

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-22050
Date Received: 1/2/2007
Receipt No:
Received By:

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

1. Name of Claimant(s)

SUN VALLEY RANCH, LLC Phone: 208-726-1780

PO BOX 4380
KETCHUM ID USA 83340

2. Date of Priority: 03/15/1950

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	11	NW SE NE	BLAINE	
01S	18E	12	NW NW NW	BLAINE	

5. Description of diverting works:

Artesian Well

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	3.1	
STOCKWATER	01/01	12/31	0.04	
WILDLIFE	01/01	12/31	3.1	
AESTHETIC	01/01	12/31	3.1	

7. Total Quantity Appropriated is:
3.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres			
01S	18E	11	NE	NE		IRRIGATION	13			
			SW	NE		IRRIGATION	11			
			SE	NE		IRRIGATION	40			
			NE	SW		IRRIGATION	6			
			SE	SW		IRRIGATION	27			
			NE	SE		IRRIGATION	41			
			NW	SE		IRRIGATION	33			
			NE	NE		STOCKWATER				
			SW	NE		STOCKWATER				
			SE	NE		STOCKWATER				
			NE	SW		STOCKWATER				
			SW	SW		STOCKWATER				
			NE	SE		STOCKWATER				
			NW	SE		STOCKWATER				
			NE	NE		AESTHETIC				
			SW	NE		AESTHETIC				
			SE	NE		AESTHETIC				
			NE	SW		AESTHETIC				
			SE	SW		AESTHETIC				
			NE	SE		AESTHETIC				
			NW	SE		AESTHETIC				
			NE	NE		WILDLIFE				
			SW	NE		WILDLIFE				
			SE	NE		WILDLIFE				
			NE	SW		WILDLIFE				
			SE	SW		WILDLIFE				
			NE	SE		WILDLIFE				
			NW	SE		WILDLIFE				
						Section Acres	171			
			01S	18E	12	NW	NW		WILDLIFE	
						NW	NW		AESTHETIC	
						NW	NW		STOCKWATER	
NW	NW					IRRIGATION	1			
SW	NW					IRRIGATION	14			
			Section Acres	15						
01S	18E	14	NW	NE		IRRIGATION	32			
			SW	NE		IRRIGATION	9			
			NE	NW		IRRIGATION	35			
			NW	NW		IRRIGATION	40			
			SW	NW		IRRIGATION	40			
			SE	NW		IRRIGATION	38			
			NW	NE		STOCKWATER				
			SW	NE		STOCKWATER				
NE	NW		STOCKWATER							

NW	NW	STOCKWATER
SW	NW	STOCKWATER
SE	NW	STOCKWATER
NW	NE	AESTHETIC
SW	NE	AESTHETIC
NE	NW	AESTHETIC
NW	NW	AESTHETIC
SW	NW	AESTHETIC
SE	NW	AESTHETIC
NW	NE	WILDLIFE
SW	NE	WILDLIFE
NE	NW	WILDLIFE
NW	NW	WILDLIFE
SW	NW	WILDLIFE
SE	NW	WILDLIFE

Section Acres 194

01S 18E 15

NE	NE	WILDLIFE	
SE	NE	WILDLIFE	
NE	NE	AESTHETIC	
SE	NE	AESTHETIC	
NE	NE	STOCKWATER	
SE	NE	STOCKWATER	
NE	NE	IRRIGATION	6
SE	NE	IRRIGATION	20

Section Acres 26

Total Acres 406

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Two existing artesian wells are diverted into the gravity fed system- one small well north of the north entrance road and a larger well within the filed south of the northern artesian well. both wells flow year-round into the current irrigation ditches in order to prevent freezing. In addition the wells provide drinking water for the stock, provide irrigation water for the fields, asthetic purposes, and water that provides year round riparian habitat for local wildlife. Water flows from wells are cut back during the non-irrigation season.

Total authorized irrigated acres of the rights in the PPU shall not exceed 1084.1 acres per irrigation season with use of water rights (37-60,, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, and 37-577AZ) within he PPU.

Total authorized irrigated acres of this right with out other rights within the PPU shall not exceed 155 acres per irrigation season.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

ew Claim (Northern Artesia Wells)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-22050

Date Received

Receipt Number

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

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Sun Valley Ranch, LLC Phone (208) 726-1780

Mailing Address P.O. Box 4380, Ketchum, Idaho Zip 83340

2. Date of Priority (Only one (1) per claim) 03/15/1950

3. Source of water supply (a) Ground Water

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 01S Range 18E Section 11,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: Twp 01S, Rge 18E, Sect 12, NWNWNW

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Two existing artesian wells that are diverted into the gravity fed
system – one small well north of the north entrance road and a larger well within the field south of the northern
artesian well. Both wells flow year-round into the current irrigation ditches in order to prevent freezing. In addition
the wells provide drinking water for the stock, provide irrigation water for the fields, asthetic purposes, and water
that provides year round riparian habitat for local wildlife. Water flows from wells are cut back during the non-
irrigation season.

COPY

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/31 amount 3.10 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.04 or _____

For Aesthetic purposes from 01/01 to 12/31 amount 3.10 or _____

For Wildlife purposes from 01/01 to 12/31 amount 3.10 or _____

7. Total quantity claimed (a) 3.10 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) Stock drink out of ditches, aesthetic purposes, water is diverted into ditches and into natural streams on the property for year round wildlife/riparian purposes, and to prevent the wells from freezing.

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. X was used to verify locations of use of other purposes.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	11	13,X		11,X	40,X					6,X			27,X	41,X	33,X			171
		12						1,X	14										15
		14		32,X	9,X		35,X	40,X	40,X	38,X									194
		15	6,X			20,X													26

Total number of Irrigatable acres 406*

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

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

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

See Remark 1 for Irrigation, See associated claim for SW Artesian Well Or None ☐

14. Remarks:

1: Total authorized irrigated acres of the rights in the PPU shall not exceed 1084.1 acres per irrigation season with use of water rights (37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, & 37-577AZ) within the PPU.

*2: Total authorized irrigated acres of this right with out other rights within the PPU shall not exceed 155 acres per irrigation season

3: See attached Affidavits

COPY

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We ☐ do ☐ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Senior Member

Of Brockway Engineering PLLC, that I have signed the foregoing
Organization

Document in the space below as Representative of Sun Valley Ranch
Title Organization

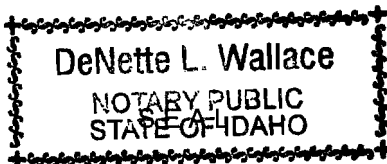
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Chris E. Brockway

Title and Organization Senior Member, Brockway Eng Date 12/29/06

State of Idaho / or _____)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 29th day of December, 2006



Notary Public DeNette L. Wallace
Residing at Twin Falls, ID
My Commission Expires 8/16/2012

Please Print Name

17. **Notice of Appearance:**

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

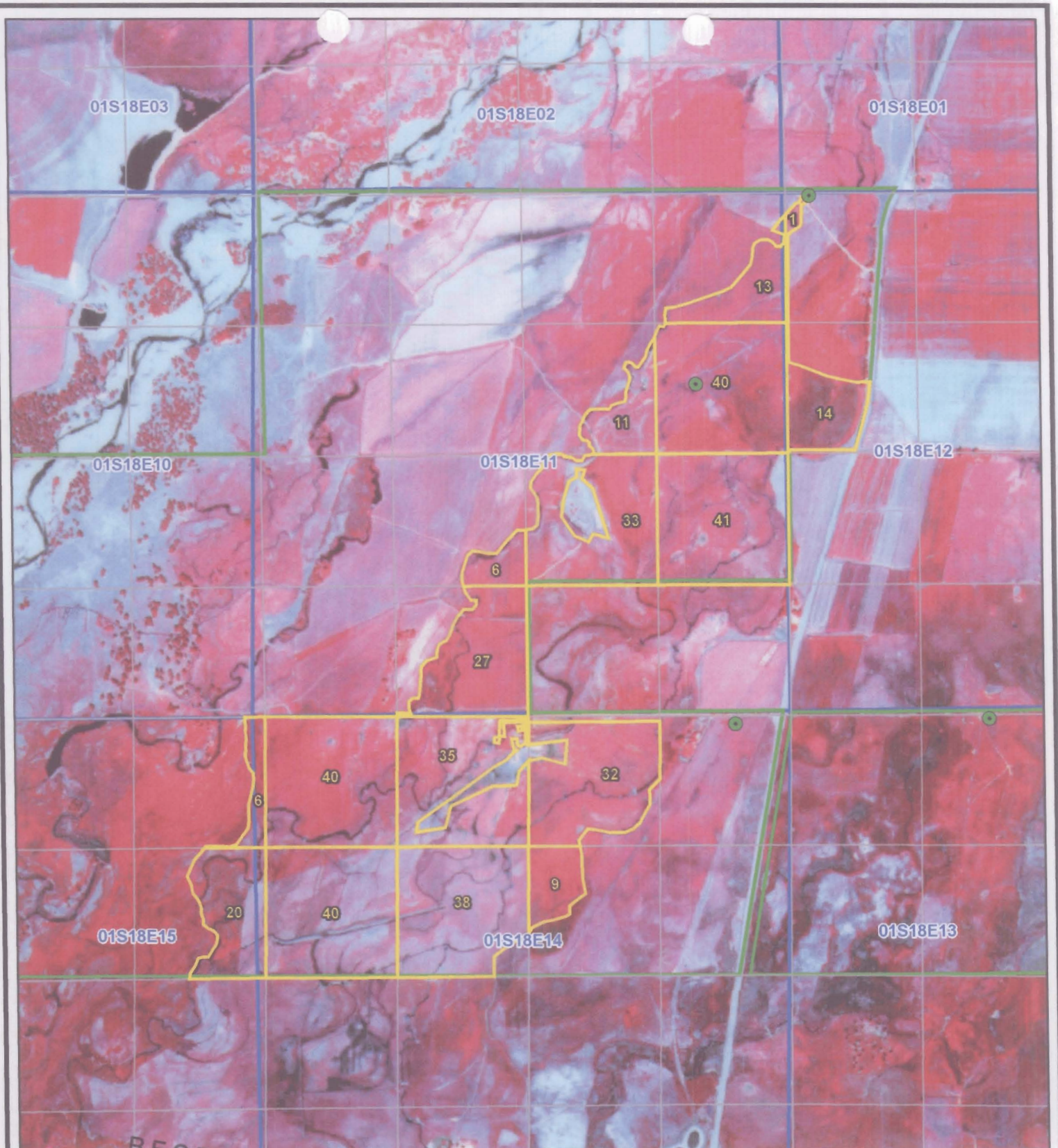
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

COPY



RECEIVED

DEC 29 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SUN VALLEY RANCH
T.01S R.18E SEC. 11, 12, 13, 14
NORTH ARTESIAN WELLS CLAIM
1987 INFRARED PHOTO

Legend

- Artesian Wells
- North Wells Claim POU per QQ
- SVR Property
- t01s18e
- SV_Ranch_Sections

0 0.25 0.5 1 Miles

BROCKWAY ENGINEERING, PLLC. ZL - 12/29/06

F:\Projects\Sun Valley Ranch\Arcview 9



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, George Kirk, President - SVR Management, L.L.C., Managing Member - Sun Valley Ranch, hereby nominate and appoint Charles E. Brockway 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:

All water right transactions pertaining to property owned by Sun Valley Ranch, L.L.C. (Diamond Dragon Ranch) including claims, amended claims, change of ownerships, and transfers.

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 30th day of June, 2005.

Signature

Signature

State of Idaho)

County of Blaine)

ss.

On this 30 Day of June, 2005, before me, a Notary Public in and for said County and State, personally appeared George R. Kirk, 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



Monica A. Hanson

Notary Public

In and for said State and County

11/29/06
My Commission Expires

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE NOTICE OF BENEFICIAL
USE CLAIM TO WATER RIGHTS IN THE SNAKE
RIVER BASIN ADJUDICATION

) COMMENTS AND
) EVIDENCE OF
) _____

COMES NOW, HARRY BETTIS, and provides the following comments and evidence in this matter:

1. I am familiar with the four artesian wells located on the ranch that was formerly known as the Diamond Dragon Ranch (now known as the Sun Valley Ranch). All of these wells were drilled by Walker Drilling from 1949 - 1950 for Lawrence Bettis. The most northern artesian well is located in the NW 1/4 of the NW 1/4 of Section 12, Township 01 South, Range 18 East, and was drilled in the spring of 1950. Another artesian well is located in the SE 1/4 of the NE 1/4 of Section 11, Township 01 South, Range 18 East and was drilled in the fall of 1949, but was not put to beneficial use until the spring of 1950. A third well along the south lane entrance to the ranch in the NE 1/4 NE 1/4 Section 14 Township 01 South, Range 18E was drilled and put to use about the same time. The fourth well is located on the east side of HW 75 in the NE 1/4 NW 1/4 Section 13 Township 01S, Ranch 18E and is used to irrigate the 40 acre tract east of the highway. This well was also drilled and put to use about 1950.

2. My relation to the before mentioned Lawrence Bettis is

SON

3. All artesian wells have been used for the irrigation of the property at the foresaid ranch since the time in which they were drilled. In addition, to my knowledge the water from the three wells west of the highway has flowed into Crystal Creek on a year round basis since they were drilled

4. Additional evidence applicable to these wells and their use in which I would like to be let known:

these wells had to run
year around so they didn't
freeze

DATED this 2 day of October, 20 06

Signature

Harry Bettis

Print Name

HARRY BETTIS



SUBSCRIBED and SWORN to before me this 4th day of October, 20 06

NOTARY PUBLIC

Residing at: Donnelly, ID 83615

My Commission Expires: 11-18-2012

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE NOTICE OF BENEFICIAL) COMMENTS AND
USE CLAIM TO WATER RIGHTS IN THE SNAKE) EVIDENCE OF
RIVER BASIN ADJUDICATION) JOHN MCGONIGAL

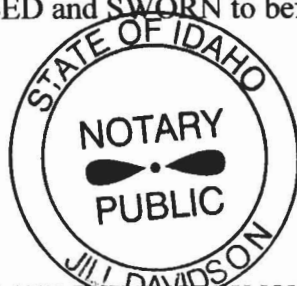
COMES NOW, John McGonigal, and provides the following comments and evidence in this matter:

1. I lived near the Bellevue, Idaho area and more particularly at the Spring of Gladness Ranch, which is adjacent to the Sun Valley Ranch, for over 30 years.
2. I am familiar with the two artesian wells located on the ranch that was formerly known as the Diamond Dragon Ranch (now known as the Sun Valley Ranch). Both of these wells were drilled by Walker Drilling from 1949 – 1950 for the former owner Lawrence Bettis. The most northern artesian well is located in the NW ¼ of the NW ¼ of Section 12, Township 01 South, Range 18 East, and was drilled in the spring of 1950. The other artesian well is located in the NW ¼ of the SE ¼ of Section 11, Township 01 South, Range 18 East.
3. Both artesian wells have been used for the irrigation of the property at the foresaid ranch since the time in which they were drilled. In addition, to my knowledge the water from these wells have flowed into Crystal Creek on a year round basis since Mr. Hadley Stuart purchased the property in 1971. These wells were put to use by providing water for stock on the property and to provide wildlife habitat within Crystal Creek.
4. During 1961 I was the Secretary for the Big Wood River Underground Water Users Association (see attached Meeting notes for May 31, 1961). At this time Mr. Harry Bettis was the owner of these before mentioned artesian wells, but was also the Chairman of the before mentioned Water Users Association. During that meeting an assessment of all of the artesian wells within the association was made. Mr. Woodrow Watts, the current Watermaster at the time, recorded the flow of these wells and recorded a combined diversion volume of the two wells at 155 inches or 3.10 cfs.

DATED this 3 day of aug, 2006

John McGonigal
John McGonigal

SUBSCRIBED and SWORN to before me this 3rd day of August,
2006.



Jill Davidson
NOTARY PUBLIC
Residing at : Twin Falls
My Commission Expires: November 18, 2010



Lupine Building
220 2nd Avenue So., Unit 201
P.O. Box 4380
Ketchum, Idaho 83340
(208) 726-6560
FAX (208) 726-6569

September 22, 2006

Mr. Harry Bettis
PO Box 267
Donnelly, ID 83615

Re: Diamond Dragon Ranch Affidavit

Dear Mr. Bettis:

My partner Jim Field has been in contact with you regarding the enclosed affidavit. The affidavit has been revised to reflect your knowledge of drilling, use, and duration of flow for all four of the artesian wells on the property, not just the two main artesian.

Please review and, should it meet with your approval, please sign before a notary public, have notarized, and return to me in the enclosed envelope. If you should have any questions, or the affidavit requires further editing, please phone me at (208) 726-6560.

Thank you again for your willingness to attend to this matter. If you're ever in the area, I'd like to reiterate Jim's invitation to visit the ranch and with us.

Sincerely,

THE KIRK GROUP

George R. Kirk II
Principal

*Mr. Kirk - I purchased the
Lance Ranch from Tom & Anne about
1959-60 - so he drilled the two
wells - 1 by the house - the other across the
Rd*

COMMERCIAL AND RESIDENTIAL SPECIALISTS
MARKETING - LEASING - DEVELOPMENT

May 31 1961

C

A meeting of the Big Wood River Underground Water users association was held at the Harry Bettis Ranch May 31, 1961, at 7:30 P.M.

Harry Bettis Chairman called the meeting to order.

Present were

Harry Bettis	Joe Wurst
James Chaney	Henry Wurst
Glenn Chaney	Frank Jones
Eugen Fredrickson	Wayne Clark
Bill Allred	John McSengal
Geo McSengal	

Harry Bettis presented the bills to date.
 Keith Anderson, Engineer \$352.50
 Perry Daily Robertson, Attorney \$125.00

James Chaney made a motion \$.50 an inch of artesian water be assessed each user in the organization. Wayne Clark seconded the motion. No seconding votes the motion carried.

Payments were as follows

	Payments	Inches
31 May 1961 McSengals	\$66.00	- 133.50
Eugen Fredrickson	65.00	130.
Wayne Clark	80.00	160.

May 31 1961

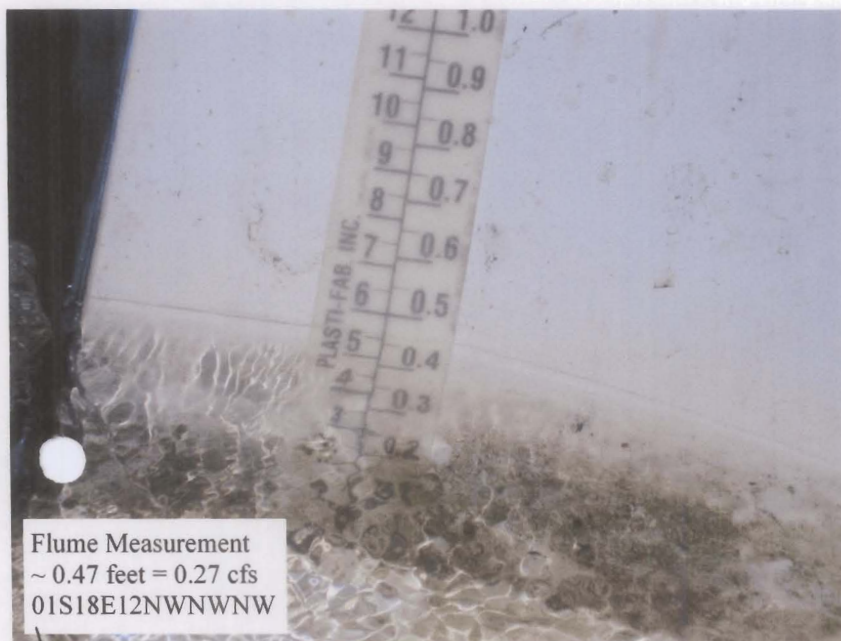
	Payments	Due	Index
May 31, 1961 Charney's	\$ 37.50		75.
Harry Bittles	77.50		155.
Frank Jones	182.00		364.
3 June 1961 N.L. Winston	64.25	64.25	257.
10 June 1961 E.J. Blincoe	125.00		250
Alfred Bras		40.00	80
	647.25	104.25	1614.50
			257
			1357.50

No other business the meeting was adjourned.

Harry Bittles
Chairman

John D. Mc Sangal
Secretary

678
2 | 1357
12
15
14
1357 17
2
2714 678
2
54



Flume Measurement
~ 0.47 feet = 0.27 cfs
01S18E12NWNWNW

North Artesian Well Measurements for Sun Valley Ranch, LLC

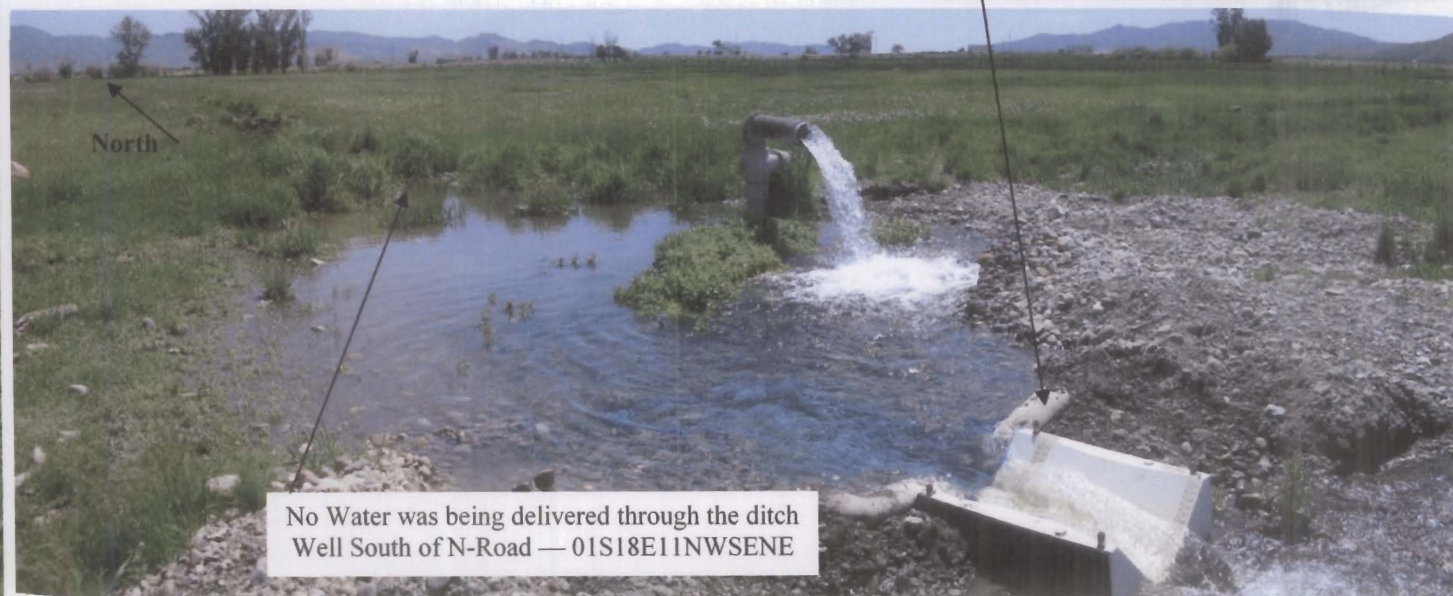
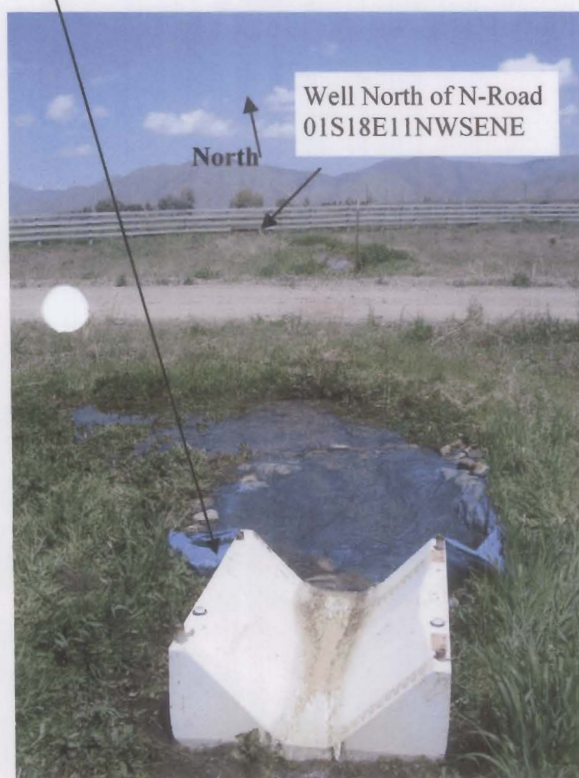
Both wells were measured with a trapezoidal flume on June 1, 2006, by (DTN) Brockway Engineering.

According to the Sun Valley Ranch Manager, Buzz Peterson, the flow from these wells have been reduced due to the pressure declining within the aquifer for the last twenty years. Buzz has been working at the ranch since the early 1980's.

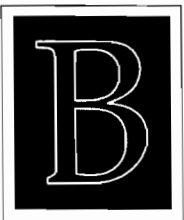
According to notes from the Big Wood River Underground Water Users Association these two wells were flowing at a rate of 3.10 cfs in the spring of 1961. According to the secretary of the association, John McGonigal, the current Watermaster at the time, Woodrow Watts, took measurements at these wells for the association. (see attached affidavit and notes).



Flume Measurement
~ 1.09 feet = 1.91cfs
01S18E11NWSENE



No Water was being delivered through the ditch
Well South of N-Road — 01S18E11NWSENE



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 28, 2006

Allen Merritt
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Sun Valley Ranch, LLC: Claims Artesian Wells

Dear Allen:

Please find the enclosed beneficial use claims for Sun Valley Ranch, LLC. SVR Management, LLC is the managing entity, in which George Kirk is the President, for Sun Valley Ranch, LLC. These claims are being submitted since it was found that the northern artesian wells on the property did not have any water rights that were associated with them and that the ranch did not have any right associated with the year round discharge of all of the artesian wells. However, these wells have been on the property prior to the March 25, 1963 deadline for putting a ground water right to beneficial use.

Both of the northern wells were drilled on the property prior to the 1950 irrigation season, and were put to beneficial use at the beginning of this season. Therefore, it was assumed that the priority date for the claim should be March 15, 1950. John McGonigal the owner of the Spring of Gladness Ranch across the highway has signed an affidavit regarding the date in which these rights were put to beneficial use (see McGonigal Affidavit). In addition, Mr. Harry Bettis was the owner of most of the property that is currently known as the Sun Valley Ranch, and hired Walker Drilling to drill the two wells (see Bettis Affidavit).

Many of the owners of the artesian wells in the vicinity created the Big Wood River Underground Water Users Association, in which Mr. Bettis was the President and Mr. McGonigal was the secretary. Mr. McGonigal has provided our office with notes taken at one of the Associations meeting, dated May 31, 1961. Within this meeting all of the members of the association were assessed for the amount of water that was emitted from their artesian wells. According to Mr. McGonigal the Watermaster (Woodrow Watts) took flow measurements at all of the diversions earlier that year and these measurements are included in the notes. According to the notes the two wells on the northern portion of the property were assessed for 155 inches or 3.10 cfs. At this time Mr. Bettis did not own the other two artesian wells that are now located on the Sun Valley Ranch. These other two wells are on the southeastern portion of the property (see attached map) and were owned by

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Mr. Frank Gomes in 1961. However, Mr. Bettis did buy Mr. Gomes's property and these two other wells later that year.

Brockway Engineering (DTN) also measured the flow of the northern wells on June 1, 2006. At this time we measured a combined discharge of 2.18 cfs. However, based on past measurements and other pressure readings for the local aquifer the artesian pressures within the aquifer have been declining for the last 25 years. Therefore, we are claiming the rate (3.01 cfs) that was measured by the Watermaster in 1961 and that are recorded in the attached notes.

In addition, according to Mr. Buzz Peterson and Mr. McGonigal all three wells to the west of the highway have partially flowed on a year round basis since 1971 and have been utilized on the property for stockwater and in order to prevent freezing at the well head. In addition, the constant flows of these wells have provided wildlife habitat within Crystal Creek and other small creeks since at least 1971 on a year round basis. Mr. Bettis also has stated that according to his knowledge all three of the wells have flowed into their associated drainages since they were drilled in order to prevent freezing during colder months (see Bettis Affidavit). Stock located on the property have also utilized the water on a year round basis. Therefore, a claim is being submitted for these wells in order supplement these creeks during the off season for wildlife, stockwater, and aesthetic purposes.

A limited power attorney is attached that signifies Charles E. Brockway as the authorized agent for Sun Valley Ranch, LLC. If you or any other agents have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,



Daren T. Nelson, Hydrologist

Attachments: Limited Power of Attorney
Meeting Notes For The Big Wood River Underground Water
Users Association (May 31, 1961)
Affidavit from Mr. John McGonigal
Affidavit from Mr. Harry Bettis
Figure: Water Measurement Pictures
Figure: Water Right Map for PPU at SVR
Water Right Spreadsheet: Sun Valley Ranch, LLC

cc. George Kirk

COPY

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

In Re SRBA)

A. Subcase 37-22050

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Sun Valley Ranch LLC

Address: P.O. Box 4380 Ketchum, ID 83340

Daytime Phone: 208-726-1780

Name & Address of Attorney, if any:

Edward Lawson

Lawson and Laski PLLC

P.O. Box 3310

Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Sun Valley Ranch LLC

Address: P.O. Box 4380 Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation, stockwater, wildlife, and aesthetics uses
as was claimed, instead of only irrigation and
stockwater uses as was recommended.
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): Historically, water has been diverted for beneficial uses listed above on land appurtenant to this water right and not all of those beneficial uses have not been recommended.

F. VERIFICATION (must be completed)

State of Idaho)
County of Blaine)ss.

Edward A. Lawson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

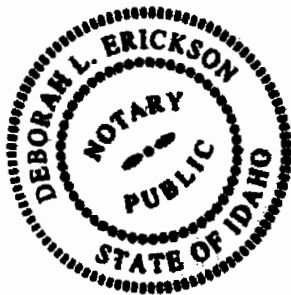
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 9, 2007
Deborah Erickson
Notary Public for Idaho
Residing at: Hailey, Id
My Commission Expires: 10-09-10



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22050

WATER RIGHT NUMBER: 37-22050

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUN VALLEY RANCH, LLC PO BOX 4380 KETCHUM, ID 83340 208-726-1780

Priority Date: 03/15/1950

Basis: Beneficial Use

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>Annual Volume</u>
IRRIGATION	04/15 to 10/31	3.100 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
AESTHETIC	01/01 to 12/31	3.100 CFS	
WILDLIFE	01/01 to 12/31	3.100 CFS	
	<u>Total Diversion:</u>	3.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4NE1/4	Sec. 11, Twp 01S, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4NW1/4	Sec. 12, Twp 01S, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	11	13.0		11.0	40.0					6.0			27.0	41.0	33.0			171.0
01S	18E	12						1.0	14.0										15.0
01S	18E	14		32.0	9.0		35.0	40.0	40.0	38.0									194.0
01S	18E	15	6.0			20.0													26.0

Total Acres: 406

STOCKWATER

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22050

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	11	X		X	X					X		X		X	X			
01S	18E	12						X											
01S	18E	14		X	X		X	X	X	X									
01S	18E	15	X			X													

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	
01S	18E	11	X		X	X					X		X	X	X	X			
01S	18E	12						X											
01S	18E	14		X	X		X	X	X	X									
01S	18E	15	X			X													

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	11	X		X	X					X		X	X	X	X			
01S	18E	12						X											
01S	18E	14		X	X		X	X	X	X									
01S	18E	15	X			X													

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22050

1. Two existing artesian wells are diverted into the gravity fed system- one small well north of the north entrance road and a larger well within the filed south of the northern artesian well. both wells flow year-round into the current irrigation ditches in order to prevent freezing. In addition the wells provide drinking water for the stock, provide irrigation water for the fields, asthetic purposes, and water that provides year round riparian habitat for local wildlife. Water flows from wells are cut back during the non-irrigation season.
2. Total authorized irrigated acres of the rights in the PPU shall not exceed 1084.1 acres per irrigation season with use of water rights (37-60,, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, and 37-577AZ) within he PPU.

Total authorized irrigated acres of this right with out other rights within the PPU shall not exceed 155 acres per irrigation season.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 1/2/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

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:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

of Water Resources
Judication Bureau
P. O. Box 83720
se, ID 83720-0098

FIRST CLASS



02 1A
0004389393
MAILED FROM

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES

37-22050
37-4244
37-60
37-61
37-2205

37-66A
37-67B
37-68A
37-69B

37-70
37-71B
37-230
37-231B



01/04/2007

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

RIGHT NUMBER: 37-22050

NAME AND ADDRESS: SUN VALLEY RANCH, LLC
PO BOX 4380
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.100 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1950

POINT OF DIVERSION:

T01S R18E S11 NWSENE Within BLAINE County

T01S R18E S12 NWNWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.100 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S11	NENE	13.00	T01S R18E S11	SWNE	10.00
T01S R18E S11	SENE	40.00	T01S R18E S11	NESW	5.30
T01S R18E S11	SESW	27.00	T01S R18E S11	NESE	41.00
T01S R18E S11	NWSE	33.00	T01S R18E S12	NWNW	0.80
T01S R18E S12	SWNW	14.00	T01S R18E S14	NWNE	34.00
T01S R18E S14	SWNE	8.70	T01S R18E S14	NENW	35.00
T01S R18E S14	NWNW	40.00	T01S R18E S14	SWNW	40.00
T01S R18E S14	SENW	38.00	T01S R18E S15	NENE	6.50
T01S R18E S15	SENE	20.00			

STOCKWATER in BLAINE County

T01S R18E S11	NENE	T01S R18E S11	SWNE
T01S R18E S11	SENE	T01S R18E S11	NESW

01/04/2007

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

T01S R18E S11	SESW	T01S R18E S11	NESE
T01S R18E S11	NWSE	T01S R18E S12	NWNW
T01S R18E S12	SWNW	T01S R18E S14	NWNE
T01S R18E S14	SWNE	T01S R18E S14	NENW
T01S R18E S14	NWNW	T01S R18E S14	SWNW
T01S R18E S14	SENW	T01S R18E S15	NENE
T01S R18E S15	SENE		

406.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1084.1 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ and 37-22050.

This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1168.5 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492 and 37-22050.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

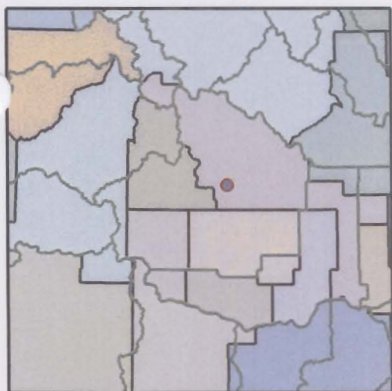
SRBA Recommendation:

37-22050

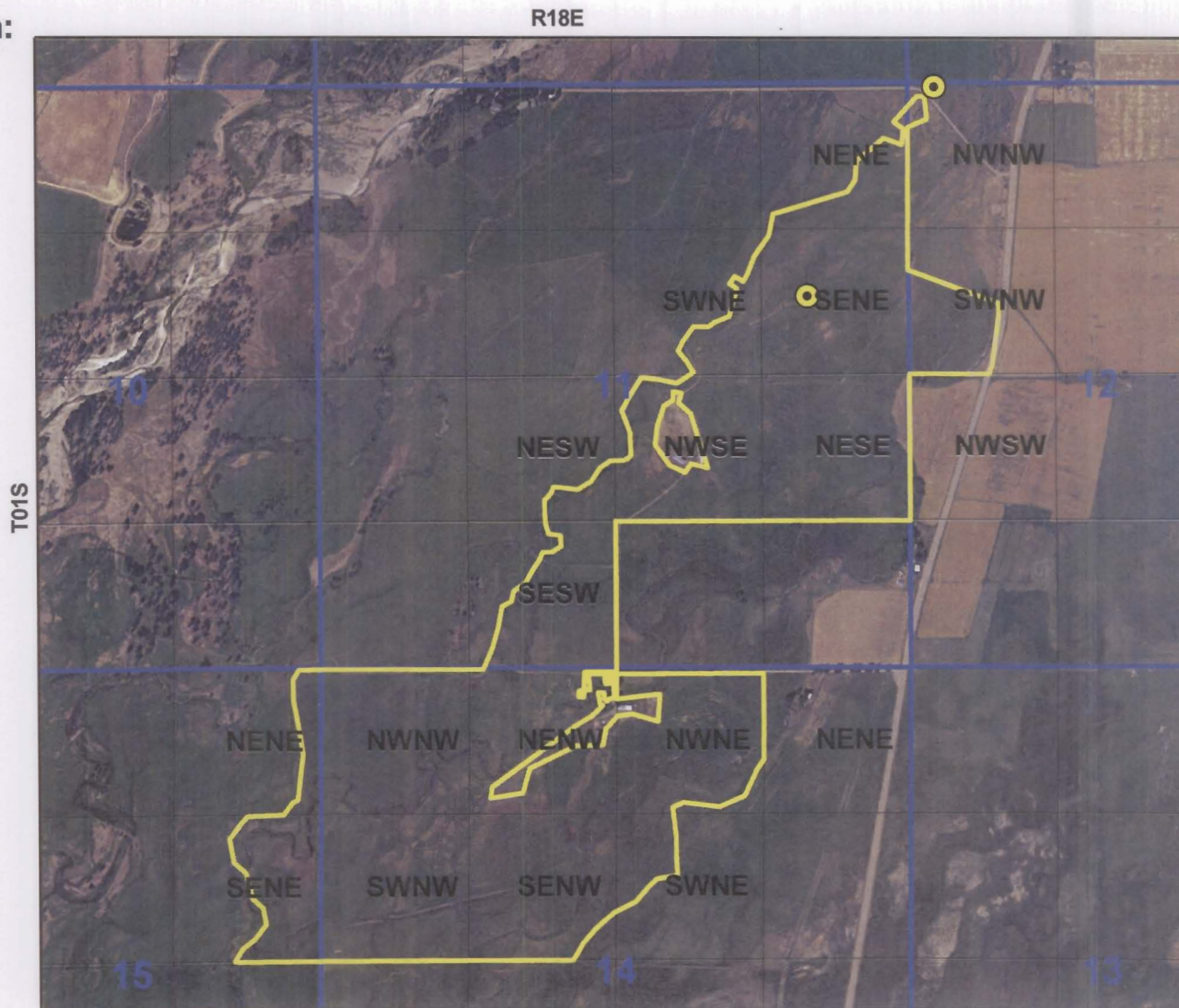
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.7 1.4 Miles

Owner: Sun Valley Ranch, LLC

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Thursday, January 4, 2007
2004 Aerial Photography

MEMO

FROM: Allen Merritt

DATE: January 4, 2007

TO: SRBA Claim Files 37-22050, 37-22051 and 37-22052

SUBJECT: Review of Wildlife and Aesthetic Uses

These three claims filed in the name of Sun Valley Ranch, LLC all involve claimed year round use for Wildlife and Aesthetic purposes. The claims are for use of four artesian wells and claim rates for these purposes at the flow capacity of the associated wells.

Claim 37-22050 is associated with 2 artesian wells and the claim also included uses of irrigation and stockwater. The stockwater is at a reduced rate. This claim indicates that water is allowed to flow year round to flow in streams on the property for enhancement of wildlife and aesthetics. The claim also indicates that the flow is reduced in the winter but is kept flowing to prevent freezing.

Claim 37-22051 is associated with an artesian well licensed under 37-2492 for irrigation purposes. Claim 37-22051 includes stockwater use at a reduced rate. This claim indicates that water is allowed to flow year round to flow in streams on the property for enhancement of wildlife and aesthetics. The claim also indicates that the flow is reduced in the winter but is kept flowing to prevent freezing.

Claim 37-22052 is associated with an artesian well licensed under 37-2538 for irrigation purposes. Claim 37-22052 includes stockwater use at a reduced rate. This claim indicates that water is allowed to flow year round to flow in streams on the property for enhancement of wildlife and aesthetics. The claim also indicates that the flow is reduced in the winter but is kept flowing to prevent freezing.

42-1602 indicates that unnecessary flow from artesian wells is unlawful. No justification was provided with the claim to justify any wildlife or aesthetic purpose as such large claimed rates. The fact the wells have been allowed to flow year round does not justify any claimed use. On 1/2/07 Dave Tuthill, Chris Bromely, Don Shaff, Doug Jones and I held a conference call to discuss these types of claims. It was decided that these claims should **not** be recommended to include large flow rates for Wildlife and Aesthetic purposes without extensive justification of the benefits produced by the claimants. *It is interesting to note that the documents included with the claims lament the reduced pressure or flow from the wells over the years. This can probably largely be attributed with the practice of flowing the wells year round.*

These claims are being recommended only for the irrigation and stockwater uses claimed.

SCANNED
3