

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 37-2696
Date Received: 10/5/1988
Receipt No: M001516
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES T FOLEY Phone:
1 EAST END AVE
NEW YORK NY 10021

2. Date of Priority: 05/19/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	14	NW NW SW	BLAINE	

5. Description of diverting works:

12" WELL 100' DEEP APROX. 40 HP. VERT. TURBINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	3.44	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	14	NE	SW	IRRIGATION	31
			NW	SW	IRRIGATION	31
			SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	37
			NW	SE	IRRIGATION	32
			SW	SE	IRRIGATION	12
Section Acres						173
Total Acres						173

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:

TOTAL AC. IRR. = 172.4.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 5, 2004

CHARLES T FOLEY
1 EAST END AVE
NEW YORK NY 10021

Re: SRBA Claim(s) 37-2696

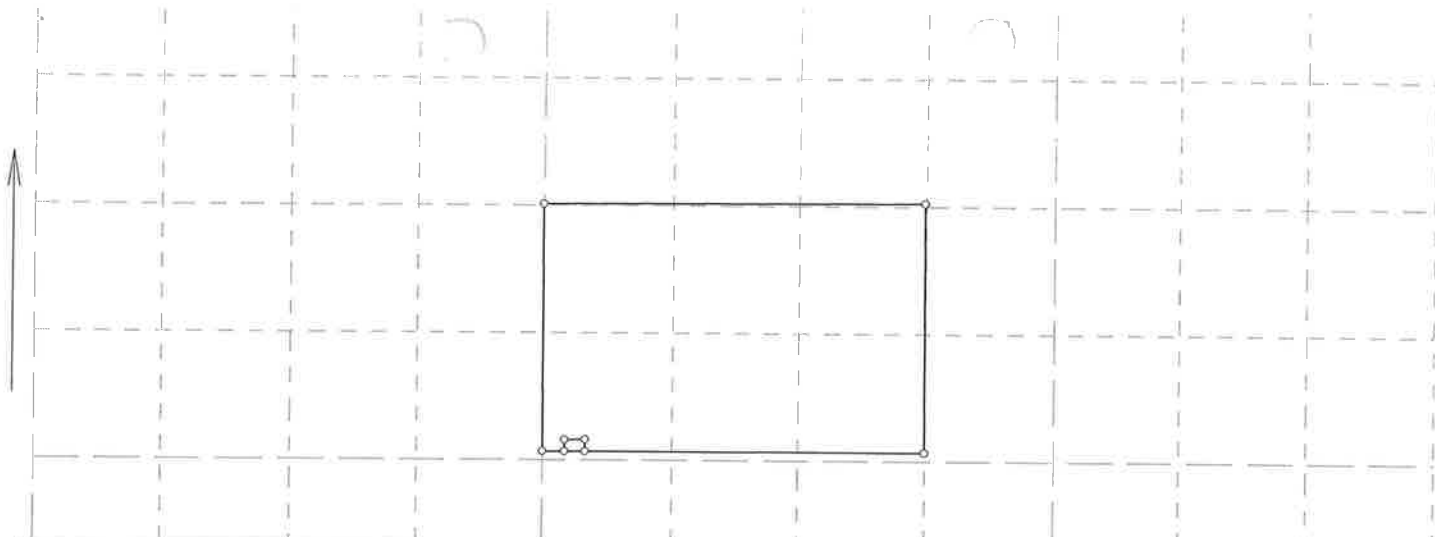
Dear Mr. Foley:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,


Trish Fawcett
Technical Records Specialist

Enc.



Title:		Date: 01-05-2004
Scale: 1 inch = 2000 feet	File:	
Tract 1: 233.349 Acres: 10164697 Sq Feet: Closure = n83.0714w 0.00 Feet: Precision >1/999999: Perimeter = 13304 Feet		
Tract 2: 0.575 Acres: 25063 Sq Feet: Closure = s15.2156w 0.00 Feet: Precision = 1/357990: Perimeter = 657 Feet		
001=/sw,14,1s,19e	007=n00.0824w 120.72	013=/n89.5904e 225.00
002=/n0.0837w 88.22	008=s89.5136w 208.00	014=n0.0824w 120.27
003=n00.0837w 2566.63	009=s00.0824e 120.27	015=n89.5136e 208.00
004=n89.4241e 3954.85	010=s89.5904w 225.00	016=s00.0824e 120.72
005=s00.1034e 2585.48	011=@0 /sw,14,1s,19e	017=s89.5904w 208.00
006=s89.5904w 3523.31	012=/n00.0837w 88.22	

FD-302a (Rev. 11-29-00)

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

RECEIVED
JAN 05 2004
Department of Water Resources
Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-2696					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

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) | CHARLES R. LARKIN
P.O. BOX 767, PICABO, IDAHO 83348 |
| 4. | New Owner/Claimant(s) | CHARLES T. FOLEY |
| | New Mailing Address | 1 East End Ave. |
| | City, State and ZIP Code | New York, N.Y. 10021 |
| | New Telephone Number | |
| 5. | Date you acquired the property | |

Form 42-240/42-1409(6) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____ X
(include title if applicable)

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ A.I. Date _____ WR _____ Date _____

EXHIBIT "A"

Page 1

07/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2896

WATER RIGHT NUMBER: 37-2896

Owner Type Name and Address
 Current Owner CHARLES R LARKIN
 PICABO, ID 83348

Priority Date: 05/19/1964

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.440 CFS	517.20 AF
	<u>Total Diversion:</u>	3.440 CFS	517.20 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SW1/4 Sec. 14, Twp 01S, Rge 19E, B.M.
 BLAINE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 19E 14									31.0	31.0	30.0	37.0		32.0	12.0		173.0

Total Acres: 173

Conditions of Approval:Remarks:

- General TOTAL AC. IRR. = 172.4.

Dates and Other Information:

Page 2

07/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2696

Dates and Other Information:

Licensed Date: 5/15/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

K268.7
3
AFTER RECORDING MAIL TO:

FIRST AMERICAN TITLE COMPANY
1500 S. WASHINGTON, SUITE B
EMMETT, IDAHO 83617

Instrument # 492029

HAILEY, BLAINE, IDAHO

2003-09-24 03:36:00 No. of Pages: 8

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN Fee: 24.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED

File No.: **4104-181304 (JA)**

Date: **August 26, 2003**

For Value Received, **LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN, AN UNMARRIED MAN, AS TO AN UNDIVIDED 1/2 INTEREST AND LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN AND PAUL BEER, TRUSTEES OF THE TRUST OF CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST,** do(es) hereby convey, release, remise, and forever quit claim unto **CHARLES T. FOLEY, a married man,** whose address is **C/O EASTABROOK CAPITAL MANAGEMENT 430 PARK AVENUE, NEW YORK, NEW YORK 10022,** the following described premises in **Blaine** County, **Idaho,** to-wit:

WATER RIGHTS AS DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

APN: **01S190141380**

together with their appurtenances.

Dated: AUGUST 26, 2003

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN, AN UNMARRIED MAN, AS TO AN UNDIVIDED 1/2 INTEREST


BY: LARRY A. NEVITT, TEMPORARY CONSERVATOR

I hereby certify this to be a true
and exact copy of the original.
FIRST AMERICAN TITLE CO.

By: 

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN AND PAUL BEER, TRUSTEES OF THE THE TRUST OF CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST

BY: LARRY A. NEVITT, TEMPORARY CONSERVATOR



BY: PAUL BEER, TRUSTEE

STATE OF

)
SS.

COUNTY OF

)

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such .

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of
Residing at: ,
My Commission Expires:

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R.
LARKIN AND PAUL BEER, TRUSTEES OF THE THE TRUST OF
CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN
DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST



BY: LARRY A. NEVITT, TEMPORARY CONSERVATOR

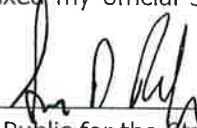
BY: PAUL BEER, TRUSTEE

STATE OF Arizona)
SS.

COUNTY OF Maricopa)

On this 28 day of August, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such .

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Arizona
Residing at: Phoenix Arizona
My Commission Expires:



Notary Public State of Arizona
Maricopa County
Greg D Rolfes
Expires June 25, 2006

STATE OF Arizona)
)
 SS.

COUNTY OF Maricopa)

On this 28 day of August, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN, TRUSTEE OF THE TRUST OF CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]

Notary Public for the State of Arizona
 Residing at: Phoenix Arizona
 My Commission Expires:



Notary Public State of Arizona
 Maricopa County
 Greg D Rolles
 Expires June 25, 2006

STATE OF)
)
 SS.

COUNTY OF)

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **PAUL BEER**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TRUSTEE** of **CHARLES R. LARKIN TRUST**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

 Notary Public for the State of
 Residing at: ,
 My Commission Expires:

STATE OF

)
SS.

COUNTY OF

)

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN, TRUSTEE OF THE TRUST OF CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such .

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of

Residing at: ,

My Commission Expires:

MICHAEL SEABORN*Barrister & Solicitor, Notary Public*

STATE OF

Box 70, 1488 Beach Drive

Port McNeill, B.C. V0N 2R0

COUNTY OF

956-3358 949-8533

On this 2 day of SEPT, 2003 before me, a Notary Public in and for said State, personally appeared **PAUL BEER**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TRUSTEE** of **CHARLES R. LARKIN TRUST**, and acknowledged to me that he/she/they executed the same as such .

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

M. Seaborn_____
Notary Public for the State of

Residing at: ,

My Commission Expires:

MICHAEL SEABORN*Barrister & Solicitor, Notary Public*

Box 70, 1488 Beach Drive

Port McNeill, B.C. V0N 2R0

956-3358 949-8533



07/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2696

WATER RIGHT NUMBER: 37-2696

Owner Type Name and Address
 Current Owner CHARLES R LARKIN
 PICABO, ID 83348

Priority Date: 05/19/1964

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.440 CFS	517.20 AF
	<u>Total Diversion:</u>	3.440 CFS	517.20 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SW1/4 Sec. 14, Twp 01S, Rge 19E, B.M.
 BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	14									31.0	31.0	30.0	37.0	32.0	12.0			173.0

Total Acres: 173

Conditions of Approval:Remarks:

- General TOTAL AC. IRR. = 172.4.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2696

Dates and Other Information:

Licensed Date: 5/15/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Date: **August 26, 2003**

File No.: **4104-181304 (JA)**

LEGAL DESCRIPTION:

Parcel I

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence
North 0°08'37" West along the West Boundary of said Section 14, 88.22 feet to the Northerly Right-of-Way of
State Highway No. 20, said point being the Real Point of Beginning, thence
North 00°08'37" West 2566.63 feet to the W1/4 of said Section 14; thence
North 89°42'41" East 3954.85 feet to the Northeast Corner of the W1/2 of the SE1/4 of said Section 14; thence
South 00°10'34" East along the Easterly Boundary of said W1/2 SE1/4, 2585.48 feet to the Northerly Right of
Way of State Highway No. 20; thence
along said Northerly Right of Way South 89°59'04" West 3523.31 feet; thence
leaving said Northerly Right of Way, North 00°08'24" West 120.72 feet; thence
South 89°51'36" West 208.00 feet; thence
South 00°08'24" East 120.27 feet to the Northerly Right of Way of State Highway No. 20; thence
along said Northerly Right of Way, South 89°59'04" West 225.00 feet to the Real Point of Beginning.

Parcel II

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence
North 00°08'37" West along the West boundary of said Section 14, 88.22 feet to the Northerly right of Way of
State Highway No. 20, thence;
North 89°59'04" East, along said Northerly Right of Way, 225.00 feet to the Real Point of Beginning, thence
North 00°08'24" West 120.27 feet; thence
North 89°51'36" East 208.00 feet; thence
South 00°08'24" East 120.72 feet to said Northerly Right of Way; thence
South 89°59'04" West along said Northerly Right of Way 208.00 feet to the Real Point of Beginning.

Initials: _____



22300

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: A37-02696
Date Received: 10/04/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. LARKIN
Address: P.O. BOX 767
PICABO, ID 83348 208-788-2823
AND/OR
Name: GIOIA B. LARKIN
Address: P.O. BOX 767
PICABO, ID 83348 208-788-2823

2. Date of Priority: MAY 19, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	14	NW	NW	SW		BLAINE

5. Description of diverting works:
12" WELL 100' DEEP APROX. 40 HP. VERT. TURBINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.440		

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

8. Total consumptive use is 431.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-02696

Page 1

Date: 10/04/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	14	NE	SW	IRR	31.0
			NW	SW	IRR	31.0
			SW	SW	IRR	30.0
			SE	SW	IRR	37.0
			NW	SE	IRR	32.0
			SW	SE	IRR	12.0

Section Acres 173.0

Total Acres 173.0

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:
DOMESTIC.

14. Remarks:
TOTAL AC. IRR. = 172.4.

15. Basis of Claim: LICENSE
Water Right Number: 31898

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): Chas. R. Larkin Date: 10-4-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Oct 19 88

John Dal Corle
Notary Public

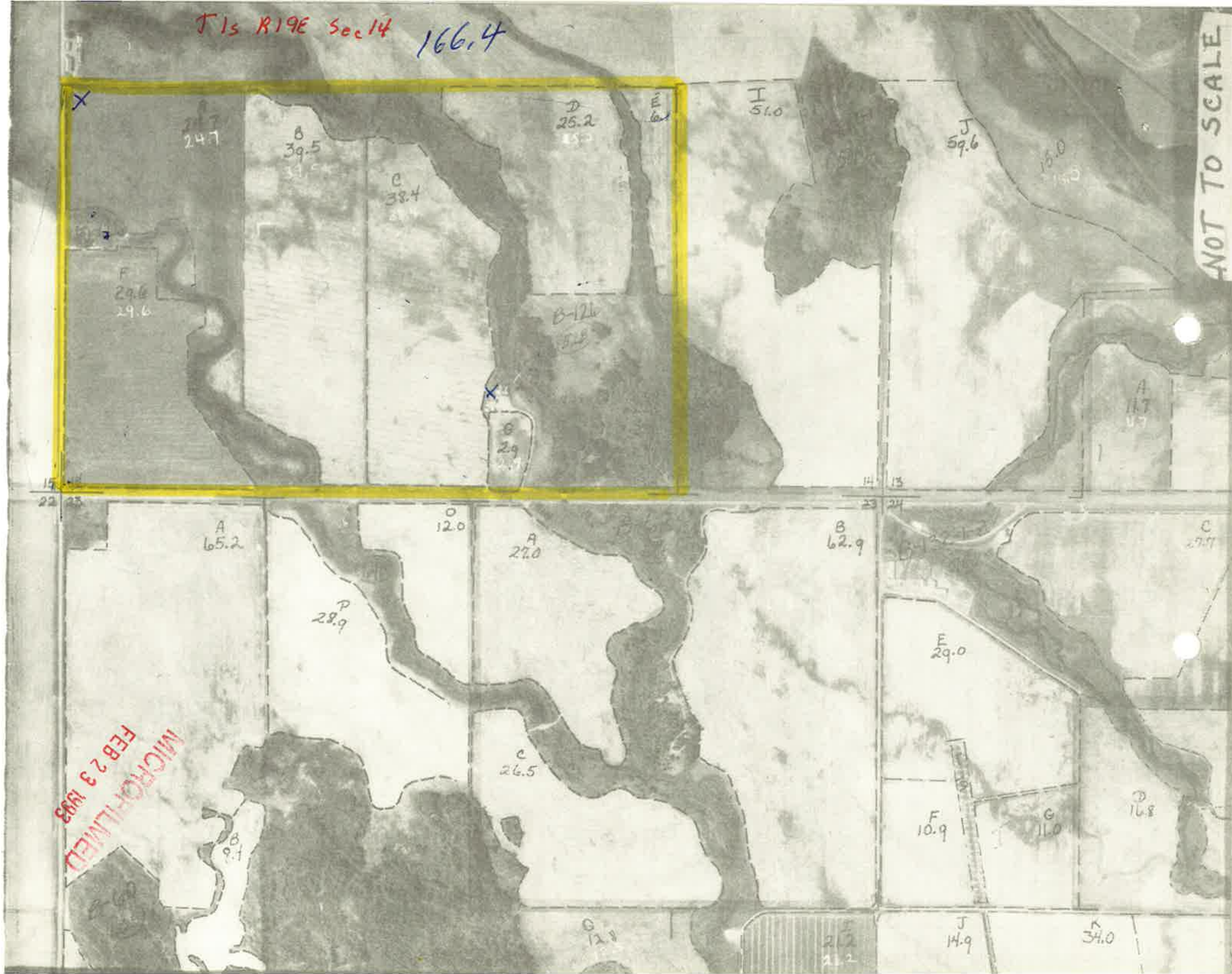
Seal

Residing at Boise Id
My Commission Expires 6/30/94

T1S R19E Sec 14

166.4

NOT TO SCALE



MICROFILMED
FEB 23 1993

COPY

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

2009 NOV 4 PM 2 50

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: 37-2696 (Split)

) 37-22453 and 37-22454

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

_____ IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership

☒ Point of Diversion

☒ Period of Use

☒ Split of Water Right

☒ Place of Use

☒ Nature of Use

_____ 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: _____

11/3/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-4, 2009, 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 W Fort St MSC 033
Boise ID 83724

Charles T. Foley
1 East End Ave Apt #12
New York NY 10075

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



Signature of person or attorney mailing the form

11/2/2009

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>
37-2696	CHARLES T FOLEY 1 EAST END AVE APT #12 NEW YORK NY 10075	Disallowed	Recommended as 37-22453 and 37-22454.

11/02/2009

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

RIGHT NUMBER: 37-22453

NAME AND ADDRESS: CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.330 CFS
586.60 AFY

PRIORITY DATE: 05/19/1964

POINT OF
DIVERSION:

T01S R19E S14 NWNWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	3.330 CFS 586.60 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S14 NESW 29.80	T01S R19E S14 NWSW	31.00
	T01S R19E S14 SWSW 28.00	T01S R19E S14 SESW	36.00
	T01S R19E S14 NWSE 31.00	T01S R19E S14 SWSE	11.80

167.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/02/2009

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

RIGHT NUMBER: 37-22454

NAME AND ADDRESS: CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.000 CFS
13.00 AFY

Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.

The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.

PRIORITY DATE: 05/19/1964

POINT OF
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	13.00 AFY
RECREATION STORAGE	01/01 12/31	13.00 AFY

PLACE OF USE:

RECREATION STORAGE in BLAINE County

T01S R19E S23 NESE

AESTHETIC STORAGE in BLAINE County

T01S R19E S23 NESE

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.



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

November 4, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHARLES FOLEY
KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

RE: SRBA Claim(s) 37-2686B, 37-7598B, 37-2696

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

State of Idaho

WATER LICENSE

Water License No. G-31898/37-2696 Priority May 19, 1964 Amount 3.44 c.f.s.

THIS IS TO CERTIFY, that CHARLES R. LARKIN
of Picabo, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 19, 1964; that Permit G-31898/37-2696 was issued pursuant
to said application; that the proposed works were completed on or about 1966
with a storage/or carrying capacity of 4.446 c.f.s., said works consisting of
well, motor, pump, concrete diversion works and earth ditches; and that on March 5, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 517.2
acre feet per season, with a maximum rate of diversion of 3.44 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 1 S, R. 19 E, B.M., and
other additional points _____, in the County of
Blaine; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 517.2 acre feet per year.

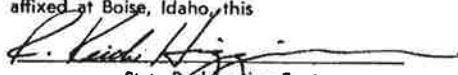
Description and location of place of use:

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 $\frac{1}{4}$	
1 S	19 E	14									30.7	31.2	30	37		32	11.5		172.4

Total number of acres irrigated 172.4

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
22nd day of January, 19 70.


State Reclamation Engineer

37 2696 37-2696
31298