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OCT 05 2006

Form No. 42-1409 (2) a 1/88

**AMENDED 37-4139**

DEPARTMENT OF  
WATER RESOURCES

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

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

CIVIL CASE NUMBER: 39576  
Ident. Number 37-4139  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

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

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600

Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 94080

2. Date of Priority (Only one (1) per claim) 12/31/1926

3. Source of water supply (a) Hailey Hot Springs

which is tributary to (b) Democrat Creek

4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,

NW 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. Springs emit into existing ditches, creek, and reservoirs

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Water is claimed for the following purposes:

|                                                                                                           | (both dates are inclusive) | (cfs) | (acre feet) |
|-----------------------------------------------------------------------------------------------------------|----------------------------|-------|-------------|
| For <u>Fish Propagation Storage</u> purposes from <u>01/01</u> to <u>12/31</u> amount _____ or <u>277</u> |                            |       |             |
| For <u>Recreation Storage</u> purposes from <u>01/01</u> to <u>12/31</u> amount _____ or <u>277</u>       |                            |       |             |
| For <u>Diversion to Storage</u> purposes from <u>01/01</u> to <u>12/31</u> amount <u>0.5</u> or _____     |                            |       |             |
| For _____ purposes from _____ to _____ amount _____ or _____                                              |                            |       |             |

7. Total quantity claimed (a) 0.5 (cfs) and / or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) see remarks

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02N | 18E | 18  |        |        |        |        |        |        |        |        |        |        |        |        | XX     | XX     |        | XX     |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of Irrigatable acres \_\_\_\_\_

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

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

See attached Or None ☐

14. Remarks:

The right was originally used to heat the Hiawatha Hotel from 1926 until it burned down in 1979. However, it is  
also used for fish propagation in Democrat Creek, for a small swimming pool near the springs, and as storage  
water in the lower reservoir near the homestead.

15. Basis of Claim (check one) Beneficial Use XX Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 37-4139

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. No. \_\_\_\_\_

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am Vice President \_\_\_\_\_ Title \_\_\_\_\_

of Spring Canyon Ranch, LLC \_\_\_\_\_, that I have signed the foregoing \_\_\_\_\_ Organization \_\_\_\_\_

Document in the space below as Vice President \_\_\_\_\_ of Spring Canyon Ranch, LLC \_\_\_\_\_ Title \_\_\_\_\_ Organization \_\_\_\_\_

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization VP - Spring Canyon Ranch, LLC Date 9-27-06

State of ~~Idaho~~ or California )  
County of San Francisco ) ss.

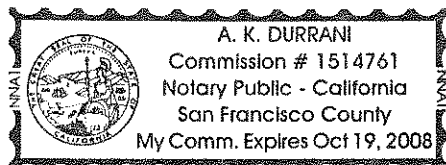
Subscribed and sworn (or affirmed) before me this 27<sup>th</sup> day of September, 2006.

Notary Public A. K. DURRANI

Residing at 150 California St., San Francisco, CA 94111

My Commission Expires Oct. 19, 2008

SEAL



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kevin J. Beaton 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 Kevin Beaton

Address 101 S. Capitol Blvd., Ste. 1900, Boise, ID 83702

Date 10-3-06



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DEPARTMENT OF  
WATER RESOURCES

101 S. Capitol Boulevard, Suite 1900  
Boise, Idaho 83702  
main 208.389.9000  
fax 208.389.9040  
www.stoel.com

October 4, 2006

KEVIN J. BEATON  
Direct (208) 387-4214  
kjbeaton@stoel.com

**Via HAND DELIVERY**

Danni Smith  
Idaho Department of Water Resources  
322 E. Front Street, 6th Floor  
Boise, Idaho 83702

**Re: Spring Canyon Ranch LLC**

Dear Danni:

Please find enclosed for filing the following:

1. Amended Notice of Claim to Water Right 37-548;
2. Amended Notice of Claim to Water Right 37-549;
3. Amended Notice of Claim to Water Right 37-1222;
4. Amended Notice of Claim to Water Right 37-2142;
5. Amended Notice of Claim to Water Right 37-4138;
6. Amended Notice of Claim to Water Right 37-4139;
7. Amended Notice of Claim to Water Right 37-4440; and
8. Amended Notice of Claim to Water Right 37-12396.

Please note that we have requested that all notices be directed to me as counsel for Spring Canyon Ranch, LLC.



Danni Smith  
October 4, 2006  
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If you have any questions or I can be of further assistance, please feel free to contact me.

Very truly yours,

Kevin J. Beaton

KJB:ww

Enclosures

cc: Paul B. Fay, III (w/encs.)