

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 37-20938
Date Received: 5/9/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHLEEN R DUININCK Phone: (208)788-1124
26 TOWNSEND GULCH
BELLEVUE ID 83313

STEVEN P DUININCK Phone: (208)788-1124
26 TOWNSEND GULCH RD
BELLEVUE ID 83313

2. Date of Priority: 06/01/1886

3. Source: BROADFORD SLOUGH Trib. to: BIG WOOD RIVER
BROADFORD SLOUGH BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
01N	18E	2	SE	NE	NE	1	BLAINE	
02N	18E	35	NE	SE	SE		BLAINE	

5. Description of diverting works:

CAL-PACIFICO #42-P1 & 42-P2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.63	

7. Total Quantity Appropriated is:
0.63 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
01N	18E	2	NE	NE	IRRIGATION	13
			NW	NE	IRRIGATION	14
			SE	NE	IRRIGATION	23
					Section Acres	50
					Total Acres	50

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 RIGHT IS A SPLIT FROM FORMER RIGHT 37-686B.

15. Basis of Claim: Decreed

RECEIVED**FEB 18 2003**

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

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, if the change in ownership is limited to a portion of 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>37-315B</u>	<u>X</u>	<u>37-7745B</u>	<u>37-7745B</u>	
	<u>37-686B</u>	<u>X</u>			
	<u>37-688D</u>	<u>X</u>			
	<u>37-688E</u>	<u>X</u>			
	<u>37-713C</u>	<u>X</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) are for ten or more acres of irrigation, you must submit 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) Steven P. Duininck and Kathleen R. Duininck
26 Townsend Gulch Road, Bellevue, ID 83313
4. New Owner/Claimant(s) Kathleen B. Rosekrans fka Kathleen R. Duininck
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address 17 Quigley Road
- City, State and Zip Code Hailey, ID 83333
- New Telephone Number (208) 788-1124
5. Date you acquired the property 10/19/02

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 37-315B

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	<u>0.6 cfs</u>	<u>49 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u>0.6 cfs</u>	

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 37-686B

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	<u>0.63 cfs</u>	<u>49 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u>0.63 cfs</u>	

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

Kathleen B. Rosekrans
KATHLEEN B. ROSEKRANS

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

For Office Use only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

8. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 37-688D

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	<u>0.9 cfs</u>	<u>49 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.9 cfs</u>	

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 <u>37-688E</u>		
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	<u>0.2 cfs</u>	<u>49 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.2 cfs</u>	

9. Signature of New owner(s) or Claimant(s)
(include title if applicable)

KATHLEEN B. ROSEKRANS

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

For Office Use only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

10. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 37-713C

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	<u>0.25 cfs</u>	<u>49 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.25 cfs</u>	

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	_____	

11. Signature of New owner(s) or Claimant(s)
(include title if applicable)

KATHLEEN B. ROSEKRANS

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

For Office Use only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SVTC Order No. 01-17109

Instrument # 458824
 HAILEY, BLAINE, IDAHO
 2001-10-19 04:19:00 No. of Pages: 2
 Recorded for: SUN VALLEY TITLE
 MARSHA RIEMANN Fee: 8.00
 Ex-Officio Recorder Deputy
 Index per WTYRC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

STEVEN P. DUININCK, an unmarried man, who acquired title as a married man

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

KATHLEEN ^{aka} ROSEKRANS, an unmarried woman, formerly known as Kathleen R. Duinick

the grantee, whose current address is 26 Townsend Gulch RD
 Bellevue, ID 83313

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

Please see attached Exhibit "A"

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

Including any and all water rights appurtenant to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: October 19, 2001


 Steven P. Duinick

State of Idaho
 County of Blaine

On this 19th day of October, 2001,
 before me a Notary Public in and for said State,
 personally appeared Steven P. Duinick

known or identified to me to be the person(s) whose name
 is/are subscribed to the within instrument, and acknowledged
 to me that he executed the same.

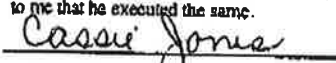

 Notary Public
 Residing at Hailey, ID
 Comm expires 9-7-2006



EXHIBIT "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO;

SECTION 35: A parcel of land more particularly described as follows:

Commencing at a square rock bolt witnessed by two G L O Brass caps marking the southeast corner of said Section 35 which is the **REAL POINT OF BEGINNING**; thence

North 89°42'45" West, 1,939.19 feet along the South boundary of said Section 35 to a 5/8 inch rebar; thence

North 24°28'25" West, 206.72 feet to a 1/2 inch rebar on the South boundary of Tax Lot 6892; thence

South 89°33'59" East, 291.02 feet along the South boundary of said Tax Lot 6892 to a 1/2 inch rebar; thence

North 6°58'13" West, 566.27 feet along the East boundary of said Tax Lot 6892 to a 1/2 inch rebar; thence

South 89°34'34" East, 298.79 feet along the South boundary of Tax Lot 5591 and 6893 to a 1/2 inch rebar marking the southeast corner of said Tax Lot; thence

North 0°24'25" East, 589.02 feet along the East boundary of Tax Lots 5591 and 6893 to a 1/2 inch rebar marking the northeast corner of said Tax Lot 6893; thence

South 89°33'35" East, 1,506.83 feet along the North boundary of the South 1/2 Southeast 1/4, Section to a 1/2 inch iron bar by Loren Adkins marking the northeast corner of SE 1/4, Section 35; thence

South 0°18'40" West, 1,333.00 feet along the East boundary of said Section 35 to the **POINT OF BEGINNING**.

RECEIVED *logged*

FEB 18 2003

Department of Water Resources
Southern Region

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

February 11, 2003

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

**Re: Kathleen B. Rosekrans fka Kathleen R. Duininck -
Notice of Change in Water Right Ownership**

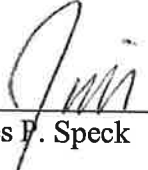
Dear Allen:

Enclosed you will find the original and one copy of a Notice of Change in Water Right Ownership for my client, Kathleen B. Rosekrans formerly known as Kathleen R. Duininck. In May, 1998, Ms. Rosekrans and her former husband, Steven P. Duininck sold a portion of their ranch and one-half of each of the following water rights: 37-315B, 37-686B, 37-688D, 37-688E and 37-713C. No interest in Water Right No. 37-7745B was conveyed. Then, in October, 2002, as a part of the divorce proceedings, the remainder of the ranch was conveyed by Mr. Duininck to Ms. Rosekrans. Since the purchaser of the other portion of the ranch has not yet filed a Notice of Change in Water Right Ownership creating the necessary split, we have shown that the above-referenced water rights will have to be split as a result of this Notice of Change in Water Right Ownership. I trust this all makes sense!

Please receipt date stamp the copy and return it to me in the postage pre-paid self-addressed envelope included for that purpose. Kindly call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

Enclosures

cc: Client (w/encl.)
John Gaeddert (w/encl.)
Marc Reinemann (w/encl.)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION**ATTORNEYS**
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752**FAX COVER SHEET/MEMO**

To:	Ms. Trish Fawcett, IDWR	Fax Copies:	John Gaeddert Chuck Brockway
Fax #:	(208) 736-3037	Fax #'s:	788-7772 1-208-736-8506
From:	James P. Speck	Pages:	4, including this cover page
Date:	May 7, 2003	Our File No.	464/010185
Subject:	Kate Rosekrans/Rhythm Ranch Subdivision		

COMMENTS:

Trish -

Here is the Warranty Deed by which Steve & Kate Duininck sold in 1998 the southern part of their ranch together with 37-7745C and one-half of the surface water rights. I hope this clarifies the water right split question. As I told Doug, we need the new numbers for the rights retained by Kate ASAP so we can finalize the plat for the new subdivision. There will be no further splits as they will be conveyed to an owners association for delivery and administration to the 4 lots in the new subdivision. Thanks again for all your help on this.



FEB-4-03 TUE 10:41 AM

BROKERAGE

SVTC Order No. 98-14623

WARRANTY DEED

FOR VALUE RECEIVED

STEVEN P. DUININCK and KATHLEEN R. DUININCK, husband and wife

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

SCOTT H. CLARK, TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 21, 1986

the grantee, whose current address is Box 1435, Sun Valley ID 83353

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH WATER RIGHTS AS SHOWN ON EXHIBIT "B"

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any. Specifically reservations in Warranty Deeds recorded as Instrument Nos. 366707, 366708, and 366711 rerecorded as 367345.

The entirety of the real property described in Exhibit "A" shall be restricted per the terms of the Purchase and Sale Agreement Dated May 7, 1998, Item #4, wherein Buyer covenants and agrees with Sellers, as a material part of the Agreement, that there shall be no residential construction on the entirety of the above-described Real Property until December 31, 2009.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

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

Dated: May 11, 1998

Steven P. Duinick

Steven P. Duinick

By Kathleen R. Duinick, his attorney in fact

By Kathleen R. Duinick
his attorney in factState of
County ofIdaho
BlaineOn this 14th day of May, 1998, Before me a Notary Public in and for said State, personally appeared Kathleen R. Duinick known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Steven P. Duinick and acknowledged to me that she subscribed and signed the same as attorney in fact.

Notary Public

Residing at

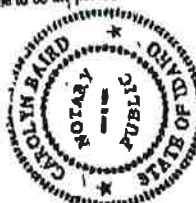
Comm. Expires

Carolyn Baird
3-14-2003State of
County ofIdaho
BlaineOn this 14th day of May, 1998, Before me a Notary Public in and for said State, personally appeared Kathleen R. Duinick, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public

Residing at

Comm. Expires

Carolyn Baird
3-14-2003

COPY

96-14625

EXHIBIT "A"

PARCEL I

Lots 1, 2, 3 and 4 of FORREST WILLIAMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 200439, records of Blaine County, Idaho.

PARCEL II

Lots 1, 2, 3 and 4 of the REPLAT OF CAL-PACIFICO RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 310613, records of Blaine County, Idaho

PARCEL III

A PARCEL OF LAND LOCATED WITHIN THE NE1/4 SECTION 2, TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

Commencing at a G.L.O. brass cap marking the east one-quarter corner of said Section 2; thence N. 89°46'09" W., 330.00 feet along the south boundary of said NE1/4 to the REAL POINT OF BEGINNING; thence continuing N. 89°46'09" W., 308.25 feet along said south boundary NE1/4, Section 2 to a 5/8 inch rebar marking the southeast corner of the Cal Pacifico Ranch Sub; thence N. 0°01'50" E., 1,284.48 feet along the east boundary of said Cal Pacifico Sub to a 1/2 inch rebar on an angle point on the east boundary of Lot 2, Cal Pacifico Sub; thence S. 89°52'45" E., 309.34 feet along the south boundary of Brian Drive to the northeast corner of Tax Lot 6449; thence S. 0°04'46" W., 1,285.07 feet along the line common to tax lots 6449 & 6391 to the POINT OF BEGINNING.

TOGETHER with a 60 foot easement for ingress and egress more particularly described as follows:

TOWNSHIP 1 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 2: A tract of land in the NE1/4 being more particularly described as follows:

Beginning at the Northeast corner of the property previously described in the Indemure as being conveyed to the Grantees; thence N. 89°42' W., 330 feet; thence N. 0°13' E., 60 feet; thence S. 89°42' E., 660 feet; thence S. 0°13' W., 60 feet; thence N. 89°42' W., 330 feet to the TRUE POINT OF BEGINNING

FEB- 4-03 TUE 10:42 AM BROKERAGE

FAX NO. 200/268376

P. 4

98-14635

That portion of Water Right No. 37-07745C which is a ground water right appurtenant to the Real Property, all as more particularly described and defined in Transfer No. 4707, and as claimed 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. 39675 (the "SRBA") as Claim A37-07745C;

30 miner's inches of Water right No. 37-0315, a surface right, as claimed in the SRBA as Claim A37-00315; and .6

31.5 miner's inches of Water Right No. 37-0686, a surface right, as claimed in the SRBA as Claim 37-00686; .63

and
35 miner's inches of Water Right NO. 37-0688, a surface right, as claimed in the SRBA as Claim 37-00688. 1.1

12.5 miner's inches of Water Right No. 37-0713C, a surface right, as claimed in the SRBA, as Claim 37-00713C .25

All of the above described water rights are subject to the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA. Sellers make no representation as to outcome, provisions, terms and conditions of the decree to be entered in the SRBA.

01/19/2007

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

RIGHT NUMBER: 37-20938

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.630 CFS

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T01N R18E S2 NWNENE Lot 1 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	0.630 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NENE	11.00	T01N R18E S02	NWNE	8.80
T01N R18E S02	SENE	11.00			

30.8 ACRES TOTAL

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.

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

Source is known locally as the Broadford Slough.

This right is a split from former right 37-686B.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.



Idaho Department of Water Resources

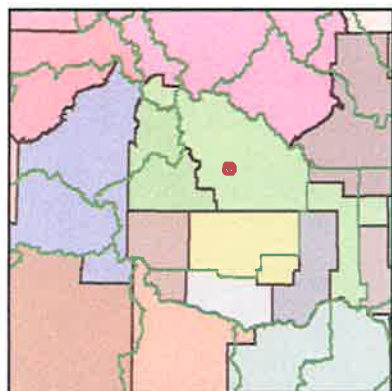
SRBA Recommendation:

**37-20936, 20938,
20940, 20944**

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by J. Stanton
On Thursday, January 25, 2007
2004 Aerial Photography

Owner: Eccles Window Rock Ranch Llc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-686

1. Right 1.56 cfs NE/SW S. 35 26 ac

2. Splits 37-686 B 1.26 cfs T. 2645
C 0.15
D 0.15

Cal Pacific
Borton
Road

3. Claims 37-686 C 0.15
D 0.15
21231 0.55
21232 0.08
20938 0.63

1.56 ok

Borton
Smith
Rhythm Ranch
"

MEMO

FROM: Jim Stanton

DATE: 7-26-04

TO: File

SUBJECT: Claim 37-20938

In researching the base right of 37-686 for a pending transfer, I have found the following: the original right was for 78" of water on an 26-acre tract in Sec. 35 2N 18E. Transfer 2645 split out 63" for 21 acres in the SW/SE Sec. 35 (1 ac) & the SE/NE Sec. 2 (20 ac) in 1984. In 1994, Ralph Girton (Cal-Pacifico Ranch) sold the 63" to Kate Duininck. In 1998, she sold 31.5" of this right to Scott Clark; we have a deed, but no formal COO from Clark. This right was legally transferred to 20 acres bought by Clark, and to 1 acre that he did not buy; so he should have got 60". But Clark bought half of the right established by T. 2645; the right is therefore appurtenant to no more than 10.5 acres of the approximately 50 acres that Clark bought. The Clark property is served by the #42-P pump in the Broadford Slough. By the terms of the sale contract, the land cannot be turned into home sites until 2010.

Other claims on the Clark property include 37-20938, 20940, 20942, 20944, plus groundwater rights.