

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 37-21597
Date Received: 10/21/2005
Receipt No: C079418
Received By:

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

1. Name of Claimant(s)

BLAINE COUNTY SCHOOL DISTRICT #61

Phone: (208)5788-5000

118 W BULLION ST
HAILEY ID USA 83333

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	21E	30	NW SW SE	BLAINE	

5. Description of diverting works:

WEST CANAL SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.05	

7. Total Quantity Appropriated is:
0.05 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	SE SW	IRRIGATION	11
Section Acres					11

Total Acres 11

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:

PLACE OF USE IS LOTS 1 AND 2 OF CAREY VIEW ESTATES (COPY OF PLAT IS ATTACHMENT 1).

This right is a split from former right 37-639 .

15. Basis of Claim: Decreed

RECEIVED

OCT 20 2005

DEPARTMENT OF
WATER RESOURCES

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

October 18, 2005

Mr. Steve Clelland
Sr. Water Resource Agent
Idaho Department of Water Resources
322 E. Front St.
Boise ID 83720-0098

**Re: Blaine County School District No. 61 -
SRBA Claims for portions of Water Right Nos. 37-639 and 37-640**

Dear Steve:

As we discussed last week, I have prepared the above-referenced claims for Blaine County School District No. 61 for lands it owns south of the city of Carey. The signed originals and one copy of each of these Claims are enclosed for filing. Would you please have your secretary receipt date stamp the copies and return them to me in the postage prepaid, self-addressed envelope included for that purpose. I have also included a filing fee check in the sum of \$111 calculated on the basis of \$50 for each claim and \$11 for the per acre fee. I ask that any late claim fee be waived by the Department as we have promptly and quickly taken action to get these claims filed once we became aware of the appurtenant water rights.

Please call me right away if you have any questions about these claims. Thank you for your cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)

SCANNED

OCT 24 2005

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OCT 20 2005
DEPARTMENT OF
WATER RESOURCES

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

CIVIL CASE NUMBER: 39576

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

Ident Number 37-21597
Date Received 10-20-05
Receipt Number C079418

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Blaine County School District No. 61
Phone: 208-578-5000
Mailing Address: 118 West Bullion St., Hailey, ID, 83333

2. Date of Priority: December 1, 1881

3. Source of water supply (a) Little Wood River
which is tributary to (b) Malad River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
1N	21E	30	NW	SW	SE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: West Canal; sprinkler irrigation

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OCT 24 2005

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
irrigation	April 15	October 31	0.05 cfs

7. Total Quantity Claimed: 0.05 cfs

8. Non-irrigation uses:

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
1S	21E	34												11					11
TOTALS																			11.0

10. Place of use is located in Blaine County.

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

12. Describe any other water rights used at the same place and for the same purposes as described above?
37-640

13. Remarks: Place of use is Lots 1 and 2 of Carey View Estates (copy of plat is Attachment 1).

Last Name: Blaine County School District No. 61
FA\WPDATA\JIM\BCSD\WATER RIGHTS\37-639 Claim.wpd

Ident No. _____
10/14/05

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OCT 24 2005

MAP OF PROJECT

(Show clearly the point of diversion, place of use, section number, township and range number)

Scale: 2 inches equals 1 mile

SEE ATTACHMENT 2

Last Name: Blaine County School District No. 61

FA\WPDATA\JIM\BCSD\WATER RIGHTS\37-639 Claim.wpd

Ident No. _____

10/14/05

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OCT 24 2005

14. Basis of Claim: Decree

IDWR Water Right Number: 37-639

Court:

Case Number:

Decree Date: December 13, 1909

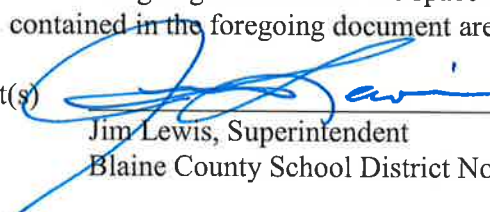
Plaintiff v. Defendant: S.C. Frost et al v. Alturus Water Company, et ux

15. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - two

[For organizations] I do solemnly swear or affirm that I am the superintendent of Blaine County School District No. 61, that I have signed the foregoing document in the space below in such capacity on behalf of the District and that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)



Jim Lewis, Superintendent
Blaine County School District No. 61

Date

10/14/05

State of Idaho)

) ss.

County of Blaine)

Subscribed and sworn before me this 14 day of October, 2005.





Notary Public for Idaho

Residing at Shoshone, ID

Commission Expires 1-16-09

Last Name: Blaine County School District No. 61

F:\WPDATA\JIM\BCSD\WATER RIGHTS\37-639 Claim.wpd

Ident No. _____

10/14/05

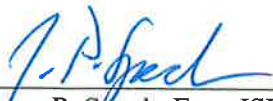
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OCT 24 2005

16. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: _____


James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752

Dated this 17th day of October, 2005.

Last Name: Blaine County School District No. 61

F:\WPDATA\JIM\BCSD\WATER RIGHTS\37-639 Claim.wpd

Ident No. _____

10/14/05

SCANNED

OCT 24 2005

1999



NOTE:
US HIGHWAY 93 CENTER LINE FROM S & J
SUBDIVISION: GALENA ENGINEERING, INC.



NOT TO SCALE

Sheet 1 of 2
428-98PLA

EHM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

Certificate of Owners

This is to certify that the undersigned are the owners, or representatives of the owners, in fee simple of the following described property located in the SE 1/4 SW 1/4, Section 34, known as Tax Lot 1485, Township 1 South, Range 21 East, Boise Meridian, City of Carey, Blaine County Idaho. Said property being more specifically described as follows:
Commencing at the North 1/4 corner of Section 34, said point lies N 00°45'46"W 5320.00 feet from the South 1/4 corner of Section 34. Thence S 00°45'46"E 3989.87 feet, Thence S 89°27'11"W 36.21 feet to the REAL POINT OF BEGINNING.

Thence, S 00°40'33"E 1330.24 feet,
Thence, S 89°16'36"W 1297.70 feet,
Thence, N 00°47'44"W 1334.24 feet,
Thence, N 89°27'11"E 1300.49 feet, to the REAL POINT OF BEGINNING.

The gross area contained in this platted land as described is 39.73 acres

It is the intention of the undersigned to and they do hereby include said land in this plat, that the undersigned by these presents dedicate to the public for public use forever all roads as shown on this plat. The easements indicated on this plat are not dedicated to the public but the rights to use said easements are hereby perpetually reserved for public utilities and such other uses as designated on this plat. No structures other than for such utility and other designated public uses are to be erected within the lines of said easements.

Pursuant to Idaho Code 50-1334, I, the undersigned, as Conservator, do hereby state that the lots on this plat are eligible to receive water service from the City of Carey Municipal Water System.

Pursuant to Idaho Code 31-3805, I, the undersigned, as Conservator, do hereby state that the irrigation water rights appurtenant and the assessment obligation of the lands in this plat have been transferred from said lands. Lots within the subdivision will not be entitled to any irrigation water rights and will not be obligated for assessments from any irrigation district and/or irrigation company.

Scott Peck Estate

By Robb H. Dick
Conservator

Acknowledgment

STATE OF IDAHO }
COUNTY OF BLAINE } ss

On this 26 day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared Robb H. Dick, known or identified to me to be Conservator of Said Estate and acknowledged to me that said Conservator 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.



Connor Whitworth
Notary Public for Idaho

Carey, Idaho
Residing At:

9-14-2000
My commission expires:

Certificate of Surveyor

This is to certify that I, Gary R. Burkett, a Professional Land Surveyor in the State of Idaho, made the survey of land as described in the Certificate of Owner's and that this plat is a true and accurate representation of said survey as made and staked under my supervision and direction.



GRB Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

City Engineer's Certificate

This is to certify that the undersigned, a Registered Professional Engineer in the State of Idaho has checked the foregoing plat and computations for making the same and has determined that they comply with the laws of the State of Idaho and ordinances of the City of Carey.

City Engineer

Approval of City Council

Accepted by the City Council of Carey, Idaho, at their meeting on the 5th day of May, 1999.

Don Simpson
Mayor BY COUSIN PRO.

Sharon Luntzford
City Clerk

Planning and Zoning Commission Acceptance

The foregoing plat was duly accepted and approved by the City of Carey Planning and Zoning Commission, Blaine County, Idaho, on this 15 day of May, 1999.

CE OK
Chairman

County Engineer's Certificate

This is to certify that the undersigned, a Registered Professional Engineer in the State of Idaho has checked the foregoing plat and computations for making the same and has determined that they comply with the laws of the State of Idaho and the County of Blaine, Idaho related hereto.

Jim W. Koonce
County Engineer 9/26/99

County Treasurer's Certificate

Vicki L. Dick County Treasurer in and for the County of Blaine, Idaho per the requirements of Idaho Code 50-1308, do hereby certify that all county property taxes due for the property included in this plat have been paid in full. This certification is valid for the next thirty days only.

Vicki L. Dick by Axel Retenon
County Treasurer

Date: May 26, 1999

County Recorder's Certificate

Instrument No. 427674
State of IDAHO
County of BLAINE } ss

On this 27 day of MAY, 1999, at 9:45 AM, the foregoing plat was filed for record in the office of the Recorder of Blaine County, Idaho and duly recorded in plat book _____, on page _____.

M. Payne
Deputy

Marsha Riemann
Ex-Officio Recorder

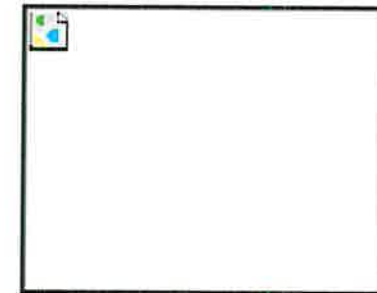
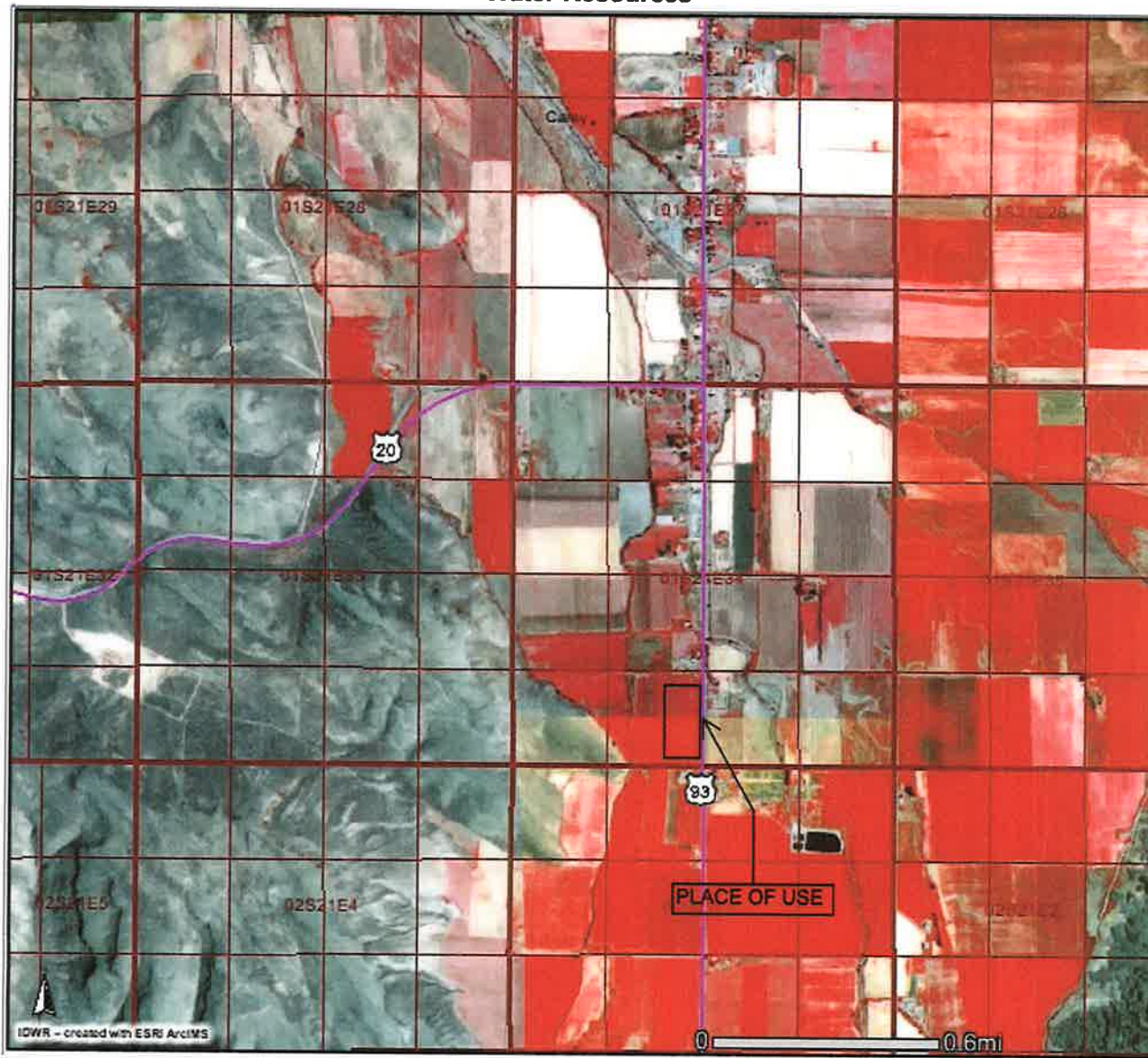
Water Resources

Created: October 14, 2005

ATTACHMENT 2

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OCT 24 2005



Legend

- Interstate
- U.S. Highway
- State Highway
- Other
- PLS - Section
- PLS - quarter quarter
- Cities
- Counties
- state
- Adjudication Photos



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Ph: (208) 287-4800
www.idwr.idaho.gov

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11/01/2005

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

RIGHT NUMBER: 37-21597

NAME AND ADDRESS: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.050 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

0.050 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T01S R21E S34 SESW 11.0

11 ACRES TOTAL

Right Nos. 37-640B and 37-21597 are limited to the irrigation of a combined total of 11.0 acres in a single irrigation season.

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

PROPERTY IS ALSO KNOWN AS LOTS 1 AND 2 OF CAREY VIEW
ESTATES.

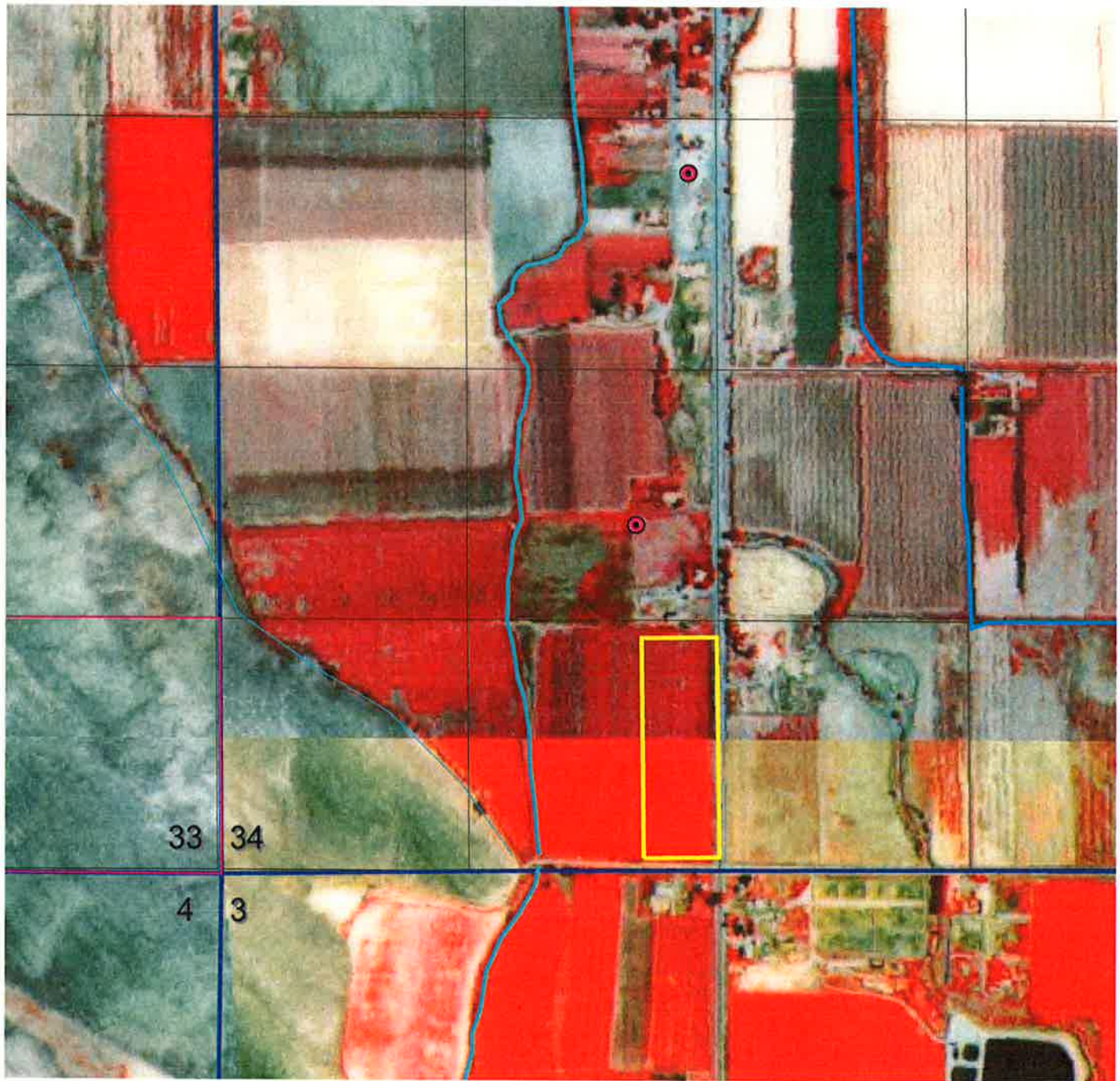
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-639 .

IDAHO DEPT OF WATER RESOURCES

37-640B & 37-21597



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC: 34



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: NOVEMBER 1, 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-639

WATER RIGHT NUMBER: 37-639

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CYRUS J STANFORD , ZZ
Current Owner	THOMAS C STANFORD , ZZ

Priority Date: 12/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
01S	21E	34				X					X	X		X					

Conditions of Approval:

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

Remarks:

Comments: