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MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERDEPT. OF WATER RESOURCES  
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) BLUE LAKES COUNTRY CLUB INC.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: \_\_\_\_\_

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DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) BLUE LAKES COUNTRY CLUB INC. Phone (208) 733-2330

Mailing address PO BOX 5729, TWIN FALLS, IDAHO 83303-5729 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Charles G. Brockway, P.E. Phone (208) 736-8543

Mailing address 2016 Washington St N, Ste 4, Twin Falls, ID 83301 Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

*Gary Lounsbury*  
Signature of Applicant or Authorized Representative

GARY LOUNSBURY, PRESIDENT  
Print Name and Title if applicable

3/17/16  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### 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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.  
Correct current place of use errors and create a permissible place of use (PPU) for the golf course to allow flexibility for irrigation management.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                           | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|--------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 36-2083A     | 1.15/-                | IRRIGATION    | 3/15 to 11/15 | ALPHEUS CREEK      |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 36-2083B     | 0.05/-                | IRRIGATION    | 3/15 to 11/15 | ALPHEUS CREEK      |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 36-8593      | 0.7/-                 | IRRIGATION    | 3/15 to 11/15 | ALPHEUS CREEK      |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |

Total authorized under rights 1.9 cfs and/or 380 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.9 cubic feet per second and/or 380 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)  
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
 Label it Attachment #5.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |     |     |     | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW  | SW  | SE  | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 09S                              | 17E | 28  | SEE  | ATT | ACH | MEN | T    |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |             |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:  
Existing pumps from Alpheus Creek and pipelines to pressurized sprinkler irrigation system. Lockable controlling works and approved flow meters are in place.

- b. Who owns the property at the point(s) of diversion? Applicant  
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?  
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
No change in irrigation will occur.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
Water rights 36-2083A, 36-2083B, & 36-8593 have the same POU and POD. They also have a combined limit of 1.9 cfs, 380 afa, and 95 acres.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

A portion of irrigation rights have been submitted to the WSB for 2017, but the bank has not accepted them as of the time of this transfer application submittal.





DEPT OF WATER RESOURCES  
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**Total** 191.2

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DEPT OF WATER RESOURCES  
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**Total** 191.2

| TOWNSHIP | RANGE | SECTION | QQ    | LOT   | ACRES       | ACRES      |
|----------|-------|---------|-------|-------|-------------|------------|
| 095      | 17E   | 28      |       | L2    | 0.1         | 0          |
|          |       |         |       | L12   | 7.7         | 1.7        |
|          |       |         |       | L14   | 6           | 3.1        |
|          |       |         |       | L14   | 1.1         | 0.6        |
|          |       |         |       | L14   | 0.2         | 0.1        |
|          |       |         | NESE  |       | 0.6         | 0          |
|          |       |         | NWSE  |       | 14.2        | 5.2        |
|          |       |         |       | L5    | 9.4         | 6.2        |
|          |       |         |       | L11   | 15.2        | 3.7        |
|          |       |         |       | L6    | 7.6         | 5.3        |
|          |       |         |       | L10   | 3.4         | 3.3        |
|          |       |         |       | Total | 65.5        | Total 29.2 |
| 095      | 17E   | 33      | NENE  |       | 27.8        | 15.5       |
|          |       |         |       | L6    | 36.6        | 22.8       |
|          |       |         |       | L6    | 0.9         | 0.9        |
|          |       |         |       | L7    | 7.8         | 5.4        |
|          |       |         |       | L7    | 28.3        | 15.1       |
|          |       |         |       | L7    | 1.9         | 1.9        |
|          |       |         |       | Total | 103.3       | Total 61.6 |
| 095      | 17E   | 34      |       | L10   | 4.5         | 0          |
|          |       |         |       | L11   | 17.9        | 4.5        |
|          |       |         |       | Total | 22.4        | Total 4.5  |
|          |       |         | TOTAL |       | PPU = 191.2 | POU = 95.3 |

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Accounting by Map

| PPU      |       |         |       |       |       |       | POU   |      |    |
|----------|-------|---------|-------|-------|-------|-------|-------|------|----|
| TOWNSHIP | RANGE | SECTION | QQ    | LOT   | ACRES | PPU   | ACRES |      |    |
| 09S      | 17E   | 28      |       | L2    | 0.1   | 0.1   | 0     | 0    |    |
|          |       |         |       | L12   | 7.7   | 7.7   | 1.7   | 1.7  |    |
|          |       |         |       | L14   | 6     |       | 3.1   | 4.1  |    |
|          |       |         |       | L14   | 1.1   |       | 0.8   |      |    |
|          |       |         |       | L14   | 0.2   |       | 0.2   |      |    |
|          |       |         |       | NESE  | 0.6   | 0.6   | 0     | 0    |    |
|          |       |         |       | NWSE  | 14.2  | 14.2  | 5.2   | 5.2  |    |
|          |       |         |       | L5    | 9.4   | 9.4   | 6.2   | 6.2  |    |
|          |       |         |       | L11   | 15.2  | 15.2  | 3.7   | 3.7  |    |
|          |       |         |       | L6    | 7.6   | 7.6   | 5.3   | 5.3  |    |
|          |       |         |       | L10   | 3.4   | 3.4   | 3.3   | 3.3  |    |
|          |       |         |       | Total |       | 65.5  | Total | 29.5 |    |
| 09S      | 17E   | 33      |       | NENE  | 27.8  | 27.8  | 15.5  | 15.5 |    |
|          |       |         |       | L6    | 36.6  | 37.5  | 22.8  | 22.8 |    |
|          |       |         |       | L6    | 0.9   |       | 1.5   | 1.5  |    |
|          |       |         |       | L7    | 7.8   |       | 5.4   |      |    |
|          |       |         |       | L7    | 28.3  | 14.9  |       |      |    |
|          |       |         |       | L7    | 1.9   | 38    | 0.9   | 21.2 |    |
|          | Total |         | 103.3 | Total | 61    |       |       |      |    |
| 09S      | 17E   | 34      |       | L10   | 4.5   | 4.5   | 0     | 0    |    |
|          |       |         |       | L11   | 17.9  | 17.9  | 4.5   | 4.5  |    |
|          |       |         |       | Total |       | 22.4  | Total | 4.5  |    |
| TOTAL    |       |         |       | PPU=  |       | 191.2 | POU=  |      | 95 |

Accounting by Map

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DEPT. OF WATER RESOURCES  
SOUTHERN REGION

TRANSFER 80762

| TOWNSHIP | RANGE | SECTION | QQ   | PPU  |       |       | POU   |      |
|----------|-------|---------|------|------|-------|-------|-------|------|
|          |       |         |      | LOT  | ACRES |       | ACRES |      |
| 09S      | 17E   | 28      | L2   | 0.1  | 0.1   |       | 0     | 0    |
|          |       |         | L12  | 7.7  | 7.7   |       | 1.7   | 1.7  |
|          |       |         | L14  | 6    | 7.3   |       | 3.1   | 4.1  |
|          |       |         | L14  | 1.1  |       |       | 0.8   |      |
|          |       |         | L14  | 0.2  |       |       | 0.2   |      |
|          |       |         | NESE | 0.6  | 0.6   |       | 0     | 0    |
|          |       |         | NWSE | 14.2 | 14.2  |       | 5.2   | 5.2  |
|          |       |         | L5   | 9.4  | 9.4   |       | 6.2   | 6.2  |
|          |       |         | L11  | 15.2 | 15.2  |       | 3.7   | 3.7  |
|          |       |         | L6   | 7.6  | 7.6   |       | 5.3   | 5.3  |
|          |       |         | L10  | 3.4  | 3.4   |       | 3.3   | 3.3  |
|          |       |         |      |      |       | Total | 65.5  |      |
| 09S      | 17E   | 33      | NENE | 27.8 | 27.8  |       | 15.5  | 15.5 |
|          |       |         | L6   | 36.6 | 37.5  |       | 22.8  | 22.8 |
|          |       |         | L6   | 0.9  |       |       | 1.5   | 1.5  |
|          |       |         | L7   | 7.8  |       | 38    |       | 5.4  |
|          |       |         | L7   | 28.3 |       |       | 14.9  |      |
|          |       |         | L7   | 1.9  |       |       | 0.9   |      |
|          |       |         |      |      |       | Total | 103.3 |      |
| 09S      | 17E   | 34      | L10  | 4.5  | 4.5   |       | 0     | 0    |
|          |       |         | L11  | 17.9 | 17.9  |       | 4.5   | 4.5  |
|          |       |         |      |      |       | Total | 22.4  |      |
| TOTAL    |       |         |      | PPU= | 191.2 |       | POU = | 95   |

Supervised  
1-13-17



BLUE LAKES COUNTRY CLUB INC.  
TRANSFER PPU DESCRIPTION 2016  
BROCKWAY ENGINEERING, PLLC

| TOWNSHIP | RANGE | SECTION | QQ    | LOT   | PPU<br>ACRES | POU 2016<br>ACRES |      |
|----------|-------|---------|-------|-------|--------------|-------------------|------|
| 09S      | 17E   | 28      |       | L2    | 0.1          | 0                 |      |
|          |       |         |       | L12   | 7.7          | 1.7               |      |
|          |       |         |       | L14   | 6            | 3.1               |      |
|          |       |         | SESW  |       | 1.2          | 0.7               |      |
|          |       |         | NESE  |       | 0.6          | 0                 |      |
|          |       |         | NWSE  |       | 14.2         | 5.2               |      |
|          |       |         |       | L5    | 9.4          | 6.2               |      |
|          |       |         |       | L11   | 15.2         | 3.7               |      |
|          |       |         |       | L6    | 7.6          | 5.3               |      |
|          |       |         |       | L10   | 3.4          | 3.3               |      |
|          |       |         |       | Total | 65.4         | Total             | 29.2 |
| 09S      | 17E   | 33      | NENE  |       | 27.7         | 15.5              |      |
|          |       |         |       | L6    | 36.7         | 22.8              |      |
|          |       |         |       | L1    | 0.3          | 0.2               |      |
|          |       |         |       | L7    | 7.8          | 5.4               |      |
|          |       |         |       | L7    | 28.3         | 15.1              |      |
|          |       |         | SWNE  |       | 3.6          | 2.3               |      |
|          |       |         |       | Total | 104.4        | Total             | 61.3 |
| 09S      | 17E   | 34      |       | L10   | 4.5          | 0                 |      |
|          |       |         |       | L11   | 17.9         | 4.5               |      |
|          |       |         |       | L12   | 0.1          | 0                 |      |
|          |       |         | SWNW  |       | 0.1          | 0                 |      |
|          |       |         |       | Total | 22.6         | Total             | 4.5  |
|          |       |         | TOTAL | PPU=  | 192.4        | POU =             | 95   |

superseded by  
pages rec'd 1-12-17

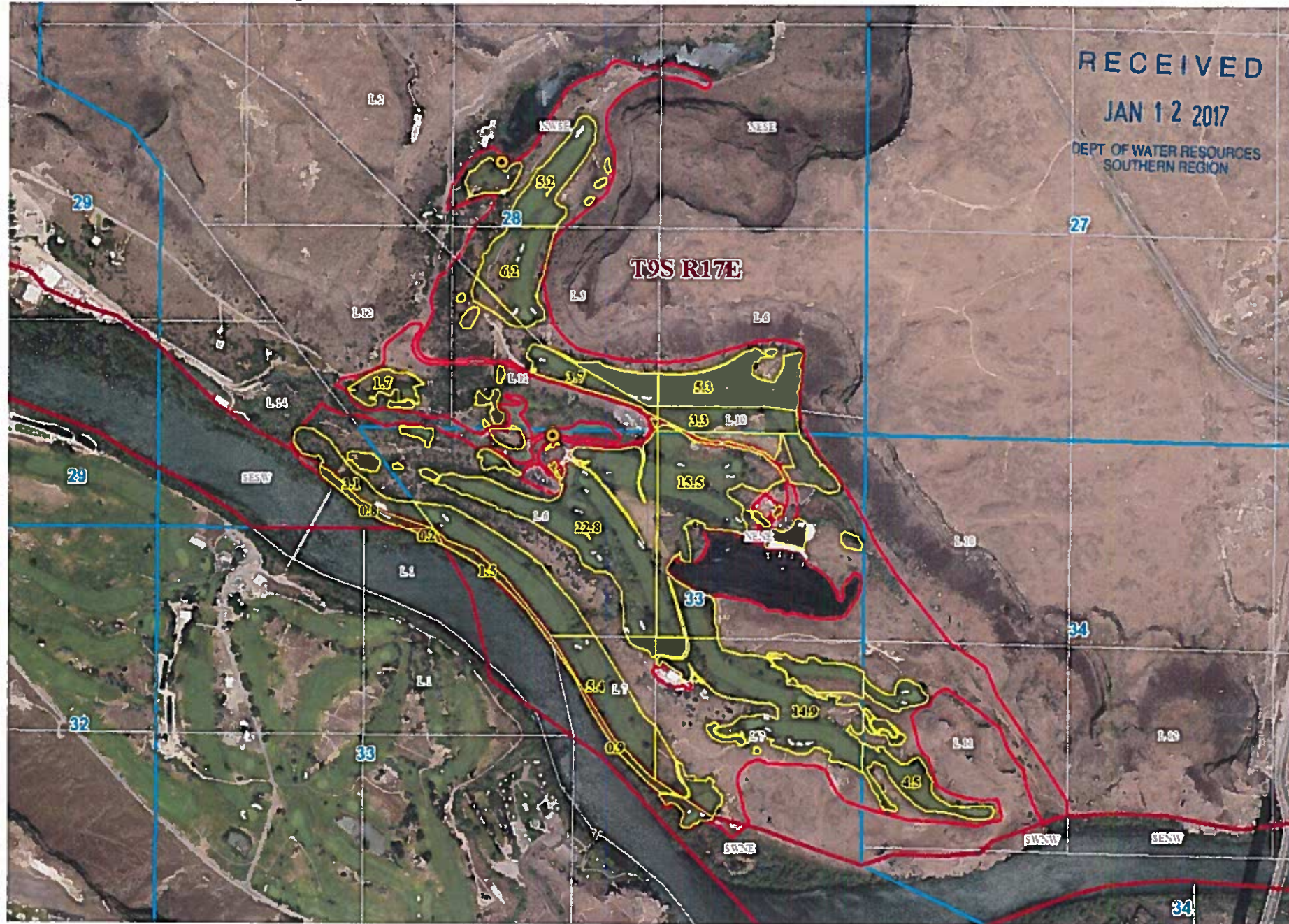
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0 300 600 1,200 Feet

BROCKWAY ENGINEERING, PLLC.  
ICB - Date: 1/11/2017

**BLUE LAKES COUNTRY CLUB INC.**

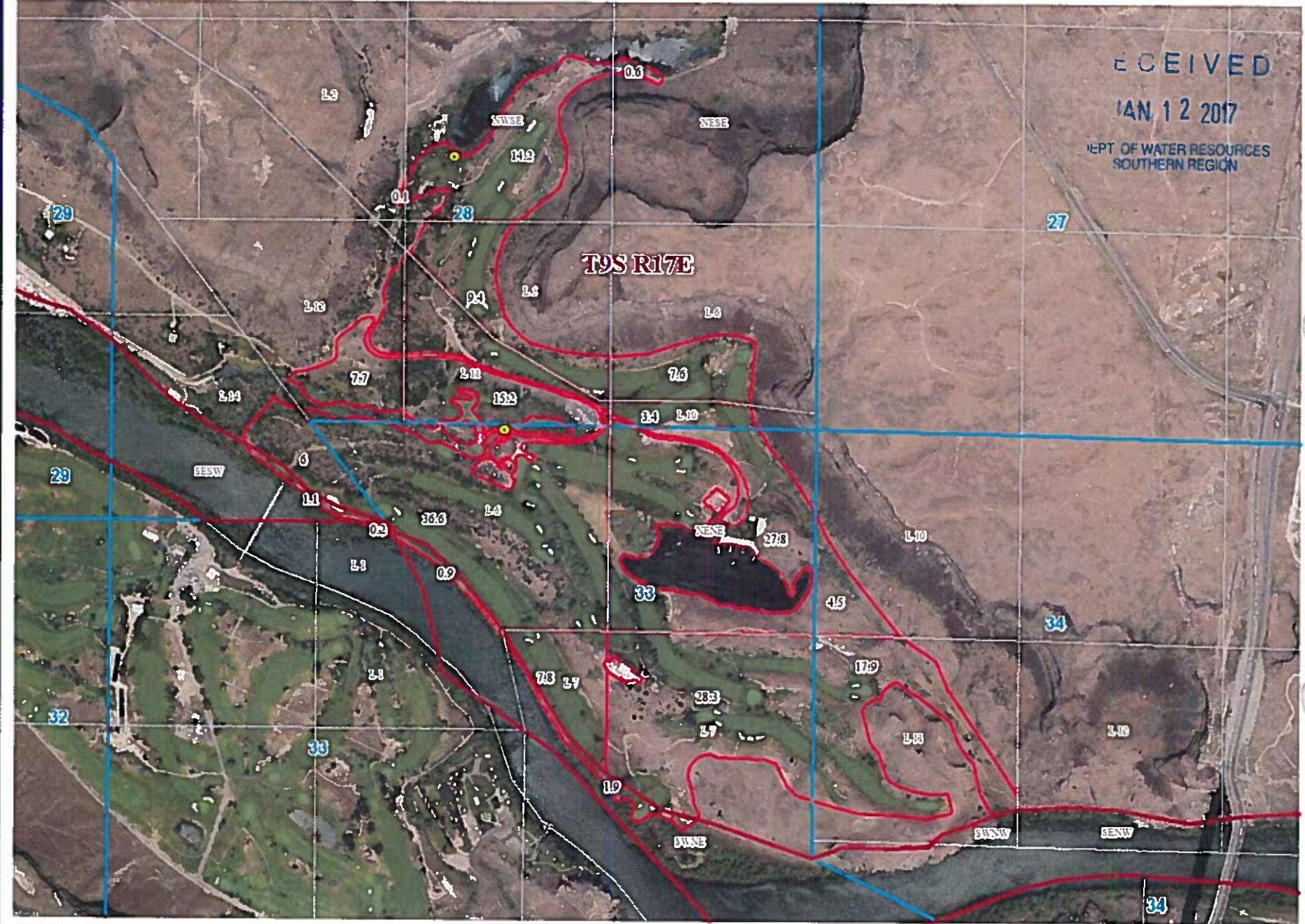
PPU AREA - TRANSFER REVISIONS  
NAIP 2015 AERIAL

- Points of Diversion
- Proposed PPU
- POU 2016



TRANSFER 80762

AMENDED



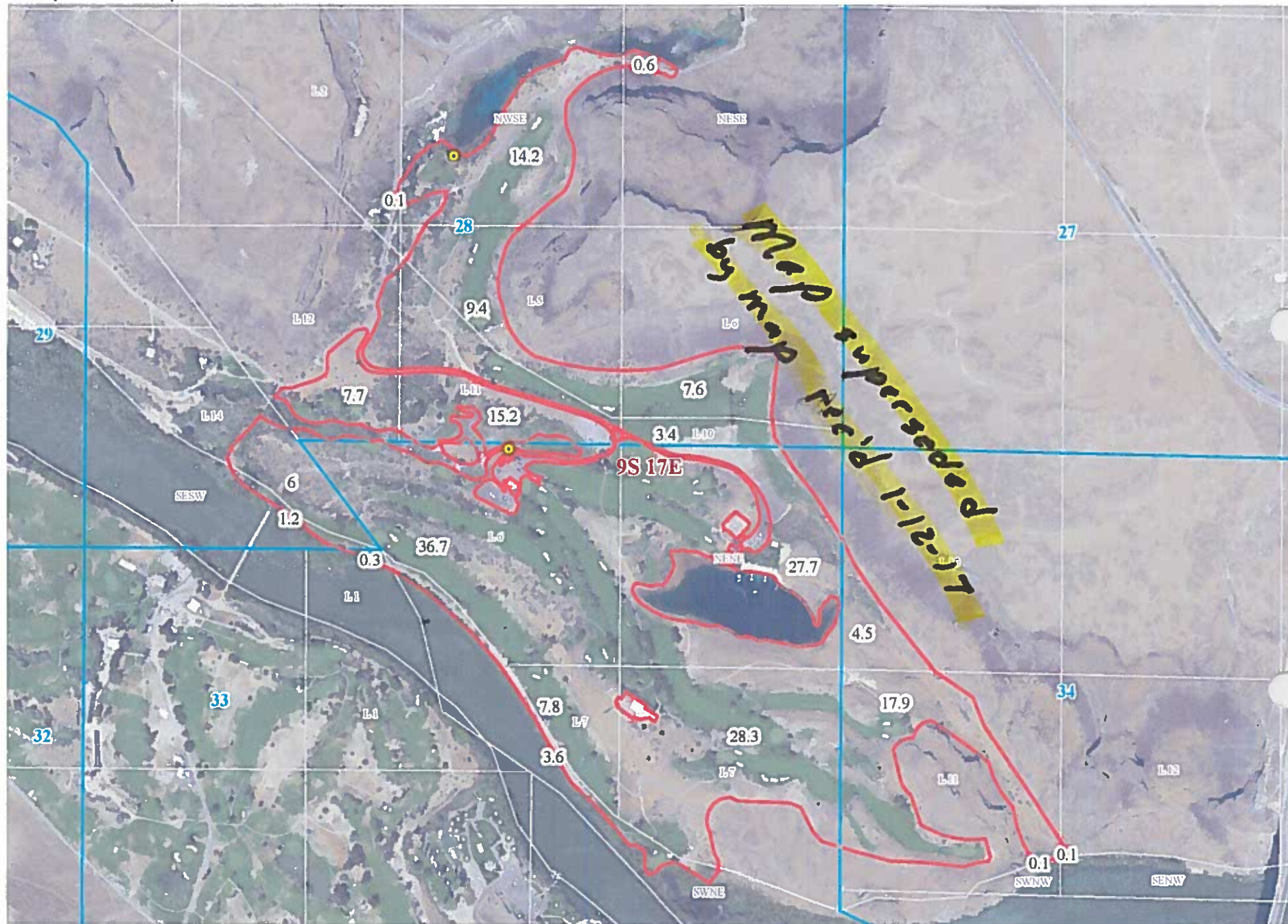
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0 300 600 1,200 Feet  
BROCKWAY ENGINEERING, PLLC.  
ICB - Date: 1/12/2017

**BLUE LAKES COUNTRY CLUB INC.**  
PPU AREA - TRANSFER REVISIONS  
NAIP 2015 AERIAL

- Points of Diversion
- Proposed PPU 2016





0 300 600 1,200 Feet

# **BLUE LAKES COUNTY CLUB INC.**

PPU TRANSFER 2016  
NAIP 2015 AERIAL

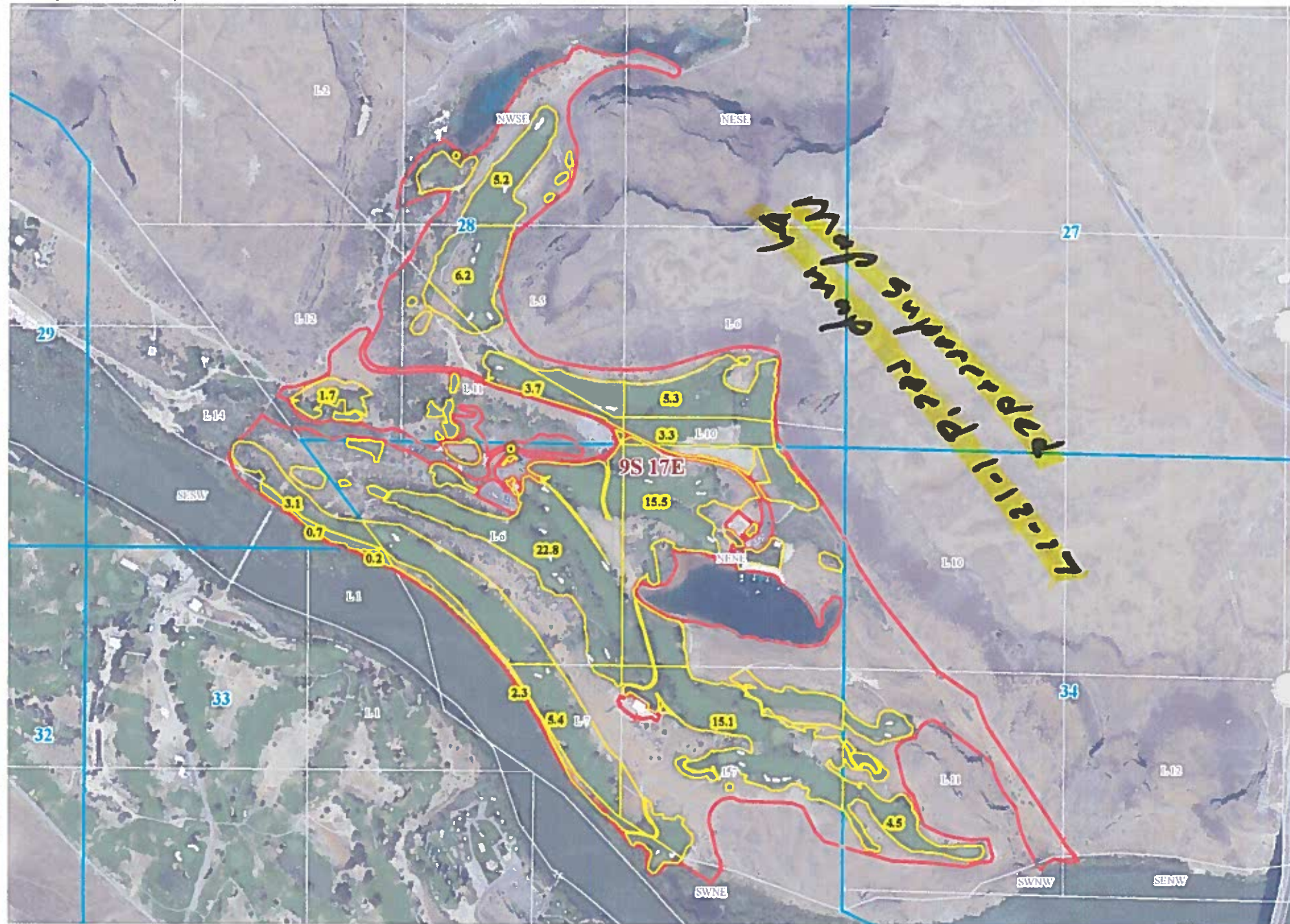
## **Legend**

-  Points of Diversion
-  Proposed PPU 2016
-  twshp
-  Sections
-  lades



TRANSFER 80762

TRANSFER 80762



0 300 600 1,200 Feet

**BLUE LAKES COUNTY CLUB INC.**

POU, 95 ACRES, IN PPU 2016  
NAIP 2015 AERIAL

BROCKWAY ENGINEERING, PLLC.  
ALR - Date: 2/16/2016

**Legend**

- Points of Diversion
- Township
- Proposed PPU
- Sections
- POU 2016
- LALSC



|                                                                                                                                                        |                                                                                                                                                         |                                                                                                                                                    |                                                                |       |         |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------|---------|-------------|
| No. C 21604                                                                                                                                            | Due no later than Feb 29, 2016<br><b>Annual Report Form</b>                                                                                             |                                                                                                                                                    | 2. Registered Agent and Address<br><b>(NO PO BOX)</b>          |       |         |             |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | 1. Mailing Address: Correct in this box if needed.<br>BLUE LAKES COUNTRY CLUB, INC.<br>BONNIE STEVENS<br>PO BOX 5729<br>TWIN FALLS ID 83303-5729<br>USA |                                                                                                                                                    | GARY LAUNSBURY<br>1940 BLUE LAKES GRADE<br>TWIN FALLS ID 83301 |       |         |             |
|                                                                                                                                                        |                                                                                                                                                         |                                                                                                                                                    | 3. <u>New</u> Registered Agent Signature:*                     |       |         |             |
| 4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).                                      |                                                                                                                                                         |                                                                                                                                                    |                                                                |       |         |             |
| Office Held                                                                                                                                            | Name                                                                                                                                                    | Street or PO Address                                                                                                                               | City                                                           | State | Country | Postal Code |
| DIRECTOR                                                                                                                                               | DAN OLMSTEAD                                                                                                                                            | PO BOX 2002                                                                                                                                        | TWIN FALLS                                                     | ID    | USA     | 83303-2002  |
| DIRECTOR                                                                                                                                               | JAMES RAY                                                                                                                                               | 3520 ADDISON AVE E                                                                                                                                 | KIMBERLY                                                       | ID    | USA     | 83341       |
| DIRECTOR                                                                                                                                               | KAREN MARTIN                                                                                                                                            | 3063 N 3422 E                                                                                                                                      | KIMBERLY                                                       | ID    | USA     | 83341       |
| DIRECTOR                                                                                                                                               | RAY WIGHT                                                                                                                                               | 2012 OAKWOOD                                                                                                                                       | TWIN FALLS                                                     | ID    | USA     | 83301       |
| DIRECTOR                                                                                                                                               | DOUG VOLLMER                                                                                                                                            | 546 PEIRCE ST                                                                                                                                      | TWIN FALLS                                                     | ID    | USA     | 83301       |
| VICE PRESIDENT                                                                                                                                         | BRENDA HUGHES                                                                                                                                           | PO BOX 2345                                                                                                                                        | TWIN FALLS                                                     | ID    | USA     | 83303-2345  |
| DIRECTOR                                                                                                                                               | KURT STANDLEY                                                                                                                                           | PO BOX 14                                                                                                                                          | TWIN FALLS                                                     | ID    | USA     | 83303       |
| PRESIDENT                                                                                                                                              | GARY LOUNSBURY                                                                                                                                          | 2292 LONGBOW DR                                                                                                                                    | TWIN FALLS                                                     | ID    | USA     | 83301       |
| DIRECTOR                                                                                                                                               | PATRICK FEDERICO                                                                                                                                        | 3405 CANYON COVE DR                                                                                                                                | KIMBERLY                                                       | ID    | USA     | 83341       |
| SECRETARY                                                                                                                                              | CLEVE BUTTARS                                                                                                                                           | 1067 LAURELWOOD CT                                                                                                                                 | TWIN FALLS                                                     | ID    | USA     | 83301       |
| 5. Organized Under the Laws of:<br><br><b>ID</b><br><b>C 21604</b>                                                                                     |                                                                                                                                                         | 6. Annual Report must be signed.*<br>Signature: Bonnie Stevens<br>Name (type or print): Bonnie Stevens<br>Date: 12/28/2015<br>Title: Administrator |                                                                |       |         |             |
| Processed 12/28/2015                                                                                                                                   |                                                                                                                                                         | * Electronically provided signatures are accepted as original signatures.                                                                          |                                                                |       |         |             |

TRANSFER 80762



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 27, 2017

BLUE LAKES COUNTRY CLUB INC  
PO BOX 5729  
TWIN FALLS, ID 83303-5729

RE: Transfer No. 80762  
Water Right No(s). 36-2083A, 36-2083B, 36-8593

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the number referenced above in all future correspondence regarding this transfer.

As you are aware, the ownership of portions of the land located along the Snake River where the water is to be used is not clear. Based on information currently submitted, the Idaho Department of Water Resources may not be able to ascertain ownership of those lands located along the Snake River. However, we have decided to proceed with processing of your application.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **2/2/2017** and **2/9/2017**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **February 21, 2017**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline  
Administrative Assistant

cc:

Brockway Engineering PLLC  
Travis Thompson, attorney  
Meribeth Lomkin, Idaho Dept of Lands



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 27, 2017

NATHAN ERICKSON  
WATER DISTRICT #130  
650 ADDISON AVE W, STE 500  
TWIN FALLS, ID 83301

*via hand delivery*

RE: Transfer No. 80762  
Water Right No(s). 36-2083A, 36-2083B, 36-8593

RE: Application for Permit No. 36-17107

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, January 26, 2017 2:52 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on February 2<sup>nd</sup> & 9<sup>th</sup>, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline*  
*Administrative Assistant I*  
*Idaho Dept of Water Resources, Southern Region*  
*650 Addison Ave W, Ste 500*  
*Twin Falls, ID 83301*  
*(208) 736-3033*  
*[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 26, 2017

**LEGAL NOTICE DEPARTMENT**  
TIMES NEWS  
PO BOX 548  
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 36-17107, 43-13787, 43-13788, 43-13789

RE: Transfer No. 80762  
Water Right No(s): 36-2083A, 36-2083B, 36-8593

RE: Transfer No. 81356  
Water Right No(s): 43-171B, etc.

RE: Transfer No. 81371  
Water Right No(s): 43-165C, etc.

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 21, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**36-17107**

BLUE LAKES COUNTRY CLUB INC

PO BOX 5729

TWIN FALLS, ID 83303-5729

Point of Diversion NWSE S28 T09S R17E JEROME County Source ALPHEUS CREEK Tributary SNAKE RIVER

Point of Diversion L6(NWNE) S33 T09S R17E JEROME County Source ALPHEUS CREEK Tributary SNAKE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 73.9 AF

Use: DIVERSION TO STORAGE 03/15 to 11/15 1.11 CFS

Use: RECREATION STORAGE 01/01 to 12/31 73.9 AF

Use: WATER QUALITY IMPROVEMENT STORAGE 01/01 to 12/31 73.9 AF

Total Diversion: 1.11 CFS

Date Filed: 1/19/2017

Place Of Use: WATER QUALITY IMPROVEMENT STORAGE, RECREATION STORAGE, AESTHETIC STORAGE

T09S R17E S33 NENE

Application for Permit proposes to divert up to 1.11 cfs from Alpheus Creek via two existing points of diversion (PODs) for storage uses associated with Bass Lake at Blue Lakes Country Club. The storage component of the application proposes 73.9 acre-feet to cover additional volume in the lake, evaporation, and seepage. The application includes a mitigation plan to address increased evaporation at Bass Lake. The proposed POU is located approximately 1.0 mile north and 0.2 mile west of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. The proposed existing PODs are located approximately 1.1 mile north and 0.5 mile west and 1.4 mile north and 0.6 mile west of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls.

**43-13787**

RAFT RIVER GROUND WATER DISTRICT

PO BOX 122

ALMO, ID 83312

Point of Diversion L4(SWSWSW) S31 T09S R28E CASSIA County Source RAFT RIVER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 25 CFS 10,000 AF

Total Diversion: 25 CFS

Date Filed: 1/12/2017

Place Of Use: GROUND WATER RECHARGE

T09S R28E S31 L4(SWSW)

Application for permit proposes diverting up to 25 cfs for ground water recharge from a new point of diversion from Raft River located approximately 1.5 miles north and 14.4 miles east of the I-84 and I-86 interchange. The ground water recharge will occur at a site near the point of diversion. The applicant currently holds ground water recharge permits 43-13731, 43-13732, 43-13733, and 43-13734 for a combined total of 25 cfs at different Raft River diversion and recharge sites. The cover letter accompanying this application indicates that this application and companion applications for permit 43-13788 and 43-13789 describe the same 25 cfs already appropriated by existing permits 43-13731, 43-13732, 43-13733, and 43-13734, and the three new applications when combined with the existing 4 permits, will be limited to a combined total of 25 cfs. (Three new applications for permit describe alternate diversion and recharge sites for the 25 cfs already permitted under 43-13731, 43-13732, 43-13733, and 43-13734). Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

**43-13788**

RAFT RIVER GROUND WATER DISTRICT

PO BOX 122

ALMO, ID 83312

Point of Diversion SWNESW S7 T10S R28E CASSIA County Source RAFT RIVER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 25 CFS 10,000 AF

Total Diversion: 25 CFS

Date Filed: 1/12/2017

Place Of Use: GROUND WATER RECHARGE

T10S R28E S7 NESW SESW

Application for permit proposes diverting up to 25 cfs for ground water recharge from a new point of diversion from Raft River located approximately 0.3 miles south and 14.8 miles east of the I-84 and I-86 interchange. The ground water recharge will occur at a site near the point of diversion. The applicant currently holds ground water recharge permits 43-13731, 43-13732, 43-13733, and 43-13734 for a combined total of 25 cfs at different Raft River diversion and recharge sites. The cover letter accompanying this application indicates that this application and companion applications for permit 43-13787 and 43-13789 describe the same 25 cfs already appropriated by existing permits 43-13731, 43-13732, 43-13733, and 43-13734, and the three new applications when combined with the existing 4 permits, will be limited to a combined total of 25 cfs. (Three new applications for permit describe alternate diversion and recharge sites for the 25 cfs already permitted under 43-13731, 43-13732, 43-13733, and 43-13734). Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

**43-13789****RAFT RIVER GROUND WATER DISTRICT****PO BOX 122****ALMO, ID 83312****Point of Diversion L2(SWSWNW) S18 T10S R28E CASSIA County Source RAFT RIVER Tributary SNAKE RIVER****Use: GROUND WATER RECHARGE 01/01 to 12/31 25 CFS 10,000 AF****Total Diversion: 25 CFS****Date Filed: 1/12/2017****Place Of Use: GROUND WATER RECHARGE****T10S R28E S18 L2(SWNW)**

Application for permit proposes diverting up to 25 cfs for ground water recharge from a new point of diversion from Raft River located approximately 1.0 miles south and 14.5 miles east of the I-84 and I-86 interchange. The ground water recharge will occur at a site near the point of diversion. The applicant currently holds ground water recharge permits 43-13731, 43-13732, 43-13733, and 43-13734 for a combined total of 25 cfs at different Raft River diversion and recharge sites. The cover letter accompanying this application indicates that this application and companion applications for permit 43-13787 and 43-13788 describe the same 25 cfs already appropriated by existing permits 43-13731, 43-13732, 43-13733, and 43-13734, and the three new applications when combined with the existing 4 permits, will be limited to a combined total of 25 cfs. (Three new applications for permit describe alternate diversion and recharge sites for the 25 cfs already permitted under 43-13731, 43-13732, 43-13733, and 43-13734). Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT****TRANSFER NO. 80762**

BLUE LAKES COUNTRY CLUB INC, PO BOX 5729, TWIN FALLS, ID 83303-5729; has filed Application No. 80762 for changes to the following water rights within JEROME County(s): Right No(s). 36-2083A, 36-2083B, 36-8593. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 191.2 acre irrigation Permissible Place of Use (PPU) for three surface water rights (Alpheus Creek, 1.90 cfs combined flow rate) which currently irrigate 95.0 acres of ground located approximately 2.7 to 3.6 miles north and 0.1 mile east to 0.9 mile west of the intersection of Addison Avenue and Blue Lakes Boulevard in Twin Falls. After the transfer, 95.0 acres will be irrigated within the proposed 191.2 acre PPU located in the same general area to allow flexibility in irrigation management.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT****TRANSFER NO. 81356**

D JAY HARPER and JEANETTE W HARPER, 1926 S 2350 E, MALTA, ID 83342; has filed Application No. 81356 for changes to the following water rights within CASSIA County(s): Right No(s). 43-11235, 43-12940, 43-12943, 43-13139, 43-13141, 43-13143, 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761, 43-13762, 43-171B, 43-173D, 43-177F, 43-177G, 43-178F, 43-2295H, 43-2330, 43-2528, 43-2562B, 43-4166. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 412.0 acre permissible place of use (PPU) for 12 ground water rights and 18 Raft River water rights that allow for the total combined diversion of 10.27 cfs and the irrigation of 412.0 acres. The proposed PPU is located approximately 0.75 to 1.85 miles east and 3.75 miles to 4.5 miles south of the center of the City of Malta. In addition, the transfer proposes adding an existing Raft River point of diversion located approximately 1.2 miles east and 4.1 miles south of the City of Malta to 3 of the Raft River rights and add an existing ground water point of diversion located approximately 0.8 miles east and 4.5 miles south of the city of Malta to 8 of the ground water rights.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT****TRANSFER NO. 81371**

RED ROCK FARMS LLC, 2038 S HWY 81, MALTA, ID 83342; has filed Application No. 81371 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10605, 43-10608, 43-10789, 43-11283, 43-11284, 43-11285, 43-11286, 43-11287, 43-11291, 43-11292, 43-12966, 43-13008, 43-13009, 43-13010, 43-13011, 43-13012, 43-13013, 43-13014, 43-13015, 43-13017, 43-13207, 43-13208, 43-13379, 43-13381, 43-13544, 43-13606, 43-13780, 43-13781, 43-165C, 43-168C, 43-169E, 43-172C, 43-178D, 43-2296B, 43-2367, 43-2409A, 43-2414, 43-2444, 43-2456, 43-4005. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating a 2086.4 acre permissible place of use for 40 irrigation water rights (17 ground water rights; 23 Raft River rights) with a combined limit of 48.94 cfs. Application also proposes to identify 13 existing wells as authorized PODs for 17 ground water rights and identify two existing diversions as authorized PODs on the 23 Raft River rights. Place of use and all PODs are located approximately 4.3 to 7.7 miles south and 0.2 to 1.8 miles east of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). For additional information on new permits, please see [www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before February 21, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 2<sup>nd</sup> & 9<sup>th</sup>, 2017

## Bitzenburg, James

---

**From:** Hattie Zobott <hattie.zobott@brockwayeng.com>  
**Sent:** Friday, January 13, 2017 5:08 PM  
**To:** Bitzenburg, James  
**Cc:** Travis Thompson; 'Chuck Jr.'  
**Subject:** RE: Blue Lakes Country Club Transfer  
**Attachments:** PPU DESCRIPTION 2016-rev01132017.pdf

Dear Jim,

Travis and Chuck are cc'd.

The PPU description was adjusted as you recommended. Please see the attached revised PPU description.

As we discussed on the phone: I do not agree with the PPU shapefile adjustment to exclude the portions that appear to overlap Lot 1 as recommended below. Modifying the boundary of the POU and PPU to avoid Lot 1 would add confusion to the water right. I want the shapefile acreage to match the legal description accounting shown on page 2. Changes to the shapefile to avoid certain lots from the aerial view will require "place-holder" acres be put in the shape that would not be irrigated.

Please let me know if you have any questions,

Hattie Zobott, P.E.

Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]  
**Sent:** Friday, January 13, 2017 2:15 PM  
**To:** Hattie Zobott <hattie.zobott@brockwayeng.com>  
**Subject:** RE: Blue Lakes Country Club Transfer

Hattie-

Thanks for sending all of the updated material. On the revised Transfer PPU Description page, under 09S, 17E, Sect. 28, Corey and I believe that the 7.7 acres in Lot 12 should be placed in the SESW underneath the 7.3 acres in Lot 14. (same QQ). If the transfer reaches approval, that is how the 7.7 acres will be listed.

I looked at the deeds, and it does appear to be correct not to list any land in Lot 1 of Section 33. We will place that 0.2 acre in Lot 14, as you did. With that in mind, when you send the shapefile of the POU and the PPU, could you avoid placing Lot 1 of Section 33 within the POU and the PPU? You can send those shapefiles at any time.

This application will be submitted to Denise for advertising early next week. She will start processing the advertising on January 25 for placement the first two weeks of February.

I will use the maps and updated PPU descriptions that you submitted yesterday to amend the original application. Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

**From:** Hattie Zobott [<mailto:hattie.zobott@brockwayeng.com>]  
**Sent:** Thursday, January 12, 2017 10:49 AM  
**To:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**Cc:** 'Chuck Jr.' <[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)>; Travis Thompson <[tlit@idahowaters.com](mailto:tlit@idahowaters.com)>  
**Subject:** RE: Blue Lakes Country Club Transfer

Dear Jim,

The PPU map shape file was corrupt, and causing strange lines in the jpeg. Please use the attached map instead.

Hattie Zobott, P.E.

Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Hattie Zobott [<mailto:hattie.zobott@brockwayeng.com>]  
**Sent:** Thursday, January 12, 2017 9:38 AM  
**To:** 'Bitzenburg, James' <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**Cc:** 'Chuck Jr.' ([charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com))' <[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)>; Travis Thompson ([tlit@idahowaters.com](mailto:tlit@idahowaters.com)) <[tlit@idahowaters.com](mailto:tlit@idahowaters.com)>  
**Subject:** RE: Blue Lakes Country Club Transfer

Dear Jim,

I have officially rechecked the POU and the PPU. The attached maps match the attached land list. We had a few mistakes on the acreage shown and the POU acreage was actually over the 95 acre limit. The revised POU is correct. Please refer to Page 2 for accounting.

With regard to your question on Lot 1 of Section 28, the BLCC does not own any land in Lot 1 of Section 33. Therefore, the 0.2 acres that is shown on the map within in Lot 1 of Section 33 land is actually part of L14 of Section 28. The aerial mapping is not the legal description of the property. Please refer to the deeds and surveyors assessment for property ownership of the Blue Lakes Country Club. I cc'd Chuck Jr. and Travis Thompson on this correspondence for their information on the status of the transfer.

Are you ready for the shape files for the PPU and POU?

Will this be advertised this week or next week?

Please let me know if you have any questions.

Thank you,

Hattie Zobott

**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]

**Sent:** Friday, January 06, 2017 10:47 AM

**To:** Hattie Zobott <[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)>

**Subject:** RE: Blue Lakes Country Club Transfer

Hattie-

I don't know if it helps, but the way we do it is that we data enter the PPU acres into the database, and the shape we link to is the 206 map. I don't need to have the land list for the 206, as long as the 206 shape is 95 acres. Thanks for looking into it.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

**From:** Hattie Zobott [<mailto:hattie.zobott@brockwayeng.com>]

**Sent:** Friday, January 06, 2017 9:16 AM

**To:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>

**Subject:** RE: Blue Lakes Country Club Transfer

Dear Jim,

I am having the POU mapping checked again. I inherited this transfer and I haven't even looked at the POU since I started until today. Looks like we have an inconsistency with the 206 map and the land list—we only have 93.9 acres in the 206 map and the land list shows 95.3. The limit on the water right is 95 acres. It will probably take the day to fix, sorry.

Hattie

**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]  
**Sent:** Thursday, January 05, 2017 4:52 PM  
**To:** Hattie Zobott <[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)>  
**Subject:** RE: Blue Lakes Country Club Transfer

Hattie-

Thanks for sending all of the material for the BLCC transfer. I looked over the Transfer PPU Description Land List that you emailed, and it looks excellent, but it appears that in the accounting by map section on the lower portion of the page (see attached copy) item #5- L14, 0.2 PPU acres, 0.1 POU acres, should be listed under Section 33, L1, instead of under Section 28. That would change the acres in Section 28 to 65.3 (PPU) and 29.1 (POU). The acres in Section 33 would increase to 103.5 (PPU) and 61.7 (POU). I'm pretty sure that little tidbit is down in Section 33. Let me know what you think.

Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

**From:** Hattie Zobott [<mailto:hattie.zobott@brockwayeng.com>]  
**Sent:** Tuesday, January 03, 2017 4:48 PM  
**To:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>; 'Charles G. Brockway' <[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)>  
**Subject:** RE: Blue Lakes Country Club Transfer

Dear Jim,

We described the PPU by legal description of the land as deeded and reviewed by the Roger Kruger P.S. The mapping imagery and layers do not reflect ownership—as discussed in previous correspondence. I contacted the BLM to be sure that I used the correct legal description because of the discrepancy we had in our two GIS map systems. He sent me the master title plat to ensure I was using the correct legal description. He said the GIS layers are derived from these maps. The master title plat will be sent in a separate email for your reference. Please free to call me with any questions.

Thank you,

Hattie Zobott, P.E.

Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]  
**Sent:** Thursday, December 29, 2016 3:54 PM  
**To:** 'Charles G. Brockway' <[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)>; 'Hattie Zobott' <[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)>  
**Subject:** Blue Lakes Country Club Transfer

Chuck and Hattie-

As you are aware, after consultation with the IDWR State office, the Department has decided to proceed with the processing of the Blue Lakes Country Club transfer #80762, and place it into advertising. In the September 15, 2016 letter from Hattie Zobott to Corey Skinner, a *PPU Area, Transfer Revisions Map* (attached) was enclosed. Will this PPU map now amend the map in the original application for transfer? If so, you will need to submit a new land list (Transfer PPU Description) that exactly matches the map to amend the application for transfer.

One item to note when working up the new land list is that on our imagery (see the above attached BLCC maps) we have a QQ break (circled) that apparently your imagery does not. If you could put a break into your imagery at that point to show the 2.8 acre portion being split between the SWNE and the NENW, with the number of acres for both parcels, it would be helpful. It appears that our imagery agrees everywhere else. In addition, this will, I assume, reduce the PPU acres from 192.4 to a smaller number.

Let me know if you have any questions or concerns. Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

## Bitzenburg, James

---

**From:** Hattie Zobott <hattie.zobott@brockwayeng.com>  
**Sent:** Tuesday, January 03, 2017 4:48 PM  
**To:** Bitzenburg, James; 'Charles G. Brockway'  
**Subject:** RE: Blue Lakes Country Club Transfer  
**Attachments:** PPU DESCRIPTION 2016-01-03-17.pdf; BLM Plats.pdf; Blue Lakes Deed.pdf; Blue Lakes Map.pdf; Letter.pdf

Dear Jim,

We described the PPU by legal description of the land as deeded and reviewed by the Roger Kruger P.S. The mapping imagery and layers do not reflect ownership—as discussed in previous correspondence. I contacted the BLM to be sure that I used the correct legal description because of the discrepancy we had in our two GIS map systems. He sent me the master title plat to ensure I was using the correct legal description. He said the GIS layers are derived from these maps. The master title plat will be sent in a separate email for your reference. Please free to call me with any questions.

Thank you,

Hattie Zobott, P.E.

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[hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]  
**Sent:** Thursday, December 29, 2016 3:54 PM  
**To:** 'Charles G. Brockway' <charles.g.brockway@brockwayeng.com>; 'Hattie Zobott' <hattie.zobott@brockwayeng.com>  
**Subject:** Blue Lakes Country Club Transfer

Chuck and Hattie-

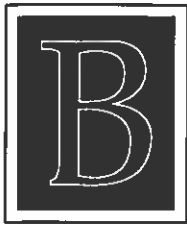
As you are aware, after consultation with the IDWR State office, the Department has decided to proceed with the processing of the Blue Lakes Country Club transfer #80762, and place it into advertising. In the September 15, 2016 letter from Hattie Zobott to Corey Skinner, a *PPU Area, Transfer Revisions Map* (attached) was enclosed. Will this PPU map now amend the map in the original application for transfer? If so, you will need to submit a new land list (Transfer PPU Description) that exactly matches the map to amend the application for transfer.

One item to note when working up the new land list is that on our imagery (see the above attached BLCC maps) we have a QQ break (circled) that apparently your imagery does not. If you could put a break into your imagery at that point to show the 2.8 acre portion being split between the SWNE and the NENW, with the number of acres for both parcels, it would be helpful. It appears that our imagery agrees everywhere else. In addition, this will, I assume, reduce the PPU acres from 192.4 to a smaller number.

Let me know if you have any questions or concerns. Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 19 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

September 15, 2016

Mr. Corey Skinner  
Southern District  
Idaho Department of Water Resources  
650 Addison Ave W, Ste. 500  
Twin Falls, ID 83301-5858

RE: Blue Lakes Country Club Transfer 80762

Dear Mr. Skinner:

Blue Lakes Country Club is a golf course within the Snake River Canyon, near Twin Falls, Idaho. Blue Lakes Country Club is pursuing a transfer to change the Place of Use (POU) and create a Permissible Place of Use (PPU) for their property adjacent to the Snake River (Attachment A). During the transfer review, the reviewing agent observed that the proposed PPU boundary crossed the meander line on the Geographic Coordinate Data Base (GCDB) maps available for his review. The concern was that the Blue Lakes Country Club would be irrigating the Idaho Department of Lands property. The reviewing agent requested more information on the ownership of the proposed land. Brockway Engineering consulted Roger Kruger, a professional land surveyor with EHM Engineers, Inc. to understand the property boundary of the Blue Lakes Country Club.

Mr. Kruger determined that the property boundary was the Ordinary High Water Mark (OHWM) as deeded by government lot (Attachment A). The determination is described by the enclosed, stamped opinion. The references he used to make his determination are the Manual of Surveying Instruction (BLM 2009) and a compilation of appurtenant court cases (attached). The Southern Regional Office requested comment from the Idaho Department of Lands in addition to the opinion provided by Mr. Kruger. Mr. Kruger is confident in his opinion and recommends contacting Stan French of the BLM 208-373-3981 with any questions about the property boundary as he is the Cadastral authority within the state of Idaho.

Idaho Department of Lands owns the beds and banks of all navigable waters below the OHWM as stated in the response provided to IDWR regarding the transfer (Attachment B). Blue Lakes Country Club has an easement for Tee Box 7 for use of property below the OHW and acknowledges the ownership of IDL for property below the OHWM (Attachment B). Although well

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

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

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

intentioned, the reviewing agent of the IDL is not a Public Land Surveyor with the duty of determining property boundaries. The Idaho Department of Lands is required to maintain interest as part of the Public Trust Doctrine and only has one tool to disclaim interest, the Application for Disclaimer of Interest (attached).

Pursuing a disclaimer of interest is inappropriate for the Blue Lakes Country Club because they are clearly the current owner of the property up to the OHWM. The disclaimer would effectively cause the BLCC to relinquish a portion of their property to the IDL and create a 25 foot easement of public trust land above the OHWM.

Property adjacent to a navigable river has a property boundary that is governed by property law. Rivers have different characteristics that make each property boundary along the river unique. Blue Lakes Country Club sought independent review by a professional land surveyor that determined the property boundary is the OHWM. Please consider the condition below as an avenue to proceed with the transfer. The proposed condition would put the burden on the Blue Lakes Country Club to only irrigate their property.

Water rights 36-2083A, 36-2083B, and 36-8593, shall be used for irrigation purposes only on the land above the ordinary high water mark adjacent to the Snake River within: T 9S, R 17E, Sec. 28, 33, and 34, Jerome County, Idaho, as described by transfer 80762.

Further efforts to resolve the OHWM through survey or the disclaimer process will be extremely expensive and unnecessary. Thank you for the consideration of the proposed solution. Please feel free to contact me with any questions.

Sincerely,



Hattie Zobott, P.E.

Atts: Surveyor Determination and Supporting Documents, IDL Information

Cc: Mr. Jim Rasmussen  
Mr. Travis Thompson  
Mr. Roger Kruger

**Attachement A**  
**Surveyor Determination, References, and Deeds**

---

RECEIVED

SEP 19 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**BROCKWAY ENGINEERING, PLLC.**  
**ALR - Date: 5/3/2016**

### Legend

- ☐ Points of Diversion ☐ Township  
☐ Proposed PPU 2016 ☐ Sections  
☐ Ladesec





0 145 290 580 Feet

BROCKWAY ENGINEERING, PLLC.  
ALR - Date: 5/2/2016

**BLUE LAKES COUNTY CLUB INC.**  
PPU REV. - NEW OVERLAP REVIEW 2016  
NAIP 2015 AERIAL

**Legend**

- Points of Diversion
- Ledges
- Proposed PPU 2016
- ▨ REV\_Overlap
- ▭ Township
- ▭ Sections





May 2, 2016

Charles G. Brockway  
Brockway engineering  
2016 Washington St. N. Ste. 4  
Twin Falls, ID 83301

Chuck,

I have researched the property boundary for Blue Lakes Country Club along the Snake River and found the following:

1. According to Jerome County Deed Instrument No.2063533 (attached) the entire river boundary in Section 28, 33 and 34 is deeded by Government Lot which makes the boundary line the ordinary high water line of the Snake River.
2. The boundary line shown on available GIS maps, assessors maps, and other maps developed from GCDB are only an approximation of the boundary from government meander survey notes or aerial mapping techniques.
3. The true boundary can only be determined by identification of the ordinary high water line.
4. Blue Lakes Country Club does not hold title to any land below the ordinary high water line and the State of Idaho does not hold title to land above the ordinary high water line unless specifically granted by deed. (map attached).

I would suggest that the state be involved in field identifying the location of the ordinary high water line and then a determination can be made as to the identification of any encroachments.

Please contact me if you have any further questions.

Roger Kruger,  
Professional Land Surveyor

CC: Jim Rasmussen



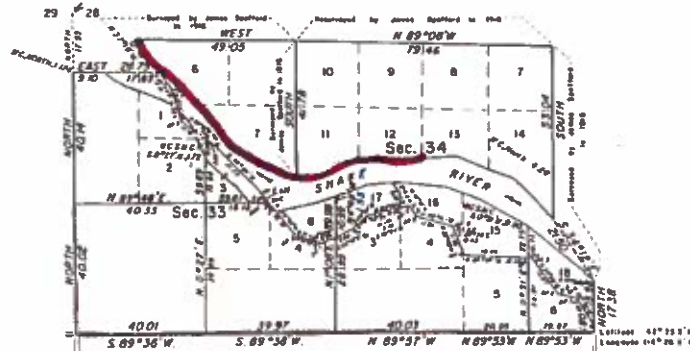
165-16

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049  
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

Placed in the area file OCT 17 1981

ORIGINAL

TOWNSHIP 9 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, IDAHO.  
DEPENDENT RESURVEY & SUBDIVISION



A history of surveys is contained in the field notes.

This plat represents the dependent resurvey of the south boundary, a portion of the subdivision lines, a portion of the original meander lines for the left bank of the Snake River designed to restore the corners to their true original locations according to the best available evidence, and the subdivision of secs. 33 and 34, T. 9 S., R. 17 E., Boise Meridian, Idaho.

The findings and areas are as shown on the plat approved March 10, 1981, and April 12, 1981 (2).

Survey executed by Gerald W. Smethers, Cadastral Surveyor, beginning May 24, 1979, and completed June 4, 1979, pursuant to Special Instructions dated May 18, 1979, for Group No. 502, Idaho.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Denver, Colorado September 21, 1981

This plat is strictly conformable to the approved field notes, and the survey, having been correctly conducted in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

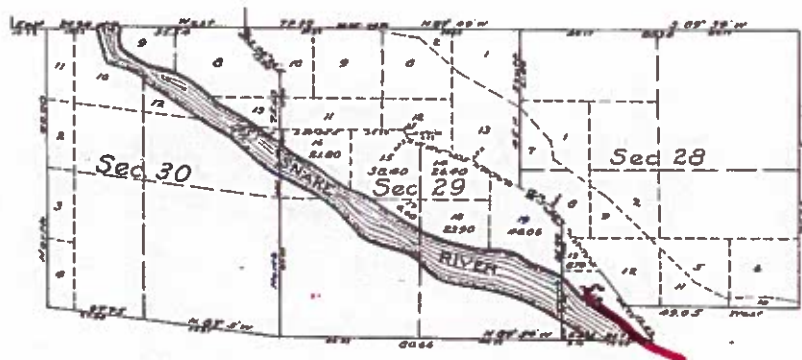
For the Director

*Gary T. Smith*

Acting Chief, Cadastral Survey  
Examination and Approval Staff



*Supplemental Plat of Sections 28, 29 and 30.  
Township N° 9 South, Range N° 17 East of the Boise Meridian, Idaho.  
Scale 20 Chains to an Inch*



This supplemental plat of sections 28, 29, and 30, Township No. 9 South, Range No. 17 East of the Boise Meridian, Idaho, is made for the purpose of giving legal designation to those parts of said sections (plat approved April 17, 1918) included in the application, Hilly 10647 of Hartman Trolan, in accordance with letter Hilly 10647 "B" of the Acting Assistant Commissioner of the General Land Office, dated July 17, 1923 and is hereby approved.

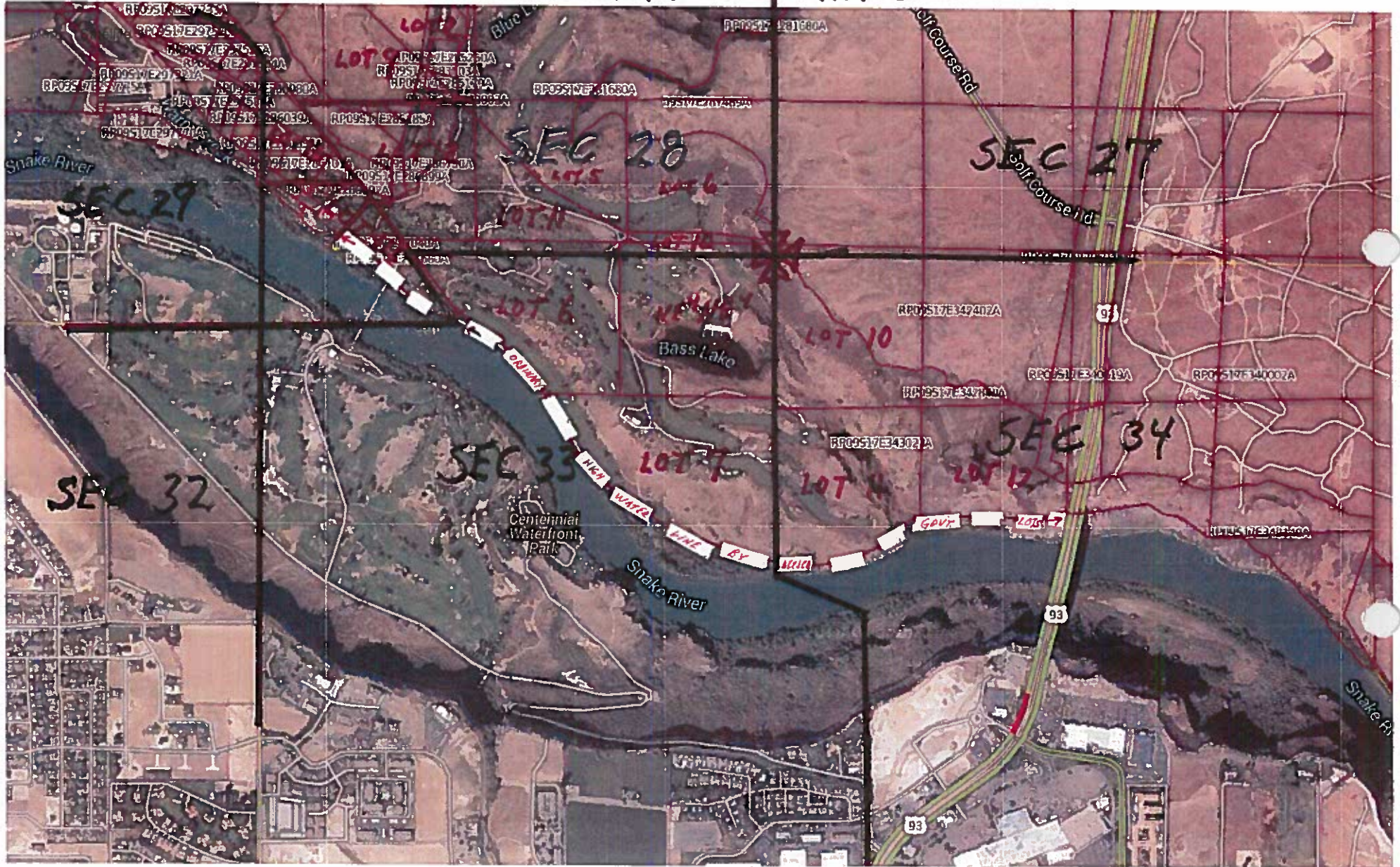
*W. W. Evans*  
Surveyor General

Surveyor General's Office,  
Boise, Idaho, August 16, 1923.

T 9 S

R 17 E

2



JT-35632  
SS1346

State of Idaho

Space Above This Line for Recording Data

### MODIFICATION/EXTENSION OF DEED OF TRUST

DATE AND PARTIES. The date of the Real Estate Modification/Extension (Modification/Extension) is Jun 15, 2006  
The parties and their addresses are:

GRANTOR: **BLUE LAKES COUNTRY CLUB, INC., AN IDAHO CORPORATION**  
PO BOX 582  
TWIN FALLS, ID 83303-0582

☐ Refer to the Addendum which is attached and incorporated herein for additional Grantors.

TRUSTEE:  
Titlefact, Inc.  
P.O. Box 486  
Twin Falls, ID 83303-0486

LENDER: First Federal Savings Bank  
383 Shoshone Street North Twin Falls, ID 83301

MODIFICATION. For value received, Grantor and Lender agree to modify the original Security Instrument. Grantor and Lender agree that this Modification continues the effectiveness of the original Security Instrument. The Security Instrument was given to secure the original debts and obligations (whether identified as Secured Debts, Sums Secured, or otherwise) that now have been modified. Together with this Modification, the Security Instrument now secures the following debts and all extensions, renewals, refinancings, modifications and replacements.

A. On 11/12/2002, Lender made a loan ("Loan") to BLUE LAKES COUNTRY CLUB, INC. ("Borrower") evidenced by Borrower's promissory note ("Note") payable to Lender in the original principal amount of ONE MILLION TWO HUNDRED FIFTY-SIX THOUSAND FOUR HUNDRED THIRTY-FIVE AND 10/100 Dollars (\$ 1,256,435.10 ), which Note was secured by a deed of trust ("Deed of Trust") executed by Grantor for the benefit of Lender covering the real property described below and recorded as Instrument No. 2026033 Filing date 11/25/2002 in the records of JEROME County, Idaho. The Note and Deed of Trust and any other related documents are hereafter cumulatively referred to as the "Loan Documents".

PROPERTY DESCRIBED AS: SEE EXHIBIT A

The property is located in Jerome at 1940 BLUE LAKES GRADE TWIN FALLS  
(County) (Address) (City)  
Idaho 83301  
(ZIP code)

B. The parties have agreed to modify and/or extend the maturity date of the Note, and it's necessary to provide for a similar modification and extension of the Deed of Trust. The parties agree as follows:

☒ 1. The maturity date of the Note is extended to 06/01/2021 at which time all outstanding sums due to Lender under the Note shall be paid in full.

☐ 2. The Deed of Trust is further modified as follows:

☒ 3. Grantor agrees to execute any additional documents which may be required by Lender to carry out the intention of this Agreement. As of the date of this Agreement, there are no claims, defenses, setoffs or counterclaims of any nature which may be asserted against Lender by any of the undersigned.

☒ 4. MAXIMUM OBLIGATION LIMIT. The total principal amount secured by the Security Instrument at any one time will not exceed \$ 913,659.68 ☒ which is a \$ 272,765.42 ☐ increase ☒ decrease in the total principal amount secured. This limitation of amount does not include interest and other fees and charges validly made pursuant to the Security Instrument. Also, this limitation does not apply to advances made under the terms of the Security Instrument to protect Lender's security and to perform any of the covenants contained in the Security Instrument.

WARRANTY OF TITLE. Grantor warrants that Grantor is or will be lawfully seized of the estate conveyed by the Security Instrument and has the right to grant, bargain, convey, sell, and mortgage the property. Grantor also warrants that such same property is unencumbered, except for encumbrances of record.

CONTINUATION OF TERMS. Except as specifically amended in this Modification, all terms of the Security Instrument remain in effect.

SIGNATURES. By signing below, Grantor agrees to the terms and covenants contained in this Modification, Grantor also acknowledges receipt of a copy of the Modification.

MODIFICATION/EXTENSION OF DEED OF TRUST SIGNATURE ADDENDUM

GRANTOR:

Entity Name:

Jack Hetherington Jun 15, 2006  
JACK HETHERINGTON, President (Date)

GRANTOR:

Entity Name:

Bob Keegan Jun 15, 2006  
BOB KEEGAN, Secretary (Date)

GRANTOR:

\_\_\_\_\_  
Jun 15, 2006  
(Date)

GRANTOR:

\_\_\_\_\_  
Jun 15, 2006  
(Date)

GRANTOR:

\_\_\_\_\_  
Jun 15, 2006  
(Date)

GRANTOR:

\_\_\_\_\_  
Jun 15, 2006  
(Date)

LENDER:

Ron Rasmussen Jun 15, 2006  
RON RASMUSSEN (Date)

ACKNOWLEDGMENTS

INDIVIDUAL

STATE OF Idaho ) ss.

County of Jerome )

On this 15<sup>th</sup> day of June 2006 before me, a Notary Public in and for said State, personally appeared Jack Hetherington and Bob Keegan known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person(s) whose name(s) subscribed to the foregoing instrument and acknowledge to me that he/she/they executed the same.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

My commission expires 4/30/2010  
(Seal)  
KAY I. FLAVEL  
NOTARY PUBLIC  
STATE OF IDAHO

Kay I. Flavel  
(Notary Public)  
Residing: Twin Falls

BUSINESS OR ENTITY

STATE OF Idaho ) ss.

County of Jerome )

On this 15<sup>th</sup> day of June 2006 before me, a Notary Public in and for said State, personally appeared Ron Rasmussen, Vice President, First Federal known or identified to me (or proved to me on the oath of \_\_\_\_\_),

to be the Signer(s) of the within instrument, and who duly acknowledged to me that he/she/they executed the same on behalf of said Corporation

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

My commission expires 4/30/2010  
(Seal)  
KAY I. FLAVEL  
NOTARY PUBLIC  
STATE OF IDAHO

Kay I. Flavel  
(Notary Public)  
Residing: Twin Falls

☐ Refer to the Addendum which is attached and incorporated herein for additional Grantors, signatures and acknowledgments

EXHIBIT A

TOWNSHIP 9 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 33: Lots 6 and 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Section 28: All of Lot 11;

That portion of Lots 5, 6 and 10, the N $\frac{1}{4}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  which lies below the intersection of the "Slide Rock" or Talus Slope with the canyon wall of Section 28;

That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  which lies below the Canyon Rim;

Those portions of Lots 2, 9, 12 and 14 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  which lies Easterly from the following described line:

Beginning at a point in the center of the present road where it crosses the canyon rim, which bears North 87°34' West and is 3,214 feet from the quarter corner common to Sections 27 and 28;

Thence running South 55°33' West, 40.0 feet;

Thence South 34°27' East along a line approximately parallel and 40 feet from the center of the present road, for 343.0 feet;

Thence South 58°29' East for 437.2 feet to an iron stake;

Thence South 6°10' West for 416.8 feet to a point on a curve which bears North 83°50' West and is 22.8 feet from the point on a curve at the center line of the present road;

Thence running along approximately parallel with the present road and 22.8 feet from the following center line which begins at the point on curve above described and runs Southerly on a curve to the left with a radius of 183.0 feet for 54.1 feet to a point of tangency;

Thence South 4°48' East for 29.7 feet to a point of curvature;

Thence on a curve to the right with a radius of 48.5 feet for 131.1 feet to a point of tangency;

Thence South 11°48' West for 29.0 feet to a point of curvature;

Thence on a curve to the left with a radius of 573.0 feet for 122.7 feet to a point of tangency;

Thence South 0°28' East for 5.3 feet to a point of curvature;

Thence on a curve to the right with a radius of 439.6 feet for 102.4 feet to a point of tangency;

Thence South 12°53' West for 84.0 feet;

Thence South 16°26' West for 64.3 feet to a point of curvature;

Thence on a curve to the left with a radius of 173.6 feet for 70.1 feet to a point of tangency;

**EXHIBIT A**

EXCEPTING THEREFROM a parcel of land upon which the Perrine Cemetery is situated in Lot 14 of Section 28, Township 9 South, Range 17, East Boise Meridian, more particularly described as follows:

Beginning at an iron stake which bears North  $87^{\circ}26'$  West and is 3,542 feet from the Southeast corner of said Section 28;  
Thence running South  $65^{\circ}36'$  East for 242.4 feet to an iron stake;  
Thence South  $27^{\circ}35'$  West for 68.0 feet to an iron stake;  
Thence North  $56^{\circ}44'$  West for 266.1 feet to an iron stake;  
Thence North  $66^{\circ}40'$  East for 36.4 feet to the POINT OF BEGINNING.

TOWNSHIP 9 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 34: That portion of Lot 10 and all of Lots 11 and 12 lying South of the Snake River Canyon Rim.

## EXHIBIT A

Thence South  $6^{\circ}43'$  East for 36.6 feet to a point of curvature;  
Thence on a curve to the right with a radius of 177.9 feet for 87.3 feet to a point of tangency;  
Thence South  $21^{\circ}24'$  West for 52.7 feet to a point of curvature;  
Thence on a curve to the left with a radius of 181.7 feet for 87.3 feet to a point of tangency;  
Thence South  $6^{\circ}07'$  East for 3.0 feet;  
Thence leaving the line which is parallel to and 22.8 feet from above described center line and running South  $83^{\circ}50'$  East for 17.1 feet to begin a line, more or less, along the Westerly shoulder of the present road;  
Thence South  $10^{\circ}19'$  East for 31.6 feet to a point of curvature;  
Thence on a curve to the right with a radius of 65.0 feet for 98.8 feet to a point of tangency;  
Thence South  $76^{\circ}45'$  West for 11.1 feet to a point of curvature;  
Thence on a curve to the left with a radius of 327.4 feet for 151.8 feet to a point of tangency;  
Thence South  $50^{\circ}11'$  West for 110.8 feet to a point of curvature;  
Thence in a curve to the left with a radius of 56.6 feet for 45.1 feet to a point of tangency;  
Thence South  $4^{\circ}33'$  West for 88.2 feet to a point of curvature;  
Thence on a curve to the right with a radius of 47.8 feet for 57.7 feet to a point of tangency;  
Thence South  $73^{\circ}39'$  West for 205.1 feet to a point of curvature;  
Thence on a curve to the left with a radius of 132.3 feet for 84.3 feet to a point of tangency;  
Thence South  $37^{\circ}09'$  West for 40.0 feet to a three inch iron pipe gate post on the center pier and on Westerly side of ridge over Alpheus Creek;  
Thence leaving the road and running North  $81^{\circ}48'$  West along the center of Alpheus Creek for 194.4 feet to a cross chiseled in the top of a boulder;  
Thence South  $44^{\circ}00'$  West for 428.2 feet to a three inch pipe set on an island approximately at the center of Alpheus Creek on the bank of the Snake River, said point bears North  $89^{\circ}06'$  West and is 3,930 feet from the Southeast corner of Section 28;  
Thence running Southeasterly along the Snake River to the Easterly corner of Lot 14 of Section 28.

# Manual of Surveying Instructions

## For the Survey of the Public Lands of the United States

BLM  
STAN FRENCH  
208-373-3981



Prepared by the  
United States Department of the Interior  
Bureau of Land Management  
Cadastral Survey

2009

case rectangularity will be ensured and corners placed appropriately.

(7) Intersecting lines and random and true lines normally form the boundaries of protracted blocks. Once the protracted corner is established by latitude and longitude from which the intersecting line is to be initiated, the line will be surveyed on the protracted bearing to an intersection with the existing surveyed line, random and true line, or water boundary. In like a manner, random and true lines will be surveyed from the established protracted corner to the existing corner designated on the amended protraction diagram. Where rectangular limits can be achieved in intersecting a corner on the boundary of the protraction block, the intersected corner will control the alinement of the intersecting line (section 3-34). Where there is a large misclosure in the exterior boundary of the protraction, it may be necessary to modify the plan of survey to avoid poorly shaped parcels.

(8) When surveyed, a protracted block will normally become a section containing the regular aliquot parts with the excess or deficiency against the previously surveyed boundary.

(9) When portions of the unsurveyed protracted areas are surveyed, it may not be necessary to create a new amended protraction diagram for the remaining unsurveyed areas. Since there will normally be no changes in the protracted latitude and longitude of other corners in the protraction, an appropriate notation to this effect on the amended protraction diagram is sufficient.

(10) In some cases, local or administrative surveys have been performed within the protracted area, prior to the official survey, to locate and mark lease boundaries, administrative boundaries, the extent of mineral interests, or to segregate meanderable water bodies for acreage chargeability. Positions established by these surveys have no official standing but, at the discretion of the appropriate BLM Chief Cadastral Surveyor, should be accepted as corner positions when they are in substantial conformity with the amended protraction diagram.

## Meandering

3-158. This discussion on meandering pertains to original surveys and new meanders. Meandering pertaining to resurveys and associated water boundaries are discussed in chapter VIII.

3-159. The traverse that approximates the margin of a permanent natural body of water, e.g., the bank of a stream, lake, or tidewater, is termed a meander line. Numerous decisions in the United States Supreme Court assert the principle that, in original surveys, meander lines are run, not as boundaries of the parcel, but (1) for the purposes of ascertaining the quantity of land remaining after segregation of the bed of the water body from the adjoining upland, (2) for defining the sinuosities of the water body for platting purposes, and (3) for closing the survey to allow for acreage calculations. The ordinary high water mark (OHWM), or line of mean high tide (line of MHT) of the stream, or other body of water, and not the meander line as actually run on the ground, is the actual boundary.

3-160. Properly executed meanders create certain riparian rights in the upland parcel. Chief among these rights is that ownership of the upland follows subsequent lateral change in location of the bed through slow and imperceptible processes, such as accretion, erosion, and reliction. When by action of water the bed of the body of water changes, the OHWM changes, and the ownership of adjoining land progresses with it (*Lane v. United States*, 274 F. 290 (5<sup>th</sup> Cir. 1921); *aff'd*, 260 U.S. 662 (1923)).

3-161. Meander lines will not be established at the segregation line between upland and swamp or overflowed land, but rather at the OHWM or line of MHT between the swamp or overflowed lands and the water body. Meanders between the swamp or overflowed lands and the upland are a common source of errors in older original surveys (section 3-211).

### Ordinary High Water Mark and Line of Mean High Tide

3-162. All lands beneath navigable waters and other important rivers and lakes are to be segregated from the upland. Meanders are run along the OHWM for inland waters, and along the line of MHT for tidewater.

The general rule is that when the Federal Government conveys title to a lot fronting on a navigable body of

water, it conveys title to the water's edge, meaning the OHWM or line of MHT. Such riparian boundaries are ambulatory, not fixed in position. When an exception to the general rule is shown, the consequence is that the meander line becomes fixed and can become a fixed and limiting property boundary. Meander lines may be held fixed because of (1) an avulsive change, (2) gross error or fraud, (3) substantial accretion after survey but before entry, or (4) where the facts and circumstances disclose an intention to limit a grant or conveyance to the actual traverse lines. But the mere fact that an irregular or sinuous line must be run, as in the case of a reservation boundary, does not entitle it to be called a meander line except where it closely follows the bank of a stream, lake or tidewater.

**3-163.** Practically all inland bodies of water pass through an annual cycle of changes and multiyear cycles of drought and wet years. The OHWM is found between these extremes. In regions of broken topography, especially when bodies of water are bounded by sharply sloping lands, the horizontal distance between the margins of the various water elevations is comparatively slight, and the surveyor does not experience much difficulty in determining the horizontal position of the OHWM. However, where the meanderable bodies of water are bordered by relatively flat lands, the horizontal distance between the successive levels can be significant and the proper line difficult to measure.

**3-164.** For inland waters, the OHWM normally used is the line below which the water impresses on the soil by covering it for sufficient periods to deprive it of terrestrial vegetation, and the soil loses its value for agriculture, including grazing of livestock. Terrestrial vegetation is to be distinguished from aquatic and wetland vegetation in that the same vegetation can be found at higher and drier sites. At this level a definite escarpment, and often a change in character in the soil, is generally traceable, at the top of which is the true position for the meander line. A pronounced escarpment, the result of the action of storm and flood waters is often found above the principal water level and is separated from the OHWM by the storm or flood beach.

**3-165.** Some areas of riverbank or lakeshore lack vegetation of any kind or escarpments that can be used to identify the OHWM for use in meandering. In those situations, an identifiable OHWM is identified between sites where vegetation capable of identification exists on either side of the barren area. Reliance on elevations to extend a continuous line projected on the bank that

is parallel in height to the water surface of the river or lake is a common method.

**3-166.** The ordinary low-water mark is the point to which nontidal waters recede, under ordinary conditions, at their lowest stage. It is usually identified by a shelf in the bank. The shore is the space between the margin of the water at the ordinary low water mark and the OHWM (*Alabama v. Georgia*, 64 U.S. 505 (1859)).

### *The Vegetation Examination*

**3-167.** The vegetation examination is conducted in the field to determine whether the grass, tree, shrub, or plant is aquatic or terrestrial vegetation.

Aquatic vegetation is any one of a variety of plants that must grow in water; they are obligated to grow with their roots in water. Many aquatic plants have hollow stems so as to stand upright in still water and others have floats in order to stay on the water surface. If a given plant is not found higher up on the bank, it is probably an aquatic species.

Transitional species, such as buttonwood, water oak, or cypress, are upland or terrestrial species that exist in very wet environments. There have been claims that cypress trees are aquatic plants. A number of court cases have used cypress as an upland indicator of the OHWM, however a mature cypress may no longer be a good indicator of OHWM.

Terrestrial vegetation is distinguished from aquatic vegetation by the location in which it grows. If vegetation type "A" is found along the water's edge—or even in the water—and type "A" is also found growing at sites situated more toward higher, drier ground (upland), then "A" is a terrestrial species. A good rule of thumb is to determine if the plant is part of a self-reproducing stand of woody vegetation and not a seasonal plant that can sprout and mature in the few months when the water is unseasonably low. Trees, shrubs, and other woody-stemmed plants are generally terrestrial.

A small pocket of an aquatic type plant growing in low places not in the riverbed is also not an indicator of the OHWM and does not indicate that the OHWM should be moved toward upland to include that pocket of aquatics. It is the most water-ward location of the terrestrial species that is determinative. A small pocket of terrestrial vegetation at a small area near the water's edge, for example, may be enough to identify that area as being a part of the upland.

never left Federal ownership (public domain lands were classified into, among others, agricultural lands, mineral lands, and Indian lands; for administrative purposes, these lands may now be administered by any one of several Federal agencies), private land claims (which were never part of the public domain), and acquired lands (which may or may not have ever been part of the public domain and which may be administered by any one of several Federal agencies). While the primary focus of the Manual is the PLSS States, Federal interest lands can be located anywhere. However, outside of the PLSS States, some portions of the Manual may not be applicable, as a technical matter. For treatment of mineral lands surveys, see sections 10-77 through 10-230.

The original public domain is comprised of the lands that have been added to the area included in the Thirteen Original States. These lands included the lands that were turned over to the Federal Government by the Colonial States and the areas acquired later from the Native Americans or foreign powers. In other words, the public domain includes the States west of the 18 Eastern States created from Colonial lands, excluding Hawaii and Texas (figure 1-1).

## Administration

**1-14.** After admission of the public domain States into the Union, the Federal Government continued and continues to hold title to and administer unappropriated lands. Various enabling acts expressly provide that the title to unappropriated lands within these States shall be retained by the United States. Moreover, lands in the territories not appropriated under competent authority before they were acquired are the exclusive property of the United States. The lands are to be administered or prepared for disposal to such persons at such time, in such modes, and by such titles as the Government may deem most advantageous to the public. Congress alone has plenary power, derived from Article IV, Section 3, Clause 2, of the Constitution to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

**1-15.** The Director of the Bureau of Land Management has the authority to determine what lands are Federal interest lands, what lands have been surveyed, what are to be surveyed, what have been disposed of, what remains to be disposed of, and what are reserved. By a well-settled principle of law, the United States, through the Department of the Interior, has the authority and duty to extend the surveys as may be necessary to include lands erroneously omitted from earlier surveys.

Proper administration of Federal interest land requires identifying and marking ownership boundaries or special use boundaries in a manner that defines the physical limits of interests or permitted uses. The BLM, unique among Federal agencies, has been given, in addition to its specific authority to conduct official/cadastral surveys of the public lands, specific authority to survey Federal interest lands in general. Therefore, other Federal entities, as well as federally recognized Indian tribes and their individual members, Alaska Native Corporations, Alaska Natives, and non-Federal landowners, may request assistance from the BLM for official surveys and related cadastral services necessary to meet administrative responsibilities or legal requirements. Funding for official survey services is appropriated directly to the BLM by Congress or, in appropriate cases, is provided by the requester through contributed funds.

## Navigable Waters

**1-16.** Sovereignty over the lands beneath navigable waters<sup>2</sup> lies with the individual States upon statehood, unless explicitly declared otherwise by competent authority. Beds of navigable bodies of water are not public domain lands and are not subject to survey and disposal by the United States.

Under the laws of the United States, the navigable waters have always been and shall forever remain common highways. This includes all tidewater streams and other important permanent bodies of water whose natural and normal condition at the date of the admission of a State into the Union was such as to classify it as navigable water. Tidelands (lands below the line of mean high tide) are not subject to survey as public domain land, save in exceptional instances.

<sup>2</sup> "Lands beneath navigable waters" means:

(1) all lands within the boundaries of each of the respective States, which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coast line of each such State, and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles; and

(3) all filled in, made, or reclaimed lands that formerly were lands beneath navigable waters, as hereinabove defined (67 Stat. 29; 43 U.S.C. 1301(a)(1), (2), and (3)).

## Appurtenant Court Cases

caused by accretion, reliction, or encroachment, but not with a sudden or artificial change in course *Raglan v. Johnston Rock Co.*, 50 C.A. (2d) 705, 123 P. (2d) 883; *City of Oakland v. Buteau*, 180 Cal. 83, 179 Pac. 170; 11 C.J.S., p. 579, *City of Missoula vs. Bakke* 121 Mont. 534, 198 P. (2d) 769; *Bode vs. Rollwitz* 60 Mont. 481, 199 Pac. 688; *Smith vs. Whitney* 105 Mont. 523, 74 P. (2d) 450; *Campbell vs. Weisbrod* 73 Idaho 82, 245 P. (2d) 1052; *Hirt vs. Entus* 37 Wash. (2d) 418, 224 P. (2d) 620; but such shifting cannot alter any other boundary of the property not thus riparian, (*Campbell vs. Weisbrod*, supra. Where a call in a metes and bounds descriptions down "the middle of the channel" of a river was held not to move with the straightening of the channel so as to disturb other courses and thereby move plaintiff's northern boundary further north.) See 6B following, for a discussion of accretion, reliction and avulsion, and which should be read in connection with this section of general rules relative to water boundaries.

Because of the difficulty of surveying a course following the sinuosities of a stream or other body of water, surveyors usually run straight lines, called "meander lines", on courses approximating the trend of the water line. The result is that a strip of land will usually be between the meander line and the actual water line. Nevertheless, the

general rule is that in a conveyance of land described as bounded by a meander line the true boundary is the stream or other body of water Anderson v. Trotter, 213 Cal. 414, 2 P. (2d) 373; Den v. Spalding, 39 C.A. (2d) 623, 104 P. (2d) 81; Ford v. County of Butte, 62 C.A. (2d) 638, 145 P. (2d) 640, or a similar rule has sometimes been stated thus: "the meander line run in surveying public lands bordering upon a navigable river is not a line of boundary, but one designated merely to point out the sinuosity of the bank of the stream, and as a means only of ascertaining the quantity of land in the fraction that is to be paid for by the purchaser; and that the water course, and not the meander line as actually run on the land, becomes the true boundary line" Johnson vs. Hurst 10 Idaho 308, 77 P. 784; Smith vs. Long 76 Idaho 265, 281 P. (2d) 483; Faucett vs. Dewey Lumber Co. 82 Mont. 250, 266 Pac. 646; Stroup vs. Mathews 44 Idaho 134, 255 Pac. 406. See also St. Paul R. Railroad Co. vs. Schurmeir 7 Wall 272 (74 U. S. 272), 19 L. Ed. 74; Smith vs. Whitney 105 Mont. 523, 74 P. (2d) 450. See Matteson v. McCarty, 98 C.A. 45, 276 Pac. 414, an exception to the rule based on manifest intent of the grantor. Another exception to the rule is that where a meander purports to show a stream or body of water which in fact neither exists nor is at or reasonably near such meander, the latter is a line of boundary and not merely a sinuosity.

Stroup vs. Matthews 44 Idaho 134, 255 Pac. 406; Johnson vs. Dunn 46 Idaho 25, 266 Pac. 1099; Wilson & Co. vs. United States 245 U. S. 24, 38 Sup. Ct. 21, 62 L. Ed. 128. See also 11 C.J.S., p. 573-575, for qualifications of the rule.

As all title men know water boundaries in connection with meander lines can cause problems, and inherent in this is perhaps a greater possibility to sustain a loss than in many other description problems. In order to make you aware of the rules, exceptions, problems, and title company practice, following with some degree of repetition is a general discussion of the subject. Since this of necessity must involve accretion, reliction and avulsion, 6B on that subject should be read in connection with the following material:

As has been pointed out before, the general rule is that in a grant of land which borders on a meandered lake, river or stream the true boundary is the stream or other body of water and not the meander line. Also as indicated heretofore there are exceptions to this general rule, and these exceptions may be classified as follows:

- (a) Intent of the parties that meander line shall be the boundary.

The meander line will be treated as the boundary if the parties to the instrument of conveyance appear to have so intended. McLeod vs. Reyes 4 C.A. (2d) 143, 40 P. (2d) 839; City of Los Angeles

**Attachment B**  
**Idaho Department of Lands Information**

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RECEIVED

SEP 19 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

  
IDAHO DEPARTMENT OF LANDS954 W. Jefferson St. PO Box 83720  
Boise, Idaho 83720-0050  
Phone (208) 334-0200 Fax (208) 334-3698STATE OF IDAHO TERM  
EASEMENT NO. 6375

THIS INDENTURE, made this 25<sup>th</sup> day of November, 2002, by and between the **STATE OF IDAHO, Department of Lands**, 954 West Jefferson Street, P.O. Box 83720, Boise, Idaho 83720-0050, acting by and through the State Board of Land Commissioners, (Grantor), and **BLUE LAKES COUNTRY CLUB**, P.O. Box 582, Twin Falls, Idaho 83303, (Grantee);

WITNESSETH: That for and in consideration of the payment of a one-time administrative fee in the amount of THREE HUNDRED and NO/100ths DOLLARS (\$300.00), lawful money of the United States of America, receipt whereof is hereby acknowledged, the Grantor does hereby grant to the Grantee, their successors in interest and assigns, a non-exclusive easement for the purpose of constructing, using, and maintaining a golf tee box (for Hole No. 7) over and across the following described lands situated in **JEROME COUNTY**, State of Idaho, so much of the following described lands which were below the natural or ordinary high water line on the date the State of Idaho was admitted to the Union with the right to additions thereto and subject to deletions therefrom which have occurred, causing the boundary of the state's ownership to change, to-wit:

A tract of land located in and/or adjacent to Government Lot 7 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, Township 9 South, Range 17 East, Boise Meridian, more particularly described as follows:

Commencing at a U.S. Department of Interior Elevation Benchmark at 3146 feet above sea level, said benchmark designated NV1024 at a Latitude of North 42°36.452' and a Longitude of West 114°28.5', said benchmark being located in Government Lot 14 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 28, Township 9 South, Range 17 East, Boise Meridian; thence South, 158.00 feet, more or less; thence South 50°00' East a distance of 2,798.40 feet to a point on a golf tee (for Hole No. 7), said point being on the ordinary high water mark on the north (right) bank of the Snake River; said point being the REAL POINT OF BEGINNING; said point being in or near the center of an area covering 360 square feet, more or less, or 0.008 of an acre, more or less, that lies below the said ordinary high water mark as shown on the maps attached hereto and made a part hereof.

It is understood and agreed that the golf tee box is to be constructed and maintained in such a manner that will not obstruct or hinder or affect navigation, recreation, or other authorized and customary use of the Snake River. The State Board of Land Commissioners reserves the right to terminate this easement for failure to construct and maintain the golf tee box as herein provided, upon thirty (30) days written notice to the Grantee.



Subject to the following terms:

1. It is understood and agreed that this easement authorizes use of this golf tee box only on the lands lying below the ordinary high water mark.
2. The Grantee will comply with all state laws and with all rules and regulations of the State Board of Land Commissioners including, but not limited to, those pertaining to watershed protection and with the Stream Channel Protection Act as designated in Chapter 38, Title 42 of the Idaho Code as administered by the Department of Water Resources.
3. It is understood and agreed that the legal description described in this easement is that provided by the Grantee who assumes full responsibility for the golf tee box being located within the described legal description. The Grantor assumes no responsibility involved with an inaccurate legal description.
4. The Grantee shall indemnify and hold harmless, the Grantor and its representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under this easement.
5. Upon termination or abandonment, the Grantee shall have six (6) months from the date of receipt of the final notice to remove all facilities or improvements.
6. This easement is issued by the authority of the Rules for Easements on Submerged Lands and Formerly Submerged Lands (IDAPA 20.03.09) dated July, 1993.
7. If the easement is not used for the specified purpose for any consecutive five (5) year period, the Grantor may declare, in writing, such easement forfeited and the use of the lands shall revert to the Grantor or to the record owner of the lands.
8. If the easement is not used for the specified purpose within five (5) years from the date the easement is issued, then, in such event, the said lands so granted shall automatically revert to the Grantor without any further action required by Grantor.
9. The Grantee agrees to indemnify the Grantor against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the easement (unless the release or threatened release is wholly unrelated to the Grantee's activity on the easement), or resulting from the activity of the Grantee on the easement. This agreement applies without regard to whether a release is caused by the Grantee or its agent.



10. This easement is purpose specific and the Grantee is authorized to use the easement only for the purpose of a golf tee box mentioned above. If the Grantee desires to use the easement for an additional or different purpose, the Grantee shall make a request in writing to the Grantor and, if approved, the original easement shall either be amended or canceled and replaced by a new easement.

11. This easement does not give the Grantee authority to permit third party use of the easement area for any permanent purpose. Third party use shall be authorized only by the Grantor. The Grantor shall permit third party use only on the condition that said use shall not interfere with, nor unduly burden the Grantor's estate.

12. This easement may be assigned with the approval of the Grantor. The Grantee must provide the appropriate legal assignment documentation and pay the required easement assignment fee.

13. This easement shall be effective upon execution and shall continue for a period of twenty (20) years or until December 31, 2022, subject only to the terms and provisions of this easement.

14. USE OF THIS EASEMENT BY THE GRANTEE CONSTITUTES ACCEPTANCE OF THE EASEMENT AND AGREEMENT TO BE BOUND BY THE TERMS HEREOF.

The logo of the Idaho Department of Lands, featuring a stylized mountain peak and a river flowing through a diamond shape, with the text "IDAHO DEPARTMENT OF LANDS" below it.

STATE BOARD OF LAND COMMISSIONERS

**Countersigned:**

Secretary of State

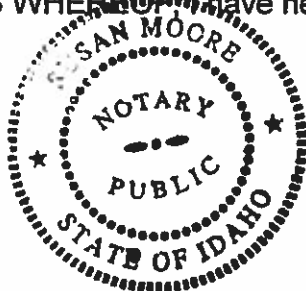
Director, Idaho Department of Lands

\* \* \* \* \*

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

On this 25<sup>th</sup> day of November, 2002, before me, a Notary Public in and for said State, personally appeared **DIRK KEMPTHORNE**, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners; **PETE T. CENARRUSA**, known to me to be the Secretary of State for the State of Idaho; and **WINSTON A WIGGINS**, known to me to be the Director of Department of Lands of the State of Idaho, that executed the same instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

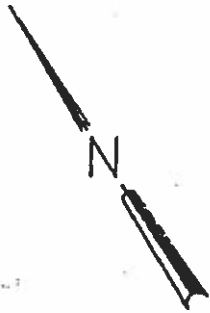
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



  
NOTARY PUBLIC for Idaho  
Residing at Paris, Idaho  
My Commission expires 08-08-2007

3069 11 NE  
(JEROME)





# Proposed Tee Box

NWW No. 022200600

Mr. Jim Rasmussen

Snake River

Jerome County, Idaho

Sheet 1 of 2

February 28, 2002

Wetlands Fill  
(224 sq. ft.)

Snake River Fill  
(395 sq. ft.)

Ordinary High  
Water Mark

Proposed  
Tee

Existing Tee

*~ 360 sq. ft. fill*

Ordinary Low  
Water Mark

\* All measurements  
are in feet.

Benchmark NV1024  
Jerome County, Idaho  
N 42 36.452 W 114 28.5 (NAD 83)

158

2798.4

Proposed  
Tee

Existing Tee

Snake River

Ordinary High  
Water Mark

Note: All measurements  
are in feet.

**EASTERN SUPERVISORY AREA**  
**Jerome Field Office**  
324 South 417 East, Ste. 2  
Jerome, ID 83338-6206  
Phone (208) 324-2561  
Fax (208) 324-2917  
mlomkin@idl.idaho.gov



**STATE BOARD OF LAND COMMISSIONERS**  
C. L. "Butch" Otter, Governor  
Lawrence E. Denney, Secretary of State  
Lawrence G. Wasden, Attorney General  
Brandon Woolf, State Controller  
Sherri Ybarra, Sup't of Public Instruction

July 26, 2016

Mr. Jim Bitzenburg  
Idaho Department of Water Resources  
Via email to: [james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)

Ms. Hattie Zobott  
Brockway Engineering PLLC  
Via email to: [hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

Subject: Blue Lakes Country Club Water Transfer and Idaho Public Trust Land

Dear Mr. Bitzenburg and Ms. Zobott:

The State of Idaho owns the beds and banks of all navigable waters below the Ordinary High Water Mark (OHWM). This is referred to as Public Trust Land. The Snake River is considered a navigable waterway. Navigable Waters and Public Trust Lands are administered by Idaho Department of Lands (IDL) for the benefit of the public.

In previous conversations with you, we have discussed the location of the Blue Lakes Country Club (BLCC) Proposed Irrigation Permissible Place of Use near the Snake River. Although the irrigation appears to have been in its current location for many years, BLCC's current effort to refine the water right POU location led to questions from Idaho Department of Water Resources (IDWR) about determining ownership on this property.

Upland deeds along rivers often describe property as Government Lots. The littoral edge of a Government Lot is the meander line which is not necessarily the OHWM (or boundary of the state managed public trust land). If a deed describes upland property to a properly identified OHWM littoral line, then it would be clear where private upland ownership begins and Public Trust ends. If, however, the deed describes to a meander line, and if the meander line is not located on the OHWM, there may be uncertainty regarding where the private land ends and the public trust land begins.

The property description that was included with Mr. Brockway's letter to IDWR dated March 16, 2015, included:

- Sec. 33, Lots 6 and 7: This property seems to be deeded to the GLO established meander line and this portion of the meander line appears to be near the OHWM.
- Sec 28, Lot 11: Describes "running Southeasterly along the Snake River to the Easterly corner of Lot 14." This is not a very detailed description and makes it difficult to determine the BLCC ownership in relation to the OHWM.
- Sec 34, Lots 10, 11, and 12: By definition, since the deed does not provide any additional details on the littoral edge of these lots, the deeded ownership of these parcels extends to the GLO established meander line.

*"Trusted Stewards of Idaho's Resources; From Main Street to Mountaintop"*

Along most of the BLCC property, the meander line appears near the OHWM, leaving very little property in between the Meander Line and the OHWM that has not been described in the upland property deed(s).

For the irrigated BLCC lands located below the OHWM, IDL may consider authorizing the use of that land through a submerged land lease or easement. For lands located above the OHWM, two methods exist for BLCC to clear title to property when the location of the meander line or described lot boundary and OHWM are different:

1. Disclaimer of interest from the Idaho Department of Lands
2. Quiet title action through the courts

If BLCC wishes to clear the title of the property along the Snake River, IDL's preference would be to work with BLCC to complete a disclaimer of interest on all of BLCC's contiguous land adjacent to the Snake River. If a portion of the golf course is determined to be below the OHWM, including the proposed WR POU, a secondary authorization, such as an easement or lease, may be required. As part of the disclaimer process, IDL requires the disclaimer applicant to grant a 25-foot public use right-of-way easement along and adjacent to the existing OHWM of rivers.

Attached for your information is IDL's Application for Disclaimer of Interest, which includes instructions and information on the disclaimer process/procedure. If BLCC wishes to move forward with the disclaimer process, please complete the application and return it with the application fee of Three Hundred Dollars (\$300.00) payable to "Treasurer, State of Idaho" to the Jerome IDL address on this letterhead. If the disclaimer field/survey work determines that an easement or lease is also needed, a different application and application fee may also need to be submitted at that time.

If you have any questions, feel free to contact me at 208-324-2561.

Sincerely,



Meribeth Lomkin  
Resource Supervisor – L&W

Enclosure: Application for Disclaimer of Interest



## APPLICATION FOR DISCLAIMER OF INTEREST

Disclaimer Number (Bureau use only) \_\_\_\_\_

Project Number (Bureau use only) \_\_\_\_\_

Acquired Easement Number (Bureau use only) \_\_\_\_\_

Acquired Easement Number (Bureau use only) \_\_\_\_\_

### GENERAL INFORMATION

The State of Idaho owns the beds and banks of all navigable waters below the Ordinary High Water Mark (OHWM). These sovereign lands were acquired by virtue of the Equal Footing Doctrine and are administered by the Idaho Department of Lands (IDL) for the benefit of the general public in accordance with the Public Trust Doctrine.

If a river or lake has moved through accretion or reliction and the waterbed has become upland, a disclaimer of interest may be granted upon request by the adjacent upland landowner to provide clear title to their land. This means that the state is disclaiming any underlying interest in this portion of former state owned waterbed.

### PROCEDURE

The procedure for acquiring a disclaimer of interest is as follows:

1. Contact the appropriate IDL Supervisory Area Office to determine if the subject property qualifies for issuance of a disclaimer.
2. If the property does qualify, a completed and signed application for Disclaimer of Interest and a \$300 application fee will be required prior to any extensive consultations or surveys. The exact name(s) and address you wish to appear on the disclaimer should be on the form.
3. The subject property will require a legal land survey. An IDL representative will visit the site with the applicant's land surveyor to establish the OHWM. The applicant may also be present.
4. In cases where the present river has moved onto lands outside the General Land Office (GLO) meander lines, the IDL will require the requesting party to disclaim to the State that portion of the present riverbed.
5. The applicant is responsible for coordinating with adjoining land owners who could have a competing claim to the same property. Quit claim deeds from neighbors may be required.
6. IDL will require the applicant to grant a 25-foot public use right-of-way easement along and adjacent to the existing OHWM of rivers. This serves to protect the public trust values associated with rivers and the disclaimed lands by providing river access to the public.
7. The surveyor will submit a record of survey and legal descriptions which show: 1) areas to be disclaimed from the state to the property owner; 2) areas to be disclaimed from the property owner to the state; and 3) the 25-foot public use right of way easement. The record of survey must show the present OHWM, as identified by IDL, in relation to the original GLO meander line. The survey must be tied to at least one, and preferably two, PLSS corner(s).

### APPLICATION

When the record of survey has been completed, submit the following documents to the Department of Lands Supervisory Area Office:

- 1) A full size copy of the record of survey and a copy of the legal descriptions. A digital copy of each will also need to be provided, the legal descriptions as an MS Word file, and the record of survey as a PDF file.
- 2) Tax payment history.
- 3) Proof of ownership of the upland property adjacent to the area to be disclaimed. A copy of the property deed is preferable. The applicant must be the legal owner.
- 4) Any additional documentation needed to prove ownership and/or legal authorization to sign the disclaimer application and related documents (e.g. quit claim deeds from neighbors).

This is not to be considered an exhaustive list of all the information the Idaho Department of Lands may require. Additional information may be required as needed on a case by case basis.

The final fee for the disclaimer is the actual cost of the field inspection and preparation of the required documents minus the \$300 application fee, but not less than \$300. The applicant will be billed for the remainder following approval by the State Board of Land Commissioners and before the final documents are issued.

#### **APPLICATION INFORMATION**

1. NAME: \_\_\_\_\_ d/b/a: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_  
CITY, STATE, ZIP CODE: \_\_\_\_\_
3. TELEPHONE: \_\_\_\_\_
4. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:  
\_\_\_\_\_
5. RIVER/LAKE: \_\_\_\_\_
6. COUNTY(ies): \_\_\_\_\_

I HEREBY REQUEST A DISCLAIMER OF INTEREST FROM THE STATE OF IDAHO AND ACKNOWLEDGE THAT I UNDERSTAND MY OBLIGATIONS DESCRIBED HEREIN, INCLUDING THE GRANTING OF A TWENTY-FIVE (25.00) FOOT WIDE PUBLIC USE ACCESS EASEMENT IF THE DISCLAIMER IS FOR FORMER RIVERBED.

APPLICANT(S) SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**EASTERN SUPERVISORY AREA**

**Jerome Field Office**  
324 South 417 East, Ste. 2  
Jerome, ID 83338-6206  
Phone (208) 324-2561  
Fax (208) 324-2917  
[mlomkin@idl.idaho.gov](mailto:mlomkin@idl.idaho.gov)



**STATE BOARD OF LAND COMMISSIONERS**

**C. L. "Butch" Otter, Governor**  
**Lawrence E. Denney, Secretary of State**  
**Lawrence G. Wasden, Attorney General**  
**Brandon Woolf, State Controller**  
**Sherri Ybarra, Sup't of Public Instruction**

July 26, 2016

**RECEIVED**

**JUL 26 2016**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Mr. Jim Bitzenburg  
Idaho Department of Water Resources  
Via email to: [james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)

Ms. Hattie Zobott  
Brockway Engineering PLLC  
Via email to: [hattie.zobott@brockwayeng.com](mailto:hattie.zobott@brockwayeng.com)

**Subject: Blue Lakes Country Club Water Transfer and Idaho Public Trust Land**

Dear Mr. Bitzenburg and Ms. Zobott:

The State of Idaho owns the beds and banks of all navigable waters below the Ordinary High Water Mark (OHWM). This is referred to as Public Trust Land. The Snake River is considered a navigable waterway. Navigable Waters and Public Trust Lands are administered by Idaho Department of Lands (IDL) for the benefit of the public.

In previous conversations with you, we have discussed the location of the Blue Lakes Country Club (BLCC) Proposed Irrigation Permissible Place of Use near the Snake River. Although the irrigation appears to have been in its current location for many years, BLCC's current effort to refine the water right POU location led to questions from Idaho Department of Water Resources (IDWR) about determining ownership on this property.

Upland deeds along rivers often describe property as Government Lots. The littoral edge of a Government Lot is the meander line which is not necessarily the OHWM (or boundary of the state managed public trust land). If a deed describes upland property to a properly identified OHWM littoral line, then it would be clear where private upland ownership begins and Public Trust ends. If, however, the deed describes to a meander line, and if the meander line is not located on the OHWM, there may be uncertainty regarding where the private land ends and the public trust land begins.

The property description that was included with Mr. Brockway's letter to IDWR dated March 16, 2015, included:

- Sec. 33, Lots 6 and 7: This property seems to be deeded to the GLO established meander line and this portion of the meander line appears to be near the OHWM.
- Sec 28, Lot 11: Describes "running Southeasterly along the Snake River to the Easterly corner of Lot 14." This is not a very detailed description and makes it difficult to determine the BLCC ownership in relation to the OHWM.
- Sec 34, Lots 10, 11, and 12: By definition, since the deed does not provide any additional details on the littoral edge of these lots, the deeded ownership of these parcels extends to the GLO established meander line.

*"Trusted Stewards of Idaho's Resources, From Main Street to Mountaintop"*

Along most of the BLCC property, the meander line appears near the OHWM, leaving very little property in between the Meander Line and the OHWM that has not been described in the upland property deed(s).

For the irrigated BLCC lands located below the OHWM, IDL may consider authorizing the use of that land through a submerged land lease or easement. For lands located above the OHWM, two methods exist for BLCC to clear title to property when the location of the meander line or described lot boundary and OHWM are different:

1. Disclaimer of interest from the Idaho Department of Lands
2. Quiet title action through the courts

If BLCC wishes to clear the title of the property along the Snake River, IDL's preference would be to work with BLCC to complete a disclaimer of interest on all of BLCC's contiguous land adjacent to the Snake River. If a portion of the golf course is determined to be below the OHWM, including the proposed WR POU, a secondary authorization, such as an easement or lease, may be required. As part of the disclaimer process, IDL requires the disclaimer applicant to grant a 25-foot public use right-of-way easement along and adjacent to the existing OHWM of rivers.

Attached for your information is IDL's Application for Disclaimer of Interest, which includes instructions and information on the disclaimer process/procedure. If BLCC wishes to move forward with the disclaimer process, please complete the application and return it with the application fee of Three Hundred Dollars (\$300.00) payable to "Treasurer, State of Idaho" to the Jerome IDL address on this letterhead. If the disclaimer field/survey work determines that an easement or lease is also needed, a different application and application fee may also need to be submitted at that time.

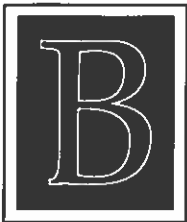
If you have any questions, feel free to contact me at 208-324-2561.

Sincerely,



Meribeth Lomkin  
Resource Supervisor – L&W

Enclosure: Application for Disclaimer of Interest



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 09 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

March 16, 2016

Mr. Jim Bitzenburg  
Idaho Department of Water Resources  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301

Re: Blue Lakes Country Club transfer application  
Project No. 306-05-2016

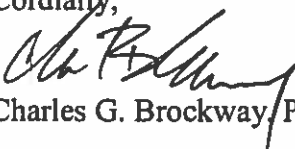
Dear Jim:

This letter concerns your question about the proposed permissible place of use potentially overlapping on state land along the river bank. Blue Lakes Country Club retained EHM Engineers, Inc. to investigate the property boundary conveyance history in this area to determine whether state land was indeed involved. I am attaching the report and supplemental materials from Roger Kruger, PLS explaining his findings.

In brief, Mr. Kruger determined that the affected area is deeded by Government Lot, and therefore property owned by BLCC extends to the ordinary high water line of the Snake River, and the GCDB lines are only an approximation. I have inspected the length of the river bank and in my opinion the ordinary high water line is easily identifiable. The bank is abrupt and well-defined, and the impression made by recurring water inundation and the line of vegetative establishment is evident. Irrigation is occurring only on the top of the bank and further inland, i.e. above the ordinary high water line.

Based on this information, it appears that there is no overlap of actual or proposed irrigation on state land. Enclosed is a slightly-revised permissible place of use map with the PPU boundary delineated just landward of the vegetation line to reflect these findings. I will forward an electronic version of this shape file for your use. Please let me know if this resolves the issue.

Cordially,

  
Charles G. Brockway, P.E.

Enc.  
cc: Jim Rasmussen

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

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

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506



May 2, 2016

Charles G. Brockway  
Brockway engineering  
2016 Washington St. N. Ste. 4  
Twin Falls, ID 83301

Chuck,

I have researched the property boundary for Blue Lakes Country Club along the Snake River and found the following:

1. According to Jerome County Deed Instrument No.2063533 (attached) the entire river boundary in Section 28, 33 and 34 is deeded by Government Lot which makes the boundary line the ordinary high water line of the Snake River.
2. The boundary line shown on available GIS maps, assessors maps, and other maps developed from GCDB are only an approximation of the boundary from government meander survey notes or aerial mapping techniques.
3. The true boundary can only be determined by identification of the ordinary high water line.
4. Blue Lakes Country Club does not hold title to any land below the ordinary high water line and the State of Idaho does not hold title to land above the ordinary high water line unless specifically granted by deed. (map attached).

I would suggest that the state be involved in field identifying the location of the ordinary high water line and then a determination can be made as to the identification of any encroachments.

Please contact me if you have any further questions.

Roger Kruger,  
Professional Land Surveyor

CC: Jim Rasmussen



165-16

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049  
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

JT-35632  
SS1346

State of Idaho

Space Above This Line for Recording Data

### MODIFICATION/EXTENSION OF DEED OF TRUST

DATE AND PARTIES. The date of the Real Estate Modification/Extension (Modification/Extension) is Jun 15, 2006  
The parties and their addresses are:

GRANTOR: **BLUE LAKES COUNTRY CLUB, INC., AN IDAHO CORPORATION**  
PO BOX 582  
TWIN FALLS, ID 83303-0582

☐ Refer to the Addendum which is attached and incorporated herein for additional Grantors

TRUSTEE: Tidefact, Inc.  
P.O. Box 486  
Twin Falls, ID 83303-0486

LENDER: First Federal Savings Bank  
383 Shoshone Street North Twin Falls, ID 83301

MODIFICATION. For value received, Grantor and Lender agree to modify the original Security Instrument. Grantor and Lender agree that this Modification continues the effectiveness of the original Security Instrument. The Security Instrument was given to secure the original debts and obligations (whether identified as Secured Debts, Sums Secured, or otherwise) that now have been modified. Together with this Modification, the Security Instrument now secures the following debts and all extensions, renewals, refinancings, modifications and replacements.

A. On 11/12/2002, Lender made a loan ("Loan") to BLUE LAKES COUNTRY CLUB, INC. ("Borrower") evidenced by Borrower's promissory note ("Note") payable to Lender in the original principal amount of ONE MILLION TWO HUNDRED FIFTY-SIX THOUSAND FOUR HUNDRED THIRTY-FIVE AND 16/100 Dollars (\$ \$1,256,435.10), which Note was secured by a deed of trust ("Deed of Trust") executed by Grantor for the benefit of Lender covering the real property described below and recorded as Instrument No. 2926033 Filing date 11/25/2002 in the records of JEROME County, Idaho. The Note and Deed of Trust and any other related documents are hereafter cumulatively referred to as the "Loan Documents".

PROPERTY DESCRIBED AS: SEE EXHIBIT A

The property is located in Jerome at 1940 BLUE LAKES GRADE TWIN FALLS  
(County) (Address) (City)  
Idaho 83301  
(ZIP code)

B. The parties have agreed to modify and/or extend the maturity date of the Note, and it's necessary to provide for a similar modification and extension of the Deed of Trust. The parties agree as follows:

☒ 1. The maturity date of the Note is extended to 06/01/2021 at which time all outstanding sums due to Lender under the Note shall be paid in full.

☐ 2. The Deed of Trust is further modified as follows:

☒ 3. Grantor agrees to execute any additional documents which may be required by Lender to carry out the intention of this Agreement. As of the date of this Agreement, there are no claims, defenses, setoffs or counterclaims of any nature which may be asserted against Lender by any of the undersigned.

☒ 4. MAXIMUM OBLIGATION LIMIT. The total principal amount secured by the Security Instrument at any one time will not exceed \$ 983,869.68 ☒ which is a \$ 272,765.42 ☐ increase ☒ decrease in the total principal amount secured. This limitation of amount does not include interest and other fees and charges validly made pursuant to the Security Instrument. Also, this limitation does not apply to advances made under the terms of the Security Instrument to protect Lender's security and to perform any of the covenants contained in the Security Instrument.

WARRANTY OF TITLE. Grantor warrants that Grantor is or will be lawfully seized of the estate conveyed by the Security Instrument and has the right to grant, bargain, convey, sell, and mortgage the property. Grantor also warrants that such same property is unencumbered, except for encumbrances of record.

CONTINUATION OF TERMS. Except as specifically amended in this Modification, all terms of the Security Instrument remain in effect.

SIGNATURES. By signing below, Grantor agrees to the terms and covenants contained in this Modification. Grantor also acknowledges receipt of a copy of the Modification.

MODIFICATION/EXTENSION OF DEED OF TRUST SIGNATURE ADDENDUM

GRANTOR:

Entity Name:

Jack Hetherington  
JACK HETHERINGTON, President Jun 15, 2006  
(Date)

GRANTOR:

Entity Name:

Bob Keegan  
BOB KEEGAN, Secretary Jun 15, 2006  
(Date)

GRANTOR:

Jun 15, 2006  
(Date)

GRANTOR:

Jun 15, 2006  
(Date)

GRANTOR:

Jun 15, 2006  
(Date)

GRANTOR:

Jun 15, 2006  
(Date)

LENDER:

Ron Rasmussen  
RON RASMUSSEN Jun 15, 2006  
(Date)

ACKNOWLEDGMENTS

INDIVIDUAL

STATE OF Idaho ) ss.  
County of Jerome )

On this 15<sup>th</sup> day of June 2006 before me, a Notary Public in and for said State, personally appeared Jack Hetherington and Bob Keegan known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person(s) whose name(s) subscribed to the foregoing instrument and acknowledge to me that he/she/they executed the same.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

My commission expires 4/30/2010  
(Seal)  
KAY I. FLAVEL  
NOTARY PUBLIC  
STATE OF IDAHO

Kay I. Flavel  
(Notary Public)  
Residing: Twin Falls

BUSINESS OR ENTITY

STATE OF Idaho ) ss.  
County of Jerome )

On this 15<sup>th</sup> day of June 2006 before me, a Notary Public in and for said State, personally appeared Ron Rasmussen, Vice President, First Federal known or identified to me (or proved to me on the oath of \_\_\_\_\_),

to be the Signer(s) of the within instrument, and who duly acknowledged to me that he/she/they executed the same on behalf of said Corporation

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

My commission expires 4/30/2010  
(Seal)  
KAY I. FLAVEL  
NOTARY PUBLIC  
STATE OF IDAHO

Kay I. Flavel  
(Notary Public)  
Residing: Twin Falls

☐ Refer to the Addendum which is attached and incorporated herein for additional Grantors, signatures and acknowledgments

EXHIBIT A

TOWNSHIP 9 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 33: Lots 6 and 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Section 28: All of Lot 11;

That portion of Lots 5, 6 and 10, the N $\frac{1}{2}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  which lies below the intersection of the "Slide Rock" or Talus Slope with the canyon wall of Section 28;

That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  which lies below the Canyon Rim;

Those portions of Lots 2, 9, 12 and 14 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  which lies Easterly from the following described line:

Beginning at a point in the center of the present road where it crosses the canyon rim, which bears North 87°34' West and is 3,214 feet from the quarter corner common to Sections 27 and 28;

Thence running South 55°33' West, 40.0 feet;

Thence South 34°27' East along a line approximately parallel and 40 feet from the center of the present road, for 343.0 feet;

Thence South 58°29' East for 437.2 feet to an iron stake;

Thence South 6°10' West for 416.8 feet to a point on a curve which bears North 83°50' West and is 22.8 feet from the point on a curve at the center line of the present road;

Thence running along approximately parallel with the present road and 22.8 feet from the following center line which begins at the point on curve above described and runs Southerly on a curve to the left with a radius of 183.0 feet for 54.1 feet to a point of tangency;

Thence South 4°48' East for 29.7 feet to a point of curvature;

Thence on a curve to the right with a radius of 48.5 feet for 131.1 feet to a point of tangency;

Thence South 11°48' West for 29.0 feet to a point of curvature;

Thence on a curve to the left with a radius of 573.0 feet for 122.7 feet to a point of tangency;

Thence South 0°28' East for 5.3 feet to a point of curvature;

Thence on a curve to the right with a radius of 439.6 feet for 102.4 feet to a point of tangency;

Thence South 12°53' West for 84.0 feet;

Thence South 16°26' West for 64.3 feet to a point of curvature;

Thence on a curve to the left with a radius of 173.6 feet for 70.1 feet to a point of tangency;

## EXHIBIT A

Thence South  $6^{\circ}43'$  East for 36.6 feet to a point of curvature;  
Thence on a curve to the right with a radius of 177.9 feet for 87.3 feet to a point of tangency;  
Thence South  $21^{\circ}24'$  West for 52.7 feet to a point of curvature;  
Thence on a curve to the left with a radius of 181.7 feet for 87.3 feet to a point of tangency;  
Thence South  $6^{\circ}07'$  East for 3.0 feet;  
Thence leaving the line which is parallel to and 22.8 feet from above described center line and running South  $83^{\circ}50'$  East for 17.1 feet to begin a line, more or less, along the Westerly shoulder of the present road;  
Thence South  $10^{\circ}19'$  East for 31.6 feet to a point of curvature;  
Thence on a curve to the right with a radius of 65.0 feet for 98.8 feet to a point of tangency;  
Thence South  $76^{\circ}45'$  West for 11.1 feet to a point of curvature;  
Thence on a curve to the left with a radius of 327.4 feet for 151.8 feet to a point of tangency;  
Thence South  $50^{\circ}11'$  West for 110.8 feet to a point of curvature;  
Thence in a curve to the left with a radius of 56.6 feet for 45.1 feet to a point of tangency;  
Thence South  $4^{\circ}33'$  West for 88.2 feet to a point of curvature;  
Thence on a curve to the right with a radius of 47.8 feet for 57.7 feet to a point of tangency;  
Thence South  $73^{\circ}39'$  West for 205.1 feet to a point of curvature;  
Thence on a curve to the left with a radius of 132.3 feet for 84.3 feet to a point of tangency;  
Thence South  $37^{\circ}09'$  West for 40.0 feet to a three inch iron pipe gate post on the center pier and on Westerly side of ridge over Alpheus Creek;  
Thence leaving the road and running North  $81^{\circ}48'$  West along the center of Alpheus Creek for 194.4 feet to a cross chiseled in the top of a boulder;  
Thence South  $44^{\circ}00'$  West for 428.2 feet to a three inch pipe set on an island approximately at the center of Alpheus Creek on the bank of the Snake River, said point bears North  $89^{\circ}06'$  West and is 3,930 feet from the Southeast corner of Section 28;  
Thence running Southeasterly along the Snake River to the Easterly corner of Lot 14 of Section 28.

EXHIBIT A

EXCEPTING THEREFROM a parcel of land upon which the Perrine Cemetery is situated in Lot 14 of Section 28, Township 9 South, Range 17, East Boise Meridian, more particularly described as follows:

Beginning at an iron stake which bears North  $87^{\circ}26'$  West and is 3,542 feet from the Southeast corner of said Section 28;

Thence running South  $65^{\circ}36'$  East for 242.4 feet to an iron stake;

Thence South  $27^{\circ}35'$  West for 68.0 feet to an iron stake;

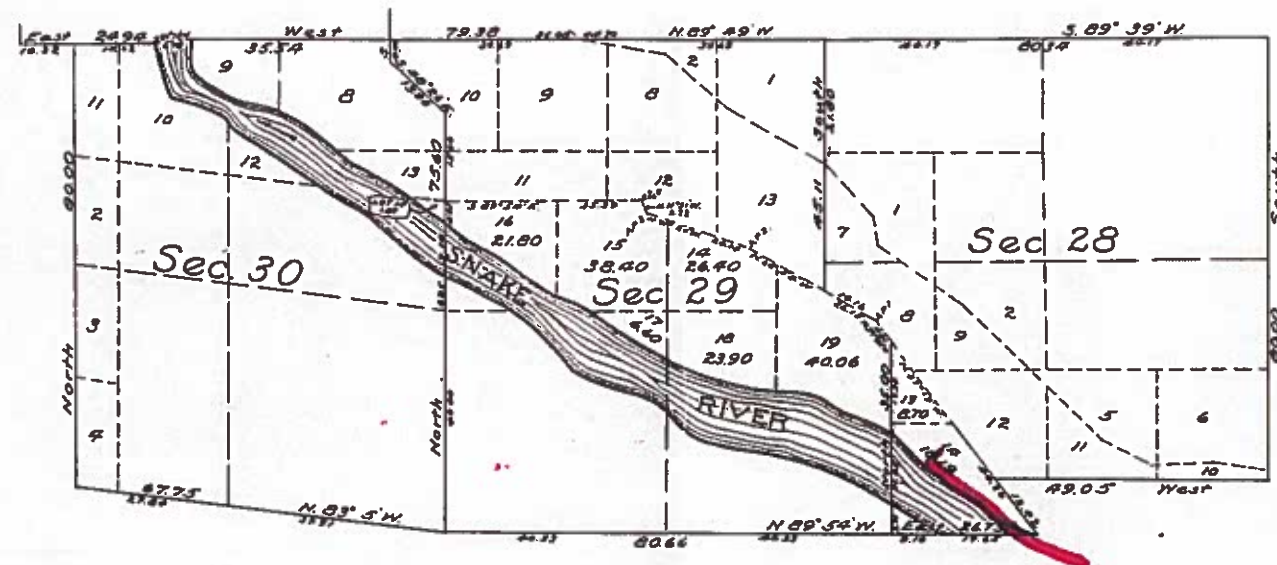
Thence North  $56^{\circ}44'$  West for 266.1 feet to an iron stake;

Thence North  $66^{\circ}40'$  East for 36.4 feet to the POINT OF BEGINNING.

TOWNSHIP 9 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 34: That portion of Lot 10 and all of Lots 11 and 12 lying South of the Snake River Canyon Rim.

Supplemental Plat of Sections 28, 29 and 30.  
 Township No. 9 South, Range No. 17 East of the Boise Meridian, Idaho.  
 Scale 20 Chains to an Inch

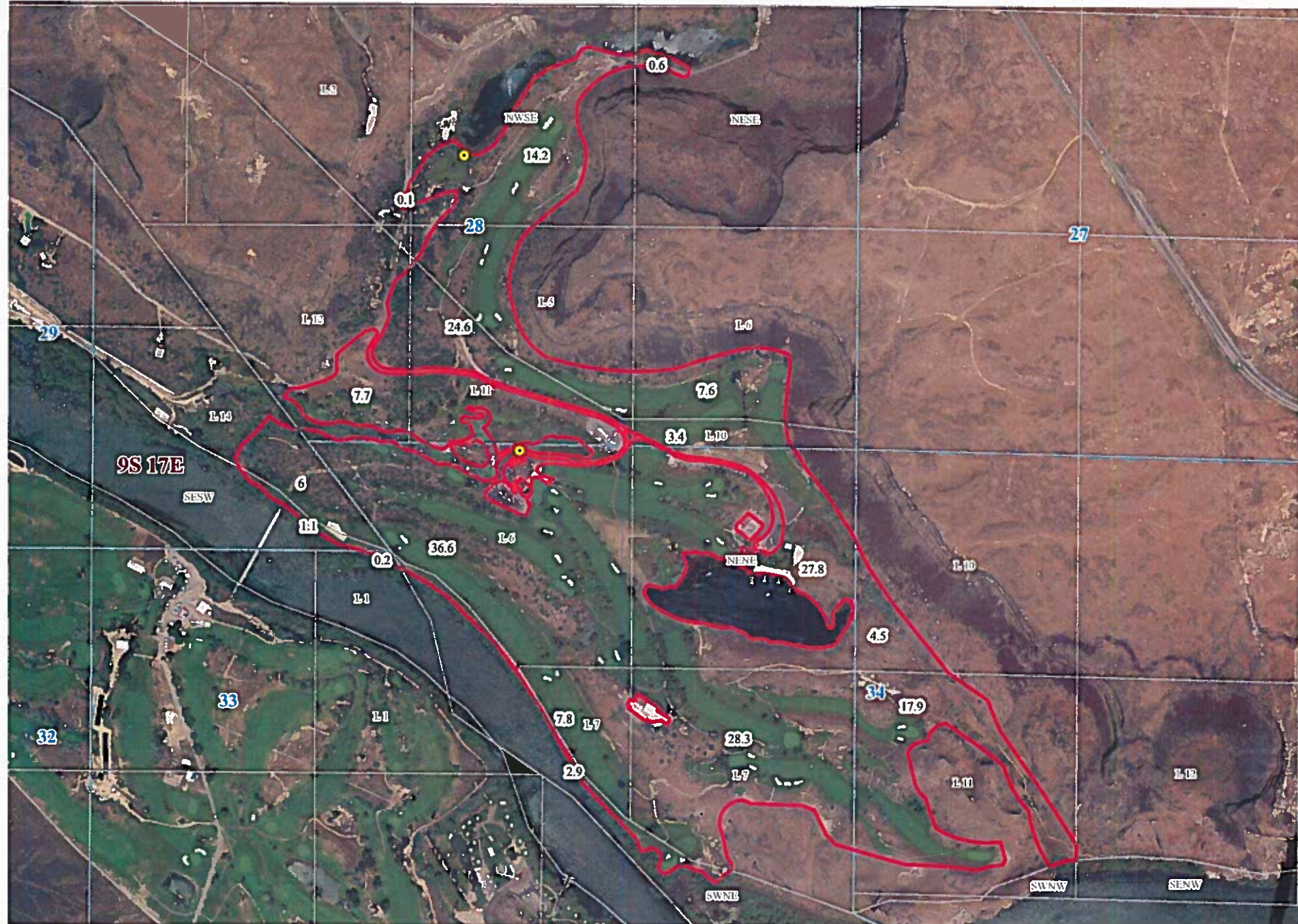


This supplemental plat of sections 28, 29, and 30, Township No. 9 South, Range No. 17 East of the Boise Meridian, Idaho, is made for the purpose of giving legal designation to those parts of said sections ( plat approved April 17, 1918 ) included in the application, Halley 026647 of Hortense Ferrine, in accordance with letter Halley 026647 "R" APD of the Acting Assistant Commissioner of the General Land Office, dated July 17, 1923 and is hereby approved.

*Vigil W. Evans*  
 Surveyor General

Surveyor General's Office,  
 Boise, Idaho, August 16, 1923.





**BROCKWAY ENGINEERING, PLLC.**  
ALR - Date: 5/3/2016

**BLUE LAKES COUNTRY CLUB INC.**

PPU AREA - TRANSFER REVISIONS  
NAIP 2015 AERIAL

### Legend

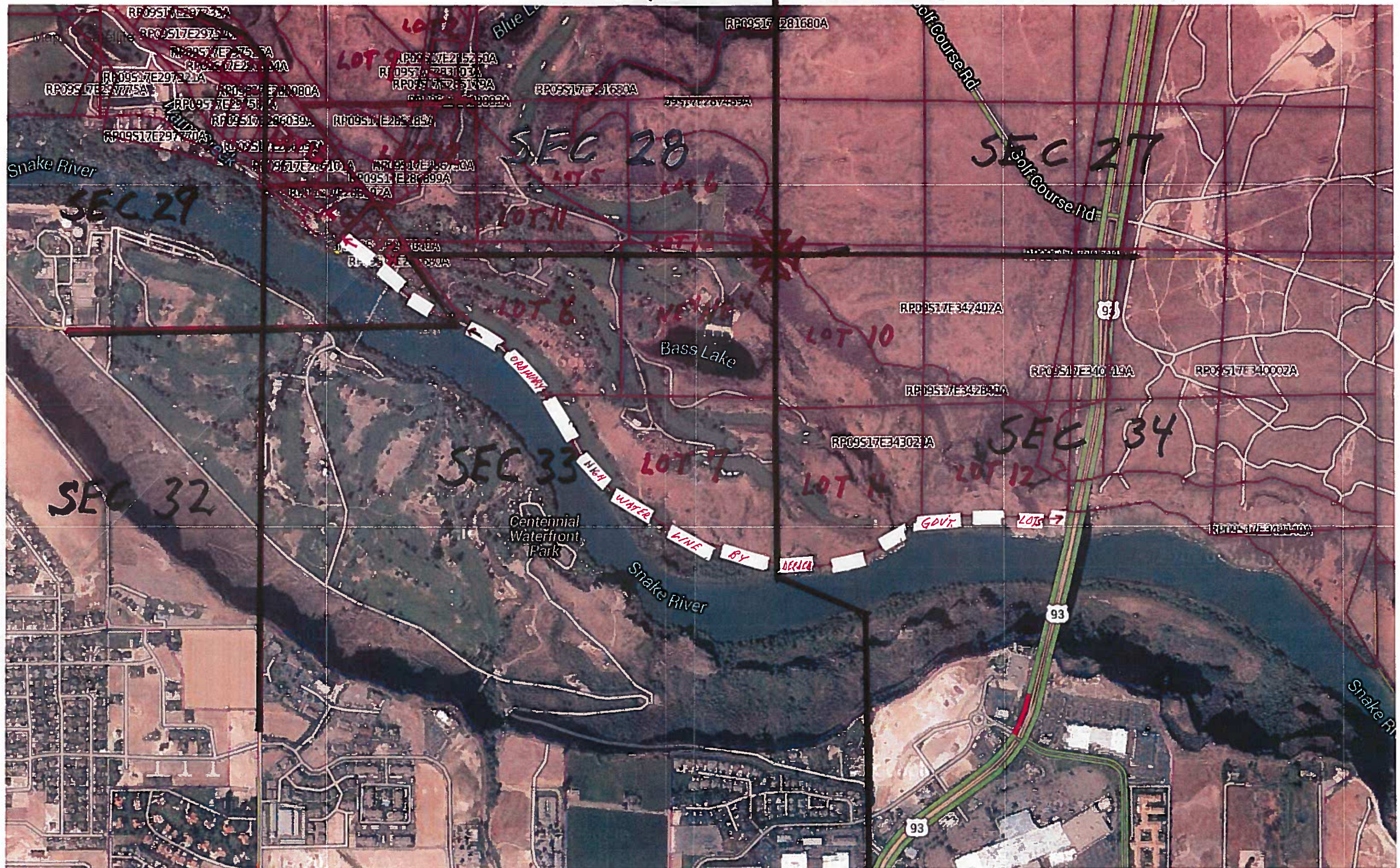
- ☐ Points of Diversion ☐ twshp  
☐ Proposed PPU 2016 ☐ Section  
☐ ladescc



T 9 S

R 17 E

2



## Bitzenburg, James

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**From:** Charles G. Brockway [charles.g.brockway@brockwayeng.com]  
**Sent:** Friday, April 01, 2016 4:43 PM  
**To:** Bitzenburg, James  
**Subject:** RE: Blue Lakes Country Club

Thanks, Jim. I have forwarded to BLCC to see what they want to do.

Have a good weekend,  
Chuck

---

Charles G. Brockway, Ph.D., P.E.  
Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

---

**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]  
**Sent:** Friday, April 01, 2016 4:16 PM  
**To:** Charles G. Brockway  
**Subject:** Blue Lakes Country Club

Chuck-

The Application for Permit, 36-17066 for Blue Lakes Country Club, which you recently submitted, has been handed over to Denise Maline for advertising. The Application for Transfer, #80762, won't need to be advertised, but in the review of the application, there is one item which will need to be addressed. That would be the areas where the current POU, the proposed PPU and POU, and the golf course itself have encroached into the land near the Snake River that was not deeded to the Country Club by the Perrine family or the State of Idaho back in the 1960s. These areas are generally the portion of land between the meander line and the river and have the following legal descriptions:

- T09S, R17E, Section 34, SENW, SWNW
- T09S, R17E, Section 33, SWNE, NENW, NENW Lot 1
- T09S, R17E, Section 28, SESW

The attached maps show the locations of the areas in question. The green cross-hatched areas are listed in the Transfer PPU description you have in the transfer application. The pink cross-hatched areas appear to be covered by the PPU shape, but are not listed in the PPU description in the transfer. These areas between the meander line and the river were given to the State by the Federal government at Statehood and are administered by the Idaho Department of Lands (IDL). The office of IDL in Jerome may be able to help Blue Lakes Country Club to provide us with a real property conveyance, easement, disclaimer, or permit allowing the Country Club to encroach upon the State lands.

IDWR Transfer Processing Memo Number 24, under Section 5 (a), 3. (page 20), requires that if the application for transfer proposes to change the place of use authorized under the water right(s), and the applicant does not own the land at the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed new place of use. I brought this issue up at our weekly staff meeting this past Wednesday, and Allen indicated that we would need the documentation to process the application.

I believe the contact person at IDL is Meribeth Lompkin and the number is 208-324-2561. If you have any questions, you can give me a call or email. Thanks for your help.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

**Bitzenburg, James**

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**From:** charles.g.brockway@brockwayeng.com  
**Sent:** Monday, March 28, 2016 2:57 PM  
**To:** Bitzenburg, James  
**Subject:** RE: Blue Lakes Transfer and app for permit  
**Attachments:** water release.pdf

Jim,

The reply from BLCC was that Columbia Bank (successor to MV Bank) released any interest last year, and they sent me this letter from Trish.

Chuck

Sent from my android device.

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

**From:** "Bitzenburg, James" <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**To:** "Charles G. Brockway" <[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)>  
**Sent:** Fri, 25 Mar 2016 3:47 PM  
**Subject:** RE: Blue Lakes Transfer and app for permit

Hey, Chuck-

I got the PPU and POU shape files downloaded fine. Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

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**From:** Charles G. Brockway [<mailto:charles.g.brockway@brockwayeng.com>]  
**Sent:** Friday, March 25, 2016 9:40 AM  
**To:** Bitzenburg, James  
**Subject:** RE: Blue Lakes Transfer and app for permit

Jim,

Attached is revised page 1. I sent an email to BLCC asking about the security interest. And attached are the files that I think contain the POU and the PPU (Amy is not here today so if I goofed this up, let me know and I'll ask her on Monday).

Thanks,  
Chuck

Charles G. Brockway, Ph.D., P.E.  
Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[charles.g.brockway@brockwaveng.com](mailto:charles.g.brockway@brockwaveng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

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**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]  
**Sent:** Friday, March 25, 2016 9:00 AM  
**To:** Charles G. Brockway  
**Subject:** Blue Lakes Transfer and app for permit

Chuck-

I have been staffed the Blue Lakes Country Club Applications for Transfer and Permit and upon initial review, there are a couple of items with which I had questions:

- If Magic Valley Bank still holds a security interest in the rights out of Alpheus Creek, then we need a letter from them agreeing to the changes proposed in the transfer and the app for permit (item 5. c. on the transfer application). If they no longer hold a security interest in the rights, then we need a letter from them requesting to be removed as a security interest.
- We'll need a shape file of the 2016 POU shape (95.0 acres)(the 206 shape) for the transfer application.
- On the app for permit, the PODs are listed as being in Twin Falls County and they are in Jerome county. You could just send an amended first page over.

Thanks for your help.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**



RECEIVED

JUN 12 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

May 27, 2015

COPY

State of Idaho

Department of Water Resources

1341 Fillmore Street, Suite 200

Twin Falls, ID 83301-3380

RE: Notice of Security Interest in a Water Right for water rights nos. 36-8593, 36-8439,  
36-2083A, 36-2083B – Blue Lakes Country Club Inc

Columbia Bank fka Magic Valley Bank, no longer has a security interest in the above  
water rights for Blue Lakes Country Club Inc. Please make sure your records reflect the  
release of our security interest.

Please contact me at (208) 736-2400, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard D Craddock'.

Richard D Craddock

VP, Commercial Lending Officer

enc

SUPPORT DATA

IN FILE # 36-2083A



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 30, 2015

ATTN RICHARD CRADDOCK  
COLUMBIA BANK  
113 MAIN AVE W  
TWIN FALLS ID 83301

COPY

Re: Security Interest for Water Rights 36-8593, 36-8439, 36-2083A, 36-2083B  
Blue Lakes Country Club

Dear Interested Party:

The Department of Water Resources acknowledges receipt your correspondence requesting we remove the security interest from the above referenced water rights. The Department has removed the security interest from its computer records as requested.

Please feel free to contact this office with any questions regarding this matter.

Sincerely,

Trish Fawcett  
Technical Records Specialist

# MEMORANDUM

**Date:** March 29, 2016  
**To:** Transfer 80762, Blue Lakes Country Club, Inc. File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes to create a 191.2 acre irrigation Permissible Place of Use (PPU) for three surface water rights (Alpheus Creek, 1.90 cfs combined flow rate) which currently irrigate 95.0 acres of ground located approximately 2.7 to 3.6 miles north and 0.1 mile east to 0.9 mile west of the intersection of Addison Avenue and Blue Lakes Boulevard in Twin Falls. After the transfer, 95.0 acres will be irrigated within the proposed 191.2 acre PPU located in the same general area to allow flexibility in irrigation management.

- **Authority to File:**  
The Department's database indicates that water rights 36-2083A, 36-2083B, and 36-8593 are owned by the applicant, Blue Lakes Country Club, Inc. Application was signed by Gary Lounsbury. Documents on file with the Secretary of State's office indicate that Mr. Lounsbury is the President of Blue Lakes Country Club, Inc. This transfer proposes a change in the place of use; and the ownership of portions of the land located along the Snake River where the water is to be used is not clear (see various correspondence in file from IDL and the applicant's consultant). The Idaho Department of Water Resources may not be able to ascertain ownership of those lands located along the Snake River.
- **Water Right Validity:**  
Water right 36-2083A was decreed in December of 2001, right 36-2083B was decreed in August of 2001, and right 36-8593 was licensed in March of 2002. Aerial imagery shows that the lands appear to have been irrigated within the past five years, so forfeiture may not be an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. No increase in irrigated acreage is proposed.
- **Enlargement of Use:**  
None anticipated. The three rights have a combined acreage limit of 95.0 acres, and it will remain the same.
- **Local Public Interest:**  
No issues anticipated. The transfer will be advertised.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

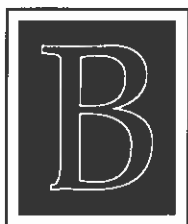
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

## FEE MEMORANDUM

**Date:** March 25, 2016  
**To:** Blue Lakes Country Club, transfer 80762 file and Application for Permit 36-17066 file  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

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Transfer 80762 and Permit Application 36-17066 were filed on March 21, 2016, by Brockway Engineering in the name of Blue Lakes Country Club, Inc. The transfer application was filed to create a Permissible Place of Use for three water rights with a combined limit of 1.90 cfs. Since the PPU is more than double the amount of the combined acre limit of the three rights, the entire flow rate should be charged. From the transfer fee schedule, this equates to a fee of \$580.00. The application for permit was for 1.11 cfs, and from the permit application fee schedule, this would require a fee of \$290.00, for a total of \$870.00. With the applications, a check from Brockway Engineering was received in the amount of \$870.00 (Brockway Engineering, check #13263, receipt #S035343), making payment in full.



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 21 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

March 16, 2016

Mr. Allen Merritt  
Idaho Department of Water Resources  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301

Re: Blue Lakes Country Club – Transfer and Permit Applications  
Project No. 306-05-2016

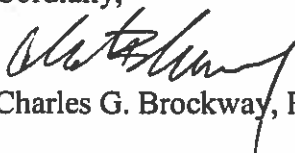
Dear Allen:

Enclosed please find the following:

1. Transfer application on the applicant's existing irrigation rights in order to create a permissible place of use and designate the actual irrigation currently occurring.
2. Permit application to allow a portion of the applicant's diversion volume to be utilized for water quality maintenance, recreation, and aesthetics in the water feature known as Bass Lake. This application was the subject of our meeting last Wednesday, in which we discussed the nature of the subsurface hydrology of the area and the fact that no impact will occur on any other water user due to this application. In addition, the permit will be conditioned limiting the total withdrawal to the limits on the existing irrigation water rights; therefore no additional withdrawal from Alpheus Creek will occur. A technical narrative regarding this permit is provided with the application, demonstrating these facts and providing an analysis of the criteria in I.C. 42-203A(5) that must be met for a permit to be approved. It is concluded that all criteria are met and therefore the Department has an adequate basis for approval of this permit.

The application fee of \$870 (\$290 for the permit and \$580 for the transfer) is enclosed. If there are any questions, please do not hesitate to contact me.

Cordially,

  
Charles G. Brockway, P.E.

Enc.

cc: Blue Lakes Country Club

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

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

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506