

COPY

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

2009 NOV 4 PM 2 50

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. 37-21348, 37-21349
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

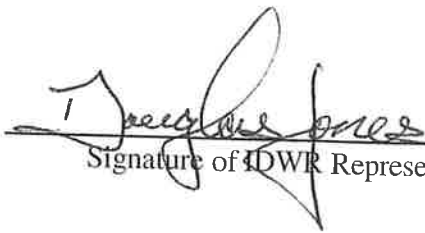
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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 *Amended 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: 10/27/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-4, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. 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

Quigley Green Owner LLC
c/o Greenfield Partners
Attn Barry P Marcus
50 N Water St
South Norwalk CT 06854

J Evan Robertson
PO Box 1906
Twin Falls ID 83303

John Burke
Judd Associates
PO Box 4316
Hailey ID 83333



Signature of person or attorney mailing the form

10/27/2009

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

RIGHT NUMBER: 37-21348

NAME AND ADDRESS: QUIGLEY GREEN OWNER LLC
C/O GREENFIELD PARTNERS
ATTN: BARRY P MARCUS
50 NORTH WATER ST
SOUTH NORWALK CT 06854

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.270 CFS
52.50 AFY

Right Nos. 37-20902 and 37-21348 are limited to a total combined diversion rate of 2.01 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T02N R18E S10 NWNWSE 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	0.270 CFS
STOCKWATER	01/01 12/31	52.50 AFY
		0.120 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S11 SWNW 15.00

STOCKWATER in BLAINE County

T02N R18E S11 SWNW

15 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This right is based upon an enlargement of Right No. 37-20902 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 15 acres within the place of use described for this right.

Stockwater use is for 200 cow/calf pairs or 1000 sheep.

10/27/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-21349	QUIGLEY GREEN OWNER LLC C/O GREENFIELD PARTNERS ATTN: BARRY P MARCUS 50 NORTH WATER ST SOUTH NORWALK CT 06854	Disallowed	No lawful appropriation shown.



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

November 4, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

QUIGLEY GREEN OWNER LLC
C/O GREENFIELD PARTNERS
ATTN BARRY P MARCUS
50 N WATER ST
SOUTH NORWALK CT 06854

RE: SRBA Claim(s) 37-21348, 37-21349

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

cc: J. Evan Robertson, PO Box 1906, Twin Falls ID 83301
John Burke, Judd Associates, PO Box 4316, Hailey ID 83333

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

RECEIVED
APR 25 2006
 DEPT. 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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37. 7693	*				
37. 2784A	*				
37. 20902	*				
37. 19736	*				
37. 8283	* 25. FEE INCLUDED FOR TXFR.				

* = ADJUDICATION - NO FEE

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) QUIGLEY CANYON RANCH LLP
% STONEY BURKE - BOX 4999 KETCHUM, ID
4. New Owner/Claimant(s) QUIGLEY GREEN OWNER LLC 83340
 Name Connector (Check one): [] and, [] or, [] and/or
' * '
- New Mailing Address SEE BELOW
- City, State and ZIP Code SEE BELOW
- New Telephone Number (203) 354. 5000
5. Date you acquired the property APRIL 17, 2006

* % GREENFIELD PARTNERS
 ATTN: BARRY P. MARCUS
 50 NORTH WATER STREET
 SOUTH NORWALK, CT 06854

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

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

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

7. Signature of New Owner(s) or Claimant(s)  (include title if applicable)
BARRY P. MARCUS, SENIOR V.P.
QUIGLEY GREEN OWNER LLC

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 4/27/06 Fee 25.00
 Receipted by  Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

QUITCLAIM DEED

THIS INDENTURE, made this 17th day of April, 2006, between

Judd Associates, LLC, a Delaware Limited Liability Co., as to an undivided 75% interest as a tenant in common and John A. Burke, a married man as his sole and separate property as to an undivided 25% interest as a tenant in common, as GRANTOR and

Quigley Green Owner LLC, a Delaware Limited Liability Company, as GRANTEE(S)

whose current address is: c/o Greenfield Partners, Attn: Barry P. Marcus, Esq., 50 North Water Street, South Norwalk, CT 06854.

The following described premises, to-wit:

All water rights appurtenant to the real property described on Exhibit "A" and conveyed by the Grantor to the Grantee by Warranty Deed of an even date herewith, including, but not necessarily limited to:

Idaho Department of Water Resources Claim #37-7693, 37-2784A, 37-20902, 37-19736, 37-8283

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

Judd Associates LLC

F. Clay Judd
By: F. Clay Judd, Its Manager

John A. Burke by Terry A. Hogue his A.I.F.
John A. Burke

STATE OF Idaho)
COUNTY OF Blaine) ss.

On this 17th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Terry Hogue, known to me, to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of John A. Burke, and acknowledged to me that he subscribed the name of John A. Burke, thereto as principal, and his own name as attorney-in-fact.

WITNESS MY HAND AND OFFICIAL SEAL.

Kathy Seal
Notary Public

Notary Resides: Ketchikan

My commission expires: 7.26.2011



EXHIBIT A

LEGAL DESCRIPTION

Township 3 North, Range 19 East, Boise Meridian, Blaine County, Idaho

Section 31: SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 32: NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$

Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho

Section 35: SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho

Section 1: Lots 1, 2, 3 and 4

Section 2: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$

Section 11: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$

AND the following described tract in Section 10, T2N R18E:

○ A parcel of land located in the SE $\frac{1}{4}$ of said Section 10, being more particularly described as follows: Beginning at an Aluminum Cap which marks the C $\frac{1}{4}$ of said Section 10, said point being the REAL POINT OF BEGINNING;

Thence South 00°16'37" East 197.09 feet along the West boundary of said SE $\frac{1}{4}$, Section 10;

Thence North 89°55'50" East 643.67 feet;

Thence North 63°43'11" East 45.28 feet;

Thence North 89°55'50" East 431.49 feet;

Thence 118.62 feet along a curve to the right having a Radius of 190.00 feet, through a Central Angle of 35°46'13" and a Chord which bears South 72°11'03" East 116.70 feet;

Thence South 54°17'57" East 181.88 feet;

Thence South 35°42'03" West 20.00 feet

Thence South 18°12'43" West 652.30 feet;

Thence South 20°33'28" East 114.65 feet;

Thence South 23°45'10" East 300.76 feet;

Thence North 63°45'14" East 6.95 feet to the East boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10;

Thence North 00°25'14" West 15.99 feet along said East Boundary to the Northeast Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10;

Thence North 64°15'45" East 1462.53 feet to the East Boundary of the SE $\frac{1}{4}$ of said Section 10;

Thence North 0°47'16" West 665.58 feet to the East $\frac{1}{4}$ Corner of said Section 10;

Thence North 89°38'37" West 2635.84 feet to the REAL POINT OF BEGINNING.

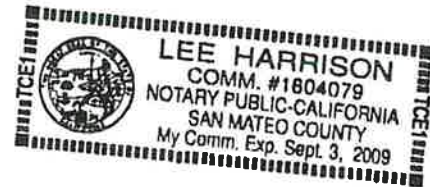
STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss.

On this 13TH day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared F. Clay Judd, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the instrument and the foregoing instrument was signed on behalf of said company by authority of consent of its members and acknowledged to me that he executed the same.

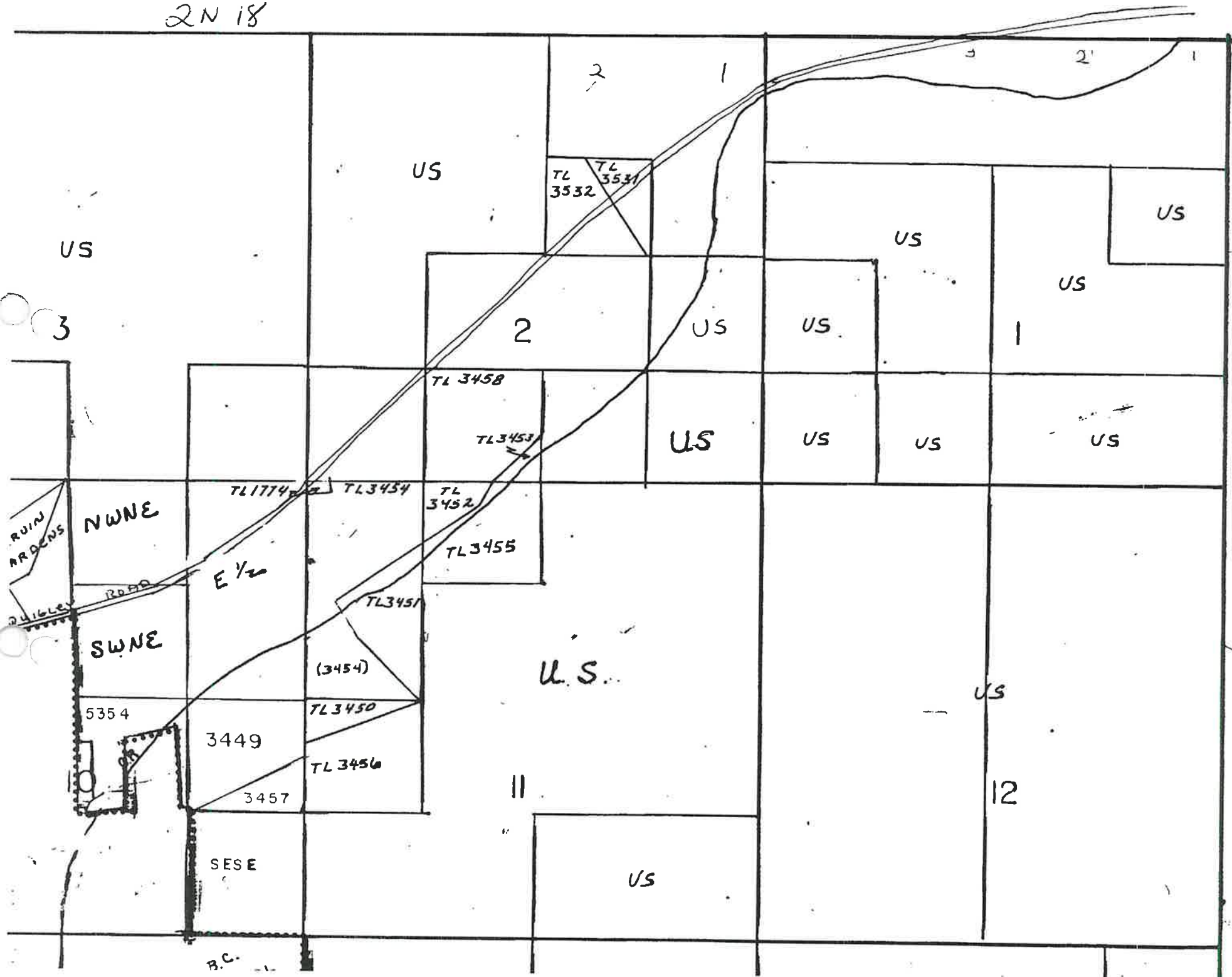
WITNESS MY HAND AND OFFICIAL SEAL.

Lee Harrison
Notary Public:

My commission expires 09-03-2009



2N 18



3N18

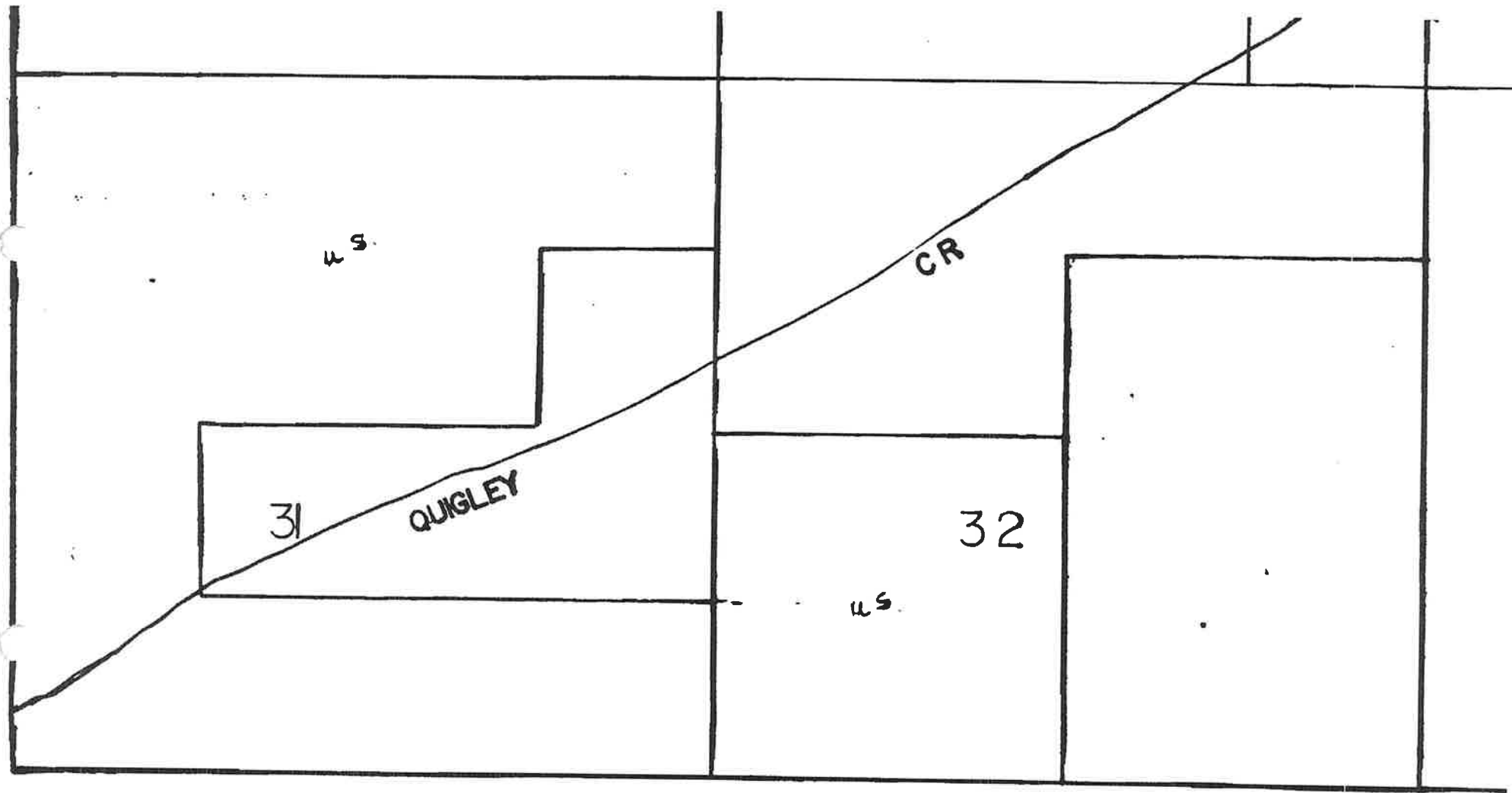
us

35

STATE.

36

3N 19



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 37-21348
Date Received: 8/30/2004
Receipt No: 5027001
Received By: KKC

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

1. Name of Claimant(s)

JUDD ASSOCIATES LLC Phone: (208)622-4133
JOHN BURKE Phone: (208)622-4133
PO BOX 4316
HAILEY ID USA 83333-4316

2. Date of Priority: 04/15/1983

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	10	NW NW SE	BLAINE	

5. Description of diverting works:

well, deep well turbine pump, 100 hp electric motor, mainline, sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.27	
STOCKWATER	01/01	12/31	0.12	

7. Total Quantity Appropriated is:
0.27 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	11	SW NW	IRRIGATION	15
			SW NW	STOCKWATER	
				Section Acres	15
				Total Acres	15

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 claim is an enlargement of right no. 37-20902 (original license no. 37-2741). It is filed pursuant to Section 42-1426, Idaho Code. No additional diversion rate is requested from that allowed under 37-20902. The purpose of this claim is to confirm the right to use groundwater for irrigation and stockwater on the enlarged area.

The priority date claimed is based upon the field examiners report dated August 6, 1985 indicating use of water on this field during that season and IDWRs evaluation of irrigation use of water on this field during that season and IDWRs evaluation of irrigation use on this ranch for transfer no 70522 (see a GIS map prepared by IDWR dated 12/11/02, attached).

The area irrigated under this enlargement claim was determined from the area found to be irrigated in the SW1/4NW1/4 Sec, 11 T2N, R18E on August 6, 1985 by IDWR in a field examination of right no. 37-7693 (18 acres) less 3 acres in that 40 acre subdivision already covered under right 37-20902 (the parent right).

The rate of diversion for irrigation is based upon the rate per acre in the parent right.

Non-irrigation use is for 200 cow/calf pairs or 1000 sheep. This is the same livestock as covered by right no. 37-20902. This claim is only to an enlarged place of use.

15. Basis of Claim: Beneficial Use



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

DEPT INTERNET WEB SITE: [www/idwr.state.id.us](http://www.idwr.state.id.us)

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 30, 2004

JOHN A BURKE
PO BOX 4316
HAILEY ID 83333-4316

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS 37-21348 AND 37-21349

Dear John

Enclosed are the two claims you submitted to the department and their respective receipts. Please review the claims to make sure that the data entries are correct.

After reviewing the information provided by Norm Young I agree that the variable fees were previously covered through an earlier filing.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us

Enclosures

Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

RECEIVED
AUG 30 2004
Department of Water Resources
Southern Region

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

37-21348

Date Received

8-30-2004

Receipt Number

5027001

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Judd Associates, L.L.C., as to an undivided 75%, and John A. Burke, as to an undivided 25%, as tenants-in-common Phone (208) 622-4133
Mailing Address c/o P.O. Box 4316, Hailey, Idaho Zip 83333-4316
2. Date of Priority (Only one (1) per claim) April 15, 1983
3. Source of water supply (a) Ground Water
Which is tributary to (b) _____
4. a. Location of point of diversion is: Township 2N Range 18E Section 10,
NW ¼ of NW ¼ of SE ¼, Govt. Lot _____, B.M., County of Blaine
Additional points of diversion if any: N/A
b. If instream flow, beginning point of claimed instream flow is: N/A
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well, deep well turbine pump, 100 hp electric motor, mainline, sprinklers
6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4/15 to 10/31 amount 0.27 or _____
For Stockwater purposes from 1/1 to 12/31 amount 0.12 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 0.27 (cfs) and/or (b) _____ (acre feet)

RECEIVED

AUG 05 2004

Department of Water Resources
Southern Region

COPY

8. Total consumptive use claimed is 37.5 acre feet per annum.
9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 200 cow/calf pairs or 1000 sheep. This is the same livestock as covered by right no. 37-20902. This claim is only to an enlarged place of use.
10. Description of place of use:
 a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
2N	18E	11							15										15
(Irrigation)																			
2N	18E	11							X										
(Stockwater)																			

Total number of acres irrigated 15

11. In which county (ies) are lands listed above as place of use located? Blaine
12. Do you own the property listed above as place of use? Yes XX No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
 or None (X)
14. Remarks:

1) This claim is an enlargement of right no. 37-20902 (original license no. 37-2741). It is filed pursuant to Section 42-1426, Idaho Code. No additional diversion rate is requested from that allowed under 37-20902. The purpose of this claim is to confirm the right to use ground water for irrigation and stockwater on the enlarged area.

2) The priority date claimed is based upon the field examiner's report dated August 6, 1985 indicating use of water on this field during that season and IDWR's evaluation of irrigation use on this ranch for transfer no. 70522 (see a GIS map prepared by IDWR dated 12/11/02, attached).

3) The area irrigated under this enlargement claim was determined from the area found to be irrigated in the SW ¼ NW ¼ Sec. 11, T2N, R18E on August 6, 1985 by IDWR in a field examination of right no. 37-7693 (18 acres) less 3 acres in that 40 acre subdivision already covered under right 37-20902 (the parent right).

4) The rate of diversion for irrigation is based upon the rate per acre in the parent right.

COPY

15. Basis of Claim (Check One, Beneficial Use XX Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) John A Burke Date 7/29/04

F O Judd Date 8/3/04

For Organizations: I do solemnly swear or affirm that I am MANAGER / OWNER Title

of Judd Associates, L.L.C. that I have signed the foregoing

Organization

document in the space below as MANAGER / OWNER of Judd Associates, L.L.C.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent F O Judd

Title and Organization MANAGER / OWNER Date 8/3/04

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn to (or affirmed) before me this 29th day of July 2004

Notary Public Melanie T. Davis

Residing at 423 3rd Ave. N., Hailey, ID, 83333

My Commission Expires November 17, 2009

17. Notice of appearance:

Please Print Name

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

California / Santa Clara
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 3 DAY OF Aug, 2005

BY Frederick C. Judd
Sharon L. Hawkins
NOTARY PUBLIC

RECEIVED

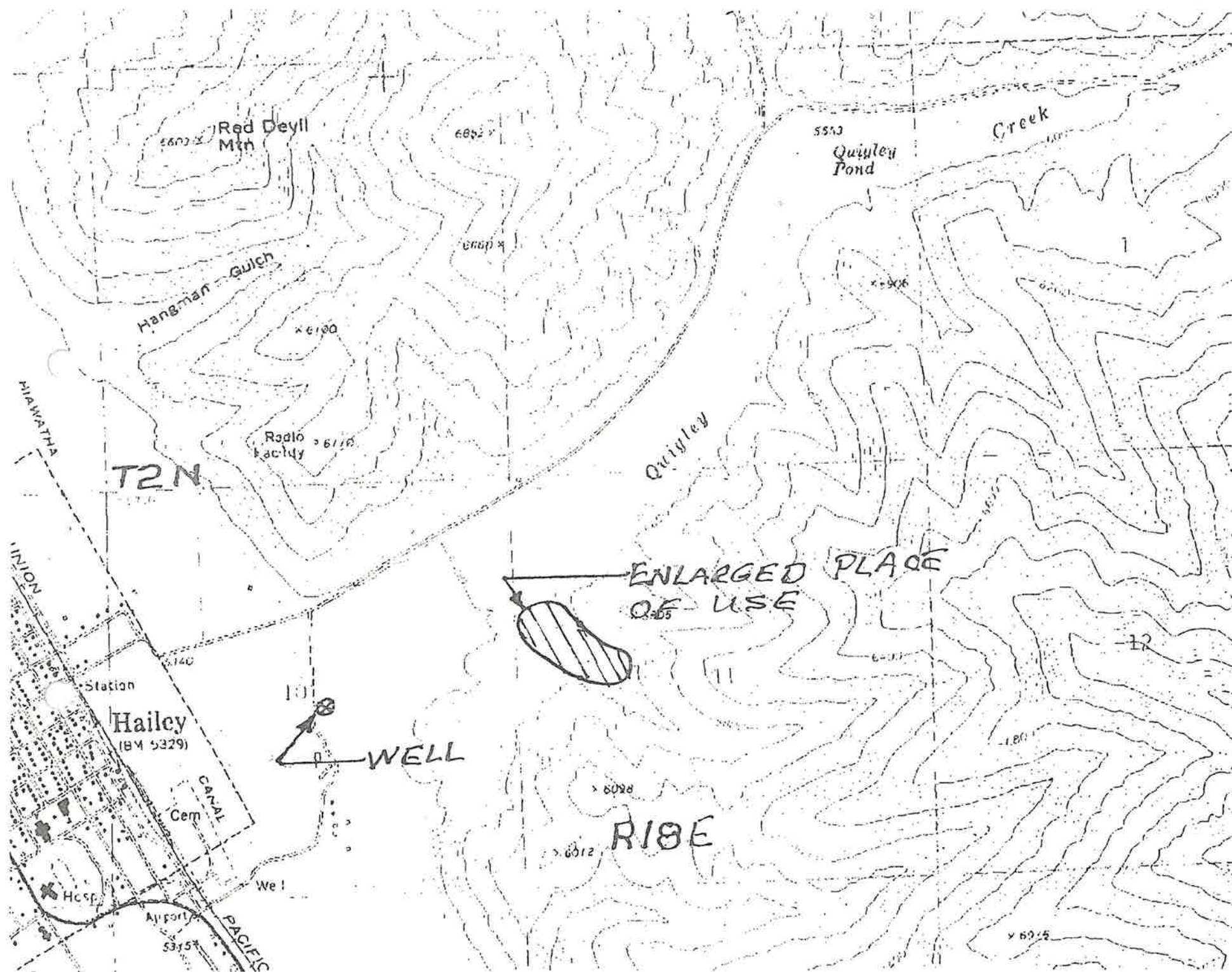
AUG 06 2004

Department of Water Resources
Southern Region

OFFICIAL SEAL
SHARON L. HAWKINS
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1323525
SANTA CLARA COUNTY
My Commission Exp. Oct. 12, 2005

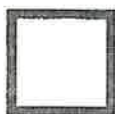
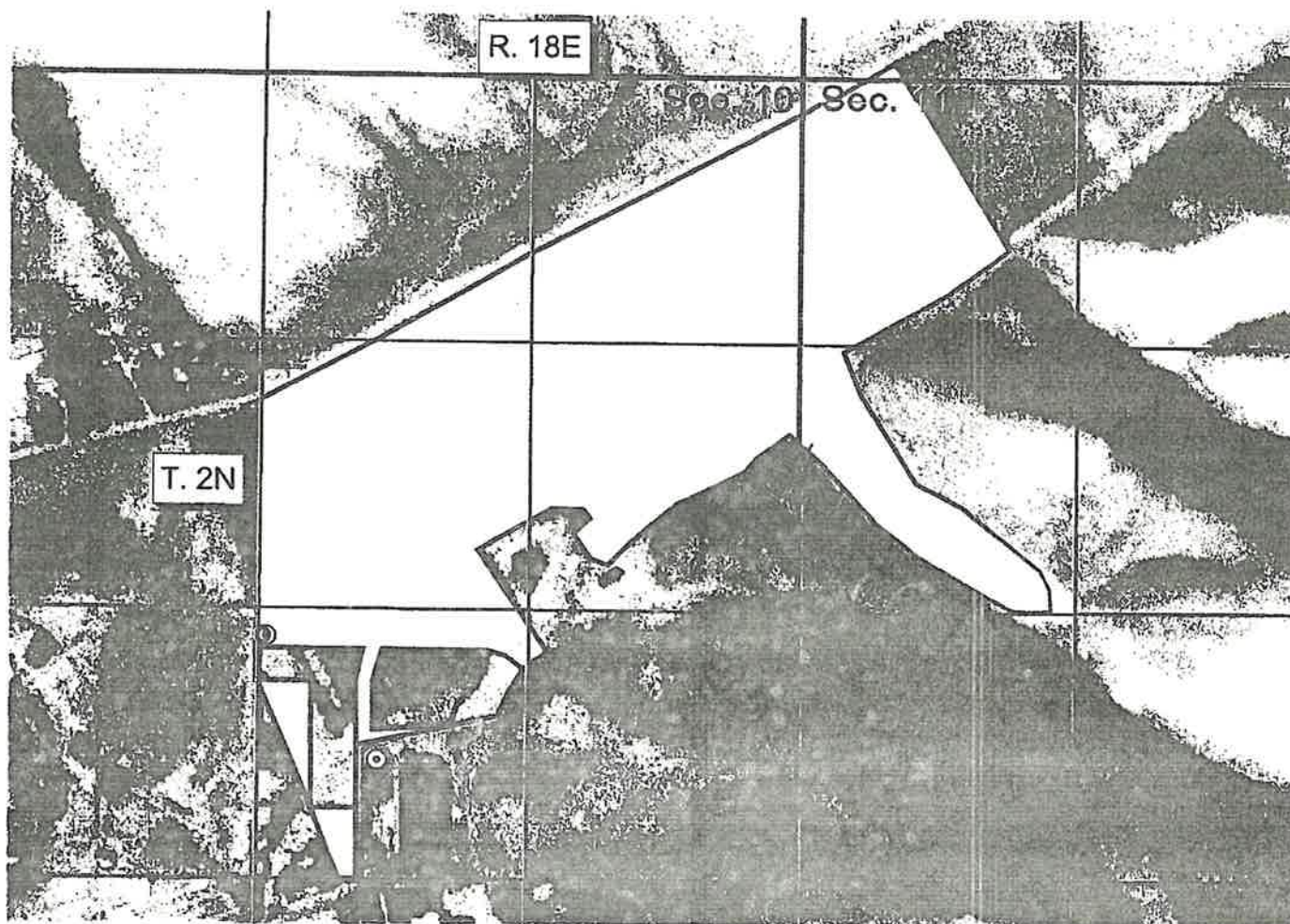
Last Name Judd Associates, L.L.C. and Burke

Ident. Number _____

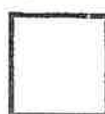


IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Blaine Co. School Dist.



Section Lines



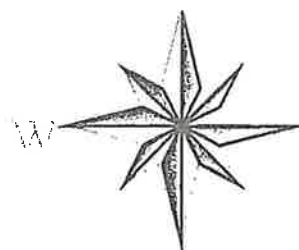
Quarter/Quarter Lines

General Location: Mouth of Quigley Canyon NE of Hailey

 Irrigation Well



Quigley Ranch Acres Protected From Forfeiture
(Irrigated Within 5 Years of Filing SRBA Claim)
131 Ac Not Including Land Sold to School District





ERO Resources Corp.
1106 N. Cole Rd. Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985
Denver • Boise
www.eroresources.com
eroboise@eroresources.com

RECEIVED
AUG 30 2004
Department of Water Resources
Southern Region

August 24, 2004

Kelly K. Christensen
Sr. Water Right Agent
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: SRBA Claims for Judd Associates, LLC

Dear Kelly:

Find attached the two enlargement claims and checks for each. These claims were previously submitted by Judd Associates and John Burke for use of ground water on their ranch in Quigley Canyon near Hailey. I talked by phone with Doug Jones about the reasons for the claims, and he advised me to return the claims with a brief letter explaining why the claims are being filed and why they are being filed at this time.

The claimants want to pursue a claim to an enlarged irrigation season and an enlarged annual volume. They are aware of the standard condition adding a "shoulder season," but believe they are entitled to an earlier, firmer priority date than this standard condition provides. In addition, IDWR increased the recognized annual diversion volume for the Hailey area after the license was issued for this right. The claimants want to pursue recognition of this large amount for their use. For these reasons, we request that the claim be accepted for filing and given full consideration in the SRBA.

Relative to the required filing fee for the claim for the enlarged place of use, these additional fifteen acres have already been claimed under rights nos. A37-19736 and A37-7693. It is my understanding that the variable fee has been paid as a result of these previously filed claims. If I am in error on this, please let me know and the additional fee will be tendered, immediately.

The claimants are seeking land use approvals from local jurisdictions that necessitate filing the claims at this time, and it is important to them to have the claims on file and numbered.

Sincerely,

Norm Young

Enclosures

cc: Stoney Burke
F. Clay Judd



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 DEPT INTERNET WEB SITE: www.idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

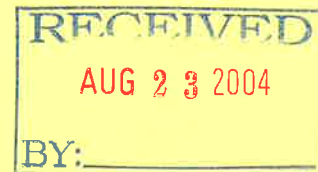
KARL J. DREHER
DIRECTOR

August 6, 2004

RECEIVED

AUG 30 2004

Department of Water Resources
Southern Region



John A Burke
PO Box 4316
Hailey ID 83333-4316

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM APPLICATIONS

Dear John

I am returning the two applications you submitted for the following reasons.

For the enlargement claim to increase the licensed season to the current season of use, it is possible that the existing claim will be recommended with a remark allowing early and/or late irrigation subject to other existing licensed rights with earlier priority dates. As we are not making recommendations in your area as of this date, a recommendation reflecting the longer season of use has not been drafted. If for some reason it is found that necessary for the claim to be filed, it can be filed at that time.

The enlargement claim to add 15 acres to the place of use requires a variable fee of \$15.00. The original filing for 37-2741 did not cover the 15 acres. The total fee due would be \$65.00.

If you have any questions please call this office.

Sincerely,

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchriste@idwr.state.id.us

Enclosures

Stacy - Talked to Nore Young
making everything to him. He thinks
they are wrong and the \$50.00 fee is
ERO. correct.
1106 N. Cole Rd. Suite C.
Boise, Idaho 83704



(2) 1 Copy
2 checks

RECEIVED

AUG 30 2004

Department of Water Resources
Southern Region

major up canyon widening traverse
with Geotagged Logging

July 29, 2004

Clay Judd
Judd Properties
1121 San Antonio Rd.
Suite D200
Palo Alto, CA 94303-4311

Dear Clay,

I am enclosing herewith two expansion of use water claims to be filed with the IDWR. Please sign on behalf of Judd Associates, LLC and have your signature notarized. You may have to attach a separate notary. Send the originals plus the enclosed maps to:

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Return receipt

Enclose a \$50.00 filing fee for each claim made payable to IDWR. This relates to our well. Our original license did not include the canyon where the driving range is located. Also, the season of beneficial use did not start until June 1st. These enlargement claims should take care of the discrepancies.

Best regards,

Stoney

Stoney

SB/md

Enclosures: Notice of Water Right Claim (2)
Maps (3)

2 checks for \$50.00

dk QCR ~~to~~ Ranch

DENVER
COLORADO

1559 LOGAN ST.
DENVER, CO 80203
TEL 303-861-8282
FAX 303-861-5317

SUN VALLEY
IDAHO

P.O. Box 4999
560 2ND AVENUE N.
KETCHUM, ID 83340
TEL 208-622-4133
FAX 208-622-4138

BILLINGS
MONTANA

P.O. Box 81490
2290 GRANT RD.
BILLINGS, MT 59108-1490
TEL 406-656-7500
FAX 406-656-7550

BOZEMAN
MONTANA

924 STONERIDGE DRIVE
SUITE 2
BOZEMAN, MT 59718
TEL 406-587-3090
FAX 406-587-2579

MISSOULA
MONTANA

330 NORTH HIGGINS
MISSOULA, MT 59802
406-542-3762
406-542-3763

NORTH PLATTE
NEBRASKA

P.O. Box 1515
315 NO. DEWILY #219
NORTH PLATTE, NE 69103
TEL 308-534-9000
FAX 308-534-9002

ALBUQUERQUE
NEW MEXICO

3801 WESTFIELD N.E.
ALBUQUERQUE, NM 87111
TEL 505-294-4455

JACKSON
WYOMING

P.O. Box 4855
235 EAST BROADWAY
JACKSON, WYOMING 83001
TEL 307-733-0989
FAX 307-733-9258

WEB SITE

www.hallhall.com

EMAIL

info@hallhall.com

1st check
PAID
7/30/04
\$50.00

2nd check
PAID
7/31/04
\$50.00

RECEIVED
JUL 30 2004

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

RETURN SERVICE REQUESTED

37-21348
37-21349



Smith

RECEIVED
SEP 16 2004
Department of Water Resources
Southern Region

BURKE
PO BOX 4316
HAILEY ID 83333-4316

JUDD ASS
PO BOX 4316
HAILEY ID

JUDD316 T833332005 1304 08 09/14/04
RETURN TO SENDER
JUDD 'FRED C
TEMPORARILY AWAY
RETURN TO SENDER

83333-4316-6000



**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 39576

)
)
)
)

A. Subcase 37-21348

(Insert water right number)

STANDARD FORM 1

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: **Quigley Green Owner LLC**

Address: **C/O Greenfield Partners**

Attn: Barry P. Marcus

50 North Water St.

South Norwalk, Ct 06854

Daytime Phone: **(203) 354-5000**

Name & Address of Attorney, if any: **J. Evan Robertson**

134 Third Avenue East

P.O. Box 1906

Twin Falls, Idaho 83303-1906

(208) 933-0700

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: **Judd Associates LLC and John Burke**

Address: **P.O. Box 4316**

Hailey, Idaho 83333-4316

- D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)):

1. ☒ **Name and Address**

Should be:

Name: **Quigley Green Owner LLC**

Address: **C/O Greenfield Partners**

Attn: Barry P. Marcus

50 North Water St.

South Norwalk, Ct 06854

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): A form changing the name and address is being filed with IDWR.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21348 V1

WATER RIGHT NUMBER: 37-21348 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN BURKE PO BOX 4316 HAILEY, ID 83333-4316 (208)622-4133
Current Owner	JUDD ASSOCIATES LLC PO BOX 4316 HAILEY, ID 83333-4316 (208)622-4133

Priority Date: 04/15/1985

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.270 CFS	52.50 AF
STOCKWATER	01/01 to 12/31	0.120 CFS	
	<u>Total Diversion:</u>	0.270 CFS	52.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 10, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	11							15.0										15.0

Total Acres: 15

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	11							X										

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21348 V1

1. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
2. E51 Right Nos. 37-20902 and 37-21348 are limited to a total combined diversion rate of 2.01 cfs.
3. C18 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.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. K02 This right is based upon an enlargement of Right No.37-20902 pursuant to Section 42-1426, Idaho Code.
6. K09 This right is for an enlargement of 15 acres within the place of use described for this right.
7. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. Stockwater use is for 200 cow/calf pairs or 1000 sheep.

Remarks:Comments:

1. cfritsch 2/2/2007 Copied from Remarks

Comment: This claim is an enlargement of right no. 37-20902 (original license no. 37-2741). It is filed pursuant to Section 42-1426, Idaho Code. No additional diversion rate is requested from that allowed under 37-20902. The purpose of this claim is to confirm the right to use groundwater for irrigation and stockwater on the enlarged area.

The priority date claimed is based upon the field examiners report dated August 6, 1985 indicating use of water on this field during that season and IDWRs evaluation of irrigation use of water on this field during that season and IDWRs evaluation of irrigation use on this ranch for transfer no 70522 (see a GIS map prepared by IDWR dated 12/11/02, attached).

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.01		
Combined Water Rights: 37-21348		

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21348 V1

SubCase:

SubCase Number: 37-21348
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: eretelle
Basis of Claim: Beneficial Use
Date Filed: 11/7/2007 Objection Status: Active

Water Supply Bank:

Water Resources
Adjudication Bureau
P. O. Box 83720
 Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITEL



02 1A
0004310839 JAN 08 20
\$ 00.87
MAILED FROM ZIP CODE 837

RECEIVED
JAN 11 2007
DEPARTMENT OF
WATER RESOURCES

Burke
BURKE JOHN
JUDD ASSOCIATES LLC
PO BOX 4316
HAILEY ID 83333-4316

37-21348

JUDD316* 833332023 1B06 10 01/10/07
RETURN TO SENDER
:JUDD ASSOCIATES
BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER

12/19/2006

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

RIGHT NUMBER: 37-21348

NAME AND ADDRESS: JOHN BURKE
PO BOX 4316
HAILEY ID 83333-4316

JUDD ASSOCIATES LLC
PO BOX 4316
HAILEY ID 83333-4316

SOURCE: GROUND WATER

QUANTITY: 0.270 CFS

Right Nos. 37-20902 and 37-21348 are limited to a total combined diversion rate of 2.01 cfs.

PRIORITY DATE: 04/15/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T02N R18E S10 NWNWSE 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	0.270 CFS
		52.50 AFY
STOCKWATER	01/01 12/31	0.120 CFS

Stockwater use is for 200 cow/calf pairs or 1000 sheep. This is the same livestock as covered by right no. 37-20902. This claim is only to an enlarged place of use.

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S11 SWNW 15.00

STOCKWATER in BLAINE County

T02N R18E S11 SWNW

15 ACRES TOTAL

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

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

This right is based upon an enlargement of Right No. 37-20902 pursuant to Section 42-1426, Idaho Code.

12/19/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 15 acres within the place of use described for this right.

This claim is an enlargement of right no. 37-20902 (original license no. 37-2741). It is filed pursuant to Section 42-1426, Idaho Code. No additional diversion rate is requested from that allowed under 37-20902. The purpose of this claim is to confirm the right to use groundwater for irrigation and stockwater on the enlarged area.

The priority date claimed is based upon the field examiners report dated August 6, 1985 indicating use of water on this field during that season and IDWRs evaluation of irrigation use of water on this field during that season and IDWRs evaluation of irrigation use on this ranch for transfer no 70522 (see a GIS map prepared by IDWR dated 12/11/02, attached).

The area irrigated under this enlargement claim was determined from the area found to be irrigated in the SW1/4NW1/4 Sec, 11 T2N, R18E on August 6, 1985 by IDWR in a field examination of right no. 37-7693 (18 acres) less 3 acres in that 40 acre subdivision already covered under right 37-20902 (the parent right).

The rate of diversion for irrigation is based upon the rate per acre in the parent right.



Idaho Department of Water Resources

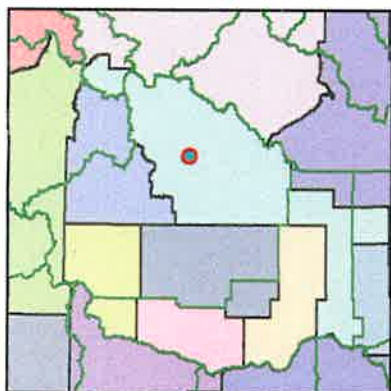
SRBA Recommendation:

37-21348

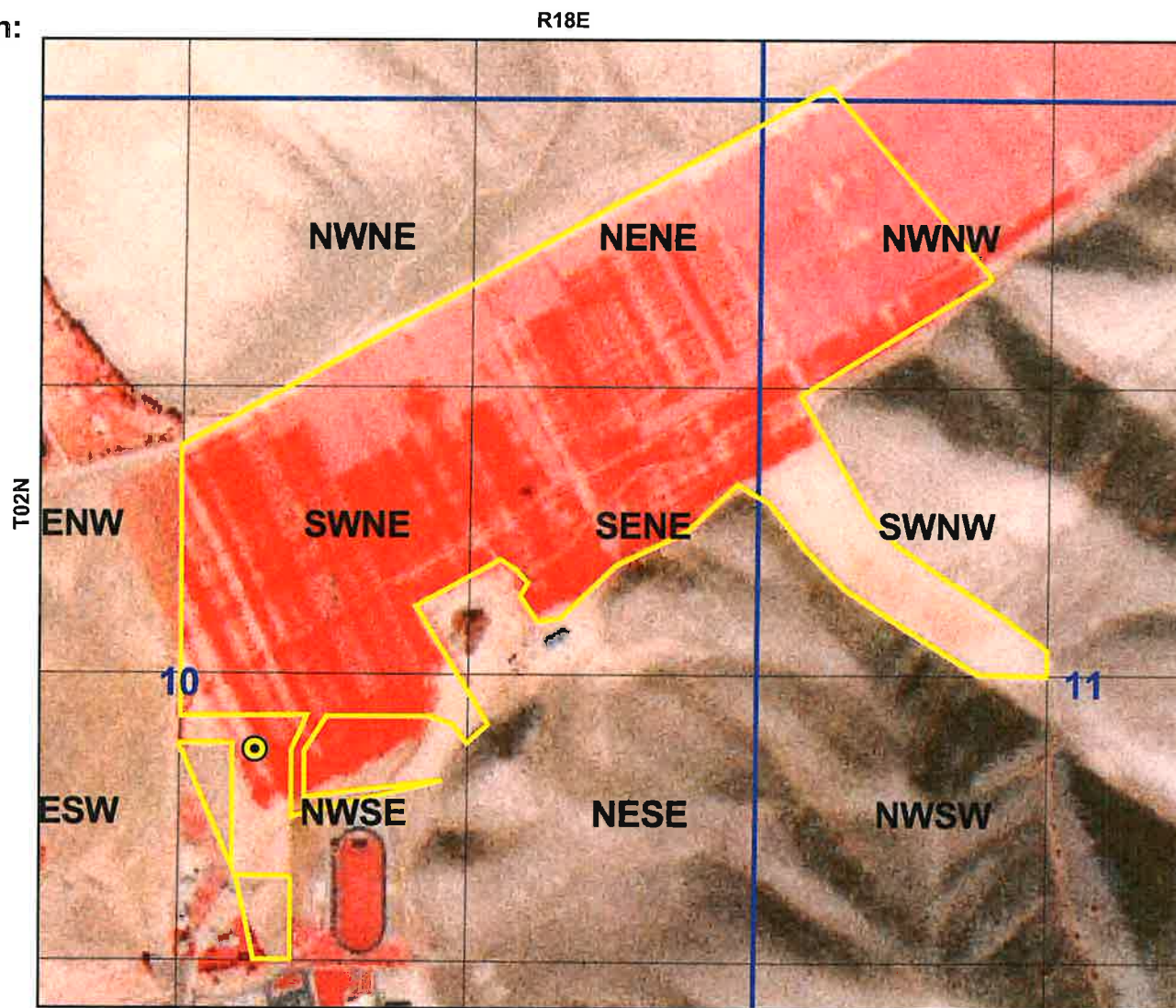
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. Norques
On Wednesday, December 20, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

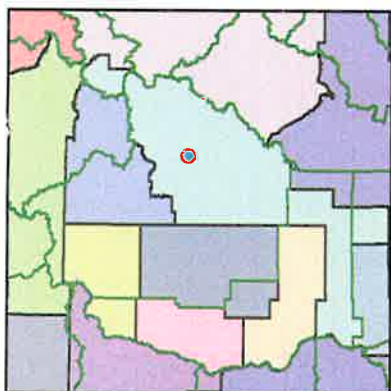
SRBA Recommendation:

37-21348

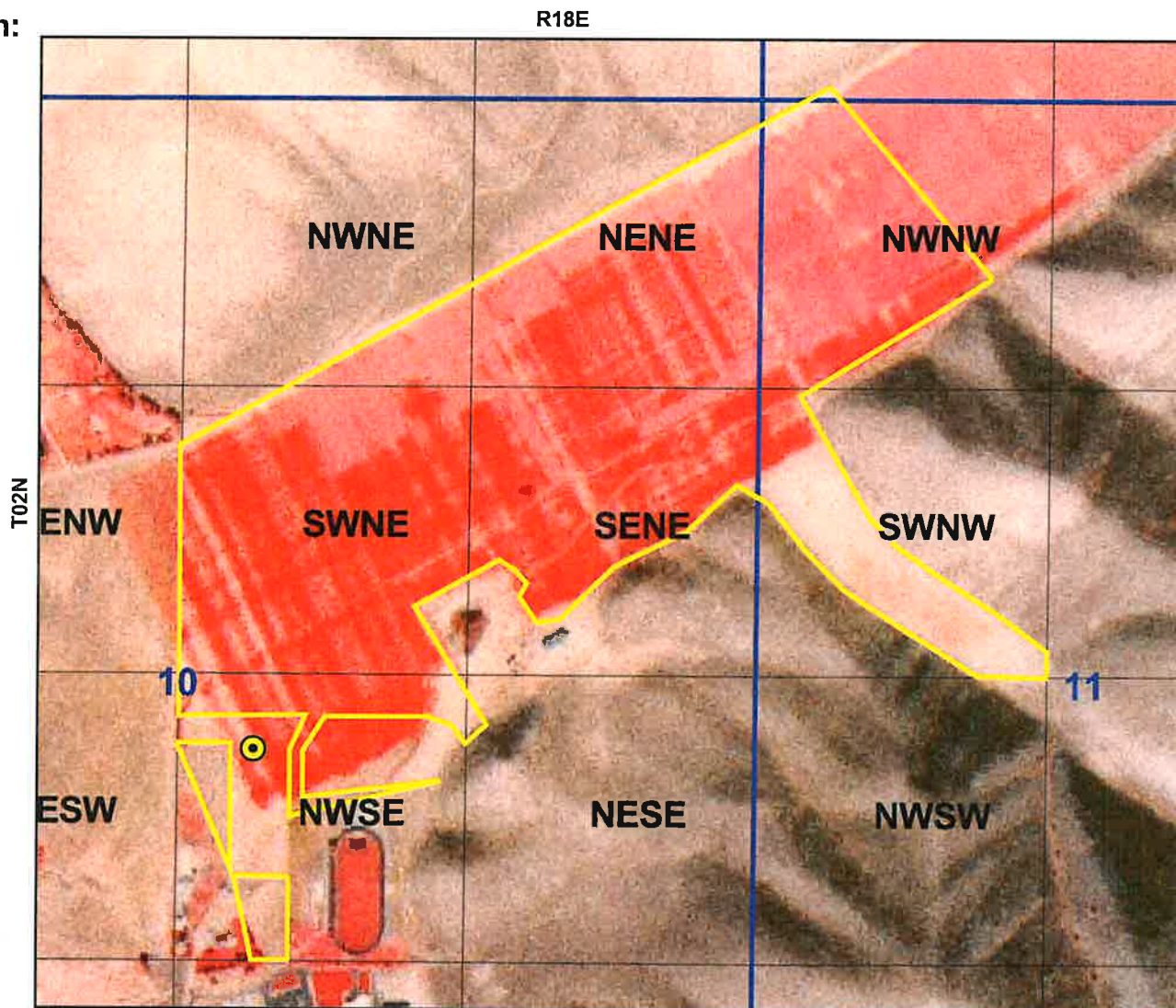
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. Norques
On Wednesday, December 20, 2006
1987/88 Aerial Photography



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

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures