

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2055
Date Received: 9/29/1988
Receipt No: C002742
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

SUN VALLEY LONG TERM HOLDING LLC Phone: (208)578-3636
PO BOX 4944
KETCHUM ID USA 83340

2. Date of Priority: 07/24/1906

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	31	NE NW NE	BLAINE	

5. Description of diverting works:

CEMENT & LUMBER HEADGATE AT P/D FEEDS INTO DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	1.6	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	17E	29	NE NW	IRRIGATION	0.9
			NW NW	IRRIGATION	0.6
			SW NW	IRRIGATION	25
			SE NW	IRRIGATION	8.5

			SW	SW	IRRIGATION	5
			NW	SW	IRRIGATION	7.6
					Section Acres	47.6
04N	17E	30	SE	NE	IRRIGATION	4
			NE	SE	IRRIGATION	11
			SW	SE	IRRIGATION	0.1
			SE	SE	IRRIGATION	18
					Section Acres	33.1
04N	17E	31	NE	NE	IRRIGATION	1.5
					Section Acres	1.5
					Total Acres	82.2

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

DATE OF PRIORITY PROBABLY WAS ACTUALLY EARLIER THAN THAT ON THE LICENSE.

Amended claim received by e-mail 2-1-2010. changes season of use and POU.

Limited to 80 acres within the POU

15. Basis of Claim: License

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

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number 37-2055

Date Received _____

Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

*Received by
e-mail/
2-1-2010*

1. Name of Claimant(s): Sun Valley Long Term Holding LLC
Phone: 1-208-578-7700
Mailing Address: P. O. Box 4944
Ketchum, ID 83340

2. Date of Priority: July 24, 1906

3. Source of water supply (a) Warm Springs Creek
which is tributary to (b) Big Wood River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
4N	17E	31	NE	NW	NE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works:

C

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	May 1	October 31	1.6 cfs

7. Total Quantity Claimed: 1.6 cfs

8. Total consumptive use claimed is ____ acre feet per annum.

9. Non-irrigation uses:

10. Place of use:

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>TOTALS</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04N	17E	29					0.9	0.6	25.0	8.5		7.6	5.0						47.6
04N	17E	30				4.0									11.0		0.1	18.0	33.1
04N	17E	31	1.5																1.5
TOTALS																			82.2

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? Yes.

13. Describe any other water rights used at the same place and for the same purposes as described above?
37-11445.

14. Remarks: Limited to the irrigation of 80 acres within the place of use.



Last Name: Sun Valley Long Term Holding LLC

37-2055 amended notice of claim.wpd

Ident No. 37-2055

1/28/10

15. Basis of Claim: License

IDWR Water Right Number: 37-2055

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

16. Signature(s)

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For organizations] I do solemnly swear or affirm under penalty of perjury that I am the manager of Sun Valley Long Term Holding LLC, that I have signed the foregoing document in the space below in such capacity on behalf of the limited liability company and that the statements contained in the foregoing document are true and correct.

SUN VALLEY LONG TERM HOLDING LLC

Signature of Claimant(s)

By:

John Campbell, Manager

Date

1/28/10

State of Idaho)

)

) ss.

County of Blaine)

BONNIE A. BURRELL
NOTARY PUBLIC
STATE OF IDAHO

Subscribed and sworn before me this 20 day of January, 2010.

Notary Public for Idaho

Residing at Hailey, ID

Commission Expires 9/22/2014

Bonnie A. Burrell

Q

Last Name: Sun Valley Long Term Holding LLC

37-2055 amended notice of claim.wpd

Ident No. 37-2055

1/28/10

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____

James P. Speck
Speck & Aanestad
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: _____, 2010.

Q

Last Name: Sun Valley Long Term Holding LLC

37-2055 amended notice of claim.wpd

Ident No. 37-2055

1/28/10

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02055
Date Received: 9/29/1988
Receipt No: C00 2742
Received By: ECR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOARD'S MILL & SUNSET RANCHES, INC. 208-726-4684
Address: P.O. BOX 4393
KETCHUM, ID 83340

2. Date of Priority: JUL 24, 1906

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	17E	31	NE	NW	NE		BLAINE

5. Description of diverting works:
CEMENT & LUMBER HEADGATE AT P/D FEEDS INTO DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ASSOCIATED STOCKWATERING WITH IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	17E	29	SW	NW		IRR	35.0
			SE	NW		IRR	20.0
			NW	SW		IRR	15.0

A37-02055 Page 1 Date: 09/29/88

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FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	17E	29	SW		SW		IRR	10.0
							Section Acres	80.0
		30	SE		NE		IRR	2.0
			NE		SE		IRR	10.0
			SE		SE		IRR	15.0
							Section Acres	27.0
							Total Acres	107.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
B/U RT. A 37-11445 CLAIMED

14. Remarks:
DATE OF PRIORITY PROBABLY WAS ACTUALLY EARLIER THAN THAT ON
THE LICENSE.

15. Basis of Claim: LICENSE
Water Right Number: 2161

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FEB 29 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title _____, that I have signed the foregoing Organization document in the space below as _____ of Title _____ and that the statements contained in the Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Copies: White-State, Yellow-Claimant

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

RECEIVED

Information Sheet No. 42-1400 a 2/88

Page 1

6881 0 5 337

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) ³⁰ 1.6 (acre feet)
- For IRRIGATION purposes from April 1 to Nov. 1 amount 2.2 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 2.5 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	17E	29							35	20		15	10						80
		30				2									10			15	27

Total number of acres irrigated 107

11. In which county (ies) are lands listed above as place of use located? BLAINE
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)
14. Remarks:

MICROFILMED

FEB 23 1993

Last Name BOARD'S MILL ST. RENS., IN Ident No. A37-02055

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

MICROFILMED

Information Sheet No. 42-1400 a 2/88

Page 2

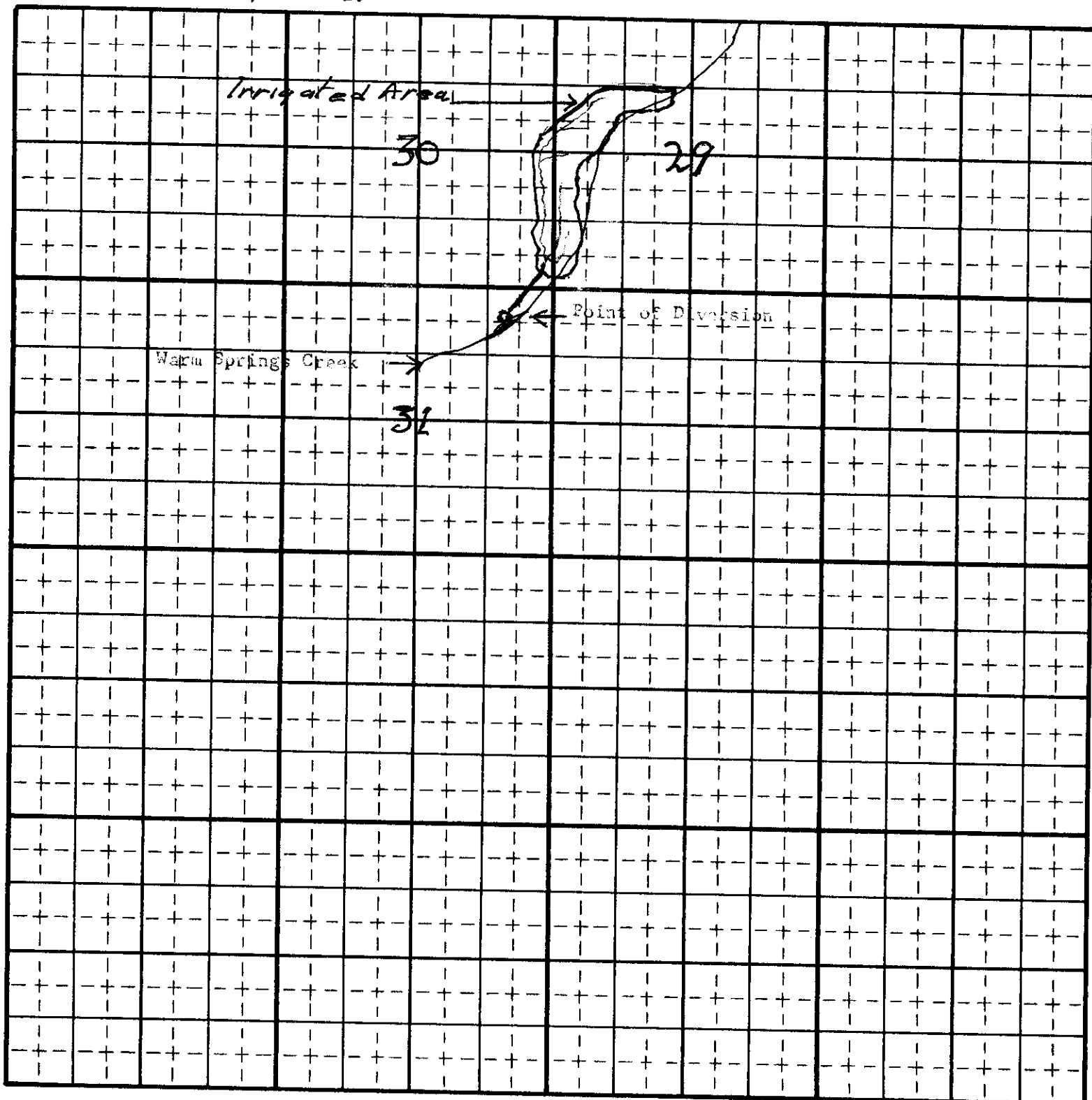
1985-05083

1985-05083

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T4N R. 17E



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FEB 23 1993

Last Name Bonap's Mill & S. R. Co., Inc. Ident No. A37-02035

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License 2161 Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT

of BOARD'S MILL & SUNSET RANCHES, INC. Title _____, that I have signed the foregoing
Organization _____ document in the space below as PRESIDENT of BOARD'S MILL & SUNSET RANCH, INC.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James B. Burkett
Title and Organization PRES. BOARD'S MILL & SUNSET RANCHES, INC. Date Sept. 27, 1988

State of Idaho/or _____)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 27th day of September 19 88

SEAL

Notary Public Guaravie P. Depen

Residing at Garley, Idaho

My Commission Expires 5-1-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name BOARD'S MILL & SUNSET RANCHES, INC. Ident. Number A37-02055

MICROFILMED

FEB 23 1993

Copies White-State, Yellow-Claimant

02/18/2010

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

RIGHT NUMBER: 37-2055

NAME AND ADDRESS: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM ID 83340

VERIFIED BY KKQ
2-18-10

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 07/24/1906

POINT OF DIVERSION:

T04N R17E S31 NENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S29	NENW	0.90	T04N R17E S29	NWNW	0.60
T04N R17E S29	SWNW	25.00	T04N R17E S29	SENW	8.50
T04N R17E S29	NWSW	7.60	T04N R17E S29	SWSW	5.00
T04N R17E S30	SENE	4.00	T04N R17E S30	NESE	11.00
T04N R17E S30	SWSE	0.10	T04N R17E S30	SESE	18.00
T04N R17E S31	NENE	1.50			

82.2 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above.

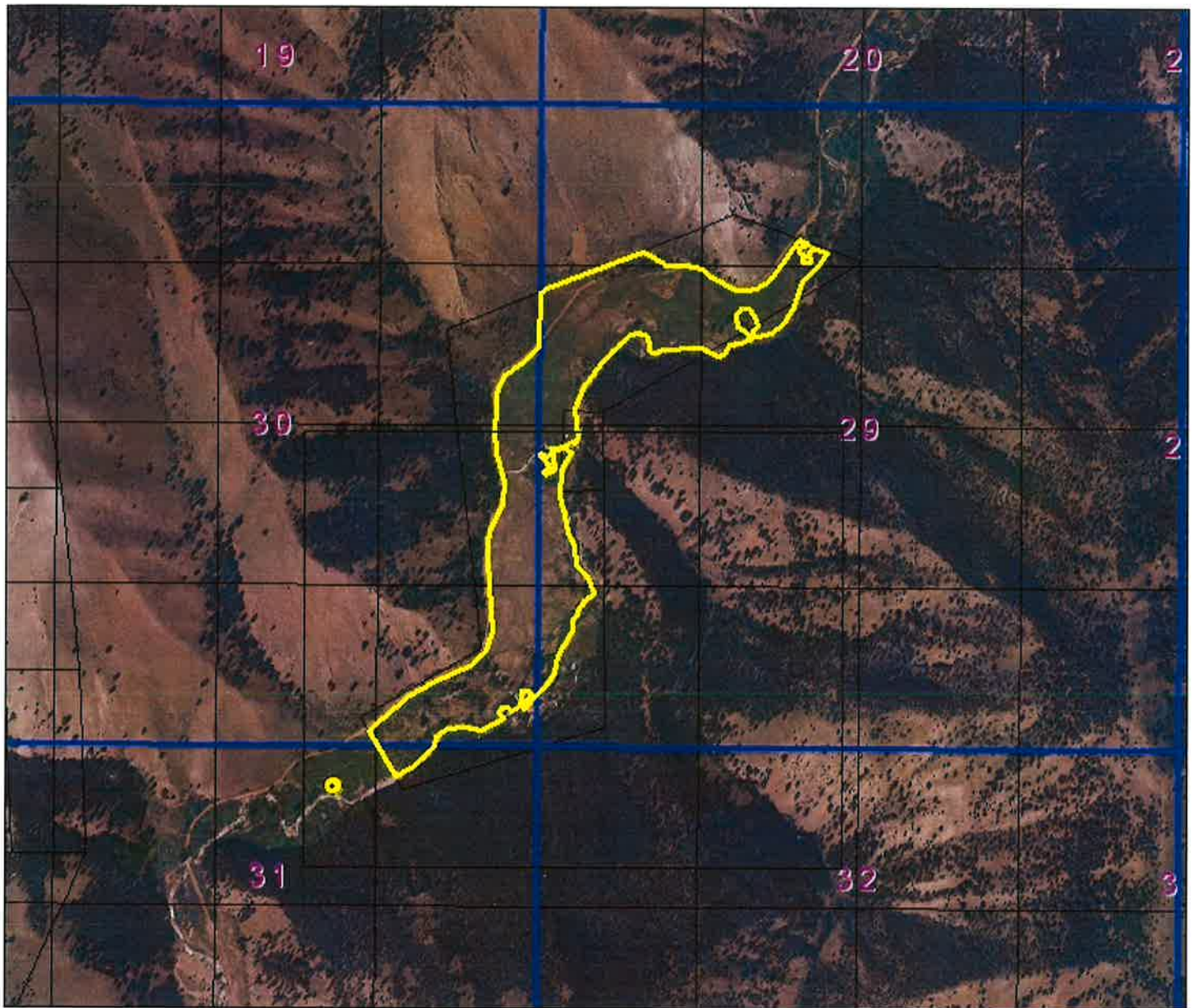
The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RECOMMENDED PLACE OF USE FOR 37-2055 and 37-11445



PLACE OF USE
TWP 04N, RNG 17E, SEC 29, 30, and 31
Data Entry on February 18, 2010

★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



01/05/2007

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

RIGHT NUMBER: 37-2055

NAME AND ADDRESS: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 07/24/1906

POINT OF DIVERSION:

T04N R17E S31 NENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S29	NENW	6.20	T04N R17E S29	NWNW	1.40
T04N R17E S29	SWNW	30.00	T04N R17E S29 Lot 3	SWNW	1.80
T04N R17E S29 Lot 11	SWNW	0.80	T04N R17E S29	SENE	11.00
T04N R17E S29 Lot 4	SENE	3.00	T04N R17E S29	NWSW	12.00
T04N R17E S29 Lot 10	NWSW	0.50	T04N R17E S29 Lot 11	NWSW	4.30
T04N R17E S29	SWSW	16.00	T04N R17E S29 Lot 6	SWSW	0.10
T04N R17E S30	SENE	12.00	T04N R17E S30	NESE	18.00
T04N R17E S30	SWSE	0.30	T04N R17E S30	SESE	25.00
T04N R17E S30 Lot 11	SESE	0.10	T04N R17E S31	NENE	5.60
T04N R17E S31 Lot 1	NENE	0.30			

148.4 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

DATE OF PRIORITY PROBABLY WAS ACTUALLY EARLIER THAN THAT ON THE LICENSE.



Idaho Department of Water Resources

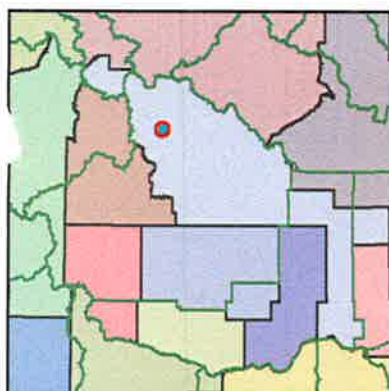
SRBA Recommendation:

37-2055

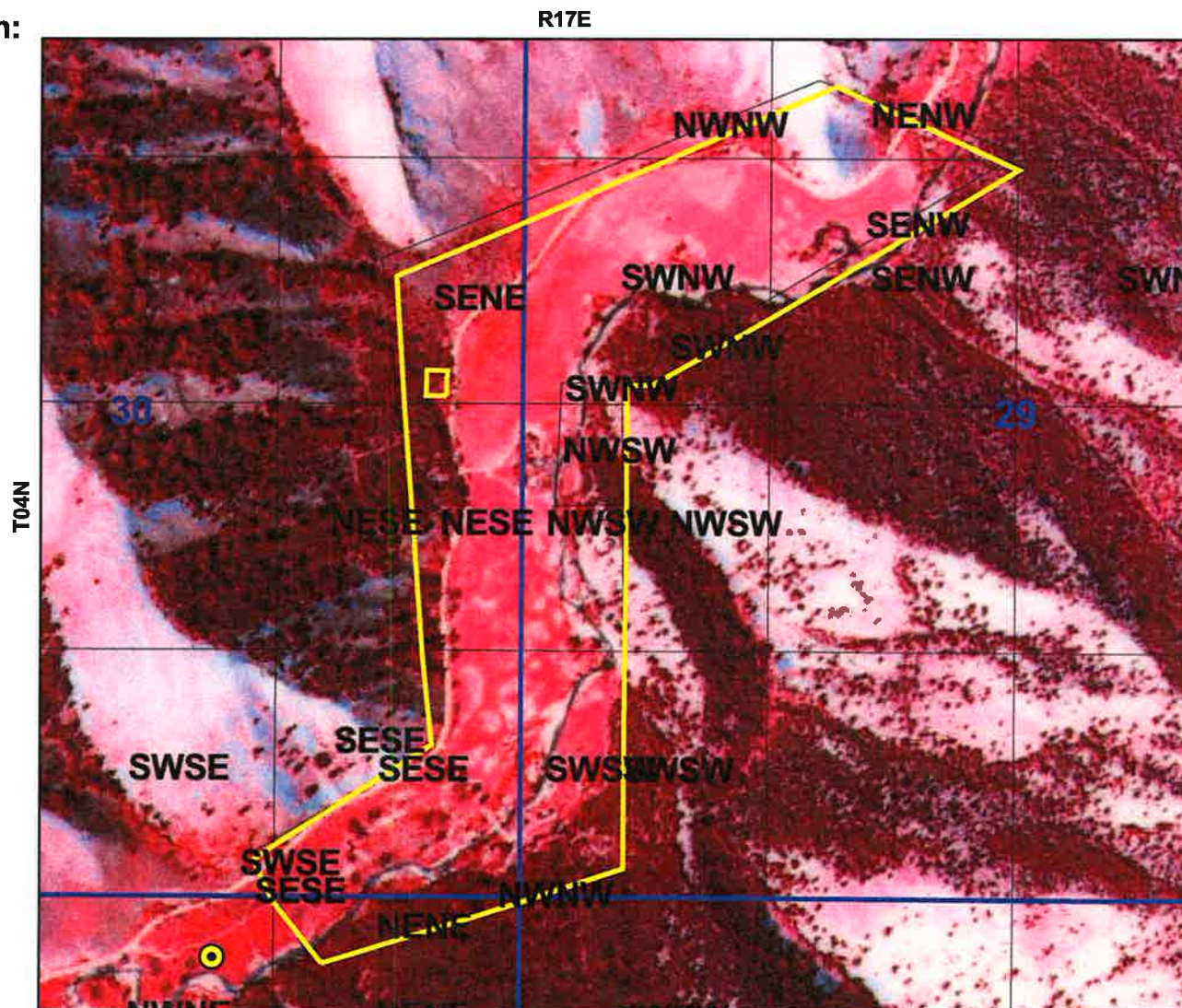
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by D. Smith
On Friday, January 5, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 15, 2006

JAMES SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Snake River Basin Adjudication (SRBA)
Sun Valley Long Term Holdings LLC
Notices of Claim to a Water Right #37-2055 and 37-11445

Dear Jim,

We have processed the change in ownership of the Notices of Claim referenced above. I have enclosed a copy of the ownership change for your file as you requested.

Also enclosed are copies of the Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

I also want to alert you and your staff that our ownership change form has been modified. Please discard your old forms and use the current one, found on our website under Forms, Rules and Statutes – Snake River Basin Adjudication. I've enclosed a copy for your use.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region
Enclosures:

Copies of Notices of Claim Referenced Above
Notice of Change in Water Right Ownership form

SCANNED

DEC 15 2006

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-2055				
	37-11445				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Board's Mill & Sunset Ranches, Inc.
P. O. Box 4393, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Sun Valley Long Term Holdings, LLC
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address P.O. Box 4944
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 578-3636
5. Date you acquired the property January 4, 2006

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DEC 15 2006

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New owner(s) or Claimant(s)
(include title if applicable) Sun Valley Long Term Holdings, LLC, an Idaho limited liability company
- By: *J. Campbell*
John Campbell, Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by ER Date 12-15-06 Fee _____

Received by _____ Date _____ Receipt No. _____

Processed by AD AJ Date 12-15-06 WR _____ Date _____

Copy returned to Jim Speck as requested.

SCANNED

DEC 15 2006

~~Unrecorded~~

This deed is being re-recorded to correct the name of the Grantee.

529948

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, SUNSET MILL, INC. formerly known as Board's Mill and Sunset Ranches, Inc., a corporation duly organized and existing under the laws of the State of Idaho ("Grantor"), hereby grants, bargains, sells and conveys unto SUN VALLEY LONG TERM HOLDINGS, LLC, an Idaho limited liability company, whose address is P.O. Box 4944, Ketchum, Idaho, 83340 ("Grantee"), that certain real property situated in Blaine County, Idaho and described in Exhibit A attached hereto and incorporated herein by this reference;

SUBJECT TO easements and restrictions of record.

TO HAVE AND TO HOLD, the said real property, with its 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 said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

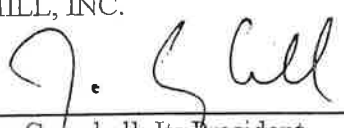
IN WITNESS WHEREOF, the Grantor pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunder subscribed by its President.

Instrument # 530709

HAILEY, BLAINE, IDAHO
2006-01-04 03:40:00 No. of Pages: 3
Recorded for : SUN VALLEY TITLE
MARSHA RIEMANN Fee: 9.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

SUNSET MILL, INC.

By:


John Campbell, Its President

STATE OF IDAHO)

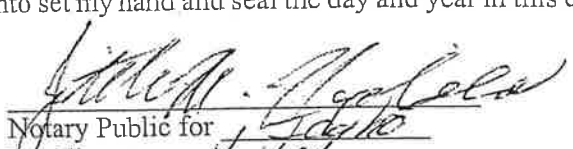
County of Blaine)

SS.

On this 9th day of December, 2005, before me, the undersigned notary public in and for said state, personally appeared JOHN CAMPBELL, known or identified to me to be the president of SUNSET MILL, INC., and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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




Notary Public for

Residing at: Hailey

Commission expires: 8/11/2011

WARRANTY DEED to SVLTH LLC.wpd
12/7/05

That portion of Homestead Entry Survey No. 130 lying within the land shown by
Dependant Resurvey of Homestead Entry Survey 130 of the Upper Board Ranch
recorded May 3, 1989 as Instrument No. 305359, Records of Blaine County, Idaho and
embracing a portion of Township 4 North of Range 17 East of the Boise Meridian, Blaine
County, Idaho, more particularly described as follows:

BEGINNING at Corner No. 1 of said HES 130; THENCE
North 59° 15' 50" East 1,134.40 feet (Formerly North 59° 10' East 1,131.9 feet)
to Corner No. 2; THENCE
North 06° 35' 56" West 2,630.70 feet (Formerly North 6° 31' West 2,636.04 feet)
to Corner No. 3; THENCE
North 67° 28' 35" East 2,523.90 feet (Formerly North 67° 33' East 2,532.42 feet)
to Corner No. 4; THENCE
South 70° 35' 12" East 1,136.30 feet (Formerly South 70° 31' East 1,139.16 feet)
to Corner No. 5; THENCE
South 59° 19' 11" West 2,457.87 feet (Formerly South 59° 23' West 2,455.86
feet) to Corner No. 6; THENCE
North 88° 57' 38" West 324.41 feet (Formerly North 89° 13' West 324.06 feet) to
Corner No. 7; THENCE
South 02° 55' 38" West 660.72 feet (Formerly South 2° 40' West 660 feet) to
Corner No. 8; THENCE
North 88° 37' 23" East 388.05 feet (Formerly North 88° 22' East 365.64 feet) to
Corner No. 9; THENCE
South 0° 43' 26" East 1,949.06 feet (Formerly South 0° 42' East 1,952.28 feet) to
Corner No. 10; THENCE
South 72° 36' 54" West 1,735.57 feet (Formerly South 72° 41' West 1,740.42
feet) to Corner No. 11; THENCE
North 30° 02' 00" West 675.37 feet (Formerly North 30° 02' West 677.82 feet) to
Corner No. 1 and THE PLACE OF BEGINNING.

EXCEPT that portion thereof described as follows:

EXHIBIT "A"

SCANNED

DEC 15 2006

A parcel of land within H.E.S. 130 in the NE¼, more particularly described as follows:

Commencing at a brass cap marking the East quarter corner of Section 30; thence
N. 68°12' W., 442.30 feet to a ¼" aluminum rod on the West boundary of Warm Springs Road, and said rod marking the TRUE POINT OF BEGINNING; thence
Along a curve to the right and along the West boundary of Warm Springs Road a distance of 60.20 feet, with a central angle of 08°02', a tangent of 30.10 feet which bears N. 01°09' E., and a radius of 419.60 feet to a ¼" aluminum rod; thence
N. 98°51' W., 114.00 feet to a ¼" aluminum rod; thence
S. 01°09' W., 136.60 feet to a ¼" aluminum rod; thence
S. 89°51' E., 109.80 feet to a ¼" aluminum rod on the West boundary of Warm Springs Road; thence
N. 01°09' E., 76.60 feet along the West boundary of Warm Springs Road to a ¼" aluminum rod, said rod being the TRUE POINT OF BEGINNING.

And Also Except that portion thereof described as follows:

Portions of Secs. 30 and 31, within HES 130, being more particularly described as follows:

Commencing at a brass cap marking Corner 11, HES 130, as shown within the Record of Survey Map of said HES 130, filed under Instrument No. 305359, records of Blaine County, Idaho; said corner lying S. 72°36'54" W., 1,735.85 feet from Corner 10 of HES 130, and said corner being the TRUE POINT OF BEGINNING.

Thence N. 30°02'17" W., 675.37 feet to a brass cap marking Corner 1, HES 130; thence N. 59°15'58" E., 318.23 feet along the boundary common to HES 130 and the Sawtooth National Forest to an aluminum cap; thence S. 29°55'53" E., 750.15 feet to an aluminum cap on the southerly boundary of said HES 130; thence S. 72°36'54" W., 324.10 feet along the boundary common to HES 130 and the Sawtooth National Forest to the TRUE POINT OF BEGINNING.

purchase, and found correct.

SCANNED

DEC 15 2006

FILED EFFECTIVE

ORIGINAL IN RED



ARTICLES OF AMENDMENT (General Business)

To the Secretary of State of the State of Idaho
Pursuant to Title 30, Chapter 1, Idaho Code, the undersigned
corporation amends its articles of incorporation as follows:

2004 DEC 10 15:09:15

1. The name of the corporation is:

BOARDS MILL & SUNSET RANCHES, INC.

If the corporation has been administratively dissolved and the corporate name is no longer available for use, the amendment(s) below must include a change of corporate name.

2. The text of each amendment is as follows:

Article I is amended to read "The name of this corporation shall be SUNSET MILL, INC."

RECEIVED

DEC 14 2004

SPECK & AANESTAD

3. The date of adoption of the amendment(s) was: December 8, 2004

4. Manner of adoption (check one):

- ☐ The amendment consists exclusively of matters which do not require shareholder action pursuant to section 30-1-1002, 30-1-1005 and 30-1-1006, Idaho Code, and was, therefore, adopted by the board of directors.
- ☐ None of the corporation's shares have been issued and was, therefore, adopted by the
☐ incorporator ☐ board of directors.
- ☒ Approval by the shareholders is required and the shareholders duly approved the amendment(s) as required by either Title 30, Idaho Code or by the Articles of Incorporation.

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

Dated: December 8, 2004Signed: J. CampbellTyped Name: John CampbellCapacity: President

Idaho Secretary of State
Articles of Amendment
at business.pmd Revised 11/2004

Web Form

IDAHO SECRETARY OF STATE
12/10/2004 05:00
CK: 33592 CT: 2545 BH: 788838
1 @ 38.00 = 38.00 AMEND PROF # 2

C 41263

SCANNED

DEC 15 2006

Notes

4/26/05

- In the legal description of this claim, there is a lot of POA overlapping into other Gov. lots. Either the Gov. lots are not completely correct, or this claimant did not claim portions of what he is actually farming.
- Somehow claim 37-11445 is a beneficial use claim for additional acreage of Right 37-2055.
- No. License Available on the backfile for this particular claim.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

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

December 20, 2010

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

DEC 22 2010

WATER RESOURCES
WESTERN REGION

*Re: Application for Transfer of Water Right / Water Rights Nos. 37-2055 and
37-11445 / Sun Valley Long Term Holding LLC*

Dear Allen:

Enclosed you will find the original and one copy of the above-referenced Application for Transfer of Water Right together with my firm's check payable to the Department for the \$290.00 filing fee.

These two water rights are currently recommended for a place of use which includes 4.6 acres owned by the United States Forest Service. They have filed an objection to the recommendations in the SRBA. The approval of this transfer will resolve those objections.

Please receipt-date stamp the copy of the Application and return it to me in the postage-prepaid self-addressed envelope I have included for that purpose. Call me if you have any questions, comments or concerns about this Application.

Thank you. **HAPPY HOLIDAYS!!**

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

Enclosures

CC w/ Encl: Client
All Barker
Craig Hobdey

Chris Bromley
David Negri

Kelly Christensen
Steve Spencer

RECEIVED

DEC 22 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Addendum

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Sun Valley Long Term Holding LLC Phone 208-578-7700Mailing address c/o John Campbell, PO Box 986, Hailey, ID 83333 Email jc@idahotower.com

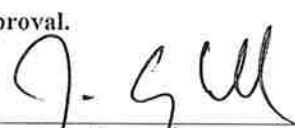
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative James P. Speck Phone 208-726-4421Mailing address PO Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

 John Campbell, Manager
 Print Name and Title if applicable

12-20-10
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The amended director's reports for 37-2055 & 37-11445 describe the place of use as including 4.6 acres owned by the USFS as depicted on Attachment #9. The transfer proposes to move the 4.6 irrigated acres from the USFS land to other land owned by the applicant, the irrigation of which will require a new, second point of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-2055	1.6 cfs	irrigation	May 1 to Oct. 31	Warm Springs Creek/Big
☐ ☐				to	Wood River
☒ ☐	37-11445	0.05 cfs	irrigation	May 1 to Oct. 31	Warm Springs Creek/Big
☐ ☐				to	Wood River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.6 cfs cfs and/or ac-ft2. Total amount of water proposed to be transferred or changed 1.6 cfs cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to **change** a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
no		NE	NW	NE	31	4N	17E	Blaine	Warm Springs Creek	
yes		SE	SE	SE	30	4N	17E	Blaine	Warm Springs Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	17E	29					0.9	0.6	25.0	7.1		7.6	9.0						50.2
4N	17E	30				4.0									11.0			16.9	31.9
4N	17E	31	0.1																0.1
																			82.2

Total Acres (for irrigation use) 82.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: See Attachment #9

- b. Who owns the property at the point(s) of diversion? Existing POD is on USFS land. New POD will be on Applicant's land

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

Applicant is in the process of applying to the USFS for a permit to formalize its historic right of access for the headgate and ditch.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The USFS land will no longer be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2055

Current Owner: SUN VALLEY LONG TERM HOLDING LLC

Priority Date: 7/24/1906

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source	Tributary		
WARM SPRINGS CREEK	BIG WOOD RIVER		
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	05/01 to 10/31	1.6 CFS	
	Total Diversion	1.6 CFS	
Location of Point(s) of Diversion			
WARM SPRINGS CREEK		NE1/4NW1/4NE1/4	Sec. 31, Twp 04N, Rge 17E B.M.
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T04N R17E S29	NENW	0.90	T04N R17E S29	NWNW	0.60
T04N R17E S29	SWNW	25.00	T04N R17E S29	SENW	8.50
T04N R17E S29	NWSW	7.60	T04N R17E S29	SWSW	5.00
T04N R17E S30	SENE	4.00	T04N R17E S30	NESE	11.00
T04N R17E S30	SWSE	0.10	T04N R17E S30	SESE	18.00
T04N R17E S31	NENE	1.50			

Total Acres: 82.2

Conditions of Approval:

1. This right is limited to the irrigation of 80 acres within the place of use described above.
2. E56 The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-11445

Current Owner: SUN VALLEY LONG TERM HOLDING LLC

Priority Date: 4/1/1930

Origin: Adjudication Recommendation

Status: Active

Basis: Beneficial Use

Source

WARM SPRINGS CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

05/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS

0.05 CFS

Annual Volume

Location of Point(s) of Diversion

WARM SPRINGS CREEK

BLAINE County

NE1/4NW1/4NE1/4

Sec. 31, Twp 04N, Rge 17E B.M.

Place of Use

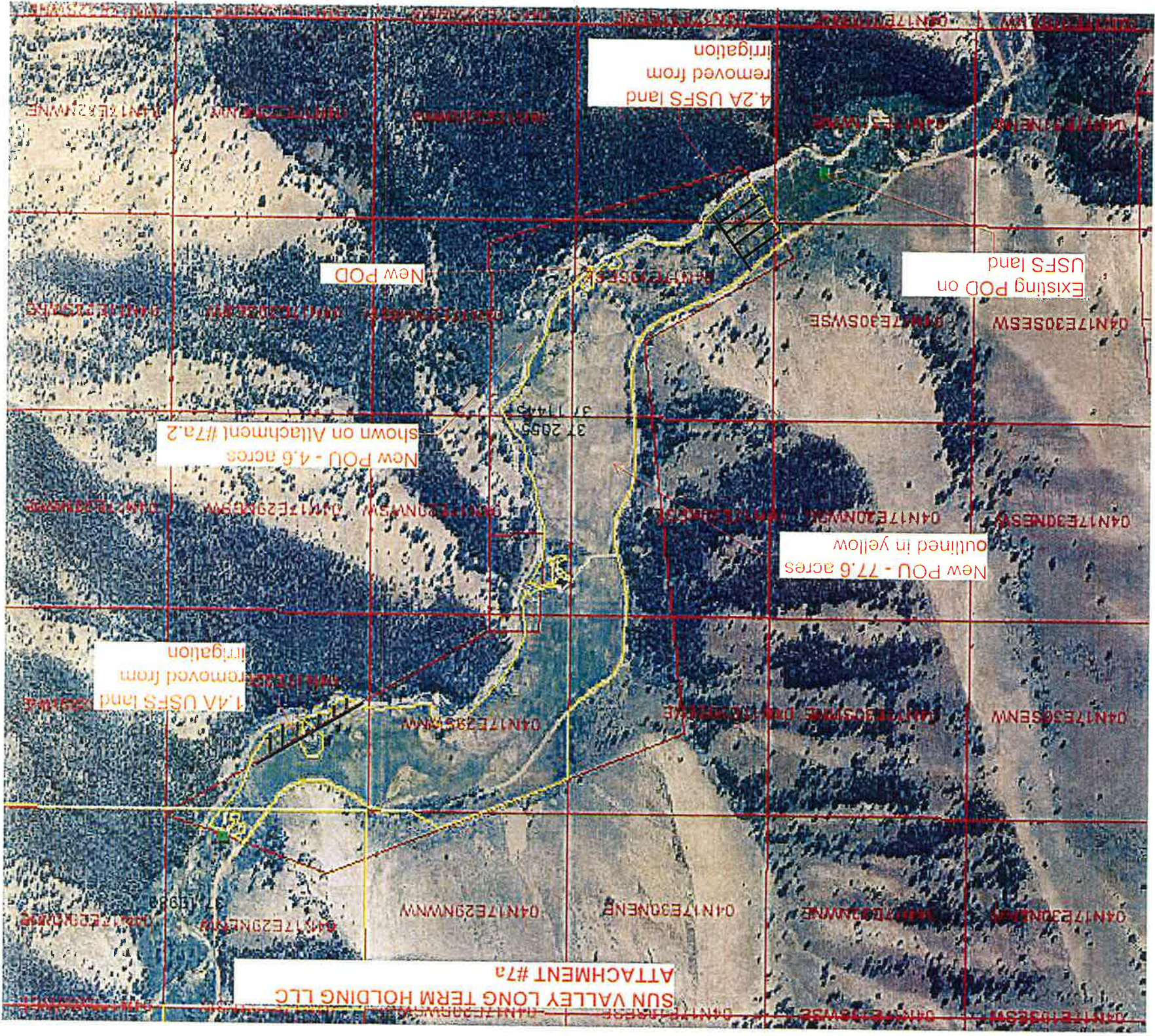
IRRIGATION Within BLAINE County

T04N R17E S29	NENW	0.90	T04N R17E S29	NWNW	0.60
T04N R17E S29	SWNW	25.00	T04N R17E S29	SENW	8.50
T04N R17E S29	NWSW	7.60	T04N R17E S29	SWSW	5.00
T04N R17E S30	SENE	4.00	T04N R17E S30	NESE	11.00
T04N R17E S30	SWSE	0.10	T04N R17E S30	SESE	18.00
T04N R17E S31	NENE	1.50			

Total Acres: 82.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is limited to the irrigation of 2.2 acres within the place of use described above.
3. E56 The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445



SUN VALLEY LONG TERM HOLDING LLC
ATTACHMENT #7a

New POI - 77.6 acres
outlined in yellow

Existing POI on
USFS land

4.2A USFS land
removed from
irrigation

New POI

New POI - 4.6 acres
shown on Attachment #7a.2

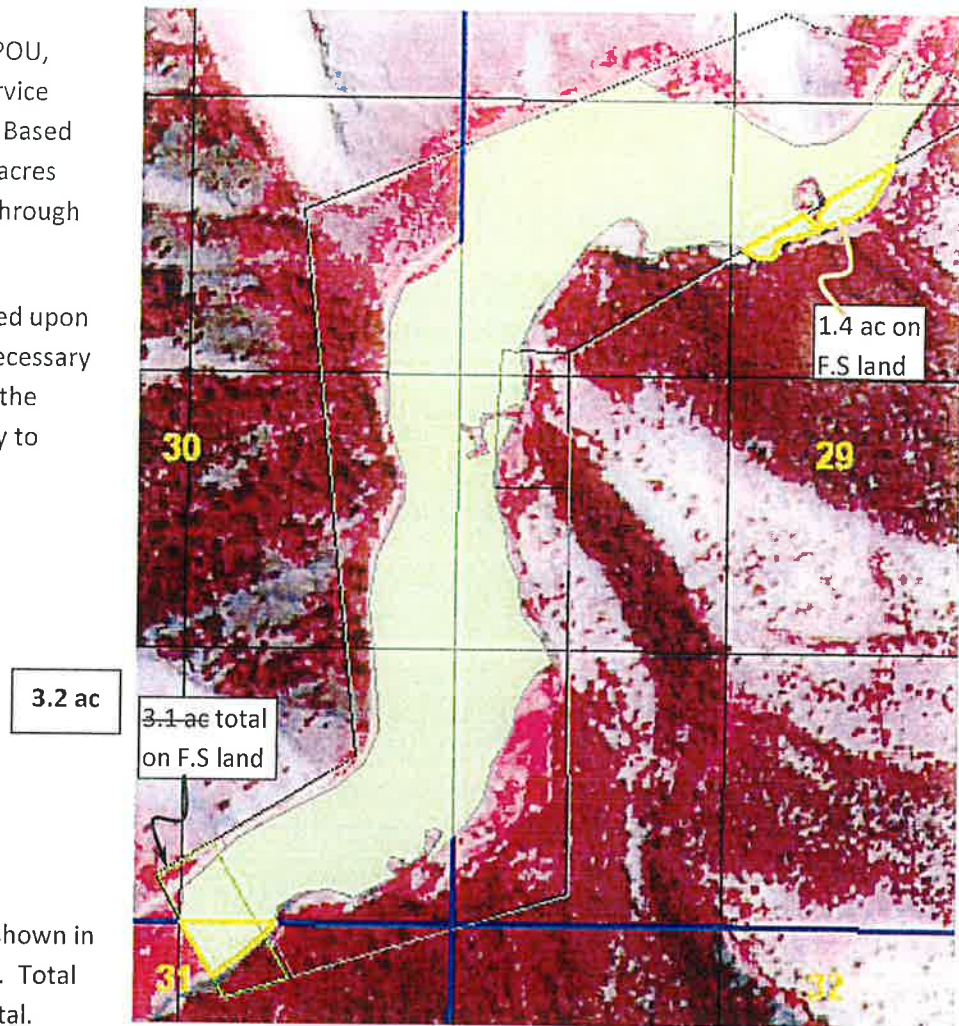
1.4A USFS land
removed from
irrigation

SUN VALLEY LONG TERM HOLDING LLC
ATTACHMENT #7b - p.1

37-2055, 37-11445 SUN VALLEY LONG TERM HOLDING
PLACE OF USE REVIEW

Shown is the POU, including all Forest Service overlapping acreage. Based upon this analysis 2.5 acres would be recognized through 37-11445.

A transfer based upon this shape would be necessary to move the water off the Forest Service property to private ground.



Jan 27, 2010 revisions shown in bold in the table below. Total shown is the revised total.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	29					.6	.6	25.0	8.3		7.6	5.0						47.1
							.9	.6	25.	8.5		7.6	5.0						~~47.8~~ 47.6
04N	17E	30				3.6									10.0			18.0	31.6
						4.0									11.0			18.0	~~33.0~~ 33.1
04N	17E	31	1.5																1.5
			1.5																1.5
Total Acres: ~~82.3~~																			
82.2																			

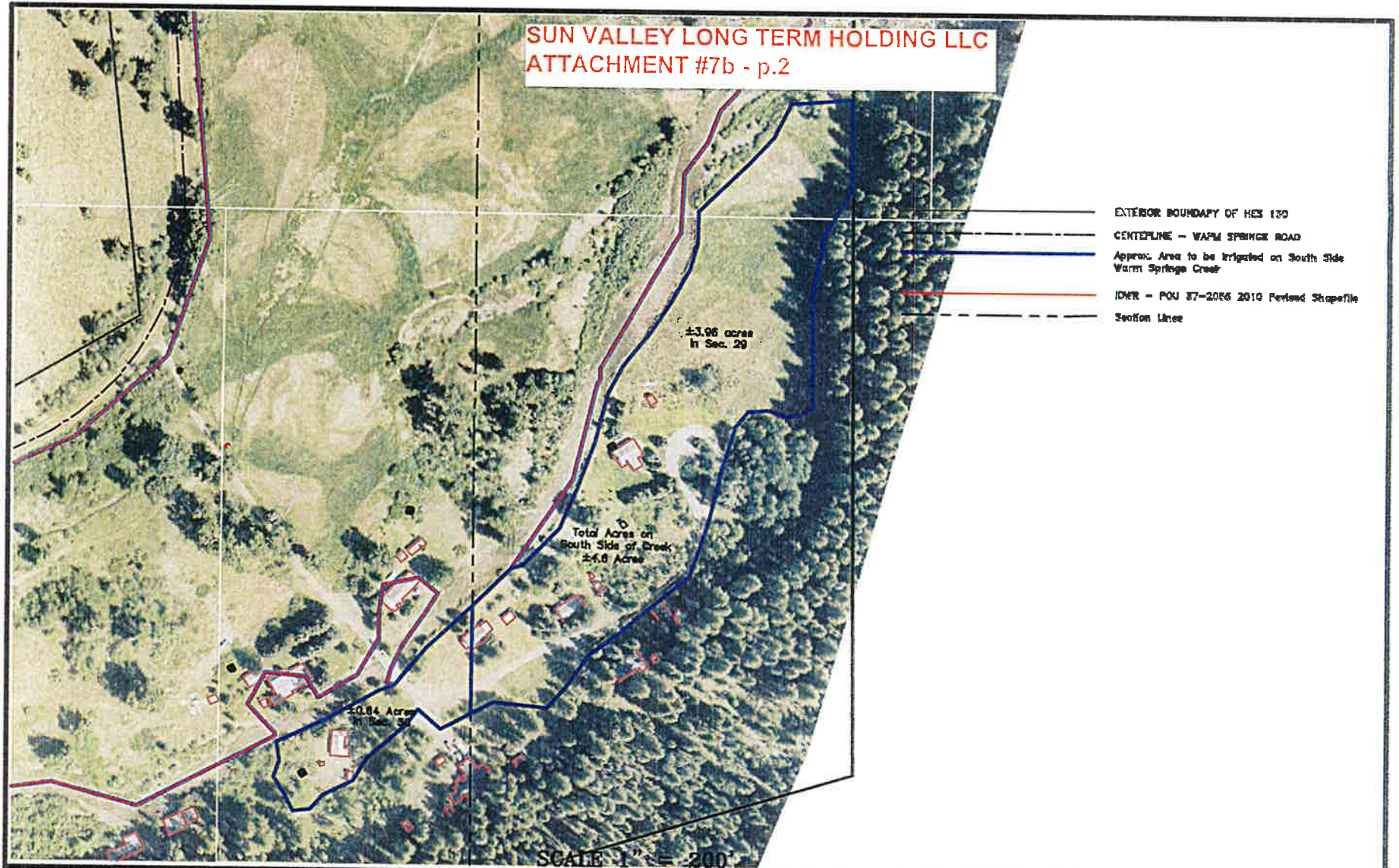
Includes 1.4 ac on FS land (pointing to NW SE of Sec 29)

Includes 1.4 ac on FS land (pointing to NE of Sec 31)

Includes 1.7 ac on FS land (pointing to SE of Sec 30)

on FS land (pointing to SE of Sec 30)

**SUN VALLEY LONG TERM HOLDING LLC
ATTACHMENT #7b - p.2**



An Exhibit Map Showing
Board's Upper Ranch — Area to be Irrigated on South Side of Warm Springs Creek
Within Sec. 29&30, T.4N., R.17E., B.M., Blaine County, Idaho; Prepared for Sunset Mill Ranchs, Inc.

ALPINE ENTERPRISES INC. SURVEYING, MAPPING, & NATURAL HAZARDS CONSULTING
P.O. BOX 2037, KETCHUM, IDAHO, 83340; PH. 208-727-1988 FAX 208-727-1987 EMAIL: bsmith@alpineenterprisesinc.com

ADDENDUM

Attachment #9

Part 1.5.a: Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: The existing diversion on USFS land consists of a headgate and gravity flow ditch to flood irrigation ditches within the existing portion of the place of use. Water to irrigate the new 4.6 acres on the south side of Warm Springs Creek will be pumped from the creek into a pressurized sprinkler irrigation system. Measuring devices and lockable control works may be installed in the ditch below the headgate and in the pipeline after the pump.

Status Conf.

Dec 15, 2010

37-2055

SV long term Holding

Jim Speck. - I provided an updated P/u.
They have identified the P/u that they want
to move the trespass acres off of Forest Service
to Private ground.

Transfer expected to be filed Dec 16.

Al & Craig did not object to ADR
not expecting to continue in case. Just
staying on as responders

July 6, 10:00 AM.

init hearing notes
Apr 22, 2009

37-2055 Sun Valley Holding

KKC/Chris

Review POU Boundary

Question on how ground was in south of Channel. Note land swap for ground on SW P/U for a parcel on south central.

If P/U > 80 ac then need B.U. right. need evidence etc.

work with Bruce Smith.

Status Conf Set Oct 28 @ 1:30 (double set)

April-09 Speak working with Forest Service to see if the Forest service would be O.K. with a transfer of SW corner of the P/U.

37-2055
11445
Speck
Chris

Sun Valley Long Term Holding

Obj by S V holding. D Poll should be > by ≈ 40 ac

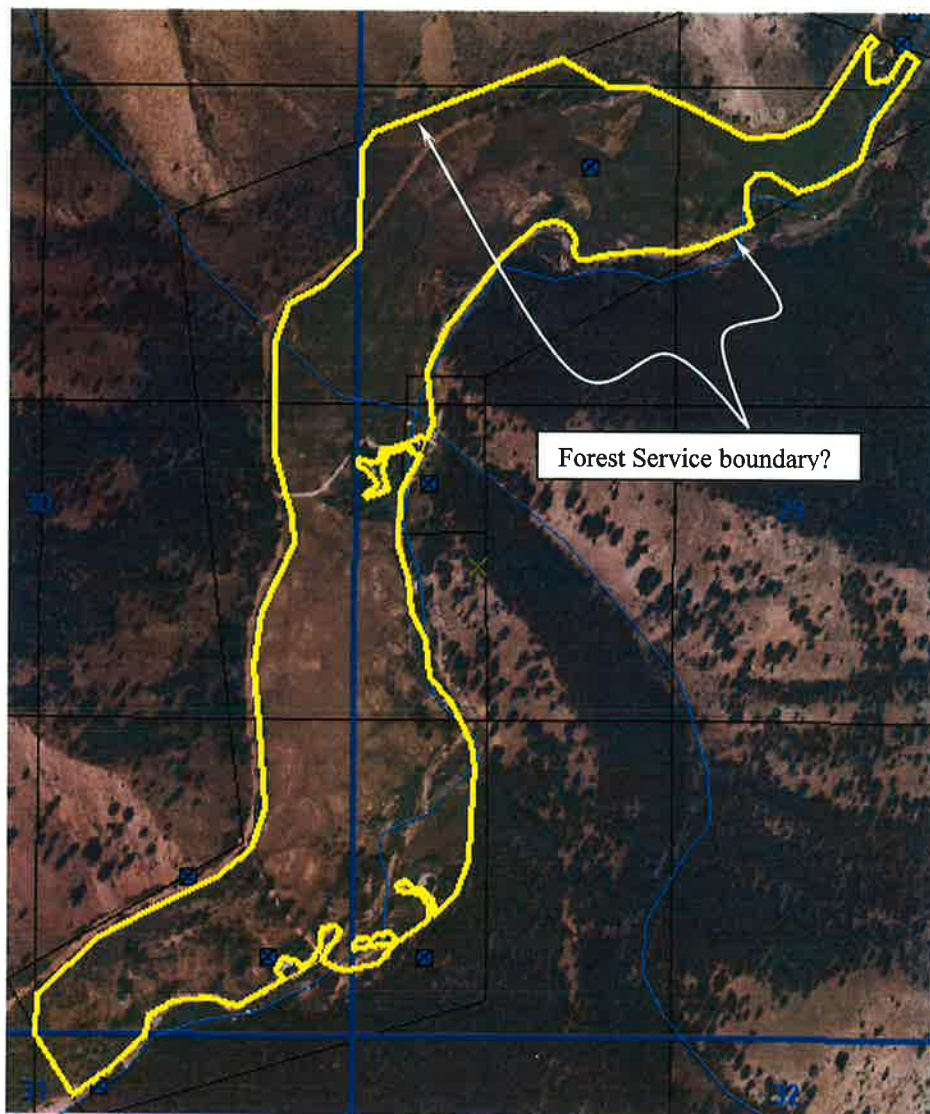
e-mail fm Speck 3-25-09

37-11445 - no ev. of priority in back file but
back file may be incomplete.

Obj Sun Valley Long Term holding
Resp Big Wood, Hobdey Tindin/Barker

37-2055 and 37-11445 Possible POU for settlement

The modified shape is based upon the 2004 aerial photo as it does not appear that there have been any changes to the POU since 1987 and the 2004 aerial photo details are clearer. As noted below it appears that irrigation water extends into Forest Service ground which has been excluded in this shape. Building sites have also been excluded; however several roads have been included.



Acreage by Quarter/Quarter

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	29					.6	.6	24.0	6.7									48.5
04N	17E	30				3.6									10.0			18.0	31.6
04N	17E	31	1.5																1.5

Total Acres: 82.5

By Kelly K Christensen
March 26, 2009

*Property Trade
with Forest Service*

PROPERTY DESCRIPTIONS WITHIN AND ADJOINING H.E.S. 130
Township 4 North, Range 17 East, Blaine County, Idaho
Within the Sawtooth National Forest

A parcel to be conveyed from the Board Ranch Corp. to the U.S. Forest Service, within H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 11, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying $S72^{\circ}36'54''W$, 1735.85 feet from Corner 10 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence $N30^{\circ}02'17''W$, 675.37 feet to a brass cap marking Corner 1, H.E.S. 130; *96.997 meters*
thence $N59^{\circ}15'58''E$, 318.23 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to an aluminum cap;
thence $S29^{\circ}55'53''E$, 750.15 feet to an aluminum cap on the southerly boundary of said H.E.S. 130; *98.7868*
thence $S72^{\circ}36'54''W$, 324.10 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to the True Point of Beginning.

Said described parcel contains 5.17 acres.

A parcel to be conveyed from the U.S. Forest Service to the Board Ranch Corp., within the Sawtooth National Forest adjoining H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 6, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying $S59^{\circ}19'11''W$, 2457.87 feet from Corner 5 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence $N88^{\circ}57'39''W$, 324.41 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 7, H.E.S. 130;
thence $S02^{\circ}55'38''W$, 660.72 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 8, H.E.S. 130;
thence $N88^{\circ}37'23''E$, 366.00 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 9, H.E.S. 130;
thence $N00^{\circ}41'34''W$, 645.23 feet to the True Point of Beginning.

Said described parcel contains 5.17 acres. _

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

4/22/2009

WATER RIGHT NO. 37-11445

Owner Type	Name and Address
Current Owner	SUN VALLEY LONG TERM HOLDING LLC PO BOX 4944 KETCHUM, ID 83340 (208)578-3636
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	BOARDS MILL & SUNSET RANCHES INC C/O LEO BURKETT PO BOX 4393 KETCHUM, ID 83340 (208)726-4684

Priority Date: 04/01/1930

Basis: Beneficial Use

Status: Active

Source	Tributary
WARM SPRINGS CREEK	BIG WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.54 CFS	
Total Diversion			0.54 CFS	

Location of Point(s) of Diversion:

WARM SPRINGS CREEK	NENWNE	Sec. 31	Township 04N	Range 17E	BLAINE County
--------------------	--------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	17E	29		SWNW	35		SENW	20						
				NWSW	15		SWSW	10						
		30		SENE	2									
				NESE	10		SESE	15						

Total Acres: 107

Conditions of Approval:

1.	THIS BENEFICIAL USE CLAIM IS FOR ADDITIONAL ACREAGE DEVELOPED WITH CLEARING LAND ASSOCIATED WITH DITCH FOR LICENSED RIGHT 37-2055 AT A LATER DATE. AT THIS TIME IT IS IMPOSSIBLE TO SEPARATE COMPLETELY WHICH ACREAGE WAS INCLUDED IN THE INITIALLY LICENSED 80 ACRES AND THOSE DEVELOPED LATER.
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76998

*Triish
data entered
transfer into
Recom
2-24-11*

This is to certify that: SUN VALLEY LONG TERM HOLDING, LLC
C/O JOHN CAMPBELL
PO BOX 986
HAILEY ID 83333
(208) 578-7700

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-2055	AJC/License	07/24/1906	1.6 cfs	N/A	80.0	82.2	WARM SPRINGS CREEK
37-11445	AJC/Beneficial Use	04/01/1930	0.05 cfs	N/A	2.2	82.2	WARM SPRINGS CREEK

Purpose of Transfer (Changes Proposed)

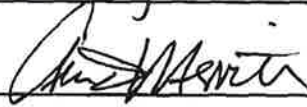
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-2055	NO	NO	YES	YES	NO	NO
37-11445	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2055	37-2055	1.6 cfs	N/A	80.0	82.2		N/A	N/A	N/A	N/A
37-11445	37-11445	0.05 cfs	N/A	2.2	82.2		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.65 cfs		82.2	82.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of February, 20 11


Southern Region Manager

SUPPORT DATA

IN FILE # 37-2055

WATER RIGHT NO. 37-2055
As Modified by Transfer No. 76998

In accordance with the approval of Transfer No. 76998, Water Right No. 37-2055 is now described as follows.

Right Holder: SUN VALLEY LONG TERM HOLDING, LLC
 C/O JOHN CAMPBELL
 PO BOX 986
 HAILEY ID 83333

Priority Date: July 24, 1906

Source: WARM SPRINGS CREEK **Tributary:** BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/31	1.60 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SESESE Sec. 30 Twp 04N Rge 17E BLAINE County

WARM SPRINGS CREEK NENWNE Sec. 31 Twp 04N Rge 17E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 17E 29					.9	.6	25.0	7.1		7.6	9.0						50.2
04N 17E 30				4.0									11.0			16.9	31.9
04N 17E 31	.1																.1

Total Acres: 82.2

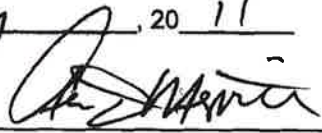
WATER RIGHT NO. 37-2055
As Modified by Transfer No. 76998

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445
2. This right is limited to the irrigation of 80 acres within the place of use described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. Place of use does not include federal public lands.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of February, 20 11


Southern Region Manager

WATER RIGHT NO. 37-11445
As Modified by Transfer No. 76998

In accordance with the approval of Transfer No. 76998, Water Right No. 37-11445 is now described as follows.

Right Holder: SUN VALLEY LONG TERM HOLDING, LLC
 C/O JOHN CAMPBELL
 PO BOX 986
 HAILEY ID 83333

Priority Date: April 01, 1930

Source: WARM SPRINGS CREEK **Tributary:** BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/31	0.05 CFS
			0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SESESE Sec. 30 Twp 04N Rge 17E BLAINE County

WARM SPRINGS CREEK NENWNE Sec. 31 Twp 04N Rge 17E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 17E 29					.9	.6	25.0	7.1	7.6	9.0							50.2
04N 17E 30				4.0									11.0			16.9	31.9
04N 17E 31	.1																.1

Total Acres: 82.2

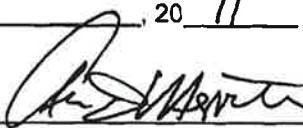
WATER RIGHT NO. 37-11445
As Modified by Transfer No. 76998

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445
2. This right is limited to the irrigation of 2.2 acres within the place of use described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. Place of use does not include federal public lands.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of February, 20 11



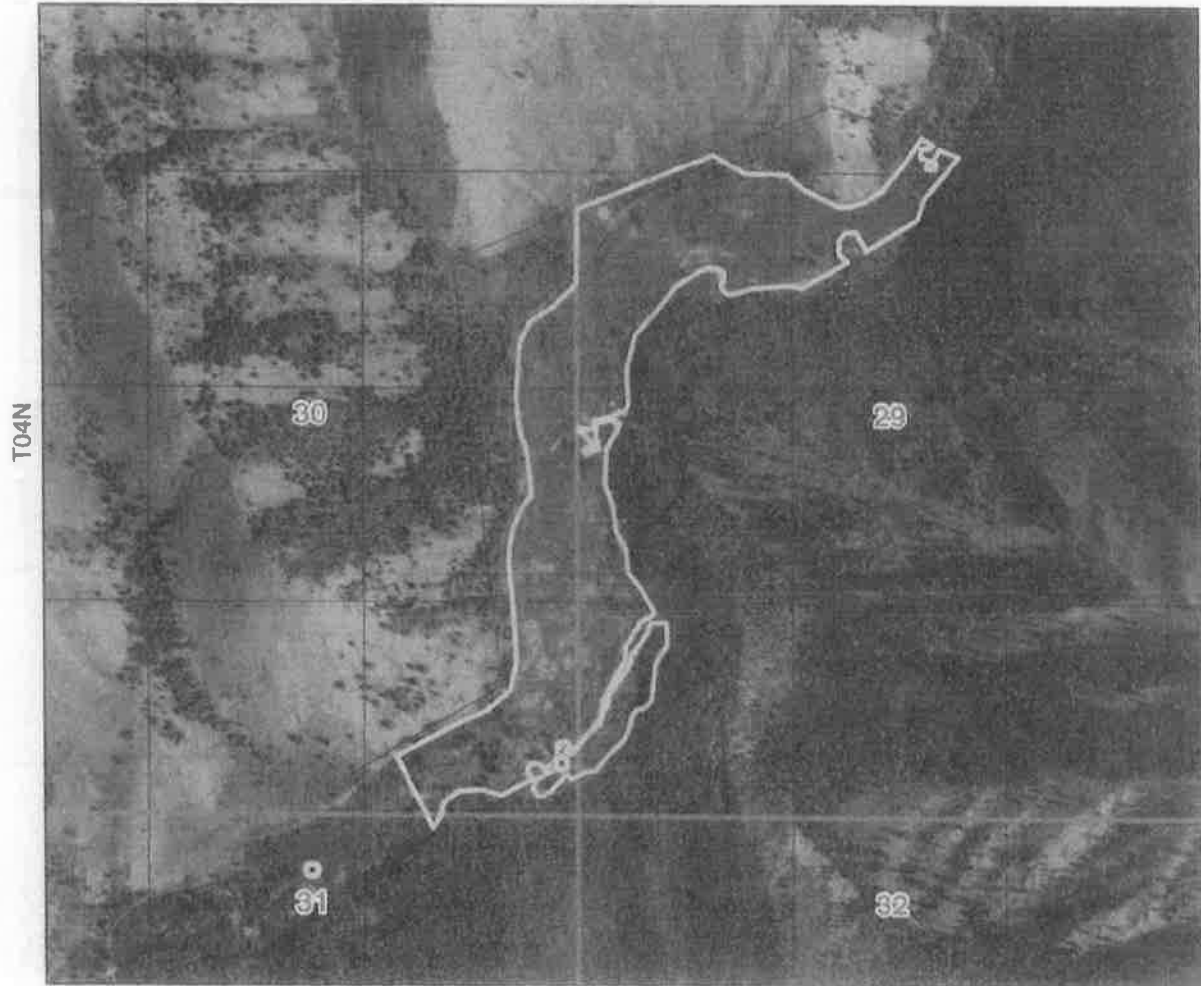
Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 76998

Rights: 37-2055, 37-11445

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R17E



Legend

- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles



05/25/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-11445

NAME AND ADDRESS: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.050 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 04/01/1930

POINT OF
DIVERSION:

T04N R17E S30 SESESE Within BLAINE County

T04N R17E S31 NENWNE Within BLAINE County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.050 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S29	NENW	0.90	T04N R17E S29	NWNW	0.60
T04N R17E S29	SWNW	25.00	T04N R17E S29	SENW	7.10
T04N R17E S29	NWSW	7.60	T04N R17E S29	SWSW	9.00
T04N R17E S30	SENE	4.00	T04N R17E S30	NESE	11.00
T04N R17E S30	SESE	16.90	T04N R17E S31	NENE	0.10

82.2 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445

This right is limited to the irrigation of 2.2 acres within the place of use described above.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

Amended by T-76998
VERIFIED BY KKC

05/25/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2055

NAME AND ADDRESS: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM ID 83340

Amended by T-78998
VERIFIED BY KKC

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.600 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 07/24/1906

POINT OF
DIVERSION:

T04N R17E S30 SESESE Within BLAINE County

T04N R17E S31 NENWNE Within BLAINE County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05/01 10/31

QUANTITY
1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S29	NENW	0.90	T04N R17E S29	NWNW	0.60
T04N R17E S29	SWNW	25.00	T04N R17E S29	SENW	7.10
T04N R17E S29	NWSW	7.60	T04N R17E S29	SWSW	9.00
T04N R17E S30	SENE	4.00	T04N R17E S30	NESE	11.00
T04N R17E S30	SESE	16.90	T04N R17E S31	NENE	0.10

82.2 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 80 acres within the place of use described above.

The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76998

This is to certify that: SUN VALLEY LONG TERM HOLDING, LLC
 C/O JOHN CAMPBELL
 PO BOX 986
 HAILEY ID 83333
 (208) 578-7700

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2055	AJC/License	07/24/1906	1.6 cfs	N/A	80.0	82.2	WARM SPRINGS CREEK
37-11445	AJC/Beneficial Use	04/01/1930	0.05 cfs	N/A	2.2	82.2	WARM SPRINGS CREEK

Purpose of Transfer (Changes Proposed)

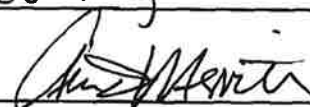
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2055	NO	NO	YES	YES	NO	NO
37-11445	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2055	37-2055	1.6 cfs	N/A	80.0	82.2		N/A	N/A	N/A	N/A
37-11445	37-11445	0.05 cfs	N/A	2.2	82.2		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.65 cfs		82.2	82.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of February, 20 11


 Southern Region Manager

SUPPORT DATA

IN FILE # 37-2055

WATER RIGHT NO. 37-2055
As Modified by Transfer No. 76998

In accordance with the approval of Transfer No. 76998, Water Right No. 37-2055 is now described as follows.

Right Holder: SUN VALLEY LONG TERM HOLDING, LLC
 C/O JOHN CAMPBELL
 PO BOX 986
 HAILEY ID 83333

Priority Date: July 24, 1906

Source: WARM SPRINGS CREEK **Tributary:** BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/31	1.60 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SESESE Sec. 30 Twp 04N Rge 17E BLAINE County

WARM SPRINGS CREEK NENWNE Sec. 31 Twp 04N Rge 17E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 17E 29					.9	.6	25.0	7.1	7.6	9.0							50.2
04N 17E 30				4.0									11.0			16.9	31.9
04N 17E 31	.1																.1

Total Acres: 82.2

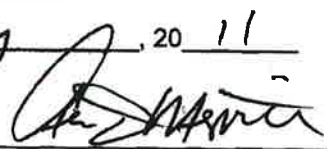
WATER RIGHT NO. 37-2055
As Modified by Transfer No. 76998

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445
2. This right is limited to the irrigation of 80 acres within the place of use described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. Place of use does not include federal public lands.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of February, 20 11



Southern Region Manager

WATER RIGHT NO. 37-11445
As Modified by Transfer No. 76998

In accordance with the approval of Transfer No. 76998, Water Right No. 37-11445 is now described as follows.

Right Holder: SUN VALLEY LONG TERM HOLDING, LLC
 C/O JOHN CAMPBELL
 PO BOX 986
 HAILEY ID 83333

Priority Date: April 01, 1930

Source: WARM SPRINGS CREEK **Tributary:** BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/31	0.05 CFS
			0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SESESE Sec. 30 Twp 04N Rge 17E BLAINE County

WARM SPRINGS CREEK NENWNE Sec. 31 Twp 04N Rge 17E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 17E 29					.9	.6	25.0	7.1	7.6	9.0							50.2
04N 17E 30				4.0									11.0		16.9		31.9
04N 17E 31	.1																.1

Total Acres: 82.2

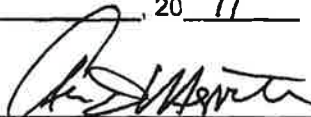
WATER RIGHT NO. 37-11445
As Modified by Transfer No. 76998

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 82.2 acres in a single irrigation season. Combined Right Nos.: 37-2055 and 37-11445
2. This right is limited to the irrigation of 2.2 acres within the place of use described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. Place of use does not include federal public lands.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of February, 2011

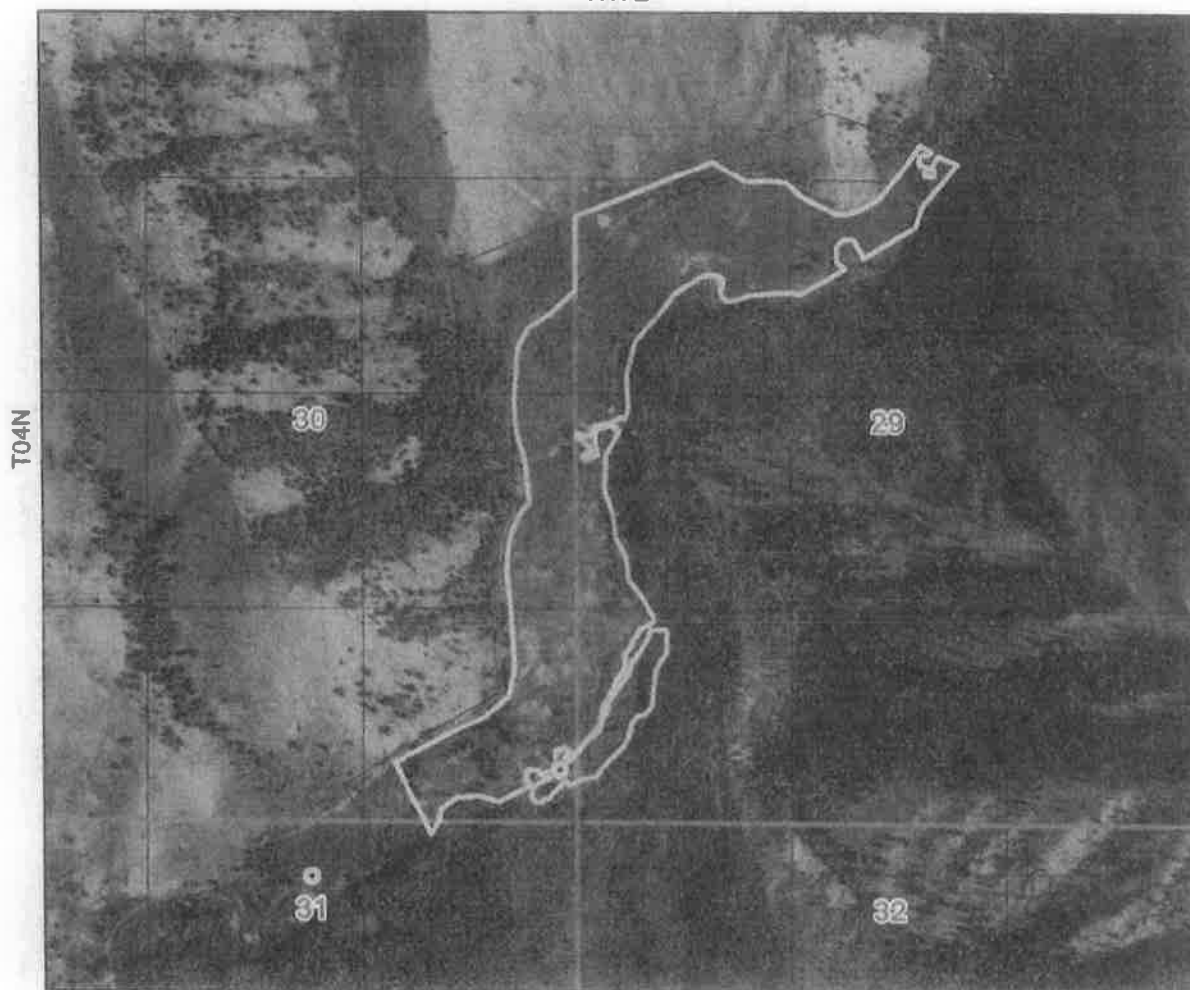

Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 76998

Rights: 37-2055, 37-11445

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R17E



Legend

- ⊙ Point of Diversion
- ▬ Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

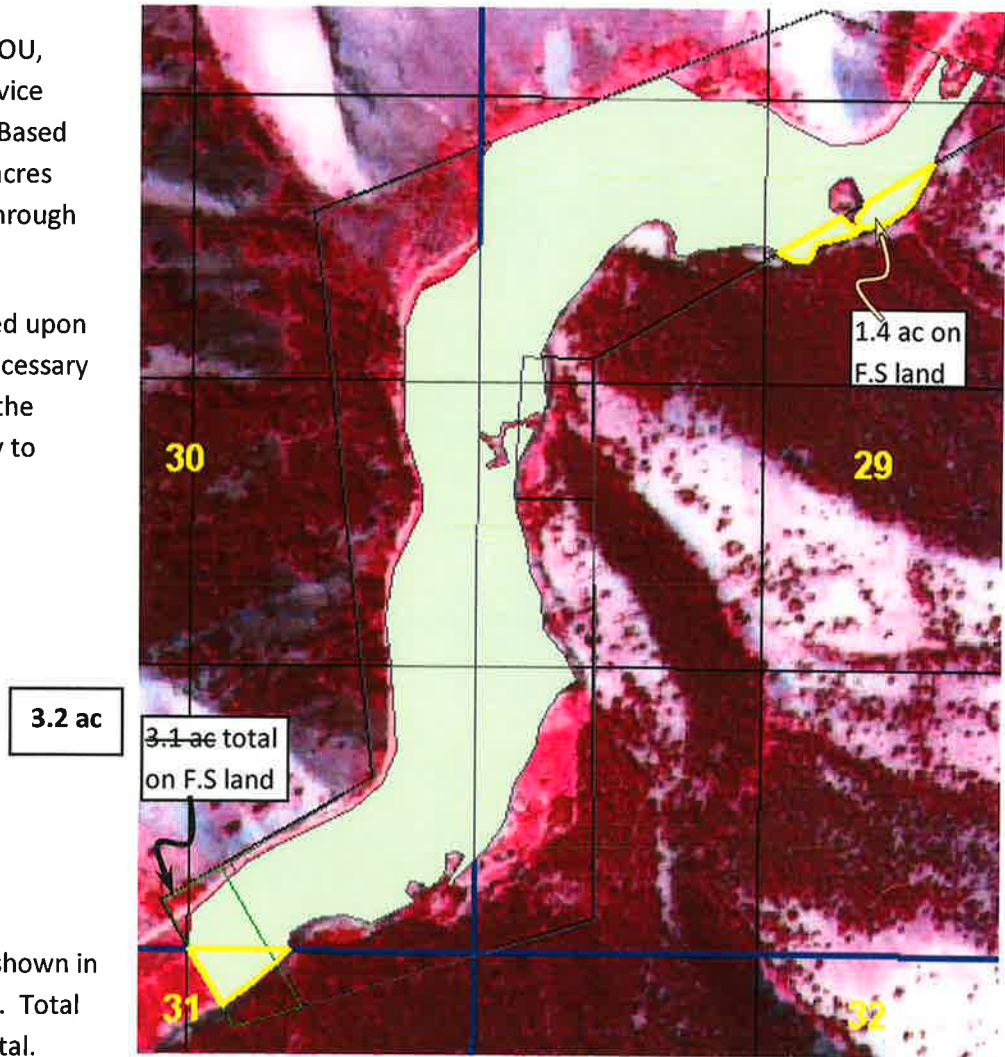
0 0.125 0.25 0.5 Miles



**37-2055, 37-11445 SUN VALLEY LONG TERM HOLDING
PLACE OF USE REVIEW**

Shown is the POU, including all Forest Service overlapping acreage. Based upon this analysis 2.5 acres would be recognized through 37-11445.

A transfer based upon this shape would be necessary to move the water off the Forest Service property to private ground.



Jan 27, 2010 revisions shown in bold in the table below. Total shown is the revised total.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	29					.6	.6	25.0	8.3		7.6	5.0						47.1
							.9	.6	25.0	8.5		7.6	5.0						~~47.8~~
04N	17E	30				3.6									10.0				31.6
						4.0									11.0				~~33.0~~
04N	17E	31	1.5																1.5
			1.5																1.5
Total Acres: 82.3																			

Includes 1.4 ac on FS land (pointing to NW of Sec 29)

Includes 1.4 ac on FS land (pointing to NE of Sec 31)

Includes 1.7 ac on FS land (pointing to SE of Sec 30)

on FS land (pointing to SE of Sec 31)

Handwritten: 47.6

Handwritten: 33.1



DEPARTMENT'S UNDERSTANDING OF POSSIBLE SETTLEMENT ISSUES AS OF 9-30-2009

In no way am I suggesting a course of action but as I understand the issue, it is that there is a portion of Forest Service ground that has historically been a part of the irrigated POU (and currently recommended) associated with this system located in Sec 29 SENW as identified in FIGURE 2 Recommended POU shape. A second area located at the south west end of the POU as identified in Figure 3. This area was identified in the 2-29-2009 e-mail from Speck to the department. Currently no irrigation has been claimed in Section 31 NENE.

It is my understanding that the claimant wishes to transfer one or both parcels to other ground within HES 130.

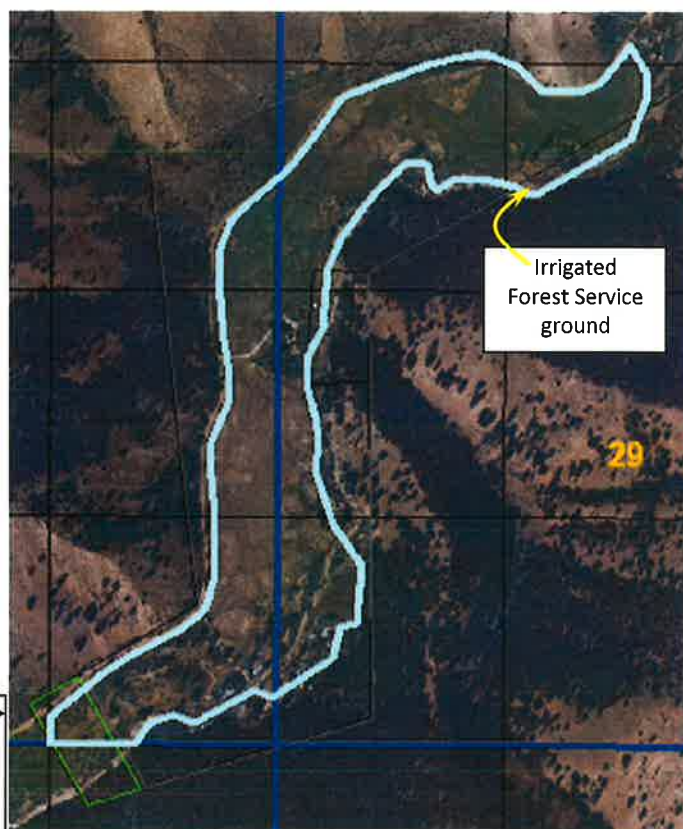


FIGURE 1 Overlay of recommended POU and Potential POU

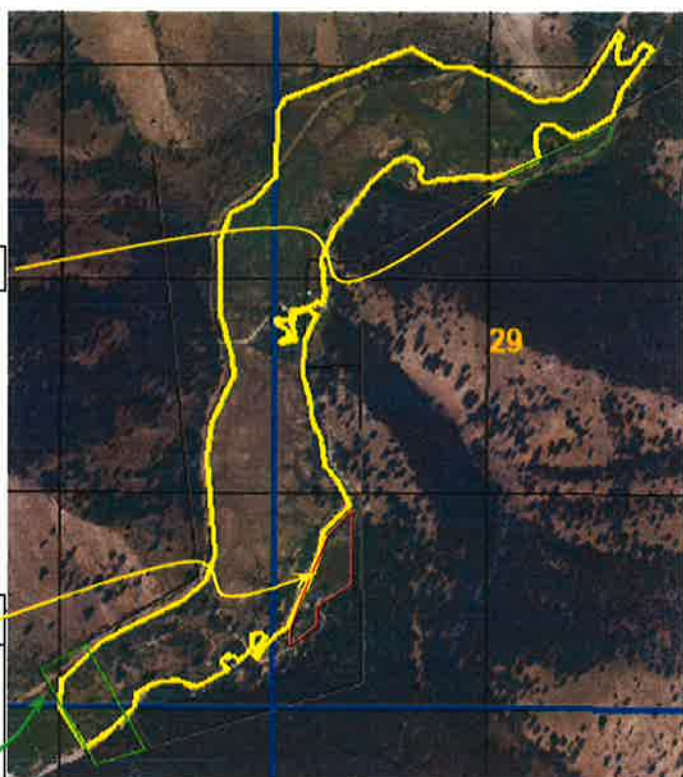
Approximate POD location

FIGURE 2

Recommended POU



Irrigated Forest Service ground



Possible transfer acreage

No irrigation system for this area

FIGURE 3 Potential settlement POU Ground subject to the land swap agreement

PROPERTY DESCRIPTIONS WITHIN AND ADJOINING H.E.S. 130
Township 4 North, Range 17 East, Blaine County, Idaho
Within the Sawtooth National Forest

A parcel to be conveyed from the Board Ranch Corp. to the U.S. Forest Service, within H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 11, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying S72°36'54"W, 1735.85 feet from Corner 10 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence N30°02'17"W, 675.37 feet to a brass cap marking Corner 1, H.E.S. 130;
thence N59°15'58"E, 318.23 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to an aluminum cap;
thence S29°55'53"E, 750.15 feet to an aluminum cap on the southerly boundary of said H.E.S. 130;
thence S72°36'54"W, 324.10 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to the True Point of Beginning.

Said described parcel contains 5.17 acres.

A parcel to be conveyed from the U.S. Forest Service to the Board Ranch Corp., within the Sawtooth National Forest adjoining H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 6, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying S59°19'11"W, 2457.87 feet from Corner 5 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence N88°57'39"W, 324.41 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 7, H.E.S. 130;
thence S02°55'38"W, 660.72 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 8, H.E.S. 130;
thence N88°37'23"E, 366.00 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 9, H.E.S. 130;
thence N00°41'34"W, 645.23 feet to the True Point of Beginning.

Said described parcel contains 5.17 acres. _

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS **CLAIMED** UNDER STATE LAW

Right Number: 37-11445

Name and Address: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM, ID 83340

Source: WARM SPRINGS CREEK Tributary: BIG WOOD RIVER

Quantity: 0.54 CFS

Priority Date: _____

Diversion Point: T04N R17E S31 NENWNE Within Blaine County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	05-01 TO 10-31	0.54 CFS

Place of Use:

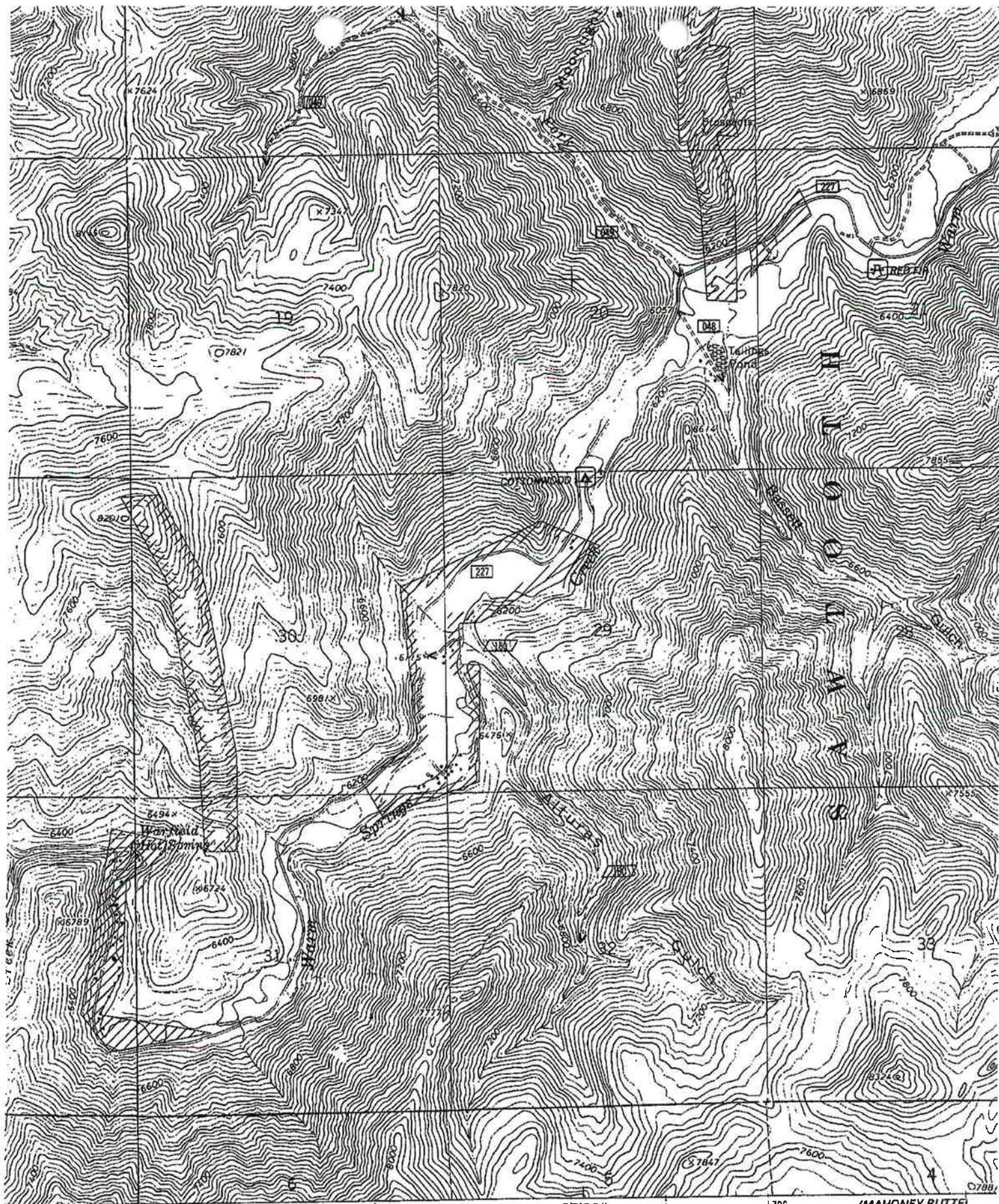
Irrigation Within Blaine County	
T04N R17E S29	SWNW 35
	SENW 20.0
	~~LOT 4 (SESW) 1.6 NFS~~
	NWSW 15.0
	SWSW 10.0
S30	SENE 2.0
	SESE 15.0
	NESE 10.0
	107.4 Acres Total

The places of use are on private land surveyed as HES 130 and Lot 11 and do not include any federal land.

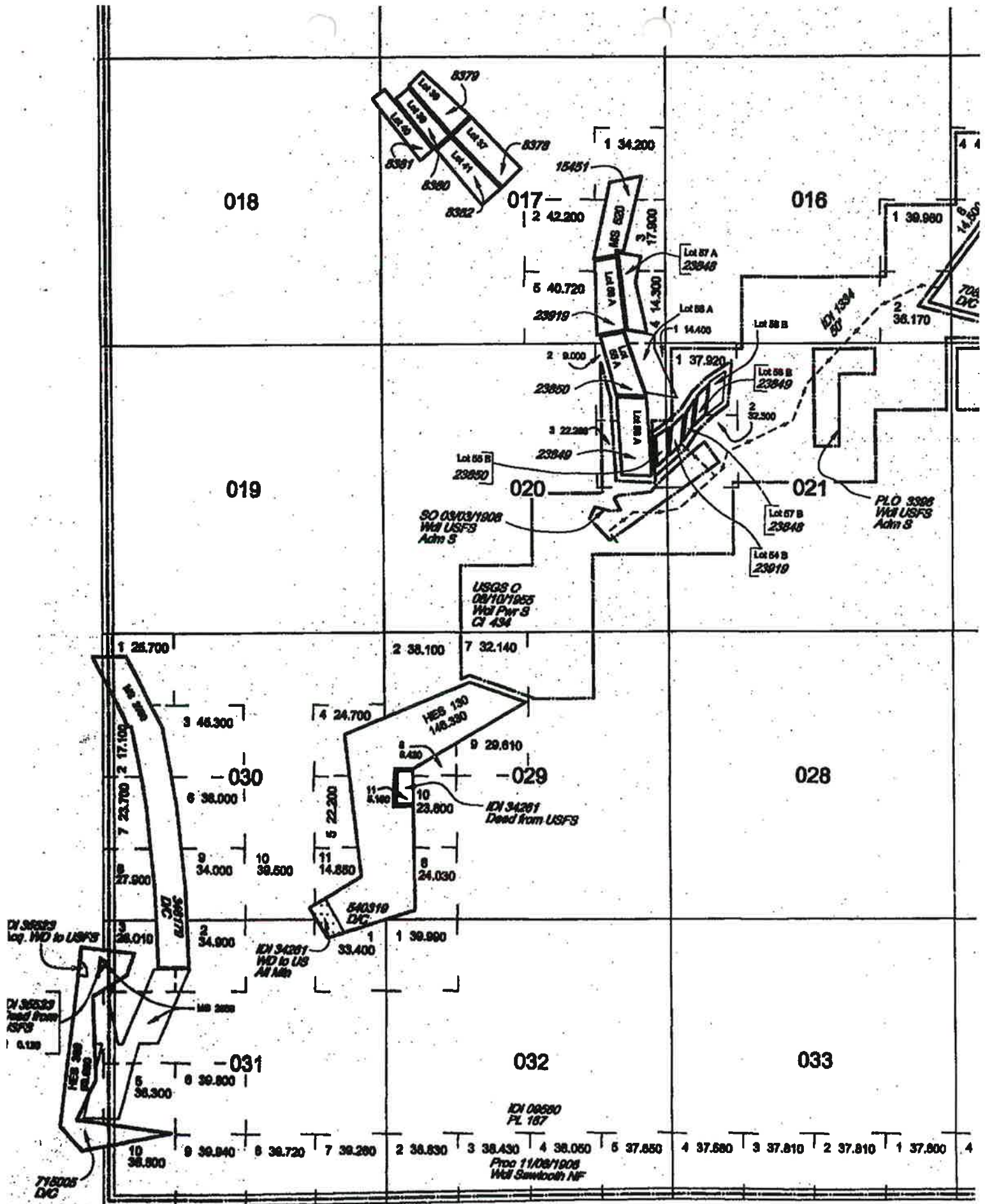
Other Provisions Necessary for Definition / Administration of this Water Right:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412 (6), Idaho Code.

Explanatory Material: Basis of Claim - Beneficial Use



R. 16 E. 1370 000 FEET R. 17 E. 1704 27'30" 1706 (MAHONEY BUTTE)
 prepared by the U.S. Geological Survey
 SCALE 1:24 000
 by photogrammetric methods from aerial
 taken 1966. Field checked 1967
 CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT INT



222

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

H37-11445

Date Received

9/29/88

Receipt Number

C00 E742

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BOARD'S MILL & SUNSET RANCHES, INC. Phone 208) 726-4684Mailing Address P.O. Box 4393, KETCHUM ID Zip 83340

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) WARM SPRINGS CREEK
which is tributary to (b) BIG WOOD RIVER4. a. Location of existing point of diversion is: Township 4N Range 17E Section 31NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BLAINE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. CEMENT & LUMBER HEADGATEAT POINT OF DIVERSION FEEDS INTO DITCH IN PROPERTY TO PLACE
OF USE.

MICROFILMED

FEB 25 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11445
Date Received: 9/29/1988
Receipt No: 6002742
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOARD'S MILL & SUNSET RANCHES, INC. 208-726-4684
Address: P.O. BOX 4393
KETCHUM, ID 83340

2. Date of Priority: APR 01, 1930

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	31	NE	NW	NE		BLAINE

5. Description of diverting works:
CEMENT & LUMBER HEADGATE AT P/D FEEDS INTO DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.540		

7. Total Quantity Appropriated is:
0.540 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ASSOCIATED STOCKWATERING WITH IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	29	SW	NW		IRR	35.0
			SE	NW		IRR	20.0
			NW	SW		IRR	15.0

A37-11445

Page 1

Date: 09/29/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	29	SW	SW	IRR	10.0
			Section Acres			80.0
		30	SE	NE	IRR	2.0
			NE	SE	IRR	10.0
			SE	SE	IRR	15.0
			Section Acres			27.0
			Total Acres			107.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
LICENSE 37-2055 CLAIMED

14. Remarks:

THIS BENEFICIAL USE CLAIM IS FOR ADDITIONAL ACREAGE DEVELOPED WITH CLEARING LAND ASSOCIATED WITH DITCH FOR LICENSED RIGHT 37-2055 AT A LATER DATE. AT THIS TIME IT IS IMPOSSIBLE TO SEPARATE COMPLETELY WHICH ACREAGE WAS INCLUDED IN THE INITIALLY LICENSED 80 ACRES AND THOSE DEVELOPED LATER.

15. Basis of Claim: BENEFICIAL USE

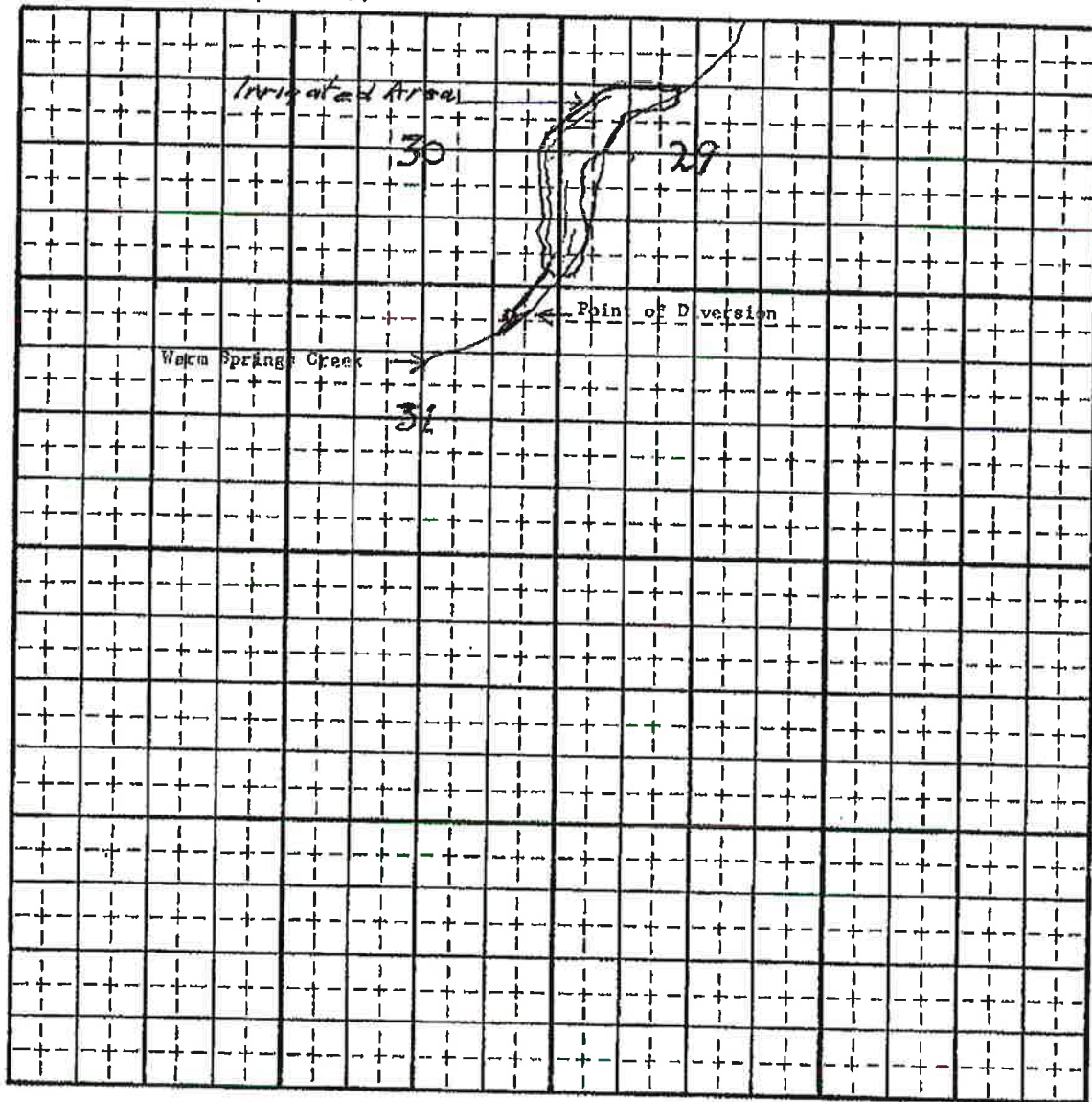
MICROFILMED

FEB 25 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T4N R. 17E



MICROFILMED

Last Name Boards Mill & St. Rens, Inc. Ident No. A37-11445

Copies: White State, 25, 1993

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2055

NAME AND ADDRESS: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 07/24/1906

POINT OF
DIVERSION: T04N R17E S31 NENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S29	SWNW	21.00 <i>mix</i>	T04N R17E S29	SENW	7.90 <i>mix</i>
T04N R17E S29 Lot 4	SENW	1.60 <i>mix</i>	T04N R17E S29	NWSW	6.40 <i>mix</i>
T04N R17E S29 Lot 11	NWSW	0.40 <i>put</i>	T04N R17E S29	SWSW	8.60 <i>mix</i>
T04N R17E S30	SENE	4.10 <i>mix</i>	T04N R17E S30	NESE	11.00 <i>mix</i>
T04N R17E S30	SESE	19.00 <i>mix</i>			

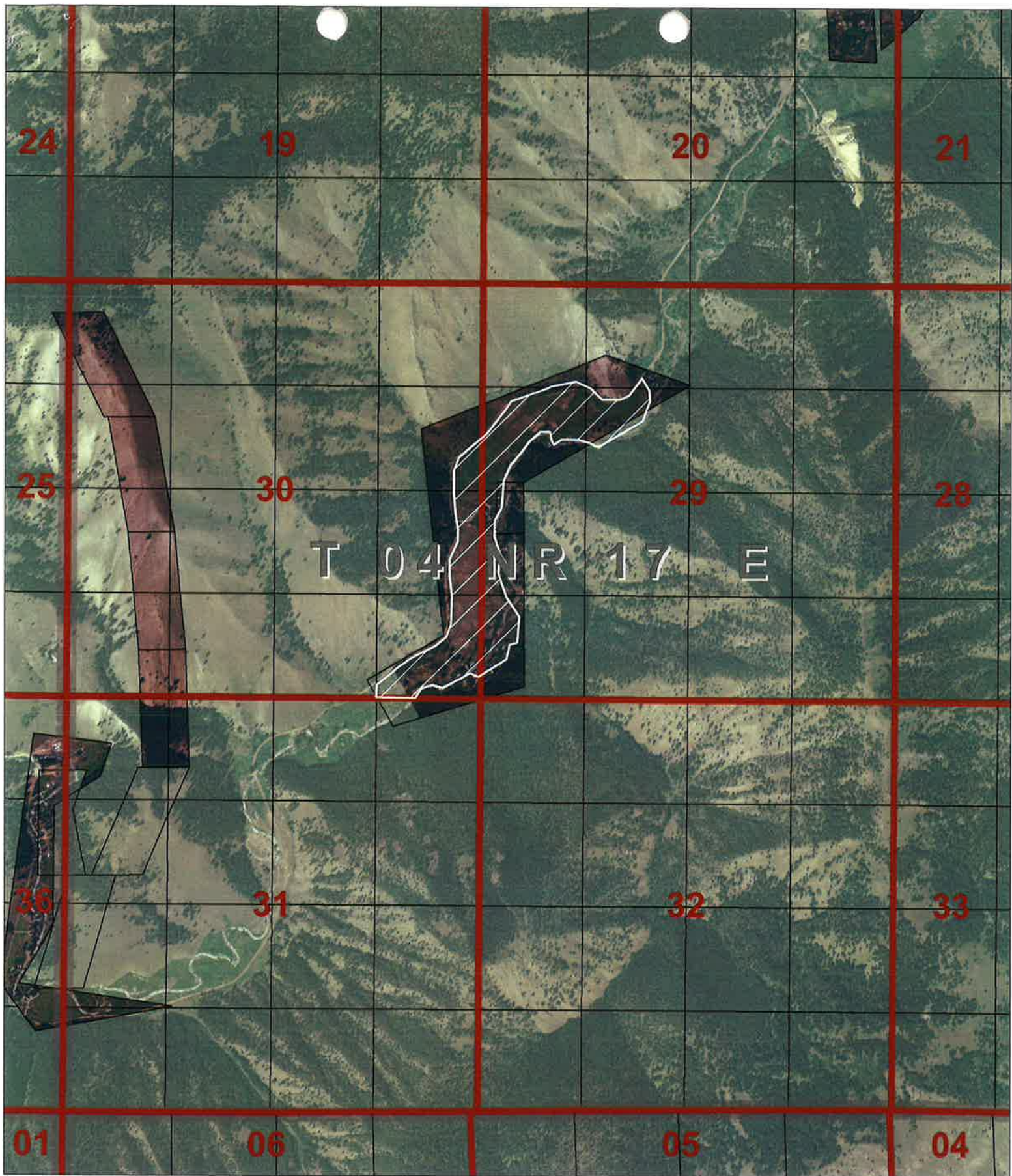
80 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

need no fed land remark



0 0.2 0.4 0.8 1.2 1.6
Miles



SRBA

SUBCASE SUMMARY REPORT 37-02055

[Return to SRBA Home Page](#)

SRBA
04-22-2009

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 37-02055 FILE#: 01223
CLAIMANT: SUN VALLEY LONG TERM
 HOLDING LLC
 PO BOX 4944

 KETCHUM ID 83340
STATUS: AT ISSUE SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0

****** PARTIES INVOLVED ******

SUN VALLEY LONG TERM	C ATTY: JAMES P. SPECK
SUN VALLEY LONG TERM	O ATTY: JAMES P. SPECK
TOM O GARA	R ATTY: BARKER ROSHOLT & SIMPSON LLP
JOHN F STEVENSON	R ATTY: BARKER ROSHOLT & SIMPSON LLP
BILL MOLYNEUX	R ATTY: BARKER ROSHOLT & SIMPSON LLP
PETE VAN DER MEULEN	R ATTY: BARKER ROSHOLT & SIMPSON LLP
GRACE EAKIN	R ATTY: BARKER ROSHOLT & SIMPSON LLP
GERALD BASHAW	R ATTY: BARKER ROSHOLT & SIMPSON LLP
PEPIN CORSO-HARRIS	R ATTY: ALBERT P BARKER
BIG WOOD CANAL COMPANY	R ATTY: CRAIG D. HOBDEY

****** ROA ENTRIES ******

11-13-2007	OBJ 01 F/B SUN VALLEY LONG TERM	RB	01-15-2008	0001
01-15-2008	RESPONSE TO OBJ 0001 F/B O'GARA, TOM			0001
01-15-2008	RESPONSE TO OBJ 0001 F/B STEVENSON, JOHN F			0002
01-15-2008	RESPONSE TO OBJ 0001 F/B MOLYNEUX, BILL			0003
01-15-2008	RESPONSE TO OBJ 0001 F/B VAN DER MEULEN, PETE			0004
01-15-2008	RESPONSE TO OBJ 0001 F/B EAKIN, GRACE			0005
01-15-2008	RESPONSE TO OBJ 0001 F/B BASHAW, GERALD			0006
01-15-2008	RESPONSE TO OBJ 0001 F/B CORSO-HARRIS, PEPIN			0007
01-15-2008	RESPONSE TO OBJ 0001 F/B BIG WOOD CANAL CO			0008
09-23-2008	ORIGINAL NOTICE OF CLAIM			
03-19-2009	NOTICE SETTING INITIAL HEARING	1S	04-22-2009	0200

[Return to SRBA Home Page](#)

37-2055 and 37-11445 follow-up analysis based upon the April 22 initial hearing

In reviewing the POU submitted by Alpine Enterprises Inc it is my understanding that that shape represents potentially irrigable acreage with a slope of less than an approximately 15%. While that may be a reasonable estimation for developing an irrigation project, it does not establish the historical irrigated POU. I am not considering this information in my review.

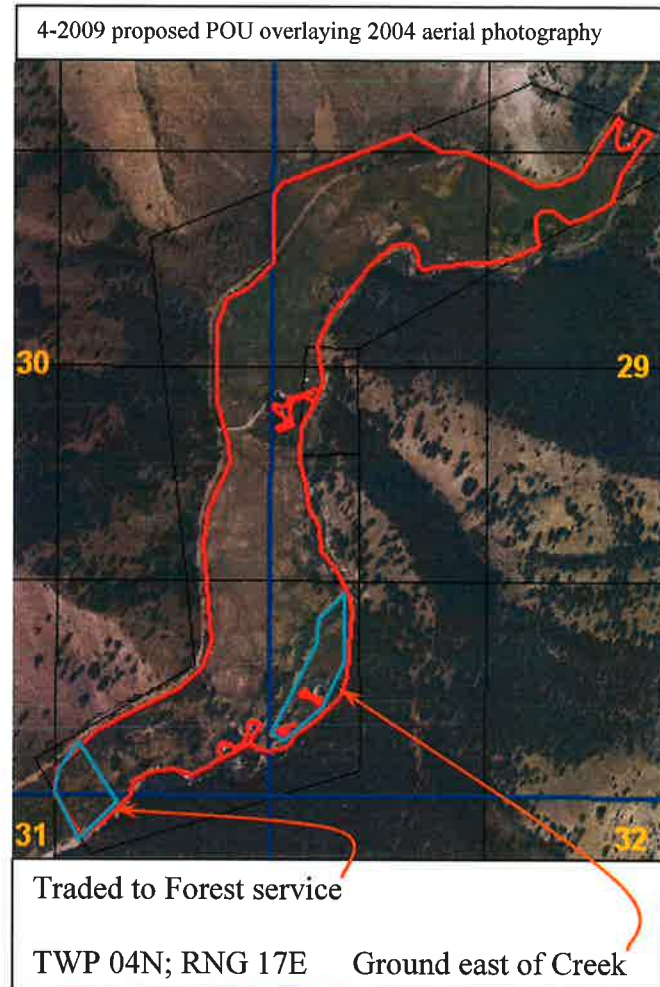
Probably the largest area of concern that I have is the ground east of the creek in sec 29 SWSW. As I recall our discussions, there was no diversion point established for that ground and that there was no method of conveyance across the creek out of the ditch coming from the recommended POD.

The other major issue is the irrigated ground associated with the land swap property with the Forest Service that falls within Sec 31 NENE and Sec 30 SESE. Based upon currently available information I see no problem why that ground could not be subject to a transfer process to move that acreage to another location associated with this system.

At this point I would leave it with the Forest service as to timing. If they are willing to stipulate to this ground being transferred after settlement then that acreage could remain a part of the recommended POU. However, if they want the transfer to be completed prior to settlement then the ultimate recommendation for this (these) right(s) would be put on hold until the transfer approval.

The current shape as shown in Red which includes both highlighted parcels is approximately 83 acres. In reviewing the outline boundary against the 2004 aerial photo I feel that there could be some minor modifications made to the overall POU boundary but I do not think that it would make much difference regarding the overall total acreage.

To the extent that any ultimate POU exceeds the licensed acreage for 37-2055, I expect that they could be recognized through 37-11445.



BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3

5 N-16 E

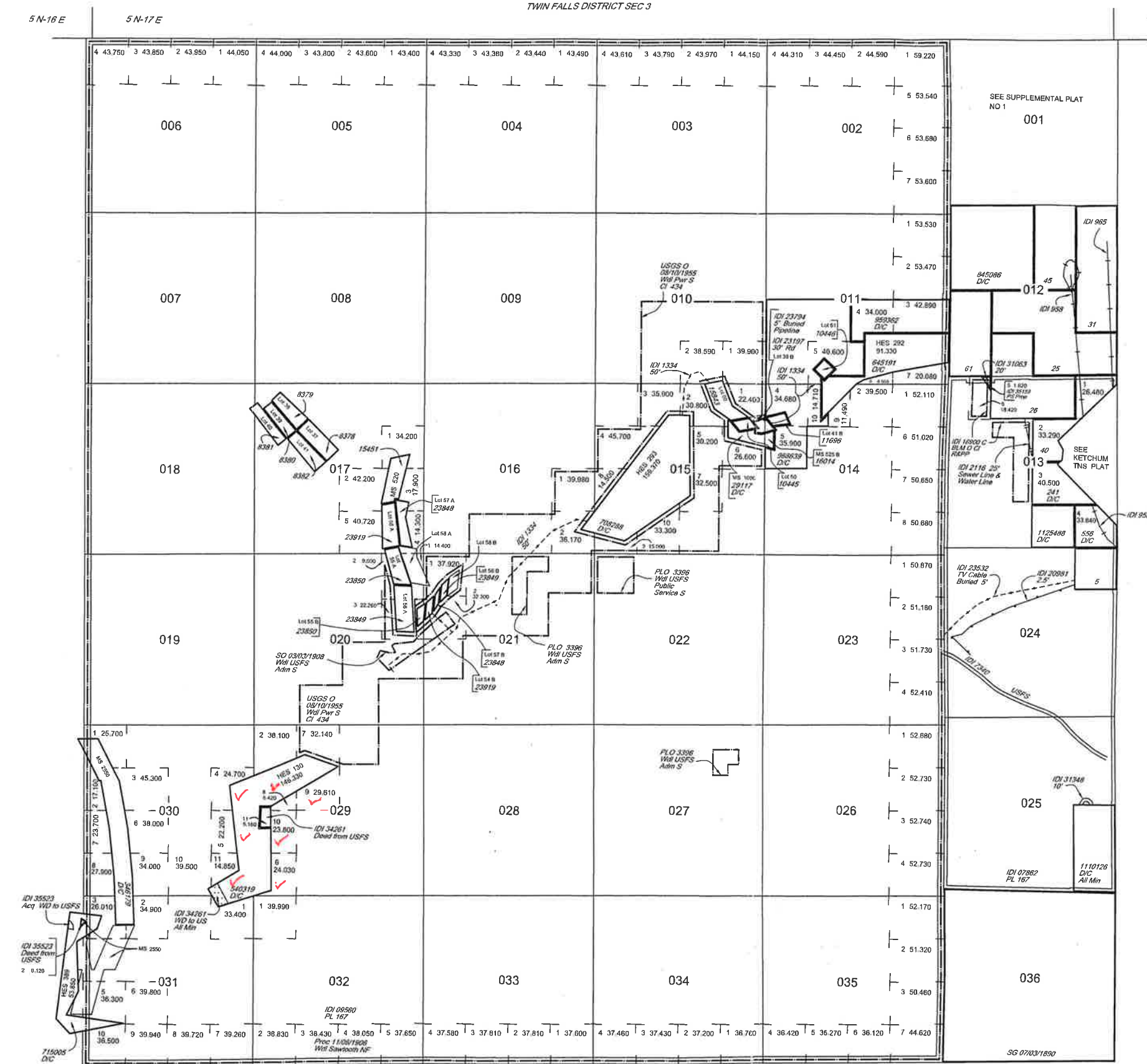
5N-17E

5N-1

MT PLAT[illegible]

FILE REF:	ID080040N170EA100000.dwg		
CONVERTED TIFF:	08/10/2008	BY:	LFM
LAST UPDATED:	03/03/2009	BY:	LFM
QA/QC #1:	QA/QC #2:		
POSTED TO PUBLIC RECORDS:	March 3, 2009		
	BY:		
PUBLIC LAND SURVEY SYSTEM (PLSS)			
BLM GCSB ACQUIRED:	04/26/2005		
OTHER:	N/A		
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983		
NOTES:			
USE PLATS:			

Boise Mor.
T. 4 N
R. 17 E



DISCLAIMER:

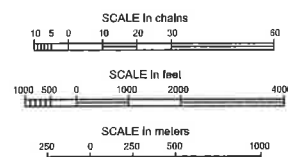
This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS **CLAIMED** UNDER STATE LAW

Right Number: 37-11445

Name and Address: SUN VALLEY LONG TERM HOLDING LLC
PO BOX 4944
KETCHUM, ID 83340

Source: WARM SPRINGS CREEK Tributary: BIG WOOD RIVER

Quantity: 0.54 CFS

Priority Date: _____

Diversion Point: T04N R17E S31 NENWNE Within Blaine County

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Irrigation 05-01 TO 10-31 0.54 CFS

Place of Use: Irrigation Within Blaine County
T04N R17E S29 SWNW 35 SENW 20.0
~~LOT 4 (SESW) 1.6 NFS~~ NWSW 15.0
LOT 11 (NWSW) 0.4 SWSW 10.0
S30 SENE 2.0 NESE 10.0
SESE 15.0
107.4 Acres Total

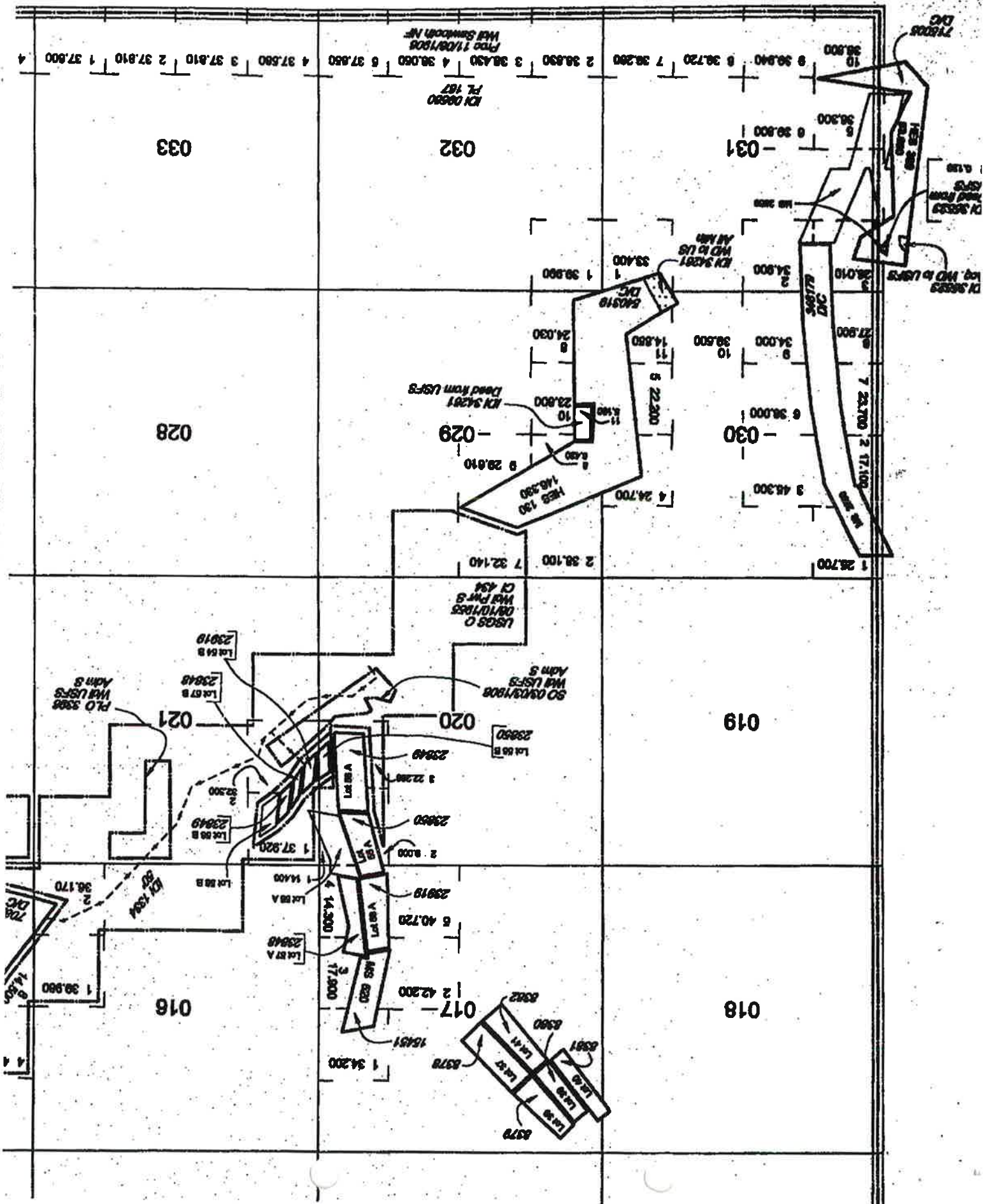
The places of use are on private land surveyed as HES 130 and Lot 11 and do not include any federal land.

Other Provisions Necessary for Definition / Administration of this Water Right:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412 (6), Idaho Code.

Explanatory Material: Basis of Claim - Beneficial Use

SCALE in chains
10 0 10 20 30



PROPERTY DESCRIPTIONS WITHIN AND ADJOINING H.E.S. 130
Township 4 North, Range 17 East, Blaine County, Idaho
Within the Sawtooth National Forest

A parcel to be conveyed from the Board Ranch Corp. to the U.S. Forest Service, within H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 11, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying S72°36'54"W, 1735.85 feet from Corner 10 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence N30°02'17"W, 675.37 feet to a brass cap marking Corner 1, H.E.S. 130;
thence N59°15'58"E, 318.23 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to an aluminum cap;
thence S29°55'53"E, 750.15 feet to an aluminum cap on the southerly boundary of said H.E.S. 130;
thence S72°36'54"W, 324.10 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to the True Point of Beginning.

Said described parcel contains 5.17 acres.

A parcel to be conveyed from the U.S. Forest Service to the Board Ranch Corp., within the Sawtooth National Forest adjoining H.E.S. 130, said parcel being more particularly described as follows:

Commencing at a brass cap marking Corner 6, H.E.S. 130, as shown within the Record of Survey map of said H.E.S. 130, filed under Instrument No. 305359, records of Blaine County, Idaho, said corner lying S59°19'11"W, 2457.87 feet from Corner 5 of H.E.S. 130, and said corner being the True Point of Beginning.

Thence N88°57'39"W, 324.41 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 7, H.E.S. 130;
thence S02°55'38"W, 660.72 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 8, H.E.S. 130;
thence N88°37'23"E, 366.00 feet along the boundary common to H.E.S. 130 and the Sawtooth National Forest to a brass cap marking Corner 9, H.E.S. 130;
thence N00°41'34"W, 645.23 feet to the True Point of Beginning.

Said described parcel contains 5.17 acres. _

222

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

H37-11445

Date Received

9/29/88

Receipt Number

C002742

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BOARD'S MILL & SUNSET RANCHES, INC. Phone 208) 726-4684
Mailing Address P.O. Box 4393, KETCHUM ID Zip 83340

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) WARM SPRINGS CREEK
which is tributary to (b) BIG WOOD RIVER

4. a. Location of existing point of diversion is: Township 4N Range 17E Section 31

NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BLaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. CEMENT & LUMBER HEADGATE

AT POINT OF DIVERSION FEEDS INTO DITCH AS PREVIOUS TO PLACE
OF USE.

MICROFILMED

FEB 25 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For IRRIGATION purposes from 4-1 to 11-1 amount .54 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) ASSOCIATED STOCKWATER W/ IRRIGATION

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See Instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	29							35	20		15	10				10		80
		30				2												15	27

Total number of acres irrigated 107

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
37-2055 or None ()

14. Remarks: THIS BENEFICIAL USE CLAIM IS FOR ADDITIONAL
ACREAGE DEVELOPED WITH CLEARING LAND ASSOCIATED WITH DITCH
FOR Lic. Rt 37-2055 AT A LATER DATE. AT THIS TIME IT IS
IMPOSSIBLE TO SEPARATE COMPLETELY WHICH ACREAGE WAS INCLUDED
IN THE INITIALLY LICENSED 80 ACRES & THOSE DEVELOPED
LATER.

MICROFILMED

Last Name BEARD'S MILLS ST. BEARD, INC. Ident No. A37-11445

Copies: 1 FEB 25 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11445
Date Received: 9/29/1988
Receipt No: 5002742
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOARD'S MILL & SUNSET RANCHES, INC. 208-726-4684
Address: P.O. BOX 4393
KETCHUM, ID 83340
2. Date of Priority: APR 01, 1930
3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 04N | 17E | 31 | NE NW NE | | BLAINE |
5. Description of diverting works:
CEMENT & LUMBER HEADGATE AT P/D FEEDS INTO DITCH TO P/U.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.540 | | |
7. Total Quantity Appropriated is:
0.540 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
ASSOCIATED STOCKWATERING WITH IRRIGATION.
10. Place of Use:
- | Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 04N | 17E | 29 | SW NW | | IRR | 35.0 |
| | | | SE NW | | IRR | 20.0 |
| | | | NW SW | | IRR | 15.0 |

A37-11445

Page 1

Date: 09/29/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	29	SW	SW	IRR	10.0
					Section Acres	80.0
		30	SE	NE	IRR	2.0
			NE	SE	IRR	10.0
			SE	SE	IRR	15.0
					Section Acres	27.0
					Total Acres	107.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
LICENSE 37-2055 CLAIMED

14. Remarks:

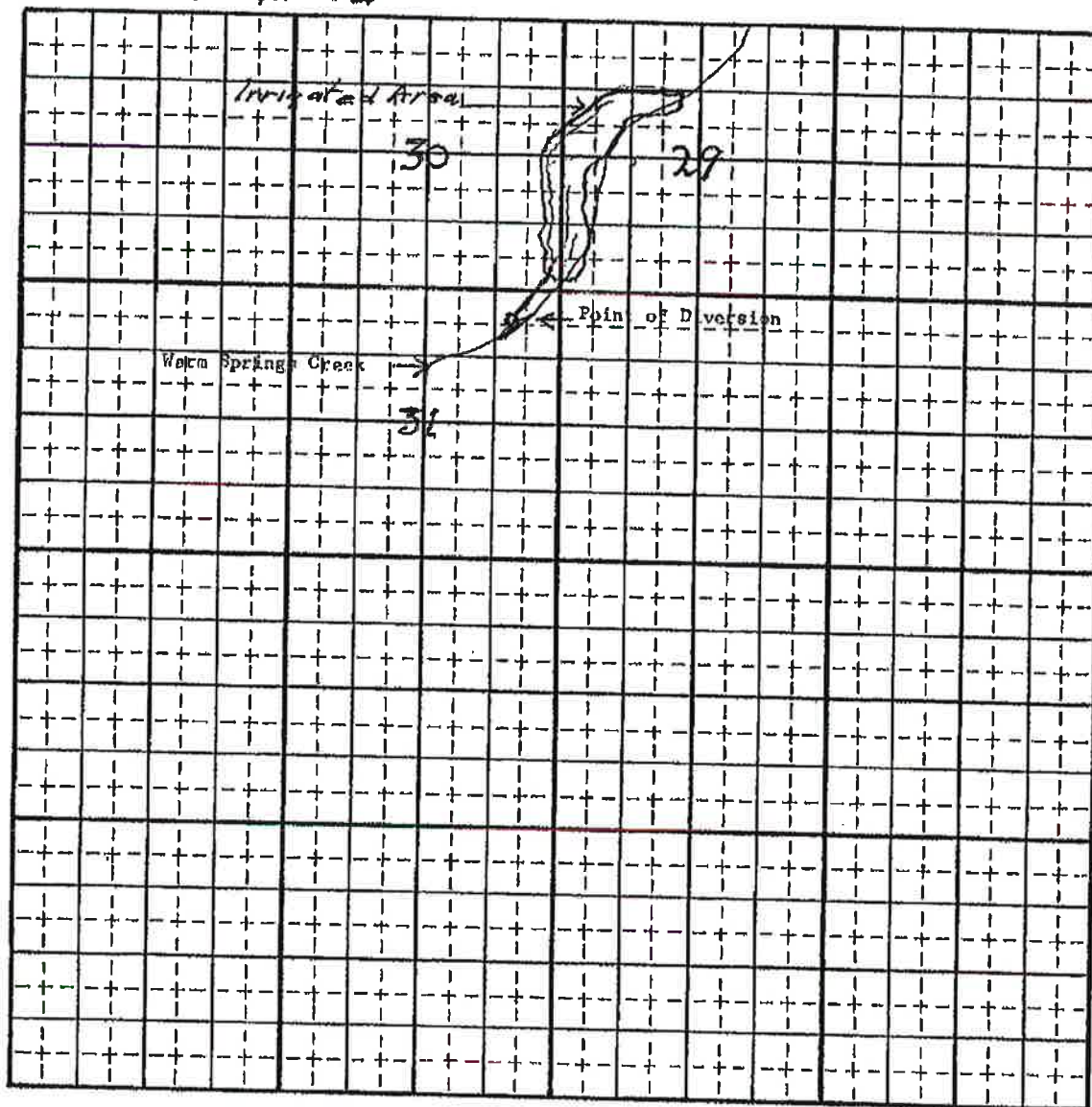
THIS BENEFICIAL USE CLAIM IS FOR ADDITIONAL ACREAGE DEVELOPED WITH CLEARING LAND ASSOCIATED WITH DITCH FOR LICENSED RIGHT 37-2055 AT A LATER DATE. AT THIS TIME IT IS IMPOSSIBLE TO SEPARATE COMPLETELY WHICH ACREAGE WAS INCLUDED IN THE INITIALLY LICENSED 80 ACRES AND THOSE DEVELOPED LATER.

15. Basis of Claim: BENEFICIAL USE

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T4N R. 17E



MICROFILMED

Last Name Boan's Mill & St. Rch., Inc. Ident No. A37-11445

Copies: White State, 2 5-1993

RECEIVED
NOV 13 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 37-2055

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Sun Valley Long Term Holding LLC
Address: P.O. Box 4944
Ketchum, ID 83340
Daytime Phone: (208) 578-3636

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Sun Valley Long Term Holding LLC
Address: P.O. Box 4944
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be: The areas outside of the recommended place of use drawn on the attached map (estimated to be approximately 27 acres) should be included as part of a permissible place of use with this right limited to the irrigation of 80 acres within it.

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The areas outlined in black adjacent to the recommended place of use on the attached map (estimated to be 27 acres) were historically irrigated. This irrigated area should be a permissible place of use for this right. The total area and allocation to each 40 acre tract have not been calculated.

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

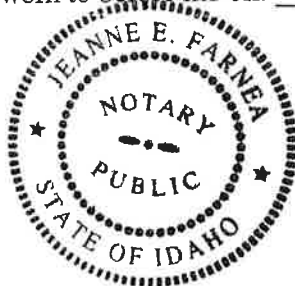
James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 8, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone Idaho
My Commission expires 05/05/09

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 8, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

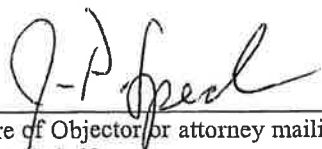
Name: Sun Valley Long Term Holding LLC
Address: P.O. Box 4944
Ketchum, ID 83340

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

ATTACHMENT
FROM 3-25-09
e-mail
from Spuck

