

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20379

WATER RIGHT NUMBER: 37-20379

|                   |                                                                    |
|-------------------|--------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                            |
| Current Owner     | RUPERT HOUSE<br>308 E FORK RD<br>HAILEY, ID 83333<br>(208)788-2701 |

Priority Date: 06/03/1884

Basis: Decreed

Status: Active

|                      |                  |
|----------------------|------------------|
| <u>Source</u>        | <u>Tributary</u> |
| EAST FORK WOOD RIVER | BIG WOOD RIVER   |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 05/15 to 10/01          | 0.330 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.330 CFS             |                      |

Location of Point(s) of Diversion

|                      |            |                                    |
|----------------------|------------|------------------------------------|
| EAST FORK WOOD RIVER | SW1/4NE1/4 | Sec. 3,   Twp 03N,   Rge 18E, B.M. |
| BLAINE County        |            |                                    |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |     | SW  |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE  | NE  | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 18E | 3   |    |    |    |    |    |    |    | 3.0 | 7.0 |    |    |    |    |    |    |    | 10.0   |

Total Acres: 10

Conditions of Approval:

1. 2/26/01 tf, this claim is the remaining portion of 37-00539B pursuant to approved transfer 5318.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 37-20379

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-539B

WATER RIGHT NUMBER: 37-539B

| <u>Owner Type</u> | <u>Name and Address</u>                                                               |
|-------------------|---------------------------------------------------------------------------------------|
| Original Owner    | RUPERT HOUSE<br>308 E FORK RD<br>HAILEY, ID 83333<br>(208)788-2701                    |
| Current Owner     | CARL G BONTRAGER<br>PO BOX 2092<br>KETCHUM, ID 83340<br>(208)788-3690                 |
| Current Owner     | KATHLEEN K LYNN<br>PO BOX 2092<br>KETCHUM, ID 83340<br>(208)788-3690                  |
| Attorney          | JAMES P SPECK<br>SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM, ID 83340<br>(208)726-4421 |

Priority Date: 06/03/1884

Basis: Decreed

Status: **Parent**

| <u>Source</u>        | <u>Tributary</u> |
|----------------------|------------------|
| EAST FORK WOOD RIVER | BIG WOOD RIVER   |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 5/15 to 10/01           | 0.400 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.400 CFS             |                      |

Location of Point(s) of Diversion

|                      |            |                                |
|----------------------|------------|--------------------------------|
| EAST FORK WOOD RIVER | SW1/4NE1/4 | Sec. 3, Twp 03N, Rge 18E, B.M. |
| BLAINE County        |            |                                |

Place of Use

IRRIGATION

| Tw  | Rge | Sec | NE |    |    |    | NW |    |    |    | SW  |     |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|-----|-----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE |        |
| 03N | 18E | 3   |    |    |    |    |    |    |    |    | 3.0 | 9.0 |    |    |    |    |    |    | 12.0   |

Total Acres: 12

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 37-539B

Remarks:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

5318.

2/26/01 tf; this claim has been split as follows pursuant to the approval of transfer

37-20379 - Rupert House retains 10 acres and .33 cfs.

37-20380 - Carl Bontrager/Kathleen Lynn get 2 acres and .07 cfs.

Comments:

Dates and Other Information:

Claim Received Date: 2/23/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

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 37-20379  
Date Received: 2/23/01  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333

Phone: (208)788-2701

2. Date of Priority: 06/03/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 18E   | 3       | SW NE                 | BLAINE |      |

5. Description of diverting works:

GRAVEL DAM, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 05/15 | 10/01 | 0.33   |            |

7. Total Quantity Appropriated is:  
0.33 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 03N      | 18E   | 3       | SE         | NW  | IRRIGATION    | 3     |
|          |       |         | NE         | SW  | IRRIGATION    | 7     |
|          |       |         |            |     | Section Acres | 10    |
|          |       |         |            |     | Total Acres   | 10    |

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:

2/26/01 tf; this claim is the remaining portion of 37-00539B pursuant to approved transfer 5318.

15. Basis of Claim: Decreed

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

**RECEIVED****SEP 23 1999**Department of Water Resources  
Sandra Dwyer

Please print or type. Attach pages with additional information. Instructions are on the back of this page  
 Incomplete forms will be returned.

1. Water Right Number(s) \_\_\_\_\_  
 Adjudication Claim Number(s) A37-00539B
  
2. The following REQUIRED information must be submitted with this form.
  - A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
 AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)  
 OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Rupert House  
 Owner/Claimants 308 East Ford Road, Hailey, ID 83333
  
4. New Owner/Claimant(s) Carl Bontrager and Kathleen Lynn  
 Name connector (check one): [ ] AND, [ ] OR, [X] AND/OR  
 New Mailing Address PO Box 2092  
 City, State and ZIP Code Ketchum, ID 83340  
 New Telephone Number ( 208 ) 788-3690
  
5. Date you acquired the property 5-16-98
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres actually irrigated 2 Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS 0.07 cfs Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
7. Signature of New Kathleen Lynn Date SEPT 22, 1999  
 Owner/Claimant(s) Kathleen Lynn  
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
  
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

**D.E. 5/22/00** *CP*

37-00539B

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

**James P. Speck, Esq.  
SPECK & AANESTAD  
A Professional Corporation  
P. O. Box 987  
Ketchum, Idaho 83340**

---

(space above line for Recorder's use)

**QUITCLAIM DEED**

FOR VALUE RECEIVED, RUPERT HOUSE and BONNIE HOUSE, TRUSTEES OF THE RUPERT AND BONNIE HOUSE FAMILY TRUST, dated September 24, 1993, whose address is 308 East Fork Road, Hailey, Idaho 83333 (hereinafter collectively referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto CARL BONTRAGER and KATHLEEN LYNN, husband and wife, whose address is P. O. Box 2092, Ketchum, ID 83340 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises situated in Blaine County, Idaho, to wit:

0.07 cfs of the East Fork of the Big Wood River with a June 3, 1884 priority date pursuant to Idaho Water Right No. 37-00539B and Claim No. A37-00539B in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576, used for the irrigation of two (2) acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S.3, T.3N., R.18E., B.M., Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever. The Grantor does hereby covenant to and with the said Grantee, that the above-described water right is free from all liens and encumbrances.

IN WITNESS WHEREOF Grantor has executed this Quitclaim Deed on the date(s) set forth below.

DATE:

May 16, 1998

Rupert House  
RUPERT HOUSE, TRUSTEE OF THE  
RUPERT AND BONNIE HOUSE FAMILY  
TRUST, dated September 24, 1993



**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

JAMES P. SPECK  
DOUGLAS J. AANESTAD  
BENJAMIN W. WORST

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

September 21, 1999

Mr. Allen Merritt  
Idaho Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301-3380

**Re: Portion of Water Right No. 37-00539B  
Kathy Lynn and Carl Bontrager**

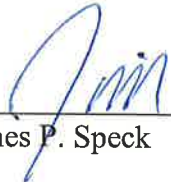
Dear Allen:

Enclosed you will find an Notice of Change of Water Right Ownership which I have prepared for Carl Bontrager and/or Kathleen Lynn, husband and wife, for a portion of the above-described water right. I have included copies of the Quitclaim Deed which will take the chain of title to the water right from Rupert and Bonnie House, to my clients together with a copy of Hyndman Peak Subdivision showing my clients' lot 21. I have also enclosed a copy of the Notice and ask that you have it receipt date stamped by the Department and return to me in the stamped and addressed envelope provided for that purpose. Please also send me a computer print out showing the change has been made in the Department records. Kindly call if there are any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: 

James P. Speck

JPS:rsd  
enclosures

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

RECEIVED

FEB 17 1989

Ident. Number: A37-00539B  
Date Received: 2/09/1989  
Receipt No: 5006350  
Received By: LW

Department of Water Resources

Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RUPERT HOUSE 208-788-2701  
Address: 308 E. FORK RD.  
HAILEY, ID 83333-0000

2. Date of Priority: JUN 03, 1884

3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 3       | SW     | NE     |     |     | BLAINE |

5. Description of diverting works:  
GRAVEL DAM, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/15 | 10/01 | 0.400  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/2 LAWNS & GARDENS, S/10 BEEF STOCK, 4 HORSES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 03N      | 18E   | 3       | SE     | NW  |     | IRR | 3.0   |
|          |       |         | NE     | SW  |     | IRR | 9.0   |

Section Acres 12.0

A37-00539B

Page 1

Date: 02/09/89

FEB 23 1993

COPY

10. Place of Use: Continued

Total Acres 12.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

TRANS. 3291. THE ANNUAL VOLUME OF WATER UNDER THIS RT.  
SHALL NOT EXCEED 45.0 AF/ANNUM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.  
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.  
Decree 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 X 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): Rupert House Date: 2-16-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> day  
of February 19 89

Seal

Constance M. Ellway  
Notary Public

Residing at Hailey  
My Commission Expires 1992

COPY

MICROFILMED

FEB 23 1989

37-00539B

sent (W)  
↓

FEB. 9, 1989

RUPERT HOUSE  
308 EAST FORK RD  
HAILEY, ID 83333

DEAR MR. HOUSE:

ENCLOSED PLEASE FIND THE ADJUDICATION CLAIMS AND CHECK  
YOU SUBMITTED TO OUR OFFICE. THANK YOU FOR YOUR TIMELY  
RESPONSE.

WE HAVE ALSO ENCLOSED 2 COPIES OF A COMPUTER GENERATED  
CLAIM BASED ON YOUR WATER RIGHT #37-00539B WHICH  
DESCRIBES HOW YOU ORIGINALLY CLAIMED YOUR DECREED WATER  
AND HOW THE WATER RIGHT EXISTS IN OUR RECORDS. PLEASE  
REVIEW THE CLAIM AND IF SATISFACTORY, SIGN IT AND HAVE IT  
NOTARIZED, THE RETURN THE CLAIM TO OUR OFFICE ALONG WITH  
A CHECK FOR \$62 FOR THE REQUIRED IRRIGATION FEE. KEEP THE  
OTHER COPY FOR YOUR RECORDS.

IF THE COMPUTER CLAIM DOES NOT CORRECTLY DESCRIBE YOUR  
WATER RIGHT THEN YOU WILL NEED TO FILL OUT THE ENCLOSED  
BLANK CLAIM FORM. INSTRUCTIONS ARE ALSO ENCLOSED. SIGN  
AND NOTARIZE THE CLAIM AND RETURN IT TO OUR OFFICE WITH  
THE CORRECT FEE.

PLEASE RETURN THE CLAIM WITH THE CORRECT FEE WITHIN 30  
DAYS OF THE DATE OF THIS LETTER SO THAT YOUR FILING  
WILL BE CONSIDERED TIMELY AND YOU WILL NOT BE ASSESSED  
AN ADDITIONAL LATE FEE OF \$50.00.

THANK YOU FOR YOUR CAREFUL ATTENTION CONCERNING YOUR  
WATER RIGHT FILINGS. PLEASE FEEL FREE TO CONTACT OUR  
OFFICE IF YOU HAVE ANY QUESTIONS OR IF YOU NEED  
ASSISTANCE.

SINCERELY,

*Lori White*

LORI WHITE  
WATER AGENT

MICROFILMED

FEB 23 1989

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.

RECEIVED

FEB 17 1989

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00539B

Date Received: 2/09/1989

Receipt No: 5006350

Received By: LW

Department of Water Resources

Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RUPERT HOUSE 208-788-2701  
Address: 308 E. FORK RD.  
HAILEY, ID 83333-0000

2. Date of Priority: JUN 03, 1884

3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 3       | SW     |        | NE  |     | BLAINE |

5. Description of diverting works:  
GRAVEL DAM, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/15 | 10/01 | 0.400  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/2 LAWNS & GARDENS, S/10 BEEF STOCK, 4 HORSES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 03N      | 18E   | 3       | SE     | NW  |     | IRR | 3.0   |
|          |       |         | NE     | SW  |     | IRR | 9.0   |

Section Acres 12.0

A37-00539B

Page 1

Date: 02/09/89

MICROFILMED  
FEB 23 1993

10. Place of Use: Continued

Total Acres 12.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

TRANS. 3291. THE ANNUAL VOLUME OF WATER UNDER THIS RT.  
SHALL NOT EXCEED 45.0 AF/ANNUM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.  
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.  
Decree 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 X 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): Prigent House Date: 2-16-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> day  
of February 19 89 Constance M. Ellsaw  
Notary Public

Seal

Residing at Hailey  
My Commission Expires 1992

MICROFILMED  
FEB 23 1989

11/21/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006**

Water right number: 37-20379  
RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333  
Telephone Number: (208)788-2701

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-12-06

SIGNATURE: Rupert House

Please print your name: Rupert House

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED  
DEC 15 2006

11/16/2006

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

RIGHT NUMBER: 37-20379

NAME AND ADDRESS: RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.330 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 SWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.330 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S03

SWNE

2.00

T03N R18E S03

SENW

5.00

T03N R18E S03

NESW

3.00

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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-539B.



# Idaho Department of Water Resources

SRBA Recommendation:

**37-20379**

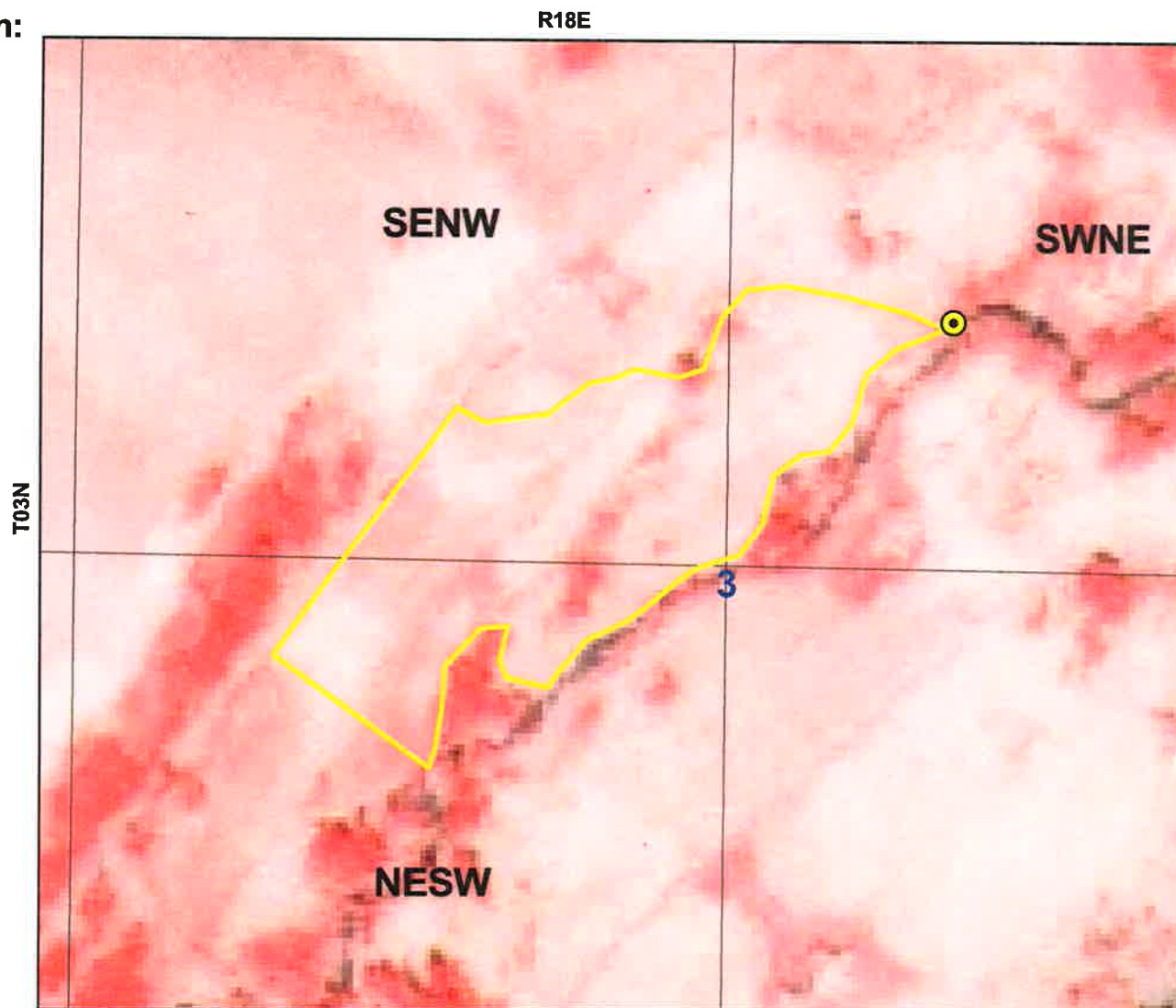
(Irrigation)

## 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 C. Clark  
On Thursday, November 16, 2006  
1987/88 Aerial Photography



# Idaho Department of Water Resources

SRBA Recommendation:

**37-20379**

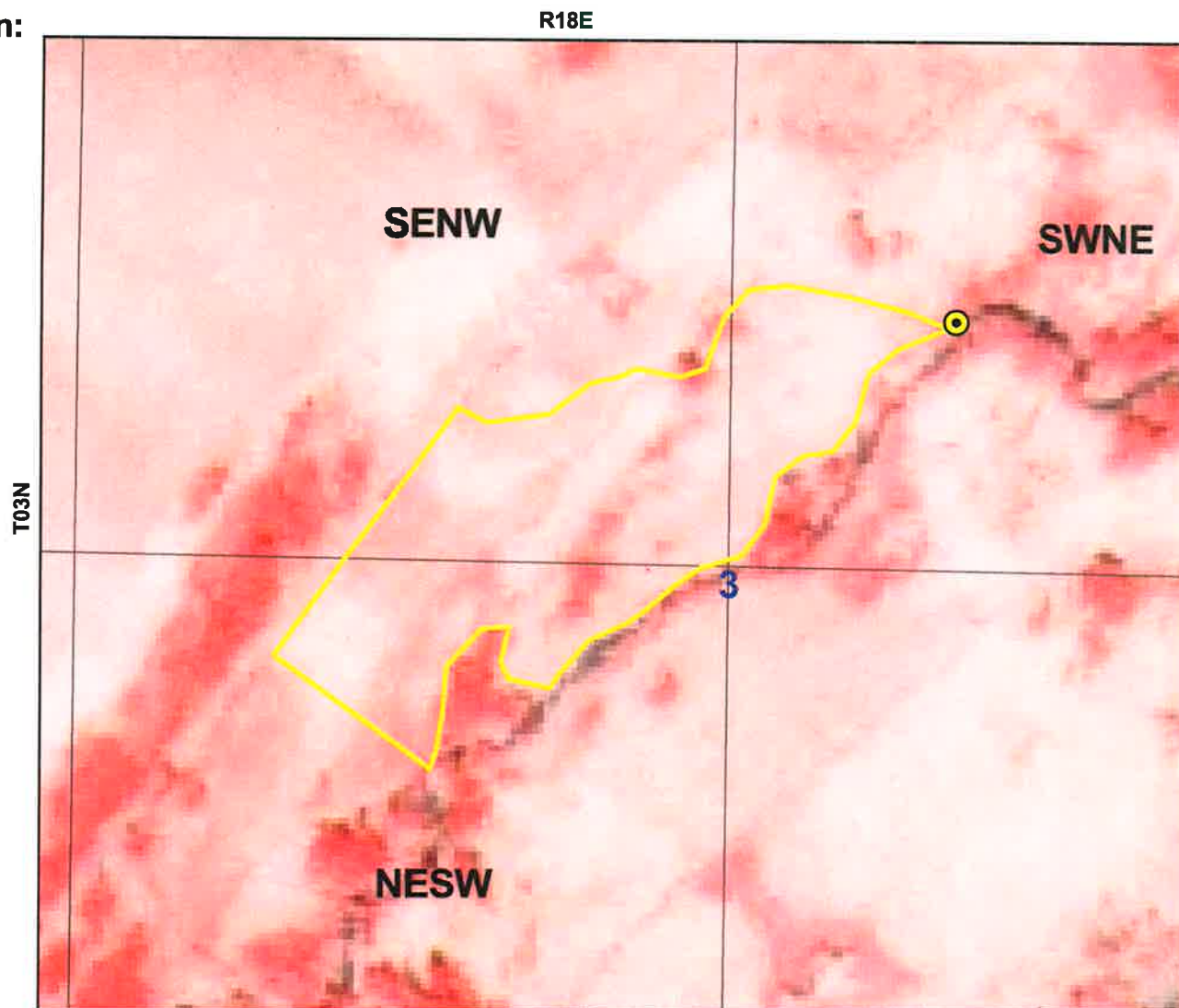
(Irrigation)

## 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 C. Clark  
On Thursday, November 16, 2006  
1987/88 Aerial Photography

11/16/2006

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

RIGHT NUMBER: 37-20379

NAME AND ADDRESS: RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333

SOURCE: EAST FORK WOOD RIVER                      TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.330 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:  
T03N R18E S3 SWNE 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          | 0.330 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T03N R18E S03 | SWNE | 2.00 | T03N R18E S03 | SENE | 5.00 |
| T03N R18E S03 | NESW | 3.00 |               |      |      |

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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-539B.



# Idaho Department of Water Resources

SRBA Recommendation:

**37-20379**

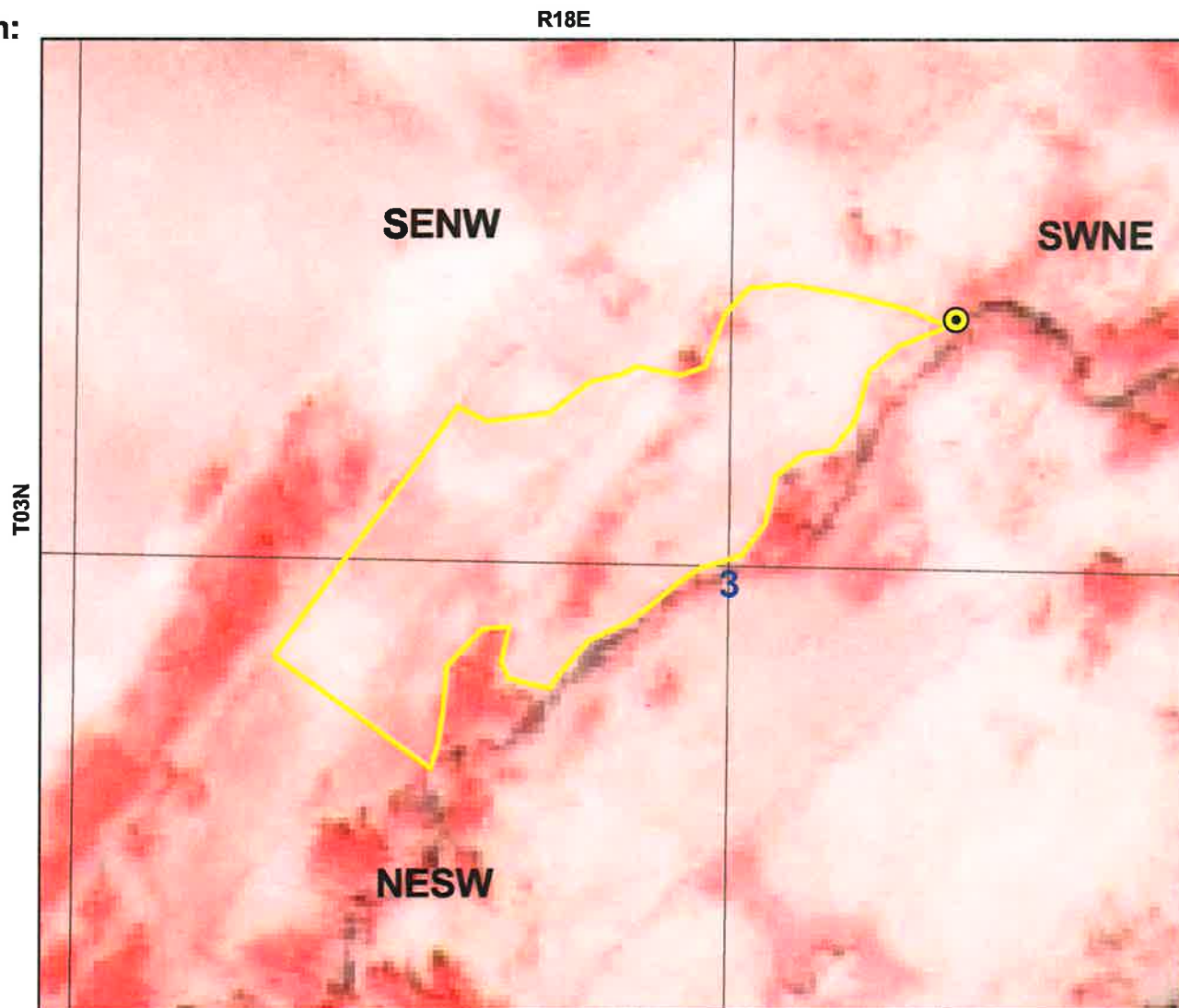
(Irrigation)

## 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 C. Clark  
On Thursday, November 16, 2006  
1987/88 Aerial Photography

08/26/2005

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

RIGHT NUMBER: 37-20379

NAME AND ADDRESS: RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.330 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 SWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.330 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T03N R18E S03

SWNE

2.0

T03N R18E S03

SENW

5.0

T03N R18E S03

NESW

3.0

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.

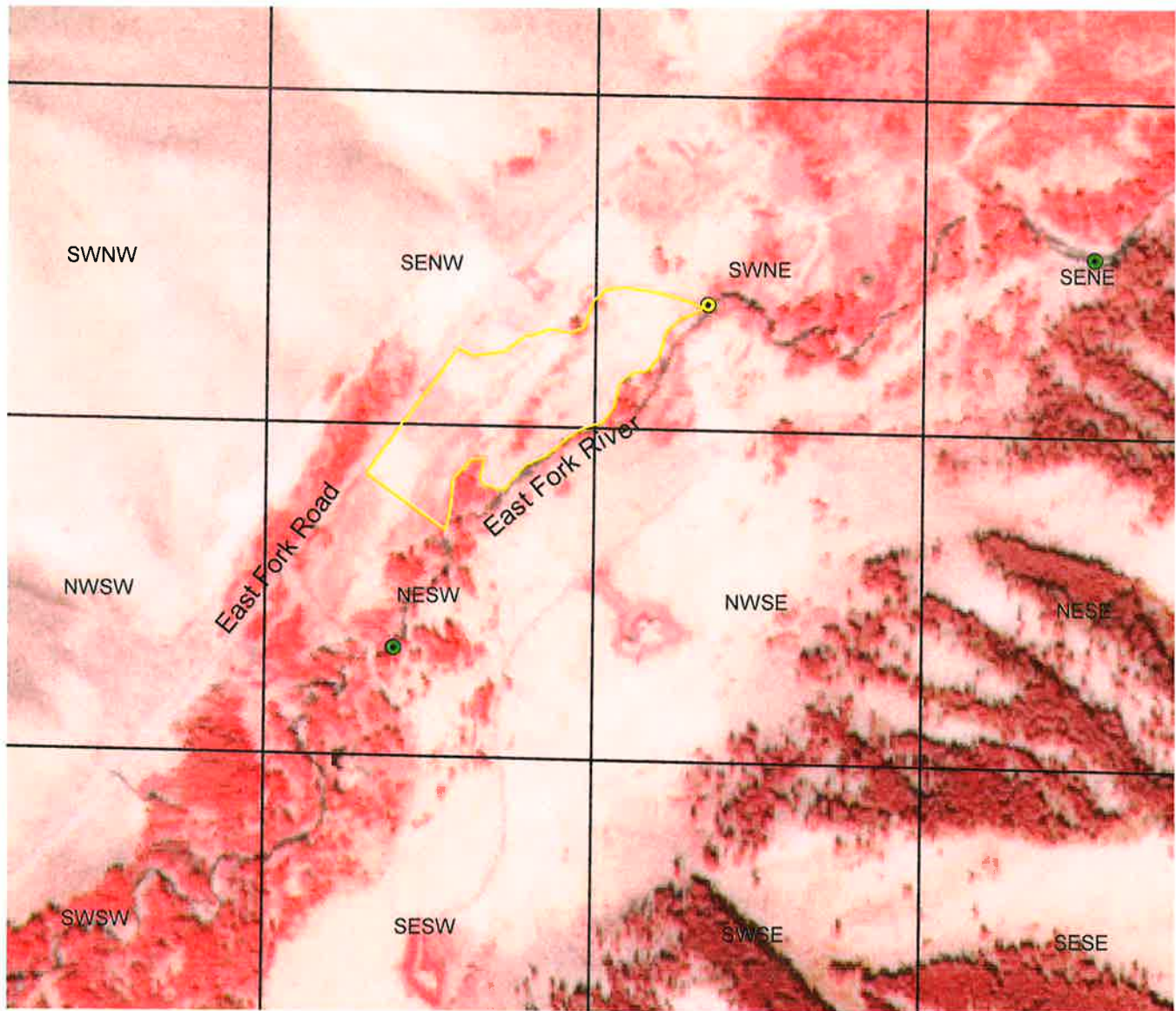
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-539B.

VERIFIED BY NT

**Idaho Department of Water Resources**

**RECOMMENDED PLACE OF USE FOR  
37-20379**



1320

0

1320 Feet

**PLACE OF USE**

**TWP 03N, RNG 18E, SEC 03**

**Data entry on August 01, 2005**



**RECOMMENDED POINT OF DIVERSION**



**RECOMMENDED PLACE OF USE**



**TOWNSHIP LINES**

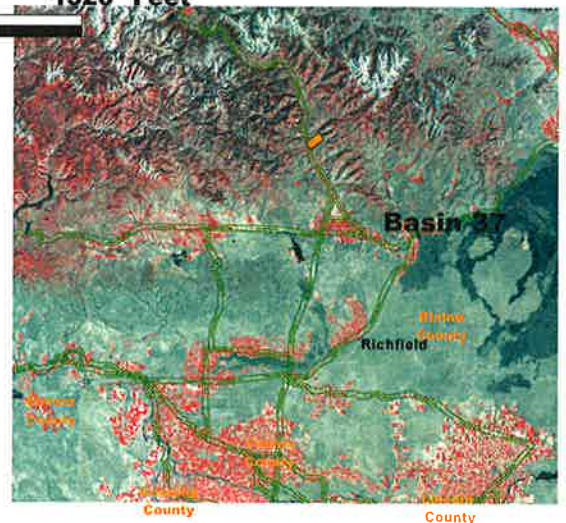


**SECTION LINES**



**LOCATION IN BASIN**

**GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY NICK TREASURE**



08/26/2005

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

RIGHT NUMBER: 37-20379

NAME AND ADDRESS: RUPERT HOUSE  
308 E FORK RD  
HAILEY ID 83333

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.330 CFS

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION:

T03N R18E S3 SWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.330 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S03

SWNE

2.0

T03N R18E S03

SENE

5.0

T03N R18E S03

NESW

3.0

10 ACRES TOTAL

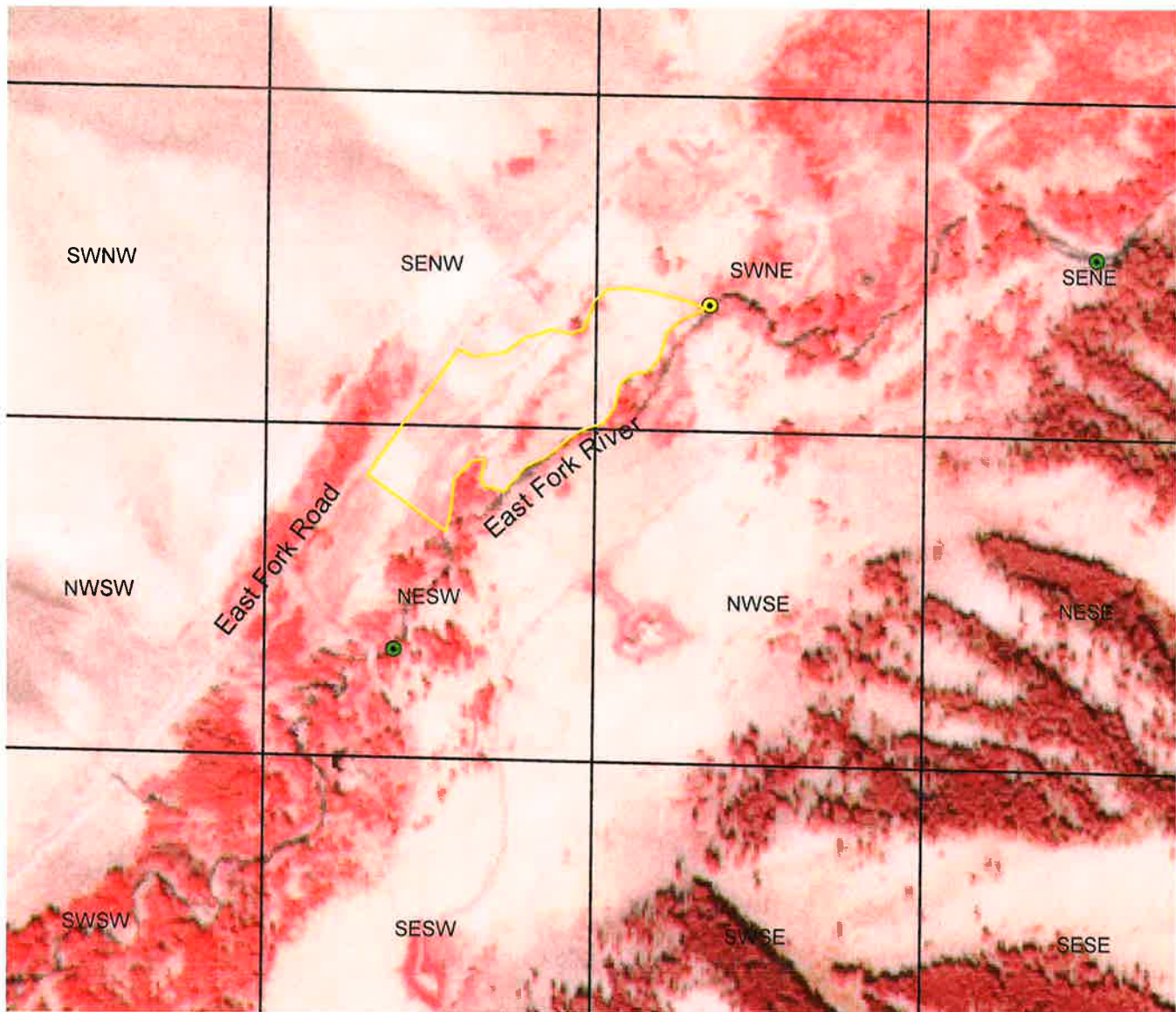
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-539B.

# RECOMMENDED PLACE OF USE FOR 37-20379



1320

0

1320 Feet

**PLACE OF USE**  
**TWP 03N, RNG 18E, SEC 03**  
Data entry on August 01, 2005



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



TOWNSHIP LINES

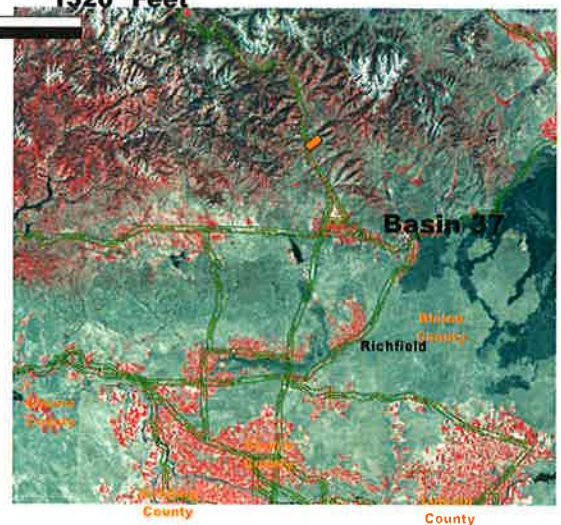


SECTION LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY NICK TREASURE



08/01/2005

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 37-20379

RUPERT HOUSE

308 E FORK RD

HAILEY ID 83333

Telephone Number: (208)788-2701

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

\_\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please print your name: \_\_\_\_\_

IDWR Regional Office,

## Memo

Nick Treasure

July 18, 2005

Subject: SRBA review and recommendation of Hyndman Peak Subdivision, Blaine County. Claims: 37-20379, 37-20380, 37-539D, 37-539F, 37-539J, 37-539L, 37-539H, 37-539I, 37-539K, 37-539G

A review of the history of Hyndman Peak Subdivision shows a series of approved transfers that have occurred from original water right 37-539. This is a 06/03/1884 decreed right for 3.0 cfs of the East Fork Wood River. Through a series of approved transfers and ownership changes, a consistent 0.06 cfs/acre has occurred in this area. The remaining portion of the parent water right 37-539 is water right 37-539G in which there are 4 claims filed against. (See attached split tree analysis-page 8).

The majority of this subdivision was developed during the 1980's. There are currently 40 lots in the subdivision as well as a 20-acre lot of original owner Rupert House. (See attached tax lot map-page 4). Many individual homeowners chose to quitclaim their water rights over to the Hyndman Peak Subdivision Homeowners Association (claim 37-539G). The remaining homeowners decided to individually claim against the 1884 decree (all remaining claims listed above).

**A field examination occurred on July 6, 2005 by Water Resource Agent Nick Treasure and Basin 37 Water Master Kevin Lakey. The following was found during the course of this field visit through personal observance as well as conversations with various homeowners of the association.**

- There are four Points of Diversions associated with this subdivision:
  1. The original POD to the parent right 37-539 is located in the SENE. This head gate is locally known as the peters #17 head gate. Claimants of this head gate are Robert Mitchell 37-539L and Hyndman Peak Homeowners Association 37-539G.
  2. Transfer 3291 created a POD in the SWSWNE of section 3. This particular POD has no lockable head gate. Claimants of this diversion are Rupert House 37-20379 and Carl Bontrager 37-20380.
  3. Transfer 3280 created a POD in the SWNESW of section 3. This head gate is claimed by Bruce McCaw 37-539F and Thomas Matson 37-539D.
  4. Transfer 3551 created a POD in the NENESW of section 3. The POD is a pump and sprinkler system from East Fork River. The claimant for this diversion is Craig Brandman 37-539J.

- The original Place of Use historically irrigated is depicted on the attached map-*page 5*. Also outlined on the attached map is the ditch system in which we examined and verified with original owner Rupert House before the subdivision existed. The POU outlined in green was irrigated by this irrigation system. Note that the northern areas of the subdivision as well as along the East Fork River are riparian areas and have not historically been irrigated by the 1884 decree.
- The attached map-*page 6* depicts claimants of the 1884 decree by individual owners in association with the historically irrigated ground. Notice the remaining portion of the historic irrigation depicted in green is what the homeowners association wishes to claim.
- There is currently a delivery system through ditches and laterals in which water can be delivered to the claimants listed on *page 6*. However there is no current means of deliverance for the remaining portion for individuals of the Hyndman Peak Homeowners Association though there may have been historically. It appears that a delivery system ended sometime in the late-1980's due to subdivision development.

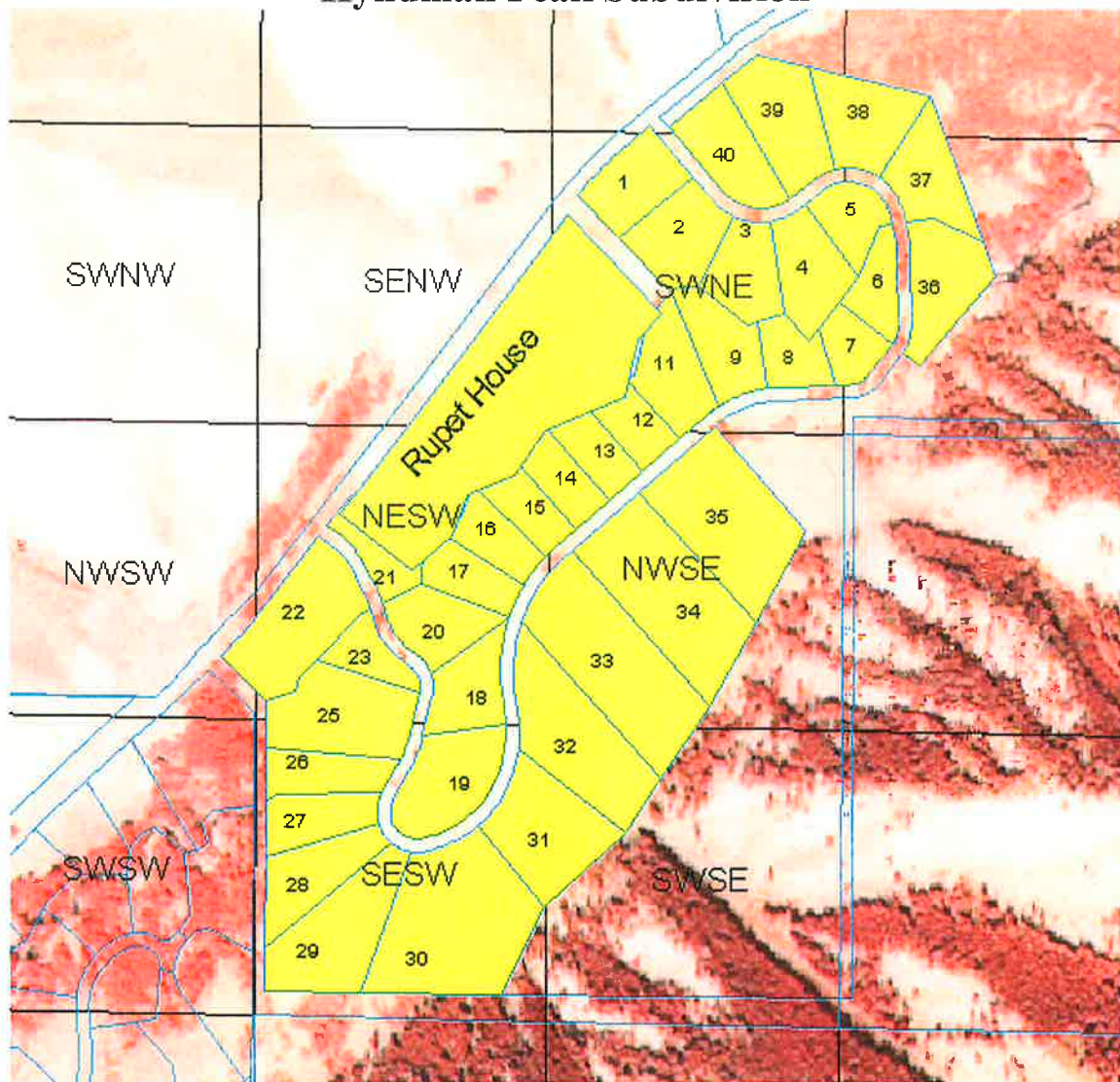
**In addition to the above findings, we also found some issues listed below that need to be addressed by the IDWR. A series of transfers and other measures need to be taken in the following situations:**

- Upon field examination there were found 2 large ponds on lot 34 of the Hyndman subdivision owned by Robert Mitchell. The 2 ponds together measure approximately 0.75 acres. The 2 ponds are situated directly behind the Mitchell residence. The source of water for these ponds is the East Fork River with the POD in the SENE of section 3. A third pond was also found in lot 33 for the same owner. The pond was being dug as we visited the location but did not yet contain water. This pond will receive water through a drain ditch originating from the first two ponds. It does not appear the ponds are being used in conjunction with irrigation. I met with Dr. Mitchell during our visit. He indicated that the first two ponds were built in the early 1990's. It is confirmed that the ponds did not exist in the 1987 Napp Arial Photography. All three ponds have no transfers filed. (See photos in claim 37-5391)
- During the field visit, we noticed that a large percentage of the lots have sprinkler irrigation on more than the ½ acre allowed under their Domestic wells. Most individual owners are sprinkler irrigating 2-3 acres of pasture, yard and trees from domestic wells. Among the 40 lots in the Hyndman Peak Subdivision, there are two homeowners who have been licensed for groundwater with the purpose of irrigation. The water rights are 37-8567 for Craig Brandman and 37-8421 for Shawn Szombathy. These are the only two owners in the sub-division who are

authorized to irrigate more than a ½ acre in the subdivision. (See photos in 37-539G)

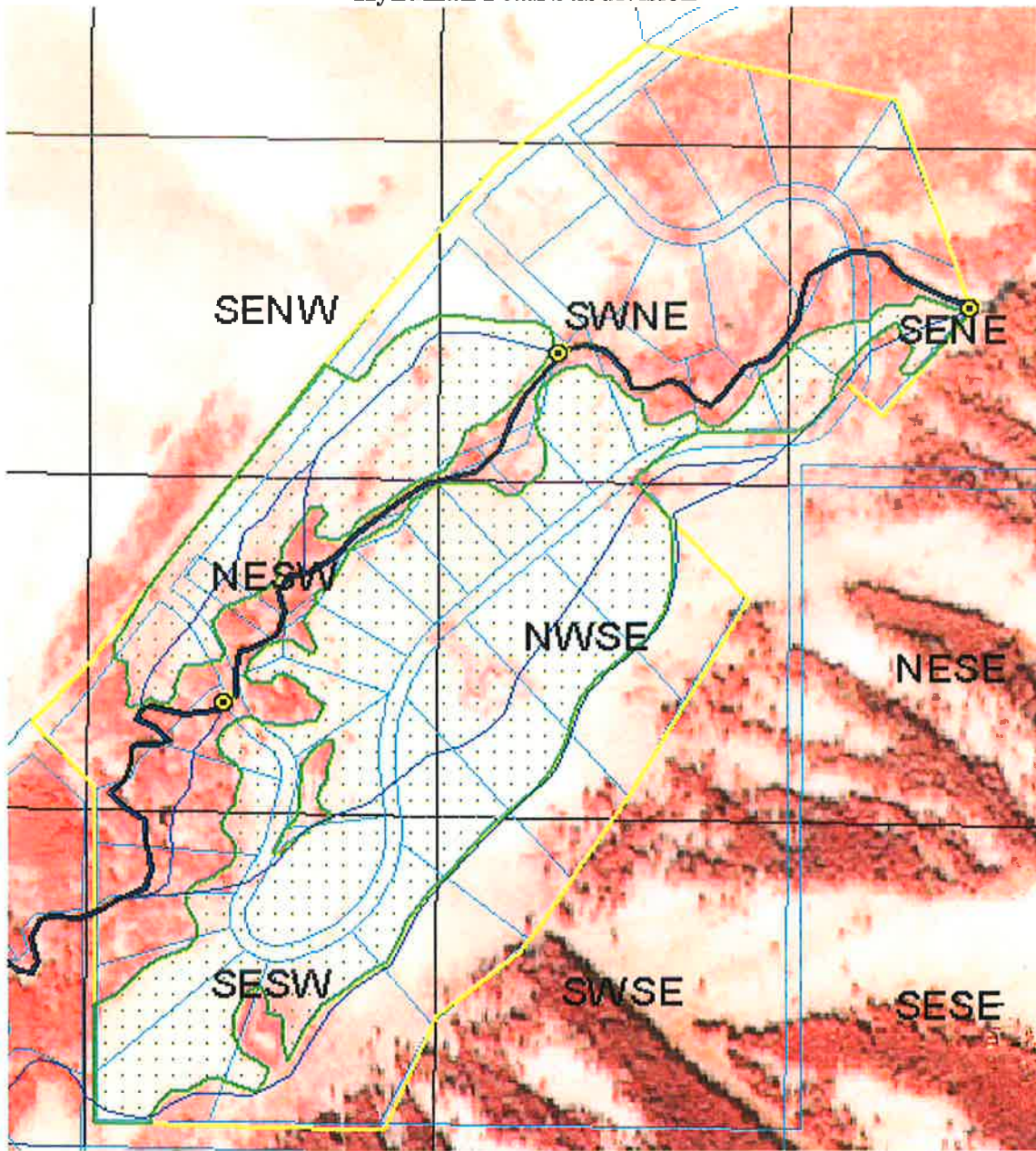
- The Hyndman Peak Homeowner's Association, claim 37-539G, currently has no means of delivery for its members from the claimed POD in the SENE of section 3. The members of the association are spread throughout the subdivision with no organized delivery system. Historically before the subdivision was built, it does appear these lots of the members of the association were irrigated. The subdivision was constructed in the late-1980's. During the construction of the Subdivision, many ditches and laterals were filled in making it impossible to currently irrigated from the claimed POD.

## Hyndman Peak Subdivision



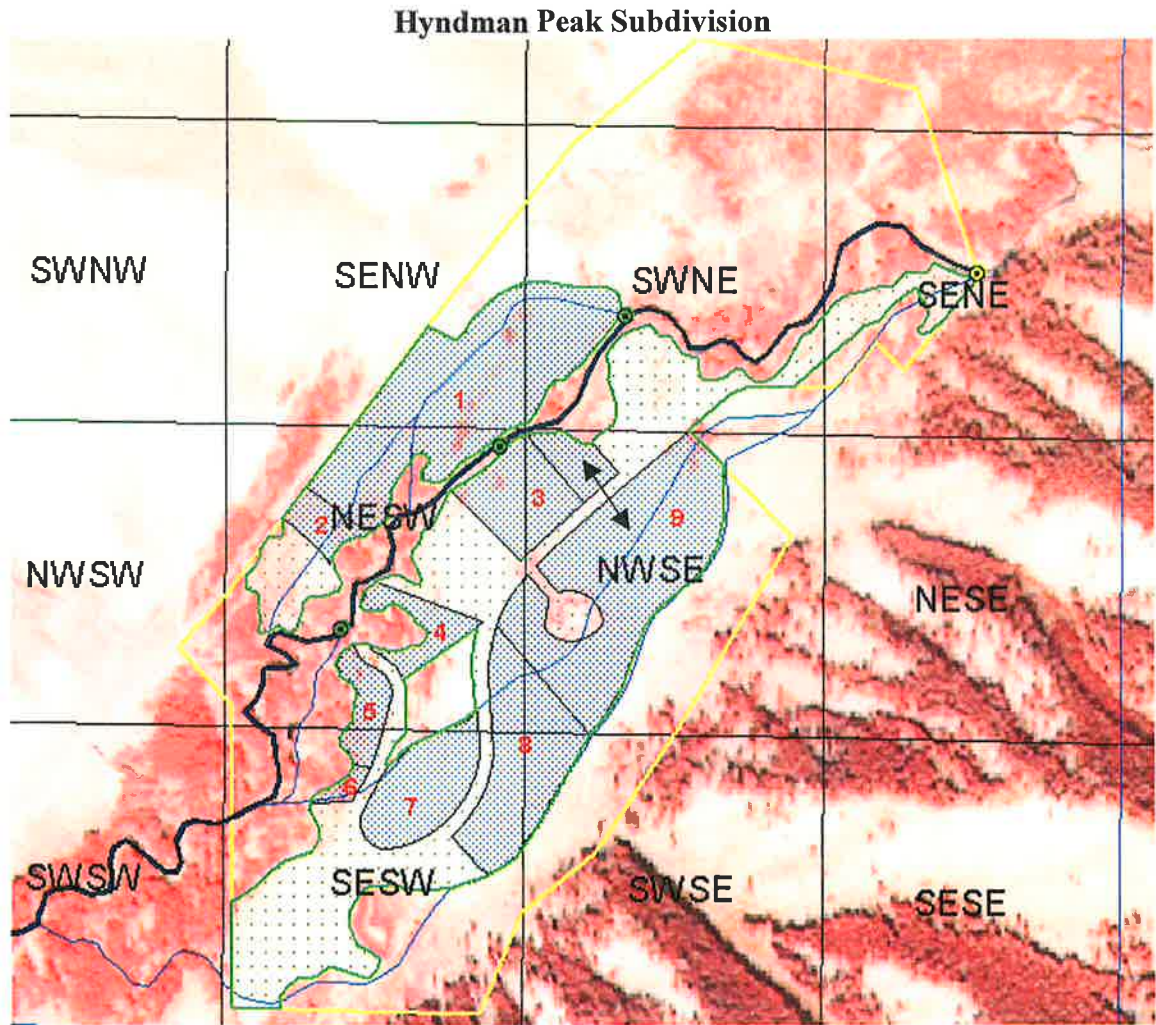
- |                |                         |               |
|----------------|-------------------------|---------------|
| 1- Bennett     | 15- Brandman            | 29- Porter    |
| 2- Berman      | 16- Swigert             | 30- Szombathy |
| 3- Danielson   | 17- Swigert             | 31- Mitchell  |
| 4- Kosmos      | 18- El Camino(Mitchell) | 32- Mitchell  |
| 5- Papworth    | 19- El Camin (Mitchell) | 33- Mitchell  |
| 6- Hydman Peak | 20- Exchange LLC        | 34- Mitchell  |
| 7- Flammer     | 21- Bontrager, Lynn     | 35- Mitchell  |
| 8- Naeve       | 22- Bontrager, Carl     | 36- Boxall    |
| 9- Devens      | 23- Matson              | 37- Latrobe   |
| 11- Bass       | 25- Matson              | 38- Latrobe   |
| 12- Bass       | 26- McCaw               | 39- Chivvis   |
| 13- Mitchell   | 27- Porter              | 40- Chivvis   |
| 14- Brandman   | 28- Porter              | House, Rupert |

# Hyndman Peak Subdivision

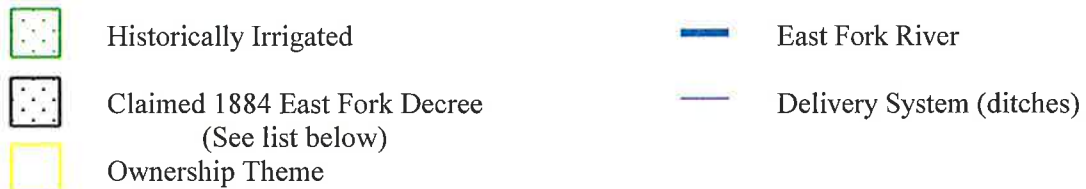


1987 Napp Aerial Photography

- |                                                                                     |                          |                                                                                     |                           |
|-------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|---------------------------|
|  | Historically Irrigated   |  | East Fork River           |
|  | Hyndman Peak Subdivision |  | Delivery System (ditches) |
|  | Blaine County Tax lots   |                                                                                     |                           |



1987 Napp Arial Photography



**Claimants on June 03, 1884 East River Decree**

- |                  |                   |
|------------------|-------------------|
| 1 Rupert House   | 6 Bruce McCaw     |
| 2 Carl Bontrager | 7 Robert Mitchell |
| 3 Craig Brandman | 8 Robert Mitchell |
| 4 Paul Carson    | 9 Robert Mitchell |
| 5 Thomas Matson  |                   |

Note: Hyndman Peak Homeowners Association claims the remaining *historically irrigated* land that is not claimed by the claimants above in the NESW, NWSE, SESW

## Hyndman Peak Subdivision



2004 Aerial Photography



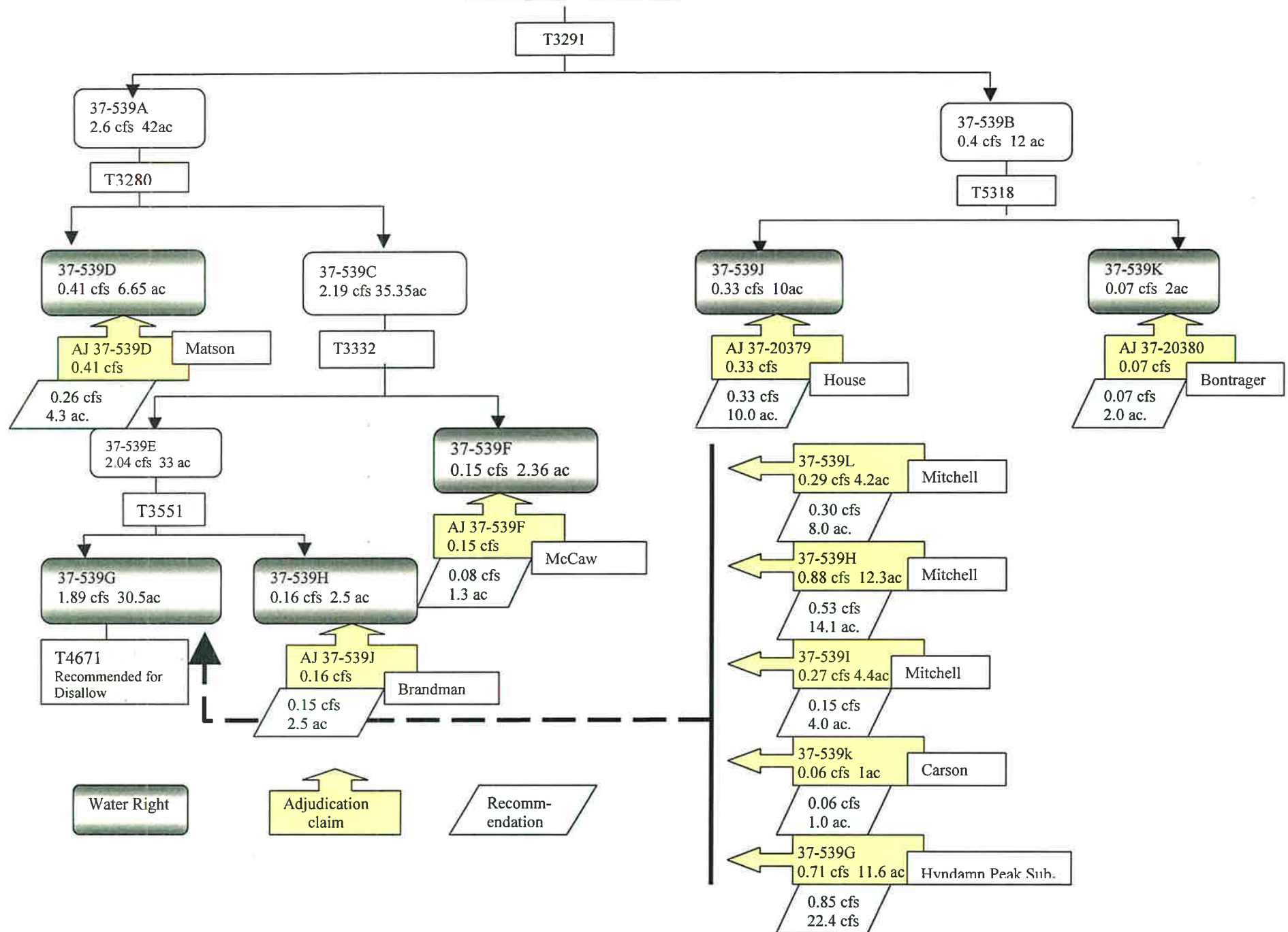
Subdivision Boundary



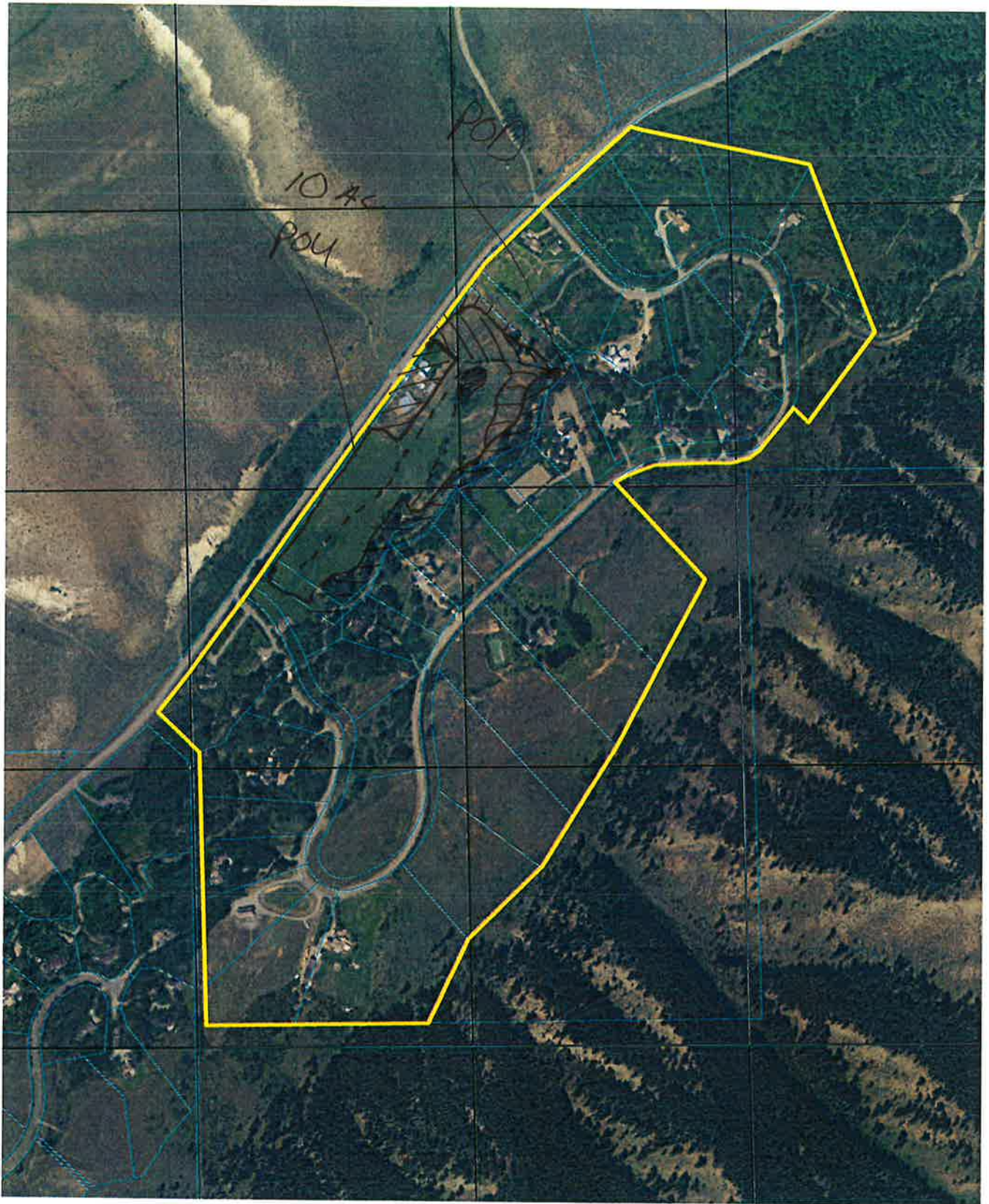
Blaine County Taxlots

Split Tree  
37-539  
3.0 cfs

Prepared by:  
**Nick Treasure**  
August 2005



# Hyndman Peak Subdivision



500 0 500 1000 1500 2000 2500 Feet

Twp 03N Rng 18E Secs 3

Field exam finds 10 Ac. POU  
as claimed. POD as claimed.

No lockable device on Headgate



Carl Bentzger

(418)

BLAINE COUNTY, IDAHO  
OCTOBER, 1980

PLACE OR  
USE

Richard D. Portney  
10-10-80



| Curve | h       | $\frac{1}{h}$ | $\frac{1}{h^2}$ | $\frac{1}{h^3}$ | $\frac{1}{h^4}$ | $\frac{1}{h^5}$ |
|-------|---------|---------------|-----------------|-----------------|-----------------|-----------------|
| C-1   | 1.00000 | 1.00000       | 1.00000         | 1.00000         | 1.00000         | 1.00000         |
| C-2   | 0.80000 | 1.25000       | 1.56250         | 1.95312         | 2.44141         | 3.05176         |
| C-3   | 0.60000 | 1.66667       | 2.77778         | 4.62963         | 7.71605         | 12.8601         |
| C-4   | 0.50000 | 2.00000       | 4.00000         | 8.00000         | 16.0000         | 32.0000         |
| C-5   | 0.40000 | 2.50000       | 6.25000         | 15.6250         | 39.0625         | 97.6562         |
| C-6   | 0.30000 | 3.33333       | 11.1111         | 33.3333         | 100.000         | 300.000         |
| C-7   | 0.20000 | 5.00000       | 25.0000         | 125.000         | 625.000         | 3125.00         |
| C-8   | 0.10000 | 10.0000       | 100.000         | 1000.00         | 10000.0         | 100000          |
| C-9   | 0.05000 | 20.0000       | 400.000         | 8000.00         | 160000          | 3200000         |
| C-10  | 0.02000 | 50.0000       | 2500.00         | 125000          | 6250000         | 31250000        |

1. A 10' wide fisherman's easement along the banks of the East Fork Big Wood River is reserved for the public within the Common Area.
2. All riparian lots shall elevate the top of foundation wall 2 feet minimum above the 100 year floodplain elevation of the designated building envelope.
3. All natural drainage courses shall be maintained.
4. The avalanche danger area designated on this Hyndman Peak Subdivision Plat is considered by the owner and Blaine County responsible for regulatory purposes. However, as the owner has Blaine County represents, guarantees, warrants or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.

20379

02/26/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report

WATER RIGHT NO. 37-539B

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | CARL BONTRAGER          |
| Current Owner     | KATHLEEN LYNN           |
|                   | PO BOX 2092             |
|                   | KETCHUM, ID 83340       |
|                   | (208)788-3690           |
| Attorney          | JAMES P SPECK           |
|                   | SPECK & AANESTAD        |
|                   | PO BOX 987              |
|                   | KETCHUM, ID 83340       |
|                   | (208)726-4421           |
| Original Owner    | RUPERT HOUSE            |
|                   | 308 E FORK RD           |
|                   | HAILEY, ID 83333        |
|                   | (208)788-2701           |

Priority Date: 06/03/1884

Basis: Decreed

Status: *Parent*

|                      |                     |
|----------------------|---------------------|
| <u>Source</u>        | <u>Tributary to</u> |
| EAST FORK WOOD RIVER | BIG WOOD RIVER      |

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 5/15        | 10/01     | 0.4 CFS               |               |                    |

Total Diversion 0.4 CFS

Location of Point(s) of Diversion:

|            |      |         |              |           |               |
|------------|------|---------|--------------|-----------|---------------|
| WOOD RIVER | SWNE | Sec. 03 | Township 03N | Range 18E | BLAINE County |
|------------|------|---------|--------------|-----------|---------------|

IRRIGATION Use:  
Acre Limit: 12

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> |
| 03N             | 18E          | 3              |            | SENE         | 3            |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NESW         | 9            |            |              |              |            |              |              |            |              |              |

Total Acres: 12

Remarks:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works

2/26/01 tf; this claim has been split as follows pursuant to the approval of transfer 5318.

37-20379 - Rupert House retains 10 acres and .33 cfs.

37-20380 - Carl Bontrager/Kathleen Lynn get 2 acres and .07 cfs.

Dates:

Licensed Date:

Water Right 37-539B

Claim Received Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): S006350  
State or Federal: S  
Owner Name Connector: OR  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False  
Child Right(s): 37-20379 ChangeOfOwnership  
37-20380 ChangeOfOwnership



# 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

February 26, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ATTN RANDI  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

RE: Split of SRBA Claim A37-00539B

Dear Randi:

Pursuant to the approval of Transfer No. 5318, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been split and amended to conform to the transfer. Enclosed you will find a printout of the way the claim records have been modified. Please note the new claim numbers and check these records over carefully to verify they correctly reflect the intended change. Should you have questions please feel free to contact this office. Thanks again, Randi, for notifying us the transfer/owner change had not been data entered correctly.

Sincerely,

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

Trish Fawcett  
Technical Records Specialist

Enc.

cc: Carl Bontrager and Kathleen Lynn  
Rupert House

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5318  
WATER RIGHT NO. 37-00539K

RECEIVED

AUG 31 1999

Department of Water Resources  
Southern Region

This is to certify that: CARL BONTRAGER  
KATHLEEN LYNN  
C/O JAMES P SPECK  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.07 CFS              | 7.0 AF               |

| <u>SOURCE</u>             | <u>TRIBUTARY OF</u> |
|---------------------------|---------------------|
| BIG WOOD RIVER, EAST FORK | BIG WOOD RIVER      |

Priority: 06/03/1884

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 3, Township 03N, Range 18E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 03N                              | 18E        | 3          | NESW         | 2            |              | 2            |
| Total number of acres irrigated: |            |            |              |              |              | 2            |

CONDITIONS OF APPROVAL AND REMARKS

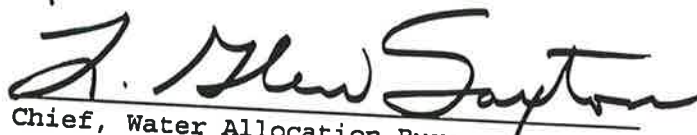
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5318  
WATER RIGHT NO. 37-00539K

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Approval of Transfer 5318 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. Place of use is located within Lot 21, Block 1, Hyndman Peak Subdivision.

Dated this 26<sup>th</sup> day of August, 1999.

  
Chief, Water Allocation Bureau

## MEMORANDUM

**TO:** File 37-00539B

**FROM:** Pam Skaggs  State Office

**SUBJECT:** Transfer 5318

**DATE:** August 26, 1999

---

Transfer 5318 changes the place of use under a portion of Right 37-00539B, splitting the right into Parts J and K.

The applicants own Lot 21, Block 1, Hyndman Peak Subdivision and have purchased 0.07 cfs of this water right to irrigate 2.0 acres of their land. The transfer does not change the quarter-quarter legal description, rather identifies the specific change in place of use created by the change of ownership. The original owner has specifically identified 2.0 acres that will no longer be irrigated following the transfer approval.

The water will continue to be delivered through the same diversion system as approved under previous Transfer 3291. The conditions of this transfer required a measuring device and lockable controlling works to allow the watermaster control of the diversion. Field examination by region staff identified that no such system is in place and has recommended that the right holder remedy the oversight.

Season of use and diversion volume were adjusted to current standards. Recommended conditions under this transfer include watermaster control, measuring device & lockable controlling works, irrigation overlap, right-of-way and standard transfer conditions.

---

INTEROFFICE MEMORANDUM

---

TO: TRANSFER FILE NO. 5318  
FROM: KELLY K CHRISTENSEN  
SUBJECT: ADJUDICATION REVIEW OF TRANSFER  
DATE: 02/22/99

37-00539 is over-claimed through the adjudication process however based upon a memo dated October 20, 1995 in transfer file 4671 a significant portion of the base right appears to be forfeited based upon non use. The current allocation rights and related adjudication claims are;

|           |                 |            |                            |
|-----------|-----------------|------------|----------------------------|
| 37-00539B | 0.40 cfs        | A37-00539B | claimed in full            |
| 37-00539D | 0.41 cfs        | A37-00539D | claimed in full            |
| 37-00539F | 0.155 cfs       | A37-00539F | claimed in full            |
| 37-00539H | 0.155 cfs       | A37-00539J | claimed in full            |
| 37-00539G | <u>1.88 cfs</u> | A37-00539G | (.714 cfs claimed)         |
| total     | 3.00 cfs        | A37-00539H | (.880 cfs claimed)         |
|           |                 | A37-00539I | (.274 cfs claimed)         |
|           |                 | A37-00539K | (.062 cfs claimed)         |
|           |                 | A37-00539L | <u>(.290 cfs claimed)</u>  |
|           |                 | total      | <u>3.335 cfs (claimed)</u> |

Adj claim suffixes 'G', 'H', 'I', 'K',  
and 'L' are all apparently against  
the base right 37-00539G.

The place of use prior to transfer is for ground outside the Hyndman Peak Subdivision and two acres are being transferred onto lot 21 of that subdivision. Claim A37-00539G includes lot 21 as a portion of the place of use. Also attached to that claim is a quitclaim deed releasing water rights appurtenant to lot 21 to the Homeowner's association. That Deed was signed by Robert Brennan. As the applicant is asserting that lot 21 is currently dry, this gives weight to the memo indicating

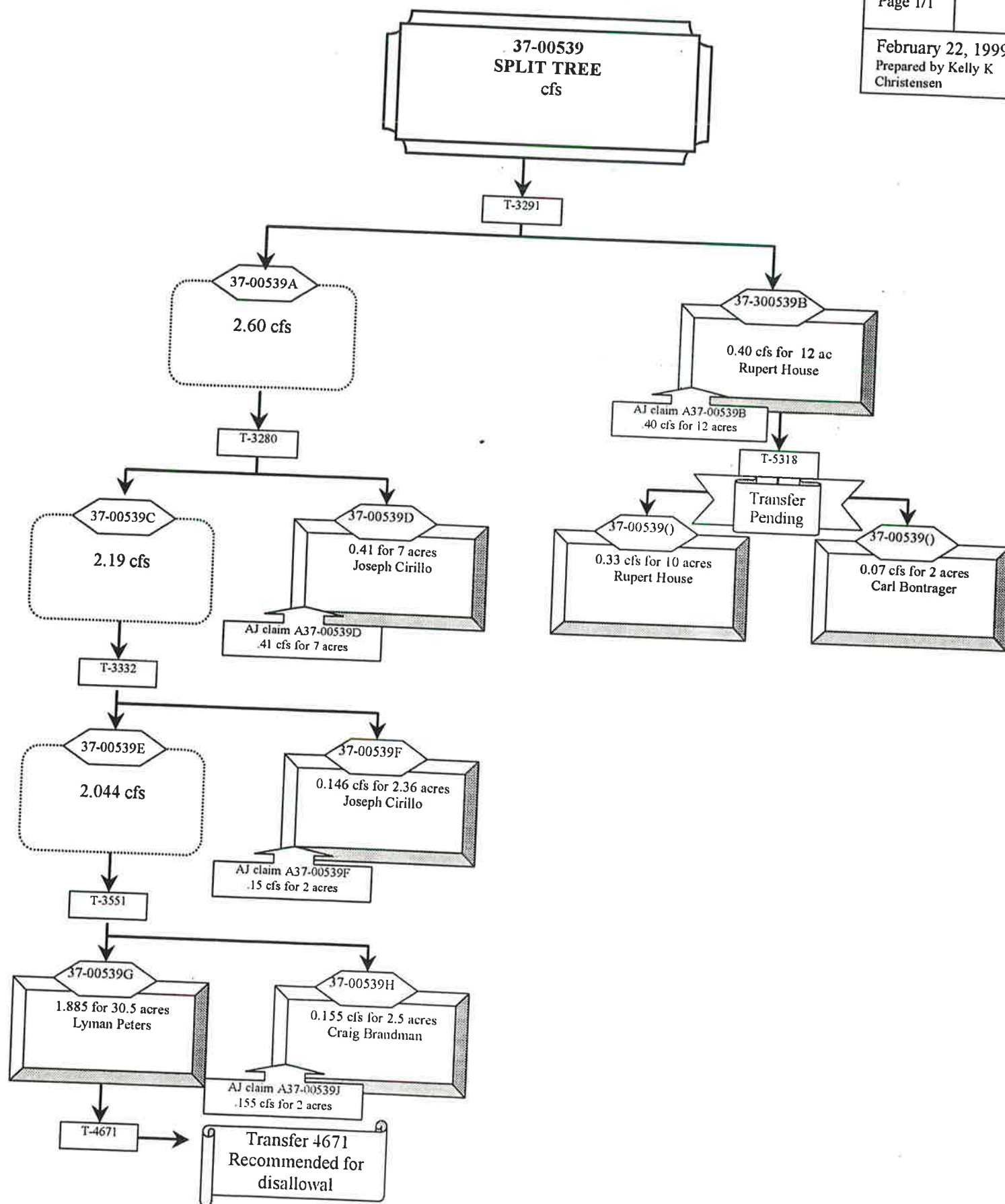
that much of the original place of use is no longer irrigated.

The letter to the file from Water District NO 37 & 37M dated October 18, 1995 indicates that the ownership of the place of use covered by this transfer has been one of the few consistently delivered portions of the base right.

I, therefore, am accepting the analysis developed by Corey Skinner as being acceptable for adjudication purposes.

As this transfer will split A37-00539B, I recommend that the suffix assigned to the allocations records recognize the adjudication suffixes already assigned which would allow the adjudication claim split match the allocations assigned suffixes.

See attached split tree for 37-00539.(allocations rights)



FROM: Allen Merritt *AM*

DATE: October 20, 1995

TO: Doug Jones for SRBA files, Transfer #4671 file

SUBJECT: Review and Recommendation of Transfer #4671 and other issues related to 37-00539.

Transfer #4671 is the fifth transfer relating to right 37-00539. The right was originally decreed for 3.0 cfs and made appurtenant to 4 tracts of land (SWNE, NWSE, NESW, SESW in Section 3, Twp.03N, Rge.18E, B.M.). The actual number of acres irrigated was not decreed.

In 9/4/1986 Rupert House filed the first transfer #3291 which split off 0.40 cfs for irrigation of 12 acres. This transfer was approved. In the process Jim Stanton conducted a field review and made a determination that the historical lands irrigated amounted to 57 acres. (See transfer for legal) House split of 15 acres for irrigation of 12 acres. On microfilm there is a aerial photo where Jim has drawn the A and B parts of the right. The photo shows 55.2 acres and a 11.2 acre parcels. The 11.2 acre tract appears to be Rupert House's part. Jim cuts off the southern portion of the 55.2 acre parcel resulting in 42 acres being left for this part. On the transfer in remarks there is a statement that the House portion has been used but the other portion has not been used since 1979. The remaining portion after House takes his was reported to have been sold to Brennan who developed the Hyndman Peak Subdivision.

On 9/22/1986 Joseph Cirillo filed the second transfer #3280 which split off 0.41 cfs to a pump for irrigation of 6.65 acres in Lots 23, 24 and 25 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. \*\*\*Note that lots 23, 24 & 25 are in both the NESW and SESW of Section 3. The transfer only lists NESW. During the review of this transfer a letter from Reid Newby, watermaster addresses delivery of the Brennan 130" and Spackman concludes there is no evidence of forfeiture for the period of 1980 through 1985.

On 5/19/1987 Joseph Cirillo filed the third transfer #3332 which split off 0.146 cfs to the same pump for transfer #3280 for irrigation of 2.36 acres in lot 26 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. \*\*\*Note that lot 26 is in the SESW but transfer list P/U in NESW. No possible forfeiture since 1985 at that time.

On 2/1/1989 Craig Brandman filed the fourth transfer #3551 which split off 0.155 cfs to a pump for irrigation of 2.5 acres in lots 14 and 15 of Block 1 of the Hyndman Peak Subdivision. The transfer was approved. No possible forfeiture since 1985 at that time.

On 3/9/92 Richard Porter sent an application for transfer through his attorney Kenneth Arment. Doug Jones returned the application on 8/14/95 to attorney Brian Ballard because the application did

not make sense with the record of water rights. On 9/2/1994 a replacement transfer application was filed for Richard Porter by a different attorney, Richard Burleigh. This application is numbered #4671 and subject of this memo. With the new application there were documents filed to attempt to show more acres were irrigated than the department has been tracking as based on Jim Stanton's original estimate.

On 10/17/95 I called the watermaster's office and talked with Norma Peterson. As a result of our conversation she went back into her records and prepared the attached letter describing the delivery of the right back to 1980. In reviewing this letter it appears clear and convincing to me that the portion of the right subject of Transfer #4671 has not been used for 10 years.

Based on this I recommend the transfer be **disallowed**.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER DISTRICT NO. 37 & 37 M**

P.O. Box T

Shoshone, Idaho 83352

(208) 886-2451

RECEIVED  
OCT 18 1995

Department of Water Resources  
Southern Region



LEE R. PETERSON  
Watermaster

Alan Merritt  
State of Idaho  
Department of Water Resources  
222 Shoshone St. East  
Twin Falls, Idaho 83301

October 18, 1995

Alan:

The following is a list of owners of water right 37-0539 of 150 inches and the use record for that right. By using the past Watermaster's work sheet I was able to go back as far as 1980.

| Year | Owner          | Inches Owned | Used | Years on how-use |   |
|------|----------------|--------------|------|------------------|---|
| 1980 | Robert Brennan | 130.00       | no   |                  |   |
|      | Rupert House   | 20.00        | no   |                  |   |
| 1981 | Robert Brennan | 130.00       | yes  |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1982 | Robert Brennan | 130.00       | no   |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1983 | Robert Brennan | 130.00       | no   |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1984 | Robert Brennan | 130.00       | yes  |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1985 | Robert Brennan | 130.00       | yes  |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1986 | Robert Brennan | 130.00       | no   | 1                | 1 |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1987 | Robert Brennan | 102.20       | no   | 2                | 2 |
|      | Joseph Cirillo | 27.80        | yes  |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |
| 1988 | Robert Brennan | 102.20       | no   | 3                | 3 |
|      | Joseph Cirillo | 27.80        | no   |                  |   |
|      | Rupert House   | 20.00        | yes  |                  |   |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER DISTRICT NO. 37 & 37 M**

P.O. Box T

Shoshone, Idaho 83352

(208) 886-2451



**LEE R. PETERSON**  
Watermaster

Page 2

|      |                    |       |     |    |    |
|------|--------------------|-------|-----|----|----|
| 1989 | Robert Brennan     | 94.45 | no  | 4  |    |
|      | Joeseeph Cirillo   | 27.80 | yes |    |    |
|      | Dr. Craig Brandman | 7.75  | no  |    | 4  |
|      | Rupert House       | 20.00 | yes |    |    |
| 1990 | Robert Brennan     | 54.01 | no  | 5  |    |
|      | Bruce McCaw        | 27.80 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 5  |
|      | Robert Mitchell    | 40.44 | no  |    |    |
|      | Rupert House       | 20.00 | yes |    |    |
| 1991 | Robert Brennan     | 54.01 | no  | 6  |    |
|      | Bruce McCaw        | 28.50 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 6  |
|      | Robert Mitchell    | 40.44 | yes |    |    |
|      | Rupert House       | 20.00 | yes |    |    |
| 1992 | Robert Brennan     | 54.01 | no  | 7  |    |
|      | Bruce Mc Caw       | 27.80 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 7  |
|      | Robert Mitchell    | 40.44 | yes |    |    |
|      | Rupert House       | 20.00 | yes |    |    |
| 1993 | Robert Brennan     | 54.01 | no  | 8  |    |
|      | Bruce Mc Caw       | 27.80 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 8  |
|      | Robert Mitchell    | 40.44 | yes |    |    |
|      | Rupert House       | 20.00 | yes |    |    |
| 1994 | Robert Baugh       | 10.85 | no  | 9  |    |
|      | Hyndman Homeowners | 43.16 | no  |    |    |
|      | Bruce Mc Caw       | 27.80 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 9  |
|      | Robert Mitchell    | 40.44 | yes |    |    |
|      | Rupert House       | 20.00 | yes |    |    |
| 1995 | Robert Baugh       | 10.85 | no  | 10 |    |
|      | Hyndman Homeowners | 43.16 | no  |    |    |
|      | Bruce Mc Caw       | 27.80 | yes |    |    |
|      | Dr Craig Brandman  | 7.75  | no  |    | 10 |
|      | Robert Mitchell    | 40.44 | yes |    |    |
|      | Rupert House       | 20.00 | yes |    |    |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER DISTRICT NO. 37 & 37 M**

P.O. Box T  
Shoshone, Idaho 83352  
(208) 886-2451



LEE R. PETERSON  
Watermaster

Page3

In way of explanation for non-use of some portions of this water right. Robert Brennan is a developer, his practice is to buy up land and water rights. As a rule he never uses the water. He then develops the land, sells off parcels and the water right may or may not be used by the new owner. Mr. Brennan has held more water rights in non use situations and has caused much controversy because of this practice.

I hope you find this information useful. If there is anything further we can do to be of help please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Norma Peterson".

Norma Peterson  
Secretary/Treasurer



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

March 19, 1987

Reid J. Newby  
Watermaster, #37  
Box 1  
Shoshone, ID 83352

Re: Approved Applications for Transfer of Water Right  
37-0539, (House) and 37-0539A (Cirillo)

Dear Mr. Newby:

Enclosed are copies of Approved Applications for Transfer of a Water Right within your District for your information and records.

If you have any questions about the applications, please contact this office or the applicants.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:MB

Encl:

**MICROFILMED**  
OCT 24 1994

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MAR 18 1987  
Department of Water Resources  
Southern Region Office

Transfer No. 3291

Water Right No. 37-0539

POOR ORIGINAL

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Rupert House Phone 788-2701

Post Office address 308 East Fork Road, Hailey, ID 83333

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to Lyman C. Peters (Name)  
In case of S. C. Frost, Et Al vs Alturas Water Co., Et Al  
dated in 12-13-1909 in Fourth District county of Lincoln  
(Name of court)
- b. License No. \_\_\_\_\_ Issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired  
purchase of entire farm and water right about 1949

3. Source of water East Fork Big Wood River tributary to Big Wood River

4. Date of priority 6-3-1884

5. Water is used for the following purposes:  
amount 3.0 cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.0 cubic feet per second  
b. 2 points acre feet per annum

7. Location of original point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 3  
Township 3N Range 18E, B.M., in Blaine County  
Additional points of diversion, if any \_\_\_\_\_

8. Lands irrigated or place of use: Land listed is acres historically irrigated.

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3N   | 18E   | 3    |                  |                  | 8                |                  |                  |                  |                  |                  | 29               |                  |                  |                  |                  |                  | 20               |                  | 57     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 57

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9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? Yes If yes, describe in item D. REMARKS

37-05390T#3291

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.40 cubic feet per second &/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 3 Township 3N  
Range 18E, B.M., Blaine County  
Additional points \_\_\_\_\_

POOR ORIGINAL

3. Place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3N   | 18E   | 3    |                  |                  | 4                |                  |                  |                  |                  |                  | 11               |                  |                  |                  |                  |                  |                  |                  | 15     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 15

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.40 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Headgate & ditch
- c. Describe the reasons for the proposed changes New P/D was needed when old headgate washed out some years ago. Some of the original land can no longer be irrigated. Also to divide the water right as it has been since most of the land & water were sold in 1979.

2. Change in point of diversion

Point of diversion SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 3 Township 3N  
Range 18E, B.M., Blaine County  
Additional points \_\_\_\_\_

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
No longer irrigated - too high to be watered with new ditch.

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OCT 24 1994

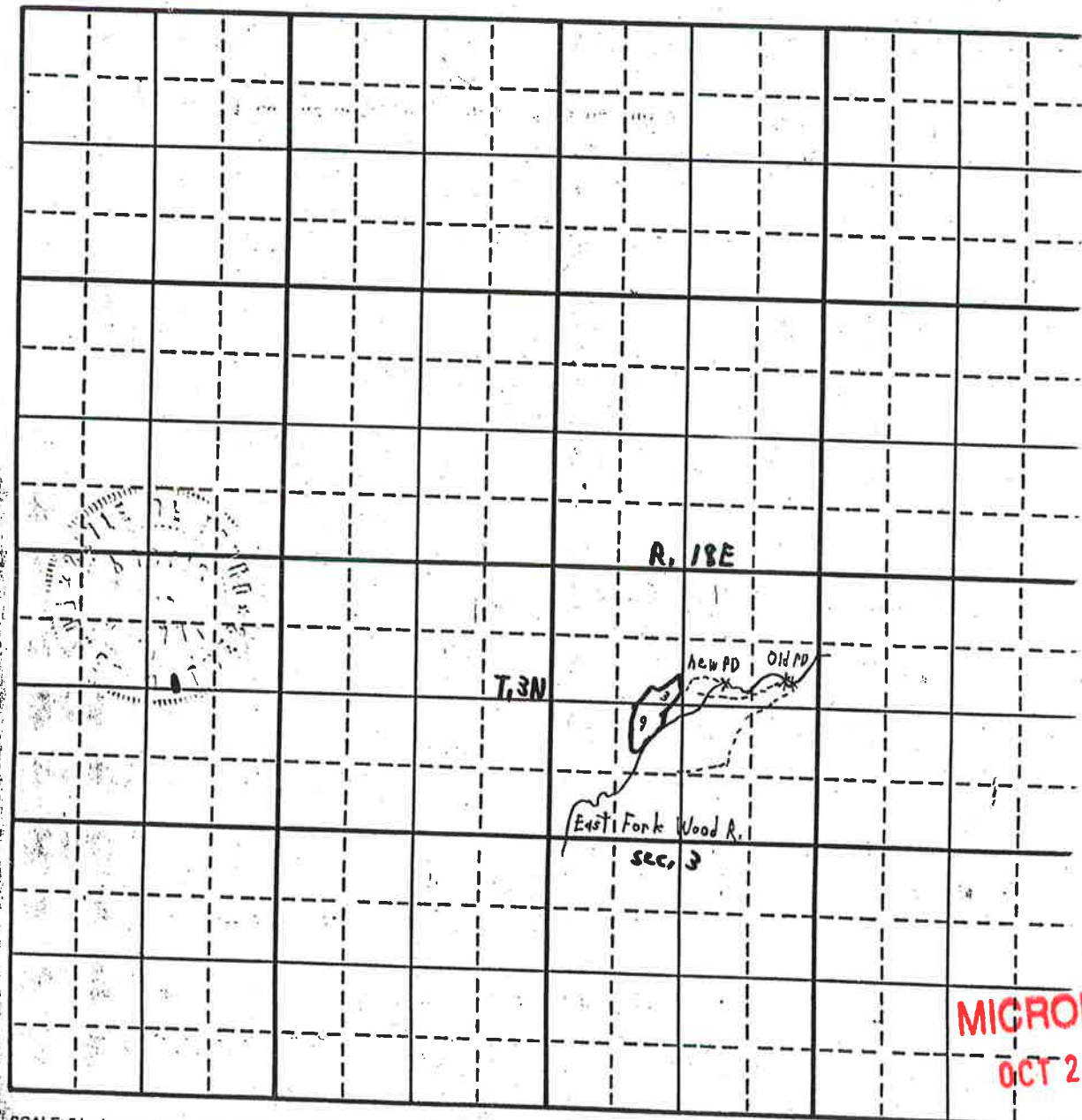
C. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 3N   | 18E   | 3    |     |     |     |     |     |     |     | 3   | 9   |     |     |     |     |     |     |     | 12     |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

POOR ORIGINAL

Total number of acres to be irrigated 12

- Describe any other water rights used for the same purpose as described above.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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OCT 24 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.

POOR ORIGINAL

D. REMARKS

The original diversion points are closed with rock due to high water, and have not been used since land east of the river was sold in 1979. This land is slowly being developed into a subdivision. My 20" of water has always been used, and is still being used every year.

The actual change in P/D & P/U occurred about 30 years ago but was never recorded.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Robert House  
(Signature of Applicant)

Subscribed and sworn to before me this 4 day of September, 19 86

Loren O. Halmer  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0539B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
3. The annual volume of water under this right shall not exceed 45.0 acre feet per annum.

Witness my hand this 16<sup>th</sup> day of March, 19 87

A. Shaw Saylor  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JJ Date 9-4-86 Protest filed by None  
Prelim. check by YTB Fee \$50.00  
Received by JJ Date 9-10-86 # 38700  
Published in Wood River Journal  
Pub. dates 12/31/86 ; 1/8/87  
Watermaster recommendation requested on 12/15/86  
rec'd. 12/19/86  
Copies of protest forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial  
by ADK Jim

MICROFILMED  
OCT 24 1984



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

March 19, 1987

Reid J. Newby  
Watermaster, #37  
Box 1  
Shoshone, ID 83352

Re: Approved Applications for Transfer of Water Right  
37-0539, (House) and 37-0539A (Cirillo)

Dear Mr. Newby:

Enclosed are copies of Approved Applications for Transfer of a  
Water Right within your District for your information and  
records.

If you have any questions about the applications, please contact  
this office or the applicants.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:MB

Encl:

MICROFILMED  
OCT 24 1994