

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: **A37-00458B**

Date Received: 10/15/1998

Receipt No: S021552

Received By: KKC

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: THE MEADOWS LLC
Address: THE KIRK GROUP
PO BOX 4380
333 S MAIN ST STE 211
KETCHUM ID

83340

208-726-6560

309-1297 fin. mgt.

2. Date of Priority: JUN 1, 1883

3. Source: CLEAR CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	31	SW	SW	NE		BLAINE

5. Description of diverting works:
CONCRETE HEADGATE, DITCHES FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.540		

7. Total Quantity Appropriated is:
0.540 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	Lot	Use	Acres
04N	18E	31	NW	SE		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
					Total Acres	14.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-08119, A37-00459, AND A37-00048A

14. Remarks:

THE RIGHT IS BASED UPON ONE-HALF (1/2) OF THE ENTIRE FLOW OF CLEAR CREEK LESS 0.06 CFS (3 INCHES). ORIGINAL DECREED RIGHT 37-00458, WAS FOR ENTIRE FLOW OF CREEK. THE AMOUNT (0.54 CFS) IS ESTIMATED FOR A NORMAL YEAR'S FLOW. CLEAR CREEK FLOWS INTO COMSTOCK DITCH AND WATER SINKS ALONG AND AT THE END OF THE DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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

CIVIL CASE NUMBER: 39576

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

Ident Number A37-00458B

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): The Meadows, L.L.C.
Phone: 1-208-726-6560
Mailing Address: c/o The Kirk Group
P.O. Box 4380
333 S. Main St., Suite 211
Ketchum, ID 83340

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

2. Date of Priority: June 1, 1883
3. Source of water supply (a) Clear Creek
which is tributary to (b) Sinks
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
4N	18E	31	SW	SW	NE		Blaine

Additional points of diversion if any:

5. Description of existing diversion works: concrete headgate, ditches, flood irrigation.

COPY

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 15	October 15	0.54 cfs

7. Total Quantity Claimed: 0.54 cfs

8. Non-irrigation uses:

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
4N	18E	31																14	14
																		TOTALS	14.0

10. Place of use is located in Blaine County.

11. Do you own the property listed above as place of use? Yes.

12. Describe any other water rights used at the same place and for the same purposes as described above?

A37-08119, A37-00459 and A37-00048A

13. **Remarks:** The right is based upon one-half (1/2) of the entire flow of Clear Creek less 0.06 cfs (3 inches). Original decreed right, 37-00458, was for entire flow of Creek. The amount (0.54 cfs) is estimated for a normal year's flow. Clear Creek flows into Comstock Ditch and water sinks along and at the end of the Ditch.

COPY

Last Name: THE MEADOWS, L.L.C.

G:\WPDATA\JIM\Meadows\SRBA\A37-00458B.wpd

Ident No. A37-00458B

10/6/98

MAP OF PROJECT
(Show clearly the point of diversion, place of use, section number, township and range number)
Scale: 2 inches equals 1 mile

Topographic map showing contour lines, roads, and water features. Key labels include:

- Geographic Features:** BIG PACIFIC, WOOD, RIVER, Creek, Spring, Landing Strip, COMSTOCK, Gulch, JEED, TRAIL, Gold, Elkhorn.
- Infrastructure:** ROAD, DITCH, P/L, Mile 95, Mile 93.
- Coordinates and Grid:** 37°30' N, 114°22'30" W, 410 000 FEET, 715 20'.
- Other Labels:** HAILEY 7 MI, TWIN FALLS 12 MI, RHE. RHE.

G:\WPDATA\Jim\Meadows\SRBA\A37-00458B.wpd

10/6/98

14. Basis of Claim: Decree

IDWR Water Right Number: 37-00458

Court: Lincoln County District Court

Case Number:

Decree Date: December 13, 1909

Plaintiff v. Defendant: S. C. Frost et al v. Alturus Water Company, et ux

15. Signature(s)

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am a member of The Meadows, L.L.C., an Idaho limited liability company, that I have signed the foregoing document in the space below as a member of The Meadows, L.L.C. and that the statements contained in the foregoing document are true and correct.

THE MEADOWS, L.L.C.

By: Rokan Partners, an Idaho limited partnership, member

By: Rokan Corporation, a Delaware corporation, general partner

Signature of Claimant(s)

By:



Robert A. Kantor, President

Date 10/9/98

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 9 day of October, 1998.



Wanda Innes
Notary Public for Idaho
Residing at Hailey, Idaho
Commission Expires Oct. 2004

Last Name: THE MEADOWS, L.L.C.

G:\WPDATA\Jim\Meadows\SRBA\A37-00458B.wpd

COPY

Ident No. A37-00458B

10/6/98

16. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____


James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: 10/13, 1998.

Last Name: THE MEADOWS, L.L.C.

G:\WPDATA\Jim\Meadows\SRBA\A37-00458B.wpd

Ident No. A37-00458B

10/6/98

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

37-458B

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant(s) MID-VALLEY WATER COMPANY, LLC Phone (208) 725-0055
Mailing Address c/o the Kirk Group, P.O. Box 4380, Ketchum, ID Zip 83340
2. Date of Priority (only one (1) per claim) 6/1/1883
3. Source of water supply (a) Clear Creek
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 4N Range 18E Section 31,
SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

See original Notice of Claim.

SCANNED

NOV 14 2007

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Municipal purposes from 4/15 to 10/31 amount 0.54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.54 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) Municipal water supply within the service area described below as the place of use.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	18E	31			M											M	M		

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? Blaine

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.
37-48A, 37-458B, 37-459, 37-2125, 37-8119, 37-21489 or None ()

14. Remarks:

The owner is a municipal provider and this water right is used for municipal purposes within the service area described above as the place of use.

Last Name MID-VALLEY WATER COMPANY, LLC Ident. No. 37-458B

SCANNED

NOV 14 2007

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile

SEE ATTACHED

Last Name MID-VALLEY WATER COMPANY, LLC Ident. No. 37-458B

SCANNED

NOV 14 2007

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number **37-458**

Court _____ Case Number _____ Decree Date **12/13/1909**

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments **1**

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am **Attorney** _____
Title _____

of **MID-VALLEY WATER COMPANY, LLC** _____, that I have signed the foregoing
Organization _____

document in the space below as **Attorney** _____ of **MID-VALLEY WATER COMPANY, LLC**
Title _____ Organization _____

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

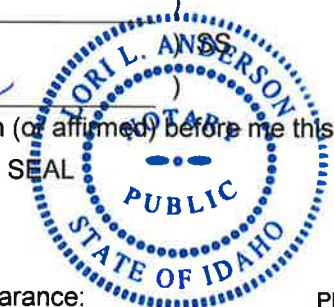
Signature of Authorized Agent *Michael P. Lawrence*
Title and Organization **Attorney, MID-VALLEY WATER COMPANY, LLC** Date **11/13/07**

State of Idaho/or _____

County of *Ada*

Subscribed and sworn (or affirmed) before me this

13th day of *November* 20*07*



Notary Public *Thor L. Anderson*
Residing at *Boise, Idaho*
My Commission Expires *8/23/2013*

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, **Michael P. Lawrence** will be acting as attorney at law on behalf
of the claimant signing above and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to me at the address listed below.

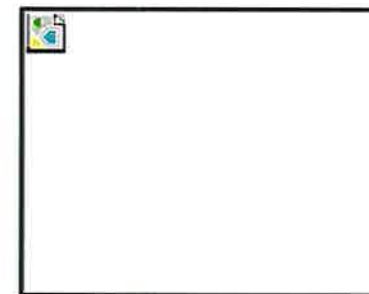
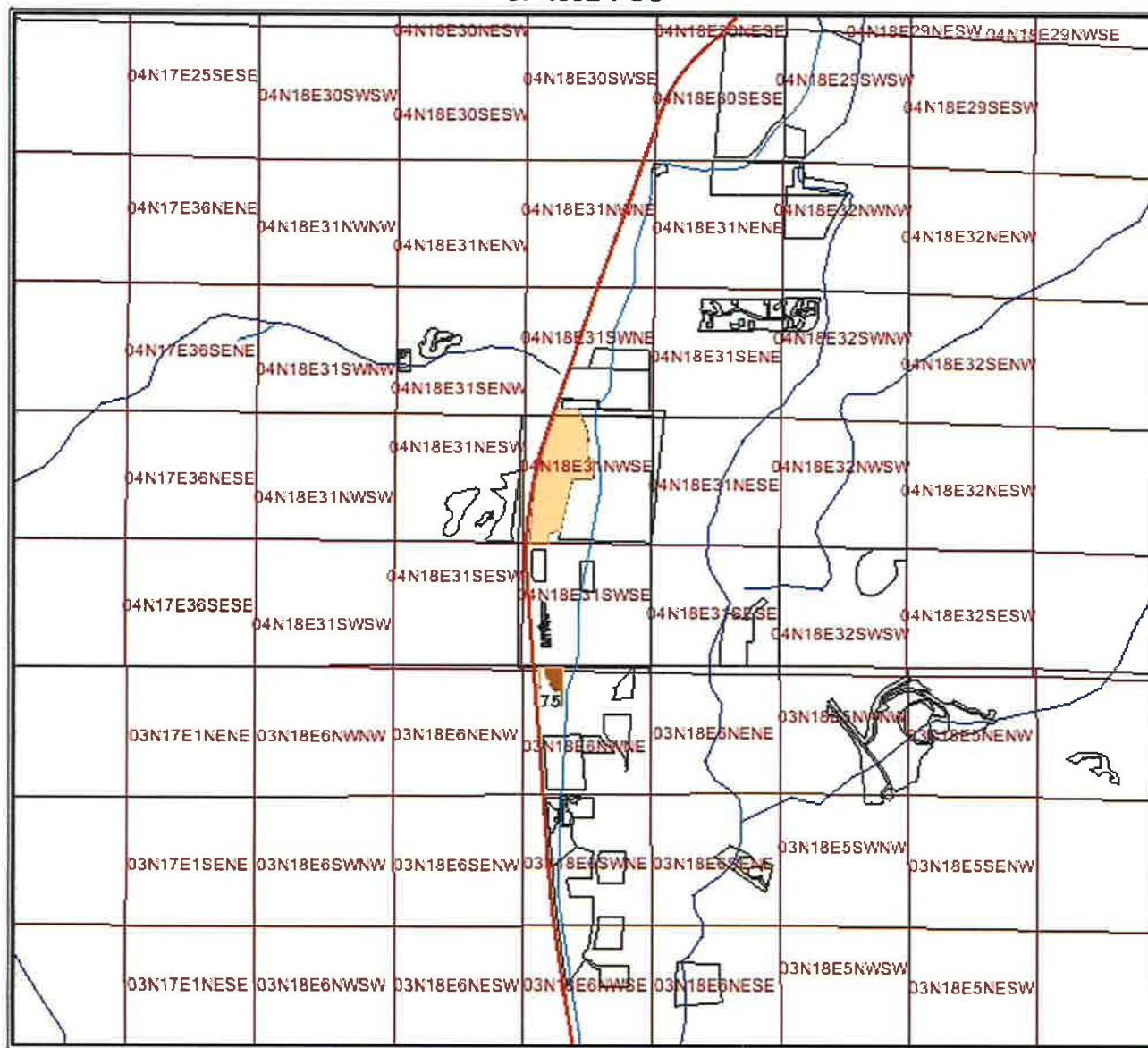
Signature *Michael P. Lawrence*
Address **601 W. Bannock, P.O. Box 2720, Boise, ID 83702**
Date **11/13/07**

Last Name **MID-VALLEY WATER COMPANY, LLC** Ident. Number **37-458B**

SCANNED
NOV 14 2007

37-458B POU

Created: November 9, 2007



- Legend**
- Selected Features
 - Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - Rivers
 - Canals
 - Rivers
 - Small streams
 - Streams
 - POU - Adjudication Recommendations
 - PLS - quarter quarter
 - Cities
 - Counties
 - State



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Ph: (208) 287-4800
www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

SCANNED

NOV 14 2007

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

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: 0.54 cfs as was claimed, instead of 0.23 cfs as was recommended.

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: 14 acres, instead of 11.5 as was recommended.

10 ☐ **I object because:**

☐ This water right Should not exist.

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 23 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 23, 2007

Allen Merritt
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: The Meadows, LLC – Recommendations

Dear Mr. Merritt:

Please find the enclosed notice of errors that are being submitted in behalf of The Meadows, LLC. A notice of error is being submitted for water rights 37-2125 and 37-8119. I am also attaching a revised notice of error regarding water right 37-458B. The condition of approval that states that 37-458B and 37-2125 should be limited to a combined total of 0.5 cfs should be eliminated. The discharge for 37-458B should be adjusted to 0.54 cfs or ½ the flow of Clear Creek (see attached Frost decree). In addition, as stated in the claim, water right 37-8119 should also include irrigation as a beneficial use (see attached 5/3/1993 letter from G. Spackman); therefore a notice of error is being submitted for this right.

If you have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,



Charles E. Brockway, P.E., PhD

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Attachments: Amended Notice of Error for 37-458B,
Notice of Error for 37-2125, and 37-8119

cc: George Kirk

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Date: 01/23/2007

**AMENDED NOTICE OF ERROR
REPLY**

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

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

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

Water right number	37-458B
Name	The Meadows LLC
Address	c/o George Kirk
Address Line 2	PO Box 1440
City, State Zip	Sun Valley, ID 83353
Telephone Number	(208) 726-4521

RECEIVED

JAN 23 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Discharge.

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

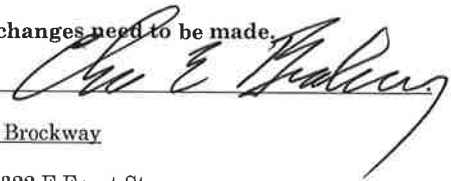
Discharge should be 0.54cfs or 1/2 of Clear Creek in-stream flow (see Frost Decree).

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

The recommended discharge was reduced from 0.54 cfs in the claim to 0.23 cfs which is 1 miners inch per acre even though the decree allows 2 miners inches or more per acre.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 01/23/07

SIGNATURE: 

Please print your name: Charles E. Brockway

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Due to the extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

E. REASONS SUPPORTING OBJECTIONS(S): Historical flow rate used for irrigation exceed those recommended and historical place of use is larger than that recommended.

F. VERIFICATION (must be completed)

State of Idaho)
County of Blaine)ss.

Edward A. Lannon, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

E. Lannon

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 9, 2007

Deborah Erickson

Notary Public for Idaho

Residing at: Hailey Id

My Commission Expires: 10.09.10



MEMORANDUM

To: Claim file 37-458B

From: Cynthia Bridge Clark

Date: January 25, 2007

Re: SRBA Claim Review-Notice of Error

No information was provided to document how the claimed rate was determined. No changes were made to recommendation based on Notice of Error.

37-8119 = Red Top Meadows
Dam



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

uA
RECEIVED

DEC 28 2006

DEPARTMENT OF
WATER RESOURCES

December 26, 2006

Cynthia Bridges-Clark
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720

Subject: Notice of Error - 37-458B, The Meadows, L.L.C.

Dear Ms. Clark,

Enclosed is the Notice of Error for water right preliminary recommendation
37-458B,

Sincerely,

Charles E. Brockway, P.E. Phd.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc: Copy of Frost Decree
Aerial Photo (Irrigated Area)
Adjudication Claim 37-458B
Adjudication Recommended Right 37-458B

Cc: George Kirk

Date: 12/26/06

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number	37-458B
Name	The Meadows, LLC
Address	c/o The Kirk Group
Address Line 2	P.O. Box 4380
	220 2nd Avenue
City, State Zip	Ketchum, ID 83340
Telephone Number	(208) 726-6560

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

Acreage, discharge

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

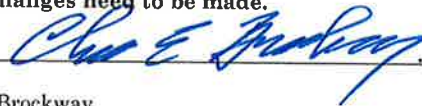
Acreage should be 14 acres instead of 11.5 acres Discharge should be 0.54 cfs or 1/2 of Clear Creek (See Frost Decree)

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

The .shp file is in error (see attached aerial photo) the recommended discharge was reduced from 0.54 cfs in the claim to 0.23 cfs which is 1 miners inch per acre even though the decree allows 2 miners inches per acre.

___I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/26/06

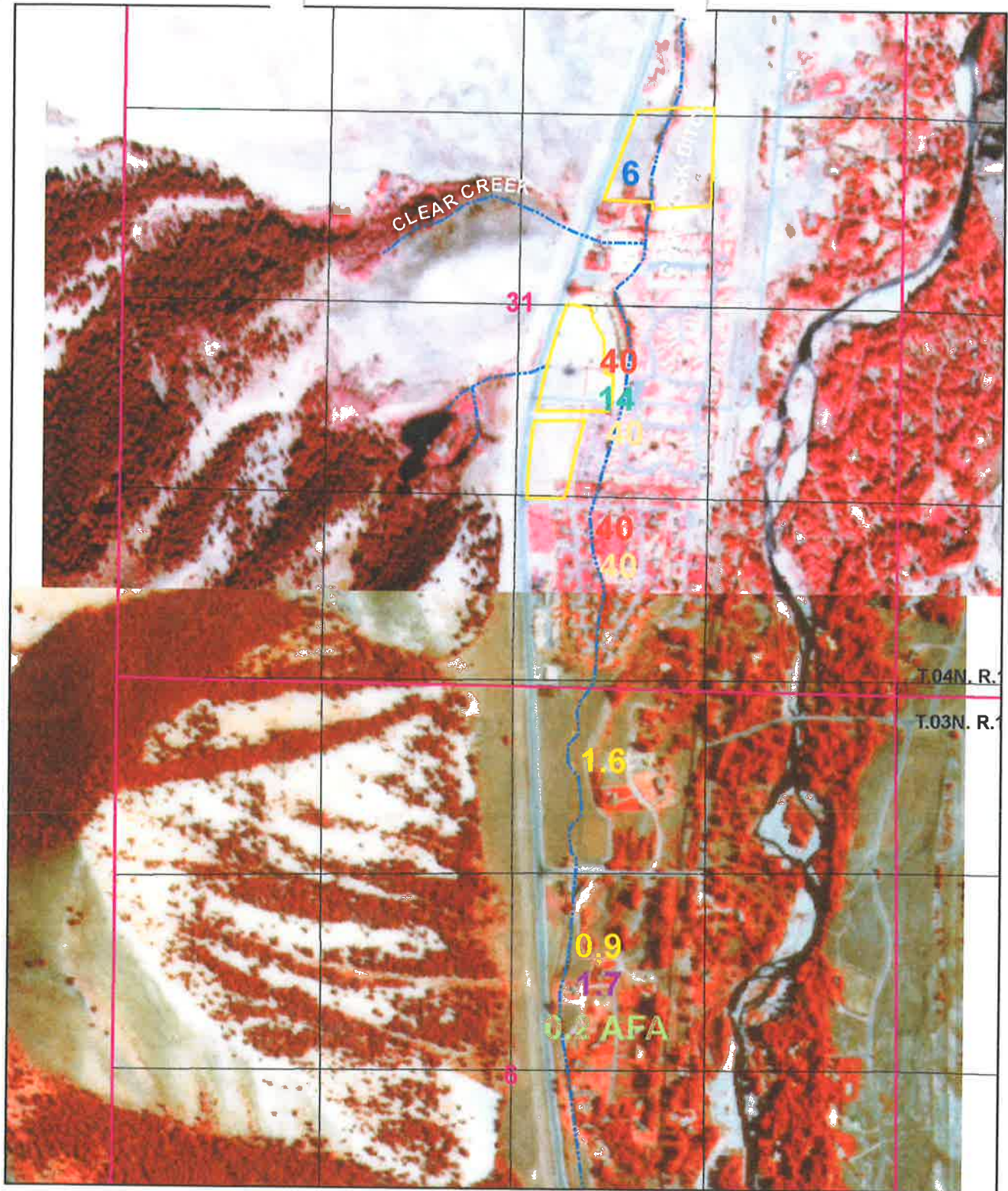
SIGNATURE: 

Please print your name: Charles E. Brockway

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Due to the extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

37 0457	✓ McCoy, George W.	8 240 inches.	✓ May 1, 1883.	Trail Creek.
37 0458	✓ McCoy, James F.	8 All of	✓ June 1, 1883.	Clear Creek Spring.
37 0459	" "	60 inches.	✓ June 1, 1900.	Big Wood River.
37 0460	McFall, Matt.	6 200 "	✓ June 3, 1884.	Little Wood River.
37 0461	" "	70 "	✓ July 17, 1884.	" " "
	" "			(Also shares in Big Cottonwood Canal Co.)
37 0462	✓ McGhee, Barkley J.	6 120 "	✓ June 1, 1886.	Chimney Creek.
37 0463	✓ McLeod, George A.	6 125 "	✓ June 1, 1885.	Corral Creek.
37 0464	✓ McLochlin, James	6 100 "	✓ June 1, 1886.	Silver Creek.
37 0465	✓ McLochlin, Walter B.	6 125 "	✓ Apr. 1, 1888.	" "
37 0466	✓ McMonagle, Andrew	8 680 "	✓ Apr. 1, 1880.	Deer Creek.
37 0467	✓ McMonagle, Patrick	8 340 "	✓ Apr. 1, 1880.	" "
37 0468	✓ McNary, T. T.	8 25 "	✓ Apr. 17, 1883.	Big Wood River.
37 0469	" "	225 "	✓ June 20, 1884.	" " "
37 0470	" "	50 "	✓ June 2, 1890.	" " "
37 0471	✓ McNulty, Dennis	6 100 "	✓ Apr. 30, 1884.	Little Wood River.
37 0472	✓ McNulty, Edward	6 60 "	✓ Apr. 1, 1884.	" " "
37 0473	✓ Mehle, Herman	6 75 "	✓ June 1, 1883.	Elk Creek.
37 0474	" "	80 "	✓ June 1, 1893.	Elk Creek and Minnehaha Creek.
37 0475	✓ Melick, John	8 22 "	✓ Apr. 17, 1883.	Big Wood River.
37 0476	" "	195 "	✓ June 20, 1884.	" " "
37 0477	" "	43 "	✓ June 2, 1890.	" " "
37 0478	✓ Keller, J. W.	6 120 "	✓ June 10, 1887.	" " "
37 0479	" "	140 "	✓ June 10, 1887.	" " "
37 0480	✓ Miller, Annie I.	1000 "	✓ June 15, 1891.	" " "
37 0481	✓ Miller, Annie I., John Q. Packard, Jane E. Turner, William H. Wagoner			



**CLEAR CREEK MEADOWS
WATER RIGHTS MAP
FSA 1987 AERIAL MAP**

00 37-48A
00 37-458A
00 37-458B
00 37-458
00 37-21262
00 37-21263
PERMIT 37-8830



BROCKWAY ENGINEERING, PLLC.
ALR OCT. 22, 2004 F:\Projects\Clear Creek Meadows\Arcview 9\CC MEADOWS WR MAP



Clear Creek LLC

The Meadows & Quail Creek Meadows Subdivisions

Township 4N, Range 18E, Section 31
2004 NAIP Aerial Photo

Brockway Engineering, PLLC
DTN - 07/12/2005

PLS - Section

PLS - quarter quarter

● Surface Water Diversions
(37-458B)

● Ground Water Diversions
(New Permit & 37-8119)



The Quail Creek Meadows (POU)
37-458B: Irrigation
New Permit: Municipal/Irrigation
37-8119: Domestic



The Meadows (POU)
New Permit: Municipal
37-8119: Domestic/Irrigation

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/21/2006

WATER RIGHT NO. 37-458B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE MEADOWS LLC THE KIRK GROUP PO BOX 4380 333 S MAIN ST STE 211 KETCHUM, ID 83340 (208)726-6560
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEAR CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.23 CFS	
Total Diversion			0.23 CFS	

Location of Point(s) of Diversion:

CLEAR CREEK	SWSWNE	Sec. 31	Township 04N	Range 18E	BLAINE County
-------------	--------	---------	--------------	-----------	---------------

Place(s) of use:

CEB - 12/21/2006

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	18E	31		SWNE	0.4									
				NWSE	11		SWSE	0.1						

Total Acres: 11.5

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3.	E62	This right when combined with Right Nos. 37-48A and 37-2125 shall provide no more than .04 cfs per acre.
4.	E51	Right Nos. 37-48A, 37-458B, and 37-2125 are limited to a total combined diversion rate of 3.3 cfs.
5.		Right Nos. 37-458B and 37-2125 are limited to a total combined diversion rate of 0.5 cfs.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

12/21/2006

WATER RIGHT NO. 37-458B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE MEADOWS LLC THE KIRK GROUP PO BOX 4380 333 S MAIN ST STE 211 KETCHUM, ID 83340 (208)726-6560
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEAR CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.54 CFS	
Total Diversion			0.54 CFS	

Location of Point(s) of Diversion:

CLEAR CREEK	SWSWNE	Sec. 31	Township 04N	Range 18E	BLAINE County
-------------	--------	---------	--------------	-----------	---------------

Place(s) of use:

CEB - 12/21/2006

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	18E	31		NWSE	14									

Total Acres: 14

Conditions of Approval:

1.	THE RIGHT IS BASED UPON ONE-HALF (1/2) OF THE ENTIRE FLOW OF CLEAR CREEK LESS 0.06 CFS (3 INCHES). ORIGINAL DECREED RIGHT 37-00458, WAS FOR ENTIRE FLOW OF CREEK. THE AMOUNT (0.54 CFS) IS ESTIMATED FOR A NORMAL YEAR'S FLOW. CLEAR CREEK FLOWS INTO COMSTOCK DITCH AND WATER SINKS ALONG AND AT THE END OF THE DITCH.
----	---

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

12/19/2006

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

RIGHT NUMBER: 37-458B

NAME AND ADDRESS: THE MEADOWS LLC
THE KIRK GROUP
PO BOX 4380
333 S MAIN ST STE 211
KETCHUM ID 83340

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 0.230 CFS

Right Nos. 37-48A, 37-458B, and 37-2125 are limited to a total combined diversion rate of 3.3 cfs.

This right when combined with Right Nos. 37-48A and 37-2125 shall provide no more than .04 cfs per acre.

Right Nos. 37-458B and 37-2125 are limited to a total combined diversion rate of 0.5 cfs.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T04N R18E S31 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.230 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31	SWNE	0.40	T04N R18E S31	NWSE	11.00
T04N R18E S31	SWSE	0.10			

11.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

37-458B

(Irrigation)

Legend

● Point of Diversion

□ Place of Use

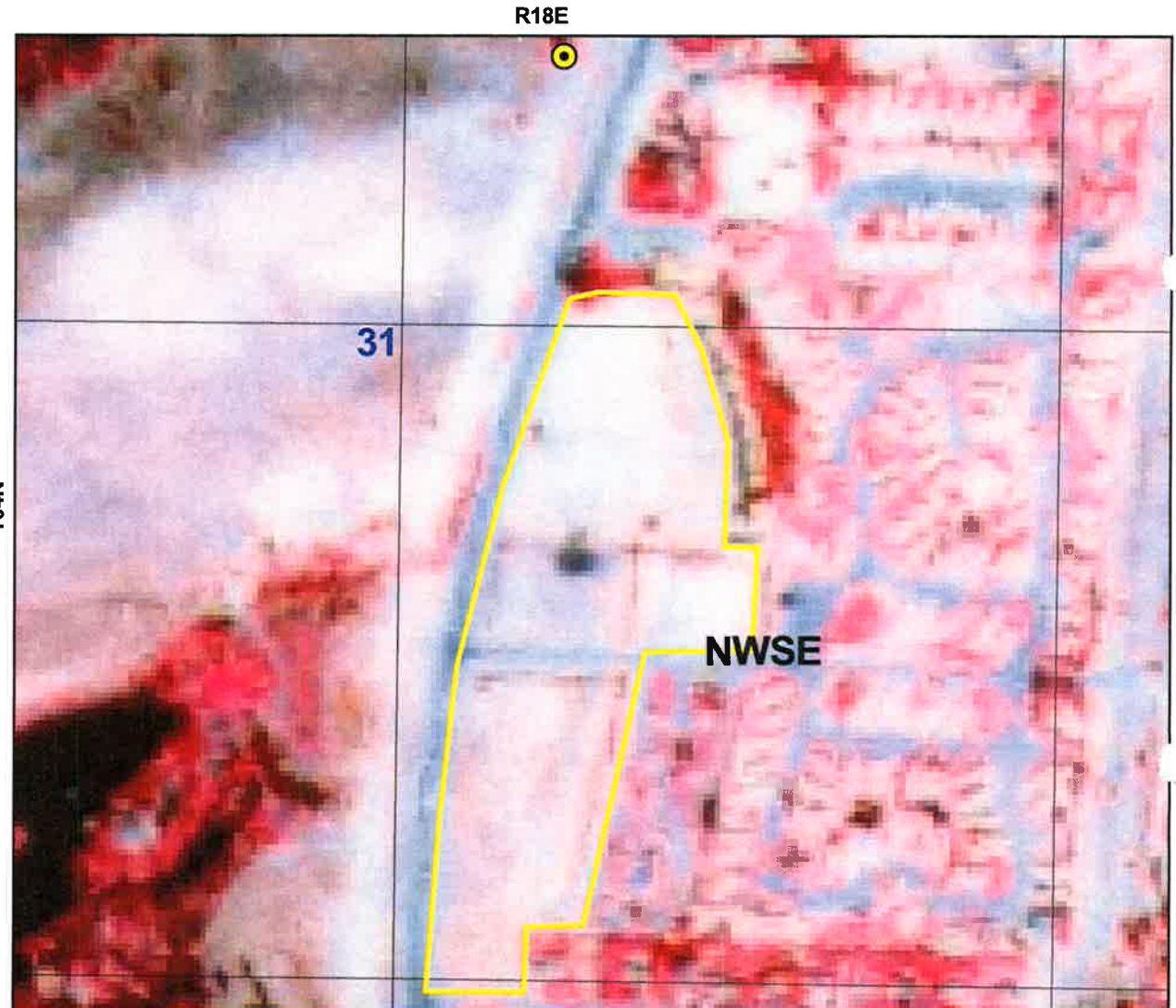
□ Townships

□ PLS Sections

□ Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by C. Clark
On Tuesday, December 19, 2006
1987/88 Aerial Photography

MEMORANDUM

To: Claim files 37-458B, 37-459, 37-2125, and 37-8119

From: Cynthia Bridge Clark

Date: December 16, 2006

Re: SRBA Claim Review notes: The Meadows LLC

37-48A

Decree 37-48:

Owner = Martin Barry

Priority date = 5/1/1887

Source = Big Wood River

Quantity = approx 160 ac, 200 inches (4 cfs at an inch per acre), 1.25 in/ac

POU = E ½ of SE ¼ and E ½ of NE ¼, Sec 31, T4N, R18E

Claim 37-48A:

Owner = The Meadows LLC

Priority date = 5/1/1887

Source = Big Wood River

Use = Irrigation

Quantity = 80 ac, 3.3 cfs, 2.06 in/ac

POU = NWSE, SWSE, Sec 31, T4N, R18E (accomplished transfer from decree)

Watermaster records = show delivery of 3.3 cfs

Recommendation 37-48A:

Owner = The Meadows LLC

Priority date = 5/1/1887

Source = Big Wood River

Use = Irrigation

Quantity = 80 ac, 3.3 cfs, 2.06 in/ac

POU = NWSE, SWSE, Sec 31, T4N, R18E (accomplished transfer from decree)

COMMENTS: Limit to 0.04 cfs/ac (3.3 on 80 acres). Claims 37-48A, 37-458B, 37-459 (Disallowed), and 37-2125 overlap.

37-458B

Decree 37-458:

Owner = James McCoy

Priority date = 6/1/1883

Source = Clear Creek Spring

Quantity = 80 ac for both 37-458 & 37-459, all of spring flow—no rate specified

POU = W ½ of SE ¼ Sec 31, T4N, R18E

Claim 37-458B:

Owner = The Meadows LLC
Priority date = 6/1/1883
Source = Clear Creek
Use = Irrigation
Quantity = 14 ac, 0.54 cfs, 1.93 in/ac
POD = NWSE
POU = NWSE, Sec 31, T4N, R18E
Watermaster records = no records

Recommendation 37-458B:

Owner = The Meadows LLC
Priority date = 6/1/1883
Source = Clear Creek
Use = Irrigation
Quantity = 11.5 ac, 0.23 cfs, 1.0 in/ac (no information submitted to verify rate)
POD = SWSWNE based on field exam maps and map provided with claim.
POU = NWSE, SWNE, SWSE, Sec 31, T4N, R18E
COMMENTS: No additional information provided to document how claimed rate was determined. Rate reduced to 0.23 cfs (1 in/ac). Source changed to Clear Creek as claimed as there does not appear to be a diversion at the spring. POU and POD was clarified in part through the information provided by the claimant/consultants, the field exam, and the license. Claims 37-48A, 37-458B, 37-459 (Disallow), and 37-2125 overlap.

37-459

Decree 37-459:

Owner = James McCoy
Priority date = 6/1/1900
Source = Big Wood River
Quantity = 80 ac for both 37-458 & 37-459, 60 in (1.2 cfs)
POU = W ½ of SE ¼ Sec 31, T4N, R18E

Claim:

Owner = The Meadows LLC
Priority date = 6/1/1900
Source = Big Wood River
Use = Irrigation
Quantity = 160 ac (misclaimed 160 ac on two QQ—80 ac), 1.2 cfs, 0.75 in/ac
POU = NWSE, SWSE Sec 31, T4N, R18E
Watermaster records = no records

Recommendation:

DISALLOW

COMMENTS: Unclear whether right has been used (noted in field exam and no record of delivery by watermaster. Discussed disallowal with Carter Fritschle and Chris Bromley.

37-2125

License:

Priority date = 1/28/1909
Source = Springs
Quantity = 25 ac, 0.5 cfs, 1 in/ac
POU = SWNE, Sec 31, T4N, R18E

Claim:

Owner = The Meadows LLC
Priority date = 1/28/1909
Source = Springs
Use = Irrigation
Quantity = 13 ac, 0.5 cfs, 1.93 in/ac
POU = NWSE, SWNE Sec 31, T4N, R18E
Watermaster records = no records

Recommendation:

Owner = The Meadows LLC
Priority date = 1/28/1909
Source = Springs
Use = Irrigation
Quantity = 11.5 ac, 0.5 cfs, 2.17 in/ac
POU = NWSE, SWNE, SWSE, Sec 31, T4N, R18E
COMMENTS: POU and POD was clarified in part through the information provided by the claimant/consultants and the license. Claims 37-48A, 37-458B, 37-459 (Disallow), and 37-2125 overlap.

37-8119

License:

Priority date = 6/15/1983
Source = Groundwater
Quantity = 0.97 cfs, 174 af (1.2 af x 145 homes = 174 af/home)
POU = NWSE, Sec 31, T4N, R18E

Claim:

Owner = The Meadows LLC
Priority date = 6/15/1983
Source = Groundwater
Use = Domestic, Irrigation
Quantity = 18 ac, 174 af, 0.97 cfs (domestic), 0.36 cfs (irrigation), 1 in/ac
POU = NWSE, Sec 31, T4N, R18E
Watermaster records = no records

Recommendation:

Owner = The Meadows LLC
Priority date = 6/15/1983
Source = Groundwater

Use = Domestic

Quantity = 18 ac, 174 af, 0.97 cfs (domestic)

POU = NWSE, Sec 31, T4N, R18E

COMMENTS: POU is mobile home park, amended claim to include irrigation as per letter from Gary Spackman. The right was licensed for domestic use for 145 homes (1.2 af x 145 homes = 174 af) and authorized volume for irrigation of 0.5 acres per home. Based on available imagery, the number of acres irrigated appears to be much less than provided for under the licensed volume. The claimed 18 acres appear to be the majority of the licensed place of use without structures. The claimed POU diagramed on the map provided with the claim also appears to overlap a westerly field that is covered under rights 37-48A and 37-458B. This area was not included in the licensed POU. Recommended only for Domestic use.

Conditions

When combined, rights 37-48A, 37-458B, 37-2125 are limited to diversion of 0.04 cfs/acre.

Rights 37-48A, 37-458B, 37-2125 are limited to 3.3 cfs when combined.

Rights 37-458B, 37-2125 are limited to 0.5 cfs when combined.

File No.
A37-00458B-00459-00048A

The Meadows LLC
The Kirk Group
P.O. Box 4380

Monica Hansen
Corey Financial Mgr.

11/29/05
11/30/05 P

333 S. Main St. STE 211
Ketchum,

I Called The Kirk Group and talked to Corey about these three water rights and ask if I could make an apt. to meet with him or someone familiar with their water rights he informed me that Brockway Eng. Does all the business regarding these rights and recommended I call them . So I called Chuck Brockway SR. and made an apt. to see him Tuesday 29th . We proceeded to go thru the files individually and drew the creeks and Comstock ditch on the red photo attached .

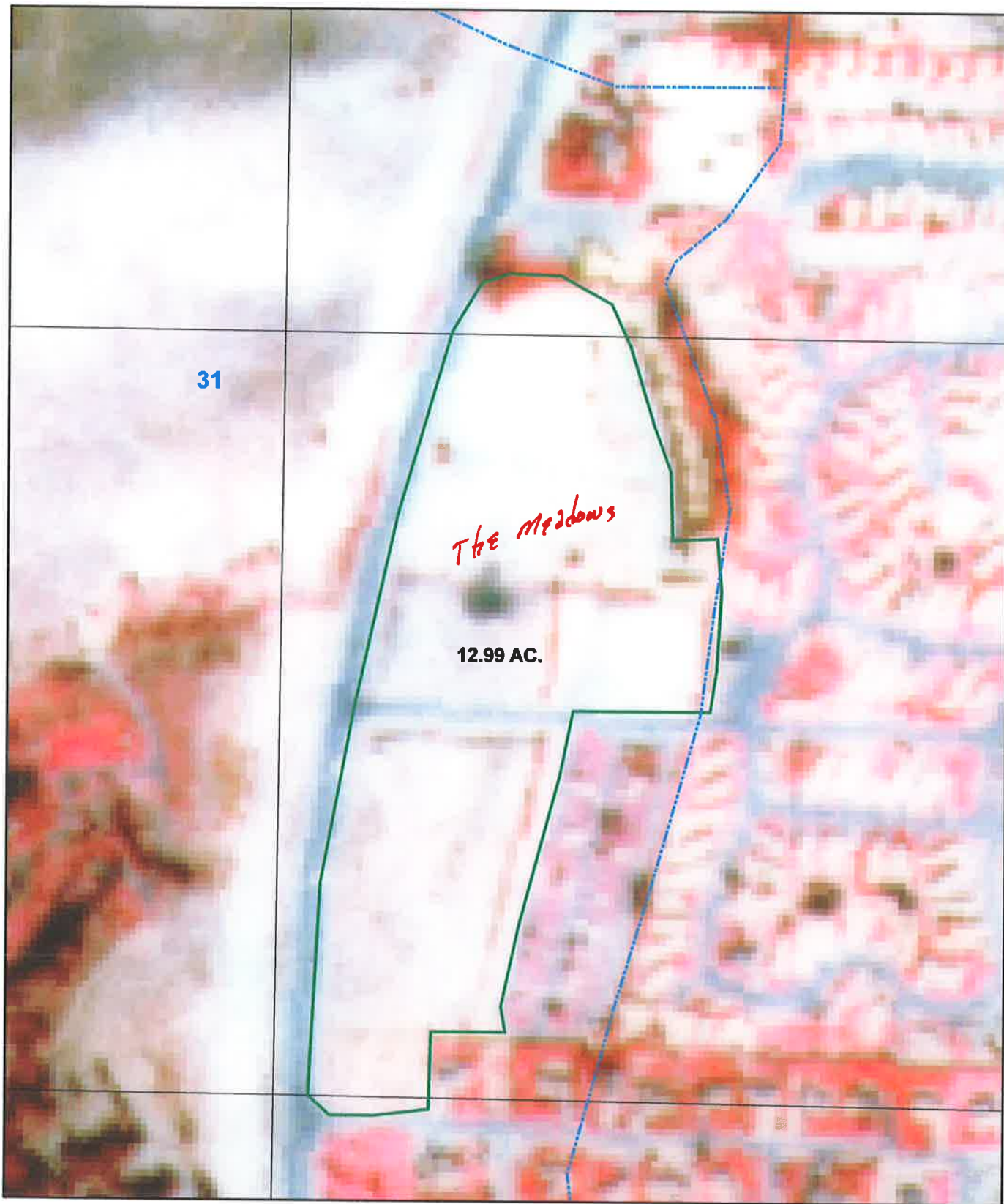
37-458B There is a open ditch along the road West side of property which appears that this property was flood irrigated flowing east upon this 13 acres, with water from Clear Cr. And an unnamed stream from a little lake up the mountain west side of highway as marked an photo. This property in previous years appeared irrigated with the original ranch as shown on 1969-1964 photos attached with water from the Comstock 10 diversion , Clear Cr. And this unnamed stream. At this date it is uncertain which way the original ranch was irrigated but looks like most of it was irrigated to the east toward big wood river , as per Brockway photo Nov. 29th there is 12.99 acres estimated in area described and as per Chuck the Meadows does own almost all of the NWSE and as stated above ,the original ranch was watered by all three sources. See Brockway photo Nov.29 will show the 12.99 acres where this water was to be used on, with the POD on the west side of road where it enters a pipe crossing the highway and entering the Meadows property. This water then flows south into an open ditch to the Comstock ditch and into a ditch flowing south by highway where an unnamed stream flows into this south ditch west side of property. The SWNE property is owned by Goertendia-McDonald, NWSE property is the Meadows, SWSE is owned by Cold Springs Sub.

37-459= This water right was originally diverted from big wood river out into the Comstock ditch and co-mingled with Clear creek and unnamed cr. I confronted Chuck with the 160 acres as shown on the right and he agreed this was a mistake and he would go to the IDWR and get it corrected it should only be 80 acres with the LLC owning NWSE . 458B and 48A are both overlapping, and as per Chuck the LLC does not own land in the SWSE, they claim NWSE-SWSE, and its true there are subdivisions with different owners and by my observation they are not using this water from the Comstock ditch and Chuck said he is in the process of resolving this problem and would be in contact with the Dept. The POD for the Comstock ditch # 10 Has already been GPS and is in computer system of LDWR, and I'm not sure if this water is still being diverted from Big wood river this is the responsibility of the State Water master but in the past it was diverted into the Comstock ditch and they took care of the diversions out of their ditch. By my observation the Meadows still own the property and water rights.

37-48A= The meadows LLC claim ownership of 80 acres , which is true, in NWSE- SWSE which is true, the LLC owns all of NWSE , none of the SWSE and the water from 458B and 459 are overlapping on both parcels of land, and the place of use is true as claimed, I don't know who owns the SW at this time and true the LLC does not own any of the SWSE. There are subdivisions on the property but as per Chuck the meadows still own the land, and as per Chuck it is true the LLC only owns what is yellow on 1987 photo. And again by my observation they are not using this water today but in 1964 & 1969 photos all of this water was used on approx 70 to 80 acres and used for irrigation of the land thru the Comstock ditch- and the ditch along the west side of property beside highway 93, The POD for the Comstock ditch has been GPS and is in LDWR computer system from Big wood river, and during the pasr the water master records can verify the delivery of this water into the Comstock ditch as noted "VARIOUS USERS" but at this date It us unknown how it is delivered.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Clear Cr	Kirk 1	2471371	1381948	A0013600	1070800
Comstock 10	10	2472036	1383541	A0009781	101158

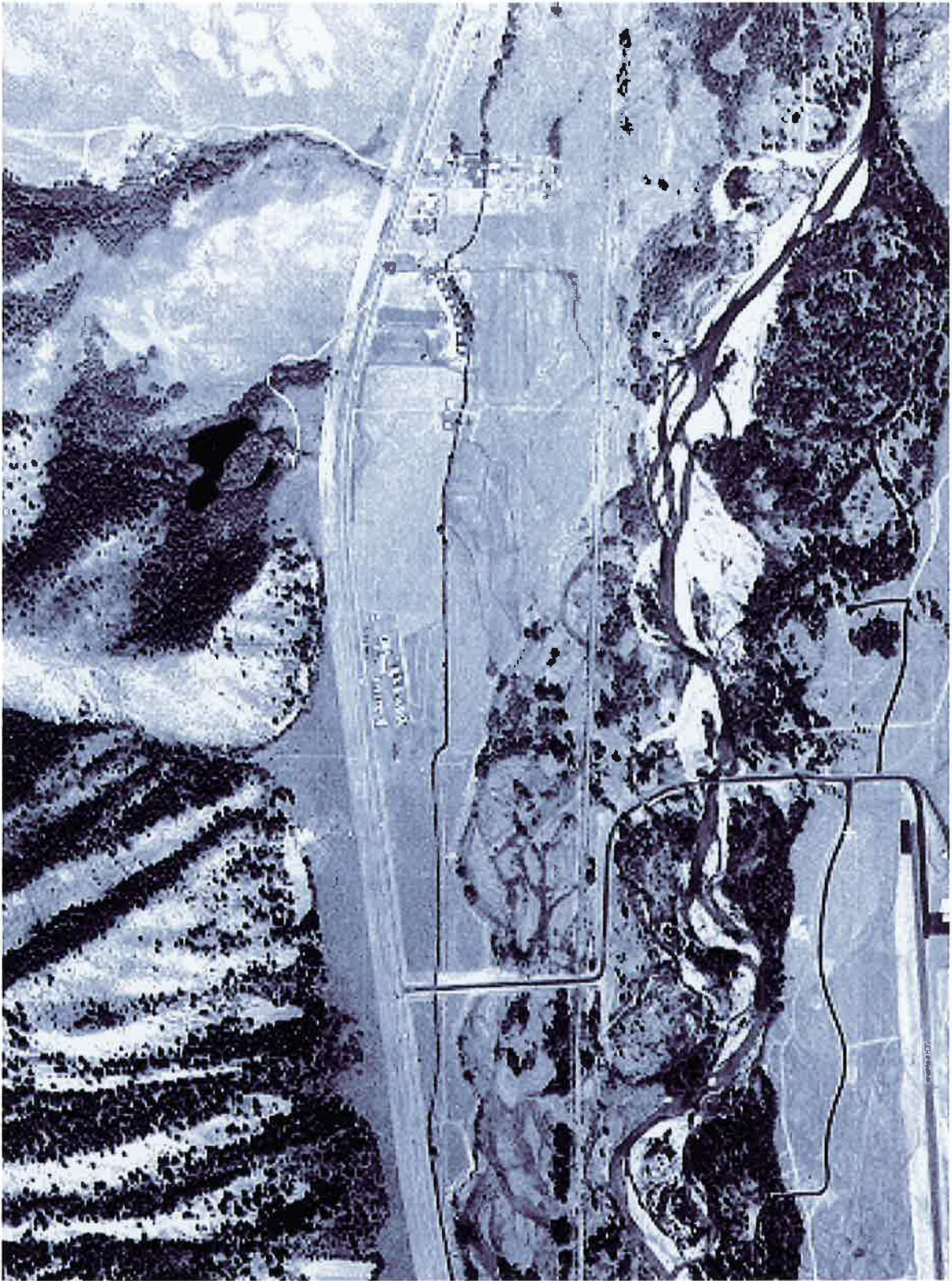
Lee R. Peterson



**CLEAR CREEK MEADOWS
1987 INFARRED AERIAL**



**CLEAR CREEK MEADOWS
1964 AERIAL PHOTO**



**CLEAR CREEK MEADOWS
1969 AERIAL PHOTO**

170728/2
1/27/2018

Field Examination

Examiner: _____

Date: _____

Claimant: The Meadows LLC

Claim # 37-458B

Twp 04N Rng 18E Sec 31

Agent Notes - Nick Treasure

This claim refers to The Meadows LLC in Blaine County. There are 14.0 acres claimed in the NWSE of the above legal description. This is a decreed right with a priority date of June 1, 1883 from Clear Creek. I have found that this LLC owns a large portion of the NWSE. Overlapping water rights are: 37-48A, 37-459 which both claim portions of both the NWSE and SWSE. *yes was used*

almost all of it

Please carefully research and address the following issues in order for IDWR to successfully recommend this claim.

Place of Use

gls The claimed place of use is in the NWSE. The LLC appears to own the majority of this Qq. However, I do not know where the exact 14-acre POU is located. Please find and outline the exact POU.

As always be sure and outline on provided map, the exact irrigation system. Outline all ditches and laterals etc. used for this system.

Examiner notes:

Good to find
SWNE Stockman-McDonell
NWSE is the meadow
SWSE Cold Spring Lab

Point of Diversion/ Source

yes The claimed POD is at Twp 04N Rng 18E Sec 31 SWSWNE. The water is claimed to be diverted from Clear Creek. Please verify this POD is in use for this claimant. GPS the exact location of diversion. *OK* *OK*

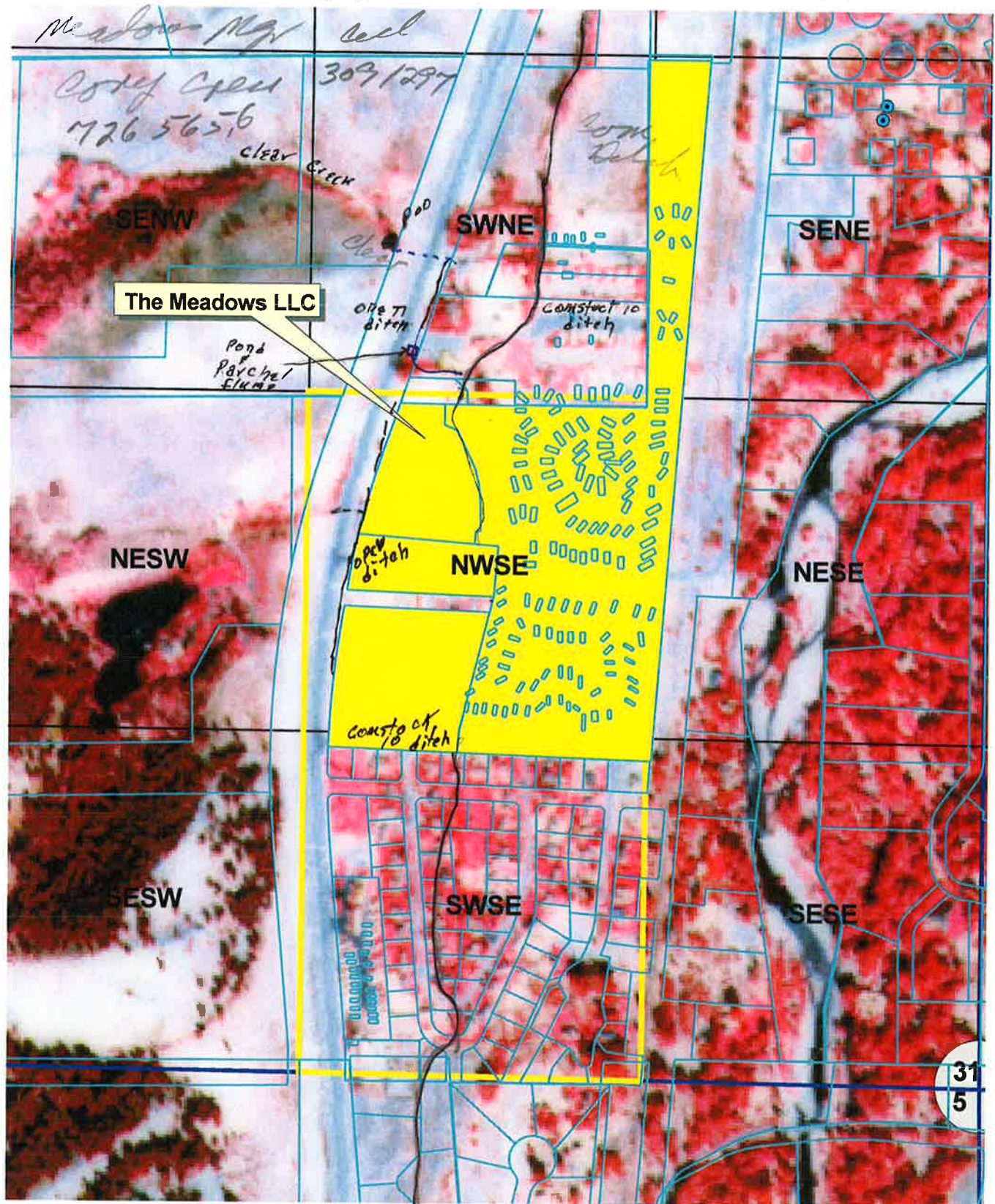
Examiner notes:

Ownership

yes The Meadows LLC appears to own the majority of the NWSE. However verify that the LLC does indeed own the claimed 14.0 acres. If needed please provide claimant with a copy of change of ownership form. *cheyenne*

Examiner notes:

Claim(s): 37-458B, 37-48A, 37-459



1000 0 1000 2000 Feet

Twp 04N Rng 18E Sec 31





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 16, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**SPECK & AANSTEAD
PO BOX 987
KETCHUM ID 83340**

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: *A37-00458B*

Dear Mr Speck

Enclosed is the corrected copy of the claim you submitted to this office last week.
Again, if you find a need for corrections or you have any questions please call this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 15, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**SPECK & AANSTEAD
PO BOX 987
KETCHUM ID 83340**

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: A37-00458B

Dear Mr Speck

Enclosed is the receipt and a copy of the data entered claim. Please review the claim to confirm that the data entry was done correctly. If you have any questions or corrections please contact this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent

Enclosures

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

October 13, 1998

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

Re: SRBA Claim A37-00458B

Dear Allen:

Enclosed you will find a Notice of Claim to be filed in the SRBA as Claim A37-00458B in the name of The Meadows, L.L.C. I am also enclosing my firm's check payable to IDWR in the sum of \$100 representing the \$50 filing fee and the \$50 late filing fee. The per acre fee was already paid when the claims described in Item 12 of this Claim were filed.

Please give me a call if you have any questions or comments about this Claim. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

**SPECK & AANESTAD
120 E AVE
PO BOX 987
KETCHUM ID 83340**

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: A37-00458B

Dear Mr Speck

Enclosed is the check you submitted for the filing fee for the claim, the claim copy and your letter that accompanied it dated October 13, 1998. You submitted the \$100.00 filing fee at that time (check # 28525). I am, therefore returning this check. At this time everything is complete as far as the department is concerned and no further action is anticipated until basin 37 is scheduled for review.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures