

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: A37-11852
Date Received: 10/20/1988
Receipt No: S003104
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLACE G. DOWDEN 208-726-8920
Address: DBA NORTH FORK STORE
P.O. BOX 8001
KETCHUM, ID 83340

OR
Name: SHARON DOWDEN 208-726-8920
Address: DBA NORTH FORK STORE
P.O. BOX 8001
KETCHUM, ID 83340

2. Date of Priority: JAN 01, 1954

3. Source: UNNAMED SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	17E	10	SW	NW	SE		BLAINE

5. Description of diverting works:
COLLECTOR BOX, 2 ONE HP PUMPS, 4000 GAL. TANK, PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.110		
COMMERCIAL	01/01	12/31	0.300		
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
28 TRAILER CT., 5 CABINS, 1 APT., 7 R.V. SITES, 1 STORE.

A37-11852

Page 1

Date: 10/20/88

MICROFILMED

FEB 26 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	10	NW	SE		DOMEST	
			NW	SE		COMMER	
			NW	SE		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

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:
A37-11854

14. Remarks:

2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS
(EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY
LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980
AND CHLORINATION SYSTEM ADDED IN 1985.

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

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: 39356
Ident. Number A37-11852
Date Received _____
Receipt Number 500 3104

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

WALLACE G. DOWDEN and/or
SHARON DOWDEN

Please type or print clearly

1. Name of Claimant (s) db NORTH FORK STORE Phone (208) 726-8920
Mailing Address P.O. BOX 8001 KETCHUM, ID Zip 83340

2. Date of Priority (Only one (1) per claim) JAN 1, 1954

3. Source of water supply (a) UNNAMED SPRINGS
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 5N Range 17E Section 10,
SW 1/4 of NW 1/4 of SE 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. 2" SUPPLY LINE FEEDS FROM
SOURCE, ASSISTED BY TWO - 1 HP PUMPS (EST 24.5
g.p.m. each), WITH 4,000 GALLON STORAGE TANK,
AND 2" SUPPLY LINE DISTRIBUTION SYSTEM. SPRING
BOX LOCATED AT SOURCE - SYSTEM UPDATED IN
1980 and CHLORINATION SYSTEM ADDED IN 1985 - SYSTEM
SERVES 28 TRAILER HOUSES, 5 CABINS, 1 STORE, 1 APT
OVER STORE, 7 RV SITES, 2 RESTROOMS and 1 MISCELLANEOUS
approx .5 acre of LAUNDRY SITE.

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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from JAN 1 to DEC 31 amount .11 or _____
For COMMERCIAL purposes from JAN 1 to DEC 31 amount .30 or _____
For IRRIGATION purposes from APR 1 to NOV 1 amount .02 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .30 (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.) 28 TRLS, 5 CABINS, 1 APT, 7 RV SITES,

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	
<u>5N</u>	<u>17E</u>	<u>10</u>														<u>DC</u>			<u>1</u>

Total number of acres irrigated 1

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
ONE WELL or None ()

14. Remarks: .30 cfs CLAIMED BASED UPON
APPENDIX IV OF IOWA WATER
LAW HANDBOOK (30-40 HOUSEHOLDS)

Last Name DOWDEN Ident No. A37-11852

MICROFILMED
Copies: White - State, Yellow - County
FEB 26 1993

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.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1 (MAP)

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

Signature of Claimant (s) Sharon Dowden Date 10-19-88

Date _____

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

Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

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

SEAL

Notary Public Erin J. Ballard

Residing at BLAINE COUNTY

My Commission Expires 12/12/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, BRIAN L. BALLARD 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.

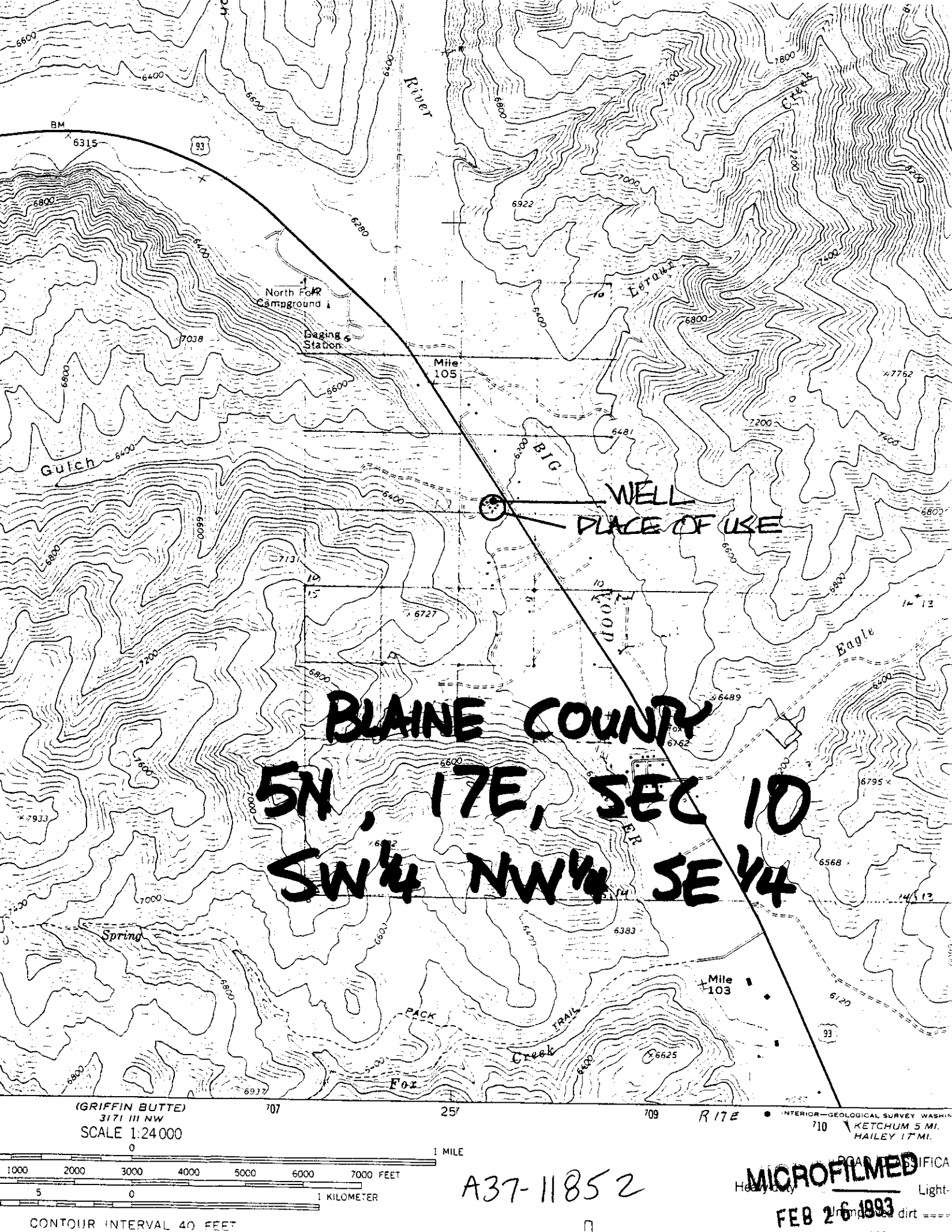
Signature Erin J. Ballard

Address LAWSON'S PEEBLES P.O. BOX 297 KETCHUM, ID. 83340

Date 10/19/88

Last Name DOWDEN Ident. Number A37-11852

MICROFILMED
Copies White-State, Yellow-Claim
FEB 26 1993



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

RECEIVED
APR 01 2009
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-11854				
	37-11852				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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) Christopher Flanigan AND Exchange 05-3097 LLC
HC Box 8028
Ketchum, ID 83340
4. New Owner/Claimant(s) Christopher Flanigan AND Big Dog Development LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
HC Box 8028
 New Mailing Address
Ketchum, ID 83340
 City, State and ZIP Code
 New Telephone Number (208) 726-4011 Email: _____

SCANNED
APR 13 2009

5. Date you acquired the property March 21, 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____
 Received by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

115502

08

SPECIAL WARRANTY DEED

For Value Received Exchange 05-3097, LLC, an Idaho Limited Liability Company

Hereinafter called Grantor, hereby grants, bargains, sells and conveys unto Big Dog Development LLC., an Idaho Limited Liability Company Purchaser

whose address is: P.O. Box 3818, Ketchum, ID 83340-3818

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

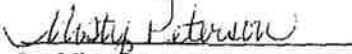
See attached legal description

Grantor does hereby covenant with Grantee, his heirs, successors and assigns, that Grantor will warrant and defend the said granted premises against the lawful claims and demands of all persons claiming by, through and under Grantor, but against no other claims and no other persons, including predecessors in title.

Dated: March 21, 2006

Exchange 05-3097, LLC., an Idaho Limited Liability Company

Exchange Services, Inc., Member


By: Misty Peterson
It's: Vice President

Instrument # 533446

HAILEY, BLAINE, IDAHO

2006-03-24

10:51:00 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTTVCICORP DEED

DKS

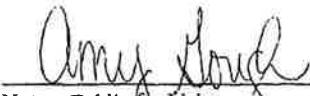
STATE OF IDAHO

:SS

COUNTY OF Bingham

On this 21st day of March, 2006, before me, the undersigned personally appeared Misty Peterson, known or identified to me to be the Vice President of the corporation who executed the instrument on behalf of said corporation as member of Exchange 05-3097, LLC., an Idaho Limited Liability Company, and acknowledged to me that she executed the same as Vice President of the corporation, as member of Exchange 05-3097, LLC., an Idaho Limited Liability Company.




Notary Public for Idaho
Residing at Blackfoot
Commission Expires 12-19-09

SCANNED
APR 13 2006

AN UNDIVIDED 50% INTEREST

EXHIBIT 'A'

LEGAL DESCRIPTION:

Township 5 North, Range 17 East, B.M., Blaine County, Idaho.

Section 10: A parcel of land, within H.E.S. 123, more particularly described as follows:

Commencing at Corner No. 1, from which the U.S. Location Monument No. 123 bears N. 70°06'W., 1.28 Chains distance; thence Northeasterly to the West boundary line of U.S. Highway No. 93, the distance being 225.00 feet, (this point being 25.00 feet Southerly from the intersection of Highway No. 93 and Oregon Gulch); thence Southeasterly along the West line of Highway No. 93, 200.00 feet; thence Westerly to the West boundary line of Barlow Land 223.00 feet; thence Northerly along said West boundary line to the Place of Beginning a distance of 223.00 feet.

Together with the following parcel of land.

Commencing at Corner No. 1, from which U.S. Location Monument No. 123 Bears No. 70°06'W., 1.28 chains distance; thence Southwesterly along said North boundary line of Homestead Entry Survey No. 123, 525.00 feet; thence Southerly a distance of 200.00 feet; thence Easterly 577.00 feet to the East boundary line of Graham Land; thence Northerly along said East boundary 223.00 feet to the Place of Beginning.

Save and Except any and all mineral rights.

SCANNED
APR 13 2008

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

March 30, 2009

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

RECEIVED
APR 01 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: SRBA Claims Nos. 37-11852 and 37-11854

Dear Allen:

Enclosed you will find the original and a copy of a Notice of Change of Water Right Ownership for the above-referenced claims in the SRBA. Please have your secretary receipt date-stamp the copy and return it to me in the postage-paid self-addressed envelope I have included for that purpose. Kindly call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Client w/ encl.

FLANIGAN

e-mailed 11-4-08. 4:14 PM.

On the next page are two clips of the Place of Use.

Please indicate the irrigation by groundwater on the first clip and by spring on the second. Do not worry about drawing around the individual trailers. That can be dealt with later by estimating the trailer area and subtracting it from the total acreage found.

Please describe and then identify on the photos the major parts of the delivery systems for each source.

37-11852 was claimed with a 1-1-1954 priority date and was recommended with an 8-06-1968 priority date. As this conflicts with the mandatory permit statute for ground water other than domestic (March 25, 1971) evidence of priority is required before this claim can be recommended. The evidence should address the date of development for each of the claimed elements.

One other issue with the original recommendation is that the recommending agent did not calculate a volume for domestic uses. He calculated the system capacity if it were to be used 24 hrs per day and 365 days per year. A more realistic figure would be based upon 45 total households. The department standard for in home use is 0.6 af per home unless alternative information is available. As irrigation is a separate component of the right, it is calculated separately. This calculates to 27 afy for the domestic portion of this right. An alternative may be actual pumping records if the system has a totalizing meter installed.

Claim 37-11852	Commercial, Domestic, and Irrigation all in	Sec 10 NWSE
Recommendation	Commercial and Domestic	Sec 10 NWSE
	Irrigation	Sec 10 SWSE 1.0 ac
Claim 37-11854	Irrigation all in	Sec 10 NWSE 1.0 ac
Recommendation	Irrigation	Sec 10 NWSE 0.7 ac
		SWSE 0.3 ac

37-11852 POU
Source = Ground water



37-11884 POU
Source = Spring



Christensen, Kelly

To: Jim Speck
Subject: 37-11852, 37-11854 Flannigan
Attachments: 37-11852 Flanigan hailey hearing follow up.doc

Attached is a follow-up to the Sept 18,2008 hearing in Hailey.

I have tried to summarize the issues regarding the two rights and I hope that I have covered everything. I noticed another error made by the reviewing agent at the time of recommendation. He calculated a system volume and then used that value for the domestic use. The summary includes information regarding this. As the status conference isn't until 3-18-2009 there isn't a big hurry for a response. I am also using this summary as file notes to make sure that everything that needs to be addressed is documented before a SF-5 is generated.

Let me know if I have missed anything.



37-11852 Flanigan
hailey heari...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-11852 POU
Source = Ground water



37-11884 POU
Source = Spring



Notes : Calculation of CFS + AFA

Well capacity - Domestic

$$0.3 \text{ cfs} \times 1.98 (\text{cfs/don}) \times \text{Days} (365) = 217 \text{ AFA}$$

Supposably being pumped (use water of reservoir)

$$194,000 \text{ gal} (0.3 \text{ cfs}) = \text{cfs} \times \text{Days} (365) = 217 \text{ AFA}$$

$$325,850 \text{ gal} (\text{acre-ft})$$

Domestic	Rate	Commercial	gal	Persons/day	Total
7 R.V. sites		1 store w/			
1 Apartment		Public Restroom	60	3	300
5 cabins		1 Public laundry	50	3	150
32 Trailers					450 gal/day
45 households	0.35 cfs or 194,000 gal/day	0.04 cfs sufficient			450 gal/day

Domestic purposes	Rate	Volume
	0.30 cfs	217.0 AFA

Commercial Purposes

Well capacity - commercial

$$13,000 \text{ gal} (0.04 \text{ cfs}) = 0.04 \times \text{Days} 365 = 14.56 \text{ AFA}$$

$$325,850 \text{ gal} (\text{acre-ft})$$

Supposably pumped

$$0.04 \text{ cfs} \times 1.98 (\text{cfs/don}) \times \text{Days} 365 = 28.4 \text{ AFA}$$

Rate	Volume
0.04 cfs	14.5 AFA

Irrigation purposes

$$0.03 \text{ cfs} / 3.3 \text{ AFA}$$

$$1000 \text{ ft}^2 \text{ per residence} \times 45 \text{ residences} = 45,000 \text{ ft}^2 = 1.03 \text{ AC}$$

$$43,560 \text{ ft}^2 / \text{Acre}$$

Vol recom for dom is sup capacity should be around 10 AFA

eg. 45 households 4 fam mem are 50 gal per member Gives 10 AFA based upon 365 day/yr use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-11852 V1

WATER RIGHT NUMBER: 37-11852 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTOPHER FLANIGAN HC BOX 8028 KETCHUM, ID 83340
Current Owner	EXCHANGE 05-3097 LLC HC BOX 8028 KETCHUM, ID 83340
Original Owner	WALLACE G DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920
Original Owner	SHARON DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920

Priority Date: 08/06/1968

Basis: Beneficial Use

Status: Active

SourceTributaryGROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.300 CFS	217.00 AF
COMMERCIAL	01/01 to 12/31	0.040 CFS	14.50 AF
IRRIGATION	05/01 to 10/31	0.030 CFS	3.50 AF
<u>Total Diversion:</u>		0.300 CFS	217.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4SE1/4	Sec. 10, Twp 05N, Rge 17E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	10															X		

COMMERCIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	10														X			

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	
05N	17E	10															1.0		1.0

Total Acres: 1

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. X01 Domestic use is for approx. 45 households consisting of 32 trailer homes, 5 cabins, 1 apartment, and 7 R.V. sites.
3. E55 Right Nos. 37-11852 and 37-11854 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
4. X01 Commercial use is for 1 store including public restroom and public laundry facility.

Remarks:Comments:

1. ntreasure 6/1/2005 POD
Comment: Updated shape

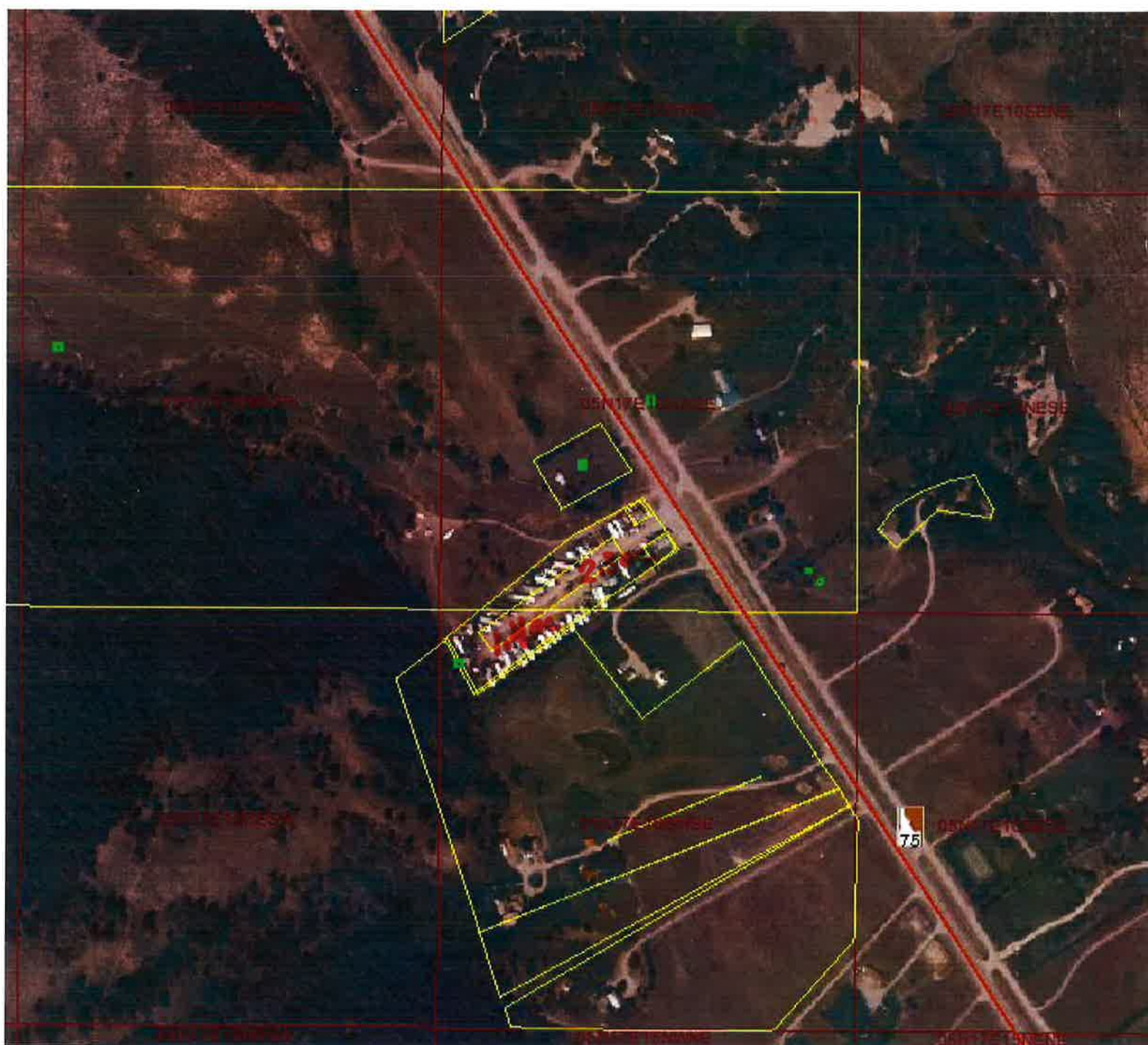
2. ntreasure 6/2/2005 Priority Date
Comment: Owners of North Fork Store claimed 01/01/1954 as priority date, however no evidence could be provided. There was a well permit issued on 08/06/1968. See permit # 791056. Therefore 08/06/1968 will be used as the priority date.

3. ntreasure 6/2/2005 POU
Comment: Updated Shape

4. ntreasure 6/2/2005 POU
Comment: Updated PLS

5. jdean 2/2/2007 Copied from Claim
Comment: 2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS (EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980 AND CHLORINATION SYSTEM ADDED IN 1985.

6. csaxton 2/8/2007 Updated Conditions
Comment: Added POU limiting condition with 37-22854.



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-11854 V1

WATER RIGHT NUMBER: 37-11854 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EXCHANGE 05-3097 LLC HC BOX 8028 KETCHUM, ID 83340
Current Owner	CHRISTOPHER FLANIGAN HC BOX 8028 KETCHUM, ID 83340
Original Owner	SHARON DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920
Original Owner	WALLACE G DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920

Priority Date: 01/01/1954

Basis: Beneficial Use

Status: Active

Source

SPRINGS

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/31

Diversion Rate

0.020 CFS

Annual VolumeTotal Diversion: 0.020 CFSLocation of Point(s) of Diversion

SPRINGS

SW1/4NW1/4SE1/4

Sec. 10, Twp 05N, Rge 17E, B.M.

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	
05N	17E	10															.7	.3	1.0

Total Acres: 1

Conditions of Approval:

1. E55 Right Nos. 37-11852 and 37-11854 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
2. 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.

(37-11852) (37-11854) Flannigan
GNDWTR Springs



Need to confirm the irrigation systems
for each source. Also the POU for each
system.

Christensen, Kelly

From: Bromley, Chris
Sent: Wednesday, August 27, 2008 7:42 AM
To: 'Jim Speck'
Cc: Christensen, Kelly; Kelly, Vicki
Subject: FW: 37-11852 priority date issue

Jim,

You'd sent us an email on this one and we were getting ready to settle on the POU issue when it was noticed that the recommended priority is 1968, which is obviously later than the mandatory permit statute. The recommending agent (no longer with IDWR) found a permit filed in 1968 which was his basis for priority. He apparently didn't realize that he couldn't recommend a beneficial use ground water right with a 1968 priority—speculation is that he may have thought 1971 was the mandatory permit date for ground water and left it at that.

In any event, we need evidence of priority from your clients on 37-11852. The other right, 37-11854 is fine as far as priority goes as it was claimed and recommended 1/1/1954.

Sorry this is coming up so late. Hopefully we can take care of this one.

Thanks,

Chris

From: Christensen, Kelly
Sent: Tuesday, August 26, 2008 4:45 PM
To: Bromley, Chris
Subject: FW: 37-11852 priority date issue

It looks like we should let Jim know that there is a problem with the priority date and evidence of priority on this one.

Kelly

From: Jones, Doug
Sent: Tuesday, August 26, 2008 4:43 PM
To: Christensen, Kelly
Subject: RE: 37-11852 priority date issue

No. We should have disallowed it or recommended 0.04 cfs and 2500 gpd. Perhaps we should submit a Corrected Dir Rpt? Instead of SF-5.

I'll have the file scanned tomorrow.

Doug

From: Christensen, Kelly
Sent: Tuesday, August 26, 2008 4:23 PM
To: Jones, Doug
Subject: 37-11852 priority date issue

This beneficial use right was recommended for irr/dom/comm with a 1968 priority date by Nick. I was about to settle the pou problem when I spotted the priority date.

Is there anything in the file that will help?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region

Christensen, Kelly

From: Bromley, Chris
Sent: Wednesday, August 20, 2008 1:35 PM
To: 'Jim Speck'
Cc: Kelly, Vicki; Christensen, Kelly
Subject: RE: FW: SRBA Subcases 37-11852 and 37-11854

Follow Up Flag: Follow up
Flag Status: Red

Jim,

Kelly went over this with me and is of the opinion since we have the necessary QQs identified in the recommendation that we can do SF5s. I had only looked at the claims and saw what you sought in the objection wasn't claimed. In any event, the recommendations have the necessary QQs, so I feel comfortable that notice was given as to the legal descriptions through the Director's Report to allow us to resolve via SF5.

Kelly, will you please prepare amended recommendations so we can send SF5s to Jim. Vicki, will you please prepare coversheets.

Thanks,

Chris

-----Original Message-----

From: Jim Speck [mailto:jim@speckkandaanestad.com]
Sent: Tuesday, August 19, 2008 3:57 PM
To: Christensen, Kelly; Jones, Doug; Bromley, Chris
Cc: Kelly, Vicki; 'Jim Speck'; 'Kingsley Murhpy'; 'Chris Flanigan'
Subject: RE: FW: SRBA Subcases 37-11852 and 37-11854

Chris et al,

I will prepare the amended claims as soon as I have a chance to go over them with my clients.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckkandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

-----Original Message-----

From: Bromley, Chris
Sent: Tuesday, August 19, 2008 2:33 PM
To: Christensen, Kelly; Jones, Doug
Cc: Kelly, Vicki; Jim Speck

Doug and Kelly,

It looks like Jim will need to file amended claims to pick up the additional locations in quarter-quarters that weren't claimed. If we receive amended claims, it would be nice to get ADRs in the works so we can vacate the initial hearings.

Chris

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, August 19, 2008 1:07 PM
To: Bromley, Chris
Cc: 'Chris Flanigan'; 'Kingsley Murhpy'
Subject: Re: SRBA Subcases 37-11852 and 37-11854

Chris,

I represent the claimants and objectors for these subcases now set for initial hearing on September 18, 2008 at 11:15 am. I have attached copies of our Objections and the map attached to them so you have a better copy. We should be able to resolve the issues raised and sign SF5's by the hearing date. Please call to discuss when you can. Thank you.

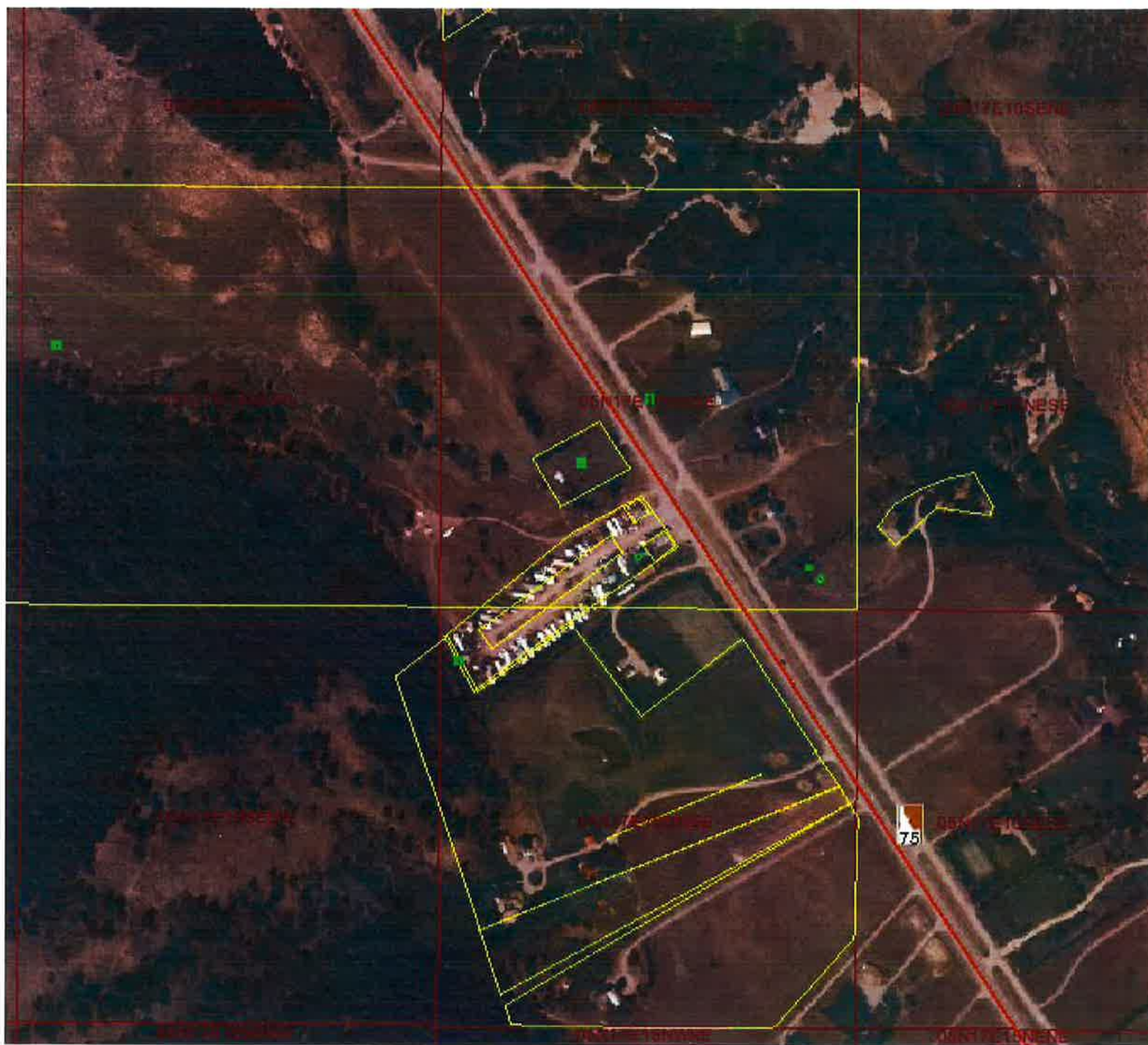
Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

Attachment(s): nftp 2004 aerial.pdf; 37-11852 objection.pdf; 37-11854 objection.pdf



RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

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 37-11852

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
Ketchum, ID 83340
Daytime Phone: (206) 725-5980

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: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
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: The location is correct in the recommendation but the map in IDWR's database should be corrected to the location shown on the attached 2004 aerial photo.
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: Add the SWSE, Section 10, T.5N., R.17E., B.M., Blaine County to the domestic use - see attached 2004 aerial photo for location of trailers. The combined irrigated area limit for 37-11852 and 37-11854 should be deleted.
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): See attached map on 2004 aerial photo for correct location of well which is the point of diversion. The 1 acre irrigated under this right does not overlap with the land irrigated by 37-11854.

RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

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 37-11854

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
Ketchum, ID 83340
Daytime Phone: (206) 725-5980

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: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
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: SENESW, Section 10, T.5N., R.17E., B.M., Blaine County.
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 combined irrigated area limit for 37-11852 and 37-11854 should be deleted.
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): See attached map on 2004 aerial photo for correct location of spring which is the source and point of diversion. A pipeline delivers water from the spring pursuant to a special use permit from the USFS. The 1 acre irrigated under this right does not overlap with the land irrigated by 37-11852.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

WATER RIGHT NUMBER: 37-11852 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTOPHER FLANIGAN HC BOX 8028 KETCHUM, ID 83340
Current Owner	EXCHANGE 05-3097 LLC HC BOX 8028 KETCHUM, ID 83340
Original Owner	WALLACE G DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920
Original Owner	SHARON DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920

*Thurs
@ 11:15*

Priority Date: 08/06/1968

Basis: Beneficial Use

Status: Active

Prob.

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.300 CFS	217.00 AF
COMMERCIAL	01/01 to 12/31	0.040 CFS	14.50 AF
IRRIGATION	05/01 to 10/31	0.030 CFS	3.50 AF
<u>Total Diversion:</u>		0.300 CFS	217.00 AF

Location of Point(s) of Diversion**SWNW SE**

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 10, Twp 05N, Rge 17E, B.M.

BLAINE County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	17E	10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						X	

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	17E	10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						X	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	17E	10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						1.0	1.0

Total Acres: 1

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. X01 Domestic use is for approx. 45 households consisting of 32 trailer homes, 5 cabins, 1 apartment, and 7 R.V. sites.
3. E55 Right Nos. 37-11852 and 37-11854 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
4. X01 Commercial use is for 1 store including public restroom and public laundry facility.

Remarks:

Comments:

1. ntreasure 6/1/2005 POD
Comment: Updated shape

2. ntreasure 6/2/2005 Priority Date
Comment: Owners of North Fork Store claimed 01/01/1954 as priority date, however no evidence could be provided. There was a well permit issued on 08/06/1968. See permit # 791056. Therefore 08/06/1968 will be used as the priority date.

3. ntreasure 6/2/2005 POU
Comment: Updated Shape

4. ntreasure 6/2/2005 POU
Comment: Updated PLS

5. jdean 2/2/2007 Copied from Claim
Comment: 2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS (EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980 AND CHLORINATION SYSTEM ADDED IN 1985.

6. csaxton 2/8/2007 Updated Conditions
Comment: Added POU limiting condition with 37-22854.

RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

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 37-11852

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
Ketchum, ID 83340
Daytime Phone: (206) 725-5980

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: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
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: The location is correct in the recommendation but the map in IDWR's database should be corrected to the location shown on the attached 2004 aerial photo.
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: Add the SWSE, Section 10, T.5N., R.17E., B.M., Blaine County to the domestic use - see attached 2004 aerial photo for location of trailers. The combined irrigated area limit for 37-11852 and 37-11854 should be deleted.
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): See attached map on 2004 aerial photo for correct location of well which is the point of diversion. The 1 acre irrigated under this right does not overlap with the land irrigated by 37-11854.

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 12, 2007



Jean A. Latham
Notary Public for Idaho
Residing at Blaine Co.
My Commission expires 1-25-2013

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 14, 2007, I sent by courier the original and mailed 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:

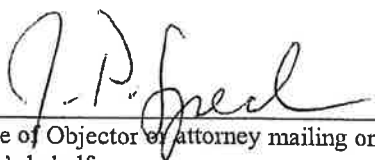
Name: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
Ketchum, ID 83340

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

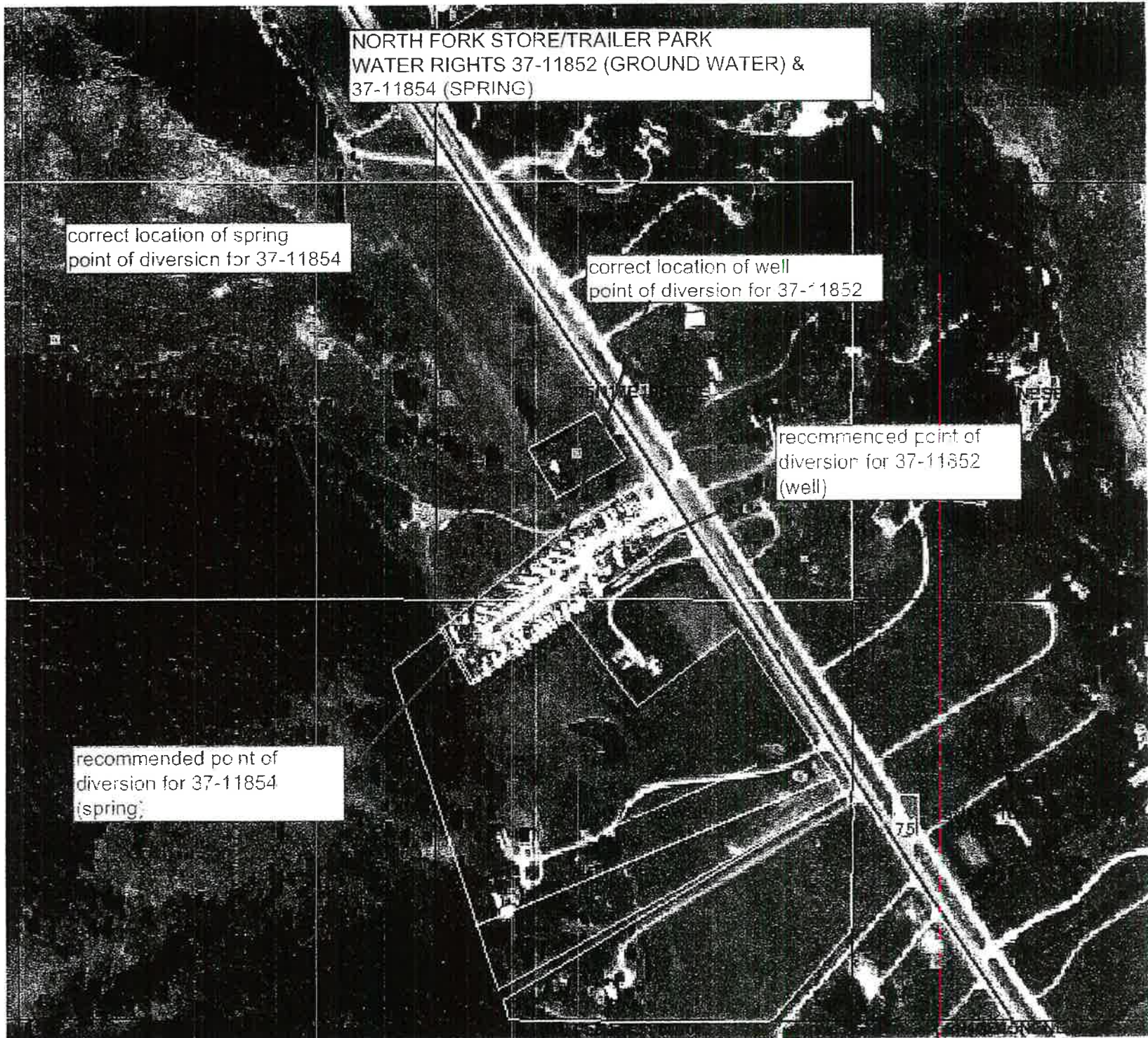
NORTH FORK STORE/TRAILER PARK
WATER RIGHTS 37-11852 (GROUND WATER) &
37-11854 (SPRING)

correct location of spring
point of diversion for 37-11854

correct location of well
point of diversion for 37-11852

recommended point of
diversion for 37-11852
(well)

recommended point of
diversion for 37-11854
(spring)



RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

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 37-11854

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Christopher Flanigan and Exchange 05-3097 LLC

Address: PO Box 8028
Ketchum, ID 83340

Daytime Phone: (206) 725-5980

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: Christopher Flanigan and Exchange 05-3097 LLC

Address: PO Box 8028
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** *NWSE*
Should be: SENESW, Section 10, T.5N., R.17E., B.M., Blaine County.
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 combined irrigated area limit for 37-11852 and 37-11854 should be deleted.
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): See attached map on 2004 aerial photo for correct location of spring which is the source and point of diversion. A pipeline delivers water from the spring pursuant to a special use permit from the USFS. The 1 acre irrigated under this right does not overlap with the land irrigated by 37-11852.

F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

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.

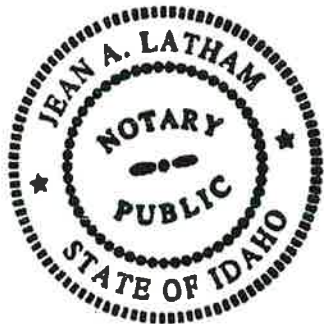
(Signature of person filing objection)

J. P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 12, 2007



Jean A. Latham
Notary Public for Idaho
Residing at Blaine Co.
My Commission expires 1-25-2013

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 14, 2007, I sent by courier the original and mailed 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:

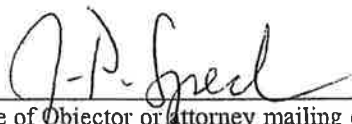
Name: Christopher Flanigan and Exchange 05-3097 LLC
Address: PO Box 8028
Ketchum, ID 83340

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



RECEIVED

APR 01 2009

DEPARTMENT OF
WATER RESOURCES

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

RECEIVED

APR 02 2009

WATER RESOURCES
WESTERN REGION

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

March 30, 2009

Janet Connell
Assistant to Special Master
SRBA Court

VIA FAX - 208-736-2121

RE: SRBA Subcases 37-11852 and 37-11854

Dear Janet:

Enclosed you will find Amended Notices of Claim the two above-referenced subcases which are being filed pursuant to the Order Granting Motion to File Amended Claim, Setting Deadlines and Status Conference, dated March 26, 2009. Please note that Big Dog Development LLC has been substituted for Exchange 05-3097 LLC as the co-claimant for these water rights. A Notice of Change in Water Right Ownership has been filed with the Idaho Department of Water Resources to process that change.

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

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

Enclosures

cc: Client w/ enclosures
Chris Bromley, IDWR
Kelly Christensen, IDWR

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 37-11852

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s): Christopher Flanigan
Phone: (208) 726-4011
Mailing Address: HC Box 8028
Ketchum, ID 83340

Big Dog Development LLC
(208) 726-4011
HC Box 8028
Ketchum, ID 83340

2. Date of Priority: April 1, 1948

3. Source of water supply (a) ground water
which is tributary to (b)

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
5N	17E	10	SW	NW	SE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: 6" X 100' Well, 1-HP pump.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	May 1	October 31	0.03 cfs / 3.5 AFA
Commercial	January 1	December 31	0.04 cfs / 14.5 AFA
Domestic	January 1	December 31	0.3 cfs / 27.0 AFA

7. Total Quantity Claimed: 0.37 cfs / 45 AFA

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

9. Non-irrigation uses: Domestic use is for 45 households consisting of 32 trailer homes, 5 cabins, one apartment and 7 RV sites. Commercial use is for one store, including public restroom and public laundry facility.

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>		
5N	17E	10													0.4	0.6	1.0
															D	D	
															C	C	1.0
TOTALS																	

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?

14. Remarks:

Last Name: Flanigan / Big Dog Development LLC

AmendedNoticeOfClaim 37-11852.wpd

Ident No. 37-11852

3/13/09

15. **Basis of Claim:** Beneficial Use
IDWR Water Right Number: 37-11852
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: _____

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

Signature of Claimant:  Date 3/30/09
CHRISTOPHER FLANIGAN

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 30 day of March, 2009.

Notary Public for Idaho
Residing at Ketchum, ID
Commission Expires 2/9/15



I do solemnly swear or affirm under penalty of perjury that I am the Manager of BIG DOG DEVELOPMENT, L.L.C., 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.

Signature of Claimant(s) By: [Signature] Date 3-13-9

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 13 day of March 2009

Notary Public for [Signature]
Residing at Blaine, ID
Commission Expires 12/2/2011



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
P.O. Box 987
Ketchum, ID 83340

Date: _____, 2009.

Last Name: Flanigan / Big Dog Development LLC

AmendedNoticeOfClaim 37-11852.wpd

Ident No. 37-11852

3/13/09

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 37-11854

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s): Christopher Flanigan
Phone: (208) 726-4011
Mailing Address: HC Box 8028
Ketchum, ID 83340

Big Dog Development LLC
(208) 726-4011
HC Box 8028
Ketchum, ID 83340

2. Date of Priority: January 1, 1954

3. Source of water supply (a) springs
which is tributary to (b) sinks

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>
05N	17E	10	SE	NE	SW		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: Collector box, 2 one-HP pumps, 4000 gal. tank, pipelines.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	May 1	October 31	0.02 cfs

7. Total Quantity Claimed: 0.02 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>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>TOTALS</u>
5N	17E	10															0.9	0.1	1.0

TOTALS

1.0

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?

14. Remarks:

15. Basis of Claim: Beneficial Use
IDWR Water Right Number: 37-11854
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: _____

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

Signature of Claimant:  Date 3/30/09
CHRISTOPHER FLANIGAN

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 30 day of March, 2009.

Notary Public for Idaho
Residing at Ketchum, ID
Commission Expires 2/9/15



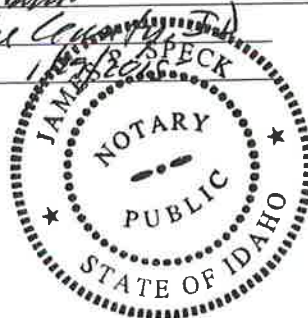
I do solemnly swear or affirm under penalty of perjury that I am the Mary of BIG DOG DEVELOPMENT, L.L.C., that I have signed the foregoing document in the space below in such capacity on behalf of the limited liability company and that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) By: [Signature] Date 3-13-9

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 13 day of March, 2009.

Notary Public for [Signature]
Residing at Blaine County, ID
Commission Expires 12/31/2016



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
P.O. Box 987
Ketchum, ID 83340

Date: _____, 2009.

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 37-11854
Date Received: 10/20/1988
Receipt No: S003104
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHRISTOPHER FLANIGAN Phone:
BIG DOG DEVELOPMENT LLC Phone: (208)726-4011
HC BOX 8028
KETCHUM ID USA 83340

2. Date of Priority: 01/01/1954

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	10	SE NE SW	BLAINE	

5. Description of diverting works:

Collector box 2 one-HP pumps, 4000 gal tank, pipelines.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
05N	17E	10	NW SE	IRRIGATION	0.9
			SW SE	IRRIGATION	0.1
Section Acres					1
Total Acres					1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Amended claim data entered 4-2-2009 based upon SRBA approved amended claim 3-30-2009

15. Basis of Claim: Statutory Claim

RECOMMENDED PLACE OF USE FOR 37-11852 & 3711854



PLACE OF USE
TWP 05N, RNG 17E, SEC 10
Data Entry on March 13, 2009

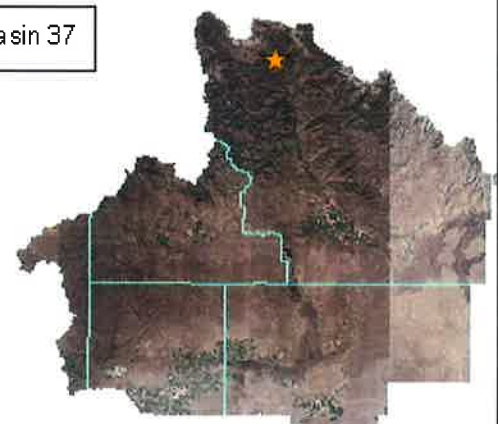
★ LOCATION IN BASIN

- ★ Recommended point of diversion
- Yellow rectangle Recommended place of use
- Yellow line Township lines
- Black line Section lines
- White line Quarter/quarter lines

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



Basin 37



03/12/2009

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

RIGHT NUMBER: 37-11852 FLANIGAN

NAME AND ADDRESS: CHRISTOPHER FLANIGAN
HC BOX 8028
KETCHUM ID 83340

EXCHANGE 05-3097 LLC
HC BOX 8028
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
217.00 AFY

PRIORITY DATE: 01/01/1954 ~~08-06-1969~~

POINT OF
DIVERSION:

T05N R17E S10 SWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.300 CFS 217.00 AFY
COMMERCIAL	01/01 12/31	0.040 CFS 14.50 AFY
IRRIGATION	05/01 10/31	0.030 CFS 3.50 AFY

Domestic use is for approx. 45 households consisting of 32 trailer homes, 5 cabins, 1 apartment, and 7 R.V. sites.

Commercial use is for 1 store including public restroom and public laundry facility.

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10 NWSE 0.40 T05N R17E S10 SWSE 1 0.60

COMMERCIAL in BLAINE County

T05N R17E S10 NWSE T05N R17E S10 SWSE

DOMESTIC in BLAINE County

T05N R17E S10 NWSE T05N R17E S10 SWSE

1 ACRES TOTAL

~~Right Nos. 37-11852 and 37-11854 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.~~

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DRAFT
KKC
3-12-09

03/12/2009

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

RIGHT NUMBER: 37-11854
NAME AND ADDRESS: EXCHANGE 05-3097 LLC
HC BOX 8028
KETCHUM ID 83340

CHRISTOPHER FLANIGAN
HC BOX 8028
KETCHUM ID 83340

SOURCE: SPRINGS TRIBUTARY: SINKS
QUANTITY: 0.020 CFS
PRIORITY DATE: 01/01/1954

POINT OF
DIVERSION:

T05N R17E S10 ~~SENESE~~ SENESE 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	0.020 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10	NWSE 0.7 0.90	T05N R17E S10	SWSE 0.3 0.10
---------------	---------------	---------------	---------------

1 ACRES TOTAL

~~Right Nos. 37-11852 and 37-11854 are limited to the irrigation
of a combined total of 1.0 acres in a single irrigation season.~~

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DRAFT
KKC
3-12-09

Christensen, Kelly

To: Christensen, Kelly
Cc: Bromley, Chris; Homan, John; Kelly, Vicki
Subject: RE: 37-11852, 37-11854 Flannigan

Jim, I looked at the affidavit that you submitted and I feel that it is sufficient to be able to recommend the claimed priority date of 1954. If you wish to obtain a 1948 priority date the claim will have to be amended.

To finalize the recommendation I still need some additional information. Please review my 11-4-2008 e-mail. If you need another copy let me know and I will send it to you. Basically I am seeking information regarding the irrigation systems for each source and what ground is irrigated by each source as it is asserted that they are independent of each other.

Kelly

From: Christensen, Kelly
Sent: Thursday, October 09, 2008 9:32 AM
To: Jim Speck
Subject: 37-11852, 37-11854 Flannigan

Attached is a follow-up to the Sept 18,2008 hearing in Hailey.

I have tried to summarize the issues regarding the two rights and I hope that I have covered everything. I noticed another error made by the reviewing agent at the time of recommendation. He calculated a system volume and then used that value for the domestic use. The summary includes information regarding this. As the status conference isn't until 3-18-2009 there isn't a big hurry for a response. I am also using this summary as file notes to make sure that everything that needs to be addressed is documented before a SF-5 is generated.

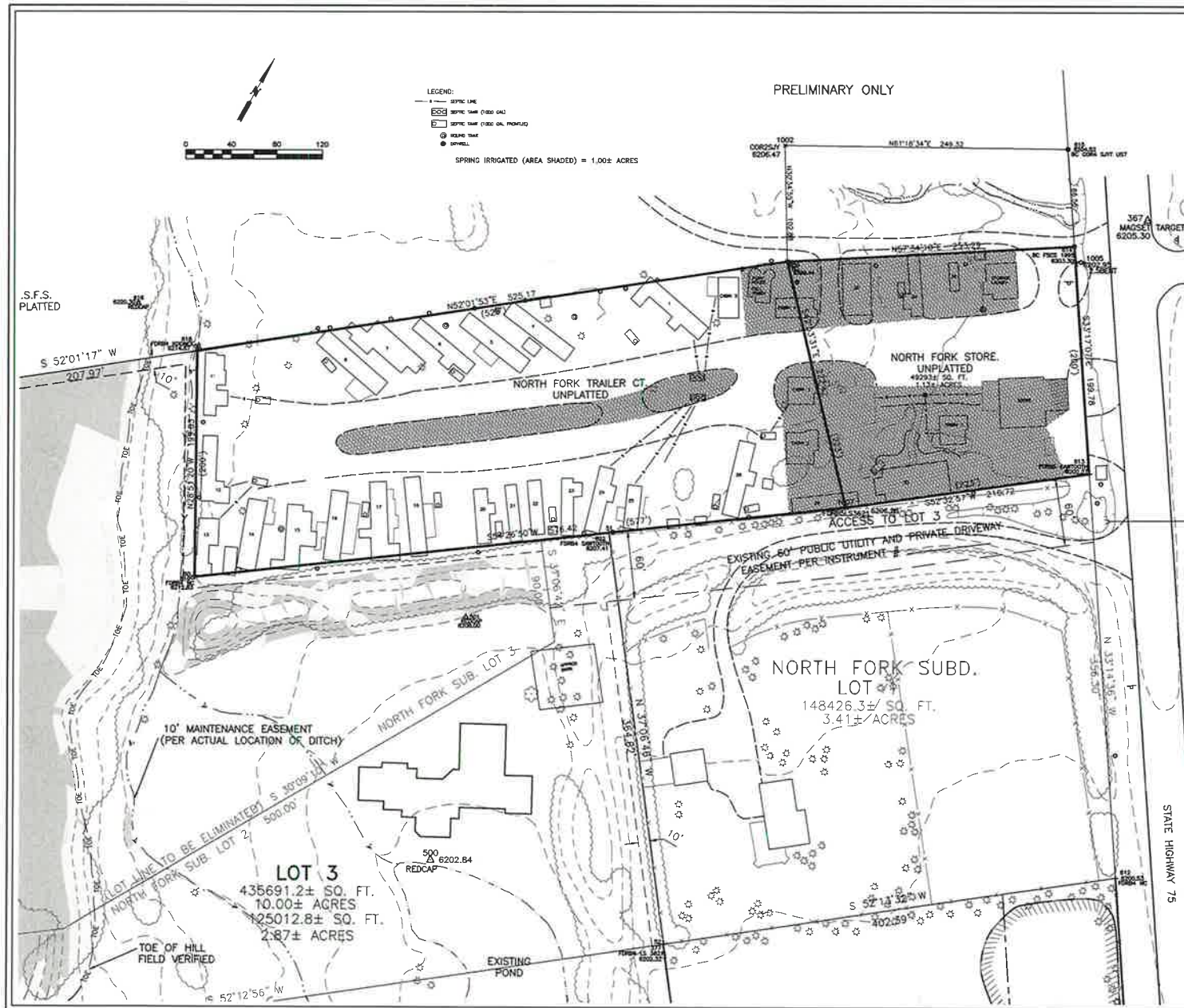
Let me know if I have missed anything.

<< File: 37-11852 Flannigan hailey hearing follow up.doc >>

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

for 37-11852, 11854



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

WATER RIGHT NUMBER: 37-11852 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTOPHER FLANIGAN HC BOX 8028 KETCHUM, ID 83340
Current Owner	EXCHANGE 05-3097 LLC HC BOX 8028 KETCHUM, ID 83340
Original Owner	WALLACE G DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920
Original Owner	SHARON DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920

Priority Date: 08/06/1968
Basis: Beneficial Use
Status: Active

*1954 claimed
No Ev. Priority*

*Evidence submitted
by Sharon Dowden
11-20-08*

Source

GROUND WATER

Tributary

*states original well was
drilled in 1948.*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.300 CFS	217.00 AF
COMMERCIAL	01/01 to 12/31	0.040 CFS	14.50 AF
IRRIGATION	05/01 to 10/31	0.030 CFS	3.50 AF
<u>Total Diversion:</u>		0.300 CFS	217.00 AF

*can recom
1954 as claimed*

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 10, Twp 05N, Rge 17E, B.M.

BLAINE County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	17E	10														X			

COMMERCIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	17E	10														X			

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	17E	10															1.0		1.0

Total Acres: 1

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. X01 Domestic use is for approx. 45 households consisting of 32 trailer homes, 5 cabins, 1 apartment, and 7 R.V. sites.
3. E55 Right Nos. 37-11852 and 37-11854 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
4. X01 Commercial use is for 1 store including public restroom and public laundry facility.

Remarks:Comments:

1. ntreasure 6/1/2005 POD

Comment: Updated shape

2. ntreasure 6/2/2005 Priority Date

Comment: Owners of North Fork Store claimed 01/01/1954 as priority date, however no evidence could be provided. There was a well permit issued on 08/06/1968. See permit # 791056. Therefore 08/06/1968 will be used as the priority date.

3. ntreasure 6/2/2005 POU

Comment: Updated Shape

4. ntreasure 6/2/2005 POU

Comment: Updated PLS

5. jdean 2/2/2007 Copied from Claim

Comment: 2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS (EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980 AND CHLORINATION SYSTEM ADDED IN 1985.

6. csaxton 2/8/2007 Updated Conditions

Comment: Added POU limiting condition with 37-22854.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1
Combined Water Rights: 37-11854 , 37-11852		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/1/2005 2:01:46 PM	ntreasure			Active
POD	6/1/2005 2:24:44 PM	ntreasure			Active
POU	6/1/2005 2:28:15 PM	ntreasure			Active
Season	6/1/2005 2:34:55 PM	ntreasure			Active
Use	6/1/2005 4:45:10 PM	ntreasure			Active
Summary			06/01/2005	ntreasure	Active
Quantity	6/1/2005 4:57:21 PM	ntreasure			Active
Source	6/1/2005 4:57:21 PM	ntreasure			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/1/2005 2:24:44 PM	ntreasure	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

POU	6/1/2005 2:28:16 PM	ntreasure	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Verified by GIS
General	6/1/2005 2:01:47 PM	ntreasure	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Priority date based on well drillers report.
Season	6/1/2005 2:34:55 PM	ntreasure	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Source	6/1/2005 4:57:21 PM	ntreasure	(No) 1. Is the basis of claim Decree or License?
Use	6/1/2005 4:45:11 PM	ntreasure	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11852 V1

Summary	6/1/2005 4:57:12 PM	ntreasure	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Quantity	6/1/2005 4:57:22 PM	ntreasure	(No) 1. Is the basis of this claim a Decree or License?

SubCase:

SubCase Number: 37-11852
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Nick Treasure
Basis of Claim: Beneficial Use
Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11852

WATER RIGHT NUMBER: 37-11852

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WALLACE G DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920
Current Owner	CHRISTOPHER FLANIGAN HC BOX 8028 KETCHUM, ID 83340
Current Owner	EXCHANGE 05-3097 LLC HC BOX 8028 KETCHUM, ID 83340
Original Owner	SHARON DOWDEN DBA NORTH FORK STORE PO BOX 8001 KETCHUM, ID 83340 (208)726-8920

Priority Date: 01/01/1954

Basis: Statutory Claim

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.110 CFS	
COMMERCIAL	01/01 to 12/31	0.300 CFS	
IRRIGATION	04/01 to 11/01	0.020 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 10, Twp 05N, Rge 17E, B.M.

BLAINE County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	17E	10														X			

COMMERCIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11852

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	17E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																X			

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	17E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																1.0			1.0

Total Acres: 1

Conditions of Approval:

- 2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS (EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980 AND CHLORINATION SYSTEM ADDED IN 1985.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/20/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
---------	--------------------	----------	--------------------	----------	--------

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-11852

SubCase:

SubCase Number: 37-11852
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Nick Treasure
Basis of Claim: Beneficial Use
Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

37-11852 - 11854 FLANIGAN

AMend Claims by Mar 30.

" Dir Rpt Apr 24.

" Obj. - May 29 deadline

" Resp June 19

Calendar

Sept 2: 11:30 Status Conference

Amendments to Priority date 11852 dom Vol.
POD 11854

04/03/2009

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

RIGHT NUMBER: 37-11854

NAME AND ADDRESS: CHRISTOPHER FLANIGAN
HC BOX 8028
KETCHUM ID 83340

BIG DOG DEVELOPMENT LLC
HC BOX 8028
KETCHUM ID 83340

VERIFIED BY KKC
4-3-09

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

PRIORITY DATE: 01/01/1954

POINT OF
DIVERSION:

T05N R17E S10 SENESW 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	0.020 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10	NWSE	0.90	T05N R17E S10	SWSE	0.10
---------------	------	------	---------------	------	------

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/02/2009

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

RIGHT NUMBER: 37-11852

NAME AND ADDRESS: CHRISTOPHER FLANIGAN
HC BOX 8028
KETCHUM ID 83340

BIG DOG DEVELOPMENT LLC
HC BOX 8028
KETCHUM ID 83340

VERIFIED BY

KKC
4-2-09

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.370 CFS
45.00 AFY

PRIORITY DATE: 04/01/1948

POINT OF
DIVERSION:

T05N R17E S10 SWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.300 CFS 27.00 AFY
COMMERCIAL	01/01 12/31	0.040 CFS 14.50 AFY
IRRIGATION	05/01 10/31	0.030 CFS 3.50 AFY

Domestic use is for approx. 45 households consisting of 32 trailer homes, 5 cabins, 1 apartment, and 7 R.V. sites.

Commercial use is for 1 store including public restroom and public laundry facility.

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10 NWSE 0.40 T05N R17E S10 SWSE 0.60

COMMERCIAL in BLAINE County

T05N R17E S10 NWSE T05N R17E S10 SWSE

DOMESTIC in BLAINE County

T05N R17E S10 NWSE T05N R17E S10 SWSE

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 37-11852
Date Received: 10/20/1988
Receipt No: S003104
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHRISTOPHER FLANIGAN Phone:
BIG DOG DEVELOPMENT LLC Phone: (208)726-4011
HC BOX 8028
KETCHUM ID USA 83340

2. Date of Priority: 04/01/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	10	SW NW SE	BLAINE	

5. Description of diverting works:

6 in X 100 ft well, 1-HP pump.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.03	3.5
COMMERCIAL	01/01	12/31	0.04	14.5
DOMESTIC	01/01	12/31	0.3	27

7. Total Quantity Appropriated is:

0.37 C.F.S. and/or 45 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 1 store and laundry

Number of homes: 45

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	17E	10	NW SE	DOMESTIC	

SW	SE	DOMESTIC	
NW	SE	COMMERCIAL	
SW	SE	COMMERCIAL	
NW	SE	IRRIGATION	0.4
SW	SE	IRRIGATION	0.6

Section Acres 1

Total Acres 1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

2" SUPPLY LINE FEEDS FROM SOURCE, ASSISTED BY TWO 1 HP PUMPS (EST. 24.5 GPM EACH) WITH 4000 GAL. STORAGE TANK AND 2" SUPPLY LINE. SPRING BOX LOCATED AT SOURCE. SYSTEM UPDATED IN 1980 AND CHLORINATION SYSTEM ADDED IN 1985.

Amended claim data entered 4-2-2009 based upon approved amendment approved by the SRBA 3-30-2009.

15. Basis of Claim: Statutory Claim