

**AMENDED 37-231B**

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  
JUL 18 2005

Department of Water Resources  
Southern Region

RECEIVED  
AUG 01 2005

Department of Water Resources  
Southern Region

Please type or print clearly

1. Name of Claimant (s) Sun Valley Ranch, LLC Phone (208) 726-1780Mailing Address P.O. Box 40380, Ketchum, Idaho Zip 833402. Date of Priority (Only one (1) per claim) 05/15/18833. Source of water supply (a) Big Wood Riverwhich is tributary to (b) Malad River4. 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 BlaineAdditional points of diversion if any: 01S18E10SWNE, 01S18E02NWSE, 01S18E11NWNW,01S18E11SWSW, and 01S18E15NWNE

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),  
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well. 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 0.4 or 167

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.4 (cfs) and / or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 167 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 160 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 appertenant 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 37-231B

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  
Organization

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 7-13-05

State of Idaho / or \_\_\_\_\_ )  
 ) ss.

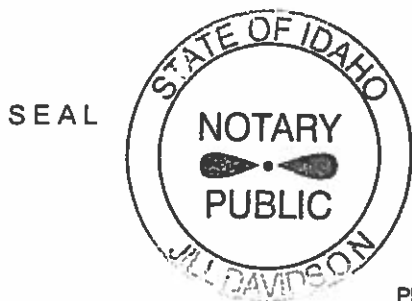
County of Twin Falls )

Subscribed and sworn (or affirmed) before me this 13<sup>TH</sup> day of July, 2005.

Notary Public [Signature]

Residing at Twin Falls

My Commission Expires November 18 2010



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: A37-00231B

Date Received: 10/19/1988

Receipt No:

Received By:

2001390(150)  
[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: MAY 15, 1883

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 18E   | 35      |        | NW     | SE     |     | BLAINE |
| 01S      | 18E   | 2       |        | SE     | NE     | 1   | BLAINE |
|          |       |         |        | NW     | SE     |     | BLAINE |
|          |       | 10      |        | SW     | NE     |     | BLAINE |
|          |       | 11      |        | NW     | NW     |     | BLAINE |
|          |       |         |        | SW     | SW     |     | BLAINE |
|          |       | 15      |        | NW     | NE     |     | BLAINE |

5. Description of diverting works:

DIVERTED FROM BIG WOOD RIVER TO DITCHES FOR DISTR. TO CROPS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.400  |      | 167.00 |

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or) 167.00 A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

N/A

A37-00231B

Page 1

Date: 11/02/88

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FEB 22 1993

10. Place of Use:

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-----|-------|
| 01S      | 18E   | 10      | NW            | SW  |     | IRR | 20.0  |
|          |       |         | SW            | SW  |     | IRR | 23.0  |
|          |       |         | Section Acres |     |     |     | 43.0  |
|          |       | 15      | NE            | NW  |     | IRR | 9.0   |
|          |       |         | NW            | NW  |     | IRR | 19.0  |
|          |       |         | SW            | NW  |     | IRR | 32.0  |
|          |       |         | SE            | NW  |     | IRR | 28.0  |
|          |       |         | Section Acres |     |     |     | 88.0  |
|          |       | 16      | NE            | NE  |     | IRR | 29.0  |
|          |       |         | Section Acres |     |     |     | 29.0  |
|          |       |         | Total Acres   |     |     |     | 160.0 |

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:  
37-0230, 37-0232

14. Remarks:

TRANS. 2973. WATER APPLIED TO THESE LANDS EXCEEDS ONE MINERS INCH PER ACRE. USE CLAIMED IS BASED ON WATERMASTER RECORDS SHOWING HISTORIC USE. THE SOILS ARE EXTREMELY POROUS AND WATER APPLIED IN EXCESS OF THE CONSUMPTIVE IRRIGATION REQUIREMENT ENTERS THE GROUND WATER SYSTEM AND RETURNS TO THE BIG WOOD RIVER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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

Date Received

Receipt Number

A37-00231B

10-19-88

W001290(850)

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 15, 1883

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 2,  
-- 1/4 of -- 1/4 of -- 1/4, Govt. Lot, 1 B.M., County of Blaine

Additional points of diversion if any: NW/4 SE/4 Sec. 2; SW/4 NE/4 Sec. 10; NW/4 NW/4 Sec. 11;  
SW/4 SW/4, Sec. 11; NW/4 NE/4 Sec. 15; all in T1S, R18E. NW/4 SE/4, Sec. 35, T1N, R18E,

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

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. Water is diverted from the Big Wood River  
at several points into lateral ditches for distribution to cropland.

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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 .40 or 167

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .4 (cfs) and/or (b) 167 (acre feet)

8. Total consumptive use claimed is 400 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  |        |       |       |       |        |       |       |       | 20     | 23    |       |       |        |       |       |       | 43     |
| 1S  | 18E | 15  |        |       |       |       | 9      | 19    | 32    | 28    |        |       |       |       |        |       |       |       | 88     |
| 1S  | 18E | 16  | 29     |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       | 29     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 160

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; 37-0232 or None ( )

14. Remarks: Water applied to these lands exceeds one miners inch per acre. Use claimed is based on watermaster records showing historic use. The soils are extremely porous and water applied in excess of the consumptive irrigation requirement enters the ground water system and returns to the Big Wood River.

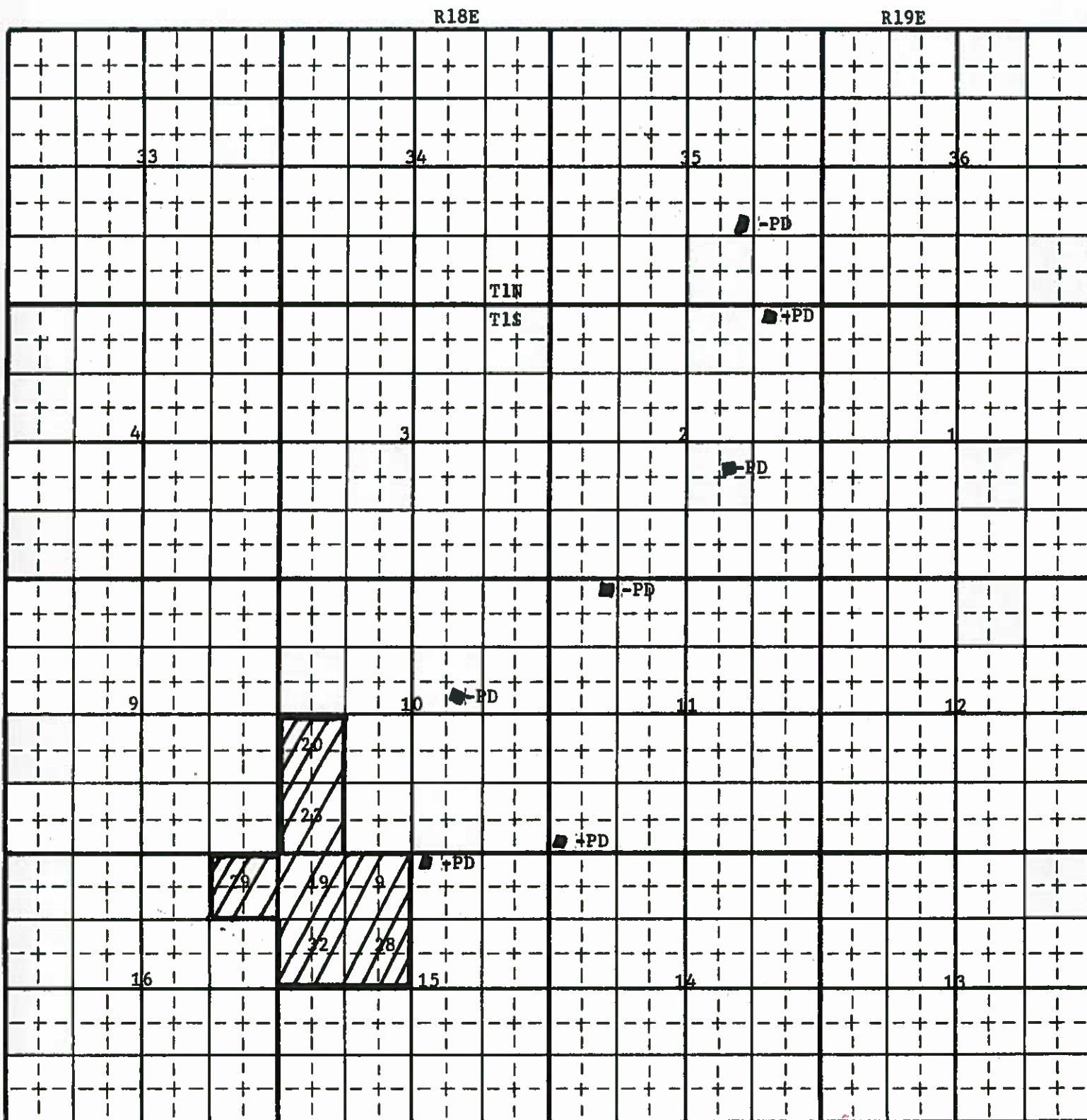
MICROFILMED  
FEB 22 1993

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



Last Name Stuart Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Columbian

MICROFILMED  
FEB 22 1993

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 37-0231  
Court Fourth District Case Number \_\_\_\_\_ Decree Date 10/6/09  
Plaintiff vs Defendant S C Frost v Alturas Water Co. et. al.

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. Hackley 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 Sherell Chapman

Residing at 451 W Willowbrook Meadows Rd

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 \_\_\_\_\_

Copies White-State, Yellow-Claimant

MICROFILMED  
FEB 22 1993



RECEIVED  
MAR 12 2007  
DEPARTMENT OF  
WATER RESOURCES

**NO SUCH ADDRESS**

SUN VALLEY RANCH LLC  
PO BOX 40380  
KETCHUM ID 83340

Handwritten notes include:  
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01/03/2007

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

RIGHT NUMBER: 37-231B

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/15/1883

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01S R18E S2 SENWSE Within BLAINE County

T01S R18E S2 NESWSE Rediversion Within BLAINE County

This right is measured and administered at the point of rediversion.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.400 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R18E S10 | SESW | 5.10  | T01S R18E S10 | NESE | 28.00 |
| T01S R18E S10 | SWSE | 34.00 | T01S R18E S10 | SESE | 34.00 |
| T01S R18E S11 | NENE | 40.00 | T01S R18E S11 | NWNE | 40.00 |
| T01S R18E S11 | SWNE | 40.00 | T01S R18E S11 | SENE | 40.00 |
| T01S R18E S11 | NENW | 39.00 | T01S R18E S11 | NWNW | 14.00 |
| T01S R18E S11 | SWNW | 28.00 | T01S R18E S11 | SENW | 40.00 |
| T01S R18E S11 | NESW | 40.00 | T01S R18E S11 | NWSW | 39.00 |
| T01S R18E S11 | SWSW | 39.00 | T01S R18E S11 | SESW | 40.00 |
| T01S R18E S11 | NESE | 41.00 | T01S R18E S11 | NWSE | 36.00 |
| T01S R18E S12 | NWNW | 27.00 | T01S R18E S12 | SWNW | 24.00 |
| T01S R18E S14 | NENE | 3.90  | T01S R18E S14 | NWNE | 34.00 |
| T01S R18E S14 | SWNE | 8.70  | T01S R18E S14 | NENW | 35.00 |
| T01S R18E S14 | NWNW | 40.00 | T01S R18E S14 | SWNW | 40.00 |
| T01S R18E S14 | SENW | 38.00 | T01S R18E S15 | NENE | 40.00 |
| T01S R18E S15 | NWNE | 40.00 | T01S R18E S15 | SWNE | 34.00 |
| T01S R18E S15 | SENE | 40.00 | T01S R18E S15 | NENW | 26.00 |
| T01S R18E S15 | SWNW | 3.40  | T01S R18E S15 | SENW | 33.00 |

1084.1 ACRES TOTAL

01/03/2007

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

---

Right Nos. 37-230, 37-231B and 37-232 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1084.1 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ and 37-22050.

The rights listed below are limited to the irrigation of a combined total of 1168.5 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492 and 37-22050.

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.



# Idaho Department of Water Resources

SRBA Recommendation:

**37-231B**

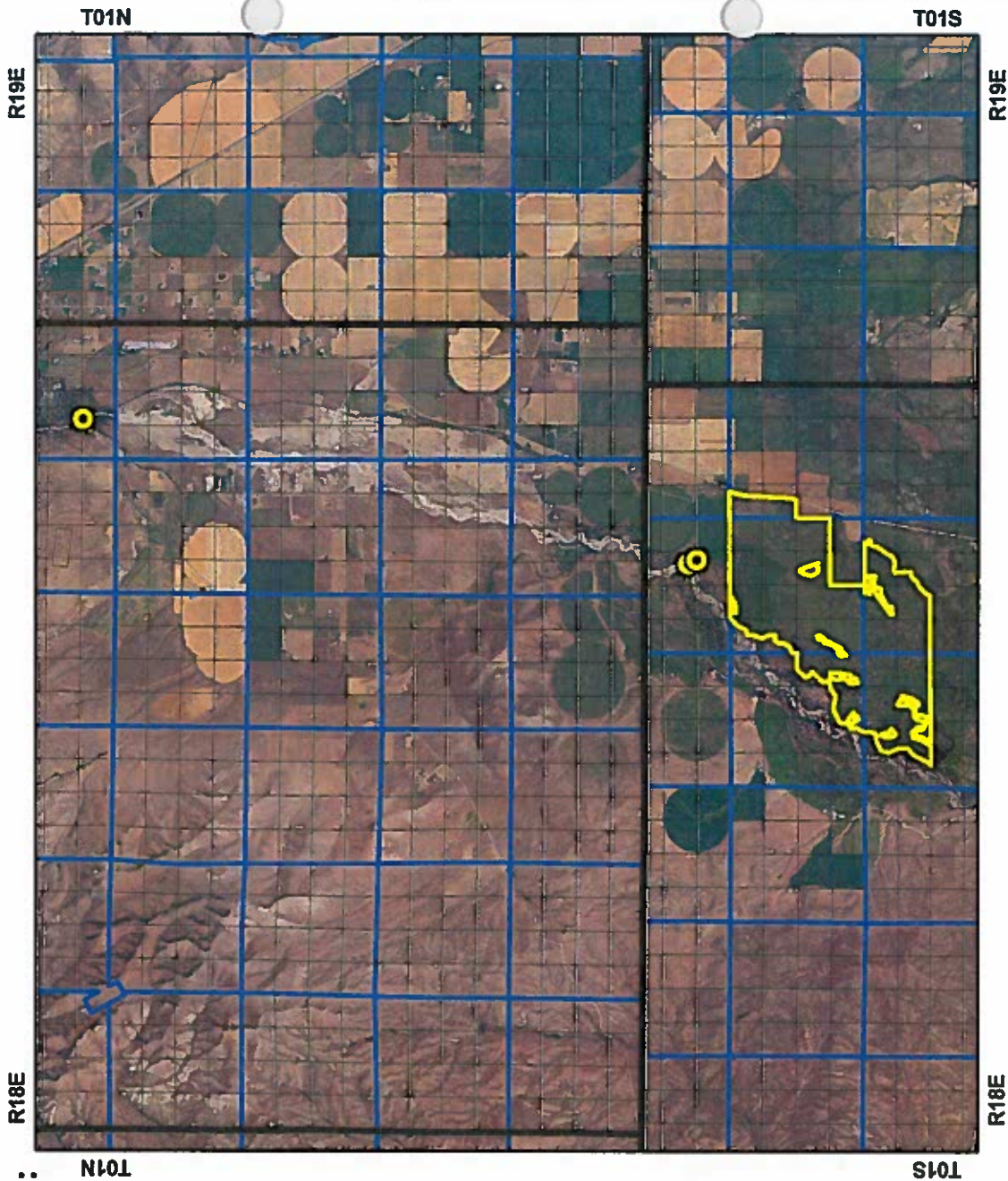
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



0 3 6 Miles

Prepared by A. Merritt

On Wednesday, December 27, 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.

**Z** 



Date: 12/29/06

NOTICE OF ERROR  
REPLY

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

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

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

|                    |                       |
|--------------------|-----------------------|
| Water right number | 37-231B               |
| 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 ) :

Volume

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

The volume should be 167 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 volume analyses to determine duty of water. It is unfair in this case to simply use a default value for the volume, leaving the claimant with a fraction of the volume of water that has been beneficially used on the land. IDWR should perform an excess volume analysis for the pou, or should accept an excess volume analysis by a qualified analyst in support of this claim.

   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.

RECEIVED  
DEC 29 2006  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION



**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.

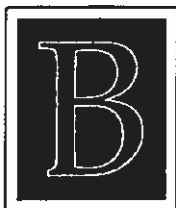
Sincerely,

A handwritten signature in blue 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



**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.

Attachments: Brockway Engineering Check # \_\_\_\_\_  
Warranty Deed

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

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 |
|-----------------------------------------------------------------------------------|---------------|----------------|---------------------|----------------|----------------------|-----------------|
| <b>Group #1: Claimed Irrigation Rights that Exceed the Standard Rate</b>          |               |                |                     |                |                      |                 |
| 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            |
| <b>Group #2: Claimed Irrigation Rights that are Below or At the Standard Rate</b> |               |                |                     |                |                      |                 |
| 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             |
| <b>Group #3: Irrigation Rights Not Claimed in the SRBA</b>                        |               |                |                     |                |                      |                 |
| 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         | ---             |

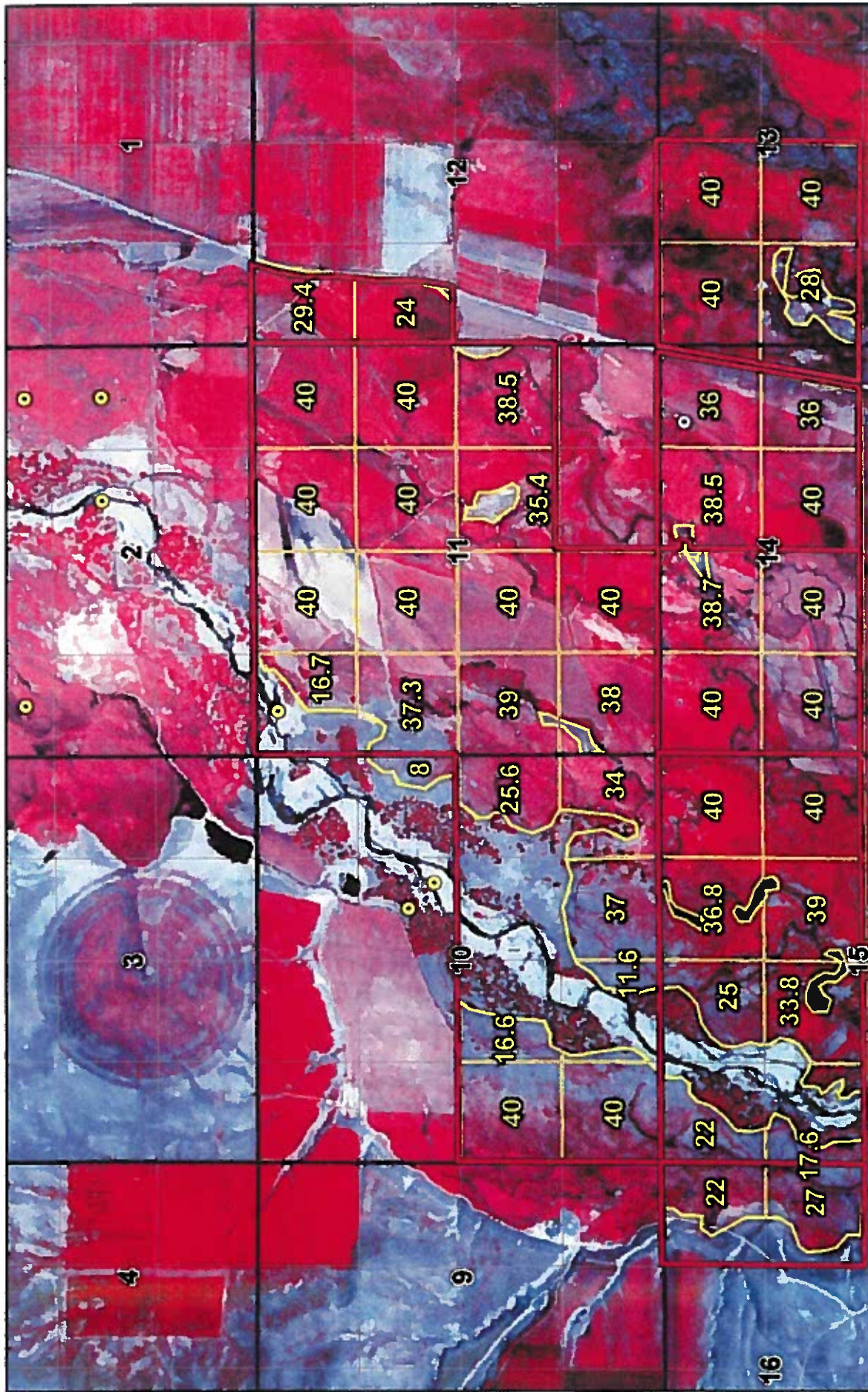
Group #2 water rights are nine (9) water rights that have been claimed in the SRBA and have been decreed in the Frost Decree except 37-2492, 37-2538, and 37-4266. Both 37-2492 and 37-2538 have currently been licensed and 37-4266 is still a beneficial use claim. All of these rights are being diverted 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.



# Irrigated Acres in 1987 - Diamond Dragon (PPU)

1987 Aerial Photo

Irrigated Acres

Diamond Dragon Property

PLS - quarter quarter

PLS - Section

Total Irrigated Acres = 1551.5

Brockway Engineering, PLLC  
DTN - 07/13/2005





**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](mailto: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

Form No. 222 10/89  
Should questions arise during  
the processing of this applica-  
tion please contact:

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

Transfer No. 2973

Water Right No. 37-0230  
37-0231  
37-0232

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

344-6690 APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant E. Badley Stuart, Jr. Phone 788-4002

Post Office address P.O. Box 186, Bellevue, Idaho, 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

37-0230 thru 37-0232

a. Decree No. \_\_\_\_\_ Decreed to Robert T. Flood  
(Name)

in case of S. C. Frost vs Alturas Water Company

dated in December 13, 1909 in Fourth District county of Blaine & Lincoln  
(Name of court)

b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed

or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_

Thru purchase of lands to which rights have been traditionally used.

3. Source of water Big Wood River tributary to Nalad River

4. Date of priority 37-0230:5-15-1883/37-0231:5-15-1883/37-0232:5-15-1884/37

5. Water is used for the following purposes:

\* Not listed in Decree

37-0230 amount 4.00 cfs for Irrigation purposes from 4/1 to 11/1

37-0231 amount 2.40 cfs for Irrigation purposes from 4/1 to 11/1

37-0232 amount 1.60 cfs for Irrigation purposes from 4/1 to 11/1  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.00 cubic feet per second

b. \_\_\_\_\_ &/or  
acres feet per annum

7. Location of original point of diversion is SW % of SW % of Section 11

Township 1S Range 18E R.M. in Blaine County

Additional points of diversion, if any NW1/4 Sec. 15; NW1/4 Sec. 11, T1S, R18E, R.M.

(Original P/D not listed in Decree) \* NWSE Sec 7 T1S, R18E

B. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE1/4                                                                                                     |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | 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   | 15   |                                                                                                           |       |       |       | 40    | 40    | 40    | 40    | 40    | *     | *     |       |       |       | 40    |       | 320    |
|      |       |      |                                                                                                           |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | * Original Findings of Fact appear to have typo error and place of use resolved to be as indicated above. |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |                                                                                                           |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |                                                                                                           |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres to be irrigated 320

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

37-0233 (80" 5-15-1888)

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. \_\_\_\_\_ cubic feet per second &/or \_\_\_\_\_ acre feet per annum  
b. \_\_\_\_\_
2. Point of diversion SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 11 Township 1S  
Range 18E, B.M., Blaine County  
Additional points (P/D also known as Black #61 generally described as the NW  
NE/4 SE/4, Sec. 2, T1S, R18E)
3. Place of use:

| TWP. | RANGE | SEC. | NE/4 |      |      |      | NW/4 |      |      |      | SW/4 |      |      |      | SE/4 |      |      |      | TOTALS |
|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |       |      | NE/4 | NW/4 | SW/4 | SE/4 | NE/4 | NW/4 | SW/4 | SE/4 | NE/4 | NW/4 | SW/4 | SE/4 | NE/4 | NW/4 | SW/4 | SE/4 |        |
| 1S   | 18E   | 15   |      |      |      |      | 40   | 40   | 40   | 40   |      |      |      |      |      |      |      |      | 160    |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total number of acres to be irrigated 160

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

1. General information

- a. Amount of water to be diverted 6.0 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Headgates, canals and lateral ditches.
- c. Describe the reasons for the proposed changes Redistribution of water rights to reflect existing pattern of usage.

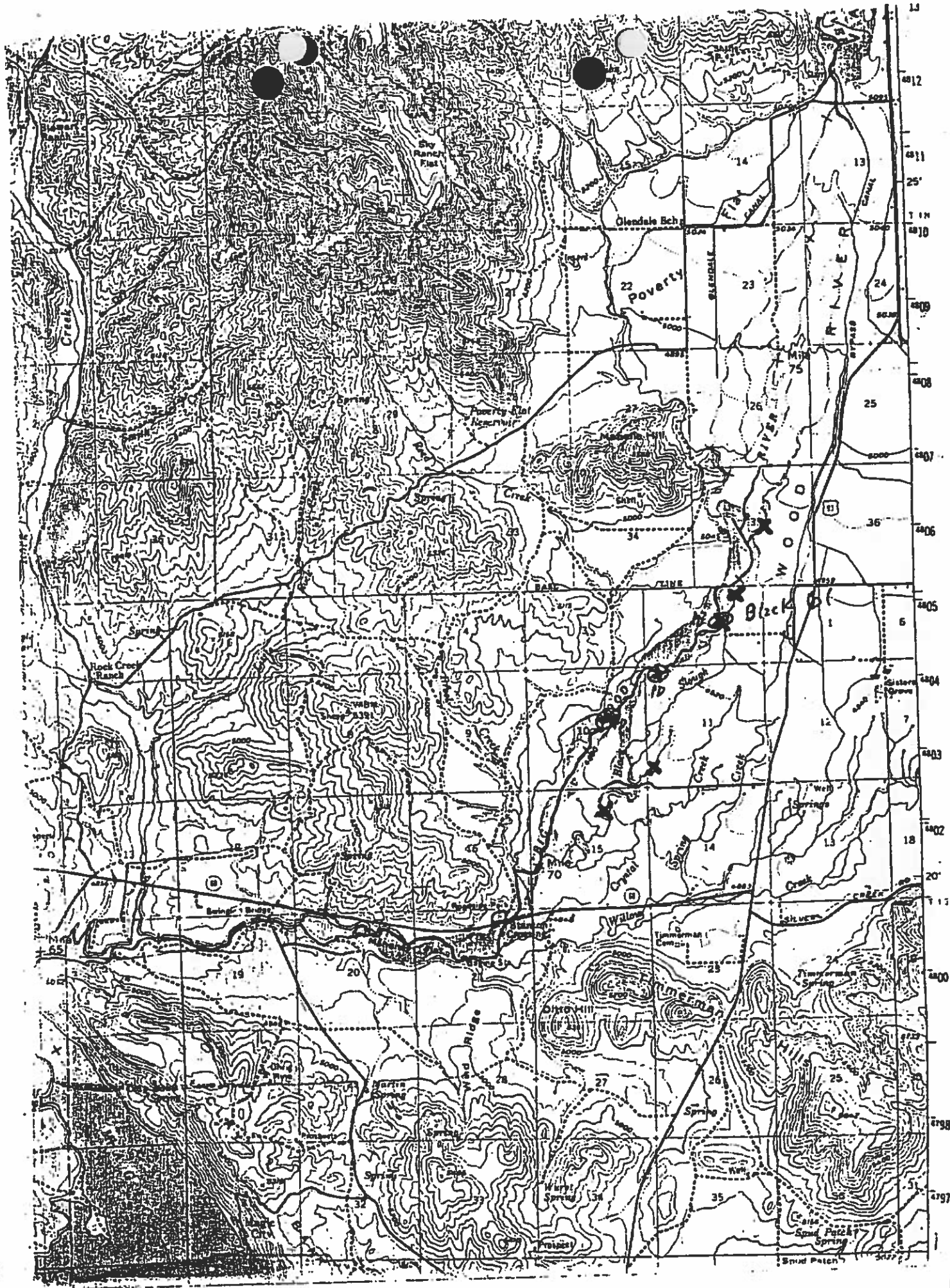
2. Change in point of diversion

Point of diversion 1/4 lot 1  $\frac{1}{4}$ , Section 2 Township 1S  
Range 18E, B.M., Blaine County  
NE/4 SE/4, Sec. 2,  
DW/4 SE/4 Additional points SW/4 NE/4, Sec. 10; NW/4 NW/4, Sec. 11; SW/4 SW/4, Sec. 11;  
(Black 61) NW/4 NE/4, Sec. 15; all in T1S, R18E and 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

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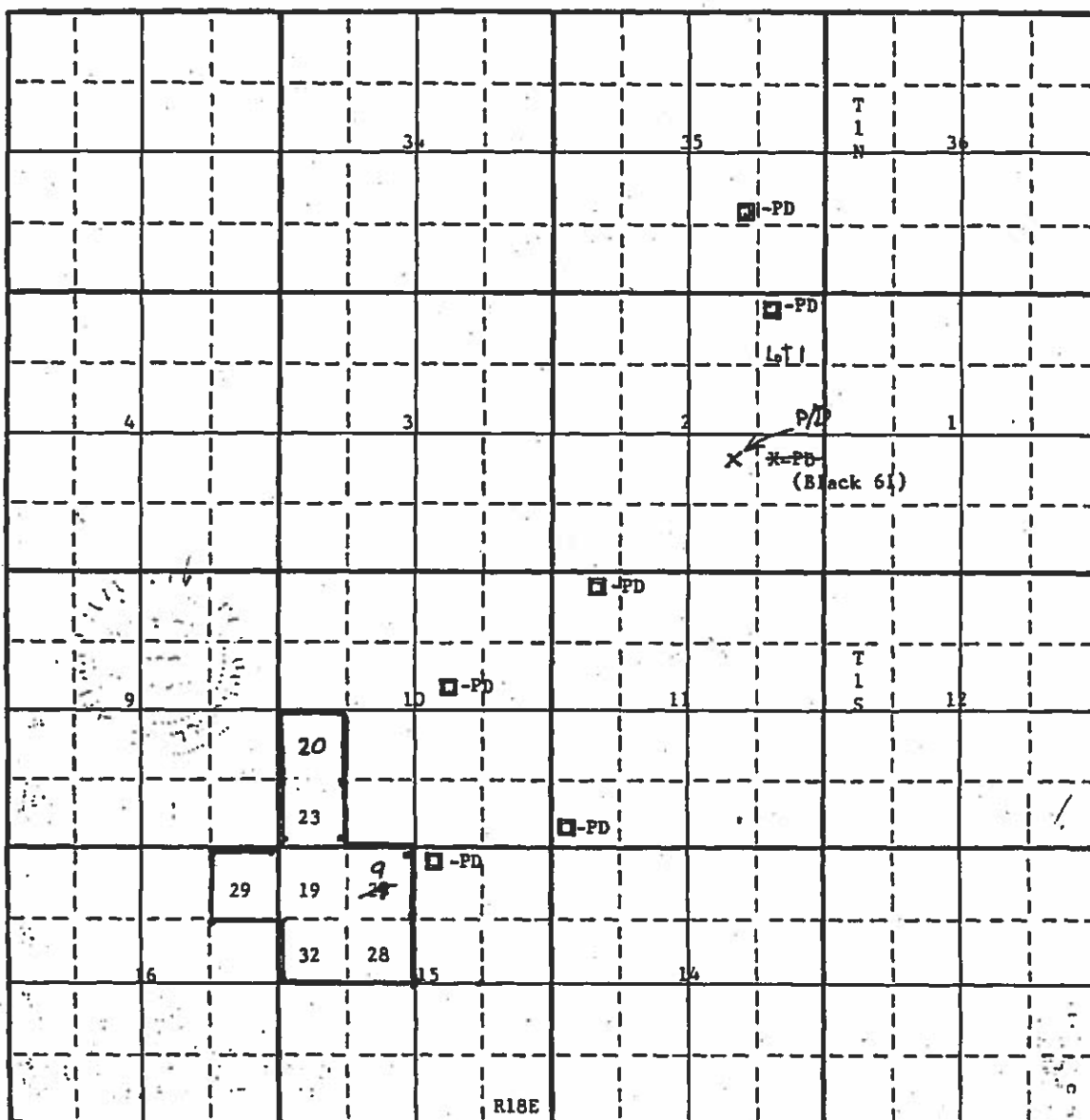
c. Describe the land or place of use to which the right will be transferred:

| 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   |     |     |     |     |     |     |     |     |     | 20  | 23  |     |     |     |     |     | 23 43  |
|      |       | 15   |     |     |     |     | 9   | 19  | 32  | 28  |     |     |     |     |     |     |     |     | 108 88 |
|      |       | 16   | 29  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 29     |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

\* Corrections made per phone conv. with Sherl Chapman 11/6/83 ADm

Total number of acres to be irrigated 160

- 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.



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

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D. REMARKS This application is based on historical usage as expressed by watermaster records prior to 1925. While the water delivered exceeds one (1) miners inch per acre, the historical beneficial use should be honored. These soils are extremely porous in nature, being the flood plain of the Big Wood River. Additionally, water applied in excess of the consumptive requirement of crops enters the ground water system and returns to the Big Wood River within a few miles. This ranch is at the downstream end of the Big Wood River system therefore no other water rights will be injured by recognizing historical use and allowing the transfer.

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

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

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 19 83

E. Hendley Stewart  
(Signature of Applicant)

Quito D. McMurdo  
(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. 37-0230/02318/0232 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.

Witness my hand this 3<sup>rd</sup> day of September, 19 85

J. Glen Saylor  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADN Date 10/24/83 Protest filed by None  
Prelim. check by ADN Fee \$50.00  
Received by mary z Date 11/16/83 # 23840  
Published in Wood River Journal Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 12/29/83 + 1/5/84 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 12/16/83 Recommended for approval denial \_\_\_\_\_  
rec'd. 12/28/83 by ADN

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## Adjudication Claim Report 37-231B

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | E HADLEY STUART JR<br>PO BOX 186<br>BELLEVUE, ID 83313<br>(208)788-4002 |
| Original Owner    | ROBERT T FLOOD<br><br>BELLEVUE, ID 83313                                |

**Status:** Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 0.400 CFS             | 167.00 AF            |
|                       | <u>Total Diversion:</u> | 0.400 CFS             | 167.00 AF            |

|                                 |                 |          |          |               |
|---------------------------------|-----------------|----------|----------|---------------|
| BIG WOOD RIVER<br>BLAINE County | NW1/4NW1/4      | Sec. 11, | Twp 01S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | NW1/4SE1/4      | Sec. 35, | Twp 01N, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | L1 (SE1/4NE1/4) | Sec. 2,  | Twp 01S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | SW1/4NE1/4      | Sec. 10, | Twp 01S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | SW1/4SW1/4      | Sec. 11, | Twp 01S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | NW1/4NE1/4      | Sec. 15, | Twp 01S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | NW1/4SE1/4      | Sec. 2,  | Twp 01S, | Rge 18E, B.M. |

## 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  |    |    |    |    |    |    |    |    |    | 20.0 | 23.0 |    |    |    |    |    | 43.0   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-231B

|            |  |      |      |      |      |  |      |
|------------|--|------|------|------|------|--|------|
| 01S 18E 15 |  | 9.0  | 19.0 | 32.0 | 28.0 |  | 88.0 |
| 01S 18E 16 |  | 29.0 |      |      |      |  | 29.0 |

Total Acres: 160

Conditions of Approval:

1. TRANS. 2973. WATER APPLIED TO THESE LANDS EXCEEDS ONE MINERS INCH PER ACRE. USE CLAIMED IS BASED ON WATERMASTER RECORDS SHOWING HISTORIC USE. THE SOILS ARE EXTREMELY POROUS AND WATER APPLIED IN EXCESS OF THE CONSUMPTIVE IRRIGATION REQUIREMENT ENTERS THE GROUND WATER SYSTEM AND RETURNS TO THE BIG WOOD RIVER.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

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: