

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
AUG 01 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-01312B	Yes ☐		Yes ☐		Yes ☐
31-00537A	Yes ☐		Yes ☐		Yes ☐
31-00538A	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Candida C. Forstmann Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): John A. Burke
Name of each new owner as listed on the conveyance document
- New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 201
Mailing address
- Ketchum ID 83340
City State ZIP
- 208-720-6312 stoneye@hollandhall.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: June 28, 2011

6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: John A. Burke July 26, 2012
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 8-1-2012 Receipt No. 5032704 Receipt Amt. \$75-

Approved by _____ Processed by _____ Date _____

ORIGINAL IN RED

Terry G. Hogue, Esq.
HOGUE & DUNLAP, L.L.P.
Post Office Box 460
Hailey, Idaho 83333

Instrument # 589165
HAILEY, BLAINE, IDAHO
7-20-2011 03:49:10 No. of Pages: 2
Recorded for : HOGUE & DUNLAP, LLP
JOLYNN DRAGE Fee: 13.00
Ex-Officio Recorder Deputy
Index to MISC DEEDS

(Space above line for Recorder's use - to be returned to above address)

CO-TRUSTEES' DEED

THIS DEED, made by JOHN A. BURKE and ANTHONY GIAMMALVA, as Successor Co-Trustees of the CANDIDA C. FORSTMANN 2010 REVOCABLE TRUST, hereinafter collectively referred to as "Grantors," is to convey any and all interest in certain improved real property hereinafter described to JOHN A. BURKE of Post Office Box 201, Ketchum, Idaho 83340 hereinafter referred to as "Grantee."

WHEREAS, CANDIDA C. FORSTMANN, the initial Trustee of the CANDIDA C. FORSTMANN 2010 REVOCABLE TRUST, died on December 16, 2010; and

WHEREAS, Grantors are the Successor Co-Trustees of said Trust.

THEREFORE, to fulfill the testamentary terms of the CANDIDA C. FORSTMANN 2010 REVOCABLE TRUST, Grantors convey to Grantee any and all interest in the following described improved real property, subject to any incumbrances thereon, located in Blaine County, Idaho:

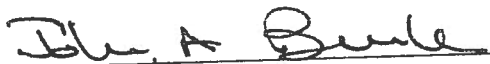
Lots 1 and 2, of a Replat of Blocks 43, 44, 47, 48 and Blocks 17 and 18 vacated Broadford Township, as recorded Instrument Number 354841, records of Blaine County, Idaho.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainder, rights-of-way, and water rights in anywise appertaining to the property herein described;

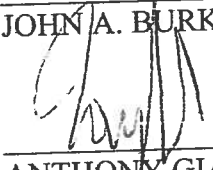
TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto Grantee, and to Grantee's heirs and assigns forever.

GRANTORS:

DATED this 28 day of June, 2011.


JOHN A. BURKE, Successor Co-Trustee

DATED this 29 day of June, 2011.


ANTHONY GIAMVALLA, Successor Co-Trustee

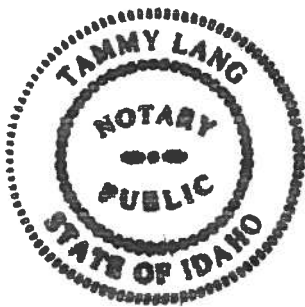
STATE OF IDAHO)

County of Blaine)

ss.

On this 28 day of June, 2011, before me, the undersigned notary public in and for said state, personally appeared JOHN A. BURKE, Successor Co-Trustee of the CANDIDA C. FORSTMANN 2010 REVOCABLE TRUST, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as such Successor Co-Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tammy Lang - Tammy Lang
Notary Public for Idaho
Residing at: Blaine County
Comm. expires: 130-2014

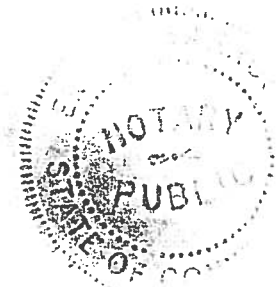
STATE OF CONNECTICUT)

County of Fairfield)

ss.

On this 29th day of June, 2011, before me, the undersigned notary public in and for said state, personally appeared ANTHONY GIAMVALLA, Successor Co-Trustee of the CANDIDA C. FORSTMANN 2010 REVOCABLE TRUST, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as such Successor Co-Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Emica Barrios
Notary Public for Connecticut
Residing at: Shelton, CT
Comm. expires: 12/31/2012



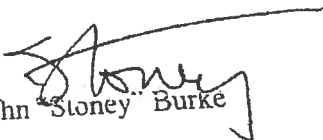
Shelly Keen
Idaho Department of Water Resources
P.O. box 83720
Boise, ID 83707

Dear Shelly,

As per our conversation this morning, I'm enclosing herewith the request to give a more exact location regarding Point of Diversion and Place of Beneficial Use regarding groundwater right 37-7312B and surface water rights 37-537A and 37-538A. To this end, I'm enclosing a plat map of the property these rights are appurtenant to.

Also enclosed is a copy of I.D.W.R.'s Notice of Claim dated August 7, 2006. Note the language regarding 2 points of diversion on lots #1 & #2 Broadford Townsite, this more accurately reflects the Points of Diversion & Place of Beneficial Use. This is a small addition. However, I think we should add this language. Call me to confirm.

Thank you,


John Stoney Burke

DENVER
COLORADO
P.O. Box 1000
Denver, CO 80202
Tel: 303.556.1234
Fax: 303.556.1235

SUN VALLEY
IDAHO
P.O. Box 1000
Sun Valley, ID 83350
Tel: 208.333.1234
Fax: 208.333.1235

BILLINGS
MONTANA
P.O. Box 1000
Billings, MT 59102
Tel: 406.333.1234
Fax: 406.333.1235

BOZEMAN
MONTANA
P.O. Box 1000
Bozeman, MT 59717
Tel: 406.333.1234
Fax: 406.333.1235

MISSOULA
MONTANA
P.O. Box 1000
Missoula, MT 59802
Tel: 406.333.1234
Fax: 406.333.1235

NORTH PLATTE
NEBRASKA
P.O. Box 1515
North Platte, NE 68901
Tel: 402.333.1234
Fax: 402.333.1235

JACKSON
WYOMING
P.O. Box 1000
Jackson, WY 83001
Tel: 307.333.1234
Fax: 307.333.1235

WEB SITE
www.hallandhall.com

EMAIL
info@hallandhall.com

11/21/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-7312B

CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340
Telephone Number: (208)726-7260

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use $\frac{1}{2}$ Point of diversion

2. Describe the changes you wish to make in the proposed recommendation:

Add: lots 1 and 2, Block 1 UAcate
Broadford Township

3. Give a brief explanation as to why you disagree with these portions:

Provides more exact location

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/1/06

SIGNATURE:

John A. Burke

Please print your name:

John A. Burke

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/21/2006

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

RIGHT NUMBER: 37-7312B
NAME AND ADDRESS: CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340

SOURCE: GROUND WATER
QUANTITY: 0.200 CFS
45.90 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/02/1973

POINT OF DIVERSION: T02N R18E S26 SWSW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/15 10/15

QUANTITY
0.200 CFS
45.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County
T02N R18E S26 NWSW 1.10 T02N R18E S26 SWSW 12.00

* 13.1 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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total

rate

of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Bradford Townsite.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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 37-7312B
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANDIDA C FORSTMANN Phone: (208)726-7260
PO BOX 201
KETCHUM ID 83340

2. Date of Priority: 11/02/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	45.9

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 45.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Place of use:							
Township	Range	Section	1/4 of 1/4 Lot		Use	Acres	
02N	18E	26	NW	SW	IRRIGATION	1.1	
			SW	SW	IRRIGATION	12	
			Section Acres				13.1
			Total Acres				13.1

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 when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

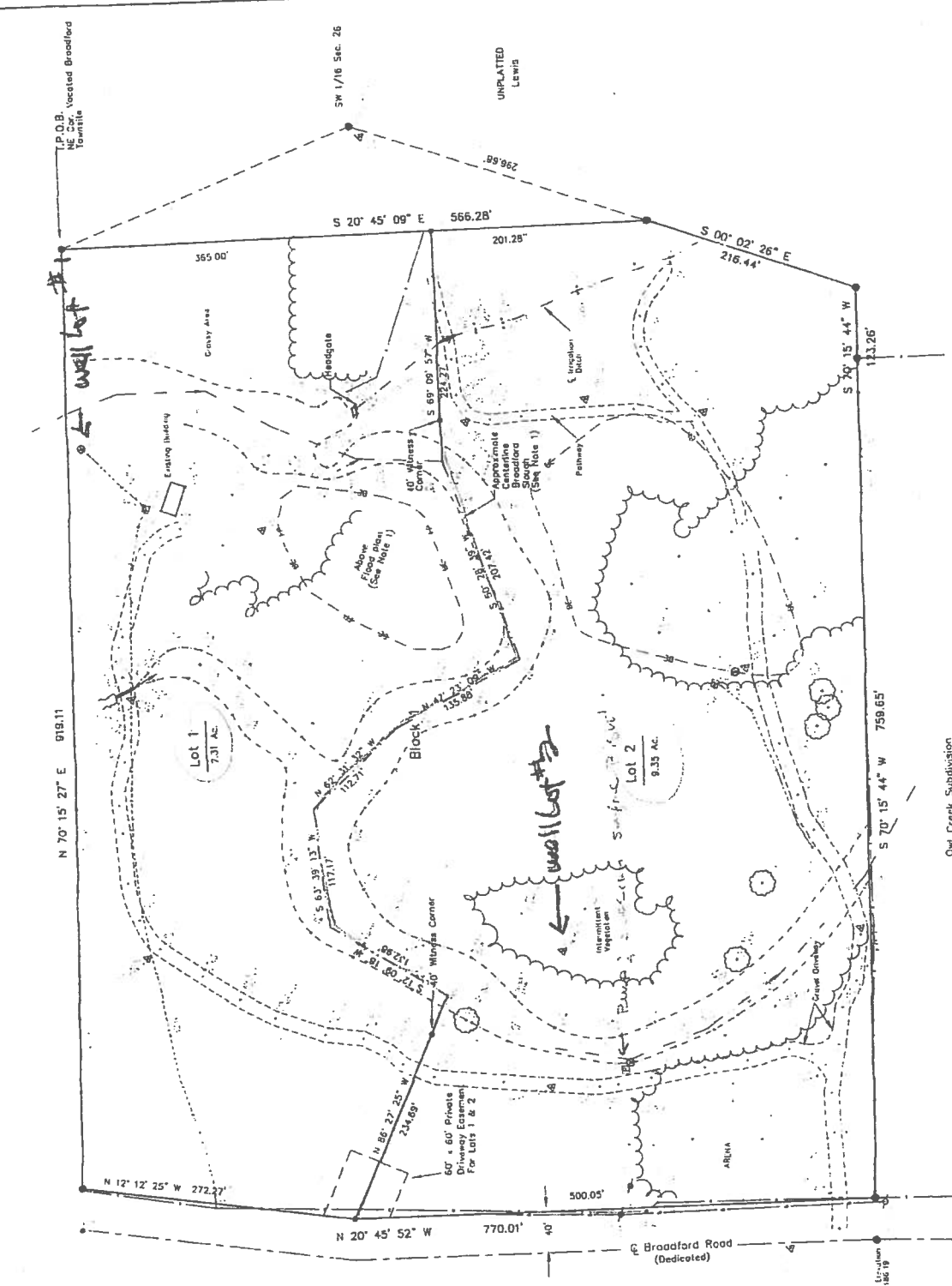
Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

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

15. Basis of Claim: License



P.O.B.
E Cor. Voted Bradford
Cawnsile

UNPLATTED
LEWIS

LOTS 1 & 2, BLK 1, VACATED BROADFORD TOWNSITE
A SITE PLAN SHOWING
WITHIN S26, T24N., R18E., B.M. BLAINE COUNTY, IDAHO
PREPARED FOR CANDY FORSTMANN

06/05/11	19
1470	AB 03-0051

REUSE OF DRAWINGS

Land Surveyors
1 Avenue North
205

Galena	Civil Engineers & Architects 680 So. Main P.O. Box 4 Galena, Ill.
--------	--

REASON	and EQW information
--------	---------------------

[illegible]