

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 37-21806
Date Received: 10/25/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

JAMES K FIGGE Phone: (208)726-2112
PO BOX 4995
KETCHUM ID 83340

SANDRA D FIGGE Phone: (208)726-2112
PO BOX 4995
KETCHUM ID 83340

2. Date of Priority: 06/20/1884

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
02N	18E	36	NE SW NW	BLAINE	

5. Description of diverting works:

HEADGATE #45 AND DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.74	

7. Total Quantity Appropriated is:
0.74 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

37-21806

07/12/2006

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	24	SE	SE	IRRIGATION	37
					Section Acres	37
					Total Acres	37

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:

03/06/06 NT- CLAIM AMENDED DUE TO UNRECORDEDTRANSFER WHICH OCCURRED BETWEEN 1975-1980 TO INCLUDE 37 ACRES OF SECTION 24 SESE FOR A TOTAL OF 197 ACRES.

TRANS. 64.

This right is a split from former right 37-476.

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 14, 2006

JAMES FIGGE
SANDRA FIGGE
PO BOX 4995
KETCHUM ID 83340

RE: SRBA Claim(s) 37-476 and 37-7064F

Dear Claimants:

Pursuant to the notification that you own a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21806 and 37-21808.

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

Sincerely,

Trish Fawcett

Enclosures

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

RECEIVED
MAY 19 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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-476	X			
	37-7064F	X			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Grace I. Eakin & Grace I. Eakin, Personal Representative of the Estate of James I. Eakin, deceased
P. O. Box 296, Bellevue, Idaho 83313
4. New Owner/Claimant(s) James K. Figge and Sandra D. Figge, husband and wife
 Name Connector (Check one): [x] and, [] or [] and/or
- New Mailing Address P.O. Box 4995
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 726-2112
5. Date you acquired the property April 7, 2006

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-476</u>		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.74 cfs</u>	<u>37 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other	<u> </u>	<u> </u>
Total	<u>0.74 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 <u>37-7064F</u>		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.72 cfs</u>	<u>36 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other	<u> </u>	<u> </u>
Total	<u>0.72 cfs</u>	

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

James K. Figge
JAMES K. FIGGE

Sandra D. Figge
SANDRA D. FIGGE

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
Received by	Date	Receipt No.
Processed by	AJ Date	WR Date

Order No. 0622299

QUITCLAIM DEED

For Value Received

**GRACE I. EAKIN, Personal representative of the Estate of JAMES I. EAKIN, deceased
AND GRACE EAKIN, an unmarried woman**

Do hereby convey, release, remise and forever quitclaim unto

JAMES K. FIGGE AND SANDRA D. FIGGE, husband and wife

Whose current address is

P O Box 4995, Ketchum, ID 83340

The following described premises, to-wit:

The following Water Rights:

37 Miner's inches (.74 cfs) of 6/20/1884 SRBA Identification number 37-476 Surface Water Right

and

36 Miners inches (.72cfs) of 4/21/1970 SRBA Identification number 37-7064F Ground Water Right

located at

See Exhibit "A" attached hereto and made a part hereof.

Together with their appurtenances.

Dated this April 7 day of _____, 2006.

Grace I. Eakin

Grace I. Eakin, Personal Representative of the
Estate of James I. Eakin, deceased

Grace I. Eakin

Grace I. Eakin

State of: IdahoCounty of: Blaine

On this 7th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared **GRACE EAKIN**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Carolyn Baird
Notary Public
Residing at: Hailey
Commission Expires: 1/23/2009

State of: IdahoCounty of: Blaine

On this 7th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Grace I. Eakin, Personal Representative of the Estate of James I. Eakin, deceased, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity as personal representative.

Carolyn Baird
Notary Public
Residing at: Hailey
Commission Expires: 1/23/2009



EXHIBIT "A"

**TOWNSHIP 1 NORTH, RANGE 18 EAST OF BOISE MERIDIAN, BLAINE COUNTY,
IDAHO**

SECTION 24: A parcel of land located within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24,
more particularly described as follows:

**Commencing at the Southeast corner of said Section 24, said point being the
TRUE POINT OF BEGINNING; thence**

**North 89°51'38" West 1320.32 feet along the Southerly boundary of the
Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24; thence**

**North 00°08'17" East 1320.24 feet along the Westerly boundary of the
Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24; thence**

**South 89°47'43" East 1325.77 feet along the Northerly boundary of the
Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24; thence**

**South 00°22'30" West 1318.74 feet along the Easterly boundary of the
Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24 to the TRUE POINT OF
BEGINNING.**

Also known as Tax Lot 7901

Order No. 0622299

WARRANTY DEED

FOR VALUE RECEIVED

**GRACE I. EAKIN, Personal Representative of the Estate of JAMES I. EAKIN, deceased
AND GRACE EAKIN, an unmarried woman**

the Grantor does hereby grant, bargain, sell, convey and warrant unto

JAMES K. FIGGE AND SANDRA D. FIGGE, husband and wife

the Grantees whose current address is: **P O Box 4995
Ketchum, ID 83340**

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any

AND

SUBJECT TO THE FOLLOWING RESTRICTION: No development will occur on the portion of subject property in the southwest corner that lies south and west of Pero Road only while the grantor owns the real property contiguous with the southwest corner.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever.



**Grace I. Eakin, Personal Representative of the
Estate of James I. Eakin, deceased**

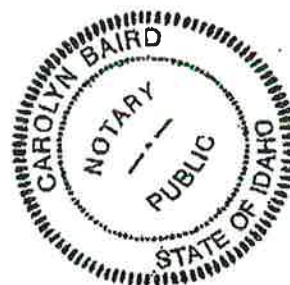


Grace I. Eakin

State of: Idaho
County of: Blaine

On this 7th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared **GRACE I. EAKIN**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Carolyn Baird
Notary Public
Residing at: Hailey
Commission Expires: 11/23/2009



State of: Idaho
County of: Blaine

On this 7th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Grace I. Eakin, Personal Representative of the Estate of James I. Eakin, deceased, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity as personal representative.

Carolyn Baird
Notary Public
Residing at: Hailey
Commission Expires: 11/23/2009



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Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24 to the **TRUE POINT OF
BEGINNING**.

Also known as Tax Lot 7901

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

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

May 17, 2006

RECEIVED
MAY 19 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

**Re: James K. Figge and Sandra D. Figge
Notice of Change in Water Right Ownership
Our File No.: 1430/060008**

Dear Trish:

Enclosed you will find the original and one copy of the above-referenced Notice of Change in Water Right Ownership for Water Right Nos. 37-476 and 37-7064F. Please receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope enclosed for that purpose. Kindly call me right away if you have any questions about this Notice.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jal
Enclosures
cc: Clients w/encl.

12/08/2006

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

RIGHT NUMBER: 37-21806

NAME AND ADDRESS: JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340

SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 06/20/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.740 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S24 SESE 36.00

36 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 36 acres in a single irrigation season. Combined Right Nos.: 37-21808 and 37-21806.

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

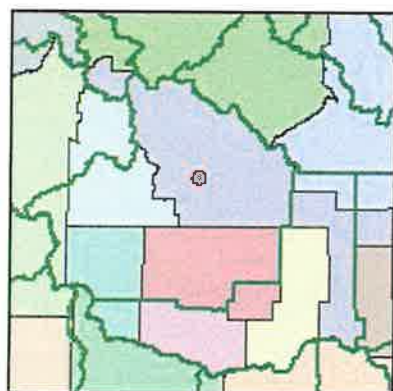


Idaho Department of Water Resources

SRBA Recommendation:
37-21806 and 37-21808

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Ericks on
On Friday, December 8, 2006
2004 Aerial Photography

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: 37-21806

JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340
Telephone Number: (208)726-2112

SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340
Telephone Number: (208)726-2112

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

Place of Use

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

Place of use should be 36 acres

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

Purchased this amount. Field is 36 acres.

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

DATE:

12/04/06

SIGNATURE:

Sandra Figge James K. Figge

Please print your name:

Sandra Figge

James K. Figge

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

11/16/2006

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

RIGHT NUMBER: 37-21806

NAME AND ADDRESS: JAMES K FIGGE
PO BOX 4995
KETCHUM ID 83340

SANDRA D FIGGE
PO BOX 4995
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 06/20/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.740 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S24 SESE 35.00

35 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 35 acres in a single irrigation season. Combined Right Nos.: 37-21808 and 37-21806.

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



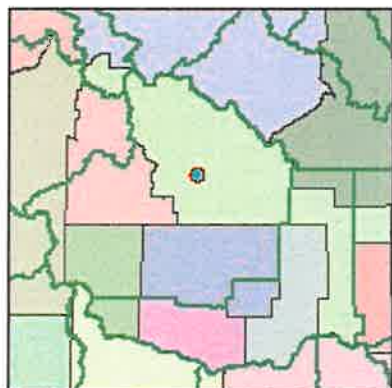
Idaho Department of Water Resources

SRBA Recommendation:

37-21806

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Erickson
On Thursday, November 16, 2006
1987-08 Aerial Photography
2006



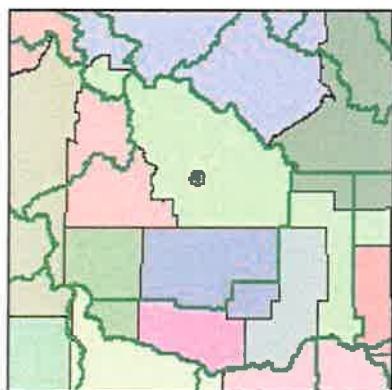
Idaho Department of Water Resources

SRBA Recommendation:

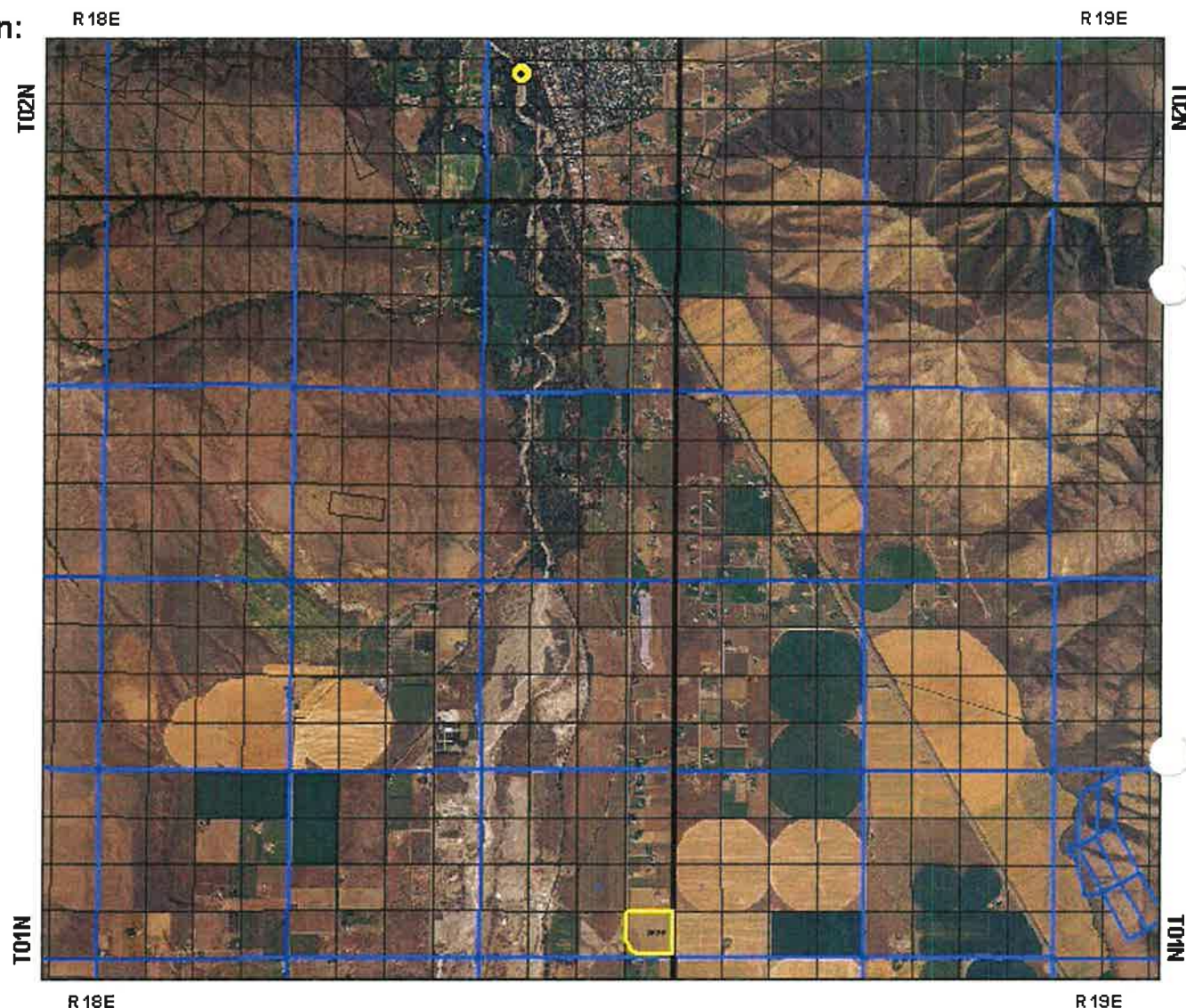
37-21806

Legend

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



Blaine County
IDWR Basin 37



0 2 4 Miles



Prepared by N. Erickson
On Thursday, November 16, 2006
1987/88 Aerial Photography