

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11329

Date Received: 9/15/1988

Receipt No: S002197

Received By: *CJC ALB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: *continued* DEER CREEK RANCH INC
Address: PO BOX 187
HAILEY ID

208-788-9813

83333

2. Date of Priority: JUN 1, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	17E	26	NE	NE	SE		BLAINE
		30		NE	SE		BLAINE
				SE	SE		BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.480		

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

A.F.A.

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	17E	25	SW	NE		IRR	21.0
			SE	NE		IRR	17.0
			SW	NW		IRR	8.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	25	SE	NW		IRR	20.0
			NE	SW		IRR	14.0
			NW	SW		IRR	12.0
			NE	SE		IRR	33.0
			NW	SE		IRR	17.0
			Section Acres				142.0
		26	NE	SE		IRR	1.0
			Section Acres				1.0
			Total Acres				143.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00466

14. Remarks:

USED AS SUPPLEMENTAL WATER IN DRY YEARS.

OWNERSHIP CHANGE 4/17/91 BY JG.
APPROVED TRANSFER ON WATER RIGHT, AJD. CLAIM CHANGED ACCORDINGLY.

NAME CHANGE MADE 4/19/96 BY TLB.

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: _____

SEE ATTACHED SHEET

APR 09 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M. Department of Water Resources
 Lot _____, Block _____, Subdivision/Townsite _____ Southern Region
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
 A37-00005; A37-00466; A37-00467; A37-00508; A37-00888; A37-00889
- ☐ Water Right Number(s) A37-04293; A37-04294; A37-04295; A37-04296; A37-11955; A37-11325
 Assigned by IDWR: A37-11326; A37-11328; A37-11329
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): NEW DEER CREEK RANCH INC
 P. O. BOX 187
 HAILEY ID 83333
- ☐ New Owner/Claimant (Purchaser): DEER CREEK RANCH INC.
- ☐ New Mailing Address: P. O. BOX 187
 HAILEY ID 83333
- ☐ New Telephone Number: (208) 788-9813
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) DEER CREEK RANCH, INC. Jay Sevy Date 4/5/96
 BY: Jay Sevy, President Date _____
- ☐ Signature of Former Owner/Claimant(s) NEW DEER CREEK RANCH, INC. Jay Sevy Date 4/5/96
 BY: Jay Sevy, President Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/19/96 By: HP

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

MICROFILMED
 NOV 27 1996

LEGAL DESCRIPTIONS:

T.03N., R.18E.,	S.29:	W1/2 SW1/4
	S.30:	S1/2 NW1/4, S1/2
	S.31:	NE1/4 NW1/4
T.03N., R.17E.,	S.25:	S1/2 N1/2, N1/2 S1/2, SE1/4 SE1/4
	S.26:	NE1/4 SW1/4, S1/2 SW1/4, NE1/4 SE1/4, W1/2 SE1/4



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

APRIL 22, 1996

DEER CREEK RANCH, INC.
C/O JOHN ROSHOLT
ROSHOLT, ROBERTSON, TUCKER
PO BOX 1906
TWIN FALLS, ID 83303-1906

RE: SRBA CLAIM(S) A37-00005, A37-00466, A37-00467, A37-00508,
A37-00888, A37-00889, A37-04293, A37-04294,
A37-04295, A37-04296, A37-11955, A37-11325,
A37-11326, A37-11328, & A37-11329
NEW DEER CREEK RANCH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

MICROFILMED
NOV 27 1998

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
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CIVIL CASE NUMBER: 39576

Ident. Number: **A37-11329**
Date Received: 9/15/1988
Receipt No: S002197
Received By: _____

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

1. Name: NEW DEER CREEK RANCH INC. 208-788-9813
Address: P.O. BOX 187
HAILEY, ID 83333

2. Date of Priority: JUN 1, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	17E	26	NE	NE	SE		BLAINE
		30		NE	SE		BLAINE
				SE	SE		BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.480		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	17E	25	SW	NE		IRR	21.0
			SE	NE		IRR	17.0
			SW	NW		IRR	8.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	25	SE	NW		IRR	20.0
			NE	SW		IRR	14.0
			NW	SW		IRR	12.0
			NE	SE		IRR	33.0
			NW	SE		IRR	17.0
						Section Acres	142.0
		26	NE	SE		IRR	1.0
						Section Acres	1.0
						Total Acres	143.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00466

14. Remarks:

USED AS SUPPLEMENTAL WATER IN DRY YEARS.

OWNERSHIP CHANGE 4/17/91 BY JG.

APPROVED TRANSFER ON WATER RIGHT, AJD. CLAIM CHANGED ACCORDINGLY.

3641

15. Basis of Claim: STATUTORY CLAIM

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

Signature of Claimant(s): _____ Date: _____

Date: _____

MICROFILMED

FEB 25 1993

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 25 1993

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
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1. Name: NEW DEER CREEK RANCH INC. 208-788-9813
Address: P.O. BOX 187
HAILEY, ID 83333

2. Date of Priority: JUN 1, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	17E	26	NE	NE	SE		BLAINE
		30		NE	SE		BLAINE
				SE	SE		BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.480		

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

8. Total consumptive use is 357.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	17E	25	SW	NE		IRR	21.0
			SE	NE		IRR	17.0
			SW	NW		IRR	8.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	25	SE	NW		IRR	20.0
			NE	SW		IRR	14.0
			NW	SW		IRR	12.0
			NE	SE		IRR	33.0
			NW	SE		IRR	17.0
						Section Acres	142.0
		26	NE	SE		IRR	1.0
						Section Acres	1.0
						Total Acres	143.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00466

14. Remarks:
USED AS SUPPLEMENTAL WATER IN DRY YEARS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby nominates and appoints JOHN A. ROSHOLT, of 142 Third Avenue North, Twin Falls, Idaho 83301, as attorney-in-fact with full authority to act for and on behalf of NEW DEER CREEK RANCH, INC., an Idaho corporation, to file water right claims in the Snake River Basin Adjudication (specifically including an application to add points of diversion to Claim A37-11329), and to execute any and all documents required or necessary to file and perfect such rights for the properties of New Deer Creek Ranch, Inc., for which corporation I am the Assistant Secretary, located in Blaine County, Idaho.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the above mentioned. Further, I hereby declare that each and every agreement, receipt or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid and effectual as if they had been signed, sealed and delivered by me in my own proper person for said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

Dated this 1st day of May 1990.


GARY D. SLETTE
Assistant Secretary
New Deer Creek Ranch, Inc.

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

On this 1st day of May, 1990, before me, a Notary Public, in and for said County and State, personally appeared GARY D. SLETTE, known or identified to me to be the Assistant Secretary of NEW DEER CREEK RANCH, INC., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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


NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 9-20-94

WARRANTY DEED

For Value Received, DEER CREEK RANCH CO., an Idaho general partnership, and WILLIAM R. BURT, an individual, hereinafter called the "Grantor," hereby grant, bargain, sell and convey unto NEW DEER CREEK RANCH, INC., an Idaho corporation, whose address is c/o O'Melveny & Myers, 400 South Hope Street, Los Angeles, California 90071-2899, Attention: Donn B. Miller, Esq., hereinafter called the "Grantee," the premises in Blaine County, Idaho described in Exhibit "A" attached hereto and incorporated herein by reference.

To have and to hold the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances except as to the "Approved Exceptions" identified in paragraph 7(a) of that certain Option to Purchase, Purchase and Sale Agreement and Joint Escrow Instructions dated April 3, 1989, between the Grantor and Grantee which is incorporated herein by reference and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 7th day of April, 1989.

"GRANTOR"

William R. Burt
WILLIAM R. BURT

DEER CREEK RANCH CO.,
an Idaho general partnership

By William R. Burt
WILLIAM R. BURT
General Partner

By Jean P. Burt
JEAN P. BURT
General Partner

MICROFILMED
FEB 25 1993

By: Cynthia Burt Beebe
CYNTHIA BURT BEEBE
General Partner

STATE OF _____)
County of _____) ss.

On this _____ day of _____, 1989, before me, a Notary Public, in and for said County and State, personally appeared WILLIAM R. BURT, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

NOTARY PUBLIC FOR _____
Residing at: _____
My commission expires: _____

STATE OF _____)
County of _____) ss.

On this _____ day of _____, 1989, before me, a Notary Public, in and for said County and State, personally appeared WILLIAM R. BURT known or identified to me to be a General Partner of DEER CREEK RANCH CO., the partnership that executed the foregoing instrument, and acknowledged to me that such partnership executed the same.

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

NOTARY PUBLIC FOR _____
Residing at: _____
My commission expires: _____

By

CYNTHIA BURT BEEBE
General Partner

STATE OF Hawaii)
COUNTY OF Mau) ss.

On this 7th day of April, 1989, before me,
a Notary Public, in and for said County and State, personally
appeared WILLIAM R. BURT, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

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

Laurie J. Shunyama
NOTARY PUBLIC FOR Hawaii
Residing at: Pukalani
My commission expires: 4/19/91

STATE OF Hawaii)
COUNTY OF Mau) ss.

On this 7th day of April, 1989, before me,
a Notary Public, in and for said County and State, personally
appeared WILLIAM R. BURT, known or identified to me to be a
General Partner of DEER CREEK RANCH CO., the partnership that
executed the foregoing instrument, and acknowledged to me that
such partnership executed the same.

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

Laurie J. Shunyama
NOTARY PUBLIC FOR Hawaii
Residing at: Pukalani
My commission expires: 4/19/91

MICROFILMED
FEB 25 1993

STATE OF Hawaii)
COUNTY OF Mau) ss.

On this 7th day of April, 1989, before me, a Notary Public, in and for said County and State, personally appeared JEAN P. BURT, known or identified to me to be a General Partner of DEER CREEK RANCH CO., the partnership that executed the foregoing instrument, and acknowledged to me that such partnership executed the same.

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

Laurel J. Shunyata
NOTARY PUBLIC FOR Hawaii
Residing at: Pukalani
My commission expires: 4/19/91

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 1989, before me, a Notary Public, in and for said County and State, personally appeared CYNTHIA BURT BEEBE, known or identified to me to be a General Partner of DEER CREEK RANCH CO., the partnership that executed the foregoing instrument, and acknowledged to me that such partnership executed the same.

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

NOTARY PUBLIC FOR _____
Residing at: _____
My commission expires: _____

MICROFILMED
FEB 25 1993

STATE OF _____)
County of _____) ss.

On this _____ day of _____, 1989, before me, a Notary Public, in and for said County and State, personally appeared JEAN P. BURT known or identified to me to be a General Partner of DEER CREEK RANCH CO., the partnership that executed the foregoing instrument, and acknowledged to me that such partnership executed the same.

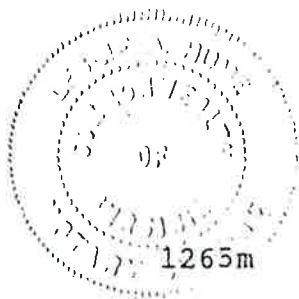
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR _____
Residing at: _____
My commission expires: _____

STATE OF Virginia)
County of Norfolk) ss.

On this 13th day of April, 1989, before me, a Notary Public, in and for said County and State, personally appeared CYNTHIA BURT BEEBE known or identified to me to be a General Partner of DEER CREEK RANCH CO., the partnership that executed the foregoing instrument, and acknowledged to me that such partnership executed the same.

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



Leslie A. Hume
NOTARY PUBLIC FOR Commonwealth of Virginia
Residing at: Virginia Beach
My commission expires: 10-5-92

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I

Township 2 North, Range 17 East of the Boise Meridian, Blaine County, Idaho
THE CORRALL, patented mining claim, U.S. Survey No. 1690, located in Sections 2 and 11;

Section 5: Lots 2 and 3

Section 12: S½NE½

Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

Section 5: Lots 5, 6, 7, 8, E½SW½, SW½SW½, SW½SE½

Section 6: Lots 2, 4, 7, 8, 9, 10, SW½NE½, NW½SE½, S½SE½, E½SW½

Section 7: Lots 1, 2, 3, E½NW½, NE½, NE½SW½, SE½

Section 8: NW½, SW½, Lots 2 and 3, W½SE½, NE½SE½, and that part of the SE½SE½ lying North of the Hailey-Fairfield Road and designated on the Blaine County Tax Assessor's Rolls as Tax Lot 2282 and more particularly described as follows: BEGINNING at the Northeast corner of SE½SE½ of said Section 8; THENCE South along common line of Sections 8 and 9, 767.52 feet to the North boundary of said road; THENCE along said North boundary the following bearings: South 87°30' West 85.5 feet; THENCE South 60°30' West 830 feet; THENCE South 64° West 319.34 feet to the East-West section line common to Sections 8 and 17; THENCE West along said Section line 234.47 feet to the Southwest corner of said SE½SE½; THENCE North 1320 feet; THENCE East 1320 feet to the POINT OF BEGINNING.

Section 9: All that part of the SW½SW½ lying North of the Hailey-Fairfield Road, designated as Tax Lot 2289, and more particularly described as follows: BEGINNING at the Northwest corner of said SW½SW½; THENCE East 1220 feet to intersection with North boundary of Hailey-Fairfield Road; THENCE along North boundary of said road with the following bearings: South 50°12' West 190.6 feet; THENCE South 37° West 625 feet; THENCE South 62°30' West 275 feet; THENCE South 87°30' West 444.5 feet to the Section line common to Sections 8 and 9; THENCE North 767.52 feet along Section line to the POINT OF BEGINNING.

AND all that part of the NW½SW½ known as Tax Lot 1296 and more particularly described as follows: All of the NW½SW½ excepting therefrom a triangle piece of land described as follows: BEGINNING at a point on the East line of said forty, 1200 feet South of the Northeast corner and running THENCE 1200 feet North to said corner; THENCE West along the North line of said forty a distance of 700 feet; THENCE Southeasterly on a straight line to the POINT OF BEGINNING.

Section 17: Lots 2, 3, NE½NW½;

That part of the NE½NE½ lying North of the Hailey-Fairfield Road and known as Tax Lot 2284, being more particularly described as follows: BEGINNING at the Northwest corner of said NE½NE½; THENCE East along Section line common to Sections 8 and 17, 234.47 feet to intersection of said Section line with the North boundary of said road; THENCE South 64° West 261 feet along said North boundary to the West line of NE½NE½ of Section 17; THENCE North 114.36 feet to the PLACE OF BEGINNING.

The NW½NW½NE½ lying North of the Hailey-Fairfield Road, known as Tax Lot 1179.

est, 575.00 feet; THENCE North 89°06'13" West, 2045.25 feet; THENCE South 88°30'44" West, 1925.65 feet; THENCE South 72°16'41" West, 965.83 feet; THENCE North 45°21'05" West, 230.52 feet; THENCE North 40°36'05" East, 460.98 feet; THENCE North 78°57'26" West, 1776.44 feet; THENCE North 0°07'30" East, 170.00 feet to the West 1/16 corner of said Section 14; THENCE South 89°50'59" West, 1336.08 feet to the West Quarter Corner of said Section 14; THENCE North 0°06'24" East, 1313.89 feet to the North 1/16 Corner between Section 14 and Section 15; THENCE North 89°45'52" East, 1287.49 feet; THENCE South 0°00'00" East, 580.55 feet; THENCE 484.60 feet along a curve to the right with a central angle of 30°24'59", a radius of 912.85 feet, and a long chord of 478.93 feet that bears South 78°05'30" East; THENCE North 27°06'59" East, 100.00 feet; THENCE South 62°53'01" East 654.62 feet; THENCE South 27°06'59" West, 100.00 feet; THENCE South 61°09'24" East, 378.26 feet; THENCE South 0°08'36" West, 152.69 feet to the Center Quarter Corner of said Section 14; THENCE North 89°50'59" East, 2675.74 feet to the East Quarter Corner of said Section 14; THENCE South 88°06'30" East, 2659.94 feet to the Center Quarter Corner of Section 13; THENCE North 0°06'31" East, 573.29 feet; THENCE North 66°53'05" East, 1878.14 feet; THENCE South 88°13'46" East, 950.00 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following:

A parcel of land lying within the SW¼ of Section 29, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, being bounded on the South by the Deer Creek Road right of way, on the East by the Zinc Spur Unit Four Subdivision, on the North by the Shadey Nook Subdivision Revised, on the West by the center line of the Big Wood River, and being more particularly described as follows:

COMMENCING at the 1" bar marking the Southwest corner of said Section 29;
 THENCE South 89°35' East, 961 feet along the section line to a point;
 THENCE North 0°25' East, 80.00 feet to a point on the Northerly right of way of Deer Creek Road at the center of the Big Wood River, being the REAL POINT OF BEGINNING;
 THENCE South 89°35' East, 350 feet to the Westerly boundary of Zinc Spur Unit Four Subdivision;
 THENCE North 0°26' East, 371.7 feet, more or less, to the Southerly boundary of Shadey Nook Subdivision, Revised;
 THENCE South 88°45' West, 200.9 feet, more or less, along said Southerly boundary of Shadey Nook Subdivision, Revised, to a point of curvature;
 THENCE 233.4 feet along said Southerly boundary of Shadey Nook Subdivision, Revised, being a curve to the left with a radius of 270.68 feet and a central angle of 49°24' to a point of tangency;
 THENCE South 39°21' West, 95 feet, more or less, along said Southerly boundary of Shadey Nook Subdivision, Revised, extended to the center of the Big Wood River;
 THENCE South 30°09' East, 222.4 feet, more or less, to the REAL POINT OF BEGINNING.

PARCEL II

Township 3 North, Range 17 East of the Boise Meridian, Blaine County, Idaho.
 Section 25: N½SE¼

PARCEL IV

A twenty-foot right of way located within the S½SE¼ of Section 27, Township 3 North, Range 17 East, Boise Meridian, and the SW¼SW¼ of Section 26, Township 3 North, Range 17 East, Boise Meridian, Blaine County, Idaho, for a ditch near the road to carry water from the spillway on the present damsite to portions of the property described in Parcel I above.

Together with all water rights appurtenant to the above described real property. Specifically including, but not limited to, the following itemized rights:

DECREED RIGHTS

<u>PRIORITY</u>	<u>PURPOSE</u>	<u>SRBA CLAIM NO.</u>
04-01-1880	Irrigation	A37-00466
04-01-1880	Irrigation	A37-00467
05-01-1885	Irrigation	A37-00508
11-11-1884	Irrigation	A37-00888
03-04-1885	Irrigation	A37-00889

HISTORIC USE CLAIMS

<u>PRIORITY</u>	<u>PURPOSE</u>	<u>SRBA CLAIM NO.</u>
01-01-1910	Stock	A37-04293
04-01-1880	Irrigation	A37-04294
06-10-1910	Stock	A37-04295
01-01-1890	Stock	A37-04296
06-24-1960	Domestic/Stock	A37-11325
05-10-1910	Domestic/Stock	A37-11326
05-10-1910	Domestic/Stock	A37-11328
06-01-1956	Irrigation	A37-11329
09-01-1965	Stock	A37-11955

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY

BOISE, IDAHO 83705

(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15

IDAHO FALLS, IDAHO 83402

(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.

STATEHOUSE MAIL

BOISE, IDAHO 83720

(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST

TWIN FALLS, ID 83301

(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814

(208) 765-4639

MICROFILMED

FEB 25 1993

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A37-00466, -00467, -00508, --00888, -00889

[] Name and Address of
Former Claimant: DEER CREEK RANCH CO. AND WILLIAM R. BURT

C/O P.O. BOX 249

KETCHUM ID 83340

[] New Claimant(s): NEW DEER CREEK RANCH, INC.

RECEIVED

FEB - 7 1991

[] New Mailing Address: P.O. BOX 187

HAILEY ID 83333

Department of Water Resources
Southern Region Office

New Telephone Number: (208) 788 - 9813

[] Does the change in ownership result in a splitting of the
water right claimed? yes XXX no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached: WARRANTY DEED

[] Signature of New Claimant(s):

Jay S. Leary, president
New Deer Creek Ranch Inc.

Date:

2/6/91

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4/17/91 By: AC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 4/17/91 By: AC

Claim Numbers of Split, if any:

MICROFILMED

0 2 5 1993

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A37-04293, -04294, -04295, -04296, -11325,
-11326, -11328, -11329, -11955

[] Name and Address of
Former Claimant: _____

[] New Claimant(s): NEW DEER CREEK RANCH, INC.

RECEIVED

[] New Mailing Address: P.O. BOX 187

FEB -7 1991

HAILEY ID 83333

Department of Water Resources
Southern Region Office

New Telephone Number: (208) 788 - 9813

[] Does the change in ownership result in a splitting of the
water right claimed? yes XX no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached: WARRANTY DEED

[] Signature of New Claimant(s):

Jay L. Lemay, President
New Deer Creek Ranch Inc.

Date:

2/6/91

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4/17/91 By: JK

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/17/91 By: JK

Claim Numbers of Split, if any:

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11329
Date Received: 9/15/1988
Receipt No: S002197
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEER CREEK RANCH 208-788-2597
Address: P.O. BOX 296
HAILEY, ID 83333

2. Date of Priority: JUN 01, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	17E	26	NE	NE	SE		BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	17E	25	SW	NE		IRR	35.0
			SE	NE		IRR	35.0
			SW	NW		IRR	20.0
			SE	NW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	17E	25	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	280.0
		26	NE	SE		IRR	40.0
						Section Acres	40.0
						Total Acres	320.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00466

14. Remarks:
USED AS SUPPLEMENTAL WATER IN DRY YEARS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am General Manager of Deer Creek Ranch, that I have signed the foregoing document in the space below as General Manager of Deer Creek Ranch and that the statements contained in the foregoing document are true and correct.

Harold Schmitt
Signature of Authorized Agent

General Manager Deer Creek Ranch
Title and Organization

9/15/88
Date

State of Idaho)
County of Twin Falls) SS.

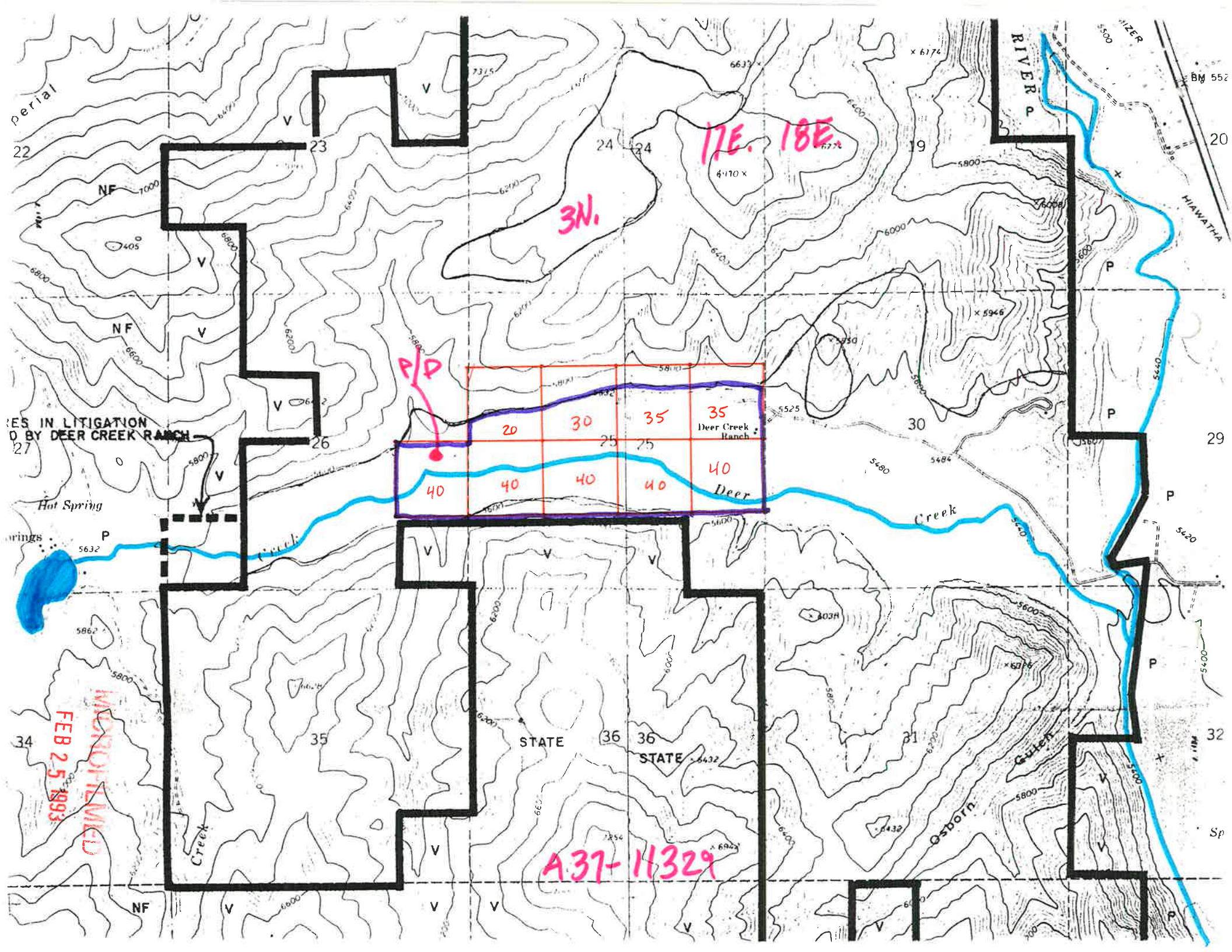
Subscribed and sworn (or affirmed) before me this 15th day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



01/12/2007

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: January 23, 2007

Water right number: 37-11329

DEER CREEK RANCH INC

PO BOX 187

HAILEY ID 83333-0187

Telephone Number: (208) 788-9813

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:

1/19/07

SIGNATURE:

JOHN A. ROSHOLT, ATTY

Please print your name:

JOHN A. ROSHOLT

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

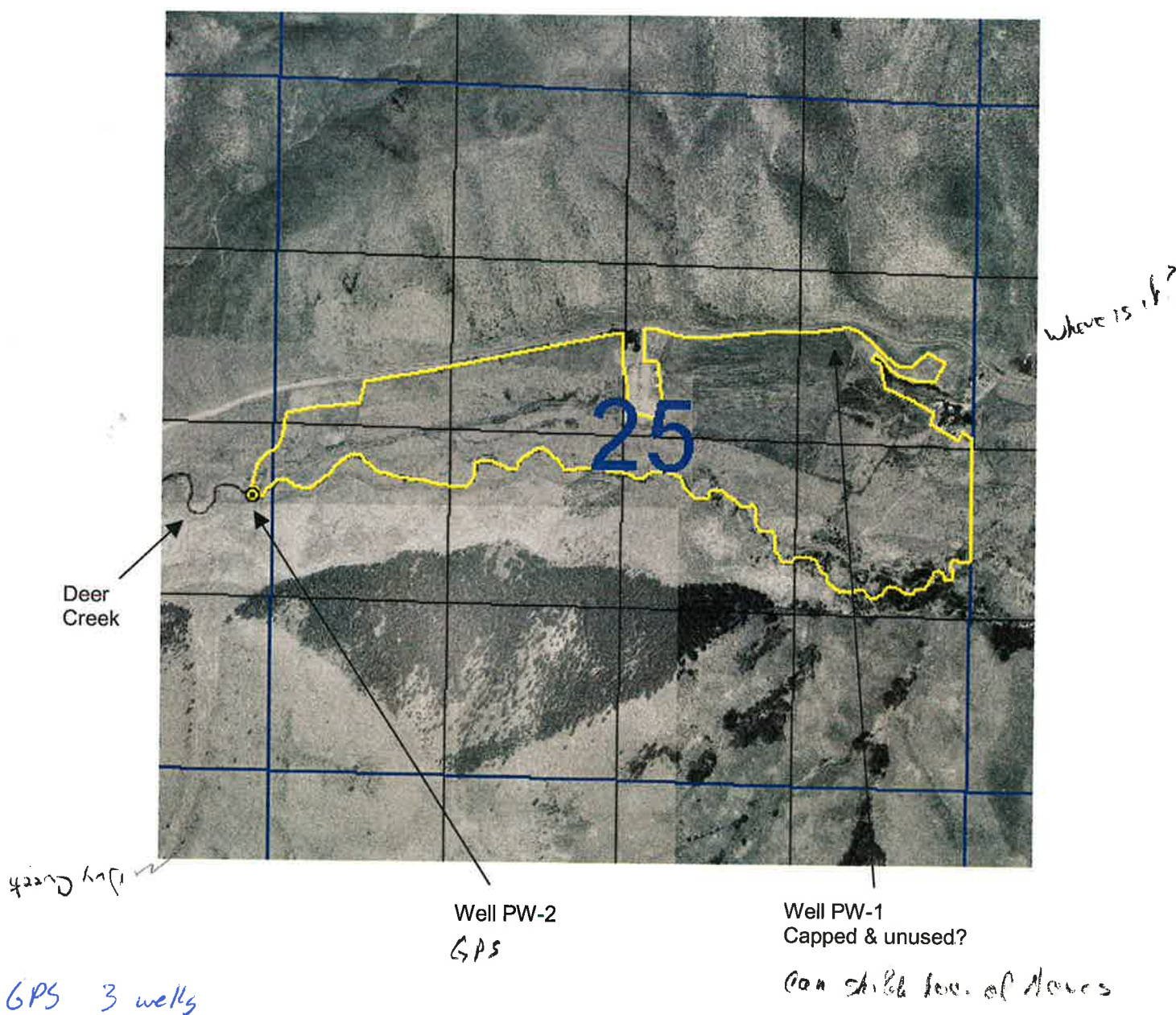
Background Data

- Statutory Claim
- Source is Groundwater
- Claimed for 2.48 cfs on 143 acres

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)

1992 Aerial Photo



Notes

T3N R17E Section 25 & 26

- Transfer 3641 was completed on this Statutory Claim Acres on Transfered no Match Photo
- Acres on transfer do not match the aerial photos. Field notes say nothing south of Deer Creek irrigated with this water.
- Priority date problem: ~~PW-1 was drilled in 1971 and appears to be the current POD. They are claiming the priority date for PW-2, which may be capped and unused. Need to contact owner and clarify what the situation is.~~

Choose best of up to 143 acres.

01/11/2007

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

RIGHT NUMBER: 37-466

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

SOURCE: DEER CREEK
GROUND WATER

TRIBUTARY: BIG WOOD RIVER
TRIBUTARY:

QUANTITY: 9.770 CFS

This right when combined with other rights shall provide no more than 0.02 cfs per acre.

The maximum diversion rate from surface water and/or groundwater under this right shall not exceed 9.77 cfs.

If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.

The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in deer creek within the SESW, S26, T3N, R17E.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T03N R18E S30 NWNESW Within BLAINE County

T03N R18E S30 NESESE Within BLAINE County

T03N R18E S30 NESESE Within BLAINE County

T03N R18E S30 SESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	9.770 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R17E S25	SWNE	21.00	T03N R17E S25	SENE	21.00
T03N R17E S25	SWNW	12.00	T03N R17E S25	SENW	20.00
T03N R17E S25	NESW	18.00	T03N R17E S25	NWSW	24.00
T03N R17E S25	NESE	27.00	T03N R17E S25	NWSE	26.00
T03N R17E S26	SENE	2.00	T03N R17E S26	NESW	11.00
T03N R17E S26	SESW	16.00	T03N R17E S26	NESE	21.00
T03N R17E S26	NWSE	17.00	T03N R17E S26	SWSE	8.80
T03N R18E S29	NWSW	8.40	T03N R18E S29	SWSW	10.00
T03N R18E S30	SWNE	1.60	T03N R18E S30	SENE	9.60
T03N R18E S30 Lot 2 SWNW		10.00	T03N R18E S30	SENW	4.80

01/11/2007

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

T03N R18E S30	NESW	39.00	T03N R18E S30 Lot 3 NWSW	31.00	
T03N R18E S30 Lot 4 SWSW		0.20	T03N R18E S30	SESW	15.00
T03N R18E S30	NESE	29.00	T03N R18E S30	NWSE	31.00
T03N R18E S30	SWSE	29.00	T03N R18E S30	SESE	25.00
T03N R18E S31	NENE	0.60			

489 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.

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 - Decreed

A measuring device and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained on deer creek within the SESW, S26, T3N, R17E.

Idaho Department of Water Resources

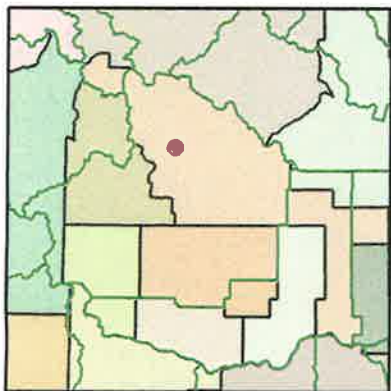
SRBA Recommendation:

37-466

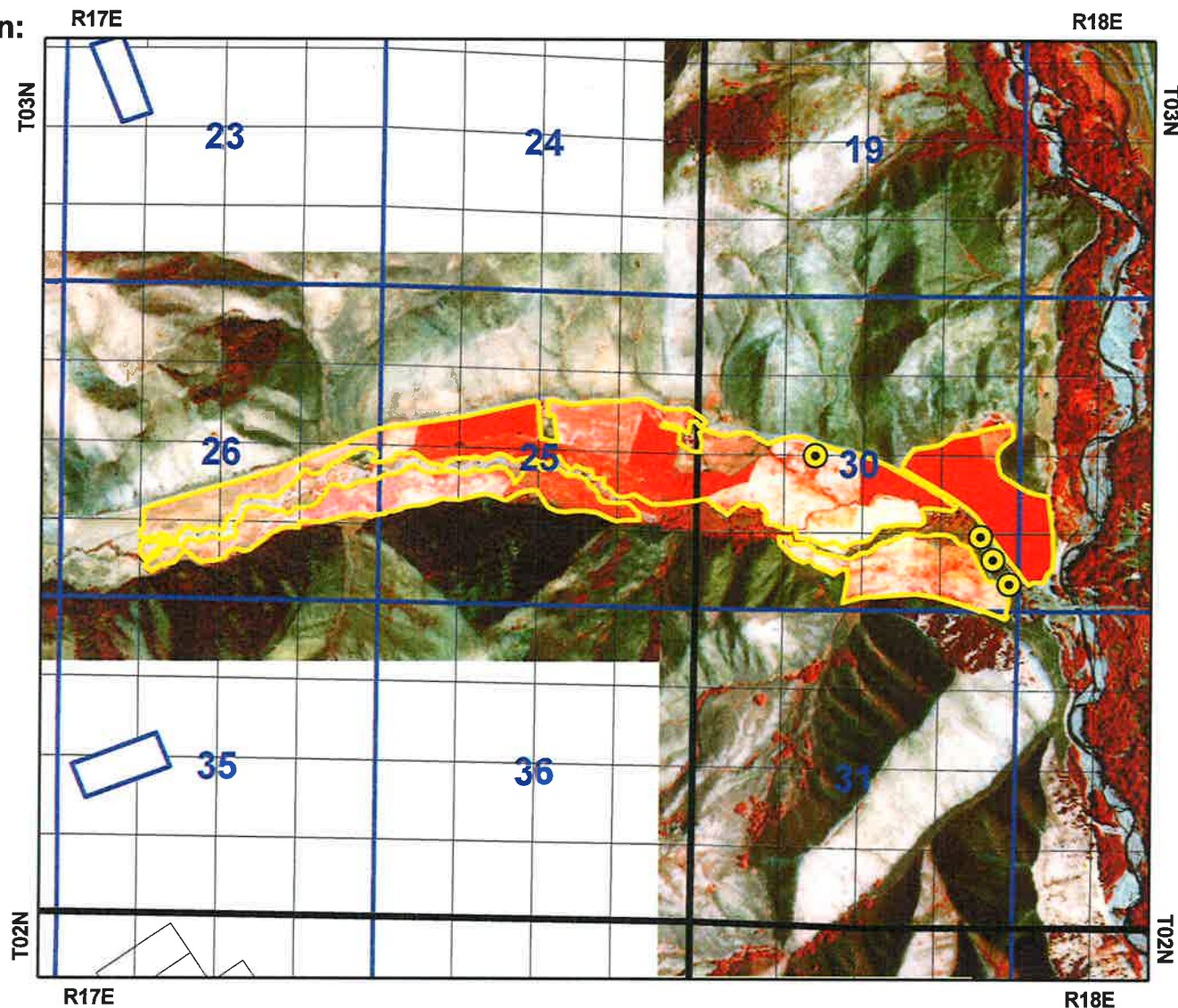
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by A. Merritt
On Thursday, January 11, 2007
1987/88 Aerial Photography

Owner: Deer Creek Ranch Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

01/11/2007

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

RIGHT NUMBER: 37-11329

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

SOURCE: GROUND WATER

TRIBUTARY:

If right 37-466 appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of right 37-466 prior to diversion and use under this right. The right holder shall limit the diversion of ground water under this right to those times when right 37-466 is not available or is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 2.480 CFS
500.500 AFY

The rights listed below are limited to a total combined diversion rate of 9.78 cfs.
Combined Right Nos.: 37-466 and 37-11329

This right when combined with other rights shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 07/21/1956

POINT OF DIVERSION:

T03N R17E S26 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.480 CFS 500.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R17E S25	SWNE	21.00	T03N R17E S25	SENE	21.00
T03N R17E S25	SWNW	11.00	T03N R17E S25	SENE	20.00
T03N R17E S25	NESW	4.80	T03N R17E S25	NWSW	6.60
T03N R17E S25	NESE	25.00	T03N R17E S25	NWSE	10.00
T03N R17E S26	NESE	0.30	T03N R18E S30 Lot 2	SWNW	10.00
T03N R18E S30	SENE	4.80	T03N R18E S30	NESW	39.00
T03N R18E S30 Lot 3	NWSW	31.00	T03N R18E S30	SENE	4.20
T03N R18E S30	NESE	0.90	T03N R18E S30	NWSE	25.00

01/11/2007

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

T03N R18E S30 SWSE 0.50

235.1 ACRES TOTAL

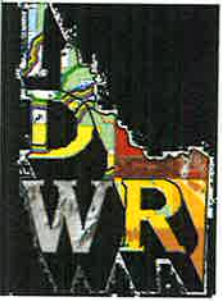
This right is limited to the irrigation of 143 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.

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

SRBA Recommendation:

37-11329

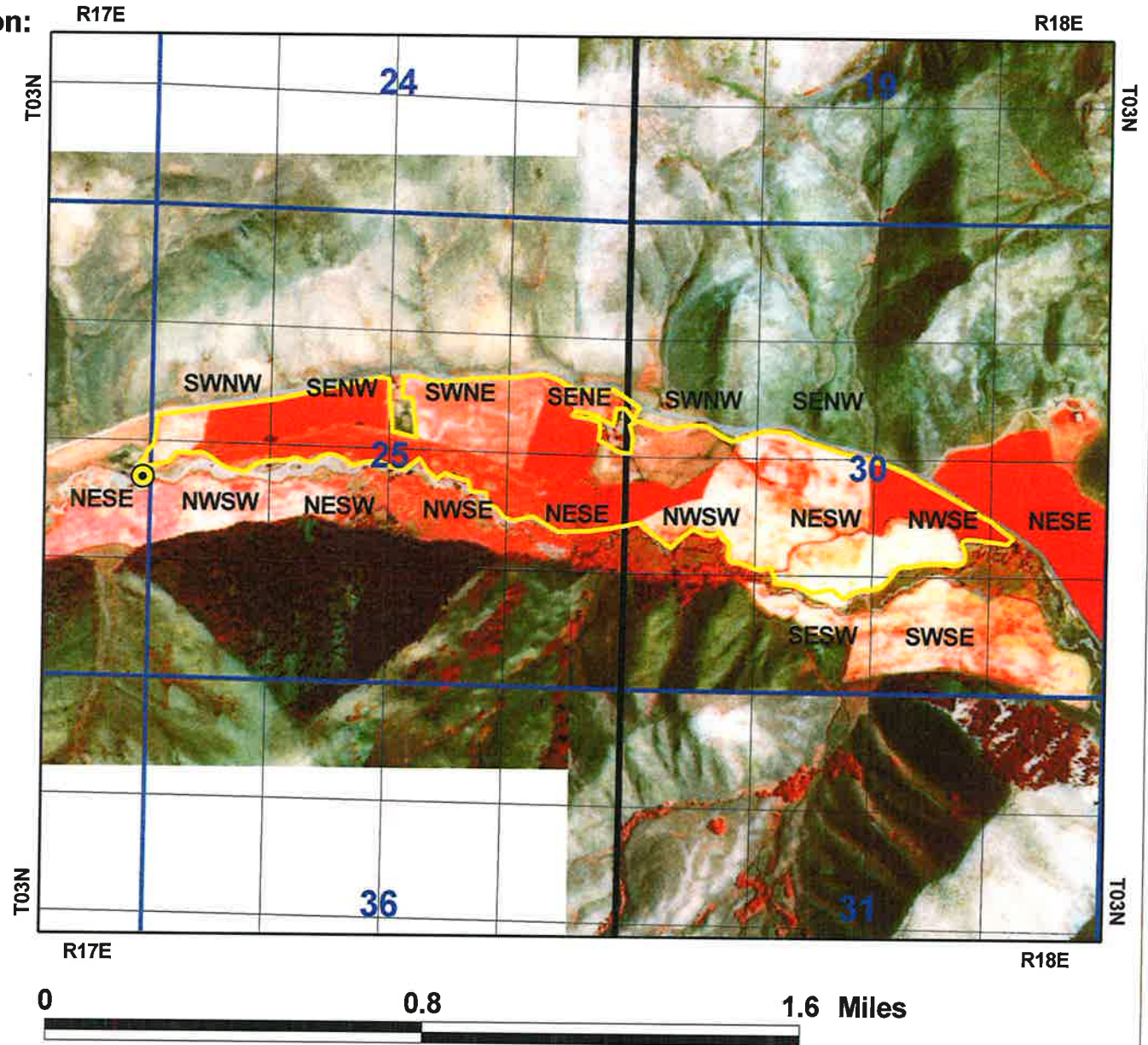
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by A. Merritt
On Thursday, January 11, 2007
1987/88 Aerial Photography

Owner: Deer Creek Ranch Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Supplemental water when

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11329

WATER RIGHT NUMBER: 37-11329 ✓

*overlay w/ #37-466
(same acres)

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NEW DEER CREEK RANCH INC C/O JAY SEVY PO BOX 187 HAILEY, ID 83333-0187 (208)788-9813
Attorney	JOHN A RSHOLT ✓ BARKER RSHOLT & SIMPSON LLP 113 MAIN AVE W STE 303 TWIN FALLS, ID 83301 (208)733-0700
Current Owner	DEER CREEK RANCH INC ✓ PO BOX 187 HAILEY, ID 83333-0187 (208)788-9813
Original Owner	DEER CREEK RANCH INC PO BOX 296 HAILEY, ID 83333-0296 (208)788-2597

~~shows RR~~ (just comments)

Priority Date: ~~06/01/1956~~ ✓
Basis: Statutory Claim
Status: Active

7/21/56

Potter Marsh
(well log) in Exhibit "A"

Source
GROUND WATER ✓

Tributary

Annual Volume -
143 acres x 3.0 ag/acre = 429.0
AFA

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	4/01	11/01	2.480 CFS ✓	429 AFA
	change to: 4/15 - 10/31 Season 3		Total Diversion: 2.480 CFS ✓	429 AFA

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4 ✓	Sec. 30, Twp 03N, Rge 17E, B.M. ✓
BLAINE County ✓		
GROUND WATER	SE1/4SE1/4 ✓	Sec. 30, Twp 03N, Rge 17E, B.M. ✓
BLAINE County ✓		
GROUND WATER	NE1/4NE1/4SE1/4 ✓	Sec. 26, Twp 03N, Rge 17E, B.M. ✓
BLAINE County ✓		

Place of Use
IRRIGATION

same acres as #37-466:

*Poll - there is nothing in file (no specific map)

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	17E	25			21.0	17.0			8.0	20.0	14.0	12.0		33.0	142.0

showing where these acres are (?)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-11329

03N 17E 26 |

|

|

| 1.0
| V.
| 21

| 1.0

Total Acres: 143

Conditions of Approval:

1. USED AS SUPPLEMENTAL WATER IN DRY YEARS.
***** OWNERSHIP CHANGE 4/17/91 BY JG.
APPROVED TRANSFER ON WATER RIGHT, AJD. CLAIM CHANGED ACCORDINGLY.
***** NAME CHANGE MADE 4/19/96 BY TLB.

Remarks:

Overlay w/ #37-466:

Comments:

ADD — This right when combined with other rights shall provide no more than 0.02 cfs per acre.

Water Supply Bank:

Baumhoff - 12/18/90:

Amended Notice of Claim from in "imant after the approval of Transfer #3641. I discovered some problems in the total acres and diversion rate given in the order. Allocations is addressing this problem & will give the transfer further review. After which the process begun to do an amended claim will continue

John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis



John A. Rosholt
jar@idahowaters.com

June 14, 2005

2
RECEIVED
JUN 22 2005
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, ID 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com
DEPARTMENT OF WATER RESOURCES

205 North 10th Street Suite 520
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Doug Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
JUN 15 2005
Department of Water Resources
Southern Region

RE: 37-11329
Deer Creek Ranch

Dear Doug:

Pursuant to your letter request of April 15, 2005, requesting proof of priority date for the above referenced claim (originally filed as a Statutory Claim), we submit the following on behalf of Deer Creek Ranch:

- (1) Affidavit of Von Potter, son of the ranch owner, who has recollection of the drilling of the well in 1956, with a copy of the driller's report attached.
- (2) Affidavit of Harold Schmidt who leased the ranch from 1967 to 1990.
- (3) Affidavit of Jay Sevy who has been ranch manger since 1990 and was present for your transfer exam dated 10/11/1990, and pursued closure of said transfer finally approved by Order of 11/29/1990 as amended in part by the Order of 12/24/1990.

Based upon the enclosures, we ask that a priority date of 6/1/1956 be recommended Claim 37-11529.

Respectfully,

BARKER, ROSHOLT & SIMPSON LLP

By: John A. Rosholt
John A. Rosholt

Enclosures

(DeerCreekRanch061405 Ltr.)

SCANNED

JUL 11 2005

RECEIVED
JUN 15 2005
Department of Water Resources
Southern Region

STATE OF IDAHO)
COUNTY OF Gooding) ss.
BLAINE)

AFFIDAVIT OF VON POTTER

Comes now VON POTTER of 550 5th Avenue West, Wendell, Idaho, and upon being properly sworn, deposes and says:

That my Father, Lyle Potter, owned the Deer Creek Ranch in the 1950s and had an irrigation well drilled in the NE NE SE of Section of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho, a copy of the well log being attached hereto as Exhibit "A:

That said well was pumped initially by use of a tractor motor until my Father sold the ranch in 1961;

That my Father, Lyle Potter, sold the ranch to William R. Burt in 1961.

DATED this 8th day of June 2005.

Von Potter
VON POTTER

SUBSCRIBED AND SWORN TO before me this 8th day of June, 2005



David M. Davis
Notary Public for State of Idaho
Residing at Jerome, ID
My Commission Expires 8/25/05

MICROFILMED
FEB 25 1993

PW-2

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

Log No. _____
Department of _____
Rec. _____
Well No. _____
Permit No. _____

Owner Walter P. Marshall Address Hail
Driller Eugene H. Walker Address Tim Egan Lic. No. _____
Location of Well N 1/2 Sec 5E 1/4 Sec 26 T. 3 N. R. 17 W. BLaine County
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 Sec _____
Size of Drilled Hole 16 Total depth of Well 95.95
Give depth of standing water from surface 5 Water Temp. 63 Fahrenheit
On pumping test delivery was 778 g.p.m. at _____ f.p.s. Drawdown was 5.8 feet
Sta. of pump and meter used to make the test Column 10 Civil 564H
Length of time pumped during check was 3 minutes
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____
Water will be used for Irrigation (TYPE AND SIZE OF VALVE, ETC.) _____
Weight of casing per linear foot 36.11
Thickness of casing 1/4 Casing material Steel
Diameter, length and location of casing 95 ft - 60 ft - 35 ft - 10 ft
Number and size of perforations 8 1/2" x 1/2" located _____ feet to _____ feet
from surface of ground. _____
Other perforations all good as shown on River side
Date of commencement of well July Date of completion of well July 1953
Type of well rig Churn

CASING RECORD

DATE	FEET	TO	FEET	LENGTH	REMARKS
1953	0	95.95	95.95	95.95	Steel casing, 16" diameter, 1/4" thick.

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

This well is located about 1/2 mile from the Deer Creek area is owned by Walter Marshall. This well is located about 1/2 mile from the Deer Creek area is owned by Walter Marshall. This well is located about 1/2 mile from the Deer Creek area is owned by Walter Marshall.

MICROFILMED
FEB 25 1993
SCANNED

JUL 11 2005

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)
_____)

AFFIDAVIT OF HAROLD SCHMIDT

Comes now HAROLD SCHMIDT, of 118 Deer Creek Lane, Blaine County, Idaho and upon being properly sworn, deposes and says:

That your Affiant has been familiar with the operations of the Deer Creek Ranch, in the Deer Creek Watershed located in Township 3 North and Ranges 17 E.B.M. and 18 E.B.M of Blaine County, Idaho, since my lease began November 1, 1967;

That your Affiant was aware of a well drilled by then Deer Creek Ranch owner Lyle Potter in the summer of 1956 in the NE1/4 NE1/4 SE1/4 of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho;

That your Affiant is aware that such well was pumped after its installation by its owner and by William R. Burt after he purchased the ranch;

That your Affiant leased the ranch from owner William R. Burt beginning November 1, 1967 and entered into an agreement with Burt in 1967 to raise cattle on the ranch. The agreement continued until the spring of 1990 (April closing);

That beginning in 1990 your Affiant has worked for the now owner, Deer Creek Ranch, Inc. (formerly New Deer Creek Ranch, Inc.) until December 31, 2002;

That to my recollection the well (claimed in Claim 37-11329) has been pumped since 1967 and the water used for irrigation on the Deer Creek ranch;

JUN 13 2005

That a pump driven by tractor power was in place when I began my lease of Deer Creek Ranch in 1967. Electricity was hooked up at the site in 1991 and a new pump was installed at that time.

That your Affiant is personally aware of the present ranch irrigation system, and the continuous use of the water for irrigation even after changes in the system after purchase by the Deer Creek Ranch.

DATED this 8th day of JUNE 2005.

Harold Schmidt
HAROLD SCHMIDT

SUBSCRIBED AND SWORN TO before me this 8th day of JUNE, 2005

Clayton R. Deane
Notary Public for State of Idaho
Residing at Challis, ID.
My Commission Expires 9-27-2010

RECEIVED

JUN 15 2005

Department of Water Resources
Southern Region

STATE OF IDAHO)
COUNTY OF Gooding)ss
BLAINE)

AFFIDAVIT OF JAY SEVY

RECEIVED
JUN 15 2005
Department of Water Resources
Southern Region

Comes now JAY SEVY, of 214 Red Devil Drive, Hailey, Idaho 83333,
and upon being properly sworn, deposes and says:

That I have been Ranch Manager for Deer Creek Ranch, Inc. (formerly New Deer Creek Ranch) since March 1990

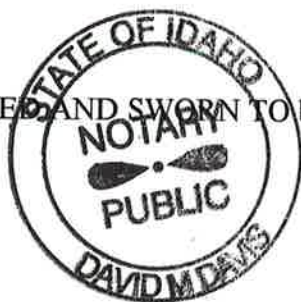
That I pursued the transfer of claim 37-11329 originally filed by William R. Burt, and eventually obtained an approved transfer to 1 point of diversion. In the process, IDWR reduced the acres from 320 to 143 and reduced the amount of the diversion to 2.480 c/f/s, which has been used on the ranch for irrigation as approved by the Amended Order of Transfer dated December 24, 1990, a copy of which Order is attached as Exhibit "A";

That the IDWR field exam (Exhibit "B" hereto) shows three current points of diversion. The point of diversion in the NE1/4 NE1/4 SE1/4, Section 26, T.3N., R.17E.B.M., Blaine County is the location where the well was drilled in 1956 and remains the correct current point of diversion. The points of diversion in Section 30 are no longer used. The place of use of water (claimed as 37-11329) shown on Exhibit "B" for 143 acres is correct.

DATED this 8th day of June 2005.

Jay Sevy
JAY SEVY

SUBSCRIBED AND SWORN TO before me this 8th day of June, 2005



David M. Davis
Notary Public for State of Idaho
Residing at Jerome, ID
My Commission Expires 8/25/05

AFFIDAVIT OF JAY SEVY

SCANNED

1

JUL 11 2005

FEB 25 1993

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Analysis

DRJ

10/11/90

Transfer Exam on A37-11329, New Deer Cr. Ranch

On 12/11/89 Deer Cr Ranch and William R. Burt
Filed an application to transfer SRBA
claim A37-11329, through Nelson, Rosholt, etc.
This form was returned for correction.

On 12/19/89 The corrected, acceptable application
was resubmitted.

Advertising was done on 1/17 & 1/24/90 -
no protests.

An initial visit to ranch to conduct exam
was done on 3/27/90. At that time I
verified pump location and pump size
and operating criteria. I also obtained
outline of land potentially and recently
irrigated with this source of water.

Attached are photos taken during exam.

Also attached are maps used to quantify
irrigated acreages and a place of use
grid to sum the acres. MICROFILMED

FEB 25 1993

On July 6, 1990 a hydrological consultant
(continued)

SCANNED

JUL 11 2005

FEB 25 1993

CEWTHO

37-11329 Transfer Analysis Continued

For the ranch, David Kebler, conducted a pump test on the well using the existing pump.

SWL of PW-1 is approximately 30' below collar. DPL of PW-1 during 1961 pump test (635 gpm) was about 130'. Efficiency of 7/6/90 pump test was 50% assuming 30 hp was delivered, though age ~~and~~ of ~~pump~~ motor would reduce 30 hp rating of motor.

Jay Sevy, ranch president, stated to me the well output could reach about 3 cfs but ~~the~~ equipment could not maintain that rate for pump test. ~~A~~

Aquifer could steady state 1.60 cfs with 50 ft drawdown (= 80' dpl).

During 3/27/90 field review I was told by ranch manager that at anst unspecified time past changes were made that obliterated ditch from pump to land south of Deer Creek. This land was then irrigated with surface water.

SCANNED

FEB 25 1993

JUL 11 2005

A37-11329

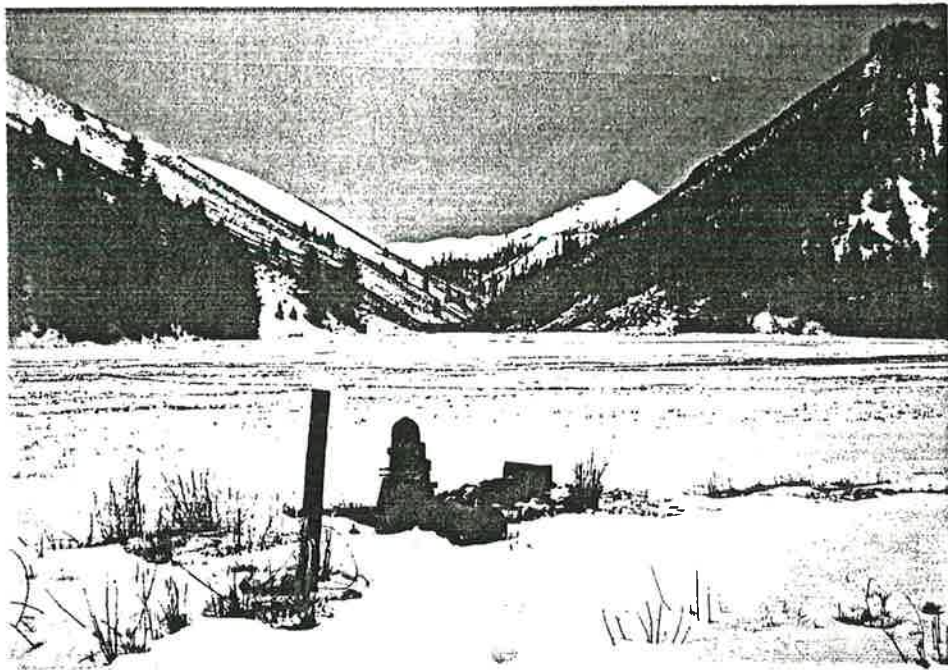
Transfer Analysis Continued

The following are examples of how water delivery have been made recently:

- 1) Pump discharge into Deer Creek, portable pump from creek into ditch at NWWSWS
T3N R17E.
- 2) Pump discharge into Deer Cr, Canvas dams to Flood low land.
- 3) Pump into pipe trending to NE to mid-field or upper ditch
- 4) (Abandoned) Pump in ditch trending SE to land south of Deer Creek.

If all land east ~~and~~ of the pump and between valley slopes is included then 194 acres are contained. If only land presently delivered water is included (excludes land south of Deer Cr) then ^{143 DRS 12/19/90} 123 acres are contained. Required maximum rates, at 1"/acre, are 3.88 cfs and 2.46 cfs, respectively.

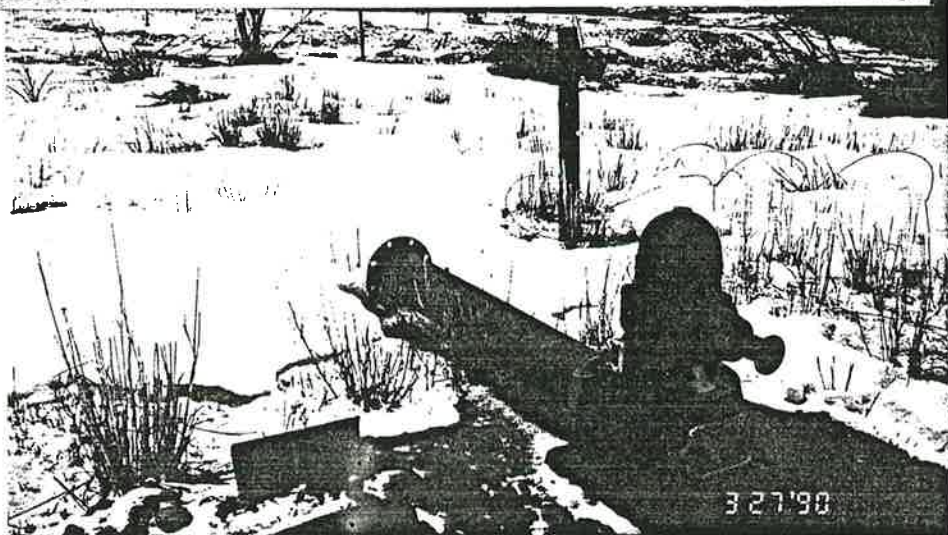
This water is claimed as supplemental irrigation water when Deer Creek ran low



View, looking south, of
pump head and relation
to tributary valley.
Pump powered by tractor
pto for open discharge
to stream.

power take out

Close up of pump, pto
hook up coupling in
foreground, open discharge
pipe pointing toward
stream. Did NOT appear
that there was any
erosion from use (i.e.
no gullies, washes or
headcuts at stream
bank).



Looking northwest from
pump across & some-
what upstream of Deer
Creek. Shows that little
or no watering of
Sec 26 land is possible
from claimed use
of pump (open discharge
or springing pipe toward
northeast to higher ditch
& MICROFILMED



FEB 25 1993

Deer Cr Ranch Transfer
of A 37-11329

SCANNED

JUL 11 2005

A37-11329

Transfer Analysis Continued

Conclusions & Recommendations

- 1) 320 acres could not have been irrigated within area described in claim.
- 2) 6.4 cfs could not have been pump from existing well and pump.
- 3) Original well (PW-2) located SENE S25 T3N R17W and was drilled (finished) on 7/21/1956
- 4) Present well (PW-1) located NESE S2 T3N R17W was finished 9/5/61, original well was capped at unknown date.
- 5) Groundwater deliveries south of Deer Creek have not been made since ditch trending SE was obliterated.
- 6) I recommend that approval be granted for irrigation of ²¹⁴³123 ac
- 7) Diversion rate could reasonably be determined to be :
$$\frac{8.8 \cdot \text{hp} \cdot e}{dpl + (P \times 2.5)} = \frac{8.8 \cdot 30 \text{ hp} \cdot 0.75}{80 + 0} = 2.48 \text{ cfs}$$
- 8) Reasonable diversion rate is consistent with 1" per acre rule-of-thumb.

DRJ 12/19/90

MICROFILMED
FEB 25 1993

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JUL 11 2005

Deer Creek Ranch Transfer of A37-11329

30 hp pump (at 1760 rpm)

Serial number OL 44193

4. Point(s) of Diversion:

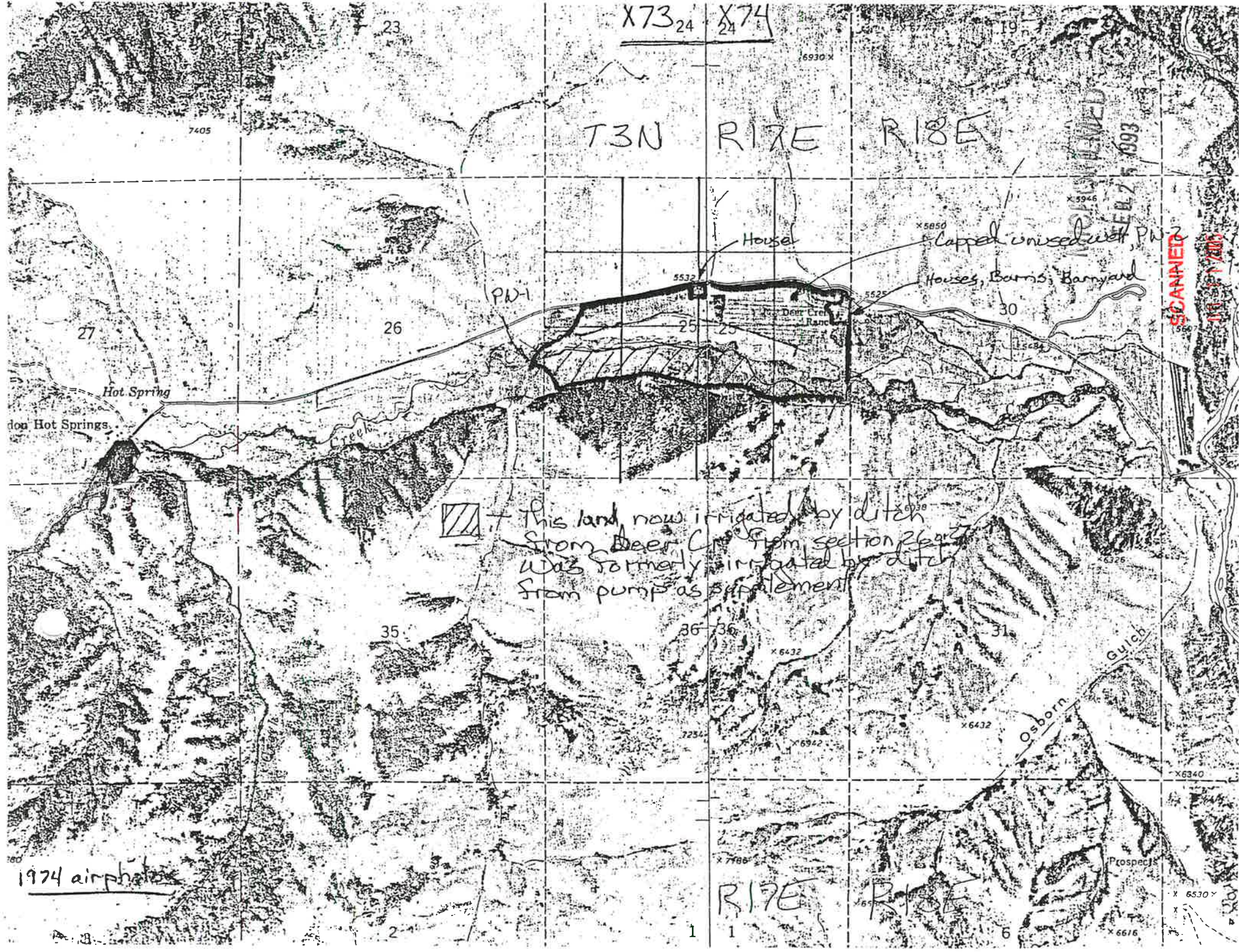
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	26	3N	17E	Blaine	Well
	NW	NW	SW	25	3N	17E	Blaine	Point of redirection

5. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	17E	25			21	17			8	20	29	28			36	34			193
		26																	
Includes all land that could feasibly been irrigated with pumped groundwater within claimed area																			
2N	17E	25			21	17			8	20	14	12			33	17			122 142
		26																	
Includes only the land that have been irrigated with pumped groundwater																			

SCANNED JUL 11 2005

Total acres



X73₂₄ X74₂₄

T3N R17E R18E

SCANNED
11-1-200

PW-1

House

Capped unused well, PW

Houses, Barns, Barnyard

SCANNED
11-1-200

Hot Spring

Hot Springs

Deer Creek

 This land now irrigated by ditch from Deer Cr. from section 26 and 27 was formerly irrigated by ditch from pump as supplement

Gulch

Osborn

Prospect

1974 airphoto

R17E

R18E

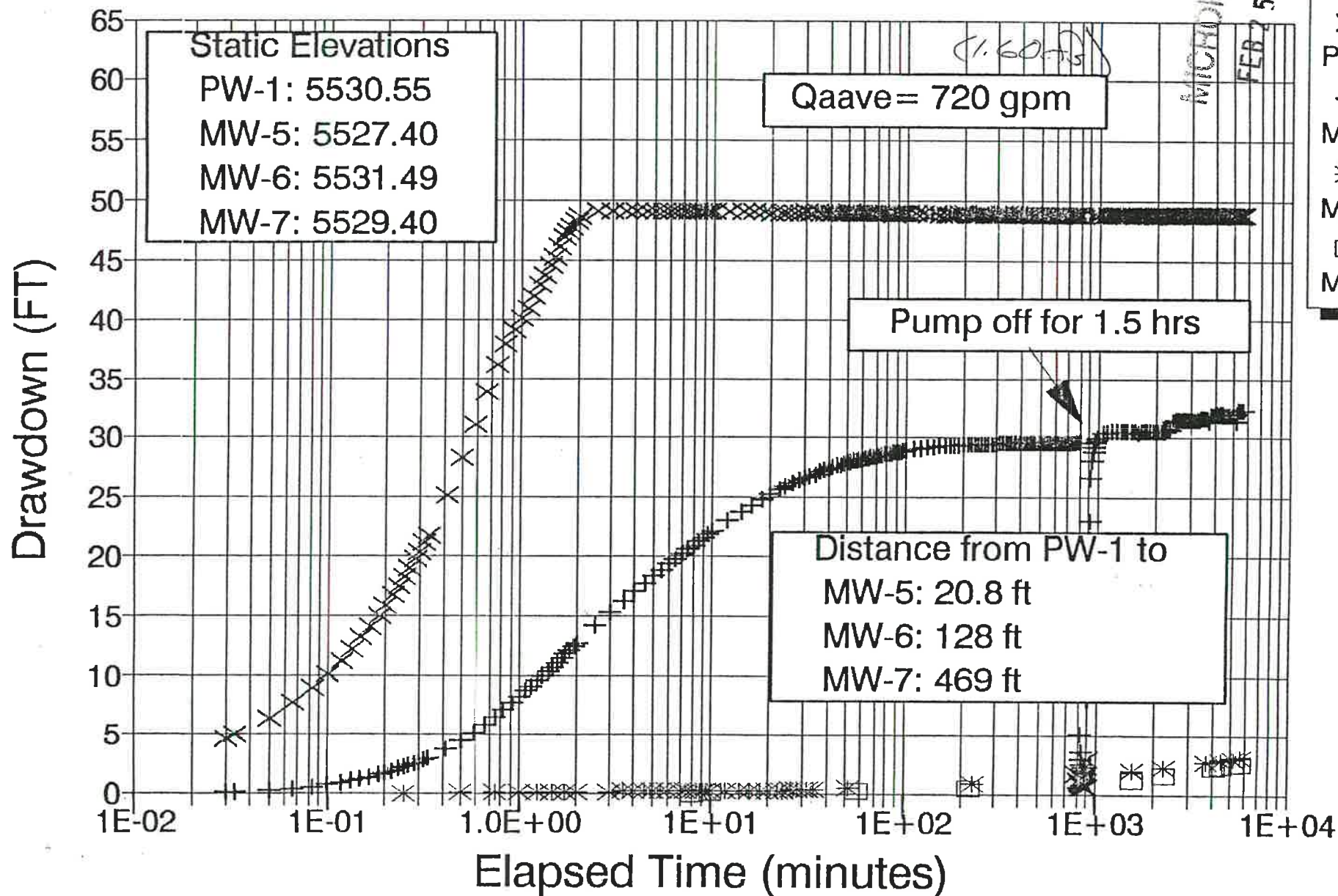
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6

COOPER-JACOB PLOT

Six Day Aquifer Test at PW-1 Deer Creek Ranch, Start: July 06, 1990



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION) FOR TRANSFER NO. 3641 OF SNAKE) RIVER BASIN ADJUDICATION CLAIM) NO. A37-11329 IN THE NAME OF) NEW DEER CREEK RANCH CORP.) -----)	ORDER APPROVING TRANSFER IN PART
---	-------------------------------------

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3760 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On December 12, 1990 Deer Creek Ranch Co. and William Burt (applicants who later changed name to New Deer Creek Ranch Corp.) filed an application with the department to transfer 6.40 cfs of water under Snake Basin River Adjudication (SRBA) claim no. A37-11329. The application proposed adding two points of diversion to the claim.

2. The SRBA claim, which was filed with the department on September 15, 1988, claims a priority date of June 1, 1956 for the diversion of 6.40 cfs of groundwater for the irrigation of 320 acres of ground.

3. On March 27, 1990, a representative of the department conducted a field exam for SRBA claim no. A37-11329. The ranch manager accompanied the department's examiner during the field exam. On July 6, 1990, a hydrologic consultant hired by the ranch conducted a pump test on the existing well and pump.

4. Based on the department's field exam and the pump test

SCANNED

JUL 11 2005

data of July 6, 1990 which was submitted to the department, the field examiner concluded and recommended that the amount of water beneficially used under this claim was limited to the diversion of 2.48 cfs for the irrigation of only 123 acres of land described in attachment A of this order. The examiner found evidence showing that the original well under this claim was completed on July 21, 1956. The examiner made no recommendations concerning the priority date.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water whether represented by license issued by the department, by claims to water rights by reason of diversion and application to beneficial use as filed under the provisions of this chapter... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

2. Based on examination by the department of all the evidence and available information, the beneficial use under SRBA claim is limited to the diversion of 2.46 cfs for the irrigation of 123 acres as described under attachment A of this order.

SCANNED

JUL 11 2005

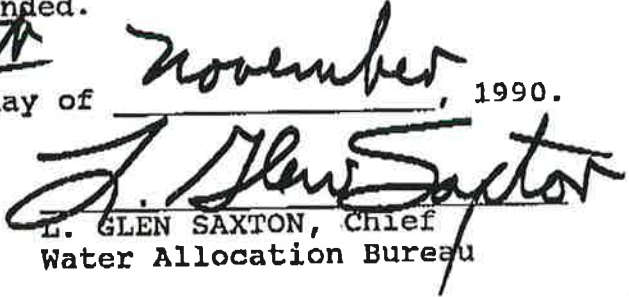
3. The transfer of SRBA claim no. A37-11329 should be approved, but limited to the diversion of no more than 2.46 cfs for the irrigation of no more than 123 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3641 of SRBA claim no. A37-11329 is approved in part subject to the following conditions:

1. SRBA claim no. A37-11329 under this transfer is limited to the diversion of 2.46 cfs for irrigation of 123 acres of land described in Attachment A of this order.
2. Approval of this transfer in no way confirms the validity or priority of Snake River Basin Adjudication Claim No. A37-11327.
3. When combined with all other rights, this transfer shall provide no more than 3.0 acre-feet per acre.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 29th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

SCANNED

JUL 11 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 27, 1990

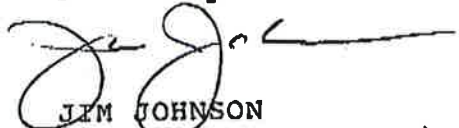
RE: Transfer of Water Right No. A37-11329

New Deer Creek Ranch Corp.
P.O. Box 249
Ketchum, ID 83340

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3641). Be sure to note the enclosed Amended ORDER approving the transfer in part.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

SCANNED

JUL 11 2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3641 OF SNAKE)
RIVER BASIN ADJUDICATION CLAIM)
NO. A37-11329 IN THE NAME OF)
NEW DEER CREEK RANCH CO.)

AMENDED ORDER APPROVING
TRANSFER IN PART

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3641 filed pursuant to Section 42-222, Idaho Code, and as a result of discovering an error in the department's Order Approving Transfer in Part dated November 29, 1990, the department now finds, concludes and orders as follows:

FINDINGS OF FACT

1. On December 12, 1990 Deer Creek Ranch Co. and William Burt (applicants who later changed name to New Deer Creek Ranch Corp.) filed an application with the department to transfer 6.40 cfs of water under Snake River Basin Adjudication (SRBA) claim no. A37-11329. The application proposed adding two points of diversion to the claim.

2. The SRBA claim, which was filed with the department on September 15, 1988, claims a priority date of June 1, 1956 for the diversion of 6.40 cfs of groundwater for the irrigation of 320 acres of land.

3. On March 27, 1990, a representative of the department conducted a field exam for SRBA claim no. A37-11329. The ranch manager accompanied the department's examiner during the field

SCANNED

JUL 11 2005

exam. On July 6, 1990, a hydrologic consultant hired by the ranch conducted a pump test on the existing well and pump.

4. Based on the department's field exam and the pump test data of July 6, 1990 which was submitted to the department, the field examiner concluded and recommended that the amount of water beneficially used under this claim was limited to the diversion of 2.48 cfs for the irrigation of 143 acres of land described in Attachment A of this order. The examiner's original field report identified the location of the 143 acres, but incorrectly showed the total number of acres as 123 acres. The examiner found evidence showing that the original well under this claim was completed on July 21, 1956. The examiner made no recommendation concerning the priority date.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water whether represented by license issued by the department, by claims to water rights by reason of diversion and application to the beneficial use as filed under the provisions of this chapter... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or a part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

SCANNED

JUL 11 2005

2. Based on examination by the department of all the evidence and available information, the beneficial use under SRBA claim no. 37-11329 is limited to the diversion of 2.48 cfs for the irrigation of 143 acres as described under Attachment A of this order.

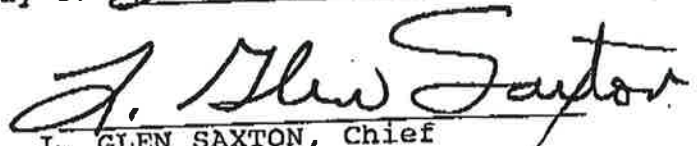
3. Order Approving Transfer in Part dated November 29, 1990 for transfer of SRBA claim no. A37-11329 should be amended so that the transfer of water under the claim is limited to the diversion of 2.48 cfs for the irrigation of no more than 143 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3641 of SRBA claim no. A37-11329 is approved in part, subject to the following amended conditions:

- 1) SRBA claim no. A37-11329 under this transfer is limited to the diversion of 2.48 cfs for irrigation of 143 acres of land described in Attachment A of this amended order.
- 2) Approval of this transfer in no way confirms the validity or priority of Snake River Basin Adjudication claim no. A37-11329.
- 3) When combined with all other rights, this transfer shall provide no more than 3.0 acre-feet per acre.
- 4) The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 5) Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 24th day of December, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

SCANNED

JUL 11 2005

Description and location of place of use:

[illegible]

Total number of acres irrigated 144

SCANNED

JUN 11 2005

Transfer No.

PART 1

DEC 19 1989

[illegible]

JUL 11 2009

005 Total acres 320

Transfer No. 31641Page 2 of 6

PART 1

6. General Information:

a. Description of diversion system Well, pump and motor with possible booster pump
in addition. Pipelines to connect to existing system which is already
in place.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. A37-11329
And said application is hereby APPROVED IN PART, subject to the following limitations and conditions:

and as stated in the Dept. of Water Resources ORDER dated November 29, 1990.
1. SRBA claim no. A37-11329 under this transfer is limited to the diversion of
2.46 cfs for irrigation of 123 acres of land described in Attachment A of the
ORDER dated November 29, 1990.

See attached ORDER for additional conditions of approval.

Witness my hand this

29th day of

November

19 90

J. Blum Sauter
Chief, Water Alloc. Bureau

SCANNED

JUL 11 2005

Page 3 of 6

Transfer No. 3641

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
_____ county of _____

In case of _____ county of _____
dated 12/11 In _____ by the Idaho Department of Water Resources.

dated _____ in _____ Issued by the Idaho Department of Water Resources.
b. License No. A-37-11329 HCH on file with the Idaho Department of Water Resources.

b. License No. A37-11329 Issued by Idaho Department of Water Resources
c. Claim No. A37-11329 on file with the Idaho Department of Water Resources.
which produced this right.

c. Claim No. A37-11329 which produced this right.

d. Transfer No. _____ which the water right is appurtenant to.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Deed ☒ Other Title Insurance

Tax Notice

Warranty Deed

☒ Other Title Insurance

3. Source of water groundwater tributary to _____

3. Source of water

4. Date or priority 06-01-1956

5. Water is used for the following purpose:

Water is used for the following purpose:

amount <u>6.4 cfs</u>	for <u>irrigation</u>	purposes from <u>04-01</u>	to <u>11-01</u>
(cfs/ac-ft)			
amount _____	for _____	purposes from _____	to _____
(cfs/ac-ft)			
amount _____	for _____	purposes from _____	to _____
(cfs/ac-ft)			

6.4 cubic feet per second and/or _____ acre-feet per annum.

6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

- 7. Point(s) of Diversion:**

7. Point(s) of Diversion:							Local name for diversion
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
	NE	NE	SE	26	3N	17E	Blaine

6. Lands irrigated or place of use;

[illegible]

Total acres 320

9. Describe any other water rights used for the same purpose as described above

37-0466 (new)

SCANNED

JUL 11 2005

Page 5 of

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT

SCALE: 2 inches equal 1 mile. Draw plan in ink.

SCANNED

JUL 11 2005

Page 6 of 6Transfer No. 3641

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 24th day of November, 1989

William R. Bunt Manager, Panther
(Signature of Applicant) + Indivisible

[Signature]
(Notary Public)

My commission expires 11/2/92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 15 attachmentsReceived by DRJ Date 11/19/89Prelim. check by DRJ Fee \$50 5010665Received by DRJ Date 12/12/89Published in Wood River JournalPub. dates 1/17 & 1/24/1990Watermaster recommendation requested on N/A

rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

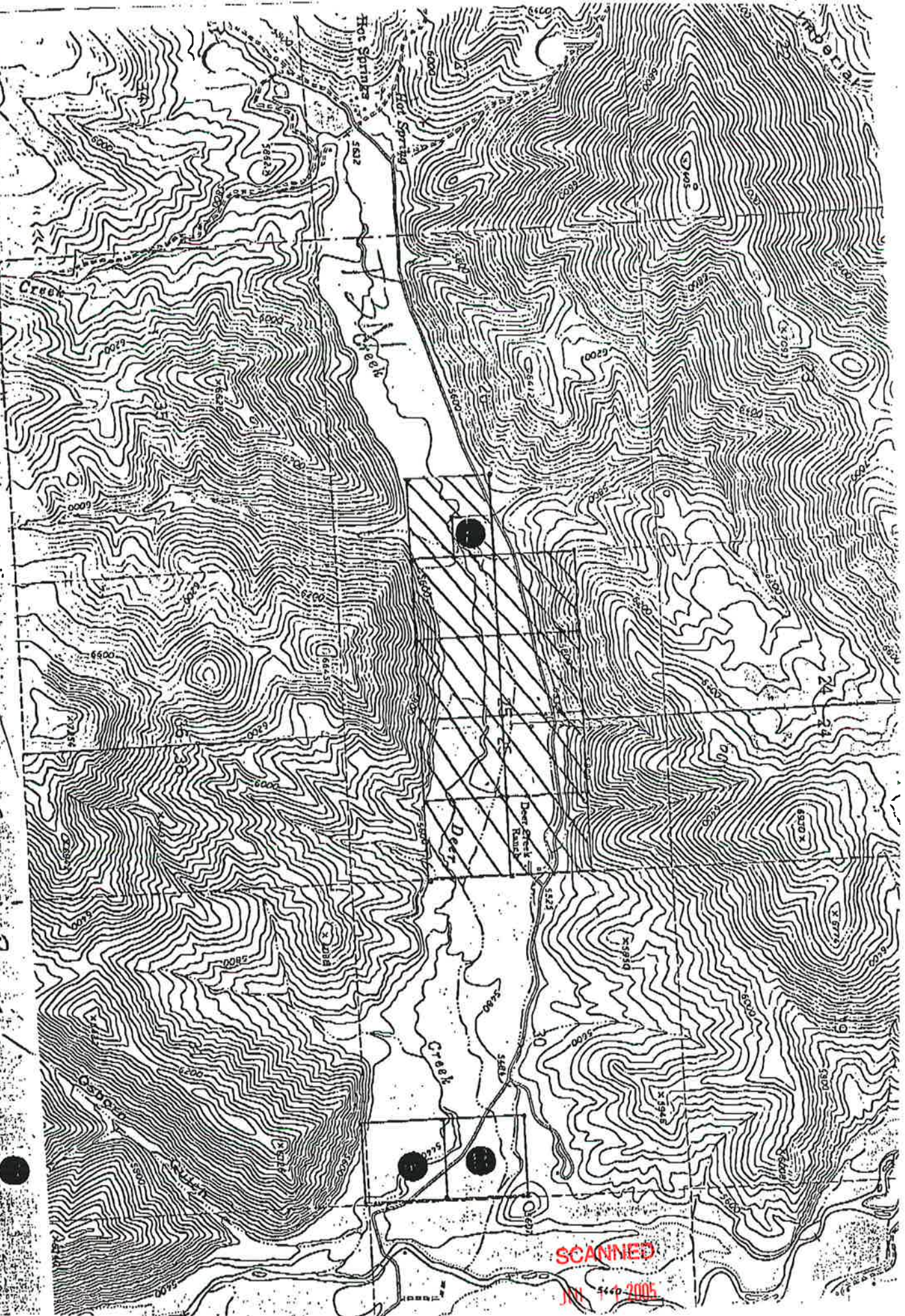
Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

SCANNED

JUN 11 2005



present PD

plane if use

R17E R18E

proposed

SCANNED
JUN 14 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11329

WATER RIGHT NUMBER: 37-11329

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 113 MAIN AVE W STE 303 TWIN FALLS, ID 83301 (208)733-0700
Current Owner	DEER CREEK RANCH INC PO BOX 187 HAILEY, ID 83333-0187 (208)788-9813

Priority Date: 06/01/1956

Basis: Statutory Claim

Status: Active

<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>
IRRIGATION	4/01 to 11/01	2.480 CFS	
	<u>Total Diversion:</u>	2.480 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 30, Twp 03N, Rge 17E, B.M.
BLAINE County		
GROUND WATER	SE1/4SE1/4	Sec. 30, Twp 03N, Rge 17E, B.M.
BLAINE County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 26, Twp 03N, Rge 17E, B.M.
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	
03N	17E	25			21.0	17.0			8.0	20.0	14.0	12.0			33.0	17.0			142.0

SCANNED

JUL 11 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11329

03N 17E 26					1.0		1.0
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Total Acres: 143

Conditions of Approval:

Remarks:

1. General USED AS SUPPLEMENTAL WATER IN DRY YEARS.
***** OWNERSHIP CHANGE 4/17/91 BY JG.
APPROVED TRANSFER ON WATER RIGHT, AJD. CLAIM CHANGED ACCORDINGLY.
***** NAME CHANGE MADE 4/19/96 BY TLB.

Comments:

SCANNED

JUL 11 2005

INTER-DEPARTMENT MEMO — 1

FROM Allen Mervitt

DATE 10/16/90

TO Loren Holmes

SUBJECT Transfer A37-11329

I have reviewed the file and recommend that the transfer be approved but the right be limited to:

Priority : 7/21/1956

Amt : 2.46 cfs (0.02 cfs/acre)

P/u : ~~123~~ Acres 25 described by Doug's memo.
143 DRI, 12/19/90

If the transfer is approved the claimant should amend the claim. Also it appears that ownership of the claim should be changed to New Deer Creek Ranch Corp.

Adm

SIGNATURE

SCANNED
JUL 11 2005

5 25 1993
MICROFILMED

COPY

STATE OF IDAHO - LBA
TWIN FALLS CO. IDAHO
FILED

2003 JUN 25 PM 12 05

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. 37-5, 37-466, 37-467,
) 37-508, 37-833R, 37-889,
) 37-4368A, 37-11329
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

6/24/08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Deer Creek Ranch Inc
Attn John Flynn
PO Box 3090
Newport Beach CA 92658

Barker Rosholt & Simpson
PO Box 485
Twin Falls ID 83303



Signature of person or attorney mailing the form

06/03/2008

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

RIGHT NUMBER: 37-5

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.000 CFS

This right when combined with other water rights shall provide no more than
0.02 cfs per acre.

PRIORITY DATE: 03/10/1883

POINT OF
DIVERSION:

T03N R18E S29 NESWSW Within BLAINE County
T03N R18E S30 NWSESW Rediversion Within BLAINE County
T03N R18E S30 NWSESW Injection Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	04/15 10/31	3.000 CFS
RECREATION	04/15 10/31	3.000 CFS
IRRIGATION	04/15 10/31	1.160 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29	NWSW	3.00	T03N R18E S29	SWSW	7.00
T03N R18E S30	SWNE	13.00	T03N R18E S30	SENE	10.00
T03N R18E S30	NENW	30.00	T03N R18E S30	SENW	23.00
T03N R18E S30	NESE	1.00	T03N R18E S30	SESE	5.00
T03N R18E S32	NWNW	10.00	T03N R18E S32	SWNW	14.00

WILDLIFE in BLAINE County

T03N R18E S30	NESW	T03N R18E S30	SESW
T03N R18E S30	NESE	T03N R18E S30	NWSE
T03N R18E S30	SWSE	T03N R18E S30	SESE

RECREATION in BLAINE County

T03N R18E S30	NESW	T03N R18E S30	SESW
T03N R18E S30	NESE	T03N R18E S30	NWSE
T03N R18E S30	SWSE	T03N R18E S30	SESE

116 ACRES TOTAL

This right is limited to the irrigation of 58 acres in the place of use
described herein in a single irrigation season.

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

The director retains jurisdiction to require compensation for evaporation losses from the ponds if determined to be necessary.

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 - Decreed

Use of water under this water right will be regulated by the watermaster of state water district no. 37.

A measuring device and lockable controlling works of a type acceptable to IDWR shall be permanently installed and maintained at the point of diversion from the big wood river. Additionally, a measuring device shall be installed at the mouth of deer creek for the purpose of verifying the equivalent flow of water being returned from the recreational and wildlife ponds.

06/03/2008

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

RIGHT NUMBER: 37-466

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

SOURCE: DEER CREEK
GROUND WATER

TRIBUTARY: BIG WOOD RIVER
TRIBUTARY:

QUANTITY: 9.770 CFS

This right when combined with other rights shall provide no more than 0.02 cfs per acre.

The maximum diversion rate from surface water and/or groundwater under this right shall not exceed 9.77 cfs.

If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.

The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in deer creek within the SESW, S26, T3N, R17E.

PRIORITY DATE: 04/01/1880

POINT OF
DIVERSION:

T03N R18E S30 NWNESW Within BLAINE County
T03N R18E S30 NESESE Within BLAINE County
T03N R18E S30 NESESE Within BLAINE County
T03N R18E S30 SESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE		PERIOD OF USE		QUANTITY
IRRIGATION		04/15	10/31	9.770 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>				
T03N R17E S25	SWNE	21.00	T03N R17E S25	SENE 21.00
T03N R17E S25	SWNW	12.00	T03N R17E S25	SENW 20.00
T03N R17E S25	NESW	18.00	T03N R17E S25	NWSW 24.00
T03N R17E S25	NESE	27.00	T03N R17E S25	NWSE 26.00
T03N R17E S26	SENE	2.00	T03N R17E S26	NESW 11.00
T03N R17E S26	SESW	16.00	T03N R17E S26	NESE 21.00
T03N R17E S26	NWSE	17.00	T03N R17E S26	SWSE 8.80
T03N R18E S29	NWSW	8.40	T03N R18E S29	SWSW 10.00
T03N R18E S30	SWNE	1.60	T03N R18E S30	SENE 9.60
T03N R18E S30 Lot 2	SWNW	10.00	T03N R18E S30	SENW 4.80
T03N R18E S30	NESW	39.00	T03N R18E S30 Lot 3	NWSW 31.00
T03N R18E S30 Lot 4	SWSW	0.20	T03N R18E S30	SESW 15.00

T03N R18E S30	NESE	29.00	T03N R18E S30	NWSE	31.00
T03N R18E S30	SWSE	29.00	T03N R18E S30	SESE	25.00
T03N R18E S31	NENE	0.60			
489 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.

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 - Decreed

A measuring device and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained on deer creek within the SESW, S26, T3N, R17E.

06/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-467	DEER CREEK RANCH INC ATTN JOHN FLYNN PO BOX 3090 NEWPORT BEACH CA 92658	Disallowed	This water right has been RELINQUISHED in accordance with the provisions of Transfer No. 3861.

06/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-508	DEER CREEK RANCH INC ATTN JOHN FLYNN PO BOX 3090 NEWPORT BEACH CA 92658	Disallowed	This water right has been RELINQUISHED in accordance with the provisions of Transfer No. 3861.

06/03/2008

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

RIGHT NUMBER: 37-833R

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS
175.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF
DIVERSION:

T03N R18E S29 NESWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

175.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R17E S26

SWSW

40.00

T03N R18E S30

SENW

10.00

50 ACRES TOTAL

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

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

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

A measuring device and lockable controlling works of a type acceptable to the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

06/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-889	DEER CREEK RANCH INC ATTN JOHN FLYNN PO BOX 3090 NEWPORT BEACH CA 92658	Disallowed	This water right has been RELINQUISHED in accordance with the provisions of Transfer No. 3861.

06/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4368A	DEER CREEK RANCH INC ATTN JOHN FLYNN PO BOX 3090 NEWPORT BEACH CA 92658	Disallowed	Recommended as Right No. 37-4368B.

06/03/2008

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

RIGHT NUMBER: 37-11329

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.480 CFS
500.50 AFY

The rights listed below are limited to a total combined diversion rate of 9.78 cfs. Combined Right Nos.: 37-466 and 37-11329

This right when combined with other rights shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 07/21/1956

POINT OF
DIVERSION:

T03N R17E S26 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.480 CFS 500.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R17E S25	SWNE	21.00	T03N R17E S25	SENE	21.00
T03N R17E S25	SWNW	11.00	T03N R17E S25	SENW	20.00
T03N R17E S25	NESW	4.80	T03N R17E S25	NWSW	6.60
T03N R17E S25	NESE	25.00	T03N R17E S25	NWSE	10.00
T03N R17E S26	NESE	0.30	T03N R18E S30 Lot 2	SWNW	10.00
T03N R18E S30	SENW	4.80	T03N R18E S30	NESW	39.00
T03N R18E S30 Lot 3	NWSW	31.00	T03N R18E S30	SESW	4.20
T03N R18E S30	NESE	0.90	T03N R18E S30	NWSE	25.00
T03N R18E S30	SWSE	0.50			

235.1 ACRES TOTAL

This right is limited to the irrigation of 143 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.

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

If right 37-466 appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of right 37-466 prior to diversion and use under this right. The right holder shall limit the diversion of ground water under this right to those times when right 37-466 is not available or is not reasonably sufficient to irrigate the place of use authorized under this 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

RE: SRBA Claim(s) 37-5, 37-466, 37-467, 37-508, 37-833R,
37-889, 37-4368A, 37-11329

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Barker Rosholt & Simpson
PO Box 485
Twin Falls ID 83303

4/08

For Office Use Only

Updated by _____

Date _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 23 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 37-466; 37-5; 37-833R; 37-11329; 37-8836; 37-8748;
37-4368A; 37-11955; 37-11328; 37-4296; 37-4295A;
37-4294; 37-4293; 37-11325; 37-11326

[] Name(s): Deer Creek Ranch, Inc. Attn: John Flynn

[] Old Mailing Address: P.O. Box 187
Hailey, Idaho 83333-0187

[] New Mailing Address: P.O. Box 3090
Newport Beach, CA 92658

Telephone Number: (949) 720 - 3400

Email: _____

[] Signature(s) of Owner(s) John G. Flynn
JOHN A. FLYNN, EXECUTIVE VICE PRESIDENT.
 (Include your title if on behalf of company or organization)

Date: 5/23/2008.

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-11329

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
ROSHOLT

JOHN

1 - ROSHOLT ROBERTSON TUCKER
2 - ATTORNEYS AT LAW
3 - PO BOX 1906
City- TWIN FALLS
Phone - 208-734-0700

State- ID Zip- 833031906

*** C - CURRENT OWNER ***
DEER CREEK RANCH INC

1 - PO BOX 187
2 -
3 -

City- HAILEY
Phone - 208-788-9813

State- ID Zip- 83333

*** O - ORIGINAL OWNER ***
DEER CREEK RANCH

1 - PO BOX 296
2 -
3 -
City- HAILEY
Phone - 208-788-2597
1 - PO BOX 187
2 -
3 -

State- ID Zip- 83333

NEW DEER CREEK RANCH INC

City- HAILEY
Phone - 208-788-9813

State- ID Zip- 83333

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
06/01/1956 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
03N	17E	26	NE NE SE			(13) BLAINE	
		30	NE SE			(13) BLAINE	
			SE SE			(13) BLAINE	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	2.480	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.480 357.5

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	17E	25	SW NE		21.0	01	IRRIGATION	(13) BLAINE
03N	17E	25	SE NE		17.0	01	IRRIGATION	(13) BLAINE
03N	17E	25	SW NW		8.0	01	IRRIGATION	(13) BLAINE
03N	17E	25	SE NW		20.0	01	IRRIGATION	(13) BLAINE

MICROFILMED
NOV 27 1998

Water right number - R37-11329

Prefix Translation: RESEARCH

TwN	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
03N	17E	25	NE SW		14.0	01	IRRIGATION		(13) BLAINE
03N	17E	25	NW SW		12.0	01	IRRIGATION		(13) BLAINE
03N	17E	25	NE SE		33.0	01	IRRIGATION		(13) BLAINE
03N	17E	25	NW SE		17.0	01	IRRIGATION		(13) BLAINE
03N	17E	26	NE SE		1.0	01	IRRIGATION		(13) BLAINE

Total Acres: 143.0

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00466

+ - - - - - Remarks - - - - -

GEN USED AS SUPPLEMENTAL WATER IN DRY YEARS.
NAME CHANGE MADE 4/19/96 BY TLB.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
Date: 12/18/1990 User Id: BAUMHOFF Subject: THIS "R" RECORD WAS CREATED TODAY IN AN EFFORT TO OBTAIN AN
AMENDED NOTICE OF CLAIM FORM THE CLAIMANT AFTER THE APROVAL OF TRANSFER #3641. I DISCOVERED SOME PROBLEMS IN THE TOTAL ACRES
AND DIVERSION RATE GIVEN IN THE ORDER. ALLOCATIONS IS ADDRESSING THIS PROBLEM AND WILL GIVE THE TRANSFER FURTHER REVIEW, AFTER
WHICH THE PROCESS BEGUN TO DO AN AMENDED CLAIM WILL CONTINE.

+ - - Audit Fields - - +
04/22/96 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 09/15/1988	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - S002197	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector -	Presumption Flag -
		Notice of Error Flag -

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NOV 27 1996

3/89

Drilling Permit No. 37-90-S-159 AmendedWater Permit No. A37-11329 T.3641

Injection Permit No. _____

State of Idaho
Department of Water Resources

Amended DRILLING PERMIT

1. Applicant New Deer Creek Ranch Corp.
2. Address P.O. Box 249, Ketchum, ID 83340
Telephone 726-9311
- (X) Well Owner () Well Operator () Other, specify _____
3. Proposed well location SE 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 30, Twp. 3N, Rge. 17E, County Blaire,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
() Domestic () Stockwater () Monitoring
No. of households _____ No. of livestock _____
(X) Irrigation () Industrial () Municipal
() Injection () Other, Specify _____
5. Well construction information:
(X) New well () Deepen () Replace
Proposed surface diameter 18" Maximum depth 125 estimated,
Anticipated bottom hole temperature:
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Anticipated construction start date Within 30 days
7. Well Driller (if known) Scott Drilling Co. or Walker water systems
Address _____
8. Applicant's signature Jay L. Lemay
Title President, New Deer Creek Ranch Inc.
Date 3/29/91

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FEB 25 1993

SD-36	Township: 03N	Range: 17E	Section: 26	Tract:	Lot:
S	L	STATE	O	S	Max # Records 7
E	O	Water	Name	T	Priority Use
L	Tract T	Right No.	Last, First	N	AC G Date Code Desc
---	---	---	---	---	---
---	NESW	A37-00508	DEER CREEK RANCH	C	15 D 05/01/1885 01 IRR
---	SESW	A37-00508	DEER CREEK RANCH	C	40 D 05/01/1885 01 IRR
---	NESE	A37-11329	DEER CREEK RANCH	C	40 S 06/01/1956 01 IRR
---	NESE	A37-00466	DEER CREEK RANCH	C	40 D 04/01/1880 01 IRR
---	NESE	R37-11329	DEER CREEK RANCH	O	1 J 06/01/1956 01 IRR
---			NEW DEER CREEK RANCH C	C	
---	NWSE	A37-00508	DEER CREEK RANCH	C	30 D 05/01/1885 01 IRR
---	SWSE	A37-00508	DEER CREEK RANCH	C	30 D 05/01/1885 01 IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

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FEB 25 1993

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Amended.

If approved, this permit authorizes the construction of a well subject to the following conditions:

GENERAL CONDITIONS

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS

Dated this 1 day of April, 1991.

Signed

Loren O. Halen

Title

MANAGER, SOUTHERN REGION

Receipt No. SO12678 Received by DRJ Fee \$200, Date 9-19-90

EXTENSION OF DRILLING PERMIT

Approval Date _____ Extension approved by _____

This extension is good for 60 days beyond the above extension approval date.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Apr-1991 08:27

John A. Rosholt
Attorney at Law
NELSON ROSHOLT ROBERTSON TOLMAN
& TUCKER
142 Third Ave. North
Twin Falls, ID

Re: Adjudication Claims Change of Ownersip: Page 1 - A37-00466, 00467, 00508,
00888, 00889 - Page 2 - A37-04293, 04294, 04295, 04296, 11325, 11326, 11328
11329, 11955

Dear Mr. Rosholt:

Pursuant to the notification that you are representing the New Deer Creek Ranch, Inc., an Idaho corporation, the Department has changed the records of the above-referenced Adjudication Claims as you requested. Claim No. A37-11329 was changed accordingly to the approved transfer No. 3641. Please find enclosed copies of the computer record of the claims noting the change in claimant.

Please review the records and if you have any any questions, contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

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F 5 1993

INTER-DEPARTMENT MEMO — 1

FROM

DR Jones

DATE

12/19/90

TO

File A37-11329

SUBJECT

Acreage total error

This day I contacted Tim Luke of S.O. Water Allocation Bureau and was informed that I made an error in totaling the B/U acreage. I check the notes and SRBA claim verification report and concluded that I added the acreage incorrectly. Whenever the number 123 acres occurs in recommendations, facts or conclusions it should be changed to 143 acres. The diversion rate should likewise be changed to 2.48 (theoretical calculation).

Douglas Jones

SIGNATURE

The order approving the transfer should be revised

CC SRBA Claim

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FEB 25 1993

INTER-DEPARTMENT MEMO — 1

FROM Allen Mervitt

DATE 10/16/90

TO Loren Holmes

SUBJECT Transfer A37-11329

I have reviewed the file and recommend that the transfer be approved but the right be limited to:

Priority : 7/21/1956

Amt : 2.46 cfs (0.02 cfs/acre)

P/U : ~~123~~ Acres 25 described by Doug's memo.
143 DRS, 12/19/90

If the transfer is approved the claimant should amend the claim. Also it appears that ownership of the claim should be changed to New Deer Creek Ranch Corp.



SIGNATURE

6 2 5 1993

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:56:29
10/11/90

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-11329

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		3-27-90 DJones	Y				
POINT OF DIV	Y			N	1,5			
SOURCE	Y			N				
PLACE OF USE	Y			Y	1,2,5			
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

FEB 25 1993

NOT REFILED

* TRANSFER HAS BEEN FILED to add POD.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:56:29
10/11/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-11329

LAST: DEER CREEK RANCH
ADDRESS: P.O. BOX 296
CITY: HAILEY
PHONE NUMBER: 208-788-2597

FIRST:
STATE: ID ZIP: 83333

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: USED AS SUPPLEMENTAL WATER IN DRY YEARS.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: JAY SEVY

PHONE NUMBER: () -

DATE OF FIELD EXAM: 3/27/90

APPOINTMENT MADE: Y (X) N ()

TIME: : A () P ()

ACCOMPANIED BY: JAY SEVY

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

7 5 1993

NOT
LIMITED

A. AJ CLAIM: # A37-11329 PRIORITY DATE: 06-01-1956 STAGE: S

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

Proof of Priority: WELL LOG DATE OF 7-21-1956

=====

RECOMMENDED PRIORITY DATE:

7-21-1956

REVIEWED BY

SCC / DJ

DATE

10-11-90

FEB 25 1993

RECORDED

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-11329	03N	17E	26	NE	NE	SE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	<u>Y</u>
			Y	<u>Y</u>

REMARKS:

Per field exam POD was confirmed

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<i>Same as claim</i>							

SOURCE: *Groundwater*

TRIB:

REVIEWED BY: *DJ*

DATE: *10-11-90*

FEB 25 1993
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A. ROOT WATER RIGHT NUMBERS: A37-11329

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	17E	26	NE	SE		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /40.0 A37-00466 /40.0	- 37-00466 /		4.0	1.0
03N	17E	25	SW	NE		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /35.0 A37-00466 /35.0	- 37-00466 /		21.0	21.0
03N	17E	25	SW	NW		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /20.0 A37-00466 /20.0	- 37-00466 /		8.0	8.0
03N	17E	25	SE	NE		DEER CREEK RANCH DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /35.0 A37-11326 / A37-00466 /35.0	- - 37-00466 /		17.0	17.0
03N	17E	25	SE	NW		DEER CREEK RANCH DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /30.0 A37-11328 / A37-00466 /30.0	- - 37-00466 /		20.0	20.0
03N	17E	25	NE	SW		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /40.0 A37-00466 /40.0	- 37-00466 /		14.0	14.0
03N	17E	25	NW	SW		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /40.0 A37-00466 /40.0	- 37-00466 /		12.0	12.0
03N	17E	25	NE	SE		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /40.0 A37-00466 /40.0	- 37-00466 /		33.0	33.0
03N	17E	25	NW	SE		DEER CREEK RANCH DEER CREEK RANCH	A37-11329 /40.0 A37-00466 /40.0	- 37-00466 /		17.0	17.0
TOTAL ACRES						A37-11329	320.00				

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ~~(X)~~ N (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

$\Sigma = 143$ $\Sigma = 143$
(DR); 12/19/90

123.0

FEB 25 1993

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

143 DJ 12/19/90

~~125.0~~

DJ

10-11-90

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-11329 IRRIGATION	FROM 04-01 TO 11-01	6.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.400 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	~~Y~~
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	~~Y~~
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	~~Y~~

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

~~Y~~() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() ~~N~~()

Explain in remarks, below.

REMARKS:

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FEB 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(~~X~~)

AJ TOTAL CLAIMED DIVERSION RATE: 6.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD THEORETICAL, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A37-00466

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-11329	GROUNDWATER	DEER CREEK RANCH	6.400	0.020		
A37-00466	DEER CREEK	DEER CREEK RANCH	13.600	0.042		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-11326	DOMESTIC	DEER CREEK RANCH	FROM 01-01 TO 12-31	.060 CFS	
A37-11326	STOCKWATER	DEER CREEK RANCH	FROM 01-01 TO 12-31	.070 CFS	
A37-11328	DOMESTIC	DEER CREEK RANCH	FROM 01-01 TO 12-31	.040 CFS	
A37-11328	STOCKWATER	DEER CREEK RANCH	FROM 01-01 TO 12-31	.140 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 123 x 0.02 CFS/ACRE = 2.46 CFS
143 (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? DRJ 12/19/90 2.86 Y(X) N()

1b. CALCULATIONS

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 800.0 AF/A

ACRES 143 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 307.5 AF/A
375.5

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 143 x DIVERSION VOL. AF/A FOR AREA 3.0 =

TOTAL DIVERSION VOLUME 369 AF/A
429

> DRJ; 12/19/90

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
<u>IRRIGATION.</u>	<u>4-1 11-1</u>	DATABASE EXAMINER <u>~~2.46~~</u> <u>2.48</u>	DATABASE EXAMINER <u>~~369~~</u> <u>429</u>	DATABASE EXAMINER <u>~~307.5~~</u> <u>375.5</u>
TOTAL FOR THIS RIGHT				
REVIEWED BY: <u>DJ</u>		DATE: <u>10-11-90</u>		

=====

RECEIVED
FEB 25 1993
12/19/90

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

(☒)
()
()

NEEDS
REVIEW

(☒)
(☒)
(☒)

CHANGE OF OWNERSHIP HAS OCCURED
LEGAL REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-11329

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A37-11329

6.400

-

-

TOTAL CFS

6.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

OK

REMARKS:

AUTHENTICATION:

SIGNATURE:

Douglas Jones

DATE:

10/11/90

NAME OF FIELD EXAMINER:

"

TITLE:

Eng. Spec

RECORDED
FEB 25 1993

FEB 25 1993

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Analysis

DRJ

10/11/90

Transfer Exam on A37-11329, New Deer Cr. Ranch

On 12/11/89 Deer Cr Ranch and William R. Burt
Filed an application to transfer SRBA
claim A37-11329, through Nelson, Rosholt, etc
This Form was returned for corrections

On 12/19/89 The corrected, acceptable application
was resubmitted.

Advertising was done on 1/17 & 1/24/90 -
no protests.

An initial visit to ranch to conduct exam
was done on 3/27/90. At that time I
verified pump location and pump size
and operating criteria. I also obtained
outline of land potentially and recently
irrigated with this source of water.

Attached are photos taken during exam.

Also attached are maps used to quantify
irrigated acreages and a place of use
grid to sum the acres. MICROFILMED

FEB 25 1993

On July 6, 1990 a hydrological consultant
(continued)

FEB 25 1993

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A37-11329 Transfer Analysis Continued

For the ranch, David Kebler, conducted a pump test on the well using the existing pump.

SWL of PW-1 is approximately 30' below collar. DPL of PW-1 during 1961 pump test (635 gpm) was about 130'. Efficiency of 7/6/90 pump test was 50% assuming 30 hp was delivered, though age ~~and~~ of ~~pump~~ motor would reduce 30 hp rating of motor.

Jay Sevy, ranch president, stated to me that well output could reach about 3 cfs but ~~per~~ equipment could not maintain that rate for pump test. ~~A~~

Aquifer could steady state 1.60 cfs with 50 ft drawdown (= 80' dpl).

During 3/27/90 field review I was told by ranch manager that at an[?] unspecified time past changes were made that obliterated ditch from pump to land south of Deer Creek. This land was then irrigated with surface water.

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FEB 25 1993

A37-11329

Transfer Analysis Continued

The following are examples of how water delivery have been made recently:

- 1) Pump discharge into Deer Creek, portable pump from creek into ditch at NW1/4SW525 T3N R17E.
- 2) Pump discharge into Deer Cr, Canvas dams to Flood low land.
- 3) Pump into pipe trending to NE to mid-field or upper ditch
- 4) (Abandoned) Pump in ditch trending SE to land south of Deer Creek.

If all land east ~~and~~ of the pump and between valley slopes is included then 194 acres are contained. If only land presently delivered water is included (excludes land south of Deer Cr) then ^{143 DRS 12/19/90} ~~123~~ acres are contained. Required maximum rates, at 1"/acre, are 3.88 cfs and 2.46 cfs, respectively.

This water is claimed as supplemental irrigation water when Deer Creek ran low.

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FEB 25 1993

A37-11329

Transfer Analysis Continued

Conclusions & Recommendations

- 1) 320 acres could not have been irrigated within area described in claim.
- 2) 6.4 cfs could not have been pump from existing well and pump.
- 3) Original well ^(PW-2) located SENE S25 T3N R17E and was drilled (finished) on 7/21/1956.
- 4) Present well (PW-1) located NESE S2 T3N R17E was finished 9/5/61, original well was capped at unknown date.
- 5) Groundwater deliveries south of Deer Creek have not been made since ditch trending SE was obliterated.
- 6) I recommend that approval be granted for irrigation of ²⁴³123 ac.
- 7) Diversion rate could reasonably be determined to be :
$$\frac{8.8 \cdot \text{hp} \cdot e}{dpl + (P \times 2.3)} = \frac{8.8 \cdot 30 \text{ hp} \cdot 0.75}{80 + 0} = 2.48 \text{ cfs}$$
- 8) Reasonable diversion rate is consistent with 1" per acre rule-of-thumb.

DRJ 12/19/90

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FEB 25 1993



View, looking south, of pump head and relation to tributary valley. Pump powered by tractor pto for open discharge to stream.



power take out

Close up of pump, pto hook up coupling in foreground, open discharge pipe pointing toward stream. Did NOT appear that there was any erosion from use (i.e. no gullies, washes or headcuts at stream bank).



Looking northwest from pump across & somewhat upstream of Deer Creek. Shows that little or no watering of Sec 26 land is possible from claimed use of pump (open discharge or springing pipe toward northeast to higher ditch).

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FEB 25 1995

Deer Cr Ranch Transfer
of A 37-11329



Deer Creek Ranch Transfer of A37-11329

30 hp pump (at 1760 rpm)

Serial number OL 44193

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	26	3N	17E	Blaine	Well
	NW	NW	SW	25	3N	17E	Blaine	Point of redirection

5. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	17E	25			21	17			2	20	29	28			36	34			193
		26									1								
Includes all land that could feasibly been irrigated with pumped groundwater within claimed area																			
2N	17E	25			21	17			8	20	14	12			33	17			122 142
		26																	
Includes only the land that have been irrigated with pumped groundwater -																			

Total acres

X.74

T.3N

RIZE

R18E

5946
 FEB 25 1993
 edwell

House

5850

5850
Capped unused well, PW-2

Houses, Barns, Barnyard

PW-1

5532

25

一

30

27

26

Hot Spring

don Hot Springs

Creek.

This land now irrigated by ditch
from Deer Creek from section 26 and
was formerly irrigated by ditch
from pump as per statement

35

36

36

31

x 6432

05
X5

x6432

Osborn Gulch

X6340

Prospect

6530

X 6618

R17E

65-15861-101

1974 air photo

2-

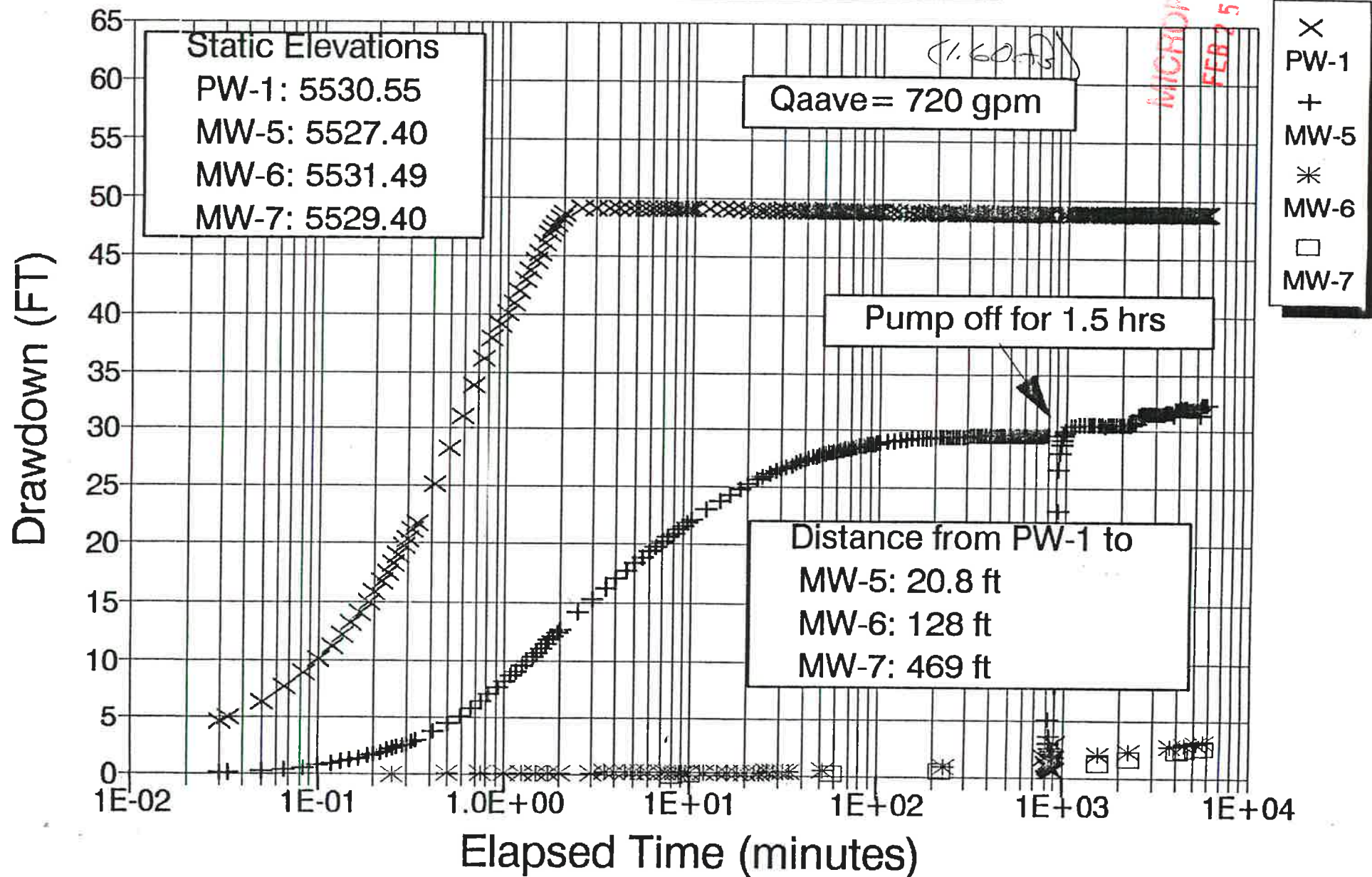
i

10

6

COOPER-JACOB PLOT

Six Day Aquifer Test at PW-1 Deer Creek Ranch, Start: July 06, 1990



PW-1

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

Permit No. _____ Well No. _____ County Blaine

Owner William R. Bush

Address Hawley

Driller Eugene H. Waller

Address _____

Well location NE 1/4 SE 1/4 T26 N 17 E

Size of drilled hole 20

Total depth of well 178

Give depth to standing water from the ground 26 Water temp 54 F.

On "Pumping Test" delivery was 62.5 g.p.m. or 2.5 a.m. Drawdown was 20 feet.

Size of pump and motor used to make test _____

Length of time of test 4 hours _____ minutes

If flowing well, give flow _____ g.p.m. or _____ a.m. and at shut off pressure _____

If flowing well, describe control works _____

Water will be used for Supplementary Irrigation

Thickness of casing 5/8 Casing material Steel

Diameter, length and location of casing 20 170 ft

CASING RECORD

Diam. Casing	From Foot	To Foot	Length	Remarks—logs, grouting, etc.
20	0	170	170	

Number and size of perforations 1508 located 45 feet to 166 feet from ground

Date of commencement of well Aug 61 Date of completion of well Sept 61

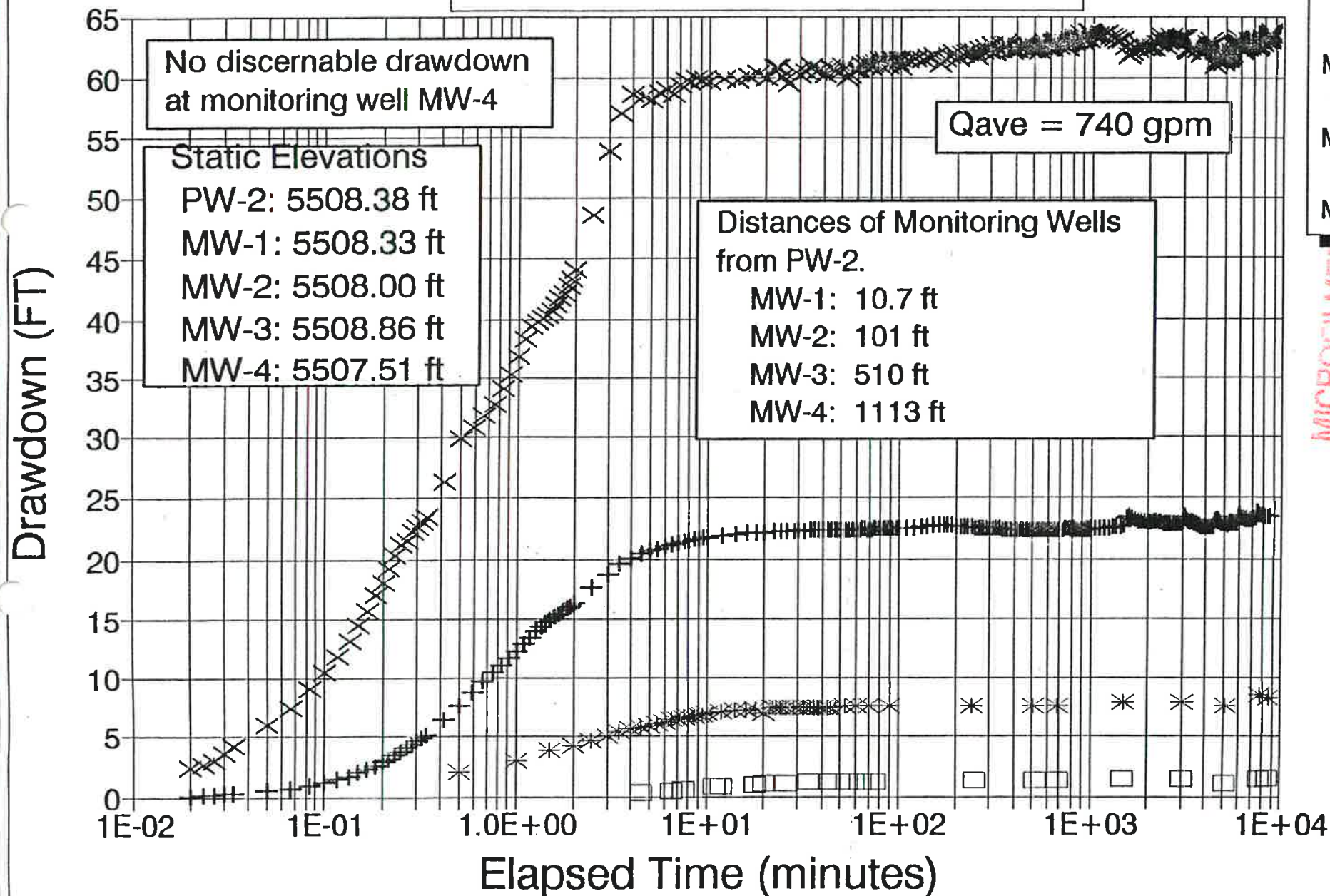
NESE 538 3N ME

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COOPER-JACOB PLOT

Six Day Aquifer Test at PW-2 Deer Creek Ranch, Start: June 20, 1990



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PW-2

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

Log No. _____
 Department of _____
 Rec. _____
 Well No. _____
 Permit No. _____

Owner Walter P. Marshall Address Hailey
 Driller Ernest H. Hadden Address Twain Falls
 Location of Well: N 1/2 Sec 5E 1/4 Sec 26 T. 3 N. R. 17 E. 12N BLaine County
 and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 1/4 Sec
 Size of Drilled Hole 16 Total depth of Well 95
 Give depth of standing water from surface 5 Water Temp 55
 On pumping test delivery was 735 g.p.m. or _____ U.S. Drawdown was 5 feet
 Size of pump and meter used to make the test 1 1/2" Colum 11" Curb 360 H.P.
 Length of time pumped during check was _____
 If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
 If flowing well, describe control works _____
 Water will be used for Irrigation (TYPE AND SIZE OF VALVE, ETC.) _____
 Thickness of casing _____ Weight of casing per linear foot 36 lb
 Diameter, length and location of casing 954-60A-50D-35A-1D
 Number and size of perforations 18 1/2" x 3" located _____ feet to _____ feet
 from surface of ground _____
 Other perforations All gravel at bottom of River bed
 Date of commencement of well July Date of completion of well 21 July 1956
 Type of well rig Colum

CASING RECORD

DIAM.	IN FEET	TO FEET	LENGTH	REMARKS	SEE & GROUTING, ETC.
16"	0	9	9		
16"	9	95	86		

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

The well from back in the Deer Creek area is owned by Ernest Hadden. This well is located about 100 ft above the river bed. The well may produce by adding a smaller casing than the one in the ground is more water.
N 2 SE 5 26 3N 17E

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WELL LOG

From Foot	To Foot	Type of Material	Drilling Time	11	12
2	10	Surface			
10	18	Gravel - Water	7	1/2	1/2
18	25	Clay + gravel		1/2	1/2
25	30	Gravel + Clay	4	1/2	1/2
30	32 1/2	Coarse gravel - Clay	2	1/2	1/2
32 1/2	38	Gravel + Clay	6	1/2	1/2
38	41 1/2	Gravel - Coarse Clay	2	1/2	1/2
41 1/2	47	Clay	6	1/2	1/2
47	55	Coarse gravel	8	1/2	1/2
55	59	Clay	4	1/2	1/2
59	63	Gravel	4	1/2	1/2
63	67	Clay + Gravel	4	1/2	1/2
67	71	Loose Clay + Gravel	4	1/2	1/2
71	75	Clay	2	1/2	1/2
75	81	Loose Clay + Sand	6	1/2	1/2
81	85	Shale + Gravel	3	1/2	1/2
85	91	Clay + Gravel	4	1/2	1/2
91	92	Clay	1	1/2	1/2
92	94	Gravel + Clay	2	1/2	1/2

Well was dug with solid block

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Engel D. Walker
By _____

dated 4 Jan 1957

License No. 14
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Analysis

DRJ 10/11/90

Transfer Exam on A37-11329, New Deer Cr. Ranch.

On 12/11/89 Deer Cr Ranch and William R. Burt
Filed an application to transfer SRBA
claim A37-11329, through Nelson, Rosholt, etc
This form was returned for corrections

On 12/19/89 The corrected, acceptable application
was resubmitted.

Advertising was done on 1/17 & 1/24/90 -
no protests.

An initial visit to ranch to conduct exam
was done on 3/27/90. At that time I
verified pump location and pump size
and operating criteria. I also obtained
outline of land potentially and recently
irrigated with this source of water.

Attached are photos taken during exam.

Also attached are maps used to quantify
irrigated acreages and a place of use
grid to sum the acres.

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On July 6, 1990 a hydrological consultant
(continued)

A37-11329

Transfer Analysis Continued

Conclusions & Recommendations

- 1) 320 acres could not have been irrigated within area described in claim.
- 2) 6.4 cfs could not have been pump from existing well and pump.
- 3) Original well ^(PW-2) located SENE S25 T3N R17E and was drilled (finished) on 7/21/1956.
- 4) Present well (PW-1) located NESE S2 T3N R17E was finished 9/5/61, original well was capped at unknown date.
- 5) Groundwater deliveries south of Deer Creek have not been made since ditch trending SE was obliterated.
- 6) I recommend that approval be granted for irrigation of 123 ac.
- 7) Diversion rate could reasonably be determined to be:
$$\frac{8.8 \cdot \text{hp} \cdot e}{dpl + (P \times 2.5)} = \frac{8.8 \cdot 30 \text{ hp} \cdot 0.75}{80 + 0} = 2.48 \text{ cfs}$$
- 8) Reasonable diversion rate is consistent with 1" per acre rule-of-thumb.

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A37-11329 Transfer Analysis Continued

For the ranch, David Kebler, conducted a pump test on the well using the existing pump.

SWL of PW-1 is approximately 30' below collar. DPL of PW-1 during 1961 pump test (635 gpm) was about 130'. Efficiency of 7/6/90 pump test was 50% assuming 30 hp was delivered, though age ~~and~~ of ~~pump~~ motor would reduce 30 hp rating of motor.

Jay Sevy, ranch president, stated to me that well output could reach about 3 cfs but ~~per~~ equipment could not maintain that rate for pump test. ~~A~~

Aquifer could steady state 1.60 cfs with 50 ft drawdown (= 80' dpl).

During 3/27/90 field review I was told by ranch manager that at anst unspecified time past changes were made that obliterated ditch from pump to land south of Deer Creek. This land was then irrigated with surface water.

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A37-11329

Transfer Analysis Continued

The following are examples of how water delivery have been made recently:

- 1) Pump discharge into Deer Creek, portable pump from creek into ditch at NW1/4SW1/4S25 T3N R17E.
- 2) Pump discharge into Deer Cr, Canvas dams to flood low land.
- 3) Pump into pipe trending to NE to mid-field or upper ditch
- 4) (Abandoned) Pump in ditch trending SE to land south of Deer Creek.

If all land east ~~and~~ of the pump and between valley slopes is included then 194 acres are contained. If only land presently delivered water is included (excludes land south of Deer Cr) then 123 acres are contained. Required maximum rates, at 1"/acre, are 3.88 cfs and 2.46 cfs, respectively.

This water is claimed as supplemental irrigation water when Deer Creek ran low.

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Deer Creek Ranch Transfer of A37-11329

30 hp pump (at 1760 rpm)
Serial number OL 44193

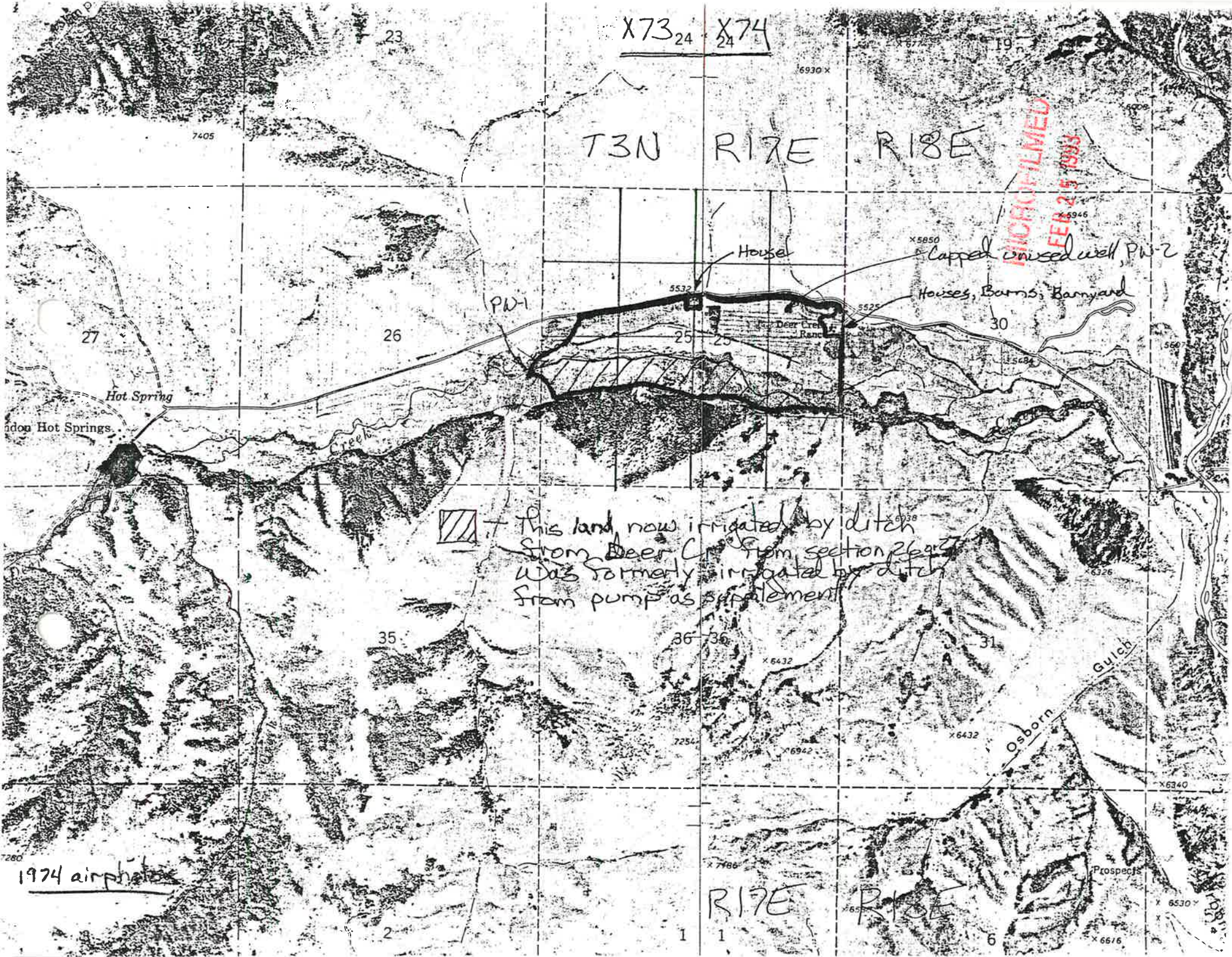
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	26	3N	17E	Blaine	Well
	NW	NW	SW	25	3N	17E	Blaine	Point of redirection

5. Lands irrigated or place of use:

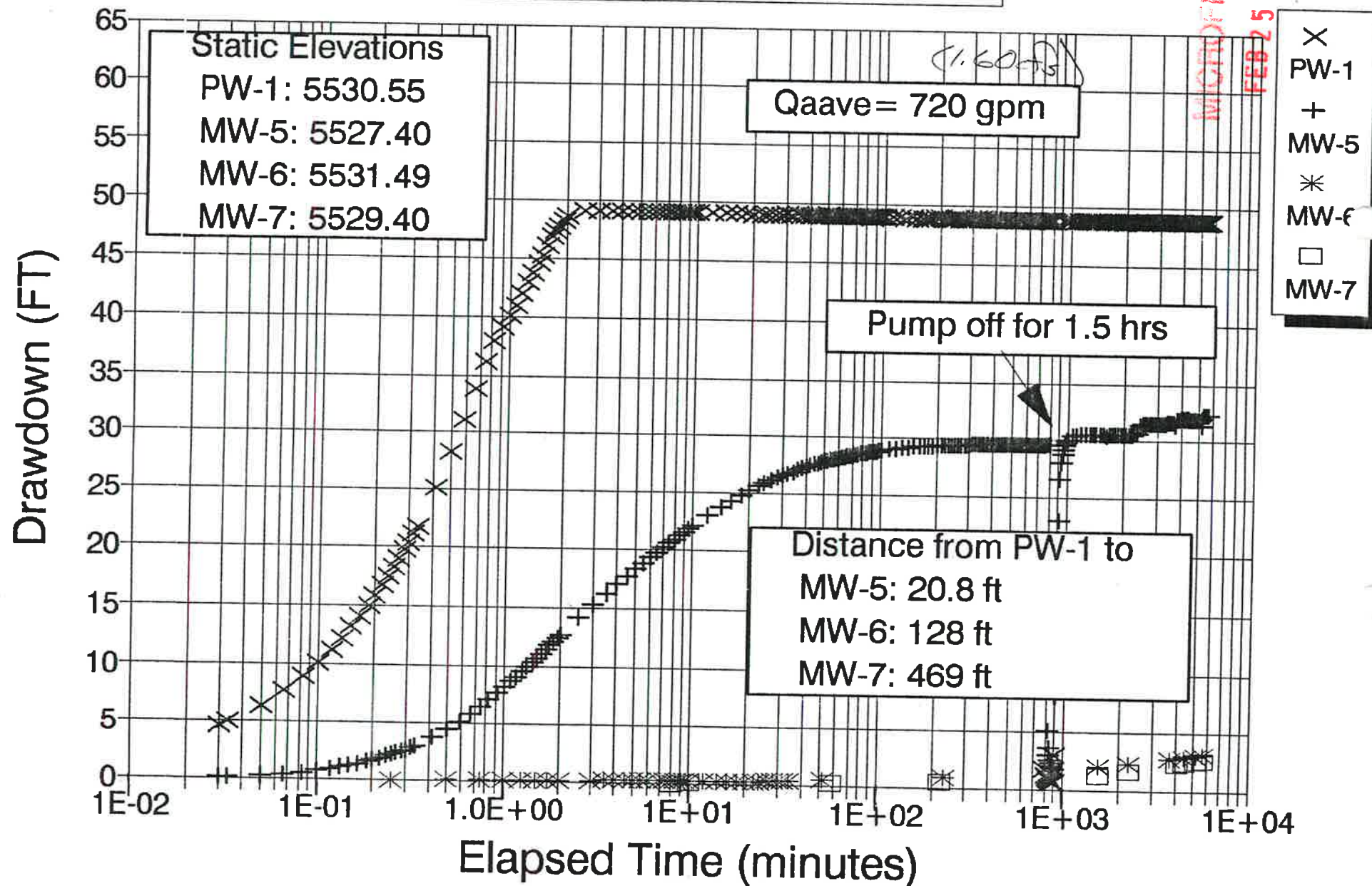
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	17E	25			21	17			8	20	29	28			36	34			193
		26																	
Includes all land that could feasibly been irrigated with pumped groundwater within claimed area																			
3N	17E	25			21	17			8	20	14	12			33	17			122
		26																	
Includes only the land that have been irrigated with pumped groundwater																			

Total acres



COOPER-JACOB PLOT

Six Day Aquifer Test at PW-1 Deer Creek Ranch, Start: July 06, 1990



Pw-1

WELL LOG AND REPORT OF THE
STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED

Permit No. _____ Well No. _____ County Plaine

Owner William R. Bush

Address Hendrix

Driller - Eugene H. Walker

Address

Well location N 1/4 Sec 26 T. 3 N. R. 17 E.

Size of drilled hole 20

Total depth of well 178

Give depth to standing water from the ground 2 1/2 Water temp 54

On "Pumping Test" delivery was 2.5 g.p.m. or less. Drawdown was 20 ft.

Size of pump and motor used to make test

Length of time of test 4 hours 00 minutes

If flowing well, give flow _____ a.m. or _____ p.m. and at shut off pressure _____

If flowing well, described control working

Water will be used for Supplementary Irrigation TYPE AND SIZE OF VALVE, ETC. _____
Weight of coating per lined foot _____

Thickness of lining 2 1/2 Lining material Steel

Diameter, length and location of casing 20' 130'

CASINO RECORD

[illegible]

Number and size of perforations 1508 located 45 feet to 166 feet from ground

Date of commencement of well 1 Aug 61 Date of completion of well 5 Sept 61

NESE 528 3N ME

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FEB 25 1993

WELL LOG

From Foot	To Foot	Type of Material	Permeability Abn. Test or No	Gravel Abn. Test or No
0	2	Surface	No	No
2	9	Sand & gravel	No	No
9	35	Clay & sand	No	No
35	38	Small gravel	No	No
38	45	Clay & sand	No	No
45	93	Small gravel	Yes	Yes
93	117	Gravel & sand	Yes	Yes
117	134	Clay	Yes	Yes
134	142	Gravel & clay	Yes	Yes
142	150	Clay	No	No
150	170	Light shale gravel	No	Yes
172	178	Solid sand	No	No

If more space is required use Sheet No. 2

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed

Eugene H. Walker

By

Date

12-24-66

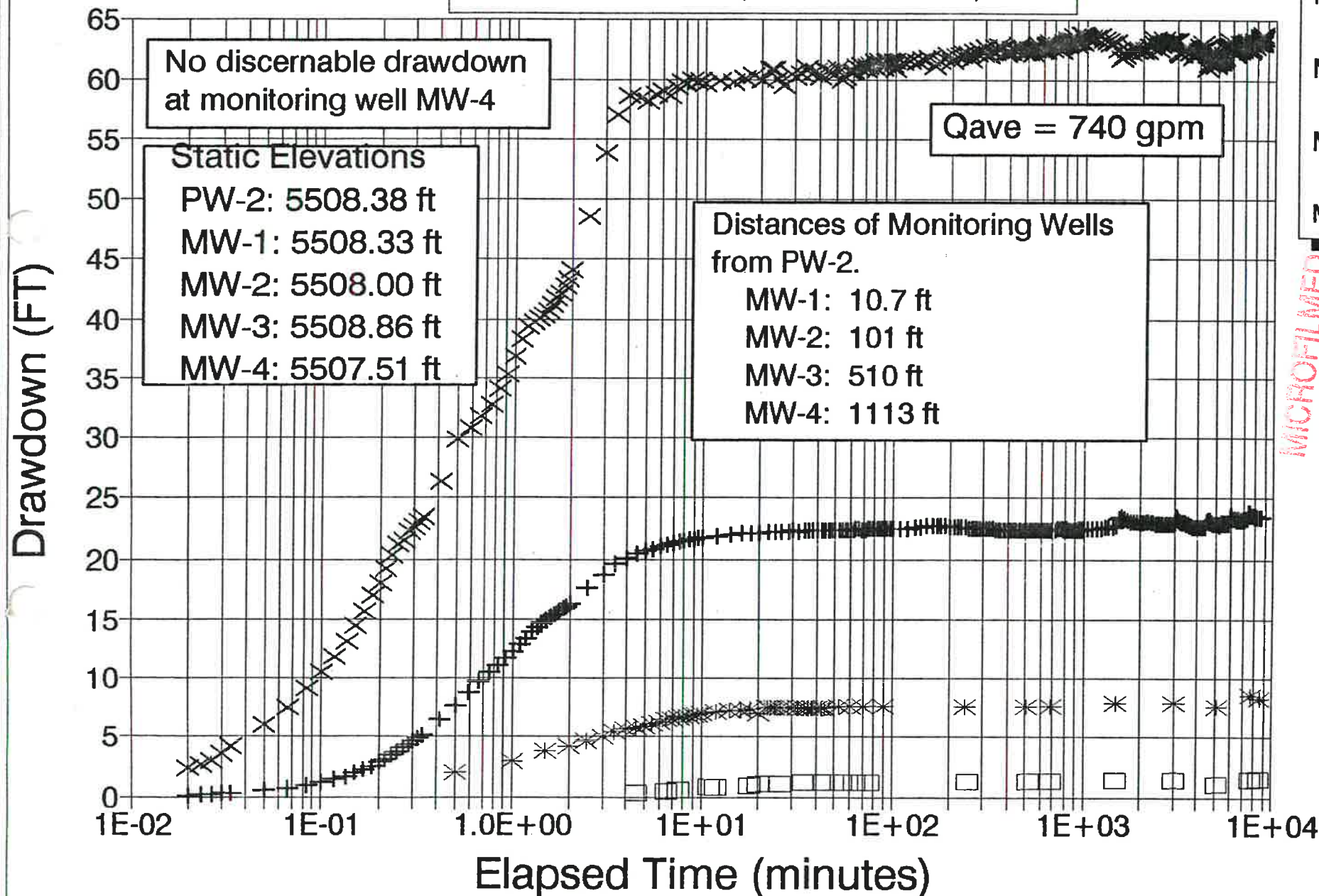
License No.

13

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FEB 25 1993

COOPER-JACOB PLOT

Six Day Aquifer Test at PW-2 Deer Creek Ranch, Start: June 20, 1990



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FEB 25 1993

PW-2

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED
JAN 17 1956
Log No. _____
Department of Reclamation
Rec. _____
Well No. _____
Permit No. _____

Owner Walter G. Marsh Address Halley
Driller Ernest H. Halber Address Twinn Falls Lic. No. 15
Location of Well: N 2 1/2 E S 26 1/4 Sec 26 T. 3 N. S. R. 17 E. 25N BLADINE County.
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 1/4 Sec.
Size of Drilled Hole 16 Total depth of Well 95 95
Give depth of standing water from surface 5 Water Temp 63 Farenheit
On pumping test delivery was 738 g.p.m. or _____ c.f.s. Drawdown was 5 feet
Size of pump and motor used to make the test 10" C. & W. 100 H.P.
Length of time pumped during check was 3 hours
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____
(TYPE AND SIZE OF VALVE, ETC.) _____
Water will be used for Irrigation Weight of casing per linear foot 50 lb
Thickness of casing 1/2" Casing material Steel
Diameter, length and location of casing 95 ft - 60 A 3/4 OD - 35 A 1/2
(CASING 1" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER, CASING OVER 1" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations 85/25 located _____ feet from surface of ground.
Other perforations All gravel at bottom on River side
Date of commencement of well 9 July Date of completion of well 21 July 1956
Type of well rig Crown

CASING RECORD

DIAMETER	FROM FEET	TO FEET	LENGTH	REMARKS - SEE NO. GROUTING, ETC.
16"	0	9.2	9.2	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

Still the farm land in the Deer Creek area is owned by Walter G. Marsh. This well is located about 100 ft above 1st set of lower Farm buildings. This well was drilled by adding a smaller casing than 1st set of casing. It is more water in N 2 1/2 E S 26 3/4 N 1/4 E

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FEB 22 1993

WELL LOG

From Foot	To Foot	Type of Material	Drilling Time		ft	in
			Min	Sec		
2	10	Surface	2	30	10	0
10	18	gravel - Water	7		14	0
18	25	Clay & gravel	1		2	0
25	30	Channel's Clay	4		2	0
30	32.5	Course gravel - Clean	2	30	1	0
32.5	38	gravel & Clay	6		2	0
38	41.5	gravel - Course Clean	2		1	0
41.5	47	Clay	5		1	0
47	55	Course gravel	8		1	0
55	59	Clay	1		2	0
59	63	gravel	4		2	0
63	67	Clay & gravel	1	50	2	0
67	71	Layers of Clay & gravel	4		2	0
71	75	Clay	2		2	0
75	82	Layers of Clay & Sand	8		1	0
82	85	Shale - gravel	3		2	0
85	92	Clay & gravel	4		2	0
92	94	Clay	1		2	0
94		gravel & sand	2		2	0

Well was dugged with old block

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Engelbert Walker

By _____

Dated 4 Jan 1957

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FEB 25 1993
License No. _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

John A. Rosholt
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303

July 24, 1991

Dear John;

We are returning the Amended App. for Transfer of Water Right A37-11329 submitted in behalf of New Deer Creek Ranch on 9-28-1990. We are also returning the transfer application for this and other rights submitted by your office on 5-28-91. Jay Sevy has signed the new transfer that we have been working on. The \$50. filing fee previously paid under Receipt #S012708 will cover the new transfer. If you have any questions, please feel free to contact this office.

Sincerely,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

MICROFILMED
FEB 25 1993

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

Boise Office

1020 MAIN ST., SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

RECEIVED

OCT 16 1990

Department of Water Resources
Southern Region Office

October 15, 1990

Idaho Department of Water Resources
Twin Falls Office -- Southern Region
222 Shoshone Street E.
Twin Falls ID 83301

ATTENTION: Doug Jones

RE: New Deer Creek Ranch, Inc.
Transfer of A37-11329

Dear Doug:

After reviewing your handwritten letter dated 10/12/90 as to the Corporation's alternatives, please be advised that we request the Department to process the Transfer of 37-11329 filed 12/19/89 and either hold or return the Application filed 9/28/90 until the decision on the first is finalized.

Thank you for your consideration.

Respectfully submitted,

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER, CHARTERED

By: John A. Rosholt
JOHN A. ROSHOLT
Attorneys for New Deer
Creek Ranch, Inc.

JAR:dcb
73561

cc: Jay Sevy

MICROFILMED
FEB 25 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JAN 3 1991

Idaho Department of Water Resources
Boise, Idaho 83725

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3641 OF SNAKE) AMENDED ORDER APPROVING
RIVER BASIN ADJUDICATION CLAIM) TRANSFER IN PART
NO. A37-11329 IN THE NAME OF)
NEW DEER CREEK RANCH CO.)

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3641 filed pursuant to Section 42-222, Idaho Code, and as a result of discovering an error in the department's Order Approving Transfer in Part dated November 29, 1990, the department now finds, concludes and orders as follows:

FINDINGS OF FACT

1. On December 12, 1990 Deer Creek Ranch Co. and William Burt (applicants who later changed name to New Deer Creek Ranch Corp.) filed an application with the department to transfer 6.40 cfs of water under Snake River Basin Adjudication (SRBA) claim no. A37-11329. The application proposed adding two points of diversion to the claim.

2. The SRBA claim, which was filed with the department on September 15, 1988, claims a priority date of June 1, 1956 for the diversion of 6.40 cfs of groundwater for the irrigation of 320 acres of land.

3. On March 27, 1990, a representative of the department conducted a field exam for SRBA claim no. A37-11329. The ranch manager accompanied the department's examiner during the field

A37-11329, T#3641

microfilmed
Feb. 25th 1993

exam. On July 6, 1990, a hydrologic consultant hired by the ranch conducted a pump test on the existing well and pump.

4. Based on the department's field exam and the pump test data of July 6, 1990 which was submitted to the department, the field examiner concluded and recommended that the amount of water beneficially used under this claim was limited to the diversion of 2.48 cfs for the irrigation of 143 acres of land described in Attachment A of this order. The examiner's original field report identified the location of the 143 acres, but incorrectly showed the total number of acres as 123 acres. The examiner found evidence showing that the original well under this claim was completed on July 21, 1956. The examiner made no recommendation concerning the priority date.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water whether represented by license issued by the department, by claims to water rights by reason of diversion and application to the beneficial use as filed under the provisions of this chapter... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or a part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

*MAcro Filmed
Feb 25 1993*

2. Based on examination by the department of all the evidence and available information, the beneficial use under SRBA claim no. 37-11329 is limited to the diversion of 2.48 cfs for the irrigation of 143 acres as described under Attachment A of this order.

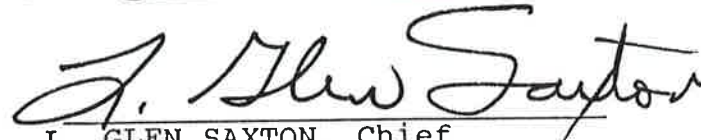
3. Order Approving Transfer in Part dated November 29, 1990 for transfer of SRBA claim no. A37-11329 should be amended so that the transfer of water under the claim is limited to the diversion of 2.48 cfs for the irrigation of no more than 143 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3641 of SRBA claim no. A37-11329 is approved in part, subject to the following amended conditions:

- 1) SRBA claim no. A37-11329 under this transfer is limited to the diversion of 2.48 cfs for irrigation of 143 acres of land described in Attachment A of this amended order.
- 2) Approval of this transfer in no way confirms the validity or priority of Snake River Basin Adjudication claim no. A37-11329.
- 3) When combined with all other rights, this transfer shall provide no more than 3.0 acre-feet per acre.
- 4) The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 5) Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 24th day of December, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

*Microfilmed
Feb 25 1993*

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated

144

43

Micro Filmed
Feb 25 1973

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

PART 1
Dr. J. the new Deer Creek Ranch Corporation D.F.S. 9/22/80
 Name of applicant Deer Creek Ranch Co. and William R. Burt Phone 208-726-9311
 Post Office address c/o P.O. Box 249, Ketchum, Idaho 83340

RECEIVED
 DEC 19 1989

DEC 19 1989

A. PURPOSE OF TRANSFER

- A. PURPOSE OF TRANSFER**
1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
- ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To facilitate withdrawing the same amount of
water from a point lower in Deer Creek Valley in the event water levels
would decline in drought years which would constrict our ability to with-
draw the same amount of groundwater from the existing wells.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, PERIOD OF USE, AND NATURE OF USE
- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>A37-11329</u> | <u>06-01-1956</u> | <u>6.400</u> | <u>irrigation</u> | <u>04-01</u> to <u>11-01</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 6.400 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 320

PART 1

6. General Information:

a. Description of diversion system Well, pump and motor with possible booster pump
in addition. ^{W/S} Pipelines to connect to existing system which is already
in place.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. A37-11329
 And said application is hereby APPROVED IN PART, subject to the following limitations and conditions:

and as stated in the Dept. of Water Resources ORDER dated November 29, 1990.

1. SRBA claim no. A37-11329 under this transfer is limited to the diversion of
 2.46 cfs for irrigation of 123 acres of land described in Attachment A of the
 ORDER dated November 29, 1990.

See attached ORDER for additional conditions of approval.

Witness my hand this

29th

day of

November

19 90

J. Glen Sauter
 Chief, Water Alloc. Bureau

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FEB 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. A37-11329 Hc/H issued by the Idaho Department of Water Resources.
- c. Claim No. A37-11329 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☒ Warranty Deed ☒ Other Title Insurance
3. Source of water groundwater tributary to _____
4. Date or priority 06-01-1956
5. Water is used for the following purpose:
- amount 6.4 cfs for irrigation purposes from 04-01 to 11-01
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SE	26	3N	17E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	17E	25			35	35			20	30	40	40			40	40			280
		26													40				40

9. Describe any other water rights used for the same purpose as described above _____

Total acres 320
37-0466 (new)

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FEB 23 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	30	3N	18E	Blaine	
		SE	SE	30	3N	18E	HCH	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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FEB 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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FEB 25 1993

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 24th day of November, 1989.

William R. Burt (Signature of Applicant) + Manager Partners

[Signature] (Notary Public)

My commission expires 11/2/92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 15 attachments

Received by DRJ Date 11/19/89 Protest filed by _____

Prelim. check by DRJ Fee \$50 5010665 _____

Receipted by DRJ Date 12/12/89 _____

Published in Wood River Journal Copies of protest forwarded by _____

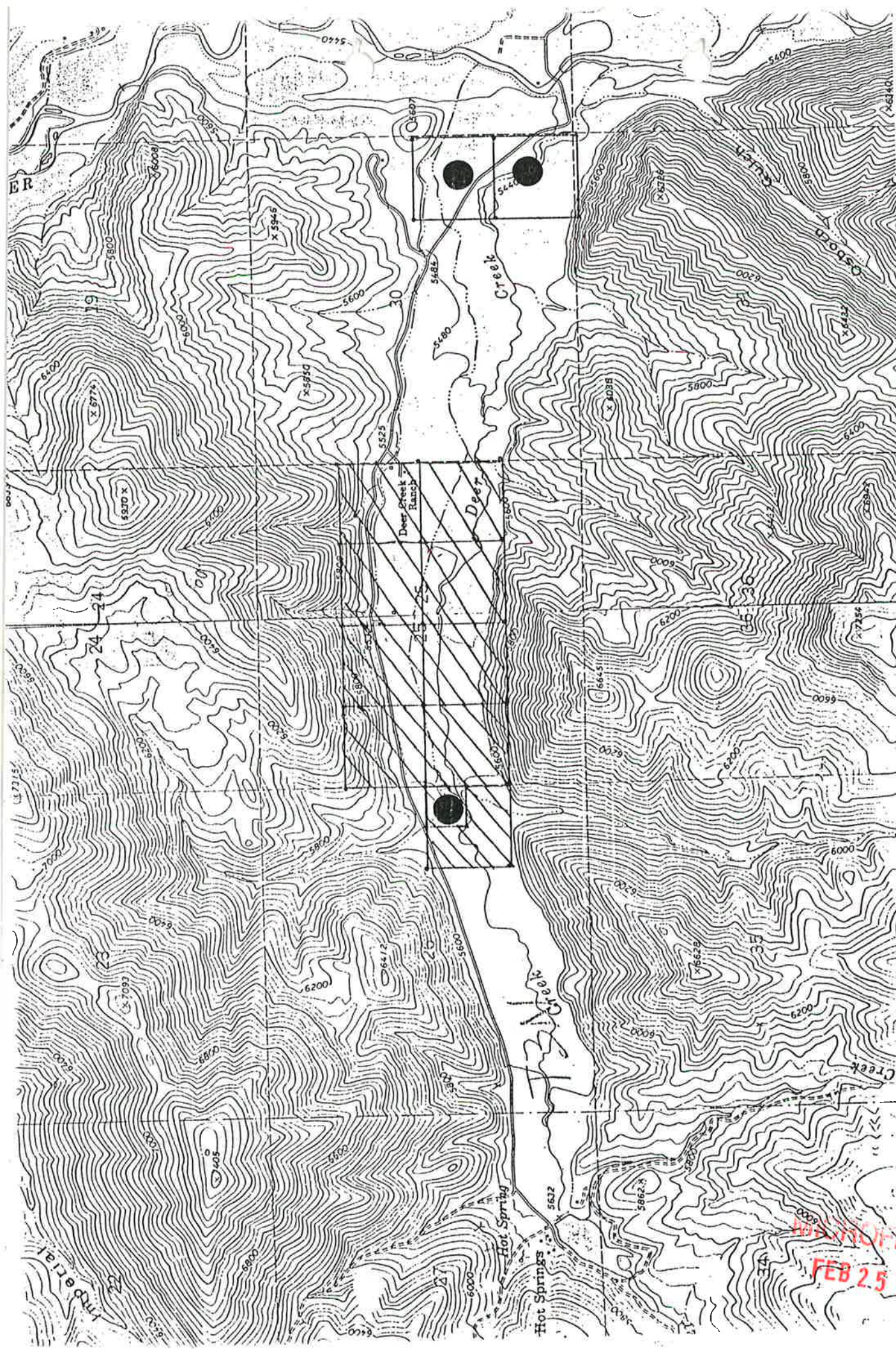
Pub. dates 1/17 & 1/24/1990 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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FEB 25 1993



proposed PD
R.17E R.18E

plac of use

present PD

RECEIVED
FEB 25 1983

INTER-DEPARTMENT MEMO — 1

FROM

DR Jones

DATE

12/19/90

TO

File A37-11329

SUBJECT

Acreage total error

This day I contacted Tim Luke of S.O. Water Allocation Bureau and was informed that I made an error in totaling the B/U acreage. I checked the notes and SRBA claim verification report and concluded that I added the acreage incorrectly. Whenever the number 123 acres occurs in recommendations, facts or conclusions it should be changed to 143 acres. The diversion rate should likewise be changed to 2.48 (theoretical calculation).

Douglas Jones

SIGNATURE

The order approving the transfer should be revised

CC W.R. hardfile copy

MICROFILMED
FEB 25 1991

A37-11329 T# 3641

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]



View, looking south, of pump head and relation to tributary valley. Pump powered by tractor pto for open discharge to stream.

power take out

Close up of pump, pto hook up coupling in foreground, open discharge pipe pointing toward stream. Did NOT appear that there was any erosion from use (i.e. no gullies, washes or headcuts at stream bank).



Looking northwest from pump across & somewhat upstream of Deer Creek. Shows that little or no watering of Sec 26 land is possible from claimed use of pump (open discharge or stringing pipe toward northeast to higher ditch).

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FEB 26 1981

Deer Cr Ranch Transfer of A 37-11329

