

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 37-22126
Date Received: 9/14/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JEANNE P FLOWERS
PO BOX 656
KETCHUM ID USA 83340

Phone: (208)726-5051

2. Date of Priority: 11/26/1909

3. Source: ADAMS GULCH CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	2	SE SE	BLAINE	

5. Description of diverting works:

DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	/	/	1.2	
DOMESTIC	/	/		

7. Total Quantity Appropriated is:
1.2 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
04N	17E	1	SE	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 right was renumbered to right 37-22126 .

This right is renumbered from former right 37-2165 .

ORIGINAL CLAIM FOR 60 ACRES, NOW USED ON ONLY 2 ACRES. DOMESTIC WELL ALSO USED FOR HOUSEHOLD USE. PROPERTY SUBDIVIDED, BUT WATER RIGHTS WERE RETAINED.

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

Renumbered: 37-22/26 kw
Ident. Number: ~~A37-02165~~ 1/26/01
Date Received: 9/14/1988
Receipt No: S002171
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEANNE P. FLOWERS 208-726-5051
Address: P.O. BOX 656
KETCHUM, ID 83340

2. Date of Priority: NOV 26, 1909

3. Source: ADAMS GULCH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	2	SE	SE			BLAINE

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			1.200		
DOMESTIC					

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	1	SE	SW		IRR	2.0
Section Acres							2.0

COPY

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FEB 23 1993

10. Place of Use: Continued

Total Acres 2.0

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:
A37-11304

14. Remarks:

ORIGINAL CLAIM FOR 60 ACRES, NOW
USED ON ONLY 2 ACRES. DOMESTIC WELL ALSO USED FOR HOUSEHOLD USE.
PROPERTY SUBDIVIDED, BUT WATER RIGHTS WERE RETAINED.

15. Basis of Claim: LICENSE
Water Right Number: 5698

COPY

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: 1

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): Jeanne Flowers Date: 9/14/88
_____ Date: _____

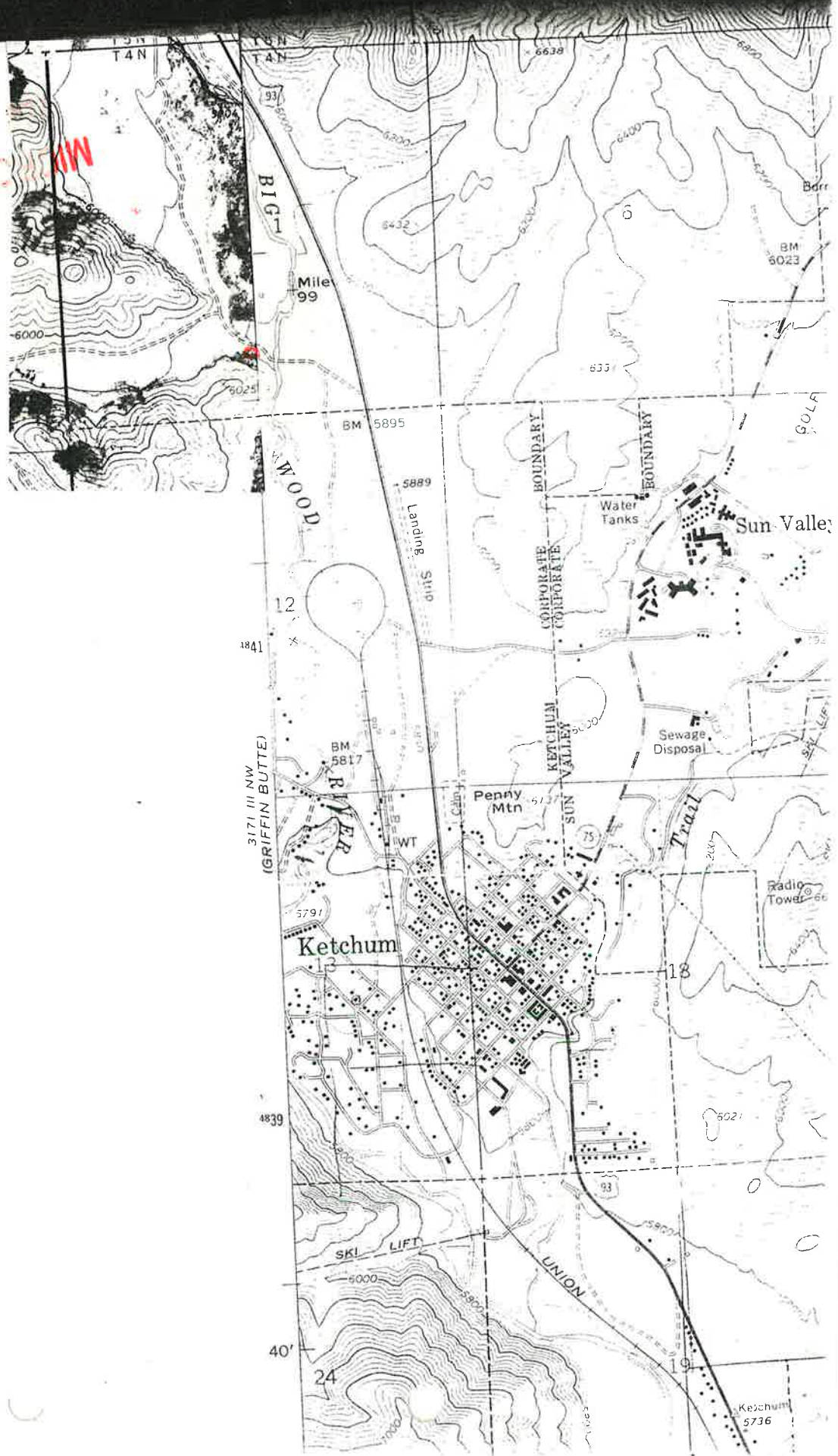
State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 14 th day
of Sept 19 88 Lou White
Notary Public

Seal

Residing at TF
My Commission Expires 5/95

663
MED



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**
Please print or type
(see instructions on back of page)

RECEIVED

OCT 29 1992

Department of Water Resources

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 17E Section 1, SE 1/4 of SW 1/4, Govt. Lot _____, BM.
Lot 4, Block 1, Subdivision/Townsite ADAMS GULCH SUBDIVISION.

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: 37-08400, 37-02165, A37-02165C

☐ Name and Address of Former

Owner/Claimant(s)(Seller): Richard K. Kreidler
P.O. Box 2360
Ketchum, Idaho 83340

☐ New Owner/Claimant:

The Adams Gulch Trust
c/o W. Hugh O'Riordan
702 West Idaho, Suite 700
Boise, Idaho 83702

☐ New Mailing Address

c/o W. Hugh O'Riordan
702 West Idaho Street, Suite 700
Boise, Idaho 83702

☐ New Telephone Number:

208-338-8200

☐ Does the change in ownership result in a splitting of the water right owned/claimed" yes X no.

If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

37-08400 is for this property. The split of 37-02165 is shown in A37-0216C.

☐ Attach proof of ownership, describe proof attached: Two Warranty Deeds Attached

(proof of ownership must describe either the property conveyed or include the claim number.)

Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New

Owner/Claimant(s): W. Hugh O'Riordan Date 10/29/92
Hugh O'Riordan, Attorney-in-Fact for the trustee of the Adams Gulch Trust

☐ Signature of Former

Owner/Claimant(s): _____ Date _____

Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date 12/17/92 By: [Signature]

Further Action Needed:

Further Action Taken

Date _____ By: _____

Final Review and Data Entry

Date _____ By: _____

Claim Numbers of Split, if any:

did not change

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ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

BLAINE CO. REQUEST
OF: *Hogue Speck*
89 FEB 9 PM 11 27
MARY GREEN, CLERK
FEES \$ *6.00*

302879

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, JEANNE PEARL FLOWERS, also known of record as JEANNIE PEARL FLOWERS, as single woman, PEARL FLOWERS, a widow, and PEARL E. FLOWERS, trustee of the Eugene Flowers Testamentary Trust, whose address is (the "Grantor", whether one or more), do hereby convey, release, renise and forever quitclaim unto RICHARD KREITLER, a married man dealing in his sole and separate property, whose address is P. O. Box 2360, Ketchum, ID 83340 ("Grantee"), any and all interest Grantor may have in the following described water right, situated in Blaine County, Idaho, to wit:

0.2 cfs of the waters of Adams Gulch for irrigation ✓
purposes with priority date of November 26, 1909,
identified as Idaho Water Right No. 37-2165.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

DATED this 30th day of January, 1989.

GRANTOR:

Jeanne Pearl Flowers
JEANNE PEARL FLOWERS

Pearl E. Flowers
PEARL FLOWERS

QUITCLAIM DEED - 1

MICROFILMED
FEB 23 1993

ORDER NO. 18213

GENERAL WARRANTY DEED

FOR VALUE RECEIVED

Richard Kreidler, a single man,

GRANTOR, does hereby GRANT, CONVEY AND WARRANT unto

JOHN E. McCAW, Jr., a single man,

GRANTEE, whose address is: P. O. Box 2908, Kirkland, WA 98083-2908

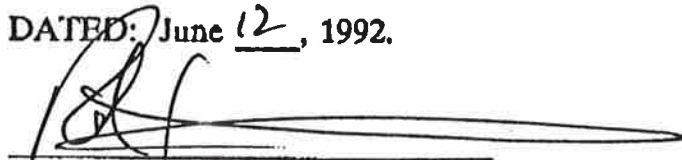
the following described real property in Blaine County, Idaho, to wit:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System;

Subject to easements, restrictions and encumbrances of record and to real property taxes, for the year 1992.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances, except as described above, the quiet and peaceable possession of said premises by the Grantee, and that Grantor will warrant and defend the same forever from all lawful claims whatsoever.

DATED: June 12, 1992.
Richard Kreidler

Recorded 95
34/893
6/15/92

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FEB 23 1993

WARRANTY DEED

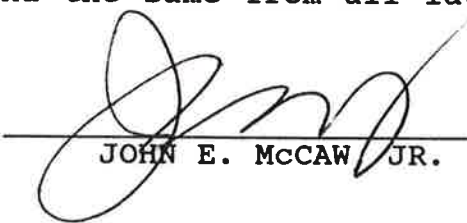
FOR VALUE RECEIVED, JOHN E. MCCAWE, JR., a single man ("Grantor"), does hereby GRANT, BARGAIN, SELL and CONVEY unto ADAMS GULCH TRUST ("Grantee"), whose current address is 702 W. Idaho, Suite 700, Boise, Idaho 83702, the following described real property in Blaine County, State of Idaho, more particularly described as follows, to wit:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements (if any), of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: 10/27/92


JOHN E. MCCAWE JR.

STATE OF Washington)
COUNTY OF King) ss.

On this 27 day of October, 1992, before me, the undersigned, a Notary Public in and for said State, personally

Robem.McCaw/10.23.92
Seattle

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FEB 23 1993

appeared JOHN E. McCaw, Jr., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Dayna Lyons
NOTARY PUBLIC in and for the State
residing at Kirkland
My appointment expires 12/19/95

STATE OF IDAHO)
COUNTY OF _____) ss.

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock ____ .m. this _____ day of _____, 1992, in my office, and duly recorded in Book of Deeds at page _____.

Ex-Officio Recorder

By _____
Deputy

Fee \$ _____
Mail to: _____

COPY

Sleigh Bells

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

In Re SRBA

Subcase No. 37-22126

*updated 10-7-08
5 pages linked etc*

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT AND OBJECTOR:
Sleigh Bells LLC

RESPONDENT:
USDA Forest Service

James P. Speck
Attorney for Sleigh Bells LLC

Date

David L. Negri
Attorney for the United States

Date

IDWR Concurrence:

Kelly K. Christensen
Kelly K Christensen

9-29-08
Date

Christopher M Bromley
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on October ____, 2008, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Sleigh Bells LLC
C/O James P. Speck
Speck & Aanestad
P.O Box 987
Ketchum, ID 83340

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 37-22126

Name and Address: SLEIGH BELLS LLC
31 SIMMONS DR
DUXBURY, MA 02332

Source: ADAMS GULCH CREEK Tributary: BIG WOOD RIVER

Quantity: ~~.03 CFS~~
.04 CFS KC

Priority Date: 11-26-1909

Diversion Point: T04N R17E S02 LOT 7 (SESE) Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	~~.03 CFS~~
			<u>.04 CFS</u>

Place of Use: Irrigation Within Blaine County
T04N R17E S01 SESW ~~1.0~~ 1.4
~~1.0~~ 1.4 Acres Total

~~Right Nos. 37-22126 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.~~

The place of use for this water right is on private land, Lot 4, Flowers Homestead Subdivision.

Other Provisions Necessary for Definition / Administration of this Water Right:

The remainder of this right was forfeited for non-use from 1910 to 1987.

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 renumbered from former right 37-2165.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

This right is a split from former right 37-2165.

37-22126 Sleigh Bells LLC

wants .04 cfs on 1.5 ac in SESW

Forest Service Filed a response Not sure why (FOU issue)

Recommendation was for 1.2 ac & 0.03 cfs.

I generated an alternative shape based upon the 2004 aerial photo that = 1.4 ac. see claim report with shape attached.

Rec 0.04 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22126 V1

WATER RIGHT NUMBER: 37-22126 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SLEIGH BELLS LLC 31 SIMMONS DR DUXBURY, MA 02332 (781)934-7191
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

ADAMS GULCH CREEK	L7 (SE1/4SE1/4)	Sec. 2,	Twp 04N,	Rge 17E, B.M.
BLAINE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1																	1.0

Total Acres: 1

Conditions of Approval:

1. P31 The remainder of this right was forfeited for non-use from 1910 to 1987.
2. P21 This right is a split from former right 37-2165.
3. C18 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.
4. This right is renumbered from former right 37-2165.
5. E55 Right Nos. 37-22126 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22126 V1

Remarks:

Comments:

1. cclark 11/5/2006 Splits

Comment: Licensed water right 37-2165 was split into parts A and B. Water right 37-2165B was subsequently split into parts C and D pursuant to transfer no. 5112. SRBA claims 37-2165, 37-2165A, 37-2165B, and 37-2165D are portions of water right 37-2165A. SRBA claim 37-2165C corresponds with water right 37-2165B. SRBA claim 37-2165C was split into 37-20865 and 37-20866 to reflect transfer no. 5112. Claim 37-20865 corresponds to water right 37-2165C and claim 37-20866 corresponds to water right 37-2165D.

2. Renumber 1/26/2007 Renumber WR 37-22126

Comment: This has been renumbered from 37-2165 so other claims with a portion of license 37-2165 can be recognized. See rights 37-2165A, 37-2165B, 37-2165D, 37-20865, 37-20866 and 37-22126.

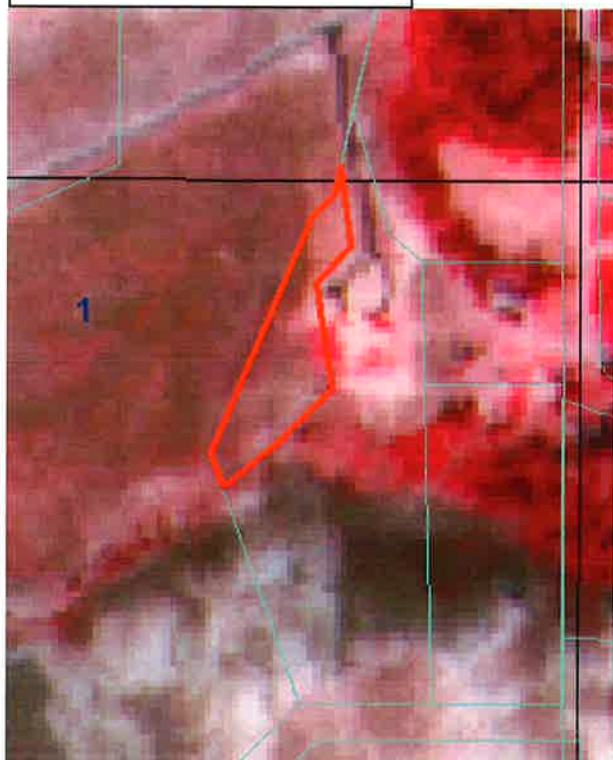
3. kwalker 1/26/2007 Number change

Comment: This claim was renumbered from 37-2165 so that the pedigree could be completed. I updated 37-22126 but only copied what was previously recommended by Cynthia. The rate was increased to 0.03 cfs due to increase in rate for other parts of 37-2165 - due to NOE submitted on 37-2165A. See memo dated 10/15/2006 in file which discusses the claims filed under original licensed right and pedigree updated today.

4. mvanbussum 2/12/2007 Conditions

Comment: Moved R04 condition to explanatory.

1987 aerial photo



2004 aerial photo



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-22126

WATER RIGHT NUMBER: 37-22126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SLEIGH BELLS LLC 31 SIMMONS DR DUXBURY, MA 02332 (781)934-7191
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
DOMESTIC	/ to /		

Total Diversion: 1.200 CFS

Location of Point(s) of Diversion

ADAMS GULCH CREEK	SE1/4SE1/4	Sec. 2, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1												2.0					2.0

Total Acres: 2

DOMESTIC same as IRRIGATIONConditions of Approval:

1. This right was renumbered to right 37-22126 .
2. This right is renumbered from former right 37-2165 .
3. ORIGINAL CLAIM FOR 60 ACRES, NOW USED ON ONLY 2 ACRES.
DOMESTIC WELL ALSO
USED FOR HOUSEHOLD USE. PROPERTY SUBDIVIDED, BUT
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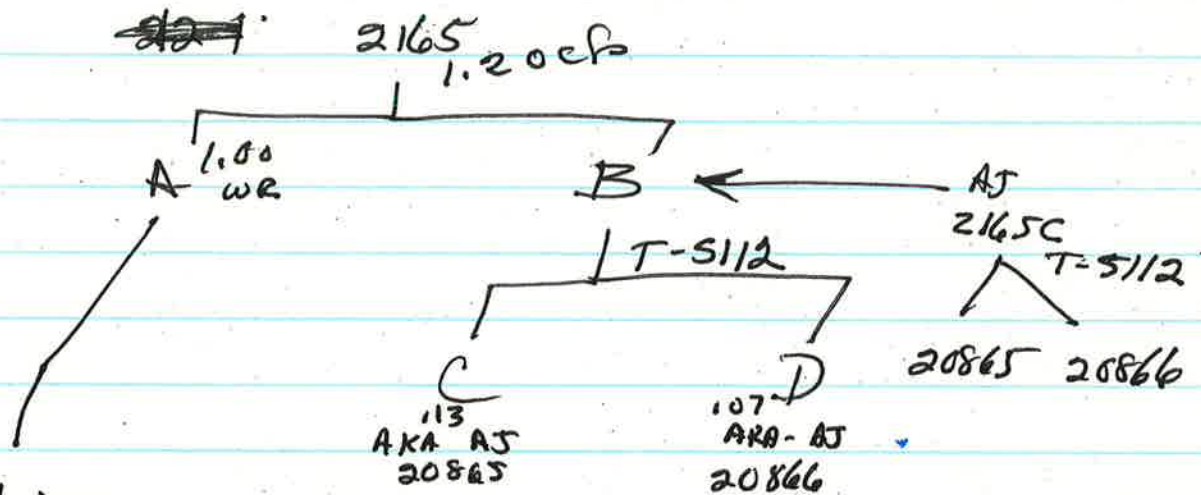
Remarks:

Shape
generated = 1.4ac



<u>Basi</u>	<u>Sequen</u>	<u>Sufi</u>	<u>Basis</u>	<u>Status</u>	<u>Rate(cf</u>	<u>Volun</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Ve</u>	<u>Source T</u>	<u>App.ID</u>
37	2165 A		License	Active	0.2		IRRIGATION	BUTTE LAND TRUST		Aj CLAIM	
37	2165 B		License	Active	0.2		IRRIGATION	H ; HARRIS, TIMOTHY H		Aj CLAIM	
37	2165 D		License	Active	0.2		IRRIGATION	M		Aj CLAIM	
37	20865		License	Active	0.13	23.5	IRRIGATION	TRUST		Aj CLAIM	
37	20866		License	Active	0.07	11.5	IRRIGATION, STORAGE, DIVERSION TO STORAGE,	THE GULCH TRUST		Aj CLAIM	
37	22126		License	Active	1.2		IRRIGATION	LLC		Aj CLAIM	
			total		2						
37	2165		License	Parent	1.2		IRRIGATION	JEANNE P		Aj CLAIM	
37	2165 C		License	PARENT	0.2		IRRIGATION	TRUST		Aj CLAIM	
37	2165 A		License	Active	0.15		IRRIGATION	BUTTE LAND TRUST	1	Aj RECOM	
37	2165 B		License	Active	0.15		IRRIGATION	H ; HARRIS, TIMOTHY H	1	Aj RECOM	
37	2165 D		License	Active	0.15		IRRIGATION	M	1	Aj RECOM	
37	20865		License	Active	0.11		IRRIGATION	TRUST	1	Aj RECOM	
37	20866		License	Active	0.07	11.5	IRRIGATION, STORAGE, DIVERSION TO STORAGE,	THE GULCH TRUST	1	Aj RECOM	
37	22126		License	Active	0.03		IRRIGATION	LLC	1	Aj RECOM	
			total		0.66						
37	2165		License	Parent	0.02		IRRIGATION	JEANNE P	1	Aj RECOM	
37	2165 C		License	Parent	0.2		IRRIGATION	TRUST	1	Aj RECOM	
37	2165 A		License	Active	1		IRRIGATION	THORNTON W		wrWaterRight	
37	2165 C		License	Active	0.13	23.5	IRRIGATION	TRUST		wrWaterRight	
37	2165 D		License	Active	0.07	11.5	IRRIGATION, STORAGE, DIVERSION TO STORAGE,	THE GULCH TRUST		wrWaterRight	

$$\begin{array}{r}
 632B \quad 1.26 \\
 632E \quad .23 \\
 \hline
 1.49
 \end{array}$$



AJ claims

2165 → Renumeration ~~2165~~ 22126
 2165A .15 cfo
 2165B .15 cfo
 2165D .15
 20865 .11
 20866 107 ←
 22126 .03
 .66

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

In Re SRBA

Subcase No. 37-22126

Sleigh Bells

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT AND OBJECTOR:
Sleigh Bells LLC

RESPONDENT:
USDA Forest Service

James P. Speck
Attorney for Sleigh Bells LLC

Date

David L. Negri
Attorney for the United States

Date

IDWR Concurrence:

Kelly K. Christensen 9-29-08
Kelly K Christensen Date

Christopher M Bromley
Deputy Attorney General

Date

COPY

CERTIFICATE OF MAILING

I certify that on October ____, 2008, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Sleigh Bells LLC
C/O James P. Speck
Speck & Aanestad
P.O Box 987
Ketchum, ID 83340

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

COPY

Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 37-22126

Name and Address: SLEIGH BELLS LLC
31 SIMMONS DR
DUXBURY, MA 02332

Source: ADAMS GULCH CREEK

Tributary: BIG WOOD RIVER

Quantity: ~~.03~~ CFS
.04 CFS

Priority Date: 11-26-1909

Diversion Point: T04N R17E S02 LOT 7 (SESE) Within Blaine County

Purpose and

Period of Use:

Purpose of Use
Irrigation

Period of Use
04-15 TO 10-31

Quantity
~~.03~~ CFS
.04 CFS

Place of Use:

Irrigation Within Blaine County
T04N R17E S01 SESW ~~1.0~~ 1.4
1.0 1.4 Acres Total

~~Right Nos. 37-22126 and 37-11304 are limited to the irrigation
of a combined total of 1.0 acre in a single irrigation season.~~

The place of use for this water right is on private land, Lot
4, Flowers Homestead Subdivision.

Other Provisions Necessary for Definition / Administration of this Water Right:

The remainder of this right was forfeited for non-use from 1910
to 1987.

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 renumbered from former right 37-2165.

Use of water under this water right will be regulated by the
watermaster of State Water District No. 37.

This right is a split from former right 37-2165.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22126 V1

WATER RIGHT NUMBER: 37-22126 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SLEIGH BELLS LLC 31 SIMMONS DR DUXBURY, MA 02332 (781)934-7191
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Directors Report Owner	JEANNE P FLOWERS PO BOX 656 KETCHUM, ID 83340 (208)726-5051

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

ADAMS GULCH CREEK	L7 (SE1/4SE1/4)	Sec. 2,	Twp 04N,	Rge 17E, B.M.
BLAINE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1																	1.0

Total Acres: 1

Conditions of Approval:

1. P31 The remainder of this right was forfeited for non-use from 1910 to 1987.
2. P21 This right is a split from former right 37-2165.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22126 V1

3. C18 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.
4. This right is renumbered from former right 37-2165.
5. E55 Right Nos. 37-22126 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Remarks:

Comments:

1. cclark 11/5/2006 Splits

Comment: Licensed water right 37-2165 was split into parts A and B. Water right 37-2165B was subsequently split into parts C and D pursuant to transfer no. 5112. SRBA claims 37-2165, 37-2165A, 37-2165B, and 37-2165D are portions of water right 37-2165A. SRBA claim 37-2165C corresponds with water right 37-2165B. SRBA claim 37-2165C was split into 37-20865 and 37-20866 to reflect transfer no. 5112. Claim 37-20865 corresponds to water right 37-2165C and claim 37-20866 corresponds to water right 37-2165D.

2. Renumber 1/26/2007 Renumber WR 37-22126

Comment: This has been renumbered from 37-2165 so other claims with a portion of license 37-2165 can be recognized. See rights 37-2165A, 37-2165B, 37-2165D, 37-20865, 37-20866 and 37-22126.

3. kwalker 1/26/2007 Number change

Comment: This claim was renumbered from 37-2165 so that the pedigree could be completed. I updated 37-22126 but only copied what was previously recommended by Cynthia. The rate was increased to 0.03 cfs due to increase in rate for other parts of 37-2165 - due to NOE submitted on 37-2165A. See memo dated 10/15/2006 in file which discusses the claims filed under original licensed right and pedigree updated today.

4. mvanbussum 2/12/2007 Conditions

Comment: Moved R04 condition to explanatory.

SubCase:

SubCase Number: 37-22126

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Kay Walker

Basis of Claim: License

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 11/6/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22126

WATER RIGHT NUMBER: 37-22126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SLEIGH BELLS LLC 31 SIMMONS DR DUXBURY, MA 02332 (781)934-7191
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Directors Report Owner	JEANNE P FLOWERS PO BOX 656 KETCHUM, ID 83340 (208)726-5051

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		1.200 CFS	

Location of Point(s) of Diversion

ADAMS GULCH CREEK	SE1/4SE1/4	Sec. 2, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1																	2.0

Total Acres: 2

DOMESTIC same as IRRIGATIONConditions of Approval:

1. This right was renumbered to right 37-22126 .
2. This right is renumbered from former right 37-2165 .

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22126

3. ORIGINAL CLAIM FOR 60 ACRES, NOW USED ON ONLY 2 ACRES. DOMESTIC WELL ALSO USED FOR HOUSEHOLD USE. PROPERTY SUBDIVIDED, BUT WATER RIGHTS WERE RETAINED.

Remarks:

Comments:

SubCase:

SubCase Number: 37-22126

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Kay Walker

Basis of Claim: License

Date Filed: 1/15/2008 Objection Status: Active

Date Filed: 11/6/2007 Objection Status: Active

Water Supply Bank:

RECEIVED

NOV 07 2007

**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**

In Re SRBA

Case No. 39576

A. Subcase 37-22126

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Sleigh Bells LLC
Address: 31 Simmons Drive
Duxbury MA 02332
Daytime Phone: (781) 934-7191

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Sleigh Bells LLC
Address: 31 Simmons Drive
Duxbury MA 02332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: 0.04 cfs
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 1.5 acres in SESW, Section 2; the combined irrigation limit with 37-11304 should be deleted
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Area of historical irrigation on Claimant's property is approximately 1.5 acres. 37-11304 was decreed to Jeanne Flowers for domestic use in three of the original homes in the area all located east of the property Claimant acquired from Flowers. No irrigation under 37-11304 occurs on Claimant's property.

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

In Re SRBA	)	A. Subcase No. 37-22126
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 334-1936

**C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH
YOU ARE RESPONDING:**

Name: Sleigh Bells LLC
Address: 31 Simmons Drive
Duxbury, MA 02332

D. I am responding to the objection(s) to the following elements:

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation:

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 15 PM 1 21

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

In Re SRBA

Case No. 39576

Box 19

Subcase No. 37-22126

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

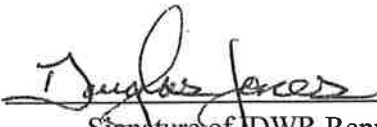
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 5-15-07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/15, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Jeanne Flowers
PO Box 656
Ketchum ID 83340



Signature of person or attorney mailing the form

05/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22126

NAME AND ADDRESS: SLEIGH BELLS LLC
31 SIMMONS DR
DUXBURY MA 02332

SOURCE: ADAMS GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 11/26/1909

POINT OF

DIVERSION: T04N R17E S2 SESE Lot 7 Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.030 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T04N R17E S01

SESW

1.00

1 ACRES TOTAL

Right Nos. 37-22126 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.

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

The remainder of this right was forfeited for non-use from 1910 to 1987.

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 37-2165.

This right is renumbered from former right 37-2165.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 15, 2007

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA Claim(s) 37-22126 / Sleigh-Bells LLC

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Jeanne Flowers

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

RECEIVED

MAY 10 2007

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-22126				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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) Jeanne P. Flowers
P.O. Box 656, Ketchum, ID 83340

4. New Owner/Claimant(s) Sleigh-Bells, LLC, an Idaho limited liability co.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 31 Simmons Drive

City, State and ZIP Code Duxbury, MA 02332

New Telephone Number (781) 934-7191

5. Date you acquired the property

December 4, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

Sleigh-Bells, LLC, an Idaho limited liability company

7. Signature(s) of New Owner(s) or Claimant(s)

By:

Robert T. Farrelly
Robert T. Farrelly, Co-Manager (title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

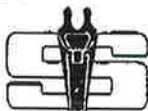
Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____



Order No. 97008157
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received **JEANNE PEARL FLOWERS**, a single woman

the Grantor hereby grants, bargains, sells, conveys and warrants unto **GULCH TRUST DATED DECEMBER 1, 1995**

the Grantee whose current address is: **2300 CARILLON POINT, KIRKLAND, WA 98033-7353 *****

the following described premises, to-wit:

Lot 4 of FLOWERS HOMESTEAD SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded May 8, 1986, as Instrument No. 272844, records of Blaine County, Idaho.

414794
BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE
98 MAY 29 PM 3 19
MARY GREEN CLERK
FEES \$ 3.00

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

Dated: May 22, 1998

Jeanne Pearl Flowers
JEANNE PEARL FLOWERS

State of **IDAHO**

ss.

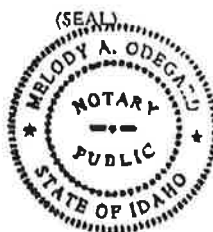
County of **BLAINE**

On this 26 day of May, 1998, before me, the undersigned, a Notary Public, in and for said State, personally appeared JEANNE PEARL FLOWERS

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Melody A. Odegard
Notary Public
Residing at: **BLAINE COUNTY, IDAHO**
Commission Expires: **September 24, 2002**



WARRANTY DEED

FOR VALUE RECEIVED

ARTHUR W. HARRIGAN, SUCCESSOR TRUSTEE OF THE GULCH TRUST DATED
DECEMBER 1, 1995, AS AMENDED AND RESTATED DECEMBER 31, 1997

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

ROBERT T. FARRELLY and NANCY B. FARRELLY, HUSBAND AND WIFE

the grantee(s), whose current address is 31 Simmons Drive
Duxbury, MA 02332

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

Lot 4A of FLOWERS HOMESTEAD SUBDIVISION, Lot 4A, according to the official plat thereof,
recorded August 23, 2000, as Instrument No. 442387, records of Blaine County, Idaho.

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

Instrument # 468016

HAILEY, BLAINE, IDAHO
2002-07-16 10:14:00 No. of Pages: 1
Recorded for : SUN VALLEY TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/QCICORP DEED

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

Dated: July 11, 2002

Arthur W. Harrigan, Trustee

State of: Washington

County of: King

On this 12th day of July, 2002, before me a Notary Public in and for said State,
personally appeared Arthur W. Harrigan, known or identified to me to be the person whose name is
subscribed to the within instrument as Successor Trustee of the Gulch Trust dated December 1, 1995 as
amended and restated December 31, 1997, and acknowledged to me that he executed the same, in his
capacity as Successor Trustee.

Notary Public

Residing at Redmond

Comm. Expires 01/15/04



RECEIVED
DEC 06 2002
SPECK & AANESTAD

ORIGINAL IN RED

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**Douglas J. Aanestad
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340
PLEASE RECORD FIRST**

Instrument # 474737
HAILEY, BLAINE, IDAHO
2002-12-04 02:25:00 No. of Pages: 2
Recorded for : SPECK & AANESTAD
MARSHA RIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, **ROBERT T. FARRELLY** and **NANCY B. FARRELLY**, husband and wife, ("Grantors") whose address is 31 Simmons Drive, Duxbury, MA 02332 hereby grant, bargain, sell and convey to **ROBERT T. FARRELLY and NANCY B. FARRELLY, Trustees of the ROBERT T. FARRELLY REVOCABLE TRUST DATED July 10, 2001** ("Grantee") an undivided fifty percent (50%) community property interest in and to that certain real property situated in Blaine County, Idaho, described as:

Lot 4A of FLOWERS HOMESTEAD SUBDIVISION, Lot 4A,
according to the official plat thereof, recorded August 23, 2000, as
Instrument No. 442388, records of Blaine County, Idaho.

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

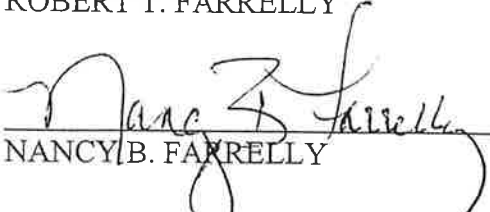
TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

"GRANTORS"

Date: 10/31/02


ROBERT T. FARRELLY

Date: 10/31/02


NANCY B. FARRELLY

COMMONWEALTH OF MASSACHUSETTS)
County of Norfolk) ss.
)

On this 11th day of November, 2002 before me, the undersigned notary public in and for said state, personally appeared ROBERT T. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kristofer W. Meyer
KRISTOFER W. MEYER

Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD ROAD DUMMYS, MA-02171
Comm. Expires 4.14.06
APRIL 14, 2006



COMMONWEALTH OF MASSACHUSETTS)
County of Norfolk) ss.
)

On this 11th day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared NANCY B. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kristofer W. Meyer
KRISTOFER W. MEYER

Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD ROAD DUMMYS, MA-02171
Comm. Expires 4.14.06
APRIL 14, 2006



DEC 06 2002

SPECK & AANESTAD

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Douglas J. Aanestad
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

Instrument # 474738

HAILEY, BLAINE, IDAHO

2002-12-04

02:27:00 No. of Pages: 2

Recorded for: SPECK & AANESTAD

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

PLEASE RECORD SECOND

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, **ROBERT T. FARRELLY** and **NANCY B. FARRELLY**, husband and wife, ("Grantors") whose address is 31 Simmons Drive, Duxbury, MA 02332 hereby grant, bargain, sell and convey to **NANCY B. FARRELLY** and **ROBERT T. FARRELLY**, Trustees of the **NANCY B. FARRELLY REVOCABLE TRUST DATED July 10, 2001** ("Grantee") an undivided fifty percent (50%) community property interest in and to that certain real property situated in Blaine County, Idaho, described as:

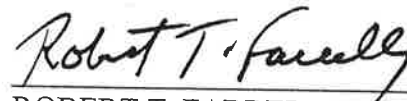
Lot 4A of FLOWERS HOMESTEAD SUBDIVISION, Lot 4A,
according to the official plat thereof, recorded August 23, 2000, as
Instrument No. 442388, records of Blaine County, Idaho.

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

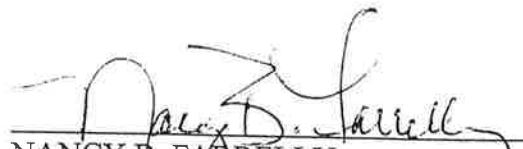
TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantors do hereby covenant to and with the said Grantee, the Grantors are the owners in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

"GRANTORS"

Date: 10/31/02


ROBERT T. FARRELLY

Date: 10/31/02


NANCY B. FARRELLY

COMMONWEALTH OF MASSACHUSETTS)
County of Norfolk) ss.

On this 11th day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared ROBERT T. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Christopher W. Meyer
Notary Public for Massachusetts
Residing at: 37 South BAIRFIELD ROAD QUINCY, MA.
Comm. Expires 4.14.06
APRIL 14, 2006

COMMONWEALTH OF MASSACHUSETTS)
County of Norfolk) ss.

On this 11th day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared NANCY B. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Christopher W. Meyer
Notary Public for Massachusetts
Residing at: 37 South BAIRFIELD ROAD QUINCY, MA.
Comm. Expires 4.14.06
APRIL 14, 2006

DEC 06 2002
SPECK & AANESTAD

ORIGINAL IN RED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Douglas J. Aanestad
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340
PLEASE RECORD THIRD

Instrument # 474739

HAILEY, BLAINE, IDAHO
2002-12-04 02:29:00 No. of Pages: 4
Recorded for: SPECK & AANESTAD
MARSHA RIEMANN Fee: 12.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, **ROBERT T. FARRELLY and NANCY B. FARRELLY**, Trustees of the **ROBERT T. FARRELLY REVOCABLE TRUST DATED July 10, 2001**, as to an undivided fifty percent (50%) community property interest and **NANCY B. FARRELLY and ROBERT T. FARRELLY**, Trustees of the **NANCY B. FARRELLY REVOCABLE TRUST DATED July 10, 2001**, as to an undivided fifty percent (50%) community property interest ("Grantors") whose address is 31 Simmons Drive, Duxbury, MA 02332 hereby grant, bargain, sell and convey unto **SLEIGH-BELLS, LLC**, an Idaho limited liability company, ("Grantee") whose address is 31 Simmons Drive, Duxbury, MA 02332 the following described premises situated in Blaine County, Idaho, described as:

Lot 4A of FLOWERS HOMESTEAD SUBDIVISION, Lot 4A,
according to the official plat thereof, recorded August 23, 2000, as
Instrument No. 442388, records of Blaine County, Idaho.

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

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

"GRANTORS"

ROBERT T. FARRELLY and NANCY B. FARRELLY, Trustees of the ROBERT T. FARRELLY REVOCABLE TRUST DATED July 10, 2001

Date: 11-1-02

By: Robert T. Farrelly
ROBERT T. FARRELLY, Trustee

Date: 11-1-02

By: Nancy B. Farrelly
NANCY B. FARRELLY, Trustee

NANCY B. FARRELLY and ROBERT T. FARRELLY, Trustees of the NANCY B. FARRELLY REVOCABLE TRUST DATED July 10, 2001

Date: 11-1-02

By: Nancy B. Farrelly
NANCY B. FARRELLY, Trustee

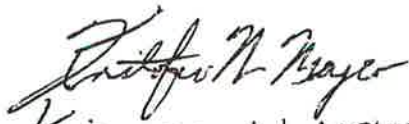
Date: 11-1-02

By: Robert T. Farrelly
ROBERT T. FARRELLY, Trustee

COMMONWEALTH OF MASSACHUSETTS)
County of NORFOLK) ss.
)

On this 1st day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared ROBERT T. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument as Grantor, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

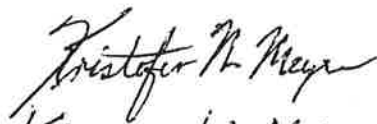

KRISTOFER W. MEYER
Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD ROAD
Comm. Expires 4-14-06 *Quincy, MA 02171*
APRIL 14, 2006



COMMONWEALTH OF MASSACHUSETTS)
County of NORFOLK) ss.
)

On this 1st day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared NANCY B. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument as Grantor, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


KRISTOFER W. MEYER
Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD RD. *Quincy, MA 02171*
Comm. Expires 4-14-06
APRIL 14, 2006



COMMONWEALTH OF MASSACHUSETTS)

County of NORFOLK)

) ss.

On this 1st day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared ROBERT T. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kristofer W. Meyer
KRISTOFER W. MEYER
Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD ROAD, QUINCY, MA
Comm. Expires 4.14.06
April 14, 2006



COMMONWEALTH OF MASSACHUSETTS)

County of NORFOLK)

) ss.

On this 1st day of November, 2002, before me, the undersigned notary public in and for said state, personally appeared NANCY B. FARRELLY, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kristofer W. Meyer
KRISTOFER W. MEYER
Notary Public for Massachusetts
Residing at: 37 SOUTH BAYFIELD ROAD, QUINCY, MA
Comm. Expires 4.14.06
April 14, 2006





ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED/EFFECTIVE

(Instructions on back of application)

2002 JUL 12 AM 9:07

- The name of the limited liability company is: Sleigh-bells, LLC STATE OF IDAHO
- The street address of the initial registered office is: 120 East Avenue, Ketchum, ID 83340
and the name of the initial registered agent at the above address is: Douglas J. Aanestad
- The mailing address for future correspondence: 31 Simmons Drive, Duxbury, MA 02332
- Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ . (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Robert T. Farrelly

31 Simmons Drive, Duxbury, MA 02332

Nancy B. Farrelly

31 Simmons Drive, Duxbury, MA 02332

- Signature of at least one person responsible for forming the limited liability company:

Signature

Typed Name

Douglas J. Aanestad

Capacity

Non Member Organizer

Signature

Typed Name

Capacity

Secretary of State use only

g:\corp\forms\LLC form\startisfororganization.pdf Revised 01/2001

IDAHO SECRETARY OF STATE
07/12/2002 05:00
CK: 31688 CT: 2545 BH: 476771
1 @ 100.00 = 100.00 ORGAN LLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

W19950

RECEIVED
MAY 10 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Claimants Name:
Sleigh-Bells, LLC

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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

In Re SRBA

Case No. 39576

)
) **NOTICE OF APPEARANCE**
)
)
)
)

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Sleigh-Bells, LLC, for the following water right which is not the subject of a subcase: 37-22126.

DATED this 8 day of May, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of May, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

RECEIVED

MAY 10 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

May 8, 2007

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

Re: Notice of Change in Water Right Ownership - Water Right No. 22126
Our File No.: 1265/060120

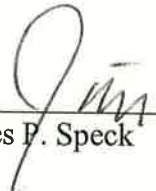
Dear Trish:

Enclosed please find an original and one copy of Notice of Change in Water Right Ownership together with an original and one copy of Notice of Appearance. Please file stamp the originals, conform the copies and return them in the enclosed envelope provided for that purpose.

Please call our office if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

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

01/26/2007

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

RIGHT NUMBER: 37-22126

NAME AND ADDRESS: ROBERT FARRELLY
2001 WILSHIRE BLVD #250
SANTA MONICA CA 90403

JEANNE P FLOWERS
PO BOX 656
KETCHUM ID 83340

SOURCE: ADAMS GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 11/26/1909

POINT OF DIVERSION:

T04N R17E S2 SESE Lot 7 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	0.030 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S01 SESW 1.00

1 ACRES TOTAL

Right Nos. 37-22126 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.

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

The remainder of this right was forfeited for non-use from 1910 to 1987.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-2165.

This right is renumbered from former right 37-2165 .

This right was renumbered to right 37-22126 .

MEMORANDUM

To: Claim file 37-2165A, 37-2165B, 37-2165D, 37-20865, 37-20866, and 37-22126

From: Cynthia Bridge Clark

Date: January 29, 2007

Re: SRBA Claim Review

Preliminary recommendations for the above referenced SRBA claims were revised. Attorney Jim Speck represents the owner of claim 37-2165A. He acknowledged the reduction in acres claimed through the preliminary recommendation but requested the diversion rate reflect the amount claimed. All of the claims referenced above are parts of licensed water right 37-2165. The license authorized diversion of water for irrigation of one inch per acre. Therefore, the diversion rates were reduced accordingly based on the number of acres recommended for each claim. The claimants did not provide additional information to substantiate diversion of more than an inch per acre, but SRBA staff acknowledged that higher rates have been recognized for surface water rights with conveyance losses, etc. Without additional information, the diversion rates were increased to the following (0.03 cfs per acre for less than or equal to 5 acres, 0.15 cfs for 5 to 7.5 acres):

Claim No.	Diversion Rate	Place of Use
37-2165 (renumbered to 37-22126)	0.03 cfs	1.0 acre
37-2165A	0.15 cfs	6.4 acres
37-2165B	0.15 cfs	6.7 acres
37-2165D	0.15 cfs	6.1 acres
37-20865	0.11 cfs	3.7 acres
37-20866	<u>0.07 cfs*</u>	<u>3.0 acres</u>
Totals:	0.66 cfs	26.9 acres

*Limited by Transfer no. 5112.

Period of Use

- Standard season: 4/15 to 10/31
- License or Decree: None
- Claims:
 - 37-2165: None
 - 37-2165A: 4/1 to 11/01
 - 37-2165B: 4/1 to 11/01
 - 37-2165D: 4/1 to 11/01
 - 37-20865: 4/15 to 10/15
 - 37-20866: 4/15 to 10/15 & 1/1 to 12/31
- Recommendation: 4/15 to 10/31

$\leftarrow 0.03 \rightarrow 0.02$
 $\leftarrow 0.15 \rightarrow 0.13$

Quantity

- Amount Claimed: all claimed at 1 inch per acre. Rate reduced based on reduced acres.
- License 37-2165: 1.2 cfs, 60 acres (1 inch per acre)

Recommendation

Claim Nos.	Claimed Amounts	Recommended Amounts
	Rate POU	Rate POU
37-2165	1.2 cfs 2.0 ac	0.02 cfs 1.0 ac
37-2165A	0.2 cfs 10.0 ac	0.13 cfs 6.4 ac
37-2165B	0.2 cfs 10.0 ac	0.13 cfs 6.7 ac
37-2165D	0.2 cfs 10.0 ac	0.12 cfs 6.1 ac
37-20865	0.2 cfs 10.0 ac	0.07 cfs 3.0 ac
37-20866	0.2 cfs 10.0 ac	0.13 cfs 6.7 ac
		29.9 ac

0.11 cfs
(3.7 x 0.03)

0.07
↑
per transfer

All Rec. 37-22126
3.7 per Rec.
3.0 per Rec.

Blaine County *
Adams Gulch and Sheep Creek *
1.2 second feet **
Irrigation and domestic use *
Priority 11-26-09 *

S T A T E _ _ O F _ _ I D A H O _

Water License No. 5698

WHEREAS, On the 26th day of November, A.D. 1909, THORNTON W. FLOWERS, of Hailey County of Blaine, State of Idaho, duly made application (No. 7954) to me for a permit to use 2.8 cubic feet per second of the waters of Adams Gulch and .4 of 1 cubic foot per second of the waters of Sheep Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 1st day of February, A.D. 1910, Permit No. 5698, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 1st day of August, A.D. 1910, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5698, dated December 1, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of the said waters, with date of priority of November 26, 1909, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the application to beneficial use of 1.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THORNTON W. FLOWERS, of Hailey, County of Blaine, State of Idaho, the holder and owner of said Permit No. 5698, a perpetual right, dating from November 26, 1909, to the use of 1.2 cubic feet per second of the waters of Adams Gulch and Sheep Creek, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point from Adams Gulch in the southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 2, township 4 North of Range 17 East of the Boise Meridian, and from reservoir on Sheep Creek in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 34, township 5 North of Range 17 East Boise Meridian, and conducted to and upon 10 acres in northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 15 acres in northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 20 acres in southwest quarter of southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and 15 acres in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 1, township 4 North of Range 17 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this first day of December,

A.D. nineteen hundred and ten.

(SEAL)

Recorded December 1, 1910

D.G. Martin

State Engineer

37-2165



Idaho Department of Water Resources

SRBA Recommendation:

37-22126

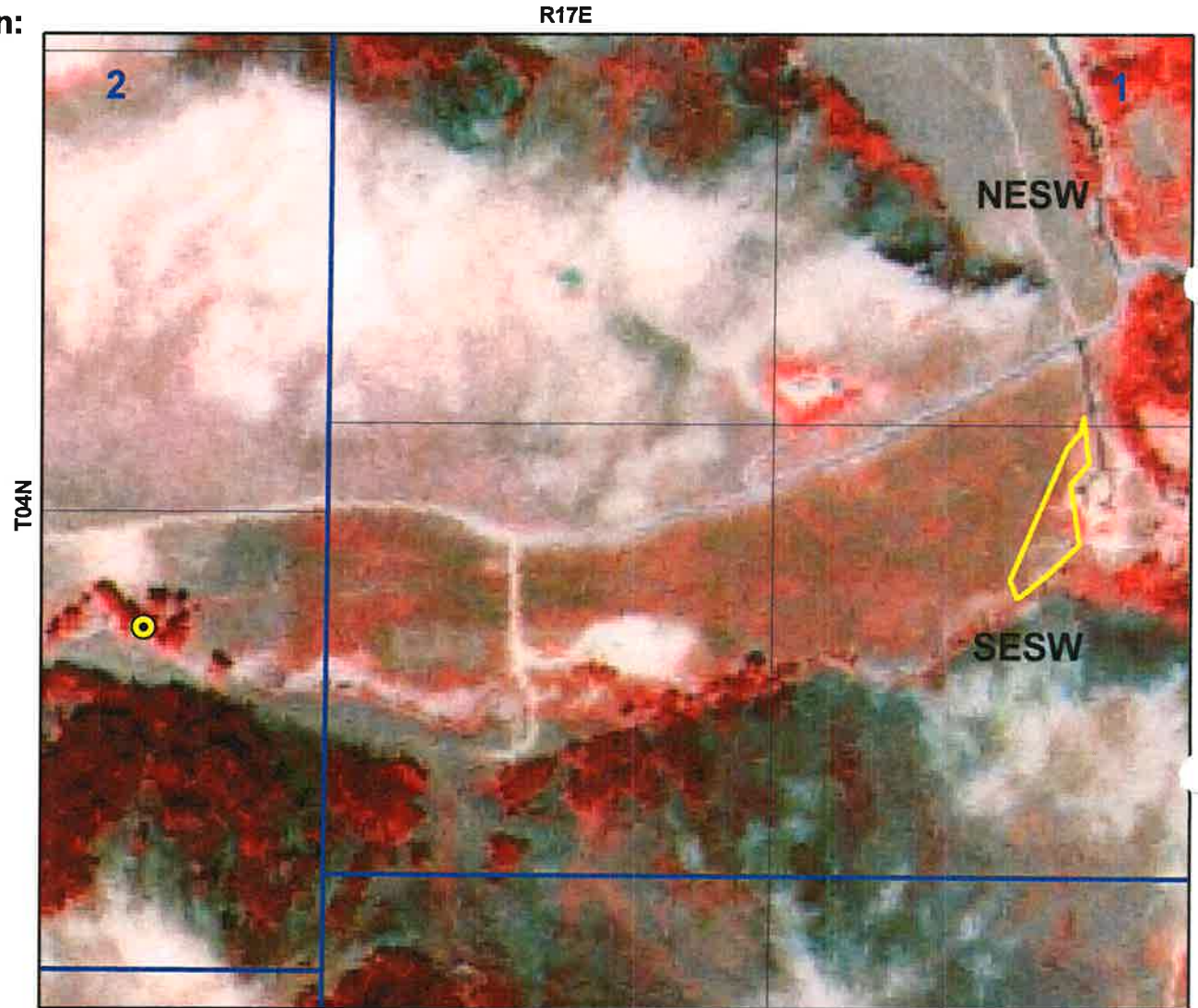
(Irrigation)

Legend

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



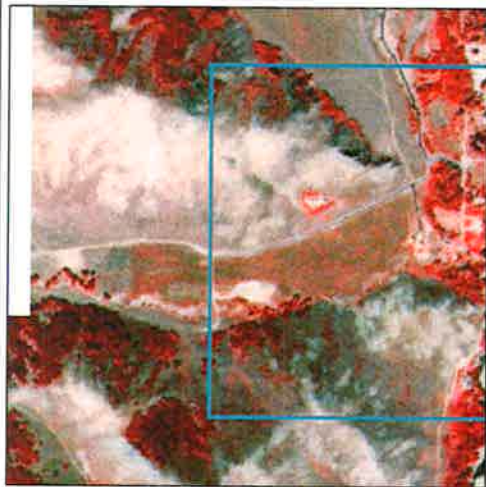
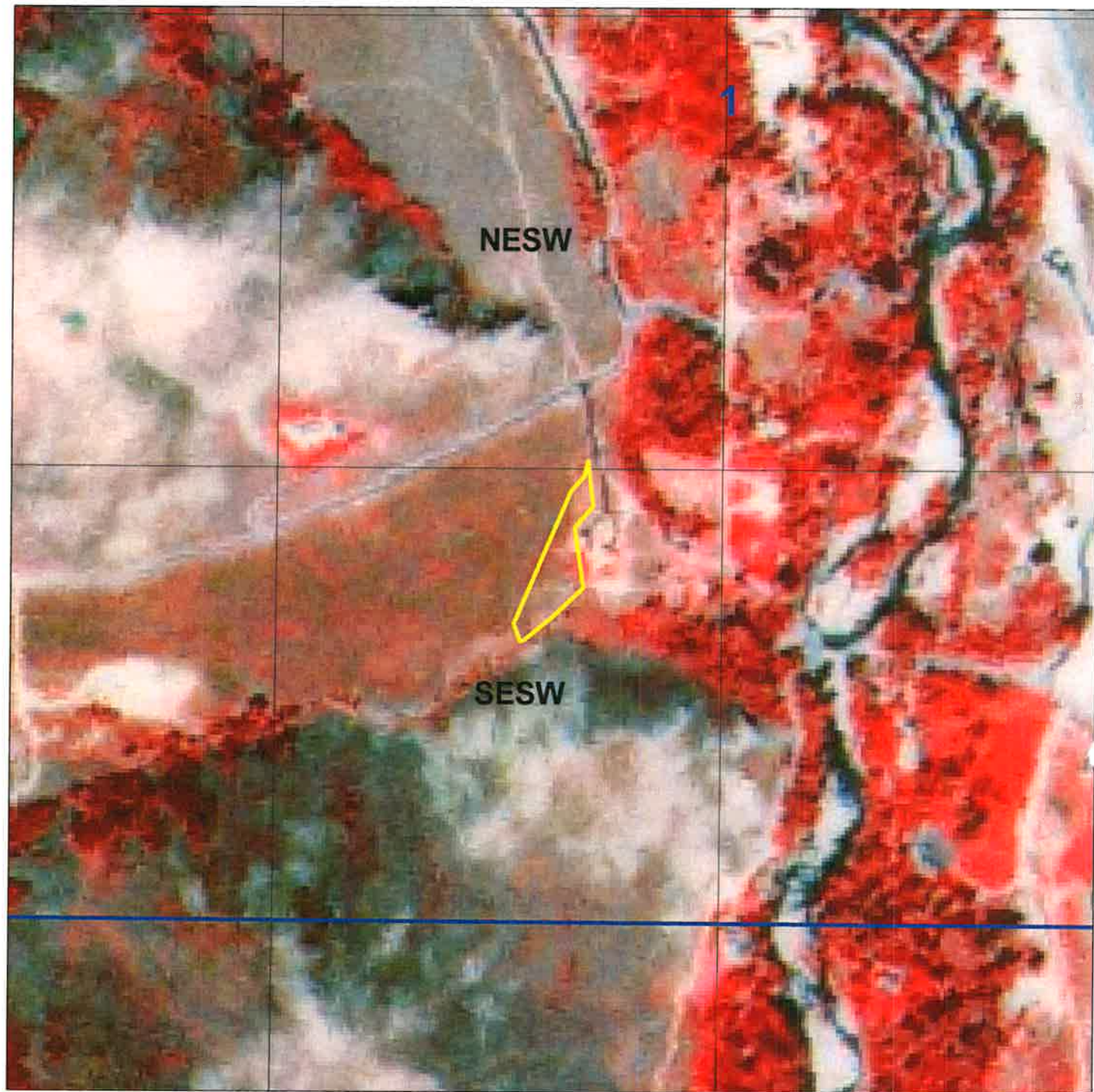
Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by K. Walker
On Friday, January 26, 2007
1987/88 Aerial Photography

37-22126



11/07/2006

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

RIGHT NUMBER: 37-2165 → Renumbered to 37-22126 1/26/07 kw
NAME AND ADDRESS: ROBERT FARRELLY
2001 WILSHIRE BLVD #250
SANTA MONICA CA 90403

JEANNE P FLOWERS
PO BOX 656
KETCHUM ID 83340

SOURCE: ADAMS GULCH CREEK TRIBUTARY: BIG WOOD RIVER
QUANTITY: 0.020 CFS
PRIORITY DATE: 11/26/1909
POINT OF DIVERSION:

T04N R17E S2 SESE 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

PLACE OF USE: IRRIGATION in BLAINE County
T04N R17E S01 SESW 1.00

1 ACRES TOTAL

Right Nos. 37-2165 and 37-11304 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The remainder of this right was forfeited for non-use from 1910 to 1987.

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 37-2165.



Idaho Department of Water Resources

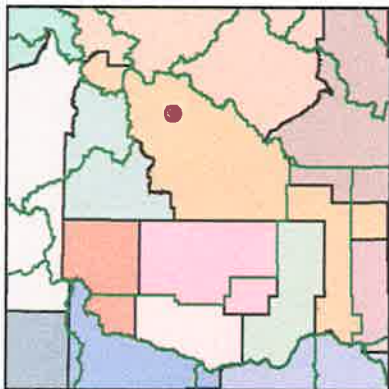
SRBA Recommendation:

37-2165

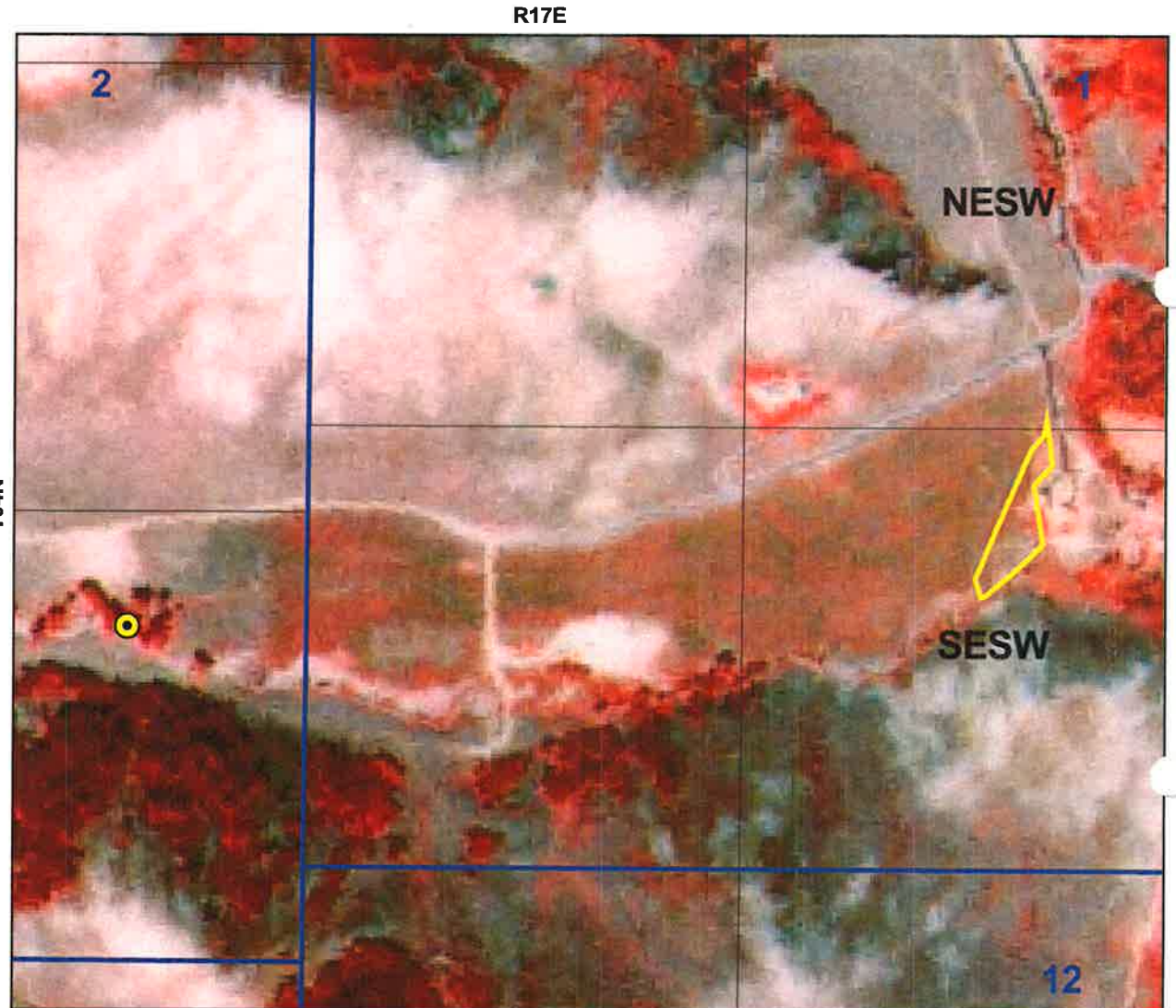
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

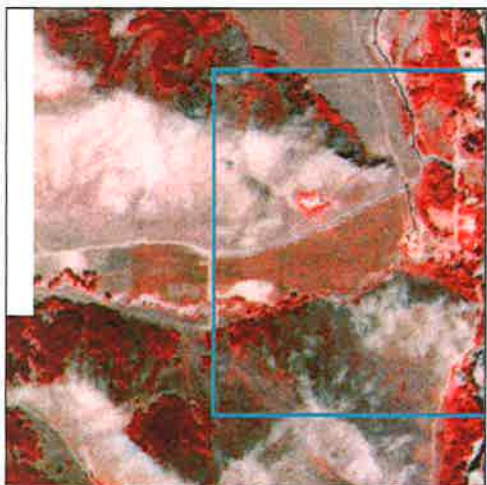
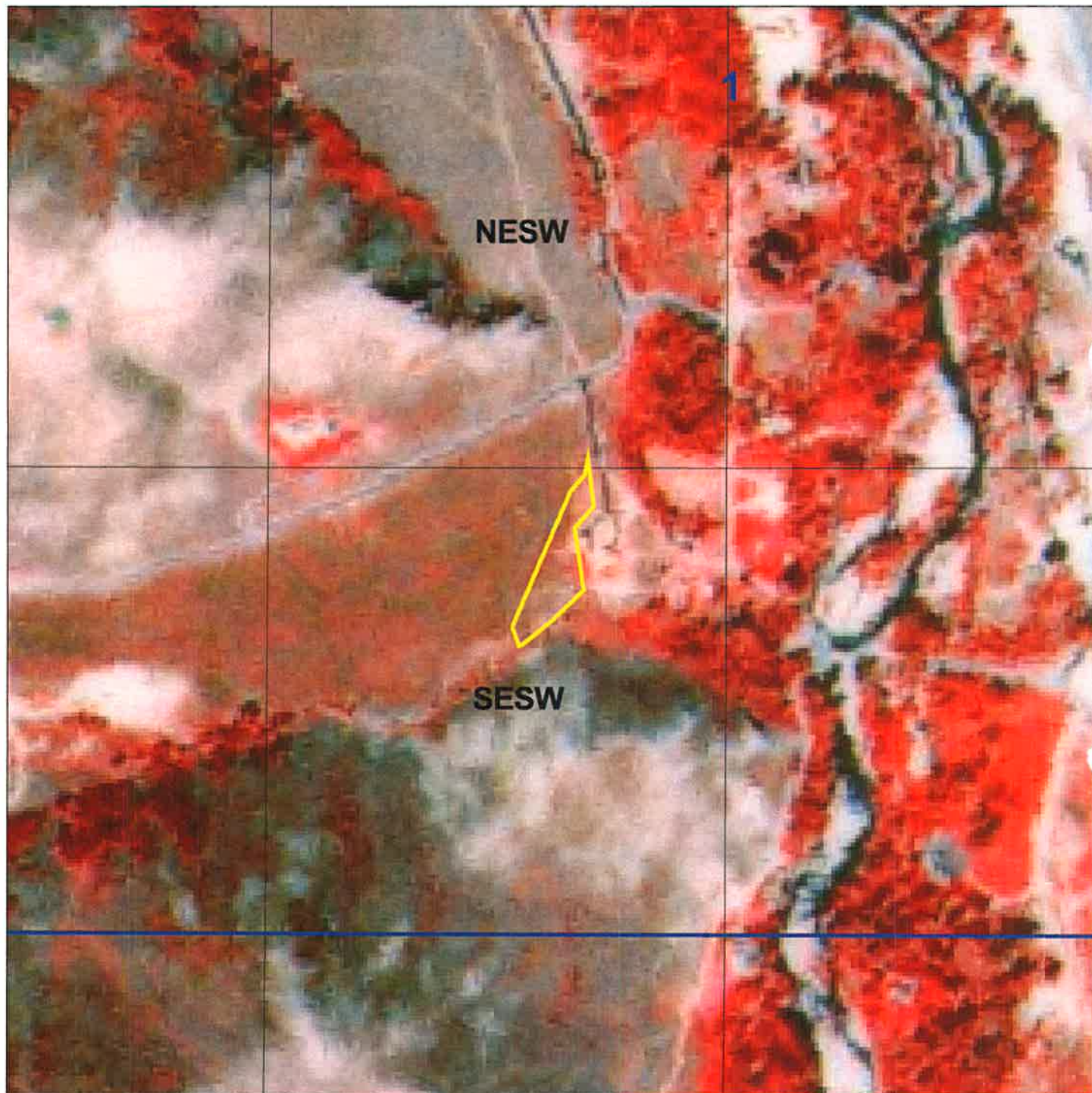


0 0.2 0.4 Miles



Prepared by C. Clark
On Sunday, November 5, 2006
1987/88 Aerial Photography

37-2165



MEMORANDUM

To: Claim files 37-2165, 37-2165A, 37-2165B, 37-2165D, 37-20865, and 37-20866

From: Cynthia Bridge Clark

Date: October 15, 2006

Re: SRBA Claim Review notes

Overview

Water right 37-2165 was licensed with a priority date of 12/1/1910. It was owned by the Flowers family, but was later split into the four parcels to create the Adams Gulch Subdivision. The Flowers Homestead Subdivision sits on the west end of the Adams Gulch Subdivision and consists of four lots. A portion of water right 37-2165 is now owned by each of the lot owners in the Adams Gulch Subdivision and a small portion by the owner of the most easterly lot in the Flowers Homestead Subdivision.

All of these portions were claimed in the SRBA. The claimed amounts have been changed in the preliminary recommendations based on evidence of historic use. Additionally, the water right numbers (e.g. split suffix) do not necessarily match the claim numbers. The corresponding numbers are identified below.

<u>Water Right No.</u>	<u>Corresponding Claim Nos.</u>
37-2165	37-2165 (remaining portion of original water right less other claimed amounts)
37-2165A	37-2165A
	37-2165B
	37-2165D
37-2165B (parent-split into water rights 37-2165C & 37-2165D through transfer 5112)	
37-2165C	37-20865 (renumbered)
37-2165D	37-20866 (renumbered)

Ownership/Contacts

37-2165: Current owner on the claim is Jeanne Flowers. Based on available tax lot information, the present landowner is Sleigh Bells, LLC. I spoke with Ms. Flowers on the telephone on November 3, 2006 regarding the location of the claim. She said that the water right should have been split between the four lots in the Adams Gulch Subdivision and the adjacent lot in the Flowers Homestead Subdivision. She stated that she sold that lot to Mr. Farrelly. According to the Annual Report Form filed with the Idaho Secretary of State, Robert Farrelly is an officer for Sleigh-Bells, LLC. Mr. Farrelly will be identified as a present owner to receive a copy of the recommendation.

37-2165A: The current claimant (updated through an ownership change) is also the property owner according to available tax lot information.

POU

▪ POU Overlap:

37-2165: 37-11304 (domestic use for three homes including lawn & garden).
Add combined limit

37-2165A: 37-12563, no indication of irrigation from well.

37-2165B: 37-7682 is municipal right.

37-2165D: 37-7682 is municipal right.

37-20865: 37-20866, 37-8400. Add POU condition.

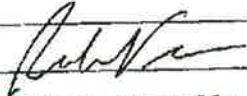
37-20866: 37-8400. Carry over transfer conditions.

- Forfeiture Original license authorized 1.2 cfs, 60 acres. Based on available imagery, maps and documentation from the owner filed with an application for Extension of Time to Avoid Forfeiture in 1992, and documents in the water right file from the subsequent field exam indicate only about 26.2 acres were farmed under the license. A POU of 27.0 acres was digitized based on available imagery.
- Development/Beneficial Use: approximately 27 acres developed
- Available information/imagery:
 - DOQQ 92, NAIP 1987, SUNV NAIP 2004
 - Not available: 57-77, NAIP 2006.
- Notes:
 - The place of use recommended per claim is based on the number of acres irrigated under the original water right. The acres were split based on the number of historically irrigated acres within each lot.
 - Claims 37-20865 & 37-20866: These were originally covered under water right no. 37-2165B. The water right was split into rights 37-2165C & D (these do not match corresponding claim numbers). They were renumbered to 37-20865 and 37-20866 respectively. An extension of time to avoid forfeiture was approved for water right no. 37-2165B to protect 10 acres from forfeiture. Later water right number 37-2165C (37-20865) was leased to the Water Supply Bank to continue to protect 7 acres from forfeiture. Transfer no. 5112 authorized additional uses (storage, etc.) for the water associated with three acres of irrigation under water right 37-2165D (37-20866). SRBA review indicates that only about 6.7 were historically irrigated on the place of use associated with water right 37-2165B (10 acres). Therefore, irrigation between the claims 37-20865, 37-20866 & domestic right 37-8400 is limited to a total of 6.7 acres. It is not currently possible to irrigate 6.7 acres with the presence of the house, driveway, pond etc. Therefore, POU for claims 37-20865 & 37-20866 overlaps. Combined limit conditions were not added between the two claims because 6.7 acres were irrigated in 1987. However, a transfer may be required in the future to use claim 37-20865 to its full extent.

Water Use

- Notes: recommended as claimed.

DOMESTIC REMOVED FROM 37-2165

No. W 19950		Due no later than July 31, 2006		2. Registered Agent and Office NO PO BOX													
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form		DOUGLAS J AANESTAD 120 EAST AVE KETCHUM, ID 83340													
NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address - Correct in this box, if applicable SLEIGH-BELLS, LLC 2001 HILSHIRE BLVD #250 SANTA MONICA, CA 90403		3. New Registered Agent Signature													
4. Limited Liability Companies: Enter Names and Addresses of Managers.																	
<table><thead><tr><th><u>Office held</u></th><th><u>Name</u></th><th><u>Street or P.O. Address</u></th><th><u>City</u></th><th><u>State</u></th><th><u>Zip</u></th></tr></thead><tbody><tr><td>Manager</td><td>Robert Farrelly</td><td>2001 Wilshire Blvd #250,</td><td>Santa Monica,</td><td>CA</td><td>90403</td></tr></tbody></table>						<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	Manager	Robert Farrelly	2001 Wilshire Blvd #250,	Santa Monica,	CA	90403
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>												
Manager	Robert Farrelly	2001 Wilshire Blvd #250,	Santa Monica,	CA	90403												
5. Organized Under the Laws of: IDAHO W 19950		6. Signature 		Date 5/17/06													
		Name (Typed or Printed) Robert Farrelly		Title LLC Manager													
Issued 05/01/2006		Do Not Tape or Staple		200607002402													

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-11304

NAME AND ADDRESS: JEANNE P FLOWERS
PO BOX 656
KETCHUM, ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1940

POINT OF DIVERSION: T04N R17E S01 NESESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 3 HOMES	01-01 TO 12-31	0.08 CFS

PLACE OF USE: Domestic T04N R17E S01 SESW Within Blaine County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED

OCT 29 1992

Department of Water Resources

W. HUGH O'RIORDAN
(208) 338-8211

October 29, 1992

Mr. Donald V. Shaff
Adjudication Department
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Change in Ownership Form for The Adams Gulch Trust

Dear Mr. Shaff:

I am enclosing a Change in Water Right Ownership Form with one quitclaim and two warranty deeds showing that The Adams Gulch Trust is the current owner of water rights 37-02165 (portion), A37-02165C, and 37-8400. My power of attorney for The Adams Gulch Trust is also enclosed. I would appreciate copies of the water rights showing The Adams Gulch Trust as the new owner.

Please call if you have any questions.

Sincerely,

DAVIS WRIGHT TREMAINE



W. Hugh O'Riordan

WHO:ma
Enclosure

28611\14\00004.LTR
Boise

MICROFILMED
FEB 23 1993

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

LIMITED POWER OF ATTORNEY

I, JOHN E. McCAW, Jr., Trustee of the ADAMS GULCH TRUST, do hereby make, constitute and appoint W. HUGH O'RIORDAN my true and lawful attorney for me and in my name, place and stead and on my behalf as Trustee of the ADAMS GULCH TRUST to act for me in any and every way in respect to all water rights relating to or appurtenant to the following-described real property situated in the County of Blaine, State of Idaho and held in the ADAMS GULCH TRUST:

Lot 4, Block 1 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as instrument no. 272239, records of Blaine County, Idaho;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 37-08400, 37-02165, and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

I further give and grant to W. HUGH O'RIORDAN, as my attorney hereunder, full power and authority in my name and as my act and deed as Trustee of the ADAMS GULCH TRUST to sign, seal, execute, deliver and acknowledge all written instruments, including without limitation, applications to the Idaho Department of Water Resources or other state or federal agencies, and deeds, and to do and perform each and every act and thing whatsoever that may be necessary or proper to be done in or about the exercise of the powers and authority hereinabove granted to him respecting prosecution and determination of water rights, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify, approve and confirm all that W. HUGH O'RIORDAN, as my attorney hereunder, shall lawfully do or cause to be done by virtue of the powers granted herein and agree to indemnify and hold W. HUGH O'RIORDAN harmless from any actions or claims made against him as a result of the lawful exercise of the powers granted hereby. This shall be a durable power of attorney and shall not be affected by my disability or death.

STATE OF Washington

: ss.

County of KING

On this 27 day of October, 1992, before me, a notary public in and for said State, personally appeared JOHN E. McCAW, Jr., Trustee of the ADAMS GULCH TRUST, who acknowledged to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of October, 1992.

Notary Public for State of Washington
Residing at: Kirkland

My commission expires 10/27/92

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FEB 23 1993

AJ0749NP
No. R37-02165

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/30/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEANNE P. FLOWERS P.O. BOX 656 KETCHUM ID 83340 (208) 726-5051	11/26/1909	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	1.20 CFS	
TOTAL DIVERSION:					1.20 CFS	

Water Source: ADAMS GULCH

Tributary to: BIG WOOD RIVER

Stage: LICENSE

Point(s) of Diversion: T04N R17E S02 SESE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	17E	1	:																	:	2.0
TOTAL ACRES																			:	2.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BLAINE

Non-Irrigation Uses: D/LAWN & GARDEN

Other Rights: A37-11304

Remarks: ORIGINAL CLAIM FOR 60 ACRES, NOW
USED ON ONLY 2 ACRES. DOMESTIC WELL ALSO USED FOR HOUSEHOLD USE.
PROPERTY SUBDIVIDED, BUT WATER RIGHTS WERE RETAINED.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 37 Field Inspection Flag:
Presumption Flag:

MICROFILMED
FEB 23 1993

Water Right Number - R37-02165

Prefix Translation: RESEARCH

Old (D) Number - 5698

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
FLOWERS

JEANNE P.

1 - P.O. BOX 656

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5051

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/26/1909 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ADAMS GULCH BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

04N 17E 2 SE SE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

1.200

43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.200 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

04N 17E 1 SE SW 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 2.0

+ - - Diversion Means - DITCH & HEADGATE

+ - - Non-Irrigation Use - D/LAWN & GARDEN

+ - - Other Rights for Same Use - A37-11304

+ - - - - Remarks - - - - - +

ORIGINAL CLAIM FOR 60 ACRES, NOW
USED ON ONLY 2 ACRES. DOMESTIC WELL ALSO USED FOR HOUSEHOLD USE.
PROPERTY SUBDIVIDED, BUT WATER RIGHTS WERE RETAINED.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

MICROFILMED
FEB 23 1993

Water right number - R37-02165

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
12/30/92 GIVENS

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/14/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002171	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

30-Dec-1992 11:46

W HUGH O RIORDAN
DAVIS WRIGHT TREMAINE
702 W IDAHO ST #700
BOISE ID 83702

RE: CHANGE OF OWNERSHIP FORM FOR THE ADAMS GULCH TRUST

Dear Mr. O'Riordan:

This letter is in reference to the CHANGE OF OWNERSHIP (copy enclosed) for the above-listed Adjudicated Claims you sent in. We have changed our computer records on the right(s) that have been adjudicated:

37-08400 - has not been adjudicated - I will give copy to Water Right Allocations to address.

37-02165 - has been split - will do a ownership change on A37-02165C.

Please check them for accuracy and should you have any questions, please do not hesitate to contact me at this office at the above-listed telephone number.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

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FEB 23 1993