

AMENDED

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 37-21285
Date Received JAN-28-2008
Receipt Number _____

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

RECEIVED
JAN 28 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Croy Creek Properties, LLC Phone (208) 788-2229
Mailing Address P.O. Box 1330, Hailey, ID Zip 83333
2. Date of Priority (Only one (1) per claim) 4/15/1964
3. Source of water supply (a) Bullion Creek
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 2N Range 17E Section 25,
NE 1/4 of SE 1/4 of SW 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, _____
Check structure and headgate in Bullion Creek, to irrigation storage reservoir.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Diversion to Storage purposes from 1/1 to 12/31 amount 2.0 or _____

For Irrigation Storage purposes from 1/1 to 12/31 amount _____ or 10.0

For Irrigation from Storage purposes from 4/15 to 10/31 amount _____ or 40

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and / or (b) 40.0 (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.) Storage

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	17E	25												Stor			Stor		
02N	17E	25											9	17		0.8	24		50.8
02N	17E	26																2.3	2.3
02N	17E	35	40			40													80
02N	17E	36		19	7.8		40	40	40	40									186.8

Total number of acres irrigated 319.9

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

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

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

37-22067 is a decreed irrigation right also diverted from this P/D Or None ☐

14. Remarks:

Pond was constructed in 1964 or earlier, as evidenced by the 1964 FSA aerial photo. Priority date claimed reflects start of 1964 irrigation season. Diversion from storage reflects up to four (4) refills per season.

Pond water surface area is 43,300 sq. ft., average depth is 10 feet.

Last Name _____

Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-21285

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 _____

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 Manager _____

Of Croy Creek Properties, LLC _____, that I have signed the foregoing

Document in the space below as Manager _____ of Croy Creek Properties, LLC _____
Organization Title Organization

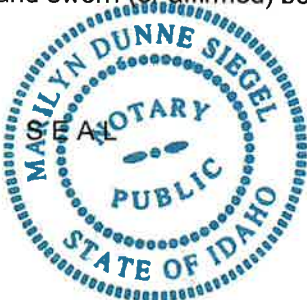
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization Manager, Croy Creek Properties, LLC Date 1/22/08

State of Idaho / or _____)
County of Blaine) ss.

Subscribed and sworn (or affirmed) before me this 22nd day of January, 20 08.



Notary Public Marilyn Dunne Siegel

Residing at Hailey, ID

My Commission Expires 7/1/11

[Signature]

Please Print Name

17. **Notice of Appearance:**

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21285 V1

WATER RIGHT NUMBER: 37-21285 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CROY CREEK RANCH LIMITED PARTNERSHIP PO BOX 744 HAILEY, ID 83333 (208)788-2229
Current Owner	CROY CREEK PROPERTIES LLC PO BOX 1330 HAILEY, ID 83333 (208)788-9300

Priority Date: 04/15/1957

Basis: Beneficial Use

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
BULLION CREEK	CROY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	03/15 to 11/30	2.000 CFS	
IRRIGATION STORAGE	01/01 to 12/31		10.00 AF
IRRIGATION FROM STORAGE	04/15 to 10/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

BULLION CREEK	NE1/4SE1/4SW1/4	Sec. 25, Twp 02N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	17E	25																X	X	

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	17E	25												15.0	20.0			35.0		70.0
02N	17E	26																1.0		1.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21285 V1

02N 17E 35	40.0	40.0					80.0
02N 17E 36		40.0 15.0	40.0 40.0 40.0 40.0				215.0

Total Acres: 366

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. manders 12/18/2006 disallowal
Comment: No evidence of priority submitted.

Water Supply Bank:

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

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

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

Water Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
<u>37-253</u>	<u>37-253 22065</u>	☐	<u>37-21285</u>	<u>37-21285</u>	☐
<u>37-254</u>	<u>37-254 22067</u>	☐			☐
<u>37-255</u>	<u>37-255 22069</u>	☐			☐
<u>37-7319</u>	<u>37-7319</u>	☐			☐
<u>37-20881</u>	<u>37-20881</u>	☐			☐

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) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s): Kent S. McAtee or
Croy Creek Ranch Ltd. Partnership
4. New Owner/Claimant(s): Croy Creek Properties, LLC
 New Mailing Address: P.O. Box 1330
 City, State, Zip Code: Hailey, ID 83333
 New Telephone Number: (208) 788-9300
5. Date you acquired the property: December 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) or Claimant(s):
(include title, if applicable)

[Signature]
Crazy Creek Properties LLC

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

FOR OFFICE USE ONLY

Received by: _____	Date: _____	Fee: _____
Received by: _____	Date: _____	Receipt No: _____
Processed by: _____ AJ	Date: _____	WR: _____ Date: _____

QUITCLAIM DEED

Instrument # 543554

HAILEY, BLAINE, IDAHO

2007-01-05

03:12:00 No. of Pages: 1

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

mfp

For value received, Croy Creek Ranch Limited Partnership, an Idaho Limited Partnership, as grantor, hereby quitclaims unto Croy Creek Properties, LLC, an Idaho Limited Liability Company, the grantee, all of the grantor's right, title, and interest in and to the following described water rights situated in Blaine County, Idaho, on record with the Idaho Department of Water Resources:

Water right 37-21285.

Grantor has caused this quitclaim deed to be executed this 4 day of JAN, 2007.

By: Kent S McAtee
Kent S. McAtee, General Partner
Croy Creek Ranch Limited Partnership

State of Idaho)
County of Blaine) S.S.

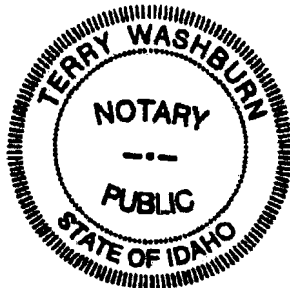
On this 4 day of January, in the year of 20 07, before me, a Notary Public, personally appeared Kent S McAtee, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Terry Washburn
Notary Public
In and for said State and County

6/8/07

My Commission Expires on

S
E
A
L



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 37-21285
Date Received: 3/30/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

CROY CREEK RANCH LIMITED PARTNERSHIP Phone: (208)788-2229
PO BOX 744
HAILEY ID 83333

2. Date of Priority: 04/15/1957

3. Source: BULLION CREEK Trib. to: CROY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02N	17E	25	NE	SE	SW	BLAINE	

5. Description of diverting works:

Check structure and headgate in Bullion Creek to irrigation storage reservoir.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		10
IRRIGATION FROM STORAGE	04/15	10/31	2	
DIVERSION TO STORAGE	03/15	11/30	2	

7. Total Quantity Appropriated is:
2 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
02N	17E	25	SE	SW		IRRIGATION STORAGE	
			SW	SE		IRRIGATION STORAGE	
			SW	SW		IRRIGATION FROM STORAGE	15
			SE	SW		IRRIGATION FROM STORAGE	20
			SW	SE		IRRIGATION FROM STORAGE	35
						Section Acres	70
02N	17E	26	SE	SE		IRRIGATION FROM STORAGE	1
						Section Acres	1
02N	17E	35	NE	NE		IRRIGATION FROM STORAGE	40
			SE	NE		IRRIGATION FROM STORAGE	40
						Section Acres	80
02N	17E	36	NW	NE		IRRIGATION FROM STORAGE	40
			SW	NE		IRRIGATION FROM STORAGE	15
			NE	NW		IRRIGATION FROM STORAGE	40
			NW	NW		IRRIGATION FROM STORAGE	40
			SW	NW		IRRIGATION FROM STORAGE	40
			SE	NW		IRRIGATION FROM STORAGE	40
						Section Acres	215
						Total Acres	366

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:

37-254

14. Remarks:

Pond was constructed prior to 1957, as evidenced by the 1957 FSA aerial photo. Priority date claimed reflects start of 1957 irrigation season. Diversion to storage claimed for 30 days on either end of the irrigation season to account for historical

usage to fill the pond and make up evaporation as needed. Pond water surface area is 43,300 sq. ft., average depth is 10 feet.

15. 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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

37-21285

Date Received

3-29-2004

Receipt Number

5026596 \$50.

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DISTRICT COURT
TWIN FALLS, IDAHO
APR 1 2004

Please type or print clearly

1. Name of Claimant (s) Croy Creek Ranch Limited Partnership Phone (208) 788-2229

Mailing Address P.O. Box 744, Hailey, Idaho Zip 83333

2. Date of Priority (Only one (1) per claim) 4/15/1957

3. Source of water supply (a) Bullion Creek

which is tributary to (b) Croy Creek

4. a. Location of existing point of diversion is: Township 2N Range 17E Section 25,
NE 1/4 of SE 1/4 of SW 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.

Check structure and headgate in Bullion Creek, to irrigation storage reservoir.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Diversion to Storage purposes from 3/15 to 11/30 amount 2.0 or _____

For Irrigation Storage purposes from 1/1 to 12/31 amount _____ or 10.0

For Irrigation from Storage purposes from 4/15 to 10/31 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (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.) Storage

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 together 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	17E	25												Stor			Stor		
02N	17E	25											15	20			35		70
02N	17E	26																1	1
02N	17E	35	40			40													80
02N	17E	36		40	15		40	40	40	40									215

Total number of acres irrigated 366

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

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

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

37-254 is a decreed irrigation right also diverted from this P/D Or None ☐

14. Remarks:

Pond was constructed prior to 1957, as evidenced by the 1957 FSA aerial photo. Priority date claimed reflects start of 1957 irrigation season. Diversion to storage claimed for 30 days on either end of the irrigation season to account for historical usage to fill the pond and make up evaporation as needed. Pond water surface area is 43,300 sq. ft., average depth is 10 feet.

Last Name _____ Ident. No. _____

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 _____

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

Signature of Claimant (s) Kent S. Mcdee Date 3-25-04

Date _____

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

Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

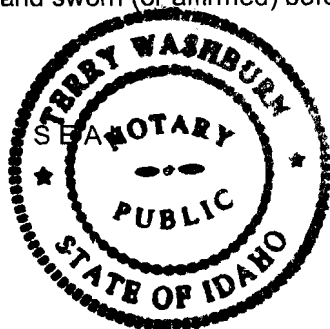
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of Blaine)ss.

Subscribed and sworn (or affirmed) before me this 25th day of March, 2004.



Notary Public Terry Washburn

Residing at Carey, Id

My Commission Expires 6/8/2007

Please Print Name

17. Notice of Appearance:

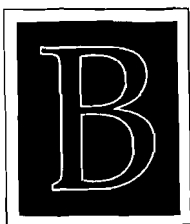
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
MAR 29 2004
Department of Water Resources
Southern Region

March 26, 2004

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

Re: Water rights – Croy Creek Ranch Limited Partnership
Project No. 553-01-2002

Dear Allen:

Enclosed are four (4) water right transfer applications and one (1) SRBA claim for Croy Creek Ranch Limited Partnership. The applicant seeks to consolidate all water rights on the ranch into a permissible place of use. Water rights include surface water from Croy Creek (37-253), Bullion Creek (37-254), and West Fork Rock Creek aka Little Rock Creek (37-255); and groundwater from two wells on the ranch (37-7319). The transfer for 37-7319 would also add a third point of diversion to allow another well to be drilled if necessary.

The SRBA claim describes a right established by beneficial use of an existing irrigation storage reservoir near the ranch house. This reservoir has been in place since the 1950s. I am currently working on compiling aerial photo evidence and affidavits to justify the priority date on this right.

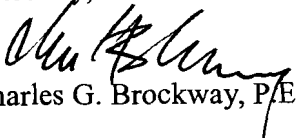
The attached consent form confirms that Kent McAtee is the general partner of Croy Creek Ranch Limited Partnership and is authorized to sign on behalf of the company.

Enclosed is a check for \$1080, representing the following amounts:

37-253	7.0 cfs	\$490
37-254	2.0 cfs	\$290
37-255	0.3 cfs	\$250
SRBA claim		\$50

No variable fee was included for the claim since all acres have been claimed under 37-253, 37-254, and 37-255. Thank you and please call if you have any questions.

Sincerely,


Charles G. Brockway, P.E.

cc: Kent McAtee
Dave Alexander

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
MAR 29 2004
Department of Water Resources
Southern Region

**UNANIMOUS WRITTEN CONSENT OF MEMBERS OF
CROY CREEK PROPERTIES, LLC**

The undersigned, constituting all of the members of CROY CREEK PROPERTIES, LLC, an Idaho limited liability company (the "Company"), and acting pursuant to the Idaho Limited Liability Company Act, hereby adopt the following resolutions and consent to the actions authorized thereby:

RESOLUTIONS REGARDING WATER RIGHTS

WHEREAS, the Company plans to subdivide, improve and develop ("Project") certain real property and premises consisting of 470 acres more or less of undeveloped real property located in Blaine County, Idaho ("Property");

WHEREAS, the members of this Company have received and reviewed the plan for allocation of water rights among the several parcels of property to be created as part of the Project ("Plan"); and

WHEREAS, the undersigned believe that developing the Property and allocating the water rights as described in the Plan are in the best interests of the Borrower;

NOW, THEREFORE, BE IT RESOLVED, that the members of this Company hereby authorize Kent S. McAtee, as the general partner of Croy Creek Ranch Limited Partnership, and David J. Alexander, as Managing Member of Little Creek, LLC, each acting on behalf of this Company, to take, for, on behalf of, and in the name of this Company, any or all of the actions set forth in the numbered paragraphs below:

- 1) To allocate, assign, apportion, convey and otherwise transfer water rights on any terms shown in the Plan or otherwise acceptable to Kent S. McAtee and David J. Alexander, and to make and deliver assignments, indemnities, certificates and other documents and any and all modifications, extensions, restatements and amendments of the same required or permitted by the IDWR in connection with the Plan;
- 2) To execute and deliver for, on behalf of, and in the name of Company, all applications and other agreements, documents and papers required by the IDWR in connection with any of the foregoing matters;
- 4) To take all such actions as required by the IDWR in connection with the Plan.

BE IT FURTHER RESOLVED, that the Managing Member or any other officer of this Company be and hereby is authorized to certify to the IDWR the names of the present officers, managers and members of this Company and any other persons

authorized to sign for it, and the offices respectively held by them, together with specimens of their signatures; and

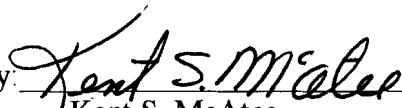
BE IT FURTHER RESOLVED, that the IDWR be promptly notified in writing by the Manager or any other officer of this Company of any change in these resolutions, such notice to be given in writing to the IDWR at its address at 1341 Fillmore Street, Suite 200, Twin Falls, Idaho, 83301 Attention: Allen Merritt, and that until the IDWR has actually received such notice in writing, it is authorized to act in reliance upon these resolutions, and that until the IDWR has actually so received such notice, it shall be indemnified and held harmless from any loss suffered or liability incurred by it in continuing to act in reliance upon these resolutions, even though these resolutions may have been changed; and

BE IT FURTHER RESOLVED, that the actions taken by this Consent shall have the same force and effect as if taken at a special meeting of the members duly called and constituted pursuant to the laws of the State of Idaho; and

BE IT FURTHER RESOLVED, that the form of this Unanimous Written Consent shall be filed in the minute book of the Company pursuant to the Idaho Limited Liability Company Act.

IN WITNESS WHEREOF, the undersigned have executed the Unanimous Written Consent of Members of Croy Creek Properties, LLC, an Idaho limited liability company, effective as of March 25, 2004.

Croy Creek Ranch Limited Partnership

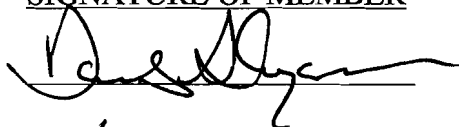
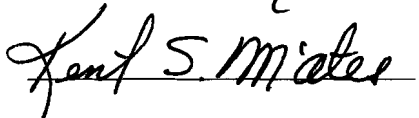
By: 
Kent S. McAtee
General Partner

Little Creek, L.L.C.,
an Idaho limited liability company

By: 
David J. Alexander, Manager

EXHIBIT D

**LIST OF MEMBERS OF
CROY CREEK PROPERTIES, LLC,
AN IDAHO LIMITED LIABILITY COMPANY**

<u>POSITION</u>	<u>NAME OF MEMBER</u>	<u>SIGNATURE OF MEMBER</u>
Manager	Little Creek, LLC	
Member	Croy Creek Ranch Limited Partnership	

State of IDAHO

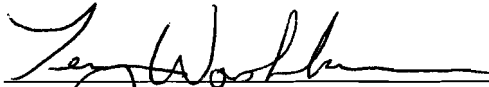
ss.

County of BLAINE

On this 25th day of March, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared KENT S. MCATEE

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be GENERAL PARTNER of the Partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

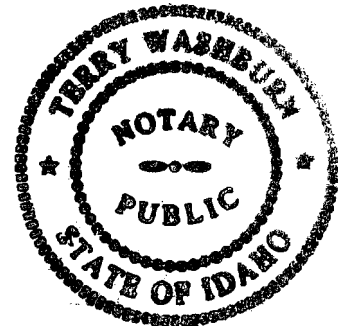
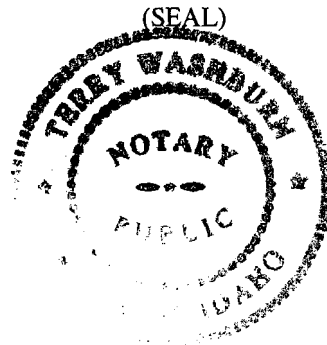
WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public Terry Washburn

Residing at: Carey, Idaho

Commission Expires: June 08, 2007



State of IDAHO

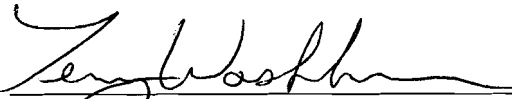
SS.

County of BLAINE

On this 25th day of March, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared DAVID J. ALEXANDER

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the MANAGING MEMBER of the Limited Liability Company that executed the instrument and the foregoing instrument was signed on behalf of said company by authority of consent of its members and acknowledged to me that he executed the same.

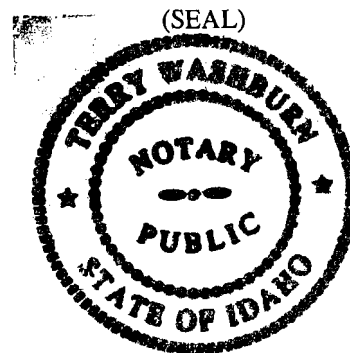
WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public **Terry Washburn**

Residing at: **Carey, Idaho**

Commission Expires: **June 08, 2007**



09/24/2008

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

RIGHT NUMBER: 37-21285

NAME AND ADDRESS: CROY CREEK PROPERTIES LLC
PO BOX 1330
HAILEY ID 83333

SOURCE: BULLION CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.940 CFS

Storage capacity 5.2 AF.

The rights listed below are limited to a total combined diversion rate of 1.94 cfs. Combined Right Nos.: 37-21285 and 37-22067

PRIORITY DATE: 07/02/1964

POINT OF
DIVERSION:

T02N R17E S25 NESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	03/15 11/30	1.940 CFS
IRRIGATION STORAGE	01/01 12/31	5.20 AFY
IRRIGATION FROM STORAGE	04/15 10/31	40.00 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T02N R17E S25	SESW	T02N R17E S25	SWSE
---------------	------	---------------	------

IRRIGATION FROM STORAGE in BLAINE County

T02N R17E S25	SESW	7.20	T02N R17E S25	NWSE	0.80
T02N R17E S25	SWSE	24.00	T02N R17E S36	NWNE	5.70
T02N R17E S36	NENW	17.00			

54.7 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

03/21/2008

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

RIGHT NUMBER: 37-21285

NAME AND ADDRESS: CROY CREEK PROPERTIES LLC
PO BOX 1330
HAILEY ID 83333

K/KC

SOURCE: BULLION CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.940 CFS

Storage capacity 5.2 AF.

The rights listed below are limited to a total combined diversion rate of 1.94 cfs. Combined Right Nos.: 37-21285 and 37-22067

PRIORITY DATE: 07/02/1964

POINT OF
DIVERSION:

T02N R17E S25 NESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	03/15 11/30	1.940 CFS
IRRIGATION STORAGE	01/01 12/31	5.20 APY
IRRIGATION FROM STORAGE	04/15 10/31	20.80 APY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T02N R17E S25	SESW	T02N R17E S25	SWSE
---------------	------	---------------	------

IRRIGATION FROM STORAGE in BLAINE County

T02N R17E S25	SESW	7.20	T02N R17E S25	NWSE	0.80
T02N R17E S25	SWSE	24.00	T02N R17E S36	NWNE	5.70
T02N R17E S36	NENW	17.00			

54.7 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

CERTIFICATE OF SERVICE

I certify that on _____ 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Ed Lawson
P.O. Box 3310
Ketchum, ID 83340

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

**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

) Subcase No.: 37-21285

) (Formerly Disallowed)

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

Croy Creek Properties LLC

Ed Lawson Date
Attorney for Croy Creek Properties LLC

IDWR CONCURRENCE:

Kelly K. Christensen 7-3-08

Kelly Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22067 V1

WATER RIGHT NUMBER: 37-22067 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WYATT V MC ATEE PO BOX 744 HAILEY, ID 83333 (208)788-2229
Original Owner	KENT S MC ATEE PO BOX 744 HAILEY, ID 83333-0744 (208)788-2229
Current Owner	CROY CREEK PROPERTIES LLC PO BOX 1330 HAILEY, ID 83333 (208)788-9300

*overlap
Right*

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BULLION CREEK	CROY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.940 CFS	
	<u>Total Diversion:</u>	1.940 CFS	

Location of Point(s) of Diversion

BULLION CREEK	NE1/4SE1/4SW1/4	Sec. 25, Twp 02N, 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	
02N	17E	25											9.0	17.0			.8	24.0	50.8
02N	17E	26																2.3	2.3
02N	17E	35	40.0			40.0													80.0
02N	17E	36		19.0	7.8		40.0	40.0	40.0	40.0									186.8

Total Acres: 319.9

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22067 V1

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 319.9 acres in a single irrigation season. Combined Right Nos.: 37-22065, 37-22067, 37-22069, and 37-7319.
2. This right is a split from former right 37-254 .
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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.

Remarks:

Comments:

Water Supply Bank:

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, August 27, 2008 9:21 AM
To: Bromley, Chris
Cc: Jones, Doug
Subject: 27-21285 Croy Creek Properties settlement

Attachments: img-827080320.pdf

Brockway now wants the fill/refill to reflect 10 refill cycles over the irrigation season. With a 5.2 acre ft pond he wants a 52 af/yr total volume.

His calculations are based upon a 40HP pump system currently installed. The original system was an open ditch to the POU and flood irrigation.

Bullion Creek was not identified as a separate stream and therefore will likely be regulated by the watermaster once things are settled and with a 1964 priority date probably will be shut off most of the irrigation season. In recognizing such an operation with 10 refills would be tantamount to recognizing that this right is normally valid through out the irrigation season.

I wasn't thrilled at recognizing 4 refills per year but felt that ultimately this system would be controlled by the watermaster. I am not really interested in going with the 10 fills per year but I don't know what the formal department position should be.



img-827080320.pdf
(74 KB)

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 25 2008

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 22 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 15, 2008

Mr. Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: 37-21285 recommendation and SF-5

Dear Kelly:

The claimant of the above-referenced water right, Croy Creek Properties, received a proposed SF-5 for this formerly disallowed water right. As we discussed on the telephone, the recommendation is acceptable except for the "Irrigation From Storage" component, which is recommended to be 20.8 acre-feet per year. With a pond storage volume of 5.2 acre-feet, this equates to four drawdown-refill cycles per year, which is significantly less than the historic practice according to the previous owner, Kent McAtee:

The pump from the pond is a 40HP centrifugal unit. It is a Cornell pump but has no pump plate so the model is unknown. A flow meter is located on the discharge line and according to my conversations with Mr. McAtee, this pump historically operated 3 to 4 hand lines at 200 gpm each. 600 gpm is a typical flow, and 800 gpm is a maximum flow. Although no pump performance curve is available, a theoretical calculation assuming 40HP, 70% efficiency, and 60 psi operating pressure yields 1.78 cfs or 800 gpm, so Mr. McAtee's assertion is reasonable. Mr. McAtee also states that the pond does not draw down until approximately the second alfalfa cutting near July 15 when the Bullion Creek discharge has decreased to a level less than the typical pump discharge. From this point forward, a drain-refill cycle begins. Low flow in Bullion Creek is variable from year-to-year and has not been systematically measured; however a weir was installed at the diversion point during approximately 2004 through 2006. Observed low flow was typically 1.3 cfs.

Assuming the pump delivers an average of 700 gpm or 1.56 cfs and the average diversion to the pond is 1.3 cfs, the pond would empty in 10 days. The pump would then shut off and the pond would refill in 2 days, making the drawdown-refill cycle equal to 12 days. Assuming this is the typical operation from 7/15 to 10/31 (109 days), there would be 9 or 10 refill cycles over the season rather than 4, making the irrigation from storage equal to $10 \times 5.2 = 52.0$ acre-feet per year. This does not represent any "new" diversion not already authorized under the

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

associated natural flow right 37-22067, but is simply meant to accurately reflect the historic practice of the pond for irrigation regulation purposes.

Please consider this letter a formal request on behalf of Croy Creek Properties to modify the SRBA recommendation and SF-5 stipulation to reflect 52.0 acre-feet per year for the "Irrigation From Storage" component. If this change is made, the claimant will be able to sign the SF-5.

Cordially,

A handwritten signature in black ink, appearing to read "Ch Brockway".

Charles G. Brockway, P.E.

Cc: David Alexander, Croy Creek Properties
Kirsten Dutcher, Lawson & Laski
Ed Lawson, Lawson & Laski

Christensen, Kelly

To: Kelly, Vicki
Subject: FW: 27-21285 Croy Creek Properties settlement
Attachments: 37-21285 CROY CREEK PROPERTIES dir rpt.doc

I was digging through my stuff and looked at this one. I am assuming that you mailed them a sf-5 for signature and that they have not responded right???

kelly

From: Christensen, Kelly
Sent: Friday, March 21, 2008 1:45 PM
To: Kelly, Vicki
Subject: FW: 27-21285 Croy Creek Properties settlement

Here is the corrected dir report.
kkc



37-21285 CROY
REEK PROPERTIES.

From: Bromley, Chris
Sent: Friday, March 21, 2008 1:28 PM
To: Christensen, Kelly; Kelly, Vicki
Subject: RE: 27-21285 Croy Creek Properties settlement

Kelly,

I agree that there ought to be a diversion rate limitation since there are multiple fills.

Chris

From: Christensen, Kelly
Sent: Friday, March 21, 2008 12:02 PM
To: Kelly, Vicki; Bromley, Chris
Subject: 27-21285 Croy Creek Properties settlement

Attached is a director's report recommendation for this right. Originally it was recommended for disallowal but ultimately evidence of priority was submitted and a recommendation made, therefore no strike out underline entries. ((Correct Vicki??))

Chris the recommendation recognizes 4 fillings and emptying of the reservoir throughout the irrigation season. The diversion rate recognizes the recommended rate for 37-22067 which represents the Croy Creek properties portion of the decreed right 37-254. I did not include a diversion rate limit although I maybe I should have. Do you have any additional thoughts?

<< File: 37-21285 CROY CREEK PROPERTIES dir rpt.doc >>

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

[Return to SRBA Home Page](#)

HTML12

[Return to SRBA Home Page](#)

03/21/2008

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

RIGHT NUMBER: 37-21285

NAME AND ADDRESS: CROY CREEK PROPERTIES LLC
PO BOX 1330
HAILEY ID 83333

VERIFIED BY KKC
3-21-08

SOURCE: BULLION CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.94 CFS

Storage capacity 5.2 AF.

The rights listed below are limited to a total combined diversion rate of 1.94 cfs. Combined Right Nos.: 37-21285 and 37-22067

PRIORITY DATE: 07/02/1964

POINT OF DIVERSION:

T02N R17E S25 NESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	03/15 11/30	1.940 CFS
IRRIGATION STORAGE	01/01 12/31	5.20 AFY
IRRIGATION FROM STORAGE	04/15 10/31	20.80 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T02N R17E S25	SESW	T02N R17E S25	SWSE
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IRRIGATION FROM STORAGE in BLAINE County

T02N R17E S25	SESW	7.20	T02N R17E S25	NWSE	0.80
T02N R17E S25	SWSE	24.00	T02N R17E S36	NWNE	5.70
T02N R17E S36	NENW	17.00			

54.7 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

Christensen, Kelly

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Sent: Friday, March 21, 2008 1:28 PM
To: Christensen, Kelly; Kelly, Vicki
Subject: RE: 27-21285 Croy Creek Properties settlement

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Chris

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To: Kelly, Vicki; Bromley, Chris
Subject: 27-21285 Croy Creek Properties settlement

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Chris the recommendation recognizes 4 fillings and emptying of the reservoir throughout the irrigation season. The diversion rate recognizes the recommended rate for 37-22067 which represents the Croy Creek properties portion of the decreed right 37-254. I did not include a diversion rate limit although I maybe I should have. Do you have any additional thoughts?

<< File: 37-21285 CROY CREEK PROPERTIES dir rpt.doc >>

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, March 10, 2008 2:45 PM
To: 'Charles G. Brockway'
Subject: RE: 37-21285 Croy Creek

Thanks, It makes it a little easier to understand. So the inlet side elbows down to the bottom of the reservoir.

Kelly

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Monday, March 10, 2008 2:41 PM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

The 10 feet came from my initial swag for the claim: 1.0 ac x 10 ft average depth (not max depth).

Right now, the outlet pipe and the pump attached to it sit right at the downstream toe of the embankment. Historically, I don't know for sure, but the '64 aerial looks like it goes right into a ditch at the toe of the embankment.

There is no spillway in the reservoir – there is a check and culvert in Bullion Creek and the water level "rides" on the level in the creek.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Monday, March 10, 2008 2:30 PM
To: Charles G. Brockway
Subject: RE: 37-21285 Croy Creek

I was a little surprised when you switched to the 12' depth calculation. Before I was understanding that the maximum depth was 10 ft. How far is the end of the discharge pipe outlet from the reservoir? Is the spillway at the southwest corner of the reservoir?

I let Corey know what you said and he thought that if it was convenient that he probably would just do a drive-by sometime this summer just to check it out.

Kelly

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Monday, March 10, 2008 10:17 AM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

6/18/2008

Kelly,

See my e-mail below from 2/1/08. The vertical distance from the maximum water surface to the lowest downstream toe is 9 feet, so the reservoir should not be jurisdictional. The depth is 12 feet, which means they excavated below natural grade. This is reflected in my longitudinal cross-section.

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]

Sent: Monday, March 10, 2008 10:00 AM

To: Charles G. Brockway

Subject: RE: 37-21285 Croy Creek

You indicated that you calculated the depth to be 12'. Dam safety regulations for dams to be regulated break at a dam height of 10 ft. Based upon this information I have let Corey know that this reservoir may have to be regulated.

Lacking any other information I am going to go with your latest calculations and make the recommendation based upon the 5.2 af. I have one project before this one right now but I hope that I can get to this one this week.

Kelly

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]

Sent: Monday, March 10, 2008 9:20 AM

To: Christensen, Kelly

Subject: RE: 37-21285 Croy Creek

Kelly,

See the attached calculations regarding the reservoir volume. I tried to bring some actual quantitative analysis to bear using the data available: I have Galena Engineering's elevation survey and topo map, including the embankment etc., and survey of the water surface boundary. I also have Kent McAtee's statement that the water is 12 feet deep, which is probably the maximum depth near the embankment. The minimum depth near the north end appears to be about 2 feet (visual observation). I assumed the bottom slopes approximately linearly from north to south. With these assumptions, I created a longitudinal cross-section through the reservoir and a contour map of the estimated reservoir bottom elevation. This allowed me to calculate the total volume of the reservoir at the maximum water surface elevation by summing the volume between each contour.

It comes out to 5.2 acre-feet, which is about in line with your guesstimate of 50% of the 10 ac-ft claimed.

I think it's fair to include all of this as irrigation storage, because the outlet is at the downstream toe of the embankment and I believe draws from the bottom of the reservoir.

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]

6/18/2008

Sent: Wednesday, February 06, 2008 5:01 PM
To: Charles G. Brockway
Subject: RE: 37-21285 Croy Creek

Attached are the shapes for the pou and then another one for the pond regarding the water depth.

kkc

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, February 06, 2008 10:22 AM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

Kelly,
Can you send me a draft of your shape?

I think you're right that the north part is shallower than the south. Kent McAtee told me the depth near the embankment is 12 feet, which means they dug below natural grade at this point. Near the north end, I imagine it's maybe 3 to 5 feet deep and it probably tapers to very shallow at the extreme north, but I have no measurements of this. The surface area when full is 0.99 acres. I figured an average depth of 10 feet but this is most likely an overestimate.

Chuck

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Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Monday, February 04, 2008 12:01 PM
To: Charles G. Brockway
Subject: RE: 37-21285 Croy Creek

Using the information you supplied, I came up with a 55 acre shape that I feel fairly well represents the gravity irrigated POU excluding any of the ground irrigated by Alf's).

Do you have figures concerning the pond volume? in looking at the available aerial photos it appears that the north 1/2 is a lot shallower than the south 1/2. I find it hard to go with 10 ac ft storage.

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Friday, February 01, 2008 5:24 PM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

Kelly,

1. The 1964 aerial which was submitted in support of the claim clearly shows the ditch. I am attaching this photo in case you don't have it. I pulled out the actual 24x24 photo again since it shows more detail. The ditch crosses Croy Creek Road just west of the intersection with Rock Creek Road (the north-south road), then runs westward along the south side of Croy Creek Road to the "A" in the word ROAD on the map,

then southwesterly to Croy Creek. The photo also shows the ditch splitting just east of the intersection, and it appears to have crossed Croy Creek road at that point watered the land east of Rock Creek Road as well.

2. The lowest toe of the dam is elevation 5546 feet. The top of dam is elevation 5556 feet +/-0.5 feet. The maximum water surface is elevation 5555 feet, assuming 1 foot of freeboard below the top of dam. These elevations come from the Galena Engineering survey of the property and are shown on the 2-foot contour map which you should have.

Please call me to discuss.

Chuck

Charles G. Brockway, Ph.D., P.E.

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2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]

Sent: Friday, February 01, 2008 2:30 PM

To: Charles G. Brockway

Subject: 37-21285 Croy Creek

I am working on this and have been studying the maps and I am having a problem. Not having done a field verification I don't have personal information as to how things lay out there.

My question is, what is the ditch route from the reservoir to the field. In looking at the 1992 aerial photo I see no evidence that the ditch from the reservoir ever ran west. Where is the culvert that goes under the road?

Alternatively, if it just served the ground east of the north/south road that splits the property then it historically would have covered about 20 acres of ground currently owned by Croy Creek Properties and an additional 17 acres associated with Alfs. I believe we touched on the alfs issue earlier but I am not sure. I haven't pulled the files to check. Anyway, to recognize those 17 acres a transfer would be necessary for Croy Creek Properties to maintain them.

I checked with Corey to see if he had any information about the reservoir and/or the irrigation system. He was not aware of this reservoir. With a surface area of about 1 acre or less and holding 10 ac ft the reservoir would have to have a dam greater than 10 ft (making it jurisdictional), the reservoir walls virtually vertical, or a portion of the reservoir would have to be excavated which would likely create a situation where a portion of the stored volume could not be diverted to irrigation.

Get back with me with your comments. Unfortunately, things do not look as straight forward after looking at the details.

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

6/18/2008



CROY CREEK RANCH
Claim 37-21285
7-2-1964 Photo (CVO-IEE-56)

Legend
 Section Lines
 t02n17e



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, February 06, 2008 4:52 PM
To: 'Charles G. Brockway'
Subject: RE: 37-21285 Croy Creek
Attachments: 37-21285 pond and pou shape.doc

Attached are the shapes for the pou and then another one for the pond regarding the water depth.

kkc

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, February 06, 2008 10:22 AM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

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Sent: Friday, February 01, 2008 5:24 PM
To: Christensen, Kelly
Subject: RE: 37-21285 Croy Creek

2/14/2008

Kelly,

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Get back with me with your comments. Unfortunately, things do not look as straight forward after looking at the details.

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

2/14/2008

Estimated pou boundary

2004 aerial photo



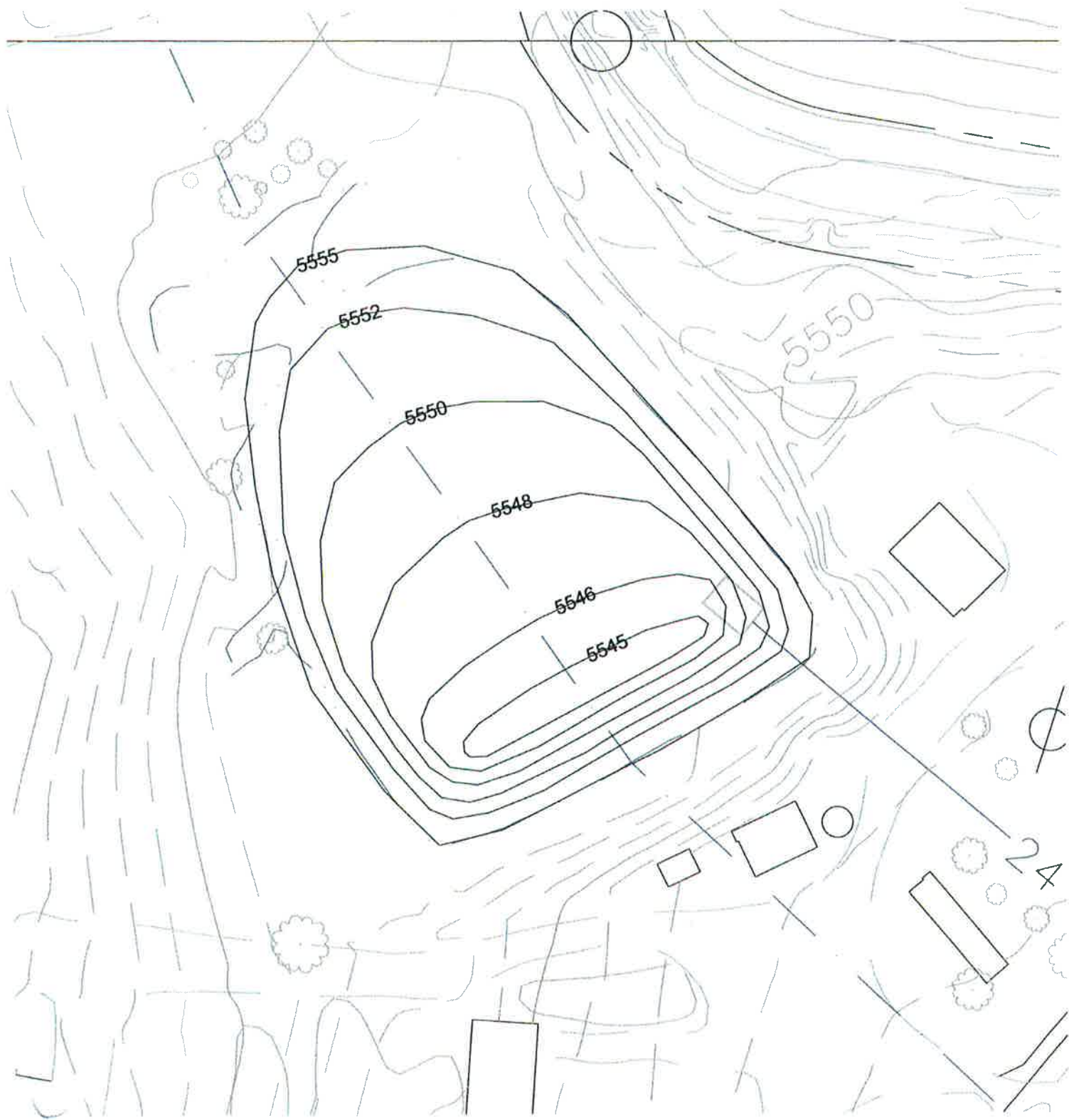
Close up of pond

Inner shape ≈ 0.44 ac

Outer shape ≈ 1.00 ac (it includes the 0.44 acre shape).

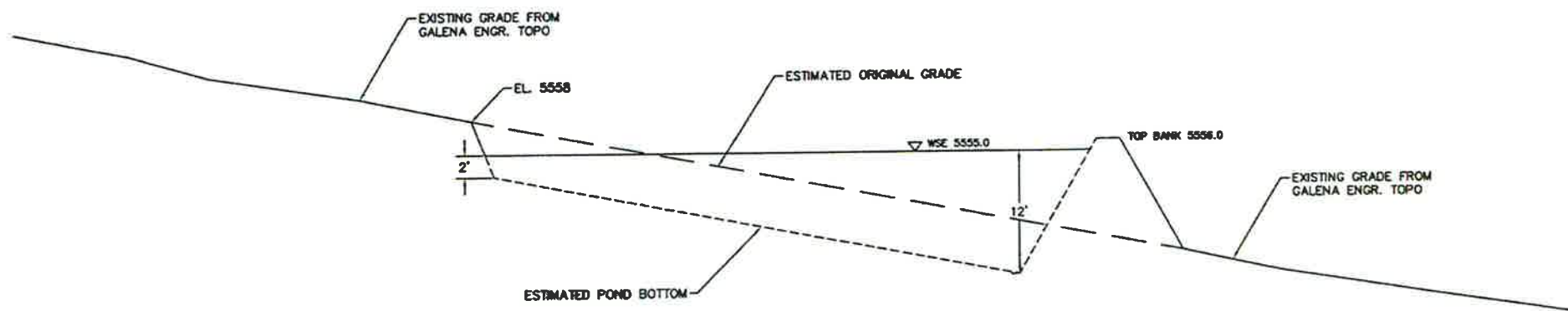
2004 aerial photo





Estimated pond bottom contours

CGB 2/6/08 Prelim.



CROY CREEK RESERVOIR - ESTIMATED TOPOGRAPHY
VERTICAL SCALE EXAGGERATED 5X

Bottom contour areas/volume

06B 2/6/08 Prelim.

<u>Contour</u>	<u>A (ft²)</u>	<u>Volume (ft³) *</u>
5544	0	578
5545	1733	3548
5546	5754	18867
5548	13676	36254
5550	22978	54890
5552	32169	110070
5555	41405	

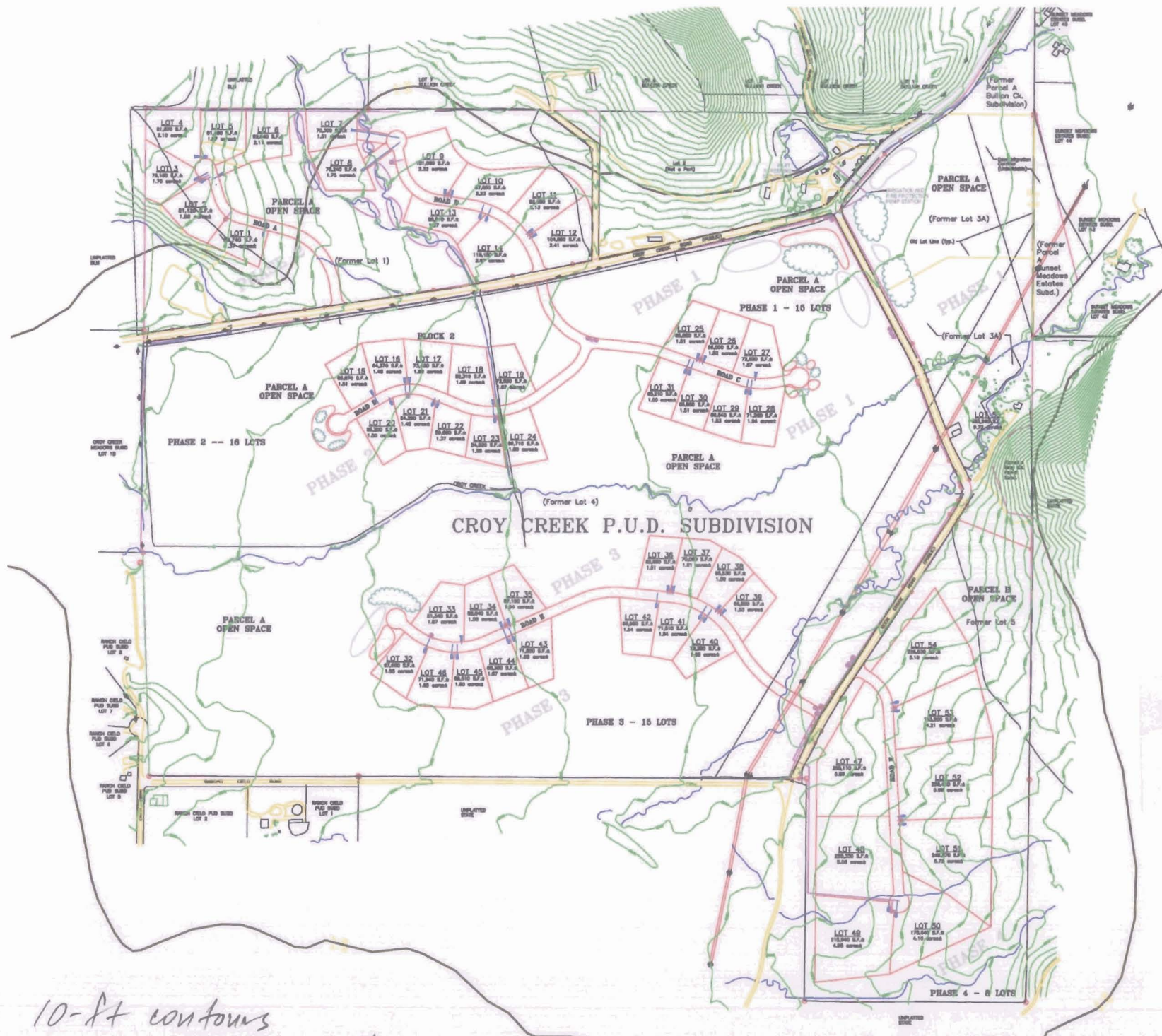
$$\Sigma = 224207 \text{ ft}^3 = 5.15 \text{ ac-ft}$$

$$* V = \frac{1}{3} h (A_1 + A_2 + \sqrt{A_1 A_2})$$

	Proportionate share	acres
Croy Creek Prop	0.971	319.9
Alfs	0.029	9.4

37-253	7	37-254	2	37-255	0.3
Croy Creek		Croy Creek		Croy Creek	
Prop	Alfs	Prop	Alfs	Prop	Alfs
37-22065	37-22066	37-22067	37-22068	37-22069	37-22070
6.80	0.20	1.94	0.06	0.29	0.01

		storage	lrr fm Storage
Historic POU	106	10	2
Croy Creek Prop	96.6	9.1	1.8
Alfs	9.4	0.9	0.2



10-ft contours
 Lot layout is meaningless.

Croy Creek Ranch 2-1/2 contours

Note: Lot layout
is meaningless

... Contour equal to
WSE in reservoir

SCANNED
APR 17 2007



Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

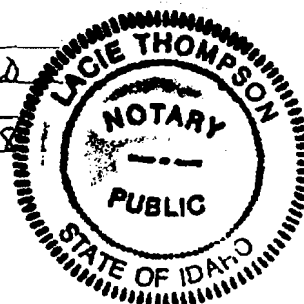
QUITCLAIM DEED

Index to: WTCRC.ORG/DEED

INSTRUMENT No.

By: Kent S. McAtee, Grantor

Paul Thompson
NOTARY PUBLIC for Idaho
Residing at Ketchum, ID
Commission expires 11/1/2008



Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

QUITCLAIM DEED

HAILEY, BLAINE, IDAHO
2005-08-24 02:51:00 No. of Pages: 2
Recorded for : BLAINE COUNTY TITLE
MARSHA RIEMANN Fee: 5.00
Ex-Officio Recorder Deputy
Index to: WTYQC/CORP DEED

FOR VALUE RECEIVED, Kent S. McAtee and Mary Gladys McAtee, as general partners in the Croy Creek Ranch Limited Partnership (collectively Grantors), do hereby convey, release, remise and forever quit claim unto Edward A. Van Eenenaam, a.k.a. Ed Van (Grantee), an unmarried man, all right, title and interest in and to any water rights including, but are not necessarily limited to, any portion of approximately 9.53 irrigable acres for portions of water rights 37-00253, 37-00254 and 37-00255 appurtenant to the following real property:

Lot 3B, Block 1, Croy Creek Ranch Subdivision, according to the official plat of record of Blaine County, State of Idaho.

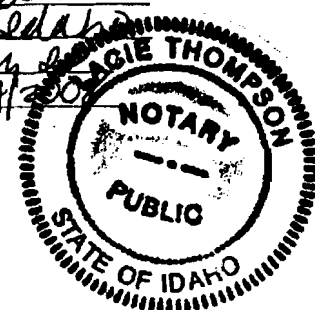
DATED this 11 day of July, 2005.

By: Kent S. McAtee
By: Kent S. McAtee, Grantor

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 11th day of July, 2005, before me, a Notary Public in and for said State, personally appeared Kent S. McAtee, as a General Partner in the Croy Creek Ranch Limited Partnership Grantor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Lee Thompson
NOTARY PUBLIC for Edna
Residing at Kitchum, Oregon
Commission expires 1/14/2008



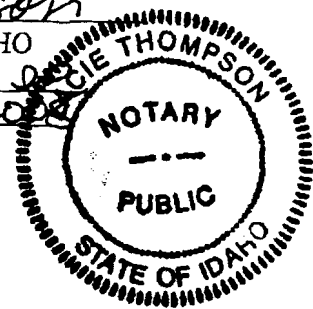
By: Mary Gladys McAtee
Mary Gladys McAtee, Grantor

STATE OF IDAHO)
) ss.
County of Blaine.)

On this 11th day of July, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared Mary Gladys McAtee, as a General Partner for Croy Creek Ranch Limited Partnership, Grantor, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that she executed the same.

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

Laurie Thompson
NOTARY PUBLIC FOR IDAHO
Residing at: Ketchum, Idaho
Commission expires: 1/14/2008





Instrument # 528859
HAILEY, BLAINE, IDAHO
2005-09-30 02:48:00 No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
MARSHA RIEBMAN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTYW/CORP DEED

DKS

WARRANTY DEED

FOR VALUE RECEIVED

Ed Van aka Edward A. Van Eenenaam, an unmarried man

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Pioneer Exchange Accommodation Titleholder #90, LLC, an Idaho Limited Liability Company

GRANTEE(S), whose current address is: 703 Americana, Ste. 120, Boise, ID 83702

the following described premises, to wit:

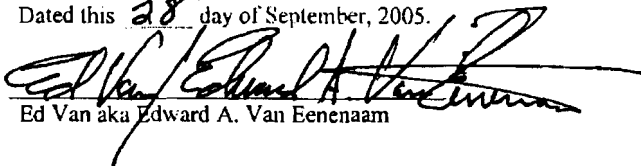
Lot 3B of A REPLAT OF LOT 3, BLOCK 1, CROY CREEK RANCH SUBDIVISION,
according to the official plat thereof, recorded September 21, 1995, as Instrument No. 382432,
records of Blaine County, Idaho.

And as replacement property in an I.R.C. 1031 Tax Deferred Exchange

Parcel Number: 00119000003BA

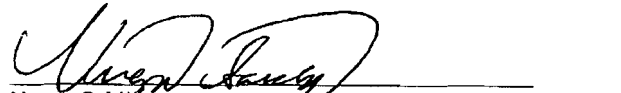
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with
the said Grantee, that it is the owner in fee simple of said premises, that said premises are free
from all encumbrances and that he will warrant and defend the same from all lawful claims
whatsoever.

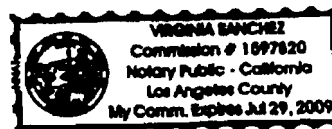
Dated this 28th day of September, 2005.


Ed Van aka Edward A. Van Eenenaam

STATE OF California)
) ss.
COUNTY OF Los Angeles)

On this 28th day of September, 2005, before me, the undersigned, a Notary Public, in and
for said State, personally appeared Ed Van known to me, and/or identified to me on the basis of
satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public
Residing at: 2527 Pacific Avenue, Long Beach, CA 90806
My commission expires: 07/29/2009



Recording Requested By and
When Recorded Return to:

DONNA S. ALFS
PO Box 850
Ketchum, ID 83340

Instrument # 539008

HAILEY, BLAINE, IDAHO

2006-08-28 02:10:00 No. of Pages: 2

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQCCORP DEED



SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 16th day of March, 2006, is between **PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #90, LLC**, an Idaho limited liability company ("**Grantor**"), and **DONNA S. ALFS, A SINGLE WOMAN** ("**Grantee**"), whose legal address is: PO Box 850, Ketchum, ID 83340.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Valley, State of Idaho, more particularly described as follows:

Lot 3B A REPLAT OF LOT 3, BLOCK 1, CROY CREEK RANCH SUBDIVISION, according to the official plat thereof, recorded September 21, 1995, as Instrument No. 382432, records of Blaine County, Idaho

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "**Property**").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of September 30, 2005 .

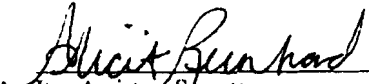
The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #90, LLC,
an Idaho limited liability company

By: Pioneer 1031 Company, Member

By:


Its: Assistant Secretary

STATE OF IDAHO

)

) ss.

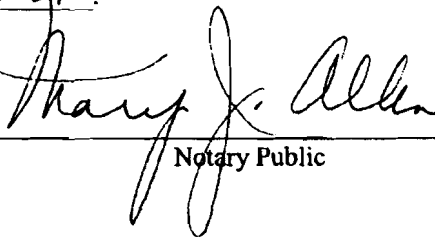
COUNTY OF ADA

)

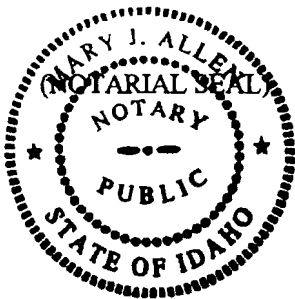
The foregoing instrument was acknowledged before me this 16th day of March, 2006, by Alicia Reinhard, as Assistant Secretary of Pioneer 1031 Company, an Idaho corporation, Member of Pioneer Exchange Accommodation Titleholder #90, LLC, an Idaho limited liability company.

WITNESS my hand and official seal.

My commission expires: 10-30-09.



Notary Public



NOTICE OF ERROR REPLY

Water rights: 37-21285

Claimant: Croy Creek Ranch Limited Partnership
P.O. Box 744
Hailey, ID 83333

RECEIVED
JAN 11 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Prepared by Brockway Engineering, PLLC

1. Describe the portion of the proposed recommendations with which you disagree (e.g. priority date, period of use, source):

All

2. Describe the changes you wish to make in the proposed recommendation:

Revoke disallowal and recommend.

3. Give a brief explanation as to why you disagree with these portions:

This beneficial use claim covers irrigation storage in a reservoir that has been in place and in use since the late 1950s or early 1960s. The reservoir is shown in the 1964 FSA aerial photo (excerpt attached), but not in the 1957 photo.

DATE: 1-3-07

SIGNATURE: Kent S. McAtee

PRINTED NAME: Kent S. McAtee

COANNED

JAN 09 2007

Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

OUTCLAIM DEED

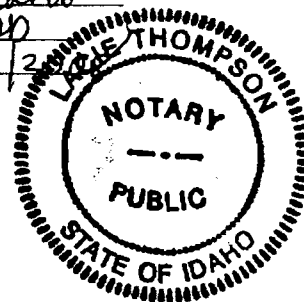
2005-08-24 02:49:00 No. of Pages: 1
Recorded for : BLAINE COUNTY TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy _____
Index to: WTY/OC/CORP DEED

FOR VALUE RECEIVED, Philip Vincent McAtee (Grantor), does hereby convey, release, remise and forever quit claim unto Edward A. Van Eenenaam, a.k.a. Ed Van (Grantee), an unmarried man, all right, title and interest in and to any water rights including, but are not necessarily limited to, any portion of approximately 9.53 irrigable acres for portions of water rights 37 00253, 37-00254 and 37-00255 appurtenant to the following real property:

DATED this 11 day of July, 2005.

STATE OF IDAHO,)
) ss.
County of Blaine.)

Lauri Thompson
NOTARY PUBLIC for Idaho
Residing at Ketchum, ID
Commission expires 11/14/2025



OUTCLAIM DEED

NOTICE OF ERROR REPLY

Water rights: 37-21285

Claimant: Croy Creek Ranch Limited Partnership
P.O. Box 744
Hailey, ID 83333

RECEIVED
JAN 11 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Prepared by Brockway Engineering, PLLC

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DATE: 1-3-07

SIGNATURE: Kent S. McAtee

PRINTED NAME: Kent S. McAtee

SCANNED
JAN 09 2007

SCANNED
JAN 11 2007

NOTICE OF ERROR REPLY

Water rights: 37-21285

Claimant: Croy Creek Ranch Limited Partnership
P.O. Box 744
Hailey, ID 83333

RECEIVED
JAN 11 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Prepared by Brockway Engineering, PLLC

I talked to Chuck
Brockway Jr. 1-12-07
about P/u. He thought
that he had a share
for the historic in P/u.
would get back to
me. KKC

you disagree (e.g.

lation:

This beneficial use claim covers irrigation storage in a reservoir that has been in
use and in use since the late 1950s or early 1960s. The reservoir is shown in the

Change of Ownership Pending
1-17-07 Haemmerle notified
~~Don't know~~
See enclosed excel
spread sheet Split
analysis.

Tee

COANNED

JAN 09 2007

12/18/2006

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

RIGHT NUMBER: 37-21285
NAME AND ADDRESS: CROY CREEK RANCH LIMITED PARTNERSHIP
PO BOX 744
HAILEY ID 83333

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

No lawful appropriation shown.

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

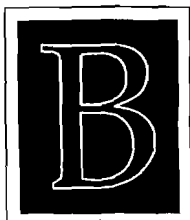
No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

37-21285 SRB/H - Review

M. Arlen

12/14/06 - No evidence of priority submitted.

12/18/06 - Claim disallowed



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
MAR 29 2004
Department of Water Resources
Southern Region

March 26, 2004

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

Re: Water rights – Croy Creek Ranch Limited Partnership
Project No. 553-01-2002

Dear Allen:

Enclosed are four (4) water right transfer applications and one (1) SRBA claim for Croy Creek Ranch Limited Partnership. The applicant seeks to consolidate all water rights on the ranch into a permissible place of use. Water rights include surface water from Croy Creek (37-253), Bullion Creek (37-254), and West Fork Rock Creek aka Little Rock Creek (37-255); and groundwater from two wells on the ranch (37-7319). The transfer for 37-7319 would also add a third point of diversion to allow another well to be drilled if necessary.

The SRBA claim describes a right established by beneficial use of an existing irrigation storage reservoir near the ranch house. This reservoir has been in place since the 1950s. I am currently working on compiling aerial photo evidence and affidavits to justify the priority date on this right.

The attached consent form confirms that Kent McAtee is the general partner of Croy Creek Ranch Limited Partnership and is authorized to sign on behalf of the company.

CHARLES E.
BROCKWAY,
PH.D., P.E.

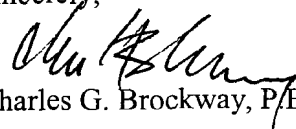
CHARLES G.
BROCKWAY,
PH.D., P.E.

Enclosed is a check for \$1080, representing the following amounts:

37-253	7.0 cfs	\$490
37-254	2.0 cfs	\$290
37-255	0.3 cfs	\$250
SRBA claim		\$50

No variable fee was included for the claim since all acres have been claimed under 37-253, 37-254, and 37-255. Thank you and please call if you have any questions.

Sincerely,


Charles G. Brockway, P.E.

cc: Kent McAtee
Dave Alexander

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506