

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20352
Date Received: 10/17/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUSAN J PASSOVOY
PO BOX 6435
KETCHUM ID USA 83340

Phone: (208)788-2725

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
03N	18E	20	SE SW NW	BLAINE

5. Description of diverting works:

DIVERSION DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/15	0.063	

7. Total Quantity Appropriated is:
0.063 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	4	NE	NW	IRRIGATION	1
			NW	NE	IRRIGATION	2
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This is a portion of decreed right 37-00028, for 3.16 inches. 10/17/2000 jr
Place of use also known as Lot 2, Block 2, Buckhorn Subdivision No. 3.
12/19/00 tf; Ownership changed Koonce to Passovoy per 1409(6) and warranty deed
received 12/15/00.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

December 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SUSAN J PASSOVOY
PO BOX 6435
KETCHUM ID 83340

RE: SRBA Claim(s) 37-20351, 37-20352

Dear Ms. Passovoy:

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED
DEC 15 2000
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
<u>37-0028</u>	<u>37-20351</u>	<u>N</u>	_____	_____	_____
<u>37-00297</u>	<u>37-20352</u>	<u>N</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) JIM W. KOONCE AND LOIS M. KOONCE
4. New Owner/Claimant(s) SUSAN J. PASSOVOY
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. BOX 6435
- City, State and ZIP Code KETCHUM, IDAHO 83340
- New Telephone Number (208) 788-2725
5. Date you acquired the property OCTOBER 31, 2000

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)

Arden Janssen

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 [Signature] Date 12/19/00 Fee 0
 Receipted by [Signature] Date 12/19/00 Receipt No. _____
 Processed by [Signature] AJ Date 12/19/00 WR _____ Date _____

WARRANTY DEED

Instrument # 444876

HALEY, BLAINE, IDAHO

2000-10-31 04:00:00 No. of Pages: 1

Recorded for: SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Office Recorder Deputy

Title by: STYROCORP DESO

FOR VALUE RECEIVED

Jim W. Koonce, an unmarried man and Lois M. Koonce, an unmarried woman

the grantors, do hereby grant, bargain, sell and convey unto

Susan J. Passovoy, a married woman as her sole and separate property

the grantee, whose current address is 24 Presidio Ave.
San Francisco, CA 94115

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Together with 3.16 inches of Alturas Water Co 37-0028 and 9.48 inches of 37-00297 Hailey water power right; together with any and all water rights appurtenant thereto pertaining to the following described property:

Lot 2, Block 2 of BUCKHORN SUBDIVISION NO. 3, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded September 20, 1989, as Instrument No. 310274, records of Blaine County, Idaho.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and her heirs and 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 encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 27, 2000

Jim W. Koonce

Jim W. Koonce

Lois M. Koonce

Lois M. Koonce

State of Idaho
County of BlaineOn this 27th day of October, 2000, Before me a Notary Public in and for said State, personally appeared Jim W. Koonce and Lois M. Koonce 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.*Kerensa Majerus*Notary Public
Residing at Hailey
Comm. Expires: 1/9/02

Buckhorn Subdivision #2
Page 1 of 2

This declaration, made on the date hereinafter set forth by Kenneth Buttram, hereinafter referred to as "Declarant." Whereas, Declarant is the owner of certain property located in Blaine County, State of Idaho, which is more particularly described as follows:

Buckhorn Subdivision #2 Subdivision

Lots _____ through _____ --or--

Lots 1 through 5 Block 1

Now, therefore, Declarant hereby declares that all of the lots described above shall be held, sold, and conveyed subject to the following notes, restrictions and conditions which shall run with the real property and shall be binding on all parties having any right, title, or interest in the described properties, and to their heirs, successors and assigns. These restrictions and conditions are required as a part of the final plat approved of Buckhorn Subd. #2 Subdivision, given by the Blaine County Board of Commissioners on December 9, 1985, and recorded as Instrument Number _____.

1. A 10-foot Public Utility Easement is centered on interior lot lines, a 5-foot Public Utility Easement is adjacent to exterior lot lines, a 10-foot Public Utility Easement is included on the westerly and easterly portion of the 40-foot Canal Easement.
2. Any roads or driveways crossing the Hiawatha Canal must be properly engineered to prevent any interference with waterflows. Access for canal maintenance must not be interfered with.
3. Access to Lots 1 and 5 is through Red Devil Drive. Access to Lot 4 is from Hiawatha Drive. Lots 2 and 3 shall develop a common access from the County Road.
4. Any resubdivision of the lots must follow the procedures for Chapter 7 of the Subdivision Ordinance. Applicants must address county concerns which include fire protection access roads and their locations, wells and septic systems, homeowner's association and C.C. & R's, solar access, and rural addressing.
5. The maximum allowable building density, provided a PUD is not pursued, for each lot is as follows:

Lot 1 = 5 units	Lot 5 = unbuildable unless
Lot 2 = 5 units	attached to or combined with
Lot 3 = 8 units	Lot 13 of Buckhorn Subdivision.
Lot 4 = 8 units	First Addition
Lot 6 = 3 units	
6. No structure will be allowed in areas within the avalanche or mountain overlays, or where slopes exceed 25%. Slope of access roads will not exceed 10%.
7. Red Devil Drive past Hiawatha Drive, is a private road with public access, and shall meet the requirements of Section 9.17.1 of the Blaine County Subdivision Ordinance 77-6. "The purchaser and/or owner of this lot or parcel understands and agrees that Red Devil Drive construction, maintenance and snow removal shall be the obligation of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated to accept, maintain, or improve Red Devil Drive until it is brought up to county standards, dedicated, and accepted by the county, and that the owner shall notify in writing any successor in interest of these facts.

8. Fences constructed across the Hiawatha Canal Maintenance Easement shall have a gate adjacent to and on the southwest side of said canal.
9. There shall be no blockage of natural drainage, including alongside any road.
10. Minimum of 200-foot separation between houses for fire protection if lots are not served by a fire hydrant.
11. No irrigation water shall be transferred to Lot 5. Lot 1 shall receive 15" of 1883 water and 30" of 1886 water; Lot 2, 24" of 1883 water and 48" of 1886 water; Lot 3, 21" of 1883 water and 42" of 1886 water; Lot 4, 20" of 1883 water and 40" of 1886 water. Developer will record transfer with the Department of Water Resources.
12. Individual owners are responsible for weed control and shall follow any county regulations pertaining to weed control.
13. Developer shall provide one of the following fire protection options:
 - a) Meet the requirements of the Uniform Fire Code, or
 - b) A payment of \$2000.00 for each of Lots 2, 3, and 5 which do not have access to a fire hydrant. This payment shall be made into a special fund for the purchase of fire equipment. Payment shall be due upon the issuance of a building permit on those lots, and shall be secured by a lien on the property, payable to Blaine County, or
 - c) Install a fire hydrant to serve Lots 2 and 3, plus a payment of \$2000.00 for lot 5 (see (b) above) as there are no water lines available for a hydrant at Lot 5.

NOTE: Lot 4 is served by a hydrant located at the north end of Buttercup Subdivision. Lot 1 is served by a fire hydrant on Red Devil Drive. No payment will be due for Lot 6, as it is unbuildable.



#270491

Colonial Engineers
P. 86
Feb 14

Misc.
CARTER-IME

466
400

K. R. BUTTRAM, Owner

In witness whereof, the undersigned, being the Declarant herein, has hereunto set his/her hand and seal this 9th day of January, 1986.

ATTEST:

NOTARY PUBLIC:

REVIEWED AND APPROVED BY Edward V. Nigher PLANNING DIRECTOR
THIS 14 DAY OF Feb., 1986

AUGUST 1989

AUGUST 1989

SCALE IN FEET

1. Submersible Cap. L.S. 3621
 2. Found 1st Rubber
 3. 1st 3/4" Rubber. L.S. 3622
 4. 2nd 1/2" Rubber. L.S. 3623
 5. 3rd 1/4" Rubber. L.S. 3624
 6. 4th 1/4" Rubber. L.S. 3625
 7. 5th 1/4" Rubber. L.S. 3626
 8. 6th 1/4" Rubber. L.S. 3627
 9. 7th 1/4" Rubber. L.S. 3628
 10. 8th 1/4" Rubber. L.S. 3629
 11. 9th 1/4" Rubber. L.S. 3630
 12. 10th 1/4" Rubber. L.S. 3631
 13. 11th 1/4" Rubber. L.S. 3632
 14. 12th 1/4" Rubber. L.S. 3633
 15. 13th 1/4" Rubber. L.S. 3634
 16. 14th 1/4" Rubber. L.S. 3635
 17. 15th 1/4" Rubber. L.S. 3636
 18. 16th 1/4" Rubber. L.S. 3637
 19. 17th 1/4" Rubber. L.S. 3638
 20. 18th 1/4" Rubber. L.S. 3639
 21. 19th 1/4" Rubber. L.S. 3640
 22. 20th 1/4" Rubber. L.S. 3641
 23. 21st 1/4" Rubber. L.S. 3642
 24. 22nd 1/4" Rubber. L.S. 3643
 25. 23rd 1/4" Rubber. L.S. 3644
 26. 24th 1/4" Rubber. L.S. 3645
 27. 25th 1/4" Rubber. L.S. 3646
 28. 26th 1/4" Rubber. L.S. 3647
 29. 27th 1/4" Rubber. L.S. 3648
 30. 28th 1/4" Rubber. L.S. 3649
 31. 29th 1/4" Rubber. L.S. 3650
 32. 30th 1/4" Rubber. L.S. 3651
 33. 31st 1/4" Rubber. L.S. 3652
 34. 32nd 1/4" Rubber. L.S. 3653
 35. 33rd 1/4" Rubber. L.S. 3654
 36. 34th 1/4" Rubber. L.S. 3655
 37. 35th 1/4" Rubber. L.S. 3656
 38. 36th 1/4" Rubber. L.S. 3657
 39. 37th 1/4" Rubber. L.S. 3658
 40. 38th 1/4" Rubber. L.S. 3659
 41. 39th 1/4" Rubber. L.S. 3660
 42. 40th 1/4" Rubber. L.S. 3661
 43. 41st 1/4" Rubber. L.S. 3662
 44. 42nd 1/4" Rubber. L.S. 3663
 45. 43rd 1/4" Rubber. L.S. 3664
 46. 44th 1/4" Rubber. L.S. 3665
 47. 45th 1/4" Rubber. L.S. 3666
 48. 46th 1/4" Rubber. L.S. 3667
 49. 47th 1/4" Rubber. L.S. 3668
 50. 48th 1/4" Rubber. L.S. 3669
 51. 49th 1/4" Rubber. L.S. 3670
 52. 50th 1/4" Rubber. L.S. 3671
 53. 51st 1/4" Rubber. L.S. 3672
 54. 52nd 1/4" Rubber. L.S. 3673
 55. 53rd 1/4" Rubber. L.S. 3674
 56. 54th 1/4" Rubber. L.S. 3675
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 61. 59th 1/4" Rubber. L.S. 3680
 62. 60th 1/4" Rubber. L.S. 3681
 63. 61st 1/4" Rubber. L.S. 3682
 64. 62nd 1/4" Rubber. L.S. 3683
 65. 63rd 1/4" Rubber. L.S. 3684
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 69. 67th 1/4" Rubber. L.S. 3688
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 79. 77th 1/4" Rubber. L.S. 3698
 80. 78th 1/4" Rubber. L.S. 3699
 81. 79th 1/4" Rubber. L.S. 3700
 82. 80th 1/4" Rubber. L.S. 3701
 83. 81st 1/4" Rubber. L.S. 3702
 84. 82nd 1/4" Rubber. L.S. 3703
 85. 83rd 1/4" Rubber. L.S. 3704
 86. 84th 1/4" Rubber. L.S. 3705
 87. 85th 1/4" Rubber. L.S. 3706
 88. 86th 1/4" Rubber. L.S. 3707
 89. 87th 1/4" Rubber. L.S. 3708
 90. 88th 1/4" Rubber. L.S. 3709
 91. 89th 1/4" Rubber. L.S. 3710
 92. 90th 1/4" Rubber. L.S. 3711
 93. 91st 1/4" Rubber. L.S. 3712
 94. 92nd 1/4" Rubber. L.S. 3713
 95. 93rd 1/4" Rubber. L.S. 3714
 96. 94th 1/4" Rubber. L.S. 3715
 97. 95th 1/4" Rubber. L.S. 3716
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 106. 104th 1/4" Rubber. L.S. 3725
 107. 105th 1/4" Rubber. L.S. 3726
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 109. 107th 1/4" Rubber. L.S. 3728
 110. 108th 1/4" Rubber. L.S. 3729
 111. 109th 1/4" Rubber. L.S. 3730
 112. 110th 1/4" Rubber. L.S. 3731
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 115. 113th 1/4" Rubber. L.S. 3734
 116. 114th 1/4" Rubber. L.S. 3735
 117. 115th 1/4" Rubber. L.S. 3736
 118. 116th 1/4" Rubber. L.S. 3737
 119. 117th 1/4" Rubber. L.S. 3738
 120. 118th 1/4" Rubber. L.S. 3739
 121. 119th 1/4" Rubber. L.S. 3740
 122. 120th 1/4" Rubber. L.S. 3741
 123. 121st 1/4" Rubber. L.S. 3742
 124. 122nd 1/4" Rubber. L.S. 3743
 125. 123rd 1/4" Rubber. L.S. 3744
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 127. 125th 1/4" Rubber. L.S. 3746
 128. 126th 1/4" Rubber. L.S. 3747
 129. 127th 1/4" Rubber. L.S. 3748
 130. 128th 1/4" Rubber. L.S. 3749
 131. 129th 1/4" Rubber. L.S. 3750
 132. 130th 1/4" Rubber. L.S. 3751
 133. 131st 1/4" Rubber. L.S. 3752
 134. 132nd 1/4" Rubber. L.S. 3753
 135. 133rd 1/4" Rubber. L.S. 3754
 136. 134th 1/4" Rubber. L.S. 3755
 137. 135th 1/4" Rubber. L.S. 3756
 138. 136th 1/4" Rubber. L.S. 3757
 139. 137th 1/4" Rubber. L.S. 3758
 140. 138th 1/4" Rubber. L.S. 3759
 141. 139th 1/4" Rubber. L.S. 3760
 142. 140th 1/4" Rubber. L.S. 3761
 143. 141st 1/4" Rubber. L.S. 3762
 144. 142nd 1/4" Rubber. L.S. 3763
 145. 143rd 1/4" Rubber. L.S. 3764
 146. 144th 1/4" Rubber. L.S. 3765
 147. 145th 1/4" Rubber. L.S. 3766
 148. 146th 1/4" Rubber. L.S. 3767
 149. 147th 1/4" Rubber. L.S. 3768
 150. 148

VICINITY MAP SCALE 1" = 2000'

SUN VALLEY TITLE CO.
P.O. DRAWER 2365
KETCHUM, IDAHO 83340
(208) 726-9391

1. A 40 Foot Public Utility easement exists eastward on of Highway 101 West to the road within the westerly portion of the 40 Foot Public easement. A 40 Foot Public Utility easement exists adjacent to the eastern end of the tract.
2. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract.
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7. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract. The owner desires to erect a 12 foot wide public utility easement on the eastern end of the tract.

415 587 1656

WHILE THIS MAP IS A PHOTOGRAPHIC
REPRODUCTION OF THAT ON FILE IN
EITHER THE RECORDER'S OR SURVEYOR'S
OFFICE, THIS COMPANY ASSUMES NO
LIABILITY FOR VARIATION IF ANY, WITH
ANOTHER OR RE-SURVEY.

OCT-18-00 WED 11:12 AM

INSTRUMENTATION

401146000000

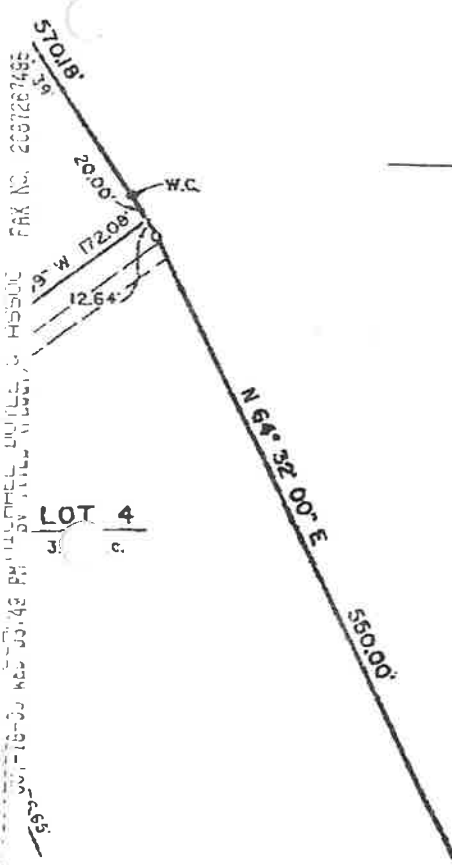
Curve	λ	R	F	I	Ca	Ch. (mm)
C-1	20.75-41	50.15	24.63	11.25	98.87	0.27-1.20 W
C-2	40.25-52	50.15	31.55	11.15	100.05	
C-3	50.75-61	50.15	38.05	11.05	100.85	1.21-2.15 E
C-4	71.25-77	50.15	44.55	10.95	101.55	2.16-3.15 E
C-5	81.75-85	50.15	48.25	10.85	102.15	
C-6	91.25-95	50.15	50.25	10.75	102.75	
C-7	101.75-108	50.15	53.00	10.65	103.35	3.16-4.15 W
C-8	112.25-120	50.15	55.00	10.55	103.95	4.16-5.15 W
C-9	122.75-130	50.15	56.00	10.45	104.55	5.16-6.15 W
C-10	133.25-140	50.15	57.00	10.35	105.15	6.16-7.15 W

Water — 1883 3.16" Alvarado water
37-0028
1886 9.48" Hailey water

P. 3

- Set cross cap, L.S. 3621
- Found 1/2" Rebar
- Set 5/8" Rebar, L.S. 3621
- Set 1/2" Rebar, L.S. 3621
- Set Witness Corner, 1/2" Rebar, L.S. 3621
- Easement, Width as Shown
- FP— 100-Year Floodplain per FEMA Flood Insurance Study Dated 1980

LOT 2, BLOCK 1
BUCKHORN SECOND ADDITION



enlargement
of map notes

NOTES

1. A 10 foot Public Utility easement exists centered on all interior lot lines and is included within the westerly portion of the 40 foot canal easement. A 5 foot Public Utility easement exists adjacent to exterior lot lines.
2. Hiawatha Drive is a private drive with public access and shall meet the requirements of Section 9.17 of the Blaine County Subdivision Ordinance 77-6. The purchaser and/or owner of this lot or parcel understands and agrees that Hiawatha Drive construction, maintenance and snow removal shall be the obligation of the owner, his successors in interest, or homeowners association and that Blaine County is in no way obligated to accept, maintain or improve Hiawatha Drive until it is brought up to County standards, dedicated and accepted by the county, and that the owner shall notify in writing any successor in interest of these facts.
3. Fences constructed across the Hiawatha Canal Maintenance easement shall have a gate adjacent to and on the southwest side of said canal.
4. There shall be no blockage of natural drainage, including along side any road.
5. Owners are responsible for weed control and shall follow any county regulations pertaining to weed control.
6. Notes, restrictions and conditions which affect this parcel (referred to as Lot 1, Block 1, Buckhorn No. 2) are recorded with the Blaine County Records Office as Instrument No. 270491, dated Feb. 1986.
7. Temporary Headgate Access Easement to be abandoned upon dedication of future access acceptable to Hiawatha Canal water users.

415 673 1864

OCT-19-00 THU 6:49 AM

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20352
Date Received: 10/17/00
Receipt No: 5023442
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM W KOONCE
PO BOX 2015
HAILEY ID USA 83333

Phone: (208)788-9126

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	20	SE	SW	NW		BLAINE

5. Description of diverting works:

DIVERSION DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/15	0.063	

7. Total Quantity Appropriated is:
0.063 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	4	NE	NW	IRRIGATION	1
			NW	NE	IRRIGATION	2
					Section Acres	3
					Total Acres	3

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: 37-20351 (Portion of 37-00297)

14. Remarks:

This is a portion of decreed right 37-00028, for 3.16 inches.
10/17/2000 jr

POU AKA Lot 2, Block 2, Buckhorn Subdivision No. 3.

15. Basis of Claim: Decreed

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): _____

Jim W. Kooner

Date: _____

10/17/00

Date: _____

State of Idaho)

County of _____)

Twin Falls

SS.

Subscribed and sworn (or affirmed) before me this
of October 2000

17th day

Jeanie Robertson

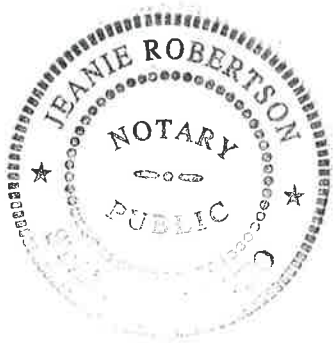
Notary Public

Residing at _____

Twin Falls, ID

My commission Expires _____

9-23-2006



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

Date:
Time:

5023442

Received
From:

Type of Payment

Program Acct

10/17/2000
15:38:10

Amount

Total

KOONCE, JIM

ADJUDICATION CLAIM A37-20352

41503

337

1155

50.00

CASH

\$

50.00

A37-20352

Water Right Numbers

Region: SOUTHERN

Signature:

Jeanie Robertson

RECEIVED

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

APR 21 2010

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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)
	37-20351				
	37-20352				

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)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

O'REILLY REVOKABLE TRUST OF 2005

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

1900 O'FARRELL ST., STE 360

SAN MATEO CA. 94403

(650) 350-5501 Email: loreilly@oreillylaw.com

5. Date you acquired the property _____

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)** _____

TRUSTEE

(title if applicable)

(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 _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED
APR 26 2010



Order No. 1025002

WARRANTY DEED

FOR VALUE RECEIVED

SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003, currently of record as SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST Dated July 13, 2001

the Grantor does hereby grant, bargain, sell, convey and warrant unto

TERENCE J. O'REILLY, Trustee of the TERENCE J. O'REILLY REVOCABLE TRUST Dated May 17, 2005

the Grantee whose current address is:

~~PO Box 4960~~ 131 N Main St. Box 291
Hailey, ID 83333 TSZ

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

Lot 2 of BUCKHORN SUBDIVISION NO. 3, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded September 20, 1989, as Instrument No. 310274, records of Blaine County, Idaho. ** sy

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

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

Dated this 29th day of JANUARY, 2010.

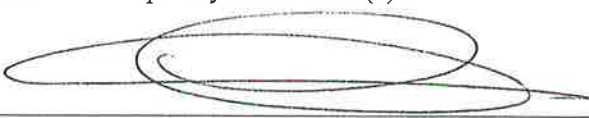
sy **Together with any and all water rights appurtenant thereto, pertaining to the above noted legal description.

Susan Passovoy, Trustee
Susan J. Passovoy, Trustee

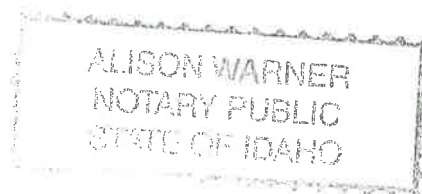
SCANNED
APR 26 2010

State of: Idaho
County of: Blaine

On this 29 day of January, 2010, before me, the undersigned Notary Public in and for said state, personally appeared **SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003**, known or identified to me to be the person(s) whose name(s) is(are) subscribed to the within instrument as Trustee(s) of said Trust, and acknowledged to me that he/she/they have executed the same in his/her/their capacity as Trustee(s).

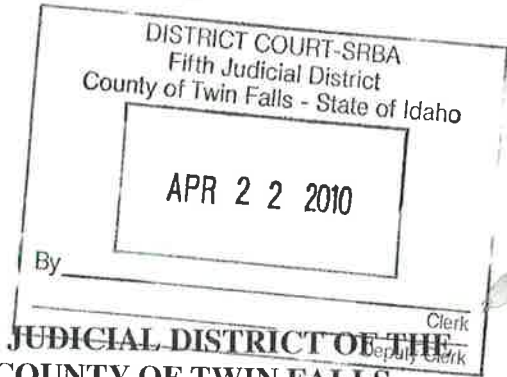


Notary Public
Residing at: Ketchum ID
Commission Expires: 9/18/2012



SCANNED
APR 26 2011

COPY



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

Subcase No. 37-20351, 37-20352

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: 4/22/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-22, 2010, 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

Terence J. O'Reilly Revocable Trust
Terence J. O'Reilly Trustee
1900 O'Farrell St Ste 360
San Mateo CA 94403

Susan Passovoy
PO Box 1659
Sun Valley ID 83353



Signature of person or attorney mailing the form

04/22/2010

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

RIGHT NUMBER: 37-20351

NAME AND ADDRESS: TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.189 CFS

PRIORITY DATE: 11/26/1886

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.189 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWNE 2.00	T02N R18E S04 NENW	1.00
	3 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: BASIS OF CLAIM - Decreed

Property is known as Lot 2, Block 2, Buckhorn Suddivision No. 3.

04/22/2010

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

RIGHT NUMBER: 37-20352

NAME AND ADDRESS: TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.063 CFS

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.063 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWNE 2.00	T02N R18E S04 NENW	1.00
	3 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: BASIS OF CLAIM - Decreed

Property is also known as Lot 2, Block 2, Buckhorn Subdivision No. 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

April 22, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

RE: SRBA Claim(s) 37-20351, 37-20352

Dear Claimant:

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: Susan Passovoy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 5, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TERENCE J O'REILLY REVOCABLE TRUST
131 N MAIN ST BOX 291
HAILEY ID 83333

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS 37-20351 and 37-20352

Dear Mr. O'Reilly:

The Department has been notified that you are the current owner of the property to which the above adjudication claims are appurtenant. In order for you to be shown as the current owner on these records, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete the highlighted areas, sign where indicated on page 2 and return by April 23, 2010. Once the completed form is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Please note Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett

Technical Records Specialist

Enclosures



Order No. 1025002

WARRANTY DEED

FOR VALUE RECEIVED

COPY

SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003, currently of record as SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST Dated July 13, 2001

the Grantor does hereby grant, bargain, sell, convey and warrant unto

TERENCE J. O'REILLY, Trustee of the TERENCE J. O'REILLY REVOCABLE TRUST
Dated May 17, 2005

the Grantee whose current address is:

~~PO Box 4960~~ 131 N Main St. Box 291
Hailey, ID 83333 TSZ

the following described premises, in BLAINE COUNTY, IDAHO, to-wit:

Lot 2 of BUCKHORN SUBDIVISION NO. 3, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded September 20, 1989, as Instrument No. 310274, records of Blaine County, Idaho. ** 68

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

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

Dated this 29th day of JANUARY, 2010.

68 **Together with any and all water rights appurtenant thereto, pertaining to the above noted legal description.

Susan Passovoy, Trustee
Susan J. Passovoy, Trustee

#145

DECREE BK ✓
PRIORITY BK ✓
ANNUAL RPT
ACCESS N/A
37-20352
37-20351

22

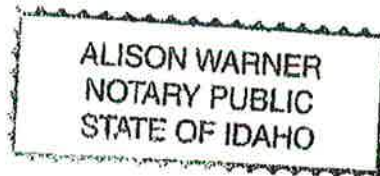
COST REPORT
BWCC CERT N/A
CMS ADDRESS ✓
RIDER LIST ✓
3-24-1883 .063 c/s
11-26-1886 .19 c/s

State of: Idaho
County of: Blaine

On this 29 day of January, 2010, before me, the undersigned Notary Public in and for said state, personally appeared **SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003**, known or identified to me to be the person(s) whose name(s) is(are) subscribed to the within instrument as Trustee(s) of said Trust, and acknowledged to me that he/she/they have executed the same in his/her/their capacity as Trustee(s).



Notary Public
Residing at: Ketchum ID
Commission Expires: 9/18/2012



Order No. 1025002

QUITCLAIM DEED

COPY

For Value Received

SUSAN J. PASSOVOY, a married woman as her sole and separate property

Do hereby convey, release, remise and forever quitclaim unto

TERENCE J. O'REILLY, Trustee of the TERENCE J. O'REILLY REVOCABLE TRUST
Dated May 17, 2005

Whose current address is
131 N Main St. Box 291 To
PO Box 4960, Hailey, ID 83333

The following described premises, to-wit:

The following water rights:

37-20352, priority date 3/24/1883, CFS 0.063
37-20351, priority date 11/26/1886, CFS 0.190
located at:

Lot 2 of BUCKHORN SUBDIVISION NO. 3, BLAINE COUNTY, IDAHO, according to the
official plat thereof, on file in the office of the County Recorder, recorded September 20, 1989,
as Instrument No. 310274, records of Blaine County, Idaho.

Together with their appurtenances.

Dated this 29 day of January, 2010.


Susan J. Passovoy,

State of: Idaho

County of: Blaine

On this 29 day of JANUARY, 2010, before me, the undersigned Notary Public in
and for said state, personally appeared SUSAN J. PASSOVOY, known or identified to me to be
the person whose name is subscribed to the within instrument, and acknowledged to me that she
has executed the same.


Notary Public

Residing at:

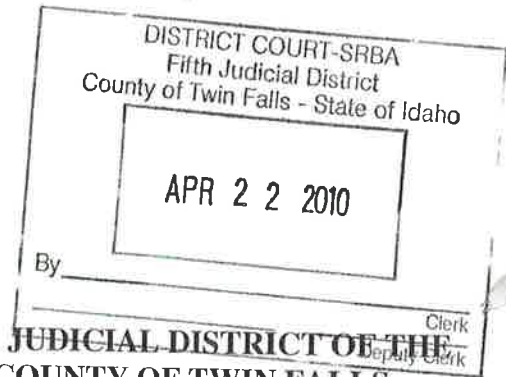
Commission Expires:

KETCHUM ID

9/18/2012

ALISON WARNER
NOTARY PUBLIC
STATE OF IDAHO

CCPY



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

Subcase No. 37-20351, 37-20352

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: 4/22/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-22, 2010, 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

Terence J. O'Reilly Revocable Trust
Terence J. O'Reilly Trustee
1900 O'Farrell St Ste 360
San Mateo CA 94403

Susan Passovoy
PO Box 1659
Sun Valley ID 83353



Signature of person or attorney mailing the form

04/22/2010

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

RIGHT NUMBER: 37-20351

NAME AND ADDRESS: TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.189 CFS

PRIORITY DATE: 11/26/1886

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.189 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWNE 2.00	T02N R18E S04 NENW	1.00
	3 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: BASIS OF CLAIM - Decreed

Property is known as Lot 2, Block 2, Buckhorn Suddivision No. 3.

04/22/2010

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

RIGHT NUMBER: 37-20352

NAME AND ADDRESS: TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.063 CFS

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.063 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWNE 2.00	T02N R18E S04 NENW	1.00

3 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: BASIS OF CLAIM - Decreed

Property is also known as Lot 2, Block 2, Buckhorn Subdivision No. 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

April 22, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TERENCE J O'REILLY REVOCABLE TRUST
TERENCE J O'REILLY TRUSTEE
1900 O'FARRELL ST STE 360
SAN MATEO CA 94403

RE: SRBA Claim(s) 37-20351, 37-20352

Dear Claimant:

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: Susan Passovoy

RECEIVED

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

APR 21 2010
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)
	31-20351				
	37-20352				

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)

4. New Owner/Claimant(s)

O'REILLY REVOKABLE TRUST OF 2005

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1900 O'FARRELL ST. STE 360

City, State and ZIP Code

SAN MATEO CA. 94403

New Telephone Number

(650) 350-5901

Email:

oreilly@oreillylaw.com

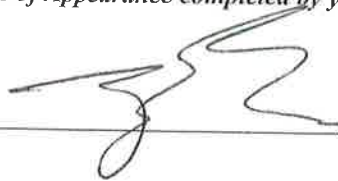
5. Date you acquired the property _____

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) _____



TWISTE
(title if applicable)

(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 _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____



Order No. 1025002

WARRANTY DEED

FOR VALUE RECEIVED

SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003, currently of record as SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST Dated July 13, 2001

the Grantor does hereby grant, bargain, sell, convey and warrant unto

TERENCE J. O'REILLY, Trustee of the TERENCE J. O'REILLY REVOCABLE TRUST Dated May 17, 2005

the Grantee whose current address is:

~~PO Box 4960~~ 131 N Main St. Box 291
Hailey, ID 83333 TS

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

Lot 2 of BUCKHORN SUBDIVISION NO. 3, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded September 20, 1989, as Instrument No. 310274, records of Blaine County, Idaho. ** sjs

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

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

Dated this 29th day of JANUARY, 2010.

sjs **Together with any and all water rights appurtenant thereto, pertaining to the above noted legal description.

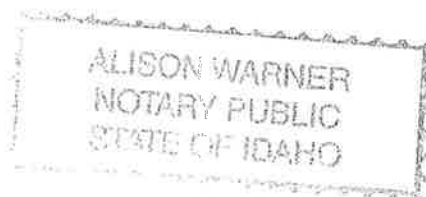
Susan Passovoy, Trustee
Susan J. Passovoy, Trustee

State of: Idaho
County of: Blaine

On this 29 day of January, 2010, before me, the undersigned Notary Public in and for said state, personally appeared **SUSAN J. PASSOVOY, Trustee of the SUSAN J. PASSOVOY 2001 TRUST, AMENDED AND RESTATED, Dated October 28, 2003**, known or identified to me to be the person(s) whose name(s) is(are) subscribed to the within instrument as Trustee(s) of said Trust, and acknowledged to me that he/she/they have executed the same in his/her/their capacity as Trustee(s).



Notary Public
Residing at: Ketchum ID
Commission Expires: 9/18/2012



Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
 Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
02 1A
0004310839 NOV 27 2006
\$ 00.870
MAILED FROM ZIP CODE 83701

37

RETURN TO
SENDER
UNDELIVERABLE
AS ADDRESSED,
FORWARDING
ORDER EXPIRED

SUSAN J PASSOVOY
PO BOX 6435
KETCHUM ID 83340

RECEIVED

FEB 21 2007

DEPARTMENT OF
WATER RESOURCES

37-20352

2/21/07

10/18/2006

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

RIGHT NUMBER: 37-20352

NAME AND ADDRESS: SUSAN J PASSOVOY
PO BOX 6435
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.063 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.063 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T02N R18E S04

NWNE

2.00

T02N R18E S04

NENW

1.00

3 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: BASIS OF CLAIM - Decreed

Property is also known as Lot 2, Block 2, Buckhorn Subdivision No. 3



Idaho Department of Water Resources

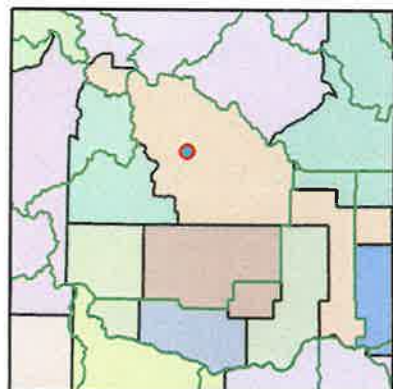
SRBA Recommendation:

37-20352

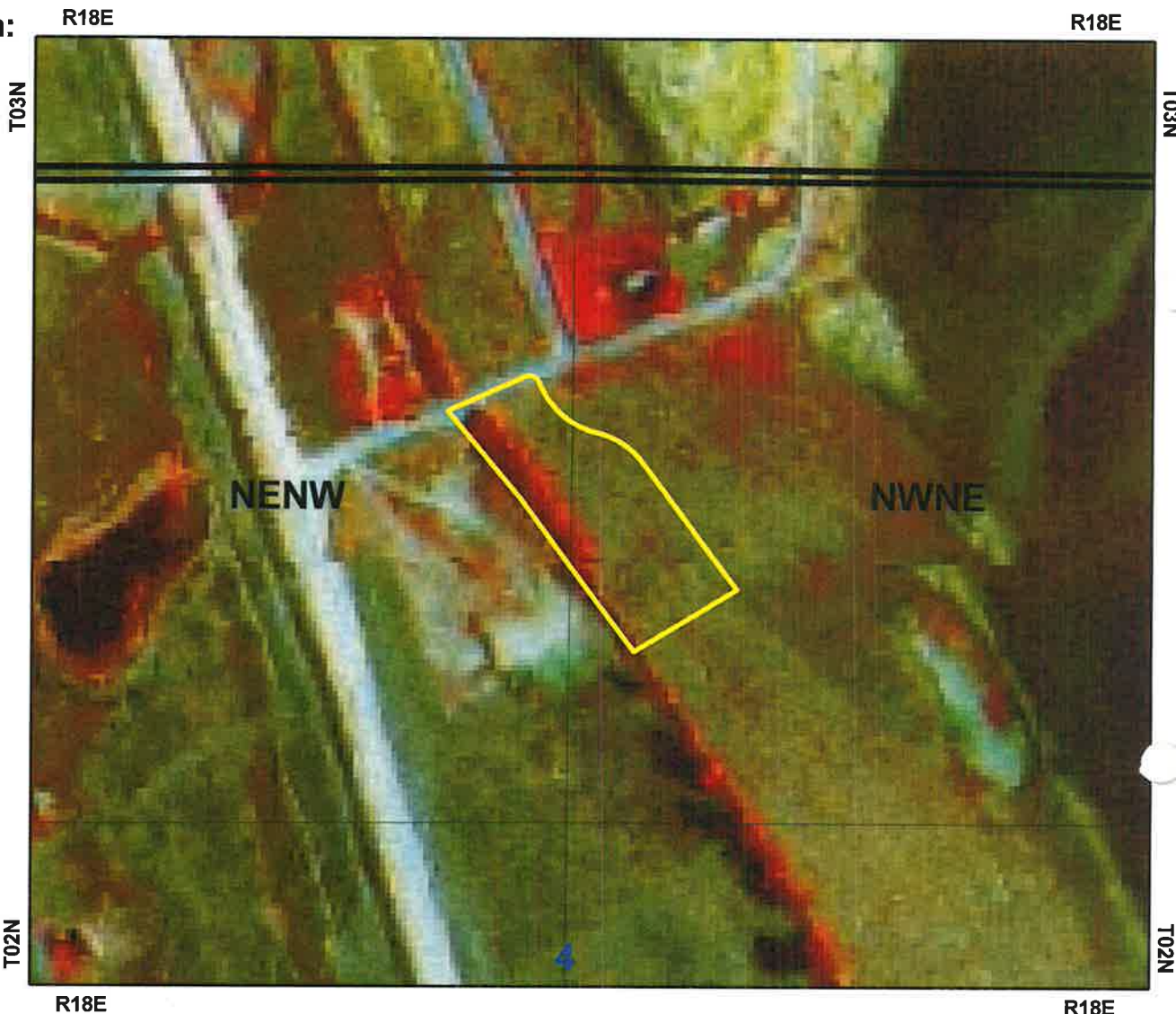
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by A. Warntjes
On Wednesday, October 18, 2006
1987/88 Aerial Photography

37-28 Splits

	CFS
37-28 Robert Sheffer Lt 3, Blk 1, Buckhorn Sub #1	0.04
37-28A John Bazovsky Lot 7, Blk 1, Buckhorn Sub #1	0.04
37-28B The Jeffrey K Rice Family Lot 6, Blk 1, Buckhorn Sub #1	0.04
37-28C Karin t. Martin Lot 4, Blk 1, Buckhorn Sub #1	0.02
37-28D Clifford Tamera Lot 1, Blk 1, Buckhorn Sub #1	0.04

37-20924 Lorraine Wilcox Split from 37-28E Lt 4A, Buckhorn, 2nd Add Lt 3C, Buttercup	0.63
--	------

37-28E Parent Lorraine Wilcox LOTS 3 & 4, BUCKHORN SUBD., 2ND ADDITION	
---	--

37-20925 Peter George Split from 37-28E 9.4 acres Lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second	0.19
--	------

37-28F Red Devil Mountain Homeowners Assoc Lot 2, Buckhorn Sub #2	0.48
---	------

37-20357 Cat Track Select LLC 3.0 acres Lot 3, Blk2, Buckhorn Sub #3	0.066
---	-------

37-28G: .13 cfs Parent Bonner, Charles Lots 3 & 4, Sub. No. 3	
--	--

37-20358 Peter Brinkman 3 acres Lot 4, Blk 2, Buckhorn Sub #4	0.066
--	-------

37-28 Splits

37-20352 Susan J. Passovoy 3 acres Lot 2, Blk 2, Buckhorn Sub #3	0.063
---	-------

37-28H: .15 cfs Temporary Robert Brennan	
--	--

37-20355 Thomas Hanson 3.5 acres Lot 1, Blk 1, Buckhorn Sub #3	0.07
---	------

37-28J Thomas Kennedy Lot 2, Blk 1, Buckhorn Sub #1	0.04
---	------

37-20359 Jean-Pierre Chesnel Lot 5, Blk 1, Buckhorn Sub #1	0.04
--	------

Total	0.74	1.085
-------	------	-------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

SEP 20 2004

Department of Water Resources
Southern Region

PASSOVOY
PO BOX 6435
KETCHUM ID 83340

37-20351
20352

788-2725

198 Red Pine
Hwy 20 83333
PS



UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED.



Kelly

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/18/2000

WATER RIGHT NO. 37-20352

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JIM W KOONCE PO BOX 2015 HAILEY, ID 83333 (208)788-9126

Priority Date: 03/24/1883
Basis: Decreed
Status: Valid

Source: BIG WOOD RIVER Trib. to: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	11/15	0.063 CFS		
Total Diversion			0.063 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	18E	20	SE SW NW		BLAINE

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	18E	4		NENW	1									
				NWNE	2									

Total Acres: 3

Remarks: This is a portion of water right 37-00028, for 3.16 inches. 10/17/2000 jr