

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 37-21182
Date Received: 12/2/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD A CUTTER 1973 TRUST Phone: (208)622-9213
EDWARD A CUTTER TRUSTEE
PO BOX 7330
KETCHUM ID 83340

2. Date of Priority: 11/01/1885

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	20E	36	NE	NE	SW	BLAINE	
01S	20E	36	SW	SE	SW	BLAINE	
01S	20E	36	NE	SW	SE	BLAINE	
01S	20E	36	NE	SE	SW	BLAINE	

5. Description of diverting works:

CLARK #29 HEADGATE, PUMPS FOR PIVOT AND SPRINKLERS, STORAGE POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.049	

7. Total Quantity Appropriated is:
0.049 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
01S	20E	36	SE	SW	IRRIGATION	13
			SW	SE	IRRIGATION	7
					Section Acres	20
					Total Acres	20

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 1BB, HOFSTETTER SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-88B.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2004

EDWARD A CUTTER 1973 TRUST
EDWARD A CUTTER TRUSTEE
PO BOX 7330
KETCHUM ID 83340

RE: SRBA Claim(s) 37-88B, 37-89B, 37-90E, 37-1224B

Dear Claimant:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21180, 37-21182, 37-21184 and 37-21186.

Enclosed please find your copies of the computer generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-1224B	☒			☐
	37-88B	☒			☐
	37-89B	☒			☐
	37-90E	☒			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Jack S. Young and Florence M. Young
P.O. Box 736, Picabo, ID, 83348
4. New Owner/Claimant(s) Edward A. Cutter, Trustee of Edward A. Cutter 1973 Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 7330
 City, State and ZIP Code Ketchum, ID, 83340
 New Telephone Number 208-622-9213
5. Date you acquired the property October 10, 2003

RECEIVED

NOV 20 2003

Department of Water Resources
 Southern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-1224B</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>0.173 cfs</u>	<u>20 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.173 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>37-88B</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>0.049 cfs</u>	<u>20 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.049 cfs</u>	

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

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 _____

RECEIVED
 NOV 20 2003
 Department of Water Resources
 Southern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in Item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-89B</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>0.098 cfs</u>	<u>20 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.098 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>37-90E</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>0.170 cfs</u>	<u>20 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.170 cfs</u>	

7. Signature of New Owner(s) or Claimant(s) Edward Q. Rutter, Trustee
(include title if applicable)

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 _____

RECEIVED
 NOV 20 2003
 Department of Water Resources
 Southern Region

K25848

WARRANTY DEED

For Value Received **Jack S. Young and Florence M. Young, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Edward A. Cutter, trustee of the Edward A. Cutter 1973 Trust Agreement DTD 11/15/73

whose address is: **P.O. Box 7330, Ketchum, ID 83340**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Lot 1BB of Hofstetter Subdivision Lots 1AA and 1BB, a replat of "a replat of Lot 1, Hoffstetter Subdivision, amended 1981", recorded as Instrument No. 491182, records of Blaine County, Idaho.

**Together with an undivided 23.67% interest in and to the following water rights:
A37-01224B, A37-00088B, A37-00089B, A37-00090E**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 25, 2003

Instrument # 493051

HAILEY, BLAINE, IDAHO

2003-10-10 12:36:00 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

Jack S. Young

Jack S. Young
Florence M. Young

Florence M. Young

RECEIVED

NOV 20 2003

Department of Water Resources
Southern Region

STATE OF Idaho

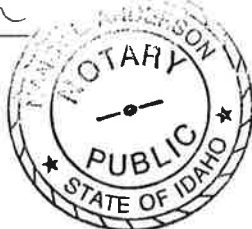
)ss.

COUNTY OF BLAINE

On this 7th day of October, 2003, before me the undersigned, personally appeared Jack S. Young and Florence M. Young, husband and wife, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Nancy L. Anderson

Notary Public of
Residing at: *Hailey*
Commission Expires: *2/27/03*



Instrument # 491182

HAILEY, BLAINE, IDAHO

2003-09-11

09:29:35 No. of Pages: 2

Recorded for : BENCHMARK ASSOCIATES

MARSHA RIEMANN

Fee: 11.00

Ex-Officio Recorder Deputy

Index to: PLATS

HOFSTETTER SUBDIVISON LOTS 1AA & 1BB

FR SECTION 36 T1S R20E

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

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

November 18, 2003

RECEIVED

NOV 20 2003

Department of Water Resources
Southern Region

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

**Re: Notice of Change in Water Right Ownership;
SRBA Claims: 37-1224B, 37-88B, 37-89B AND 37-90E**

Dear Allen:

Enclosed you will find the original and one copy of a Notice of Change in Water Right Ownership to be filed for my client, Edward A. Cutter, Trustee of the Edward A. Cutter 1973 Trust. Please have your secretary receipt date-stamp the copy and return it to me in the postage prepaid self-addressed enclosed included for that purpose.

I understand these water rights are currently being investigated by the Department. Would you please be certain the investigating agents in Boise are notified of this change in ownership so the water rights are reported correctly.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef

Enclosure

cc: Client w/enc.

Jack & Florence Young w/encl.

Claimants Names:

**Edward Cutter, Trustee of the
Edward A. Cutter 1973 Trust**

Attorney Name & Address:

**James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752**

RECEIVED
JAN 22 2004
Department of Water Resources
Southern Region

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Edward Cutter, Trustee of the Edward A. Cutter 1973 Trust, for the following water rights which are not the subject of any subcases:

37-21180;
37-21182;
37-21184; and
37-21186.

DATED this 19 day of January, 2004.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of January, 2004, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

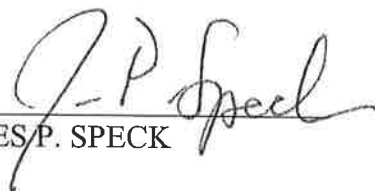
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

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

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

January 19, 2004

RECEIVED
JAN 22 2004
Department of Water Resources
Southern Region

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

**Re: Notice of Appearance;
SRBA Claims 37-21180; 37-21182; 37-21184; and 37-21186;
Our File No. 168/020169**

Dear Allen:

Enclosed you will find the original and one copy of a Notice of Appearance for the above-referenced water rights in the name of my client, Edward A. Cutter, Trustee of the Edward A. Cutter 1973 Trust. Please have your secretary receipt date-stamp the copy and return it to me in the postage prepaid self-addressed enclosed included for that purpose. ✓

Kindly call me right away if you have any questions about this. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef

Enclosure

cc: Client w/encl.
Jack & Florence Young w/encl.
Idaho Office of Atty. General w/encl.
Environmental and Natural Resources, Dept. Of Justice w/encl.
IDWR w/encl.
Kevin Lakey, Water Dist. 37 w/encl.
Karie Lynn Townsend, IDWR w/encl.

01/10/2007

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

RIGHT NUMBER: 37-21182

NAME AND ADDRESS: EDWARD A CUTTER 1973 TRUST
EDWARD A CUTTER TRUSTEE
PO BOX 7330
KETCHUM ID 83340

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.049 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 11/01/1885

POINT OF DIVERSION:

T01S R20E S36 NENESW Within BLAINE County

T01S R20E S36 NESESW Within BLAINE County

T01S R20E S36 SWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.049 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S36

SESW

13.00

T01S R20E S36

SWSE

7.00

20 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is split from former right 37-88B.

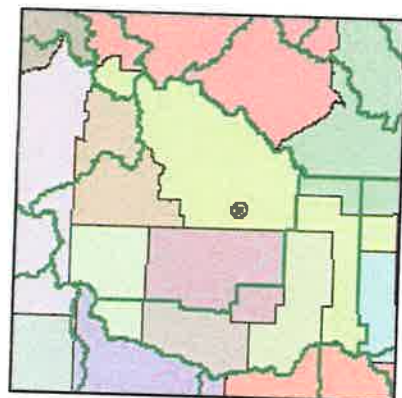


Idaho Department of Water Resources

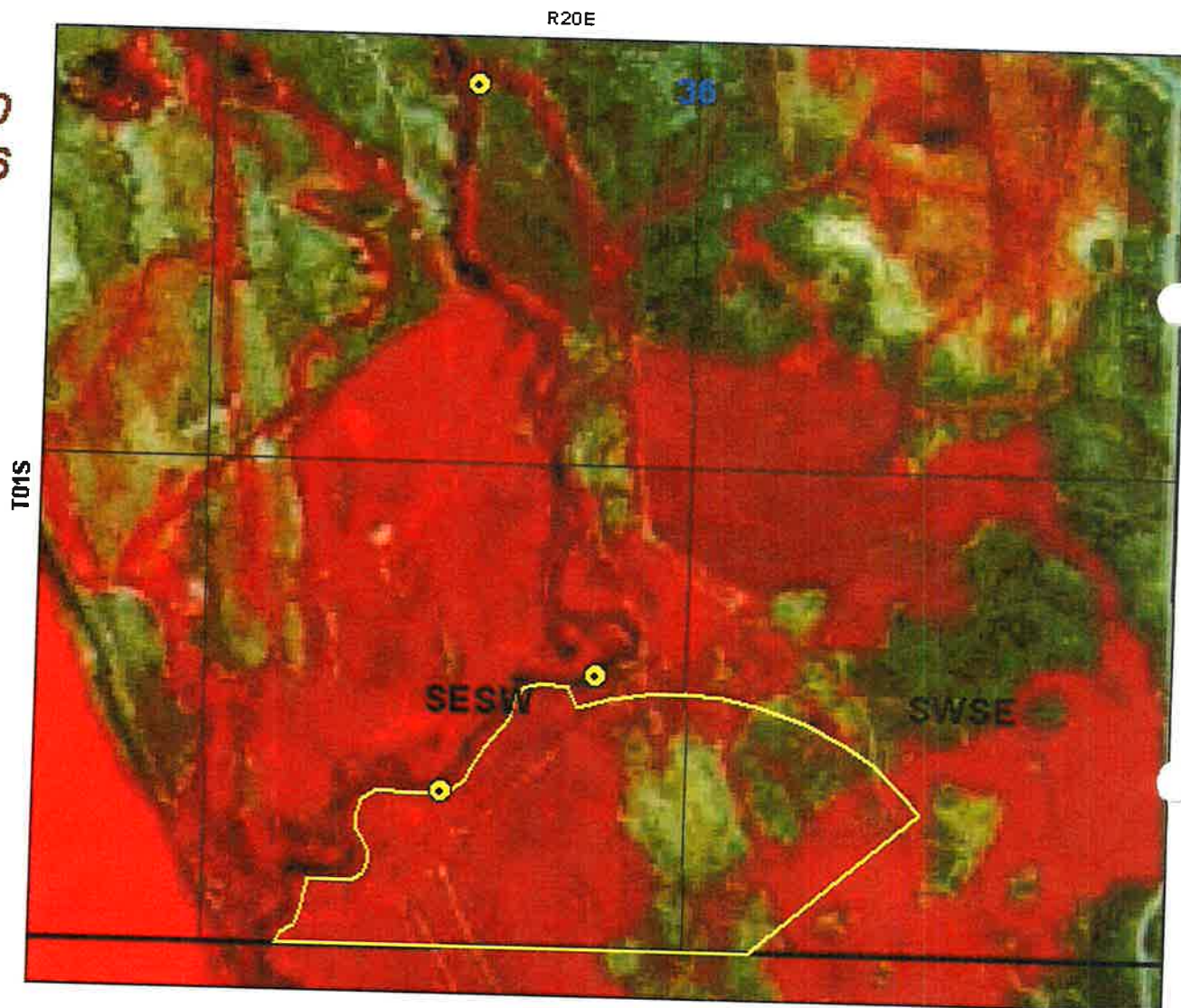
SRBA Recommendation:
37-21182, 37-21180
37-21184, 37-21186

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 N. Erickson
On Wednesday, January 10, 2007
1987/88 Aerial Photography