



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

Allen Meritt
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1996

BILL CARTER
7878 USTICK RD
BOISE ID 83704

RECEIVED

MAY 31 1996

Department of Water Resources
Southern Region

RE: Camas Properties Inc. Water Rights

Dear Bill:

I have prepared the following summary and recommendations after reviewing the water right records for the lands associated with Camas Properties Inc. As you read, please note that there are some areas where establishing a clear picture of your water rights will probably require you to collect some additional information. Also, in some cases you will need to make choices based on your plans.

Ownerships

You told me that Hidden Paradise Ranch Owners Association is defunct. If so, all HPPOA claims filed in the SRBA need ownership change notifications. The claims are:

1. A37-13367
2. A37-13365
3. A37-13364
4. A37-13366
5. A37-02227

You also indicated to me that 1-3 above are appurtenant to land now owned by VM Diamond Ranch LLC. Numbers 4 and 5 should apparently be changed to Camas Properties Inc.

Also, based on the May 3, 1994, Warranty Deed conveying property in Section 23 from VM Diamond Ranch LLC to SMR Development, it appears that SMR Development should file ownership change notifications for portions of the SRBA claims on rights appurtenant to that land. The claims are:

1. A37-00368
2. A37-00409
3. A37-02076

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I have enclosed some ownership change forms for you to complete and return to IDWR.

In addition, permit 37-08609 in the name of HPPOA should be assigned to Camas Properties Inc. I have enclosed an assignment form for you.

Irrigation of the Golf Course

It is not clear to me how much surface water is actually being used to irrigate the golf course. In order to ascertain whether your actual use is covered by existing water rights, you will need to find out how much surface water is actually being used.

According to our records, right 37-02227 has been claimed in the SRBA as appurtenant to the golf course, but it is good for only 16 acres of irrigation. When he reviewed groundwater permit 37-08609, IDWR examiner Jim Stanton found 45.4 acres of irrigation on the golf course. He said that right 37-08609 has been used to irrigate the golf course when the surface water becomes unavailable every summer. It appears then, that surface water is being used to irrigate more of the golf course than right 37-02227 allows.

Department records show that the decreed place of use for irrigation right 37-00409 includes the West½ of the NE¼ and the NW¼SW¼ of Section 23. The golf course is now located on some of these lands. However, SRBA claim A37-00409 does not include the West½ of the NE¼ and the NW¼SW¼ of Section 23. You need to investigate the history of the ownership and use of right 37-00409 to determine if it would be appropriate for you to claim in the SRBA that a portion of 37-00409 is appurtenant to the golf course lands.

If it becomes apparent that your current use of surface water on golf course lands exceeds your water rights, you may be able to cover your use by transferring the rights appurtenant to those lands in Section 23 recently repurchased from VM Diamond Ranch LLC.

Reservoirs

There are a number of small reservoirs associated with the golf course and resort. I am not sure whether all the reservoirs are filled from the East Fork of Threemile Creek or if some are associated with other sources. Application for permit 37-08846 was filed to establish a right to store **additional** water from the East Fork of Threemile Creek by enlarging existing storage facilities. However, permit 37-07459, which was the initial filing for storage on the property, lapsed in 1981. The existing storage needs to be covered by a water right, either by interpreting application 37-08846 as covering all East Fork storage, by seeking the reinstatement of lapsed permit 37-07459, or by filing a new application for permit. It looks like you applied for sufficient volume on 37-08846 to cover all of your ponds. Moreover, you would gain no priority advantage by seeking to have 37-07459 reinstated. Therefore, I recommend using permit 37-08846 to cover the storage in all your East Fork reservoirs. If you have reservoirs filled from sources other than the East Fork, you should probably file a new application for permit.

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NOV 29 1996

Additional golf course development

You indicated to me that you are considering expanding the golf course onto those lands in Section 23 recently repurchased from VM Diamond Ranch LLC. The water rights on those lands are apparently not being used now. If those rights are not transferred to the existing golf course, they will face forfeiture after five years of non-use. If you intend to maintain the rights for use on the future golf course expansion, you should file an application for extension of time to avoid forfeiture a few months before the five-year non-use period has ended. In this way, you may be able to avoid forfeiture for over nine years. Maintaining the existing rights is critical because of the current moratorium on approvals of new consumptive use rights.

Please complete the ownership change notifications as soon as possible. As for the other issues, I will be expecting you to call when you have had time to collect the additional information you need to decide how to proceed. Meanwhile, I will hold application 37-08846. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Walter Keen
Water Rights Supervisor

SWK

c: Allen Merritt

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: A37-13367
Date Received: 2/15/1990
Receipt No: S011216
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIDDEN PARADISE RANCH OWNERS ASSN. 208-764-2506
Address: P.O. BOX 279
FAIRFIELD, ID 83327

2. Date of Priority: JUN 20, 1894

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	23	NE	NE	NW		CAMAS

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		

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

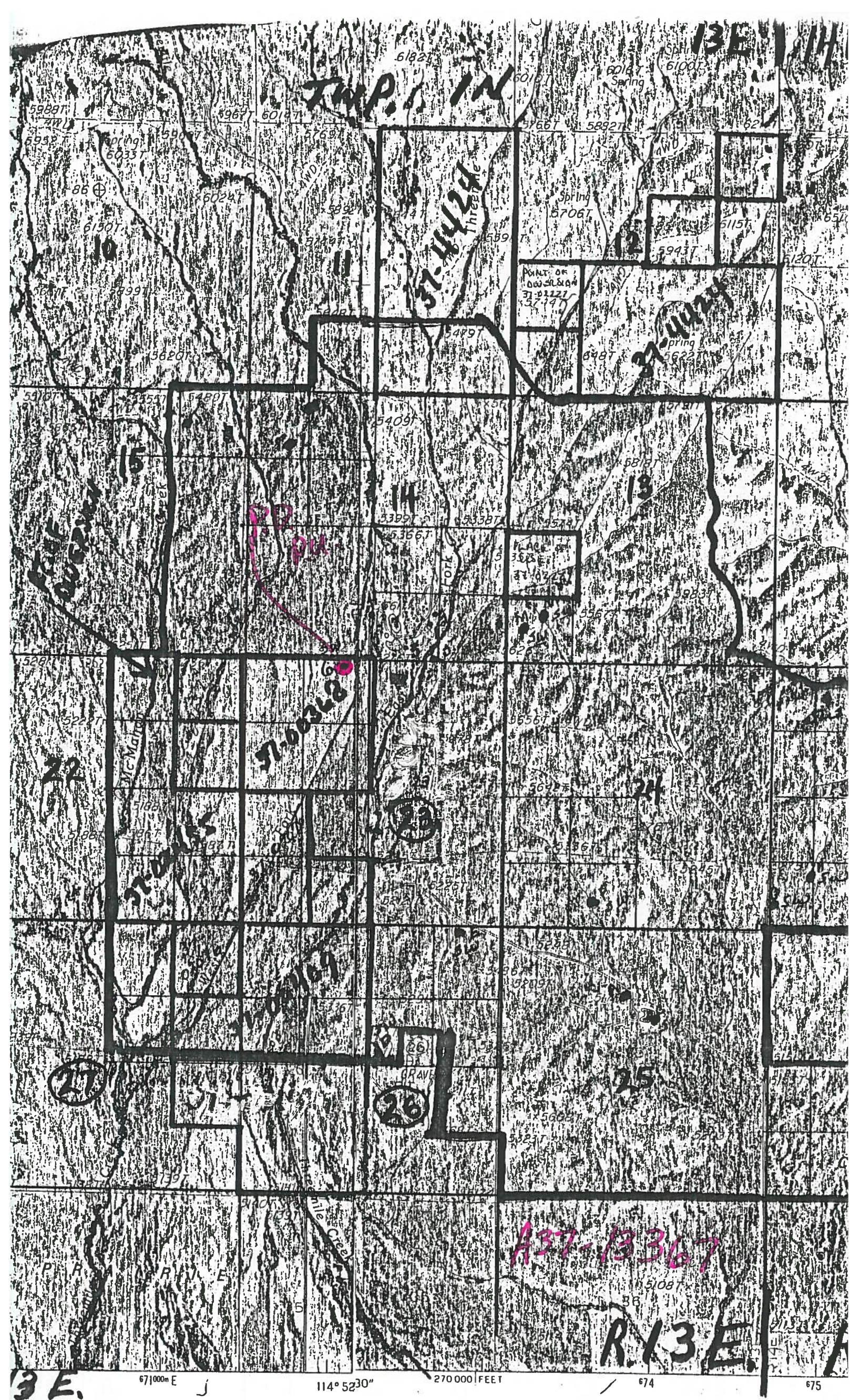
8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	23	NE	NW		STOCK	

11. Place of use in counties: CAMAS



Form 42-1409(10)-1
5/89

FEB 8 - 1990

Date Received 1-18-1990

Department of Water Resources
Southern Basin Office

RECEIVED

JAN 19 1990

Department of Water Resources
Southern Basin Office

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Hidden Paradise Property Owners' Assn. () 764-2506
Name of Claimant Phone Number

P. O. Box 279 Fairfield ID 83327
Mailing Address City State Zip

Camas 1-19-1990 (per approved extension)
County(s) where place of use is located Date claim originally due

37-2227, 2048, 0368, 0409, 2076, 2455, 2157, 4424 & possibly others
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The person who was responsible for getting the necessary documentation together so
that the claims could be filed did not do her job. We only recently became aware of
this, so do not have enough time before the deadline to complete the paperwork. We
are working as fast we can, but this is 1/1 a large ranch with many water rights.

Claimant requests an extension to February 19, 19 90

David L. Buschard 1-18-, 19 90
Signature Date of request

Vice Pres.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X granted] [] denied] for the following reasons:

and if granted the filing deadline is extended to February 19, 19 90

Signed this 5 day of February, 19 90

Director or his designated agent

DAVID B. SHAW

MAR 01 1993

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

6 FEBRUARY 1990

HIDDEN PARADISE RANCH HOME OWNERS ASSOCIATION.

BOARD OF DIRECTORS:

PRESIDENT:	GLEN ROMIG 8811 San Marino Dr. Boise, Idaho, 83705 -----375-4874
Vice Pres.	DARRELL L. BURCHARD P.O.BOX 279 Fairfield, Idaho 83327-----764-2506
Vice Pres.	WILLIAM MARTIN 5950 Fairview Ave. Boise, Idaho 83705-----322-5950
Secretary.	MILTON KLEIN 2275 Sunny Lane Star, idaho -----286-7451
Treasure	Ken AGENBROAD 10800 W. Hollandale Dr. Boise, Idaho -----375-9540

MICROFILMED
MAR 01 1993

PREFIX TRANSLATION: ADJUDICATION CLAIM

[illegible]

01N13E230600A

CHECKED 2/14/94 DVP

VERIFIED
FEB 16 1992

CERTIFIED
FEB 27 1992
WATER EXAMINER