

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08855

Priority: June 04, 1996

Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 765.7 AF

It is hereby certified that CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 03, 1996; and has submitted Proof of
Beneficial Use on January 30, 2001. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC	05/01 to 11/01	3.00 CFS	765.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Twp 05N, Rge 17E, B.M. BLAINE County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23													X				X
05N 17E 24									X								

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. After specific notification by the Department, the right holder shall annually report the amount of water diverted to the Department.
4. Aesthetic use is for an annual total of 765.7 acre-feet to be used for the flow of water through four ponds located within the Dip Creek Ranch Subdivision.
5. Water diverted under this right shall be returned to the aquifer at the natural recharge point of Dip Creek, which is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T05N, R17E.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08855

6. Use of this right shall be limited to times when Dip Creek water is available to fill Right No. 37-02473K.
7. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
8. Place of use is primarily located within HES No. 128 and partially located within HES No. 127.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 9th day of January, 2012.


for GARY SPACKMAN
Interim Director

RECEIVED
JAN 30 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. Of Fee \$ N/A
Receipt No. _____
Receipt By: _____
Date Received: _____

PROOF OF BENEFICIAL USE

RECEIVED
JAN 31 2001
Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department

1. Permit No. 37-08855 Telephone No. 208-726-8087

2. Name(s) of Permit Holder(s) Charles L Matthiesen

3. Mailing Address: P.O. Box 2540 Ketchum, ID 83340-2540

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 10 / yr. 97

a. Well driller: Walker Water Systems Drilling Permit Number: 37 - 97 - S099 - 200

b. **OPTIONAL:**
Pump Horsepower _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): n/a Stockwater (No. and type of stock): n/a

Irrigation (No. of acres): 0 Other: Aesthetic

6. Total rate of diversion and/or volume for which proof is submitted: 3,000 cfs OR _____ acre-feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly will be considered incomplete)

Measuring Device: Is a measuring device required? ☒ Yes or ☐ No
Has the measuring device been installed? ☒ Yes or ☐ No

Flow Measurement Port: Is a flow measurement port required? ☐ Yes or ☒ No
Has the measurement port been installed? ☐ Yes or ☒ No

8. Fee Enclosed: \$ n/a (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system:

Name: n/a Telephone Number: _____

Address: Field Exam Completed by Brockway Engineering

7. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho

Signature of permit holder: Charles L Matthiesen Date: 1/29/01
(include your title, if on behalf of company or organization)

FILING FEE \$50.00

For Office Use Only

\$50 Fee Received by gmDate 1-28-00Receipt No. 2047922

RECEIVED

JAN 28 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08855Name(s) of Permit Holder: CHARLES L. MATTHIASENAddress: P.O. Box 2540 City KETCHUM State ID Zip 83340-2540Telephone No. 208-726-8087 Date Proof is Due: FEB 1, 2000

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

ALL WORK IS COMPLETE. WELL (D0002082 11/4/97)
DRILLED. PUMP INSTALLED WITH FLOW METER & LOCKABLE
CONTROLLING WORKS. POND SYSTEM CONSTRUCTED AND
FILLED. WATER RECHARGE POINT DEVELOPED
Costing \$ \$500,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

DR. BROCKWAY WILL PREPARE THE FIELD EXAMINATION
REPORT AFTER THE SNOW PACK MELTS. CURRENTLY THE
WHOLE SYSTEM IS COVERED WITH SEVERAL FEET OF SNOW.

Permit holder(s) request an extension to AUGUST 1, 2000.

Charles L. Matthiesen
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2001.

Signed this 7th day of February, 2000.

MICROFILMED

FEB 11 2000

J. Blum Saylor
Chief, Water Allocations Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 37-08855

Proposed Priority: June 4, 1996

Maximum Diversion Rate:

3.00 CFS

This is to certify, that **CHARLES L MATTHIESEN**

PO BOX 2540

KETCHUM ID 83340-2540

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

AESTHETIC

01/01 to 12/31

3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

05N 17E 23
24

NESE
NWSW

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 2000.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
6. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
8. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
9. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

MICROFILMED
JAN 09 1997

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08855

CONDITIONS OF APPROVAL AND REMARKS

10. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
11. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
12. Use of this right shall be limited to times when Dip Creek water is available to fill Right No. 37-02473K.
13. Water diverted under this right shall be returned to the aquifer at the natural recharge point of Dip Creek, which is located in or near the SE1/4 of Section 23, T05N, R17E.
14. The purpose of aesthetic use is to supply water to maintain water levels in four ponds located within Dip Creek Ranch Subdivision when water is not available from Dip Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

31st day of December, 1996

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
JAN 09 1997

RECEIVED

Form 202
10/92

JUN 03 1996

Ident No. 37-08855Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

SEP 09 1996

To appropriate the public waters of the State of Idaho

PER 07/01/96 TELECON
WITH APPLICANT C.S.1. Name of applicant Charles L. ~~Mattheisen~~ MATTHIESEN Phone 208-726 4421Post Office address * P.O. Box 2540, Ketchum ID 83340-2540
c/o James P. Speck HOGUE, SPECK & AANSTAD, P.A. P.O. Box 987 Ketchum, ID 833402. Source of water supply Ground Water which is a tributary of _____3. Location of point of diversion is NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____Sec. 23 Township 5N Range 17E B.M. Blaine County; additional

points of diversion, if any: _____

4. Water will be used for the following purposes:

Amount 3.0 for Aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity being appropriated is (a) 3.0 and/or (b) _____
cubic feet per second acre-feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, and pipeline supplying water to a four(4)
pond system with recharge of water from fourth pond to aquiferb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.c. Proposed well diameter is 10 inches; proposed depth of well is 100 feetd. Is groundwater with a temperature of greater than 85 degrees being sought? NO

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

5 years (minimum 1 year).

* per applicant letter of 8/27/96 C.S.

MICROFILMED
JAN 09 1997

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households _____ ;
 - Other; describe fully. Aesthetic purposes supplying water to pond system to supplement flow from Dip Creek under water right 37-02473J

8. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	17E	23									X CLB				J CLB			J	
		24										J							

Total number of acres to be irrigated _____

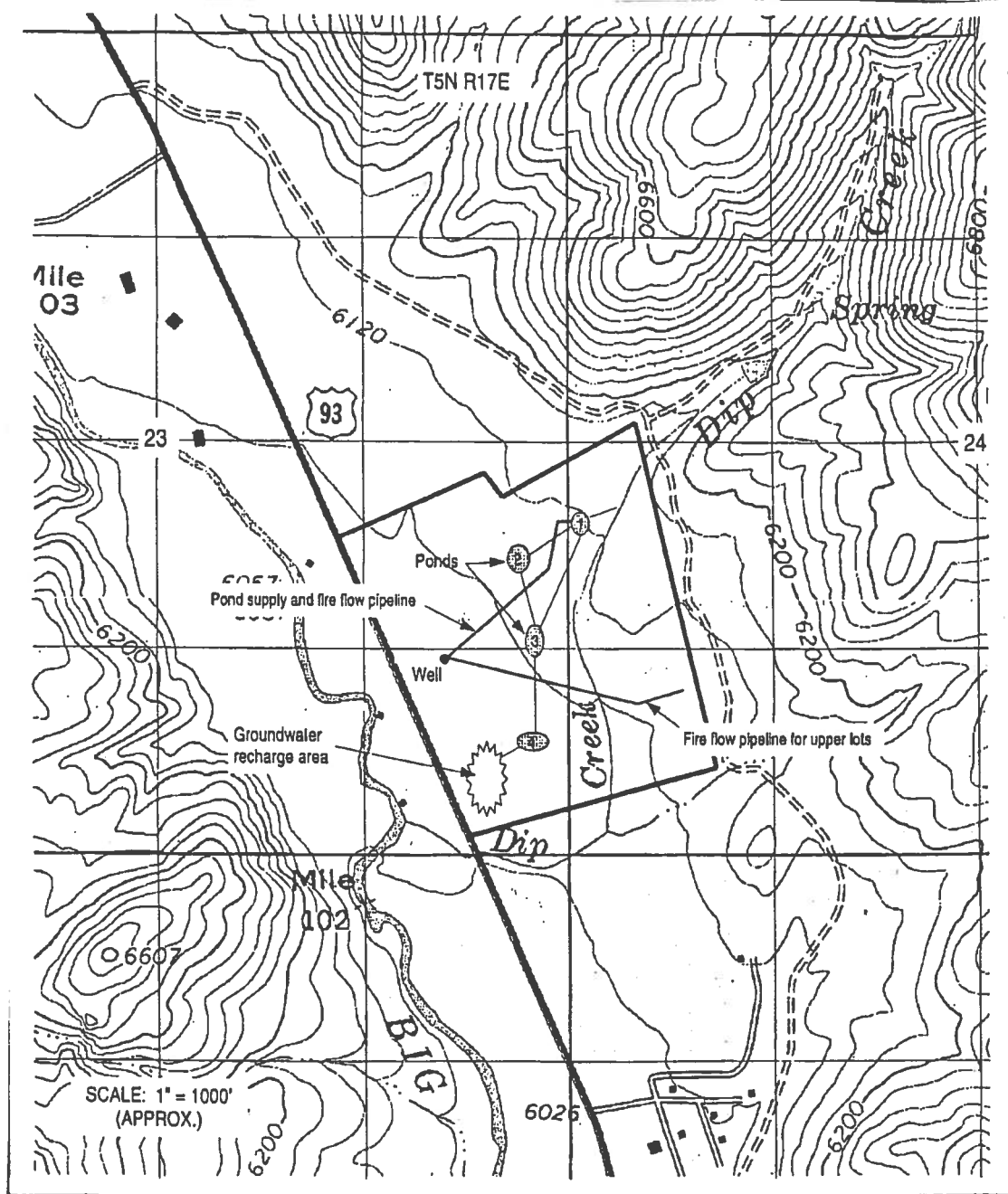
8. Describe any other water rights used for the same purposes as described above. 37-02473 (Transfer applied for)

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

- 12.. Remarks: See attached addendum

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JAN 09 1997

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Charles L. Matthiesen
Water permit application

Brockway Engineering, PLLC
5/7/96

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Charles L. Matthiesen
(applicant)

FILED
JAN 09 1997

Received by MB Date 5/5/96 Time 9:40 Preliminary check by CS
Fee \$ 140⁰⁰ Received by CS ^{CK# 343} # S019199 Date 06/04/96
Publication prepared by MB Date 7/16/96 Published in Wood River Journal
Publication approved MB Date 8/23/96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____ and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction works and application of water to beneficial use shall be submitted on or before

_____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

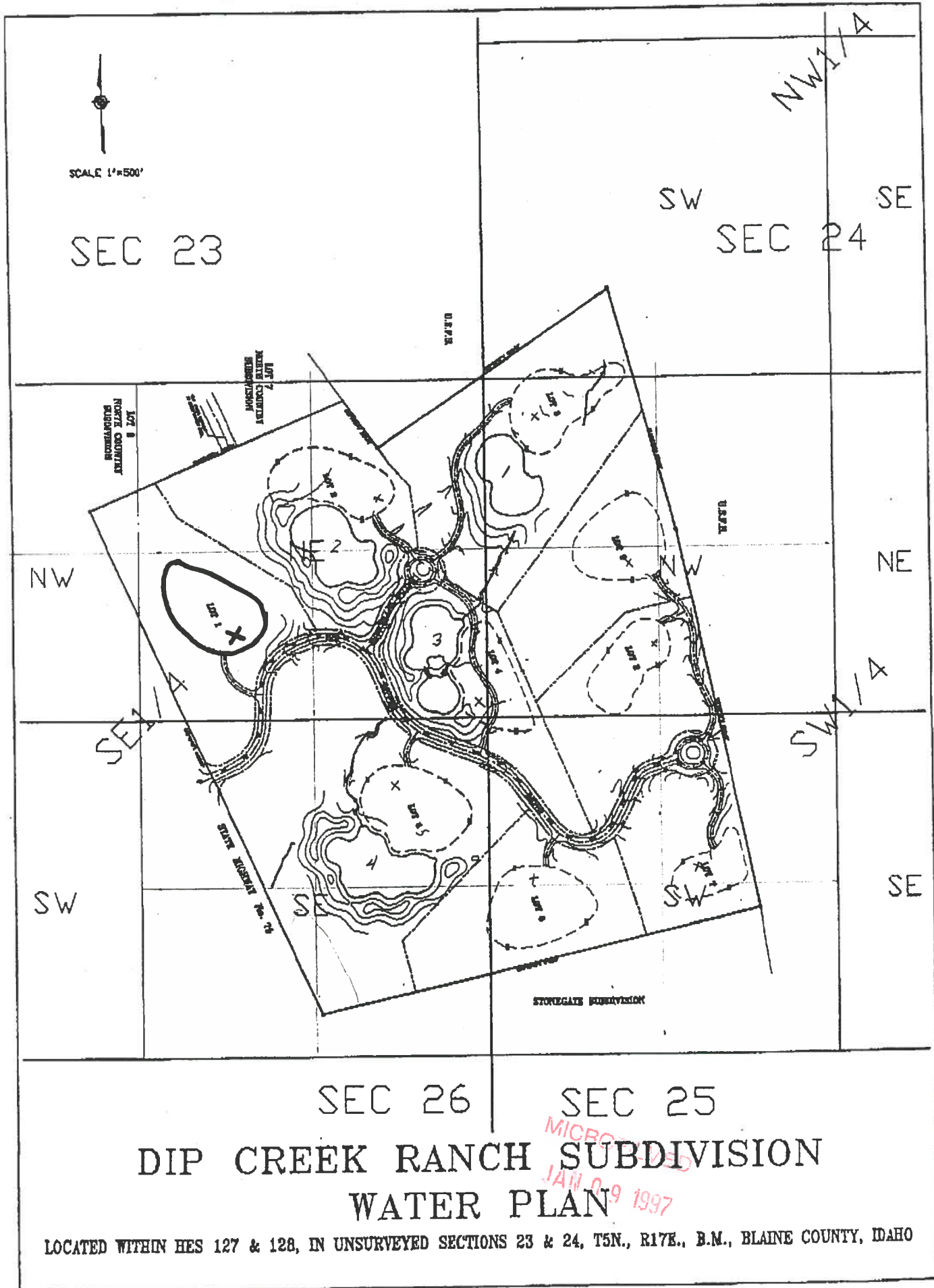
e. Other:

MICROFILMED
JAN 09 1997

**ADDENDUM TO
APPLICATION FOR PERMIT
BY
CHARLES L. MATTHEISEN**

The following is an Addendum to the application for Permit (the "Application") submitted by Charles L. Mattheisen (the "Applicant")

1. Remarks Attached as Exhibit A is a preliminary site plan for Dip Creek Ranch, a nine(9) lot residential subdivision planned for one hundred (100) acres north of the City of Ketchum in Blaine County. This Application for Permit is submitted together with Applications for Transfer of Water Right No. 37-02473, proposing to add non-consumptive, aesthetics and storage for aesthetic uses to this Dip Creek water right while at the same time reducing the number of irrigated acres from 50 to 26 to mitigate for evaporative losses from the four ponds. Dip Creek will flow through the ponds and ditches; however, this flow is insufficient to maintain adequate water turnover times in the pond to maintain water quality. This Application for Permit proposes to divert 3.0 cfs of additional groundwater through the same ditch and pond system to decrease turnover time. The well proposed under this application will pump from near pond 4 of the system to the head of pond 1. In addition, this pipeline will provide fire flow to 3 hydrants as required by the Ketchum Rural Fire District.
2. All ground water pumped under this Permit will be returned to the aquifer approximately 700 feet south of the well at the natural recharge point of Dip Creek (the sinks) depicted on the map in section 13 of this application.



**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 10, 2012

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

RE: License No. 37-8855

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

37-8855

**CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: January 06, 2012
To: Water Right File 37-8855
From: cpalmer
Re: Licensing Memo + 4 attachments

DEVELOPMENT PERIOD: December 31, 1996-January 31, 2001

PD: The point of diversion consists of one well that is located in the SESE of 5N 17E per the field examiners recommendation. The system can provide the permitted rate of 3.0 cfs per pump curves and calculation made by the field examiner.

POU: The place of use is made up of 4 ponds that have a total capacity of 25.10 af. The system also includes a small mixing pond and an infiltration pond that are not significant so will merely be known as features that are part of the diversion system.

OVERLAPS: Decreed water right 37-2473K also covers the four ponds as follows
Fire Protection and Aesthetic Storage-25.10 af
Fire Protection and Aesthetic Uses-0.38 cfs and 58.90 af (for aesthetic)
Irrigation of 6.2 acres-0.12 cfs and 21.70 af
Diversion to Storage-0.50 cfs
Total Rate 0.50 cfs and total volume 105.7 af

Right 37-2473K covers the consumptive portion of the ponds; right 37-8855 is only meant to refresh the pond and is non-consumptive since it runs into the lined ponds and channels from the well and then is discharged into the recharge pond.

RATE: The diversion rate that is recommended by the field examiner is based on the capacity of the system and is sufficient for the license.

VOLUME: The volume that the field examiner recommended is based on the diversion rate over the recommended season of use of 5/1 through 11/1.

$3.0 \text{ cfs} \times 1.9835 \times 184 \text{ days} = 1095 \text{ af}$

However, condition of approval # 12 says that this right is limited to times when Dip Creek is available to fill 37-2473K. I found measurement records that Brockway Engineering reported to the Department as part of the resumption of use of 37-2473. The records span 1999 and 2000 (see attachment). In 1999 it appears that Dip Creek is only fully filled early in the spring. The measurement records indicate that 0.38 can be delivered most of the year but 0.50 cfs can only be delivered from ~4/26 through 5/15. Right 37-8855 is diverted beginning 5/1; therefore, 0.50 cfs is only diverted 15 days/year within the season that coincides with 37-8855. Even though the right can only be completely filled 15 days/year, the condition can be interpreted to mean that ground water can be used even when the Dip Creek can only be partially filled. The diversion of ground water will be directly proportionate to the amount of Dip Creek they can divert. The new volume calculation is calculated on the attached spreadsheet. Note that the new volume I recommend is 765.7 af. Also I think it's important to point out that measurement records for 1999 were used because in 2000, the water measurement records show that Dip Creek was a very dry year. I have searched for further measurement records for Dip Creek and found nothing. The field examiner or the right holders have not made additional measurement records available so I worked with what I could find.

CONDITIONS: It appears that all the conditions have been met. The field examiner points out the way conditions #12 and #14 contradict one another. In a memo dated February 6, 2001, staff decided to revise condition #14 to say: The purpose of aesthetic use is to supply water to maintain water quality in four ponds located within Dip Creek Ranch Subdivision.

Attachment 1

Date	Diversion Rate (cfs) at Dip Creek	Diversion Under 37-8855 (c)	Corresponding Volume (AF)
5/1/1999	0.51	3	6.0
5/2/1999	0.59	3	6.0
5/3/1999	0.54	3	6.0
5/4/1999	0.54	3	6.0
5/5/1999	0.54	3	6.0
5/6/1999	0.54	3	6.0
5/7/1999	0.54	3	6.0
5/8/1999	0.54	3	6.0
5/9/1999	0.54	3	6.0
5/10/1999	0.49	2.94	5.8
5/11/1999	0.49	2.94	5.8
5/12/1999	0.49	2.94	5.8
5/13/1999	0.49	2.94	5.8
5/14/1999	0.49	2.94	5.8
5/15/1999	0.49	2.94	5.8
5/16/1999	0.49	2.94	5.8
5/17/1999	0.49	2.94	5.8
5/18/1999	0.49	2.94	5.8
5/19/1999	0.49	2.94	5.8
5/20/1999	0.44	2.64	5.2
5/21/1999	0.44	2.64	5.2
5/22/1999	0.44	2.64	5.2
5/23/1999	0.44	2.64	5.2
5/24/1999	0.44	2.64	5.2
5/25/1999	0.44	2.64	5.2
5/26/1999	0.44	2.64	5.2
5/27/1999	0.44	2.64	5.2
5/28/1999	0.44	2.64	5.2
5/29/1999	0.44	2.64	5.2
5/30/1999	0.44	2.64	5.2
5/31/1999	0.44	2.64	5.2
6/1/1999	0.44	2.64	5.2
6/2/1999	0.44	2.64	5.2
6/3/1999	0.44	2.64	5.2
6/4/1999	0.44	2.64	5.2
6/5/1999	0.44	2.64	5.2
6/6/1999	0.44	2.64	5.2
6/7/1999	0.44	2.64	5.2
6/8/1999	0.44	2.64	5.2
6/9/1999	0.44	2.64	5.2
6/10/1999	0.44	2.64	5.2
6/11/1999	0.44	2.64	5.2
6/12/1999	0.44	2.64	5.2
6/13/1999	0.44	2.64	5.2
6/14/1999	0.44	2.64	5.2
6/15/1999	0.44	2.64	5.2

Highlighted records indicate actual measurements. The other dates were simply filled in using the last measured date's information.

6/16/1999	0.44	2.64	5.2
6/17/1999	0.44	2.64	5.2
6/18/1999	0.44	2.64	5.2
6/19/1999	0.44	2.64	5.2
6/20/1999	0.44	2.64	5.2
6/21/1999	0.44	2.64	5.2
6/22/1999	0.44	2.64	5.2
6/23/1999	0.44	2.64	5.2
6/24/1999	0.44	2.64	5.2
6/25/1999	0.44	2.64	5.2
6/26/1999	0.44	2.64	5.2
6/27/1999	0.44	2.64	5.2
6/28/1999	0.41	2.46	4.9
6/29/1999	0.41	2.46	4.9
6/30/1999	0.41	2.46	4.9
7/1/1999	0.41	2.46	4.9
7/2/1999	0.41	2.46	4.9
7/3/1999	0.41	2.46	4.9
7/4/1999	0.41	2.46	4.9
7/5/1999	0.41	2.46	4.9
7/6/1999	0.41	2.46	4.9
7/7/1999	0.41	2.46	4.9
7/8/1999	0.41	2.46	4.9
7/9/1999	0.41	2.46	4.9
7/10/1999	0.41	2.46	4.9
7/11/1999	0.41	2.46	4.9
7/12/1999	0.41	2.46	4.9
7/13/1999	0.41	2.46	4.9
7/14/1999	0.41	2.46	4.9
7/15/1999	0.41	2.46	4.9
7/16/1999	0.41	2.46	4.9
7/17/1999	0.41	2.46	4.9
7/18/1999	0.41	2.46	4.9
7/19/1999	0.41	2.46	4.9
7/20/1999	0.41	2.46	4.9
7/21/1999	0.41	2.46	4.9
7/22/1999	0.41	2.46	4.9
7/23/1999	0.41	2.46	4.9
7/24/1999	0.41	2.46	4.9
7/25/1999	0.41	2.46	4.9
7/26/1999	0.41	2.46	4.9
7/27/1999	0.41	2.46	4.9
7/28/1999	0.41	2.46	4.9
7/29/1999	0.41	2.46	4.9
7/30/1999	0.41	2.46	4.9
7/31/1999	0.41	2.46	4.9
8/1/1999	0.41	2.46	4.9

8/2/1999	0.41	2.46	4.9
8/3/1999	0.41	2.46	4.9
8/4/1999	0.41	2.46	4.9
8/5/1999	0.41	2.46	4.9
8/6/1999	0.41	2.46	4.9
8/7/1999	0.41	2.46	4.9
8/8/1999	0.41	2.46	4.9
8/9/1999	0.41	2.46	4.9
8/10/1999	0.39	2.34	4.6
8/11/1999	0.39	2.34	4.6
8/12/1999	0.39	2.34	4.6
8/13/1999	0.39	2.34	4.6
8/14/1999	0.39	2.34	4.6
8/15/1999	0.39	2.34	4.6
8/16/1999	0.39	2.34	4.6
8/17/1999	0.39	2.34	4.6
8/18/1999	0.39	2.34	4.6
8/19/1999	0.39	2.34	4.6
8/20/1999	0.39	2.34	4.6
8/21/1999	0.39	2.34	4.6
8/22/1999	0.39	2.34	4.6
8/23/1999	0.39	2.34	4.6
8/24/1999	0.39	2.34	4.6
8/25/1999	0.39	2.34	4.6
8/26/1999	0.39	2.34	4.6
8/27/1999	0.39	2.34	4.6
8/28/1999	0.39	2.34	4.6
8/29/1999	0.39	2.34	4.6
8/30/1999	0.39	2.34	4.6
8/31/1999	0.39	2.34	4.6
9/1/1999	0.39	2.34	4.6
9/2/1999	0.39	2.34	4.6
9/3/1999	0.39	2.34	4.6
9/4/1999	0.39	2.34	4.6
9/5/1999	0.39	2.34	4.6
9/6/1999	0.37	2.22	4.4
9/7/1999	0.37	2.22	4.4
9/8/1999	0.37	2.22	4.4
9/9/1999	0.37	2.22	4.4
9/10/1999	0.37	2.22	4.4
9/11/1999	0.37	2.22	4.4
9/12/1999	0.37	2.22	4.4
9/13/1999	0.37	2.22	4.4
9/14/1999	0.37	2.22	4.4
9/15/1999	0.37	2.22	4.4
9/16/1999	0.37	2.22	4.4
9/17/1999	0.37	2.22	4.4

9/18/1999	0.37	2.22	4.4
9/19/1999	0.37	2.22	4.4
9/20/1999	0.37	2.22	4.4
9/21/1999	0.37	2.22	4.4
9/22/1999	0.37	2.22	4.4
9/23/1999	0.37	2.22	4.4
9/24/1999	0.37	2.22	4.4
9/25/1999	0.37	2.22	4.4
9/26/1999	0.37	2.22	4.4
9/27/1999	0.37	2.22	4.4
9/28/1999	0.37	2.22	4.4
9/29/1999	0.37	2.22	4.4
9/30/1999	0.37	2.22	4.4
10/1/1999	0.37	2.22	4.4

765.7



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 30 2000

Department of Water Resources

October 27, 2000

Attn: Deborah J. Gibson
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83270
Boise, ID 83720-0098

Re: Resumption of Use - 37-02473
Project No. 107-01-1996

Attachment 2 to
Licensing Memo
12/6/12 for
37-8855

Dear Ms. Gibson:

Enclosed is a Resumption of Beneficial Use for the above-referenced water right.

The water right is a surface irrigation right from Dip Creek, which was the subject of approved transfer Nos. 4867 to 4776. The original right authorized a diversion rate of 1.0 cfs and 50 acres of irrigation. Transfers were secured pursuant to the development of Dip Creek subdivision and the associated ponds and irrigation system. The transfers split the original right into the nine (9) groundwater irrigation rights and one (1) surface water irrigation right. The total allowable irrigation was reduced to 26 acres from 50 acres to account for evaporative loss from the pond system, and to convert a portion of the right to recreation and aesthetics. The changes authorized by these transfers have been partially accomplished. The pond system and subdivision have been constructed, but the individual wells on each lot have not been drilled and utilized per the transfer. Wells have been drilled on lots 3 and 9, but have not been utilized for irrigation.

An extension of time to accomplish the authorized changes was recently granted by IDWR to December 31, 2001. Therefore, the Resumption of Beneficial Use is being filed to document usage of the original surface water irrigation right, not the groundwater rights as authorized by the transfer. Since the ponds are fully operative and consumptively using water, it is reasonable to assume that the maximum allowable irrigation at this time is 26 acres even though all of the changes authorized by the transfer have not been accomplished.

Enclosed is a GIS analysis showing irrigation accomplished during 1999 and 2000. Water flowing in Dip Creek enters a system of four(4) ponds, and

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

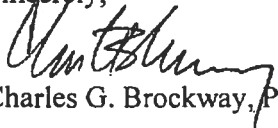
FAX: 736•8506

irrigation of the areas surrounding the ponds is achieved using 5 HP pumps from the ponds. A total of 18.9 acres has been irrigated in this manner, which is 73% of the allowable 26 acres.

More extensive irrigation has not been possible due to the physical unavailability of water flowing in Dip Creek. A Parshall flume flow measuring device was installed at the upper end to the subdivision property. Flow readings have been taken systematically to document the discharge in Dip Creek over the 1999 and 2000 seasons. These tabulations are included with this letter. The flow has ranged from 0.09 cfs to 0.41 cfs during the high demand months of July and August. These flows are insufficient to irrigate all of the authorized lands

Please do not hesitate to call if you have any questions.

Sincerely,



Charles G. Brockway, P.E.

cc: Charles Matthiesen
Jim Speck, Atty.

[illegible]

SEC 23

SW

SE

SEC 24

appears to be
natural channel
per 1960 Map.

P/D

NW

NE

SE

GW Recharge

STONEGATE SUBDIVISION

per 1960 Map

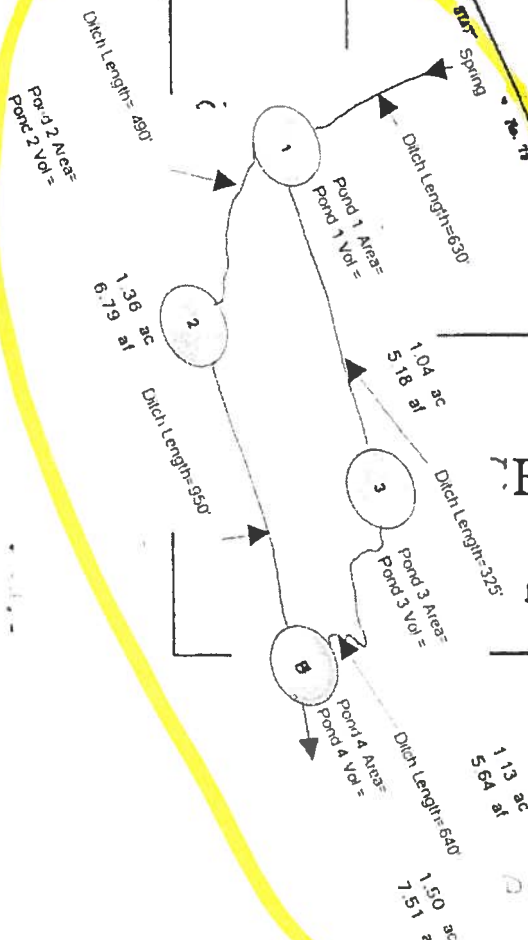
DIP CREEK

SEC 26

SEC 25

CREEK RANCH SUBDIVISION WATER PLAN

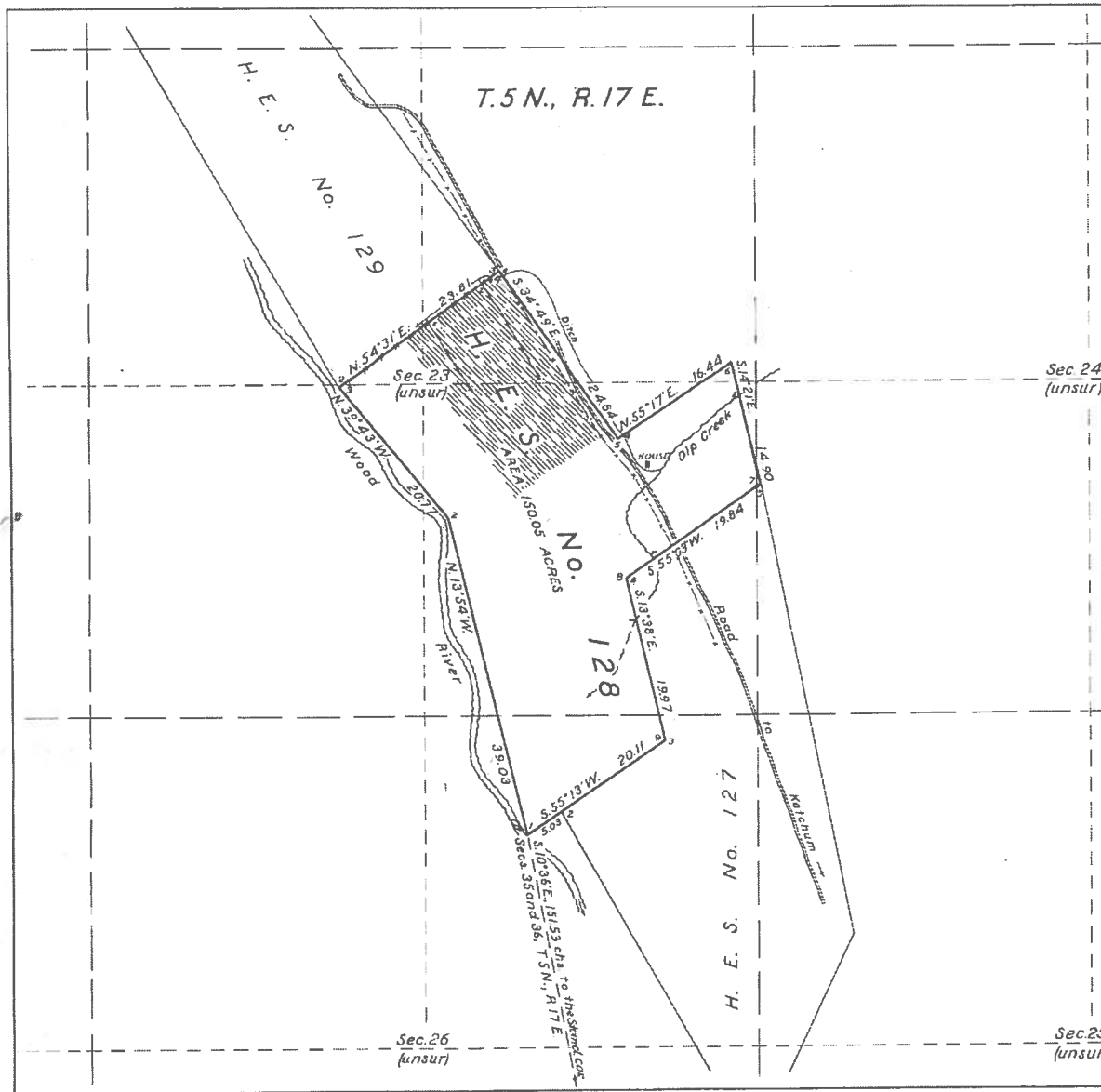
128, IN UNSURVEYED SECTIONS 23 & 24, T5N., R17E., B.M., BLAINE COUNTY, IDAHO



System diagram
Attachment 3 to Licensing Memo
of 37-8855 12/6/12
original part of

G

T# 4867-4876
2011-8-96



PLAT OF
HOMESTEAD ENTRY SURVEY No. 128,
 in the
SAWTOOTH NATIONAL FOREST,
 in
 Section 23, unsurveyed, T. 5 N., R. 17 E.,
 Section 26, unsurveyed, T. 5 N., R. 17 E..

of the
 Boise Meridian,
IDAHO,

GEORGE W. REDMOND,
 Claimant.

This plat of Homestead Entry Survey No. 128, situated in Section 23, unsurveyed, in Township 5 North, of Range 17 East, and in Section 26 unsurveyed, in Township 5 North, of Range 17 East, and in Section _____ surveyed, in Township _____ of Range _____ and in Section _____ surveyed, in Township _____ of Range _____ of the Boise Base and Meridian, is strictly conformable to the field notes of the Survey thereof, on file in this office, which have been examined and approved

Office of U.S. Surveyor General,
 Boise, Idaho, April 6th 1914.

Darwin H. Little
 U.S. Surveyor General

Scale
 10 Chains equal 1 inch
 Initials W. B. R.

Surveys Designated	By Whom Surveyed	Instructions or Order No.	When Surveyed	Date of Approval
H. E. Survey No. 128	William B. Rice Forest Assistant	July 9, 1913	Sept. 2, 1913 Sept. 3, 1913	

Areas		Conflicts	
H. E. Survey No. 128			
In Section			
In Section			
In Section			
In Section			
Total	150.05		

Accepted from letter of March 24, 1915

List No 1704 Date June 30, 1908
 Act of June 11, 1906; Act of March 4, 1913.

Latitude 43° 44' 57" N.
 Longitude 114° 23' 36" W.
 Mean Mag. Decl. 19° 48' E. } At Corner 1.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

Gary Spackman
Interim Director

July 21, 2011

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

Re: Trust Water Term Review for Water Right No. 37-8855

Dear Water Right Owner:

Water right records of the Idaho Department of Water Resources indicate that you are the owner, represent the owner, or have a security interest in a water right or permit based on an appropriation of "trust water" pursuant to Section 42-203C, Idaho Code (see <http://www.legislature.idaho.gov/idstat/Title42/T42CH2SECT42-203C.htm>). Trust water consists of flows of water in the Snake River and its surface and ground water tributaries between Swan Falls Dam and Milner Dam that are in excess of the minimum stream flows established at the Murphy U.S.G.S. gauging station on the Snake River near Swan Falls. The State of Idaho holds Snake River hydropower water rights exceeding the minimum flows "in trust" and these rights are subordinated to other uses, including your water right, pursuant to state law and subject to the conditions set forth in your water right.

Snake River flows at the Murphy gauge have diminished over time. Therefore it is necessary to determine whether continued use of trust water rights may jeopardize the established minimum flows in the future.

One of the conditions of approval of your water right provides that the right is subject to a term review to determine availability of water and to reevaluate the public interest. The term on your water right may have recently expired or will expire in the coming years. The purpose of this letter is to inform you that your right will be reevaluated to determine if trust water is available for diversion and if your continued use of trust water remains in the public interest pursuant to Section 42-203C, Idaho Code. ¹

The Department will contact you when review of your right is to begin. The Department does not anticipate beginning reevaluation until after the Snake River Basin Adjudication workload and other priorities are mostly completed. At that time, you will be asked to provide information expressing your intent to continue the beneficial use of trust water and other information providing details of the status of your water right.

¹ If you are the owner of a water right permit subject to a stay in development by order of the Department, or if your permit has not been developed for other reasons, this letter does not change the status of your permit and the term review described in this letter will still apply.

SCANNED

AUG 03 2011

Trust Water Term Review Notice
July 21, 2011
Page 2

If you seek to continue diverting trust water under your right, you are not required to do anything at this time. The Department will include your right in a review of trust water availability and the public interest for future allocation of trust water. Depending on the Department's determination of water availability and to ensure that the minimum flows at the Murphy gauge are sustained, mitigation will likely be required to continue diverting water under your right. For example, mitigation might be accomplished through the assessment of a fee on trust water rights that would finance a state action such as storage acquisition to provide replacement water to sustain the minimum stream flows. Please note that this mitigation requirement may be in addition to any mitigation that you may already be providing for this right due to delivery calls associated with the East Snake River Plain Aquifer. You will have opportunity to request reconsideration and/or appeal the Department's decision as provided under Idaho law and rules of the Department.

If you do not wish to continue diverting trust water, you may formally abandon your water right and avoid the term review process and possible future mitigation requirements. A form is available to document an abandonment of a water right on the Department's website at www.idwr.idaho.gov.

If you have questions about the term review process, please contact one of the offices of the Department of Water Resources:

- State Office in Boise 208-287-4800
- Western Region Office in Boise 208-334-2190
- Southern Region Office in Twin Falls 208-736-3033
- Eastern Region Office in Idaho Falls 208-525-7161

Sincerely,



Jeff Peppersack, P.E.
Chief, Water Allocation Bureau

SCANNED

AUG 03 2011



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 15 2001

Department of Water Resources

March 14, 2001

Cynthia Bridge
IDWR – State Office
1301 North Orchard Street, PO Box 83720
Boise, ID 83720-0098

Re: Beneficial Use Exam – Permit #37-08855
Response to February 16, 2001 Letter

Dear Ms. Bridge:

As requested, I have modified the beneficial use exam to include an annual volume calculation for the above mentioned water right permit. The annual volume listed on the application represents the diversion volume attributed to the allowable diversion flow rate over the period of use recommended in the field exam report. As discussed during a recent phone conversation, this is a non-consumptive right and a limitation on the diversion volume below this limit is not warranted.

As discussed in the report narrative, the above mentioned permit is a non-consumptive permit which provides flow-through water to the pond system. Use of the non-consumptive water right is allowed when the flow in Dip Creek is great enough to offset the consumptive use from evaporation from the ponds and any irrigation allowed under water right 37-02473K.

I hope that this additional information will be adequate to certify the report as complete. If you have any future questions or concerns, please don't hesitate to call so we can resolve it in a timely manner. Thank you and have a great day.

Sincerely,

Jeffrey S. Rau PE

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Form 219 **RECEIVED**

JAN 31 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 30 2001

**Department of Water Resource
Southern Region**

A. GENERAL INFORMATION

Permit No. 37-08855

1. Owner: Charles L. Matthiesen Phone No. 208-726-8087

Current Address: P.O. Box 2540 Ketchum, ID 83340-2540

2. Accompanied by: Jeffrey S. Rau - Brockway Engineering EXAM DATE: 01-17-01

Address: 2016 N. Washington St., Suite 4 Twin Falls, ID 83301 Phone No. 208-736-8543

Relationship to Permit Holder: Consultant

3. Source: Groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-02473 K

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

1. Place(s) of Use:

Indicate Method of Determination USGS Topo &
Aerial Photo

[illegible]

size / ditch size / pipe i.d. as applicable.

See Attached Schematic Diagram

X Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
12" Diameter Well	US Electrical	60	6233AA10A223R23	Vertiline	98-74393

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
10" McCrometer Meter	In-line	McCrometer	MW-500	98-3771-10	10"	N/A

2. Measurements: System winterized and not operable for field exam. Flow calculation made with hydraulic calculations of system curve and known pump curve for well pump. (Attached)

E. NARRATIVE / REMARKS / COMMENTS

See Attached Narrative

Have conditions of permit approval been met?

 X yes

 no

(See Narrative)

X Additional Computation Sheets Attached

See attached calculation sheets

1. Volume Calculations for Irrigation:

$$\begin{aligned} \text{VI.R} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{\text{N/A}}{\text{N/A}} \\ \text{VD.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{3.00 \times 184 \times 1.9835}{1.9835} = 1095 \text{ AF} \\ \text{V} &= \text{Smaller of VI.R and VD.R.} = 1095 \text{ AF} \end{aligned}$$

2. Volume Calculations for Other Uses:

N/A

PER 2/16/01 IDWR LETTER
 ↳ 2/14/01

1. Recommended Amounts

Beneficial Use	Period of Use From To		Rate of Diversion Q (cfs)	Annual Volume V (afa)
Aesthetic	5/1	11/1	3.000	N/A
		Totals:	3.000 cfs	N/A

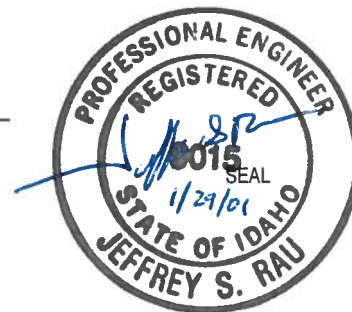
2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION

Field Examiner's Name Joe R. [Signature] Date 1/29/01

Reviewer _____ Date _____



Narrative
Beneficial Use Exam WR Permit #37-08855
Charles L. Matthiesen

Permit #37-08855 is an aesthetic non-consumptive 3.00 cfs groundwater permit which allows diversion to a series of 4 ponds (5 actual) and one mixing pond within the Dip Creek Subdivision north of Ketchum, Idaho in Blaine County. The ponds are fed primarily with water from Dip Creek which runs through the system. When the flow in Dip Creek is not enough to maintain lake elevations, groundwater under this permit is used to supplement the water from Dip Creek. The groundwater is non-consumptive and the groundwater used to maintain lake elevations enters a recharge area where it returns to the aquifer.

MAIN DELIVERY SYSTEM

The delivery system for this permit is a single 12" Diameter x 109 feet deep well located in the SE ¼, SE ¼, Section 23, T5N, R17E. The well contains a Vertiline Pump Type 12HC with a rated capacity of 1,570 gpm at 125 feet head. The pump contains three stages with impellers trimmed to 9.30 inches @ 30 degrees. A copy of the pump curve from the supplier is included with this report. The well pump discharges into a 10" underground PVC pressure main. This 10" pressure main passes through a below grade concrete vault which contains a 10" McCrometer flow meter and wye junction where the pump supply line joins a 10" recirculation line from the lake system. See schematic diagram & photos included with this report.

The 10" buried PVC line conveys the well water or pond recirculation water to an outfall location at a small mixing pond located on Lot #3 of the subdivision. (See schematic diagram) The 10" buried line also supplies pressurized water to seven fire hydrants spaced throughout the distribution system in the subdivision. The mixing pond combines the discharge from the 10" buried line with water from Dip Creek.

As shown on the flow schematic, water flows by way of open channels and 18" diameter CMP pipes through a series of 5 ponds spread throughout the subdivision. Pond #4 contains an 18" diameter outfall pipe which conveys water from Pond #4 to a wetland area located in the southwest corner of the subdivision. Water which enters this outfall pipe sinks into the aquifer at this location and recharges the aquifer to fulfill the requirements of the non-consumptive portion of the permit.

When the well pump is not operating a 40 Hp recirculation pump located in the buried concrete vault is activated and conveys water from Pond 4 back to the mixing pond.

The lake elevations are maintained with wooden check structures upstream of the open channel or pipe outlets from the lakes. According to the construction drawings, all of the channels connecting the ponds as well as the ponds are fully lined with 30 mil PVC liner to prevent seepage losses in the system.

PERMIT CONDITIONS & APPROVAL

At the time of the beneficial use exam (January 17, 2001) the area was covered with approximately 2 feet of snow and the pond system was completely frozen. The delivery system had been winterized and was not operating at the time of our exam. In lieu of actual flow measurements made on the system, hydraulic calculations on the system were completed to estimate the flow rate given the pump curves and known system parameters. The hydraulic calculations are included and discussed later in this report. Questions pertaining to the actual operation of the system were directed to Mr. Charles L. Matthiesen (applicant) during the beneficial use exam and testimony from the applicant was used to verify compliance with some of the conditions and approvals in the permit.

Condition #1: The applicant was given an extension by IDWR in 2000 to extend the proof of beneficial use to February 1, 2001. A request for extension of this deadline was denied by IDWR in a letter from Glen Saxton Dated December 15, 2000. This report details the proof of construction of works and application of water to beneficial use under this permit. The completion of this report satisfies the requirements under this condition.

Condition #2: Remark

Condition #3: Project construction of delivery system and well is complete and has operated at full capacity.

Condition #4 & #5: Well drilling permit #37-97-S-0099-200 was obtained and a well was completed on October 15, 1997 by Walker Water Systems. The well log is on file with IDWR.

Condition #6: Remark

Condition #7: The applicant has installed a 10" McCrometer flow meter in the discharge line of the well pump in the buried concrete vault. The flow meter has an instantaneous readout dial (Range 0-8 cfs) and totalizer function (ac-ft x 0.001). Meter serial number = 98-3771-10. Applicant has installed a wheel operated butterfly valve located downstream of the McCrometer flow meter. The wheel would allow lock-out with a chain and padlock if required by the watermaster. The valve and wheel operator satisfy as a lockable controlling works.

Condition #8: Department has not notified applicant requiring annual reporting of water volumes diverted under this permit.

Condition #9: Remark

Condition #10: Remark

Condition #11: Remark

Condition #12: WR #37-02473K is the portion of the original Dip Creek water right appurtenant to the pond system and it includes the right to beneficially use up to 0.50 cfs for irrigation, fire protection, fire protection storage, aesthetic, aesthetic storage, and diversion to storage in and around the pond system. Water supplied by Dip Creek under this water right accounts for the consumptive use portions in the pond system. A 1' wide Parshall flume is installed on Dip Creek at the head of the system to monitor the contribution from Dip Creek to the pond system. The original intent of this non-consumptive water right was to maintain lake elevations during periods when the natural flow of Dip Creek could not. Review of Condition #12 and #14 appear contradictory in that Condition #12 suggests that water under Permit #37-08855 may not be diverted unless the flow of Dip Creek is sufficient to fill the water right or 0.50 cfs. Condition #14 indicates the original intent of the permit was to supply water to maintain water levels in the ponds, "when water is not available from Dip Creek."

Examination of the conditions of this permit indicate that the right to divert water under this permit shall be allowed when the flow in Dip Creek is adequate to mitigate any required evaporative losses in the pond system.

The applicant indicated that he monitors the flow into the system at the Parshall flume and has complied with this condition.

Condition #13: Under the system operation, only the groundwater pump or the recirculation pump is running during operation of the pond system. When the groundwater pump is running, requirements of Condition #12 are met, and the entire portion of water pumped under Permit #37-08855 flows through the pond system and into the overflow outfall at Pond #4 where it recharges the aquifer in the wetland area as shown in the schematic diagram. Since the recirculation pump is not run at the same time as the well pump, all groundwater which enters the pond system must flow into the recharge area. The water provided under WR #37-02473K accounts for any consumptive losses through pond evaporation and the entire right under the permit is returned to the recharge area. This condition has been met.

Condition #14: See explanation under Condition #12 above. The permit mentions that this water permit is for four ponds. Pond #3 is divided into two smaller ponds and there are actually 5 ponds total not including the very small

mixing pond on Lot #3. The condition should be modified to include the reference to the five ponds and one mixing pond.

The conditions of approval have been met under this permit.

FLOW MEASUREMENT

As mentioned earlier in this report, the well pump & delivery system had been winterized at the time of our beneficial use exam. As a result, a direct flow measurement could not be completed without jeopardizing portions of the system piping due to freezing conditions. In lieu of a direct flow test, construction drawings of the system were obtained and hydraulic calculations completed to calculate the system performance against the rated pump curve for the groundwater pump.

A copy of the calculations is included with this report. The hydraulic calculations show that the maximum capacity of the pump & system is approximately 3.43 cfs as shown on the system curve graph. The system is capable of 0.43 cfs more than the permit and the 10" butterfly valve should be throttled to limit the discharge under this permit to 3.00 cfs.

Recommendation = 3.00 cfs in accordance with the permit.

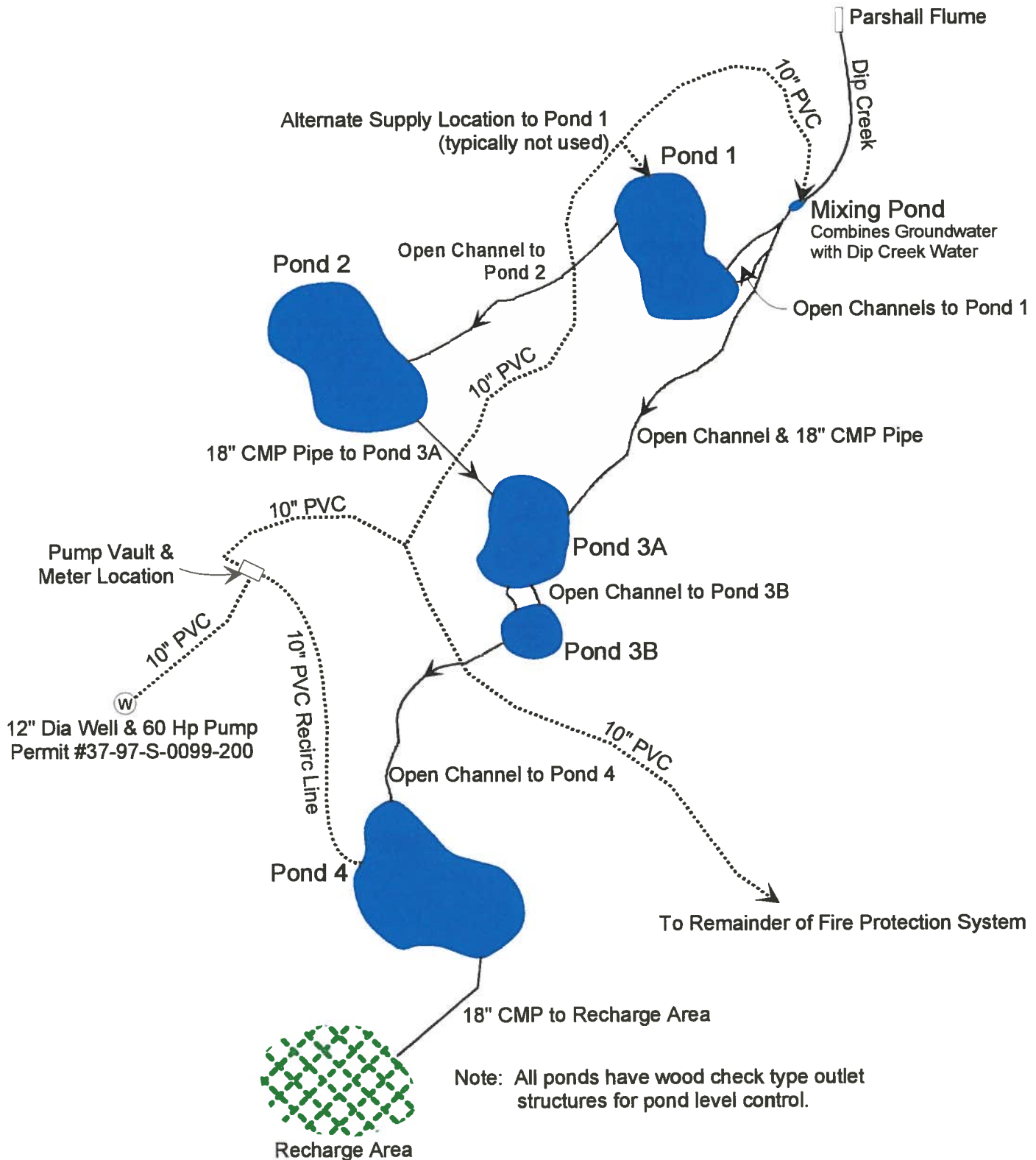
PERIOD OF USE

The permitted period of use for this permit is 01/01 to 12/31. Since the system is winterized and drained during the extreme freezing periods, the year round period of use is not applicable for this permit. The applicant has indicated that the earliest that the system is activated is May 1 (5/1) and the latest the system is run is November 1 (11/1). This period is recommended for the period of use for this permit.

PLACE OF USE

As shown on the topographic map included with this report, the place of use is consistent with that listed in the permit. Recommend no changes to the stated place of use.

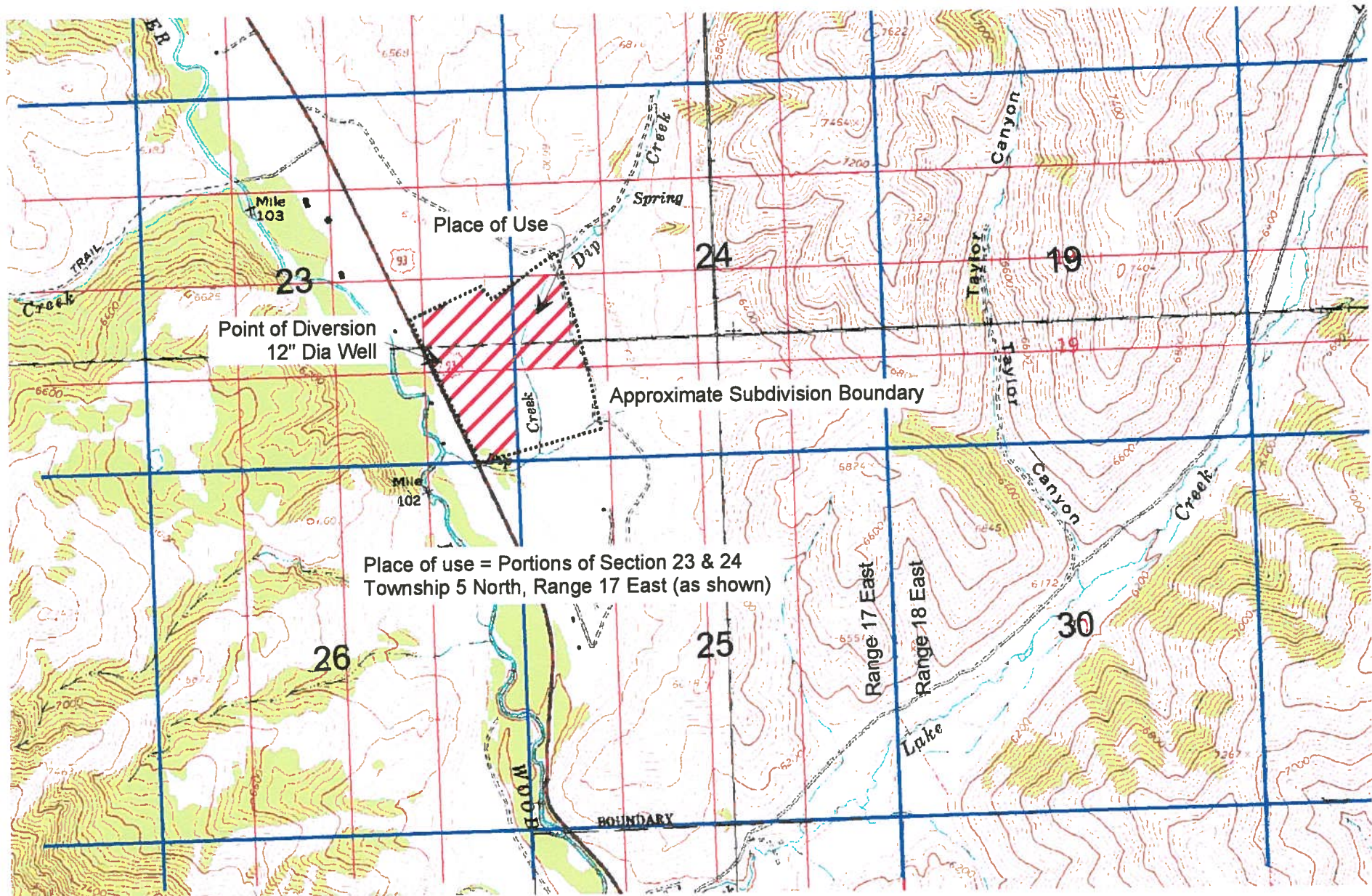
**Dip Creek Subdivision
System Schematic for Beneficial Use Exam
WR Permit #37-08855**



Sources for information for this diagram includes personal observation, construction drawings, aerial photos, and landowner comments.

USGS Quadrangle Map

Beneficial Use Exam WR Permit #37-08855



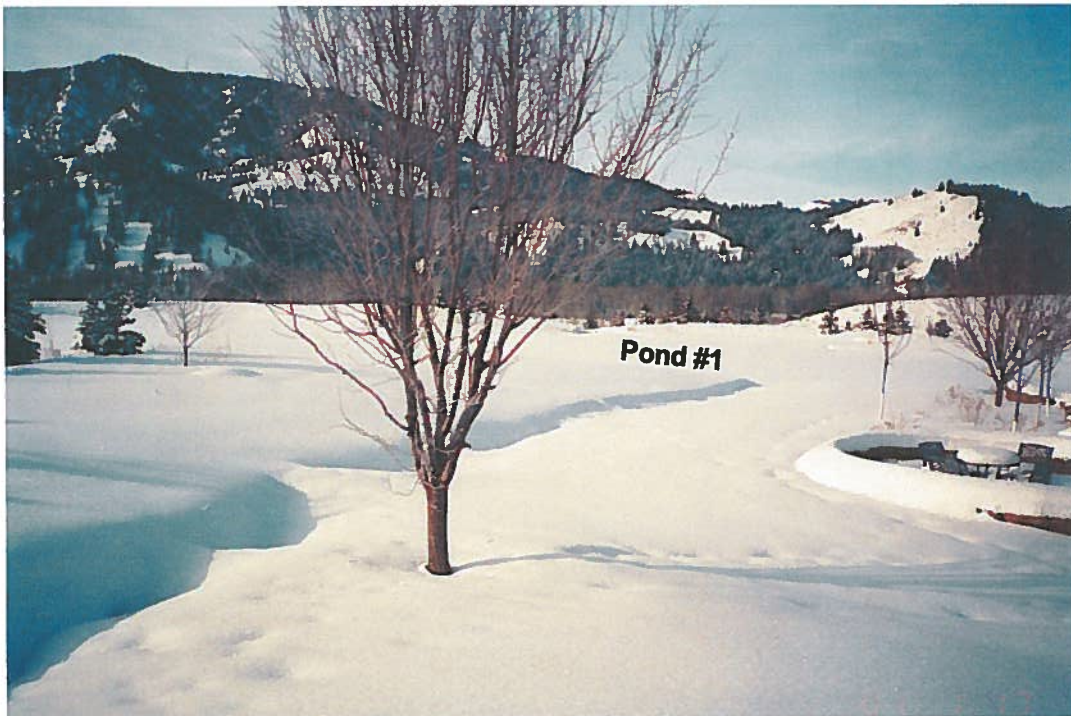
Beneficial Use Exam Report
WR Permit #37-08855
Charles L. Matthiesen



**Dip Creek Subdivision
Beneficial Use Exam Site Photos
WR Permit #37-08855**

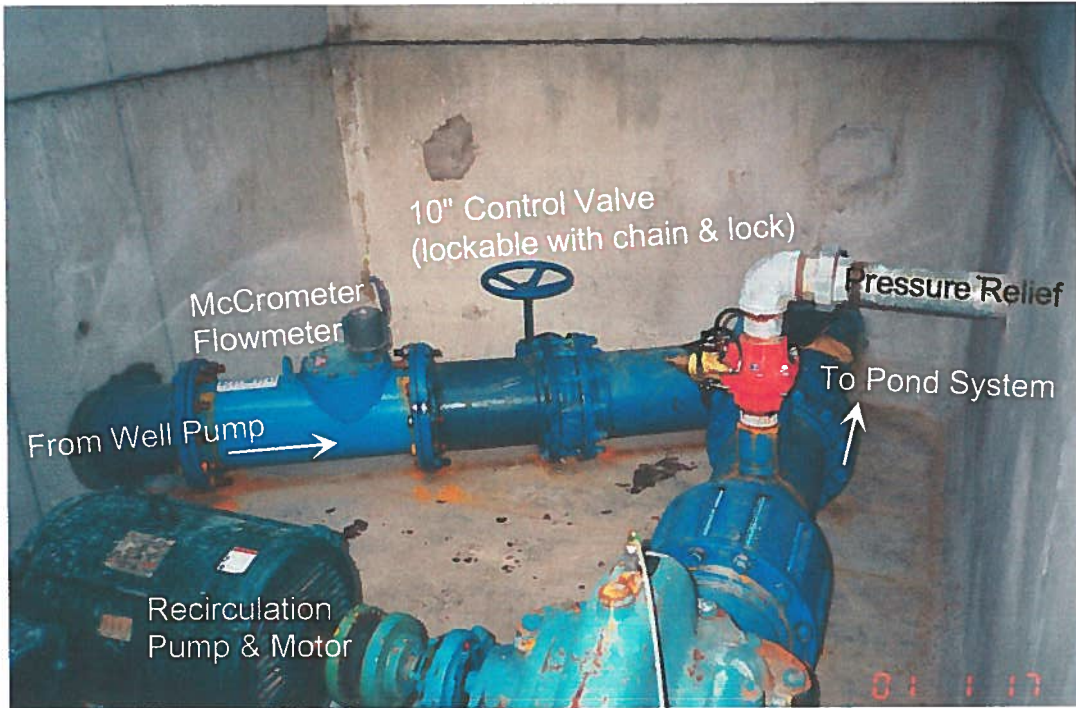


60 Hp Well Pump & Motor - Discharges to 10" steel line prior to going underground.



Looking at Pond #1 from Mixing Pond

**Dip Creek Subdivision
Beneficial Use Exam Site Photos
WR Permit #37-08855**



Pump Vault with supply line from well & recirculation line & pump.

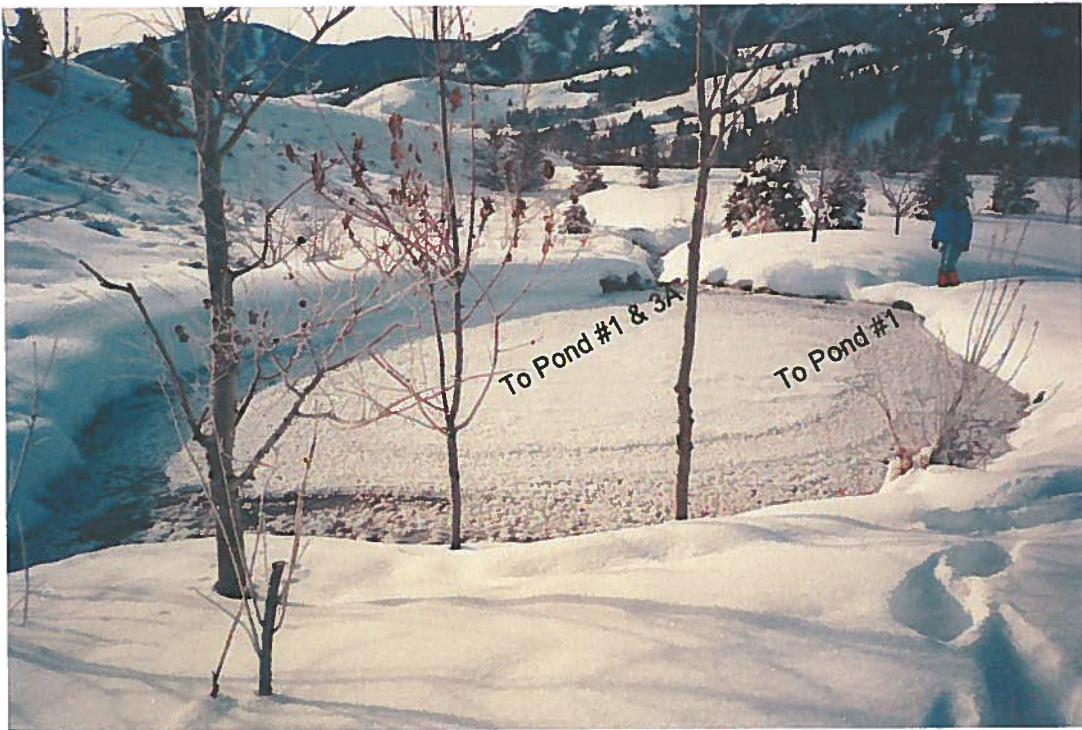


McCrometer 10" Flowmeter in 10" discharge line from well.

**Dip Creek Subdivision
Beneficial Use Exam Site Photos
WR Permit #37-08855**



Parshall Flume on Dip Creek at Property Boundary

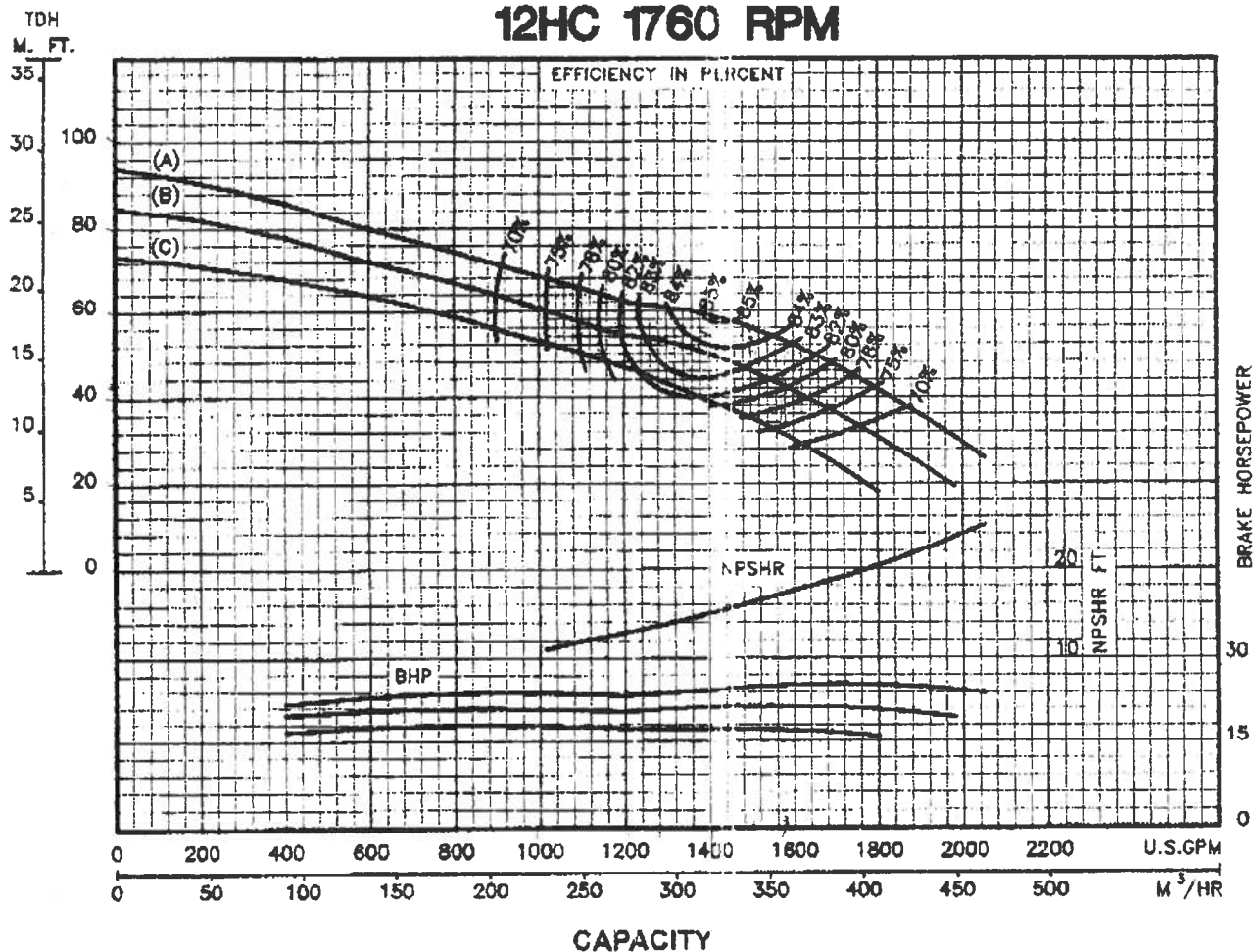


**Primary outlet location of 10" PVC pipe from well & distribution system.
Pipe discharges to the mixing pond where it mixes with Dip Creek water.**

1570 GPM @ 125 ft head ATT: Jett

JOLINE®**TURBINE PUMP CURVE**

JANUARY 1995



IMPELLER DATA				BOWL DATA			
Impeller Number:	2914	TRIM: (A) 9.563" X 30"		Bowl Number	2915 C.I./ENAM.		
Material:	BRONZE	(B) 9.281" X 30"		Bowl Dia.	11.563"max 11.250"min		
Type:	CLOSED	(C) 8.875" X 30"		Max. No. Stages	15		
Thrust Factor:	K=16.50	Minimum submergence above eye of bottom impeller: 26 in.		One Stage Weight	340	lb	
Eye Area:	32.40 sq. in.			Add'l Stage Weight	100	lb	
Weight:	11.50 lb.			Std. Shaft Dia.	1.688	in	
				Std. Lateral	0.750	in	
				Discharge Size	6-8-10 in		
				Suction Size	8 - 10 in		
				Max: Sphere Size	0.750	in	
				Max. Operation P.S.I.	584	(special)	

EFFICIENCY CORRECTION					
Number of Bowls	1	2	3	4	
Change as follows	-4	-2	-1	0	
Change in efficiency may affect both head and horsepower.					

Performance based on pumping clear, fresh water at a temperature not over 85° F., and free of gas, air or abrasives, and with bowls properly adjusted and submerged.

**Dip Creek Subdivision
Beneficial Use Exam - Hydraulic Calculation
Water Right Permit #37-08855**

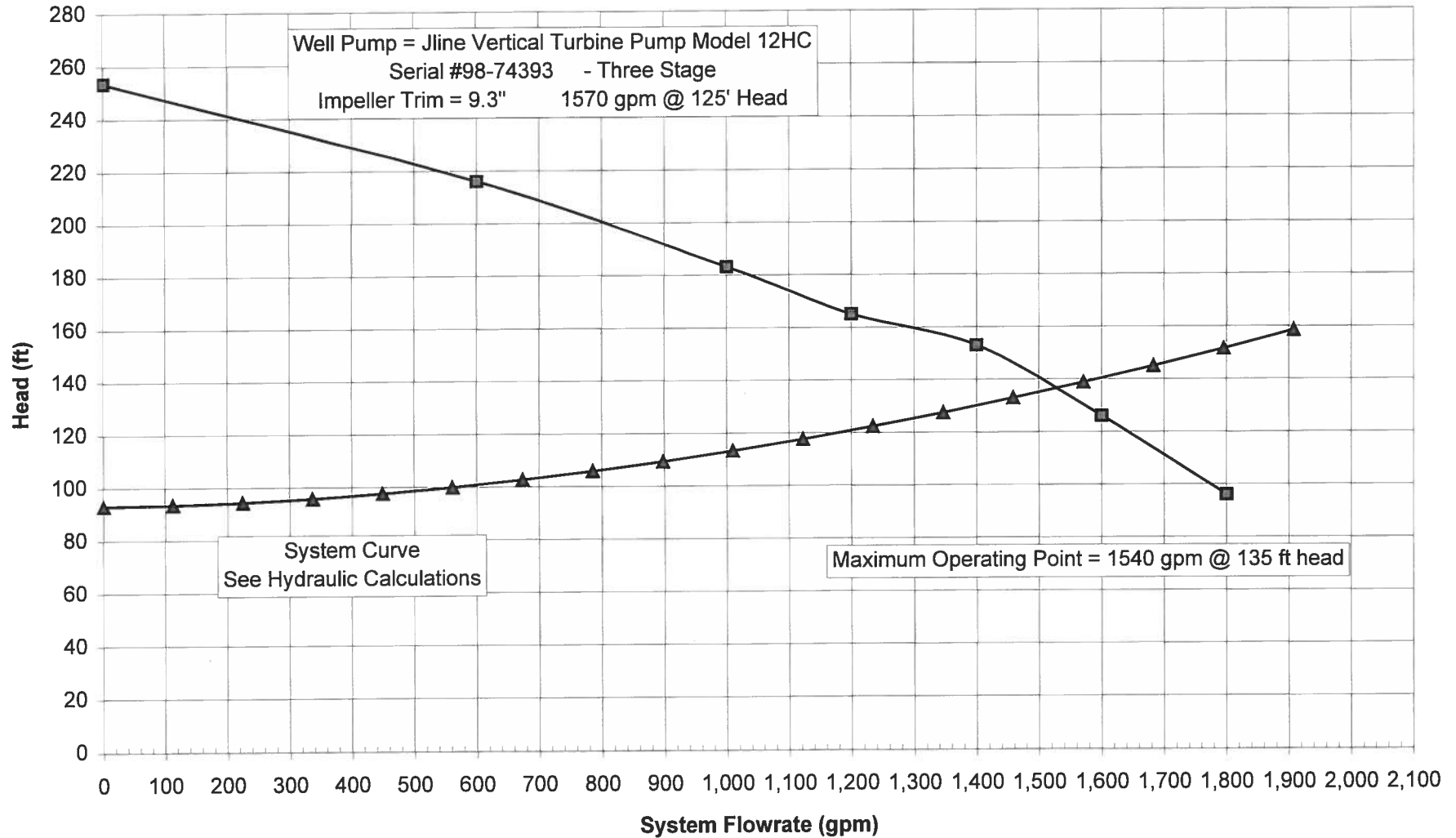
			Minor Losses	Qty	Loss Coeff	Total Loss
Grade @ Well	6,061	ft	10" Check Valve	1	1	1
SWL Well	12	ft BGS	10" Butterfly Valve	2	0.2	0.4
Estimated Drawdown	12	ft	10" Gate Valve (fully open)	3	0.2	0.6
Estimated Pumping Level	6,037	ft	10" 45 Deg Fitting	2	0.4	0.8
Outlet Lake Elevation	6,130	ft	10" Flowmeter	1	0.3	0.3
Required Elevation Lift	93	ft	10" Wye Fitting	1	0.5	0.5
			10" 90 Deg Fitting	2	0.9	1.8
Pipe Type	10" PVC Class 200		10" Tee Side Outlet	1	1.8	1.8
Pipe Diameter (ID)	9.4	in	10" Tee Straight Through	2	0.3	0.6
Pipeline Length	2,650	ft	Outlet	1	1	1
Kinematic Viscosity	0.0000141	ft ² /s			Total =	8.8

System Curve Table	Flowrate (cfs)	Flowrate (gpm)	Pipe Velocity (ft/s)	Reynolds #	Darcy Friction Factor	Darcy		System Curve (ft)
						Friction Loss (ft)	Minor Loss (ft)	
	0	0	0.00	0	n/a	0.00	0.00	93.00
	0.25	112.2	0.52	29,000	0.023506433	0.33	0.04	93.37
	0.5	224.4	1.04	58,000	0.020038668	1.13	0.15	94.30
	0.75	336.6	1.56	86,000	0.018399645	2.34	0.33	95.71
	1	448.8	2.07	115,000	0.017316083	3.92	0.59	97.58
	1.25	561	2.59	144,000	0.016541898	5.85	0.92	99.88
	1.5	673.2	3.11	173,000	0.015948071	8.12	1.32	102.60
	1.75	785.4	3.63	202,000	0.015471053	10.73	1.80	105.73
	2	897.6	4.15	231,000	0.015075209	13.65	2.35	109.27
	2.25	1009.8	4.67	259,000	0.014749493	16.90	2.98	113.22
	2.5	1122	5.19	288,000	0.01445669	20.46	3.68	117.55
	2.75	1234.2	5.71	317,000	0.014199443	24.31	4.45	122.27
	3	1346.4	6.22	346,000	0.013970673	28.47	5.30	127.36
	3.25	1458.6	6.74	375,000	0.013765171	32.92	6.21	132.84
	3.5	1570.8	7.26	403,000	0.013585131	37.67	7.21	138.70
	3.75	1683	7.78	432,000	0.013414723	42.71	8.27	144.92
	4	1795.2	8.30	461,000	0.013258275	48.02	9.41	151.51
	4.25	1907.4	8.82	490,000	0.013113853	53.62	10.63	158.46

Pump Type JLine 12HC Turbine Pump
Impeller Trim 9.3" x 30
Number of Stages 3

Pump Curve Table	Flowrate (cfs)	Flowrate (gpm)	Head/Stg (ft)	Total Head (ft)
	0.00	0	84.5	253.5
	1.34	600	72	216
	2.23	1,000	61	183
	2.67	1,200	55	165
	3.12	1,400	51	153
	3.57	1,600	42	126
	4.01	1,800	32	96

Dip Creek Subdivision - Beneficial Use Exam
WR Permit #37-08855
Well Pump System Curve





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 16, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFERY RAU
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST # 4
TWIN FALLS ID 83301

RE: Beneficial Use Examination -- Permit No. 37-08855

Dear Mr. Rau:

The department is in the process of reviewing the Beneficial Use Field Examination submitted for the above referenced permit. The Beneficial Use Examination Rules (IDAPA 37.03.02) require that the total annual volume of water be shown on the field report for uses other than municipal and fire protection. Volume calculations for the permitted use are required to complete the field report and to continue the licensing review.

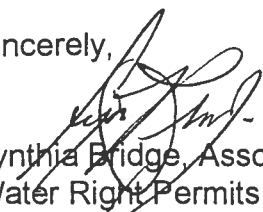
Rule 35.01(o), IDAPA 37.03.02 states that "the amount (rate and/or volume) of water shall be limited by the smaller of the permitted amount, the amount upon which the license examination fee is paid, the capacity of the diversion works or the amount beneficially used, including any statutory limitation of the duty of water." Though this is considered a non-consumptive right, the annual volume of water diverted is important in defining the amount of water beneficially used during the development period as it will limit the amount of water licensed under this water right.

Volume calculations should be based on actual diversion rates if possible. The intentions of the permit holder and design criteria for the use of ground water in the system would also be useful in establishing an annual volume.

We are returning the beneficial use field report to you for completion. Please provide the required information within 30 days from the date of this letter. Failure to submit the information required is cause to lapse the permit pursuant to Section 42-218a, Idaho Code.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Cynthia Bridge, Associate Engineer
Water Right Permits Section

cc: Charles L. Matthiesen

NOTES

by Cynthia Bridge?

File: 37-08855

Date: February 6, 2001

Task: Review Beneficial Use Exam and License Review

Water right 37-8855:

- Aesthetic use, 3.0 cfs, is for non-consumptive use of ground water for use in a recreational pond system.
- Non-consumptive ground water use
 - Water right 37-2473K for 0.5cfs from Dip Creek covers irr, aesthetics, aesthetic storage, diversion to storage, fire protection. 37-2473 was transferred and split such that 37-2473K would provide aesthetic and storage uses for the Dip creek water rights while reducing the number of irrigated acres from 50 to 26 to mitigate for evaporative losses from the four ponds. Dip creek will flow through the pond system, however the flow from this right will be insufficient to maintain adequate water turnover time in the ponds to maintain water quality.
 - 37-8855 should only be used to provide flow through the ponds for water quality purposes. It can not be used to raise or maintain pond surface elevations. It is not intended to supplement the water from Dip Creek. All groundwater pumped under this right must be returned to the aquifer in order to be considered non-consumptive.
 - Exam notes that recirculation pump cannot operate when ground water pump is running. When well operating the entire portion of water pumped flows through pond system into the overflow outfall to recharge the aquifer. Therefore, the ponds must be full and dip creek must be flowing to cover consumptive use (37-2473K). Groundwater cannot be pumped if Dip creek is not running.
 - Exam notes that Permit Conditions 12 and 14 contradict each other. #12 says "Use of this right shall be limited to times when Dip Creek water is available to fill right no. 37-02473K" = Well cannot be used if Dip Creek cannot supply 37-2473K. #14 says "The purpose of aesthetic use is to supply water to maintain water levels in four ponds located within Dip Creek Ranch Subdivision when water is not available from Dip Creek." Discussed with Jeff, agrees they are contradictory and thinks #14 should be changed to "The purpose of aesthetic use is to supply water to maintain water quality in four ponds located within Dip Creek Ranch Subdivision."
 - Recirculation pump: Exam says recirculation pump operates when well pump is not running to convey water from pond 4 back up to the mixing pond. Therefore, it can be used both when creek is flowing well and when it is not filling 37-2473K. However, it cannot run when well operating. Not sure whether how often ponds will need to be refreshed.
 - Jeff and I concluded calculations conducted by examiner acceptable since system could not be measured directly due to seasonal limitations.

Exam Recommendations:

- Exam Calculations: system analysis concluded max capacity of 1540 gpm at 135 feet of head or 3.43 cfs. Examiner recommends licensing the permitted 3.0 cfs and limiting the discharge by throttling the 10" butterfly valve.
- Examiner recommends change in reference to four ponds to five. (Jeff and I feel four is sufficient since exam system schematic refers to four ponds with Pond 3 split into A and B. Therefore, will remain consistent with exam).
- Examiner recommends changing period of use from 1/1-12/31 to 5/1-11/1, the period of use indicated by the applicant.

Other:

- Should there be any mention of the seven fire hydrants on license (three listed in permit addendum, nothing on permit)?
- How calculate annual volume since don't know how often pump will be used? (SIZE OF PONDS?)
- BU Exam Checklist
- License examination fee? \$150??
- Number of Ponds 4 o.k.?



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 31, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES L. MATTHIESEN
PO BOX 2540
KETCHUM ID 83340-2540

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08855

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and field examination submitted for the above referenced permit. The next step in the process of developing a water right is for the department to review the field examination for licensing.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-8855

Reviewed By: dgibson

Date: January 31, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?		X	Drilling permit No.:	37-97-SO99-200	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		X
Receipt No.:			Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		01/30/2001
Date proof due	-	02/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/04/1996
New priority date	=	06/04/1996

Deficiencies of Actions Items

Acknowledge proof and field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Charles E. Brockway
2016 North Washington St.
Suite 4
Twin Falls, ID 83301

RE: PERMIT NO. 37-08855 – CHARLES L. MATTHISEN

Dear Mr. Brockway:

I have reviewed your letter dated December 11, 2000 and the department's water right file in connection with the above referenced water right. In your letter you ask the department to grant a second extension of time in which the permit holder may submit proof of beneficial use of water ("proof").

My review of the water right permit shows that the department initially allowed four (4) years for development. The file also shows that on January 28, 2000, the permit holder submitted a request for extension of time ("extension request") requesting an extension to August 1, 2000 to submit the proof. The department approved this extension request, extending the proof due date to February 1, 2001 which was about six (6) months more than requested. This extension was based on due diligence pursuant to Section 42-204, subsection 5, Idaho Code, which authorizes one (1) extension.

In our telephone conversation on December 6, 2000, we discussed the possibility of an additional extension based on subsection 1 of Section 42-204, Idaho Code. Apparently, the permit holder does not qualify for an extension under this subsection, since your letter did not describe delays referenced in the section.

As we also discussed, the permit will lapse on the proof due date of February 1, 2001, if proof or an acceptable extension request is not submitted on or before that date. The permit will lose one day of priority for each day the proof is late after February 1, 2001. The permit will remain valid for 60 days after the department sends a lapse notice for the permit. In the instant case, the lapse notice likely would be sent approximately in mid-February 2001.

Although I do not oppose another extension approval, I do not know of authority in the code to grant another extension. Hence, you probably should conduct the exam and submit it to the department before the permit becomes of no force nor effect which will be 60 days after the department sends the lapse notice.

As a house keeping measure, your letter stated that you had included a request for extension of time with your letter. The letter, however, did not include the extension request as far as I can determine, so I am not returning it and the fee to you with this letter.

If you have questions, please feel free to contact the department. Best wishes for the holidays.

Sincerely,

A handwritten signature in black ink that reads "L. Glen Saxton". The signature is written in a cursive style with a large, stylized "S" at the end.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - S. Region



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 13 2000

Department of Water Resources

December 11, 2000

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit 37-08855 Charles Matthiesen
Project No. 107-02-2000

Dear Glen:

As we discussed on the telephone on December 6, 2000, Brockway Engineering P.L.L.C. has been retained by Mr. Matthiesen to perform the beneficial use exam for this permit.

This permit is for non-consumptive use of ground water for use in a recreational pond system within the Dip Creek subdivision in Blaine County. The water from this well flows through the pond system and returns to the aquifer through a recharge area near the well.

Facilities for diversion, measurement, and distribution of the water from the well were near completion in 1998; however, the final shakedown of the operations of the system was not completed in time for the February 1, 2000 submittal of beneficial use. An application for extension of time due to the fact that final checkout of the system was not complete and it was not operational during the winter of 1998-99 was made. This request was granted to February 1, 2001.

It was intended to perform the beneficial use field exam during the operating season of 2000; however, several operational and jurisdictional delays prevented performance of the exam during the operating season. Water from the well is pumped to the upper pond in the subdivision and flow split into a holding pond and the first recreational pond. Surface water from the Dip Creek stream is integrated with the ground water flow to achieve the right distribution to prevent overtopping of the holding pond and accommodate the variable flow exhibited by the Dip Creek surface flow. The system was adjusted and modified throughout the 2000 operating season and only toward the end of the season was it finally modified to achieve the desired result.

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

During the season of 2000, the flows throughout the system were not constant and an evaluation of the use and distribution of ground water under this permit would have been difficult.

The Dip Creek water system and ponds serve as the source of water for fire suppression by the Ketchum Rural Fire District. The fire suppression facilities consist of hydrants on the pressurized system fed by the well under permit 37-08855 and a dry hydrant, which taps a pond for filling of fire tankers. The Fire District has been evaluating and testing the system since it's completion and only recently (fall 2000) finished the final testing of the dry hydrant and the siren-activated gate on the subdivision.

Due to the continued adjustments and modifications to the system during the 2000 operating season, it was not deemed possible to perform a field exam which would accurately reflect the various uses and magnitudes of uses under the permit and, consequently, no exam was performed.

We are now faced with the alternative of performing an exam during this winter period during which the system is not operating and all of the ponds are frozen. The well and pumps could be activated but the risk of overflowing ponds or structures is high or the system capacity could be estimated from design data. I have advised Mr. Matthiesen that we can perform the exam prior to the proof date but a short extension of time until the system is started up in May or June 2001 would allow a more definitive exam.

I understand that an extension of time without loss of priority can be allowed if there are extenuating circumstances. I am therefore requesting that an extension of time for proof of beneficial use be allowed until June 15, 2001. I have attached the required request for extension of time form.

Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "CE Brockway", written in a cursive style.

Charles E. Brockway, P.E.

cc: Charles Matthiesen

November 30, 2000

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 833402540

PROOF DUE NOTICE

RE: PERMIT NO. 37-08855

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2001.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

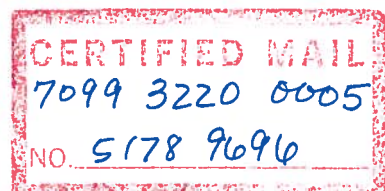
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES L. MATTHIESEN
PO BOX 2540
KETCHUM ID 83340-2540

RE: PERMIT NO. 37-08855

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **February 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of the project since the department **will not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
FEB 11 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08855 Reviewed by NA Date 1-28-00

BASIC INFORMATION

yes Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Grant ext to Feb 1, 2001 based on due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date Feb 1, 2001
Change Priority Date _____

RECEIVED

JAN 28 2000

Department of Water Resources

Charles L. Matthiesen
P. O. Box 2540
20 Moose Lane
Ketchum, Idaho 83340
Phone (208) 726-8087
FAX (208) 726-5685
Cell (208) 720-3652
E-mail: chuckmatthiesen@sunvalley.net

January 27, 2000

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098
RE: Permit No. 37-08855

Dear IDWR:

Encloses is a check for \$50 and completed "Request for Extension of Time" form.

The entire system is complete and operational. Because Dr. Charles Brockway designed this complex system I asked him to prepare the field examination report. In order to produce a complete and accurate report, he asked me to request an extension of time to allow for the snow pack, which currently blankets the system, to melt. I assume this is not a problem.

Please contact me if there are any problems.

Sincerely,



Charles L. Matthiesen

MICROFILMED
FEB 11 2000

November 30, 1999

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 833402540

PROOF DUE NOTICE

RE: PERMIT NO. 37-08855

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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FEB 11 2000



Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :
☐ Air ☐ Flowing Artesian

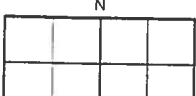
1. DRILLING PERMIT NO. 37 - 97 - S - 0063 - 000
Other IDWR No. W.R. 37-08855

2. OWNER:

Name CHARLES MATTHIESOM
Address P.O. BOX 2540
City KETCHUM State ID Zip 83340

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 5 North ☒ or South ☐
 Rge. 17 East ☒ or West ☐
 Sec. 23, $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Gov't Lot _____ County BLAINE $\frac{10}{40}$ acres $\frac{10}{160}$ acres
 Lat: _____ : _____ Long: _____ : _____
 Address of Well Site _____
 _____ City KETCHUM
 (Give at least name of road - Distance to Road or Landmark)
 Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Aesthetics

5. TYPE OF WORK

— New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	65 SACKS	OVERBORE
BENTONITE				BENTONITE SEAL
BENTONITE				BENTONITE SEAL

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
12.75	+2	-107	.250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method _____

Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
50	105	1.5	1500	12	STEEL	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered _____ ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
445	51.5	60'	6

Water Temp. 46 Bottom hole temp _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
14	0	1	SURFACE DIRT		X
	1	19	BOULDERS GRAVEL		X
	19	22	CLAY GRAVEL		X
	22	26	GRAVEL	X	
	26	30	CLAY GRAVEL		X
	30	34	CLAY GRAVEL		X
	34	40	GRAVEL	X	
	40	43	GRAVEL CLAY		X
	43	50	GRAVEL	X	
	50	51.5	CLAY GRAVEL		X
	51.5	65	GRAVEL	X	
	65	67	CLAY GRAVEL		X
	67	70	GRAVEL	X	
	70	75	GRAVEL	X	
	75	85	GRAVEL	X	
	85	90	GRAVEL CLAY		X
	90	98	GRAVEL CLAY		X
	98	100	GRAVEL	X	
	100	107	BOULDERS	X	
	107	108	DECOMPOSED GRANITE		Y

RECEIVED

RECEIVED AUG 22 1997

OCT 10 1997 Department of Water Resources
Southern Region

Department of Water Resources

Completed Depth 108' (Measurable)
Date: Started 07/08/97 Completed 07/23/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name WALKER WATER SYSTEMS INC. JAN 07 1998 15 Firm No

Firm Official: [Signature] B. W. [Signature] 08/14/97

and *id.* 4/7/2008

Supervisor or Operator Alvin K. [Signature] Date 08/14/97

(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 1997

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340-2540

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08855

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

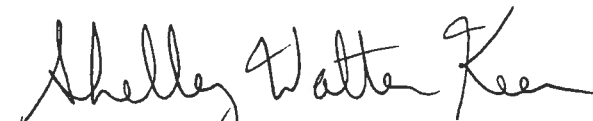
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the

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JAN 09 1997

department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

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JAN 09 1997

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 37-05855 Name: Matthiesen Date: 11/22/96 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN?

PROTESTED:

- No/Yes ESRP Mor Big Wood GWMA Trust/Non-trust
- 020 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed
1 year/no proof
+1 year

- NA
- P16
- 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs
=/- 0.2 cfs
=/+ 5 a.

- 01M use 028
- No MD
- 01M, 065 (if GW use SW 1st)

DRILLING PERMIT:

Existing well
Included w/permit

- NA (pre 7/1/87)
- Permit No. _____, P99

No WD permit?

- 046-46B-P23 (post 7/1/87)

in in WD

- P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (~~dam~~)

- 005 (req) WD # 37 <SEE MAP & LISTING>

+ 0.2 cfs
=/- 0.2 cfs

- 01J (meas dev) P08 028
- 01H (lock dev)-P01 or No MD

In WD + 0.2 cfs

- 01M or No MD (in-stream)

- 0.2 cfs
=/+ 5 a. irr.

- No MD
- 01M

RIVER BASINS (*Surface water):

Snake R (01)
(02/03-irr)

- 11A-P04, NA
- 007-P07 (w/ remark WB9-- Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- 064 (regulated uses), 047-P04 (Payette Lake), NA

Boise River (63)
Payette River (65)

USE:

Domestic (*surface*)
Fish Propagation
Irr <POU> =/- 5 a
+ 5 a

- *WB5 (Boise R above Star Bridge); 27A (Payette R); NA
- 07A-042 (req)-010/06A/09E (WQ)-P10; 044 (N 1000 Spr)
- 057 (0.03 cfs/A)
- 03A (0.02 cfs/A)
- 054 (req) & 06A/010/09E-P10
- 08A-17K-025-027-028-01F(P19)-09E(P10);
+25 cfs-P18; 17G (FERC) or 17M (FERG); 18B-P09
- 18A (multi MD in WD), 18B-P09 (+10' dam), W07

Mining
Power

Storage (✓3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.
Swan Falls Flag
Trust
Non-Trust <1>

- In 20/30/40/50/60/70/80 (87) basin? P84
- 058 (-85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)
- 7 <SEE CODE CHART> (+2 cfs requires TW conditions)
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU) _____

OWNERSHIP: Non-owner

OTHER CONDITIONS:

- 027

STANDARD REMARKS:

- 015 Modified ② Acc. use ③ Contingent

BENEFICIAL USE DUE:

- 12-1-1999

COMMENTS:

- _____

SEND COPIES TO: _____ Idaho Dept of Health & Welfare _____ USDI BLM
 _____ Idaho Dept of Fish & Game _____ USFS
 _____ Idaho Dept of Lands _____ Water Dist.
 _____ Adjudication Bureau Unit _____ Other _____

FINAL REGIONAL PROCEEDINGS REVIEW

☒ Yes ☐ No Affidavit of publication received.

☒ Yes ☐ No Application published correctly. If not, record action taken.

See below for additional information _____
Date of priority recommended 6/4, 19 96
By ADW Date 9/5, 19 96

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

FROM: Allen Merritt



DATE: September 5, 1996

TO: Transfer File No. 4867 through 4876 and Application for
Permit 37-08855
In the Name of: Matthiesen

SUBJECT: Review and Recommendation

The ten transfers and the application all deal with development of a subdivision north of Ketchum and should all be reviewed together. The transfers all deal with a common water right license 37-02473. The historical use of the license has been irrigation of approximately 50 acres from Dip Creek which normally sinks before it reaches the Big Wood River.

The purpose of the first nine transfers (4867 through 4875) is to split off portions of the irrigation right to each of nine lots (2.2 acres for each lot) being developed and to change the source from Dip Creek to that of groundwater. Each transfer identifies a separate lot and each lot will have its own individual well.

The purpose of the tenth transfer (4876) is to identify irrigation of a common area (6.2 acres) for the subdivision and to change the nature of use of the remaining portion of the right to allow for the development of 4 ponds (25.11 acre feet total) along the man made channel of Dip Creek and also identify year-round, non-consumptive uses of aesthetics, fire protection and groundwater recharge for the entire flow of the stream.

The purpose of application 37-08853 is to develop a well to augment the flows in Dip Creek through the pond reach or man-made or altered section of the creek. The stated purpose of the permit is for aesthetic purposes but also identified in the addendum is fire protection purpose. The application is based on the theory that the water pumped from the aquifer by the well is returned to the aquifer in the natural recharge area. Any losses in the system is accounted for by the transfer package.

REVIEW

On receipt of the original transfers and application it was apparent that there was the potential for the original right to be expanded in light of their desire to drill wells and augment the flows of the creek. We voiced our concern to the applicant and his consultant and suggested they prepare an operation plan to assure the original right would not be expanded. They provided the operation plan found in each file.

RECOMMENDATION

I recommend that all transfers and the application be approved with the following conditions:

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- All transferred rights are subject to SRBA Review.
- Each well must be drilled pursuant to an approved \$200 irrigation drilling permit.
- All uses are subject to the Operation Plan dated 6/5/96 or subsequent revisions approved by the department with the following revision: *As proposed the plan is for the flows of Dip Creek to be monitored "periodically" and the uses adjusted "monthly" based on the previous month's flow. I recommend that until two years flow history is gathered that the Creek be measured twice weekly and that the adjustments be made based on the previous week's calculated flow volume. After two years the department will consider revision of the plan.*
- All wells must maintain adequate measuring devices which show flow rate and accumulate flow volume. The pump(s) diverting from the pond(s) must also have meter(s) measuring flow rate and accumulate flow volume. A weir or other measuring device must be maintained on Dip Creek at the point where the creek enters the property above the point where the well drilled under 37-08855 augments the flows of the creek.
- At any time a measuring device ceases to function it must be repaired immediately. The associated use shall cease until the measuring device is repaired.
- Use of all rights are under the control of Watermaster of District 37. The watermaster may check measuring devices on all wells and on Dip Creek and the accounting of allowable diversion amounts as set forth in the Operation Plan dated 6/5/96 as needed.
- Each individual lot is allowed a domestic use including 1/2 acre of irrigation limited to 13,000 gpd plus the allowable irrigation (2.2 acres) pursuant to it's associated transfer.

Special Condition for 37-08855:

- All effort must be made to maintain the surface flow from Dip Creek on the subdivision. At any time the flow of Dip Creek leaves the property the diversion of 37-08855 shall cease. To accomplish this an injection well may be required. Approval of any injection well must be approved by the department on separate application.
- The applicant accepts all responsibility for increase of groundwater table in the area of recharge.

Application for permit 37-08855 should be approved for:

- 3.0 cfs Aesthetics
- 3.0 cfs Fire protection*
- 3.0 cfs Total

*To be used only for fire suppression and not for irrigation of vegetation to prevent fire.

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Matteison, Charles L.

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SEP 09 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Department of Water Resources

REVIEW BY C. SKINNER DATE JUNE 17, 1996
APPLICATION NO. 37-08855

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt
- PROPOSED PRIORITY DATE
JUNE 4 1996

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to press application on the back. PROPOSED RIGHT 37-02473 J (ACCOMPANYING TRANSFER
☒ Overlapping point of diversion. NONE
Yes ☒ No Field check required
Field check by _____
Yes ☒ No Field report attached
Yes ☒ No Critical Ground water area
☒ Yes ☒ No Groundwater management area
Yes ☒ No Send Dam safety information
Yes ☒ No Send power requirement letter
Yes ☒ No Send fish farm requirement letter
Yes ☒ No Power residency affidavit.
Yes ☒ No Power efficiency form
Yes ☒ No Within trustwater boundary(If yes, attach trustwat
supplementary analysis sheet.
Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If ye
attach large diversion supplementary analysis sheet
See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

_____ Date Requested _____, 19____



State Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

August 28, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

Re: Address change

Dear Mr. Matthiesen:

This office acknowledges receipt of your written request for a change of address for your pending Application for Permit No. 37-08855 and pending Applications for Transfer Nos. 4867-4876 (37-02473 Parts).

The changes have been made to our computer database. Enclosed please find a printout solely for Application for Permit No. 37-08855 for your information and records. Please check the accuracy on this document.

Our transfer database also reflect the changes but since they reside as temporary records until final action by our State Office on the applications, I have not included copies with this letter.

For your information, all of the above mentioned pending Applications have been placed in the Regional Manager's office for Regional Review on this date. I anticipate that review will be complete in approximately ten days.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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JAN 09 1997

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AUG 27 1996

Department of Water Resources
Southern Region

Charles L. Matthiesen
P. O. Box 2540
Ketchum, Idaho 83340
(208) 726-8087
FAX (208) 726-5685

August 27, 1996

Corey Skinner
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

Dear Corey:

Thank you for taking the time to talk to me on the phone yesterday. I am writing this letter to ask you to address all correspondance on my current applications for transfer of water right and application for permit to me at the address above. Please remove James Speck from the Post Office address.

Please let me know if there is any additional information I can provide.

Thanks

Charles L. Matthiesen

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JAN 09 1997

RECEIVED

AUG 20 1996

Department of Water Resources
Southern Region

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

On this 14 day of Aug., in the year 1996 before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of Aug. 1996, and the date of the last publication was on the 14 day of Aug. 1996.

Daniel J. Gorham

Subscribed and sworn to before me this 16 day of August, 1996 **MICROFILMED**
(SEAL)

Kelli L. Young

NOTARY PUBLIC

#10194
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 63,267
Number of Insertions 2
Lines tabular at 63,267 6c / Pica
Lines straight at 36,378 5c / Pica
Subsequent lines at 29,103 4c / Pica
TOTAL COST 15 \$70.48

COPY OF NOTICE
(Paste Here)

Permit Ap. No. 37-08855

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Application for Water Permit

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

CHARLES MATTHIESEN
c/o James P. Speck, Esq.
PO Box 987
KETCHUM ID 83340
37-08855

Source: groundwater
Diversions Pt.:
NW1/4SE1/4SE1/4, S23, T5N, R17E; Blaine County
Use: aesthetic use (3.0 cfs) 1/1-12/31
Date Filed: June 4, 1996
In: E1/2SE1/4, S23 and NW1/4SW1/4, S24, both in T5N, R17E.

The application proposes to divert groundwater from the "Eastern Snake Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted a mitigation plan as part of the application. The permit, if approved, will be subject to all prior water rights and to the mitigation plan. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 26, 1996. The protestant must also send a copy of the protest to the applicant.

**NOTICE OF APPLICATION
FOR WATER PERMIT**

The following application has
been filed to appropriate the
public waters of the State of
Idaho:

CHARLES MATTHIESEN

c/o James P. Speck, Esq.

PO Box 987

KETCHUM ID 83340

37-08855

Source: groundwater

D i v e r s i o n P t :

NW1/4SE1/4SE1/4, S23, T5N,

R17E; Blaine County

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Shoshone Street East, Twin
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before August 26, 1996. The
protestant must also send a copy
of the protest to the applicant.

Karl J. Dreher, Director

Published in Wood River
Journal on 8/7 & 8/14/96.

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JAN 09 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 736-3037

July 19, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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JAN 09 1997

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

CHARLES MATTHIESEN
c/o James P. Speck, Esq.
PO Box 987
KETCHUM ID 83340

37-08855

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Date Filed: June 4, 1996

In: E1/2SE1/4, S23 and NW1/4SW1/4, S24, both in T5N, R17E.

The application proposes to divert groundwater from the "Eastern Snake Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted a mitigation plan as part of the application. The permit, if approved, will be subject to all prior water rights and to the mitigation plan. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 26, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Wood River Journal on 8/7 & 8/14/96.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 19, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES P. SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: Ten (10) Applications for Transfer Nos. 4867-4876 (37-02473)
and Application for Permit No. 37-08855 (Charles L. Matthiesen)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the above referenced applications filed on behalf of Mr. Matthiesen.

This office has scheduled advertising the transfer applications in The Wood River Journal for 7/24 and 7/31/96. The legal notice for the Application for Permit is scheduled for 8/7 & 8/14/96 according to Departmental Administrative Rules for Water Appropriation.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

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Department of Water Resources
Southern Region

Dip Creek Ranch
Irrigation Water Supply and Recreation and Aesthetic Pond Operation
Plan(Revised 6/5/96)

Dip Creek Ranch is a proposed nine(9) lot subdivision approximately 3 miles north of Ketchum, Idaho lying east of U.S. Highway 75 in and near the drainage of Dip Creek, a spring fed stream which rises east of the property and sinks on the property. Dip Creek has historically been utilized to surface irrigate some 50 acres of land under water right 37-0247 which has a priority of June 6, 1946.

The land will be subdivided into nine(9) lots with a series of four (4) ponds being utilized for aesthetics purposes. The ponds and connecting ditches will be lined and all of the flow of Dip Creek will be directed through all four ponds. The outflow from the last pond is directed to the historical location where Dip Creek sinks and recharges the aquifer.

Water right 37-0247 will be split so that each lot receives 0.044 cfs to irrigate 2.2 acres from ground water. Approximately 6.2 acres of landscaping will be irrigated around the four ponds for a total irrigated area of 26 acres compared to the 50 acres historically irrigated. The remaining flow will recharge the aquifer down gradient from the last pond.

The flow of Dip Creek will be measured with a Parshall flume at the point where the stream crosses the east boundary of the property. Historical flow measurements indicate that Dip Creek minimum flows are around .55 cfs with early and late season flows over 1.0 cfs. Wells on the nine individual lots will be equipped with a flow meter including instantaneous discharge indicators and totalizers. Total monthly pumped volumes for each lot will be monitored by the Dip Creek Ranch Homeowners Association and the monthly flow of Dip Creek will be calculated from periodic readings of the Parshall flume. The monthly pumped volume allocation for irrigation for each lot owner will be calculated as the ratio of the allotted irrigated area on that lot(2.2 acres) to the total acres irrigated under the split water right(26 acres) or 8.46 percent of the previous month's flow of Dip Creek plus the monthly allocation for a single family residence under the domestic right for the lot. The Homeowner's Association

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will provide to each owner an accounting of water used for each month and the estimated maximum pumped volume allowable for the next month based on the previous month's balance and projected monthly flow of Dip Creek. This accounting will be furnished through the end of the irrigation season.

The permit application for 3.0 cfs of ground water is to supply supplemental water for the pond system and provide fire flows to 3 hydrants in the subdivision. Dip Creek discharge is not always sufficient to maintain adequate turnover times in the pond system and water from this well will supplement Dip Creek flows and assure good water quality and aesthetic pond performance. Water will be pumped from the well to the head of the first pond and recharged into the aquifer at the outflow of the last pond which is about 700 feet from the well. The aquifer in the vicinity of the well and recharge area is highly permeable river gravels and the well and recharge area are hydraulically connected.

Based on the pre-project v project water balance the net depletion of the aquifer is reduced for project operations. It is estimated that the historical consumptive use based on 50 acres of alfalfa would require 125 acre feet of consumptive use. With the project, including pond consumptive use, landscaping, and residential, the total project consumptive use is 70 acre feet or a seasonal reduction of 55 acre feet. (see water use spreadsheet)

C.E. Brockway 6/5/96

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MEMORANDUM

TO: Matthiesen Application for Permit File

FROM: Corey Skinner *CS*

DATE: July 2, 1996

SUBJECT: Staff Review

The enclosed application for permit, filed by Charles Matthiesen (correct spelling), was filed to supply supplemental flows to a pond system that is to be developed on Dip Creek as part of a proposed subdivision project. The water from this application is to be diverted from a well and ran through a pond system that has water stored in it from another right (see accompanying transfer application 37-02473J) and recharged into the aquifer at the tail end of the pond system. In addition, the well proposed by this application for permit will supply emergency fire flows if ever needed. Any consumptive uses from this application for permit are to be mitigated with decreases in consumptive uses proposed by accompanying transfer applications of right 37-02473.

There are no overlapping points of diversion or places of use other than the rights that are proposed in the accompanying transfer applications of right 37-02473.

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Dip Creek Ranch Irrigation Water Supply and Recreation and Aesthetic Pond Operation Plan

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C.E. Brockway 6/1/96