

**AMENDED 37-2142**

OCT 15 2008

WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FORM  
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576  
Ident. Number 37-2142  
Date Received  
Receipt Number

J.E. 10-12-06

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

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 940802. Date of Priority (Only one (1) per claim) 06/24/19093. Source of water supply (a) Hot Springs Gulch Creekwhich is tributary to (b) Croy Creek4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,  
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of BlaineAdditional points of diversion if any: 02N18E19NWNWNE

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. Existing ditches from streams and reservoirs - Due to inadequate  
water years over the past few years (post 1987) these rights have only been utilized during the early spring

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OCT 15 2008AJ-37-2142 Back  
file  
Pg 5-6-7

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 1.50 or 300

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.50 (cfs) and / or (b) 300 (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.) \_\_\_\_\_

10. Description of place of use:

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

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02N | 18E | 17  |        |        |        |        |        |        | 2.8    | 24.5   | 8.2    | 28.0   | 1.0    |        |        |        |        |        | 64.5   |
|     |     | 18  |        |        |        |        |        |        |        |        |        |        |        | 10.5   | 7.0    |        | 18.8   | 21.6   | 57.9   |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of Irrigatable acres 122.4\*

The water right will be limited to 75 acres within the 122.4 acre place of use per irrigation season

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

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

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

See attached Or None ☐

14. Remarks:

A portion of the right was licensed on property that currently is not owned by Spring Canyon Ranch, LLC.

However, according to an attached deed the entire right (1.5 cfs) was conveyed in the sale of the property to the former owners of the property and to the current owners. Due to a breach in the reservoir at the point of diversion this right has only been able to supply water during the early spring.

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

If applicable provide IDWR Water Right Number 37-2142

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

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

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OCT 08 2008

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

16. Signature (s)

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

Number of attachments \_\_\_\_\_

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

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

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

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

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

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

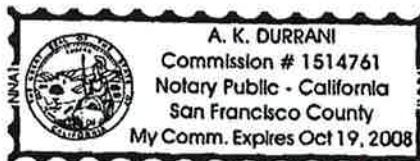
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] \_\_\_\_\_

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

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

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



Notary Public A. K. DURRANI

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

My Commission Expires Oct. 19, 2008

Please Print Name

17. Notice of Appearance:

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

Signature [Signature] \_\_\_\_\_

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

Date 10-3-06

COPY

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OCT 15 2006

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 37-2142  
Date Received: 10/5/2006  
Receipt No: S017209  
Received By:

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

1. Name of Claimant(s)

SPRING CANYON RANCH LLC Phone: (650) 588-5600

C/O CROY CANYON LLC  
395 OYSTER PT BLVD #309  
SOUTH SAN FRANCISCO CA USA 94080

2. Date of Priority: 06/24/1909

3. Source: HOT SPRINGS GULCH CREEK Trib. to: CROY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 18      | SW SW SW              | BLAINE |      |

5. Description of diverting works:

EXISTING DITCHES FROM STREAMS AND RESERVOIRS. DUE TO INADEQUATE WATER YEARS OVER THE PAST FEW YEARS (POST 1987) THESE RIGHTS HAVE ONLY BEEN UTILIZED DURING THE EARLY SPRING.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 1.5    | 300        |

7. Total Quantity Appropriated is:  
1.5 C.F.S. and/or 300 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 02N      | 18E   | 17      | SW         | NW  | IRRIGATION    | 2.8   |
|          |       |         | SE         | NW  | IRRIGATION    | 24.5  |
|          |       |         | NE         | SW  | IRRIGATION    | 8.2   |
|          |       |         | NW         | SW  | IRRIGATION    | 28    |
|          |       |         | SW         | SW  | IRRIGATION    | 1     |
|          |       |         |            |     | Section Acres | 64.5  |
| 02N      | 18E   | 18      | SE         | SW  | IRRIGATION    | 10.5  |
|          |       |         | NE         | SE  | IRRIGATION    | 7     |
|          |       |         | SW         | SE  | IRRIGATION    | 18.8  |
|          |       |         | SE         | SE  | IRRIGATION    | 21.6  |
|          |       |         |            |     | Section Acres | 57.9  |
|          |       |         |            |     | Total Acres   | 122.4 |

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:

THE WATER RIGHT WILL BE LIMITED TO 75 ACRES WITHIN THE 122.4 ACRE PLACE OF USE PER IRRIGATION SEASON.

A PORTION OF THE RIGHT WAS LICENSED ON PROPERTY THAT CURRENTLY IS NOT OWNED BY SPRING CANYON RANCH, LLC. HOWEVER, ACCORDING TO AN ATTACHED DEED THE ENTIRE RIGHT (1.5 CFS) WAS CONVEYED IN THE SALE OF THE PROPERTY TO THE FORMER OWNERS OF THE PROPERTY AND TO THE CURRENT OWNERS. DUE TO A BREACH IN THE RESERVOIR AT THE POINT OF DIVERSION THIS RIGHT HAS ONLY BEEN ABLE TO SUPPLY WATER DURING THE EARLY SPRING.

15. Basis of Claim: License



RECEIVED  
OCT 15 2006  
STOEL RIVES LLP  
WATER RESOURCES

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

October 4, 2006

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

**Via HAND DELIVERY**

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

**Re: Spring Canyon Ranch LLC**

Dear Danni:

Please find enclosed for filing the following:

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

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



Danni Smith  
October 4, 2006  
Page 2

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

Very truly yours,

A handwritten signature in black ink that reads "Kevin Beaton". The signature is fluid and cursive, with a long, sweeping tail on the letter "n".

Kevin J. Beaton

KJB:ww

Enclosures

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

**AMENDED 37-2142**

COPIES  
OCT 15 2006  
OFFICE OF THE  
WATER RESOURCES

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

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

CIVIL CASE NUMBER: 39576  
Ident. Number 37- 2142  
Date Received  
Receipt Number

d.e. ss 10-12-06

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

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600  
Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 94080

2. Date of Priority (Only one (1) per claim) 06/24/1909

3. Source of water supply (a) Hot Springs Gulch Creek  
which is tributary to (b) Croy Creek

4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,  
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot,      B.M., County of Blaine

Additional points of diversion if any: 02N18E19NWNWNE

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. Existing ditches from streams and reservoirs - Due to inadequate  
water years over the past few years (post 1987) these rights have only been utilized during the early spring

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OCT 16 2006

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 1.50 or 300

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.50 (cfs) and / or (b) 300 (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.) \_\_\_\_\_

10. Description of place of use:

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

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02N | 18E | 17  |        |        |        |        |        |        | 2.8    | 24.5   | 8.2    | 28.0   | 1.0    |        |        |        |        |        | 64.5   |
|     |     | 18  |        |        |        |        |        |        |        |        |        |        |        | 10.5   | 7.0    |        | 18.8   | 21.6   | 57.9   |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of Irrigatable acres 122.4\*

The water right will be limited to 75 acres within the 122.4 acre place of use per irrigation season

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

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

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

See attached Or None ☐

14. Remarks:

A portion of the right was licensed on property that currently is not owned by Spring Canyon Ranch, LLC.  
However, according to an attached deed the entire right (1.5 cfs) was conveyed in the sale of the property to the  
former owners of the property and to the current owners. Due to a breach in the reservoir at the point of diversion  
this right has only been able to supply water during the early spring.

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

If applicable provide IDWR Water Right Number 37-2142

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

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

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

16. Signature (s)

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

Number of attachments \_\_\_\_\_

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

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

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

**For Organizations:** I do solemnly swear or affirm that I am Vice President  
of Spring Canyon Ranch, LLC, that I have signed the foregoing

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

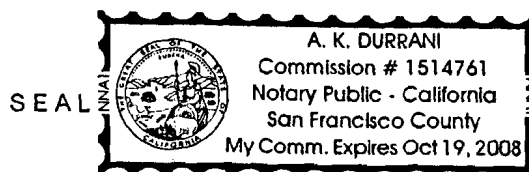
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

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

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

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



Notary Public A. K. DURRANI  
Residing at 150 California St., San Francisco, CA 94111  
My Commission Expires Oct. 19, 2008

Please Print Name

17. Notice of Appearance:

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

Signature [Signature]

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

Date 10-3-06

COPY

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OCT 18 2006

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 37-2142  
Date Received: 8/4/1994  
Receipt No: S017209  
Received By:

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

1. Name of Claimant(s)

SPRING CANYON RANCH LLC  
C/O CROY CANYON LLC  
395 OYSTER PT BLVD #309  
SOUTH SAN FRANCISCO CA 94080

2. Date of Priority: 06/24/1909

3. Source: HOT SPRINGS GULCH CREEK Trib. to: CROY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 18      | SW SW 4               | BLAINE |      |

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 1.5    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

|     |     |    |    |    |   |               |    |
|-----|-----|----|----|----|---|---------------|----|
| 02N | 18E | 18 | SE | SW |   | IRRIGATION    | 25 |
|     |     |    | SW | SW | 4 | IRRIGATION    | 10 |
|     |     |    |    |    |   | Section Acres | 35 |
| 02N | 18E | 19 | NE | NW |   | IRRIGATION    | 20 |
|     |     |    | NW | NW | 1 | IRRIGATION    | 20 |
|     |     |    |    |    |   | Section Acres | 40 |
|     |     |    |    |    |   | Total Acres   | 75 |

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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

**RECEIVED**  
**APR 20 2006**  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

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

| Water<br>Right No.(s) | Adjudication<br>Claim No.(s) | Split                    | Water<br>Right No.(s) | Adjudication<br>Claim No. (s) | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|-------------------------------|--------------------------|
| <u>37-2142</u>        | <u>37-2142</u>               | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| _____                 | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| _____                 | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| _____                 | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| _____                 | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s): Helen Nan Crocker  
c/o Donald Crocker (successor)
4. New Owner/Claimant(s): Spring Canyon Ranch, LLC  
New Mailing Address: C/O CROY CANYON, LLC  
City, State, Zip Code: 395 OYSTER PT. BLVD #309  
SOUTH SAN FRANCISCO, CA 94080  
New Telephone Number: \_\_\_\_\_
5. Date you acquired the property: 02/16/2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: \_\_\_\_\_

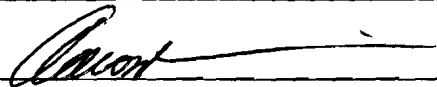
| <u>Water Use</u> | <u>Diversion Rate or Volume</u><br>(cubic feet per second or acre-feet annum) | <u>Description</u><br>(acres, number and type of stock, homes, etc.) |
|------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Irrigation       | _____                                                                         | _____                                                                |
| Stock            | _____                                                                         | _____                                                                |
| Domestic         | _____                                                                         | _____                                                                |
| Other: _____     | _____                                                                         | _____                                                                |
| TOTAL            | _____                                                                         | _____                                                                |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: \_\_\_\_\_

| <u>Water Use</u> | <u>Diversion Rate or Volume</u><br>(cubic feet per second or acre-feet annum) | <u>Description</u><br>(acres, number and type of stock, homes, etc.) |
|------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Irrigation       | _____                                                                         | _____                                                                |
| Stock            | _____                                                                         | _____                                                                |
| Domestic         | _____                                                                         | _____                                                                |
| Other: _____     | _____                                                                         | _____                                                                |
| TOTAL            | _____                                                                         | _____                                                                |

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

  
\_\_\_\_\_

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

**FOR OFFICE USE ONLY**

Received by: h  
Received by: h  
Processed by: \_\_\_\_\_ AJ

Date: 5/4/16  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

Fee: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
WR: \_\_\_\_\_ Date: \_\_\_\_\_

This instrument was prepared by:

Robert Maynard, Esq.  
Perkins Coie LLP  
251 East Front Street, Suite 400  
Boise, ID 83702-7310

After recording mail to:

Stephen L. Englert, Esq.  
Epstein, Englert, Staley & Coffey  
425 California Street, 13th Floor  
San Francisco, CA 94104

**Instrument # 532348**

HAILEY, BLAINE, IDAHO  
2006-02-22 02:05:00 No. of Pages: 6  
Recorded for : SUN VALLEY TITLE  
MARSHA RIEMANN Fee: 18.00  
Ex-Officio Recorder Deputy  
Index to: WTYQCCORP DEED

*mp*

For Recorder's Use Only

**SPECIAL WARRANTY DEED**

This **SPECIAL WARRANTY DEED**, made this 16<sup>th</sup> day of February 2006, from Donald W. Crocker, successor trustee of the Benjamin S. Crocker and Helen Nan Crocker Trust "D" dated March 24, 1973 ("Grantor") to Spring Canyon Ranch, LLC, a Delaware limited liability company, having an address of 170 Croy Creek, Hailey, Idaho 83333 ("Grantee").

**WITNESSETH**, that Grantor, in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee, does hereby grant, bargain, sell, convey and confirm unto Grantee, and the heirs or successors and assigns of Grantee:

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Blaine and State of Idaho, as further described on "Exhibit A" attached hereto and made a part hereof (the "Property");

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Property to the center lines thereof, and all access rights of Grantor in and to the Property (collectively, the "Access Rights"); and

**TOGETHER** with the hereditaments and appurtenances and all the estate and rights of Grantor in and to the Property, including, without limitation to the extent they are owned and are transferable, timber rights, mineral rights and water rights (collectively, the "Property Rights");

**SUBJECT** only to taxes, assessments and other governmental charges not yet delinquent, and the following exceptions: (i) easements, quasi-easements, licenses, covenants, rights-of-way and other similar restrictions, including any other agreements, conditions, restrictions or other matters which would be shown by a current title report or other similar report or listing, including, without limitation, those exceptions listed on "Exhibit B" attached hereto and made a part hereof; (ii) any conditions that may be shown by a current survey, title report or

physical inspection; (iii) zoning, building and other similar restrictions of public record; (iv) other than matters created by Grantor, such encroachments, boundary line disputes, access restrictions or absence of access, adverse possession claims, easements, covenants, use restrictions, zoning restrictions and other third-party rights which are common to rural lands; and (v) U.S. Patent reservations or exceptions (collectively, the "Permitted Exceptions").

**GRANTOR** hereby binds itself and its successors to warrant and forever defend the right and title unto Grantee, its assigns and successors, subject to the Permitted Exceptions, for all purposes, against the claims of all persons owning, holding or claiming by, through or under Grantor, but against none other, and Grantor hereby represents and warrants further that it has no knowledge that such warranties are untrue as against the claims of any persons owning, holding or claiming, by, through or under any holders in title to the Property prior to Grantor.

**TO HAVE AND TO HOLD** the Property, the Access Rights and the Property Rights, unto Grantee, their heirs or successors and assigns of Grantee, forever.

**IN WITNESS WHEREOF**, Grantor has duly executed this deed by its duly authorized officer or representative on the day and year first above written.

DONALD W. CROCKER, successor trustee  
of the BENJAMIN S. CROCKER AND  
HELEN NAN CROCKER TRUST "D"

By: \_\_\_\_\_  
Name: DONALD W. CROCKER  
Its: Trustee

STATE OF California )  
County of Los Angeles ) ss.  
Residing at \_\_\_\_\_ )

On this 16 day of February, 2006, before me, a notary public in and for said State, personally appeared and known to be to be the Trustee of the Trust that executed this instrument or the persons who executed the instrument on behalf of said Trust, and acknowledged to me that such Trust 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.

Residing at \_\_\_\_\_  
  
BRUNO J. SARTINI JR.  
COMM. #1341037  
NOTARY PUBLIC - CALIFORNIA  
LOS ANGELES COUNTY  
My Comm. Expires Feb. 21, 2008

Bruno J. Sartini Jr.  
Notary Public

My Commission Expires: 02-21-2008

\*Donald W. Crocker

**EXHIBIT "A"**

**Parcel I**

**A parcel of land lying within SECTIONS 11, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 17 EAST, AND SECTIONS 7, 17 AND 18, TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, and being more particularly described as follows:**

**Commencing at the BLM brass cap marking the Southwest corner of said Section 18, which point is the REAL POINT OF BEGINNING; thence**

**N 88°33'43" W, 1332.85 feet to a 5/8" bar by L. S. 3621 marking the 1/16<sup>th</sup> corner; thence**

**N 00°15'20" E, 2649.19 feet to a 5/8" bar by L. S. 3621 marking the center east 1/16<sup>th</sup> corner; thence**

**S 88°42'55" E, 1329.50 feet to the BLM brass cap marking the west ¼ corner of said Sections 13 and 18; thence**

**N 00°09'19" E, 1310.14 feet to a BLM brass cap; thence**

**N 88°15'33" W, 2655.51 feet to a 5/8" bar marking the center north 1/16<sup>th</sup> corner of Section 13; thence**

**N 89°49'47" W, 2662.82 feet to a 5/8" bar marking the 1/16<sup>th</sup> corner of said Sections 13 and 14; thence**

**S 00°12'41" W, 1279.45 feet to a 5/8" bar with aluminum cap marking the ¼ corner of Sections 13 and 14; thence**

**S 89°40'00" W, 5293.11 feet to the 5/8" bar with aluminum cap marking the ¼ corner of Sections 14 and 15; thence**

**N 00°18'28" W, 2636.52 feet to the 2" aluminum cap by L. S. 792 marking the section corner common to Sections 10, 11, 14 and 15; thence**

**N 00°09'45" E, 2648.30 feet to the 2" aluminum cap marking the ¼ corner of Sections 10 and 11; thence**

**N 89°39'22" E, 5317.87 feet to the 2 ½" aluminum cap marking the ¼ corner of Sections 11 and 12; thence**

**S 00°10'54" W, 2727.02 feet to the 2" aluminum cap marking the section corner common to Sections 11, 12, 13 and 14; thence**

**N 89°03'30" E, 2666.04 feet to the 2" aluminum cap marking the ¼ corner of Sections 12 and 13; thence**

**S 87°50'15" E, 2654.34 feet to the BLM brass cap marking the section corner common to Sections 12, 13, 7 and 18; thence**

**N 00°13'40" W, 1326.38 feet to the 5/8" bar marking the 1/16<sup>th</sup> corner common to Sections 12 and 7; thence**

**S 89°11'32" E, 2805.46 feet to the 5/8" bar marking the center south 1/16<sup>th</sup> corner of said Section 7; thence**

**S 00°03'58" W, 1313.77 feet to the aluminum cap marking the ¼ corner common to Sections 7 and 18; thence**

**S 00°22'06" W, 1312.08 feet to the 5/8" bar marking the center north 1/16<sup>th</sup> corner of said Section 18; thence**

**S 89°42'53" E, 1325.37 feet to the 5/8" bar marking the northeast 1/16<sup>th</sup> corner of said Section 18; thence**

**S 00°48'36" W, 1319.34 feet to the 5/8" bar marking the center east 1/16 corner of said Section 18; thence**

**S 89°24'01" E, 1315.22 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 17; thence**

S 88°24'27" E, 790.65 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 58°17'12" E, 1070.44 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 54°32'25" E, 665.75 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 50°09'06" E, 474.75 feet along said road to the 5/8" bar on the center section line; thence  
S 00°09'41" W, 1303.55 feet to the bar marking the center section corner of Section 17; thence  
S 00°16'05" W, 1319.97 feet to the BLM brass cap marking the center South 1/16<sup>th</sup> corner of said  
Section 17; thence  
N 88°23'58" W, 2600.76 feet to the 5/8" bar marking the 1/16 corner of said Sections 17 and 18;  
thence  
S 00°04'54" W, 918.49 feet to the 5/8" bar on the north line of the Climax Lode Mining Claim;  
thence  
S 87°15'00" W, 87.77 feet to the 5/8" bar marking the northwest corner of the Climax Lode Mining  
Claim; thence  
S 05°45'15" E, 398.62 feet to a point on the westerly boundary of Climax Lode Mining Claim and  
the south boundary of said Section 18; thence  
N 89°32'52" W, 2596.48 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 19;  
thence  
N 89°32'07" W, 2782.46 feet to the REAL POINT OF BEGINNING.

Also known as Tax Lot 6973.

AND

Parcel II

Those patented mining claims as described in Sections 3, 10 and 11 in Township 2 North, Range 17  
East, Boise Meridian, Blaine County, Idaho, as follows:

IDAHO DEMOCRAT, MARQUISE, VERMONT, IDAHO REPUBLICAN AND BELMONT, all  
Consolidated Survey No. 1342; GLADYS B., DEWEY, MCKINLEY, SPANISH, all Consolidated  
Survey No. 2747; and SEE BEE, Consolidated Survey No. 2755, all situated in the MINERAL  
HILL MINING DISTRICT, BLAINE COUNTY, IDAHO.

## **EXHIBIT B TO DEED**

### **TITLE EXCEPTIONS**

1. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.
2. Property taxes, including any assessments collected with taxes, levied for the year 2006, which are a lien not yet payable.
3. Matters as shown on that certain survey, recorded January 22, 1990 as Instrument No. 315447, records of Blaine County, Idaho.
4. An Easement with rights incidental thereof as set forth in a Power Line Easement  
Granted to: IDAHO POWER COMPANY  
Recorded: August 17, 1962  
Book No.: 176 of Deeds  
Page No.: 410, records of Blaine County, Idaho.
5. An easement with rights incidental thereof as set forth in an Underground Power Line Easement  
Granted to: IDAHO POWER COMPANY  
Recorded: July 7, 1995  
Instrument No. 379908, records of Blaine County, Idaho.
6. Any rights, interest or claims which may exist or arise by reason of matters shown on an A.L.T.A./A.C.S.M SURVEY for Haas & Haynie Corporation, dated October, 2005 and prepared by Benchmark Associates, P.A., including, but not limited to, the following:
  - a) The fact that the metes and bounds legal description of the centerline of the Powerline Easement as shown in Item 3 above, lies to the west of the overhead power line's actual location.
  - b) The fact that an underground Powerline Easement exists within portions of Section 18.
  - c) The fact that a septic system and wells exists along Croy Creek Road.
  - d) The fact that there is a well located outside the boundary line of said property.
  - e) The fact that there are existing buildings located on said property.

- f) The fact that a Cable TV utility exists on said property.
- g) The fact that there are Reservoirs and a Hot Springs located on said property.
- h) The fact that there are fences located on said property.
- i) The fact that there are fences located outside the boundary line of said property.
- j) The fact that there are telephone risers located on said property.

# Delaware

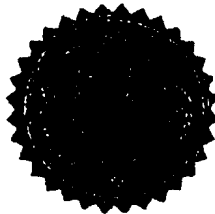
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "SPRING CANYON RANCH, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF JANUARY, A.D. 2006.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "SPRING CANYON RANCH, LLC" WAS FORMED ON THE SEVENTEENTH DAY OF JANUARY, A.D. 2006.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

4095022 8300

AUTHENTICATION: 4454371

060046527

DATE: 01-18-06

FILED EFFECTIVE



# APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

06 JAN 25 PM 12:51

SECRETARY OF STATE  
STATE OF IDAHO

1. The name of the limited liability company is:

Spring Canyon Ranch, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is organized is:
- Delaware
- 
- and the date of its formation was:
- January 18, 2006

4. The name and address of the registered agent in Idaho is:

National Registered Agents, Inc., 1423 Tyrell Lane, Boise, Idaho 83708

5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

c/o National Registered Agents, Inc., 180 Greentree Dr., Suite 101, Dover, DE 19904

6. The address of the limited liability company's principal office, if other than the address in #5 above, is:

170 Croy Creek, Hailey, Idaho 83333

7. The address to which correspondence should be addressed is:

c/o Pacific Coast Capital Partners, LLC, 150 California Street, 22nd Floor, San Francisco, CA 94111  
PO BOX 1000, Hailey, Idaho 83333

8. Signature of a manager, if any, or a member
- 
- if there are no managers.

Signature

William R. LindsayTyped Name PCCP LB Sun Valley Ranch, LLCManager ☒ Member ☐

Secretary of State use only

 IDAHO SECRETARY OF STATE  
 REGISTRATION UNIT  
 2006 JAN 25

Web Form

 IDAHO SECRETARY OF STATE  
 01/25/2006 05:00  
 CK: 35718 CT: 1154 BN: 934124  
 1 @ 100.00 = 100.00 REGFORGLLC # 8  
 1 @ 20.00 = 20.00 EXPEDITE C # 9

W46749

# CROY CANYON, LLC

795 OYSTER POINT BOULEVARD, SUITE 200, SOUTHERN REGIONAL OFFICE, TWIN FALLS, ID 83403-1600 (208) 736-5000 FAX (208) 736-5050

RECEIVED  
APR 20 2006  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

April 17, 2006

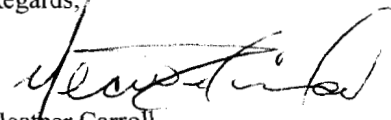
Allen Merritt  
Idaho Department of Water Resources  
Southern Region Office  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301

Re: Change of Ownership & Permit Assignments

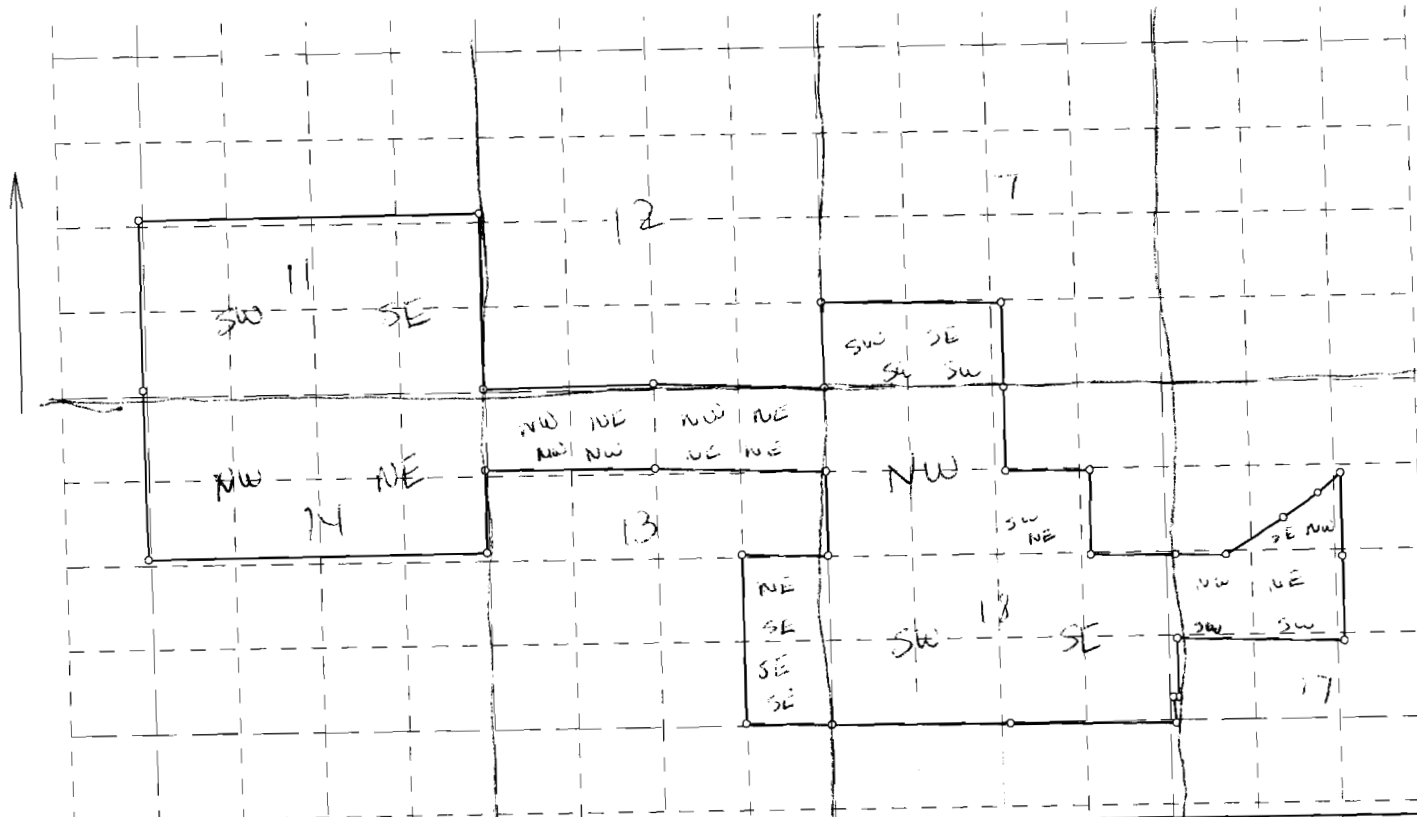
Dear Allen:

Enclosed please find a check for \$75.00 as well as a letter and attachments from Brockway Engineering. Please note that the permit assignments are being completed by the prior applicant and will be forthcoming.

Regards,



Heather Carroll  
Controller



Title:

Date: 05-05-2006

Scale: 1 inch = 3000 feet

File:

Tract 1: 1612.231 Acres: 170228795 Sq Feet: Closure = s85.1736e 1.98 Feet: Precision = 1/31686: Perimeter = 62892 Feet

001=s/w,sw,sw,18,02n,18e  
002=n88.3343w 1332.85  
003=n00.1520e 2649.19  
004=s88.4255e 1329.50  
005=n00.0919e 1310.14  
006=n88.1533w 2655.51  
007=n89.4947w 2662.82  
008=s00.1241w 1279.45  
009=s89.4000w 5293.11  
010=n00.1828w 2636.52  
011=n00.0945e 2648.30  
012=n89.3922e 5317.87

013=s00.1054w 2727.02  
014=n89.0330e 2666.04  
015=s87.5015e 2654.34  
016=n00.1340w 1326.38  
017=s89.1132e 2805.46  
018=s00.0358w 1313.77  
019=s00.2206w 1312.08  
020=s89.4253e 1325.37  
021=s00.4836w 1319.34  
022=s89.2410e 1315.22  
023=s88.2427e 790.65  
024=n58.1712e 1070.44

025=n54.3225e 665.75  
026=n50.0906e 474.75  
027=s00.0941w 1303.55  
028=s00.1605w 1319.97  
029=n88.2358w 2600.76  
030=s00.0454w 918.49  
031=s87.1500w 87.77  
032=s05.4515e 398.62  
033=n89.3252w 2598.48  
034=n89.3207w 2782.46



# CROY CANYON, LLC

395 CRYSTAL POINT BOULEVARD, SUITE 300, SOUTH SAN FRANCISCO, CA 94080 (650) 588-5600 FAX (650) 588-5650

May 2, 2006

RECEIVED

MAY 04 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

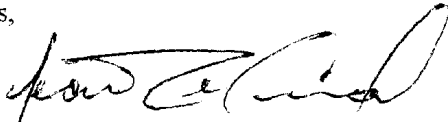
Allen Merritt  
Idaho Department of Water Resources  
Southern Region office  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301

Re: Assignment of Permit #s 37-8659 & 37-8670

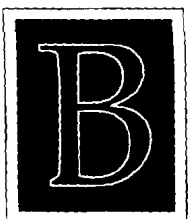
Dear Allen:

In reference to my letter dated April 17<sup>th</sup>, 2006 that accompanied check 1017 for \$75.00, enclosed please find two completed assignment of permit forms

Regards,



Heather Carroll  
Controller



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 27, 2006

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

RECEIVED

APR 20 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Re: Spring Canyon Ranch, LLC - Change of Ownership & Permit  
Assignments

Dear Allen:

Please find the enclosed change of ownership forms and permit assignment forms for the water rights to the land now owned by Spring Canyon Ranch, LLC. An attached warranty deed for the property is also included. This warranty deed is applicable to all of the water rights at the property regardless of the current owner that is listed with IDWR.

I have included a check for a total of \$75.00 to cover the costs of the change of ownership forms and the assignments of permit appurtenant to the rights at the ranch. If any other costs are needed during the processing of these documents please call our office to discuss the matter. Our client wishes that these changes be processed as soon as possible and if or any other agent have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,

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

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

Daren T. Nelson, Hydrologist

Attachments: Three (3) change of ownership forms  
Two (2) Permit Assignments  
Warranty Deed  
Brockway Engineering Check # \_\_\_\_\_

cc: Paul Fay

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

PHONE: 736•8543

FAX: 736•8506



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 9, 2006

SPRING CANYON RANCH LLC  
C/O CROY CANYON LLC  
395 OYSTER PT BLVD #309  
SOUTH SAN FRANCISCO CA 94080

Re: SRBA Claim #37-2142, #37-12396, #37-4440, #37-4139, #37-4138,  
#37-1222, #37-549, #37-548

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

  
CROY CANYON, LLC

395 OYSTER POINT BOULEVARD, SUITE 309, SOUTH SAN FRANCISCO, CA 94080 (415) 588-5600 / FAX (415) 573-9150

May 2, 2006

Allen Merritt  
Idaho Department of Water Resources  
Southern Region office

RECEIVED

MAY 04 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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: **A37-02142**  
Date Received: 8/ 4/1994  
Receipt No: S017209  
Received By: AD

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

1. Name: NAN CROCKER 208-726-9185  
Address: PO BOX 974  
KETCHUM ID 83340

2. Date of Priority: JUN 24, 1909

3. Source: HOT SPRING GULCH Trib. to: CROY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 18E   | 18      | SW     | SW     | SW  | 4   | BLAINE |

5. Description of diverting works:  
DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.500 |      |        |

7. Total Quantity Appropriated is:  
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 187.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 18E   | 18      | SW     | SW  | 4   | IRR | 10.0  |
|          |       |         | SE     | SW  |     | IRR | 25.0  |

**MICROFILMED**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 35.0  |
|          |       | 19      | NE         | NW  | IRR           | 20.0  |
|          |       |         | NW         | NW  | 1 IRR         | 20.0  |
|          |       |         |            |     | Section Acres | 40.0  |
|          |       |         |            |     | Total Acres   | 75.0  |

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:

15. Basis of Claim: LICENSE

Water Right Number: 4835

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

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

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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 A37-02142

Date Received \_\_\_\_\_

Receipt Number 5017209

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

JUL 15 1994

AUG 04 1994

Department of Water Resource  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) NAN CROCKER Phone ( 208) 726-9185

Mailing Address P. O. BOX 974 KETCHUM ID        Zip 83340

2. Date of Priority (Only one (1) per claim) June 24, 1909

3. Source of water supply (a) HOT SPRING GULCH  
which is tributary to (b) CROY CREEK

4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,  
       1/4 of SW 1/4 of SW 1/4, Govt. Lot, 4 B.M., County of BLAINE

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. ditch

MICROFILMED  
AUG 24 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 11/01 amount 1.50 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.50 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 187.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

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

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 02N | 18E | 18  |        |       |       |       |        |       |       |       |        |       | 10    | 25    |        |       |       |       | 35     |
|     |     | 19  |        |       |       |       | 20     | 20    |       |       |        |       |       |       |        |       |       |       | 40     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 75

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (X)

14. Remarks:

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**MICROFILMED**  
**AUG 24 1994**

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

Copies: White -State, Yellow-Claimant

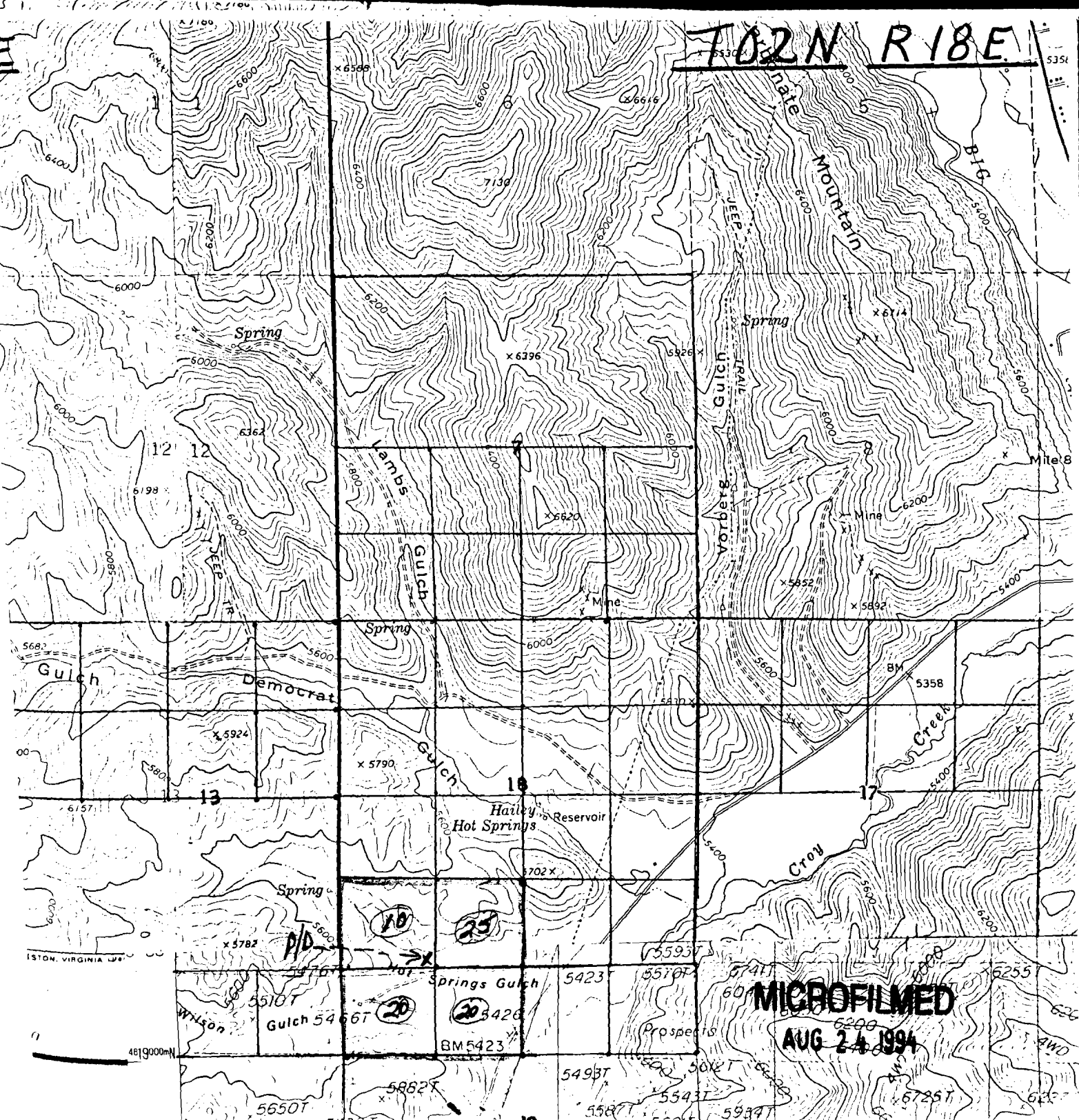
Scale: 2 inches equals 1 mile

[illegible]

**AUG 24 1994**

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

*Copies: White-State, Yellow-Claimant*



**MICROFILMED**  
**AUG 24 1994**

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License X Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 37-02142  
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 X 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) Nan Crocker, Trustee Date Aug. 1 '94  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

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

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

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day of August 1994

SEAL

Notary Public Shelley Hanson

Residing at Bozeman, Idaho

My Commission Expires 10/21/99

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 \_\_\_\_\_

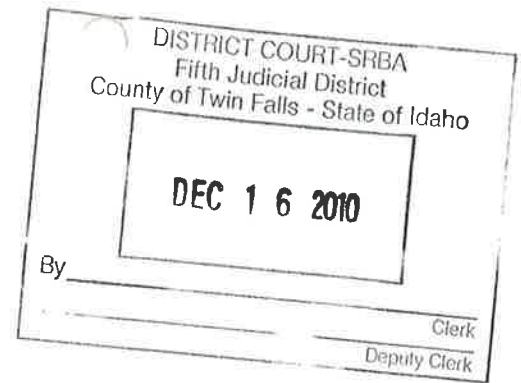
Date \_\_\_\_\_

ast Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

MICROFILMED

Copies With Date Y/N Not Claimant  
AUG 24 1994

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

Case No. 39576

Subcase No. 37-548, 37-549,  
37-1222, 37-2142

**CORRECTED  
NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 12/16/10

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 12.16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Kevin Braley  
Holland & Hart LLP  
PO Box 2527  
Boise ID 83701

Kevin Beaton  
Stoel Rives LLP  
101 S Capitol Blvd Ste 1900  
Boise ID 83702



Signature of person or attorney mailing the form

12/08/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: DEMOCRAT GULCH CREEK  
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK  
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: 3.600 CFS

PRIORITY DATE: 06/01/1880

POINT OF  
DIVERSION:

T02N R18E S18 SWNEW Within BLAINE County  
T02N R18E S18 NESWNW Lot 2 Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NESWSE Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

3.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | .90   | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Corrected NCAP

37-548

12/08/2010

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

RIGHT NUMBER: 37-549

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: CROY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/30/1882

POINT OF  
DIVERSION:

T02N R18E S19 NESENW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

4.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90  | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Corrected NCAP

37-549

12/08/2010

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

RIGHT NUMBER: 37-1222

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: DEMOCRAT GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/09/1911

POINT OF  
DIVERSION:

T02N R18E S18 NESWNW Lot 2 Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NESWSE Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 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          | 0.400 CFS       |

PLACE OF USE:

IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90  | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Corrected NCAP

37-1222

12/16/2010

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

RIGHT NUMBER: 37-2142

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 06/24/1909

POINT OF  
DIVERSION:

T02N R18E S18 SESWSW Lot 4 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.500 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90  | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

December 16, 2010

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

KEVIN BRALEY  
HOLLAND & HART LLP  
PO BOX 2527  
BOISE ID 83301

RE: SRBA Claim(s) 37-548, 37-549, 37-1222, 37-2142

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Kevin Beaton,  
Stoel Rives LLP  
101 S Capitol Blvd Ste 1900  
Boise ID 83702

11/23/2010

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

RIGHT NUMBER: 37-549

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR SMC C7300-079  
DENVER CO 80274

KKC  
CB [Signature] CB  
PN

SOURCE: CROY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4-00 1.11 CFS

The rights listed below are limited to 1.50 ac per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4118, 37-4440 and 37-12328.

PRIORITY DATE: 06/30/1982

POINT OF DIVERSION:

T02N R18E S19 NESEW Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY       |
|----------------|---------------|----------------|
| IRRIGATION     | 04/15 10/31   | 4-00 1.910 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |             |                         |             |
|--------------------------|-------------|-------------------------|-------------|
| T02N R18E S17 Lot 3 SEW  | 0-40 2.00   | T02N R18E S17 Lot 4 SEW | 02-00 23.00 |
| T02N R18E S17 NESEW      | 0-00 1.60   | T02N R18E S17 NWSEW     | 06-00 27.00 |
| T02N R18E S17 Lot 1 SEW  | 0-00 1.10   | T02N R18E S18 SESE      | 15-00       |
| T02N R18E S18 NESEW      | 1-10        | T02N R18E S18 SEW       | 25-00       |
| T02N R18E S18 NESEW      | 0-40        | T02N R18E S18 NESE      | 01-00 7.10  |
| T02N R18E S18 SEW        | 10-00       | T02N R18E S18 SESE      | 16-00 4.60  |
| T02N R18E S18 Lot 5 SESE | 02-00 21.00 |                         |             |

100 25.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 100 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4118, and 37-4440.

Place of use does not include federal public lands.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

RIGHT NUMBER: 37-548  
NAME AND ADDRESS: SPRING CANYON RANCH LLC  
C/O CROY CANYON LLC  
395 OYSTER PT BLVD #309  
SOUTH SAN FRANCISCO CA 94080

Wells Fargo

SOURCE: DEMOCRAT GULCH CREEK  
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK  
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: 3.600 CFS  
PRIORITY DATE: 06/01/1880

POINT OF  
DIVERSION: T02N R18E S18 SWNW Within BLAINE County  
T02N R18E S18 NESWNW Lot 2 Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NESWSE Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 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          | 3.600 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90  | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

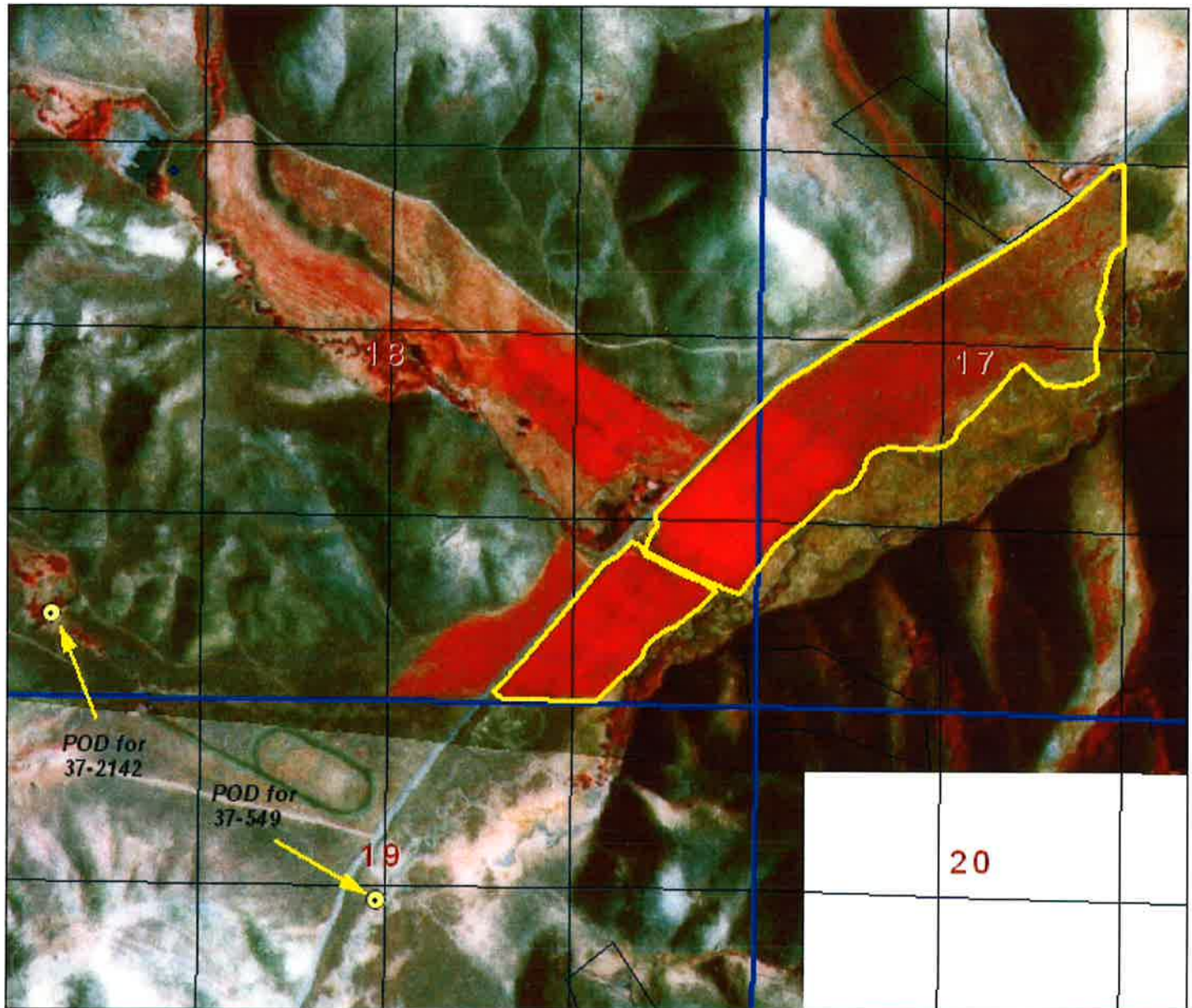
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

## RECOMMENDED PLACE OF USE FOR 37-549 and 37-2142



PLACE OF USE  
TWP 02N, RNG 18E Sec 17 & 18  
Data Entry on December 14, 2010

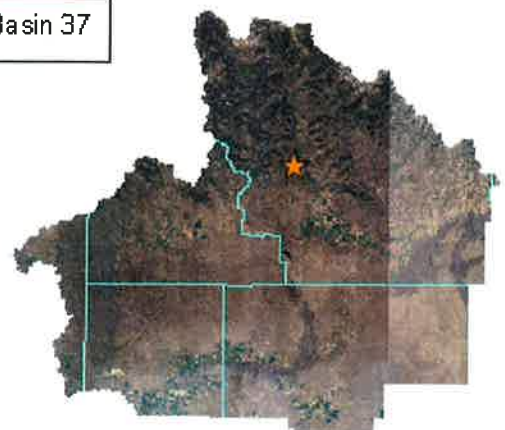
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP PHOTOGRAPHY  
BY KELLY K CHRISTENSEN



Basin 37



## Hailey, Alturas County, Idaho

For several years Hailey had three daily papers which also were published weekly, and it continued to have two daily papers until 1919. It now has one weekly paper, The Hailey Times. Until this year, many of us believed that Hailey had the first daily paper in the Territory of Idaho. But L. A. York of Boise, who published the Avalanche at Silver City from 1890 till 1903, under date of June 2, 1930, writes, in part, as follows: "The Owyhee Avalanche, of Silver City, was published as a daily in 1875-6, by W. J. Hill. He had the first steam press (cylinder) in the Territory, and received telegraphic reports over a line built from Winnemucca. He paid \$300.00 per month for the telegraph service. This is authentic."

The most reliable information obtainable is that T. E. Picotte of Hailey published the second earliest daily paper in the Territory of Idaho. It was called Wood River Daily Times and was first published May 20, 1882. Mr. Picotte began the publication of the Wood River Weekly Times on June 15, 1881.

The earliest electric light plant in the Territory was at the Ketchum Smelter. But Hailey was the first town to have an electric light plant. Hailey had the first telephone system in the territory.

The attention of the Union Pacific Railway Company, while constructing their through line to the Pacific Coast, was drawn to the large freighting business done by the Wood River County. As a consequence, the Wood River Branch was built to Hailey. On May 7, 1883, at 10:30 a.m., the first train arrived in Hailey. There was great rejoicing. The following year, it was extended to Ketchum. Ketchum celebrated the extension of the railway to that town on August 19, 1884. Trains began running regularly the following day. With the advent of the railroad, the stage coach and the big freighting outfits had to seek new fields.

An Act of the Legislative Assembly of the Territory of Idaho, at its 12th session, approved February 8, 1883, entitled, "An Act providing for the erection of a County Court House and Jail at Hailey, the county seat of Alturas County," provided that for the purpose of erecting and completing said Court House and Jail, Alturas County might issue forty thousand dollars of negotiable coupon bonds. On July 14, 1883, the bid of Horace J. Knapp that he would erect, complete and furnish the Court House and Jail, as per the plans and specifications adopted by the Board for the sum of \$37,800.00 and accept the bonds known as the Court House Bonds in payment therefore, was accepted. There were incidentals, which made the cost \$40,000.00. On August 11, 1883, the corner stone of the courthouse was laid under the supervision of J. K. Morrill, chairman of the Board of County Commissioners. Deposited and hermetically sealed are: The names and official titles of the County officers, a copy of the Wood River Times, a copy of the Act of the Legislature providing for the erection of a court house and jail at Hailey, Idaho, and a blank courthouse bond. On August 1, 1884, the building was accepted. The basement is of rock and is the jail. In the jail are steel cages that are said to have cost about \$10,000 00. The other two stories are of brick. In this building are offices for all the county

officials, a large up-to-date Court room, jury room, Judge's chambers, etc. When built, it was probably the best Court house in the Territory. In 1907, a fireproof vault of two stories and a jury room on the the third story was erected.

★ The Alturas Hotel (now Hiawatha) is a three story brick building with rock basement. On March 22, 1883, ground was broken for this hotel. On May 25, 1886, it was opened to the public with a grand ball. A Hailey paper of that date says, "it is admitted to be the finest hotel between Denver and the Pacific Ocean." It was said to have cost \$35,000 ; furniture \$8,000, not including the \$5,000 bar and fixtures connected with the billiard hall. In 1914-15 quite an addition was built to it and renovated throughout. It contains 82 rooms and each room is furnished with hot and cold water. The natural hot water from the Hailey Hot Springs (about two and a half miles west of town) is piped in and the hotel is heated throughout with this water which has a temperature of 136 degrees, Fahrenheit. The hotel has all modern conveniences. There is a large natatorium in connection therewith.

Even in the early days, Hailey, like the other towns, had good business houses in which were carried all goods, wares and merchandise necessary for the community. All these towns had good residences and good educational facilities. churches, etc. There were about 20 lawyers. There were able men who represented several religions, who ministered to the spiritual welfare of the inhabitants. There were saloons a-plenty. Faro, poker, roulette and other games of chance were also plentiful. Even the smallest mining camp had its saloon and some game of chance. It is no exaggeration to say that in the larger towns there was nothing lacking that was to be found in a real mining town. On September 17, 1884, Sheriff C. H. Furey issued licenses to 18 saloon-keepers in Hailey, seven at Bullion, and five at Shoshone. The number of licenses at Bellevue and Ketchum was not definitely known but it was thought the number would reach 15 for Ketchum. There were 12 gaming licenses issued for Hailey and eight for Ketchum. The revenue from saloons alone amounted to \$9,800 a year. Hailey in the early days had the Hailey Iron Works, which was a branch of the Colorado Iron Works of Denver, and were manufacturers of and dealers in mining machinery, sawmills, jigs, screens, elevators, furnaces, crushers, Cornish pumps, steam pumps, etc.

The United States Land Office at Hailey was opened for business on July 14, 1883, with Homer L. Pound as the first Register and J. S. Waters as the first Receiver. An immense area was included in this Land District. After most of the land had been filed on and patented, the Land Office, for economic reasons, was abolished at the close of April 30, 1925. All books, records, and files were transferred to Blackfoot, Idaho.



**IDWR CONCURRENCE:**

Kelly K. Christensen 1-18-11  
Kelly K. Christensen                      Date  
Sr. Water Resource Agent

**IDWR CONCURRENCE:**

\_\_\_\_\_  
Christopher M. Bromley              Date  
Deputy Attorney General  
Attorney for IDWR

11/23/2010

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

RIGHT NUMBER: 37-2142

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 06/24/1909

POINT OF DIVERSION:

T02N R18E S18 SESESW Lot 4 Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 04/15 10/31   | 1.500 CFS |

PLACE OF USE:

IRRIGATION in BLAINE County

|                               |                        |                               |                        |
|-------------------------------|------------------------|-------------------------------|------------------------|
| T02N R18E S17 Lot 3 SWNW      | <del>3.40</del> 2.90   | T02N R18E S17 Lot 4 SENW      | <del>22.00</del> 23.00 |
| T02N R18E S17 NESW            | <del>8.20</del> 8.60   | T02N R18E S17 NWSW            | <del>26.00</del> 27.00 |
| T02N R18E S17 Lot 1 SWSW      | <del>0.90</del> 1.10   | <del>T02N R18E S18 SWNE</del> | <del>15.00</del>       |
| <del>T02N R18E S18 NENW</del> | <del>1.10</del>        | <del>T02N R18E S18 SENW</del> | <del>25.00</del>       |
| <del>T02N R18E S18 NESW</del> | <del>0.40</del>        | T02N R18E S18 NESE            | <del>21.00</del> 7.30  |
| <del>T02N R18E S18 NWSE</del> | <del>19.00</del>       | T02N R18E S18 SWSE            | <del>16.00</del> 4.60  |
| T02N R18E S18 Lot 5 SESE      | <del>22.00</del> 21.00 |                               |                        |

~~100~~ 95.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~100~~ 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

Place of use does not include federal public lands.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

11/23/2010

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

RIGHT NUMBER: 37-2142

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

VERIFIED BY

KKC  
12-30-10

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 06/24/1909

POINT OF  
DIVERSION:

T02N R18E S18 SESWSW Lot 4 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          | 1.500 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |                               |                          |                                    |
|--------------------------|-------------------------------|--------------------------|------------------------------------|
| T02N R18E S17 Lot 3 SWNW | <del>3.40</del> <u>2.90</u>   | T02N R18E S17 Lot 4 SENW | <del>22.00</del> <u>23.00</u>      |
| T02N R18E S17            | <del>8.20</del> <u>8.60</u>   | T02N R18E S17            | NWSW <del>26.00</del> <u>27.00</u> |
| T02N R18E S17 Lot 1 SWSW | <del>0.90</del> <u>1.10</u>   | <del>T02N R18E S18</del> | <del>SWNE</del> <u>15.00</u>       |
| <del>T02N R18E S18</del> | <del>NENW</del> <u>1.10</u>   | <del>T02N R18E S18</del> | <del>SENW</del> <u>25.00</u>       |
| <del>T02N R18E S18</del> | <del>NESW</del> <u>0.40</u>   | T02N R18E S18            | NESE <del>21.00</del> <u>7.30</u>  |
| <del>T02N R18E S18</del> | <del>NWSE</del> <u>19.00</u>  | T02N R18E S18            | SWSE <del>16.00</del> <u>4.60</u>  |
| T02N R18E S18 Lot 5 SESE | <del>22.00</del> <u>21.00</u> |                          |                                    |

180-95.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180-185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-2142 V2

WATER RIGHT NUMBER: 37-2142 V2

|                   |                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
| Attorney          | STOEL RIVES LLP<br>ATTN: KEVIN J BEATON<br>101 S CAPITOL BLVD STE 1900<br>BOISE, ID 83702<br>(208)389-9000 |
| Current Owner     | WELLS FARGO BANK<br>1740 BROADWAY<br>7TH FLOOR MAC C7300-079<br>DENVER, CO 80274                           |

Priority Date: 06/24/1909

Basis: License

Status: Active

|                         |                  |
|-------------------------|------------------|
| <u>Source</u>           | <u>Tributary</u> |
| HOT SPRINGS GULCH CREEK | CROY CREEK       |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 04/15                   | to 10/31  | 1.500 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 1.500 CFS             |                      |

Location of Point(s) of DiversionHOT SPRINGS GULCH CREEK  
BLAINE County

L4 (SW1/4SW1/4)

Sec. 18, Twp 02N, Rge 18E, B.M.

Place of Use

IRRIGATION

chg P4 to 95.5 ac So. of Rd.

| Twp | Rge | Sec | NE |    |      |    | NW  |     |     |      | SW  |      |     |      | SE   |      |      |    | Totals |
|-----|-----|-----|----|----|------|----|-----|-----|-----|------|-----|------|-----|------|------|------|------|----|--------|
|     |     |     | NE | NW | SW   | SE | NE  | NW  | SW  | SE   | NE  | NW   | SW  | SE   | NE   | NW   | SW   | SE |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 2.9 | 23.0 | 8.6 | 27.0 | 1.1 |      |      |      |      |    | 62.6   |
|     |     |     |    |    |      |    |     | L 3 | L 4 |      |     | L 1  |     |      |      |      |      |    |        |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.2 |     |     | 27.0 | 1.2 |      |     | 21.0 | 18.0 | 17.0 | 22.0 |    | 122.4  |
|     |     |     |    |    |      |    |     |     |     |      |     |      |     |      |      |      | L 5  |    |        |

Total Acres: 185

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 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
3. K06 This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

chg to 185  
11-23-10

37-4138

added  
11-23-10

\*\*\*\*\*  
Blaine County \*  
Branch of Croy Cr. \*  
1.5 second-feet \*  
Irrigation \*  
Priority 6/24/1909. \*  
\*\*\*\*\*

STATE OF IDAHO  
Water License No. 4835

37-2142

WHEREAS, On the 24th day of June, A.D. 1909, JOHN J. PLUMER, of Hailey, County of Blaine, State of Idaho, duly made application (No. 6968) to me for a permit to use four (4) cubic feet per second of the waters of a BRANCH of CROY CREEK, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 24th day of June, A.D. 1909, Permit No. 4835 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 24th day of June, A.D. 1912, and for the application to beneficial use of said water on or before the 24th day of June, A.D. 1914, and,

WHEREAS, On the 22nd day of June, A.D. 1912, JOHN J. PLUMER, the holder of said permit, duly made proof of the completion of adequate works for the diversion of four (4) cubic feet per second of said waters, as evidenced by my Certificate No. 4835, dated August 9th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use four (4) cubic feet per second of water, with date of priority of June 24th, 1909, and,

WHEREAS, On the 22nd day of June, A.D. 1912, JOHN J. PLUMER, the holder of said permit, duly made proof of the application to beneficial use of 1.5 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN J. PLUMER, of Hailey, County of Blaine, State of Idaho, the holder and owner of said Permit No. 4835, a perpetual right, dating from June 24th, 1909, to the use of 1.5 cubic feet per second of the waters of a BRANCH of CROY CREEK, in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the center of the South line in Lot 4, Section 18, Township 2 North, Range 18, East of the Boise Meridian, and conducted to and upon 75 acres, divided as follows: ~~10 acres in Lot 4, 25 acres in the SE 1/4 SW 1/4, Section 18, 20 acres in Lot 1, and 20 acres in the SE 1/4 SW 1/4, Section 19, Township 2 North, Range 18, East of the Boise Meridian,~~ for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 9th day of August, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson  
State Engineer.

37-2142

1.50 cfs

75 ac

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2142 V1

WATER RIGHT NUMBER: 37-2142 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | SPRING CANYON RANCH LLC<br>C/O CROY CANYON LLC<br>400 OYSTER PT BLVD #123<br>SOUTH SAN FRANCISCO, CA 94080<br>(650) 588-5600 |
| Attorney          | STOEL RIVES LLP<br>ATTN: KEVIN J BEATON<br>101 S CAPITOL BLVD STE 1900<br>BOISE, ID 83702<br>(208)389-9000                   |

Priority Date: 06/24/1909

Basis: License

Status: Active

| <u>Source</u>           | <u>Tributary</u> |
|-------------------------|------------------|
| HOT SPRINGS GULCH CREEK | CROY CREEK       |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 04/15 to 10/31        | 1.500 CFS             |                      |
| <u>Total Diversion:</u> |                       | 1.500 CFS             |                      |

Location of Point(s) of Diversion

|                         |                      |                                 |
|-------------------------|----------------------|---------------------------------|
| HOT SPRINGS GULCH CREEK | L4 (SE1/4SW1/4SW1/4) | Sec. 18, Twp 02N, 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   |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 3.4 | 22.0 | 8.2 | 26.0 | .9 |    |      |      |      |      | 60.5   |
|     |     |     |    |    |      |    |     | L 3 | L 4 |      |     | L 1  |    |    |      |      |      |      |        |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.1 |     |     | 25.0 | .4  |      |    |    | 21.0 | 19.0 | 16.0 | 22.0 | 119.5  |
|     |     |     |    |    |      |    |     |     |     |      |     |      |    |    |      |      |      | L 5  |        |

Total Acres: 180

Conditions of Approval:

1. K06 This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.
2. E56 The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-2142

WATER RIGHT NUMBER: 37-2142

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | SPRING CANYON RANCH LLC<br>C/O CROY CANYON LLC<br>400 OYSTER PT BLVD #123<br>SOUTH SAN FRANCISCO, CA 94080<br>(650) 588-5600 |
| Attorney          | STOEL RIVES LLP<br>ATTN: KEVIN J BEATON<br>101 S CAPITOL BLVD STE 1900<br>BOISE, ID 83702<br>(208)389-9000                   |

Priority Date: 06/24/1909

Basis: License

Status: Active

| <u>Source</u>           | <u>Tributary</u> |
|-------------------------|------------------|
| HOT SPRINGS GULCH CREEK | CROY CREEK       |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01          | 1.500 CFS             | 300.00 AF            |
|                       | <u>Total Diversion:</u> | 1.500 CFS             | 300.00 AF            |

Location of Point(s) of Diversion

|                         |                 |                                 |
|-------------------------|-----------------|---------------------------------|
| HOT SPRINGS GULCH CREEK | SW1/4SW1/4SW1/4 | Sec. 18, Twp 02N, 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   |        |
| 02N | 18E | 17  |    |    |    |    |    |    | 2.8 | 24.5 | 8.2 | 28.0 | 1.0 |      |     |    |      |      | 64.5   |
| 02N | 18E | 18  |    |    |    |    |    |    |     |      |     |      |     | 10.5 | 7.0 |    | 18.8 | 21.6 | 57.9   |

Total Acres: 122.4

Conditions of Approval:

1. THE WATER RIGHT WILL BE LIMITED TO 75 ACRES WITHIN THE 122.4 ACRE PLACE OF USE PER IRRIGATION SEASON.
2. A PORTION OF THE RIGHT WAS LICENSED ON PROPERTY THAT CURRENTLY IS NOT OWNED BY SPRING CANYON RANCH, LLC. HOWEVER, ACCORDING TO AN ATTACHED DEED THE ENTIRE RIGHT (1.5 CFS) WAS CONVEYED IN THE SALE OF THE PROPERTY TO THE FORMER OWNERS OF THE PROPERTY AND TO THE CURRENT OWNERS. DUE TO A BREACH IN THE RESERVOIR AT THE POINT OF DIVERSION THIS RIGHT HAS ONLY BEEN ABLE TO SUPPLY WATER DURING THE EARLY SPRING.

37-2142

1. Most info suggests that the right was probably forfeited/abandoned & if an actual diversion system exists that it was then a beneficial use development.
2. Argument is that right was included in a sale ultimately to current owner. (Not researched at this time (7-17-09)).
3. Assuming a change in ownership & an accomplished transfer of P/U, and assuming a ditch & did exist, the logical location would be as claimed Sec 18 SWSWSW. This would be the location of the breached reservoir.

Note Amend claim P/U = 122.4 ac  
(limit 75 ac within)

Question: If the diversion system is the original ditch flowing SE to the SW corner of the claimed P/U then reaching a ditch system from Democrat Gulch how does the water flow uphill to irrigate the 122.4 claimed P/U.

COPY

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| OCT 21 2010                                                                             |
| By _____ Clerk<br>Deputy Clerk                                                          |

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

In Re SRBA

Case No. 39576

Subcase No. 37-548, 37-549, 37-1222,  
37-2142, 37-4440, 37-4138,  
37-4139, 37-12396

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 9/14/10

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 10-21, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Kevin Braley  
Holland & Hart LLP  
PO Box 2527  
Boise ID 83701

Kevin Beaton  
Stoel Rives LLP  
101 S Capitol Blvd Ste 1900  
Boise ID 83702



Signature of person or attorney mailing the form

08/17/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: DEMOCRAT GULCH CREEK  
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK  
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: 3.600 CFS

PRIORITY DATE: 06/01/1880

POINT OF  
DIVERSION:

T02N R18E S18 SWNENW Within BLAINE County  
T02N R18E S18 NESWNW Lot 2 Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NESWSE Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 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              | 3.600 CFS       |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                          |                 |
|               | T02N R18E S17 Lot 3 SWNW 2.90      | T02N R18E S17 Lot 4 SENW | 23.00           |
|               | T02N R18E S17 NESW 8.60            | T02N R18E S17 NWSW       | 27.00           |
|               | T02N R18E S17 Lot 1 SWSW 1.10      | T02N R18E S18 SWNE       | 15.00           |
|               | T02N R18E S18 NENW 1.20            | T02N R18E S18 SENW       | 27.00           |
|               | T02N R18E S18 NESW 1.20            | T02N R18E S18 NESE       | 21.00           |
|               | T02N R18E S18 NWSE 18.00           | T02N R18E S18 SWSE       | 17.00           |
|               | T02N R18E S18 Lot 5 SESE 22.00     |                          |                 |

185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/17/2010

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

RIGHT NUMBER: 37-549

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: CROY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/30/1882

POINT OF  
DIVERSION:

T02N R18E S19 NESENW 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          | 4.000 CFS                      |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                      |                                |
|               | T02N R18E S17 Lot 3 SWNW           | 2.90                 | T02N R18E S17 Lot 4 SENW 23.00 |
|               | T02N R18E S17 NESW                 | 8.60                 | T02N R18E S17 NWSW 27.00       |
|               | T02N R18E S17 Lot 1 SWSW           | 1.10                 | T02N R18E S18 SWNE 15.00       |
|               | T02N R18E S18 NENW                 | 1.20                 | T02N R18E S18 SENW 27.00       |
|               | T02N R18E S18 NESW                 | 1.20                 | T02N R18E S18 NESE 21.00       |
|               | T02N R18E S18 NWSE                 | 18.00                | T02N R18E S18 SWSE 17.00       |
|               | T02N R18E S18 Lot 5 SESE           | 22.00                |                                |

185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/17/2010

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

RIGHT NUMBER: 37-1222

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: DEMOCRAT GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/09/1911

POINT OF  
DIVERSION:

T02N R18E S18 NESWNW Lot 2 Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NESWSF Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 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                    | 0.400 CFS       |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                                |                 |
|               | T02N R18E S17 Lot 3 SWNW 2.90      | T02N R18E S17 Lot 4 SENW 23.00 |                 |
|               | T02N R18E S17 NESW 8.60            | T02N R18E S17 NWSW 27.00       |                 |
|               | T02N R18E S17 Lot 1 SWSW 1.10      | T02N R18E S18 SWNE 15.00       |                 |
|               | T02N R18E S18 NENW 1.20            | T02N R18E S18 SENW 27.00       |                 |
|               | T02N R18E S18 NESW 1.20            | T02N R18E S18 NESE 21.00       |                 |
|               | T02N R18E S18 NWSE 18.00           | T02N R18E S18 SWSE 17.00       |                 |
|               | T02N R18E S18 Lot 5 SESE 22.00     |                                |                 |

185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

08/17/2010

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

RIGHT NUMBER: 37-2142

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 06/24/1909

POINT OF  
DIVERSION:

T02N R18E S18 SWSW Lot 4 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              | 1.500 CFS       |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                          |                 |
|               | T02N R18E S17 Lot 3 SWNW 2.90      | T02N R18E S17 Lot 4 SENW | 23.00           |
|               | T02N R18E S17 NESW 8.60            | T02N R18E S17 NWSW       | 27.00           |
|               | T02N R18E S17 Lot 1 SWSW 1.10      | T02N R18E S18 SWNE       | 15.00           |
|               | T02N R18E S18 NENW 1.20            | T02N R18E S18 SENW       | 27.00           |
|               | T02N R18E S18 NESW 1.20            | T02N R18E S18 NESE       | 21.00           |
|               | T02N R18E S18 NWSE 18.00           | T02N R18E S18 SWSE       | 17.00           |
|               | T02N R18E S18 Lot 5 SESE 22.00     |                          |                 |

185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/17/2010

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

RIGHT NUMBER: 37-4440

NAME AND ADDRESS: WELLS FARGO BANK  
1740 BROADWAY  
7TH FLOOR MAC C7300-079  
DENVER CO 80274

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.310 CFS  
59.30 AFY

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

PRIORITY DATE: 12/31/1950

POINT OF  
DIVERSION:

T02N R18E S18 NWNWSE Injection Within BLAINE County  
T02N R18E S18 NWNWSE Within BLAINE County  
T02N R18E S18 NWSESE Lot 5 Rediversion Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE     | PERIOD OF USE | QUANTITY               |
|--------------------|---------------|------------------------|
| STOCKWATER         | 01/01 12/31   | 0.030 CFS<br>1.40 AFY  |
| RECREATION STORAGE | 01/01 12/31   | 5.00 AFY               |
| IRRIGATION         | 04/15 10/31   | 0.310 CFS<br>54.30 AFY |

PLACE OF USE:

IRRIGATION in BLAINE County

|                          |            |                          |            |
|--------------------------|------------|--------------------------|------------|
| T02N R18E S17 Lot 3 SWNW | 3.40       | T02N R18E S17 Lot 4 SENW | 22.00      |
| T02N R18E S17            | NESW 8.20  | T02N R18E S17            | NWSW 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90       | T02N R18E S18            | SWNE 15.00 |
| T02N R18E S18            | NENW 1.10  | T02N R18E S18            | SENW 25.00 |
| T02N R18E S18            | NESW 0.40  | T02N R18E S18            | NESE 21.00 |
| T02N R18E S18            | NWSE 19.00 | T02N R18E S18            | SWSE 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00      |                          |            |

STOCKWATER in BLAINE County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T02N R18E S17 Lot 3 SWNW |      | T02N R18E S17 Lot 4 SENW |      |
| T02N R18E S17            | NESW | T02N R18E S17            | NWSW |
| T02N R18E S17 Lot 1 SWSW |      | T02N R18E S18            | SWNE |
| T02N R18E S18            | NENW | T02N R18E S18            | SENW |
| T02N R18E S18            | NESW | T02N R18E S18            | NESE |
| T02N R18E S18            | NWSE | T02N R18E S18            | SWSE |
| T02N R18E S18 Lot 5 SESE |      |                          |      |

RECREATION STORAGE in BLAINE County

|               |      |                          |
|---------------|------|--------------------------|
| T02N R18E S18 | NESE | T02N R18E S18 Lot 5 SESE |
|---------------|------|--------------------------|

180 ACRES TOTAL

This right is limited to the irrigation of 15.5 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 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/17/2010

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                         | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                  |
|--------------------|---------------------------------------------------------------------------------|--------------------------|--------------------------------|
| 37-4138            | WELLS FARGO BANK<br>1740 BROADWAY<br>7TH FLOOR MAC C7300-079<br>DENVER CO 80274 | Disallowed               | No lawful appropriation shown. |

08/17/2010

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                         | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                  |
|--------------------|---------------------------------------------------------------------------------|--------------------------|--------------------------------|
| 37-4139            | WELLS FARGO BANK<br>1740 BROADWAY<br>7TH FLOOR MAC C7300-079<br>DENVER CO 80274 | Disallowed               | No lawful appropriation shown. |

08/17/2010

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                         | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                  |
|--------------------|---------------------------------------------------------------------------------|--------------------------|--------------------------------|
| 37-12396           | WELLS FARGO BANK<br>1740 BROADWAY<br>7TH FLOOR MAC C7300-079<br>DENVER CO 80274 | Disallowed               | No lawful appropriation shown. |



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

October 21, 2010

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

KEVIN BRALEY  
HOLLAND & HART LLP  
PO BOX 2527  
BOISE ID 83701

RE: SRBA Claim(s) 37-548, 37-549, 37-1222, 37-2142, 37-4440,  
37-4138, 37-4139, 37-12396

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enclosure

cc: Kevin Beaton, Stoel Rives LLP

DC

RECEIVED  
AUG 19 2010  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

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

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

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| AS A37-00548         | A37-00548                   |          | AS A37-4139          | A37-4139                    |          |
| AS A37-00549         | A37-00549                   |          | AS A37-12396         | A37-12396                   |          |
| AS A37-1222          | A37-1222                    |          | PD A37-12397         | A37-12397                   |          |
| AS A37-2142          | A37-2142                    |          | LIC 37-8670          |                             |          |
| AS A37-4440          | A37-4440                    |          | LIC 37-22250         |                             |          |
| AS A37-4138          | A37-4138                    |          | LIC 37-22251         |                             |          |

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Spring Canyon Ranch, LLC  
C/O CROY CANYON LLC, 400 OYSTER PT BLVD #123  
SOUTH SAN FRANCISCO, CA 94080
4. New Owner/Claimant(s) Wells Fargo Bank, National Association  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address MAC C7300-079, 1740 Broadway, 17th Floor
- City, State and ZIP Code Denver, CO 80274
- New Telephone Number (210) 856-7323 Email: malik.moledina@wellsfargo.com

5. Date you acquired the property July 9, 2010

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature(s) of New Owner(s) or Claimant(s) Wells Fargo Bank N.A.  
By: [Signature] (title if applicable)  
 (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by [Signature]  
 Received by [Signature]  
 Processed by AJ

Date 8-19-2010  
 Date 8/19/2010  
 Date \_\_\_\_\_

Receipt Amt. \$100  
 Receipt No. 5031586  
 WR \_\_\_\_\_ Date \_\_\_\_\_

Recording requested by,  
and after recording, return to:

Kevin C. Braley  
Holland & Hart LLP  
P.O. Box 2527  
Boise, ID 83701-2527

**Instrument # 578907**  
HAILEY, BLAINE, IDAHO  
7-9-2010 02:27:03 No. of Pages: 6  
Recorded for : B C SHERIFFS DEPARTMENT  
JOLYNN DRAGE Fee: 25.00  
Ex-Officio Recorder Deputy  
Index to: SHERIFF'S DEED

715

### SHERIFF'S DEED

KNOW ALL PERSONS BY THESE PRESENCE that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, being duly sworn and of legal age, hereby certify that I am the Sheriff of Blaine County, Idaho, and that:

1. At the request of Plaintiff Wells Fargo Bank National Association and under and by virtue of a Writ of Execution on Judgment of Foreclosure and an Order of Sale on Foreclosure issued out of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of *Wells Fargo Bank, National Association vs. Spring Canyon Ranch, LLC, et al.*, case no. CV 09-365 and CV 09-771, I conducted a foreclosure sale on July 6th, 2010, commencing at or about 1:00 p.m. by advertisement and sale at the Blaine County Public Safety Facility at 1650 Aviation Drive, Hailey, Idaho. The property subject to the foreclosure sale was the property described in **Exhibit A** attached hereto (the "Foreclosed Property").

2. On July 8<sup>th</sup>, 2010, I issued a Sheriff's Certificate of Sale on Foreclosure (the "Sheriff's Certificate") to Wells Fargo Bank, National Association, who made the highest and best bid in the credit amount of \$10,900,173.04 for the Foreclosed Property at the foreclosure sale, which certificate was recorded in the official records of the recorder of Blaine County, Idaho on July 8<sup>th</sup>, 2010, as Instrument Number 578885.

3. The Amended Judgment and Decree of Foreclosure entered May 11, 2010 (the "Amended Judgment"), and the Order of Sale on Foreclosure entered May 19, 2010 (the "Order of Sale"), by the District Court of the Fifth Judicial District in and for the County of Blaine, Case No. CV 09-365 and CV 09-771, provided that Defendants Spring Canyon Ranch, LLC, and GeoEngineers, Inc., and each of them, and all persons claiming under them, either as encumbrancers, purchasers or otherwise, shall be, and they were, forever barred and foreclosed of and from all right, title, claim, interest or equity of redemption they may have in and to the Foreclosed Property or any part thereof. The equity of redemption having been barred and foreclosed by the Amended Judgment and the Order of Sale, Wells Fargo Bank, is entitled to a deed to the Foreclosed Property.

NOW THEREFORE, KNOW ALL PERSONS BY THIS DEED that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, in consideration of the premises, have granted and sold and do hereby convey to **Wells Fargo Bank, National Association**, a National Banking Association with an address of MAC C7300-079, 1740 Broadway, 7th Floor, Denver Colorado,

80274, and its successors and assigns, the property specifically described in **Exhibit A** attached hereto, to have and to hold, the described premises, with all appurtenances forever.

IN WITNESS WHEREOF, the grantor, as Sheriff of aforesaid, hereunder signs this deed this 9<sup>th</sup> day of July, 2010.

Jerry "Walt" Femling  
BLAINE COUNTY SHERIFF

By *Ginger M. Clement*  
Ginger M. Clement, Deputy

STATE OF IDAHO    )  
                                  ) ss:  
County of Blaine    )

On this 9th day of July 2010, before me, Robyn L. Larese, personally appeared Ginger M. Clement, known or identified to me to be a Deputy Sheriff of Blaine County, Idaho and the individual described in and who executed the within and foregoing instrument as said Deputy Sheriff, and duly acknowledged to me that he/she executed the same as Deputy Sheriff.

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



*Robyn L. Larese*  
Notary Public  
Residing at Hailey, Idaho  
Comm. Expires 4/30/2013

## EXHIBIT A

a. Parcel I

A parcel of land lying within SECTIONS 11, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 17 EAST, AND SECTIONS 7, 17, AND 18, TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, and being more particularly described as follows:

Commencing at the BLM brass cap marking the Southwest corner of said Section 18, which point is the REAL POINT OF BEGINNING; thence N 88°33'43"W, 1332.85 feet to a 5/8" bar by L. S. 3621 marking the 1/16th corner; thence N 00°15'20"E, 2649.19 feet to a 5/8" bar by L. S. 3621 marking the center east 1/16th corner; thence S 88°42'55"E, 1329.50 feet to the BLM brass cap marking the west ¼ corner of said Sections 13 and 18; thence N 00°09'19"E, 1310.14 feet to a BLM brass cap; thence N 88°15'33"W, 2655.51 feet to a 5/8" bar marking the center north 1/16th corner of Section 13; thence N 89°49'47"W, 2662.82 feet to a 5/8" bar marking the 1/16th corner of said Sections 13 and 14; thence S 00°12'41"W, 1279.45 feet to a 5/8" bar with aluminum cap marking the ¼ corner of Sections 13 and 14; thence S 89°40'00"W, 5293.11 feet to the 5/8" bar with aluminum cap marking the ¼ corner of Sections 14 and 15; thence N 00°18'28" W, 2636.52 feet to the 2" aluminum cap by L. S. 792 marking the section corner common to Sections 10, 11, 14 and 15; thence N 00°09'45" E, 2648.30 feet to the 2" aluminum cap marking the ¼ corner of Sections 10 and 11; thence N 89°39'22" E, 5317.87 feet to the 2½" aluminum cap marking the ¼ corner of Sections 11 and 12; thence S 00°10'54" W, 2727.02 feet to the 2" aluminum cap marking the section corner common to Sections 11, 12, 13 and 14; thence N 89°03'30" E, 2666.04 feet to the 2" aluminum cap marking the ¼ corner of Sections 12 and 13; thence S 87°50'15" E, 2654.34 feet to the BLM brass cap marking the section corner common to Sections 12, 13, 7 and 18; thence N 00°13'40" W, 1326.38 feet to the 5/8" bar marking the 1/16th corner common to Sections 12 and 7; thence S 89°11'32" E, 2805.46 feet to the 5/8" bar marking the center south 1/16th corner of said Section 7; thence

S 00°03'58" W, 1313.77 feet to the aluminum cap marking the ¼ corner common to Sections 7 and 18; thence  
S 00°22'06" W, 1312.08 feet to the 5/8" bar marking the center north 1/16th corner of said Section 18; thence  
S 89°42'53" E, 1325.37 feet to the 5/8" bar marking the northeast 1/16th corner of said Section 18; thence  
S 00°48'36" W, 1319.34 feet to the 5/8" bar marking the center east 1/16 corner of said Section 18; thence  
S 89°24'01" E, 1315.22 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 17; thence  
S 88°24'27" E, 790.65 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 58°17'12" E, 1070.44 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 54°32'25" E, 665.75 feet to the 5/8" bar on the south side of Croy Creek Road; thence  
N 50°09'06" E, 474.75 feet along said road to the 5/8" bar on the center section line; thence  
S 00°09'41" W, 1303.55 feet to the bar marking the center section corner of Section 17; thence  
S 00°16'05" W, 1319.97 feet to the BLM brass cap marking the center South 1/16th corner of said Section 17; thence  
N 88°23'58" W, 2600.76 feet to the 5/8" bar marking the 1/16 corner of said Sections 17 and 18; thence  
S 00°04'54" W, 918.49 feet to the 5/8" bar on the north line of the Climax Lode Mining Claim; thence  
S 87°15'00" W, 87.77 feet to the 5/8" bar marking the northwest corner of the Climax Lode Mining Claim; thence  
S 05°45'15" E, 398.62 feet to a point on the westerly boundary of Climax Lode Mining Claim and the south boundary of said Section 18; thence  
N 89°32'52" W, 2596.48 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 19; thence  
N 89°32'07" W, 2782.46 feet to the REAL POINT OF BEGINNING.

Also known as Tax Lot 6973.

AND

Parcel II

Those patented mining claims as described in Sections 3, 10 and 11 in Township 2 North, Range 17 East, Boise Meridian, Blaine County, Idaho, as follows:

IDAHO DEMOCRAT, MARQUISE, VERMONT, IDAHO  
REPUBLICAN AND BELMONT, all Consolidated Survey No. 1342;

GLADYS B., DEWEY, MCKINLEY, SPANISH, all Consolidated Survey No. 2747; and SEE BEE, Consolidated Survey No. 2755, all situated in the MINERAL HILL MINING DISTRICT, BLAINE COUNTY, IDAHO (the "Real Property").

- b. all easements, rights-of-way and appurtenances; all water, water rights, water courses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights royalties, and profits relating to the real property, including without limitation all minerals, oil gas, geothermal and similar matters. The First Mortgage also assigned to Wells Fargo all of Spring Canyon's right, title and interest in and to all present and future leases of the Real Property and all Rents (as defined by the First Mortgage) from the Property. The First Mortgage also granted Wells Fargo a Uniform Commercial Code security interest in the Personal Property (as defined by the First Mortgage) and Rents. The Real Property, together with the rights and interests described in this paragraph are hereinafter referred to collectively as the "Mortgaged Property."
- c. The Mortgaged Property includes, in part and without limitation, the following water rights:

Idaho Water Right No. A37-00548

Idaho Water Right No. A37-00549

Idaho Water Right No. A37-01222

Idaho Water Right No. A37-02142

Idaho Water Right No. A37-04440

Idaho Water Right No. A37-04138

Idaho Water Right No. A37-04139

Idaho Water Right No. A37-12396

Idaho Water Right No. A37-12397

Idaho Water Right Application No. 37-22442

Idaho Water Right Application No. 37-22443

Idaho Water Right No. 37-8670

Idaho Water Right No. 37-22250

Idaho Water Right No. 37-22251

COPY

**Party's Name:** Wells Fargo Bank, National Association

**Attorney Name & Address:**

Linda B. Jones  
Kevin C. Braley  
HOLLAND & HART <sup>LLP</sup>  
Suite 1400, U.S. Bank Plaza  
101 S. Capitol Boulevard  
Post Office Box 2527  
Boise, Idaho 83701  
Telephone: (208) 342-5000  
Idaho State Bar No. 4125

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

In Re SRBA

Case No. 39576

**NOTICE OF SUBSTITUTION  
OF PARTIES**

**SUBCASE NOS.: 37-548, 37-549, 37-  
1222, 37-2142, 37-4138, 37-4139, 37-  
4440, and 37-12396**

NOTICE IS HEREBY GIVEN: Wells Fargo Bank, National Association ("Wells Fargo") hereby notifies the Court and the parties herein that Wells Fargo, as the successor in interest to Spring Canyon Ranch, LLC, and the current owner of the subject water rights and all interest therein and the owner of the underlying land, is hereby substituted in place of Spring Canyon Ranch, LLC for all purposes in these proceedings, including, but not limited to, the resolution of the matters in this subcase.

Attached at Exhibit "A" is a true and correct copy of the Sheriff's Deed conveying all right, title, and interest in the land and the appurtenant water rights being adjudicated in these proceedings to Wells Fargo Bank.

DATED this 17th day of August, 2010..

By: 

HOLLAND & HART LLP

Linda B. Jones

Kevin C. Braley

Attorneys for Wells Fargo Bank, National  
Association

## CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August 2010, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

**Original to:**

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

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (Fax)

**Copies to:**

Albert P. Barker  
BARKER ROSHOLT & SIMPSON  
PO Box 2139  
Boise, ID 83701-2139  
Telephone: (208) 336-0700  
Fax: (208) 344-6034

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (Fax)

Craig D. Hobdey  
HOBDEY & HOBDEY  
PO Box 176  
Gooding, ID 83330  
Telephone: (208) 934-4429  
Fax: (208) 934-4420

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (Fax)

Kevin J. Beaton  
STOEL RIVES LLP  
101 S. Capitol Blvd., Ste. 1900  
Boise, ID 83702-5958  
Telephone: (208) 389-9000  
Fax: (208) 389-9040

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (Fax)

US Department of Justice  
Environment & Natural Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

☒ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Telecopy (Fax)

IDWR Document Depository  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098  
Fax: (208) 287-6700

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (Fax)

  
for Holland & Hart LLP

4893904\_1.DOC

NOTICE OF SUBSTITUTION OF PARTIES- 3

Recording requested by,  
and after recording, return to:

Kevin C. Braley  
Holland & Hart LLP  
P.O. Box 2527  
Boise, ID 83701-2527

**Instrument # 578907**

HAILEY, BLAINE, IDAHO  
7-9-2010 02:27:03 No. of Pages: 6  
Recorded for : B C SHERIFFS DEPARTMENT  
JOLYNN DRAGE Fee: 25.00  
Ex-Officio Recorder Deputy  
Index to: SHERIFF'S DEED

*AB*

**SHERIFF'S DEED**

KNOW ALL PERSONS BY THESE PRESENCE that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, being duly sworn and of legal age, hereby certify that I am the Sheriff of Blaine County, Idaho, and that:

1. At the request of Plaintiff Wells Fargo Bank National Association and under and by virtue of a Writ of Execution on Judgment of Foreclosure and an Order of Sale on Foreclosure issued out of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of *Wells Fargo Bank, National Association vs. Spring Canyon Ranch, LLC, et al.*, case no. CV 09-365 and CV 09-771, I conducted a foreclosure sale on July 6th, 2010, commencing at or about 1:00 p.m. by advertisement and sale at the Blaine County Public Safety Facility at 1650 Aviation Drive, Hailey, Idaho. The property subject to the foreclosure sale was the property described in **Exhibit A** attached hereto (the "Foreclosed Property").

2. On July 8<sup>th</sup>, 2010, I issued a Sheriff's Certificate of Sale on Foreclosure (the "Sheriff's Certificate") to Wells Fargo Bank, National Association, who made the highest and best bid in the credit amount of \$10,900,173.04 for the Foreclosed Property at the foreclosure sale, which certificate was recorded in the official records of the recorder of Blaine County, Idaho on July 8<sup>th</sup>, 2010, as Instrument Number 578885.

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NOW THEREFORE, KNOW ALL PERSONS BY THIS DEED that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, in consideration of the premises, have granted and sold and do hereby convey to **Wells Fargo Bank, National Association.**, a National Banking Association with an address of MAC C7300-079, 1740 Broadway, 7th Floor, Denver Colorado,



80274, and its successors and assigns, the property specifically described in **Exhibit A** attached hereto, to have and to hold, the described premises, with all appurtenances forever.

IN WITNESS WHEREOF, the grantor, as Sheriff of aforesaid, hereunder signs this deed this 9<sup>th</sup> day of July, 2010.

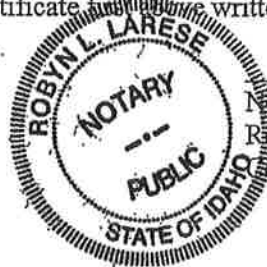
Jerry "Walt" Femling  
BLAINE COUNTY SHERIFF

By Ginger M. Clement  
Ginger M. Clement, Deputy

STATE OF IDAHO   )  
                              ) ss:  
County of Blaine    )

On this 9th day of July 2010, before me, Robyn L. Larese, personally appeared Ginger M. Clement, known or identified to me to be a Deputy Sheriff of Blaine County, Idaho and the individual described in and who executed the within and foregoing instrument as said Deputy Sheriff, and duly acknowledged to me that he/she executed the same as Deputy Sheriff.

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



Robyn L. Larese  
Notary Public  
Residing at Hailey, Idaho  
Comm. Expires 4/30/2013

## EXHIBIT A

a. Parcel I

A parcel of land lying within SECTIONS 11, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 17 EAST, AND SECTIONS 7, 17, AND 18, TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, and being more particularly described as follows:

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Also known as Tax Lot 6973.

AND

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Those patented mining claims as described in Sections 3, 10 and 11 in Township 2 North, Range 17 East, Boise Meridian, Blaine County, Idaho, as follows:

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GLADYS B., DEWEY, MCKINLEY, SPANISH, all Consolidated Survey No. 2747; and SEE BEB, Consolidated Survey No. 2755, all situated in the MINERAL HILL MINING DISTRICT, BLAINE COUNTY, IDAHO (the "Real Property").

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- c. The Mortgaged Property includes, in part and without limitation, the following water rights:

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Idaho Water Right No. A37-02142

Idaho Water Right No. A37-04440

Idaho Water Right No. A37-04138

Idaho Water Right No. A37-04139

Idaho Water Right No. A37-12396

Idaho Water Right No. A37-12397

Idaho Water Right Application No. 37-22442

Idaho Water Right Application No. 37-22443

Idaho Water Right No. 37-8670

Idaho Water Right No. 37-22250

Idaho Water Right No. 37-22251

4838474\_1.DOC

RECEIVED

JUL 16 2007

DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA

A. Subcase 37-2142

(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: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

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

Daytime Phone: 650-208-3537

Name & Address of Attorney, if any:

Kevin J. Beaton, Stoel Rives LLP

101 S. Capitol Boulevard Suite 1900

Boise, ID 83702

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

Name: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

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

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: T.02N R.18E Sec.18 SWSWSW as was claimed, instead of  
T.02N R.18E Sec.18 SESWSW LOT 4 as was recommended.
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
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): Aerial photography and  
historical use indicate the points of diversion differ from the recommended  
points of diversion.

F. VERIFICATION (must be completed)

State of Idaho )  
 )ss.  
County of Ada )

Kevin T. Beaton, 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)

Kevin Beaton  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 12, 2007



Wanda M. White  
Wanda M. White  
Notary Public for Idaho  
Residing at: Mtn. Home, Elmore City  
My Commission Expires: 9-30-08

# REPORT OF ENGINEER.

1. State name of applicant and number of permit: .. John J. Flumer, .... No. 4835.....
  2. State source of water supply: ..... Branch of Croy Brook.....
  3. Location of point of diversion: ..... N. 80 deg. W. 4950 ft from SW Cor. Sec. 17, in SW 1/4 Sec 18, T 2 N R 18 E, B.M. ....
  4. State whether or not the works of diversion are *fully* completed and in accordance with the terms of permit: .... *yes*,.....
  5. Describe works as they exist, giving dimensions of same as follows:
    - (a) Width of conduit at bottom: .... *1 1/2 ft*.....
    - (b) Width at water line: ..... *3 ft*.....
    - (c) Depth of water: ..... *1 foot*.....
    - (d) Grade per mile: ..... *40 ft per mile*.....
    - (e) Capacity of ditch: ..... *eight*.....second feet.
  6. State whether or not water has been turned into works of diversion, and if so, to what extent: *Yes it has been turned into the ditch to length of ditch, 3/4 mile, to full extent.*.....
  7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: .. *See map, there has been irrigated, lot 4, 10 acres, SW 1/4 Sec 18, 25 acres, lot 1, 20 acres, SE 1/4 SW 1/4 Sec 19, 20 acres, all in T 2 N R 18 E.B.M.*.....
  8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated.
- Remarks: .. *Reservoir and Creek nearly dry at time of examination June 22, 1912.*.....

*L. A. Dithmer*

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

*L. A. Dithmer, Co. Surveyor*, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this ..... *22nd* ..... day of .. *June* .. 1912, ..... 191.....

My Commission Expires... *Jan. 27, 1913*...

*J. J. M. Faden*  
Notary Public.

*Water Rights  
Back file  
4835  
37-2142  
Pg 12*

# MAP to PERMIT No 4835

John J. Plummer  
B. M. Halder

R. 17 E.  
SEC.

SEC.

T. 2 N.  
SEC.

R. 18 E.  
SEC.

B. M.  
SEC.

SEC.

SEC.

SEC.

17  
SEC.

16  
SEC.

SEC.

SEC.

24  
SEC.

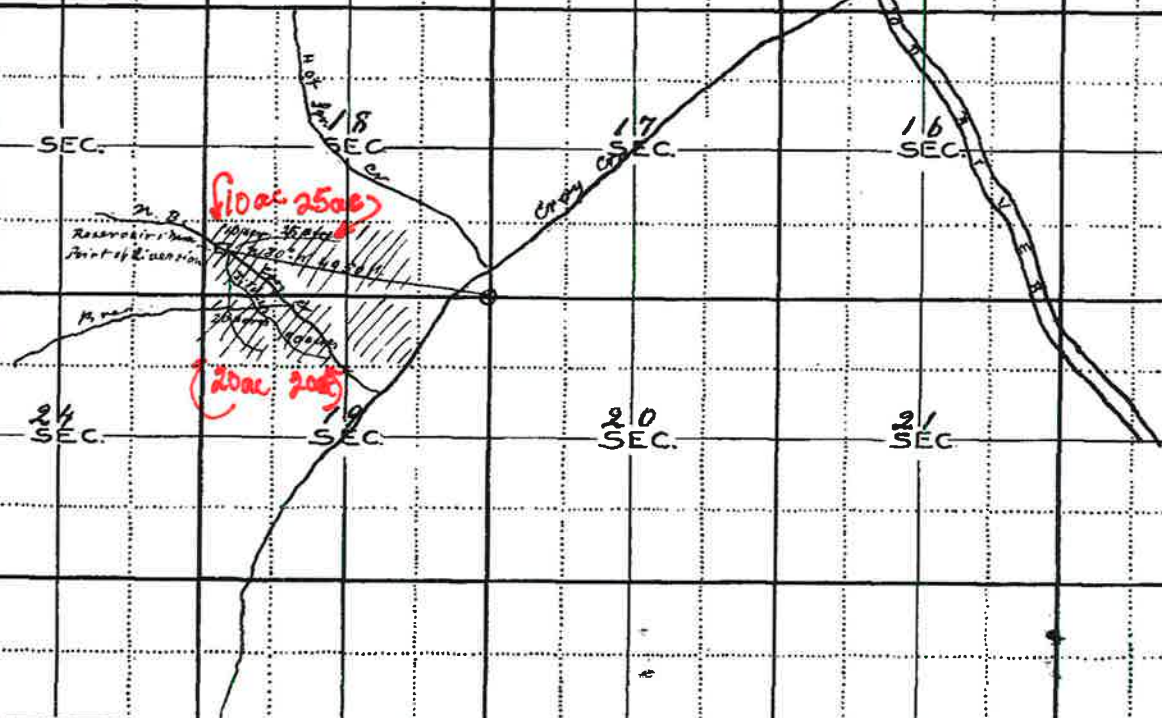
19  
SEC.

20  
SEC.

21  
SEC.

SEC.

SEC.



L. A. Githner  
Surveyor  
Braine Co.

Under Light Back File  
37-2142  
Pg 11

Date: 01/16/07

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: Date**

Water right number      37-2142  
  
Name                      Spring Canyon Ranch LLC  
                                C/O Croy Canyon LLC  
Address Line 1          395 Oyster Pt. Blvd #309  
City, State Zip          South San Francisco, CA 94080  
Telephone Number      (650)-588-5600

RECEIVED  
  
JAN 18 2007  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

Point of diversion

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

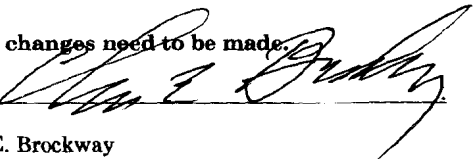
The point of diversion should be changed to T.02N R.18E SEC.18 SW<sup>1/4</sup> SW<sup>1/4</sup> SW<sup>1/4</sup> as was claimed.

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

The point of diversion location need to be changed to reflect the claimed point of diversion location.

   I AGREE with this proposed recommendation: no changes need to be made.

DATE: 01/18/07

SIGNATURE: 

Please print your name: Charles E. Brockway

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

Due to the extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

SCA-ED

01/04/2007

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

RIGHT NUMBER: 37-2142

NAME AND ADDRESS: SPRING CANYON RANCH LLC  
C/O CROY CANYON LLC  
395 OYSTER PT BLVD #309  
SOUTH SAN FRANCISCO CA 94080

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 06/24/1909

POINT OF DIVERSION:

T02N R18E S18 SESWSW Lot 4 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          | 1.500 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R18E S17 Lot 3 SWNW | 3.40  | T02N R18E S17 Lot 4 SENW | 22.00 |
| T02N R18E S17 NESW       | 8.20  | T02N R18E S17 NWSW       | 26.00 |
| T02N R18E S17 Lot 1 SWSW | 0.90  | T02N R18E S18 SWNE       | 15.00 |
| T02N R18E S18 NENW       | 1.10  | T02N R18E S18 SENW       | 25.00 |
| T02N R18E S18 NESW       | 0.40  | T02N R18E S18 NESE       | 21.00 |
| T02N R18E S18 NWSE       | 19.00 | T02N R18E S18 SWSE       | 16.00 |
| T02N R18E S18 Lot 5 SESE | 22.00 |                          |       |

180 ACRES TOTAL

This right is limited to the irrigation of 75 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 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2142

WATER RIGHT NUMBER: 37-2142

Owner Type                      Name and Address  
 Current Owner                  JOHN J PLUMER  
                                          HAILEY, ID 83333

Priority Date: 06/24/1909

Basis: License

Status: Active

Source                                              Tributary  
 HOT SPRINGS GULCH CREEK                  CROY CREEK

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | / to /                |                       |                      |
| IRRIGATION              | / to /                | 1.500 CFS             |                      |
| <u>Total Diversion:</u> |                       | 1.500 CFS             |                      |

Location of Point(s) of Diversion

HOT SPRINGS GULCH CREEK                  L4 (SW1/4SW1/4)                  Sec. 18, Twp 02N, 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 |        |      |
| 02N | 18E | 18  |    |    |    |    |      |      |    |    |    |    |    | 10.0 | 25.0 |    |    |    |        | 35.0 |
|     |     |     |    |    |    |    |      |      |    |    |    |    |    | L 4  |      |    |    |    |        |      |
| 02N | 18E | 19  |    |    |    |    | 20.0 | 20.0 |    |    |    |    |    |      |      |    |    |    |        | 40.0 |
|     |     |     |    |    |    |    |      | L 1  |    |    |    |    |    |      |      |    |    |    |        |      |

Total Acres: 75

DOMESTIC same as IRRIGATIONConditions of Approval:

1. LIC. IDENTIFIES SOURCE AS A BRANCH OF CROY CK.  
 LIC. INCORRECTLY SHOWS P/U IN SESW, S19,; SHOULD BE NENW, S19.

Remarks:Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2142

Licensed Date: 5/8/1979  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 37  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

# interoffice memo

**Date:** 5/9/2006

**To:** THE FILE

**Cc:**

**From:** chahn

**RE:** Subdivision Sec 19

---

Township 02n Range 18E Sec 19 NENW, NWNW, is subdivided now with multiple owners.

CH/CH



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

February 9, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

RECEIVED

FEB 17 2005

Department of Water Resources  
Southern Region

Crocker Trust  
c/o Scott Crocker  
1128 Shattuck  
Berkeley, CA 94707  
Phone: (510) 559-3171

**Re: Request for reconsideration of *Order Requiring Measuring Devices ... in Water District 37, Croy Creek and Tributaries, dated November 16, 2004.***

Dear Scott,

The purpose of this letter is documentation of recent phone conversations pertaining to the above referenced Order, and providing written guidance on the steps necessary to be compliant with the Order; given the special circumstances of your situation. As we discussed in previous phone conversations, IDWR is waiving the requirements for installation of measuring devices for the 2005 irrigation season. Payment of the minimum charge assessed by Water District 37 will be required for this year to be compliant with the November 16, 2004 Order.

In return for payment of this minimum charge, the watermaster will visit the Crocker Trust property and determine locations of diversions, and appropriate device(s), if any, that are needed to perform proper regulation of waters in the Croy Creek stream. By payment of this assessment charge to the water district, the watermaster can also be called upon to regulate flows in Croy Creek to assure your valid right out of Croy Creek is filled.

A listing of water right claims we have on file in the Croy Creek drainage for the Crocker Trust are shown in the attached table. Of these rights, only 37-549 with Croy Creek as the source, appears to be a candidate for a measuring device. A measuring device for this right would be used to determine what amount is short. This right is the last right on Croy Creek, and is senior in priority to another immediate upstream right. Without a measuring device on the point of diversion for 37-549, it would not be possible to determine if the allowed diversion rate is being fully filled, and if the upstream right should be curtailed.

It appears the remaining surface water rights shown in the table would not provide any benefit to the water district or the right holder by installing controlling works and measuring devices at the diversion points. There does appear to be some discrepancy in the beneficial use descriptions between what we have on record and what you have described on the phone. These discrepancies could be corrected through the Snake River Basin Adjudication process currently being done in the Croy Creek drainage. A representative from IDWR's Adjudication Bureau would likely accompany the watermaster in a site visit to the Crocker Trust property to evaluate the beneficial use conditions.

I have enclosed a pamphlet with some explanation of how water rights work in Idaho to help in clarifying the terminology and information in this letter. We hope to meet with you or a

representative of the Crocker Trust at the Croy Creek property later this season for the site visit described above. The watermaster or an IDWR representative will contact you later this spring or early summer to make an appointment. Please don't hesitate to call at 208-287-4957 if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Burrell". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Burrell".

Steve Burrell  
Water Distribution Section

Attachment /1/: Table

Enclosure /1/: IDAHO WATER RIGHTS A PRIMER A Water Users Information Guide

c: Kevin Lakey, Watermaster, WD 37 – Shoshone (w/o enclosure)  
IDWR - Twin Falls (w/o enclosure)  
Water District 37 2005 file (w/o enclosure)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

SEP 23 2004

Department of Water Resources  
Southern Region

NOT DELIVERABLE  
AS ADDRESSED  
UNABLE TO FORWARD

NOT

CROCKER  
PO BOX 974  
KETCHUM ID 83340-0974

★ ★ PITNEY BOWES  
★ ★ U.S. POSTAGE  
1510 PB3524253  
3381 \$00.370 SEP 10 2004  
2369 MAILED FROM ZIP CODE 83301

83301-3380

6/9/94

# COMMUNICATION DOCUMENTATION

Claim No. 37-2142

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

3/14/2001 3:30 PM

NAME :

RE:

**DAVE KNOWLTON**

## CAMEIN

## WR SEARCH

He was looking for some info on the rights for Scott Crocker or Nan Crocker on Croy Creek. Found two rights 37-2142 & 37-2165A, neither is from groundwater as he claimed to use. I searched all the database angles and found no rights from GW. He says they have been using GW wells for about seven years. I could not find a transfer that shows they have been converted to GW. I will do some additional searching and call him if I find any thing related to this. Phone: 578-1120. Legals: T2N, R18E, S19, N1/2NW.