

RECEIVED

OCT 05 2006

Form No. 42-1409 (2) a 1/88

AMENDED 37-4440

DEPARTMENT OF
WATER RESOURCES

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 37-4440
Date Received _____
Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600
Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 94080
2. Date of Priority (Only one (1) per claim) 08/16/1950
3. Source of water supply (a) Ground Water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Blaine
same
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Three separate geothermal artesian wells were developed in 1950 the
water from the wells are put into the existing hot water development and any other flow then emits into Democrat
Creek and is then commingled with additional Hailey Hot Spring Water and Democrat Creek and Lambs Gulch
water. The commingled water is then pumped out of the lower reservoir to the main lines and hand lines.

Used by Hobel?

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 01/01 to 12/31 amount 0.69 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.03 or _____

For Recreation (Storage) purposes from 01/01 to 12/31 amount _____ or 500

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.72 (cfs) and / or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	18E	17							2.8	24.5	8.2	28.0	1.0						64.5
02N	18E	18				16.1	1.2			27.3	1.0				21.4	19.0	17.5	22.0	125.5

POU modified

Total number of Irrigatable acres 190.0

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

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

See attached Or None ☐

14. Remarks:

Stock drink from the creek after the ground water has been emitted and commingled with the other water sources.
In addition, water from the wells are used in conjunction with a small swimming pool near the springs and wells.
In 10/17/1994 another well was also drilled in order to replace the three smaller wells, but a transfer has not yet
been submitted to add the additional well. The applicant intends to submit this transfer as soon as possible.
The wells for the claim were initially drilled in 1950.

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

If applicable provide IDWR Water Right Number 37-4440

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

Last Name _____ Ident. No. _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

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

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

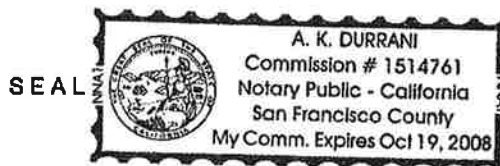
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

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

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

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



Notary Public A. K. DURRANI
Residing at 150 California St., San Francisco, CA 94111
My Commission Expires Oct. 19, 2008

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kevin J. Beaton will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

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

Date 10-3-06

1032

200 NOV 11 2 11

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

In Re SRBA	)	A. Subcase No. 37-4440
	)	
Case No. 39576	)	STANDARD FORM 1
	)	<u>AMENDED OBJECTION</u>
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara	Big Wood Canal Company
John F. Stevenson	112 South Apple Street
Bill Molyneux	Shoshone, ID 83352
Pete Van Der Meulen	
Grace Eakin	
Rocky Sherbine	
Gerald Bashaw	
Pepin Corso-Harris	
c/o Concerned Water Users	
P.O. Box 1200	
Bellevue, ID 83313	

BLM Resp
L+4 vs L+7 in
Sec 17
Resp. Newfoundland Part
right should not exist

Name and Address of Attorney, if any:

Albert P. Barker	Craig Hobdey
Barker, Rosholt & Simpson, LLP	Hobdey & Hobdey
P.O. Box 2139	P.O. Box 176
Boise, ID 83701	Gooding, ID 83330
Telephone: (208) 336-0700	Telephone: (208) 934-4420
Attorney for O'Gara, Stevenson, Molyneux, Van Der Meulen, Eakin, Sherbine & Bashaw	Attorney for Big Wood Canal Company

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

Name: Spring Canyon Ranch LLC
Address: 395 Oyster Pt. Blvd, #309, So. San Francisco, CA 94080

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☒ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☒ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be:
10. ☒ **I object because:**

☒ This water right should not exist

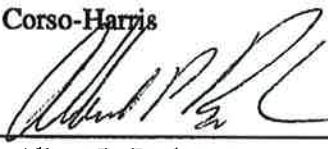
☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

- Measuring of inflow and outflow of pond should be required.
- Diversion rate should be limited to 1"/acre of surface area of pond.
- Volume of pond, when combined with any other ponds on this property, should not exceed 9.4 acre-feet.

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By: 
Albert P. Barker, Attorney

By: 
Craig Hobdey, Attorney

F.

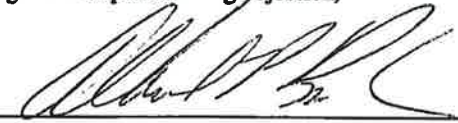
VERIFICATION

State of IDAHO)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 21, 2008



Suzanne Estes
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 6/1/2012

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JUL 16 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)
_____)

A. Subcase 37-4440

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

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

Daytime Phone: 650-208-3537

Name & Address of Attorney, if any:

Kevin J. Beaton, Stoel Rives LLP

101 S. Capitol Boulevard Suite 1900

Boise, ID 83702

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

Name: Spring Canyon Ranch LLC

Address: C/O: Croy Canyon LLC

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

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.69 cfs for irrigation, 14.4 AFA for stockwater and 9.6 AF for recreation storage as was claimed, instead of 0.31 cfs and 54.3 AFA for irrigation, 1.4 AFA for stockwater and 5 AFA for recreation storage as was recommended.
4. ☒ **Priority Date**
Should be: 8/16/1950 as was claimed, instead of 12/31/1950 as was recommended.
5. ☒ **Point of Diversion**
Should be: T.02N R.18E Sec.18 NWNWSE as was claimed, instead of T.02N R.18E Sec.18 NWNWSE INJECT., T.02N R.18E Sec.18 NWNWSE, and T.02N R.18E Sec.18 NWSESE Lot 5 as were recommended.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**

Should be: 190 acre permissible place of use for irrigation as
was claimed, instead of 15 acres for irrigation and
180 total combined acres as was recommended. Acreage
allowed to be irrigated within the permissible place
of use should be 35.0 acres.

10 ☐ I object because:

☐ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): Aerial photography and
historical use indicate the irrigated area is larger than the recommended
place of use and the diversion rates, annual storage volumes, and storage
volumes historically used are larger than the recommended diversion, annual
storage, and storage volume rates.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

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

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and
(6) or that I am the attorney for the party/claimant objecting and that I have read this objection,
know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Kevin Beaton
(Attorney/signing in representative capacity)

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

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

CIVIL CASE NUMBER: 39356
Ident Number A37-0444C
Date Received 10-27-88
Receipt Number 0004234

RECEIVED

OCT 1 1988

Dever Barker
Sole Agent

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

*Original
Claim*

1. Name of Claimant(s): Humboldt Investment Co.
Phone: (702) 825-4144
Mailing Address: 3500 Lakeside Court
Suite 150
Reno, NV 89509
attn: Mr. Devere Barker

2. Date of Priority: August 16, 1950

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of point of diversion is:

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

Additional points of diversion if any: See para. 5, below.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/2</u>	<u>1/2</u>	<u>1/2</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/2</u>	<u>1/2</u>	<u>1/2</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	------------	------------	------------	------------	---------------

MICROFILMED
MAR 01 1993

5. Description of existing diversion works: Three (3) flowing, warm water, artesian wells feed through buried pipelines into a concrete cistern which also encases naturally flowing hot springs (see 37-4138 & 37-4139). The combined flow from the cistern is then injected into Democrat Creek, which flows into a reservoir situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.2N., R.18E., B.M., Blaine County. Water is pumped from reservoir to wheelines and handlines. The three (3) wells each have 8 inch casings and are drilled to depths of 100 feet, 125 feet and 100 feet, respectively.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.69 cfs
Recreation	January 1	December 31	500 AFA
Stockwater	May 15	October 1	0.03 cfs

7. Total Quantity Claimed: 0.72 cfs / 500 AFA

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

9. Non-irrigation uses: Stockwater - 100 head of non-dairy cattle; recreation - swimming, fishing.

10. Place of use:

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

Total number of irrigated acres: 190

Last Name: Humboldt

Ident No. _____

MICROFILMED
MAR 01 1993

11. Place of use is located in Blaine County.
12. Do you own the property listed above as place of use? Yes.
13. Describe any other water rights used at the same place and for the same purposes as described above? 37-0548, 37-0549 (same as 37-1200), 37-2142 (same as 37-1221), 37-1222, 37-4138.
14. Remarks: Priority based upon date of completion of the wells according to the well driller (see attached copy of drilling report). The reservoir also collects the waters for the rights named in para. 13, above, and the commingled waters are pumped to handlines and wheelines for irrigation.

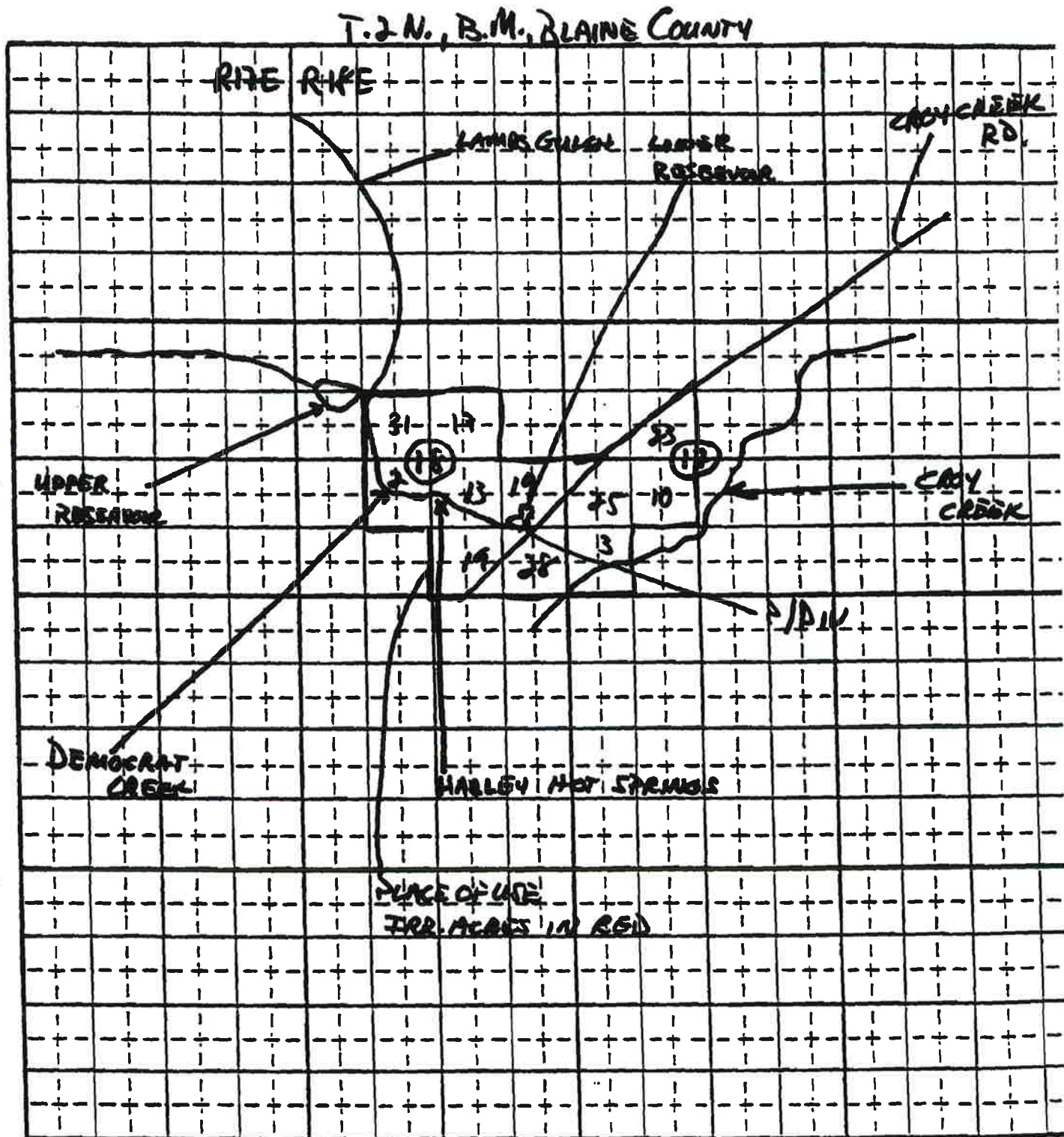
Last Name: Humboldt

Ident No. _____

MICROFILMED
MAR 01 1993

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

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name

HUMBOLDT

Ident No.

MADE BY: John V. Gorman

15. Basis of Claim: Beneficial Use
IDWR Water Right Number: 37-4440
Court:
Case Number:
Decree Date:
Plaintiff v. Defendant:

16. Signature(s)

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments 1

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

Signature of General Partner:

Devere Barker, by James P. Speck, his attorney-in-fact
Devere Barker

Date 10/25/88

State of Idaho)
County of Bonne) ss.

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

Notary Public Kathy Marie Beckel
Residing at Sun Valley
Commission Expires 11/7/92

17. Notice of Appearance:

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

Signature: James P. Speck

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

Date: 10/25/88

Last Name: Humboldt
a2:\hmbldt1.clm

Ident No.: _____

MICROFILMED
MAR 11 1993

United States on behalf of the
Bureau of Land Management

IDWR CONCURRENCE:

IDWR CONCURRENCE:

STANDARD FORM 5

11/24/2010

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

RIGHT NUMBER: 37-4440

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.31~~ 0.470 CFS
~~59.3~~ 191.10 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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

PRIORITY DATE: 12/31/1950
POINT OF
DIVERSION:

T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWNWSE Infection Within BLAINE County
T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWSESE Lot 5 Rediversion Within BLAINE County

KKC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS ~~1.4~~ AFY
RECREATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	04/15 10/31	~~0.31~~ 0.470 CFS ~~54.3~~ 186.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County

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

STOCKWATER in BLAINE County

T02N R18E S17 Lot 3 SWNW	T02N R18E S17 Lot 4 SENW
T02N R18E S17 NESW	T02N R18E S17 NWSW
T02N R18E S17 Lot 1 SWSW	T02N R18E S18 SWNE
T02N R18E S18 NENW	T02N R18E S18 SENW
T02N R18E S18 NESW	T02N R18E S18 NESE
T02N R18E S18 NWSE	T02N R18E S18 SWSE
T02N R18E S18 Lot 5 SESE	

RECREATION STORAGE in BLAINE County

T02N R18E S18

NESE

T02N R18E S18 Lot 5 SESE

~~100~~ 185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~100~~ 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, ~~37-4138~~, and 37-4440.

This right is limited to the irrigation of ~~15.5~~ 65.4 acres within the place of use described above in a single irrigation season.

Place of use does not include federal public lands.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

KKC

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 08, 2010 3:33 PM
To: Bromley, Chris; Jones, Doug
Subject: 37-548 etal Wells Fargo

How is this for a combined right volume limiting remark?

The rights listed below are limited to 647.5 af for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

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

11/24/2010

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

RIGHT NUMBER: 37-4440

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

*Prelim
rec*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.31~~ 0.470 CFS
~~59.3~~ 191.10 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1950

POINT OF
DIVERSION:

T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWNWSE Injection Within BLAINE County
T02N R18E S18 NWNWSE Within BLAINE County
T02N R18E S18 NWESESE Lot 5 Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS ~~1.4~~ AFY
RECREATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	04/15 10/31	~~0.31~~ 0.470 CFS ~~54.3~~ 186.10 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

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

STOCKWATER in BLAINE County

T02N R18E S17 Lot 3 SWNW	T02N R18E S17 Lot 4 SENW
T02N R18E S17 NESW	T02N R18E S17 NWSW
T02N R18E S17 Lot 1 SWSW	T02N R18E S18 SWNE
T02N R18E S18 NENW	T02N R18E S18 SENW
T02N R18E S18 NESW	T02N R18E S18 NESE
T02N R18E S18 NWSE	T02N R18E S18 SWSE
T02N R18E S18 Lot 5 SESE	

RECREATION STORAGE in BLAINE County

T02N R18E S18 NESE	T02N R18E S18 Lot 5 SESE
--------------------	--------------------------

400 185 ACRES TOTAL

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. E56 The rights listed below are limited to the irrigation of a combined total of 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440. 1630

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

This right is limited to the irrigation of ~~15.5~~ 65.4 acres within the place of use described above in a single irrigation season.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4440 V2

WATER RIGHT NUMBER: 37-4440 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WELLS FARGO BANK 1740 BROADWAY 7TH FLOOR MAC C7300-079 DENVER, CO 80274
Attorney	STOEL RIVES LLP ATTN: KEVIN J BEATON 101 S CAPITOL BLVD STE 1900 BOISE, ID 83702 (208)389-9000

Priority Date: 12/31/1950

Basis: Beneficial Use

Status:

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.030 CFS	
RECREATION STORAGE	01/01 to 12/31		5.00 AF
IRRIGATION	04/15 to 10/31	0.470 CFS	186.10 AF
	<u>Total Diversion:</u>	0.470 CFS	191.10 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4 <i>well</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4SE1/4 <i>well</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County	(Injection)	
GROUND WATER	L5 (NW1/4SE1/4SE1/4)	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County	(Rediversion)	
GROUND WATER	NW1/4NW1/4SE1/4 <i>well</i>	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							X	X			X	X					
									L 3	L 4			L 1						
02N	18E	18			X		X				X				X	X	X	X	L 5

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X			X	L 5

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									2.9	23.0	8.6	27.0	1.1						62.6
									L 3	L 4			L 1						
02N	18E	18			15.0		1.2			27.0	1.2				21.0	18.0	17.0	22.0	122.4
																		L 5	

Total Acres: 185

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. E56 The rights listed below are limited to the irrigation of a combined total of 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
3. 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.
4. K06 This right is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.

Remarks:

70
Subject
to 1957 aerial
photo.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4440 V1

WATER RIGHT NUMBER: 37-4440 V1

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

Priority Date: 12/31/1950
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	
<u>Beneficial Use</u>	<u>From To</u> <u>Diversion Rate</u>
STOCKWATER	01/01 to 12/31 0.030 CFS
RECREATION STORAGE	01/01 to 12/31
IRRIGATION	04/15 to 10/31 0.310 CFS
	<u>Total Diversion:</u> 0.310 CFS

Annual Volume

1.40 AF

5.00 AF

54.30 AF

59.30 AF

has no dws to Storage
also limited to 13,000 GPM in RWS delete one
3 wells w/ a replacement well drilled in 1987

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.	BLAINE County	(Injection)
GROUND WATER	L5 (NW1/4SE1/4SE1/4)	Sec. 18, Twp 02N, Rge 18E, B.M.	BLAINE County	(Rediversion)
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.	BLAINE County	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							X	X	X	X	X						
									L 3	L 4			L 1						
02N	18E	18			X		X			X	X				X	X	X	X	L 5

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	
02N	18E	18													X			X	
																		L 5	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							3.4	22.0	8.2	26.0	.9						60.5
									L 3	L 4			L 1						
02N	18E	18			15.0		1.1			25.0	.4				21.0	19.0	16.0	22.0	119.5
																		L 5	

Total Acres: 180

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-4440 V1

*acre limit
based upon
irr rate of
.02 cfs/acre.*

Conditions of Approval:

1. K06 This right is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.
2. E56 The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
3. 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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4440

WATER RIGHT NUMBER: 37-4440

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HUMBOLDT INVESTMENT CO C/O HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340

Priority Date: 08/16/1950

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	5/15 to 10/01	0.030 CFS	
IRRIGATION FROM STORAGE	4/01 to 11/01		206.66 AF
IRRIGATION STORAGE	1/01 to 12/31	0.690 CFS	
	<u>Total Diversion:</u>	0.690 CFS	206.66 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	18													X	X			

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	17									20.0	20.0	34.0						74.0
02N	18E	18			23.0				17.0	1.0					24.0	4.0	6.0	24.0	99.0

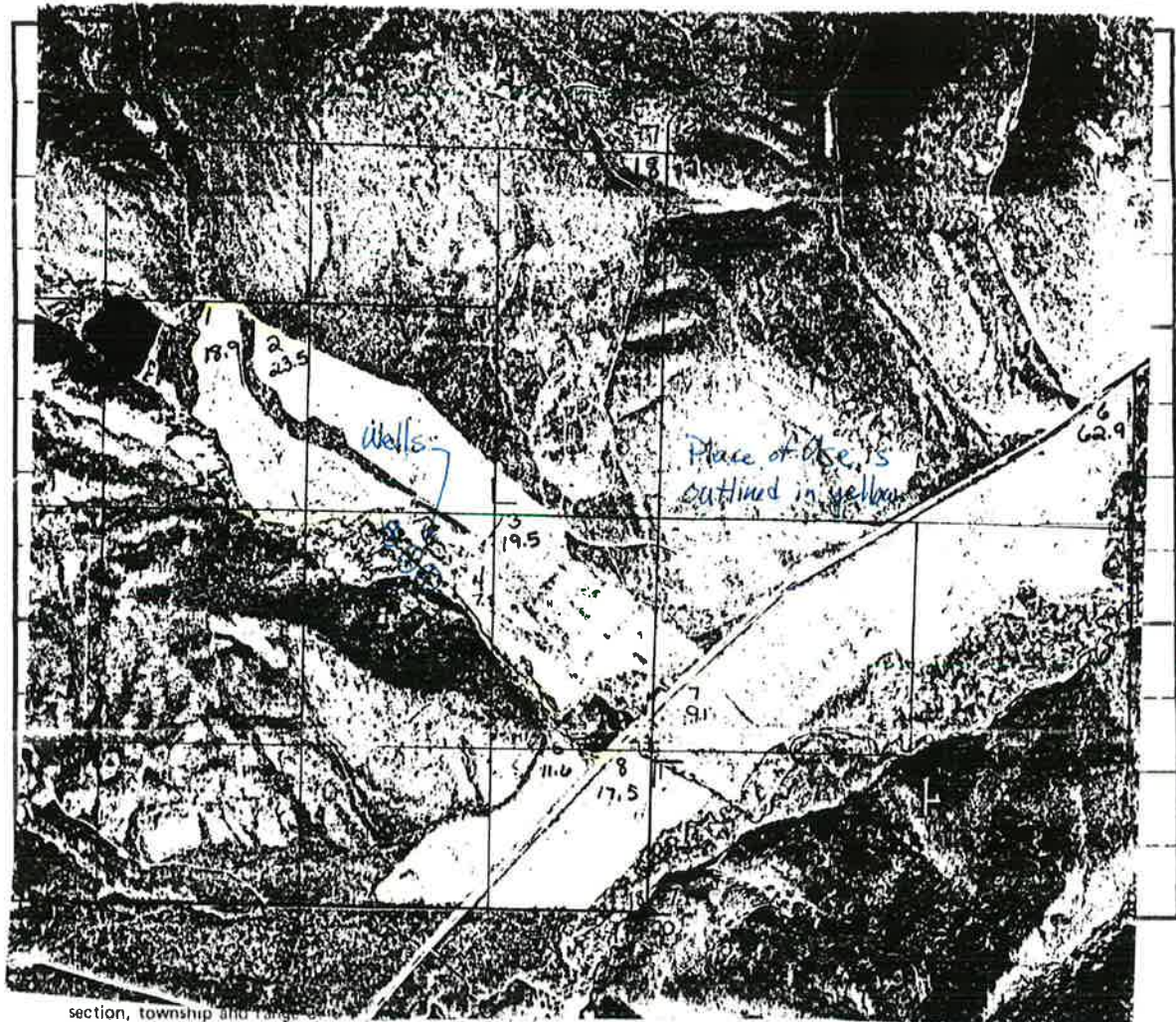
Total Acres: 173

Conditions of Approval:

1. STOCK DRINK FROM DEMOCRAT CR. AS WATER FLOWS TO RESERVOIR.

(Backfile)
Adjudication
Claim file for
37-4440
Pg 50

(8) Remarks See attached Addendum.



State of ~~Idaho~~ NEVADA

County of WASHOE

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.

Quinn E. Baker
(Claimant)

Sworn to before me this 3rd day of DECEMBER, 1987.



RECORDED

MAR 10 1988

Shelly Miner
Notary Public
Residing at 3182 Meadow Creek Rd

FOR DEPARTMENT USE ONLY

Received by M. Baldwin Date 1/5/88 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by J. Edenton Date 1-7-88
\$38.00 fee received by M. Baldwin Date 1/5/88
Published in Wood River Journal
Dates 2/3 & 2/10/88

R#
45438

EUGENE W. WALKER

we'll

VE.

VE. 2/1th well

EUGENE W. WALKER

Name: Hotel Hiawatha Address: Hailu

Location: 1/2 W $\frac{1}{4}$ $\frac{1}{4}$ Sec. T

ounty: Blaine Type: hot water

Age: 8" Date: 1950 New Old

Depth: 125' Water Level: Flowing Temp: 138 1/2°

asing Size: 8" Thickness: 6 G.P.M. 40

osing Length: 36' Surface Complete Drawdown:

Remarks: 10' 12" casing cemented

commented: outside to keep out, sand water
filled bottom of hole w/ bentonite

Lost some water at 117

Remarks: 10' 12" casing cemented
outside to keep out cold water
filled bottom of hole w/ bentonite
lost some water at 117

~~Red...don | n-E ...~~

WELL LOG

5th week

EUGENE W. WALKER

Name: Hotel Thawatha Address: Hailey

Location: 1 1/2 W 1/4 1/4 Sec. 1

County: Blaine Type: Hot water

Size: 8" Date: 1950 New ~~Old~~

Depth: 100' Water Level: flows Temp: 139

Casing Size: 8" Thickness: ✓ G.P.M.

Casing Length: 17' (?) Surface Complete _____ Drawdown: _____

Perforated: _____

Remarks: flushed 3" pipe under
pressure - well barked - affected

Comented: spring water

Formation: 131-33 Very broken by
lamin. Fin. - Annual to spring

Remarks: fluvial 3" pipe under
pressure - full capped - affected
spring
31 - 33 very broken up = water
distribution. Almost to spring

Water Rights Backfile 37-~~444~~
4440

RECEIVED
Pg 15

NOV 2 1967 MICROFILMED
ACN
HOSUE SPECK & ASSOCIATES

HUBBIE, SPECK & AANESTAD MAR 11 1933

HUMBOLDT 37-4440

ADDENDUM TO CLAIM

5(B). Three (3) flowing warm water artesian wells feed through buried pipelines into a concrete cistern which also encases naturally, flowing hot springs (see Claims Nos. 37-4138 and 37-4139). The combined flow from the cistern is then dumped into Democrat Creek which flows into a reservoir situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.2N., R.18E., B.M., Blaine County, Idaho. The reservoir also collects water from water rights Nos. 37-0548, 0549, 1220, 1221, 1222 and 2142. This water is then pumped from the reservoir into a sprinkler irrigation system. Prior to installation of the sprinkler system, the water was taken from the reservoir for flood irrigation.

The three (3) wells each have eight inch (8") casings and are drilled to depths of one-hundred feet (100'), one-hundred-twenty-five feet (125') and one-hundred feet (100'), respectively.

MICROFILMED

MAR 10 1988

October 14, 2009

Shape file updated

4440 vir ac fm Brockway.

Haiwatha Hotel water use

12396 needs to file Amended Claim

Motion to amend deadline Oct 30 th

Brockway

need language No use on Fed lands.

March 31 @ 4:00 P.M.

1969 B.E.W. photo of area

Followup on Aug 14, 2009 meeting

1. Overall PPU = 185. compromise between my 180ac and Brockway's 180ac.
Created shape of 185ac: October Hailey Hearing data/
10-8-09 37-548 Spring Canyon Ranch: Modified

2. 37-4440 ^{Source = G.W.} a) Need evidence of priority re: ~~Haivatha Hotel water use~~
~~by seasons. / Spring / Summer / Fall / Winter.~~
b) Brockway to provide P/U in by gravity
3 parcels $\approx$ 108.3ac 2 parcels South of rd & one North of rd
and West of Democrat Gulch. Addendum to claim
(Backfile Pg 15) states irr is from reservoir. That being
use would not include 3rd parcel.
37-4138 would use same PPU. Need evidence of Priority
~~from Hailey Mt Springs~~
Well log for 37-4440 shows 0.31cfs Pond Vol 5AF.
Barrar wants to limit limiting Vol to 5AF.
37-2142 Need to drop 10-ac tract on POD.

37-12396 Amendment pending? nothing on court pg as of 10-8-09
Need evidence of Priority

37-4139 - fish prop (out) in ^{1st} per court disallow
Chg in use from Hotel to Reservoir

Vicki's Notes

37-548 et al.

9:30 am

8/14/09

Settlement Conference

Bramley, Christensen, Kelly

Beaton, Brockway

Martens

Barker

Sinclair Resp.

BWCC/CWU Obj.

37-548, -549, -1222, -2142, -4440 (PPU Issue)

Kelly proposes ~180 ac; Brockway looking for ~190 ac.

Brockway proposes splitting the difference ~185 ac

* ① → Kelly's good w/ ~185 ac, will adjust shape

Shape updated: 37-548 Spring Canyon Ranch modified 185 ac (in October Marky hearing date) §10-8-093

4440 Irrig. Div Rule/POU
37-~~4139~~ (AF/Volume Issue)

② Brockway question on 15.5 ac POU w/ PPU

reason is diversion rate limited to 1"/ac

Well log shows .31 cfs, so Matt probably backed into the POU

③ [Kelly wants to see evidence of priority

the ~~history~~ and particulars of the use of the

④ Hiawatha Hotel - Spring Canyon says all of the Hiawatha water is used by Spring Canyon]

we have to do w/ resolution of the recreation component
A 37-4440, -~~4139~~, -4139

*X Brockway to get back to Kelly w/ POU - what could've been irrig. by gravity
2 cont Kelly says 15.5 too few, 75 too great

37-2142 (POD)

same analysis
-4440 as -4139

⑤ Agreement to drop ~~QQQ~~ (SESWW) for QQ (SWSW)

37-4440 (REL.)

⑥ Barker good w/ 5 AF - wants a remark like Dowers on volume not to exceed 5 AF

37-4138 (Disallowed)

- ⑦ Kelly says no evid priority, need Hawthorn information that we should get in 37-4440

37-12396 (disallowed)

- ⑧ Need evidence of priority

Kelly has Breckway evidence and can rec 1957 based on photo

9 will have PCU issues

- 10 * → claim amendment for Diversion to Storage (Lamb Gulch)
- to be filed before 10/14 status

Aug 14, 2009

informal Settlement conference
PPU = 185

37- 4440 P/u

Wells Dump into Creek

drop A.F. on Stockwater

need div to storage
iron from Storage

Hot Springs flow into cement works. Historically
plumbed straight to Hotel. Any excess would overflow
into Democrat Gulch.

Drop 10 A. tract from 2142

4440

Gravity sys. P.P.U. stay with 5 AF pond
Church to do shape for new limit (also 4138)

12396 Amend to add div to Storage
fm Lumber Gulch.

37-4138 Hailey Hot Springs
inv @ 1.05 cfs.

Source O/L with 37-4139 fish prop ^{str.} yr round 277.00 AF
Rec Stor 277.00 AF
div to Storage .30 cfs.

4139 - 1926 priority use = Hiawatha Hotel (burned down in 1978)
unrecorded transfer & change in nature of use.

Fish prop is no longer a vol. right.

~~4138~~ claimed rate cannot provide storage volume.
Need historic diversion information.

Settled on
SAF on pond

37-4138 inv @ 1.05 cfs

37-4139 Fishprop yr round

claimed as a volume
dis allow

(formerly Hiawatha
Hotel)

Rec Stor yr round 277.00 AF

Div to Stor yr round .5 cfs

No div storage from Hailey Hot Springs

storage ~~4138~~, 12396 4440

4139
Rec Stor
Hailey Hrs

Democrat
Gulch

12396 Source = Dem. Cr/Lamb Gulch

div Stor, Stick, Rec Stor div Stor

rec storage - 1 fill,
no rec from storage
maybe makeup water from
evaporation.

OBJ

Status init hearing 10-16-08

May 5 - 2009

Review of Canyon Spring Ranch

37-548

1-obj

2-Resp.

549

"

"

1222

"

"

2142

"

"

4138 - disallowed

"

"

4440

GP/objectors

12396 - disallowed

1. & 2.

GP1

1 Spring can Ranch - Kevin J Beaton

2 US Dept Justice - Meggie

3 O Gara

- Albert Barker (conc. Citiz)

4 Sinclair Oil Corp - ^{new found}

Scott Campbell

5 Other Citiz

Jim Specks

6 Big Wood

Ho bday

37-548 Obj ^{Spring} Canyon
≈ 138 ac irr within decreed P/U.
wants 190 ac; equivalent acreage.
Recommended without any acre limits
Resp by BLM.

37-549 Obj Spring Can
wants 190 ac P/U
Amended Claim = 96.9 ac ★
BLM Resp.

37-4139 Obj Spring Can
Rsp by.

Pc Doc
Pg 43 letter iding pond Vol @ ≈ 2 AF in 1986

Transfer filed in 86 approved Feb 87.

Claim not like transfer. Transfer does not
validate a statutory claim.

Issue: Fish prop volume of 277 AFA.

37-4440 identifies Legal Desc. of Southern Pond {1.4 AF} ^{claimed}
Source = Groundwater

Med div to Storage component. Year Round storage
acre limit set @ 15.5 ac } ^{recom} Rate based on 2 well
Rate Set @ 0.31 cfs } logs rate prob too low.

it appears that the acre limit is based
upon a backdoor approach $\frac{0.31 \text{ cfs}}{0.02 \text{ cfs}} = 15.5 \text{ ac}$

Chris/KRC

37-2142 Spring Canyon Ranch. LLC

Warranty deed for Chg ownership only includes
 $\pm 1/2$ of claimed & licensed P.O.U. It appears
that the right should have been split.
35ac of 75ac are a part of W/D. Ground.

37-549 claimed in 1988 on gnd South of road
5-4-09 amended own change

Amended letter Oct 4, 2006

data entered 10-5-06 P/D Sec 19 NESENW Pcd. 1

submit amend

Pg 6

Orig claim 1988 Sec SESESE

Pg 8

WD start 532348

Pg 12 $\rightarrow$ 19

Transfer of ^{Quit Claim deed} WR fm Crystal Hot Sp Ltd to

Helen Crocker WR

37-549, 2142, 4138, 1222, 4139
4440, 12396, 12397, 8659

8670

Canyon Springs Ranch POU Modification

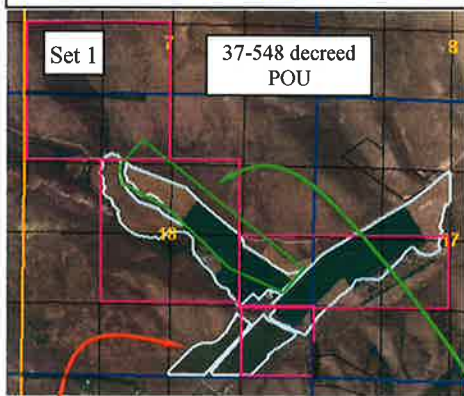
37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440 & 37-12396

Initial recommendation for 37-4138, 37-4139 and 37-12396 was Disallow

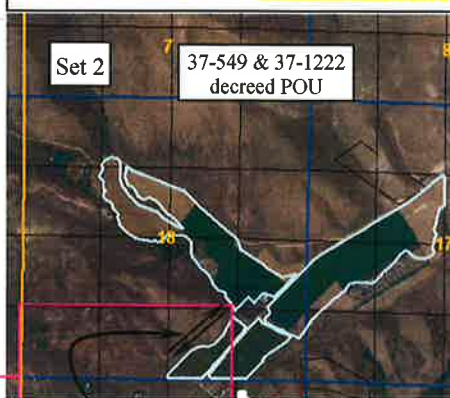
7-20-09 11:43
e-mail

37-6
Folder 3.
Pg 46

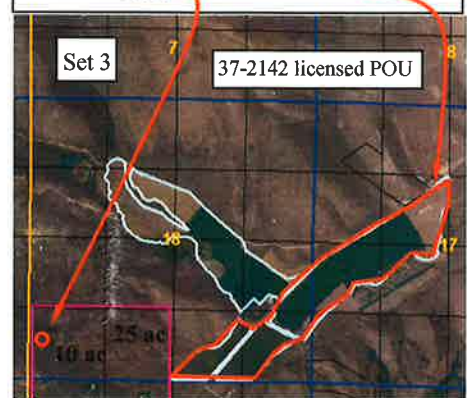
Decreed source = Warm Springs Creek
(Now known as Democrat Gulch Creek)



37-549 Decreed source = Croy Creek
37-1222 Decreed POU = Democrat Gulch Cr



Licensed source = Hot Springs Gulch Cr
Claimed POD Claimed POU



SWSE recognized through 37-1222 in Plumer vs Connett decree. Not irrigated in 1957

Direction of flow in ditch???

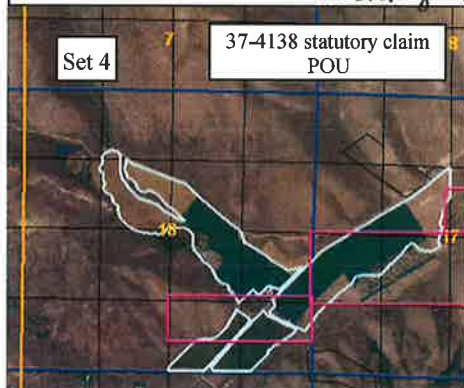
37-6 3 37-6 Pg 46

549 same as 548?

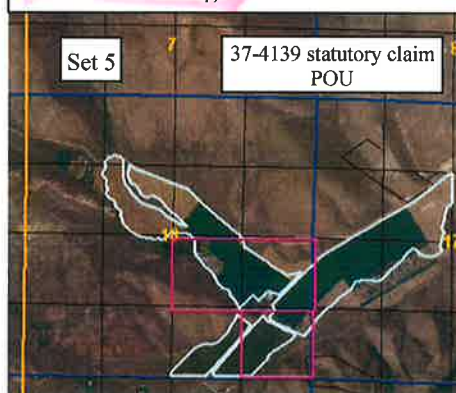
US Fidelity & Guaranty vs Plumer

Statutory Claim source = Warm Springs Cr.
Claim = Hailey Hot Springs

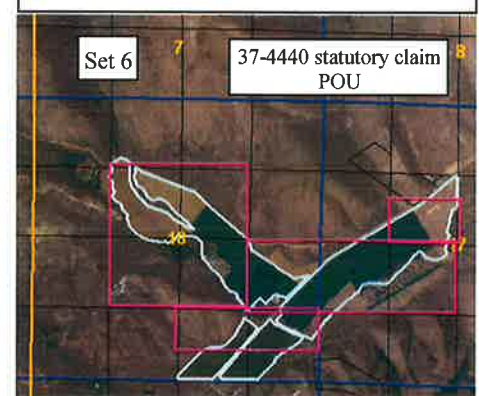
no storage only



Claimed source = Hailey Hot Springs
Uses = Fish Prop, Recreation Storage & Diversion to Storage

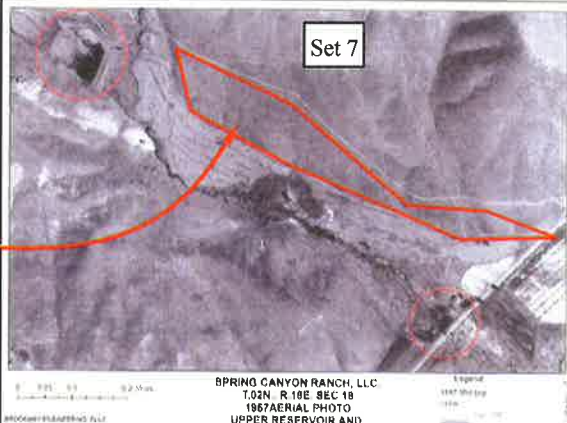


Statutory Claim source = Ground Water
Claim = Ground Water

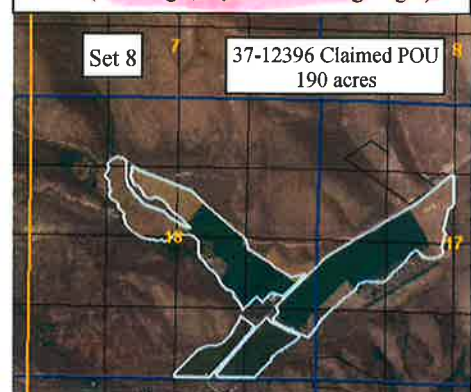


From Adjudication back file for 37-12396 / Correspondence re: Spring Canyon Ranch Notice of Error Pg 4

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



Claimed source = Democrat Creek and Lambs Gulch (A storage & Irr from Storage right)



12
29
67 13800

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

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

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

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

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

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

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

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

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

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

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

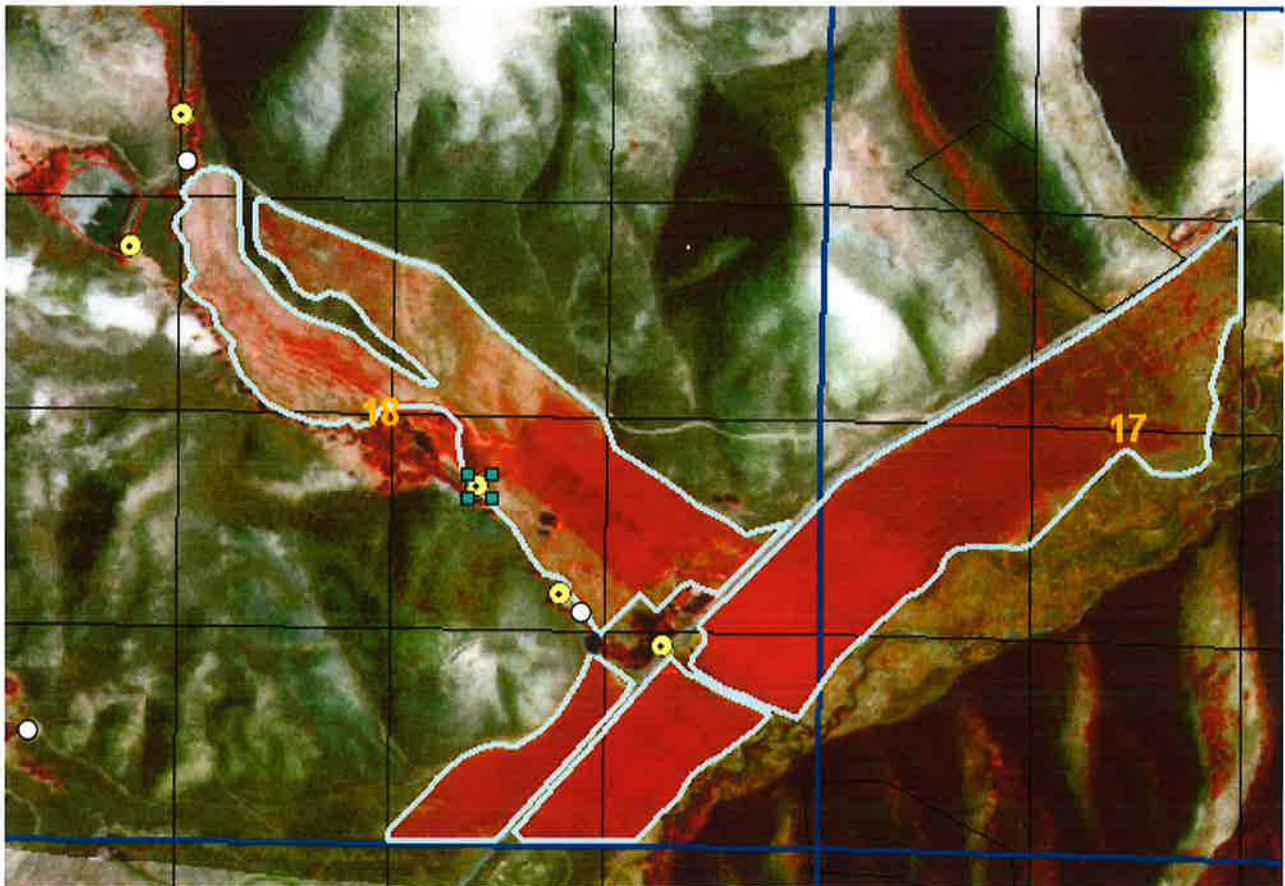
recommendation was for irrigation as a rate, recreation storage as a volume and stockwater as a rate. No diversion to storage component was identified.

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

- 37-548 136.8 acres (excludes Sec 18 SWSE and Sec 17 S½NW¼)
- 37-549 17 acres
- 37-1222 17 acres
- 37-4138 135.8 acres (acres include Sec 18 SE¼ and all of Sec 17) This assumes gravity irrigation from the Three springs with a delivery system from the springs along the northern boundary of Sec 18 SE¼.
- 37-4440 135.8 acres (this is based upon the statutory claim addendum describing the historical system as gravity irrigation. PDF backfile 37-4440 pg 15)

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

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



Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, July 20, 2009 11:43 AM
To: Bromley, Chris; Kelly, Vicki; Jones, Doug
Subject: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440 & 37-12396 Canyon Springs Ranch

Attachments: 37-548 Canyon Springs Ranch obj notes and analysis.doc

I have dug into this set and in trying to resolve a couple of minor points, I find that all this is a mess. To the best of my knowledge there really isn't enough information available to support all elements of our recommendations. (except for the disallowals).

I put as much info as I could into the attached memo. I don't know if it is coherent enough to follow or not but I have attached it anyway.

Let me know what you think.

Doug I have included you as I think that you may have personal information that may be helpful.



37-548 Canyon
Springs Ranch ob...

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, March 26, 2010 11:48 AM
To: 'Beaton, Kevin J.'; 'Dr. Charles E. Brockway'; 'Craig Hobdey'; 'Albert Barker'; david.negri@usdoj.gov; Bromley, Chris; Kelly, Vicki
Subject: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440, 37-12396 Spring Canyon Ranch current status of review

First it is my understanding that so long as the recommended ground in 02N, 18E Sec 17 SENW is also identified as Lot 4 no further action is needed to resolve the BLM issues. No additional remark would be necessary.

Attached is a narrative that enumerates my understanding of the elements that have been resolved, areas that are not clear, and areas where additional information is still needed.

Please provide feedback regarding any concerns or additional information you may have.

Thanks,



37-548 Spring
Canyon Ranch obj...

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

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

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

37-4138 *Hailey Hot Springs Hot Springs - in.*

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

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

37-4139 *Hailey Hot Springs Pond water / Rec etc*

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

37-4440 *G.W.*

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

37-12396

The 1957 aerial photo clearly establishes that the reservoir was in place and at the same size as today. The objection filed by the claimant indicates that the reservoir storage capacity is 24.6 af. *include 5 AF from lower reservoir? 29.6.*

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

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

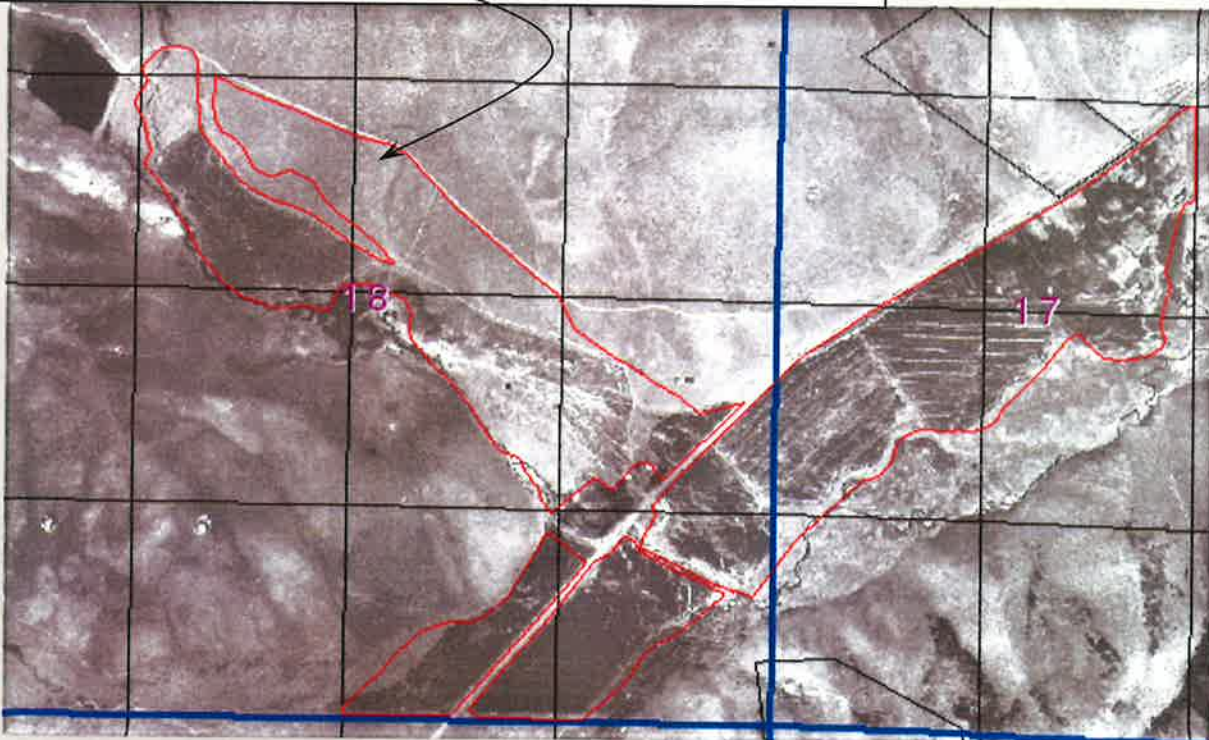
Over time the method of recording reservoir storage and diversion from storage (including multiple refills) has varied. The current method is to show the reservoir capacity in the storage component(s) and where there are multiple fill and re-fills that volume would be shown in the diversion from storage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

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

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

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

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



Spring Canyon Ranch Vicki's Notes

37-548 et al.

9:30 am

8/14/09

Settlement Conference

Bramley, Christensen, Kelly

Beaton, Brockway

Martens

Barker

Sinclair Resp.

BWCC/CWU obj.

37-548, -549, -1222, -2142, -4440 (PPU Issue)

Kelly proposes ~180 ac; Brockway looking for ~190 ac.

Brockway proposes splitting the difference ~185 ac

* → Kelly's good w/ ~185 ac, will adjust shape

4440 Irrig. Div Rate/POU
37-~~4438~~ (AF/Volume Issue)

G.W. source

Brockway question on 15.5 ac POU w/ PPU

reason is diversion rate limited to 1"/ac

Well log shows .31 cfs, so Matt probably backed into the POU

[Kelly wants to see evidence of priority

the ~~Hiawatha~~ and particulars of the use of the

we had to do w/
resolution of the
recreation component
A 37-4440, -~~4438~~, -4139

Hiawatha Hotel - Spring Canyon says all of
the Hiawatha water is used by Spring Canyon]

*X Brockway to get back to Kelly w/ POU - what could've been
irrig. by gravity
Kelly says 15.5 too few, 75 too great

37-2142 (POD)

(SESWW)

Agreement to drop QQQ for QQ (SWSW)

same analysis
-4440 as -4139

37-4440 (REL.)

Barker good w/ 5 AF - wants a remark like Davers on
volume not to exceed 5 AF

37-4138 (Disallowed)

Kelly says no evid priority, need Hiawatha information
that we should get in 37-4440

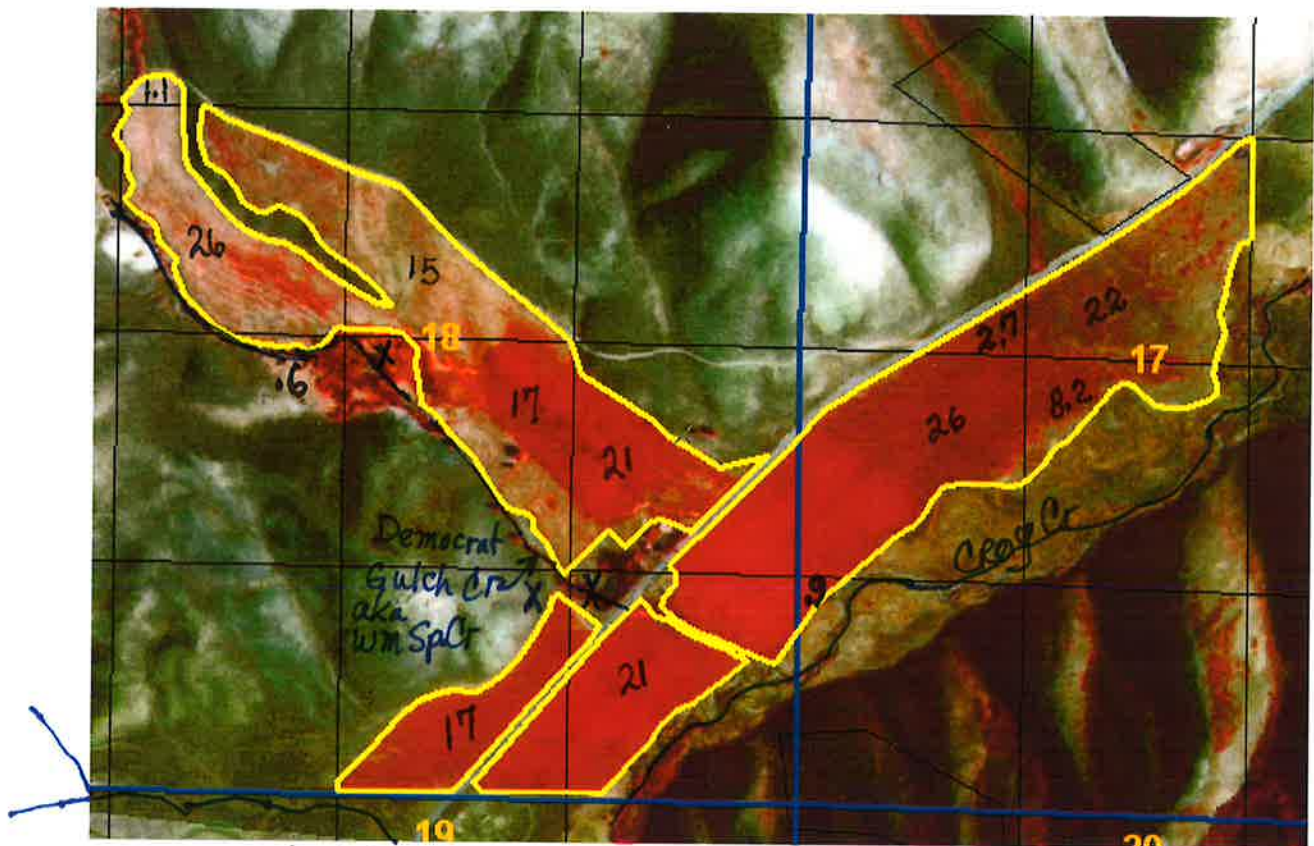
37-12396 (disallowed)

Need evidence of priority

Kelly has Braceway evidence and can rec 1957 based on photo
will have POI issues

* → claim amendment for Diversion to Storage (Lambert Gulch)
- to be filed before 10/14 status

Canyon Springs Ranch POU Modification
37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 & 37-12396



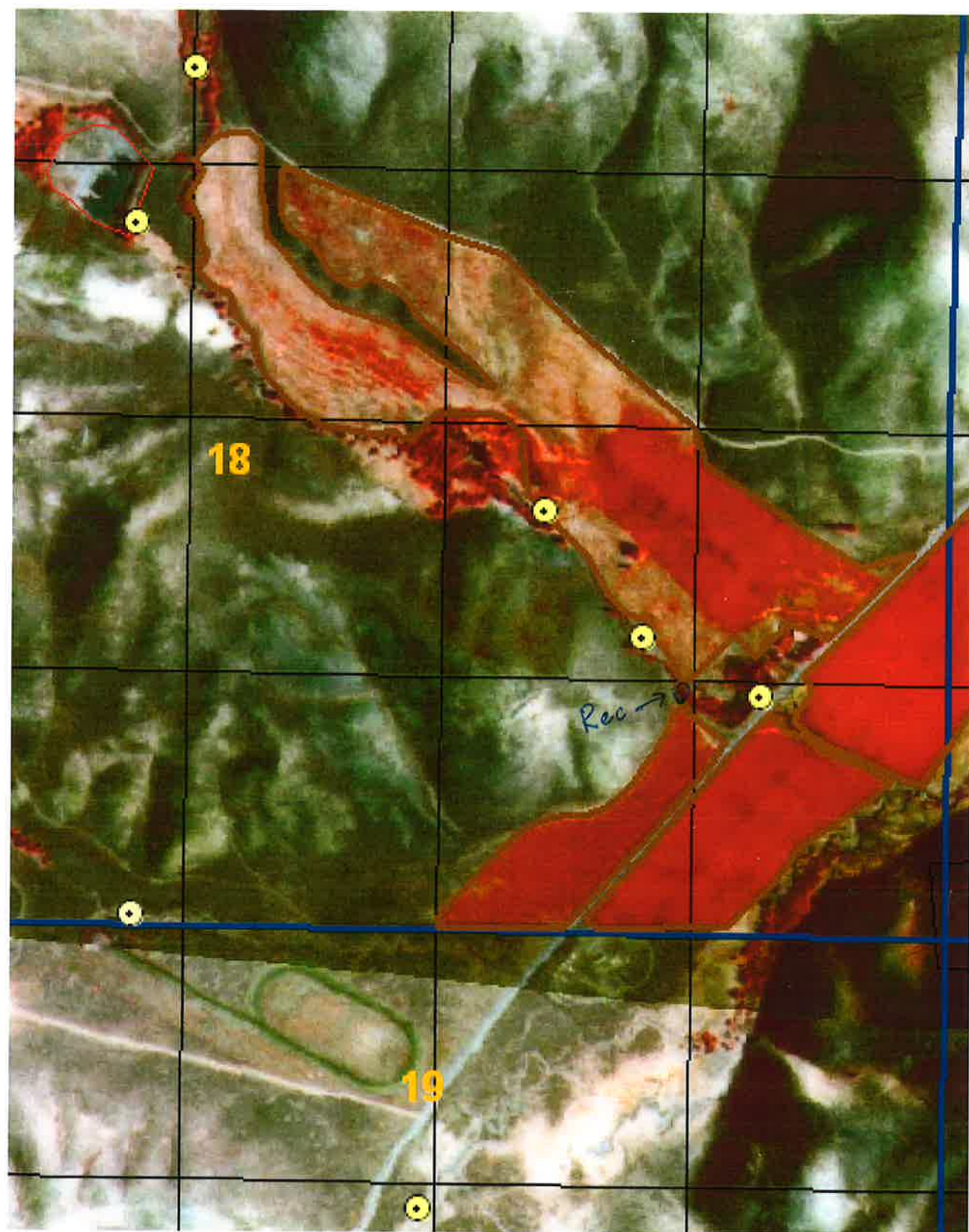
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 17							2.7	22.0	8.2	26.0	.9						59.8
02N 18E 18			15.0		1.1		L 3	L 4		.6		L 1		21.0	17.0	17.0	118.7
Total Acres: 178.5																L 5	

I reviewed the shape you submitted at the initial hearing and then took a second look at the recommended shape. In an effort to recommend a POU as accurately as possible, I primarily compared the 1992, 1987 and the 1969 aerial photos against the initial recommendation and your shape.

The main differences between your shape and this shape are the areas around the reservoir sites and the eastern edge of the ground south of the road. In several areas my shape is slightly tighter than yours such as the west side of the southwest shape. It appears that your shape was just outside of the irrigated boundary in some portions of that shape.

In reviewing the 1969 aerial photograph it appears that approximately 30 additional acres were being irrigated by 1987.

I have not fully researched the recommendations vs historical documents but on first look it appears that there may have been one or more errors made in the recommendations. It appears that a change in point of diversion after 1987 was recognized for 37-549 and possibly others. Initial review suggests that a portion of the claimed 37-2142 is appurtenant to ground not identified in the warranty deed submitted with the ownership change. If this is the case, then it appears that the department should have split the right rather than changing the ownership for all of the right.



Christensen, Kelly

Subject: Gp 2 6 Spring Canyon 37-4139
Start Date: Thursday, October 16, 2008
Due Date: Wednesday, May 06, 2009

Status: In Progress
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Christensen, Kelly

Categories: needs work both sides

37-4440 gw for .69 cfs irr, .31 cfs rec, claim 190 ac rec = Rec 15.5 ac within 180 PPU
stock .03 cfs claim Rec 13,000 gal/day and 1.4 afy (~~conflict~~) - strike the 1.4 af)
Rec 500 af Rec 5 af

Pod differences

SW goes into sprinkler system

Obj to be amended

Rec Vol 500 afa Pond per Brockway 9.4 af 2 ponds in 1957 upper pond in pre 57
Downstream ponds built for irrigation storage

Fed - If addition specifies Lt 4 and not Lt 7 BLM o.k. without Fed land rmk.

Get info to brockway 4138 re Ev Priority or other issues. E-mailed pond vol calc to everybody on 11-7-2008

Att Kevin Beaton??

37-548, 549 Frost Legee
37-1220 Plumer vs Connetto
37-6 Folder 37-G 4-27-1929 decree dt.
Pg 46

Possible Actions

37-4440 - need measurements
of historic POD's for rate. Also POD

RECEIVED

FEB 06 2007

DEPARTMENT OF
WATER RESOURCES

not a part of Scanned Claim File

Pc Doctro back file 37-4440

*RE: Correspondence re: Spring
Canyon Ranch LLC - Notices
of Error*

*4 pages, including
1957 aerial photo.*

February 2, 2007

Matt Anders
Idaho Department of Water Resources
Western Region Office
322 E. Front St
Boise, ID 83720-0098

Re: Spring Canyon Ranch, LLC -- Notices of Error

Dear Mr. Anders:

Below are our responses to your 1/22/07 email regarding the NOE's for Spring Canyon Ranch, LLC.

Spring Canyon Ranch Place of Use-

We are submitting a shapefile that outlines the claimed 190 irrigated acres, as well as the locations of claimed points of diversions.

37-2142-

The correct POD is shown on the attached 2004 NAIP aerial photograph. The claimed POU for 37-2142 was calculated at 122.4 acres because the ditch and distribution system from Hot Springs Gulch is capable of providing irrigation water to 122.4 acres. The combined limit place of use for this right should be 190 acres.

37-4138-

Historical use of 37-4138 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. To disallow use of this right is incorrect. To our knowledge this pond has been in use since the inception of use of the hot springs, we are currently researching the historical files of the Blaine County Museum. Attached is a 1957 aerial photo showing that the pond was in use. The combined limit place of use for this right should be 190 acres.

37-4139-

Historical use of 37-4139 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. On 2/6/87, transfer #3282 approved the use of 0.5 cfs (10/1 - 4/15), 0.3cfs (4/15 - 10/1), and 3 acre-feet (1/1 - 12/31) for storage for fish propagation and recreation uses. Transfer #3282 also states 37-4139 has a priority date of 1929. To disallow use of this right would disagree with and oppose the approved transfer #3282. The 10/5/06 amended claim accepted by IDWR also



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

lists the POU as the NESE $\frac{1}{4}$ NWSE $\frac{1}{4}$ and SESE $\frac{1}{4}$ of Sec.18 T.02N R.18E. The claim on the IDWR website lists the POU for 37-4139 as the NENE $\frac{1}{4}$ NWNE $\frac{1}{4}$ and SESE $\frac{1}{4}$ of Sec.18 T.02N R.18E, which does not match the filed claim. Please amend the claim on the IDWR website to show the correct POU for 37-4139.

37-4440-

With regards to "work done" by IDWR on the depth of the pond, evidence of any "work done" must be available only in your file as we couldn't find any description or evidence of "work done" on the pond in the water right back file. The surface area of the pond is 1.6 acres, although it needs to be cleaned out, leaving a true depth of approximately 6 feet. If this is the case, the volume of the pond would be 9.6 acre feet. Although the pond's approximate volume is 9.6 acre feet, water is continually flowing in and out of the pond. 500 acre feet were claimed (equated by multiplying the claimed diversion rate of 0.69 cfs by 365 days), and the recommendation should be changed to match the claimed volume.

0.31 cfs represents the diversion rate in one out of three wells present, and does not accurately describe the total diversion rate that originates from the 3 wells claimed under 37-4440 (see remarks in original claim 12/3/1987, and addendum to claim in water right back file regarding 3 flowing wells). The diversion rate should be 0.69 cfs as was claimed and the accompanying allowable acreage should be increased to 35 acres (at 1 inch per acre). The IDWR shapefile also lists 3 POD's total for 37-4440, 2 POD's and 1 re-diversion. The shapefile should be changed to show 3 POD's which represent 3 wells. The combined limit place of use for this right should be 190 acres.

37-12396

Historically, 37-12396 has been used to fill an upper reservoir by collecting inflow from Democrat Creek and Lamb's Gulch Creek. The outflow out of the reservoir is Democrat Creek. The attached 1957 aerial photo also shows the reservoir with storage water in it. Unfortunately, we don't have a 1947 aerial photo for this same area. The combined limit place of use for this right should be 190 acres.

If you have any questions regarding the enclosed documents, please feel free to give our office a call.

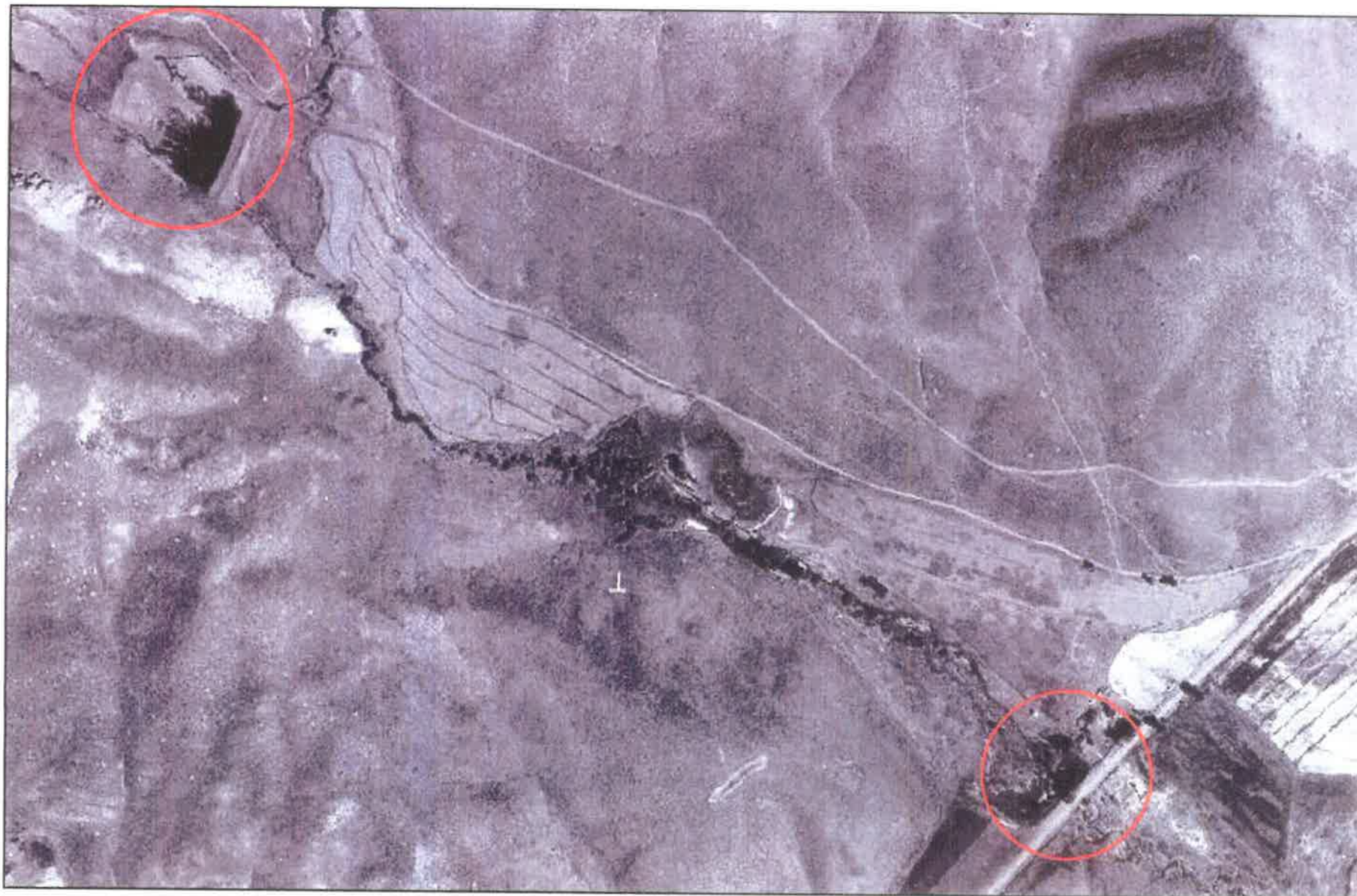
Sincerely,

A handwritten signature in dark ink, appearing to read "C. E. Brockway". The signature is fluid and cursive, with the first name "C. E." and the last name "Brockway" clearly distinguishable.

Charles E. Brockway P.E. PhD

Attachments: 1957 Aerial Photograph of Democrat Gulch

CC: Kevin Beaton
Mark Meyer
Paul Fay



0 0.05 0.1 0.2 Miles

BROCKWAY ENGINEERING, PLLC.
ZL- 2/1/07
F:\Projects\Fay, Paul - Democratic Gulch\Arcview 9

**SPRING CANYON RANCH, LLC.
T.02N., R.18E. SEC 18
1957 AERIAL PHOTO
UPPER RESERVOIR AND
LOWER POND SHOWN**

Legend

1957 Mid.jpg
Value

High 255

Low 0



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, November 05, 2008 1:35 PM
To: 'dbl@moffatt.com'; 'kjbeaton@stoel.com'; 'apb@idahowaters.com'; 'David.Negri@usdoj.gov'; 'Fredric_Price@blm.gov'; Jim Speck; 'charles.e.brockway@brockwayeng.com'
Cc: Bromley, Chris; Homan, John; Kelly, Vicki
Subject: 37-548, 37-4440 etal Spring Canyon Ranch
Attachments: 37-548 4440 back file copy claim notes.doc

At the hearing on Oct 16 I was requested to provide additional information regarding the disallowal of the statutory claims and how Matt calculated the pond volume.

I found all of the information in the back-file for 37-548 pgs 53 and 54 as a copy of an e-mail sent to Brockway on Jan 24, 2007.



37-548 4440 back
file copy cla...

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

11-7-08 Keura J. Beaton - Received msg "THANKS"
11-7-08 FRED Price - Received msg "Thanks"

Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, January 24, 2007 12:52 PM
To: 'KJBEATON@stoel.com'
Subject: FW: NOE responses - Spring Canyon Ranch

Kevin,

The final Director's Report for Basin 37 is scheduled to go out this week. It is waiting in line behind a couple other reports that are being printed and assembled, so it could be anytime. I can (and I am willing) work on the Spring Canyon Ranch, LLC claims up until the report is generated. However, I have done all that I can with the information I have for the Spring Canyon Ranch, LLC claims. I will work on them more if I get additional information before the final Director's Report. Below is the email I sent to Brockway Engineering listing what I need.

Feel free to call me at 208-287-4937 if you have any questions.

Thanks!

Matt

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

From: Anders, Matthew
Sent: Monday, January 22, 2007 8:45 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: NOE responses - Spring Canyon Ranch

Chuck,

Below are my responses the Notice of Error for Spring Canyon Ranch, LLC.

Place of Use

I found 180 acres of Irrigation on the 1987 aerial photo. Please submit a map outlining the 190 acres feel are irrigated and I will review the claim again.

37-2142

The location of POD in SWSWSW Section 18 was unclear on the aerial photos, so I put the POD in the location indicated the map submitted with the original claim in 1994. Please send me a map indicating where the POD is located and I will review the claim again.

37-4138

No evidence of priority submitted. Also, the use and water being claimed appear to be covered by 37-4440. Please submit evidence of priority and a narrative that clearly distinguishes claim 37-4138 from 37-4440, and I will review the claim again.

37-4139

No evidence of priority submitted. The Recreation Storage being claimed appears to be covered by 37-4440. Please submit evidence of priority for all the claimed uses and a narrative that clearly distinguishes the Recreation Storage in claim 37-4139 from the Recreation Storage in 37-4440, and I will review the claim again.

37-4440

Based on the USGS Topo map and aerial photos, the pond has a surface area of 1.6 acres. Work has been done at that ranch by IDWR and it appears that the pond is about 3 ft deep. Using those data, I calculated the volume of the pond to be 5 AF.

The well logs submitted as evidence of priority indicate that the wells produce 140 gal/min (0.31 cfs). Please submit evidence that indicates the wells produce the claimed diversion rate of 0.69 cfs and I will review the claim again.

Diversion for irrigation is limited to 4/15-10/31. This claim may need to be amended to add Diversion to Storage if the claimant wants to divert groundwater year-round for Recreation Storage.

37-12396

No evidence of priority submitted. Please submit evidence of priority and I will review the claim again.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

-----Original Message-----
From: Beaton, Kevin J. [mailto:KJBEATON@stoel.com]
Sent: Wednesday, January 24, 2007 8:59 AM
To: Anders, Matthew
Subject: Spring Canyon Ranch, LLC Water Rights

Matt:
Recall we spoke a few weeks ago regarding the referenced water right claims in Basin 37. Chuck Brockway submitted Notices of Error in response to IDWR's Preliminary Recommendations on the subject claims to IDWR's Twin Falls office last week. What is the possibility of discussing IDWR's preliminary recommendations before they are finalized in the Director's recommendation? We would of course prefer to resolve this dispute prior to the more formal SRBA process. If that is a possibility who would we need to talk to at IDWR. Any help or insight you could provide would be much appreciated.

Regards,
Kevin Beaton
208-387-4214

Adjudication Claim Notes

**Claim(s): 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4139, 37-4440,
37-12396**

Background Data

37-548

- Source is Democrat Gulch Creek tributary to Croy Creek and Hailey Hot Springs tributary to Democrat Gulch Creek
- Decreed for entire flow of stream for Irrigation of 12 QQ
- Claimed 3.8 cfs for Irrigation of 190 acres

37-549

- Source is Croy Creek tributary to Big Wood River
- Decreed for 4.0 cfs for Irrigation of 8 QQ
- Claimed 4.0 cfs for Irrigation of 190 acres

37-1222

- Source is Democrat Gulch Creek tributary to Croy Creek
- Decreed for 0.4 cfs for Irrigation of 8 QQ
- Claimed 0.4 cfs for Irrigation of 190 acres

37-2142

- Source is Hot Springs Gulch Creek tributary to Croy Creek
- Licensed for 1.5 cfs for Irrigation of 75 acres
- Claimed 1.5 cfs for Irrigation of 122.4 acres

37-4138

- Beneficial Use Claim
- Source is Hailey Hot Springs tributary to Democrat Creek
- Claimed 1.05 cfs for Irrigation of 190 acres

37-4139

- Beneficial Use Claim
- Source is Hailey Hot Springs tributary to Big Wood River
- Claimed 0.50 cfs for Diversion to Storage, 277 AF for Fish Propagation Storage, and 277 AF for Recreation Storage

37-4440

- Beneficial Use Claim
- Source is Groundwater
- Claimed 0.69 cfs for Irrigation, 0.03 cfs for Stockwater, and 500 AF for Recreation

37-12396

- Beneficial Use Claim
- Source is Democrat Gulch Creek and Lambs Gulch Creek tributary to Croy Creek
- Claimed 3.0 cfs for Irrigation from Storage, 0.03 cfs for Stockwater, 1273 AF for Irrigation Storage, and 2172 AF for Recreation Storage

Place Of Use Data

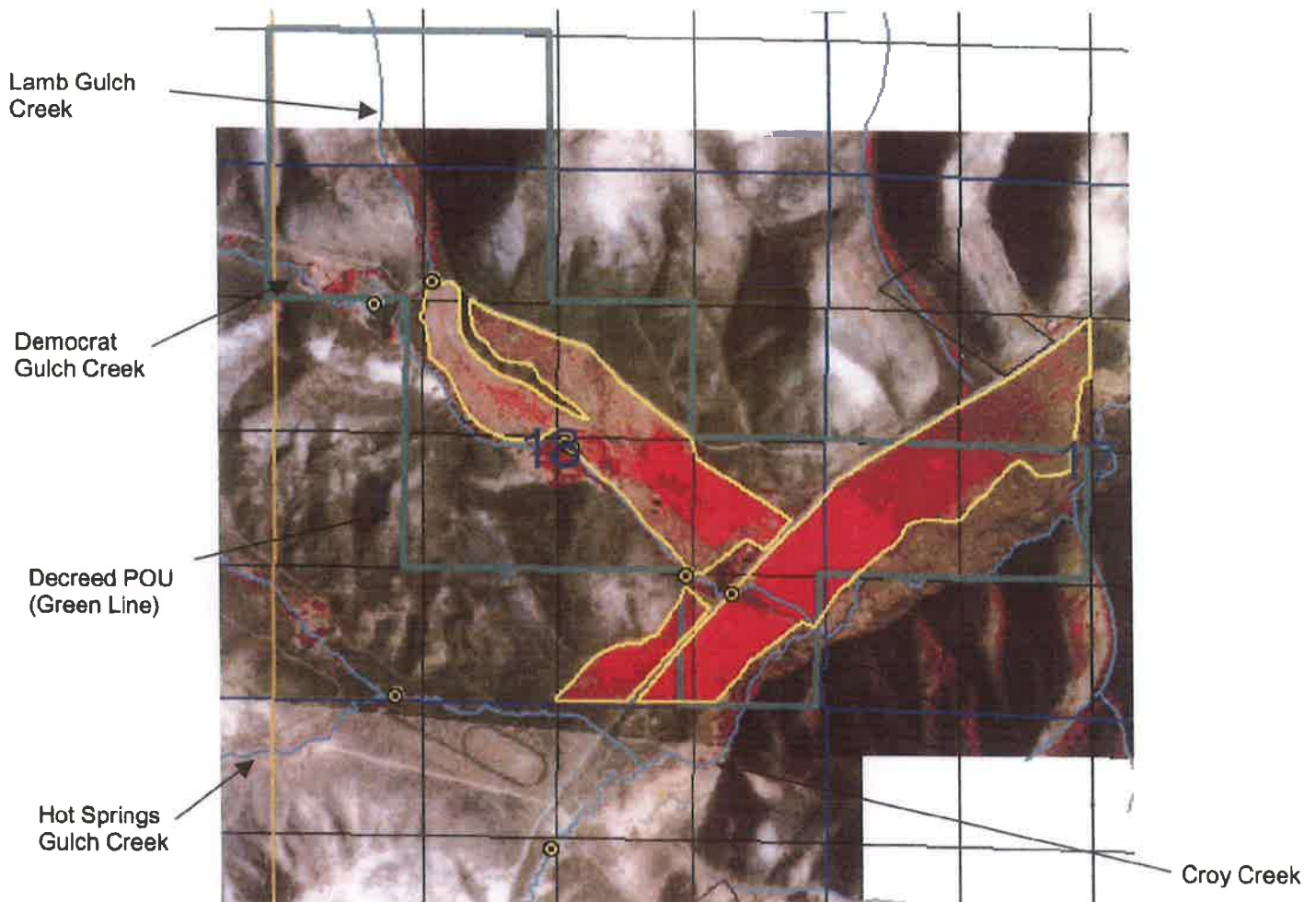
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

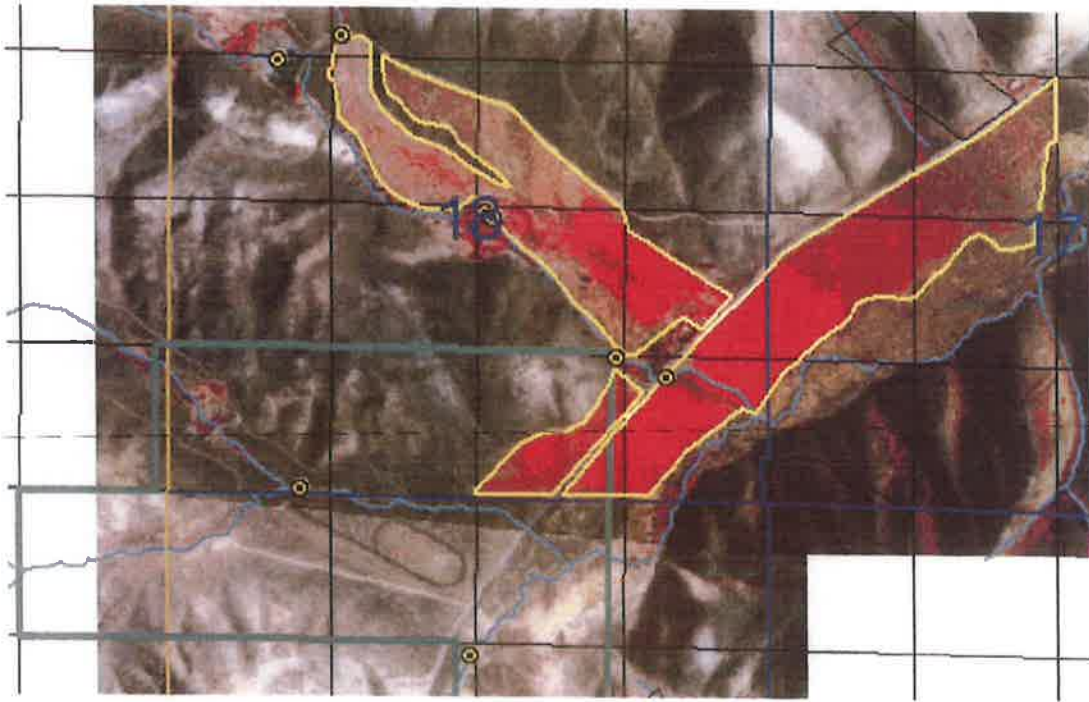
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

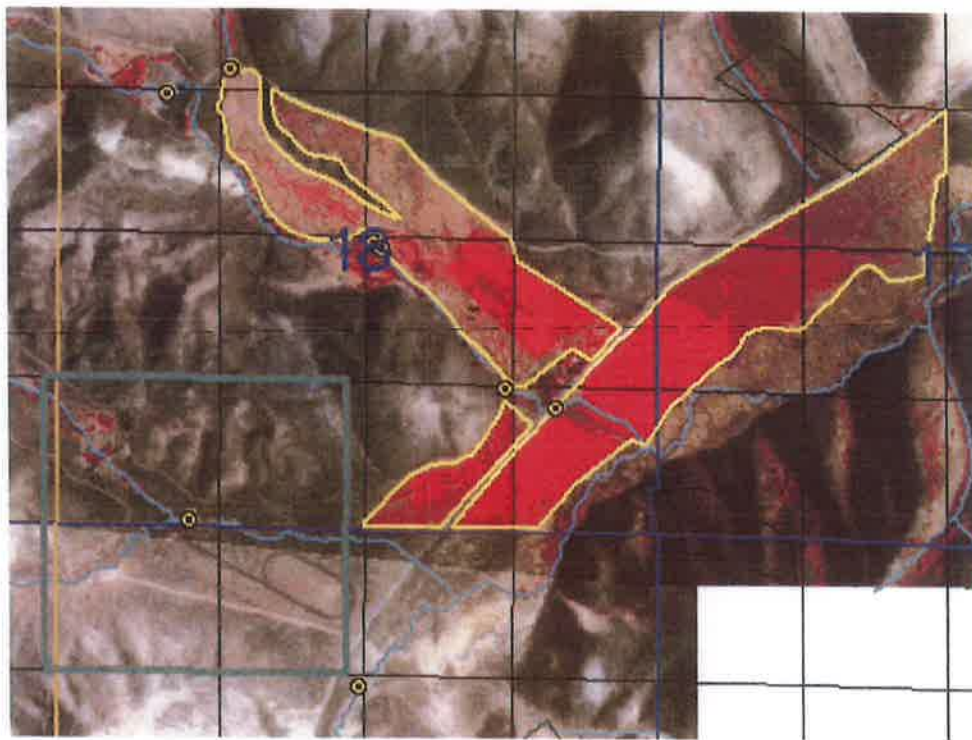
37-548



37-549 and 37-1222



37-2142

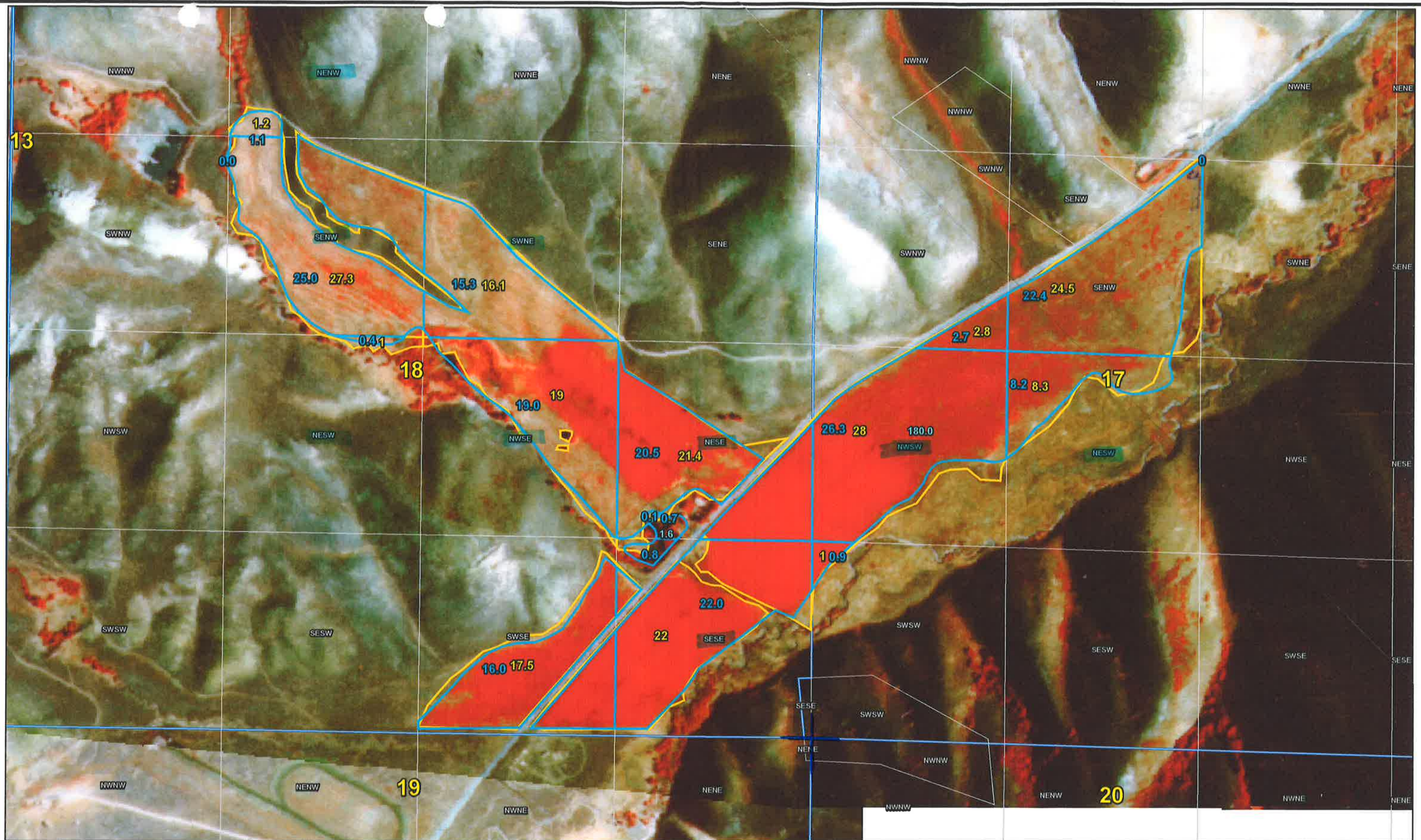


Notes

T2N R18E Sections 17 & 18

- 37-548
 - Decreed source is Warm Springs Creek. There is not a stream with this name on the USGS map. Based on the location of the decreed POU, the Sources at the time of the Frost decree are currently named Lambs Gulch Creek and Democrat Gulch Creek
 - Decreed for entire stream.
 - 11/06 unable to conduct field exam to measure diversion rate because of too much snow. Decided to recommend claim at 0.02 cfs/acre.
- 37-549 and 37-1222
 - 37-549 was decreed in the Frost Decree (1909). 37-1222 was decreed in Plumer vs. Connett (1929) on the same POU as 37-549. The water for 37-549 is also listed in Plumer vs. Connett, so 37-549 was not superceded by 37-1222.
 - In Plumer vs. Connett, the source for 37-1222 is listed as the North Fork of Croy Creek. Based on the location of the decreed POU, the most likely source for a gravity delivery would be the unnamed stream that joins Croy Creek in NWNE Section 19. That would mean an accomplished transfer changed the source to Democrat Gulch.
- 37-4138
 - No evidence of priority submitted
 - Claiming Irrigation from Hailey Hot Springs since 1948
 - This use and water is covered in 37-4440
- 37-4139
 - No evidence of priority submitted
 - Claimed Diversion to Storage and Recreation Storage from Springs since 1926 for the pond is SE Section 18.
 - These uses are covered in 37-4440
- 37-4440
 - Evidence of Priority
 - Submitted well logs for 5 wells drilled in 1950
 - Diversion rate
 - 11/06 unable to conduct field exam to measure diversion rate because of too much snow.
 - 2 well logs from the wells drilled in 1950 indicate a discharge rate totaling 140 gpm (0.31 cfs)
 - Decided to start with 0.31 (well logs) and let the claimant prove a higher diversion rate
 - There was a survey done of a reservoir in Section 18 that was 2 AF. Unclear if that was the reservoir SE Section 18 or the reservoir NW Section 18.
 - Doug Jones is familiar with the property. He said pond in SE Section 18 is 1.5 acres and is roughly 3 ft deep. This is approximately 5.0 AF of storage.
 - Diversion to Storage
 - If the claimant wants to divert water groundwater year-round for Recreation Storage, they will need to amend claim to include Diversion to Storage.

- This is a geothermal artesian well, so we will want to limit the Diversion to Storage rate as much as possible to conserve the resource.
- 37-12396
 - No evidence of priority submitted
 - Claimed Storage in pond in NW Section 18
- According to claim the water is commingled and delivered by pumps to sprinklers. So it appears this is a PPU
- Recommendations:
 - 180-acre PPU with combined use limit of 180 acres
 - 37-548
 - 3.6 cfs for Irrigation
 - Source
 - Lambs Gulch Creek tributary to Democrat Gulch Creek
 - Democrat Gulch Creek tributary to Croy Creek
 - 37-549
 - 4.0 cfs for Irrigation
 - Accomplished transfer for POU
 - 37-1222
 - 0.40 cfs for Irrigation
 - Accomplished transfer for Source, POD, and POU
 - Source is Democrat Gulch Creek tributary to Croy Creek
 - 37-2142
 - 1.5 cfs for Irrigation of 75 acres within PPU
 - 37-4138
 - Disallowed - no evidence of priority submitted
 - 37-4139
 - Disallowed - no evidence of priority submitted
 - 37-4440
 - 0.31 cfs and 59.3 AF
 - 0.31 cfs and 54.3 AF for Irrigation of 15.5 acres within PPU
 - 0.03 cfs and 1.4 AF for Stockwater
 - 5.0 AF for Recreation Storage
 - PODs
 - At well
 - Injection to Democrat Gulch Creek
 - Rediversion from Pond
 - 37-12396
 - Disallowed - no evidence of priority submitted
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



0 300 600 1,200 Feet

BROCKWAY ENGINEERING, PLLC.
 ZL- 5/30/07
 F:\Projects\Fay, Paul - Democratic Gulch\Arcview 9\Prelim Rec WATER RIGHTS MAP DEMOCRAT GULCH.mxd

SPRING CANYON RANCH, LLC.
T.02N., R.18E. SEC 18
1987 INFRARED AERIAL PHOTO

Legend

	IDWR Preliminary Rec POU = 180 ac.
	IDWR Preliminary Rec POU = 180 ac.
	Amended Total Claimed Area = 180 ac.
	Sections
	t02n18e



Spring Canyon Ranch
~~Canyon Spring Ranch~~

POU Map

Generated by Brockway Eng.

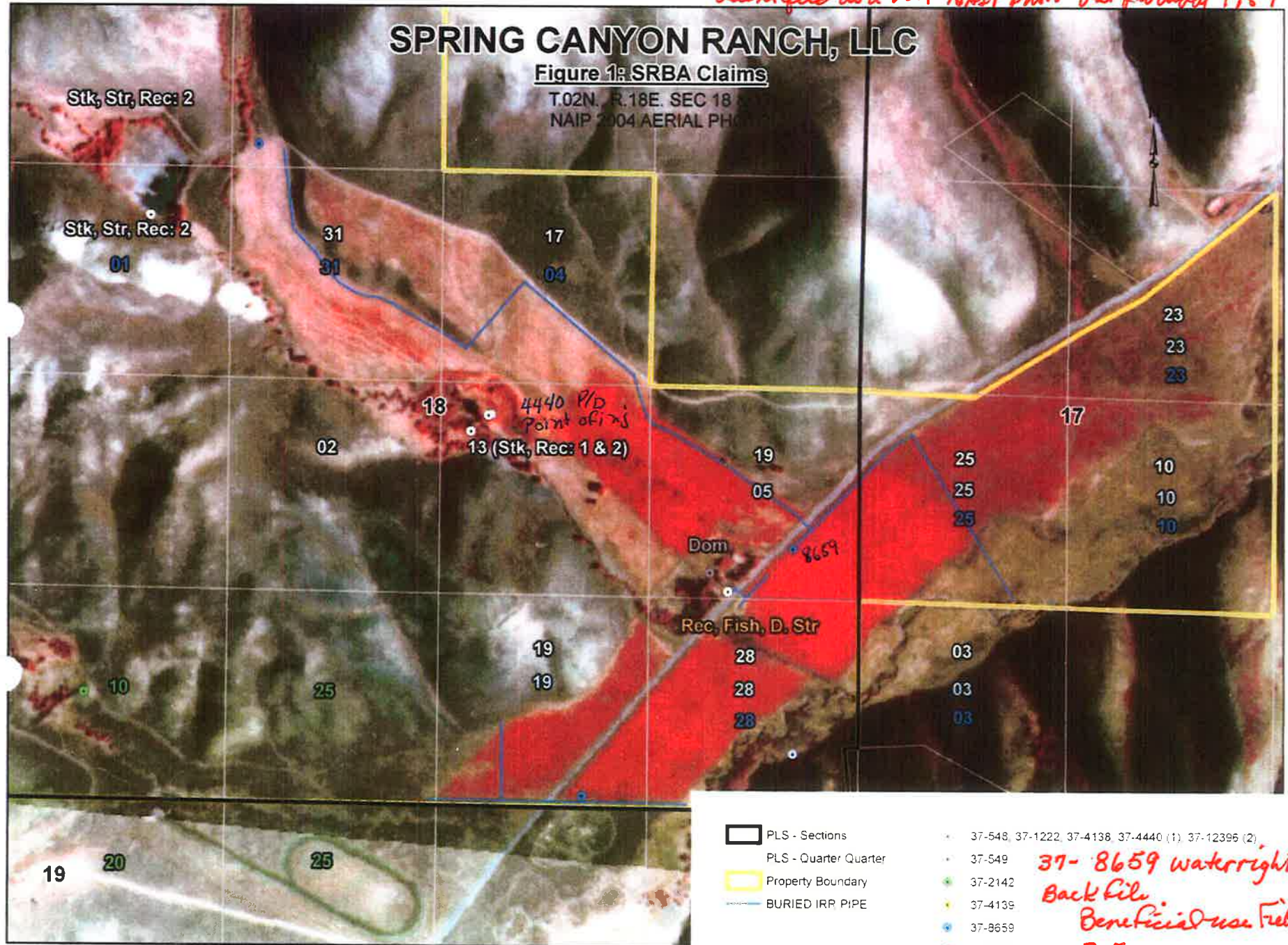
Presented Oct. 16, 2008 10:30 AM

Identified as a 2004 NAIP Photo but probably 1987

SPRING CANYON RANCH, LLC

Figure 1: SRBA Claims

T.02N. R.18E. SEC 18
NAIP 2004 AERIAL PHOTO



*37-8659 water rights
Back file
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0 0.05 0.1 0.2 Miles

SPRING CANYON RANCH, LLC.

T.02N., R.18E. SEC 18

1957 AERIAL PHOTO

UPPER RESERVOIR AND
LOWER POND SHOWN

Legend

1957 Mid.jpg

Value

High 255

Low 0

BROCKWAY ENGINEERING, PLLC.
ZL-2/1/07

F:\Projects\Fay Paul - Democratic Gulch\Arcview 9

37-12396 AJ Claim

Correspondence re:

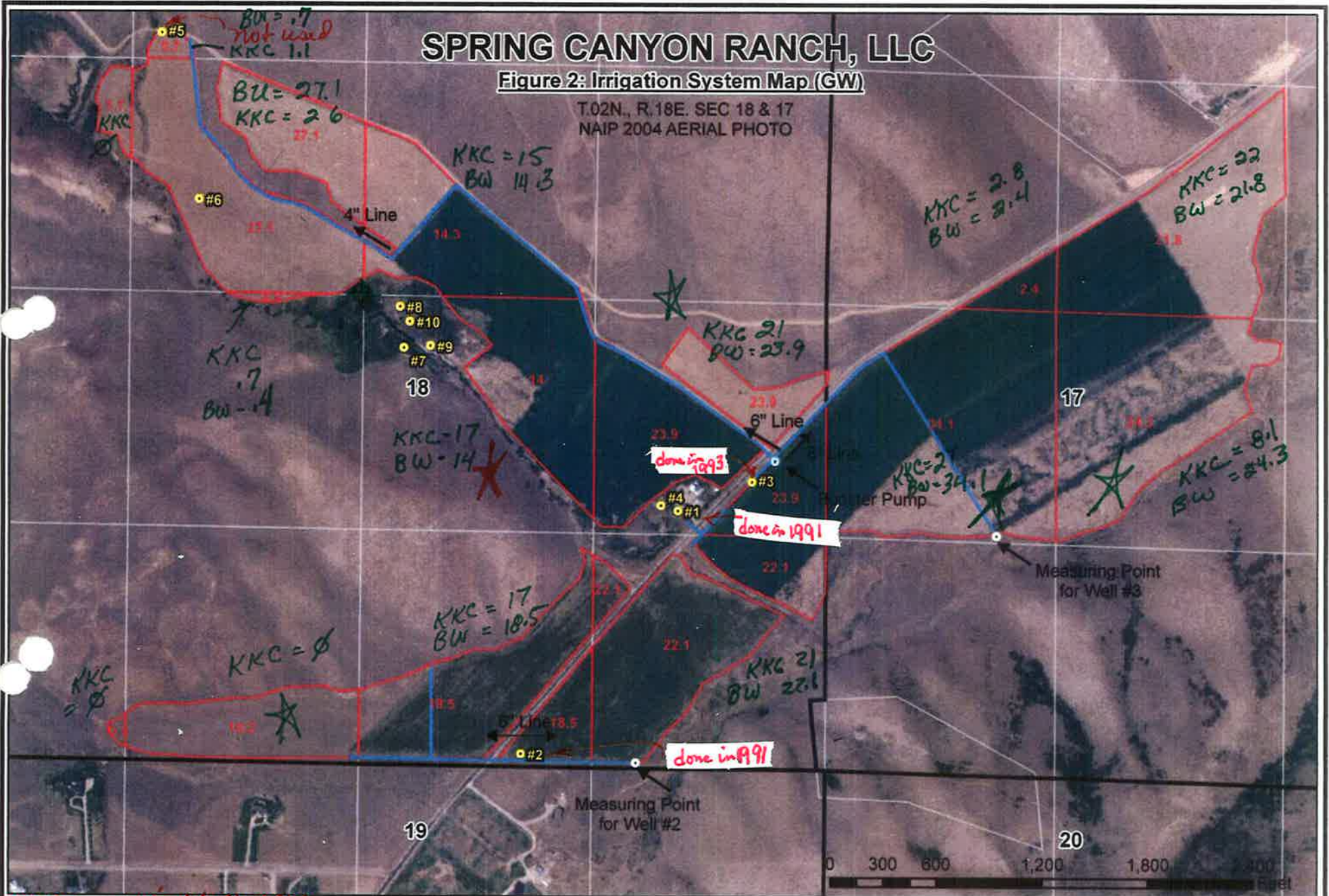
Spring Canyon Ranch

Notice of Error Pg 4

SPRING CANYON RANCH, LLC

Figure 2: Irrigation System Map (GW)

T.02N., R.18E. SEC 18 & 17
NAIP 2004 AERIAL PHOTO



37-8659 Wright Backfile
Beneficial use Field report Pg 6 § 28

BROCKWAY ENGINEERING, PLLC.
DTN - June 20, 2006

PLS - Sections
PLS - Quarter Quarter

Irrigated Acres at time of Exam
Buried Irrigation System

Wells
Field Exam Measure Points

Narrative for Beneficial Use Examination
Permit 37-8659 in the name of Spring Canyon Ranch, LLC

Daren T. Nelson and Charles E. Brockway
August 5, 2006

Permit 37-8659 is for ground water irrigation for the irrigation of ~ 125 acres in the 17th and 18th Sections of Township 2N, Range 18E as shown on the attached Figure 1: Spring Canyon Ranch, LLC Claims Map. The original applicant for this permit was Helen Nan Crocker. However, Spring Canyon Ranch, LLC has recently acquired the property appurtenant to this permit.

Spring Canyon Ranch, LLC asked Charles E. Brockway to complete this field exam as soon as possible in order for them to firm up their water rights at the property. Therefore, Brockway Engineering, PLLC obtained approval from IDWR regarding the completion of this field exam (see attached letter from Shelly Keen). The field exam for the permit was completed by Daren T. Nelson under the direction of Charles E. Brockway on June 6, 2006. The Ranch Manager, Dave Knowlton, was on-site during the entire examination.

Two wells supply ^{irrigation} ~~water~~ to the Spring Canyon Ranch in which comprises of approximately 215.8 ^{irrigable} ~~irrigatable~~ acres (see Figure 2: Irrigation System). However, all of the acres are not serviced by the ground water wells in a given year. The original permit applicants applied for this ground water permit in order to supplement their original surface water rights and water approximately 125 acres from three ground water wells. The remaining acres would be continued to be irrigated by their existing surface water rights at the property. According to Dave Knowlton, the ranch has been utilizing the existing right throughout the property and not on the specified place of use applied for in the original permit application. Therefore, we are recommending that the place of use for the license be for the entire 215.8 ~~irrigatable~~ ^{irrigable} acres, but be limited to 125 acres within any given irrigation season. In addition, Mr. Knowlton has stated that due to the very unreliable surface water rights and the very permeable soils at the property the ranch has been utilizing the full discharge of the permit.

There currently are ten (10) different wells on the property of the ranch, but only two of these wells are being utilized under this current permit. These wells have all been numbered per a water system analysis that was completed at the time of the proof of beneficial exam in 1995. The permit's proof of beneficial use stated that four wells (wells #1, #2, #3, and #5 per Figure 2: Irrigation System) were used for this permit. However, the ranch has never hooked up the irrigation well (well #5) that was drilled in the NW ¼, SW ¼, NW ¼, of Section 18, Township 2N, Range 18E due to the low yield of the well. Well #1 per Figure 1 was also drilled under this permit (see attached amendment sheet approved on 06/02/1993 & attached well descriptions from Ken Smith), but is not currently hooked to the irrigation system. In addition, the point of diversion listed on the permit for the SE ¼, SE ¼, of Section 18 (well #2) is not actually at this location and should be changed per this field exam. Therefore, it is being recommended that well well #5 and well #1 be removed from the permit application and that the well in the SE

Back file 37-8659
Pg 7

¼, SE ¼, of Section 18 (well #2) be changed to the SE ¼, SW ¼, SE ¼, of Section 18, Township 2N, Range 18E. The other wells on the property are either utilized by other water rights on the property or are capped test wells that may be utilized at the property for future development.

The well in the SE ¼, SW ¼, SE ¼, of Section 18, Township 2N, Range 18E (well #2) is a 12-inch diameter hole with a 50 hp vertical turbine pump. The well in the SE ¼, NE ¼, SE ¼, of Section 18, Township 2N, Range 18E (well #3) is a 10-inch diameter hole with a 60 hp vertical turbine pump. A copy of a well drilling records, a summary of these wells, and pump curves for each of these wells are attached. In addition, pump tests for both of these wells were completed in August of 1994 by Layne Pump and are also attached (see Layne Pump Records/Layne Pump Well Test Summary). The pump tests completed by Layne Pump state that the pumps could pump a combined averaged total of ~ 2.65 cfs with a standard deviation of 0.57 cfs in 1994. However, it is unknown what the conditions and set-up were like at the time of these pump tests. ✓

A Fuji Portaflow X sonic meter was used to measure the discharge from both of the wells. Each of the wells service a differing portion of the Ranch; however, they could be connected via temporary handlines that are used at the property. Due to the configuration of the wells it would be difficult to obtain an accurate discharge reading at the well head (see attached Photos).

At the West Well (#2) an aluminum 6" handline was connected to the end plug and all of the risers were turned off in order to get a measurement of the entire discharge from the well (see attached Photo and Figure 2: Irrigation System Map). In addition, a ditch was dug at the end of the handline and a flume was installed in an attempt to double check the meter. However, we were not expecting the large discharge and the ditch could not contain the water that was diverted from the well. Therefore, the flume readings were deemed inaccurate. The well was pumped for a little over an hour with an average discharge of 1.88 ± 0.01 cfs (845 ± 5 gpm) (see attached Flow Summary). The flow of the well during pumping was discharged into a small depression approximately 200 feet from Croy Creek. However, due to the permeable soils at the site the most of the water seeped into the ground before the water could be diverted to the creek.

The East Well (#3) does experience artesian pressures at different times during the year and was seeping from the well head before the pump was turned on. In addition, the well seems to be slightly connected to the hot water system apparent up Democrat Gulch. Due to the corrosiveness of the water the end plug at the measuring site had been corroded. Therefore, the ranch replaced the end plug and kept the excavation open in order for us to measure the actual mainline (see attached Photo and Figure 2: Irrigation System Map). As in the configuration of the West Well (#2) all of the risers in the system were turned off in order to obtain the entire flow of the well at the measurement point. The well was pumped for a little over two and a half (2.5) hours with an average discharge of 2.38 ± 0.03 cfs (1067 ± 12 gpm) (see attached Flow Summary). The flow of the well during pumping was discharged directly into Croy Creek.

The combined maximum flow of the two wells equals was found to be $\sim 4.26 \pm 0.04$ cfs (1912 ± 16 gpm). However, since the application for permit was only for 2.5 cfs the permit should be licensed for that amount. The measurement of the wells were made at

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free discharge (~ 0 psi); however, when the wells work at normal operating pressures of ~60 psi the discharge at the wells will be less than the estimated 4.26 cfs.

The following conditions of approval have been included with this permit:

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
A flow measurement port or other device as specified by the Department shall be installed by the
3. 01C right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. Two points of diversion located within NESE, S18, T02N, R18E.
7. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
Prior to the diversion of water under this right a flow measurement port or other device as
8. 01G specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is
9. 051 subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
10. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

The applicant has complied with all of the conditions of approval; except the conditions stating that a measurement device be installed at the wells. The former applicant submitted a waiver regarding the installation of a measurement device (see attached waiver) due to the configuration of the two wells. However, IDWR has stated that the applicant still needs to install a suitable measurement device or shall enter an agreement with the department to determine the amount of water diverted via power records and shall annually report this information to the department (see attached order dated 10/18/1995).

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Spring Canyon Ranch LLC c/o Croy Canyon LLC Permit No.: 37-8659
 Current Address: 395 Oyster Pt Blvd #309, South San Francisco, CA 94080 Phone No.: (650) 588-5600
 2. Accompanied by: David Knowlton Exam Date: 06/06/2006
 Address: Rural Route Box 1230, Fairfield, Idaho 83327 Phone No.: (208) 731-0167
 Relationship to Permit Holder: Ranch Manager
 3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: see attached Figure/Narrative
 2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: see attached Figure

Ident No	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination / Remarks
		SE	NE	SE	18	02N	18E	Blaine	Aerial Photo (West Well (#2))
		SE	SW	SE	18	02N	18E	Blaine	Aerial Photo (East Well (#3))

2. Place(s) of Use: _____ Indicate Method of Determination: Aerial Photo

TWP	RNG	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.8 2.4	22 21.8	8.1 24.3	27 34.1	9						82.6
02N	18E	18			15 14.3		1.1 0.7		1.7	26 27.1	7 0.4		0.3	10.2	21 23.9	17 14	17 18.5	21 22.1	133.2

KKC Lot = 179.6

~ 215.8 acres could be serviced by the current system; however, only 125 acres would be allowed under this water right in any given irrigation season

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ ditch size/ pipe i.d. as applicable.

See Attached Figures

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Aerial photo attached (required for irrigation of 10+ acres).
- ☒ Photo of diversion and system attached.

WATER RIGHTS BACKFILE 37-8659
Beneficial use field report Pg 1