

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 37-38  
Date Received: 2/25/1997  
Receipt No: S019880  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SMOKEY DOME LLC Phone: (425)460-2504  
C/O CHARLES E HILL  
PO BOX 1607  
BELLEVUE WA 98009

2. Date of Priority: 11/08/1887

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK  
OWENS CREEK SOLDIER CREEK  
SOLDIER CREEK CAMAS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 14E   | 29      | SW SW SE              | CAMAS  |      |
| 02N      | 14E   | 29      | NE SW SE              | CAMAS  |      |
| 02N      | 14E   | 29      | NW SW SE              | CAMAS  |      |

5. Description of diverting works:

HEADGATES, PIPE TO POND, GATED PIPE GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/15 | 10/15 | 1.5    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 02N      | 14E   | 29      | SW         | SE  | IRRIGATION    | 16    |
|          |       |         |            |     | Section Acres | 16    |
| 02N      | 14E   | 32      | NE         | NE  | IRRIGATION    | 9     |
|          |       |         | NW         | NE  | IRRIGATION    | 23    |
|          |       |         | SE         | NE  | IRRIGATION    | 28    |
|          |       |         | SW         | NE  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 70    |
|          |       |         |            |     | Total Acres   | 86    |

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

\*\*\*\*\* 8/20/96, DJ: SOURCES FOR OVER 20 YEARS HAVE INCLUDED SOLDIER AND OWENS CREEKS. POND WAS ADDED TO SYSTEM ABOUT 20 YEARS AGO. PIPE DELIVERIES WERE ADDED MORE RECENTLY. THIS RIGHT IS USED OVER ALL THE PROPERTY AND IS SUPPLEMENTED BY A37-00404A WHICH IS ALSO USED ON ALL LAND.

15. Basis of Claim: Decreed

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

**RECEIVED**  
**SEP 22 2004**

Department 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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| _____                 | <u>A37-404A</u>              | _____ | _____                 | _____                        | _____ |
| _____                 | <u>A37-38</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) 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 usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit 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 OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Lynn E. Stevenson
- Owner/Claimant(s) P.O. Box 100, Fairfield, ID 83327
4. New Owner/Claimant(s) Smokey Dome LLC  
Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address c/o Charles E. Hill, P. O. Box 1607
- City, State and Zip Code Bellevue, Washington 98009
- New Telephone Number (425) 460-2504
5. Date you acquired the property May 28, 2004

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New owner(s) or Claimant(s)  
(include title if applicable)

Smokey Dome LLC  
By: Investments Manager LLC, its Manager  
By:   
Charles E. Hill, President

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 \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

C030102

Robert F. Thomas, ISB No. 6160  
Gary D. Babbitt, ISB No. 1486  
HAWLEY TROXELL ENNIS & HAWLEY LLP  
877 Main Street, Suite 1000  
P.O. Box 1617  
Boise, ID 83701-1617  
Telephone: (208) 344-6000  
Facsimile: (208) 342-3829

Attorneys for Petitioners

Recorded at the Request of  
Camas County Title  
at 3:45 P.M.  
June 1, 2004  
in Book 1 Page 738  
of Miscellaneous  
ROLLIE BENNETT  
CAMAS COUNTY RECORDER  
By Babbitt D. Walton  
Fee \$ 10.00  
577245

ISSUED  
Sept 29, 2003  
10:25 A.M.

Babbitt D. Walton

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

|                                  |                              |
|----------------------------------|------------------------------|
| IN THE MATTER OF THE ESTATE OF ) |                              |
| Lynn E. Stevenson )              | Case No. SP-03-07            |
| Deceased. )                      | LETTERS ADMINISTRATION       |
| )                                | (I.C. 15-3-602 and 15-3-702) |
| )                                |                              |
| )                                |                              |

Jerry Lou Jaramillo, William J. Stevenson and Linda Sue Akers are hereby appointed co-personal representatives of the Estate of Lynn E. Stevenson, deceased, with all authority pertaining thereto. Administration of the estate is supervised.

These Letters are issued to evidence the appointment, qualification, and authority of the personal representative.

WITNESS: John F. ..., Magistrate of the District Court, County of Camas, State of Idaho, with the seal of the Court affixed this 29 day of July, 2003.

STATE OF IDAHO }  
County of Camas

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and to record in my office.

WITNESS my hand and official seal hereunto affixed  
this 20th day of May, A.D. 2004  
ROLLIE BENNETT, CLERK OF THE DISTRICT COURT  
EX OFFICIO AUDITOR AND RECORDER  
By Rollie Bennett

[Signature]  
MAGISTRATE

STATE OF IDAHO           )  
                                      ) ss.  
County of Ada            )

We, the undersigned, Jerry Lou Jaramillo, William J. Stevenson and Linda Sue Akers, hereby accepts the appointment to the office of co-personal representative of the Estate of Lynn E. Stevenson, deceased, and do solemnly swear that we will perform, according to law, the duties of co-personal representative of said estate.

Jerry Lou Jaramillo  
Jerry Lou Jaramillo  
314 River Road  
Bliss, ID 83314

William J. Stevenson  
William J. Stevenson  
26626 136th Avenue S E  
Kent, WA 98042

Linda Sue Akers  
Linda Sue Akers  
2054 N. Thornton #145  
Casa Grande, AZ 85222

SUBSCRIBED AND SWORN before me this 5<sup>th</sup> day of September, 2003.



Tammy N. Miller  
Notary Public for Idaho  
Residing at Boise  
My commission expires 5/50/2008

Recording Requested By and  
When Recorded Return to:

C030162

977246

Recorded at the Request of  
Camas County Title  
at 3:50 P<sup>M</sup>  
June 1st, 2004  
In Book 34 Page 380  
of Deeds  
ROLLIE BENNETT  
CAMAS COUNTY RECORDER  
By Rollie Bennett  
Fees \$ 21.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE is made this 28<sup>th</sup> day of May, 2004 by William J. Stevenson, Jerry Lou Jaramillo and Linda Sue Akers as the co-Personal Representatives of the Estate of Lynn Stevenson, Deceased, ("Grantors"), to Smokey Dome LLC, a Washington limited liability company, whose current address is PO Box 1607, Bellevue, Washington 98009 ("Grantee").

Grantors are the qualified Personal Representatives of the Estate of Lynn Stevenson, filed as Case No. SP-03-07 in the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Camas.

Pursuant to the powers vested in the co-Personal Representatives under the Idaho Uniform Probate Code, particularly Idaho Code §15-3-715, the co-Personal Representatives, for and on behalf of Grantor, do by these presents transfer, convey and distribute without warranty, unto Grantee all right, title and interest of Grantor in and to the parcel of real property situated in the County of Camas, State of Idaho and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all water rights and other entitlements to receive water for beneficial use on the real property purchased hereunder including, without limitation, all rights represented by any contract, decree, license, permit, permit application, claim or storage entitlement, and those water rights identified in the records of the Idaho Department of Water Resources ("IDWR") as 37-38 and 37-104, all ditches, ditch rights, easements and rights-of-way associated with the delivery of such water rights.

TO HAVE AND TO HOLD all and singular the same unto the Grantee, and to its successors and assigns forever.

IN WITNESS WHEREOF, for and on behalf of Grantor, the co-Personal Representatives have executed this Personal Representative's Deed the day and year herein first above written.

William J. Stevenson

William J. Stevenson, co-Personal Representative  
of the Estate of Lynn Stevenson

Jerry Lou Jaramillo  
Jerry Lou Jaramillo, co-Personal Representative  
of the Estate of Lynn Stevenson

Linda Sue Akers  
Linda Sue Akers, co-Personal Representative  
of the Estate of Lynn Stevenson

STATE OF WASHINGTON )

County of King ) ss.

On this 28th day of May, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared William J. Stevenson, known or identified to me to be the person whose name is subscribed to the foregoing instrument as co-Personal Representative of the Estate of Lynn Stevenson, and acknowledged to me that he executed the same as such Personal Representative on behalf of such estate.



Matthew A. Mayovsky  
Notary Public for Washington  
Residing at Auburn WA  
My commission expires: 6/14/07

IN WITNESS WHEREOF, for and on behalf of Grantor, the co-Personal Representatives have executed this Personal Representative's Deed the day and year herein first above written.

Ferry Lot Jaramillo  
Ferry Lot Jaramillo, co-Personal Representative  
of the Estate of Lynn Stevenson

STATE OF WASHINGTON )  
 ) ss.  
County of \_\_\_\_\_ )

Notary Public for Washington  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF, for and on behalf of Grantor, the co-Personal Representatives have executed this Personal Representative's Deed the day and year herein first above written.

**Jerry Lou Jaramillo, co-Personal Representative  
of the Estate of Lynn Stevenson**

Linda Sue Akers  
Linda Sue Akers, co-Personal Representative  
of the Estate of Lynn Stevenson

STATE OF WASHINGTON )  
 ) ss.  
County of )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared William J. Stevenson, known or identified to me to be the person whose name is subscribed to the foregoing instrument as co-Personal Representative of the Estate of Lynn Stevenson, and acknowledged to me that he executed the same as such Personal Representative on behalf of such estate.

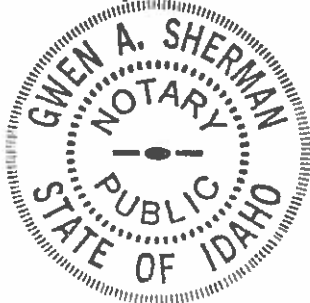
Notary Public for Washington  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF IDAHO )

) ss.

County of Idaho )

On this 28 day of May, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry Lou Jaramillo, known or identified to me to be the person whose name is subscribed to the foregoing instrument as co-Personal Representative of the Estate of Lynn Stevenson, and acknowledged to me that she executed the same as such Personal Representative on behalf of such estate.



Gwen A. Sherman  
Notary Public for Idaho  
Residing at Boise, ID  
My commission expires: 3-27-06

STATE OF IDAHO )

) ss.

County of Ada )

On this 28<sup>th</sup> day of May, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Sue Akers, known or identified to me to be the person whose name is subscribed to the foregoing instrument as co-Personal Representative of the Estate of Lynn Stevenson, and acknowledged to me that she executed the same as such Personal Representative on behalf of such estate.



Karen Ramos  
Notary Public for Idaho  
Residing at Boise, ID  
My commission expires: 3/16/08

# **EXHIBIT A** **C030162**

Township 2 North, Range 14 East, Boise Meridian, Camas County, Idaho

Section 29: SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: N $\frac{1}{4}$ NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; E $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

EXCEPTING THEREFROM that following described right of way:

TRACT NO. 1 deeded to the United States of America an easement for a road or highway and other facilities, 66 feet in width with as much additional width as may be required for adequate cuts and fills, over and across the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 2 North, Range 14 E.B.M., traversing the above described premises according to the following general courses and distances to wit:

COMMENCING at the SE $\frac{1}{4}$  corner of Section 29, Township 2 North, Range 14 East, Boise Meridian;  
THENCE North 584.44 feet;  
THENCE West 1,766.14 feet to the POINT OF BEGINNING which is Station 18+67.9 of center line road survey Couch Summit Road #413;  
THENCE North 7°46' East a distance of 283.0 feet to P.C. Station 21+30.9;  
THENCE along the arc of a 10 degree curve to the right through a central angle of 40°39' a distance of 406.5 feet to P.T. Station 25+37.4;  
THENCE North 48°25' East a distance of 218.8 feet to P.O.T. Station 27+54.2 which is 1,320 feet North and 1,381.03 feet West of the SE corner of Section 29, Township 2 North Range 14 East, Boise Meridian, and is on the North boundary of Grantor's land.  
(Above described right-of-way is 886.3 feet in length.)

TRACT NO. 2 deeded of Camas County, a municipal corporation of Camas County, Idaho, described as follows:

COMMENCING at the Quarter corner common to Sections 32 and 33 of Township 2 North, Range 14 East, Boise Meridian;  
THENCE North 89°52' West along the Southerly boundary line of the NE $\frac{1}{4}$  of Section 32, Township 2 North, Range 14 East a distance of 178.1 feet to the TRUE POINT OF BEGINNING;  
THENCE along the following centerline courses and distances:  
North 8°03' West a distance of 269.3 feet;  
THENCE along a curve to the left having a central angle of 17°07', a distance of 214.0 feet;  
THENCE North 25°10' West a distance of 49.4 feet;  
THENCE along a curve to the right having a central angle of 13°14' a distance of 264.8 feet;  
THENCE North 11°56' West a distance of 58.3 feet;  
THENCE along a curve to the left having a central angle of 18°21' a distance of 305.9 feet;  
THENCE North 30°17' West a distance of 15.0 feet;  
THENCE along a curve to the right having a central angle of 7°08', a distance of 219.3 feet;  
THENCE North 23°09' West a distance of 57.5 feet;  
THENCE along a curve to the left having a central angle of 12°43' a distance of 635.6 feet;  
THENCE North 35°52' West a distance of 1,218.4 feet;  
THENCE along a curve to the right having a central angle of 31°50', a chord of 314.3 feet, a distance of 318.4 feet to a point of intersection with an existing right of way granted to the United State of America in Book 19 of Deeds, page 635, records of Camas County, Idaho, said point being South 30°24' West a distance of 875.6 feet from the Northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 2 North, Range 14 E.B.M.  
(The width of the above described centerline, or more if necessary to accommodate cuts and fills, The boundary one of said easement shall be 100 feet, 50 feet on each side of the above described centerline, or more if necessary to accommodate cuts and fills. The boundary lines of said easement shall be prolonged or shortened to begin and end on, and conform to the Grantor's property lines. The above described easement is 362.9 feet in length.)

EXCEPT a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 2 North, Range 14 East, Boise Meridian, Camas County, Idaho, and more particularly described as follows:

BEGINNING at the brass cap marking the Southeast corner of said Section 29;  
THENCE North 89°47'28" West 1,320.41 feet along the Southerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29 to a brass cap marking the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29;  
THENCE North 0°39'57" East 929.3 feet along the Easterly boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29 to an iron pin also said point being the REAL POINT OF BEGINNING;  
THENCE continuing North 0°39'57" East 357.46 feet along the said Easterly boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29 to a brass cap marking the Northeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29;  
THENCE North 89°47'18" West 24.63 feet along the Northerly boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29 to an iron pin on the Southeasterly right-of-way line of Couch Summit Road  
THENCE South 41°20'00" West 273.95 feet along the said Southeasterly right-of-way line of Couch Summit Road to an iron pin marking a point of curve;  
THENCE Southwesterly along the said Southeasterly right-of-way line of Couch Summit Road along a curve to the left 282.93 feet, said curve having a central angle of 24°20'00" a radius of 666.20 feet, tangent of 143.63 feet and along chord of 280.81 feet bearing South 29°10'00" West to an iron pin marking a point of tangent;  
THENCE South 17°00'00" West 63.3 feet along the said Southeasterly right-of-way line of Couch Summit Road to an iron pin marking a point of curve;  
THENCE Southwesterly along the said Southeasterly right-of-way line of Couch Summit Road along a curve to the left 135.84 feet, said curve having a central angle of 13°16'02", a radius of 586.62 feet, tangent of 68.22 feet and a long chord of 135.53 feet bearing South 10°21'59" West to an iron pin marking a point of tangent;  
THENCE leaving said Southeasterly right-of-way line of Couch Summit Road, North 60°55'11" East 309.39 feet to an iron pin;  
THENCE North 39°01'02" East 175.81 feet to the POINT OF BEGINNING.

FEB 25 1997

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: A37-00038  
Date Received: 2/25/1997  
Receipt No: S019880  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LYNN E STEVENSON 208-764-2310  
Address: PO BOX 100  
FAIRFIELD ID 83327

2. Date of Priority: NOV 8, 1887

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK  
OWENS CREEK SOLDIER CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 14E   | 29      | NE     | SW     | SE  |     | CAMAS  |
|          |       |         | NW     | SW     | SE  |     | CAMAS  |
|          |       |         | SW     | SW     | SE  |     | CAMAS  |

5. Description of diverting works:  
HEADGATES, PIPE TO POND, GATED PIPE GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 1.500 |      |        |

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

8. Total consumptive use is 215.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 14E   | 29      | SW     | SE  |     | IRR | 16.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 16.0  |
|          |       | 32      | NE         | NE  | IRR           | 9.0   |
|          |       |         | NW         | NE  | IRR           | 23.0  |
|          |       |         | SW         | NE  | IRR           | 10.0  |
|          |       |         | SE         | NE  | IRR           | 28.0  |
|          |       |         |            |     | Section Acres | 70.0  |
|          |       |         |            |     | Total Acres   | 86.0  |

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:  
A37-00404A

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.  
\*\*\*\*\*

8/20/96, DJ: SOURCES FOR OVER 20 YEARS HAVE INCLUDED SOLDIER AND OWENS CREEKS. POND WAS ADDED TO SYSTEM ABOUT 20 YEARS AGO. PIPE DELIVERIES WERE ADDED MORE RECENTLY. THIS RIGHT IS USED OVER ALL THE PROPERTY AND IS SUPPLEMENTED BY A37-00404A WHICH IS ALSO USED ON ALL LAND.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.  
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL  
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 X 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): *Lynn E. Stevenson* Date: 2-25-97  
Date:                     

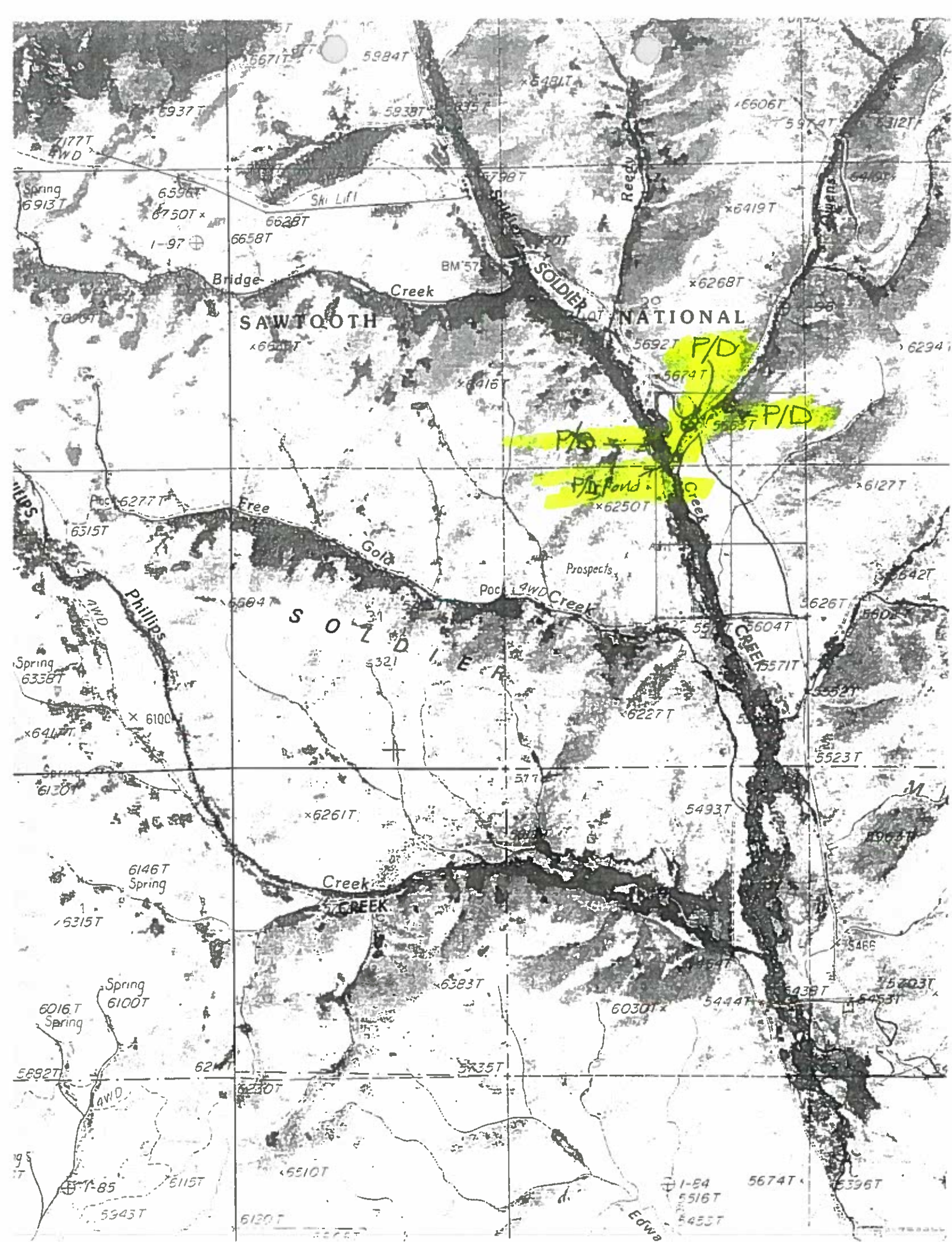
State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 25 day  
of Feb 19 97

*Douglas Jones*  
Notary Public

Seal

Residing at Buhl, ID  
My Commission Expires 8/8/2001



6/9/94

## COMMUNICATION DOCUMENTATION

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

**IDWR Employee/Agent** Georgia Satterlee

**DATE**  
July 23, 1997 2:32pm

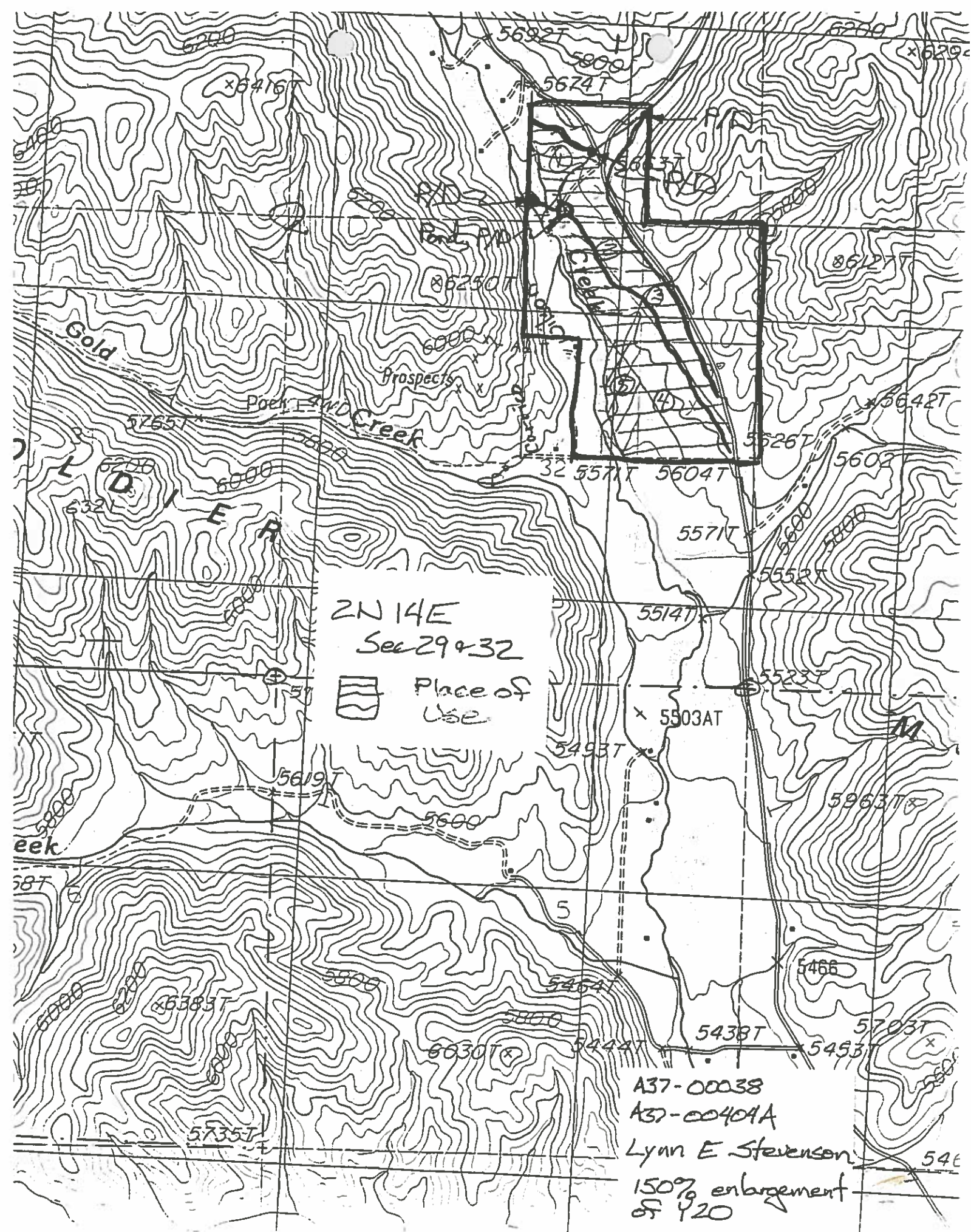
**CUSTOMER**  
DANIELSON, Amy

**SUBJECT:** 37-00570A

*phone call (.) walk-in (x)*

She is concerned about the neighbor, Stevenson (A37-00038,-00404A), who might be encroaching on Danielson Land with one of his points of diversion. I copied all claims for her and discussed the issue as being a civil matter or possibly waiting for Basin 37 review to maybe discovering something...

Also, sent her a Change In Address form.

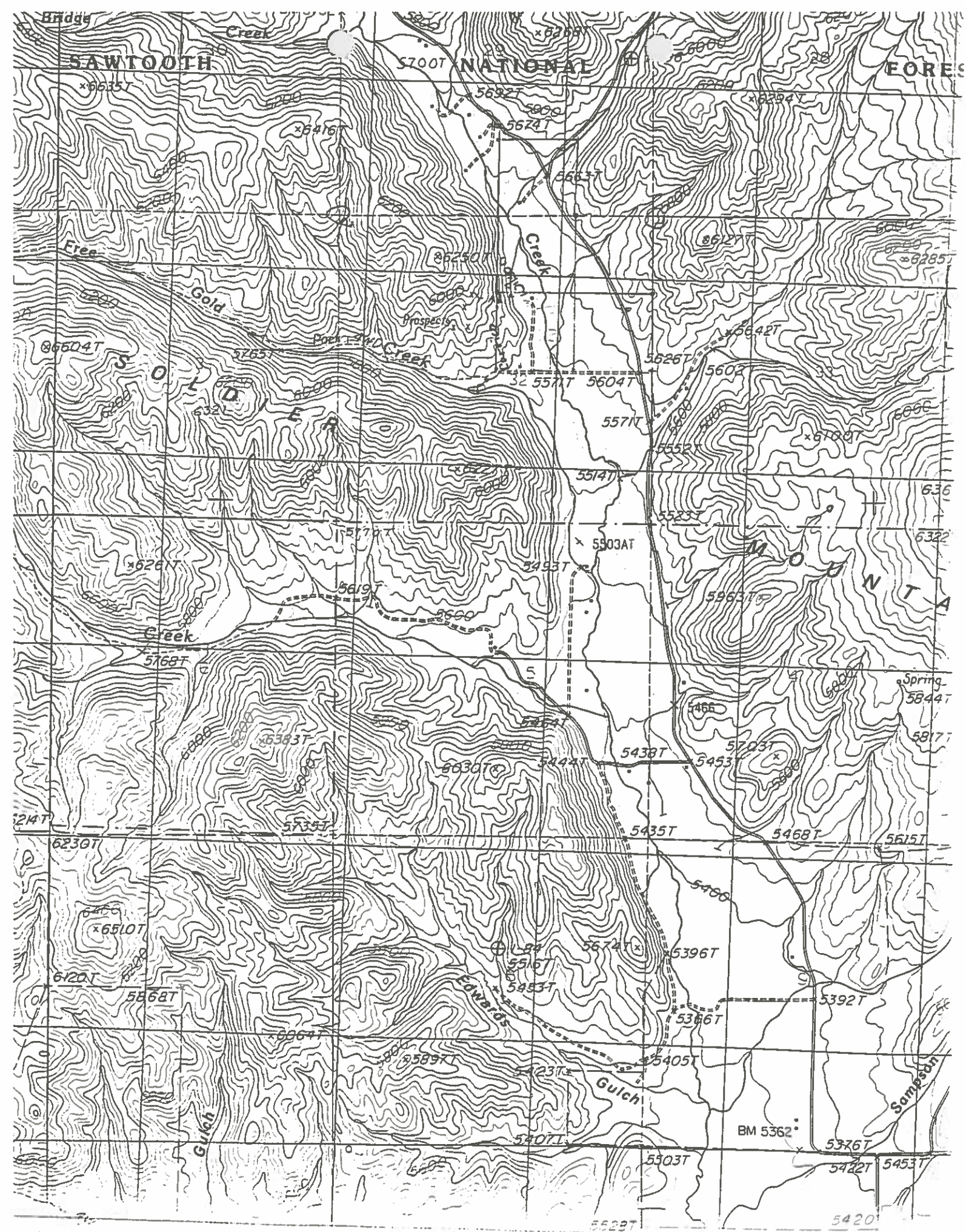


2N14E  
Sec 29+32



Place of  
Use

A37-00038  
A37-00404A  
Lynn E Stevenson  
150% enlargement  
of Y20



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

RIGHT NUMBER: 37-38

NAME AND ADDRESS:

SMOKEY DOME LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009

SOURCE:

Source:  
OWENS CREEK

Tributary:  
SOLDIER CREEK

Source:  
SOLDIER CREEK

Tributary:  
CAMAS CREEK

QUANTITY:

1.500 CFS  
0.000 AFY

~~0.600 CFS~~

PRIORITY DATE: 11/08/1887

POINT OF DIVERSION:

T02N R14E S29 NESWSE  
Within CAMAS County

T02N R14E S29 NESWSE  
Within CAMAS County

T02N R14E S29 SWSWSE  
Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.500 CFS

~~0.600 CFS~~

PLACE OF USE:

IRRIGATION within CAMAS County

T02N R14E S29 SWSE 15.0

~~T02N R14E S29 SWSE 10.0~~

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

T02N R14E S32 NENE 9.1  
T02N R14E S32 NWNE 20.0  
T02N R14E S32 SWNE 7.8  
T02N R14E S32 SENE 27.0

~~T02N R14E S32 NENE 0.7~~  
~~T02N R14E S32 NWNE 14.0~~  
~~T02N R14E S32 SWNE 7.6~~  
~~T02N R14E S32 SENE 3.7~~

78.9 ACRES TOTAL

~~36 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 78.9 acres i  
single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.

~~The rights listed below are limited to the irrigation of a combined total of 36 acres in  
single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.~~

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



# Idaho Department of Water Resources

## SRBA Recommendation

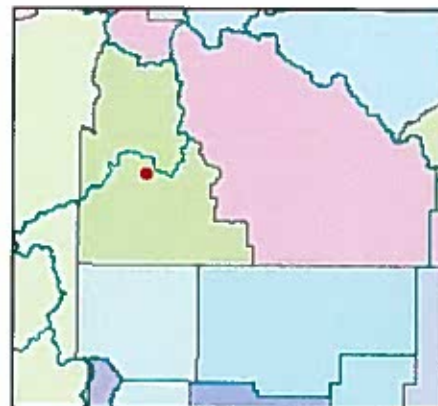
37-38

37-404A

(IRRIGATION)

### Legend

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



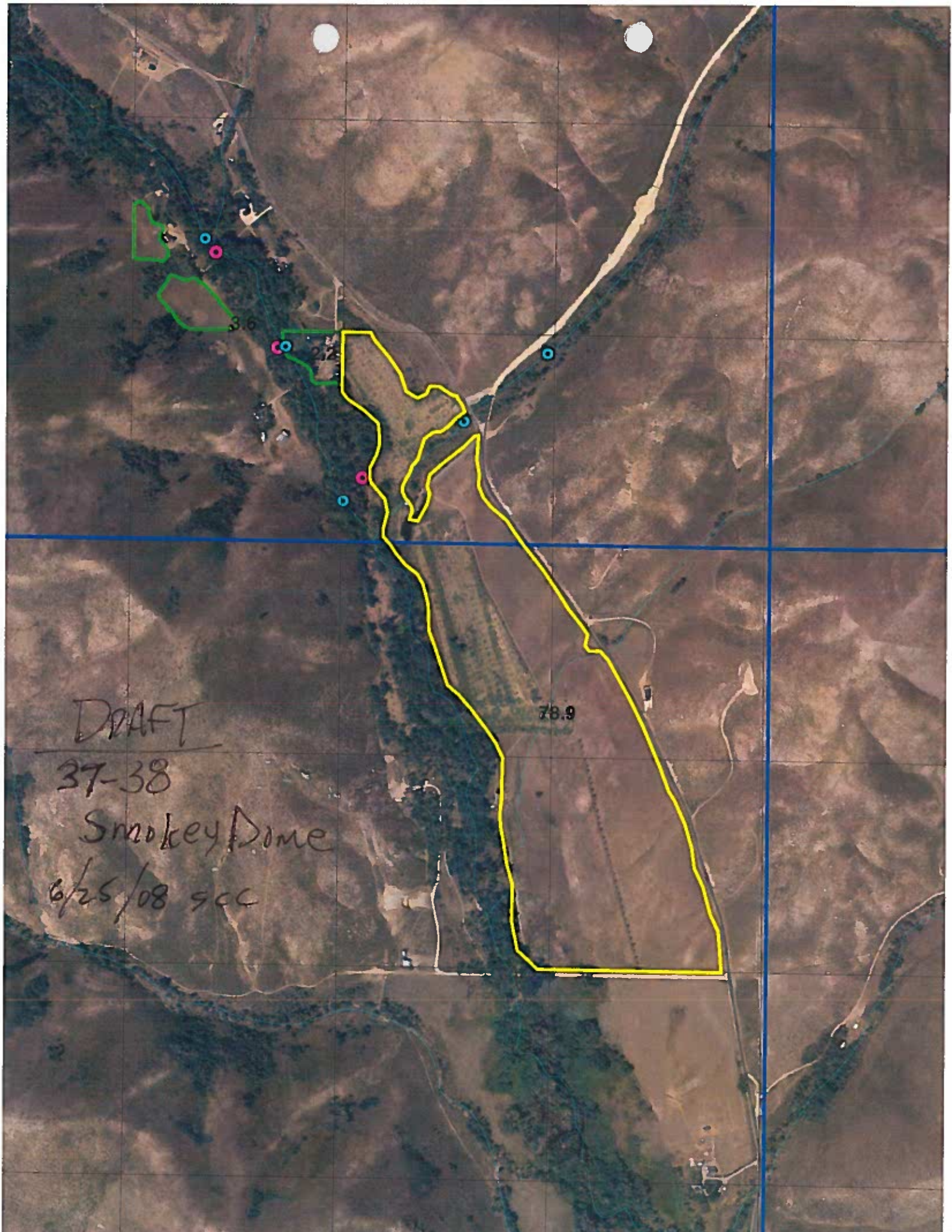
Camas County  
IDWR Basin 37

R14E



Prepared by Steve Clelland  
On August 08, 2008  
2004 Aerial Photography

0 0.2 0.4 0.8 Miles

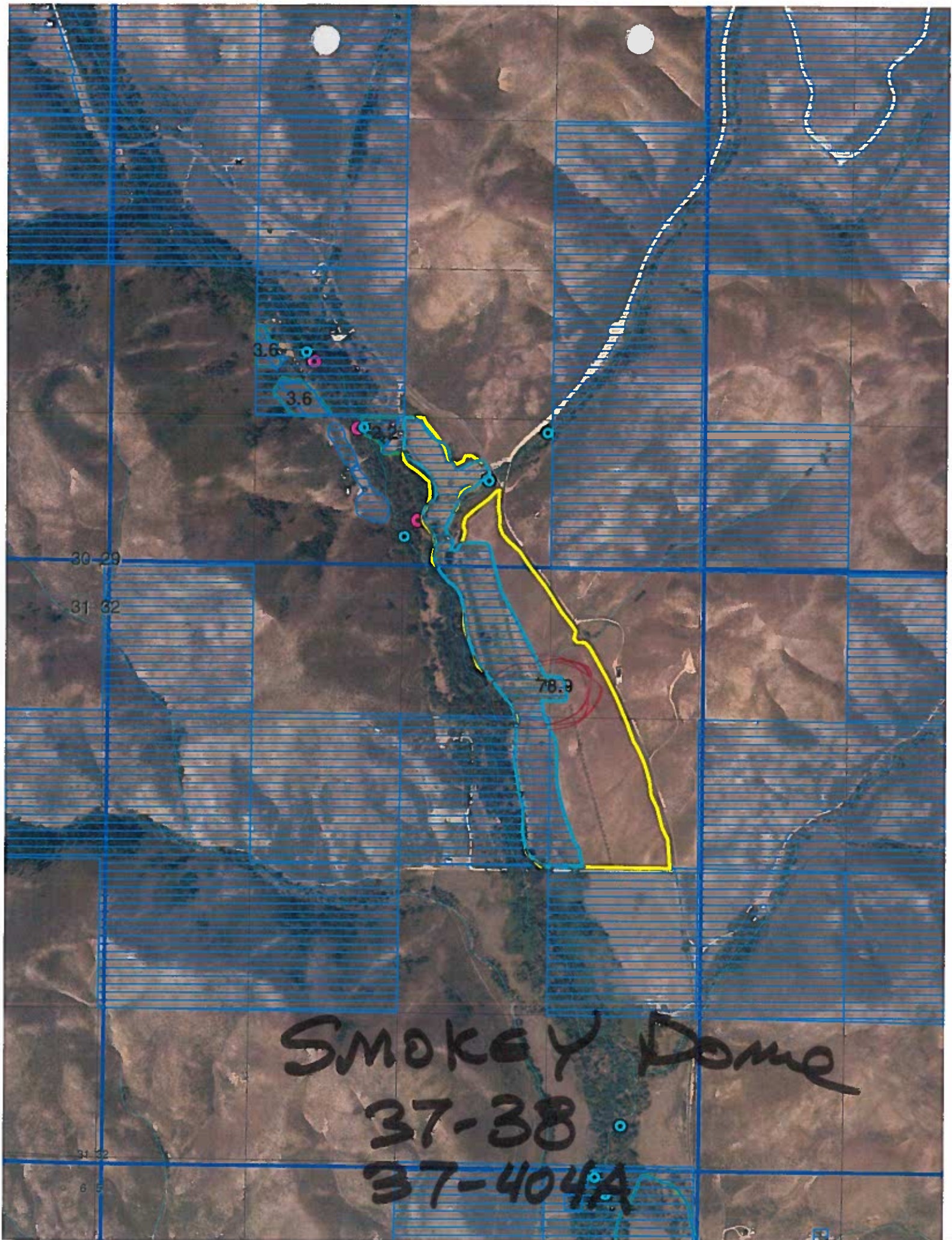


DRAFT

37-38

Smokey Dome

6/25/08 SCC

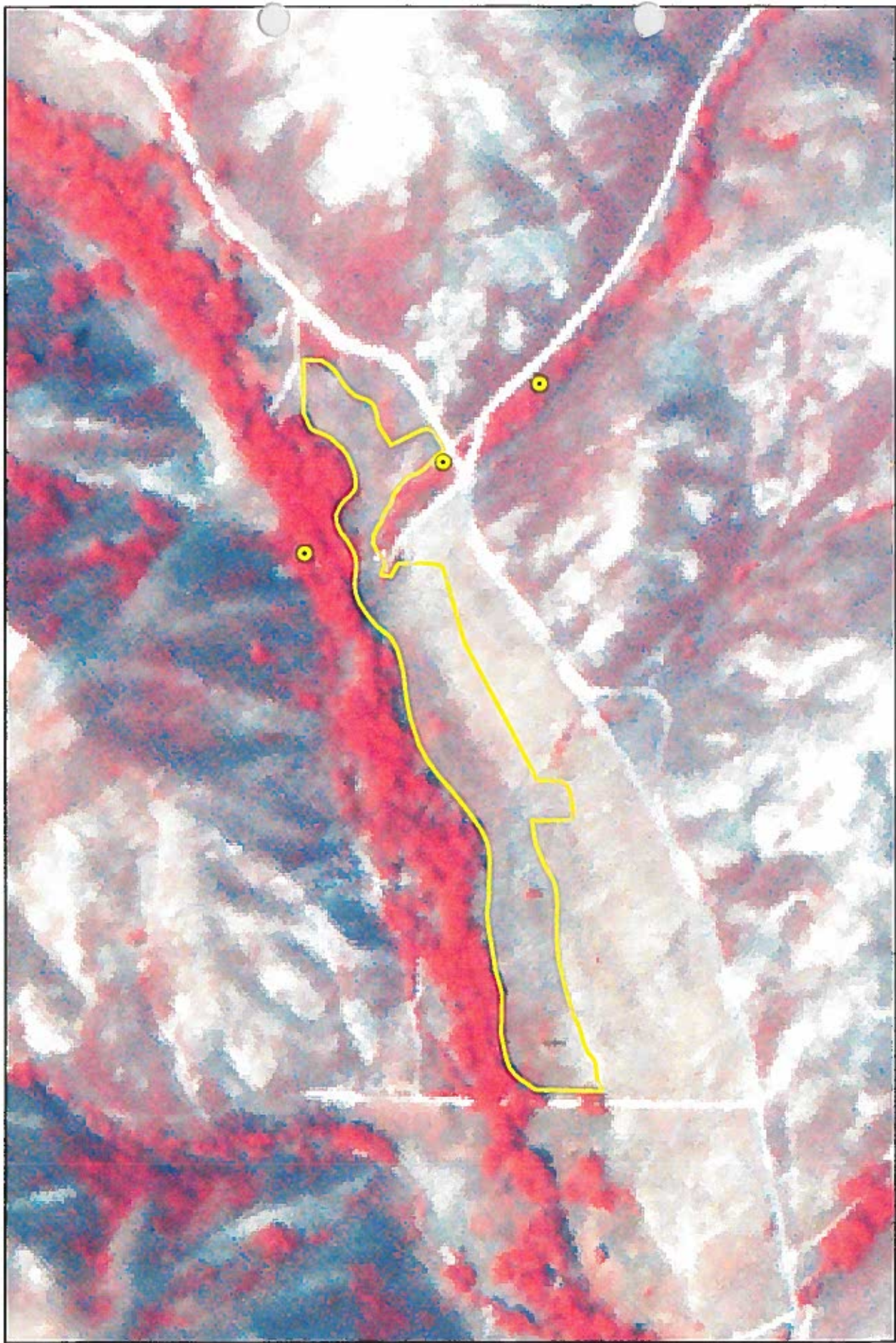


SMOKEY Dome  
37-38  
37-404A

02 152-3639.

9/17/1980

10/12/07 MANDERS  
DWR CCARD



37-38 & 37-404A

**James P. Speck, Esq., ISB # 2067**  
**SPECK & AANESTAD**  
**A Professional Corporation**  
**120 East Avenue**  
**Post Office Box 987**  
**Ketchum, Idaho 83340**  
**Telephone (208) 726-4421**  
**Facsimile (208) 726-0752**

**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**

38

Subcases 37-~~404~~ and 37-404A

**AFFIDAVIT OF CHARLES LEE BARRON**

STATE OF IDAHO

County of CAMPS

CHARLES LEE BARRON, being first duly sworn upon oath deposes and states as follows:

I am now and have been for 70 years a resident of Camas County, Idaho. I am familiar with the property in the Soldier Creek drainage, north of Fairfield, Idaho, where the Cottonwood Golf Course is now situated. The golf course was constructed by Lynn Stevenson in the mid, 1990's.

Prior to the construction of golf course, the property was flood irrigated with diversions of water from Soldier Creek and Owens Creek. The irrigation ditches are still there and visible on the property. I have depicted these ditches in color on the attached, 1992 aerial photograph. This system

of ditches allowed all of the land down hill of the ditches to be irrigated. The cultivation of this land is very apparent in the photograph.

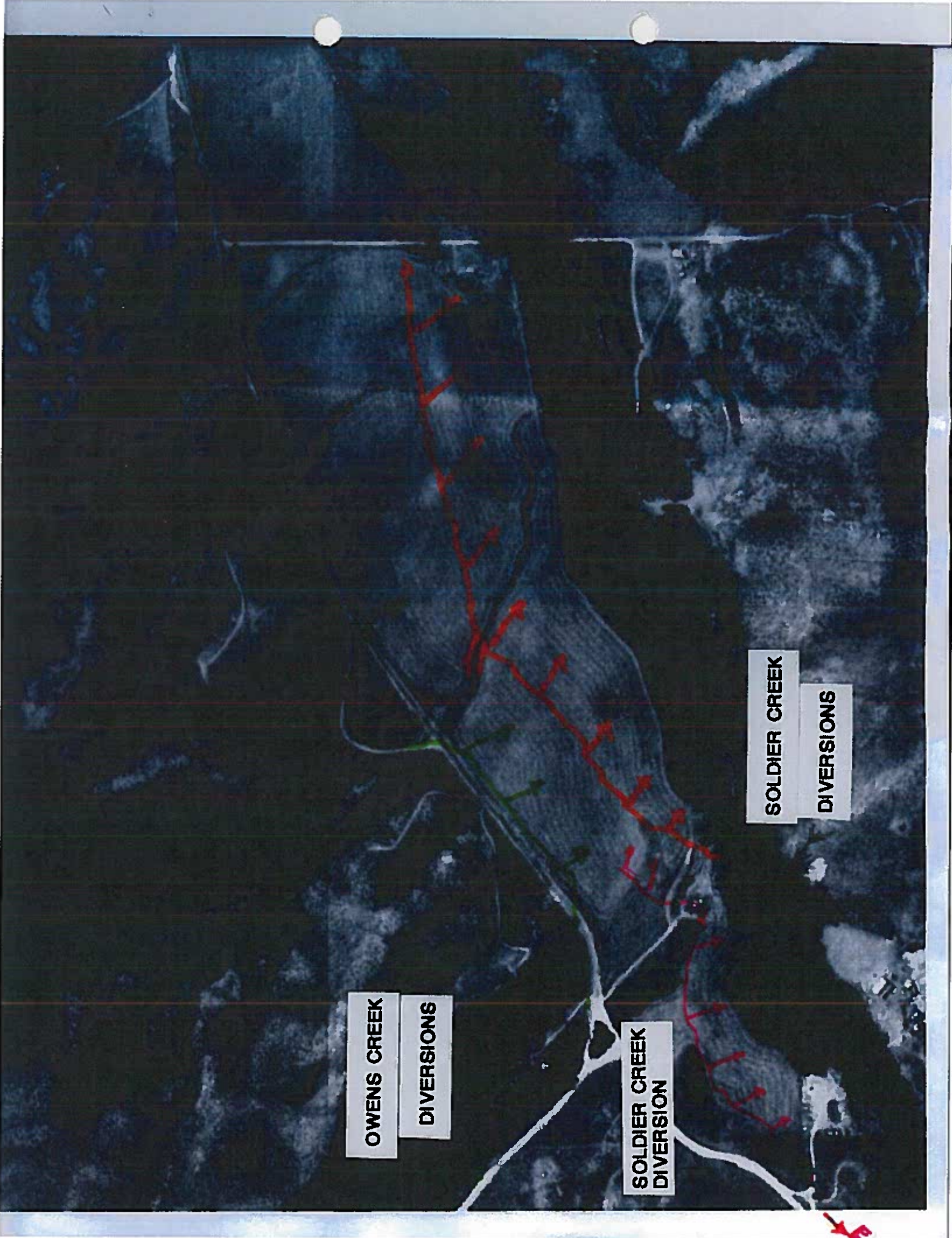
In Jan. 2008, I discussed this with Mr. Lynn Van <sup>Van Skike</sup>~~Skike~~, now 91 years old and a resident of this part of Camas County for 70 <sup>over</sup> years. Mr. Van Skike confirmed that this is the method that was always used for irrigation of these lands prior to the construction of the golf course. He also confirmed that all of the lands shown as irrigated and cultivated in the attached photograph were historically irrigated.

DATED this 11<sup>th</sup> <sup>June</sup> day of ~~May~~, 2008.

Charles Lee Barron  
CHARLES LEE BARRON

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> <sup>June</sup> day of ~~May~~, 2008.

F. R. Smith  
NOTARY PUBLIC for Idaho  
Residing in: FAIRFIELD  
My Commission Expires: COUNTY CLERK



OWENS CREEK

DIVERSIONS

SOLDIER CREEK  
DIVERSION

SOLDIER CREEK

DIVERSIONS

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 37-38

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Smokey Dome LLC

Address: c/o Gregory Vik  
P.O. Box 1607  
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:  
James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
PO Box 987  
Ketchum, ID 83340

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

Name: Smokey Dome LLC

Address: PO Box 1607  
Bellevue, WA 98009

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

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☒ **Quantity**  
Should be: 1.5 cfs
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☐ **Period of Year**  
Should be:
9. ☒ **Place of Use**  
Should be: 86 acres as claimed.
10. **I object because:**
  - ☐ This water should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The 86 acres was historically irrigated before the golf course was constructed in 1999. See attached 1992 aerial photos as an example.

F.

**VERIFICATION (Must be completed)**

State of Idaho       )  
                              )  
County of Blaine    )       ss.

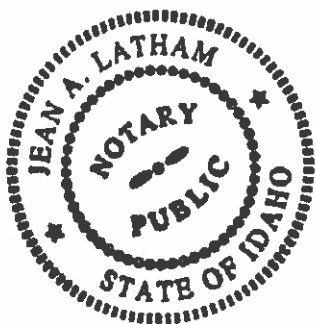
James P. Speck, being first duly sworn, upon oath, deposes and says:

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

\_\_\_\_\_  
(Signature of person filing objection)

J. P. Speck  
\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 7, 2007



Jean A. Latham  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Blaine, ID  
My Commission expires 1-25-2013

## INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**  
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on <sup>MM</sup>April 7, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

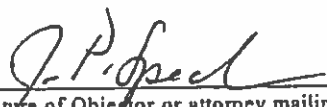
Name: Smokey Dome LLC  
Address: c/o Gregory Vik  
P.O. Box 1607  
Bellevue, WA 98009

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

United States Department of Justice  
Environment and Natural Resource  
Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on  
Objector's behalf



SF 1 - Obejction - Subcase 37-38



SF 1 - Objection - Subcase 37-38

37-38  
37-404A





SSN 17

06/15/2006

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

RIGHT NUMBER: 37-38

NAME AND ADDRESS: SMOKEY DOME LLC  
C/O CHARLES E HILL  
PO BOX 1607  
BELLEVUE WA 98009

SOURCE: OWENS CREEK  
SOLDIER CREEK

TRIBUTARY: SOLDIER CREEK  
TRIBUTARY: CAMAS CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 11/08/1887

POINT OF DIVERSION:

T02N R14E S29 NESWSE Within CAMAS County  
T02N R14E S29 NESWSE Within CAMAS County  
T02N R14E S29 SWSWSE Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.600 CFS       |

PLACE OF USE: IRRIGATION Within CAMAS County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T02N R14E S29 | SWSE | 10.00 | T02N R14E S32 | NENE | 0.70 |
| T02N R14E S32 | NWNE | 14.00 | T02N R14E S32 | SWNE | 7.60 |
| T02N R14E S32 | SENE | 3.70  |               |      |      |

36 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 36 acres in a single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

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



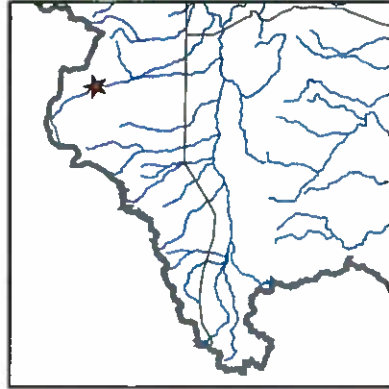
# Idaho Department of Water Resources

SRBA Recommendation:

**37-38**  
**37-404A**

## Legend

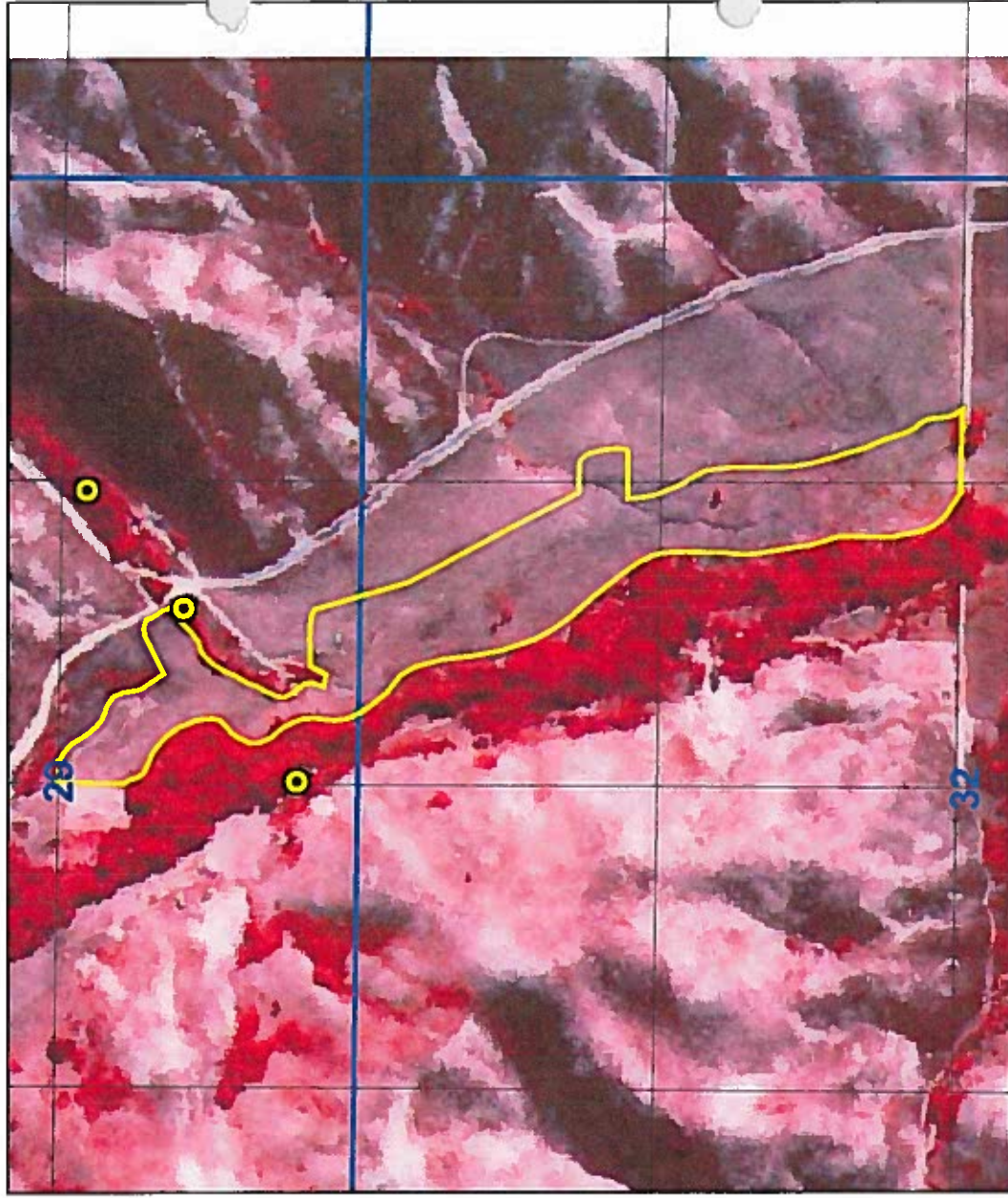
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Camas County  
IDWR Basin 37

Prepared by M. Anders  
On Thursday, June 15, 2006  
1987/88 Aerial Photography

R14E



T02N

0 0.25 0.5 Miles

## Adjudication Claim Notes

**Claim(s): 37-0038, 37-0404A**

### Background Data

#### 37-0038

- Source is Owens Creek tributary to Soldier Creek, and Soldier Creek tributary to Camas Creek
- Decreed for 1.5 cfs for Irrigation of 4 QQ
- Claimed 1.5 cfs for Irrigation of 86 acres

#### 37-0404A

- Source is Owens Creek tributary to Soldier Creek, and Soldier Creek tributary to Camas Creek
- Priority date search indicates 37-404 originally decreed for 1.2 cfs for Irrigation of 4 QQ
  - Claims:
    - 37-404A claimed 0.12 cfs for Irrigation of 86 acres

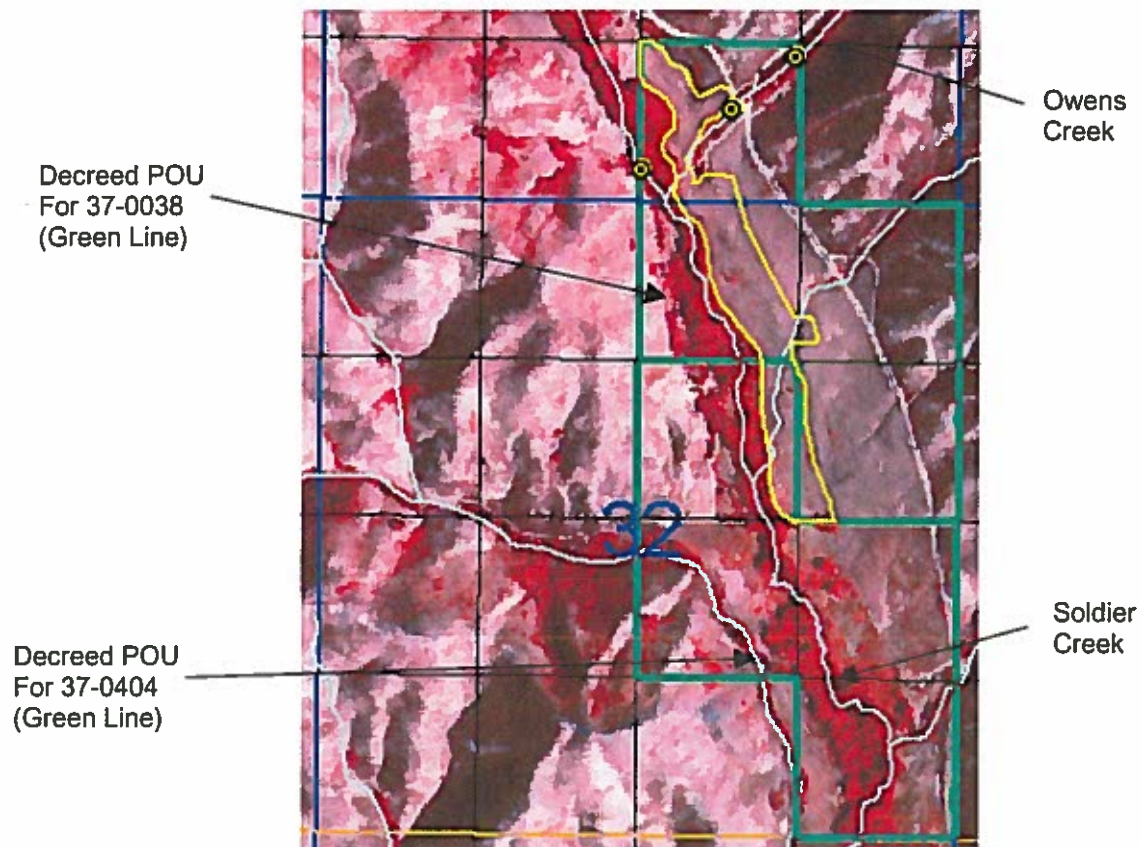
### Place Of Use Data

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



## Notes

### T2N R14E Sections 29 & 32

- Found 36 acres of Irrigation based on 1987, 1992, & 2004 aerial photos and a 1999 field exam.
- Decree lists source as Soldier Creek. The PODs could have originally been on both Owen and Soldier Creeks and the decree possibly just assumed the whole system was Soldier Creek, or the PODs were changed added to Soldier Creek. Assumed accomplished transfer for PODs.
- Assumed accomplished transfer for POU of both 37-0038 and 37-0404A.
- Recommended:
  - 37-0038 for 0.6 cfs in entire 36-acre PPU
  - 37-404A for 0.12 cfs limited to 6 acres in PPU (irrigated land owned in decreed POU)
  - Combined use limit of 36 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

| <u>Basin</u> | <u>Sequence</u> | <u>Suffix</u> | <u>Basis</u>   | <u>Priority Date</u> | <u>Rate(cfs)</u> | <u>Source</u> | <u>Water Use(s)</u> | <u>Owner(s)</u> | <u>Source Table</u> |
|--------------|-----------------|---------------|----------------|----------------------|------------------|---------------|---------------------|-----------------|---------------------|
| 37           | 244             |               | Decreed        | 1898-06-0'           | 2.66             | SOLDIER       | CR IRRIGATION       | GARDNER, WAL    | wrWaterRight        |
| 37           | 245             |               | Decreed        | 1898-06-0'           | 1.6              | BIG WOOD      | F IRRIGATION        | BANCROFT, PAL   | wrAdjudicationClaim |
| 37           | 245             |               | Decreed        | 1898-06-0'           | 1.6              | BIG WOOD      | F IRRIGATION        | GEHRIG, GARY    | wrWaterRight        |
| 37           | 404             | A             | Decreed        | 1898-06-0'           | 0.12             | OWENS CRE     | IRRIGATION          | SMOKEY DOME     | wrAdjudicationClaim |
| 37           | 404             |               | Decreed        | 1898-06-0'           | 1.2              | SOLDIER CR    | IRRIGATION          | LAWRENCE, FR    | wrWaterRight        |
| 37           | 489             |               | Decreed        | 1898-06-0'           | 1.2              | SOLDIER CR    | IRRIGATION          | ROYAL FORK R    | wrAdjudicationClaim |
| 37           | 489             |               | Decreed        | 1898-06-0'           | 1.2              | SOLDIER CR    | IRRIGATION          | MINEAR, JOHN    | wrWaterRight        |
| 37           | 503             |               | Decreed        | 1898-06-0'           | 2.4              | SOLDIER CR    | IRRIGATION          | DE MERS, HELE   | wrAdjudicationClaim |
| 37           | 503             |               | Decreed        | 1898-06-0'           | 2.4              | SOLDIER CR    | IRRIGATION          | MORRELL, SIEG   | wrWaterRight        |
| 37           | 21363           |               | Decreed        | 1898-06-0'           | 1.15             | CAMAS CRE     | IRRIGATION          | SCHEER, SCOT    | wrAdjudicationClaim |
| 37           | 21364           |               | Decreed        | 1898-06-0'           | 0.52             | CAMAS CRE     | IRRIGATION          | BLACK BUTTE H   | wrAdjudicationClaim |
| 37           | 594             | B             | Decreed        | 1898-06-0'           | 1.3              | CAMAS CRE     | IRRIGATION          | SOUTH COVE V    | wrAdjudicationClaim |
| 37           | 594             |               | Decreed        | 1898-06-0'           | 3                | CAMAS CRE     | IRRIGATION          | RYAN, SARAH (C  | wrWaterRight        |
| 37           | 767             |               | Decreed        | 1898-06-0'           | 1                | FISH CREEK    | IRRIGATION          | ELLSWORTH E     | wrAdjudicationClaim |
| 37           | 771             |               | Decreed        | 1898-06-0'           | 0.1              | FISH CREEK    | IRRIGATION          | ELLSWORTH E     | wrAdjudicationClaim |
| 37           | 771             |               | Decreed        | 1898-06-0'           | 0.1              | FISH CREEK    | IRRIGATION          | PATTERSON, JC   | wrWaterRight        |
| 37           | 13256           |               | Beneficial Use | 1898-06-0'           | 0.86             | CAMAS CRE     | IRRIGATION          | BLACK BUTTE H   | wrAdjudicationClaim |

split from 37-5  
split from 37-5

COVER PAGE

TO: Georgia Satterlee

Subject: Water Concerns at Cottenwood County Club

Date: Oct. 13, 1999

20 Pages including cover

From: Nancy Davies  
Fax # 1-208-764-9217

Georgia,

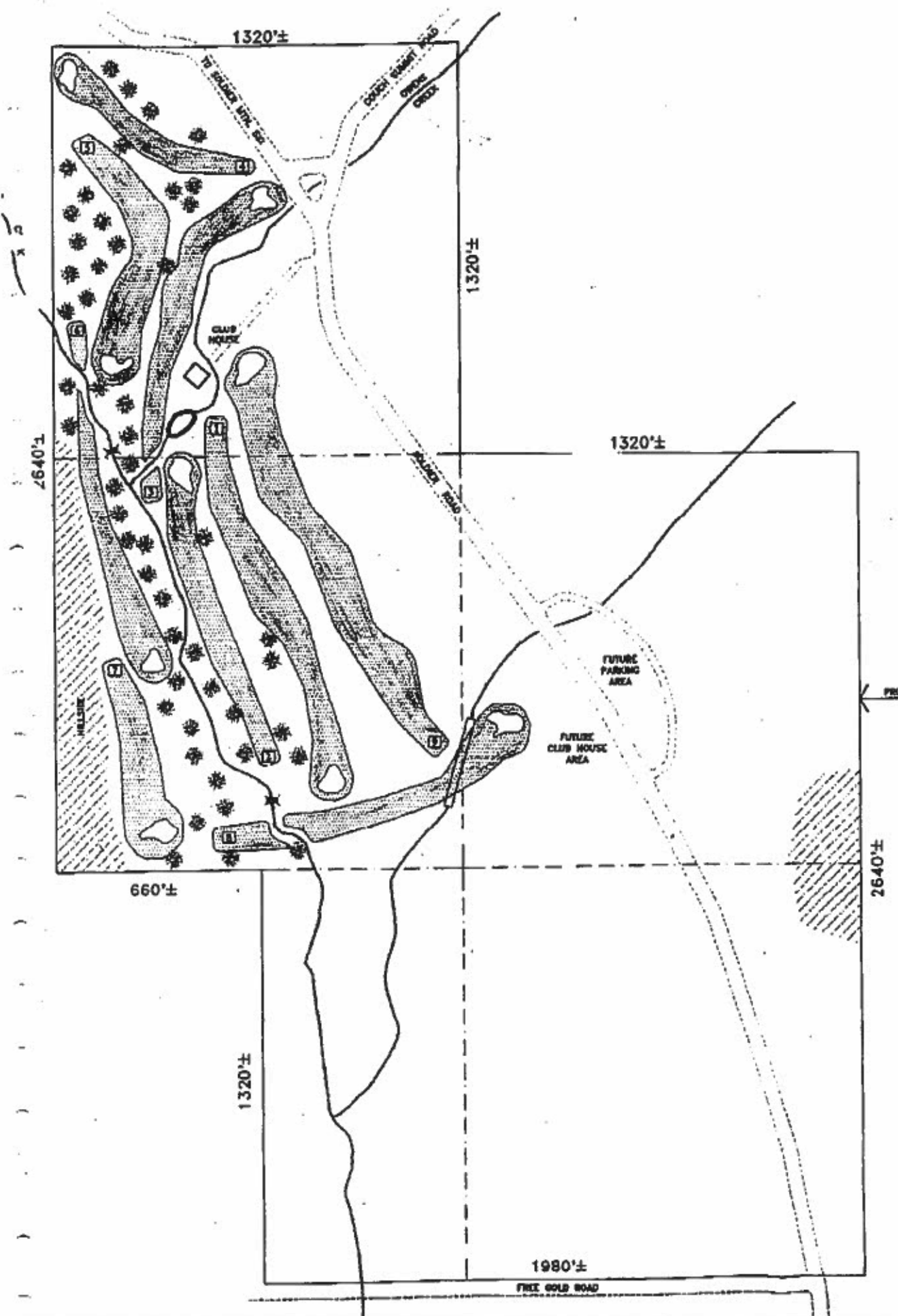
Thanks so much for meeting with me. Hope you enjoyed the drive and scenery. The materials I am faxing are what has been submitted to the Planning & Zoning Commission. The speculative nature of this development lead me to believe this is certainly not the whole plan and the rumor around town is for houses, hotel, etc. to be added. My concerns are many, but specifically if there exists enough water to accommodate this kind of development.

I'm sure we will be in touch and thanks again for you listening ear.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Davies".

Nancy Davies



I don't appreciate that note which  
was given to fishermen's access than for  
of operation or fighting (except sign)  
**EXISTING** **CONDITIONAL USE PERMIT**

NOTICE IS HEREBY GIVEN that Lynn Stevenson has been granted permission pursuant to Article XII of the Camas County Zoning Ordinance to establish a Golf Course on his property 10 miles north of Fairfield on Soldier Road ( T2N R14E Sec 29, SW1/4 SE1/4, Sec 32, N1/2 NE1/4, SE1/4 NE1/4, E1/2 SW1/4 NE1/4) as per the following conditions:

1. Parking lot to accommodate at least 20 cars, with no overflow parking on Soldier Road.
2. Sign to Golf Course shall be wooden, with no lights on or over it. Its dimensions shall be 4'x 8' maximum.
3. There shall be proof of Audubon certification within 5 years.
4. Cooperate with the Camas Soils Conservation District and devise a Resource Conservation Plan, on that portion of Soldier Creek passing within the C.U.P. area, and to be completed within three (3) years from the date of approval of the C.U.P.
5. Owner would be responsible to fence cattle out.
6. Conditional Use Permit is for Golf Course and existing building to be used as a temporary Club House.
7. A new Clubhouse would require an amendment to C.U.P.
8. Maintenance or storage sheds shall not be built within the C.U.P. area.
9. IF ownership of Golf Course changes a new C.U.P. shall be required.
10. There shall be fisherman's access above high water mark on either side of Soldier Creek, where an obstruction or deep water prohibits a fisherman from staying within high water mark within the C.U.P. area of Soldier Creek.
11. Review of Conditional Use Permit in 5 years.
12. Conditional Use Permit pertains to specific area defined by plan (Exhibit "A").

A public hearing was held on May 5, 1998, and the Special Use Permit with conditions (Conditional Use Permit) was approved on August 4, 1998 by the Planning and Zoning Commission.

Dated this 6TH day of AUGUST, 1998.

  
Planning and Zoning Administrator

4/10/98

**NARRATIVE**

This Plan and narrative are hereby submitted as required by the application for conditional use permit as provided by the Camas County Planning and Zoning administrator Mr. Mike Westling.

The proposed use of a portion of the described property is as a golf course. This type of use is permitted under section VI of the County Comprehensive Plan entitled "Tourism overlay" on page 6.

A golf course use will not produce any adverse effects such as noise, glare, odor, fumes or vibrations on adjoining property or to any county citizen.

Golf course use on this property is compatible with other agricultural, commercial and residential properties in the district. Golf course use of this property will enhance all aspects of the community from visual impact, access to Soldier Creek, wildlife habitat and outdoor experiences. The travel route to the course is on the only paved county road so increased traffic on Soldier Road during the golfing season should not have any major effect on maintenance requirements for the county.

A solid 3 phase 14,400 volt Idaho Power Co. power line runs adjacent to the property eliminating the need for a new power line installation to serve the area.

The golf course meets all of the objectives of the Comprehensive Plan.

**OBJECTIVES:**

- 1) To attract new and retain current businesses in Camas County with a focus on light manufacturing and production and the tourism and recreational industry, creating a better wage base for county residents.
- 2) To improve resources available to promote and attract new businesses, encouraging agricultural alternatives and businesses that support agriculture.
- 3) To develop year round visitation and recreational opportunities for tourists, including the Centennial Marsh and other potential sites.
- 4) Utilize outside resources, such as the Department of Commerce, to assist in this effort.
- 5) Upgrade infrastructure as needed including supporting infrastructure efforts within Fairfield such as sidewalks, water

and sewer capacities. Promote aesthetics in the population centers of the county which service tourist and business needs.

6) To plan economic growth that will be compatible with the rural way for life in Camas County and avoids a more urban setting.

7) Encourage policies that require for the cost of growth to be paid by that growth and not by the current citizens. Develop a system of process to evaluate the costs of developments and ways to mitigate negative impacts. Analyze whether the benefits of a development offset the costs of the county to provide services.

8) Utilize emerging technology such as Internet to reach the largest possible customer base for local products and tourism.

9) Protect the quality of life currently available to Camas County residents.

A golf course is an agricultural pursuit in that it involves the raising of a crop, namely grass. The same basic inputs are required that any other irrigated crop requires. Although maintenance requirements are higher for a golf course, annual or sporadic tillage requirements for a farm crop that can leave the ground open to potential erosion are non existent. Grass being a comparative shallow rooted crop does not nor do economics allow large applications of fertilizers that could be subjected to

leaching below the root zone or washed into the creeks. The turf forms a perfect natural filter to retain moisture, sediments, and any fungicide or pesticide residue that may be present. Since the growing season is short in this area it is expected that only occasionally limited pesticide applications will be used. Fungicides may have to be applied in late fall as protection against snow mold, however snow and temperature conditions in the future will determine the frequency.

Irrigation requirements of turf grass at this elevation (5750') are minimal because of the early evening shadows from Soldier Mountain and the influence of humidity from the creek, riparian area, and the sheltered location of the property from prevailing winds.

Soldier Creek in the vicinity of the course is confined to a fairly steep moderately deep creek bed with a rocky bottom, during times of high spring run off the creek stays within its channel and does not back up or spread out on adjacent land. The creek, banks and bed will not need to be modified for the golf course. Soldier Creek offers a very natural challenge to partakers of the game. Also, the cart paths will be open at specific times to allow jogging, biking, or just strolling on a nature walk. The cart paths adjacent to the creek and riparian areas will be wheel chair accessible and open by appointment for enjoyment by elderly or handicapped people or groups.

The existing home located on the property will be the temporary club house for the first nine holes. Economic conditions and golf course acceptance and utilization will help determine if a new club house or an additional 9 holes will be constructed in the future.

It is anticipated, that to start out with, the country club will be open to the public. However at sometime in the future, depending on growth in the area, management may elect to offer annual memberships and limit participation by the general public. This may be necessary to prevent overuse of the facility and to maintain an economically viable operation.

Respectively submitted

Lynn Stevenson

Lynn Stevenson

726 3033 Water Resources

New application

726-3750

APPLICATION FOR CONDITIONAL USE PERMIT  
or SPECIAL USE PERMITNAME Cottonwood Country Club PHONE NO. 764-3516  
Ann Stevenson2nd PHONE NO. 764-2310ADDRESS S. 0504 100  
CITY, STATE, ZIP CODE FAIRFIELD, ID. 83327

## GENERAL LOCATION

LEGAL DESCRIPTION by 40s T2N. R14E. S04. 24 SW 1/4 SE 1/4 SEC  
32 N 1/2 NE 1/4, SE 1/4 NE 1/4, E 1/2 SW 1/4 NE 1/4  
DESCRIPTION OF PROPOSED USE (attach if necessary)  
SEE ATTACHMENT

ZONING CLASSIFICATION: \_\_\_\_\_ COMPREHENSIVE PLAN DESIGNATION: \_\_\_\_\_

FEE: A \$ 150 - fee must accompany this completed application.

PLAN: A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards. Plus any other item that might pertain to the issuing of a permit.

NARRATIVE: A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property. Or adversely effect any county citizen; a discussion of the general compatibility with other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

COMMISSION EVALUATION: The Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. will, in fact, constitute a conditional or special use as established on the Official Schedule of District Regulations for the Zoning District involved;
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services.

police and fire protection, drainage structure, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. will not involve use , activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The date of public hearing will be established by the Commission upon th acceptance and review of a complete application.

-OFFICIAL USE ONLY-

SIGNATURE: *Carl Sauer*

DATE RECEIVED: 8/17/99 ACCEPTED BY: WV

RECEIPT NO.: \_\_\_\_\_ FILE NO.: \_\_\_\_\_

PLANNING AND ZONING COMMISSION HEARING DATE: 9/14/99

August 16, 1999

**CS DESIGNS**

Curt Seaman  
Rt. 1 Box 1145  
Fairfield, ID 83327

Home/Fax (208) 764-2451

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**COTTONWOOD COUNTRY CLUB**

This application is an amendment to the original approved Conditional Use Permit application for Lynn Stevenson, Cottonwood Country Club, August 4, 1999, by Camas County P&Z Commission.

**PROPOSED FOR THIS C.U.P. APPLICATION**

- I. The construction of a new Club House, approximately 10,000 square feet which will include:
  - A. ADA accessibility
  - B. Restaurant & Bar
  - C. Convention Meeting Rooms
  - D. Retail Space - Golf Pro Shop, Ski Shop
  - E. Rental Suites
  - F. Open Outdoor Deck Dining
  - G. Covered Porte Cochere at Entry
  - H. Owner Living Quarters
  - I. Maintenance/Storage Bldg.

See plans for more information and locations.

- II. Master Plan: Site Plan is in development stage and is being done by "Benchmark and Associates." This plan will include:
  - A. Location of Proposed Club House
  - B. Accessory Bldg. (Maintenance & Storage)
  - C. Parking & Landscape Areas
  - D. Road Development. Related to County Road & P.U.D. Areas
  - E. Septic System Location
  - F. Propane Tank Locations
  - G. Utilities (electrical transformers) and Phone "Locations"
  - H. Service Areas - Restaurant & Refuse
  - I. Signage - Locations
  - J. Wall Location

- III. In reference to the narrative statement evaluating the effects of noise, glare, odor, fumes and vibration, Golf Courses are generally subdued areas and mix very well with P.U.D. areas. The Club House is located near the center of the property and Golf Course, therefore allowing a buffer-zone between the Club House and minimizing the impact to adjoining neighbors. This will also minimize the odors and fumes from the restaurant to adjoining properties.

**PUBLIC REVIEW OF A PROPOSED AMENDMENT TO AN EXISTING  
CONDITIONAL USE PERMIT FOR A CLUB HOUSE ADDITION, COTTONWOOD  
COUNTRY CLUB-LYNN STEVENSON, APPLICANT**

**Project location:**

Approximately one mile south of the Soldier Mountain Ski area, on Soldier Mountain Road, in Camas County, Idaho. T.2N., R. 14E., Section 29.

**Background:**

This public review will address an application for a proposed amendment to an existing Conditional Use Permit granted August 4, 1998. The new application, received by the Camas County Planning and Zoning Administrator on August 17, 1999, is for the construction of a 10,000 square-foot club house. It includes an outline for a master plan, Planned Unit Development (PUD) and site plan of the development. Findings and contents of the Camas County Zoning Ordinance, Comprehensive Plan, and Subdivision Ordinance will be cited with recommendations in this review.

According to the minutes of a subsequent public hearing on September 14, 1999, the Planning and Zoning Commission moved and carried a recommendation to continue the public hearing to October 13, 1999.

**1. Findings and Contents RE Completeness of Application:**

According to Article XII, Conditional Use Permits, Section B, 1-7 of the Camas County Zoning Ordinance, the contents of a CUP shall contain at a minimum, the name, location, legal description, zoning district designation, description of proposed use, a plan of the proposed site and a narrative statement.

**Finding:** The application as submitted does not indicate a zoning classification or Comprehensive Plan Designation.

**Finding:** The application does not indicate the total acreage involved for the site.

**Finding:** Part I of the application contains an outline of the proposed club house. Part II "Master Plan" of the application indicates that a site plan is in the development stage and is being done by Benchmark and Associates. The outline suggests locations, improvements, and road development related to PUD areas. Part III of the application also makes reference to PUD areas.

**Finding:** Part III of the application makes reference to the narrative statement as required in Section B, 7 of the zoning ordinance. However, the application does not present a detailed evaluation of the effects of such a development or a detailed discussion of the general compatibility of the development on adjacent and other properties in the district, nor does it discuss the relationship of the proposed use with the Comprehensive Plan.

- II. Findings and contents RE: General standards applicable to all Conditional Uses:**  
Section "C" of the Camas County Zoning Ordinance provides that the Commission shall review the facts and circumstances of the proposed use based on Standards 1-9.

The following findings will address these standards:

1. "Will, in fact, constitute a conditional use as established on the Official Schedule of District Regulations for the Zoning District involved."

**Finding:**

1. The specific zoning designations are not indicated on the application or the site plan.
  2. The site plan indicates proposed commercial and residential development adjacent to the proposed and existing golf course.
2. "Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or the zoning ordinance."

**Finding:** The application and master plan as submitted refers to the development as a PUD.

**Finding:** The Camas County Comprehensive Plan indicates that the proposed is within the Tourism Overlay. According to the Plan, all development in a Tourism Land Use will be subject to the Conditional Use Permit process.

Specific criteria indicated in the Tourism Overlay address the impact, protection and enhancement of wildlife, environmental, and aesthetic features. Road capacity and winter safety problems and snow removal is to be minimized.

**Finding:** Section VI (9) Land Use Objectives, of the Comp Plan provides that the county develop a process to measure the impact of a development on the county and mitigation factors of that impact.

The application does not present evidence or mitigation measures to address the impact in reference to this objective.

3. "Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area."

**Discussion:** The site plan indicates a 10,000 square foot club house with a care takers residence. Ingress and egress to the club house is provided by a single driveway entrance from Soldier Road. The width of the access is not indicated. Parking and maneuvering for 100 vehicles is provided. The total area of the lot is not indicated. The width of the parking areas are 45 feet and 62 feet. A proposed 60-foot wide right-of-way (ROW) will

provide direct access to the club house, and will provide access to proposed future expansion of the golf course and residential development. A snow storage area is indicated along the south side of the development. Landscaping is indicated around the vicinity of the parking lot and club house. The method ~~the method~~ and location of outdoor lighting is not indicated.

**Finding:** The application does not present adequate evidence that the development will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area

4. "Will not be hazardous or disturbing to existing or future neighboring uses."

**Finding:** The application does present evidence that the potential for substantially adverse impacts from a development of this scale will be adequately mitigated

5. "Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services."

**Finding:**

a. The application and site plan does not indicate the method or location of fire protection.

b. The application and site plan does not address the impact on county highway maintenance or traffic congestion.

c. The site plan does not indicate the method or direction of drainage control from the parking lot

d. A service area is indicated. However, location for refuse storage and disposal is not indicated.

e. The site plan also indicates a location for a septic system and a well. However, the size and type of septic system is not indicated. Domestic water capacity and storage for fire protection is not indicated.

**Finding:** The application does not demonstrate that persons or agencies responsible for the establishment of the proposed use shall be able provide adequate fire, police protection, septic system capacity, water supply and storage, or that the aforementioned services will be adequately provided for.

6. "Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community "

**Finding:** The application does not provide an estimate for the cost of public facilities and services.

**Note:** It appears that several acres of valuable agricultural land will be taken out of production to accommodate the proposed development. A breakdown of the total cost of necessary public services as compared to the economic returns of high production crop land is not provided. Tax revenues vs costs to the county are not provided.

7. "Will not involve use, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors."

**Finding:** The approved CUP is for summer "seasonal" use only.

**Finding:** The application does not adequately address or provide mitigation of impacts to property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors.

8. "Will not have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares."

**Finding:**

a. The site plan and master plan does not indicate adequacy of emergency vehicle maneuvering or interference with county snow removal operation.

b. The application and master plan does not indicate if the proposed 60-foot wide ROW is private or dedicated public access to be maintained by the county.

9. "Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance."

**Finding:** The proposed development may be located in a critical wildlife habitat area.

**Finding:** The location may contain artifacts of historical and cultural significance.

**Finding:** Those affected agencies have not been invited for comment on the proposed development.

**III. Recommendations:**

Based on the findings of this public review, the following recommendations are hereby submitted with respect to the Camas County Planning and Zoning Commission:

1. Because the application as submitted appears to be a mixed use commercial, residential and recreational development, the proposal should include a master plan for the entire site as a large scale phased development.

Therefore, a revised and complete application for a Conditional Use Permit be submitted to the administrator for review. Submittal of the CUP application to include an application for a PUD as per the Camas County Zoning Ordinance and Article VI, Section E of the Camas County Subdivision Ordinance.

2. The revised application for a CUP/PUD include, as specified in Section VI (9) of the Comprehensive Plan, Objectives, that the Camas County Administrator act as the Lead Agency in notifying all those agencies, public or private, that may be affected directly or indirectly by the development

The notification to include a request for comment by those agencies indicating that the proposed development *will or will not, have the potential to have a substantially adverse effect on the environment.* Comments from those agencies to be received by the Administrator no less than 30 days prior to the date of the public hearing for the proposed use.

Those agencies to include, but not limited to the following:

- United States Forest Service.
- Idaho Fish and Game.
- The Audubon Society.
- State Archeological Society.
- State Department of Water Resources.
- The State Department of Indian Affairs.
- Camas County Health, Environmentalist.
- Army Corp of Engineers
- Idaho State Department of Health and Welfare.
- U.S. Department of Agriculture, Natural Resources Conservation Service (NARCS).
- Camas County Sheriffs Office.
- Camas County Volunteer Fire Department.
- Camas Emergency Medical Service.
- Camas County Road and Bridge.

3. An exact determination of the zoning designation for the entire development site and adjacent properties. Such evidence may be demonstrated in the form of a resolution passed and approved by the Board of Commissioners of Camas County.

4. A revised application and master plan for a CUP/PUD to include a drainage plan for the parking lot, method of fire protection, water supply and storage, county highway improvements and demonstration that the applicant be able to provide adequately such services

The application also to include the method of refuse storage and disposal, and provide adequate screening of such facilities from public view.

5. The revised application for a CUP/PUD include septic system location, type and capacity.

Note: Soldier Creek, a year round stream, is located within the development area. Mitigation of the downstream environmental impacts due to runoff from golf course fertilizers and pesticides have not been demonstrated. The method of golf course water supply or evidence of water rights for that supply are not indicated.

6. A revised application and master plan for a CUP/PUD include the total acreage and dimensions for the entire development site.

7. A revised application and master plan for a CUP/PUD to include a breakdown of the total cost of necessary public services as compared to the economic returns of high production crop land. Provide comparison of tax revenues vs projected costs to the county.

8. A revised application and master plan for a CUP/PUD include a proposal for winter recreational use and mitigation measures to minimize their impact and or incompatibility with sensitive areas such as winter habitat for wildlife, and neighboring residences. Such mitigation measures to include, but not limited to, safety, time of operation, noise and fumes.

9. A revised application and master plan for a CUP/PUD include adequacy of emergency vehicle maneuvering and demonstrate cooperation with county snow removal operation. Also, determine if the proposed 60-foot wide ROW is private or dedicated public access to be maintained by the county.

10. A revised application for a CUP/PUD include identification and mitigation to prevent the loss or damage of critical wildlife habitat.

11. To prevent the destruction, loss or damage of a natural, scenic or historic features, a revised application and master plan for a CUP/PUD to include a cultural resources survey of the entire development site.

12. The applicant demonstrate compliance with the existing CUP.

13. As a condition for approval of a CUP or CUP/PUD, the applicant post a bond for all improvements with the county in a monetary amount set forth by the Commission. The bond to be posted with the appropriate agency or office.

14. The revised application for a CUP/PUD include all criteria for a CUP/PUD as provided for in

the Camas County Zoning ordinance, Comprehensive Plan and Zoning Ordinance..

**Conclusion:** The application for the amendment to an existing CUP is incomplete. However, the conditions of the existing CUP apparently have not been met. Mitigation measures to address the adverse environmental effects of a large development of this scale are not <sup>proposed</sup> addressed. Affected regulatory agencies have not been invited for comment.

Due to the nature of the development proposal and incompleteness of the application, there is considerable public conjecture focusing on the adverse effect on the quality of life and property values. Paramount among those concerns are the possible effects of snowmobiling activities. Such activities will conflict with neighboring residences provided that adequate mitigation measures are not provided. Other concerns are noise, water quality and wildlife habitat.

Therefore, the potential for extended litigation and cost to the county in time and money exists. A complete application for a CUP/PUD as a phased development will address these concerns as a visionary plan, to the benefit of the entire community.

Respectfully submitted and prepared by:

\_\_\_\_\_  
Daniel J. Maiyo                      date

On behalf of the following Soldier Road homeowners:.



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

November 12, 2002

Lynn Stevenson  
PO Box 100  
Fairfield, ID 83327

RE: Your Domestic Well Located In The SW/SE Sec. 29 T. 2N R. 14E, Camas County

Dear Mr. Stevenson;

It has come to our attention that you may be diverting more water from this well than is allowed under Sec. 42-111 of the Idaho Code. This statute allows up to 13,000 gallons of water per day to be diverted in connection with a home. Up to ½ acre of land can be watered from a domestic well. If the well does not provide water to a permanent residence, the limits are 18 gallons per minute AND 2500 gallons per day. The smaller limits allow ground water to be used in a small business without a water right.

The purpose of this letter is to make sure that you are aware of these limits, and to warn you of the consequences if a violation is found. Since we do not show any groundwater rights on your property, it would be illegal, for example, to use your domestic well to supplement the creek rights that are used to irrigate your land. If such a violation was found, we could issue a Notice of Violation and seek civil penalties based on the extent of the violation. Presumably you have closed your golf course for the year, so this letter is aimed mainly at your future use of ground water on this property.

If you have questions or comments, feel free to contact me.

Regards,

James E. Stanton  
Sr. Water Resource Agent

Cc: Allen Merritt, IDWR

## MEMO TO THE FILE

FROM: Georgia Satterlee  
DATE: 14 September 1999  
RE: A~~47~~-00038,-00404A

37

Nancy Davies called concerned with Stevenson's claims. She asked if he had wells to irrigate the golf course, Cottonwood GC. I said it look as if it was just the above rights. There may be a letter in the future from Davies complaining about Stevenson's appropriation...just a warning.

17 September 1999

Mr. "X" called this a.m., basically saying the same thing as Nancy Davies, however Mr. Anonymous would not give his name, we discussed Stevenson and his golf course; quickly discussed issue with DJ and I suggested I write a letter discussing the issues of injury and/or a possible civil suit?? To Nancy Davies, sending a copy to Stevenson.

\* map shows 80.8 acres  
of irrigation

13 Oct 99

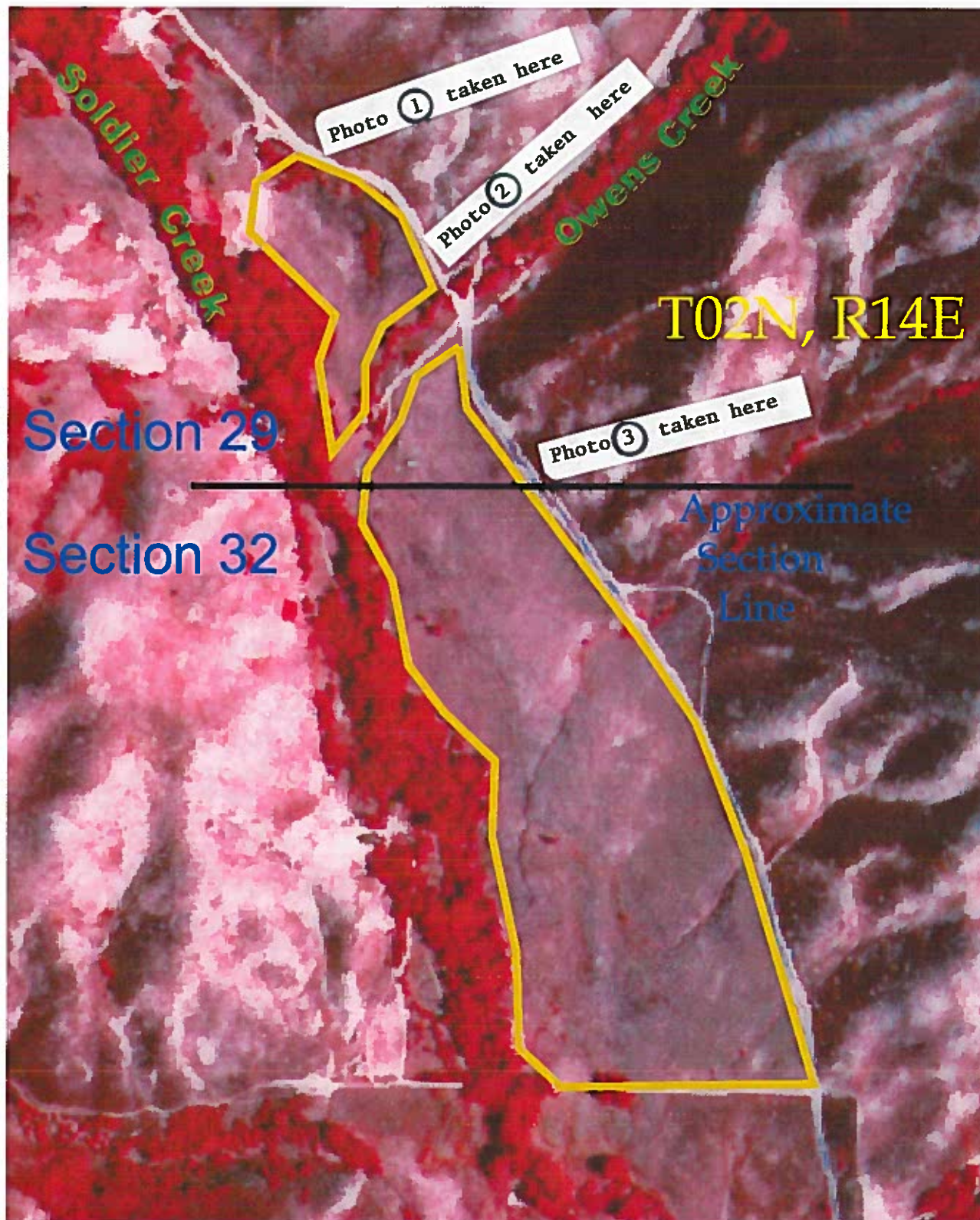
1215 hr Met Nancy Davies  
gave her claims in Stevenson's  
name & 1987 map\* from ASCS, she'll  
~~and fax~~ the Use Permit Stevenson  
applied for through P&Z. There is concern  
w/ speculative development, i.e. 10K ft<sup>2</sup> club  
house (restaurant, bar, etc) plus 1 acre home  
sites peppering the area.

164-2330

# IDAHO DEPARTMENT OF WATER RESOURCES

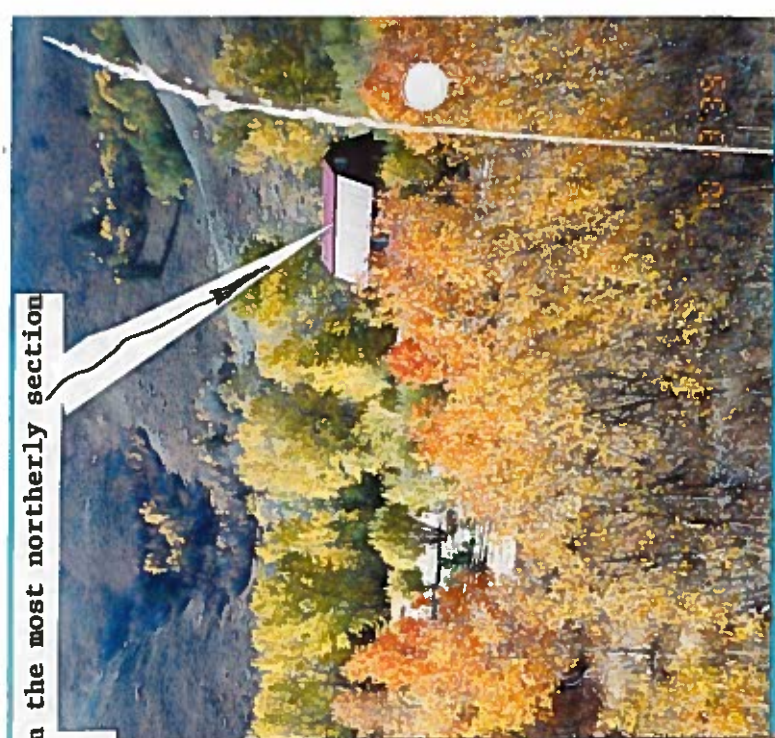
Lynn E. Stevenson

A37-00038,-00404A



P/U Presentation  
1987/1988 NAPP Photography  
Data Entry: GLS 10/1999

The barn is in the most northerly section of Section 29

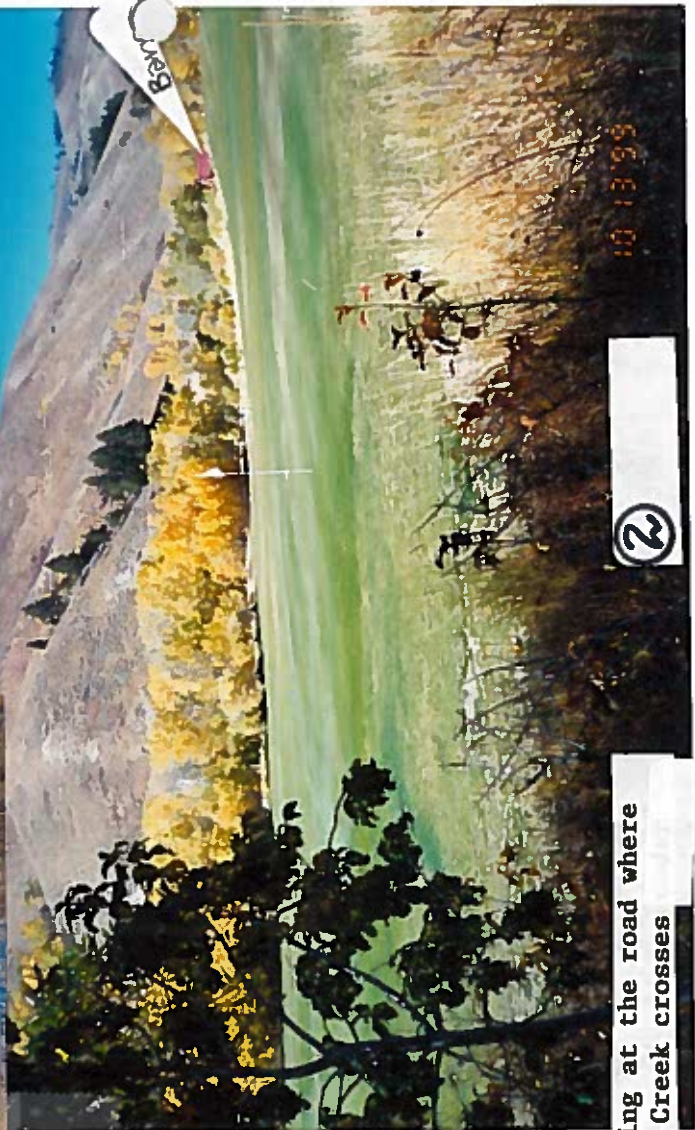


①

LOOKING SW'LY

Stevenson, Lynn  
A37-00038,-00404A  
21 October 1999

Looking  
NW'LY



standing at the road where Owens Creek crosses

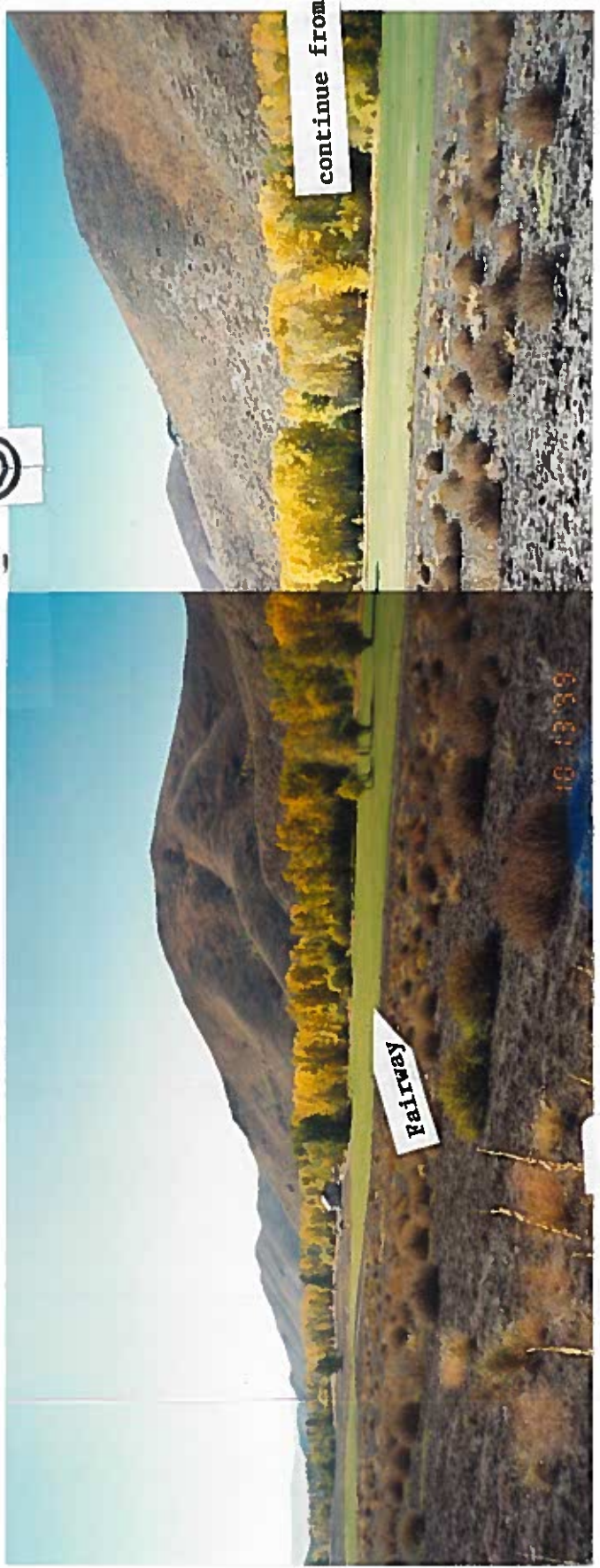
②



continue below

Photo looking  
NW'ly

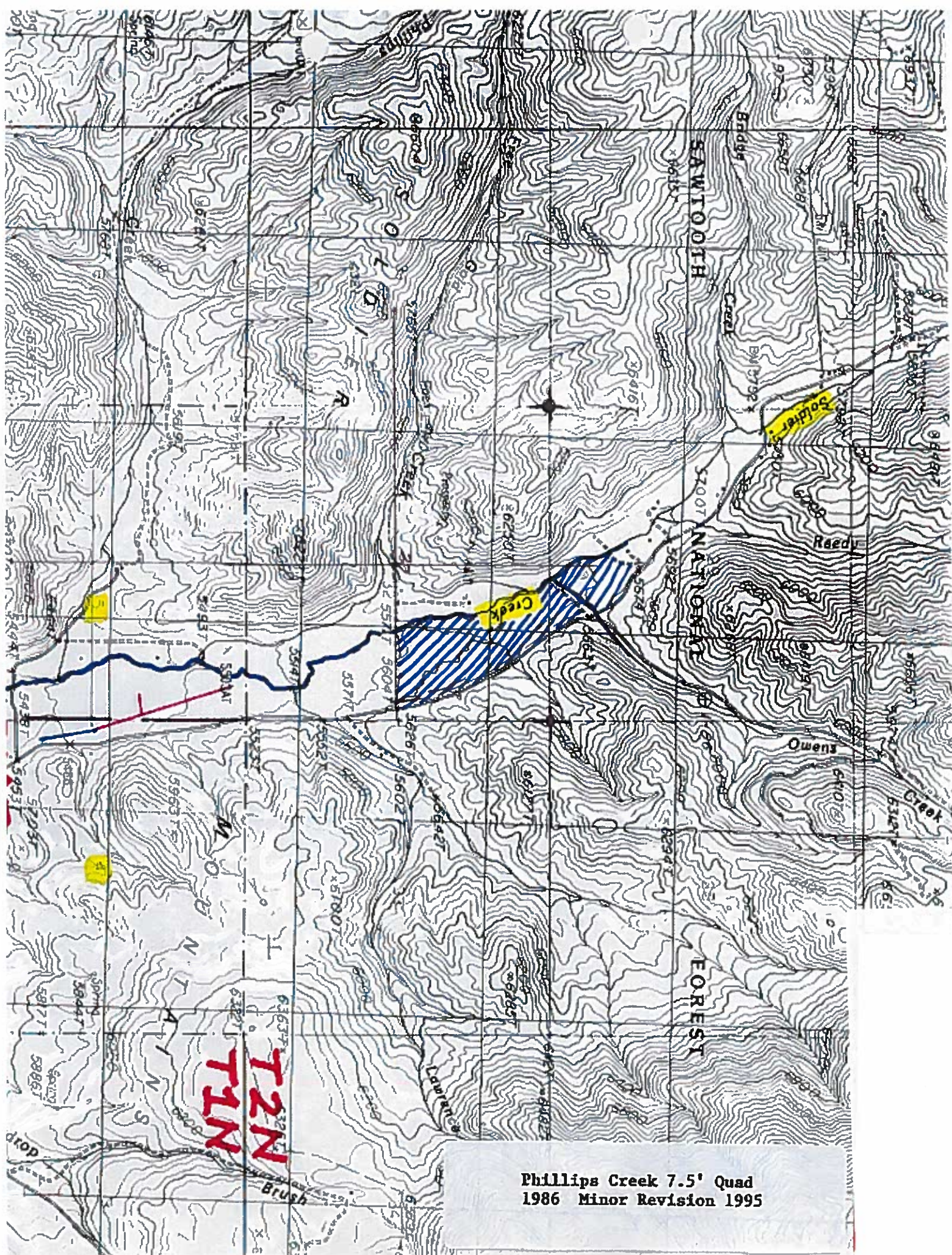
3



Railway

Photo looking | SW'ly

continue from above



Phillips Creek 7.5' Quad  
1986 Minor Revision 1995