

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 37-21423
Date Received: 2/7/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

LYNN BONTRAGER LLC Phone: (208)788-3690
PO BOX 2092
KETCHUM ID 83340

2. Date of Priority: 11/26/1886

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 NW	BLAINE	

5. Description of diverting works:

HEADGATE #22, HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.12	

7. Total Quantity Appropriated is:
0.12 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	NW	IRRIGATION	2.3
					Section Acres	2.3
					Total Acres	2.3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, SAGEBRUSH SUBDIVISION.

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

February 8, 2005

LYNN BONTRAGER LLC
PO BOX 2092
KETCHUM ID 83340

RE: SRBA Claim(s) 37-21244 (Part)

Dear Claimants:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-21423.

Enclosed please find your copy of the computer-generated claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Form 42-248/42-1409(6) July, 2000

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

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

RECEIVED
FEB 03 2005
 Department of Water Resources
 Southern Region

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
A37-20933		• 12 CFS			

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) KRISTINE PIGEON
PO Box 394, SUN VALLEY, IDAHO 83353
4. New Owner/Claimant(s) LYNN - BONTRAGER, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 2092
- City, State and ZIP Code KETCHUM IDAHO 83340
- New Telephone Number (208) 788 3690
5. Date you acquired the property AUG 1999

Form 42-248/42-1409(6) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A 37 - 20933</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>.12 CFS</u>	<u>2.34 ACRES</u>
Stock		
Domestic		
Other		
Total	<u>.12 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		

7. Signature of New Owner(s) or Claimant(s) Kathleen Lynn, member
(include title if applicable) LYNN-BONTRAGER, 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 _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED
FEB 03 2005
Department of Water Resources
Southern Region

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Sagebrush Subdivision

This declaration is made on _____ 1999, by Kristine Pigeon, hereinafter, referred to as "Declarant". Whereas, "Declarant is the owner of certain property located in Blaine County, State of Idaho which will be subdivided into four (4) lots called the Sagebrush Subdivision.

Definitions

"Declarant": original property owner, Kristine Pigeon.

"Owner": the recorded owner(s) that hold title to any lot within the subdivision.

"Lot": divided parcels, 1,2,3, and 4 as depicted on the Preliminary Plat Map.

Membership

Every owner is entitled and required to be a member of the Sagebrush Homeowners Association. Each lot is entitled to one voting right.

Rules and Regulations

The Association can make reasonable rules and regulations governing the use, operation and improvements to the road and water system.

Fire Protection

The Declarant will be responsible for the construction of a pond and dry hydrant to meet minimum standards as set forth by the Wood River Rural Fire District. The surface water right #A37-00402 will be used to maintain water in the pond. The pond will also be used for irrigation purposes.

Irrigation Water and Weed Abatement

Water right #A37-00402, (0.81 cfs surface water from the Hiawatha Canal), will be divided for use by the owners as follows:

Lot 1: .12 cfs

Lot 2: .14 cfs

Lot 3: .14 cfs

Lot 4: .41 cfs

NEW# 37-20933

The Declarant will install a pump and pipe to each lot from the pond. It will be the responsibility of each owner to install an irrigation system. The owner will be responsible for irrigating their lot and for controlling and removing noxious weeds.

Order No. 25308A

CORPORATION
WARRANTY DEEDRECEIVED
FEB 03 2005
Department of Water Resources
Southern RegionFOR VALUE RECEIVED and as replacement property in an I.R.C. 1031 tax deferred exchange for the
Grantee

B.C. EXCHANGE CORPORATION

a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN,
SELL and CONVEY unto

CARL G. BONTRAGER and KATHLEEN K. LYNN, husband and wife

GRANTEE whose address is: P.O. Box 815, Ketchum, ID 83340

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

Lot 1, Block 1 of SAGEBRUSH SUBDIVISION, according to the official plat thereof, recorded as Instrument
No. 422945, records of Blaine County, Idaho.Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved
in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and
ordinances of any governmental unit.TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's
heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor
is the owner in fee simple of said premises; that they are free from all encumbrances except as above described
and that Grantor will warrant and defend the same from all lawful claims whatsoever.IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate
name to be hereunto subscribed by its Secretary.

Dated: August 11, 1999

B.C. EXCHANGE CORPORATION


ROBERT KORB, SECRETARY

State of Idaho

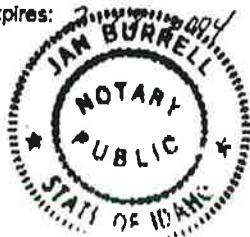
County of Blaine

On this 12th day of August, in the year 1999, before me, the undersigned, personally appeared ROBERT
KORB known or identified to me to be the president, or vice-president, or secretary or assistant secretary, of the
corporation that executed the instrument or the person who executed the instrument on behalf of said corporation,
and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.


Notary Public
Commission Expires: 2/28/2004

J:\notary\idaho\land

430494
Blaine Co. Request
SAMTOOTH TITLE
1999 AUG 13 3 11 PM
MASON RECORDS DEPT
FEES \$ 3-

A PLAT SHOWING SAGEBRUSH SUBDIVISION

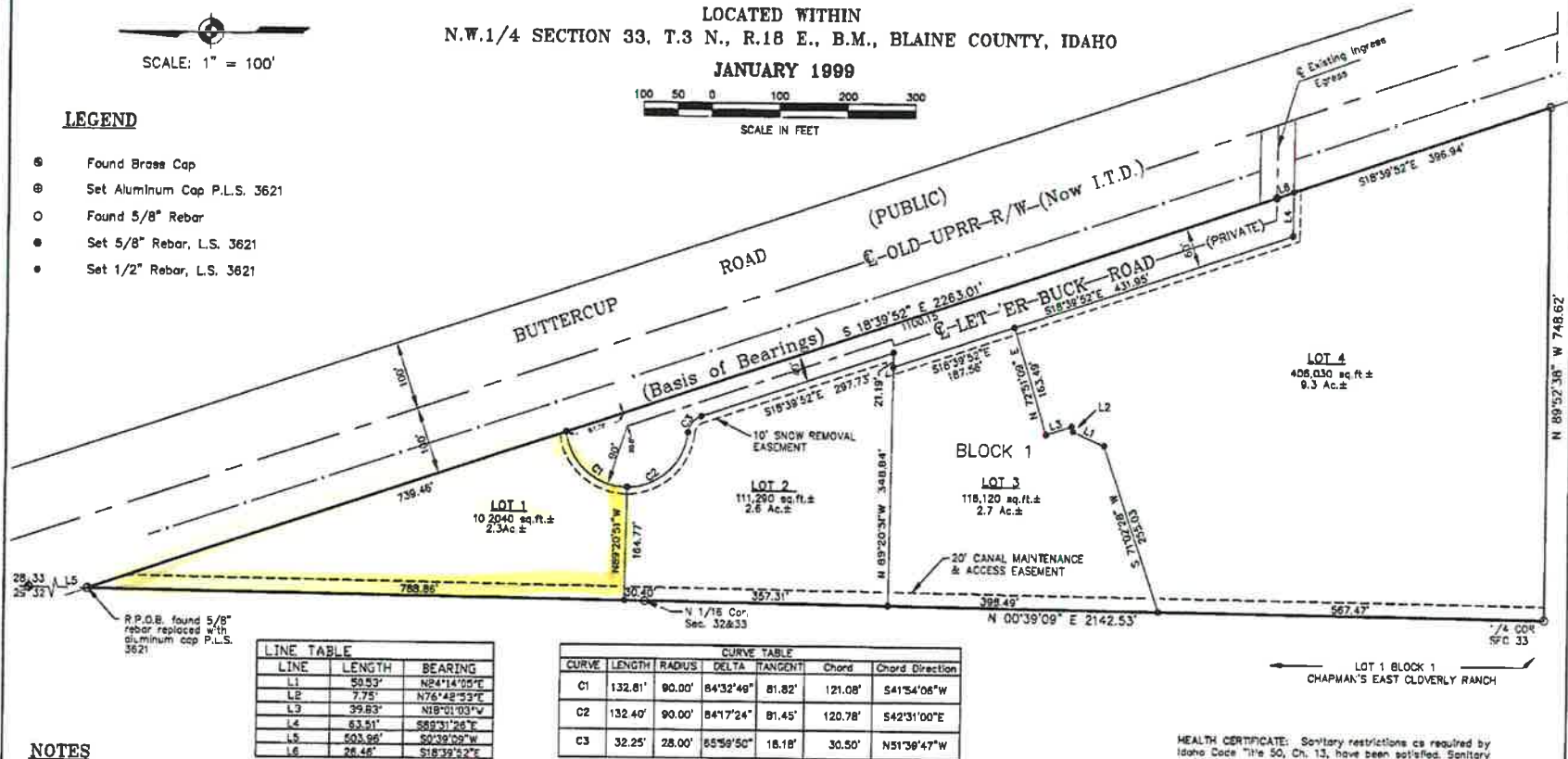
LOCATED WITHIN
N.W.1/4 SECTION 33, T.3 N., R.18 E., B.M., BLAINE COUNTY, IDAHO
JANUARY 1999

SCALE: 1" = 100'

100 50 0 100 200 300
SCALE IN FEET

LEGEND

- Found Brass Cap
- ⊙ Set Aluminum Cap P.L.S. 3621
- Found 5/8" Rebar
- Set 5/8" Rebar, L.S. 3621
- Set 1/2" Rebar, L.S. 3621



NOTES

- The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner, owner's successors in interest or the homeowners association, and that Blaine County is in no way obligated to assist, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.
- A public utility easement of 10 feet in width exists along all side and rear lot lines.
- Individual lot owners are responsible for control of noxious weeds as per state regulations. Mowing and manual removal are recommended.
- All fire protection requirements of the Wood River Rural Fire District (or otherwise applicable fire district), the Uniform Fire Code and the Blaine County Fire Protection Ordinance including but not limited to water supply, clear zones and year-round access to fire hydrants shall be complied with prior to the issuance of any building permits within this subdivision.
- Septic systems and drain field locations shall be approved by South Central Health District prior to issuance of a building permit.
- All utilities shall be underground.
- All new domestic wells in this subdivision shall be metered.
- This property includes and is adjacent to active agricultural uses. Residents and purchasers shall be aware that agricultural practices, livestock grazing and operations, occurring day and night, are allowed and may result in dust, odors, use and application of agricultural chemicals, spraying, ground preparation, harvesting, etc. In addition, the roads accessing this property are used by agricultural vehicles. Such practices and uses are normal functions on agricultural lands and are not considered nuisances.
- Blaine County School District bus routes do not include Let-er-Buck Road. School children may need to be transported to the nearest school bus stop on Buttercup Road.
- The decreed water rights shall remain with the four (4) lots contained herein in perpetuity and shall not be sold off the land.
- Neither the owner of any lot within this subdivision nor any association of homeowners shall inhibit the wintertime use of the Wood River Trail System by completely plowing all of the snow from the pathway.
- Owners shall comply with Health Department regulations including sewage disposal system setbacks from irrigation distribution systems.
- A blanket easement to benefit the Sagebrush Homeowners is reserved for a water delivery line and fire protection pond to be constructed on Lots 2 and 3.

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.

1-11-99
Date

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



RICHARD D. FOSBURY, P.L.S. 3621

SAGEBRUSH SUBDIVISION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 1 OF 2

Job No. 4588

Department of Water Resources
Southern Region

FEB 03 2005

RECEIVED

Wednesday, February 02, 2005

RECEIVED
710
FEB 03 2005
Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmoe Street
Suite 200
Twin Falls, ID 83301-3380
208-736-3033

Hello Jim Stanton,

Please find enclosed a Notice of Change in Water Right Ownership for Water Right # A37 20933 (Previous # A37-00402).

I believe I have enclosed all the necessary documents, etc. that you requested. This water right is being divided as indicated.

If you have any questions, please give me a call at 208 788 3690.

Thanks for your help.

Sincerely,



Kathleen Lynn
Member
Lynn-Bontrager, LLC
P O Box 2092
Ketchum, Idaho 83340

11/21/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-21423

LYNN BONTRAGER LLC

PO BOX 2092

KETCHUM ID 83340

Telephone Number: (208)788-3690

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

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

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

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

DATE: DEC 11, 2006

SIGNATURE:

LYNN-BONTRAGER, LLC; Kathleen Lynn
member

Please print your name: KATHLEEN LYNN

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

SCANNED**DEC 15 2006**



Idaho Department of Water Resources

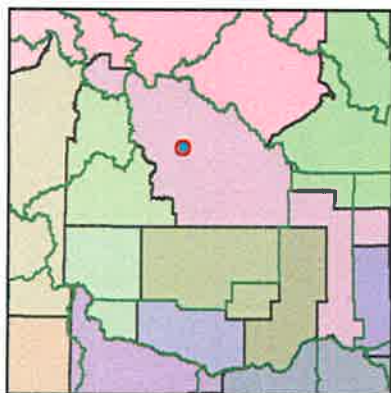
SRBA Recommendation:

37-21423

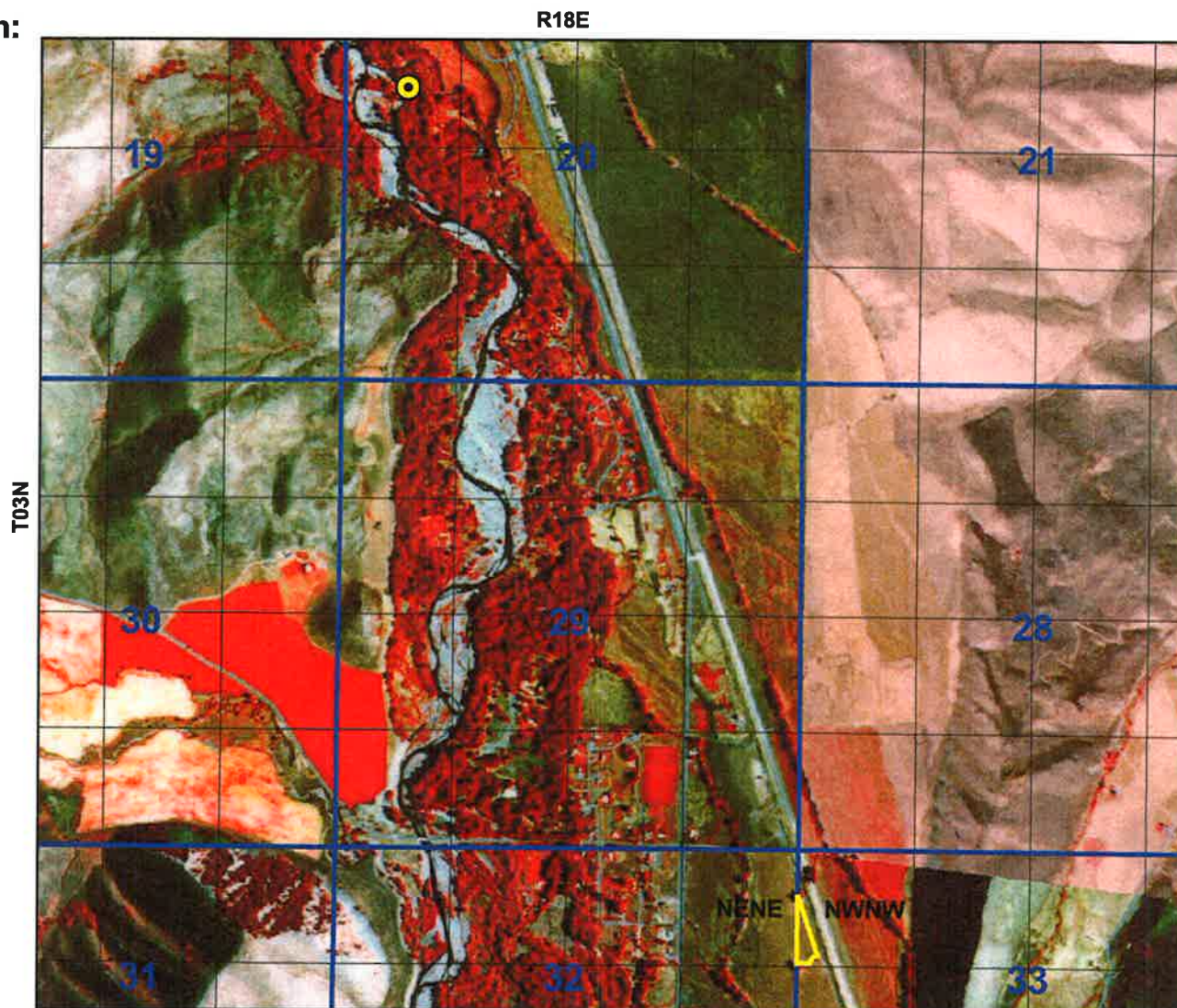
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

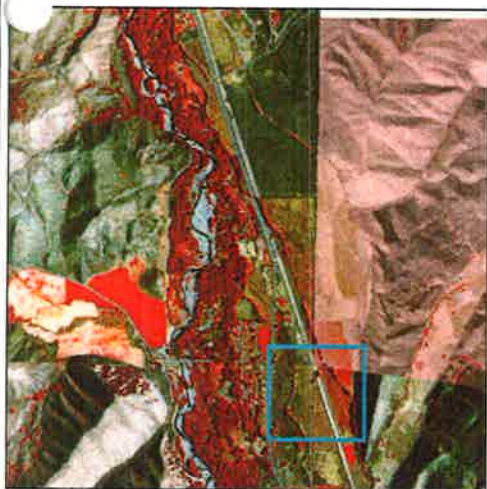
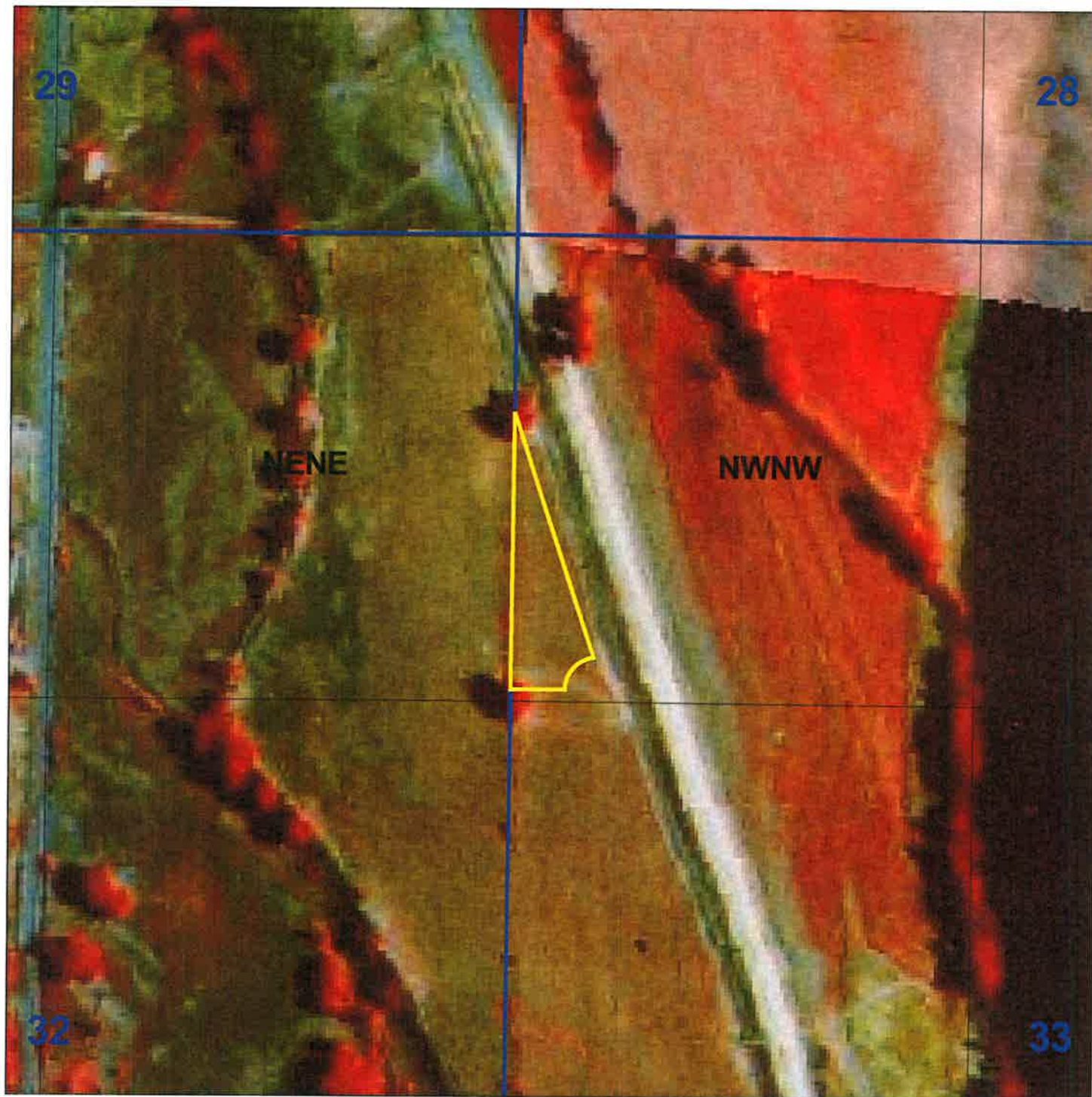


0 0.8 1.6 Miles



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

37-21423





Idaho Department of Water Resources

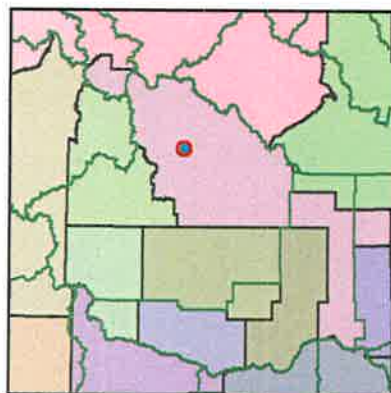
SRBA Recommendation:

37-21423

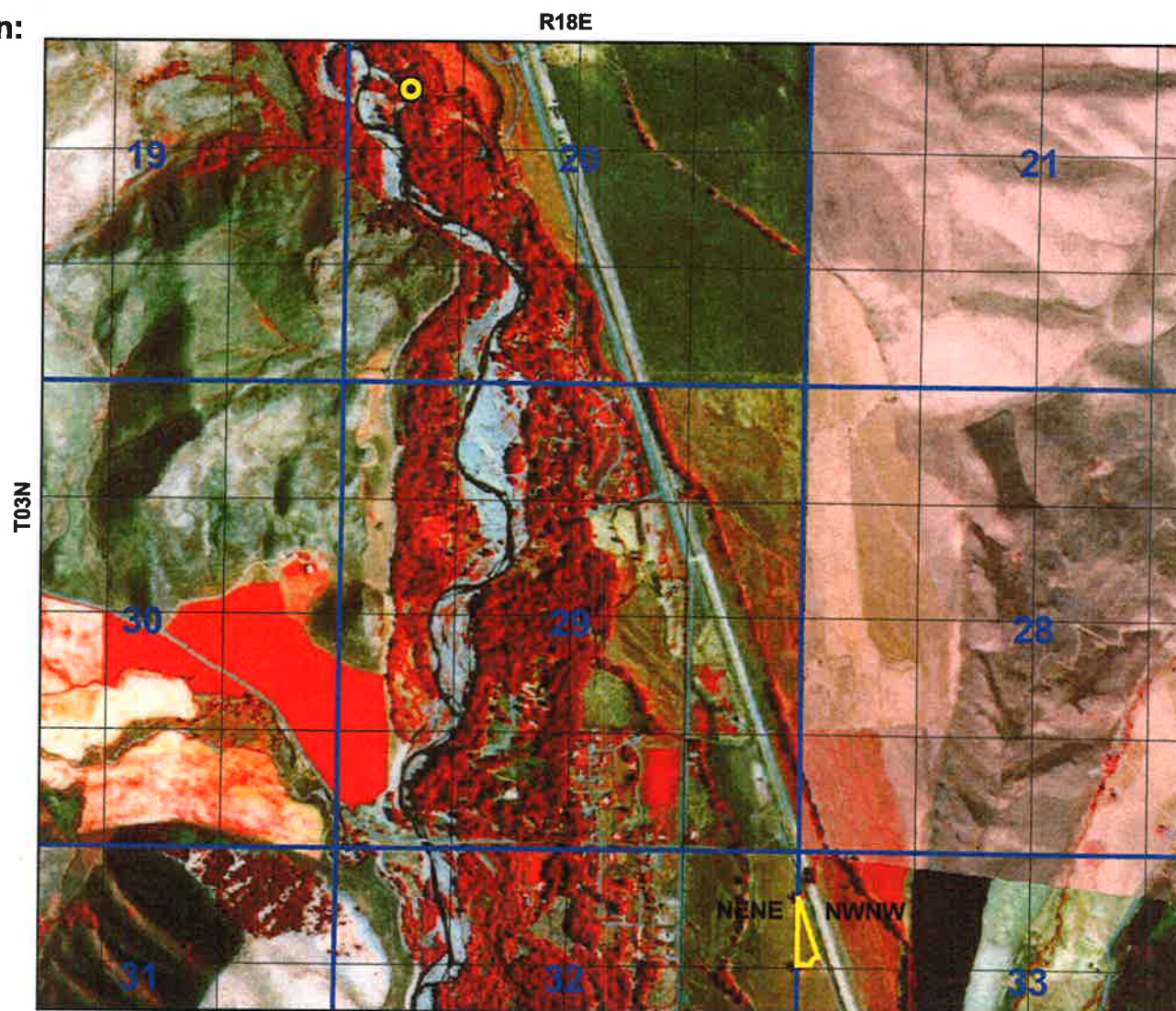
(Irrigation)

Legend

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

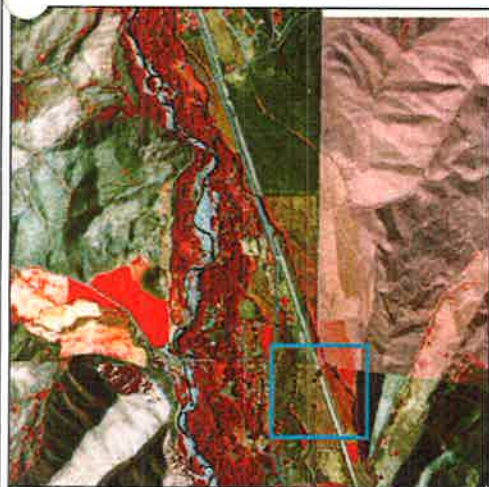
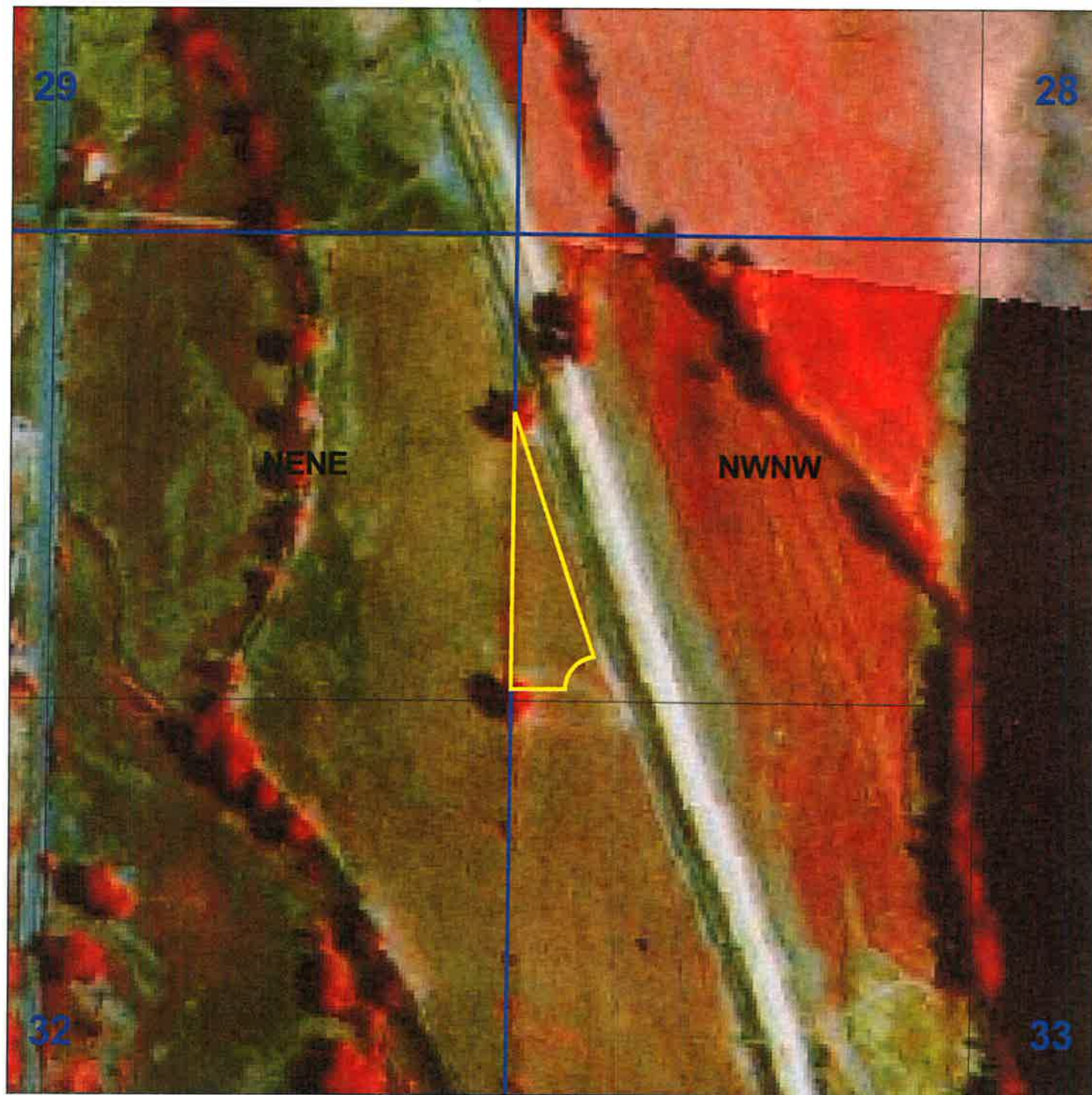


Blaine County
IDWR Basin 37



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

37-21423



10/30/2006

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

RIGHT NUMBER: 37-21423

NAME AND ADDRESS: LYNN BONTRAGER LLC
PO BOX 2092
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 11/26/1886

POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.120 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T03N R18E S33 NWNW 2.30

2.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-402.

PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, SAGEBRUSH SUBDIVISION.

Water diverted from Headgate #22 delivered through Hiawatha Canal.