

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-2076A
Date Received: 2/15/1990
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

DIAMOND/SOLDIER PROPERTIES LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425)460-2504

2. Date of Priority: 05/17/1907

3. Source: THREEMILE CREEK WEST FORK, THREEMILE CREEK EAST FORK, MC MAHAN CREEK ,
THREEMILE CREEK WEST FORK Trib. to: THREEMILE CREEK , CAMAS CREEK , THREEMILE CREEK
, THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01N	13E	23	NE	NE	NW	CAMAS	
01N	13E	23	NW	SW	SE	CAMAS	
01N	13E	22	NE	SW	NE	CAMAS	
01N	13E	23	NE	NE	SW	CAMAS	

5. Description of diverting works:

DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	6.1	
STOCKWATER	1/01	12/31	1.4	

7. Total Quantity Appropriated is:

6.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	13E	22	SW	SE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NW	SE	STOCKWATER	
					Section Acres	160
01N	13E	23	SE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	IRRIGATION	35
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	115
01N	13E	27	NE	NE	IRRIGATION	40
			NE	NE	STOCKWATER	
					Section Acres	40
					Total Acres	315

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

LIC. DESCRIBES SOURCES AS THREE MILE & BRANCHES AND WILLOW CREEKS. SOURCES ARE THREE MILE CK., EAST & WEST FORKS, AND MC HAN CK.

MC HAN CREEK IS UNKNOWN, MAY BE THE MC MAHAN CREEK AS SHOWN ON THE USGS MAPS. OR MAY REFER TO THE SOURCE KNOWN LOCALLY AS LITTLE SHEEP CREEK, AN UNNAMED STREAM TRIBUTARY TO MC MAHAN CREEK* | DOMESTIC USE IS ACTUALLY FOR STOCKWATER USES AS LISTED ON CLAIM. OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

***** OWNERSHIP CHANGE FROM A37-02076 RESULTED IN A
SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO SMR
DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

15. Basis of Claim: License

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: **A37-02076A**

Date Received: 2/15/1990

Receipt No: X777777

Received By: O/C H.B.

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: VM DIAMOND RANCH LLC 208-887-6028
Address: PO BOX 190690
BOISE ID 83719

2. Date of Priority: MAY 17, 1907

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK
THREEMILE CREEK, EAST FORK CAMAS CREEK
MC MAHAN CREEK THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	22	NE	SW	NE		CAMAS
		23	NE	NE	NW		CAMAS
			NE	NE	SW		CAMAS
			NW	SW	SE		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.100		
STOCKWATER	01/01	12/31	1.400		

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

8. Total consumptive use is 787.2 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	22	NE	SE		IRR	40.0
			NW	SE		STOCK	
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		160.0
		23	NW	SW		IRR	40.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
			SE	SW		STOCK	
			SE	SW		IRR	35.0
					Section Acres		115.0
		27	NE	NE		IRR	40.0
			NE	NE		STOCK	
					Section Acres		40.0
					Total Acres		315.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

A37-02455 & A37-00409

14. Remarks:

LIC. DESCRIBES SOURCES AS THREEMILE & BRANCHES AND WILLOW CREEKS. SOURCES ARE THREEMILE CK., EAST & WEST FORKS, AND MC HAN CK. **MC HAN CREEK IS UNKNOWN, MAY BE THE MC MAHAN CREEK AS SHOWN ON THE USGS MAPS. OR MAY REFER TO THE SOURCE KNOWN LOCALLY AS LITTLE SHEEP CREEK, AN UNNAMED STREAM TRIBUTARY TO MC MAHAN CREEK**

DOMESTIC USE IS ACTUALLY FOR STOCKWATER USES AS LISTED ON CLAIM. OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

OWNERSHIP CHANGE FROM A37-02076 RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO SMR DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

15. Basis of Claim: LICENSE

Water Right Number: 2759



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 05 1996

DATE OF CLOSING: 5/3/94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 13 E
 Section 23, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet. See attached Warranty Deed.

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

☒ Water Right Number(s)
 Assigned by IDWR: Portions of A37-00409, A37-00368, A37-02076

☐ Name and Address of Former Owner/Claimant(s)(Seller): VM Diamond Ranch LLC
PO Box 190690 Boise, ID 83719

☐ New Owner/Claimant (Purchaser): SMR Development, L.C.

☐ New Mailing Address: 7878 Ustick Rd.
Boise ID 83704

☐ New Telephone Number: (208) 376-6346

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

0.50 acs of A37-00368 25 acres
0.35 acs of A37-00409 50 acres
0.10 acs of A37-02076 5 acres
50 acres

☒ Attach proof of ownership, describe proof attached: Warranty Deed

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

☐ Signature of New Owner/Claimant(s): William Hunter Date 7/25/96

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/1/97 By: AKB

Claim Numbers of Split, if any:

RECEIVED

SEP 10 1996

Department of Water Resources
Southern Region

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

WARRANTY DEED

RECEIVED

SEP 05 1996

Department of Water Resources

(WITH RESERVED COVENANT RESTRICTING USE)

FOR VALUABLE CONSIDERATION RECEIVED, VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR Development, L.C., an Idaho limited liability company (hereinafter "GRANTEE"), its successors and assigns forever, a parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23 --

SE 1/4 NE 1/4 NW 1/4 excepting that portion lying West of the Existing Channel of the West Fork of Threemile Creek. Also excepting that portion lying East of the existing County Road which runs northerly and southerly.

E1/2 SE1/4 NW1/4, E1/2 NE1/4 SW1/4, N1/2 NE1/4 SE1/4 SW1/4 excepting that portion lying East of the existing County Road which runs northerly and southerly.

(hereinafter the "Property");

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "1" attached hereto, and by this reference made a part hereof and rights-of-way and easements visible on inspection of the Property, and the following covenant and servitude hereby reserved by GRANTOR:

COVENANT

For the benefit of the adjacent property owned by GRANTOR located in the County of Camas, State of Idaho

and more particularly described as that portion of the W1/2 of Section 23, Township 1 North, Range 13 East, Boise Meridian which is not the Property, and excepting that portion of said Section 23 lying East of the existing County Road which runs northerly and southerly (the "Adjacent Property"), and so long as the use of such Adjacent Property is restricted by an agricultural zoning designation thereon under the Camas County Zoning Ordinance, the use of the Property by GRANTEE, its successors and assigns, is restricted to the operation of a golf course thereon and otherwise for agricultural purposes, and no dwellings, structures or improvements (other than fences) shall be placed on the Property except as related to the operation of a golf course.

This Covenant is binding upon, and benefits, the GRANTOR, THE GRANTEE, and their respective successors and assigns to the Adjacent Property and the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR Development, L.C.
4477 Emerald Street, Suite C-250,
Boise, Idaho 83706

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all its members, who have been duly authorized to sign on behalf of GRANTOR by its members, the _____ day of _____, 1994.

GRANTOR
VM DIAMOND RANCH, L.L.C.

by Jerry Mobley
Member

by Virginia Vanderpool
Member

by V. L. Vanderpool Company, Inc.
Member

by Virginia Vanderpool
President

Attest:

Jerry Mobley
Secretary

TATE OF IDAHO)
) ss:
 County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VIRGINIA L. VANDERPOOL and JERRY MOBLEY, known or identified to me to Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

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

Kelly Coates
 Notary Public for the State of Idaho
 Residing at Boise Idaho
 My Commission Expires on 11/10/1999

TATE OF IDAHO)
) ss:
 County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Virginia Vanderpool and Jerry Mobley, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation as a Member of the limited liability company that executed this instrument, and acknowledged to me that such corporation executed the same as a Member of such limited liability company.

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

Kelly Coates
 Notary Public for the State of Idaho
 Residing at Boise Idaho
 My Commission Expires on 11/10/1999

EXHIBIT "1" TO WARRANTY DEED

EXCEPTIONS TO TITLE

General taxes and assessments for the year 1994, which are a lien not yet due and payable.

Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11th day of March, 1994, as instrument number 68356, records of Camas County, Idaho.

Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.

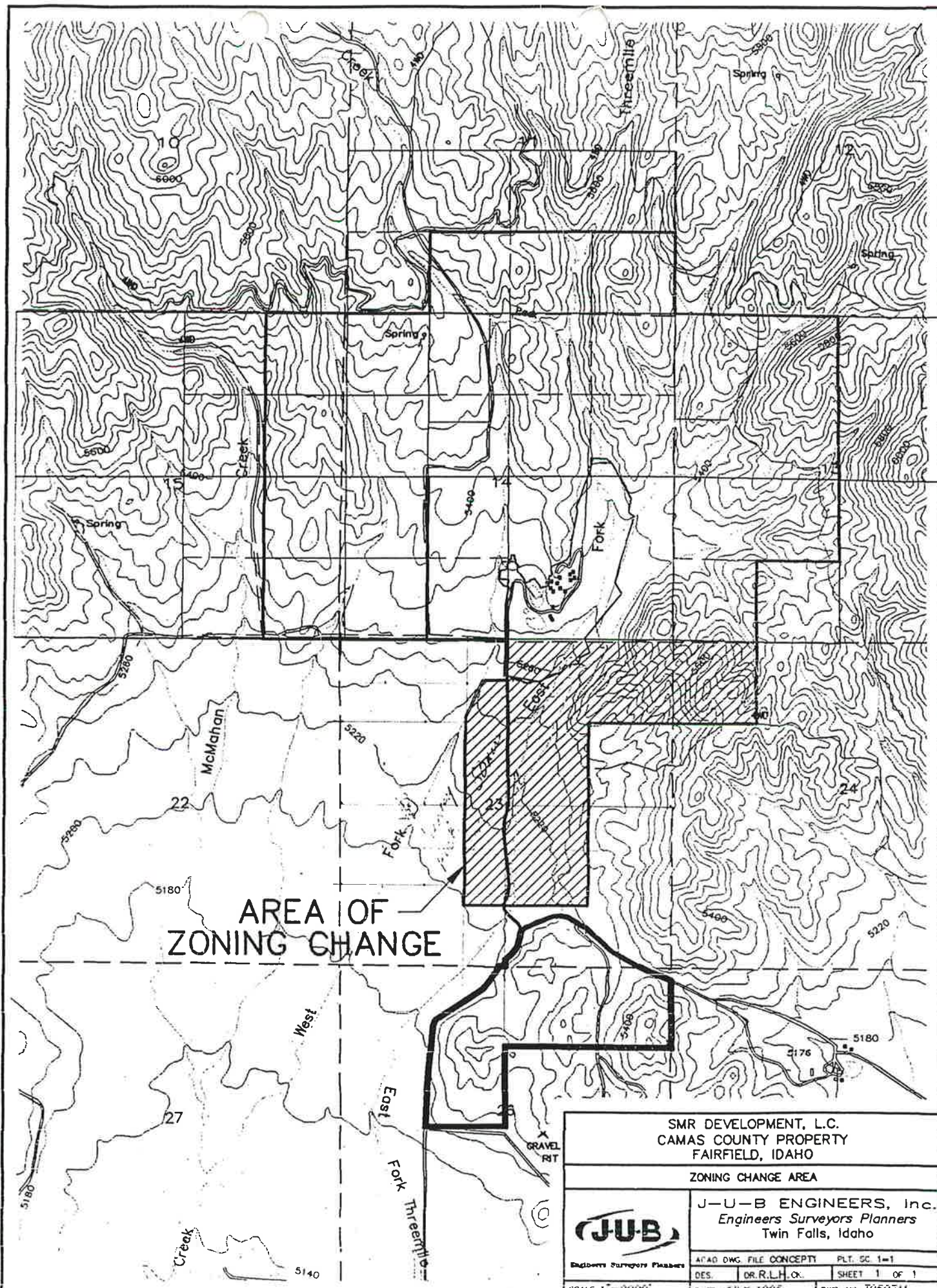
Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's Instrument Number 63275, records of Camas County, Idaho.

Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's Instrument Number 60291, records of Camas County, Idaho.

68531

Recorded at the Request of

CAMAS ABSTRACTat 4:15 P.M.5-27, 19 94.in Book 29of DEEDS Page 114.ROLLIE BENNETT
CAMAS COUNTY RECORDERBy [Signature]Fees \$ 15.00



AREA OF
ZONING CHANGE

SMR DEVELOPMENT, L.C. CAMAS COUNTY PROPERTY FAIRFIELD, IDAHO	
ZONING CHANGE AREA	
 J-U-B ENGINEERS, Inc. Engineers Surveyors Planners Twin Falls, Idaho	
ACAD DWG. FILE CONCEPT	PLT. SC. 1=1
DES. DR. R.L.H. & C.	SHEET 1 OF 1
DATE JULY 1995	DWG. NO. T950711

SCALE: 1"=2000'

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: **A37-02076**
Date Received: 2/15/1990
Receipt No: S011216
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: VM DIAMOND RANCH LLC
Address: PO BOX 190690
BOISE ID 83719 208-887-6028

2. Date of Priority: MAY 17, 1907

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK
THREEMILE CREEK, EAST FORK CAMAS CREEK
MC MAHAN CREEK THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	22	NE	SW	NE		CAMAS
		23	NE	NE	NW		CAMAS
			NE	NE	SW		CAMAS
			NW	SW	SE		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.200		
STOCKWATER	01/01	12/31	0.140		

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

A.F.A.

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

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NOV 22 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	13E	22	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			NW		SE		STOCK	
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 160.0					
		23	NW		SW		IRR	40.0
			NW		SW		STOCK	
			SW		SW		IRR	40.0
			SW		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
			Section Acres 120.0					
		27	NE		NE		IRR	40.0
			NE		NE		STOCK	
			Section Acres 40.0					
			Total Acres 320.0					

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-02455 & A37-00409

14. Remarks:

LIC. DESCRIBES SOURCES AS THREEMILE & BRANCHES AND WILLOW CREEKS. SOURCES ARE THREEMILE CK., EAST & WEST FORKS, AND MC HAN CK. **MC HAN CREEK IS UNKNOWN, MAY BE THE MC MAHAN CREEK AS SHOWN ON THE USGS MAPS. OR MAY REFER TO THE SOURCE KNOWN LOCALLY AS LITTLE SHEEP CREEK, AN UNNAMED STREAM TRIBUTARY TO MC MAHAN CREEK***

DOMESTIC USE IS ACTUALLY FOR STOCKWATER USES AS LISTED ON CLAIM. OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

15. Basis of Claim: LICENSE

Water Right Number: 2759

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NOV 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

FEB 21 1996

DATE OF CLOSING: MARCH 11, 1994Idaho Department of Water Resources
Southern RegionLEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED

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

[] Water Right Number(s)
Assigned by IDWR:

37-07779, 37-00368, 37-02048, 37-02076, 37-00409
37-02157, 37-02455

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

CANAS PROPERTIES, INC
7878 USTICK RD, BOISE ID 83704

[] New Owner/Claimant
(Purchaser):

VM DIAMOND RANCH, LLC

[] New Mailing Address:

P.O. BOX 190690
BOISE, ID 83719

[] New Telephone Number:

(208) 887-6028

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

[] Attach proof of
ownership, describe
proof attached:

SEE ATTACHED WARRANTY DEED

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

[] Signature of New
Owner/Claimant(s)

Virginia Underpool
Jeany Malley
Date 6/20/95Date 6/20/95

[] Signature of Former
Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-23-95 By: CT

Further Action Needed:

Need corrected legal description

Further Action Taken

Date: 6-28-95 By: CT

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

New owner will furnish map to resolve conflict in the SW 1/4 of Sec. 23. Correction of Warranty Deed to show W 1/2 SW 1/4 Sec. 23 TIN RISE received 12-6-95 CT 12-19-95

MICROFILMED

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

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, CAMAS PROPERTIES, INC., an Idaho corporation (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTEE"), its successors and assigns forever, the property located in the County of Camas, State of Idaho more particularly described on Exhibit "1" attached hereto, and by this reference made a part hereof (hereinafter the "Property");

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "2" attached hereto, and by this reference made a part hereof, and rights-of-way and easements visible on inspection of the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

VM DIAMOND RANCH, L.L.C.
3000 East Lake Hazel Road
Meridian, Idaho 83642

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed,

MICROFILMED

NOV 22 1996

by and on behalf of GRANTOR by its President whose signature is attested to by its Secretary, who have been duly authorized to sign on behalf of GRANTOR by its Board of directors, effective the 11 day of March, 1994.

GRANTOR
CAMAS PROPERTIES, INC.

by William N. Carter
President

ATTEST:

William F. Martin
Secretary

STATE OF IDAHO)
) ss:
County of ADA)

On this 11th day of March, 1994, before me, M. Neal Newhouse, a Notary Public in and for the State of Idaho, personally appeared William N. Carter and William F. Martin, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

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

M. Neal Newhouse
Notary Public for the State of Idaho
Residing at Fairfield, Idaho
My Commission Expires on 12/1/1998

March 7, 1994

LEGAL DESCRIPTION

WORKING RANCH

Parcels of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Section 22

E 1/2

Section 23

NW 1/4, NE 1/4 SW 1/4, N 1/2 N 1/2 SE 1/4 SW 1/4,, S 1/2
SE 1/4 SW 1/4 excepting that portion lying East of the existing
County Road which runs northerly and southerly.

E 1/2 SW 1/4

S 1/2 N 1/2 SE 1/4 SW 1/4

S 1/2 N 1/2 SW 1/4 SE 1/4 excepting that portion lying South
of the existing County Road which runs easterly and westerly.

S 1/2 SW 1/4 SE 1/4 excepting that portion lying South of the
existing County Road which runs easterly and westerly.

SE 1/4 SE 1/4 excepting that portion lying South of the existing
County Road which runs easterly and westerly.

Section 24

S 1/2 SW 1/4

SE 1/4

Section 25

ALL

Section 26

NW 1/4 excepting that portion lying East of the existing County
Road which runs northerly and southerly.

NE 1/4 NE 1/4 excepting that portion lying South of the existing
County Road which runs easterly and westerly.

SE 1/4 NE 1/4

NE 1/4 SE 1/4

Continued on Page 2

ARMAND JESU. p. 3

MICROFILMED
NOV 22 1995

LEGAL DESCRIPTION
WORKING RANCH

Section 27

NE 1/4

Sections of real property situated in Township 1 North, Range 14 East,
Base Meridian, County of Camas, State of Idaho, more particularly
described as follows:

Section 19

E 1/2 W 1/2

Lots 1, 2, 3 and 4

Section 30

SE 1/4

E 1/2 SW 1/4

Lots 3 and 4

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NOV 22 1985

ADDITIONAL INFO. PAGE 4

CORRECTION WARRANTY DEED

THIS CORRECTION WARRANTY DEED, dated effective March 11, 1994, is intended to, and does hereby, correct the legal description of the Property described on Exhibit "1" of the Warranty Deed dated March 11, 1994, recorded March 11, 1994 in Book 28 of Deeds at page 758 as instrument number 68358, records of Camas County, Idaho, executed by CAMAS PROPERTIES, INC., an Idaho corporation, as the "GRANTOR", granting, bargaining, selling, conveying and confirming unto VM DIAMOND RANCH, L.L.C., an Idaho limited liability company, as the "GRANTEE", its successors and assigns forever, the property located in the County of Camas, State of Idaho more particularly described on Exhibit "1" attached thereto, which exhibit "1" inadvertently neglected to include the following described parcel of property as granted and conveyed to GRANTEE, to wit:

Parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23
W1/2 SW1/4

(hereinafter referred to as the "Additional Property".)

FOR VALUABLE CONSIDERATION RECEIVED, GRANTOR hereby grants, bargains, sells, conveys and confirms unto GRANTEE, its successors and assigns forever, the above described parcel of Additional Property.

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "2" attached to the above referenced Warranty Deed dated March 11, 1994, and by this reference made a part hereof, and rights-of-way and easements visible on inspection of the Additional Property.

WARRANTY DEED, page 1

MICROFILMED
NOV 22 1996

March 7, 1994

E 1/2 SW 1/4 Sec. 23
appears to be
an error.
W 1/2 SW 1/4 Sec. 23
is not described
CA 6-22-95

LEGAL DESCRIPTION

WORKING RANCH

Parcels of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Section 22

E 1/2

Section 23

NW 1/4, NE 1/4 SW 1/4, N 1/2 N 1/2 SE 1/4 SW 1/4,, S 1/2
SE 1/4 SW 1/4 excepting that portion lying East of the existing
County Road which runs northerly and southerly.

E 1/2 SW 1/4

S 1/2 N 1/2 SE 1/4 SW 1/4

S 1/2 N 1/2 SW 1/4 SE 1/4 excepting that portion lying South
of the existing County Road which runs easterly and westerly.

S 1/2 SW 1/4 SE 1/4 excepting that portion lying South of the
existing County Road which runs easterly and westerly.

SE 1/4 SE 1/4 excepting that portion lying South of the existing
County Road which runs easterly and westerly.

Section 24

S 1/2 SW 1/4

SE 1/4

Section 25

ALL

Section 26

NW 1/4 excepting that portion lying East of the existing County
Road which runs northerly and southerly.

NE 1/4 NE 1/4 excepting that portion lying South of the existing
County Road which runs easterly and westerly.

SE 1/4 NE 1/4

NE 1/4 SE 1/4

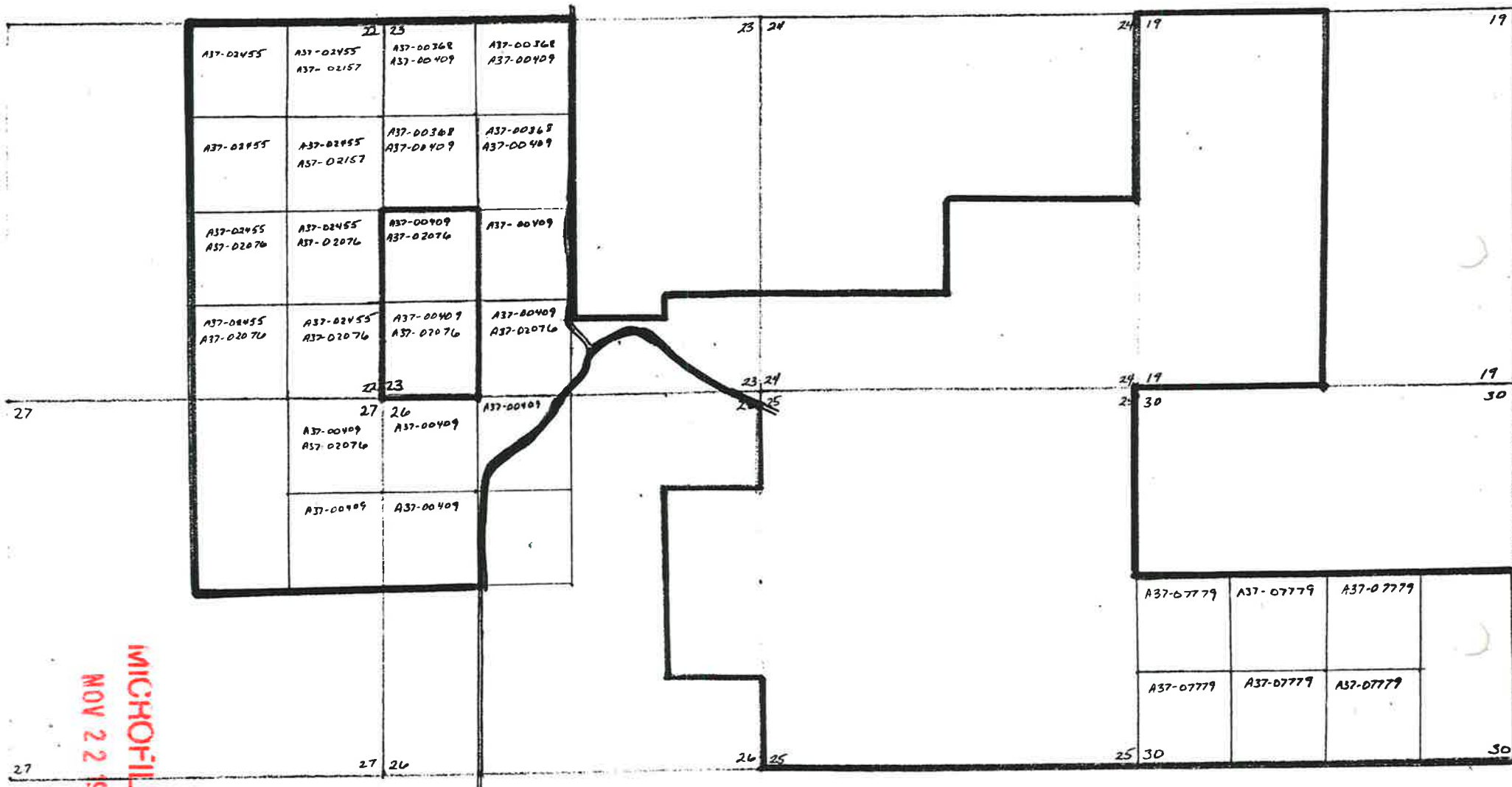
Continued on Page 2

MICROFILMED

NOV 22 1996

CARRANBY JSE0. p. 3

Cross-hatched area not included in legal description.



MICHOFILMED
NOV 22 1996

VM DIAMOND RANCH

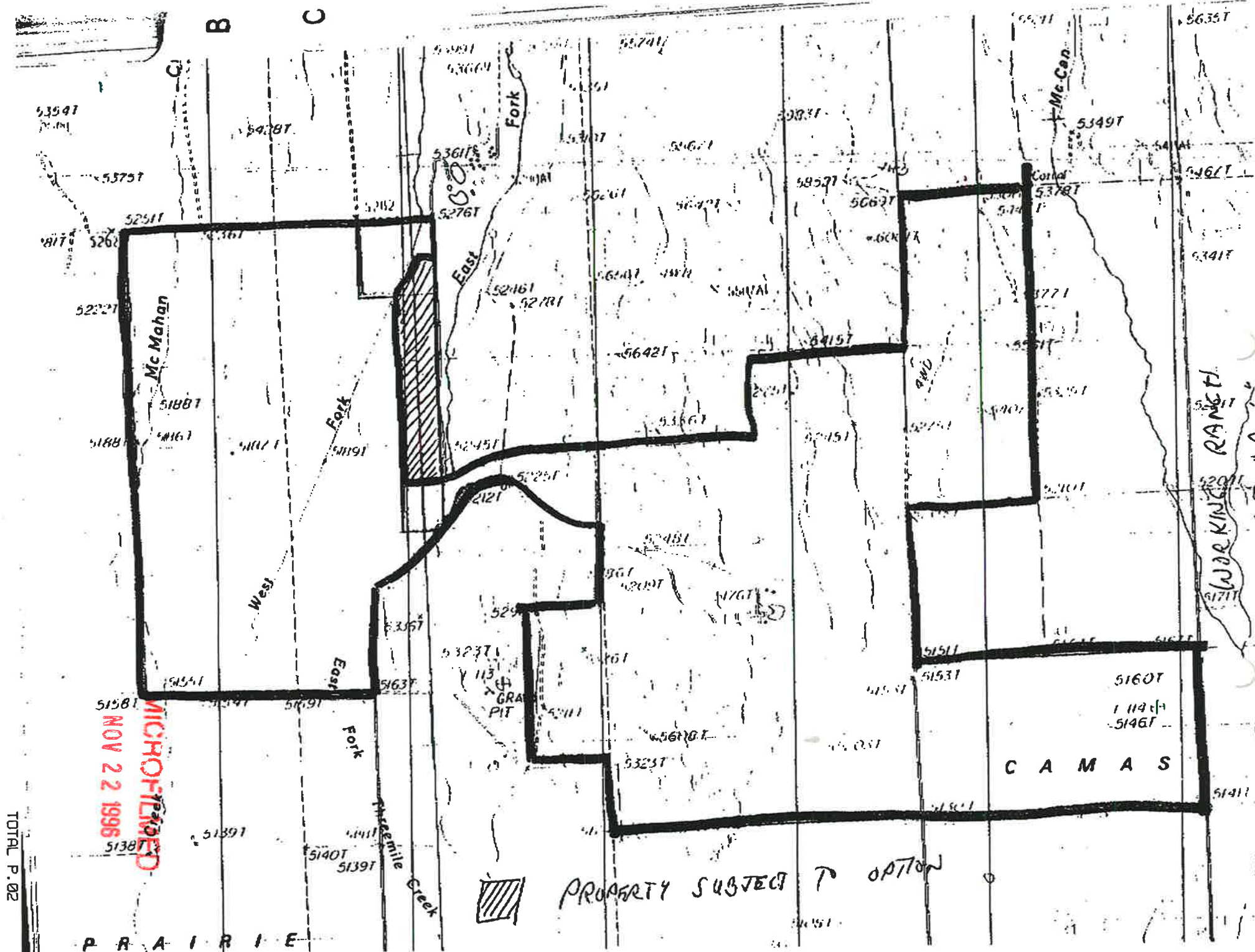
Drawn from legal description
supplied with change of ownership
W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 23 was not included
in the legal description.

T 1 N

R 13 E

T 1 N

R 14 E



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: A37-02076
Date Received: 2/15/1990
Receipt No: S011216
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAY 17, 1907

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK
THREEMILE CREEK, EAST FORK CAMAS CREEK
MC MAHAN CREEK THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	22	NE	SW	NE		CAMAS
		23	NE	NE	NW		CAMAS
			NE	NE	SW		CAMAS
			NW	SW	SE		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.200		
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

A37-02076

Page 1

Date: 02/15/90

SCANNED

APR 17 2007

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
01N	13E	22	NE	SE		IRR	40.0			
			NW	SE		IRR	40.0			
			NW	SE		STOCK				
			SW	SE		IRR	40.0			
			SE	SE		IRR	40.0			
					Section Acres		160.0			
		23	NW	SW		IRR	40.0			
			NW	SW		STOCK				
			SW	SW		IRR	40.0			
			SW	SW		STOCK				
			SE	SW		IRR	40.0			
						SE	SW		STOCK	
					Section Acres		120.0			
		27	NE	NE		IRR	40.0			
			NE	NE		STOCK				
			Section Acres		40.0					
			Total Acres		320.0					

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-02455 & A37-00409

14. Remarks:

LIC. DESCRIBES SOURCES AS THREEMILE & BRANCHES AND WILLOW CREEKS. SOURCES ARE THREEMILE CK., EAST & WEST FORKS, AND MC HAN CK. **MC HAN CREEK IS UNKNOWN, MAY BE THE MC MAHAN CREEK AS SHOWN ON THE USGS MAPS. OR MAY REFER TO THE SOURCE KNOWN LOCALLY AS LITTLE SHEEP CREEK, AN UNNAMED STREAM TRIBUTARY TO MC MAHAN CREEK***

|
DOMESTIC USE IS ACTUALLY FOR STOCKWATER USES AS LISTED ON CLAIM.

15. Basis of Claim: LICENSE
Water Right Number: 2759

(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.

MICROFILMED
FEB 23 1993

TWP. 11 N

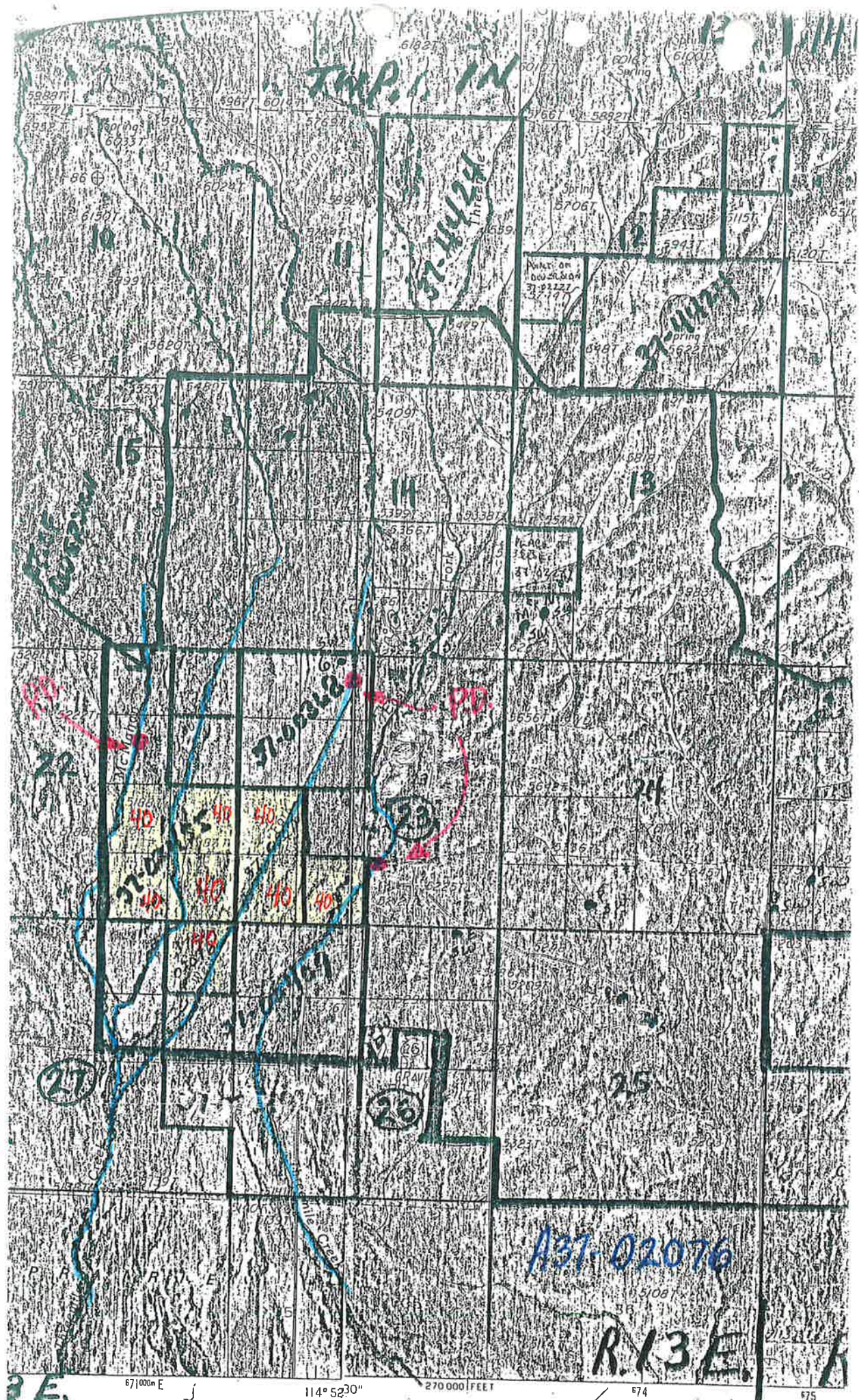
37-4424

37-4425

37-5218

A37-02076

R. 13 E.



SCANNED
APR 17 2011

TWP. 1N

13E 14

37-4424

37-4424

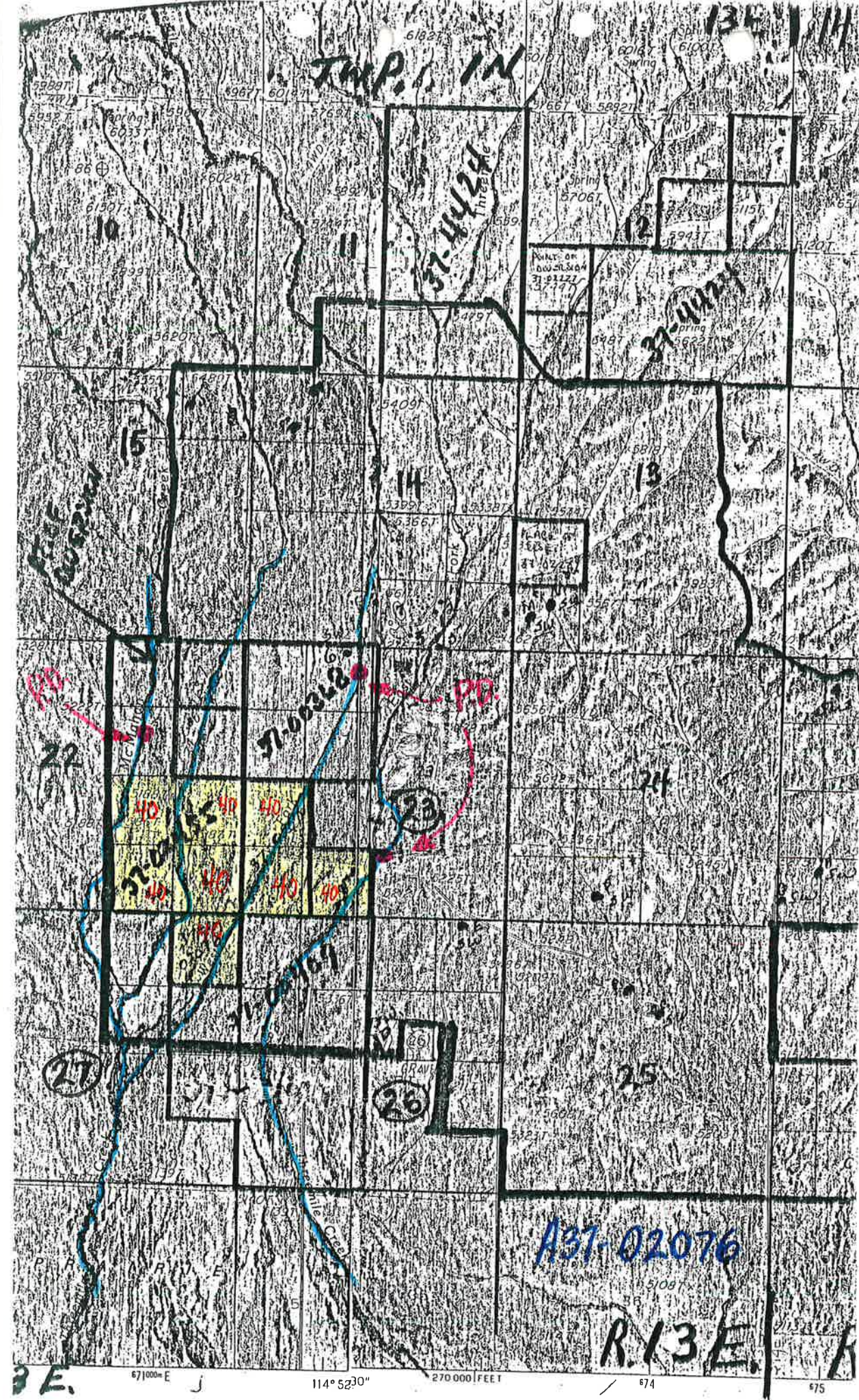
37-00242

26

A37-02076

R. 13E.

SCANNED
APR 17 2007



FEB 8 - 1990

Date Received 1-18-1990

JAN 18 1990

Department of Water Resources
Southern Region Office

State of Idaho

Department of Water Resources

**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

RECEIVED

JAN 19 1990

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

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

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

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

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

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

The person who was responsible for getting the necessary documentation together so
that the claims could be filed did not do her job. We only recently became aware of
this, so do not have enough time before the deadline to complete the paperwork. We
are working as fast we can, but this is 777 a large ranch with many water rights.

Claimant requests an extension to February 19, 19 90

Donald L. Renschler 1-18-, 19 90
Signature Date of request

Vice Pres.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Signed this 5 day of February, 19 90

Director or his designated agent

DAVID B. SHAW **MICROFILMED**

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

SCANNED

FEB 23 1993

APR 17 2007

6 FEBRUARY 1990

HIDDEN PARADISE RANCH HOME OWNERS ASSOCIATION.

BOARD OF DIRECTORS:

PRESIDENT: GLEN ROMIG
8811 San Marino Dr.
Boise, Idaho, 83705 -----375-4874

Vice Pres. DARRELL L. BURCHARD
P.O.BOX 279
Fairfield, Idaho 83327-----764-2506

Vice Pres. WILLIAM MARTIN
5950 Fairview Ave.
Boise, Idaho 83705-----322-5950

Secretary. MILTON KLEIN
2275 Sunny Lane
Star, idaho -----286-7451

Treasure Ken AGENBROAD
10800 W. Hollandale Dr.
Boise, Idaho -----375-9540

SCANNED

APR 17 2007

MICROFILMED

FEB 23 1993

09/08/2008

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

RIGHT NUMBER: 37-2076A

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC
C/O GREGORY VIK C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA 98009

SOURCE: MC MAHAN CREEK
WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK
TRIBUTARY: THREEMILE CREEK

QUANTITY: ~~4.480~~ 6.100 CFS

PRIORITY DATE: 05/17/1907

POINT OF DIVERSION:

T01N R13E S22 NESWNE Within CAMAS County

T01N R13E S23 NENENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/15 10/31	~~4.480~~ 6.100 CFS

PLACE OF USE:

IRRIGATION in CAMAS County

<u>T01N R13E S22</u>	<u>NENE</u>	<u>14.00</u>	<u>T01N R13E S22</u>	<u>NWNE</u>	<u>9.40</u>
<u>T01N R13E S22</u>	<u>SWNE</u>	<u>22.00</u>	<u>T01N R13E S22</u>	<u>SENE</u>	<u>40.00</u>
<u>T01N R13E S22</u>	<u>NESE</u>	<u>40.00</u>	<u>T01N R13E S22</u>	<u>NWSE</u>	<u>12.00</u>
<u>T01N R13E S22</u>	<u>SESE</u>	<u>37.00</u>	<u>T01N R13E S23</u>	<u>NENW</u>	<u>22.00</u>
<u>T01N R13E S23</u>	<u>NWNW</u>	<u>10.00</u>	<u>T01N R13E S23</u>	<u>SWNW</u>	<u>40.00</u>
<u>T01N R13E S23</u>	<u>SENW</u>	<u>20.00</u>	<u>T01N R13E S23</u>	<u>NESW</u>	<u>20.00</u>
<u>T01N R13E S23</u>	<u>NWSW</u>	<u>40.00</u>	<u>T01N R13E S23</u>	<u>SWSW</u>	<u>40.00</u>
<u>T01N R13E S23</u>	<u>SESW</u>	<u>28.00</u>	<u>T01N R13E S26</u>	<u>NENW</u>	<u>4.20</u>
<u>T01N R13E S26</u>	<u>NWNW</u>	<u>33.00</u>	<u>T01N R13E S26</u>	<u>SWNW</u>	<u>17.00</u>
<u>T01N R13E S27</u>	<u>NENE</u>	<u>37.0</u> ~~27.0~~	<u>T01N R13E S27</u>	<u>SENE</u>	<u>30.00</u>

STOCKWATER in CAMAS County

<u>T01N R13E S22</u>	<u>NENE</u>	<u>T01N R13E S22</u>	<u>NWNE</u>
<u>T01N R13E S22</u>	<u>SWNE</u>	<u>T01N R13E S22</u>	<u>SENE</u>
<u>T01N R13E S22</u>	<u>NESE</u>	<u>T01N R13E S22</u>	<u>NWSE</u>
<u>T01N R13E S22</u>	<u>SESE</u>	<u>T01N R13E S23</u>	<u>NENW</u>
<u>T01N R13E S23</u>	<u>NWNW</u>	<u>T01N R13E S23</u>	<u>SWNW</u>
<u>T01N R13E S23</u>	<u>SENW</u>	<u>T01N R13E S23</u>	<u>NESW</u>
<u>T01N R13E S23</u>	<u>NWSW</u>	<u>T01N R13E S23</u>	<u>SWSW</u>

09/08/2008

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

T01N R13E S23	SESW	<u>T01N R13E S26</u>	<u>NENW</u>
<u>T01N R13E S26</u>	<u>NWNW</u>	<u>T01N R13E S26</u>	<u>SWNW</u>
T01N R13E S27	NENE	<u>T01N R13E S27</u>	<u>SENE</u>

515.6 224 ACRES TOTAL

This right is limited to the irrigation of 224 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 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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 - License

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

JCC

7/1/08
SCC

DIAMOND/Soldier Review:

	<u>#</u>	<u>CLAIMS</u>	<u>Rec'd</u>	<u>WR</u>	<u>GIS</u>
Acres >	37-368A	135	112	160	112.6
	37-409A	408	-DIS-	480	94.3
	37-2076A	315	224	320	225
	37-2455	150	45.3	150	45.4
(NO OBJ)	37-2157	<u>40</u>	<u>40</u>	<u>40</u>	<u>39.6</u>

1048 Ac 421.3 1150 516.9
 (w/overlaps) (No overlaps) (splits) (SHP)

Speck email Acres = 536.3 Ac.

2005 B/W map-MOBLEY AFF. = 740.6 Ac

Rec'd Pou w/ Disallowed -409A: $421.3 + 94.3 = 515.6$

$$\left[94.3 \text{ Ac} * \frac{0.0069 \text{ cfs}}{(\text{claim}) \text{ Ac}} = \underline{0.65 \text{ cfs}} \right]$$

9/8/08 SCC Conversion to PPU for All Rights
 Combined shape files = 515.6 Ac
 as per GIS selection

Clelland, Steve

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, June 24, 2008 3:46 PM
To: Bromley, Chris
Cc: 'Rodney Ray Gonsales'; 'Greg Vik'; nancy@pistolcreek.com; Clelland, Steve
Subject: Smokey Dome LLC et al - Status Conferences Tomorrow

Attachments: Charles Lee Barron Affidavit.pdf



Charles Lee Barron
Affidavit.p...

Chris,

37-368A ETAL

Status Conf
6-25-08

Here is where I think we stand:

SCC

1:30

1. Smokey Dome LLC - 37-38 & 404A: attached is a copy of an Affidavit that will be filed with the court tomorrow. I believe this supports the number of irrigated acres we claimed 86A v. 36A recommended).

J.S.

2. Smokey Dome LLC - 37-19832: I have not yet had a chance to put together the affidavit for Doug Hollowell, a prior owner of the land, that we believe will support our objection.

SCC

1:30

3. Diamond/Soldier Properties LLC - 37-368A, 409A, 2076A & 2455: I still do not have a reply from Steve Clelland to my October 19, 2007 e-mail, the body of which reads:

Steve,

I have attached a map of the ranch with the boundary of the relevant portion drawn in black and the outlines of the recommended places of use in yellow with the water right number labels. Here are my comments and questions:

1. The area labeled "A" should be part of the place of use for 368A - it probably will add about 5 acres.

Not Irrigated By IRR. System

2. The area labeled "B" should be the place of use for 409A - I estimate this is about 110 acres.

3. The total place of use of the 4 recommended rights is 421.3 acres. Adding 115 acres would make this 536.3 acres.

= 94.3 AC.

4. The total amounts claimed for all 5 rights is 15.45 cfs or 772.5 inches. This is a little less than 1 1/2 inches per acre for the 536.3 acres.

Ask CHRIS Re: Exceeding Lic. Rate of 1" / Ac

5. Is it possible to make the 536.3 acres a permissible place of use for all 5 rights, and then limit each right to the irrigation of a certain number of acres determined by the inches per acre (e.g. 368A would be 536.3 acres X 2.7 cfs/15.45 cfs = 93.7 acres??) Huh?

SCC

1:30

4. Black Butte Hills LLC - 37-11989 & 12000: Per your February 20, 2008 e-mail to me, Steve apparently did not need to do a field exam for 37-11989 after all and he was going to write up his report. I haven't seen anything yet. I believe this may also cover this quantity dispute for 37-12000 - I can't find anything that formed the basis for the 14 AFA in the recommendation v. 145 AFA claimed for stockwater and 85 AFA for recreation.

?

5. SV Ranch LLC - 37-13118: I hope to resolve this stockwater

1:30

Clelland, Steve

DIA-SOL

From: Kelly, Vicki
Sent: Wednesday, January 14, 2009 8:14 AM
To: Jim Speck; Bromley, Chris; Clelland, Steve
Cc: 'Mr. Rod Gonsales'; 'Greg Vik'; 'Nancy Lukacs'
Subject: RE: Diamond Soldier Properties 37-368A, 37-409A, 37-2076A & 37-2455

-368A

Good morning Mr. Speck

Thanks for reviewing our draft recommendations and providing the feedback.* Steve will revisit these and will contact you should he require more information. Thanks again.
Vicki Kelly, Paralegal - IDWR

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, January 13, 2009 4:10 PM
To: Kelly, Vicki; Bromley, Chris; Clelland, Steve
Cc: 'Mr. Rod Gonsales'; 'Greg Vik'; 'Nancy Lukacs'
Subject: RE: Diamond Soldier Properties 37-368A, 37-409A, 37-2076A & 37-2455

Vicki, Chris & Steve,

Although the total size of the permissible place of use (515.6 acres) is acceptable, the reduction in the amounts for each right is not. The total claimed is 15.45 cfs whereas the total in these draft recommendations is only 9.07 cfs. I had understood the claimed amount was acceptable since the previous owner had provided an affidavit on the flood irrigation practices used during his ownership. If not, please explain why not and what you do need from us to support that amount. At a little over 1.5 in/acre it seems quite reasonable for flood irrigation, especially in that area.

Jim

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

15.45 cfs
515.6 Ac
= 0.03 cfs
AC

2/2/09 OK to do
SCL w/ Hollowell
Aff.

CONFIDENTIAL COMMUNICATION

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

From: Kelly, Vicki
Sent: Wednesday, January 07, 2009 8:51 AM
To: Jim Speck

<<DOC001.PDF>>

Hello Mr. Speck--

Attached are updated recommendations for the Diamond Soldier Properties subcases for your review, prepared by Steve Clelland. He is currently working on an updated recommendation for an uncontested overlapping right 37-2157. I will forward that recommendation to you when Steve has it completed. If you have any questions about these recommendations, please contact Steve at 208-287-4913. If you feel that these subcases are ready for SF5, please let me know and we'll get them out the door. The next hearing on these rights is set for 1/21/09. Thanks! Vicki Paralegal - IDWR

Attachment(s): DOC001.PDF



Idaho Department of Water Resources

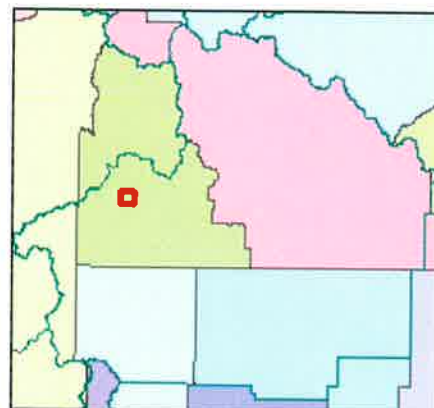
SRBA Recommendation

37-368A
37-409A
37-2076A
37-2455
37-2157

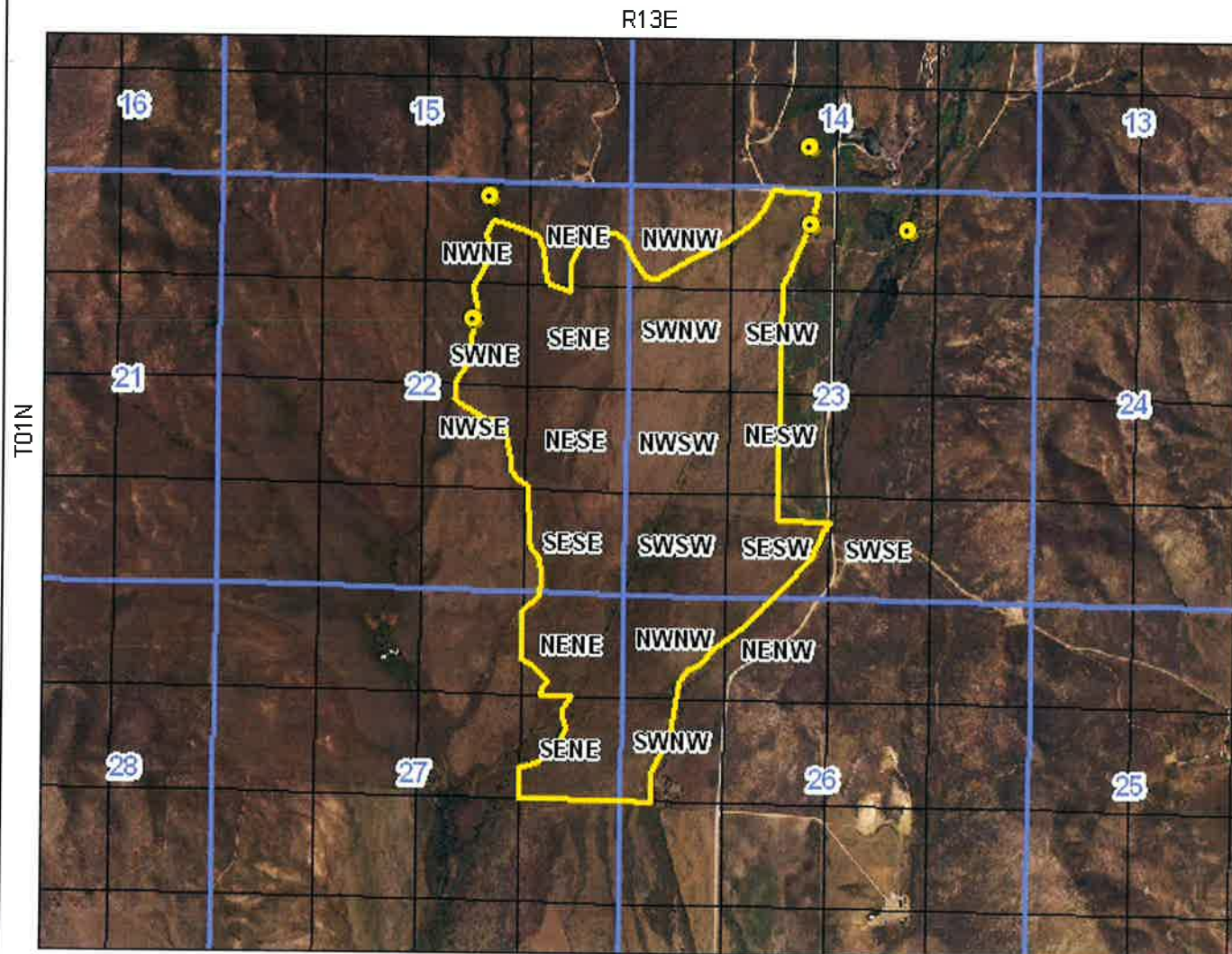
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Camas County
IDWR Basin 37



Prepared by Steve Clelland
On September 08, 2008
2004 Aerial Photography

0 0.45 0.9 1.8 Miles

09/08/2008

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

SF5 DRAFT

RIGHT NUMBER: 37-2076A

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: MC MAHAN CREEK
WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK
TRIBUTARY: THREEMILE CREEK

QUANTITY: 4.480 CFS

PRIORITY DATE: 05/17/1907

POINT OF DIVERSION:

T01N R13E S22 NESWNE Within CAMAS County

T01N R13E S23 NENENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/15 10/31	4.480 CFS

PLACE OF USE:

IRRIGATION in CAMAS County

T01N R13E S22	NENE	14.00	T01N R13E S22	NWNE	9.40
T01N R13E S22	SWNE	22.00	T01N R13E S22	SENE	40.00
T01N R13E S22	NESE	40.00	T01N R13E S22	NWSE	12.00
T01N R13E S22	SESE	37.00	T01N R13E S23	NENW	22.00
T01N R13E S23	NWNW	10.00	T01N R13E S23	SWNW	40.00
T01N R13E S23	SESW	20.00	T01N R13E S23	NESW	20.00
T01N R13E S23	NWSW	40.00	T01N R13E S23	SWSW	40.00
T01N R13E S23	SESW	28.00	T01N R13E S26	NENW	4.20
T01N R13E S26	NWNW	33.00	T01N R13E S26	SWNW	17.00
T01N R13E S27	NENE	37.00	T01N R13E S27	SENE	30.00

STOCKWATER in CAMAS County

T01N R13E S22	NENE	T01N R13E S22	NWNE
T01N R13E S22	SWNE	T01N R13E S22	SENE
T01N R13E S22	NESE	T01N R13E S22	NWSE
T01N R13E S22	SESE	T01N R13E S23	NENW
T01N R13E S23	NWNW	T01N R13E S23	SWNW
T01N R13E S23	SESW	T01N R13E S23	NESW
T01N R13E S23	NWSW	T01N R13E S23	SWSW
T01N R13E S23	SESW	T01N R13E S26	NENW
T01N R13E S26	NWNW	T01N R13E S26	SWNW

09/08/2008

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

T01N R13E S27

NENE

T01N R13E S27

SENE

515.6 ACRES TOTAL

This right is limited to the irrigation of 224 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 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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 - License

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

10/14/2006

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

RIGHT NUMBER: 37-2076A

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA 98009

SOURCE: MC MAHAN CREEK
WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK
TRIBUTARY: THREEMILE CREEK

QUANTITY: 4.480 CFS

PRIORITY DATE: 05/17/1907

POINT OF DIVERSION:

T01N R13E S22 NESWNE Within CAMAS County

T01N R13E S23 NENENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/15 10/31	4.480 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R13E S22	NESE	40.00	T01N R13E S22	NWSE	12.00
T01N R13E S22	SESE	37.00	T01N R13E S23	NWSW	40.00
T01N R13E S23	SWSW	40.00	T01N R13E S23	SESW	28.00
T01N R13E S27	NENE	27.00			

STOCKWATER Within CAMAS County

T01N R13E S22	NWSE	T01N R13E S23	NWSW
T01N R13E S23	SWSW	T01N R13E S23	SESW
T01N R13E S27	NENE		

224 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 - License



Idaho Department of Water Resources

SRBA Recommendation:

37-2076A

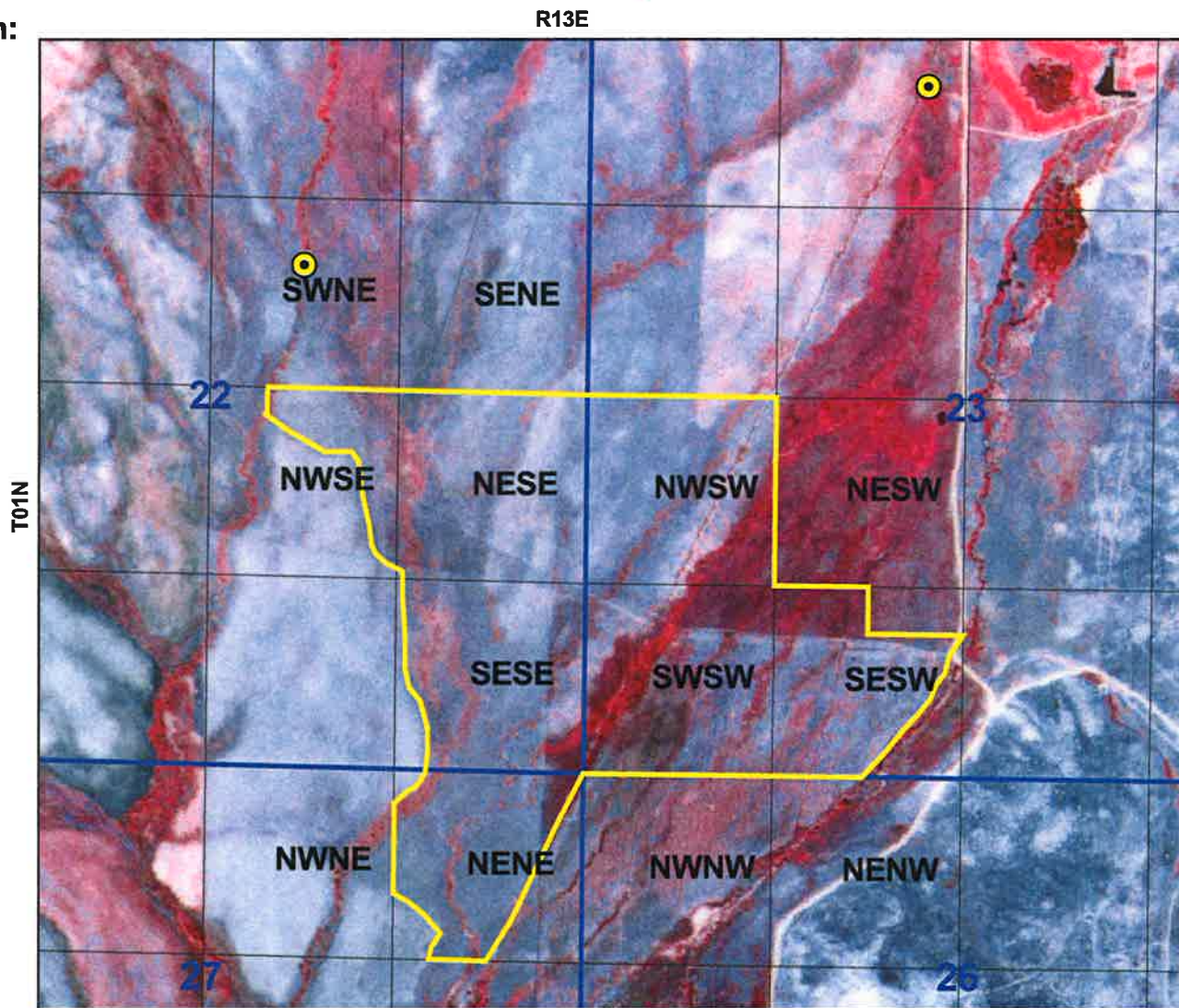
(Irrigation)

Legend

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



Camas County
IDWR Basin 37



Prepared by S. Clelland
On Saturday, October 14, 2006
1987/88 Aerial Photography

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

In Re SRBA

Case No. 39576

A. Subcase 37-2076A

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Diamond/Soldier Properties LLC

Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Diamond/Soldier Properties LLC

Address: PO Box 1607
Bellevue, WA 98009

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: 6.1 cfs
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be: irrigation
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 315 acres as in claim.
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See attached Affidavit of Jerry Mobley and ASCS field map.

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

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.

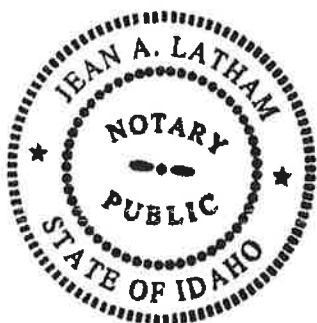
(Signature of person filing objection)

J. P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 9, 2007



Jean A. Latham

Notary Public for Idaho
Residing at Blaine, ID
My Commission expires 1-25-2013

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 9th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Diamond/Soldier Properties LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

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

In Re SRBA

Case No. 39576

)
)
) AFFIDAVIT OF JERRY MOBLEY
)
)
)
)

STATE OF IDAHO)

) ss.

County of Canyon)

I, JERRY MOBLEY, being first duly sworn upon oath depose and state as follows:

1. I am a member of VM Diamond, L.L.C. ("VMD"), the owner and seller of certain real property in Camas County, Idaho more particularly described in Exhibit A attached hereto and made a part hereof by this reference (the "Real Property"). VMD has owned the Real Property since 1994.

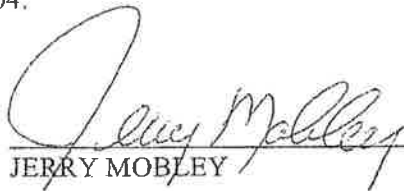
2. VMD is also the owner of certain water rights for the irrigation of a portion of the Real Property and which are claimed in this action (the "SRBA") as claims nos. A37-00368A, A37-00409A, A37-02076A, A37-02157 and A37-02455, also sometimes referred to by the Idaho

AFFIDAVIT OF JERRY MOBLEY - 1

Department of Water Resources as claims nos. 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455. For the period of 1994 through 2003, VMD diverted water from the sources described in the SRBA claims to irrigate all of those lands described as the place of use in the SRBA claims, using flood irrigation at least once every five years.

3. I am over the age of eighteen and competent to testify under oath as to all of the matters set forth above in this Affidavit.

DATED this 29 day of April, 2004.


JERRY MOBLEY

SUBSCRIBED AND SWORN TO before me this 29th day of April, 2004.



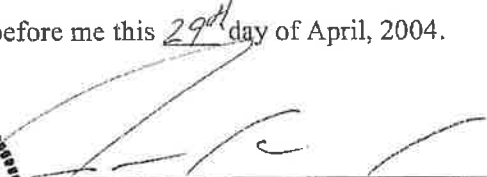

NOTARY PUBLIC for Idaho
Residing at: Truck Falls
My Comm. Expires: 7-25-2006

EXHIBIT A
C040031

Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho

Section 22: E $\frac{1}{2}$;

Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$;
W $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ excepting that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the existing channel of the
West Fork of Threemile Creek;
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
S $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting that portion lying East of the existing County Road which runs northerly
and southerly;
W $\frac{1}{2}$ SW $\frac{1}{4}$;
S $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
S $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs
easterly and westerly;
S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs easterly
and westerly;
SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs easterly and
westerly;

Section 24: S $\frac{1}{4}$ SW $\frac{1}{4}$;
SE $\frac{1}{4}$;

Section 25: All;

Section 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$, excepting that portion lying East of the existing County Road which
runs northerly and southerly;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ excepting that portion lying South of the existing County Road which runs Easterly and
Westerly;

Section 27: NE $\frac{1}{4}$;

Township 1 North, Range 14 East, Boise Meridian, Camas County, Idaho

Section 19: Lots 1, 2, 3 and 4;
E $\frac{1}{2}$ W $\frac{1}{2}$.

37-2076A

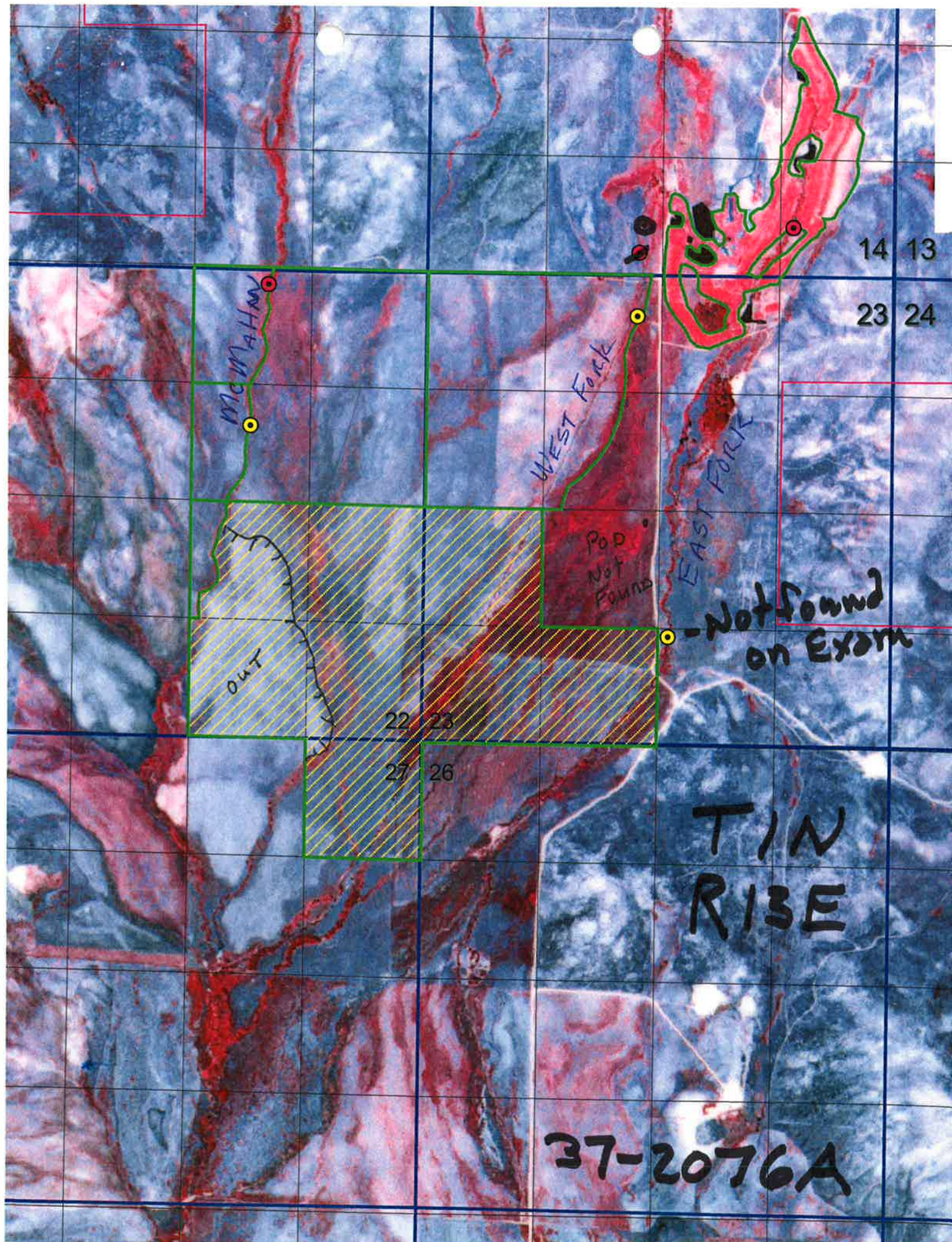
10/14/06

POU: GIS 224 AC

(LIC: = 320 AC
Dia/SOL Claim = 315 AC)

POD: some POD'S NOT FOUND DURING EXAM.
EXAM 5/3/06

Q: allow 1" / AC (same as LIC.) $224 * 0.02 \text{ cfs/AC} = \underline{4.48}$
Stock Rate 0.12 cfs per standards



 Blaine County *
 Three Mile and Willow Creeks *
 6.2 cubic feet per second *
 Irrigation *
 Priority 5-17-1907 *

S T A T E O F I D A H O .

Water License No. 2759

WHEREAS, On the 17th day of May, A.D. 1907, ARTHUR C. THORPE, of Soldier, County of Blaine, and State of Idaho, duly made application (No. 3900) to me for a permit to use 6.2 cubic feet per second of the waters of Three Mile and branches and Willow Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 18th day of May A.D. 1907, Permit No. 2759, was issued to said applicant for the diversion of said waters, and providing for the completion of the works of diversion therein described on or before the 18th day of May A.D. 1909, and for the application to beneficial use of said water on or before the 18th day of May A.D. 1912, and,

WHEREAS, On the 31st day of October A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.2 cubic feet per second of said waters, as evidenced by my Certificate No. 2759, dated November 10, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6.2 cubic feet per second of water, with date of priority of May 17, 1907, and

WHEREAS, On the 31st day of October A.D. 1908, proof was duly made of the application to beneficial use of 6.2 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ARTHUR C. THORPE, of Soldier, Idaho, the holder and owner of said Permit No. 2759, a perpetual right, dating from May 17, 1907, to the use of 6.2 cubic feet per second of the waters of Three Mile and branches, and Willow Creeks, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned to be diverted at points: First: In northeast quarter of NW $\frac{1}{4}$ Sec. 23; 2nd: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 23; 3rd: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec. 23; 4th SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 22, township 1 north, range 13 east of Boise meridian, and conducted to and upon 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; sec. 22. 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; sec. 27. 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; and 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 23, all in township 1 north, range 13 east of Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 10th day of November A.D. Nineteen hundred and eight.

Jas. Stephenson, Jr.

37 2070

(SEAL)

State Engineer.

Recorded Nov. 10. 1908.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2076

WATER RIGHT NUMBER: 37-2076

Owner Type Name and Address
 Current Owner ARTHUR C THORPE
 SOLDIER, ID

Priority Date: 05/17/1907

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MC HAN CREEK	THREEMILE CREEK
EAST FORK THREEMILE CREEK	THREEMILE CREEK
WEST FORK THREEMILE CREEK	THREEMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	6.200 CFS	
<u>Total Diversion:</u>		6.200 CFS	

Location of Point(s) of Diversion

MC HAN CREEK	SW1/4NE1/4	Sec. 22, Twp 01N, Rge 13E, B.M.
BLAINE County		
WEST FORK THREEMILE CREEK	NE1/4SW1/4	Sec. 23, Twp 01N, Rge 13E, B.M.
BLAINE County		
EAST FORK THREEMILE CREEK	SW1/4SE1/4	Sec. 23, Twp 01N, Rge 13E, B.M.
BLAINE County		
WEST FORK THREEMILE CREEK	NE1/4NW1/4	Sec. 23, Twp 01N, Rge 13E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	22													40.0	40.0	40.0	40.0	160.0
01N	13E	23									40.0	40.0	40.0						120.0
01N	13E	27	40.0																40.0

Total Acres: 320

DOMESTIC same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2076

Conditions of Approval:

1. LIC. DESCRIBES SOURCES AS THREEMILE & BRANCHES AND WILLOW CREEKS. SOURCES ARE THREEMILE CK., EAST & WEST FORKS, AND MC HAN CK.

Remarks:

Comments:

Water Supply Bank:



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

APR 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SMR DEVELOPMENT L.C.
7878 USTICK ROAD
BOISE ID 83704

RE: SRBA CLAIM(S): A37-00409, A37-00368, A37-02076 (SPLIT)
VM DIAMOND RANCH

DEAR CLAIMANT(S):

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

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

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: VM DIAMOND RANCH, PO BOX 190690, BOISE ID 83719



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

*Allen Meritt
Southern Region*

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1996

BILL CARTER
7878 USTICK RD
BOISE ID 83704

RECEIVED

MAY 31 1996

Department of Water Resources
Southern Region

RE: Camas Properties Inc. Water Rights

Dear Bill:

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

Ownerships

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

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

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

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

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

MICROFILMED
NOV 22 1996

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

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

Irrigation of the Golf Course

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

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

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

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

Reservoirs

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

MICROFILMED

NOV 22 1996

Additional golf course development

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

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

Respectfully,

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

Shelley Walter Keen
Water Rights Supervisor

SWK

c: Allen Merritt

MICROFILMED
NOV 22 1996