

AMENDED 37-71B

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

RECEIVED
AUG 01 2005

Department of Water Resources
Southern Region

RECEIVED
JUL 18 2005
Department of Water Resources
Southern Region

Please type or print clearly

- Name of Claimant (s) Sun Valley Ranch, LLC Phone (208) 726-1780
Mailing Address P.O. Box 40380, Ketchum, Idaho Zip 83340
- Date of Priority (Only one (1) per claim) 05/01/1892
- Source of water supply (a) Big Wood River
which is tributary to (b) Malad River
- a. Location of existing point of diversion is: Township 01N Range 18E Section 35,
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: 01S18E10SESWNE
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Existing ditches and pipelines that are gravity fed into the system

COPY

6. Water is claimed for the follow , purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 0.5 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

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

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

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	10				8					25.6		37	34	16.6	40	40	11.6	212.8
		11	40	40	40	40	40	16.7	37.3	40	40	39	38	40	38.5	35.4			524.9
		12						29.4	24										53.4
		13					40	40	28	40									148
		14	36	38.5	40	36	38.7	40	40	40									309.2
		15	40	36.8	39	40	25	22	17.6	33.8									254.2
		16	22			27													49

Total number of Irrigatable acres 1551.5

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

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

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

See attached Or None ☐

14. Remarks:

*1: Total authorized irrigated acres shall not exceed 40 acres per irrigation season when used without the rest of the associated water rights of the PPU

*2: Total authorized irrigated acres of the rights in the PPU shall not exceed 1551.5 acres per irrigation season

See attached Purchase Agreement regarding the ownership transactions for this water right and the appertunant property

COPY

Last Name _____ Ident. No. _____
15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX

If applicable provide IDWR Water Right Number 37-71B
Court _____ Case Number _____ Decree Date 12/13/1909
Plaintiff vs Defendant _____

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Authorized Agent
Of Sun Valley Ranch LLC, that I have signed the foregoing
Document in the space below as Senior Member of Brockway Engineering P.L.L.C.
Title Organization

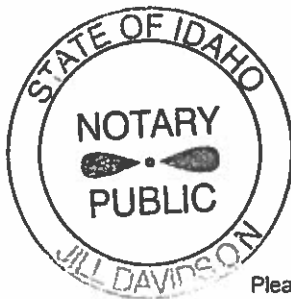
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Senior Member / Brockway Engineering Date _____

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

Subscribed and sworn (or affirmed) before me this 13th day of July, 2005.
Notary Public Jill Davidson
Residing at Twin Falls
My Commission Expires November 18, 2010

SEAL



Please Print Name

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

Signature _____
Address _____
Date _____

COPY

Last Name _____ Ident. Number _____

COPY

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00071B

Date Received: 10/19/1988

Receipt No:

Received By:

W001290 (#90)

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. HADLEY STUART, JR. 208-788-4002
Address: BOX 186
BELLEVUE, ID 83313

2. Date of Priority: MAY 01, 1892

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	35		NW	SE		BLAINE
01S	18E	10	SE	SW	NE		BLAINE

5. Description of diverting works:
DIVERTED THROUGH OPEN DITCHES ONTO PROPERTY FOR FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	10	NE	SW		IRR	15.0
			NW	SW		IRR	25.0

Section Acres 40.0

A37-00071B

Page 1

Date: 10/24/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-00230, A37-00231, A37-00232.

14. Remarks:

TRANS. 2935.

TRANSFER REMOVES ALL RTS. FROM NENE S20 T1S R18E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/06/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A37-000718Date Received 10-19-88Receipt Number W001290 (190) J

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) E. Hadley Stuart, Jr. Phone (208) 788-4002
Mailing Address P. O. Box 186, Bellevue, Idaho Zip 83313

2. Date of Priority (Only one (1) per claim) May 1, 1892

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1S Range 18E Section 10,
SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, -- B.M., County of Blaine

Additional points of diversion if any: NW/4 SE/4, Sec. 35, T1N, R18E, Blaine County

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

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

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

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion works on the Big Wood River as
operated and maintained by the Wood River watermaster. Water is diverted through open
ditches and onto the property. The cropland is presently under flood irrigation.

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FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .5 or 120

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .5 (cfs) and/or (b) 120 (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1S	18E	10									15	25							40

Total number of acres irrigated 40

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
37-0230; 37-0231; 37-0232 or None ()

14. Remarks: Land covered under this claim is under water right license 37-0071;
Transfer #T2935

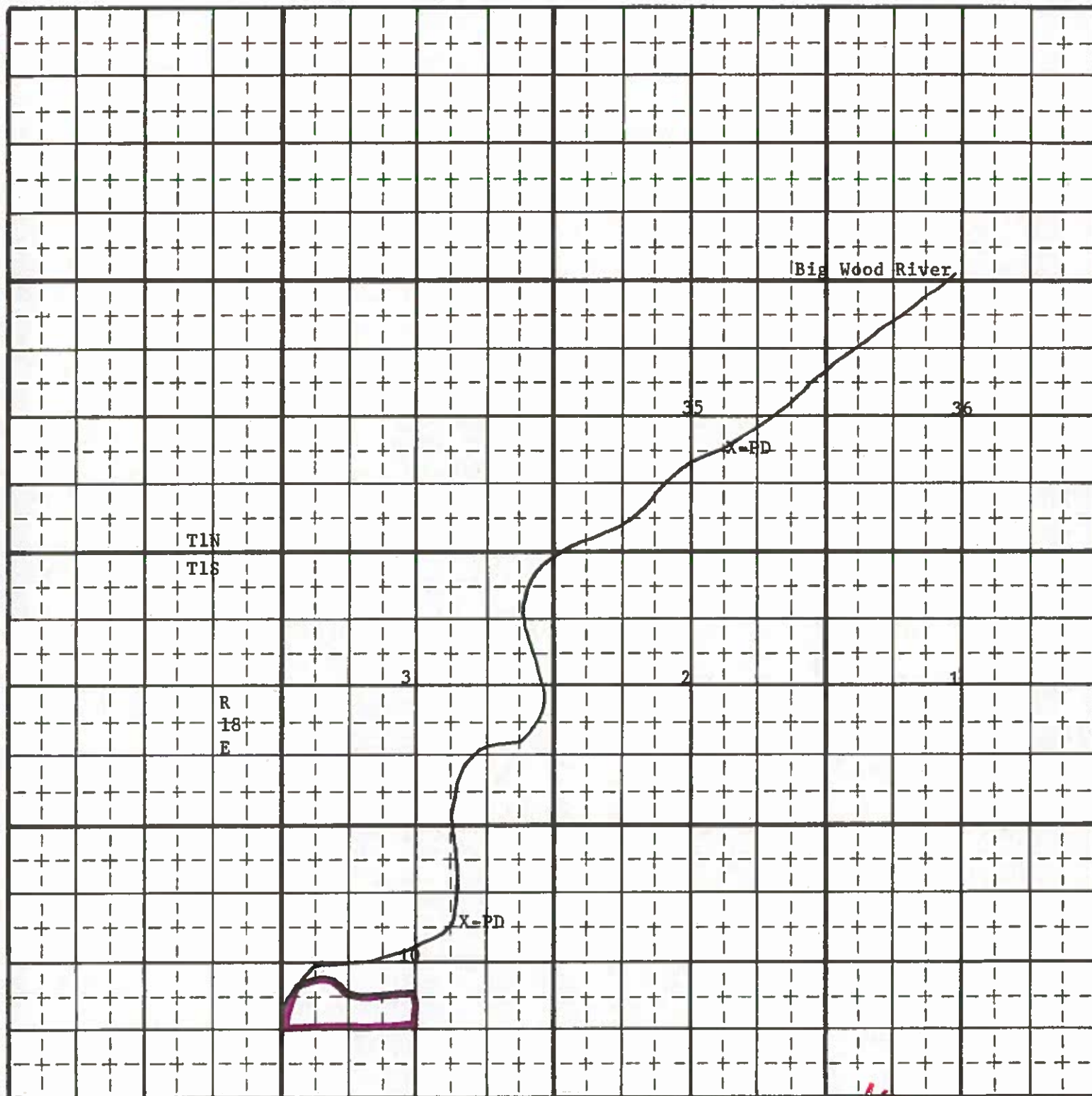
MICROFILMED
FEB 22 1993

Last Name Stuart Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED
FEB 22 1993

Last Name Stuart Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 37-0071B
Court Fourth District Case Number _____ Decree Date 10/6/09
Plaintiff vs Defendant S C Frost v Alturas Water Co.

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

Number of attachments 0

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

Signature of Claimant (s) E Hasley Stuart Date 10/11/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

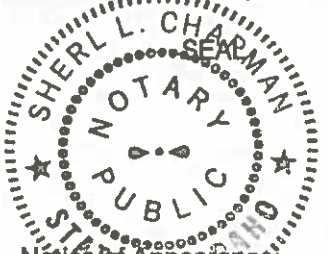
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11 day of October 19 88



Notary Public Sherl L. Chapman

Residing at 451 W Willowbrook Meridian Id

My Commission Expires 6/14/94

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name Stuart Ident. Number _____

MICROFILMED
FEB 22 1993
Copies White-State, Yellow-Claimant

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



FIRST CLASS

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES

Handwritten notes and stamps:

- 37-22050
- 37-60
- 37-61
- 37-62
- 37-63A
- 37-63B
- 37-64A
- 37-64B
- 37-65A
- 37-65B
- 37-66A
- 37-66B
- 37-67A
- 37-67B
- 37-68A
- 37-68B
- 37-69A
- 37-69B
- 37-70
- 37-71A
- 37-71B
- 37-72A
- 37-72B
- 37-73A
- 37-73B
- 37-74A
- 37-74B
- 37-75A
- 37-75B
- 37-76A
- 37-76B
- 37-77A
- 37-77B
- 37-78A
- 37-78B
- 37-79A
- 37-79B
- 37-80A
- 37-80B

NO SUCH ADDRESS

SUN VALLEY RANCH LLC
PO BOX 40380
KETCHUM ID 83340

12/27/2006

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

RIGHT NUMBER: 37-71B

NAME AND ADDRESS: SUN VALLEY RANCH LLC
PO BOX 40380
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T01S R18E S10 NESWNE 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	0.500 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S10	NESW	19.00	T01S R18E S10	NWSW	40.00
T01S R18E S10	SWSW	39.00	T01S R18E S10	SESW	2.20
T01S R18E S15	NWNW	20.00	T01S R18E S15	SWNW	12.00
T01S R18E S16	NENE	23.00	T01S R18E S16	SENE	29.00

184.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season. Combined Right Nos.: 37-69B, 37-70 and 37-71B.

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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



Idaho Department of Water Resources

SRBA Recommendation:

37-71B
(Irrigation)

Legend

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

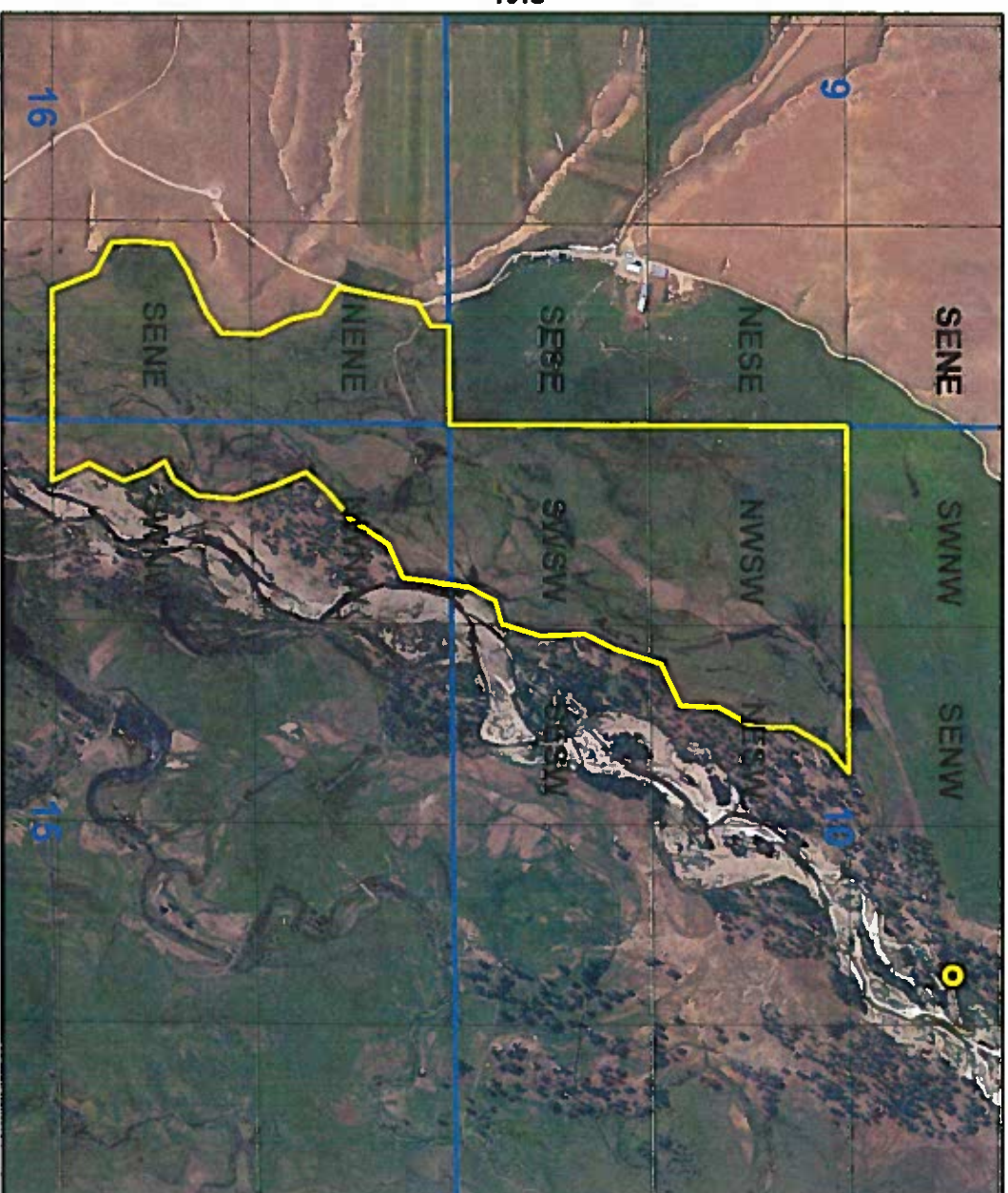


Blaine County
IDWR Basin 37



T01S

R18E



0

0.5

1

Miles

Owner: Sun Valley Ranch Llc

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

Prepared by A. Merritt
On Wednesday, December 27, 2006
2004 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-71B

WATER RIGHT NUMBER: 37-71B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SAMUEL M BLAIR
Current Owner	BELLEVUE, ID 83313 E HADLEY STUART JR PO BOX 186 BELLEVUE, ID 83313 (208)788-4002

Priority Date: 05/01/1892

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SW1/4NE1/4	Sec. 10, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4SE1/4	Sec. 35, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10									15.0	25.0							40.0

Total Acres: 40

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. 016 See remarks for additional conditions of approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-71B

5. TRANS. 2935.
TRANSFER REMOVES ALL RTS. FROM NENE S20 T1S R18E.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 11/4/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

July 29, 2005

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

RECEIVED

AUG 01 2005

Department of Water Resources
Southern Region

Re: Sun Valley Ranch LLC: Amended Claims & Change of Ownership

Dear Doug:

I am resending the enclosed amended claims now that the warranty deed has been obtained from our client. We have not resubmitted the purchase agreement that was sent to you on July 14, 2005, since you stated that these documents were inadequate. In addition, I have included the original check for \$25.00 and an additional check for \$50.00 to cover the costs of the change of ownership forms appurtenant to the rights that have been partially decreed. As before stated if any other costs are needed during the processing of these documents please call our office and we will be glad to resolve the issue.

Just for your information our client will not receive the deed for the JD Spring Creek Ranch until August 12, 2005. Therefore, we will not be resubmitting these other amended claims until that point.

Our client wishes that these amendments be processed as soon as possible and if or any other agent have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,

Daren T. Nelson.

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

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

Attachments: Brockway Engineering Check # _____
Warranty Deed

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

cc: Robert Kantor



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

July 14, 2005

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

RECEIVED
JUL 18 2005
Department of Water Resources
Southern Region

Re: Sun Valley Ranch LLC: Amended Claims & Change of Ownership

Dear Doug:

Please find the enclosed amended claims for Sun Valley Ranch LLC. These claims are being amended as a result of your recommendations from our meeting on June 16, 2005 regarding SC Ranch LLC. The amended claims should create a permissible place of use appurtenant to the lands formerly known as Diamond Dragon Ranch (owned by E. Hadley Stuart Jr.). These claims are based on the use of the lands in 1987 and should correct the errors within in the current claims. In addition, it two more claims are being submitted (37-67A and 37-69A) since these rights were never claimed in the initial claiming process. However, these two rights have continually been delivered by the local Watermaster. In order to obtain the shapefiles for the PPU please contact me at my new email daren.nelson@brockwayeng.com and I will send them via email.

In order to change ownership of these rights two forms have been submitted (claimed rights and partially decreed rights). An attached purchase agreement for the property is also included. The final closing of these transactions will be completed shortly and the appropriate deeds will be submitted to IDWR as soon as the transaction is complete. In addition, a limited power attorney is attached that signifies Charles E. Brockway as the authorized agent for Sun Valley Ranch LLC.

I have included a check for a total of \$25.00 to cover the costs of the change of ownership forms appurtenant to the rights that have been partially decreed. If any other costs are needed during the processing of these documents please call our office to discuss the matter. Our client wishes that these amendments be processed as soon as possible and if or any other agent have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,

Daren T. Nelson.

CHARLES E.
BROCKWAY,
Ph.D., P.E.

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Attachments: Limited Power of Attorney
Two (2) change of ownership forms
Purchase agreement and amendments
Brockway Engineering Check # 6741

cc: Robert Kantor

RECEIVED

AUG 01 2005

Department of Water Resources
Southern Region

Supporting Narrative

Sun Valley Ranch, LLC (Diamond Dragon Ranch): Amended Claims

Project #: 787-03-2005

Brockway Engineering is submitting the attached amended claims, in order to create a permissible place of use appurtenant to the property currently owned by E. Stuart Hadley Junior. It has been the recommendation of Douglas Jones at IDWR to amend these claimed rights so that they can be included in a PPU and allow flexibility in the management of these rights. These claimed rights are being amended based on how the rights were being used in 1987. In addition, two rights are being claimed that are appurtenant to the property that were not formerly claimed in the SRBA. SC Ranch, LLC has entered a purchase agreement with E. Stuart Hadley Jr. regarding the Diamond Dragon Ranch, and will close the transaction regarding the ownership of this property shortly. However, SC Ranch, LLC would like to proceed with the change of ownership of these rights and these amendments in order to update and fix errors that have occurred in the process of claiming many of these rights.

Based on our research of the IDWR water right database, eighteen (18) water rights are appurtenant to the E. Stuart Hadley Jr. (Diamond Dragon Ranch) property in Township 1S and Range 18E. According to the legal description acquired from the attached purchase agreement the ranch is ~ 1813 acres. In addition, according to aerial photos ~1551.5 of these acres were being irrigated in 1987. In the near future, when IDWR reviews these claims, the total allowed acreage of this property would probably equal the amount of acreage that was being irrigated in 1987. Therefore these claimed rights are being amended in order to reflect the 1551.5 acres that was being irrigated on the ranch in 1987.

To assist in the understanding of these rights, I have included a the following table that lists the priority date, source, status, diversion rate, allowed uses, etc. of each right owned by the ranch and used for irrigational purposes. In addition, see the attached current water right map to identify the claimed location of the POU's and POD's of each water right, and the boundaries of the properties. After these rights are amended the total claimed irrigatable area of the permissible place of use should be 1551.5 acres and the POU and POD's of the amended claims should reflect this.

Group #1 water rights are seven (7) water rights that have been claimed in the SRBA and have been decreed in the Frost Decree. All of these rights are being diverted from the Big Wood River and are being used for irrigation. The claimed diversion rate of these claims are higher than the standard allowed limit of 0.02 cfs/acre and all of the rights in this group have combined limits above this standard (0.035 (37-60, 37-61, and 37-62), 0.0375 (37-230, 37-231B, and 37-232), or 0.05 (37-577AZ) cfs/acre). However, within the remarks of 37-230, 37-231B, and 37-232 it states that the water applied to the POU exceeds the standard limit and are based on historical water master records that show that larger diversion rates are needed due to the extremely porous soils. The remarks also

state that the water that is applied in excess of the standard enters the ground water system and is returned to the Big Wood River. Thus, these higher diversion rates should be justified.

Table 3: Current Status of the Diamond Dragon Ranch Water Rights

Water Right #	Priority Date	Source	Diversion (cfs/afa)	Beneficial Use	Status in SRBA	Allowed Acreage
Group #1: Claimed Irrigation Rights that Exceed the Standard Rate						
37-60	07/01/1880	Big Wood River	2.80/---	Irrigation	Claim	400
37-61	07/01/1880	Big Wood River	8.40/---	Irrigation	Claim	400
37-62	07/01/1881	Big Wood River	2.80/---	Irrigation	Claim	400
37-230	05/15/1883	Big Wood River	4.00/---	Irrigation	Claim	160
37-231B	05/15/1883	Big Wood River	0.40/---	Irrigation	Claim	160
37-232	05/15/1884	Big Wood River	1.60/---	Irrigation	Claim	160
37-577AZ	03/24/1883	Big Wood River	2.90/203	Irrigation	Claim	57.9
Group #2: Claimed Irrigation Rights that are Below or At the Standard Rate						
37-63A	07/01/1881	Big Wood River	1.23/---	Irrigation	Claim	614
37-64A	05/01/1883	Big Wood River	3.32/---	Irrigation	Claim	614
37-66A	12/19/1882	Big Wood River	2.46/---	Irrigation	Claim	614
37-68A	06/26/1883	Big Wood River	0.98/---	Irrigation	Claim	614
37-70	05/15/1887	Big Wood River	1.98/---	Irrigation	Claim	520
37-71B	05/01/1882	Big Wood River	0.50/---	Irrigation	Claim	40
37-2492	09/16/1948	Big Wood River	2.80/490	Irrigation	Claim	140
37-2538	06/20/1953	Big Wood River	1.86/326	Irrigation	Claim	93
37-4266	03/01/1910	Big Wood River	2.26/396	Irrigation	Beneficial Use Claim	113
Group #3: Irrigation Rights Not Claimed in the SRBA						
37-67A (Portion)	06/26/1883	Big Wood River	2.80/---	Irrigation	Frost Decree	---
37-69A (Portion)	06/26/1883	Big Wood River	2.55/---	Irrigation	Frost Decree	---

Group #2 water rights are nine (9) water rights that have been claimed in the SRBA and have been decreed in the Frost Decree except 37-2492, 37-2538, and 37-4266. Both 37-2492 and 37-2538 have currently been licensed and 37-4266 is still a beneficial use claim. All of these rights are being diverted from the Big Wood River except 37-2492 and 37-2538, which are diverted from ground water sources. The claimed diversion rates of these rights are all either below or at the standard allowed limit of 0.02 cfs/acre.

Since 37-4266 is still a beneficial use claim the validity of this right still needs to be determined. It is our understanding that ERO Resources out of Boise is currently working with IDWR to regarding the priority of this right.

William M. Black owned all of the decreed rights at the time of these decrees. E. Stuart Hadley then acquired this property and the water rights associated with the property since the time of these former decrees. However, some of these rights were still in William M.

Blacks name when these claims were being made in 1987. The included area within the POU of these original rights included land that is not currently owned by Hadley. Thus, in 1987 when these rights were claimed the rights were divided to reflect the new ownership of the property. Group #3 water rights are two rights (37-67A and 37-69A) that were originally decreed in the Frost Decree and are appurtenant to a portion of the property, but were never claimed in the SRBA. Wood River Ranch owns a portion of the property that these rights POU describe and have claimed the corresponding portions of these rights. However, the remainder of the two rights have never been claimed by the ranch, even though the Watermaster for this region has continued to deliver these rights. Therefore, these two rights are now being claimed.

Thank you for your time and thorough review of these amended claims. We would appreciate if these transactions could be approved and processed as soon as possible. If you have any questions concerning this narrative or any of the amended claims, please do not hesitate to contact our office.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

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

1. Amount of water: a. 0.5 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20 Township 1S
Range 18E, B.M., Blaine County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1S</u>	<u>18E</u>	<u>20</u>	<u>40</u>																<u>40</u>

Total number of acres to be irrigated 40

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

1. General Information

- a. Amount of water to be diverted 0.5 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate, canal and lateral ditches.
- c. Describe the reasons for the proposed changes Redistribution of the irrigation works and to increase flexibility of diversions.

2. Change in point of diversion

Point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10 Township 1S
Range 18E, B.M., Blaine County
Additional points NW/4 SE/4, Sec. 35, T1N, R18E, Blaine County

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
A portion of the land which is presently under irrigation will no longer be irrigated due to transfer of part of the water right from presently cultivated lands.

c. Describe land or place of use to which the right will be assigned:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	18E	10									15	25							40

Total number of acres to be irrigated 40

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

The map grid shows Township 1S and Range 18E. Sections 1 through 36 are labeled. Section 15 and 25 are highlighted with a box. A dashed line labeled 'X-RD' runs through section 35. A circular stamp is visible in section 4.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Because of changes in irrigation practices in the area, the consolidation of several farms and changes in the Big Wood River channel modification of existing water rights is necessary. The changes described herein more accurately reflect actual irrigation practices and will ease delivery of water by Water District 37.

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

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

E. Haeley Stuart Jr.
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of January, 19 83

Quito D. McHurd
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0071B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
3. Approval of this transfer totally removes all existing water rights from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 1S, Rge 18E, B.M. Irrigation of this entire tract must be discontinued until another water right for the irrigation of such lands is provided.

Witness my hand this 2nd day of February, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>meys</u>	Date <u>11/2/84</u>	Protest filed by <u>None</u>
Prelim. check by <u>AD</u>	Fee <u>\$50.00</u>	
Receipted by <u>meys</u>	Date <u>11/6/84 #23840</u>	
Published in <u>wood river journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>2/2 + 10/6/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>2/21/83</u>	Recommended for <u>approval</u> denial	
_____ rec'd. <u>9/30/83</u>	by <u>AD's gins</u>	