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JUN 29 2005

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: A37-02538

Date Received: 10/19/1988

Receipt No: W001290 (1/30)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 20, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	18E	13	NE	NE	NW		BLAINE

5. Description of diverting works:
DRILLED WELL W/PUMP. WATER DISTRIBUTED THROUGH OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/15	1.860		326.00

7. Total Quantity Appropriated is:
1.860 C.F.S. (and/or) 326.00 A.F.A.

8. Total consumptive use is 233.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	13	NE	NW		IRR	40.0
			NW	NW		IRR	13.0
			SE	NW		IRR	40.0

Section Acres 93.0

A37-02538

Page 1

Date: 11/02/88

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Total Acres 93.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 24224

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

Date Received

Receipt Number

A37-02538
10-19-88
W001290 (8/30)

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

- Name of Claimant (s) E. Hadley Stuart, Jr. Phone (208) 788-4002
Mailing Address P. O. Box 186, Bellevue, Idaho Zip 83313
- Date of Priority (Only one (1) per claim) June 20, 1953
- Source of water supply (a) Ground Water
which is tributary to (b) NA
- a. Location of existing point of diversion is: Township 1S Range 18E Section 13,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine (2 points)
Additional points of diversion if any: NA
- 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 _____
- 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. Drilled well with associated pumping
equipment. Water is distributed through open ditches.

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FEB 23 1993

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/15 amount 1.86 or 326

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.86 (cfs) and/or (b) 326 (acre feet)

8. Total consumptive use claimed is 233 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	13					40	13		40									93

Total number of acres irrigated 93

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

or None (X)

14. Remarks:

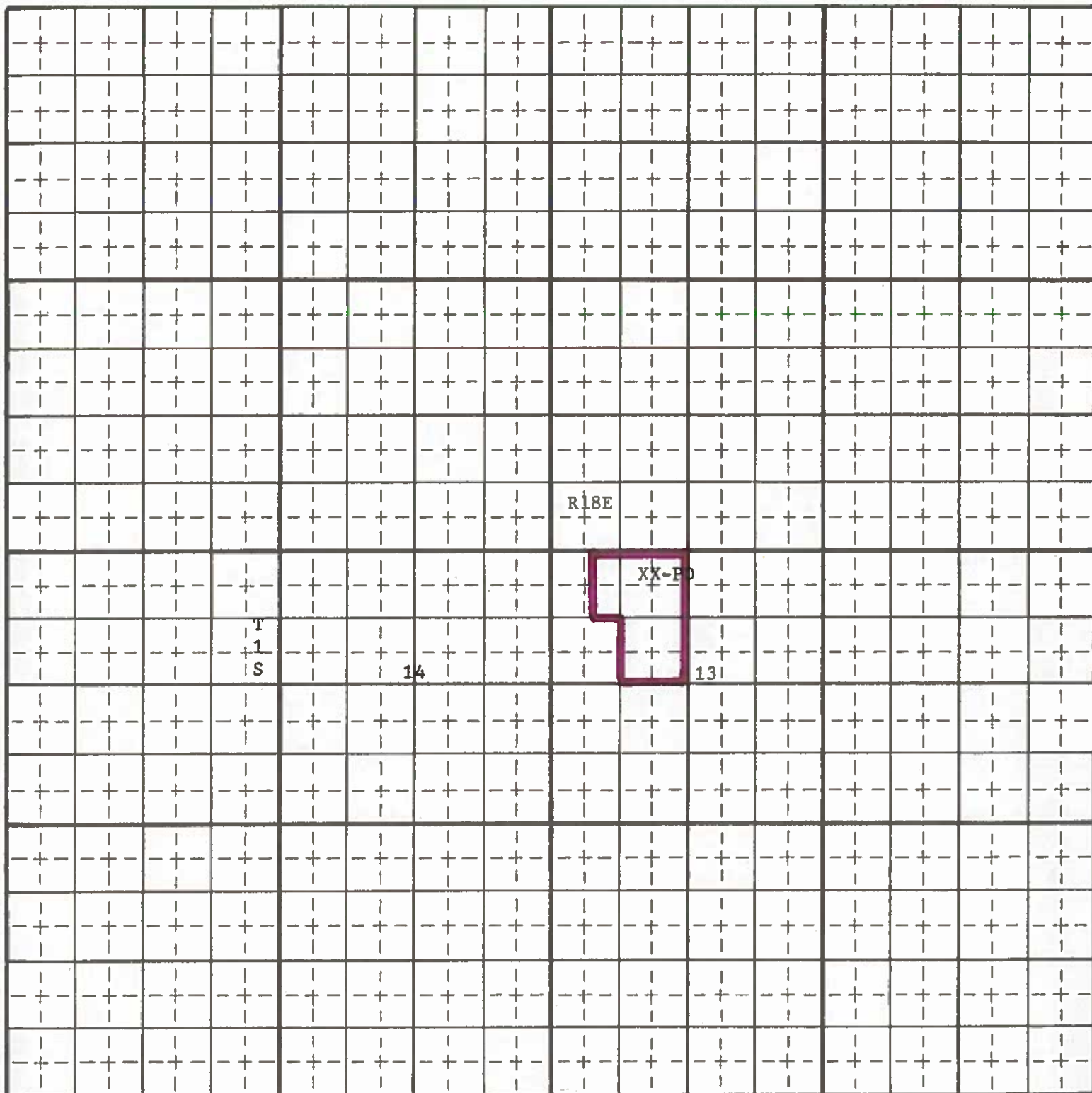
MICROFILMED

Last Name Stuart Ident No. _____

Copies: 23 1993

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

Scale: 2 inches equals 1 mile



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FEB 23 1993

Last Name Stuart Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 37-2538

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ 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 Hadley 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 Mendocino Rd 451 W Willowbrook

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 _____

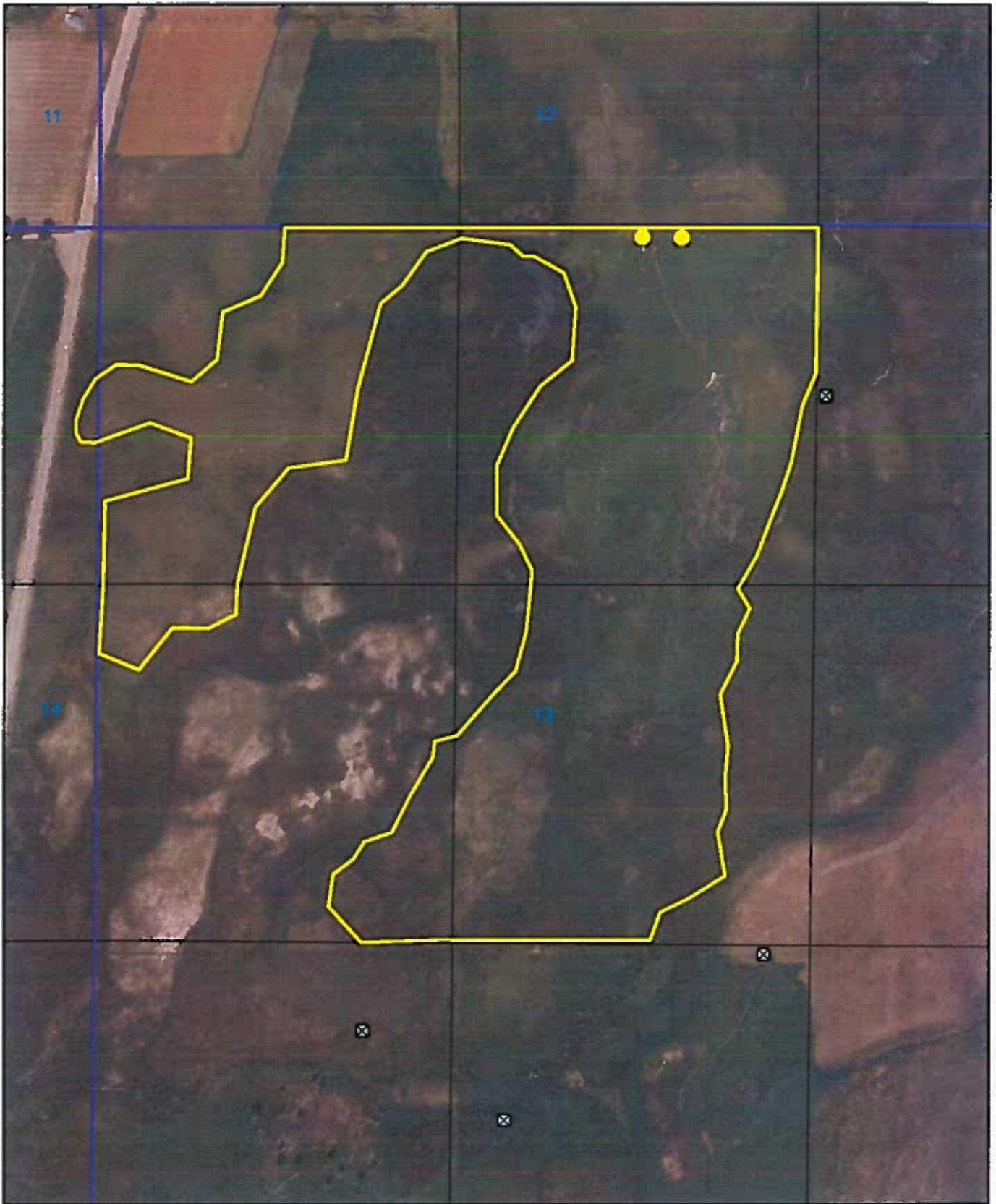
Date _____

Last Name Stuart Ident. Number _____

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FEB 23 1993

Copies White-State, Yellow-Claimant



Sun Valley Ranch LLC
37-2538

Date: 12/29/06

NOTICE OF ERROR
REPLY

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

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

Water right number 37-2538
Name Sun Valley Ranch, LLC
Address Line 2 PO Box 4380
City, State Zip Ketchum, Idaho 83340
Telephone Number (208) 726-1780

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

Diversion Rate, Volume

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

The diversion rate should be 1.86 cfs, with a volume of 326 afa..

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

In numerous other situations, chiefly in the course of transfer applications, IDWR has utilized excess flow/volume analyses to determine duty of water. It is unfair in this case to simply use a default value for the diversion rate, leaving the claimant with a fraction of the water that has been beneficially used on the land. IDWR should perform an excess flow/volume analysis for the pou, or should accept an excess flow analysis by a qualified analyst in support of this claim. In addition, at the time of the license IDWR had already deemed that excess flow on the property was necessary, and historical flow measurements have been made in excess of the recommended 1.65 cfs (see attached notes for Big Wood River Underground Water Users Association).

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

DATE: 12/29/06

SIGNATURE: Charles E. Brockway

Please print your name: Charles E. Brockway

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

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 29, 2006

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

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Sun Valley Ranch, LLC: Notice of Errors

Dear Allen:

Please find the enclosed notice of error forms submitted on behalf of Sun Valley Ranch, LLC. These forms hopefully should reflect the errors that our client believes are within the recommendations for water rights 37-231B, 37-232, 37-577AZ, 37-2492, and 37-2538 that are appurtenant to their property in Township 2S, Range 18E.

Currently and historically, the water has been distributed via earthen ditches and the land has been irrigated by gravity methods. Based on the NRCS soil survey, the predominant soil is loam or silt loam with moderate available water holding capacity, and the potential for coarse gravel and/or sand layers at shallow depths. IDWR did not perform an excess flow/volume analysis to determine the historic duty of water, even though the claimant is entitled to the maximum diversion rate/volume that has historically been put to beneficial use. Instead, IDWR has reduced the diversion rates and removed or reduced the volume limits assuming 0.02 cfs/acre or 3.5 acre feet annually, respectively. The ramifications of these assumptions are as follows:

- 1) 37-231B the volume of 167 AFA was removed; and it is assumed that the 3.5 AFA limit is in effect.
- 2) 37-232 the volume of 480 AFA was removed; and it is assumed that the 3.5 AFA limit is in effect.
- 3) 37-577AZ the volume of 203 AFA was removed; and it is assumed that the 3.5 AFA limit is in effect.
- 4) 37-2492 was reduced from 2.8 to 2.37 cfs (0.02 cfs/acre on 118.1 acres), and reduced from 490 AFA to 414.8 AFA.
- 5) 37-2538 was reduced from 1.86 to 1.65 cfs (0.02 cfs/acre on 82.6 acres), and reduced from 326 AFA to 289.1 AFA.

In numerous other situations, chiefly in the course of transfer applications, IDWR has utilized excess flow/volume analyses to determine duty of water. It is unfair in this case to simply use a default value for the diversion rate/volume, leaving the claimant with a fraction of the water that has been

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

beneficially used on the land. IDWR should perform an excess flow/volume analysis for the entire property, or should accept an excess flow analysis by a qualified analyst in support of these claims.

If you have any questions regarding the enclosed documents, please feel free to give our office a call. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. T. Nelson', with a long horizontal flourish extending to the right.

Daren T. Nelson, Hydrologist

Attachments: Notices or Error: 37-231B, 37-232, 37-577AZ, 37-2492, and
37-2538

cc. George Kirk

01/04/2007

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

RIGHT NUMBER: 37-2538

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.650 CFS
289.100 AFY

Right Nos. 37-2538 and 37-22052 are limited to a total combined diversion rate of 1.65 cfs.

PRIORITY DATE: 06/20/1953

POINT OF DIVERSION:

T01S R18E S13 NENENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.650 CFS 289.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S13	NENW	33.00	T01S R18E S13	NWNW	11.00
T01S R18E S13	SWNW	8.20	T01S R18E S13	SENW	30.00
T01S R18E S14	NENE	0.40			

82.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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



Idaho Department of Water Resources

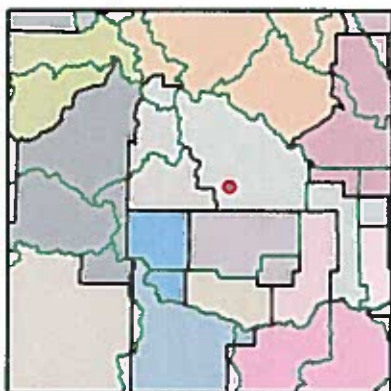
SRBA Recommendation:

37-2538

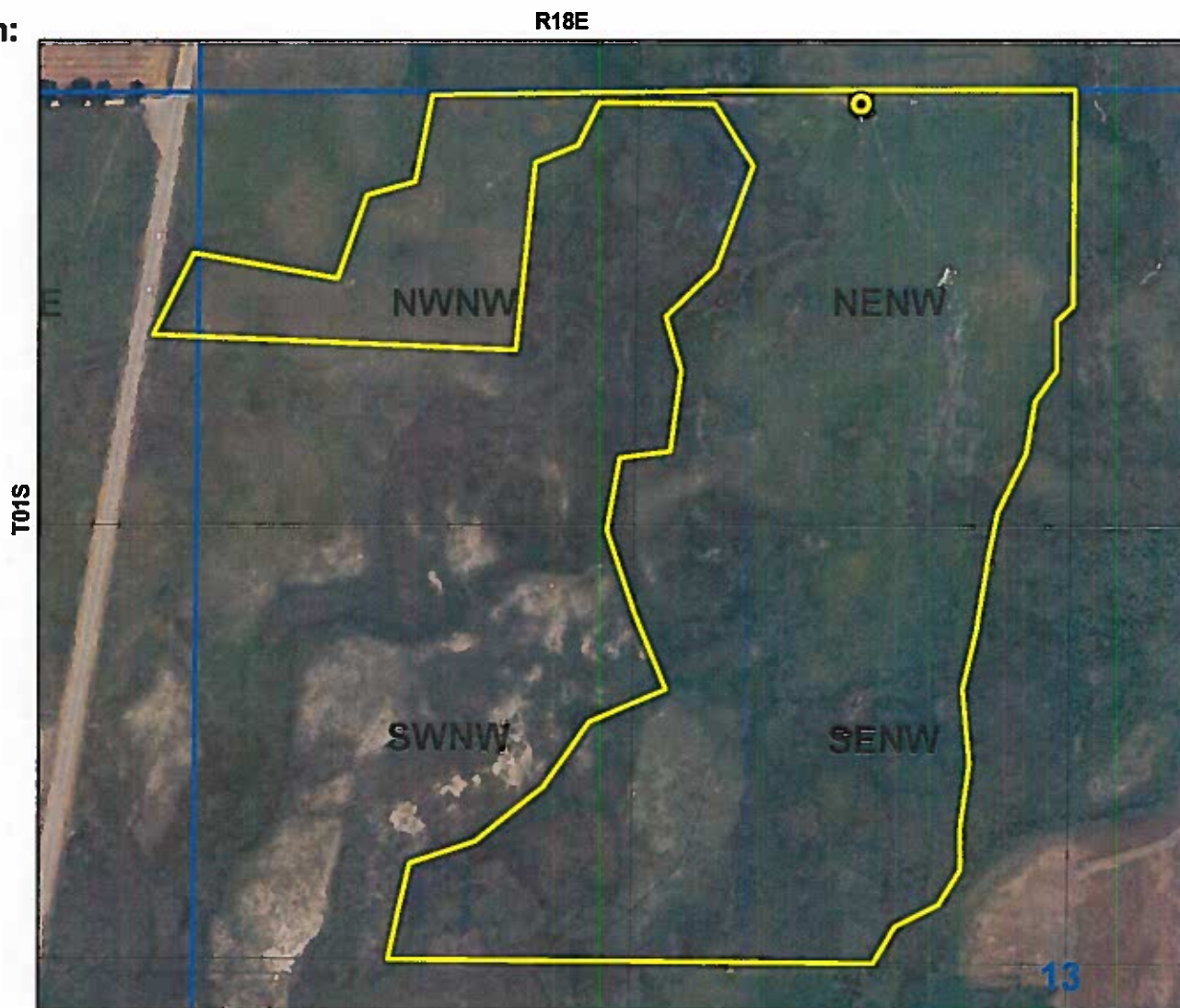
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by A. Merritt
On Tuesday, December 26, 2006
2004 Aerial Photography

Owner: Sun Valley Ranch Llc

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