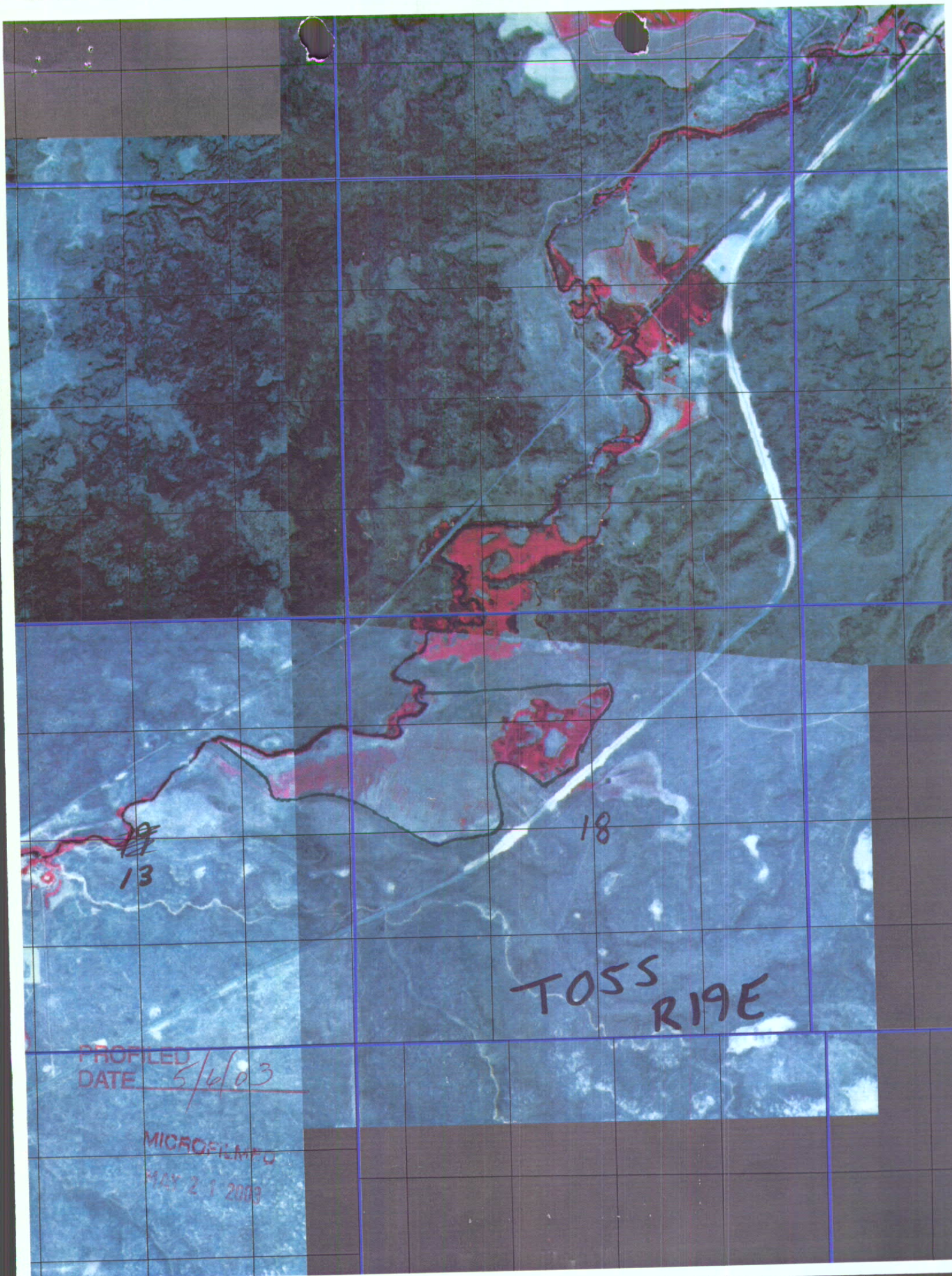




~~19~~
13

18

TOSS
R19E

PROFILED
DATE 5/6/03

MICROFILMED
MAY 21 2003

TOYS
RISE

31

8

MICROFILMED

MAY 21 2003



PROFILED

DATE 5-6-03

Flight
Rge. 18E
27 26
34 35

P
158.6

A
128.2

C
26.6

E
16.8

B
22

D
23.5

70

E
LOT 111.6

LOT 4

F
28.2
LOT 3

LOT 2
B
29.0

LOT 1
A
55.3

C
31.7

D
35.5

J
18.4

39.4

LANDS BOUNDED BY
ARE BOTH IRRIGATED
AND DESCRIBED BY 37-0026
37-0027. THEY WERE
ALSO OWNED BY GEORGE
ALRED, WHEN HE DECEASED THE
WATER RIGHTS TO JOHN McDONALD
ET AL ON DEC 28, 1979

91.0

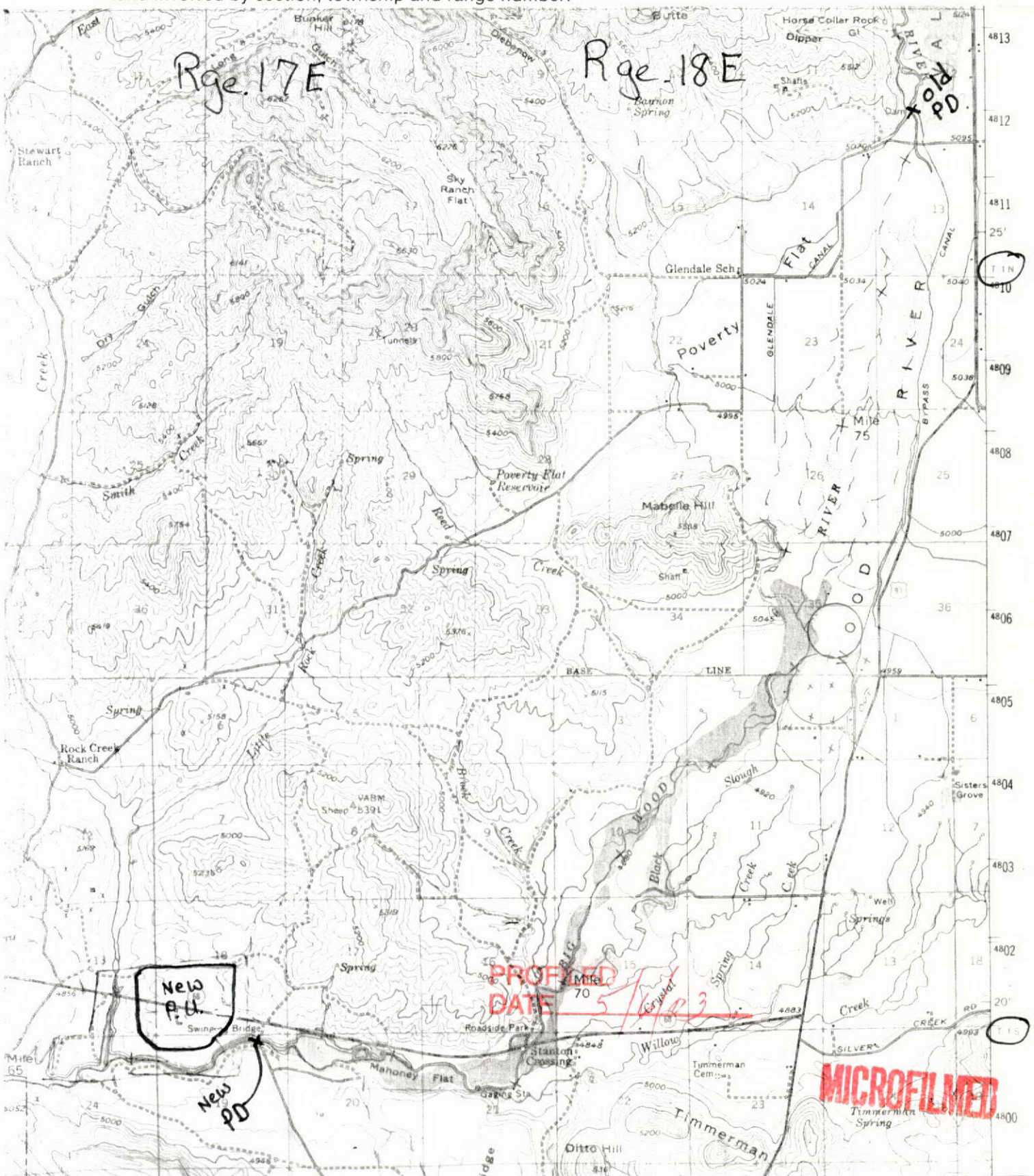
11 12

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	17E	13													20			32.8	32.8
		24	16.9																16.9
			5																5
	18E	18									40	34	26.3	30		17	17.2		77.7
																			171.3
		19					17.5	Lt1					34.2						43.6
							10	15											25
								26.1											

Total number of acres to be irrigated 171
241.3

4. Describe any other water rights used for the same purpose as described above. 37-7893
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



OF THE BOISE MERIDIAN



AFFIDAVIT PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

FEB 24 1984

Department of Water Resources
Southern District Office

GORDON O. GLASMANN

, 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 9 day of February

1984, and the date of the last publication was on the 16

day of February, 1984

Subscribed and sworn to before me this 22nd

day of February, 1984.
(SEAL)

Roberta Crocker
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 12

Number of Lines in Notice 76

Number of Insertions 2

Lines tabular at _____ 4¢ / Pica

76 Lines straight at 27.36 3¢ / Pica

76 Subsequent lines at 18.24 2¢ / Pica

TOTAL COST 45.60

PROFILED
DATE

MICROFILMED

COPY OF NOTICE

(Paste Here)

Notice of Proposed
Change of Water Right

TITLE OF NOTICE

#37-0026, 37-0027

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N.T.F.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0026 37-0027

NOTICE IS HEREBY GIVEN, That J.R.J. DEVELOPMENT, INC., of Twin Falls, Idaho, has applied to the Department of Water Resources for a change of Point of Diversion and change of Place of Use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to George Allred, in case of S.C. Frost, et al., vs. Alturas Water Co., et al., dated December 13, 1909, in Fourth District Court, County of Lincoln, and are recorded as follows:

37-0026

Amount: 4.5 cfs

Priority Date: 05/23/1885

Point of Diversion: SE¼SW¼, Sec. 12, T1N, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within Lt4 (SW¼NW¼), W¼SW¼, Sec. 1; Lt1 (SE¼NE¼), NE¼SE¼, Sec. 2, T1S, R18E, S¼SE¼, Sec. 35, T1N, R18E, B.M.

37-0027

Amount: 2.0 cfs

Priority Date: 06/15/1886

Point of Diversion: Same as 37-0026

Place of Use: Same as 37-0026

TO BE CHANGED AS FOLLOWS:

37-0026

Amount: 4.5 cfs

Point of Diversion: NE¼NE¼, Sec. 19, T1S, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within the E¼SE¼, Sec. 13; NE¼NE¼, Sec. 24, T1S, R17E; NE¼SW¼, Lt3 (NW¼SW¼), Lt4 (SW¼SW¼), SE¼SW¼, W¼SE¼, Sec. 18; NE¼NW¼, Lt1 (NW¼NW¼), Sec. 19, T1S, R18E, B.M.

37-0027

Amount: 2.0 cfs

Point of Diversion: Same as 37-0026

Place of Use: Same as 37-0026

Any protest against approval of the above-proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, on or before FEBRUARY 20, 1984.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
February 9 & 16, 1984.

RISE

← P.D.

T/N

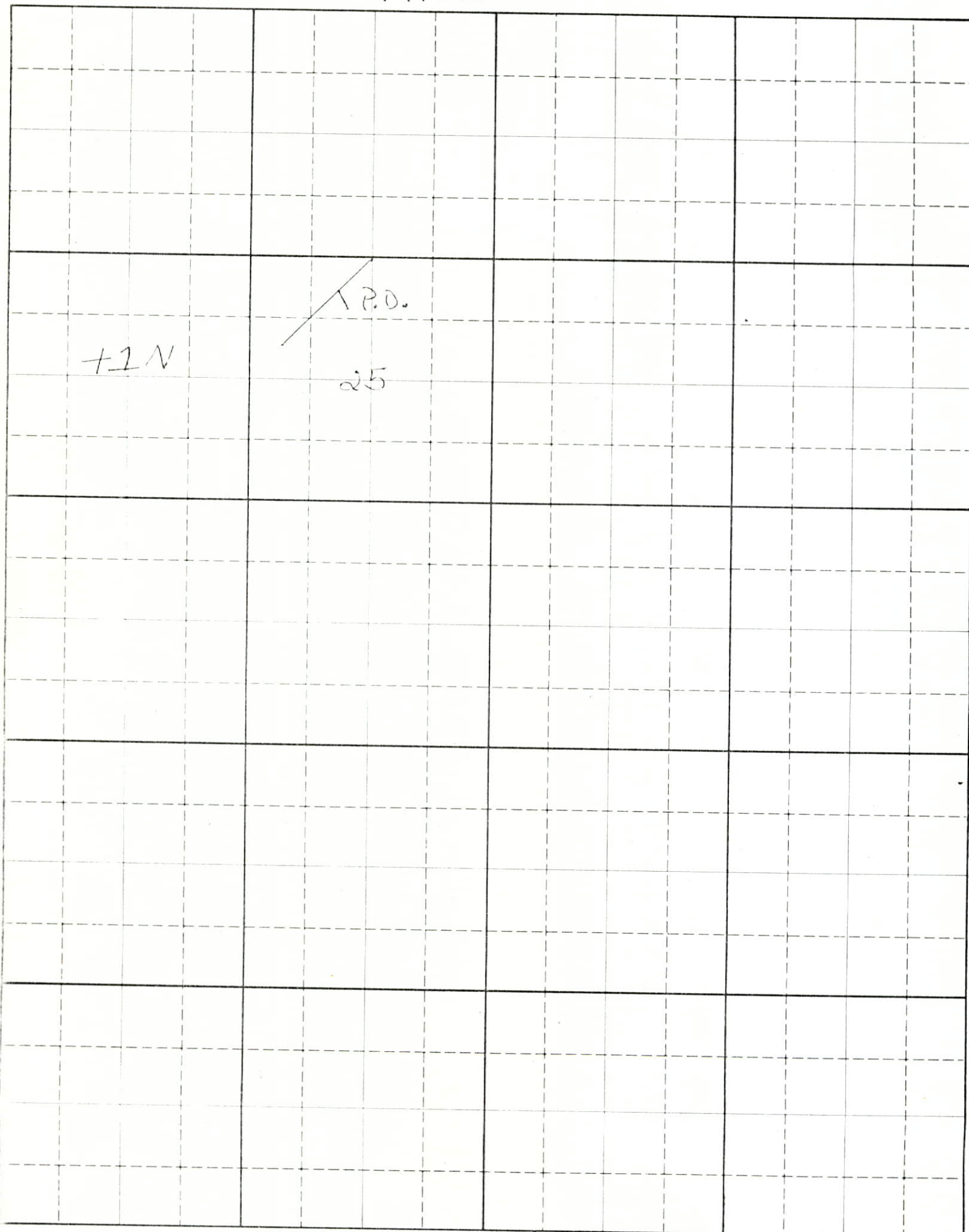
25

ALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

PROFILED
DATE 5/6/03

MICROFILM

RISE



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

PROFILED
DATE 5/4/03

AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

Gordon O. Glasman, 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 31 day of October

1974, and the date of the last publication was on the 7

day of November, 1974.

Subscribed and sworn to before me this 12th

day of November, 1974.
 (SEAL)

Roberta McKersie

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 51

Number of Insertions 2

Lines tabular at 315c

51 Lines straight at 21c 10.71

51 Subsequent lines at 15c 7.65

TOTAL COST 18.36

PROFILED
 DATE 5/6/03

COPY OF NOTICE

(Paste Here)

Notice of Proposed Change
of Water Right-- No 37-0026,
(part) 37-0027-1204

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
Boise, Idaho 83724

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 37-0026 (part)
 37-0027, 37-1204

Notice is hereby given that Joseph W. Beard, Bellevue, Id., has applied to the Department of Water Resources for a change of the point of diversion of the waters of Big Wood River, tributary to Snake River. The right sought to be changed is evidenced by Decree to (A) (B) George Alfred, (C) Big Wood Water Users Association in Case of S.C. Frost et al v. Alturas Water Co., dated Dec. 13, 1909 in 4th Judicial District Ct., County of Lincoln, and recorded as follows:

Amount:	Priority:
A - 4.00cfs	5-23-85
B - 2.00cfs	6-15-86
C - 1.50cfs	7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M., Blaine Co.

The water is used for irrigation purposes from Apr. 1 to Oct. 15 within (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 1S, R 18E; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M. *

TO BE CHANGED AS FOLLOWS

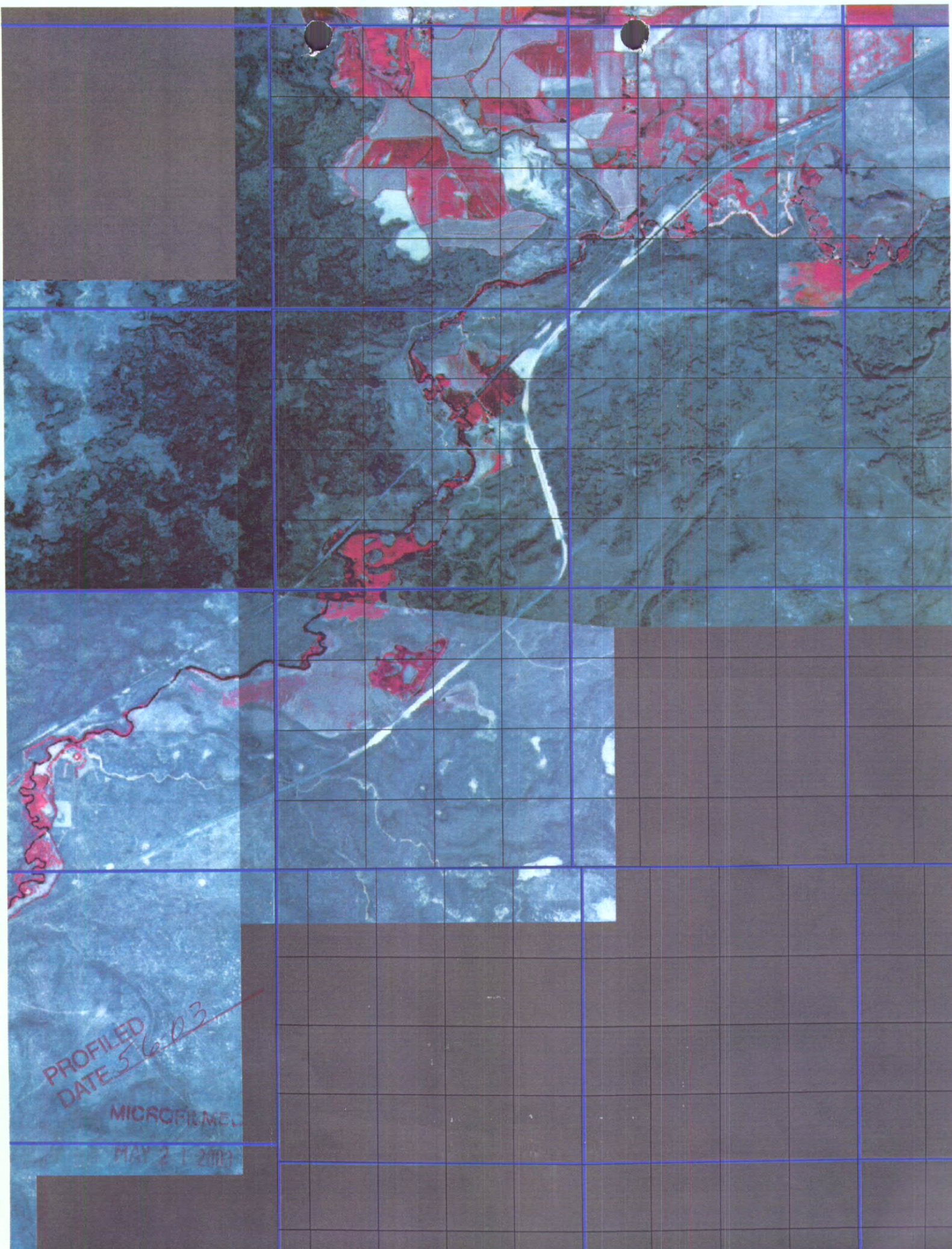
Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 1N, R 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., on or before 11-18-74.

R. KEITH HIGGINSON
 Director

Published: Wood River Journal, Blaine County, October 31 and November 7, 1974

O.K.C.
 11-22-74



PROFILED
DATE 5-6-03

MICROFILMED

MAY 21 2003

POOR QUALITY ORIGINAL

[illegible]

SECTION			
TOWNSHIP	RANGE	SECTION	TRACT
01N	20E	34	
		25	
01N	21E	12	
		30	
<i>NOT IN AREA OF INTEREST</i>			
		31	
		26	
01N	20E	01	
		02	

TOWNSHIP	COUNTY	SECTION	RANGE
01N	02E	02	
		03	
		04	
		10	

PROFILED
 DATE 5-10-03

[illegible]

INCORPORATED

10

[illegible]

100489			
TOWNSHIP	RANGE	SECTION	TRACT 1
015	19E	13	SE20
			SE21
			SE22
			SE23
			SE24
			SE25
			SE26
			SE27
			SE28
			SE29
			SE30
			SE31
			SE32
			SE33
			SE34
			SE35
			SE36
			SE37
			SE38
			SE39
			SE40
			SE41
			SE42
			SE43
			SE44
			SE45
			SE46
			SE47
			SE48
			SE49
			SE50
			SE51
			SE52
			SE53
			SE54
			SE55
			SE56
			SE57
			SE58
			SE59
			SE60
			SE61
			SE62
			SE63
			SE64
			SE65
			SE66
			SE67
			SE68
			SE69
			SE70
			SE71
			SE72
			SE73
			SE74
			SE75
			SE76
			SE77
			SE78
			SE79
			SE80
			SE81
			SE82
			SE83
			SE84
			SE85
			SE86
			SE87
			SE88
			SE89
			SE90
			SE91
			SE92
			SE93
			SE94
			SE95
			SE96
			SE97
			SE98
			SE99
			SE100

[illegible]

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 13 1997

State of Idaho, }
County of Blaine } ss. Department of Water Resources
Southern Region

On this 7 day of May, in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests 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 30 day of April, 1997, and the date of the last publication was on the 7 day of May, 1997.

[Signature]

Subscribed and sworn to before me this 12 day of May, 1997.
(SEAL)

[Signature]

NOTARY PUBLIC

PROFILED #10505
DATE 5-6-03 WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 54.167
Number of Insertions 2
Lines tabular at 7 6c / Pica
Lines straight at 37.375 6 5c / Pica
Subsequent lines at 31.146 5 4c / Pica
TOTAL COST ±5 \$ 73.52

Right Nos. 37-00026 : 27

COPY OF NOTICE
(Paste Here)

Application for extension of time
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. of Water Resources
BILL TO

Application for extension of time

Notice is hereby given that JRJ DEVELOPMENT, c/o James P. Speck, Esq., PO Box 987; KETCHUM ID 83340 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Decreed Water Right Nos. 37-00026 and 37-00027. The extensions are requested to avoid loss of the water rights due to non-use while negotiations with the USDI-Bureau of Land Management for the sale of the land are pending. Decreed Water Right No.

37-00026

Priority Date: 05/23/1885

Source: Big Wood River tributary to Malad River

Use: irrigation (4.5 cfs)

Decreed Water Right No.

37-00027

Priority Date: 06/15/1886

Source: Big Wood River tributary to Malad river

Use: irrigation (2.0 cfs)

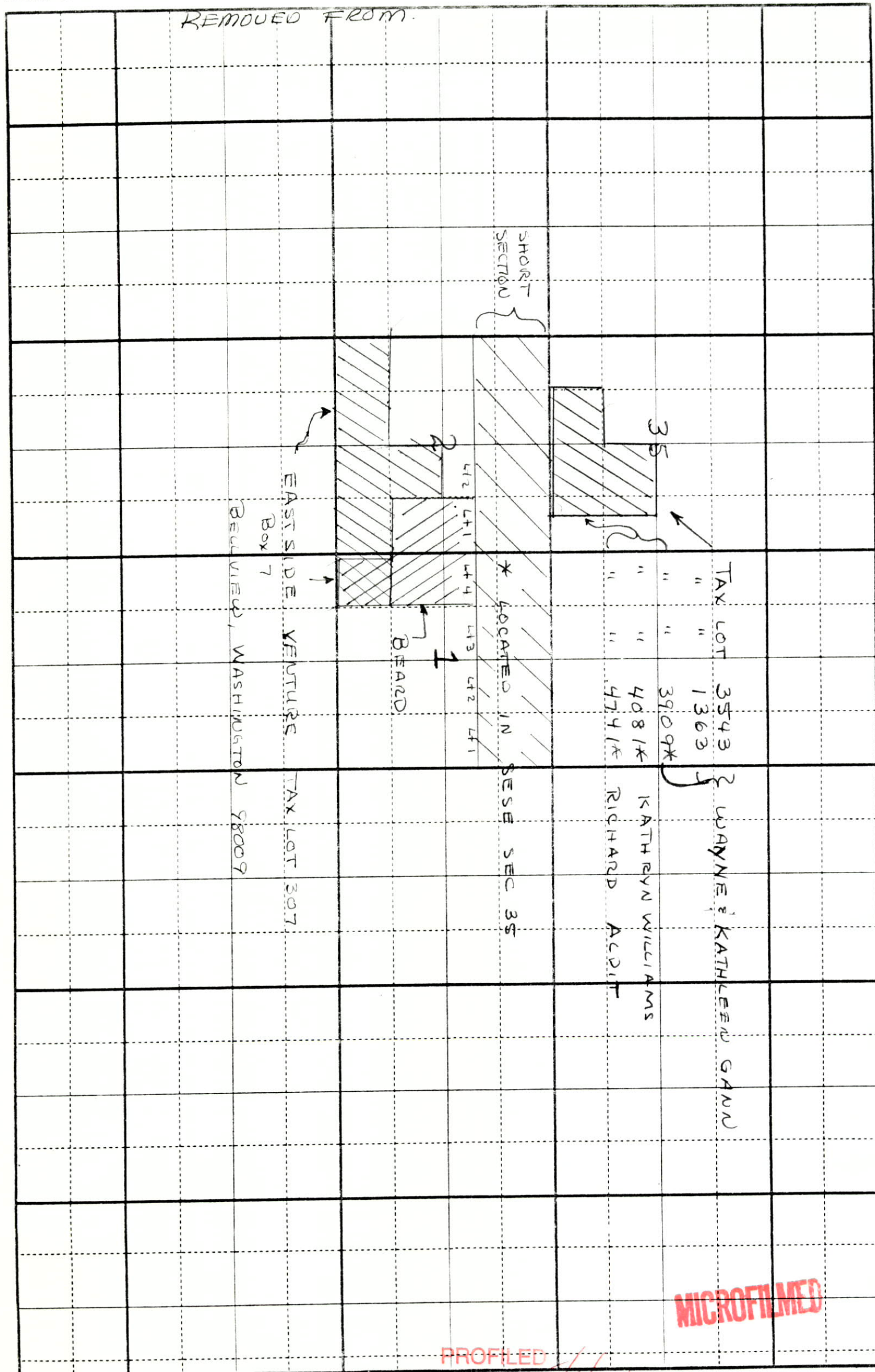
Point(s) of Diversion: NE1/4NE1/4, S19, T01S, R18E; Blaine County.

Place of Use: 171 acres within parts of Sections 13 & 24, T01S, R17E and Sections 18 & 19, T01S, R18E; Blaine County.

Any protest against the approval of the above proposed and described request must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

Publish: Wood River Journal - April 30 & May 7, 1997.

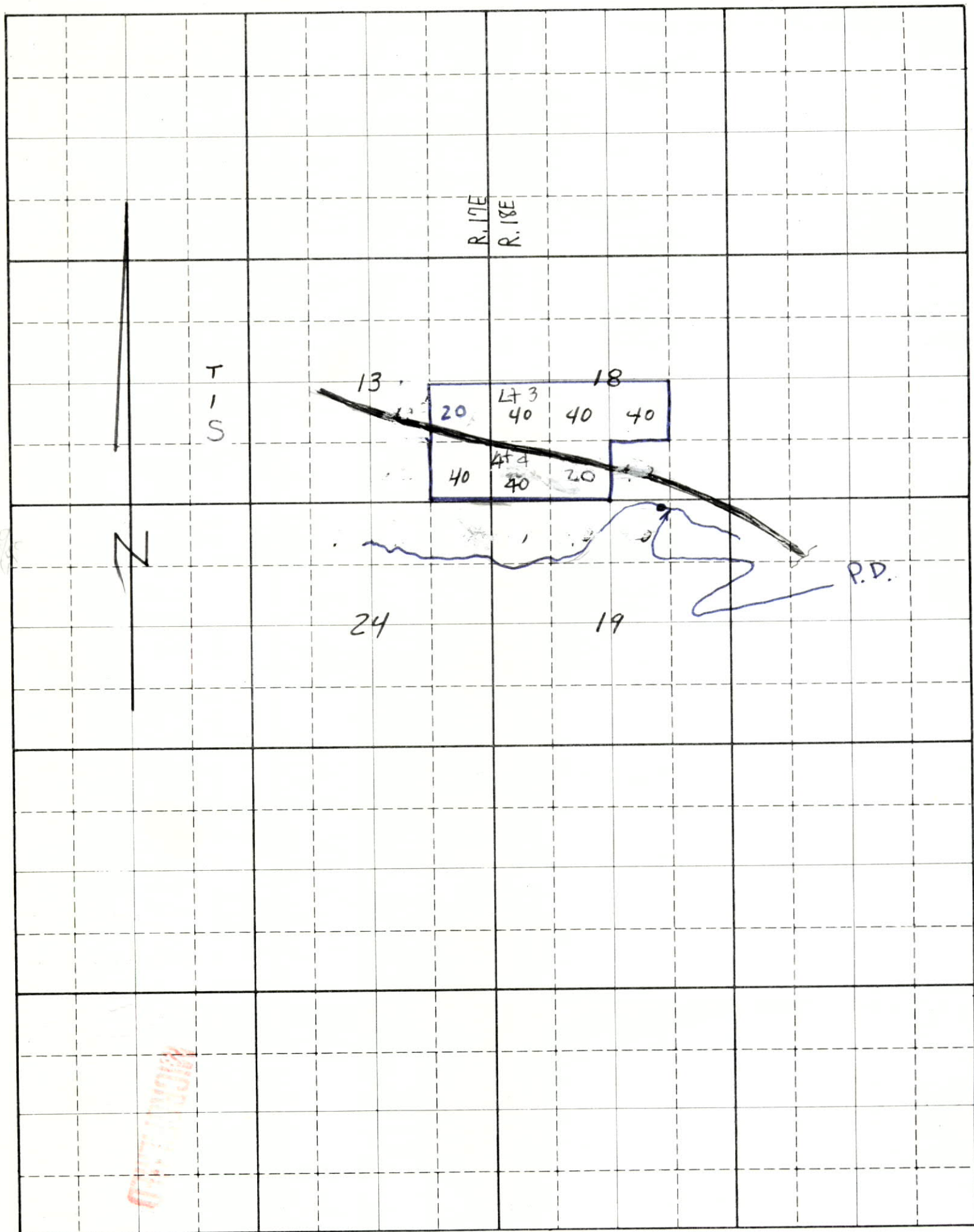
REMOVED FROM.



MICROFILMED

PROFILED
DATE 5/6/03

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PROFILED
DATE 5/4/03

Inst No 144738

Recorded 8-11-72

POOR QUALITY ORIGINAL

ES0203

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED.

BLAINE CATTLE ASSOCIATION, INC.,

a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby Grant, Bargain, Sell and Convey unto

JOE W. BEARD and BETH M. BEARD, Husband and Wife, Grantee, the following described real estate, situated in Blaine County, Idaho, to-wit:

PARCEL 1:

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 1: Lot 1; NW 1/4 SE 1/4; That 1/4 of NE 1/4 SE 1/4 Except Highway right of way (Tax Lot 1363)

Section 2: Lot 1; NE 1/4 SE 1/4

Section 18: Lot 3; Lot 4 Except Highway right of way (Tax Lots 2995 and 2996)
SE 1/4 SW 1/4 Except Highway right of way (Tax Lots 2997 and 2998)
SW 1/4 SE 1/4 Except Highway right of way (Tax Lots 2999 and 3000); NE 1/4 SW 1/4;
NW 1/4 SE 1/4

Section 19: Lot 1; NE 1/4 NW 1/4; NW 1/4 NE 1/4;

TOWNSHIP 1 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 13: NW 1/4 SE 1/4 Except Highway right of way (Tax Lots 2990 and 2991); NE 1/4 SE 1/4 Except Highway right of way (Tax Lots 2992 and 2993); That portion of SE 1/4 SE 1/4 lying South of State Highway 68; SW 1/4 SE 1/4

Section 24: NE 1/4 NW 1/4; N 1/2 NE 1/4

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 35: E 1/2 SW 1/4; W 1/2 SE 1/4
All that portion of NE 1/4 SE 1/4 West of Highway (Tax Lot 1363)
All that portion of SE 1/4 SE 1/4 West of Highway Except Highway right of way (Tax Lot 1365)

ALSO EXCEPTING a fraction of the SE 1/4 SE 1/4 of Section 35, Tp. 1 N., R. 18 E., T.18N., in Blaine County, Idaho, more

MICROFILMED

PROFILED
DATE 5/6/03
CORPORATE WARRANTY DEED

-1-

WE

SYSTEMS
MICROFILM

SYSTEMS

300

POOR QUALITY ORIGINAL

particularly described as follows:
BEGINNING at a point on the South boundary of said Sec. 35 from which the South Quarter corner of said Sec. 35 bears due West a distance of 1877.0 feet; thence running due North a distance of 1310.3 feet to a fence; thence North 89° 58' E. along said fence a distance of 525.8 feet; thence South 89° 19' East along said fence a distance of 201.9 feet; thence South 0° 31' East along a fence on the Westerly right-of-way boundary of Federal Highway No. 93 a distance of 882.4 feet; thence South 0° 40' West along said right-of-way fence a distance of 182.9 feet; Thence South 3° 53' West along said right-of-way a distance of 242.9 feet to the intersection of said right-of-way and the South boundary line of said Sec. 35; Thence due West along said Section line a distance of 718.8 feet to the point of beginning.

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

Section 36: NW 1/4 NW 1/4 Except Highway right of way
(Tax Lots 1358 and 1359)
SW 1/4 NW 1/4 Except Highway right of way
(Tax Lots 1360 and 1361)

Together with all buildings, fences, facilities for handling and watering livestock, and all other improvements located thereon, and all rights of way, easements, permits and licenses appurtenant thereto or used in connection therewith, and all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to the following decreed water rights in Big Wood River: 24.2 inches decreed March 24, 1883, 200 inches decreed May 23, 1885, 100 inches decreed June 15, 1886, 60 inches decreed June 15, 1891, and together with the following Taylor Grazing Rights: 38 AUM (15 cattle) Timmerman Hill and 286 AUM (57 cattle) Hailey.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, lateral and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the boundaries of the Base Line Pump Association and Wood River Valley Irrigation District.

Subject to Right of Way for irrigation ditch dated December 5, 1899, recorded May 18, 1900, in Book B of Miscellaneous, page 362, records of Blaine County, Idaho, over and across parts of Sections 35 and 36, Township 1 North, Range 18 East, B.M., and parts of Sections 1 and 2, Township 1 South, Range 18 East, B.M., Blaine County, Idaho.

PROFILED
DATE

3/4/63

MICROFILM
SYSTEMS

300

SYSTEMS

311

said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary-Treasurer.

DATED: June 8, 1972.

By McLennan E. [Signature]

Attest: [Signature]

STATE OF IDAHO

County of Twin Falls

On this 8th day of June, 1972, before me, a Notary Public in and for said State, personally appeared MONCUR and J. P. SMITH, known to me to be the Secretary-Treasurer of the [Corporation Name] instrument on behalf of said corporation and executed the same.

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

[Signature]
Notary Public, State of Idaho
Residing at Twin Falls, Idaho.

POOR

ORIGINAL

POOR QUALITY ORIGINAL

PROFILED

DATE 5/14/03

CORPORATION WARRANTY DEED

-4-

USE OVER

PROFILED
DATE _____

DATE _____

5/6/03

RECEIVED

APR 26 2001

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY - 4 2001

TEMPORARY CHANGE APPLICATION

Department of Water Resources

(To change point of diversion, place of use or purpose of use)

Name of Applicant

Hoyt Pugh

Phone

487-2628 home
886-2004 work

Post Office Address

Box P J Ashmore, 83352

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) thereof TAKE WATER FROM BIG WOOD RIVER ABOVE MAGIC, THROUGH MAGIC, THEN THROUGH THE BIG WOOD CANAL COMPANY SYSTEM, TO PROPERTY BETWEEN RICHFIELD AND SHOSHONE TO PROPERTY WITHOUT ENOUGH WATER.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-26</u>	<u>5/23/1985</u>	<u>4.5 cfs</u>	<u>IRRIGATION</u>	<u>9/1</u> to <u>11/1</u>
<u>37-27</u>	<u>6/15/1986</u>	<u>7.0 cfs</u>	<u>IRRIGATION</u>	<u>9/1</u> to <u>11/1</u>

2. Total amount of water being transferred 6.5 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SE	NE	30	<u>02S</u>	<u>18E</u>	<u>BLAINE</u>	<u>RICHFIELD CANAL</u>
						<u>02S</u>			

PROFILED

DATE 5/6/03

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4S</u>	<u>19E</u>	<u>31</u>									<u>40</u>								<u>40</u>
<u>5S</u>	<u>19E</u>	<u>18</u>		<u>2.5</u>			<u>13</u>	<u>8</u>	<u>47</u>	<u>20</u>		<u>2</u>							<u>92.5</u>
<u>5S</u>	<u>19E</u>	<u>19</u>			<u>2</u>	<u>17</u>	<u>3</u>		<u>LOT 2</u>										<u>19</u>
	<u>18E</u>	<u>13</u>																	

*

* APPLICANT MADE AWARE OF CORRECTIONS VIA TELECON

Total Acres 151.5

4/30/01 PS.





100

MICROFILM
MAY 2 1971

2

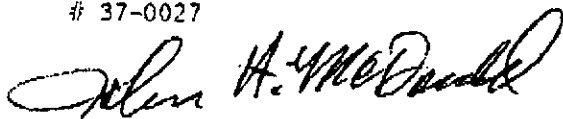
APRIL 25, 2001

TO WHOM IT MAY CONCERN:

JRJ AGREES TO LEASE THE FOLLOWING WATER TO HOYT PUGH & LARRY THORNTON FOR THE WATER YEAR OF 2001. THE ACTUAL USE OF THE WATER TO BE DETERMINED BY MR PUGH. THIS AGREEMENT IS SUBJECT TO APPROVAL OF IDWR.

37-0026

37-0027



JOHN H. MCDONALD

208-726-5161

208-7201003

PROFILED

DATE

5/6/03

MICROFILMED

MAY 21 2003

6. General Information:

- a. Who owns the water right to be changed? JRS DEVELOPMENT
- b. Describe the arrangement allowing use of the right LEASE (SEE ATTACHED LETTER FROM JOHN McDONALD, MANAGER)
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
LAND ABOVE MAGIC WILL NOT BE IRRIGATED
- d. Has the water right sought to be transferred been used this year? NO If yes, explain _____
- e. Absent the changes, how would the right be used for the remainder of the year? WITHOUT CHANGES PROPOSED, WATER WOULD BE USED TO IRRIGATE PASTURE ABOVE
- f. Describe other water rights used for the same purpose. MAGIC.
BIG WOOD CANAL COMPANY SHARES LAND IN TOSS ALSO HAS
- g. Remarks: CITTAN WOOD WATER AND
WHITE WOOD RIVER WATER.
I HAVE TALKED TO THE BIG WOOD CANAL COMPANY REGARDING
THIS PROPOSAL.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Hoyt Pugh
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by P. SKINNER Date 4/26/01 Fee \$50.00
Received P. SKINNER # 5023865 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

MICROFILMED
MAY 21 2003

PROFILED
DATE 5/6/03

For the Director

RECEIVED

MAR 14 1997

Water Right No. 37-00026

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$100.00.

1. Name of water right holder: J.R.J. Development.
2. Post office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987,
Ketchum, Idaho, 83340.
3. The right was obtained or is evidenced by:
 - a. Decree No. 37-00026.
 - b. Snake River Basin Adjudication Claim No. A37-00026.
4. Source of water: Big Wood River.
Tributary to: Malad River.
5. Date of priority: May 23, 1885.
6. Amount of water: 4.5 cfs.
7. Water is used for: Irrigation

PROFILED
DATE 5/6/03

Page 1

MICROFILMED
MAY 21 2003

8. Location of point of diversion:

Township	Range	Section	¼	¼	¼	Lot	County
1S	18E	19		NE	NE		Blaine

9. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
1S	17E	13																	32.8	32.8
1S	17E	24	16.9																	16.9
1S	18E	18											34.2	26.3			17.2			77.7
1S	18E	19							17.5	26.1										43.6
TOTALS																				171.0

10. Give the last date when water was applied to beneficial use: 1985.

Length of extension of time requested: Until November 1, 1999.

11. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and the reasons for non-use: The water right was purchased by the applicant together with 37-00027 and Transfer No. 2987 approved in 1985 authorized the change of point of diversion and place of use for both rights to applicant's property as identified above. At that time and continuing through the present date, applicant was and has been negotiating with the Bureau of Land Management ("BLM") to sell the property to which these rights are appurtenant for wildlife habitat and to protect a crucial deer migration corridor. The BLM purchase is contingent upon Congressional appropriation of funds through the Land and Water Conversation Fund. This has not yet occurred. The conversion of the property to irrigated lands would defeat the purpose of the BLM acquisition. Therefore, applicant has deferred the implementation of the approved transfer and the conversion of the lands to irrigation pending the final outcome of such negotiations. Applicant formerly owned Permit 37-07893. IDWR granted applicant an extension of time to prove beneficial use for this Permit on the basis of the same negotiations with BLM. Applicant is confident the negotiations can be concluded within the time period requested for the extension.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

J.R.J. DEVELOPMENT

By: John McDonald
John McDonald Partner

SUBSCRIBED AND SWORN TO before me this 20th day of February, 1997.



John A. Latham
Notary public for Idaho
Residing at Blaine, ID
Commission expires 1-13-2001

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons:

Witness my hand this _____ day of _____, 1997.

For Department Use Only

Received by J. E. Stanton Date 3-14-97 Time 9 am Preliminary check by JA
Fee \$ 100 Receipted by JS 5017925 Date 3-14-97 Publication prepared by AMB
Published in Wood River Journal Dates 4/30 & 5/7/97
Publication approved by MB Date 5/13/97 Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval (Denial) by AD

PROFILED
DATE 5/6/03

Page 3

MICROFILMED

MAY 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant J.R.J. Development, Inc. Phone 423-5411Post Office address Box 1724 Twin Falls, Idaho 83301**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. A-37-0026 Decreed to George Allred (Name)
B-37-0027
in case of S. C. Frost, et al vs Alturas Water Co., et al
dated in 12/13/1909 in 4th District county of Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Acquired through purchase(see attached warranty deed)People named on deed are Principals in J.R.J. Development Inc.3. Source of water Big Wood River tributary to Snake River4. Date of priority A- 5/23/1885B- 6/15 /1886

5. Water is used for the following purposes:

amount A 4.5 for irrigation purposes from _____ to _____amount B 2.0 for irrigation purposes from _____ to _____amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. A 4.5 cubic feet per second
B 2.0 &/or
b. _____ acre feet per annum7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12Township 1N Range 18E, B.M., in Blaine County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	18E	1							Lt4 20.5			*	*						100.5
		2				Lt1 20.8									X				60.8
1N	18E	35															X	X	80

*acres not given in decree - assume 40 acres

Total number of acres to be irrigated 241.39. Describe any other water rights used for the same purpose as described above 37-722537-761610. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

MICROFILMED

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

PROFILED
DATE 5/4/03

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted A - 4.5 c.f.s. &/or _____ acre feet
B - 2.0
- b. Description of diverting works Lift pump from river to pond, pump to pressurize water
into sprinkler system
- c. Describe the reasons for the proposed changes to make water right purchased by applicants
apurtenant to land which they own

2. Change in point of diversion

Point of diversion NE ¼ NE ¼, Section 19 Township 1S
Range 18E, B.M., Blaine County
Additional points _____

3. Change in place of use

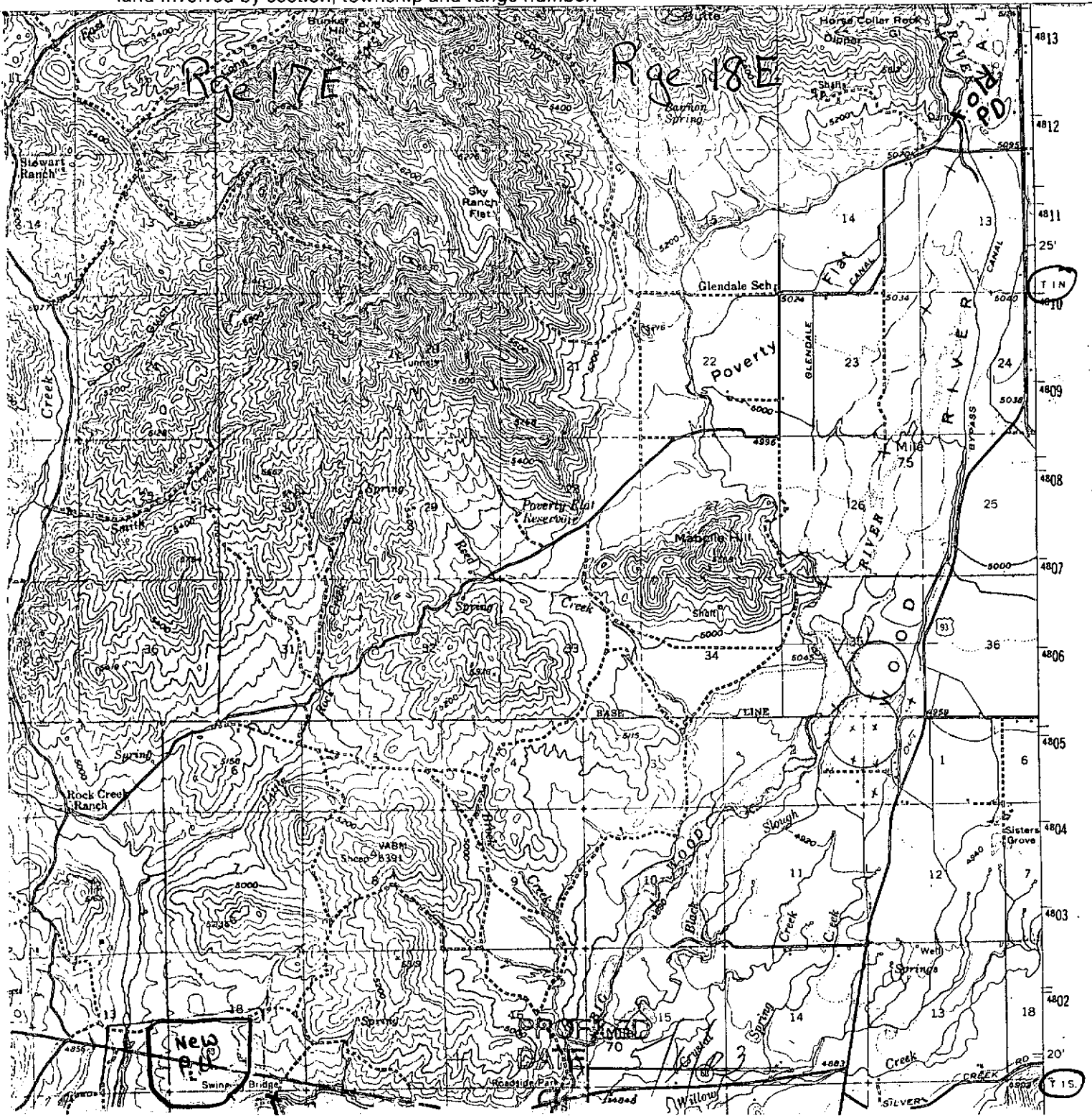
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes DNA No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The land this water was originally decreed to is now partially irrigated by
means of artesian wells

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	17E	13													20			32.8 20	32.8 40
		24	16.9 5																16.9 5
	18E	18									40	Lt3 34	Lt4 32.3 30	26.3 30		17	17.2 10		77.7 171.3
		19					17.5 10	Lt1 15 26.1											43.6 25

Total number of acres to be irrigated 171
241.3

4. Describe any other water rights used for the same purpose as described above. 37-7893
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



DATE _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.



Robert J. Strub Partner
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of January, 19 84

Laren O'Halloran
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0026/0027 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under these rights is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. A 10% river channel loss is assessed to the rights identified herein, and the rate of flow shall not exceed 5.85 cfs at the point of diversion.

Witness my hand this 17th day of October, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>eh</u>	Date <u>1/20/84</u>	Protest filed by _____
Prelim. check by <u>J</u>	Fee <u>\$50.00</u>	_____
Received by <u>maya</u>	Date <u>1/20/84</u> # <u>32975</u>	_____
Published in <u>wood river Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>1/2 + 2/9/84</u> ✓ <u>3/9 + 2/16</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>1/24/84</u>	Recommended for <u>approval</u> <u>denial</u>	
_____ rec'd. <u>1/30/84</u>	by <u>LH Jim</u>	

WARRANTY DEED

For Value Received

JOSEPH WILLIAM BEARD, an unmarried man

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

JOHN McDONALD and LOIS McDONALD, husband and wife; RON STANLEY and MARGARET STANLEY, husband and wife; JAMES HOWARD WEBB, SR., and BERNICE P. WEBB, husband and wife, AND JAMES HOWARD WEBB, JR., and CAROL WEBB, husband and wife, whose address is:

P.O. Box 1, Ketchum, ID 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

Township 1 South, Range 18 E., B.M., Blaine County, Idaho.

Section 18: Lot 3, Lot 4, EXCEPT Highway right of way (Tax Lots 2995 and 2996), SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2997 and 2998), SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2999 and 3000), NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 1 South, Range 17 E., B.M., Blaine County, Idaho

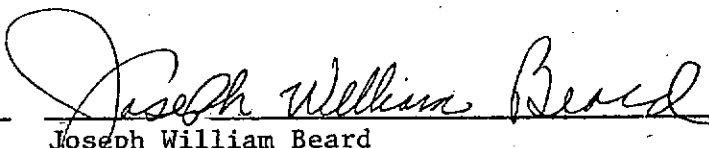
Section 13: NW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2990, and 2991), NE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2992 and 2993), That portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of State Highway 68, SW $\frac{1}{4}$ SE $\frac{1}{4}$;Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER with all water rights appurtenant thereto, including but not limited to 225 inches of decreed May 23, 1885; 100 inches decreed June 15, 1886, and 75 inches of Base Line By-Pass.

SUBJECT TO easements of record in the records of Blaine County, Idaho.

TO HAVE AND TO HOLD the 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 incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 28, 1979

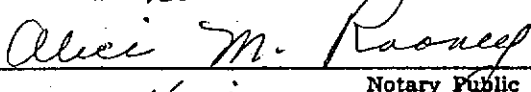

 Joseph William Beard

STATE OF Idaho, COUNTY OF Blaine

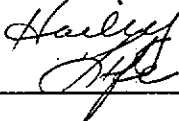
On this 28th day of December, 1979, before me, a notary public in and for said State, personally appeared

Joseph William Beard, an unmarried man

known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he has executed the same.


 Alice M. Rooney

Notary Public

Residing at
Comm. Expires


STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

 at _____ minutes past _____ o'clock m.,
 this _____ day of _____,
 19 _____, in my office, and duly recorded in Book _____
 of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$
Mail to:
 PROFILED
 DATE 5/6/03

Deputy.

MICROFILMED

PROFILED
DATE 5/6/03
MICROFILMED

AFFIDAVIT PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

FEB 24 1984

Department of Water Resources
Southern District Office

GORDON O. GLASMAN, 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 9 day of February

1984, and the date of the last publication was on the 16

day of February, 1984

Subscribed and sworn to before me this 22nd

day of February, 1984.
(SEAL)

Roberta Ingefer
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 12

Number of Lines in Notice 76

Number of Insertions 2

Lines tabular at 4¢ / Pica

76 Lines straight at 27.36 3¢ / Pica

76 Subsequent lines at 18.24 2¢ / Pica

PROFILED
DATE

TOTAL COST 45.60

MICROFILMED

COPY OF NOTICE

(Paste Here)

Notice of Proposed
Change of Water Right
TITLE OF NOTICE

#37-0026, 37-0027

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N T.F.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0026 37-0027

NOTICE IS HEREBY GIVEN, That J.R.J. DEVELOPMENT, INC., of Twin Falls, Idaho, has applied to the Department of Water Resources for a change of Point of Diversion and change of Place of Use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to George Allred, in case of S.C. Frost, et al., vs. Alturas Water Co., et al., dated December 13, 1909, in Fourth District Court, County of Lincoln, and are recorded as follows:

37-0026

Amount: 4.5 cfs
Priority Date: 05/23/1885
Point of Diversion: SE¼SW¼, Sec. 12, T1N, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within Lt4 (SW¼NW¼), W¼SW¼, Sec. 1; Lt1 (SE¼NE¼), NE¼SE¼, Sec. 2, T1S, R18E; S¼SE¼, Sec. 35, T1N, R18E, B.M.

37-0027

Amount: 2.0 cfs
Priority Date: 06/15/1886
Point of Diversion: Same as 37-0026
Place of Use: Same as 37-0026

TO BE CHANGED AS FOLLOWS:

37-0026

Amount: 4.5 cfs
Point of Diversion: NE¼NE¼, Sec. 19, T1S, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within the E¼SE¼, Sec. 13; NE¼NE¼, Sec. 24, T1S, R17E; NE¼SW¼, Lt3 (NW¼SW¼), Lt4 (SW¼SW¼), SE¼SW¼, W¼SE¼, Sec. 18; NE¼NW¼, Lt1 (NW¼NW¼), Sec. 19, T1S, R18E, B.M.

37-0027

Amount: 2.0 cfs
Point of Diversion: Same as 37-0026
Place of Use: Same as 37-0026

Any protest against approval of the above-proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, on or before FEBRUARY 20, 1984.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
February 9 & 16, 1984.

Identification No. 1946

Transfer No. 37-0026 (part), 37-0027,
~~37-1204~~ 37-0891

APPROVED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

RECEIVED

AUG 5 1974

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Joseph W. Beard
 Post office address Bellevue, Idaho 83313
2. Right obtained by: Purchase
 a. Decree to George Allred (A) (B) in Case of S.C. Frost et al
 (Name) (C) Big Wood Water Users Association
 vs. Alturas Water Co., Dated Dec. 13, 1909 Fourth Judicial District
 (Name of Court)
 Court, County of Lincoln
 b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Big Wood River tributary to Snake River
 (Name of stream or source)
4. Date of Priority A-5-23-1885 C-7-24-24
B-6-15-86
5. Amount of water a. A - 4.00 cfs c.f.s. and/or
B - 2.00 cfs
 b. C - 1.50 cfs acre feet/annum
6. Water is used for irrigation from Apr. 1 to Oct. 15
 (Month, Day) (Month, Day)
7. Original location of point of diversion is NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36
 Township 1N, Range 18E, B.M., in Blaine County;
 Additional points of diversion, if any none
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	✓ 18E	1							Lt 4			X	X						
1S	✓ 18E	2				Lt 1									X				
1N	18E	35												(X)			X	X	
n 1N	18E	36					(X)	(X)											

Total number of acres presently irrigated 375

PROFILED
DATE 5/6/03

R18E

← P.D.

T1N

25

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

PROFILED
DATE 5/6/03

MINNESOTA

9. If applicant was not the original holder of this right explain how it was acquired: purchase

10. CHANGE IN POINT OF DIVERSION

A = 4.0 cfs

B - 2.0 cfs

C - 1.50 cfs

a. Quantity to be diverted at new point: 2.0 c.f.s. and/or 1.50 acre feet

b. New point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 1N
, Range 18E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Through an established diversion point by gravity. Open ditch
to fields previously irrigated.

d. Is water to be conveyed to the lands previously irrigated? Yes x No

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To be able to use the water to a more beneficial use for both the land and the water

f. Do you intend to make the transfer permanent? yes

g. Do you intend to abandon completely the old point of diversion? yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE None

a. Describe the new lands on which you wish to use your right.

[illegible]

PROFILED 5/6/03 Total number of acres to be irrigated.
DATE

DATE _____

total number of
5603

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans: _____

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Joseph W. Boach
(signature of applicant)

Subscribed and sworn to before me this 20th day of May, 1974

Virginia L. Tibbitt
(notary public)
Denver, Colorado

My commission expires 2-24-78

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0026(part), 37-0037-1204 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 18 day of September, 19 74

R. Keith Higgins
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by ij Date 8-1-74

Protest filed by: _____ Date _____

Prelim. check by ds Date 8-1-74

Fee received by ij Date 7/01/74 Fee \$ 30.00

Approved for publication by R&R CC

Published in Lincoln Co. J. Dates 8-22 & 8-29-74

Hearing held _____

Watermaster Recommendation sent _____

FILED
DATE 5/6/03

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

(1) mls 8-9-74

Application No. 37-1204 37-0026 (Part), 37-0027,
37-1204

(2)

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(3)

RA

In form to receipt

Send Copies to:

- ☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(4)

- ☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(5)

RUN

In form for advertising

(6)

KOF 9-10-74

Located within Water District No. 37

(7)

KOF 9-10-74

Critical groundwater area: yes ☐ no ☒

(8)

NA

Groundwater levels:

☐ Decline (comment) _____

☐ Stable (comment) _____

☐ Increasing (comment) _____

(9)

KOF 9-10-74

Comments: _____

(10)

LT 9-6-74

Affidavit of Publication received (date) 9-6-74

(11)

KOF 9-10-74

Final date for protests 9-9-74

Protests received: yes ☐ no ☒

(12)

Date and Place of hearing _____

Decision reached at hearing _____

(13)

KOF 9-10-74

All requested information received from agencies or applicant
yes ☒ no ☐ Watermaster Recommendation

(14)

KOF 9-10-74

Action recommended:

☒ Approve

☐ Deny

☒ Measuring device required

☐ See attached sheet for additional conditions of approval

☒ No additional conditions for approval

(15)

District Southern

By KOF

Date 9-10-74

PRIORITY
FILED
DATE 5/6/03

MICROFILMED

Identification No. _____

Transfer No. 3170

423. 5923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

NOV 18 1975

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Withdrawn

1. Name of Right Holder JOSEPH W. BEARD

Post office address Bellevue, Idaho 83313

2. Right obtained by: Purchase Big Wood Water Users Association

a. Decree to George Allred (a) (b) (c) / in Case of S. C. Frost et al
(Name) Co.

vs. Alturas Water/, Dated Dec. 13, 1909 in Fourth Judicial District
(Name of Court)

Court. County of Lincoln

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Big Wood River tributary to Snake River

(Name of stream or source)

4. Date of Priority A 5-23-1885 C 7-24-24

B 6-15-86

5. Amount of water a 4.00 cfs c.f.s. and/or
b 2.00 cfs
c 1.50 cfs acre feet/annum

6. Water is used for irrigation from April 1 to October 15
(Month, Day) (Month, Day)

7. Original location of point of diversion is NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36

Township 1N, Range 18E, B.M., in Blaine County;

Additional points of diversion, if any none

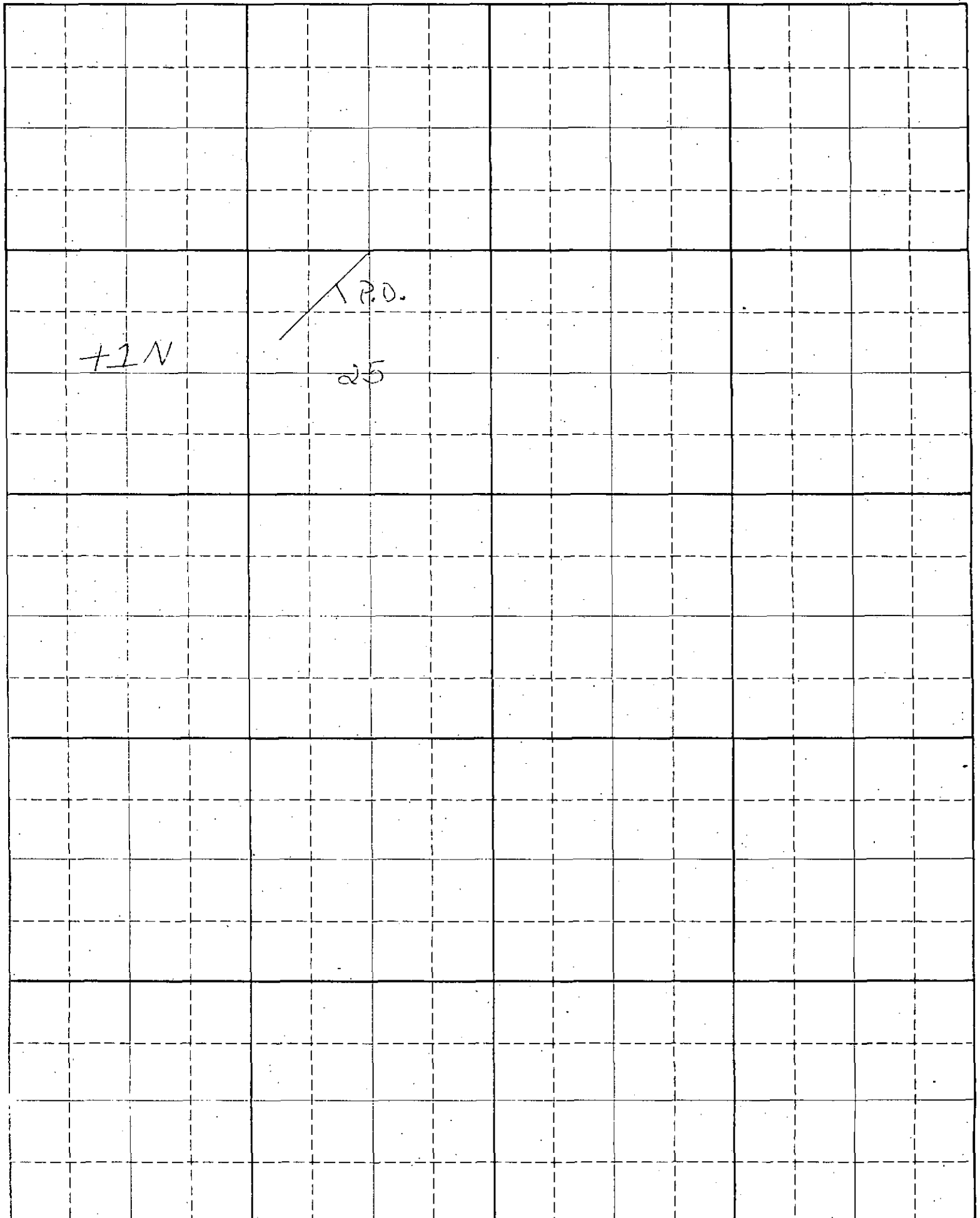
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	18E	1							Lt 4			X	X						
1S	18E	2				Lt 1									X				
1N	18E	35												X			X	X	
1N	18E	36						X	X										

Total number of acres presently irrigated 375

PROFILED
DATE 5/6/03

R18E



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

REC'D
MAY 11 1903

PROFILED
DATE 5/4/03

9. If applicant was not the original holder of this right explain how it was acquired: Purchase

10. CHANGE IN POINT OF DIVERSION

A 4.00 cfs C 1.50 cfs

a. Quantity to be diverted at new point: B 2.00 cfs c.f.s. and/or _____ acre feet

b. New point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 1N
, Range 18E, B.M.

c. Description of method of diversion and conveyance from new points of diversion:

Through an established diversion point by gravity. Open ditch to fields previously irrigated.

d. Is water to be conveyed to the lands previously irrigated? Yes XX No

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To be able to use the water to a more beneficial use for both the land and the water.

f. Do you intend to make the transfer permanent? Right holder intends to use both points of diversion.

g. Do you intend to abandon completely the old point of diversion? No. Right holder intends to use both points of diversion.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

[illegible]

PROFILED
DATE

Total number of acres to be irrigated _____

b. Do you intend to make the transfer permanent? _____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Joseph W. Beard
(signature of applicant)

Subscribed and sworn to before me this 17 day of November, 19 75

[Signature]
(notary public)

My commission expires December 12, 1977

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this _____ day of _____, 19 _____

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Protest filed by: _____ Date _____

Prelim. check by _____ Date _____

Fee received by _____ Date _____ Fee \$ _____

Approved for publication by _____

Published on _____ Dates _____

Hearing held _____

Watermaster Recommendation sent _____

PROFILED
DATE 5/6/03

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) mls 8-9-74 Application No. 37-1204 37-0026 (Part), 37-0027,
37-1204
- (2) ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☐ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☐ Map
☒ Signature
☒ Fee
- (3) RA In form to receipt
 Send Copies to:
 Idaho State Health Department
 Idaho Fish and Game Department
 Bureau of Land Management
- (4) Request Special Use Permit from U.S. F.S.
 Request Easement from B. L. M.
 Request Information from Applicant
- (5) RUN In form for advertising
- (6) KOF 9-10-74 Located within Water District No. 37
- (7) KOF 9-10-74 Critical groundwater area: yes no ☒
- (8) NA Groundwater levels:
 Decline (comment)
 Stable (comment)
 Increasing (comment)
- (9) KOF 9-10-74 Comments:
- (10) LT 9-6-74 Affidavit of Publication received (date) 9-6-74
- (11) KOF 9-10-74 Final date for protests 9-9-74
Protests received: yes no ☒
- (12) Date and Place of hearing
Decision reached at hearing
- (13) KOF 9-10-74 All requested information received from agencies or applicant
yes ☒ no Watermaster Recommendation
- (14) KOF 9-10-74 Action recommended:
 ☒ Approve Priority
 Deny Reason for Reduction
 ☒ Measuring device required
 See attached sheet for additional conditions of approval
 ☒ No additional conditions for approval
- (15) District Southern By KOF Date 9-6-74

PROFILED
DATE 5/6/03

RECEIVED

AFFIDAVIT of PUBLICATION

State of Idaho,
 Connty of Blaine

SS.

Gordon O. Glawson, 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 continuous-
 ly and uninterruptedly published for a period of seventy-eight consecu-
 tive 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 31 day of October

19 74, and the date of the last publication was on the 7

day of November, 19 74

Subscribed and sworn to before me this 12

day of November, 19 74

(SEAL)

Roberta McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 51
 Number of Insertions 2
 Lines tabular at 315c
51 Lines straight at 21c 10.71
51 Subsequent lines at 15c 7.65
 TOTAL COST 18.36

PROFILED

DATE 5/6/03

COPY OF NOTICE

(Paste Here)

Notice of Proposed Change
of Water Right - No 37-0026,
 (part) 37-0027-1204

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
Boise, Idaho

NOTICE OF PROPOSED
 CHANGE OF WATER
 RIGHT

No. 37-0026 (part)
 37-0027, 37-1204

Notice is hereby given that
 Joseph W. Beard, Bellevue, Id.,
 has applied to the Department
 of Water Resources for a change
 of the point of diversion of the
 waters of Big Wood River,
 tributary to Snake River. The
 right sought to be changed is
 evidenced by Decree to (A) (B)
 George Alfred, (C) Big Wood
 Water Users Association in Case
 of S.C. Frost et al v. Alturas
 Water Co., dated Dec. 13, 1909
 in 4th Judicial District Ct.,
 County of Lincoln, and recorded
 as follows:

Amount: Priority:
 A - 4.00cfs 5-23-85
 B - 2.00cfs 6-15-86
 C - 1.50cfs 7-24-24
 Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 36, T 1N, R 18E, B.M., Blaine
 Co.

The water is used for irrigation
 purposes from Apr. 1 to Oct. 15
 within (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Lot 4,
 W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
 Lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 1S, R
 18E; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
 35; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R
 18E, B.M.

TO BE CHANGED AS FOLLOWS

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 25, T 1N, R 18E, B.M.

Any protest against approval
 of the above proposed change of
 water right must be filed with
 the Idaho Dept. of Water
 Resources, 1041 Blue Lakes
 Blvd. N., on or before 11-18-74.

R. KEITH HIGGINSON
 Director

Published: Wood River Journal,
 Blaine County, October 31 and
 November 7, 1974

AFFIDAVIT OF PUBLICATION

Rec: 9-6-74 LT

State of Idaho, }
County of Lincoln } SS.

Darlene Gaskin, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, 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 two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 22nd day of August,

1974, and the date of the last publication was on the 29th

day of August, 1974

Subscribed and sworn to before me this 5th

day of September, 1974

(SEAL)

Helen Maguffee
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 52

Number of Insertions two

Lines tabular at 315c

Lines straight at 21c 10.92

Subsequent lines at 15c 7.80

PROFILED TOTAL COST \$18.72

DATE 5/4/03

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 37-0026 (part),
37-0027, 37-1204

Notice is hereby given that Joseph W. Beard, Bellevue, Idaho, has applied to the Department of Water Resources for a change of point of diversion of the waters of the Big Wood River. The right sought to be changed is evidenced by Decree to (A) (B) George Allred, (C) Big Wood Water Users Association in the case of S. C. Frost et al v. Alturas Water Co. dated Dec. 13, 1909 and recorded as follows:

Amount:	Priority:
(A) 4.00 cfs	5-23-85
(B) 2.00 cfs	6-15-86
(C) 1.50 cfs	7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T 1N, R 18E, B.M. Blaine Co.

The water is used for irrigation from Apr. 1 to Oct. 15 within Lt 4 of SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; Lt. 1 of SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M.

TO BE CHANGED AS FOLLOWS:

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T 1N, R 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho, on or before Sept. 9, 1974.

R. KEITH HIGGINSON
Director

8-22-2tc-1

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No 1271

MICROFILMED

RECEIVED

MAY - 8 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

Department of Water Resources

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

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

May 5, 2003

L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Re: J.R.J Development, Inc.;
Applications to sell or lease water right to Water Supply Bank

Dear Glen:

Enclosed you will find the originals and one copy each of Applications to lease Water Rights Nos. 37-26 and 37-27 to the Water Supply Bank. Please have your secretary receipt date-stamp the copies and return them to me in the postage pre-paid self-addressed envelope included for that purpose.

There is a third water right (37-891C) which is used on these same lands. However, a claim in the SRBA was never filed for this water right until today. Once this claim has been entered into the data base we will file an application to lease the water right to the Water Supply Bank.

Please call me if you have any questions about these applications. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jef
Enclosures
cc: Client w/ enclosure

MICROFILMED
MAY 21 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 9, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

James P. Speck
HOGUE, SPECK & AANESTAD
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

RECEIVED

MAY 13 2003

Department of Water Resources

**RE: APPLICATION TO LEASE WATER RIGHT NOS. 37-0026 AND 37-0027 TO
THE WATER SUPPLY BANK**

Dear Mr. Speck:

The department has completed its review of the 2 Applications to Sell or Lease a Water Right to the Water Supply Bank ("bank") that you submitted to this office on behalf of JRJ Development Co. Please consider that the offered water rights are accepted into the bank.

Items to keep in mind in connection with lease of a water right to the bank are as follows:

1. There is no rental payment to the owner of the water rights if the rights or a part thereof are not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

c: IDWR - S. Region
37-0026 and 37-0027 ✓

MICROFILMED
MAY 21 2003

RECEIVED

MAY - 8 2003

Water Supply Bank No. _____

Department of Water Resources

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor J.R.J.DEVELOPMENT, INC. Phone (208) 726-5161

Post office address Post Office Box 471, Twin Falls, Idaho 83303

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 37-27 Decreed to George Allred
(Name)
in case of S.C. Frost et al. vs Alturus Water Co., et al.
dated 12/13/09 in _____ county of Lincoln District Court
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: all cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: _____ 3 of _____ 3 of Section _____ Township _____ Range
_____, B.M. in _____ County.
Additional points _____

MICROFILMED

MAY 21 2003

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Exhibit A is a copy of the Warranty Deed by which the Seller/Lessor acquired the water right and the land to which it is appurtenant in 1979.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Exhibit B consists of the Watermaster Delivery records for Water Rights 37-26 and 37-27 for 1997 and 1998 which show use during the past five years.

MICROFILMED

MAY 21 2003

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Attached hereto as Exhibit C is a copy of a graph showing to dates this water right was cut in the period from 1945 through 1987.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water Right Nos. 37-26 and 37-891C.

No

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

MICROFILMED

3 MAY 21 2003

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

☐

For sale;

☒

For lease for a period from Indefinite to _____
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

☐

As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as 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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

05-05-03
Date

John H. McDaniel
Signature

FOR DEPARTMENT USE ONLY

Received by MS Date 5-8-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED
4
MAY 21 2003

WARRANTY DEED

For Value Received

JOSEPH WILLIAM BEARD, an unmarried man

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

JOHN McDONALD and LOIS McDONALD, husband and wife; RON STANLEY and MARGARET STANLEY, husband and wife; JAMES HOWARD WEBB, SR., and BERNICE P. WEBB, husband and wife, AND JAMES HOWARD WEBB, JR., and CAROL WEBB, husband and wife, whose address is:

P.O. Box 1, Ketchum, ID 83340

Hereinafter called the grantee, the following described premises, in Blaine..... County, Idaho, to-wit:

Township 1 South, Range 18 E., B.M., Blaine County, Idaho.
Section 18: Lot 3, Lot 4, EXCEPT Highway right of way (Tax Lots 2995 and 2996), SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2997 and 2998), SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2999 and 3000); NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 1 South, Range 17 E., B.M., Blaine County, Idaho
Section 13: NW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2990, and 2991), NE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2992 and 2993), That portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of State Highway 68, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER with all water rights appurtenant thereto, including but not limited to 225 inches of decreed May 23, 1885; 100 inches decreed June 15, 1886, and 75 inches of Base Line By-Pass.

SUBJECT TO easements of record in the records of Blaine County, Idaho.

TO HAVE AND TO HOLD the 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 incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 28, 1979

Joseph William Beard
Joseph William Beard

MICROFILMED

MAY 21 2003

316704

STATE OF Idaho, COUNTY OF Blaine
On this 28 day of December, 1979,
I, the undersigned, a Notary Public in and for said State, personally appeared

Joseph William Beard, an unmarried man

known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at
Comm. Expires

Alicia M. Rooney
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co., Inc.

at 31 minutes past 3 o'clock P.m.,
this 22 day of February,
19 80 in my office, and duly recorded in Book
of Deeds at page

Mary Green
Ex-Officio Recorder

By *M. Pyne*
Fees \$ 3.00
Mail to: Deputy.

EXHIBIT

WATER DISTRICT 37 & 37M

CANAL NAME		BROWN		CANAL NO.		85-P		1997	
OWNER		JOHN MC DONALD							
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	DATE		
1							1		
2							2		
3							3		
4							4		
5							5		
6							6		
7							7		
8					5.56		8		
9					5.56		9		
10					5.56		10		
11					5.56		11		
12					5.56		12		
13					5.56		13		
14							14		
15							15		
16							16		
17							17		
18							18		
19							19		
20							20		
21							21		
22							22		
23							23		
24							24		
25							25		
26							26		
27							27		
28							28		
29							29		
30							30		
31							31		
TOTAL	0.00	0.00	0.00	0.00	33.36	0.00			

YEARLY C F S 33
 YEARLY ACRE FEET 66
 TOTAL NO OF DAYS 6
 YEARLY MEAN 6

MICROFILMED

MAY 21 2003

WATER DISTRICT 37 & 37M

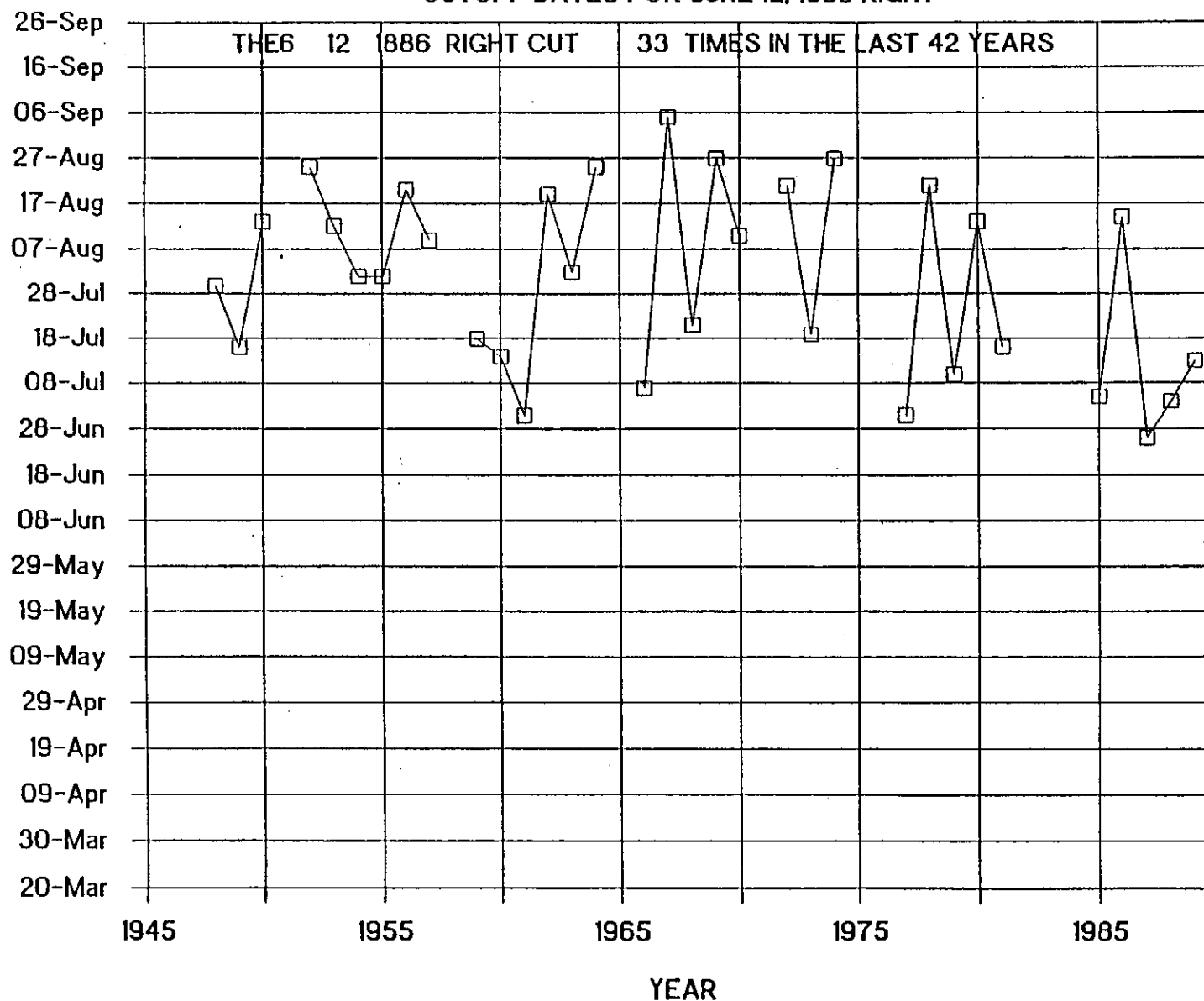
CANAL NAME	BROWN				CANAL NO.	85-P	1998
OWNER	JOHN MC DONALD						
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	DATE
1							1
2							2
3							3
4							4
5							5
6							6
7							7
8							8
9							9
10							10
11							11
12							12
13							13
14							14
15							15
16							16
17							17
18							18
19							19
20				6.66			20
21				6.66			21
22				6.66			22
23				6.66			23
24				6.66			24
25							25
26							26
27							27
28							28
29							29
30							30
31							31
TOTAL	0.00	0.00	0.00	33.30	0.00	0.00	
YEARLY C F S				33			
YEARLY ACRE FEET				66			
TOTAL NO OF DAYS				5			
YEARLY MEAN				7			

MICROFILMED

MAY 21 2003

BIG WOOD RIVER WATER RIGHTS

CUTOFF DATES FOR JUNE 12, 1886 RIGHT



MICROFILMED
DATE OF PRIORITY CUT
MAR-2 1-2003

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, May 03, 2001 1:10 PM
To: Allen, Debbie; Keen, Shelley
Subject: REFUND of S023865

RECEIVED

MAY - 4 2001

On 4/26 Mr. Pugh filed a request for Temporary Transfer. He paid \$50. The transfer requested to move water from above Magic to below Magic. The watermaster has recently cut the rights involved due to priority. In discussing this matter with Mr. Pugh I suggested that he withdraw his application so we did not have to deny it. I received the withdrawal letter today.

I request that a refund be initiated to:

Hoyt Pugh
Box P
Shoshone, ID 83352

Thanks

Shelly... This application was going to be TC-37-2 so do we re-use that number or just note the application was withdrawn?

PROFILED
DATE 5-6-03

MICROFILMED

MAY 21 2003

Mr. Merritt

I would like to
withdraw the request
to transfer this water
and if possible refund
the \$50.00

✓
Hoyt Pugh

RECEIVED

MAY 03 2001

Department of Water Resources
Southern Region

MICROFILMED

MAY 21 2003

PROFILED

DATE 5-6-03

MOON CREEK STORE
HOYT PUGH
P.O. BOX P
SUNBONE, ID 83352



Idaho Dept. of Water Resources
1341 Willmors St. Suite 200
Twin Falls, Id.
83301-3380

MICROFILMED
MAY 21 2003

PROFILED
DATE 5/6/3



5/2/01

I called Hoyt Pugh after notification
from WM that rights have been cut.

I told him to send a letter withdrawing
application and I would try to get a
refund.

AD

MICROFILMED

MAY 21 2003

PROFILED

DATE 5-6-3

RECEIVED
MAY 02 2001
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

AMMENDED RECOMMENDATION OF WATERMASTER

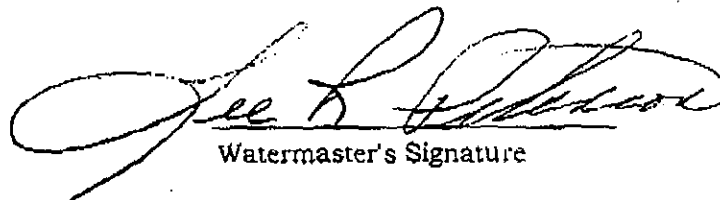
Application No: Water Right No(s): 37-0026, 37-0027
Applicant's Name: Hoyt Pugh

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☒ Additional Comment: These rights have been cut by priority.
I have already notified Mr. Pugh and Mr. McDonald.

Dated this 2nd day of May, 2001

Water District No. 37


Watermaster's Signature

MICROFILMED
MAY 21 2003

PROFILED
DATE 5/6/3

27-0026

APPLICANT:

FILE PROGRE
Hayt Pugh

WATER RIGHT NO.

37-0027

[illegible]

RECEIVED
MAY 01 2001
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Application No: Water Right No(s): 37-26, 37-27
Applicant's Name: Hoyt Pugh

Watermaster's Recommendation:

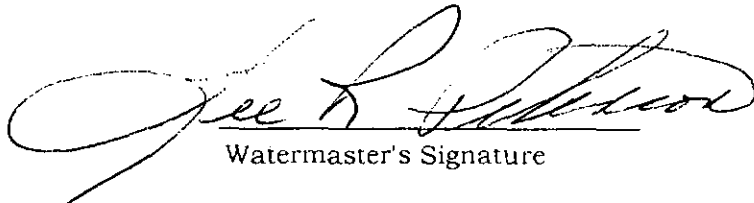
- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows.
I recommend there be at least a 40% loss, due to the distance
the water has to travel.

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 30 day of April, 2001

Water District No. 37


Watermaster's Signature

PROFILED
DATE 5/6/03

MICROFILMED
MAY 21 2003

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Wright Pugh

TRANSFER NO. _____

1. Right number(s)

37-0026-0027

2. Type of right

☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☐ Amount ☐ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: SRBA CLAIMS CLAIM CARRIER POV

POV OVERLAP INVESTIGATED ON WATER RIGHT POV AND

NO OVERLAPS FOUND EXCEPT ~~PERMIT~~ SRBA CLAIM

37-7893 (BASED ON PERMIT) BUT LICENSE FOR 37-7893A & 37-7893B

IS FOR OTHER GROUND.

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. None ~~LETTER~~ LETTER FROM JOHN MCDONALD
Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: NONE APPARENT

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): BWCC, 37-107, 37-594

j. ☒ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) CLAIMS CLAIM BIGGER POW.

k. ☒ Comment letters _____ Yes ☒ No
If yes _____ Water District # _____
Lienholder, others, see #2 _____
below for name and address _____

INITIAL ALLOCATION REVIEW BY P. SKINNER
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 4/30/2001
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ _____ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? _____ Yes _____ No

4. Affidavit of publication received? _____ Yes _____ No

5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 30, 1997

James P. Speck
HOGUE, SPECK & AANESTAD
120 East Ave
P.O. Box 987
Ketchum, ID 83340

**RE: REQUEST FOR EXTENSION OF TIME TO AVOID FORFEITURE OF
WATER RIGHT NOS. 37-00026 AND 37-00027**

Dear Mr. Speck:

As requested in your July 29, 1997 letter, I have enclosed the originals of the above referenced applications filed in the name of J.R.J. Development. The request to withdraw the applications apparently was prompted within a meeting attended by your client John McDonald on behalf of J.R.J. Development, Karl J. Dreher, Norman C. Young and myself.

The meeting was held at the IDWR conference room on June 6, 1997, at the request of Mr. McDonald. During the meeting, the department advised that it could not approve the applications, since the applications had not been timely filed before the end of the five (5) year period of non-use as provided in Section 42-222(2), Idaho Code. Mr. McDonald asked for alternatives to which the department suggested the following:

1. Check with the watermaster of the Big Wood River to determine if water district records show that the water rights have been delivered at the original place of use subsequent to the department's approval of Transfer No. 2987 on October 17, 1985.
2. Withdraw the applications before the department denies them in order to avoid the precedent of the department having denied the applications. The lack of such precedent might provide a position in the Snake River Basin Adjudication that the rights have not been forfeited through non-use even though the rights have not been used since 1985 according to Mr. McDonald.

MICROFILMED

MAY 21 2003

PROFILED
DATE 5/6/03

Please contact the department if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: IDWR - Regional Office
Adjudication Bureau
Doug Jones - IDWR

PROFILED
DATE 5-6-03 MICROFILMED
MAY 21 2003



POOR QUALITY CRISTAL

[illegible]

POOR

[illegible][illegible]

37-7225,
37-7616

AREA OF
INTEREST

[illegible][illegible]

5-0-05

POOR QUALITY ORIGINAL

TOWNSHIP	RANGE	SECTION	TAXES PAID
01S	19E	18	
		17	
		16	
		15	
		14	
		13	
		12	
		11	
		10	
		9	
		8	
		7	
		6	
		5	
		4	
		3	
		2	
		1	

[illegible]

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

July 29, 1997

RECEIVED

JUL 30 1997

Department of Water Resources

VIA FACSIMILE (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

Glen Saxton.
Water Allocation Bureau
Department of Water Resources
Post Office Box 83720
Boise, ID 83720-0098

Re: Applications for Extension of Time to Avoid Forfeiture-
Water Rights 37-00026 and 37-00027

Dear Glen:

My client, JRJ Development, hereby withdraws the Applications for Extension of Time to avoid forfeiture which it filed for its water rights nos. 37-00026 and 37-00027. My client has taken the suggestions made by Karl Dreher in his meeting with John McDonald and the water will be used pursuant to the approved transfer this summer. Please return the original applications to me.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:rsd
cc: John McDonald

PROFILED
DATE 5-6-03

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

Attorneys at Law

120 East Avenue

Post Office Box 987

Ketchum, Idaho 83340

Phone: (208) 726-4421

FAX: (208) 726-0752

FAX MEMO/COVER SHEET

DATE: July 29, 1997
PAGE: 1 OF 2
TO: Glen Saxton
FAX NO: 208-327-7866
SUBJECT: Applications for Extension of Time to Avoid Forfeiture
FROM: James P. Speck, Esq.

The information contained in this fax is confidential information intended only for the use of the recipient named above and may be subject of attorney/client privilege. If the reader of this message is not the named recipient, you are hereby notified that any distribution, dissemination, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this message in error, please immediately notify us by telephone. Thank you.

PROFILED
DATE 5-6-03

JUL-29-97 TUE 14:52

HOGUE, SPECK & AANESTAD

FAX NO. 2087260752

P. 02/02

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY C. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

July 29, 1997

VIA FACSIMILE (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

Glen Saxton
Water Allocation Bureau
Department of Water Resources
Post Office Box 83720
Boise, ID 83720-0098

Re: Applications for Extension of Time to Avoid Forfeiture-
Water Rights 37-00026 and 37-00027

Dear Glen:

My client, JRJ Development, hereby withdraws the Applications for Extension of Time to avoid forfeiture which it filed for its water rights nos. 37-00026 and 37-00027. My client has taken the suggestions made by Karl Dreher in his meeting with John McDonald and the water will be used pursuant to the approved transfer this summer. Please return the original applications to me.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:rsd
cc: John McDonald

PROFILED
DATE 5-6-03

Fill —

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 26, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

RECEIVED

JUL 01 1997

Department of Water Resources

Mr. Glen W. Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

***Re: JRJ Development - Applications for Extension of Time to Avoid Forfeiture of
Water Rights Nos. 37-00026 and 37-00027***

Dear Glen:

This letter is responding to your June 6, 1997 letter. My client is actively pursuing additional information to support its Applications. However, it needs more time to complete the process and reach a decision on whether to proceed with or withdraw the Applications. Therefore, I am asking for an additional thirty (30) days. Please let me know immediately if this request will be granted.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc: Client

PROFILED
DATE 5-16-03

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

P. O. Box 987

Ketchum, ID 83340

1-208-726-4421

Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To:	Mr. Glen W. Saxton	Date:	June 26, 1997
Fax #:	(208) 327-7866	Pages:	2, including this cover sheet.
From:	James P. Speck		
Subject:	<i>JRJ Development - Applications for Extension of Time to Avoid Forfeiture of Water Rights Nos. 37-00026 and 37-00027</i>		

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

PROFILED
DATE 56-03

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 26, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAILMr. Glen W. Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000***Re: JRJ Development - Applications for Extension of Time to Avoid Forfeiture of
Water Rights Nos. 37-00026 and 37-00027***

Dear Glen:

This letter is responding to your June 6, 1997 letter. My client is actively pursuing additional information to support its Applications. However, it needs more time to complete the process and reach a decision on whether to proceed with or withdraw the Applications. Therefore, I am asking for an additional thirty (30) days. Please let me know immediately if this request will be granted.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc: Client

PROFILED
DATE 5-16-03



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 1997

James P. Speck
HOGUE, SPECK & AANESTAD
120 E. Avenue
P.O. Box 987
Ketchum, ID 83340

RE: APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE -
RIGHTS 37-00026 AND 37-00027

Dear Mr. Speck:

I have received by FAX your letter dated June 26, 1997 in connection with the above referenced applications. I will withhold action on the pending applications until the end of July 1997 as you have requested. If I have not received either additional information in support of the applications or a withdrawal of the applications by 5:00 p.m. on July 31, 1997, the department will act on the applications with the information which is then available.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Allen Merritt

PROFILED

DATE 5-16-03

MEMORANDUM

To: Files 37-00026 and 37-00027
From: L. Glen Saxton *WZ*
RE: MEETING WITH JOHN MCDONALD
Date: June 6, 1997

On this date, John McDonald in an unscheduled meeting met with Karl Dreher, Norm Young and me concerning pending applications for extension of time to avoid forfeiture water rights (applications) which he filed in connection with rights 37-00026 and 37-00027.

McDonald stated he was seeking alternatives to the pending department action to deny the applications. Alternatives suggested to McDonald include the following:

1. Relative to the pending applications, McDonald could withdraw the applications before the department acts on them in order to prevent the precedent of the denial potentially finding that the rights had been forfeited.
2. Relative to forfeiture, McDonald could check with the watermaster of the Big Wood River to determine if water district records show that the water rights have been delivered at the original place of use subsequent to the 1985 transfer approvals. If so, McDonald would have a good argument in the SRBA that the rights have not been forfeited.

PROFILED
DATE 5.6.03



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 6, 1997

James P. Speck
HOGUE, SPECK & AANESTAD
120 E. Avenue
P.O. Box 987
Ketchum, ID 83340

**RE: APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE -
RIGHTS 37-00026 AND 37-00027**

Dear Mr. Speck:

Our Twin Falls office has completed the advertising of the above referenced applications and has forwarded the applications to this office for final review and action.

As you know, the applications were filed with the department on March 14, 1997, pursuant to Section 42-222(2), Idaho Code, showing that water was last diverted and applied to a beneficial use in 1985 (12 years ago).

My assessment of the applications is that they were not timely filed as required in the code and should be denied by the department, since a portion of Section 42-222(2), Idaho Code, provides in pertinent part as follows:

Application for an extension shall be made before the end of the five (5) year period upon forms furnished by the department of water resources

If you have additional information you would like the department to consider relative to action on the applications, please submit it within twenty (20) days. If you do not timely provide the requested information, the department will act on the applications with the information now available. Feel free to contact me if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Allen Merritt

PROFILED
DATE 5-6-03

FROM: Allen Merritt *AM*

DATE: May 22, 1997

TO: Extension of Time to Avoid Forfeiture

Right 37-00026 (A37-00026)

Right 37-00027 (A37-00027)

Both in the Name of: J.R.J. Development

SUBJECT: Review and Recommendation

On the face of both applications it is stated that the water has not been used since at least since 1985. I do not understand the legal principle in which negotiations with the federal government justifies the approval of these applications. The legal principle that these applications are based should be reviewed by legal staff. Short of an explanation that there is some sort of legal basis for approval, I concur with Jim Stanton's 3/28/97 memo and I recommend that both applications be denied and the rights found forfeited.

PROFILED

DATE 5-6-03

EXTENSION OF TIME TO AVOID FORFEITURE
ANALYSIS SHEET

1. INITIAL REVIEW BY: J. E. Johnston
2. RIGHT NUMBER 32-00026 APPLICANT JRT Development
3. TYPE OF RIGHT: ☒ Decree ☐ License ☐ Claim
4. Is reason for request extension given on application?
✓ Yes No (If No, return Application)
5. CHECK:
- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) ✓ Description of Point(s) of Diversion
- (c) ✓ Description of Place of Use
- (d) ✓ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ✓ Copy of Tax Notice, Deed, or other
in file.
- (b) County Assessor records. Date Contacted
7. Is the right in a Watermaster District? ✓ Yes No Dist. 37
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by Adm

- (a) Is Application published correctly? ✓ Yes No
- (b) Protest Received? Yes ✓ No

RECOMMENDED ACTION

✓ Approve
 Deny

See memo 5/22/97

Conditions:

RECEIVED

MAY 27 1997

Department of Water Resources

PROFILED

DATE 5-6-03

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 13 1997

State of Idaho,
County of Blaine

} ss.

Department of Water Resources
Southern Region

On this 7 day of May, in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 30 day of April, 1997, and the date of the last publication was on the 7 day of May, 1997.

Subscribed and sworn to before me this 12 day of May, 1997.
(SEAL)

NOTARY PUBLIC

PROFILED

DATE 5-6-03 WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 54.167
Number of Insertions 2
Lines tabular at 76c / Pica
54.167 Lines straight at 37.375 65c / Pica
54.167 Subsequent lines at 31.146 54c / Pica
TOTAL COST ±5 \$ 73.52

Right Nos. 37-00026 : 27

COPY OF NOTICE
(Paste Here)

Application for extension of time
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. of Water Resources
BILL TO

Application for extension of time

Notice is hereby given that JRJ DEVELOPMENT, c/o James P. Speck, Esq., PO Box 987, KETCHUM ID 83340 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Decreed Water Right Nos. 37-00026 and 37-00027. The extensions are requested to avoid loss of the water rights due to non-use while negotiations with the USDI-Bureau of Land Management for the sale of the land are pending. Decreed Water Right No. 37-00026

Priority Date: 05/23/1885

Source: Big Wood River tributary to Malad River
Use: irrigation (4.5 cfs)
Decreed Water Right No. 37-00027

Priority Date: 06/15/1886

Source: Big Wood River tributary to Malad river
Use: irrigation (2.0 cfs)

Point(s) of Diversion: NE1/4NE1/4, S19, T01S, R18E; Blaine County.

Place of Use: 171 acres within parts of Sections 13 & 24, T01S, R17E and Sections 18 & 19, T01S, R18E; Blaine County.

Any protest against the approval of the above proposed and described request must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director
Publish: Wood River Journal - April 30 & May 7, 1997.

Extension of Time
APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-00026

RECEIVED

APR 30 1997

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern Region

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352

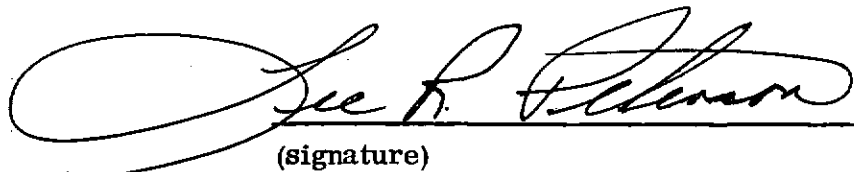
have read the attached copy of the application for transfer of water right for _____
JRJ Development, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 28th day of April 19 97.


(signature)

Please use reverse side if needed.

PROFILED
DATE 5-6-03

**NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE**

Notice is hereby given that JRJ DEVELOPMENT, c/o James P. Speck, Esq., PO Box 987; KETCHUM ID 83340 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Decreed Water Right Nos. 37-00026 and 37-00027. The extensions are requested to avoid loss of the water rights due to non-use while negotiations with the USDI-Bureau of Land Management for the sale of the land are pending. Decreed Water Right No.

37-00026

Priority Date: 05/23/1885

Source: Big Wood River
tributary to Malad River

Use: irrigation (4.5 cfs)

Decreed Water Right No.

37-00027

Priority Date: 06/15/1886

Source: Big Wood River
tributary to Malad river

Use: irrigation (2.0 cfs)

Point(s) of Diversion:
NE1/4NE1/4, S19, T01S, R18E;
Blaine County.

Place of Use: 171 acres within
parts of Sections 13 & 24, T01S,
R17E and Sections 18 & 19,
T01S, R18E; Blaine County.

Any protest against the approval
of the above proposed and
described request must be filed
with the Director, Dept. of
Water Resources, Southern
Region, 1341 Fillmore St., Suite
200; Twin Falls, ID 83301
together with a protest fee of
\$25.00 on or before May 19,
1997. The protestant must also
send a copy of the protest to the
applicant.

Karl J. Dreher, Director

Published in the Wood River
Journal on 4/30 & 5/7/97.

PROFILED

DATE 5-6-03



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

April 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

PROFILED
DATE 5-6-03

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that JRJ DEVELOPMENT, c/o James P. Speck, Esq., PO Box 987; KETCHUM ID 83340 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Decreed Water Right Nos. 37-00026 and 37-00027.

The extensions are requested to avoid loss of the water rights due to non-use while negotiations with the USDI-Bureau of Land Management for the sale of the land are pending.

Decreed Water Right No. 37-00026
Priority Date: 05/23/1885
Source: Big Wood River tributary to Malad River
Use: irrigation (4.5 cfs)

Decreed Water Right No. 37-00027
Priority Date: 06/15/1886
Source: Big Wood River tributary to Malad river
Use: irrigation (2.0 cfs)

Point(s) of Diversion: NE1/4NE1/4, S19, T01S, R18E; Blaine County.
Place of Use: 171 acres within parts of Sections 13 & 24, T01S, R17E and Sections 18 & 19, T01S, R18E; Blaine County.

Any protest against the approval of the above proposed and described request must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 4/30 & 5/7/97.

PROFILED
DATE 5.6.03

OK
per A.D. 11
4/17/97



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

April 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Applications for Extension of Time To Avoid Forfeiture, No. 37-00026 & 37-00027

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the applications for extension of time to avoid forfeiture filed on behalf of J.R.J Development.

This office has scheduled advertising the applications in the Wood River Journal for 4/30 & 5/7/97.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

PROFILED
DATE 5/16/03



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

April 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Extension of Time To Avoid Forfeiture of Water
Right Nos. 37-00026 & 37-00027 (J.R.J. Development)

Dear Mr. Peterson:

Enclosed are copies the Applications for Extension of Time To Avoid
Forfeiture for two water rights within your District, and
Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must
be advised of proposed changes in water rights in the water
district and must notify the Department of his recommendation on
the application.

Please complete the enclosed recommendation forms and return them
to this office.

Processing of an application can be completed in 20 days,
therefore, your prompt response to this request will be
appreciated.

If you have any questions about the applications, please contact
this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

PROFILED
DATE 5/6/03

TO: File

DATE: March 28, 1997

FROM: Jim Stanton

SUBJECT: Apps. For Ext. of Time To Avoid Forf., JRJ Development

Both of these applications should be denied. Water was transferred to this property in 1985 for irrigation, but the applicant states that he immediately began negotiating to sell the land to the federal government. Therefore, the transfer appears to have been made for speculative purposes to increase the value of the land for sale. Maybe we can rescind the transfer and declare the rights forfeited for this reason.

Even if the rights were valid in 1985 when the transfer was approved, they were not used by 1990. So an extension of time to avoid forfeiture should have been filed then to protect the rights. Even if extensions had been granted then, they would have run out in 1995. So if we approve these extensions, we are retroactively approving a 14 1/2-year extension. Doesn't sound legal to me. Again, it looks like the proper thing to do is to deny the extensions and declare the rights invalid. Since the applicant has already said that the land is still in a natural state, I do not plan to visit the property.

PROFILED
DATE 5/6/03

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

February 26, 1997

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

RECEIVED

MAR 14 1997

Department of Water Resources
Southern Region

Mr. Alan Merritt
Idaho Department of Water Resources
222 Shoshone East
Twin Falls ID 83301

Re: Applications for Extension of Time to Avoid Forfeiture - 37-00026 & 37-00027

Dear Alan:

Enclosed you will find two Applications for Extension of Time to Avoid Forfeiture of a Water Right which I have prepared for JRJ Development for its water rights 37-00026 and 37-00027. I've also enclosed my firm's check payable to IDWR in the sum of \$200.00 as the filing fee for these two applications. As you will see from Paragraph 11 of each application, there is an extensive history of negotiations between the Bureau of Land Management (BLM) and my client for the former to acquire the property to protect a crucial deer migration corridor. Unfortunately, the BLM purchase is contingent upon Congressional appropriation of funds which has not yet occurred. In the meantime, my client has felt compelled to keep the property in its natural state to preserve the possibility of such a sale for the public benefit. The length of the extension of time requested will allow my client to conclude its negotiations with the BLM and, if successful, construct a system to apply the water to irrigation of the lands in question.

Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS/sw
Enclosures

Cc: Client (w/copies)

PROFILED
DATE 5/6-03

01-97 TUE 16:10

HOGUE, SPECK & AANESTAD

FAX NO. 2087260752

P. 01/04

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

P. O. Box 987

Ketchum, ID 83340

1-208-726-4421

Fax: 1-208-726-0752

RECEIVED

APR 01 1997

Department of Water Resources
Southern Region

FAX COVER SHEET/MEMO

To:	Mr. Jim Stanton	Date:	April 1, 1997
Fax #:	(208) 736-3037	Pages:	4, including this cover sheet.
From:	James P. Speck		
Subject:	J.R.J. Development Company		

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY-CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

- 1 -

PROFILED
DATE 5/6/03

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208)726-4421
FAX (208)726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

April 1, 1997

VIA FACSIMILE - (208) 736-3037
ORIGINAL WILL NOT FOLLOW

RECEIVED

APR 01 1997

Department of Water Resources
Southern Region

Mr. Jim Stanton
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, ID 83301

Re: J.R.J. Development Company - Applications for Extension of Time to Avoid Forfeiture

Dear Jim:

Enclosed are copies of the Warranty Deed with the legal description for the property, including the place of use, and the first page of the partnership agreement for J.R.J. Development Company, which is an Idaho general partnership. My client explains the use of J.R.J. Development, Inc. - indicating a corporate entity - as the name of the owner of the rights in question or other water rights in IDWR records was a mistake that they never caught. Please call if this is not sufficient information.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j
(enclosures)
cc: client (w/ enclosures)

PROFILED
DATE 5/6/03

WARRANTY DEED

For Value Received

JOSEPH WILLIAM BEARD, an unmarried man

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto JOHN McDONALD and LOIS McDONALD, husband and wife; RON STANLEY and MARGARET STANLEY, husband and wife; JAMES HOWARD WEBB, SR., and BERNICE P. WEBB, husband and wife, AND JAMES HOWARD WEBB, JR., and CAROL WEBB, husband and wife, whose address is:

P.O. Box 1, Ketchum, ID 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,

to-wit:
Township 1 South, Range 18 E., B.M., Blaine County, Idaho,
Section 18: Lot 3, Lot 4, EXCEPT Highway right of way (Tax Lots 2995 and 2996), SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2997 and 2998), SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2999 and 3000), NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 1 South, Range 17 E., B.M., Blaine County, Idaho
Section 13: NW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2990, and 2991), NE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Highway right of way (Tax Lots 2992 and 2993), That portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of State Highway 68,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER with all water rights appurtenant thereto, including but not limited to 225 inches of decreed May 23, 1885; 100 inches decreed June 13, 1886, and 75 inches of Base Line By-Pass.

SUBJECT TO easements of record in the records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantees 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 incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 28, 1979

Joseph William Beard

Joseph William Beard

STATE OF Idaho, COUNTY OF Blaine
day of December, 1979.
I, the undersigned, a Notary Public in and for said State, per-
sonally appeared
Joseph William Beard, an unmarried man
known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that he had executed the same.
Notary Public
Idaho
Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of Sawtooth Title Co., Inc.
at 31 minutes past
this 22 day of February
1979 in my office, and duly recorded in Book
of Deeds at page
Ex-Office Recorder
By *M. Hume*
Fees \$ 3.00
PROFILED
DATE 5/6/03
Mail to:
Deputy.

J.R.J. DEVELOPMENT COMPANYPARTNERSHIP AGREEMENT

THIS PARTNERSHIP AGREEMENT is made and entered into this 1 day of JAN, 1980, by and among John McDonald, Ron Stanley, and James Howard Webb, Sr., James Howard Webb, Jr., a joint venture, hereinafter called the "partners."

NOW, THEREFORE, it is agreed as follows:

1. Name and Business. The partners hereby form a general partnership under the name of J.R.J. Development Company, hereinafter called the "partnership." The partnership shall be authorized to acquire by purchase, lease, or otherwise, lands and interest in lands; to own, hold, lease, finance, improve, develop and manage real property so acquired; to erect, alter, or improve buildings or other structures situated on said real property; to make investments in all types of businesses; and to operate all legal forms of business enterprises.

2. Address. The address of the partnership business shall be P. O. Box 1724, Twin Falls, Idaho 83301.

3. Term. The partnership shall continue until terminated as hereinafter provided.

4. Books. The partnership books and business records shall be maintained at the office of Ron Standley Company, or at such other place as the partners may designate. Each partner shall have access to the partnership books and records at all times during normal business hours. The books shall be kept on a cash basis for each fiscal year, and shall be closed and balanced at the end of each such year.

5. Capital. The capital of the partnership has been contributed by the partners as follows:

John McDonald	33 1/3%
Ron Stanley	33-1/3%
Webb/Webb, a joint	33-1/33
Venture	100%

The foregoing capital represents undivided interests in the partnership assets, subject to liabilities. An individual capital account shall be maintained for each partner. The

PROFILED

DATE 5/6/03

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME C J R J DEVELOPMENT INC. 05/23/1885 IRRIGATION 00/00 00/00 4.500 CFS TOTAL DIVERSION: 4.500 CFS

Water Source: BIG WOOD RIVER Tributary to: MALAD RIVER Stage: DECREED Point(s) of Diversion: T01S R18E S19 NENE BLAINE County

Place of use Legal Description for: IRRIGATION									
NE									
SE									
T	R	S	NE	NE	SW	SW	SW	SW	SUM
01S 17E 13	:	:	NE	NE	NE	NE	NE	NE	33
01S 17E 24	:	17	NE	NE	NE	NE	NE	NE	17
01S 18E 18	:	:	NE	NE	NE	NE	NE	NE	77
01S 18E 19	:	18	NE	NE	NE	NE	NE	NE	44
TOTAL ACRES									171.0

Pou County: BLAINE Other Water Rights with Same Point(s) of Diversion and Source: 37-00027 Other Water Rights Listing Overlapping Place(s) of use: 37-00027

Conditions of Approval: 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 37. 01E - A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 016 - See remarks for additional conditions of approval. Remarks: TRANS. 2987. AC. IRR. = 171. A 10% RIVER CHANNEL LOSS IS ASSESSED TO THE RTS. IDENTIFIED HEREIN & THE RATE OF FLOW SHALL NOT EXCEED 5.85 CFS AT THE P/D. Dates: App. Received: 05/23/1885 Proof Due Date: Exam Made Date: Exam Sent to S.O.: Misc: Water District Number: 37 Field Exam Fee: Audit: 12/09/85 05/28/88 CONVERT 07/13/89 CURTIS 09/06/94 SCURTIS

PROFILED DATE

OWNER
CODE

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C

JRJ DEVELOPMENT INC
PO BOX 1724
TWIN FALLS ID 833010000
(208) 423-5411

05/23/1885

IRRIGATION

04-01 11-01

4.50 CFS

1067.50 AFA

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Point(s) of Diversion: T01S R18E S19 N4WENE

Stage: DECREED

BLAINE County

Place of use Legal Description for: IRRIGATION																			
				NE				NW				SW				SE			
				NENE				NNNW				NNWSW				NWSE			
				SWNE				SENE				SWSE				SESE			
				Lt Ac				Lt Ac				Lt Ac				Lt Ac			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			
				Ac				Ac				Ac				Ac			
				Lt				Lt				Lt				Lt			

REC'D

MAR 14 1997

Water Right No. 37-00026

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$100.00.

1. Name of water right holder: J.R.L. Development.
2. Post office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, Idaho, 83340.
3. The right was obtained or is evidenced by:
 - a. Decree No. 37-00026.
 - b. Snake River Basin Adjudication Claim No. A37-00026.
4. Source of water: Big Wood River.
Tributary to: Malad River.
5. Date of priority: May 23, 1885.
6. Amount of water: 4.5 cfs.
7. Water is used for: Irrigation

8. Location of point of diversion:

Township	Range	Section	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Lot	County
1S	18E	19		NE	NE		Blaine

9. Lands irrigated or place of use:

			NE				NW				SW				SE					
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTALS	
1S	17E	13																32.8	32.8	
1S	17E	24	16.9																16.9	
1S	18E	18											34.2	26.3			17.2		77.7	
1S	18E	19					17.5	26.1											43.6	
TOTALS																			171.0	

10. Give the last date when water was applied to beneficial use: 1985.

Length of extension of time requested: Until November 1, 1999.

11. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and the reasons for non-use: The water right was purchased by the applicant together with 37-00027 and Transfer No. 2987 approved in 1985 authorized the change of point of diversion and place of use for both rights to applicant's property as identified above. At that time and continuing through the present date, applicant was and has been negotiating with the Bureau of Land Management ("BLM") to sell the property to which these rights are appurtenant for wildlife habitat and to protect a crucial deer migration corridor. The BLM purchase is contingent upon Congressional appropriation of funds through the Land and Water Conversation Fund. This has not yet occurred. The conversion of the property to irrigated lands would defeat the purpose of the BLM acquisition. Therefore, applicant has deferred the implementation of the approved transfer and the conversion of the lands to irrigation pending the final outcome of such negotiations. Applicant formerly owned Permit 37-07893. IDWR granted applicant an extension of time to prove beneficial use for this Permit on the basis of the same negotiations with BLM. Applicant is confident the negotiations can be concluded within the time period requested for the extension.

PROF: 5/6/23
DATE

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

J.R.J. DEVELOPMENT

By: John McDonald
John McDonald Partner

SUBSCRIBED AND SWORN TO before me this 27th day of February, 1997.

John A. Latham
Notary public for Idaho
Residing at Blaine, ID
Commission expires 1-13-2001

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons:

Witness my hand this _____ day of _____, 1997.

For Department Use Only

Received by J. E. Stanta Date 3-14-97 Time 9 am Preliminary check by JA
Fee \$ 100 Receipted by J. 5017935 Date 3-14-97 Publication prepared by MB
Published in Wood River Journal Dates 4/30 & 5/7/97
Publication approved by MB Date 5/13/97 Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval (Denial) by AD

PROFILED
DATE 5/6/03

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
June 5, 1997 1:00pm

CUSTOMER
Saxton, Glen

SUBJECT: 37-00026, -00027 plus AJ claims w/ the same #'s
phone call (x) walk-in (.)

He wanted to know if Jim Speck filed an Application for Extension of Time regarding the above permits; Our files show that not only did Speck file for extension March 14, Jim Stanton wrote a memo stating his reasons why it should be denied March 28, and ADM backed Jim Stanton up with another memo May 22, supposedly all was sent to SO on May 23, 1997.

I called Glen back with this information.

37-00026

MEMO

10-16-85

TO: FILE

FROM: JIM JOHNSON

RE: CONDITIONS OF APPROVAL FOR
TRANSFER APPLICATION No. 2987

1. 05 (37, Big Wood River)
2. 01E
3. A 10% River Channel loss
is assessed to the rights identified
herein, and the rate of ~~draw~~^{flow}
~~of~~ shall not exceed 5.85 cfs
at the point of diversion.

PROFILED
DATE 5/6/03

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 16, 1985

Eastside Venture, Inc.
Box 7
Bellevue, WA

RECEIVED
OCT 4 1985

Department of Water Resources

Gentlemen:

This correspondence is in reference to an Application for Transfer of Water Right Nos. 37-0026 & 37-0027 filed by J.R.J. Development Inc. of Twin Falls, Idaho.

They are changing the location of the points of diversion and place of use of said rights to lands owned by them. The lands from which the water rights are being transferred are located within Sections 1, 2, and 35, most of which is owned by a Mr. Joseph Beard. However, the SWSW, Sec. 1, (Twp 1S, Rge 18E), according to Blaine County Assessors Office, is owned by Eastside Venture.

10/1/85
The transfer applicant provided this office with evidence that Mr. Beard had sold all of said water rights to them prior to filing the transfer application. But since the original decree listed the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 1S, Rge 18E as the place of use, we wish to confirm that you do not claim to use any portion of these water rights.

Enclosed is a Notice of Disclaimer form which you can return to us if you are not using said rights. If you are using a portion of said rights, then you should contact us so that we can correct our records. My phone number is (208)334-4162. Please respond to this correspondence on or before October 1, 1985 so that we can complete our transfer review.

If you have any questions, please let me know.

Sincerely,

Jim Johnson
JIM JOHNSON
Water Rights Supervisor

PROFILED
DATE 5/6/03

JJ:sc
Enclosure

cc: JRJ Development, Inc.

MICROFILMED

RECEIVED
OCT 4 1985

NOTICE OF DISCLAIMER

Department of Water Resources

I do not claim to have any interest in Water Right Nos. 37-0026 and 37-0027
and do not object to the Department of Water Resources approving the
Transfer application filed by J.R.J. Development, Inc.

Signed *ADR Waggoner, Asst. Sec.*
Representative of Eastside Venture, Inc.

PROFILED
DATE 5/4/03

MICROFILMED

EASTSIDE VENTURES

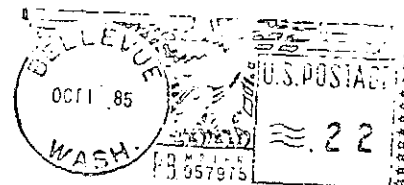
LAKE SIDE INDUSTRIES

P.O. BOX 1379 o BELLEVUE, WA 98009



State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

Attention: Jim Johnson
Water Rights Supervisor



PROFILED
DATE 5/6/83

MICROFILMED

Memo

TO: FILE

9-24-85

FROM: Jim

RE: Transfer 2987

Bill YEAGER CALLED IN response to my letter dated 9-16-1985.

They do use ditch water on 8W SW Sec 1 plus ARTESIAN WATER FROM TWO WELLS FOR IRRIG. of 85 AC. LAST year the well water supply was all they used, however, this year the groundwater levels were lower and the artesian wells flow was inadequate. Ditch water was used but Bill did not know which water right was being used.

He is going to contact Tinker in an attempt to find out which water rights is being used. Tinker is a deputy watermaster for the Big Wood River.

MICROFILMED

PROFILED
DATE 5/6/03



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 16, 1985

RE: Application for Transfer of Water Right Nos. 37-0026 & 37-0027

John H. McDonald
Box 1
Ketchum, ID 83340

As you know, we are trying diligently to complete the review of the above referenced transfer application and to take care of any matters which would prevent the Department from approving it.

I believe we are almost finished. However, I find that water was originally decreed to land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 1S, Rge 18E, which is no longer owned by Joe Beard. Since his Warranty Deed conveyed the entire amounts of the said two rights to you, we must be assured that the present owner does not claim ownership to a portion of these rights.

On this date, I called the Blaine County Assessors Office and they informed me that the land is owned by Eastside Venture, Inc. with an address of Box 7, Bellevue, WA. The Assessor's records did not show how many acres are being irrigated but the person I talked to said he though that they were being irrigated by groundwater.

If this is true, then it should not be a problem getting them to submit a statement that they claim no interest in the two water rights. Since you have been very cooperative with this Department in complying with our past requests, I have prepared a letter to them asking for the statement rather than requiring you to do so.

Once we receive their confirmation, I believe we can complete the transfer review. A copy of my letter to Eastside Venture is enclosed. If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc Enclosure

PROFILED
DATE 5/6/03

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 16, 1985

Eastside Venture, Inc.
Box 7
Bellevue, WA

Gentlemen:

This correspondence is in reference to an Application for Transfer of Water Right Nos. 37-0026 & 37-0027 filed by J.R.J. Development Inc. of Twin Falls, Idaho.

They are changing the location of the points of diversion and place of use of said rights to lands owned by them. The lands from which the water rights are being transferred are located within Sections 1, 2, and 35, most of which is owned by a Mr. Joseph Beard. However, the SWSW, Sec. 1, (Twp 1S, Rge 18E), according to Blaine County Assessors Office, is owned by Eastside Venture.

The transfer applicant provided this office with evidence that Mr. Beard had sold all of said water rights to them prior to filing the transfer application. But since the original decree listed the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 1S, Rge 18E as the place of use, we wish to confirm that you do not claim to use any portion of these water rights.

Enclosed is a Notice of Disclaimer form which you can return to us if you are not using said rights. If you are using a portion of said rights, then you should contact us so that we can correct our records. My phone number is (208)334-4162. Please respond to this correspondence on or before October 1, 1985 so that we can complete our transfer review.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

cc: JRJ Development, Inc.

PROFILED
DATE 5/6/03

MICROFILMED

SAWTOOTH ENGINEERS

CIVIL ENGINEERS AND LAND SURVEYORS

RECEIVED

SEP 13 1985

JRJ Development
Location of Water Rights Transfer

Department of Water Resources

Section 13, T 15, R 17 E, B.M. Blaine County, Idaho
SE $\frac{1}{4}$, SE $\frac{1}{4}$ 32.8 acres

Section 24, T 15, R 17 E, B.M., Blaine County, Idaho
NE $\frac{1}{4}$, NE $\frac{1}{4}$ 16.9 acres

Section 18, T 15, R 18 E, B.M., Blaine County, Idaho
SW $\frac{1}{4}$, SW $\frac{1}{4}$ 34.2 acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ 26.3 acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ 17.2 acres

Section 19, T 15, R 18 E, B.M., Blaine County, Idaho
NW $\frac{1}{4}$, NW $\frac{1}{4}$ 26.1 acres
NE $\frac{1}{4}$, NW $\frac{1}{4}$ 17.5 acres

Total Acres 171.0

RF:wss
9/11/85

cc: John McDonald
Jim Johnson

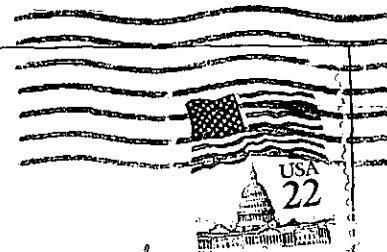
PROFILED
DATE 5/6/03

MICROFILMED

GALENA ENGINEERING, INC.

1007 WARM SPRINGS ROAD • BOX 425 • KETCHUM, IDAHO 83340

CIVIL ENGINEERS AND LAND SURVEYORS



Department of Water Resources
Day House
Attn: Jim Johnson
Boise, Idaho 83720

PROFILED
DATE 5/4/03

MICROFILMED

To Jim
Date 9/11 Time 3:15

WHILE YOU WERE OUT

Dick Fosbury

of _____

Phone _____

Telephoned		Please call	
Called to see you		Will call again	
Wants to see you		Returned your call	

Message _____

Re: Transfer - Blaine
Co.

~~has messages on 6 tone.~~
~~PARCELS~~ OVER
Operator

Kay

Sec. 13 ^{SESE} 32.8 ac

Sec. 24 NENE 16.9 ac.

Sec. 18 SWSW 34.2 ac.

SESW 26.3 ac.

SWSE 17.2 ac.

Sec. 19 NWNW 26.1 ac.

NENW 17.5 ac.

will send revised
description in.

memo

TO: File

9-10-85

FROM: Jim J.

RE: Transfer App. 2987

Per telecon, w/John McDonald he will contact Sawtooth Engr. and have them correct the P/u location attached to McDonalds letter of 8-27-85.

Allow an additional 30 days.

ROFILED
ATE

5/4/03

MICROFILMED

RECEIVED
AUG 29 1985

Department of Water Resources

Mr. Jim Johnson
Water Rights Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

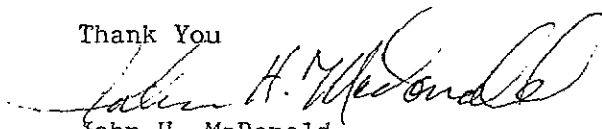
August 27, 1985

Dear Mr. Johnson:

Enclosed are the legal's for the water Right Nos. 37-0026 & 37-0027.

If you have any further questions please call me at 726-5161 on or after the 10th of September.

Thank You


John H. McDonald

Box 1

Ketchum, Idaho 83340

PROFILED
DATE 5/6/03

MICROFILMED

SAWTOOTH ENGINEERS

CIVIL ENGINEERS AND LAND SURVEYORS

JRJ Development
Location of Water Rights Transfer

Section 13, T 15, R 17 E, B.M., Blaine County, Idaho
SE $\frac{1}{4}$, SE $\frac{1}{4}$ 32.8 AC

Section 24, T 15, R 17 E, B.M., Blaine County, Idaho
NE $\frac{1}{4}$, NE $\frac{1}{4}$ 16.9 AC

Section 18, T 15, R 18 E, B.M., Blaine County, Idaho
SW $\frac{1}{4}$, SW $\frac{1}{4}$ 34.2 AC
SE $\frac{1}{4}$, SW $\frac{1}{4}$ 26.3 AC
SW $\frac{1}{4}$, SE $\frac{1}{4}$ 17.2 AC

Section 19, T 15, R 18 E, B.M., Blaine County, Idaho
NW $\frac{1}{4}$, NW $\frac{1}{4}$ 26.1 AC
NE $\frac{1}{4}$, NW $\frac{1}{4}$ 17.5 AC

171

RF:wss
8/26/85

PROFILED
DATE 5/6/03

RECEIVED
AUG 29 1985

Department of Water Resources

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 8, 1985

RE: Application for Transfer of Water Right Nos. 37-0026 & 37-0027

J.R.J. Development, Inc.
Attn: Mr. John McDonald
Box 1724
Twin Falls, ID 83301

Dear Mr. McDonald:

On April 4, 1985 Mr. Tuthill of this office corresponded with you in regard to the above referenced application for transfer. He requested that you provide a land list showing the location of 171 acres on which the said rights will be used. He requested the information be given by May 15, however, to date we have not received this information.

Please be advised that if we do not hear from you on this matter on or before September 1, 1985, the Department will have no other alternative but to deny your transfer application.

If you have any questions on this matter, please let us know.

Sincerely

JIM JOHNSON
Water Rights Supervisor

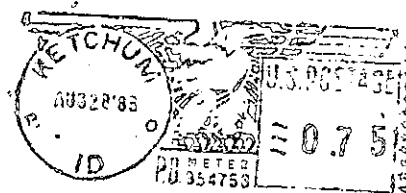
JJ:sc

*Prof filed
5/6/03*

*Bri
wed*

MICROFILMED

John H. McDonald
Box 1
Ketchum, Idaho 83340



Mr. Jim Johnson
Water Rights Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

CERTIFIED

P 607 619 488

MAIL

PROFILED
DATE 5/6/03

INTER-DEPARTMENT MEMO — 1

FROM *Glen*

DATE *5-14-85*

TO *File T2985 (37-00264 37-0027)*

SUBJECT *I John McDonnell (?) called today & advised he will submit the requested info by June 15, 1985.*
- I advised that was O.K.



SIGNATURE

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 4, 1985

J.R.J. Development, Inc.
Attn: Mr. John McDonald
Box 1724
Twin Falls, ID 83301

Re: Application for Transfer No. T2987 for Decreed
Water Right Nos. 37-0026 and 37-0027

Dear Mr. McDonald:

The purpose of this letter is to clarify the current standing of the above-referenced Application for Transfer.

After our conversation on November 2, 1984, I received two telephone calls from Mr. Avery Floyd of Sawtooth Title Company. He called on November 6 and November 8 to discuss the information about acreage shown to be irrigated in the above-referenced Application for Transfer. Since his second call, we have heard nothing regarding this water right. ✓

At this point, we are prepared to approve the transfer for the conveyance of water to 171 acres within the 241.3 acres identified within townships 1S 17E and 1S 18E on the Application for Transfer. However, based on information in the file, we cannot determine which 171 acres should receive the transferred water. Therefore, rather than to indiscriminately select which lands would receive the transferred water, we must ask that you provide the land list. We do note that there are approximately 171 acres within Sec. 18, Twp 1S Rge 18E, and a straightforward method of completing the transfer would be to merely delete the other sections from the list of lands receiving the transferred water. ✓

Please provide the information concerning which lands you have selected, or other information pertinent to this transfer application, no later than May 15, 1985, to allow this office to complete processing the application. If you have further questions or comments on this action, please feel free to call me at 334-4104. ✓

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/lis

PROFILED
DATE 5/6/85

MICROFILMED

CONVERSATION MEMORANDUM

DATE 11/2/84

FILE 37-0026, 37-0027

NAME OF PARTY John McDonald

EMPLOYEE Dave Tuthill

RE: T2987

Mr. McDonald called concerning the issues addressed in my letter dated September 28, 1984. He indicated that he found more than 240 acres irrigated by lands from which he was removing the water rights.

I informed Mr. McDonald that the discrepancy between the 171 acres identified in my letter, and the acres that he computed, was caused by his inclusion of the lands in the N $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 37, T1N, R18E, which are not covered by the water rights listed above.

Mr. McDonald indicated that he would have the title company check out this matter, and he would contact us regarding the acres to be conveyed under this right.

PROFILED

DATE 5/4/83

Hold file until Jan. 15, 1985.

David R. Tuthill, Jr. 11/2/84

DRT

MICROFILMED

11/6 Avery Floyd of Sawtooth Title Co called for add'l info which we provided.

11/8 Avery Floyd called again to say that he can find no evidence that the rts on the N $\frac{1}{2}$ Sec 35 have been transferred off - he will tell Mr. McDonald. ^{SE $\frac{1}{4}$} DRT



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 28, 1984

J.R.J. Development, Inc.
Attn: Mr. John McDonald
Box 1724
Twin Falls, ID 83301

Re: Application for Transfer No. T2987 for Decreed Water Right Nos. 37-0026
and 37-0027

Dear Mr. McDonald:

On the day after your September 11 visit to this office concerning the above-referenced application for transfer, I received a call from Kristy of the title search company in Wood River Basin. She had found some pertinent information regarding the questions we had relayed to her during your visit.

Kristy verified your comment that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 1S, Rge 18E is indeed under separate ownership. She found that in the 1950's, Mr. George Allred had sold the west 35 acres of that tract to a Mr. Ivers. Subsequently, Mr. Allred sold the east five acres of the tract to Minnie E. Burl, and deeded portions of Water Right Nos. 37-0026 and 37-0027 to Mrs. Burl at the time of the sale. Kristy found that the water rights which had been sold to Mrs. Burl were eventually returned to Mr. Allred and subsequently were conveyed first to Mr. Joseph Beard, and then to you and your associates via the warrenty deed dated December 28, 1979, a copy of which is in our file.

Kristy found no evidence to indicate that Mr. Allred or his successors had retained control of the surface water rights in the west 35 acres of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1. Therefore, based on the telephonic information that she conveyed, and based on the information in the file, we have reason to believe that J.R.J. Development, Inc. does not control the surface water rights that were originally pertinent to that 35 acre tract.

ADJUST
Transfer
APPLICAT

We have continued to analyze the information in our file by computing the acreage that appears to have been capable of being irrigated by Mr. Allred's original Big Wood River irrigation system, for the tracts that were both

PROFILED
DATE 5/6/03

MICROFILMED

Mr. John McDonald
September 28, 1984
Page 2

described by Water Right Nos. 37-0026 and 37-0027, and owned by Joseph Beard when he deeded the water rights to you and your associates on December 28, 1979. A copy of the aerial photo, with the number of irrigated acres circled within each tract, is enclosed. Note that the acreage found is as follows: in Sec. 35, Twp 1N, Rge 18E, 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 17 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$; in Sec. 2, Twp 1S, Rge 18E, 17 acres in Lot 1 and 39 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; in Sec. 1, Twp 1S, Rge 18E, 19 acres in Lot 4 and 37 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$; for a total of 171 acres.

It is our understanding based on the information you provided on September 11, that surface water rights were intermittently utilized on the above-described lands until 1979, when Mr. Beard deeded the water rights to you and your associates. It is also our understanding that it is your contention that the water rights have not been forfeited because five years did not pass between the time that the water rights were deeded to you and the date that you filed the application for transfer to remove the water rights from the property.

We have reviewed the surface water rights which you have proposed to transfer with respect to the groundwater rights appurtenant to the same ground, described in License No. 37-7225. We have found that Application for Permit No. 37-7225 was initially filed on May 4, 1973. Subsequently, on August 25, 1976, a representative from this office examined the system and based on his findings the license was issued on June 14, 1979. The sale of the decreed water rights to you and your associates was finalized less than one year after the license was issued, on December 28, 1979, and your application for transfer was filed slightly more than four years later, on January 20, 1984. Based on this data it is our initial finding that the surface water rights originally appurtenant to the ground were fully replaced by primary groundwater rights. Thus, the surface water rights were available for transfer as primary rights, and by filing the transfer less than five years after the license was issued, no forfeiture occurred. ✓

The purpose of this letter is to further document the file regarding the facts of the case, and to provide an opportunity for you, the Watermaster, Reid Newby, and our Southern Regional Office to augment the file or clarify any erroneous information in this letter. If you concur with the information shown thus far, please indicate on the attached copy of the land list to what 171 acres of the 241.3 acres identified you would desire that the water right be transferred, should there be an opportunity to transfer the water right to that number of acres. At this point, pending the receipt of final information from the three entities to receive this letter, we cannot make a decision regarding the final outcome of the transfer. However, based on the information in the file, it appears that the maximum number of acres to which a transfer could be approved would be 171. ✓

PROFILED
DATE 5/6/03

MICROFILMED

Mr. John McDonald
September 28, 1984
Page 3

We ask that the three recipients of this letter respond with any additional information no later than November 1, 1984, so that we can proceed with action on this file. If you have further questions or comments, please ✓
feel free to call me at 334-4104.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ls

Enclosures

cc: Reid Newby
Southern Regional Office

PROFILED
DATE 5/6/03

MICROFILMED

CONVERSATION MEMORANDUM

DATE September 12, 1984

FILE T2987, 37-0026, 37-0027

NAME OF PARTY Kristy, of a Title Search Co. in the Wood River Basin

EMPLOYEE Dave Tuthill *DT*

RE: Results of Title Search

On September 11, 1984, Mr. John McDonald of J.R.J. Development, Inc. visited this office to discuss the questions of the Department regarding the Application for Transfer. As a result of his visit, he contacted the title company with which he conducts business in the Big Wood drainage basin. *(telephoned)*

The employee with whom Mr. McDonald spoke, Kristy, indicated that she would conduct a title search of the land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 1S, Rge 18E with respect to both ownership and water rights. On this day she returned a call to provide information of the results of her search.

She found that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1 had been owned by the recipient of Decreed Rights Nos. 37-0026 and 37-0027, George Allred, for many years. In the 1950's, Mr. Allred sold the west 35 acres of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1 to a Mr. Ivers. Prior to this sale, Kristy found that there were no records of water deeds conveyed by Mr. Allred. Subsequently, Mr. Allred sold the east five acres of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1 to Minnie E. Burl. Mr. Allred deeded portions of Water Right Nos. 37-0026 and 37-0027 at the time of this sale.

Kristy reported other information that she found, which leads to an interpretation that the water rights sold to Mrs. Burl eventually returned to Mr. Allred and subsequently ^{were} sold to J.R.J. Development, Inc. Therefore, based on her information, that entity would have control of the original water right associated with the five eastern acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1

Kristy found no evidence to indicate that Mr. Allred or his successors had retained control of the surface water rights in the west 35 acres of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1. Therefore, based on the telephonic information that she conveyed, and based

PROFILED
DATE 5/19/03

MICROFILMED

CONVERSATION MEMORANDUM

DATE September 12, 1984

FILE T2987, 37-0026, 37-0027

NAME OF PARTY Kristy of Title Search Co. in Wood River Basin

EMPLOYEE Dave Tuthill *DRT*

RE: Cont.

on the information in the file, we have reason to believe that J.R.J. Development
Inc. does not control the surface water rights that were originally pertinent
to that 35 acre track.

PROFILED
DATE 5/6/83

MICROFILMED

REFERENCE SLIP

8-13-84

TO

Dept. of Water Resources

- | | |
|--|---|
| ☐ ACTION | ☐ NOTE AND RETURN |
| ☐ APPROVAL | ☐ PER PHONE CALL |
| ☒ AS REQUESTED | ☐ RECOMMENDATION |
| ☐ FOR COMMENT | ☐ REPLY FOR SIGNATURE OF |
| ☐ FOR INFORMATION | ☐ RETURNED |
| ☐ INITIALS | ☐ SEE ME |
| ☐ NOTE AND FILE | ☐ YOUR SIGNATURE |

REMARKS

No photo copies or
capability to reproduce
Sec 18 & 19 - T 15 Reg 18E
and Sec 13 & 14 Twp 15
Reg 17E. Sorry

RECEIVED

AUG 14 1984

Department of Water Resources

FROM

Blaine County ASLS Office

MEMORANDUM

TO: Files 37-0026 & 37-0027

FROM: Jim Johnson *Jim*

DATE: June 27, 1984

RE: Transfer 2987

In follow-up to the memo of April 27, 1984, recommending that this transfer be denied, I discussed the transfer with Reid Newby and have reviewed aerial photos of the lands which the water is being transferred from and to.

Item 1) on the 4/27/84 memo states that with the removal of rights 37-0026 and 37-0027, two groundwater rights will become the primary rights for the identified lands and the transfer will result in additional lands being irrigated which therefore results in the expansion of the surface water rights.

I do not concur with this statement. What has occurred is a land owner replacing surface water irrigation with groundwater irrigation.

A review of the aerial photos shows that most of the said lands are now irrigated by two circular sprinkler systems and according to Blaine County Assessor's Office, the previous land owner (Beard) has now sold said land to other parties. Beard sold the surface water rights which he no longer needed to JRJ Development when he completed the groundwater development.

JRJ Development, in turn, is transferring the surface water rights downstream to other lands. There appears to be no expansion occurring of the surface water rights as a result of this transfer.

Item 2) of the 4/27/84 memo, addresses a water right (37-1204) that was sold to JRJ Development but not included in this transfer. Per conversation with Reid Newby, the 75 inches of water in right 37-1204 is a portion of water saved from stream channel loss by diverting Big Wood River from its natural channel into a man-made channel, called the Baseline Bypass Canal.

Several individuals receive the saved water provided that the bypass channel is maintained. The cost of maintenance is shared by all of the individuals. It appears that JRJ Development is not interested in transferring its portion of the Bypass right to the new place of use. If this water is not diverted, then the cost of maintenance would have to be shouldered by the remaining users.

Reid Newby has expressed this concern in his comments on the transfer application. However, right 37-1204 is not part of said transfer and I know of no requirement which ^{requires} ~~requests~~ a continued diversion of said right. I do not believe it is up to the Department to resolve the dilemma.

MICROFILMED

PROFILED

DATE 5/6/03

TO: Files 37-0026 & 37-0027
DATE: June 27, 1984
PAGE: 2

Item 3) of the 4/27/84 memo, addresses the limited chain of ownership and has no bearing on not approving the transfer because the Warranty Deed clearly shows the change of ownership of said water rights.

Also, the Department water right files (37-0026 & 37-0027) contain previous transfer applications filed by Mr. Beard which were withdrawn. These transfers reflect previous attempts by Mr. Beard to sell his water rights to other parties. These efforts further substantiate that Mr. Beard has changed his irrigation source from surface water to groundwater.

The watermaster recommends that, because the water will stay in the natural channel 9 miles further before it is diverted, a 10% channel loss be assessed to the two water rights. This appears to be reasonable and is recommended as a condition of approval on the transfer.

PROFILED
DATE 5/6/03

MICROFILMED

MEMORANDUM

TO: Files 37-0026 & 37-0027

FROM: Jim Johnson *ju*

DATE: June 20, 1984

RE: Transfer #2987

Proof of water right ownership (Warranty Deed) shows that J.R.J. Development has owned the water rights described in the transfer since 1979.

The place of use prior to the transfer described under item 8 contains lands (according to Blaine County Assessors Office) no longer owned by Beard - the previous owner of the water rights. - SEE ATTACHMENT

Water Right 37-1204 was included in the sale to J.R.J. Development but is not included in this transfer. It is not known where this water is actually being used. According to Reid Newby, he has not delivered water under this right to anyone for several years.

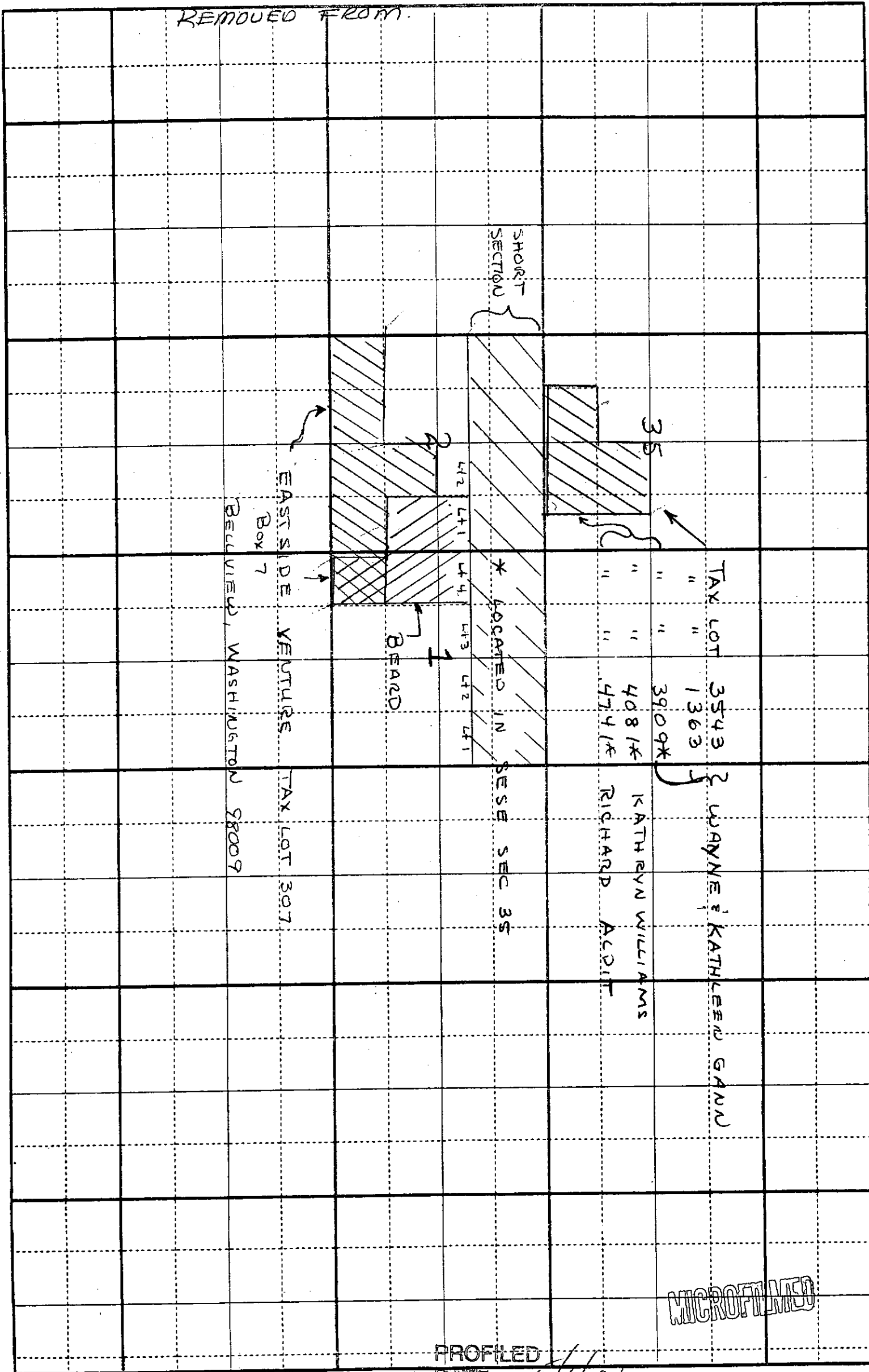
The watermaster recommends that because the water will be transported nine (9) miles further downstream, a 10% loss should be charged to the two rights.

Based upon the above information, it does not appear that any existing water rights will be injured nor will the rights be expanded as a result of this transfer. Therefore, it is recommended that the transfer application be approved.

PROFILED
DATE 5/16/83

MICROFILMED

REMOVED FROM.



MICROFILMED

PROFILED
DATE 5/6/03

MEMO

April 27, 1984

FROM: Loren O. Holmes *LH*
TO: Jim Johnson - File 37-7893

Review of this Application for Transfer reveals the following problems:

37-7225

- 1) The groundwater rights on the original P/U (37-7616 and 37-7²25) will become primary rights. The transfer will result in additional lands under water rights.
- 2) The 75 inches of Baseline bypass water deeded to the applicant is not being transferred. This could be taken care of by a separate application, but expansion would occur as above.
- 3) The chain of ownership to the decreed rights consists only of a deed of the rights from Joe Beard to J.R.J. and the fact that Joe Beard is the holder of the groundwater permits on the original P/U.

Item #1 is, by far, the most serious and leads to my recommendation that the application be denied.

PROFILED
DATE 5/6/03

MICROFILMED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0026
37-0027

JAN 30 1984

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern District Office

I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is Box T Shoshone, Idaho 83352.
have read the attached copy of the application for transfer of water right for
J.R.J. Development, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: This water is now delivered through the Baseline
By-pass. If this transfer is allowed this water would have to be delivered
through the so-called dry-beds of Big Wood River during high water. Once the

OR

(over)

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 26th day of January 19 84.

Reid J. Newby
(signature) Watermaster

PROFILED
Please use reverse side if needed DATE 5/16/03

MICROFILMED

river is low enough for all water to go through the Baseline By-pass, then this water would be delivered by the Baseline By-Pass back to the Big Wood River and out of the river at the new diversion point.

When the June 15, 1883 rights are cut off the Extension By-Pass comes into effect, and this water would then have to be delivered by way of the Baseline By-Pass, Extension By-Pass back to Big Wood River, and delivered from river. This transfer would result in the water traveling about 9 miles further downstream than it does now.

The new diversion point would be in the back water of Magic Reservoir when it is full and out of the river channel at lower stages.

I feel that because of the mileage difference in location of the point of diversion that a loss of 10% be charged against this water for protection of rights in the river.

REPRODUCTION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J.F. Stanton

1. Right number 37-0026, 0027 Applicant J.R.J. Development, Inc.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Both groundwater rights on original P.U. were developed prior to sale of decreed water with new lands
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37-Big Wood River.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 1/24/84 Received on 1/30/84
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☒ Deny See memo
3. Conditions* PROFILED DATE 5/16/83

MICROFILMED

RECEIVED
MAY 01 1984

4. By Loren O. Halmer Date 4/27/84

Department of Water Resources

February 24, 1984

MEMO:

TO: File 37-0027

FROM: Loren O. Holmes
Southern Region Supervisor

The Wood River Journal changed the advertising dates from February 2 and February 9, 1984 without notifying this office and left the protest date as February 20, 1984. Rather than re-publish the notice again, the application will be held until February 27, 1984 for protest.

PROFILED
DATE 5/6/03

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0026
37-0027

Notice is hereby given that J. R. J. Development, Inc., of Twin Falls, Idaho has applied to the Department of Water Resources for a change of point of diversion and change of place of use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to George Allred in case of S. C. Frost, et al vs Alturas Water Co., et al, dated December 13, 1909 in Fourth District Court county of Lincoln and are recorded as follows:

37-0026

Amount: 4.5 cfs

Priority: May 23, 1885

Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T1N, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within LT4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; Lt1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T1S, R18E; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T1N, R18E, B.M.

37-0027

Amount: 2.0 cfs

Priority: June 15, 1886

Point of Diversion: Same as 37-0026

Place of Use: Same as 37-0026

TO BE CHANGED AS FOLLOWS:

37-0026

Amount: 4.5 cfs

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T1S, R18E, B.M., Blaine County

The water is used for irrigation of 241.3 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T1S, R17E; NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lt3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Lt4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lt1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 19, T1S, R18E, B.M.

37-0027

Amount: 2.0 cfs

Point of Diversion: Same as 37-0026

Place of Use: Same as 37-0026

Any protest against the approval of the above proposed change of the rights described about must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before February 20, 1984.

A. KENNETH DUNN, Director

Published in Wood River Journal on Feb. 2 and Feb. 9, 1984.

PROFILED
DATE 5/1/83

PROFILED



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

January 25, 1984

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Notice of Proposed Change of Water Right No. 37-0026, 37-0027

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

PROFILED
DATE 5/6/03

MICROFILMED



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

January 24, 1984

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

Re: Application for Transfer of Water Right No.

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

PROFILED
DATE 5/6/03

MICROFILMED

INTER-DEPARTMENT MEMO

1

FROM Loken Holmes

DATE 11/8/82

TO State Officer

SUBJECT Application for Transfer 37-0026, 0027

The applicant is no longer interested in making the transfer, & come in the office to withdraw the application. Due to an oversight, the form he signed is a relinquishment. The Application should be voided & no longer considered.

PROFILED
DATE 5/6/03

LH

SIGNATURE

RECEIVED

SEP 13 1982

Department of Water Resources
Southern District Office

RELINQUISHMENT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to appropriate
the Public Waters of the State of Idaho, No. 37-0026- 37-0027.

Signed at Twin Falls, ID this 13 day
of September, 19 82.

Joe W. Beard
Permit Holder

ATTEST:

Mary A. Hill
Mary A. Hill
Secretary

THIS "RELINQUISHMENT" FORM CAN BE
CONSIDERED TO BE A WITHDRAWAL OF
T 2754

David R. Tatchell
Nov 17, 1982

PROFILED
DATE 5/4/03

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Joe Beard Phone 788-4214 726-3417
Post office address Bellevue, Idaho 83313 829-5539

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to George Allred
in case of S. C. Frost vs Alturas Water Co.
dated Oct. 6, 1909 in _____ county of Blaine
(Name of Court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Thru purchase of the property
3. Source of water Big Wood River tributary to Snake River
4. Date of priority: 6-15-86 5/23/85
5. Water is used for the following purposes:
amount 4.5 for irrigation purposes from 4 - 1 to 11 - 1
amount 2.0 for irrigation purposes from 4 - 1 to 11 - 1
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 2.0 6-15-86 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25
Township 1 N Range 18 E., B.M., in Blaine County
Additional points of diversion, if any _____

[illegible]Total number of acres to be irrigated 240

9. Describe any other water rights used for the same purposes as described above None

PROFILED
DATE: 5/6/03

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

PROFILED
DATE 5/6/03

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 6.5 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NE ¼, Section 19 Township 1 S.
Range 18 E., B.M., Camas County
Additional points _____

c. Description of diverting works Headgate, measuring device & Ditch

d. Describe the reasons for applying for a change in the point(s) of diversion

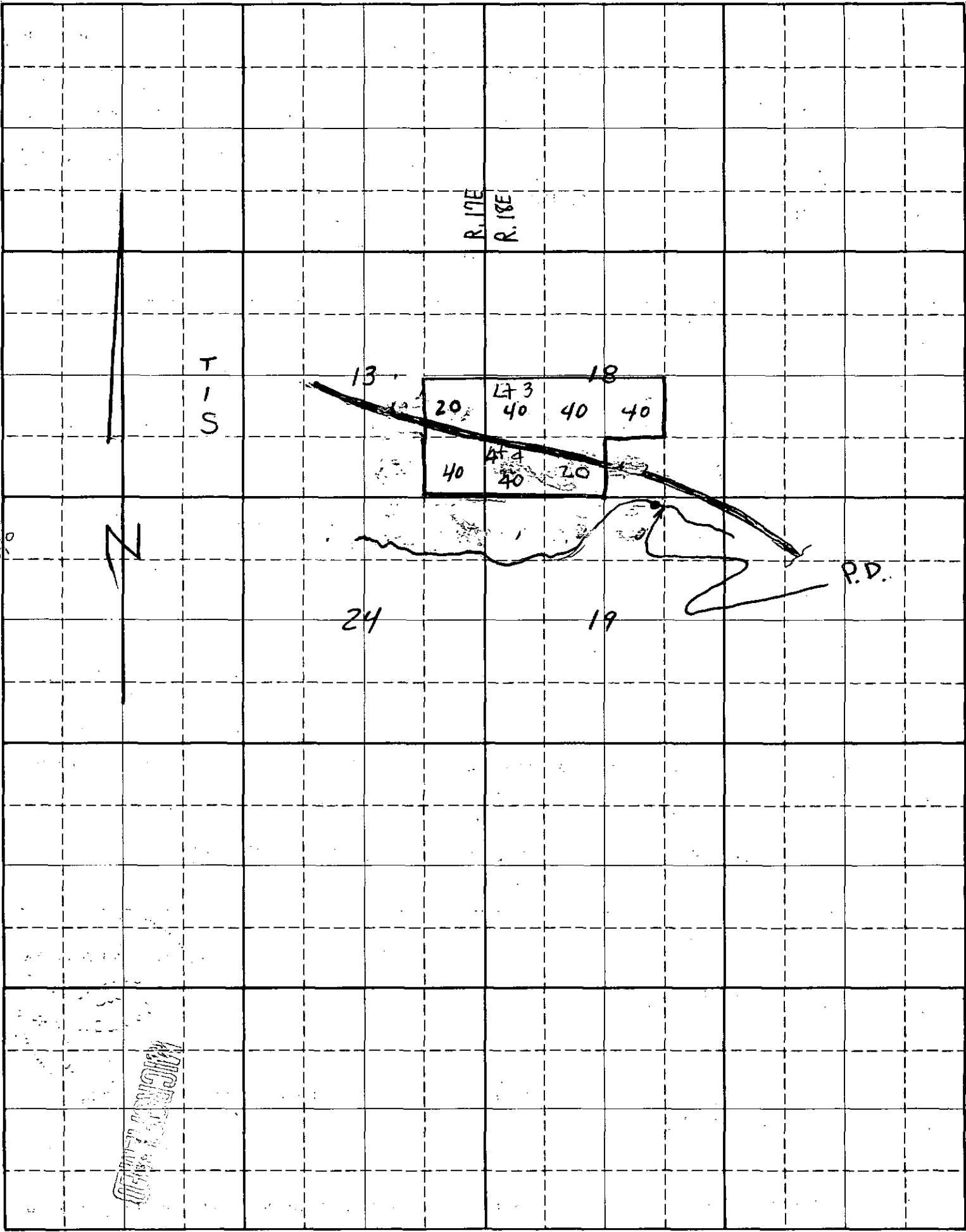
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	17E	13													X	X		X	60
1S	18E	18									X	X	X	X		X			180

Total number of acres to be irrigated 240

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PROFILED
DATE 5/4/03

FILED
DATE 5/4/03

4. Remarks F
L

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Joe Beard
(Signature of applicant)

Subscribed and sworn to before me this 4 day of January, 19 80.

Mary A. Hill
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

FOR DEPARTMENT USE ONLY

Received by JP Date 1/4/80

Prelim. check by _____ Fee 25.⁰⁰ \$17050

Receipted by Mary A Date 1/4/80

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval ☒ denial ☐

by _____



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) 734-3570

August 2, 1982

Joe Beard
Bellevue,
Idaho 83313

Re: Application for Transfer of Water Right

Dear Mr. Beard:

We understand that you have sold the 240 acres in Sec. 13 and 18 to which you planned to transfer 1885 and 1886 water rights.

If you are no longer interested in the transfer, please sign the attached form relinquishing the application for transfer. If these water rights went with the land you sold, then the new owner should make his own application for transfer.

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:

RECEIVED

PROFILED
DATE 5/6/03



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

December 24, 1980

Mr. Joe Beard
Bellevue,
Idaho 83313

Re: Application for Transfer of Water Rights 37-0026 - 37-0027

Dear Mr. Beard:

On April 4, 1980, you filed an application to transfer the two above referenced water rights decreed from the Big Wood River.

When last contacted by phone, in August, 1980, you indicated to Jim Stanton of this office that the land and water rights had been sold and that you no longer had an interest in the application.

In order to allow us to clear out files, please sign the attached relinquishment form and return it to this office in the envelope provided.

If you have any questions, please contact me.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

PROFILED
DATE 5/6/03

FROM Jim Stanton

DATE 9-2-80

TO File

SUBJECT Transfer of Water Rights Initiated By Joe Beard 1-4-80

Due to various problems & delays, this transfer was never advertised. Mr. Beard never answered the letter I sent him on 6-20-80. I contacted him on 8-29-80 by phone. He stated that he had sold the water and also the land where the water was to be transferred, and that the new owners would be making the needed transfers. The transfer started by Mr. Beard is therefore null and void by his choice.

[Signature]

SIGNATURE

STATE OF IDAHO
Department of Water Resources

No 17050

Boise, Idaho, Sept 4, 1980

RECEIVED FROM Joe Beard of Beckman Station \$ 25.00
Thirty-five and 00/100 DOLLARS

FOR		
<u>Travel</u>	\$	<u>25.00</u>
<u>0</u>	\$	
<u>0</u>	\$	
<u>92-188</u>	\$	
TOTAL - - -	\$	<u>25.00</u>

Mary A. Bell

STATE OF IDAHO
Department of Water Resources

No 17050

Boise, Idaho, Sept 4, 1980

RECEIVED FROM Joe Beard of Beckman Station \$ 25.00
Thirty-five and 00/100 DOLLARS

FOR		
<u>Travel</u>	\$	<u>25.00</u>
<u>0</u>	\$	
<u>0</u>	\$	
<u>92-188</u>	\$	
TOTAL - - -	\$	<u>25.00</u>

Mary A. Bell

RECEIVED
SEP 10 1980
MIDNIGHT



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) 734-3576

January 21, 1980

Joe Beard
Belleuve,
Idaho 83313

Dear Mr. Beard:

On January 4, 1980, you filed an Application for Transfer on your water rights. The rights that you have are for 280 acres and can be transferred for only that amount. Your application shows 620 acres. Before we can continue the processing of your transfer, you will need to correct this error.

Please contact us at your earliest convenience.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

MICROFILMED

PROFILED
DATE 5/6/03



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

June 20, 1980

Joe Beard

Bellevue, Idaho 83313

Re: Application for Transfer of Water Right

Dear Mr. Beard:

We are holding your application for transfer of the George Allred decreed rights. Your deed shows that you own 4 cfs of the 5-23-1885 right, but you propose to transfer 4.5 cfs. Unless you can provide proof that you own the entire right, the transfer will have to be changed to show the lesser amount. I have not been able to contact you by phone to discuss this so please call at your earliest convenience. We cannot change a notarized document, so it may be desirable to re-do the entire transfer.

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

Sincerely,

James E. Stanton
Senior Water Resource Agent

JES:

MICROFILMED

PROFILED
DATE 5/6/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 37-0026, 0027 Applicant BEARD, Joe
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☐ Check for expansion in use of right. Comments _____
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

PROFILED
DATE 5/6/83

4. By _____ Date _____

RECEIVED
NOV 15 1982

Inst No 144938
Recorded 8-11-72

POOR QUALITY ORIGINAL

CONFIDENTIAL - PRIVATE DEED

FOR VALUE RECEIVED.

BLAINE CATTLE ASSOCIATION, INC.,
a corporation duly organized and existing under the laws of the
State of Idaho, Grantor, does hereby Grant, Bargain, Sell and
Convey unto

JOE W. BEARD and BLANK M. BEARD, Husband and Wife,
Grantee, the following described real estate, situated in Blaine
County, Idaho, to-wit:

PARCEL 1:

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

Section 1: Lot 1; NE 1/4 SE 1/4; SW 1/4 SE 1/4;
SW 1/4 SW 1/4 Except Highway right of way
(Tax Lots 2995 and 2996)

Section 2: Lot 1; NE 1/4 SE 1/4

Section 18: Lot 3; Lot 4 Except Highway right of way
(Tax Lots 2995 and 2996)
SE 1/4 SW 1/4 Except Highway right of way
(Tax Lots 2997 and 2998)
SW 1/4 SE 1/4 Except Highway right of way
(Tax Lots 2999 and 3000); NE 1/4 SW 1/4;
NW 1/4 SE 1/4

Section 19: Lot 1; NE 1/4 NW 1/4; NW 1/4 NE 1/4;

TOWNSHIP 1 SOUTH, RANGE 17 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

Section 13: NW 1/4 SE 1/4 Except Highway right of way
(Tax Lots 2990 and 2991); NE 1/4 SE 1/4
Except Highway right of way (Tax Lots 2992
and 2993); That portion of SE 1/4 SE 1/4
lying South of State Highway 68; SW 1/4
SE 1/4

Section 24: NE 1/4 NW 1/4; N 1/2 NE 1/4

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

Section 35: E 1/2 SW 1/4; W 1/2 SE 1/4
All that portion of NE 1/4 SE 1/4 West
of Highway (Tax Lot 1363)
All that portion of SE 1/4 SE 1/4 West
of Highway Except Highway right of way
(Tax Lot 1365)

ALSO EXCEPTING a fraction of the SE 1/4
SE 1/4 of Section 35, Tp. 1 N., R. 18
E., P.M., in Blaine County, Idaho, more

MICROFILMED

PROFILED
DATE 5/6/03

CONFIDENTIAL - PRIVATE DEED

-1-

APPROVED
MICROFILMING
SYSTEMS

SYSTEMS

300

POOR QUALITY ORIGINAL

particularly described as follows:
 BEGINNING at a point on the South boundary of said Sec. 35 from which the South Quarter corner of said Sec. 35 bears due West a distance of 1377.0 feet; thence running due North a distance of 1310.3 feet to a fence; thence North 89° 58' E. along said fence a distance of 525.8 feet; thence South 89° 19' East along said fence a distance of 201.3 feet; thence South 0° 31' East along a fence on the Westerly right-of-way boundary of Federal Highway No. 93 a distance of 882.4 feet; thence South 0° 40' West along said right-of-way fence a distance of 182.9 feet; Thence South 3° 53' West along said right-of-way a distance of 242.9 feet to the intersection of said right-of-way and the South boundary line of said Sec. 35; Thence due West along said Section line a distance of 718.8 feet to the point of beginning.

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN,
 BLAINE COUNTY, IDAHO.

Section 36: NW 1/4 NW 1/4 Except Highway right of way
 (Tax Lots 1358 and 1359)
 SW 1/4 NW 1/4 Except Highway right of way
 (Tax Lots 1360 and 1361)

Together with all buildings, fences, facilities for handling and watering livestock, and all other improvements located thereon, and all rights of way, easements, permits and licenses appurtenant thereto or used in connection therewith, and all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to the following decreed water rights in Big Lost River: 24.2 inches decreed March 24, 1883, 200 inches decreed May 23, 1885, 100 inches decreed June 15, 1886, 60 inches decreed June 15, 1891, and together with the following Taylor Grazing Rights: 38 AUM (15 cattle) Timmerman Hill and 286 AUM (57 cattle) Hailey.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, lateral and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the boundaries of the Base Line Pump Association and Wood River Valley Irrigation District.

Subject to Right of Way for Irrigation ditch dated December 5, 1899, recorded May 18, 1900, in Book B of Miscellaneous, page 362, records of Blaine County, Idaho, over and across parts of Sections 35 and 36, Township 1 North, Range 18 East, B.M., and parts of Sections 1 and 2, Township 1 South, Range 18 East, B.M., Blaine County, Idaho.

PROFILED
 DATE 3/6/23

MICROFILM
 SYSTEMS

300

SYSTEMS

Subject to Easement in Deed recorded December 13, 1910, in Deed Book 69, page 278, records of Blaine County, Idaho, which grants "a right of way through the present roadway, for road purposes, through the East five acres of SW 1/4 SW 1/4 Section 1, Township 1 South, Range 18 East, B.M."

Subject to right of way granted to Base Line Canal Company, in Deed dated May 11, 1931, recorded in Book 137 of Deeds, page 596, over and across the S 1/2 SE 1/4 Section 35, Township 1 North, Range 18 East, B.M.; Lot 4 Section 1 and Lot 1 Section 2, Township 1 South, Range 18 East, B.M.

Subject to Pole Line Easement to West Coast Power Company, dated June 14, 1940, recorded October 17, 1940, in Book 143 of Deeds, over and across the W 1/2 NW 1/4 of Section 36, Township 1 North, Range 18 East, B.M.

Subject to Power Line Easement to Idaho Power Company, dated December 4, 1944, recorded April 9, 1945, in Book 148 of Deeds, page 491, over and across part of SW 1/4 SW 1/4 Section 1, Township 1 South, Range 18 East, B.M.

Subject to Power Line Easement to Idaho Power Company, dated April 23, 1949, recorded December 15, 1950, in Book 159 of Deeds, page 452, over and across the NE 1/4 SE 1/4 Section 35, Township 1 North, Range 18 East, B.M.

Subject to Deed to the State of Idaho, dated September 20, 1955, recorded October 14, 1955, in Book 166 of Deeds, page 463, granting easement adjacent to highway for relocation of all irrigation and drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway, and agreeing that no buildings or structures, except irrigation or drainage structures will be permitted to be constructed within 20 feet of the highway, and that no bill boards or other advertising signs will be permitted closer than 100 feet from the highway, except signs pertaining to business established on lands adjacent to the highway.

Subject to Power Line Easement to Idaho Power Company dated July 21, 1961, recorded July 21, 1961, in Book 176 of Deeds, page 295, granting easement over and across NW 1/4 NW 1/4 Section 36, Township 1 North, Range 18 East, B.M.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of

PROFILED

8/4/03

CORPORATION WARRANTY DEED

RECORDED
8/15/03

SYSTEMS

said premises, that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary-Treasurer.

DATED June 9, 1932.

By W. B. E. [Signature]

Attest [Signature]

STATE OF IDAHO

County of Twin Falls

On this 9th day of June, 1932, before me, a Notary Public in and for the State of Idaho, personally appeared MONCUR and J. P. SMITH, known to me to be the Secretary-Treasurer of [Corporation Name], and they acknowledged to me the execution of the foregoing instrument or the copy of said corporation and executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 9th day of June, 1932, at Twin Falls, Idaho.

[Signature]
Notary Public for State of Idaho
Residing at Twin Falls, Idaho.

POOR ORIGINAL

POOR QUALITY ORIGINAL

DATE June 9, 1932

CORPORATION WARRANTY DEED



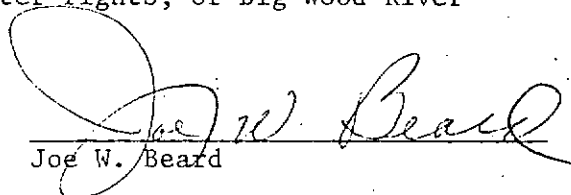
MEMORANDUM

FROM: Joseph W. Beard

TO: The file

SUBJECT: #37-0026, 37-1204, part 37-0027 (Joseph W. Beard) Transfer

I, JOE W. BEARD, At this time request to withdraw my Application for Transfer #37-0026, 37-1204, part 37-0027 water rights, of Big Wood River filed November 17, 1975.


Joe W. Beard

STATE OF IDAHO,)
) ss.
COUNTY OF TWIN FALLS)

On this 27th day of May, 1977, before me, the undersigned, a Notary Public for Idaho, personally appeared Joe W. Beard, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Twin Falls, Idaho

PROFILED
DATE 5/16/03

AGREEMENT

This Agreement entered into this ____ day of May, 1975, by and between Joseph W. Beard hereinafter referred to as First Party and Harold Johnston, Michael McGonigal and First Security Bank of Idaho hereinafter referred to as Second Parties.

WHEREAS, First party is presently the owner of 4 cfs of 5-23-1885 water, 2 cfs of 6-15-86 water and 1.50 cfs of 7-24-24 water, and

WHEREAS, First party wishes to use the water at a different headgate or diversion point than the water is presently being diverted, and

WHEREAS, First party wishes to divert all of his water from ditch Brown 55F to Base Line Canal Company ditch 55C, and

WHEREAS, Second parties will have additional waste if all of the water is taken from ditch Brown 55F where it is presently being diverted, and

WHEREAS, First party is desirous of retaining friendly relations and does not wish to cause loss of water to his neighbors and is willing to leave water in Brown 55F to stop an additional water loss to neighbors, and

WHEREAS, First party has presently pending an application of transfer of water rights and a protest has been filed by Harold Johnston, one of the second parties,

NOW THEREFORE, In consideration of the premises, it is agreed as follows:

I

First party will leave 60 inches of water, in ditch Brown 55F to reduce any loss of water to second parties. The water that will be left in Brown 55F will be water from the 6-15-86 decree.

II

First party shall withdraw his application of transfer of water rights which is presently pending and file a new application requesting that all his water be made available to both ditches or diversion headgates.

III

Second parties agree not to object to first party's using the rest of his water and diverting it to Base Line Canal Company, ditch #55C or from ditch Brown 55F as he sees fit, so long as 60 inches of water of '86 water stays in ditch Brown 55F.

IV

Second parties further agree that they will not file any protest of the new application for transfer of point of diversion which will be filed by first party.

V

It is further agreed that this Agreement may be recorded and will be binding on the heirs, executors, personal representatives, assigns, beneficiaries and successors in interest of the various parties.

JOSEPH W. BEARD, First Party

Harold Johnston

HAROLD JOHNSTON, Second Party

MICHAEL MCGONIGAL, Second Party

FIRST SECURITY BANK OF IDAHO
Second Party

BY *John E. Thompson*
John E. Thompson 8/15/75

PROFILED
DATE 5/6/03

MICROFILM

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval

of Application for Permit No.'s 37-0026 (part),

37-0027, & 37-1204 in the name of Joseph

W. Beard

NOTICE OF CONFERENCE AND/OR HEARING

On August 1, 1974, Joseph W. Beard, filed with the Department of Water Resources an Application For Transfer of Water Right. On October 18, 1974, The Department received protests against approval of said application from Harold Johnston.

The Department has set the matter of protest for conference and/or hearing for Wednesday, February 19, 1975, at 1:30 p.m., in the Blaine County Courthouse, Hailey, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this twenty-ninth day of January 1975.

Bob Haynes

BOB HAYNES
Southern District Engineer

MICROFILMED

PROFILED
DATE 5/6/83

MAY, MAY, SUDWEEKS & FULLER

ATTORNEYS AT LAW

516 SECOND STREET EAST
TWIN FALLS, IDAHO 83301

P. O. BOX 105
AREA CODE 208
733-7180

J. ALFRED MAY
JAMES J. MAY
JAY D. SUDWEEKS
GREG J. FULLER

November 17, 1975

RECEIVED

NOV 18 1975

State of Idaho Dept. of
Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Gentlemen:

Enclosed please find an Application for Change
of a Pointed Diversion. Would you please process this
application for Joe Beard? If you have any questions,
call me at 733-7180.

Very truly yours,

MAY, MAY, SUDWEEKS & FULLER

Jay D. Sudweeks

JDS:jb

PROFILED
DATE

5/6/03

RECEIVED

OCT 23 1974

October 18, 1974

Department of Water Resources
Southern District Office

I, Harold Johnston, of Wood River Ranch protest the transfer submitted by Joseph W. Beard, 37-0026 (part), 37-0227, 37-1204.

1. I feel this transfer of point of diversion is based on speculative purposes for rental or sale of his water because there is no way he can get his water to the same land from his new proposed point of diversion.
2. This will adversely affect my rights since I will sustain increased water losses.

Harold Johnston
Harold Johnston
Wood River Ranch
Bellevue, Idaho

State of Idaho)
) ss.
County of Blaine)

On this 21 day of October, 1974, before me personally appeared Harold Johnston, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

PROFILED
DATE 5/16/03

John C. Martindale
Notary Public residing at:

Hailey, Idaho

My commission expires: Commission Expires 12-22-77

RECEIVED
RECEIVED
RECEIVED

April 21, 1977

Mr. Joe W. Beard
Route 1
Kimberly, Idaho 83341

Dear Mr. Beard:

I understand the concern that you have with regards to the water transfer and costs incurred to you in addition to the time you have been required to spend solving these problems. It is not my intention to go through another hearing to solve the matter. It is my understanding, that the protestant has passed away and it would seem an easy solution to the problem would be to relinquish your application for transfer and reapply identifying the errors you referred to in your letter of April 19, 1977.

I feel if we could discuss this matter at your convenience, we could resolve this problem.

Sincerely,

Michael L. Steale
Southern Region Supervisor

MLS:eb

RECORDED
INDEXED

*Proof del
5/6/03*

APR 20 1977
Department of Water Resources
Southern District Office

April 19, 1977

Michael L. Steele
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Mr. Steele;

I have made several attempts to call you. After all this time, why are you in such a big rush on this water transfer. If you will remember it cost me several hundred dollars already besides a good deal of time. Now you want me to go through another hearing and spend more money, right at the busiest time of the year. Also, I have tried every since I have owned the ranch to get the well license for the well. Your office has read the meter, which has cost me two meters because they don't last that long, and I haven't heard one word on this yet.

In the first place, on the water transfer, it was an error in advertising by your office, that caused this situation. I met with an attorney with those protesting this transfer, and I see no reason why I should have to go through that again. There was an open hearing and a settlement was reached by those protesting at that hearing. Now what do you expect me to do--go through all that again? Right now, as you can see by trying to contact me I am really pushed for time.

Yours truly,

Joe W. Beard

PROFILED
DATE 5/6/03

April 12, 1977

Mr. Joseph W. Beard
Bellevue, Idaho 83313

Dear Mr. Beard:

On March 29, 1977, I sent a letter to you requesting that you contact this office regarding the application for Transfer of a Water Right, filed in 1975. To date, we have no correspondence with you regarding this matter.

In order to clarify the questions pertaining to this application, it will be necessary to reschedule a protest hearing, requiring all parties connected with the last hearing to attend or be represented by a predecessor in their interest.

If we do not hear from you by the 17th of April, we will reschedule the hearing.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sb

MICROFILMED

PROFILED
DATE 5/6/03

March 29, 1977

Mr. Joseph W. Beard
Bellevue, Idaho 83313

Dear Mr. Beard:

You submitted to this Department, on November 17, 1975, an Application For Transfer of a Water Right. Subsequent to that, a protest was filed and a hearing was held. Before we can make a decision, it is necessary that you contact us regarding the facts that were submitted at the hearing. We have attempted to contact you on several occasions through your attorney, by letters, and numerous telephone calls concerning this Transfer.

Please contact me as soon as possible, as this matter requires immediate attention.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:gb

MICROFILMED

PROFILED
DATE 5/6/03

37-0026 (PART), 37-0027 & 37-1204 - Joseph Beard

Courtroom, Blaine County Courthouse, Hailey, Idaho

February 19, 1975 - 1:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Joe W. Beard	Bellvue	
Jay D. Sudewitz	Box 105 TF	A Hwy for Joe Beard
Harold C. Guberton	Bellvue	Wood River Ranch
John D. M. Sonjal	Jerome Ida	Spring of Goodness Ranch
Wayne Clark	Bellvue	
Reed F. Newby	Shoshone,	Watermaster 374
Al R. Watts	Bellvue	Deft. Watermaster
Harold Langer	Twin Falls	Past Pres. Base Line Co.
Bill Sherbins	Bellvue, Id.	
Jack Maguire	Hailey, Idaho	First Security Bank

RECEIVED
MICROFILMED

PROFILED
DATE 5/6/82

Joseph W Beard 2-19-75

Desire to get water spread over place better
Transfer from 55 F to 55 C

Land in Section 35, 1 & 2 is presently
irrigated with well water. Water will actual
be put on 80 acres in Sec 36

Water was paid for by right holder
Water has been temporarily transferred to 55-C

Water

Should water be left in ditch for less
Is right lost
Enlargement of right.

RECORDED

RECORDED

PROFILED
DATE 5/6/03

January 29, 1975

Mrs. Marie Ivie, Clerk
Blaine County Courthouse
Hailey, Idaho 83333

Dear Mrs. Ivie:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, February 19, 1975, at 1:30 p.m.

Thank you for your cooperation in this matter.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

MICROFILMED

PROFILED
DATE

5/6/03

November 22, 1974

RE: Application for Transfer of Water Right No.'s 37-0026 (part), 37-0227, 37-1204
Joseph W. Beard

Mr. Joseph W. Beard
Bellevue, Idaho 83313

Dear Mr. Beard:

We have enclosed a copy of the protest filed against the issuance of your above referenced application for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:

enc.

bc

MICROFILMED

PROFILED
DATE 5/6/83

NAME AND ADDRESS OF SENDER

NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS

Indicate type of mail
☐ INSURED ☐ C. O. D.
☒ CERTIFIED

POSTAGE FEE

POSTMARK AND DATE OF RECEIPT

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE	Remarks
1	Joseph W. Beard, Bellevue, Idaho 83313	10	30			15				
2	Harold Johnston, Wood River Ranch, Bellevue, Idaho	10	30			15				
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										

PROFILED DATE 5/6/23

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
 (Additional charges required for these services)

☐ Show address where delivered ☐ Deliver ONLY to addressee

RECEIPT

Received the numbered article described below

SIGNATURE OR NAME OF ADDRESSEE (Must always be)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

TOTAL NUMBER OF PIECES LISTED BY SENDER

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and in Leg 1)

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

POSTMARK OR DATE

SENT TO Mr. Harold Johnston

STREET AND NO. Wood River Ranch

P.O., STATE AND ZIP CODE

Bellevue, Idaho 83313

OPTIONAL SERVICES FOR ADDITIONAL FEES
 1. Shows to whom and date delivered 15¢
 2. Shows to whom, date and where delivered 65¢

538618

November 21, 1974

RE: Application for Transfer of Water Right No.'s 37-0026 (part), 37-0027, 37-1204
Joseph W. Beard

Mr. Harold Johnston
Wood River Ranch
Bellevue, Idaho 83313

Dear Mr. Johnston:

This is to acknowledge receipt of your protest against the above referenced application for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:cc

cc: *Boise*

ROUTED

ROUTED

PROFILED
DATE

5/6/83

October 18, 1974

RE: Application No. 37-

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

No. 37-0026 (part),
37-0027, 37-1204

Notice is hereby given that Joseph W. Bear, Bellevue, Id., has applied to the Department of Water Resources for a change of the point of diversion of the waters of Big Wood River, tributary to Snake River. The right sought to be changed is evidenced by Decree to (A) (B) George Allred, (C) Big Wood Water Users Association in Case S.C. Frost et al. v. Alturas Water Co., dated Dec. 13, 1909 4th Judicial District Ct.,

County of Lincoln, and recorded as follows:

Amount:
A - 4.00 cfs
B - 2.00 cfs
C - 1.50 cfs

Priority:
5-23-85
6-15-86
7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M., Blaine Co.

The water is used for irrigation purposes from Apr. 1 to Oct. 15 within (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 1S, R 18E; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M.

TO BE CHANGED
AS FOLLOWS

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 1N, R 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lake Blvd. N., on or before 11:47 P.M. on or before 11:47 P.M.

R. KEITH HIGGINS, Director

Published: Wood River Journal, Blaine County, October 17 and 24, 1974.

Wood River Journal
P.O. Box 988
Hailey, Idaho 83333

Gentlemen:

The above numbered application which was to be published in your newspaper on 10-17 and 10-24-74 will have to be re-advertised at your expense for two consecutive weeks beginning 10-31-74 and 11-7-74 due to a mistake in printing. The protest date will have to be changed to 11-18-74.

A copy of your advertising is enclosed with areas circled that need to be changed. A copy of the proposed advertising is also enclosed. The "priority" must be printed across from the "amount" or it changes the context of the advertising. We did not receive a galley proof before the notice was advertised.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:lc
enc.

PROFILED
DATE 5/6/03

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 37-0026 (part), 37-0027, 37-1204

Notice is hereby given that Joseph W. Beard, Bellevue, Id., has applied to the Department of Water Resources for a change of the point of diversion of the waters of Big Wood River, tributary to Snake River. The right sought to be changed is evidenced by Decree to (A) (B) George Allred, (C) Big Wood Water Users Association in Case of S.C. Frost et al v. Alturas Water Co., dated Dec. 13, 1909 in 4th Judicial District Ct., County of Lincoln, and recorded as follows:

Amount: A - 4.00 cfs
B - 2.00 cfs
C - 1.50 cfs

Priority: 5-23-85
6-15-86
7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 1N, R. 18E, B.M., Blaine Co.

The water is used for irrigation purposes from Apr. 1 to Oct. 15 within (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 1S, R. 18E; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T. 1N, R. 18E, B.M.

TO BE CHANGED AS FOLLOWS

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 1N, R. 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., on or before 11-4-74.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal on 10-17 & 10-24-74.

PROFILED
DATE 5/6/03

October 9, 1974

RE: Application No. 37-0026 (part), 37-0027, 37-1204

Mr. Joseph W. Beard
Bellevue
Idaho 83313

Dear Mr. Beard:

Recently you received a copy of an approved application for transfer of water rights from our Boise office. Due to the error on our part of advertising your proposed transfer in the Lincoln County Journal rather than the Wood River Journal, it will be necessary for us to rescind that approval and advertise the application in the county where the point of diversion occurs as is required by law. You will receive a formal order to this effect shortly. In the meantime, we will proceed with re-advertising the application to facilitate action on it.

If you have any questions, please don't hesitate to contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

RECEIVED
BUREAU OF REVENUE
OCT 10 1974

PROFILED
DATE 5/6/02

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 9, 1974

RE: Application No. 37-0026 (part), 37-0027, 37-1204

Wood River Journal
P.O. Box 988
Hailey, Id. 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Haynes
Southern District Engineer

PROFILED
DATE 3/6/03

September 19, 1974

Re: Transfer No. 37-0026 (part)
37-0027, 37-1204

Mr. Joseph Beard
Bellevue,
Idaho 83313

Dear Mr. Beard:

Enclosed is a copy of your approved Transfer of water right issued on the above referenced number. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your Transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

cc: Reid Newby, Watermaster.
Shoshone, Idaho 83352

Encl: Copy of Transfer

PROFILED
DATE 5/6/03

MICROFILMED

Base Line Canal Co.

We the undersigned
Directors of the Base
Line Canal Co. approve
the transfer of the
water mentioned
below from Canal 55-F
to Canal 55-C.

200" - 5/25/1885

100" - 6/15/1886

75" - Extension Bay Pass.

PROFILED
DATE

5/4/03

Clyde Baldwin
Director - Canal 55-C

Harold Russell
Director - Canal 55-C

Carl Wesseler
Director - Canal 55-C

Dated
June 3, 1974

RECORDED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0026 (part), 37-0027, 37-1204 AUG 1 1974

RECOMMENDATION OF WATERMASTER

I, Reid Newby, watermaster of Big Wood River,
of Water District No. 37, County of Lincoln, State of Idaho,
whose address is Box N, Shoshone, Idaho,
have read the attached copy of the application for transfer of water right for _____
Joseph Beard, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Administration approve the transfer subject
to the following conditions: None

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 20 day of May, 19 74.

(signature)

RECEIVED

AUG 5 1974

Department of Water Resources
Southern District Office

Please use reverse side if needed

PROFILED
DATE 5/6/03

mail
shoshone legal

~~galley proof~~

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

No. 37-0026 (part),
37-0027, 37-1204

Notice is hereby given that Joseph W. Beard, Bellevue, Idaho, has applied to the Department of Water Resources for a change of point of diversion of the waters of the Big Wood River. The right sought to be changed is evidenced by Decree to (A) (B) George Allred, (C) Big Wood Water Users Association in the case of S. C. Frost et al v. Alturas Water Co. dated Dec. 13, 1909 and recorded as follows:

Amount:	Priority:
(A) 4.00 cfs	5-23-85
(B) 2.00 cfs	6-15-86
(C) 1.50 cfs	7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M., Blaine Co.

The water is used for irrigation from Apr. 1 to Oct. 15 within Lt 4 of SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; Lt. 1 of SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M.

**TO BE CHANGED
AS FOLLOWS:**

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 1N, R 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho, on or before Sept. 9, 1974.

R. KEITH HIGGINSON
Director
8-22-2tc-1

*ok LT
8-22-74*

MICROFILMED

**PROFILED
DATE**

5/6/03

11

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 15, 1974

RE: Application for Transfer - 37-0026 (part), 37-0027, 37-1204 - Joseph W. Beard

Lincoln County Journal
P.O. Box 704
Shoshone, Idaho 83352

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Hagnes
Southern District Engineer

RECEIVED

PROFILED
DATE 5/6/83

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0026 (part), 37-0027,
37-1204

Notice is hereby given that Joseph W. Beard, Bellevue, Idaho, has applied to the Department of Water Resources for a change of point of diversion of the waters of the Big Wood River. The right sought to be changed is evidenced by Decree to (A) (B) George Allred, (C) Big Wood Water Users Association in the case of S. C. Frost et al v. Alturas Water Co. dated Dec. 13, 1909 and recorded as follows:

Amount: (A) 4.00 cfs
(B) 2.00 cfs
(C) 1.50 cfs

Priority: 5-23-85
6-15-86
7-24-24

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M., Blaine Co.

The water is used for irrigation from Apr. 1 to Oct. 15 within Lt. 4 of SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; Lt. 1 of SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 1N, R 18E, B.M.

TO BE CHANGED AS FOLLOWS:

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 1N, R 18E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd N., Twin Falls, Idaho, on or before Sept. 9, 1974.

R. KEITH HIGGINSON
Director

Published in the Lincoln County Journal 8-22 and 8-29-74.

RECORDED

PROFILED
DATE

5/16/03

RECEIVED

MICROFILMED

PROFILED
DATE 5/6/03



Mc Gougle 5-15-82 75" NESW SUSE W $\frac{1}{2}$ SW
5-31-87 Sec 12 S $\frac{1}{2}$ SE Sec 1
15 18E

WW R 5-15-82 S $\frac{1}{2}$ SE, S $\frac{1}{2}$ SW Sec ~~27~~ 15 18E
- - 95

F.S.B. 5-23-85 28" S $\frac{1}{2}$ SE Sec 35 1N
18E

Parcel 3: A portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec
35 T1N R18E:

RECEIVED
MAY 14 1986

RECEIVED
MAY 14 1986

PROFILED
DATE

5/6/03

IMPORTANT MESSAGE

For Bob
Date 3-24 Time 3:30 ^A_{P.} M.

WHILE YOU WERE AWAY

M Harold Johnston
O Good River Ranch Inc.

Phone No. Area Code Number Extension

Telephoned		Please Call	
Called To See You		Will Call Again	
Wants To See You		Urgent	
Returned Your Call			

Message Legal TTS, RIFE
S 1/4 SE 1/4 Sec 2, SW 1/4 SW 1/4,
Sec 1 Place of use.
If you need anyone give him
a call

Signed Ken

THIS INDENTURE, Made this 7th day of November
in the year of our Lord one thousand nine hundred and sixty-nine, between

MARY L. McGEHEE, a widow,
of Bellevue, County of Blaine, State of Idaho
the party of the first part, and

SPRING OF GLADNESS RANCH, INC., a corporation,
of Bellevue, County of Blaine, State of Idaho
the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
\$100.00/100----- DOLLARS,

lawful money of the United States of America, and other good and valuable consideration,
to 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 does grant, bargain, sell, convey and confirm unto the said party
of the second part, and to its heirs and assigns forever, all of the following described real estate,
situated in Blaine County, State of Idaho, to-wit:

The South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of
Section Eleven (11), and the Southwest Quarter of the
Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), the North Half of the
Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southwest Quarter
of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the fractional
Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
(known as Tax Lot No. 528) of Section Twelve (12),
all in Township One (1), South, Range Eighteen (18),
East of the Boise Meridian, containing 243 acres, more
or less, together with all water and water rights be-
longing thereto, whether decreed or deeded and together
with all ditches and ditch rights, all and singular,
the tenements, hereditaments and appurtenances there-
unto belonging or in anywise appertaining,

Filed
5/4/03

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

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 its heirs and assigns forever
and the said party of the first part, and her heirs, the said premises in the quiet and peaceable
possession of the said party of the second part, its heirs and assigns, against the said party
of the first part, and her 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.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 15, 1974

RE: Application for Transfer of Water Right No. 37-0026 (part), 37-0027,
37-1204

Mr. Joseph W. Beard
Bellevue
Idaho 83313

Dear Mr. Beard:

Enclosed is your Receipt No. 15920 for your check in the amount of
\$30.00 for the above referenced transfer of water right which was
received in the Boise office 8-1-74.

Sincerely,

Lydia L. Rippet
Secretary

enc.

MICROFILMED