

RECEIVED

JUN 26 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**NOTICE OF PROTEST**  
**Transfer 78255**  
June 24, 2013

RECEIVED

JUN 24 2013

DEPARTMENT OF  
WATER RESOURCES

**1. Matter being protested**

Application for Transfer No. 78255 for The Valley Club, Inc. involving water rights: 37-00494, 37-00495, 37-00577BU, 37-00577BV, 37-00657B, 37-00833K and 37-02623.

**2. Name of protestant**

United States Department of the Interior  
Bureau of Land Management  
Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

**3. Protestant's Representative for service (if different than protestant)**

Fredric W. Price (contact person)

**4. Service mailing address**

Same as above

**5. Service telephone no.**

(208) 373-3831

**6. Basis of protest (including statement of facts and law upon which the protest is based).**

The Valley Club, Inc. filed an Application for Transfer that describes a legal land description under the Place of Use (POU) element which contains federal public land (BLM) in the NWSW, S21, T03N, R18E (0.5 acres). The Valley Club, Inc. is not authorized to irrigate federal public land (BLM).

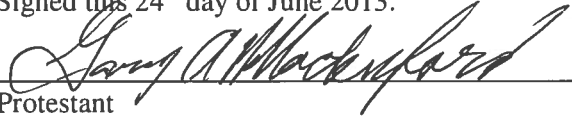
BLM objected to these water claims previously in the SRBA because they described 0.20 acres of BLM land in the NWSW, S23, T03N, R16E. The applicant did an independent survey on 05/04/1994 (attached) and both the BLM and the Applicant agreed that the GCDB quarter-quarter lines were slightly off (see attached emails) and that the Applicant was actually irrigating private land described in the SWSW, S21. On 04/08/2008 the BLM and the Applicant proposed to IDWR that the acres be included or added to the acres recommended within the SWSW, S21, T03N, R16E. BLM's objections were resolved via SF-5s filed on 10/23/2009 (see attached example). Transfer 78255 violates the prior settlement by including the legal land description that the Applicant had agreed to remove.

**7. What would resolve your protest?**

Amend the Application for Transfer to remove federal public land from the POU element by removing the legal land description in NWSW, S23, T03N, R16E (0.5 acres) and by describing the 0.5 acres along with the recommended acres in the SWSW, S23, T03N, R16E as to be consistent with the parties' previous settlement and the independent survey performed by the claimant.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 24<sup>th</sup> day of June 2013.



Protestant

Gary A. Madenford

Water Rights Team Leader

Attachments:

- ◆Map prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T03N, R18E
- ◆Emails describing BLM's previous settlement
- ◆The Valley Club Survey
  - See sheet 5 of 12 of The Valley Club A Planned Unit Development Survey
  - See sheet 1 of 3 of The Valley Club West Nine P.U.B. Survey
- ◆SF-5 for water right #37-00494

FOR DEPARTMENT USE ONLY

Received by HP

Date 6-24-13

Fee Paid \$25.00

Date 6-24-13

Received by HP

Receipt # 1097391

## CERTIFICATE OF SERVICE

I certify that on June 24, 2013, I served a true and correct copy of the **“Protest of Application for Transfer 78255** for The Valley Club, Inc. with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator  
Idaho Department of Water Resources (IDWR)  
Idaho State Office  
Water Management Division,  
P.O. Box 83720  
322 East Front Street  
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources  
Southern Regional Office  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301

The Valley Club, Inc.  
Jennifer Schultz  
P.O. Box 252  
Sun Valley, ID 83353

Michael C. Creamer  
Givens Pursley LLP  
P.O. Box 2720  
Boise, ID 83701

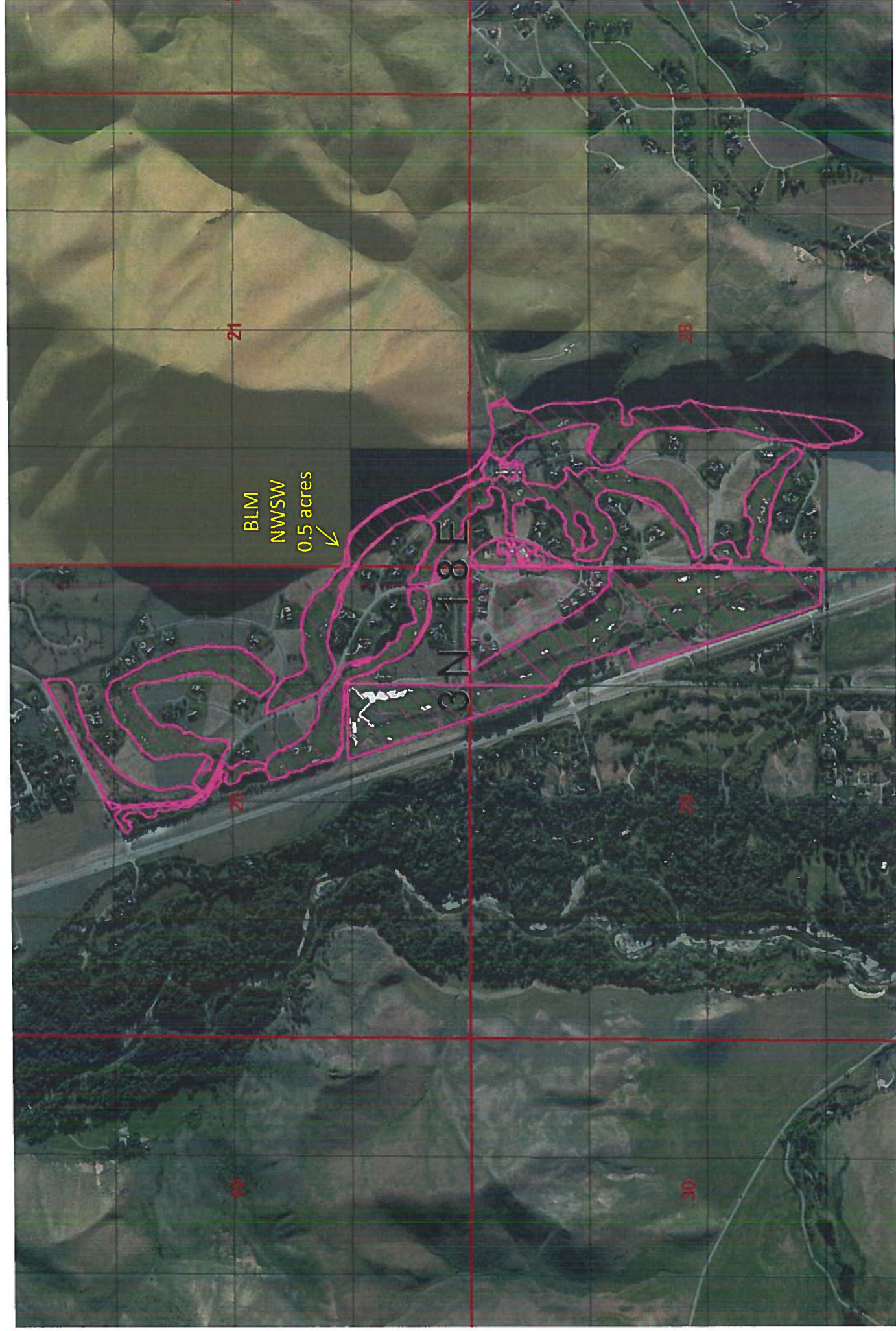
Steve Davis, Hydrologist  
U.S., Department of the Interior,  
Bureau of Land Management,  
Burley Field Office (MS-220)  
15 East 200 South  
Burley, Idaho 83318

Kasey C. Prestwich, Realty Specialist  
USDI, BLM  
Shoshone Field Office (MS-230)  
400 W. F St.  
Shoshone, ID 83352

Brandon Anderson  
Person Serving Documents (print name)

Brandon Anderson  
Signature of Person Serving Documents

37-00494 et. al, Transfer 78255, The Valley Club, Inc.



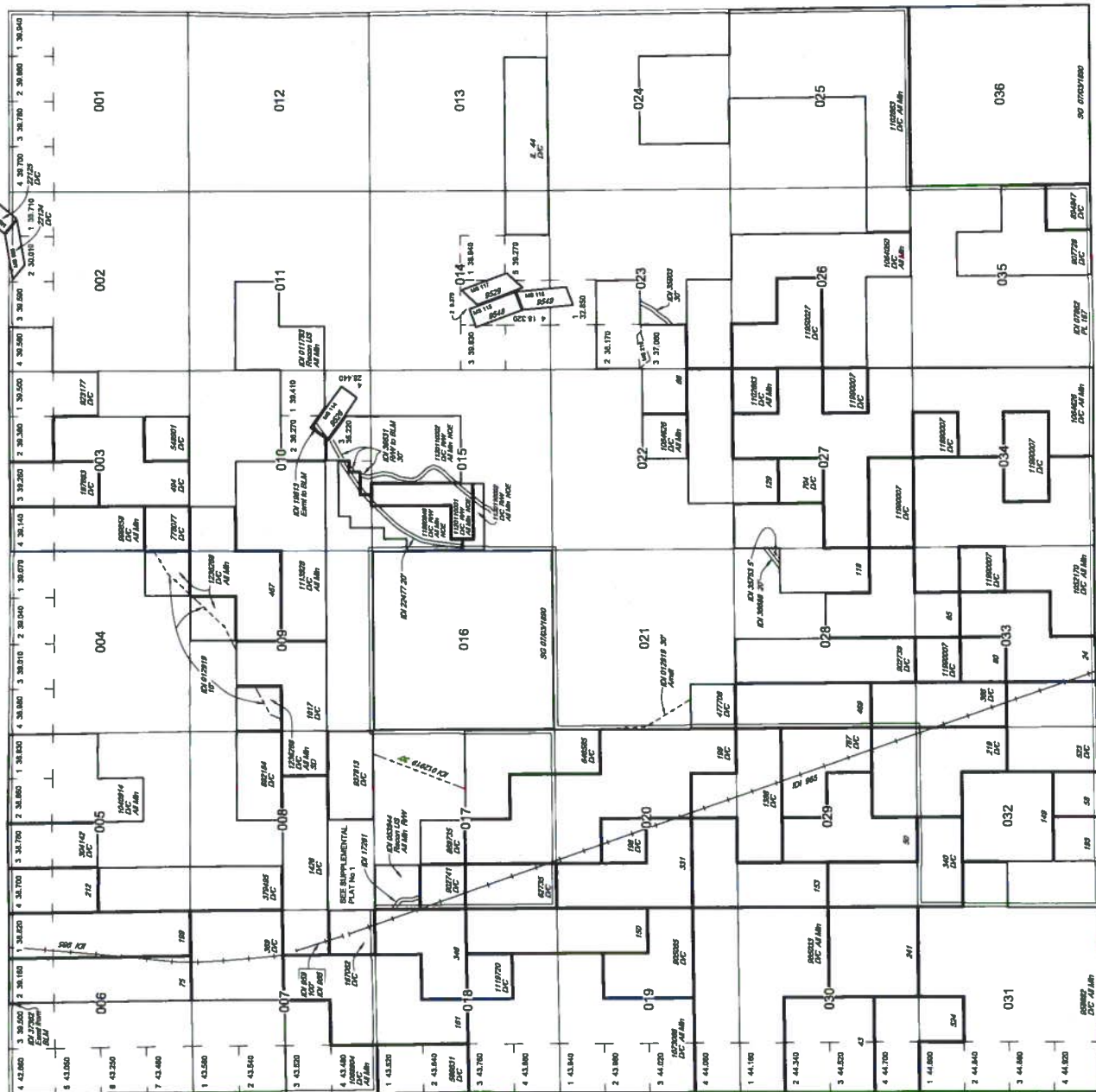
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES[illegible]

DT 07062 Dec 187 (Act of Cong 07/23/1955) completed  
 05/27/1960. All PD surfaces report by ILM  
 DT 053944 Deed to US excludes 4.15 acres in  
 Sec 17; MNWV  
 DT 41191 Exmt to US (Lse for SD)  
 M&B within Secs 17,20,29,32,33  
 DT 24350 Lse  
 Sec 15; M&B  
 Sec 15; M&B  
 See Congress that approved 03/21/2012 for official  
 income affecting legal subdivisions:  
 Secs 8,6,17

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LAND REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

|                                                    |                            |  |                  |     |  |
|----------------------------------------------------|----------------------------|--|------------------|-----|--|
| <hr/>                                              |                            |  |                  |     |  |
| FILE REF                                           | 00800300010005AM100000.dwg |  |                  |     |  |
| CONVERTED TYP                                      | 19710205                   |  | BY:              | BT  |  |
| LAST UPDATED:                                      | 19710710                   |  | BY:              | LTM |  |
| DWG #1:                                            |                            |  | QAOE #2:         |     |  |
| POSTED TO PUBLIC RECORDS:                          |                            |  | October 31, 2012 |     |  |
|                                                    |                            |  | BY:              |     |  |
| <hr/>                                              |                            |  |                  |     |  |
| PUBLIC LAND SURVEY SYSTEM (PLSS)                   |                            |  |                  |     |  |
| BLA ACRES ACQUIRED:                                | 040626056                  |  |                  |     |  |
| OTHER:                                             |                            |  |                  |     |  |
| <hr/>                                              |                            |  |                  |     |  |
| PROJECTED COORDINATE SYSTEM: UTM ZONE 18N WAD 1983 |                            |  |                  |     |  |
| <hr/>                                              |                            |  |                  |     |  |
| NOTES:                                             |                            |  |                  |     |  |
| <hr/>                                              |                            |  |                  |     |  |
| USE PLATS:                                         |                            |  |                  |     |  |
| <hr/>                                              |                            |  |                  |     |  |

Johns Mar.  
T. 3 N  
R. 18 E

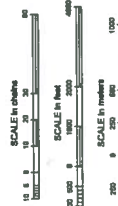


—**WERNER A. HILGERS**

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or for use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office  
1357 S. Vinnell Way Boise, Idaho 83709  
(208) 373-4000



# THE VALLEY CLUB

## A PLANNED UNIT DEVELOPMENT

SHEET KEY

LOCATED IN

SECTION 20, SW<sup>4</sup> SECTION 21

AND

W<sup>2</sup> SECTION 28  
TOWNSHIP 3 NORTH,  
RANGE 18 EAST,  
BOISE MERIDIAN  
BLAINE COUNTY, IDAHO  
1994

HEALTH CERTIFICATE:  
SANITARY RESTRICTIONS AS REQUIRED BY IDAHO  
CODE TITLE 50, CHAPTER 13, HAVE BEEN SAT-  
ISFIED. SANITARY RESTRICTIONS MAY BE RE-  
IMPOSED, IN ACCORDANCE WITH IDAHO CODE  
TITLE 50, CHAPTER 13, SECTION 50-1326, BY  
THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL

5-4-94  
DATE

*Robert L. Enid*  
SOUTH CENTRAL DISTRICT  
HEALTH DEPARTMENT, E.H.S.

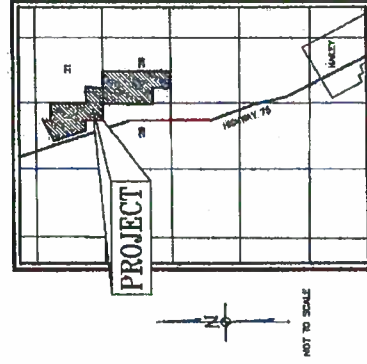
SHEET INDEX

SHEET 1 . . . COVER SHEET  
SHEET 2-8 . . . PLAT SHEETS  
SHEET 9 . . . CURVE DATA  
SHEET 10 . . . SECTION BREAKDOWN  
SHEET 11 . . . OWNER'S CERTIFICATE  
SHEET 12 . . . SIGNATURE SHEET

LEGEND

PROPERTY BOUNDARY LINE  
LOT LINE  
Q POWER LINE  
BUILDING ENVELOPE LINE  
SET 1/2" X 24" REBAR & CAP  
SET 5/8" X 24" REBAR & CAP

VICINITY SKETCH

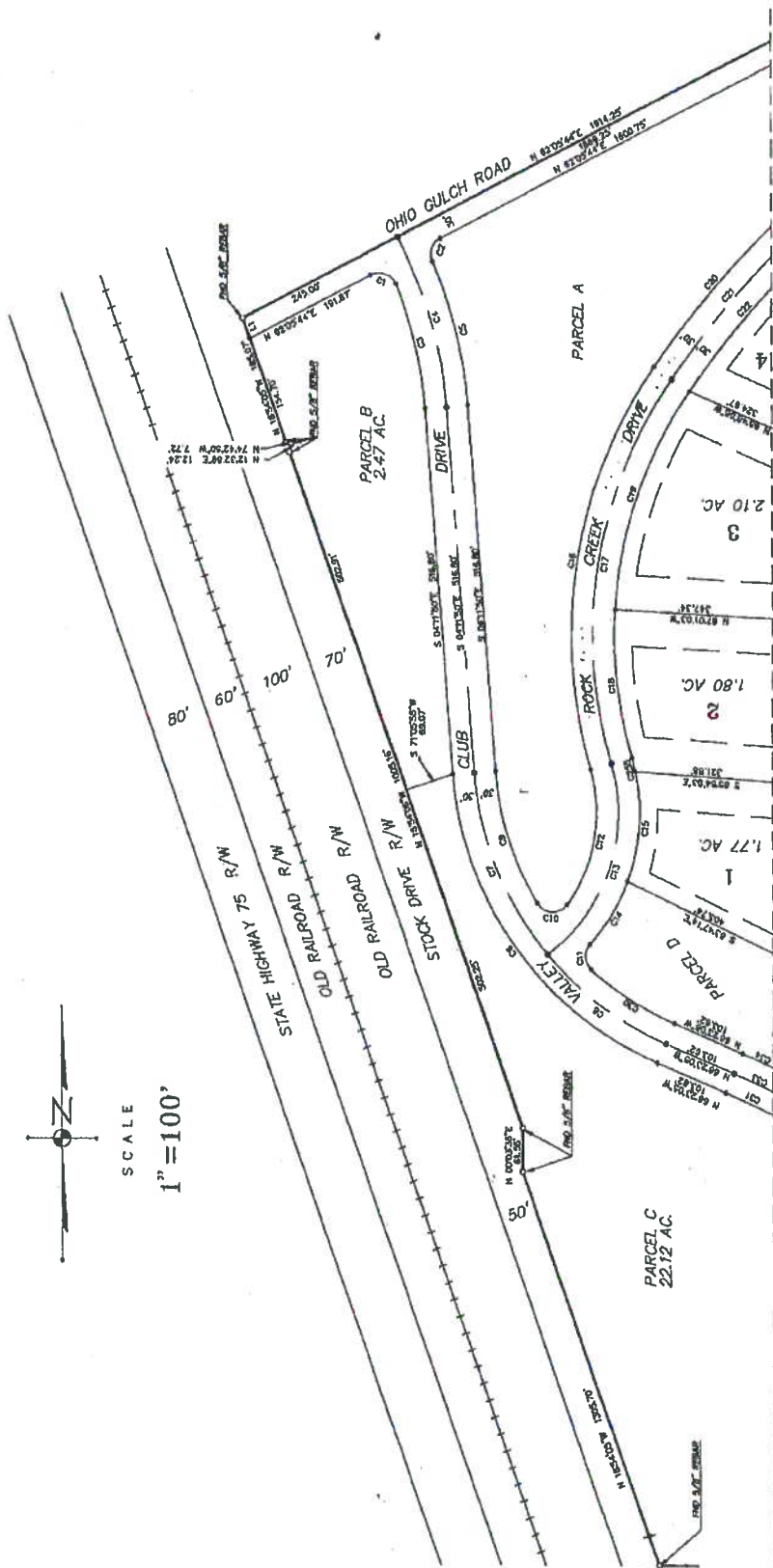


**BME** Engineers, Inc.  
ENGINEERS/SURVEYORS/PLANNERS



SCALE

1" = 100'

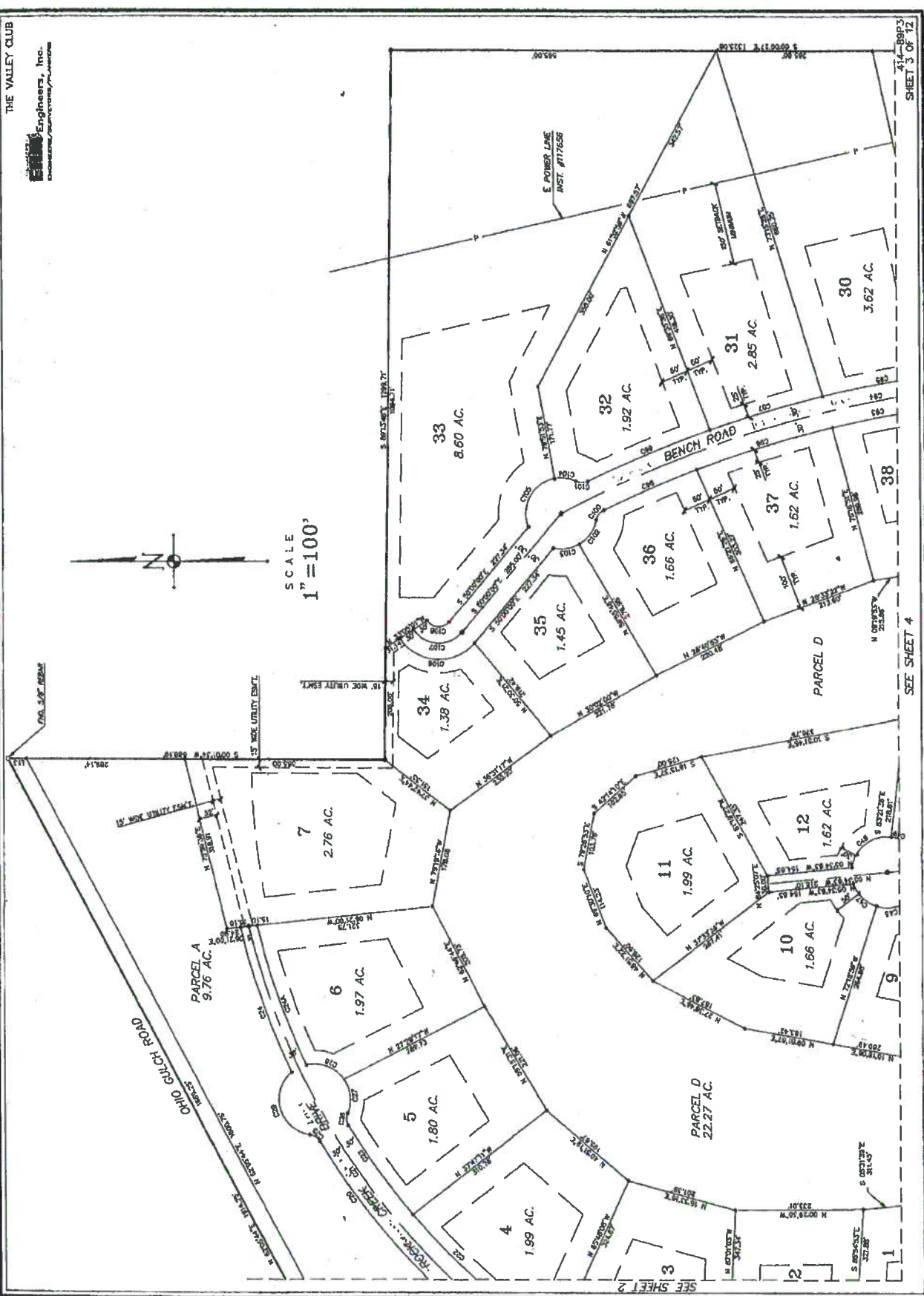


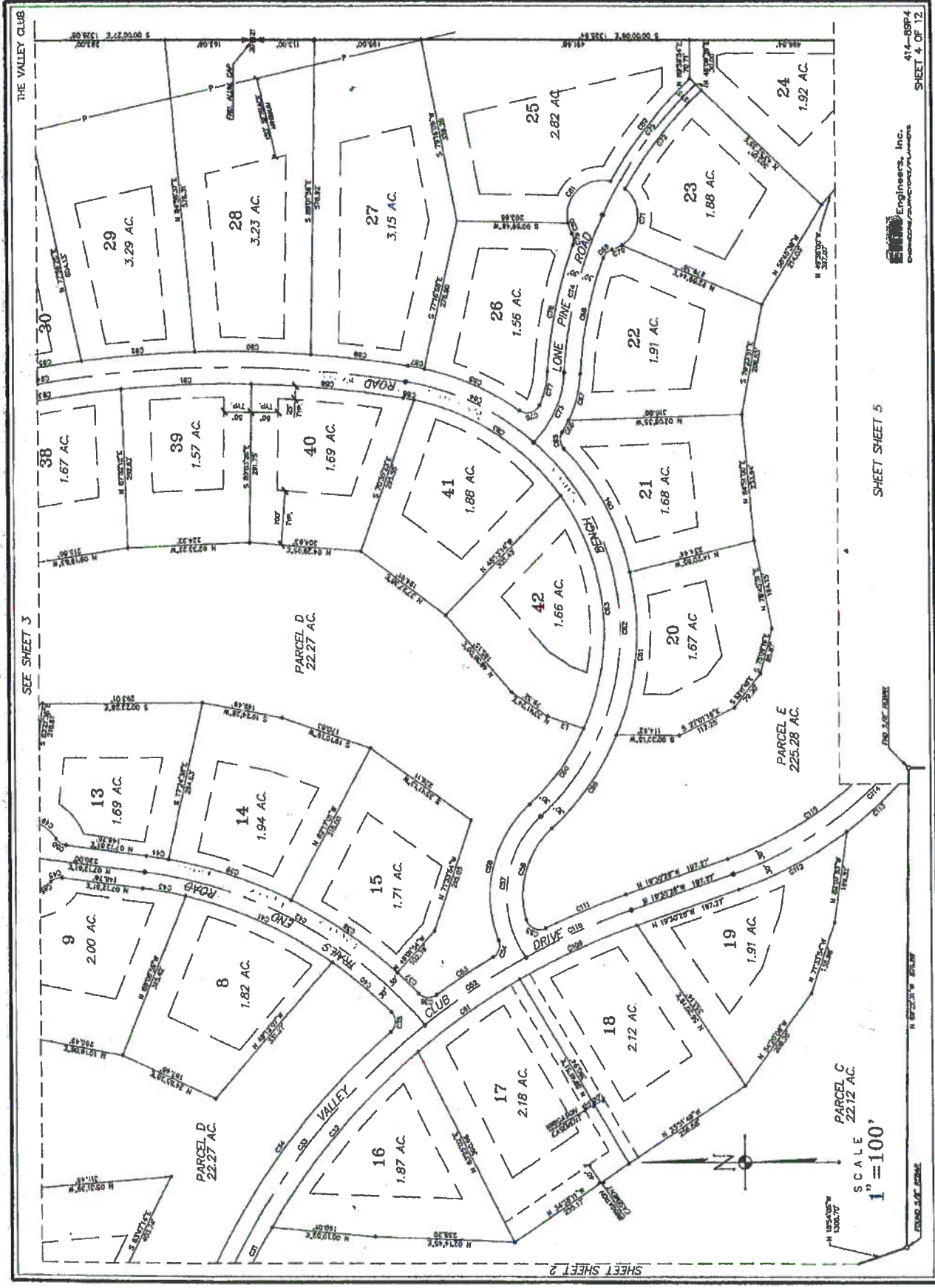
SEE SHEET 3

SEE SHEET 4



SCALE  
1"=100'





SEE SHEET 3

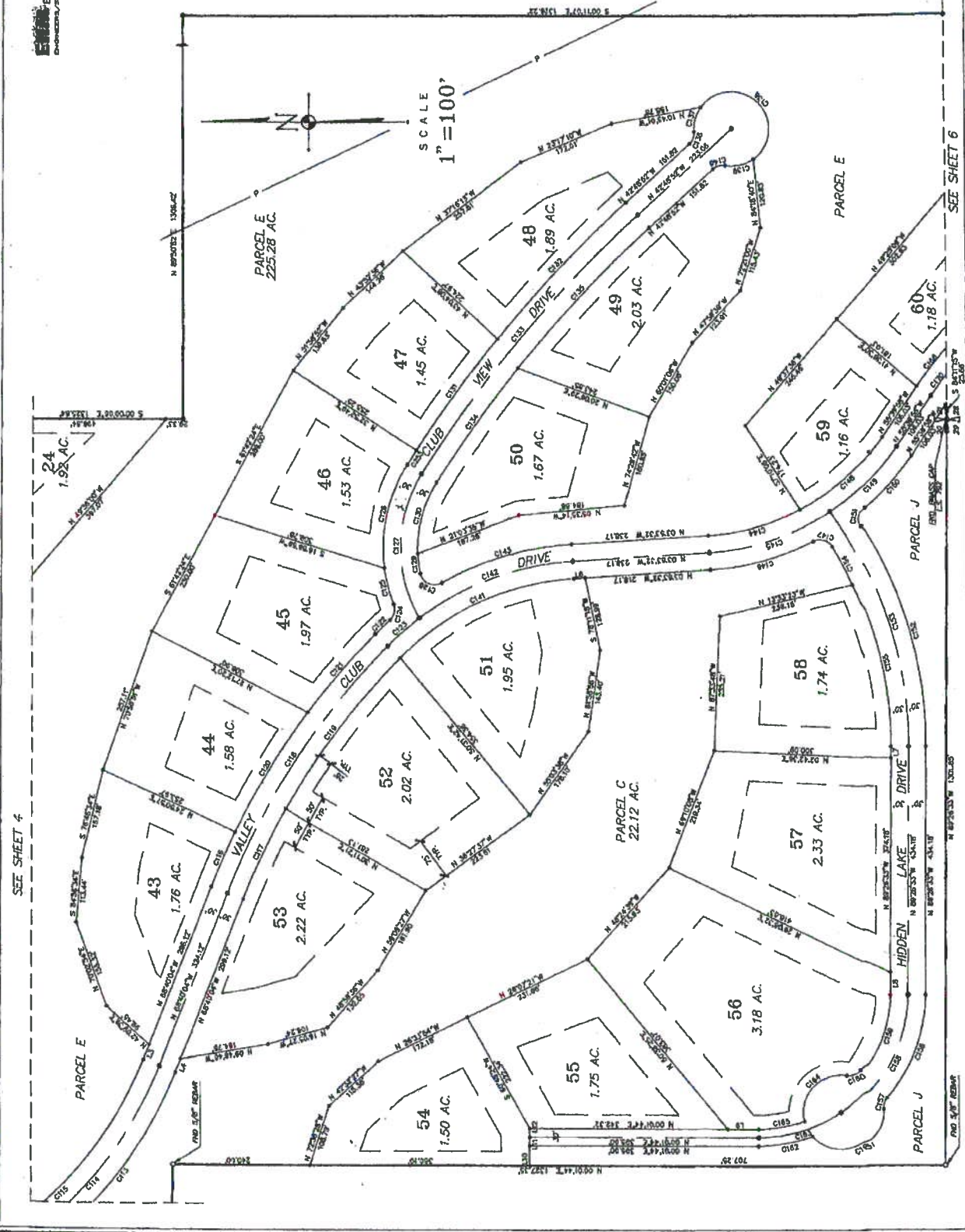
SHEET SHEET 2

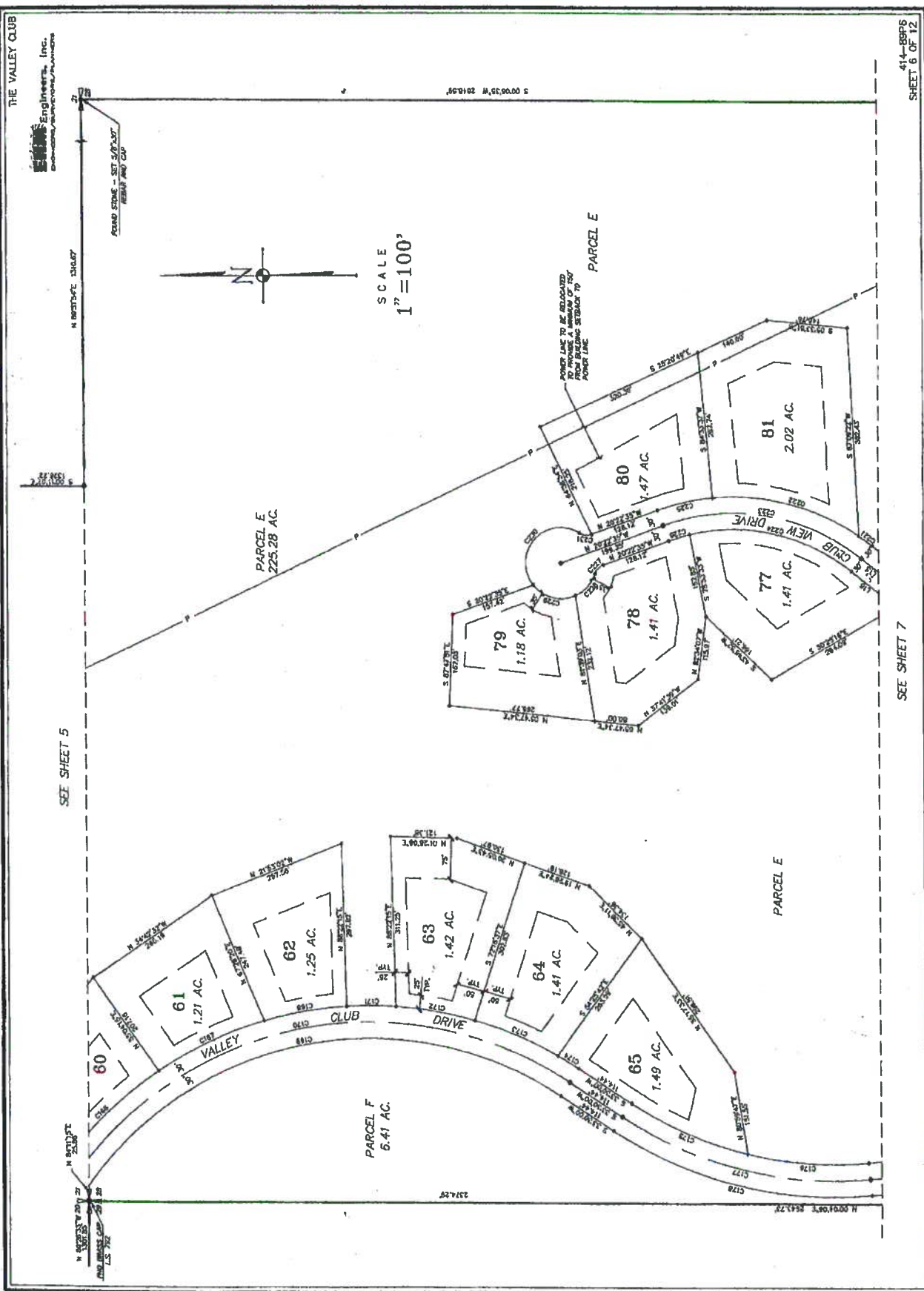
SHEET SHEET 5

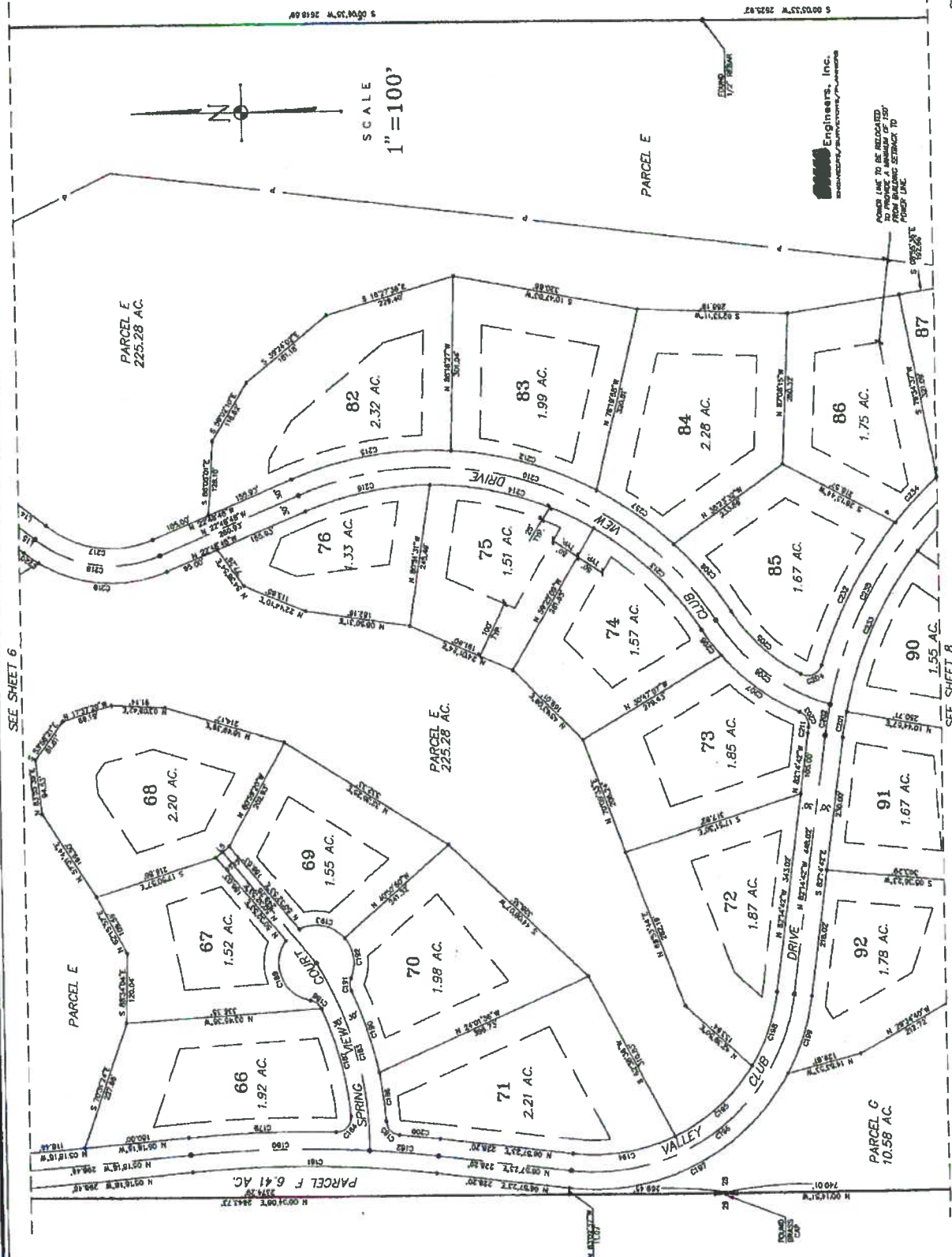
PARCEL C  
22.12 AC.  
SCALE  
1"=100'

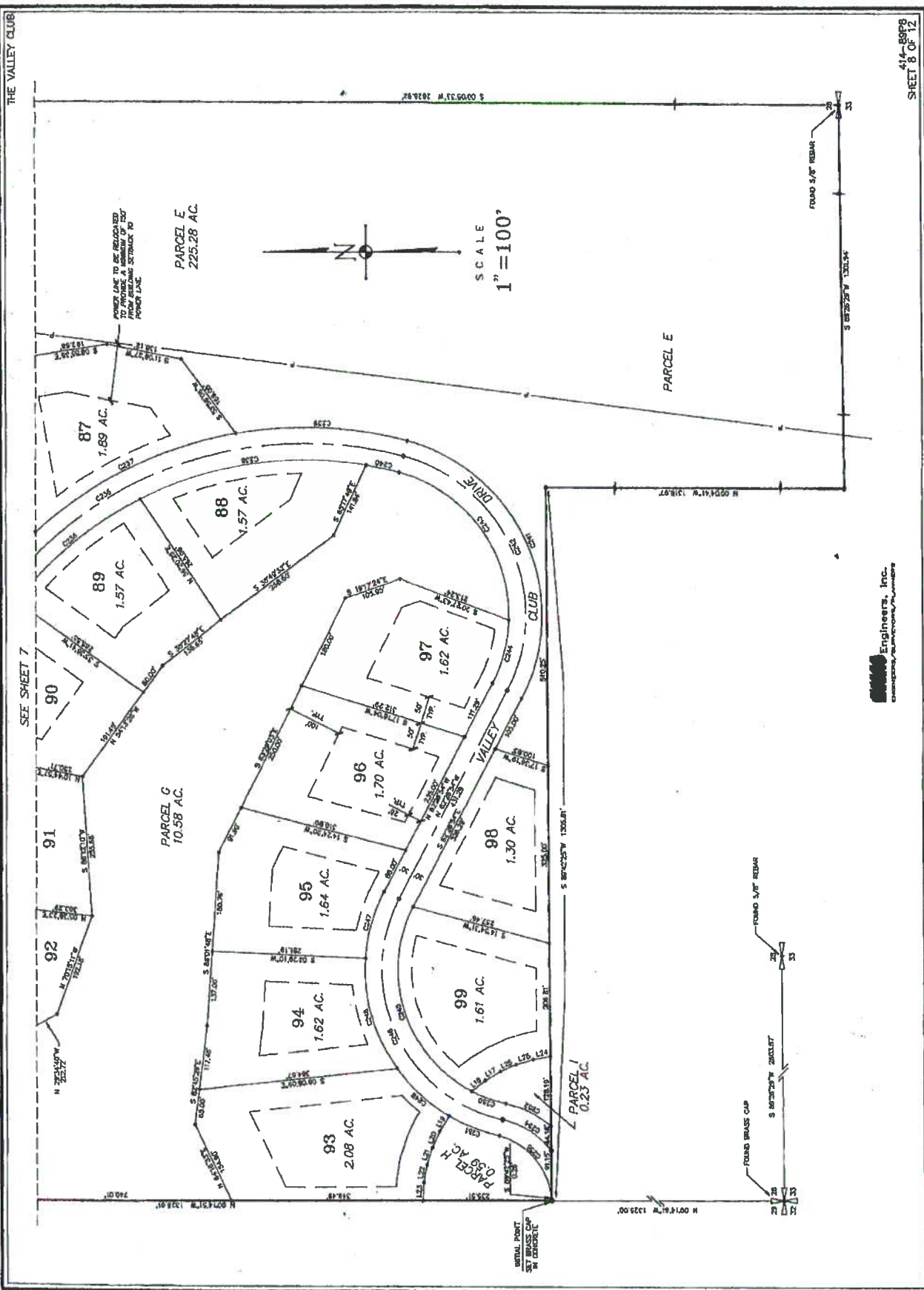
THE VALLEY CLUB  
414-8894  
SHEET 4 OF 12

Engineers, Inc.  
CONSULTING ENGINEERS

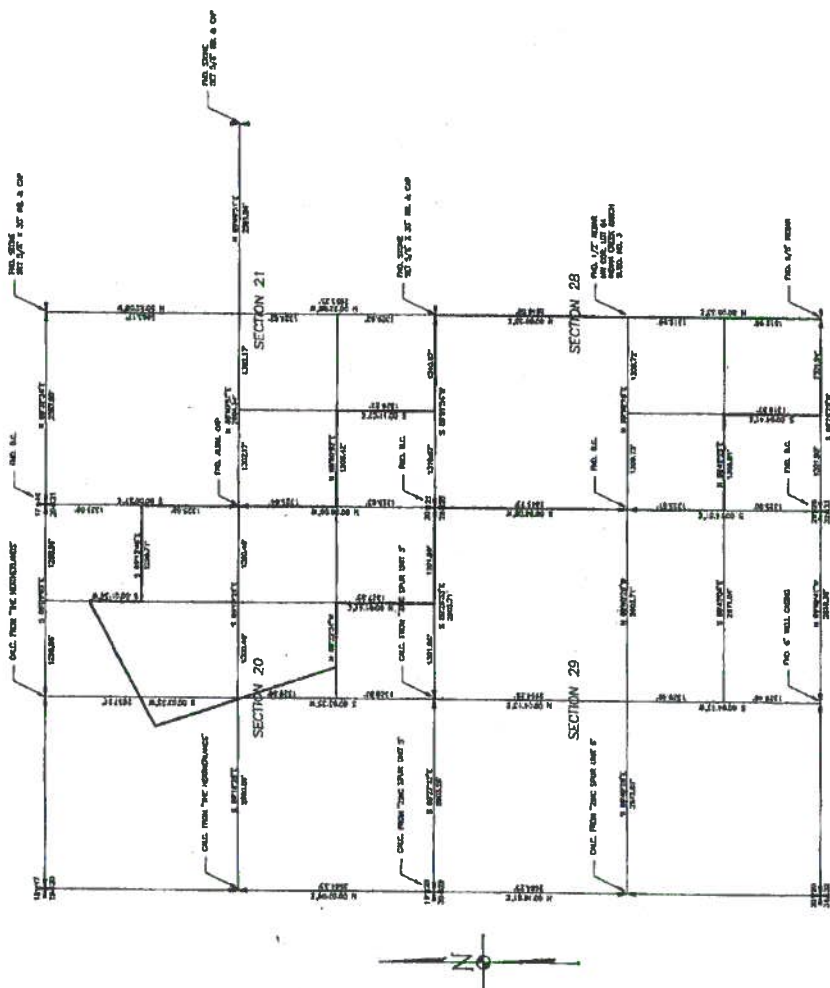












T. 3 N., R. 18 E., B.M.

SECTION BREAKDOWN SCALE 1"=1000'

Engineers, Inc.  
SURVEYING AND ENGINEERING

# CERTIFICATE OF OWNER'S

This is to certify that the undersigned are the owners or representatives of the owners in fee simple of the following described property, located in Section 20, SW<sup>1/4</sup> SW<sup>1/4</sup> Section 21, and W<sup>1/2</sup> Section 28, Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho. Said property being more specifically described as follows:

Commencing at the Southwest corner of said Section 28. Said point lies S 89°26'29"W, 2803.87 feet from the South Quarter corner of Section 20. Thence N 0°14'51"W, 1325.00 feet to the Southwest corner of the NW<sup>1/4</sup> SW<sup>1/4</sup> Section 20. Thence N 0°14'51"W, 1325.00 feet to the West Quarter corner of Section 28. Thence, N 0°04'08"E, 2843.73 feet, to the Northwest corner of SE<sup>1/4</sup> SE<sup>1/4</sup> Section 20. Thence, N 89°26'33"W, 1301.85 feet, to the Southwest corner of SE<sup>1/4</sup> SE<sup>1/4</sup> Section 20. Thence, N 0°01'44"E, 1327.35 feet, to the Northwest corner of SE<sup>1/4</sup> SE<sup>1/4</sup> Section 20. Thence, N 89°22'31"W, 876.89 feet, to the Southwest corner of SE<sup>1/4</sup> SE<sup>1/4</sup> Section 20. Thence, N 18°54'05"W, 1305.70 feet. Thence, N 0°03'35"E, 61.55 feet. Thence, N 18°54'05"W, 1005.16 feet. Thence, N 12°32'58"E, 12.24 feet. Thence, N 76°42'50"W, 7.72 feet. Thence, N 18°54'05"W, 185.07 feet. Thence, N 62°05'44"E, 1914.25 feet, along the South boundary of "THE HEATHERLANDS" Subdivision. Thence, S 0°01'34"W, 688.10 feet, to the Northeast corner of SE<sup>1/4</sup> NE<sup>1/4</sup> Section 20. Thence, S 89°13'45"E, 1299.71 feet, to the Northeast corner of SE<sup>1/4</sup> NE<sup>1/4</sup> Section 20. Thence, S 0°07'07"E, 1325.08 feet, to the East Quarter corner of Section 20. Thence, S 0°00'06"E, 1325.84 feet, to the Northwest corner of SW<sup>1/4</sup> SW<sup>1/4</sup> Section 21. Thence, N 89°30'32"E, 1306.42 feet, to the Northeast corner of SW<sup>1/4</sup> SW<sup>1/4</sup> Section 21. Thence, N 0°01'34"E, 1305.22 feet, to the Southwest corner of SW<sup>1/4</sup> SW<sup>1/4</sup> Section 21. Thence, N 89°31'34"E, 317.00 feet, to the North Quarter corner of Section 28. Thence, S 0°06'35"W, 2648.50 feet, to the Northwest corner of Lot 64, "INDIAN CREEK RANCH SUBD. NO. 3". Thence, S 0°05'35"W, 2825.52 feet, to the South Quarter corner of Section 28. Thence, S 82°26'29"W, 1301.94 feet, to the Southwest corner of SE<sup>1/4</sup> SW<sup>1/4</sup> Section 28. Thence, N 0°04'41"W, 1316.97 feet, to the Southwest corner of NW<sup>1/4</sup> SW<sup>1/4</sup> Section 28. Thence, S 89°42'25"W, 1305.81 feet, to the INITIAL POINT.

The gross area contained in this platted land is 525.76 acres. It is the intention of the undersigned to and they do hereby include said land in this plat. All other roads shown on this plat are not dedicated to the public but are dedicated as right of way for private roads and public utilities and such other uses as designated on this plat. No structure will be allowed within the lines of any easement shown on this plat except for structures necessary for the designated use of said easement. Protective Covenants governing this Subdivision are recorded under County Instrument Number 365516.

THE VALLEY RANCH INC. An Idaho Corporation

BY: E. J. McLean

PRESIDENT

BY: D. C. Mc

SECRETARY

## ACKNOWLEDGEMENT

STATE OF IDAHO )  
COUNTY OF BLAINE )

On this 4th day of MAY, 1994, at 1:50 P.M., before me, the undersigned, a Notary Public in and for the State personally appeared E. J. McLean, D. C. Mc, and James C. McLean, known to me to be the President and Secretary, respectively, of THE VALLEY RANCH INC. and acknowledged to me that the corporation executed the same.

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



E. J. McLean

Notary Public in the State of Idaho

James C. McLean

Reading it

2-5-96

My Commission Expires

**McLean Engineers, Inc.**  
ENGINEERS/SURVEYORS/PLANNERS

## NOTES

1. PARCELS A, B, H, & I ARE HEREBY DEDICATED AS OPEN SPACE TO BE USED FOR RECREATION, TRAIL, AND ACCESS FOR PARCELS AND PUBLIC UTILITIES AND FACILITIES, WATER COURSES.
2. PARCELS C, D, E, F, & G ARE FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING A GOLF COURSE INCLUDING ALL NECESSARY IRRIGATION EQUIPMENT, IRRIGATION STORAGE PONDS, WATER COURSE BUILDINGS, ACCESS ROADS AND OTHER BLAINE COUNTY APPROVED FACILITIES.
3. THERE SHALL EXIST A 50' WIDE GOLF COURSE MAINTENANCE AND USE EASEMENT ON ALL LOTS ADJACENT TO GOLF COURSE PARCELS.
4. THERE SHALL BE A 10' WIDE UTILITY AND IRRIGATION EASEMENT CENTERED ON ALL LOT LINES AND ADJACENT TO ALL STREET AND SUBDIVISION BOUNDARIES.
5. NO BUILDING ENVELOPES SHALL ENCRUSH UPON SLOPES STEEPER THAN 25%.
6. PARCEL F SHALL BE RESERVED FOR CONSTRUCTION OF A RECREATION CENTER AND ALL APPURTENANCES INCLUDING UTILITIES, IRRIGATION FACILITIES, RECREATION FACILITIES, BUILDING, ACCESS ROADS, AND PARKING FACILITIES.
7. BUILDING ENVELOPES SHALL BE SET BACK FROM LOT LINES AS FOLLOWS: PARCELS A, B, H, & I: 50' FROM ALL LOT LINES ADJACENT TO GOLF COURSE PARCELS; 50' FROM SIDE LOT LINES ADJACENT TO OTHER BUILDING LOTS; 25' FROM SIDE LOT LINES ADJACENT TO ROADS; 25' FROM ALL ROAD RIGHT-OF-WAYS.
8. VALLEY CLUB DRIVE AND OHIO CULCH ROAD RIGHT-OF-WAYS ARE HEREBY DEDICATED TO THE PUBLIC. ALL OTHER ROADWAY RIGHT-OF-WAYS ARE NOT DEDICATED TO THE PUBLIC. BUILDING CONSTRUCTION AND MAINTENANCE OF CONSTRUCTION AND MAINTENANCE OF PRIVATE ROADS AND UTILITIES.
9. A CONNECTION TO THE WOOD RIVER TRAILS SYSTEM SHALL BE LOCATED BETWEEN THE TRAILS SYSTEM AND VALLEY CLUB DRIVE. THIS CONNECTION SHALL BE LOCATED IN EITHER PARCEL B OR C.
10. ALL HILLSIDE AREAS SHALL REMAIN IN NATURAL VEGETATION.
11. ALL OWNERS ARE RESPONSIBLE FOR CONTROL OF NOXIOUS WEEDS.
12. COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VALLEY CLUB ARE RECORDED UNDER INSTRUMENT NUMBER 365516.
13. ANY BUILDINGS LOCATED ON BEACH OR ERMAGE FOR EXAMPLE SHALL BE SUBJECT TO ALL APPLICABLE ZONING ORDINANCES AND SHALL BE REVIEWED AFTER PLANNING AND ZONING COMMISSION DESIGN REVIEW APPROVAL.
14. THE PURCHASER AND/OR OWNER OF A LOT OR PARCEL AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE, AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER. HIS SUCCESSORS IN INTEREST SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND SNOW REMOVAL OF ANY ROADS OR EASEMENTS TO ACCESS ANY LOT OR PARCEL. THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED, AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.
15. A DEVELOPMENT AGREEMENT REFERENCING LIMITED COUNTY RESIDENT PLAY ON THE GOLF COURSE AND ALSO REFERENCING GUIDELINES FOR THE USE OF EMPLOYEES HOUSING HAS BEEN EXECUTED AND RECORDED UNDER INSTRUMENT NUMBER 33228.
16. THE FOLLOWING STANDARD DAMP FISH AND GAME CONDITIONS ARE ATTACHED TO THIS SUBDIVISION.
  - A. PROPERTY OWNERS WILL NOT BE ALLOWED TO KEEP LIVESTOCK IN THE PROJECT AREA, NOR WILL GRADING ON THE SLOPES EAST OF THE DEVELOPMENT AREA BE PERMITTED.
  - B. PET DOGS SHOULD BE KEPT INDOORS, IN KENNELS OR LEASHED AT ALL TIMES.
  - C. ACTIONS TAKEN TO ALLEVIATE WILDLIFE DEPREDACTIONS SHALL BE THOSE PRESCRIBED OR APPROVED BY IDAHO FISH AND GAME.
  - D. THE DEVELOPER, HAWAIIA CANAL USERS, AND THE IDAHO FISH AND GAME SHOULD COOPERATE, E.G., COST-SHARE IN SCREENING THE HAWAIIA CANAL AT ITS DIVERSION POINT ON THE BIG WOOD RIVER.
  - E. FENCING IS TO MEET IDAHO FISH AND GAME STANDARDS FOR THE TYPE OF BIG GAME ANIMAL MOVING THROUGH THE AREA.
17. SETBACK REQUIREMENTS SHALL BE MAINTAINED AS SHOWN BY DESIGNATED BUILDING ENVELOPES ON FINAL PLAT. THE LOCATED BUILDING ENVELOPES MAY NOT BE CHANGED WITHOUT A PLAT AMENDMENT APPROVED BY THE BOARD.

# CERTIFICATE OF SURVEYOR

This is to certify that I, Roger A. Kruger, a Registered Land Surveyor in the State of Idaho, made the Survey of Land as described in the Certificate of Owners and designated hereon as "The Valley Club a Planned Unit Development," and that this plot is a true and accurate representation of said survey as made and stated under my supervision and direction.



5-27-94  
Date:

Roger A. Kruger

## COUNTY SURVEYOR'S CERTIFICATE

This is to certify that the undersigned has checked the foregoing plot and computations for making the same and has determined that they comply with the laws of the State of Idaho and the County of Blaine related hereto.



Date:

Blaine County Surveyor

## COUNTY TREASURER'S CERTIFICATE

I, W. L. Deik, County Treasurer in and for the County of Blaine, Idaho per the requirements of Idaho Code 50-1306, do hereby certify that any and all current and delinquent County property taxes for the property included in this plot have been paid in full. This certification is valid for the next thirty days only.

W. L. Deik  
County Treasurer

May 5, 1994  
Date

## COUNTY COMMISSIONER'S CERTIFICATE

The foregoing plot has been accepted and approved by the Board of County Commissioners of Blaine County, Idaho this 11 day of May, 1994.

Tom Blanchard  
Chairman

## PLANNING AND ZONING COMMISSION ACCEPTANCE

The foregoing plot was duly accepted and approved by the Blaine County Planning and Zoning Commission on this 11 day of May, 1994.

Sally Stewart  
Administrator

## COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } SS 365515  
COUNTY OF BLAINE }

This is to certify that the foregoing plot was filed for record in the office of the recorder of Blaine County, Idaho on this 5 day of May, 1994 at 11:41 a.m., and duly recorded in plot book \_\_\_\_\_ at page \_\_\_\_\_.

W. P.  
Deputy

Marsha R. Rasmussen  
Ex-Officio Recorder

365515  
Instrument No.

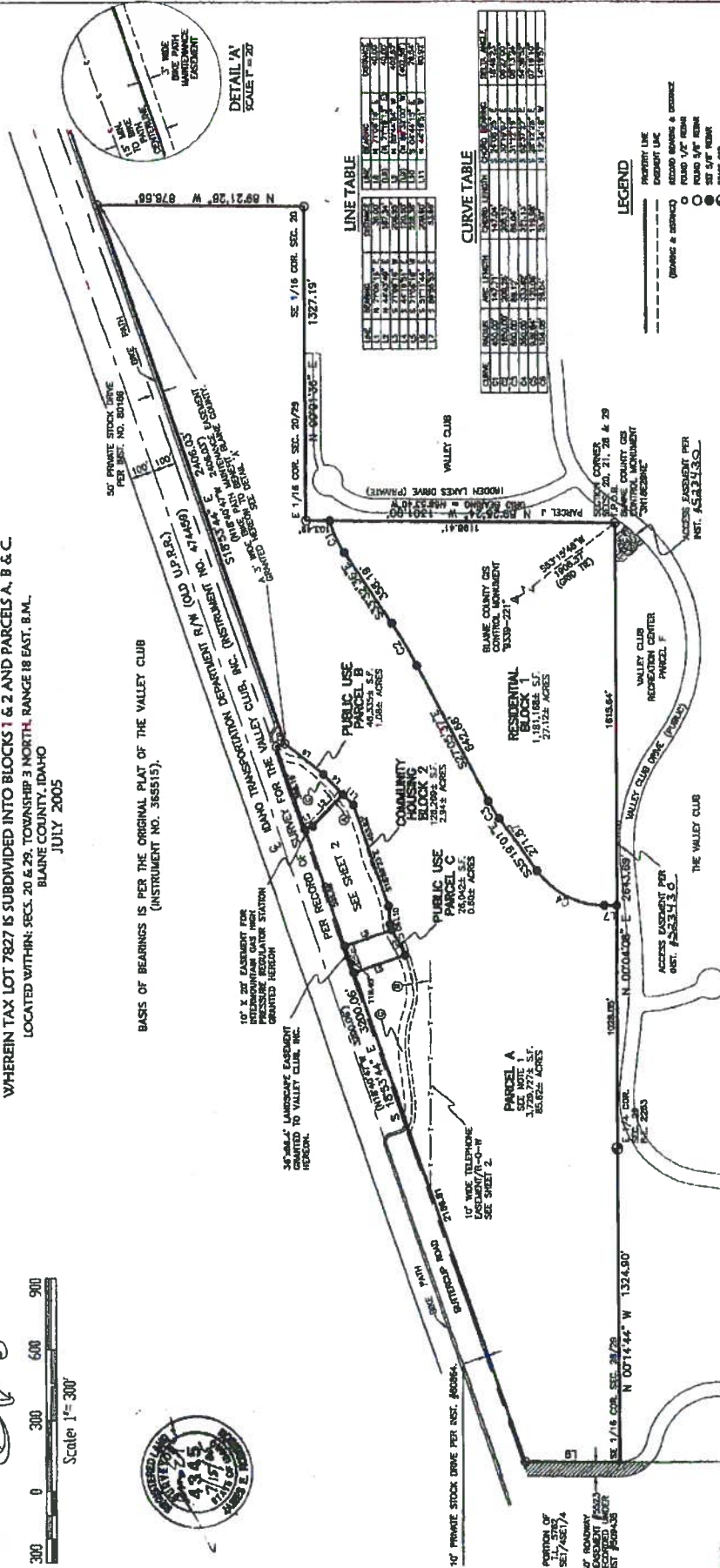
## SANITARY RESTRICTIONS

A new water system to be constructed for this development will have sufficient contributed capital to allow the water systems wells, reservoirs and mains to be constructed to provide service without further connection charges or fees to the land owners of the lots, except for connection of laterals, meters, or other plant exclusively for the lot owners own use.  
Idaho Code 50-1334 (3)

**ENGINEERS**  
ENGINEERS, SURVEYORS/PLANNERS

# THE VALLEY CLUB WEST NINE P.U.D.

A PLANNED UNIT DEVELOPMENT  
WHEREIN TAX LOT 7827 IS SUBDIVIDED INTO BLOCKS 1 & 2 AND PARCELS A, B & C  
LOCATED WITHIN SECS. 20 & 29, TOWNSHIP 3 NORTH, RANGE 18 EAST, B.M.,  
BLAINE COUNTY, IDAHO  
JULY 2005



DETAIL 'A'  
SCALE 1"=20'

## LINE TABLE

| LINE NO. | BEARING         | DIST.  | POINT |
|----------|-----------------|--------|-------|
| 1        | N 0° 12' 28" W  | 976.55 | 1     |
| 2        | S 89° 47' 32" E | 100.00 | 2     |
| 3        | N 89° 47' 32" E | 100.00 | 3     |
| 4        | S 89° 47' 32" E | 100.00 | 4     |
| 5        | N 89° 47' 32" E | 100.00 | 5     |
| 6        | S 89° 47' 32" E | 100.00 | 6     |
| 7        | N 89° 47' 32" E | 100.00 | 7     |
| 8        | S 89° 47' 32" E | 100.00 | 8     |
| 9        | N 89° 47' 32" E | 100.00 | 9     |
| 10       | S 89° 47' 32" E | 100.00 | 10    |
| 11       | N 89° 47' 32" E | 100.00 | 11    |
| 12       | S 89° 47' 32" E | 100.00 | 12    |
| 13       | N 89° 47' 32" E | 100.00 | 13    |
| 14       | S 89° 47' 32" E | 100.00 | 14    |
| 15       | N 89° 47' 32" E | 100.00 | 15    |
| 16       | S 89° 47' 32" E | 100.00 | 16    |
| 17       | N 89° 47' 32" E | 100.00 | 17    |
| 18       | S 89° 47' 32" E | 100.00 | 18    |
| 19       | N 89° 47' 32" E | 100.00 | 19    |
| 20       | S 89° 47' 32" E | 100.00 | 20    |

## CURVE TABLE

| CURVE NO. | BEARING         | DIST.  | POINT |
|-----------|-----------------|--------|-------|
| 1         | N 0° 12' 28" W  | 976.55 | 1     |
| 2         | S 89° 47' 32" E | 100.00 | 2     |
| 3         | N 89° 47' 32" E | 100.00 | 3     |
| 4         | S 89° 47' 32" E | 100.00 | 4     |
| 5         | N 89° 47' 32" E | 100.00 | 5     |
| 6         | S 89° 47' 32" E | 100.00 | 6     |
| 7         | N 89° 47' 32" E | 100.00 | 7     |
| 8         | S 89° 47' 32" E | 100.00 | 8     |
| 9         | N 89° 47' 32" E | 100.00 | 9     |
| 10        | S 89° 47' 32" E | 100.00 | 10    |
| 11        | N 89° 47' 32" E | 100.00 | 11    |
| 12        | S 89° 47' 32" E | 100.00 | 12    |
| 13        | N 89° 47' 32" E | 100.00 | 13    |
| 14        | S 89° 47' 32" E | 100.00 | 14    |
| 15        | N 89° 47' 32" E | 100.00 | 15    |
| 16        | S 89° 47' 32" E | 100.00 | 16    |
| 17        | N 89° 47' 32" E | 100.00 | 17    |
| 18        | S 89° 47' 32" E | 100.00 | 18    |
| 19        | N 89° 47' 32" E | 100.00 | 19    |
| 20        | S 89° 47' 32" E | 100.00 | 20    |

## LEGEND

- PROPERTY LINE
- BOUNDARY LINE
- SECOND EASEMENT & EASEMENT
- PAVED 1/2" ROAD
- PAVED 3/4" ROAD
- SET 5/4" ROAD
- ROAD C/P

## NOTES:

- Parcel A is reserved for golf course and open space and no residential development is permitted. No improvement other than golf course, clubhouse, and utility shall be allowed within these areas.
- Residential development shall be limited to single family detached dwellings and shall be subject to the provisions of the Blaine County Zoning Ordinance.
- Residential development shall be limited to single family detached dwellings and shall be subject to the provisions of the Blaine County Zoning Ordinance.
- Big game and other wildlife depredations are contemplated within this development. Responsibility for controlling all wildlife depredations shall be the responsibility of the property owner.
- No hunting shall be allowed on the golf course, residential community, community housing, fire station. Fences will only be allowed for the containment of pens.
- All fences will be kept in-shape, trimmed, or located at all times. Pets running at large destructively increase negative effects on wildlife.
- All pet food will be stored and fed in a manner that does not attract "nuisance" wildlife (e.g. animals, raccoons, magpies, red fox, etc.). All responsibility for controlling nuisance wildlife belongs to the property owner. Actions taken to eliminate nuisance wildlife problems will be those presented or approved by the Idaho Department of Fish and Game.
- Residential development shall be limited to single family detached dwellings and shall be subject to the provisions of the Blaine County Zoning Ordinance.
- Block 2 is reserved for development of 12 community housing units in accordance with the approved P.U.D. master plan.
- All new utilities shall be underground.
- Parcel 1 is a residential block reserved for 45 home sites in accordance with the approved P.U.D. master plan.
- Fire protection requirements are those of the Blaine River Fire Protection District, Fire Protection Ordinance No. 02-04, the current edition of the fire and building code including, but not limited to water supply, access (including turnarounds) and clear zones and they shall be completed prior to construction.
- Block 1 is a residential block reserved for 45 home sites in accordance with the approved P.U.D. master plan.

- An easement to harvest the Blaine River Causal Association watershed is granted pursuant to the Agreement entered into between the Blaine River Causal Association and the State of Idaho.
- Blaine County, Idaho, is the owner of the Blaine River Causal Association watershed, and the Blaine River Causal Association is the owner of the Blaine River Causal Association watershed.
- Blaine County, Idaho, is the owner of the Blaine River Causal Association watershed, and the Blaine River Causal Association is the owner of the Blaine River Causal Association watershed.
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THE VALLEY CLUB  
WEST NINE P.U.D.  
LOCATED WITHIN SECTIONS 20 & 29,  
TOWNSHIP 3 NORTH, RANGE 18 EAST, B.M.,  
BLAINE COUNTY, IDAHO

PREPARED FOR: THE VALLEY CLUB, INC.  
PROJECT NO. 03304 PLAT BY: DCS/CHL  
DATE: 07/13/05  
SHEET 1 OF 3

## HEALTH CERTIFICATE

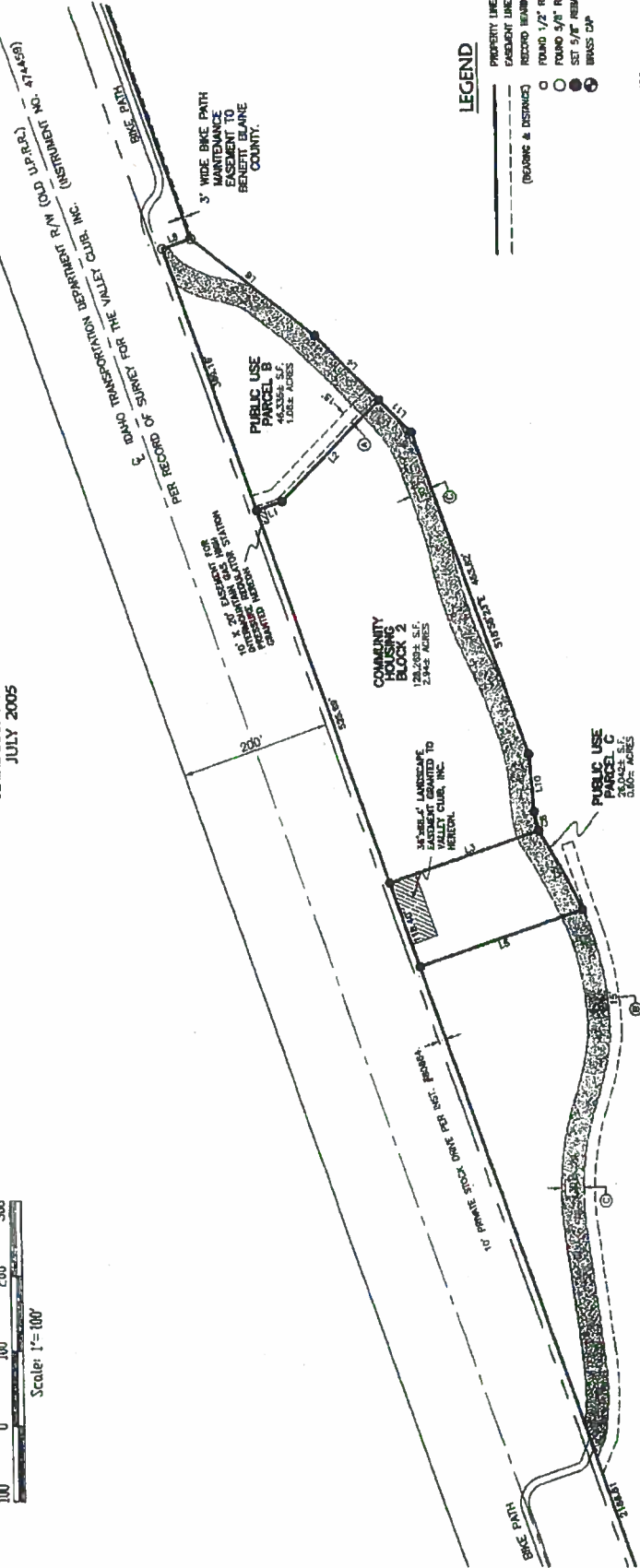
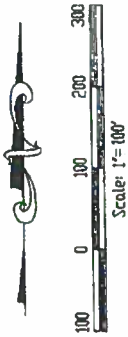
Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been adhered to. Sanitary restrictions may be removed in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the Board of Health of Blaine County, Idaho.

Date: 7-14-2005  
Robert W. Smith  
Blaine County Health Dept. - BLS

PREPARED BY: BENCHMARK ASSOCIATES P.A.  
P.O. BOX 720 - 100 BELL DRIVE  
BLAINE COUNTY, IDAHO 83401  
PHONE: (208) 726-8512 FAX: (208) 726-8514  
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# THE VALLEY CLUB WEST NINE P.U.D.

A PLANNED UNIT DEVELOPMENT  
WHEREIN TAX LOT 7827 IS SUBDIVIDED INTO BLOCKS 1 & 2 AND PARCELS A, B, C & D.  
LOCATED WITHIN: SECS. 20 & 29, TOWNSHIP 3 NORTH, RANGE 18 EAST, B.M.,  
BLAINE COUNTY, IDAHO  
JULY 2005



## LEGEND

- PROPERTY LINE
- EASEMENT LINE
- RECORDING & DISTANCE
- FOUND 1/2" REBAR
- FOUND 3/4" REBAR
- SET 5/8" REBAR
- BRASS CAP

## EASEMENTS

- A 15' WIDE UNDERGROUND IRRIGATION PIPE EASEMENT IS GRANTED TO COTTONWOOD CREEK ASSOCIATION AS SHOWN HEREON.
- A 15' WIDE UNDERGROUND IRRIGATION PIPE EASEMENT IS GRANTED TO MICHAEL WILLARD AS SHOWN HEREON.
- A 30' WIDE NON-MOTORIZED PUBLIC PATH EASEMENT IS GRANTED WITHIN BLOCK 2 & PARCELS A, B & C TO BLAINE COUNTY AS SHOWN HEREON.

## LINE TABLE

| LINE | BEARING         | LENGTH | AREA | PERIMETER |
|------|-----------------|--------|------|-----------|
| 1    | N 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 2    | S 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 3    | S 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 4    | N 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 5    | N 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 6    | S 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 7    | S 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 8    | N 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 9    | N 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 10   | S 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 11   | S 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 12   | N 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 13   | N 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 14   | S 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 15   | S 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 16   | N 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 17   | N 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 18   | S 75° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 19   | S 15° 00' 00" E | 10.00  | 1.00 | 10.00     |
| 20   | N 75° 00' 00" E | 10.00  | 1.00 | 10.00     |

## CURVE TABLE

| CURVE | BEARING         | ANGLE | LENGTH | AREA | PERIMETER |
|-------|-----------------|-------|--------|------|-----------|
| 1     | N 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 2     | S 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 3     | S 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 4     | N 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 5     | N 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 6     | S 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 7     | S 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 8     | N 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 9     | N 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 10    | S 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 11    | S 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 12    | N 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 13    | N 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 14    | S 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 15    | S 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 16    | N 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 17    | N 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 18    | S 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |
| 19    | S 15° 00' 00" E | 15.00 | 10.00  | 1.00 | 10.00     |
| 20    | N 75° 00' 00" E | 75.00 | 10.00  | 1.00 | 10.00     |

CENTERLINE 10' WIDE TELEPHONE  
EASEMENT/RIGHT OF WAY  
PER INSTRUMENT NO. 133827.  
AS SHOWN ON THAT RECORD OF SURVEY  
RECORDED AS INSTRUMENT NO. 474459.



THE VALLEY CLUB  
WEST NINE P.U.D.  
LOCATED WITHIN SECS. 20 & 29,  
TOWNSHIP 3 NORTH, RANGE 18 EAST, B.M.,  
BLAINE COUNTY, IDAHO

PREPARED FOR: THE VALLEY CLUB, INC.  
PROJECT NO. 03304 PLOT BY: DCS/CPH  
DATE: 07/13/05  
SHEET 2 OF 3

PREPARED BY: BERNARD ASSOCIATES P.A.  
1000 W. MAIN ST.  
BOZEMAN, IDAHO 83725  
PHONE: (208) 353-1111 FAX: (208) 353-4816  
COPYRIGHT © 2005 BY BERNARD ASSOCIATES

# THE VALLEY CLUB WEST NINE P.U.D.

## OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that THE VALLEY CLUB, INC. an Idaho nonprofit corporation does hereby certify that it is the owner of a parcel of land described as follows:

A parcel of land within Sections 20 & 29, Township 3 North, Range 18 East, Bala Meridian, more particularly described by metes and bounds as follows:

Commencing at the Section Corner common to Sections 20, 21, 28 and 29, said corner lying N00°04'08"E, 2,643.89 feet from the E 1/4 Corner of said Section 29, said Section Corner being the True Point of Beginning;

Thence N89°25'24"W, 1301.90 feet along the section line common to said Sections 20 and 29 to the E 1/4 Corner common to said Sections 20 and 29; thence leaving said section line N00°01'36"E, 1327.19 feet to the SE 1/4 Corner within Section 20; thence S89°25'24"W, 1301.90 feet to a point on the easterly boundary of a Stock Drive recorded as Instrument No. 80186, records of Blaine County, Idaho; thence S18°53'44"E, 2,408.03 feet along said easterly boundary; thence S71°06'18"W, 40.00 feet to the easterly boundary of a Stock Drive recorded as Instrument No. 80864, records of Blaine County, Idaho; thence S18°53'44"E, 3,200.06 feet along said easterly boundary; thence leaving said Stock Drive S89°44'54"E, 402.57 feet to the S 1/4 Corner common to Sections 28 and 29; thence along the section line common to said Sections 28 and 29 by the following courses: N00°14'46"W, 1324.30 to the E 1/4 Corner of said Section 29; thence N00°04'08"E, 2,643.89 feet to the True Point of Beginning.

Pursuant to Idaho Code 50-1354, I, the undersigned, as owner, do hereby state that the individual parcels & blocks described in this plat will be served by a community water system.

The easements shown herein are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved forever. No structures other than for such utility and other designated uses are to be erected within the lines of said easements.

It is the intention of the undersigned to, and they do hereby include said land in this plat.

Signed this 19<sup>th</sup> day of July 20 05

THE VALLEY CLUB, INC.  
By: [Signature]  
ITS: Vice President - Michael Paul Basso as President

## ACKNOWLEDGEMENT

COUNTY OF BLAINE }  
STATE OF IDAHO }  
On this 19<sup>th</sup> day of July 20 05, before me,  
the undersigned, a Notary Public in and for said State, personally appeared,  
Michael N. Rhoades, known or identified to me to be the Vice President  
of THE VALLEY CLUB INC, who executed the instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

My commission expires: 10-15-2011

Notary at: Valley Club

[Signature]  
Notary Public



## SURVEYOR'S CERTIFICATE

I, JAMES E. ROBINSON, a duly Registered Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with Idaho State Code relating to plats and surveys.

[Signature] 7/13/05  
James E. Robinson, P.L.S.

## COUNTY SURVEYOR'S APPROVAL

This is to certify that I, Jim W. Keene, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

[Signature] 7/13/05  
Jim W. Keene  
Date

## COUNTY PLANNING & ZONING APPROVAL

The foregoing plat was approved and accepted this 22<sup>nd</sup> day of July 20 05, by the Blaine County P & Z Administrator.

By: [Signature]

## COUNTY COMMISSIONER'S APPROVAL

The foregoing plat was approved and accepted this 22<sup>nd</sup> day of July 20 05, by the County commissioners, Blaine County, Idaho.

By: [Signature]

## COUNTY TREASURER'S CERTIFICATE

On this 22<sup>nd</sup> day of July 20 05, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

By: [Signature]

## COUNTY RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed at the request of \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock, \_\_\_\_\_ A.D., in my office and duly recorded in book \_\_\_\_\_ of plats at page \_\_\_\_\_ Fee \$ \_\_\_\_\_ Instrument No. \_\_\_\_\_

By: \_\_\_\_\_

Instrument # 03304  
Recorded for Blaine County Title  
Recorded for Blaine County Title  
Ex-Officio Recorder  
Blaine County, Idaho



THE VALLEY CLUB  
WEST NINE P.U.D.

LOCATED WITHIN: SECTIONS 20 & 29  
TOWNSHIP 3 NORTH, RANGE 18 EAST, B.M.  
BLAINE COUNTY, IDAHO

PREPARED FOR: THE VALLEY CLUB, INC.  
PROJECT NO. 03304  
DRAWN BY: DCS/CPL  
DATE: 07/11/05  
FILE 03304.DWG  
SHEET 3 OF 3

**Benchmark Associates, P.A.**  
Engineering, Planning, Surveying, Mapping  
100 Bell Drive  
PO Box 733,  
Ketchum, Idaho 83340  
Tel: 208 726-9512 Fax: 208 726-

Barry Beavers  
The Valley Club  
P.O. Box 3563  
Hailey, Idaho 83333

Dear Barry;

2/14/08

Attached you will find an exhibit map with regards to the claim by the BLM that a portion of The Valley Club is trespassing onto BLM land.

On 2/12/08 called Lisa Lyda from the BLM who was the contact person listed in the trespass letter dated January 18, 2008 from the BLM. She informed me that she was actually in the field on this job and that the boundary lines were not actually surveyed by her or the BLM, but the fence locations were "surveyed" by her utilizing a handheld GPS unit. To the best of my understanding, this fence data was then overlaid onto Aerial Photography from the 2004 NAIP flight and ownership data ( I would imagine from a GIS), this yielded the conclusion that there may be a trespass issue.

As you are aware, Benchmark has done some extensive mapping on the Valley Club in years past. I have taken the time to pull up that mapping data to confirm where the fences are relative to the platted subdivision boundary within the area in question. The result is shown in the attached exhibit map in which you can actually see the fences in question.

I hope that this helps you and should you need anything else, please give me a call at 788-1479.

Thank you,

  
Steve Schwarz PLS

FOUND 5/8" REBAR  
LS 1000 N1/16 SECTIONS 20,21  
SEE VALLEY CLUB SUBDIVISION MAP

PROPERTY LINE  
PER VALLEY CLUB PLAT  
EXISTING FENCE LINE

20 21 SECTION CORNER  
29 28 FOUND 5/8" REBAR ALSO IS  
BLAINE COUNTY GIS CONTROL  
MONUMENT "3N18E29NE"

**From:** Michael C Creamer  
**To:** "Brown, Larry (ENRD)"; Bromley, Chris; Jones, Doug; Price, Fredric W; Spencer, Nick; Kelly, Vicki  
**Cc:** Merritt, Allen; "Doug Rhymes"; "wsp4golf@aol.com"; "Barry Bevers"  
**Subject:** RE: BLM Objections to The Valley Club SRBA Claims (Basin 37)  
**Date:** Monday, April 14, 2008 9:55:27 AM

---

Larry,

Thank you. I understand your concern.

Each of The Valley Club recommendations objected to by BLM on the POU issue also were objected to by Big Wood Canal Company and a group of individuals on the issues of aesthetic/recreation nature of use and quantity/duty of water. I expect the aesthetic use issue to be designated a basinwide issue. The quantity issue could be expected to go to hearing. I do not rule out possible settlement on these issues, but for planning purposes the BLM should expect SF-5s or PDs in 8-12 mos.

I still would like to have an understanding with the BLM (and concurrence from IDWR) that the 0.2 acres recommended in the BLM's quarter-quarter can be eliminated and the 0.2 irrigated acres can be recommended and decreed in the adjacent quarter-quarter (SWSW, Section 21, T03N, R16E). The Valley Club's survey, which demonstrated to the BLM Shoshone District Office (and the "cadastral survey" staff in the BLM state office) that The Valley Club is not encroaching on BLM land, suggests that IDWR's GIS/Shape File has the quarter-quarter line off slightly.

Would BLM stipulate now to this being addressed in an SF-5 ultimately to be signed by the parties when the other objections are concluded?

Mike Creamer  
Givens Pursley LLP  
(208)388-1200  
mcc@givenspursley.com

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

From: Brown, Larry (ENRD) [<mailto:Larry.Brown@usdoj.gov>]  
Sent: Monday, April 14, 2008 7:35 AM  
To: Bromley, Chris; Jones, Doug; Fredric\_Price@blm.gov; Spencer, Nick; Kelly, Vicki  
Cc: Michael C Creamer; Merritt, Allen  
Subject: RE: BLM Objections to The Valley Club SRBA Claims (Basin 37)

My client is uncomfortable with resolving only BLM's objection and letting the others ride because in the past, the SRBA Court has issued SMRRs and PDs without looking closely enough at the Court's own files - leaving BLM's objections unresolved in the final documents. It takes us awhile to look at all of the SMRRs and PDs, then we have to file motions to set-aside. That process becomes even more difficult when six months has elapsed since PDs were filed.

Michael - what is the chance that objections by others can be resolved by SF-5?

We would be willing to wait until all other objections are resolved and then make sure BLM's objections are resolved in the end.

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

From: Bromley, Chris [<mailto:Chris.Bromley@idwr.idaho.gov>]  
Sent: Wednesday, April 09, 2008 1:10 PM  
To: Jones, Doug; Fredric\_Price@blm.gov; Spencer, Nick; Kelly, Vicki  
Cc: mcc@givenspursley.com; Brown, Larry (ENRD); Merritt, Allen  
Subject: RE: BLM Objections to The Valley Club SRBA Claims (Basin 37)

All,

The only way that I see that BLM's objection can be resolved is through a stipulation between the parties that settles BLM's POU issue only.  
Until all objections are resolved, we can't do an SF5. I'd leave it up to Larry to decide if BLM is willing to enter into a stipulation and then circulate the idea amongst the parties for consensus.

Chris

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

From: Jones, Doug

Sent: Wednesday, April 09, 2008 9:32 AM

To: 'Fredric\_Price@blm.gov'; Spencer, Nick; Bromley, Chris; Kelly, Vicki

Cc: mcc@givenspursley.com; larry.brown@usdoj.gov; Merritt, Allen

Subject: RE: BLM Objections to The Valley Club SRBA Claims (Basin 37)

Folks,

As to the limited issue of the 0.2 acres IDWR can agree with the proposed remediation. However, it was my understanding that Valley Club's consultant was reviewing the overall shape file relative to previous water right approvals, current practices and potential water right acquisition/transfer needs. I have not heard back.

Additionally, there are other objections to the recommendations that would not be settled merely by adjusting the acres. How should we proceed? Draft an SF-5 for the acres issue separate from the other issues? Do the objectors of the other issues need to sign the acres SF-5?

Thanks,

Doug

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

From: Fredric\_Price@blm.gov [[mailto:Fredric\\_Price@blm.gov](mailto:Fredric_Price@blm.gov)]

Sent: Tuesday, April 08, 2008 5:11 PM

To: Jones, Doug; Spencer, Nick; Bromley, Chris; Kelly, Vicki

Cc: mcc@givenspursley.com; larry.brown@usdoj.gov

Subject: Re: BLM Objections to The Valley Club SRBA Claims (Basin 37)

Doug,

RE: 37-00494, 37-00495, 37-00577BU, 37-00577BV, 37-00833K, 37-02623,  
Valley Club, Inc.

IDWR recommended 0.2 acres of irrigation within NWSW, Section 21, T03N, R16E. It has been proposed by counsel for the claimant that these acres be included or added to the acres recommended within the SWSW, Section 21, T03N, R16E. This would resolve BLM's objection. Is this doable from IDWR's standpoint?

Fred Price  
Water Rights Specialist  
BLM, Idaho State Office

"Brown, Larry

(ENRD)"

To <Larry.Brown@usdoj.gov> <mcc@givenspursley.com>  
cc 04/08/2008 03:20 <fredric\_price@blm.gov>  
PM  
Subject Re: BLM Objections to The Valley  
Club SRBA Claims (Basin 37)

That would be acceptable to me. I am out of the office until Monday.  
Fred  
Price at the BLM's Idaho State Office will ask IDWR to prepare appropriate SF-5s. Thanks Michael,

Larry

-----  
Sent from my BlackBerry Wireless Handheld

Sent Using U.S. DOJ/ENRD BES Server

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

From: Michael C Creamer <mcc@givenspursley.com>  
To: Brown, Larry (ENRD)  
Cc: 'Doug Rhymes' <doug206@mac.com>; 'Barry Bevers' <barry@thevalleyclub.org>; 'William S. Potter' <wsp4golf@aol.com>  
Sent: Tue Apr 08 16:58:30 2008  
Subject: BLM Objections to The Valley Club SRBA Claims (Basin 37)

Larry:

This follows up on my voice mail to you today concerning BLM objections to recommendations of my client's (The Valley Club) water rights in the SRBA.  
The BLM objected to recommendations for the following rights because of the recommendation for each place of use included 0.2 acres of irrigation in the NWSW, Section 21, T3N, R16E (public lands).

37-494, 37-495, 37-577BU, 37-577BV, 37-833K and 37-2623.

Since we last spoke the Shoshone District BLM also initiated a trespass proceeding against my client, which I believe was based solely on the IDWR recommendation and a cursory field exam by the BLM.

The Valley Club has provided the BLM with a surveyed plat of their property, and based on that submittal, the BLM has informed me today that it intends to terminate its trespass proceeding.

Ms Lyda at the Shoshone District office directed me to you to discuss resolving the pending SRBA objection. I believe this can be resolved by the parties executing an SF-5 settlement form agreeing that the recommendation exclude the 0.2 irrigated acres on BLM land and include it within the SWSW of Section 21.

Please let me know whether this is acceptable to your client after you have had a chance to discuss it with the appropriate agency personnel.

I'll look forward to hearing from you.

Sincerely,

Mike Creamer  
Givens Pursley LLP  
208-388-1247

1783  
DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED

2009 OCT 23 AM 10 51

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

In Re SRBA

Subcase No.: 37-494

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / RESPONDENT:

Michael C. Creamer 7/7/09  
Michael C. Creamer Date  
Attorney for The Valley Club

OBJECTORS:

Craig D. Hobbs 10-6-09  
Craig D. Hobbs Date  
Attorney for Big Wood Canal Company

OBJECTOR:

United States on behalf of the  
Bureau of Land Management

David L. Negri 6/25/09  
David L. Negri Date  
Attorney for BLM

Albert P. Barker 10-8-09  
Albert P. Barker Date  
Attorney for Tom O'Gara, John F.  
Stevenson, Bill Molyneux, Pete Van Der  
Meulen, Grace Eakin, Rocky Sherbine,  
Gerald Bashaw, and Pepin Corso-Harris

**RESPONDENTS:**

Scott L. Campbell 10/15/09  
Date  
Scott L. Campbell  
Attorney for Sinclair Oil Corp.  
and Newfoundland Partners

**RESPONDENTS:**

J. P. Speck 6-29-09  
Date  
James P. Speck  
Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

**IDWR CONCURRENCE:**

Craig L. Saxton 6-17-09  
Date  
Craig L. Saxton  
Water Right Supervisor

**IDWR CONCURRENCE:**

C. M. Bromley 6/17/09  
Date  
Christopher M. Bromley  
Deputy Attorney General  
Attorney for IDWR

05/22/2009

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

RIGHT NUMBER: 37-494

NAME AND ADDRESS: THE VALLEY CLUB INC  
PO BOX 252  
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

The rights listed below shall provide no more than 0.02 cfs and 3.0 acre feet per acre at the field headgate for irrigation of the lands described above below. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-577BU, 37-833K, and 37-2623.

The rights listed below are limited to a total combined diversion rate of 7.24 8.44 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-833K and 37-2623.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T03N R18E S20 N8SWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| RECREATION     | 04/15 10/31   | 0.150 CFS |
| IRRIGATION     | 04/15 10/31   | 1.850 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |       |                          |                 |                               |
|---------------|------|-------|--------------------------|-----------------|-------------------------------|
| T03N R18E S20 | NWNW | 6.20  | T03N R18E S20            | SWNE            | 16.00                         |
| T03N R18E S20 | SENE | 6.60  | T03N R18E S20            | SENE            | 2.60                          |
| T03N R18E S20 | NESE | 12.00 | T03N R18E S20            | NWSE            | 14.00                         |
| T03N R18E S20 | SESE | 6.60  | T03N R18E S21            | SWSW            | <del>13.00</del> <u>13.20</u> |
| T03N R18E S20 | NENW | 8.20  | T03N R18E S28            | NWNW            | 16.00                         |
| T03N R18E S28 | SWNW | 13.00 | T03N R18E S28            | SENW            | 10.00                         |
| T03N R18E S28 | NESW | 8.60  | T03N R18E S28            | NWSW            | 8.70                          |
| T03N R18E S28 | SESW | 2.10  | <del>T03N R18E S21</del> | <del>NWSE</del> | <del>0.20</del>               |

RECREATION in BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T03N R18E S20 | SWNE | T03N R18E S20 | NESE |
| T03N R18E S20 | NWSE | T03N R18E S20 | SESE |
| T03N R18E S21 | SWSW | T03N R18E S28 | NWNW |
| T03N R18E S28 | SWNW | T03N R18E S28 | NWSW |

143.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, 37-833K and 37-2623.

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

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

445  
CB  
AW  
10 HRC SLC  
CPS CK

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

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

ch  
CB  
AN  
ms  
JAS  
MCC  
OK  
CPS  
SAC

## CERTIFICATE OF SERVICE

I certify that on October 22, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

U.S. Dept. of Justice  
Environment & Natural Resource Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

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

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

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

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

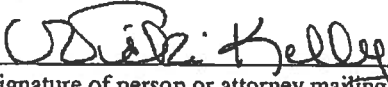
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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

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☐ Facsimile

Scott L. Campbell  
Moffatt Thomas Barrett Rock & Fields  
P.O. Box 829  
Boise, ID 83701

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

  
\_\_\_\_\_  
Signature of person or attorney making the form