

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 37-21188
Date Received: 12/22/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY SHILLING Phone: (208) 764-3516
PO BOX 256
FAIRFIELD ID 83327

DONNALE BROWN Phone: (208) 764-3516
PO BOX 256
FAIRFIELD ID 83327

2. Date of Priority: 04/18/1906

3. Source: SAMPSON CREEK Trib. to: SOLDIER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	14E	9	NW SE	CAMAS	
01N	14E	9	NE SE	CAMAS	

5. Description of diverting works:

HEADGATE, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.19	

7. Total Quantity Appropriated is:
0.19 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	14E	16	NW	NE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2041D.

15. Basis of Claim: License



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

May 7, 2004

GARY SHILLING
DONNALE BROWN
PO BOX 256
FAIRFIELD ID 83327

Re: SRBA Claim(s) 37-21188

Dear Mr. Shilling and Ms. Brown:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, 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.

RECEIVED
MAY 06 2004
 Department of Water Resources
 Southern Region

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
	37-21188	-			

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)

John Thomas Nickel
PO Box 1546, Ketchum, ID 83340

4. New Owner/Claimant(s)

Gary Skilling & Donnale Brown

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 256,

City, State and ZIP Code

Fairfield, ID 83327

New Telephone Number

208 764-3516

5. Date you acquired the property

12-13-1999

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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)
- Donna E. B.*

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

For Office Use Only

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

WARRANTY DEED

For Value Received

John Thomas Nickel,
An Unmarried Man.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Gary Shilling, A SINGLE MAN
And Donnale Brown, A SINGLE WOMAN

the grantee(s), whose current address is

3396 E. BOULDER HEIGHTS DR., BOISE, ID 83712

the following described premises, to-wit:

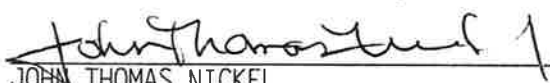
See Attached Exhibit "A"

TOGETHER WITH Water Right Number # A37-02041D.

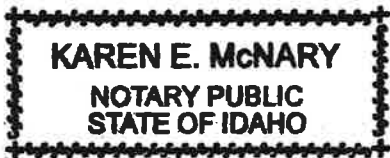
73600
Recorded at the Request of
Gooding Title
at 4:45 AM
December 15, 1999
in Book 31 Page 592
of Deeds
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By Rolle Bennett
Fees \$ 6.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: December 13, 1999


JOHN THOMAS NICKEL

STATE OF IDAHO
COUNTY OF CAMAS
BLAINE



On This 13th day of DECEMBER, in the year 1999, before me, a Notary Public in and for said State, personally appeared John Thomas Nickel, known or identified to me 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.

WITNESS my hand and official seal.

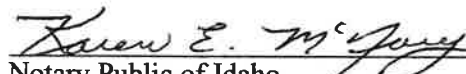

Notary Public of Idaho
Residing at HAILEY, ID
Commission Expires: 9-28-04



EXHIBIT A
C990135

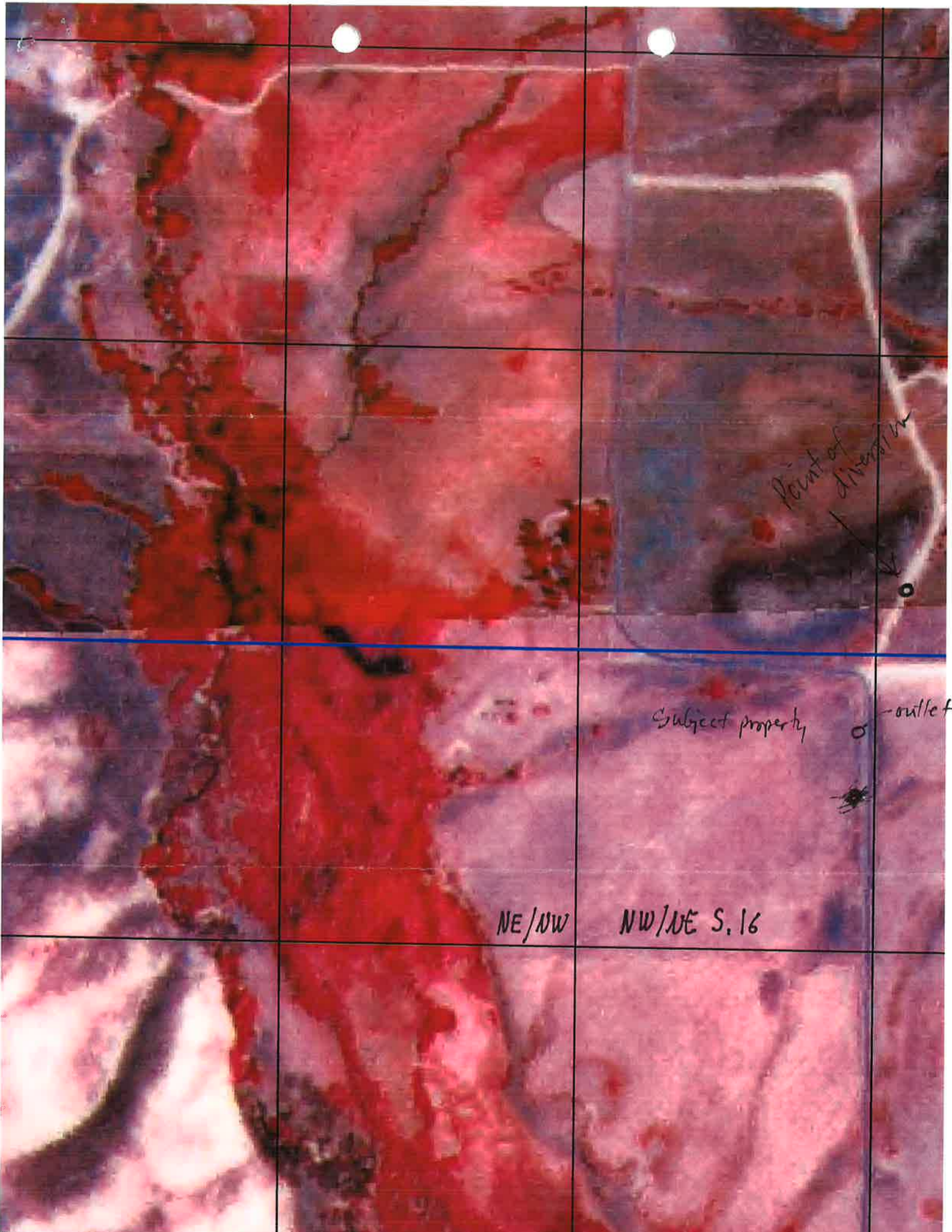
RP01N14E160605

Township 1 North, Range 14 East of the Boise Meridian, Camas County, Idaho.

Section 16: A parcel of land located in the Northwest Quarter of the Northeast Quarter, more particularly described as follows:

COMMENCING at the North Quarter corner of Section 16;
Thence South 89°47'00" East along the North Boundary of said Section 16, 141.99 feet to the REAL POINT OF BEGINNING;
Thence South 0°17'39" West 279.12 feet along the Easterly boundary of Lot 1, Giesler's Hidden Smile Subdivision;
Thence leaving said Easterly boundary South 74°30'00" East 542.75 feet or less to a point on the Westerly boundary of the Northeast Quarter of the Northwest Quarter of said Section 16;
Thence South 0°25'36" East along said Westerly boundary 102.79 feet more or less;
Thence South 89°47'00" East along a line which lies 525 feet Southerly of and parallel to the Northerly boundary of the Northeast Quarter of said Section 16, 659.62 feet more or less to a point on the East boundary of the Northwest Quarter of the Northeast Quarter of said Section 16;
Thence North 0°20'23" West along the East boundary of the Northwest Quarter of the Northeast Quarter of said Section 16, 525.00 feet more or less to the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 16;
Thence North 89°47'00" West along the Northerly boundary of the Northeast Quarter of said Section 16, 1178.85 feet to the REAL POINT OF BEGINNING.

SUBJECT TO A road Right of Way affecting the Northerly and Easterly boundaries.



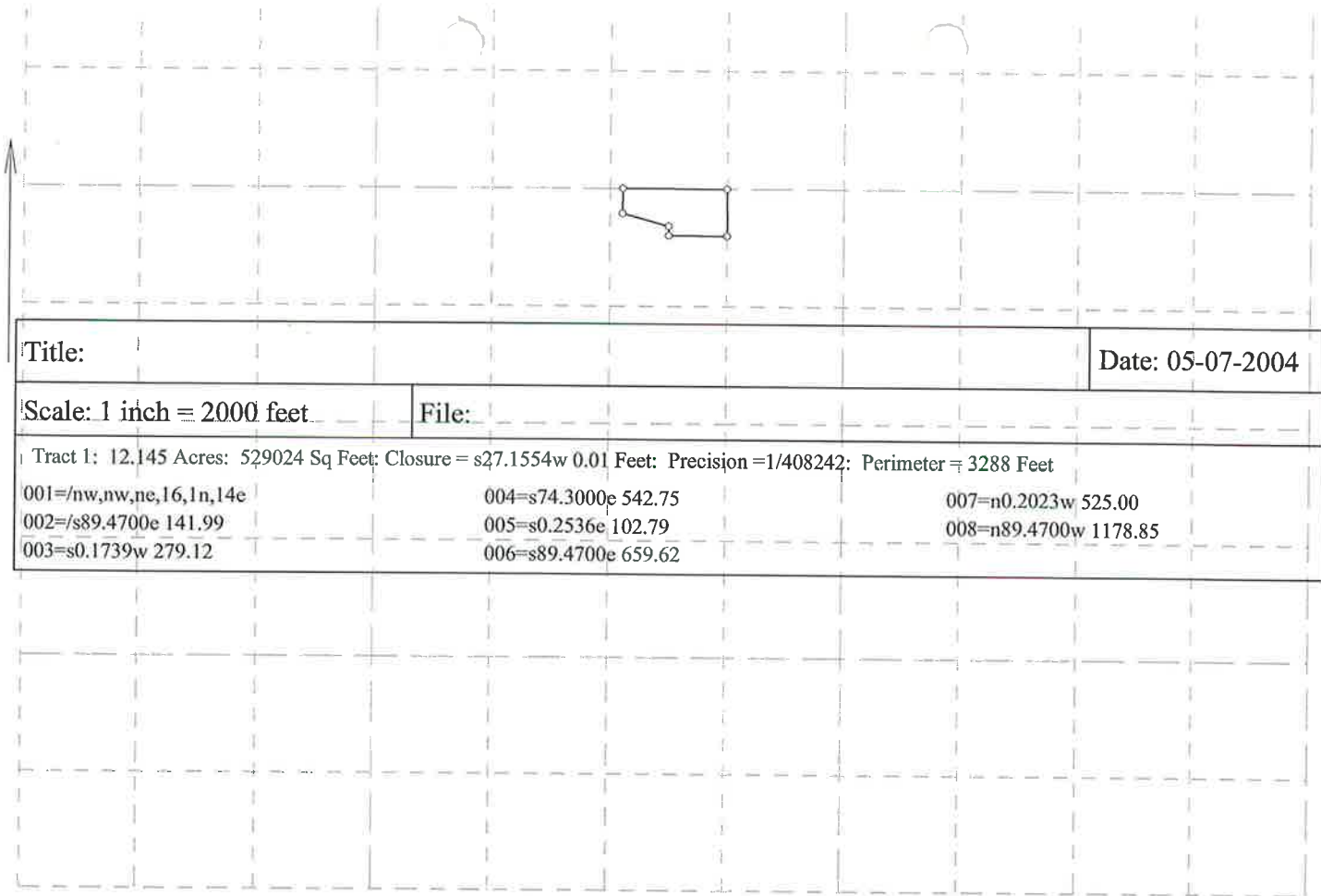
Point of diversion

Subject property

-outlet

NE/NW

NW/NE S. 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21188
Date Received: 12/22/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN THOMAS NICKEL Phone: (208)726-3505
PO BOX 1546
KETCHUM ID USA 83340

2. Date of Priority: 04/18/1906

3. Source: SAMPSON CREEK , SAMPSON CREEK Trib. to: SOLDIER CREEK , SOLDIER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	14E	9	NW	SE		CAMAS	
01N	14E	9	NE	SE		CAMAS	

5. Description of diverting works:

HEADGATE, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.19	

7. Total Quantity Appropriated is:
0.19 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	14E	16	NW	NE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2041D.

15. Basis of Claim: License

RECEIVED

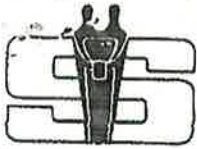
DEC 10 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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 No(s): A37-02041D
Adjudication Claim No(s): AJ 5809NP
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 attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Gregory C. Smith, Katherine T Smith
Rock Creek Rd, WAMIC, OR 97063
4. New Owner/Claimant(s): John Thomas Nickel
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address: P.O. Box 1546
City, State and ZIP Code: KETCHUM ID 83340
New Telephone Number: (208) 726-3505
5. Date you acquired the property: Sept 4, 1996
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 you irrigate 12 Number and type of stock _____
Diversion rate in CFS .24 Number of homes _____ Other uses _____
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 or Claimant(s): John Thomas Nickel
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



Order No. J07683
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received - GREGORY C. SMITH and KATHERINE T. SMITH, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto JOHN THOMAS NICKEL, an unmarried man

the Grantee whose current address is: P.O. BOX 1546, KETCHUM, ID 83340

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

70412

Recorded at the Request of
Blaine Co. Title
at 1:30 P. M.
Sept. 4, 19 96
In Book 30
of Deeds Page 89
ROLAND BENNETT,
BLAINE COUNTY RECORDER
By Gayle P. Pritchell
Fees \$ 6.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner of the said premises and that he has the right to convey the same.

"ATTACHED EXHIBIT A"

LEGAL DESCRIPTION

A parcel of land located in the NE1/4NW1/4 and NW1/4NE1/4, Section 16, Township 1, North, Range 14, East Boise Meridian, is described as follows:

Beginning at the SW Corner of the Smoky dome Ranch, a Subdivision as recorded in the Camas County Recorder's Office, being the REAL POINT OF BEGINNING, said point lies on the Northerly boundary of said Section 16, and lies 89°44'53" East 111.99 feet from the 1/4 Corner Common to Sections 9 and 16,

thence S00°17'39"W 279.12 feet to a point,

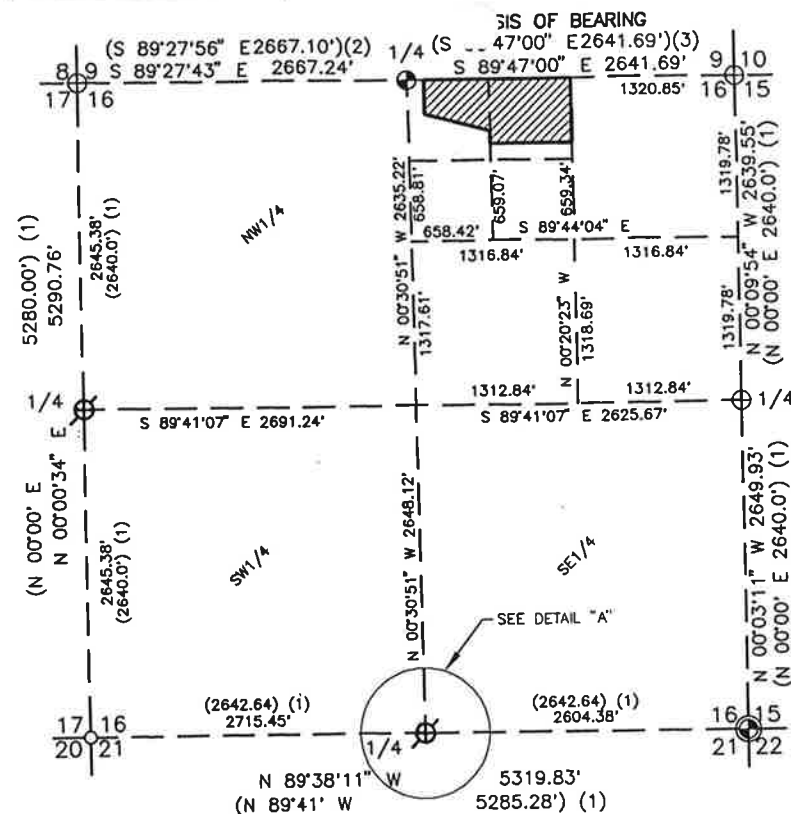
thence S74°30'00"E 538.56 feet to a point,
542.75

thence S00°00'00"E 144.4 feet to a point,
102.79

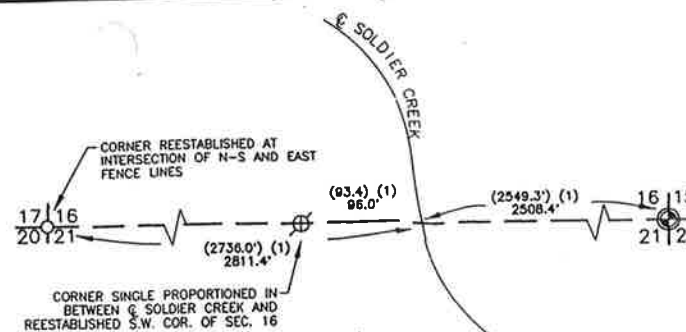
thence N89°44'53"E 660. feet to a point on the East boundary of Section 16,

thence N00°07'33"E along the East boundary of said Section 16, a distance of 553.54 feet to more or less to the northwest corner of said Section 16;

thence N89°27'55"W 1178.8 feet to the REAL POINT OF BEGINNING, containing 12.61 acres, more or less.



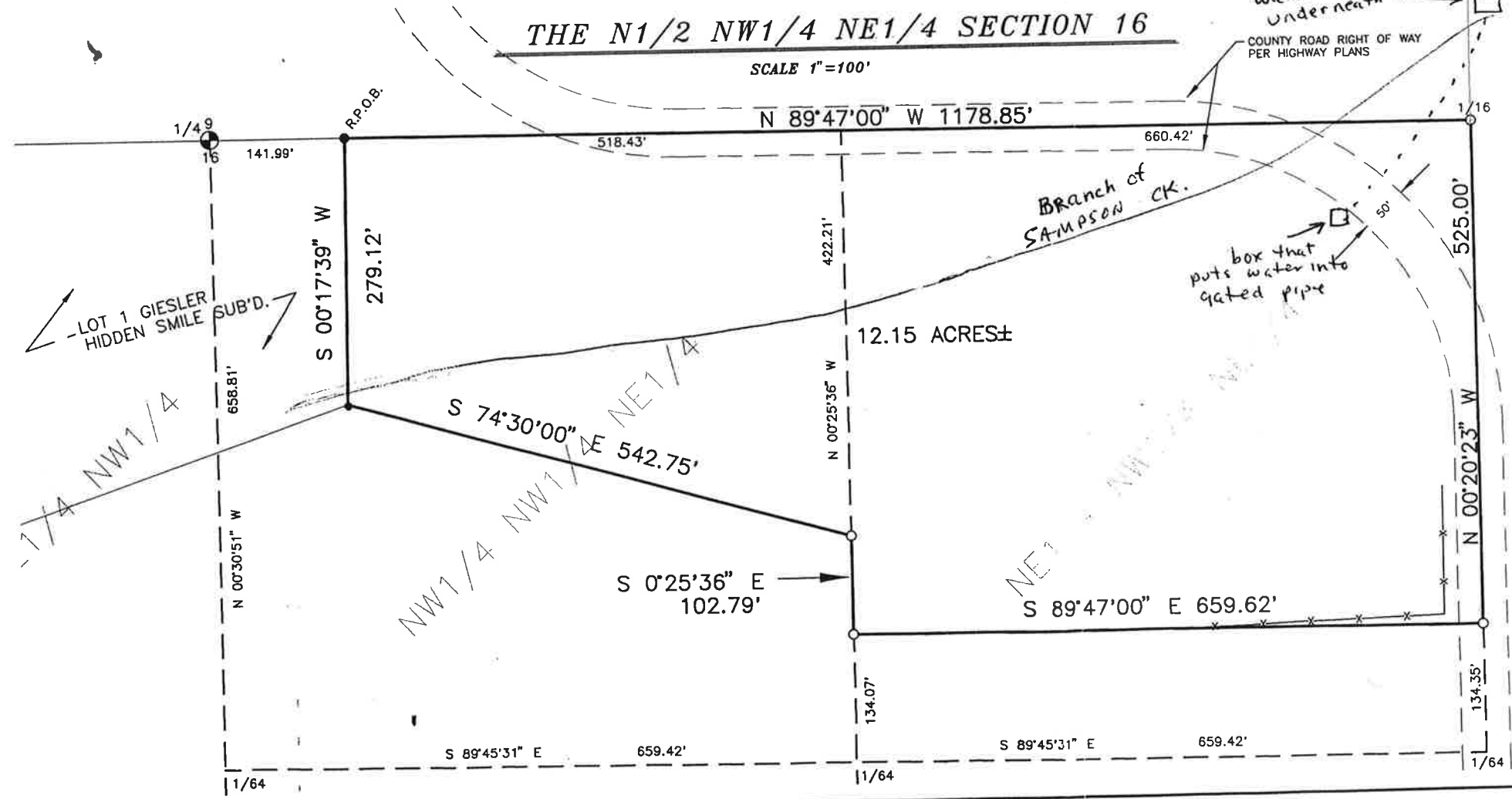
SECTION BREAKDOWN DIAGRAM
SCALE 1"=1000'



DETAIL "A"
NOT TO SCALE

LEGAL DESCRIPTION

A parcel of land located in the NW1/4 NE1/4 of Section 16, Township 1 North, Range 14 East, Boise Meridian, Camas County, Idaho, more particularly described as follows:
Commencing at the N1/4 of said Section 16;
thence S 89°47'00" E along the North Boundary of said Section 16, 141.99 feet to the REAL POINT OF BEGINNING;
thence S 0°17'39" W 279.12 feet along the easterly boundary of Lot 1, Giesler's Hidden Smile Subdivision;
thence leaving said easterly boundary S 74°30'00" E 542.75 feet or less to a point on the westerly boundary of the NE1/4 NW1/4 NE1/4 of said Section 16;
thence S 0°25'36" E along said westerly boundary 102.79 feet more or less;
thence S 89°47'00" E along a line which lies 525 feet southerly of and parallel to the northerly boundary of the NE1/4 of said Section 16, 659.62 feet more or less to a point on the east boundary of the NW1/4 NE1/4 of said Section 16;
thence N 0°20'23" W along the east boundary of the NW1/4 NE1/4 of said Section 16, 525.00 feet more or less to the NE Corner of the NW1/4 NE1/4 of said Section 16;
thence N 89°47'00" W along the northerly boundary of the NE1/4 of said Section 16 1178.85 feet to the REAL POINT OF BEGINNING; said Parcel contains 12.15 acres more or less.
The above described parcel is subject to a road Right of Way affecting the Northerly and Easterly Boundaries.



LEGEND

- property boundary
- ⊙ found USGS brass cap B.M.. 1/4 corner
- ⊕ found IDT brass cap in street well
- ⊕ found aluminum cap LS 907
- ⊕ set aluminum cap LS 907
- set 5/8" rebar LS 907
- () (1) record data per G.L.O.
- () (2) record data per Giesler Hidden Smile Sub'd.
- () (3) record data per Smokey Dome Ranch
- found 5/8" rebar
- found 1/2" rebar

NOTE

A County Road Right of Way Affects the Northerly and Easterly Boundaries of the Parcel, no record of its exact location could be found. The location of the Road Right of Way shown on this map is approximate and was determined using Highway plans, however these plans are vague in that they do not show enough dimensions to determine the location of the Right of Way.

CERTIFICATE OF SURVEYOR

I, Bruce T. Butler, a professional land surveyor in the State of Idaho do hereby state that this survey is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code and local ordinances relating to plats and surveys.

Bruce T. Butler Date

COUNTY RECORDER'S CERTIFICATE

State of Idaho) Instrument #
County of Camas)

This is to certify that the foregoing survey was filed in the Office of the Recorder of Camas County, Idaho, on this ___ day of ___ 19___ at the hour of ___ o'clock ___, and duly recorded in the Record of Survey Book No. ___ at Page ___

Ex-officio Recorder

RECORD OF SURVEY For TOM NICKEL Located in Section 16, T. 1 N., R. 14 E., B.M. Camas County, Idaho			
	SAWTOOTH ENGINEERING Civil Engineers and Land Surveyors		
	Hailey SCALE 1"=100' DATE 1996	(208) 788-9060 DWG. NO. 97005RDS.dwg	Idaho SHT. 1 OF 1

11/02/2006

RECEIVED

NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-21188

GARY SHILLING

PO BOX 256

FAIRFIELD ID 83327

Telephone Number: (208)764-3516

DONNALE BROWN

PO BOX 256

FAIRFIELD ID 83327

Telephone Number: (208)764-3516

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-07-06

SIGNATURE:

Please print your name:

Gary E. Shilling

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

SCANNED

NOV 14 2006

06/23/2006

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

RIGHT NUMBER: 37-21188
NAME AND ADDRESS: GARY SHILLING
PO BOX 256
FAIRFIELD ID 83327

DONNALE BROWN
PO BOX 256
FAIRFIELD ID 83327

SOURCE: SAMPSON CREEK TRIBUTARY: SOLDIER CREEK
QUANTITY: 0.190 CFS
PRIORITY DATE: 04/18/1906
POINT OF DIVERSION:

T01N R14E S9 SENESE Within CAMAS County
T01N R14E S9 SNNWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.190 CFS

PLACE OF USE: IRRIGATION Within CAMAS County
T01N R14E S16 NWNE 12.00

12 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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.

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

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



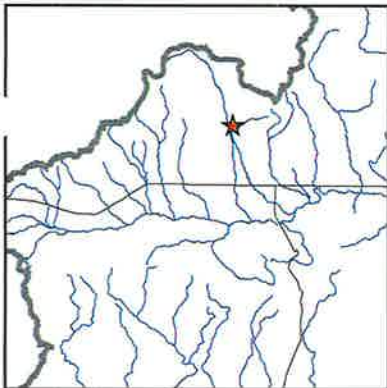
Idaho Department of Water Resources

SRBA Recommendation:

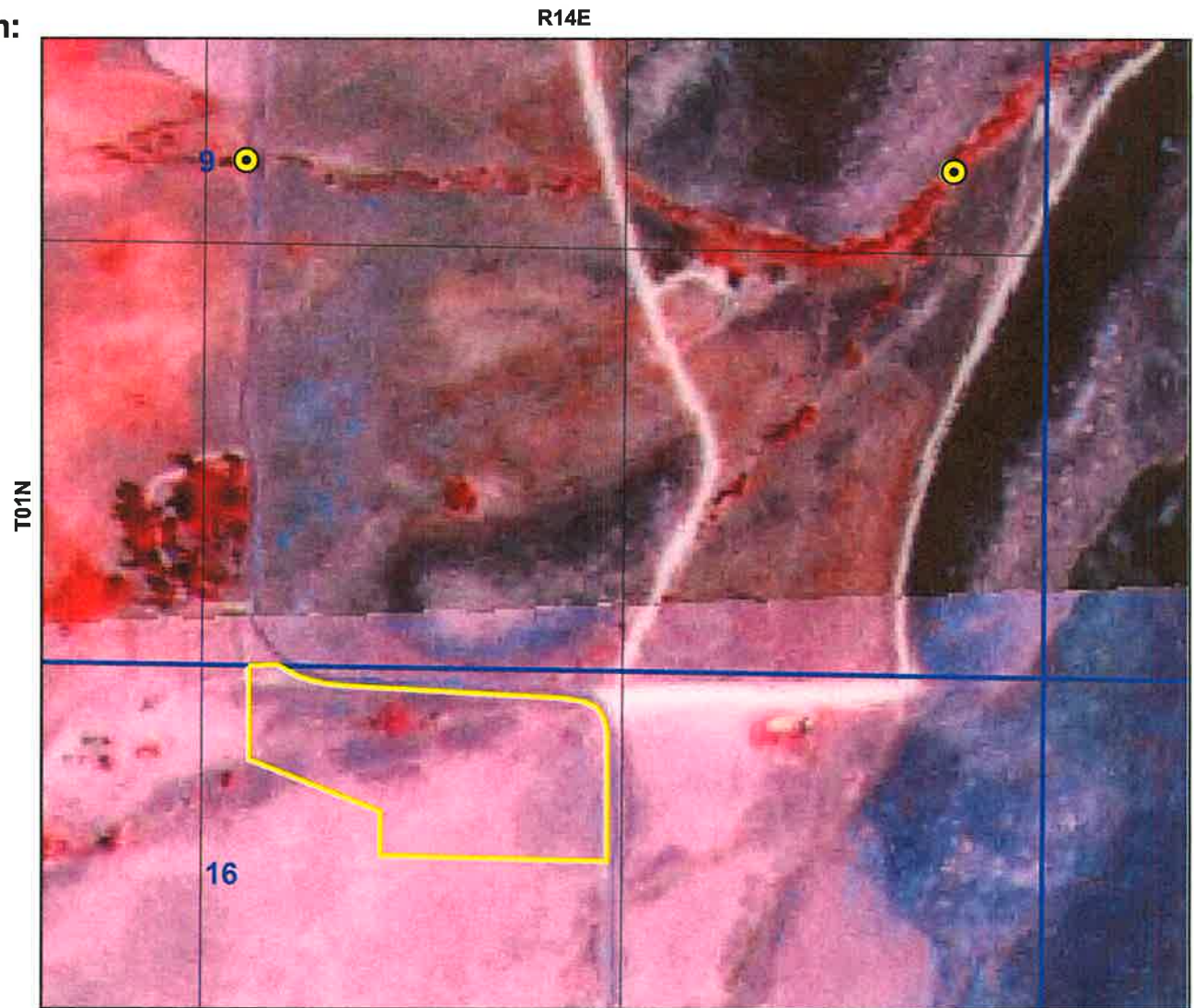
37-21188

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Friday, June 23, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-21188

Background Data

37-21188

- Source is Wardrop and Sampson Creeks tributary to Soldier Creek
- Priority date search indicates:
 - 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.
Transfer No. 3312 split into:
 - 37-2041A licensed for 1.9 cfs for Domestic and Irrigation of 90 acres
 - 37-2041A claimed 1.9 cfs for Domestic and Irrigation of 90 acres
 - 37-2041B licensed for 0.36 cfs for Irrigation of 23 acres
 - 37-2041B claimed 0.36 cfs for Irrigation of 23 acres. Split into:
 - 37-2041D claimed 0.32 cfs for Irrigation of 20.3 acres. Split into:
 - 37-21187 claimed 0.13 cfs for Irrigation of 8.3 acres
 - 37-21188 claimed 0.19 cfs for Irrigation of 12 acres
 - 37-2041E claimed 0.04 cfs for Irrigation of 2.7 acres
 - 37-2041C licensed for 0.64 cfs for Irrigation of 32 acres
 - 37-2041C claimed for 1.0 cfs for Irrigation of 32 acres
 - **Summary of 37-2041 claims:**
 - Licensed 2.9 cfs on 145 acres. Licensed rate was 0.02 cfs/acre
 - Total diversion rate claimed = 3.22 cfs. **Diversion rate overclaimed**
 - Total acreage claimed = 142.3 acres

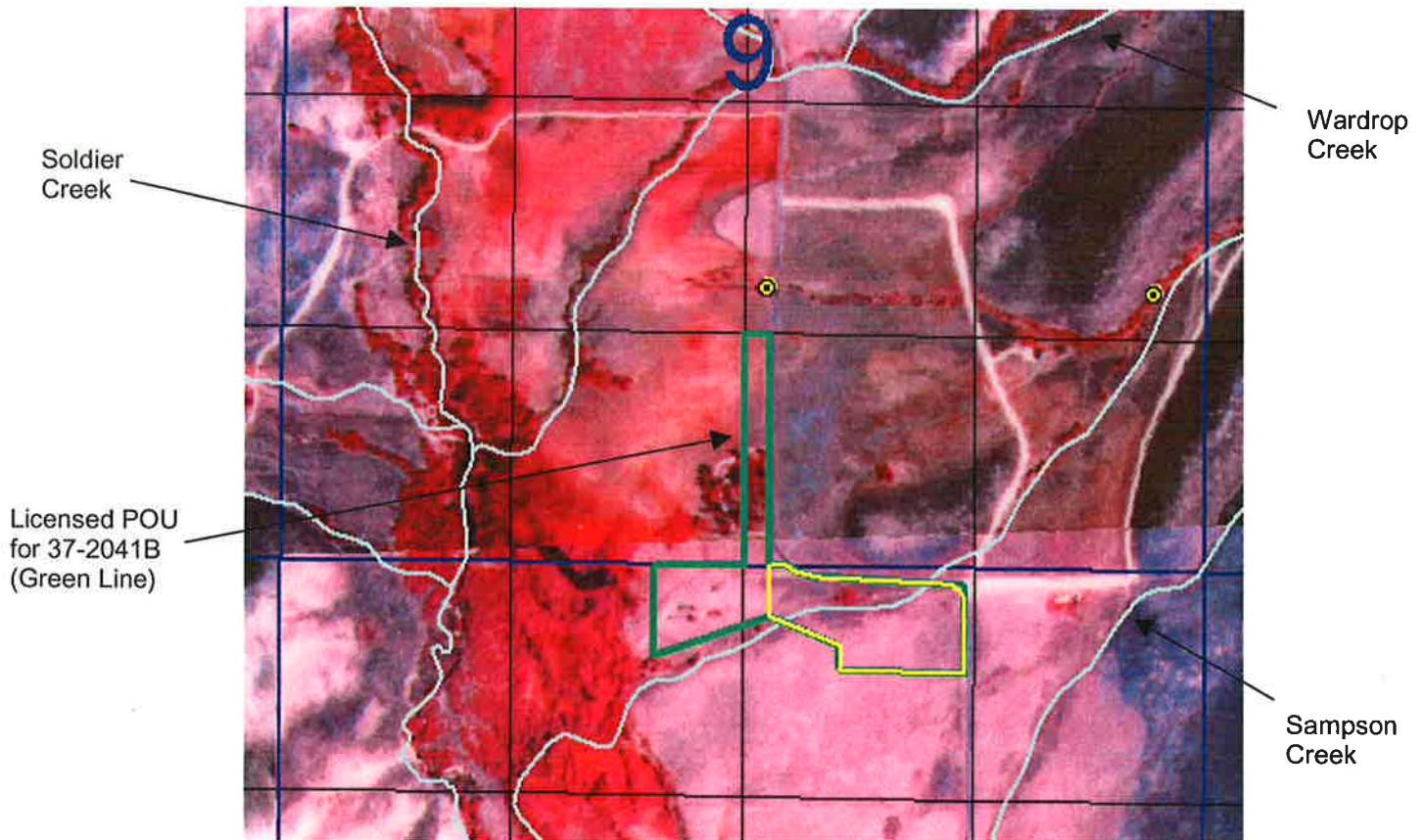
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R14E Section 16

- Found 12 acres of Irrigation. A portion of POU of 37-2041B in Transfer No. 3312.
- Duty of water: $0.19 \text{ cfs} / 12 \text{ acres} = 0.016 \text{ cfs/acre}$. The same duty as 37-2041B in Transfer No. 3312.
- Recommendation:
 - 37-21188: 0.19 cfs for Irrigation of 12 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Summary of SRBA recommendations:

- 37-678 originally decreed for 2.4 cfs on 5 QQ.
 - 37-678A – 1.6 cfs for Irrigation of 66 acres
 - 37-678C – 0.56 cfs for Irrigation of 36 acres
 - 37-678D – 0.11 cfs for Irrigation of 5.4 acres
 - 37-678E – 0.13 cfs for Irrigation of 6.6 acres
 - **Summary:**
 - Total diversion rate = 2.4 cfs
 - Total acreage = 114 acres
 - 37-680 originally decreed for 3.2 cfs on 5 QQ.
 - 37-680A – 2.14 cfs for Irrigation of 66 acres
 - 37-680C – 0.70 cfs for Irrigation of 36 acres
 - 37-680E – 0.20 cfs for Irrigation of 6.6 acres
 - 37-21417 – 0.04 cfs for Irrigation of 5.4 acres
 - Unallocated – 0.12 cfs for Irrigation of 5.4 acres (should be part of 37-21417)
 - **Summary:**
 - Total diversion rate = 3.2 cfs
 - Total acreage = 114 acres
 - 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.
 - 37-2041A – 1.9 cfs for Domestic and Irrigation of 81 acres
 - 37-2041C – 0.64 cfs for Irrigation of 32 acres
 - 37-2041E – 0.04 cfs for Irrigation of 2.7 acres
 - 37-21187 – 0.13 cfs for Irrigation of 8.3 acres
 - 37-21188 – 0.19 cfs for Irrigation of 12 acres
 - **Summary:**
 - Total diversion rate = 2.9 cfs.
 - Total acreage = 136 acres.
 - 37-220 originally decreed for 1.6 cfs on 6 QQ.
 - 37-13215 – 0.53 cfs for Irrigation of 80 acres
 - 37-13239 – 1.00 cfs for Irrigation of 81 acres
 - Unallocated – 0.07 cfs for Irrigation of 5 acres
 - **Summary:**
 - Total diversion rate = 1.6 cfs.
 - Total acreage = 166 acres.
 - 37-221 originally decreed for 3.2 cfs on 6 QQ.
 - 37-13215 – 1.07 cfs for Irrigation of 80 acres
 - 37-13239 – 2.00 for Irrigation of 81 acres
 - Unallocated – 0.13 cfs for Irrigation of 5 acres
 - **Summary:**
 - Total diversion rate = 3.2 cfs.
- Total acreage = 166 acres.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Wardrop, Lyda A.	2.9		37-2041
2487	Pauls, Clarence et al	2.9		37-2041
3312	Giesler, Richard B.	0.36		37-2041B
		0.64		37-2041C
	Pauls, Clarence et al	1.9		37-2041A

TRANSE

MICROFILMED

AUG 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3312APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Richard B. Giesler Phone 734-4721
Post Office address 807 Campus Drive, Twin Falls, Idaho, 83301

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split water right
2. Describe the reason for the proposed changes To record rights as decided and to allow for future sale of lands

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------|-----------|------|--------------|---------------|
| 37-2041 B | 4/18/1906 | 0.36 | Irrig & Dom. | 4/15 to 10/15 |
| 37-2041 C | 4/18/1906 | 0.64 | Irrig & Dom. | 4/15 to 10/15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Sampson Creek tributary to Soldier Cr.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 B
		NE	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 B
		NE	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 C

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N.	14E.	9															5		5
1N.	14E.	16			13			5											18
																			23
1N.	14E.	16			24			8											32
																			32

Total acres 55

PART 1**6. General Information:**a. Description of diversion system Gravity earthen ditchesb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None This transfer records how land has been irrigated
and how water right is to be split.

d. Remarks:

Quad map incorrectly shows Sampson Creeks
lower reach as what is the diversion ditch.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 37-2041B/CAnd said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under these rights is subject to control by the watermaster of State Water District No. 37C, Soldier Creek.
4. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

AUG 18 1987

Witness my hand this 6th day of July, 19 87J. Glen Taylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-2041 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2487 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Sales Agreement

3. Source of water Wardrop Creek (Trail Creek) tributary to Soldier Creek

4. Date or priority 4/18/1906

5. Water is used for the following purpose:

amount 2.9 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.9 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	9	1N.	14E.	Camas	Sampson Creek
		SE	NE	9	1N.	14E.	Camas	Wardrop Creek

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	1/4 NE				1/4 NW				1/4 SW				1/4 SE				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N.	14E.	9													6	35	30	24	95
1N.	14E.	16		40			10												50

Total acres 145

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.0 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	9	1N.	14E	Camas	Sampson Creek

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9															5		5
1N	14E	16			40				10										50

Total acres 55

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 37-2041 A

1. amount 1.9 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	9	1N.	14E	Camas	Wardrop Creek
		NE	SE	9	1N.	14E	Camas	Sampson Creek

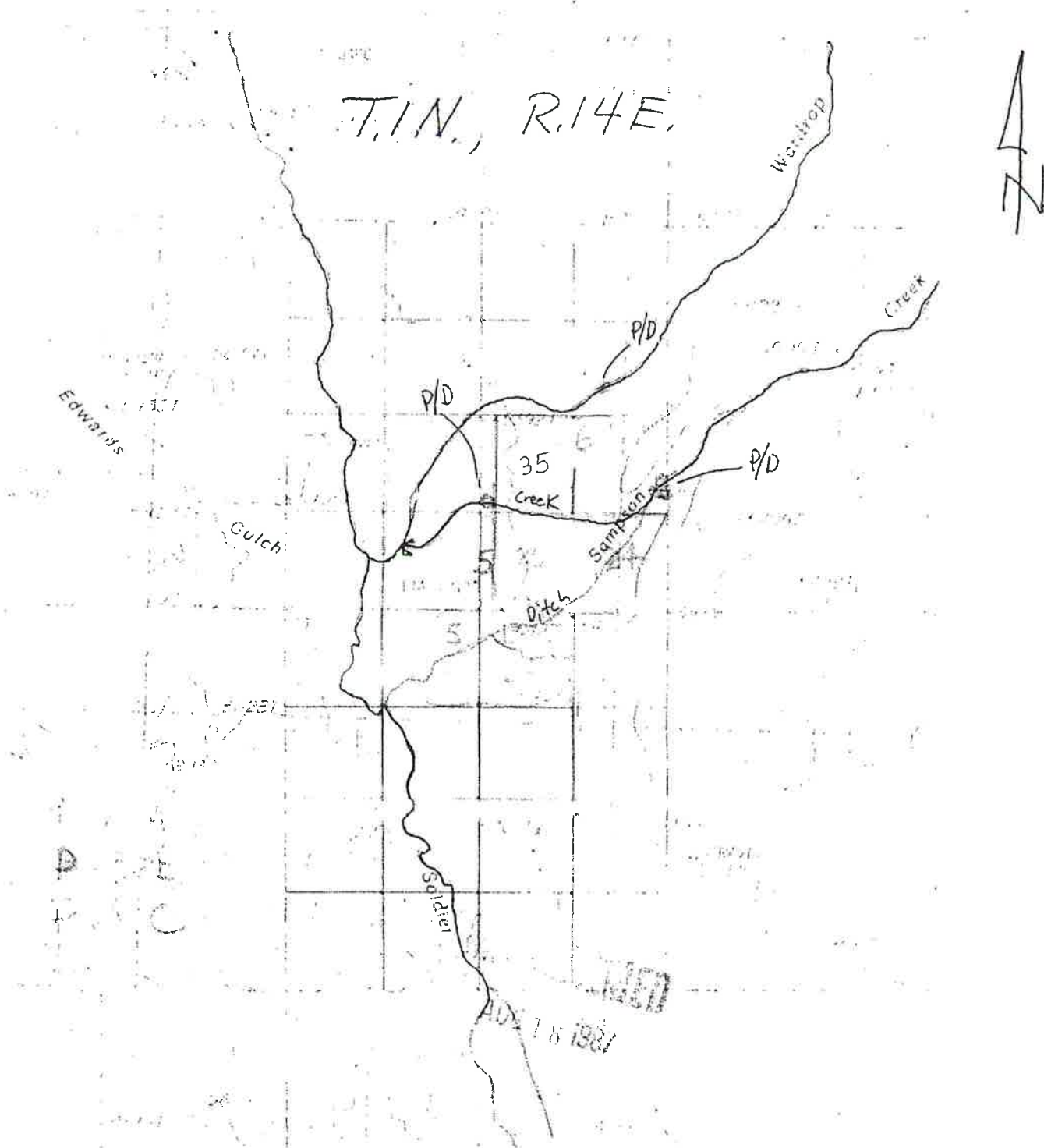
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9													6	35	25	24	90

Total acres 90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

_____3. Describe effects on other water uses resulting from the proposed change:

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

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

Richard B. Hieker

(Signature of Applicant)

Subscribed and sworn to before me this 25 day of March, 19 87.Loren O Halmer

(Notary Public)

My commission expires 3/21/1993**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and _____ attachmentsReceived by ADM Date 3/25/87 #40725 Protest filed by NoblePrelim. check by SB Fee \$50.00Receipted by ADM Date 3/25/87Published in Gooding Co. Leader; Mt. Home News Copies of protest forwarded by _____Pub. dates 5/6 & 5/13/87 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial_____ rec'd. _____ by ADM Gaffney

Copy of transfer sent to lien holder _____

RECORDED & INDEXED

AUG 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Clarence G. Pauls, Penny Lee Pauls 934-4866 Patricia
Patricia J. Pauls, Joanie Gay Pauls 934-5833 ClarencePost office address 130 13th Avenue West Gooding, Idaho**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)b. License No. 37-2041 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant3. Source of water Wardrop Creek (Trail Creek)
Sampson Creek tributary to Soldier Creek4. Date of priority April 18, 1906**5. Water is used for the following purposes:**amount 2.9 cfs for irrigation & domestic purposes from April 15 to October 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)6. Total amount of water under right: a. 2.9 cfs cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is Sampson Creek SW % of SW % of Section 10
Township 1 N Range 14 E, B.M., in Camas County
Additional points of diversion, if any Wardrop Creek (formerly known as Trail Creek)
SE 1/4 NE 1/4 Sec 9, Twp 1 N Rge 14 E**8. Lands irrigated or place of use:**

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9													30	40	40	35	145

Total number of acres to be irrigated 145**9. Describe any other water rights used for the same purposes as described above**

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

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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

1. Change in point of diversion
 - a. Amount of water to be diverted 2.9 c.f.s. &/or _____ acre feet
Sampson Cr.
 - b. Point(s) of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9 Township 1N
Range 14 E, B.M., _____ County
Additional points Wardrop Creek (formerly known as Trail Creek)
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 Twp 1N Rge 14 E
 - c. Description of diverting works diversion and ditches to place of use
 - d. Describe the reasons for applying for a change in the point(s) of diversion to show where actual point of diversion and place of use are at present and to divide the water rights to accomodate a change in ownership of the property.

2. Change in place of use

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	14E	9													6	35	30	24	95
1N	14E	16		40			10												50

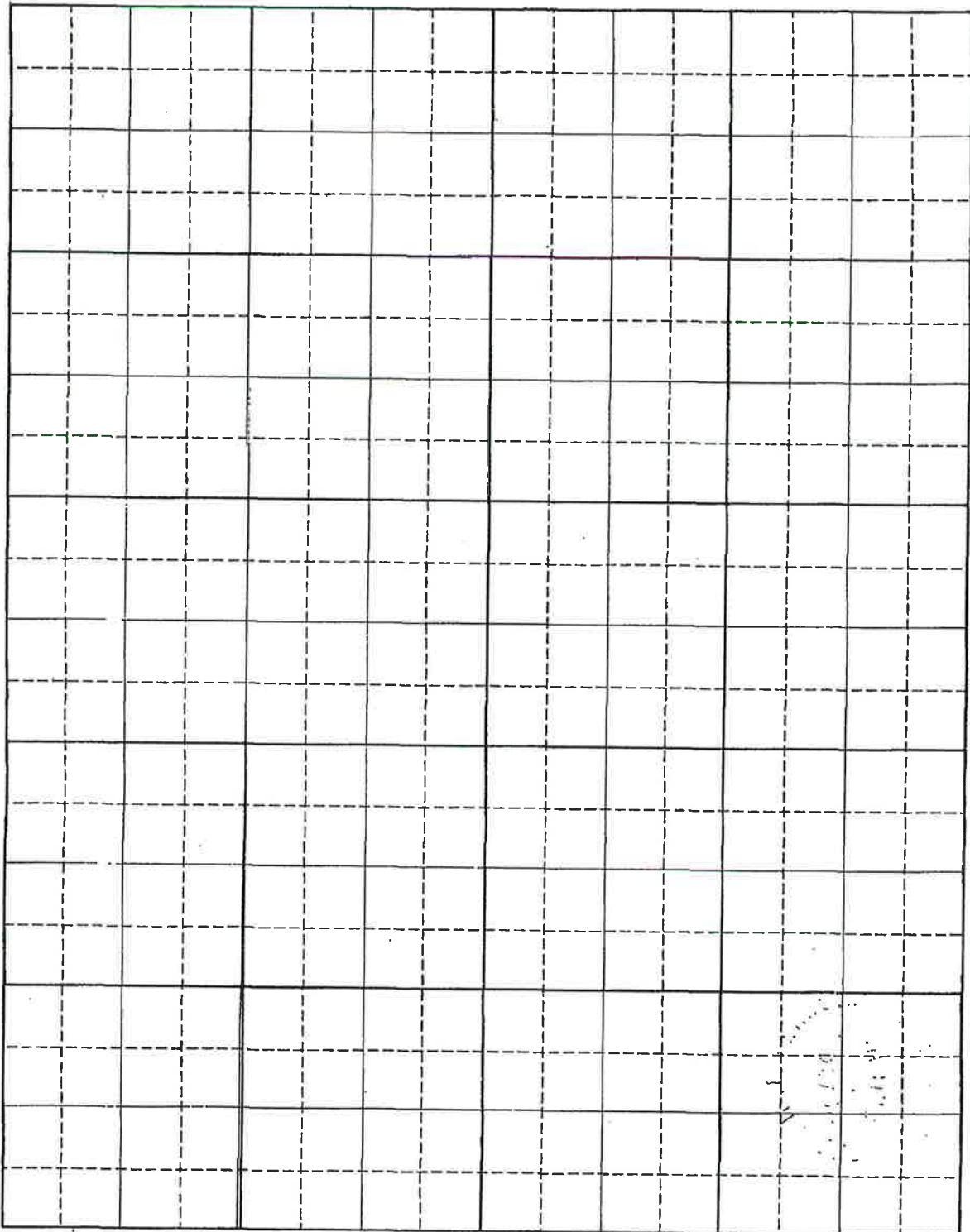
Total number of acres to be irrigated 145

Form No. 0

	
16	
W.D.	Joani Gay Pauls to Penny Lee Pauls 5/29/79
W.D.	CLARENCE R. Pauls to Patricia Pauls 5/11/76
W.D.	Patricia A Jane Pauls to Clarence R. Pauls 5/14/1976
NAMES OF APPLICANTS	Clarence G. Pauls Penny Lee Pauls Patricia J. Pauls Joanie Gay Pauls

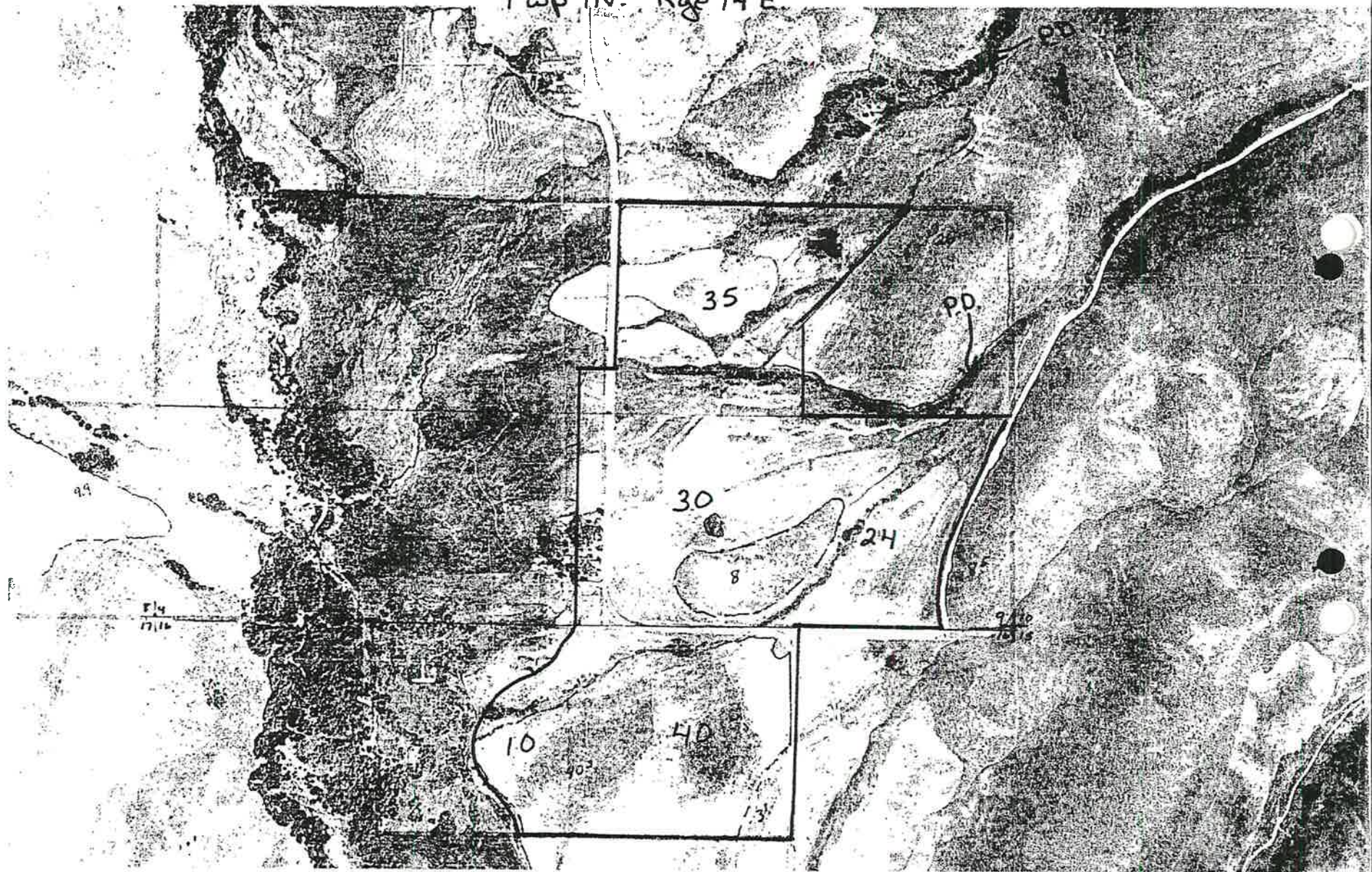
SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

Twp 1N. Rge 14E.



37-2041 before Transfer

1 N. 14 E.

1925

Sec 9

Sec 10

RECEIVED
FILMED

AUG 18 1981

9/10
16/15

5112

4. Remarks _____

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

James Lee Paule by
Attorney in Law

James Lee Paule
Patricia J. Paule

James Lee Paule

(Signature of applicant)

Subscribed and sworn to before me this 20 day of October, 1980.

Richard B. Meach
(Notary public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2041 and said application is hereby approved, subject to the following limitations and conditions:
Use of water under this right is subject to control by the watermaster of State Water District No. 37-C, Soldier Creek.

Witness my hand this 15TH day of December, 1980.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by LT Date 10-20-80

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰

Receipted by LT Date #16638

Published in Frederick County Leader

Copies of protest forwarded by _____

Pub. dates 10/23 & 10/31/80

Hearing held by _____ Date _____

Watermaster recommendation requested on 10/21/80

Recommended for approval denial

Not on active water district

rec'd. _____

by LT Jim

Father License No. 1908.

WHEREAS, on the 28th day of April, A.D. 1968, Permit No. 1955 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 28th day of April, A.D. 1968, and for the application to beneficial use of said water on or before the 28th day of April, A.D. 1969, and,

"TERMS, to the 15th day of March, A.D. 1960, not lawfully made" if the application to benefit was not made within the first year of such year;

CONFLINE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2041B

WATER RIGHT NUMBER: 37-2041B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD B GIESLER 807 CAMPUS DR TWIN FALLS, ID 83301
Original Owner	LYDA A WARDROP , ID

Priority Date: 04/18/1906

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SAMPSON CREEK	SOLDIER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of Diversion

SAMPSON CREEK	NE1/4SE1/4	Sec. 9,	Twp 01N,	Rge 14E, B.M.
CAMAS County				
SAMPSON CREEK	NW1/4SE1/4	Sec. 9,	Twp 01N,	Rge 14E, B.M.
CAMAS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	9															5.0		5.0
01N	14E	16			13.0				5.0										18.0

Total Acres: 23

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2041B

Remarks:

Comments:

Water Supply Bank: