

DE 11-6-00
UH

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
Date Received: 8/22/89
Receipt No:
Received By:

37-4369

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUN VALLEY LAND AND MINERALS INC Phone: (208)726-1868
C/O DONNA R KELSEY
PO BOX 1959
SUN VALLEY ID 83353

RECEIVED
NOV 06 2000
Department of Water Resources
Southern Region

2. Date of Priority: 12/19/1932

Priority date
Per Transfer
7-1-1939

3. Source: DEER CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
03N	17E	27	SW SE	BLAINE

5. Description of diverting works:

DAM FORMING RESERVOIR. DAM IS KNOWN AS CLARENDON HOT SPRINGS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION STORAGE	1/01	12/31		143

7. Total Quantity Appropriated is:
143 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	17E	27	SW SE	RECREATION STORAGE	
03N	17E	34	NW NE	RECREATION STORAGE	
			NE NW	RECREATION STORAGE	

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:

5/18/00, DJ: CLAIM AMENDED TO CORRECT STORAGE VOLUME OF APPROPRIATION AND REMOVE POWER STORAGE

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Sun Valley Land & Minerals, Inc Title
Organization that I have signed the foregoing
document in the space below as President of
Sun Valley Land & Minerals, Inc Title

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

Dana Kelsey
Signature of Authorized Agent

President, Sun Valley Land & Minerals Inc
Title and Organization

11-4-00
Date

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 4TH day
of November 2000

[Signature]
Notary Public

Residing at HAILEY, IDAHO

My commission Expires 05.27.2003

RECEIVED

MAY 18 2000

Department of Water Resources
Southern Region

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04369

Date Received: 8/22/1989

Receipt No: C005944

Received By: [Signature] 5/13/00

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SUN VALLEY LAND AND MINERALS INC 208-726-1868
Address: C/O DONNA R KELSEY
P.O. BOX 1959
SUN VALLEY ID 83353

2. Date of Priority: DEC 19, 1932

3. Source: DEER CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	17E	27	SW	SE			BLAINE

5. Description of diverting works:
DAM FORMING RESERVOIR. DAM IS KNOWN AS CLARENDON HOT SPRINGS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
~~POWER STORAGE~~	~~01/01~~	~~12/31~~			~~143.00~~
RECREATION STORAGE	01/01	12/31			143.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 143.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STORAGE FOR RECREATIONAL USE, AESTHETIC USE AND POWER PRODUCTION. ARK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	27	NW	NE		REC S	
			NW	NE		POW S	<u>ARK</u>

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	17E	27	NE	NW	REC S	
			NE	NW	POW S	ARK
			SW	SE	REC S	
			SW	SE	POW S	ARK

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:
LICENSE 37-2446

14. Remarks:
5/18/00, DJ: CLAIM AMENDED TO CORRECT STORAGE VOLUME OF APPROPRIATION.

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of San Valley Land & Minerals, Inc. that I have signed the foregoing document in the space below as President of San Valley Land & Minerals, Inc. and that the statements contained in the foregoing document are true and correct.

Danar Kelsey
Signature of Authorized Agent

President
Title and Organization

5-18-2000
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of May 20 00

T. Douglas Jones
Notary Public

Seal

Residing at Buhl

My Commission Expires 8/8/2001

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

11/08/2010

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

RIGHT NUMBER: 37-4369

AKC

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

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 102.00 AFY
Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs.

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

PRIORITY DATE: ~~12/31/1949~~ 07/01/1939

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 STORAGE	01/01 12/31	102.00 AFY

PLACE OF USE: RECREATION STORAGE 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.

The volume of water decreed for this water right is not a determination of historical beneficial use.

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

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

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.

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.

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 measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

SF-5

RIGHT NUMBER: 37-4369

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

VERIFIED BY KKC

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 102.00 AFY

Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs.

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

PRIORITY DATE: ~~12/31/1949~~ 07/01/1939

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 STORAGE	01/01 12/31	102.00 AFY

PLACE OF USE: RECREATION STORAGE 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.

The volume of water decreed for this water right is not a determination of historical beneficial use.

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

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

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.

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

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 measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

RIGHT NUMBER: 37-4369

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

*Directors Rpt
2007*

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 102.00 AFY

Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs.

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

PRIORITY DATE: 12/31/1949

POINT OF
DIVERSION:

T03N R17E S27 SESWE Within BLAINE County
T03N R17E S34 NWNWE Within BLAINE County

*chg to ~~2-1-1939~~
7-1-1939 - claimed priority
Amended ~~8-2-5~~ 5-18-2000*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	01/01 12/31	102.00 AFY

PLACE OF USE: RECREATION STORAGE 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.

The volume of water decreed for this water right is not a determination of historical beneficial use.

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

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

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.

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

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 measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4369 V1

WATER RIGHT NUMBER: 37-4369 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUN VALLEY SHAMROCK RESOURCES INC PO BOX 912 HAILEY, ID 83333
Current Owner	SUN VALLEY LAND & MINERALS INC PO BOX 1959 SUN VALLEY, ID 83353 (208) 726-4113
Representative	BROCKWAY ENGINEERING 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 (208) 736-8543
Attorney	LAWSON LASKI CLARK & POGUE PLLC 675 SUN VALLEY RD STE A PO BOX 3310 KETCHUM, ID 83340 (208) 725-0055

Priority Date: 12/31/1949

Basis: Beneficial Use

Status: Active

7-1-1939 transfer approved date.

<u>Source</u>	<u>Tributary</u>
DEER CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		102.00 AF
	<u>Total Diversion:</u>		102.00 AF

Location of Point(s) of Diversion

DEER CREEK	NW1/4NW1/4NE1/4	Sec. 34, Twp 03N, Rge 17E, B.M.
BLAINE County		
DEER CREEK	SE1/4SW1/4SE1/4	Sec. 27, Twp 03N, Rge 17E, B.M.
BLAINE County		

Place of Use

RECREATION STORAGE

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-4369 V1

Conditions of Approval:

1. 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. ✓
2. 020 Use of water under this right may be affected by agreements between the protestants and the right holder. ✓
3. R02 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. ✓
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. ✓
5. N11 The volume of water decreed for this water right is not a determination of historical beneficial use.
6. T07 The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval. ✓
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37. ✓
8. E51 Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs. ✓
9. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works. ✓
10. The combined storage volume of the four (4) ponds shall not exceed 102 af for the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. ✓
11. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. ✓

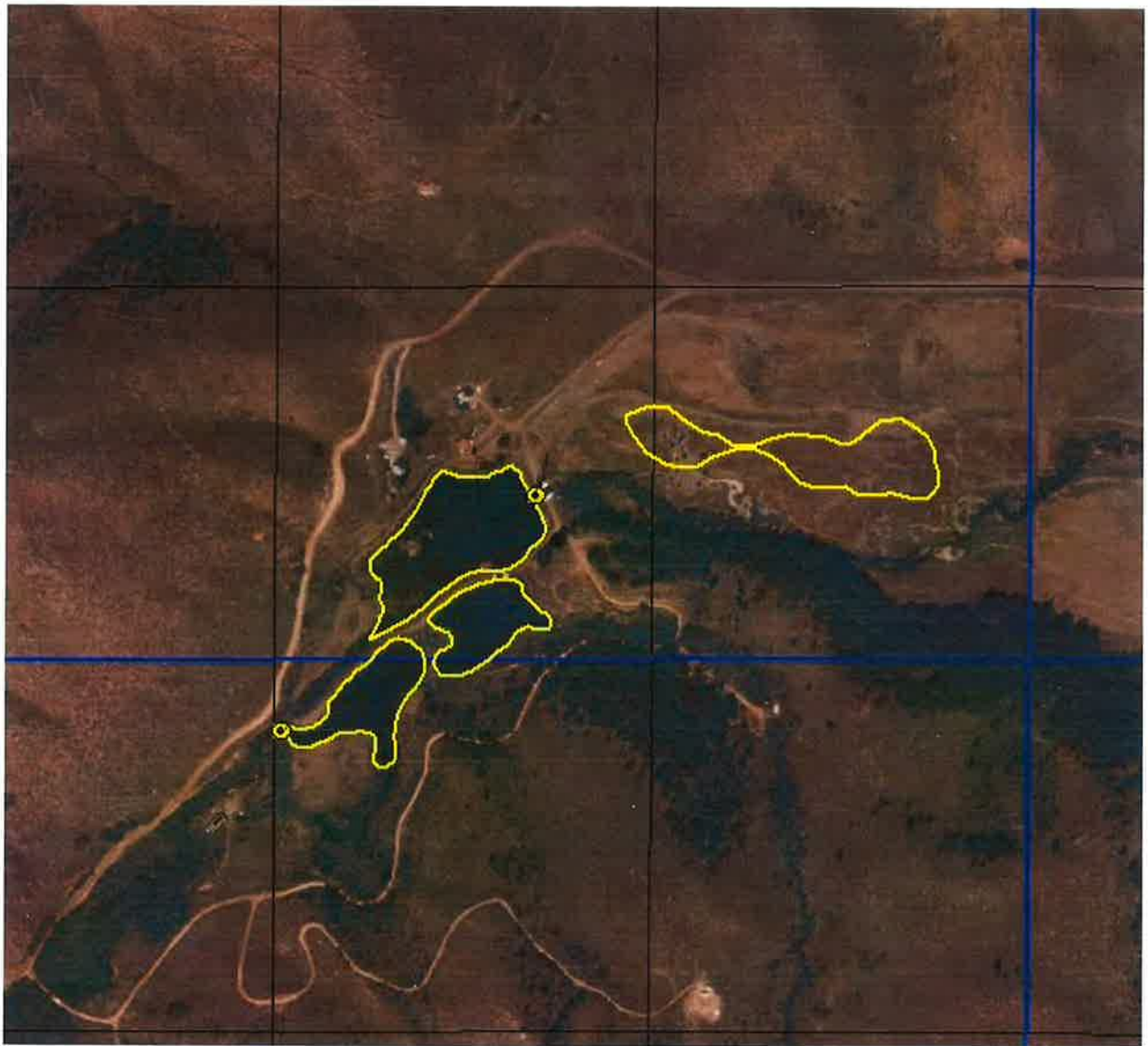
Remarks:

Comments:

1. PSKAGGS 7/16/2002 11:57:58 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 68545

*Transferred cond
match this list.*

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-2446, & 37-4369,**

1320 0 1320 2640 3960 Feet

PLACE OF USE
TWP 3N, RNG 17E, SEC 27 & 34
Data entry on January 30, 2007

⊙ RECOMMENDED POINT OF DIVERSION



AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68545

AMENDED

RECEIVED

JUN 17 2005

Department of Water Resources

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	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acres	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 Cheryl Water Allocation Bureau

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. **5**
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. **3**
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. **9**
5. Use of water under this right may be affected by agreements between the protestants and the right holder. **4**
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37. **6**
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. **8**

WATER RIGHT NO. 37-2446
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. ¹⁰
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. 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. ¹

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

AMENDED

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.

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

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68545

AMENDED

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	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acres 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 7th day of March, 2003

J. Glen Saylor
Chief, Water Allocation Bureau

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.

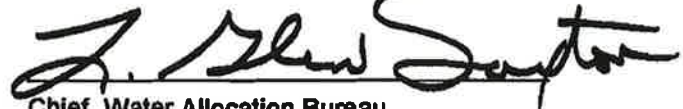
WATER RIGHT NO. 37-2446
As Modified by Transfer No. 68545

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. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
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 7th day of March, 20 03


Chief, Water Allocation Bureau

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.

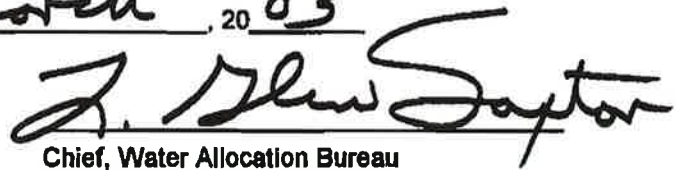
WATER RIGHT NO. 37-4369
As Modified by Transfer No. 68545

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. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
10. Approval of this transfer is not a determination of the historical volume of water stored.
11. 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.
12. 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 7th day of March, 2003


Chief, Water Allocation Bureau