

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 37-21124
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)

KATHLEEN B ROSEKRANS Phone: (208)788-1124
17 QUIGLEY RD
HAILEY ID 83333

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	0.11	
RECREATION	04/01	11/01	0.11	
AESTHETIC	04/01	11/01	0.11	

7. Total Quantity Appropriated is:
0.11 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	NE	NW	RECREATION	
			SE	NW	RECREATION	
			NE	NW	IRRIGATION	1.3
			SE	NW	IRRIGATION	1.7
			NE	NW	AESTHETIC	
			SE	NW	AESTHETIC	
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 5, BLK 1, MARVIN GARDENS SUBDIVISION.

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

15. Basis of Claim: Decreed

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

RECEIVED
MAY 10 2000
Department of Water Resources
Southern Region

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) 37-577CD
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 Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) John V. and Georgine Carter
1707 Denmark, Sonoma, CA 95476
4. New Owner/Claimant(s) Kate Rosekrans
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 26 Townsend, Gulch, Blaine County, ID 83313
City, State and ZIP Code _____
New Telephone Number (208) 788-1124
5. Date you acquired the property May 2, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(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 _____ Number and type of stock _____

Diversion rate in 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 Owner/Claimant(s) Kathleen Rosekrans Date 5-3-00

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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.

SVTC Order No. 00-15714

WARRANTY DEED

FOR VALUE RECEIVED

JOHN V. CARTER and GEORGINE CARTER, husband and wife

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

KATHLEEN ROSEKRANS, a single woman

the grantee, whose current address is 26 Townsend Gulch, Blaine County, Idaho 83313

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

Lot 5, Block 1 of A REPLAT OF LOTS 4 AND 5, MARVIN GARDENS NO. 1 SUBDIVISION,
BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded April 5, 1988, as Instrument
No. 293527, records of Blaine County, Idaho.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and
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 will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 2000

John V. Carter

Georgine Carter



State of California

County of Sonoma

On this 1st day of May, 2000, Before me a Notary Public in and for said State, personally appeared
John V. Carter and Georgine Carter, known or identified to me to be the persons whose name is/are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at Sonoma County

Comm. Expires _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)

COUNTY OF)

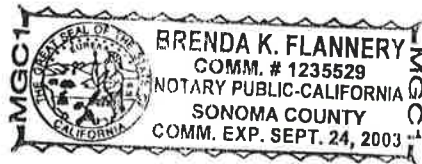
On May 1, 2000 before me, Brenda K. Flannery
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, John V. Carter & Georgine Carter

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Brenda K. Flannery (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT

Warranty Deed

DATE OF DOCUMENT

4-28-00

NUMBER OF PAGES

1

SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER'S NAME

SIGNER'S NAME

RIGHT THUMBPRINT

RIGHT THUMBPRINT

RIGHT THUMBPRINT

RIGHT THUMBPRINT

A REPLAT OF LOTS 4 AND 5, MARVIN GARDENS NO. 1 SUBDIVISION

A PORTION OF THE NW 1/4, SEC. 10, T. 2N, R. 18E, B.M.

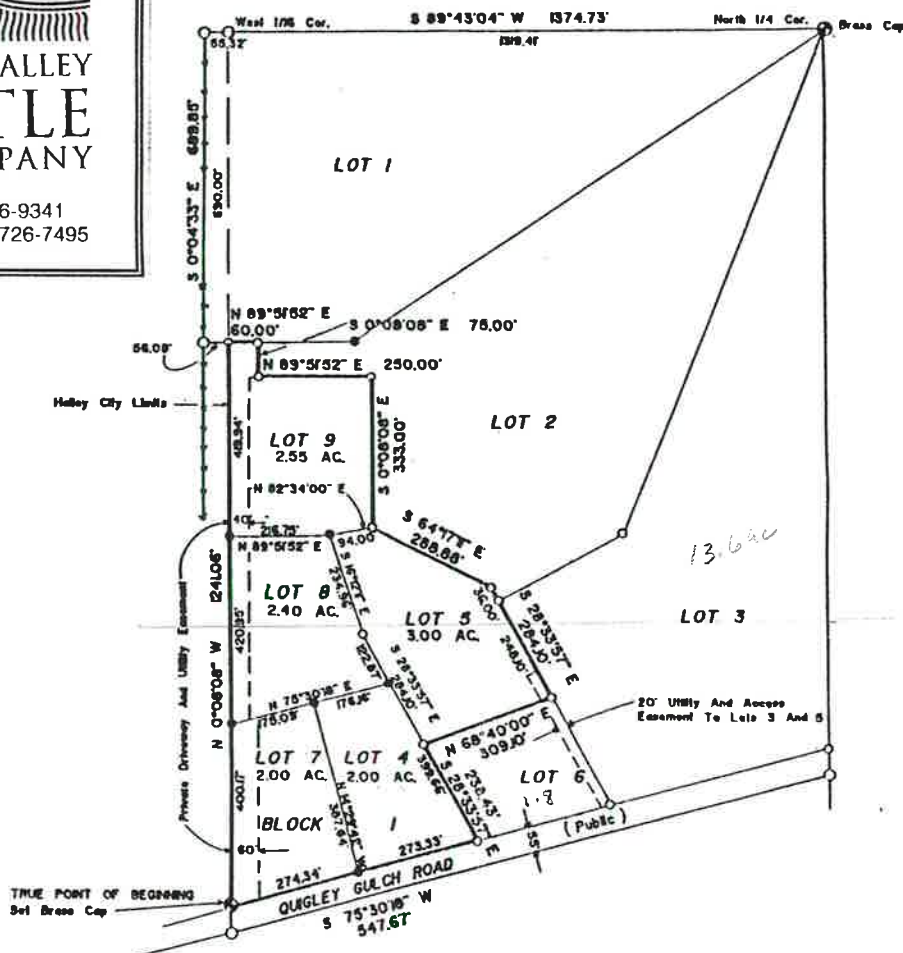
BLAINE COUNTY, IDAHO

MARCH 1988



SUN VALLEY
TITLE
COMPANY

(208) 726-9341
FAX (208) 726-7495



LEGEND

- ⊙ Brass Cap
- Found 5/8" Bar
- Found 1/2" Bar
- Set 1/2" Bar
- Private Driveway And Public Utility Easement
- - - - - Fence Line

NOTES:

1. There shall be a 10' wide utility easement centered on all side and rear lot lines of all lots.
2. Developer shall pay \$2,000 per lot into a special fund for the purchase of fire equipment. Payment shall be due upon the issuance of a building permit on those lots and shall be secured by a lien on the property, payable to Blaine County.
3. The 60' wide and subsequent 40' wide private driveway may be utilized for future public access when the parcel to the west is developed.
4. A copy of the Marvin Gardens Conditions, Covenants and Restrictions shall be furnished to all prospective buyers.
5. Setback requirements from property lines shall be a minimum of 45 feet, or further if the Uniform Fire Code mandates. This requirement is meant to govern a proper separation between houses for the purpose of fire protection.
6. All roads will be privately owned and maintained, but shall meet minimum county standards.
7. All utilities shall be underground.
8. Owners are responsible for control of noxious weeds as per state regulations.
9. There shall be no construction within the designated easements.

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

SUN VALLEY
TITLE
C O M P A N Y



May 4, 2000

IDWR Southern Region
222 Shoshone St. E.
Twin Falls, ID 83302-6105

old address?

RECEIVED

MAY 10 2000

Department of Water Resources
Southern Region

Re: Order No. 15714
John V. Carter
Lot 5, Block 1 Replat of Marvin Gardens

I am enclosing a Notice of Change of Water Rights, Warranty Deed to new owner and copy of plat map.

I don't know what water right numbers or claim numbers are involved but I understand that Kate Rosekrans has contacted someone in your office and that she will work with your office for the transfer of any rights that the Carters have.

Sincerely,

Cassie Jones

Cassie Jones
Manager

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 18 E
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? X 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 V. Phillips Date 5-5-99
Evelyn B. 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.

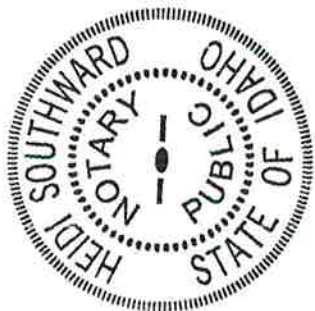

James W. Phillips


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



May 6, 1999

RECEIVED
MAY 10 1999
Department of Water Resources
Crested Butte, Idaho

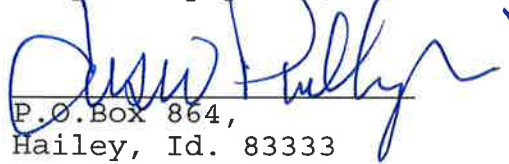
Idaho Dept. of Water Resources
Attn: Snake River Basin Adjudication
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CD
NOTICE OF CHANGE OF OWNERSHIP
Sellers: James and Evelyn Phillips, claimants
Buyers: John and Georgine Carter

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, between R. B. Young and Clara B. Young, Husband and Wife of Halley County of Blaine State of Idaho the parties of the first part, and Robert C. Young and Fern Young, Husband and Wife of White Center County of King State of Washington the part less the second part.

WITNESSETH That the said part less the first part, for and in consideration of the sum of Five Thousand and no/100 lawful money of the United States of America, to them in hand paid by the said 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 the State of Idaho, to-wit:

The 34 of the NE 1/4 of Section 10 in Township 2 North of Range 18 East Boise Meridian, together with that certain water right deeded by Emma K. Donovan and J. J. Donovan to Oas 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, 1933, as decreed in the suit of S. C. Frost et al vs. Alturas Water Company, et al.

(35.50 I.R.S.)
(Affixed and)
(Cancelled)
TOGETHER, with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion 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 less 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 less 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 less 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 the undersigned R. B. Young and Clara B. Young, husband and wife, 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 Halley Idaho.

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

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 F. McCoy
Ex-Officio Recorder,
By Hazel Barber Deputy.

256

344051

8-25-92

CORRECTION
WARRANTY DEED

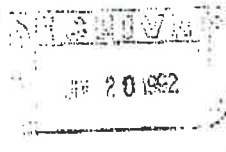
THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto 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 24 inches of March 24, 1883 water rights under original decree 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



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. } ss.

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: Redmond
Commission expires: 9-1-95

RECORD REQUEST

Rock Donovan

1992 AUG 25 10:13

CLERK

3440511
COPY Deed

RECEIVED
MAY 10 1999
Department of Water Resources
Southern Region

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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

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 IDWR

QUIT CLAIM DEED
(Water Rights)

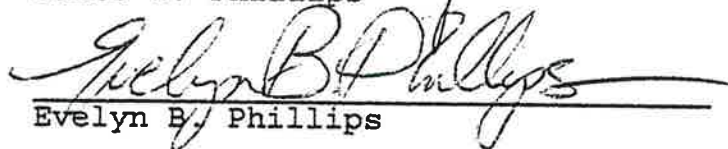
FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho do hereby convey, release, remise and forever quit claim unto Howard Knight and Carol Knight, husband and wife, ("Grantees") of P.O. Box 774, Hailey, Idaho 83333, all right, title and interest in and to the water 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.

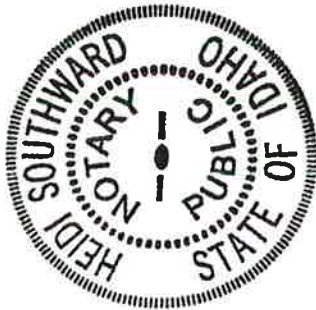

James W. Phillips


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

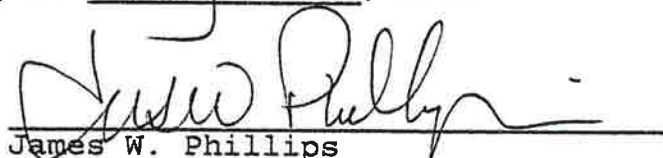
QUIT CLAIM DEED
(Water Rights)

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
Southern Region



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

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 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 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 (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.

Charles 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: Emmott
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

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

FIRST CLASS



UNITED STATES POSTAGE
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0004389393 MAR 08 2007
MAILED FROM ZIP CODE 83701

 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

8/1/08

*37-21124
MTF*

~~KATHLEEN B ROSEKRANS
26 TOWNSEND GULCH RD
BELLEVUE ID~~

RECEIVED
MAR 12 2007
DEPARTMENT OF
WATER RESOURCES

10/30/2006

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

RIGHT NUMBER: 37-21124

NAME AND ADDRESS: KATHLEEN B ROSEKRANS
26 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.110 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	0.110 CFS
IRRIGATION	04/15 10/31	0.110 CFS
AESTHETIC	04/15 10/31	0.110 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T02N R18E S10	NENW 1.30	T02N R18E S10	SENW 1.70
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RECREATION Within BLAINE County

T02N R18E S10	NENW	T02N R18E S10	SENW
---------------	------	---------------	------

AESTHETIC Within BLAINE County

T02N R18E S10	NENW	T02N R18E S10	SENW
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3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM -

PROPERTY IS ALSO KNOWN AS LOT 5, BLK 1, MARVIN GARDENS
SUBDIVISION.

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



Idaho Department of Water Resources

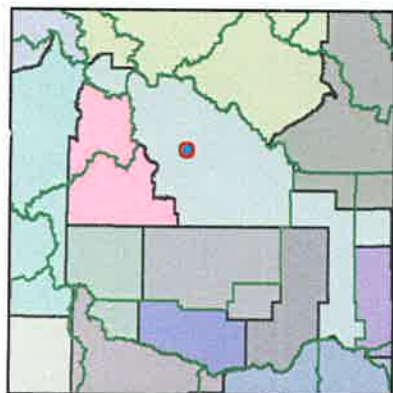
SRBA Recommendation:

37-21124

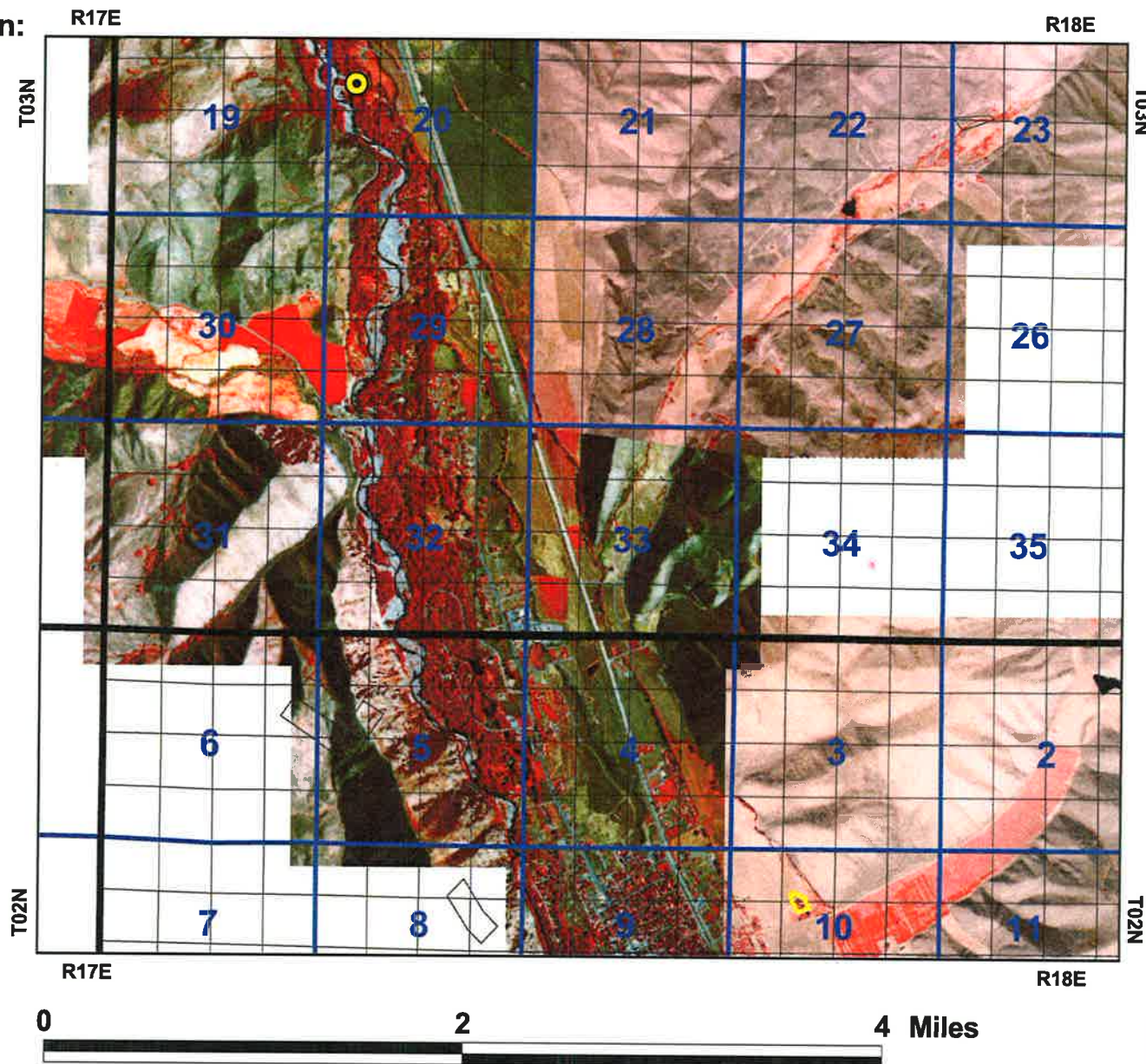
(Irrigation)

Legend

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

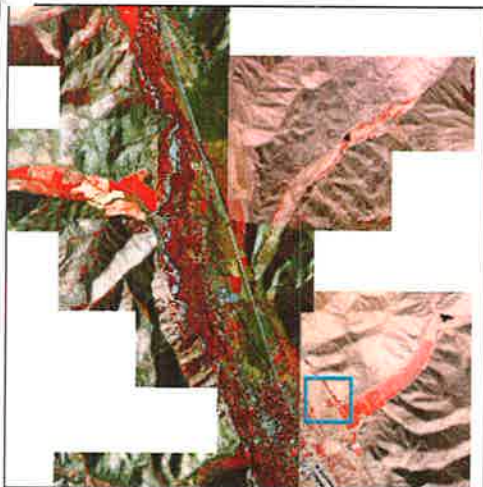
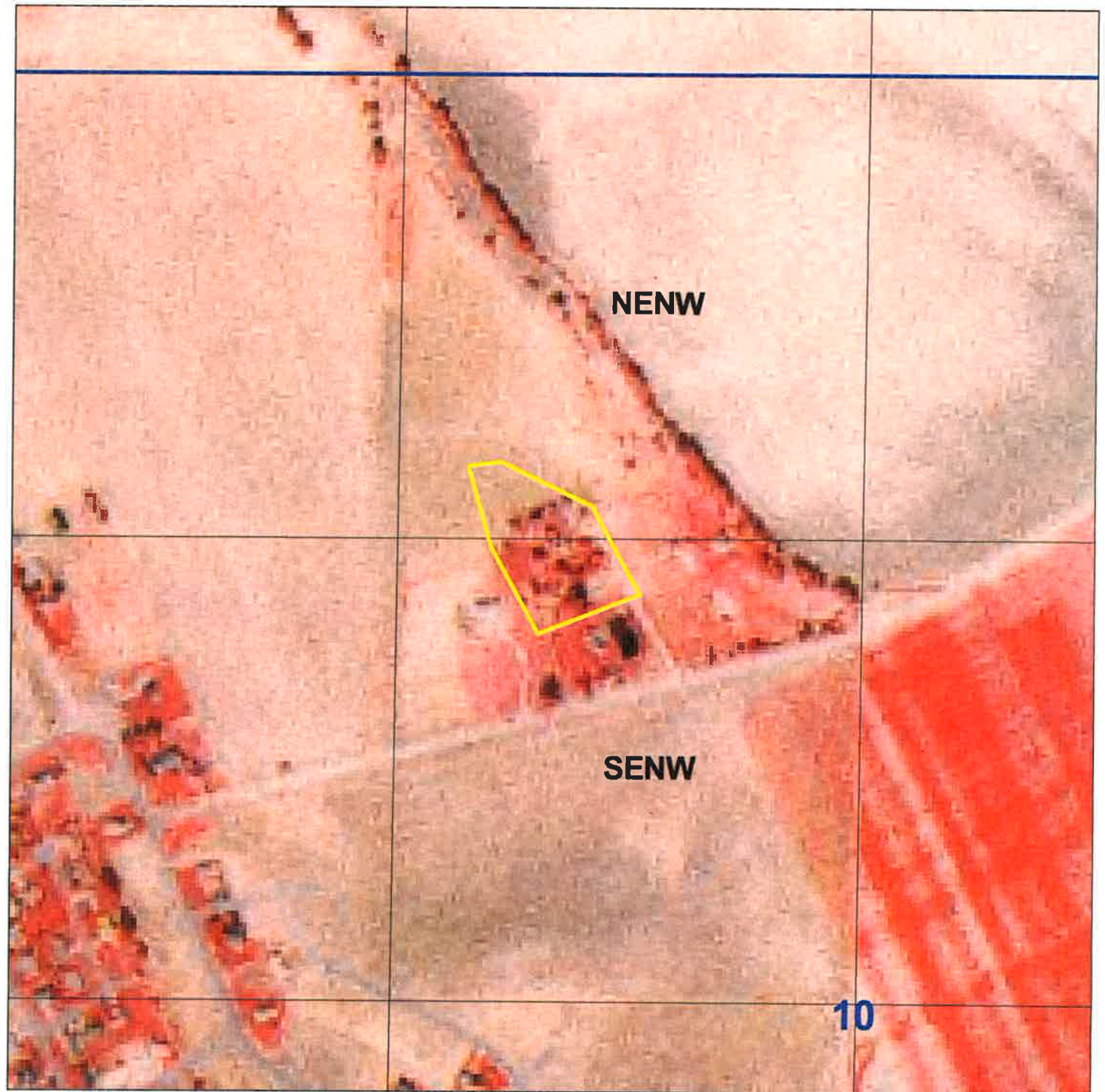


Blaine County
IDWR Basin 37



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

37-21124





Idaho Department of Water Resources

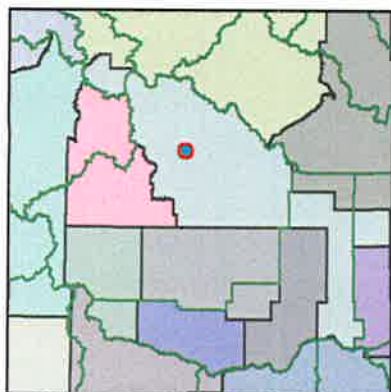
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37-21124

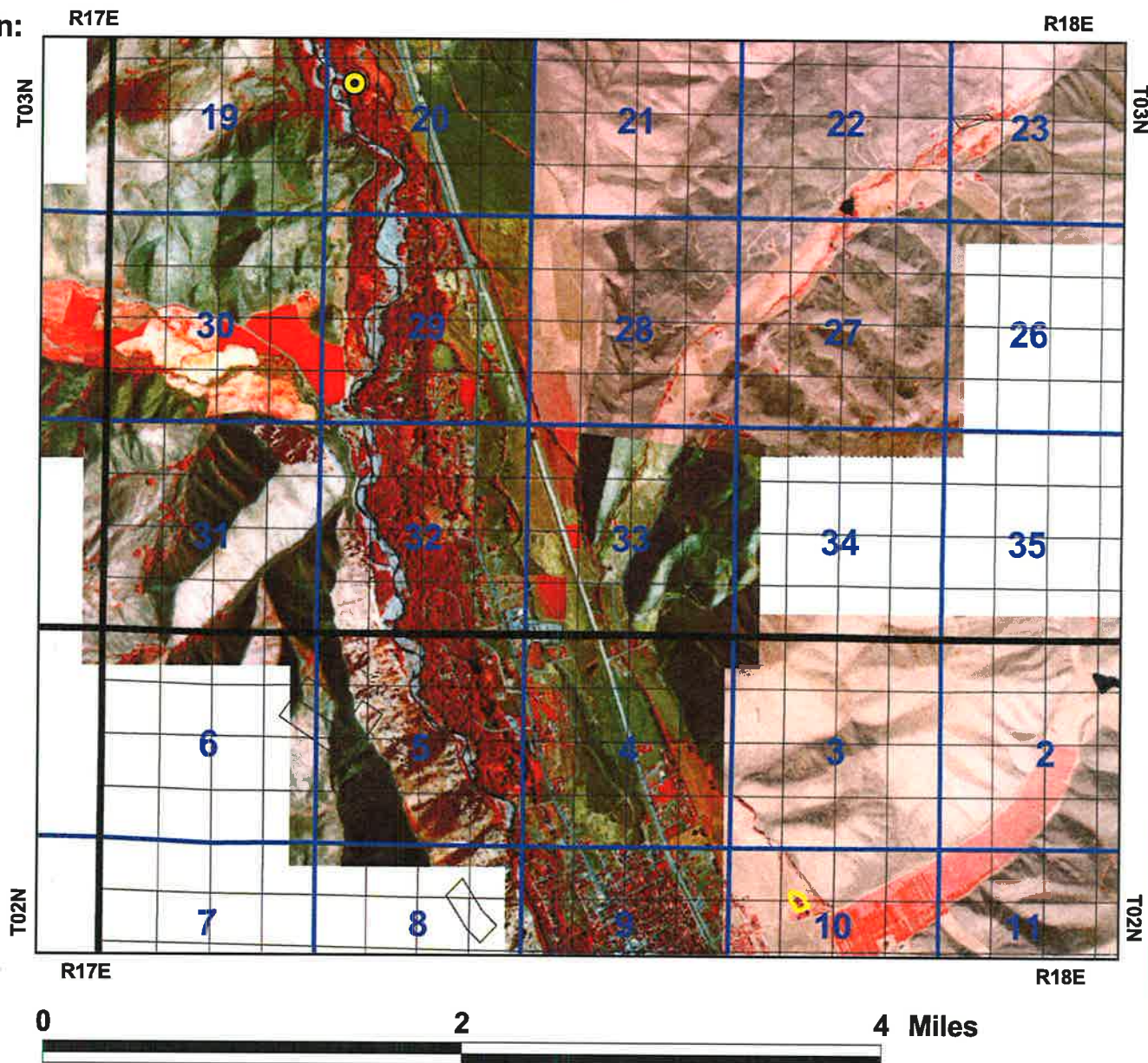
(Irrigation)

Legend

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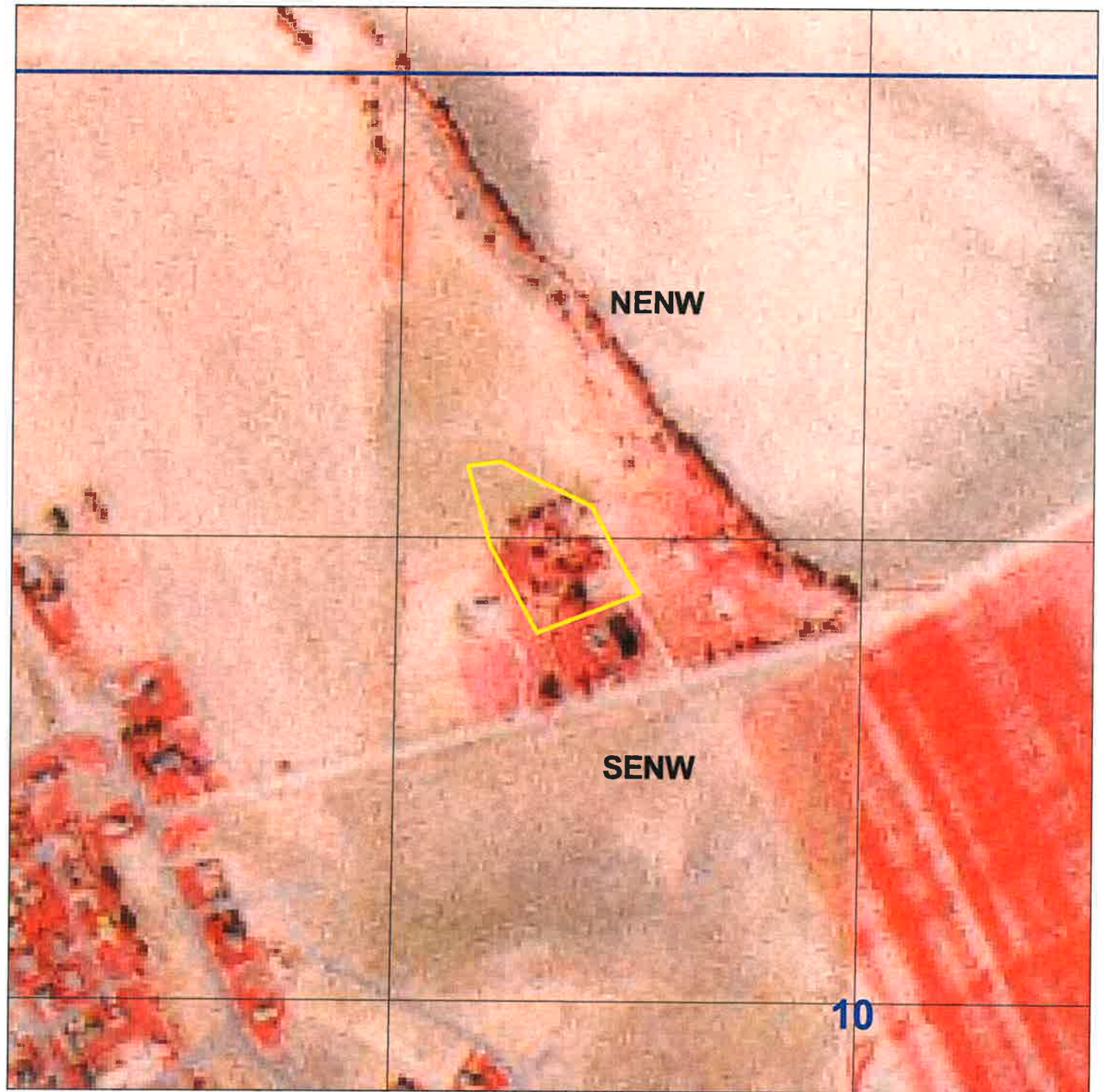
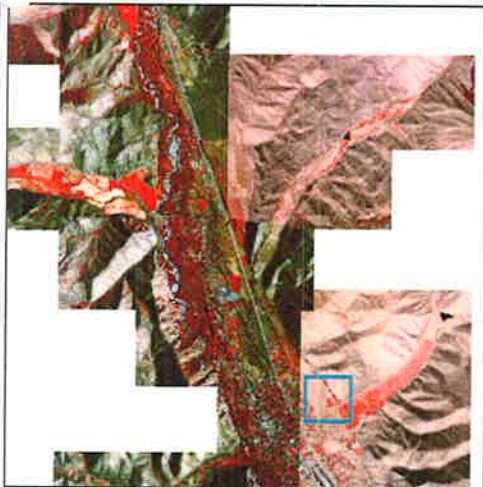


Blaine County
IDWR Basin 37



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

37-21124



May 7, 1999

RECEIVED

MAY 10 1999

Department of Water Resources
Southern Region

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