

8-25-10

37-2446

Sun Valley Land & Minerals

7-1-1939

4369 - priority date. claim = 1939
Rec = 1949

4100 - still need measurement.

Brockway wants 30 days deadline Sept. 24th

22128 - need amendment.

motion granted

Deadline Aug. 31

ADR due

Opj Sept 24

Rep Oct 15

offstream reservoir has measurement.

Instream reservoir reservoir.

5F-5 deadline Nov 15.

Dec 15 @ 3:30.

status conf.

5-26-2010

37-2446 et. al. Sun Valley Land & Mineral

4100, 4368B, 4369, 21614, 22128

SF-5 deadline

June 18 deadline for Brockway to provide info.

~~July 21,~~

Aug. 25th @ 9:00 scheduling conf to set trial.

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, May 25, 2010 1:28 PM
To: Spencer, Nick; Bromley, Chris; Kelly, Vicki
Subject: 37-2446 et al Sun Valley Land and Minerals

Don't know who is going to handle this group so it is going to all.

kkc

Some notes on current status

37-2446 – Recommendation remarks are updated. A pond vol remark is included.

37-4369 – Previous notes indicate prob with priority date (chg to 12-19-1932). Currently recom for 7-1-1949; Claimed at 7-1-1939; transfer 68545 lists priority date at 7-1-1939. Transfer used the original statutory claim priority date of 7-1-1939 but is not considered to be verifying that date. The 12-19-1932 date represents the priority date for 37-2446. Don't recall if there can be any justification to change the priority date but an amendment would be required anyway to go to an earlier date.

in Bg Dec 15, 1933
Remarks have been updated.

field exam for 37-2446 on July 17, 1934, partly used in
proof submitted - May 21, 1934, states ~~field~~ in fall
pages 317-318

37-4100 – Needs non-consumptive user rmk added. Needs Brockway measurement.

37-21614 - Needs non-consumptive user rmk added.

Not Built as of
May 31, 1933
Pc Doc 346.

Oct 10, 1933 letter
Reservoir complete.
Pc Doc 342, 343

37-4368B - Needs non-consumptive user rmk added. Also wants evaporation and seepage language included. **Recom Priority date = 9-1-1883.**

37-22128 – Brockway to provide “new” irr POU. Also need to Compare POU for heating/rec with 4368B (currently 4368B does not include any use associated with trailer park on east side of property. **Priority date recom = 7-1-1940.** MY question, should the trailer park use be deleted? Doesn't the date of development of trailer park drive recommendations?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Christensen, Kelly

From: Bromley, Chris
Sent: Friday, December 11, 2009 3:06 PM
To: Christensen, Kelly; Kelly, Vicki
Cc: Jones, Doug
Subject: 37-2446 et al. (SV Land & Minerals)

All,

First off, we had a very productive discussion and are in agreement on what we need to do to resolve. Since Kelly sat in on these and understands what we're doing going forward, he's agreed to draft the SF5s and consider the last pieces of information from Brockway.

✓ 37-2446

Insert conditions 6, 7, and 8 from the transfer—ready for SF5

✓ 37-4369

Change priority date to same as for 37-2446 (12/19/1932)

Insert conditions 6, 7, and 8 from the transfer—ready for SF5

✓ 37-4100

Brockway to provide measurement

Settle with non-consumptive remark (Kelly to check with Carter on whether we have a pool remark)

✓ 37-21614

Settle with non-consumptive remark

✓ 37-4368B

Settle with non-consumptive remark (mention evaporation and seepage)

✓ 37-22128

Brockway to provide shape for irrigated acres for Department review

Settle on rec/heating the same as -4368B

Chris

Mandatory Settlement Conf. Sun Valley Land & Minerals

Jim Speck to withdraw from all Subcases.
6 rights to 3 groups.

GP1 37-~~22446~~ 4369 GP2 4368 & hot 22128 hot
GP3 4100 hot 21614 cold water

Pond sys. rec @ transfer system

1. orig lic = flow only 10,000 cfs

GP-1 4369 Stat claim 70 AF Storage
SRBA " 80 AF

Measurement 1990s 143 AF.

transfer app - reg vol = 137 AF. protected

Resolution w/ Blaine Co red vol 102.4 AF based

upon a negotiated volume.

measurement @ At culvert going to lower ponds
has a Cipolletti weir @ culvert.



Big Word - want missing language.
action needed.

transfer 10 items # EXISTS # 4, # 9, # 10
ADD # 6, # 7, # 8 ^{strike first} phrase

7 add language m/dw. in Sec 27 SW. SE.

not material 1

Pg 2
Dec 11, 2009

Mandatory Settlement!

GP 3 37-4100; 21614 coldw/dap creek
use = pool ? on rate per Chuck

pump on creek & operated when needed to
cool pond/pool filled by 4100 overflow goes into
creek $\approx 25 \times 40$ aprof

Add.



Cond - non consumptive rights
evap loss = non consumpt.

spring documentation in 1971 est flow $> .25$ Chuck F. Shink

GP-2. 4368B; 22128

Pond gets hot water only - air cooled -
 $\approx 50 \times 100$ pool.

Chuck to look at evap losses on pool.
Seepage.

Priority 4369 amend claim to 1890 wants that date.
2446 field claim - 1932
go with A

Christensen, Kelly

From: Bromley, Chris
Sent: Wednesday, December 09, 2009 2:08 PM
To: Jones, Doug; Christensen, Kelly; Kelly, Vicki
Subject: 37-2446 et al. (Sun Valley Land and Minerals)

Kelly,

There are 6 rights involved that can be broken into 3 groups, based on objections, not necessarily how the rights work with each other.

1. 37-2446 and -4369

These are rights that were approved by a 2003 transfer. Claimant didn't object, so the only objections are by BWCC/CWU. Barker/Hobdey have typically been fine with transfers as long as the rec is consistent with the transfer. Our recs are consistent. The problem that Barker/Hobdey have is there isn't a requirement for a measuring device. Brockway went over the system with them in great detail at the initial hearing as to why a measuring device wouldn't work. My recollection is that there is a series of ponds that have been designed not to hold more than what the recs state, so the system has some physical limitations. Barker/Hobdey may have forgotten about this conversation. In any event, Brockway will probably have to go back through this. Bottomline: there's really nothing for us to do on these two.

2. 37-4368B and -21614

No claimant objection. BWCC/CWU have objections that they need to reconcile.

3. 37-4100, -22128

Claimant objections in addition to BWCC/CWU. Laski told me today that he may not have information to support his objection to -4100. He said that he'd be getting us a shape from Brockway on -22128 (we recommended 1 acre and .16 cfs; Laski's objection was for 6 acres and .33 cfs). We'll have to dicker with Brockway on acres.

I spoke with Laski shortly after we got off the phone with Sun Valley Ranch. Laski's impression was that the objections by BWCC/CWU in 37-4368B, -21614, -4100, and -22128 revolve around a combined diversion rate.

This is all I know about this group.

Chris

From: Jones, Doug
Sent: Wednesday, December 09, 2009 1:52 PM
To: Christensen, Kelly; Spencer, Nick; Kelly, Vicki; Bromley, Chris
Cc: Jones, Doug
Subject: RE: Help!

I misspoke about attorney - its Chris. Actually this is going to be a hardball session. The hot water rights are probably the biggest issues. The ponds are involved in an approved transfer(s) so should go away. There is a stream right that goes into a pool and then back into the stream - objectors shouldn't have a big issue.

I really haven't been involved with this either. You did the finalization of the recommendations for at least some of them. I may have staggered into the IHrg because we all so busy. There is some fuzzy memory of the ponds being talked about, but....

Thanks! Let me know what you need besides scanned files.

Doug

From: Christensen, Kelly
Sent: Wednesday, December 09, 2009 1:44 PM

To: Jones, Doug; Spencer, Nick, Kelly, Vicki
Subject: RE: Help!

I can set in. The problem is that I know just enough about this one to get me in trouble. Just sit there and take notes?

kkc

From: Jones, Doug
Sent: Wednesday, December 09, 2009 1:41 PM
To: Christensen, Kelly
Subject: Help!

Kelly,

Sun Valley Land and Mineral (up Deer Cr) has a mandatory settlement conference this Friday at 1PM - date & time set just this morning. My wife is having a procedure that morning and I have to be there for her. Nick is participating by VidTelConf there at the SO, as are other Boise types (e.g. Al Barker) involved. Can you fill in for me and attend at the WC, pretty please?

I could be back to Twin for this if I absolutely need to be. Let me know wassup.

Thanks!

Doug

PS I'll help you with the Purdum field work - we can tag team some other things the same trip.

Brookway

Meeting
1-29-07

Vol Calc
Also for GW

4368B

1883
Priority

Clarendon Hot Springs

Fairbanks = 2 homes

o Cantaker = 1 home

o hottub@ = Fairbanks

o Bath house =

o hottub @ = cantaker

o Swim. Pool =

o Lodge by Reservoir

o 8 TRAILERS (Do Not Reconn @ 1883)

250 GPM

in = cantakers house

- around trailerpark

= below cantaker house toward pool

= Fairbanks lawn area.

Split 4370 $\begin{matrix} \nearrow \text{Dom} \\ \searrow \text{Rest of uses} \end{matrix}$

GOLDsmith

4100 needs rate confirmation

Clarendon Hot Springs

done
(disallowed)

1883 P/u
37-4368A Sec 27 SWSE

heating for household (.01 cfb)

caretakers house?

37-4368B, 1883

heating/Rec, 13 cfb

tot, 13

P/u Sec 27 5 1/2 SE

GW -

37-4370 GW (Gwells) 1940

Utr, 20 cfb vac

heat, 13 cfb

Dom, 12

Rec, 13
.56 cfb

Dom = home, lodge, 8 trailers

G = same, Pools

R = Pools, Bath house

found

caretakers house

Fairbanks (2 homes)

RV Park in Sec 34

Rec Pool @ caretakers home

1 Hot tub @ Fairbanks

Spring

37-4100 aka Goldsmith (Sec 12013)

Rec, 178 cfb

Bath area & swimming pool

P/u? Sec 34 NE NW

P/D

(37-12013 Goldsmith; disallowed)
Recom as 37-4100.

Deer Creek

done

37-2446 (1932) to Ponds

Rec, 106A

4/5 pond area

transfer approved Storage of
102 af in 4 ponds.

done
dig
shape for
Pond

37-4369 1939

Rec

Storage 102 AF

transfer approved Storage

Ponds deer Cr source

37-21614

Sec 34 NE NW

same pond used with hot water
than 37-4100

Rec, 24 cfb

3 HP pump to swimming pool

(Gold Smith user? under lease?)

Sun Valley LAND & Minerals
Robins P/O

4370

2006-03-07 dnl d robin

37-22127

Dom .12cb
Tot .12cb

Link P/O to
Coldwater P/O
Robins GPS P/O.

Comments.

Domestic ~~System~~ Rec is for
the cold water system.

Non in use: no chg on either split

use nominal shape for
Domestic Dom in SWSE only?

RMK: 1 P/O used for cold wt
system. Parent right
split to better differentiate
between the cold water
& hot water systems.

37-22128

irr .20cb
Heating .13cb
Rec .13
Total .46cb

Link to 1 P/O
Robins GPS #19

Comments.

This system is for the hot
water system from the ground
water source.

use nominal shape for
~~the~~ other uses. Link all
to same shape

5 ~~the~~ wells exist
for Hot water.

Not all wells are currently
tied into the system.

(03N-17E) Sec 27

LEASE

THIS INDENTURE Made this 7 day of February, 1956

by and between R. B. RANDELL and CHLOE RANDELL, his wife, herein-
after called Lessor, and VERNON W. GOLDSMITH whose wife is JEWEL
L. GOLDSMITH, hereinafter called Lessee,

WITNESSETH:

1. That for and in consideration of the agreement and
covenants herein contained and of the rents reserved herein, the
Lessor does hereby and by these presents lease, let and demise
unto the Lessee the following described property situate in Blaine
County, State of Idaho, to-wit:

That certain parcel of land consisting of approximately
three (3) acres surrounding the group of small natural
hot water springs that are located in the Northeast
Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section
Thirty-four (34), Township Three (3) North, Range Seven-
teen (17) East, Boise Meridian, which tract of land
is more fully described as follows:

Commencing at a point on the fence line which runs
east and west along the northerly side of Deer Creek,
Two Hundred (200) Feet west of the intersection of
said fence line with a line projected north from the
center of said spring area to said fence line thence
easterly along said fence line to the point where that
fence intersects a fence line running generally north
and south, said fence line being the west line of the
Clarendon Hot Springs Ranch, thence southerly along
said west line fence of the Clarendon Hot Springs Ranch
Five Hundred Twenty-five (525) feet, thence on a line
from said last point to the point of beginning, subject
to use by the Lessor and his licensees of the roadways
now on the demised premises.

It is understood that the parcel of land subject to this lease
has been inspected and viewed by both parties together and that
the limits and boundaries thereof have been agreed upon and that
stakes, fences or other boundary markers clearly defining the
leased area have been or as soon as possible after the execution
of this lease will be installed.

2. Lessor reserves from this lease, however, all of the
right, title and ownership in and to the water flowing from or
produced by said springs or otherwise produced or developed on
the demised premises. It is specifically understood and agreed,

RECEIVED

SEP 19 2005

Department of Water Resources
Southern Region

Deer Cr Ranch

However, that the Lessee shall at all times have the right to use of said water for domestic heating purposes and for swimming pools, wading ponds and similar recreational use, It is understood and agreed that the full flow of said springs of water will from time to time be required for some or all of the foregoing purposes but that at other times a lesser amount of flow will probably be required for such uses. All water coming from said springs not used by the Lessee shall be transmitted off the demised premises through the channel in which the water from said springs is now flowing. Any sale, rental or other disposition by the Lessor of the water coming from said springs shall be subject to the prior right of the Lessee to the use thereof as in this lease provided, irrespective of whether the Lessee has at or prior thereto made full or complete use of the water right given him herein and no right to the use of the water of said springs shall be created or established in any manner which shall be prior or paramount to the rights given the Lessee to make use of said waters in the manner herein provided at any time during the term of this lease.

3. It is understood and agreed that the Lessee shall use the demised property primarily for summer homes purposes and in this respect the Lessee covenants that no commercial enterprise or activity catering to the public or any special limited group shall ever be conducted on the demised premises during the term of this lease but that all of the activities on the demised premises, including the use of any pools constructed thereon, shall be of a private nature consistent with the use of said premises as a summer homes area. And Lessee further covenants that unless permission is obtained from the Lessor no more than four summer homes constructed as single family dwelling units, shall be erected on the demised premises. In the use of the demised property the Lessee covenants and agrees: that said property shall always be maintained in a neat and orderly appearance, that refuse and garbage shall not be permitted to accumulate on the premises; that any and

all plumbing and toilets shall be installed and maintained according to accepted health standards; that the property shall not be so used as to result in undue pollution of water on or near the demised premises and that no buildings or activities will be constructed or carried on on the premises which shall be a nuisance to the public or to the Lessor or any tenants of Lessor in near or adjacent areas. Nor will Lessees carry on or permit to be carried on unlawful activities on the demised premises. It is understood that Lessee and sublessees may keep saddle horses for recreational use on the demised premises.

4. It is understood that the Lessee intends to sublease parts of the demised premises and that such sublease as well as the principal lease will from time to time be assigned or come under the term of this lease. The Lessee covenants that all subleases executed by him or any of the owners of this lease from time to time shall contain all of the restrictions and covenants with respect to the use of the demised premises as are specified in this lease.

5. The term of this lease shall be for a period of Ninety-nine (99) years from date hereof.

6. The rents herein reserved shall be in the amount of Three Hundred Dollars (\$300.00) for each calendar year included in the term hereof, the rent for the calendar year 1956 being payable upon the execution of this agreement but for all other calendar years said rent shall be payable on or before January 10 of each such year. The Lessee covenants and agrees that the said rental payments herein provided will be made at or before the time that each such payment becomes due.

7. It is further understood and agreed that if the Lessee commits any breach of any of the covenants or conditions or terms of this lease, or if any such terms, conditions or covenants hereof are breached or violated by any sub-tenant or assignee of the Lessee then it shall be optional with the Lessor to fully terminate and forfeit this lease and enter into possession of the premises and exclude all other persons therefrom; provided, however, that no breach of any covenant or agreement shall be grounds for the

termination of this lease, except breach the covenant to pay the rent required herein, unless the Lessor has given written notice to the Lessee 60 days prior to said termination, specifying the nature of said breach and requiring the same to be remedied, if it can be remedied within said 60 day period and the Lessee fails within such time to remedy said breach or cause the same to be remedied. Upon the exercise of his option to terminate this lease according to the terms of this paragraph, the Lessor shall give the Lessee written notice of the fact of such termination and thereafter Lessee shall have a period of 90 days from the date of said notice as time within which to remove all of his property located on the premises including the improvements that he has made thereon. All such property not removed within said 90 day period shall become the property of the Lessor who at the termination of said period shall have the right to re-enter said premises and take possession thereof. All notices required by this paragraph shall be deemed fully given if deposited in the United States mail, ordinary or certified, addressed to the Lessee at Twin Falls, Idaho, or such other address as the Lessee shall furnish to the Lessor in writing during the term of this lease. And the date of any such mailing in the United States Post Office shall be deemed the date such notice was given. Upon termination of the lease in the manner herein provided all future liability for rent beyond the year of termination shall cease, but Lessor shall retain all claims he may have for damages against time or causes other than for rent.

8. It is understood and agreed that all of the improvements made on the demised premises shall be and remain the property of the Lessee who shall be responsible for the taxes and assessments that may be levied against them. The Lessor shall be responsible only for taxes and assessments levied against the demised premises exclusive of improvements.

9. It is expressly understood and agreed that waiver of any of the provisions of this lease at any time by the Lessor shall not constitute or be cause for a subsequent waiver of the same provision at any future date and that acquiescence by the

Lessor in any conduct or activity which may constitute a breach of any covenant of this lease shall not estop the Lessor from objecting at any time to the continuance of such conduct or activity or to the resumption of the same.

10. As long as the terms of this lease are complied with by the Lessee the Lessor warrants to the Lessee peaceable and quiet possession of the premises against the Lessor and all persons claiming under him. The Lessee covenants for and on behalf of himself and his sub-tenants that upon the expiration of this lease, or soon upon its termination in accordance with the terms hereof, he will quietly and peaceably yield up possession of said premises to the Lessor or his assigns.

All of the terms and covenants of this lease shall be binding upon the heirs, executors, administrators and assigns of all of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 7 day of February, 1956.

R B Randall

Chloe Randall

LESSOR

Jewell L. Goldsmith

Jewell L. Goldsmith

LESSEE

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 7 day of February, 1956, before me the undersigned, a Notary Public in and for said County and State, personally appeared R. B. RANDELL and CHLOE RANDELL, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.


Notary Public for Idaho
Residing at Twin Falls, Idaho

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 7 day of February, 1956, before me the undersigned, a Notary Public in and for said County and State, personally appeared VERNON W. GOLDSMITH whose wife is JEWEL L. GOLDSMITH, known to me to be the persons whose names are subscribed in the within instrument, and acknowledged to me that they 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.


Notary Public for Idaho
Residing at Twin Falls, Idaho

ASSIGNMENT OF LEASE

RECITALS

1.1 R.B. Randell and Chloe Randell executed as Lessor for that certain lease dated February 7, 1956, recorded April 9, 1968, Blaine County Instrument No. 129472, wherein Vernon W. Goldsmith whose wife was Jewell L. Goldsmith, was the Lessee of that certain real property situated in Blaine County, Idaho, more particularly described as follows:

Township 3 North, Range 17 E., B.M., Section 34:
A portion of said section more particularly described as follows: Commencing at the 1/4 corner common to Sections 27 and 34, thence S. 07°39'13" W. 186.51 feet to the True Point of Beginning (a nail in the top of a large fence post being the 19th post East of a fence corner); thence S. 05°57'32" E., 612.73 feet to a fence corner; thence S. 85°57'45" W., 323.39 feet to a fence corner; thence N. 24°08'21" W., 275.70 feet to a fence corner; thence N. 44°19'28" E., 532.01 feet to the True Point of Beginning.

1.2 The Lessee's interest has been assigned and affected by the following instruments:

- a. An Assignment to Pamela Sue Goldsmith (as to an undivided one-half interest) and Kris K. Goldsmith (as to an undivided one-half interest) by the Idaho First National Bank as personal representative of the Estate of Vernon W. Goldsmith on August 16, 1984, recorded November 9, 1984, Instrument No. 25081, records of Blaine County, Idaho; and

411943
Blaine Co. Request
of: Mary L. Goldsmith
98 MAR 17 PM 3:21
MARY GREEN, CLERK
FEEES \$ 15.00

- b. An Assignment to Marty Goldsmith by Assignment recorded May 18, 1987, Blaine County Instrument No. 284441, from Pamela Sue Goldsmith; and
- c. An Assignment of a partial interest to Charles Robbins by Assignment dated July 5, 1988, recorded July 7, 1988, Blaine County Instrument No. 296237 from Marty Goldsmith and Kris K. Goldsmith; and
- d. An Assignment of a partial interest to Marty Goldsmith and Charles Robbins from Kris K. Goldsmith dated August 17, 1989, recorded August 18, 1989, Instrument No. 308855, records Blaine County, Idaho.

1.3 The referenced lease was amended by that certain Amendment to Lease dated October 14, 1986 by and between Traveler's Mortgage Corporation, a Washington corporation, and Pamela Sue Goldsmith and Kris K. Goldsmith, recorded September 8, 1987, Instrument No. 287695, Blaine County, Idaho.

1.4 Prior to the Assignment contained in this instrument, the parties hereto acknowledge that the Lessee's interest in the Lease and Amendment to Lease was held by Marty Goldsmith as to an undivided one-half interest and Charles Robbins as to an undivided one-half interest.

ASSIGNMENT

2.1 Charles Robbins as Assignor and Marty Goldsmith and Kris K. Goldsmith as Accommodating Parties assign and set over to Vernon D. Goldsmith in trust for and

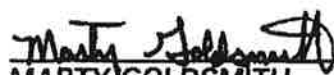
for the sole and exclusive benefit of Brett William Goldsmith, an undivided one-half interest the Lessee's right, title and interest in the Lease as amended by the Amendment to Lease.

2.2 The undersigned declare and acknowledge that the Lessee's interest in the Lease and Amendment to Lease shall, as of the date hereof, be held by Marty Goldsmith as to an undivided one-half interest and Vernon D. Goldsmith in trust for Brett William Goldsmith as to an undivided one-half interest.

2.3 The undersigned Kris K. Goldsmith and Charles Robbins release and disclaim any interest in the referenced Lease and Amendment to Lease.

DATED this 14 day of July, 1994.


CHARLES ROBBINS


MARTY GOLDSMITH


KRIS K. GOLDSMITH

STATE OF IDAHO)
) ss.
County of Ada)

On this 15 day of July, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES ROBBINS, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Vincent Vannoy
Notary Public for Idaho
Residing at Boise, Idaho
Commission expires: 11-10-99

STATE OF IDAHO)
) ss.
County of Ada)

On this 15 day of July, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared KRIS K. GOLDSMITH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Vincent Vannoy
Notary Public for Idaho
Residing at Boise, Idaho
Commission expires: 11-10-99

STATE OF IDAHO)
) ss.
County of Ada)

On this 15 day of July, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Vincent Kinnery
Notary Public for Idaho
Residing at Boise, Idaho
Commission expires: 11-10-99

AFFIDAVIT

I, JOHN MEMESTOLE, Being first duly sworn on oath de-
poses and says:

I am a resident of Hailey, Idaho, and was born on what
is now known as the Deer Creek Ranch which is adjacent to
Clarendon Hot Springs. I have been a resident either on the Ranch
or in the Hailey area since 1925. I am familiar with the area
known as the Clarendon Hot Springs which is one of the original
hot bath sites in Wood River Valley. I have at periods in time
and history owned it and others have owned it as well but during
all of the period of time all of the hot water that is generated
from the natural springs adjacent to the swimming pools, etc., has
been utilized for recreational bathing and domestic uses in the
swimming pools and baths at Clarendon Hot Springs. This use to my
own knowledge has been continuous for approximately 50 years
and continues until the present day.

Dated this 15 day of September, 1975.

John Memestole

COUNTY OF IDAHO,)
County of Twin Falls.) ss

On this 15 day of September, 1975, before me, the
undersigned, a Notary Public for Idaho, personally appeared JOHN
MEMESTOLE, known to me to be the person whose name is subscribed
to the foregoing Affidavit and acknowledged to me that he 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

Clifton S. [Signature]
Notary Public for Idaho
Residing at Twin Falls, Idaho
Return

AFFIDAVIT

I, REUBEN PANDELL, Being first duly sworn on oath deposes and says:

I purchased what is commonly known as Clarendon Hot Springs which is a historic natural hot water swimming pool and baths in 1941. I have been continuously associated with the Clarendon Hot Springs either as owner or in living adjacent to it at least part of the time since I purchased it. At all times during my associations since the 1940's with Clarendon Hot Springs, all of the hot water generated by the hot springs adjacent to the Clarendon swimming pools have been used in the pools for swimming, bathing, recreational or other domestic uses. This particular spa is one of the oldest and most historic in Wood River Valley and certainly local legend would have it that the use of the hot water in the pools as I have described has been in consistent use since at least the 1880's.

Dated this 12 day of September, 1975.

R. B. Pandell

STATE OF IDAHO)
County of Twin Falls.) ss

On this 12 day of September, 1975, before me, the undersigned, a Notary Public for Idaho, personally appeared REUBEN PANDELL, known to me to be the person whose name is subscribed to the foregoing Affidavit and acknowledged to me that he executed the same.

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

W. M. G. [Signature]
Notary Public for Idaho
Residing at Twin Falls, Idaho

AFFIDAVIT

I, PATRICK RYAN, being first duly sworn on oath depose and says:

I was one of the purchasers of the area known as the Clarendon Hot Springs in the year 1969. It was purchased from Mr. Reuben Randall. At all times since this purchase in 1969, I state that all of the hot water generated in the springs adjacent to the Clarendon pools have been utilized in the said pools for swimming, bathing, recreational and domestic uses. I state that of my own knowledge this has been going on since the year 1969 in a consistent pattern and further state that this is one of the most historic hotel spas in the Wood River Valley and local legend and reputation has it that the same use has been made of this hot water and of the hot water dating back until the 1880's.

Dated this 10th day of September, 1975.

Patrick Ryan

STATE OF IDAHO,)
) ss
County of Twin Falls.)

On this 10th day of September, 1975, before me, the undersigned, a Notary Public for Idaho, personally appeared PATRICK RYAN, known to me to be the person whose name is subscribed to the foregoing Affidavit and acknowledged to me that he 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.

David J. Walker
Notary Public for Idaho
Residing at Twin Falls, Idaho

May 31, 1978

Mr. Terry Bauer
Southern Division
Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Dear Terry:

Enclosed you will find a Claim to Water Right for Mr. Vern Goldsmith for water diverted and put to beneficial use in the Hailey area. As you will see from the application, the water was diverted in 1956 and facilities constructed to collect, impound, and control the water in accordance with Idaho Law.

If you have any questions regarding the application or need additional information, please feel free to contact me at any time.

Sincerely yours,

Sheri L. Chapman
Consultant

SLC:kje
enclosure
cc:Mr. Goldsmith

Sheri L. Chapman
4706 Fairview Avenue
Boise, ID 83704
375-6131

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(name of claimant)

of P. O. Box 2337, Boise, Idaho 83701, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed Spring
_____, tributary to, Deer Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 0.78 cfs Use Recreation Period of Use: From Jan. 1 To Dec. 31

Amount Use Period of Use: From To

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm
or a/f)

(dom., intl.,
stock, etc.)

Period of Use: From _____ To _____

(both dates inclusive)

- (3) Total quantity of water claimed: 0.78 cubic feet per second, or _____ acre feet per annum, and/or 350 gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) September 6, 1956

- (4) Priority claimed: (the date water was first applied to beneficial use) September 6, 1956

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 34 Twp. 3 North Rge. 17 East B.M. County of Blaine
 Additional points of diversion: None

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Excavation into spring site and construction of concrete intake, holding area and discharge drains.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

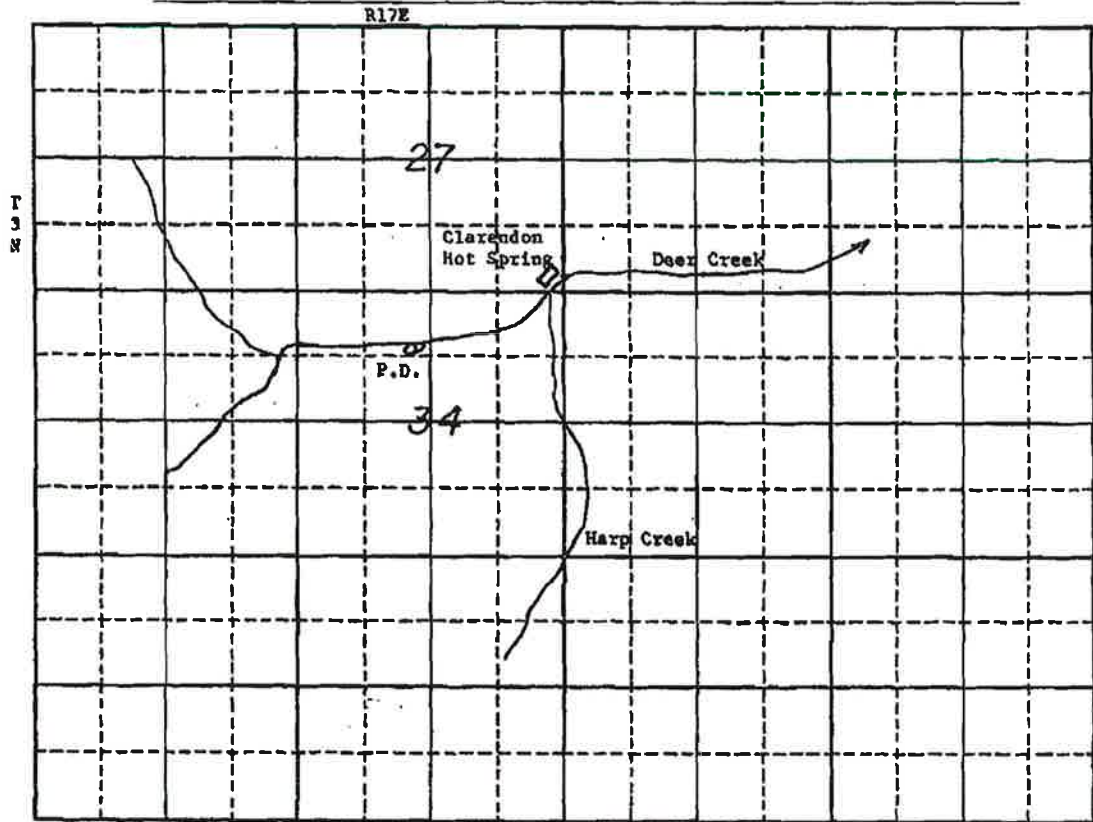
[illegible]

Total No. of items -0-

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is diverted from excavated spring into combined bath area and swimming pool. Water then discharges to Deer Creek through drain pipes.

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

(8) Remarks None



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19th day of May, 1929.

Notary Public

Residing at Boise

My commission expires 6-26-29

For Department Use Only

Received by ADA

Date 6/5/28

Exception filed by:

Forwarded to

Date

Prelim. check by ADA

Date 6-6-28

claimant by:

\$10.00 fee received by ADA

Date 6-5-28

Approved for publication by SM

Date 6-27-28

Published in Woot-River

Date 6-15-28

Dates 6/15-6/22/28

4-789.8

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 RIGHT.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12013
Date Received: 10/25/1988
Receipt No: _____
Received By: _____
Ct
10-25-88

COPY RECEIVED
OCT 26 1988

NOTICE OF CLAIM TO A WATER RIGHT
Department of Water Resources
ACQUIRED UNDER STATE LAW

1. Name: MARTY GOLDSMITH
Address: 1111 SOUTH ORCHARD
SUITE 102
BOISE, ID

83705

2. Date of Priority: JUL 01, 1956

3. Source: SPRING Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	17E	34	NE	NW			BLAINE

5. Description of diverting works:
HOT SPRING FLOWS INTO SWIMMING POOL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	0.250		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION/ SWIMMING POOL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	34	NE	NW		REC	

11. Place of use in counties: BLAINE

A37-12013

Page

1

Date: 10/25/88

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE CLAIMANT HAS A 99 YEAR LEASE ON THE PROPERTY.

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marty Haltsen Date: 10-26-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of October 1988 Shonna Russell
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 10/21/91

01/05/2007

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

RIGHT NUMBER: 37-4368A

NAME AND ADDRESS: DEER CREEK RANCH INC
PO BOX 187
HAILEY ID 83333-0187

SOURCE: CLARENDON HOT SPRINGS

TRIBUTARY: DEER CREEK

QUANTITY: 0.010 CFS

PRIORITY DATE: 12/31/1883

POINT OF DIVERSION:

T03N R17E S27 SWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

01/01 12/31

0.010 CFS

PLACE OF USE:

HEATING in BLAINE County

T03N R17E S27 SWSE

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 - Beneficial Use

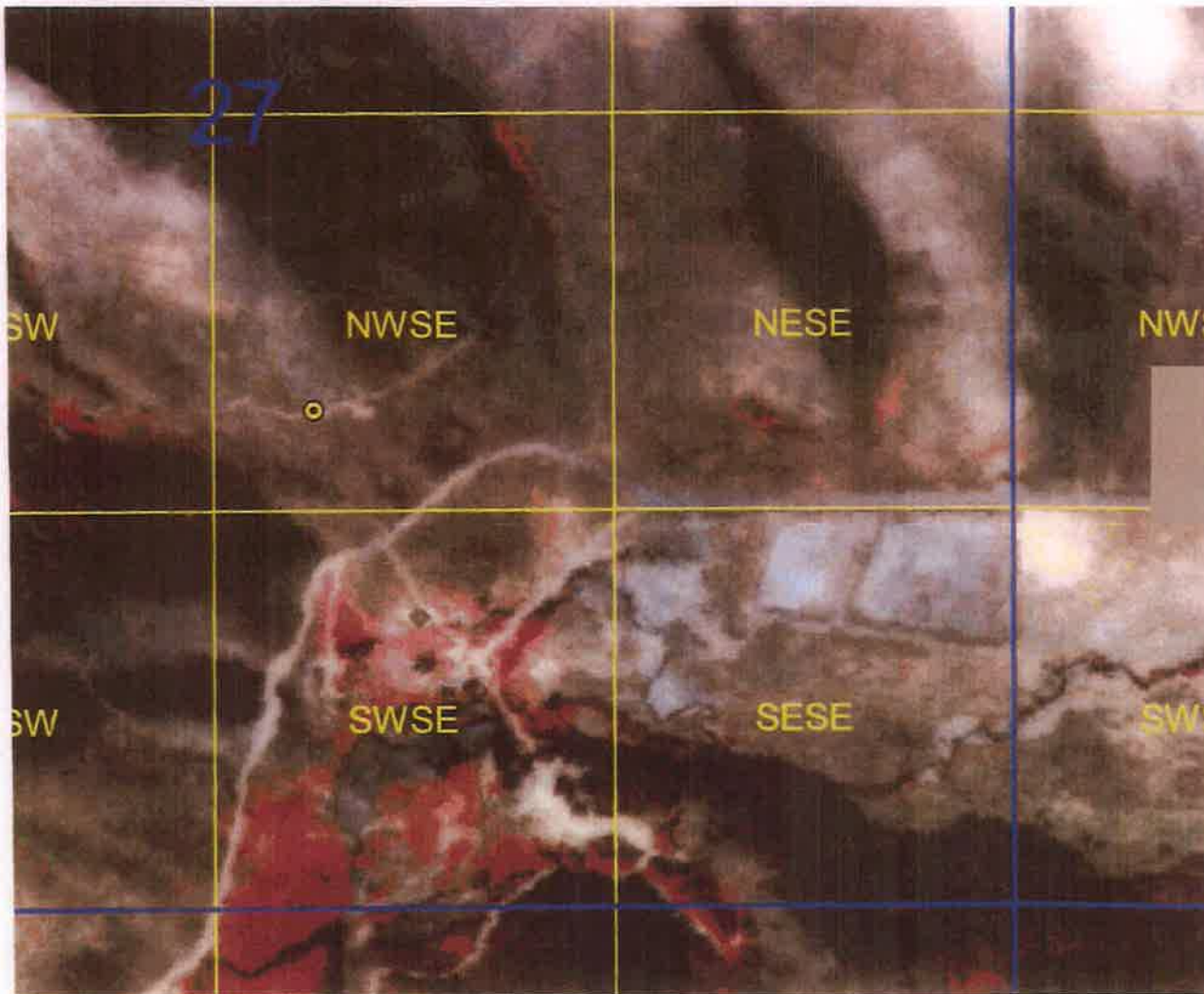
PARCEL NO: RP03N170275210A.

Heating is for 1 house.

Idaho Department of Water Resources

**T03N, R17E,
SEC 27**

Claim No: 37-4368A
Prepared By: Kimberly Brown
Date: January 5, 2007



Place of Use



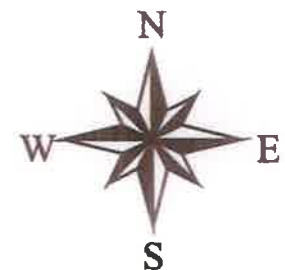
Section Lines



1/4 1/4



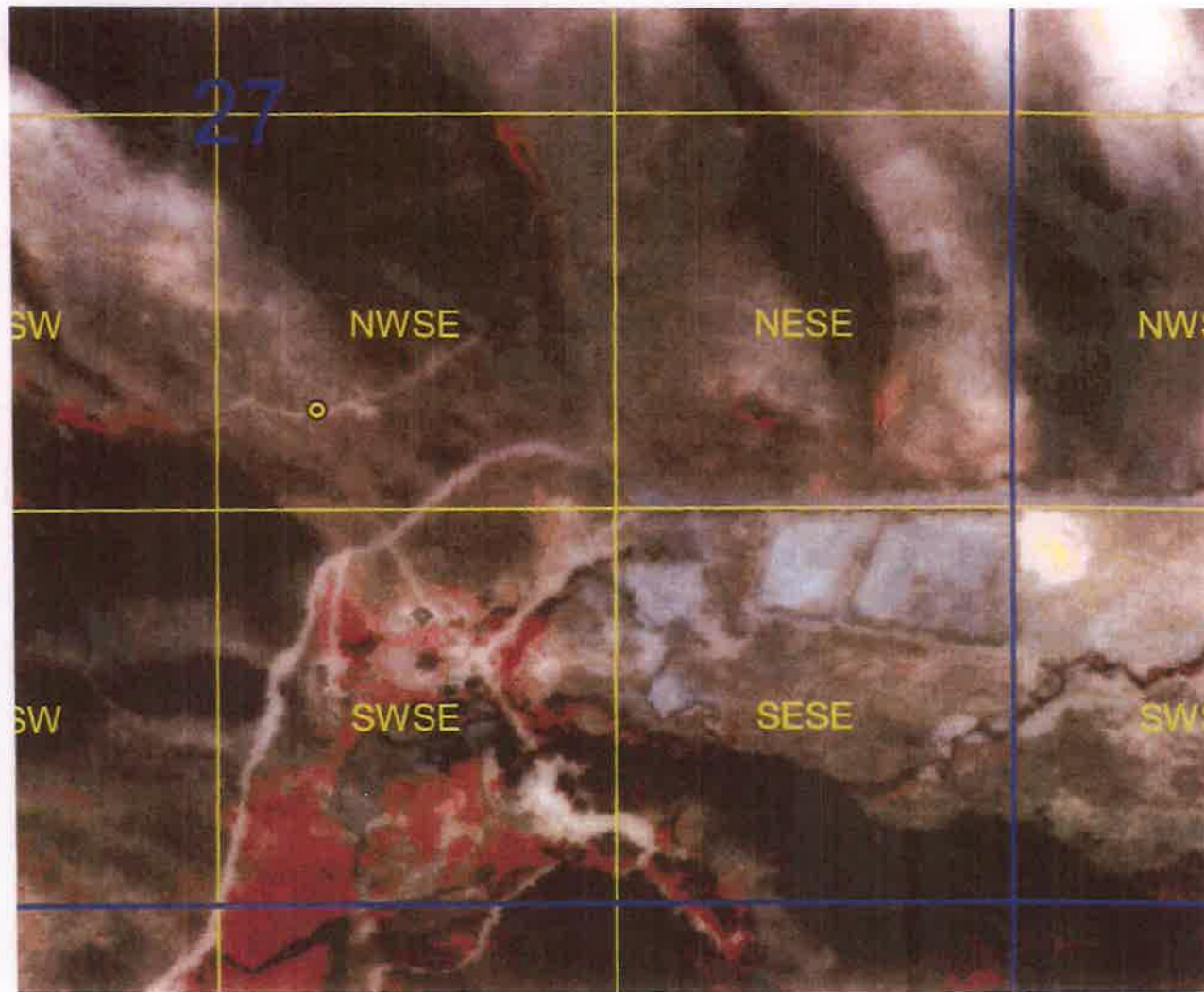
Point of Diversion



0.07 0 0.07 0.14 Miles

1987 NAPP

Idaho Department of ~~Water~~ Resources



**T03N, R17E,
SEC 27**

Claim No: 37-4368A
Prepared By: Kimberly Brown
Date: January 5, 2007



Place of Use



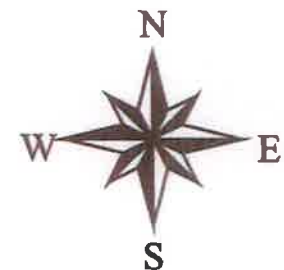
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

0.07 0 0.07 0.14 Miles



* no electronic back file

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4368A

WATER RIGHT NUMBER: 37-4368A

Owner Type

Current Owner

Name and Address

DEER CREEK RANCH INC
PO BOX 187
HAILEY, ID 83333-0187
(208)788-9813

Current Owner:

Donna Kelsey
Box 1959
Sun Valley 83353

Priority Date: 12/31/00/04/1883

Basis: Beneficial Use

Status: Active

Source

CLARENDON HOT SPRINGS

Tributary

DEER CREEK

Beneficial Use

HEATING

From To

1/01 to 12/31

Diversion Rate

0.010 CFS

Annual Volume

N/A

Total Diversion:

0.010 CFS

Location of Point(s) of Diversion

CLARENDON HOT SPRINGS

BLAINE County

SW1/4NW1/4SE1/4

Sec. 27, Twp 03N, Rge 17E, B.M.

Place of Use

HEATING

Twp Rge Sec

03N 17E 27

NE

NW

SW

SE

NW

NW

SW

SE

SW

NW

SW

SE

SE

NW

SW

SE

Totals

X

Property Address:

509 Deer Creek Rd. 83000

Conditions of Approval:

Remarks:

Comments:

ADD - Heating use: The purpose of use is to heat the caretaker's house hold.

0.1 ACRE

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-4368A**

01/05/2007

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4370	Claim	03N	17E	27	SW	SE		IRRIGATION	3/6	SUN VALLEY LAND & MINERALS INC
4370	Water Right	03N	17E	27	SW	SE		IRRIGATION	3/3	SUN VALLEY SHAMROCK RESOURCE INC
4368A	Claim	03N	17E	27	SW	SE		HEATING		DEER CREEK RANCH INC
4368B	Claim	03N	17E	27	SW	SE		HEATING		SUN VALLEY LAND & MINERALS INC
4370	Claim	03N	17E	27	SW	SE		HEATING		SUN VALLEY LAND & MINERALS INC
4368	Water Right	03N	17E	27	SW	SE		HEATING		SUN VALLEY SHAMROCK RESOURCE INC
4370	Claim	03N	17E	27	SW	SE		DOMESTIC		SUN VALLEY LAND & MINERALS INC
42160	Water Right	03N	17E	27	SW	SE		DOMESTIC		SUN VALLEY LAND & MINERALS INC
2446	Claim	03N	17E	27	SW	SE		RECREATION		SUN VALLEY LAND & MINERALS INC
4368B	Claim	03N	17E	27	SW	SE		RECREATION		SUN VALLEY LAND & MINERALS INC
4370	Claim	03N	17E	27	SW	SE		RECREATION		SUN VALLEY LAND & MINERALS INC
4369	Claim	03N	17E	27	SW	SE		RECREATION STORAGE		SUN VALLEY LAND & MINERALS INC

Receipt Details for ID M001699

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/24/1988 5:30:12 PM	10/24/1988	Mobile	\$76.00	Check
Payer		BURT, WILLIAM R.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4865			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$76.00	ADJUDICATION FEE	410162	9337	00	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
37	4368	A	\$51.00	Claim
37	11955		\$25.00	Claim

[Print Report](#)

2-2-11 status Conf

37-2446 Sun Valley Land & Minerals

4100 4368B 4369 22128

Laski - Parties satisfied.

Barker / Hobday

Negri for Forest Service satisfied ATT,

Proposed Recd went out Dec 14, 2010

Barker didn't look over docs.

next status Conf.

Feb 16 @ 3:00 PM.

Laski to Reute latest e-mail from
Vicki to all parties.

37-22128

7-1-1940

Rec

drw 1 ac

Heating

.13cb 24 SOURCE = 5 Wells

.03cb 3.5af

.13cb 40AF

.16cb 43.5AF

includes the 43688 uses
+ trailer cost.

37-43688

9-1-1883

Rec

Heating

.13cb

.13cb

.13cb

Source = Clarendon Hot Sp.

2 homes @ Fairbanks lease

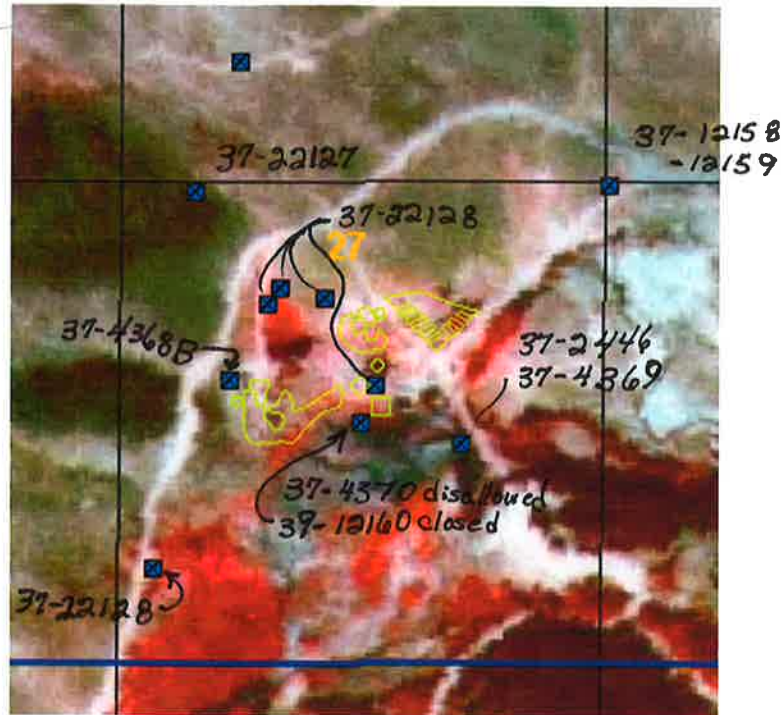
caretakers home

Lodge (now torn down)

1 hot tub @ Fairbanks 1 @ caretakers

1 bath house

1. swimming pool



o 37-2446
 37-4369
 37-21614 21614 POU - Deer Creek Source
 4100 POU Spring "
 o 37-4100
 p 37-12013 disallowed

Permit 17762
Oct. 19, 1932

Hailey, Idaho

Oct. 10, 1933
Hailey, Ida
C/O H.C. Brown

PC Doc
Pg 342-343



Dear Sir:

In regard to the permit of E. C. Smith for a power plant and reservoir - this, I understand, should not interfere with decreed water rights. Deer Creek is too small to run this plant, which was put into operation recently, without damaging and interfering with water rights.

In order to run the plant at night the operators find it necessary to close off the stream entirely for at least five hours of each day. Consequently, stock in the pastures below - 2 to 3½ miles below the dam are without water from 8 to 10 hours of each day. As the weather becomes colder this water which has been shut off will readily freeze, and never reach the pastures. This completely damages our water rights for domestic purposes - besides killing the fish in the stream below the dam. In

irrigation season our water rights would be worthless.

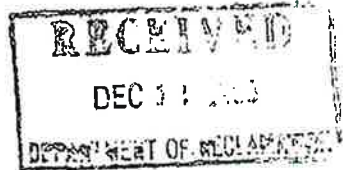
As to seepage and evaporation in the dam in hot weather - will they not materially affect the flow of the stream?

This dam is not built to comply with conditions specified in the permit and since Deek Creek is decreed as a dry creek - we are asking your advice. Please answer as soon as possible as something will have to be done at once.

Respectfully yours,
Mrs. P. M. Monigle.

Deek Creek.

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO



Dec.15--1933.

Hon.R.W.Faris,

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:--

Re Permit No.17,762. E C Smith.

I have your papers as of date 13th, for proof of completion of works.

I enclose you form No.11, also duplicate form No.8--Notice for publication.

Last Fall, when this plan was on, Mr.H.C.Beamer came to me, he was in charge of the property for Smith, who lives in Reno, Nev.

Beamer was very ill, so I signed the application; Beamer never recovered, died this Spring, his son H.N. Beamer, has been handling as his Father did, for Smith. The dam is in, power plant has been installed, electric lights for the small pleasure hotel there; Mr.S.H.Chapman, Water-Master for the District, has examined, told me it didnt interfere with the lower irrigation rights; only a small plant and pond,---.

Storming and snow here, and it will be worse before Feb.21; I have set date for 20th Feb. --but cant you extend the time on this proof until say May 20th---? when I believe can make both proofs, that is, completion, and beneficial use.

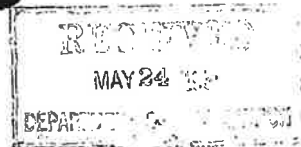
There has been some informal protests by McMonigles or successors, but no body has been hurt or any rights interfered with and I would prefer to clean up both proofs at once, when checking can be made thru your office, if required. Let me know, please, and dont start publication until you write me.

17762

Yours truly,

J. J. McFadden

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17762

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H Norland Beamer, Hailey, Idaho, merchant-- Hailey, Ida.
Am agent for E. C. Smith, permit holder, he is at Reno, Nev. where he lives, my Father H C Beamer was his agent up to his death in 1933, I have acted since.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent); your position with reference to same, and your authority for appearing in its behalf.

Ans. Agent for permit holder.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 17762---Feb. 21, 1933, Dec. 19, 1932
permit filed 12-10-32 priority same.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Deer Creek, dam about 1800 feet from NE cor. Sec. 34, T. 3 N
R. 17 E. Diversion same. in the NW⁴NE⁴, Sec. 34, T. 3 N, R. 17 E.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Dam for pleasure resort and small power plant, dam 300 ft
long, lake about 10 acre feet, (covers about 5 acres) small
power plant right at dam, bucket wheel and motor.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Small lake pleasure resort, replacing one washed out years
ago, see notations in proof completion works, made this day.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. small lake, power plant for elec lights and power for
hotel near by; hotel shown in picture.

17762

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 10 acre feet, flow of creek not exc. 10 feet for power.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. agent for original holder.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Partly used last fall when reservoir filled, and
power plant started, used this spring, reservoir filled

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none

There is a hot spring on property owned by holder,
Used for plunge baths, and hotel use.

(Sign) H. Norland Beamer

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hailey, County of Blaine, State of Idaho, on this 21 day of May, A. D. 19 34.

J. J. M. J. J. J.
Notary Public, residing at
Hailey, Idaho.

My commission expires Feb. 2, 1937.

IDWR CONCURRENCE:

Kelly K. Christensen 1-31-11

Kelly K. Christensen
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

11/08/2010

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

RIGHT NUMBER: 37-2446

NAME AND ADDRESS: SUN VALLEY LAND & MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

KKC

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

The combined storage volume of the four (4) ponds shall not exceed 102 af.

The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.

PRIORITY DATE: 12/19/1932

POINT OF
DIVERSION:

T03N R17E S27 SESWSE Within BLAINE County
T03N R17E S34 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T03N R17E S27	SWSE	T03N R17E S27	SESE
T03N R17E S34	NWNE		

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

The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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

Approval of this transfer no. 68545 authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

Failure of the right holder to comply with the conditions of ~~this~~ transfer no. 68545 is cause for the Director to rescind approval of the transfer.

Use of water under this right may be affected by agreements between the protestants and the right holder.

The right holder shall accomplish the change authorized by ~~this~~ transfer no. 68545 within three (3) years of the date of this approval.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

11/08/2010

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

SF-5

RIGHT NUMBER: 37-2446

NAME AND ADDRESS: SUN VALLEY LAND & MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

VERIFIED BY

KKC
11-8-10

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

The combined storage volume of the four (4) ponds shall not exceed 102 af.

The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.

PRIORITY DATE: 12/19/1932

POINT OF
DIVERSION:

T03N R17E S27 SESWSE Within BLAINE County
T03N R17E S34 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T03N R17E S27	SWSE	T03N R17E S27	SESE
T03N R17E S34	NWNE		

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

The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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

Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

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

Use of water under this right may be affected by agreements between the protestants and the right holder.

The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

02/20/2007

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

RIGHT NUMBER: 37-2446

NAME AND ADDRESS: SUN VALLEY LAND & MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

Director's Rpt

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

The combined storage volume of the four (4) ponds shall not exceed 102 af.

The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.

PRIORITY DATE: 12/19/1932

POINT OF
DIVERSION: T03N R17E S27 SESWSE Within BLAINE County
T03N R17E S34 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T03N R17E S27	SWSE	T03N R17E S27	SESE
T03N R17E S34	NWNE		

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

The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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

Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

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

Use of water under this right may be affected by agreements between the protestants and the right holder.

The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

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

RIGHT NUMBER: 37-2446

NAME AND ADDRESS: SUN VALLEY LAND & MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

The combined storage volume of the four (4) ponds shall not exceed 102 af.

The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.

PRIORITY DATE: 12/19/1932

POINT OF
DIVERSION: T03N R17E S27 SESWSE Within BLAINE County
T03N R17E S34 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T03N R17E S27	SWSE	T03N R17E S27	SESE
T03N R17E S34	NWNE		

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

The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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

Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

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

Use of water under this right may be affected by agreements between the protestants and the right holder.

The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 68545

This is to certify that: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353
(208)726-1868

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-2446	AJC/License	12/19/1932	10.00 cfs			N/A	DEER CREEK
37-4369	AJC/Beneficial Use	12/19/1932		143.0 af		N/A	DEER CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-2446	NO	NO	YES	YES	NO	NO
37-4369	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2446	37-2446	10 cfs		N/A	N/A		N/A	N/A		N/A
37-4369	37-4369		102 af	N/A	N/A		N/A	N/A		N/A
TOTALS		10 cfs	102 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26 day of March, 20 03

for

[Signature]
Chief, Water Allocation Bureau

MICROFILMED

APR 16 2003

SCANNED
MAR 26 2003

WATER RIGHT NO. 37-2446
As Modified by Transfer No. 68545

In accordance with the approval of Transfer No. 68545, Water Right No. 37-2446 is now described as follows.

Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 12/19/1932

Source: DEER CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
RECREATION	01/01	to 12/31	10.00 CFS
			10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27 Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34 Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N 17E 27																X	X	
03N 17E 34			X															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.
5. Use of water under this right may be affected by agreements between the protestants and the right holder.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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MAR 26 2003

WATER RIGHT NO. 37-2446

As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

- Pg 2* 8. After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
- Pg 1*
Direct 9. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.
- Pg 2* 10. Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

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

Dated this 26 day of March, 20 03

[Signature]
For Chief, Water Allocation Bureau

MICROFILMED

APR 16 2003

SCANNED
MAR 26 2003

WATER RIGHT NO. 37-4369
As Modified by Transfer No. 68545

In accordance with the approval of Transfer No. 68545, Water Right No. 37-4369 is now described as follows.

Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 07/01/1939

Source: DEER CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION STORAGE	01/01	to 12/31		102.0 AF
				102.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27 Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34 Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34			X														

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.
5. Use of water under this right may be affected by agreements between the protestants and the right holder.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

APR 16 2003

SCANNED
MAR 26 2003

WATER RIGHT NO. 37-4369
As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

8. After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
9. Approval of this transfer is not a determination of the historical volume of water stored.
10. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.
11. Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

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

Dated this 26 day of March, 20 03

for


Chief, Water Allocation Bureau

MICROFILMED

APR 16 2003

SCANNED
MAR 26 2003