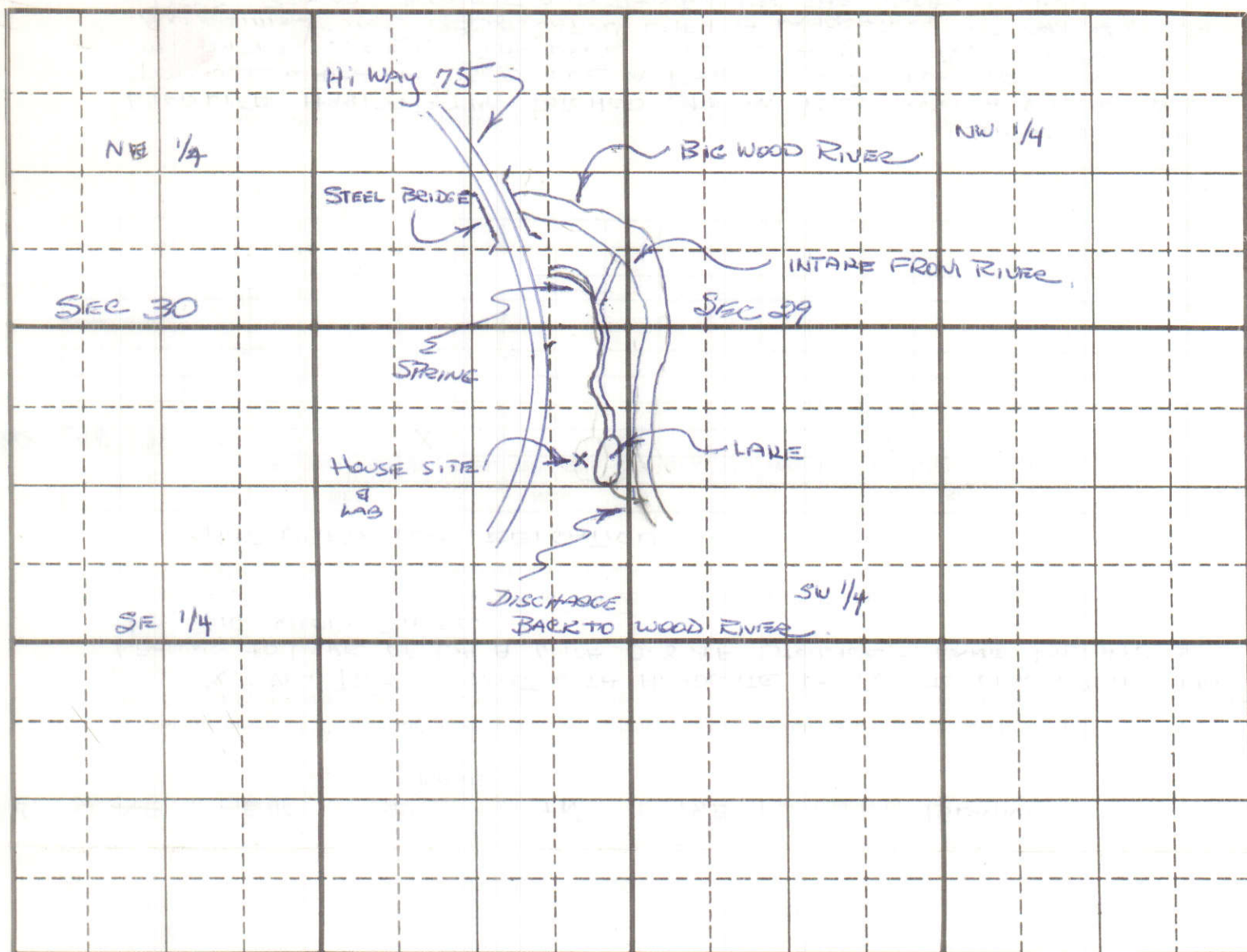


(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 CITING  
PATENT DATED JULY 19, 1893 S. N. A. R. I. D. # 79569 & 79116  
DATED JUNE 22, 1939 TO FASSETT AS RECORDED IN C. OF BLAINE  
DEED BOOK 145 P. 39 AND P. 68



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
 County of BLAINE )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

HELEN M. FASSETT.

Robert A. Montgomery ATTORNEY IN FACT

(Claimant)

Sworn to before me this 27 day of October, 1982

Robert A. Montgomery  
 Notary Public  
 Residing at Hailey

My commission expires Life term

FOR DEPARTMENT USE ONLY

Received by mary Date 10/29/82 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
 Prelim. check by md Date 11-9-82 claimant by: \_\_\_\_\_  
 \$20.00 fee received by mary Date 10/29/82 #23820  
 Published in Wood River Journal  
 Dates 11/25 & 12/02/82 12/2 & 12/9/82

# AFFIDAVI. of PUBLICATION

State of Idaho, }  
County of Blaine } SS.

Gordon O.blastman, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of December, 1982, and the date of the last publication was on the 9 day of December, 1982.

Subscribed and sworn to before me this 9th

day of December, 1982  
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

## COST OF PUBLICATION

Numer of Picas per Line 13  
Number of Lines in Notice 32  
Number of Insertions 2

Lines tabular at \_\_\_\_\_ 4¢ / Pica  
32 Lines straight at 12.48 3¢ / Pica  
32 Subsequent lines at 8.32 2¢ / Pica

TOTAL COST 20.80

## COPY OF NOTICE

(Paste Here)

# 37-4265

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources  
1041 Blue Lakes Blvd N TF

### NOTICE OF CLAIM TO WATER RIGHT

NOTICE IS HEREBY GIVEN, That the following claim to water right has been established by diversion and application to beneficial use:

**37-4265**

FASSETT, HELEN M.  
Box 273

Sun Valley, Idaho 83353

Source: BIG WOOD RIVER

tributary to MALAD RIVER

Priority Date: 01/01/1939

Amount: 4.00 CFS

Diversion Point: SENE Sec 30 T 04N  
R 18E, BLAINE CO.

Use: WILDLIFE (4.00 CFS) from 01/01  
to 12/31

Place of Use: SENE Sec 30 T 04N R  
18E

Diversion Means: PIPE CULVERT,  
HEADGATE, DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301.

A. KENNETH DUNN  
Director

Publish: Wood River Journal--  
December 2 & 9, 1982.

(Idaho Code, Rev. Statutes 1980)

|                                           |           |
|-------------------------------------------|-----------|
| 7-8 pt. per line, straight                | 3¢ / Pica |
| 7-8 pt. per line, tabular                 | 4¢ / Pica |
| 7-8 pt. per line successive<br>insertions | 2¢ / Pica |

RECEIVED

NOV 17 1982

Department of Water Resources  
Southern District Office



EXHIBIT B

MICROFILMED  
MAR 27 2002

EXHIBIT C

MAR 27 2002

MICROFILMED



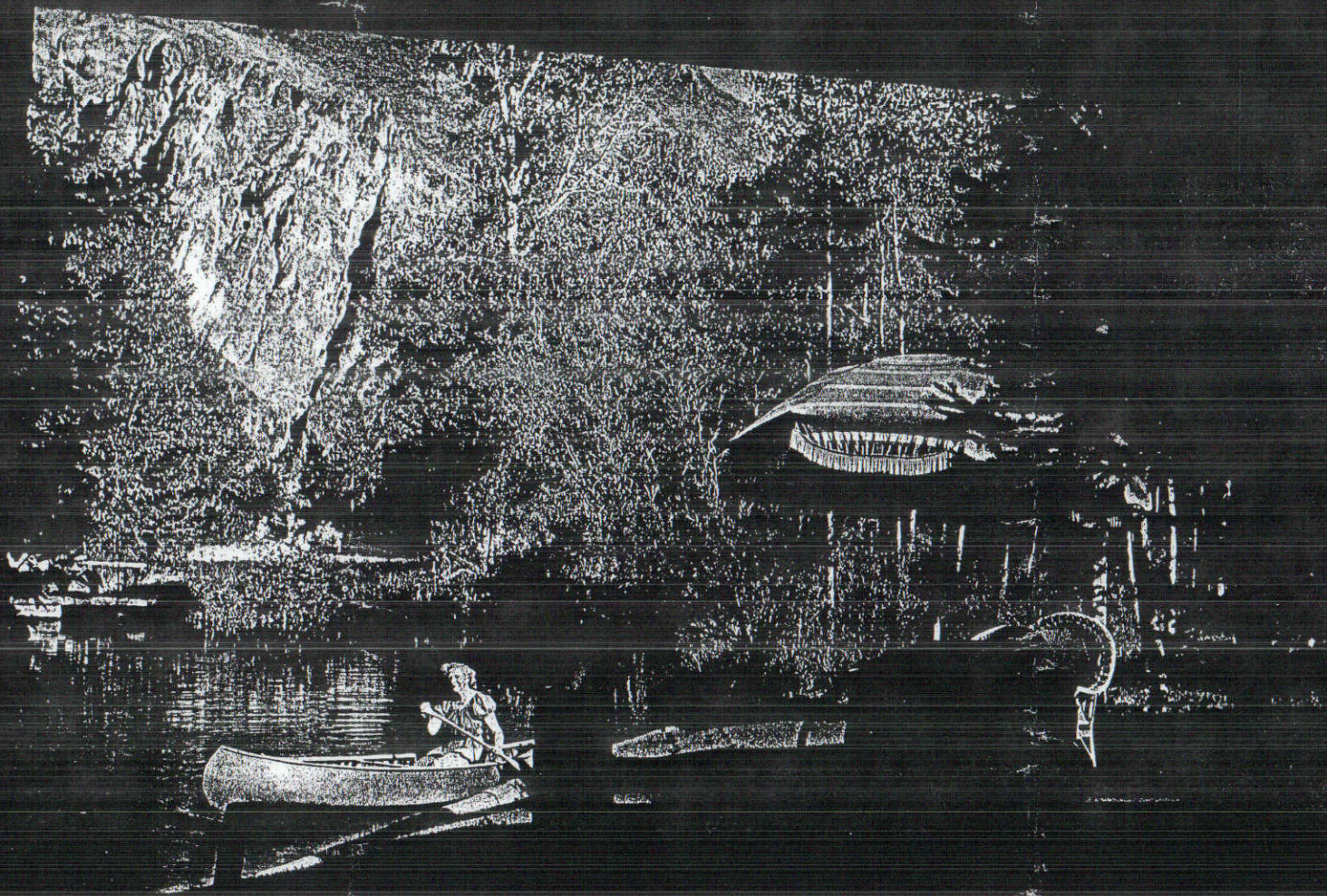
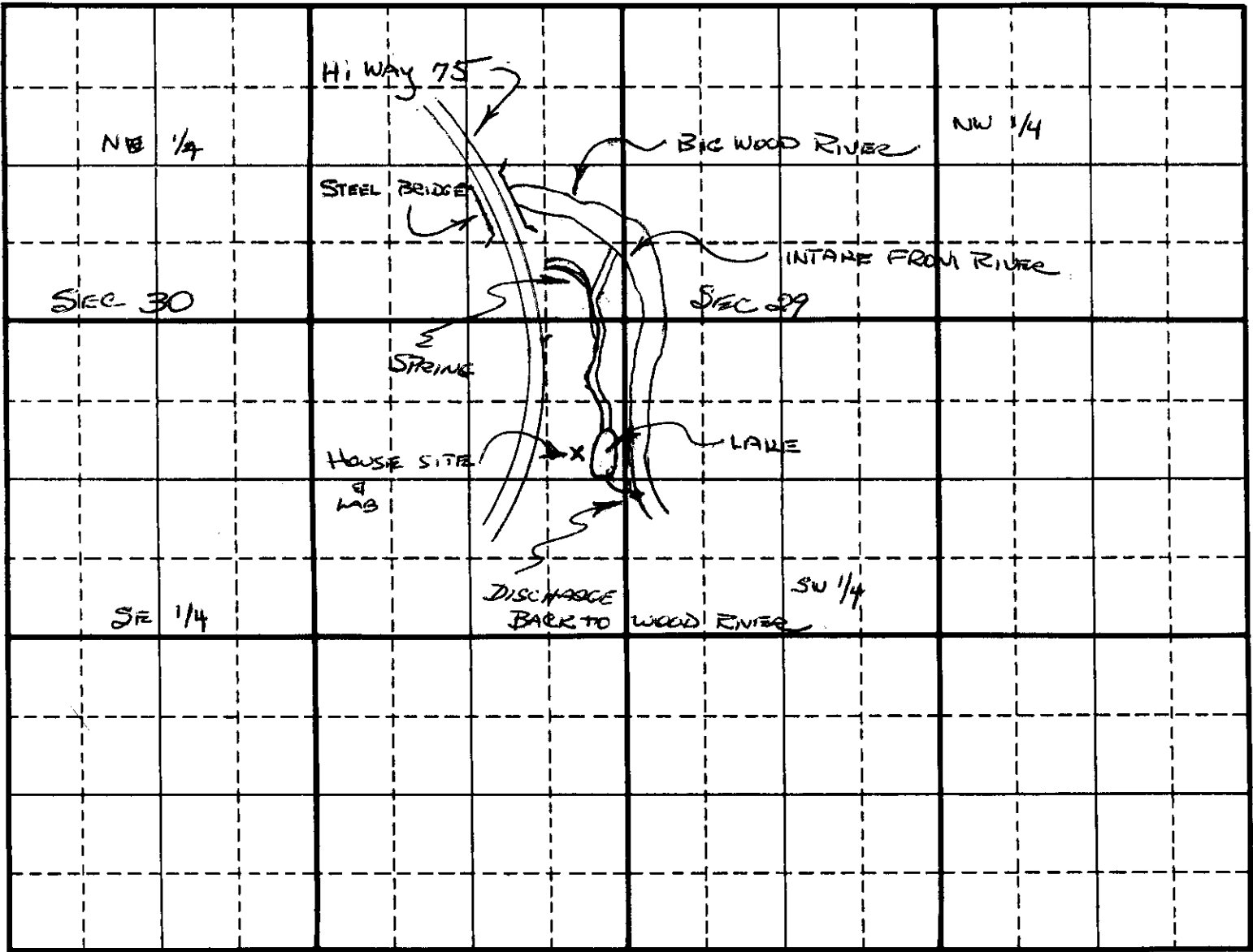


EXHIBIT D  
27 2002



(8) Remarks ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 C.TING.  
PATENT DATED JULY 19, 1893 SNAGGERS DWD. # 79569 & 79116  
DATED JUNE 22, 1939 TO FASSETT AS RECORDED IN G. OF IDAHO  
DEED BOOK 145 P.39 AND P.68



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 County of BRAINE ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

HELEN M. FASSETT Robert A. Shumack ATTORNEY IN FACT  
 (Claimant)

Sworn to before me this 27 day of October, 1982

Barbara Montgomery  
 Notary Public  
 Residing at Hailey

My commission expires Indefinite

FOR DEPARTMENT USE ONLY

Received by maey Date 10/29/82 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
 Prelim. check by Ad Date 11-9-82 claimant by: \_\_\_\_\_  
 \$20.00 fee received by maey Date 11/29/82 #23820  
 Published in Hailey News Journal  
 Dates 11/25 & 12/2/82 12/2 & 12/9/82

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, HELEN MURDOCH FASSETT, of Ketchum, Idaho, do hereby appoint ROBERT HENRY SHERWOOD, my attorney for me and in my name, to execute deeds to any real property owned wholly or jointly by me, or to enter into contracts for the sale of real property; to write checks on any checking accounts I may have either jointly or alone, and particularly any checking accounts at the First Security Bank of Idaho at Ketchum Branch; and generally do and perform all other things as fully and effectually in all respects as I could do if personally present.

IN WITNESS WHEREOF, I have hereunto set my hand the 17th day of November, 1969.

HELEN MURDOCH FASSETT  
HELEN MURDOCH FASSETT

STATE OF IDAHO,     )  
                              SS:  
County of Blaine    )

On this 17th day of November, in the year 1969, before me, the undersigned Notary Public for said State, personally appeared HELEN MURDOCH FASSETT, known 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 affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC for Idaho  
Residing at Ketchum, Idaho.

My commission expires: \_\_\_\_\_



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
*SOUTHERN REGION*

John V. Evans  
*Governor*

C. Stephen Allred  
*Director*

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

November 5, 1982

Robert Sherwood  
Box 273  
Sun Valley, Idaho 83353

Dear Bob:

We are returning the claim to a water right in the name of Helen Fassett.

We have corrected Item 5 and completed Item 6, as we discussed. Please initial these changes and return the claim to this office for further processing. We also need a copy of your power of attorney for Mrs. Fassett.

A receipt for your filing fee is enclosed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

James E. Stanton  
Sr. Water Resource Agent

LOH:JES:marya

Encl:

11-05-82  
JES  
marya  
LOH

# AFFIDAVI. of PUBLICATION

## COPY OF NOTICE

(Paste Here)

# 37-4265

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources  
1041 Blue Lake Blvd N TF

NOTICE IS HEREBY GIVEN, That the following claim to water right has been established by diversion and application to beneficial use:

37-4265

FASSETT, HELEN M.

Box 473

Sun Valley, Idaho 83353

Source: BIG WOOD RIVER

tributary to MALAD RIVER

Priority Date: 01/01/1900

Amount: 200 CFS

Diversion Point: 30' T 04N R

R 19E 30' 00" 00

Use: 100 CFS R 300 CFS from 01/01 to 12/31

Place of Use: 30' T 04N R 19E

Diversion: 100' PIPE CULVERT, HEADGATE BOTTLE

Any person claiming a water right that conflicts with the claim of the Idaho Department of Water Resources, 1041 Blue Lake Boulevard North, Twin Falls, Idaho 83301.

Idaho Code, Rev. Statutes 1980

|                                        |           |
|----------------------------------------|-----------|
| 7-8 pt. per line, straight             | 3¢ / Pica |
| 7-8 pt. per line, tabular              | 4¢ / Pica |
| 7-8 pt. per line successive insertions | 2¢ / Pica |

NOV 17 1982

Department of Water Resources  
Southern District Office

State of Idaho, }  
County of Blaine } SS.

Gordon O.blastman, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of December, 1982, and the date of the last publication was on the 9 day of December, 1982.

Subscribed and sworn to before me this 9 day of December, 1982.

(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

## COST OF PUBLICATION

Numer of Picas per Line 13  
Number of Lines in Notice 32  
Number of Insertions 2  
Lines tabular at \_\_\_\_\_ 4¢ / Pica  
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32 Subsequent lines at 8.32 2¢ / Pica  
TOTAL COST 20.80

RECEIVED

MAR 20 2002

Department of Water Resources

RECEIVED

MAR 11 2002

SPECK & AANESTAD

**Claimant's Name:**

Rivers Edge Associates, LLC

**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

**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

AFFIDAVIT OF ROBERT H.  
SHERWOOD FOR 37-4265

**DESCRIPTIVE SUMMARY**

This is an affidavit in support of the claim for Water Right 37-4265.

**AFFIDAVIT**

STATE OF IDAHO )  
 )ss.  
County of ADA )

ROBERT H. SHERWOOD, being first duly sworn upon oath deposes and states as follows:

1. I am 82 years old and a resident of Boise, Idaho. In 1939, when I was 19 years old, my parents acquired property along the Big Wood River approximately 2 miles south of Ketchum. Attached hereto as Exhibit A is a true and correct copy of the deed by which they acquired title to the property.

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 1

H:\WPDATA\JIM\Rivers Edge Associates\SherwoodAffidavit.v1.wpd  
3/1/02 5:36 pm

FILED  
MAR 27 2002

2. When my parents acquired the property they immediately proceeded to construct the lake using the spoil or gravel removed from the lake site in the construction of the foundation for their house.

3. The lake was approximately 0.5 acres in surface area with an average depth of four feet. It remained essentially unchanged from 1939 until I sold the property to Rivers Edge Associates, LLC in December, 1999. During that entire time the lake was used every year for recreation and it provided excellent habitat for nesting ducks, trout fry, elk, deer, foxes, coyotes, black bear and numerous other water fowl.

4. Attached hereto as Exhibit B is a copy of a photograph taken of my mother and me canoeing on the lake on our property in 1940.

5. Attached hereto as Exhibit C is a copy of a photograph taken of my step-father, Jay Fassett, and my mother canoeing on the lake on our property in 1943.

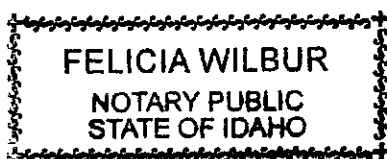
6. Attached hereto as Exhibit D is a copy of a photograph taken of my mother canoeing on the lake on our property in 1948.

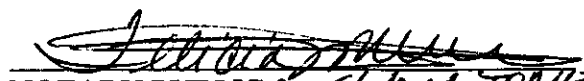
FURTHER, YOUR AFFIANT SAYETH NOT.

Dated this 8<sup>th</sup> day of March, 2002.

  
ROBERT H. SHERWOOD

SUBSCRIBED AND SWORN TO before me this 8<sup>th</sup> day of March, 2002.



  
NOTARY PUBLIC for State of IDAHO  
Residing in: Boise, Idaho  
My Commission Expires: 9/17/2002  
Ada County

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 2

H:\WPDATA\JIM\Rivers Edge Associates\SherwoodAffidavit.v1.wpd  
3/1/02 5:36 pm

MICROFILMED

MAR 27 2002

### CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of March, 2002, I served a true and correct copy of the foregoing AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 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

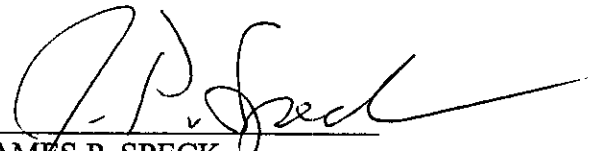
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

AFFIDAVIT OF ROBERT H. SHERWOOD FOR 37-4265 - 3

FAWPDATA\JIM\Rivers Edge Associates\SherwoodAffidavit.v1.wpd  
3/18/02 8:51 am

FILED  
MAR 17 2002

No. 79116

## WARRANTY DEED

R. G. PRICE TO JAY FASSETT

THIS INDENTURE, Made this 18th day of April, in the year of our Lord one thousand nine hundred and Thirty-nine between R. G. Price, a widower, of Gannett, Blaine County, Idaho the party of the first part, and Jay Fassett of New York City, N. Y. the party of the second part;

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One (\$1.00) dollar and other valuable considerations, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

Beginning at a point 1720 ft. South of the Section corner com on to Sections 19, 20, 21 and 30, T. 4 N. R. 18 E. S. 11. known as Corner No. 1; thence East 1720 feet to corner No. 2; thence South 2470 feet to Corner No. 3; thence West 1721 feet to Corner No. 4; thence N. 17° E. 470 feet to corner No. 5; thence N. 27° W. 720 feet to corner No. 6; thence N. 20° W. 1930 feet to Corner No. 7; thence due East 917 feet to corner No. 1, the place of beginning, containing 12.4 acres, more or less, being in Sections 21 and 30, T. 4 N. R. 18 E. S. 11.

( \$2.00 I.R.S. )  
( AFFIXED )  
( & CANCELLED )

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, -- heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:      R. G. Price      (SEAL)  
Joseph W. Fuld      )

STATE OF IDAHO,      )  
County of Blaine      ) ss.

On this 18th day of April in the year 1939, before me Joseph W. Fuld, a Notary Public in and for said State, personally appeared R. G. Price, a widower, known 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 affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Joseph W. Fuld      Notary Public.

My Commission Expires February 24, 1940.

Residing at Halley, Blaine County, Idaho.

Filed for record at request of Joseph W. Fuld at 2:15 o'clock A. M., June 22, 1939.

B. P. Tharm,      Ex-Officio Recorder.

By R. G. Price, Jr.,      Deputy.

MICROFILMED  
EXHIBIT A



EXHIBIT B

MICROFILMED

MAR 22 2002



MICROFILMED

EXHIBIT C

MAR 27 1987



EXHIBIT D<sup>2</sup> 2 / 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

20  
DECEMBER 8, 1982

HELEN M. FASSETT  
BOX 273  
SUN VALLEY ID 83353

RE: Claim No. 37-4265

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT  
Senior Water Resource Analyst

Enclosure

**RECEIVED**  
JAN 03 1983

Department of Water Resources



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
*SOUTHERN REGION*

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

November 10, 1982

Reid J. Newby  
Watermaster District 37  
Box T  
Shoshone, Idaho 83352

Re: Claim to a Water Right No. 37-4265

Dear Mr. Newby:

Enclosed is a copy of the above referenced claim to a water right  
for your information and files.

Very truly yours,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water right(s) created by diversion and beneficial use:

---

37-4265-

FASSETT, HELEN M.

BOX 273, SUN VALLEY, ID 83353

Source: BIG WOOD RIVER tributary to MALAD RIVER

Priority Date: 01/01/1939

Amount: 4.00 CFS

Diversion Point: SENE Sec 30 T 04N R 18E, BLAINE Co.

Use: WILDLIFE (4.00 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 30 T 04N R 18E

Diversion Means: PIPE CULVERT, HEADGATE, DITCH

---

Exceptions to a claim may be filed with the Director, Dept of Water Resources, 1041 Blue Lakes Blvd, North, Twin Falls, Idaho 83301.

KEN DUNN, Dir.

Published ~~11/25 & 12/03/82.~~

12/2 & 12/9/82

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

NOVEMBER 10, 1982

Wood River Journal  
P.O. Box 988  
Hailer ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 6, 1982.

Yours truly,

Mary A. Hill  
Secretary

Encl.

IDENT. NO. 4265

WATER RIGHT  
DATA ENTRY LOG

[illegible]

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J P Stanton

Right Number 37-4265 Applicant FASSETT, Helen M.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. — None

By Adm Date 12/20/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 1/4/83