

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 37-21713  
Date Received: 8/25/2005  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK D CASSON Phone: (208)788-5877  
PO BOX 595  
HAILEY ID 83333

KATJA CASSON Phone: (208)788-5877  
PO BOX 595  
HAILEY ID 83333

2. Date of Priority: 06/15/1891

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | NE SW NW              | BLAINE |      |

5. Description of diverting works:

VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.13   |            |

7. Total Quantity Appropriated is:  
0.13 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      |     |
|----------|-------|---------|------------|-----|---------------|------------|-----|
| 01N      | 19E   | 7       | NW         | SW  | 3             | IRRIGATION | 2.3 |
|          |       |         | SW         | SW  | 4             | IRRIGATION | 2.7 |
|          |       |         |            |     | Section Acres | 5          |     |
|          |       |         |            |     | Total Acres   | 5          |     |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20787.

This right is a split from former right 37-20878.

This right is a split from former right 37-21567.

Property is also known as Lot 5, Blk 4, Bellevue Farms Subdivision.

15. Basis of Claim: Decreed

**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.

1/9  
 RECEIVED  
 JAN 17 2006

Department of Water Resources  
 Southern Region

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 37-20867                     | ✓     | 0.1 CFS               |                              |       |
|                       | 37-20870                     | ✓     | 0.101 CFS             |                              |       |
|                       | 37-20872                     | ✓     | 0.006 CFS             |                              |       |
|                       | 37-20874                     | ✓     | 0.06 CFS              |                              |       |
|                       | 37-20876                     | ✓     | 0.006 CFS             |                              |       |
|                       | 37-20878                     | ✓     | 0.152 CFS             |                              |       |

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

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

OR

If your water right(s) and/or adjudication claim(s) 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) BELLEVUE FARMS HOMEOWNERS ASSOCIATION
4. New Owner/Claimant(s) MARK & KATJA CASSON  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address P.O. BOX 595
- City, State and ZIP Code HAILEY, IDAHO 83333
- New Telephone Number 208 788-5877
5. Date you acquired the property AUGUST 11, 2004

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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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*M.D. Carson* 01/13/06  
*Dalja Carson* 11/13/06

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 \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

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Order No. 54535

**WARRANTY DEED**

FOR VALUE RECEIVED

**PAUL G. JENNER and JULIA A. JENNER, husband and wife, and RICHARD SCOTT MOORE and MARY BERNADETTE MOORE, CO-TRUSTEES OF THE MOORE FAMILY TRUST DATED JULY 10, 2000**

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

**MARK D. CASSON and KATJA CASSON, husband and wife**

GRANTEE(s) whose address is: **PO BOX 595 HAILEY, IDAHO 83333**

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

**Lot 5 In Block 4 of BELLEVUE FARMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 206106, records of Blaine County, Idaho.**

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: August 8, 2004

\_\_\_\_\_  
PAUL G. JENNER

\_\_\_\_\_  
JULIA A. JENNER

**RICHARD SCOTT MOORE AND MARY BERNADETTE MOORE, CO-TRUSTEES OF THE MOORE FAMILY TRUST DATED JULY 10, 2000 .**

*Richard Scott Moore*

*Mary Bernadette Moore*

Instrument # 508586

HAILEY, BLAINE, IDAHO

2004-08-18 03:58:00 No. of Pages: 2

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

4/9

Order No. 54535

**WARRANTY DEED**

FOR VALUE RECEIVED

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**Lot 5 in Block 4 of BELLEVUE FARMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 206106, records of Blaine County, Idaho.**

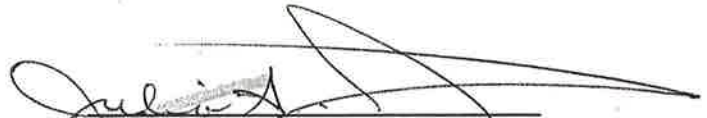
This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

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

Dated: August 12, 2004

  
PAUL G. JENNER

  
JULIA A. JENNER

**RICHARD SCOTT MOORE AND MARY BERNADETTE MOORE, CO-TRUSTEES OF THE MOORE FAMILY TRUST DATED JULY 10, 2000 .**

**RICHARD SCOTT MOORE, CO-TRUSTEE**

**MARY BERNADETTE MOORE, CO-TRUSTEE**

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PLAT SHOWING  
BELLEVUE FARMS SUBDIVISION

LOCATED WITHIN SECTIONS 7 AND 18 T.1N. R.19E., B.M.

BLAINE COUNTY, IDAHO

JULY, 1980



5/9

SAWTOOTH TITLE CO., INC.  
While this is a photographic reproduction of the  
recorded plat, the Company assumes no liability  
for variations, if any, with a re-survey.

## PLAT SHOWING

## BELLEVUE FARMS SUBDIVISION

LOCATED WITHIN SECTIONS 7 AND 18 T.1N. R.19E. BM.

BLAINE COUNTY, IDAHO

JULY, 1980

200 100 0 100 200 300 400 500 600  
SCALE IN FEET

## LEGEND

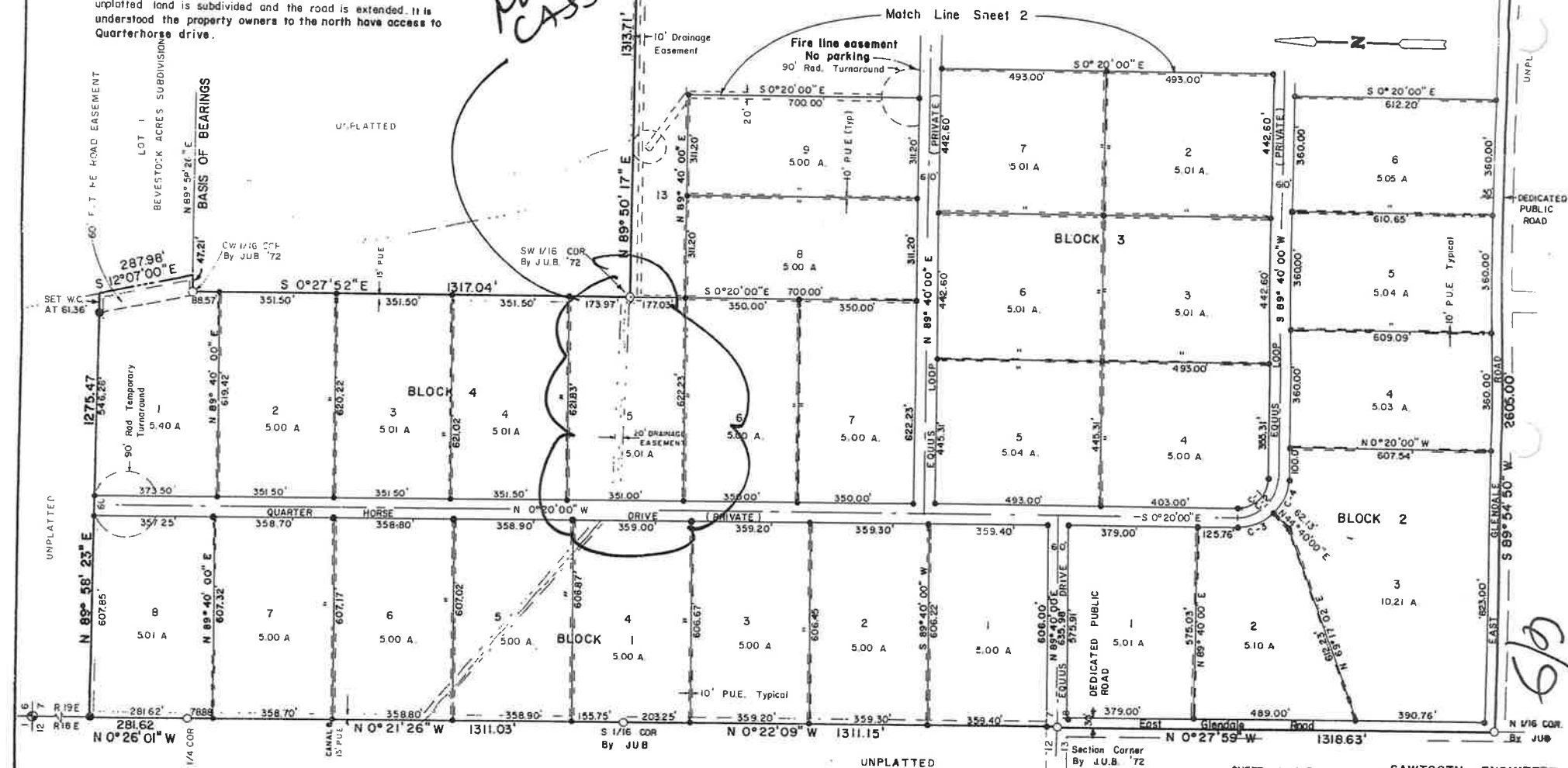
- Found 5/8" Bar  
● Set 1/2" Bar with cap No. 3621  
● Set 5/8" Bar with cap No. 3621  
● Found Brass Cap  
== Public Utility Easement (width as shown)  
& Irrigation Easement.

## NOTES

1. West Equus Drive shall be secondary access.
2. A one foot wide access-control strip at the North end of Quarter Horse Drive is reserved to be released by the Blaine County Board of Commissioners when the Northerly unplatted land is subdivided and the road is extended. It is understood the property owners to the north have access to Quarterhorse drive.

| CURVE | R      | Δ         | T      | L      | Ch     | Ch Bearing    |
|-------|--------|-----------|--------|--------|--------|---------------|
| C-1   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 | S 45°20'00" E |
| C-2   | 120.00 | "         | 120.00 | 188.50 | 169.71 | "             |
| C-3   | 150.00 | 45°00'00" | 62.13  | 117.81 | 114.81 | S 22°50'00" E |
| C-4   | "      | "         | "      | "      | "      | S 67°50'00" E |
| C-5   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 | N 44°40'00" E |
| C-6   | 120.00 | 90°00'00" | 120.00 | 188.50 | 169.71 | "             |
| C-7   | 150.00 | 45°57'07" | 63.60  | 120.50 | 117.10 | N 66°41'27" E |
| C-8   | 150.00 | 44°02'53" | 60.68  | 115.32 | 112.50 | N 21°41'27" E |
| C-9   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 | N 45°20'00" W |
| C-10  | 120.00 | "         | 120.00 | 188.50 | 169.71 | "             |
| C-11  | 150.00 | 30°33'28" | 40.98  | 80.00  | 79.06  | S 75°03'16" E |
| C-12  | 150.00 | 59°26'32" | 85.83  | 155.62 | 148.73 | S 30°03'16" E |
| C-13  | 420.00 | 30°50'00" | 15.82  | 226.02 | 223.30 | N 74°15'00" E |
| C-14  | 450.00 | "         | 24.08  | 242.16 | 239.25 | "             |
| C-15  | 480.00 | "         | 32.36  | 258.31 | 255.20 | "             |

MARK & KATJA  
CASSON



7/9  
**HAEMMERLE & HAEMMERLE, P.L.L.C.**

Attorneys & Counselors at Law

Fritz X. Haemmerle  
Jennifer L. K. Haemmerle

P. O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

January 6, 2005

Bellevue Farms Landowner

*Re: Revised Deed – Water Rights from  
Bellevue Farms Homeowners' Association*

Dear Bellevue Farms Landowner:

Per your request, please find enclosed a revised deed for water rights conveyed by the Bellevue Farms Homeowners' Association. In prior correspondence, I provided information addressing how to file a name change for the water rights that may be appurtenant to your property. I also provided some information on filing an amended claim for the water rights in the Snake River Basin Adjudication. If you have not received these documents, or if you wish that I send another copy, please contact my office.

If you have any questions, please do not hesitate to call. Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh  
Encl.

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
Fritz X. Haemmerle  
HAEMMERLE & HAEMMERLE, P.L.L.C.  
P.O. Box 1800  
Hailey, ID 83333**

**Instrument # 514543**  
**HAILEY, BLAINE, IDAHO**  
 2004-12-28 01:18:00 No. of Pages: 1  
 Recorded for : HAEMMERLE & HAEMMERLE  
**MARSHA RIEMANN** Fee: 3.00  
 Ex-Officio Recorder Deputy \_\_\_\_\_  
 Index to: WTYQCCORP DEED

(space above line for Recorder's use)

# QUITCLAIM DEED

INSTRUMENT No. \_\_\_\_\_

**FOR VALUE RECEIVED**, Bellevue Farms Landowners Association, Inc. (Grantor), does hereby convey, release, remise and forever quit claim unto Mark and Katja Casson, husband and wife (Grantee), all right, title and interest in and to any water rights appurtenant to the following real property:

Lot 5, Block 4, Bellevue Farms Subdivision, according to the official plat of record of Blaine County, State of Idaho.

DATED this 16<sup>th</sup> day of November, 2004.

**BELLEVUE FARMS, LANDOWNERS ASSOICATION, INC.**

By: Matthew Henning, President

STATE OF IDAHO, )  
 ) ss.  
County of Blaine. )

On this 16<sup>th</sup> day of November, 2004, before me, a Notary Public in and for said State, personally appeared Matthew Henning, President, Bellevue Farms Landowners Association, Inc., Grantor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Archival  
NOTARY PUBLIC for Idaho  
Residing at Blaine Co  
Commission expires 3/26/04

9/9

CLAIMS MADE BY BELLEVUE FARMS HOMEOWNERS  
ASSOCIATION

CLAIMED FOR EASTFIELD AT BELLEVUE FARMS

1. No. 37-2557Y: quantity = 0.95 cfs; priority date = 9/25/1954; purpose = irrigation of 46.9 acres
2. No. 37-11924B: quantity = 0.767 cfs; priority date = 3/24/1883; purpose = irrigation of 46.9 acres
3. No. 37-11925B: quantity = 0.046 cfs; priority date = 7/10/1884; purpose = irrigation of 46.9 acres
4. No. 37-11926B: quantity = 0.455 cfs; priority date = 9/18/1885; purpose = irrigation of 46.9 acres
5. No. 37-11927B: quantity = 0.046 cfs; priority date = 6/12/1886; purpose = irrigation of 46.9 acres
6. No. 37-11928B: quantity = 1.153 cfs; priority date = 6/15/1891; purpose = irrigation of 46.9 acres

CLAIMED FOR BELLEVUE FARMS

1. No. 37-20867: quantity = 2.63 cfs; priority = 9/25/1954; purpose = irrigation of 128.2 acres
2. No. 37-20870: quantity = 3.593 cfs; priority = 3/24/1883; purpose = irrigation of 227.1 acres
3. No. 37-20872: quantity = 0.231 cfs; priority = 7/10/1884; purpose = irrigation of 227.1 acres
4. No. 37-20874: quantity = 2.137 cfs; priority = 9/18/1885; purpose = irrigation of 227.1 acres
5. No. 37-20876: quantity = 0.213 cfs; priority = 6/12/1886; purpose = irrigation of 227.1 acres
6. No. 37-20878: quantity = 5.412 cfs; priority = 6/15/1891; purpose = irrigation of 227.1 acres

**Note:** The Bellevue Farms Homeowner's Association ("BFHOA") does not warrant that the list is all inclusive of water rights that may be appurtenant to individual lots in the Bellevue Farms Subdivision or that the list is all inclusive of rights claimed by the Association. Each lot owners is encouraged to perform their own investigation. Information regarding claims made by the Association or predecessors in interest, if any, may be accessed by going to the website for the Idaho Department of Water Resources ("IDWR") ([www.idwr.state.id.us/](http://www.idwr.state.id.us/)):

- Click "Adjudication and Water Rights Search (text based);
- Mark box "All SRBA and Water Rights";
- Click "who";
- Enter name of: (1) prior owners or (2) association to discover what water rights may have been claimed for your lot; and
- Click "search"

From  
DOLLE BAKER.

01-10-06



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

March 31, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MARK CASSON  
KATJA CASSON  
PO BOX 595  
HAILEY ID 83333

RE: Bellevue Farms Subdivision water rights

Dear Claimants:

Pursuant to the notification that you own a lot in Bellevue Farms Subdivision, the department has split the Subdivision's claims. Computer-generated copies of your portion of these claims are enclosed. Please review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

12/06/2006

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

RIGHT NUMBER: 37-21713  
NAME AND ADDRESS: MARK D CASSON  
PO BOX 595  
HAILEY ID 83333  
  
KATJA CASSON  
PO BOX 595  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER  
QUANTITY: 0.130 CFS  
PRIORITY DATE: 06/15/1891  
POINT OF DIVERSION: T02N R18E S36 NESWNW Within BLAINE County  
PURPOSE AND PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u>          | <u>QUANTITY</u> |
|---------------|------------------------------------|-------------------------------|-----------------|
|               | IRRIGATION                         | 04/15 10/31                   | 0.130 CFS       |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                               |                 |
|               | T01N R19E S07 Lot 3 NWSW 2.30      | T01N R19E S07 Lot 4 SWSW 2.70 |                 |
|               | 5 ACRES TOTAL                      |                               |                 |

Right Nos. 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 and 37-21713 are limited to the irrigation of a combined total of 5.0 acres 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-480 and 37-667.

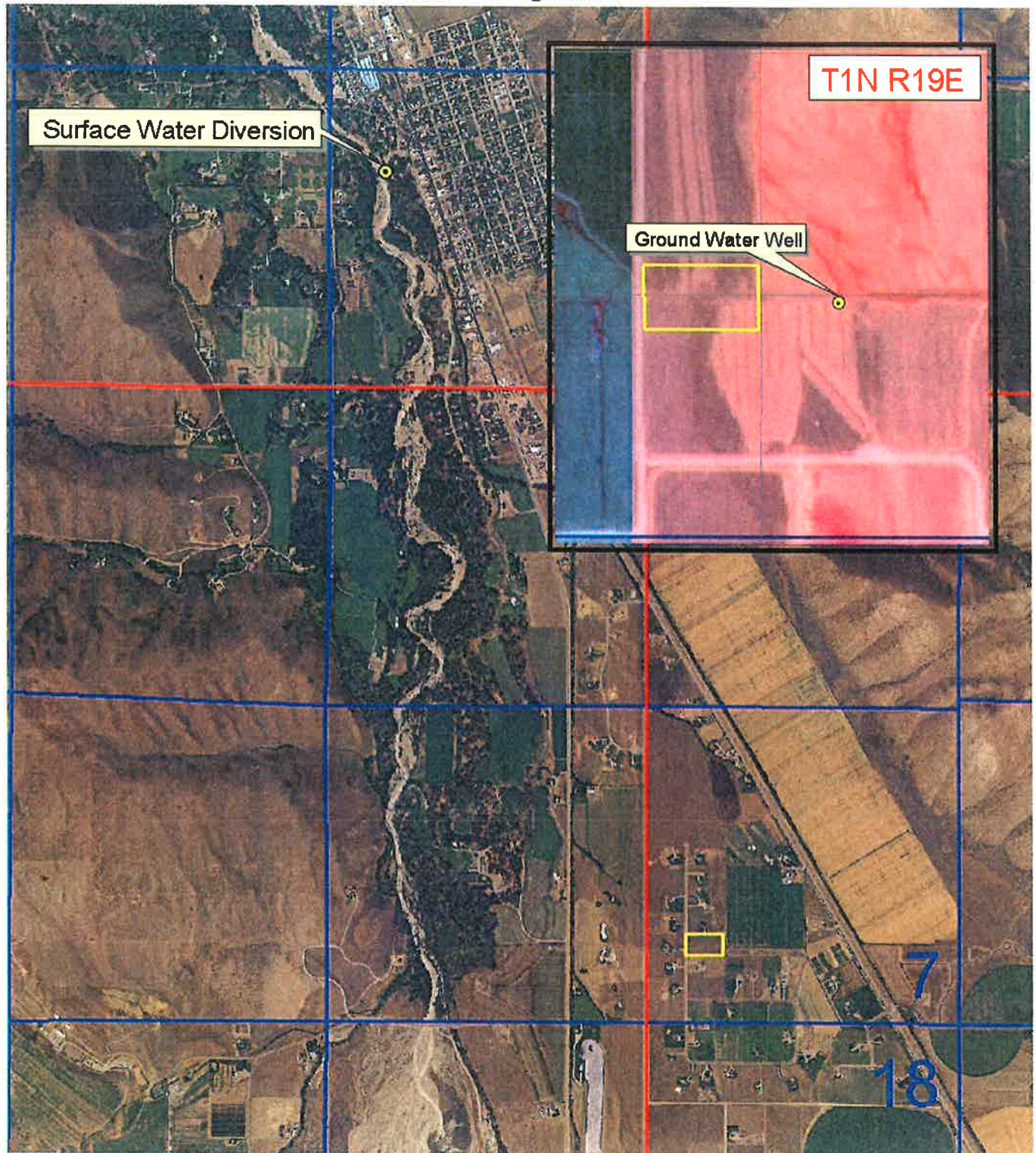
Point of diversion described above is the headgate for District 45 canal.

Property is also known as Lot 5, Blk 4, Bellevue Farms Subdivision.

# IDAHO DEPARTMENT OF WATER RESOURCES

Surface Water Rights: 37-21677, 37-21686, 37-21695,  
37-21704, 37-21713

Ground Water Right: 37-21668



-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion

1320 0 1320 Feet



GIS PLACE OF USE PRESENTATION  
PHOTOGRAPHY: 1987 NAPP  
DATA ENTRY: 11/28/2008  
TARA D BAKER