

AMENDED 37-4139

OCT 05 2006

DEPARTMENT OF
WATER RESOURCESIN 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 37-4139
Date Received _____
Receipt Number _____*d.e. ss 10-12-06***NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW***Amended.*

Please type or print clearly

- 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
- Date of Priority (Only one (1) per claim) 12/31/1928 *(1926)*
- Source of water supply (a) Hailey Hot Springs ✓
which is tributary to (b) Democrat Creek
- a. Location of existing point of diversion is: Township 02N Range 18E Section 18,
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: *SW orig claim.*
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 _____
- 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. Springs emit into existing ditches, creek, and reservoirs

SCANNED

OCT 05 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

For Fish Propagation Storage purposes from 01/01 to 12/31 amount 0.5 or 277
For Recreation Storage purposes from 01/01 to 12/31 amount 0.5 or 277
For Diversion to Storage purposes from 01/01 to 12/31 amount 0.5 or 277
For Domestic Use purposes from 4-1 to 11-1 amount 1.3 cfs or (orig claim)

7. Total quantity claimed (a) 0.5 (cfs) and / or (b) 277 AFA (acre feet)

8. Total consumptive use claimed is 0.5 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.) see remarks

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	18													XX	XX		XX	

Total number of irrigatable acres 0.5

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:

The right was originally used to heat the Hiawatha Hotel from 1926 until it burned down in 1979. However, it is also used for fish propagation in Democrat Creek, for a small swimming pool near the springs, and as storage water in the lower reservoir near the homestead.

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

If applicable provide IDWR Water Right Number 37-4139

Court Case Number Decree Date

Plaintiff vs Defendant

SCANNED

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
Organization Title Organization

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

Signature of Authorized Agent _____

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

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

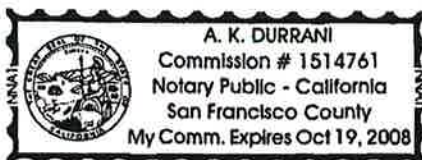
Subscribed and sworn (or affirmed) before me this 27th day of September, 2006.

Notary Public A. K. DURRANI

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

My Commission Expires Oct. 19, 2008

SEAL



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 Kevin Beaton

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

Date 10-3-06

SCANNED

OCT 06 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: 39356

Ident Number A37-C4139

Date Received 10-27-88

Receipt Number C004234

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

orig

1. Name of Claimant(s): Humboldt Investment Co.
Phone: (702) 825-4144
Mailing Address: 3500 Lakeside Court
Suite 150
Reno, NV 89509
attn: Mr. Devere Barker

2. Date of Priority: 1926

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

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
2N	18E	18	NW	NW	SW		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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MICROFILMED

MAR 11 1993

5. Description of existing diversion works: The flow from several naturally flowing hot springs is captured in a concrete cistern, and then injected into Democrat Creek. The flow of Democrat Creek is dammed into a reservoir.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Diversion to storage for recreation & fish propagation	April 1	November 1	0.3 cfs
	November 1	April 1	0.5 cfs
Storage for recreation & fish propagation	January 1	December 31	277 AFA

7. Total Quantity Claimed: 0.5 cfs / 277 AFA

8. Total consumptive use claimed is de minimus.

9. Non-irrigation uses: Recreation - swimming & fishing; fish propagation - natural habitat for native fish.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u> <u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	18	SE SE (Lot 5)	R/H	--

Total number of irrigated acres: N/A

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. Remarks: Transfer 3282. Water originally used to heat the Hiawatha Hotel until it burned down in 1978. Priority is year of completion of construction of Hotel. Since then it has been used as described above. The amount is less during irrigation season since a portion of the same flow of the hot springs is then used for irrigation (see 37-4138). Uses are non-consumptive.

Last Name: Humboldt

Ident No. _____

MICROFILMED
MAR 01 1993

Transfer No. 3282Water Right No. 37-4139

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Humboldt Investment Co., a partnership Phone 208/726-4421
Post Office address c/o James P. Speck, Hogue, Speck & Aarstad, P.O. Box 987,
Ketchum, ID 83340

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ (Name of court) county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 37-4139 on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired**3. Source of water** Warm Springs tributary to Big Wood River**4. Date of priority** 1926**5. Water is used for the following purposes:**

amount 0.5 cfs for ~~heating-recreation~~ purposes from October 1 to April 15
amount 0.3 cfs for ~~heating-recreation~~ purposes from April 15 to October 1
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.5 cubic feet per second
b. 297.56 acre feet per annum**7. Location of original point of diversion is** NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18
Township 2N Range 18E, B.M., in Blaine County
Additional points of diversion, if any _____**8. Lands irrigated or place of use:**

Block 23, Hailey Townsite

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	9													X				

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MAR 06 1987

Total number of acres to be irrigated N/A**9. Describe any other water rights used for the same purpose as described above** None**10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** No If yes, describe in item D, REMARKS.

1. Amount of water: a. _____ cubic feet per second
b. _____ acre feet per annum

Additional points _____

[illegible]

1. General Information

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

N/A

MAR 06 1987

[illegible]

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

[illegible]

SCALE 2: $100 \times 5 \text{ sq. in.} = 500 \text{ sq. in.}$ (20 in. by 25 in.)

D. REMARKS

The hot water is diverted into the pond where it is used
for recreation and fish propagation, both non-consumptive
uses. The water then flows out of the pond into Croy Creek,
a tributary to the Big Wood River

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

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

Dennis E. Barker
(Signature of Applicant)

Subscribed and sworn to before me this 2nd day of September, 19 86

James A. Spack
(Notary Public)

My commission expires 1/22/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-4139
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.
2. Approval of this transfer in no way confirms the right claimed.
3. Use of water under this right is subject to control by the watermaster of State
Water District No. 37, Big Wood River.
4. The total volume diverted annually
under this claim shall not exceed 290 acre feet.

Witness my hand this 6th day of February, 19 87

J. Glen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by M. Baldwin Date 10/15/86
Prelim. check by JP Fee 50.00
Receipted by M. Baldwin R.# 10/15/86
Published in Wood River Journal
Pub. dates 11/20/86; 11/27/86
Watermaster recommendation requested on 11/5/86
rec'd. 11/12/86

Protest filed by None

Copies of protest forwarded by _____

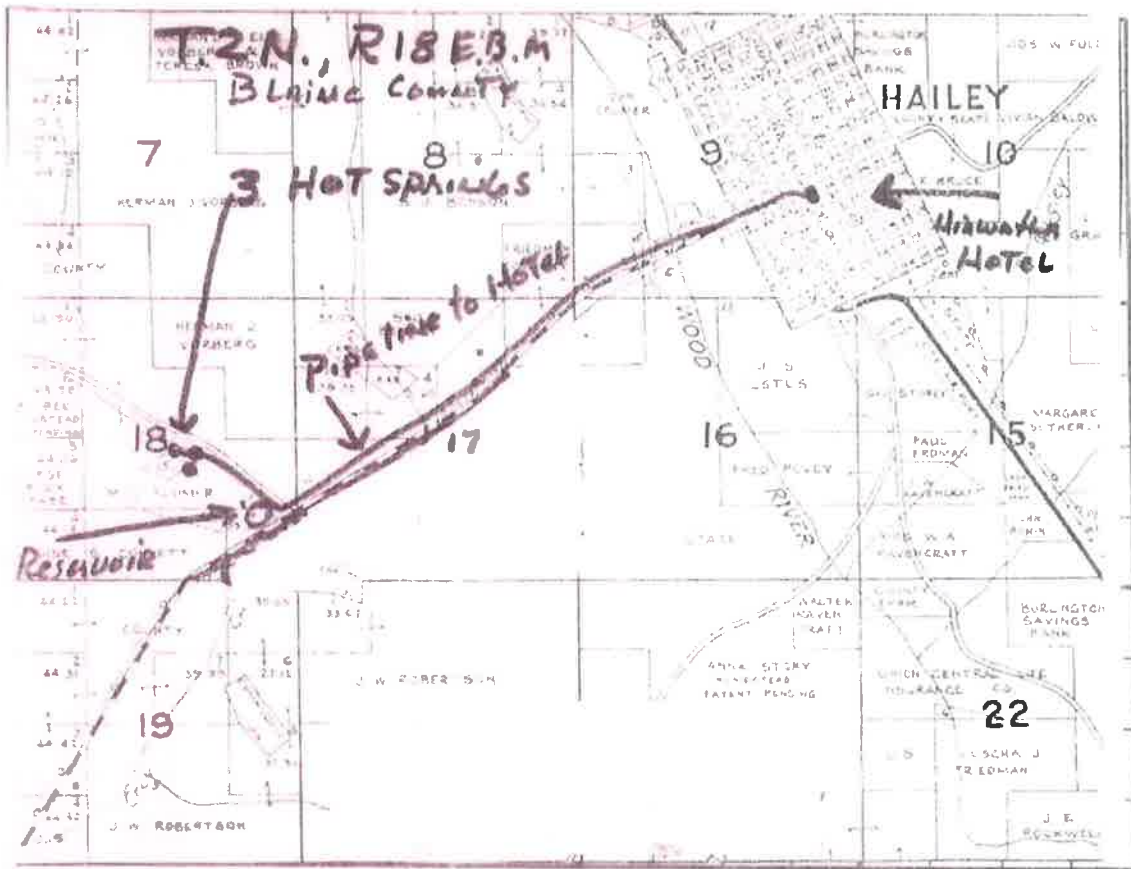
Hearing held by _____ Date _____

Recommended for approval denial _____
by ADM Jim

MICROFILMED

MAK 05 1987

- (8) Remarks Maximum of .5 cfs diverted through pipeline to Hotel in winter. Overflow from lesser summer diversions to Hotel. Overflow turned into reservoir and used for irrigation. Overflow runs into Croy Creek in non-irrigation season.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Blaine

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Humboldt Investments by

Dennis E. Baker
(Claimant)

Sworn to before me this 21st day of April, 1980

John A. Burke
Notary Public
Residing at Hailey, Idaho

My commission expires May 14, 1981

FOR DEPARTMENT USE ONLY

Received by <u>221244</u>	Date <u>4/18/80</u>	Exception filed by	Forwarded to	Date
Prallm. check by <u>id</u>	Date <u>4/20/80</u>		claimant by	
\$20.00 fee received by <u>man</u>	Date <u>4/21/80</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>5/15 & 5/22/80</u>				

ALSO 374/38
WR Backfile
Pg 1 & 4

AJ 37-4/38
PC Doc Backfile
Pg 44

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 26th day of June, 1973, by and between MERRITT D. HILL, hereinafter referred to as "HILL", and McCULLOCH PROPERTIES, INC., hereinafter referred to as "MPI",

W I T N E S S E T H:

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. That on or about August 31, 1971, Hiawatha Hotel Corporation, an Idaho corporation, wholly owned and controlled by Merritt D. Hill, entered into a Lease and Option Agreement with Bernell Bennion pursuant to the terms of which Hiawatha Hotel Corporation is obligated to furnish waters owned by Hill at Hailey Hot Springs that may be required to heat the Hiawatha Hotel building and supply the swimming pool located on the hotel premises throughout the leasehold term which expires September 15, 1973. Said hot water is furnished through a pipeline owned and maintained by Hill in consideration of a \$200.00 monthly payment during the leasehold term made by Bennion, the lessee. Said agreement also grants an option to Bennion to purchase the hotel property, which is the leased premises, whereupon the seller is obligated to continue to furnish said waters via said pipe line at said \$200.00 per month rate for a 15-year period commencing on the date of purchase. Further, Hill has now acknowledged that Bennion has recently served notice of his intention to exercise said option to purchase the leased premises and, accordingly, trigger the continuing obligation by Hill or his corporation to provide said hot water to the hotel premises.

2. Hill and MPI executed a Trust Agreement of even date herewith providing for the sale by Hill and the purchase by MPI of properties which include the waters needed and used by Hill in connection with said Lease and Option Agreement relating to the hotel premises, and the parties hereto specifically agree, notwithstanding the terms of the Option Agreement which said

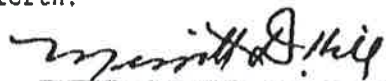
MICROFILMED

MAR 06 1987

When Agreement has been consummated, that Hill shall retain ownership and control of said pipeline and shall continue to maintain and operate the same under or pursuant to the terms of said agreement with Bennion, and MPI shall have no ownership or maintenance or other responsibility for or in connection with said pipeline provided, nonetheless, that MPI shall make available to Hill, to the same degree, extent or quantity as has been customary or appropriate in the past, hot waters from the source presently connected to said pipeline, without payment or c of any kind, throughout the period of time during which Hill and/ or Hiawatha Hotel Corporation remains obligated to Bennion, his successors or assigns, to provide such water under the aforesaid agreement, but in no event to exceed, however, 15 years after September 15, 1973.

3. Further, in the event said purchase of the leased premises by Bennion is not consummated pursuant to such Option exercise, MPI shall, nonetheless, make water available from said source to Hill's own pipe line for equivalent purposes, that is, purposes related to said hotel only, and for an equivalent period of time, also without charge, fee or cost of any kind.

IN WITNESS WHEREOF, The parties hereto have executed this agreement hereinabove set forth.


Merritt D. Hill
"HILL"
McCULLOCH PROPERTIES, INC.
By 
"KIPER"

REPROFILMED

MAR 06 1987

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

DATE 11-4-86

TO File

SUBJECT Change-In-Nature-of-Use Transfer, Humboldt Investment Co.

The water of Hailey Hot Springs originally ran into an on-stream reservoir, which provided hydraulic head to ~~pipe~~ pipe the water to the Hiawatha Hotel in Hailey. The amounts claimed are what is available as overflow after earlier rights are satisfied. The original use of heating/recreation is basically non-consumptive, with water running into the Big Wood River after use in the hotel/swimming pools. The hotel burned down in 1978; since then, the pipeline from the reservoir has not been used. The transfer seeks to establish beneficial use of this water at the reservoir itself. The non-consumptive nature of the uses will not change, so no detailed analysis should be needed.

MICROFILMED

MAR 06 1987



SIGNATURE

**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.: 37-4139
) (Formerly Disallowed)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT

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

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

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

CLAIMANT / OBJECTOR:

Linda B. Jones Date
Attorney for Wells Fargo Bank

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

11/24/2010

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

RIGHT NUMBER: 37-4139

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

SOURCE: HAILEY HOT SPRINGS

TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 0.150 CFS
5.00 AFY

Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.

PRIORITY DATE: 12/31/1926

POINT OF
DIVERSION:

T02N R18E S18 NWNWSE Injection Within BLAINE County
T02N R18E S18 NWNWSE 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>
DIVERSION TO STORAGE	01/01 12/31	0.150 CFS
RECREATION STORAGE	01/01 12/31	5.00 AFY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T02N R18E S18 NESE T02N R18E S18 Lot 5 SESE

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

11/24/2010

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

RIGHT NUMBER: 37-4139

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

VERIFIED BY KKC
12-30-10

SOURCE: HAILEY HOT SPRINGS

TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 0.150 CFS
5.00 AFY

Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 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: 12/31/1926

POINT OF
DIVERSION:

T02N R18E S18 NWNWSE Injection Within BLAINE County
T02N R18E S18 NWNWSE 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>
DIVERSION TO STORAGE	01/01 12/31	0.150 CFS
RECREATION STORAGE	01/01 12/31	5.00 AFY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T02N R18E S18 NESE T02N R18E S18 Lot 5 SESE

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

11/24/2010

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

RIGHT NUMBER: 37-4139

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

VERIFIED BY KKC
11-24-2010

SOURCE: HAILEY HOT SPRINGS

TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 0.150 CFS
5.00 AFY

Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.

PRIORITY DATE: 12/31/1926

POINT OF
DIVERSION:

T02N R18E S18 NWNWSE Injection Within BLAINE County
T02N R18E S18 NWNWSE 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>
DIVERSION TO STORAGE	01/01 12/31	0.150 CFS
RECREATION STORAGE	01/01 12/31	5.00 AFY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T02N R18E S18 NESE T02N R18E S18 Lot 5 SESE

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4139 V2

WATER RIGHT NUMBER: 37-4139 V2

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

Priority Date: 12/31/1926
 Basis: Beneficial Use
 Status: Active

Source
 HAILEY HOT SPRINGS

Tributary
 DEMOCRAT GULCH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	0.150 CFS	
RECREATION STORAGE	01/01	to 12/31		5.00 AF
<u>Total Diversion:</u>			0.150 CFS	5.00 AF

Location of Point(s) of Diversion

HAILEY HOT SPRINGS	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County	(Injection)	
HAILEY HOT SPRINGS	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		
HAILEY HOT SPRINGS	L5 (NW1/4SE1/4SE1/4)	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	18	X				L 5

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. E51 Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.

Remarks:

*initial Rec
= disallow*

*O.K.?
11-23-10*

2N, 18E Sec 17 & 18

8-9-1969 aerial photo

Historic POU for 37-4138 and 37-4440



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							2.7	20.0	6.8	24.0							53.5
									L 3	L 4									
02N	18E	18													7.3			4.6	11.9
																		L 5	

Total Acres: 65.4

The shape and acreage by quarter/quarter are based upon the 1969 aerial photo that was rectified and available in arc map. In reviewing the 1964 and 1957 aerial photos it appears that the above shape is fairly representative of the POU as viewed in the earlier photos. There are some areas that are not well defined in the photos and the shape might slightly overstate the historic irrigated POU but I feel that this shape is reasonable. The ground south of the road and to the west of the outlined POU is uphill from this ground and therefore is not included in the POU.

The recommendation recognizes the POU as developed by 1987 but is limited to the historic acreage of 65.4 acres.

2N, 18E Sec 17 & 18

8-23-1957 aerial photo

Historic POU for 37-4138 and 37-4440



2N, 18E Sec 17 & 18

9-3-1964 aerial photo

Historic POU for 37-4138 and 37-4440



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4139 V2

WATER RIGHT NUMBER: 37-4139 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WELLS FARGO BANK 1740 BROADWAY 7TH FLOOR MAC C7300-079 DENVER, CO 80274
Original Owner	HUMBOLDT INVESTMENT CO ATTN: MR DEVERE BARKER 3500 LAKESIDE CT STE 150 RENO, NV 89509 (702)825-4144

Priority Date: 12/31/1926
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
HAILEY HOT SPRINGS	DEMOCRAT GULCH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	0.150 CFS	
RECREATION STORAGE	01/01	to 12/31		5.00 AF
<u>Total Diversion:</u>			0.150 CFS	5.00 AF

Location of Point(s) of Diversion

HAILEY HOT SPRINGS	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County	(Injection)	
HAILEY HOT SPRINGS	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		
HAILEY HOT SPRINGS	L5 (NW1/4SE1/4SE1/4)	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	18	NE	NW	SW	SE	
			X			X	
						L 5	

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. E51 Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4139 V1

WATER RIGHT NUMBER: 37-4139 V1

Owner Type Name and Address
 Current Owner SPRING CANYON RANCH LLC
 C/O CROY CANYON LLC
 395 OYSTER PT BLVD #309
 SOUTH SAN FRANCISCO, CA 94080
 (650) 588-5600

Attorney STOEL RIVES LLP
 101 S CAPITOL BLVD STE 1900
 BOISE, ID 83072
 (208)389-9000

Priority Date: 12/31/1926

Basis: Beneficial Use

Status: DisallowedSource

HAILEY HOT SPRINGS

Tributary

BIG WOOD RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

FISH PROPAGATION STORAGE 1/01 to 12/31

277.00 AF

DIVERSION TO STORAGE

4/01 to 11/01

0.300 CFS

RECREATION STORAGE

1/01 to 12/31

30 cfs x 1.98 x 365 = 216.8 AF

277.00 AF

Total Diversion:

0.500 CFS

277.00 AF

Location of Point(s) of Diversion

HAILEY HOT SPRINGS

NW1/4NW1/4SE1/4

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

BLAINE County

Place of Use

FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18																	X
																			L 5

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18																	X
																			L 5

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:Comments:

1. DSMITH 4/3/1995 DATA ENTRY

Comment: CONFORMED ATTORNEY ADDRESS DMS

37-4139 Spring Canyon Ranch
Thurs Oct 16
10:30 AM

originally used for
Hawaitha Hotel. until 1978

Need info on Hotel
water use.

Need info on
Storage & Fish Prop.

Need system capacity.

2. TBACKLUN 5/19/1995 COPIED FROM REMARKS

Comment: TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A PORTION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGATION (SEE A37-04138)

***** OWNERSHIP CHANGE MADE 5/19/95 BY TLB. HUMBOLDT-FORMER OWNER, CROCKER TRUST-NEW OWNER. WARRANTY DEED INCLUDED.

3. SSHERMAN 7/15/1999 ADDRESS CHANGE

Comment: ADDRESS CHANGE BY CLAIMANT LETTER.

4. SSHERMAN 11/3/1999 DATA ENTRY

Comment: CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4139

WATER RIGHT NUMBER: 37-4139

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	STOEL RIVES LLP 101 S CAPITOL BLVD STE 1900 BOISE, ID 83072 (208)389-9000
Current Owner	SPRING CANYON RANCH LLC C/O CROY CANYON LLC 395 OYSTER PT BLVD #309 SOUTH SAN FRANCISCO, CA 94080 (650) 588-5600

Priority Date: 12/31/1926

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
HAILEY HOT SPRINGS	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		277.00 AF
FISH PROPAGATION STORAGE	01/01 to 12/31		277.00 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	277.00 AF

Location of Point(s) of Diversion

HAILEY HOT SPRINGS NW1/4NW1/4SE1/4 Sec. 18, Twp 02N, Rge 18E, B.M.

BLAINE County

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	18	X	X														X	

FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	18	X	X														X	

Conditions of Approval:

1. THE RIGHT WAS ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL FROM 1926 UNTIL IT BURNED DOWN IN 1979. HOWEVER, IT IS ALSO USED FOR FISH PROPAGATION IN DEMOCRAT CREEK, FOR A SMALL SWIMMING POOL NEAR THE SPRINGS, AND AS STORAGE WATER IN THE LOWER RESERVOIR NEAR THE HOMESTEAD.

Remarks:Comments:

RECEIVED

FEB 06 2007

DEPARTMENT OF
WATER RESOURCES

Spring Canyon
Ranch

37-2142
4138
4139
4440
12396

February 2, 2007

Matt Anders
Idaho Department of Water Resources
Western Region Office
322 E. Front St
Boise, ID 83720-0098

Re: Spring Canyon Ranch, LLC – Notices of Error

Dear Mr. Anders:

Below are our responses to your 1/22/07 email regarding the NOE's for Spring Canyon Ranch, LLC.

Spring Canyon Ranch Place of Use-

We are submitting a shapefile that outlines the claimed 190 irrigated acres, as well as the locations of claimed points of diversions.

37-2142-

The correct POD is shown on the attached 2004 NAIP aerial photograph. The claimed POU for 37-2142 was calculated at 122.4 acres because the ditch and distribution system from Hot Springs Gulch is capable of providing irrigation water to 122.4 acres. The combined limit place of use for this right should be 190 acres.

37-4138-

Historical use of 37-4138 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. To disallow use of this right is incorrect. To our knowledge this pond has been in use since the inception of use of the hot springs, we are currently researching the historical files of the Blaine County Museum. Attached is a 1957 aerial photo showing that the pond was in use. The combined limit place of use for this right should be 190 acres.

37-4139-

Historical use of 37-4139 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. On 2/6/87, transfer #3282 approved the use of 0.5 cfs (10/1 – 4/15), 0.3cfs (4/15 – 10/1), and 3 acre-feet (1/1 – 12/31) for storage for fish propagation and recreation uses. Transfer #3282 also states 37-4139 has a priority date of 1929. To disallow use of this right would disagree with and oppose the approved transfer #3282. The 10/5/06 amended claim accepted by IDWR also



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

lists the POU as the NESE ¼ NWSE ¼ and SESE ¼ of Sec.18 T.02N R.18E. The claim on the IDWR website lists the POU for 37-4139 as the NENE ¼ NWNE ¼ and SESE ¼ of Sec.18 T.02N R.18E, which does not match the filed claim. Please amend the claim on the IDWR website to show the correct POU for 37-4139.

37-4440-

With regards to "work done" by IDWR on the depth of the pond, evidence of any "work done" must be available only in your file as we couldn't find any description or evidence of "work done" on the pond in the water right back file. The surface area of the pond is 1.6 acres, although it needs to be cleaned out, leaving a true depth of approximately 6 feet. If this is the case, the volume of the pond would be 9.6 acre feet. Although the pond's approximate volume is 9.6 acre feet, water is continually flowing in and out of the pond. 500 acre feet were claimed (equated by multiplying the claimed diversion rate of 0.69 cfs by 365 days), and the recommendation should be changed to match the claimed volume.

0.31 cfs represents the diversion rate in one out of three wells present, and does not accurately describe the total diversion rate that originates from the 3 wells claimed under 37-4440 (see remarks in original claim 12/3/1987, and addendum to claim in water right back file regarding 3 flowing wells). The diversion rate should be 0.69 cfs as was claimed and the accompanying allowable acreage should be increased to 35 acres (at 1 inch per acre). The IDWR shapefile also lists 3 POD's total for 37-4440, 2 POD's and 1 re-diversion. The shapefile should be changed to show 3 POD's which represent 3 wells. The combined limit place of use for this right should be 190 acres.

37-12396

Historically, 37-12396 has been used to fill an upper reservoir by collecting inflow from Democrat Creek and Lamb's Gulch Creek. The outflow out of the reservoir is Democrat Creek. The attached 1957 aerial photo also shows the reservoir with storage water in it. Unfortunately, we don't have a 1947 aerial photo for this same area. The combined limit place of use for this right should be 190 acres.

If you have any questions regarding the enclosed documents, please feel free to give our office a call.

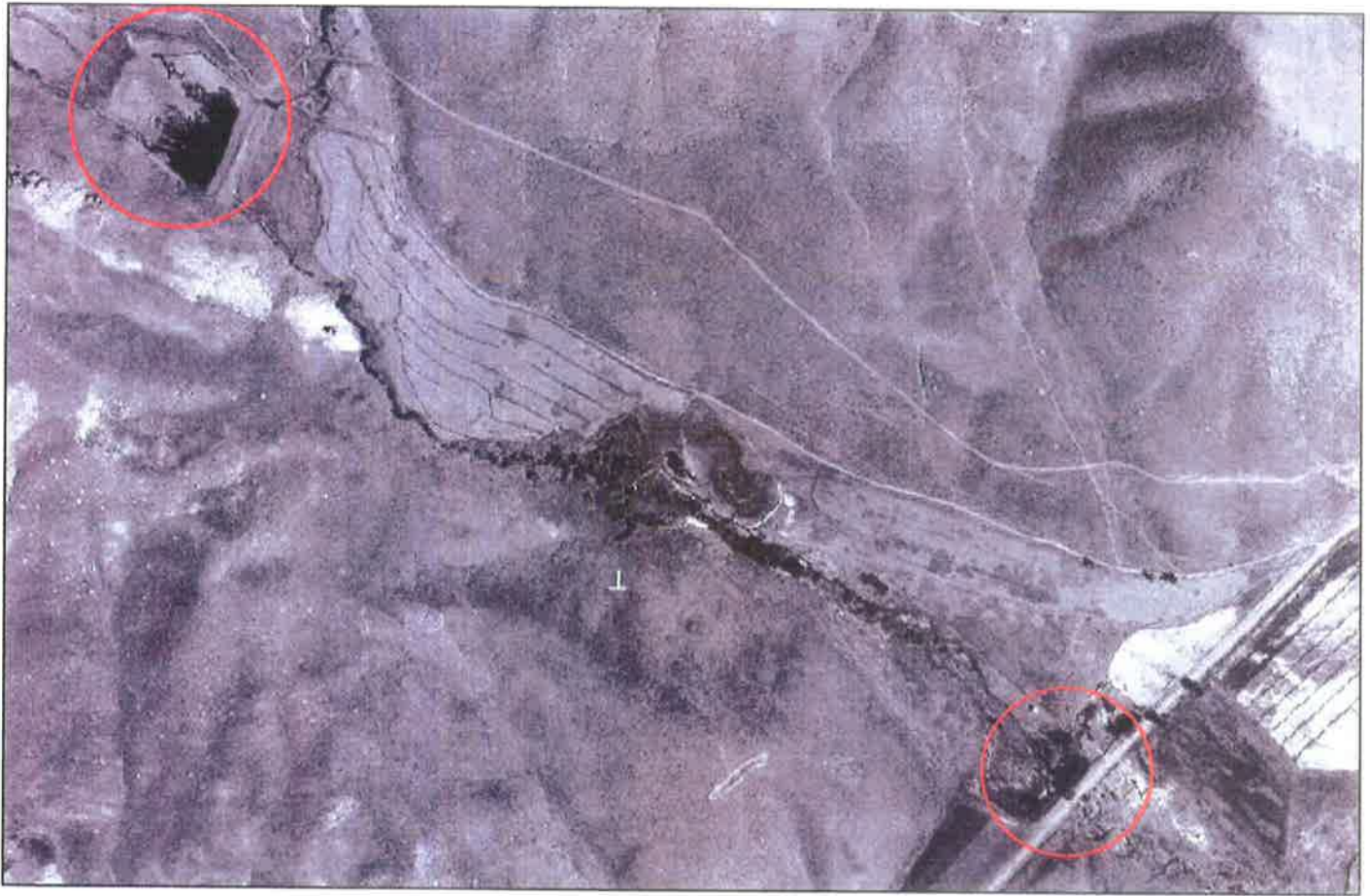
Sincerely,

A handwritten signature in black ink, appearing to read "C. E. Brockway". The signature is fluid and cursive, with the first name "Charles" and last name "Brockway" clearly distinguishable.

Charles E. Brockway P.E. PhD

Attachments: 1957 Aerial Photograph of Democrat Gulch

cc: Kevin Beaton
Mark Meyer
Paul Fay



0 0.05 0.1 0.2 Miles

SPRING CANYON RANCH, LLC.
T.02N., R.18E. SEC 18
1957 AERIAL PHOTO
UPPER RESERVOIR AND
LOWER POND SHOWN

Legend

1957 Mid.jpg

Value

High 255

Low 0

BROCKWAY ENGINEERING, PLLC.
ZL - 2/1/07
F:\Projects\Fay, Paul - Democratic Gulch\Review 9

N

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 37-4139
Date Received: 10/5/2006
Receipt No: C004234
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: 12/31/1926

3. Source: HAILEY HOT SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
02N	18E	18	NW	NW	SE	BLAINE	

5. Description of diverting works:

SPRINGS EMIT INTO EXISTING DITCHES, CREEK AND RESERVOIRS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION STORAGE	01/01	12/31		277
RECREATION STORAGE	01/01	12/31		277
DIVERSION TO STORAGE	01/01	12/31	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 277 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	18	SE	SE		RECREATION STORAGE	
			NE	NE		RECREATION STORAGE	
			NW	NE		RECREATION STORAGE	
			SE	SE		FISH PROPAGATION STORAGE	
			NE	NE		FISH PROPAGATION STORAGE	
			NW	NE		FISH PROPAGATION STORAGE	

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 RIGHT WAS ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL FROM 1926 UNTIL IT BURNED DOWN IN 1979. HOWEVER, IT IS ALSO USED FOR FISH PROPAGATION IN DEMOCRAT CREEK, FOR A SMALL SWIMMING POOL NEAR THE SPRINGS, AND AS STORAGE WATER IN THE LOWER RESERVOIR NEAR THE HOMESTEAD.

15. Basis of Claim: Beneficial Use



REC'D
OCT 11 2006
FBI
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,

Kevin J. Beaton

KJB:ww

Enclosures

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

AMENDED 37-4139

E O F

OCT 05 2006

DEPARTMENT OF
WATER RESOURCESIN 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 37-4139
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) 12/31/1926
3. Source of water supply (a) Hailey Hot Springs
which is tributary to (b) Democrat Creek
4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Springs emit into existing ditches, creek, and reservoirs

SCANNED

OCT 05 2006

6. Water is claimed for the following purposes:

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

For Fish Propagation Storage purposes from 01/01 to 12/31 amount _____ or 277

For Recreation Storage purposes from 01/01 to 12/31 amount _____ or 277

For Diversion to Storage purposes from 01/01 to 12/31 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) see remarks

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
			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	18													XX	XX		XX	

Total number of Irrigatable acres _____

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:

The right was originally used to heat the Hiawatha Hotel from 1926 until it burned down in 1979. However, it is also used for fish propagation in Democrat Creek, for a small swimming pool near the springs, and as storage water in the lower reservoir near the homestead.

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

If applicable provide IDWR Water Right Number 37-4139

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

SCANNED

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 _____
Title

of Spring Canyon Ranch, LLC _____, that I have signed the foregoing
Organization

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 _____

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

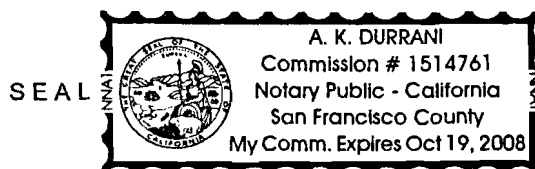
State of ~~Idaho~~ or California)
County of San Francisco) ss.

Subscribed and sworn (or affirmed) before me this 27th 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 Kevin Beaton

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

Date 10-3-06

SCANNED

OCT 9 6 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 37-4139
Date Received: 10/27/1988
Receipt No: C004234
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: 12/31/1926

3. Source: HAILEY HOT SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
02N	18E	18	NW	NW	SE	BLAINE	

5. Description of diverting works:

CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION STORAGE			1/01 12/31	
277				
RECREATION STORAGE			1/01 12/31	
277				
DIVERSION TO STORAGE			11/01 4/01 0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 277 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	18	SE	SE	5	RECREATION STORAGE	
			SE	SE	5	FISH PROPAGATION STORAGE	

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:

TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A PORTION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGATION (SEE37-04138.

CONFORMED ATTORNEY MAILING ADDRESS DMS ***** OWNERSHIP CHANGE MADE 5/19/95 BY TLB.

| CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

15. Basis of Claim: Statutory Claim

**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 Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
<u>37-549</u>	<u>37-549</u>	☐	<u> </u>	<u> </u>	☐
<u>37-1222</u>	<u>37-1222</u>	☐	<u> </u>	<u> </u>	☐
<u>37-4138</u>	<u>37-4138</u>	☐	<u> </u>	<u> </u>	☐
<u>37-4139</u>	<u>37-4139</u>	☐	<u> </u>	<u> </u>	☐
<u>37-4440</u>	<u>37-4440</u>	☐	<u> </u>	<u> </u>	☐

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

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

OR

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

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

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> (cubic feet per second or acre-feet annum)	<u>Description</u> (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> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: <u> H </u>	Date: <u>5/4/06</u>	Fee: _____	
Received by: <u> H </u>	Date: _____	Receipt No: _____	
Processed by: _____ AJ	Date: _____	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 *mp*
Index to: WTYQC/CORP DEED

For Recorder's Use Only

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED**, made this 14th 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.
)

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.
Notary Public

My Commission Expires: 02-21-2006

*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 1/16th 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 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 1/16th 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.

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

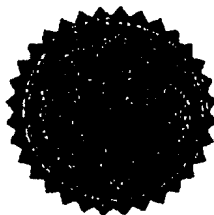
PAGE 1

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, 2008
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., 160 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
66 CROY CANYON, UC 395 Ogden - Bldg 101, Suite 309
South San Francisco, CA 94080
8. Signature of a manager, if any, or a member
if there are no managers.

Signature

William R. Lindsay

TypedName PCCP LB Sun Valley Ranch, LLC

Manager ☒ Member ☐

Secretary of State use only

IDAHO SECRETARY OF STATE

01/25/2006 05:00

CK: 35710 CT: 1154 BH: 934124

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1 @ 100.00 = 100.00 REGFORGLLC # 8
1 @ 20.00 = 20.00 EXPEDITE C # 9

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W46749

CROW CANYON, LLC

ATTENTION: DEPT. OF WATER RESOURCES, SOUTHERN REGION, SAN FRANCISCO, CA 94101-4501 FAX: 415 773-9100

RECEIVED
APR 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 17, 2006

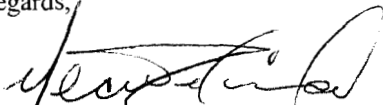
Allen Merritt
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

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

CROY CANYON, LLC

1341 FILLMORE SUITE 200, SOUTHERN SAN JOSE, CA 95050 (650) 581-7600 / FAX (650) 581-9150

May 2, 2006

RECEIVED

MAY 04 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

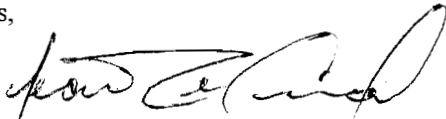
Allen Merritt
Idaho Department of Water Resources
Southern Region office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

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

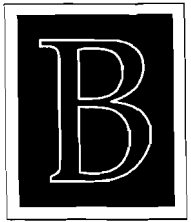
Dear Allen:

In reference to my letter dated April 17th, 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.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Daren T. Nelson, Hydrologist

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

cc: Paul Fay



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,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a horizontal line.

Carrie Hahn
Office Specialist

Enc.

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: A37-04139
Date Received: 10/27/1988
Receipt No: C004234
Received By: *O/C RLB*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BENJAMIN & HELEN CROCKER TRUST 208-726-9485
Address: C/O HELEN NAN CROCKER
TRUSTEE
PO BOX 974
KETCHUM ID 83340

AND

Name: CROCKER TRUST 208-726-9485
Address: C/O DONALD CROCKER
SUCCESSOR CO-TRUSTEE
PO BOX 974
KETCHUM ID 83340

2. Date of Priority: DEC 31, 1926

3. Source: HAILEY HOT SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	18	NW	NW	SE		BLAINE

5. Description of diverting works:
CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	04/01	11/01	0.300		
DIVERSION TO STORAGE	11/01	04/01	0.500		
RECREATION STORAGE	01/01	12/31			277.00
FISH PROP. STORAGE	01/01	12/31			277.00

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 277.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

R/SWIMMING & FISHING, H/NATURAL HABITAT FOR NATIVE FISH

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	18	SE	SE	5	REC S	
			SE	SE	5	FIS S	

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:

NONE

14. Remarks:

TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A PORTION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGATION (SEE37-04138.

CONFORMED ATTORNEY MAILING ADDRESS DMS

OWNERSHIP CHANGE MADE 5/19/95 BY TLB.

15. Basis of Claim: STATUTORY CLAIM

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 _____

22-10104

WARRANTY DEED

For Value Received

HUMBOLT INVESTMENT COMPANY, a Nevada General Partnership

the grantor do es hereby grant, bargain, sell and convey unto

CRYSTAL HOT SPRINGS LIMITED PARTNERSHIP, an Idaho Limited Partnership

the grantee s, whose current address is P.O. Box 46, Sun Valley, Idaho 83353

the following described premises, in Blaine County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BLAINE CO. REQUEST
Sun Valley Title Co.
320444
90 JUN 8 PM 3 54
Paid
C.C.C.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s. THEIR heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: April 20, 1990

HUMBOLT INVESTMENT COMPANY

BY: Devere L. Barker
Devere L. Barker

STATE OF NEVADA
COUNTY OF WASHOE }
On this 20 day of MAY in the year 1990 before me, a Notary Public, personally appeared DEVERE L. BARKER known or identified to me to be one of the partner(s) in the partnership of HUMBOLT INVESTMENT CO. and the partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

Devere L. Barker
Notary Public
Residence at 2122 S. 1st St., Las Vegas, NV 89101

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock M.,
this day of
19 in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

By Deputy:

Fees \$
Mail to:

INSTRUMENT NO.

SHELL SPATTEN
Notary Public State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JAN. 24, 1993

Chicago Title Insurance
Company of Idaho

NOV 28 1990

22-11768
RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Brian Barsotti, Esq.
P O Box 10013
Ketchum, Idaho 83340

BLAINE CO. REQUEST

OF ~~SUN VALLEY TITLE~~

1993 DEC 16 P 4:00

360209

HARRY GREEN, CLERK
FEE \$ 900

mp

Deed

(Space above this line for Recorder's use)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, **CRYSTAL HOT SPRINGS LIMITED PARTNERSHIP**, an Idaho limited partnership, hereby bargains, sells, remises, releases, conveys and forever quitclaims to Helen Nan Crocker, Trustee and Donald W. Crocker, successor co-trustee of the Benjamin S. Crocker and Helen Nan Crocker Trust "D" dated March 24, 1973 *unc*

whose address is P.O. Box 974 Ketchum, Idaho 83340 all of its right, title and interest which it has, if any, in the following water and water rights:

(a) Idaho Water Right No. 37-00548 for 3.8 cfs of the Warm Springs Creek with priority date of June 1, 1880, and claimed in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (hereinafter referred to as "Adjudication"), as Claim No. A37-00548;

(b) Idaho Water Right No. 37-00549 for 4.0 cfs of Croy Creek with priority date of June 30, 1882, and claimed in the Adjudication as Claim No. A37-00549;

(c) License Right No. 37-02142 for 1.50 cfs of Hot Springs Gulch with priority date unknown; no claim was made in the Adjudication for this license by Seller;

(d) Idaho Water Right No. 37-04138 for 1.05 cfs of Warm Springs Creek with priority date of December 31, 1948, and claimed in the Adjudication as Claim No. A37-04138;

(e) Idaho Water Right No. 37-01222 for 0.40 cfs of Democrat Creek with priority date of June 9, 1911, and claimed in the Adjudication as Claim No. A37-01222;

(f) Idaho Water Right No. 37-04139 for 0.50 cfs. This is a 1926 statutory claim and is claimed in the Adjudication as Claim No. A37-04139;

(g) Idaho Water Right No. 37-04440 for 0.72 cfs of groundwater with priority date of August 16, 1950, and is claimed in the Adjudication as Claim No. A37-04440;

(h) Idaho Water Right No. 37-12396 for 3.0 cfs of Democrat Creek with a priority date of December 31, 1947, and claimed in the Adjudication as Claim No. A37-12396;

(i) Idaho Water Right No. 37-12397 for the beneficial use rights to a domestic well for 0.04 cfs of groundwater with priority date of December 31, 1950, and claimed in the Adjudication as Claim No. A37-12397;

(j) Idaho Water Right No. 37-08659 for 2.50 cfs of groundwater with priority date of August 3, 1990, original proof due 11/1/92 but extended until 11/1/95;

(k) Idaho Water Right No. 37-08670 for 4.0 cfs of groundwater with priority date of August 13, 1990, original proof due 11/1/96.

DATED this 15th day of December, 1993.

CRYSTAL HOT SPRINGS LIMITED
PARTNERSHIP, an Idaho limited
partnership

By its general partner:

L. Z. CORP., an Idaho
corporation

By [Signature]
Lynn T. Levy, Its President

STATE OF IDAHO)
County of Blaine)

ss.:

[Signature]
Thomas P. Zeigler, Secretary

On this _____ day of _____, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared **LYNN T. LEVY**, known to me to be the President of L. Z. CORP., an Idaho corporation, the general partner of **CRYSTAL HOT SPRINGS LIMITED PARTNERSHIP**, an Idaho limited partnership, and the person who executed the foregoing instrument on behalf of said corporation, in its capacity as the general partner of said limited partnership, and acknowledged to me that said corporation executed the same in said partnership name.

WITNESS my hand and seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DEC 28 1993

Department of Water Resources

DATE OF CLOSING: 12/15/93

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

DEC 30 1993

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) Department of Water Resources
Southern Region Office

[] Water Right Number(s) See attached quitclaim deed
Assigned by IDWR: _____

[] Name and Address of Former Owner/Claimant(s)(Seller): Crystal Hot Springs Limited Partnership

[] New Owner/Claimant (Purchaser): Helen Nan Crocker, trustee and Donald W. Crocker, successor co-trustee of the Benjamin S. Crocker and Helen Nan Crocker Trust "D", dated March 24, 1973

[] New Mailing Address: P.O. Box 974
Ketchum, Idaho 83340

[] New Telephone Number: (208) 726-9485

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Attached Quitclaim Deed-recorded copy

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Helen Nan Crocker, Trustee Date 12/15/93

[] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 3/16/95 By: THB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 28 1993

Corrected copy
hal

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: A37-04139
Date Received: 12/21/1988
Receipt No: C004234
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUMBOLDT INVESTMENT CO. 702-825-4144
Address: 3500 LAKESIDE CT., SUITE 150
ATTN: MR. DEVERE BARKER
RENO, NV 89509-0000

2. Date of Priority: DEC 31, 1926

3. Source: HAILEY HOT SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	18	NW	NW	SE		BLAINE

5. Description of diverting works:
CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	04/01	11/01	0.300		
DIVERSION TO STORAGE	11/01	04/01	0.500		
RECREATION STORAGE	01/01	12/31			277.00
FISH PROP. STORAGE	01/01	12/31			277.00

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 277.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/SWIMMING & FISHING, H/NATURAL HABITAT FOR NATIVE FISH

MICROFILMED
MAR U 1 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	18	SE	SE	5	REC S	
			SE	SE	5	FIS S	

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:
NONE

14. Remarks:

TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A PORTION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGATION (SEE37-04138.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ 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: A37-04139
Date Received: 12/21/1988
Receipt No: C004234 *RA*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUMBOLT INVESTMENT CO. 702-825-4144
Address: 3500 LAKESIDE CT., SUITE 150
ATTN: MR. DEVERE BARKER
RENO, NV 89509-0000

2. Date of Priority: DEC 31, 1926

3. Source: HAILEY HOT SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	18	NW	NW	SE		BLAINE

5. Description of diverting works:
CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	04/01	11/01	0.300		
DIVERSION TO STORAGE	11/01	04/01	0.500		
RECREATION STORAGE	01/01	12/31			277.00
FISH PROP. STORAGE	01/01	12/31			277.00

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 277.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/SWIMMING & FISHING, H/NATURAL HABITAT FOR NATIVE FISH

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	18	SE	SE	5	REC S	
			SE	SE	5	FIS S	

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:
NONE

14. Remarks:

TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A PORTION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGATION (SEE37-04138.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ 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: 39356

Ident Number A37-C4139
Date Received 10-27-88
Receipt Number 0004234

RECEIVED

OCT

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Humboldt Investment Co.
Phone: (702) 825-4144
Mailing Address: 3500 Lakeside Court
Suite 150
Reno, NV 89509
attn: Mr. Devere Barker

2. Date of Priority: 1926

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

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
2N	18E	18	NW	NW	SW		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

MICROFILMED

MAR 11 1993

5. **Description of existing diversion works:** The flow from several naturally flowing hot springs is captured in a concrete cistern, and then injected into Democrat Creek. The flow of Democrat Creek is dammed into a reservoir.

6. **Water is claimed for following purposes:**

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Diversion to storage for recreation & fish propagation	April 1	November 1	0.3 cfs
	November 1	April 1	0.5 cfs
Storage for recreation & fish propagation	January 1	December 31	277 AFA

7. **Total Quantity Claimed:** 0.5 cfs / 277 AFA

8. **Total consumptive use claimed is de minimus.**

9. **Non-irrigation uses:** Recreation - swimming & fishing; fish propagation - natural habitat for native fish.

10. **Place of use:**

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	18	SE	SE (Lot 5)	R/H	--

Total number of irrigated acres: N/A

11. **Place of use is located in Blaine County.**

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

13. **Describe any other water rights used at the same place and for the same purposes as described above?** None.

14. **Remarks:** Transfer 3282. Water originally used to heat the Hiawatha Hotel until it burned down in 1978. Priority is year of completion of construction of Hotel. Since then it has been used as described above. The amount is less during irrigation season since a portion of the same flow of the hot springs is then used for irrigation (see 37-4138). Uses are non-consumptive.

Last Name: Humboldt

Ident No. _____

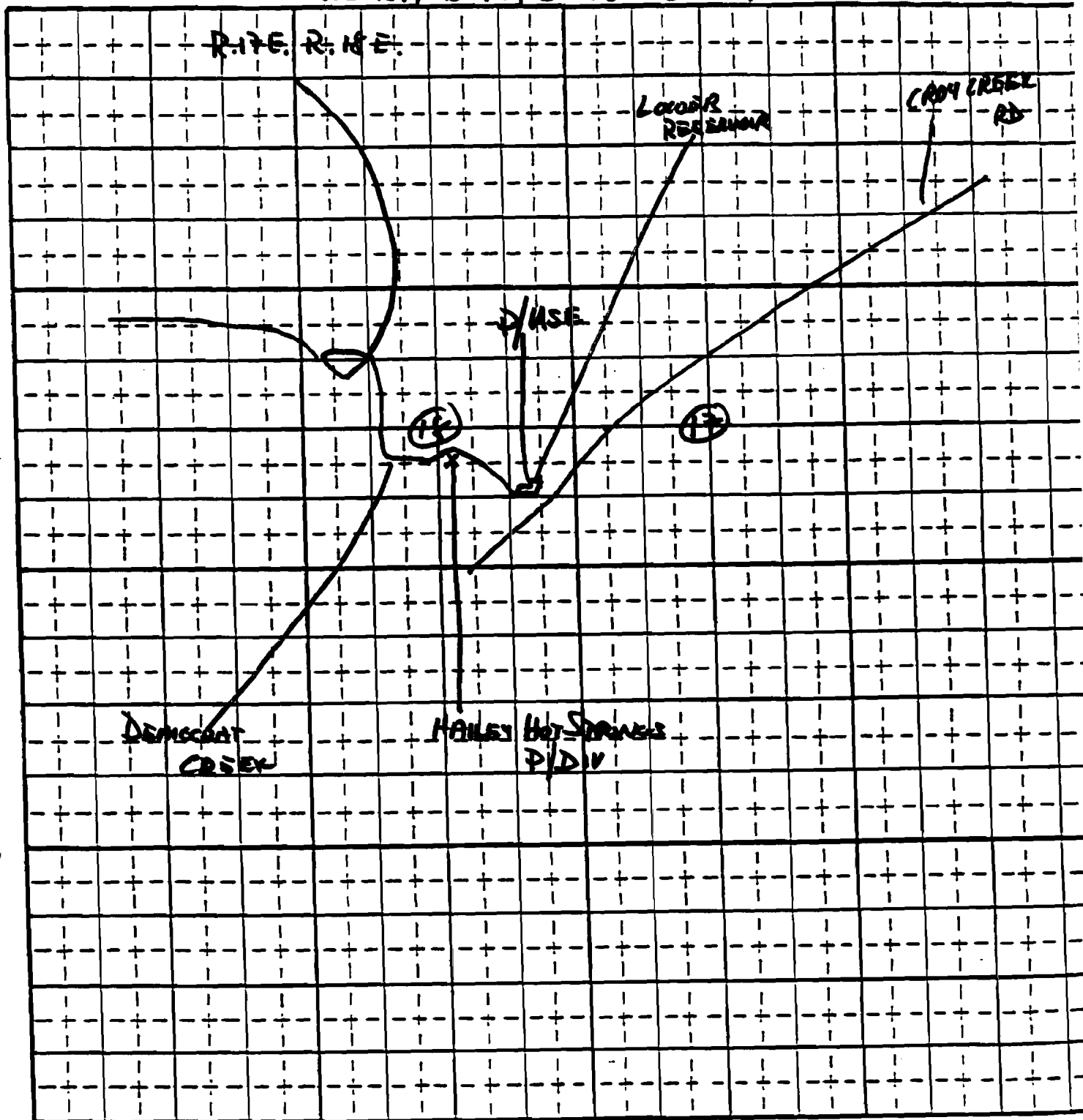
MICROFILMED

MAR 01 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 2 N., B. M., BLAINE COUNTY



Last Name

HUMPHREY

Ident No.

MICROFILMED

in State, Yellow-Caimant

1 1993

15. Basis of Claim: Beneficial Use
IDWR Water Right Number: 37-4139
Court:
Case Number:
Decree Date:
Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments 2

[For Organizations] I do solemnly swear or affirm that I am a general partner of Humboldt Investment Co., a general partnership, that I have signed the foregoing document in the space below as general partner of the partnership and that the statements contained in the foregoing document are true and correct.

Signature of General Partner:

Devere Barker, by James P. Speck, his attorney in fact
Devere Barker

Date

10/25/88

State of

Idaho

County of Blaine ss.

Subscribed and sworn before me this 25th day of October, 1988.

Notary Public Pruey M. Beckel
Residing at Sun Valley
Commission Expires 1/17/93

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature:

James P. Speck
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date:

10/25/88

Last Name: Humboldt
a2:\hmbldt7.clm

Ident No.: _____

MICROFILMED
MAR 11 1993

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 21 2010

By

Clerk

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

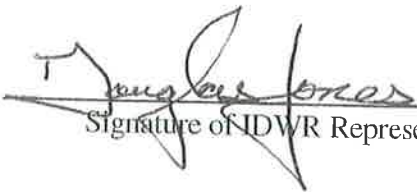
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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>
PLACE OF USE:	IRRIGATION	04/15 10/31	3.600 CFS
	<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: PAGE 2 OF 2

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:

PLACE OF USE:	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		4.000 CFS
	<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 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 NWESE Lot 5 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.400 CFS
<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: PAGE 22

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
RECREATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION	04/15 10/31	5.00 AFY
		0.310 CFS
		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 1740 BROADWAY 7TH FLOOR MAC C7300-079 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 1740 BROADWAY 7TH FLOOR MAC C7300-079 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 1740 BROADWAY 7TH FLOOR MAC C7300-079 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

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, Steel Rives LLP

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 Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication 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 (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

JB

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 8th, 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 8th, 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 9th 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

4838474_1.DOC

COPY

Party's Name: Wells Fargo Bank, National Association

Attorney Name & Address:

Linda B. Jones
Kevin C. Braley
HOLLAND & HART LLP
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

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Boise, ID 83701-2139
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HOBDEY & HOBDEY
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STOEL RIVES LLP
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Fax: (208) 389-9040

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US Department of Justice
Environment & Natural Resources
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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

4/5

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 8th, 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 8th, 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,



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 SEB BEB, 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

4838474_1.DOC

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 37-4139

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
SOUTH SAN FRANCISCO

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

Entire recommendation for disallowment of 37-4139.

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

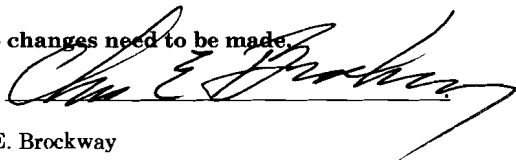
Change the recommendation for 37-4139 to match the entire claim for 37-4139.

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

Ample evidence of lawful appropriation outlined in claim for 37-4139 has been provided.

 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.

01/04/2007

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

RIGHT NUMBER: 37-4139
NAME AND ADDRESS: SPRING CANYON RANCH LLC
C/O CROY CANYON LLC
395 OYSTER PT BLVD #309
SOUTH SAN FRANCISCO CA 94080

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.

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

October 8, 1986

Jim Speck, Attorney at Law
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Re: Democrat Gulch Reservoir

Dear Jim:

According to our survey data the above referenced reservoir located within section 18, T.2N., R.18E., B.M., contained approximately 2 acre feet of water on October 1, 1986.

This could be expanded by dredging to accomodate approximately 150% of the present capacity.

If you need additional information please let me know.

Respectfully,



Jim W. Koonce, P.E.

JWK:kb

MICROFILMED

MAR 06 1987

Transfer No. 3282Water Right No. 37-4139

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Humboldt Investment Co., a partnership Phone 208/726-4421
Post Office address c/o James P. Speck, Hogue, Speck & Aarstad, P.O. Box 987,
Ketchum, ID 83340

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 37-4139 on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Warm Springs tributary to Big Wood River4. Date of priority 1926

5. Water is used for the following purposes:

amount 0.5 cfs for ~~heating~~ recreation purposes from October 1 to April 15
amount 0.3 cfs for ~~heating~~ recreation purposes from April 15 to October 1
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.5 cubic feet per second
&/or
b. 297.56 acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18
Township 2N Range 18E, B.M., in Blaine County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

Block 23, Hailey Townsite

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	9													X				

MICROFILMED

MAR 06 1987

Total number of acres to be irrigated N/A9. Describe any other water rights used for the same purpose as described above None10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - 3.0 acre feet January 1 - December 31
 - 0.5 cfs October 1 - April 15
 - 0.3 cfs April 15 - October 1
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Description of diverting works 3 flowing warm springs are diverted into a pond which is used for recreation and fish propagation
- c. Describe the reasons for the proposed changes to bring claim into conformity with actual use of water since Hiawatha Hotel burned down in 1978.

2. Change in point of diversion None
 - Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
 - Range _____, B.M., _____ County
 - Additional points _____

3. Change in place of use
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer
N/A

MICROFILMED

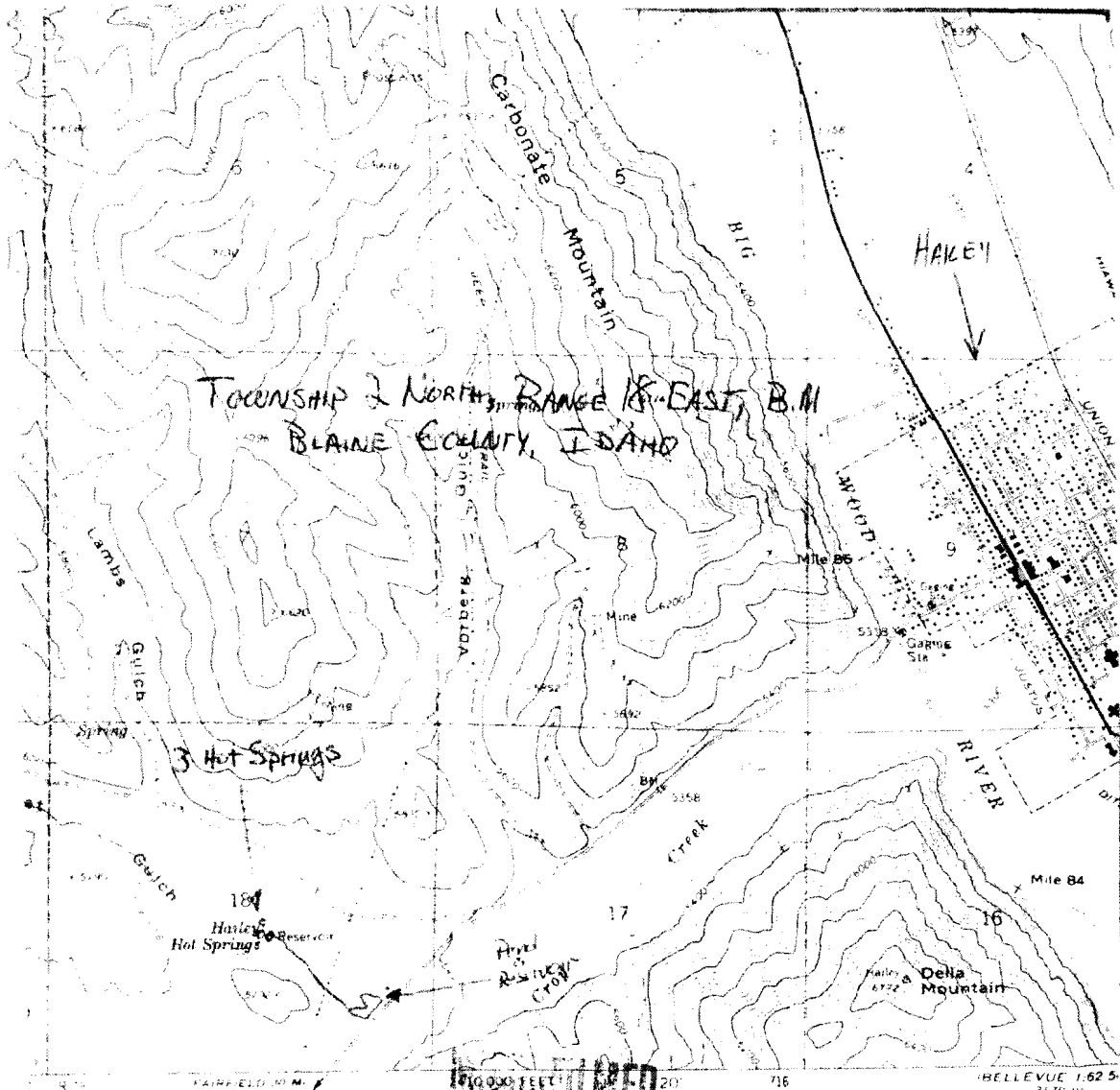
MAR 06 1981

c. Describe the place or place of use to which the right will be transferred

Twp.	Range	Sec.	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	18													X			X	--

Total number of acres to be irrigated N/A

4. Describe any other water rights used for the same purpose as described above None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

The hot water is diverted into the pond where it is used
for recreation and fish propagation both non-consumptive
uses. The water then flows out of the pond into Croy Creek,
a tributary to the Big Wood River

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

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

Subscribed and sworn to before me this 2nd day of September, 19 86
Denise E. Barker
(Signature of Applicant)

James A. Spack
(Notary Public)

My commission expires 1/22/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-4139
and said application is hereby APPROVED, subject to the following limitations and conditions:
1. A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works. 2. Approval of this transfer in no way confirms the right claimed.
3. Use of water under this right is subject to control by the watermaster of State
Water District No. 37, Big Wood River. 4. The total volume diverted annually
under this claim shall not exceed 290 acre feet.

Witness my hand this 6th day of February, 19 87

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by M. Baldwin Date 10/15/86 1:20 pm

Prelim. check by gt Fee 50.00

Received by M. Baldwin R.# 10/15/86 Date

Published in Wood River Journal

Pub. dates 11/20/86; 11/27/86

Watermaster recommendation requested on 11/5/86

rec'd. 11/12/86

Protest filed by None

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by Adam Sim

MICROFILMED

MAR 06 1987

-
- T2N., R18E.B.M. Blaine County**
- 3 HOT SPRINGS**
- Pipe line to Hotel**
- Reservoir**
- Hailey** (COUNTY SEAT) VIVIAN BALDY
- Hiawatha Hotel**
- WOOD RIVER**
- STATE**
- U.S. JUSTUS**
- FRED POVEY**
- WALTER RAVEN CRAFT**
- ANNA STORY "HOMESTEAD" PATENT PENDING**
- UNION CENTRAL LIFE INSURANCE CO.**
- LUSCHA J. FRIEDMAN**
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- LUSCHA J. FRIEDMAN**
- J.E. ROCKWELL**
- BURLINGTON SAVINGS BANK**
- MARGARET SUTHERLAND**
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- JOS. W. FOLD**
- L. GRA**
- STATE**
- WOOD RIVER**
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- STATE**
- WOOD RIVER**
- U.S. JUSTUS**
- FRED POVEY**
- WALTER RAVEN CRAFT**

Received by mauro Date 4/24/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ps Date 4-30-80 claimant by: _____
\$20.00 fee received by mauro Date 4/30/80 \$1792
Published in road news finance
Dates 5/15 & 5/22/80

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 26th day of June, 1973, by and between MERRITT D. HILL, hereinafter referred to as "HILL", and McCULLOCH PROPERTIES, INC., hereinafter referred to as "MPI",

W I T N E S S E T H:

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. That on or about August 31, 1971, Hiawatha Hotel Corporation, an Idaho corporation, wholly owned and controlled by Merritt D. Hill, entered into a Lease and Option Agreement with Bernell Bennion pursuant to the terms of which Hiawatha Hotel Corporation is obligated to furnish waters owned by Hill at Hailey Hot Springs that may be required to heat the Hiawatha Hotel building and supply the swimming pool located on the hotel premises throughout the leasehold term which expires September 15, 1973. Said hot water is furnished through a pipeline owned and maintained by Hill in consideration of a \$200.00 monthly payment during the leasehold term made by Bennion, the lessee. Said agreement also grants an option to Bennion to purchase the hotel property, which is the leased premises, whereupon the seller is obligated to continue to furnish said waters via said pipeline at said \$200.00 per month rate for a 15-year period commencing on the date of purchase. Further, Hill has now acknowledged that Bennion has recently served notice of his intention to exercise said option to purchase the leased premises and, accordingly, trigger the continuing obligation by Hill or his corporation to provide said hot water to the hotel premises.

2. Hill and MPI executed a Trust Agreement of even date herewith providing for the sale by Hill and the purchase by MPI of properties which include the waters needed and used by Hill in connection with said Lease and Option Agreement relating to the hotel premises, and the parties hereto specifically agree, notwithstanding the terms of the Option Agreement, which said

MICROFILMED

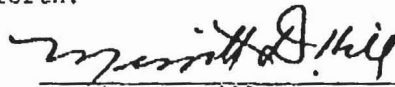
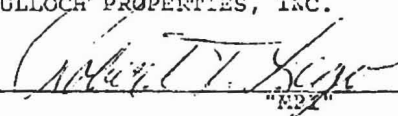
MAR 06 1987

14-00000

That agreement has been consummated, that Hill shall retain ownership and control of said pipeline and shall continue to maintain and operate the same under or pursuant to the terms of said agreement with Bennion, and MPI shall have no ownership or maintenance or other responsibility for or in connection with said pipeline provided, nonetheless, that MPI shall make available to Hill, to the same degree, extent or quantity as has been customary or appropriate in the past, hot waters from the source presently connected to said pipeline, without payment or of any kind, throughout the period of time during which Hill and/or Hiawatha Hotel Corporation remains obligated to Bennion, his successors or assigns, to provide such water under the aforesaid agreement, but in no event to exceed, however, 15 years after September 15, 1973.

3. Further, in the event said purchase of the leased premises by Bennion is not consummated pursuant to such Option exercise, MPI shall, nonetheless, make water available from said source to Hill's own pipe line for equivalent purposes, that is, purposes related to said hotel only, and for an equivalent period of time, also without charge, fee or cost of any kind.

IN WITNESS WHEREOF, The parties hereto have executed this agreement hereinabove set forth.


Merritt D. Hill
"HILL"
McCULLOCH PROPERTIES, INC.
By 
"MPI"

REPROFILMED

MAR 06 1987

INTER-DEPARTMENT MEMO — 1

DATE 11-4-86

FROM Jim Stanton

TO File

SUBJECT Change-In-Nature-of-Use Transfer, Humboldt Investment Co.

The water of Hailey Hot Springs originally ran into an on-stream reservoir, which provided hydraulic head to ~~pipe~~ pipe the water to the Hiawatha Hotel in Hailey. The amounts claimed are what is available as overflow after earlier rights are satisfied. The original use of heating/recreation is basically non-consumptive, with water running into the Big Wood River after use in the hotel/swimming pools. The hotel burned down in 1978; since then, the pipeline from the reservoir has not been used. The transfer seeks to establish beneficial use of this water at the reservoir itself. The non-consumptive nature of the uses will not change, so no detailed analysis should be needed.

MICROFILMED

MAR 06 1987



SIGNATURE



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.

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

IDWR – February 9, 2005

ATTACHMENT –Table: WATER RIGHTS FOR THE CROCKER TRUST ON CROY CREEK

Water Right Number	Priority Date	Source	Beneficial Use	Max. Rate or Volume
37-548	06/01/1880	DEMOCRAT CREEK LAMBS GULCH CREEK	IRRIGATION - 190 ACRES	3.80 CFS
37-549	06/30/1882	CROY CREEK	IRRIGATION – 130 ACRES	4.00 CFS
37-1222	06/09/1911	DEMOCRAT GULCH CREEK	IRRIGATION - 190 ACRES	0.40 CFS
37-2142	06/24/1909	HOT SPRINGS GULCH CREEK	IRRIGATION – 75 ACRES	1.50 CFS
37-4138	12/31/1948	HAILEY HOT SPRINGS	IRRIGATION –190 ACRES	1.05 CFS
37-4139	12/31/1926	HAILEY HOT SPRINGS	DIVERSION TO STORAGE	0.50 CFS
			FISH PROPAGATION STORAGE	277.0 AF
			RECREATION STORAGE	277.0 AF
37-4440	08/16/1950	GROUND WATER	RECREATION	500 AF
			IRRIGATION – 190 ACRES	0.69 CFS
			STOCKWATER	0.03 CFS
37-12396	12/31/1947	DEMOCRAT CREEK	RECREATION STORAGE	2172.0 AF
			IRRIGATION STORAGE	1273.0 AF
			STOCKWATER	0.03 CFS
			IRRIGATION FROM STORAGE	3.00 CFS
37-12397	12/31/1950	GROUND WATER	DOMESTIC	0.04 CFS
CFS = CUBIC FEET PER SECOND, AF = ACRE-FEET				

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)

Water Right Number - R37-04139

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CROCKER TRUST

HELEN & BENJAMIN

1 - PO BOX 974

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-9485

*** O - ORIGINAL OWNER ***
HUMBOLT INVESTMENT CO

1 - 3500 LAKESIDE CT SUITE 150

2 - ATTN: MR DEVERE BARKER

3 -

City- RENO

State- NV Zip- 895090000

Phone - 702-825-4144

SPECK

JAMES P

1 - HOGUE SPECK & AANESTAD

2 - PO BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/31/1926 17 SOUTHERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
HAILEY HOT SPRINGS BIG WOOD RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
02N 18E 18 NW NW SE (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
55 - DIVERSION TO STORAGE 04/01 11/01 0.300
55 - DIVERSION TO STORAGE 11/01 04/01 0.500
47 - RECREATION STORAGE 01/01 12/31 277.00
20 - FISH PROP. STORAGE 01/01 12/31 277.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.500 277.00 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
02N 18E 18 SE SE 5 20 FISH PROP. STORAGE (13) BLAINE
02N 18E 18 SE SE 5 47 RECREATION STORAGE (13) BLAINE

Total Acres:

+ - - Diversion Means - CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

NOV 28 1995

Water right number - R37-04139

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - FISH/NATURAL HABITAT; RECREATION/SWIMMING & FISHING

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL
UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF
CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED
ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A POR-
TION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGA-
TION (SEE A37-04138)

OWNERSHIP CHANGE MADE 5/19/95 BY TLB. HUMBOLDT-FORMER OWNER,
CROCKER TRUST-NEW OWNER. WARRANTY DEED INCLUDED.

+ - - - - - Old Water Right Numbers - - - - - +
A3704139

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 04/03/1995 User Id: DSMITH Subject: DATA ENTRY
CONFORMED ATTORNEY ADDRESS DMS
Date: 05/19/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS
TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF
CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A POR-
TION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGA- TION (SEE A37-04138)
***** OWNERSHIP CHANGE MADE 5/19/95 BY TLB. HUMBOLDT-FORMER OWNER,
CROCKER TRUST-NEW OWNER. WARRANTY DEED INCLUDED.

+ - - Audit Fields - - +
05/19/95 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 10/27/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - F000000 Water District - 37
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

NOV 28 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 19, 1995

BENJAMIN & HELEN CROCKER TRUST
HELEN NAN & DONALD CROCKER/ TRUSTEES
PO BOX 974
KETCHUM, ID 83340

RE: SRBA CLAIMS A37-00548, A37-00549, A37-04138, A37-01222,
A37-04139, A37-04440, A37-12396, & A37-12397
CRYSTAL HOT SPRINGS

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH
THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR
YOUR RECORDS.** PLEASE REVIEW THE RECORDS THE ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS
OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

NOV 28 1995

RECEIVED

OCT 27 1988

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

Department of Water Resources
Southern Region Office

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

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

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

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

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

MICROFILMED

MAR 11 1993

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

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

IN WITNESS WHEREOF, the Partnership has executed this Special Power of Attorney this 18 day of Oct 1988, 1988.

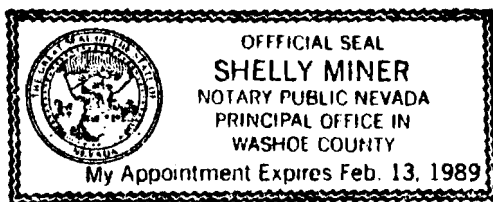
HUMBOLDT INVESTMENT CO.

By: Devere Barker
Devere Barker, general partner

STATE OF NEVADA)
) ss.
County of WASHOE)

On this 18TH day of OCTOBER, 1988, before me, the undersigned notary public in and for said state, personally appeared Devere Barker, known to me to be a general partner of the partnership whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that said partnership executed the same.

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



Shelly Miner
Notary Public for _____
Residing at: 3182 SHARI WAY
SPARKS, NV 89431

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Humboldt Dr. +met Co. CLAIM I T. NO. A37-04139

DATE RECEIVED 10-27-88 CK # 0004234 AMOUNT \$ _____

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. ☒

3. (a) Is a source entered? YES ☒ NO ☐
- (b) Is a tributary to entered? (if required) N/A ☒

4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐

5. Is there a description of the diverting works? YES ☒ NO ☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒

Is the period of use included? YES ☒ NO ☐

Is a quantity claimed for each use? YES ☒ NO ☐

7. Is a total quantity claimed entered? YES ☒ NO ☐

8. If required is a consumptive use entered? N/A ☒

Is the consumptive use correct? N/A ☒

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒

10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐

11. Is (are) the county(ies) entered? YES ☒ NO ☐

12. Is the ownership of p.u. checked? YES ☒ NO ☐

13. Are other water rights listed or "none" indicated? YES ☒ NO ☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒

15. Is the basis of the claim indicated? YES ☒ NO ☐

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐

Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐

Was this claim filed on time, or was an extension granted? YES ☒ NO ☐

Is the fee enclosed correct? Exempt ☒

If this claim is based on an existing water right, has the identification number been entered? N/A ☒

Should this claim be receipted and data entered? YES ☒ NO ☐

Claim checked by: MICROFILMED

Comments: _____ MAR U 1 1993

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

FIELD REPORT LOGCLAIM NUMBER: A37-04139

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	YES		See 5-17-90	
POINT OF DIV.				
SOURCE				
PLACE OF USE				
DIV. AMOUNT				
CONSUMPTIVE USE				
USES				
PERIOD OF USE				
BASIS OF CLAIM	↓		↓	

REMARKS:

SEE ALSO A37-04138 (IRR)

MICROFILMED
MAR U 1 1993

GENERAL INFORMATION

Claim number: A37-04139

LAST: HUMBOLDT INVESTMENT CO.

FIRST: _____

ADDRESS: 3500 LAKESIDE CT., SUITE 150

ATT: MR. DEVERE BARKER

CITY: RENO

STATE: NV

ZIP: 89509

PHONE: (702) 825-4144

OWNER CODE: C

OWNER CONNECTOR: _____

LAST: _____

FIRST: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

PHONE: (____) ____-____

OWNER CODE: _____

FIELD EXAMINATION INFORMATION

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

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

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

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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MAR U 1 1993

STAGE 5

STAGE 5

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

REMARKS:

RECOMMENDED PRIORITY DATE: / /

REVIEWED BY _____ DATE _____

MICROFILMED
MAR 11 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-04139

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>18</u>	<u>NW</u>	<u>NW</u>	<u>SE</u>	—	<u>BLAINE</u>

SOURCE: HAILEY HOT SPRINGS TRIB: BIG WOOD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>18</u>	—	<u>NW</u>	<u>SE</u>	—	<u>13</u>

SOURCE: WARM SPRINGS TRIB: BIG WOOD RIVER

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

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

REMARKS: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

SOURCE: _____ TRIB: _____

REVIEWED BY _____ DATE _____

MICROFILMED
MAR U 1 1993

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-04139

FIELD EXAM REQUIRED: Y() N()

PRESUMPTION FLAG: Y() N()

ROOT WATER RIGHT NUMBERS 37-04139

TWP RGE SEC 1/4 1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
<u>2N 18E 18 SE SE</u>	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<u>- / -</u>	<u>- / -</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL ACRES					
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

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

REMARKS: Storage Use

REVIEWED BY _____

DATE _____

MICROFILMED

MAR 01 1993

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

PURPOSES	MONTH/DAY	RATE
FOR <u>DIVERSION - TO STORAGE</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.30</u> CFS
FOR <u>" " "</u>	FROM <u>11-1</u> TO <u>4-1</u>	<u>0.50</u> CFS
FOR <u>RECREATION STORAGE</u>	FROM <u>1-1</u> TO <u>12-31</u>	<u> </u> CFS
<u>FISH PREP. STORAGE</u>	<u>1-1</u> to <u>12-31</u>	

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

PURPOSES	MONTH/DAY	RATE
FOR <u>HEATING</u>	FROM <u>4-15</u> TO <u>10-1</u>	<u>0.3</u> CFS
FOR <u>RECREATION</u>	FROM <u>4-15</u> TO <u>10-1</u>	<u>0.3</u> CFS
FOR <u>HEATING</u>	FROM <u>10-1</u> TO <u>4-15</u>	<u>0.5</u> CFS
<u>RECREATION</u>	<u>10-1</u> <u>4-15</u>	<u>0.5</u>

PRESUMPTION FLAG:

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y() N()

RECOMMENDED AS CLAIMED?

Y() N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y() N()

REMARKS:

=====

RECOMMENDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u> </u>	FROM <u> </u> - <u> </u> TO <u> </u> - <u> </u>	<u> </u> CFS
FOR <u> </u>	FROM <u> </u> - <u> </u> TO <u> </u> - <u> </u>	<u> </u> CFS
FOR <u> </u>	FROM <u> </u> - <u> </u> TO <u> </u> - <u> </u>	<u> </u> CFS

REVIEWED BY

DATE

=====

MICROFILMED
MAR 01 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-04139A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)SRBA CLAIMED RATE: 0.5 CFS IDWR ROOT RIGHT RATE: 0.5 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.IS FLOW MEASUREMENT REQUIRED? Y(☒) N(☐)B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) If YES complete overlap review.OTHER RIGHTS LISTED IN CLAIM: _____

_____D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES _____ X 0.02 CFS/ACRE = _____ CFS.
(Taken from p/u review)DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☐) N(☐)***IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y(☐) N(☐)***

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

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

TOTAL CONSUMPTIVE USE _____ ACRE FEET/ANNUM

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

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)CONTACT OWNER? Y(☐) N(☐) SEE ATTACHED SHEET? Y(☐) N(☐)

RECOMMENDED DIVERSION RATE: _____ CFS

RECOMMENDED CONSUMPTIVE USE: _____ AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY _____ DATE _____

MICROFILMED

MAR U 1 1993

BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # A37-04/39

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

THIS SRBA CLAIM CFS/ACRE _____

OTHER SRBA CLAIMS CFS/ACRE _____

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

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT	#	SPLITS	#	CFS
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL				_____

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

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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MAR 0 1 1993

[illegible]

REMARKS:

DATE _____

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MAR 01 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-04139	02N	18E	18	NW	NW	SE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A37-04440 R37-04440

WR RECORDS IN SAME 40 ACRE TRACT
37-04138
37-04440

SOURCE: HAILEY HOT SPRINGS

TRIB: BIG WOOD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-04139	02N	18E	18		NW	SE		BLAINE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

37-04138
37-04440

A37-04440 R37-04440

SOURCE: WARM SPRINGS

TRIB: BIG WOOD RIVER

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	_____
			Y	_____

REMARKS:

MICROFILMED

MAR U 1 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

MICROFILMED
MAR 11 1993

Old (D) Number -

+ - - - - - Address - - - - - 23+

State- ID Zip- 63340

+ - - - Status - - - - +

+ - - - - Tributary - - - - -
BIG WOOD RIVER

+ - - - - - Conditions of Approval - - - - -

005 - Use of water under this permit is subject to control by the
- watermaster of State Water District No. 37.

Water right number - 37-04139 Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
01E - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - - - +
00/00/0000

+ - - Audit Fields - 07/21/87 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/02/1987	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
MAR 11 1993

Water Right Number - A37-04139 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

*** C - CURRENT OWNER ***
HUMBOLDT INVESTMENT CO.

1 - 3500 LAKESIDE CT., SUITE 150
2 - ATTN: MR. DEVERE BARKER
3 -
City- RENO State- NV Zip- 89509-0000
Phone - 702-825-4144

*** A - ATTORNEY ***
SPECK

JAMES P.

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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
12/31/1926 17 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
HAILEY HOT SPRINGS BIG WOOD RIVER

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

02N 18E 18 NW NW SE (13) BLAINE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
55 -	DIVERSION TO STORAGE	04/01	11/01	0.300	
55 -	DIVERSION TO STORAGE	11/01	04/01	0.500	
47 -	RECREATION STORAGE	01/01	12/31		277.00
20 -	FISH PROP. STORAGE	01/01	12/31		277.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.500 277.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	18E	18	SE SE	5		20	FISH PROP. STORAGE	(13) BLAINE
02N	18E	18	SE SE	5		47	RECREATION STORAGE	(13) BLAINE

Total Acres:

+ - - Diversion Means - CONCRETE CISTERN, THEN INJECTED INTO DEMOCRAT CREEK

+ - - Non-Irrigation Use - R/SWIMMING & FISHING, H/NATURAL HABITAT FOR NATIVE FISH

+ - - Other Rights for Same Use - NONE

MICROFILMED
MAR 11 1993

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

Water right number - A37-04139

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - - +
TRANSFER 3282. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL
UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF
CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED
ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A POR-
TION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGA-
TION (SEE37-04138).

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - WHITE

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/02/1987	Old Judicial District	-
Claim Received Date	- 10/27/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C004234	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-		

MICROFILMED
MAR 6 1 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:00:47
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-04139

LAST: HUMBOLDT INVESTMENT CO. FIRST:
ADDRESS: 3500 LAKESIDE CT., SUITE 150
ATTN: MR. DEVERE BARKER
CITY: RENO STATE: NV ZIP: 895140010
PHONE NUMBER: 702-825-4144
OWNER CODE: C

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

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y

CLAIM REMARKS: TRANSFER 3232. WATER ORIGINALLY USED TO HEAT THE HIAWATHA HOTEL
UNTIL IT BURNED DOWN IN 1978. PRIORITY IS YEAR OF COMPLETION OF
CONSTRUCTION OF HOTEL. SINCE THEN, IT HAS BEEN USED AS DESCRIBED
ABOVE. THE AMOUNT IS LESS DURING IRRIGATION SEASON SINCE A POR-
TION OF THE SAME FLOW OF THE HOT SPRINGS IS THEN USED FOR IRRIGA-
TION (SEE37-04138).

MICROFILMED
OCT 26 1994

PAGE: 1
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A37-04139

CONTACT PERSON: _____

PHONE NUMBER: _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y: ____ N: ____

TIME: ____:____ A: ____ P: ____

ACCOMPANIED BY: _____

PHONE NUMBER: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
OCT 26 1994

A. AJ CLAIM: # A37-04139 PRIORITY DATE: 12-31-1926 STAGE: S

B. WR RECORD: # 37-04139 PRIORITY DATE: 01-01-1926 STAGE: S

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	Y	

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:

____-____-____

REVIEWED BY _____

DATE _____

=====

MICROFILMED
OCT 26 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-04139	02N	18E	18	NW	NW	SE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A37-04440 R37-04440

WR RECORDS IN SAME 40 ACRE TRACT

37-04138
37-04139

SOURCE: HAILEY HOT SPRINGS

TRIB: BIG WOOD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-04139	02N	18E	18	NW	SE			BLAINE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

37-04138
37-04440

A37-04440 A37-04440
R37-04440 R37-04440

SOURCE: WARM SPRINGS

TRIB: BIG WOOD RIVER

C. FIELD EXAM REQUIRED?

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

FIELD
EXAMINER

REMARKS:

MICROFILMED
OCT 26 1994

PAGE: 5
POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM: CLR: A37-04129

RECOMMENDED POINTS OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

MICROFILMED
OCT 26 1994

A. ROOT WATER RIGHT NUMBERS: A37-04139
R37-04139

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #ACRES	WR #ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	18	SE	SE	5	HUMBOLDT INVESTMENT CO.	A37-04139	/	-	/	
						HUMBOLDT INVESTMENT CO.	A37-01122	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	A37-00548	/28.0	37-00548	/	
						HUMBOLDT INVESTMENT CO.	A37-00549	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	A37-04138	/28.0	37-04138	/25.0	
						HUMBOLDT INVESTMENT CO.	A37-04440	/28.0	37-04440	/24.0	
						SPECK, JAMES P.	A37-12396	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-00548	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-00549	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-01222	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-04138	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-04139	/	37-04139	/	
						HUMBOLDT INVESTMENT CO.	R37-04440	/28.0	-	/	
						SPECK, JAMES P.	R37-12396	/28.0	-	/	
02N	18E	18	SE	SE	5	HUMBOLDT INVESTMENT CO.	A37-04139	/	-	/	
						HUMBOLDT INVESTMENT CO.	A37-01222	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	A37-00548	/28.0	37-00548	/	
						HUMBOLDT INVESTMENT CO.	A37-00549	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	A37-04138	/28.0	37-04138	/25.0	
						HUMBOLDT INVESTMENT CO.	A37-04440	/28.0	37-04440	/24.0	
						SPECK, JAMES P.	A37-12396	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-00548	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-00549	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-01222	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-04138	/28.0	-	/	
						HUMBOLDT INVESTMENT CO.	R37-04139	/	37-04139	/	
						HUMBOLDT INVESTMENT CO.	R37-04440	/28.0	-	/	
						SPECK, JAMES P.	R37-12396	/28.0	-	/	
TOTAL ACRES							A37-04139				

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

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OCT 26 1994

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

MICROFILMED
OCT 26 1994

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-04139 DIVERSION TO STORAGE	FROM 04-01 TO 11-01	.300 CFS
A37-04139 DIVERSION TO STORAGE	FROM 11-01 TO 04-01	.500 CFS
A37-04139 RECREATION STORAGE	FROM 01-01 TO 12-31	277.00 AF/A
A37-04139 FISH PROP. STORAGE	FROM 01-01 TO 12-31	277.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS 277.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
37-04139 HEATING	FROM 04-15 TO 10-01	.300 CFS
37-04139 RECREATION	FROM 04-15 TO 10-01	.300 CFS
37-04139 HEATING	FROM 10-01 TO 04-15	.500 CFS
37-04139 RECREATION	FROM 10-01 TO 04-15	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

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

REMARKS:

MICROFILMED

OCT 26 1994

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.500 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED? FIELD
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? YES Y DATABASE EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-01222	DEMOCRAT GULCH	HUMBOLDT INVESTMENT CO.	0.400	0.002		
A37-12396	DEMOCRAT CREEK	SPECK , JAMES P.	3.000	0.015	2172.00	11.43
R37-00548	LAMBS GULCH	HUMBOLDT INVESTMENT CO.	3.800	0.020		
	DEMOCRAT CREEK					
R37-00549	CROY CREEK	HUMBOLDT INVESTMENT CO.	4.000	0.035		
R37-01222	DEMOCRAT GULCH	HUMBOLT INVESTMENT CO.	0.400	0.002		
R37-04138	HAILEY HOT SPRINGS	HUMBOLT INVESTMENT CO.	1.050	0.005		
R37-04440	GROUNDWATER	HUMBOLT INVESTMENT CO.	0.720	0.003	206.66	1.08
R37-12396	DEMOCRAT CREEK	SPECK , JAMES P.	3.000	0.015	2172.00	11.43

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-04139	DIVERSION TO STORAGE	HUMBOLDT INVESTMENT CO.	FROM 04-01 TO 11-01	.300 CFS	
A37-04139	DIVERSION TO STORAGE	HUMBOLDT INVESTMENT CO.	FROM 11-01 TO 04-01	.500 CFS	
A37-04139	RECREATION STORAGE	HUMBOLDT INVESTMENT CO.	FROM 01-01 TO 12-31		
A37-04139	FISH PROP. STORAGE	HUMBOLDT INVESTMENT CO.	FROM 01-01 TO 12-31		
R37-04139	DIVERSION TO STORAGE	HUMBOLT INVESTMENT CO.	FROM 04-01 TO 11-01	.300 CFS	
R37-04139	DIVERSION TO STORAGE	HUMBOLT INVESTMENT CO.	FROM 11-01 TO 04-01	.500 CFS	
R37-04139	RECREATION STORAGE	HUMBOLT INVESTMENT CO.	FROM 01-01 TO 12-31		
R37-04139	FISH PROP. STORAGE	HUMBOLT INVESTMENT CO.	FROM 01-01 TO 12-31		

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 277.00 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	DATE	EFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
TOTAL FOR THIS RIGHT								

REVIEWED BY: _____ DATE: _____

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____		
FORFEIT/ABANDON _____		
ADDITIONAL DIV. AMOUNT _____		

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-04139

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.500	EXAMINER _____	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-04139	0.500	R37-04139	0.500	37-04139	0.500
A37-04139	R37-04139	0.500	R37-04139	0.500	37-04139	0.500
TOTAL CFS		1.000		1.000		0.500

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
N	_____

REMARKS:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____
NAME OF FIELD EXAMINER: _____ TITLE: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:00
06/18/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-04139

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE								
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

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

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

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