

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: A37-00297K

Date Received: 12/21/1988

Receipt No: X777777

Received By: O/C ASB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RED DEVIL MOUNTAIN HOMEOWNERS ASSN 208-622-4702
Address: C/O CLAY S HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

AND

Name: RED DEVIL MOUNTAIN HOMEOWNERS ASSN 208-622-4702
Address: C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

2. Date of Priority: NOV 26, 1886

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
03N	18E	20	SE	SW	NW		BLAINE

5. Description of diverting works:
DIVERSION DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.960		

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 93.60 A.F.A.

8. Total consumptive use is 70.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	4	NW		NE		IRR	18.6
			SW		NE		IRR	1.6
			NE		NW		IRR	1.4
			SE		NW		IRR	1.8

Section Acres 23.4

Total Acres 23.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00028F

14. Remarks:

PORTION OF A37-00297F, NOW SPLIT INTO THIS CLAIM AND CLAIM
A37-00297J. THE 23.4 ACRES REPRESENTS LT 2 OF BUCKHORN
SUBDIVISION #2. SEE PENDING TRANSFER.

OWNERSHIP CHANGE MADE 4/9/97 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 31 1996

DATE OF CLOSING: APRIL 12, 1996

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township T2N Range R18E
Section 4, SW 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, B.M.

Lot _____, Block _____, Subdivision/Townsite _____
☒ If you have additional legal descriptions, please attach separate sheet.

NOV 11 1996

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A37-00297K AND A37-00028F

☒ Name and Address of Former Owner/Claimant(s)(Seller): RED DEVIL MOUNTAIN HOMEOWNERS ASSOCIATION
c/o ROD KEGUET

☒ New Owner/Claimant (Purchaser): RED DEVIL MOUNTAIN HOMEOWNERS ASSOCIATION
c/o CLAY S. AND MIRIAM F. HOLDEN

☒ New Mailing Address: POST OFFICE BOX 1291
SON VALLEY, IDAHO 83353

☒ New Telephone Number: (208) 622-4702
208 788-1713

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Clay A. Holden Date MAY 11, 1996
Miriam F. Holden Date MAY 11, 1996

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: 4/9/97 By: HLB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

OCT 31 1996

Department of Water Resources



Order No. 96007499
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received ROD KEGLEY, A SINGLE MAN

the Grantor hereby grants, bargains, sells, conveys and warrants unto CLAY S. HOLDEN AND MIRIAM F. HOLDEN, HUSBAND AND WIFE

the Grantee whose current address is: 2505 NOVATO PLACE, PALOS VERDES ESTATE, CA 90274
the following described premises, to-wit:

Lot 1 in Block 1 of RED DEVIL MOUNTAIN SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof, on file in the office of the County
Recorder, recorded November 19, 1990, as Instrument No. 225466, records of
Blaine County, Idaho.

The consideration for this Deed is as part of an IRC Tax Deferred
Exchange for the Buyer. The above described property is the replacement
property.

Deed
BLAINE CO. REQUEST
BLAINE COUNTY-TITLE-
'96 APR 12 AM 9 54
Mary Green Clerk
FEES \$ 3.00
389097

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said
premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful
claims whatsoever.
Dated: April 02, 1996

Rod Kegley
ROD KEGLEY

State of IDAHO

County of BLAINE

On this 1st day of April, 1996, before me, the
undersigned, a Notary Public, in and for said State, personally appeared ROD KEGLEY

known to me, and/or identified to me on the basis of
satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me
that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Marla G. Mink
Notary Public
Residing at: BELLEVUE
Commission Expires: December 01, 2000





Order No. 96007491
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received ROD KEGLEY, A SINGLE MAN

the Grantor hereby grants, bargains, sells, conveys and warrants unto CLAY S. HOLDEN AND MERIAM F. HOLDEN, HUSBAND AND WIFE

the Grantee whose current address is: 2505 NOVATO PLACE, PALOS VERDES ESTATE, CA 90274

the following described premises, to-wit:

Lot 3 in Block 1 of RED DEVIL MOUNTAIN SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, on file in the office of the County Recorder, recorded November 15, 1990, as Instrument No. 125466, records of Blaine County, Idaho.

The consideration for this Deed is as part of an IRC Tax Deferred Exchange.
The above described property is the replacement property.

96 APR 12 AM 9:54
Blaine County Title
Fees \$ 3
Mary Green Clerk

BLAINE COUNTY TITLE

BLAINE CO. REQUEST

309098

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 01, 1996

Rod Kegley
ROD KEGLEY

State of IDAHO

County of BLAINE

On this 2nd day of April, 1996, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROD KEGLEY

known to me, and acknowledged to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Mark B. Mink

Notary Public

Residing at: BELLEVUE

Commission Expires: December 01, 2000



NOTES:

1. A 10' PUBLIC UTILITY EASEMENT EXISTS CENTERED ON INTERIOR LOT LINES AND INSIDE EXTERIOR LOT LINES.
2. IF THE HOUSE TO BE BUILT ON LOT 4 IS ABOVE THE 15% SLOPE LINE, IT SHALL BE SINGLE STORY, NOT TO EXCEED 16 FEET IN HEIGHT, TO INSURE THAT IT WILL NOT VIOLATE THE COMPREHENSIVE PLAN, REGARDING HILLSIDE DEVELOPMENT.
3. THE MAINTENANCE, INSPECTION, SERVICING AND SNOW REMOVAL AT THE TWO DRAFTING SITES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION.
4. OWNERS ARE RESPONSIBLE FOR THE CONTROL OF NOXIOUS WEEDS AS PER STATE REGULATIONS AND THIS IS INCLUDED IN THE SUBDIVISION PLAT NOTES.
5. BUILDING LOTS AND ROAD LOCATIONS ARE TO REMAIN THE SAME.
6. THE PURCHASER AND/OR OWNER OF THIS LOT OR PARCEL UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HOMEOWNER'S ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.
7. THE AVALANCHE DANGER AREA DESIGNATED ON THIS SUBDIVISION PLAT IS CONSIDERED BY THE OWNER, BLAINE COUNTY, GALENA ENGINEERING AND ALL WEARS, P.E. REASONABLE FOR REGULATORY PURPOSES. HOWEVER, NEITHER THE OWNER, BLAINE COUNTY, GALENA ENGINEERING, NOR ALL WEARS, P.E. REPRESENTS, GUARANTEES, WARRANTS OR IMPLIES THAT AREAS OUTSIDE THE DESIGNATED AVALANCHE DANGER AREA ARE SAFE AND FREE FROM AVALANCHES OR AVALANCHE DANGER.
8. HASELEY CITY WATER IS NOT AVAILABLE TO THE SUBDIVISION FOR EITHER DOMESTIC OR FIRE PROTECTION PURPOSES.

CURVE	DELTA	R	L	T	CHORD	CH. BEARING
C-1	90° 00' 00"	30.00'	47.12'	30.00'	42.43'	N 82° 00' 00" W
C-2	107° 08' 01"	90.00'	168.29'	121.92'	144.82'	N 73° 25' 00" W
C-3	116° 29' 50"	90.00'	182.99'	145.43'	153.06'	S 38° 22' 55" W
C-4	46° 02' 49"	90.00'	72.84'	38.55'	76.87'	N 60° 11' 05" W

LEGEND

- ⊕ SET ALUMINUM CAP IN CONCRETE
- BRASS CAP
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- SET 1/2" REBAR
- BUILDING ENVELOPE
- RED AVALANCHE ZONE, WEARS
- BLUE AVALANCHE ZONE, WEARS
- APPROX. 25% SLOPE LINE
- APPROX. FEMA FLOODPLAIN LINE (FROM INDIAN CREEK)
- APPROX. 15% SLOPE LINE
- ⊙ 10,000 GAL. WATER STORAGE

RED DEVIL MOUNTAIN SUBDIVISION

BEING A RESUBDIVISION OF LOT 2, BUCKHORN SUBDIVISION, 2ND ADDITION

LOCATED IN SECTION 4, T2N, R18E, B.M., BLAINE COUNTY, IDAHO

OCTOBER, 1990

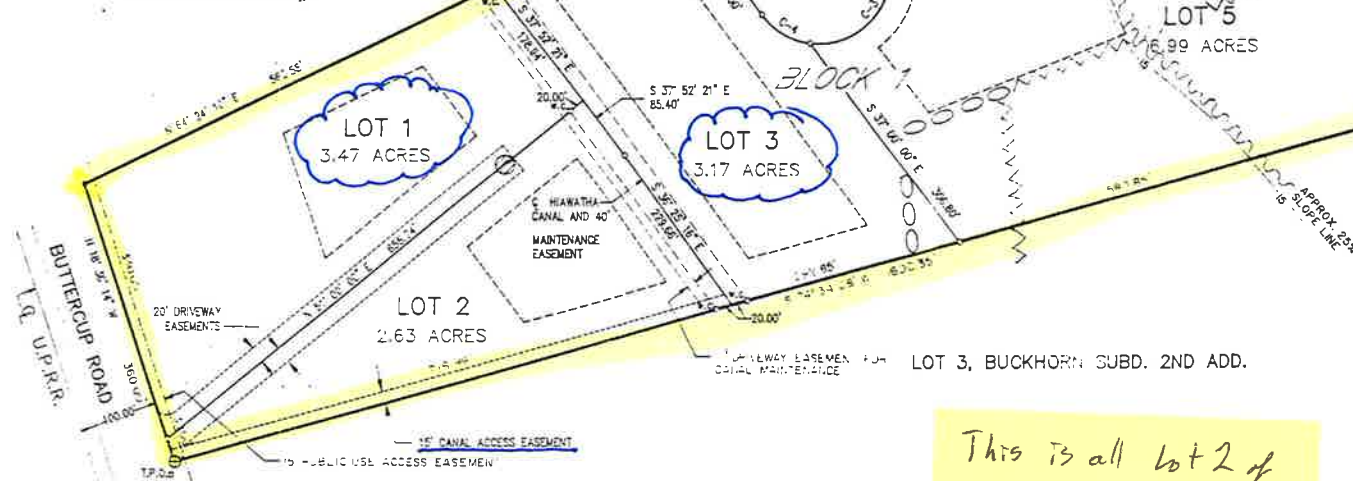
0 50 100 200 300 400

SCALE: 1" = 100'

9. ANY LOTS WITH SLOPES GREATER THAN 25%, THOSE LOTS SHALL BE LEFT IN THEIR NATURAL STATE.
10. MAXIMUM DENSITY OF THE SUBDIVISION IS 5 LOTS.

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:
Sawtooth Title Co.
Box 188
Ketchum, Idaho 83340
726-4595

BUCKHORN SUBD. #3



This is all lot 2 of
Buckhorn Sub - 1st Add.
a previous plat
6/15/05 mda

RED DEVIL Mtn. SUBDIVISION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO
JOB NO. 2584

RECEIVED
OCT 3 1 1996
Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00297K
Date Received: 12/21/1988
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RED DEVIL MTN. HOMEOWNERS ASSN. 208-726-0725
Address: BOX 2063
KETCHUM, ID 83340

2. Date of Priority: NOV 26, 1886

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
03N	18E	20	SE	SW	NW		BLAINE

5. Description of diverting works:
DIVERSION DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.960		

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 93.60 A.F.A.

8. Total consumptive use is 70.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	4	NW	NE		IRR	18.6
			SW	NE		IRR	1.6
			NE	NW		IRR	1.4
			SE	NW		IRR	1.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.4
					Total Acres	23.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00028F

14. Remarks:

PORTION OF A37-00297F, NOW SPLIT INTO THIS CLAIM AND CLAIM
A37-00297J. THE 23.4 ACRES REPRESENTS LT 2 OF BUCKHORN
SUBDIVISION #2. SEE PENDING TRANSFER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A37-00297F

[] Name and Address of
Former Claimant(s): L. R. Buttram

Box 487

Hailey, ID 83333

[] New Claimant(s): RED DEVIL NTW Homeowners ASSN. inc

[] New Mailing Address: Box 2063

KETCHUM ID

83340

New Telephone Number: (208) 726-0725

[] Does the change in ownership result in a splitting of the
water right claimed? X yes no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

Lot 2 of Buckhorn Subdiv. #2 (18.6 acres NW/NE, 1.4 acres
NE/NW, 1.8 acres SE/NW, 1.6 acres SW/NE Sec. 4 T. 2N R. 18E)

[] Attach proof of ownership

Describe proof attached:

(Proof of ownership must describe either the property
conveyed or include the claim number. Proof of ownership is
not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Bob Jf PRESIDENT

Date: 6 DEC 1990

MICROFILMED

MAR 01 1993

Instrument No. 270491

Buckhorn Subdivision #2
Page 1 of 2

This declaration, made on the data hereinafter set forth by Kenneth Buttram, hereinafter referred to as "Declarant," whereas, Declarant is the owner of certain property located in Blaine County, State of Idaho, which is more particularly described as follows:

Buckhorn Subdivision #2 Subdivision

Lots _____ through _____ --or--

Lots 1 through 5 Block 1

Now, therefore, Declarant hereby declares that all of the lots described above shall be held, sold, and conveyed subject to the following notes, restrictions and conditions which shall run with the real property and shall be binding on all parties having any right, title, or interest in the described properties, and to their heirs, successors and assigns. These restrictions and conditions are required as a part of the final plat approved of Buckhorn Subd. #2 Subdivision, given by the Blaine County Board of Commissioners on December 9, 1985, and recorded as Instrument Number _____.

1. A 10-foot Public Utility Easement is centered on interior lot lines, a 5-foot Public Utility Easement is adjacent to exterior lot lines, a 10-foot Public Utility Easement is included on the westerly and easterly portion of the 40-foot Canal Easement.
2. Any roads or driveways crossing the Hiawatha Canal must be properly engineered to prevent any interference with waterflows. Access for canal maintenance must not be interfered with.
3. Access to Lots 1 and 5 is through Red Devil Drive. Access to Lot 4 is from Hiawatha Drive. Lots 2 and 3 shall develop a common access from the County Road.
4. Any resubdivision of the lots must follow the procedures for Chapter 7 of the Subdivision Ordinance. Applicants must address county concerns which include fire protection access roads and their locations, wells and septic systems, homeowner's association and C.C. & R's, solar access, and rural addressing.
5. The maximum allowable building density, provided a PUD is not pursued, for each lot is as follows:

Lot 1 = 5 units	Lot 6 = unbuildable unless
Lot 2 = 5 units	attached to or combined with
Lot 3 = 8 units	Lot 13 of Buckhorn Subdivision.
Lot 4 = 8 units	First Addition
Lot 5 = 3 units	
6. No structure will be allowed in areas within the avalanche or mountain overlays, or where slopes exceed 25%. Slope of access roads will not exceed 10%.
7. Red Devil Drive past Hiawatha Drive, is a private road with public access, and shall meet the requirements of Section 9.17.1 of the Blaine County Subdivision Ordinance 77-6. The purchaser and/or owner of this lot or parcel understands and agrees that Red Devil Drive construction, maintenance and snow removal shall be the obligation of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated to accept, maintain, or improve Red Devil Drive until it is brought up to county standards, dedicated, and accepted by the county, and that the owner shall notify in writing any successor in interest of these facts.

MICROFILMED

MAR 01 1993

- 8. Fences constructed across the Hiawatha Canal Maintenance Easement shall have a gate adjacent to and on the southwest side of said canal.
- 9. There shall be no blockage of natural drainage, including alongside any road.
- 10. Minimum of 200-foot separation between houses for fire protection if lots are not served by a fire hydrant.
- 11. No irrigation water shall be transferred to Lot 5. Lot 1 shall receive 15" of 1883 water and 30" of 1886 water; Lot 2, 24" of 1883 water and 48" of 1886 water; Lot 3, 21" of 1883 water and 42" of 1886 water; Lot 4, 20" of 1883 water and 40" of 1886 water. Developer will record transfer with the Department of Water Resources.
- 12. Individual owners are responsible for weed control and shall follow any county regulations pertaining to weed control.
- 13. Developer shall provide one of the following fire protection options:
 - a) Meet the requirements of the Uniform Fire Code, or
 - b) A payment of \$2000.00 for each of Lots 2, 3, and 5 which do not have access to a fire hydrant. This payment shall be made into a special fund for the purchase of fire equipment. Payment shall be due upon the issuance of a building permit on those lots, and shall be secured by a lien on the property, payable to Blaine County, or
 - c) Install a fire hydrant to serve Lots 2 and 3, plus a payment of \$2000.00 for lot 5 (see (b) above) as there are no water lines available for a hydrant at Lot 5.

NOTE: Lot 4 is served by a hydrant located at the north end of Buttercup Subdivision. Lot 1 is served by a fire hydrant on Red Devil Drive. No payment will be due for Lot 6, as it is unbuildable.

1670191
NOTARY PUBLIC
In witness whereof, the undersigned, being the Declarant herein, has hereunto set his/her hand and seal this 9th day of January, 1986.
K. R. RUTTRAM, Owner
Balena, Engineers
Feb 14 1986
MARIE WIE
Mae

ATTEST:

NOTARY PUBLIC: *[Signature]*

REVIEWED AND APPROVED BY Edward V. Hughes PLANNING DIRECTOR
THIS 14 DAY OF Feb, 1986.

MICROFILMED
MAR 01 1993

IDWR CONCURRENCE:

Kelly K. Christensen 4-26-11

Kelly K. Christensen
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

04/21/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-297K

NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 4626
SUN VALLEY ID 83353

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.960 CFS

The rights listed below, shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos.: 37-28F and 37-297K

PRIORITY DATE: 11/26/1886

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.960 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04	SWNE	1.10
T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04	SENE	1.30

15.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property was formerly known as Lt 2 of Buckhorn Subdivision #2, now Lots 1-5 Red Devil Mountain Subd

37-28F, #97K - Red Devil Mtn Assoc
Trail - 5-11-11

Prairie Conf 4-20-2011

Thursday APR 29

Morning

37-20440 Draper withdraw

Taking over for Doug.

37-28F Red Devil Mtn Home owners Assn.

Aug 29th K
Aug 25 1:30 PM

Doas - Parent right recom as active "Buttrum." 37-20353
ADR to be filed as Disallowed Rec as " " "

Andria
Att.

Wank 1¹/₂ ac @ ^{AEA} Field headgate, Speck needs time
to talk with claimant/Hiawatha Canal
Speck has Ball ATT.

Noon

37-2836 Gimlet

Oct 13 3:00

Speck to confirm adding measuring device
feasibility.

37-12873 withdraw obj.

37-20866 Gulch Trust. SF-5 sent to Craig in ^{may} 09.
Withdraw on record.

1:30 cont

37-21329 Hoffman

21330 withdraw.
21331
21332

37-21510 → 21566 Pitt. First Bank of Id - Taken over by
3:30 PM 21665 → 21708 Big Wood add 1¹/₂ ac & Vol limit. FDIC.
Send language to Court.
Sho case Sept 29 1:30

Apr 20, 2011

37-287, 297K. Red Devil
Jim Speck, Craig, Al, Andria

Trial May 11-12.
Received pre trial brief for Big Wood

Speck - talked with Al willing to go with
div volume limit.

Andria - we could move forward.

drafted SF-5 - 4-21-11 (to S.O.)

Mar 30, 2011

Status Conf.

37-28F & 297K Red Devil Mtn

Craig - Al - Speck Andria.

Status: Brigitte - proposal submitted

Andria - tied to 20353 Butramo. (disallowed)
dept talked to parties status?

Speck. no success yet. client may make
a proposal (HOA moves slow) Hopes to have proposal
out in next week or so.

Brigitte - Apr 4. (not viable)

Barker-Hobley no thoughts.

May 11/12 ^{first} second set Booth has a trial
on that day.

Status con Apr 20.

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, February 07, 2011 3:32 PM
To: 'Jim Speck'; Kelly, Vicki; Courtney, Andrea
Subject: 37-28F, 37-297K Red Devil Homeowners

I was digging through my files of things to be done and found these two. In my notes there was an indication that you were going to check with your clients to see if the one in per acre at the field headgate was acceptable to them.

What was probably not discussed is that they should also show a combined right POU remark limiting the two claims when combined to 15.1 acres.

We are a ways away from the pretrial date of 4-20-2011 and the trial on 5-11-11 but if those two items are acceptable, then we should be able to route SF-5s as far as Barker's and Hobdey' desks.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

option?
Go with 1"/Ac @ field headgate
when comb. limit to 15.1 Ac (28F & 297K)

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 2:03 PM
To: Kelly, Vicki
Subject: FW: Red Devil questions 37-28F & -297K

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 1:55 PM
To: Courtney, Andrea
Subject: RE: Red Devil questions 37-28F & -297K

Here is the first attempt at a quick and dirty analysis. This is of course subject to somebody telling me where to go and what to do once I get there.

In reviewing my notes I see where Jim Speck was going to talk to his clients to see if they would be amenable to 1 inch per acre. Lacking any additional information it probably would not be out of the picture to go with the 1" headgate requirement remark.

37-28F 37-297K. POU is a 28 acre parcel that is split by the Hiawatha Canal. 15.1 acres of the Red Devil Subdivision are irrigated and the remainder (12.9 acres) is an un-irrigated hillside.

The agent making the recommendation obtained watermaster records of delivery for both of the rights and compared them to the adjudication claims and made recommendations based upon that comparison.

Specifically for the Red Devil Subdivision claims, the agent found watermaster records of delivery that matched that both rights at the claimed rate. The watermaster rates represent the flow rates being turned into the Hiawatha canal for use on the subdivision. The subdivision is approximately 3.3 miles down from the Point of diversion. Of the records I reviewed, I did not see any additional analysis regarding the rate per acre.

37-28 was decreed to the Alturas Water Company for use within the City of Hailey. No acres or quarter/quarters identified.

27-297 was decreed for 6.00 cfs on 7 quarter/quarters. Assuming that every acre within those 7 quarter/quarters were irrigated ($7 \times 40 = 280$ acres) the right would be decreed for 0.021 cfs/acre. In reality, not all of that ground was irrigated or even currently irrigated. No attempt was made to determine historically irrigated acres.

From: Courtney, Andrea
Sent: Tuesday, August 31, 2010 12:09 PM
To: Christensen, Kelly
Subject: RE: Red Devil questions 37-28F & -297K

Thanks, Kelly. I understand the pile system. ;)

From: Christensen, Kelly
Sent: Tuesday, August 31, 2010 12:00 PM
To: Courtney, Andrea
Subject: RE: Red Devil questions 37-28F & -297K

No, but it is near the top of my pile. I am planning on going to this one next.

kkc

From: Courtney, Andrea
Sent: Tuesday, August 31, 2010 11:53 AM
To: Christensen, Kelly
Subject: FW: Red Devil questions 37-28F & -297K

Kelly~

Have you had a chance to turn to this?
Andrea

From: Courtney, Andrea
Sent: Thursday, August 26, 2010 4:51 PM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: Red Devil questions 37-28F & -297K

Kelly~

Al Barker called me yesterday after the hearing on these two subcases. He'd like to know why the Dep't recommended more than an inch to the acre for these rights and what our thoughts were on the requirement for a field headgate. Some of this might be previously trod ground (the second query, especially), but I'm hoping our responses will get the parties closer to settlement. I could trace 297F (as the parent of -297K) with 5.44 cfs on 86 acres, which is 3+''/acre. How did the Dep't determine the number of acres in the POU for -297/-297F? How did the Dep't determine the acres in the POU for -28/-28F?

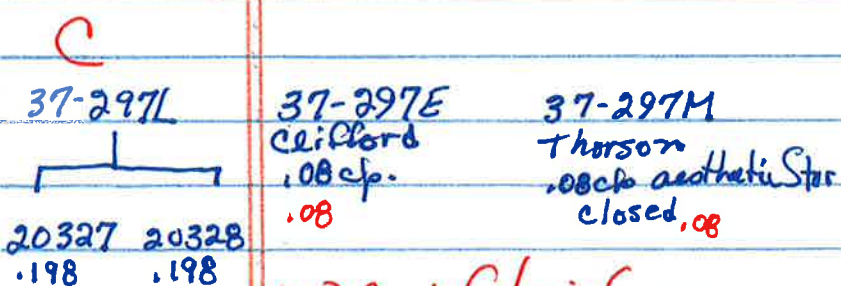
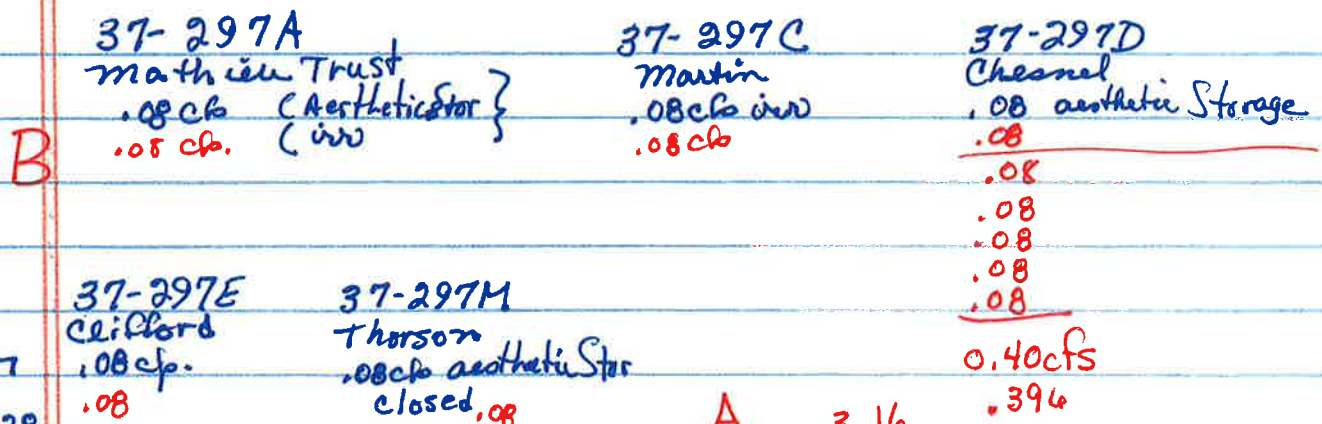
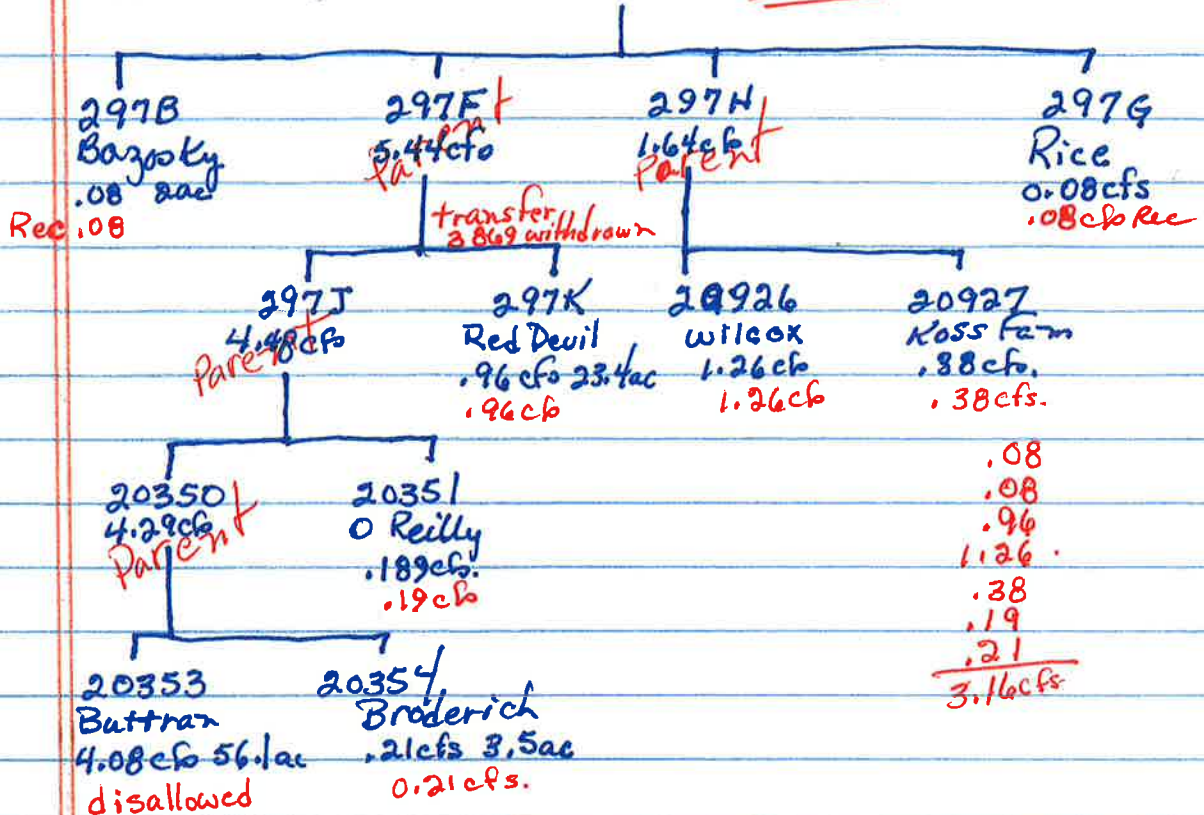
I'd like to call him back on Monday with some info to digest. I'll be out tomorrow so no immediate hurry.
Thanks.
Andrea

Andrea L. Courtney
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4810
Fax: (208) 287-6700

for 37-28F
-297K

AJ tree

37-297 6.00cfs



WR Back file info can
be found in 37-28.

A 3.16
B .40
3.56cfs.
C .396
3.956cfs

Notes: Dec 21, 2010

37-28F Recom $0.48 \text{ cfs} / 15.1 \text{ ac} = .032 \text{ cfs/Ac}$

-297K Recom $0.96 \text{ cfs} / 15.1 \text{ ac} = .064 \text{ cfs/Ac}$

P/u roughly 3 miles from P/O, uses Hiawatha canal for delivery

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-297K
NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

Director's Report

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.960 CFS
PRIORITY DATE: 11/26/1886
POINT OF
DIVERSION: T03N R18E S20 SWNW Within BLAINE County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.960 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04	SWNE	1.10
T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04	SENE	1.30

15.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property was formerly known as Lt 2 of Buckhorn Subdivision #2, now Lots 1-5 Red Devil Mountain Subd

Rec 0.96cfs
15.1ac x .02cf = 0.302cf
diff .658cf.
or 68% conu/loss

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-297K V1

WATER RIGHT NUMBER: 37-297K V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O CLAY S HOLDEN PO BOX 4626 HAILEY, ID 83333 (208)622-4702
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O MIRIAM F HOLDEN PO BOX 4626 SUN VALLEY, ID 83353 (208)622-4702

Priority Date: 11/26/1886

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	04/15	to 10/31	0.960 CFS	
	<u>Total Diversion:</u>		0.960 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4		11.0	1.1		1.7												15.1
				L 2			L 3												

Total Acres: 15.1

Conditions of Approval:

1. C18 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.
2. J01 Property was formerly known as Lt 2 of Buckhorn Subdivision #2, now Lots 1-5 Red Devil Mountain Subd

Comments:

1. awarntje 10/20/2006 POU

Comment: Portion of A37-00297F, now split into this claim and claim A37-00297J. The 23.4 acres represents Lt 2 of Buckhorn Subdivision #2. See pending transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-297K

WATER RIGHT NUMBER: 37-297K

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O CLAY S HOLDEN PO BOX 4626 HAILEY, ID 83333 (208)622-4702
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	RED DEVIL MOUNTAIN HOMEOWNERS ASSN C/O MIRIAM F HOLDEN PO BOX 4626 SUN VALLEY, ID 83353 (208)622-4702

Priority Date: 11/26/1886

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	93.60 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4		18.6	1.6		1.4			1.8									23.4

Total Acres: 23.4

Conditions of Approval:

1. PORTION OF A37-00297F, NOW SPLIT INTO THIS CLAIM AND CLAIM A37-00297J. THE 23.4 ACRES REPRESENTS LT 2 OF BUCKHORN SUBDIVISION #2. SEE PENDING TRANSFER.
***** OWNERSHIP CHANGE MADE 4/9/97 BY TLB.

Remarks:Comments:

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

In Re SRBA)

Case No. 39576)

A. Subcase No. 37-297K

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Red Devil Mountain Homeowners Assn
c/o Clay Holden
Address: P.O. Box 4626
Hailey, ID 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: See remark below.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Combined use of this right along with other rights from the same place of use in Red Devil Mountain Subdivision lots 1-5 should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation.

37-28
WR Backfile
Pg 19

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00028 Part, 37-00297 Part, A37-00028 Part, A37-00297 Part

Notice is hereby given that RED DEVIL MTN. HOMEOWNERS' ASSN., c/o Rod Kegley of Ketchum, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right no. 37-00028

Basis of right: Decreed to Alturas Water Co. in case of S.C. Frost, Et Al vs Alturas Water Company, Et Al dated 12-13-1909 in Fourth District Court, Lincoln County.

Source: Big Wood River tributary to Malad River

Priority Date: 3-24-1883

Amount of water: 2.0 cfs

Use: irrigation

Point(s) of diversion: SW1/4NW1/4, S20, T3N, R18E; Blaine County.

Place of use: Unspecified acres in Hailey area; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00028

Amount of water: 0.48 cfs

Point of diversion: No change

Place of use: 23.4 acres within Lot 2 (NW1/4NE1/4), SW1/4NE1/4, Lot 3 (NE1/4NW1/4), SE1/4NW1/4, S4, T2N, R18E; Blaine County.

WATER RIGHT AS RECORDED

Water right no. 37-00297

Basis of right: Decreed to Hailey Water & Power Co. in case of S.C. Frost, Et Al vs Alturas Water Company, Et Al dated 12-13-1909 in Fourth District Court, Lincoln County.

Source: Big Wood River tributary to Malad River

Priority Date: 11-26-1886

Amount of water: 6.0 cfs

Use: irrigation

Point(s) of diversion: SW1/4NW1/4, S20, T3N, R18E; Blaine County.

Place of use: Unspecified acres within SE1/4NW1/4, E1/2SW1/4, S33, T3N, R18E; Lot 2 (NW1/4NE1/4), SW1/4NE1/4, Lot 3 (NE1/4NW1/4, SE1/4NW1/4, S4, T2N, R18E; Blaine County.

RECORDED

OCT 20 1994 Red Devil Mtn 1

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 7-6-2005

File: 37-0297

Prepared by Matt Anders

- Source is Big Wood River tributary to Malad River
- 37-0297 originally decreed for 6.0 cfs to Hailey Water & Power on 7 QQ
- Priority date: 11/26/1886

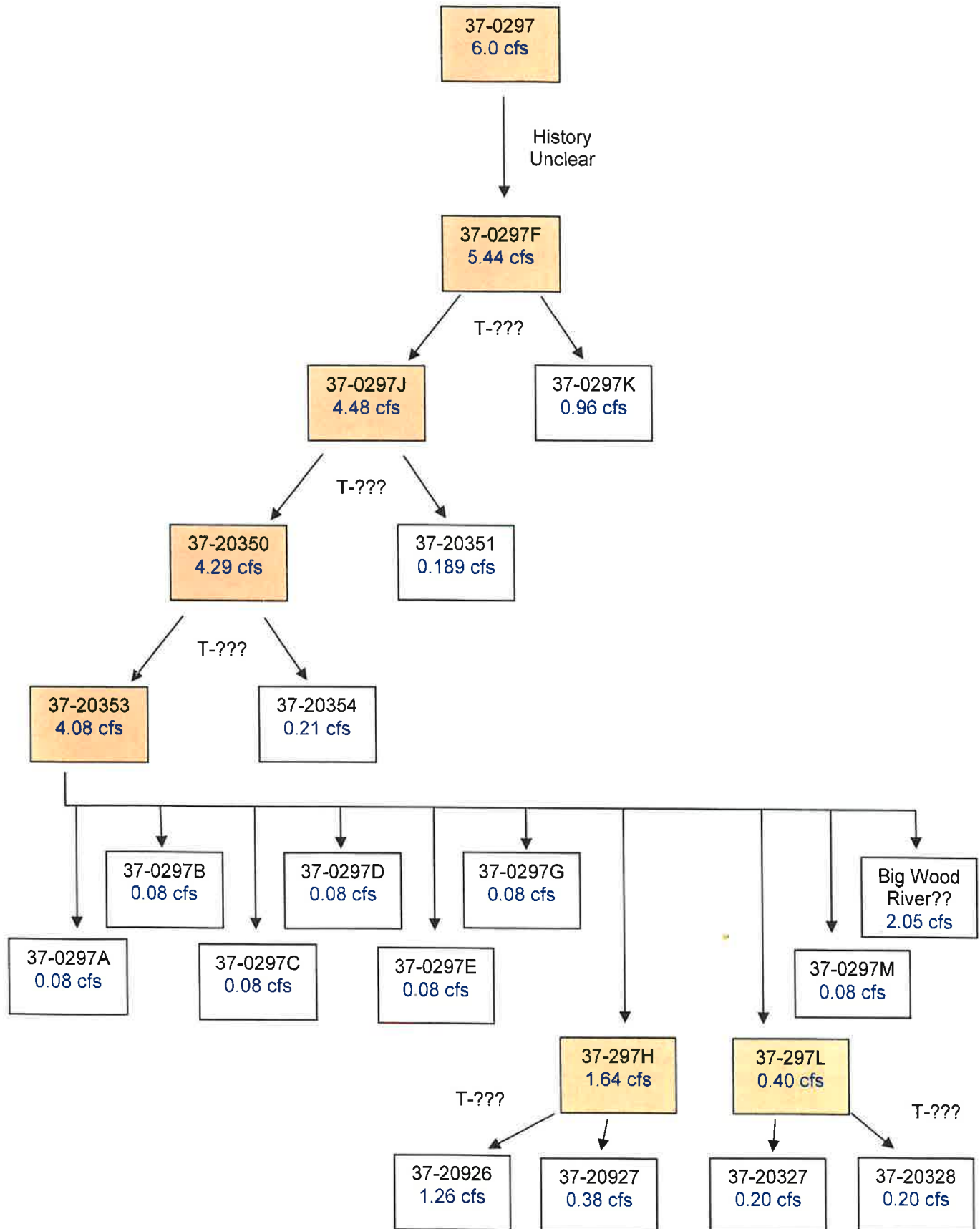
A preliminary search of the watermaster list and the IDWR database indicate the following.
 Additional research is needed to confirm splits:

Right	Owner	Claimed (cfs)	Water Master Delivers (cfs)	
37-0297A	Sheffer	0.08	0.08	.08
37-0297B	Basovsky	0.08	0.08	.08
37-0297C	Martin ¹	0.08	0.08	.08
37-00297D	Chesnel ²	0.08	0.08	.08
37-00297E	Clifford	0.08	0.08	
37-00297G	Rice Family Trust	0.08	0.08	.08
37-00297K	Red Devil Mtn Home Assn	0.96	0.96	.96
37-00297M	Kennedy/Kirby	0.08	0.08	.08
37-20327	Cat Track Select	0.20	0.20	.196
37-20328	Brinkman	0.20	0.20	.196
37-20351	Passavoy	0.19	0.19	.19
37-20353	Buttran	4.08		
37-20354	Hanson	0.21	0.21	.21
37-20926	Wilcox	1.26	1.64	1.26
37-20927	Koss Trust	0.38	1.64	.38
Big Wood River		(2.05)	2.05	
Total		10.09	7.64³	<u>3.972 cfs.</u> <u>2.05</u> <u>6.022 cfs</u>

Notes:

- Watermaster records indicate 7.64 cfs (including 2.05 for Big Wood River) are being delivered for this right. The watermaster appears to be over delivering because:
 - 1.64 cfs going to both 37-20926 & 20927, but these rights combined should be 1.64 cfs
- 37-297L was claimed with a priority date of 11/22/1886. This appear to be an error that was then propagated to the splits 37-20327 & 37-20328
- Overclaimed – appear that 37-20353 has been split several times and should not be claimed
- ¹ 37-0297C - Watermaster delivering to Kenneth McCormack – Present owner is Karin Martin
- ² 37-00297D - Watermaster delivering to Holly McCray – Present owner is Chesnel
- ³ the watermaster delivery rates are decimals that round to 7.64 cfs. This column here actually adds up to 7.65 cfs because I only used 2 decimal places

Adjudication Splits



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20441

Priority: June 21, 2001

Maximum Diversion Rate: 5.00 CFS

This is to certify, that RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
RECREATION	01/01 to 12/31	5.00 CFS
AESTHETIC	01/01 to 12/31	5.00 CFS
WILDLIFE	01/01 to 12/31	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SE¼NE¼ Sec. 30, Twp 04N, Rge 18E, B.M. BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 18E 32						X											

PLACE OF USE: AESTHETIC – same as RecreationPLACE OF USE: WILDLIFE – same as RecreationCONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 1, 2006.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.

MICROFILMED

MAR 26 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20441

CONDITIONS OF APPROVAL CONTINUED

8. Measuring devices acceptable to the Department shall be permanently maintained at the point of diversion from the Cliffside Homeowners Assn. Inc. (Graystone) pond and at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.
9. Rights 37-8278, 37-8535 and 37-20441 when combined shall not exceed a total diversion rate of 10.00 cfs.
10. Water diverted under Snake River Basin Adjudication Claim 37-20440 is used in combination with this right to mitigate losses of water resulting from the use of this right. From April 15 to October 31 each year water shall not be diverted under this right except when water is being diverted under SRBA Claim 37-20440, or a decreed water right based on SRBA Claim 37-20440, for mitigation purposes. From November 1 to April 14 each year, water may be diverted under this right without mitigation.
11. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
12. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right 37-8278 (or Right 37-4265, if it is decreed in the Snake River Basin Adjudication instead of Right 37-8278) may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion from the Big Wood River to the point of discharge of the water diverted under Right 37-8278 (or 37-4265) are fully compensated, if such compensation is then required for the use of water under Right 37-8278 (or 37-4265), b) the water is discharged directly to the actively flowing channel of the Big Wood River or into a hydraulically connected side channel of the Big Wood River, and c) mitigation is provided as described above.
13. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water Rights 37-7919 and 37-8307.
14. The right holder shall monitor the effect of return flows on the temperature of the Big Wood River in accordance with the rules and regulations of the Department Environmental Quality and in accordance with the agreement with protestant. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of February, 2003


for KARL J DREHER, Director
MICROFILMED

MAR 26 2003

37-28F, 297K, 20353
Buttran

28F Rec = 48cb on 15ac
transfer? 48cb on 23.4ac

28F .48cb
297K .96cb
1.44cb

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

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37-29712
37-28F

Bx 18

RED DEVIL MOUNTAIN
C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

Tuthill, Dave

To: Jim Speck
Subject: RE: RE: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Jim,

Sorry, I don't see that this system qualifies...

Dave

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Sunday, December 03, 2006 3:25 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: RE: RE: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

The subdivision has always had just 5 lots and therefore 5 users for irrigation purposes. There may be more than one dwelling on a lot (i.e. main residence and accessory dwelling), but water is not delivered for in house use. So I guess we don't qualify, right!?? Thanks.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Tuthill, Dave
Sent: Sunday, December 03, 2006 2:50 PM
To: Jim Speck
Cc: pkoss@sunvalley.net

Jim,

The statute states that to qualify for the digital boundary provision, the organization must consist of more than 5 waterusers. Has the organization consisted of more than 5 waterusers in the recent past?

Dave

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, November 29, 2006 12:11 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: Re: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

I represent this association and will bring notices of appearance with me to the meetings. The water is delivered to the 5 individual lots through a system of ditches and then pumped out by each lot owner. Does this qualify for the digital boundary? How did you arrive at the 15.1 acres? Attached is a copy of the plat which was created after the original claims were filed. The explanatory material should be corrected accordingly. Otherwise the preliminary recommendations look good.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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Version: 7.5.430 / Virus Database: 268.15.6/565 - Release Date: 12/2/2006
9:39 PM

NOTES:

1. A 10' PUBLIC UTILITY EASEMENT EXISTS CENTERED ON INTERIOR LOT LINES AND INSIDE EXTERIOR LOT LINES.
2. IF THE HOUSE TO BE BUILT ON LOT 4 IS ABOVE THE 15% SLOPE LINE, IT SHALL BE SINGLE STORY, NOT TO EXCEED 18 FEET IN HEIGHT, TO INSURE THAT IT WILL NOT VIOLATE THE COMPREHENSIVE PLAN, REGARDING HILLSIDE DEVELOPMENT.
3. THE MAINTENANCE, INSPECTION, SERVICING AND SNOW REMOVAL AT THE TWO DRAFTING SITES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION.
4. OWNERS ARE RESPONSIBLE FOR THE CONTROL OF NOXIOUS WEEDS AS PER STATE REGULATIONS AND THIS IS INCLUDED IN THE SUBDIVISION PLAT NOTES.
5. BUILDING LOTS AND ROAD LOCATIONS ARE TO REMAIN THE SAME.
6. THE PURCHASER AND/OR OWNER OF THIS LOT OR PARCEL UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HOMEOWNER'S ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.
7. THE AVALANCHE DANGER AREA DESIGNATED ON THIS SUBDIVISION PLAT IS CONSIDERED BY THE OWNER, BLAINE COUNTY, GALENA ENGINEERING AND A.L. WEARS, P.E. REASONABLE FOR REGULATORY PURPOSES. HOWEVER, NEITHER THE OWNER, BLAINE COUNTY, GALENA ENGINEERING, NOR A.L. WEARS, P.E. REPRESENTS, GUARANTEES, WARRANTS OR IMPLIES THAT AREAS OUTSIDE THE DESIGNATED AVALANCHE DANGER AREA ARE SAFE AND FREE FROM AVALANCHES OR AVALANCHE DANGER.
8. HALEY CITY WATER IS NOT AVAILABLE TO THE SUBDIVISION FOR EITHER DOMESTIC OR FIRE PROTECTION PURPOSES.

CURVE	DELTA	R	L	T	CHORD	CH. BEARING
C-1	90° 00' 00"	30.00'	47.12'	30.00'	42.43'	N 82° 00' 00" V
C-2	107° 00' 01"	90.00'	160.29'	121.92'	144.82'	N 73° 25' 60" V
C-3	116° 29' 50"	90.00'	182.99'	145.43'	153.06'	S 30° 22' 55" V
C-4	46° 02' 49"	90.00'	72.04'	38.55'	70.87'	N 60° 11' 08" V

BUCKHORN SUBD. #3

LEGEND

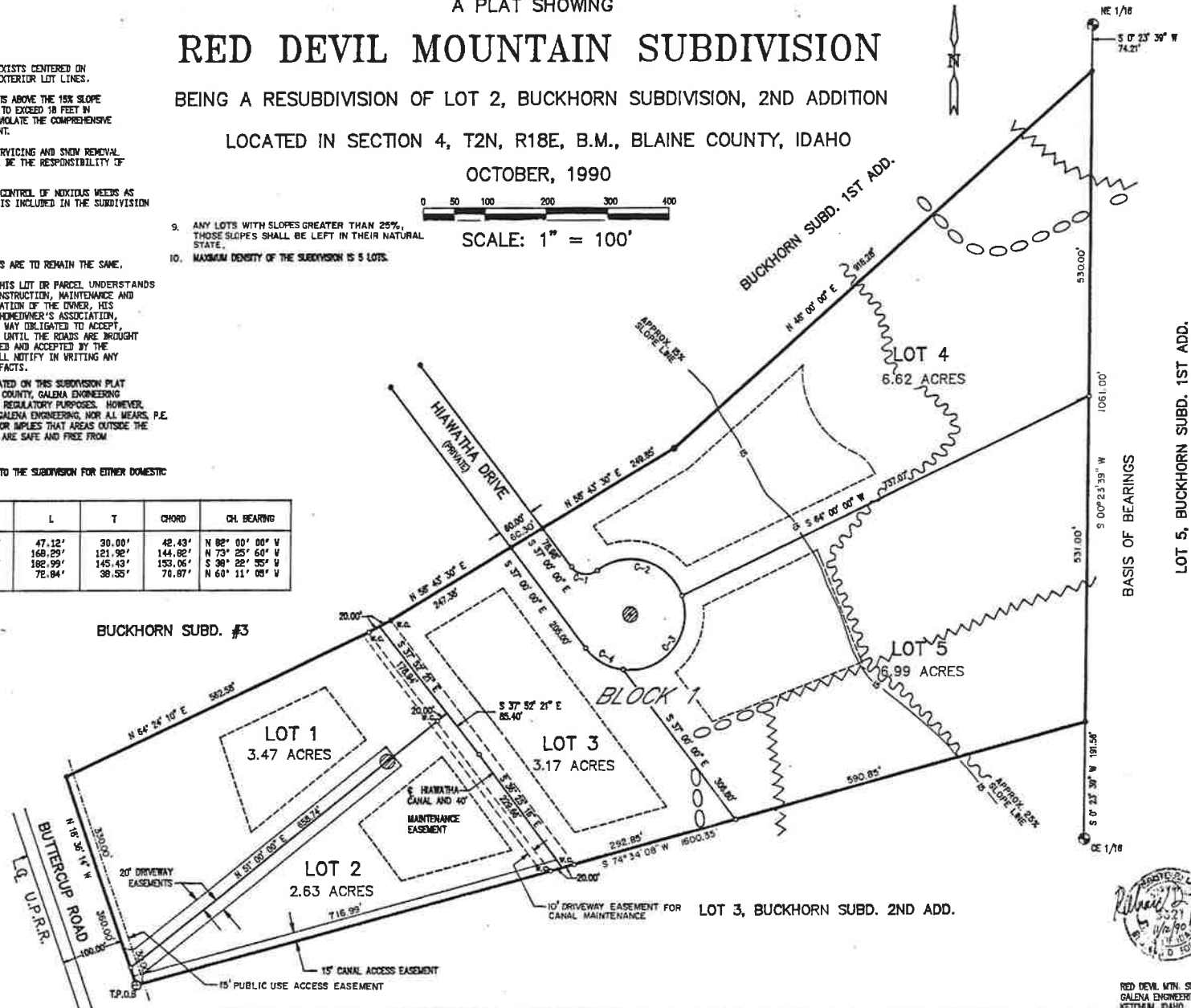
- ⊕ SET ALUMINUM CAP IN CONCRETE
- BRASS CAP
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- SET 1/2" REBAR
- BUILDING ENVELOPE
- RED AVALANCHE ZONE, WEARS
- BLUE AVALANCHE ZONE, WEARS
- APPROX. 25% SLOPE LINE
- APPROX. FEMA FLOODPLAIN LINE (FROM INDIAN CREEK)
- APPROX. 15% SLOPE LINE
- ⊙ 10,000 GAL. WATER STORAGE

A PLAT SHOWING RED DEVIL MOUNTAIN SUBDIVISION BEING A RESUBDIVISION OF LOT 2, BUCKHORN SUBDIVISION, 2ND ADDITION LOCATED IN SECTION 4, T2N, R18E, B.M., BLAINE COUNTY, IDAHO OCTOBER, 1990



SCALE: 1" = 100'

9. ANY LOTS WITH SLOPES GREATER THAN 25%, THOSE SLOPES SHALL BE LEFT IN THEIR NATURAL STATE.
10. MAXIMUM DENSITY OF THE SUBDIVISION IS 5 LOTS.



RED DEVIL Mtn. SUBDIVISION
GALEA ENGINEERING, INC.
KETCHUM, IDAHO
JOB NO. 2584

CERTIFICATE OF OWNERSHIP

This is to certify that I, the undersigned am the owner in fee simple of the following described parcel of land:

Lot 2, Block 1, Buckhorn Subdivision 2nd Addition, Blaine County, Idaho

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. Protective covenants governing this Subdivision are recorded under County Recorder Instrument No.

It is the intent of the owner to hereby include said land in this plat.

Rod Kegley
Rod Kegley

ACKNOWLEDGEMENT

STATE OF Idaho
COUNTY OF Blaine } ss

On this 14th day of November, 1990, before me, a Notary Public in and for said State, personally appeared the person whose name is subscribed to the Owner's Certificate and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dorothy K. Leggett 5-3-95
Notary Public

SURVEYOR'S CERTIFICATION

I, Richard D. Fosbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Red Devil Mtn. Subdivision is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



ACKNOWLEDGEMENT

STATE OF IDAHO }
COUNTY OF BLAINE } ss

On this 14th day of November, 1990, before me, a Notary Public in and for said State, personally appeared Richard D. Fosbury, known to me to be the person whose name is subscribed to the above Surveyor's certificate and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dorothy K. Leggett 5-3-95
Notary Public in and for the State of Idaho

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koone, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the state of Idaho relating thereto.



APPROVAL OF BLAINE COUNTY PLANNING AND ZONING

14 The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this day of November, 1990.

Ralph C. Davis
Administrator

APPROVAL OF BLAINE COUNTY COMMISSIONERS

14 The foregoing plat was approved by the Blaine County Board of Commissioners on this day of November, 1990.

Robert H. Hosen
Chairman

SANITARY RESTRICTIONS

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Cottonwood Creek Subdivision is hereby approved this 14 day of November, 1990.

Marilyn Janier
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE } ss

This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 15 day of November, 1990, at 1:11 P.M., and duly recorded in Plat Book , at page .

325466

\$ 11.00

Mary Allen
Ex-officio Recorder

Red Devil Mtn. Subdivision
Galena Engineering, INC.
Ketchum, Idaho
Sheet 2 of 2

Tuthill, Dave

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, November 29, 2006 12:11 PM
To: Tuthill, Dave
Cc: pkoss@sunvalley.net
Subject: Re: Red Devil Homeowners/Water Rights 37-28F and 37-297K

Dave,

I represent this association and will bring notices of appearance with me to the meetings. The water is delivered to the 5 individual lots through a system of ditches and then pumped out by each lot owner. Does this qualify for the digital boundary? How did you arrive at the 15.1 acres? Attached is a copy of the plat which was created after the original claims were filed. The explanatory material should be corrected accordingly. Otherwise the preliminary recommendations look good.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

12/3/2006

10/20/2006

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

RIGHT NUMBER: 37-297K
NAME AND ADDRESS: RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O CLAY S HOLDEN
PO BOX 4626
HAILEY ID 83333

RED DEVIL MOUNTAIN HOMEOWNERS ASSN
C/O MIRIAM F HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.960 CFS
93.600 AFY
PRIORITY DATE: 11/26/1886
POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.960 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S04 Lot 2 NWNE	11.00	T02N R18E S04	SWNE	1.10
T02N R18E S04 Lot 3 NENW	1.70	T02N R18E S04	SENE	1.30

15.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as Lt 2 of Buckhorn Subdivision #2



Idaho Department of Water Resources

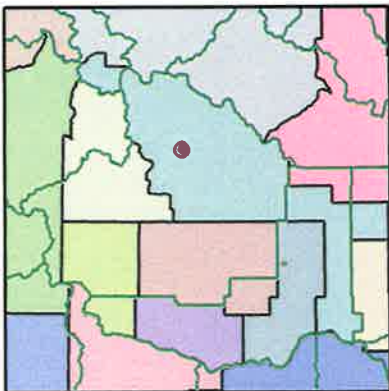
SRBA Recommendation:

37-297K

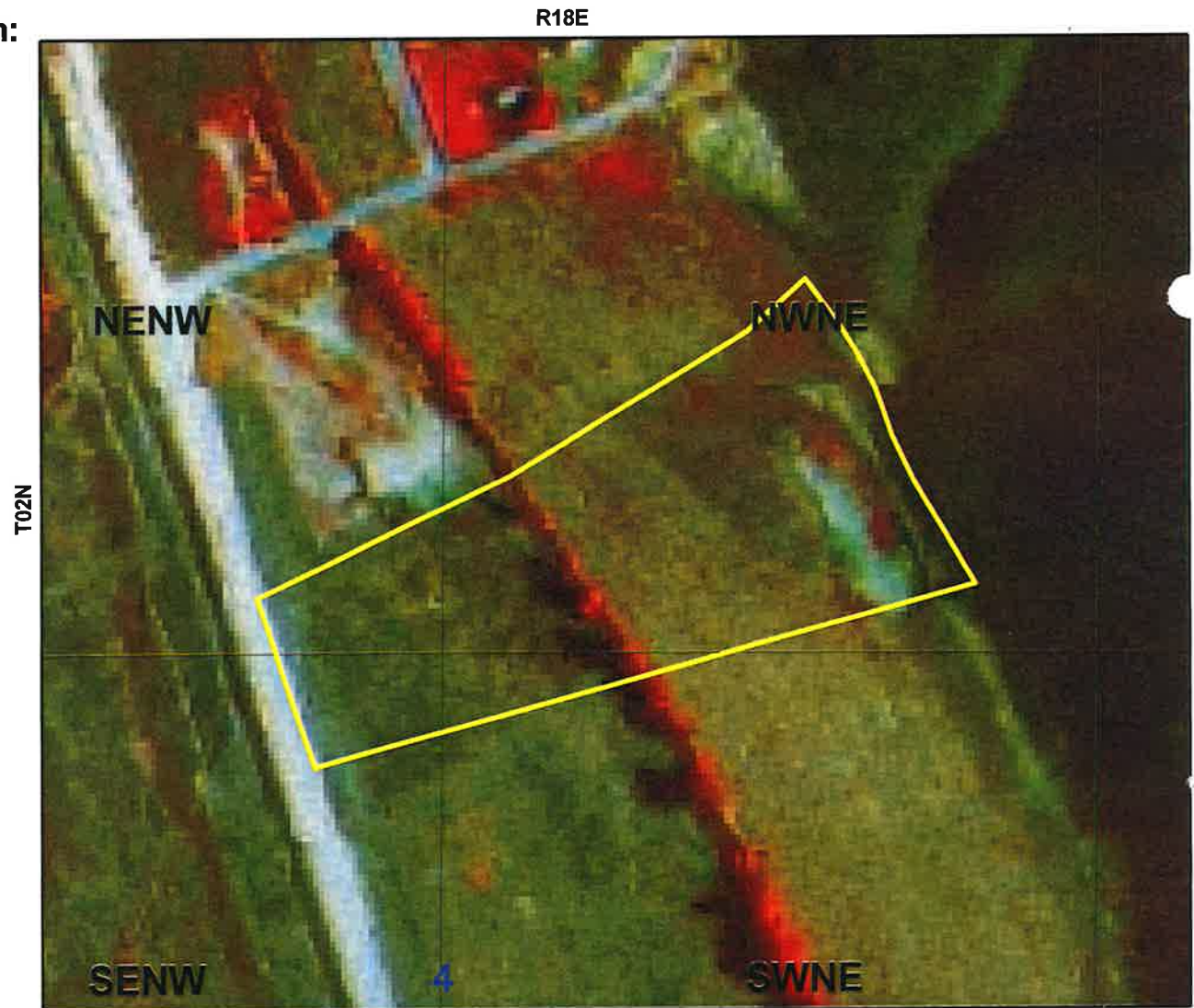
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by A. Warntjes
On Friday, October 20, 2006
1987/88 Aerial Photography

RECEIVED

JAN 23 2001

Department of Water Resources

2505 Novato Place
Palos Verdes Estates, California 90274
January 19, 2001

Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
FEB 06 2001
Department of Water Resources
Southern Region

To Whom It May Concern:

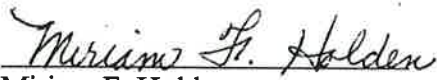
Please make the following name and address change in your records:

From: Red Devil Homeowners Assn.
P. O. Box 1291
Sun Valley, Idaho 83353

To: Red Devil Mountain Homeowners' Association
P. O. Box 4626
Hailey, Idaho 83333

Thank you.

Sincerely yours,


Miriam F. Holden
Secretary
Red Devil Mountain Homeowners Assn.

37-28F

37-297k

Records modified 1-29-01.
/s/



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

JUN 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CLAY & MIRIAM HOLDEN
PO BOX 1291
SUN VALLEY ID 83353

RE: SRBA CLAIM(S): A37-00297K & A37-00028F
KEGLEY

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script, reading "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES