

AMENDED 37-548

OCT 05 2006

RECEIVED

SEP 28 2006

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-548

Date Received

Receipt Number

D.P. per 10-11-06

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

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 940802. Date of Priority (Only one (1) per claim) 06/01/18803. Source of water supply (a) Democrat Gulch & Lambs Gulchwhich is tributary to (b) Croy Creek4. a. Location of existing point of diversion is: Township 02N 5 Range 18E Section 18NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of BlaineAdditional points of diversion if any: 02N18E18NESWNW, 02N18E18NWNWSE, 02N18E18NESWSE, and02N18E18SWNENW orig claim = Sec 18 NWSESE only

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Existing ditches from streams and reservoirs; booster pump at lower
reservoir to main line and hand lines

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6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 3.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.80 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

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	
02N	18E	17							2.8	24.5	8.2	28.0	1.0						64.5
										23	10	25	3						4
02N	18E	18			17	16.1	1.2			27.3	1.0				21.4	19.0	17.5	22.0	125.5
										31	2				19	13	19	25	129

Total number of Irrigatable acres 190.0

*190 ac
orig claim
POU*

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

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

See attached Or None ☐

14. Remarks:

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

If applicable provide IDWR Water Right Number 37-548

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

Plaintiff vs Defendant _____

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OCT 11 2006

Last Name _____ Ident. No. _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President Title

Of Spring Canyon Ranch, LLC that I have signed the foregoing

Document in the space below as Vice President of Spring Canyon Ranch, LLC
Organization Title Organization

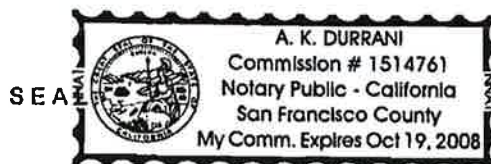
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization VP, Spring Canyon Ranch, LLC Date 9/27/06

State of ~~Idaho~~ or California)
County of San Francisco) ss.

Subscribed and sworn (or affirmed) before me this 27th day of September, 2006.



Notary Public A. K. DURRANI

Residing at 150 California St., San Francisco, CA 94111

My Commission Expires Oct. 19, 2008

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kevin J. Beaton 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 [Signature]

Address 101 S. Capitol Blvd., Ste. 1900, Boise, ID 83702

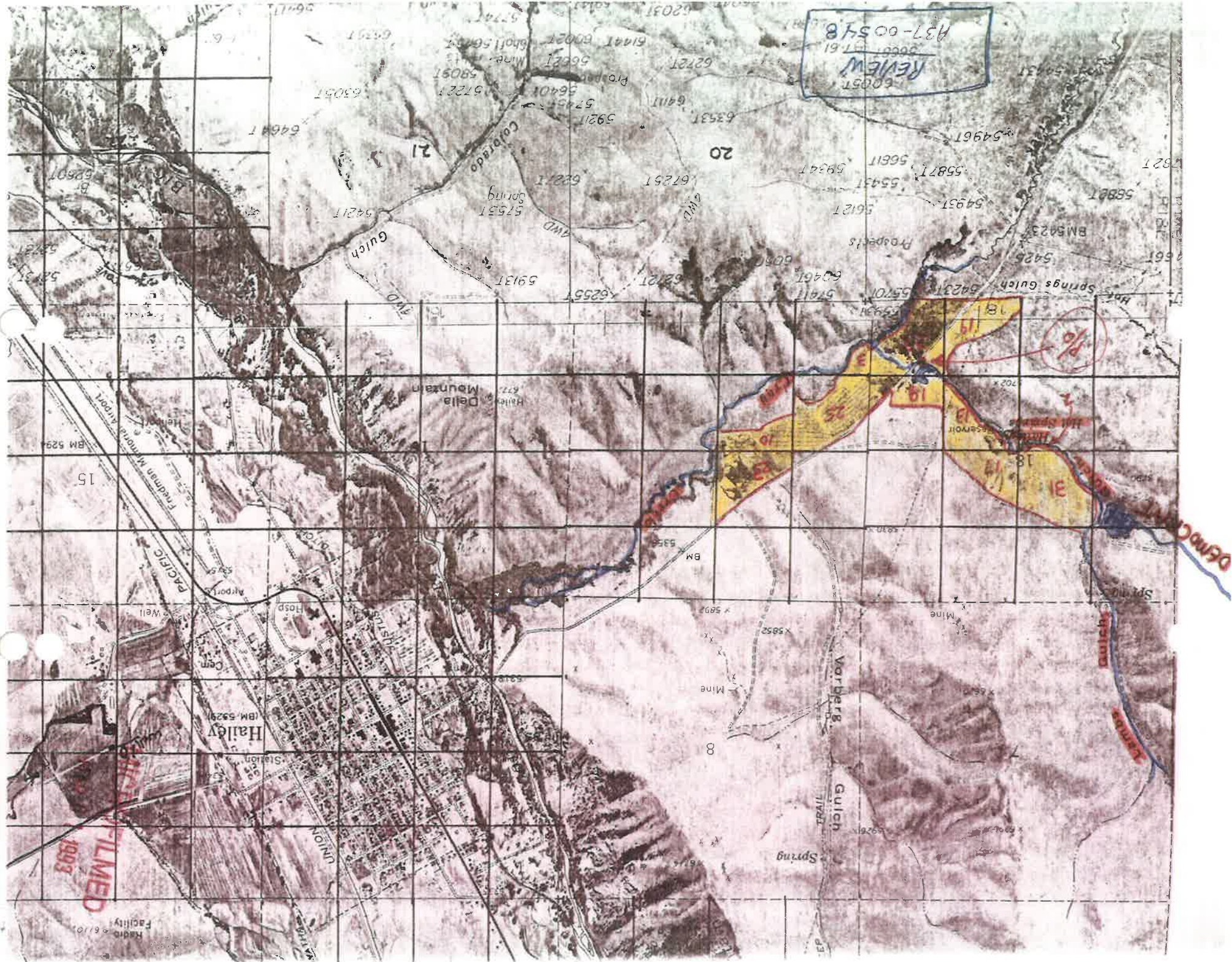
Date 10-19-06

COPY

SCANNED

OCT 16 2006

REVIEW
3000 17.61
A37-00548



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JUL 16 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 37-548

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

*Resp by BLM
Re Lt 4/7
in Sec 17*

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

395 Oyster Pt Blvd #309 South San Francisco, CA 94080

Daytime Phone: 650-208-3537

Name & Address of Attorney, if any:

Kevin J. Beaton, Stoel Rives LLP

101 S. Capitol Boulevard Suite 1900

Boise, ID 83702

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

Name: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

395 Oyster Pt Blvd #309 South San Francisco, CA 94080

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: 3.80 cfs as was claimed, instead of 3.60 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: 190 acre permissible place of use as was claimed, instead of 180 total combined acres 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.

E. REASONS SUPPORTING OBJECTIONS(S): Aerial photography and
historical use indicate the irrigated area is larger than the recommended
place of use and the diversion rate historically used is larger than the
recommended diversion rate.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

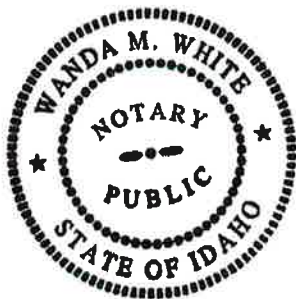
Kevin J. Beaton, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Kevin Beaton
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



July 12, 2007
Wanda M. White
Notary Public for Idaho
Residing at: Mtn. Home, Elmore Cty.
My Commission Expires: 9-30-08

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: A37-00548
Date Received: 10/27/1988 *red*
Receipt No: C004234
Received By: orig claim

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUMBOLDT INVESTMENT CO. 208-825-4144
Address: ATTN: MR. DEVERE BARKER
3500 LAKESIDE COURT, SUITE 150
RENO, NV 89509

2. Date of Priority: JUN 01, 1880

3. Source: LAMBS GULCH Trib. to: CROY CREEK
DEMOCRAT CREEK CROY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	18	NW	SE	SE		BLAINE

5. Description of diverting works:
ENTIRE FLOW OF LAMBS GULCH INTO DEMOCRAT CK, DAMMED, RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.800		

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

8. Total consumptive use is 475.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	17	SE	NW	4	IRR	23.0
			NE	SW		IRR	10.0

A37-00548

Page 1

Date: 02/24/89

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MAR 01 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	17	NW	SW		IRR	25.0
			SW	SW		IRR	3.0
			Section Acres				61.0
		18	SW	NE		IRR	17.0
			SE	NW		IRR	31.0
			NE	SW		IRR	2.0
			NE	SE		IRR	19.0
			NW	SE		IRR	13.0
			SW	SE		IRR	19.0
			SE	SE	5	IRR	28.0
			Section Acres				129.0
			Total Acres				190.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-00549, 37-02142, 37-01222, 37-04138, 37-04440

14. Remarks:

ORIGINALLY DECREED TO J. J. PLUMER. SOURCE IDENTIFIED IN DECREE AS WARM SPRINGS CREEK AND DECLARED TO BE A "DRY STREAM" SO THAT UPPER USERS CAN APPROPRIATE THE ENTIRE FLOW. BASED UPON THE ORIGINAL PLACE OF USE (WHICH INCLUDED SWSW & SESW, S. 7, T2N, R18E) AND MAPS, WARMS SPRINGS CREEK IS MOST LIKELY THE COMBINED FLOW OF DEMOCRAT CREEK AND LAMBS GULCH (WHICH DRAIN ONLY POSSIBLE IRRIGABLE LAND IN SEC. 7!). DECREE IS FOR THE "ENTIRE FLOW". WATER IS NOW AND HAS FOR MANY YEARS BEEN USED BY ALLOWING LAMBS GULCH TO FLOW INTO DEMOCRAT CREEK (ALSO KNOWN AS DEMOCRAT GULCH), AND THEN INTO A LOWER RESERVOIR FROM WHICH IT IS PUMPED TO HANDLINES AND WHEELINES FOR IRRIGATION. THERE ARE NO OTHER USES OF THIS STREAM. CLAIMANT USES ENTIRE FLOW OF LAMBS GULCH AND DEMOCRAT CREEK DURING IRRIGATION SEASON. PLACE OF USE IS CLAIMED PURSUANT TO IDAHO CODE SS.42-1416(1) TO THE EXTENT IT DIFFERS FROM THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A37-00548

Page 2

Date: 02/24/89

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MAR 01 1993

Decree Defendant

(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:

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

Date _____

State of Idaho)
) SS.
County of)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19_____

Notary Public

Residing at _____
My Commission Expires _____

MAR 01 1993

DATA ENTRY BY Rat 2-24-89

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

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

CIVIL CASE NUMBER: 39356

Ident Number A37-00548

Date Received 10-27-88

Receipt Number 0004234

RECEIVED

OCT

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Humboldt Investment Co.
Phone: (702) 825-4144
Mailing Address: 3500 Lakeside Court
Suite 150
Reno, NV 89509
attn: Mr. Devere Barker
2. Date of Priority: June 1, 1880
3. Source of water supply (a) Lambs Gulch & Democrat Creek
which is tributary to (b) Croy Creek
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
2N	18E	18	NW	SE	SE		Blaine

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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MAR 01 1993

5. Description of existing diversion works: Entire flow of Lambs Gulch now allowed to flow into Democrat Creek, which is dammed into a reservoir from which water is pumped to handlines and wheellines.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	3.80 cfs

7. Total Quantity Claimed: 3.8 cfs

8. Total consumptive use claimed is 475 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>½</u>	<u>½</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	17	SE	NW (Lot 4)	I	23
2N	18E	17	NE	SW	I	10
2N	18E	17	NW	SW	I	25
2N	18E	17	SW	SW	I	3
2N	18E	18	SW	NE	I	17
2N	18E	18	SE	NW	I	31
2N	18E	18	NE	SW	I	2
2N	18E	18	NE	SE	I	19
2N	18E	18	NW	SE	I	13
2N	18E	18	SW	SE	I	19
2N	18E	18	SE	SE (Lot 5)	I	28

Total number of irrigated acres: 190

Last Name: Humboldt

Ident No. _____

MICROFILMED
MAR 01 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

HAILEY OFFICE:

16 WEST CROY STREET

SUITE K

POST OFFICE BOX 460

HAILEY, IDAHO 83333

(208) 788-3567

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

February 22, 1989

FEB 23 1989

CERTIFIED MAIL

Department of Water Resources

Ms. Helen Harrington
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83706

RE: Snake River Basin Adjudication - Notice of Claim
for Humboldt Investment Co. - Water Right No. 37-0548

Dear Ms. Harrington:

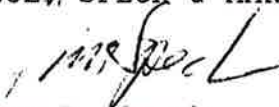
Enclosed you will find a revised second page for the above-referenced Claim. I apologize for the delay. As we discussed, the Department requires a quantification of the amount claimed for each Claim, even though the original decree is for the "entire flow" of the stream and the stream was also then decreed to be a "dry stream". Accordingly, the new page claims 3.8 cfs.

Will you please confirm receipt and filing of this Claim. Would you also check on the receipt and filing on my client's Claim for Water Right No. 37-0549 (which is the same as Water Right No. 37-1220). Finally, what is the identification number given to the Domestic Well Claim filed by my client? Is it A37-12397?

Please let me hear from you as soon as receive this letter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
cc: Mr. Devere Barker(w/encl.)

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MAR 01 1993

5. Description of existing diversion works: Entire flow of Lambs Gulch now allowed to flow into Democrat Creek, which is dammed into a reservoir from which water is pumped to handlines and wheelines.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	Entire flow

7. Total Quantity Claimed: Entire flow

8. Total consumptive use claimed is 475 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1</u>	<u>4</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	17	SE	NW (Lot 4)	I	23
2N	18E	17	NE	SW	I	10
2N	18E	17	NW	SW	I	25
2N	18E	17	SW	SW	I	3
2N	18E	18	SW	NE	I	17
2N	18E	18	SE	NW	I	31
2N	18E	18	NE	SW	I	2
2N	18E	18	NE	SE	I	19
2N	18E	18	NW	SE	I	13
2N	18E	18	SW	SE	I	19
2N	18E	18	SE	SE (Lot 5)	I	28

Total number of irrigated acres: 190

replaced.

Last Name: Humboldt

Ident No. _____

MICROFILMED

MAR 01 1993

11. Place of use is located in Blaine County.
12. Do you own the property listed above as place of use? Yes.
13. Describe any other water rights used at the same place and for the same purposes as described above? 37-0549 (same as 37-1220), 37-2142 (same as 37-1221), 37-1222, 37-4138, 37-4440.
14. Remarks: Decreed to J. J. Plumer in S.C. Frost et al. v. Alturus Water Co. et ux. Source identified in decree as Warm Springs Creek and declared to be a "dry stream" so that upper users can appropriate the entire flow. Based upon the original place of use (which included SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T.2N., R.18E.) and maps, Warm Springs Creek is most likely the combined flow of Democrat Creek and Lambs Gulch (which drain only possible irrigable land in Sec. 7!). Decree is for the "entire flow". Water is now, and has for many years been used by allowing Lambs Gulch to flow into Democrat Creek (also known as Democrat Gulch), and then into a lower reservoir from which it is pumped to handlines and wheellines for irrigation. There are no other users of this stream. Claimant uses entire flow of Lambs Gulch and Democrat Creek durring irrigation season. Place of use is claimed pursuant to Idaho Code §42-1416(1) to the extent it differs from the decree.

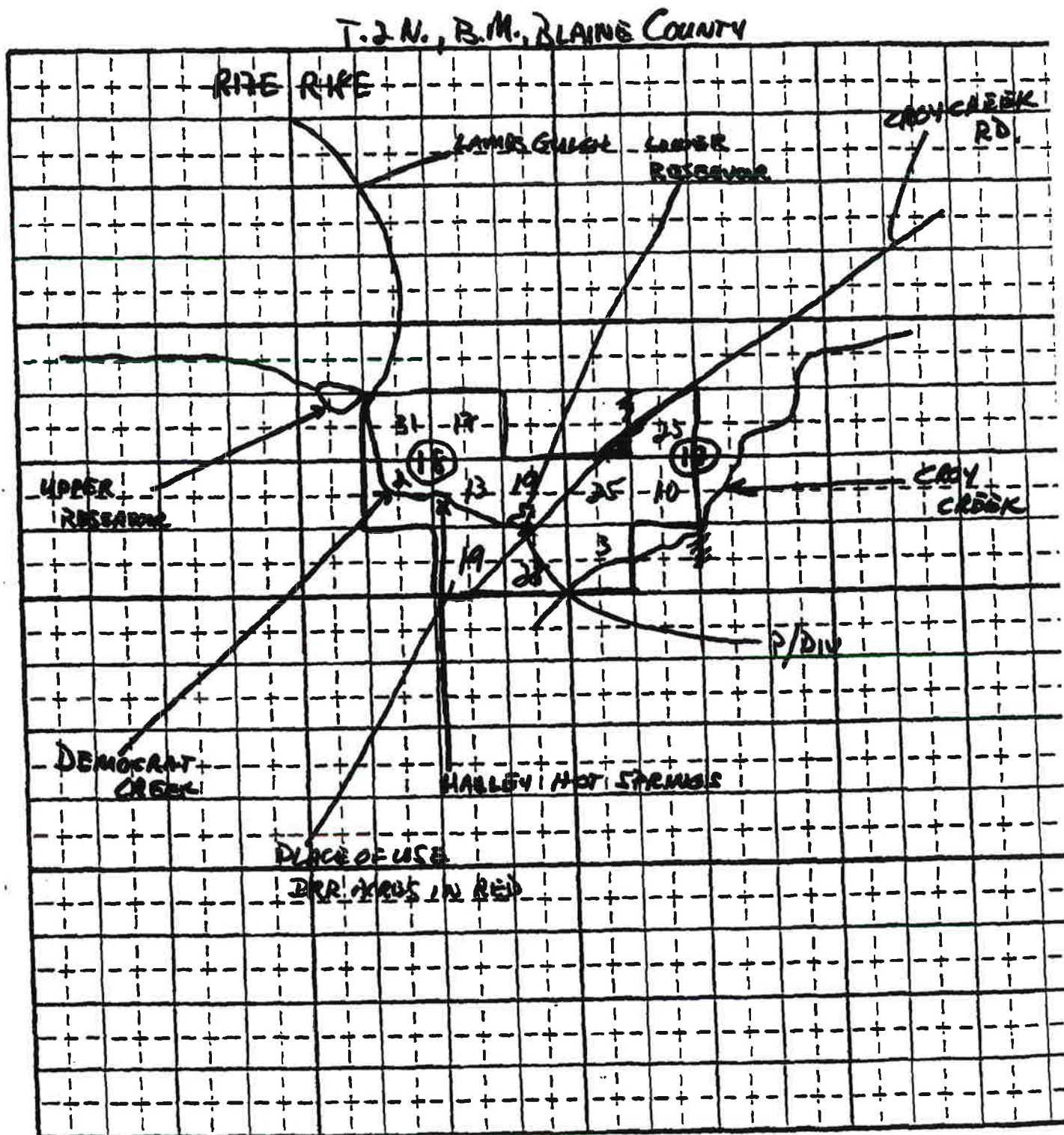
Last Name: Humboldt

Ident No. _____

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Map of Project: show the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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MAR 01 1993

Copies: White State, Yellow-Card

Last Name

HUMBOLDT

Ident No.

15. Basis of Claim: Decree
IDWR Water Right Number: 37-0548
Court: Lincoln County
Case Number:
Decree Date: December 13, 1909
Plaintiff v. Defendant:
S.C. Frost et al. v. Alturus Water Co. et ux.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments 0

[For Organizations] I do solemnly swear or affirm that I am a general partner of Humboldt Investment Co., a general partnership, that I have signed the foregoing document in the space below as general partner of the partnership and that the statements contained in the foregoing document are true and correct.

Signature of General Partner: James P. Speck, his attorney-in-fact
Devere Barker

Date _____

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 25th day of October, 1988.

Notary Public Ruby Ann Becker
Residing at Sun Valley
Commission Expires 1/17/92

17. 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

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 10/25/88

Last Name: Humboldt
a2:\hmbldt3.clm

Ident No.: _____

MICROFILMED
MAR 01 1993

2-2-11 started ~~210~~

548-549 1222

Status Conf

4139 4138

37-548 et al Wells Fargo.

37-4440 Wells Fargo

Linda - Eric Powell

General Provision

Spring Canyon (0090-37G) subcase for Gen Prov.

~~Noted~~

Feb 16. 2:30

12/08/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER CO 80274

SOURCE: DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: 3.600 CFS

PRIORITY DATE: 06/01/1880

POINT OF
DIVERSION:

T02N R18E S18 SWNW Within BLAINE County
T02N R18E S18 NESWNW Lot 2 Within BLAINE County
T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NESWSE Within BLAINE County
T02N R18E S18 NWESESE Lot 5 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S17 Lot 3 SWNW	3.40	T02N R18E S17 Lot 4 SENW	22.00
T02N R18E S17 NESW	8.20	T02N R18E S17 NWSW	26.00
T02N R18E S17 Lot 1 SWSW	.90	T02N R18E S18 SWNE	15.00
T02N R18E S18 NENW	1.10	T02N R18E S18 SENW	25.00
T02N R18E S18 NESW	0.40	T02N R18E S18 NESE	21.00
T02N R18E S18 NWSE	19.00	T02N R18E S18 SWSE	16.00
T02N R18E S18 Lot 5 SESE	22.00		

180 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

Place of use does not include federal public lands.

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.

11/23/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER CO 80274

VERIFIED BY

KKC
12-30-10

SOURCE: DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: 3.60 2.840 CFS

The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 06/01/1880

POINT OF
DIVERSION:

T02N R18E S18 SWNENW Within BLAINE County
T02N R18E S18 NESWNW Lot 2 Within BLAINE County
~~T02N R18E S18 NWNWSE Within BLAINE County~~
T02N R18E S18 NESWSE Within BLAINE County
T02N R18E S18 NWSESE Lot 5 Within BLAINE County

The point of diversion described as T02N R18E S18 SWNENW is located on the west channel of Lambs Gulch.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.60 2.840 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S17 Lot 3 SWNW	3.40 2.90	T02N R18E S17 Lot 4 SENW	22.00 23.00
T02N R18E S17 NESW	8.20 8.60	T02N R18E S17 NWSW	26.00 27.00
T02N R18E S17 Lot 1 SWSW	0.90 1.10	T02N R18E S18 SWNE	25.00 15.00
T02N R18E S18 NENW	1.10	T02N R18E S18 SENW	25.00 27.00
T02N R18E S18 NESW	0.40 1.20	T02N R18E S18 NESE	21.00
T02N R18E S18 NWSE	19.00 18.00	T02N R18E S18 SWSE	16.00 17.00
T02N R18E S18 Lot 5 SESE	22.00		

180 185 ACRES TOTAL

This right is limited to the irrigation of 142.1 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 180 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

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.

Spring Canyon Ranch SRBA Water Right Summary

12/06/2010

Brockway Engineering, PLLC

Items in green still need to be addressed by Brockway Engineering

Items in red need to be addressed by IDWR

Items in orange need to be addressed by Others

-
- 1) 37-548
 - a) It appears that a new amended directors report was also filed, but no documents could be found – the only indication was the SRBA website. IDWR did not have any recommendations in their database.
 - i) IDWR
 - (1) Place of Use
 - (a) Revised place of use to PPU of 185 acres, limited to 180 acres
 - (2) Flow rate
 - (a) Retained original recommended flow rate of 3.6 cfs
 - ii) Brockway Engineering
 - (1) Wait to make sure that no other parties objected to this amended director's report.
 - (2) If no objections, then withdrawal objection or sign SF-5s
 - 2) 37-549
 - a) It appears that a new amended directors report was also filed, but no documents could be found – the only indication was the SRBA website. IDWR did not have any recommendations in their database.
 - i) IDWR
 - (1) Place of Use
 - (a) Revised place of use to PPU of 185 acres, limited to 180 acres
 - ii) Brockway Engineering
 - (1) Wait to make sure that no other parties objected to this amended director's report.
 - (2) If no objections, then withdrawal objection and sign SF-5s
 - 3) 37-1222
 - a) It appears that a new amended directors report was also filed, but no documents could be found – the only indication was the SRBA website. IDWR did not have any recommendations in their database.
 - i) IDWR
 - (1) Place of Use
 - (a) Revised place of use to PPU of 185 acres, limited to 180 acres
 - ii) Brockway Engineering
 - (1) Wait to make sure that no other parties objected to this amended director's report.
 - (2) If no objections, then withdrawal objection and sign SF-5s
 - 4) 37-2142
 - a) IDWR
 - i) Revise point of diversion as claimed
 - ii) Sign SF-5s
 - b) Brockway Engineering
 - i) No additional action necessary
 - ii) Sign SF-5s

- 5) 37-4138 *Cur right fm Hot Springs*
- a) IDWR
 - i) **Change recommendation from disallowed - Done**
 - ii) **Add point of injection and point of re-diversion - done**
 - b) Brockway Engineering
 - i) No additional action necessary
- 6) 37-4139 *Storage Rt fm Ht Springs*
- a) IDWR
 - i) **Change recommendation from disallowed - done**
 - b) Brockway Engineering
 - i) Provide evidence of priority to 1926
 - (1) Submitted published reports to Kelly Christensen on 8/18/2010
 - (a) History of Alturas and Blaine Counties, Idaho, by Geo. A. McLeod, The Hailey Times, Hailey, Idaho, USA, 1930
 - (b) Hiawatha Hotel burned down in 1899
 - (c) Hotel rebuilt in 1914 to 1915
 - (d) Rebuilt hotel included geothermal diversion from Hailey Hot Springs to swimming pool in Hiawatha Hotel
 - (2) Additional citations *typo {idahogenealogy}*
 - (a) <http://www.idahogenealogy.com/alturas/hailey.htm>
 - (b) <http://www.haileycityhall.org/historicPreservation/nationalRegister.asp>
 - (c) <http://www.idwr.idaho.gov/WaterInformation/Publications/wib/wib30p13-geothermal wood river drainage area.pdf>
- 7) 37-4440
- a) IDWR
 - i) **Change recommended flow rate to 0.47 cfs done**
 - (1) **Original recommendation was 0.31 cfs**
 - (a) **Based on flow rates from 2 of 3 wells**
 - (b) **Well #1: 100 gpm**
 - (c) **Well #2: 40 gpm**
 - (d) **Well #3: No flow data available**
 - (2) **Agreed to estimate Well #3 at 70 gpm**
 - (a) **Total flow estimation of 210 gpm or 0.47 cfs**
 - (b) **Current pump test results produced more than 500 gpm from replacement well.**
 - b) Brockway Engineering
 - i) **Provide shapefile of well locations**
 - ii) **Provided IDWR on 8/20/2010**
 - c) Concerned water users and Big Wood Canal Company
 - i) **Define objection**
 - ii) **The following items were obtained from the amended objection filed with the SRBA court on 6/4/2008**
 - (1) **Diversion Rate: should be one inch per acre for every acre of surface area of the aesthetic, recreation, and wildlife use.**
 - (2) **Volume/Consumptive Use: should be limited to 3.5 feet per acre**
 - (3) **Measurement: Multiple flow measurements are necessary**
 - (4) **Administration Regulated by State Water District 37**
 - (5) **Water Quality: discharge water should comply with Idaho Water Quality Standards**
- 8) 37-12396
- a) An amended director's report was filed with the SRBA court on 11/30/2010.
 - b) IDWR

- i) Volume in amended director's report is limited to a single fill during the irrigation season. This is very conservative and not consistent with other recommended rights in the area.
- (1) Volume limited to 3.5 ft per acre or state volume of pond with multiple fills per irrigation season
 - (a) 37-22116 "No storage volume listed. The capacity of the storage reservoir is 50 AF. The reservoir may be refilled multiple times in a single year."
 - (b) 37-22117 "No storage volume listed. The capacity of the storage reservoir is 9.8 AF. The reservoir may be refilled multiple times in a single year."
 - (c) 37-158C "limited to the irrigation of a combined total of 85.7 acres; Irrigation from storage of 237.6 afa (limited by flow rate)"
 - (d) 37-274 "limited to the irrigation of a combined total of 85.7 acres in a single irrigation season; Irrigation from storage of 300 afa (3.5 ft per acre)"
 - (e) 37-276B "limited to the irrigation of a combined total of 85.7 acres in a single irrigation season; Irrigation from storage of 300 afa (3.5 ft per acre)"
 - (f) 37-894B "limited to the irrigation of a combined total of 85.7 acres in a single irrigation season; Irrigation from storage of 300 afa (3.5 ft per acre)"
 - (g) 37-11989 "No storage volume listed. The capacity of the storage reservoir is 20.5 AF. The reservoir may be refilled multiple times in a single year."
- c) Brockway Engineering
 - i) **If IDWR will not change the storage volume, then an objection must be filed.**

IDWR CONCURRENCE:

Kelly K. Christensen 1-18-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

11/23/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER CO 80274

SOURCE: DEMOCRAT GULCH ~~CREEK~~
LAMBS GULCH ~~CREEK~~ TRIBUTARY: CROY CREEK
TRIBUTARY: DEMOCRAT GULCH ~~CREEK~~

QUANTITY: ~~3.60~~ 2.840 CFS

The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 06/01/1880

POINT OF
DIVERSION:

T02N R18E S18 SWNEW Within BLAINE County
T02N R18E S18 NESWNW Lot 2 Within BLAINE County
~~T02N R18E S18 NWNWSE Within BLAINE County~~
T02N R18E S18 NESWSE Within BLAINE County
T02N R18E S18 NWSESE Lot 5 Within BLAINE County

The point of diversion described as T02N R18E S18 SWNEW is located on the west channel of Lambs Gulch.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~3.60~~ 2.840 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S17 Lot 3 SWNW	~~3.40~~ 2.90	T02N R18E S17 Lot 4 SENW	~~22.00~~ 23.00
T02N R18E S17 NESW	~~8.20~~ 8.60	T02N R18E S17 NWSW	~~26.00~~ 27.00
T02N R18E S17 Lot 1 SWSW	~~0.90~~ 1.10	T02N R18E S18 SWNE	15.00
T02N R18E S18 NENW	~~1.10~~ 1.20	T02N R18E S18 SENW	~~25.00~~ 27.00
T02N R18E S18 NESW	~~0.40~~ 1.20	T02N R18E S18 NESE	21.00
T02N R18E S18 NWSE	~~19.00~~ 18.00	T02N R18E S18 SWSE	~~16.00~~ 17.00
T02N R18E S18 Lot 5 SESE	22.00		

180 185 ACRES TOTAL

This right is limited to the irrigation of 142.1 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of ~~180~~ 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, ~~37-4138~~, and 37-4440.

Place of use does not include federal public lands.

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.

11/23/2010

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

RIGHT NUMBER: 37-548

NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER CO 80274

VERIFIED BY KKC
11-23-10

SOURCE: DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

TRIBUTARY: CROY CREEK
TRIBUTARY: DEMOCRAT GULCH CREEK

QUANTITY: ~~3.60~~ 2.840 CFS

PRIORITY DATE: 06/01/1880

POINT OF
DIVERSION:

T02N R18E S18 SWNENW Within BLAINE County
T02N R18E S18 NESWNW Lot 2 Within BLAINE County
~~T02N R18E S18 NWNWSE Within BLAINE County~~
T02N R18E S18 NESWSE Within BLAINE County
T02N R18E S18 NWSESE Lot 5 Within BLAINE County

The point of diversion described as T02N R18E S18 SWNENW is located on the west channel of Lambs Gulch.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~3.60~~ 2.840 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S17 Lot 3 SWNW	~~3.40~~ 2.90	T02N R18E S17 Lot 4 SENW	~~22.00~~ 23.00
T02N R18E S17 NESW	~~8.20~~ 8.60	T02N R18E S17 NWSW	~~26.00~~ 27.00
T02N R18E S17 Lot 1 SWSW	~~0.90~~ 1.10	T02N R18E S18 SWNE	~~25.00~~ 15.00
T02N R18E S18 NENW	1.10	T02N R18E S18 SENW	~~25.00~~ 27.00
T02N R18E S18 NESW	~~0.40~~ 1.20	T02N R18E S18 NESE	21.00
T02N R18E S18 NWSE	~~19.00~~ 18.00	T02N R18E S18 SWSE	~~16.00~~ 17.00
T02N R18E S18 Lot 5 SESE	22.00		

180 185 ACRES TOTAL

This right is limited to the irrigation of 142.1 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 180 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

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

Adjudication Recommendation Report 37-548 V2

WATER RIGHT NUMBER: 37-548 V2

Owner Type

Attorney

Name and Address

STOEL RIVES LLP
ATTN: KEVIN J BEATON
101 S CAPITOL BLVD STE 1900
BOISE, ID 83702
(208)389-9000

Current Owner

WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER, CO 80274

Priority Date: 06/01/1880

Basis: Decreed

Status:

Source

DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

drop Creek Tributary

CROY CREEK
DEMOCRAT GULCH CREEK

Beneficial Use

IRRIGATION

From To
04/15 to 10/31

Diversion Rate

2.840 CFS

Annual Volume

Total Diversion: 2.840 CFS

Location of Point(s) of Diversion

DEMOCRAT GULCH CREEK

BLAINE County

L2 (NE1/4SW1/4NW1/4)

Sec. 18, Twp 02N, Rge 18E, B.M.

DEMOCRAT GULCH CREEK

BLAINE County

NE1/4SW1/4SE1/4

Sec. 18, Twp 02N, Rge 18E, B.M.

DEMOCRAT GULCH CREEK

BLAINE County

L5 (NW1/4SE1/4SE1/4)

Sec. 18, Twp 02N, Rge 18E, B.M.

LAMBS GULCH CREEK

BLAINE County

SW1/4NE1/4NW1/4

Sec. 18, Twp 02N, Rge 18E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.9	23.0	8.6	27.0	1.1						62.6
									L3	L4			L1						
02N	18E	18			15.0		1.2		27.0	1.2				21.0	18.0	17.0	22.0		122.4
																	L5		

Total Acres: 185

Conditions of Approval:

1. K06 This right is limited to the irrigation of 142.1 acres within the place of use described above in a single irrigation season.
2. 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

*add Lambo Gulch Rmk fm 37-12396**42.9ac**O = P/u not a part of decreed P/u**ignores OK. 11-23-10 KRC*

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 37-548

WATER RIGHT NUMBER: 37-548

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	STOEL RIVES LLP 101 S CAPITOL BLVD STE 1900 BOISE, ID 83072 (208)389-9000
Current Owner	SPRING CANYON RANCH LLC C/O CROY CANYON LLC 395 OYSTER PT BLVD #309 SOUTH SAN FRANCISCO, CA 94080 (650) 588-5600

Priority Date: 06/01/1880

Basis: Decead

Status: N/A

<u>Source</u>	<u>Tributary</u>
DEMOCRAT GULCH CREEK	CROY CREEK
LAMBS GULCH CREEK	DEMOCRAT GULCH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	3.600 CFS	
<u>Total Diversion:</u>		3.600 CFS	

Location of Point(s) of Diversion

DEMOCRAT GULCH CREEK BLAINE County	L2 (NE1/4SW1/4NW1/4) <i>NE Rec 548 1222</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
DEMOCRAT GULCH CREEK BLAINE County	* NW1/4NW1/4SE1/4 <i>Rec 548 1222</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
DEMOCRAT GULCH CREEK BLAINE County	NE1/4SW1/4SE1/4 <i>Rec 548-1222</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
DEMOCRAT GULCH CREEK BLAINE County	L5 (NW1/4SE1/4SE1/4) <i>Rec 548 1222</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
LAMBS GULCH CREEK BLAINE County	SW1/4NE1/4NW1/4 <i>Rec 37-548</i>	Sec. 18, Twp 02N, Rge 18E, B.M.

*around spring site
no div from Democrat Gulch at spring site.*

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							3.4	22.0	8.2	26.0							60.5
									L 3	L 4			L 1						
02N	18E	18			15.0		1.1			25.0	.4				21.0	19.0	16.0	22.0	119.5
																		L 5	

Total Acres: 180

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. E56 The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

Dates and Other Information:

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Date Received: 10/10/2006
Transfer Status: Active
Transfer Reason:
Transfer Return Flows:
Transfer Affect Description:
Transfer Total Acres: 1587.3
Transfer Total Acre Limit: 190
Transfer Total Diversion Rate: 13.75
Transfer Total Diversion Volume:
Transfer Approval Date:
Transfer Number: 73744

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

add. 1
37-4138

Wells Fargo

Status Conf.

Dec 15, 2010

(SPRING Canyon Ranch)

37-548 et al 549 1222 2142 4138 -39-40

12396.

37-4440 ^{only} B W objected to

Barker - Measure device? needed
pond on stream, measurement not relevant.

Feb 2 2:00 P.M.

IDWR – February 9, 2005

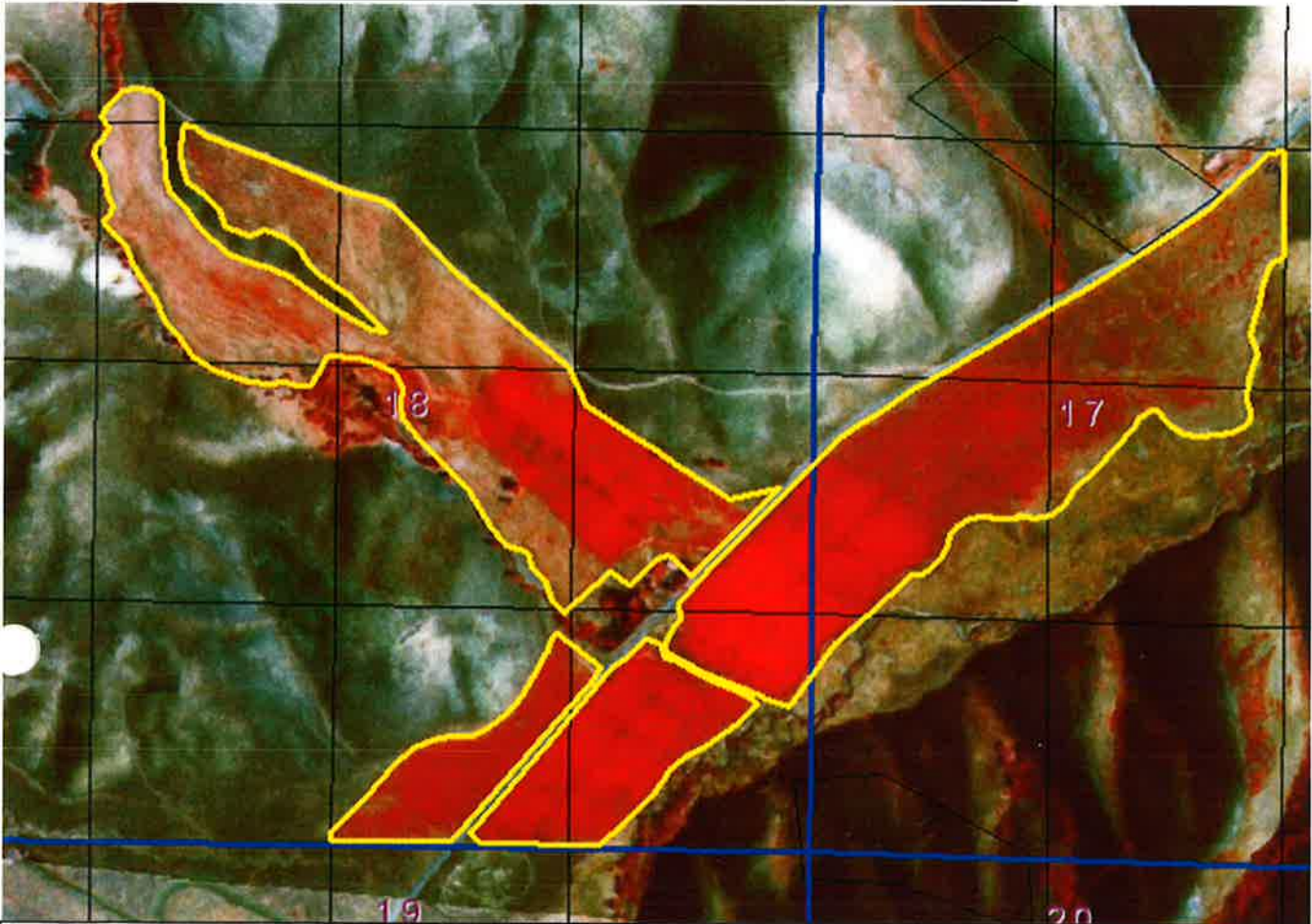
ATTACHMENT –Table: WATER RIGHTS FOR THE CROCKER TRUST ON CROY CREEK

Water Right Number	Priority Date	Source	Beneficial Use	Max. Rate or Volume*
37-548	06/01/1880	DEMOCRAT CREEK LAMBS GULCH CREEK	IRRIGATION - 190 ACRES	3.80 CFS
37-549	06/30/1882	CROY CREEK	IRRIGATION – 130 ACRES	4.00 CFS
37-1222	06/09/1911	DEMOCRAT GULCH CREEK	IRRIGATION - 190 ACRES	0.40 CFS
37-2142	06/24/1909	HOT SPRINGS GULCH CREEK	IRRIGATION – 75 ACRES	1.50 CFS
37-4138	12/31/1948	HAILEY HOT SPRINGS	IRRIGATION –190 ACRES	1.05 CFS
37-4139	12/31/1926	HAILEY HOT SPRINGS	DIVERSION TO STORAGE	0.50 CFS
			FISH PROPAGATION STORAGE	277.0 AF
			RECREATION STORAGE	277.0 AF
37-4440	08/16/1950	GROUND WATER	RECREATION	500 AF
			IRRIGATION – 190 ACRES	0.69 CFS
			STOCKWATER	0.03 CFS
37-12396	12/31/1947	DEMOCRAT CREEK	RECREATION STORAGE	2172.0 AF
			IRRIGATION STORAGE	1273.0 AF
			STOCKWATER	0.03 CFS
			IRRIGATION FROM STORAGE	3.00 CFS
37-12397	12/31/1950	GROUND WATER	DOMESTIC	0.04 CFS
* CFS = CUBIC FEET PER SECOND, AF = ACRE-FEET				

37-548 etal Canyon Springs analysis

2N, 17E, SECs 17 and 18

1987 flight



Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.9 L 3	23.0 L 4	8.6	27.0	1.1 L 1						62.6
02N	18E	18			15.0		1.2			27.0	1.2				21.0	18.0	17.0	22.0 L 5	122.4
Total Acres: 185			Shapes generated post Aug 2009 meeting																

South of road

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.9 L 3	23.0 L 4	8.6	27.0	1.1 L 1						62.6
02N	18E	18													7.3		4.6	21.0 L 5	32.9
Total Acres: 95.5																			

37-4138 Source = Hailey Hot Springs 1948 priority date
Irr 1.05 cfs

Department historical photo = 1969 flight.

-4139 Source = Hailey Hot Springs 1926 priority date

Fish Prop 277 af

Rec Storage 277 af

Div to Stor 0.50 cfs

(claim asserts an unrecorded change in use from Hotel heating, recreation)

37-4440 Source = Ground Water

Irr 0.69 cfs

Stock 0.03 cfs

Recreation 500 af (should be storage)

Hailey Hot Springs analysis;

Rate of diversion is not known and output from the cistern is comingled with the groundwater. Based upon currently available information, the recognizable rate would be the system capacity less the 0.30 cfs utilized by the Hiawatha Hotel during the irrigation season. The assumption is that the Hot Springs development via the cistern possibly increased the spring flow at that site which is injected into Democrat Gulch ultimately to be re-diverted for irrigation purposes thereby establishing a beneficial use. Without the development of the spring, the spring waters naturally flowing into Democrat Gulch and then being diverted at the southern reservoir would not be considered a development as, as soon as the Spring water reaches Democrat Gulch, the water would be considered Democrat Gulch water to be utilized through other rights.

The undetermined diversion rate can be recognized through 37-4138 as associated with the irrigated acreage. The historical irrigated POU is dependent upon when the booster pump was installed. If limited to ground irrigatable south of the POD in Sec 18 SWSE.

The storage component claimed through 37-4139 based upon currently available information can be recognized for 5 af. If the claimant provides additional information regarding evaporative losses, that volume could be added to the recommendation.

Ground Water system analysis;

The system is three wells diverting into a cistern where the ground water comingles with Hailey Hot Springs water. Current documentation identifies the development of two wells at 100 gpm and 40 gpm. The third well is identified as flowing but no rate was specified. It appears that this well when flowing would affect the output of Hailey Hot Springs.

37-12396 Democrat Gulch – Lambs Gulch; a beneficial use claim for storage from 1947.

Irr Storage 1273 af

Irr fm Storage 3.00 cfs

Rec Storage 2172 af

Stockwater 0.03 cfs

Div to Stor 10.0 cfs

Upper reservoir = 24.6 af

Lower reservoir = 5.0 af

Total = 29.6 af

No data is currently available to support 10.0 cfs. Irrigation from storage is not a diversion rate.

Irrigated acres as of 1987

37-548 141 ac

37-549 17 ac

37-1222 17 ac

Irrigated acres as of 1969

tire POU = 138 ac

37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440, 37-12396
SPRING CANYON RANCH OBJECTION SETTLEMENT

37-548, 37-549, and 37-1222 are being recommended within a permissible Place of use of 185 acres. There are 142.1 irrigated acres within the decreed POU for 37-548. The decreed POU for 37-549 and 37-1222 covers 8 40-acre tracts but only includes 17 acres within the found POU. The assumption is that there was an unrecorded transfer of the majority of the irrigated acres within the decreed POU to the current POU. At this time the department cannot determine how many acres were historically irrigated.

37-4138

The historic irrigated acreage has not yet been established. Brockway Engineering was to provide the information to the department. At this point I do not feel that the department would need a copy of the Arc Map shape file but having the shape boundary overlaying an aerial photo word document with the acreage breakdown would suffice. It probably would be easiest to understand if an early aerial photo was used. Preferably the 1957 aerial photo as it appears that the irrigated POU expanded between 1957 and 1969. Please identify the point(s) of diversion and note if they do not represent the current system.

At this point assuming that the evidence of priority for 37-4139 establishes that the pipeline system was developed prior to the claimed 1948 priority date, I am willing to recognize the claimed date. At the very least I would be willing to go with 1950 as a priority date, as the evidence of priority for 37-4440 suggests that the development of the wells was for the Hiawatha Hotel although claim 37-4440 is asserting that the wells were used on the Spring Canyon Ranch property. While there was no direct discussion of the pipeline to the hotel it is reasonable to assume that it was in at that time. *Per Aug 14, 2009 meeting notes*

37-4139

The pipeline went from springs to Hotel.
The basis for the priority date of this claim is the date that hot water use was developed for the Hiawatha Hotel. Although there has been considerable discussion regarding the Hotel hot water use, the department does not have any documentation that establishes when hot water from Hailey Hot Springs was first established. At the very least I would be willing to go with 1950 as a priority date as the evidence of priority for 37-4440 suggests the development of the wells for the Hiawatha Hotel which then leads to the assumption that there was a pipeline in existence at that time.

37-4440

Meeting notes indicate that the pond volume was accepted at 5 af. Also the historic irrigated POU needs to be established. If different and it would not complicate the picture too much, this information could be included on the same documented POU aerial used for 37-4138 and 37-4139. Lacking further information I am accepting that the wells identified as being drilled for the Hiawatha Hotel were apparently not used by the Hotel but rather by the Ranch.

37-12396

The 1957 aerial photo clearly establishes that the reservoir was in place and at the same size as today. The objection filed by the claimant indicates that the reservoir storage capacity is 24.6 af.

The claimed uses are not entirely structured in a normal department format. Irrigation storage, recreation storage, and irrigation from storage should be a volume entry. The others should be a diversion rate.

It is no big deal but the claim shows a stockwater diversion rate but no storage component. The stockwater rate can be recognized without a storage component.

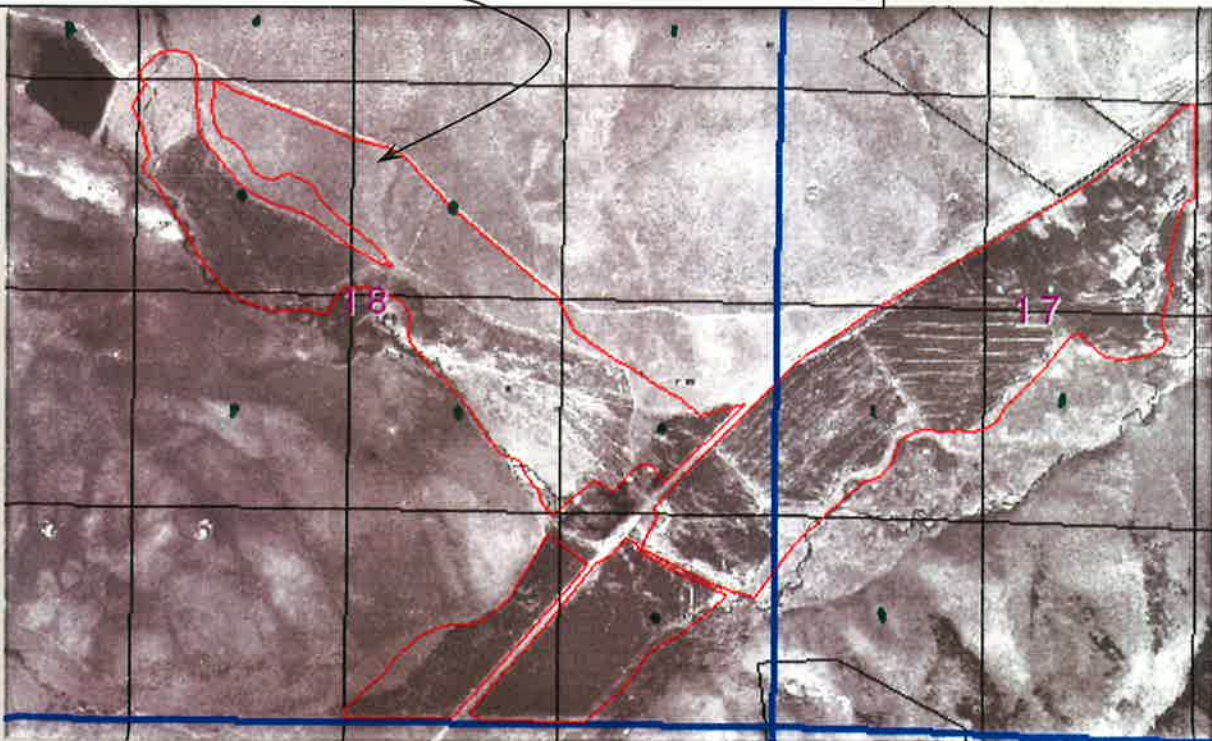
Over time the method of recording reservoir storage and diversion from storage (including multiple refills) has varied. The current method is to show the reservoir capacity in the storage component(s) and where there are multiple fill and re-fills that volume would be shown in the diversion from storage component(s). The claim shows irrigation from storage as 3.00 cfs. At this point it is my intention to recommend this element at 24.6 af indicating that the entire reservoir volume can be utilized for irrigation purposes.

The irrigation storage component was claimed at 1237 af. This volume appears to reflect the claimed irrigation from storage diversion rate of 3.00 cfs flowing 24 hours per day for the claimed irrigation season. The recreation storage component of 2172 appears to reflect the same 3.00 cfs rate flowing for 24 hours per day for the entire year. To recognize multiple refills of the reservoir, the department needs documentation of the annual refills accomplished in any one given year.

The diversion to storage component of 10 cfs would represent water being diverted from Lambs Gulch into the reservoir. This rate seems to be rather high. The department needs additional information that shows that the system capacity of the diverting works is 10 cfs. At that rate the reservoir could fill in slightly over one day (not even considering Democrat Gulch water).

As this is a combination of on-stream storage for Democrat Gulch and diversion to storage for Lambs Gulch it appears that there should be changes made to the POD descriptions. The reservoir dike is the point of diversion for Democrat Gulch in Sec 18 SWNW and is Lambs Gulch diverted in Sec 18 NENW. Water from the reservoir is then spilled (injected into Democrat Gulch to be re-diverted downstream at three different locations. It is the department's intention to maintain the two points of diversion but then to describe the point of injection at the reservoir and then identify the other three locations as re-diversion points. Those points were previously recognized as points of diversion under the other rights for live flow of Democrat Gulch.

1969 aerial photo with tentative recommendation overlay shape
Not irrigated in 1969



The claimed PPU was 190 acres and the director's report recommended POU was for 180 acres. In reviewing the aerial photography, and Brockway Engineering's Amended total Claimed Acres (190 ac) submitted 5-30-2007 I revised the PPU shape and found 179.6 acres. After reviewing the Brockway Engineering Irrigation system Map for water right 37-8659 created 6-20-2006 it appears that the 179.6 acres might be slightly overstated as the Brockway 2006 shape is more conservative and actually more in line with my findings than their 2007 modified PPU.

The historical systems are not entirely clear based upon currently available information. A significant portion of Sec 18 was not irrigated in 1957 as evidenced by an aerial photo submitted by Brockway Engineering in support of the priority date for 37-12396. See Sets 1 and 7.

Information regarding the historical irrigation in Sec 18 and Sec 19 (sets 2 and 3) is not available by reviewing the available aerial photographs. One could argue that the rights were forfeited rather than transferred. Not enough information exists to support either position. The total historically irrigated ground acreage is not available to establish an acreage limitation for the associated decreed rights. 37-2142 does have license information available for acreage limitations. Based upon source and a gravity irrigation system much of the decreed POU could not be irrigated by the respective source.

Conflicting information exists regarding Hailey Hot Springs and 3 or 4 wells drilled for hot water. Also the historical use of all or a part of the wells and/or Hot Springs is not clear. Some evidence indicates that portions of both sources may have been used by the Hotel. Brockway Engineering, for the claimant, is arguing that transfer 3282 validated the statutory claim elements through that process. This raises issues regarding priority date, rate of flow, consumptive use issues, and if alternative claims are needed.

Warm Springs Creek was found to be a separate stream in the Frost Decree and is now known as Democrat Gulch Creek.

37-548 and **37-549** were originally decreed in the Frost vs Alturas decree in 1909. The decreed POU is shown in the above visual as the pink outlined 40-acre tracts. Not all of the claimed POU is covered by the decreed POU. 37-548 and 37-1222 are both decreed from the same source but for different POUs. Now claimed for the same POU. There should be acre limits for each right recognizing each other.

37-549 and **37-1222** were subsequently decreed in the Plumer vs Connett decree in 1929 also shown above (Set 2). It is not clear what the historic system as an unrecorded transfer to the current POU delivered water to that ground and also what ground was being irrigated. Like 37-1222 and 37-2142 if the claimed system delivered water to the POU near the SW corner of the found POU in the SW corner of Sec 18 SWSE then how did the water flow along the northern border of that ground. This is in conflict with the presumed delivery system for the same ground through 37-548, 37-4138 and 37-4440.

37-2142 was licensed also as shown within the pink outlined area. The delivery system is not clear. It appears that the claimed POD is where the reservoir was breached. The claim indicates that the delivery system uses the existing ditches. If this is the case it appears that that ditch would reach the unrecorded transferred POU near the SW corner of Sec 18 SWSE. The water then would have to flow uphill in the ditch to be able to irrigate the claimed POU. Alternatively, the water would go under the road to irrigate the ground southeast of that road.

Statutory claim **37-4138** was for 140 acres within the pink outlined area. The 40-acre tracts shown as less than the 40 acre boundary just depict that less than 40 acres were claimed not necessarily as that shape. The claim was amended in 2006 for 190 irrigated acres from Hailey Hot Springs. Lots of historical questions exist.

Statutory claim **37-4139** is asserting a change in nature of use from heating and recreation to Fish propagation, Recreation Storage, and Diversion to Storage from Hailey Hot Springs. T-3282 was filed to document the change after the Hiawatha Hotel burned down in 1978. An argument was made that the approved transfer established the elements of the claim as valid. This is not the case. The claim as transferred maintains the same validation as the original statutory claim. This claim is competing with the same water as claimed through 37-4138. A lease agreement stating that on or about August 31, 1971 the Hiawatha Hotel and Merritt D Hill entered into an agreement for the delivery of the water owned by Hill at Hailey Hot Springs. This alone would place the claim in violation of the mandatory permit statutes for a surface water source.

Statutory claim **37-4440** was for 173 acres within the pink outlined area. No 40-acre tract was claimed for a full 40 acres and likewise the smaller 40-acre tract shapes do not represent actual irrigated ground. An addendum to the statutory claim filing describes the historical system as 3 wells dumping water into a cistern where water from the hot springs are also collected and then the water flowed to the reservoir for gravity irrigation. Evidence of priority was well logs showing that 5 wells were drilled in 1950. The logs also show that the wells were drilled for the Hiawatha Hotel. This would suggest that the POU would be at least partly for the Hotel with any excess production then available for irrigation and storage (assuming that the southern reservoir was in existence at that time). Some time later a pumping and pipeline system was developed to deliver water to the northwest and other areas. This would establish a common POU with 37-4138 and 37-4440. The adjudication claim was for irrigation as a rate, recreation as a volume, and stockwater as a rate. The

recommendation was for irrigation as a rate, recreation storage as a volume and stockwater as a rate. No diversion to storage component was identified.

FOUND ACRES WITHIN THE DECREEED/LICENSED/STATUTORY CLAIM POU
(subject to revision but based upon current info as of 7-20-2009)

37-548 136.8 acres (excludes Sec 18 SWSE and Sec 17 S½NW¼)

37-549 17 acres

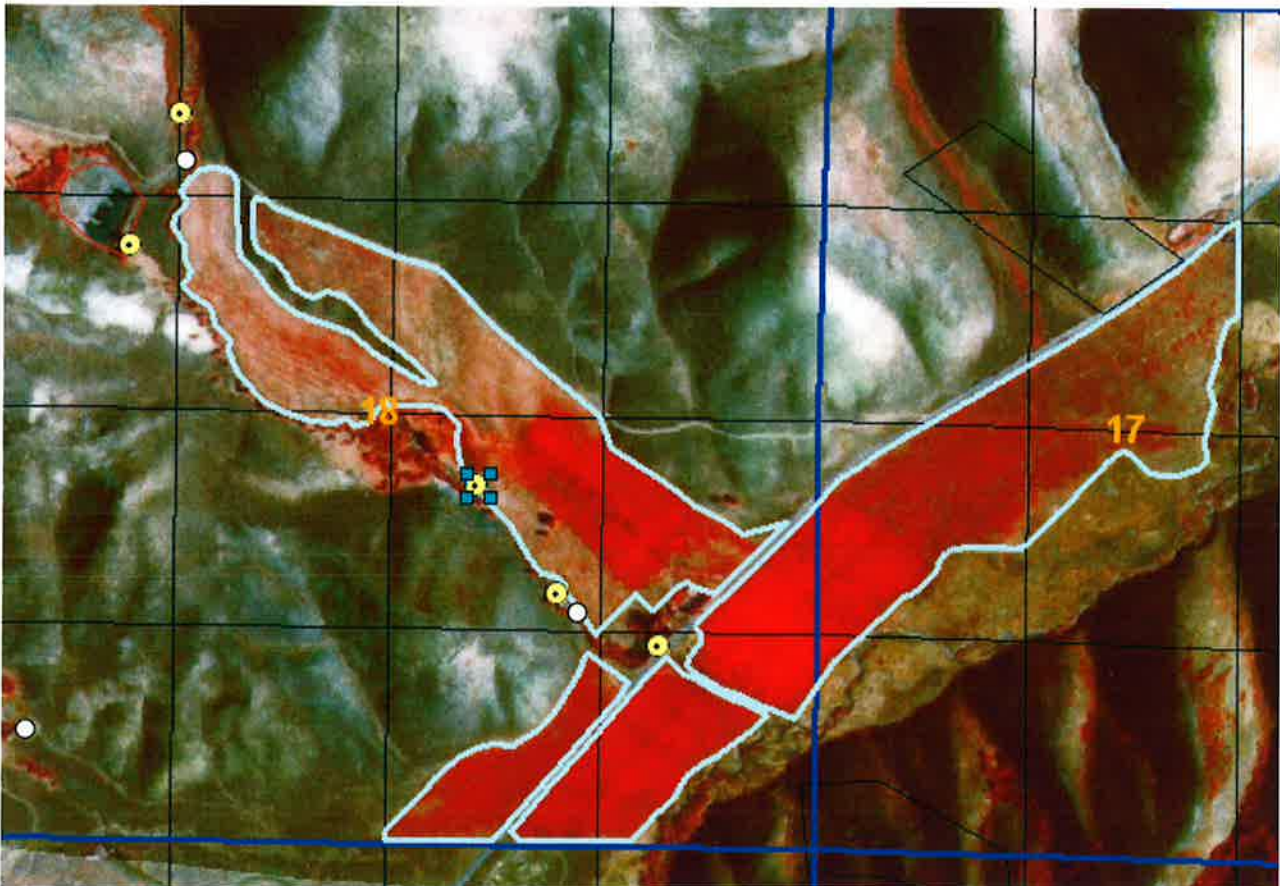
37-1222 17 acres

37-4138 135.8 acres (acres include Sec 18 SE¼ and all of Sec 17) This assumes gravity irrigation from the Three springs with a delivery system from the springs along the northern boundary of Sec 18 SE¼.

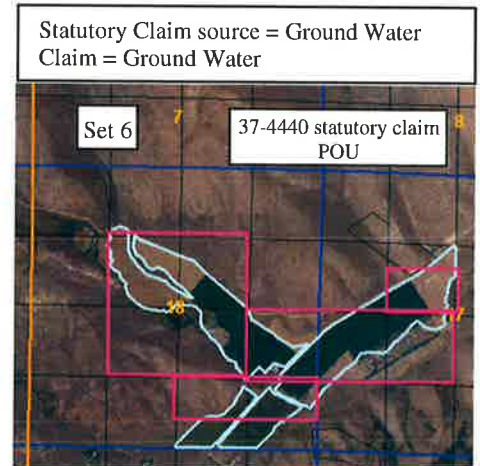
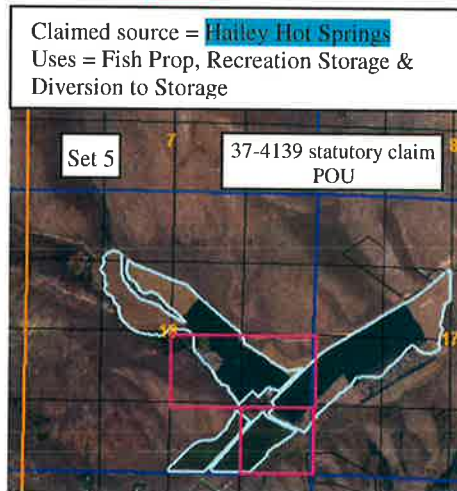
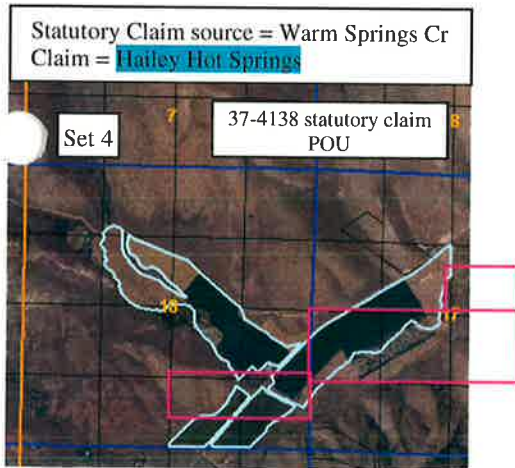
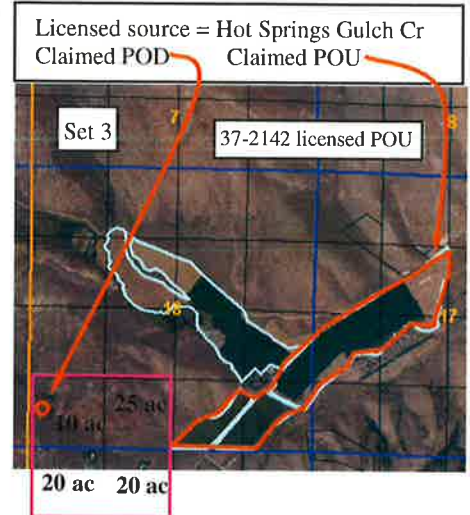
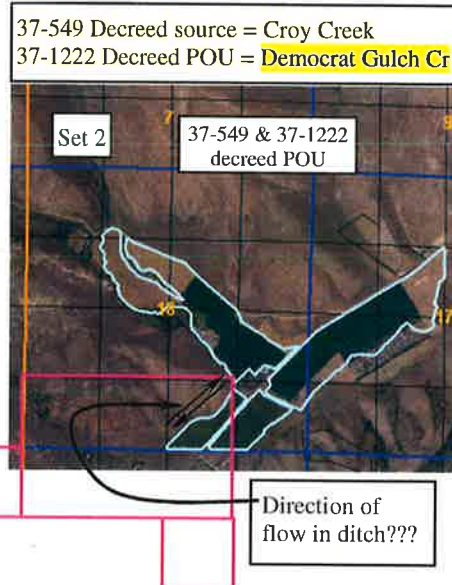
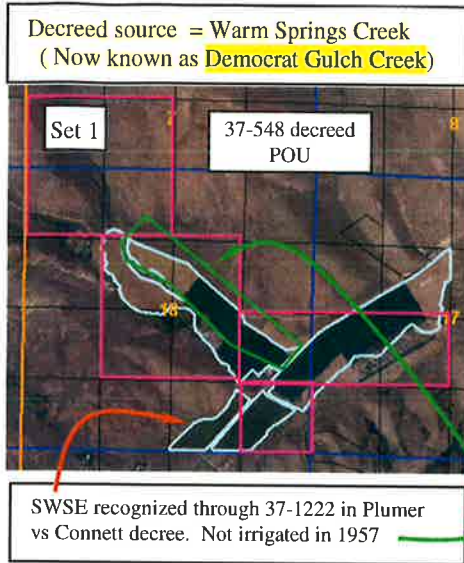
37-4440 135.8 acres (this is based upon the statutory claim addendum describing the historical system as gravity irrigation. PDF backfile 37-4440 pg 15)

37-548 and 37-1222 were decreed from the same source but for different POUs. 37-1222 “picks up” the SWSE Sec 18 portion of the found POU that is not a part of the decreed POU for 37-548.

There are no decreed or licensed rights associated with Sec 17 S½NW¼ from a surface water source.

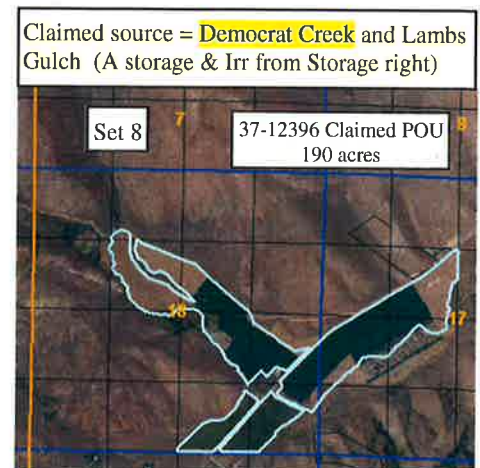
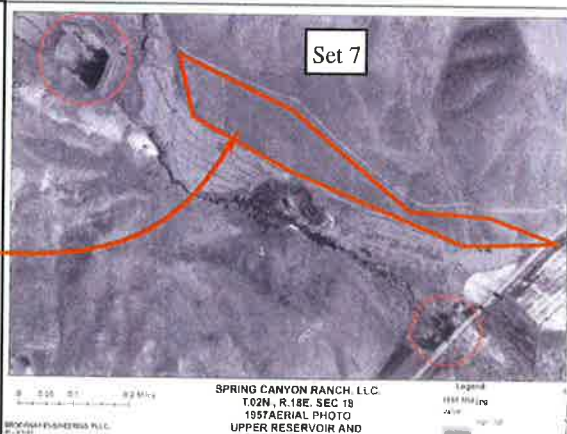


Canyon Springs Ranch POU Modification
37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440 & 37-12396
Initial recommendation for 37-4138, 37-4139 and 37-12396 was Disallow



From Adjudication back file for 37-12396 / Correspondence re: Spring Canyon Ranch Notice of Error Pg 4

Area currently irrigated but not irrigated in 1957 as evidenced in this photo.



SPRING CANYON Ranch

37-548 all of P/U except sec 18 SWSE

POD locations
in general

PPU adjusted to 185 ac limit 168 ac within PPU
Democrat Gulch

POD question

37-549 Crog Cr Decreed ac = 17 within Sec 18 SWSE
limit to.

PPU = 185 POD location - go with anything? transfer Pond

37-1222 Democrat Gulch 17 ac within PPU

POD location, @ Rec location or North =

Hailey Hot Springs 37-2142. unrecorded transfer limit to 75 ac as is.
need system capacity (the rig LT that runs up hill)
and P/D locations need delivery system on both sides of the road.

37-4138 irr only Hailey Hot Springs. uses water in excess
of Hotel use for swimming pool / summer heating.
~~Hotel priority date~~ need P/U (irr system)

37-4139 .50 cb (transferred use) from Hotel to
rec storage

32-12396 Lamb Gulch & Democrat Gulch
due to Storage needed ^{Lamb} Gulch id. POD's
Rate?

37-4138 12-31-1948 Hailey Hot Sp. 3 PODs div of 190 ac @ 1.05 cfs.

37-4139 12-31-1926 Hailey Hot Sp. 1 POD Fish Prop Stor

Rec Stor

Dw to Stor

37-4440

GW @ same location as Hailey Hot Springs.

Well 1 - 100 GPM

Well 2 - 40 GPM

Well 3 - 70 GPM estimate.

210 GPM

= 0.47 cfs

sufficient vol for
53.2 ac @ 3.5 AFA

.47 * 1.98 * 200 days = 186.1 af. system limit

storage vol added to total vol recognized.

looking at 1" per acre

.47 cfs @ .02 cfs/ac = (23.5 acre limit)

vol for 23.5 ac 3.5 = 82.3 af