

COPY



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

In Re SRBA

Subcase No. 37-22379

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

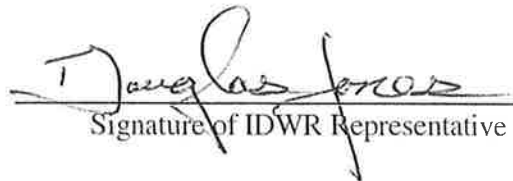
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 3/26/12


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3.27, 2012, 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

Wendy W. Chase
86 LaJara Ranch Trail
Galisteo NM 87540

James P. Speck
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

03/07/2012

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

RIGHT NUMBER: 37-22379

NAME AND ADDRESS: WENDY W CHASE
86 LA JARA RANCH TRAIL
GALISTEO NM 87540

SOURCE: LEES GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.20 AFY

PRIORITY DATE: 12/31/1969

POINT OF
DIVERSION:

T01N R18E S2 SWNENW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	01/01 12/31	0.20 AFY
Wildlife habitat in 4500 sq ft, 0.2 acre foot pond		

PLACE OF USE: WILDLIFE in BLAINE County

T01N R18E S02 Lot 3 NENW

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 - Beneficial Use



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

March 27, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WENDY W CHASE
86 LA JARA RANCH TRAIL
GALISTEO NM 87540

RE: SRBA Claim(s) 37-22379

Dear Claimant:

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

Enclosure

cc: James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



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

March 8, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WENDY W CHASE
86 LA JARA RANCH TRAIL
GALISTEO NM 87540

RE: Change of Ownership for Water Right Nos. 37-11880, 37-22379, 37-22595
Change of Ownership for Adjudication Claim No. 37-22379

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: Fritz Haemmerle, Haemmerle & Haemmerle PLLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAR 05 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-2468C	Yes ☐		Yes ☐		Yes ☐
<u>KS</u> 37-22379	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: George Peter Koss, Trustee of The George Peter Koss 2001 Revocable Trust, 4/10/2001
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Wendy W. Chase
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

86 LaJara Ranch Trial

Mailing address

Galisteo

N.M.

87540

City

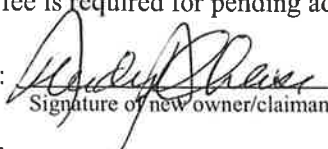
State

ZIP

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature:  Title, if applicable: _____ Date: 3-1-12

Signature: _____ Title, if applicable: _____ Date: _____

For IDWR Office Use Only:

Received by: DB Date: 3/5/2012 Receipt No. 5032396 Receipt Amt. \$100-

Approved by: _____ Processed by: _____ Date: _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Ave. North/P O Box 7999
Ketchum, ID 83340

Instrument # 591668

HAILEY, BLAINE IDAHO
10-31-2011 11:23:31 AM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - KETCHUM
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy, JB
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **391945K (mgm)**

Date: **October 27, 2011**

For Value Received, **George Peter Koss, as Trustee of The George Peter Koss 2001 Revocable Trust dated April 10, 2001, as to an undivided one-half (1/2) interest and Victoria Jane Kerr Koss, as Trustee of The Victoria Jane Kerr Koss 2001 Revocable Trust dated April 10, 2001, as to an undivided one-half (1/2) interest**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Wendy W. Chase, a single woman**, hereinafter called the Grantee, whose current address is **86 LaJara Ranch Trail, Galisteo, NM 87540**, the following described premises, situated in **Blaine County, Idaho**, to-wit:

Lot 2 in Block 1 of LEE'S GULCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 328157, records of Blaine County, Idaho.

Together with any and all water rights appurtenant thereto, including but not limited to, water rights 37-2468C and 37-22379.

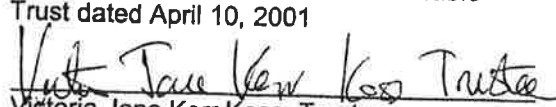
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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.

George Peter Koss, as Trustee of The
George Peter Koss 2001 Revocable Trust
dated April 10, 2001


George Peter Koss, Trustee

Victoria Jane Kerr Koss, as Trustee of The
Victoria Jane Kerr Koss 2001 Revocable
Trust dated April 10, 2001


Victoria Jane Kerr Koss, Trustee

STATE OF Idaho)
COUNTY OF Blaine)
SS.

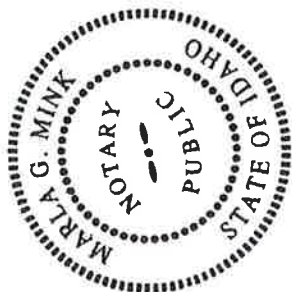
On this 28th day of October, 2011, before me, a Notary Public in and for said State, personally appeared **George Peter Koss**, known or identified to me to be the person whose name is subscribed to the within instrument as the **Trustee of George Peter Koss 2001 Revocable Trust**, and acknowledged to me that he/she/they executed the same as such **Trustee**.



STATE OF Idaho
COUNTY OF Blaine

Marla G Mink
Notary Public for the State of Idaho
Residing at: Bellevue, ID 83313
My Commission Expires: 3-2-2015

On this 28th day of October, 2011, before me, a Notary Public in and for said State, personally appeared **Victoria Jane Kerr Koss**, known or identified to me to be the person whose name is subscribed to the within instrument as the **Trustee of George Peter Koss 2001 Revocable Trust**, and acknowledged to me that he/she/they executed the same as such **Trustee**.



Marla G Mink
Notary Public for the State of Idaho
Residing at: Bellevue, ID 83313
My Commission Expires: 3-2-2015

ORIGINAL FILED

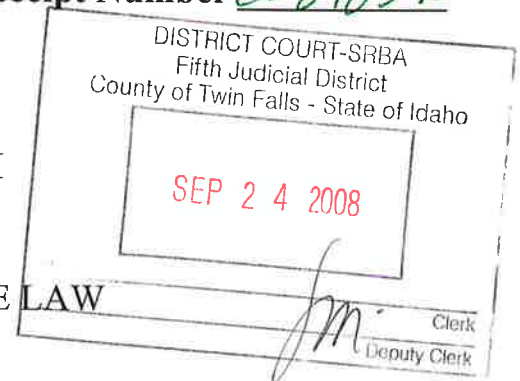
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number 37-22379
Date Received
Receipt Number CS 87852

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



1. Name of Claimant(s): G. Peter Koss, Trustee
Phone: 1-208-788-5677
Mailing Address: P. O. Box 277
Hailey, ID 83333

2. Date of Priority: 1969

3. Source of water supply (a) Lee's Gulch Creek
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
1N	18E	2		NE	NW		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: In-stream earth dam and pond.

SCANNED

DEC 23 2008

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Wildlife	January 1	December 31	1.2 AFA

7. Total Quantity Claimed: 1.2 AFA

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

9. Non-irrigation uses: Wildlife habitat

10. Place of use:

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
1N	18E	2					W												
TOTALS																			

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above?
None.

14. Remarks:

Last Name: G. Peter Koss, Trustee
notice of claim.wpd

37-22379
Ident No. _____

9/22/08

SCANNED

DEC 23 2008

15. Basis of Claim: Beneficial Use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

Date 9-22-08

State of Idaho)
) ss.
County of Blaine)

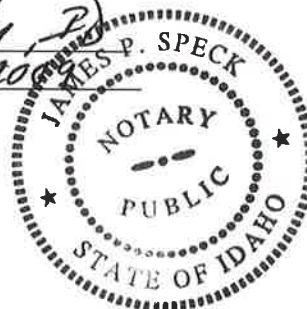
Subscribed and sworn before me this 22 day of September, 2008.

Notary Public for Idaho

Residing at

Commission Expires

Blaine County, ID
1/29/2011



Last Name: G. Peter Koss, Trustee
notice of claim.wpd

Ident No. 37-22379

9/22/08

SCANNED

DEC 23 2008

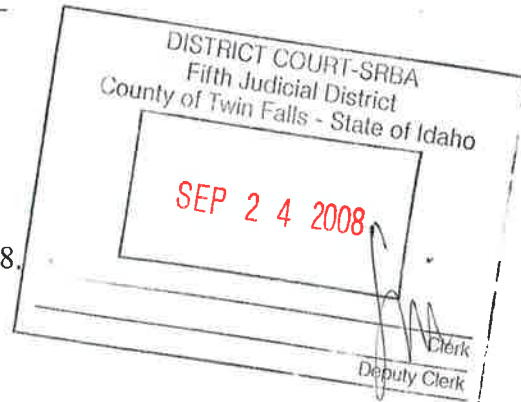
17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: _____

J. P. Speck
James P. Speck
Speck & Aanestad
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: September 22, 2008.



Last Name: G. Peter Koss, Trustee
notice of claim wpd

37-22379
Ident No. _____

9/22/08

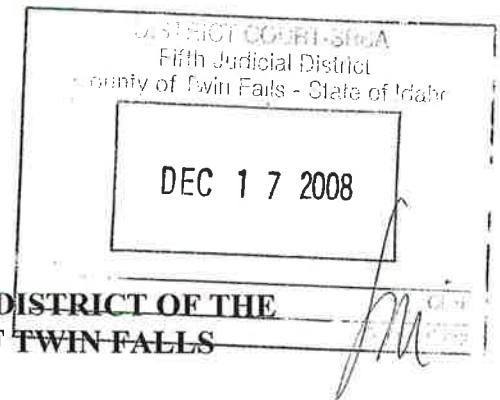
SCANNED

DEC 23 2008

RECEIVED

DEC 22 2008

Department of Water Resources
Adjudication Bureau



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

In Re SRBA

Subcase: 37-22379

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On September 24, 2008, G. Peter Koss, by and through counsel, James P. Speck, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on December 16, 2008. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated December 17, 2008.

A handwritten signature of John M. Melanson.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 17, 2008, with sufficient first-class postage to the following:

TRUSTEE G PETER KOSS

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Saxton, Craig

From: Saxton, Craig
Sent: Monday, December 01, 2008 9:38 AM
To: Spencer, Nick; Homan, John; Kelly, Vicki
Cc: Bromley, Chris
Subject: Late Claim 37-22379

Hey Everyone,

The motion to file late claim 37-22379 is set to be heard on 12-16-08. I wanted to inform you of a slight problem with the claim. For the priority date they only claimed a year (1969). They did not identify a month and day for the priority date.

Because of this, the claimed priority date has been entered into our database as **12-31-1969**.

I just thought I would pass this information on to you for the hearing.

FYI.

Craig

12/1/2008

Hea 9: 12-16-08
ORIGINAL IN RED



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 *Fees Correct*) Subcase *37-22379*
Case No. 39576) STANDARD FORM 4
) MOTION TO FILE LATE NOTICE OF CLAIM
Priority date Issue)
C. Sutton 12-1-08
INSTRUCTIONS

This form is used to file a late Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing G. Peter Koss, Trustee of the George Peter Koss Trust

My name is James P. Speck

My address is Speck & Aanestad, A Professional Corporation, PO Box 987, Ketchum, ID 83340

My phone number is 208-726-4421

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

See the Affidavit of G. Peter Koss filed together with this Motion

G I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

See the Affidavit of G. Peter Koss filed together with this Motion

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 101.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.

2. Fill in the following information:

This motion will be heard on December 16, 2008, @1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Blaine

JAMES P. SPECK, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

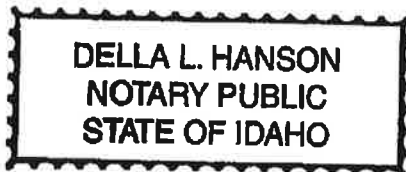
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

J-P Speck

Attorney signing in representative capacity

Subscribed and sworn to before me on September 23, 2008
(Insert Date)



Della L. Hanson
Notary Public for Idaho
Residing at: Harley
My Commission expires: 8/26/2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Sept. 23, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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:

IDWR Document Depository
PO Box 83720 Boise, ID
83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033 Boise, ID
83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

ORIGINAL FILED

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

Hearing: 12-16-08

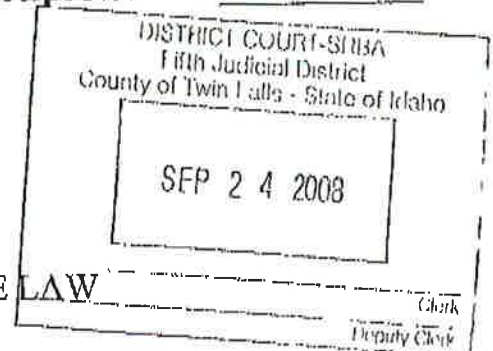
CIVIL CASE NUMBER: 39356

fees \$K
PMs PD shapes made
9-24-08

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number *37-22379*
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



1. Name of Claimant(s): G. Peter Koss, Trustee
Phone: 1-208-788-5677
Mailing Address: P. O. Box 277
Hailey, ID 83333

2. Date of Priority: 1969

3. Source of water supply (a) Leo's Gulch Creek
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

Township	Range	Section	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Lot	County
1N	18E	2		NE	NW		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: In-stream earth dam and pond.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Wildlife	January 1	December 31	1.2 AFA

7. Total Quantity Claimed: 1.2 AFA

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

9. Non-irrigation uses: Wildlife habitat

10. Place of use:

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
1N	18E	2																	
TOTALS																			

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above?
None.

14. Remarks:

Last Name: G. Peter Koss, Trustee
office of Blaine CountyIdent No. _____
09/23/08

15. Basis of Claim: Beneficial Use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

Date 9-22-08

State of Idaho)

) ss.

County of Blaine)

Subscribed and sworn before me this 22 day of September, 2008.

Notary Public for Idaho

Residing at Blaine County, ID

Commission Expires 1/29/2011



Last Name: G. Peter Koss, Trustee
notice of claim w/pd

Ident No. _____
9/22/08

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: _____


James P. Speck
Speck & Aanestad
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: _____

, 2008.

Last Name: G. Peter Koss, Trustee
notice of claim w/pt

Ident No. _____

9/22/08

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



(208) 736-2011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DATE:

9/24/08

TO:

Sally Sherman

FAX #:

208-287-6700

FROM:

Julie

RE:

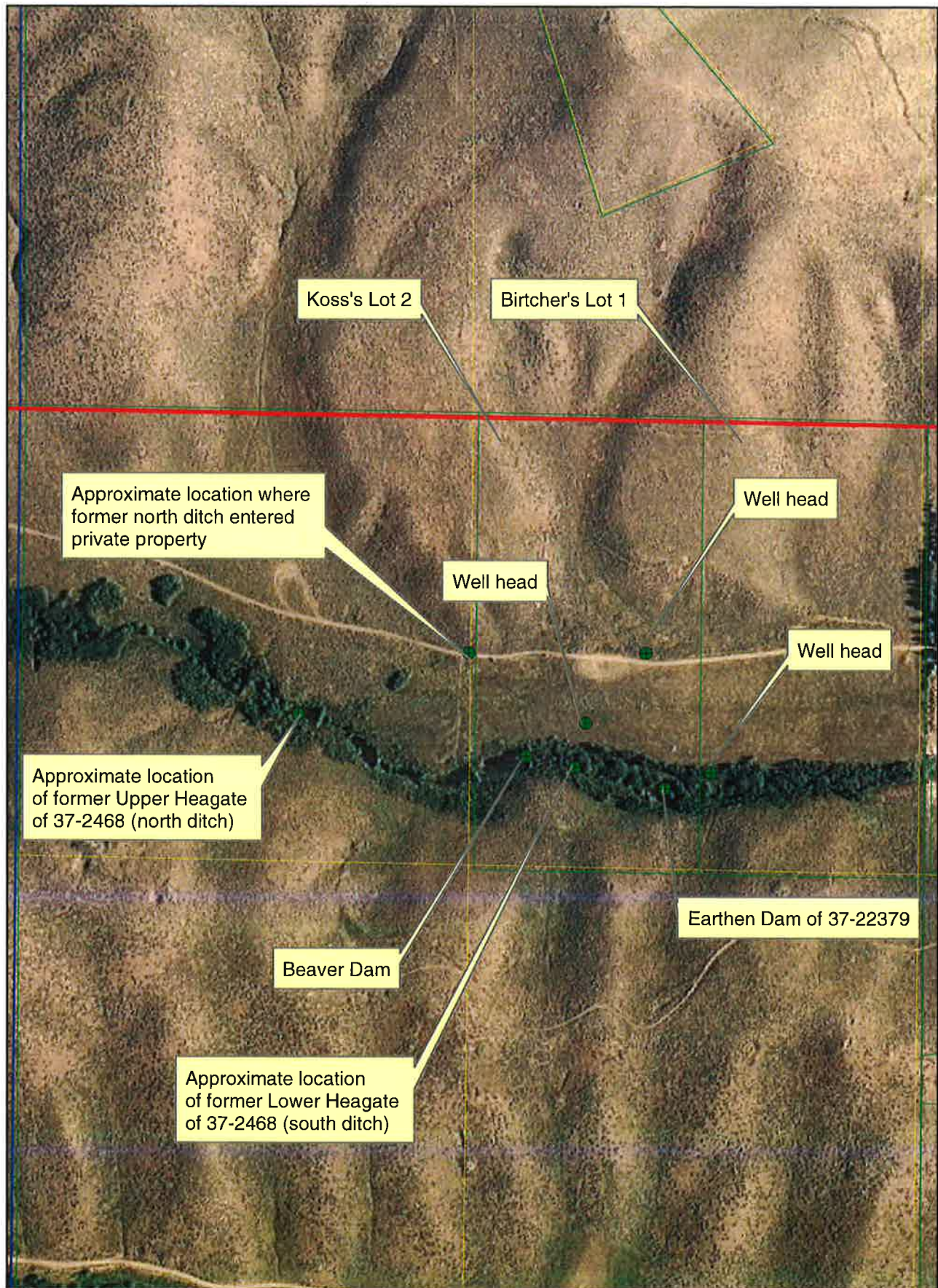
Assign Late Claim #

OF PAGES INCLUDING THIS COVER SHEET 5

MESSAGE:

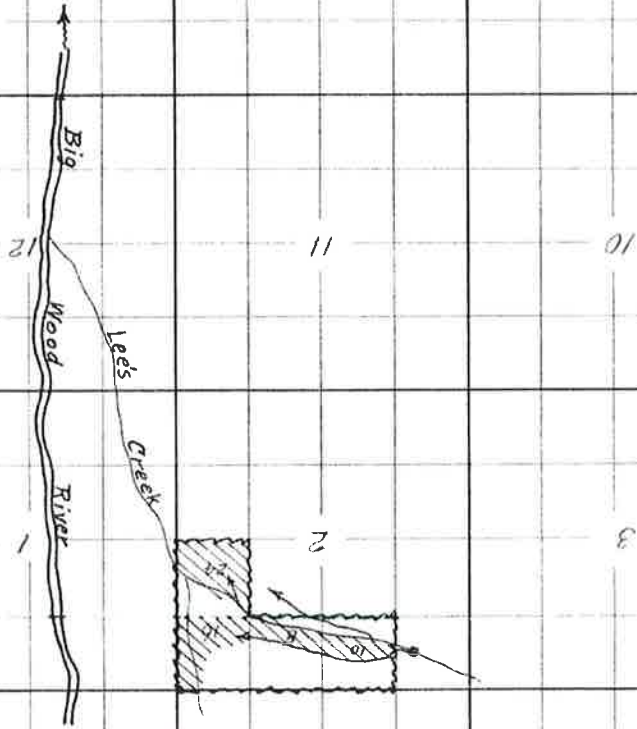
Please assign a # Thanks!

This facsimile may contain confidential information that is protected by the Idaho Court Administrative Rules. It is intended to the use of the individual(s) named above. If you are not the named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify the Court immediately by telephone to arrange the return of the transmitted documents to us. Thank you.



195-89

89A-2-15





1969



1969



1969



1969

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 37- 22379

[illegible]

not aware of this requirement as no one ever filed a claim in the SRBA or an Application for Permit for such a water right.

4. I then contacted Gerald Sherman, the original owner of the property and asked him if he built a dam and, if so, when it was built.

5. Attached as Exhibit A is a copy of Mr. Sherman's December 14, 2007, letter to me in which he states he constructed the dam in 1969. Attached as Exhibit B is a copy of a 1969 aerial photograph of my property on which Mr. Sherman identified the location of the dam.

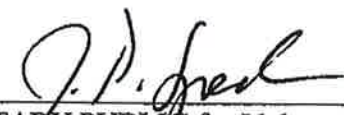
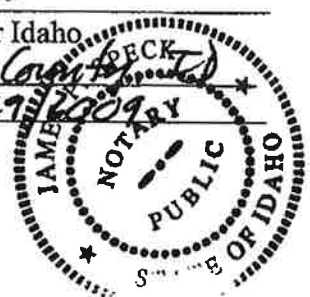
6. The pond is approximately 13,000 square feet in surface area and averages approximately four (4) feet in depth.

7. Previously claimed irrigation and domestic water rights were appurtenant to the property and transferred to me at the time I purchased it. Had I know then that a water right was required for this pond, I would have filed a claim for the water right at that time.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


G. PETER KOSS, Trustee of The
George Peter Koss Trust

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said state, this
22 day of September, 2008.


NOTARY PUBLIC for Idaho
Residing at: Blaine, Coeur d'Alene, ID
Comm. Exp: 1/29/2009


CERTIFICATE OF MAILING

I certify that on Sep 23, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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:

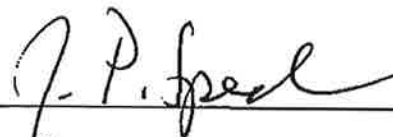
IDWR Document Depository
PO Box 83720 Boise, ID
83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033 Boise, ID
83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

14 December 2007

118 AIRSTREAM LANE
TAVERNIER, FLORIDA 33070
305-853-1081 (temporary address)

TO WHOM IT MAY CONCERN;

I, GERALD SHERMAN OWNED THE RANCH IN LEES GULCH AND ALL THE WATER RIGHTS FROM LEES GULCH CREEK. I CONSTRUCTED A DAM ON THE PROPERTY IN 1969 FOR IRRIGATION AND RECREATION OF THE PROPERTY.

I ALSO RAN A WATER PIPE FROM A DIVERSION DAM UP STREAM ¼ MILE ABOVE MY PROPERTY WITH THE APPROVAL OF THE BLM.

GERALD SHERMAN
P O BOX 188
CLARK FORK, ID 83811
208-266-1620



12-14-07

EXHIBIT "A"

1969 Lees Gulch 40 ac @ 300% copy

1
N

Barn

Don
Lott

Gulch

EXHIBIT "B"

Tim ... is what I got back from ...



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 29, 2008

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

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-22379
Your Client: G. Peter Koss

Dear Mr. Speck:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. I have enclosed receipt #C087852 for the fees your firm paid. Please retain the receipt for your records.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure:

Receipt Referenced Above

SCANNED

DEC 24 2008