

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*

BARKER
ROSHOLT
&
SIMPSON
LLP

John A. Rosholt
jar@idahowaters.com

June 14, 2005

Doug Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: 37-11329
Deer Creek Ranch

Dear Doug:

Pursuant to your letter request of April 15, 2005, requesting proof of priority date for the above referenced claim (originally filed as a Statutory Claim), we submit the following on behalf of Deer Creek Ranch:

- (1) Affidavit of Von Potter, son of the ranch owner, who has recollection of the drilling of the well in 1956, with a copy of the driller's report attached.
- (2) Affidavit of Harold Schmidt who leased the ranch from 1967 to 1990.
- (3) Affidavit of Jay Sevy who has been ranch manger since 1990 and was present for your transfer exam dated 10/11/1990, and pursued closure of said transfer finally approved by Order of 11/29/1990 as amended in part by the Order of 12/24/1990.

Based upon the enclosures, we ask that a priority date of 6/1/1956 be recommended Claim 37-11529.

Respectfully,

BARKER, ROSHOLT & SIMPSON LLP

By: *John A. Rosholt*
John A. Rosholt

Enclosures

(DeerCreekRanch061405 Lit.)

RECEIVED
JUN 15 2005
Department of Water Resources
Southern Region

RECEIVED
JUN 22 2005
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, ID 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com DEPARTMENT OF
WATER RESOURCES

205 North 10th Street Suite 520
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

RECEIVED
JUN 15 2005
Department of Water Resources
Southern Region

STATE OF IDAHO)
Geading) ss.
COUNTY OF BLAINE)
_____)

AFFIDAVIT OF VON POTTER

Comes now VON POTTER of 550 5th Avenue West, Wendell, Idaho, and upon being properly sworn, deposes and says:

That my Father, Lyle Potter, owned the Deer Creek Ranch in the 1950s and had an irrigation well drilled in the NE NE SE of Section of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho, a copy of the well log being attached hereto as Exhibit "A":

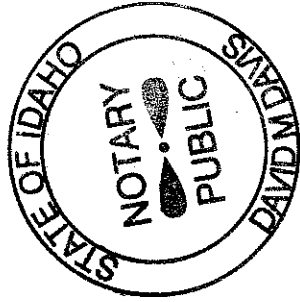
That said well was pumped initially by use of a tractor motor until my Father sold the ranch in 1961;

That my Father, Lyle Potter, sold the ranch to William R. Burt in 1961.

DATED this 8th day of June 2005.

Von Potter
VON POTTER

SUBSCRIBED AND SWORN TO before me this 8th day of June, 2005



David M. Davis
Notary Public for State of Idaho
Residing at Jerome, ID
My Commission Expires 8/25/05

CONFIDENTIAL

22A

PERCEPTIVE

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

TYPE AND SIZE OF VALVE, ETC.)		Weight of casting per linear foot		Casting material		E. A. PIPE CONCRETE, WOOD	
Valve will be used for <u>Drainage</u>							
Thickness of casting <u>7 1/2"</u>							
Diameter, length and location of casting							
Number and size of perforations							
From surface of ground							
Other perforations							

Serial number	Date of commencement of well	Date of completion of well	Remarks
1	1 July 1955	21 July 1955	

[illegible]

CASINO RECORD

CENTRAL INFORMATION—Pumping Test, Quality of Water, Etc.

All the same that on the Bear Creek Arm is covered
 by Bear Creek. The fault well is located about
 1/2 mile from the top of the lower formation.
 The well was drilled by O'Brien & Smalley
 on the 1st of June 1901. The water is from water
 level N 25° 36' 30" E

Water EBZ 5/1953

That a pump driven by tractor power was in place when I began my lease of Deer Creek Ranch in 1967. Electricity was hooked up at the site in 1991 and a new pump was installed at that time.

That your Affiant is personally aware of the present ranch irrigation system, and the continuous use of the water for irrigation even after changes in the system after purchase by the Deer Creek Ranch.

DATED this 8th day of JUNE 2005.



HAROLD SCHMIDT

SUBSCRIBED AND SWORN TO before me this 8th day of JUNE, 2005



Notary Public for State of Idaho

Residing at Challis, ID.

My Commission Expires 9-27-2010

RECEIVED

JUN 15 2005

Department of Water Resources
Southern Region

STATE OF IDAHO)
)ss
County of Gooding
)
)
)
)

AFFIDAVIT OF JAY SEVY

RECEIVED
JUN 15 2005

Department of Water Resources
Southern Region

Comes now JAY SEVY, of 214 Red Devil Drive, Hailey, Idaho 83333,

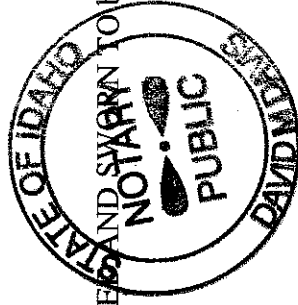
and upon being properly sworn, deposes and says:

That I have been Ranch Manager for Deer Creek Ranch, Inc. (formerly New Deer Creek Ranch) since March 1990

That I pursued the transfer of claim 37-11329 originally filed by William R. Burt, and eventually obtained an approved transfer to 1 point of diversion. In the process, IDWR reduced the acres from 320 to 143 and reduced the amount of the diversion to 2.480 c/f/s, which has been used on the ranch for irrigation as approved by the Amended Order of Transfer dated December 24, 1990, a copy of which Order is attached as Exhibit "A";

That the IDWR field exam (Exhibit "B" hereto) shows three current points of diversion The point of diversion in the NE1/4 NE1/4 SE1/4, Section 26, T.3N., R.17E.B.M., Blaine County is the location where the well was drilled in 1956 and remains the correct current point of diversion. The points of diversion in Section 30 are no longer used.. The place of use of water (claimed as 37-11329) shown on Exhibit "B" for 143 acres is correct.

DATED this 8th day of June 2005.



Jay Sevy
JAY SEVY

SUBSCRIBED AND SWORN TO before me this 8th day of June, 2005

David M. Davis
Notary Public for State of Idaho
Residing at Jerome, ID,
My Commission Expires 8/25/05

AFFIDAVIT OF JAY SEVY

FEB 25 1993

MICROFILMED

Analysis

DRJ

10/11/90

Transfer Exam on A37-11329, New Deer Cr. Ranch

On 12/11/89 Deer Cr Ranch and William R. Burt
Filed an application to transfer SRBA
claim A37-11329, through Nelson, Rasholt, etc.
This form was returned for correction:

On 12/19/89 The corrected, acceptable application
was resubmitted.

Advertising was done on 1/17 & 1/24/90 -
no protests.

An initial visit to ranch to conduct exam
was done on 3/27/90. At that time I
verified pump location and pump size
and operating criteria. I also obtained
outline of land potentially and recently
irrigated with this source of water.

Attached are photos taken during exam.

Also attached are maps used to quantify
irrigated acreages and a place of use
grid to sum the acres. MICROFILMED

FEB 25 1993

On July 6, 1990 a hydrological consultant
(continued)

RECEIVED
FEB 25 1993

A37-11329 Transfer Analysis Continued

For the ranch, David Kebler, conducted a pump test on the well using the existing pump.

SWL of PW-1 is approximately 30' below collar. DPL of PW-1 during 1961 pump test (635 gpm) was about 130'. Efficiency of 7/6/90 pump test was 50% assuming 30 hp was delivered, though age ~~and~~ of ~~pump~~ motor would reduce 30 hp rating of motor.

Jay Sevy, ranch president, stated to me the well output could reach about 3 cfs but ~~per~~ equipment could not maintain that rate for pump test. ~~A~~

Aquifer could steady state 1.60 cfs with 50 ft drawdown (= 80' dpl).

During 3/27/90 field review I was told by ranch manager that at anst unspecified time past changes were made that obliterated ditch from pump to land south of Deer Creek. This land was then irrigated with surface water.

MICROFILMED
FEB 25 1993

A37-11329

Transfer Analysis Continued

The following are examples of how water delivery have been made recently:

- 1) Pump discharge into Deer Creek, portable pump from creek into ditch at NW1/4SW1/4 T3N R17E.
- 2) Pump discharge into Deer Cr, Canvas dams to Flood low land.
- 3) Pump into pipe trending to NE to mid-field or upper ditch
- 4) (Abandoned) Pump in ditch trending SE to land south of Deer Creek.

If all land east ~~and~~ of the pump and between valley slopes is included then 194 acres are contained. If only land presently delivered water is included (excludes land south of Deer Cr) then ^{143 DRS 12/19/90} 123 acres are contained. Required maximum rates, at 1"/acre, are 3.88 cfs and 2.46 cfs, respectively.

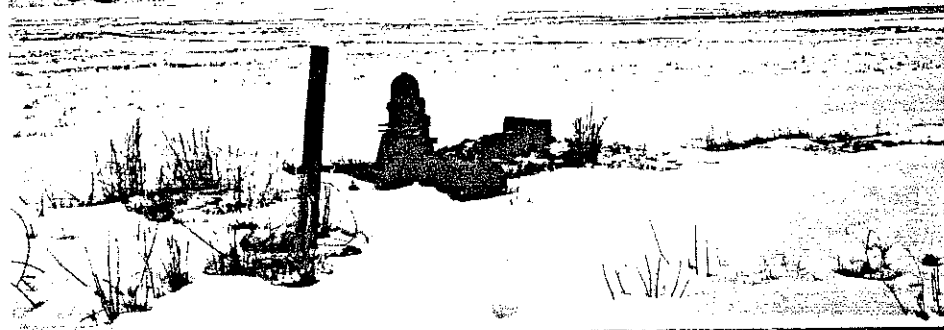
This water is claimed as supplemental irrigation water when Deer Creek ran low

MICROFILMED

FEB 25 1993

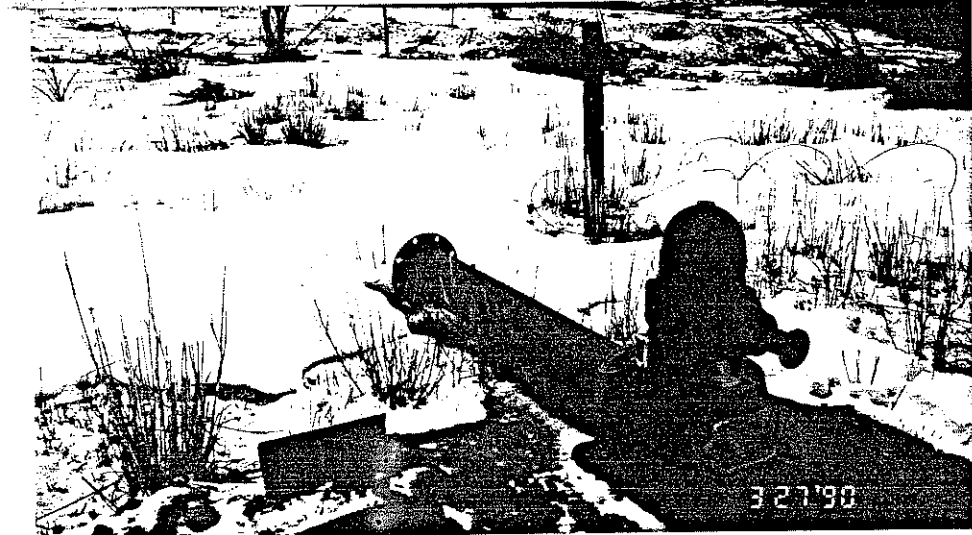


View, looking south, of
pump head and relation
to tributary valley.
Pump powered by tractor
pto for open discharge
to stream.



power take out

Close up of pump, pto
hook up coupling in
foreground, open discharge
pipe pointing toward
stream. Did NOT appear
that there was any
erosion from use (i.e.
no gullies, washes or
headcuts at stream
banks).



Looking northwest from
pump across & some-
what upstream of Deer
Creek. Shows that little
or no watering of
Sec 26 land is possible
from claimed use
of pump (open discharge
or springing pipe toward
northeast to higher ditch
& MICROFILMED



FEB 25 1993
Deer Cr Ranch Transfer
of A 37-11329

A37-11329

Transfer Analysis Continued

Conclusions & Recommendations

- 1) 320 acres could not have been irrigated within area described in claim.
- 2) 6.4 cfs could not have been pump from existing well and pump.
- 3) Original well ^(PW-2) located SE NE SE 25 T3N R17W and was drilled (finished) on 7/21/1956
- 4) Present well (PW-1) located NE SE SE 2 T3N R17W was finished 9/5/61, original well was capped at unknown date.
- 5) Groundwater deliveries south of Deer Creek have not been made since ditch trending SE was obliterated.
- 6) I recommend that approval be granted for irrigation of ²¹⁴³123 ac
- 7) Diversion rate could reasonably be determined to be:
$$\frac{8.8 \cdot \text{hp} \cdot e}{dpl + (P \times 2.5)} = \frac{8.8 \cdot 30 \text{ hp} \cdot 0.75}{80 + 0} = 2.48 \text{ cfs}$$
- 8) Reasonable diversion rate is consistent with 1" per acre rule-of-thumb.

DRJ 12/19/90

MICROFILMED

FEB 25 1993

Deer Creek Ranch Transfer of A37-11329

30 hp pump (at 1760 rpm)
Serial number OL 44193

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	26	3N	17E	Blaine	Well
	NW	NW	SW	25	3N	17E	Blaine	Point of redirection

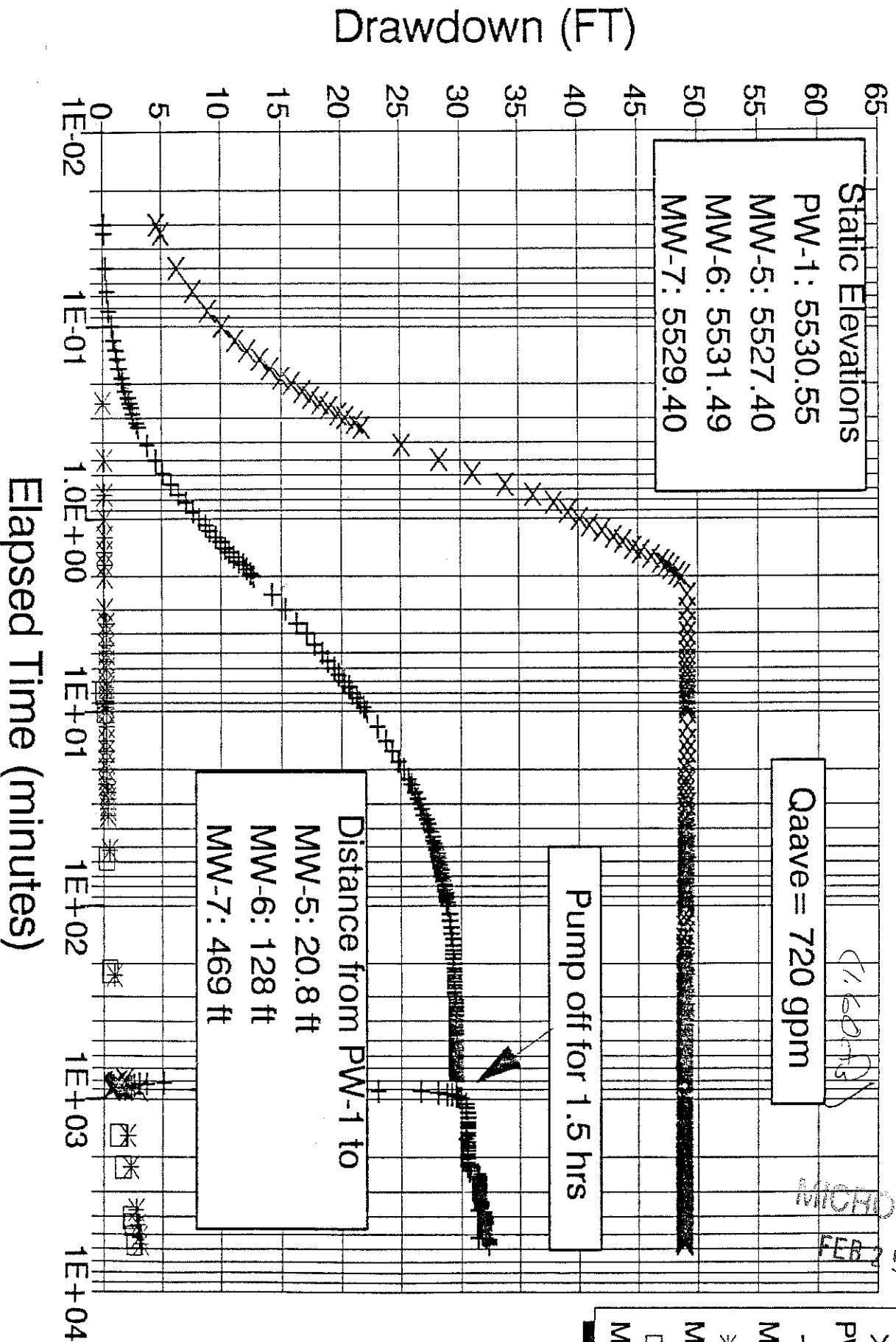
5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	17E	25			21	17			2	20	29	28			36	34			193
		26																	
Includes all land that could feasibly been irrigated with pumped groundwater within claimed area																			
3N	17E	25			21	17			8	20	14	12			33	17			122 142
		26																	
Includes only the land that have been irrigated with pumped groundwater -																			

Total acres

COOPER-JACOB PLOT

Six Day Aquifer Test at PW-1
Deer Creek Ranch, Start: July 06, 1990



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 3641 OF SNAKE	)	ORDER APPROVING
RIVER BASIN ADJUDICATION CLAIM	)	TRANSFER IN PART
NO. A37-11329 IN THE NAME OF	)	
NEW DEER CREEK RANCH CORP.	)	
-----	)	

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3760 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On December 12, 1990 Deer Creek Ranch Co. and William Burt (applicants who later changed name to New Deer Creek Ranch Corp.) filed an application with the department to transfer 6.40 cfs of water under Snake Basin River Adjudication (SRBA) claim no. A37-11329. The application proposed adding two points of diversion to the claim.
2. The SRBA claim, which was filed with the department on September 15, 1988, claims a priority date of June 1, 1956 for the diversion of 6.40 cfs of groundwater for the irrigation of 320 acres of ground.
3. On March 27, 1990, a representative of the department conducted a field exam for SRBA claim no. A37-11329. The ranch manager accompanied the department's examiner during the field exam. On July 6, 1990, a hydrologic consultant hired by the ranch conducted a pump test on the existing well and pump.
4. Based on the department's field exam and the pump test

data of July 6, 1990 which was submitted to the department, the field examiner concluded and recommended that the amount of water beneficially used under this claim was limited to the diversion of 2.48 cfs for the irrigation of only 123 acres of land described in attachment A of this order. The examiner found evidence showing that the original well under this claim was completed on July 21, 1956. The examiner made no recommendations concerning the priority date.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water whether represented by license issued by the department, by claims to water rights by reason of diversion and application to beneficial use as filed under the provisions of this chapter... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

2. Based on examination by the department of all the evidence and available information, the beneficial use under SRBA claim is limited to the diversion of 2.46 cfs for the irrigation of 123 acres as described under attachment A of this order.

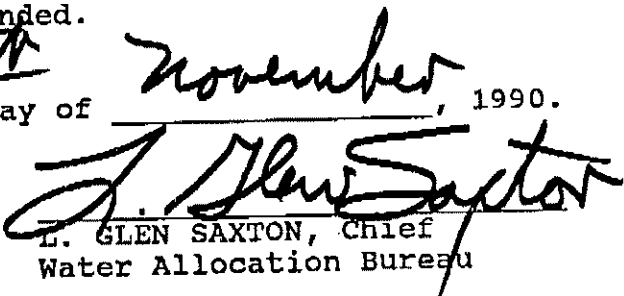
3. The transfer of SRBA claim no. A37-11329 should be approved, but limited to the diversion of no more than 2.46 cfs for the irrigation of no more than 123 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3641 of SRBA claim no. A37-11329 is approved in part subject to the following conditions:

1. SRBA claim no. A37-11329 under this transfer is limited to the diversion of 2.46 cfs for irrigation of 123 acres of land described in Attachment A of this order.
2. Approval of this transfer in no way confirms the validity or priority of Snake River Basin Adjudication Claim No. A37-11327.
3. When combined with all other rights, this transfer shall provide no more than 3.0 acre-feet per acre.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 29th day of November, 1990.


J. GLEN SAXTON, Chief
Water Allocation Bureau

total
should
be
143



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 27, 1990

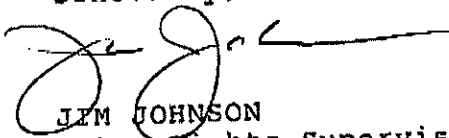
RE: Transfer of Water Right No. A37-11329

New Deer Creek Ranch Corp.
P.O. Box 249
Ketchum, ID 83340

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3641). Be sure to note the enclosed Amended ORDER approving the transfer in part.

Sincerely,


JFM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3641 OF SNAKE)
RIVER BASIN ADJUDICATION CLAIM)
NO. A37-11329 IN THE NAME OF)
NEW DEER CREEK RANCH CO.)

AMENDED ORDER APPROVING
TRANSFER IN PART

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3641 filed pursuant to Section 42-222, Idaho Code, and as a result of discovering an error in the department's Order Approving Transfer in Part dated November 29, 1990, the department now finds, concludes and orders as follows:

FINDINGS OF FACT

1. On December 12, 1990 Deer Creek Ranch Co. and William Burt (applicants who later changed name to New Deer Creek Ranch Corp.) filed an application with the department to transfer 6.40 cfs of water under Snake River Basin Adjudication (SRBA) claim no. A37-11329. The application proposed adding two points of diversion to the claim.
2. The SRBA claim, which was filed with the department on September 15, 1988, claims a priority date of June 1, 1956 for the diversion of 6.40 cfs of groundwater for the irrigation of 320 acres of land.
3. On March 27, 1990, a representative of the department conducted a field exam for SRBA claim no. A37-11329. The ranch manager accompanied the department's examiner during the field

exam. On July 6, 1990, a hydrologic consultant hired by the ranch conducted a pump test on the existing well and pump.

4. Based on the department's field exam and the pump test data of July 6, 1990 which was submitted to the department, the field examiner concluded and recommended that the amount of water beneficially used under this claim was limited to the diversion of 2.48 cfs for the irrigation of 143 acres of land described in Attachment A of this order. The examiner's original field report identified the location of the 143 acres, but incorrectly showed the total number of acres as 123 acres. The examiner found evidence showing that the original well under this claim was completed on July 21, 1956. The examiner made no recommendation concerning the priority date.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water whether represented by license issued by the department, by claims to water rights by reason of diversion and application to the beneficial use as filed under the provisions of this chapter... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or a part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

2. Based on examination by the department of all the evidence and available information, the beneficial use under SRBA claim no. 37-11329 is limited to the diversion of 2.48 cfs for the irrigation of 143 acres as described under Attachment A of this order.

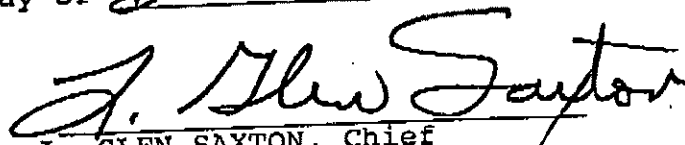
3. Order Approving Transfer in Part dated November 29, 1990 for transfer of SRBA claim no. A37-11329 should be amended so that the transfer of water under the claim is limited to the diversion of 2.48 cfs for the irrigation of no more than 143 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3641 of SRBA claim no. A37-11329 is approved in part, subject to the following amended conditions:

- 1) SRBA claim no. A37-11329 under this transfer is limited to the diversion of 2.48 cfs for irrigation of 143 acres of land described in Attachment A of this amended order.
- 2) Approval of this transfer in no way confirms the validity or priority of Snake River Basin Adjudication claim no. A37-11329.
- 3) When combined with all other rights, this transfer shall provide no more than 3.0 acre-feet per acre.
- 4) The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 5) Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 24th day of December, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

Transfer No. 3164 **OVER**

PART 1

APPLICATION PART 1

J. S. 9/22/89
The New Deer Creek Ranch Corporation and William R. Burt
~~Deer Creek Ranch Co. and William R. Burt~~ Phone 208 726-9311

Name of applicant
Post Office address c/o P.O. Box 249, Ketchum, Idaho 83340

DEC 19 1989

Department of Water Resources

~~DEC 19 1989~~

PURPOSE OF TRANSFER

- PURPOSE OF TRANSFER**
1. ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)

☐ Change place of use Department of Water Resources
Southern Region Office

1. ☐ Change point of diversion ☐ Change period of use ☐ Other _____
☐ Change nature of use

2. Describe the reason for the proposed changes To facilitate withdrawing the same amount of water from a point lower in Deer Creek Valley ^{WZ} in the event water levels would decline in drought years which would constrict our ability to withdraw the same amount of groundwater from the existing wells.

REASON THEREOF, AFTER THE REQUESTED CHANGE

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE	Quantity	Amount	Nature of Use	Permit No.
draw the same amount of groundwater				

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED				Period of Use
1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	
A37-11329	06-01-1956	6.400	irrigation	04-01 to 11-01
				to
				to
				to
				to
		6.400		acre-feet per annum

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

2. Total amount of water being transferred _____

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 320

Transfer No. 3641Page 2 of 6

PART 1

6. General Information:

a. Description of diversion system Well, pump and motor with possible booster pump
in addition. ^{Wt} Pipelines to connect to existing system which is already
in place.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. A37-11329
And said application is hereby APPROVED IN PART, subject to the following limitations and conditions:
and as stated in the Dept. of Water Resources ORDER dated November 29, 1990.

1. SRBA claim no. A37-11329 under this transfer is limited to the diversion of
2.46 cfs for irrigation of 123 acres of land described in Attachment A of the
ORDER dated November 29, 1990.

See attached ORDER for additional conditions of approval.

Witness my hand this

29th day of

November

19 90

J. Blum Sanitor
Chief, Water Alloc. Bureau

Transfer No. 3641Page 3 of 6

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. A37-11329 Issued by the Idaho Department of Water Resources.
- c. Claim No. A37-11329 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☒ Other Title Insurance3. Source of water groundwater tributary to _____4. Date or priority 06-01-1956

5. Water is used for the following purpose:

amount 6.4 cfs for irrigation purposes from 04-01 to 11-01
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SE	26	3N	17E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	17E	25			35	35			20	30	40	40			40	40			280
		26													40				40

Total acres 3209. Describe any other water rights used for the same purpose as described above 37-0466 (new)

Page 5 of

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT

Page 6 of 6Transfer No. 3641

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

None.

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

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

Subscribed and sworn to before me this 24th day of November, 1989

William R. Bunt Manager
(Signature of Applicant) + certified

[Signature]
(Notary Public)

My commission expires 11/2/92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 15 attachmentsReceived by DRJ Date 11/17/89Prelim. check by DRJ Fee \$50.00Received by DRJ Date 12/12/89Published in Wood River JournalPub. dates 1/17 & 1/24/1990Watermaster recommendation requested on N/A

Protest filed by _____

Copies of protest forwarded by _____

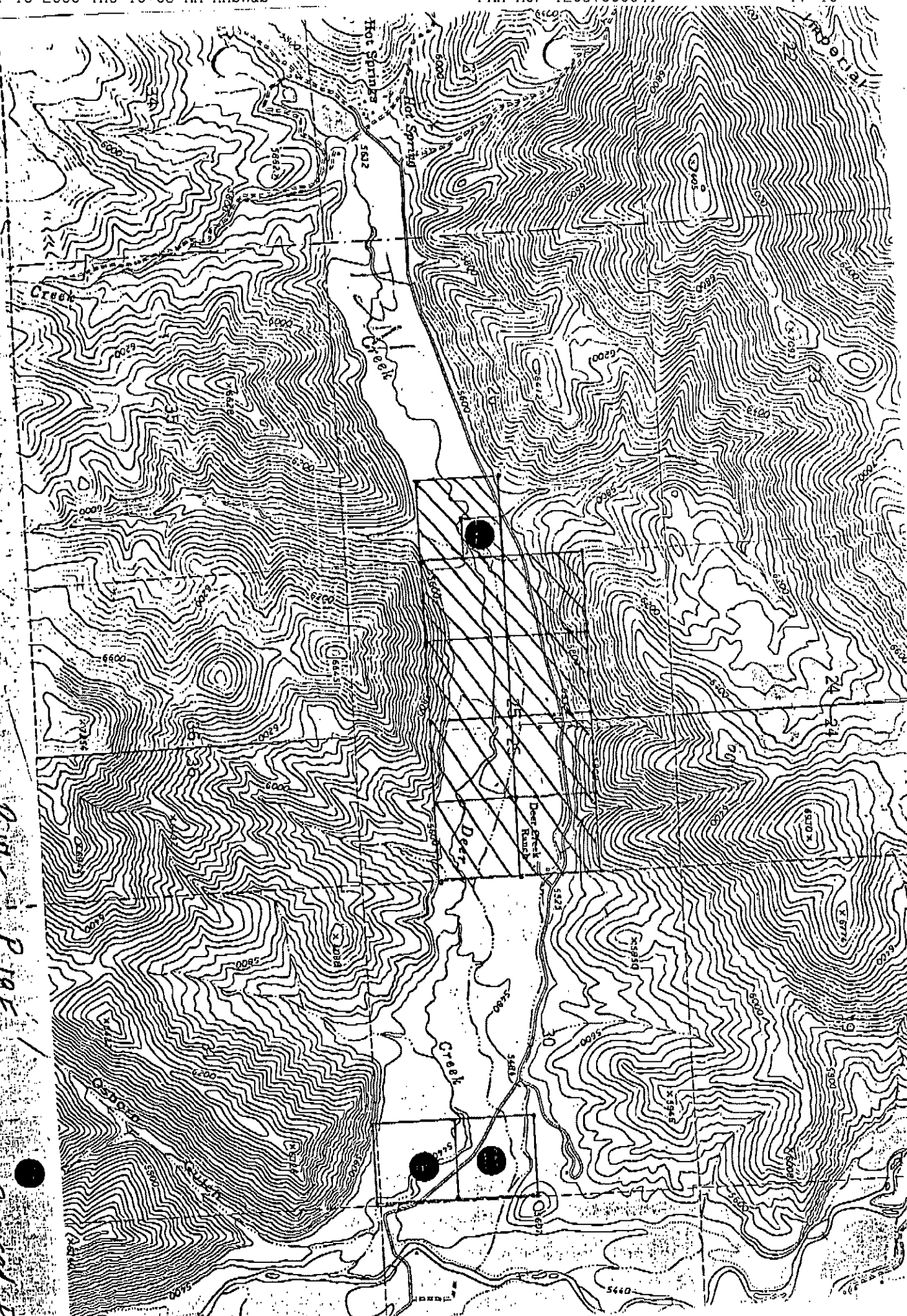
Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____



present PD

date of use

R17E R18E

proposed

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-11329

WATER RIGHT NUMBER: 37-11329

Owner Type
Attorney
Name and Address
JOHN A ROSHOLT
BARKER ROSHOLT & SIMPSON LLP
113 MAIN AVE W STE 303
TWIN FALLS, ID 83301
(208)733-0700

Current Owner
DEER CREEK RANCH INC
PO BOX 187
HAILEY, ID 83333-0187
(208)788-9813

Priority Date: 06/01/1956

Basis: Statutory Claim

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	2.480 CFS	

Total Diversion: 2.480 CFSLocation of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 30, Twp 03N, Rge 17E, B.M.
BLAINE County		
GROUND WATER	SE1/4SE1/4	Sec. 30, Twp 03N, Rge 17E, B.M.
BLAINE County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 26, Twp 03N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>	<u>NW</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>NW</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>NW</u>	<u>SE</u>	<u>Totals</u>
03N	17E	25	21.0	8.0	20.0	14.0	33.0	17.0	142.0					

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11329

03N 17E 26					1.0		1.0

Total Acres: 143

Conditions of Approval:

Remarks:

1. General
USED AS SUPPLEMENTAL WATER IN DRY YEARS.
***** OWNERSHIP CHANGE 4/17/91 BY JG.
APPROVED TRANSFER ON WATER RIGHT, AJD. CLAIM CHANGED ACCORDINGLY.
***** NAME CHANGE MADE 4/19/96 BY TLB.

Comments:

INTER-DEPARTMENT MEMO — 1

FROM Allen Mervitt

DATE 10/16/90

TO Loren Holmes

SUBJECT Transfer A37-11329

I have reviewed the file and recommend that the transfer be approved but the right be limited to:

Priority : 7/21/1956

Amt : 2.46 cfs (0.02 cfs/acre)

P/U : ~~123~~ Acres 25 described by Doug's memo.
143 DRS, 12/19/90

If the transfer is approved the claimant should amend the claim. Also it appears that ownership of the claim should be changed to New Deer Creek Ranch Corp.


SIGNATURE

66815 1893

MICROFILMED