

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 37-21227
Date Received: 2/12/2004
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: 10/25/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.65	

7. Total Quantity Appropriated is:
0.65 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	35	SE	SE	IRRIGATION	35
					Section Acres	35
					Total Acres	35

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:

CLAIM SPLIT FROM A37-07745 11/14/95 PURSUANT TO APPROVED TRANSFER 4707: 1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS. 3. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.

4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS AFTER RESUMPTION OF USE OF THE WATER RIGHT FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.

5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

6. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED ON OR BEFORE OCTOBER 1, 1999.

7. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

8. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OR OF THE ELEMENTS OF THIS WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

9. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.

10. THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.

15. Basis of Claim: License

Fawcett, Trish

From: Jones, Doug
Sent: Thursday, February 12, 2004 8:47 AM
To: Stanton, Jim
Cc: Fawcett, Trish
Subject: RE: Request For Data Cleanup, Rosekrans Claims

All right. Provide the deeds, addressing (copy of transfer 1st page?), maps and access to the correct shape files to Trish - by cc she has your note with data.

-----Original Message-----

From: Stanton, Jim
Sent: Thursday, February 12, 2004 8:39 AM
To: Jones, Doug
Cc: Stanton, Jim
Subject: Request For Data Cleanup, Rosekrans Claims

Doug - Here are the details of what we discussed yesterday:

Claim 37-7745B = Claim 37-21227	Should be	0.65 cfs	35 ac SE/SE Sec. 35 2N 18E
Claim/Rec 37-20935 = Claim 37-21229	Should be	0.525 cfs	6.5 ac SW/SE, 28.5 ac SE/SE Sec. 35
Claim/Rec 37-20937 = Claim 37-21231	Should be	0.55 cfs	" " "
Claim/Rec 37-20939 = Claim 37-21233	Should be	0.79 cfs	" " "
Claim/Rec 37-20941 = Claim 37-21235	Should be	0.175 cfs	" " "
Claim/Rec 37-20943 = Claim 37-21237	Should be	0.22 cfs	" " "

The above is for the Rosekrans portions of these claims. The Townsend portions (the new even-numbered claims) are ok and do not need fixing. I will hold off on entering the Rosekrans transfers into Workflow until you are able to make these corrections. Thanks.

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

RECEIVED

SEP 08 2003

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources

Southern Region

Name of applicant Kathleen Rosekrans Phone (208) 788-1124

Post Office address 26 Townsend Gulch Bellevue, Idaho 83333

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create P.P.U.
- Describe the reason for the proposed changes Create a permissible place of use to meet the irrigation needs of the planned subdivision.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-------------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>37-7745B**</u> | <u>10/25/1978</u> | <u>0.65/122.5*</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.65 cubic feet per second and/or 122.5* acre-feet per annum.
- Source of water Ground water tributary to Subterranean flow
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
A	NE	SE	SE	35	2N	18E	Blaine	Rhythm Ranch Well

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	
02N	18E	35															11	40	51

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

**RECEIVED
SEP 08 2003
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Name of applicant Southern Region

Kathleen Rosekrans

Phone (208) 788-1124

Post Office address 26 Townsend Gulch Bellevue, Idaho 83333

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create P.P.U.
- Describe the reason for the proposed changes Create a permissible place of use to meet the irrigation needs of the planned subdivision.

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
<u>37-20935</u>	<u>06/01/1885</u>	<u>0.525/122.5*</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>37-20937</u>	<u>06/01/1886</u>	<u>0.55/122.5*</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>37-20939</u>	<u>08/15/1902</u>	<u>0.79/122.5*</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>37-20941</u>	<u>08/15/1902</u>	<u>0.175/122.5*</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>37-20943</u>	<u>06/10/1880</u>	<u>0.22/122.5*</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
				to _____

- Total amount of water being transferred 2.26* cubic feet per second and/or 122.5* acre-feet per annum.
- Source of water Broadford Slough tributary to Big Wood River
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NE	SW	22	2N	18E	Blaine	Broadford Slough & Rockwell Bypass Ditch

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	
02N	18E	35															11	40	51

T71019

RECEIVED

AUG 15 2003

Department of Water Resources
Southern RegionWARRANTY BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS: That KATE ROSEKRANS of the County of Blaine, State of Idaho, hereinafter "Seller", whether one or more, for and in Valuable Consideration of lawful money of the United States of America, in hand paid by ERNIE AND BARBARA TOWNSEND, hereinafter "Purchaser", whether one or more, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and deliver unto Purchaser, ^{portions of the (KR)} the following described Water Rights now located in the County of Blaine and State of Idaho, to-wit:

A PORTION OF THE FOLLOWING DESCRIBED WATER RIGHTS:

Surface Water:

Right No. 37-315B

Right No. 37-686B

Right No. 37-688D

Right No. 37-688E

Right No. 37-713C

Ground Water:

Right No. 37-7745B

AS EXPLICITLY SET OUT IN THE APPLICATIONS FOR TRANSFER OF WATER RIGHT ATTACHED HERETO.

TO HAVE AND TO HOLD the same to the Purchaser, and his/her/their heirs, executors, administrators and assigns forever. And Seller, for his/her/their heirs, executors, administrators, covenant and agree(s) to and with the Purchaser, his/her/their executors,

SCANNED

FEB 11 2004

T71019

administrators and assigns, that Seller, is/are owner of the said property, goods and chattels and has/have good right and full authority to sell the same, and that Seller will warrant and defend the sale hereby made unto the Purchaser, his/her/their executors, administrators and assigns, against all and every person or persons, whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the Seller has hereunto set his/her/their hand and seal this 30 day of July, 2007.

Seller(s)

Kathleen Rosekrans

Acknowledgment of Individual

STATE OF IDAHO

COUNTY OF BLAINE

On this 30th day of July, in the year of 2003, before me, a Notary Public, personally appeared KATHLEEN ROSEKRANS, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

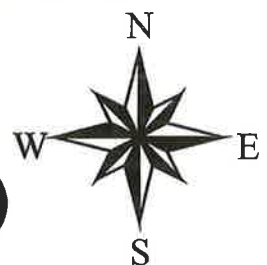
(Seal)

Colleen Pace
Notary PublicPrinted Name: COLLEEN PACESCANNED
FEB 11 2004

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

2001 Aerial Photo
500 0 500 1000 Feet

**2N 18E Section 35
Kathleen Rosekrans (Rhythm Ranch)
Irrigated Area & Proposed P.P.U.**



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 37-7745B
Date Received: 9/28/1988
Receipt No: X999999
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: 10/25/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.74	140

7. Total Quantity Appropriated is:

0.74 C.F.S. and/or 140 A.F.A.

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	35	SE	SE	IRRIGATION	40
Section Acres						40
Total Acres						40

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:

CLAIM SPLIT FROM A37-07745 11/14/95 PURSUANT TO APPROVED TRANSFER 4707: 1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS. 3. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.

4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS AFTER RESUMPTION OF USE OF THE WATER RIGHT FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.

5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

6. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED ON OR BEFORE OCTOBER 1, 1999.

7. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

8. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OR OF THE ELEMENTS OF THIS WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

9. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.

10. THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.

15. Basis of Claim: License

RECEIVED

FEB 18 2003

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

Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>37-315B</u>	<u>X</u>	<u>37-7745B</u>	<u>37-7745B</u>	
	<u>37-686B</u>	<u>X</u>			
	<u>37-688D</u>	<u>X</u>			
	<u>37-688E</u>	<u>X</u>			
	<u>37-713C</u>	<u>X</u>			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Steven P. Duininck and Kathleen R. Duininck
26 Townsend Gulch Road, Bellevue, ID 83313
4. New Owner/Claimant(s) Kathleen B. Rosekrans fka Kathleen R. Duininck
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 17 Quigley Road
- City, State and Zip Code Hailey, ID 83333
- New Telephone Number (208) 788-1124
5. Date you acquired the property 10/19/02

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-315B</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>0.6 cfs</u>	<u>49 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u>0.6 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-686B</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>0.63 cfs</u>	<u>49 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u>0.63 cfs</u>	

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

Kathleen B. Rosekrans
KATHLEEN B. ROSEKRANS

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

For Office Use only

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

8. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		37-688D
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.9 cfs	49 acres
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	0.9 cfs	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-688E</u>		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.2 cfs</u>	<u>49 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.2 cfs</u>	

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

Kathleen B. Rosekrans
KATHLEEN B. ROSEKRANS

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

For Office Use only

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

10. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
 (If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 37-713C

Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.25 cfs</u>	<u>49 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.25 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
 (If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

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

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

KATHLEEN B. ROSEKRANS

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

For Office Use only

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

SVTC Order No. 01-17109

Instrument # 458924

HAILEY, BLAINE, IDAHO

2001-10-19

04:19:00 No. of Pages: 2

Recorded for: SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 8.00

Ex-Officio Recorder Deputy

Index to WTRC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

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

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

KATHLEEN ^{BK} ROSEKRANS, an unmarried woman, formerly known as Kathleen R. Duinickthe grantee, whose current address is 26 Townsend Gulch RD
Bellevue, ID 83313

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

Please see attached Exhibit "A"

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

Including any and all water rights appurtenant to said property.

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

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

Dated: October 19, 2001

Steven P. Duinick

State of Idaho
County of BlaineOn this 19th day of October, 2001,
before me a Notary Public in and for said State,
personally appeared Steven P. Duinickknown or identified to me to be the person(s) whose name
is/are subscribed to the within instrument, and acknowledged
to me that he executed the same.Cassie Jones
Notary Public
Residing at Hailey, ID
Comm expires 9-7-2006

EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

RECEIVED *logged*

FEB 18 2003

Department of Water Resources
Southern Region

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

February 11, 2003

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

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

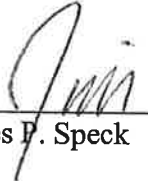
Dear Allen:

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

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

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

Enclosures

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

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

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

COMMENTS:

Trish -

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

Jim

FEB-4-03 TUE 10:41 AM

BROKERAGE

SVTC Order No. 98-14623

WARRANTY DEED

FOR VALUE RECEIVED

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

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

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

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

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH WATER RIGHTS AS SHOWN ON EXHIBIT "B"

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

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

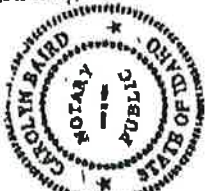
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

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

Dated: May 11, 1998

Steven P. Duinick
Steven P. Duinick

By Kathleen R. Duinick, his attorney in fact

By Kathleen R. Duinick
his attorney in factState of Idaho
County of BlaineKathleen R. Duinick
Kathleen R. DuinickOn this 14th day of May, 1998, Before me a Notary Public in and for said State, personally appeared Kathleen R. Duinick known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Steven P. Duinick and acknowledged to me that she subscribed the same as attorney in fact.Notary Public
Residing at
Comm. ExpiresCarolyn Baird
Hollis
3-14-2005State of Idaho
County of BlaineOn this 14th day of May, 1998, Before me a Notary Public in and for said State, personally appeared Kathleen R. Duinick, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.Notary Public
Residing at
Comm. ExpiresCarolyn Baird
Hollis
3-14-2005

98-14625

EXHIBIT "A"

PARCEL I

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

PARCEL II

Lots 1, 2, 3 and 4 of the REPLAT OF CAL-PACIFICO RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 310615, records of Blaine County, Idaho.

PARCEL III

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

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

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

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

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

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

FEB- 4-03 TUE 10:42 AM

BROKERAGE

FAX NO. 2007268376

P. 4

98-14635

That portion of Water Right No. 37-07745C which is a ground water right appurtenant to the Real Property, all as more particularly described and defined in Transfer No. 4707, and as claimed in In Re: the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39675 (the "SRBA") as Claim A37-07745C;

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

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

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

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

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

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: **A37-07745B**
Date Received: 9/28/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: KATE DUININCK 208-788-1124
Address: PO BOX 2126
HAILEY ID 83333
AND/OR
Name: STEVE DUININCK 208-788-1124
Address: PO BOX 2126
HAILEY ID 83333

2. Date of Priority: OCT 25, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.740		140.00

7. Total Quantity Appropriated is:
0.740 C.F.S. (and/or) 140.00 A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	35	SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

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:

CLAIM SPLIT FROM A37-07745 11/14/95 PURSUANT TO APPROVED TRANSFER 4707:

1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.
4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS AFTER RESUMPTION OF USE OF THE WATER RIGHT FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.
5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
6. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED ON OR BEFORE OCTOBER 1, 1999.
7. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
8. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OR OF THE ELEMENTS OF THIS WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
9. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.
10. THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.

15. Basis of Claim: LICENSE

COPY

DISTRICT CLERK - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 14 PM 2 31

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

In Re SRBA

Case No. 39576

) SUBCASE NO. 37-21227, 37-21229,
) 37-21231, 37-21233,
) 37-21235, 37-21237
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights.

No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

11/13/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Rhythm Ranch Homeowners Assn
c/o William A. McMahan
PO Box 5919
Ketchum ID 83340

James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

11/09/2007

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

RIGHT NUMBER: 37-21227

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.650 CFS
122.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 when combined shall not exceed a total annual maximum diversion volume of 122.5 af at the field headgate.

PRIORITY DATE: 10/25/1978

POINT OF
DIVERSION:

T02N R18E S35 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.650 CFS 122.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
49 ACRES TOTAL					

Rights 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 when combined shall not exceed the irrigation of 35.0 acres.

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

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

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

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11/09/2007

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

RIGHT NUMBER: 37-21229

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: BROADFORD SLOUGH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.530 CFS

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined annual diversion volume of 122.5 AF at the field headgate.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined diversion rate of 2.26 cfs and to a total combined annual diversion volume of 108.9 AF at the field headgate.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T02N R18E S35 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.530 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
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49 ACRES TOTAL

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 35.0 acres in a single irrigation season.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 33.6 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

11/09/2007

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

RIGHT NUMBER: 37-21231

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: BROADFORD SLOUGH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.550 CFS

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined diversion rate of 2.26 cfs and to a total combined annual diversion volume of 108.9 AF at the field headgate.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined annual diversion volume of 122.5 AF at the field headgate.

PRIORITY DATE: 06/01/1886

POINT OF
DIVERSION:

T02N R18E S35 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.550 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
---------------	------	-------	---------------	------	-------

49 ACRES TOTAL

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 33.6 acres in a single irrigation season.

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 35.0 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11/09/2007

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

RIGHT NUMBER: 37-21233

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: BROADFORD SLOUGH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.790 CFS

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined annual diversion volume of 122.5 AF at the field headgate.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined diversion rate of 2.26 cfs and to a total combined annual diversion volume of 108.9 AF at the field headgate.

PRIORITY DATE: 08/15/1902

POINT OF
DIVERSION:

T02N R18E S35 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.790 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S35 SWSE	11.00	T02N R18E S35 SESE 38.00
	49 ACRES TOTAL		

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 35.0 acres in a single irrigation season.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 33.6 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

11/09/2007

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

RIGHT NUMBER: 37-21235

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: BROADFORD SLOUGH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.170 CFS

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined diversion rate of 2.26 cfs and to a total combined annual diversion volume of 108.9 AF at the field headgate.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined annual diversion volume of 122.5 AF at the field headgate.

PRIORITY DATE: 08/15/1902

POINT OF
DIVERSION:

T02N R18E S35 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.170 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
---------------	------	-------	---------------	------	-------

49 ACRES TOTAL

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 35.0 acres in a single irrigation season.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 33.6 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11/09/2007

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

RIGHT NUMBER: 37-21237

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

SOURCE: BROADFORD SLOUGH TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.220 CFS

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined annual diversion volume of 122.5 AF at the field headgate.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to a total combined diversion rate of 2.26 cfs and to a total combined annual diversion volume of 108.9 AF at the field headgate.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/10/1880

POINT OF
DIVERSION:

T02N R18E S35 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.220 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
---------------	------	-------	---------------	------	-------

49 ACRES TOTAL

Right Nos. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 35.0 acres in a single irrigation season.

Right Nos. 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 are limited to the irrigation of a combined total of 33.6 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 14, 2007

RHYTHM RANCH HOMEOWNERS ASSN
C/O WILLIAM A MCMAHAN
PO BOX 5919
KETCHUM ID 83340

RE: SRBA Claim(s) 37-21227, 37-21229, 37-21231,
 37-21233, 37-21235, 37-21237

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RECEIVED
NOV 08 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237

Previous Mailing Address: Rhythm Ranch Homeowners Association
c/o James P. Speck
P.O. Box 987
Ketchum, Idaho 83340

New Mailing Address: Rhythm Ranch Homeowners Association
c/o William A. McMahan
P.O. Box 5919
Ketchum, Idaho 83340

Telephone Number: (208) 726-9022

Signature of Claimant(s):


James P. Speck, Attorney of Record

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. Of Water Resources
1910 Northwest Blvd., Se. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. Of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. Of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-4800
Ph. 208/287-4800
FAX 208/287-6701**

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

November 7, 2007

RECEIVED
NOV 08 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

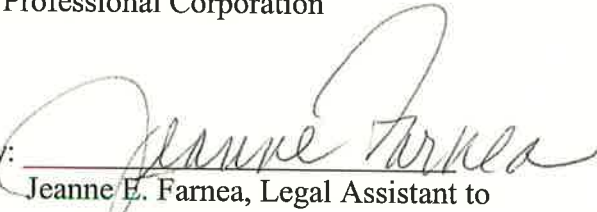
**Re: *Water Right No. 37-21227, 37-21229, 37-21231, 37-21233, 37-21235, 37-21237;
Rhythm Ranch Homeowners Association***

Dear Trish:

Enclosed for filing please find the original and one copy of an Address Change Notice for the above-referenced water rights. Please return the receipt date-stamped copy to our office in the postage prepaid, self-addressed envelope provided. Kindly call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jeanne E. Farnea, Legal Assistant to
James P. Speck

Enclosure

cc: client (w/encl.)

09/14/2006

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

RIGHT NUMBER: 37-21227

NAME AND ADDRESS: RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.650 CFS
122.500 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 when combined shall not exceed a total annual maximum diversion volume of 122.5 af at the field headgate.

PRIORITY DATE: 10/25/1978

POINT OF DIVERSION: T02N R18E S35 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.650 CFS 122.50 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S35	SWSE	11.00	T02N R18E S35	SESE	38.00
49 ACRES TOTAL					

Rights 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237 when combined shall not exceed the irrigation of 35.0 acres.

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

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

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

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

09/14/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

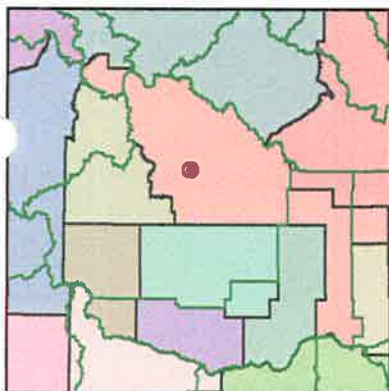
SRBA Recommendation:

37-21227

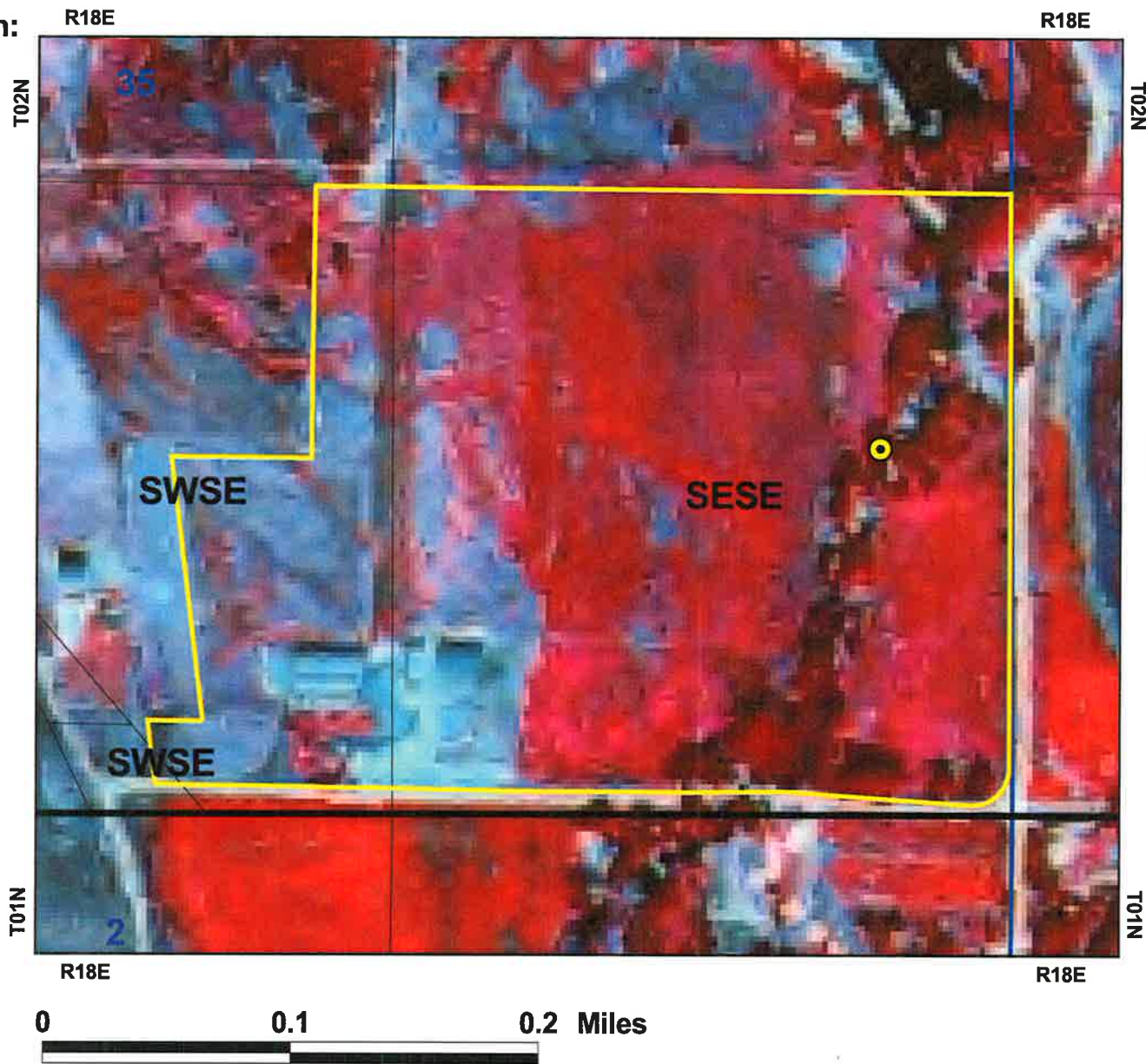
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

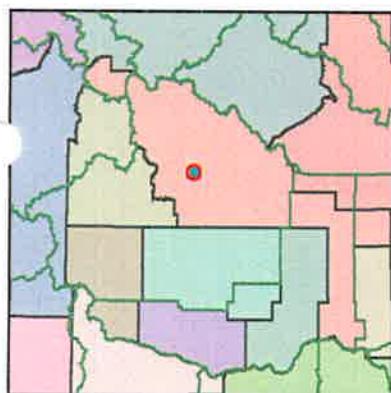
SRBA Recommendation:

37-21227

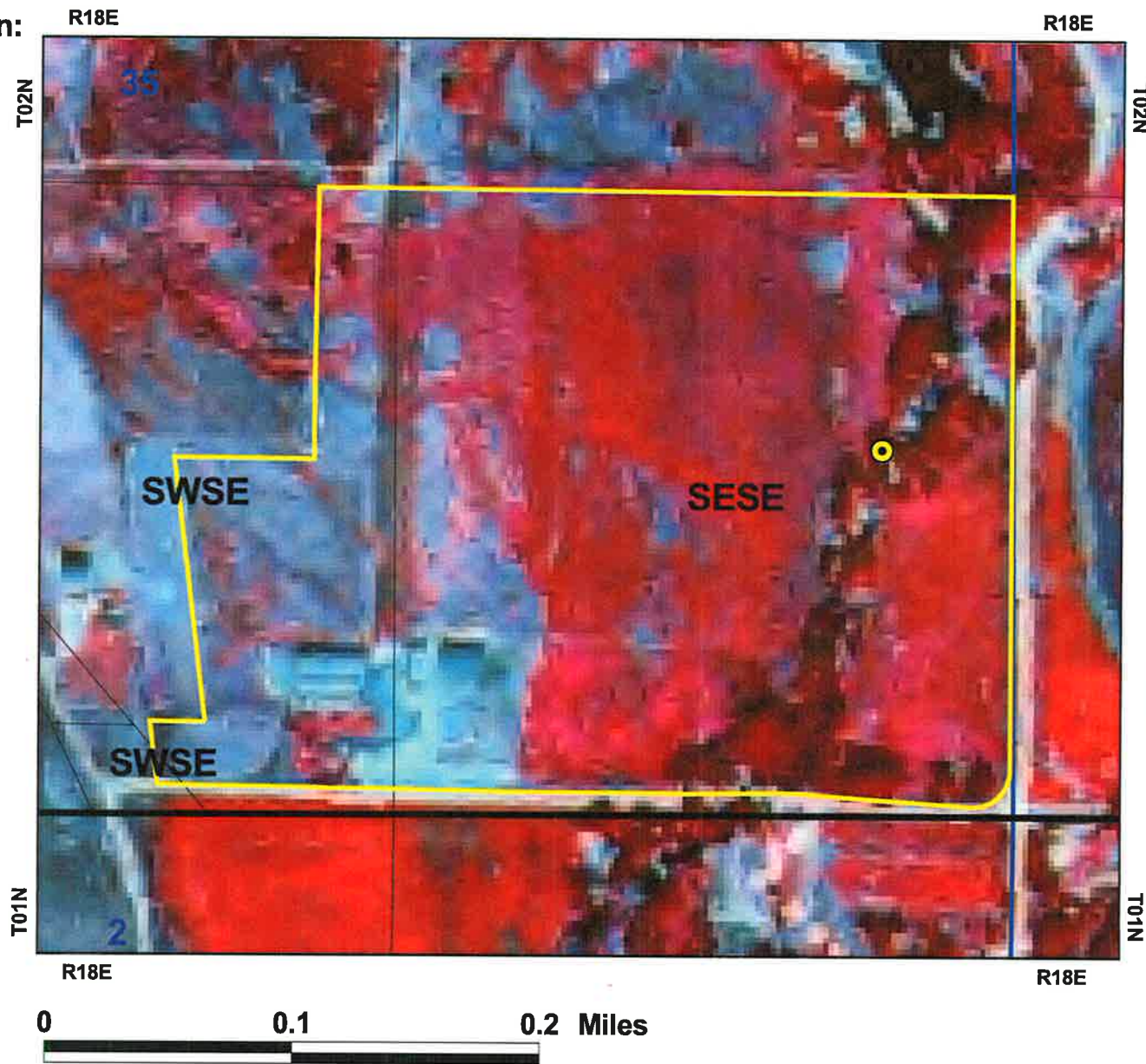
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

37-21227-34



✕
LEFT NO ADDRESS
RETURNING ORDER EXPIRED
NOT KNOWN
REFUSED
STREET
CITY NUMBER
ZIP ADDRESS

Southern

ROSEKRANS
26 TOWNSEND GULCH RD
BELLEVUE ID 83313

PITNEY BOWES
U.S. POSTAGE
1600 PB3524253
3331 \$00.370 SEP 10 2004
2103 MAILED FROM ZIP CODE 83301

RECEIVED
SEP 16 2004
Department of Water Resources
Southern Region

771073

788-1124



SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

September 27, 2005

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

RECEIVED
SEP 28 2005
Department of Water Resources
Southern Region

Re: Kathleen B. Rosekrans/Rhythm Ranch Homeowners Association
Our File No.: 010185

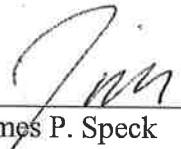
Dear Jim:

Enclosed you will find a copy of the Quitclaim Deed from Kathleen Rosekrans to the Rhythm Ranch Homeowners Association, an Idaho unincorporated non-profit association, conveying the water rights for the Rhythm Ranch Subdivision to that Association. I understand you will now complete processing of the transfer in the name of the Association and the change of ownership will be accomplished through the transfer making a separate Notice of Change in Water Right Ownership unnecessary. Please call me right away if you have any questions or need any additional information to complete the transfer process.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encl.)
Bill McMahan (w/encl.)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

RECEIVED

SEP 28 2005

Department of Water Resources
Southern Region

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, KATHLEEN B. ROSEKRANS, a single woman (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto RHYTHM RANCH HOMEOWNERS ASSOCIATION, an Idaho unincorporated non-profit association, whose address is c/o James P. Speck, P.O. Box 987, Ketchum, Idaho (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to the Rhythm Ranch Subdivision situated in Blaine County, Idaho, to wit: 37-21227, 37-21229, 37-21231, 37-21233, 37-21235 and 37-21237.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

GRANTOR:

Date: 9/20/05

Kathleen B. Rosekrans
KATHLEEN B. ROSEKRANS

STATE OF IDAHO)
) ss.
County of Blaine)

On this 20 day of September, 2005, before me, the undersigned, a notary public in and for said state, personally appeared KATHLEEN B. ROSEKRANS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

J. P. Speck
Notary Public for Idaho
Residing at: Blaine County, ID
Comm. Expires: 1/29/2008



**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 8-16-2005

File: 37-7745, 713, 315 et al Rosekrans Townsend

Prepared by Kelly K Christensen

Adjudication review of transfers T-71020, T-71073, & T-71145

T-71020

Rights involved:

<u>Right</u>	<u>Priority dt</u>	<u>base rt</u>
37-20935	6-01 -1885	(37-315)
37-20937	6-01-1886	(37-521)
37-20939	8-15-1902	(37-688)
37-20941	8-15-1902	(37-688)
37-20943	6-10-1880	(37-713)

The transfer moves 5 acres and the proportionate water to new ground.

T-71019

<u>Right</u>	<u>Priority dt</u>	<u>base rt</u>
37-7745B	10-25 -1978	(37-7745)

The transfer moves 5 acres and the proportionate water to new ground.

T-71073

<u>Right</u>	<u>Priority dt</u>	<u>base rt</u>
37-7745B	10-25 -1978	(37-7745)

The transfer creates a permissible place of use matching the place of use created through T-71145. This redefines the previously untransferred place of use.

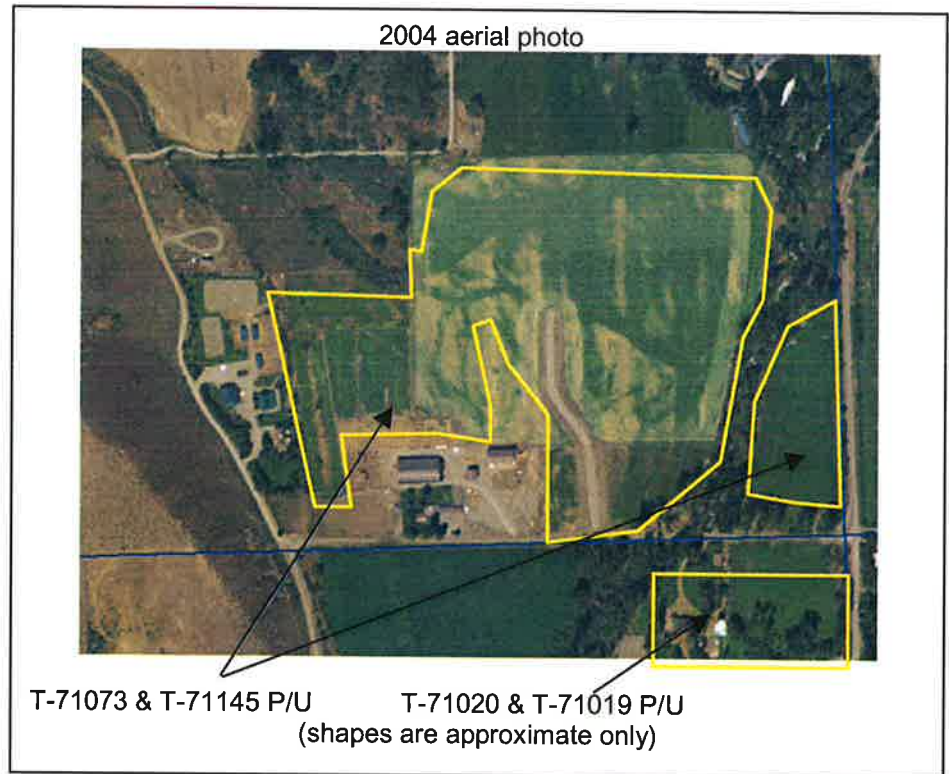
T-71145

Rights involved:

<u>Right</u>	<u>Priority dt</u>	<u>base rt</u>
37-20935	6-01 -1885	(37-315)
37-20937	6-01-1886	(37-521)
37-20939	8-15-1902	(37-688)
37-20941	8-15-1902	(37-688)
37-20943	6-10-1880	(37-713)

The transfer creates a permissible place of use matching the place of use created through T-71073. This redefines the previously untransferred place of use.

All base rights have been reviewed and no right has been over claimed. I did not find any issues of concern during the adjudication review. I am accepting the place of use and points of diversion as determined by allocations during the transfer process.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

December 5, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

STEVE AND KATE DUININCK
PO BOX 2126
HAILEY ID 83333

RE: Amendment of SRBA Claim A37-07745B and A37-07745C

Dear Claimant:

Pursuant to the approval of Transfer No. 4707, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILME

102 27 008

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

RECEIVED

OCT 31 1995

Department of Water Resources
Southern Region

This is to certify that: STEVE DUININCK
KATE DUININCK
PO BOX 2126
HAILEY ID 83333

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07745B : IRRIGATION	04/01 to 11/01	0.74 CFS	140.0 AF
Right No. 37-07745C : IRRIGATION	04/01 to 11/01	0.93 CFS	175.0 AF
TOTAL:		1.67 CFS	315.0 AF

Priority: 10/25/1978

SOURCE

GROUNDWATER

Right No. 37-07745B :
LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 35, Township 02N, Range 18E
BLAINE County

Right No. 37-07745B :
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	SESE	40		40
Total number of acres irrigated:						40

Right No. 37-07745C :
LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 2, Township 01N, Range 18E
BLAINE County

Right No. 37-07745C :
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	2	NENE	25	SENE	25
Total number of acres irrigated:						50

MICROFILME
NOV 27 1998

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The Director maintains jurisdiction of this transfer up to five (5) years after resumption of use of the water right for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The change authorized by this transfer shall be accomplished on or before October 1, 1999.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity or of the elements of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Dated this 26th day of October, 1995.

A. Glen Saylor

Chief, Water Alloc. Bureau

MICROFILMED
NOV 27 1996

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 1995

TRANSFER OF WATER RIGHT

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C
Department of Water Resources
Southern Region

This is to certify that: STEVE DUININCK
KATE DUININCK
PO BOX 2126
HAILEY ID 83333

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07745B :			
IRRIGATION	04/15 to 10/15	0.74 CFS	140.0 AF
Right No. 37-07745C :			
IRRIGATION	04/15 to 10/15	0.93 CFS	175.0 AF
	TOTAL:	1.67 CFS	315.0 AF

Priority: 10/25/1978

SOURCE

GROUNDWATER

Right No. 37-07745B :

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 35, Township 02N, Range 18E
BLAINE County

Right No. 37-07745B :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	SESE	40		40
Total number of acres irrigated:						40

Right No. 37-07745C :

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 2, Township 01N, Range 18E
BLAINE County

Right No. 37-07745C :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	2	NENE	25	SENE	50
Total number of acres irrigated:						50

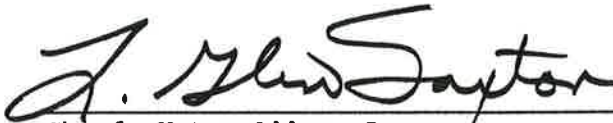
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NOV 27 1995

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Dated this 19th day of October, 1995.


Chief, Water Alloc. Bureau

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Doc. sent to S.O.

OCT 06 1995

FROM: Allen Merritt *Adm*

DATE: October 6, 1995

TO: Transfer Files: #4702, #4707 & #4708

SUBJECT: Review and Recommendation

All of the above transfers involve the splitting up of license 37-07745. Part 2,C was not completed for any of the transfer applications since in combination all of the land covered under the original license is being dried up or removed from production. Expansion does not appear to be an issue. Forfeiture does not appear to be an issue. Moving the groundwater further up the valley may be an issue but the groundwater does appear to be connected on a regional scale.

The original license was for 5.53 cfs, 900 afa, and 300 acres.

The transfers propose:

Part A	#4702	3.68 cfs, 600 afa, and 200 acres
Part B	#4707	0.74 cfs, 120 afa, and 40 acres
Part C	#4707	0.93 cfs, 150 afa, and 50 acres
Part D	#4708	<u>0.18 cfs, 30 afa, and 10 acres</u>
Total		5.53 cfs, 900 afa, and 300 acres

RECOMMENDATION

I recommend that all the transfers be approved subject to the the following conditions:

- The season of use be limited to the standard 4/15 to 10/15
- Any new well drilled requires drilling permit
- All wells must have a measuring device with totalizing meter.
- Annual use of each well is subject to be reported.
- Subject to SRBA review.

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37-07745B, 37-07745C, T#4707

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4707APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Steve & Kate Duininck Phone 208-788-1124Post Office address Box 2126 Hailey, ID 83333

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 _____
2. Describe the reason for the proposed changes Applicant is purchasing a portion of License
No. 37-07745 and desires to transfer such portion to a new POU

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
<u>37-07745B</u>	<u>10/25/1978</u>	<u>* ~~1.67~~ 0.74</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>
<u>37-07745C</u>	<u>"</u>	<u>0.93</u>	<u>"</u>	<u>" to "</u>
_____	_____	_____	_____	<u>to _____</u>
_____	_____	_____	_____	<u>to _____</u>

2. Total amount of water being transferred 1.67 cubic feet per second and/or 270 acre-feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: * Per telecon w/applicant 7-24-95 *gd*

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	35	2N	18E	Blaine	Well - Part B
	SW	NE	NE	2	1N	18E	Blaine	Well - Part C

5. Lands irrigated or place of use:

	Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
				NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
B)	2N	18E	35															40		40
C)	1N	18E	2	25			25								25					50

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NOV 27 1996Total acres 90

PART 1

6. General Information:

- a. Description of diversion system An existing groundwater well will be equipped with a pump, or in the alternative, a new groundwater well will be drilled and equipped with a pump. There will be a separate water system on each side of the county road.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ 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:
The current POU will be permanently dried up and no longer irrigated with this right.
- d. Remarks:
This transfer, in conjunction with two other companion transfers, proposes a transfer of the total amount of water available under this right. See companion transfers.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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NOV 27 1996

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. 37-07745 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 _____

3. Source of water Groundwater tributary to _____

4. Date or priority 10/25/1978

5. Water is used for the following purpose:

amount 5.53 for Irrigation purposes from 4/1 to 11/1
(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 5.53 cubic feet per second and/or 900 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	1	2S	17E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	17E	35											34	30					64
2S	17E	2						Lt3 26	Lt4 34	22	38	35	37			21			236

Total acres 27300

9. Describe any other water rights used for the same purpose as described above None

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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 1.67 for Irrigation purposes from 4/1 to 11/1
 (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
							Blaine	

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	

Total acres 90

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

See companion transfers

1. amount _____ for _____ purposes from _____ to _____
 (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

3. Lands irrigated or place of use:

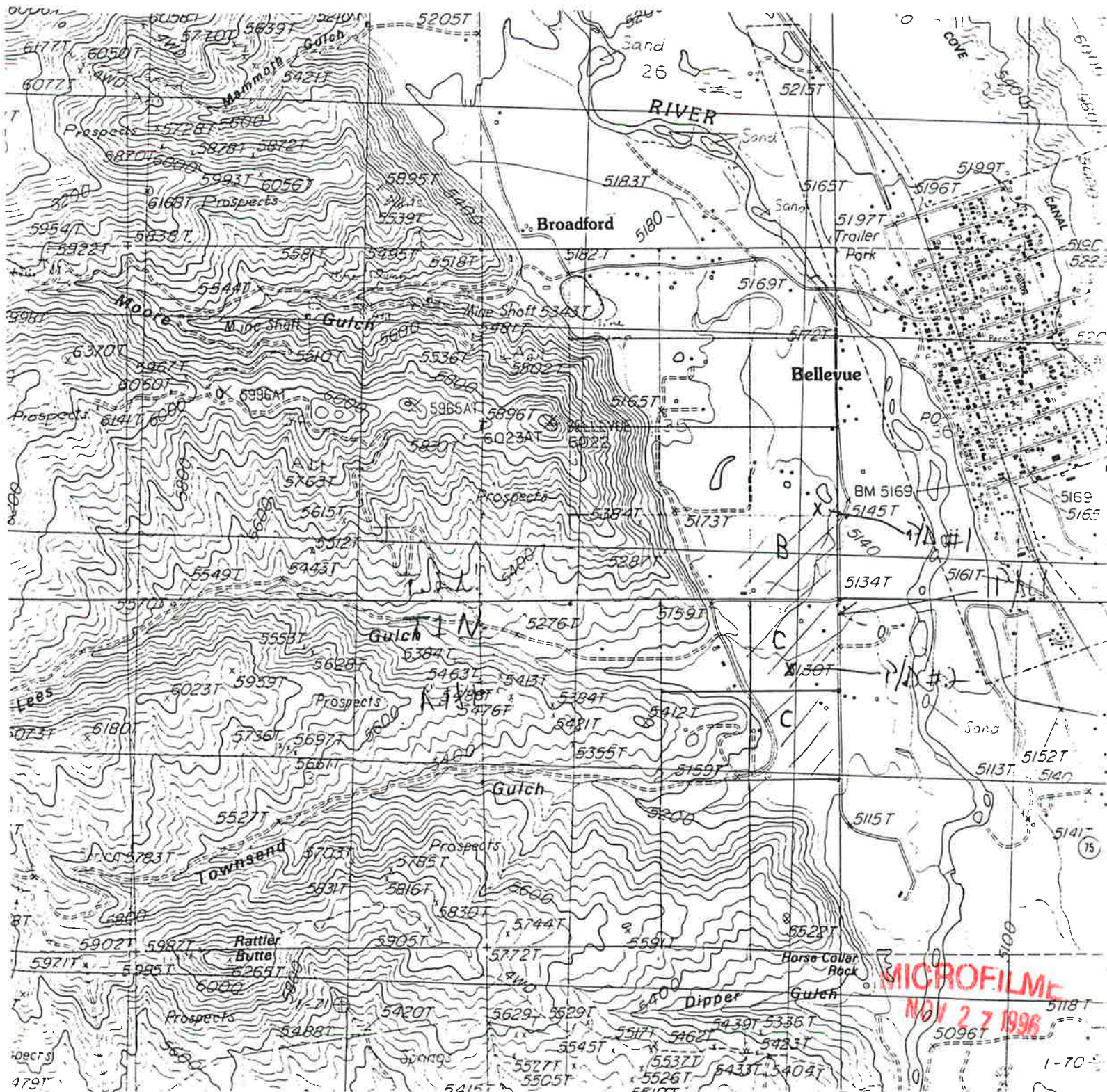
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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NOV 27 1996

Total acres _____

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	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

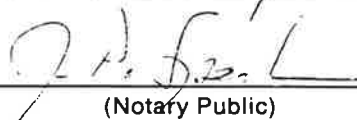
3. Describe effects on other water uses resulting from the proposed change:

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.



(Signature of Applicant)

Subscribed and sworn to before me this 17th day of July, 19 95.

(Notary Public)

My commission expires 11/2/97**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by J. F. Blanton Date 7-18-95 Protest filed by _____Prelim. check by _____ Fee \$100.00 5018303Receipted by JF Date 7-18-95Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 9/13 & 9/20/95 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED MICROFILME

JUL 19 1995

Department of Water Resources
Southern Region

MEMORANDUM

TO: Duininck Transfer File (37-07745)

FROM: Corey Skinner *CS*

DATE: August 9, 1995

SUBJECT: Field Verification of Right #37-07745

This morning Gary D. Slette called and inquired about the progress being made on the Baker, Delisser, & Duininck transfer of water right 37-07745. I told him that I had the initial office reviews done and that I planned on stopping by tomorrow on my trip through the Big Wood River Valley for a field verification of water right 37-07745. Mr. Slette stated that Jim Stanton had conducted a field verification last year, 1994, when an Application for Extension of Time to Avoid Forfeiture was filed. Mr. Slette dropped by and gave me a copy of the application and Jim's memorandum concerning the field verification of the water right. I asked Jim about his visit and we concluded that it was not necessary for me to conduct a field verification visit when he had conducted one last year. With Jim's field verification, I conclude that water right 37-07745 is valid. A copy of Jim's memorandum concerning his 1994 field verification is also included.

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NOV 27 1996

INTER-DEPARTMENT MEMO

TO: Croft Ext. of Time to Avoid Forf.

SUBJECT: Field Review

FROM: Jim Stanton

DATE: _____

I have reviewed the license files on 37-7395 & 7745. File data clearly shows that the wells licensed in the SW¹/₄ NW¹/₄ Sec. 1 are two different diversions. The 7395 well is south of the West Magic Road, while the 7745 well is north of the road. The south well was measured at 7.58 cfs. Although these are 2 different wells, the license 37-7745 was conditioned so as not to exceed 7.58 cfs for both rights combined from the P/D in the SW¹/₄ NW¹/₄ Sec. 1; this appears to be a gross error on our part. I will verify this by a site visit.

On 8-2-94 I visited this site. Photos were taken of the north well, the diesel motor, Layne & Bowler pump, Randolph 250 hp right-angle drive, & mainline. I also observed the south well but did not take photos. Some land south of the airstrip is being irrigated, but land north of it is not. Aerial photo shows land being farmed in 1988; this is an old dry farm. so date of last irrigation was not known by Hailey ASCS.

() For your information

signature

() Response required

INTER-DEPARTMENT MEMO

TO: _____

SUBJECT: _____

FROM: _____

DATE: _____

I spoke to Ed Sandv, a relative of the applicant, who told me that this property was last irrigated in 1990 (the year Mr. Croft died). He said that the land was irrigated from the well every year up to that date. Due to problems with settling the estate and a lack of interest in the property, no farming has occurred since then.

I also spoke to Alton Heiser of H & A Land & Cattle in Shoshone, the last farmers of the property. Mr. Heiser confirmed that the well was last used in 1990, and that it has no connection to the well south of the West Magic Road. He also said that the well was used continuously to irrigate this property for a long time. ASCS photo shows 299 acres in farm. Extension appears to be valid under Idaho Code; recommend approval.

(X) For your information

signature

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NOT 27 1996