

RECEIVED

MAR 19 2010

JUN 13 2011

Water Supply Bank No. _____
(For Department Use Only)

RECEIVED

DEPARTMENT OF IDAHO
WATER RESOURCES

**MAR 19 2010 APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Starweather Subd. Property Owners Assoc. Inc. Phone (208) 726-5657

Mailing address P.O. Box 254, Ketchum, ID 83340 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-496D</u>	<u>all</u>	_____	_____ to _____
<u>and</u>	_____	_____	_____ to _____
<u>37-497A</u>	<u>all</u>	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

- Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
- Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Mizer Ditch - flood irrigation

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

None

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe. _____

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒?

If Lease, for a period from _____ to _____ OR Indefinite ☒

(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

[Signature]
Signature of Applicant

Fritz Schafer, President
Printed Name and Title*

3/17/10
Date

[Signature]
Signature of Applicant

Printed Name and Title*

6-9-11
Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

2009 DEC 21 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00496D

RECEIVED
DEC 23 2009
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: STARWEATHER SUBD PROPERTY
OWNERS ASSN INC
PO BOX 254
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.82 CFS

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION: T03N R18E S18 SENENE Within Blaine County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 1.82 CFS

PLACE OF USE: Irrigation Within Blaine County
T03N R18E S20 NENW 2.0 NWNW 4.0
SWNW 1.0 SENW 8.0
NESW 15.0
30.0 Acres Total

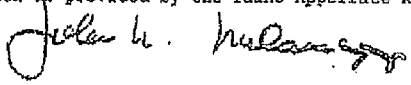
Right Nos. 37-496D and 37-437A are limited to the irrigation of
a combined total of 30 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

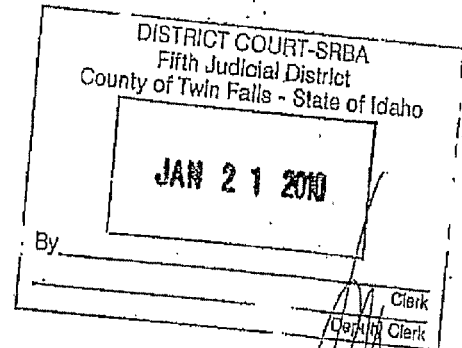
RECEIVED
JAN 25 2010

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00497A



NAME AND ADDRESS: STARWEATHER SUBD PROPERTY
OWNERS ASSN INC
PO BOX 254
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY; MALAD RIVER

QUANTITY: 0.937 CFS

PRIORITY DATE: 07/01/1892

POINT OF DIVERSION: T03N R18E S18 NENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	0.937 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T03N R18E S20	NENW 2.0 SWNW 1.0 NESW 15.0	NENW 4.0 SESW 8.0
30.0 Acres Total		

Right Nos. 37-496C and 37-497A are limited to the irrigation of
a combined total of 30.0 acres in a single irrigation season.

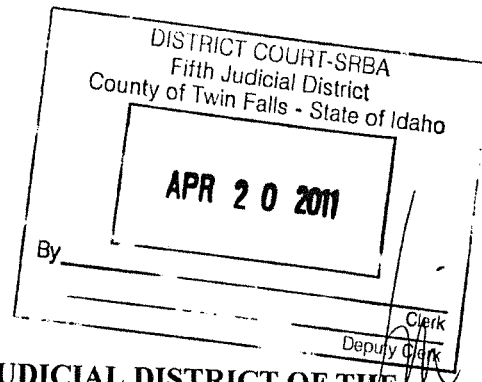
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



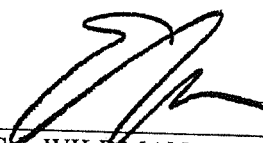
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SUBCASE NO. 37-00497A
	)	
Case No. 39576	)	ORDER OF AMENDED PARTIAL DECREE
	)	TO CORRECT CLERICAL ERROR;
	)	I.R.C.P. 60(a)
	)	

On January 21, 2010, a *Partial Decree* was issued for the above-captioned water right. On January 6, 2011, this Court received correspondence from the Idaho Department of Water Resources describing a clerical error in the *Partial Decree* for this water right. This Court filed a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* on January 6, 2011. Said hearing was held on April 19, 2011, and no objections were filed.

Therefore, IT IS ORDERED pursuant to I.R.C.P. 60(a) that the above-captioned water right be amended as set forth in the attached *Amended Partial Decree*. The previously issued *Partial Decree* is superseded thereby.

DATED: April 20, 2011.

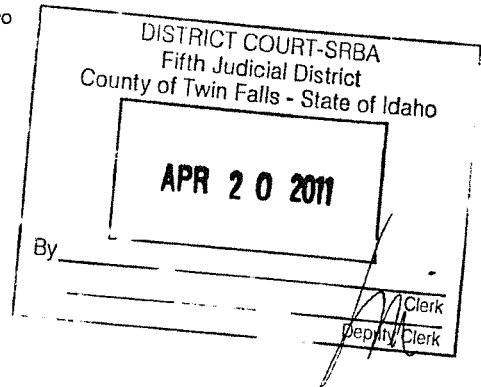


ERIC J. WILKMAN
Presiding Judge
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 37-00497A



NAME AND ADDRESS: STARWEATHER SUBD PROPERTY
OWNERS ASSN INC
PO BOX 254
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.937 CFS

PRIORITY DATE: 07/01/1892

POINT OF DIVERSION: T03N R18E S18 NENE Within Blaine County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.937 CFS

PLACE OF USE: Irrigation Within Blaine County
T03N R18E S20
NENW 2.0 NWNW 4.0
SWNW 1.0 SENW 8.0
NESW 15.0
30.0 Acres Total

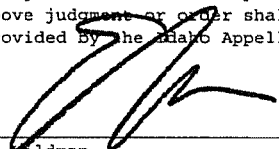
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a combined total of 30.0 acres in a single irrigation season.

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on April 20, 2011, with sufficient first-class postage to the following:

STARWEATHER SUBD PROPERTY
OWNERS ASSN INC
PO BOX 254
KETCHUM, ID 83340
Phone: 208-726-5657

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

ORDER

Page 1 4/20/11

FILE COPY FOR 01840

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".