

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 37-22062
Date Received: 1/5/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ADARE TRUST Phone: (208)788-9309
PO BOX 4377
KETCHUM ID 83340

2. Date of Priority: 03/24/1883

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	18	SE NE NE	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	04/15	10/15	0.02	4.6

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 4.6 A.F.A.

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	7	NE	SW	IRRIGATION	1.3
					Section Acres	1.3
					Total Acres	1.3

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:

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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 of the lands above.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right does not grant any right-of-way or easement across the land of another.

This right is a split from former right 37-20750.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A , 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

15. Basis of Claim: Decreed

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

RECEIVED
DEC 15 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
	37-20750	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) Rinker Co.
P.O. Box 7250, Newport Beach, CA 92658-7250
4. New Owner/Claimant(s) The Adare Trust Dated November 29, 1988
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address P.O. Box 4377
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 788-9309
5. Date you acquired the property September 10, 1999

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.

Water Right and/or Adjudication Claim Number 37-20750

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	0.015 cfs	1 acre
Stock		
Domestic		
Other		
Total	0.015 cfs	

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		

The Adare Trust Dated November 29, 1988

By:

Sonja Adare, Trustee

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.

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

Order No. 25824

GRANT DEED

FOR VALUE RECEIVED

HARRY S. RINKER, TRUSTEE UNDER RESTATEMENT OF DECLARATION OF TRUST DATED FEBRUARY 5, 1991

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

JOHN E. ADARE and SONJA L. ADARE, TRUSTEES OF THE ADARE TRUST DATED NOVEMBER 29, 1988

GRANTEE(s), whose address is: P.O. Box 4377, Ketchum, ID 83340

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

Lot 1 of TIMBERVIEW TERRACE SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 364630, records of Blaine County, Idaho.

Together with all and singular the appurtenances thereunto belonging, including that certain water right identified on Exhibit "A" attached hereto and incorporated herein by this reference.

Subject To: Taxes, easements, restrictions and encumbrances of record, and those matters set forth on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever.


HARRY S. RINKER, TRUSTEE

State of Idaho }
County of Blaine } ss.

On this 10th day of September, in the year 1995, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as TRUSTEE UNDER RESTATEMENT OF DECLARATION OF TRUST DATED FEBRUARY 5, 1991, and acknowledged to me that he executed the same on behalf of said trust.

WATER. RIGHT

1 miners inch (02 cfs) of Water Right No. 37-30030.

Grantee shall be solely responsible for (i) attending to the transfer of the aforesaid water right with the Idaho Department of Water Resources and (ii) obtaining delivery of the aforesaid water right to the property. It is specifically provided, however, that at the option of Grantee, Grantee may take delivery of the water right through the water delivery system as may be constructed as part of Grantor's anticipated development of Golden Eagle Ranch II Subdivision, if such construction and development occurs; provided, however, that as a condition to such delivery, Grantee shall be obligated to pay its pro rata share of the costs of such delivery to any owner's association or other entity as may, from time to time, be in control such water delivery system. Once commenced, the construction of the water delivery system shall be pursued with commercially reasonable efforts, but Grantor makes no warranty or representation as to the commencement of completion thereof, and assumes no obligation or liability with respect thereto.

01/05/2007

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

RIGHT NUMBER: 37-22062

NAME AND ADDRESS: ADARE TRUST
PO BOX 4377
KETCHUM ID 83340

VERIFIED BY *KKC*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
4.600 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 of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS 4.60 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 NESW 1.30

1.3 ACRES TOTAL

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

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

This right is a split from former right 37-20750 .

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

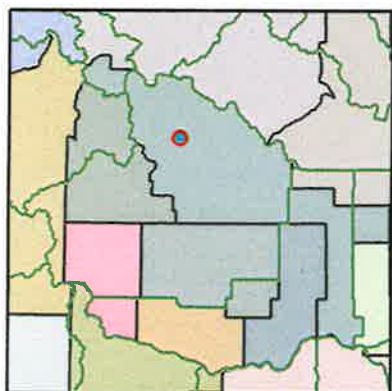
SRBA Recommendation:

37-22062

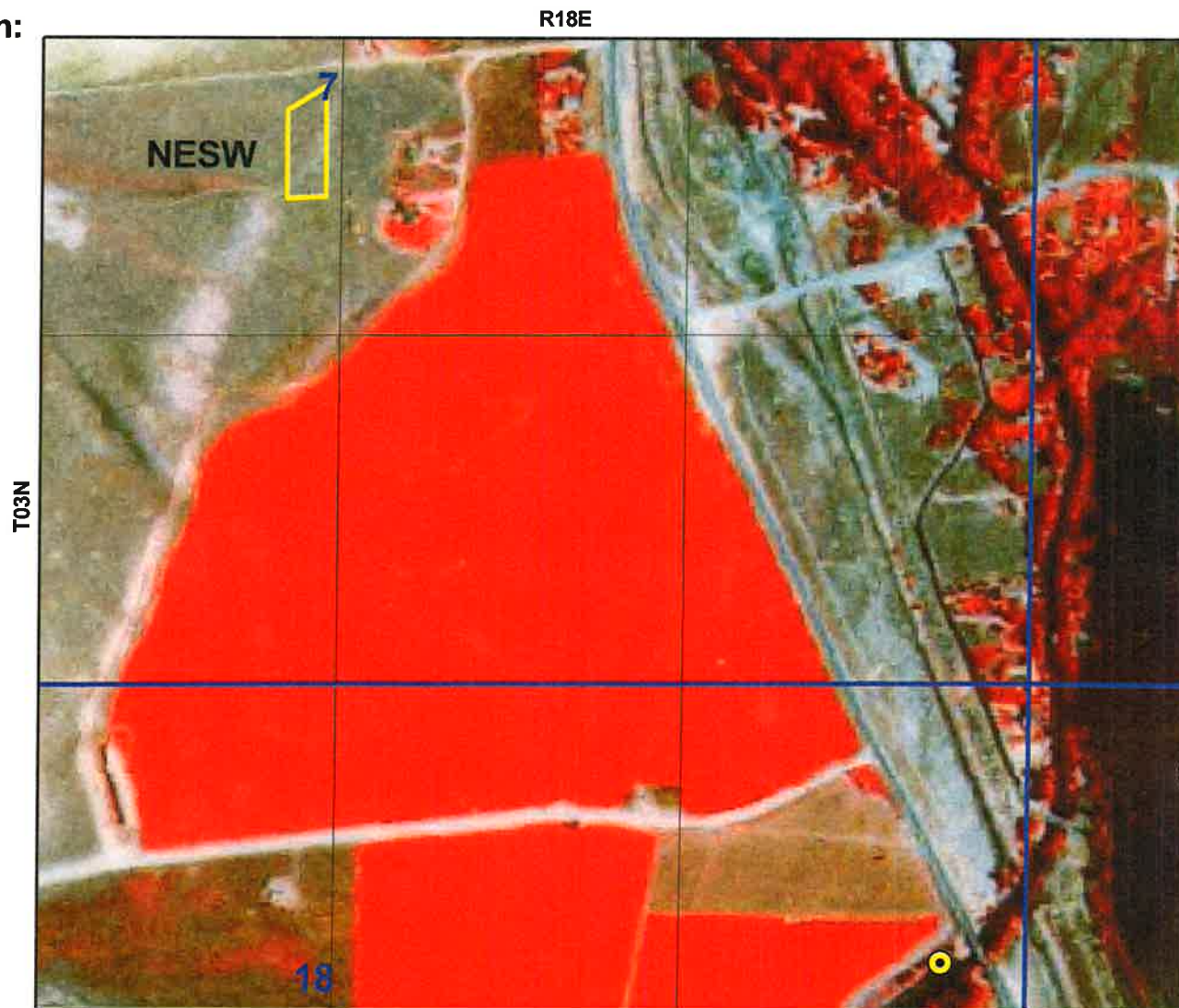
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

Prepared by T. Fawcett
On Friday, January 5, 2007
1987/88 Aerial Photography

37-22062

