

AMENDED 37-232IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN 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

RECEIVED

JUL 18 2005

Department of Water Resources
Southern RegionDepartment 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) 05/15/18843. 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 1.6 or 480

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.6 (cfs) and / or (b) (acre feet)

8. Total consumptive use claimed is 480 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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 appertunant property

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 37-232
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 of 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.
Organization Title Organization

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

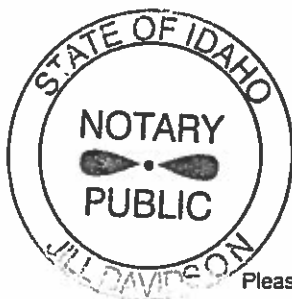
Signature of Authorized Agent [Signature]
Title and Organization Senior Member/Brockway Engineering Date 7-13-05

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

Subscribed and sworn (or affirmed) before me this 13th day of July, 2005.

Notary Public [Signature]
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 _____

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: A37-00232

Date Received: 10/19/1988

Receipt No: 2001290(950)

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 83313-0000

2. Date of Priority: MAY 15, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	34	NW	SE			BLAINE
01S	18E	2	NE	SE	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:

WATER DISPERSED UNDER WATERMASTER CONTROL, DITCHES 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	1.600		480.00

7. Total Quantity Appropriated is:

1.600 C.F.S. (and/or) 480.00 A.F.A.

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

9. Non-irrigation uses:

N/A

A37-00232

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, 37-0231

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

A37-00232

Date Received

10-19-88

Receipt Number

W001290 (\$50)

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, 1884

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 and NW/4 SE/4 Sec. 34, 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 delivered from several points on
the Big Wood River under the control of the watermaster. Water travels through lateral
ditches to the cropland for distribution.

**MICROFILMED
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 1.60 or 480

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.60 (cfs) and/or (b) 480 (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; 37-0231 or None ()

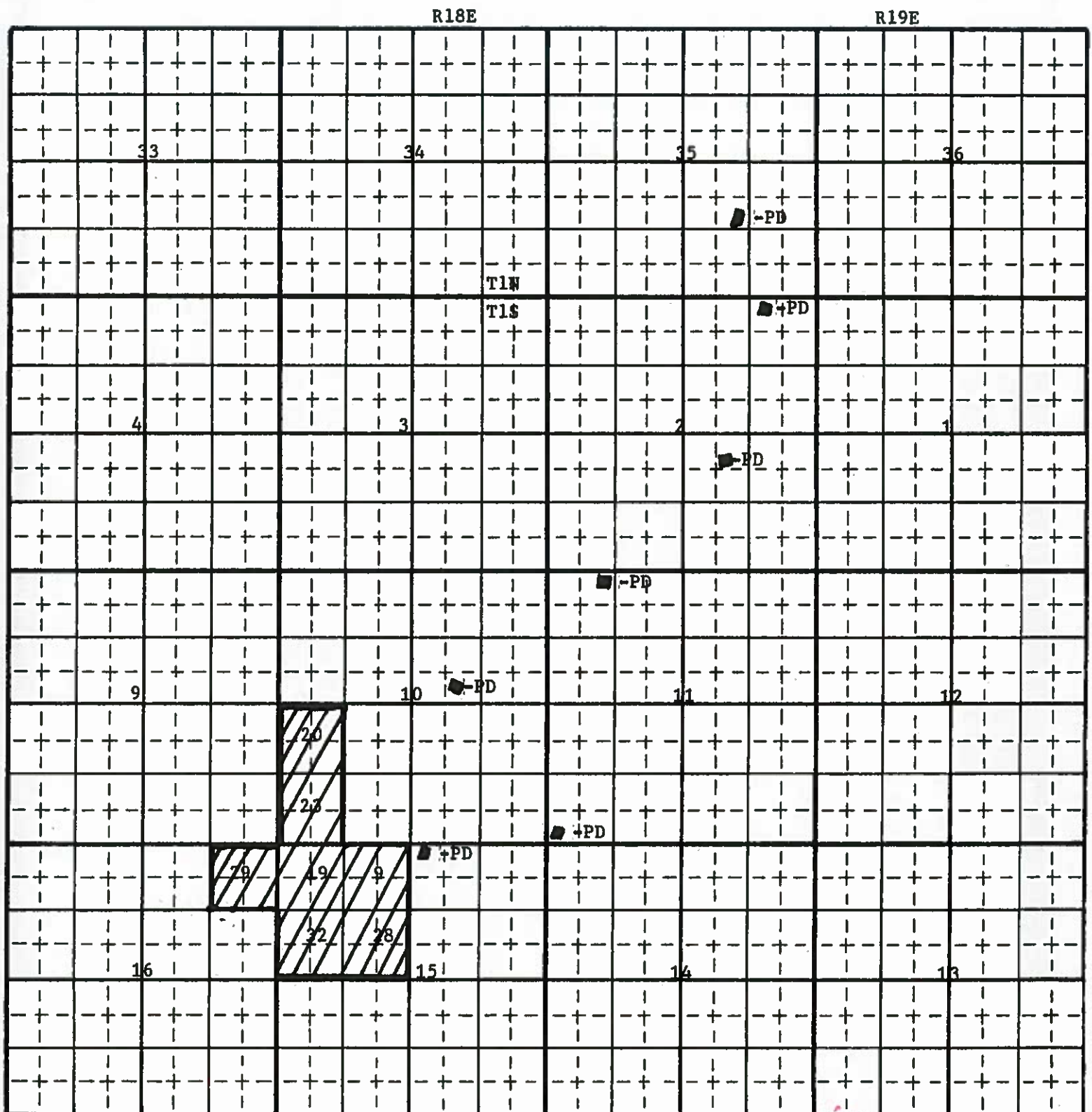
14. Remarks: Water applied to these lands exceeds one miners inch per acre. Use claimed
is based on watermaster records showing historic use. The soils are extremely porous
and water applied in excess of the consumptive irrigation requirement enters the
ground water system and returns to the Big Wood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

MICROFILMED
FEB 22 1993

Last Name Stuart Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Copies: White-State, Yellow-Chairman

MICROFILMED
 FEB 22 1968

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-0232
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 _____

Title

of _____

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

457 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 _____

Copies White-State, Yellow-Claimant



MICROFILMED
FEB 22 1993



FIRST CLASS



02 1A \$ 02.07
0004389393 MAR 08 2007
MAILED FROM ZIP CODE 83702

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

RECEIVED
MAR 12 2007
DEPARTMENT OF
WATER RESOURCES

NO SUCH ADDRESS

SUN VALLEY RANCH LLC
PO BOX 40380
KETCHUM ID 83340

[illegible]

01/03/2007

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

RIGHT NUMBER: 37-232

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 05/15/1884

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	1.600 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.

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.

This right is limited to the irrigation of 160 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 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:

37-232

(Irrigation)

Legend

Point of Diversion



Place of Use



Townships



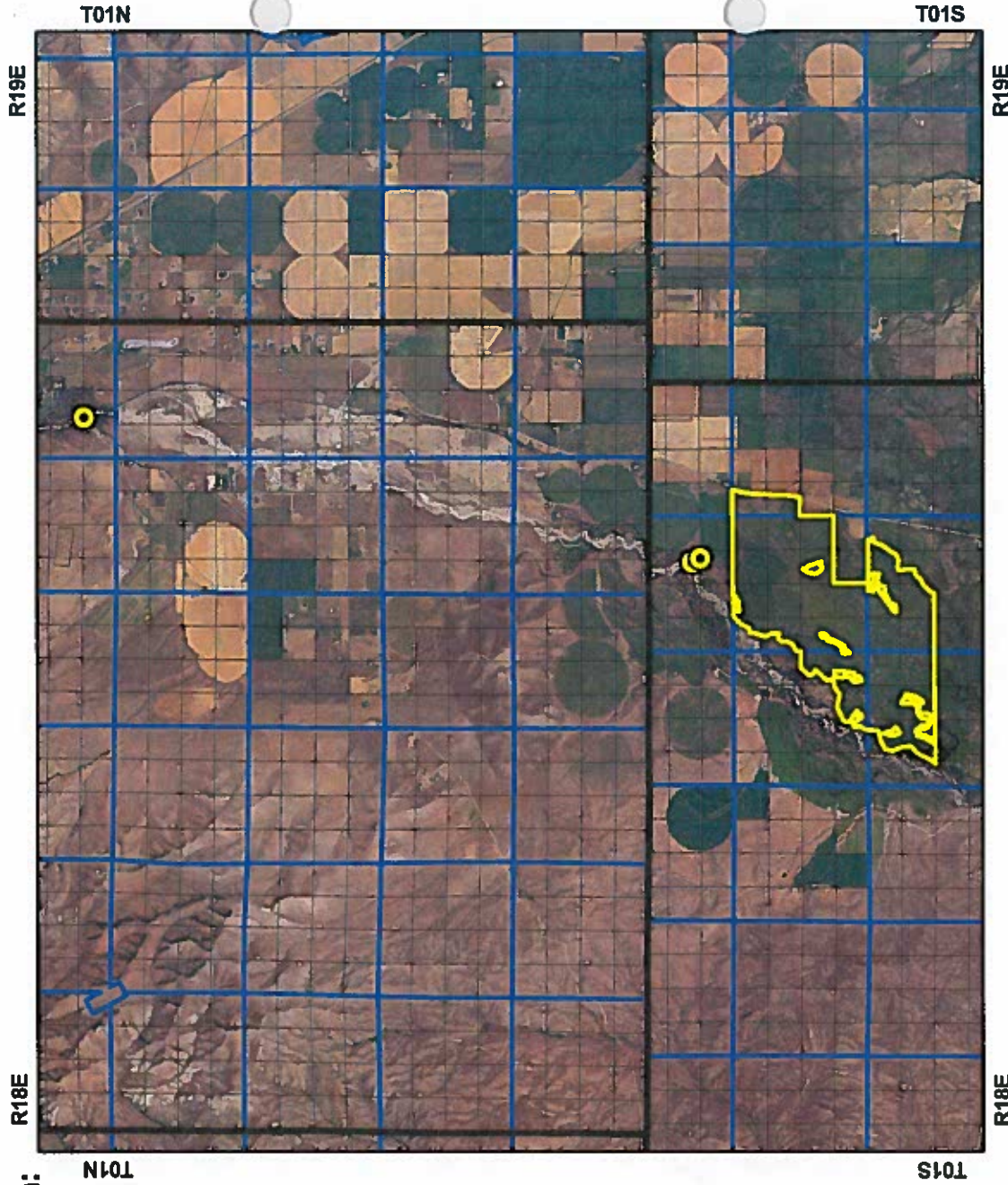
PLS Sections



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

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 37-232

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:

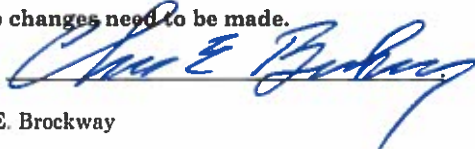
The volume should be 480 afa..

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.

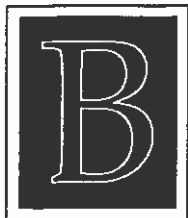
DATE: 12/29/06

SIGNATURE: 

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

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

RECEIVED
DEC 29 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 line 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
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	—

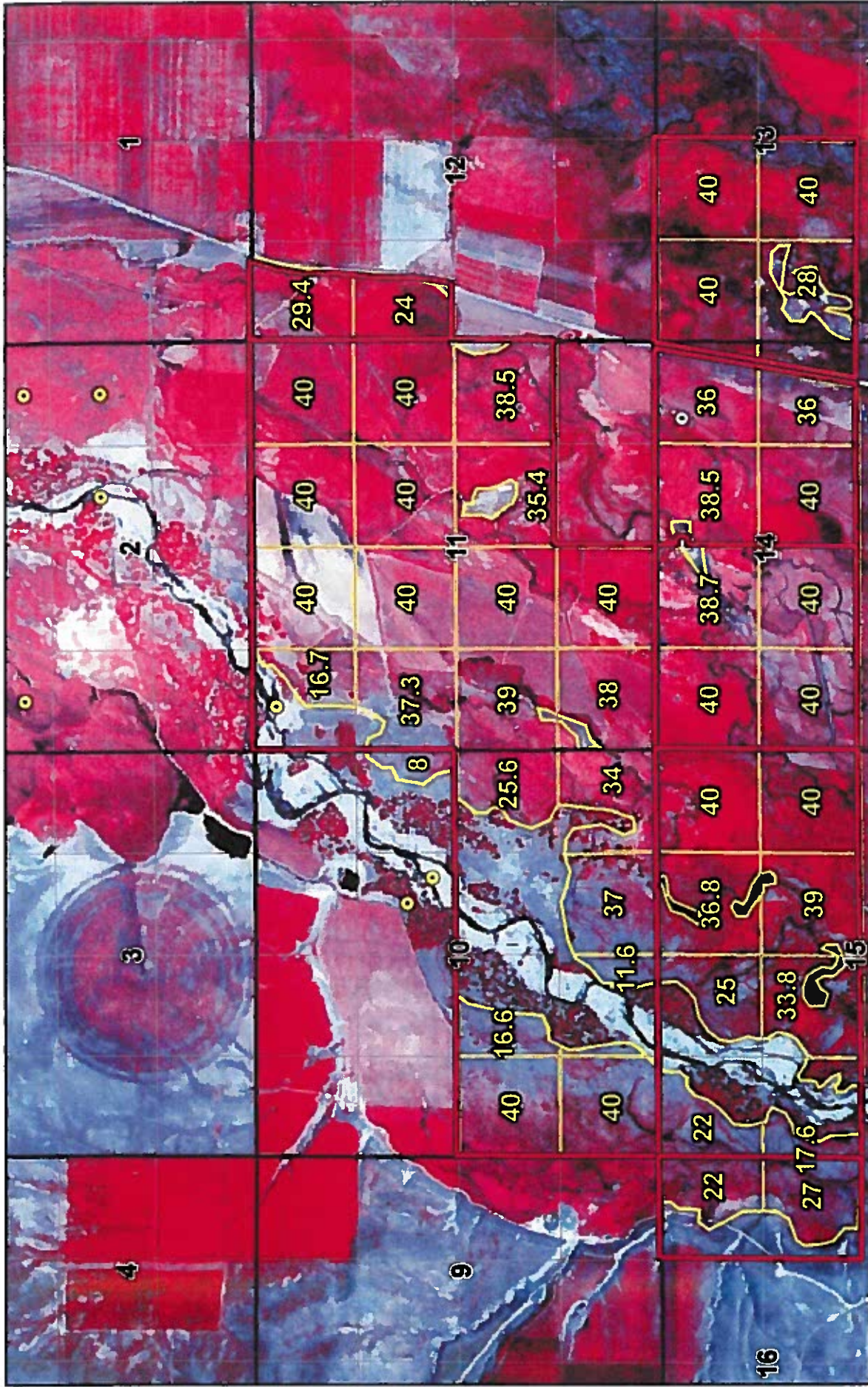
Group #2 water rights are nine (9) water rights that have been claimed in the SRBA and have been decreed in the Frost Decree except 37-2492, 37-2538, and 37-4266. Both 37-2492 and 37-2538 have currently been licensed and 37-4266 is still a beneficial use claim. All of these rights are being diverted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



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 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 # 5741

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
344-6690

Transfer No. 2973

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

APPROVED

Name of applicant R. 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
acre 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 NW 1/4 Sec. 15; NW 1/4 Sec. 11, T1S, R18E, R.M.

(Original P/D not listed in Decree) * NWSE Sec 2 T1S, R18E

8. Lands irrigated or place of use:

TWP.	RANGE	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	
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 RECORDED

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. acre feet per annum
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 $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T1S, R18E)
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 $\frac{1}{4}$	
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.

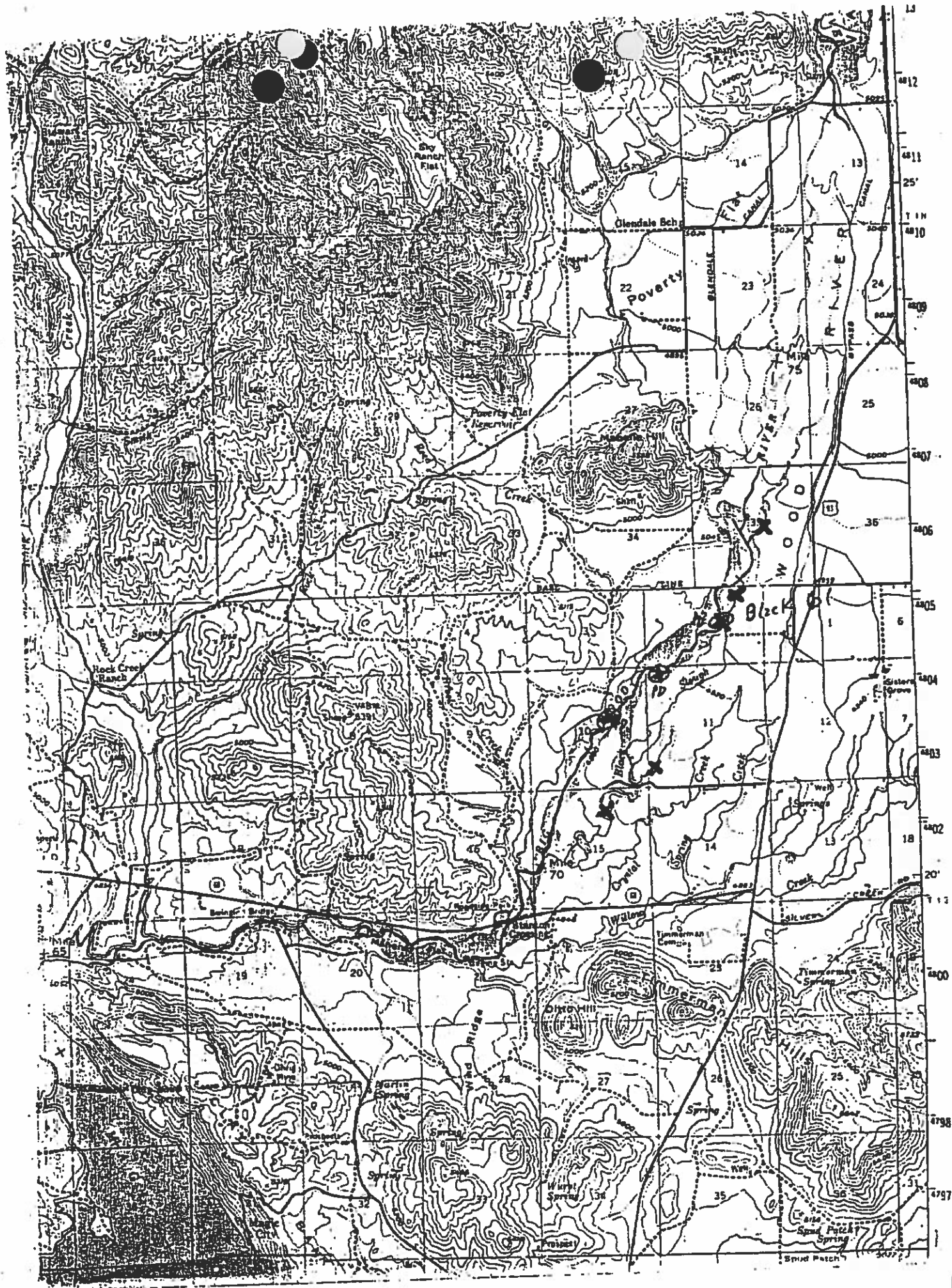
2. Change in point of diversion

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

MICROFILMED



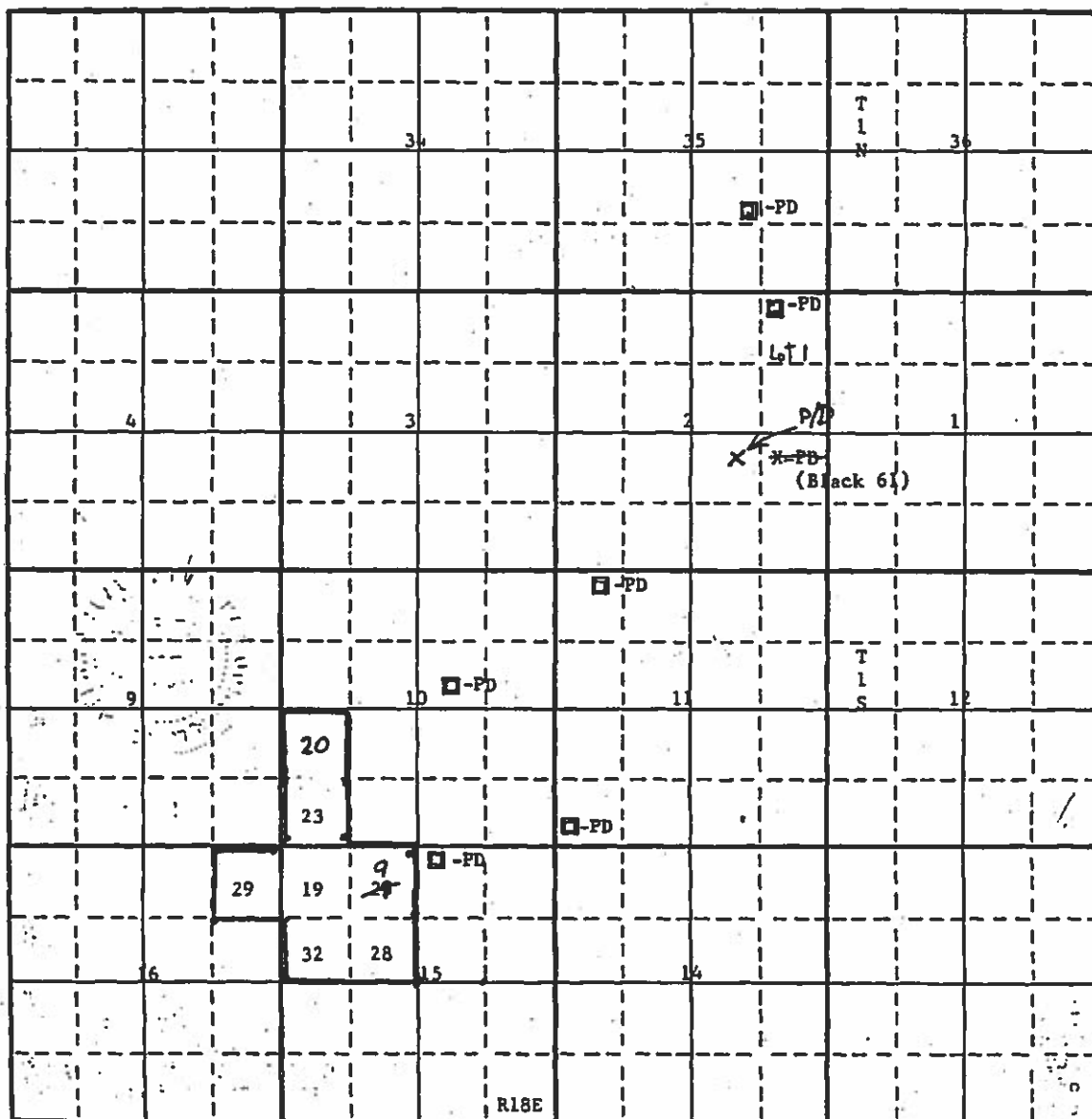
c. Describe the land or place of use to which the right will be transferred.

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 AD

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.

MICROFILMED

D. REMARKS This application is based on historical use 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 19th day of October, 19 83

E. H. Hensley & Stewart
(Signature of Applicant)

Quito D. McNeel
(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 3rd 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
Pub. dates 12/29/83 + 1/5/84
Watermaster recommendation requested on 12/16/83
rec'd. 12/25/83
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by ADN yes

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-232

WATER RIGHT NUMBER: 37-232

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

Priority Date: 05/15/1884

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	1.600 CFS	480.00 AF
	<u>Total Diversion:</u>	1.600 CFS	480.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	L1 (NE1/4SE1/4)	Sec. 2, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NE1/4	Sec. 10, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4SE1/4	Sec. 34, Twp 01N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4SW1/4	Sec. 11, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4NW1/4	Sec. 11, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15, Twp 01S, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4SE1/4	Sec. 2, Twp 01S, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 18E 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	43.0
							20.0	23.0					

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-232

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. 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.
2. 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.

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: