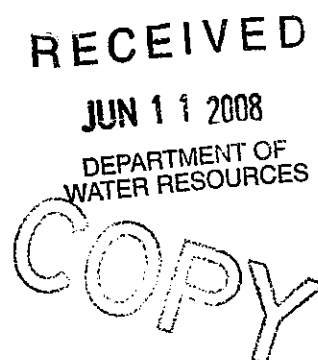


Michael C. Creamer, ISB #4030
GIVENS PURSLEY LLP
601 W. Bannock St.
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\9365\2\MCC Aff for Motion to Dismiss.DOC



Attorneys for The Valley Club, Inc.

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

In Re SRBA

Case No. 39576

Subcase Nos. 37-00494, 37-00495, 37-00577BU, 37-00577BV, 37-00657B, 37-00833K, 37-02623

**AFFIDAVIT OF MICHAEL C.
CREAMER IN SUPPORT OF
MOTION TO DISMISS
OBJECTIONS AND REQUEST FOR
ATTORNEY FEES**

STATE OF IDAHO)
)
County of Ada)

MICHAEL C. CREAMER, being first duly sworn upon his oath, declares as follows:

1. I am the attorney for the claimant, The Valley Club, Inc., in the above-captioned subcases.
2. I make this Affidavit based upon my own knowledge and belief concerning the facts stated herein.
3. The following attached Exhibits A through Q are true and correct copies of documents contained in the Snake River Basin Adjudication online database, the Idaho

Department of Water Resources (“IDWR”) online water rights and SRBA databases, and/or IDWR water right back files concerning the water rights claimed, recommended and objected to in the above-captioned subcases (the “TVC Water Rights”).

Exhibit A: Amended Application for Transfer of Water Right T-3742, submitted to the Idaho Department of Water Resources on January 22, 1991;

Exhibit B: Application for Transfer of Water Right T-3743, submitted to the Idaho Department of Water Resources on July 16, 1990;

Exhibit C: Affidavit of Publication (T-3742) filed by the Idaho Department of Water Resources on September 6, 1990;

Exhibit D: Affidavit of Publication (T-3743) filed by the Idaho Department of Water Resources on September 6, 1990;

Exhibit E: Letter From Richard M. Oneida to the Idaho Department of Water Resources (Aug. 3, 1990), received by the Idaho Department of Water Resources August 6, 1990;

Exhibit F: Letter from Richard M. Oneida to the Idaho Department of Water Resources (Aug. 27, 1990), received by the Idaho Department of Water Resources August 29, 1990;

Exhibit G: Application for Transfer of Water Right T-71721, submitted to the Idaho Department of Water Resources on August 19, 2004;

Exhibit H: Affidavit of Publication (T-71721) filed by the Idaho Department of Water Resources on July 28th, 2005;

Exhibit I: Approval of Transfer T-71721, October 24, 2005;

Exhibit J: Amended Approval of T-71721, November 4, 2005;

Exhibit K: Adjudication Recommendation Report for Water Right 37-00494, December 26, 2007;

Exhibit L: Adjudication Recommendation Report for Water Right 37-00495, December 26, 2007;

Exhibit M: Adjudication Recommendation Report for Water Right 37-00577BU, December 26, 2007;

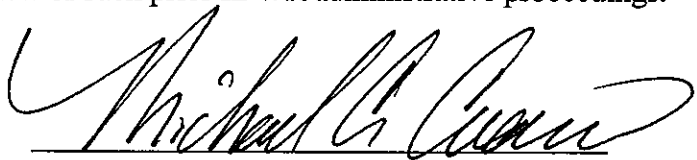
Exhibit N: Adjudication Recommendation Report for Water Right 37-00577BV, December 26, 2007;

Exhibit O: Adjudication Recommendation Report for Water Right 37-00675B, December 26, 2007;

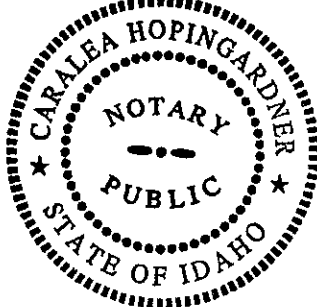
Exhibit P: Adjudication Recommendation Report for Water Right 37-00833K, December 26, 2007; and

Exhibit Q: Adjudication Recommendation Report for Water Right 37-02623, December 26, 2007.

4. Based upon my diligent review of the above-described records I have no knowledge that the Objector Big Wood Canal Company requested or obtained any hearing with respect to prior IDWR administrative proceedings affecting the TVC Water Rights, or that Big Wood Canal Company sought judicial review of such prior IDWR administrative proceedings.


MICHAEL C. CREAMER

SUBSCRIBED AND SWORN to before me this 9th day of June, 2008.




NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
Commission Expires: 5/8/2010

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2008, a true and correct copy of the foregoing was served upon the following individual by the means indicated:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102
PO Box 2139
Boise, ID 83701-2139
Fax: (208) 344-6034

*Representing Bill Molyneux, Gerald Bashaw,
Grace Eakin, John F. Stevenson, Pepin
Corso-Harris, Peter Van Der Meulen, Rocky
Sherbine, Tom O'Gara*

- ☒ U.S. Mail, postage prepaid
- ☐ Express Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ ECF/Electronic Mail

Craig D. Hobdey
125 5th Ave.
P.O. Box 176
Gooding, ID 83330
Representing Big Wood Canal Company

- ☒ U.S. Mail, postage prepaid
- ☐ Express Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ ECF/Electronic Mail

Big Wood Canal Company
112 South Apple St.
Shoshone, ID 83352

- ☒ U.S. Mail, postage prepaid
- ☐ Express Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ ECF/Electronic Mail

James P. Speck
Speck & Aanestad
120 East Ave.
P.O. Box 987
Ketchum, ID 83340
Fax: (208) 726-0752

*Representing Barker Living Trust, Chaney
Creek Ranch LLC, Charles L. Matthiesen,
Charles T. Foley, Eagle Creek Irrigation
Co., ECD Inc., Elise G. Lufkin, Gimlet
Property Owners Assn., Gregory Ranch LLC,
Lake Creek Meadows Homeowners, Michael
E. Willard, Michael Engle, Myer Berlow,
Ralph W. & Kandi L. Girton, River Rock
Ranch LP, Rivers Edge Associates LLC, Roy
R. Woods, Steven D. Holzman Trust, The
Gulch Trust, R. Daniel Olmstead, William B.
Gordon*

☒
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☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile
ECF/Electronic Mail

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829
Fax: (208) 385-5384

*Representing Newfoundland Partners,
Sinclair Oil Corporation*

☒
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U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile
ECF/Electronic Mail

Andrew J. Waldera
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701
Fax: (208) 385-5384

Representing Sinclair Oil Corporation

☒
☐
☐
☐
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U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile
ECF/Electronic Mail

Christopher H. Meyer
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701-2720
Fax: (208) 388-1300

Representing Oliver Family Trust

☐
☐
☒
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile
ECF/Electronic Mail

U.S. Department of Justice
Environment & Natural Resources
550 W. Fort St., MSC 033
Boise, ID 83724
Representing United States of America

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail

The Valley Club, Inc.
P.O. Box 252
Sun Valley, ID 83353
Fax: (208) 727-1831

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail

Director of IDWR
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail



Michael C. Creamer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 22 1991

Transfer

APPROVED

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED

PART 1

The Valley Ranch Partners (formerly)

Name of applicant Wood River Country Club Partners Phone 208-726-4421Post Office address c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use

- ☒
- Change nature of use
- ☐
- Change period of use
- ☐
- Other _____

2. Describe the reason for the proposed changes
- See attached Addendum

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use

See Attached Addendum _____ to _____
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred
- 7.24
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Big Wood River
- tributary to
- Malad River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	20	3N	18E	BLAINE	HAWAIIA HEADGATE

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20		0	11.5	7.0									15	15		11	59.5
3N	18E	21											13.5						13.5
3N	18E	28					14.5	15	14.5	10	7.5	11.0		2.0					74.5

Total acres 147.5

Page 1 of 12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Transfer No. 3742

RECEIVED

JUL - 2 1990

Department of Water Resources

Name of applicant Wood River Country Club Partners Phone (208) 833-4444
Post Office address c/o James P. Speck, Hogue, Speck, & Aarnestad, P.O. Box 987, Ketchum, ID 83340

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes See Attached Addendum

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
See Attached Addendum _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 8.44 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	20	3N	18E	Blaine	Hiawatha Headgate
	NE	NW	NE	29	3N	18E	Blaine	Rediversion pump from Hiawatha *

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	20			R 13386.49					R 2.22					R 15.19	R 15.86		R 11.04	64.18
3N	18E	21											R 14						14.00
3N	18E	28					15432.09	R 15.86	R 10437.8	R 1257			1.54						84.52

* Edits per telegram w/ James Speck, Atty General enclosed by DRJ. 2/18/90

Total acres 162.7

PART 1

6. General Information:

- a. Description of diversion system See Attached Addendum
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? n/a Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
n/a
- d. Remarks:
See Attached Addendum

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. S. 37-0494/0495/0577T&V/0833K
And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

RECEIVED
APR 12 1991

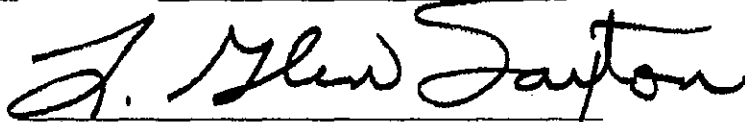
Witness my hand this 12th day of March, 1991
[Signature]
CHIEF, WATER ALLOCATION BUREAU

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0494/37-0495/37-0577T&V/37-0833K

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. The maximum combined rate of diversion under right nos. 37-0494, 37-0495, 37-0577T, 37-0577V, & 37-0833K shall not exceed 7.24 cfs.
3. When combined, right nos. 37-0494, 37-0495, 37-0577T, 37-0577V, 37-0833K & supplemental groundwater right no. 37-2623 shall provide no more than 3.0 acre-feet per acre for the lands above.
4. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 12th day of March, 1991.


Chief, Water Allocation Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 37-00577BN TRV Decreed to Wood River Land Co. JACOB & Sarah Mizer via W.T. Riley
in case of Albrethsen S.C. Frost et. AL. vs. Wood River Land Co. ALVARS WAKE Co.
dated 6/27/1925 12/13/1929 in Fourth District Court county of Lincoln

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. Many 456 & 487 which produced this right.

- See Comment - Part 5 below.

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

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 3/24/1883

5. Water is used for the following purpose: * TRANSFERS 456 & 487 which produced PARTS TRV WERE APPROPRIATED
FOR 1.0 CFS EACH, BUT 1.69 CFS HAS BEEN DELIVERED HIS TOWNKING
UNDER BOTH RIGHTS
COMBINED.
amount 14.678 1.69* for Irrigation purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 14.678 1.69* cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: *Historically delivered, but unrecorded, points of diversion for parts
of this water right.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	20	3N	18E	Blaine	Headgate #22, Hiawatha Canal
								Various other headgates*
	SE	NE	NE	18	3N	18E		MIZER HEADGATE #20

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	458,9																	
		5,6,29																	
		25,26																	
3N	18E	21											X						
		28						X	X			X							

Total acres unspecified

9. Describe any other water rights used for the same purpose as described above

37-00494, 37-00495, 37-00853K, 37-02623

Changes MADE VIA CORRESPONDENCE & MEETING w/ Jim Speck
Ad. 2-4-91

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.20 for Irrigation purposes from (Hiawatha part) to _____
 (cfs/ac-ft)
 amount 1.69 for Irrigation purposes from (Mizer part) to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	20	3N	18E	Blaine	Headgate #22, Hiawatha Canal
	SE	NE	NE	18	3N	18E	Blaine	Headgate #20, Mizer Canal

3. Lands irrigated or place of use: Historical place of use *

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	21											24						24
3N	18E	28					9	39	40	12	9	40							149

Total acres 173**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 11.788 for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres unchanged

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00494 Decreed to Jacob Mizer
in case of S.C. Frost et al. vs. Alturas Water Co. et ux.
dated December 13, 1909 in Lincoln county of Idaho
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority May 1, 1886

5. Water is used for the following purpose:

amount 2.0 cfs for Irrigation purposes from April 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Blaine	Mizer Headgate #20

8. Lands irrigated or place of use: † Historical place of use; ** Decreed HUK

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	21											24						24
		28					9	39	40	12	9	40							149
3N	18E	28						39	40		9								88**

* See page 1 of 6 note

Total acres 173

9. Describe any other water rights used for the same purpose as described above Portions of 37-00577,
37-00495, 37-00833K, 37-02623

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00495 Decreed to Jacob Mizer
in case of S.G. Frost et al. vs. Alturas Water Company et ux.
dated December 13, 1909 in Lincoln county of Idaho
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority July 1, 1892

5. Water is used for the following purpose:

amount 2.8 cfs for _____ purposes from April 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Blaine	Mizer Headgate #20

8. Lands irrigated or place of use: † Historical P/U ; ** Decreed P/U *

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	21											24						24
		28					9	39	40	12	9	40							149
3N	18E	28						39	40		9								88**

** See page 1 of 6 note*

Total acres 173

9. Describe any other water rights used for the same purpose as described above Portions of 37-00577,
37-00494, 37-00833K, 37-02623

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00833K Decreed to Irvin E. Rockwell
in case of Rockwell vs. Coffin
dated August 25, 1949 in Blaine county of Idaho
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2591 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other See Addendum

3. Source of water Big Wood River tributary to Malad River

4. Date of priority November 12, 1936

5. Water is used for the following purpose:

amount 0.75 cfs for Irrigation purposes from April 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.75 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Blaine	Mizer Headgate #20

8. Lands irrigated or place of use: † Historical p/u ; ** Recorded p/u *

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	21											24						24) †
3N	18E	28					9	39	40	12	9	40							149)
3N	18E	20			14					4					17	31			46 **

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* See page 1 of 6 note

Total acres 173

9. Describe any other water rights used for the same purpose as described above Portions of 37-00577,
37-00494, 37-00495, 37-02623

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

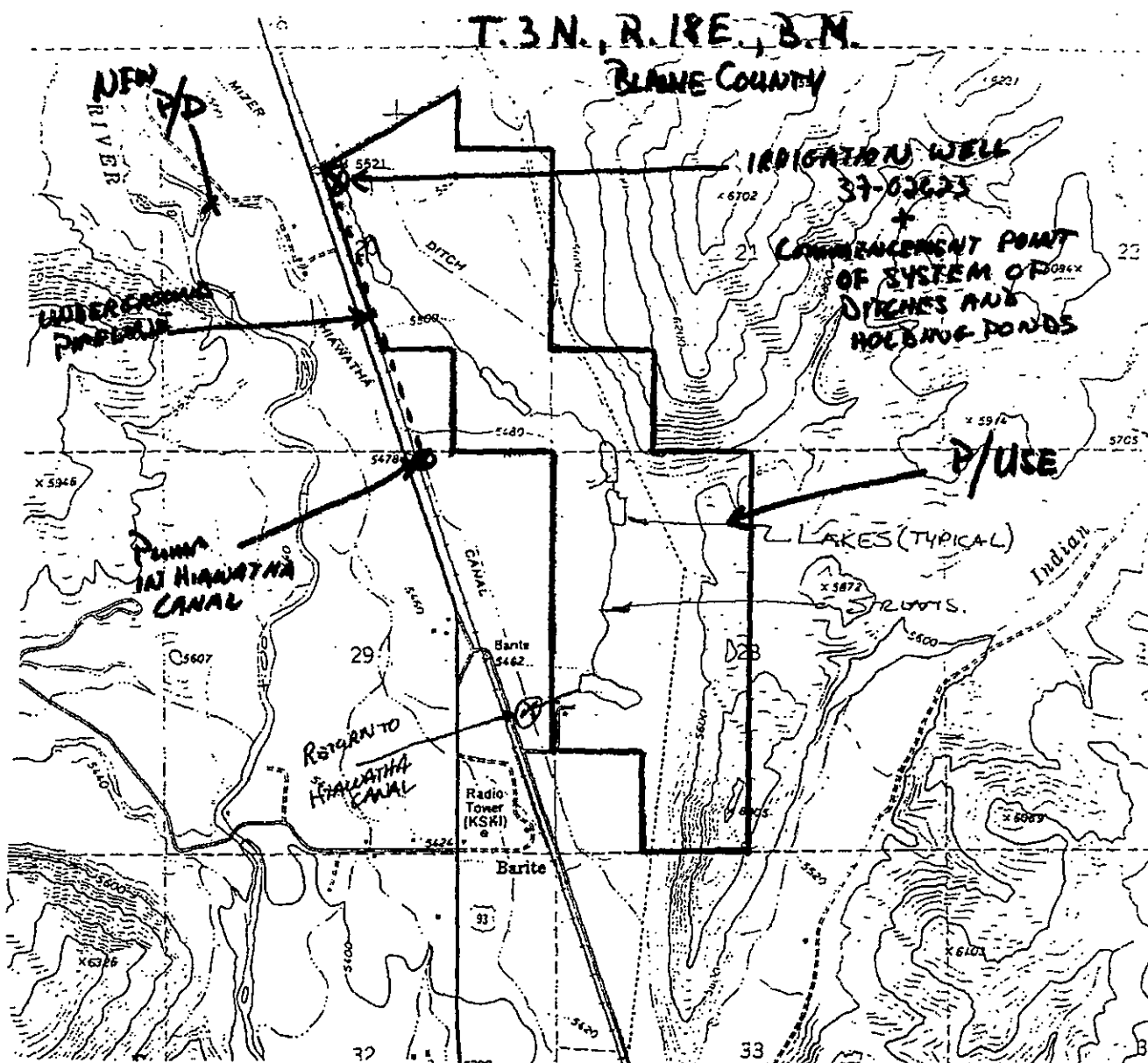
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Recreation</u>	<u>0.60 cfs</u>	<u>215 days/year</u>	<u>April 1 to Nov. 1</u>
	<u>(See Attached Addendum)</u>			<u>to</u>

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

See Attached Addendum

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

None. The change to recreation will not increase the consumptive use of these water rights.

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

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

ROBERT TINKER, (Signature of Applicant) TFT AGENT CO.
29th day of JUNE, 1990
FORT WOOD RIVER COUNTRY CLUB
PARKERS

Subscribed and sworn to before me this _____

James P. Gosh
 (Notary Public)

My commission expires 1/29/91**FOR DEPARTMENT USE ONLY**Transfer contains 12 pages and 6 attachmentsReceived by M.B.Date 7/2/90

Protest filed by _____

Prelim. check by DRJFee \$50R# 5011864Received by MBDate 4/9/90Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 7/25 + 8/1/90

Hearing held by _____ Date _____

Watermaster recommendation requested on 7/19/90Recommended for ☐ approval ☐ denialrec'd. 8/6/90

by _____

Copy of transfer sent to lien holder _____

**REVISED ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHTS
(PORTIONS OF 37-00577, 37-00494, 37-00495 & 37-00833K)
BY
WOOD RIVER COUNTRY CLUB PARTNERS
(January 21, 1991)**

INTRODUCTION:

Applicant has purchased two (2) ranches and obtained preliminary plat approval from the Blaine County Planning and Zoning Commission for a residential planned unit development to be known as The Valley Ranch and to include 98 single family home lots, a recreation center and an 18 hole championship golf course, including a clubhouse and maintenance building. Accompanying this Application is a copy of the approved Preliminary Plat (the "Plat") (note: Lots 33 and 34 shown on the Plat will be combined into one lot).

Attached to this Addendum is a summary of the proposed irrigated acres for the project, sub-totalled by the following categories: residential lot irrigation, residential common area, golf course rough and golf course fairway. Please note that the surface area of the ponds (approximately 12.25 acres) is NOT included in these numbers. Adequate surface water rights have been acquired with the ranches to irrigate the golf course rough and fairways and the residential common area. These surface water rights are the subject of this Application for Transfer. An Application for Permit has been filed for the development of wells to supply the domestic water system, irrigation of the 0.5 acre per lot maximum allowable residential landscaping area, and as supplemental irrigation water for the residential common area and a portion of the golf course rough. A groundwater irrigation right (37-02623) has also been acquired with the ranches to provide supplemental irrigation water for the golf course fairways and a portion of the rough. An Application for Transfer has also been filed to make the changes necessary for those purposes.

This Application seeks approval of the following changes to these surface water rights:

a. Change the nature of a portion of each right to "consumptive" recreation for use in the ponds and streams as golf course hazards. This portion is determined by the surface area of the ponds (12.2 acres), the total, historic irrigated acreage as shown in PART 2 of the Application, and based upon the assumption that the evapo-transpiration losses are approximately the same for the same areas of pond surface and irrigated crop. Thus, $12.2 \text{ acres} / 159.7 \text{ acres} \times 100\% = 7.64\%$ of each water right will be used for this new purpose.

b. Change the place of use for the balance of (159.7 acres - 12.2 acres = 147.5 acres)/159.7 acres X 100% = 92.36% of each water right to be used for the irrigation of 147.5 acres consisting of the golf course fairways (126 acres) and rough (21.5 acres).

c. Change the point of diversion to the Hiawatha Canal Headgate of all the rights to consolidate delivery of these rights into a single system for more efficient use of the water.

ADDENDUM:

PART 1

A.,2. See the comments at the end of the INTRODUCTION, above.

B.,1.

RIGHT NUMBER	PRIORITY	AMOUNT IN CFS	USE	PERIOD OF USE
37-00577T&V ¹	3/24/1883	1.56	irrigation	Apr. 1 to Nov. 1
37-00577T&V	3/24/1883	0.13	recreation	Apr. 1 to Nov. 1
37-00494	5/01/1886	1.85	irrigation	Apr. 1 to Nov. 1
37-00494	5/01/1886	0.15	recreation	Apr. 1 to Nov. 1
37-00495	7/01/1892	2.59	irrigation	Apr. 1 to Nov. 1
37-00495	7/01/1892	0.21	recreation	Apr. 1 to Nov. 1
37-00833K	11/12/1936	0.69	irrigation	Apr. 1 to Nov. 1
37-00833K	11/12/1936	0.06	recreation	Apr. 1 to Nov. 1

B.,6,a. Hiawatha Headgate diverts water into Hiawatha Canal. A pump will be placed in the Canal to bring water into a gravity flow system of streams and ponds for recreational use as golf course hazards and pumped from the ponds into a pressurized underground sprinkler system to irrigate the golf course fairways and rough and the residential common area..

B.,6.,d. The location of the proposed system of ponds and streams is generally depicted in Part 3, A of this

¹ As described in Mr. Tim Luke's November 1, 1990 letter to James P. Speck, Esq., those portions of water right 37-00577 acquired by Applicant and historically delivered through the Mizer Ditch are identified as 37-00577T and 37-00577V. Although the total of these two subparts of 37-00577 is 2.0 cfs, the Watermaster's delivery records indicate only 1.69 cfs were ever delivered, and this is the amount requested to be transferred. These subparts are claimed as one right in the Snake River Basin Adjudication as A37-00577BV (please note the Adjudication Claim A37-00577BV is for 1.71 cfs and appears to be 0.02 cfs too much).

Application. The Plat included with this Application accurately shows the size and location of these features on a 1 inch = 200 feet scale. See the INTRODUCTION, above, for general comments about the requested changes. The ponds will also provide a source of water for fire protection for the residential lots and recreational facility buildings.

Applicant is the owner of record of all the subject water rights, including 37-00833K. This right is a portion of the "Rockwell By-Pass Right" decreed to Irvin E. Rockwell in Rockwell v. Coffin, Blaine County District Court, August 25, 1949, as "saved, conserved and developed waters regardless of the date of the appropriation thereof", the use of which is granted regardless of priority as long as at least 17.36 cfs of water from the Big Wood River is flowing through the Rockwell By-Pass Canal during the irrigation season.

PART 2

A.,9. Transfer 2591 transferred 37-00833K to certain lands in Section 20. However, according to Frederick Blechman, from whom Applicant purchased, the water was never put to use on those lands and, instead, Mr. Blechman agreed with the owners of the lands Applicant has purchased in Sections 21 and 28, that this right could be delivered to and used on those lands in conjunction with the other rights which are the subject of this Application. Thereafter, this right was used in conjunction with the other rights for the irrigation of the 159.7 acres identified in PART 2, A.,8., for each right.

PART 3

B.,1. The amount shown (0.55 cfs) is the total for all of the water rights. The amounts for each right are given in PART 1, B.1. of this ADDENDUM.

B.,2. The system will provide for the return of any overflow waters from the southernmost pond to the Hiawatha Canal in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S.29, T.3N., R.18E., B.M., Blaine County. The amount of such return flows cannot currently be estimated. There will be no change in the quality of this return water which would adversely impact the irrigation users further down the Canal.

**ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHTS
(PORTIONS OF 37-00577, 37-00494, 37-00495 & 37-00833K)
BY
WOOD RIVER COUNTRY CLUB PARTNERS**

INTRODUCTION:

Applicant has purchased 1 ranch (all of the lands in Sections 21 and 28 as shown on the map in Part 3 of this Application) and is the purchaser of the adjacent ranch (all of the lands in Section 20 as shown on the map) under a binding contract of sale. Applicant has obtained preliminary plat approval from the Blaine County Planning and Zoning Commission for a residential planned unit development to be known as The Valley Ranch and to include 98 single family home lots, a recreation center and an 18 hole championship golf course, including a clubhouse and maintenance building. Accompanying this Application is a copy of the approved Preliminary Plat (the "Plat") (note: Lots 33 and 34 shown on the Plat will be combined into one lot).

Attached to this Addendum is a summary of the proposed irrigated acres for the project, sub-totalled by the following categories: residential lot irrigation, residential common area, golf course rough and golf course fairway. Please note that the surface area of the ponds (approximately 12.25 acres) is NOT included in these numbers. Adequate surface water rights have been acquired with the ranches to irrigate the golf course rough and fairways and the residential common area. These surface water rights are the subject of this Application for Transfer. An Application for Permit has been filed for the development of wells to supply the domestic water system, irrigation of the 0.5 acre per lot maximum allowable residential landscaping area, and as supplemental irrigation water for the residential common area and a portion of the golf course rough. A groundwater irrigation right (37-02623) has also been acquired with the ranches to provide supplemental irrigation water for the golf course fairways and a portion of the rough. An Application for Transfer has also been filed to make the changes necessary for those purposes.

This Application seeks approval of the following changes to these surface water rights:

a. Change the nature of a portion of each right to "consumptive" recreation for use in the ponds and streams as golf course hazards. This portion is determined by the surface area of the ponds (12.25 acres), the total, historic irrigated acreage as shown in PART 2 of the Application, and based upon the assumption that the evapo-transpiration losses are approximately

APR 12 1991

the same for the same areas of pond surface and irrigated crop. Thus, 12.25 acres/173 acres X 100% = 7.08% of each water right will be used for this new purpose.

b. Change the place of use for the balance of (173 acres - 12.25 acres)/173 acres X 100% = 92.92% of each water right to be used for the irrigation of 162.70 acres consisting of the golf course fairways and rough and the residential common area.

c. Change the point of diversion to the Hiawatha Canal Headgate of all the rights (except the 1.2 cfs portion of 37-00577 which is already delivered through that headgate) to consolidate delivery of these rights into a single system for more efficient use of the water.

ADDENDUM:

PART 1

A., 2. See the comments at the end of the INTRODUCTION, above.

B., 1.

RIGHT NUMBER	PRIORITY	AMOUNT IN CFS	USE	PERIOD OF USE
37-00577 ¹	3/24/1883	1.12	irrigation	Apr. 1 to Nov. 1
37-00577	3/24/1883	0.08	recreation	Apr. 1 to Nov. 1
37-00577	3/24/1883	1.57	irrigation	Apr. 1 to Nov. 1
37-00577	3/24/1883	0.12	recreation	Apr. 1 to Nov. 1
37-00494	5/01/1886	1.86	irrigation	Apr. 1 to Nov. 1
37-00494	5/01/1886	0.14	recreation	Apr. 1 to Nov. 1
37-00495	7/01/1892	2.60	irrigation	Apr. 1 to Nov. 1
37-00495	7/01/1892	0.20	recreation	Apr. 1 to Nov. 1
37-00833K	11/12/1936	0.70	irrigation	Apr. 1 to Nov. 1
37-00833K	11/12/1936	0.05	recreation	Apr. 1 to Nov. 1

B., 6, a. Hiawatha Headgate diverts water into Hiawatha Canal. A pump will be placed in the Canal to bring water into a

¹ Applicant has acquired 2 separate portions of 37-00577. The first, 1.2 cfs, is presently diverted through the Hiawatha Headgate and Canal. The second, 1.69 cfs, is presently diverted through the Mizer Headgate and Ditch. Since no transfers of these portions of the original right have been recorded, they are not identified by letter subparts. They are, however, identified in the Snake River Basin Adjudication as A37-00577BU and A37-00577BV, respectively (please note the Adjudication Claim A37-00577BV is for 1.71 cfs and appears to be 0.02 cfs too much).

ADDENDUM TO APPLICATION FOR TRANSFER OF WATER
RIGHTS BY WOOD RIVER COUNTRY CLUB PARTNERS - 2

APR 12 1991

gravity flow system of streams and ponds for recreational use as golf course hazards and pumped from the ponds into a pressurized underground sprinkler system to irrigate the golf course fairways and rough and the residential common area..

B.,6.,d. The location of the proposed system of ponds and streams is generally depicted in Part 3, A of this Application. The Plat included with this Application accurately shows the size and location of these features on a 1 inch = 200 feet scale. See the INTRODUCTION, above, for general comments about the requested changes. The ponds will also provide a source of water for fire protection for the residential lots and recreational facility buildings.

Applicant is the owner of record of all the subject water rights, except 37-00833K, which Applicant is purchasing under a binding contract of sale. This right is a portion of the "Rockwell By-Pass Right" decreed to Irvin E. Rockwell in Rockwell v. Coffin, Blaine County District Court, August 25, 1949, as "saved, conserved and developed waters regardless of the date of the appropriation thereof", the use of which is granted regardless of priority as long as at least 17.36 cfs of water from the Big Wood River is flowing through the Rockwell By-Pass Canal during the irrigation season.

PART 2

A.,9. Transfer 2591 transferred 37-00833K to certain lands in Section 20. However, according to Frederick Blechman, from whom Applicant is purchasing this right pursuant to a binding contract of sale (see attached copy of the first page of the Real Estate Purchase Offer and Acceptance), the water was never put to use on those lands and, instead, Mr. Blechman agreed with the owners of the lands Applicant has purchased in Sections 21 and 28, that this right could be delivered to and used on those lands in conjunction with the other rights which are the subject of this Application. Thereafter, this right was used in conjunction with the other rights for the irrigation of the 173 acres identified in PART 2, A.,8., for each right.

PART 3

B.,1. The amount shown (0.60 cfs) is the total for all of the water rights. The amounts for each right are given in PART 1, B.1. of this ADDENDUM.

B.,2. The system will provide for the return of any overflow waters from the southernmost pond to the Hiawatha Canal in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S.29, T.3N., R.18E., B.M., Blaine County. The amount of such return flows cannot currently be estimated. There will be no change in the quality of this return water which would adversely impact the irrigation users further down the Canal.

THE VALLEY RANCH - SUMMARY OF IRRIGATED ACRES

SECTION	1/4	1/4	LOTS	COM AREA	ROUGH	FAIRWAY	TOTAL
20	NW	NE	0.50	0.00	0.00	0.00	0.50
20	SW	NE	5.50	0.15	3.27	9.96	18.88
20	SE	NE	6.50	0.00	1.44	5.05	12.99
20	SE	NW	0.00	2.22	0.00	0.00	2.22
20	NE	SE	6.00	0.00	3.27	11.92	21.19
20	NW	SE	3.00	0.55	1.49	13.82	18.86
20	SE	SE	6.00	0.00	3.30	7.74	17.04
21	SW	SW	2.50	0.00	2.16	11.84	16.50
28	NE	NW	1.00	0.00	0.55	14.88	16.43
28	NW	NW	4.00	6.11	2.49	12.49	25.09
28	SW	NW	5.50	0.00	3.74	11.92	21.16
28	SE	NW	1.00	0.00	1.02	9.41	11.43
28	NE	SW	0.50	0.00	0.86	6.94	8.30
28	NW	SW	7.00	1.00	2.98	8.59	19.57
28	SE	SW	0.00	0.00	0.00	1.54	1.54
TOTALS . . .			49.00	10.03	26.57	126.10	211.70

- 2.00 11.00
 2.00 11.00
 Apr 30 1963

167
 142
 148
 not 56

RECEIVED

JUL 24 1990

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

Department of Water Resources
Southern Region Office

WOOD RIVER COUNTRY CLUB PARTNERS, an Idaho general partnership (the "Partnership"), of Blaine County, Idaho, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as the Partnership's attorney in fact and agent (subsequently called "Agent") to act in the Partnership's name and for the Partnership's benefit for the specific purposes stated herein only. The Partnership grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as the Partnership might or could do if personally present and fully competent, hereby ratifying and confirming all that the Partnership's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. The Partnership's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that the Partnership now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or the Partnership's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to the Partnership's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to the Partnership's Agent shall incur any liability to the Partnership as a result of permitting the Agent to exercise any power.

WATER RIGHTS

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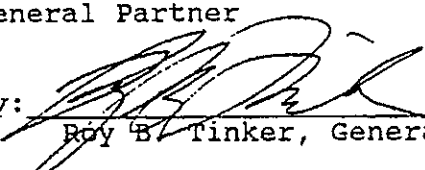
5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, the Partnership has executed this Special Power of Attorney this 21st day of July, 1990.

WOOD RIVER COUNTRY CLUB PARTNERS

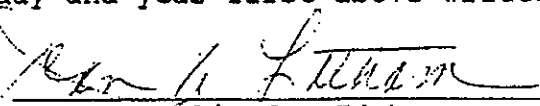
By T & T DEVELOPMENT, an Idaho
general partnership and
General Partner

By: 
Roy B. Tinker, General Partner

STATE OF IDAHO)
) ss.
County of Blaine)

On this 21st day of July, 1990, before me, the undersigned notary public in and for said state, personally appeared Roy B. Tinker, known or identified to me to be one of the general partners in the partnership of T & T DEVELOPMENT, which is a general partner in the partnership of WOOD RIVER COUNTRY CLUB PARTNERS, and the general partner which subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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


Notary Public for Idaho
Residing at: Public Admin

jim:wrcp.pwr

SPECIAL POWER OF ATTORNEY - 2

WARRANTY DEED

For Value Received

Buckhorn Investment Company, a California general partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Wood River Country Club Partners, an Idaho General Partnership
whose address is: P. O. Box 1920, Sun Valley, ID 83353

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

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 20: A parcel of land within the SE1/4 NW1/4, more particularly described as follows:

COMMENCING at a stone marking the Southeast Corner of said Section 20; thence N. 38° 30' W., 4646.00 feet to a 1/2" rebar and said rebar being the TRUE POINT OF BEGINNING; thence S. 14° 40' W., 49.30 feet to a 1/2" rebar; thence N. 19° 28' W., 18.10 feet to a 1/2" rebar; thence S. 64° 13' W., 17.90 feet to a 1/2" rebar; thence N. 17° 55' W., 54.40 feet to a 1/2" rebar; thence S. 75° 24' E., 53.00 feet to a 1/2" rebar, said rebar being the TRUE POINT OF BEGINNING.

Section 21: SW1/4 SW1/4.

Section 28: NW1/4, NW1/4 SW1/4, and E1/2 SW1/4.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 11, 1990

Buckhorn Investment Company, a California general partnership

By: Barry Shooke, General Partner

TO HAVE
(Partnership)

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
On JANUARY 11, 1990

before me, the undersigned, a Notary Public in and for said State, personally appeared Barry Shooke

to be ONE of the partners of the partnership
that executed the within instrument and acknowledged to me
that such partnership executed the same.

WITNESS my hand and official seal.

Signature Katherine D. Muno
Name (Typed or Printed)



(This area for official notarial seal)

Instrument No.

RECEIVED

JUL 16 1990

AGREEMENT

Division of Water Resources
Southern Region Office

This Agreement is made this 10th day of January, 1990, between T and T Development, an Idaho general partnership, (hereafter T and T), and Wood River Country Club Partners, an Idaho general partnership, (hereafter WRCCP).

RECITALS

A. WRCCP intends to acquire those certain parcels of real property located in Blaine County, Idaho, which property consists of two contiguous parcels commonly known as the "Mizer Ranch" and the "Blechmann Property" (both of which are hereafter referred to as the "subject property"), which parcels are described in Exhibits A and B attached hereto and incorporated by reference herein as if set forth in full.

B. WRCCP intends to pursue final plat approval of all or a portion of the subject property into a country club with an eighteen (18) hole championship golf course and single family residential subdivision (the "project"), which project will require prior subdivision approval by Blaine County. This agreement shall not apply to any portion of the subject property which is not a part of the project.

C. T and T is one of the partners of WRCCP.

D. WRCCP and T and T desire that T and T manage, oversee and have primary responsibility to pursue the subject property acquisition and the financing therefore,

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the subdivision design and planning, and its final plat approval, and further that T and T be entitled to certain incentive compensation as provided herein as a result of its entrepreneurial efforts.

In consideration of the mutual covenants set forth herein, the parties agree as follows:

1. TERM OF AGREEMENT

This management contract shall commence effective January 1, 1990, and, terminate in one of the following manners:

(a) Termination Upon Agreement. Upon written agreement of both WRCCP and T and T, this agreement shall be terminated.

(b) Unilateral Termination For Cause. This agreement may be unilaterally terminated by WRCCP by the approval of two-thirds of its partners in the event of cause brought about by T and T in the performance of its responsibilities. For cause shall include, for example, such matters as mismanagement, embezzlement, fraud and the like.

(c) Unilateral Termination Prior to Final Plat Approval. WRCCP may terminate this agreement unilaterally upon the vote of two-thirds of the partners of WRCCP prior to receipt from Blaine County of final plat approval.

(d) Unilateral Termination Upon Failure To Obtain Final Plat Approval. Upon the vote of two-thirds of

the partners of WRCCP, it may unilaterally terminate this Agreement in the event of Blaine County's decision not to approve the final plat in substantially the form submitted by T and T on behalf of WRCCP. WRCCP acknowledges that it will have approved the application submitted by T and T, and therefore agrees that it may not terminate this Agreement upon this particular basis if the County agrees to approve a final plat upon conditions not significantly different from the application.

(e) Sale to Third Party. This Agreement shall terminate upon the vote of two-thirds of the partners of WRCCP to sell the project outright to a third party.

(f) Transfer To A New Entity. This Agreement shall terminate in the event of the vote of two-thirds of the partners of WRCCP to transfer the subject property to a new entity in return for an interest in such new entity.

(g) Unilateral Termination By T and T. T and T may terminate this Agreement unilaterally if final plat approval has not been obtained on behalf of WRCCP by January 20, 1993, despite T and T's good faith efforts to obtain such approval.

2. DUTIES OF T AND T

T and T, shall exert its best efforts to pursue accomplishment of the following, and in so doing shall act in a professional and competent manner:

(a) Accomplishment of acquisition of the subject property and the financing therefore;

(b) Planning of the country club improvements, including the golf course, and of the residential subdivision; and pursuit of final subdivision plat approval from Blaine County;

(c) Pursuit of private or institutional financing for development of the subdivision project upon final plat approval;

(d) Overseeing all accounting and banking aspects of the subdivision project, including receipt of and responsibility for any income realized by WRCCP and disbursement of all funds to satisfy the obligations of WRCCP, as well as overseeing the preparation of its tax returns;

(e) Responsibility for hiring, placement and supervision of all employees of and independent contractors for WRCCP;

(f) Purchase or acquisition of any and all personal property necessary for the operation of WRCCP; and,

(g) Planning, scheduling and conduct of all business incidental to the subdivision planning aspects of this project, including the purchase of professional and non-professional services.

The parties acknowledge and agree that T and T does not have unlimited authority in regard to the above responsibilities. Such authority is strictly subject to and

limited by the terms of the Wood River Country Club Partnership Agreement, of which T and T is a party. A copy of that Agreement is attached hereto as Exhibit "C" and incorporated by reference herein. The parties also agree that all disbursements made by T and T over one thousand dollars (\$1000) shall be made by check signed by another partner of WRCCP.

3. COMPENSATION

(a) Planning and Design. T and T shall receive sixty thousand dollars (\$60,000.00) for its efforts in planning and designing the country club and residential subdivision and pursuing final plat approval of such subdivision. Such compensation shall be payable in six (6) equal monthly installments, with the first installment due January 15, 1990, and the final installment due June 15, 1990.

(b) Compensation Upon Termination of Agreement.

(1) Upon Agreement. Compensation to T and T in the event of termination upon agreement pursuant to para 1(a) shall be as the parties then mutually agree.

(2) Termination For Cause. In the event of termination for cause pursuant to paragraph 1(b), T and T shall be entitled to no additional compensation beyond such previously paid pursuant to paragraph 3(a).

(3) Unilateral Termination Prior To Plat Approval. In the event of termination pursuant to

APR 12 1991

paragraph 1(c), T and T shall receive the balance, if any, of its paragraph 3(a) compensation, plus the incentive compensation identified in paragraph 3(c).

(4) Unilateral Termination Upon Failure to Obtain Final Plat Approval. In the event of termination pursuant to paragraph 1(d), T and T shall receive only the balance, if any, of its paragraph 3(a) compensation.

(5) Sale to Third Party. In the event of termination pursuant to paragraph 1(e), T and T shall receive the incentive compensation set forth in paragraph 3(c), and, if a final plat has been obtained, the balance, if any, of its paragraph 3(a) compensation.

(6) Transfer to a New Entity. In the event of termination pursuant to paragraph 1(f), T and T shall receive the balance, if any, of its paragraph 3(a) compensation plus the incentive compensation set forth in paragraph 3(c).

(7) Termination by T and T. In the event of termination per paragraph 1(g), T and T shall receive only the balance, if any, of its paragraph 3(a) compensation.

(c) Incentive Compensation. T and T shall also be entitled to incentive compensation in the event of termination pursuant to paragraphs 3(b)(3), (5), or (6), and also in the event of development of the project by WRCCF subsequent to receiving final plat approval. This

compensation shall be based upon a percentage of all net profits of whatever nature received by WRCCP in regard to the project, whether or not plat approval is obtained for the project, WRCCP proceeds to develop the project, or WRCCP sells the project to a third party, and, in addition, the net profits received by WRCCP should it transfer the project to an entity in return for an interest in the new entity and receive profits through such new entity.

The net profit upon which this additional compensation will be based shall be the gross profits received by WRCCP less all cash expenses incurred by WRCCP as a result of the project, including management fees, but excluding the amount which is equal to Ten Thousand Dollars (\$10,000) per acre for each acre of the subject property which is not included as part of the project. This net profit figure shall not be reduced by any income tax deductions which are not actual cash expenses. The percentage of the net profits payable to T and T shall be based upon the following.

<u>NET PROFIT AMOUNT</u>	<u>AMOUNT OF NET PROFIT DUE T AND T</u>
\$1,000,000 or less	0
\$1,000,001 to \$2,000,000	10% of amount in excess of \$1,000,000
\$2,000,001 to \$3,000,000	\$100,000 + 12% of amount in excess of \$2,000,000
\$3,000,001 to \$4,000,000	\$220,000 + 15% of amount in excess of \$3,000,000
\$4,000,001 to \$5,000,000	\$370,000 + 20% of amount in excess of \$4,000,000
All amounts exceeding \$5,000,000	\$570,000 + 25% of amount in excess of \$5,000,000

Payment of this incentive compensation to T and T shall occur at such time as the profits to be received by WRCCP are distributed to its individual partners.

(d) Survival of Compensation. Both parties acknowledge and agree that T and T's right to compensation, as such is provided pursuant to the terms of this agreement, if any, shall survive and remain an obligation of WRCCP despite termination of this agreement. This shall be the case although such termination could relieve T and T of its management duties.

4. INDEMNIFICATION

T and T agrees to indemnify WRCCP and hold it harmless from any costs and expenses that WRCCP may incur, including a reasonable attorney fee, as a result of T and T's incurring a WRCCP contractual liability without authority to do so.

5. ADDITIONAL PROVISIONS

(a) Modification. This agreement may be modified upon mutual agreement of the parties; however, any modification must be evidenced by a writing signed by both parties.

(b) Attorney Fees. In the event of default by either party in the performance of this agreement, the defaulting party shall pay all attorney fees and associated costs incurred by the non-defaulting party regardless of whether litigation is commenced and through an appellate proceedings.

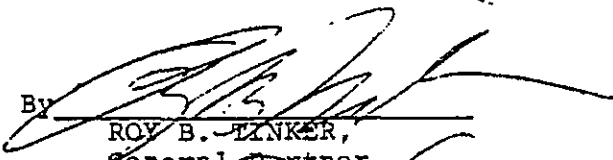
(c) Remedies. In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable, available pursuant to the laws of the State of Idaho.

(d) Assignment. This agreement shall not be assignable.

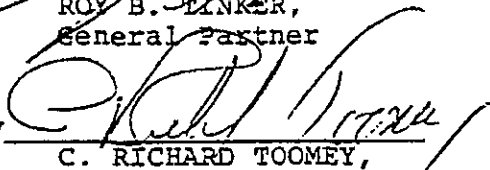
DATED this _____ day of January, 1990.

T AND T DEVELOPMENT

By

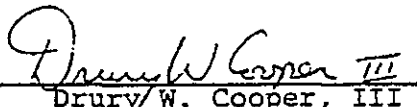

ROY B. LINKER,
General Partner

By

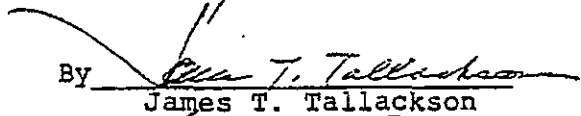

C. RICHARD TOOMEY,
General Partner

WOOD RIVER COUNTRY CLUB PARTNERS:

By


Drury W. Cooper, III

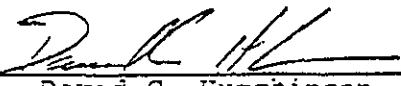
By


James T. Tallackson

By


Harold R. Tollerup

By


David C. Hutchinson

By

Earl M. Smith, Jr.

By

(c) Remedies In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable available pursuant to the laws of the State of Idaho.

(d) Assignment This agreement shall not be assignable.

DATED this 10th day of January 1990.

T AND T DEVELOPMENT

By [Signature]
ROY E. TINKER,
General Partner

By [Signature]
C. RICHARD TOOMEY,
General Partner

WOOD RIVER COUNTRY CLUB PARTNERS:

By [Signature]
Drury W. Cooper, III

By [Signature]
James T. Tallackson

By [Signature]
Harold E. Tallackson

By [Signature]
David E. Hutchinson

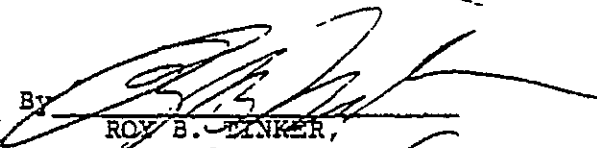
By [Signature]
Earl W. Smith, Jr.

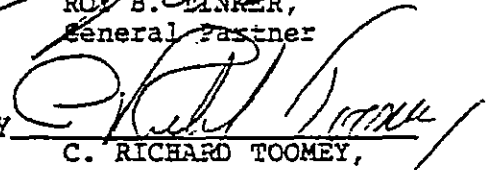
(c) Remedies. In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable, available pursuant to the laws of the State of Idaho.

(d) Assignment. This agreement shall not be assignable.

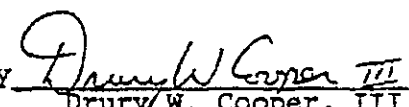
DATED this _____ day of January, 1990.

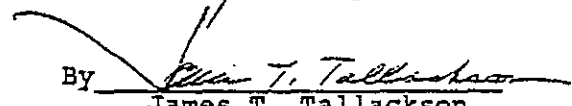
T AND T DEVELOPMENT

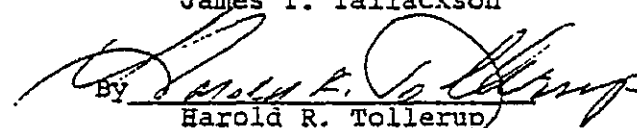
By 
ROY B. TINKER,
General Partner

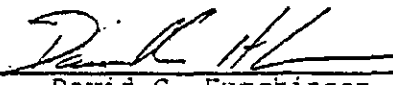
By 
C. RICHARD TOOMEY,
General Partner

WOOD RIVER COUNTRY CLUB PARTNERS:

By 
Drury W. Cooper, III

By 
James T. Tallackson

By 
Harold R. Tollerup

By 
David C. Hutchinson

By _____
Earl M. Smith, Jr.

By 
Robert J. Scott, Inc.

APR 12 1991

By Jack L. Billhardt

By Duffy S. Witmer
Duffy S. Witmer

By T AND T DEVELOPMENT

Roy B. Tinker
ROY B. TINKER,
General Partner

C. Richard Toomey
C. RICHARD TOOMEY,
General Partner

ALP5/km/6

MICROFILMED

APR 12 1991

EXHIBIT "A"

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 20: A parcel of land within the SE1/4 NW1/4, more particularly described as follows:

COMMENCING at a stone marking the Southeast Corner of said Section 20; thence

North 38° 30' West, 4646.00 feet to a 1/2" rebar and said rebar being the TRUE POINT OF BEGINNING; thence

South 14° 40' West, 49.30 feet to a 1/2" rebar; thence

North 19° 28' West, 18.10 feet to a 1/2" rebar; thence

South 64° 13' West, 17.90 feet to a 1/2" rebar; thence

North 17° 55' West, 54.40 feet to a 1/2" rebar; thence

South 75° 24' East, 53.00 feet to a 1/2" rebar, said rebar being the TRUE POINT OF BEGINNING, also known as TAX LOT 3237.

Section 21: SW1/4 SW1/4.

Section 28: NW1/4, NW1/4 SW1/4, and E1/2 SW1/4.

Together with all water and ditch rights appurtenant thereto, which rights include the following:

- (a) Mizer 20 Headgate
 - 84.5 inches, priority dated: March 24, 1883 BV
 - 100.0 inches, priority dated: May 1, 1886 494
 - 140.0 inches, priority dated: July 1, 1892 495
- (b) Hiawatha Canal
 - 60.0 inches, priority dated: March 24, 1883 BU
- (c) Irrigation well located on Tax Lot 3237 in Section 20, including pump and attachments.

The above property also includes all easements and appurtenances belonging thereto, and is subject to all easements of record and zoning restrictions.

EXHIBIT B

The following property located in Blaine County, State of Idaho

Township 3 North, Range 18 East of the Boise Meridian:

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$, lying south of and adjoining Ohio Gulch Road; E $\frac{1}{2}$ NW $\frac{1}{4}$ lying south of and adjoining Ohio Gulch Road and east of and adjoining the O.S.L. Railroad and Stock Driveways, (EXCEPTING from this parcel the following described tract: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as beginning at the SE corner of Section 20, thence N 38°31' W 4646 feet to the true point of beginning; thence S 14°40' W 49.3 feet, thence N 19°28' W 18.1 feet, thence S 64°13' W 17.9 feet, thence N 17°55' W 54.4 feet, thence S 75°24' E 53.0 feet to the place of beginning - end of exception).

NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway;
NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway.

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JUL 10 1990

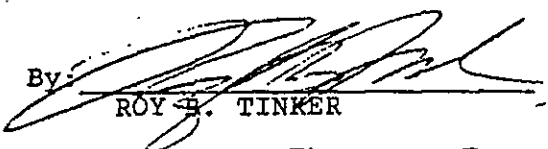
Division of Land Resources
Southern Region Office

ASSIGNMENT

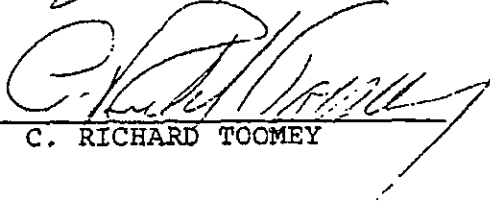
T & T Development, an Idaho general partnership, hereby assigns unto Wood River Country Club Partners, an Idaho General Partnership, all of its interest in that certain agreement entitled "Real Estate Purchase Offer And Acceptance" dated January 3, 1990, as amended February 26, 1990 pursuant to "Amendment To Real Estate Purchase Offer and Acceptance" between the Blechman Trusts, Seller, and T&T Development, Buyer, together with all of its interest in the real property subject to that Agreement which property is described in Exhibit A attached hereto and incorporated herein. Closing of the above transaction in regard to the real property described in Exhibit A is presently scheduled for August 30, 1990. Title to the subject property shall be taken in the name of Wood River County Club Partners.

DATED this 12 day of April, 1990.

T&T DEVELOPMENT COMPANY

By: 

ROY H. TINKER

By: 

C. RICHARD TOOMEY

MICROFILMED

APR 12 1991

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

On this 12 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROY B. TINKER, known to me to be one of the partners in the partnership of T&T DEVELOPMENT and the partner or one of the partners who subscribed said partnership name to the within instrument, and acknowledged to me that he executed the same in said partnership name.

GIVEN UNDER my hand and official seal on the day and year first above written.

(seal)

Don Lee
NOTARY PUBLIC for Idaho
Residing at Hailey
Commission Expires 11/91

STATE OF IDAHO)
) ss.
County of Blaine)

On this 16 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared C. RICHARD TOOMEY, known to me to be one of the partners in the partnership of T&T DEVELOPMENT and the partner or one of the partners who subscribed said partnership name to the within instrument, and acknowledged to me that he executed the same in said partnership name.

GIVEN UNDER my hand and official seal on the day and year first above written.

(seal)

Don Lee
NOTARY PUBLIC for Idaho
Residing at Hailey
Commission Expires 11/91

AL6/nq/4

EXHIBIT A

The following property located in Blaine County, State of Idaho

Township 3 North, Range 18 East of the Boise Meridian:

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{4}$ NE $\frac{1}{4}$, lying south of and adjoining Ohio Gulch Road; E $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of and adjoining Ohio Gulch Road and east of and adjoining the O.S.L. Railroad and Stock Driveways, (EXCEPTING from this parcel the following described tract: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as beginning at the SE corner of Section 20, thence N 38°31' W 4646 feet to the true point of beginning; thence S 14°40' W 49.3 feet, thence N 19°28' W 18.1 feet, thence S 64°13' W 17.9 feet, thence N 17°55' W 54.4 feet, thence S 75°24' E 53.0 feet to the place of beginning - end of exception).

NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway;
NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway.

ACCEPTANCE BY OFFEREE/SELLER

The above offer to purchase that certain real property located in Blaine County, Idaho, and identified as set forth in paragraph 1 of the offer, is accepted by Offeree/Seller, subject to all the terms and conditions of the Real Estate Purchase Offer and Acceptance dated January 3, 1990, consisting of nine (9) pages, including the signature and acknowledgment pages.

RECEIVED

JUL 16 1990

Department of Water Resources
Southern Region Office

DATED: JAN. 11, 1990.

FREDERICK H. BLECHMANN,
Trustee of the FREDERICK H.
BLECHMANN TRUST dated October
5, 1983, and the Blechmann
Trust dated April 5, 1986

H. PAUL BLECHMANN,
Trustee of the FREDERICK H.
BLECHMANN TRUST dated December
19, 1972 between Frederick H.
Blechmann and Clarice E.
Blechmann, husband and wife,
grantors, and H. Paul
Blechmann, Trustee

STATE OF IDAHO)
) ss.
County of Blaine)

On this 11th day of January, 19⁹⁰, before me, the undersigned, a Notary Public in and for said State, personally appeared FREDERICK H. BLECHMANN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

(seal)

Notary Public for Idaho
Residing at San Valley
Commission Expires 7-24-92

REAL ESTATE PURCHASE OFFER AND ACCEPTANCE

THIS OFFER TO PURCHASE REAL PROPERTY is made this 3rd day of January, 1990, by T & T DEVELOPMENT, an Idaho General Partnership, hereafter "Buyer", to the FREDERICK H. BLECHMANN TRUST dated October 5, 1983, THE BLECHMANN TRUST dated April 15, 1986, and Trust dated December 19, 1972, between Frederick H. Blechmann and Clarice E. Blechmann, husband and wife, grantors, and H. Paul Blechmann, Trustee, hereafter collectively referred to as "Seller".

1. Description of Property Subject to Offer.

Buyer offers to purchase real property located in Section 20, Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho, with all ditch and water rights appurtenant which are thirty-seven and one-half (37 1/2) inches of Rockwell Bypass Water, and three hundred ninety-five (395) inches of 1888 decreed water from the East Fork of the Big Wood River identified by shares held in the upper Wood River Water User's Association, which property lies east of Highway 75 and south of Ohio Gulch Road as depicted on Exhibit A attached hereto, and which is legally described on Exhibit B attached hereto, both exhibits being incorporated herein as if set forth in full.

2. Purchase Price. The purchase price for the subject property shall be Ten Thousand Dollars (\$10,000) per acre. Although the parties acknowledge that the subject property is slightly in excess of two hundred (200) acres the exact acreage is unclear. Consequently, Buyer shall have the property surveyed at its sole expense and the total purchase price of the property as surveyed shall be Ten Thousand Dollars (\$10,000) per acre. The Purchase price shall be payable as follows:

(a) Earnest Money. In the event of Seller's acceptance, Twenty-Five Thousand Dollars (\$25,000), will be deposited by Buyer with First American Title Company, Ketchum, Idaho, on January 5, 1990, such date to constitute the opening of escrow;

(b) Balance of Down Payment. Four Hundred Ninety-five Thousand Dollars (\$495,000) shall be paid, together with the earnest money for a total of Five Hundred Twenty Thousand Dollars (\$520,000) to Seller in cash, cashier's check, or certified funds, at the time of closing; and

(c) Deferred Payment. The balance of the purchase price shall be evidenced by a ~~non-recourse~~ promissory note which is secured by a first mortgage upon the subject property and the appurtenant ~~water~~ ^{water} rights.

B

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

Transfer No. 3743

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

JUL 16 1990

PART 1

JUL - 2 1990

Department of Water Resources
Name of applicant Wood River Country Club Partners Phone (208) 424-2400
Southern Region Office
Post Office address c/o James P. Speck, Hogue, Speck & Aanstad, Box 987, Ketchum, ID 83340
Southern Region Office

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant is developing two adjacent ranches into a golf course and residential subdivision. Water right described below is presently appurtenant to one of the ranches.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
portion of 37-02623	10/12/1959	2.81 cfs	Irrigation	April 1 to Nov. 1
portion of 37-02623	10/12/1959	0.24 cfs	Recreation	April 1 to Nov. 1
				to
				to

2. Total amount of water being transferred 3.05 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	~~NE~~	~~SE~~	~~NW~~	20	3N	18E	Blaine	n/a
	*							

5. Lands irrigated or place of use: + PLACE of USE edit made via telecon w/ Jim Speck on 2-5-91 T/12-5-91

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	20			R	13.236.49				R						R	11.04	61.26	
3N	18E	21		*									R	14				14.00	
3N	18E	28						R	11.929.41	5.948.59				1.5				68.26	
3N	18E	20			R	11.5	7.0									R	11	59.5	
3N	18E	21																13.5	
3N	18E	28						R	10.8	10	7.5	R	11		2			70.8	

* All edits by James Speck, Atty (Power attached)
(edit notation by BRJ 2/18/90)

Total acres 143.8

PART 1

6. General Information:

- a. Description of diversion system See Attached Addendum
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
All lands historically irrigated by the transferred water right are
incorporated into the golf course/residential development. These lands
will no longer be used for agricultural irrigation.
- d. Remarks:
See Attached Addendum

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2623
 And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

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APR 12 1991

Witness my hand this 12th day of March, 1991

J. Glen Saxton

CONDITIONS OF APPROVAL

Transfer of Water Right No. 37-2623

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. This right when combined with right nos. 37-0494, 37-0495, 37-0577T, 37-0577V, & 37-0833K shall provide no more than 3.0 acre-feet per acre for the lands above.
3. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
3. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 12th day of March, 1991.

J. Glen Saylor
Chief, Water Allocation Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 37-02623 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 10/12/1959

5. Water is used for the following purpose:

amount 3.05 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 3.05 cubic feet per second and/or n/a acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
~~X~~	~~NE~~	~~SE~~	~~NW~~	20	3N	18E	Blaine	n/a
(see note on page 1 of 6) DR, 7/12/10								

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	21											21						21
3N	18E	28					2	34	40	10	9	35	5						135

Total acres 156

9. Describe any other water rights used for the same purpose as described above Portions of 37-00577,
37-00494, 37-00495, 37-00833K

To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

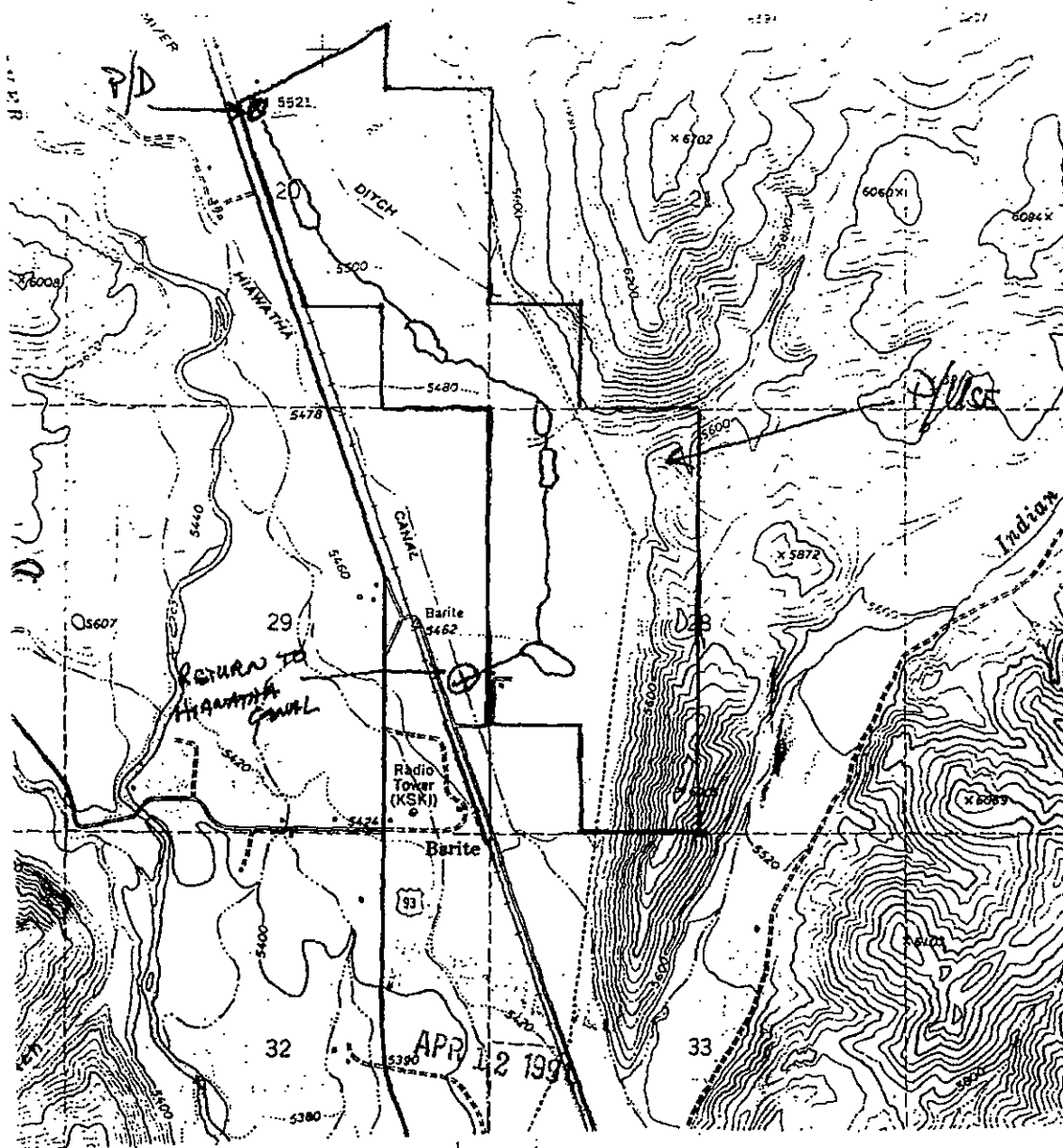
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

T. 3 N., R. 18 E., B. M., BLAINE COUNTY



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Recreation</u>	<u>0.24 cfs</u>	<u>215 days/year</u>	<u>April 1</u> to <u>Nov. 1</u>
				_____ to _____

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

See Attached Addendum

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

None. The change to recreation will not increase the consumptive use of this
water right.

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

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

Subscribed and sworn to before me this

79th day of June, 1990
ROBERT PINKER (Signature of Applicant) F&T MONT. CO. FOR
WOOD RIVER COUNTRY CLUB PARTNERS

James P. Spade
 (Notary Public)

My commission expires

1/29/91**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by M.B.Date 7/2/90

Protest filed by

APR 12 1991

Prelim. check by

Fee 50.00Received by DRSDate 7/3/90 5012474

Published in

Wood River Journal

Copies of protest forwarded by

Pub. dates

7/25 + 8/1/90

Hearing held by

Date

Watermaster recommendation requested on

11/4

Recommended for

☒ approval☐ denial

rec'd.

by Let

Copy of transfer sent to lien holder

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JUL 16 1990

ADDENDUM TO
APPLICATION FOR TRANSFER OF WATER RIGHT
(37-02623)

Department of Water Resources
Southern Region Office

BY
WOOD RIVER COUNTRY CLUB PARTNERS

INTRODUCTION:

Applicant has purchased 1 ranch (all of the lands in Sections 21 and 28 as shown on the map in Part 3 of this Application) and is the purchaser of the adjacent ranch (all of the lands in Section 20 as shown on the map) under a binding contract of sale. Applicant has obtained preliminary plat approval from the Blaine County Planning and Zoning Commission for a residential planned unit development to be known as The Valley Ranch and to include 98 single family home lots, a recreation center and an 18 hole championship golf course, including a clubhouse and maintenance building. Accompanying this Application is a copy of the approved Preliminary Plat (the "Plat") (note: Lots 33 and 34 shown on the Plat will be combined into one lot).

Attached to this Addendum is a summary of the proposed irrigated acres for the project, sub-totalled by the following categories: residential lot irrigation, residential common area, golf course rough and golf course fairway. Please note that the surface area of the ponds (approximately 12.25 acres) is NOT included in these numbers. Adequate surface water rights have been acquired with the ranches to irrigate the golf course rough and fairways and the residential common area - an application for transfer is being filed in conjunction with this Application to accomplish that goal.

The groundwater right which is the subject of this Application is licensed to irrigate 156 acres as described in Part 2, all of which is located in Sections 21 and 28. This irrigation use is supplemental to those surface rights which Applicant has acquired with the ranches. This Application seeks approval of the following changes to this water right:

a. Change the nature of a portion of this right to "consumptive" recreation use in the ponds and streams as golf course hazards. This portion is determined by the surface area of the ponds (12.25 acres), the total, historic irrigated acreage as shown in PART 2 of the Application (156 acres - the amount allowed by the License), and based upon the assumption that the evapo-transpiration losses are approximately the same for the same areas of pond surface and irrigated crop. Thus, $12.25 \text{ acres} / 156 \text{ acres} \times 3.05 \text{ cfs} = 0.24 \text{ cfs}$ will be used for this purpose.

ADDENDUM TO APPLICATION FOR TRANSFER OF WATER
RIGHTS BY WOOD RIVER COUNTRY CLUB PARTNERS - 1

APR 12 1991

b. Change the place of use for the balance of 2.81 cfs to be used for the supplemental irrigation of 143.52 acres of the golf course fairways and rough (determined by subtracting the 9.15 acres of rough to be irrigated by the new wells developed under the accompanying Amended Application for Permit from the total of 152.67 acres for fairways and rough.

ADDENDUM:

PART 1

B.,6.,a. 180 ft. well with 20 in. casing and 75 HP pump discharging to 10 in. pipeline to the northernmost pond depicted on the Plat; gravity flow through the system of streams and ponds for recreational use as golf course hazards and pumped from the ponds into a pressurized underground sprinkler system to irrigate the golf course fairways and most of the rough.

B.,6.,d. The location of the proposed system of ponds and streams is generally depicted in Part 3, A of this Application. The Plat included with this Application accurately shows the size and location of these features on a 1 inch = 200 feet scale. See the INTRODUCTION, above, for general comments about the requested changes. The ponds will also provide a source of water for fire protection for the residential lots and recreational facility buildings.

PART 3

B.,2. The system will provide for the return of any overflow waters from the southernmost pond to the Hiawatha Canal in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S.29, T.3N., R.18E., B.M., Blaine County. The amount of such return flows cannot currently be estimated. There will be no change in the quality of this return water which would adversely impact the irrigation users further down the Canal.

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THE VALLEY RANCH - SUMMARY OF IRRIGATED ACRES

SECTION	1/4 1/4	LOTS	COM AREA	ROUGH	FAIRWAY	TOTAL
20	NW NE	0.50	0.00	0.00	0.00	0.50
20	SW NE	5.50	0.15	3.27	9.96	18.88
20	SE NE	6.50	0.00	1.44	5.05	12.99
20	SE NW	0.00	2.22	0.00	0.00	2.22
20	NE SE	6.00	0.00	3.27	11.92	21.19
20	NW SE	3.00	0.55	1.49	13.82	18.86
20	SE SE	6.00	0.00	3.30	7.74	17.04
21	SW SW	2.50	0.00	2.16	11.84	16.50
28	NE NW	1.00	0.00	0.55	14.88	16.43
28	NW NW	4.00	6.11	2.49	12.49	25.09
28	SW NW	5.50	0.00	3.74	11.92	21.16
28	SE NW	1.00	0.00	1.02	9.41	11.43
28	NE SW	0.50	0.00	0.86	6.94	8.30
28	NW SW	7.00	1.00	2.98	8.59	19.57
28	SE SW	0.00	0.00	0.00	1.54	1.54
TOTALS	. . .	49.00	10.03	26.57	126.10	211.70

THE VALLEY RANCH
1931

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JUL 24 1990

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

Department of Water Resources
Southern Region Office

WOOD RIVER COUNTRY CLUB PARTNERS, an Idaho general partnership (the "Partnership"), of Blaine County, Idaho, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as the Partnership's attorney in fact and agent (subsequently called "Agent") to act in the Partnership's name and for the Partnership's benefit for the specific purposes stated herein only. The Partnership grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as the Partnership might or could do if personally present and fully competent, hereby ratifying and confirming all that the Partnership's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. The Partnership's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that the Partnership now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or the Partnership's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to the Partnership's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to the Partnership's Agent shall incur any liability to the Partnership as a result of permitting the Agent to exercise any power.

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5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, the Partnership has executed this Special Power of Attorney this 21st day of July, 1990.

WOOD RIVER COUNTRY CLUB PARTNERS

By T & T DEVELOPMENT, an Idaho
general partnership and
General Partner

By: [Signature]
Roy B. Tinker, General Partner

STATE OF IDAHO)
) ss.
County of Blaine)

On this 21st day of July, 1990, before me, the undersigned notary public in and for said state, personally appeared Roy B. Tinker, known or identified to me to be one of the general partners in the partnership of T & T DEVELOPMENT, which is a general partner in the partnership of WOOD RIVER COUNTRY CLUB PARTNERS, and the general partner which subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

[Signature]
Notary Public for Idaho
Residing at: Fuller, Idaho

jim:wrccp.pwr

SPECIAL POWER OF ATTORNEY - 2

APR 12 1991

WARRANTY DEED

For Value Received

Buckhorn Investment Company, a California general partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Wood River Country Club Partners, an Idaho General Partnership

whose address is: P. O. Box 1926, Sun Valley, ID 83353

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

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 20: A parcel of land within the SE1/4 NW1/4, more particularly described as follows:

COMMENCING at a stone marking the Southeast Corner of said Section 20; thence N. 38° 30' W., 4646.00 feet to a 1/2" rebar and said rebar being the TRUE POINT OF BEGINNING; thence S. 14° 40' W., 49.30 feet to a 1/2" rebar; thence N. 19° 28' W., 18.10 feet to a 1/2" rebar; thence S. 64° 13' W., 17.90 feet to a 1/2" rebar; thence N. 17° 55' W., 54.40 feet to a 1/2" rebar; thence S. 75° 24' E., 53.00 feet to a 1/2" rebar, said rebar being the TRUE POINT OF BEGINNING.

Section 21: SW1/4 SW1/4.

Section 28: NW1/4, NW1/4 SW1/4, and E1/2 SW1/4.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 11, 1990

Buckhorn Investment Company, a California general partnership

By: Barry Shook, General Partner

79-448-0
(Partnership)

STATE OF CALIFORNIA

COUNTY OF Los Angeles } ss.

On January 11, 1990

before me, the undersigned, a Notary Public in and for said State, personally appeared Barry Shook

to be ONE of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature: Katherine D. Mendo

Name (Typed or Printed)



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JUL 16 1990

Department of Water Resources
Southern Region Office

AGREEMENT

This Agreement is made this 16th day of January, 1990, between T and T Development, an Idaho general partnership, (hereafter T and T), and Wood River Country Club Partners, an Idaho general partnership, (hereafter WRCCP).

RECITALS

A. WRCCP intends to acquire those certain parcels of real property located in Blaine County, Idaho, which property consists of two contiguous parcels commonly known as the "Mizer Ranch" and the "Blechmann Property" (both of which are hereafter referred to as the "subject property"), which parcels are described in Exhibits A and B attached hereto and incorporated by reference herein as if set forth in full.

B. WRCCP intends to pursue final plat approval of all or a portion of the subject property into a country club with an eighteen (18) hole championship golf course and single family residential subdivision (the "project"), which project will require prior subdivision approval by Blaine County. This agreement shall not apply to any portion of the subject property which is not a part of the project.

C. T and T is one of the partners of WRCCP.

D. WRCCP and T and T desire that T and T manage, oversee and have primary responsibility to pursue the subject property acquisition and the financing therefore,

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the subdivision design and planning, and its final plat approval, and further that T and T be entitled to certain incentive compensation as provided herein as a result of its entrepreneurial efforts.

In consideration of the mutual covenants set forth herein, the parties agree as follows:

1. TERM OF AGREEMENT

This management contract shall commence effective January 1, 1990, and, terminate in one of the following manners:

(a) Termination Upon Agreement. Upon written agreement of both WRCCP and T and T, this agreement shall be terminated.

(b) Unilateral Termination For Cause. This agreement may be unilaterally terminated by WRCCP by the approval of two-thirds of its partners in the event of cause brought about by T and T in the performance of its responsibilities. For cause shall include, for example, such matters as mismanagement, embezzlement, fraud and the like.

(c) Unilateral Termination Prior to Final Plat Approval. WRCCP may terminate this agreement unilaterally upon the vote of two-thirds of the partners of WRCCP prior to receipt from Blaine County of final plat approval.

(d) Unilateral Termination Upon Failure To Obtain Final Plat Approval. Upon the vote of two-thirds of

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the partners of WRCCP, it may unilaterally terminate this Agreement in the event of Blaine County's decision not to approve the final plat in substantially the form submitted by T and T on behalf of WRCCP. WRCCP acknowledges that it will have approved the application submitted by T and T, and therefore agrees that it may not terminate this Agreement upon this particular basis if the County agrees to approve a final plat upon conditions not significantly different from the application.

(e) Sale to Third Party. This Agreement shall terminate upon the vote of two-thirds of the partners of WRCCP to sell the project outright to a third party.

(f) Transfer To A New Entity. This Agreement shall terminate in the event of the vote of two-thirds of the partners of WRCCP to transfer the subject property to a new entity in return for an interest in such new entity.

(g) Unilateral Termination By T and T. T and T may terminate this Agreement unilaterally if final plat approval has not been obtained on behalf of WRCCP by January 20, 1993, despite T and T's good faith efforts to obtain such approval.

2. DUTIES OF T AND T

T and T, shall exert its best efforts to pursue accomplishment of the following, and in so doing shall act in a professional and competent manner:

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APR 12 1991

(a) Accomplishment of acquisition of the subject property and the financing therefore;

(b) Planning of the country club improvements, including the golf course, and of the residential subdivision; and pursuit of final subdivision plat approval from Blaine County;

(c) Pursuit of private or institutional financing for development of the subdivision project upon final plat approval;

(d) Overseeing all accounting and banking aspects of the subdivision project, including receipt of and responsibility for any income realized by WRCCP and disbursement of all funds to satisfy the obligations of WRCCP, as well as overseeing the preparation of its tax returns;

(e) Responsibility for hiring, placement and supervision of all employees of and independent contractors for WRCCP;

(f) Purchase or acquisition of any and all personal property necessary for the operation of WRCCP; and,

(g) Planning, scheduling and conduct of all business incidental to the subdivision planning aspects of this project, including the purchase of professional and non-professional services.

The parties acknowledge and agree that T and T does not have unlimited authority in regard to the above responsibilities. Such authority is strictly subject to and

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limited by the terms of the Wood River Country Club Partnership Agreement, of which T and T is a party. A copy of that Agreement is attached hereto as Exhibit "C" and incorporated by reference herein. The parties also agree that all disbursements made by T and T over one thousand dollars (\$1000) shall be made by check signed by another partner of WRCCP.

3. COMPENSATION

(a) Planning and Design. T and T shall receive sixty thousand dollars (\$60,000.00) for its efforts in planning and designing the country club and residential subdivision and pursuing final plat approval of such subdivision. Such compensation shall be payable in six (6) equal monthly installments, with the first installment due January 15, 1990, and the final installment due June 15, 1990.

(b) Compensation Upon Termination of Agreement.

(1) Upon Agreement. Compensation to T and T in the event of termination upon agreement pursuant to para 1(a) shall be as the parties then mutually agree.

(2) Termination For Cause. In the event of termination for cause pursuant to paragraph 1(b), T and T shall be entitled to no additional compensation beyond such previously paid pursuant to paragraph 3(a).

(3) Unilateral Termination Prior To Plat Approval. In the event of termination pursuant to

APR 12 1991

paragraph 1(c), T and T shall receive the balance, if any, of its paragraph 3(a) compensation, plus the incentive compensation identified in paragraph 3(c).

(4) Unilateral Termination Upon Failure to Obtain Final Plat Approval. In the event of termination pursuant to paragraph 1(d), T and T shall receive only the balance, if any, of its paragraph 3(a) compensation.

(5) Sale to Third Party. In the event of termination pursuant to paragraph 1(e), T and T shall receive the incentive compensation set forth in paragraph 3(c), and, if a final plat has been obtained, the balance, if any, of its paragraph 3(a) compensation.

(6) Transfer to a New Entity. In the event of termination pursuant to paragraph 1(f), T and T shall receive the balance, if any, of its paragraph 3(a) compensation plus the incentive compensation set forth in paragraph 3(c).

(7) Termination by T and T. In the event of termination per paragraph 1(g), T and T shall receive only the balance, if any, of its paragraph 3(a) compensation.

(c) Incentive Compensation. T and T shall also be entitled to incentive compensation in the event of termination pursuant to paragraphs 3(b) (3), (5), or (6), and also in the event of development of the project by WRCCP subsequent to receiving final plat approval.

APR 12 1991

compensation shall be based upon a percentage of all net profits of whatever nature received by WRCCP in regard to the project, whether or not plat approval is obtained for the project, WRCCP proceeds to develop the project, or WRCCP sells the project to a third party, and, in addition, the net profits received by WRCCP should it transfer the project to an entity in return for an interest in the new entity and receive profits through such new entity.

The net profit upon which this additional compensation will be based shall be the gross profits received by WRCCP less all cash expenses incurred by WRCCP as a result of the project, including management fees, but excluding the amount which is equal to Ten Thousand Dollars (\$10,000) per acre for each acre of the subject property which is not included as part of the project. This net profit figure shall not be reduced by any income tax deductions which are not actual cash expenses. The percentage of the net profits payable to T and T shall be based upon the following.

<u>NET PROFIT AMOUNT</u>	<u>AMOUNT OF NET PROFIT DUE T AND T</u>
\$1,000,000 or less	0
\$1,000,001 to \$2,000,000	10% of amount in excess of \$1,000,000
\$2,000,001 to \$3,000,000	\$100,000 + 12% of amount in excess of \$2,000,000
\$3,000,001 to \$4,000,000	\$220,000 + 15% of amount in excess of \$3,000,000
\$4,000,001 to \$5,000,000	\$370,000 + 20% of amount in excess of \$4,000,000
All amounts exceeding \$5,000,000	\$570,000 + 25% of amount in excess of \$5,000,000

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Payment of this incentive compensation to T and T shall occur at such time as the profits to be received by WRCCP are distributed to its individual partners.

(d) Survival of Compensation. Both parties acknowledge and agree that T and T's right to compensation, as such is provided pursuant to the terms of this agreement, if any, shall survive and remain an obligation of WRCCP despite termination of this agreement. This shall be the case although such termination could relieve T and T of its management duties.

4. INDEMNIFICATION

T and T agrees to indemnify WRCCP and hold it harmless from any costs and expenses that WRCCP may incur, including a reasonable attorney fee, as a result of T and T's incurring a WRCCP contractual liability without authority to do so.

5. ADDITIONAL PROVISIONS

(a) Modification. This agreement may be modified upon mutual agreement of the parties; however, any modification must be evidenced by a writing signed by both parties.

(b) Attorney Fees. In the event of default by either party in the performance of this agreement, the defaulting party shall pay all attorney fees and associated costs incurred by the non-defaulting party regardless of whether litigation is commenced and through an appellate proceedings.

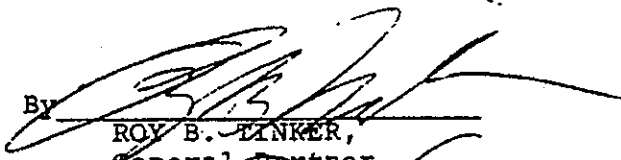
APR 12 1991

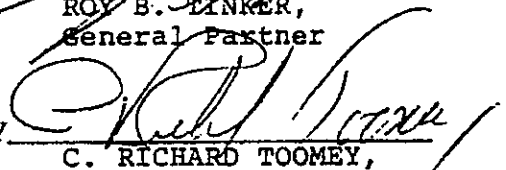
(c) Remedies. In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable, available pursuant to the laws of the State of Idaho.

(d) Assignment. This agreement shall not be assignable.

DATED this _____ day of January, 1990.

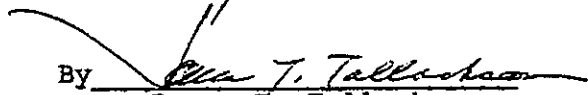
T AND T DEVELOPMENT

By 
ROY B. TINKER,
General Partner

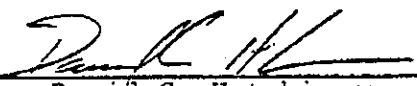
By 
C. RICHARD TOOMEY,
General Partner

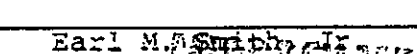
WOOD RIVER COUNTRY CLUB PARTNERS:

By 
Drury W. Cooper, III

By 
James T. Tallackson

By 
Harold R. Tollerup

By 
David C. Hutchinson

By 
Earl M. Smith

By _____ APR 12 1991

(c) Remedies In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable available pursuant to the laws of the State of Idaho.

(d) Assignment This agreement shall not be assignable.

DATED this 15th day of January 1990.

T AND T DEVELOPMENT

By RS
ROY H. TINKER,
General Partner

By RS
C. RICHARD TOOMEY,
General Partner

WOOD RIVER COUNTRY CLUB PARTNERS:

By Drury W. Cooper, III

By James T. Tallackson

By Harold A. Tollerup

By David C. Hutchinson

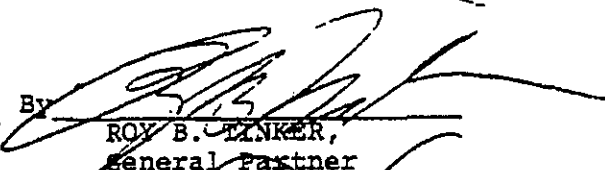
By 242
242. 4. 37. APR 12 1991

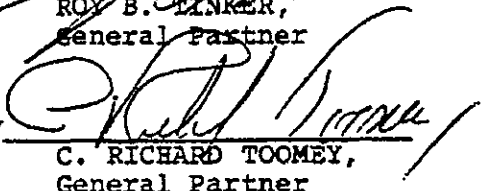
(c) Remedies. In the event of default by either party, the non-defaulting party shall be entitled, in addition to any remedies specifically provided herein, all remedies, both legal and equitable, available pursuant to the laws of the State of Idaho.

(d) Assignment. This agreement shall not be assignable.

DATED this _____ day of January, 1990.

T AND T DEVELOPMENT

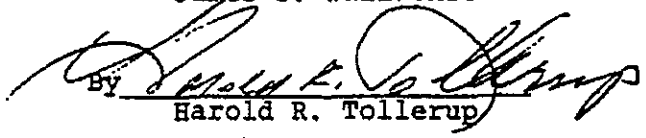
By 
ROY B. TINKER,
General Partner

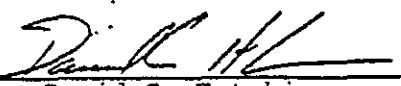
By 
C. RICHARD TOOMEY,
General Partner

WOOD RIVER COUNTRY CLUB PARTNERS:

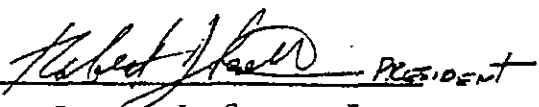
By 
Drury W. Cooper, III

By 
James T. Tallackson

By 
Harold R. Tollerup

By 
David C. Eutichinson

By _____
Earl M. Smith, Jr.

By  PRESIDENT
Robert J. Scott, Inc.

RECORDED

APR 12 1991

By Jack L. Billhardt

By Duffy S. Witmer
Duffy S. Witmer

By T AND T DEVELOPMENT

Roy B. Tinker
ROY B. TINKER,
General Partner

C. Richard Toomey
C. RICHARD TOOMEY,
General Partner

ALP5/km/6

REF FILMED

APR 12 1991

~~ROY H. TOLSON~~
~~JOHN A. SANCHEZ~~

15
C. RICHARD TOOMEY,
General Partner

ALP 5/km/6

MICROFILMED

APR 12 1991

EXHIBIT "A"

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 20: A parcel of land within the SE1/4 NW1/4, more particularly described as follows:

COMMENCING at a stone marking the Southeast Corner of said Section 20; thence North 38° 30' West, 4646.00 feet to a 1/2" rebar and said rebar being the TRUE POINT OF BEGINNING; thence South 14° 40' West, 49.30 feet to a 1/2" rebar; thence North 19° 28' West, 18.10 feet to a 1/2" rebar; thence South 64° 13' West, 17.90 feet to a 1/2" rebar; thence North 17° 55' West, 54.40 feet to a 1/2" rebar; thence South 75° 24' East, 53.00 feet to a 1/2" rebar, said rebar being the TRUE POINT OF BEGINNING, also known as TAX LOT 3237.

Section 21: SW1/4 SW1/4.

Section 28: NW1/4, NW1/4 SW1/4, and E1/2 SW1/4.

Together with all water and ditch rights appurtenant thereto, which rights include the following:

- (a) Mizer 20 Headgate
 - 84.5 inches, priority dated: March 24, 1883
 - 100.0 inches, priority dated: May 1, 1886
 - 140.0 inches, priority dated: July 1, 1892
- (b) Hiawatha Canal
 - 60.0 inches, priority dated: March 24, 1883
- (c) Irrigation well located on Tax Lot 3237 in Section 20, including pump and attachments.

The above property also includes all easements and appurtenances belonging thereto, and is subject to all easements of record and zoning restrictions.

RECORDED

AUG 12 1991

EXHIBIT "A"

EXHIBIT B

The following property located in Blaine County, State of Idaho

Township 3 North, Range 18 East of the Boise Meridian:

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{4}$ NE $\frac{1}{4}$, lying south of and adjoining Ohio Gulch Road; E $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of and adjoining Ohio Gulch Road and east of and adjoining the O.S.L. Railroad and Stock Driveways, (EXCEPTING from this parcel the following described tract: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as beginning at the SE corner of Section 20, thence N 38°31' W 4646 feet to the true point of beginning; thence S 14°40' W 49.3 feet, thence N 19°28' W 18.1 feet, thence S 64°13' W 17.9 feet, thence N 17°55' W 54.4 feet, thence S 75°24' E 53.0 feet to the place of beginning - end of exception).

NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway;
NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway.

RECEIVED

JUL 1 1990

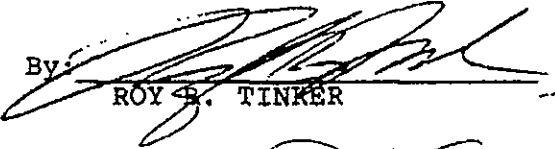
Department of Resources
Southern Region Office

ASSIGNMENT

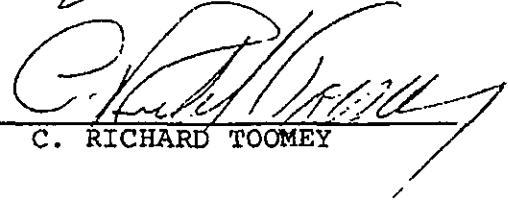
T & T Development, an Idaho general partnership, hereby assigns unto Wood River Country Club Partners, an Idaho General Partnership, all of its interest in that certain agreement entitled "Real Estate Purchase Offer And Acceptance" dated January 3, 1990, as amended February 26, 1990 pursuant to "Amendment To Real Estate Purchase Offer and Acceptance" between the Blechman Trusts, Seller, and T&T Development, Buyer, together with all of its interest in the real property subject to that Agreement which property is described in Exhibit A attached hereto and incorporated herein. Closing of the above transaction in regard to the real property described in Exhibit A is presently scheduled for August 30, 1990. Title to the subject property shall be taken in the name of Wood River County Club Partners.

DATED this 12 day of April, 1990.

T&T DEVELOPMENT COMPANY

By: 

ROY B. TINKER

By: 

C. RICHARD TOOMEY

FILED

APR 12 1991

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

On this 12 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROY B. TINKER, known to me to be one of the partners in the partnership of T&T DEVELOPMENT and the partner or one of the partners who subscribed said partnership name to the within instrument, and acknowledged to me that he executed the same in said partnership name.

GIVEN UNDER my hand and official seal on the day and year first above written.

(seal)

Ann Lee
NOTARY PUBLIC for Idaho
Residing at Hailey
Commission Expires 1/12

STATE OF IDAHO)
) ss.
County of Blaine)

On this 16 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared C. RICHARD TOOMEY, known to me to be one of the partners in the partnership of T&T DEVELOPMENT and the partner or one of the partners who subscribed said partnership name to the within instrument, and acknowledged to me that he executed the same in said partnership name.

GIVEN UNDER my hand and official seal on the day and year first above written.

(seal)

Ann Lee
NOTARY PUBLIC for Idaho
Residing at Hailey
Commission Expires 1/12

AL6/nq/4

NOT RECORDED

APR 12 1991

ASSIGNMENT - 2

EXHIBIT A

The following property located in Blaine County, State of Idaho

Township 3 North, Range 18 East of the Boise Meridian:

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{4}$ NE $\frac{1}{4}$, lying south of and adjoining Ohio Gulch Road; E $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of and adjoining Ohio Gulch Road and east of and adjoining the O.S.L. Railroad and Stock Driveways, (EXCEPTING from this parcel the following described tract: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as beginning at the SE corner of Section 20, thence N 38°31' W 4646 feet to the true point of beginning; thence S 14°40' W 49.3 feet, thence N 19°28' W 18.1 feet, thence S 64°13' W 17.9 feet, thence N 17°55' W 54.4 feet, thence S 75°24' E 53.0 feet to the place of beginning - end of exception).

NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway;
NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the O.S.L. Railroad and Stock Driveway.

RECORDED

APR 12 1991

ACCEPTANCE BY OFFEREE/SELLER

The above offer to purchase that certain real property located in Blaine County, Idaho, and identified as set forth in paragraph 1 of the offer, is accepted by Offeree/Seller, subject to all the terms and conditions of the Real Estate Purchase Offer and Acceptance dated January 3, 1990, consisting of nine (9) pages, including the signature and acknowledgment pages.

RECEIVED

JUL 16 1990

Department of Water Resources
Southern Region Office

DATED: 17/11/1990

FREDERICK H. BLECHMANN,
Trustee of the FREDERICK H.
BLECHMANN TRUST dated October
5, 1983, and the Blechmann
Trust dated April 5, 1986

H. PAUL BLECHMANN,
Trustee of the FREDERICK H.
BLECHMANN TRUST dated December
19, 1972 between Frederick H.
Blechmann and Clarice E.
Blechmann, husband and wife,
grantors, and H. Paul
Blechmann, Trustee

STATE OF IDAHO)
County of Blaine) ss.

On this 14th day of January, 19⁷⁰, before me, the undersigned, a Notary Public in and for said State, personally appeared FREDERICK H. BLECHMANN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

(seal)

NOTARY PUBLIC for Idaho
Residing at Jun Valley
Commission Expires 7-24-92

State of Idaho

License and Certificate of Water Right

G-28211

Priority October 12, 1959

Amount 3.05 c.f.s.

WITNESSETH that MRS. STELLA MIZER

of the State of Idaho, made application for a permit to appropriate the waters of the State of Idaho, dated October 12, 1959; that Permit No. G-28211 was issued thereunder said application; that Certificate of Completion of Works, with a carrying capacity of 3.05 second feet, was issued thereunder on March 16, 1967, showing that said works were completed on the 22nd day of September, 1964; and that on the 22nd day of September, 1964, MRS. STELLA MIZER

of Valley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well,

a tributary of a subterranean flow for the purpose of supplemental irrigation under Use Permit No. G-28211 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8706, on the 16th day of March, 1967.

The right hereby confirmed dates from October 12, 1959.

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 20, Twp. 3 N., R. 18 E., B.M. Blaine, Blaine County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.05 cubic feet per second.

Description and location of use:

Top	Range	Section	Point of Diversion	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	19 E.	21	SW 1/4 SW 1/4	40	21
		20	NE 1/4 NW 1/4	40	2
			NW 1/4 NW 1/4	40	34
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	10
			NE 1/4 SW 1/4	40	9
			NW 1/4 SW 1/4	40	35
			SE 1/4 SW 1/4	40	5

Total number of acres to be irrigated 156

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho.

State Reclamation Engineer

c

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 06 1990

State of Idaho,

County of Blaine

} SS.

Department of Water Resources
Southern Region Office

DANIEL J. GOSWAMI

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 25 day of July, 1990, and

the date of the last publication was on the 1 day of Aug., 1990.

Subscribed and sworn to before me this 1st day of Aug., 1990.
(SEAL)

Rolanta McKenney

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 171
Number of Insertions _____

Lines tabular at _____ 6¢ / Pica
Lines straight at 94.05 5¢ / Pica
Subsequent lines at 75.24 4¢ / Pica
TOTAL COST 1169.29 / 5.00

\$174.29

COPY OF NOTICE

(Paste Here)

Notice of Proposed
TITLE OF NOTICE change

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id Dept Water Resour
BILL TO

Partners ~~water~~ right ~~change~~

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NOS. 37-00577BN, 37-0494,
37-00496, 37-0833K

Notice is hereby given that WOOD RIVER COUNTRY CLUB PARTNERS, c/o James P. Speck, Attorney of Ketchum, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED
Water right No.: 37-00577BN
Basis of right: Decreed to Wood River Land Co. in case of Albrethsen vs. Wood River Land Co., dated 6/27/1925 in Fourth District Court, Lincoln County; Many Transfers.

Source: Big Wood River tributary to Malad River

Priority Date: 3/24/1883

Amount of water: 14.678 cfs

Water use: irrigation

Point(s) of diversion: SW1/4-SW1/4, NW1/4, S20, T3N, R18E (Headgate #22, Hiawatha Canal); Blaine County.

Place of use: Unspecified acres within S4, 5, 8, 9, 15, 16, 22, 23, 25, 26, T2N, R18E; S28, 29, 33, T3N, R18E.

PORTION(S) OF RIGHTS
TO BE CHANGED

Water right No.: 37-00577BN

Amount of water: 1.20 cfs for Irrigation (Hiawatha part); 1.69 cfs for Irrigation (Mizer part)

Point of diversion: SW1/4SW1/4NW1/4, S20, T3N, R18E (Headgate #22, Hiawatha Canal); SE1/4NE1/4NE1/4, S18, T3N, R18E (Headgate #20, Mizer Canal); Blaine County.

Historical place of use: 173 acres within SW1/4SW1/4, S21, T3N, R18E; NW1/4, N1/2SW1/4, S28, T3N, R18E.

No 7160

WATER RIGHT AS RECORDED
 Water right No. 37-00484
 Basis of right: Decreed to Jacob Mizer in case of S.C. Frost, et al., vs. Alturas Water Co., et ux., dated 12/13/1909, in Lincoln County.
 Source: Big Wood River tributary to Malad River
 Priority Date: 5/1/1886
 Amount of water: 2.0 cfs
 Water use: irrigation
 Point(s) of diversion: SE1/4NE1/4NE1/4, S18, T3N, R18E (Mizer Headgate #20); Blaine County.
 Decreed Place of use: 88 acres within W1/2NW1/4, NE1/4SW1/4, S28, T3N, R18E.
 Historical Place of use: 173 acres within SW1/4SW1/4, S21, T3N, R18E; NW1/4, N1/2SW1/4, S28, T3N, R18E.

WATER RIGHT AS RECORDED
 Water right No. 37-00494
 Basis of right: Decreed to Jacob Mizer in case of S.C. Frost et al., vs. Alturas Water Company, et ux., dated 12/13/1909, in Lincoln County.
 Source: Big Wood River tributary to Malad River
 Priority Date: 7/1/1892
 Amount of water: 2.8 cfs
 Water Use: irrigation
 Point(s) of diversion: SE1/4NE1/4NE1/4, S18, T3N, R18E (Mizer Headgate #20); Blaine County.
 Decreed Place of Use: 88 acres within W1/2NW1/4, NE1/4SW1/4, S28, T3N, R18E.
 Historical Place of Use: 173 acres within SW1/4SW1/4, S21, T3N, R18E; NW1/4, N1/2SW1/4, S28, T3N, R18E.

WATER RIGHT AS RECORDED
 Water right No. 37-00833K
 Basis of right: Decreed to Irvin E. Rockwell in case of Rockwell vs. Coffin, dated 8/26/1949 in Blaine County; Transfer No. 2591.
 Source: Big Wood River tributary to Malad River
 Priority Date: 11/12/1938
 Amount of water: 0.75 cfs
 Water Use: irrigation
 Point(s) of diversion: SE1/4NE1/4NE1/4, S18, T3N, R18E (Mizer Headgate #20); Blaine County.
 Recorded Place of Use: 66 acres within SW1/4NE1/4, SE1/4NW1/4, N1/2SE1/4, S20, T3N, R18E.
 Historical Place of Use: 173 acres within SW1/4SW1/4, S21, T3N, R18E; NW1/4, N1/2SW1/4, S28, T3N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00577
 Amount: 1.12 cfs (Irrigation)
 Water right No.: 37-00577
 Amount: 0.08 cfs (Recreation)
 Water right No.: 37-00577
 Amount: 1.57 cfs (Irrigation)
 Water right No.: 37-00577
 Amount: 0.12 cfs (Recreation)
 Water right No.: 37-00494
 Amount: 1.86 cfs (Irrigation)
 Water right No.: 37-00494
 Amount: 0.14 cfs (Recreation)
 Water right No.: 37-00495
 Amount: 2.80 cfs (Irrigation)
 Water right No.: 37-00495
 Amount: 0.20 cfs (Recreation)
 Water right No.: 37-00833K
 Amount: 0.70 cfs (Irrigation)
 Water right No.: 37-00833K
 Amount: 0.05 cfs (Recreation)

Total amount being transferred: 8.44 cfs

Source: Big Wood River tributary to Malad River
 Point of diversion: SW1/4SW1/4NW1/4, S20, T3N, R18E (Hiawatha Headgate); NE1/4NW1/4NE1/4, S29, T3N, R18E (Re-diversion pump from Hiawatha); Blaine County.
 Place of use: 162.7 acres within S1/2NE1/4, SE1/4NW1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S20, T3N, R18E; SW1/4SW1/4, S21, T3N, R18E; NW1/4SW1/4, SE1/4SW1/4, S28, T3N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before August 13, 1990.

R. Keith Higginson, Director
 Publish: Wood River Journal—July 25 and August 1, 1990.

D

E

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

AUG 06 1990

Department of Water Resources
Southern Region Office

Aug. 3, 1990

R. Keith Higginson
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application #37-00577BN, 37-0494,
37-00495, 37-0833K WOOD RIVER
COUNTRY CLUB PARTNERS

Dear Sir:

The Big Wood Canal Company would like to protest to the applications filed by Wood River Country Club Partners on grounds that this change of water right could be detrimental to the delivery of water of Big Wood Canal Company.

Sincerely,



Richard M. Oneida
Manager

RMO/lma

FILED
APR 12 1991

F

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

AUG 29 1990

Department of Water Resources
Southern Region Office

August 27, 1990

R. Keith Higginson
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application #37-00577BN, 37-0494,
37-00495. 37-0833K WOOD RIVER
COUNTRY CLUB PARTNERS

Dear Sir:

After discussing the transfer of this water with Gerald Martens, Engineer for the Wood River Country Club Partners, I will withdraw my protest providing the conditions to flow meter and measuring device as outlined in attached letter Exhibit A are made a condition of the transfer.

Sincerely,



Richard M. Oneida
Manager

RMO/lma

MICROFILMED

APR 12 1991



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

August 22, 1990

IN THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

Big Wood Canal Company
112 So. Apple
Shoshone, Idaho 83352

Attn: Dick Oneida

Re: Water Right Transfer
37-00577
37-00494
37-00833K
37-00159

Dear Mr. Oneida,

Following our discussion concerning the above specified transfers and the Bigwood Canal Company concerns and subsequent protest the following information is provided:

1. The water will be diverted to the lands from the Hiawatha Canal with a pump system with the following equipment:
 - a) Flowmeter and totalizer measuring flow in gallons per minute and total gallons pumped.
 - b) Flow rate adjustment device that can be adjusted by the watermaster. Flow device will be lockable.
 - c) Plans for the pump and measuring device will be supplied to your office for approval prior to construction. No construction will be started prior to your approval.
2. Diversions from the Bigwood River into the Hiawatha Canal will be limited to irrigation needs. All other rights will be left in the Bigwood River and be available for downstream uses.

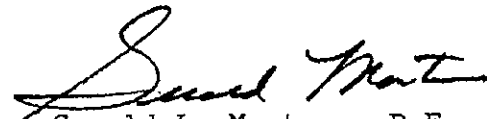
RECORDED

APR 12 1991

It is my understanding that the above data is sufficient for you to request your protest be removed. If additional information is needed please call me as soon as possible. Completion of the transfer is necessary to finalize the funding and design of the project so that construction may begin.

Please call me if there are any further questions.

Respectfully yours,
EHM ENGINEERS, INC.


Gerald L. Martens, P.E.

GLM/jm
cc:file

APR 12 1991

G

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71721

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant The Valley Club Inc Phone 208-788-0997
Post Office address P.O. Box 252 Sun Valley, ID 83353

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point
 ☒ Change place of use
☒ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes Create a permissible place of use (PPU) for the right to allow for the proposed golf course irrigation plan. Change in nature of use to mitigate the water features for the golf course and residential development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-657B</u>	<u>5/1/1881</u>	<u>1.90 cfs</u>	<u>Irrigation</u>	<u>4/15 to 10/15</u>
<u>37-657B</u>	<u>5/1/1881</u>	<u>0.12 cfs</u>	<u>REC/AESH 9/01</u> <u>Mitigation</u>	<u>4/15 to 10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

- Total amount of water being transferred 2.02 cubic feet per second and/or 350 acre-feet per annum.
- Source of water Big Wood River tributary to Malad River
- Point(s) of Diversion: Hiawatha Canal Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

- Lands irrigated or place of use: Permissible Place of Use = 110.7 acres X = mitigation REC/AESH 9/01

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	18E	20															19.0		19.0
03N	18E	29	38.6	5.5		29.7									17.9				91.7
03N	18E	29	X			X									X				

RECEIVED
AUG 13 2004
Department of Water Resources
Southern Region

PART 1

5. General Information:

a. Description of diversion system Existing Hiawatha Canal Diversion - Pump station from canal to water system and irrigation storage pond.

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

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
None - adjustment of POU only on existing property.

d. Remarks:
See attached information & narrative for additional information

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71721

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-657B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Big Wood River tributary to Malad River4. Date of priority 5/1/1881

5. Water is used for the following purpose:

Amount 2.02 for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.02 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	18E	29	40	6		33									21				100

Total acres 1009. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

Total acres _____

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

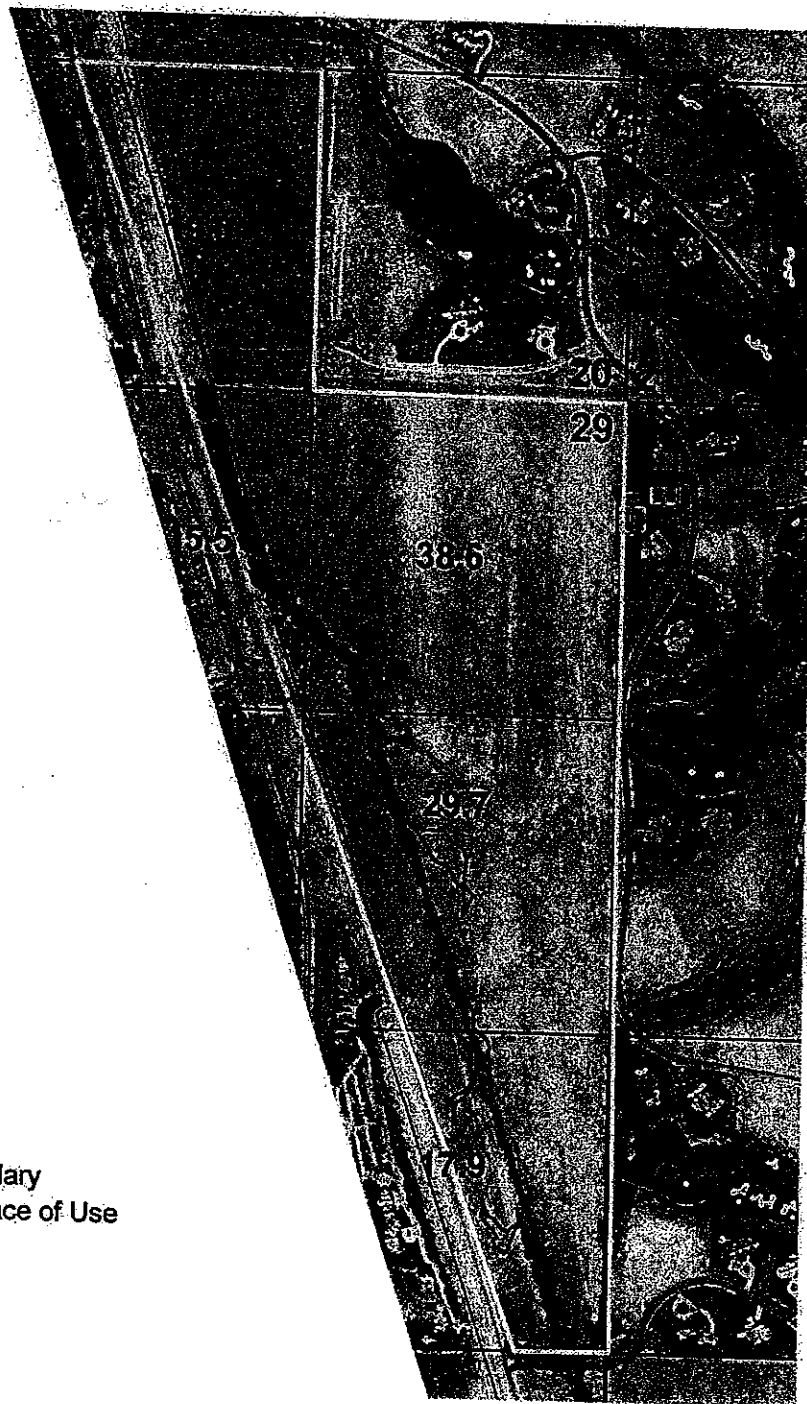
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



LEGEND

-  Property Boundary
-  Permissible Place of Use
-  Section lines
-  03n 18e QQ

100 0 100 200 Feet



VALLEY CLUB WEST NINE
T. 3N. R. 18E. SEC, 20,29

BROCKWAY ENGINEERING, PLLC.
AUG. 18, 2004



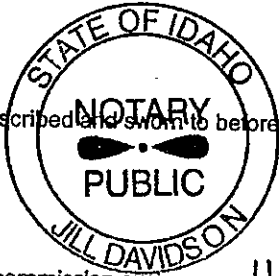
PART 3**B. CHANGES IN NATURE OF USE**

- | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|-------------------------------|-------------------------------|------------------------|-----------------------------|
| <u>Consumptive Mitigation</u> | <u>0.12 cfs</u> | <u>184 days/yr</u> | <u>4/15</u> to <u>10/15</u> |
| | | | to _____ |
- Quantity and quality of return flows and location of discharge:
No return flow to river. Periodic return flow to Hiawatha Canal system.
- Describe the effects on other water uses resulting from the proposed change:
6.3 acres removed from original right POU to mitigate 6.3 acres of new open water area and consumptive use from open water evaporation. No net loss to system.

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

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

Subscribed and sworn to before me this 18TH day of August, 2004.

 Jill Davidson (Notary Public)

My commission expires 11-18-2004

[Signature] POWER OF ATTORNEY
(Signature of Applicant)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 8/19/2004 Protest filed by _____

Prelim. check by [Signature] Fee \$370.00

Receipted by [Signature] Date 8/20/2004 5026986

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Narrative in Support of Transfer Water Right #37-657B

Prepared For: The Valley Club Inc.
Prepared By: Jeffrey S. Rau – Brockway Engineering

INTENT OF TRANSFER

The proposed transfer requests the creation of a permissible place of use for an irrigation water right to allow irrigation of a new nine hole golf course to be known as The Valley Club West Nine. The water right is an irrigation water right which has historically been beneficially used for agriculture on the same parcel. The creation of the permissible place of use (PPU) for the property will allow for the irrigation plan for the new golf course. Based on the development plan for the golf course, the irrigated area of the golf course is 79.9 acres located within the permissible place of use. The remaining acres will be used for both mitigation as outlined in this transfer with the remainder transferred at a later date to other property.

The new course will have water features including lakes, streams, and a realignment of 1,850 feet of the Hiawatha Canal. The proposed transfer requests a change in the nature of use of a portion of the right to allow for mitigation of the water features.

STRUCTURE OF TRANSFER

Brockway Engineering has calculated the water surface area of the water features and offers the following analysis:

Hiawatha Canal

The development plan calls for the realignment of 1,850 feet of the Hiawatha Canal to enhance the water features of the golf course and create additional wildlife habitat. The new route and associated water features will increase the water surface area and result in a larger amount of water lost to evaporation. The canal section and water features created by the new development will be fully lined with either a natural clay liner or a PVC pond liner so seepage from this reach will not be increased. The realignment of the canal will result in a total of approximately 1.33 acres of open water in the new section. The existing canal in this same reach accounts for approximately 0.65 acres which results in a net increase of open water area of 0.68 acres. This increase of open water will be mitigated by drying up 0.70 acres of land under water right #37-657B.

Golf Course Water Features

The golf course water features include ponds and associated streams adjacent to the golf course and proposed residential area. Based on our analysis of the development plan, the proposed water features account for a total of approximately 5.6 acres of new open water area within the property. To mitigate for evaporation from these water features, a total of 5.6 acres will be dried up for mitigation in the transfer under the original water right.

Irrigation Use

The original right was decreed for 2.02 cfs (101") on a place of use of 100 acres (1.01"/ac). After the acres are removed for the Hiawatha canal mitigation and open water amenities, the balance of acres still under irrigation are 93.7 acres (100 ac - 0.7 ac - 5.6 ac = 93.7 ac). Under the proposed transfer, the creation of the PPU for the property will allow 93.7 acres of irrigation within the 110.7 acre PPU. Based on the original decree, the proportional flow amount under irrigation should be 1.90 cfs.

PROPOSED TRANSFER AMOUNTS & FLOW RATES

Hiawatha Canal Loss

As outlined in the transfer, 0.70 acres will be removed from the right and used for mitigation of the additional open water area generated by the realignment of the Hiawatha Canal. Based on the decreed right of 1.01 miners inch per acre, this equates to 0.71 miners inches or 0.01 cfs.

Open Water Mitigation

The open water features on the golf course and residential area account for 5.6 acres of open water features. This includes streams and ponds. The evaporation from these features are mitigated by removing 5.6 acres of irrigation on the water right and converting them to mitigation. Based on the decreed right of 1.01 miners inch per acre, this equates to 5.66 miners inches or 0.11 cfs. Water converted to mitigation remains consumptive in accordance with the historical use of the water right for irrigation of the crop land.

Remainder Irrigation

After the mitigation for the Hiawatha canal losses and the open water amenities, the remaining portion of the right equates to 1.90 cfs over 93.7 acres as shown on the transfer documents.

Mitigation as Consumptive Water

The proposal to mitigate for the new open water areas of the water features requires mitigation and drying up irrigation water right acres as outlined in this narrative. The applicant is reserving these rights as mitigation rights which are consumptive and should be treated accordingly in any future transfers or changes in nature of use. It is not the intent of the applicant to lose the consumptive component of this portion of the right in this transfer process.

Companion Permit Applications

As part of the transfer proceedings for this project, Valley Club Inc. is applying for a water permit which will cover the storage components of the water features as well as the recreation and aesthetic beneficial uses of the ponds and waterways.

TRANSFER CRITERIA

As structured, the proposed transfer will not cause an expansion of the consumptive use of the water and will not cause injury to the Hiawatha Canal owners.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Barry Bevers - The Valley Club Inc, hereby nominate and appoint Jeffrey S. Rau - Brockway Engineering as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:
Water right transfers and splits associated with water right #37-657A and associated adjudication claim #37-657B in the name of The Valley Club Inc.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 30 day of June, 2004.

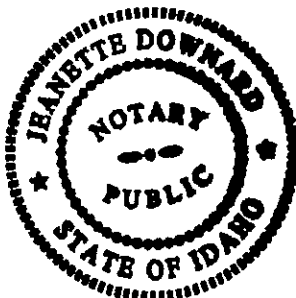
Jeffrey S. Rau
Signature
Signature

State of Idaho)
County of Blaine, Idaho) ss.

On this 30th Day of June, 2004, before me, a Notary Public in and for said County and State, personally appeared Barry Bevers, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

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

S
E
A
L



[Signature]
Notary Public
In and for said State and County
8/08/07
My Commission Expires

07/22/2004 07:55 208781 02
BLAINE COUNTY ASSESSOR
206 1ST AVE SO., SUITE 105
HAILEY, ID 83333

VALLEY CLUB

PAGE 01

2004

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL
DO NOT PAY.

PARCEL DESCRIPTION:

FR NE & SE TH 7827
SEC 20 & 29 3N 18E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 788-5535

PARCEL ADDRESS:

VALLEY CLUB INC

BOX 252
SUN VALLEY

ID 83353

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area: 9-0000

Parcel Number: RP 03N18029584F A

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 18 IRRGTD AG OTHER LAND	117.350 AC	23,994	117,350
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	117.350	23,994	117,350
		23,994	117,350

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES				
TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	20.60	100.78	788-5506	09/07/2004
AMBULANCE	3.02	14.76	788-5506	09/07/2004
RECREATION	2.76	13.54	788-2117	08/19/2004
SCHOOL DIST #61	93.56	457.58	788-2296	06/08/2004
SCHOOL BOND	6.70	32.80	788-2296	06/08/2004
HAILEY CEM	2.32	11.40	788-3316	07/22/2004
RURAL FIRE	20.42	99.94	788-5577	08/25/2004
FLOOD #9	.50	2.44	788-4951	03/02/2004
SUBTOTAL:	149.88	733.24		
FEES:				
TOTAL PROPERTY TAXES & FEES:	149.88	733.24		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

PAGE 1 OF 1

H

AFFIDAVIT of PUBLICATION

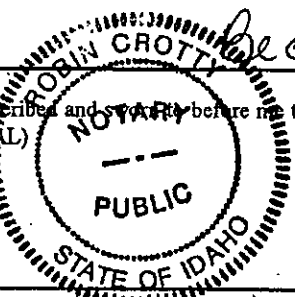
RECEIVED

JUL 28 2005

State of Idaho,
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 27 day of July in the year 2005 before me a Notary Public of said State, personally appeared BECKY J. MEAD, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20 day of July, 2005 and the date of the last publication was on the 27 day of July, 2005.

Subscribed and sworn to before me this 27 day of July, 2005.
(SEAL)  Robin Crotty
NOTARY PUBLIC
Comm. Exp. 7/29/08

15"

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 135
Number of Insertions 2

<u>135</u>	Lines tabular at <u>—</u>	7¢/Pica
<u>—</u>	Lines straight at <u>.96</u>	6¢/Pica
<u>—</u>	Subsequent lines at <u>—</u>	5¢/Pica

TOTAL COST \$134.60

COPY OF NOTICE

(Paste Here)

NOTICE OF APPLICATIONS

TITLE OF NOTICE

THE VALLEY CLUB INC.

PLAINTIFF ATTORNEY

DEFENDANT

Acct. 7635

PLAINTIFF

IDWR
1241 ELLMORE ST. STE 200, TWIN FALLS,
ATTN: MARY BALDWIN BILL TO ID 83301

RECEIVED

JUL 28 2005

Department of Water Resources
Southern Region

See Reverse Side

Publication Rates

As of 1997

(Idaho code,

Rev. Statutes 1984)

7-8 pt./line straight: .06/pica

7-8 pt./line tabular: .07/pica

7-8 pt./line successive

insertion: .05/pica

NOTICE OF APPLICATIONS

The following applications have been filed regarding the proposed waters of the State of Idaho within Blaine County by **THE VALLEY CLUB INC**, PO BOX 252, SUN VALLEY, ID 83353 with the place of use approximately 3.5 miles north of Hailey on the east side of HWY 75.

Application for

Permit No. 37-21337

Two Points of Diversion:

NENWNE, S29, T03N, R18E

Source: GROUND WATER

Use: 01/01 to 12/31

DOMESTIC (0.74 CFS)

Total Diversion: 0.74 CFS

Date Filed: 08/19/2004

Place Of Use: NENE, NWNE

SENE, S29, T03N, R18E

Remark: Application for a new right to supply water for domestic use for a proposed subdivision, firehouse and community housing development including 192 acres of irrigation associated with the residential properties.

Two new wells will be drilled approximately 3.5 miles north of Hailey east of HWY 75. Protests may be submitted based on the criteria of Sec 42-203A Idaho Code.

Application for

Permit No. 37-21338

Point of Diversion: SWNW, S20

T03N, R18E

Source: BIG WOOD RIVER tributary to MALAD RIVER

Use: 04/15/16 to 10/15

RECREATION (2.02 CFS)

RECREATION STORAGE (31 AFA)

AESTHETIC (2.02 CFS)

AESTHETIC STORAGE (31 AFA)

DIVERSION TO STORAGE (2.02 CFS)

Total Diversion: (2.02 CFS) (31 AFA)

Date Filed: 08/19/2004

Place Of Use: NENE, SENE, NESE

S29, T03N, R18E

Remark:

Application for a new water right for the storage components and the aesthetic and recreation uses of the ponds and waterways associated with a proposed nine hole golf course. Water is diverted under existing right 37-657B. Point of diversion is an existing headgate on the Hiawatha Canal approximately 4 miles north of Hailey and 1/4 mile west of HWY 75. Protests may be submitted based on the criteria of Sec 42-203A Idaho Code.

Application for transfer
No. 7/721 was filed on 8/19/2004

Transfer process creating a possible place of use of water right 37-657B for a proposed golf course.

Irrigation plan and handling the nature of use for a portion of that right to recreation and aesthetic use for mitigation of the golf course and residential development. The location of the point of diversion is an existing headgate on the Hiawatha Canal approximately 4 miles north of Hailey and 1/4 mile west of HWY 75. Protests may be submitted based on the criteria of Sec 42-224 Idaho Code. For specific details regarding an application, please contact IDWR Southern Regional Office at 208-746-3033 or visit www.idwr.idaho.gov with detail provided under New Water Right Applications.

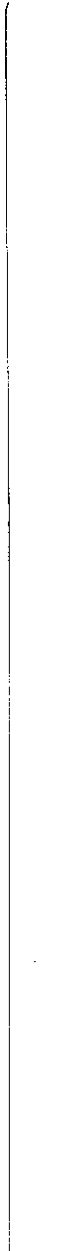
Protests against approval must be filed with IDWR Southern Region 1241 Fillmore St. Suite 200, Twin Falls, ID 83301 within protest fee of \$2500 for each application on or before August 18, 2005.

The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal
July 20/27/2005

OK 8/5/05



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71721

This is to certify that: THE VALLEY CLUB INC
PO BOX 252
SUN VALLEY ID 83353
(208)788-0997

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-657B	AJC/Decreed	05/01/1881	2.02 cfs v	350 af	N/A	100.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-657B	NO	NO	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-657B	37-657B	2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 2005



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

In accordance with the approval of Transfer No. 71721, Water Right No. 37-657B is now described as follows.

Right Holder: THE VALLEY CLUB INC
 PO BOX 252
 SUN VALLEY ID 83353

Priority Date: May 01, 1881

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	11/01	1.90 CFS
RECREATION	04/01 to	11/01	0.12 CFS
AESTHETIC	04/01 to	11/01	0.12 CFS
			2.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	20															19.0	19.0	
03N	18E	29	38.6	5.5		29.7										17.9		91.7	

Total Acres: 110.7

PLACE OF USE: RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29	X			X										X			

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29	X			X										X			

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. Recreation and Aesthetic uses under Right 37-657B authorize 13.4 af to be used for the replacement of losses caused by evaporation from the 6.3 acre total surface area of the ponds established under Right 37-21338.
4. This right is limited to the irrigation of 93.7 acres within the place of use described above in a single irrigation season.
5. Place of use is located within Parcel No. RP03N18029584FA.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of October, 20 05



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED***

TRANSFER NO. 71721

This is to certify that: THE VALLEY CLUB INC
PO BOX 252
SUN VALLEY ID 83353
(208)788-0997

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-657B	AJC/Decreed	05/01/1881	2.02 cfs	350 af	N/A	100.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-657B	NO	NO	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-657B	37-657B	2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of November, 2005



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

In accordance with the approval of Transfer No. 71721, Water Right No. 37-657B is now described as follows.

Right Holder: THE VALLEY CLUB INC
 PO BOX 252
 SUN VALLEY ID 83353

Priority Date: May 01, 1881

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01		1.90 CFS	
DIVERSION TO STORAGE	04/01 to 11/01		0.12 CFS	
RECREATION STORAGE	01/01 to 12/31			13.4 AF
AESTHETIC STORAGE	01/01 to 12/31			13.4 AF
			2.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 20																19.0	19.0
03N 18E 29	38.6	5.5		29.7									17.9				91.7

Total Acres: 110.7

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29	X			X									X				

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29	X			X									X				

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. Right 37-657B authorizes the diversion of an annual total of 13.4 af to be diverted to storage for the replacement of losses caused by evaporation from the 6.3 acre total surface area of the ponds established under Right 37-21338.
4. This right is limited to the irrigation of 93.7 acres within the place of use described above in a single irrigation season.
5. Place of use is located within Parcel No. RP03N18029584FA."
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of November, 2005



Chief, Water Allocation Bureau

K

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-494

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	BUCKHORN INVESTMENT CO 9061 SANTA MONICA BLVD LOS ANGELES, CA 90069 (213)272-2143
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.85 CFS	
RECREATION	04/15	10/31	0.15 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	NESWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESW	2.1			

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWNE										
				NESE			NWSE			SESE				
		21		SWSW										
		28		NWNW			SWNW							
				NWSW										

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	R08	Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
3.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4.	E52	The rights listed below are limited to a total combined diversion rate of 7.24 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BV, and 37-833K
5.		The rights listed below shall provide no more than 3.0 acre feet per acre for the lands above. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-833K, and 37-2623.
	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close


 Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-495

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	BUCKHORN INVESTMENT CO 9061 SANTA MONICA BLVD LOS ANGELES, CA 90069 (213)272-2143
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875

Priority Date: 07/01/1892

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.59 CFS	
RECREATION	04/15	10/31	0.21 CFS	
Total Diversion			2.8 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	NESWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESE	2.1			

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWNE										
				NESE			NWSE			SESE				
		21		SWSW										
		28		NWNW			SWNW							
				NWSW										

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3.	R08	Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
4.	E52	The rights listed below are limited to a total combined diversion rate of 7.24 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BV, and 37-833K
5.		The rights listed below shall provide no more than 3.0 acre feet per acre for the lands above. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-833K, and 37-2623.
	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

M

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-577BU

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	BUCKHORN INVESTMENT CO 9061 SANTA MONICA BLVD LOS ANGELES, CA 90069 (213)272-2143
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.2 CFS	
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER | **NESWNW** | **Sec. 20** | **Township 03N** | **Range 18E** | **BLAINE County**

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESW	2.1			

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

N

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/26/2007

WATER RIGHT NO. 37-577BV

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	BUCKHORN INVESTMENT CO 9061 SANTA MONICA BLVD LOS ANGELES, CA 90069 (213)272-2143
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.56 CFS	
RECREATION	04/15	10/31	0.13 CFS	
Total Diversion			1.69 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	NESWN	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESW	2.1			

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWNE										
				NESE			NWSE			SESE				
		21		SWSW										
		28		NWNW			SWNW							
				NWSW										

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3.	R08	Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
4.	E52	The rights listed below are limited to a total combined diversion rate of 7.24 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BV, and 37-833K
5.		The rights listed below shall provide no more than 3.0 acre feet per acre for the lands above. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-833K and 37-2623.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-657B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.9 CFS	
RECREATION STORAGE	01/01	12/31		13.4 AFA
AESTHETIC STORAGE	01/01	12/31		13.4 AFA
DIVERSION TO STORAGE	04/01	11/01	0.12 CFS	
Total Diversion			2.02 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	SWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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IRRIGATION Use:

Acre Limit: 93.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWSE	19									
		29		NENE	38.6		NWNE	5.5		SENE	29.7			
				NESE	17.9									

Total Acres: 110.7

Conditions of Approval:

1.	R43	The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3.		Recreation and Aesthetic uses under Right 37-657B authorize 13.4 af to be used for the replacement of losses caused by evaporation from the 6.3 acre total surface area of the ponds established under Right 37-21338.
4.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7.	X27	This right is limited to the irrigation of 93.7 acres within the place of use described above in a single irrigation season.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-833K

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875
Original Owner	FREDERICK H BLECHMANN TRUST PO BOX 184 SUN VALLEY, ID 83353 (208)726-3453

Priority Date: 11/12/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.69 CFS	
RECREATION	04/15	10/31	0.06 CFS	
Total Diversion			0.75 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	NESWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESW	2.1			

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWNE										
				NESE			NWSE			SESE				
		21		SWSW										
		28		NWNW			SWNW							
				NWSW										

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	R01	A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6.		Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

7.		Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
8.		The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.
9.	E52	The rights listed below are limited to a total combined diversion rate of 7.24 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BV, and 37-833K
10.		The rights listed below shall provide no more than 3.0 acre feet per acre for the lands above. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-833K and 37-2623.
11.	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

E Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Q

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/27/2007

WATER RIGHT NO. 37-2623

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE VALLEY CLUB INC PO BOX 252 SUN VALLEY, ID 83353 (208)788-0997
Original Owner	BUCKHORN INVESTMENT CO 9061 SANTA MONICA BLVD LOS ANGELES, CA 90069 (213)272-2143
Original Owner	VALLEY RANCH INC PO BOX 1302 SUN VALLEY, ID 83353 (208)726-1875

Priority Date: 10/12/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.81 CFS	431.4 AFA
RECREATION	04/15	10/31	0.24 CFS	
Total Diversion			3.05 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESENW	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		NWNE	6.2		SWNE	16		SENE	6.6			
				SENE	2.6									
				NESE	12		NWSE	14		SESE	6.6			
		21		NWSW	0.2		SWSW	13						
		28		NENW	8.2		NWNW	16		SWNW	13		SENE	10
				NESW	8.6		NWSW	8.7		SESW	2.1			

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	18E	20		SWNW										
				NESE			NWSE			SESE				
		21		SWSW										
		28		NWNW			SWNW							
				NWSW										

Total Acres: 143.8

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3.	R08	Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
4.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5.		The rights listed below shall provide no more than 3.0 acre feet per acre for the lands above. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-833K, and 37-2623.
	E56	The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-2623

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close