

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 37-21526
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)

GARY G FRUGARD Phone: (949)683-1642
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

JUDITH S FRUGARD Phone: (949)683-1642
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

2. Date of Priority: 07/10/1884

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	0.005	

7. Total Quantity Appropriated is:
0.005 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	18	NE	NW	IRRIGATION	5
					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 37-20766.

This right is a split from former right 37-20872.

This right is a split from former right 37-11925A.

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

15. Basis of Claim: Decreed

Claimants Names:

**Gary G. Frugard
Judith S. Frugard**

Attorney Name & Address:

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

RECEIVED
JAN 09 2006
Department of Water Resources
Southern Region

**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

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)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

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

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimants, Gary G. and Judith S. Frugard, for the following water rights which are not the subject of any subcases: 37-21511, 37-21515, 37-21526, 37-21537 and 37-21548.

DATED this 30 day of December, 2005.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 4 day of ^{Jan.} ~~December~~, 2005, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

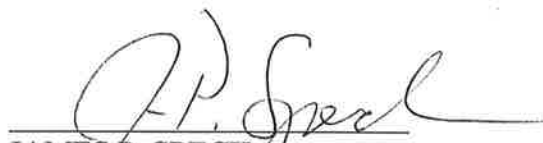
☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile

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

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile

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

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile


JAMES P. SPECK

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

RECEIVED
JAN 09 2006
 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, if the change in ownership is limited to a portion of 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
_____	37-21511	___	_____	37-21559	___
_____	37-21515	___	_____	_____	___
_____	37-21526	___	_____	_____	___
_____	37-21537	___	_____	_____	___
_____	37-21548	___	_____	_____	___

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).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit 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) Mary E. McLaughlin and Michael McLaughlin
P. O. Box 2137, Hailey, Idaho 83333
4. New Owner/Claimant(s) Gary G. Frugard and Judith S. Frugard
 Name Connector (Check one): [x] and, [] or [] and/or
- New Mailing Address 23972 Wanigan Way
- City, State and Zip Code Laguna Niguel, CA 92677
- New Telephone Number (949) 683-1642
5. Date you acquired the property December 2, 2005

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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)
(include title if applicable)

[Signature]
Gary G. Frugard

[Signature]
Judith S. Frugard

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 _____ AJ Date _____ WR _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
120 Second Avenue North
Ketchum, ID 83340

Instrument # 529557

HAILEY, BLAINE, IDAHO

2005-12-02 12:05:00 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WTP

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **138110-K (nw)**

Date: **November 08, 2005**

For Value Received, **Michael J. McLaughlin and Mary E. McLaughlin, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Gary G. Frugard and Judith S. Frugard, husband and wife**, hereinafter called the Grantee, whose current address is **23972 Wanigan Way, Laguna Niguel, CA 92677**, the following described premises, situated in **Blaine County, Idaho**, to-wit:

Lot 6 in Block 2 of BELLEVUE FARMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 206106, records of Blaine County, Idaho.

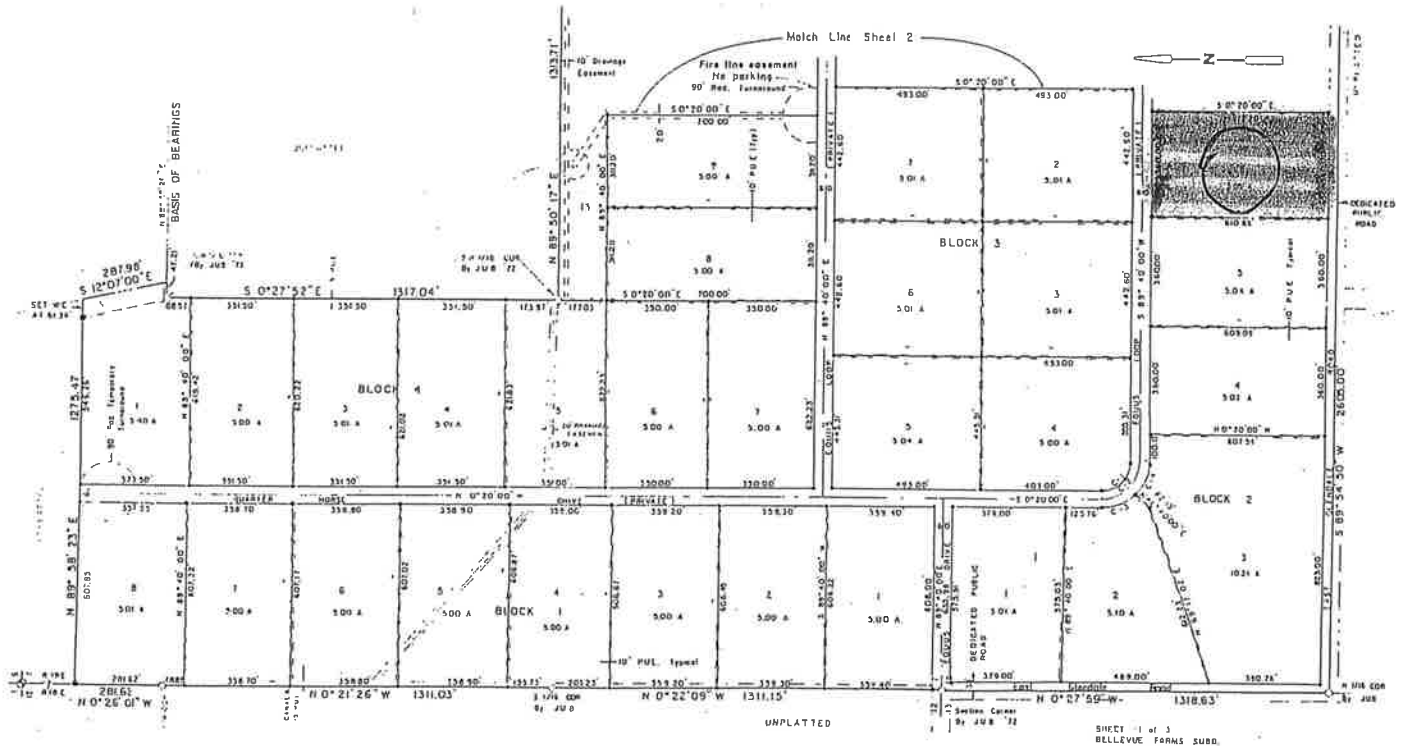
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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.

Michael J. McLaughlin
Michael J. McLaughlin

Mary E. McLaughlin
Mary E. McLaughlin

Plat Map



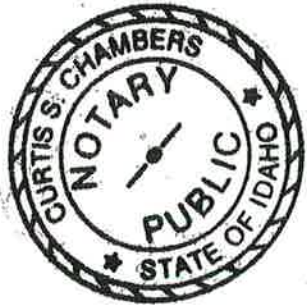
STATE OF Idaho

)
ss.

COUNTY OF Blaine

)

On this 30th day of November, in the year of 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Michael J. McLaughlin and Mary E. McLaughlin**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



A handwritten signature in cursive script, likely belonging to the notary public, Curtis S. Chambers.

Notary Public for the State of Idaho

Residing at: HANLEY

My Commission Expires: 5-15-10

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

December 30, 2005

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

RECEIVED
JAN 09 2006
Department of Water Resources
Southern Region

**Re: Gary G. and Judith S. Frugard;
Notice of Change in Water Right Ownership;
Lot 6, Block 2 Bellevue Farms Subdivision;
Our File No. 245/050189**

Dear Trish:

I represent Gary and Judy Frugard who have recently purchased Lot 6, Block 2 in Bellevue Farms Subdivision for Michael and Mary McLaughlin. Enclosed are the original and one copy each of the Notice of Change in Water Right Ownership for the six (6) SRBA claims appurtenant to that property and my firm's Notice of Appearance in the SRBA on behalf of the Frugards for these water right claims. Please receipt date-stamp the copies and return them to me in the postage pre-paid self addressed envelope I have included for that purpose. Please call me right away if there are any questions.

HAPPY NEW YEAR!!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef
Enclosures
cc: Client w/enclosures



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

March 31, 2006

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

RE: Bellevue Farms Subdivision water rights

Dear Jim:

Pursuant to the notification that your clients own a lot in Bellevue Farms Subdivision, the department has split the Subdivision's claims. Computer-generated copies of their 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.

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 37-21526
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)

MARY E MC LAUGHLIN Phone: (208)788-6155
PO BOX 2137
HAILEY ID 83333

MICHAEL MC LAUGHLIN Phone: (208)788-6155
PO BOX 2137
HAILEY ID 83333

2. Date of Priority: 07/10/1884

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	0.005	

7. Total Quantity Appropriated is:
0.005 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	18	NE	NW	IRRIGATION	5
					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 37-20766.

This right is a split from former right 37-20872 .

This right is a split from former right 37-11925A.

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

15. Basis of Claim: Decreed

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

RECEIVED
AUG 23 2005

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-20867	✓		37-20878	✓
	37-20870	✓			
	37-20872	✓			
	37-20874	✓			
	37-20876	✓			

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).
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 Landowners Association
Box 774, Bellevue Idaho 83313
4. New Owner/Claimant(s) Michael and/or Mary McLaughlin
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address Box 2137
- City, State and ZIP Code Hailey ID 83333
- New Telephone Number 208-788-6155 / 208-720-3577
5. Date you acquired the property May 87, 1994

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	Portion of rights appurtenant to Lot 6, Blk 2, Bellevue Park	
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
	Township 1N, Range 19E, Section 18 L+NE of NW (5.5 acres)	
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	_____	_____

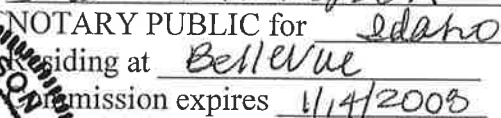
7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Michael McLaughlin
McLaughlin

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 _____



[illegible]

MAY-18-94 WED 12:40

BLAINE COUNTY TITLE

FAX NO. 208 720 8400

P.05



Order No. 94005912
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received STEVEN M. RAUCH AND KATHRYN M. RAUCH, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto *vinif.* *mm*
MICHAEL MCLAUGHLIN AND MARY E.
MCLAUGHLIN, HUSBAND AND WIFE

the Grantee whose current address is: P.O. BOX 2137, HAILEY, IDAHO 83333

the following described premises, to wit:

Lot 6 in Block 2 of BELLEVUE FARMS SUBDIVISION, according to the official
plat thereof, recorded as Instrument No. 206106, records of Blaine County,
Idaho.

BLAINE CO. REQUEST

OF **BLAINE COUNTY TITLE**

1994 MAY 27 P 3:19

366394

MARY GREEN, CLERK

FEES *3.00* *mp*

Deed

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.
Dated May 17, 1994

Stephen M. Rauch
STEVEN M. RAUCH

Kathryn M. Rauch
KATHRYN M. RAUCH

State of CALIFORNIA

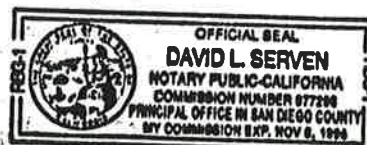
County of SAN DIEGO

On this 18 day of May, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared STEVEN M. RAUCH AND KATHRYN M. RAUCH

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

WITNESS MY HAND AND OFFICIAL SEAL.

David L. Serven
Notary Public
Residing at
Commission Expires:



RECEIVED
AUG 23 2005
Department of Water Resources
Southern Region

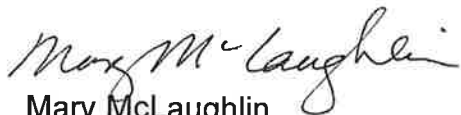
August 22, 2005

To: Kelly Christensen
From: Mary McLaughlin

Re: Water rights for Blk. 2, Lot 6 in Bellevue Farms, Blaine County, Idaho

Thank you in advance for helping us transfer our portion of water rights at Bellevue Farms into our name. If you have any questions, please call me at 208-726-3493, X110 (work) or 208-720-3577.

In a recent phone conversation, Cory in the Twin Falls office, was not only very patient and helpful, he made our complex situation understandable. We appreciate your assistance very much.


Mary McLaughlin

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JUN 22 AM 9 47

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. 37-21511, 37-21515
	)	<u>37-21526</u> , 37-21537
	)	37-21548, 37-21559
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: 6-22-07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/22, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

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



Signature of person or attorney mailing the form

06/08/2007

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

RIGHT NUMBER: 37-21511

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
17.50 AFY

PRIORITY DATE: 09/25/1954

POINT OF
DIVERSION:

T01N R19E S7 SESW 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	0.100 CFS 17.50 AFY
<u>PLACE OF USE: IRRIGATION in BLAINE County</u>		
T01N R19E S18	NENW 5.00	
5 ACRES TOTAL		

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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 - License

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

This right is a split from former right 37-2557.

06/08/2007

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

RIGHT NUMBER: 37-21515

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.080 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S18

NENW 5.00

5 ACRES TOTAL

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

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

This right is a split from former right 37-577.

06/08/2007

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

RIGHT NUMBER: 37-21526

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.005 CFS

PRIORITY DATE: 07/10/1884

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.005 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S18

NENW 5.00

5 ACRES TOTAL

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and
37-21559 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

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

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

This right is a split from former right 37-664.

06/08/2007

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

RIGHT NUMBER: 37-21537

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 09/18/1885

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	0.050 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R19E S18	NENW 5.00	

5 ACRES TOTAL

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

This right is a split from former right 37-298.

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

06/08/2007

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

RIGHT NUMBER: 37-21548

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.005 CFS

PRIORITY DATE: 06/12/1886

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.005 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S18

NENW

5.00

5 ACRES TOTAL

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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 37-666.

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

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

06/08/2007

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

RIGHT NUMBER: 37-21559

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

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 S18	NENW 5.00	
	5 ACRES TOTAL		

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

June 22, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

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

RE: SRBA Claim(s) 37-21511, 37-21515, 37-21526, 37-21537,
37-21548, 37-21559

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

Enclosure

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

RECEIVED
 JUN 06 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-21511				
	37-21515				
	37-21526				
	37-21537				
	37-21548				
	37-21559				

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) Gary G. Frugard and Judith S. Frugard

23972 Wanigan Way, Laguna Niguel, CA 92677

4. New Owner/Claimant(s) Gary G. Frugard and Judith S. Frugard, or their successors, Trustees of the Gary and Judith Frugard Trust

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

New Mailing Address 23972 Wanigan Way

City, State and ZIP Code Laguna Niguel, California 92677

New Telephone Number (949) 683-1642

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

**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340**

Instrument # 546421

HAILEY, BLAINE, IDAHO
2007-04-06 01:12:00 No. of Pages: 2
Recorded for : SPECK & AANESTAD
JOLYNN DRAGE Fee: 6.00
Ex-Officio Recorder Deputy *mjd*
Index to: WTY/QC/CORP DEED

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, GARY G. FRUGARD and JUDITH S. FRUGARD, husband and wife ("Grantors"), hereby grant, bargain, sell and convey unto GARY G. FRUGARD AND JUDITH S. FRUGARD, or their successors, Trustees of the GARY AND JUDITH FRUGARD TRUST, under declaration of trust dated March 30, 1989 ("Grantee"), that certain real property situated in Blaine County, Idaho and described as follows;

Lot 6 in Block 2 of BELLEVUE FARMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 206106, records or Blaine County, Idaho.

SUBJECT TO easements and restrictions of record.

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

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 22ND day of MARCH, 2007.

Gary G. Frugard

GARY G. FRUGARD

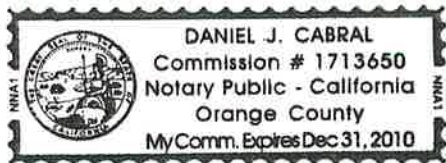
Judith S. Frugard

JUDITH S. FRUGARD

CALIFORNIA
STATE OF ~~IDAHO~~^{DC})
ORANGE : ss.
County of ~~Blaine~~^{DC})

On this 22ND day of MARCH, 2007, before me, the undersigned notary public in and for said state, personally appeared GARY G. FRUGARD, ~~known~~ identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

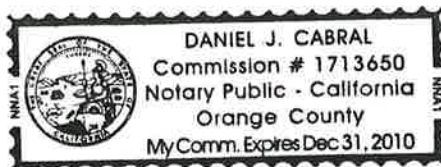


D.J. Cabral
Notary Public for ORANGE COUNTY, CALIFORNIA
Residing at: 32545 B. GOLDEN LANTERN, DANA POINT, CA 92652
Commission expires: 12/31/10

CALIFORNIA
STATE OF ~~IDAHO~~^{DC})
ORANGE : ss.
County of ~~Blaine~~^{DC})

On this 22ND day of MARCH, 2007, before me, the undersigned notary public in and for said state, personally appeared JUDITH S. FRUGARD, ~~known~~ identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



D.J. Cabral
Notary Public for ORANGE COUNTY, CA
Residing at: 32545 B. GOLDEN LANTERN, DANA POINT, CA 92652
Commission expires: 12/31/10

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

June 5, 2007

RECEIVED
JUN 6 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

**Re: Gary G Frugard and Judith S. Frugard;
Water Rights: 37-21511, 37-21515, 7-21526, 37-21537, 37-21548 and 37-21559**

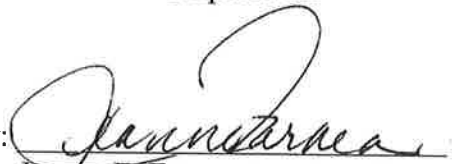
Dear Trish:

Enclosed are an original and one copy of a Notice of Change in Water Right ownership. Please receipt date-stamp the copies and return them to me in the postage pre-paid self addressed envelope I have included for that purpose. Please call our office right away if there are any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jeanne E. Farnea, Legal Assistant

Enclosures

cc: Client (w/encl.)

12/06/2006

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

RIGHT NUMBER: 37-21526

NAME AND ADDRESS: GARY G FRUGARD
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

JUDITH S FRUGARD
23972 WANIGAN WAY
LAGUNA NIGUEL CA 92677

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.005 CFS

PRIORITY DATE: 07/10/1884

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	0.005 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R19E S18	NENW 5.00	
	5 ACRES TOTAL		

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and 37-21559 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

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

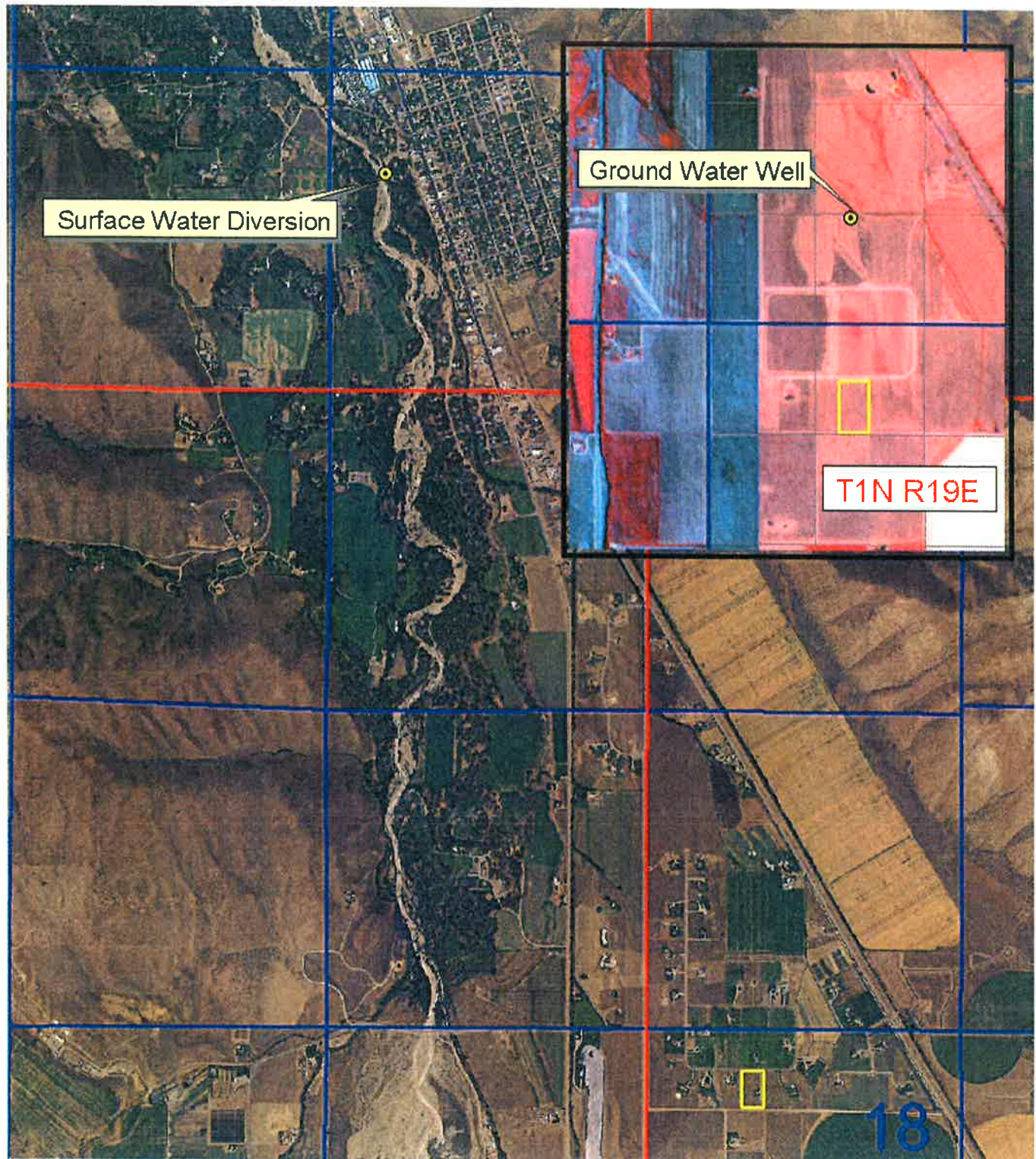
Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

This right is a split from former right 37-664.

IDAHO DEPARTMENT OF WATER RESOURCES

Surface Water Rights: 37-21515, 37-21526, 37-21537,
37-21548, 37-21559

Ground Water Rights: 37-21511



- 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