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NOV 20 2006

DEPARTMENT OF

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 37-21965
Date Received: 11/17/2006
Receipt No: ~~5089047~~
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BAYHORSE ROAD TRUST Phone: (208) 578-7942
210 BAYHORSE ROAD
PO BOX 662
BELLEVUE ID USA 83313

2. Date of Priority: 06/22/1978

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	19E	31	SW SW 4	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	04/01	11/01	0.13	33
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.13 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	19E	31	SW SW	IRRIGATION	6
			SW SW	DOMESTIC	
				Section Acres	6
				Total Acres	6

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 based upon a portion of 47-7720 and the claimed place of use is the taxlot parcel. The entire rate was claimed but expected to be adjusted during the review process. Domestic use was also claimed but it is not clear at this time if this well supplies the domestic use for this property or not. The other portion of the original license was claimed through 37-20450.

Property also known as Lot 21B of Muldoon Ranch Subdivision No 2

15. Basis of Claim: License

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 X wish to receive and pay a small annual

For Organizations:

I do solemnly swear or affirm that I am power of attorney of _____ Title

The Boynton Trust Organization, that I have signed the foregoing

document in the space below as power of attorney of _____ Title

The Boynton Trust Organization and that the statements contained in the foregoing document are true and correct.

Kelly K. Christensen Signature of Authorized Agent

Heermann & Heermann PLLC Title and Organization

11/17/06 Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day of November 2006



Kelly K. Christensen Notary Public

Residing at Twin Falls ID

My commission Expires 4-2-2010

fee for monthly copies of the docket sheet.

POWER OF ATTORNEY

STATE OF IDAHO,)
) ss.
County of Blaine.)

KNOW ALL MEN BY THESE PRESENTS, that I, FRANCES C. MAC DONALD, Trustee of the Bayhorse Road Trust Under Declaration of Trust, dated March 7, 2005, the undersigned, of Hailey, Idaho, do hereby make, constitute, and appoint FRITZ X. HAEMMERLE, my true and lawful attorney in fact for me and in my name, place, and on my behalf, and for my use and benefit:

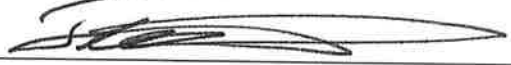
1. To execute any and all documents, statements and deeds necessary to effect the filing of a Claim to Water Right for Lot 21B Muldoon Ranch Subdivision No. 2, Lots 21A and 21B Amended May 1980, Blaine County, Idaho, as shown on the official plat thereof, recorded August 13, 1980, as instrument No. 2057569, records of Blaine County, Idaho.

2. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or substitute or substitutes, shall lawfully do or cause to be done by virtue of this Power of Attorney and rights and powers herein granted;

3. The rights, powers, and authority of said attorney in fact herein granted shall commence and be in full force and effect on this 23rd day of October, 2006, and such rights, powers, and authority shall remain in full force and effect thereafter for a period not to exceed sixty (60) days, unless earlier terminated by the undersigned.

DATED this 24th day of October 2006.

The Bayhorse Road Trust Under Declaration of Trust, dated March 7, 2005


By: Frances C. MacDonald, Trustee

SUBSCRIBED AND SWORN TO before me this 24th day of October 2006.


NOTARY PUBLIC FOR IDAHO
Residing at: Hailey, Idaho
Commission Expires: 1/14/2008





Idaho Department of Water Resources

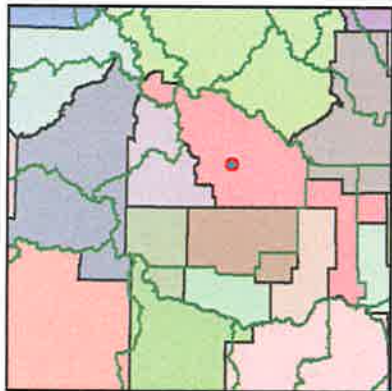
SRBA Recommendation:

37-21965

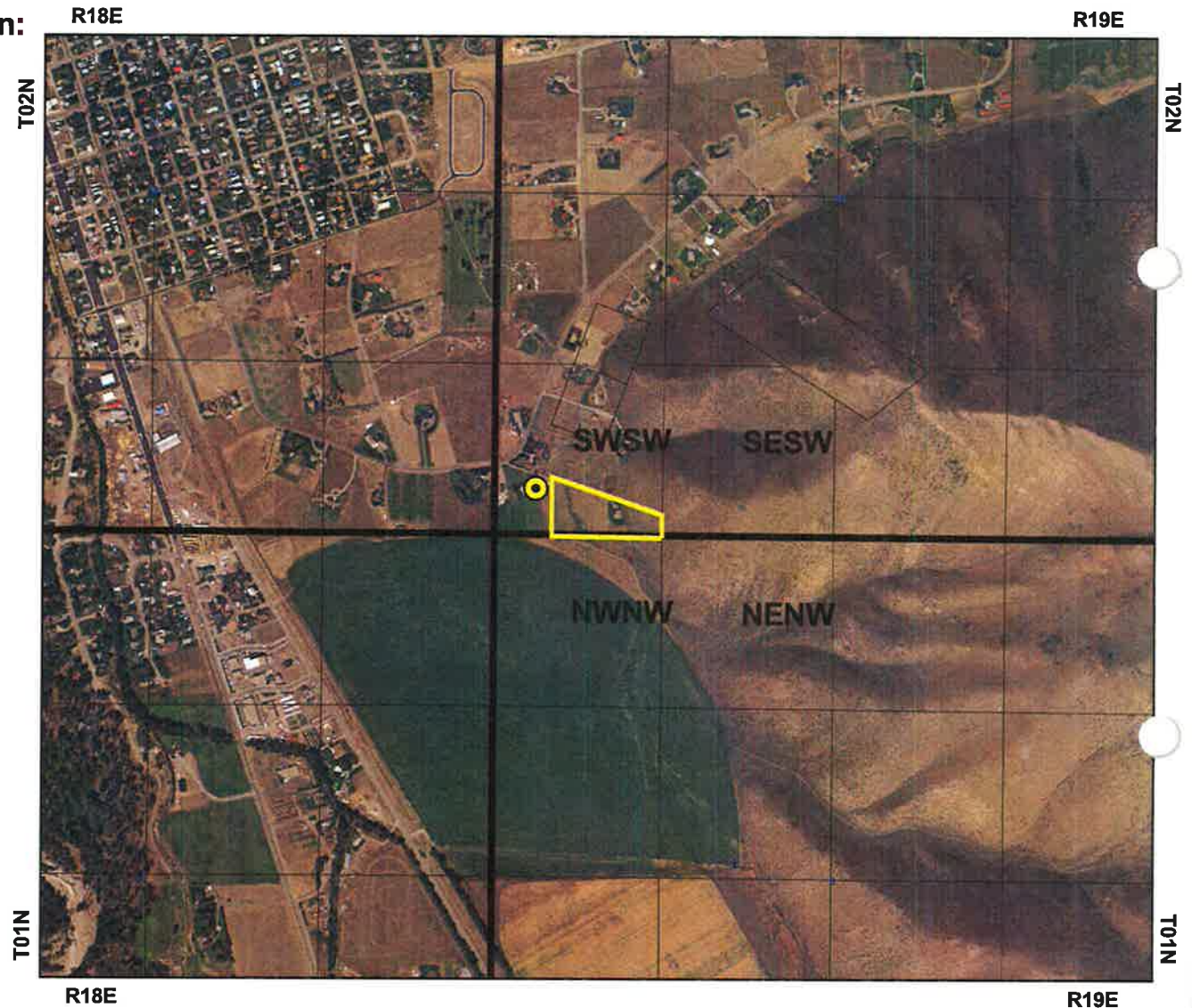
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.5 1 Miles

Prepared by J. Peppers
On Saturday, December 2, 2006
2004 Aerial Photography

12/02/2006

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

RIGHT NUMBER: 37-21965

NAME AND ADDRESS: BAYHORSE ROAD TRUST
210 BAYHORSE ROAD
PO BOX 662
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
18.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE: 06/22/1978

POINT OF DIVERSION:

T02N R19E S31 SWSW Lot 4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.070 CFS 18.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R19E S31 Lot 4 SWSW 6.00

6 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 - License

This right is a split from former right 37-7720.

Property is also known as Lot 21B, Muldoon Ranch Subdivision No. 2.

Christensen, Kelly

From: Keen, Shelley
Sent: Friday, November 17, 2006 1:48 PM
To: Christensen, Kelly
Subject: RE: 37-20450 conflict

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NOV 20 2006
DEPARTMENT OF
WATER RESOURCES

Kelly,

I've got 37-20450, so go ahead and send me 37-21965. Please print a copy of this email and put it in the file.

Thanks.

Shelley

-----Original Message-----

From: Christensen, Kelly
Sent: Friday, November 17, 2006 1:33 PM
To: Keen, Shelley
Subject: 37-20450 conflict

Fritz Haemmerle came in and filed 37-21965 against 37-7720. Your claim is also against that right.

Assessment of 21965

Actual irrigation is probably around 3.2 ac.

Domestic use probably doesn't belong on this claim. ✓ *licensed @ 6 ac - no forfeiture*

There may be another well for the domestic use. This is unknown. I have asked Fritz to get the info.

⇒ The warranty deed states with appurtenances.

The claimant associated with 20450 (according to Fritz) irrigates both parcels from his well.

Let me know if you actually have the file and if so, I will send this one to you also.

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

[Signature]
12/2/06