

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: A37-20274
Date Received: 1/ 6/2000
Receipt No: S022739
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILL ETHRIDGE 208-886-2604
Address: 448 N 150 E
SHOSHONE ID 83352

AND/OR

Name: SUSAN ETHRIDGE 208-886-2604
Address: 448 N 150 E
SHOSHONE ID 83352

2. Date of Priority: DEC 31, 1920

3. Source: WASTEWATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	18E	7	SW	NW	SW		LINCOLN
		18	NE	NW	NW		LINCOLN

5. Description of diverting works:
OPEN DITCHES AND GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.500		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 HORSES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	18E	18	NW	NW	STOCK	
			NW	NW	IRR	14.0
					Section Acres	14.0
					Total Acres	14.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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): Bill E. Huggs Date: 01-06-80

_____ Date: _____

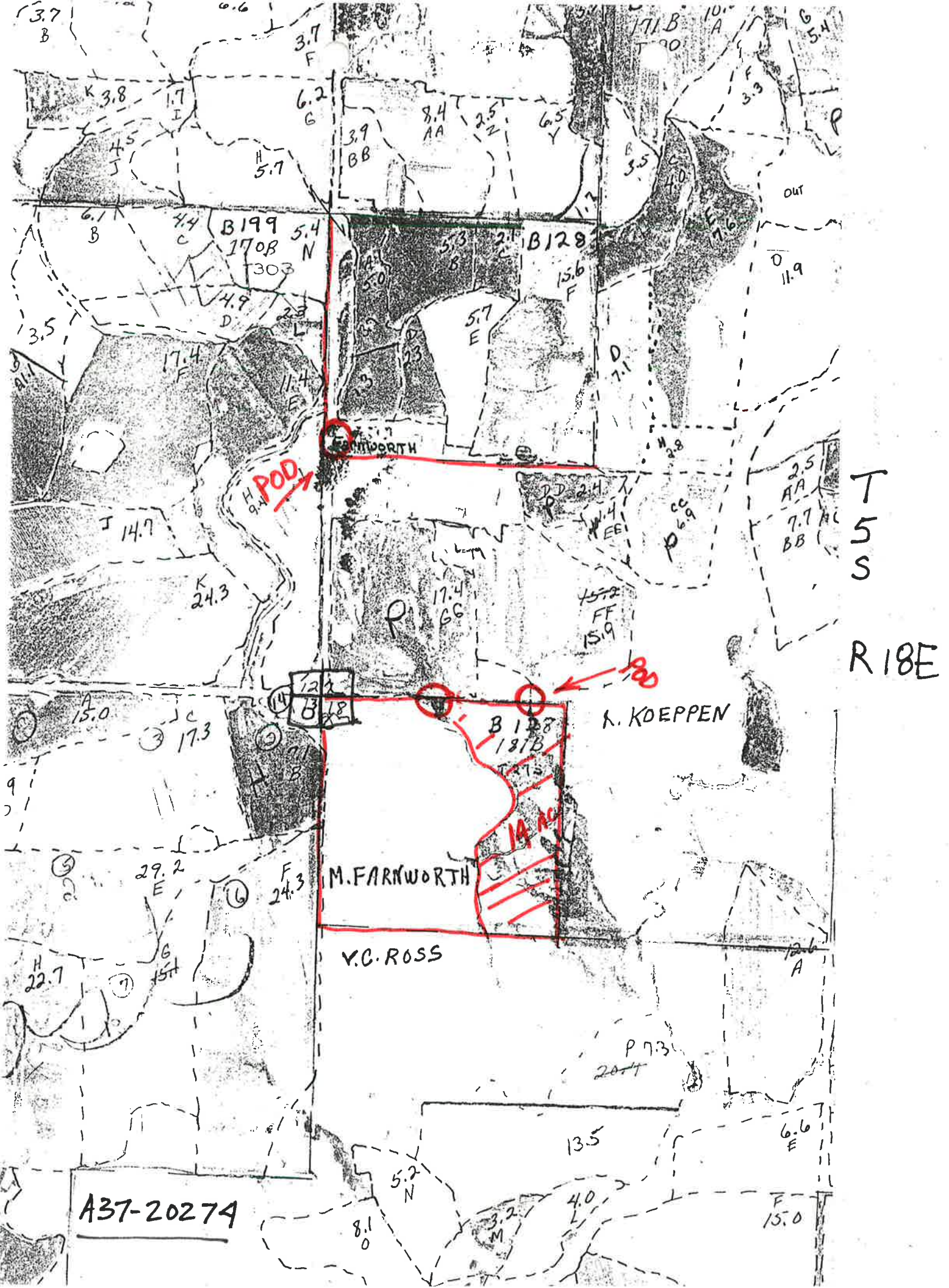
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of January 20 00

Seal

Notary Public

Residing at Twin Falls
My Commission Expires 12/7/2000



Claim No. A37-20274

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

IDWR Employee/Agent: Steve Clelland

1/6/2000 2:30 PM

NAME:

RE:

BILL & SUSAN ETHRIDGE

CAMEIN

FILE LATE CLAIM

They filed on wastewater in Basin 37... the water is from their shares in the BWCC system. He wanted to claim the entire amount of water diverted as shares, that is 45 " from his farm and 30" from the neighbors for a total of 75" of water. I gave him the brochure on proof of priority and told him to send in the information on this ASAP.

8 Jan 2000

Priority Rights

The Struchen family traded for the 40 acres (more or less) with the government for land near Kinima. Mr. Struchen believes this was about 1945. They had watered this land before, but he doesn't remember when they started. But since about 1945 the Struchen Family watered this acreage from water on the main place.

Ruth Struchen
Ja

RECEIVED

MAR 03 2000

Department of Water Resources
Southern Region



STATE OF IDAHO)
COUNTY OF Lincoln : ss

On This 8th day of JAN, in the year 2000, before me,
a Notary Public in and for said State, personally appeared Ruth Struchen
+ Fritz Struchen, known or identified to me to be the
person(s) whose name(s) They subscribed to the within Instrument, and
acknowledged to me that They executed the same.



Notary Public of Idaho
Residing at: Shoshone, ID
Commission Expires: 1-10-2003



RECEIVED
MAR 03 2000
Department of Water Resources
Southern Bank

MAR 13 2004

DEPARTMENT OF THE INTERIOR

Blackfoot 034631

2-1040
(October 1909)

133567
RECORDED
JUN 24 1977

CLERK OF DISTRICT COURT
JUL 15 1977

By *George H. Kelly, Jr.*

The United States of America,
To all to whom these presents shall come, Greeting:

WHEREAS, under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), entitled, "An Act To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," as amended by Section 3 of the Act of June 28, 1936 (49 Stat. 1976), Frederick Struchen, in exchange for certain other land situated in the State of Idaho, has selected the following-described tracts of land:

Boise Meridian, Idaho,

T. 5 S., R. 16 E.,
 Sec. 16, Lot 10

The area described contains 41.69 acres, according to the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Frederick Struchen, and to his heirs, in fee simple, the tracts of land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said Frederick Struchen, and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the land hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the UNITED STATES.

Excepting and reserving, however, to the UNITED STATES, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the UNITED STATES through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1946 (60 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **EIGHTH** day of **JULY** in the year of our Lord one thousand nine hundred and **FORTY-NINE** and of the Independence of the United States the one hundred and **SEVENTY-FOURTH**.

For the Director, Bureau of Land Management.

Patent No. 1126612

By *Joe F. Homan*
Chief Patent Officer



06/04/2004

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

RIGHT NUMBER: 37-20274

NAME AND ADDRESS: BILL ETHRIDGE
448 N 150 E
SHOSHONE ID 83352

SUSAN ETHRIDGE
448 N 150 E
SHOSHONE ID 83352

SOURCE: WASTE WATER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 12/31/1945

POINT OF DIVERSION:

T05S R18E S18 NWNENW Within LINCOLN County

T05S R18E S18 NENWNW Within LINCOLN County

T05S R18E S18 NWNWNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	03/15 11/15	0.200 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County

T05S R18E S18 NWNW

IRRIGATION Within LINCOLN County

T05S R18E S18 Lot 1 NWNW 10.0

10 ACRES TOTAL

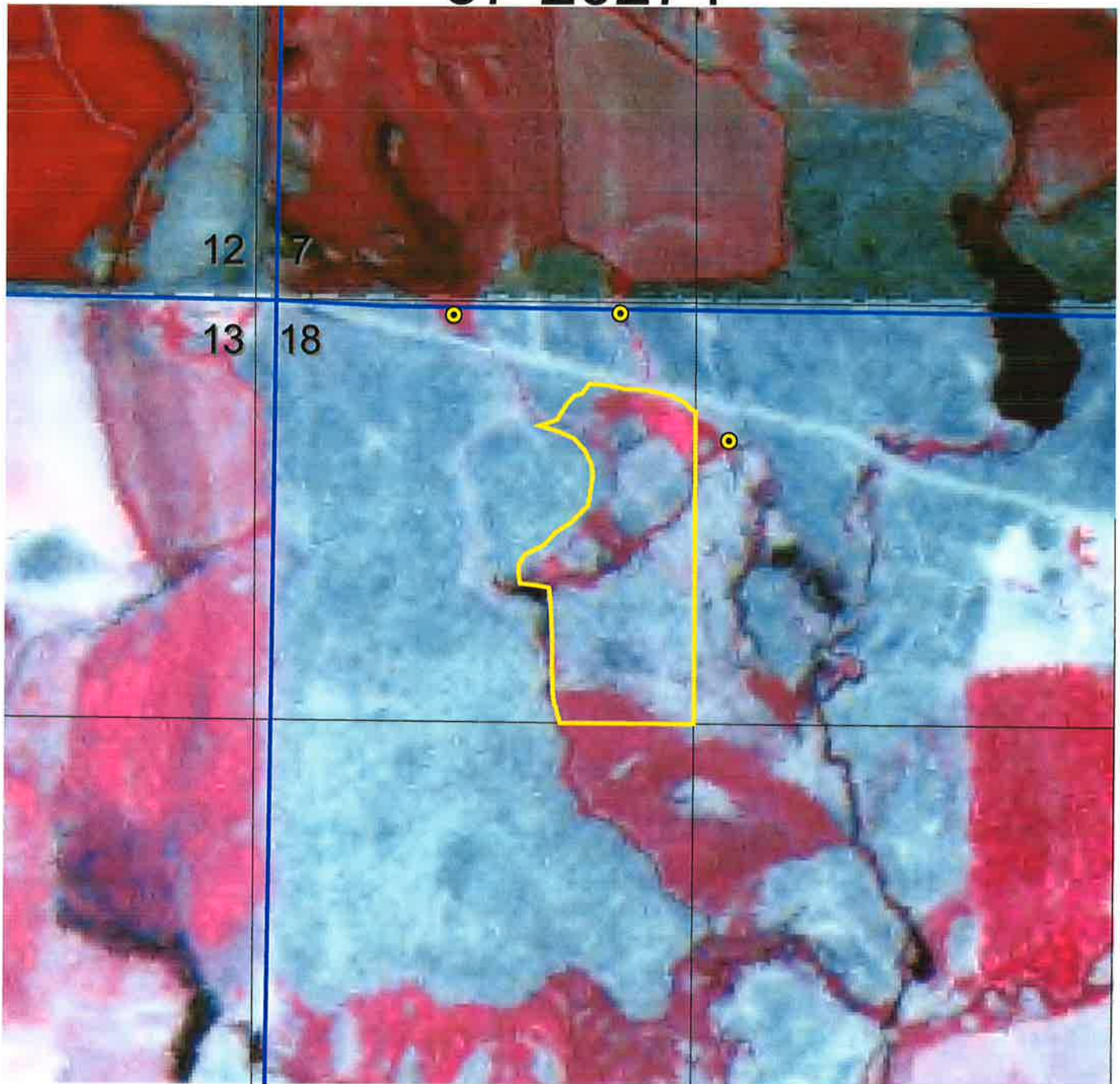
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPT OF WATER RESOURCES

37-20274



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 18E
SEC. 18



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 4, 2004

37-20274

6/4/04
SCL

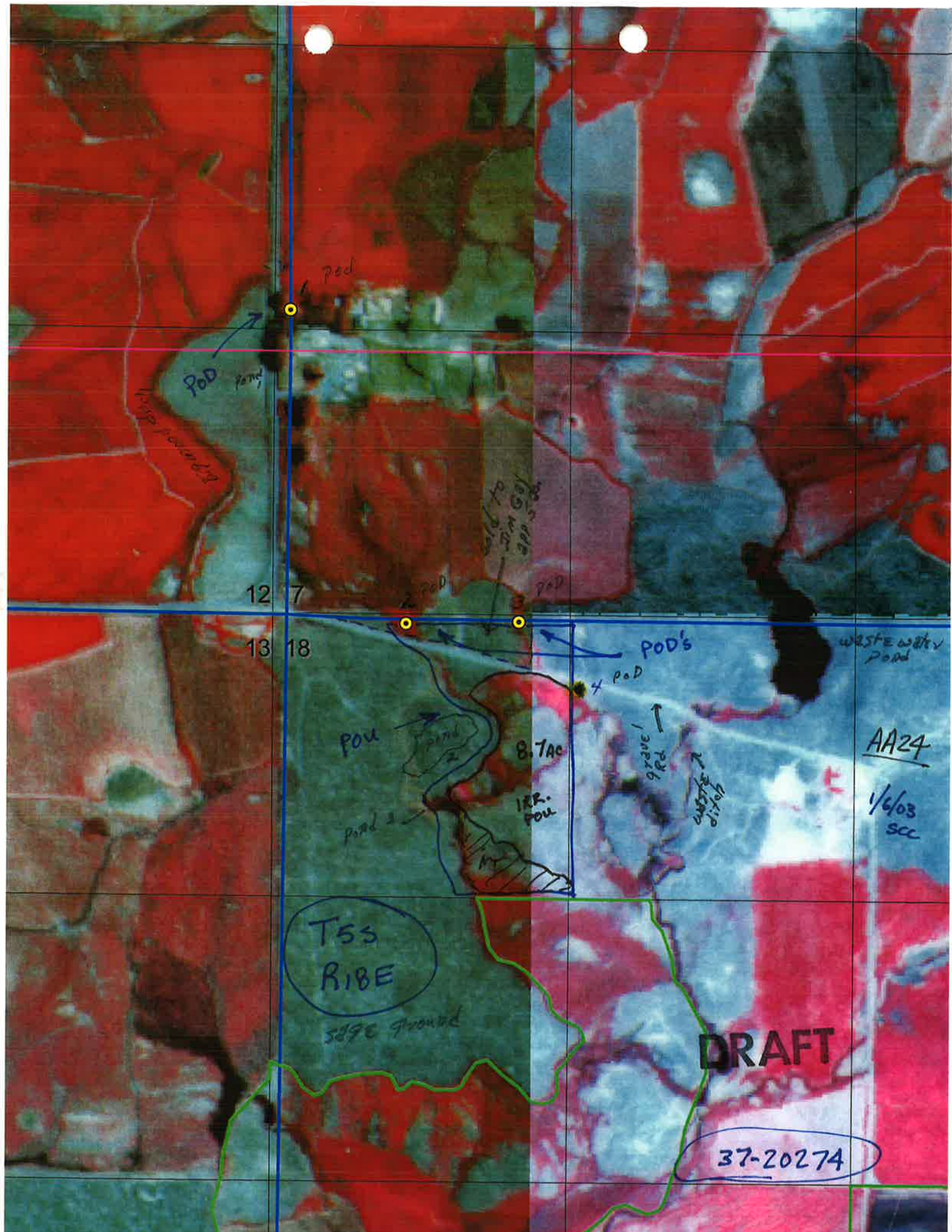
Recd:

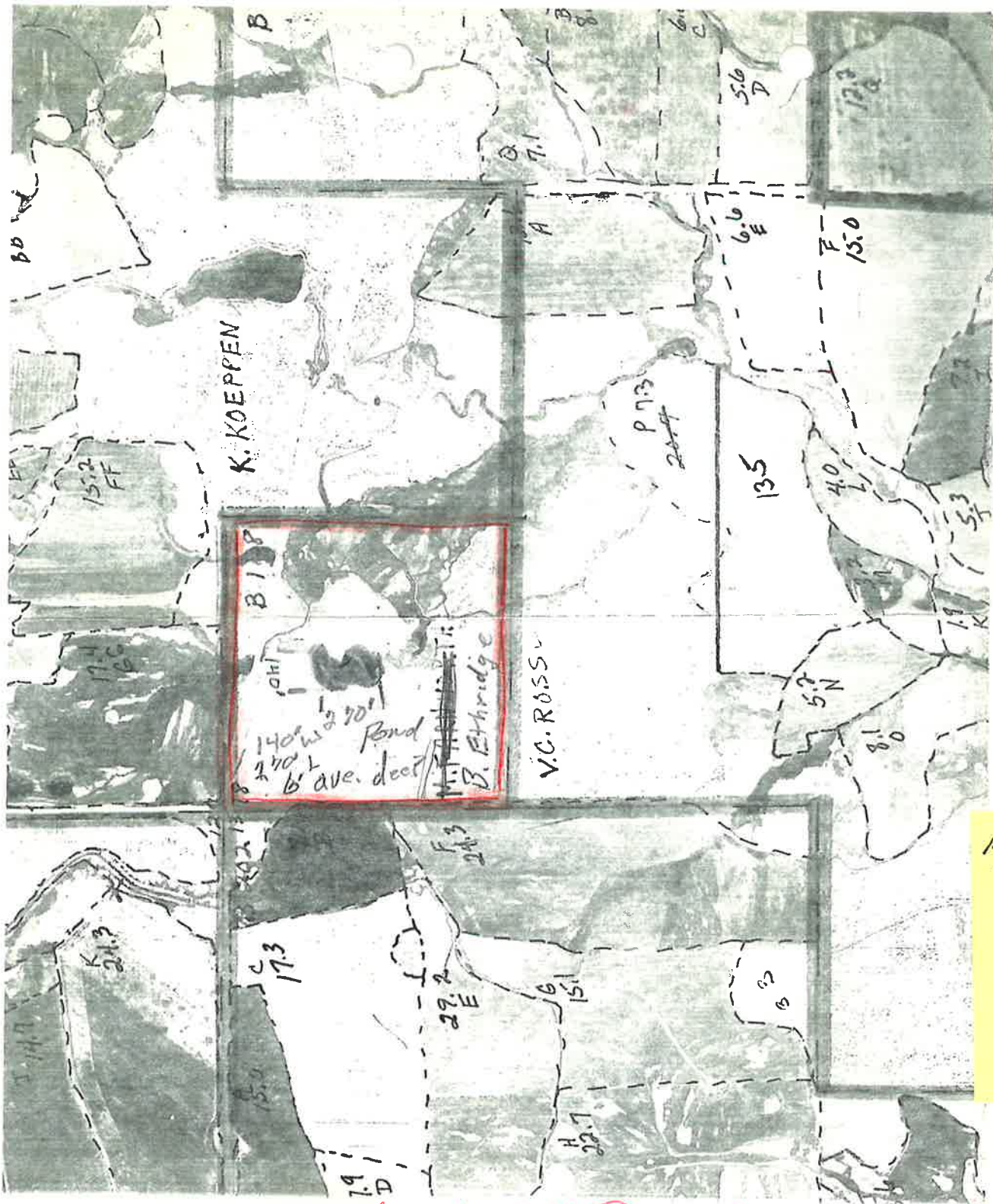
allow 1" per acre wastewater
10 acres = 10 inches = 0.20 cfs
stock as claimed. 0.04

total = 0.24 cfs

PODs as identified by Lee P. .

No Storage is addressed in this claim.





$$\frac{140 \times 270 \times 6}{43560} = 5.2 \text{ AF}$$

The pond is the dark  in the center of this 40 acres
it is 140' wide, 270' long and averages 6' deep.

6/11/03
37-20274

37-20274

1. LOCATION OF ALL PODS. (GPS POINTS)
2. EXTENT OF IRRIGATED FOU. ¹⁸⁵⁵ ~ approx 5 mi to Gby
3. CAPABLE TO DWERT, BY DITCHES, ^{50 to} 75" WATER?
Possibly more on years of good water
4. POND SIZE & USES.

WHEN WAS POND DEVELOPED? HISTORY?

HOW MANY STOCK SERVED BY THE POND? ^{approx 40}

WHY SO BIG? Mostly due to neighbors waste

Exam:
12-18-03

she said pond were here when they bought land - it appears to me #1 was made when pump was put in. #2 & 3 are natural low places and ponds were created when ditches were put in many years ago.

she said that they intend to put sage ground - see map ¹⁵⁵ RISE green colored area into pasture as when money is available (someday) I see it being difficult for them

GPS #4 POD north-east GPS#24 0469894 & 32105717

#1 Diversion is live water from Big Wood CC ditch

#2 & 3 Diversions are live water & waste water from property ^{there is water} N when

#4 Diversion is waste water from large Pond East

37-20274

CELL PHONE: 731-5442

6-2-03 callout 886-2604 (return his call in on VM)
see 9:30 AM left msg. for POP

[see also patent info of 1949] in name of STRUCHEN
NOTE: proof already submitted but it is rather
vague as to what land & water was used.

2:15 call in: 6/3/03 BILL ETHRIDGE

Bill called in and is okay with 1945 priority date. Stockwater
is from a pond during winter season when water is not flowing.
May need amendment to add Storage to claim
will send in sketch of pond & location on maps. Exam in June.

Stockwater - year rd? (May need Storage for Pond!)

XS Flow? - 75" on 14 ACRES? (5.36"/AC)

* Stock Water does not show on earlier maps
in the file ¹⁹⁸⁷1993 Pond was added later?

NO BWCC in S.18 NWNW.

10:30 AM 6/19/03 Callout spoke to Susan
arranged time for Exam
on June 25th 10 AM
with directions to house.

6/24/03 1pm: I called to discuss
the appt as planned, they
have a funeral to attend
so we will reschedule the Exam.

CALLOUT: 6/13/03 9:25 AM

I called to discuss the
SW pond that may need a
permit - left msg.

callback: 9:40 AM

pond was there he just
re-built them since 1987.

He will try to contact Struchen
for additional POP info.

East @ Johnny's

1 mi

$\frac{1}{4}$ mi N.

3RD DRIVEWAY

2 green houses
(in Back)

10-10:30

RECEIVED

JUN 23 2003

Department of Water Resources

Priority Rights

The Struchen family traded for the 40 acres (more or less) with the government for land near Kinima. Mr. Struchen believes this was about 1945. They had watered this land before, but he doesn't remember when they started. But since about 1945 the Struchen Family watered this acreage from water on the main place.

Ruth Struchen
To

There was a pond in the center of lower ranch that was used for stock water.

Ruth Struchen

18 June 73

Gene,

Will this be sufficient to establish the stock pond right?

J. L. Struchen

RECEIVED

MAR 03 2000

Department of Water Resources
Southern Park

STATE OF IDAHO)

COUNTY OF)

Lincoln

SS

On This 8th day of Jan, in the year 2000, before me,
a Notary Public in and for said State, personally appeared Ruth Struchen
+ Fritz Struchen, known or identified to me to be the
person(s) whose name(s) They subscribed to the within Instrument, and
acknowledged to me that They executed the same.




Notary Public of Idaho

Residing at: SHOSHONE, ID

Commission Expires: 1-10-2003

RECEIVED

MAR 03 2000

Department of Water Resources
Southern Basin

WARRANTY DEED

PL-33723

For Value Received

RAYMOND W. ETHRIDGE and SUSAN L. ETHRIDGE, HUSBAND AND WIFE

Hereinafter called the Grantee, hereby grant, bargain, sell and convey unto

JAMES D. GAY and CRYSTAL L. GAY, HUSBAND AND WIFE
Address: 420 North 180 East, Shoshone, Idaho 83352

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

SEE SCHEDULE A ATTACHED

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grant or deed hereby conveyed to and with the said Grantee, that the Grantee is the owner in fee simple of said premises, that they are free from all incumbrances except as above described and that Grantee will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 13, 1996

Raymond W. Ethridge
RAYMOND W. ETHRIDGE

Susan L. Ethridge
SUSAN L. ETHRIDGE

STATE OF IDAHO)
COUNTY OF Lincoln

On this 13th day of JUNE, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RAYMOND W. ETHRIDGE AND SUSAN L. ETHRIDGE, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Andrea R. Ketchum
Notary Public
Residing at *Richfield*
My Commission expires 05/03/2001



INDEXED

160979

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
James D. Gay
JUN 13 1996
Recorded by *John H. Hester*
For \$6.00 Return to *None*
by hand

TOWNSHIP 3 SOUTH, R. 1
LINCOLN COUNTY, IDAHO

Section 18: A Parcel of land located

Commencing at the Northwest corner of Section 18
Thence S 88°49'04" E along the centerline of a
distance of 23.99 feet to a point on the
county road on being the
Thence continuing S 88°49'04" E along the
of Section 18;
Thence S 00°00'13" E along the
289.62 feet to the intersection of
Thence along the centerline of
N77°05'15" W - 352.48 feet
N76°36'41" W - 529.13 feet
N76°19'35" W - 195.54 feet
N78°12'21" W - 57.53 feet
N80°13'56" W - 82.18 feet

SUBJECT to a 25.00 foot wide
of the before described parcel.

This property is being conveyed

SUBJECT TO THE FOLLOWING:

All reservations in patents
Taxes for 1996 and subsequent
payable.

Right of way for canals, lat
Canal Company.

ED 2
#1-25722

HUSBAND AND WIFE

AND WIFE

NOOLN County, Idaho, to wit:

the said Grantor and to the successors heirs and
the said Grantor, that the Grantor is the owner
as above described and that Grantor will warrant

L. E. Hildreth
BRIDGE

Public in and for said State, personally appeared
and to me to be the persons whose names are
of the same.

160979

INDEXED



160979

STATE OF IDAHO
COUNTY OF LINCOLN

Reported at the request of

JUN 13 1996

at 11:00 a.m. on June 13, 1996,
I, *Allen T. Tucker*, Notary Public,
State of Idaho, did hereby certify that
the foregoing is a true and correct copy
of the original as the same appears in
my files.

SCHEDULE A

TOWNSHIP 5 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 18: A Parcel of land located in the N4NW4.

Commencing at the Northwest corner of said Section 18,
Thence S 88°49'04" E along the North boundary of the NW¼ of Section 18 for
a distance of 23.99 feet to the intersection with the centerline of the existing
county road and bring the TRUE POINT OF BEGINNING;
Thence continuing S 88°49'04" E along the North boundary of the NW¼ of
Section 18 for a distance of 1380.94 feet to the Northeast Corner of Gov't Lot 1
of Section 18;
Thence S 00°00'13" E along the East boundary of Gov't Lot 1 for a distance of
289.62 feet to the intersection with the centerline of the existing county road;
Thence along the centerline of the existing county road on the following courses:
N77°05'15"W-552.48 feet;
N76°36'42"W-529.23 feet;
N76°15'35"W-195.54 feet;
N78°12'21"W-57.58 feet;
N60°15'56"W-82.18 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT to a 25.00 foot wide county road easement along the Southerly boundary
of the before described parcel.

This property is being conveyed dry, without water shares.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years, a lien, but not yet due and
payable.

Right of way for canals, laterals and waste ditches of Big Wood
Canal Company.

WHEN RECORDED MAKE

First Security Bank
Twin Falls Mortgage
P.O. Box 7, Addison
Twin Falls, ID 83403
ATTN: Tina Tickner

CONF

Date: June 12th, 1996

Security Date: October

Trustee: JAMES D. RAY

Address: 446 NORTH

Note Makers (name of pool)

JAMES D. RAY, CH

Trustee: LAND TITLE

Property Address: E 800

18020

Property: First Sec

P.O. Box 7

THIS DEED OF TRUST
dated as the foregoing
the Trustee named in the

First Security Bank
(Lender), whose address is

GRANTING CLAUSE A

Trustee, in consideration of
hereinafter recited and the
for the benefit and use of

State of IDAHO

which property has the age

TOGETHER with all the
as hereafter recited along
an absolute assignment of a
regular, current, 6% and
connection with the
appliances, tangible personal
intended to be used in con
ducting banking, credit,
fire prevention and extingu
shing, storage, storage, wind
taps, attached floor cover
ings, including replacement
property covered by this

The foregoing grant shall be
(i) any personal property
items which constitute part
and provisions of the Uni
law rules or laws, or rules,
mortgages and similar right
lien interest or right. This
of granting a security loan
which is attached herein

"Immediately upon request
and acknowledge all such as
of the Lender, to perfect
statements.

All of the described real
which are subject of this

CONSTRUCTION LEAD SET



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-20274
BILL ETHRIDGE
448 N 150 E
SHOSHONE ID 83352

May 20, 2003

37-20274
SUSAN ETHRIDGE
448 N 150 E
SHOSHONE ID 83352

RESPONSE DEADLINE
JUNE 20, 2003

Re: Evidence of Priority Date for SRBA Claim

Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures