

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 37-21466  
Date Received: 5/24/2005  
Receipt No: 5027698  
Received By: NT

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Micheal Mckenzie Phone: (208) 823-4357  
PO Box 307  
Carey ID USA 83320

2. Date of Priority: 12/01/1881

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 01N      | 20E   | 30      | NW SW SE              | BLAINE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 05/01 | 10/31 | 0.04   |            |

7. Total Quantity Appropriated is:  
0.04 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 |
|---------------|-------|---------|----------------|------------|-------|
| 01S           | 21E   | 34      | NE SW          | IRRIGATION | 2     |
| Section Acres |       |         |                |            | 2     |
| Total Acres   |       |         |                |            | 2     |

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 pursuant to a portion of decreed water right 37-639.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Michael M. Hengzi Date: 5/24/05  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

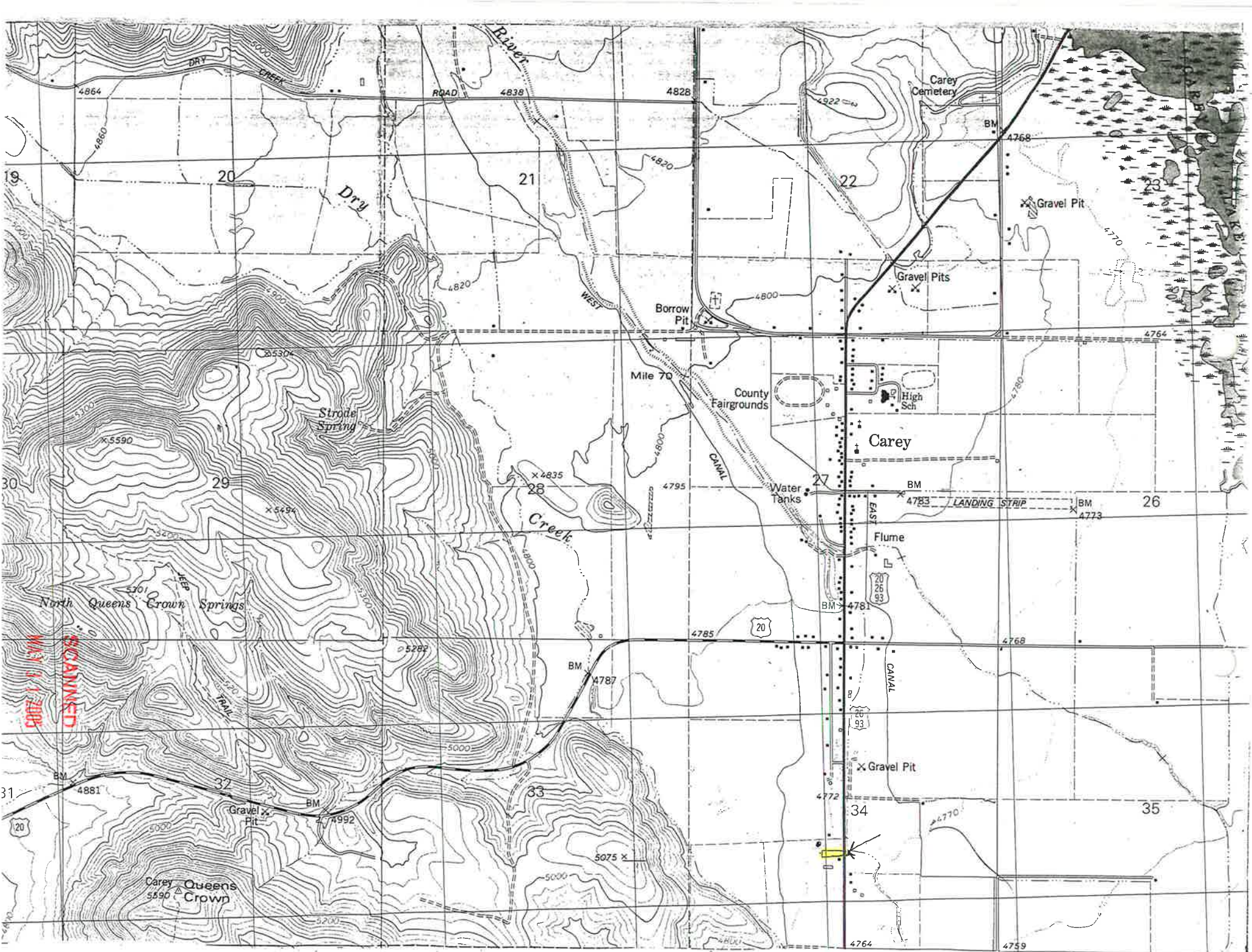
Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day  
of May 2005

Kelly K. Christensen

Notary Public

Residing at Twin Falls, ID  
My commission Expires 4-2-2010





Order No. 27338

Instrument # 443521

HAILEY BLAINE, IDAHO

2000-09-26 03:35:00 No. of Pages: 1

Recorded for : SAWTOOTH TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYOCCORP DEED

## QUITCLAIM DEED

FOR VALUE RECEIVED

MICHAEL L. MCKENZIE, a married man, as his sole and separate property, who acquired title as an unmarried man

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

MICHAEL L. MCKENZIE and LANA K. MCKENZIE, husband and wife

whose address is: P.O. Box 224, Hailey, ID 83333

the following described premises situated in Blaine County, Idaho, to wit:

Lot 2, Block 1 of S & J SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 418950, records of Blaine County, Idaho.

together with their appurtenances.

Dated: September 7, 2000

Michael L. McKenzie  
Michael L. McKenzie

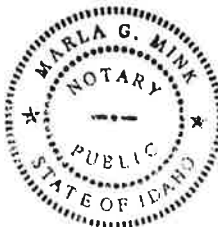
State of Idaho )  
County of Blaine ) ss.

On this 21st day of Sept, in the year 2000, before me, the undersigned, personally appeared Michael L. McKenzie, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Marla G. Mink  
Notary Public  
Commission Expires: 12/01/2000

J:\ncrow\formatged



# STATE OF IDAHO

## IDAHO DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: # 37-0639-B  
 Adjudication Claim No(s).: \_\_\_\_\_
  
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**  
**AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).  
 (These are usually attached to your deed or on file with the county.)  
**OR**
  - C. If your water right or adjudication claim 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 Scott Peck Conservatorship  
PO Box 26 Carey Id 83320
  
4. New Owner/Claimant(s) Michael McKenzie  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address PO Box 307  
 City, State and ZIP Code Carey Id 83320  
 New Telephone Number (208) 823-4357
  
5. Date you acquired the property \_\_\_\_\_
  
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

|                                                                |                                                     |
|----------------------------------------------------------------|-----------------------------------------------------|
| Number of acres you irrigate with this water right <u>1.75</u> | Number and type of stock _____                      |
| Diversion rate in CFS <u>.04</u>                               | Number of homes you acquired _____ Other uses _____ |

7. Signature of New Owner(s) or Claimant(s) Michael A. McKenzie

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

SCANNED

MAY 31 2005

Instrument # 441925

HAILEY BLAINE, IDAHO

21 10-08-08

02:42:00 No. of Pages: 2

Recorded for: KATHI PECK

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYGACORP DEED

A298-10  
R298-04

## QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this  
18 2000 .

1<sup>st</sup> day of August .

by first party, Grantor, Peck Development LLC  
whose post office address is PO Box 26 Carey, Id. 83320

to second party, Grantee, Michael L McKenzie  
whose post office address is PO Box Carey Id. 83320

WITNESSETH, That the said first party, for good consideration and for the sum of  
Ten thousand Dollars (\$ 10,000.00 ) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of Blaine State of Idaho to wit:

Lot 1, Block 2 S&J Subdivision #2

SCANNED

MAY 31 2005

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Emilie Peck  
Signature of Witness

[Signature]  
Signature of First Party

KATHI PECK  
Print name of Witness

ROBB PECK  
Print name of First Party

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of First Party

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Print name of First Party

State of IDAHO  
County of BLAINE  
On 8-8-2005

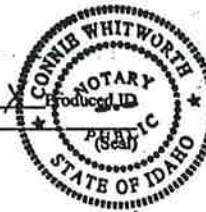
before me, Connie Whitworth

appeared Robb Peck

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Connie Whitworth  
Signature of Notary

Affiant Known  
Type of ID \_\_\_\_\_



State of \_\_\_\_\_  
County of \_\_\_\_\_  
On \_\_\_\_\_  
before me,

appeared \_\_\_\_\_  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

Affiant Known Produced ID  
Type of ID \_\_\_\_\_  
(Seal)

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Print Name of Preparer

\_\_\_\_\_  
Address of Preparer

SCANNED

MAY 31 2005

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 37-21466  
Date Received: 5/24/2005  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

Micheal Mckenzie  
PO Box 307  
Carey ID USA 83320

Phone: (208) 823-4357

2. Date of Priority: 12/01/1881

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 01N      | 20E   | 30      | NW SW SE              | BLAINE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 05/01 | 10/31 | 0.04   |            |

7. Total Quantity Appropriated is:  
0.04 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 |
|---------------|-------|---------|----------------|------------|-------|
| 01S           | 21E   | 34      | NE SW          | IRRIGATION | 2     |
| Section Acres |       |         |                |            | 2     |
| Total Acres   |       |         |                |            | 2     |

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 pursuant to a portion of decreed water right 37-639.

15. Basis of Claim: Decreed

12/16/2006

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

RIGHT NUMBER: 37-21466

NAME AND ADDRESS: Micheal McKenzie  
PO Box 307  
Carey ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 12/01/1881

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.040 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R21E S34 NESW 1.50

1.5 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



# Idaho Department of Water Resources

SRBA Recommendation:

**37-21466**

## Legend

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



Blaine County  
IDWR Basin 37



0

0.25 Miles



Prepared by M. Anders  
On Saturday, December 16, 2006  
1987/88 Aerial Photography

## Adjudication Claim Notes

**Claim(s): 37-21466**

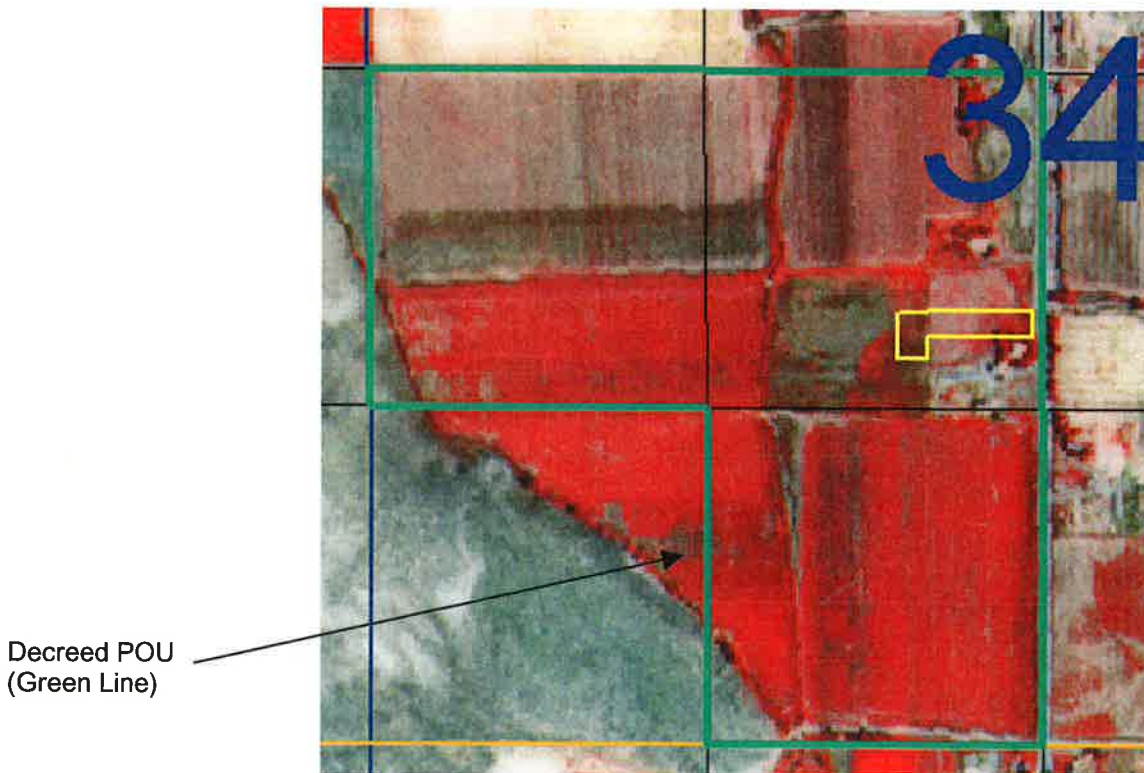
### Background Data

- Source is Little Wood River tributary to Malad River
- Priority date search indicates:
  - 37-639 originally decreed for 0.5 cfs for Irrigation of 4 QQ
    - SRBA claims
      - 37-21275 claimed 0.08 cfs for Irrigation of 26.9 acres
      - 37-21466 claimed 0.04 cfs for Irrigation of 2.0 acres
      - 37-21596 claimed 0.25 cfs for Irrigation of 121.0 acres
      - 37-21597 claimed 0.05 cfs for Irrigation of 11 acres
      - Unclaimed: 0.08 cfs

### Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.  
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.  
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

### 1987 Aerial Photo



## Notes

### T1S R21E Section 34

- Found 1.5 acres
- Recommendations:
  - 37-21275: 0.08 cfs for Irrigation of 21.7 acres
  - 37-21466: 0.04 cfs for Irrigation of 1.5 acres
  - 37-21596: 0.25 cfs for Irrigation of 121 acres
  - 37-21597: 0.05 cfs for Irrigation of 11 acres
  - Unallocated: 0.08 cfs for Irrigation of 4.8 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-639

WATER RIGHT NUMBER: 37-639

Owner Type                      Name and Address  
 Current Owner                  CYRUS J STANFORD  
                                          , ZZ  
 Current Owner                  THOMAS C STANFORD  
                                          , ZZ

Priority Date: 12/01/1881

Basis: Decreed

Status: Active

Source                                              Tributary  
 LITTLE WOOD RIVER                              MALAD RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | / to /                  | 0.500 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.500 CFS             |                      |

Location of Point(s) of Diversion  
 LITTLE WOOD RIVER

Place of Use  
 IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 01S | 21E | 34  |    |    |    | X  |    |    |    |    | X  | X  |    | X  |    |    |    |    |        |

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

Remarks:Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-639

Licensed Date:  
Decreed Date: 12/13/1909  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 37N  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Alturas Water Co, et al  
Decree Plaintiff: S C Frost, et al  
Civil Case Number:  
Judicial District: Fourth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:



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.idaho.gov](http://www.idwr.idaho.gov)

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 25, 2005

Steve Clelland

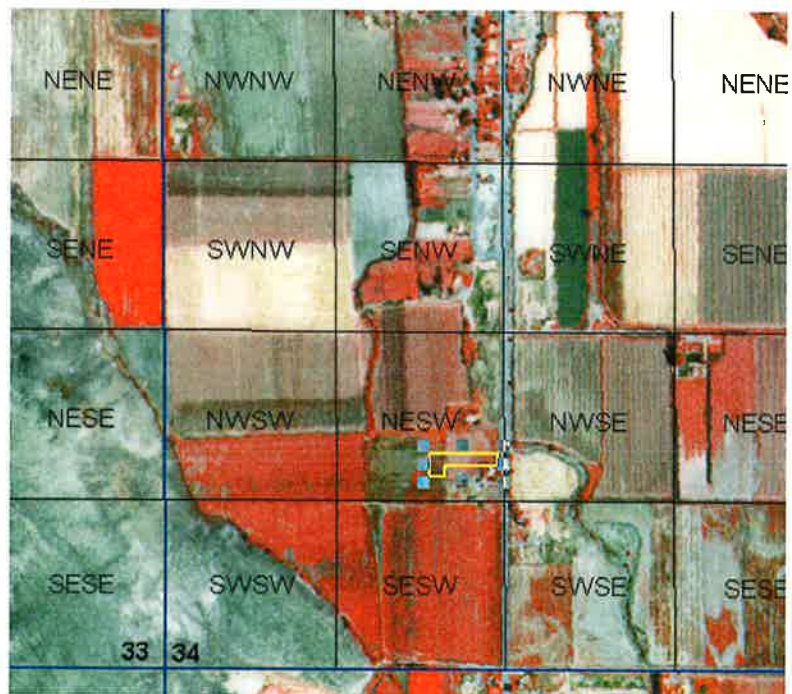
RECEIVED  
MAY 27 2005  
Department of Water Resources

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-21466

Dear Steve

Michael McKenzie came in yesterday May 24. He made a late claim on a portion of Little Wood River 12/01/1881 decree. He is neighboring to the Cenarrusa's who also came in today.

McKenzie claimed on 2 acres – 0.04 cfs of the 1881 decree. To date the Cenarrusa's-37-639, Kouldelka-37-21275, and McKenzie 37-21466 have filed on the decree. There is now 0.13 cfs remaining on the 12/01/1881 decree in which the Cenarrusa's are trying to claim (as you will notice in their notice of error reply). Give me a call if you have any questions.



Sincerely

Nick Treasure  
Water Resource Agent

E-mail address:

[nick.treasure@idwr.idaho.gov](mailto:nick.treasure@idwr.idaho.gov)

Enclosures

SCANNED

MAY 31 2005