

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: A37-00028F
Date Received: 12/ 6/1990
Receipt No: S012875
Received By: Q/C ALB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RED DEVIL MOUNTAIN HOMEOWNERS ASSN 208-622-4702
Address: C/O CLAY S HOLDEN
PO BOX 1291
SUN VALLEY ID 83353
AND
Name: RED DEVIL MOUNTAIN HOMEOWNERS ASSN 208-622-4702
Address: C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	20	SE	SW	NW		BLAINE

5. Description of diverting works:
CONCRETE DIVERSION TO HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.480		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 72.00 A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	4	NW		NE		IRR	18.6
			SW		NE		IRR	1.6
			NE		NW		IRR	1.4
			SE		NW		IRR	1.8
							Section Acres	23.4
							Total Acres	23.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00297F

14. Remarks:

LT 2 OF BUCKHORN SUBDIV. #2

OWNERSHIP CHANGE MADE 4/9/97 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

OCT 31 1996

Department of Water Resources

DATE OF CLOSING: April 12, 1996

LEGAL DESCRIPTION OF PROPERTY: Township T2N Range R18E
 Section 4, SW 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
☒ If you have additional legal descriptions, please attach separate sheet.

NOV 11 1996

☐ 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)

☒ Water Right Number(s)
Assigned by IDWR: A37-00297K AND A37-00028F

☒ Name and Address of Former Owner/Claimant(s)(Seller): RED DEVIL MOUNTAIN HOMEOWNERS ASSOCIATION
c/o Rod Kegley

☒ New Owner/Claimant (Purchaser): RED DEVIL MOUNTAIN HOMEOWNERS ASSOCIATION
c/o CLAY S. AND MIRIAM F. HALDEN

☒ New Mailing Address: POST OFFICE BOX 1291
SUN VALLEY, IDAHO 83353

☒ New Telephone Number: (208) 622-4702
208 788-1713

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: _____

(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) Clay A. Halden Date MAY 11, 1996
Miriam F. Halden Date May 11, 1996

☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ 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: 4/19/97 By: HLB

Claim Numbers of Split, if any:

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

RECEIVED

OCT 31 1996

Department of Water Resources

Order No. 96007499
This form provided by
Blaine County Title Association

WARRANTY DEED

For Value Received **BOB KINLEY, A SINGLE MAN**

the Grantee hereby grants, purveys, sells, conveys and warrants unto **CLAY S. BOLDEN AND KATHLEEN F. BOLDEN, HUSBAND AND WIFE**

the Grantee whose current address is: **2505 NOVATO PLACE, PALOS VERDES ESTATE, CA 90274**

the following described premises, to-wit:

Lot 1 in Block 1 of RED DEVIL MOUNTAIN SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, on file in the office of the County Recorder, recorded November 15, 1990, as Instrument No. 225466, records of Blaine County, Idaho.

The consideration for this Deed is as part of an IRC Tax Deferred Exchange for the Buyer. The above described property is the replacement property.

369097
BLAINE CO. REQUEST
MARY GREEN CLERK
APR 12 PM 9 54
FEES \$ 3.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantee does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: April 01, 1996

Bob Kinley
BOB KINLEY

State of IDAHO

County of BLAINE

On this 1st day of April, 1996, before me, the undersigned, a Notary Public, in and for said State, personally appeared **BOB KINLEY**

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me that he is/they are the same.

WITNESS MY HAND AND OFFICIAL SEAL

Maria G. Mink

Notary Public
Residing at: BELLEVUE
Commission Expires: December 01, 2000



RED DEVIL MOUNTAIN SUBDIVISION

BEING A RESUBDIVISION OF LOT 2, BUCKHORN SUBDIVISION, 2ND ADDITION

LOCATED IN SECTION 4, T2N, R1BE, B.M., BLAINE COUNTY, IDAHO

OCTOBER 1990

SCALE: 1" = 100'

THEY LEAVE A 4TH LARGER THAN 2
- MOSEY - SHALL BE LEFT IN - ELIOT
- 5000 -

SCALE: 1" = 100'

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.

Courtesy Of:
Sawtooth Title Co.
Box 166
Ketchikan, Alaska 99940
724-4595

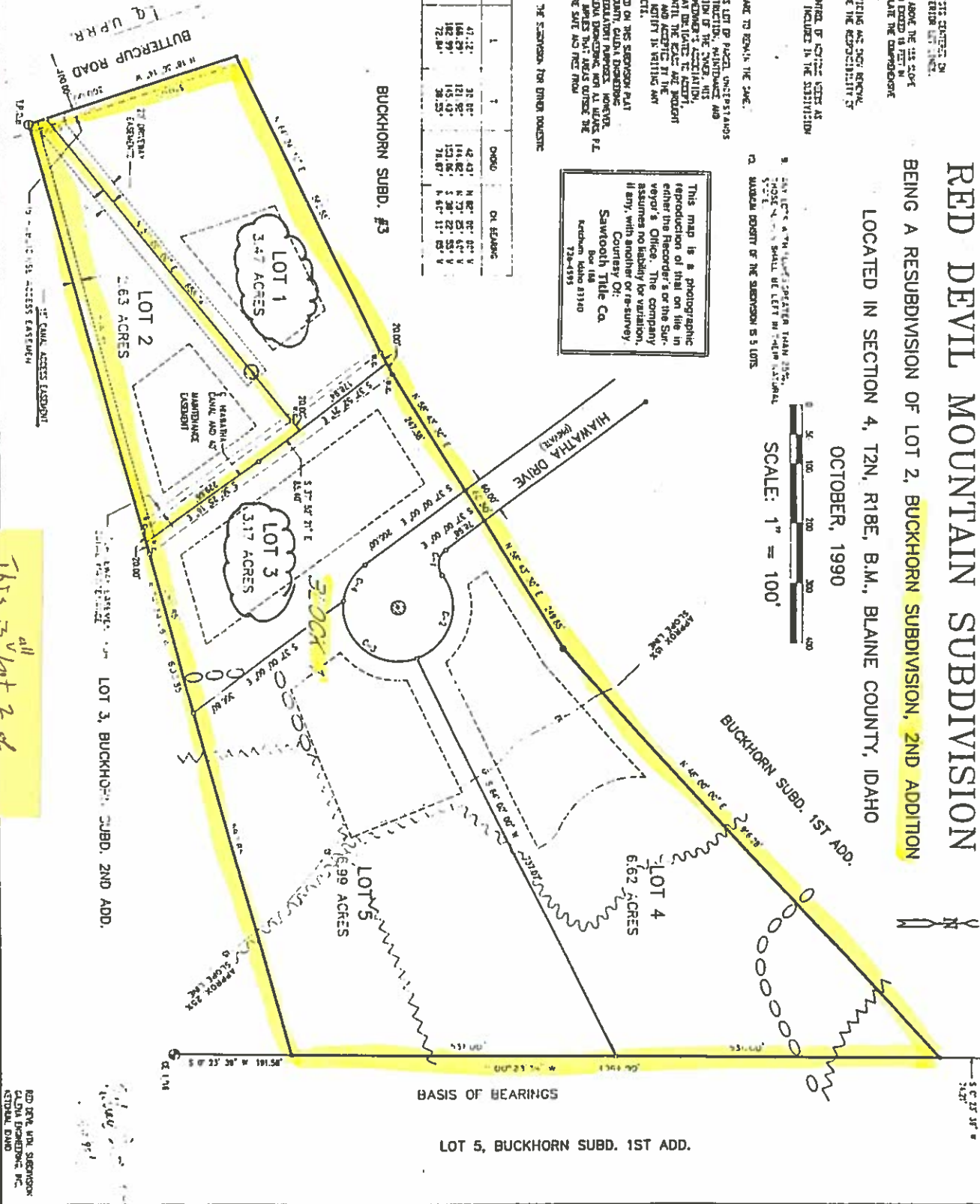
DATE	DETA	n	l	?	DOBO	OK LEADING
C-1	9:00 07:00	30.88	47.32	30.88	42.43	N 82° 07' 00" W
C-2	1:07 08:00	30.65	146.78	121.82	152.86	N 73° 45' 00" W
C-3	1:16 29:50	30.66	182.99	151.43	157.86	S 38° 22' 00" W
C-4	46 02:49	30.88	72.84	38.55	78.67	N 45° 13' 00" W

6. THE PAYEE/ENDORSEE AND/OR OWNER OF THIS LOT OF PAPER, INSTRUMENTS AND AGREES THAT PRIVATE ROAD DISPOSITION, ASSIGNMENTS AND DONATIONS SHALL BE THE EXCLUSIVE OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HUSBAND/WIFE ASSOCIATION, AND THAT THE SIGNED AND DATED INSTRUMENTS, AGREEMENTS, ASSIGNMENTS AND DONATIONS SHALL BE THE EXCLUSIVE OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HUSBAND/WIFE ASSOCIATION, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE PLOTS.
7. THE ASSIGNMENT, DONATION AND DISPOSITION OF THE SUBSEQUENT PLOT IS CONSIDERED BY THE OWNER, BLAKE COWAN, CULLEN DOWNSHAW, HENKEL, HENNER THE OWNER, BLAKE COWAN, CULLEN DOWNSHAW, HENKEL, HENNER, REPRESENTS GUARANTEES WARRANTS OR IMPLETS THAT, AFTER SIGNED, THE ASSIGNED AND DONATED PLOT WILL BE THE SOLE AND FREE HOLD ASSIGNED OR ASSIGNED OWNERS.
8. WHATEVER LOT NUMBER IS NOT AVAILABLE TO BE EXCHANGED FOR OTHER DOCUMENTS OF THE PRIVATE ROAD IS NOT AVAILABLE.

BUCKHORN SUBD. #3

LEGEND

- | | |
|---|-----------------------------|
| ② | ST. ALBAN'S CH. N. CONCRETE |
| ③ | BASS CAP |
| ④ | FOOD 5/1" REBAR |
| ⑤ | FOOD 1/1" REBAR |
| ⑥ | ST. 1" REBAR |
| ⑦ | BUILDING ENVELOPE |
| ⑧ | RD. AROUND TONE WEARS |
| ⑨ | BLK. ALUMINUM 20" WEARS |
| ⑩ | APPROX. 25.5 SQ. YD. |
| ⑪ | APPROX. 1000 FLOOR JAIL DUE |
| ⑫ | (FROM FLOOR CHAIR) |
| ⑬ | APPROX. 155 SQ. YD. |
| ⑭ | APPROX. 155 SQ. YD. |
| ⑮ | 10000 GAL. WATER STORAGE |



RED DEVIL W/TH SUBMISSION
CALGUA ENTERTAINMENT, INC.
KETCHUM, DAVID

This is ^{all} lot 2 of
Buckhorn Sub - 1st Add.
a previous post

RECEIVED
OCT 31 1996
Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00028F
Date Received: 12/06/1990
Receipt No: 5012875
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RED DEVIL MTN. HOME OWNERS ASSOC., INC.,. 208-726-0725
Address: P O BOX 2063
KETCHUM, ID 83340
OR
Name: ROD KEGLEY 208-726-0725
Address: P O BOX 2063
KETCHUM, ID 83340

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	20	SE	SW	NW		BLAINE

5. Description of diverting works:
CONCRETE DIVERSION TO HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.480		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 72.00 A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

COPY

MICROFILMED

MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	4	NW		NE		IRR	18.6
			SW		NE		IRR	1.6
			NE		NW		IRR	1.4
			SE		NW		IRR	1.8
							Section Acres	23.4
							Total Acres	23.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00297F

14. Remarks:
LT 2 OF BUCKHORN SUBDIV. #2

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
Title

RED DEVIL MTN HOMEOWNERS ASSN. that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title

RED DEVIL MTN HOMEOWNERS ASSN. and that the statements contained in the
Organization
foregoing document are true and correct.

Radiff
Signature of Authorized Agent

PRES. RED DEVIL MTN HOMEOWNERS
Title and Organization

12/16/90
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of December 1990

Robert V. Worstell
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995

COPY

MICROFILMED

MAR 11 1993

IDWR CONCURRENCE:

Kelly K. Christensen 4-26-11

Kelly K. Christensen
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Andrea L. Courtney

Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

04/21/2011

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

RIGHT NUMBER: 37-28F

NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 4626
SUN VALLEY ID 83353

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.480 CFS

The rights listed below, shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos.: 37-28F and 37-297K

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.480 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04	SWNE	1.10
T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04	SENW	1.30

15.1 ACRES TOTAL

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

Property formerly known as LT 2 of Buckhorn Subdivision #2 , now Lots 1-5 Red Devil Mountain Subd.

37-28F , \$97K - Red Devil Mtn Assoc
Trial - 5-11-11

Pretrial Conf 4-20-2011

Thursday APR 29

Morning

37-20440 Draper withdraw

Taking over for Doug.

37-28F Red Devil Mtn Home owners Assn.
297K
Aug 25 1:30 PM

Doug - Parent right recom as active "Buttrum." 37-20353
ADR to be filed as Disallowed Rec as " " "

Andrea Att.

Want 1/4 ac @ field headgate, Speck needs time
to talk with claimant / Hiawatha Canal
Speck has Ball ATT.

Noon

37-2836 Gimlet
Oct 13 3:00 Speck to confirm adding measuring device
feasibility.

37-12873 withdraw obj.

37-20866 Gulch Trust. SF-5 sent to Craig in May
Withdraw on record.

1:30 cont

37-21329 Hoffman
21330 withdraw.
21331
21332

37-21510 → 21566 P.H. First Bank of Id - Taken over by
3:30 PM 21665 → 21708 Big Wood add 1/4 ac & Vol limit. FDIC.
Send language to Court.
Sho cause Sept 29 1:30

Apr 20, 2011

37-287, 297K. Red Devil
Jim Speck, Craig, Al, Andria

Trial May 11-12.
Received the trial brief for Big Wood

Speck - talked with Al willing to go with
div volume limit.

Andria - we could move forward.

drafted SF-5 - 4-21-11 (to SO.)

Mar 30, 2011

Status Conf.

37-28F & 297K Red Devil Mtn
Craig - Al - Speck Andria.

Status: Brigitte - proposal submitted

Andria - tied to 20353 Butramo. (disallowed)
dept talked to parties status?

Speck. no success yet. Client may make
a proposal (HOA move slow) Hopes to have proposal
out in next week or so.

Brigitte - Apr 4. (not viable)

Barker-Holden no thought.

May 11/12 ^{first} second set Booth has a trial
on that day.

Status con Apr 20.

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, February 07, 2011 3:32 PM
To: 'Jim Speck'; Kelly, Vicki; Courtney, Andrea
Subject: 37-28F, 37-297K Red Devil Homeowners

I was digging through my files of things go be done and found these two. In my notes there was an indication that you were going to check with your clients to see if the one in per acre at the field headgate was acceptable to them.

What was probably not discussed is that they should also show a combined right POU remark limiting the two claims when combined to 15.1 acres.

We are a ways away from the pretrial date of 4-20-2011 and the trial on 5-11-11 but if those two items are acceptable, then we should be able to route SF-5s as far as Barker's and Hobdey' desks.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

option?
Go with 1"/Ac @ field headgate
when comb. limit to 15.1 Ac (28F & 297K)

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 2:03 PM
To: Kelly, Vicki
Subject: FW: Red Devil questions 37-28F & -297K

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 1:55 PM
To: Courtney, Andrea
Subject: RE: Red Devil questions 37-28F & -297K

Here is the first attempt at a quick and dirty analysis. This is of course subject to somebody telling me where to go and what to do once I get there.

In reviewing my notes I see where Jim Speck was going to talk to his clients to see if they would be amenable to 1 inch per acre. Lacking any additional information it probably would not be out of the picture to go with the 1" headgate requirement remark.

37-28F 37-297K. POU is a 28 acre parcel that is split by the Hiawatha Canal. 15.1 acres of the Red Devil Subdivision are irrigated and the remainder (12.9 acres) is an un-irrigated hillside.

The agent making the recommendation obtained watermaster records of delivery for both of the rights and compared them to the adjudication claims and made recommendations based upon that comparison.

Specifically for the Red Devil Subdivision claims, the agent found watermaster records of delivery that matched that both rights at the claimed rate. The watermaster rates represent the flow rates being turned into the Hiawatha canal for use on the subdivision. The subdivision is approximately 3.3 miles down from the Point of diversion. Of the records I reviewed, I did not see any additional analysis regarding the rate per acre.

37-28 was decreed to the Alturas Water Company for use within the City of Hailey. No acres or quarter/quarters identified.

27-297 was decreed for 6.00 cfs on 7 quarter/quarters. Assuming that every acre within those 7 quarter/quarters were irrigated ($7 \times 40 = 280$ acres) the right would be decreed for 0.021 cfs/acre. In reality, not all of that ground was irrigated or even currently irrigated. No attempt was made to determine historically irrigated acres.

From: Courtney, Andrea
Sent: Tuesday, August 31, 2010 12:09 PM
To: Christensen, Kelly
Subject: RE: Red Devil questions 37-28F & -297K

Thanks, Kelly. I understand the pile system. ;)

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 12:00 PM
To: Courtney, Andrea
Subject: RE: Red Devil questions 37-28F & -297K

No, but it is near the top of my pile. I am planning on going to this one next.

kkc

From: Courtney, Andrea
Sent: Tuesday, August 31, 2010 11:53 AM
To: Christensen, Kelly
Subject: FW: Red Devil questions 37-28F & -297K

Kelly~
Have you had a chance to turn to this?
Andrea

From: Courtney, Andrea
Sent: Thursday, August 26, 2010 4:51 PM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: Red Devil questions 37-28F & -297K

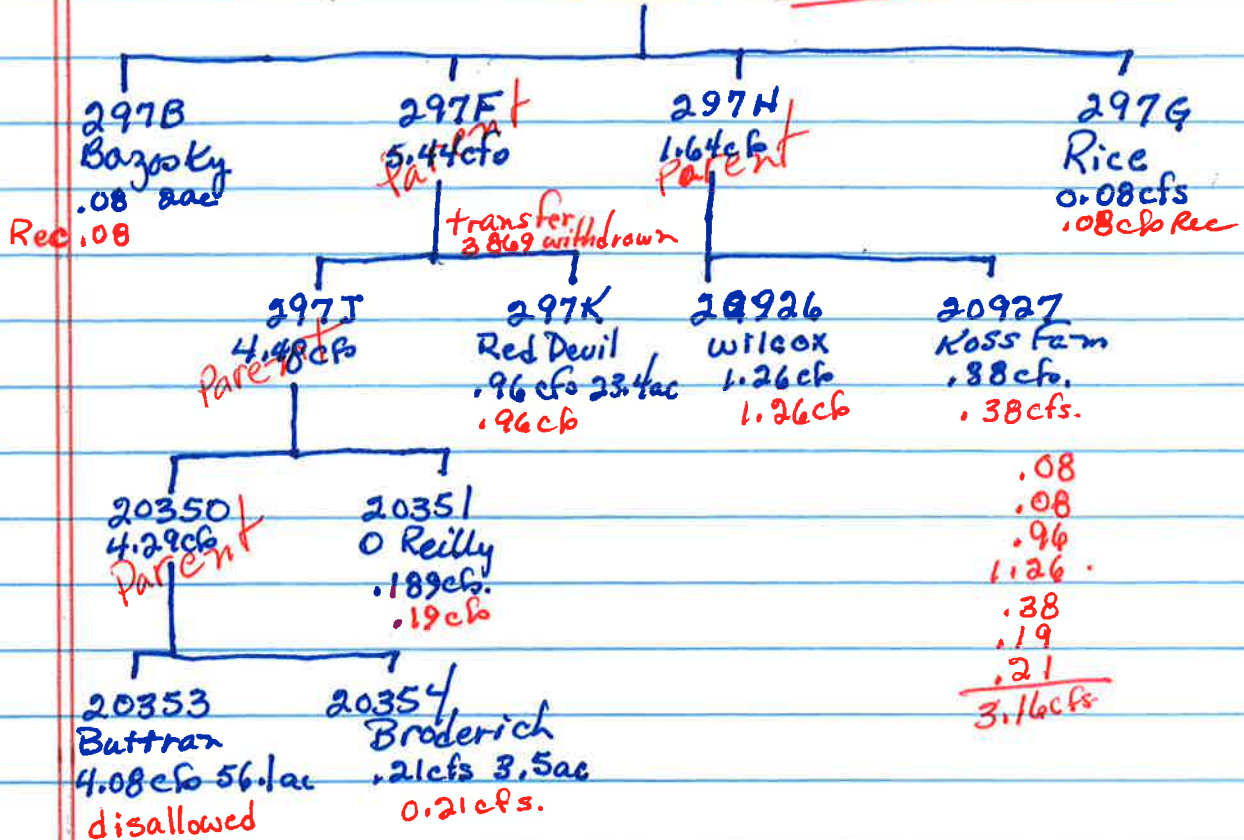
Kelly~
Al Barker called me yesterday after the hearing on these two subcases. He'd like to know why the Dep't recommended more than an inch to the acre for these rights and what our thoughts were on the requirement for a field headgate. Some of this might be previously trod ground (the second query, especially), but I'm hoping our responses will get the parties closer to settlement. I could trace 297F (as the parent of -297K) with 5.44 cfs on 86 acres, which is 3+''/acre. How did the Dep't determine the number of acres in the POU for -297/-297F? How did the Dep't determine the acres in the POU for -28/-28F?
I'd like to call him back on Monday with some info to digest. I'll be out tomorrow so no immediate hurry.
Thanks.
Andrea

Andrea L. Courtney
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4810
Fax: (208) 287-6700

for 37-28F
-297K

AJ tree

37-297 6.00cfs



A

37-297A
Mathieu Trust
.08cfs (Aesthetic Stor)
.08cfs (irr)

37-297C
Martin
.08cfs irr
.08cfs

37-297D
Chesnel
.08 aesthetic Storage
.08
.08
.08
.08
.08

B

37-297E
Clifford
.08cfs
.08

37-297M
Thorson
.08cfs aesthetic Stor
closed, .08

0.40cfs
.396

WR Back File info can
be found in 37-28.

A 3.16
B .40
3.56cfs.
C .396
3.956 cfs

37-297L

20327 20328
.198 .198

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-28F V1

WATER RIGHT NUMBER: 37-28F V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O CLAY S HOLDEN PO BOX 4626 HAILEY, ID 83333 (208)622-4702
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O MIRIAM F HOLDEN PO BOX 4626 SUN VALLEY, ID 83353 (208)622-4702

*Proof
Per 1-21-11*

No chg from Director's Rpt

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.480 CFS

Annual VolumeTotal Diversion:

0.480 CFS

Location of Point(s) of DiversionBIG WOOD RIVER
BLAINE County

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

*Possible settlement, go with
1" per acre Rmk
(field Hdgate)*

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4		11.0	1.1		1.7			1.3									15.1
				L 2			L 3												

Total Acres: 15.1

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. Property formerly known as LT 2 of Buckhorn Subdivision #2, now Lots 1-5 Red Devil Mountain Subd.

02/20/2007

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

RIGHT NUMBER: 37-28F
NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

Director's Report

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.480 CFS
PRIORITY DATE: 03/24/1883
POINT OF
DIVERSION: T03N R18E S20 SWNW Within BLAINE County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.480 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04 SWNE 1.10
	T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04 SENW 1.30

15.1 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property formerly known as LT 2 of Buckhorn Subdivision #2 , now Lots 1-5 Red Devil Mountain Subd.

Rec 0.48cfs
 $15.1 \text{ ac} \times .02 = 0.302 \text{ cfs}$
diff 0.178cfs
OR a 37% convey
area loss.

Notes: Dec 21, 2010

37-28F Recom $0.48 \text{ cfs} / 15.1 \text{ ac} = .032 \text{ cfs/ac}$

-297K Recom $0.96 \text{ cfs} / 15.1 \text{ ac} = .064 \text{ cfs/ac}$

P/U roughly 3 miles from P/D, uses Hwaiatha canal for delivery



Idaho Department of Water Resources

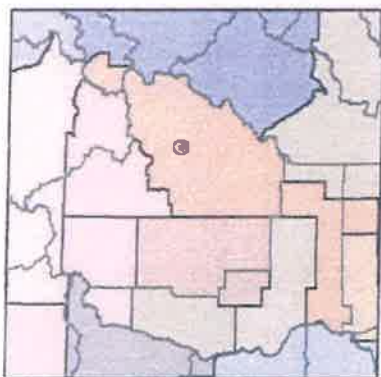
SRBA Recommendation:

37-28F

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by M. Ciscell
On Tuesday, November 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-28F V1

WATER RIGHT NUMBER: 37-28F V1

Owner Type Name and Address

Attorney SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340
(208)726-4421

Current Owner RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY, ID 83333
(208)622-4702

Current Owner RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 4626
SUN VALLEY, ID 83353
(208)622-4702

Original Owner RODNEY KEGLEY

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.480 CFS

Annual VolumeTotal Diversion:

0.480 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			11.0	1.1			1.7			1.3									15.1
			L 2				L 3												

Total Acres: 15.1

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. Property formerly known as LT 2 of Buckhorn Subdivision #2, now Lots 1-5 Red Devil Mountain Subd.

Thurs
11:00 AM

37-28F - .48 cfs
- 297K .96 cfs / 15.1 = 0.064 cfs/A
1.44 cfs

1.44 / 15.1 = .095 cfs/A
combined rate/Ac

needs further review
possible decree > 1"/Ac

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-28F

WATER RIGHT NUMBER: 37-28F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O CLAY S HOLDEN PO BOX 4626 HAILEY, ID 83333 (208)622-4702
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O MIRIAM F HOLDEN PO BOX 4626 SUN VALLEY, ID 83353 (208)622-4702
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	RODNEY KEGLEY

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

0.480 CFS

Annual Volume

70.00 AF

Total Diversion:

0.480 CFS

72.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4		18.6	1.6		1.4			1.8									23.4

Total Acres: 23.4

Conditions of Approval:

1. LT 2 OF BUCKHORN SUBDIV. #2 ***** OWNERSHIP CHANGE MADE 4/9/97 BY TLB.

37-28
WR Backfile
Pg 19

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00028 Part, 37-00297 Part, A37-00028 Part, A37-00297 Part

Notice is hereby given that RED DEVIL MTN. HOMEOWNERS' ASSN., c/o Rod Kegley of Ketchum, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right no. 37-00028
Basis of right: Decreed to Alturas Water Co. in case of S.C. Frost, Et Al vs Alturas Water Company, Et Al dated 12-13-1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Malad River
Priority Date: 3-24-1883
Amount of water: 2.0 cfs Use: irrigation
Point(s) of diversion: SW1/4NW1/4, S20, T3N, R18E; Blaine County.
Place of use: Unspecified acres in Hailey area; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00028
Amount of water: 0.48 cfs
Point of diversion: No change
Place of use: 23.4 acres within Lot 2 (NW1/4NE1/4), SW1/4NE1/4, Lot 3 (NE1/4NW1/4), SE1/4NW1/4, S4, T2N, R18E; Blaine County.

WATER RIGHT AS RECORDED

Water right no. 37-00297
Basis of right: Decreed to Hailey Water & Power Co. in case of S.C. Frost, Et Al vs Alturas Water Company, Et Al dated 12-13-1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Malad River
Priority Date: 11-26-1886
Amount of water: 6.0 cfs Use: irrigation
Point(s) of diversion: SW1/4NW1/4, S20, T3N, R18E; Blaine County.
Place of use: Unspecified acres within SE1/4NW1/4, E1/2SW1/4, S33, T3N, R18E; Lot 2 (NW1/4NE1/4), SW1/4NE1/4, Lot 3 (NE1/4NW1/4, SE1/4NW1/4, S4, T2N, R18E; Blaine County.

RECORDED

OCT 20 1994 Red Devil Mtn 1

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 7-6-2005

File: 37-0028

Prepared by Matt Anders

- Source is Big Wood River tributary to Malad River
- 37-0028 originally decreed for 2.0 cfs to Alturas Water Co for municipal use in City of Hailey (no POU or acres given)
- Priority Date: 3/24/1883

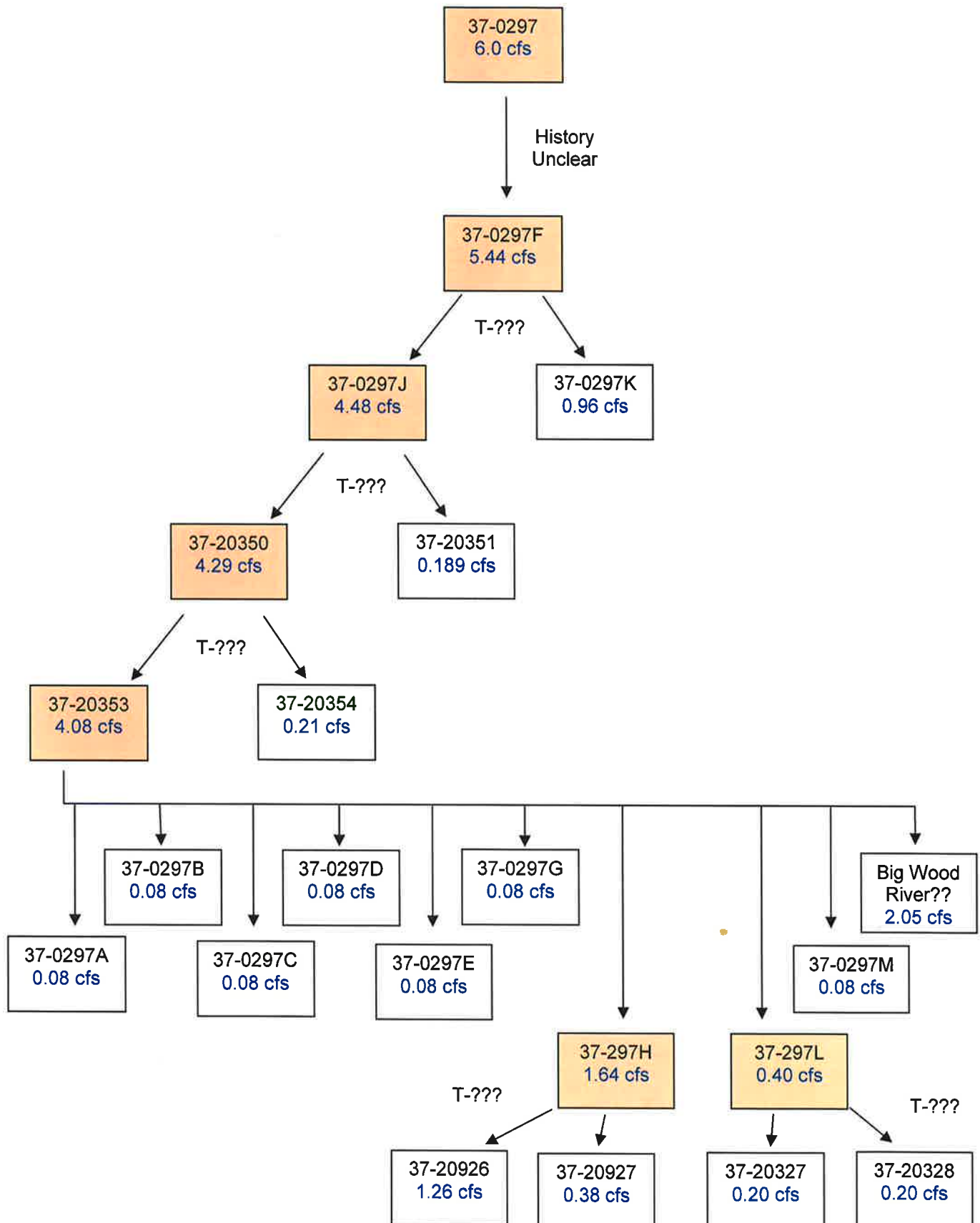
A preliminary search of watermaster records and IDWR database indicate the following. Research is needed to confirm the split history:

Right	Owner	Claimed (cfs)	Water Master Delivers (cfs)
37-0028	Sheffer	2.0	0.04
37-0028A	Basovsky	0.04	0.04
37-0028B	Rice Family Trust	0.04	0.04
37-0028C	Martin	0.02	0.04
37-0028D	Clifford	0.04	0.04
37-0028F	Red Devil Mtn Home Assn	0.48	0.48
37-0028J	Kennedy/Kirby	0.04	0.04
37-20352	Passavoy	0.06	0.06
37-20355	Hanson	0.07	0.07
37-20359	Chesnel	0.04	0.04
37-20357	Cat Track Select	0.07	0.07
37-20358	Brinkman	0.07	0.07
37-20924	Wilcox	0.63	0.82
37-20925	Koss Trust	0.19	Part of 37-20924
Big Wood River		0.16	0.16
Total		3.95	2.0*

Notes:

- * the water master delivery rates are decimals that round to 2.0 cfs. This column here actually adds up to 2.01 cfs because I only used 2 decimal places
- Note that 37-0028C is claiming 0.02 cfs but watermaster is delivering 0.04
- 37-0028 is Overclaimed. Possible cause:
 - Sheffer has claimed the whole right, but appear to only have right to 0.04 cfs

Adjudication Splits



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20441

Priority: June 21, 2001

Maximum Diversion Rate: 5.00 CFS

This is to certify, that RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
RECREATION	01/01 to 12/31	5.00 CFS
AESTHETIC	01/01 to 12/31	5.00 CFS
WILDLIFE	01/01 to 12/31	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:BIG WOOD RIVER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, Twp 04N, Rge 18E, B.M. BLAINE CountyPLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 18E 32						X											

PLACE OF USE: AESTHETIC – same as RecreationPLACE OF USE: WILDLIFE – same as RecreationCONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2006**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.

MICHAEL L. LANE

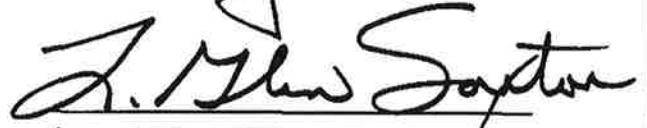
MAR 26 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20441

CONDITIONS OF APPROVAL CONTINUED

8. Measuring devices acceptable to the Department shall be permanently maintained at the point of redirection from the Cliffside Homeowners Assn. Inc. (Graystone) pond and at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.
9. Rights 37-8278, 37-8535 and 37-20441 when combined shall not exceed a total diversion rate of 10.00 cfs.
10. Water diverted under Snake River Basin Adjudication Claim 37-20440 is used in combination with this right to mitigate losses of water resulting from the use of this right. From April 15 to October 31 each year water shall not be diverted under this right except when water is being diverted under SRBA Claim 37-20440, or a decreed water right based on SRBA Claim 37-20440, for mitigation purposes. From November 1 to April 14 each year, water may be diverted under this right without mitigation.
11. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
12. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right 37-8278 (or Right 37-4265, if it is decreed in the Snake River Basin Adjudication instead of Right 37-8278) may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion from the Big Wood River to the point of discharge of the water diverted under Right 37-8278 (or 37-4265) are fully compensated, if such compensation is then required for the use of water under Right 37-8278 (or 37-4265), b) the water is discharged directly to the actively flowing channel of the Big Wood River or into a hydraulically connected side channel of the Big Wood River, and c) mitigation is provided as described above.
13. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water Rights 37-7919 and 37-8307.
14. The right holder shall monitor the effect of return flows on the temperature of the Big Wood River in accordance with the rules and regulations of the Department Environmental Quality and in accordance with the agreement with protestant. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of February, 2003


for KARL J DREHER, Director

MICROFILMED

MAR 26 2003

**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

A. Subcase No. 37-28F

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

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

Name: Red Devil Mountain Homeowners Assn
c/o Clay Holden
Address: P.O. Box 4626
Hailey, ID 83333

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: See remark below.
4. ☐ **Priority Date**
Should be: .
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

37-28F, 297K, ²⁰³⁵³
Buttran

28F Rec = 48cb on 15ac
transfer? 48cb on 23.4ac

28F .48cb
297K .96cb
1.44cb

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

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Should be: See remark below.
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Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Combined use of this right along with other rights from the same place of use in Red Devil Mountain Subdivision lots 1-5 should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation.

Education Bureau
P.O. Box 83720
E, ID 83720-0098

ADDRESS SERVICE
REQUESTED

RECEIVED

JAN 09 2007

DEPARTMENT OF
WATER RESOURCES

 **ATTEMPTED,
NOT KNOWN**

Bx19 37-28F 37-297K

~~RED DEVIL MOUNTAIN
C/O MIRIAM F HODDEN
PO BOX 1294
SUN VALLEY ID 83353~~

FIRST CLASS
02 1A
0004310839 NOV 22 2001
\$ 00-870
MAILED FROM ZIP CODE 83701

Tuthill, Dave

To: Jim Speck
Subject: RE: RE: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Jim,

Sorry, I don't see that this system qualifies...

Dave

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Sunday, December 03, 2006 3:25 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: RE: RE: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

The subdivision has always had just 5 lots and therefore 5 users for irrigation purposes. There may be more than one dwelling on a lot (i.e. main residence and accessory dwelling), but water is not delivered for in house use. So I guess we don't qualify, right!?? Thanks.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Tuthill, Dave
Sent: Sunday, December 03, 2006 2:50 PM
To: Jim Speck
Cc: pkoss@sunvalley.net

Jim,

The statute states that to qualify for the digital boundary provision, the organization must consist of more than 5 waterusers. Has the organization consisted of more than 5 waterusers in the recent past?

Dave

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, November 29, 2006 12:11 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: Re: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

I represent this association and will bring notices of appearance with me to the meetings. The water is delivered to the 5 individual lots through a system of ditches and then pumped out by each lot owner. Does this qualify for the digital boundary? How did you arrive at the 15.1 acres? Attached is a copy of the plat which was created after the original claims were filed. The explanatory material should be corrected accordingly. Otherwise the preliminary recommendations look good.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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--

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.430 / Virus Database: 268.15.6/565 - Release Date: 12/2/2006 9:39 PM

A PLAT SHOWING

1. A 10' PUBLIC UTILITY EASEMENT EXISTS CONTIGUOUS ON INTERIOR LOT LINES AND INSIDE EXTENSION LOT LINES.

2. IF THE HOUSE TO BE BUILT ON LOT 4 IS ABOVE THE TIE-SLOPE LINE, IT SHALL BE SINGLE STORY, NOT TO EXCEED 18 FEET IN HEIGHT, TO INSURE THAT IT WILL NOT VIOLATE THE COMPREHENSIVE PLAN REGARDING FUTURE DEVELOPMENT.

3. THE MAINTENANCE, INSPECTION, SERVICING AND SHOW REMOVAL AT THE TWO DRAFTING SITES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION.

4. OWNERS ARE RESPONSIBLE FOR THE CONTROL OF HAZARDOUS WASTE AS PER STATE REGULATIONS AND THIS IS INCLUDED IN THE SUBDIVISION PLAT NOTES.

2. MULTIPLE LISTS AND LONG LOCATIONS ARE TO REMAIN THE SAME.

THE PURCHASER AND/OR OWNER OF THIS LOT OR PARCEL UNDERWRITING AND AGREE THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE AND SUCH ADDED SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HOMEOWNER'S ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, INDICATED AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.

2. THE AVULSION DANGER AREA DESIGNATED ON THIS SIGNMENT PLAT IS CONSIDERED BY THE OWNER, BLAKE COUNTY, CALIFORNIA ENGINEERING AND ALL MEANS P.L. RESPONSIBLE FOR REGULATORY PURPOSES. HOWEVER, NEITHER THE OWNER, BLAKE COUNTY, CALIFORNIA ENGINEERING, NOR ALL MEANS P.L. REPRESENTS, GUARANTEES, WARRANTS OR IMPLIES THAT AREAS OUTSIDE THE DESIGNATED AVULSION DANGER AREA ARE SAFE AND FREE FROM AVULSIONS OR AVULSION DANGER.

2. VALLEY CITY WATER IS NOT AVAILABLE TO THE SUBSTATION FOR OTHER DOMESTIC OR FIRE PROTECTION PURPOSES.

CURVE	DELTA	R	L	T	CRONO	CR. BEARING
C-1	90° 00' 00"	28.00	47.42	28.00	42.40°	100° 00' 00"
C-2	180° 00' 00"	28.00	180.00	28.00	180.00°	270° 00' 00"
C-3	115° 00' 00"	28.00	148.99	115.00	153.50°	225° 00' 00"
C-4	45° 00' 00"	28.00	72.04	39.25	71.07°	135° 00' 00"

	SET ALUMINUM CAP ON CONCRETE
	BRASS CAP
	FOUND 9/8\"/> KEAR
	FOUND 1/2\"/> KEAR
	FOUND 1/4\"/> KEAR
	BUILDING ENVELOPE
	RED ANVILHORN ZONE, WEARS
	BLUE ANVILHORN ZONE, WEARS
	APPROX. 255 SLUFE LINE
	APPROX. FISH FLOORPLAN LINE (FROM MAIN CHERRY)
	APPROX. 125 SLUFE LINE
	16,000 GAL. WATER STORAGE



FOR THE NEW EDITION
CALL OR WRITE
KATHLEEN BARR

CERTIFICATE OF OWNERSHIP

This is to certify that I, the undersigned on the owner in fee simple of the following described parcel of land:

Lot 2, Block 1, Buckhorn Subdivision 2nd Addition, Blaine County, Idaho

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other use indicated hereon and no permanent structures are to be erected within the lines of said easements. Protective covenants governing this Subdivision are recorded under County Recorder Instrument No.

It is the intent of the owner to hereby include said land in this plat.

Rod Kiegley
Rod Kiegley

SURVEYOR'S CERTIFICATION

I, Richard D. Fosbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Red Devil Mtn. Subdivision is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



ACKNOWLEDGEMENT

STATE OF IDAHO }
COUNTY OF BLAINE }

On this 14th day of November, 1990, before me, a Notary Public in and for said State, personally appeared Richard D. Fosbury, known to me to be the person whose name is subscribed to the above Surveyor's certificate and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Deborah K. Layton
Notary Public in and for the State of Idaho

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koonce, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the state of Idaho relating thereto.



APPROVAL OF BLAINE COUNTY PLANNING AND ZONING

The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this 14th day of November, 1990.

APPROVAL OF BLAINE COUNTY COMMISSIONERS

The foregoing plat was approved by the Blaine County Board of Commissioners on this 14th day of November, 1990.

Robert R. Oser
Administrator

John H. Harrison
Chairman

SANITARY RESTRICTIONS

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Cottonwood Creek Subdivision is hereby approved this 14th day of November, 1990.

Officer [Signature]
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE }

This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 15th day of November, 1990, at 1:12 P.M., and duly recorded in Plat Book 15, at page 15.

325406 \$ 11.00
Ex-officio Recorder

Deborah K. Layton
Notary Public

ACKNOWLEDGEMENT

STATE OF IDAHO }
COUNTY OF BLAINE }

On this 14th day of November, 1990, before me, a Notary Public in and for said State, personally appeared the person, whose name is subscribed to the Owner's Certificate and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Deborah K. Layton
Notary Public

Red Devil Mtn. Subdivision
Gadens Engineering, INC.
Ketchum, Idaho
Sheet 2 of 2

Tuthill, Dave

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, November 29, 2006 12:11 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: Re: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

I represent this association and will bring notices of appearance with me to the meetings. The water is delivered to the 5 individual lots through a system of ditches and then pumped out by each lot owner. Does this qualify for the digital boundary? How did you arrive at the 15.1 acres? Attached is a copy of the plat which was created after the original claims were filed. The explanatory material should be corrected accordingly. Otherwise the preliminary recommendations look good.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

12/3/2006

10/17/2006

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

RIGHT NUMBER: 37-28F
NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.480 CFS
68.000 AFY
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.480 CFS 68.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04	SWNE	1.10
T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04	SENE	1.30

15.1 ACRES TOTAL

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

Property is also known as LT 2 of Buckhorn Subdivision. #2



Idaho Department of Water Resources

SRBA Recommendation:

37-28F

(Irrigation)

Legend

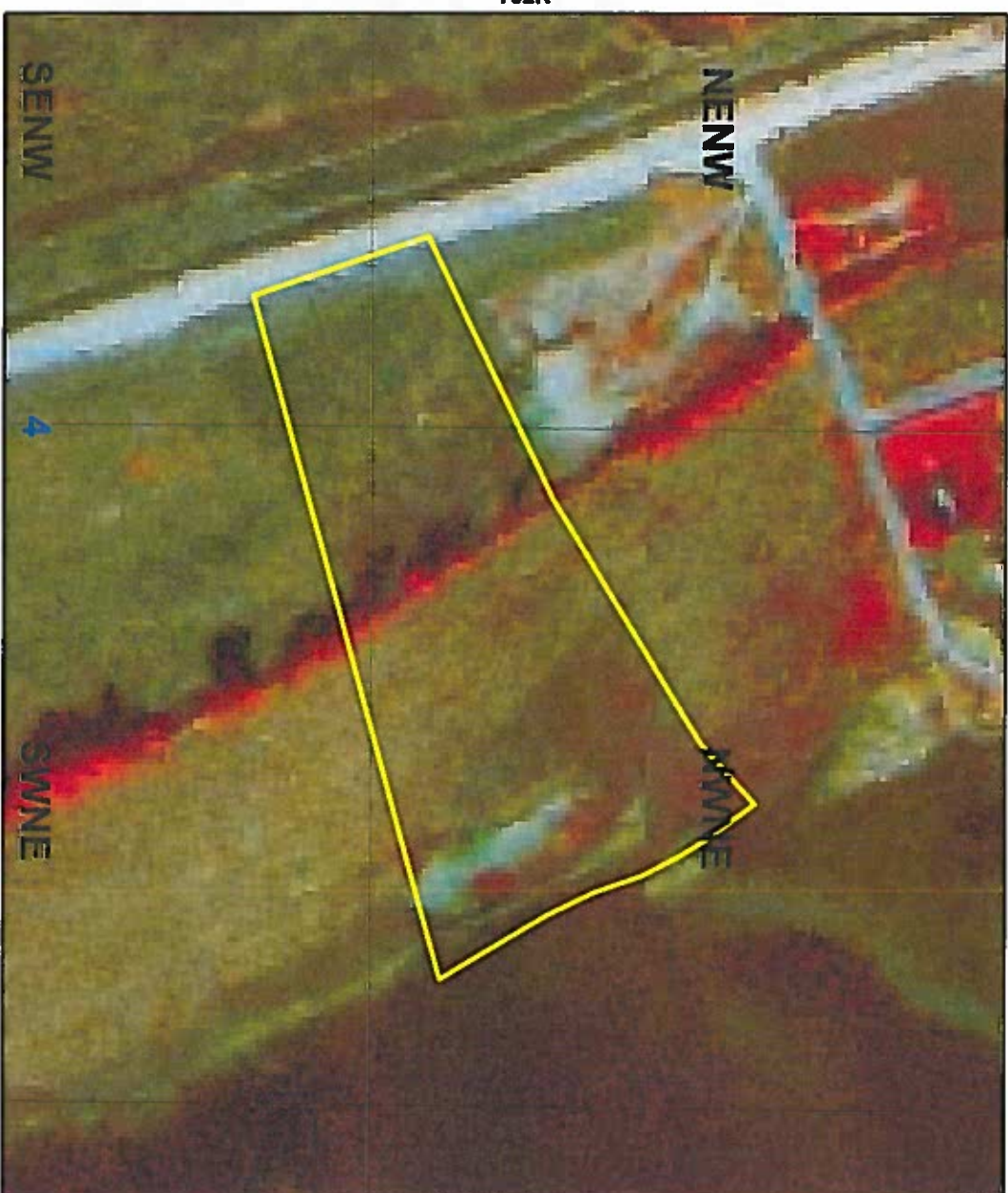
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



T02N



R18E

SENE

SWNE

0 0.1 0.2 Miles



Prepared by A. Warnijes
On Tuesday, October 17, 2006
1987/88 Aerial Photography

37-28 Splits

Name & No.	CFS
37-28 Robert Sheffer Lot 3, Blk 1, Buckhorn Sub #1	0.04
37-28A John Bazovsky Lot 7, Blk 1, Buckhorn Sub #1	0.04
37-28B The Jeffrey K Rice Family Lot 6, Blk 1, Buckhorn Sub #1	0.04
37-28C Karin t. Martin Lot 4, Blk 1, Buckhorn Sub #1	0.02
37-28D Clifford Tamera Lot 1, Blk 1, Buckhorn Sub #1	0.04

37-20924 Lorraine Wilcox Split from 37-28E Lt 4A, Buckhorn, 2nd Add Lt 3C, Buttercup	0.63
--	------

37-28E Parent Lorraine Wilcox LOTS 3 & 4, BUCKHORN SUBD., 2ND ADDITION	
---	--

37-20925 Peter George Split from 37-28E 9.4 acres Lot 3D of a replat of Lot 4, Block 1, Buckhorn Subdivision, Second	0.19
--	------

37-28F Red Devil Mountain Homeowners Assoc Lot 2, Buckhorn Sub #2	0.48
---	------

37-20357 Cat Track Select LLC 3.0 acres Lot 3, Blk2, Buckhorn Sub #3	0.066
---	-------

37-28G: .13 cfs Parent Bonner, Charles Lots 3 & 4, Sub. No. 3	
--	--

37-20358 Peter Brinkman 3 acres Lot 4, Blk 2, Buckhorn Sub #4	0.066
--	-------

37-28 Splits

37-28H: .15 cfs Temporary Robert Brennan		37-20352 Susan J. Passovoy 3 acres Lot 2, Blk 2, Buckhorn Sub #3	0.063
37-28J Thomas Kennedy Lot 2, Blk 1, Buckhorn Sub #1	0.04	37-20355 Thomas Hanson 3.5 acres Lot 1, Blk 1, Buckhorn Sub #3	0.07
37-20359 Jean-Pierre Chesnel Lot 5, Blk 1, Buckhorn Sub #1	0.04		
Total	0.74		1.085

[illegible]

Date: _____

Background Data

37-0028F

- Source is Big Wood River tributary to Malad River
- 37-0028 originally decreed for 2.0 cfs to Alturas Water Co for municipal use in City of Hailey (no POU or acres given)
- A preliminary priority date search (3/24/1883) indicated the following, but additional research is needed to confirm splits:
 - 37-0028 claimed for 2.0 cfs
 - 37-0028A claimed for 0.04 cfs for stockwater (watermaster delivering 0.02 cfs)
 - 37-0028B claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)
 - 37-0028C claimed for 0.02 cfs for irrigation (watermaster delivering 0.04 cfs)
 - 37-0028D claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)
 - 37-0028F claimed for 0.48 cfs and 72 af for irrigation (watermaster delivering 0.48 cfs)
 - 37-0028J claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)
 - 37-20359 claimed for 0.04 cfs for irrigation (watermaster delivering 0.04 cfs)

37-0297K

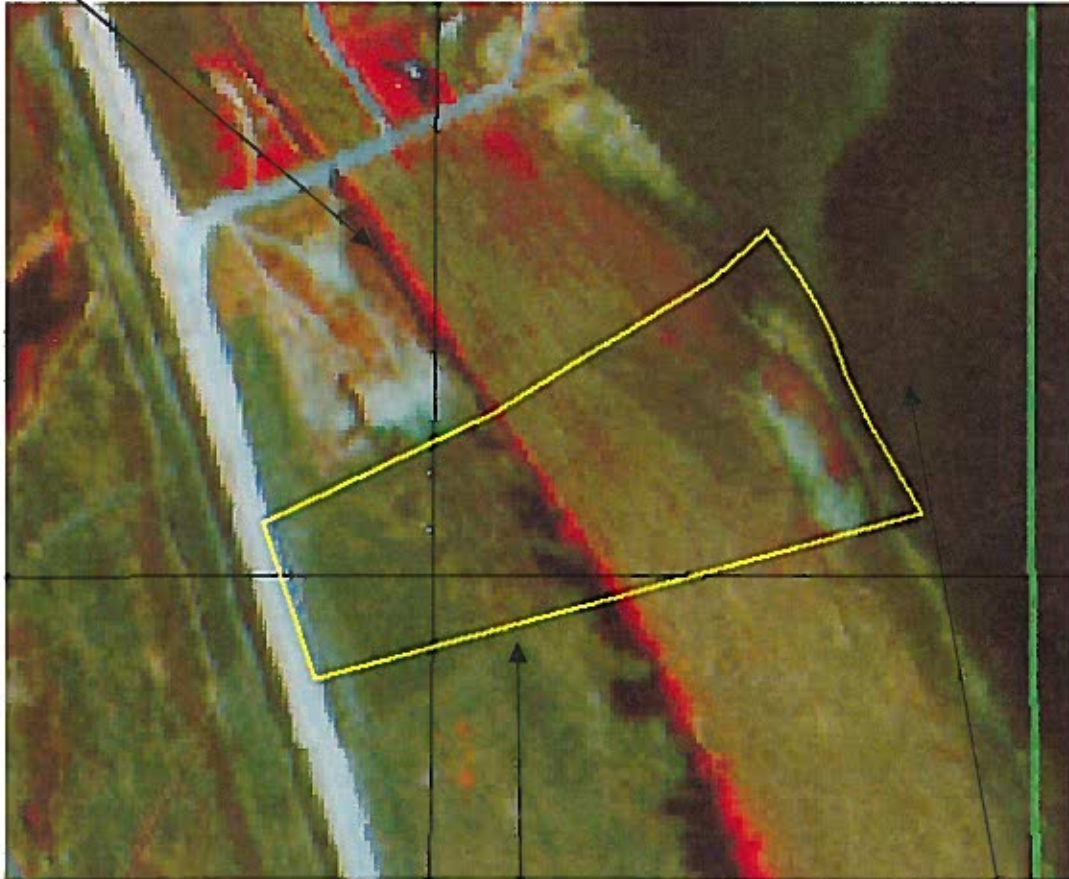
- Source is Big Wood River tributary to Malad River
- 37-0297 originally decreed for 6.0 cfs to Hailey Water & Power on 7 QQ
- A preliminary priority date search (11/26/1886) indicated the following, but additional research is needed to confirm splits:
 - 37-00297A claimed for 0.08 cfs
 - 37-00297B claimed for 0.06 cfs on 2.0 acres for irrigation & 0.02 cfs for stockwater (watermaster delivering 0.08 cfs)
 - 37-00297C claimed for 0.08 cfs for irrigation (watermaster delivering 0.08 cfs to Kenneth McCormack – Present owner is Karin Martin)
 - 37-00297D claimed for 2.5 af for irrigation and aesthetic (watermaster delivering 0.08 cfs to Holly McCray – Present owner is Chesnel)
 - 37-00297E claimed for 0.08 cfs for irrigation (watermaster delivering 0.08 cfs)
 - 37-00297G claimed for 0.08 cfs for irrigation (watermaster delivering 0.08 cfs)
 - 37-00297K claimed for 0.96 cfs and 93.6 af for irrigation (watermaster delivering 0.96 cfs)
 - 37-00297M claimed for 0.08 cfs for irrigation (watermaster delivering 0.08 cfs)

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

Hiawatha Canal?

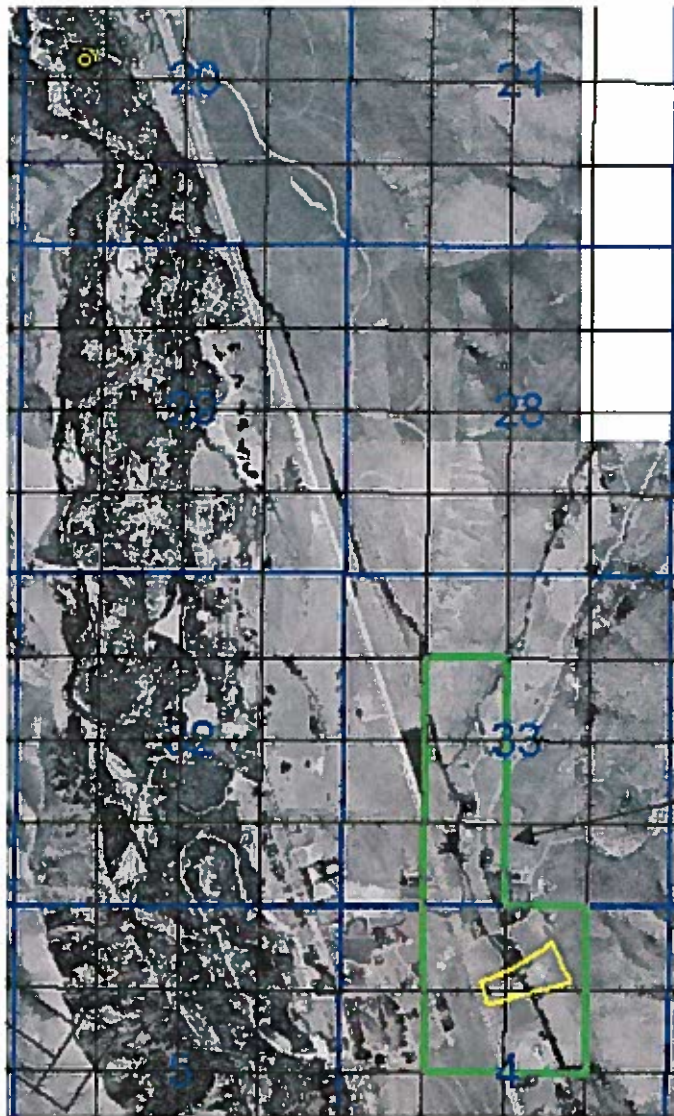


Source of E.D. Act

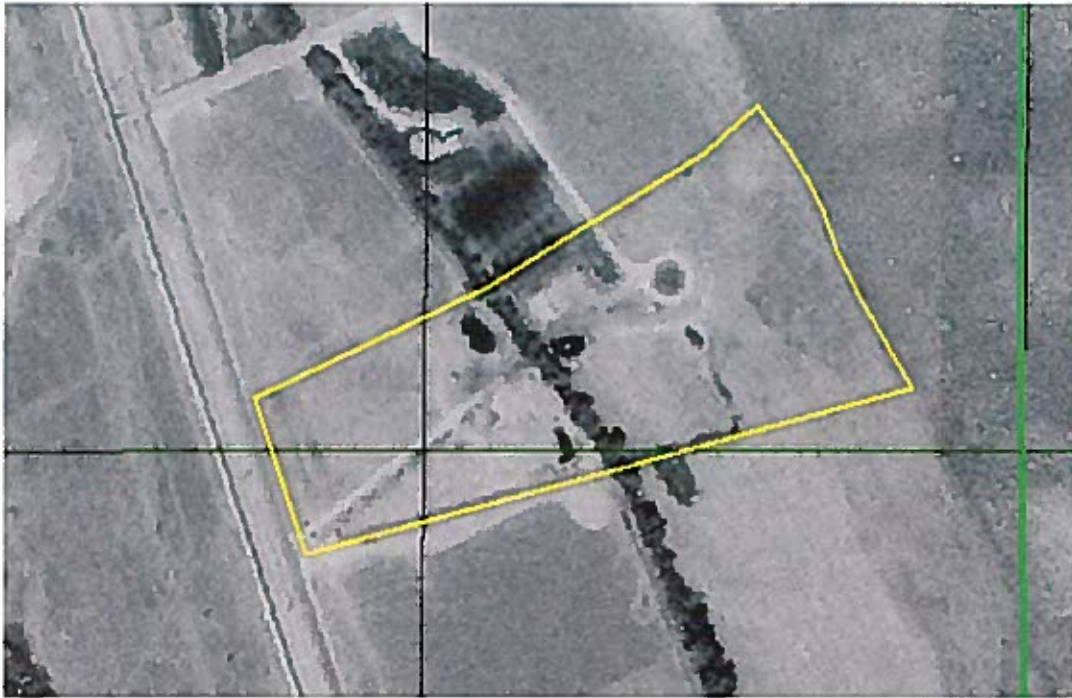
POU
correct?

Lot extends to East onto
mountain side, but POU
does not.

1992 Aerial Photo



Decreed POU
for 37-297
(Green Line)



2004 Aerial Photo



Notes

T2N R18E Section 4

- Found 15 acres.
- POU was taken extracted from the Blaine Co tax lot records. Lot extends to East onto mountain side, but POU does not.
- What was being irrigated in 1987? Irrigation is not apparent on the photo.
- Why is irrigation claimed under both rights?
- What is the history of the water usage on this property? Was the water always used here? Was water transferred here? If transferred: when, from where?
- Need to GPS the PODs.

RECEIVED

JAN 23 2001

Department of Water Resources

2505 Novato Place
Palos Verdes Estates, California 90274
January 19, 2001

Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

FEB 06 2001

Department of Water Resources
Southern Region

To Whom It May Concern:

Please make the following name and address change in your records:

From: Red Devil Homeowners Assn.
P. O. Box 1291
Sun Valley, Idaho 83353

To: Red Devil Mountain Homeowners' Association
P. O. Box 4626
Hailey, Idaho 83333

Thank you.

[Handwritten scribbles in green ink]

Sincerely yours,

Miriam F. Holden

Miriam F. Holden

Secretary

Red Devil Mountain Homeowners Assn.

37-28F

37-291k

records modified 1-29-01.
./p

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

3869
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

DEC 11 1990

PART 1

Department of Water Resources
Southern Region Office

Name of applicant Red Devil Mtn. Homeowners' Assn. Phone 726-0725
Post Office address c/o Rod Kegley, P.O. Box 2063, Ketchum, ID 83340

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☐ Change place of use
☒ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes Land is now a small subdivision. Construction of ponds on the property will increase attractiveness of the area and will facilitate use of sprinkler irrigation.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-00028 Part</u>	<u>3-24-1883</u>	<u>0.12</u>	<u>Aesthetic</u>	<u>4-1</u> to <u>11-1</u>
<u>37-00297 Part</u>	<u>11-26-1886</u>	<u>0.96</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>37-00028 Part</u>	<u>3-24-1883</u>	<u>0.36</u>	<u>Irrigation</u>	<u>"</u> to <u>"</u>
<u>See Attachment A</u>				to _____

- Total amount of water being transferred 1.44 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Big Wood R. tributary to Malad R.
- Point(s) of Diversion: No Change

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

- Lands irrigated or place of use: X = P/U for Aesthetics

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 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
<u>2N</u>	<u>18E</u>	<u>4</u>		<u>X</u>			<u>X</u>			<u>X</u>								
				<u>14.2</u>	<u>1.6</u>		<u>.9</u>			<u>1.3</u>								<u>18</u>
				<u>14.2</u>			<u>14.3</u>											

This
Transfer
No. 3869
withdrawn
6/15/05 MDA

MICROFILMED
OCT 26 1994

82000-10

PART 1

6. General Information:

a. Description of diversion system Existing headgate = Hiawatha Canal. Two headgates to be installed in Hiawatha Canal. One headgate will serve pond on east side of canal. One headgate will serve 2 ponds on west side of canal. Ponds will cover ~~4~~ 2 acres & be 10' deep. Pumps in ponds will supply sprinkler irrigation.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Some of subdivision will not be irrigated.

d. Remarks:

P/U is Lot 2 of Buckhorn Subdiv. #2. This has been further subdivided into the Red Devil Mountain Subdiv.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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OCT 26 1994

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00028 Decreed to Alturas Water Co.
 in case of S.C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
 dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

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

4. Date or priority 3-24-1883

5. Water is used for the following purpose: * Decreed For Municipal Use in Hailey, but used for irrigation around Hailey for many years.

amount 2.0 cfs for * Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blaine	Headgate & Highway Canal

8. Lands irrigated or place of use: Unknown - in Hailey Area

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

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

37-00297

MICROFILMED

OCT 26 1994

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.48 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>18E</u>	<u>4</u>		<u>18.6</u>	<u>1.6</u>		<u>1.4</u>			<u>1.8</u>									<u>23.4</u>
				<u>4.2</u>			<u>1.3</u>												

Total acres 23.4

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

1. amount 1.52 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use: Same

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

Total acres _____

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OCT 26 1994

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

PART 2

(Attach one copy for each right)

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

- a. Decree No. 37-00297 Decreed to Hailey Water & Power Co.
 in case of S. C. Frost, ET AL. vs. Alturas Water Company, ET AL.
 dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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

4. Date or priority 11-26-1886

5. Water is used for the following purpose:

amount 6.0 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 6.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	3N	18E	Blairstown	Headgate & Hiawatha Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	33								X	X			X					
2N	"	4		X	X		X			X									

9. Describe any other water rights used for the same purpose as described above37-0028

MICROFILMED
 OCT 26 1994

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.96 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>18E</u>	<u>4</u>		<u>18.6</u>	<u>1.6</u>		<u>1.4</u>			<u>1.8</u>									<u>23.4</u>

Total acres 23.4

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

1. amount 5.04 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

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

3. Lands irrigated or place of use: Same

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

MICROFILMED
OCT 26 1994

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00028F on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Big Wood R. tributary to Mald R.

4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 0.48 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.48 cubic feet per second and/or 72 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	Blaine	Headgate & Highway Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	4		18.6	1.6		1.4			1.8									23.4

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OCT 26 1994

Total acres 23.4

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

A37-00297 Part

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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Total acres _____

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

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00299k on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Big Wood River tributary to Malden R.4. Date or priority 11-26-1886**5. Water is used for the following purpose:**

amount 0.96 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.96 cubic feet per second and/or _____ acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	20	3N	18E	Blaine	Hwygate & Highway Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	4		18.6	1.6		1.4			1.8									23.4

MICROFILMEDTotal acres OCT 26 1994**9. Describe any other water rights used for the same purpose as described above**A37-00028

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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Total acres _____

T. 3 N.
T. 2 N.

POOR ORIGINAL

BUCKHORN SUBDIVISION, FIRST ADDITION

BUCKHORN SUBDIVISION, 2nd ADDITION

BUCKHORN SUBDIVISION

BUTTERCUP SUBDIVISION

Highway
Canal

PACIFIC
LIMITS

CITY

UNION
HAILEY

McGRAW SUBDIVISION
HAPPY ACRES
SUBDIVISION

ST MEADOWS SUBDIVISION

NORTHIDGE
SUBDIVISION #1

FLYING HEART RANCH NO. 1

LIMITS

MICROFILMED
0C 7/ 15/74

BOOTH SUBDIVISION

MCKENZIE LN.

HIGHWAY

102

11763

11767

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13067

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

- | 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|---------------------------------|--|--------------------|
| | <u>Aesthetics</u> | <u>0.96 ~~0.08~~ cfs</u> | <u>constantly when available</u> | <u>4-1 to 11-1</u> |
| | <u>"</u> | <u>0.12 cfs</u> | <u>when only 1883 water is available</u> | <u>" to "</u> |
2. Quantity and quality of return flows and location of discharge:
No decrease in water quality. Silt load will decrease due to settling in ponds.
Water will re-enter the Hiawatha Canal in the SW/NE Sec. 4 T.2N R. 18E.
3. Describe effects on other water uses resulting from the proposed change:
No effect. Water not used for irrigation will re-enter the Hiawatha Canal for use by downstream water users. Consumptive use will actually decrease due to change from gravity to sprinkler irrigation.

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.

Paul J. J. PRESIDENT
 (Signature of Applicant)

Subscribed and sworn to before me this 6th day of December, 19 90.

Mary G. Baldwin
 (Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 1 attachments

Received by J. F. Stanton Date 12-6-90 Protest filed by _____

Prelim. check by _____ Fee \$50, 5012876

Receipted by JS Date 12-6-90

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 11/27 & 12/4/91 Hearing held by _____ Date _____

Watermaster recommendation requested on 11/8/91 Recommended for ☐ approval ☐ denial

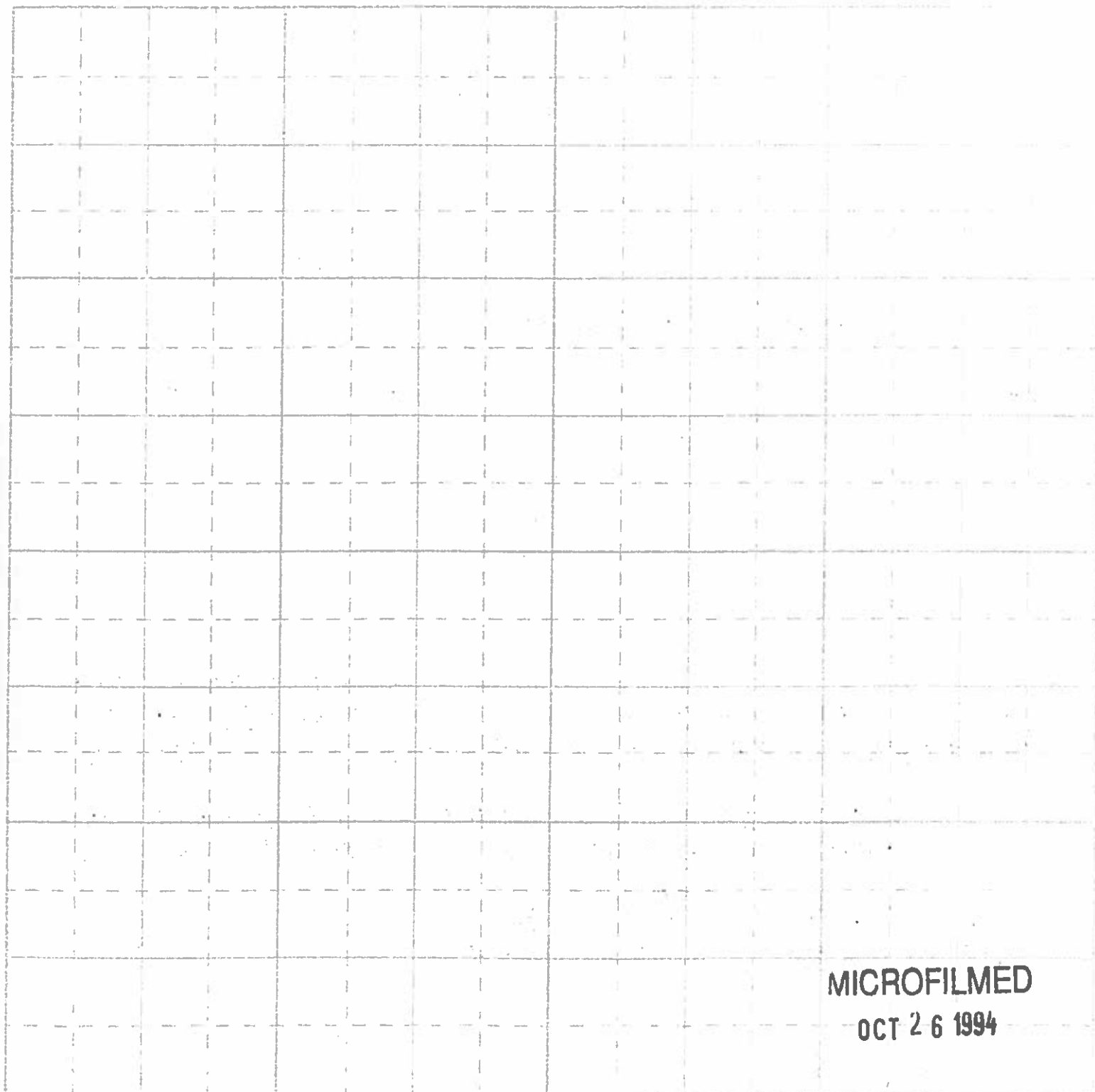
_____ rec'd. 11/27/91 by _____

Copy of transfer sent to lien holder _____

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OCT 26 1994

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

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



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OCT 26 1994



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

JUN 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CLAY & MIRIAM HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

RE: SRBA CLAIM(S): A37-00297K & A37-00028F
KEGLEY

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. THESE COPIES ARE FOR YOUR RECORDS. PLEASE REVIEW THESE RECORDS FOR ACCURACY.

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

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES