

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 37-21125
Date Received: 7/2/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CAROL KNIGHT Phone: (208)788-3745
PO BOX 774
HAILEY ID 83338

HOWARD KNIGHT Phone: (208)788-3745
PO BOX 774
HAILEY ID 83338

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

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

5. Description of diverting works:

HIAWATHA CANAL HEADGATE (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.07	
RECREATION	04/01	11/01	0.07	
AESTHETIC	04/01	11/01	0.07	

7. Total Quantity Appropriated is:

0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	10	SE	NW	RECREATION	
			SE	NW	IRRIGATION	1.8
			SE	NW	AESTHETIC	
					Section Acres	1.8
					Total Acres	1.8

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:

PROPERTY IS ALSO KNOWN AS LOT 6, BLK 1, MARVIN GARDENS SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

15. Basis of Claim: Decreed

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED
MAY 10 1999
Department of Water Resources
Boise, Idaho

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3 N Range 18 E
Section 10, 1/4 of _____ 1/4 of NW 1/4, Govt. Lot _____, BM.
Lot 6, Block, 1, Subdivision/Townsite MARVIN GARDENS Subdivision
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 37-00577 CD
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
James and Evelyn Phillips
P.O. Box 864
Hailey, IDAHO 83333
- ☐ New Owner/Claimant (Purchaser):
Howard and Carol Knight
- ☐ New Mailing Address:
P.O. Box 774
HAILEY, IDAHO 83333
- ☐ New Telephone Number: (208) 788-3745
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
3.4 miners inches of the 24" claimed by James and Evelyn Phillips

- ☐ Attach proof of ownership, describe proof attached: deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Howard and Carol Knight Date 5-2-99
Carol Knight Date 5/2/99
- ☐ Signature of Former Owner/Claimant(s): James Phillips Date 5-5-99
Evelyn Phillips Date 5-5-99

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUIT CLAIM DEED
(Water Rights)

FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho do hereby convey, release, remise and forever quit claim unto Howard Knight and Carol Knight, husband and wife, ("Grantees") of P.O. Box 774, Hailey, Idaho 83333, all right, title and interest in and to the water rights, including, without limitation, 3.4 miners inches of the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 6, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights are a portion of those filed on by James W. Phillips and Evelyn Phillips as SRBA Claim # A37-05577CD.

DATED this 5th day of May, 1999.


James W. Phillips

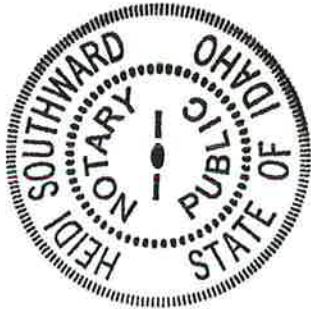

Evelyn B. Phillips

3.4
102
68
00

STATE OF IDAHO,)
) ss.
County of Blaine)

On this 5th day of may, 1999, before me,
a Notary Public in and for said State, personally appeared James
W. Phillips and Evelyn B. Phillips, husband and wife, known to me
to be the persons who name are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Heidi Southward
NOTARY PUBLIC for IDAHO
Residing at Hailey
Commission expires 12-8-2004



May 6, 1999

RECEIVED
MAY 10 1999
Department of Water Resources
Snake River Basin

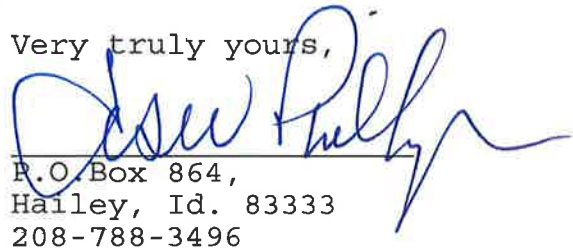
Idaho Dept. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CD
NOTICE OF CHANGE OF OWNERSHIP
Sellers: James and Evelyn Phillips, claimants
Buyers: Howard and Carol Knights

Dear Sirs;

Enclosed please find a Notice of Change of Ownership with
regard to a portion of the above referenced water right.
Should you have any questions, please advise.

Very truly yours,



P.O. Box 864,
Hailey, Id. 83333
208-788-3496

#117571
175/258
9.26.62

258

WARRANTY DEED RECORD

No. 117571

R. B. YOUNG ET UX TO ROBERT C. YOUNG ET UX

WARRANTY DEED

THIS INDENTURE, Made this 9th day of December in the year of our Lord one thousand nine hundred and sixty six, between R. B. Young and Clara B. Young, Husband and Wife, of the County of Blaine, State of Idaho, the parties of the first part, and Robert C. Young and Fern Young, Husband and Wife, of the County of King, State of Washington, the parties of the second part.

WITNESSETH, That the said part first of the first part, for and in consideration of the sum of Five Thousand and no/100 lawful money of the United States of America,

DOLLARS,

parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all of the following described real estate, situated in Blaine, State of Idaho, to-wit:

The E¹/₂ of the NW¹/₄ of Section 10 in Township 2 North of Range 18 East Boise Meridian, together with that certain water right deeded by Emma E. Donovan and J. J. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 53, Records of Blaine County, Idaho, together with all water and water rights, ditches and ditch rights to the same belonging or in anywise appertaining.

Also deeding four (4) inches of the waters of Big Wood River dating from March 24th, 1993, as decreed in the suit of S. C. Frost et al vs. Alturas Water Company, et al.

(\$5.50 U.S.S.)
(Affixed and)
(Cancelled)

TOGETHER, with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part, TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part first of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part first of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part first of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

R. B. Young (SEAL)
Clara B. Young (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,

County of Blaine

On this 12th day of

December

in and for said State, personally appeared R. B. Young and Clara B. Young, husband and wife, the undersigned, In the year 19 50, before me, a Notary Public

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Thomas P. Wolfe
Notary Public for the State of Idaho.

Residing at Valley, Idaho.

STATE OF IDAHO, }
County of Blaine, }

I hereby certify that this instrument was filed for record at the request of R. B. Young at 30 minutes past 2:00 o'clock P. M., this 26 day of September, A.D. 19 52, in my office, and duly recorded in Book 175 of Deeds at page 258.

George E. McCoy

Ex-Officio Recorder.

By Hazel Barber Deputy.

344051
8-25-92CORRECTION
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto James W. Phillips and Evelyn B. Phillips, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 864, Hailey, Idaho 83333, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 3, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 34 inches of March 24, 1883 water rights under original decrees to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

WARRANTY DEED - 1

RECEIVED

JUL 20 1992

24
02
48

IN WITNESS WHEREOF, the Grantor(s) have set their hand
and seal the day and year first written above.

GRANTORS:

Robert C. Young
ROBERT YOUNG

Fern E. Young
FERN YOUNG

ACKNOWLEDGEMENT

STATE OF WASHINGTON, }
County of King. }

On this 18 day of July, 1992, before me,
a Notary Public in and for said State, personally appeared Robert
Young known to me to be the person whose name is subscribed to the
foregoing document, and acknowledged that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and
affixed my official seal the day and year in this Acknowledgement
first above written.



Danna L. Linn
NOTARY PUBLIC FOR WASHINGTON
Residing at: Blaine
Commission expires: 9-1-95

RECORD REQUEST

Reack Donovan

1992 AUG 25 PM 1:13

CLERK

3440511
CoPR Deed

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED
MAY 10 1999
Department of Water Resources
Boise, Idaho

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3 N Range 18 E
Section 10, 1/4 of 1/4 of NW 1/4, Govt. Lot _____, BM.
Lot 6, Block, 1, Subdivision/Townsite MARVIN GARDENS Subdivision
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

A 37-00577 CD

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

James and Evelyn Phillips
P.O. Box 864

☐ New Owner/Claimant
(Purchaser): _____

Hailey, IDAHO 83333

Howard and Carol Knight

☐ New Mailing Address: _____

P.O. Box 774

HAILEY, IDAHO 83333

☐ New Telephone Number: _____

(208) 788-3745

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

3.4 miners inches of the 24" claimed by James and
Evelyn Phillips

☐ Attach proof of
ownership, describe
proof attached: _____

deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s): _____

Howard and Carol Knight
Carol Knight

Date 5-2-99

Date 5/2/99

☐ Signature of Former
Owner/Claimant(s): _____

James Phillips
Evelyn Phillips

Date 5-5-99

Date 5-5-99

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any

Original to be mailed to Idaho Department of Water Resources

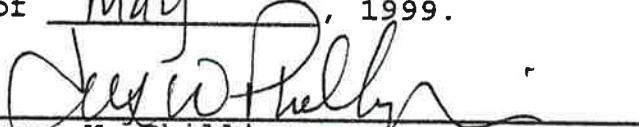
QUIT CLAIM DEED
(Water Rights)

FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho do hereby convey, release, remise and forever quit claim unto Howard Knight and Carol Knight, husband and wife, ("Grantees") of P.O. Box 774, Hailey, Idaho 83333, all right, title and interest in and to the water rights, including, without limitation, 3.4 miners inches of the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 6, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights are a portion of those filed on by James W. Phillips and Evelyn Phillips as SRBA Claim # A37-05577CD.

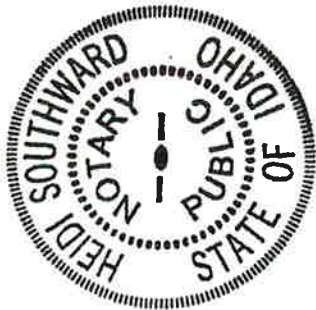
DATED this 5th day of May, 1999.


James W. Phillips


Evelyn B. Phillips

STATE OF IDAHO,)
) ss.
County of Blaine)

On this 5th day of may, 1999, before me,
a Notary Public in and for said State, personally appeared James
W. Phillips and Evelyn B. Phillips, husband and wife, known to me
to be the persons who name are subscribed to the within
instrument, and acknowledged to me that they executed the same.



Heidi Southward
NOTARY PUBLIC for IDAHO
Residing at Hailey
Commission expires 12-8-2004

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
MAY 10 1999
Department of Water Resources
Boise, Idaho

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E
Section 10, 1/4 of 1/4 of NW 1/4, Govt. Lot _____, BM.
Lot 5, Block 1, Subdivision/Townsite MARVIN Gardens Sub.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: A 37 - 00577 CD
- [] Name and Address of Former Owner/Claimant(s)(Seller):
James and Evelyn Phillips
P.O. Box 864
Hailey, ID 83333
- [] New Owner/Claimant (Purchaser):
John V. and Georgine Carter
- [] New Mailing Address:
P.O. Box 66
Hailey, ID 83333
- [] New Telephone Number: (208) 788 - 3678
- [] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
5.6 miners inches of the March 24, 1883 water-
right claimed by James & Evelyn Phillips.

- [] Attach proof of ownership, describe proof attached: deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s): John V. Carter Date 4/28/99
Georgine Carter Date 4-28-99
- [] Signature of Former Owner/Claimant(s): James & Evelyn Phillips Date 5-5-99
James & Evelyn Phillips Date 5-5-99

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUIT CLAIM DEED
(Water Rights)

FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho, do hereby convey, release, remise and forever quit claim unto John V. Carter and Georgine Carter, husband and wife, ("Grantees") of P.O. Box 66, Hailey, Idaho 83340, any and all right, title and interest in and to the water rights, including, without limitation, 5.6 miners inches of the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 5, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights are a portion of those filed on by James W. Phillips and Evelyn Phillips as SRBA Claim # A37-05577CD.

DATED this 5th day of May, 1999.

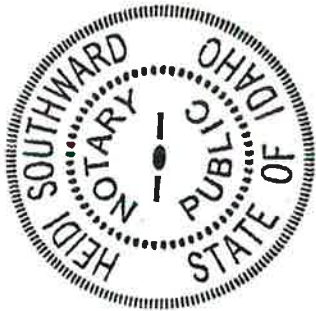

James W. Phillips


Evelyn B. Phillips

STATE OF IDAHO,)
) ss.
County of Blaine)

On this 5th day of May, 1999, before me,
a Notary Public in and for said State, personally appeared James
W. Phillips and Evelyn B. Phillips, husband and wife, known to me
to be the persons who name are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Heidi Southward
NOTARY PUBLIC for IDAHO
Residing at Hailey
Commission expires 12-8-2004



RECEIVED

MAY 10 1999

Department of Water Resources
Oregon State Capitol



AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Blaine)

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353, being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I previously held the position of Water Master of Water District 37 and 37M. In my capacity as Water Master and on a private basis I have measured water flows regularly over the past twenty-five (25) years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water measurements of water diverted from the Hiawatha Canal into the "High Ditch" through three properties: (1) Lot 1, Block 1, Marvin Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot 2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned by James and Evelyn Phillips. The purpose of the measurements was to determine ditch loss from the point of diversion from the Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with a spin test of two (2) minutes thirty-five (35) seconds, the meter came to a very gradual stop indicating it was performing correctly on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up $5 \frac{3}{8}$ inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed $5 \frac{3}{8}$ inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles ($\frac{1}{2}$) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Robert A. Quinn
NOTARY PUBLIC FOR IDAHO
Residing at: Shoshone, Idaho
Commission Expires 9-1-94

JIM\NEWBY.AFD

AFFIDAVIT

STATE OF IDAHO,)
) ss.
County of GEM.)

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some and additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT.

Martin Young
MARTIN YOUNG

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Emmett
Commission expires: 4-15-94

JWP\YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2009 SEP 24 AM 10 16

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

In Re SRBA

Case No. 39576

Subcase No. 37-21125

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

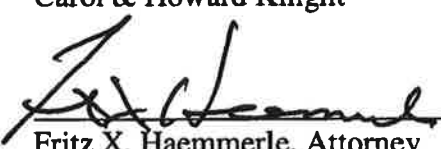
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANTS/OBJECTORS/
RESPONDENTS:**

Carol & Howard Knight

OBJECTORS:

Concerned Water Users


Fritz X. Haemmerle, Attorney

8/13/09
Date


Albert Barker, Attorney

8/25/09
Date

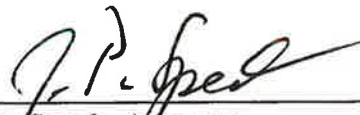
OBJECTORS:

Big Wood Canal Company

 9-16-09
Craig D. Hobday, Attorney Date

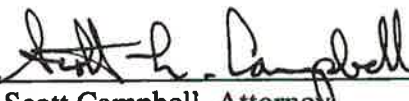
RESPONDENT:

Barker Living Trust, et al

 9-11-09
James Speck, Attorney Date

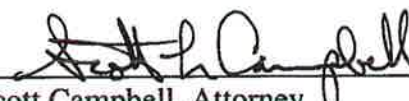
RESPONDENT:

Newfoundland Partners

 9/02/09
Scott Campbell, Attorney Date

RESPONDENT:

Sinclair Oil Corporation

 9/02/09
Scott Campbell, Attorney Date

IDWR Concurrence:

 9-18-09
IDWR Agent Date

 9/17/09
Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on 9/23, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

SINCLAIR OIL CORPORATION
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330

CAROL KNIGHT
HOWARD & CAROL KNIGHT
HOWARD KNIGHT

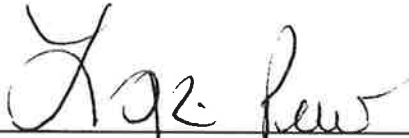
Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

BARKER LIVING TRUST
CHANEY CREEK RANCH LLC
CHARLES L MATTHIESEN
CHARLES T FOLEY
EAGLE CREEK IRRIGATION CO
ECD INC
ELISE G LUFKIN
GIMLET PROPERTY OWNERS ASSN
GREGORY RANCH LLC
LAKE CREEK MEADOWS HOMEOWNERS
MICHAEL E WILLARD
MICHAEL ENGL
MYER BERLOW
RALPH W & KANDI L GIRTON
RIVER ROCK RANCH LP
RIVERS EDGE ASSOCIATES LLC
ROY R WOODS
STEVEN D HOLZMAN TRUST
THE GULCH TRUST
THE R DANIEL OLMSTEAD
WILLIAM B GORDON

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340

NEWFOUNDLAND PARTNERS
SINCLAIR OIL CORPORATION
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

07/23/2009

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

RIGHT NUMBER: 37-21125
NAME AND ADDRESS: CAROL KNIGHT
PO BOX 774
HAILEY ID 83338

HOWARD KNIGHT
PO BOX 774
HAILEY ID 83338

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:
T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.070 CFS
RECREATION	04-15 TO 10-31	0.07 CFS
AESTHETIC	04-15 TO 10-31	0.07 CFS

PLACE OF USE: IRRIGATION in BLAINE County
T02N R18E S10 SENW 1.80
~~RECREATION in BLAINE County~~
~~T02N R18E S10 SENW~~
~~AESTHETIC in BLAINE County~~
~~T02N R18E S10 SENW~~

1.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 6, BLK 1, MARVIN GARDENS SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

07/23/2009

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

RIGHT NUMBER: 37-21125
NAME AND ADDRESS: CAROL KNIGHT
PO BOX 774
HAILEY ID 83338

HOWARD KNIGHT
PO BOX 774
HAILEY ID 83338

VERIFIED BY *KKC*
7-23-09

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:
T03N R18E S20 SWNW Within BLAINE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.070 CFS
~~RECREATION~~	~~04-15 TO 10-31~~	~~0.07 CFS~~
~~AESTHETIC~~	~~04-15 TO 10-31~~	~~0.07 CFS~~

PLACE OF USE: IRRIGATION in BLAINE County
T02N R18E S10 SENW 1.80

~~RECREATION in BLAINE County~~
~~T02N R18E S10 SENW~~

~~AESTHETIC in BLAINE County~~
~~T02N R18E S10 SENW~~

1.8 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 6, BLK 1, MARVIN GARDENS SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

Chris Meyer

37-577CD
owner chg.

37-21123

Phillips

37-21124

RoseKrans
Rec by

37-21125

Knight

Christensen, Kelly

Subject: 37-21125 Knight
Start Date: Tuesday, June 30, 2009
Due Date: Thursday, July 30, 2009

Status: In Progress
Percent Complete: 75%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Christensen, Kelly

Chris attorney

This right was split from 577CD claimant to surrender Rec and Aesthetic
Should be done within a week
Tickler in file for 1 month

Generated a SF-5 and sent it to Renea 7-23-2009.

Hobdey is supposed to check with his client's before routing the SF-5.



Idaho Department of Water Resources

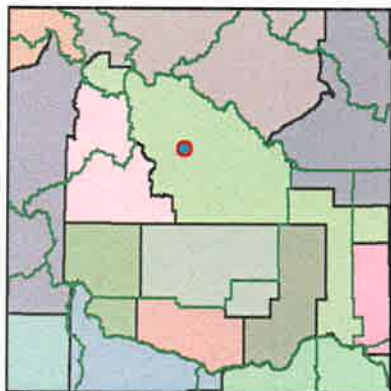
SRBA Recommendation:

37-21125

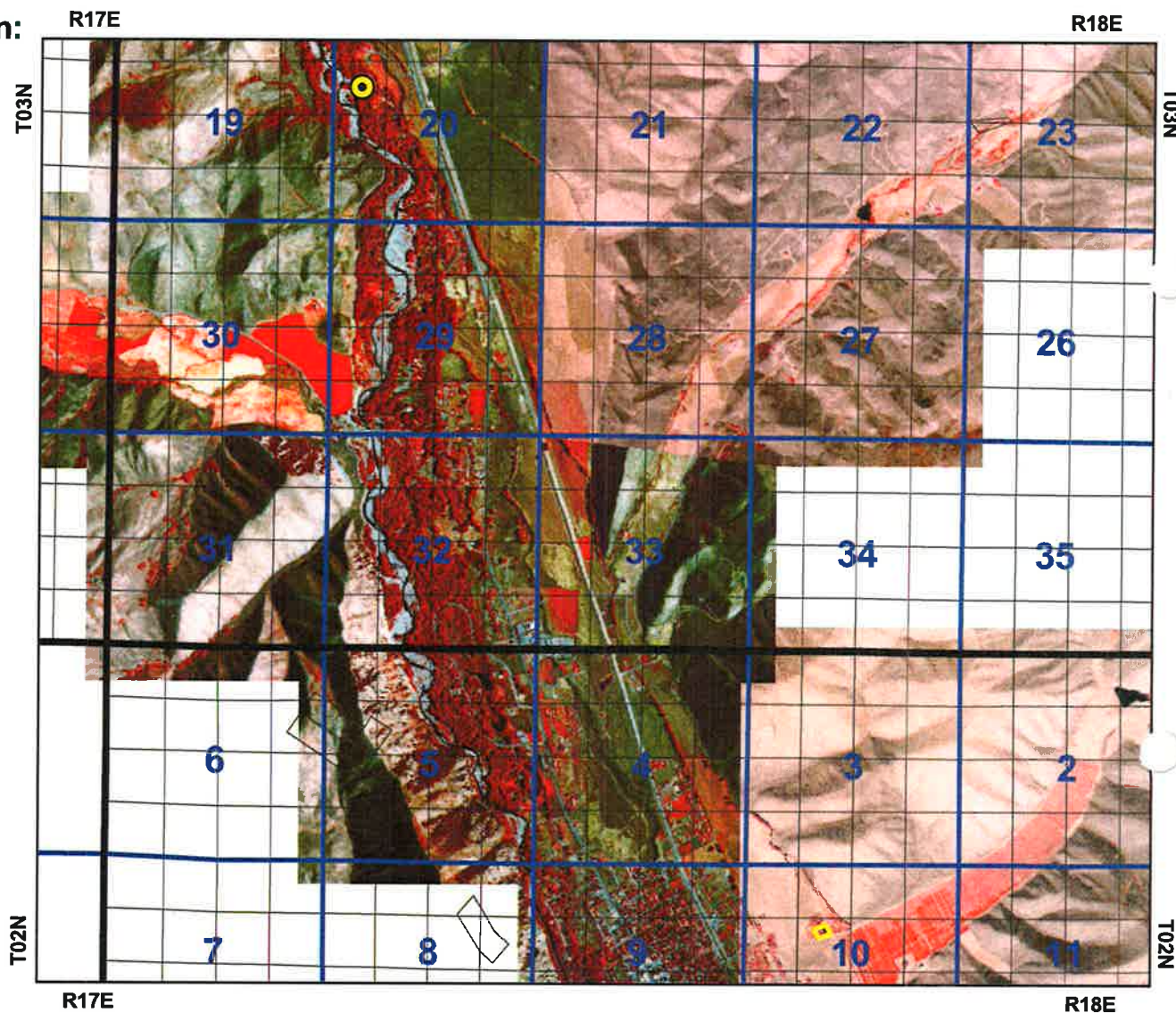
(Irrigation)

Legend

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



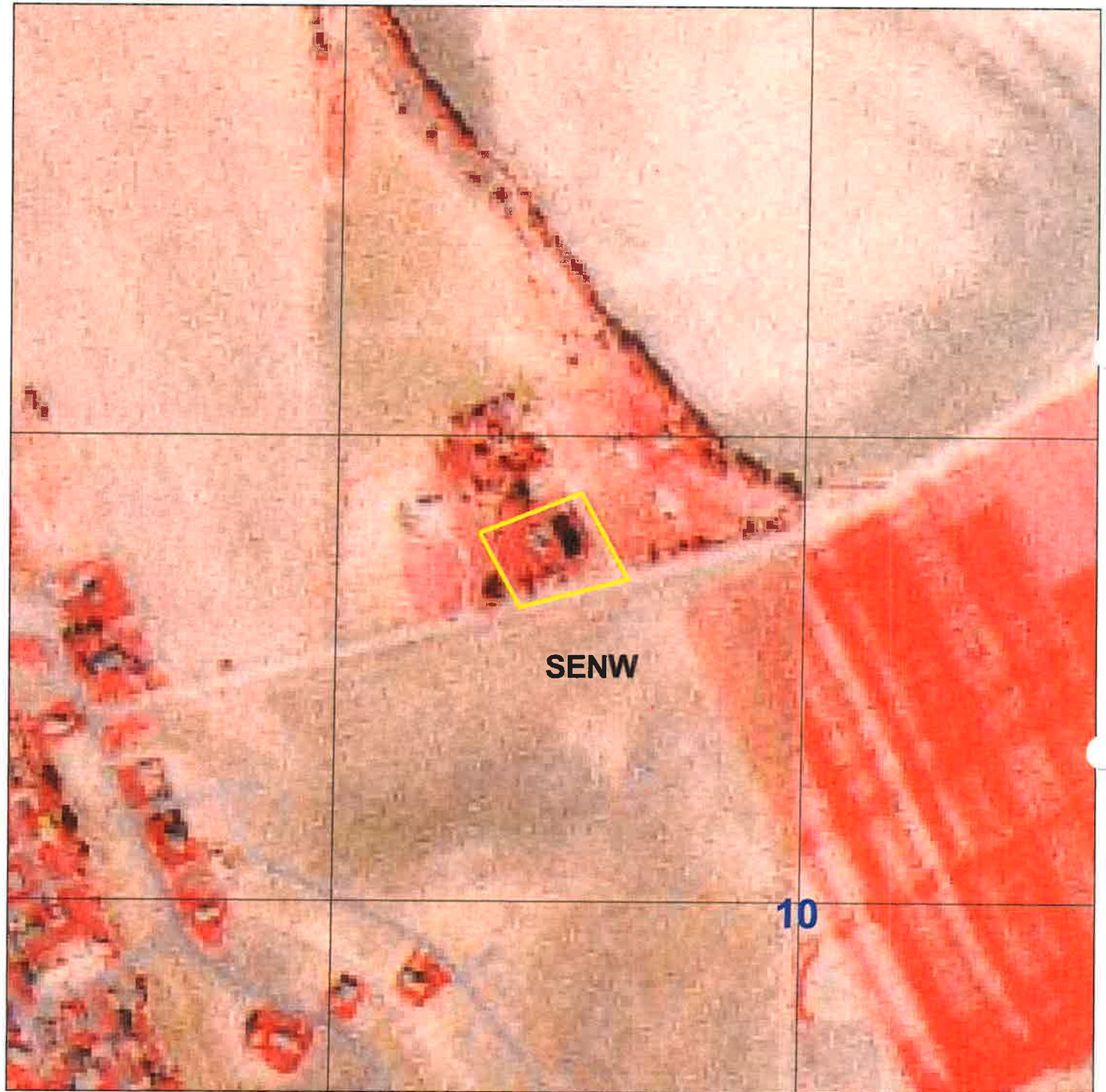
Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by E. NORQUES
On Thursday, November 2, 2006
1987/88 Aerial Photography

37-21125





Idaho Department of Water Resources

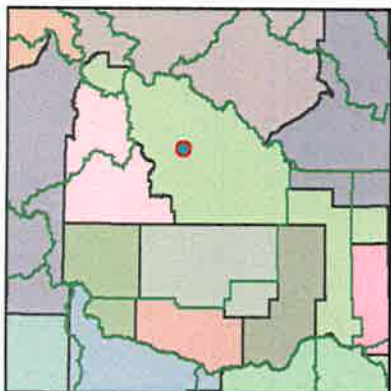
SRBA Recommendation:

37-21125

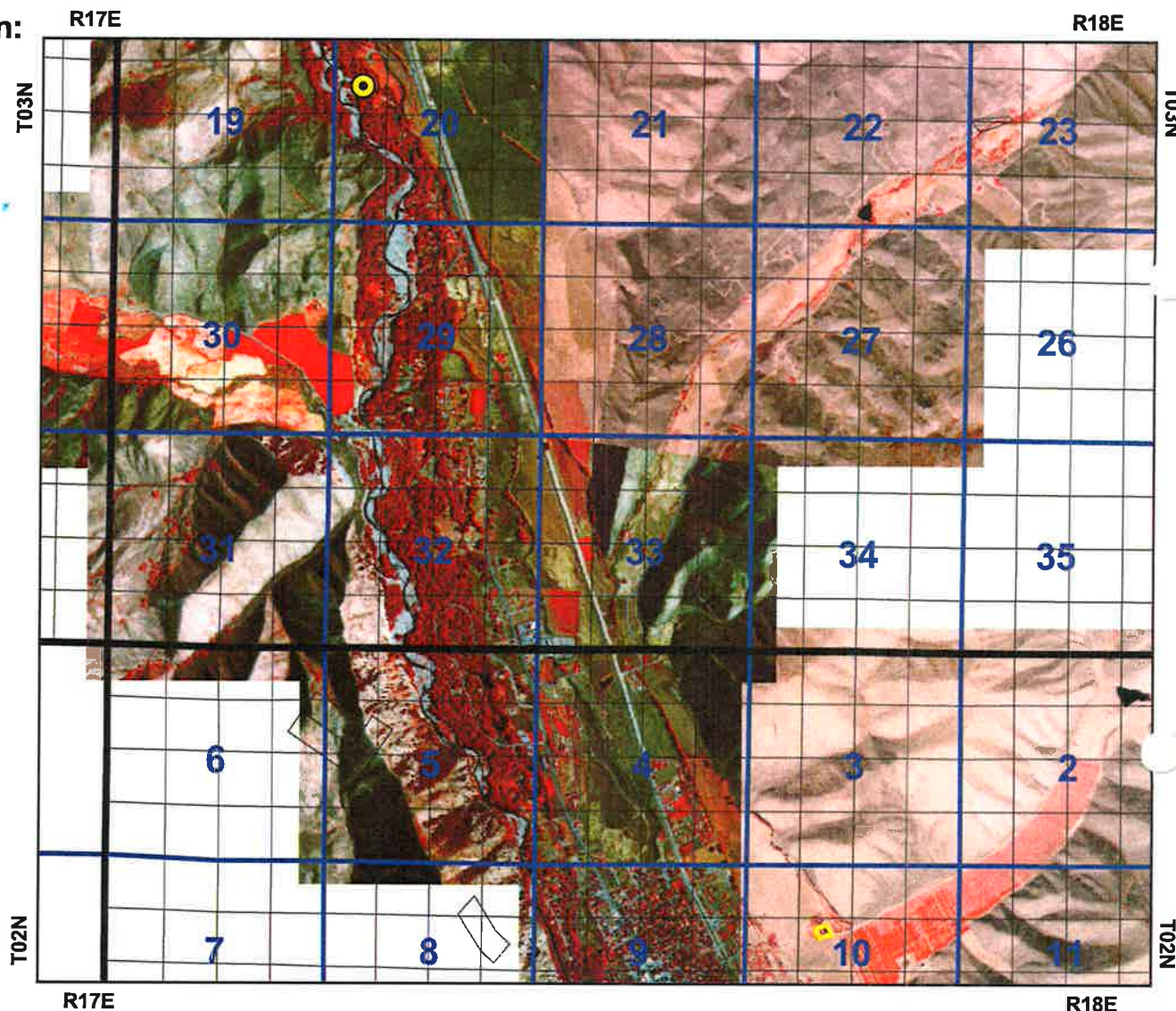
(Irrigation)

Legend

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



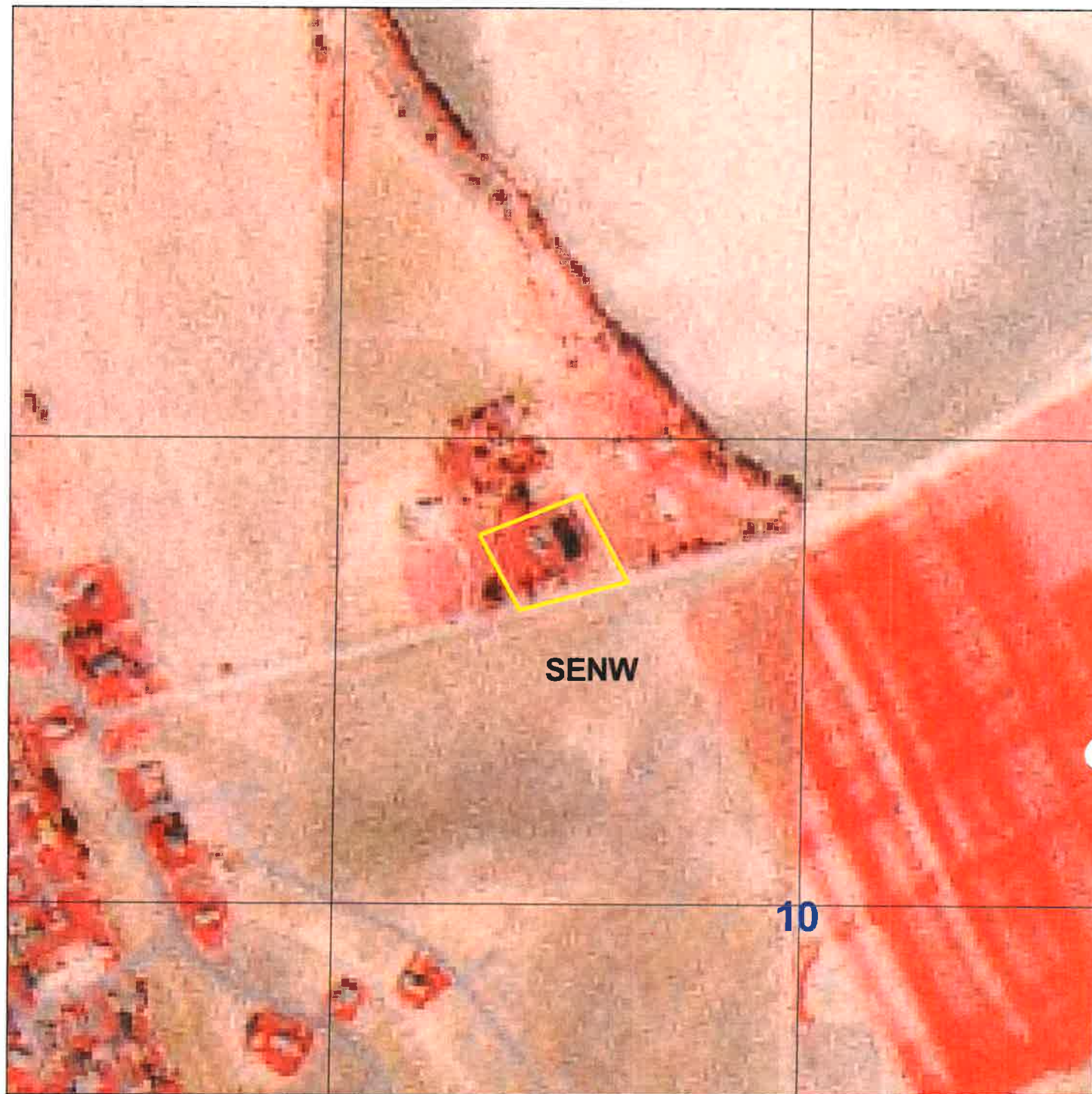
Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by E. NORQUES
On Thursday, November 2, 2006
1987/88 Aerial Photography

37-21125



10/30/2006

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

RIGHT NUMBER: 37-21125
NAME AND ADDRESS: CAROL KNIGHT
PO BOX 774
HAILEY ID 83338

HOWARD KNIGHT
PO BOX 774
HAILEY ID 83338

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	04/15 10/31	0.070 CFS
IRRIGATION	04/15 10/31	0.070 CFS
AESTHETIC	04/15 10/31	0.070 CFS

PLACE OF USE: IRRIGATION Within BLAINE County
T02N R18E S10 SENW 1.80
RECREATION Within BLAINE County
T02N R18E S10 SENW
AESTHETIC Within BLAINE County
T02N R18E S10 SENW

1.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 6, BLK 1, MARVIN GARDENS
SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

May 7, 1999

RECEIVED

MAY 10 1999

Department of Water Resources
Boise, Idaho

Mr. Steve Cleveland
Idaho Dept. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CD
James and Evelyn Phillips, claimants

Dear Mr. Cleveland;

Please excuse my tardiness in responding to your letter of August 1997, but during recent spring cleaning I found your letter among some of my papers at home. I hope this letter will clarify the above referenced water right claim.

The above referenced SRBA claim was amended to identify the water rights appurtenant to real property now owned by other parties. I have deeded the water rights held on Lot 5 to the owners of that lot, John and Georgine Carter. Also, I have deeded the water rights held on Lot 6 to the owners of that lot, Howard and Carol Knight. So, I have filed Notices of Transfer of Ownership with regard to both those lots, and copies are enclosed for your records.

In addition, I thought it might be helpful to provide a history of the property transactions and water usage. The above referenced claim is for a portion of property and water rights in the Marvin Gardens Subdivision. This subdivision was developed by myself and two other parties: (1) Thomas Hickey and Louise Hickey SRBA Claim #A37-00557CD and, (2) Charles M. and Connie Johnson SRBA Claim #A37-00557CD (successors to James Rosenfeld).

These three parties purchased from Robert and Fern Young the property and 72 inches of March 24, 1883 water rights March 24, 1883 water deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of the deed by which the Youngs acquired the water rights is enclosed for your records. Over the years, the property has been developed into the Marvin Gardens Subdivision. The Youngs conveyed portions of the property and water rights to us as we subdivided and resubdivided the property with each of us retaining one lot and selling other lots to third parties. Now, Marvin Gardens Subdivision is comprised of nine lots ranging in size to two to thirteen acres.

I acquired my portion of the property and 24" of the water rights by a deed in October of 1980 (Blaine County Instrument # 210381). A correction deed was recorded later to reflect that only 24 inches of water were conveyed and not the 27.33 originally stated. A copy of the correction deed is enclosed for your records.

As with myself, the other two parties (Hickey and Johnson) also each received 24" of the water rights from the Youngs, appurtenant to three lots within the subdivision. In my case those lots are Lot 3 (which I still own), Lot 5 (now owned by Knight) and

Lot 6 (now owned by Carter). Those three lots have a total of 13 irrigated acres.

The water set out in my original SRBA claim is used to irrigate those lots. Originally, flood irrigations was used mostly, but now it is mostly done by handlines with water drawn by pumps from a small pond on Lot 3 and on Lot 6.

Part of the reason for the amount of water historically used and claimed is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal and its high ditch for a distance of approximately five miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the historical use of water and ponds on the property.

Should you have any questions or desire any further information with regard to the above referenced claim, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,

James W. Phillips