

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 37-21242
Date Received: 1/27/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

SILVER SAGE OWNERS ASSN INC Phone: (208)726-6560
PO BOX 4380
KETCHUM ID 83340

2. Date of Priority: 05/21/1890

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

4. Point of Diversion:

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

5. Description of diverting works:

HIAWATHA CANAL HEADGATE #22, OSBORN #24, PURDUM #25 HEADGATES

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.177 | |

7. Total Quantity Appropriated is:

0.177 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 03N | 18E | 33 | NW | SW | IRRIGATION | 1 |
| | | | SW | SW | IRRIGATION | 9 |
| | | | SE | SW | IRRIGATION | 4 |
| | | | | | Section Acres | 14 |
| | | | | | Total Acres | 14 |

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-523G.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2004

SILVER SAGE OWNERS ASSN INC
PO BOX 4380
KETCHUM ID 83340

RE: SRBA Claim(s) 37-521L, 37-522J, 37-523G (Part)

Dear Claimants:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-20843, 37-21240 and 37-21242.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED
 DEC 08 2000
 Department of Water Resources
 Southern Region

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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.

| <u>Water Right No(s).</u> | <u>Adjudication Claim No(s).</u> | <u>Split</u> | | <u>Water Right No(s).</u> | <u>Adjudication Claim No(s).</u> | <u>Split</u> |
|---------------------------|----------------------------------|--------------|--------------------------------|---------------------------|----------------------------------|--------------|
| _____ | <u>A37-00521L</u> | <u>X</u> | <i>Pending transfer 6/3/76</i> | _____ | _____ | _____ |
| _____ | <u>A37-00522J</u> | <u>X</u> | | _____ | _____ | _____ |
| _____ | <u>A37-00523XG</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) John S. Chapman
Post Office Box 2898, Boise, Idaho 83701
4. New Owner/Claimant(s) Silver Sage Owners Association, Inc.
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address Post Office Box 4380
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 726-6560
5. Date you acquired the property _____

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>A37-00521L</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>0.180 cfs</u> | <u>14 acres</u> |
| Stock | _____ | _____ |
| Domestic | _____ | _____ |
| Other _____ | _____ | _____ |

| 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>A37-00522J</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>0.149 cfs</u> | <u>14 acres</u> |
| Stock | _____ | _____ |
| Domestic | _____ | _____ |
| Other _____ | _____ | _____ |
| Total | <u>0.149 cfs</u> | |

385500

NOTARIAL REQUEST

95 DEC 26 PM 3 04

GREEN, CLERK

FEE \$ 3.00

TRUSTEE'S DEED

FOR VALUE RECEIVED, the FIRST SECURITY BANK OF IDAHO, N.A., a National Banking Association, of Boise, Ada County, State of Idaho, as Trustee of the JOHN S. CHAPMAN LIVING TRUST dated February 14, 1991, does hereby convey, release, remise and transfer all of its title and interest unto JOHN S. CHAPMAN, a single man, whose address is 216 West Jefferson Street, Boise, Idaho, in the following described premises in Blaine County, State of Idaho, to-wit:

Lot 2, Block 1, Chapman's East Cloverly Ranch, Blaine County, Idaho.

together with all appurtenances.

DATED: This 21st day of December, 1995.

FIRST SECURITY BANK OF IDAHO, N.A.

By Stephen F. Allen

STATE OF IDAHO)
County of Ada) ss.

On this 21st day of December, 1995, before me, a Notary Public in and for said State, personally appeared STEPHEN F. ALLEN, known to me to be the Vice President and Manager of the FIRST SECURITY BANK OF IDAHO, N.A., and executed this instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

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

Henry J. Chapman
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1.31.97

TRUSTEE'S DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, JOHN S. CHAPMAN of the City of Boise, County of Ada, State of Idaho, the Grantor, do hereby convey, release, remise and forever quitclaim unto the FIRST SECURITY BANK OF IDAHO, N.A., as Trustee of the "JOHN S. CHAPMAN CHARITABLE REMAINDER UNITRUST" dated the 21st day of December, 1995, the Grantee, whose current address is: Trust Department, P. O. Box 2618, Boise, Idaho the following described premises, in BLAINE COUNTY State of Idaho, to-wit:

Lot 2, Block 1, Chapman's East Cloverly Ranch, Blaine County, Idaho.

together with their appurtenances.

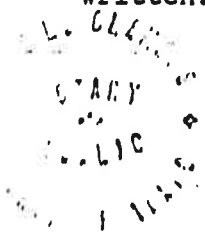
DATED this 21st day of December, 1995.

John S. Chapman
JOHN S. CHAPMAN

STATE OF IDAHO)
 : ss.
County of Ada)

On this 21st day of December, 1995, before me, a Notary Public in and for said State, personally appeared JOHN S. CHAPMAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Mary L. E. Green
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1-31-97

385501
Beck
BLAINE CO. REQUEST
OF *First Security Bank*
'95 DEC 26 PM 3 05
MARY GREEN, CLERK
FEES \$ 3.00

Order No. 24438

GRANT DEED

FOR VALUE RECEIVED

FIRST SECURITY BANK OF IDAHO, N.A. AS TRUSTEE OF THE JOHN S. CHAPMAN LIVING TRUST DATED FEBRUARY 14, 1991

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

JOHN S. CHAPMAN, a single man

GRANTEE(s), whose address is: 216 West Jefferson Street, Boise, ID

the following described real property in Blaine County, Idaho, to wit:

Lot 2 in Block 1 of CHAPMAN'S EAST CLOVERLY RANCH, according to the official plat thereof, recorded as Instrument No. 318754, records of Blaine County, Idaho.

THIS DEED IS BEING RECORDED TO CORRECT THE NOTARY ACKNOWLEDGEMENT ON THAT CERTAIN TRUSTEE'S DEED RECORDED DECEMBER 26, 1995 AS INSTRUMENT NO. 385500.

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

FIRST SECURITY BANK OF IDAHO, TRUSTEE

Stephen F. Allen
STEPHEN F. ALLEN, VICE PRESIDENT

State of IDAHO)
County of ADA) ss.

On this 27th day of Sept, in the year 1999, before me, the undersigned, personally appeared STEPHEN F. ALLEN, known or identified to me to be the Vice President of First Security Bank which is the Trustee of the JOHN S. CHAPMAN LIVING TRUST DATED FEBRUARY 14, 1991, and acknowledged to me that he/she/they executed the same as such trustee.

WITNESS my hand and official seal.

Calvin B. Kidney
Notary Public

Commission Expires: 9-29-2000



402100
Carm Reed
BLAINE COUNTY CLERK
SAWTOOTH TITLE

FEES \$ 3.00

RECORDED 1 11 1999

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey. Courtesy Of:
Sawtooth Title Co.
 Box 188
 Ketchum, Idaho 83340
 726-4595

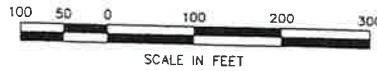
A PLAT SHOWING
SILVER SAGE SUBDIVISION
 BEING A REPLAT OF LOT 2, CHAPMAN'S EAST CLOVERLY RANCH SUBDIVISION
 SECTION 33, T.3N., R.18E., B.M., BLAINE COUNTY, IDAHO
 NOVEMBER 1999

LEGEND

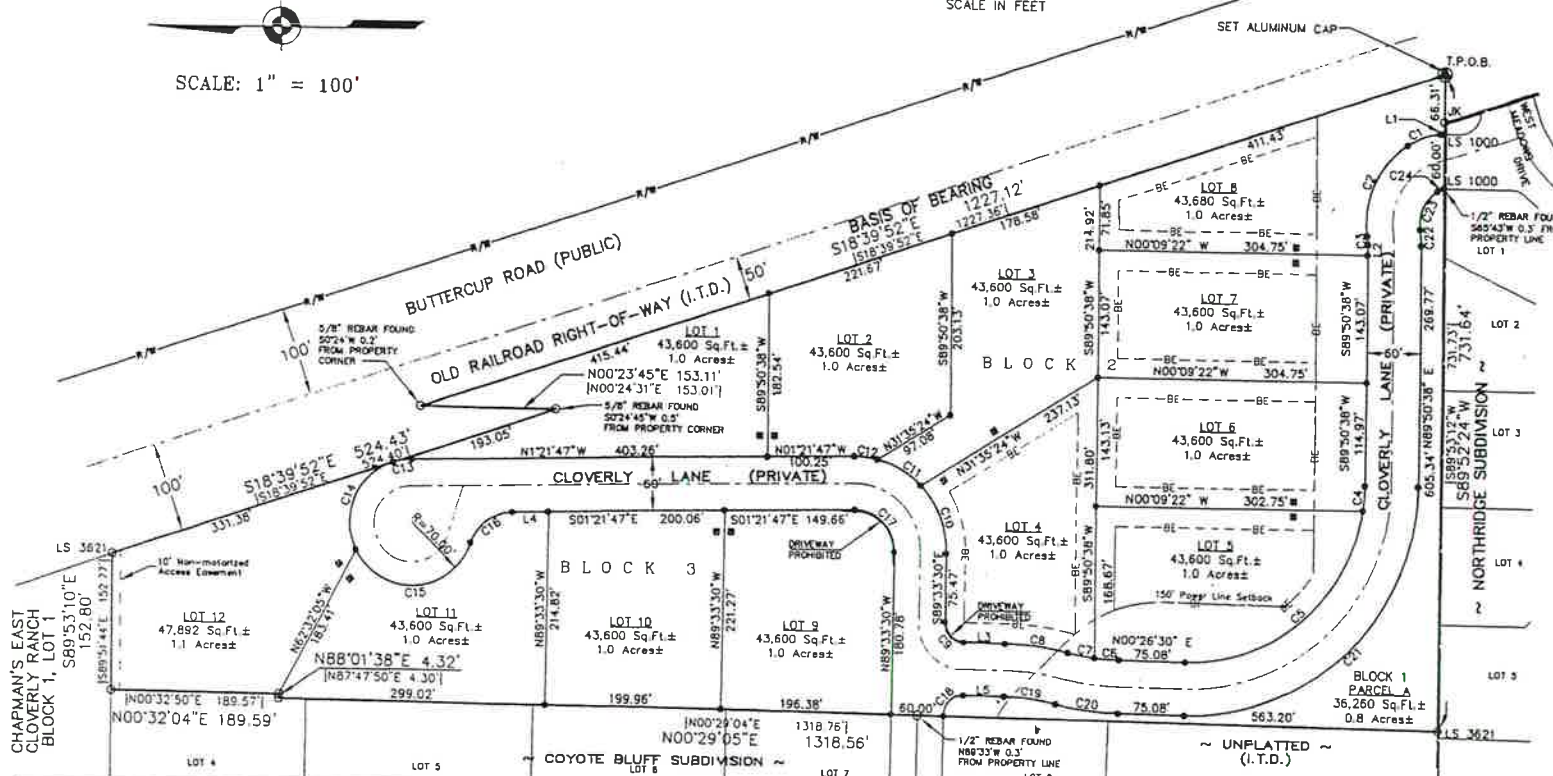
- Property Line
- Adjoiners Lot Line
- Lot Line
- R/W — Right-of-way
- Centerline of Right-of-way
- BC — Building Setback Line
- Halley City Limits Line
- 150' Power Line Setback
- 10' Non-motorized Access Easement
- Measured Metes and Bounds
- Metes and Bounds per Record Plat
- T.P.O.B. — True Point of Beginning
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 1/2" Rebar
- Approximate Proposed Well Location

NOTES

1. A 10 foot public utility easement is centered on all interior and adjacent to all exterior lot lines.
2. Native vegetation shall be maintained in its natural state to the greatest extent possible with yardcape limited to a maximum of 1/2 acre irrigated.
3. No driveways shall be constructed within 50 feet of the apex of the curve of the front of Lots 4 and 9.
4. Each property owner shall maintain a yard waste container on his or her own property.
5. There shall be a 10 foot wide snow storage easement along both sides of roadways in addition to right-of-ways shown.
6. All structures with greater than 4000 square feet of livable area are to be provided with NFPA approved 130 Automatic Fire Sprinkler System. All fire protection requirements of the Wood River Rural Fire District, the Uniform Fire Code and the Blaine County Fire Protection Ordinance including but not limited to water supply, access and clear zones shall be complied with prior to the issuance of any building permits within this subdivision.
7. This property is subject to the covenants, conditions and restrictions as recorded per instrument No. _____
8. The purchaser and/or owner of this parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner, his successors in interest, or homeowners association, and that Blaine County is in no way obligated to accept, maintain, or improve these roads, and that each owner shall notify in writing any successor in interest of these facts.
9. All utilities shall be underground.
10. Blaine County and the City of Halley disclaim any and all claims or liabilities for any damage which may result from exposure to any power lines traversing this subdivision.
11. All domestic wells in this subdivision shall be metered.
12. This property includes and is adjacent to active agricultural uses. Residents and purchasers should be aware that agricultural practices and operations, including livestock grazing, occurring day and night, are allowed and may result in dust, odors, use and application of agricultural chemical, spraying, and other occurrences. These activities are normal functions of agricultural lands and are not considered nuisances.
13. Fencing shall be minimized throughout the subdivision. Perimeter fences shall be of post and rail design, except as otherwise permitted herein. Perimeter fences shall have a maximum top rail height of 42 inches and a minimum bottom rail height of 18 inches to provide for unrestricted movement of wildlife.
14. Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot/block is sold and thereafter the responsibility of the owners of the individual lots/blocks. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.



SCALE: 1" = 100'



| CURVE TABLE | | | | | | |
|-------------|---------|---------|---------|------------|---------|---------------|
| CURVE | LENGTH | RADIUS | TANGENT | DELTA | CHORD | CHORD BEARING |
| C1 | 38.74' | 80.00' | 19.76' | 27°44'52" | 38.37' | N 20°22'57" W |
| C2 | 116.89' | 105.00' | 65.40' | 63°50'14" | 111.03' | N 66°10'30" W |
| C3 | 9.70' | 70.00' | 4.86' | 07°56'15" | 9.69' | S 85°52'30" W |
| C4 | 28.26' | 199.40' | 14.15' | 08°07'10" | 28.23' | N 86°05'47" W |
| C5 | 287.04' | 199.40' | 174.80' | 82°28'42" | 262.89' | N 40°47'51" W |
| C6 | 28.26' | 270.02' | 14.14' | 05°59'50" | 28.25' | N 03°26'25" E |
| C7 | 31.22' | 270.02' | 15.63' | 06°37'26" | 31.20' | N 09°45'03" E |
| C8 | 72.70' | 330.02' | 38.50' | 12°37'17" | 72.55' | N 08°45'08" E |
| C9 | 35.34' | 22.50' | 22.50' | 90°00'00" | 31.82' | N 45°26'30" E |
| C10 | 83.49' | 105.37' | 44.07' | 45°23'47" | 81.32' | N 67°44'36" E |
| C11 | 52.96' | 105.37' | 29.74' | 31°31'08" | 57.24' | N 29°7'09" E |
| C12 | 27.38' | 105.37' | 13.77' | 14°53'22" | 27.31' | N 06°04'54" E |
| C13 | 21.14' | 70.00' | 10.65' | 17°18'05" | 21.06' | N 10°00'50" W |
| C14 | 119.89' | 70.00' | 80.71' | 98°07'57" | 105.77' | N 67°43'51" W |
| C15 | 165.05' | 70.00' | 169.39' | 135°05'41" | 129.39' | S 04°20'40" E |
| C16 | 61.55' | 50.00' | 35.36' | 70°31'44" | 57.74' | S 36°37'39" E |
| C17 | 72.70' | 45.37' | 46.82' | 91°48'17" | 85.17' | S 44°32'21" W |
| C18 | 35.69' | 22.50' | 22.85' | 90°52'36" | 32.07' | S 45°00'05" E |
| C19 | 59.48' | 270.02' | 29.86' | 12°37'17" | 59.36' | S 08°45'08" W |
| C20 | 72.70' | 330.02' | 36.50' | 12°37'17" | 72.55' | S 06°45'08" W |
| C21 | 410.17' | 259.40' | 262.12' | 90°35'52" | 388.76' | S 44°51'26" E |
| C22 | 18.01' | 130.00' | 9.02' | 07°56'15" | 18.00' | N 85°52'30" E |
| C23 | 50.14' | 45.00' | 28.03' | 63°50'14" | 47.58' | S 66°10'30" E |
| C24 | 7.82' | 19.26' | 4.00' | 23°30'59" | 7.82' | S 22°29'54" E |

| LINE TABLE | | |
|------------|--------|---------------|
| LINE | LENGTH | CHORD BEARING |
| L1 | 4.91' | N 00°27'57" W |
| L2 | 11.74' | S 89°50'38" W |
| L3 | 47.50' | N 00°26'30" E |
| L4 | 40.88' | S 01°21'47" E |
| L5 | 47.27' | S 00°26'30" W |

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.
 11-29-99
 Date

Richard D. Fosbury
 South Central District Health Dept., EHS

Richard D. Fosbury
 11-29-99

RICHARD D. FOSBURY, L.S. 3621

A PLAT SHOWING
 SILVER SAGE SUBDIVISION
 GALENA ENGINEERING, INC.
 KETCHUM, IDAHO
 SHEET 1 OF 2
 JOB# 4563-01plat

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

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

December 7, 2000

RECEIVED

DEC 08 2000

Department of Water Resources
Southern Region

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

RE: Silver Sage Owners Association, Inc. - Notices of Change in Water Right Ownership

Dear Allen:

Enclosed you will find two Notices of Change in Water Right Ownership for Silver Sage Owners Association, Inc. The first is for Water Right No. 37-08409 acquired directly from Silver Sage Ranch, LLC. There is no corresponding claim in the SRBA. Therefore, we have included a check payable to the Department for the \$25 filing fee.

The second Notice of Change in Water Right Ownership is for portions of three claims filed in the SRBA in the name of John s. Chapman. Included with that Notice are copies of deeds in the chain of title from Mr. Chapman to the Association.

Please call me right away if you have any questions about these Notices. If not, please have the enclosed copies receipt date stamped and return to me in the postage prepaid self addressed envelope I have included for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: Client, w/encl.

*Confirmation copies mailed
12/8/00 JS*



Idaho Department of Water Resources

SRBA Recommendation:






37-20843

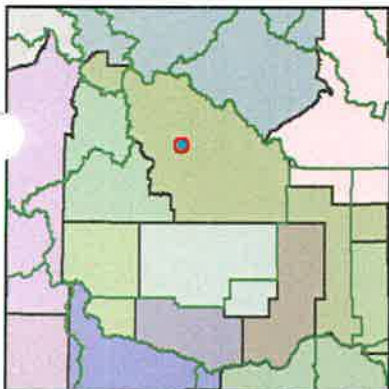
37-21240

37-21242

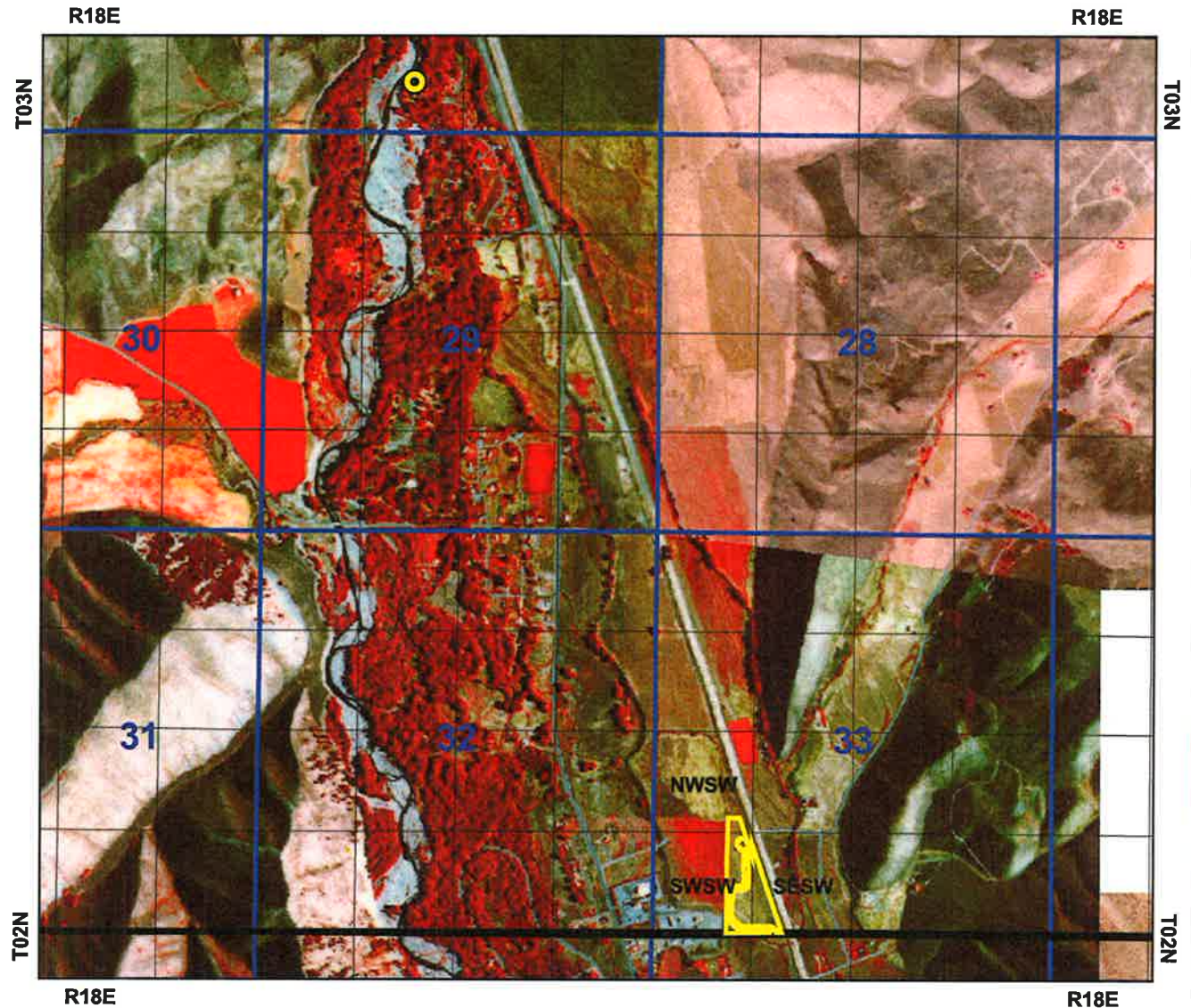
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.9 1.8 Miles

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