

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 37-20768
Date Received: 8/28/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PETER ZACK SEWELL Phone: (208)788-4784
PO BOX 3175
HAILEY ID 83333

LORI SEWELL Phone: (208)788-4784
PO BOX 3175
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	0.006	

7. Total Quantity Appropriated is:
0.006 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	NW	NW	1	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:

PROPERTY IS ALSO KNOWN AS LOT 4, BLK 3, BELLEVUE FARMS SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-11925A.

15. Basis of Claim: Decreed

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

RECEIVED

JUN 24 1999

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) Lot 4 in Block 3 of
BELLEVUE FARMS SUBDIVISION
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Michael McCarthy
P. O. Box 6683, Ketchum, ID 83340
4. New Owner/Claimant(s) Peter Zach Sewell and Lori Sewell
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P. O. Box 3175
City, State and ZIP Code Hailey, ID 83333
New Telephone Number (208) 788-4784
5. Date you acquired the property June 18, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Peter Zach Sewell Date 6-15-99
Lori Sewell Date 6-15-99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

FOR VALUE RECEIVED

LOUIS FISHER, a married man, as his sole and separate property, as to an undivided 4/9ths interest, MICHAEL MCCARTHY and SUSAN M. MCCARTHY, husband and wife, as to an undivided 4/9ths interest, and ERNEST V. DARQUEA, an unmarried man, as to an undivided 1/9th interest, as tenants in common

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

PETER ZACH SEWELL and LORI SEWELL, husband and wife

GRANTEE(s) whose address is: PO Box 3175, Hailey, ID 83333

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

Lot 4 in Block 3 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: May 25, 1999

LOUIS FISHER


ERNEST V. DARQUEA

MICHAEL MCCARTHY

SUSAN M. MCCARTHY

State of Idaho }
County of Blaine } ss.

On this _____ day of June, in the year 1999, before me, the undersigned, personally appeared MICHAEL MCCARTHY and SUSAN M. MCCARTHY known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public
Commission Expires:

State of California

County of

}
} ss.
}

On this _____ day of June, in the year 1999, before me, the undersigned, personally appeared LOUIS FISHER known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

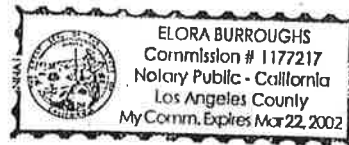
Notary Public

Commission Expires:

State of California

County of LOS ANGELES

}
} ss.
}



On this 15th day of June, in the year 1999, before me, the undersigned, personally appeared ERNEST V. DARQUEA known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Elora Burroughs
Notary Public
Commission Expires: Mar 22, 2002

WARRANTY DEED

FOR VALUE RECEIVED

LOUIS FISHER, a married man, as his sole and separate property, as to an undivided 4/9ths interest, MICHAEL MCCARTHY and SUSAN M. MCCARTHY, husband and wife, as to an undivided 4/9ths interest, and ERNEST V. DARQUEA, an unmarried man, as to an undivided 1/9th interest, as tenants in common

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

PETER ZACH SEWELL and LORI SEWELL, husband and wife

GRANTEE(s) whose address is: PO Box 3175, Halley, ID 83333

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

Lot 4 in Block 3 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: May 25, 1999

Louis Fisher
LOUIS FISHER

Michael McCarthy
MICHAEL MCCARTHY

Ernest V. Darquea
ERNEST V. DARQUEA

Susan M. McCarthy
SUSAN M. MCCARTHY

State of Idaho

County of Blaine

)
)ss.
)

On this 17th day of June, in the year 1999, before me, the undersigned, personally appeared MICHAEL MCCARTHY and SUSAN M. MCCARTHY known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Nancy A. Woldberg
Notary Public
Commission Expires: 9-7-99

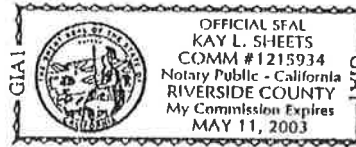


State of California)
County of Riverside) ss.

On this 15 day of June, in the year 1999, before me, the undersigned, personally appeared LOUIS FISHER known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Kay L. Sheets
Notary Public
Commission Expires May 11, 2003



State of California)
County of) ss.

On this _____ day of June, in the year 1999, before me, the undersigned, personally appeared ERNEST V. DARQUEA known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public
Commission Expires:



June 18, 1999

RECEIVED

JUN 24 1999

Department of Water Resources
Southern Region

IDWR Southern Region
222 Shoshone St. East
Twin Falls, ID 83301-6105

Re: Order No. 25272

Lot 4 in Block 3 - Bellevue Farms Subdivision
Sewell/Fisher-McCarthy-Darquea

Dear Ladies and Gentlemen:

Please find attached are copies of the following document(s):

* Warranty Deed's and Change of Ownership.

Thank you for using Sawtooth Title Company and please remember to designate our company in your next title or escrow closing transaction.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Nancy A. Woldberg
Escrow Officer

naw

Attachment(s)

12/06/2006

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

RIGHT NUMBER: 37-20768

NAME AND ADDRESS: PETER ZACK SEWELL
PO BOX 3175
HAILEY ID 83333

LORI SEWELL
PO BOX 3175
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.006 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

0.006 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S18 Lot 1 NWNW 5.00

5 ACRES TOTAL

Right Nos. 37-20756, 37-20761, 37-20768, 37-20775, 37-20782 and 37-20789 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 4, BLK 3, BELLEVUE FARMS
SUBDIVISION.

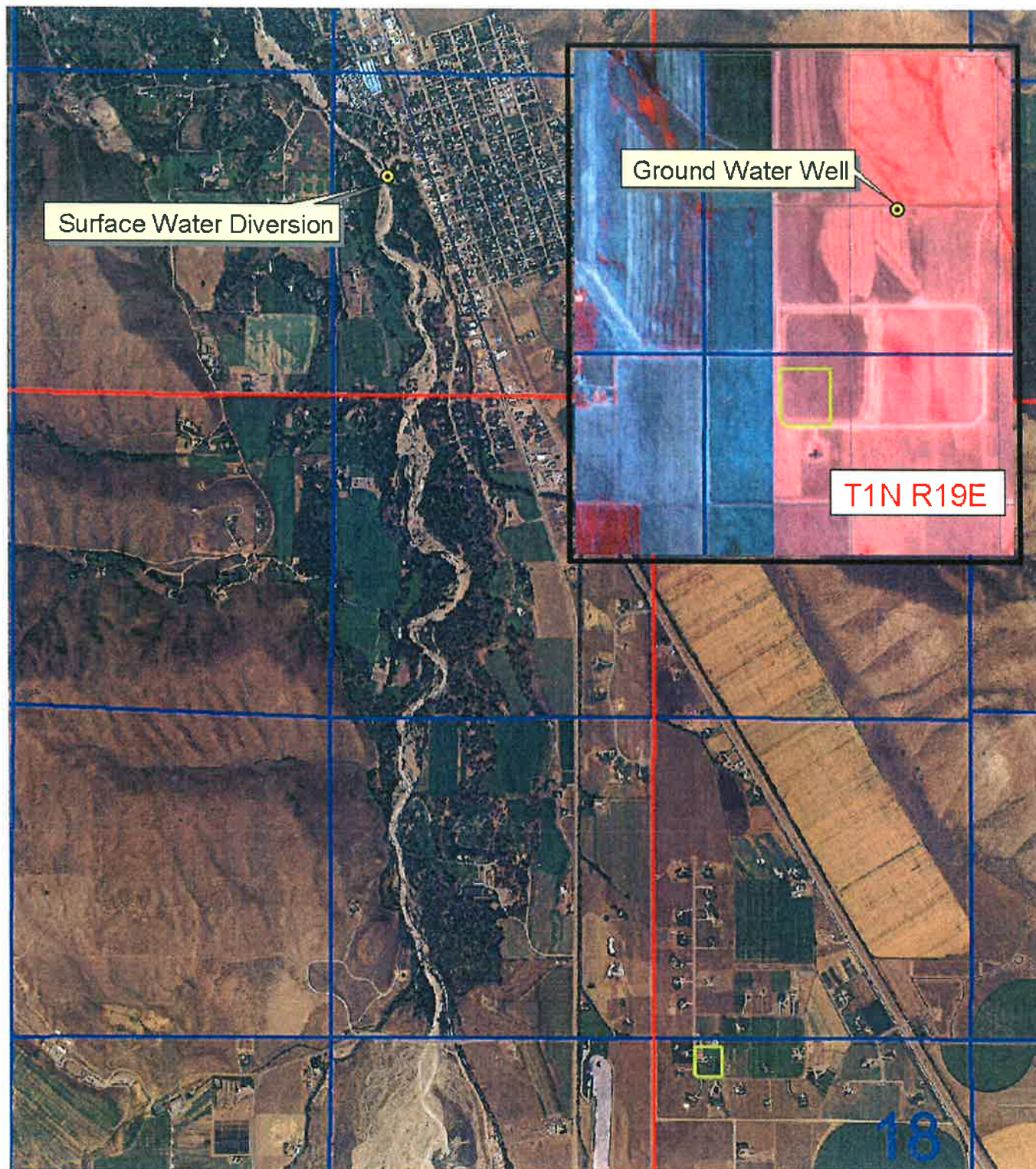
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-664.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Surface Water Rights: 37-20761, 37-20768, 37-20775,
37-20782, 37-20789

Ground Water Rights: 37-20756



-  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: 11/28/2006
TARA D BAKER

Claimants Name:

Peter Zack Sewell and Lori Sewell

RECEIVED

AUG 20 2004

Department of Water Resources
Southern Region

Attorney Name & Address:

**James P. Speck
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752**

ORIGINAL IN RED

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

In Re SRBA

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 right claims identified below.

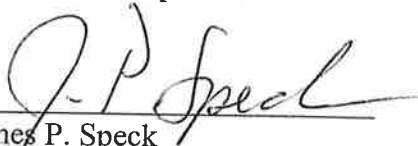
NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimants, Peter Zack Sewell and Lori Sewell, for the following claimed water rights which are not the subject of any subcase: 37-20756, 37-20761, 37-20768, 37-20775, 37-20782 and 37-20789.

DATED this 16 day of August, 2004.

SPECK & AANESTAD
A Professional Corporation

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of August, 2004, 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, with copy by United States Mail, Postage Prepaid

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, with copy by United States Mail, Postage Prepaid

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

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

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

August 16, 2004

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

RECEIVED

AUG 20 2004

Department of Water Resources
Southern Region

**Re: Peter and Lori Sewell;
Notice of Appearance**

Dear Doug:

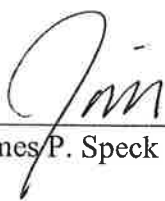
I represent the above-referenced Claimants who have recently acquired real property along with the appurtenant water rights. Enclosed you will find an original and one copy of a Notice of Appearance. Please file the original, file-stamp the copy and return it to my office in the envelope provided for that purpose.

Please call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS/jef

Enclosure

cc: Office of the Attorney General w/encl.
U.S. Dept. of Justice w/encl.
Idaho Dept. Of Water Resources, Boise, w/encl.