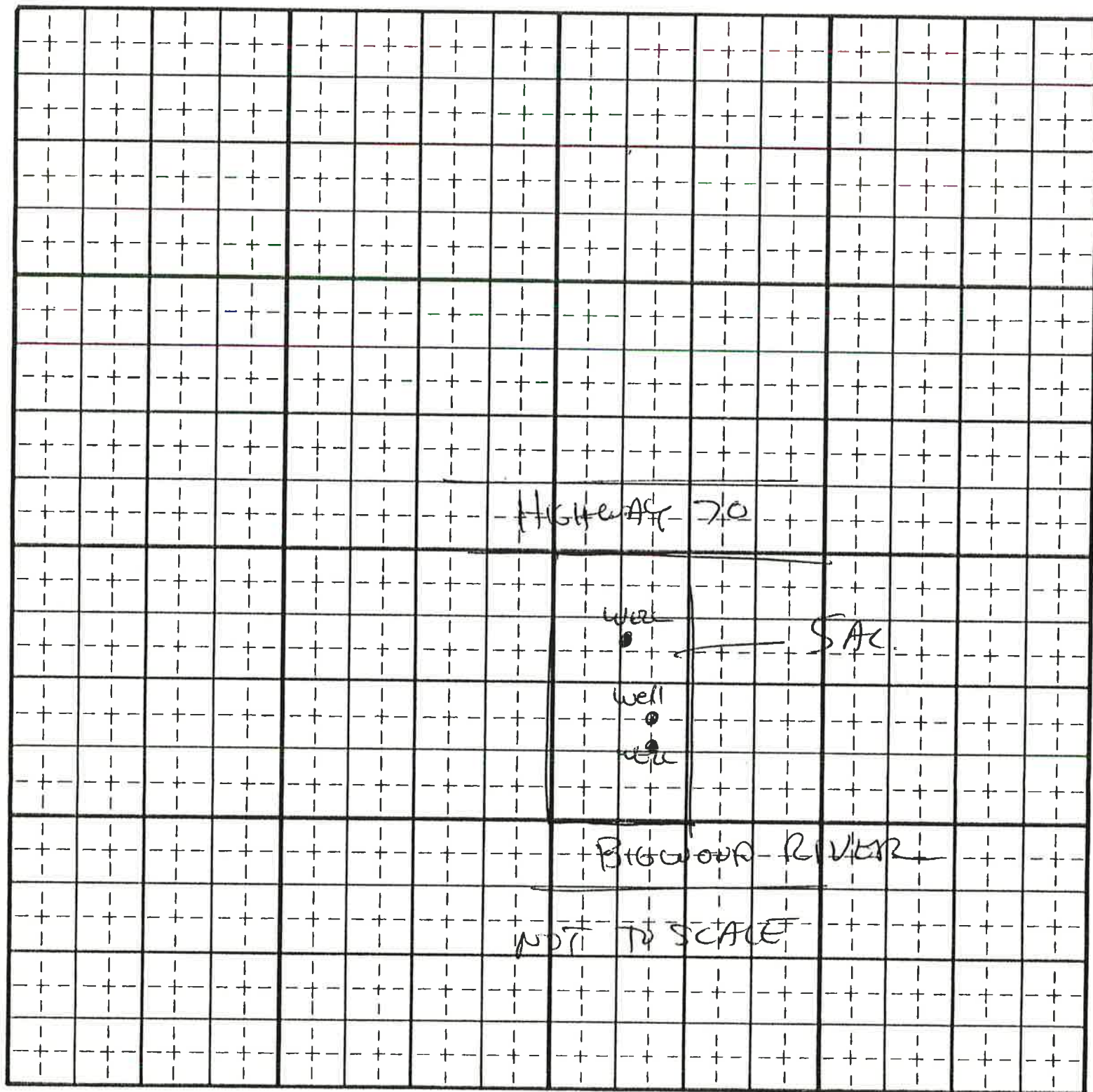
MAR 01 1993

Last Name HERMANN Ident No. 39576

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name

HERMANN

Ident No.

39576

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 11 1993

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 3

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

Signature of Claimant (s) David T. Herman Date 10/25/88

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 _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25 day of Oct 1988

SEAL

Notary Public Anna Vaughan

Residing at Blaine

My Commission Expires 2/17/94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name HERMAN Ident. Number 39576

MICROFILMED
MAR 01 1993

754

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
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CIVIL CASE NUMBER: 39576

Ident. Number A 37-13375Date Received 3/1/90Receipt Number C015184

RECEIVED

MAR 1 1990

NOTICE OF CLAIM
TO A
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ACQUIRED UNDER STATE LAW

Department of Water Resources

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Randall Hermann Phone (208) 726 4513Mailing Address Box 1204 Ketchum Id Zip 833402. Date of Priority (Only one (1) per claim) ? none 19863. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 17E Section 10,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: 2 wells

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.

① well 20 gal/min

② well 35 gal/min

③ well 35 gal/min

RECEIVED

MAR 8 1990

Department of Water Resources
Southern Region Office

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 104 or _____
For HEATING purposes from 4/1 to 12/31 amount 106 or _____
For IRRIGATION purposes from 4/15 to 10/15 amount 106 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 113.12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 102 cfs 10 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 1 household / Heating - water based heat pump

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	
~~5N~~	~~17E~~	~~10~~																	~~4~~
5N	17E	10																	D
5N	17E	10																	G

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 ☒ 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:

MICROFILMED

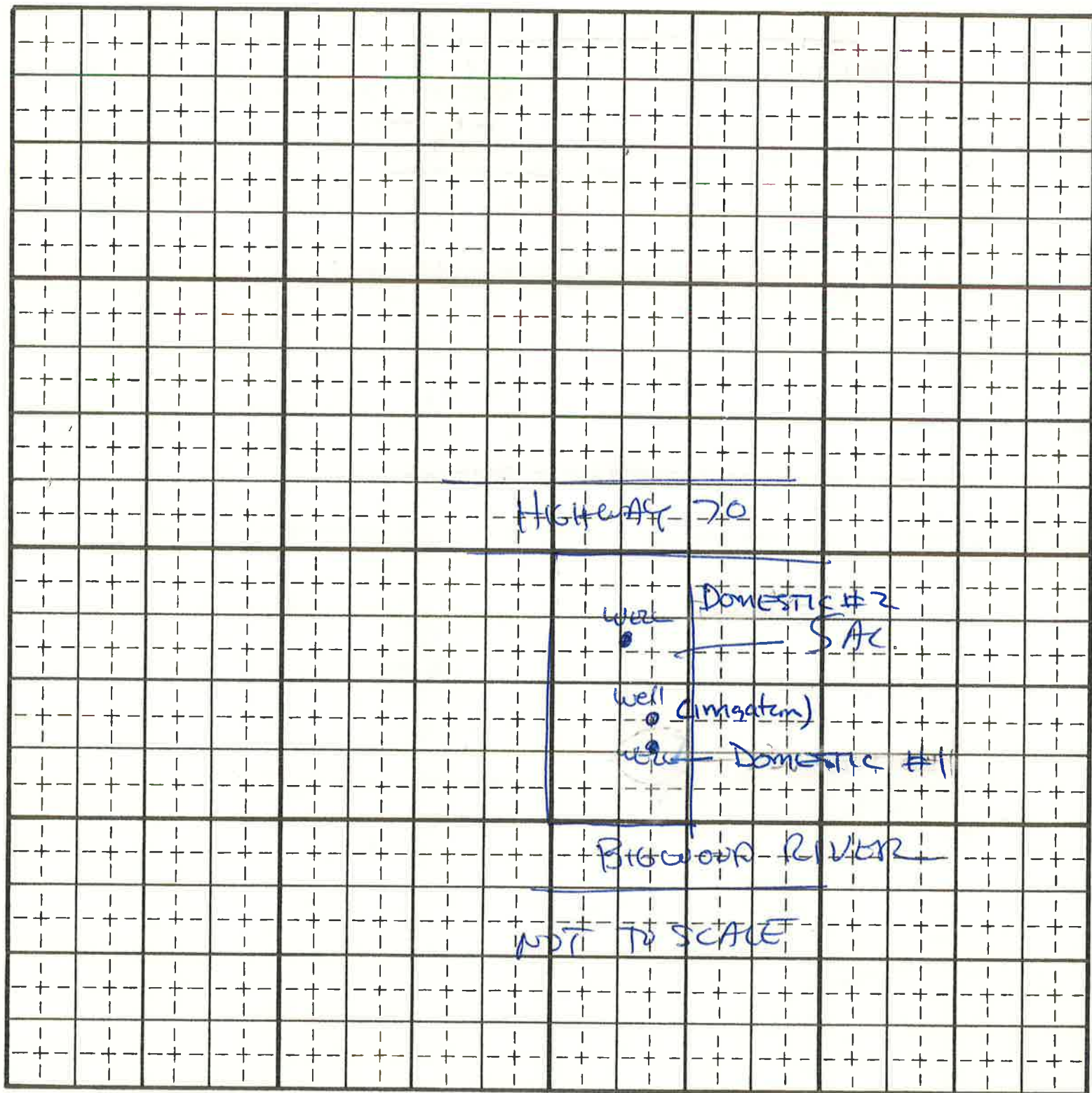
MAR 01 1993

Last Name HERMANN Ident No. 39576

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name

HERMANN

Ident No.

39576

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 01 1993

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 3

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

Signature of Claimant (s) Carroll T. Herman Date 10/25/88

Date _____

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

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

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 Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25 day of Oct 1988

SEAL

Notary Public Anna Vaughan

Residing at Blaine Id

My Commission Expires 2/17/94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name HERMAN Ident. Number 39576

MICROFILMED

MAR 01 1993

Copies White-State, Yellow-Claimant

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 2 AM 11 54

B-116

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

In Re SRBA

Subcase No. 37-13375

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

5/1/07

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

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

Randall Hermann
PO Box 1204
Ketchum ID 83340



Signature of person or attorney mailing the form

04/30/2007

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

RIGHT NUMBER: 37-13375

NAME AND ADDRESS: THOMAS W SMITH
323 RAILROAD AVE
GREENWICH CT 06830

DIANE G SMITH
323 RAILROAD AVE
GREENWICH CT 06830

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 12/31/1986

POINT OF
DIVERSION:

T05N R17E S10 NWSE Within BLAINE County
T05N R17E S10 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.060 CFS

Domestic use is for 2 homes.

PLACE OF USE: DOMESTIC in BLAINE County

T05N R17E S10 NESE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

May 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

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

RE: SRBA Claim(s) 37-13375

Dear Counselor:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Randall Hermann
PO Box 1204
Ketchum ID 83340

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

RECEIVED

APR 30 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-13375				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Randall Hermann
P.O. Box 1204, Ketchum, ID 83340

4. New Owner/Claimant(s) Thomas W. Smith and Diane G. Smith
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address 323 Railroad Avenue

City, State and ZIP Code Greenwich, CT 06830

New Telephone Number (203) 661-1200

5. Date you acquired the property

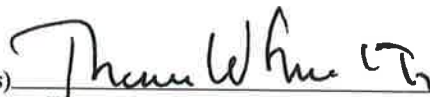
May 8, 1995

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s)



Thomas W. Smith

(title if applicable)



Diane G. Smith

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ A.J.

Date _____

WR _____

Date _____



WARRANTY DEED

For Value Received RANDALL T. HERMANN AND LAURIE H. HERMANN, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto THOMAS W. SMITH AND DIANE G. SMITH, HUSBAND AND WIFE

the Grantee whose current address is: 323 RAILROAD AVE., GREENWICH, CT 06830

the following described premises, to-wit:

PARCEL I: Lot 9A of A LOT LINE SHIFT PLAT SHOWING LOTS 9A & 11A, BARLOW SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded February 24, 1995 as Instrument No. 375963, records of Blaine County, Idaho.

PARCEL II: Lot Nineteen (19) of BARLOW SUBDIVISION, in H.E.S. #124 in Sections 10 & 15, Township 5 North, Range 17 East, Boise Meridian, Blaine County, State of Idaho, according to the official map of BARLOW SUBDIVISION, file March 14, 1955, in the office of the County Recorder of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 08, 1995

Randall T. Hermann
RANDALL T. HERMANN

Laurie H. Hermann
LAURIE H. HERMANN

State of Idaho

County of Blaine

ss.

On this 8th day of May, 1995, before me, the undersigned, a Notary Public, in and for said State, personally appeared RANDALL T. HERMAN AND LAURIE H. HERMANN

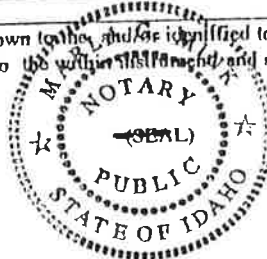
known to me, and for identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Marta G. Mink
Notary Public

Residing at: Bozeman

Commission Expires: 12/01/2000



Claimants Names:

Thomas W. And Diane G. Smith

Attorney Name & Address:

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

RECEIVED

APR 26 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

)
) NOTICE OF APPEARANCE
)
)
)
)

DESCRIPTIVE SUMMARY

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

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimants, Thomas W. and Diane G. Smith, for the following water right which is not the subject of a subcase: 37-13375.

DATED this 24 day of April, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of April, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

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

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

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

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

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


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

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

April 26, 2007

RECEIVED
APR 30 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR - Southern Region
1341 Fillmore
Suite 200
Twin Falls, Idaho 83301-3380

**Re: Thomas and Diane Smith;
Water Right 37-13375**

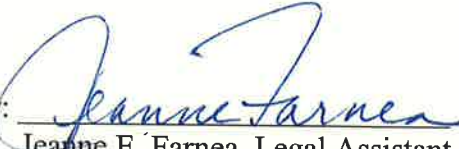
Dear Clerk:

Enclosed for filing please find an original and one copy of the Notice of Change in Water Right Ownership. Please file the original, date-stamp the copy and return it to our office in the postage prepaid, self-addressed envelope provided for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jeanne E. Farnea, Legal Assistant

Enclosures

11/22/2006

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

RIGHT NUMBER: 37-13375

NAME AND ADDRESS: RANDALL HERMANN
PO BOX 1204
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS

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

PRIORITY DATE: 12/31/1986

POINT OF DIVERSION:

T05N R17E S10 NWSE Within BLAINE County

T05N R17E S10 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.120 CFS

Domestic use is for 2 homes.

PLACE OF USE: DOMESTIC in BLAINE County

T05N R17E S10

NESE

T05N R17E S10

NWSE

T05N R17E S10

SWSE

T05N R17E S10

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 000400000090A



Idaho Department of Water Resources

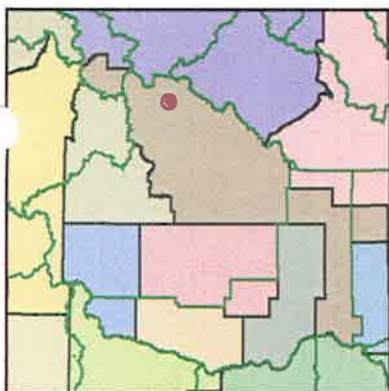
SRBA Recommendation:

37-13375

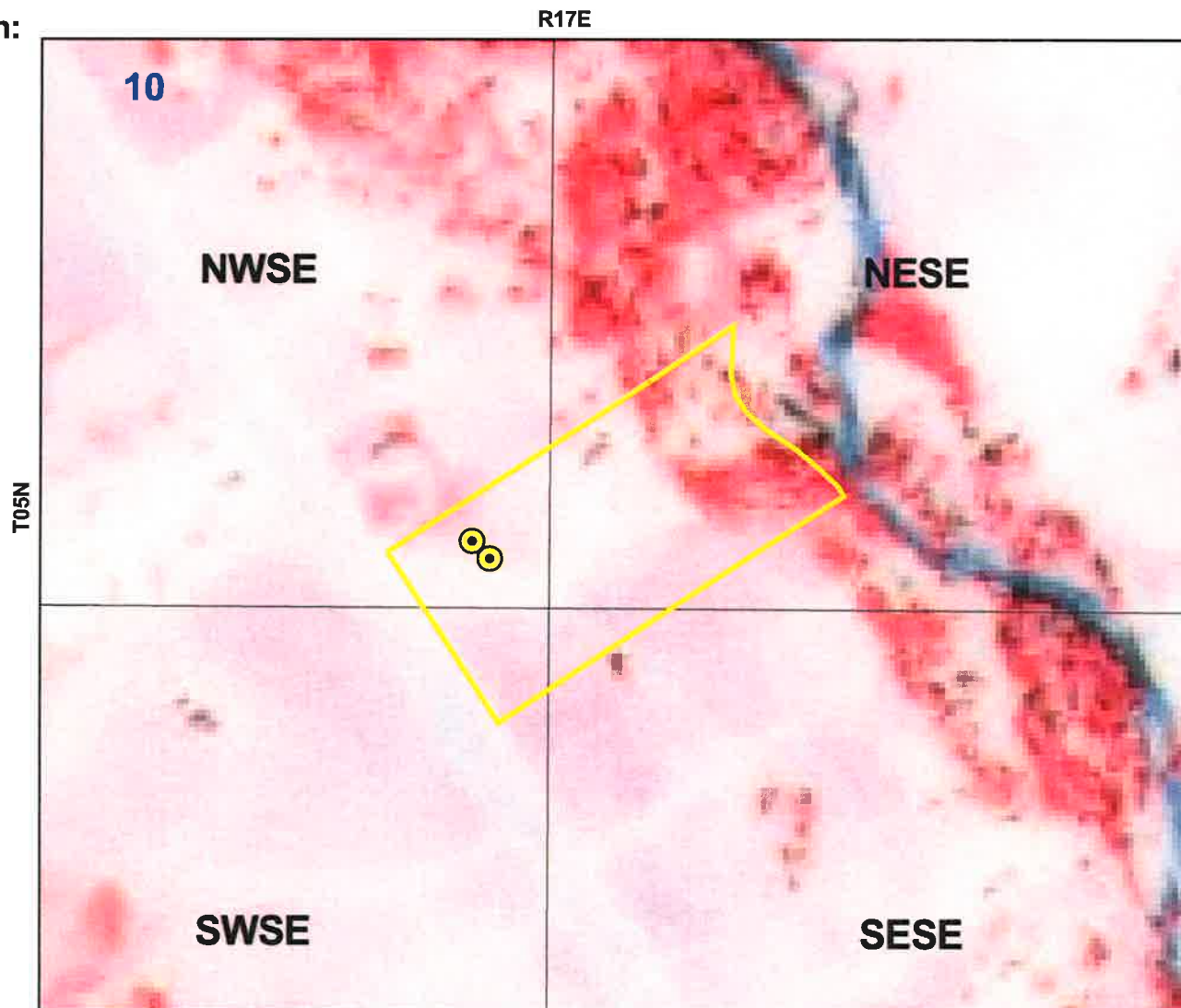
(Domestic)

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 E. Norques
On Tuesday, November 28, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

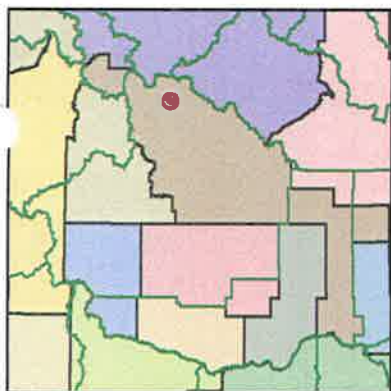
SRBA Recommendation:

37-13375

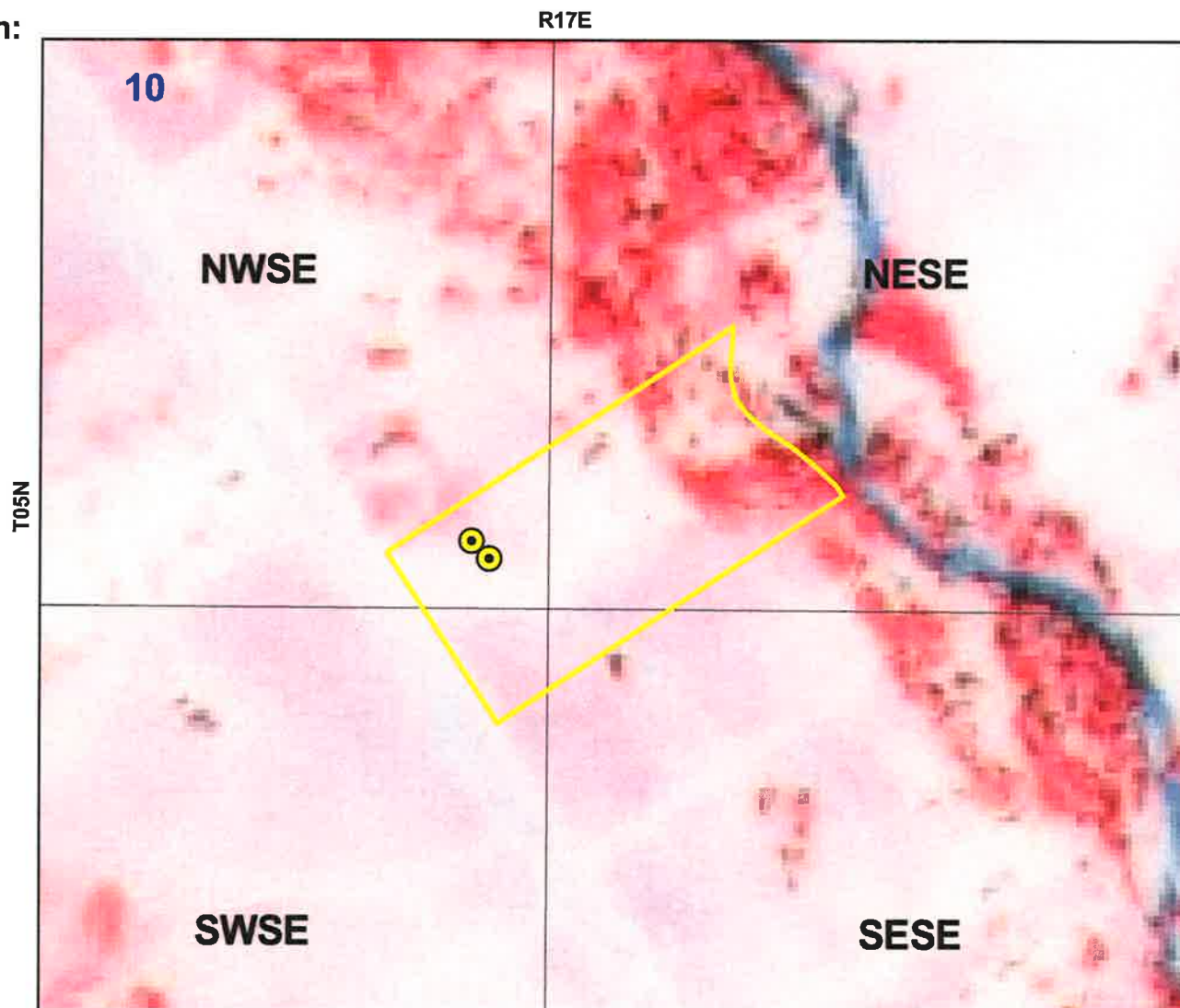
(Domestic)

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 E. Norques
On Tuesday, November 28, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-13375

Background Data

- Beneficial Use Claim
- Source is Groundwater
- Claimed for 0.12 cfs for domestic

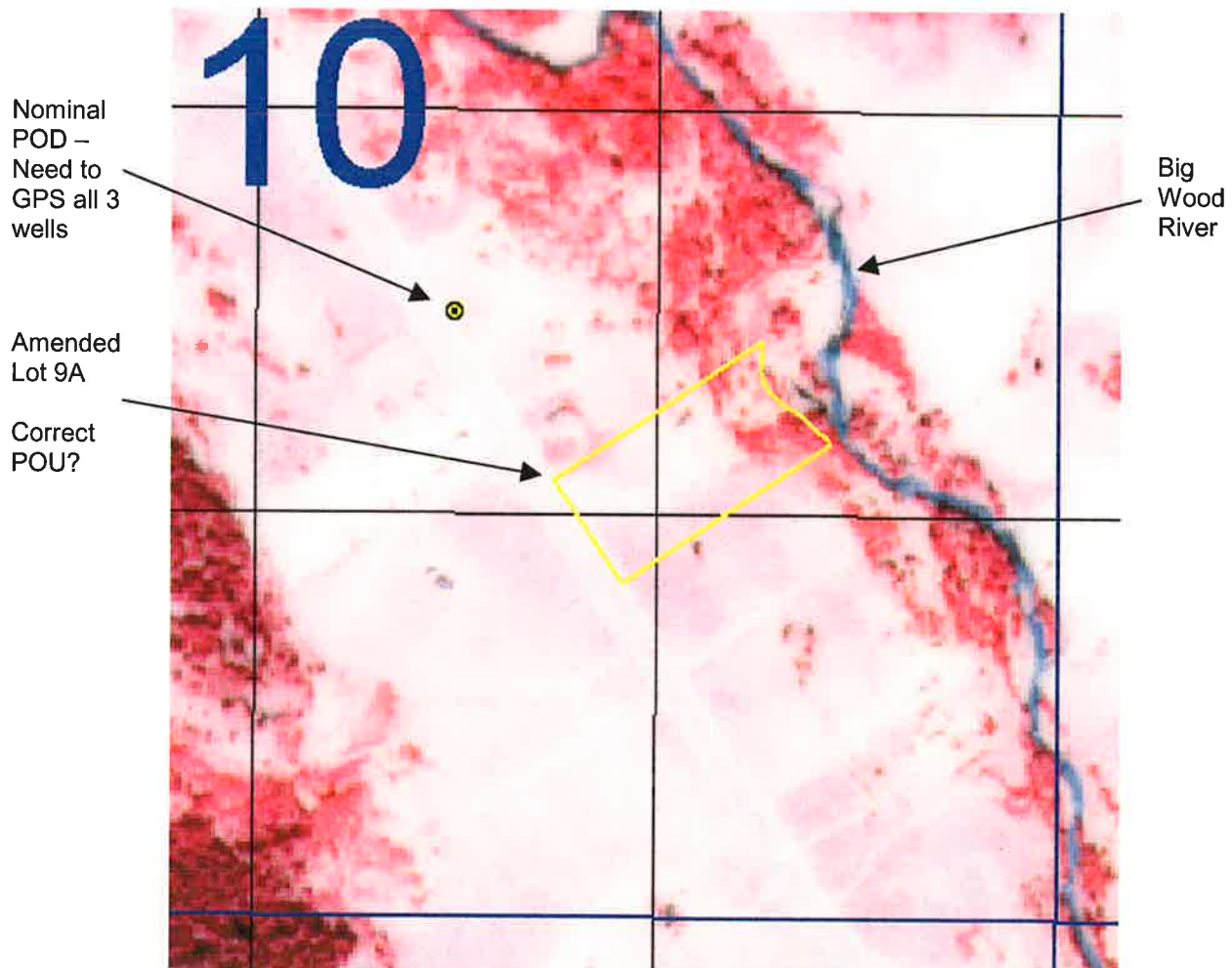
Place Of Use Data

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)

1987 Aerial Photo



2004 Aerial Photo



Notes

T5N R17E Section 10

- Confirm that the POU is correct
- Confirm water uses on property from wells
- GPS all 3 wells and indicate what the water from each is used for
- Claim state there is 1 house, 1 guest house, 1 heat pump, and 2 wells. There is also 1 irrigation well.
- The original claim is for Lot 9, Barlow Subdivision owned by Randall Hermann. The tax records show Amended Lot 9A is now owned by Thomas & Diane Smith, 323 Railroad Ave, Greenwich, CT, 06830

- there is a pending application for permit for 0.12 cfs on 4 acres for irrigation

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 37-8598

WATER RIGHT NUMBER: 37-8598

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RANDALL HERMANN PO BOX 1204 KETCHUM, ID 83340 (200)720-4513

Priority Date: 03/01/1990

Basis:

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/01	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 10, Twp 05N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
05N	17E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	4.0	4.0

Total Acres: 4

Conditions of Approval:

- This application proposes diversion of trustwater.
Application being held pending withdrawal of drought moratorium.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 37-8598

Application Received Date: 3/1/1990

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights:

Time to Complete Works:

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:



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 17, 1989

RECEIVED

MAR 8 1990

Department of Water Resources
Southern Region Office

RECEIVED
MAR 1 1990

Dr. Randall T. Herman
P. O. Box 1204
Ketchum, ID 83340

RE: Snake River Basin Adjudication

Department of Water Resources

Dear Dr. Herman:

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County and your check #6670 in the amount of \$67.00. We have noted some problems with your claim which we would like you to correct.

At Item #2, Date of Priority, you have written "?none". The date of priority is the date that the water was first placed to a beneficial use by yourself or your predecessors. If this date is after March 25, 1963, it may be necessary for you to file an Application for Permit. Any water right developed from a groundwater source after 1963, for any use other than single family domestic use, is required to have an application for permit filed; the Ground Water Statute at §42-230, Idaho Code, and Water Appropriation Rules and Regulations, paragraph 2,15. Your use of the water to irrigate four acres falls outside the domestic use category.

At Item #4 and again at Item #5, you list three wells. In order to claim all three wells on one claim form, the wells must be joined into a central point and become, in effect, one system. If the three wells are piped separately to the place of use, then three claims, or Applications, will need to be filed, one for each well.

At Item #8, you have listed ".02 cfs" as your consumptive use. Consumptive use is generally measured in acre feet per annum. A standard amount, based on 2.5 acre feet per annum, is suggested in your area, making this answer 10 acre feet per annum. If this agrees with your usage, please change this amount.

The claim fees for this water right would be \$54.00, broken down as follows: \$50.00 flat fee, plus \$1.00 per irrigated acre or \$4.00, no charge for the .04 cfs domestic and the 0.06 cfs for heat, if the heating is for a single, family domestic use.

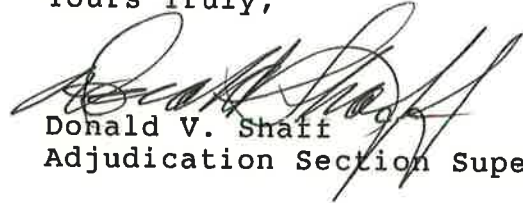
Please return the documents to this office at my attention. If you will make these corrections before March 17, 1989, provided the irrigation occurred prior to 1963 or the domestic use is limited to a

MICROFILMED

MAR 01 1993

single family residence, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns, or even better, contact IDWR Southern Region Office, 2148 Fourth Avenue East, Twin Falls, ID 83301.

Yours Truly,



Donald V. Shaif
Adjudication Section Supervisor

DVS:db

Enclosures

Long Form Completed

Check #6670, \$67.00

irrigation well 30ft 12cfs / 4 acres

MICROFILMED
MAR 01 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E., Twin Falls, Idaho 83301

(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Apr. 13, 1990

Re: A37-13375

RANDALL HERMANN
P O BOX 1204
KETCHUM ID 83340

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 01 1993



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 17, 1989

RECEIVED

MAR 8 1990

Department of Water Resources
Southern Region Office

Dr. Randall T. Herman 726-4513
P. O. Box 1204
Ketchum, ID 83340

RE: Snake River Basin Adjudication

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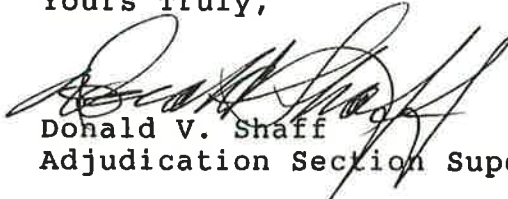
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Please return the documents to this office at my attention. If you will make these corrections before March 17, 1989, provided the irrigation occurred prior to 1963 or the domestic use is limited to a

1/17/90 Talked through claim: Take latest priority for residence & guest house & heating & residence, 1 form single ownership, \$75. Irv. - will send apple

single family residence, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns, or even better, contact IDWR Southern Region Office, 2148 Fourth Avenue East, Twin Falls, ID 83301.

Yours Truly,



Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Long Form Completed
Check #6670, \$67.00

MICROFILMED

MAR 01 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME RANDALL ERMANN CLAIM ENT. NO. _____DATE RECEIVED 10/26/88 CK # 6670 AMOUNT \$ 67

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

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

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

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

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

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

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

Is the period of use included? YES ☒ NO ☐

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

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

8. If required is a consumptive use entered? N/A ☒

Is the consumptive use correct? N/A ☒

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒

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

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

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

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

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒

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

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

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

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

Is the fee enclosed correct? Exempt ☐

If this claim is based on an existing water right, has the identification number been entered? N/A ☒

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

Claim checked by: JP

Comments: _____

FEES WOULD BE 50 + 4 + 6 = 60

NEEDS PRIORITY DATE - IF AFTER 1963 WILL ALSO

NEED TO BE BASED ON A PERMIT

WATER RIGHT NUMBER - A37-13375

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (O) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
HERMANN

RANDALL

1 - P.O. BOX 1204

2 -

3 -

CITY- KETCHUM

STATE- ID ZIP- 83340

PHONE - 208-726-4513

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
12/31/1986 17 SOUTHERN J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

05N 17E 10 NW SE (13) BLAINE

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.120

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.120 0.0+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

05N

17E

10

NW SE

22

HEATING

(13) BLAINE

05N

17E

10

NW SE

43

DOMESTIC

(13) BLAINE

+ - - DIVERSION MEANS - 2 WELLS & PUMPS

+ - - NON-IRRIGATION USE - 0/1 HOUSE, 0/1 HEAT PUMP SYSTEM

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
THIS CLAIM COVERS A HOME WITH A GUEST HOUSE.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 03/28/90 WORSTELL 04/10/90 SSRBA

MICROFILMED
NOV 29 1996

PREFIX TRANSLATION: ADJUDICATION CLAIM

```
+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - +
```

000400000090 A

PROOF
JAN 07 1992

ENTRANCED 10-31-93 RS
CHECKED 2/4/94 DAF

"Verified By"

Tolson _____

ASAC _____

Wichman _____

Nease _____

Field _____

Other (See Remarks) _____

County Records _____

Wichman _____

Field _____

IGW _____

VERIFIED
FEB 16 1992

CERTIFIED
FEB 27 1992
WATER EXAMINER