

Claimants Name:

River Rock Ranch, L P

Attorney Name & Address:

**James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752**

RECEIVED
JAN 03 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

Subcase No. 37-7296B

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant of the water right identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, River Rock Ranch L P for the following water right which is the subject of a subcase: 37-7296B.

DATED this 31 day of December, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Albert P. Barker
Barker, Tosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 2, 2008

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED
JAN 03 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: River Rock Ranch, L P - Subcase No. 37-7296B

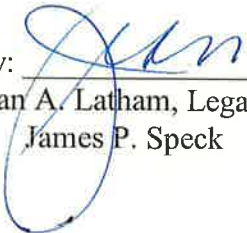
Dear Trish:

Enclosed please find the original and one copy of the Notice of Appearance for Subcase No. 37-7296B. Please file the original, receipt date stamp the copy and return it to us in the enclosed self-addressed stamped envelope.

Please call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jean A. Latham, Legal Assistant to
James P. Speck

:jal
Enclosures

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-7296B
Date Received: 8/28/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RIVER ROCK RANCH L P Phone:
PO BOX 129
KETCHUM ID 83340

2. Date of Priority: 10/15/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	26	SW NE NE	BLAINE	
05N	17E	26	NW NE NE	BLAINE	

5. Description of diverting works:

Excavated pond collects sub-surface flow.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
AESTHETIC STORAGE	01/01 12/31		2.4

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	17E	26	NE	NE	AESTHETIC STORAGE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Groundwater is collected by natural fill of the excavated pond located within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.

Transfer 66089 approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

Andrew J. Waldera **Date**
Attorney for Sinclair Oil Corp. and Newfoundland Partners

James P. Speck	Date
Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods	

Kelly K. Christensen 9-2-09
Kelly K. Christensen Date
Sr. Water Resource Agent

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

04/27/2009

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

RIGHT NUMBER: 37-7296B

NAME AND ADDRESS: RIVER ROCK RANCH L P
PO BOX 129
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Transfer 66089 approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

QUANTITY: 2.40 AFY

PRIORITY DATE: 10/15/1973

POINT OF
DIVERSION:

T05N R17E S26 NWNE Within BLAINE County
T05N R17E S26 SWNE Within BLAINE County

KC

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	2.40 AFY

PLACE OF USE: AESTHETIC STORAGE in BLAINE County

T05N R17E S26 NENE

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.

The aesthetic pond established under this right shall not exceed a total capacity of 4.4 acre-feet or a total surface area of 0.73 acres.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Groundwater is collected by natural fill of the excavated pond located within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

11/21/2006
RECEIVED
DEC 22 2006
DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-7296B

RIVER ROCK RANCH L P
PO BOX 129
KETCHUM ID 83340

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

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

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

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

DATE: 12/19/06 SIGNATURE: Sheila Witmer
Please print your name: SHEILA WITMER

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

09/19/2006

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

RIGHT NUMBER: 37-7296B

NAME AND ADDRESS: RIVER ROCK RANCH L P
PO BOX 129
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Transfer 66089 approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

QUANTITY: 2.400 AFY

PRIORITY DATE: 10/15/1973

POINT OF DIVERSION:

T05N R17E S26 NWNENE Within BLAINE County

T05N R17E S26 SWNENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
AESTHETIC STORAGE

PERIOD OF USE
01/01 12/31

QUANTITY
2.40 AFY

PLACE OF USE: AESTHETIC STORAGE Within BLAINE County

T05N R17E S26 NENE

Groundwater is collected by natural fill of the excavated pond located within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



Idaho Department of Water Resources

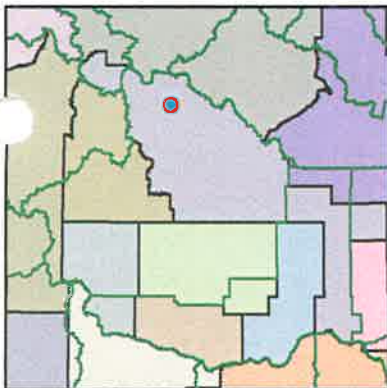
SRBA Recommendation:

37-7296B

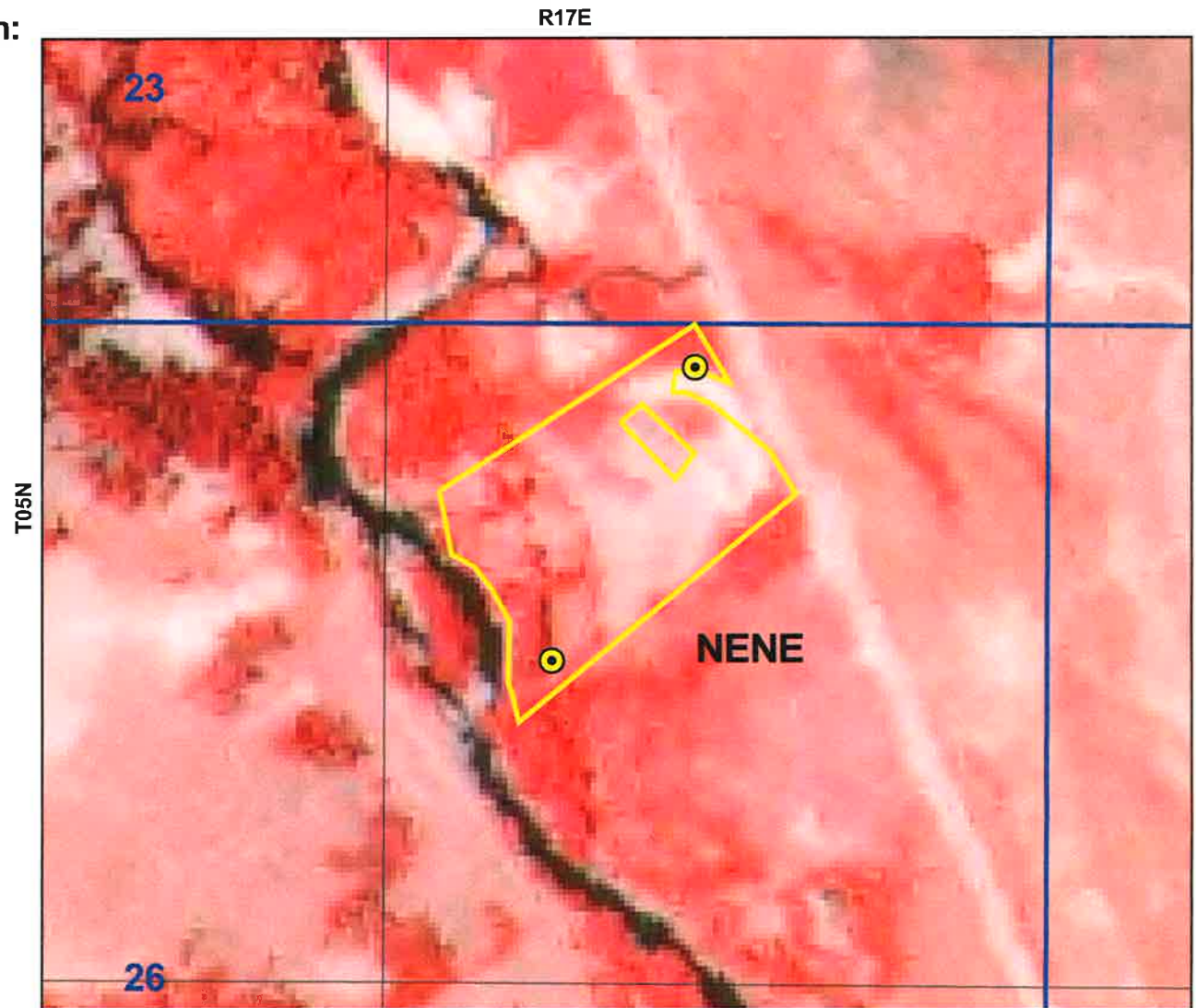
(Aesthetic Storage)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Wednesday, September 20, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

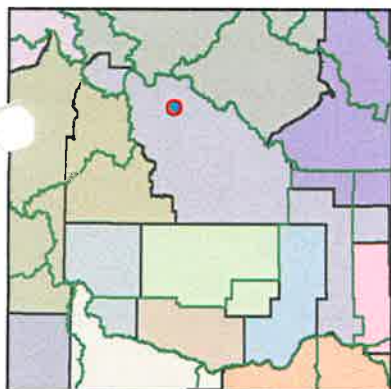
SRBA Recommendation:

37-7296B

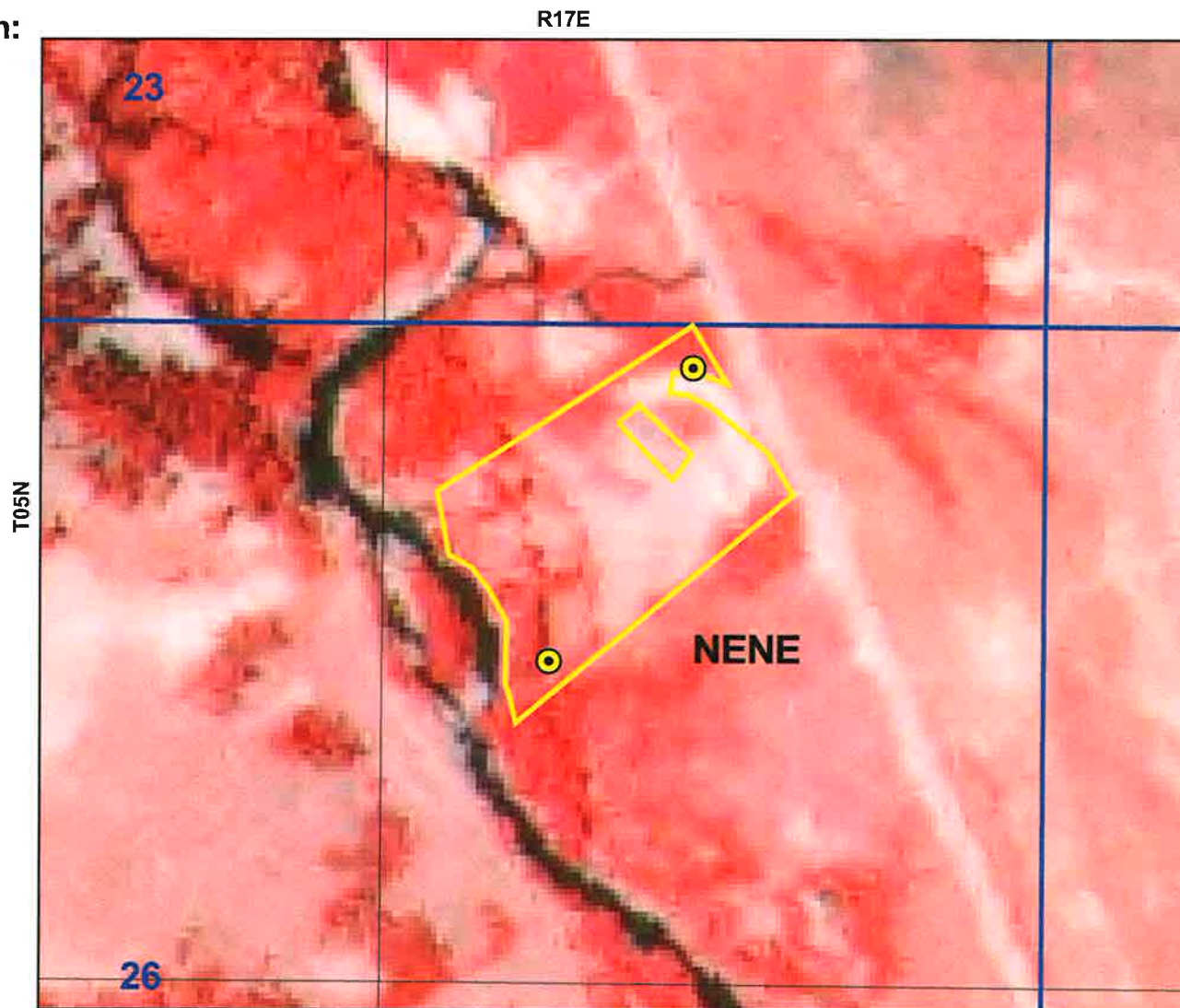
(Aesthetic Storage)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Wednesday, September 20, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66089

RECEIVED

NOV 19 2001

Department of Water Resources
Southern Region

This is to certify that: SHEILA WITMER And/Or
DUFFY WITMER
PO BOX 129
KETCHUM ID 83340
(208)726-4314

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-7296	AJC/License	10/15/1973	0.12 cfs	18.0 af	6.0	6.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7296	YES	YES	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-7296	37-7296B	N/A	2.4 af	N/A	N/A	37-7296A	0.10cfs	18.6 af	N/A	5.3
TOTALS		N/A	2.4 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of November, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7296A
As Modified by Transfer No. 66089

In accordance with the approval of Transfer No. 66089, Water Right No. 37-7296A is now described as follows.

Right Holder: RIVER ROCK RANCH L P
 PO BOX 129
 KETCHUM ID 83340

Priority Date: 10/15/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.10 CFS	18.6 AF
			0.10 CFS	18.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 26 Twp 05N Rge 17E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	26	5.3																5.3

Total Acres: 5.3

CONDITIONS OF APPROVAL

1. Rights 37-7296A and 37-11724 when combined shall not exceed the irrigation of 5.3 acres within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 15th day of November, 2001


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7296B
As Modified by Transfer No. 66089

In accordance with the approval of Transfer No. 66089, Water Right No. 37-7296B is now described as follows.

Right Holder: RIVER ROCK RANCH L P
PO BOX 129
KETCHUM ID 83340

Priority Date: 10/15/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC STORAGE	01/01	to 12/31		2.4 AF
				2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNENE Sec. 26 Twp 05N	Rge 17E	BLAINE County
GROUND WATER	SWNENE Sec. 26 Twp 05N	Rge 17E	BLAINE County

PLACE OF USE: AESTHETIC 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	
05N	17E	26	X																

CONDITIONS OF APPROVAL

1. Groundwater is collected by natural fill of the excavated pond located within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.
2. Transfer 66089 approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 15th day of November, 2001


Chief, Water Allocation Bureau