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HOGUE, SPECK & AANESTAD

OCT 29 1993

A PROFESSIONAL ASSOCIATION

ATTORNEYS

Department of Water Resources

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October 27, 1993

Mr. Loren Holmes
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Applications for Permits Nos. 37-08819 (Friedly),
37-08820 (Thornton), 37-08821 (Blaine County
School District) and 37-08587 (Sturtevant)

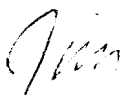
Dear Loren:

Enclosed you will find copies of the October 25, 1993 letter to me from the Big Wood Canal Company stating its protests will be released provided the mitigation plan is strictly followed. Since this was the only protest to each of these Applications, will you now complete the regional processing of these Applications and have them forwarded to the Boise office for final processing as soon as possible. Please call me if you have any questions concerning this request.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/v1

Enclosures

cc: Mr. Richard M. Oneida/Big Wood Canal Company
Mr. Larry Lloyd (with enclosure)
Mr. Keith Friedly (with enclosure)
Mr. Rod Thornton (with enclosure)
Mr. Gregg Sturtevant (with enclosure)
Gary D. Slette, Esq. (with enclosures)
Mr. Ed Dumke, Jr. (with enclosures)

MEMORANDUM

DATE: 28-Oct-1993

FROM: Loren Holmes *LH*

TO: Files; Transfer 4205, Apps for permit 37-8587, 8270, 8819,
8821

SUBJECT: Final region review of files

SRBA claim A37-12818, which is a previously unrecorded split of 37-00577, is proposed to be used as the basis for mitigation plans enabling approval of the applications for permit. A .11 cfs portion of the right is proposed for transfer under transfer 4205.

The following is a summary of the proposed changes in acres and amounts of water:

Application	Acres	Q	Acres remaining	Q remaining
T4205	4	.11	99	2.61
37-08587	3	.079	96	2.531
37-08220	1	.026	95	2.505
37-08819	1	.026	94	2.479
37-08821	40	.80	54	1.679

Approval of these applications will result in an untransferred remainder of A37-12818 of 1.679 cfs appurtenant to an unspecified 54 acres of the claimed place of use.

The claim has been completely reviewed by SRBA staff according to the standards set for review of claims. A claim verification report (CVR) has been completed and the claim has been recommended for disallowal based on a finding of 5 years non-use. Pertinent parts of the CVR and the reviewing agent's analysis are attached.

If water under claim A37-12818 has historically been turned into the canal, then execution of the mitigation plans will result in an actual contribution of water to the river.

If water has not been turned into the canal, then the river flows have actually been augmented by this water for some time. The mitigation plans will contribute no additional water to the river and exercise of the groundwater permits will further stress the existing conditions.

A study of historic daily flows in the Hiawatha canal documented in "Water distribution and Hydrometric Work in Water District 37" reports covering the 1970's to the present may shed some light on whether the water was turned into the canal. The region does not have a complete set of these records.

With respect to Transfer 4205, the file supports a recommendation of denial because water has not been beneficially used on the place of use of the water right. On the other hand, if this right has been delivered by the watermaster at the Hiawatha headgate, and this is sufficient to prevent a forfeiture, the transfer can be granted.

Of course, the court may uphold the disallowal of the claim which would render this set of applications impossible. It may be necessary to hold the whole matter in abeyance until the SRBA court rules on the claim.

4

3

R18E

CLAIM 437-12818 INIT _____

T. R. S. Q/Q _____

P/D _____

PHOTO ASCS _____

DT.&ID. C. 1987 _____

Dredge
-34
-324

10

T
2
N

32

107

2

32

74

3

93

10 11

15 14

1988
NAPP

CLAIM A37-12818 INIT SC

T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE

DT.&ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY Ditches to this
POU SHOW NO EVIDENCE OF
CARRYING WATER. POU LOOKS
UNIRRIGATED IN THIS PHOTO.

A37-12818

Comparison of Evidences & Review

10-15-93
STEVE CLELAND

2
(ABANDONED) 1974 X74
OPQ irrigation not shown
1980 Plats filed to Subdivide w/ County.
1984 Landsat does not support irrigation uses
1985 W. Master bills for Water.
(FORGOTTEN) 1986 W. Master Bills for Water.
① 1987 No Billing. Napp shows Non-irrigation
② 1988 No Billing. Napp shows Non-irrigation
③ 1989 No Billing.
④ 1990 Billed. 6-11 Field Exam No irrigation, No System
⑤ 1991 Billed.
⑥ 1992 Billed.
1993 9-30 Field Exam - No irrigation, system reditched.
5-14 Field Exam (by Mel Schulte)
no irrigation - No Delivery System.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

1991 July - claims to irrigate SENE S.10 for Cattle Grazing.
Aug - claims to irrigate North of Quigley Road
for Cattle Grazing.

(replaces an earlier sworn Statement.)

No system for irrigation existed in 1990 or in 1993
to irrigate the lands in SENE. They looked the same
on both exams - unirrigated and prepared for Subd.

No cattle were grazed here either; no fences
during either exam and no cattle ~~monitored~~
i.e. manure, Tracks, grazed off crops. OCT 27 1994

P. 2 of 5

A37-12818 review

In discussing the irrigation possibilities for lands north of Quigley road, Mel Schulte and I compared what we had viewed on previous exams and we concluded; No irrigation system for delivery existed until our last exam in 9-30-93. At that time new ditches had been dug or cleaned. No evidence of Cattle grazing had occurred. The area was not completely fenced off from Residential areas and the signs of cattle were absent.

The crop/vegetation found growing on 9-30-93 was a mixture of local weeds, some sagebrush has started to reclaim the land, and a volunteer alfalfa crop was found. Not uncommon for alfalfa to remain growing like that due to the deep root system & gravelly soils.

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

He moved to property adjacent to A37-12812 pou.
Since then has irrigated the parcel
horses.

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See the listing on page one of this review.
Property may have been irrigated in part
during 1983 as claimed. It is possible
Landsat reports list a partial irrigation
in 1984, but from 1987 onward to present
no evidence supports this affiant's claims.
Again, the place is not fenced nor are there
signs of grazing by horses or cattle in
this field.

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85 Says he farmed & irrigated the property
North of Augley Road. also pastured
Horses there.

Evidence supports some possible irrigation
on parts of this parcel in Landsat of 1984.
No ~~upper~~ information on 1983 or 1985.

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P. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991

July

1993

Aug

{ same as the first affidavit, except
← change in date on the August
entry from 1993 to 1991. }

Raises the question of the validity of
"sworn statements" by affiant

Summary:

The history of this right is pretty clear and
is supported by the evidence available at this
time of Review.

In 1974 when the downstream rights on
Hiawatha Canal were abandoned, this place became
the last delivery on the ditch. A reduced flow
in the Canal made economical use of this
land and water impractical. (See CVR page 10
for analysis.) Finally, in 1980 the Deerfield
Plats were filed to subdivide this property.
Some partial use occurred around 1983
& 84. By 1987 no use was being made of

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595

437-12818

the water for irrigation and the Water Master never billed for its use until 1990. All the evidence during this time confirms the non-use of water for irrigation on this property.

The Billing of Water Master for these rights doesn't support its use in 1990, 91 or 92.

It has been my experience with water users that they believe merely paying the assessment to the Water Master will insure continued validity of their rights. This belief is reinforced by water masters also. (Dale Mizer mentioned this to me during our conversation of this area and its rights.)

My personal field exam in 1990 on June 11th would have followed 3 years of non use on these lands as indicated by the evidence shown. In Sept 30 1993 when I returned for a followup look at the same property, the conditions and appearance of the property had not changed it remained unirrigated.

Only in 1993 when mitigation uses appear for this right, are any efforts made to develop the irrigation system. But the efforts aren't complete since the right is not wanted for irrigation.

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Recommend: Disallowal by Forfeiture/Abandonment

Steve Caldwell 10-15-93

A37-12818

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10-15-93

STEVE CLELAND

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Recommend: Disallowance by Forfeiture/Abandonment

Steve Caldwell 10-15-93

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

$$\frac{2.79 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$
$$= 1.32 \text{ "/Ac}$$

May need to run a Hubble analysis on this system.

This Field is now the last place on the ditch, a ditch claimed by others upstream and the watermaster to be heavy on conveyance losses.

When the places downstream, Woodside area, were taken out of production in 1974 the flow in the Canal was reduced. Without those additional flows, this rate of 1.32"/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.

See 10-15-93

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OCT 27 1994

Water Right Number - R37-12818

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

*** C - CURRENT OWNER ***
PACESETTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DR
2 -
3 -
City- NEWPORT BEACH
Phone - 714-852-8600

State- CA Zip- 92660

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 ERROR IN REGION I - DISALLOWED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

03N 18E 20 SE SW NW (13) BLAINE HIAWATHA CANAL

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 2.720

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.720 257.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N	18E	9	NE NE	6.0	01	IRRIGATION	(13) BLAINE
02N	18E	10	NW NW	37.0	01	IRRIGATION	(13) BLAINE
02N	18E	10	SW NW	17.0	01	IRRIGATION	(13) BLAINE
02N	18E	10	SE NW	27.0	01	IRRIGATION	(13) BLAINE
02N	18E	10	NE SW	16.0	01	IRRIGATION	(13) BLAINE

Total Acres: 103.0

+ - - Diversion Means - VIA HEADGATE #22 & HIAWATHA CANAL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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1 27 1994

Water right number - R37-12818

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
FORFEITED/ABANDONED.

+ - - - - Old Water Right Numbers - - - - -
3700577

+ - - - - Conditions of Approval - - - - -
P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
S.C. FROST ET AL ALTURUS WATER CO., ET AL 00/00/0000

+ - - - - Comments - - - - -
Date: 10/15/1993 User Id: CLELLAND Subject: RECOMMENDATION/DISALLOWAL
SEE FILE FOR DETAILS OF REVIEW. WATER HAS NOT BEEN USED FOR A PERIOD OF AT LEAST 5 YEARS; 1987-1992.

+ - - Audit Fields - - +
10/15/93 CLELLAND

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/30/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/15/1993	Old Judicial District	-
Claim Received Date	- 02/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

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OCT 27 1994

Water Right Number - R37-12818

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+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***

SPECK

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1 - PO BOX 987

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Twn Rng Sec Tract Lot Rflg County

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Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 9 NE NE 6.0 01 IRRIGATION (13) BLAINE
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| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 09/30/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/15/1993 | Old Judicial District | - |
| Claim Received Date | - 02/03/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - D |
| | | | | Notice of Error Flag | - |

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| | | Old Judicial District | - |
| | | Temporary Right | - P |
| | | Water District | - |
| | | Federal/State Indicator | - S |
| | | Presumption Flag | - D |
| | | Notice of Error Flag | - |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-12818

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | (Y) | Sept. 1993 affidavits to support use claimed | 9-30-93
SC | (Disallowed) | 123456 | SC
10-15-93 | SC
10-15-93 | SC
10-15-93 |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | Y | | | | | | | |
| PLACE OF USE | (Y) | | 6-11-90
SC | | | | | |
| DIV. AMOUNT
CFS/VOLUME | (Y) | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES | (Y) | | SC
6-11-90 | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | (Y) | | | | | | | |
| REMARKS | (Y) | | | (Y) | | | | |

3-31-93
SC

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

See also earlier CVR Version

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A37-12818

00:00:46
06/02/90

LAST: PACESETTER DEVELOPMENT COMPANY
ADDRESS: 4540 CAMPUS DRIVE
CITY: NEWPORT BEACH
PHONE NUMBER: 714-852-8600
FIRST: STATE: CA ZIP: 92660

OWNER CODE: C

LAST: SPECK
ADDRESS: P.O. BOX 987
CITY: KETCHUM
PHONE NUMBER: 208-000-0000
FIRST: JAMES P.
STATE: ID ZIP: 83340

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W.
T. RILEY.

** actual portion of 37-00577 not determined at this time.*

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CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y () N ()

TIME: ____ : ____ A () P ()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

3-31-93 Construction w/ Mrs. Peterson (with mother) indicates change of ownership
has occurred in 9-7-92. No from outwith 9 to 12018
at this time. See

3-31-93 sent brief notice of this right to Glen Saxton this day.
This right was proposed to be part of a mitigation procedure
for right # proposed permit for Blaine Co. School District
I told Glen this right appears to be questionable as to its
validity and use. See

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A. AJ CLAIM: # A37-12818 PRIORITY DATE: 03-24-1883

STAGE: D

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

Water master records indicate Billing & Delivery of this right was unknown.

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A37-12818 | 03N | 18E | 20 | SE | SW | NW | | BLAINE |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX | R PREFIX |
|-------------|-------------|
| A37-00905A | R37-00028A |
| A37-00028 | R37-00028B |
| A37-00297A | R37-00183B |
| A37-00028A | R37-00334E |
| A37-00297B | R37-00334F |
| A37-11704 | R37-00183A |
| A37-11757 | R37-00297B |
| A37-11801 | R37-00297F |
| A37-00906 | R37-00297G |
| A37-10717 | R37-00298C |
| A37-00183A | R37-00298D |
| A37-00298C | R37-00577BQ |
| A37-00334E | R37-00577BX |
| A37-00028B | R37-00905A |
| A37-00297D | R37-00906 |
| A37-00183B | R37-10717 |
| A37-00298D | R37-11801 |
| A37-00334F | R37-12746 |
| A37-12869 | R37-12869 |
| A37-00297G | |
| A37-00297F | |
| A37-00577BX | |
| A37-00577BQ | |
| A37-12746 | |
| A37-00577BS | |

WR RECORDS IN SAME 40 ACRE TRACT

37-00659A
37-00004
37-00024
37-00028
37-00183
37-00191
37-00297
37-00298A
37-00334D
37-00402
37-00451
37-00483
37-00521H
37-00522B

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

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REMARKS:

Consent P.O.D for Heinrich the Consul is Damaged

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | RGE. | SEC. | LOT | COUNTY |
|---|------|------|-----|--------|
| TWP. | 1/4 | 1/4 | | |

20

SOURCE: _____ TRIB: _____
REVIEWED BY: See DATE: 11-15-93

REVIEWED BY: _____

MICROFILMED
OCT 27 1994

A. ROOT WATER RIGHT NUMBERS: A37-12818
R37-12818

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | 1984
LANDSAT
DATA | 6-11-90
FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------------------|-------------------|-----------------|-------------------------|---------------------------|------------------|
| 02N | 18E | 9 | NE | NE | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 6.0 | - | (22.0) | | |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 6.0 | - | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - | | | |
| | | | | | | DAVIS, VERN | | 37-00902A / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| 02N | 18E | 10 | NW | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 37.0 | - | | | |
| | | | | | | QUIGLEY RANCH PARTNERSHIP | A37-02784 / 33.0 | - | | | |
| | | | | | | QUIGLEY RANCH PARTNERSHIP | R37-02784 / 33.0 | - | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 37.0 | - | | | |
| | | | | | | ABBOTT, WILLIAM G. | | 37-00004 / | | | |
| | | | | | | DAVIS, VERN | | 37-00902A / | | | |
| | | | | | | FOX, E. W. | | 37-00905 / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| | | | | | | YOUNG, W. A. | | 37-00923 / | | | |
| | | | | | | FOX, JOHN C. | | 37-02741 / 33.0 | | | |
| 02N | 18E | 10 | SW | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 17.0 | - | | | |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - | | | |
| | | | | | | SMITH, BURR | A37-00577BW / 3.0 | - | | | |
| | | | | | | SMITH, STEPHANIE | A37-12232 / | - | | | |
| | | | | | | HANSELMAN, GALEN L. | A37-12272 / | - | | | |
| | | | | | | SMITH, BURR | R37-00577BW / 3.0 | - | | | |
| | | | | | | SMITH, BURR | R37-12232 / | - | | | |
| | | | | | | HANSELMAN, GALEN L. | R37-12272 / | - | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 17.0 | - | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - | | | |
| | | | | | | ABBOTT, WILLIAM G. | | 37-00004 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-00577AX / | | | |
| | | | | | | CROCKER, G. F. | | 37-00901 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-00902B / | | | |
| | | | | | | FOX, E. W. | | 37-00905 / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| | | | | | | YOUNG, MARTIN | | 37-00921 / | | | |
| | | | | | | YOUNG, W. A. | | 37-00923 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-08006 / 1.0 | | | |
| 02N | 18E | 10 | SE | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 27.0 | - | | | |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 27.0 | - | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - | | | |
| | | | | | | YOUNG, ROBERT | | 37-00922 / | | | |
| 02N | 18E | 10 | NE | SW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 16.0 | - | | | |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 16.0 | - | | | |

Remote Sensing
Acres

1984
LANDSAT
DATA

6-11-90

FIELD
EXAM.

RECOMM.
ACRES

Corresponds
to similar
Residential
area

23.0
Does this
Represent
Natural or
Volunteer growth?

31.0
Doesn't fit
what maps show?

only WT RILEY
PORTION OF WATER
RIGHT SHOWN...

* BASIS OF CLAIM?
FOR 37-00577

30.0
15 acres
shown in orig.
under other ownership
MICROFILMED
OCT 27 1994

17.0
? why

123

NO IRRIGATION
FOUND

CITY OF HAILEY
ABBOTT, WILLIAM G.
CROCKER, G. F.
YOUNG, MARTIN

A37-00296 /

- /
37-00004 /
37-00901 /
37-00921 /

TOTAL ACRES

A37-12818

103.00

123.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
X

remote sensing
data: 1984

Land sat data appears to indicate
most of the lands surrounding the place
in question, may not represent this claim.

PRESUMPTION FLAG:

REMARKS:

No irrigation found at field Exam on 6-11-90. No irrigation system in place either.
Land is being prepared for subdivision.

OPQ X74 dated 7-24-74 shows questionable irrigation uses. Does not appear
to match similar irrigated ground in the area.

NAPP PHOTO X74(SE) #444-60 dated 9-15-88 shows no irrigation and matches the
color & textures of other non irrigated lands in the photo
known to be unirrigated.

RECOMMENDATIONS:

TOTAL ACRES:

X no use found

REVIEWED BY:

see

DATE:

10-15-93

NAPP PHOTO X74(SW) #437-11 dated 6-8-87 lands described again appear unirrigated.

* Use of this right on the lands described, for irrigation purposes, is not
supported by the evidence obtained at this point of the review.
Water was available but does not appear to be used for irrigation on lands claimed.
See 3-31-93

see memo dated
3-31-93 w/
Petersen + Miller

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A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A37-12818 IRRIGATION | FROM 04-01 TO 11-01 | 2.720 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 2.720 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---|---|
| ~~37-08254 AESTHETIC~~ | FROM ~~01-01~~ TO ~~12-31~~ | ~~2.720 CFS~~ ~~1.00 AF/A~~ |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | ~~1.00 AF/A~~ |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | Y | _____ |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y | _____ |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y | _____ |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in remarks, below.

REMARKS:

No use found.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.720 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-------------|----------------|--------------------------------|-----------|----------------|-----------|----------------|
| A37-12818 | BIG WOOD RIVER | PACESETTER DEVELOPMENT COMPANY | 2.720 | 0.026 | | |
| R37-12818 | BIG WOOD RIVER | PACESETTER DEVELOPMENT COMPANY | 2.720 | 0.026 | | |
| R37-02784 | QUIGLEY CREEK | QUIGLEY RANCH PARTNERSHIP | | | 16.00 | 0.10 |
| A37-00577BW | BIG WOOD RIVER | SMITH , BURR | 0.140 | 0.046 | | |
| R37-00577BW | BIG WOOD RIVER | SMITH , BURR | 0.140 | 0.046 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-------------|------------|----------------------|---------------------|-----------|--------|
| R37-00296 | MUNICIPAL | HAILEY , CITY OF | FROM 01-01 TO 12-31 | 2.620 CFS | |
| A37-00296 | MUNICIPAL | CITY OF HAILEY | FROM 01-01 TO 12-31 | 2.620 CFS | |
| A37-00577BW | STOCKWATER | SMITH , BURR | FROM 04-01 TO 11-01 | .020 CFS | |
| A37-12232 | DOMESTIC | SMITH , STEPHANIE | FROM 01-01 TO 12-31 | .040 CFS | |
| A37-12272 | DOMESTIC | HANSELMAN , GALEN L. | FROM 01-01 TO 12-31 | .040 CFS | |
| R37-00577BW | STOCKWATER | SMITH , BURR | FROM 04-01 TO 11-01 | .020 CFS | |
| R37-12232 | DOMESTIC | SMITH , BURR | FROM 01-01 TO 12-31 | .040 CFS | |
| R37-12272 | DOMESTIC | HANSELMAN , GALEN L. | FROM 01-01 TO 12-31 | .040 CFS | |

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES x 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

$$\frac{2.72 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

$$= 1.32''/\text{Ac}$$

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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May need to run a Hubble analysis on this system.

This Field is now the last place on the ditch, a ditch claimed by other upstream and the upstream to be heavy on consequence loss.

When the place downstream, westside area, were taken out of production in 1974 the flow in the Canal was reduced. Without those additional flows, this rate of 1.32''/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.

See 10-15-93

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

Diadema

~~DATABASE~~ ~~EXAMINER~~

~~DATABASE~~ ~~EXAMINER~~

~~DATABASE~~ ~~EXAMINER~~

TOTAL FOR THIS RIGHT

REVIEWED BY:

Sen

DATE: *10-15-93*

Right has been forfeited or Abandoned.

P04

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

| OWNERSHIP | FORFEIT/ABANDON | ADDITIONAL DIV. AMOUNT | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|-----------|-----------------|------------------------|------------------------|-----------------|
| | | | () | () |
| | | | () | () |
| | | | () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-12818

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A37-00577 | A37-12818 | 2.720 | R37-12818 | 2.720 | - | - |
| | R37-12818 | 2.720 | R37-12818 | 2.720 | 37-00577 | - |

TOTAL CFS

5.440

5.440

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

Review in UT Riley Split analysis as forfeited/aband.

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

10/15-93

NAME OF FIELD EXAMINER:

TITLE:

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: Acceptance of Subd. plats.

DATE 10-15-93

NAME OF PARTY

Carol @ Assessor's Office

788-5535

I called to query when these parcels were accepted by D of the County as Subdivisions.

She said parcel Deerfield Subd. I was in 1979 and Deerfield Subd. II was accepted in 1980.

She reviewed the legal map and told me parcel II is located in the NW of Section 10.

She said only Deerfield Subdivisions I & II are listed; no other parcels, i.e. 3, 4 or 5, were mentioned.

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A37-12818

Comparison of Evidences & Review

10-15-93
STEVE CLELAND

4
(ABANDONED)

(FORGOTTEN)

- ①
②
③
④
⑤
⑥

1974 X74
OPQ irrigation not shown
1980 Photo filed to Subdivide w/ County.
1984 Landsat does not support irrigation uses
1985 W. Master bills for Water.
1986 W. Master Bills for Water.
1987 No Billing. Napp shows Non-irrigation
1988 No Billing. Napp shows Non-irrigation
1989 No Billing.
1990 Billed. 6-11 Field Exam no irrigation, no system
1991 Billed.
1992 Billed.
1993 9-30 Field Exam - no irrigation, system reditched.
5-14 Field Exam (by Mel Schulte)
no irrigation - no Delivery System.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

1991 July - claims to irrigate SENW S.10 for Cattle Grazing.
Aug - claims to irrigate North of Quigley Road
for Cattle Grazing.

(replaces an earlier sworn Statement.)

No system for irrigation existed in 1990 or in 1993
to irrigate the lands in SENW. They looked the same
on both exams - unirrigated and prepared for Subd.

No cattle were grazed here either; no fences
during either exam and no cattle signs of grazing
i.e. manure, Tracks, or grazed off crops.

In discussing the irrigation possibilities for lands north of Quigley road, Mel Schulte and I compared what we had viewed on previous exams and we concluded; No irrigation system for delivery existed until our last exam in 9-30-93, At that time new ditches had been dug or cleaned. No evidence of Cattle grazing had occurred. The area was not completely fenced off from Residential areas and the signs of cattle were absent.

The crop/vegetation found growing on 9-30-93 was a mixture of local weeds, some sagebrush has started to reclaim the land, and a volunteer alfalfa crop was found. Not uncommon for alfalfa to remain growing like that due to the deep root system & gravelly soils.

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

He moved to property adjacent to A37-12812 pou. Since then has irrigated the parcels & pastured horses.

See the listing on page one of this review.
Property may have been irrigated in part during 1983 as claimed. It is possible Landsat reports list a partial irrigation in 1984, but from 1987 onward to present no evidence supports this affiant's claims. Again, the place is not fenced nor are there signs of grazing by horses or cattle in this field.

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85 Says he farmed & irrigated the property North of Augley Road. also pastured Horses there.

Evidence supports some possible irrigation on parts of this parcel in Landsat of 1984.
No ~~any~~ information on 1983 or 1985.

p. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991

July

1993

Aug

{ same as the first affidavit, except
← change in date on the August
entry from 1993 to 1991. }

Raises the question of the validity of
"sworn statements" by affiant

Summary:

The history of this right is pretty clear and is supported by the evidence available at this time of Review.

In 1974 when the downstream rights on Hiawatha Canal were abandoned, this place became the last delivery on the ditch. A reduced flow in the Canal made economical use of this land and water impractical. (See CVR page 10 for analysis.) Finally, in 1980 the Decfield Plats were filed to Subdivide this property. Some partial use occurred around 1983 & 84. By 1987 no use was being made of

595

437-12818

the water for irrigation and the Water Master never billed for its use until 1990. All the evidence during this time confirms the non-use of water for irrigation on this property.

The Billing of Water Master for these rights doesn't support its use in 1990, 91 or 92.

It has been my experience with water users that they believe merely paying the assessment to the Water Master will insure continued validity of their rights. This belief is reinforced by water masters also. (Dale Mizer mentioned this to me during our conversation of this area and its rights.)

My personal field exam in 1990 on June 11th would have followed 3 years of non use on these lands as indicated by the evidence shown. In Sept 30 1993 when I returned for a followup look at the same property, the conditions and appearance of the property had not changed it remained unirrigated.

Only in 1993, when mitigation uses appear for this right, are any efforts made to develop the irrigation system. But the efforts aren't complete since the right is not wanted for irrigation use.

Recommend: Disallowal by Forfeiture/Abandonment

Steve Callahan 10-15-93

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =
TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =
TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

May need to run a Hubble analysis on this system.

This Field is now the last place on the ditch, a ditch claimed by others upstream and the watermaster to be heavy on consequence losses.

When the places downstream, Woodside area, were taken out of production in 1974 the flow in the Canal was reduced. Without those additional flows, this rate of 1.32"/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.

See 10-15-93

$$\frac{2.72 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$

$$= 1.32''/\text{Ac}$$

RECEIVED

OCT 07 1993

Department of Water Resources
Southern Region Office

AFFIDAVIT

STATE OF IDAHO)
County of Blaine) ss.

I, GREGORY A. MANN, being first duly sworn upon
oath, depose and state as follows:

1. I am 47 years old and have been a resident of
Blaine County, Idaho for 22 years.

2. In the summer of 1991, I was asked by Ned Loomis, a
representative of Pacesetter Development Company, to irrigate
Pacesetter's undeveloped lands with its 1883 water right. The
purpose was to raise pasture grass for cattle grazing.

3. From July 16 through July 30, 1991, I flood
irrigated the SE 1/4 NW 1/4, Section 10, Township 2 North Range
18 East, property commonly known as the Deerfield Subdivisions
No. 3, 4 and 5. In order to get the water to this property, it
was diverted from the Hiawatha Canal into the Highline Ditch
which runs at the base of the hills north of Quigley Road and
then through a culvert under Quigley Road to the Northeast corner
of the place of use.

4. From August 1 through August 30, 1991, I diverted
the water for flood irrigation of the entire parcel north of
Quigley Road known as the Hidden Meadows Property, consisting of
approximately 55 acres. The purpose of the irrigation was to
raise pasture grass for grazing.

MICROFILMED
OCT 27 1994

AFFIDAVIT OF GREGORY A. MANN - 1

1 DATED this 1 day of ^{OCT.}~~September~~, 1993.

2
3 Gregory A. Mann
4 Gregory A. Mann

5 OCTOBER SUBSCRIBED AND SWORN to before me this 1st day
6 of ~~September~~, 1993.

7 Dorothy L. Jones
8 Notary Public for Idaho
9 Residing at: Bellevue, Id 83313
10 Comm. Expires: 6/99

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24 MICROFILMED

25 OCT 27 1994

26
27
28 AFFIDAVIT OF GREGORY A. MANN - 2

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON

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142 3rd Ave. North

P.O. BOX 1906

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1221 WEST IDAHO, SUITE 600

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

September 23, 1993

RECEIVED

SEP 24 1993

Department of Water Resources
Southern Region Office

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

RE: Application for Permit Nos. 37-08587 (Sturtevant); 37-08819 (Friedly); 37-08820 (Thornton); 37-08821 (Blaine County School District); Application for Transfer No. 4205/37-00577 Part, A37-12818 Part (J. Peter &/or Claire B. Fitzpatrick)

Dear Mel:

Enclosed you will find a copy of the Affidavit of Burr Smith wherein he described how he used Ed Dumke Jr.'s water right as well as his own to irrigate his parcel of property and Mr. Dumke's for the purpose of pasturing horses. Please make this Affidavit a part of the record for each of the above-referenced applications. If you have any questions concerning the Affidavit, please call me.

Yours truly,

Gary D. Slette/mw
GARY D. SLETTE

GDS:mw
09179301.GDS
Enclosure

cc: Ed Dumke, Jr.
Jim Speck

MICROFILMED
OCT 27 1994

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
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KETCHUM, IDAHO 83340

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FAX (208) 726-0752

October 6, 1993

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

RECEIVED

OCT 07 1993

Department of Water Resources
Southern Region Office

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

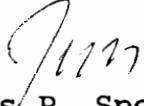
Re: Application for Permit Nos. 37-08587 (Sturtevant);
37-08819 (Friedly); 37-08820 (Thornton); 37-08821
(Blaine County School District); Application for
Transfer No. 4205/37-00577 Part, A37-12818 Part
(J. Peter &/or Claire B. Fitzpatrick)

Dear Mel:

Enclosed you will find a copy of an Affidavit completed
by Gregory A. Mann concerning his use of the 1883 Water Rights
for irrigation of lands now owned by Marathon Partners in 1991.
Please note that this Affidavit corrects the typographical error
in the Affidavit I previously sent you. Kindly discard the
previous Affidavit of Mr. Mann and make the enclosed Affidavit a
part of the record for each of the above-referenced applications.
Kindly call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

Enclosure

cc: Gary D. Slette, Esq. (with enclosure)
Mr. Ed Dumke, Jr. (with enclosure)
Mr. Larry Lloyd (with enclosure)
Mr. Gregg Sturtevant (with enclosure)
Mr. Rod Thornton (with enclosure)
Mr. Keith Friedly (with enclosure)
Mr. J. Peter Fitzpatrick (with enclosure)

MICROFILMED

OCT 27 1994

RECEIVED

SEP 24 1993

Department of Water Resources
Southern Region Office

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In Re:)
Water Right No. 37-00577) AFFIDAVIT OF
[Adjudication Claim No. A37-1281]) BURR SMITH

STATE OF IDAHO)
County of Blaine) ss.

I, Burr Smith, under oath, depose and state as follows:

1. I have knowledge of the fifty four (54) acre parcel of land owned by Ed Dumke, Jr. east of the City of Hailey and north of Quigley Road.

2. I moved to the property adjacent to Mr. Dumke's land in 1983.

3. Since that time, I have been irrigating and boarding horses on both parcels of land.

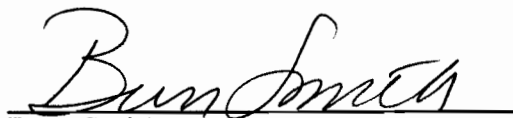
4. I generally rotate the water that is appurtenant to my land and his land in order to provide a sufficient flow to cover both parcels of our property.

5. With regard to Mr. Dumke's land, I irrigated it for the purpose of raising pasturage for horses.

Further sayeth your affiant naught.

MICROFILMED

OCT 27 1994


Burr Smith

STATE OF IDAHO *Fitzpatrick, J. Peter for Claire B.*
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: *MTS*

1. Right number *37-00577* *37-12818* Applicant _____
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☐ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer). *P/D not shown on map*
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments *See "ANALYSIS SUMMARY"*
For A37-12818 - Recommend this application be denied!
- i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? *37*

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

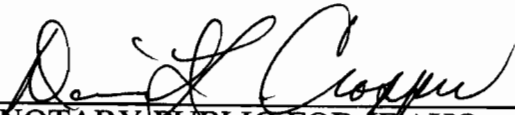
RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

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SUBSCRIBED AND SWORN to before me this 22nd day of September, 1993.


NOTARY PUBLIC FOR IDAHO
Residing at: HAILEY
My Commission Expires: 8-3-98

09169304.GDS

MICROFILMED
OCT 27 1994

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
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FAX (208) 344-6034

RECEIVED

September 17, 1993

SEP 20 1993

Department of Water Resources
Southern Region Office

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

RE: Application for Permit Nos. 37-08587 (Sturtevant); 37-08819 (Friedly); 37-08820 (Thornton); 37-08821 (Blaine County School District); Application for Transfer No. 4205/37-00577 Part, A37-12818 Part (J. Peter &/or Claire B. Fitzpatrick)

Dear Mel:

Enclosed you will find a copy of the Affidavit of Clint Stennett wherein he described how he used Ed Dumke Jr.'s water right to irrigate the land owned by Mr. Dumke during the summers of 1983, 1984, and 1985. Please make this Affidavit a part of the record for each of the above-referenced applications. If you have any questions concerning the Affidavit, please call me.

Yours truly,

GARY D. SLETTE

GDS:mw
09179301.GDS
Enclosure

cc: Ed Dumke, Jr.
Jim Speck

MICROFILMED
OCT 27 1994

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6 BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
7

8 In Re:)
9 Water Right No. 37-00577) AFFIDAVIT OF
10 (Adjudication Claim No. A37-1281) CLINT STENNETT

11 STATE OF IDAHO)
12) ss.
13 County of Blaine)

14 I, Clint Stennett, under oath, depose and state as follows:

15 1. During the summers of 1983, 1984, and 1985, I boarded my horses on a 54
16 acre parcel of property located in Sections 9 and 10 of Township 2 North, Range 18
17 E.B.M.

18 2. I am aware that that property is located on the north side of Quigley Road
19 east of Hailey, and is currently owned by Ed Dumke, Jr.

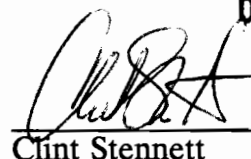
20 3. During each of those three years, I farmed and irrigated that property with
21 surface water rights out of the Hiawatha Canal, which water rights were appurtenant to
22 the property.
23

24 4. The purpose of such irrigation was to raise pasture for my horses.

25 Further sayeth your affiant naught.
26
27
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MICROFILMED

OCT 27 1994


Clint Stennett

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SUBSCRIBED AND SWORN to before me this 15th day of September, 1993.

Holly K. Cole
NOTARY PUBLIC FOR IDAHO
Residing at: Blaine County
My Commission Expires: 10-25-98

09089305.GDS

MICROFILMED
OCT 27 1994

RECEIVED

County of Blaine

} SS.

Department of Water Resources
Southern Region Office

Subscribed and sworn to before me this 22nd day of Sept., 1993
(SEAL)

NOTARY PUBLIC

#8870

WOOD RIVER JOURNAL
Hailey, Idaho

| | | |
|---------------------------------|---------------------------|-----------|
| Number of Picas per Line _____ | | |
| Number of Lines in Notice _____ | | 90 |
| Number of Insertions _____ | | |
| _____ | Lines tabular at _____ | 6¢ / Pica |
| 90 | Lines straight at 45.00 | 5¢ / Pica |
| 90 | Subsequent lines at 40.50 | 4¢ / Pica |
| TOTAL COST | 90.50 | 5.00 |

Proposed change of
water rights

PLAINTIFF ATTORNEY

PLAINTIFF ATTORNEY
"Clare B. Fitzpatrick"

DEFENDANT

PLAINTIFF

Dept. of Water T.F

Proposed change of water rights

DEFENDANTS:

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated Court within twenty (20) days after service of this Summons on you. If you fail to so respond, the Court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rules 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and claim defenses you may assert.
3. Your signature, mailing address and telephone number, or the signatures, mailing address and telephone number.

SPeck, Esquire of Ketchum, ID

FITZPATRICK, c/o James P.

PETER L/OK CLAIRe B.

Notice is hereby given that J.

Publication Rates As of Jan., 1990

(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive
insertion: .4/pica

8870

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 4205

RECEIVED

SEP 28 1993

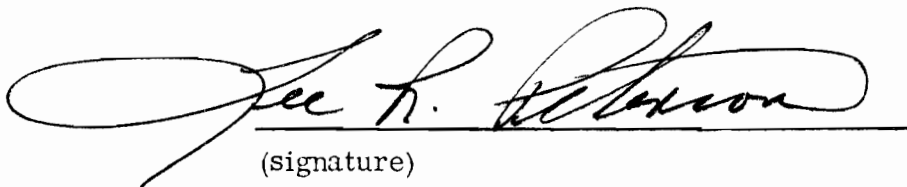
RECOMMENDATION OF WATERMASTERDepartment of Water Resources
Southern Region Office

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
J. Peter Fitzpatrick, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Rules & Regulations be included for methods of control
when priority cuts are made eliminating the right to water use. A duel system
be installed # 1 line for domestic and fire, # 2 line with a control gate valve
and flow meter for irrigation and a road right of way for the Watermaster and
or Deputy. OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 27 day of September 19 93.


(signature)

NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS

Notice is hereby given that J. PETER &/OR CLAIRE B. FITZPATRICK, c/o James P. Speck, Esquire of Ketchum, ID has applied to the Department of Water Resources for changes to place of use and to split a Snake River Basin Adjudication claim from a surface water source and further classified as Transfer # 4205.

The right to be changed authorizes diversion of water from the Big Wood River tributary to Malad River located in S20, T03N, R18E within Blaine County. The right is recorded in part as follows:

Number: 37-0577 Part
Priority: 03/24/1883
Amount: .11 cfs
Acres: 4

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-12818
Priority Date: 03/24/1883
Name: Pacesetter Development Company
Basis of right: Decreed Water Right No. 37-00577 Part
Source: Big Wood River tributary to Malad River
Use & Amount: irrigation (2.72 cfs)
Points of Diversion: SESWNW, S20, T03N, R18E; Blaine County.
Place of Use: 103 acres within NENE, S9, T02N, R18E; NWNW, SWNW, SENW, NESW, S10, T02N, R18E.

TO BE CHANGED AS FOLLOWS

Portions of these water rights (37-00577 Part, A37-12818 Part) will be diverted from the Big Wood River tributary to Malad River located within SESWNW, S20, T03N, R18E and will be used for irrigation of 4 acres within NENW, S4, T02N, R18E; SESW, S33, T03N, R18E; using a total diversion rate of 0.11 cfs.

Any protest against approval of the above proposal must be filed with the applicant and with the Director, Department of Water Resources, 222 Shoshone St. E., Twin Falls ID 83301 on or before October 4, 1993.

R. Keith Higginson, Director

Published in Wood River Journal on 9/15 & 9/22/93.

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
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FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-8967
FAX (208) 788-4230

September 15, 1993

VIA FAX NO. (208) 736-3037
ORIGINAL TO FOLLOW BY REGULAR MAIL

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Application for Permit Nos. 37-08587 (Sturtevant);
37-08819 (Friedly); 37-08820 (Thornton); 37-08821
(Blaine County School District); Application for
Transfer No. 4205/37-00577 Part, A37-12818 Part
(J. Peter &/or Claire B. Fitzpatrick)

Dear Mel:

It has been brought to my attention that the dates in
paragraph 4 of Mr. Mann's Affidavit are incorrect. The dates
should be August 1 through August 31, 1991, and not 1993.

Please call if you need another document with this
correction. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

cc: Gary D. Slette, Esq.
Mr. Gregg Sturtevant
Mr. Larry Lloyd
Mr. Rod Thorton
Mr. Keith Friedly
Mr. J. Peter Fitzpatrick

MICROFILMED
OCT 27 1994

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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16 WEST CROY STREET
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HAILEY, IDAHO 83333
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FAX (208) 788-4230

September 13, 1993

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Application for Permit Nos. 37-08587 (Sturtevant);
37-08819 (Friedly); 37-08820 (Thornton); 37-08821
(Blaine County School District); Application for
Transfer No. 4205/37-00577 Part, A37-12818 Part
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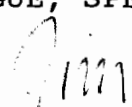
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Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

Enclosure

cc: Gary D. Slette, Esq.
Mr. Gregg Sturtevant
Mr. Larry Lloyd
Mr. Rod Thorton
Mr. Keith Friedly
Mr. J. Peter Fitzpatrick

MICROFILMED
OCT 27 1994

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
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(208) 726-4421
FAX (208) 726-0732

HAILEY OFFICE
18 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 15, 1993

VIA FAX NO. (208) 736-3037
ORIGINAL TO FOLLOW BY REGULAR MAIL

Mr. Mel Shulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Application for Permit Nos. 37-08587 (Sturtevant);
37-08819 (Friedly); 37-08820 (Thornton); 37-08821
(Blaine County School District); Application for
Transfer No. 4205/37-00577 Part, A37-12818 Part
(J. Peter &/or Claire B. Fitzpatrick)

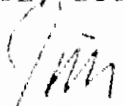
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Please call if you need another document with this
correction. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

cc: Gary D. Slette, Esq.
Mr. Gregg Sturtevant
Mr. Larry Lloyd
Mr. Rod Thornton
Mr. Keith Friedly
Mr. J. Peter Fitzpatrick

MICROFILMED
OCT 27 1994

AFFIDAVIT

STATE OF IDAHO)
County of Blaine)

ss.

I, GREGORY A. MANN, being first duly sworn upon oath, depose and state as follows:

1. I am 47 years old and have been a resident of Blaine County, Idaho for 22 years.

2. In the summer of 1991, I was asked by Ned Loomis, a representative of Pacesetter Development Company, to irrigate Pacesetter's undeveloped lands with its 1883 water right. The purpose was to raise pasture grass for cattle grazing.

3. From July 16 through July 30, 1991, I flood irrigated the SE 1/4 NW 1/4, Section 10, Township 2 North Range 18 East, property commonly known as the Deerfield Subdivisions No. 3, 4 and 5. In order to get the water to this property, it was diverted from the Hiawatha Canal into the Highline Ditch which runs at the base of the hills north of Quigley Road and then through a culvert under Quigley Road to the Northeast corner of the place of use.

4. From August 1 through August 30, 1993, I diverted the water for flood irrigation of the entire parcel north of Quigley Road known as the Hidden Meadows Property, consisting of approximately 55 acres. The purpose of the irrigation was to raise pasture grass for grazing.

AFFIDAVIT OF GREGORY A. MANN - 1

MICROFILMED
OCT 27 1994

1
2 DATED this 7 day of ~~August~~ ^{September} 1993. (GM)

3
4 Gregory A. Mann
Gregory A. Mann

5 ~~September~~ SUBSCRIBED AND SWORN to before me this 7th day
6 of ~~August~~, 1993.

7 Edgar H. Kirby
8 Notary Public for Idaho
9 Residing at: Blaine County
10 Comm. Expires: 11/1/97

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MICROFILMED
OCT 27 1994

AFFIDAVIT OF GREGORY A. MANN - 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

30-Aug-1993

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that J. PETER &/OR CLAIRE B. FITZPATRICK, c/o James P. Speck, Esquire of Ketchum, ID has applied to the Department of Water Resources for changes to place of use and to split a Snake River Basin Adjudication claim from a surface water source and further classified as **Transfer # 4205**.

The right to be changed authorizes diversion of water from the Big Wood River tributary to Malad River located in S20, T03N, R18E within Blaine County. The right is recorded in part as follows:

Number: 37-0577 Part
Priority: 03/24/1883
Amount: .11 cfs
Acres: 4

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-12818
Priority Date: 03/24/1883
Name: Pacesetter Development Company
Basis of right: Decreed Water Right No. 37-00577 Part
Source: Big Wood River tributary to Malad River
Use & Amount: irrigation (2.72 cfs)
Points of Diversion: SESWNW, S20, T03N, R18E; Blaine County.
Place of Use: 103 acres within NENE, S9, T02N, R18E; NWNW, SWNW, SENW, NESW, S10, T02N, R18E.

TO BE CHANGED AS FOLLOWS

Portions of these water rights (37-00577 Part, A37-12818 Part) will be diverted from the Big Wood River tributary to Malad River located within SESWNW, S20, T03N, R18E and will be used for irrigation of 4 acres within NENW, S4, T02N, R18E; SESW, S33, T03N, R18E; using a total diversion rate of 0.11 cfs.

Any protest against approval of the above proposal must be filed with the applicant and with the Director, Department of Water Resources, 222 Shoshone St. E., Twin Falls ID 83301 on or before October 4, 1993.

R. Keith Higginson, Director

Published in Wood River Journal on 9/15 & 9/22/93.

STATE OF IDAHO *Fitzpatrick, J. Peter for Claire B.*
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: *APLinton MTS*

1. Right number *37-00577* *437-12818* Applicant _____

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer). *P/D not shown on map*

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments *See "ANALYSIS SUMMARY"*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

27-Aug-1993

R. KEITH HIGGINSON
Director

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX 7
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. (37-00577
Part, A37-12818 Part (T# 4205, J. Peter &/or Claire
Fitzpatrick)

Dear Mr. Peterson:

Enclosed is a copy of an Application for Transfer of a Water
Right within your District, and Watermaster's Recommendation
Form.

Section 42-222 of the IDAHO CODE requires that the
watermaster must be advised of proposed changes in water
rights in the water district and must notify the Department
of his recommendation on the application.

Please complete the enclosed recommendation form and return
it to this office.

Processing of the application can be completed in 20 days,
therefore, your prompt response to this request will be
appreciated.

If you have any questions about the application, please
contact this office or the applicant.

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

27-Aug-1993

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit Nos. 37-08587 (Sturtevant); 37-08819 (Friedly); 37-08820 (Thornton); 37-08821 (Blaine County School District); Application for Transfer No. 4205/37-00577 Part, A37-12818 Part (J. Peter &/or Claire B. Fitzpatrick)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the above referenced applications. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office has scheduled advertising the applications in the Wood River Journal for 9/15 & 9/22/93. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

8-10-93
Two - for you
no copy of our communication
any if file → A
Jim Speck
8-18-93
Copies to Speck & File
PO Box 987
Ketchum

8-18-93

Spoke to Jim Speck
agreed to send copies of this claim file
to him. He asked how complete the file
is, I said it is subject to change up to
the filing of the Director's Report.

send copies to:

PO Box 987
Ketchum

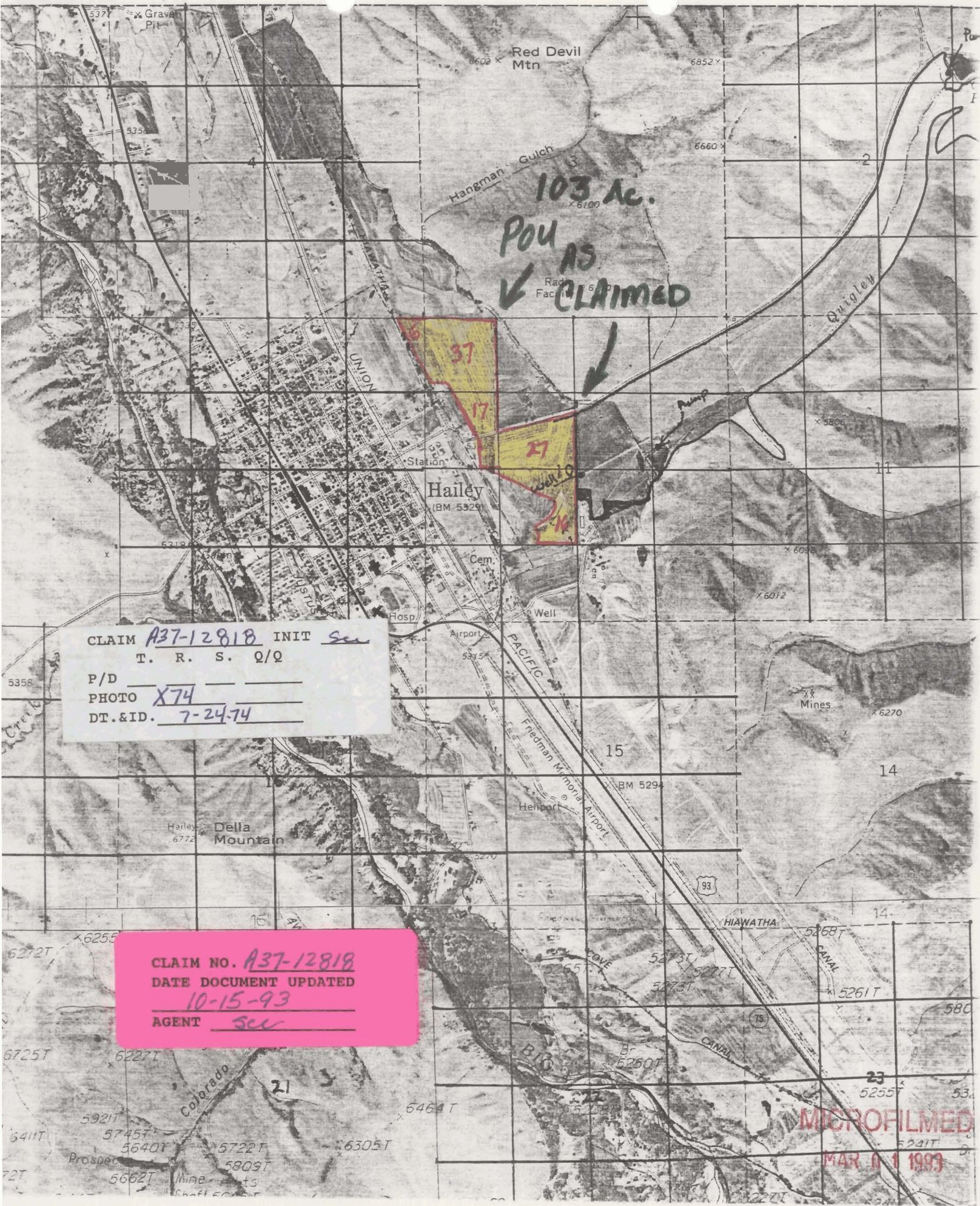
MICROFILMED

OCT 27 1994

8-16-93 previous message to call Jim Speck
10:45 am @ 726-4421

done
8/20/93

FILE: A37-12818



CLAIM A37-12818 INIT SCU
T. R. S. Q/Q

P/D _____
PHOTO X74
DT.&ID. 7-24-74

CLAIM NO. A37-12818
DATE DOCUMENT UPDATED
10-15-93
AGENT SCU

MICROFILMED
MAR 11 1993

4

3

POOR ORIGINAL

R18E

CLAIM 137-12818 INIT _____

T. R. S. Q/Q

P/D _____

PHOTO ASCS

DT.&ID. C. 1987

DREXIN
-004
-024

10

37
16.11

32.9
9.6

9.3

T2N

MICROFILMED

OCT 27 1994

10 11

15 14

POOR ORIGINAL

1987
NAPP

CLAIM A37-12818 INIT SW
T. R. S. Q/Q

P/D

PHOTO ID. NAPP 437-11 X74 SW
6-8-87

COPY IS POOR BUT PHOTO SHOWS
NO IRRIGATION. SOME RED TINT
DUE TO NATURAL WEED GROWTH
COMMON TO OTHER NON-IRRIGATED
LANDS THIS TIME OF YEAR.

NO
IRRIGATION

MICROFILMED
OCT 27 1994

POOR ORIGINAL

1988
NAPP

CLAIM A37-12818 INIT SCC

T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE

DT.&ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF
FIELD

NON-IRRIGATED
LANDS

Delivery Ditches to this
POM SHOW NO EVIDENCE OF
CARRYING WATER. POM LOOKS
UNIRRIGATED IN THIS PHOTO.

SCANNED
MICROFILMED
OCT 27 1994

ANALYSIS SUMMARY---A37-12818
PACESETTER DEVELOPMENT CO.
JULY 28, 1993

1. The claim is for irrigation of 103 acres and a diversion of 2.72 cfs of Big Wood River water delivered through the Hiawatha Canal with a 3-24-1883 priority.

2. The right claimed is a portion of the originally decreed W. T. Riley right.

3. Pacesetter Development Co. sold the subject property and assigned the water right to Marathon Partners c/o Edmund E. Dumke in September 1992. A change of ownership is on file.

4. Portions of the right have been proposed as part of mitigation plans for the following, pending applications:

- a. Application for Transfer--n/o J. Peter Fitzpatrick and/or Claire B. Fitzpatrick. Proposes to dry up 4 acres and transfer .11 cfs.
- b. Application for Permit 37-08587--n/o Gregg Sturtevant. Proposes to dry up 3 acres and exchange .079 cfs for a groundwater right to irrigate 3.74 acres with .11 cfs.
- c. Application for Permit--n/o Rod Thornton. Proposes to dry up one (1) acre and exchange .026 cfs for a groundwater right to irrigate one (1) acre with .026 cfs.
- d. Application for Permit--n/o Keith Friedly. Proposes to dry up one (1) acre and exchange .026 cfs for a groundwater right to irrigated one (1) acre with .026 cfs.
- e. Application for Permit--n/o Blaine County School District. Proposes to dry up 40 acres and exchange .80 cfs for a groundwater right to irrigate 40 acres with .80 cfs.

5. The right subject to A37-12818 is administered by Water District #37. The water master's records indicate Pacesetter Development Co. was billed for 1985 and 1986, not billed for 1987, 1988 and 1989, and billed for 1990, 1991 and 1992.

6. A field exam on June 11, 1990 found no irrigation of land nor a delivery system in place to most of the P/U.

7. A field exam on May 14, 1993 found no irrigation of land nor a delivery system in place to most of the P/U.

8. NAPP photo X74(SW) #437-11 dated 6-8-87 reveals that the subject land appears not to be irrigated.

NAPP photo X74(SE) #444-60 dated 9-15-88 reveals that the subject land appears not to be irrigated.

MICROFILMED
OCT 27 1994

9. Water may have been turned into the delivery ditch from the Hiawatha canal but application of the water to the land subject to the claim is very questionable. Application of water for irrigation purposes is not supported by the field exams conducted and the NAPP photos described in #8 above.

10. The evidence currently available does not support recommending claim A37-12818 as a valid water right.

MICROFILMED
OCT 27 1994

ANALYSIS SUMMARY---A37-12818
PACESETTER DEVELOPMENT CO.
JULY 28, 1993

1. The claim is for irrigation of 103 acres and a diversion of 2.72 cfs of Big Wood River water delivered through the Hiawatha Canal with a 3-24-1883 priority.
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37-08820
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37-08819
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37-08821
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HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

April 12, 1993

RECEIVED

APR 13 1993

Mr. Loren Holmes
Regional Manager
Department of Water Resources
222 Shoshone Street, East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

RE: J. Peter Fitzpatrick and/or Claire B. Fitzpatrick
Application for Transfer of Water Right
Portion of 37-00577 and Claim No. A37-12818

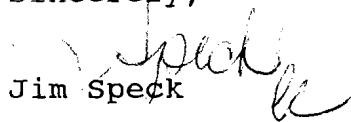
Dear Loren:

In reference to our letter of March 29, 1993 (copy enclosed),
please find enclosed check for application fee.

If you have any questions, please call.

Sincerely,

Jim Speck



J-44/206

INTER-DEPARTMENT MEMO

TO: GLEN SAXTON
FROM: STEVE CLELLAND

SUBJECT: A37-12818
DATE: 3-31-93

Here is the information you asked for. In brief, Nothing has been found to support the use of this claim as a valid water right. On the contrary, ~~that~~ all the maps I have access to indicate non irrigation of these lands. If you need more let me know.

MICROFILMED

OCT 27 1994

* Sent Copies of CVR pages 6 & 7 & Memos of 3-31-93

See

(X) For your information

() Response required

Steve Clelland
signature

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: USE & DELIVERY OF RIGHT

DATE 3-31-93

NAME OF PARTY

NORMA PETERSEN (MRS. LEE PETERSEN)

BIG WOOD WATERMASTER SEC.

886-2451

I mentioned I was looking for information on the delivery of water rights for PLACESSETTER DEVELOPMENT.

She said that right is being transferred to another owner EDMUND & SUSAN DUMKE as of 9-7-92.

Their records indicate water was turned into the Hiawatha Canal for this right in 1992. According to their Billing & calculation the use was for a calculated 103 days.

Norma then suggested I call the administrators of the Hiawatha Canal Co.

DALE & MARY MIZER

PO BOX 728

HAILEY 83333

PHONE: 788-2903

MICROFILMED

OCT 27 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: Delivery of Pacemaker right

DATE 3-31-93

NAME OF PARTY

DALE & MARY MIZER (HIAMATHA CANAL)

(788-2903)

I called and spoke to both persons.

Dale told me that in 1992 the water was turned into the Pacemaker Ditch. He was vague on the exact use of this delivery. He did say that in 1991 "some hay was raised." He said most of the land was in subdivision or soon to be.

When I asked further about the actual use of the water he stated it was delivered into their ditch.

MICROFILMED

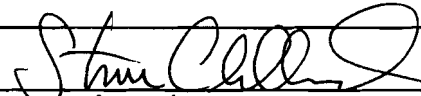
OCT 27 1994

INTER-DEPARTMENT MEMO

TO: GLEN SAXTONSUBJECT: A37-12818FROM: STEVE CHELLANDDATE: 3-31-93

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☒ For your information☐ Response required


signature

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELAND

FILE A37-12818

RE: USE & DELIVERY OF RIGHT

DATE 3-31-93

NAME OF PARTY

NORMA PETERSEN (MRS. LEE PETERSEN)

BIG WOOD WATERMASTER SEC.

886-2451

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Dale & MARY MIZER

PO Box 728

HAILEY 83333

PHONE: 788-2903

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: Delivery of Pacemaker right

DATE 3-31-93

NAME OF PARTY

DALE & MARY MIZER (HIWATHA CANAL)

(788-2903)

I called and spoke to both persons.

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When I asked further about the actual use of the water he stated it was delivered into their ditch.

A. ROOT WATER RIGHT NUMBERS: A37-12818
R37-12818

B. POU LISTING

6-11-90

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------------------|-------------------|-----------------|-----------------|----------------|------------------|
| 02N | 18E | 9 | NE | NE | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 6.0 | - / | 22.0 | Ø | Ø |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - / | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 6.0 | - / | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - / | | | |
| | | | | | | DAVIS, VERN | | 37-00902A / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| 02N | 18E | 10 | NW | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 37.0 | - / | 23.0 | Ø | Ø |
| | | | | | | QUIGLEY RANCH PARTNERSHIP | A37-02784 / 33.0 | - / | | | |
| | | | | | | QUIGLEY RANCH PARTNERSHIP | R37-02784 / 33.0 | - / | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 37.0 | - / | | | |
| | | | | | | ABBOTT, WILLIAM G. | | 37-00004 / | | | |
| | | | | | | DAVIS, VERN | | 37-00902A / | | | |
| | | | | | | FOX, E. W. | | 37-00905 / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| | | | | | | YOUNG, W. A. | | 37-00923 / | | | |
| | | | | | | FOX, JOHN C. | | 37-02741 / 33.0 | | | |
| 02N | 18E | 10 | SW | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 17.0 | - / | 31.0 | Ø | Ø |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - / | | | |
| | | | | | | SMITH, BURR | A37-00577BW / 3.0 | - / | | | |
| | | | | | | SMITH, STEPHANIE | A37-12232 / | - / | | | |
| | | | | | | HANSELMAN, GALEN L. | A37-12272 / | - / | | | |
| | | | | | | SMITH, BURR | R37-00577BW / 3.0 | - / | | | |
| | | | | | | SMITH, BURR | R37-12232 / | - / | | | |
| | | | | | | HANSELMAN, GALEN L. | R37-12272 / | - / | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 17.0 | - / | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - / | | | |
| | | | | | | ABBOTT, WILLIAM G. | | 37-00004 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-00577AX / | | | |
| | | | | | | CROCKER, G. F. | | 37-00901 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-00902B / | | | |
| | | | | | | FOX, E. W. | | 37-00905 / | | | |
| | | | | | | HURST, FRED | | 37-00907 / | | | |
| | | | | | | YOUNG, MARTIN | | 37-00921 / | | | |
| | | | | | | YOUNG, W. A. | | 37-00923 / | | | |
| | | | | | | GORMAN, JAMES A. | | 37-08006 / 1.0 | | | |
| 02N | 18E | 10 | SE | NW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 27.0 | - / | 30.0 | Ø | Ø |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - / | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 27.0 | - / | | | |
| | | | | | | CITY OF HAILEY | A37-00296 / | - / | | | |
| | | | | | | YOUNG, ROBERT | | 37-00922 / | | | |
| 02N | 18E | 10 | NE | SW | | PACESETTER DEVELOPMENT COMPANY | A37-12818 / 16.0 | - / | 17.0 | Ø | Ø |
| | | | | | | HAILEY, CITY OF | R37-00296 / | - / | | | |
| | | | | | | PACESETTER DEVELOPMENT COMPANY | R37-12818 / 16.0 | - / | | | |

37-00004 /
37-00577AX / ← only WT RILEY
PORTION OF WATER
RIGHT SHOWN...
* BASIS OF CLAIM?
FOR 37-00577

123

NO IRRIGATION
FOUND

TOTAL ACRES A37-12818 103.00

123.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

C. FIELD EXAM REQUIRED?

DUE TO POSSIBLE DISCREPANCY? (Y/N)

DATABASE Y

FIELD EXAMINER

PRESUMPTION FLAG:

REMARKS:

1986 ~~land~~ data appears to indicate most of the lands surrounding the place in question, may not represent this claim.

No irrigation found at field exam on 6-11-90. No irrigation system in place either. land is being prepared for subdivision.
DPO X74 dated 7-24-74 shows questionable irrigation use. Data not appear to match similar irrigated ground in the area.
NAPP PHOTO X74 (SE) #444-60 dated 9-15-88 shows no irrigation and matches the color & texture of other non irrigated lands in the plot known to be unirrigated.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

NAPP PHOTO X74 (SW) #437-11 dated 6-8-87 lands described again appear unirrigated.

* Use of this right on the lands described, for irrigation purposes, ~~is~~ not supported by the evidence obtained at this point of the review. Water was available & but does not appear to be used for irrigation lands claimed. See 3-31-93

See memo dated 3-31-93 w/ Petersen & Miller

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
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(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
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HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 29, 1993

RECEIVED

APR 14 1993

Mr. Loren Holmes
Regional Manager
Department of Water Resources
222 Shoshone Street, East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Re: J. Peter Fitzpatrick and/or Claire B. Fitzpatrick
Application for Transfer of Water Right
Portion of 37-00577 and Claim No. A37-12818

Dear Loren:

Enclosed you will find an Application for Transfer of Water Right which I have prepared for my clients, Dr. and Mrs. J. Peter Fitzpatrick. The Application requests only a change of place of use from the existing place of use to their property - Lots 1 and 2, Buckhorn Subdivision, first addition, Blaine County, Idaho.

My clients have agreed to purchase from Marathon Partners, an Idaho General Partnership, that portion of the water rights which is the subject of the Application, contingent upon approval of the Application. Marathon is the owner of 2.72 cfs of Idaho water right no. 37-00577, commonly known as the "W.T. Riley right" and claimed in the Snake River Basin Adjudication as Claim No. 12818 for the irrigation of 103 acres in sections 9 and 10, Township 2 North, Range 18 East, B.M., owned by Marathon. No other water rights have been used on that land for irrigation purposes. All of this land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivision Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The subdivisions will be served by the municipal water supply of the City.

The lands described in Part II of the Application for the Adjudication Claim are within the Hidden Meadows Subdivision. They will no longer be irrigated by that portion of the water right acquired from Marathon. Other portions of this same water right are being acquired by the Blaine County School District and Mr. Gregg K. Sturtevant to be used in plans of mitigation for new groundwater irrigation rights. I am sending a copy of this

T# 4205

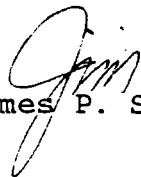
Mr. Loren Holmes
March 29, 1993
Page 2

letter to Glen Saxton to advise him of this Application since it makes sense to me that the Department consolidate its initial review of the water right for each of the Applications into a single process.

Please call me if you have any questions after your initial review of this Application. Thank you very much for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dlw
Enclosure

cc: Dr. & Mrs. Fitzpatrick (w/enclosure)
Gregg Sturtevant (w/enclosure)
Ed Dumke (w/enclosure)
Gary Slette (w/enclosure)
Glen Saxton (w/enclosure)

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March 29, 1993

RECEIVED

APR 01 1993

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Regional Manager
Department of Water Resources
222 Shoshone Street, East
Twin Falls, Idaho 83301

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Application for Transfer of Water Right
Portion of 37-00577 and Claim No. A37-12818

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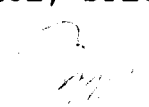
Mr. Loren Holmes
March 29, 1993
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Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dlw
Enclosure

cc: Dr. & Mrs. Fitzpatrick (w/enclosure)
Gregg Sturtevant (w/enclosure)
Ed Dumke (w/enclosure)
Gary Slette (w/enclosure)
Glen Saxton (w/enclosure)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-12818

Prefix Translation: RESEARCH

Old (D) Number

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

*** C - CURRENT OWNER ***
PACESETTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DR
2 -
3 -
City- NEWPORT BEACH
Phone - 714-852-8600

State- CA Zip- 92660

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 ERROR IN REGION I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
03N 18E 20 SE SW NW (13) BLAINE HIAWATHA CANAL

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.720

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.720 257.5

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
02N 18E 9 NE NE 6.0 01 IRRIGATION (13) BLAINE
02N 18E 10 NW NW 37.0 01 IRRIGATION (13) BLAINE
02N 18E 10 SW NW 17.0 01 IRRIGATION (13) BLAINE
02N 18E 10 SE NW 27.0 01 IRRIGATION (13) BLAINE
02N 18E 10 NE SW 16.0 01 IRRIGATION (13) BLAINE

Total Acres: 103.0

+ - - Diversion Means - VIA HEADGATE #22 & HIAWATHA CANAL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

NOV 28 1993

NOV 28 1993

Water right number - R37-12818

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
FORFEITED/ABANDONED.

+ - - - - Old Water Right Numbers - - - - -
3700577

+ - - - - Conditions of Approval - - - - -
P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
S.C. FROST ET AL ALTURUS WATER CO., ET AL 00/00/0000

+ - - - - Comments - - - - -
Date: 10/15/1993 User Id: CLELLAND Subject: RECOMMENDATION/DISALLOWAL
SEE FILE FOR DETAILS OF REVIEW. WATER HAS NOT BEEN USED FOR A PERIOD OF AT LEAST 5 YEARS; 1987-1992.

+ - - Audit Fields - - +
10/15/93 CLELLAND

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 09/30/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/15/1993 | Old Judicial District | - |
| Claim Received Date | - 02/03/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - D |
| | | | | Notice of Error Flag | - |

NOV 28 1993

37-12818

Comparison of Evidences & Review

10-15-93
STEVE CLELAND

1974 X74
OPQ irrigation not shown

ABANDONED) 1980 Plate filed to Subdivide w/ County.

1984 Landsat does not support irrigation uses

1985 W. Master bills for Water.

FORGOTTEN) 1986 W. Master Bills for Water.

① 1987 No Billing. Napp shows Non-irrigation

② 1988 No Billing. Napp shows Non-irrigation

③ 1989 No Billing.

④ 1990 Billed. 6-11 Field Exam no irrigation, No System

⑤ 1991 Billed.

⑥ 1992 Billed.

1993 9-30 Field Exam - No irrigation, system reditched.
5-14 Field Exam (by Mel Schulte)
no irrigation - No Delivery System.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

1991 July - claims to irrigate SENW S.10 for Cattle Grazing.
Aug - claims to irrigate North of Quigley Road
for Cattle Grazing.

(replaces an earlier sworn Statement.)

No system for irrigation existed in 1990 or in 1993
to irrigate the lands in SENW. They looked the same
on both exams - unirrigated and prepared for Subd.

No cattle were grazed here either; no fences
during either exam and no cattle signs of grazing
i.e. manure, Tracks, or grazed off crops.

In discussing the irrigation possibilities for lands north of Quigley road, Mel Schulte and I compared what we had viewed on previous exams and we concluded; No irrigation system for delivery existed until our last exam in 9-30-93, At that time new ditches had been dug or cleaned. No evidence of Cattle grazing had occurred. The area was not completely fenced off from Residential areas and the signs of cattle were absent.

The crop/vegetation found growing on 9-30-93 was a mixture of local weeds, some sagebrush has started to reclaim the land, and a volunteer alfalfa crop was found. Not uncommon for alfalfa to remain growing like that due to the deep root system & gravelly soils.

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

He moved to property adjacent to A37-12812 pou. Since then has irrigated the parcels & pastured horses.

NOV 23 1994

See the listing on page one of this review.
Property may have been irrigated in part
during 1983 as claimed. It is possible
Landsat reports list a partial irrigation
in 1984, but from 1987 onward to present
no evidence supports this affiant's claims.
Again, the place is not fenced nor are there
signs of grazing by horses or cattle in
this field.

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85

Says he farmed & irrigated the property
North of Augley Road. also pastured
Horses there.

Evidence supports some possible irrigation
on parts of this parcel in Landsat of 1984.
No ~~any~~ information on 1983 or 1985.

p. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991

July

1993

Aug

{ same as the first affidavit, except
← change in date on the August
entry from 1993 to 1991. }

Raises the question of the validity of
"sworn statements" by affiant

Summary:

The History of this right is pretty clear and
is supported by the evidence available at this
time of Review.

In 1974 when the downstream rights on
Hiawatha Canal were abandoned, this place became
the last delivery on the ditch. A reduced flow
in the Canal made economical use of this
land and water impractical. (See CVR page 10
for analysis.) Finally, in 1980 the Deerfield
Plats were filed to Subdivide this property.
Some partial use occurred around 1983
& 84. By 1987 no use was being made of

NOV 29 1998

595

437-12818

the water for irrigation and the Water Master never billed for its use until 1990. All the evidence during this time confirms the non-use of water for irrigation on this property.

The Billing of Water Master for these rights doesn't support its use in 1990, 91 or 92.

It has been my experience with water users that they believe merely paying the assessment to the Water Master will insure continued validity of their rights. This belief is reinforced by water masters also. (Dale Mizer mentioned this to me during our conversation of this area and its rights.)

My personal field exam in 1990 on June 11th would have followed 3 years of non use on these lands as indicated by the evidence shown. In Sept 30 1993 when I returned for a followup look at the same property, the conditions and appearance of the property had not changed it remained unirrigated.

Only in 1993, when mitigation uses appear for this right, are any efforts made to develop the irrigation system. But the efforts aren't complete since the right is not wanted for irrigation use.

Recommend: Disallowal by Forfeiture/Abandonment

Shirley Caldwell 10-15-93

NOV 2 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

May need to run a Hubble analysis on this system.

This Field is now the last place on the ditch, a ditch claimed by others upstream and the Watermaster to be heavy on consequence losses.

When the places downstream, Woodside area, were taken out of production in 1974 the flow in the Canal was reduced. Without those additional flows, this rate of 1.32"/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.

See 10-15-92

$$\frac{2.79 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$

$$= 1.32"/\text{Ac}$$

4 3
R18E

CLAIM 137-12818 INIT _____

T. R. S. Q/Q

P/D _____

PHOTO ASCS

DT. & ID. C. 1987

Denton
-374
-324

10

-12818

-12818

1062

1026

T
2
N

1015

1011
1511

NOV 29 1987

1988
NAPP

CLAIM A37-12818 UNIT Sec
T. R. S. Q/Q

P/D _____
PHOTO NAPP 444-60 X74 SE
DT.&ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY Ditches to this
POU SHOW NO EVIDENCE OF
CARRYING WATER. POU LOOKS
UNIRRIGATED IN THIS PHOTO.

NOV 28 1988

| Water
Right No. | Name
Last, First | O
W
N | Priority
Date | Stg/
Sts | Source | Use
Code Desc |
|--------------------|------------------------|-------------|------------------|-------------|----------------|------------------|
| A37-12818 | PACESETTER DEVELOPMENT | C | 03/24/1883 | D/ | BIG WOOD RIVER | 01 IRR |
| A37-12819 | JENSEN, DAVID | C | 12/31/1930 | J/ | WASTEWATER | 01 IRR |
| | JENSEN, BRENDA | C | | | | |
| A37-12820 | MARLOW, HOBBS B. | C | 08/01/1962 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12821 | MARLOW, HOBBS B. | C | 08/01/1962 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12822 | MARLOW, HOBBS B. | C | 08/01/1962 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12823 | HONGOLA, NANCY | C | 07/01/1975 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12824 | BUTTE ENTERPRISES INC, | C | 05/11/1961 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12825 | JENSEN, CLIFTON E. | C | 07/01/1946 | J/ | UNNAMED SPRING | 43 DOMEST |
| | JENSEN, SUZANNE K. | C | | | | |
| A37-12826 | JENSEN, EVERLAND | C | 07/01/1946 | J/ | SPRING | 43 DOMEST |
| | JENSEN, AMY | C | | | | |
| A37-12827 | JENSEN, EVER | C | 06/01/1926 | J/ | SPRING | 43 DOMEST |
| | JENSEN, AMY | C | | | | 04 STOCK |
| A37-12828 | COOPER, LARRY M. | C | 07/31/1954 | J/ | GROUNDWATER | 43 DOMEST |
| A37-12829 | DURKHEIMER, ALAN | C | 09/01/1977 | J/ | GROUNDWATER | 43 DOMEST |

(Enter=Continue) (GOLD7=This Query) (Menu)

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MAR 29 1993

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources
Southern Region Office

Re: Application for Permit No. 37-08587
Mr. Gregg K. Sturtevant - Plan of Mitigation

Dear Glen:

I represent Mr. Gregg K. Sturtevant who has filed Application for Permit No. 37-08587 (the "Application") which seeks the diversion of 0.11 cfs of groundwater for the irrigation of 3.74 acres of a single family residential lot located in the Croy Canyon area west of Hailey, Idaho. This Application seeks a permit to divert ground water for a consumptive use within the Big Wood River Ground Water Management Area (the "Area"). The proposed point of diversion (well) is within the upper Big Wood River Basin as defined in section I,A of the Management Policy for the Area (the "Policy"). Under section III of the Policy, approval of this Application may be granted if it is determined the water supply is adequate and other water rights will not be injured by the new diversion to a consumptive use. Applicant proposes the following plan of mitigation to satisfy these requirements.

MITIGATION PLAN

I. THE MITIGATION RIGHT.

Marathon Partners, an Idaho general partnership ("Marathon"), is the owner of 2.72 cfs of Idaho Water Right No. 37-00577, commonly known as the "W. T. Riley right", and claimed in the Snake River Basin Adjudication (the "Adjudication") as Claim No. 12818 for the irrigation of 103 acres in Sections 9 and 10, Township 2 North, Range 18 East, B.M owned by Marathon. No other water rights have been used for this purpose. All of this

Mr. Glen Saxton
March 25, 1993
Page 2

land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivisions Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The Subdivisions will be served by the municipal water supply of the City.

Applicant has purchased from Marathon (see enclosed copy of Quitclaim Deed), contingent upon approval of the Application, 0.079 cfs of this water right (this acquired portion of the water right is hereinafter referred to as the "Mitigation Right").

II. EXCHANGE OF WATER RIGHTS.

The Mitigation Right has historically irrigated the following lands within the subdivision (2.72 cfs / 103 acres = 0.026 cfs / acre; 0.079 cfs / 0.026 cfs / acre = 3 acres):

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>Irrig. Acres</u> |
|-----------------|--------------|----------------|------------|------------|---------------------|
| 2N | 18E | 10 | NW | NW | 3 |

Total number of irrigated acres: 3

These lands will no longer be irrigated by the Mitigation Right. Applicant proposes to "exchange" the Mitigation Right pursuant to the provisions of I.C. § 42-105 in return for the consumptive ground water diversion under the permit and license sought by the Application, as amended to reduce the amount to 0.079 cfs and the place of use to 3.0 acres of irrigated land (the "Ground Water Right"), on the following terms and conditions:

1. The Mitigation Right shall remain in the Big Wood River to compensate for depletion of the Big Wood River flows available for diversions pursuant to valid water rights and for the supply of water to Magic Reservoir.

2. The Ground Water Right shall have the same priority date as the Mitigation Right (March 24, 1883) for the conjunctive administration of ground water and surface water diversions from the Big Wood River and its tributaries.

3. The Ground Water Right shall have a priority date of January 9, 1990 for its administration solely with respect to other ground water rights,

4. A measuring device and lockable controlling works

Mr. Glen Saxton
March 25, 1993
Page 3

of a type acceptable to the Department shall be permanently installed and maintained as a part of the diverting works for the Ground Water Right prior to any diversion thereunder.

5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River.

6. The maximum instantaneous diversion rate under the Ground Water Right shall be 0.079 cfs.

7. The annual diversion volume and annual consumptive use of the Ground Water Right shall be limited to 10.5 acre feet and 7.5 acre feet respectively, and the maximum number of acres irrigated by the Ground Water Right during any one irrigation season shall be three (3) acres.

8. Upon approval of this Application and issuance of the permit for the Ground Water Right, Applicant shall file a claim for the Ground Water Right in the Snake River Basin Adjudication. The provisions of this "exchange" shall be incorporated into the Director's recommendations for the Mitigation Right and the Ground Water Right in the Director's Report for Basin 37 to be filed in the Snake River Basin Adjudication. The non-use of the Mitigation Right for irrigation purposes as a part of this "exchange" shall not be deemed non-use subject to the forfeiture provisions of I.C. § 42-222.

The consumptive use of the Mitigation Right (7.5 AFA for the irrigation of three (3) acres) is the same as the consumptive use of the Ground Water Right. The total annual volume historically diverted by the Mitigation Right will also be the total annual volume limitation for the Ground Water Right ($3.5 \text{ AFA} \times 3 \text{ acres} = 10.5 \text{ AFA}$ - paragraph 5 of the Application should be amended to reflect this diversion volume limitation). The Mitigation Right will be "left in the river", so that neither the total annual volume diverted from the interconnected ground water and surface flow resource nor the consumptive use of such diverted water shall increase over the present uses. Thus, there will not be any injury to other surface water rights in the Big Wood River or its tributaries, or to the storage rights in Magic Reservoir. Finally, it should be noted that any return flows from the Mitigation Right are presently to the Big Wood River and not to Silver Creek. Thus, this proposal will not affect in any way the surface flows of Silver Creek or its tributary aquifer.

I am also enclosing a copy of my letter of even date to Loren Holmes forwarding an Application for Permit in the name of

Mr. Glen Saxton
March 25, 1993
Page 4

the Blaine County School District, which also proposes the use of a part of Marathon's claimed portion of the W. T. Riley Right for mitigation. It makes sense to me that the Department consolidate its review of this water right for each of the applications into a single process.

Mr. Sturtevant's Application for Permit No. 37-08587 was not protested. I am also sending a copy of this letter to Loren Holmes in the event the Application is still in his office. Please contact me as soon as you have had an opportunity to review this proposal. Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk

(enclosures)

cc: Mr. Gregg K. Sturtevant (w/ enclosures)
Mr. Edmund E. Dumke (w/ enclosures)
Mr. Gary Slette (w/ enclosures)
Mr. Loren O. Holmes (w/ enclosures)

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March 25, 1993

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MAR 29 1993

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources
Southern Region Office

Re: Application for Permit No. 37-08587
Mr. Gregg K. Sturtevant - Plan of Mitigation

Dear Glen:

I represent Mr. Gregg K. Sturtevant who has filed Application for Permit No. 37-08587 (the "Application") which seeks the diversion of 0.11 cfs of groundwater for the irrigation of 3.74 acres of a single family residential lot located in the Croy Canyon area west of Hailey, Idaho. This Application seeks a permit to divert ground water for a consumptive use within the Big Wood River Ground Water Management Area (the "Area"). The proposed point of diversion (well) is within the upper Big Wood River Basin as defined in section I,A of the Management Policy for the Area (the "Policy"). Under section III of the Policy, approval of this Application may be granted if it is determined the water supply is adequate and other water rights will not be injured by the new diversion to a consumptive use. Applicant proposes the following plan of mitigation to satisfy these requirements.

MITIGATION PLAN

I. THE MITIGATION RIGHT.

Marathon Partners, an Idaho general partnership ("Marathon"), is the owner of 2.72 cfs of Idaho Water Right No. 37-00577, commonly known as the "W. T. Riley right", and claimed in the Snake River Basin Adjudication (the "Adjudication") as Claim No. 12818 for the irrigation of 103 acres in Sections 9 and 10, Township 2 North, Range 18 East, B.M owned by Marathon. No other water rights have been used for this purpose. All of this

Mr. Glen Saxton
March 25, 1993
Page 2

land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivisions Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The Subdivisions will be served by the municipal water supply of the City.

Applicant has purchased from Marathon (see enclosed copy of Quitclaim Deed), contingent upon approval of the Application, 0.079 cfs of this water right (this acquired portion of the water right is hereinafter referred to as the "Mitigation Right").

II. EXCHANGE OF WATER RIGHTS.

The Mitigation Right has historically irrigated the following lands within the subdivision (2.72 cfs / 103 acres = 0.026 cfs / acre; 0.079 cfs / 0.026 cfs / acre = 3 acres):

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4</u> | <u>1/4</u> | <u>Irrig. Acres</u> |
|-----------------|--------------|----------------|------------|------------|---------------------|
| 2N | 18E | 10 | NW | NW | 3 |

Total number of irrigated acres: 3

These lands will no longer be irrigated by the Mitigation Right. Applicant proposes to "exchange" the Mitigation Right pursuant to the provisions of I.C. § 42-105 in return for the consumptive ground water diversion under the permit and license sought by the Application, as amended to reduce the amount to 0.079 cfs and the place of use to 3.0 acres of irrigated land (the "Ground Water Right"), on the following terms and conditions:

1. The Mitigation Right shall remain in the Big Wood River to compensate for depletion of the Big Wood River flows available for diversions pursuant to valid water rights and for the supply of water to Magic Reservoir.

2. The Ground Water Right shall have the same priority date as the Mitigation Right (March 24, 1883) for the conjunctive administration of ground water and surface water diversions from the Big Wood River and its tributaries.

3. The Ground Water Right shall have a priority date of January 9, 1990 for its administration solely with respect to other ground water rights,

4. A measuring device and lockable controlling works

Mr. Glen Saxton
March 25, 1993
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of a type acceptable to the Department shall be permanently installed and maintained as a part of the diverting works for the Ground Water Right prior to any diversion thereunder.

5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River.

6. The maximum instantaneous diversion rate under the Ground Water Right shall be 0.079 cfs.

7. The annual diversion volume and annual consumptive use of the Ground Water Right shall be limited to 10.5 acre feet and 7.5 acre feet respectively, and the maximum number of acres irrigated by the Ground Water Right during any one irrigation season shall be three (3) acres.

8. Upon approval of this Application and issuance of the permit for the Ground Water Right, Applicant shall file a claim for the Ground Water Right in the Snake River Basin Adjudication. The provisions of this "exchange" shall be incorporated into the Director's recommendations for the Mitigation Right and the Ground Water Right in the Director's Report for Basin 37 to be filed in the Snake River Basin Adjudication. The non-use of the Mitigation Right for irrigation purposes as a part of this "exchange" shall not be deemed non-use subject to the forfeiture provisions of I.C. § 42-222.

The consumptive use of the Mitigation Right (7.5 AFA for the irrigation of three (3) acres) is the same as the consumptive use of the Ground Water Right. The total annual volume historically diverted by the Mitigation Right will also be the total annual volume limitation for the Ground Water Right (3.5 AFA X 3 acres = 10.5 AFA - paragraph 5 of the Application should be amended to reflect this diversion volume limitation). The Mitigation Right will be "left in the river", so that neither the total annual volume diverted from the interconnected ground water and surface flow resource nor the consumptive use of such diverted water shall increase over the present uses. Thus, there will not be any injury to other surface water rights in the Big Wood River or its tributaries, or to the storage rights in Magic Reservoir. Finally, it should be noted that any return flows from the Mitigation Right are presently to the Big Wood River and not to Silver Creek. Thus, this proposal will not affect in any way the surface flows of Silver Creek or its tributary aquifer.

I am also enclosing a copy of my letter of even date to Loren Holmes forwarding an Application for Permit in the name of

Mr. Glen Saxton
March 25, 1993
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the Blaine County School District, which also proposes the use of a part of Marathon's claimed portion of the W. T. Riley Right for mitigation. It makes sense to me that the Department consolidate its review of this water right for each of the applications into a single process.

Mr. Sturtevant's Application for Permit No. 37-08587 was not protested. I am also sending a copy of this letter to Loren Holmes in the event the Application is still in his office. Please contact me as soon as you have had an opportunity to review this proposal. Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk
(enclosures)
cc: Mr. Gregg K. Sturtevant (w/ enclosures)
Mr. Edmund E. Dumke (w/ enclosures)
Mr. Gary Slette (w/ enclosures)
Mr. Loren O. Holmes (w/ enclosures)

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 25, 1993

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Application for Permit No. 37-08587
Mr. Gregg K. Sturtevant - Plan of Mitigation

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37-12818

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5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River. *renewed 12/11/93*

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Sincerely yours,

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James P. Speck

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cc: Mr. Gregg K. Sturtevant (w/ enclosures)
Mr. Edmund E. Dumke (w/ enclosures)
Mr. Gary Slette (w/ enclosures)
Mr. Loren O. Holmes (w/ enclosures)

NOTES

REVIEW OF A37-12818 AND ASSOCIATED AFFIDAVITS

- On 3-15-93, Marathon Bros (Ed Dumke) quitclaimed to Peter and Claire Fitzpatrick 0.11 cfs of water diverted from the Big Wood River. The water allegedly was appurtenant to 4 acres in the Hidden Meadows Subdivision in the NE1/4NE1/4 Section 9, T2N, R18E, BM.

- The adjudication staff of the Twin Falls office of the department has investigated the adjudication claim and plan to recommend that it be disallowed in the SRBA.

- Review of Gregory Mann affidavit

- Mann claims that in July 1991, he flood irrigated the SE1/4NW1/4 Section 10, T2N, R18E, said property commonly known as the Deerfield Subdivisions No. 3, 4 and 5.

- In August 1991, he flood irrigated 55 acres known as Hidden Meadows Property. (This was on a revised affidavit - revised from date of 1993 to 1991)

- The department did not find that any ditches existed until 9-30-93 when newly constructed or newly cleaned ditches were found.

- Burr Smith affidavit

- Claims he has irrigated the 54 acres of Dumke property since 1983. Claims to rotate water between his property and that of Dumke.

(The field and record review of the department does not support irrigation use from 1987 to the present).

- Clint Stennett affidavit

- States that he is aware of irrigation of the 54 acres of the Dumke property during 1983, 1984 and 1985.

(The affidavit really has no bearing on the question of forfeiture since the years are earlier than the period in question).

SUMMARY

- The question is whether the proposed mitigation water has been forfeited though non-use.

- The department's field investigation does not confirm

representations made in two of the three affidavits.

- Ditches have been removed from the property, but were reconstructed in Sept 1993.

- Landsat does not show the irrigation claimed.

- The problem appears to be from 1987 to 1991. One of the affidavits claimed use in 1993 and then changed it to 1991, which appears to be the 5th and critical year for the 5 year period on non-use.

COMMENTS ON GARY SLETTE LETTER

- The department has designated a ground water management area in the Big Wood River drainage, not a "critical ground water area as suggested in Slette's letter.

- The results of the department's field investigation of a SRBA claim is not a "determination" as stated by Slette, but rather is the basis for a "recommendation" in the SRBA. The court will make the determination, not the department.

- Review of information in an affidavit by the department does not equate to "questioning the veracity of the affiants' statements" in terms of an adversary proceeding.

- Slette's language of "liar" and "judge and jury" is an unjustified overreaction to the department's review of the claim.

- If a claimant possesses evidence contrary to the department's recommendation of an adjudication claim, the department has an obligation to do more than to just "receive" the evidence. The department has an obligation to other water users to recommend a right be lost through non-use based on supporting evidence even if other water users do not raise that as an issue. Slette infers that the affidavits are "proof" of something and apparently should be treated as unrefutable. ?????

- The department's investigation does not confirm what is stated in the affidavits and in part contradicts the affidavits.

- The language in the letter about "proof contrary to the Department's recommendation" refers to an adjudication proceeding, not to consideration of the pending application for transfer.

- There has been no "unilateral ruling" in this matter either by Steve Clelland or Glen Saxton. The findings of the adjudication claim review does not support the recommendation of claim A37-12818 as valid. It follows then that the department should not accept a right whose validity is in question as acceptable mitigation for ground water diversion in the management area.

ALTERNATIVES

A right which has been found in the adjudication review to be valid could be proposed as mitigation for ground water pumping.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-12818

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT RECEIVED | COMPLETED
REVIEW | COMPLETED
DATA ENTRY |
|-----------------|-------------------|---------------------------------|---------------------|-------------------------|
| PRIORITY DATE | N | | SCC
3-29-90 | |
| POINT OF DIV. | N | | SCC
5-21-90 | |
| SOURCE | N | | | |
| PLACE OF USE | (YES) ✓ | NON
IRRIGATION | SCC
6-11-90 | |
| DIV. AMOUNT | N | | | |
| CONSUMPTIVE USE | N | | | |
| USES | N | | SCC
3-29-90 | |
| PERIOD OF USE | N | | SCC
3-29-90 | |
| BASIS OF CLAIM | N | | SCC
5-21-90 | |

REMARKS:

VERIFY Acres + Split

MICROFILMED

MAR 01 1993

Rec. date
1-24-89

GENERAL INFORMATION

Claim number: 137-12818

LAST: Pacesetter Development Company

FIRST: _____

ADDRESS: 4540 Campus Drive

CITY: Newport Beach

STATE: CA

ZIP: 92660

PHONE: (714) 852-8600

OWNER CODE: C

OWNER CONNECTOR: _____

LAST: _____

FIRST: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

PHONE: (____) ____-____

OWNER CODE: _____

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED

MAR 01 1993

PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-12818

A. SRBA CLAIM # A37-12818 PRIORITY DATE: 3/24/1883 STAGE D

B. IDWR RECORD # 37 - 00577 BN PRIORITY DATE: 3 / 24 / 1883 STAGE D

C. REVIEW - FIELD EXAM NEEDED? Y() N(☒)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(~~X~~)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE: 3/24/1883

REVIEWED BY sc DATE 3-29-90

MICROFILMED

MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-12818

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------------|-----------|-----------|-----------|-----------|-----|---------------|
| <u>3N</u> | <u>18E</u> | <u>20</u> | <u>SE</u> | <u>SW</u> | <u>NW</u> | — | <u>Blaine</u> |

SOURCE: Big Wood River TRIB: Malad River

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------------|-----------|-----|-----------|-----------|-----|------|
| <u>3N</u> | <u>18E</u> | <u>20</u> | — | <u>SW</u> | <u>NW</u> | — | — |

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVERC. REVIEW - FIELD EXAM NEEDED? Y() N(X)

| | | ATTACHED | | OR | SEE FILE |
|----------|--------------------------------|----------|----------------|----|----------|
| VERIFIED | (<u>X</u>) TOPO MAP/ORTHO-PQ | YES() | NO(<u>X</u>) | | _____ |
| WITH: | () ASCS MAP | YES() | NO() | | _____ |
| | () WATERMASTER RECORDS | YES() | NO() | | _____ |
| | () FIELD EXAM | YES() | NO() | | _____ |
| | () OTHER _____ | YES() | NO() | | _____ |

REMARKS: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|-----------|------------|-----------|-----------|-----------|-----------|-----|-----------|
| <u>3N</u> | <u>18E</u> | <u>20</u> | <u>SE</u> | <u>SW</u> | <u>NW</u> | — | <u>13</u> |
| — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — |

SOURCE: B.W.R. TRIB: MALAD R.REVIEWED BY SW DATE 5-21-90

MICROFILMED

MAR 01 1993

PAGE 5.

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-12818

FIELD EXAM REQUIRED: Y(~~X~~) N()

PRESUMPTION FLAG: Y(~~X~~) N()

ROOT WATER RIGHT NUMBERS 37-00577 BN

| TWP | RGE | SEC | 1/4 | 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|------------|----------|-----------|-----------|----------------------|--------------------|-----------------|----------------|------------------|
| <u>2N</u> | <u>18E</u> | <u>9</u> | <u>NE</u> | <u>NE</u> | <u>A37-12818 / 6</u> | <u>—</u> | <u>22</u> | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| — | — | — | — | — | — / — | — / — | — | — | — |
| TOTAL ACRES | | | | | <u>6</u> | — | — | — | — |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

REMARKS:

Verify Acres

REVIEWED BY See

DATE 5-21-90

MICROFILMED

MAR 01 1993

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|

| | | | | | |
|-------------------------------|---------------|---|----|---|---|
| 2N 18E 10 NW NW 37-02784 / 33 | - | - | 23 | - | - |
| -12818 / 37 | - | - | - | - | - |
| - | 37-02741 / 33 | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| TOTAL ACRES | 37 | - | - | - | - |

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|------------------------------|---------------------|--------------------|-----------------|----------------|------------------|
| 2N 18E 10 SW NW 37-00571BN 3 | - | - | 31 | - | - |
| -12818 / 17 | - | - | - | - | - |
| - | 37-08006 / 1 | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| TOTAL ACRES | 17 | - | - | - | - |

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------------------------|---------------------|--------------------|-----------------|----------------|------------------|
| 2N 18E 10 SE NW 37-12818 / 27 | - | - | 30 | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| TOTAL ACRES | 27 | - | - | - | - |

MICROFILMED
MAR 01 1993

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|

| | | | | | |
|--------------------------------|----|---|----|---|---|
| 2N 18E 10 NE SW 437-14818 / 16 | - | - | 17 | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| TOTAL ACRES | 16 | - | - | - | - |

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
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| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| TOTAL ACRES | - | - | - | - | - |

| TWP RGE SEC 1/4 1/4 | S.R.B.A.
#/ACRES | I.D.W.R
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|---------------------|---------------------|--------------------|-----------------|----------------|------------------|
| - / - | - | - | - | - | - |
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| - / - | - | - | - | - | - |
| - / - | - | - | - | - | - |
| TOTAL ACRES | - | - | - | - | - |

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A. S.R.B.A CLAIMED USES:

| PURPOSES | MONTH/DAY | RATE |
|-----------------------|--------------------------------|------------------|
| FOR <u>Irrigation</u> | FROM <u>4-1</u> TO <u>11-1</u> | <u>2.720</u> CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |

B. I.D.W.R. RECORDED USES:

| PURPOSES | MONTH/DAY | RATE |
|-----------------------|---------------------------|-------------------|
| FOR <u>IRRIGATION</u> | FROM <u>-</u> TO <u>-</u> | <u>14.678</u> CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |

PRESUMPTION FLAG: D

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y(~~X~~) N()

RECOMMENDED AS CLAIMED?

Y(~~X~~) N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y() N(~~X~~)

REMARKS:

=====

RECOMMENDED USES:

| PURPOSES | MONTH/DAY | RATE |
|-----------------------|--------------------------------|-----------------|
| FOR <u>IRRIGATION</u> | FROM <u>4-1</u> TO <u>11-1</u> | <u>2.72</u> CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |
| FOR _____ | FROM ____ TO ____ | ____ CFS |

REVIEWED BY SCC

DATE 3-29-90

=====

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PAGE 7.
DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-12818

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)

SRBA CLAIMED RATE: 2.72 CFS IDWR ROOT RIGHT RATE: 14-678 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED?

Y() N(☒)

per
w.m.

B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: _____ - _____ - _____

_____ - _____ - _____

_____ - _____ - _____

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES 103 X 0.02 CFS/ACRE = 2.06 CFS.
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE?

Y(☒) N()

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N(☒)

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES 103 X CONSUMPTIVE RATE FOR AREA 2.5 A.F./ACRE =

TOTAL CONSUMPTIVE USE 257.5 ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: 2.72 CFS

RECOMMENDED CONSUMPTIVE USE: 257.5 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY _____ DATE _____

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BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # A37-12818

A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------|------------------------|-----------------|
| OWNERSHIP _____ | () | () |
| FORFEIT/ABANDON _____ | () | () |
| EXCESSIVE AMOUNT _____ | () | () |

THIS SRBA CLAIM CFS/ACRE

0.026

OTHER SRBA CLAIMS CFS/ACRE

____ - ____

____ - ____

____ - ____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

| | | |
|-------------------------------|----------------------|----------|
| ROOT RIGHT # <u>A37-00577</u> | SPLITS # ____ - ____ | ____ CFS |
| ____ CFS | # ____ - ____ | ____ CFS |
| | # ____ - ____ | ____ CFS |
| | # ____ - ____ | ____ CFS |
| | # ____ - ____ | ____ CFS |
| | TOTAL CFS | ____ |

Ⓟ Basin
wide
Review

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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WATER DIST. 37 WOOD RIVER ABOVE MAGIC -- PRIORITY BOOK as of:

04/23/88

| IVER NO | DIST. PRIOR. OWNER | ST. ID. | ORIG DECREE TO | PRIORITY DATE | INCHES | BELOW | ABOVE | OTHER |
|---------|--------------------------------|----------|-------------------|---------------|--------|-------|-------|-------|
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| 22 | D 19-A18 MAXINE FOX | 37-0577 | W.T.RILEY | 03-24-1883 | 20.00 | | | |
| 22 | D 19-A24 W R VALLEY ASSOCIATES | 37-0577 | W.T.RILEY | 03-24-1883 | 45.19 | | | |
| 22 | D 19-B4 NICHOLAS MARICICH | 37-0028 | ALTURAS WATER CO. | 03-24-1883 | 2.00 | | | |
| 22 | D 19-A29 PACESETTER HOMES INC. | 37-0577 | W.T.RILEY | 03-24-1883 | 136.00 | | | |
| 22 | D 19-A11 QUIGLEY CANYON CO | 37-0577 | W.T.RILEY | 03-24-1883 | 9.00 | | | |
| 22 | D 19-A30 QUIGLEY LAND CO. | 37-0577 | W.T.RILEY | 03-24-1883 | 72.00 | | | |
| 22 | D 19-A25 ROBERT LOGAN | 37-0577 | W.T.RILEY | 03-24-1883 | 13.00 | | | |
| 22 | D 19-A19 S.F.ECCLES | 37-0577 | W.T.RILEY | 03-24-1883 | 350.00 | | | |
| 2 | D 19-A12 SPRENGER GRUBB ASSOC. | 370577BH | W.T.RILEY | 03-24-1883 | 141.10 | | | |
| 22 | D 19-A2A THOMAS B.CAMPION | 37-0577 | W.T.RILEY | 03-24-1883 | 13.00 | | | |
| 22 | D 19-A3 TOM RICHMOND | 37-0577 | W.T.RILEY | 03-24-1883 | 1.00 | | | |
| 26-F | D 19-A14 WILLIAM NORRIS | 37-0577 | W.T.RILEY | 03-24-1883 | 10.00 | | | |
| 33 | E 19-A35 STEVEN BUCHANAN | 37-0577 | W.T.RILEY | 03-24-1883 | 5.00 | | | |
| 33 | E 19-A33 W.R.WATTS | 37-0577 | W.T.RILEY | 03-24-1883 | 17.50 | | | |
| 44 | E 19-A37 BUD ROSEBERRY | 37-0577 | W.T.RILEY | 03-24-1883 | 7.50 | | | |
| 44 | E 19-A36 TED DIVINE | 37-0577 | W.T.RILEY | 03-24-1883 | 175.00 | | | |
| 45 | E 19-A39 THOMAS M BECK | 37-0577 | W.T.RILEY | 03-24-1883 | 27.60 | | | |
| 45 | E 19-A1 BELLEVUE FARMS | 37-0577 | W.T.RILEY | 03-24-1883 | 252.80 | | | |

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Water Right Number - 37-00577BN Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - -

*** C - CURRENT OWNER ***
WOOD RIVER LAND CO.1 -
2 -
3 -
City- State- Zip-
Phone -*** O - ORIGINAL OWNER ***
RILEY

W. T.

1 -
2 -
3 -
City- State- Zip-
Phone -+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/24/1883 17 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 18E 20 SW NW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

14.678

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
14.678+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|--|--|--|----|------------|--------------|
| 02N | 18E | 4 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 5 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 8 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 9 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 15 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 16 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 22 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 23 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 25 | | | | 01 | IRRIGATION | (13) BLAINE |
| 02N | 18E | 26 | | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 28 | | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 29 | | | | 01 | IRRIGATION | (13) BLAINE |
| 03N | 18E | 33 | | | | 01 | IRRIGATION | (13) BLAINE |

Water Right Number - A37-12818 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

*** C - CURRENT OWNER ***
PACSEFTER DEVELOPMENT COMPANY

1 - 4540 CAMPUS DRIVE
2 -
3 -
City- NEWPORT BEACH
Phone - 714-852-8600
State- CA Zip- 92660

*** A - ATTORNEY ***
SPECK

1 - P.O. BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-000-0000
State- ID Zip- 83340

+ - Priority Date - + - Region - + - Stage - + - Status - +
03/24/1883 D - DECREED

Source - +
BIG WOOD RIVER
MALAD RIVER

+ - - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

03N 18E 20 SE SW NW (13) BLAINE
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.720

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
2.720 257.5

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|------------|-------------|--------|
| 02N | 18E | 9 | NE NE | | 6.0 | 01 | IRRIGATION | (13) BLAINE | |
| 02N | 18E | 10 | NW NW | | 37.0 | 01 | IRRIGATION | (13) BLAINE | |
| 02N | 18E | 10 | SW NW | | 17.0 | 01 | IRRIGATION | (13) BLAINE | |
| 02N | 18E | 10 | SE NW | | 27.0 | 01 | IRRIGATION | (13) BLAINE | |
| 02N | 18E | 10 | NE SW | | 16.0 | 01 | IRRIGATION | (13) BLAINE | |

Total Acres: 103.0

+ - Diversion Means - VIA HEADGATE #22 & HIAMATHA CANAL
+ - Non-Irrigation Use - NONE
+ - Other Rights for Same Use - NONE

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09-42

Adj. flag translation: Adjudication Temporary Work Area

T. RILEY.

No Conditions of Approval found.

ALTURUS WATER COMPANY, ET. AL.

- - Adjudication Rights Dates and Flags A

- 02/03/1989

- AND/OR

Federal/State Indicator - S

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

January 23, 1989

RECEIVED

JAN 24 1989

CERTIFIED MAIL

Idaho Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301
Attn: Jim Stanton

Department of Water Resources
Southern Region Office

RE: Snake River Basin Adjudication
Notice of Claim to a Water Rights
Pacesetter Development, Co.

Dear Jim:

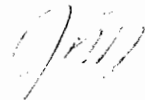
Enclosed you will find the original Notice of Claim to Water Right which we have prepared on behalf of Pacesetter Development, Co. for a portion of Idaho Water Right No. 37-0577, together with a check payable to the Department in the sum of \$203.00 as the filing fee, computed as follows:

| Item | Amount |
|---------------|----------|
| Base Fee | \$ 50.00 |
| Per Acres Fee | 103.00 |
| Late Fee | 50.00 |
| Total | \$203.00 |

Kindly call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/rlk
encl.
cc: Pacesetter Development, Co.(w/encl)

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