

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-2125

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant(s) MID-VALLEY WATER COMPANY, LLC Phone (208) 725-0055
Mailing Address c/o the Kirk Group, P.O. Box 4380, Ketchum, ID Zip 83340
2. Date of Priority (only one (1) per claim) 1/28/1909
3. Source of water supply (a) Springs
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 4N Range 18E Section 31,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

See original Notice of Claim.

SCANNED

NOV 14 2007

6. Water is claimed for the following purposes

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

For Municipal purposes from 4/1 to 10/31 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

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

Total number of acres irrigated _____

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

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

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

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

14. Remarks:

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

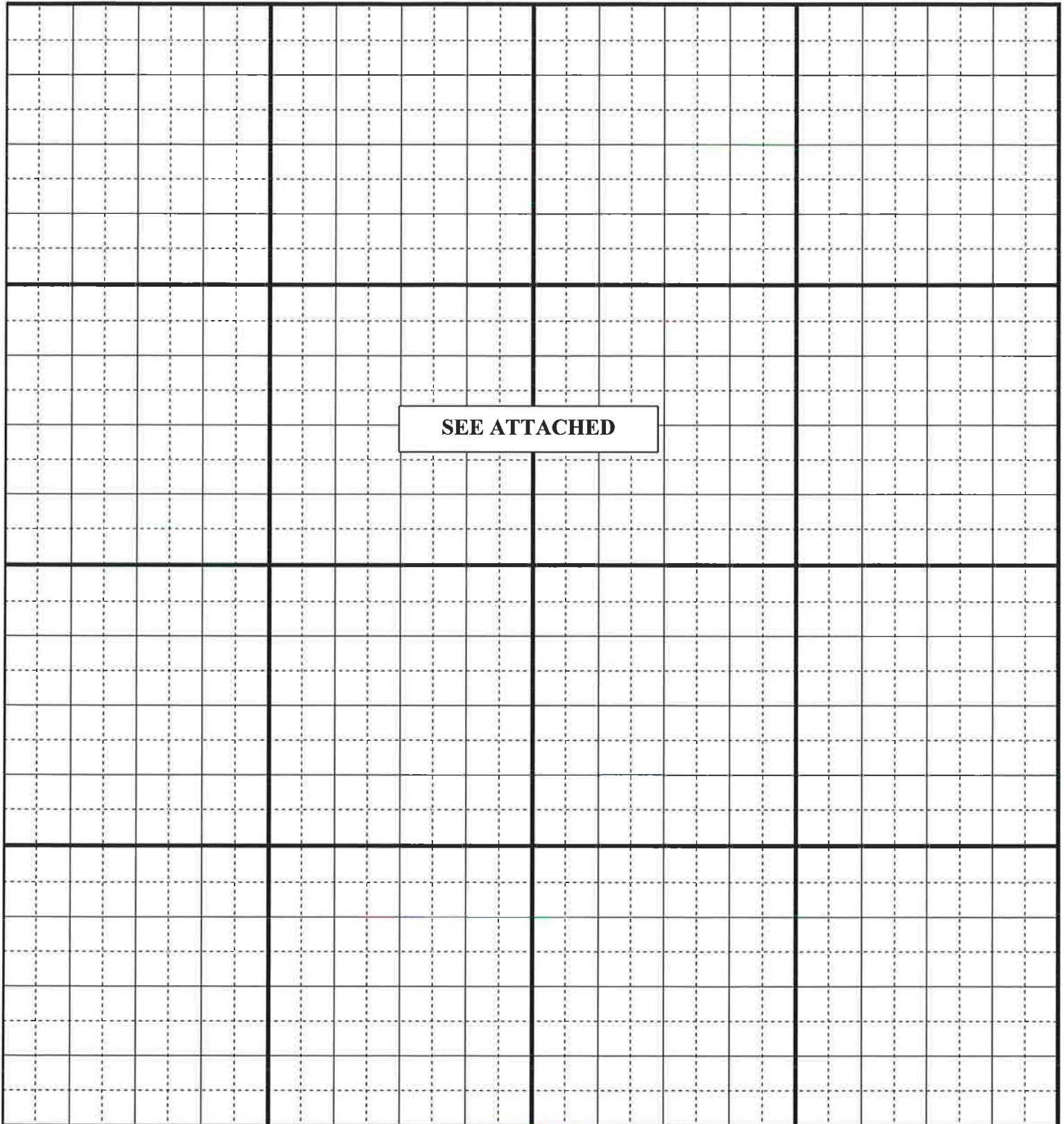
Last Name MID-VALLEY WATER COMPANY, LLC Ident. No. 37-2125

SCANNED

NOV 14 2007

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

Scale: 2 inches equals 1 mile



Last Name **MID-VALLEY WATER COMPANY, LLC**

Ident. No. **37-2125**

SCANNED

NOV 14 2007

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

If applicable provide IDWR Water Right Number **37-2125**

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

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

Number of attachments **1**

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

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

_____ Title _____

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

_____ Organization _____

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

_____ Title _____

_____ Organization _____

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

Signature of Authorized Agent *Michael P. Lawrence*

Title and Organization **Attorney, MID-VALLEY WATER COMPANY, LLC** Date **11/13/07**

State of Idaho/or _____)

SS.

County of *Ada*

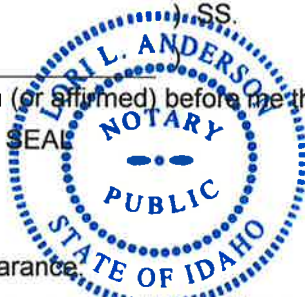
Subscribed and sworn (or affirmed) before me this

13th

day of

November

2003



Notary Public *Robert L. Anderson*

Residing at *Boise Idaho*

My Commission Expires *8/23/2013*

17. Notice of Appearance

Please Print Name

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

Signature *Michael P. Lawrence*

Address **601 W. Bannock, P.O. Box 2720, Boise, ID 83702**

Date *11/13/07*

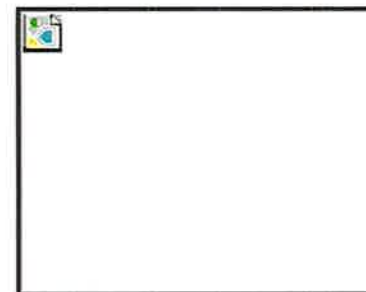
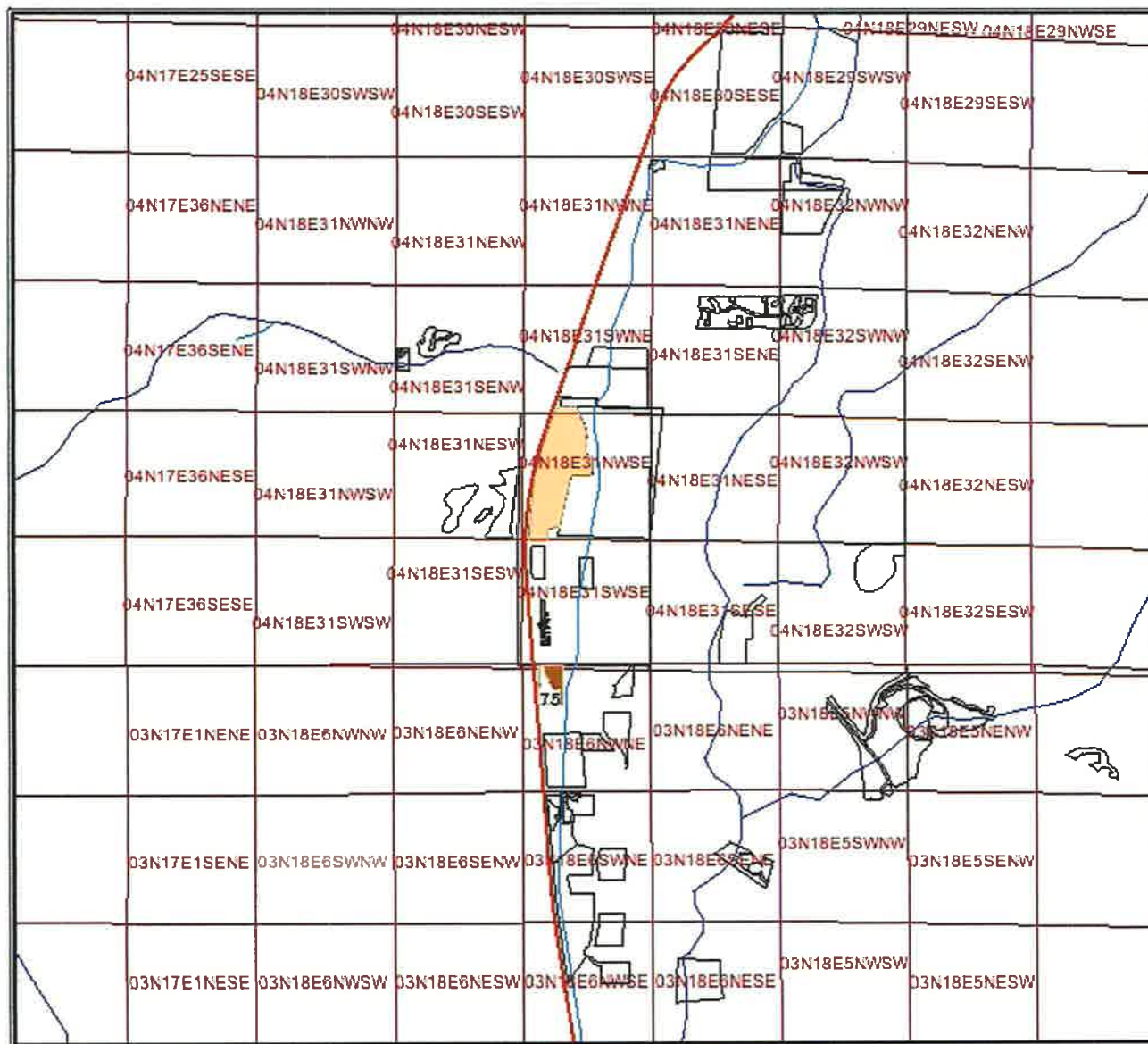
Last Name **MID-VALLEY WATER COMPANY, LLC** Ident. Number **37-2125**

SCANNED

NOV 14 2007

37-2125 POU

Created: November 9, 2007



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

Prepared by the ArcIMS Map Server at:



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

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SCANNED
NOV 14 2007

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 37-2125
Date Received: 3/24/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

THE MEADOWS LLC Phone: (208)726-6560

THE KIRK GROUP
PO BOX 4380
333 S MAIN ST STE 211
KETCHUM ID USA 83340

2. Date of Priority: 01/28/1909

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.5	

7. Total Quantity Appropriated is:
0.5 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
04N	18E	31	SW	IRRIGATION	0.6
			NW	IRRIGATION	12.4

Claim for 37-2125IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2125Date Received 3/24/2006Receipt Number 3028491

RECEIVED

MAR 24 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) The Meadows, LLC Phone (208) 726-6560
Mailing Address P.O. Box 4380, Ketchum, ID Zip 83340-4380
2. Date of Priority (Only one (1) per claim) 01/28/1909
3. Source of water supply (a) Springs, Wastewater
which is tributary to (b) Big Wood River
4. a. Location of existing point of diversion is: Township 04N Range 18E Section 31,
NE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of
Additional points of diversion if any:
- b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. In 1909 the water from the above described springs was diverted
and used for irrigation of 25 acres in the SWNE, Sec. 31, Twp 04N, Rng 18E. However, when the highway was
built the previous ditch was abandoned and the water was rediverted to land in the SE, Sec. 31, Twp 04N, Rng
18E. The water was diverted to a culvert that went under the highway at the NWSE, Sec 31, Twp 04N, Rng 18E.
The water was then diverted by a series of ditches to approximatley 13 acres.

COPY

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 10/31 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 (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	
04N	18E	31															0.5		0.5
04N	18E	31														12.3	0.1		12.4

Total number of acres irrigated 12.9

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.

37-458A Or None ☒

14. Remarks:

Once a pending transfer is approved water rights 37-21489 will also include this place of use within a
permissible place of use.

COPY

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-2125

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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 _____ Title _____

Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization Member The Meadows LLC Date _____

State of Idaho / or _____)

County of Blaine) ss.

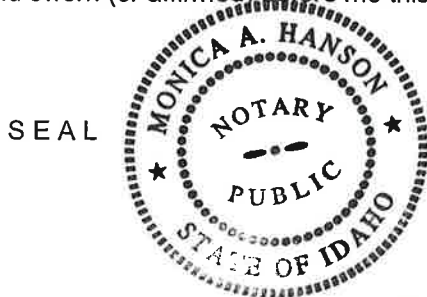
_____)

Subscribed and sworn (or affirmed) before me this 20th day of March, 2006.

Notary Public Monica A. Hanson

Residing at Hailey ID

My Commission Expires 11/29/06



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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.

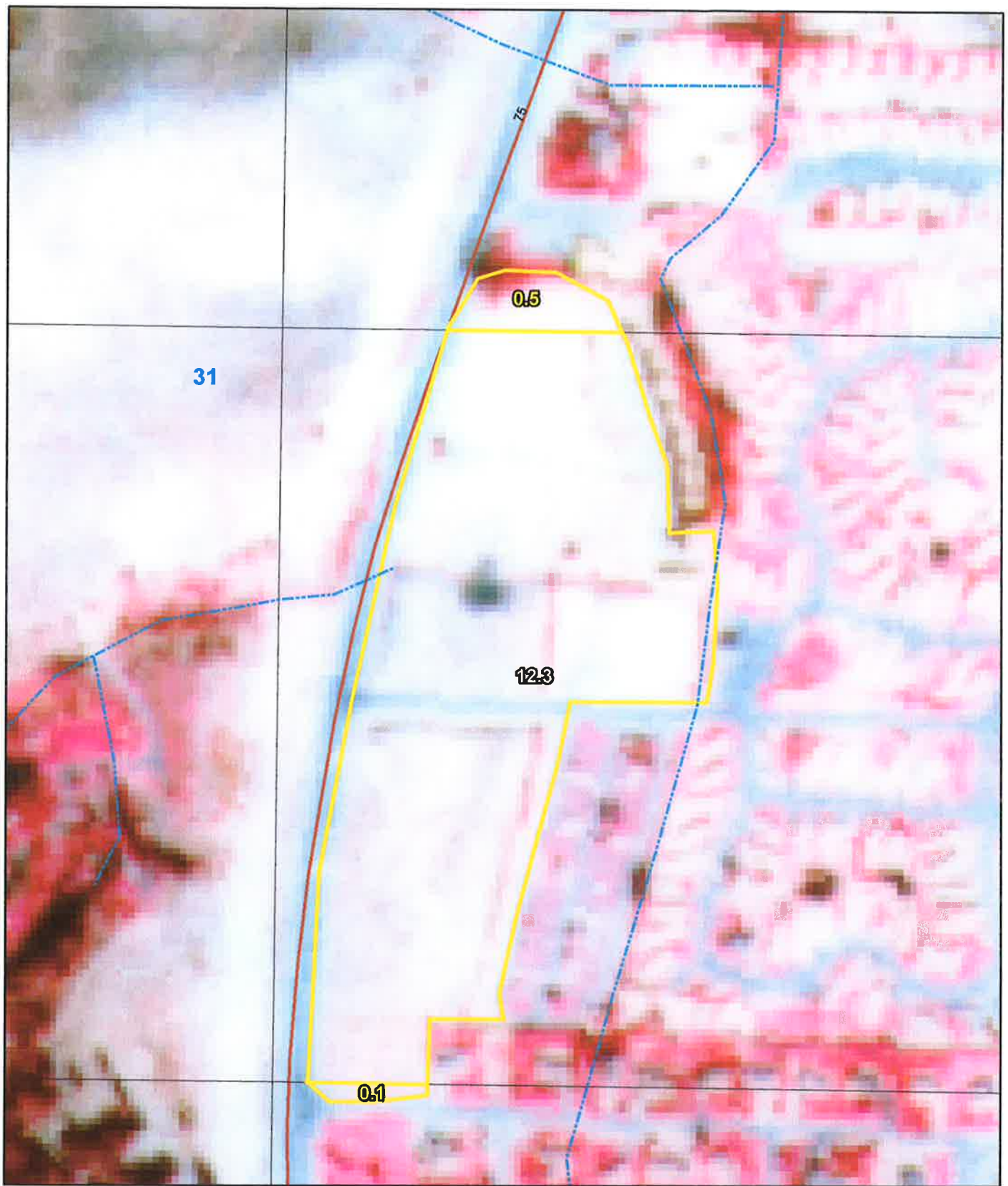
Signature _____

Address _____

Date _____

COPY

Last Name _____ Ident. Number _____



**THE MEADOWS, LLC
1987 INFRARED AERIAL**



RECEIVED
JAN 1 1911
COUNTY CLERK

T. 4 N. R. 18 E. B. M.

25
SEC.

30
SEC.

29
SEC.

SEC.

MAP TO PERMIT No 4317
HOLDER REUBEN C. PRICE

SEC.

SEC.

36
SEC.

31
SEC.

32
SEC.

SEC.

SEC.

SEC.



SEC.

6
SEC.

SEC.

SEC.

SEC.

SEC.

L. B. Dittmer
Surveyor

4317

Blaine Co. Idaho.

Blaine County *
Two Unnamed Springs *
.5 of 1 second foot *
Irrigation & domestic *
Priority 1-28-09 **

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

Water License No.4317

WHEREAS, On the 28th day of January, A.D.1909, LILLIE D.JOHNSON, of Ketchum, County of Blaine, State of Idaho, duly made application (No.6129) to me for a permit to use 2 cubic feet per second of the waters of Two unnamed Springs which form a lake, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 28th day of January, A.D.1909, Permit No. 4317, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 28th day of January, A.D.1910, and for the application to beneficial use of said water on or before the 28th day of January, A.D.1911, and

WHEREAS, On the 26th day of October, A.D.1909, LILLIE D.JOHNSON, transferred all her right, title and interest in and to the said Permit to Reuben G.Price, and

WHEREAS, On the 14th day of January, A.D.1910, REUBEN G. PRICE, the holder of said permit duly made proof of the completion of adequate works for the diversion of .5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 3412, dated January 21, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .5 of 1 cubic foot per second of said waters, with date of priority of January 28, 1909, and

WHEREAS, On the 25th day of January, A.D.1911, REUBEN G.PRICE, the holder of said permit duly made proof of the application to beneficial use of .5 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to REUBEN G.PRICE, of Ketchum, County of Blaine, State of Idaho, the holder and owner of said Permit No. 4317, a perpetual right, dating from January 28, 1909, to the use of .5 of 1 cubic foot per second of the waters of Two Springs forming a Lake, 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 a point at mouth of Creek in the Northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 31, Township 4 North, Range 18 East of the Boise Meridian, and conducted to and upon (25 acres in the southwest quarter of northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, Township 4 North of Range 18 East of the 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 thirteenth day of

February A.D. Nineteen hundred and eleven

(SEAL)

Recorded February 13, 1911

D.G.Martin

State Engineer

37 2125

Section Acres 13
Total Acres 13

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:

14. Remarks:

In 1909 the water from the springs was diverted and used for irrigation of 25 acres in the SWNE S31. However, when highway was built the previous ditch was abandoned and the water was rediverted to land in the SE S31. The water was diverted to a culvert that went under the highway at NWSE S31 and then was diverted by a series of ditches to approximately 13 acres.

Once a pending transfer is approved water right 37-21489 will also include this place of use within a permissible place of use.

Claim 37-458A is also asserted for the same place of use.

15. Basis of Claim: License

37-2125



400 0 400 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 2004
DATA ENTRY: 3/24/2006
DOUGLAS JONES

Jim Laski

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, October 27, 2009 5:12 PM
To: Jim Laski
Cc: 'Michael Engl'; rubybecker@cox-internet.com
Subject: Re: Michael Engl - Objection to 37-2155 (The Meadows)

Jim,

My client will agree to settle his Objection on the terms proposed at the initial hearing as follows: ²¹²⁵37-2155 will be changed so that (1) the source would be the unnamed stream that runs off my client's property property and under the highway to the Meadows property, (2) the point of diversion will be out of this stream at a location on the Meadows property, and (3) the priority date for 37-2155 will be subordinated to the priority date of my client's most junior water right (June 1, 1938) so that he will never have to do anything with his rights to satisfy the delivery of 37-2155 to the Meadows. I will present this at the status conference tomorrow. ₂

Jim

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

CONFIDENTIAL COMMUNICATION

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

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:

Unnamed Stream

3. ☐ **Quantity**

Should be:

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:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

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): Claimant does not have any right of access to the springs which are on Mr. Engl's land. No diversion from the springs to any other lands has occurred since at least when Mr. Engl purchased the land with the springs in 1978.

Date: 01/23/2007

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number	37-2125
Name	The Meadows LLC
Address	c/o George Kirk
Address Line 2	PO Box 1440
City, State Zip	Sun Valley, ID 83353
Telephone Number	(208) 726-4521

RECEIVED

JAN 23 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

The condition of approval # 8 (combined limit with 37-458B).

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

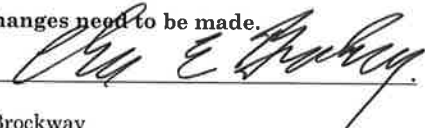
According to the license for right 37-2125, the diversion should allow for 0.50 cfs. This right should not be limited in combination with 37-458B, or with any other right.

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

The license for 37-2125 legally entitles 0.50 cfs to be diverted from 37-2125's point of diversion.

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

DATE: 01/23/07

SIGNATURE: 

Please print your name: Charles E. Brockway

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

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

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: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 14 acres, instead of 11.5 as was recommended.
10. ☐ **I object because:**
☐ This water right Should not exist.

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

E. **REASONS SUPPORTING OBJECTIONS(S):** Historical place of use is larger than that recommended.

The Meadows

12/19/2006

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

RIGHT NUMBER: 37-2125

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.500 CFS

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

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

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

PRIORITY DATE: 01/28/1909

POINT OF DIVERSION:

T04N R18E S31 NESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION in BLAINE County

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

11.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

In 1909 the water from the springs was diverted and used for irrigation of 25 acres in the SWNE S31. However, when highway was built the previous ditch was abandoned and the water was rediverted to land in the SE S31. The water was diverted to a culvert that went under the highway at NWSE S31 and then was diverted by a series of ditches to approximately 13 acres.

Once a pending transfer is approved water right 37-21489 will also include this place of use within a permissible place of use.

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

Claim 37-458A is also asserted for the same place of use.



Idaho Department of Water Resources

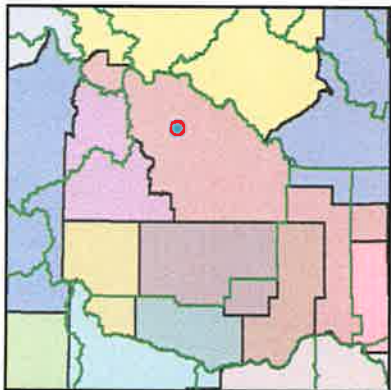
SRBA Recommendation:

37-2125

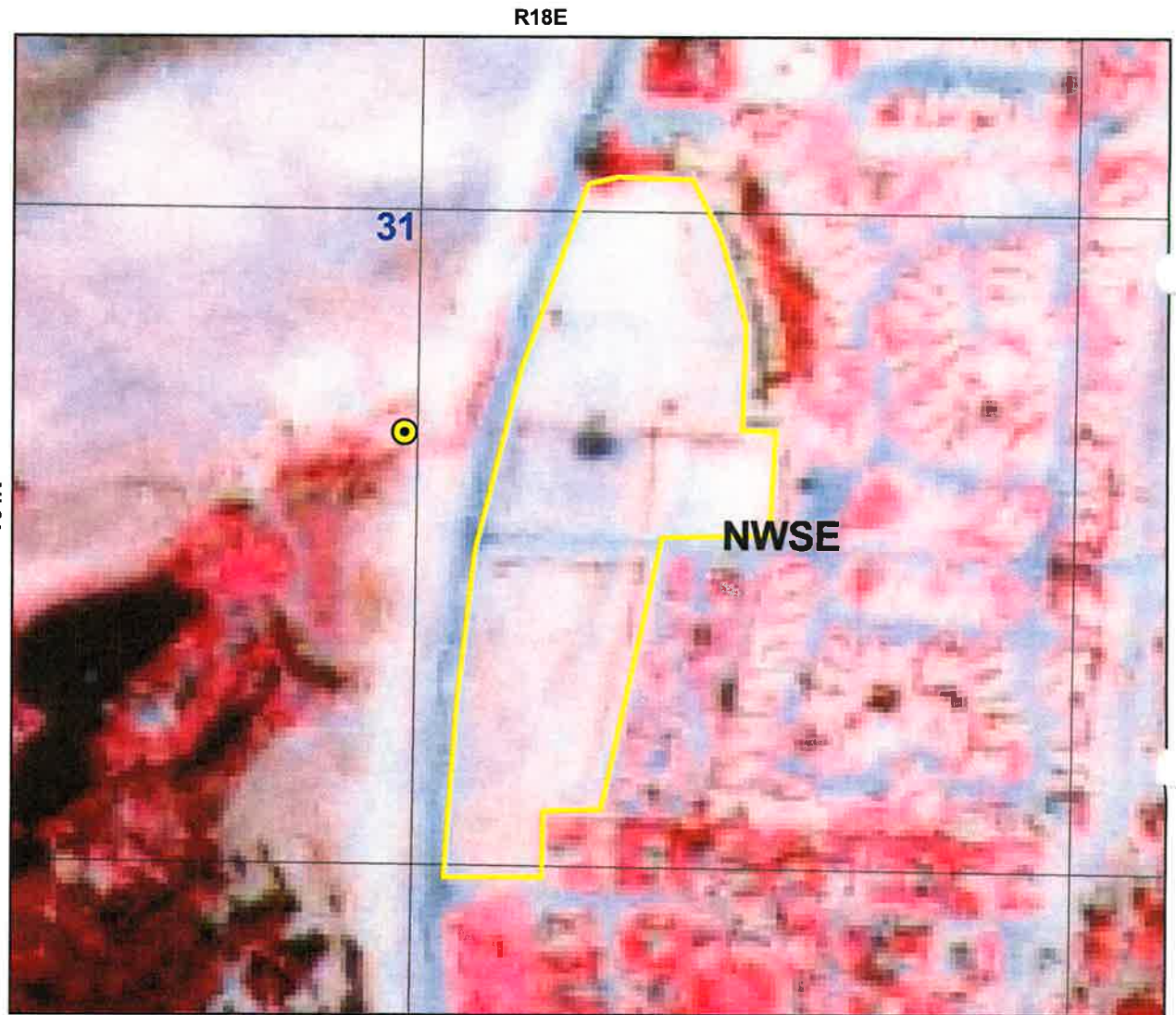
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



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

12/19/2006

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

RIGHT NUMBER: 37-2125

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.500 CFS

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

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

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

PRIORITY DATE: 01/28/1909

POINT OF DIVERSION:

T04N R18E S31 NESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

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

11.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

In 1909 the water from the springs was diverted and used for irrigation of 25 acres in the SWNE S31. However, when highway was built the previous ditch was abandoned and the water was rediverted to land in the SE S31. The water was diverted to a culvert that went under the highway at NWSE S31 and then was diverted by a series of ditches to approximately 13 acres.

Once a pending transfer is approved water right 37-21489 will also include this place of use within a permissible place of use.

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

Claim 37-458A is also asserted for the same place of use.



Idaho Department of Water Resources

SRBA Recommendation:

37-2125

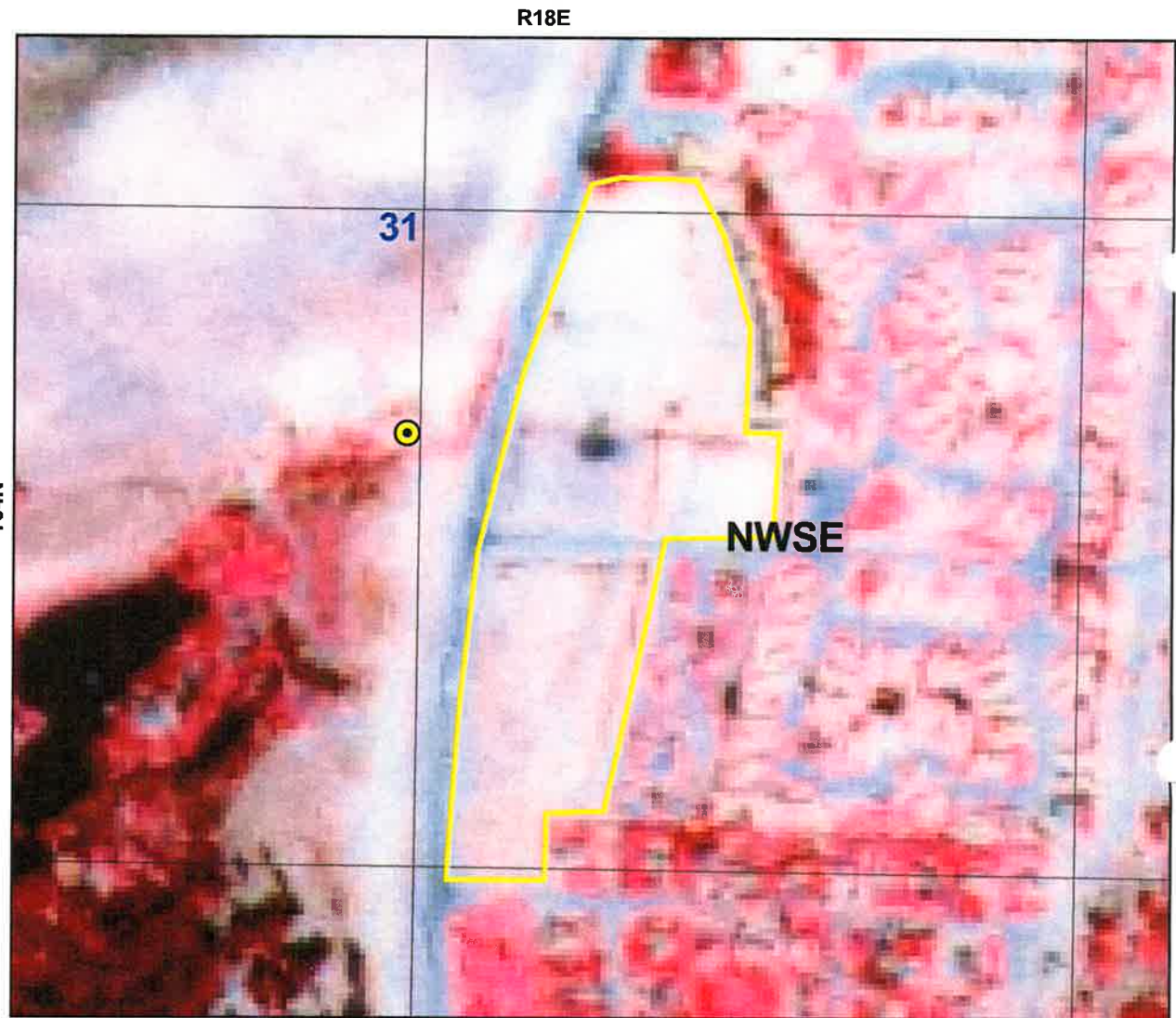
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

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

MEMORANDUM

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

From: Cynthia Bridge Clark

Date: December 16, 2006

Re: SRBA Claim Review notes: The Meadows LLC

37-48A

Decree 37-48:

Owner = Martin Barry

Priority date = 5/1/1887

Source = Big Wood River

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

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

Claim 37-48A:

Owner = The Meadows LLC

Priority date = 5/1/1887

Source = Big Wood River

Use = Irrigation

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

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

Watermaster records = show delivery of 3.3 cfs

Recommendation 37-48A:

Owner = The Meadows LLC

Priority date = 5/1/1887

Source = Big Wood River

Use = Irrigation

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

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

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

37-458B

Decree 37-458:

Owner = James McCoy

Priority date = 6/1/1883

Source = Clear Creek Spring

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

POU = W ½ of SE ¼ Sec 31, T4N, R18E

Claim 37-458B:

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

Recommendation 37-458B:

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

37-459

Decree 37-459:

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

Claim:

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

Recommendation:

DISALLOW

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

37-2125

License:

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

Claim:

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

Recommendation:

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

37-8119

License:

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

Claim:

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

Recommendation:

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

Use = Domestic

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

POU = NWSE, Sec 31, T4N, R18E

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

Conditions

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

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

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 17, 2006

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

RECEIVED
MAR 24 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: The Meadows, LLC – Wastewater/Spring Claim

Dear Allen:

Please find the enclosed claim for The Meadows, LLC that is being submitted to you. Originally the water from this claim was used north of the property by a Rueben G. Price for the irrigation of 25 acres. This water was diverted from springs in the SW ¼ of section 31, Township 4N, Range 18E that feeds a series of small ponds/lake then the water overflows these ponds/lake the water was diverted into a ditch that then was delivered to the property. However, in approximately 1930 when the highway to the west of the property was installed the irrigation of this property could no longer be irrigated from this right, and the wastewater/springs from the right was then diverted to the west of these ponds/lake through a culvert under the highway and onto approximately 13 acres now owned by The Meadows, LLC. This wastewater/spring water has been used to irrigate these thirteen acres since that time. Therefore, this claim is being submitted for the use of this water and is based on the license, 37-2125, which was formerly owned by Reuben G. Price. This claim is based on the use of the lands in 1987, and can be seen in the attached figure. Older historical aerial photos are also available for this property and could be submitted to verify these claims.

We are also enclosing a check for \$50.00 for the fee applicable to this claim. Our client wishes that this claim be processed as soon as possible and if or any other agent have any questions regarding the enclosed documents, please feel free to give our office a call.

Sincerely,

Daren T. Nelson.

Attachments: Brockway Engineering Check # 6209

cc: George Kirk

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

CHARLES G.
BROCKWAY,
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