

Status Confs.

Nov 30, 2010

37-22255

need Chg owner.

-4420 } Peter Trust L.P.

-8249 } Peter Trust L.P.

~~0001~~

577CH Demnia Moore

22120 } Oliver Fam Trust. Relinquish-claim. Court Rec @ disallow.
22256 } SF-5 received by Court.

Status Conf. - April 6 2011 @ 2:00.

Jim Laski.
208-725-0055

Lawrence
Givens Pursley

9-18-2010

on Record 8

GP.2.

37- 577CH
4420
8249

} next status Conf.
Dec. 1 11:00AM

Deadline for claimant to provide info
by Aug 27. Laski to Sept.
Sept 24 for Sept to respond to Laski's
info from the 27th.

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, August 16, 2010 11:19 AM
To: 'Jim Laski'; 'Charles G. Brockway'; 'Craig Hobdey'; 'Albert Barker'; 'Christopher H Meyer'; Spencer, Nick; Kelly, Vicki
Cc: Cooper, Jeff; Fawcett, Trish
Subject: 37-22255 etal Peter Trust LP

I was reviewing some of the documents regarding the Peter Thomas property ownership change and I still am somewhat confused. The ownership change was for 37-4420 and 37-8249 only, 37-22255 was excluded. Included with the change of ownership was a 2008 letter from Thomas A Thomas as managing partner of the Peter Trust Limited Partnership. Where he explained that Peter Trust was an Age-21 trust which transferred all property interests to its beneficiaries over 20 years ago. It appears to me that 37-22255 should also be included within the change of ownership.

Another element that I cannot answer based upon current information is what is the extent of the Peter Trust ownership. The ownership change included a 1991 Sale Deed from Peter Trust, Jerome D Mack trustee to Peter Trust LP for all of Lot 1 River Grove Ranch Subdivision (with a small exclusion slightly less than one acre) but no subdivision plat. We received tax lot information from the county that shows tax lots 1A owned by Sturdivant and tax lot 1C owned by RG Farm LLC. I did not find a tax lot 1B. This suggests that the 1991 deed supplied does not match current ownership.

In your 8-2-2010 e-mail you indicated that the water rights were all in the Thomas' name (or the Trust controlled by the Thomas') based upon a deal between the Association (River Grove Ranch HOA) and the Thomas' (excluding the Oliver's). Based upon currently available documentation it does not appear that Peter Trust has the legal right to represent the subdivision. If there is an agreement please provide the documentation. If there is an organization that manages the subdivision lots as a common system shouldn't that organization hold the right(s) in their name rather than Peter Trust?

Ultimately this could also have implications regarding the pending transfer which if resolved here would probably be resolved for the transfer process also.

As a part of the last status conference Brockway engineering was going to provide a system description as it relates to the subdivision. How the subdivision allocates the 2.85 cfs across the various member systems could have a bearing on how any limiting remarks should be structured. As this information is not yet available I am unable to form an opinion at this time regarding the appropriateness of any limiting remark. Actually this information may have more of an impact on the transfer process than the adjudication process.

Clearing up these apparent inconsistencies should go a long ways toward final resolution and a completed SF-5.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

T.F. meeting

July 30, 2010

22255 } add measurement language
22256 }

Source as B.W. OK by Barker Hobbie

2.85 cfs

577CH add measurement Lock
return flow measurement.
Chg owner pending...
new att Ned Williams.

draft an SF-5.

draft an SF-5 for 862 (Luis/Loa)

Possible lower 2.85 rate 4420.

ADR needs Obj? combine div rate ^{with} 22255

Chuck look into excess flow.

Meyer 388-1236
Givens 388-1300

Peter Thomas Trust

37-862 = 37-22255 & 37-22256

Settlement Mtg Jim Laski, Chuck Brockway Jr, Al, Craig Vick, Kelly & Nick.

37-22256 - ok - Chris Meyer available by phone

Transfer will be filed - will put monitoring device

in place. 1" per acre - remark & monitoring device

37-22255

Jim Laski discusses big guns - system
won't work on in/acre. PC - no problem w/ rate
out will need to see language

Brockway Jr describes system w/ big guns
Dump a lot of water on in shorter time.

Water is put into pond - water pumped out of
pond. • Jr. Water bank transaction involved.
Renting water to themselves

Find discussion - Kelly uses maps

Claimant had to resort to water bank → Jeff
Peppersack made the call after reviewing the
source info.

7/30/10

37-577CH is Willis/Moore pond

Water transferred in ~~88~~ (?) ~~but~~ to Ken Moore's place (in 1973) then transferred ~~to~~ in 90 but never developed. 1991 to Willis. Willis didn't change ownership. Lee Peterson delivered rights thru Flying Heart. The divorce - Demi west of road but water right not conveyed. Need deed from Willis to Moore. Jr now has deed - transfer waiting for Demi's signature. KC - can rec'd as previous transfer. Can recommend on Peter Thomas Trust. This right is non-consumptive = used to be irrigation.

A1 - monitoring & measuring devices. Need to look at Return flow. Jr says that wld be OK. Ned Williamson is attorney.

Get into correct name / Laski can wld & Hobday-Barther will talk to Jr with new owner.

37-22255

37-862 Split to ~~37-8~~ 37-22255 : 56.

37-862A - rec'd disallowed. No objection.
Owned by Fairman.



NBS - SF5 as disallowed (37-862). Craig
will feel better.

Other right also disallowed : unobjected to.
Concern on the disallowed rights - want to
be partially decreed as disallowed.

37-8249 License held up on ownership
confusion.

Jr. supplemental to - 4420

Craig - seems like too much water going into
a swamp.

KC - discusses Purdum Slough - braided
channel.

Jr - 1 point of diversion

Aspen Lakes - River has moved - POD no longer usable. Trying to decide how to work

37-8249, 37-22255 & 37-4420 - How do they work together. Warr ditch until '69-pond developed, claimed as 4420.

55

Jr ok with dropping amount - lower to 2.85

8249 acquired for times when surface water can't maintain pond-can pump from ground.

Measure at pond (field headgate). Each pumper has own measurement device?

Jr. Decreed right is what it is. Craig-Court goes with what is needed.

Excess use analysis - Laski

22256 agreed to in/acre at field headgate.

Jr - instantaneous rate (1"/acre measured at field headgate)

How much does thru guns? Run numerous guns - big & smaller. How are they doing it now? How do they irrigate all 63 acres in one day? Big guns ^{located} along pasture.

Jr - If daily volume is the same, how would there be an impact?

Craig - at a loss at .02 per acre.

Jr - Can't get around all 63 acres if can't use big guns.

KC - Need better description of irrigation system & variances - Jr can you provide that. Jr. Justify 2.2 per acre via excess flow ~~energy~~ analysis. (Jr)

Craig wants irrigation system description also

Jr - unrestricted decreed right - do excess flow to justify decreed flow.

Barber - How does water master know what 24 hr usage has been?

Jr - watermaster doesn't go on fields to measure.

Kelly - Some systems self-limiting. Dept doesn't walk down ditch. Picabo - limited to in acre at field headgate $\Rightarrow$ numerous headgates impossible to administer.

Craig - how does ^{water} master determine? Don't worry about it.

Al - Do you need more than 63 inches at a time.

Jr - Do excess flow analysis; be done with it. Look at historic info. Sprinkler system; ponds in place in '87??

* 4420 > fair to reduce to 2.85 (Jr) with combined use language with -22255 on rate. OK

Combined use language under other provisions with 8249 wld stay on rec.
Good w/ 8249 (?).

22255- maintains pressure in the pond.

How to right provision on 35.

when ever sprinkle Draft language tossed out
there 2 ~~different~~ different tries.

Flowmeter wi totalizer ^(volume) ~~to~~ (to record 24 hr total)
86,400 seconds to a day.

24 hr average makes sense - KC - higher ups??
talk to IDWR - Sent draft language to ~~uses~~ ^{uses}
to run up. Craig & Al seem to be OK.
circulate language

4420 - Combined use lang & reduce to 2.85

8249- measuring device on pump (KC did
IDWR waive? KC) (maybe in transfer proceeding.)

Transferr 577CN - do ownership change
add measuring device. Do SFS now
(for Ned to sign?) then do C of D??
Laski will check wi Ned.

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: 37-22255

Date Received: 1/5/1989

Received By:

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

1. Name of Claimant(s)

PETER TRUST LP Phone:(208) 622-4987
PO BOX 642
SUN VALLEY ID 83353

2. Date of Priority: 5/1/1883

3. Source: PURDUM SLOUGH Tributary to: BIG WOOD RIVER

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
02N	18E	5	NW SE NE		BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
IRRIGATION	04/01 11/01	3.2	

7. Total Quantity Appropriated is: 3.2 C.F.S. and/or A.F.A

8. Non-irrigation uses:

9. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
02N	18E	4	NW SW		IRRIGATION	9.4
			SW SW		IRRIGATION	18

Section Acres 27.4

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
02N	18E	5	NE SE		IRRIGATION	36
			SE SE		IRRIGATION	12

Section Acres 48

Total Acres 75.4

10. Place of use in counties: BLAINE

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

37-22255

1/12/2011

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description
IRRIGATION

14. Basis of Claim: Decreed

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

_____ of _____
Title Organization

That I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date: _____

Title and Organization _____

Please print name

River Grove Ranch
Homeowners' Association, Inc.
P.O. Box 1093
Ketchum, ID 83340

August 26, 2010

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Attention: Kelly K. Christensen, Sr. Water Resource Agent

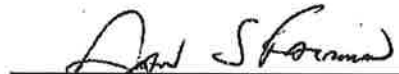
RE: Water Right No. 37-22255

Dear Mr. Christensen:

The River Grove Homeowner's Association, Inc. is made up of the owners of all the lots of record in the River Grove Ranch Subdivision ("Subdivision") in Hailey, Idaho. The Peter Trust, LP, through its agents, E. Perry Thomas and Peter Sturdevant, has represented the irrigation water rights related to the property within the subdivision with the exception of property owned by the Oliver Trust (lots 7 and 11) who chose to pursue their water rights in their own name. The Association is in agreement with the Peter Trust, LP holding the irrigation right related to the subdivision and identified as 37-22255, and that such right be decreed in the name of the Peter Trust, LP.

Sincerely,


Doug Walton, President


Dan Fairman, M.D., Vice President,

cc: James R. Laski, Esq.

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, August 04, 2010 12:25 PM
To: Spencer, Nick; Kelly, Vicki; Cooper, Jeff
Subject: FW: Peter Thomas Water Rights
Attachments: DOC281.pdf

O.K. As I read this Peter Trust is not Peter Trust LP. (Explained in letter Pg 5 of the attachment). Therefore there should be a change of ownership for 37-22255 also.

As Peter Trust and/or Peter Trust LP probably never owned any more of the subdivision than described in the warranty deed (most of lot 1) the other lots owned by others should not have been included within the Peter Trust claim or recommendation. I do not believe that they even own all of what is described in the 1991 warranty deed as Lot 1. It appears that lot 1 was split after 1991 into 2 or more parts. Jeff, have you seen a plat map showing the historic lot 1? I have not walked through all of the claim files to see if we have a plat map from the 1991 era or not but I do not recall ever seeing one.

Tax lot information identifies Lot 1A owned by Sturdivant and lot 1C (two parcels separated by a subdivision road) owned by RG Farm LLC. There is no lot 1B identified in that layer.

Lacking clear information should we use the same approach as we did for 37-2152? For that right the department added members of the subdivision to the right as present owners and that right is moving forward to resolution with present owners being shown on the claim/recommendation. I still feel that by omission of information that they are working on a greasy slide.

kkc

From: Intern [mailto:intern@lawsonlaski.com]
Sent: Wednesday, August 04, 2010 11:38 AM
To: Christensen, Kelly
Subject: Peter Thomas Water Rights

Mr. Christensen:

Attached please find the following document that Mr. Laski mailed to the IDWR Southern Region Office which includes: Notice of Change in Water Right Ownership Form, Deed, and Power of Attorney Letter to Mr. Jeff Cooper which grants Peter Sturdivant the authority to act as agent to Peter Thomas.

Thank you,
Heather
Intern

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

MEMORANDUM

Date: 8/4/2010
File No.: 10245-002
To: Trish Fawcett
Firm: IDWR Southern Region
From: Heather O'Leary, Intern to Jim Laski
Re: *Peter Trust, LP*

COMMENT:

Enclosed please find the Notice of Change in Water Right Ownership Form, Deed, and Power of Attorney Letter to Mr. Jeff Cooper which grants Peter Sturdivant the authority to act as agent to Peter Thomas.

Please do not hesitate to call if you have any questions or need any further information. Thank you.

cc: Kelly Christensen (via email)(w/ encl.)

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

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)
37-4420					
37-8249					

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)

Peter M. Thomas Trust

PO Box 642

Sun Valley, ID 83353

4. New Owner/Claimant(s)

Peter Trust, LP

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO BOX 642

City, State and ZIP Code

Sun Valley, ID 83353

New Telephone Number

(208) 622-4987 Email: _____

5. Date you acquired the property

5/20/1991

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.

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

PETER STURDIVANT, AGENT 

(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 _____

JAN-22-2009 THU 04:56 PM

JAN/22/2009/THU 06:23 PM

TER STURDIVANT

SUN LEY TITLE

FAX No. 208/888885

FAX No. 7260195

P. 001

P. 001/001

After L. H. S. S.

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That PETER TRUST, JEROME D. MACK, Trustee

In consideration of \$ 10.00

the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and

Convey to PETER TRUST LIMITED PARTNERSHIP, a Nevada Limited Partnership,
P.O. Box 98600, Las Vegas, NV 89193

all that real property situated in the

State of Idaho bounded and described as follows:
Idaho

County of Blaine

All of Lot 1, RIVER GROVE RANCH SUBDIVISION, BLAINE COUNTY, IDAHO, according to the amended official plat thereof, recorded in Book 15 of Plats, page 10, records of Blaine County, Idaho, excepting the following described parcel:

Commencing at the 1/4 Section corner common to said Section 4 and Section 5; thence S 11°37'22" E. 446.09 feet to the Northeasterly corner of Lot 4, RIVER GROVE RANCH SUBDIVISION, as shown on the official plat thereof, on file with the Blaine County Recorder in Hailey, Idaho, and said corner being the true point of beginning.

Thence S 71°45'22" W. 284.29 feet along the boundary between said Lot 4 and Lot 1;
Thence N 13°06'12" W. 140.32 feet;
Thence N 74°55'06" E. 169.93 feet;
Thence S 56°17'39" E. 165.57 feet to the true point of beginning.

SUBJECT TO:

General taxes.

Easements and restrictions appearing of record.

The Declaration of Protective Covenants for the RIVER GROVE RANCH SUBDIVISION, recorded May 31, 1977, as Instrument No. 173934, records of Blaine County, Idaho. Together with any and all water rights appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Witness my hand on this 20th day of May, 1991

STATE OF NEVADA

COUNTY OF Clark

On May 20, 1991

personally appeared before me, a Notary Public,

Jerome D. Mack

who acknowledged that he executed the above instrument.

Signature: Jerome D. Mack
(Notary Public)

(Notary Seal)



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KAREN A. GIGAR
My Appointment Expires Feb. 11, 1998

RECORDED
ORDER NO. 1 INSTRUMENT NO. 173934
WHEN RECORDED MAIL TO: Peter Trust, Ltd.,
Partnership, Thomas A. Thomas, Gen.
Partner, P.O. Box 98600,
Las Vegas, NV 89193

BLAINE CO. REQUEST

W. Kneeland, Karl

MAY JUN -11 A 11 39

330576

CLERK

300

MP Deed

From:

12/19/2008 11:55

#291 P.001/001

THOMAS & MACK Co.

A NEVADA LIMITED LIABILITY COMPANY

NEVADA FINANCIAL CENTER
2300 WEST SAHARA AVENUE, BOX ONE
LAS VEGAS, NEVADA 89102
TELEPHONE (702) 920-2800
FACSIMILE (702) 920-2828

December 19, 2008

Mr. Jeff Cooper
Idaho Department of Water Resources
VIA FACSIMILE: 208-736-3037

RE: Peter Trust LP Water Right Transfer
for Irrigation Right 37-22255

Dear Mr. Cooper:

Pursuant to our conversation this morning, I am authorizing E. Parry Thomas (my father) and/or Peter Sturdivant (my brother-in-law) to act of behalf of and as agent for the Peter Trust Limited Partnership in any and all matters concerning the requested water right transfer 37-22255 affecting our property in Hailey commonly referred to as the River Grove Farm.

As I explained this morning, the Peter Trust Limited Partnership is the successor in interest to the Peter Trust. The Peter Trust was an Age-21 Trust which transferred all property interests to its beneficiaries over 20 years ago. These beneficiaries maintained common ownership of the property interests under the Peter Trust Limited Partnership, a Nevada Limited Partnership, with the Thomas Management, LLC serving as the General Partner. I am the managing partner of both the Peter Trust Limited Partnership and Thomas Management, LLC. I believe the documents evidencing my status as manager of these entities have been provided by Brockway Engineering. Should you need any other information, please contact me directly at 702-920-2851.

Sincerely,



Thomas A. Thomas
Managing Partner
Peter Trust Limited Partnership
Manager
Thomas Management, LLC

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

Peter Thomas Water Rights

e-mail from

"INTERNAL"

8-4-2010

11:38 AM

*Heather O'Leary
intern to Jim Laski*

MEMORANDUM

Date: 8/4/2010
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From: Heather O'Leary, Intern to Jim Laski
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cc: Kelly Christensen (via email)(w/ encl.)

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- 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**.

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Peter M. Thomas Trust
PO Box 642
Sun Valley, ID 83353

4. New Owner/Claimant(s)

Peter Trust, LP

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 642

City, State and ZIP Code

Sun Valley, ID 83353

New Telephone Number

(208) 622-4987 Email: _____

5. Date you acquired the property

5/20/1991

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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.

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

PETER STURDIVANT, AGENT

(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 _____

Amia L. R. S. S.

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That PETER TRUST, JEROME D. MACK, Trustee

In consideration of \$ 10.00 the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to PETER TRUST LIMITED PARTNERSHIP, a Nevada Limited Partnership,
P.O. Box 98600, Las Vegas, NV 89193

all that real property situate in the _____ County of Blaine
State of Idaho bounded and described as follows:
Idaho

All of Lot 1, RIVER GROVE RANCH SUBDIVISION, BLAINE COUNTY, IDAHO, according to the amended official plat thereof, recorded in Book 15 of Plats, page 10, records of Blaine County, Idaho, excepting the following described parcel:

Commencing at the 1/4 Section corner common to said Section 4 and Section 5; thence S 11°37'22" E. 446.89 feet to the Northeasterly corner of Lot 4, RIVER GROVE RANCH SUBDIVISION, as shown on the official plat thereof, on file with the Blaine County Recorder in Hailey, Idaho, and said corner being the true point of beginning.

Thence S 71°43'22" W. 284.29 feet along the boundary between said Lot 4 and Lot 1;
Thence N 13°06'12" W. 140.32 feet;
Thence N 74°35'06" E. 169.93 feet;
Thence S 56°17'39" E. 163.57 feet to the true point of beginning.

SUBJECT TO:
General taxes.
Easements and restrictions appearing of record.
The Declaration of Protective Covenants for the RIVER GROVE RANCH SUBDIVISION, recorded May 31, 1977, as Instrument No. 173934, records of Blaine County, Idaho. Together with any and all water rights appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Witness my hand and seal this 20th day of May, 1991

STATE OF NEVADA }
COUNTY OF Clark } ss.

On May 20, 1991
personally appeared before me, a Notary Public,
Jerome D. Mack,

who acknowledged that he executed the above instrument.

Signature Jerome D. Mack
(Notary Public)

(Notary Seal)

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KAREN A. GIGAR
My Appointment Expires Feb. 11, 1995

Peter Trust, Jerome D. Mack, Trustee

RECORD NO. [] RECORDERS
ORDER NO. [] INSTRUMENT NO. []
WIKI RECORD MAIL TO: Peter Trust, Ltd.,
Partnership, Thomas A. Thomas, Con-
Partner, P.O. Box 98600,
Las Vegas, NV 89193

BLAINE CO. REQUEST

W. Kneeland, Karl

MM JUN -11 A 11 38

330576

NOTARY CLERK

300

MP

Deed

From:

12/19/2008 11:55

#291 P.001/001

THOMAS & MACK CO.

A NEVADA LIMITED LIABILITY COMPANY

NEVADA FINANCIAL CENTER
2300 WEST SAHARA AVENUE, BOX ONE
LAS VEGAS, NEVADA 89103
TELEPHONE (702) 920-2800
FACSIMILE (702) 920-2828

December 19, 2008

Mr. Jeff Cooper
Idaho Department of Water Resources
VIA FACSIMILE: 208-736-3037

RE: Peter Trust LP Water Right Transfer
for Irrigation Right 37-22255

Dear Mr. Cooper:

Pursuant to our conversation this morning, I am authorizing E. Parry Thomas (my father) and/or Peter Sturdivant (my brother-in-law) to act of behalf of and as agent for the Peter Trust Limited Partnership in any and all matters concerning the requested water right transfer 37-22255 affecting our property in Hailey commonly referred to as the River Grove Farm.

As I explained this morning, the Peter Trust Limited Partnership is the successor in interest to the Peter Trust. The Peter Trust was an Age-21 Trust which transferred all property interests to its beneficiaries over 20 years ago. These beneficiaries maintained common ownership of the property interests under the Peter Trust Limited Partnership, a Nevada Limited Partnership, with the Thomas Management, LLC serving as the General Partner. I am the managing partner of both the Peter Trust Limited Partnership and Thomas Management, LLC. I believe the documents evidencing my status as manager of these entities have been provided by Brockway Engineering. Should you need any other information, please contact me directly at 702-920-2851.

Sincerely,



Thomas A. Thomas
Managing Partner
Peter Trust Limited Partnership
Manager
Thomas Management, LLC

Cooper, Jeff

From: Cooper, Jeff
Sent: Monday, January 26, 2009 9:26 AM
To: 'Charles G. Brockway'
Subject: RE: Peter Trust deed

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Friday, January 23, 2009 8:38 AM
To: Cooper, Jeff
Subject: Peter Trust deed

Jeff,

Attached is a deed conveying land & water rights from Peter Trust to Peter Trust Limited Partnership. According to Tom Thomas, this deed was executed when the "age 21" trust expired and all assets were deeded to the new limited partnership. Please let me know if this will suffice.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, July 13, 2010 8:56 AM
To: 'Jim Laski'; Van Bussum, Monica; Kelly, Vicki; Spencer, Nick
Subject: FW: 37-8249 (River Grove Farm)
Attachments: image002.png; image003.png; image004.png

Monica raised the issue of ownership for this right and as I dug through this file and the other related claims I noticed a difference in how the ownership is listed. In 2006 claims 37-4420 and 37-862 (now 37-22255) were amended which included a change of ownership. This was entered into the claim records but not into the recommendations. The latest amendment to 37-4420 shows a different ownership which has not been entered. What should be the correct ownership and address for all of the rights? Currently I am showing all recommendations as;

37-22255 37-4420 & 37-8249

Recommendation and original claim ownership

Current Owner PETER M THOMAS TRUST
JEROME D MACK TRUSTEE
C/O E PARRY THOMAS
PO BOX 642
SUN VALLEY, ID 83353
(208)622-4987

The 2006 amended claims for 37-22255 and 37-4420 shows a different ownership as; (entered on the claim but not the recommendations)

The recommendation ownership for 37-8249 was updated per the amended license information. (additional work needed)

37-22255 37-4420 & 37-8249

2006 amendment ownership

Current Owner PETER TRUST
DBA: RIVER GROVE FARMS
C/O PARRY THOMAS
PO BOX 642
SUN VALLEY, ID 83353
(208)622-4987

However in reviewing the amended claim for 37-4420 filed in 2009 I noted a different ownership which was not data entered.

37-4420 **amended claim (2009)**

Current Owner PETER TRUST LP
PO BOX 642
SUN VALLEY, ID 83353
(208)622-4987

Lacking additional information it appears that the recommendations should reflect the amended claim ownership data.

Kelly

JAN-22-2009 THU 04:56 PM
JAN/22/2009/THU 06:23 PM

TR STURD.VANT
SUN VALLEY TITLE

FAX No. 208787 735
FAX No. 7260195

P. 001/001

Amia L. H. 3, 8

GRANT, BARGAIN, SALE DEED

THIS INSTRUMENT WITNESSETH: That PETER TRUST, JEROME D. MACK, Trustee

In consideration of \$ 10.00 the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and
Convey to PETER TRUST LIMITED PARTNERSHIP, a Nevada Limited Partnership,
P.O. Box 98600, Las Vegas, NV 89193

all that real property situate in the _____ County of Blaine
State of Idaho
Idaho

All of Lot 1, RIVER GROVE RANCH SUBDIVISION, BLAINE COUNTY, IDAHO,
according to the amended official plat thereof, recorded in Book 15 of
Plats, page 10, records of Blaine County, Idaho, excepting the following
described parcel:

Commencing at the 1/4 Section corner common to said Section 4 and
Section 5; thence S 11°37'22" E. 446.09 feet to the Northeasterly
corner of Lot 4, RIVER GROVE RANCH SUBDIVISION, as shown on the official
plat thereof, on file with the Blaine County Recorder in Hailey, Idaho,
and said corner being the true point of beginning.

Thence S 71°45'22" W. 284.29 feet along the boundary between said Lot 4
and Lot 1;
Thence N 13°05'12" W. 140.32 feet;
Thence N 74°55'06" E. 169.93 feet;
Thence S 56°17'39" E. 165.77 feet to the true point of beginning.

SUBJECT TO:
General taxes.
Easements and restrictions appearing of record.
The Declaration of Protective Covenants for the RIVER GROVE RANCH
SUBDIVISION, recorded May 31, 1977, as Instrument No. 173934, records
of Blaine County, Idaho. Together with any and all water rights
appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

Witness my hand, on this 20th day of May, 1991

STATE OF NEVADA
COUNTY OF Clark

On May 20, 1991
personally appeared before me, a Notary Public,
Jerome D. Mack

who acknowledged that he executed the above instrument.

Signature: Jerome D. Mack
(Notary Public)

(Notary Seal)



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KAREN A. GAGAR
My Commission Expires Feb. 11, 1992

RECORDED
ORDER NO. 1 INSTRUMENT NO. 173934
WHEN RECORDED MAIL TO: Peter Trust, Ltd.,
Partnership, Thomas A. Thomas, Gen-
Partner, P.O. Box 98600,
Las Vegas, NV 89193

BLAINE CO. REQUEST

W. Kneeland, Clerk

MAY JUN -11 A 11 38

330576

CLERK
300

MP Deed

RECEIVED

JAN 23 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Lot 6 - now 5 hours
as Lot 1 A stardivert
2010 RG Farms

Lt 1 not a
Part of
Peter trust

No. C 162498	Due no later than Sep 30, 2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. RIVER GROVE RANCH HOMEOWNERS' ASSOCIATION, INC. JAMES LASKI LAWSON & LASKI PLLC PO BOX 3310 KETCHUM ID 83340		LAWSON & LASKI PLLC 675 SUN VALLEY RD STE A KETCHUM ID 83340			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and(optional) Treasurer.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
PRESIDENT	DOUG WALTON	P.O. 1093	KETCHUM	ID	USA	83340
SECRETARY	DAN FAIRMAN	106 RIVER GROVE LANE	HAILEY	ID	USA	83333
SECRETARY	PATRICIA WEAVER	PO 1413	HAILEY	ID	USA	83333
DIRECTOR	BOB MCDONALD	PO 2029	HAILEY	ID	USA	83333
5. Organized Under the Laws of:		6. Annual Report must be signed.*				
ID C 162498		Signature: James R. Laski			Date: 09/15/2009	
		Name (type or print): James R. Laski			Title: Registered Agent	
Processed 09/15/2009		* Electronically provided signatures are accepted as original signatures.				

COPY

715-24 270 1211 423
TWIN FALLS CO. IDAHO
FILED

2008 FEB 5 3 12 04

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

) Subcase No. 37-862 (Split)
) 37-22255 & 37-22256
)
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

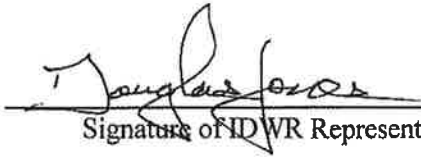
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 1/22/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/6, 2008, 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

Christopher Meyer
Givens Pursley LLP
PO Box 2720
Boise ID 83701

Charles E Brockway
Brockway Engineering
2016 N Washington St #4
Twin Falls ID 83301



Signature of person or attorney mailing the form

01/18/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-862	PETER M THOMAS TRUST JEROME D MACK TRUSTEE C/O E PARRY THOMAS PO BOX 642 SUN VALLEY ID 83353	Disallowed	Recommended as 37-22255 & 37-22256

01/22/2008

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

RIGHT NUMBER: 37-22255

NAME AND ADDRESS: PETER M THOMAS TRUST
JEROME D MACK TRUSTEE
C/O E PARRY THOMAS
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

The quantity of water under this right and 37-22256 for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 11/01	2.850 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	9.30	T02N R18E S04	SWSW	15.70
T02N R18E S05	NESE	36.00	T02N R18E S05	SESE	6.20

DOMESTIC same as IRRIGATION

67.2 ACRES TOTAL

Right Nos. 37-22255, 37-22256 and 37-4312 are limited to the irrigation of a combined total of 19 acres within Section 4 SWSW in a single irrigation season.

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

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

This right is a split from former right 37-862.

01/22/2008

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

RIGHT NUMBER: 37-22256

NAME AND ADDRESS: OLIVER FAMILY TRUST
C/O OLIVER MCMILLAN
733 8TH AVE
SAN DIEGO CA 92101

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.350 CFS

The quantity of water under this right and 37-22255 for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 11/01	0.350 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	3.10	T02N R18E S04	SWSW	3.30
T02N R18E S05	SESE	1.80			

DOMESTIC same as IRRIGATION

8.2 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as Lots 7 & 11, River Grove Farm Subd.

This right is a split from former right 37-862.

RECEIVED

NOV 13 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
(AMENDED Nov. 12, 2007.)

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

Note: This notice is identical to the notice filed on Aug. 9, 2007 (dated Aug. 8, 2009), except as follows: The acreage was adjusted from 8.3 acres to 8.2 acres, in accordance with IDWR's calculation. The cfs was adjusted from 0.02 cfs per acre to 0.0424 cfs per acre also in accordance with IDWR's calculation. Finally, we appended a new Exhibit E (email from Craig L. Saxton), which explains these adjustments.

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)
<u>37-862</u>					

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 diversion 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 claims(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 **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) Harry L. Woolley, Jr. Revocable Trust (Lot 7)
Robert M. Brennan (Lot 11)
4. New Owner/Claimant(s) Oliver Family Trust
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address c/o OliverMacMillan, 733 8th Avenue
 City, State and ZIP Code San Diego, CA 92101
 New Telephone Number (619) 321-1111

SCANNED

MAR 09 2003

5. Date you acquired the property

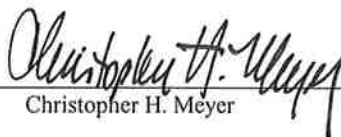
6-25-2001 (Lot 11); 2-21-2002 (Lot 7). See Exhibit A

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 as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right 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 <u>37-862</u>		
Irrigation	0.35 cfs (0.0424 cfs per acre x 8.2 acres). This is based on a proportionate split of Water Right No. 37-862, which was recommended for 3.2 cfs on 75.4 acres or 0.0424 cfs per acre. .	Irrigates a total of 8.2 acres of pasture and lawn located in Lot 7 (5.17 acres) and Lot 11 (4.87 acres) totaling 10.04 acres. The portion of Lot 11 to the west of the Wood River is not included. The irrigated acres owned by the Oliver Family Trust are depicted in Exhibit B. All acres irrigated by Water Right 37-862 (prior to this split) are depicted in Exhibit C.
Stock		
Domestic		
Other		
Totals	0.35 cfs	
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.

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

Dated: November 12, 2007


Christopher H. Meyer

Power of Attorney attached
(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 _____

SCANNED
MAR 09 2009

Exhibit A To Notice of Change in Water Right Ownership

History of Ownership

The Oliver Family Trust is the current owner of Lots 7 and 11 of River Grove Ranch (Amended) Subdivision in Blaine County, Idaho. The subdivision is located in Blaine County, north of the City of Hailey. A table summarizing the conveyances affecting Lot 7 is attached as Attachment 1 to Exhibit A. A table summarizing conveyances affecting Lot 11 is attached as Attachment 2 to Exhibit A.

Subdivision

On 12-28-1976, the subdivision was conveyed from the then owner, Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, Agatha K. Walker, a widow, and Lloyd J. Walker as personal representative of the Estate of Lloyd William Walker, to Valco, Inc. A copy of this deed is attached as Attachment 3 to Exhibit A.

Lot 7

On 9-23-1977 (date of deed), Lot 7 was conveyed from the then owner, Valco, Inc., to Robert H. McCollum and Susan K. McCollum, husband and wife. A copy of this deed is attached as Attachment 4 to Exhibit A.

On 7-23-1999 (date of deed), Lot 7 was conveyed to Eric D. Ward and Shawna Ward, husband and wife. A copy of this deed is attached as Attachment 5 to Exhibit A.

On 6-26-2000 (date of deed), Lot 7 was conveyed to Harry L. Woolley, Jr. Revocable Trust Dated 12/2/1999, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees. A copy of this deed is attached as Attachment 6 to Exhibit A.

On 11-28-2001 (date of deed), Lot 7 was conveyed from the then owner, Harry L. Woolley, Jr. Revocable Trust Dated 12/2/1999, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees, to Harry L. Woolley, Jr. and Janet Sue Woolley, husband and wife. A copy of this deed is attached as Attachment 7 to Exhibit A.

Later on the same day, 11-28-2001 (date of deed), Lot 7 was conveyed back to Harry L. Woolley, Jr. Revocable Trust Dated 12/2/1999, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees. A copy of this deed is attached as Attachment 8 to Exhibit A.

On 2-21-2002 (date of deed), Lot 7 was conveyed to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001 ("Oliver Family Trust"). A copy of this deed is attached as Attachment 9 to Exhibit A.

On 9-4-2003 (date of deed), Lot 7 was conveyed to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, Husband and Wife. A copy of this deed is attached as Attachment 10 to Exhibit A.

Later on the same day, 9-4-2003 (date of deed), Lot 7 was conveyed back to the Oliver Family Trust. A copy of this deed is attached as Attachment 11 to Exhibit A.

Lot 11

On 6-10-1977 (date of deed), Lot 11 was conveyed from the then owner, Valco, Inc., to Dean C. Johnson and Lynne M. Johnson, husband and wife. A copy of this deed is attached as Attachment 12 to Exhibit A.

On 6-25-2001 (date of deed), Lot 11 of conveyed to Robert M. Brennan, a married man as his sole and separate property. A copy of this deed is attached as Attachment 13 to Exhibit A.

On 6-19-2001 (date of deed), Lot 11 was conveyed from Jill Brennan, to Robert M. Brennan, a married man as his sole and separate property. A copy of this deed is attached as Attachment 14 to Exhibit A.

On 6-19-2001 (date of deed), Lot 11 was conveyed to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife. A copy of this deed is attached as Attachment 15 to Exhibit A.

On 6-25-2001 (date of deed), out of an abundance of caution, water rights appurtenant to Lot 11 were conveyed from Robert M. Brennan, a married man as his sole and separate property, to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife. A copy of this deed is attached as Attachment 16 to Exhibit A.

On 7-24-2001 (date of deed), Lot 11 was conveyed to the Oliver Family Trust. A copy of this deed is attached as Attachment 17 to Exhibit A.

On 9-4-2003 (date of deed), Lot 11 was conveyed again to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife. A copy of this deed is attached as Attachment 18 to Exhibit A.

Later on the same day, 9-4-2003 (date of deed), Lot 11 was conveyed back to the Oliver Family Trust. A copy of this deed is attached as Attachment 19 to Exhibit A.

SCANNED
MAR 09 2013

Attachment 1 to Exhibit A

Table summarizing conveyances affecting Lot 7

Ownership of Lot 7

Attachment No.	Date of Deed	Date of Notary	Date of Recording	Instrument No.	Type of Deed	Premises	Grantor	Grantee
Attachment 3 to Exhibit A	[undated]	12/28/1976	12/28/1976	170794	Warranty	Fee & Appurtenances	Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, Agatha K. Walker, a widow, and Lloyd J. Walker as personal representative of the Estate of Lloyd William Walker	Valco, Inc.
Attachment 4 to Exhibit A	9/23/1977	10/14/1977	10/14/1977	177332		Fee & Appurtenances	Valco, Inc.	Robert H. McCollum and Susan K. McCollum, husband and wife
Attachment 5 to Exhibit A	7/23/1999	7/23/1999	7/26/1999	429814	Warranty	Fee & Appurtenances	Robert H. McCollum and Susan K. McCollum, husband and wife	Eric D. Ward and Shawna Ward, husband and wife
Attachment 6 to Exhibit A	6/26/2000	6/26/2000	6/27/2000	440585	Warranty	Fee & Appurtenances	Eric D. Ward and Shawna Ward, husband and wife	Harry L. Woolley, Jr., Revocable Trust Dated 12/20/1999, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees
Attachment 7 to Exhibit A	11/28/2001	11/28/2001	12/4/2001	458768	Quitclaim	Fee & Appurtenances	Harry L. Woolley, Jr. Revocable Trust Dated 12/20/99, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees	Harry L. Woolley, Jr. and Janet Sue Woolley, husband and wife
Attachment 8 to Exhibit A	11/28/2001	11/28/2001	12/5/2001	458805	Quitclaim	Fee & Appurtenances	Harry L. Woolley, Jr. and Janet Sue Woolley, husband and wife	Harry L. Woolley, Jr. Revocable Trust Dated 12/20/99, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees
Attachment 9 to Exhibit A	2/21/2002	2/25/2002	2/28/2002	462042	Warranty	Fee & Appurtenances	Harry L. Woolley, Jr. Revocable Trust Dated 12/20/1999, Harry L. Woolley, Jr. and Janet Sue Woolley, Co-Trustees	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of The Oliver Family Trust Dated July 23, 2001
Attachment 10 to Exhibit A	9/4/2003	9/9/2003	9/11/2003	491183	Warranty	Fee & Appurtenances	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust Dated July 23, 2001	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife
Attachment 11 to Exhibit A	9/4/2003	9/9/2003	12/12/2003	496536	Warranty	Fee & Appurtenances	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust Dated 7/23/2001
Note that the two conveyances by warranty deed dated 11-28-2001 were intended to clarify ownership in the Woolley Trust.								
Note that the last two conveyances by warranty deed dated 9-4-2003 were intended to clarify ownership in the Oliver Family Trust.								

SCANNED
MAR 11 9 2013

Attachment 2 to Exhibit A

Table summarizing conveyances affecting Lot 11

Ownership of Lot 11

Attachment No.	Date of Deed	Date of Notary	Date of Recording	Instrument No.	Type of Deed	Premises	Grantor	Grantee
Attachment 3 to Exhibit A	[undated]	12/28/1976	12/28/1976	170794	Warranty	Fee & Appurtenances	Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, Agatha K. Walker, a widow, and Lloyd J. Walker as personal representative of the Estate of Lloyd William Walker	Valco, Inc.
Attachment 12 to Exhibit A	8/10/1977	6/9/1977 (hard to read)	6/10/1977	174196		Fee & Appurtenances	Valco, Inc.	Dean C. Johnson and Lynne M. Johnson, husband and wife
Attachment 13 to Exhibit A	6/25/2001	7/2/2001	7/16/2001	453192	Warranty	Fee & Appurtenances	Dean C. Johnson and Lynne M. Johnson, husband and wife	Robert M. Brennan, a married man as his sole and separate property
Attachment 14 to Exhibit A	6/19/2001	7/2/2001	7/16/2001	153193	Quitclaim	Fee & Appurtenances	Jill Brennan	Robert M. Brennan, a married man as his sole and separate property
Attachment 15 to Exhibit A	6/19/2001	7/3/2001	7/16/2001	453194	Warranty	Fee & Appurtenances	Robert M. Brennan, a married man as his sole and separate property	Morgan Dene Oliver and Elizabeth Hamman Oliver, husband and wife
Attachment 16 Exhibit A	6/25/2001	7/3/2001	7/16/2001	453195	Quitclaim	Water Rights	Robert M. Brennan, a married man as his sole and separate property	Morgan Dene Oliver and Elizabeth Hamman Oliver, husband and wife
Attachment 17 to Exhibit A	7/24/2001	7/24/2001	8/8/2001	454090	Quitclaim	Fee & Appurtenances	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, a married couple	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001
Attachment 18 to Exhibit A	9/4/2003	9/11/2003	9/12/2003	491316	Warranty	Fee & Appurtenances	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife
Attachment 19 to Exhibit A	9/4/2003	9/11/2003	9/12/2003	491318	Warranty	Fee & Appurtenances	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife	Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001
Note that the conveyances by quitclaim deed dated 6-25-2001 was intended to clarify ownership in Mr. and Mrs. Oliver. However, the water rights had already been conveyed by the warranty deed dated 6-19-2001.								
Note that the last two conveyances by warranty deed dated 9-4-2003 were intended to clarify ownership in the Oliver Family Trust.								

SCANNED
MAR 09 2005

Attachment 3 to Exhibit A
Deed dated 12-28-1976 (Subdivision Deed)

WARRANTY DEED

For Value Received

Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, Agatha K. Walker, a widow, and Lloyd J. Walker as personal representative of the Estate of Lloyd William Walker

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

Valco, Inc.

whose address is:

Box 623, Ketchum, Idaho 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

A parcel of land in Township 2 North, Range 18 East, B.M., Blaine County, Idaho, more particularly described as follows:

All of the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4 lying west of U. S. Highway 93, excepting the Power Company Canal right-of-way, also excepting a parcel of land described as follows:

Commencing at the S.W. Corner of said Section 4;

THENCE N. 90°00'00" E., 852.76 feet to the true point of beginning;

THENCE N. 29°00'10" W., 160.67 feet;

THENCE N. 60°59'50" E., 408.15 feet to the west boundary of U. S. Highway 93;

THENCE S. 29°00'10" E., 386.94 feet along the west boundary of U. S. Highway 93;

THENCE N. 90°00'00" W., 466.67 feet to the true point of beginning.

And also, the E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, except the Power Company right-of-way.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's successors 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 incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated:

Lloyd J. Walker
Lloyd J. Walker

Mary E. Walker
Mary E. Walker

Lloyd J. Walker
By: Lloyd J. Walker

William G. Schmidt
William G. Schmidt

Lloyd J. Walker
By: Lloyd J. Walker

Mary Lou Schmidt
Mary Lou Schmidt

Lloyd J. Walker
By: Lloyd J. Walker

John Patrick Hamilton Agatha K. Walker
 John Patrick Hamilton Agatha K. Walker
Lloyd J. Walker Lloyd J. Walker
 By: Lloyd J. Walker By: Lloyd J. Walker
Margaret Hamilton Lloyd J. Walker
 Margaret Hamilton Lloyd J. Walker, personal
 representative of the Estate
 of Lloyd William Walker
Lloyd J. Walker
 By: Lloyd J. Walker

STATE OF IDAHO)
) ss.
 County of Blaine)

On this 28th day of December, 1976, before me, the undersigned, a Notary Public for Idaho, personally appeared Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, and Agatha K. Walker, a widow, and Lloyd J. Walker as personal representative of the Estate of Lloyd William Walker, known to me to be the persons whose names are 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 in this certificate first above written.

Amy E. Cook
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho



Sent to Idaho Falls
 Dec 28 76
 Warranty Deed
 MARIE WIE LILYA
 Care Andrews
 Boise

16: 170794

Attachment 4 to Exhibit A
Deed dated 9-23-1977 (Subdivision to McCollums)

DEED

FOR VALUE RECEIVED, VALCO, INC., an Idaho corporation,
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto

ROBERT H. MCCOLLUM and SUSAN K. MCCOLLUM, husband and wife,
grantee whose current address is 262 Santa Rita Avenue, Palo Alto, California 94301

the following described real estate, to-wit:

Lot 7 of RIVER GROVE RANCH SUBDIVISION, Blaine
County, Idaho, according to the amended plat thereof
recorded in Book 15 of Plats, Page 10, records of
Blaine County, Idaho.

SUBJECT TO That Mortgage dated December 21, 1976,
executed by Valco, Inc., Mortgagor, to Lloyd J. Walker,
individually and as attorney in fact for Mary E.
Walker, William G. Schmidt and Mary Lou Schmidt,
husband and wife, John Patrick Hamilton and Margaret
Hamilton, husband and wife, Agatha K. Walker, a
widow, and Lloyd J. Walker, as personal representative
of the Estate of Lloyd William Walker, Mortgagee,
recorded December 28, 1976, as Instrument No. 170795,
records of Blaine County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its
Secretary this 23rd day of September, 1977.

By Dale L. Donnelly
Dale L. Donnelly, PRESIDENT.

ATTEST:
Valerie M. Donnelly
Valerie M. Donnelly, SECRETARY.

STATE OF IDAHO, County of Blaine
On this 14 day of September, 1977,
before me, a Notary Public in and for said State, personally
appeared DALE L. DONNELLY and
VALERIE M. DONNELLY, known to me to
be the President and Secretary of the corpora-
tion that executed this instrument or the persons who exe-
cuted the instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the
same.

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

Dale L. Donnelly Notary Public
Residing at Hailey Idaho
Comm. Expires 2/10/81

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of Valco, Inc.
at 04 minutes past 4:00 o'clock PM.
this 14 day of Sept
1977, in my office, and duly recorded in Book
of Deeds at Page

MARIE NELLYA
Ex-Officio Recorder

By James R. Barker Deputy.
Fees \$1.00
Mail to ed

INSTRUMENT No. 177332

Attachment 5 to Exhibit A
Deed dated 7-23-1999 (McCollums to Wards)

Order No. 22595

429814

WARRANTY DEED

Deed
FIRST AMERICAN-TITLE

For Value Received

Robert H. McCollum and Susan K. McCollum, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Eric D. Ward and Shawna Ward, husband and wife

whose address is: P.O. Box 604, Hailey, ID 83333

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 7 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 23, 1999

Robert H. McCollum
Robert H. McCollum

Susan K. McCollum
Susan K. McCollum

State of California

County of Santa Clara

On July 23, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert H. McCollum and Susan K. McCollum personally known to me (or known to me on the basis of information reliable to me) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Signature *Janet L. Coronado*
Residing: Sunnyvale, CA
Commission Expires: May 14, 2002



SCANNED
MAR 09 2003

Attachment 6 to Exhibit A
Deed dated 6-26-2000 (Wards to Woolley Trust)

K23406

WARRANTY DEED Instrument # 440585

HAILEY BLAINE, IDAHO
2000-06-27 02:54:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WYMOCCORP.CED

For Value Received Eric D. Ward and Shawna Ward, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Harry L. Woolley, Jr. Revocable Trust Dated 12/20/1999, Harry L. Woolley, Jr and Janet Sue Woolley, Co-Trustees

whose address is: 1516 NE 105th Street, Miami Shores, FL 33138

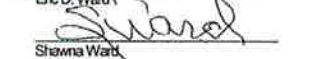
Hereinafter called the Grantee, the following described premises situated in Blaine County, ID, to-wit:

Lot 7 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

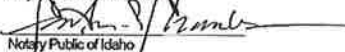
Dated: June 26, 2000


Eric D. Ward

Shawna Ward

STATE OF Idaho

COUNTY OF Blaine

On this 26th day of June, 2000, before me, a Notary Public in and for said State, personally appeared Eric D. Ward and Shawna Ward, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.


Notary Public of Idaho
Residing at: Hailey, ID
Commission Expires: 05/15/04



SCANNED
MAR 09 2003

Attachment 7 to Exhibit A
Deed dated 11-28-2001 (Woolley Trust to Woolleys)

NOV-28-2001 WED 10:37 AM

FAX NO. 208 726 1062

P. 05/06

Order No. 60345

QUITCLAIM DEED

Instrument # 458768

HAILEY, BLAINE, IDAHO
2001-12-04 04:01:00 No. of Pages: 1
Recorded for : AMERITITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTYOCCORP DEED

FOR VALUE RECEIVED

HARRY L. WOOLLEY, JR. REVOCABLE TRUST DATED 12/20/99, HARRY L. WOOLLEY, JR AND JANET SUE WOOLLEY, CO-TRUSTEES

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

HARRY L. WOOLLEY, JR AND JANET SUE WOOLLEY, HUSBAND AND WIFE

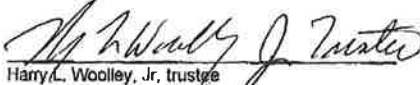
whose address is: **400 Wall Street #306, Seattle, WA 98121**

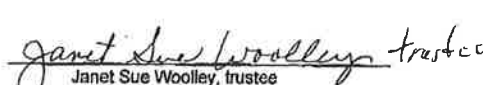
the following described premises situated in Blaine County, Idaho, to wit:

Lot 7 of RIVER GROVE RANCH AMENDED MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172526, records of Blaine County, Idaho.

together with their appurtenances.

Dated: **November 28, 2001**


Harry L. Woolley, Jr., trustee

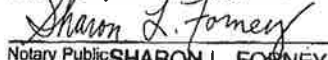

Janet Sue Woolley, trustee

State of Washington

County of King

On this 28th day of November, in the year 2001, before me, the undersigned, personally appeared **Harry L. Woolley, Jr and Janet Sue Woolley**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the **HARRY L. WOOLLEY, JR. REVOCABLE TRUST DATED 12/20/99** and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.


Notary Public **SHARON L. FORNEY**
Commission Expires: 11-15-2002



SCANNED
MAR 09 2005

Attachment 8 to Exhibit A
Deed dated 11-28-2001 (Woolleys to Woolley Trust)

NJV-28-2001 WED 10:37 AM

FAX NO. 208 726 1062

P. 06/06

Order No. 50345

Instrument # 458805
HAILEY, BLAINE, IDAHO
2001-12-05 03:18:00 No. of Pages: 1
Recorded for: AMERITITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTYKCCORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED

HARRY L. WOOLLEY, JR AND JANET SUE WOOLLEY, HUSBAND AND WIFE

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

HARRY L. WOOLLEY, JR. REVOCABLE TRUST DATED 12/20/99, HARRY L. WOOLLEY, JR AND JANET SUE WOOLLEY, CO-TRUSTEES

whose address is: **400 Wall Street #306, Seattle, WA 98121**

the following described premises situated in Blaine County, Idaho, to wit:

Lot 7 of RIVER GROVE RANCH AMENDED MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

together with their appurtenances.

Dated: **November 28, 2001**

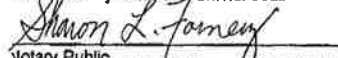

Harry L. Woolley, Jr.


Janet Sue Woolley

State of Washington)
County of King) ss.

On this 28th day of November, in the year 2001, before me, the undersigned, personally appeared **Harry L. Woolley and Janet Sue Woolley** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public
Commission Expires 11-15-2002
SHARON L. FORNEY



SCANNED
MAR 09 2003

①

WARRANTY DEED

SCANNED
MAR 05 2008

Attachment 10 to Exhibit A
Deed dated 9-4-2003 (Oliver Family Trust to Olivers)

K27202

①

WARRANTY DEED

For Value Received **Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife

whose address is: **983 Scott Street, San Diego, CA 92106**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Lot 7 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

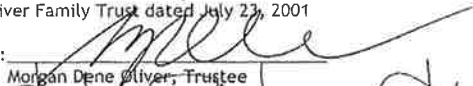
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

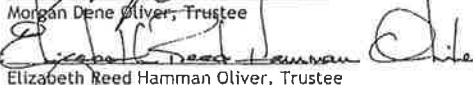
Dated: September 4, 2003

Oliver Family Trust dated July 23, 2001

By:


Morgan Dene Oliver, Trustee

By:

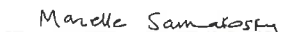

Elizabeth Reed Hamman Oliver, Trustee

STATE OF CALIFORNIA

)ss.

COUNTY OF SAN DIEGO

On this 9th day of September, 2003, before me, the undersigned Notary in and for said State, personally appeared Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument as Trustees of the Oliver Family Trust dated July 23, 2001, and acknowledged to me that they executed the same as such Trustees.


Notary Public of CALIFORNIA
Residing at: SAN DIEGO
Commission Expires: 8/9/05



Instrument # 491183
HAILEY, BLAINE, IDAHO
2003-09-11 09:46:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: W77000000P DEED

SCANNED
MAR 09 2003

Attachment 11 to Exhibit A
Deed dated 9-4-2003 (Olivers to Oliver Family Trust)

K27202

WARRANTY DEED

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE CO. AS AN ACCOM-
MODATION ONLY. IT HAS NOT BEEN EXAMINED
AS TO ITS EXECUTION OR AS TO ITS EFFECT
UPON THE TITLE.

For Value Received Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001

whose address is: 983 Scott Street, San Diego, CA 92106

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 7 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 4, 2003

Instrument # 496536

HAWLEY, BLAINE, IDAHO
2003-12-12 03:55:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WYTHOCKDRIP DEED

Morgan Dene Oliver

Elizabeth Reed Hamman Oliver

STATE OF CALIFORNIA

)ss.

COUNTY OF: SAN DIEGO

On this 9th day of September, 2003, before me, the undersigned Notary in and for said State, personally appeared Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Marcelle Samakosky



Notary Public of CALIFORNIA
Residing at: SAN DIEGO
Commission Expires: 8/9/05



SCANNED
MAR 11 9 2003

Order No. 22-4502

FOR VALUE RECEIVED, VALCO, INC., an Idaho corporation,
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto

the following described real estate, to-wit:

SUBJECT TO That Mortgage dated December 21, 1976, executed by Valco, Inc., Mortgagor, to Lloyd J. Walker, individually and as attorney in fact for Mary E. Walker, William G. Schmidt and Mary Lou Schmidt, husband and wife, John Patrick Hamilton and Margaret Hamilton, husband and wife, Agatha K. Walker, a widow, and Lloyd J. Walker, as personal representative of the Estate of Lloyd William Walker, Mortgagee, recorded December 28, 1976, as Instrument No. 170795, records of Blaine County, Idaho.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 10th day of June, 1977.

ATTEST:

Valerie M. Donnelly, SECRETARY

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

MARIE EVELYN
Ex-Officio Recorder

Fees \$/ *12* ☒ ~~ENTERED~~ ☐ ENTERED ON MARGIN C
 Mail to: ☒ MAIL TO THE PARTY C
☐ MAIL TO THE PARTY C

INSTRUMENT NO. 174198

SCANNED
MAR 09 2003

Attachment 13 to Exhibit A
Deed dated 6-25-2001 (Johnsons to Brennan)

K24169

WARRANTY DEED

Instrument # 453192

HAILEY, BLAINE, IDAHO
2001-07-16 04:07:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Issued for: WTY/OC CORP DEED

As part of an IRC 1031 Tax-Deferred Exchange,
For Value Received Dean C. Johnson and Lynne M. Johnson, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Robert M. Brennan, a married man as his sole and separate property

whose address is: **P.O. Box 1991, Sun Valley, ID 83353**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

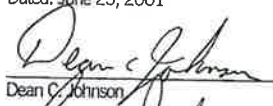
Lot 11 of River Grove Ranch Amended, May, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho..

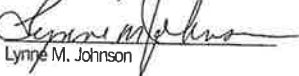
Also Identified as "RELINQUISHED PROPERTY" for the above referenced 1031 Tax-Deferred Exchange (No. 01-14400-500).

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 25, 2001


Dean C. Johnson


Lynne M. Johnson

STATE OF

COUNTY OF

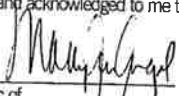
ss.

On this 2nd day of July, 2001, before me, the undersigned, personally appeared Dean C. Johnson and Lynne M. Johnson, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of

Residing at:

Commission Expires:


San Diego CA

1/31/2004



SCANNED
MAR 09 2003

Attachment 14 to Exhibit A
Deed dated 6-19-2001 (Jill Brennan to Robert M. Brennan)

③

KJ4469

QUITCLAIM DEED

For Value Received **JILL BRENNAN**

do hereby convey, release, remise and forever quit claim unto

ROBERT M. BRENNAN, a married man as his sole and separate property

whose address is: **P.O. Box 1991, Sun Valley, ID 83353**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 11 of River Grove Ranch Amended, May, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

together with their appurtenances.

Dated: June 19, 2001



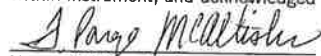
Jill Brennan

STATE OF Idaho)

)ss.

COUNTY OF Blaine)

On this 2nd day of July, in the year of 2001, before me, Paige McAllister, personally appeared Jill Brennan, known or identified to me (or proved to me), to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public of Idaho
Residing at: Ketchum, Idaho
Commission Expires: 02/07/07



Instrument # 453193

HAILEY, BLAINE, IDAHO

2001-07-16

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Ex-Officio Recorder, Deputy

Notary No. WTY/OC, CORP. DEED

04:08:00 No. of Pages: 1

Fee: 3.00

SCANNED
MAR 09 2002

Attachment 15 to Exhibit A
Deed dated 6-19-2001 (Brennan to Olivers)

①

K24198

WARRANTY DEED

For Value Received **ROBERT M. BRENNAN**, a married man as his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MORGAN DENE OLIVER and ELIZABETH HAMMAN OLIVER, husband and wife

whose address is: **983 Scott Street, San Diego, CA 92106**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 11 of River Grove Ranch Amended, May, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho..

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 06/19/01


Robert M. Brennan

Instrument # 453194

HAILEY, BLAINE, IDAHO
2001-07-16 04:09:00 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: RTT/OC/CORP DEED

STATE OF Idaho

),ss.

COUNTY OF BLAINE

On this 22nd day of June, 2001, before me, Paige McAllister, personally appeared Robert M. Brennan, known or identified to me (or proved to me), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public of Idaho
Residing at: Ketchum, Idaho
Commission Expires: 02/07/07



SCANNED
MAR 09 2015

Attachment 16 to Exhibit A
Deed dated 6-25-2001 (Brennan to Olivers)

K-24198

QUITCLAIM DEED

For Value Received **ROBERT M. BRENNAN**, a married man as his sole and separate property,
do hereby convey, release, remise and forever quit claim unto

MORGAN DENE OLIVER and ELIZABETH HAMMAN OLIVER, husband and wife,

whose address is: **983 Scott Street, San Diego, CA 92106**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Any and all water rights pertaining to the following described property:

Lot 11 of River Grove Ranch Amended, May, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

together with their appurtenances.

Dated: June 25, 2001


Robert M. Brennan

Instrument # 453195

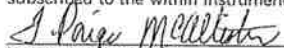
HAILEY, BLAINE, IDAHO
2001-07-16 04:10:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Intra for: WTV/DC/COMP DECD

STATE OF Idaho)

)ss.

COUNTY OF Blaine)

On this 3rd day of July, in the year of 2001, before me, Paige McAllister, personally appeared Robert M. Brennan, known or identified to me (or proved to me), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public of Idaho
Residing at: Ketchum, Idaho
Commission Expires: 02/07/07



SCANNED
MAR 09 2003

Attachment 17 to Exhibit A
Deed dated 7-24-2001 (Olivers to Oliver Family Trust)

RECORDING REQUESTED BY

Space Used for Recorder

Instrument # 454090

HAILEY, BLAINE, IDAHO

2001-08-08 03:03:00 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 5.00

Ex-Officio Recorder Deputy

Index to: WTVICICORP DEED

T 360 Legal (1-94)

Quitclaim Deed

THE UNDERSIGNED GRANTOR(S) DECLARE (s)

DOCUMENTARY TRANSFER TAX IS \$ -0-

☐ _____ unincorporated area ☐ State of Idaho, County of Blaine

Property Location: 106 Mountain View Lane
Blaine County, ID 83333
Lot 11 River Grove Ranch
Blaine County, Idaho

Instrument Number: 172-626

☐ computed on full value of property conveyed, or

☐ computed on full value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, a married couple as their sole and separate property, hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001, the following described real property in the County of Blaine, State of Idaho:

Please see Exhibit A attached hereto and incorporated herein by reference.

Morgan Dene Oliver

Elizabeth Reed Hamman Oliver

Dated: July 24, 2001

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)s.s

On July ²⁴ 2001 before me, MARCELLE SAMAKOSKY a Notary Public in and for said County and State, personally appeared Elizabeth Reed Hamman Oliver and Morgan Dene Oliver, personally known to me (or-proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Marcelle Samakosky



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Morgan D Oliver 983 Scott St San Diego, CA
Name Street Address City & State 92101

SCANNED
MAR 15 2002

Exhibit "A"

The land referred to herein is situated in the State of Idaho, County of Blaine, and is described as follows:

Lot 11 of River Grove Ranch Amended, May 1977, according to the official platt thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho

SCANNED
MAR 09 2009

Attachment 18 to Exhibit A
Deed dated 9-4-2003 (Oliver Family Trust to Olivers)

K27396

WARRANTY DEED

For Value Received Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife

whose address is: 983 Scott Street, San Diego, CA 92106

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 11 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 4, 2003

Oliver Family Trust dated July 23, 2001

By: [Signature]
Morgan Dene Oliver, Trustee

By: [Signature]
Elizabeth Reed Hamman Oliver, Trustee

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

)ss.

On this 11th day of September, 2003, before me, the undersigned Notary In and for said State, personally appeared Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument as Trustees of the Oliver Family Trust dated July 23, 2001, and acknowledged to me that they executed the same as such Trustees.

Marcelle Samakosky
Notary Public of: CALIFORNIA
Residing at: SAN DIEGO
Commission Expires: 8/9/05



Instrument # 491316

HAILEY, BLAINE, IDAHO
2003-09-12 03:55:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WYDCCORP DEED

Attachment 19 to Exhibit A
Deed dated 9-4-2003 (Olivers to Oliver Family Trust)

K27396

WARRANTY DEED

For Value Received Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust dated July 23, 2001

whose address is: 983 Scott Street, San Diego, CA 92106

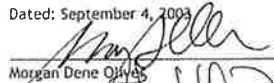
Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

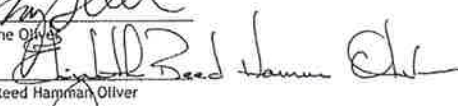
Lot 11 of RIVER GROVE RANCH AMENDED, MAY, 1977, according to the official plat thereof, recorded as Instrument No. 172626, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 4, 2003


Morgan Dene Oliver

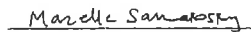

Elizabeth Reed Hamman Oliver

STATE OF CALIFORNIA

), ss.

COUNTY OF SAN DIEGO

On this 11th day of September, 2003, before me, the undersigned Notary in and for said State, personally appeared Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, known or identified to me ~~(or proved to me)~~, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

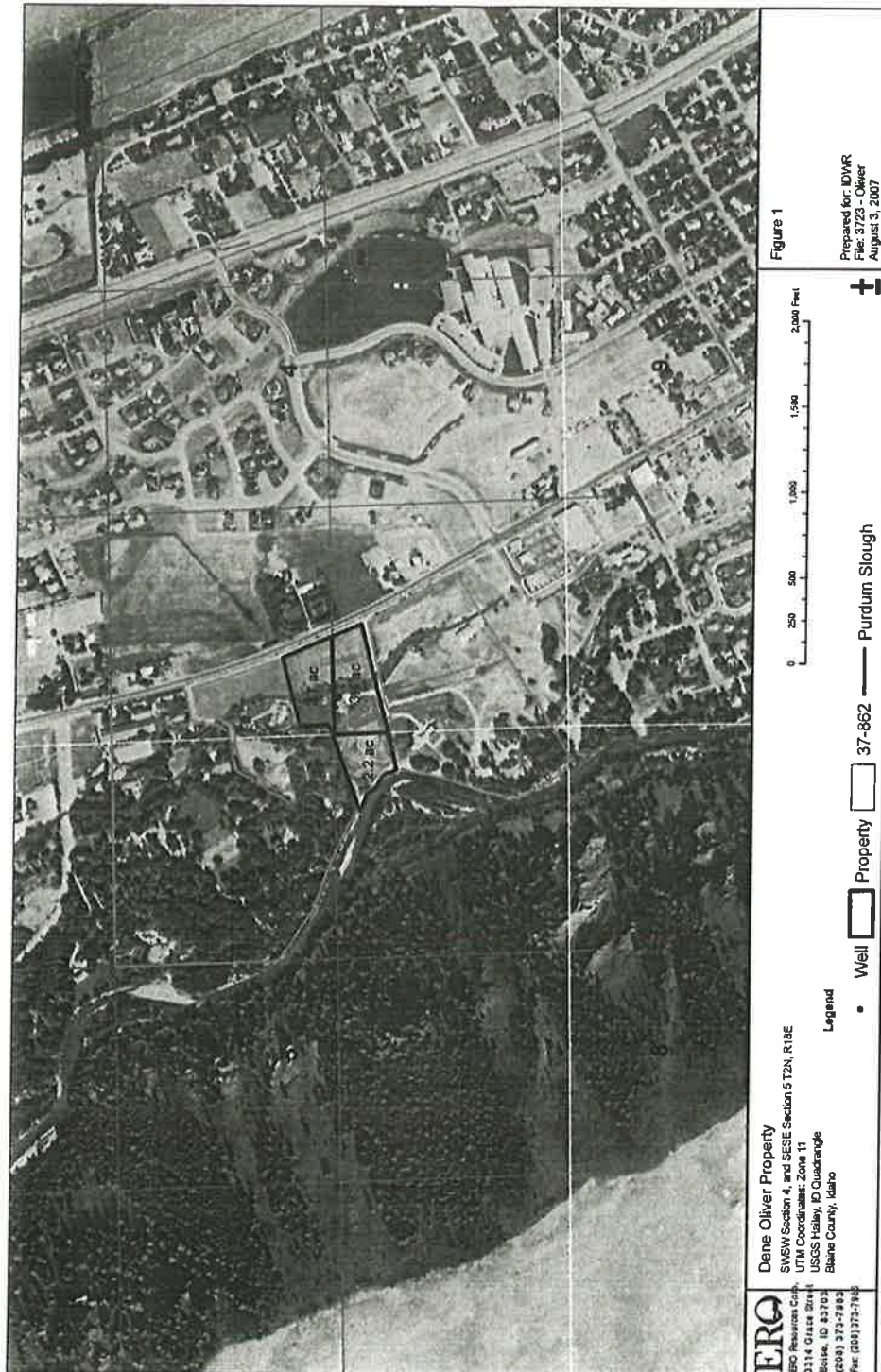

Notary Public of: CALIFORNIA
Residing at: SAN DIEGO
Commission Expires: 8/9/05



Instrument # 491318

HAILEY, BLAINE, IDAHO
2003-09-12 03:57:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Office Recorder Deputy
Index to: WYTRICKCORP DEED

Exhibit B To Notice of Change in Water Right Ownership Map Showing Irrigated Acreage Held by Oliver Family Trust

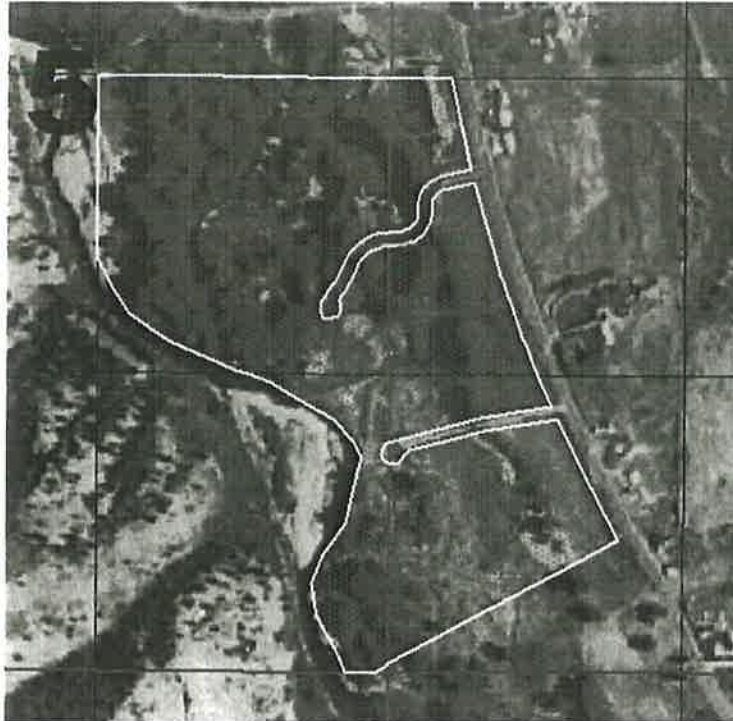


SCANNED
 MAR 09 2008

Exhibit C To Notice of Change in Water Right Ownership

Map Showing Recommended Place of Use for Water Right No. 37-862

Recommended place of use for 37-862.



SCANNED
MAR 09 2003

Exhibit D To Notice of Change in Water Right Ownership

Copy of Power of Attorney (Original on File at IDWR)

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Morgan Dene Oliver and Elizabeth Reed Hamman Oliver, as Trustees of the Oliver Family Trust, hereby appoint the attorneys of Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho, 83701 as their true and lawful attorneys for the purpose of signing on their behalf the following forms for submission to the Idaho Department of Water Resources and/or the Snake River Basin Adjudication:

1. Notice of Claim to a Water Right;
2. Application for Amendment of Permit to Appropriate the Waters of the State of Idaho;
3. Notice of Change of Water Right Ownership;
4. Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit;
5. Notice of Protest;
6. Application for Transfer of a Water Right;
7. Proof of Beneficial Use;
8. Application for Exchange of Water;
9. Application for Extension of Time to Avoid Forfeiture of a Water Right;
10. Application to Sell or Lease a Water Right to the Water Supply Bank;
11. Application for Temporary Approval of a Water Application;
12. Application for Permit to Appropriate the Waters of the State of Idaho;
13. Pleadings submitted to the Snake River Basin Adjudication in connection with water rights of the Oliver Family Trust; and
14. Any other document in support or furtherance of any of the above.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by either Morgan Dene Oliver or Elizabeth Reed Hamman Oliver.

For purposes of the exercise of the powers herein granted, the facsimile signature of said attorneys shall be lawful and binding and any person may rely upon such facsimile signature as if it were an original.

[End of text]

SUN
MAR 11 5 10 PM

IN WITNESS WHEREOF, we have executed this Special Power of Attorney effective as of the last date noted.

Dated: 12-20-06

Morgan Dene Oliver
Morgan Dene Oliver, Trustee

Dated: 12-20-06

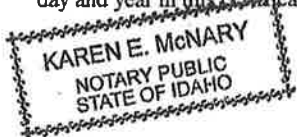
Elizabeth Reed Hamman Oliver
Elizabeth Reed Hamman Oliver, Trustee

ACKNOWLEDGMENTS

State of Idaho)
) ss.
County of Blaine)

On this 20 day of DECEMBER 2006, before me, a Notary Public, in and for said County and State, personally appeared Morgan Dene Oliver, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Oliver Family Trust and acknowledged to me that he executed the same as Trustee of the Oliver Family Trust.

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

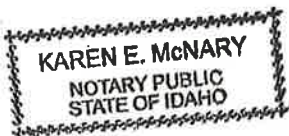


Karen E. McNary
Notary Public for Idaho
Residing at Albany, ID
My Commission expires 9-28-10

State of Idaho)
) ss.
County of Blaine)

On this 20 day of DECEMBER 2006, before me, a Notary Public, in and for said County and State, personally appeared Elizabeth Reed Hamman Oliver, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Oliver Family Trust and acknowledged to me that she executed the same as Trustee of the Oliver Family Trust.

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



Karen E. McNary
Notary Public for Idaho
Residing at Albany, ID
My Commission expires 9-28-10

SCANNED
MAR 09 2006

Exhibit E To Notice of Change in Water Right Ownership
Email From Craig L. Saxton (October 29, 2007)

Filters Used:
1 Tagged Record

Email Report
Form Format

Date Printed: 11/10/2007
Time Printed: 11:57AM
Printed By: CHM

Date 10/29/2007 Time 11:15AM 11:15AM Duration 0.00 (hours) Code
Subject FW: Change of Ownership for 37-862 Staff Christopher H Meyer
Client Oliver, Dene MatRef Oliver - Water Rights MatNo 8784-1w
From Christopher H Meyer
To 'Allen.Merritt@idwr.idaho.gov'
CC To 'craig.saxton@idwr.idaho.gov'; 'leebrown@cox.net'
Bcc To
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Email Topic User3
User2 User4

Allen,
Here the the email I rec'd from Craig Saxton.
-Chris

Craig, thanks for the speedy response!
-Chris

cc: Lee Brown

(Reply from chrismeyer@givenspursley.com)

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Monday, October 29, 2007 11:05 AM
To: Christopher H Meyer
Subject: Change of Ownership for 37-862

Dear Mr. Meyer,

I looked into the location of file 37-862 and it is currently at the southern region office in Twin Falls. The SRBA court summary report for 37-862 does not indicate that they have received a NCAP showing that there has been a change in the water right record, so as far as I can tell, the change of ownership is still at Southern waiting to be completed. You will have to contact Southern Region to find out the status on that (208-736-3033). Sorry I don't know more there.

As far as how to split the right:

You said that your client owns 8.3 acres of the recommended place of use for 37-862. In most cases,

SCANNED
MAR 09 2008

Filters Used:
1 Tagged Record

Email Report

Form Format

Date Printed: 11/10/2007
Time Printed: 11:57AM
Printed By: CHM

when a water right is split due to a change of ownership, it is split proportionally.

37-862 was recommended for 3.2 cfs on 75.4 acres or 0.0424 cfs per acre. So the proportionate diversion rate for 8.3 acres (I found 8.2 acres) would be $(8.3 \text{ acres})(0.0424) = 0.35 \text{ cfs}$.

Hope this helps.

Have a good Monday!

Craig L. Saxton

SCANNED
MAR 09 2003



RECEIVED

NOV 13 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chris_meyer@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
William C. Cole
Michael C. Creamer
Amber N. Dina
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

G. Andrew Page
Angela M. Reed
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

November 12, 2007

Federal Express

Allen Merritt
Douglas Jones
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Ste. 200
Twin Falls, Idaho 83301-3380

Re: Notice of Change in Water Right Ownership – Water Right No. 37-862

Gentlemen:

Enclosed for filing is the original and one copy of the Notice of Change in Water Right Ownership for Water Right No. 37-862. For your reference I have also enclosed copies of the two Standard Form 1 Objections for 37-862 and 37-22120 that are being filed today with the SRBA Court.

It is my understanding that there is no filing fee for this Notice. Please advise if that is not the case.

Thank you for your help in this. If I can provide you with any further information, please call me.

Sincerely,

Christopher H. Meyer

Enclosures: Notice of Change in Water Right Ownership (original) and a copy to conform
Self-addressed, Stamped envelope
Standard Form 1 Objection for Water Right No. 37-862
Standard Form 1 Objection for Water Right No. 37-22120

cc: Dene Oliver

CHM:cc ltr to Merritt and Jones re Change in Water right Ownership

SCANNED
MAR 09 2008

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 37-862
Date Received: 1/5/1989
Receipt No: C004931
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PETER TRUST Phone: (208) 622-4987
DBA RIVER GROVE FARM
C/O E PARRY THOMAS
PO BOX 642
SUN VALLEY ID 83353

2. Date of Priority: 05/01/1883

3. Source: PURDUM SLOUGH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	5	NW SE NE	BLAINE	

5. Description of diverting works:

Flow is diverted from a pond which retains water of Purdum Slough. Pond outlet is an overflow section. Discharge flows through ditch along natural channel through a 3 ft Parshall measuring flume to River Grove Subd. Capacity of the ditch is approximately 6 cfs.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.2	

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

8. Total consumptive use:

SCANNED
MAR 09 2003

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	4	NW	SW	IRRIGATION	9.4
			SW	SW	IRRIGATION	18
			Section Acres		27.4	
02N	18E	5	NE	SE	IRRIGATION	36
			SE	SE	IRRIGATION	12
			Section Acres		48	
Total Acres						75.4

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:

15. Basis of Claim: Decreed

AMENDEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

RECEIVED

DEC 19 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Peter Trust, dba: River Grove Farms Phone (208) 622-4987Mailing Address C/O: Parry Thomas P.O. Box 642 Sun Valley, ID Zip 833532. Date of Priority (Only one (1) per claim) 5/1/18833. Source of water supply (a) Big Wood River / Purdum Sloughwhich is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 2N Range 18E Section 5,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Flow is diverted from a pond which retains water of Purdum Slough. Pond outlet is an overflow section. Discharge flows through ditch along natural channel through a 3' Parshall measuring flume to River Grove Subd. Capacity of the ditch is approximately 6 cfs.

COPY

JAN 6 4 2007

SCANNED

MAR 09 2006

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and / or (b) - (acre feet)

8. Total consumptive use claimed is - acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	4										9.4	18						27.4
		5													36			12	48

Total number of acres irrigated 75.4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ Or None ☐

14. Remarks:

SCANNED

JAN 14 2007

COPY

Last Name _____

Ident. No. _____

SCANNED

MAR 09 2007

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-862
Court _____ Case Number _____ Decree Date 6/22/1920
Plaintiff vs Defendant A. W. Warr vs. W.G. Swendsen

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Chris E. Brakley

Date 12/17/11

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Of _____ Title _____
Organization _____, that I have signed the foregoing

Document in the space below as _____ of _____
Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

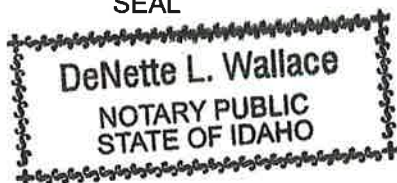
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of Twins Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of December, 2011

SEAL



Notary Public DeNette L. Wallace

Residing at Twins Falls Idaho

My Commission Expires 8/16/2012

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

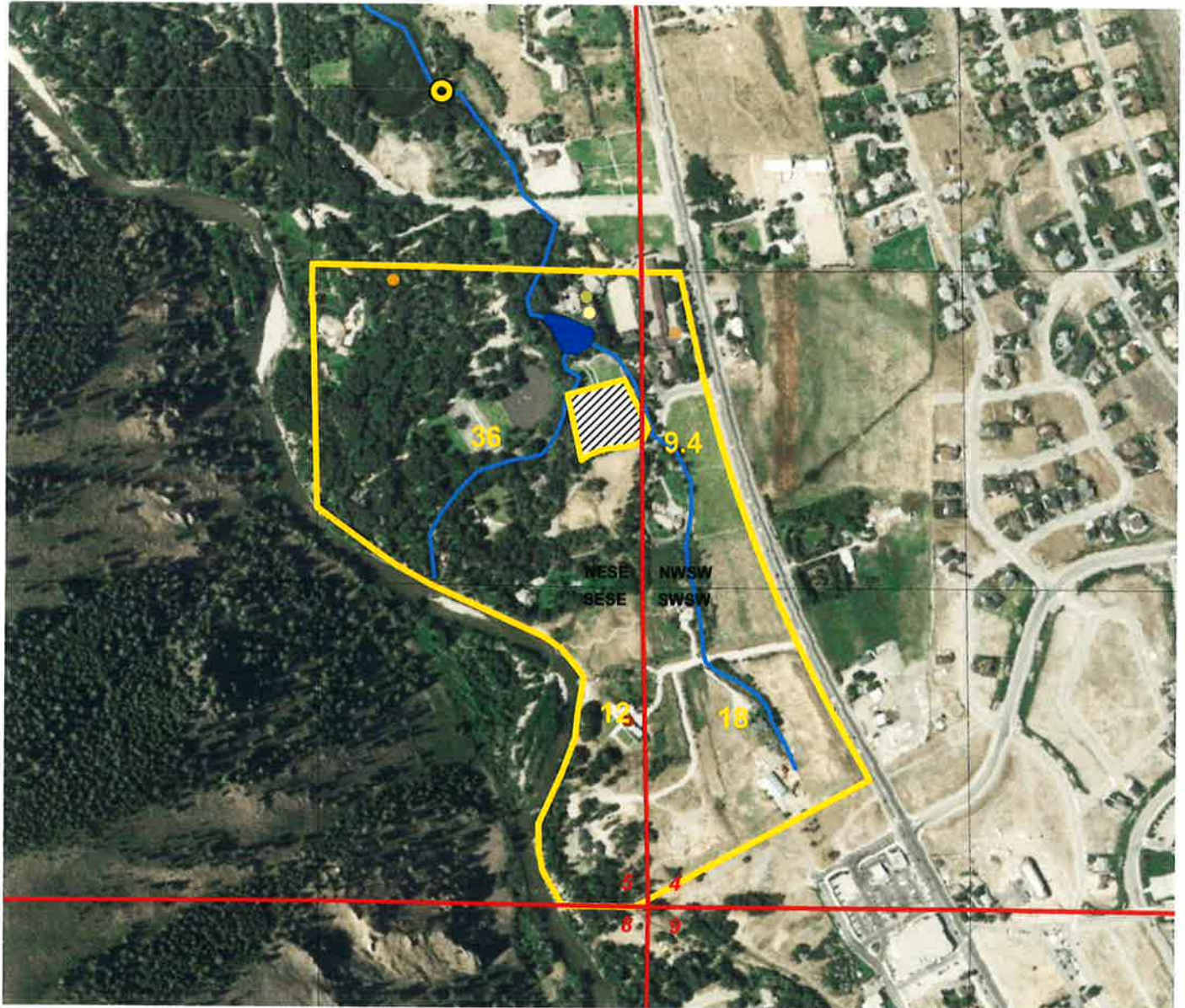
Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED
JAN 04 2007
COPY
SCANNED
MAR 09 2007

River Grove Farm Subdivision (TWP. 2N., RNG. 18E.)



NAIP 2006 Aerial photo



River Grove Irrigation POU (37-862)

 37-862 A (Lot 4: Fairman)

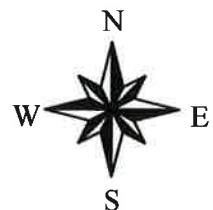
 37-862 B (All Other Lots)

 Point of Diversion

 Purdum Slough

 40's

SCANNED
JAN 11 4 2007



SCANNED
MAR 09 2006



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 19, 2006

Mr. Doug Jones
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls, ID. 83301

Subject: Peter Trust / River Grove Farms Subdivision

Dear Doug:

Please process the two enclosed amended claims relating to surface water irrigation used jointly by the homeowners of the River Grove Farms and the beneficial use claim related to the existing pond located on Lot 1B.

Research of historical aerials shows the pond has existed prior to the date of the included USGS photo overlay which was taken in August of 1969.

Please let me know if you have any questions or need additional information.

Sincerely,

Jason C. Helms, P.E.

Enc.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

SCANNED

MAR 09 2006

SCANNED

JAN 04 2007

AMENDED**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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM****CIVIL CASE NUMBER: 39576**Ident. Number _____
Date Received _____
Receipt Number _____**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW****RECEIVED**
DEC 19 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION**Please type or print clearly**

1. Name of Claimant (s) Peter Trust, dba: River Grove Farms Phone (208) 622-4987
Mailing Address C/O: Parry Thomas P.O. Box 642 Sun Valley, ID Zip 83353
2. Date of Priority (Only one (1) per claim) 5/1/1883
3. Source of water supply (a) Big Wood River / Purdum Slough
which is tributary to (b) Malad River
4. a. Location of existing point of diversion is: Township 2N Range 18E Section 5,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Flow is diverted from a pond which retains water of
Purdum Slough. Pond outlet is an overflow section. Discharge flows through ditch
along natural channel through a 3' Parshall measuring flume to River Grove Subd.
Capacity of the ditch is approximately 6 cfs.

SCANNED
MAR 03 2005

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and / or (b) - (acre feet)

8. Total consumptive use claimed is - acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	4										9.4	18						27.4
		5													36			12	48

Total number of acres irrigated 75.4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ Or None ☐

14. Remarks:

Last Name _____ Ident. No. _____

SCANNED
MAR 09 2009

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-862
Court _____ Case Number _____ Decree Date 6/22/1920
Plaintiff vs Defendant A. W. Warr vs. W.G. Swendsen

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Chas E Bratney Date 12/19/12

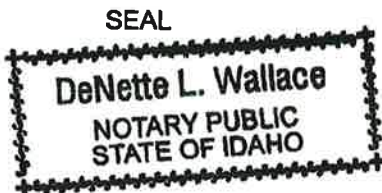
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
Of _____, that I have signed the foregoing
Organization
Document in the space below as _____ of _____
Title _____ Organization
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho / or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of September, 2012



Notary Public DeNette L. Wallace
Residing at Twin Falls Idaho
My Commission Expires 8/16/2012

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED
MAR 11 9 2003

River Grove Farm Subdivision (TWP. 2N., RNG. 18E.)



NAIP 2006 Aerial photo



River Grove Irrigation POU (37-862)

37-862 A (Lot 4: Fairman)

37-862 B (All Other Lots)

Point of Diversion

Purdum Slough

40's





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 19, 2006

Mr. Doug Jones
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls, ID. 83301

Subject: Peter Trust / River Grove Farms Subdivision

Dear Doug:

Please process the two enclosed amended claims relating to surface water irrigation used jointly by the homeowners of the River Grove Farms and the beneficial use claim related to the existing pond located on Lot 1B.

Research of historical aerials shows the pond has existed prior to the date of the included USGS photo overlay which was taken in August of 1969.

Please let me know if you have any questions or need additional information.

Sincerely,

Jason C. Helms, P.E.

Enc.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

SCANNED

JAN 04 2007

SCANNED

MAR 09 2009

Receipt Details for ID C004956

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/5/1989 3:54:16 PM	1/5/1989	State	\$1,060.80	Check
Payer		BROCKWAY, CHARLES E.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2812			
Card Expiration Date	Credit Card Transaction #		

Comment PENDING ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$370.27	ADJUDICATION FEE FOR PETER TRUST	410162	9337	00		6490
\$690.53	PENDING ADJUDICATION FEES	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
37	8249		\$58.80	Claim
37	862		\$210.00	Claim
37	12353		\$25.00	Claim
37	12354		\$25.00	Claim
37	4420		\$50.47	Claim

SCANNED

MAR 11 9 2003

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: A37-00862
Date Received: 1/05/1989
Receipt No: C004931
Received By: VOIDED

SEE: C004956

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETER TRUST, JEROME D. MACK, TRUSTEE 208-622-4987
Address: DBA RIVER GROVE FARM
C/O E. PARRY THOMAS
P.O. BOX 642
SUN VALLEY, ID 83353

2. Date of Priority: MAY 01, 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
02N	18E	5	NW	SE	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			3.200		
DOMESTIC					

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Ac
02N	18E	4	NW	SW		IRR	40.0

A37-00862

Page 1

Date: 01/12/90

Claim ~~is~~ copy

MICROFILMED

MAR 01 1993 SCANNED

MAR 09 2003

No
SIGNED
Copy
1-26-90
SCC

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	4	SW	SW		IRR	40.0
						Section Acres	80.0
		5	NE	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	80.0
						Total Acres	160.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WARR

Decree Plaintiff

vs

W. G. SWENDSEN

Decree Defendant

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

Ident. Number 37A0862Date Received 10-26-88Receipt Number 0004931

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Peter Trust, Jerome D. Mack Trustee Phone (208) 622-4987
Mailing Address dba River Grove Farm c/o E. Parry Thomas P.O. Box 642
Sun Valley, Idaho 83353 Zip 83353

2. Date of Priority (Only one (1) per claim) May 1, 1983

3. Source of water supply (a) a) Purdum Slough b) Big Wood River
which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 5
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Flow is diverted from a pond which retains water of Purdum Slough. Pond outlet is an overflow section. Discharge flows through ditch along natural channel through a 3 ft. Parshall measuring flume to the property. Capacity of the ditch is approximately 6 cfs.

MICROFILMED

SCANNED
MAR 01 1993MAR 04 1993
Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes purposes from April 1 to Nov. 1 amount 3.2 or

For Recreation purposes from Jan 1 to Dec 31 amount 3.2 or

For _____ purposes from _____ to _____ amount _____ or

For _____ purposes from _____ to _____ amount _____ or

7. Total quantity claimed (a) 3.2 cfs 160 inches(cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 400 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Recreation: All flow passes through 3.1 af lined pond

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	18E	4										40	40						80
2N	18E	5												40			40		80

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes part No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right. All flow passes through River Grove Subdivison and is used on the subdivison and adjacent lands.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

Last Name Peter Trust Ident No. _____

W200 - Decree

SCANNED MAR 01 1993

Copies: White -State, Yellow-Claimant

MAK 09 2013

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X Warr Decree Blaine Co. June 21, 1920
If applicable provide IDWR Water Right Number 37-0862
Court District-Blaine Case Number _____ Decree Date June 22, 1920
Plaintiff vs Defendant A. W. Warr vs. W. G. Swendsen

16. Signature (s)

(a.) By signing below I We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Chas E. Granberg
Attorney

Date 10/26/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Blaine Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day of Oct. 19 88

SEAL

Notary Public

Alfred M. Martin

Residing at

Kimberly, Id.

My Commission Expires

6/30/88

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

Peter-Trust

Ident. Number

Warr - Decree

MICROFILMED
SCANNED MAR 4 1 1993
MAR 9 2003
Copies White-State, Yellow-Claimant

Deer Creek Ranch

Deer

Creek

R18E

Peter Trust
d/b/a River Grove Farm
37-0862

Radio Tower (KSKI)

Barite

Springs

Substation

Gravel Pit

Point of Diversion

Place of use

T3N

Carbonate Mountain

Spring

Lamb's Gulch

Democrat

RECORDED
MAR 11 1993
MAR 11 1993

**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

) Subcase No.: 37-22255
)
)
)
)
)
)

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 / RESPONDENT:

OBJECTORS:

James R. Laski
Attorney for Peter Trust LP

Date

Craig D. Hobdey
Attorney for Big Wood Canal Company

Date

Albert P. Barker
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bashaw, and
Pepin Corso-Harris

Date

IDWR CONCURRENCE:

Kelly K. Christensen 6-15-11

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer

Date

Deputy Attorney General

Attorney for IDWR

04/25/2011

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

RIGHT NUMBER: 37-22255

NAME AND ADDRESS: PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

This right shall provide no more than 0.03 cfs per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 SENE 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	2.850 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	7.20	T02N R18E S04	SWSW	15.00
T02N R18E S05	NESE	35.00	T02N R18E S05	SESE	6.50

63.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-862.

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

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

04/25/2011

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

RIGHT NUMBER: 37-22255

NAME AND ADDRESS: PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

VERIFIED BY KKC
4-25-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

This right shall provide no more than 0.03 cfs per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 SENE 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	2.850 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	7.20	T02N R18E S04	SWSW	15.00
T02N R18E S05	NESE	35.00	T02N R18E S05	SESE	6.50

63.7 ACRES TOTAL

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

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

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This right is a split from former right 37-862 .

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

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

01/12/2011

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

RIGHT NUMBER: 37-22255
NAME AND ADDRESS: PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

JAN 21 2011

SOURCE: BIG WOOD RIVER
QUANTITY: 2.850 CFS
PRIORITY DATE: 05/01/1883

By TRIBUTARY: MALAD RIVER

Clerk
Deputy Clerk

POINT OF DIVERSION:
T02N R18E S5 SENE 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	2.850 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWSW 7.20	T02N R18E S04 SWSW	15.00
	T02N R18E S05 NESE 35.00	T02N R18E S05 SESE	6.50

63.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-862 .

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

A part of NCAP
submitted by Trish
See 1-24-11 e-mail.

P/U reflects a
reduction in vir acres
reflecting the removal of roads &
home sites.

37-862 HISTORICAL ANALYSIS OF ADJUDICATION RECORDS

Underline entries made on July 26, 2010.

37-862 Original claim received Oct 26, 1988

Irr @ 3.20 cfs Total claimed 3.20 cfs

Rec@ 3.20 cfs Total acreage 160 ac

Remarks = Rec is flow thru a 3.1 af lined pond

Source = Purdum Slough / Big Wood River (at one location)

Decree = Warr vs Swendsen Decreed source = Purdum Slough, No POD legal given.

It appears that the fees paid for this claim were \$210.00

37-862 data entry dated 1-5-1989 (copy not signed)

Irr @ 3.20 cfs Total claimed 3.20 cfs

Dom (no rate entered)

37-862 Amended claim received Dec 19, 2006 data entered 1-4-2007

Irr @ 3.20 cfs Total claimed 3.20 cfs

NO Dom or Rec

POU = 75.4 ac

Source = Purdum Slough / Big Wood River (at one location)

Director's report submitted 2-21-2007.

Change of ownership submitted Nov 13, 2007 to split POU and Irrigation use @
0.35 cfs and 8.2 ac

Analysis:

It appears that a tentative recommendation had been prepared prior to the amended claim but when the recommendation was finalized on 1-18-2007 (an additional remark added 2-14-2007). The amendment was data entered but the recommendation was not updated. When the crunch came for the director's report (2-21-2007) the recommendation went out without reflecting the amended claim.

It appears that the amendment recognized the POU as found by a department agent (unknown att). Other than reducing the acreage and limiting the use to irrigation only, the only other change was to move acres from Sec 5 SWSE to the SESE.

The recreation portion of this right is a part of 37-4420 which is currently under review.

Addendum: 37-862 was split into

	<u>V-1 Rec</u>	<u>V-2 Rec</u>	<u>Recom Source</u>
37-22255 Peter Thomas Trust	67.2 ac	63.7 ac	Big Wood River
37-22256 Oliver Family Trust	9.2 ac	7.9 ac	Big Wood River <i>SF-5 routed</i>

(37-4312 Recom to be disallowed – no obj) Combined right limiting the three rights to 19 acres in Sec 4 SWSW is unnecessary.

Associated rights:

37-8249 (groundwater aesthetic use) Amended license pending ownership clarification.

37-4420 (storage right) *ADR submitted* – Received by Court 6-25-2010
Objection deadline 7-27-2010

37-577CH (Rec, Aesthetic, Fish prop) Bruce Willis owner, Claimant Peter Thomas Trust. Best current information is that this right should be recommended per T-3776. This claim is also associated with WR 37-30013. Historical information can be found in that claim's backfile.

T-3648 approved 7-2-1990 (Pgs 36-41)

T-3776 approved 1-25-1994 (Pgs 17-18)

T-4988 by Bruce Willis -- rescinded.

37-557, 37-558, 37-559 Aspen Lakes. Need POD legal description from Brockway Engineering for Aspen 27 and Aspen 27A. Found in Frost Decree pgs 29 and 89 for Rosa Purdum source = Big Wood River.

T-3197 approved 12-17-1985. (37-557 backfile Pgs 21-24) Watermaster identifies the historical POD as Purdum 25 located on the Purdum Slough channel. New POD is Aspen 27

T-3575 approved Sept 15, 1989 adds a second POD known as Aspen 27A.

37-11828 Flying Heart Ranch -- Amended 7-19-2010. Source = Big Wood River. Amendment indicates that this right is based upon Frost Decreed right 37-555 (for Ice and fish pond. Frost Decree backfile pg 28 and 126. (Decreed to AM Purdum). *Initial hearing 8-28-2010*

37-7767 Flying Heart Ranch. It appears that this claim is for the same use as the amended claim 37-11828. (Source = Springs) It is for the same pond. Status conf set for 8-23-2010

*Fri 13
- Booth*

*From 37-862 (22255 Peter Thomas historg Analysis)
orig Attached to email
6-30-00 e-mail
Craig Hobbey*

Christensen, Kelly

From: Merritt, Allen
Sent: Tuesday, February 16, 2010 1:37 PM
To: Christensen, Kelly; Fritschle, Carter; Jones, Doug; Spencer, Nick
Cc: Peppersack, Jeff; Blau, Terry
Subject: RE: 37-22255 & 22256

Purdum Slough (Lower)

Kelly,

I have reviewed the maps you provided and discussed the issue with Terry Blau who is familiar with the streams in the area gained through his work with the SCA program. (One note, it appears that reference to Sec 35 is wrong on your map in the "Peter Trust" document...it should be Sec 32)

Terry indicates that historically the Purdum Slough was a side channel of the Big Wood River. Years ago the COE built a dike at the upper end to prevent it from capturing the entire river.... at that time they put a culvert thru the dike to maintain flow in the slough. The culvert does not have control works(no gates). The watermaster has historically delivered water from the Slough to numerous water users both north and south of the Deer Creek Road at headgates along the slough. Terry indicates that Campion and Rinker (north of Deer Creek Road) are some of the larger water user.

Terry indicates that years ago some of the Slough or ditches from the Slough below the Deer Creek road (road splits Sec 29 and 32) was altered or blocked. Delivery for the rights below the Deer Creek road in Sec 5 area from the Slough were then achieved from the springs in the area.

In 1990 SCA 37-611 was issued for alteration of where water from the Slough flows back in to the Big Wood. On the application Brockway indicated the channel in this area was a ditch but we're not sure this is a valid statement. Can be viewed at ([\\A012\backfile\Stream Channel\Chris Basins\Basin 37](#)) This is the site where you currently show the water returning to the river in Sec 32. The location of the "head of the ditch" appears to be very close to the location for the PD for right 37-154C.

More recently Terry indicated that during the 2006 flood the area at the head of the Slough in Sec 20 where the culvert is located changed in that large rocks placed near the culvert to direct flow into the culvert were dislodged and the river itself moved to the west resulting in less water entering the culvert at normal stage. To counter this water users in 2008 replaced rocks at the head and extending them further west thus replenishing the flow to the culvert.

Please note that there has been an ongoing battle with land owners in the Flying Heart Ranch pond area over beaver dams and lack of water from the springs/slough....the area where 37-7767 is located and the delivery point for 37-22255 and 37-22256. We have a transfer filed for 37-22255 in the name of Peter Trust LP for moving the PD from the spring area to directly from the Big Wood River.

You may also review again the watermaster instructions regarding Purdum Slough beginning on page 8 of the following document. http://www.idwr.idaho.gov/apps/ExtSearch/DocImages/9z7001_.pdf

To summarize... there is precedence to have points of diversion on the slough where the watermaster delivers water. We have treated the slough as a water feature that needs a SCA permit to modify it. Where the slough is actually located in the southern ½ of Sec 32 and the area of Sec 5 is a good question since I'm not sure all would agree and it is not clear from any quad map. (I do not know if the lines are ditches or braided streams.)

Allen

From: Christensen, Kelly
Sent: Tuesday, February 16, 2010 8:47 AM
To: Fritschle, Carter; Jones, Doug; Merritt, Allen; Spencer, Nick
Subject: FW: 37-22255 & 22256

There is a big push to recognize the channel as the Big Wood River. As you may know, the goal is to ultimately file transfers changing the point(s) of diversion to the Big Wood to allow continued irrigation when this source either dries up or is significantly reduced. One of the arguments made by Chris Meyer is that this channel is directly hydraulically linked to the Big Wood. (If so, then why would one dry up and not the other) Chuck at one time saw the value of being consistent on the source and was possibly willing to go with something other than the Big Wood. I suspect not, now.

Anyway I want to know if there is a consensus that this channel should be recognized as an independent source or if we will ultimately go with the Big Wood as a source. If so I can just e-mail them and be done with it otherwise I am sure that there will be considerable argument and debate over the issue.

I would not mind a second department voice in the meeting as this likely will also affect allocations. I lightly touched basis with Jeff but did not go far enough to get an opinion from him as far as department position on this one.

You probably have seen the attachments but I am including them as a refreshment of the issues.

Kelly

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Monday, February 15, 2010 11:52 AM
To: Christensen, Kelly
Cc: Scott King
Subject: 37-22255 & 22256

Hi Kelly,

Scott King and I would like to meet with you to discuss the above-referenced claims, specifically the issues regarding source (Big Wood River vs. Purdum Slough or something else). Do you have any time next week Tuesday – Friday?

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

RECEIVED
MAY 19 1985
 Department of Water Resources
 Southeast District Office

Transfer No. 3197
 Water Right No. 37-0557
37-0558
37-0559

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

 Name of applicant Aspen Lakes Ltd. Phone (208) 788-2461
 Post Office address c/o Mr. John Biggs P.O. Box 1747, Sun Valley, Idaho, 83353

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to Rose L. Purdum
 (Name)
 in case of Frost vs Alturas Water Co.
 dated in Dec. 13, 1909 in 4th Judicial District county of Lincoln
 (Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired By purchase- see copy of deed.

3. Source of water Big Wood River tributary to Malad
4. Date of priority 1) 5-15-1884 2) 6-1-1886 3) 6-1-1888
5. Water is used for the following purposes:
 amount 1.0 cfs for Irrigation purposes from not listed to _____
 amount 2.0 cfs for Irrigation purposes from not listed to _____
 amount 3.6 cfs for Irrigation purposes from not listed to _____
 (month/day - both dates inclusive)

6. Total amount of water under right: a. 6.6 cubic feet per second
 &/or
 b. -- acre feet per annum
7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32
 Not listed in decree-obtained from Watermaster
 Township 3N Range 18E, B.M., in Blaine County
 Additional points of diversion, if any none

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	5	X	X	X	X													est. 140
3N	18E	32												X			X		est. 60

Total number of acres to be irrigated est. 200

9. Describe any other water rights used for the same purpose as described above none
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

MICROFILMED

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 6.6 cfs ADM 12/4/85 25 per
memo 11/4/85
 - a. Amount of water to be diverted 6 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Check dam, headgate, lockable gate and measuring device, improved minor flood channel and new ditch.
 - c. Describe the reasons for the proposed changes Difficulty in maintaining ditch to property from present diversion due to land development.

2. Change in point of diversion

Point of diversion SE ¼ SW ¼, Section 32 Township 3 N.
Range 18E, B.M., Blaine County
Additional points none

3. Change in place of use No Change

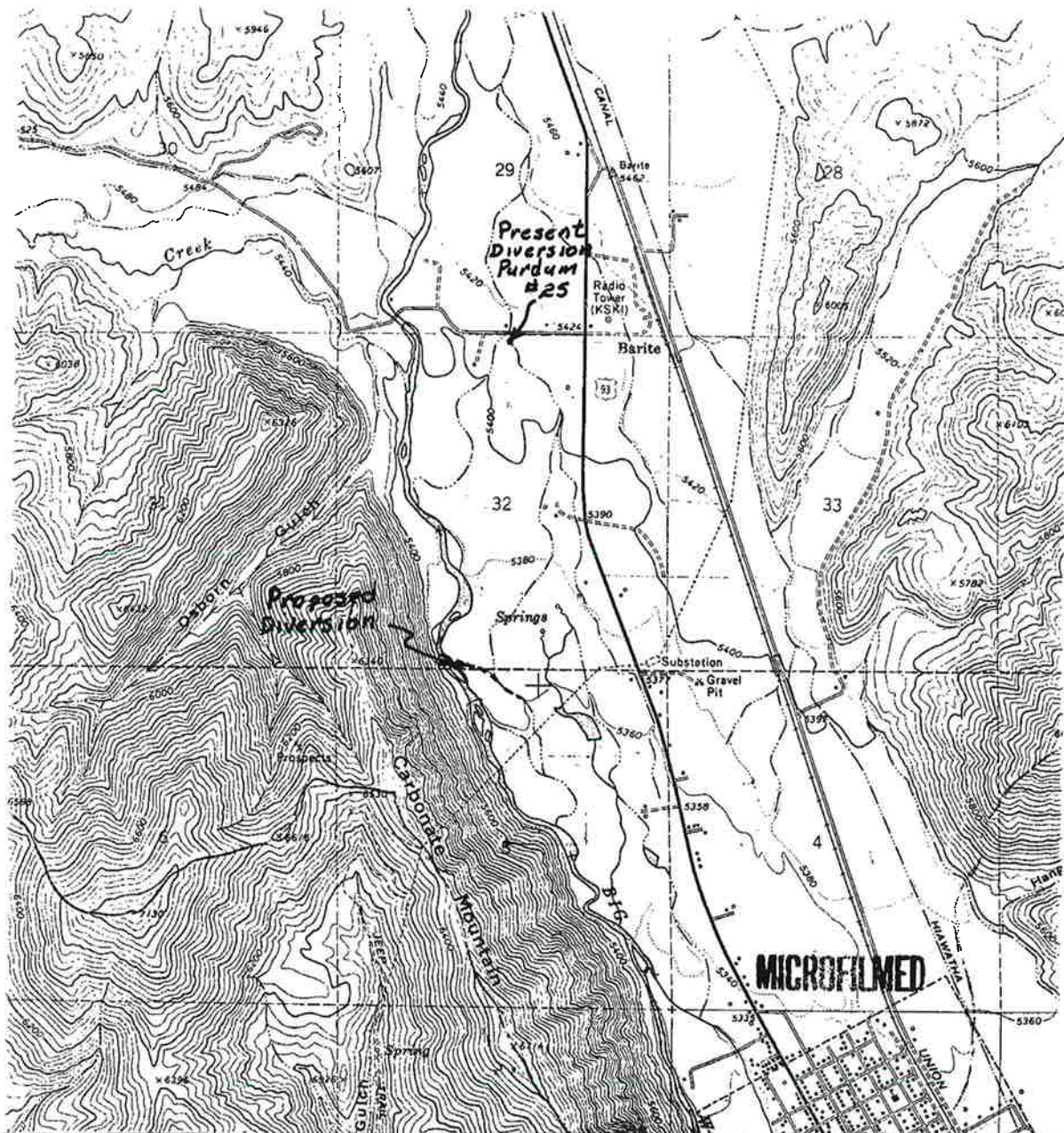
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands or place of use to which the right will be transferred.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
					N	O		C	H	A	N	G	E						

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number. Quad sheet and aerial photo



MICROFILMED

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

General Pastors
Argon Truck Ltd.
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of AUGUST, 19 85

(Notary Public)

My commission expires Perpetuity

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0557/0558/0559 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 37, Big Wood River.
3. The issuance of this transfer in no way grants any right-of-way or easement across the land of another.

Witness my hand this 17th day of December, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <i>margin</i>	Date <u>9/9/85</u>	Protest filed by <u>None</u>
Prelim. check by <u>G.F.</u>	Fee <u>\$2.00</u> <u>367.15</u>	
Receipted by <i>margin</i>	Date <u>8/9/85</u>	
Published in <u>Wood River Journal</u>		Copies of protest forwarded by _____
Pub. dates <u>sept 5 & 12, 1985</u>		Hearing held by _____ Date _____
Re-advised <u>11/14 & 11/21/85</u>		Recommended for <u>approval</u> denial
Watermaster recommendation requested on <u>5/27/85</u>		by <u>ADM Sim</u>
rec'd. <u>8/29/85</u>		

Regulation Issues:

Summary of Surface Water Rights

There is no combined diversion rates limiting the rights listed above. However, 37-153A can be diverted from two different diversion points from Greenhorn Creek and the total combined diversion from those two points of diversion is limited to 4.74 cfs.

Right 37-154C is also recommended for 2 PODs from the Big Wood River. It is not explicitly defined in the right but the POD in Sec 18 NENE is for irrigation use at 2.85 cfs and the POD in Sec 32 (POD from Purdum Slough) is for the recreation /aesthetic use at 6.00 cfs. This can be confirmed by reviewing the irrigation place of use, which is in Sections 7 and 18 only, and capable of delivery only from the POD in Sec 18 NENE while the rec/aest place of use is in Section 32 only, and capable of delivery only from the POD on Purdum Slough. The two uses and PODs under right 37-154C probably should have been split into separate rights. The maximum combined diversion rate for the Golden Eagle Subdivision irrigation rights diverted from the POD in Sec 18 NENE is 3.527cfs.

A measuring device and controlling works must be installed on the Golden Eagle diversion from the Big Wood River.

Summary of Ground Water Rights

All three rights are diverted from the same three wells. There are no combined diversion rate limits on any of the three rights. Other conditions are as follows:

37-2627C and 37-2632 have the following condition;

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

37-2627C is further conditioned;

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

37-2632 is further conditioned;

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

37-8854 has no watermaster regulation conditions.

Additional remarks are appurtenant to these rights but are not reproduced in this report.

*http://www.idwr.idaho.gov/apps/effSearch
/IDocs/images/927001.PDF*

Question/Item 4: Purdum Slough

WM
Question

Harry Rinker Company owns water rights in this system that can also be delivered to the Hiawatha Canal. The district has never been contacted by the Rinker Company to say when and/or where the water is to be delivered. The district is concerned that double delivery could take place, but we are unsure of what water still exists in this system, because multiple transfers to multiple locations took place. In times past this system used to return to the river, but because of development and/or poor maintenance that is no longer the case. Consequently, the district is not sure whether to administer this system as a natural stream or a canal. The District needs help understanding how to administer this system.

Background and Response:

North
Purdum
Slough

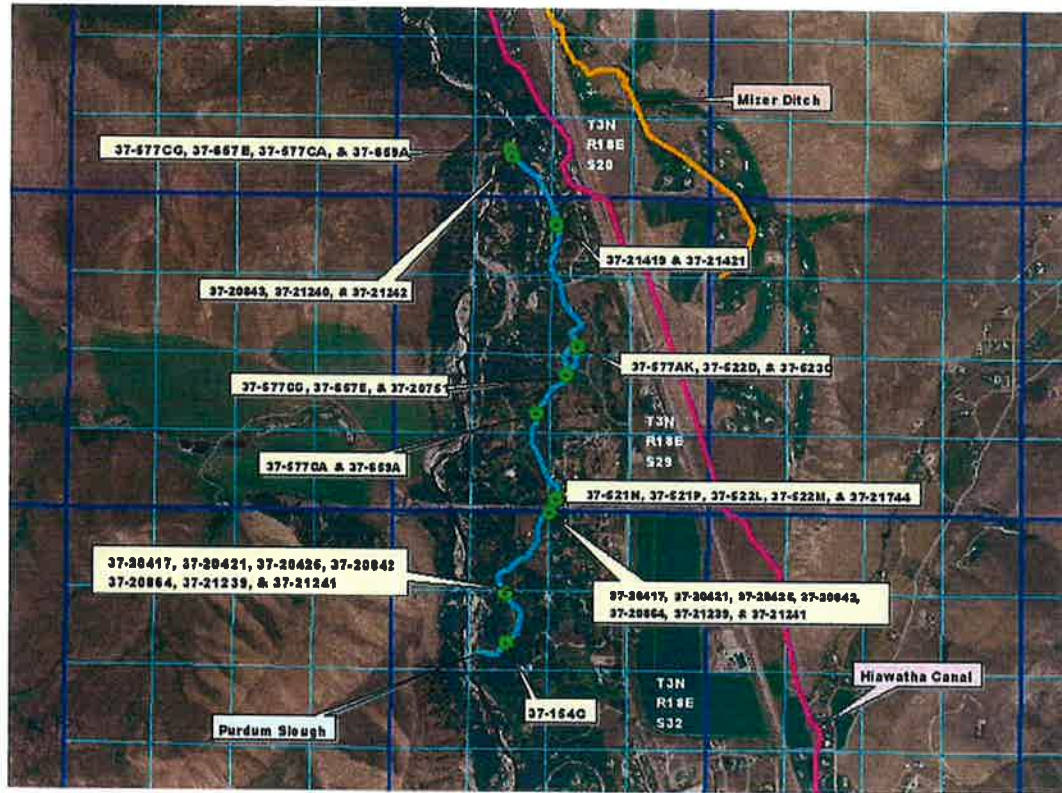
The Purdum Slough should be regulated as a natural stream. The information acquired concerning this channel suggests that there has never been a headgate or any diversion works at the point where the channel separates from the Big Wood River. Although the slough has been altered by man, it still cannot be considered a ditch or canal. Water flowing into the channel is the result of historic flows and cannot be enhanced or reduced in anyway. Water rights that were diverted from the slough prior to man's channelization or alterations of the slough are still diverted from the slough. Therefore, we cannot change the designation of the channel. Taking this into account, all the water rights diverted from the slough should be regulated the same as any other stream or the Big Wood River.

A review of all the rights with a source of Purdum Slough shows that most of the rights were historically diverted directly from the slough and they seem to be standard deliveries. Water rights 37-577CG, 37-657E, 37-577CA, 37-659A, 37-21419, and 37-21421 originally had ties to the Hiawatha canal. These rights were involved in transfers that moved water from the Hiawatha Canal diversion to a new point of diversion on the Purdum Slough. With the exception of 37-577CG and 37-657E, it appears as though the above mentioned rights can only be diverted through the Purdum Slough at this time.

Water rights 37-577CG and 37-657E in the name of Cottonwood Creek Investments, Inc. still appear to be able to divert water from both the Purdum Slough and the Hiawatha Canal diversion on the Big Wood River. Both diversions would need to be monitored to prevent double delivery. The Hiawatha Canal diversion and the diversion from the Purdum Slough are supposed to have controlling works and measuring devices to allow the watermaster to monitor both sites. Although it will be difficult to chase both diversions, the watermaster is required to monitor both diversions to ensure that excessive deliveries do not occur.

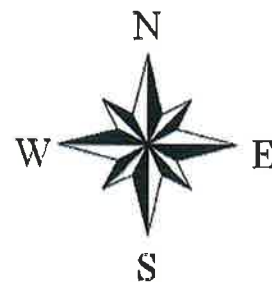
Rinker has one right in his name, 37-154C, that can be diverted out of either the Purdum Slough or a POD in T3N, R18N, Section 18 NENE (see discussion in Item 2, Golden Eagle Subdivision). Although Rinker is listed as the owner of this right in the SRBA Director's Report, the current owner of record per IDWR records is the Golden Eagle Ranch Homeowners Association Inc. Note that both water right 37-154C and the SRBA recommendation for 37-154C have conditions that subordinates the aesthetic and recreation use (6 cfs) to all of the other water rights on the Purdum Slough. Whereas 37-154C is the last diversion on the slough, they would have the ability to divert if there is water available in the slough at their diversion. They can't call for more water or ask that other diversions be shut off, since all the other water rights on the slough must be

DIVERSIONS FOUND ON PURDUM SLOUGH



0.7 0 0.7 1.4 Miles

- Purdum Slough Related Diversions
- ~ Purdum Slough
- ~ Miser Ditch
- ~ Pu hlawatha canal.shp
- Section Lines
- Quarter Quarter Lines



Created by
Dan Nelson
3/18/2008
2004 NAIP Aerial Photo

Question/Item 6: Demi Moore/Bruce Willis/Aspen Lakes Canal Co./Aspen Lakes Homeowners/Perry Thomas

Old Pardam
Shough area
5 1/2 S 1/2 Sec 37
1 1/2 Sec 5

There are multiple owners of multiple water rights with multiple uses delivered from one pump. How to enforce consumptive vs. non-consumptive rights to respective owners is problematic at best. The Willis property also owns non-consumptive rights out of spring-fed sources that are tied to irrigation rights of other individuals who claimed their source as the Big Wood River. How to establish priority of delivery on this system is an ongoing struggle. The District will need to devote more resources to solve the problems of this system.

Background and Response:

A review of surface water rights shows that there are four rights with two points of diversions from the Big Wood River. One of the diversions is located in the NESESW of Section 32, T3N, R18E, and the other in the SENENW of Section 5, T2N, R18 E. Separate water right transfers for the four rights appear to show the same two points of diversions for all four rights, and the diversion names are Aspen 27 and Aspen 27-A. However, the most recent transfers are not consistent as to which diversion is Aspen 27 and which diversion is Aspen 27-A (the names are flipped in the two most recent water right transfers application approvals, 3575 and 3776). Water rights 37-557, 37-558, and 37-559 are combined and allow Aspen Lakes Canal Company to use the two points of diversions for irrigation purposes only. These rights provide for the irrigation of 125.6 acres and a combined total diversion rate of 6.60 cfs as per Transfer No. 3575 approved in 1989. SRBA recommendations for these three rights are consistent with Transfer 3575, and all three were recommended under the name of Aspen Lakes Canal Co. Aspen Lakes Ltd was the current owner of record when Transfer 3575 was approved in 1989.

SRBA recommended water right 37-577CH also uses the same two diversions as rights 37-557, 558 and 559, at least as shown in the water rights records and most recent water right transfer involving 37-577CH (see Transfer No. 3776). SRBA water right recommendation 37-577CH represents 37-30013 in the IDWR water right records/database. Recommendation 37-577CH authorizes current owners River Grove Farms and Peter M Thomas Trust (formerly Peter Trust, DBA River Grove Farms) to divert from these diversions for aesthetic, recreation, and fish propagation for year round use at a diversion rate of 1.20 cfs and a total diversion volume of 180 acre feet per year. A condition is included in the right that limits the total diversion to 180 acre-feet, and limits consumptive use to 150 acre-feet. The SRBA recommended rates, points of diversions, conditions and ownership are all consistent with Water Right Transfer No. 3776, filed in 1990 and approved in 1994. Again, documentation in Transfers 3776 and 3575 show that rights 37-577CH, 37-557, 37-558 and 37-559 share the same two points of diversion. There is some question among staff and the watermaster as to whether the diversions are really shared or if there is a separate point of diversion for this right. A field investigation of the diversions and uses with the watermaster is recommended. The site visit and confirmation of the diversion locations would help in cleaning up the Department's GIS diversion point data for this area.

The ponds authorized by right 37-577CH, as per the place of use described in the right and approved Transfer 3776, and as per the SRBA recommendation, are located in the SENE and NESE of Section 5, T2N, R18E. There is some question as to whether the pond and property in the NESE of Section 5 is owned by the current owners of right 37-577CH.

T-3776
Peter Thomas Trust
577 BT
Fish Prop
Rec 1.20 cfs
Aesthetic
Approved
Jan 25, 1994

1989
T-3575
557 } 6.60 cfs
558 }
559 }
Add P/D
Aspen 27m27
T-3197
557 } 6.60 cfs
558 }
559 }
Move from
New Pardam
Shough to B.W.
Aspen 27
Aug 1985

In February of 1996, W. Bruce Willis filed water right transfer application no. 4988 (renumbered by the Department to 66412) to make certain changes to water right 37-577CH. The changes sought were to reflect Mr. Willis' use of the right at the time, including a change in the place of use, and removal of fish propagation as a nature of use. Evidence exists in Department files indicating right 37-577CH and the property to which it is appurtenant was sold to Mr. Willis in December of 1991. Evidence also existed in 1996 that Mr. Willis owned most of water rights 37-557, 37-558 and 37-559. Sometime after 1996, the Department learned that the property for at least water right 37-577CH had been split or had come under multiple ownership. Transfer No. 4988 was finally rejected by the Department in December, 2006 due to failure of the applicant to provide additional information to the Department concerning ownership of right 37-577CH and due to a general lack of interest in pursuing approval of the transfer application. As a result, water right 37-577CH is still shown as being owned by River Grove Farm and the Peter M Trust, and the authorized place of use (pond locations) is still in the SENE and NESE of Section 5 (see attached map).

In addition to the four rights above, water right 37-7767 was licensed in 1993 (permit approved in 1979) for diversion of 10 cfs from two spring sources for use in two recreational ponds. The right was licensed to Flying Heart Ranch II. The SRBA recommendation for 37-7767 shows the current owner as Flying Heart Ranch II Subdivision Homeowners Association. SRBA recommendation for 37-7767 is consistent with the licensed version of the right except that the points of diversion in the SRBA recommendation are given in the same QQ sections as the pond locations whereas the licensed POD locations were further north in Section 32 where the spring sources are located at the head of two natural channels.

Water right permit 37-8822, owned by Bruce Willis, authorizes an aesthetic storage pond in the NENE and NWN of Section 5, T2N, R18E. The source of water on the permit is listed as a spring but the original application and supporting information in the file appears to show that the water is diverted from the large pond in the NENE of Section 5, which is one of the two spring-fed ponds under right 37-7767. It appears that a pipeline and controlling valve have been installed in the large pond in the NENE of Section 5 that diverts water to a small aesthetic pond in the SENWNE of Section 5. Recent aerial imagery shows that there may be two ponds in the SENWNE, unless one of the two ponds is actually a large swimming pool. Proof of beneficial use was submitted for this right in 1994 and a field exam should be completed this summer for the permit.

No surface water rights were found for Parry Thomas, although he does own a ground water right authorizing diversion of 0.20 cfs for domestic, commercial, fire protection and irrigation of 5 acres. The POD/well and domestic POU is located in the NESE of Section 5, and the irrigation is within the SWNW of Section 4 and the SENE of Section 5, T2N, R18E. The commercial POU is in the NWSW, Sec 4. There are no watermaster regulation conditions for this ground water right.

Regulation Issues:

Until a field investigation is made, the Department assumes that there are still two points of diversion from the Big Wood River for rights 37-577CH, 37-557, 37-558 and 37-559.

IDWR staff will coordinate with the watermaster to GPS the points of diversion for these rights, and take any necessary steps to update the water rights points of diversions in the Department's databases and the SRBA recommendations if necessary. Department staff may conduct the field

exam for 37-8822 at the same time.

577
Rec.
Aesthetic
357
WV

Right 37-577CH: It is not clear from review of the water right file how water under this right diverted from the shared points of diversion with the Aspen Lakes irrigation rights is conveyed to the storage ponds. Measurement diversions and lockable controlling headgates must be installed and maintained at the points of diversions for Big Wood River rights 37-577CH, 37-557, 37-558 and 37-559. If right 37-577CH does indeed share the same points of diversion with the other three rights, then the water users may need to provide the watermaster with some means to determine the amount of water being diverted for irrigation and the amount of water being diverted to the aesthetic and recreation uses under right 37-577CH. If that isn't possible, the irrigation users should be limited to the standard diversion volume for this area of 3.5 acre feet per acre for a total of 439.6 acre feet for irrigation purposes ($3.5 \times 125.6 = 439.6$). Combine that total with the amount allowed for aesthetic storage from water right 37-577CH of 180 acre feet, and the total volume allowed from these diversions is 619.6 acre feet. Water right 37-577CH has the earliest priority date, so it will hold preference over the irrigation rights. After the water is diverted from the point of diversion, it would be up to the Aspen Lakes Canal Company to deliver the water rights on the delivery system, and provide the watermaster with the proper assurances that the water is being allocated per the uses on the water rights. If the watermaster discovers or determines that water diverted for irrigation is being used for aesthetic purposes, then the watermaster would need to take the proper steps to cease the illegal practices. The same would be true if water for the aesthetic use were being diverted for irrigation purposes.

Right 37-7767: The licensed right authorizes storage of water for recreational use, with a diversion rate of 10 cfs from springs sources located in the SWSE of Section 32, T3N, R18E that form several natural channels that run through the subdivision area and to two ponds, one in the NENE/NWNE, and one in the SENE, all in Section 5, T2N, R18E. The use is non-consumptive other than evaporative losses in the ponds. Although the license right lists only recreation use, the recommended right is probably more correct in showing aesthetic storage in addition to the recreational use (the licensed right did include a facility volume of 18.8 acre-feet). Note that the aesthetic storage has a volume limit of 18 acre-feet per year, which should cover evaporative losses from the ponds. Little or no regulation should be required of this right since the spring sources under the right essentially flow through the natural channels and ponds. The points of diversion should be considered as the points of inflow to the ponds on the natural spring-fed channels, which match fairly close to the SRBA recommended PODs, although IDWR should check the channels and ponds and field verify the appropriate point of diversion descriptions. The license file includes evidence of measuring devices at the inflow or outlet of the ponds, but this should be confirmed by a field investigation. The watermaster and IDWR on any field investigation should make sure that there are no irrigation diversions occurring from the ponds or springs under this source, and/or check that the springs and ponds are not being used for purposes other than authorized by this right.

Permit 37-8822: In 1994, the Department issued an order waiving the measurement device and lockable controlling works requirement or conditions of the permit. The conditions can be reinstated at any time although it is recommended to delay such determination until the licensing process. According to the information in the file, the pipeline from the larger pond to the east of this permitted pond carries less than 0.10 cfs. Therefore, regulation of this right would allow the diversion through the pipeline for the amount of time it would take to fulfill the water right volume of 0.20 acre feet per year. A diversion rate of 0.10 cfs can provide 0.19835 acre feet of water within a 24 hour period. Therefore it would take slightly over 24 hours to fill this storage facility

at this diversion rate. As a result, the spring can be diverted to the pond for approximately 25 hours before it needs to be shut down. Department staff, in coordination with the watermaster, need to verify the extent or number of ponds in the permitted place of use as well as affirm the source of water to the pond or ponds.

Review of recent aerial imagery shows evidence of additional ponds within the Aspen Lakes/Willis/Moore area. Further field investigation by Department staff is needed to determine the nature, extent and authorization of ponds other than those authorized by existing rights.

See separate attached spreadsheet for listing of water rights. The list shows the SRBA recommendations unless there is a significant difference with the water right version, in which case both versions are shown. No SRBA recommendation exists for permit 37-8822.

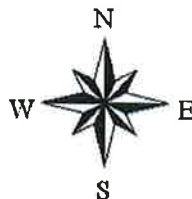
Note: Regulation recommendations made here are subject to revision upon further review and field investigation by the Department.

**POINTS OF DIVERSION AND PLACE OF USE
FOR WATER RIGHTS 37-557, 37-558, 37-559, 37-577CH, 37-7767, & 37-8822.
AND KNOWN AESTHETIC AND RECREATIONAL STORAGE WATER RIGHTS**



0.3 0 0.3 0.6 Miles

- POINTS OF DIVERSION FOR 37-557, 37-558, 37-559, & 37-577CH
- ▭ PLACE OF USE FOR 37-557, 37-558, & 37-559
- ▨ STORAGE PONDS
- SPRINGS FEEDING PONDS ASSOCIATED WITH 37-577CH
- ~ CHANNEL FROM EXISTING SPRINGS FEEDING PONDS ASSOCIATED WITH 37-577CH
- ▭ SECTION LINES
- ▭ QUARTER QUARTER SECTION LINES



Created by:
Dan Nelson
3/18/2008
2006 NAIP Aerial Photo

PLEASE NOTE: This is a photo showing the place of use and points of diversion for water rights 37-557, 37-558, 37-559, and 37-577CH. Water rights 37-557, 37-558, and 37-559 are for irrigation within the border of Aspen Lakes Canal Company, which is surrounded by the green line. Water right 37-577CH is for aesthetic storage and the ponds are marked in blue. Two springs also feed these ponds, and they are also shown on the map in blue. Water right 37-7767 also supply the ponds with storage water. Water right 37-8822 appears to supply one to 3 ponds around the owners home. A field examination will need to be done to accurately describe water right 37-8822.

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 01, 2010 2:09 PM
To: Kelly, Vicki; Spencer, Nick
Subject: 37-22255 remark comments

I have tried to lay out the issues in a clearer manner in an attempt to have all parties approach a solution from the same direction. It appears to me that there are at least three players each going in a completely opposite direction.

I have highlighted one short paragraph for a legal opinion. This would be the department's position from my perspective but want to double check. If you think that this should be fleshed out more and have suggestions please let me know. I don't think that we will get anywhere until we are at least headed in the same general direction.]

KKC

Where you have a subdivision of multiple individual systems and a common delivery system it is common for the users to develop a rotation system where one or more user splits the diversion rate and utilizes the water for a short period of time. For 37-22255 there is one right with multiple users each for their own specific parcel within the recommended POU. It is my understanding that there is an informal rotation practice amongst the various individuals. If their combined diversion rates were to exceed 2.85 cfs one or more of the users would not be able to receive water. Thus the right would be self limiting in this respect. How the 2.85 cfs is divided and ultimately delivered to the various parcels within the POU normally is not an issue that the department wants to be involved in. A rotation agreement (either formal or informal) between the users is considered a private matter and the department does not want to be placed in the position of recording or regulating a rotation agreement. If one or more individuals apply water in excess of even 2 or more inches to the acre in conformity to the rotation agreement then the department does not care so long as the overall parameters of the right are not exceeded.

This really is no different than a single user with a center pivot where he applies the entire diversion rate to just the area under the pivot arm but rotates the POU as the arm moves. At any given time the application rate per acre would greatly exceed 1 inch per acre.

This in effect is what appears to be happening for 37-22255. The diversion rate is consistent at 2.58 cfs. The water proceeds down the ditch to the users where they apparently have an informal rotation system. As the diversion from the source is consistent the department does not want to be in the position of recommending a rotation practice. The department normally will not become involved unless there is a dispute among the users that cannot be resolved through their independent efforts.

In this case this probably would become a civil matter as only one right is involved and the dispute would be between the subdivision members not with the delivery of the right.

The number and variety of delivery systems for 37-22255 for the entire recommended POU is not known and at this point is not significant from the department's perspective. To be able to accurately identify the "field headgate" for this system would be at the very best extremely difficult as each individual diverting would have his own "field headgate". To limit the right to 0.02 cfs per acre or 0.03 cfs per acre at the field headgate that could be administered by the department would require identifying each ditch diversion, its specific capacity, and in the case of a rotation practice, the number of users actively using the system at any one given time. Again, the department does not want to become involved that depth in the operation of any water right.

Ultimately, the question is whether the 2.85 cfs is excessive for the property in general or not. As it is the department's understanding that a portion of the recommended POU has historically been flood irrigated, the 2.85 cfs seemed reasonable. This rate equates to 0.042 cfs/acre or slightly greater than two inches per acre.

Ultimately, if the subdivision elects to split the right into multiple systems through a transfer process or change of ownership the rate per acre would be addressed at that time and although one cannot predict the future we have to assume that the department will be able to fairly administer the changes at the time that they occur.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

04/04/2011

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

RIGHT NUMBER: 37-22255

NAME AND ADDRESS: PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 SENE 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	2.850 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 NWSW 7.20	T02N R18E S04 SWSW	15.00
	T02N R18E S05 NESE 35.00	T02N R18E S05 SESE	6.50

63.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-862 .

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22255 V1

WATER RIGHT NUMBER: 37-22255 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PETER M THOMAS TRUST JEROME D MACK TRUSTEE C/O E PARRY THOMAS PO BOX 642 SUN VALLEY, ID 83353 (208)622-4987
Representative	CHARLES E BROCKWAY 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301 (208)736-8543

Priority Date: 05/01/1883

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

del ~~DOMESTIC~~

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
~~DOMESTIC~~	01/01 to 12/31	0.040 CFS	
IRRIGATION	04/15 to 10/31	2.850 CFS	
<u>Total Diversion:</u>		2.850 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4	Sec. 5, Twp 02N, Rge 18E, 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	
02N	18E	4									7.2		15.0						22.2
02N	18E	5													35.0		6.5		41.5

Total Acres: 63.7

DOMESTIC same as IRRIGATIONConditions of Approval:

1. J01 Property is also known as River Grove Farm Subd., less Lots 7 & 11.
2. This right is a split from former right 37-862.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22255 V1

3. E55 Right Nos. 37-22255, 37-22256 and 37-4312 are limited to the irrigation of a combined total of 19 acres within Section 4 SWSW in a single irrigation season.
4. N12 The quantity of water under this right and 37-22256 for domestic use shall not exceed 13,000 gallons per day.
5. 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.
6. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

Remarks:

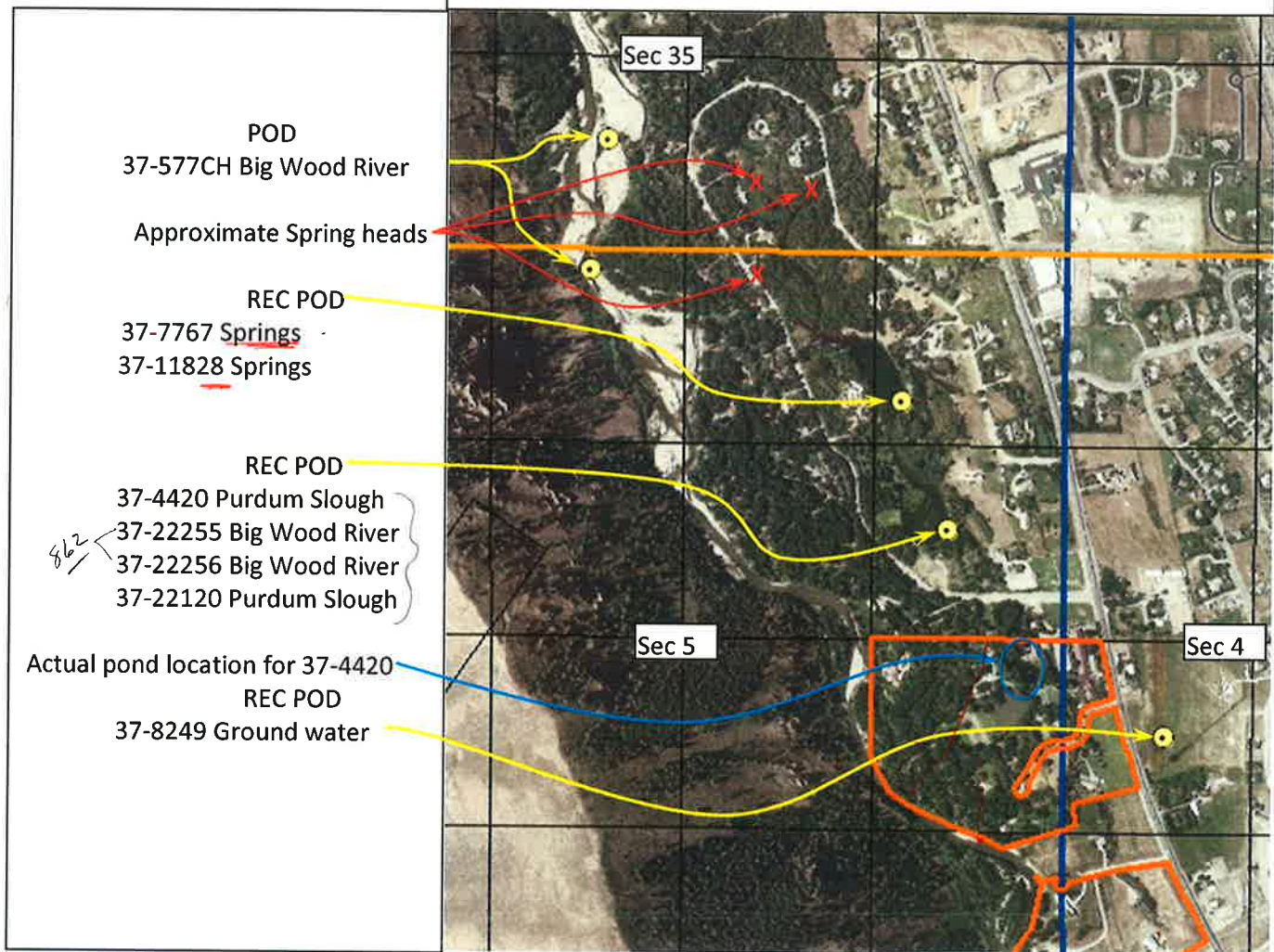
Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	1/18/2008 12:25:57 PM	tfawcett	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
POU	4/6/2010 3:30:20 PM	kchrste	Updated Shape
POU	4/6/2010 3:30:57 PM	kchrste	Updated PLS
POD	4/6/2010 3:33:35 PM	kchrste	Updated Shape

Water Supply Bank:

Lessor Name: PETER M THOMAS TRUST
 Lease Status: Active
 Lease Amount: Part
 Rental Availability: None
 Date Received: 7/31/2009
 Lease Begin Date: 7/31/2009
 Expiration Date: 11/1/2009

FIGURE 1



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, June 30, 2010 8:36 AM
To: 'Christopher H Meyer'; 'Jim Laski'; Spencer, Nick; Kelly, Vicki; 'Craig Hobdey'; Albert Barker
Subject: 37-22255 37-22256 Oliver Family -- Peter Thomas

Some reporting issues surfaced when we started to dig into 37-22255, 37-22256 aka 37-862.

For some reason the domestic use was included within the claim and ultimately recommended for 37-862. Why domestic use was data entered is not clear. One could make an educated guess but that would have the weight of a guess. Further research has determined that the domestic use should not have been included in the recommendation and subsequent splits of 37-862, especially when considering the 1-4-2007 amended claim. The department has been discussing the what would be the proper procedure to use in correcting this problem. It was determined that the best way of resolving this issue was through the SF-5 process. Therefore I have drafted a proposed SF-5 for 37-22256 which is attached.

I am also attaching a brief historical activity timeline touching on some of the major points at issue.

Ultimately the recommendations should reflect 63.7 acres for 37-22255 and 7.9 acres for 37-22256. References to domestic use in each group will be gone. It is my understanding that language regarding diversion rate for 37-22255 is being crafted in a joint effort between Laski and Barker and/or Hobdey. As soon as that language has been received and reviewed I should be able to draft an SF-5 for that right also.

An amended director's report for 37-4420 has been submitted to the court and can be viewed on the department's web site.



37-22256 Oliver Fam SF-5 6-201...



37-862 (22255) peter thomas hi...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-862 HISTORICAL ANALYSIS OF ADJUDICATION RECORDS

37-862 Original claim received Oct 26, 1988

Irr @ 3.20 cfs Total claimed 3.20 cfs

Rec@ 3.20 cfs Total acreage 160 ac

Remarks = Rec is flow throu a 3.1 af lined pond

Source = Purdum Slough / Big Wood River (at one location)

It appears that the fees paid for this claim were \$210.00
--

37-862 data entry dated 1-5-1989 (copy not signed)

Irr @ 3.20 cfs Total claimed 3.20 cfs

Dom (no rate entered)

37-862 Amended claim received Dec 19, 2006 data entered 1-4-2007

Irr @ 3.20 cfs Total claimed 3.20 cfs

NO Dom or Rec

POU = 75.4 ac

Source = Purdum Slough / Big Wood River (at one location)

Director's report submitted 2-21-2007.

Change of ownership submitted Nov 13, 2007 to split POU and Irrigation use @
0.35 cfs and 8.2 ac

Analysis:

It appears that a tentative recommendation had been prepared prior to the amended claim but when the recommendation was finalized on 1-18-2007 (an additional remark added 2-14-2007). The amendment was data entered but the recommendation was not updated. When the crunch came for the director's report (2-21-2007) the recommendation went out without reflecting the amended claim.

It appears that the amendment recognized the POU as found by a department agent (unknown att). Other than reducing the acreage and limiting the use to irrigation only, the only other change was to move acres from Sec 5 SWSE to the SESE.

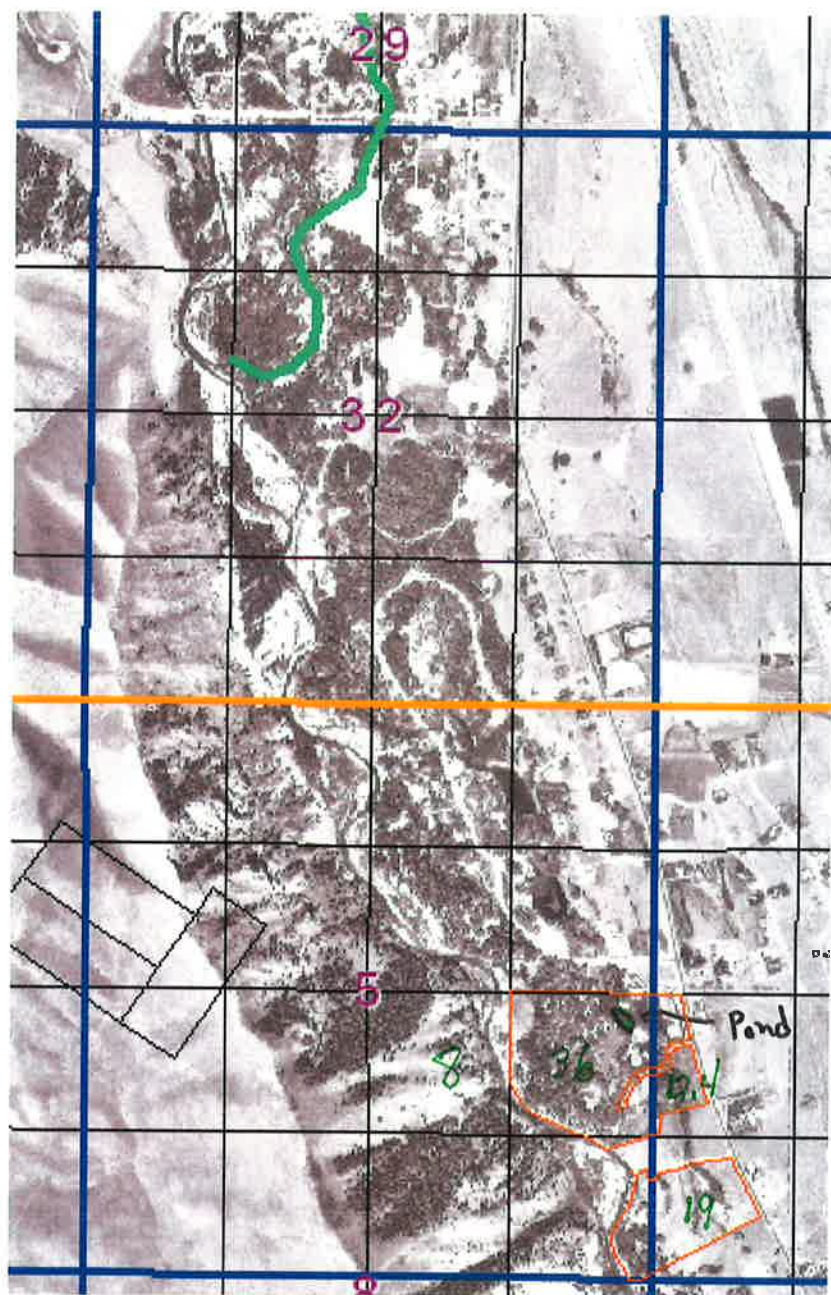
The recreation portion of this right is a part of 37-4420 which is currently under review.

STURDIVANT RESIDENCE PS TRUST
RG FARM LLC
FAIRMAN DAN S MD
MARTIN PAMELA SUE
BURNETT JOYCE H

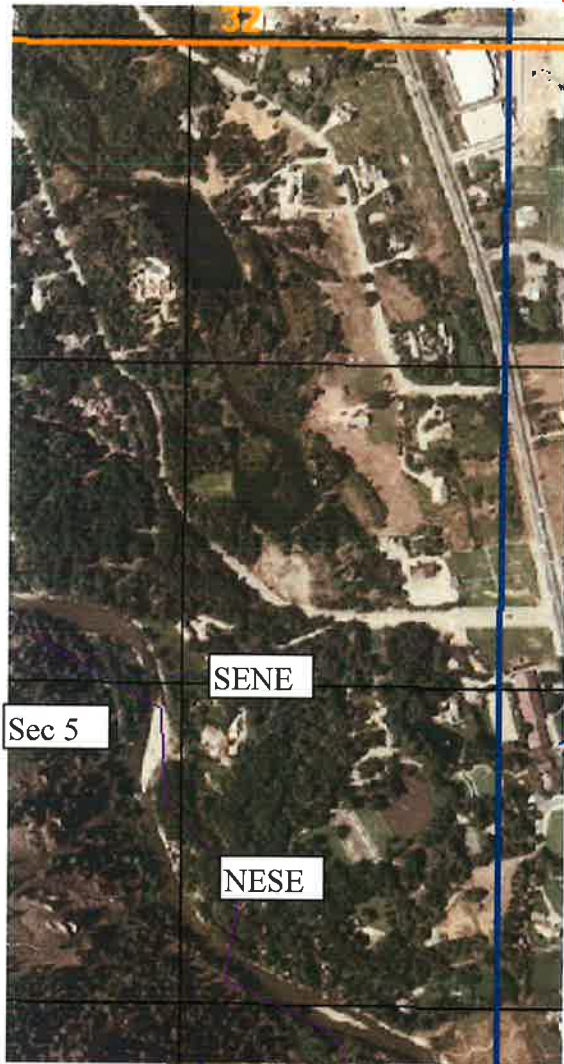
WALTON DOUGLAS C, WALTON B LEE
WANKIER WELDON & MARILYN J-TRUSTEES
MC DONALD ROBERT, MC DONALD DEBBIE
RG FARM LLC

GROSSER ADAM, HEUBLEIN LYNN
MOUNTAIN VIEW PROPERTIES L L C
WEAVER PATRICIA





Attached to 37-22256 gp.



37-8249

Licensed POU

Recommended POU

Objection to change

37-4420

Amended claim POU

Statutory claim POU

Sec 4 NWSW;

Sec 4 NWSW;

Sec 4 NESE;

Sec 5 NESE

POD Sec 4 NWSW

POD Sec 4 NWSW

POD Sec 5 SESENE

POD Sec 5 NWSENE

POD Sec 5 NESE



37-8249 Peter Thomas Trust



01/22/2008

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

RIGHT NUMBER: 37-22255

NAME AND ADDRESS: PETER M THOMAS TRUST
JEROME D MACK TRUSTEE
C/O E PARRY THOMAS
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.850 CFS

~~The quantity of water under this right and 37-22256 for domestic use shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 11/01	2.850 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	9.30	T02N R18E S04	SWSW	13.70
T02N R18E S05	NESE	36.00	T02N R18E S05	SESE	6.20

DOMESTIC same as IRRIGATION

67.2 ACRES TOTAL

Right Nos. 37-22255, 37-22256 and 37-4312 are limited to the irrigation of a combined total of 19 acres within Section 4 SWSW in a single irrigation season.

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

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as River Grove Farm Subd., less Lots 7 & 11.

This right is a split from former right 37-862.

SCANNED
MAR 09 2005

01/22/2008

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

RIGHT NUMBER: 37-22256

NAME AND ADDRESS: OLIVER FAMILY TRUST
C/O OLIVER MCMILLAN
733 8TH AVE
SAN DIEGO CA 92101

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.350 CFS

The quantity of water under this right and 37-22255 for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T02N R18E S5 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 11/01	0.350 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	3.10	T02N R18E S04	SWSW	3.30
T02N R18E S05	SESE	1.80			

DOMESTIC same as IRRIGATION

8.2 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as Lots 7 & 11, River Grove Farm Subd.

This right is a split from former right 37-862.

SCANNED
MAR 09 2008



Idaho Department of Water Resources

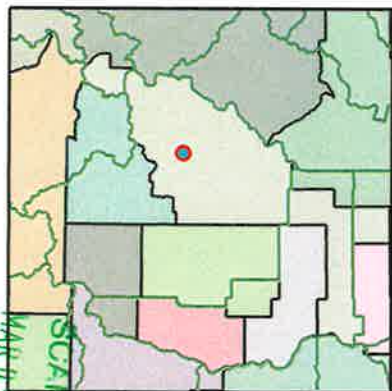
SRBA Recommendation:

37-22255

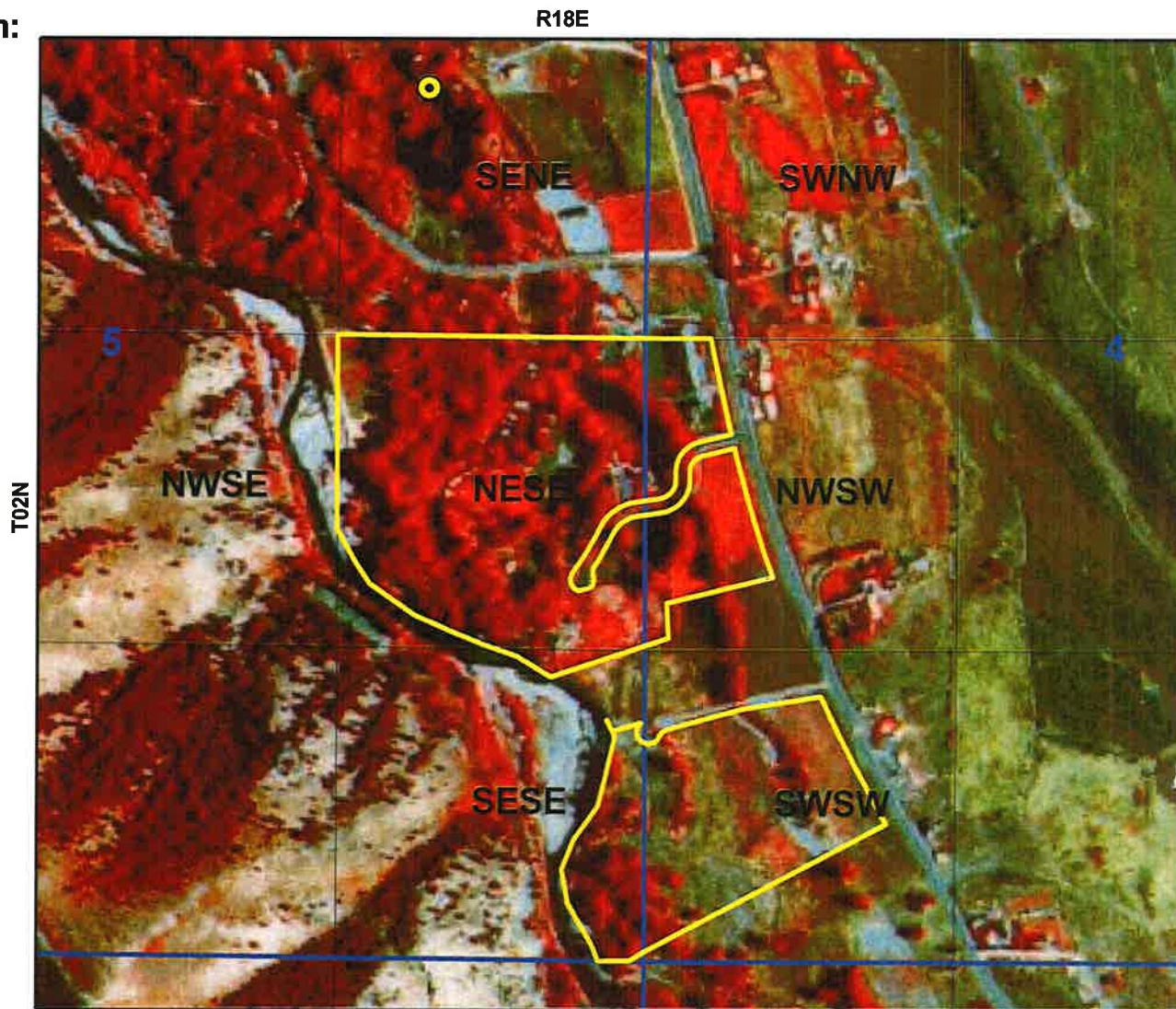
(Irrigation)

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 18, 2008
1987/88 Aerial Photography

COPY

DIS. DIST. COURT - TWIN FALLS
TWIN FALLS CO., IDAHO
FILED
2008 FEB 6 PM 12 04

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

Subcase No. 37-862 (Split)
37-22255 & 37-22256

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: 1/22/08

Signature of IDWR Representative

SCANNED
MAR 09 2008

CERTIFICATE OF MAILING

I certify that on 2/6, 2008, 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

Christopher Meyer
Givens Pursley LLP
PO Box 2720
Boise ID 83701

Charles E Brockway
Brockway Engineering
2016 N Washington St #4
Twin Falls ID 83301



Signature of person or attorney mailing the form

01/18/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-862	PETER M THOMAS TRUST JEROME D MACK TRUSTEE C/O E PARRY THOMAS PO BOX 642 SUN VALLEY ID 83353	Disallowed	Recommended as 37-22255 & 37-22256

SCANNED
MAR 09 2008

01/18/2007

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

RIGHT NUMBER: 37-862

NAME AND ADDRESS: PETER M THOMAS TRUST
JEROME D MACK TRUSTEE
C/O E PARRY THOMAS
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION:

T02N R18E S5 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 11/01	3.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S04	NWSW	12.40	T02N R18E S04	SWSW	19.00
T02N R18E S05	NESE	36.00	T02N R18E S05	SESE	8.00

DOMESTIC same as IRRIGATION

75.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED
MAR 09 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 5, 2008

CHRISTOPHER MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

RE: SRBA Claim(s) 37-862

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: C.E. Brockway
Brockway Engineering
2016 Washington St N #4
Twin Falls ID 83301

SCANNED
MAR 09 2008



Idaho Department of Water Resources

SRBA Recommendation:

37-862

(Irrigation)

Legend

⊙ **Point of Diversion**

 **Place of Use**

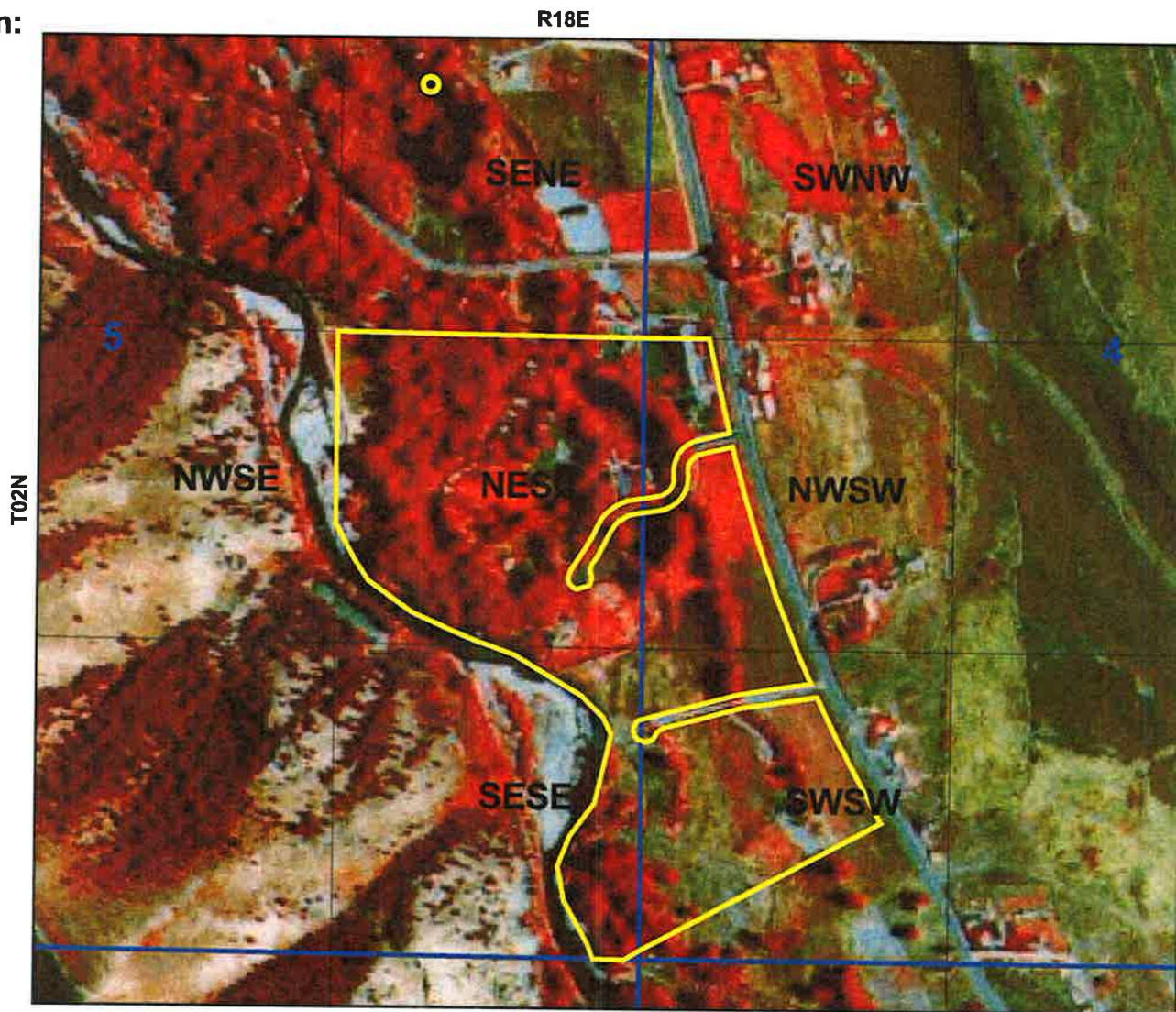
 **Townships**

 **PLS Sections**

 **Quarter Quarters**



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

Prepared by C. Saxton
On Thursday, January 18, 2007
1987/88 Aerial Photography

SCANNED
MAR 11 9 2013

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-862 V1

WATER RIGHT NUMBER: 37-862 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PETER M THOMAS TRUST JEROME D MACK TRUSTEE C/O E PARRY THOMAS PO BOX 642 SUN VALLEY, ID 83353 (208)622-4987
Representative	CHARLES E BROCKWAY 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301 (208)736-8543

Priority Date: 05/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01	12/31	0.040 CFS	
IRRIGATION	04/01	11/01	3.200 CFS	
	<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4NE1/4	Sec. 5,	Twp 02N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	4	12.4	19.0			31.4
02N	18E	5			36.0	8.0	44.0

Total Acres: 75.4

DOMESTIC same as IRRIGATIONConditions of Approval:

1. 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.

SCANNED
MAR 09 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-862 V1

Remarks:Comments:

1. csaxton 1/18/2007 From Claim

Comment: ***DWR NOTE*** DIVERSION MEANS NOT GIVEN.
THIS CLAIM APPEARS TO BE FOR A PORTION OF WR 37-00862.

2. csaxton 1/18/2007 Delivery Records

Comment: Water master delivery records show delivery of this right in full to the claimant.

3. csaxton 1/18/2007 Competing Claims

Comment: There are two competing claims filed against this one, 37-862A and 37-22120. These were recommended as disallowed because the water claimed under them is recommended under this right.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector: OR

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			01/18/2007	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SCANNED
MAR 09 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-862 V1

Summary	1/18/2007 11:29:08 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (Yes) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	1/18/2007 10:53:40 AM	csaxton	Updated shape for Active POU
POU	1/18/2007 10:53:49 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, January 18, 2007 9:47 AM
To: Christopher H. Meyer (E-mail); 'jason.helms@brockwayeng.com'
Subject: Recommendations for SRBA claims of 37-862

Hello Chris and Jason,

I have reviewed the SRBA claims filed for water right 37-862 which has resulted in the following.

There are three claims filed for decreed right 37-862

37-862	Peter Trust	3.2 cfs
37-862A	Dan S Fairman MD	0.04 cfs
37-22120	Oliver Family Trust	3.2 cfs

Since the original right 37-862 was decreed for 3.2 cfs, this right has been over claimed.

All three of the claims filed claim the place of use within the original decreed place of use. None of the claim files contain any evidence such as a deed or other means of conveyance verifying that any portion of original water right 37-862 is applicable to a particular parcel or person.

So at this, time the best evidence I have of water right ownership is the water master delivery records. I have access to water master records dated February of 2005 and November of 2006. Both sets of records show delivery of water right 37-862 in full to E Perry Thomas (Peter Trust, dba: River Grove Farms).

At this time I plan to recommend water right 37-862 in full to Peter Trust or SRBA claim 37-862.

SRBA claims 37-862A and 37-22120 will be recommended as disallowed with the condition stating, "Recommended as 37-862".

This is consistent with what the water master delivery records show. In addition, despite SRBA claims 37-862A and 37-22120 being recommended as disallowed, the water right 37-862 is still applicable to the property owned by Oliver and Fairman so there is still water on the property. How your clients split that out in the future could be through some sort of an agreement, or even through a change of ownership which will split SRBA recommendation 37-862.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
208.287.4916
craig.saxton@idwr.idaho.gov

PS: Note I will be sending a copy of this information to Dan Fairman through normal mail as I do not have an e-mail address for him.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

January 18, 2007

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DAN S FAIRMAN MD
MELYNDA KIM STANDLEE FAIRMAN
PO BOX 2499
HAILEY ID 83333

RE: Recommendation for Snake River Basin Adjudication (SRBA) claim 37-862A

Dear Mr. and Ms. Fairman,

Through the Notice of Error process I have re-reviewed the recommendations for the splits of water right 37-862. The result of this review has returned the following:

There are three claims filed for decreed right 37-862

37-862	Peter Trust	3.2 cfs
37-862A	Dan S Fairman MD	0.04 cfs
37-22120	Oliver Family Trust	3.2 cfs

Since the original right 37-862 was decreed for 3.2 cfs, this right has been over claimed.

All three of the claims filed claim the place of use within the original decreed place of use. None of the claim files contain any evidence such as a deed or other means of conveyance verifying that any portion of original water right 37-862 is applicable to a particular parcel or person.

So at this, time the best evidence I have of water right ownership is the water master delivery records. I have access to water master records dated February of 2005 and November of 2006. Both sets of records show delivery of water right 37-862 in full in the name of E Perry Thomas (Peter Trust, dba: River Grove Farms).

Based on this, IDWR has recommended water right 37-862 in full to Peter Trust or SRBA claim 37-862.

The recommendation for your SRBA claim 37-862A has been changed and recommended as disallowed with the condition stating, "Recommended as 37-862". The same recommendation has been made for claim 37-22120.

This is consistent with the water master delivery records. In addition, despite SRBA claims 37-862A and 37-22120 being recommended as disallowed, the water right 37-862 is still applicable to the property described under these claims so the water claimed is still applicable to the property.

I have contacted both representatives of claimants for 37-862 and 37-22120 and informed them of these recommendations. Without speaking for them, my understanding is that there is not a dispute that a portion of water right 37-862 is applicable to the property described in claim 37-

SCANNED
MAR 09 2007

862A. I encourage you to work with them to come to an agreement regarding delivery of the water right to your property.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Cc: GIVENS PURSLEY LLP
C/O CHRISTOPHER H MEYER
601 W BANNOCK ST
BOISE ID 83701

BROCKWAY ENGINEERING
C/O JASON C HELMS
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

SCANNED
MAR 09 2009

Tuthill, Dave

To: Christopher Meyer
Cc: Jill Eshman; Charles (father) Brockway
Subject: RE: Followup questions re Dene Oliver

Chris, sorry to not return your telephone call earlier today -- it appears that in this email you have restated the question on your call, plus you have asked some additional questions below. I will respond below...

Regards, Dave

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

From: Christopher Meyer [mailto:ChrisMeyer@GivensPursley.com]
Sent: Friday, December 01, 2006 11:16 AM
To: Tuthill, Dave
Cc: Jill Eshman; Charles (father) Brockway
Subject: Followup questions re Dene Oliver

Dave,

Follow up questions on Water Right No. 37-862:

- (1) Why isn't the notice of claim dated 10-26-88 (signed by Chuck Brockway) valid? Is there a problem with the power of attorney?[Tuthill, Dave] We do have a copy of the power of attorney. What we don't have is an original claim. It appears to me that the original claim was returned to Chuck Brockway, accompanied by a version of the claim that did not include the "recreation" use that Chuck appears to have added by hand to the original typewritten claim. It appears that the fee was paid -- we were merely soliciting a claim that did not include this additional use. Under the circumstances, if we receive the signed claim I think that we can honor the date of original receipt relative to forfeiture concerns (10/26/1988).
- (2) Why is there a separate computer-generated notice of claim dated 1-5-1989? And why is it marked "VOIDED"?[Tuthill, Dave] The receipt number C004931 is marked "Voided", as it was replaced by receipt number C004956. /the computer generated claim is the version that did not include the extra use of "recreation", for which we were seeking a signed version.
- (3) If Parry Thomas (i.e., Peter Trust) doesn't have a valid claim, can he submit an affidavit, power of attorney, or other explanation to correct the problem, thus validating the original 1988 claim?[Tuthill, Dave] He could merely submit an original claim now.
- (4) If for some reason the answer to question #3 is "no", can Mr. Thomas simply submit a new claim now? [Tuthill, Dave] Yes.

Thanks much, Dave.

-Chris

cc: Jill Eshman (co-counsel for Dene Oliver); Chuck Brockway (representing Mr. Thomas)

Contact information for sender:

Christopher H. Meyer
Givens Pursley LLP
601 West Bannock Street
P.O. Box 2720
Boise, ID 83701
Direct: 208-388-1236
Fax: 208-388-1300
Cell: 208-407-2792
Email: chrismeyer@givenspursley.com
Firm Website: www.givenspursley.com

SCANNED
MAR 09 2009

12/1/2006

Tuthill, Dave

To: Christopher Meyer; Jill Eshman; Charles (father) Brockway

Subject: RE: Question about Water Right No. 37-862 (Parry Thomas right)

Chris,

Three of the four claims filed in the name of the Peter Trust have problems. I can't tell from your email if you are representing the Trust, or if it is Chuck or Jill or someone else, but in my initial review I have found the following that I am sending to all three of you as a step toward sorting this out:

- 37-862
 - No signed claim in the file
 - Watermaster shows delivery of the right so this part is ok
 - Will not recommend in Director's Report if valid claim is not filed
- 37-4420
 - No evidence of priority
 - May 14, 1886 claimed as a priority date for recreation storage and fish propagation
 - Right not included in Frost decree
 - It is very unusual for uses like this to have old priorities
 - Must recommend for disallowal unless priority date information is provided
 - Volume claimed of 3.1 af is ok (see 37-8249)
- 37-577CH
 - This is a split of the W.T. Riley right
 - Bill of Sale appears to have potentially conveyed this right to Bruce Willis (attached)
 - Appears to be delivered to Bruce Willis per Watermaster Records
- 37-8249
 - This one appears to be ok (see draft recommendation attached)

Thanks for the inquiry -- please advise...

Regards, Dave

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

From: Christopher Meyer [mailto:ChrisMeyer@GivensPursley.com]

Sent: Friday, November 17, 2006 2:00 PM

To: Tuthill, Dave; Jill Eshman; Charles (father) Brockway

Subject: Question about Water Right No. 37-862 (Parry Thomas right)

To: David Tuthill

From: Chris Meyer

Dave,

SCANNED
MAR 03 2005

11/26/2006

This follows our prior conversation about Water Right No. 37-862, the right held by a trust controlled by Parry Thomas in Hailey, ID.

You said that you would like to see a settlement agreement worked out among the various neighbors in the subdivision.
I have initiated efforts aimed that that.

My question today has to do with the SRBA claim by the Peter Trust (for Mr. Parry).
The computerized claim form has written on it "VOIDED" and "No Signed Copy 1-26-90".

Do we have a problem here?

If there really is no proper SRBA claim, can we fix that so that it relates back to the original filing of the SRBA claim in 1988?

-Chris

cc:

Chuck Brockway (representing Mr. Thomas, the neighbor)
Jill Eshman (also representing Mr. Oliver, my client)

Contact information for sender:

Christopher H. Meyer
Givens Pursley LLP
601 West Bannock Street
P.O. Box 2720
Boise, ID 83701
Direct: 208-388-1236
Fax: 208-388-1300
Cell: 208-407-2792
Email: chrismeyer@givenspursley.com
Firm Website: www.givenspursley.com

SCANNED
MAR 09 2006

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that the PETER TRUST, in consideration of the sum of TWELVE THOUSAND DOLLARS (\$12,000.00), in hand paid, by BRUCE WILLIS, the receipt of which is hereby acknowledged, have granted, bargained, sold, conveyed, transferred, and delivered and by these presents to bargain, sell, grant, convey, transfer, and deliver unto BRUCE WILLIS, those non-consumptive water rights as set forth in Right No. 37-00577AH, with all rights appurtenant thereto.

To have and to hold the same unto BRUCE WILLIS, his executors, administrators, and assigns, forever;

I do for myself, my executors, administrators, and assigns, covenant and agree to warrant exclusive right and title to said water right hereby sold unto BRUCE WILLIS, his executors, administrators, and assigns, against all and every person and persons whomsoever;

I do for myself, my executors, administrators and assigns, warrant and represent to BRUCE WILLIS that the Title conveyed is good, its transfer is rightful; and that said water has been, or shall be, delivered from any security interest or other lien or encumbrance thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of December, 1991.

PETER TRUST

By: *[Signature]*
James P. [unclear]

STATE OF IDAHO)
) ss.
County of Blaine)

On this the 6th day of December, 1991, before me the undersigned Notary Public, personally appeared Peter Thomas, being first duly sworn and known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he/she executed the same for the purpose contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

[Signature]
Notary Public for Idaho

Residing at: *Ketchikan, Alaska*

SCANNED
MAR 09 2003

NO
SIGNED
COPY

Peter Trust



A37-00862 NO SIGNED

New
Lic.

-8200 NO SIGNED

* No A of ownership
To Patricia Hansing

New
Lic.

8249 - NO SIGNED

To C. Brockway
Date 5-16-90 Time 3:30 pm
WHILE YOU WERE OUT
* Phone Conversation
of _____
Phone 423-4691

Telephoned	Please call
Called to see you	Will call again
...	

MICROFILMED

MAR 01 1993 SCANNED
MAR 09 2003

RECEIPT IS FROM THE STATE FILE
SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 05/16/90
TIME 14:52:16

REC/NO - C004956 AR/NO -
FROM: - BROCKWAY, CHARLES E.

RECEIPT TYPE - CK DOC/NO - 2812
REMARKS - APPLY TO NEW CLAIMS

TYPE OF PAYMENT	PROGRAM	ACCT	CLASS	FEE
ADJUDICATION FEE FOR PETER TRUST	410162	9337	6490	370.27
PENDING ADJUDICATION FEES	410162	9337	6490	690.53

TOTAL DUE - 1060.80

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
A3708249	58.80	A3700862	210.00	A3712353	25.00
A3712354	25.00	A3704420	50.47		

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID)
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

SCANNED
MAR 09 2003

MICROFILMED

MAR 01 1993

RECEIPT IS FROM THE STATE FILE
SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 05/16/90
TIME 14:54:58

REC/NO - C004931 AR/NO -
FROM: - BROCKWAY, CHARLES E.
VOIDED RECEIPT
RECEIPT TYPE - CK DOC/NO - 2812
REMARKS - VOIDED - SEE C004956

TYPE OF PAYMENT	PROGRAM	ACCT	CLASS	FEE
ADJUDICATION FEE PETER TRUST	410162	9337	6490	370.27
PENDING ADJUDICATION FEES	410162	9337	6490	689.73

TOTAL DUE - 1060.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
A3708249	59.80	A3700862	210.00	A3712353	25.00
A3712354	25.00	A3704420	50.47		

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID)
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

MICROFILMED
MAR 01 1993
SCANNED
MAR 09 2003

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00862	02N	18E	5	NW	SE	NE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A37-00862A NONE
A37-04420
A37-07767

WR RECORDS IN SAME 40 ACRE TRACT

37-08444
37-08446
37-08561

SOURCE: BIG WOOD RIVER
PURDUM SLOUGH

TRIB: MALAD RIVER
BIG WOOD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3700862 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	_____
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	_____

REMARKS:

SCANNED
MAR 11 8 2005

MICROFILMED
MAR 11 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
—	—	—	—	—	—	—	—

SOURCE: _____

TRIB: _____

REVIEWED BY: _____

DATE: _____

MICROFILMED
MAR 01 1993

SCANNED
MAY 09 2009

Water Right Number - 37-00862

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WARR

A. W.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
05/01/1883+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
BIG WOOD RIVER+ - - Tributary - - - - - +
MALAD RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

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

01 - IRRIGATION

43 - DOMESTIC

3.200

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
---------------------	-----------------------	-------------------------	---------------------------	--------------

3.200

TwN	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
02N	18E	4	NW SW			01	IRRIGATION	(13)	BLAINE
02N	18E	4	SW SW			01	IRRIGATION	(13)	BLAINE
02N	18E	5	NE SE			01	IRRIGATION	(13)	BLAINE
02N	18E	5	SE SE			01	IRRIGATION	(13)	BLAINE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
RT. DECREED FROM PURDUM SLOUGH (SIDE CHANNEL OF BIG WOOD R.)
RT. NOT USED FOR AT LEAST 17 YEARS ACCORDING TO WATERMASTER.

Conditions of Approval
No Conditions of Approval found.

MICROFILMED
MAR 01 1993
SCANNED
6/07/09

+ - Decree Date - +
06/21/1920

Field Exam Fee	-	
Swan Falls	-	
Temporary Right	-	P
DLE/Carey Act	-	
Water District	-	37
Transfer/Amended	-	

6307. R N JMW
SCANNED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A37-00862FIELD REPORT LOG

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		see 6-11-90	
POINT OF DIV.	N			
SOURCE	YES	name?		
PLACE OF USE	YES			
DIV. AMOUNT	N			
CONSUMPTIVE USE	N			
USES	N			
PERIOD OF USE	N			
BASIS OF CLAIM	N			

REMARKS:

MICROFILMED
SCANNED
MAR 01 1993
MAR 09 2003

GENERAL INFORMATION

Claim number: A37-00862

LAST: Peter Trust

FIRST: _____

ADDRESS: P.O. box 612

CITY: Sun Valley

STATE: ID

ZIP: 83353

PHONE: () 622-4987

OWNER CODE: C

OWNER CONNECTOR: _____

LAST: _____

FIRST: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

PHONE: () _____

OWNER CODE: _____

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER () _____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE? Y() N(), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER () _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED

MAR 01 1993 SCANNED

MAR 09 2009

PAGE 3.
PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-00862

PRIORITY DATE: 5/1/1983

STAGE D

PRIORITY DATE: 5/1/1883

STAGE D

C. REVIEW - FIELD EXAM NEEDED? Y() N(~~X~~)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(~~X~~)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE: 5/1/1983

REVIEWED BY 54

DATE 6-11-90

MICROFILMED
MAR 01 1993
SCANNED
MAR 09 2008

PAGE 4.
POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-00862

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>5</u>	<u>NW</u>	<u>SE</u>	<u>NE</u>	<u> </u>	<u>13</u>

SOURCE: BIG WOOD R.

TRIB: MALAD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

C. REVIEW - FIELD EXAM NEEDED? Y() N(X)

		ATTACHED	OR	SEE FILE
VERIFIED	(<u>X</u>) TOPO MAP/ORTHO-PQ	YES(<u>X</u>)	NO()	<u> </u>
WITH:	() ASCS MAP	YES()	NO()	<u> </u>
	(<u>X</u>) WATERMASTER RECORDS	YES()	NO(<u>X</u>)	<u> </u>
	() FIELD EXAM	YES()	NO()	<u> </u>
	() OTHER <u> </u>	YES()	NO()	<u> </u>

REMARKS: SOURCE AKA Purdum Slough

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>18E</u>	<u>5</u>	<u>NW</u>	<u>SE</u>	<u>NE</u>	<u> </u>	<u>13</u>

SOURCE: OWN RIMED STREAM

TRIB: BIG WOOD RIVER

REVIEWED BY su

DATE 6-11-90

MICROFILMED
SCANNED
MAR 01 1993
MAR 09 2003

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-00862FIELD EXAM REQUIRED: Y(~~X~~) N()PRESUMPTION FLAG: Y(~~X~~) N()ROOT WATER RIGHT NUMBERS 37-00862

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
—	—	—	—	—	— / —	— / —	—	—	—
TOTAL ACRES					—	—	—	—	—

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

REMARKS: NOT ALL ACRES GIVEN ARE IRRIGATED.
SW SE S.5 MAY BE IN ERROR.

REVIEWED BY SCDATE 6-11-90

MICROFILMED
 MAR 07 1993
 MAR 09 2003

A. S.R.B.A CLAIMED USES:

PURPOSES	MONTH/DAY	RATE
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS

B. I.D.W.R. RECORDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>✓</u> - <u>✓</u> TO <u>✓</u> - <u>✓</u>	<u>3.2</u> CFS
FOR <u>DOMESTIC</u>	FROM <u>✓</u> - <u>✓</u> TO <u>✓</u> - <u>✓</u>	<u>✓</u> CFS
FOR _____	FROM ____ TO ____	____ CFS

PRESUMPTION FLAG: D

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y() N()

RECOMMENDED AS CLAIMED?

Y() N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y(~~X~~) N()

REMARKS:

RECOMMENDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>3.2</u> CFS
FOR _____	FROM ____ TO ____	____ CFS
FOR _____	FROM ____ TO ____	____ CFS

REVIEWED BY gcu

DATE 6-11-90

MICROFILMED
SCANNED
MAR 01 1993
MAR 09 2003

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-00862A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)SRBA CLAIMED RATE: 3.2 CFS IDWR ROOT RIGHT RATE: 3.2 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.IS FLOW MEASUREMENT REQUIRED? Y(☐) N(☒)B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) If YES complete overlap review.OTHER RIGHTS LISTED IN CLAIM: _____

_____D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES 160 X 0.02 CFS/ACRE = 3.2 CFS.
(Taken from p/u review)DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☐) N(☒)***IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y(☐) N(☐)***

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES 160 X CONSUMPTIVE RATE FOR AREA 2.5 A.F./ACRE =TOTAL CONSUMPTIVE USE 400 ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)CONTACT OWNER? Y(☐) N(☐) SEE ATTACHED SHEET? Y(☐) N(☐)RECOMMENDED DIVERSION RATE: 3.2 CFSRECOMMENDED CONSUMPTIVE USE: 400 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY SCDATE 6-11-90SCANNED
MAR 09 2003

MAR 01 1993

BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # A37-00862

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
EXCESSIVE AMOUNT _____	()	()

THIS SRBA CLAIM CFS/ACRE

0.02

OTHER SRBA CLAIMS CFS/ACRE

____ - ____

____ - ____

____ - ____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT #	____ - ____	SPLITS #	____ - ____	____ CFS
	____ CFS	#	____ - ____	____ CFS
		#	____ - ____	____ CFS
		#	____ - ____	____ CFS
		#	____ - ____	____ CFS
			TOTAL CFS	____

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

=====

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MICROFILMED

SCANNED

MAR 01 1993

MAK 11 3 1993

ADDITIONAL ACREAGE FORM

Claim number: A37-00862

[illegible]

TOTAL NUMBER OF ACRES

[illegible]

REVIEWED BY _____

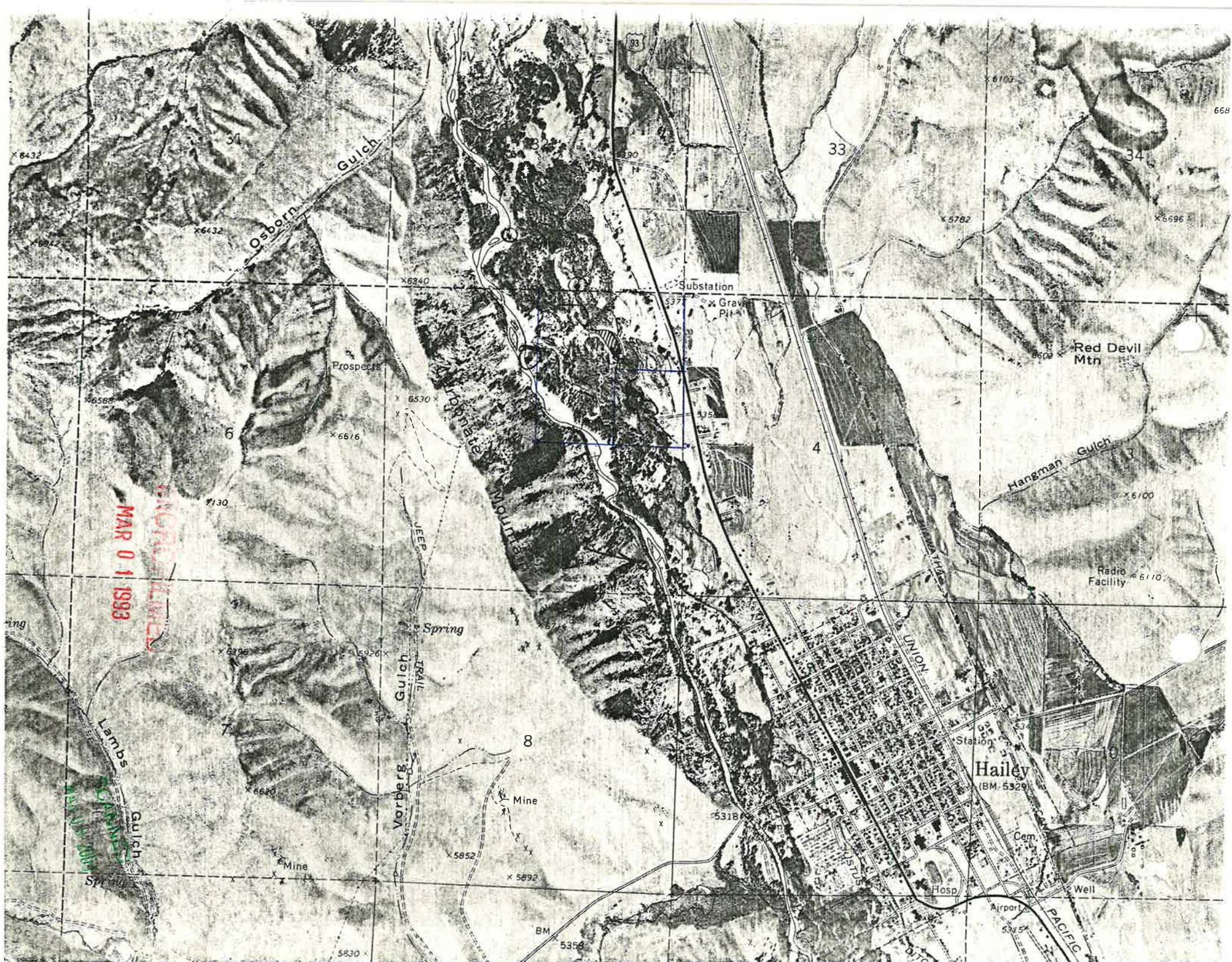
DATE _____

SCANNED

MAR 03 2003

MAK D
MAK D

MAR 01 1993



MAR 01 1993

TOPOLITH

MAR 10 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 17, 1989

Mr. Charles E. Brockway
706 Sunrise Blvd., North
Twin Falls, ID 83301

BLAINE

RE: Peter Trust, Jerome D. Mack, Trustee
ABA River Grove Farm

Dear Chuck:

During the staff review of the above referenced claims, several problems were encountered which may require additional action on your part in order to claim all the water rights which you were attempting to claim for your client.

There are three claims which are acceptable as submitted. You will find copies of these attached. They are:

A37-12353 with a fee of	\$25.00
A37-12354 with a fee of	\$25.00
A37-04420 with a fee of	\$50.47

There are three additional claims which will be dealt with individually. First, Claim A37-08200 is based on a permit which has not yet had Proof of Beneficial Use submitted to the Department. According to the Rules and Regulations, if Proof of Beneficial Use was not filed by November 19, 1987, you are not required to file a claim, however, you may file this claim if you want. You are given this opportunity to withdraw the claim. Therefore, I am returning this claim with no action taken.

If you wish to submit a claim for #37-08200, please return it with a copy of this letter and we will apply funds from the outstanding balance. If this claim is re-submitted please be aware that the priority date on the permit is 11/07/1984. Also, a signature is needed on page 4.

SCANNED
2009

MICROFILMED

MAR 11 1993

Mr. Charles E. Brockway
January 17, 1989
Page 2

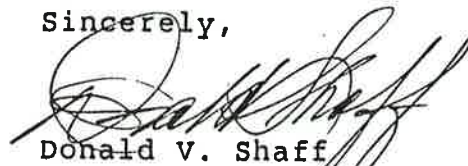
Claim No. A37-00862 is based on a decreed right which does not include recreation use. If you wish to claim a water right for recreation use, you must file a separate claim. This claim has been partially accepted for the decreed amount of water for irrigation with a fee of \$210. A copy of the acceptable claim is attached.

Claim No. A37-08249 is based on a permit for Fish Propagation. The claim you submitted added irrigation and domestic uses. We have partially accepted the permitted amount of water for fish propagation and rejected the other uses and applied a fee of \$59.80. A copy is attached. You may claim the expanded uses under the "presumption" statute §42-1416, Idaho Code, on a separate claim, however, you should be aware that these additional uses are in violation of the mandatory permit requirements. The possibility does exist that the expansion claim you file may be protested or disallowed. You might file an application for permit which would begin the permit process for your client to acquire a valid water right which is not in violation of the mandatory permit requirements.

Please also find a receipt in the amount of \$1060.80 which was submitted with the claims. The balance of 690.53 is being held pending your action. You may request a refund of this balance at any time or you may apply it to fees for additional claims which you may submit.

Feel free to contact this office if you have any questions or need assistance.

Sincerely,



Donald V. Shaff
Adjudication Section Supervisor

DVS:HH:db
Enclosures

Long Claim Form Completed (3)
A37-08200, A37-00862, A37-08249
Receipt #C004956
Long Claim Form w/Instructions (4)

SCANNED
MAR 09 2003
MICROFILMED
MAR 01 1993

LIMITED POWER OF ATTORNEY

DATE OF EXECUTION Aug 15, 1988 DATE OF EXPIRATION: August 15, 1989

JEROME D. MACK, Trustee of the PETER TRUST, residing at 300 South Fourth Street, Suite #400, Las Vegas, Nevada 89101, hereby do constitute and appoint CHARLES E. BROCKWAY, residing at 706 Sunrise Blvd. North, Twin Falls, Idaho 83301, my attorney in fact, and in my name and place to:

Effect any and all matters, including but not limited to, execution of documents regarding water rights at the River Grove Farm, Hailey, Idaho, including any and all lots owned or controlled by grantor individually or jointly with others in the Flying Heart Subdivision and/or River Grove Subdivision and for no other purpose.

Given at Las Vegas, Nev the day and year first above written.
(City and State)

WITNESSES:

[Signature]
Doris J. Metcalf

[Signature]
JEROME D. MACK, Trustee

STATE OF Nevada)
 : SS.
COUNTY OF Clark)

Before me, a Notary Public, in and for said County and State, personally appeared JEROME D. MACK, Trustee of the PETER TRUST, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her free act and deed.

In testimony whereof, I have hereunto subscribed my name at Las Vegas, Nevada, this 15th day of August, 1988.



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KAREN A. GIGAR

Appointment Expires Mar. 30, 1991

[Signature]
NOTARY PUBLIC

MICROFILMED
MAR 01 1993
SCANNED
MAR 09 2003

Water Right Number - 37-00862

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

WARR

A. W.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +

05/01/1883

+ - - Region - - - +

17

+ - - Stage - - - +

D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +

BIG WOOD RIVER

+ - - Tributary - - - - - +

MALAD RIVER

+ - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

Stream Index (Blank if no Index Code)

+ - - Water Use - - - - - +

Code

Description

Period From

Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION

43 - DOMESTIC

3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

3.200

+ - - Place of Use - - - - - +

Twn

Rng

Sec

Tract

Lot

Acres

Code

Description

County

02N

18E

4

NW SW

01

IRRIGATION

(13) BLAINE

02N

18E

4

SW SW

01

IRRIGATION

(13) BLAINE

02N

18E

5

NE SE

01

IRRIGATION

(13) BLAINE

02N

18E

5

SE SE

01

IRRIGATION

(13) BLAINE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

RT. DECREED FROM PURDUM SLOUGH (SIDE CHANNEL OF BIG WOOD R.)

RT. NOT USED FOR AT LEAST 17 YEARS ACCORDING TO WATERMASTER.

+ - - Conditions of Approval - - - - - +

No Conditions of Approval found.

SCANNED
MAR 09 2003

MAR 01 1993

Field Exam Fee	-
Swan Falls	-
Temporary Right	- P
DLE/Carey Act	-
Water District	- 37
Transfer/Amended	-

SCANNED
MAR 09 2003

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Peter Tra CLAIM ENT. NO. A37-00862
DATE RECEIVED 26 Oct 1988 CK # 2812 AMOUNT \$ 1060.00

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES ☒ NO ☐
(b) Is a tributary to entered? (if required) N/A ☐

4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐
5. Is there a description of the diverting works? YES ☒ NO ☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES ☒ NO ☐
Is the period of use included? YES ☒ NO ☐

- Is a quantity claimed for each use? YES ☒ NO ☐
7. Is a total quantity claimed entered? YES ☒ NO ☐

8. If required is a consumptive use entered? N/A ☐
Is the consumptive use correct? N/A ☐

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. YES ☒ NO ☐

10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐

11. Is (are) the county(ies) entered? YES ☒ NO ☐

12. Is the ownership of p.u. checked? YES ☒ NO ☐

13. Are other water rights listed or "none" indicated? YES ☒ NO ☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) YES ☒ NO ☐

15. Is the basis of the claim indicated? YES ☒ NO ☐

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐

Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐

Was this claim filed on time, or was an extension granted? YES ☒ NO ☐

Is the fee enclosed correct? Exempt ☐ YES ☒

If this claim is based on an existing water right, has the identification number been entered? YES ☒ NO ☐

Should this claim be receipted and data entered? YES ☒ NO ☐

Claim checked by: RBW

Comments: Item #12 Applicant states ownership of p/n as "Part

MAR 01 1993
SCANNED
MAR 05 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

SCANNED
MAR 09 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:47
05/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00862

LAST: BROCKWAY
ADDRESS: 706 SUNRISE BLVD., NORTH
CITY: TWIN FALLS
PHONE NUMBER: 208-000-0000

FIRST: CHARLES E.

STATE: ID ZIP: 83301

OWNER CODE: R

LAST: WARR
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: A. W.

STATE: ID ZIP: 0

OWNER CODE: O

LAST: PETER TRUST, JEROME D. MACK, TRUSTEE
ADDRESS: DBA RIVER GROVE FARM
C/O E. PARRY THOMAS
P.O. BOX 642
CITY: SUN VALLEY
PHONE NUMBER: 208-622-4987

FIRST:

STATE: ID ZIP: 83353

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED
OCT 26 1994
SCANNED
MAR 11 9 2009

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
OCT 26 1994

SCANNED
MAR 19 2003

A. AJ CLAIM: # A37-00862 PRIORITY DATE: 05-01-1883 STAGE: D
B. WR RECORD: # 37-00862 PRIORITY DATE: 05-01-1883 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
05-01-1883

REVIEWED BY _____ DATE _____

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00862	02N	18E	5	NW	SE	NE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

A37-00862A

R37-00862A

37-08444

A37-07767

R37-04420

37-08446

A37-04420

R37-07767

37-08561

SOURCE: BIG WOOD RIVER
PURDUM SLOUGH

TRIB: MALAD RIVER
BIG WOOD RIVER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
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_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____

TRIB: _____

REVIEWED BY: _____

DATE: _____

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A. ROOT WATER RIGHT NUMBERS: A37-00862
A37-00862A

R37-00862

R37-00862A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	4	NW	SW		BROCKWAY , CHARLES E.	A37-00862 /40.0	37-00862 /			
						CROPPER , DAVID L.	A37-02725 /19.0	37-02725 /19.0			
						NYE , GEORGE H.	A37-11983 /	- /			
						PETER TRUST, JEROME D. MACK, TA	A37-03249 /	37-08249 /			
						HANSING , PATRICIA P.	A37-00862A / 0.6	- /			
						HANSING , PATRICIA P.	A37-08200 / 1.0	37-08200 / 1.0			
						HANSING , PATRICIA P.	A37-03217 / 0.6	37-08217 / 0.6			
						CROPPER , DAVID L.	A37-00577BS /19.0	- /			
						MC DONALD , ROBERT G.	A37-12354 /	- /			
						CROPPER , DAVID L.	A37-13018 /	- /			
						BROCKWAY , CHARLES E.	R37-00862 /40.0	- /			
						HANSING , PATRICIA P.	R37-00862A / 0.6	- /			
						CROPPER , DAVID L.	R37-02725 /19.0	- /			
						HANSING , PATRICIA P.	R37-08200 / 1.0	- /			
						HANSING , PATRICIA P.	R37-08217 / 0.6	- /			
						PETER TRUST, JEROME D. MACK, TR	A37-08249 /	- /			
						NYE , GEORGE H.	R37-11983 /	- /			
						MC DONALD , ROBERT G.	R37-12354 /	- /			
						CROPPER , DAVID L.	R37-13018 /	- /			
						SHARP , ARTHUR		37-00915 /			
						THOMAS , E. PARRY		37-08102 /			
02N	18E	4	SW	SW		BROCKWAY , CHARLES E.	A37-00862 /40.0	37-00862 /			
						CROPPER , DAVID L.	A37-02725 / 4.0	37-02725 / 4.0			
						CROPPER , DAVID L.	A37-00577BS / 4.0	- /			
						HAILEY , CITY OF	R37-00296 /	- /			
						FERIS , JAY C.	A37-12637 /	- /			
						BROCKWAY , CHARLES E.	R37-00862 /40.0	- /			
						CROPPER , DAVID L.	R37-02725 / 4.0	- /			
						FERIS , JAY C.	R37-12637 /	- /			
						CITY OF HAILEY	A37-00296 /	- /			
						CLARK , WAYNE		37-00900 /			
						SHARP , ARTHUR		37-00915 /			
						WEAVER , THOMAS N.		37-04312 / 8.0			
						WEAVER , PATRICIA A.		37-08079 / 8.0			
02N	18E	5	NE	SE		BROCKWAY , CHARLES E.	A37-00862 /40.0	37-00862 /			
						HANSING , PATRICIA P.	A37-12188 /	- /			
						HANSING , PATRICIA P.	A37-00862A / 1.4	- /			
						HANSING , PATRICIA P.	A37-08199 /	37-08199 /			
						HANSING , PATRICIA P.	A37-08200 / 2.0	37-08200 / 2.0			
						HANSING , PATRICIA P.	A37-08217 / 1.4	37-08217 / 1.4			
						BROCKWAY , CHARLES E.	A37-04420 /	37-04420 /			

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BROCKWAY , CHARLES E.	R37-00862	/40.0	-	/
HANSING , PATRICIA P.	R37-00862A	/ 1.4	-	/
BROCKWAY , CHARLES E.	R37-04420	/	-	/
HANSING , PATRICIA P.	R37-08199	/	-	/
HANSING , PATRICIA P.	R37-08200	/ 2.0	-	/
HANSING , PATRICIA P.	R37-08217	/ 1.4	-	/
HANSING , PATRICIA P.	R37-12188	/	-	/
THOMAS , E. PARRY			37-08102	/

02N 18E 5 SW SE	BROCKWAY , CHARLES E.	A37-00862	/40.0	-	/
	BROCKWAY , CHARLES E.	R37-00862	/40.0	-	/

TOTAL ACRES	A37-00862	160.00
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ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

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A. AJ CLAIMED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
A37-00862	IRRIGATION	FROM	TO		3.200 CFS
A37-00862	DOMESTIC	FROM	TO		
TOTAL DIVERSION RATE/VOLUME CLAIMED					3.200 CFS

B. WR RECORDED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
37-00862	IRRIGATION	FROM	TO		3.200 CFS
37-00862	DOMESTIC	FROM	TO		3.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED					3.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM:

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-00862	BIG WOOD RIVER	BROCKWAY , CHARLES E.	3.200	0.020		
	PURDUM SLOUGH					
A37-02725	GROUNDWATER	CROPPER , DAVID L.	1.500	0.065		
A37-08217	GROUNDWATER	HANSING , PATRICIA P.	0.260	0.130	0.50	0.25
A37-00577BS	BIG WOOD RIVER	CROPPER , DAVID L.	0.898	0.039		
R37-00862	BIG WOOD RIVER	BROCKWAY , CHARLES E.	3.200	0.020		
R37-00862A	BIG WOOD RIVER	HANSING , PATRICIA P.	0.040	0.020		
R37-02725	GROUNDWATER	CROPPER , DAVID L.	1.500	0.065		
R37-08200	GROUNDWATER	HANSING , PATRICIA P.	0.110	0.036		
R37-08217	GROUNDWATER	HANSING , PATRICIA P.	0.260	0.130	0.50	0.25
A37-12188	PURDOM SLOUGH	HANSING , PATRICIA P.	0.100			

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-00862	DOMESTIC	BROCKWAY , CHARLES E.	FROM TO		
A37-02725	STOCKWATER	CROPPER , DAVID L.	FROM 01-01 TO 12-31	.020 CFS	
A37-02725	DOMESTIC	CROPPER , DAVID L.	FROM 01-01 TO 12-31	.080 CFS	
A37-11983	DOMESTIC	NYE , GEORGE H.	FROM 01-01 TO 12-31	.040 CFS	
A37-08249	FISH PROPAGATION	PETER TRUST, JEROME D. MACK,	TFROM 07-01 TO 09-30	.980 CFS	
A37-12354	DOMESTIC	MC DONALD , ROBERT G.	FROM 01-01 TO 12-31	.040 CFS	
A37-13018	DOMESTIC	CROPPER , DAVID L.	FROM 01-01 TO 12-31	.020 CFS	

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R37-08249	FISH PROPAGATION	PETER TRUST, JEROME D. MACK, T	FROM 07-01	TO 09-30	.980 CFS	
R37-11983	DOMESTIC	NYE, GEORGE H.	FROM 01-01	TO 12-31	.040 CFS	
R37-12354	DOMESTIC	MC DONALD, ROBERT G.	FROM 01-01	TO 12-31	.040 CFS	
R37-13018	DOMESTIC	CROPPER, DAVID L.	FROM 01-01	TO 12-31	.020 CFS	
R37-00296	MUNICIPAL	HAILEY, CITY OF	FROM 01-01	TO 12-31	2.620 CFS	
A37-12637	DOMESTIC	FERIS, JAY C.	FROM 01-01	TO 12-31	.040 CFS	
A37-12637	STOCKWATER	FERIS, JAY C.	FROM 01-01	TO 12-31	.020 CFS	
R37-12637	DOMESTIC	FERIS, JAY C.	FROM 01-01	TO 12-31	.040 CFS	
R37-12637	STOCKWATER	FERIS, JAY C.	FROM 01-01	TO 12-31	.020 CFS	
A37-00296	MUNICIPAL	CITY OF HAILEY	FROM 01-01	TO 12-31	2.620 CFS	
A37-12188	DOMESTIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.060 CFS	
A37-08199	RECREATION	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
A37-08199	RECREATION STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.30 AF/A
A37-08199	AESTHETIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
A37-08199	AESTHETIC STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.30 AF/A
A37-08200	STOCKWATER	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.010 CFS	
A37-08200	DOMESTIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.040 CFS	
A37-08217	RECREATION	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
A37-08217	AESTHETIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
A37-08217	RECREATION STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.50 AF/A
A37-08217	AESTHETIC STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.50 AF/A
A37-04420	RECREATION STORAGE	BROCKWAY, CHARLES E.	FROM 01-01	TO 12-31		3.10 AF/A
A37-04420	FISH PROP. STORAGE	BROCKWAY, CHARLES E.	FROM 01-01	TO 12-31		3.10 AF/A
R37-04420	RECREATION STORAGE	BROCKWAY, CHARLES E.	FROM 01-01	TO 12-31		3.10 AF/A
R37-04420	FISH PROP. STORAGE	BROCKWAY, CHARLES E.	FROM 01-01	TO 12-31		3.10 AF/A
R37-08199	RECREATION	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
R37-08199	RECREATION STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.30 AF/A
R37-08199	AESTHETIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
R37-08199	AESTHETIC STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.30 AF/A
R37-08200	STOCKWATER	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.010 CFS	
R37-08200	DOMESTIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.040 CFS	
R37-08217	RECREATION	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
R37-08217	AESTHETIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.200 CFS	
R37-08217	RECREATION STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.50 AF/A
R37-08217	AESTHETIC STORAGE	HANSING, PATRICIA P.	FROM 01-01	TO 12-31		.50 AF/A
R37-12188	DOMESTIC	HANSING, PATRICIA P.	FROM 01-01	TO 12-31	.060 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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REVIEWED BY: _____ DATE: _____

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00862

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.200	EXAMINER _____	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-00862	3.200	R37-00862	3.200	37-00862	3.200
-	A37-00862A	0.040	R37-00862A	0.040	-	-
A37-00862	R37-00862	3.200	R37-00862	3.200	37-00862	3.200
A37-00862	R37-00862A	0.040	R37-00862A	0.040	37-00862	3.200
TOTAL CFS		6.480		6.480		3.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:47
05/28/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00862

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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