

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 37-351C
Date Received: 12/23/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HIDDEN CROWN RANCH LLC Phone:
PO BOX 5129
KETCHUM ID 83340-5129

2. Date of Priority: 06/01/1886

3. Source: SILVER CREEK , SILVER CREEK Trib. to: LITTLE WOOD RIVER , LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	20E	26	NE SE SW	BLAINE	
01S	20E	27	NE NE	BLAINE	

5. Description of diverting works:

gated, screened concrete structure with settling pond and broad crested weir measuring device

gated, screened concrete structure with a seperate broad crested weir measuring device

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	04/15	10/15	0.09	32.7

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 32.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	20E	26	SE	SE		WILDLIFE	
			SW	SE		WILDLIFE	
			NW	SE		WILDLIFE	
			NE	SE		WILDLIFE	
			NW	SW		WILDLIFE	
			NE	SW		WILDLIFE	
			SW	NW		WILDLIFE	
			SE	SW		WILDLIFE	
01S	20E	27	SE	NE		WILDLIFE	
			NE	NE		WILDLIFE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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. 37M.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.

Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.

The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.

This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.

The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

15. Basis of Claim: Decreed

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
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CIVIL CASE NUMBER: 39576

Ident. Number 37-351C
Date Received: 12/23/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM J SWANSON TRUST Phone: (208)726-5201
PO BOX 5129
KETCHUM ID 83340

2. Date of Priority: 06/01/1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER
SILVER CREEK LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	20E	26	NE	SE	SW	BLAINE	
01S	20E	27		NE	NE	BLAINE	

5. Description of diverting works:

gated, screened concrete structure with settling pond and broad crested weir
measuring device

gated, screened concrete structure with a seperate broad crested weir measuring
device

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	04/15	10/15	0.09	32.7

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 32.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	20E	26	SE	SE	WILDLIFE	
			SW	SE	WILDLIFE	
			NW	SE	WILDLIFE	
			NE	SE	WILDLIFE	
			NW	SW	WILDLIFE	
			NE	SW	WILDLIFE	
			SW	NW	WILDLIFE	
			SE	SW	WILDLIFE	
01S	20E	27	SE	NE	WILDLIFE	
			NE	NE	WILDLIFE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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. 37M.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of

diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.

Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.

The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.

This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.

The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

15. Basis of Claim: Decreed

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: **A37-00351C**
Date Received: 12/23/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM J SWANSON 208-726-5201
Address: PO BOX 5129
KETCHUM ID 83340

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	20E	26	NE	SE	SW		BLAINE

5. Description of diverting works:
HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	04/15	10/15	0.090		

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 32.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	20E	26	NE	SE		WILDLF	
			NW	SE		WILDLF	
			SW	SE		WILDLF	
			SE	SE		WILDLF	

NOT RECORDED
NOV 22 1996

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:
37-00352C

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4186:

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.
8. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

OWNERSHIP CHANGE MADE 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER. SWANSON-NEW OWNER. QUITCLAIM INCLUDED. WAS SAID TO BE A SPLIT, BUT TRANSFER 4186 SPLIT IT ALREADY. THE B PORTION STAYS WITH NATURE CONSERVANCY AND THE C PORTION IS NOW IN THE NAME OF SWANSON.

PURSUANT TO AMENDED TRANSFER 4186 CONDITIONS/REMARKS EDITED 9/7/95 TF.

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)09/07/95 09:05:54
Page 1

Water Right Number - R37-00351C Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SWANSON WILLIAM J 1 - PO BOX 5129
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-5201

*** O - ORIGINAL OWNER ***
SPECK JAMES P 1 - HOGUE SPECK & AANESTAD
2 - PO BOX 987
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421

NATURE CONSERVANCY THE 1 - PO BOX 165
2 -
3 -
City- SUN VALLEY State- ID Zip- 83353
Phone - 208-726-3007

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1886 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SILVER CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
01S 20E 26 NE SE SW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
16 - WILDLIFE 04/15 10/15 0.090

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090 32.70 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 20E 26 NE SE 16 WILDLIFE (13) BLAINE
01S 20E 26 NW SE 16 WILDLIFE (13) BLAINE
01S 20E 26 SW SE 16 WILDLIFE (13) BLAINE
01S 20E 26 SE SE 16 WILDLIFE (13) BLAINE

Total Acres:

+ - - Diversion Means - HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

+ - - Non-Irrigation Use -

MICROFILMED
NOV 22 1996

Water right number - R37-00351C

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 37-00352C

+ - - - - - Remarks - - - - - +

PURSUANT TO APPROVED TRANSFER NO. 4186:

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.
8. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

OWNERSHIP CHANGE MADE 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER. SWANSON-NEW OWNER. QUITCLAIM INCLUDED. WAS SAID TO BE A SPLIT, BUT TRANSFER 4186 SPLIT IT ALREADY. THE B PORTION STAYS WITH NATURE CONSERVANCY AND THE C PORTION IS NOW IN THE NAME OF SWANSON.

PURSUANT TO AMENDED TRANSFER 4186 CONDITIONS/REMARKS EDITED 9/7/95 TF.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
S.C. FROST, ET AL ALTURAS WATER CO., ET AL 12/13/1909

+ - - - - Comments - - - - - +

Date: 12/16/1994 User Id: JROBERTS Subject: SPLIT/TRANSFER

This claim was created pursuant to approved Transfer No. 4186. It is a split of part B and reflects the Wildlife Use. jr

Date: 03/31/1995 User Id: DSMITH Subject: DATA ENTRY

CONFORMED ATTORNEY MAILING ADDRESS DMS

Date: 09/07/1995 User Id: TFAWCETT Subject: AMENDED TRANSFER

CONDITIONS/REMARKS WERE EDITED PURSUANT TO AMENDED TRANSFER 4186.

NOV 22 1995
MICROFILMED

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/07/95 09:05:55
Page 3

Water right number - R37-00351C

Prefix Translation: RESEARCH

+ - - Audit Fields - - +

09/07/95 TFAWCETT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	- FIFTH
Claim Received Date	- 12/23/1988	Last Amended Date	- 06/04/1993	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C
				Notice of Error Flag	-

MICROFILMED
NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

This is to certify that: THE NATURE CONSERVANCY
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00351B :			
IRRIGATION	04/15 to 10/15	0.16 CFS	58.1 AF
Priority: 06/01/1886			
Right No. 37-00352B :			
IRRIGATION	04/15 to 10/15	0.39 CFS	91.0 AF
Priority: 06/15/1887			
SUBTOTAL:		0.55 CFS	* 91.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	24	SWSW 6	SESW 20		26
Total number of acres irrigated:						26

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00351C :			
WILDLIFE	04/15 to 10/15	0.09 CFS	32.7 AF
Priority: 06/01/1886			
Right No. 37-00352C :			
WILDLIFE	04/15 to 10/15	0.21 CFS	76.2 AF
Priority: 06/15/1887			
SUBTOTAL:		0.30 CFS	108.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 26, Township 01S, Range 20E
BLAINE County

PLACE OF USE: WILDLIFE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NESE</u>	<u>NWSE</u>	<u>SWSE</u>
01S	20E	26	NESE		
			SESE		
TOTAL:				0.85 CFS	199.9 AF

SOURCE

SILVER CREEK

TRIBUTARY OF

LITTLE WOOD RIVER

MICROFILMED
NOV 22 1995

AMENDED

TRANSFER NO. 4186

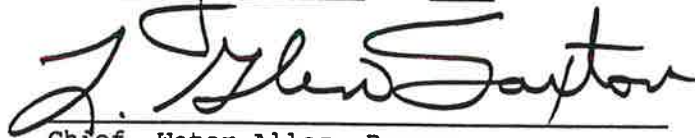
AMENDED

WATER RIGHT NO(S). 37-00351B/37-00352B

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. 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 prior to the diversion of water.
6. The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
7. Right Nos. 37-00351C and 37-00352C provide mitigation water to prior rights in connection with diversion of water under Right No. 37-08726.
- * 8. The combined annual volume of water under Right Nos. 37-00351B and 37-00352B shall not exceed 91.0 acre feet.

Dated this 27th day of February, 1995


Chief, Water Alloc. Bureau

MICROFILMED
NOV 22 1996

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: **A37-00351C**

Date Received: 12/23/1988

Receipt No: X777777

Received By: HLB

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: WILLIAM J SWANSON
Address: PO BOX 5129
KETCHUM ID

208-726-5201

83340

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	20E	26	NE	SE	SW		BLAINE

5. Description of diverting works:
HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	04/15	10/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	20E	26	NE	SE		WILDLF	
			NW	SE		WILDLF	
			SW	SE		WILDLF	
			SE	SE		WILDLF	

**MICROFILMED
NOV 22 1996**

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:
37-00352C

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4186:

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET.
8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER.
9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

CONFORMED ATTORNEY MAILING ADDRESS DMS

OWNERSHIP CHANGE MADE 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER. SWANSON-NEW OWNER. QUITCLAIM INCLUDED. WAS SAID TO BE A SPLIT, BUT TRANSFER 4186 SPLIT IT ALREADY. THE B PORTION STAYS WITH NATURE CONSERVANCY AND THE C PORTION IS NOW IN THE NAME OF SWANSON.

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

Decree date: 12/13/1909

MICROFILMED
NOV 22 1996

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

MICROFILMED
NOV 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-00351C

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SWANSON

WILLIAM J

1 - PO BOX 5129

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-5201

*** O - ORIGINAL OWNER ***
SPECK

JAMES P

1 - HOGUE SPECK & AANESTAD

2 - PO BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

NATURE CONSERVANCY

THE

1 - PO BOX 165

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-726-3007

+ - - Priority Date - - +
06/01/1886

+ - - Region - - +
ERROR IN REGION

+ - - Stage - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
SILVER CREEK

+ - - - - Tributary - - - - - +
LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

01S 20E 26 NE SE SW (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

16 - WILDLIFE 04/15 10/15 0.090

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

01S	20E	26	NE SE			16	WILDLIFE	(13) BLAINE
01S	20E	26	NW SE			16	WILDLIFE	(13) BLAINE
01S	20E	26	SW SE			16	WILDLIFE	(13) BLAINE
01S	20E	26	SE SE			16	WILDLIFE	(13) BLAINE

Total Acres:

+ - - Diversion Means - HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

+ - - Non-Irrigation Use -

MICROFILMED
NOV 22 1995

Water right number - R37-00351C

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 37-00352C

+ - - - - - Remarks - - - - - +

PURSUANT TO APPROVED TRANSFER NO. 4186:

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET.
8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER.
9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

OWNERSHIP CHANGED 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER,
SWANSON-NEW OWNER. QUITCLAIM DEED INCLUDED.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

S.C. FROST, ET AL

ALTURAS WATER CO., ET AL

12/13/1909

+ - - - - Comments - - - - - +

Date: 12/16/1994 User Id: JROBERTS Subject: SPLIT/TRANSFER

This claim was created pursuant to approved Transfer No. 4186. It is a split of part B and reflects the Wildlife Use. jr

Date: 03/31/1995 User Id: DSMITH Subject: DATA ENTRY

CONFORMED ATTORNEY MAILING ADDRESS DMS

+ - - Audit Fields - - +

08/07/95 TBACKLUN

NOV 22 1996
MICROFILMED

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

08/07/95 12:37:44
Page 3

Water right number - R37-00351C

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	- FIFTH
Claim Received Date	- 12/23/1988	Last Amended Date	- 06/04/1993	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C
				Notice of Error Flag	-

NOV 22 1996
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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: Feb 23, 1995

*See attached copy of Quitclaim Deed

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

RECEIVED
MAR 14 1995
Department of Water Resources
Southern Region

☐ 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:

A37-00351C and A37-00352C

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

The Nature Conservancy

P O Box 165

☐ New Owner/Claimant
(Purchaser):

Sun Valley ID 83353

William J. Swanson

☐ New Mailing Address:

P O Box 5129

Ketchum ID 83340

☐ New Telephone Number:

(208) 726 - 5201

☒ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
The split has been approved by Transfer NO. 4186

☐ Attach proof of
ownership, describe
proof attached:

See attached copy of Quitclaim Deed

(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)

William J. Swanson

Date 3/1/95

Date _____

☐ 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: 8/7/95 By: THB

Claim Numbers of Split, if any:

None

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NOV 22 1996

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

375917

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

BLAINE CO. REQUEST

OF: Hogue + Speck

'95 FEB 23 PM 3 25

Deed

(space above line for Recorder's use)

MARY GREEN, CLERK *ms*

FEES \$ 6.00

QUITCLAIM DEED

FOR VALUE RECEIVED, THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, with its principal offices at 1815 North Lynn Street, Arlington, Virginia, 22209, ("Grantor"), does hereby convey, release, remise and forever quitclaim unto WILLIAM J. SWANSON, a married man dealing in his separate property, of P. O. Box 5129, Ketchum, Idaho 83349, ("Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to lands situated in Blaine County, Idaho, to wit:

0.09 cfs of Water Right No. 37-00351C; and
0.21 cfs of Water Right No. 37-00352C

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 15th day of February, 1995.

GRANTOR:
THE NATURE CONSERVANCY

By: Guy Bonner

Its: Vice President

MICROFILMED
NOV 22 1996

QUITCLAIM DEED - 1

RECEIVED

FEB 27 1995

Hogue, Speck & Aaneestari

RECEIVED

FEB 17 1995

Hogue, Speck & Aaneestari

RECEIVED

MAR 14 1995

Department of Water Resources
Southern Region

STATE OF Idaho)
County of Blaine) ss.

On this 15th day of February, 1995, before me, the undersigned notary public in and for said state, personally appeared Guy Bonnier, known or identified to me to be the Vice President of THE NATURE CONSERVANCY and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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



Mark F. Essum
Notary Public for Idaho
Residing at: Ketchum, ID
Comm. Expires: 12/2000

MICROFILMED
NOV 22 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

March 13, 1995

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

RECEIVED

MAR 14 1995

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

Re: Notice of Change of Water Right Ownership

Dear Allen:

Enclosed please find the executed New Property Owner Notice of Change of Water Right Ownership for Water Rights Nos. A37-00351C and A37-00352C, as well as a copy of the filed Quitclaim Deed as required to prove ownership. Please file this Notice appropriately.

Please contact me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


Sue Anne Bennett
for James P. Speck, Esq.

/sab
enclosures

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

AUGUST 7, 1995

WILLIAM J. SWANSON
PO BOX 5129
KETCHUM, ID 83340

RE: SRBA CLAIM A37-00351C & A37-00352C
NATURE CONSERVANCY

DEAR CLAIMANT:

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

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

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 22 1996

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: **A37-00351C**
Date Received: 12/23/1988
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: THE NATURE CONSERVANCY 208-726-3007
Address: PO BOX 165
SUN VALLEY ID 83353

2. Date of Priority: JUN 1, 1886

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	20E	26	NE	SE	SW		BLAINE

5. Description of diverting works:
HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	04/15	10/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	20E	26	NE	SE		WILDLF	
			NW	SE		WILDLF	
			SW	SE		WILDLF	
			SE	SE		WILDLF	

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NOV 22 1996

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:
37-00352C

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4186:

1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. 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 PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR.
7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET.
8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER.
9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

Decree date: 12/13/1909

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

MICROFILMED
NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Region Adjunct

TRANSFER OF WATER RIGHT

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

This is to certify that: THE NATURE CONSERVANCY
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00351B :		
IRRIGATION	04/15 to 10/15	0.09 CFS
Priority: 06/01/1886		
Right No. 37-00351C :		
WILDLIFE	04/15 to 10/15	0.09 CFS
Priority: 06/01/1886		
Right No. 37-00352B :		
IRRIGATION	04/15 to 10/15	0.21 CFS
Priority: 06/15/1887		
Right No. 37-00352C :		
WILDLIFE	04/15 to 10/15	0.21 CFS
Priority: 06/15/1887		
Total		0.30 cfs

RECEIVED

FEB 09 1994

Department of Water Resources
Southern Region Office

SOURCE

SILVER CREEK

TRIBUTARY OF

LITTLE WOOD RIVER

Right Nos. 37-00351B and 37-00352B :

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 19E 24	SWSW 6	SESW 20		26
Total number of acres irrigated:				26

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NOV 22 1996

TRANSFER NO. 4186
WATER RIGHT NO(S). 37-00351B/37-00351C/37-00352B/37-00352C

Right Nos. 37-00351C and 37-00352C :

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 26, Township 01S, Range 20E
BLAINE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

01S 20E 26

NESE

NWSE

SWSE

SESE

CONDITIONS/REMARKS:

1. This transfer provides mitigation water to prior rights in connection with diversion of groundwater under Right No. 37-08726.
2. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37M.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. 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 prior to the diversion of water.
6. The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
7. The combined annual volume of water under Right Nos. 37-00351B and 37-00352B shall not exceed 101.5 acre feet.
8. Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.
9. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 31st day of

January

, 19 74

J. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4186

RECEIVED
JUL 30 1993

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant THE NATURE CONSERVANCY Phone 208-726-4421
Post Office Address C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM, ID 83340

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other SPLIT RIGHTS
2. Describe the reason for the proposed changes APPLICANT PROPOSED TO LEASE WATER RIGHTS TO WILLIAM J. SWANSON TO BE DIVERTED WITH PERMIT 37-08726 FOR WILDLIFE HABITAT PURPOSES DURING THE IRRIGATION SEASON.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
ART C 37-00351C	6/1/1886	.09 cfs	IRRIGATION	4/15 to 10/15
37-00352C	6/15/1887	.21 cfs	IRRIGATION	4/15 to 10/15
ART D 37-00351D	6/1/1886	.09 cfs	WILDLIFE HABITAT	4/15 to 10/15
37-00352D	6/15/1887	.21 cfs	WILDLIFE HABITAT	4/15 to 10/15

2. Total amount of water being transferred 0.3 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SILVER CREEK tributary to LITTLE WOOD RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	
	NE	SE	SW	26	1S	20E	BLAINE	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	20					26
1S	20E	26																	

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NOV 22 1996

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NOV 22 1996

T# 4186
37-00351C

James C. Hunter / Area Manager

PART 1**6. General Information:**

- a. Description of diversion system Headgate in Silver Creek into canal to wetlands
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
It will not be irrigated during the two (2) year term of the lease and transfer.
- d. Remarks:
See Addendum

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED
NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00351B Decreed to H. P. JOHNSON AND CHRISTIAN NISSON
in case of S. C. FROST ET AL vs. ALTURUS WATER CO. ET AL
dated 12/13/1909 in FOURTH JUDICIAL DIST. county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water SILVER CREEK/LOVING CREEK tributary to LITTLE WOOD RIVER/SILVER CREEK

4. Date or priority 6/1/1886

5. Water is used for the following purpose:

amount .25 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right .25 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	SUN VALLEY #3-P

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											11	23					34
1S	19E	25						6											6

MICROFILMED
NOV 22 1996

Total acres 40

9. Describe any other water rights used for the same purpose as described above 37-00352B

7-24-93 Blaine C. Smith / Anna M. M...

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.088 for irrigation purposes from April 1 to Nov. 1
 (cfs/foot)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											5	3.1					8.1
1S	19E	25						6											6

Total acres 14.1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.162 for irrigation purposes from April 1 to Nov. 1
 (cfs/foot)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	19.9					25.9

MICROFILMED

APR 7 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00352B Decreed to H. P. JOHNSON AND CHRISTIAN NISSON
in case of S. C. FROST ET AL vs. ALTURUS WATER CO. ET AL
dated 12/13/1909 in FOURTH JUDICIAL DIST. county of LINCOLN
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water SILVER CREEK/LOVING CREEK tributary to LITTLE WOOD RIVER/SILVER CREEK

4. Date or priority 6/15/1887

5. Water is used for the following purpose:

amount 0.6 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	BLAINE	SUN VALLEY #3-P

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	19E	24											11	23					34
15	19E	25						6											6

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Total acres 40

9. Describe any other water rights used for the same purpose as described above 37-00351B

7-22-92 James C. Johnson / Area Manager

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.212 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											5	3.1					8.1
1S	19E	25						6											6

Total acres 14.1

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.388 for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	24	1S	19E	Blaine	Sun Valley #3-P

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	24											6	19.9					25.9

MICROFILMED
 NOV 22 1996

15, 19
The State Commission
transfer application

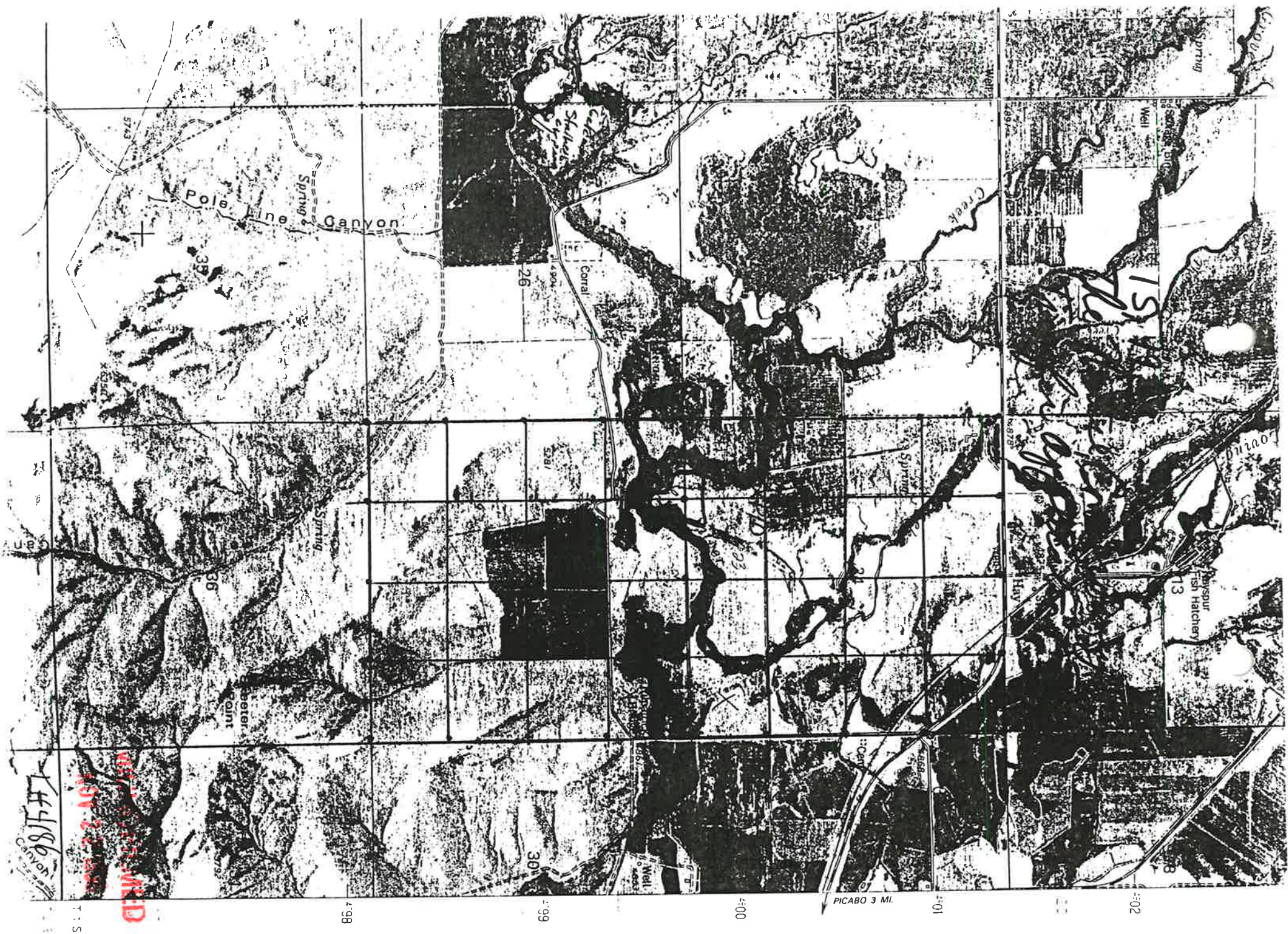
37.003514 37.003514

transfer from site

FALLOW

MICROFILMED
NOV 22 1996

T#4186

T
:
S

4.9B

49

00:4

PICABO 3 MI.

10-01

02

IS. 20E

The Nature Conservancy
transfer to state

4866

4831

4828

Picabo
Air Strip

P/O

P/O

P/O

Canal

25

34

35

36

Well
49/6

WILKINSON
NOV 22 1986

T# 4186

1S, 20E

The Natural Resources
Transfer Application

37-00351 & 37-00352

Transfer to Site

23 23
27 26

11
20.9

General
Wetland
Area

FILED
NOV 22 1996

Weir at
Conversion
Site

Weir at
Reentry Site

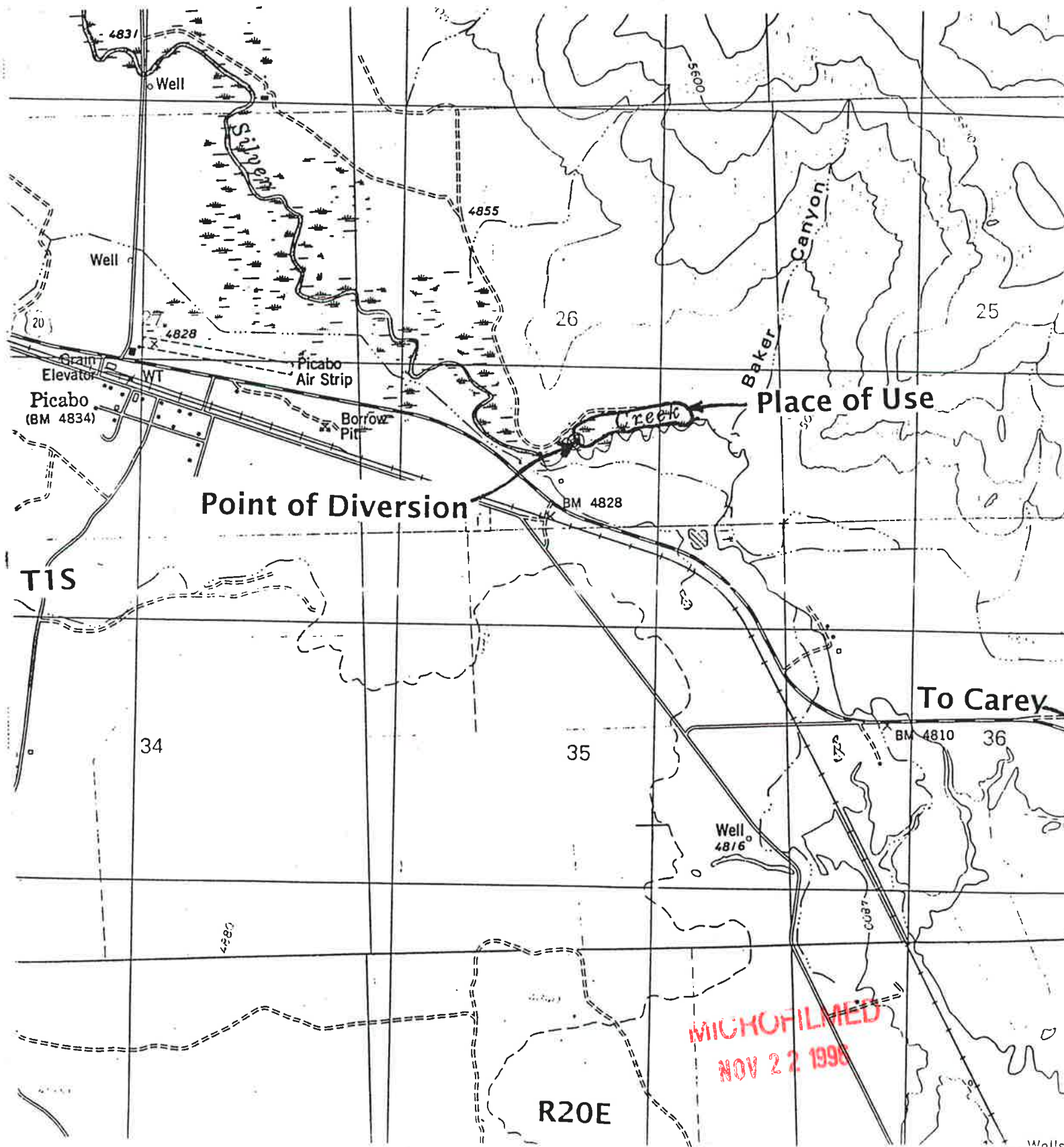
26 25
35 36

T# 4186

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	wildlife habitat	0.3 cfs		April 1 to Nov. 1
				to

2. Quantity and quality of return flows and location of discharge:

No return flows.

3. Describe effects on other water uses resulting from the proposed change:

None

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.

Louis C. Sandoz Jr. Area Manager
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of April, 19 93

Deborah L. Erickson
(Notary Public)

My commission expires 9-24-98

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by R. Foster Date 6-4-93

Protest filed by _____

Prelim. check by _____ Fee \$500 5015840

Received by Jeff Stanton Date 6-4-93

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 9/15 & 9/22/93

Hearing held by _____ Date _____

Watermaster recommendation requested on 9/8/93

Recommended for ☐ approval ☐ denial

_____ rec'd. 9-24-93

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
NOV 22 1996

ADDENDUM TO
APPLICATION FOR TRANSFER
BY
THE NATURE CONSERVANCY

RECEIVED

JUL 30 1993

Department of Water Resources

The following is an Addendum to the Application for
Transfer submitted by THE NATURE CONSERVANCY:

PART 1

B.6.d Remarks: Applicant proposes to lease the water rights to William J. Swanson the holder of Application for Permit 37-08726 (the "Swanson Application"). The Swanson Application seeks the right to divert 2.5 cfs from Silver Creek from Jan 1 through Dec. 31 for wildlife habitat purposes. The Swanson's project is to enhance and develop some lost wetlands along a stretch of Silver Creek as it passes through their property. Dr. Charles Brockway has calculated there will be a loss of approximately 0.3 cfs in the amount of water returned to Silver Creek compared to the amount diverted. There must be compensation for this loss during the irrigation season.

The Swansons have committed to restricting further development of their property and to enhancing the wildlife habitat through the donation of a conservation easement to the Applicant. Applicant desires to assist and cooperate with the Swansons in preserving these important values for their property by transferring the water rights to the Swanson project where they will be diverted into the system together with the 2.5 cfs under the Swanson application for wildlife habitat purposes. The amount of the return flow will be measured to accurately determine the loss. The amount of the transferred water rights will then be adjusted so the return flows to Silver Creek are 2.5 cfs. These measurements will take place over the two (2) year term of the lease. It is anticipated that the Swansons will then permanently acquire from Applicant that portion of the water rights determined to be necessary to fully compensate for losses in their project.

PART 2

Applicant owns one-half (1/2) of each of these rights, which are decreed from Butte Creek, but actually delivered from Silver Creek (the other one-half (1/2) of the rights is actually delivered from Loving Creek - see Claims Nos. A37-00351A and A37-00352A). The record place of use is incorrect for all portions of these rights due to unrecorded transfers. Applicant intends

PAGE 1

water\tnc\tansfer.add
7/29/93

MICROFILMED
NOV 22 1996

Deed Sun Valley Co => TNC

IDFO
file copy

CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 26th day of July,
1976, between SUN VALLEY COMPANY, INC., a corporation duly
organized and existing under the laws of the State of Idaho
and having its principal office in Idaho at Sun Valley, in
the County of Blaine, party of the first part, and THE NATURE
CONSERVANCY, a District of Columbia corporation of Arlington,
County of Arlington, State of Virginia, party of the second
part,

WITNESSETH:

That the said party of the first part, having been hereunto
duly authorized by resolution of its Board of Directors, for and
in consideration of the sum of ONE and NO/100 DOLLARS, lawful
money of the United States of America, to it in hand paid by
the said party of the second part, together with other valuable
consideration, receipt whereof is hereby acknowledged, has
granted, bargained and sold, and by these presents does grant,
bargain, sell, convey and confirm unto the said party of the
second part, and to its heirs and assigns forever, all the
following described real estate situated in the County of
Blaine, State of Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
BLAINE COUNTY, IDAHO.

SECTION 23: SE4SE4

SECTION 24: SE4SE4

SECTION 25: NW4NW4 and Tax Lot No. 1245 in
the NW4NE4, being all the NW4NE4, EXCEPT
the following tract;

Beginning at a point 490 feet South of the
Northeast corner of said Section 25; thence
North 200 feet; thence
West 200 feet; thence
South 200 feet; thence
East 200 feet to the POINT OF BEGINNING.

SECTION 26: NE4NE4 and W4NE4;

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NOV 22 1996

T# 4186

EXCEPTING THEREFROM THE RIGHT OF WAY FOR
SILVER CREEK; and

SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT
BETWEEN SUN VALLEY CO., INC., and LOUIS HUBSHMAN, JR.,
TO CONSTRUCT FENCING AND USE ACCESS ROAD LYING WITHIN
PROPERTY DESCRIBED HEREIN, RECORDED OCTOBER 13, 1969,
AS INSTRUMENT NO. 133843, RECORDS OF BLAINE COUNTY
IDAHO.

TOGETHER WITH all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or in anywise apper-
taining, and the reversion and reversions, remainder and
remainders, rents, issues and profits thereof, and all estate,
right, title and interest in and to the said property, as well
in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above-mentioned
and described premises, together with the appurtenances, unto
the party of the second part, and to its heirs and assigns
forever. And the said party of the first part, and its
successors, the said premises in the quiet and peaceable possession
of the said party of the second part, its heirs and assigns,
against the said party of the first part, and its successors,
and against all and every person and person whomsoever, lawfully
claiming or to claim the same, shall and will warrant and by
these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has
caused its corporate name to be hereunto subscribed by its
President and its corporate seal to be affixed by
its Secretary in pursuance to said resolution the day and
year first above written.

SUN VALLEY COMPANY, INC.

By

President

ATTEST:

Secretary



MICROFILMED
NOV 22 1996

STATE OF IDAHO,)
County of Blaine,) ss.

On this 20th day of July 1976, before me, the undersigned, personally appeared William C. Jones, known to me to be the President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

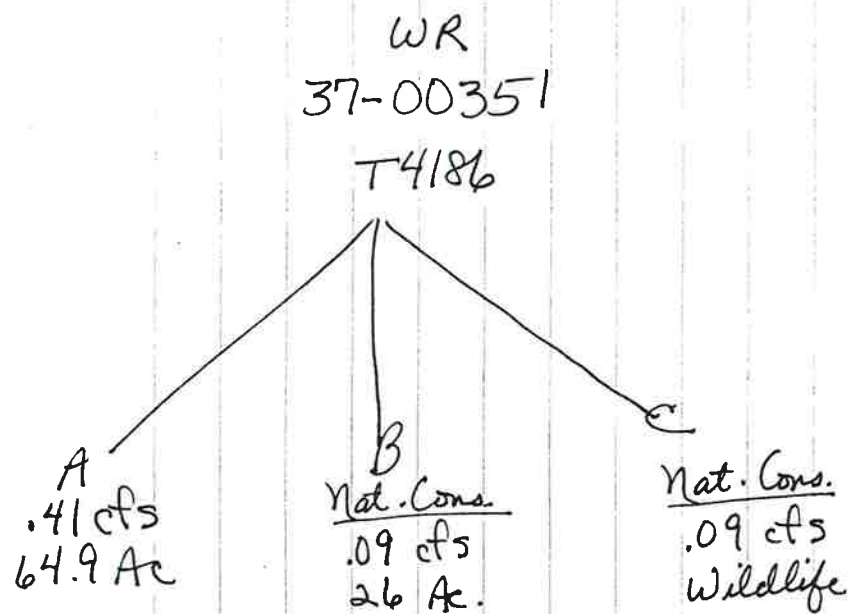
Mary C. Johnson
NOTARY PUBLIC for Idaho
Residing at Sun Valley, Idaho
My Commission expires July 11, 1979

STATE OF IDAHO,)
County of Blaine,) ss.
On this 20th day of July, 1976, before me, the undersigned, personally appeared William C. Jones, known to me to be the President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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NOV 22 1996

T# 4186

No: 167259
Corp. City D seal



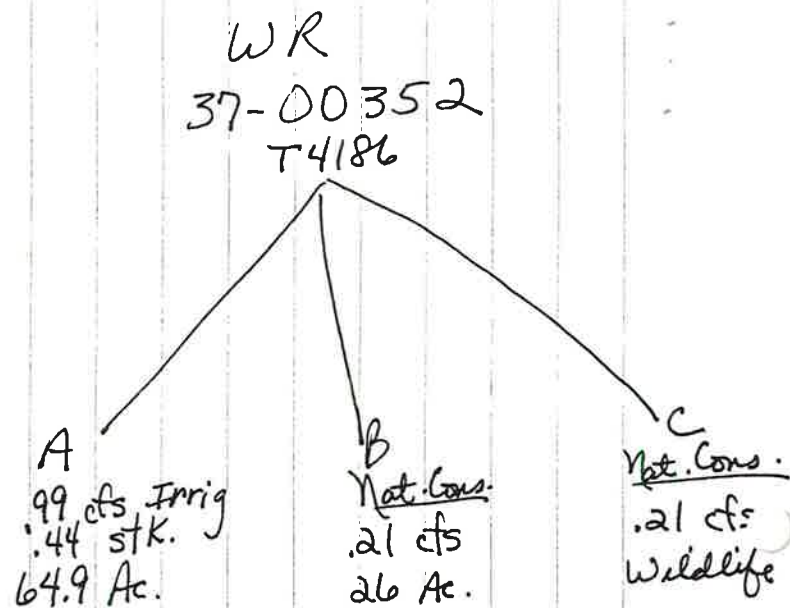
AJ
A37-00351
.5 cfs

A
Picabo Livestock
.25 cfs
39 Ac.

B
Nature Cons.
.25 cfs
40 Ac.
↓
T4186

B
Nat. Cons.
.09 cfs
26 Ac.

C
Nat. Cons.
.09 cfs
Wildlife



AJ
A37-00352
1.2 cfs

A
Picabo Livestock
.6 cfs
39 A.

B
Nature Cons.
.6 cfs
40 Ac.
↓
T4186

B
Nat. Cons.
.21 cfs
26 Ac.

C
Nat. Cons.
.21 cfs
Wildlife

Water Right Number - R37-00351C

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

*** C - CURRENT OWNER ***
NATURE CONSERVANCY

THE

1 - PO BOX 165

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-726-3007

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1886 ERROR IN REGION D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SILVER CREEK LITTLE WOOD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
01S 20E 26 NE SE SW (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
16 - WILDLIFE 04/15 10/15 0.090+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 20E 26 NE SE 16 WILDLIFE (13) BLAINE
01S 20E 26 NW SE 16 WILDLIFE (13) BLAINE
01S 20E 26 SW SE 16 WILDLIFE (13) BLAINE
01S 20E 26 SE SE 16 WILDLIFE (13) BLAINE

Total Acres:

+ - - Diversion Means - HEADGATE IN SILVER CREEK INTO CANAL TO WETLANDS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 37-00352C

NOV 22 1995
MICROFILMED

Prefix Translation: RESEARCH

PURSUANT TO APPROVED TRANSFER NO. 4186:
1 THIS TRANSFER PROMISES

- ### Old Water Right Numbers

No Conditions of Approval found.

+ - Decree Date - +
12/13/1909

-Comments-

Audit Fields - - +

12/16/94 JROBERTS

Adjudication Rights Dates and Flags Area

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 06/04/1993
Receipt Number - X777777

Civil Case Number - 39576
Old Case Number -
Old Judicial District - FIFTH
Temporary Right - P
Water District -

NOV 2 1996

CONFIRMED

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

12/16/94 16:58:57
Page 3

Water right number - R37-00351C

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
POU Ownership Flag - Y
Name Connector - OR
Federal/State Indicator - S
Presumption Flag - C
Notice of Error Flag -

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NOV 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 16, 1994

JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

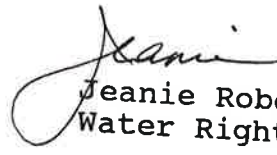
RE: AMENDED CLAIMS - ADJUDICATION CLAIM NOS. A37-00351B, A37-00352B
A37-00351C, A37-00352C
THE NATURE CONSERVANCY

Mr. Parsons;

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), I have enclosed copies of the amended claims pursuant to approved Transfer No. 4186. Please look the amended records over carefully to be sure they correctly reflect your intended change.

If you should have any questions, feel free to give me a call at the office.

Sincerely,


Jeanie Robertson
Water Right Agent

Enclosures
/jr

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NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68970

This is to certify that: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340
 (208) 726-5201

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-351C	AJC/Decreed	06/01/1886	0.09 cfs	32.7 af	N/A	N/A	SILVER CREEK
37-352C	AJC/Decreed	06/15/1887	0.21 cfs	76.2 af	N/A	N/A	SILVER CREEK
37-8726	WR/License	03/27/1991	2.5 cfs	1702 af	N/A	N/A	SILVER CREEK

Purpose of Transfer (Changes Proposed)

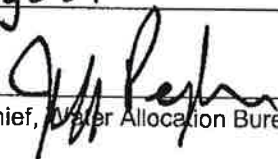
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-351C	NO	NO	YES	YES	NO	NO
37-352C	NO	NO	YES	YES	NO	NO
37-8726	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-351C	37-351C	0.09 cfs	32.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-352C	37-352C	0.21 cfs	76.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8726	37-8726	2.5 cfs	1702 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.5 cfs	1810.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of August, 2003

For 
 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-8726 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: March 27, 1991

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE

From **To**
01/01 to 12/31

Diversion Rate

Volume

2.50 CFS

1,702.0 AF

2.50 CFS

1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
6. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
7. Rights 37-351C and 37-352C are diverted in conjunction with this right to mitigate for seepage and evaporation losses resulting from the diversion and use of water under this right.
8. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-351C and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-351C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: June 01, 1886

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/15	to 10/15	0.09 CFS	32.7 AF
			0.09 CFS	32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

- ### CONDITIONS OF APPROVAL
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 3. 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. 37M.
 4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
 5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
 6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
 7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
 8. This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
 9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
 10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
 11. Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
 12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

Fu Chief, Water Allocation Bureau

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-352C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: June 15, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
 WILDLIFE

From **To**
 04/15 to 10/15

Diversion Rate
 0.21 CFS
 0.21 CFS

Volume
 76.2 AF
 76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	26																	
01S	20E	27	X						X		X			X	X	X	X	X	

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-351C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-351C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 20 03

For


Chief Water Allocation Bureau

SKBA
RECEIVED

JUN 06 2005

Department of Water Resources

WILLIAM J. SWANSON
HIDDEN CROWN RANCH
BOX 5129, KETCHUM, ID 83340

May 30, 2004

Idaho Department of Water Resources Adjudication
322 E Front Street
P O Box 83720
Boise, ID 83720-0098

RE Notice of Error Water Rights Nos. 37-351C, 37-352C 37-98726

To whom it May Concern:

Enclosed please find notice of error form the above preliminary recommendations.

Please note that 37-08726 is a water right for 2.5 cfs for wildlife purposes and that 37-351C and 37-352C are consumptive rights dedicated to mitigation for wetland ponds. All of these rights as shown on your preliminary recommendations have the same point of diversion and place of use.

The recommended points of diversion and place of use are incorrect. Each of the rights was modified by Transfer \$68970 dated August 6, 2003.

The final recommendation should reflect the multiple points of diversion and place of use as shone on the approved transfer. A copy is attached.

Condition #10 for all three rights requires the right holder to comply with all fish screening requirements of the Idaho Department of Fish and Game. The Department of Fish and Game earlier waived the right on the downstream diversion for fish screens and added it to the upstream diversion. See letter attached to confirm their position on this matter. If you have any questions on that matter please call Dave Parrish the Magic Valley Regional Supervisor, Idaho Department of Fish and Game who wrote the letter. Or you can reach me at 208 726 5201.

Sincerely,


William J. Swanson
Hidden Crown Ranch.

Enclosures:

Transfer of water right # 68970
Idaho Fish and Game letter
3 Notice of Error Reply letters

SCANNED

JUN 06 2005

Notice of Error
Reply

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-8726

Hidden Crown Ranch, LLC
P.O. Box 5129
Ketchum, ID 83340

- 1: Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
See attached transfer and letter

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

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



do not
I agree with this proposed recommendation, no changes to be made.

Date: May 11, 2005

Signature:

William J Swanson

Please print your name:

WILLIAM J SWANSON

HIDDEN CROWN RANCH LLC

IDWR State Office, 322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098

SCANNED

JUN 6 2005

**Notice of Error
Reply**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-351C

Hidden Crown Ranch, LLC
P.O. Box 5129
Ketchum, ID 83340-5129

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

See attached transfer and letter

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

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



do not
I agree with this proposed recommendation, ~~no changes to be made.~~

Date: May 11, 2005

Signature:

William J Swanson

Please print your name:

William J Swanson

Hidden Crown Ranch LLC
IDWR State Office, 322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098

SCANNED

JUN 6 2005



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

May 13, 2005

Mr. Bill Swanson
Hidden Crown Ranch LLC
P.O. Box 5129
Ketchum, Idaho 83340-5129

Re: Adjudication of Water Rights 37-351C and 37-752C (Silver Creek)

Dear Bill,

We have reviewed the information you've provided to us regarding the above mentioned water rights to support your fish and wildlife habitat area. Both water rights are for surface diversions from Silver Creek near Picabo, Idaho.

When you originally applied for the water rights, we were unclear on the development of your property and your use of surface water from Silver Creek. Our agency requested that screening of your diversions be included under "provisions of approval" and language was attached, by Idaho Dept. of Water Resources, to this effect.

Since that time, you've completed an inlet and outlet structure on your wetland and you do not stock fish in that waterbody, therefore we no longer require screening of your diversion into or out of the wetland. The diversion associated with the waterbody identified in your private pond permit still needs to be screened to prevent entrainment of wild fish and escapement of hatchery stocked rainbow trout into Silver Creek. We assume the right associated with your private pond permit is 37-352C.

Hopefully this explanation clarifies our position on screening. Please feel free to use this information in response to the adjudication process.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

Cc: NRB-Robertson

SCANNED

JUN 6 2005

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68970**

This is to certify that: **WILLIAM J SWANSON TRUST**
PO BOX 5129
KETCHUM ID 83340
(208) 726-6201

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Status	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-351C	AJC/Decreed	08/01/1888	0.09 cfs	32.7 af	N/A	N/A	SILVER CREEK
37-352C	AJC/Decreed	08/18/1887	0.21 cfs	76.2 af	N/A	N/A	SILVER CREEK
37-8726	WR/License	03/27/1991	2.5 cfs	1702 af	N/A	N/A	SILVER CREEK

Purpose of Transfer (Changes Proposed)

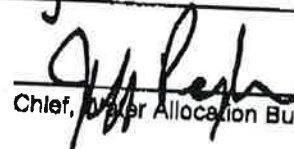
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-351C	NO	NO	YES	YES	NO	NO
37-362C	NO	NO	YES	YES	NO	NO
37-8726	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-351C	37-351C	0.09 cfs	32.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-352C	37-352C	0.21 cfs	76.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8726	37-8726	2.5 cfs	1702 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.5 cfs	1810.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of August, 2003

For 
Chief, Water Allocation Bureau

SCANNED

JUN 6 2005

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-8726 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: March 27, 1991

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	to 12/31	2.50 CFS	1,702.0 AF
			2.50 CFS	1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 26							X		X	X		X	X	X	X	X	
01S 20E 27	X			X													

SCANNED

JUN 6 2005

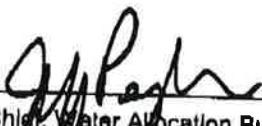
WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
6. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
7. Rights 37-351C and 37-352C are diverted in conjunction with this right to mitigate for seepage and evaporation losses resulting from the diversion and use of water under this right.
8. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-351C and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003


For Chief, Water Allocation Bureau

SCANNED

JUN 6 2005

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 08970

In accordance with the approval of Transfer No. 08970, Water Right No. 37-351C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: June 01, 1886

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE

WILDLIFE

From 04/15 to 10/15
To

Diversion Rate
 0.09 CFS
 0.09 CFS

Volume
 32.7 AF
 32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 20E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 27	X			X			X		X	X	X	X	X	X	X	X	

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

Fu Chong Water Allocation Bureau

JUN 6 2005

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 88970

In accordance with the approval of Transfer No. 88970, Water Right No. 37-352C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: June 15, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/15 to	10/15	0.21 CFS	76.2 AF
			0.21 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 20E 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X		X			X	X		X	X	
01S 20E 27	X																

SCANNED

JUN 5 2005

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-361C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-351C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-351C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

For 
Chief Water Allocation Bureau

JUN 6 2005

11/03/2005

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

RIGHT NUMBER: 37-351C

NAME AND ADDRESS: HIDDEN CROWN RANCH LLC
PO BOX 5129
KETCHUM ID 83340-5129

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.090 CFS
32.700 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.5 CFS. COMBINED RIGHT NOS.: 37-352C &
37-8726.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T01S R20E S26 NESESW Within BLAINE County
T01S R20E S27 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	04/15 10/15	0.090 CFS 32.70 AFY

PLACE OF USE: WILDLIFE Within BLAINE County

T01S R20E S26	SWNW	T01S R20E S26	NESW
T01S R20E S26	NWSW	T01S R20E S26	SESW
T01S R20E S26	NESE	T01S R20E S26	NWSE
T01S R20E S26	SWSE	T01S R20E S26	SESE
T01S R20E S27	NENE	T01S R20E S27	SENE

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

11/03/2005

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

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 prior to the diversion of water.

Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.

a The Director retains jurisdiction over this right to require installation of measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek. Right Nos. 37-00351C and 37-00352C provide mitigation water to prior rights in connection with diversion of water under Right No. 37-08726.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/23/2004

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

RIGHT NUMBER: 37-351C

NAME AND ADDRESS: WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 83340-5129

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.090 CFS
32.700 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.5 CFS. COMBINED RIGHT NOS.: 37-352C &
37-8726.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T01S R20E S26 NESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	04/15 10/15	0.090 CFS 32.70 AFY

PLACE OF USE: WILDLIFE Within BLAINE County

T01S R20E S26	NESE	T01S R20E S26	NWSE
T01S R20E S26	SWSE	T01S R20E S26	SESE

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

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 prior to the diversion of water.

Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.

The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek. Right Nos. 37-00351C and 37-00352C provide mitigation water to prior rights in connection with diversion of water under Right No. 37-08726.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.

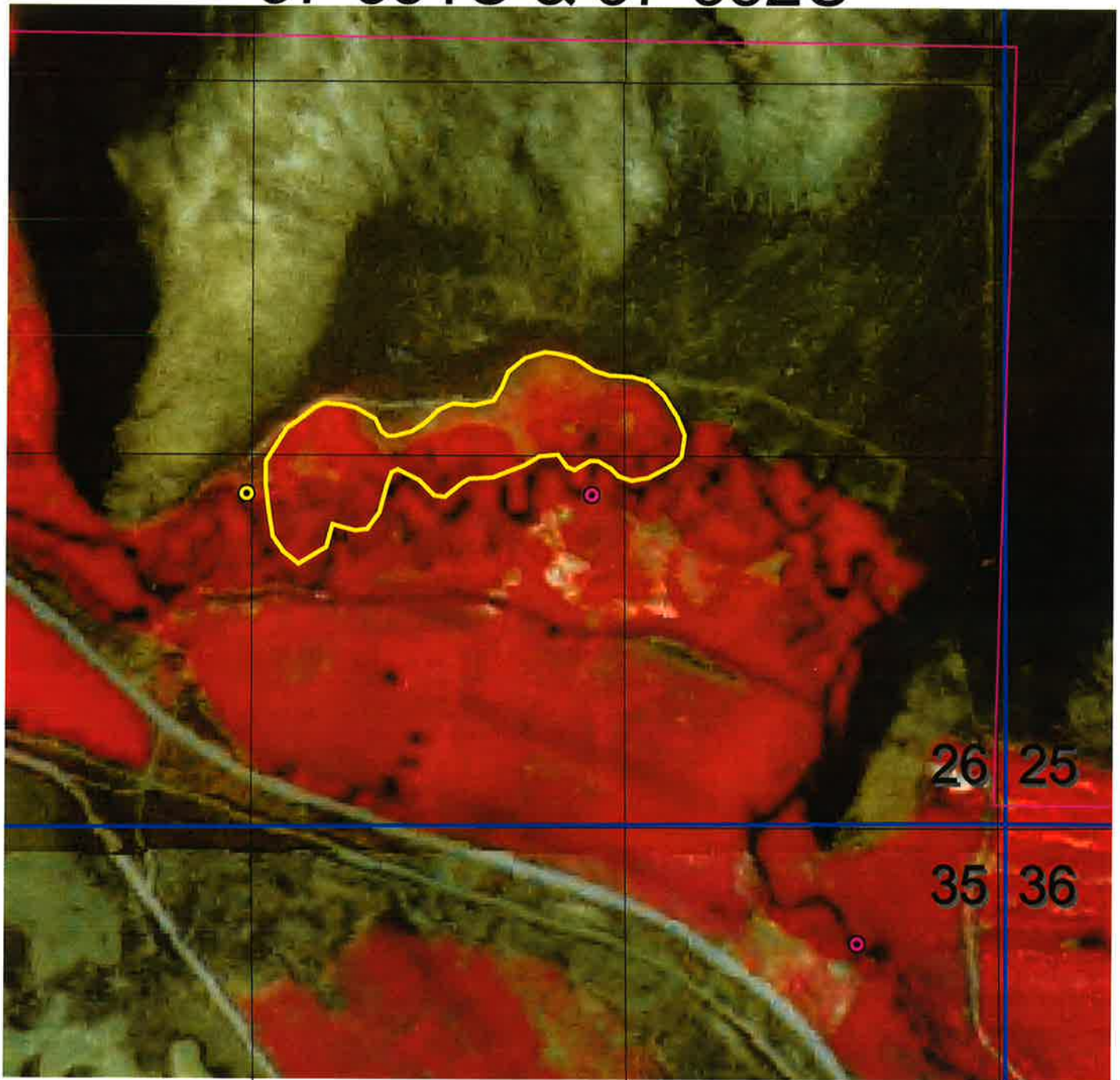
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: Decreed

Water Right 37-351C

IDAHO DEPT OF WATER RESOURCES

37-351C & 37-352C



1320

0

1320 Feet



Basin 37 part 1-POU



Basin 37 part 1-POD



Ownership FED-Private



Streams



Section Lines



Quarter - Quarter lines

TWN: 1S

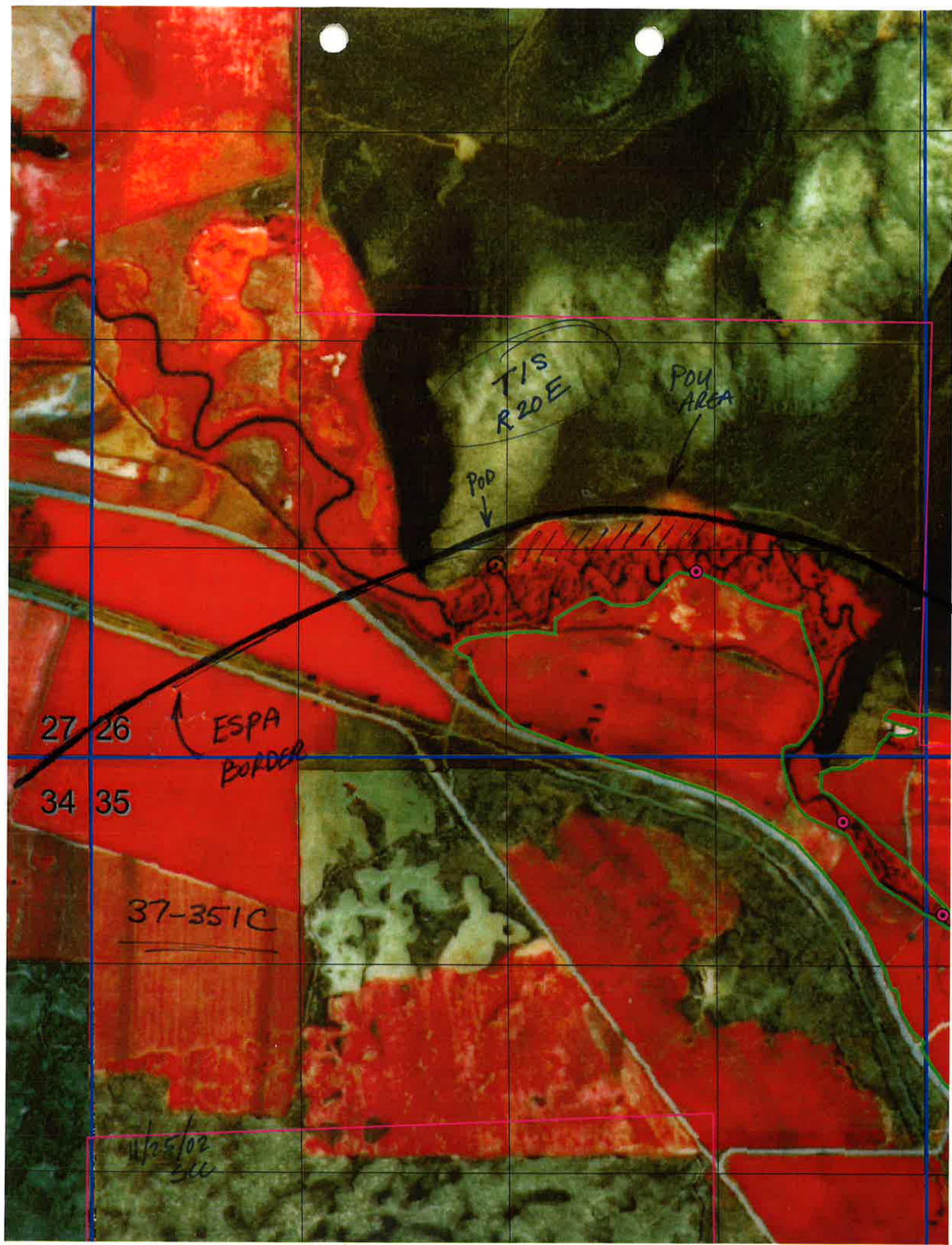
RNG: 20E

SEC. 26



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 23, 2004



T/S
R20E

POU
AREA

POD
↓

27 26

34 35

ESPA
BORDER

37-351C

11/25/02
SAC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-351C

WATER RIGHT NUMBER: 37-351C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE NATURE CONSERVANCY 116 1ST AVE N HAILEY, ID 83333-8411 (208)788-8988
Original Owner	CHRISTIAN NISSON , ID
Original Owner	HANS P JOHNSON BELLEVUE, ID 83313

Priority Date: 06/01/1886

Basis: Decreed

Status: Active Transferred

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	4/15 to 10/15	0.090 CFS	32.70 AF
	<u>Total Diversion:</u>	0.090 CFS	32.70 AF

Location of Point(s) of Diversion

SILVER CREEK	SE1/4SW1/4	Sec. 26, Twp 01S, Rge 20E, B.M.
BLAINE County		

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	20E	26													X	X	X	X	

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

IDAHO DEPARTMENT OF WATER RESOURCES
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Remarks:

1. General 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 prior to the diversion of water.
Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.
The Director retains jurisdiction over this right to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek. Right Nos. 37-00351C and 37-00352C provide mitigation water to prior rights in connection with diversion of water under Right No. 37-08726.

Comments:

1. SKAGGS 7/13/1993 TRANS. #4186

Comment: Trans. #4186 was filed to change a portion of Right No. 37-00351 and 37-00352.

2. PSKAGGS 2/17/1995 AMENDED TRANSFER NO. 4186

Comment: Review of the transfer approval found errors describing the split of the half of Right Nos. 31-00351 and 31-00352 owned by the transfer applicant. An amended transfer approval was prepared to correct the problems.

3. skeen 8/6/2003 10:05:18 AM Approved Transfer 68970

Comment: Approved transfer 68970 is associated with all or part of this Right and the following records.

Water Right 37-8726 2.5 cfs 1702 afa 0 total acres

Recommendation 37-351C 0.09 cfs 32.7 afa 0 total acres

Recommendation 37-352C 0.21 cfs 76.2 afa 0 total acres

Combined Q limit:
when 3 rights combined
 ≤ 2.5 cfs.

→ 37-351C - 352C are
mitigation rights for 37-8726

Combined annual
Volume = 91 AFY

6/23/04
see
(notes from 37-8726)
COA