

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20749
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

WOOD RIVER PROPERTIES INC Phone: (714)979-8300
O BOX 7250
NEWPORT BEACH CA USA 92658

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	18	SE NE NE	BLAINE	

5. Description of diverting works:

Golden Eagle pump station

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.02	3.5

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 3.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	SE	SW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

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.

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

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This right does not grant any right-of-way or easement across the land of another.

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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

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

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

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20749 V1

WATER RIGHT NUMBER: 37-20749 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208) 324-2303
Current Owner	GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC C/O SUN COUNTRY MANAGEMENT PO BOX 1932 KETCHUM, ID 83340
Original Owner	W T RILEY , ID
Directors Report Owner	WOOD RIVER PROPERTIES INC PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.020 CFS	3.50 AF
	<u>Total Diversion:</u>	0.020 CFS	3.50 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, 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	18E	7												1.0					1.0

Total Acres: 1

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20749 V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. R05 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. X60 Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.
6. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028, 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:Comments:

1. scurtis 6/19/2003 11:21:52 AM Transferred Right
 Comment: This is now a approved transfer, transfer number = 70090

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number: 37
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 3.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See below.
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** The combined-use condition should be modified to reflect the various splits of 37-30030, leaving 8.8 acres on Golden Eagle under 37-22060. No reference should be made to Timber Gulch since these rights were split off and now stand on their own.

COPY

DICTIONARY
TWIN FALLS, IDAHO
FILED
2008 FEB 8 PM 12:03

**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	)	Subcase No. 37-153A, 37-154C,
	)	37-364D, 37-2627C, 37-2632,
Case No. 39576	)	37-14260A, 37-20749, 37-22060
	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

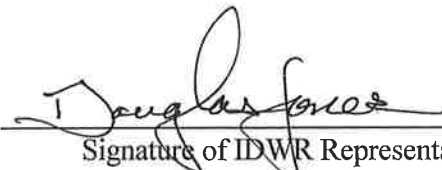
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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 *Amended 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: 1/22/08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/6, 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:

1. Original to:

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

2. 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

Golden Eagle Ranch Homeowners Assn Inc
c/o Sun Country Management
PO Box 1932
Ketchum ID 83340

Albert Barker
Barker Rosholt & Simpson
PO Box 2139
Boise ID 83701

Brian Ballard
Hawley Troxell Ennis & Hawley
PO Box 1617
Boise ID 83701-1617

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise ID 83701

Rinker Co
Wood River Properties
PO Box 7250
Newport Beach CA 92658

Glenn B Gould Family Partnership
1876 E 4300 N
Buhl ID 83316

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Craig Hobdey
PO Box 176
Gooding ID 83330



Signature of person or attorney mailing the form

01/15/2008

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

RIGHT NUMBER: 37-20749

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
3.50 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.020 CFS 3.50 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 1.00

1 ACRES TOTAL

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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.

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

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

This right does not grant any right-of-way or easement across the land of another.

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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



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

February 6, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GOLDEN EAGLE RANCH HOMEOWNERS ASSN INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

RE: SRBA Claim(s) 37-153A, 37-154C, 37-364D, 37-2627C,
37-2632, 37-14260A, 37-20749, 37-22060

Dear Claimants:

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: Brian Ballard
Rinker Co. & Wood River Properties
James P. Speck
Albert Barker
Scott Campbell
Glenn B. Gould Family Partnership
Craig Hobdey

RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Adj 37-154C			Adj 37-2632		
Adj 37-364D			Adj 37-153A		
37-14260A			LLC 37-8854		
37-20749			37-8881		
37-22060					
37-2627C					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) The Rinker Company

Wood River Properties, Inc.

Golden Eagle LLC

4. New Owner/Claimant(s) Golden Eagle Ranch Homeowners Association, Inc.

Name Connector (Check one): ☐ and ☐ or, ☐ and/or

New Mailing Address c/o Sun Country Management, P.O. Box 1932

City, State and ZIP Code Ketchum, ID 83340

New Telephone Number (208) 726-3858 Email: sunco1007@cox-internet.com

SCANNED

JAN 06 2008

5. Date you acquired the property 1/2/97 and 10/2/07 (see attached)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) By: Golden Eagle Ranch Homeowners Association, Inc.
Timothy Harris, Pres. (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Receipted by [Signature]
 Processed by AJ

Date 12.31.07
 Date 12.31.07
 Date

Receipt Amt \$50.00
 Receipt No C085605
 WR Date

Recording Requested By and
When Recorded Return to:
Brian L. Ballard
Hawley Troxell Ennis & Hawley LLP
P O. Box 1617
Boise, Idaho 83701

Instrument # 552048

HAILEY, BLAINE, IDAHO
2007-10-02 04:15:00 No. of Pages: 3
Recorded for : HAWLEY, TROXELL, ENNIS
JOLYNN DRAGE Fee: 9.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

ympp

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

CORRECTION AND QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, **THE RINKER COMPANY**, a California corporation, **WOOD RIVER PROPERTIES, INC.**, a California corporation, and **GOLDEN EAGLE LLC**, a California limited liability company (collectively, "**GRANTORS**"), do hereby assign, transfer, release and forever quitclaim unto **GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC.**, an Idaho nonprofit corporation ("**GRANTEE**"), whose address is c/o Sun Country Management, P.O. Box 1932, Ketchum, Idaho 83340, all right, title and interest Grantors may have, if any, in and to the following described water rights, identified by the following water right numbers:

#37-154C
#37-364D
#37-14260A
#37-20749
#37-22060
#37-2627C
#37-2632
#37-153A
#37-8854
#37-8881

Said water rights are conveyed without warranty or representation by Grantors, as the same may be a part of the Water System located within **GOLDEN EAGLE RANCH SUBDIVISION**, according to the Official Plat thereof, recorded on the January 2, 1997, as Instrument No. 397902, Official Records, Blaine County, Idaho and **GOLDEN EAGLE RANCH II SUBDIVISION**, according to the Official Plat thereof, recorded on the February 1, 2001, as Instrument No. 447435, Official Records, Blaine County, Idaho.

This Correction and Quitclaim Deed and Assignment is made to correct the ownership records of the Idaho Department of Water Resources and to clarify ownership of the above described water rights, pursuant to that certain **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH SUBDIVISION**, recorded January 2, 1997, as Instrument No. 397903, Official Records, Blaine County, Idaho ("**Master Declaration**"), and that certain **SUPPLEMENTAL DECLARATION OF ANNEXATION TO GOLDEN EAGLE RANCH SUBDIVISION AND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH II SUBDIVISION AND ACKNOWLEDGEMENT AND CONSENT**, recorded January 31, 2001, as Instrument No. 447431, Official Records, Blaine County, Idaho ("**Supplemental Declaration**"), as such Master Declaration and Supplemental Declaration have been amended. This Correction and Quitclaim Deed and Assignment is made pursuant to Article 8 (Water System) of the Master Declaration, in particular Section 8.1 thereof, which provides, among other things,

that all water rights related to the Water System shall be owned only by the Association, and not individual Owners

Executed this 6th day of September, 2007.

THE RINKER COMPANY,
a California corporation

By: [Signature]
Harry S. Rinker, President

WOOD RIVER PROPERTIES, INC.
a California corporation

By: [Signature]
Harry S. Rinker, President

GOLDEN EAGLE LLC,
a California limited liability company

By: **Wood River Properties, Inc.,**
a California corporation, Member
By: [Signature]
Harry S. Rinker, President

State of California }
County of Orange } ss

On this 6th day of September 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be the president of THE RINKER COMPANY and the president of WOOD RIVER PROPERTIES, INC., the corporations that executed the instrument or the person who executed the instrument on behalf of said corporations, and acknowledged to me that such corporations executed the same

WITNESS my hand and official seal



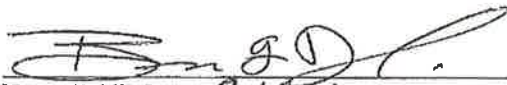
[Signature]
Notary Public for California
Residing at Orange County
My commission expires April 9, 2008

State of California }
County of Orange } ss

On this 6th day of September, 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be President of Wood River Properties, Inc., the member of the limited liability company of GOLDEN EAGLE LLC, and the member who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

WITNESS my hand and official seal.




Notary Public for California
Residing at Orange County
My commission expires April 9, 2008



RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
(208) 344-6000 Fax (208) 342-3829
www.hteh.com

GARRETT MAUGHAN
LEGAL ADMINISTRATIVE ASSISTANT
EMAIL: GMAU@HTEH.COM
DIRECT DIAL: (208) 388-4883

December 28, 2007

VIA HAND DELIVERY

Jeff Peppersack
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: *Notice of Change in Water Right Ownership and Assignment of Permit*

Dear Jeff,

Per our telephone conversation regarding the above referenced matter, please find enclosed our Notice of Change in Water Right Ownership with attached Correction and Quitclaim Deed and Assignment. Also enclosed is our check in the amount of \$50.00 for filing fees (\$25.00 each for Water Right Nos. 37-8854 and 37-8881.) Please review the attached Deed and verify that the language is sufficient for the assignment of permit of Water Right No. 37-8881.

If there are any questions or concerns, please contact me directly.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Garrett Maughan
Assistant to Brian Ballard

Enclosures

SCANNED

JAN 08 2008

42149.0001.1117394.1

11/22/2006

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

RIGHT NUMBER: 37-20749

NAME AND ADDRESS: WOOD RIVER PROPERTIES INC
PO BOX 7250
NEWPORT BEACH CA 92658

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
3.500 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.020 CFS 3.50 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 1.00

1 ACRES TOTAL

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

11/22/2006

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

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.

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

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

This right does not grant any right-of-way or easement across the land of another.

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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



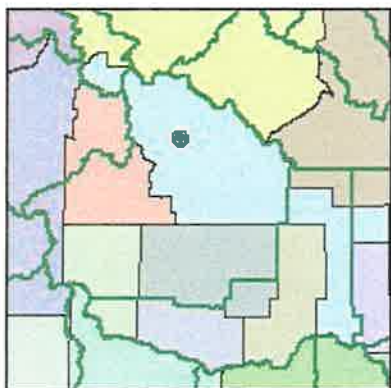
Idaho Department of Water Resources

SRBA Recommendation:

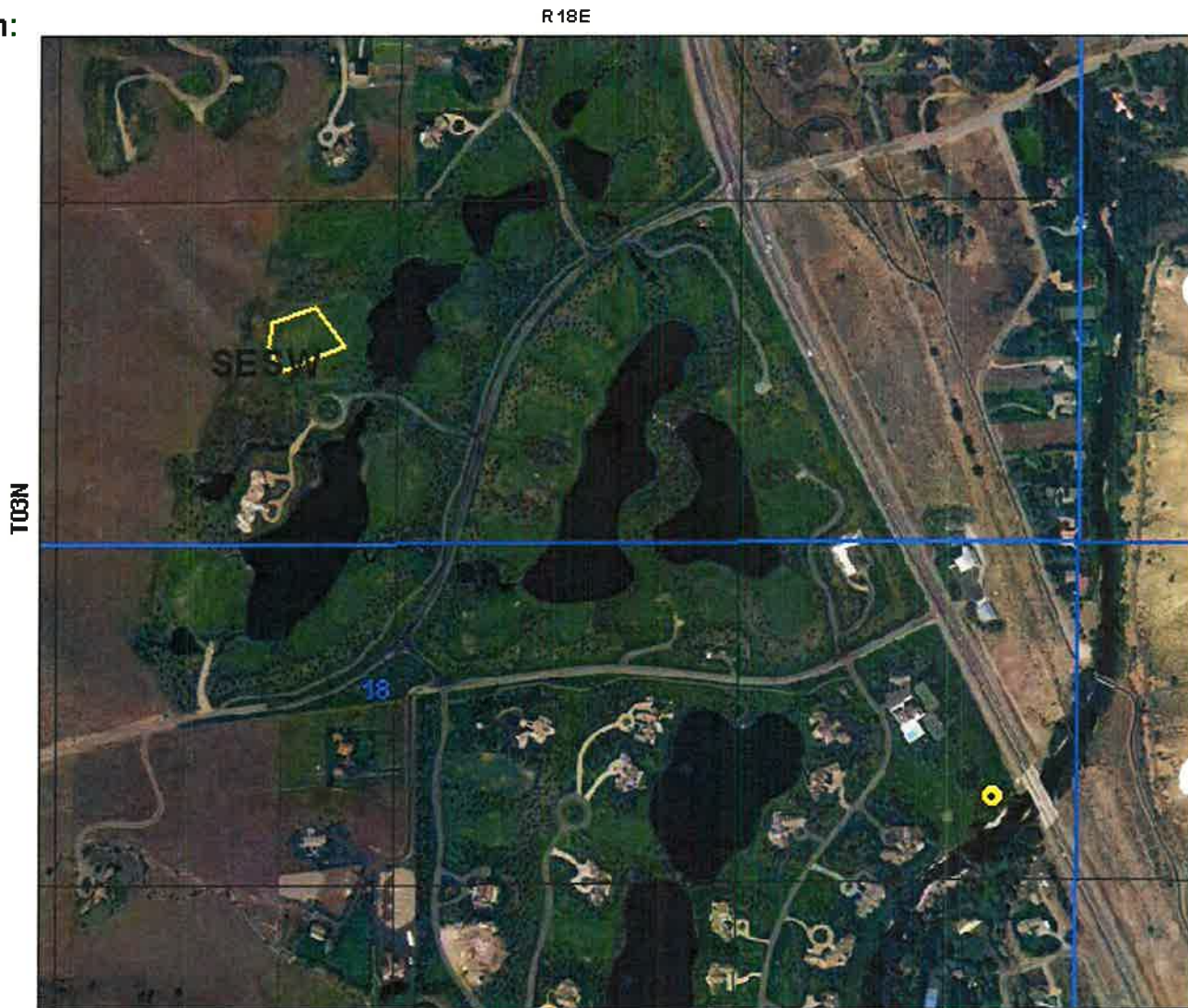
37-20749

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

A scale bar showing distances of 0, 0.3, and 0.6 miles.

Prepared by N. Erickson
On Wednesday, November 22, 2006
2004 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70090

This is to certify that: HARRY S RINKER
RINKER COMPANY
PO BOX 7250
NEWPORT BEACH CA 92658 7250
(714)979-8300

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-30030	AJC/Decreed	03/24/1883	0.36 cfs	84 af		24.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

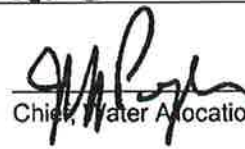
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-30030	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-30030	37-20749	0.02 cfs	3.5 af	N/A	1.0	37-20748	0.34 cfs	80.5 af	N/A	23.0
COMBINED										
TOTALS		0.02 cfs	3.5 af	N/A	1	²⁰⁷⁵⁰	²⁰⁷⁵¹ N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of June, 2003

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20748
As Modified by Transfer No. 70090

In accordance with the approval of Transfer No. 70090, Water Right No. 37-20748 is now described as follows.

Right Holder: RINKER CO
 PO BOX 7250
 NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.34 CFS	80.5 AF
			0.34 CFS	80.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NENE Sec. 18 Twp 03N Rge 18E 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					
03N	18E	7																23.0	

Total Acres: 23

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right does not grant any right-of-way or easement across the land of another.
5. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
6. Use of water under Right 37-20748 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

WATER RIGHT NO. 37-20748
As Modified by Transfer No. 70090

CONDITIONS OF APPROVAL

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

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

Dated this 19 day of June, 2003

For:  Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20749

As Modified by Transfer No. 70090

In accordance with the approval of Transfer No. 70090, Water Right No. 37-20749 is now described as follows.

Right Holder: WOOD RIVER PROPERTIES INC
PO BOX 7250
NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.02 CFS	3.5 AF
			0.02 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SENENE Sec. 18 Twp 03N Rge 18E 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	18E	7																	1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.
2. 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.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. This right does not grant any right-of-way or easement across the land of another.
6. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

WATER RIGHT NO. 37-20749

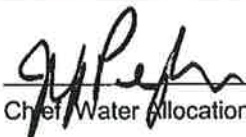
As Modified by Transfer No. 70090

CONDITIONS OF APPROVAL

7. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028, 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
8. Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 19 day of June, 20 03



for Chief Water Allocation Bureau

01/15/2008

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

RIGHT NUMBER: 37-153A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GREENHORN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.740 CFS

PRIORITY DATE: 09/01/1885

POINT OF
DIVERSION:

T03N R18E S18 SWSWNE Within BLAINE County
T03N R18E S18 NESWNW 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	4.740 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S18	NENE	12.00	T03N R18E S18	NWNE	20.00
T03N R18E S18	SWNE	32.00	T03N R18E S18	SENE	18.00
T03N R18E S18	NESE	16.00	T03N R18E S18	NWSE	15.00

113 ACRES TOTAL

Right Nos. 37-153A, 37-154C, 37-2627C and 37-2632 are limited to the
irrigation of a combined total of 142.4 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/15/2008

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

RIGHT NUMBER: 37-154C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.850 CFS
756.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.

PRIORITY DATE: 12/13/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County
T03N R18E S32 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	6.000 CFS 257.60 AFY
AESTHETIC	01/01 12/31	6.000 CFS 257.60 AFY
IRRIGATION	04/15 10/31	2.850 CFS 498.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	SESW	12.20	T03N R18E S07	SWSE	8.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENE	15.90
T03N R18E S18	NWNE	25.70	T03N R18E S18	SWNE	24.10
T03N R18E S18	SENE	13.50	T03N R18E S18	NENW	12.90
T03N R18E S18	SENW	2.10	T03N R18E S18	NESE	12.60
T03N R18E S18	NWSE	11.90	T03N R18E S18	SWSE	0.40
T03N R18E S18	SESE	0.30			

RECREATION in BLAINE County

T03N R18E S32 SENW

AESTHETIC in BLAINE County

T03N R18E S32 SENW

142.4 ACRES TOTAL

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.

01/15/2008

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

RIGHT NUMBER: 37-364D

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.240 CFS
56.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE 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	0.240 CFS 56.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S07 SWSE 16.00

16 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

Use of water under Right 37-00364D may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

01/15/2008

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

RIGHT NUMBER: 37-2627C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.150 CFS
183.60 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.

PRIORITY DATE: 12/09/1959

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION STORAGE	01/01 12/31	144.00 AFY
IRRIGATION	04/15 10/31	0.790 CFS 137.60 AFY
DIVERSION TO STORAGE	01/01 12/31	1.150 CFS 46.00 AFY
AESTHETIC STORAGE	01/01 12/31	144.00 AFY
RECREATION STORAGE	01/01 12/31	144.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	3.80	T03N R18E S07	SWSE	24.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENW	8.70

RECREATION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

AESTHETIC STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

39.3 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

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

The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

01/15/2008

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

RIGHT NUMBER: 37-2632

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.300 CFS
402.50 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.

PRIORITY DATE: 03/29/1960

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	2.300 CFS
AESTHETIC STORAGE	01/01 12/31	142.00 AFY
RECREATION STORAGE	01/01 12/31	142.00 AFY
IRRIGATION	04/15 10/31	1.940 CFS 339.50 AFY
FIRE PROTECTION STORAGE	01/01 12/31	142.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	8.40	T03N R18E S18	NENE	13.80
T03N R18E S18	NWNE	22.20	T03N R18E S18	SWNE	17.90
T03N R18E S18	SENE	9.20	T03N R18E S18	NENW	4.20
T03N R18E S18	SENW	1.50	T03N R18E S18	NESE	9.90
T03N R18E S18	NWSE	9.40	T03N R18E S18	SWSE	0.30
T03N R18E S18	SESE	0.20			

RECREATION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

AESTHETIC STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

97 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point in a manner that will provide the watermaster suitable control of the diversions.

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

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.

01/15/2008

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

RIGHT NUMBER: 37-14260A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS
15.40 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 NENE 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	0.080 CFS 15.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 4.40

4.4 ACRES TOTAL

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under Right 37-30028 may be affected by an agreement between the protestant of Transfer 4826 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of this approval.

01/15/2008

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

RIGHT NUMBER: 37-22060

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.127 CFS
30.40 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE 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	0.127 CFS 30.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	NWSE	8.20	T03N R18E S07	SESE	0.50
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8.7 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right is a split from former right 37-20750.

This right does not grant any right-of-way or easement across the land of another.