

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-08304
Exam Dates: 7/31/1990
10/1/2015

1. Current Owner:
HELIOS DEVELOPMENT LLC C/O DDRM GREATPLACE
PO BOX 4151 PARK CITY UT 84060 (435) 655-3288
2. Accompanied by: Steve Cole (Manager), Corey Skinner (IDWR Agent)
Relationship to Permit Holder: Manager

3. **SOURCE:**
WARM SPRINGS CREEK

TRIBUTARY:
BIG WOOD RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-4337
2. Other water rights with the same point-of-diversion: 37-212A, 37-4337, and 37-20381

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

WARM SPRINGS CREEK NW¼SW¼SW¼ Sec. 12, Twp 04N, Rge 17E, B.M. BLAINE County

Method of Determination: Field verification and Aerial photography

2.

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12											X						

AESTHETIC same as FISH PROPAGATION

Method of Determination: Field verification and Aerial photography

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒

☒

Aerial Photo Attached (required for irrigation of 10+ acres).

☒

Photo of Diversion and System Attached

4. Well or Diversion ID No.* Farnlum Canal #6**D. FLOW MEASUREMENTS**

Partially completed 1990 exam notes indicate approximately 0.55 feet over a 2 foot cipolletti weir = 2.75 cfs

2015 exam indicated approximately 0.50 feet high water mark over a 2 foot cipolletti weir = 2.38 cfs

Water master's 1989 delivery records indicatd 0.5 to 1.7 cfs

Permit issued for 1.0 cfs so only allow 1.0 cfs

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Partially completed 1990 exam notes indicate approximately 0.55 feet over a 2 foot cipolletti weir = 2.75 cfs

2015 exam indicated approximately 0.50 feet high water mark over a 2 foot cipolletti weir = 2.38 cfs

Water master's 1989 delivery records indicatd 0.5 to 1.7 cfs

Permit issued for 1.0 cfs so only allow 1.0 cfs

F. VOLUME CALCULATIONS**1. Volume Calculations for Flow:**

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days delivered in season}) \times 1.9835 =$$

$$1.0 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 724.0 \text{ af}$$

Recommend 1.0 cfs and 724.0.0 af.

G. NARRATIVE/REMARKS/COMMENTS

Application for Permit 37-8304 was filed on August 18, 1987 by Patrick E. Simpson for 6.0 cfs for Fish Propagation and Aesthetics uses. On July 27, 1989 Patrick E. Simpson submitted a request to reduce permit application to 1.0 cfs instead of the 6.0 cfs originally applied for. Permit 37-8304 was approved December 14, 1989 for 1.0 cfs for Fish Propagation and Aesthetic uses. Proof of Beneficial Use was due on or before October 1, 1992. Proof of Beneficial Use was submitted by Patrick E. Simpson on January 25, 1990. A Beneficial Use Field exam was conducted on July 31, 1990 and a report was drafted but not completed. Mr. Simpson filed an Assignment of Permit to Sun Valley Ventures LLC on December 28, 2004. Then on September 11, 2006 Sun Valley Ventures LLC filed an Assignment of Permit to Whitetail, A Club for All Seasons, LLC. Once again on December 5, 2007 an Assignment of Permit was filed for permit 37-8304 from Whitetail, A Club for All Seasons, LLC to the current owner Helios Development LLC.

37-8304 Narrative

Application for Permit 37-8304 was filed on August 18, 1987 by Patrick E. Simpson for 6.0 cfs for Fish Propagation and Aesthetics uses. On July 27, 1989 Patrick E. Simpson submitted a request to reduce permit application to 1.0 cfs instead of the 6.0 cfs originally applied for. Permit 37-8304 was approved December 14, 1989 for 1.0 cfs for Fish Propagation and Aesthetic uses. Proof of Beneficial Use was due on or before October 1, 1992. Proof of Beneficial Use was submitted by Patrick E. Simpson on January 25, 1990. A Beneficial Use Field exam was conducted on July 31, 1990 and drafted on August 10, 1990 but not completed. Mr. Simpson filed an Assignment of Permit to Sun Valley Ventures LLC on December 28, 2004. Then on September 11, 2006 Sun Valley Ventures LLC filed an Assignment of Permit to Whitetail, A Club for All Seasons, LLC. Once again an Assignment of Permit was filed for permit 37-8304 from Whitetail, A Club for All Seasons, LLC to the current owner Helios Development LLC.

On October 1, 2015 Corey Skinner and I met with the property manager Steve Cole to conduct a beneficial use field exam for permit 37-8304. Mr. Cole gave us a brief description of the property and the location of the headgate, the diversion system, location of the ponds, and where the water returned to Warm Springs Creek along with their measuring device. We walked the property and verified the diversion works which consisted of a cement structure with a 15" head gate into a 12' wide 3'deep ditch that varied in size as it meandered through the property to remnants of 3 ponds of different sizes. Then we followed the ditch as it continued through the property to where the water was measured before returning to Warm Springs Creek. The measuring device is a flat plate 2' Cipolletti weir with a high water mark measured at approximately 6". The original field exam that was conducted on August 10, 1990 by Gary Funderburg, made the following observation. The 2' Cipolletti weir measured approximately 6.6". The three pond sizes were, #1) 100' X 50' X 6', #2) 80' X 30' X 3', #3) 40' X 20' X 3', in size. Water is diverted from Warm Springs Creek through the headgate into a ditch to each of the ponds. The ditch continued past the Restaurant and returned back to Warn Springs Creek. During our site visit in 2015 we observed that the restaurant is no longer in existence. However it was evident that there was a diversion system, headgate, ditches, ponds, and measuring device as stated above. In the affidavit of Patrick Simpson, he testifies of the historical use of the water for the ponds and Restaurant. The ponds were stocked with Rainbow and California Golden trout for their customers to catch and the Restaurant would cook the fish for them. Several years later the ponds were stocked solely for the aesthetic purposes and enjoyment of their guests.

The three ponds mentioned above have a total combined capacity of 0.93 ^{af} ~~AF~~. Helios Development LLC currently has a decreed water right, 37-4337 for Aesthetic Storage 1.4 ^{af} ~~AF~~. Therefore the capacity of the three ponds for license 37-8304 is already covered under decreed water right 37-4337 allowed volume of 1.4 ^{af} ~~AF~~. We contacted Kevin Lakey watermaster for water district 37 and he provided water delivery ^{af} records during the development period for permit 37-8304 in 1989. These records indicate that 1.0 cfs or more was delivered for 84 days and that 0.5 cfs was delivered for 72 days. This measurement is the basis for determining the amount of flow and acre feet allowed for license 37-8304. Therefore it recommended that permit 37-8304 be licensed for 1.0 cfs and a volume of 235.0 af. ✓

Permit 37-8304



Remnants of a Pond



Field Exam 37-8304

Permit 37-8304

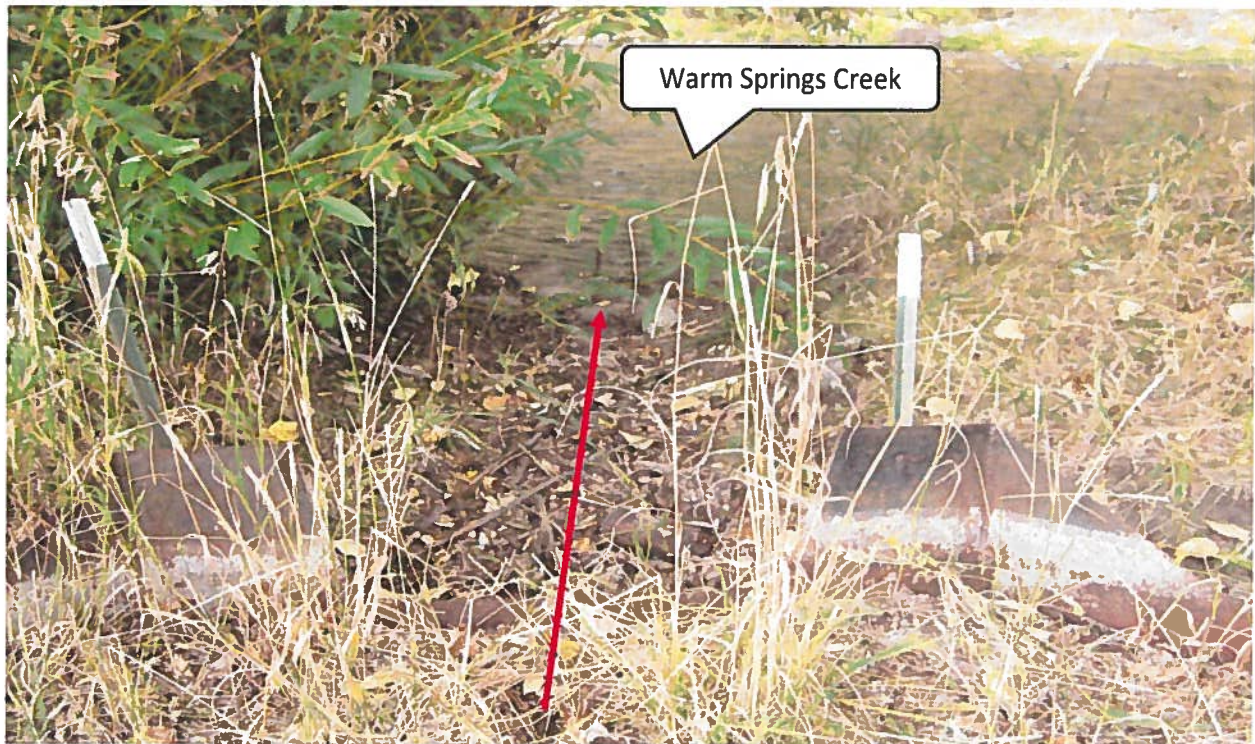


Remnants of Ponds



Field Exam 37-8304

Permit 37-8304



Measuring device 2' Cipolletti Weir



NWSW

Poin of Diversion

Place of Use

12

04N17E

SWSW

Field Exam 37-8304

Field Exam 37-8304



WATER DISTRICT #37 & 37-H

WATER DISTRICT #37 & 37-H

CANAL NAME FARNLUH CANAL NUMBER 6 1989

CANAL NAME FARNLUH CANAL NUMBER 06-PE 1989

OWNER PATRICK SIMPSON

OWNER PATRICK SIMPSON

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1		1.00	1.00	1.70	0.50	0.50	1
2		1.00	1.00	1.70	0.50	0.50	2
3		1.00	1.00	1.70	0.50	0.50	3
4		1.00	1.00	1.70	0.50	0.50	4
5		1.00	1.00	1.70	0.50	0.50	5
6		1.00	1.00	1.70	0.50	0.50	6
7		1.00	1.00	1.70	0.50	0.50	7
8		1.00	1.00	1.70	0.50	0.50	8
9		1.00	1.00	1.60	0.50	0.50	9
10		1.00	1.00	1.60	0.50	0.50	10
11		1.00	1.00	1.60	0.50	0.50	11
12		1.00	1.00	1.60	0.50	0.50	12
13		1.00	1.00	1.60	0.50	0.50	13
14		1.00	1.00	1.60	0.50	0.50	14
15		1.00	1.00	1.60	0.50	0.50	15
16		1.00	1.00	1.60	0.50	0.50	16
17		1.00	1.00	1.60	0.50	0.50	17
18		1.00	1.00	1.60	0.50	0.50	18
19		1.00	1.00	1.60	0.50	0.50	19
20		1.00	1.00	1.60	0.50	0.50	20
21		1.00	1.00	0.50	0.50	0.50	21
22		1.40	1.00	0.50	0.50	0.50	22
23		1.40	1.00	0.50	0.50	0.50	23
24		1.40	1.00	0.50	0.50	0.50	24
25		1.40	1.00	0.50	0.50	0.50	25
26		1.00	1.00	0.50	0.50	0.50	26
27		1.00	1.00	0.50	0.50	0.50	27
28	1.00	1.00	1.00	0.50	0.50	0.50	28
29	1.00	1.00	1.00	0.50	0.50	0.50	29
30	1.00	1.00	1.70	0.50	0.50	0.50	30
31		1.00		0.50	0.50		31
TOTAL	3.00	32.60	50.70	38.30	15.50	15.00	

YEARLY C.F.S. 135.10

YEARLY ACRE FEET 267,498

TOTAL NO. OF DAYS 156

YEARLY MEAN 0.87

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1			0.50	0.50	0.50	0.50	1
2			0.50	0.50	0.50	0.50	2
3			0.50	0.50	0.50	0.50	3
4			0.50	0.50	0.50	0.50	4
5			0.50	0.50	0.50	0.50	5
6			0.50	0.50	0.50	0.50	6
7			0.50	0.50	0.50	0.50	7
8			0.50	0.50	0.50	0.50	8
9			0.50	0.50	0.50	0.50	9
10			0.50	0.50	0.50	0.50	10
11			0.50	0.50	0.50	0.50	11
12		0.50	0.50	0.50	0.50	0.50	12
13		0.50	0.50	0.50	0.50	0.50	13
14		0.50	0.50	0.50	0.50	0.50	14
15		0.50	0.50	0.50	0.50	0.50	15
16		0.50	0.50	0.50	0.50	0.50	16
17		0.50	0.50	0.50	0.50	0.50	17
18		0.50	0.50	0.50	0.50	0.50	18
19		0.50	0.50	0.50	0.50	0.50	19
20		0.50	0.50	0.50	0.50	0.50	20
21		0.50	0.50	0.50	0.50	0.50	21
22		0.50	0.50	0.50	0.50	0.50	22
23		0.50	0.50	0.50	0.50	0.50	23
24		0.50	0.50	0.50	0.50	0.50	24
25		0.50	0.50	0.50	0.50	0.50	25
26		0.50	0.50	0.50	0.50	0.50	26
27		0.50	0.50	0.50	0.50	0.50	27
28		0.50	0.50	0.50	0.50	0.50	28
29		0.50	0.50	0.50	0.50	0.50	29
30		0.50	0.50	0.50	0.50	0.50	30
31		0.50		0.50	0.50		31
TOTAL	0.00	10.00	15.00	15.50	15.50	15.00	

YEARLY C.F.S. 71.00

YEARLY ACRE FEET 140.58

TOTAL NO. OF DAYS 142

YEARLY MEAN 0.50

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

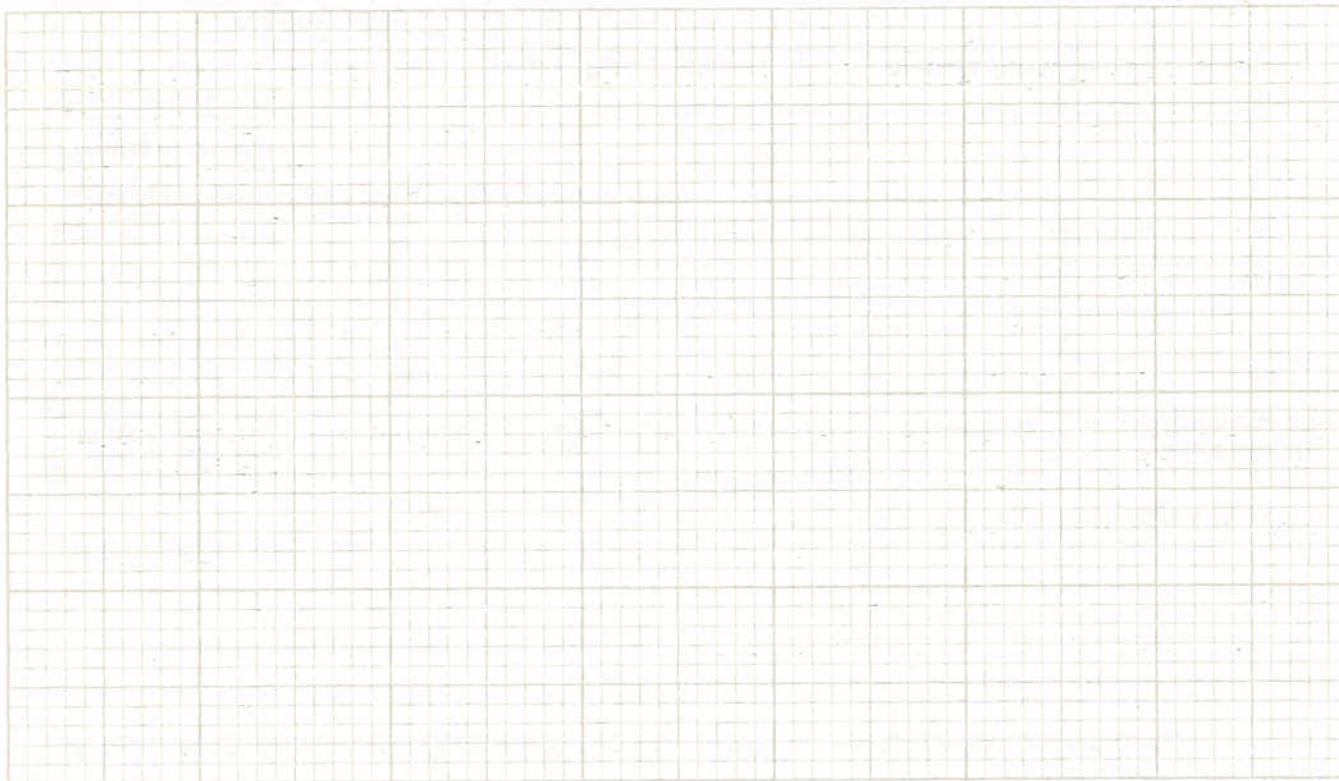
1. Owner: Patrick E. Simpson Permit No. 27-08304.
Current Address: Bx 1234 Ketchum Ida 83340 Phone No. _____
2. Accompanied by: Patricia & Mike Simpson EXAM. DATE: 7/31/90
Address: _____ Phone No. _____
Relationship to Permit Holder: Owner
3. Source: Wampus Cr. tributary to Big Wood River

B. OVERLAP REVIEW

1. Other water rights with same place of use: no ☐ Copies Attached
2. Other water rights with same point of diversion: no ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____.

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water runs thru head ditch then is diverted into the Fish Ponds and runs into a small creek beside the restaurant and returns back to the Wood River.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	SW	12	4N	17E		

6. Place(s) of Use:

Indicate Method of Determination _____

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	
4N	17E	12																	
4N	17E	12																	

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Orifice: Water 2' - Reading .55 = 2.75 cfs.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$(345 \text{ Days}) (1.9835) (1.0) = 327.723.9$
 $(345 \text{ Days}) (0.81 \text{ Ac Ft}) =$
 297.0 Ac Ft ANN

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Ponds size $100' \times 50' \times 6' = 30000 = 0.69$

$80 \times 30 \times 3' = 7200 = 0.16$

$40 \times 20 \times 3' = 2400 = 0.06$

.81 Ac Ft

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Aesthetics</u>	<u>Jan 1</u>	<u>Dec 31</u>	<u>1.0</u>	<u>297.0</u>
<u>Fish Prop.</u>	<u>Jan 1</u>	<u>Dec 31</u>	<u>1.0</u>	<u>297.0</u>
Totals:				<u>297.0</u>

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

FWINDERBORG GARY

Signature

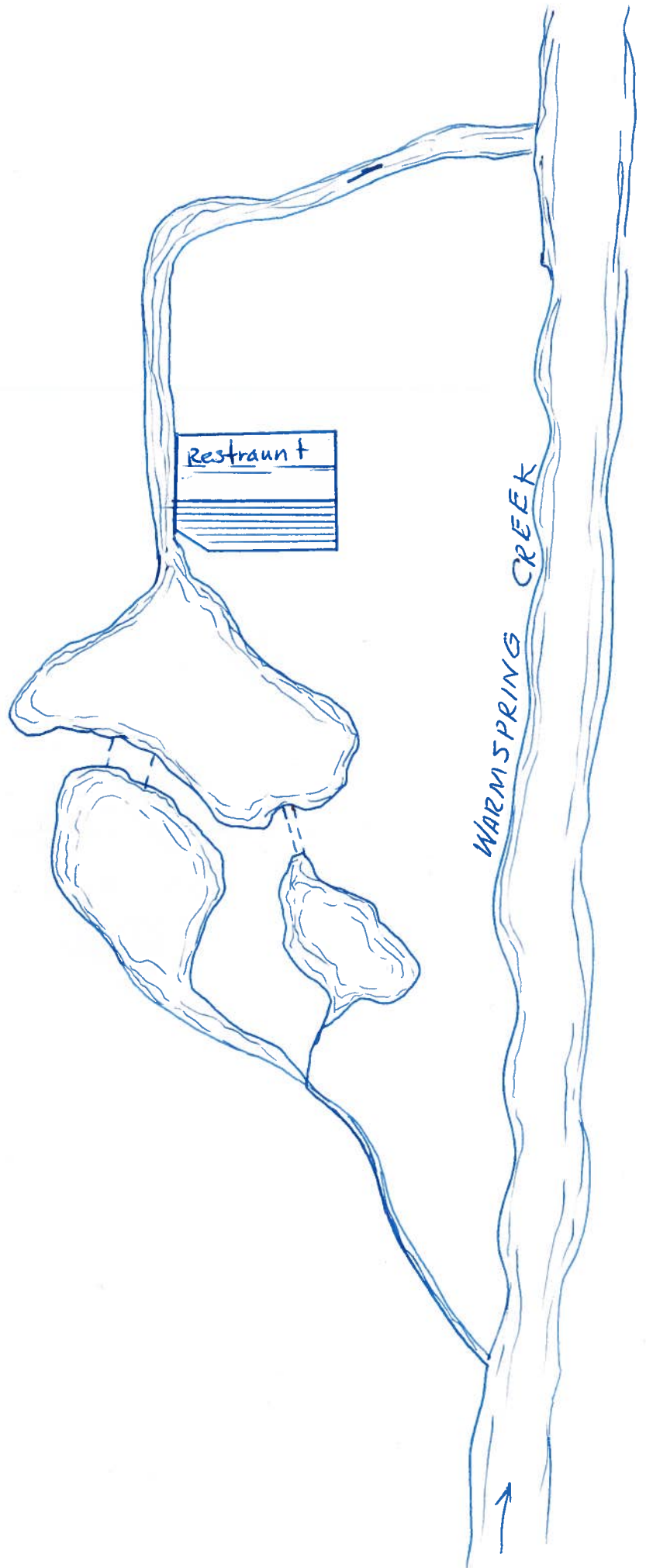
Gary Fwinderborg

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



Simpson, Patrick E. 37-8308



Large pond
Near the
Restraunt.



19 Pond w/ Fish at the
Restraunt.

Simpson, Patrick E, 37-8304



Ponds & Ditches
surrounding the Property.
for Aesthetics.



Simpson, Patrick E. 37-8304

Inlet Headgate



Outlet
Measuring
Device
Near
Warm Springs
Cr.



Edward A. Lawson, ISB No. 2440
 James R. Laski, ISB No. 5429
 Kirstin K. Dutcher, ISB No. 6762
LAWSON & LASKI, PLLC
 675 Sun Valley Road, Suite A
 P.O. Box 3310
 Ketchum, ID 83340
 Telephone: (208) 725-0055
 Facsimile: (208) 725-0076

Attorneys for Helios Development, LLC

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

)
)
)
)
)
)

**Water Right Nos. 37-212A, 37-2621,
 37-4337, 37-11885 and 37-8304**

**AFFIDAVIT OF PATRICK
 SIMPSON**

STATE OF IDAHO,

)

) ss.

County of Blaine

)

PATRICK SIMPSON, being first duly sworn upon oath, deposes and states as follows:

1. My family owned and operated Warm Springs Ranch (the "Ranch") from 1952 through 2004. I managed the golf course for over twenty (20) years commencing in 1974 and I was involved in the management of the Ranch until 2004 and as such, I have personal knowledge of the facts stated herein. The Ranch holds several water rights for irrigation, fish propagation, aesthetic, recreation, wildlife and commercial purposes.

2. In or about 1952, my father built ponds for fish propagation. Water for the ponds was delivered using a head gate to divert water from Warm Springs' Creek into the ditch (*See* water right nos. 37-8304 and 37-4337). When we owned the Ranch, we used the ponds year-

AFFIDAVIT OF PATRICK SIMPSON - 1

Field Exam 37-8304

round and we stocked the ponds with about 100 Rainbow trout that were approximately 12 inches or longer. We also stocked about 100 California Golden trout that were approximately 16 to 18 inches. These fish came from the Hagerman Valley and was stocked annually.

3. In or about 1953, we opened Warm Springs Ranch Restaurant (the "Restaurant"). In those days, the ponds were the main attraction for the Restaurant because guests would catch fish and the Restaurant would cook the fish for them. In addition, the Restaurant would serve fish from the ponds. At that time, I was still a boy, but it was my job to catch the fish for the Restaurant. On a busy night there would be around 30 people fishing for their dinner.

4. Several years later, after the Ranch ceased allowing guests to catch their dinner, we continued to stock the ponds for raising and rearing fish and for aesthetic purposes. During the time we owned the Ranch, the aesthetics of the ponds were enjoyed by Ranch guests as they entered and exited the Restaurant and dined on the patio.

5. In or about 1961, the Restaurant operated using water from a well located on the Ranch (the "Restaurant Well"). See water right no. 37-11885. From 1961 through 1998, water from this well was used for commercial purposes in the Restaurant including: cooking, drinking and washing dishes, linens and cleaning the interior and exterior of the Restaurant. The Restaurant Well also provided water to the golf shop.

6. The Restaurant Well was also used for irrigation purposes for the area immediately surrounding the Restaurant.

7. The Ranch also has an irrigation system ("Irrigation System") for the golf course. The source of this Irrigation System is a combined water right which includes: Warm Springs' creek (37-212A), Rockwell Bypass (37-20381), and a spring (37-2621) located on the property ("Combined Water Right"). In addition to the main golf course pump, the system included two

smaller pumps, one located in pond #1 and one located in pond #3 on Exhibit A attached hereto. These pumps were used to irrigate the area of the Ranch to the north of Warm Springs creek (including the No. 9 Green and approach) as well as some portions of the golf course south of the creek. This irrigation system also irrigated land north of Warm Springs' creek.

8. In regards to the Rockwell Bypass, sometime in 1988 my family purchased, and 25 inches (.50 cfs) was transferred to the Ranch, through diversion NO 06-P which became part of the combined water right.

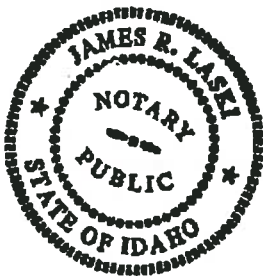
9. In regards to the spring water right which is part of the combined water right, during the 1960s through the 1980s there was a lot of water running from the spring. During the months of April, May and June there would be between 20 to 30 inches of water in the spring. However, sometime in the mid 1980s, when the drought started, the water from the spring decreased and would run only in May and June.

FURTHER YOUR AFFLIANT SAYETH NAUGHT.

Patrick E. Simpson
Patrick Simpson

STATE OF IDAHO)
) ss.
County of Blaine)

SUBSCRIBED AND SWORN before me this 22 day of March, 2009.



fore me this 22nd day of March, 2009.



Name: James B. Cook
Notary Public for Idaho
Residing at Blaine County
My commission expires Aug. 3, 2011

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of March, 2009, I caused to be served a true copy of the foregoing document by the method indicated below, and addressed to each of the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☒ Telecopy - (208) 287-6701

Kelly Christensen
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☒ Telecopy - (208) 334-2348

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☒ Telecopy - (208) 854-8072

Chris Bromley
Office of the Attorney General
PO Box 83720
Boise, ID 83720

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☒ Telecopy - (208) 287-6700

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☒ Telecopy - (208) 854-8072


Kirstin K. Dutcher

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

675 SUN VALLEY ROAD, SUITE A
P.O. BOX 3310
KETCHUM, ID 83340
PHONE: 208-725-0055
FAX: 208-725-0076

MULTIPLE PARTY FACSIMILE COVERSHEET

Date: 3/31/2009 Pages (including cover page): 5
File: 10612-002
To: Chris Bromley, Esq. Fax: (208) 287-6700
To: Kelly Christensen, Esq. Fax: (208) 334-2348
To: IDWR Document Depository Fax: (208) 287-6701
To: United States Department of Justice Fax: (208) 854-8072
To: Chief, Natural Resources Division Fax: (208) 854-8072

From: Deb Erickson, Assistant to Kirstin K. Dutcher

Re: *SRBA Case No. 39576*
Twin Falls County Subcase No. 37-11885

Comments:

Attached is the Affidavit of Patrick Simpson. Thank you.

ORIGINAL WILL:

BE SENT BY MAIL

BE SENT BY FEDEX/OVERNIGHT COURIER

BE SENT BY MESSENGER

X NOT BE SENT

CALL BACK: If the transmission to you was incomplete or not legible, please call the individual above listed at (208) 725-0055 or call the FAX operator at (208) 725-0055.

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I, Patrick E. Simpson, applicant for Permit Application 37-8304, do hereby request that the application be changed to show 1.0 cfs for fish propagation (non-commercial) and aesthetics instead of the 6.0 cfs originally applied for. This system consists of four small ponds containing 500 or fewer trout for the viewing enjoyment of our restaurant customers. The smaller flow will still provide sufficient oxygen to keep the fish alive. This permit will supplement our decreed rights so that no more than 1.0 cfs will run thru the ponds for these uses.

Patrick E. Simpson
7-27-1989

Patrick E. Simpson

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JUL 27 1989

Department of Water Resources
Southern Region Office

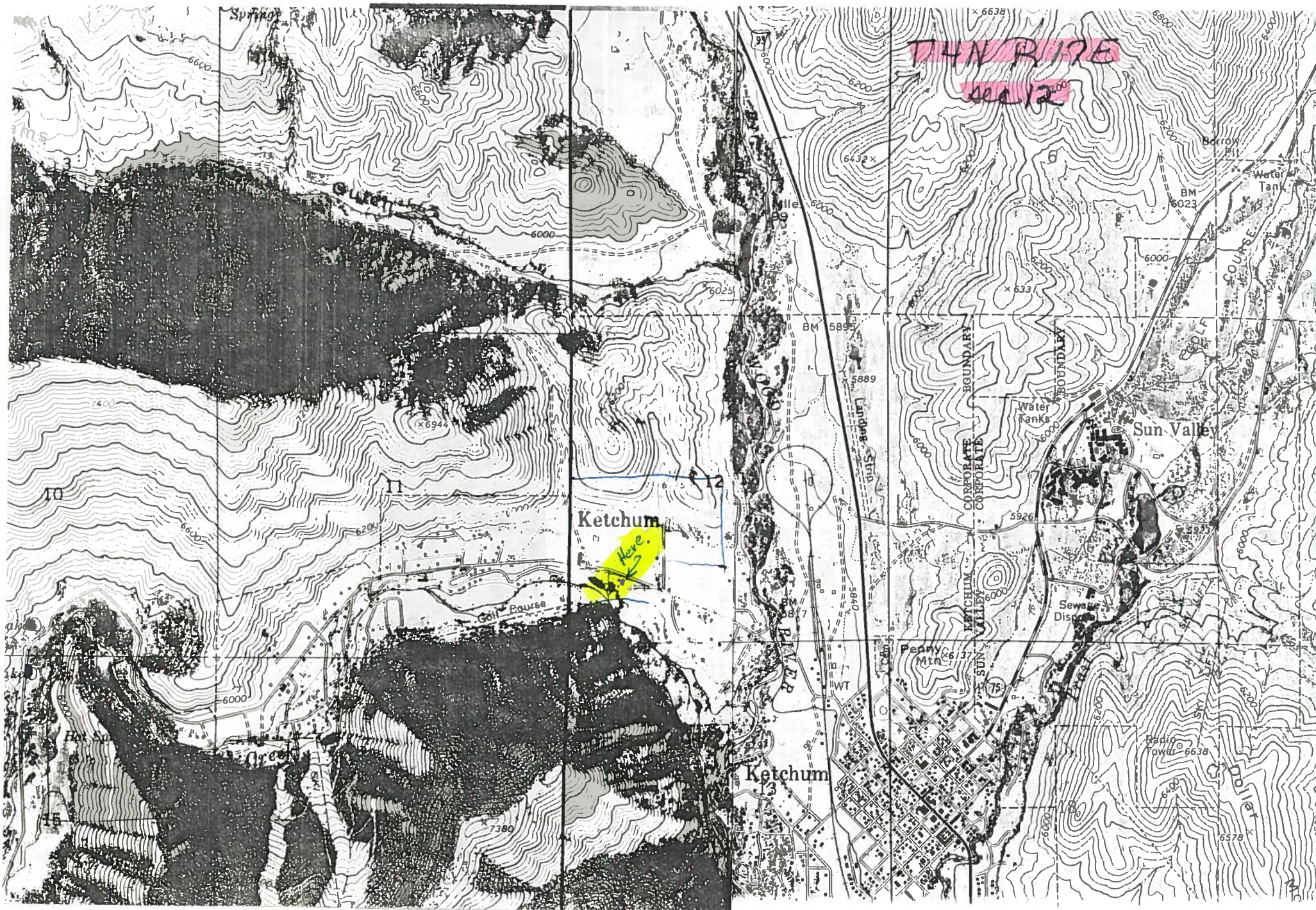
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Department of Water Resources

DEC 18 1989



HR4002NP
(00-22)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

DATE: 09/02/89
PAGE: 243

THP	RNG	SECT	TRACT	LOT	WATER USE CODE	WATER RIGHT NO.	LAST NAME	O	STG	PRIORITY DATE	POD FLAG	WATER SOURCE
			1 4 1 4 1 4					C				
04N	17E	12	NE NE	01.43		37-07731	GETZ	C	L	08/30/1978		GROUNDWATER
			SE NW NE	01.43		37-08398	FRUEHLING	C	P	09/19/1988		GROUNDWATER
			SW NE	46		37-08248	OLMSTEAD	C	L	09/20/1985		BIG HOOD RIVER
			SE SW NE	01.43		37-08431	CHARLES J. & FREDA	C	P	10/21/1988		GROUNDWATER
			SE SW NE	01.43		37-08435	MC CAH	C	P	10/24/1988		GROUNDWATER
			SE SW NE	01.43		37-08438	GROSSMAN	C	P	10/25/1988		GROUNDWATER
			SE SE	01.43		37-07926	MOORE	C	L	08/12/1981		GROUNDWATER
			SE NW	43		37-04014	HEMMINGWAY	C	S	09/15/1952		GROUNDWATER
			NW SW	01.04		37-07059	SCHERNTHANNER	C	L	03/11/1970		GROUNDWATER
			NW SW	43		37-07105	SCHERNTHANNER	C	L	06/22/1971		GROUNDWATER
			NW SW	10		37-07789	HEIDELBERG INN INC	C	P	07/30/1979		GROUNDWATER
			SW SW	01		37-02621	SIMPSON	C	L	08/06/1959		SPRING
			SW SW	19.52		37-04337	WARM SPRINGS RANCH	C	S	01/01/1952		WARM SPRINGS CREEK
			SW SW	01.43		37-08031	FOUR SEASONS HOME	C	L	06/24/1982		GROUNDWATER
			SW SW	19.52		37-08304	SIMPSON	C	A	08/18/1987		WARM SPRINGS CREEK
			SE SW	01.43		37-02569	GRUENER	C	L	05/06/1955		GROUNDWATER
			SE SW	01.43		37-04239	STEWART	C	S	07/01/1962		GROUNDWATER
			SE SW	01		37-07017	GRUENER	C	L	05/06/1968		GROUNDWATER
			SE SW	40		37-07682	CITY OF KETCHUM	C	P	10/07/1977		GROUNDWATER
			NE SE	40		37-04416	KETCHUM SPRING HAT	O	S	06/01/1962		GROUNDWATER
			NW SE	01		37-00833D	CITY OF KETCHUM	C				
							ROCKWELL	O	D	11/12/1936		BIG HOOD RIVER
							ANDERSON	C				
							ANDERSON	C				
			NW SE	40		37-07682	CITY OF KETCHUM	C	P	10/07/1977		GROUNDWATER
			SW SE	43		37-04316	RAMONA WATER CO.	C	S	01/01/1945		GROUNDWATER
			SW SE	40		37-04415	CITY OF KETCHUM	C	S	06/01/1962		GROUNDWATER
							KETCHUM SPRING HAT	O				
			SW SE	43.49		37-07397	KETCHUM PRESBYTERI	C	L	11/01/1974		GROUNDWATER
			SW SE	01		37-08202	CITY OF KETCHUM	C	A	01/29/1985		GROUNDWATER
			SW SE	40		37-08504	CITY OF KETCHUM	C	A	05/23/1989		GROUNDWATER
			SW SE	01.43.49		37-08269	NORTHWOOD INC.	C	P	04/11/1986		GROUNDWATER
13			NW NE	40		37-04415	CITY OF KETCHUM	C	S	06/01/1962		GROUNDWATER
							KETCHUM SPRING HAT	O				
			NW NE	01		37-07150	CITY OF KETCHUM	C	L	07/16/1972		GROUNDWATER
			NW NE	40		37-07682	CITY OF KETCHUM	C	P	10/07/1977		GROUNDWATER
			NE NW	52		37-04436	COX	C	S	11/01/1968		WARM SPRINGS CREEK
							COX	C				
			SE NW	34		37-07919	STATE OF IDAHO	C	P	06/19/1981		BIG HOOD RIVER
			SE NW	34.34		37-08258	STATE OF IDAHO	C	A	01/16/1986		BIG HOOD RIVER
			SE NW	34		37-08307	STATE OF IDAHO	C	A	10/16/1987		BIG HOOD RIVER
			NE SE	43.49		37-07097	LOOMIS	C	L	05/05/1971		GROUNDWATER
			NE SE	43		37-07959	DROUGAS	C	L	12/09/1981		GROUNDWATER
			NE SE	43		37-07235	MERRY	C	L	06/04/1973		GROUNDWATER
			NW SE	43		37-04107	ALFS	C	S	10/07/1957		GROUNDWATER
			NW SE	3	43	37-04028	FLEMING, JR.	C	S	04/01/1962		GROUNDWATER
			NW SE	3	43	37-07223	ALFS	C	L	04/26/1973		GROUNDWATER
			NW SE	3	43	37-07736	ALFS	C	L	09/21/1978		GROUNDWATER
			SE SE	01.43		37-04332	JANKOH	C	S	04/04/1962		GROUNDWATER

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(00-21)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

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TWP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE-CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE
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04N	17E	12	SE NW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
			NE SW	4.0	01		37-00158C	GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
								CRAMER	0	D	07/01/1881	BIG WOOD RIVER
								SEABOARD IDAHO INC	C			
			NE SW	13.0	01,43		37-02569	GRUENER	C	L	05/06/1955	GROUNDWATER
			NE SW	15.0	01		37-07017	GRUENER	C	L	05/06/1968	GROUNDWATER
			NE SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			NE SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			NW SW		01		37-00212	FARNLUN	C	D	06/23/1888	WARM SPRINGS CREEK
								FARNLUN	C			
			NW SW	18.0	01,04		37-07059	SCHERNTHANNER	C	L	03/11/1970	GROUNDWATER
			NW SW		43		37-07104	SCHERNTHANNER	C	L	06/22/1971	GROUNDWATER
								SCHERNTHANNER	C			
			NW SW		43		37-07105	SCHERNTHANNER	C	L	06/22/1971	GROUNDWATER
								SCHERNTHANNER	C			
			NW SW		10		37-07789	HEIDELBERG INN INC	C	P	07/30/1979	GROUNDWATER
			NW SW	1.0	01,43		37-08031	FOUR SEASONS HOME	C	L	06/24/1982	GROUNDWATER
			NW SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			NW SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			SW SW		01		37-00212	FARNLUN	C	D	06/23/1888	WARM SPRINGS CREEK
								FARNLUN	C			
			SW SW	5.0	01		37-02621	SIMPSON	C	L	08/06/1959	SPRING
			SW SW		19,52		37-04337	WARM SPRINGS RANCH	C	S	01/01/1952	WARM SPRINGS CREEK
			SW SW	5.0	01,04		37-07059	SCHERNTHANNER	C	L	03/11/1970	GROUNDWATER
			SW SW	1.0	01,43		37-08031	FOUR SEASONS HOME	C	L	06/24/1982	GROUNDWATER
			SW SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			SW SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			SW SW		19,52		37-08304	SIMPSON	C	A	08/18/1987	WARM SPRINGS CREEK
			SE SW		28		37-00573	RHODES, TRUSTEE	C	D	08/27/1882	WARM SPRINGS CREEK
			SE SW		01		37-00574	RHODES, TRUSTEE	C	D	05/30/1894	WARM SPRINGS CREEK
			SE SW	20.0	01,43		37-02569	GRUENER	C	L	05/06/1955	GROUNDWATER
			SE SW	2.0	01,43		37-04239	STEWART	C	S	07/01/1962	GROUNDWATER
								STEWART	C			
			SE SW	2.0	01		37-07017	GRUENER	C	L	05/06/1968	GROUNDWATER
			SE SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			SE SW			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS
			NE SE	40.0	01		37-00894B	BIG WOOD RIVER CAN	0	D	09/01/1920	BIG WOOD RIVER
								MUTUAL WOOD RIVER	0			
								SPRENGER LAND INVE	C			
			NE SE	3.0	01		37-04269	RIVER ROCK LTD.	C	S	09/01/1920	UNNAMED STREAM
			NE SE	1.0	01		37-08202	CITY OF KETCHUM	C	A	01/29/1985	GROUNDWATER
			NE SE	6.0	01,43,49		37-08269	NORTHWOOD INC.	C	P	04/11/1986	GROUNDWATER
			NE SE			22,10,46	37-08282	PESCH	0	P	10/14/1986	GROUNDWATER
								GUYER SPRINGS WATE	C			GUYER HOT SPRINGS