

**STARTING
LEFT
SIDE OF
FILE**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 69578 IN THE)
NAME OF WILD HORSE PARTNERS, LLC)

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer water rights, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On March 21, 2002, Wild Horse Partners, LLC (applicant) applied to the Department for authorization to change the place of use for a pond that is authorized for recreation and recreation storage uses under decreed Water Rights 34-699C, 34-700C, 34-701C, 34-702C, 34-703C, and 34-704C within Custer County. The transfer application, designated no. 69578 by the Department, proposes to change the place of use for the pond from the NW¼NW¼, Sec. 36, T8N, R22E to the NW¼NE¼, Sec. 35, T8N, R22E, B.M. The water rights involved in the application cover only the consumptive portion of water use for the pond. Storage of water in the pond was originally authorized separately under permits 34-7581 and 34-7597.

2. On October 7, 2003, permit 34-7581 lapsed and is of no further force nor effect.

3. On October 10, 2006, permit 34-7597 lapsed and is of no further force nor effect.

4. On February 12, 2009, the Department sent correspondence to the applicant asking how it intends to proceed with the application given that the two permits have lapsed.

5. On April 1, 2009, the Department made another attempt to solicit a response from the applicant regarding the application. The applicant was given sixty (60) days from the date of the letter to respond.

6. The Department has not received a response from the applicant.

7. Idaho Code §42-222 says, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve

reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right.

CONCLUSIONS OF LAW

1. Without the additional information requested from Wild Horse Partners, LLC, the Department cannot ascertain that the change in water use proposed in transfer application no. 69578 will meet the criteria set forth in Idaho Code § 42-222 for approving transfer applications.
2. The Department should reject transfer application no. 69578.

ORDER

IT IS HEREBY ORDERED that transfer application no. 69578 in the name of Wild Horse Partners, LLC is **REJECTED** without prejudice.

Dated this 3rd day of June, 2009.



JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau

AMENDED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAR 21 2002
Department of Water Resources
Eastern Region

Name of applicant : Wild Horse Partners, LLC Phone: 1-208-726-5191Post Office address: P.O. Box 856, Ketchum, Idaho 83340**RECEIVED****A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other (change source, split right)

APR 10 2002

Department of Water Resources

2. Describe the reason for the proposed changes : Applicant desires to correct the location of the pond for the recreation and recreation storage components of each of its water rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount	Nature of Use	Period of Use	Volume
✓ 34-00699C	June 1, 1885	0.15 cfs	irrigation	May 1 to October 15	26.3 AF
		0.01 cfs	recreation	May 1 to October 15	1.7 AF
			recreation storage	January 1 to December 31	1.7 AF
✓ 34-00700C	May 1, 1905	0.36 cfs	irrigation	May 1 to October 15	63.7 AF
		0.01 cfs	recreation	May 1 to October 15	1.7 AF
			recreation storage	January 1 to December 31	1.7 AF
✓ 34-00701C	July 1, 1916	1.13 cfs	irrigation	May 1 to October 15	198.5 AF
		0.04 cfs	recreation	May 1 to October 15	7.0 AF
			recreation storage	January 1 to December 31	7.0 AF
✓ 34-00702C	May 1, 1910	0.41 cfs	irrigation	May 1 to October 15	72.9 AF
		0.01 cfs	recreation	May 1 to October 15	1.7 AF
			recreation storage	January 1 to December 31	1.7 AF
✓ 34-00703C	June 1, 1890	0.77 cfs	irrigation	May 1 to October 15	134.7 AF
		0.03 cfs	recreation	May 1 to October 15	5.3 AF
			recreation storage	January 1 to December 31	5.3 AF

(69578)

Right Number	Priority	Amount	Nature of Use	Period of Use	Volume
34-00704C	May 1, 1905	0.51 cfs	irrigation	May 1 to October 15	90.0 AF
		0.02 cfs	recreation	May 1 to October 15	3.5 AF
			recreation storage	January 1 to December 31	3.5 AF

2. Total amount of water being transferred: 3.45 cubic feet/second and/or 553.0 acre-feet per annum.

3. Source of water (34-00699C/34-00700C/34-00701C/34-00702C): Big Lost River tributary to sinks

Source of water (34-00703C/34-00704C): Warm Springs Creek tributary to Big Lost River

4. Point(s) of Diversion: (34-00699C/34-00700C/34-00701C/34-00702C)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		✓	SW	NW	15	8N	21E	Custer	Neilsen ditch
		✓	SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
1			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek 1 = existing headgate

Point(s) of Diversion: (34-00703C/34-00704C)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1a			NW	NE	35	8N	22E	Custer	1a = existing headgate

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	35		R															

Total acres: 153

6. General Information:

a. Description of diversion system: P/D 1 is an existing headgate on the northern branch of Warm Springs Creek and will be used for irrigation and to fill the pond for recreation purposes. P/D 1a is an existing headgate on the southern or main branch of Warm Springs Creek and will be used for irrigation and to fill the pond for recreation purposes.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A.

d. Remarks: The location of the new pond is wrong in Transfer 5004 and needs to be corrected by this application for transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said Application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00699C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Big Lost River4. Date of priority June 1, 1885

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.15 cfs	irrigation	May 1	to October 15	26.3 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.16 cubic feet/second and/or 28.0 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No . If yes, describe_____.

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount _____ for _____ purposes from _____ to _____.

[illegible][illegible]

1. amount ____ for _____ purposes from _____ to _____.

[illegible][illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00700C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Big Lost River4. Date of priority May 1, 1905

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.36 cfs	irrigation	May 1	to October 15	63.7 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.37 cubic feet/second and/or 65.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00699C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No . If yes, describe

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount for purposes from to

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 34-00701C Decreed to _____

In case of _____ vs. _____

Dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

 Tax notice X Warranty Deed Other: _____3. Source of water Big Lost River4. Date of priority July 1, 1916

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
1.13 cfs	irrigation	May 1	to October 15	198.5 AF
0.04 cfs	recreation	May 1	to October 15	7.0 AF
	recreation storage	January 1	to December 31	7.0 AF

6. Total amount of water under right 1.17 cubic feet/second and/or 205.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00700C, 34-00699C, 34-00702C.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. If yes, describe.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount for purposes from to.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00702C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Big Lost River

4. Date of priority May 1, 1910

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.41 cfs	irrigation	May 1	to October 15	72.9 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.42 cubic feet/second and/or 74.6 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00700C, 34-00701C, 34-00699C.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. If yes, describe.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount for purposes from to.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00703C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Warm Springs Creek4. Date of priority June 1, 1890

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.77cfs	irrigation	May 1	to October 15	134.7AF
0.03 cfs	recreation	May 1	to October 15	5.3AF
	recreation storage	January 1	to December 31	5.3AF

6. Total amount of water under right 0.80 cubic feet/second and/or 140.0 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	35	8N	22E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00699C, 34-00700C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00704C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Warm Springs Creek4. Date of priority May 1, 1905

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.51 cfs	irrigation	May 1	to October 15	90.0AF
0.02 cfs	recreation	May 1	to October 15	3.5AF
	recreation storage	January 1	to December 31	3.5AF

6. Total amount of water under right 0.53 cubic feet/second and/or 93.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	35	8N	22E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00703C, 34-00699C, 34-00700C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

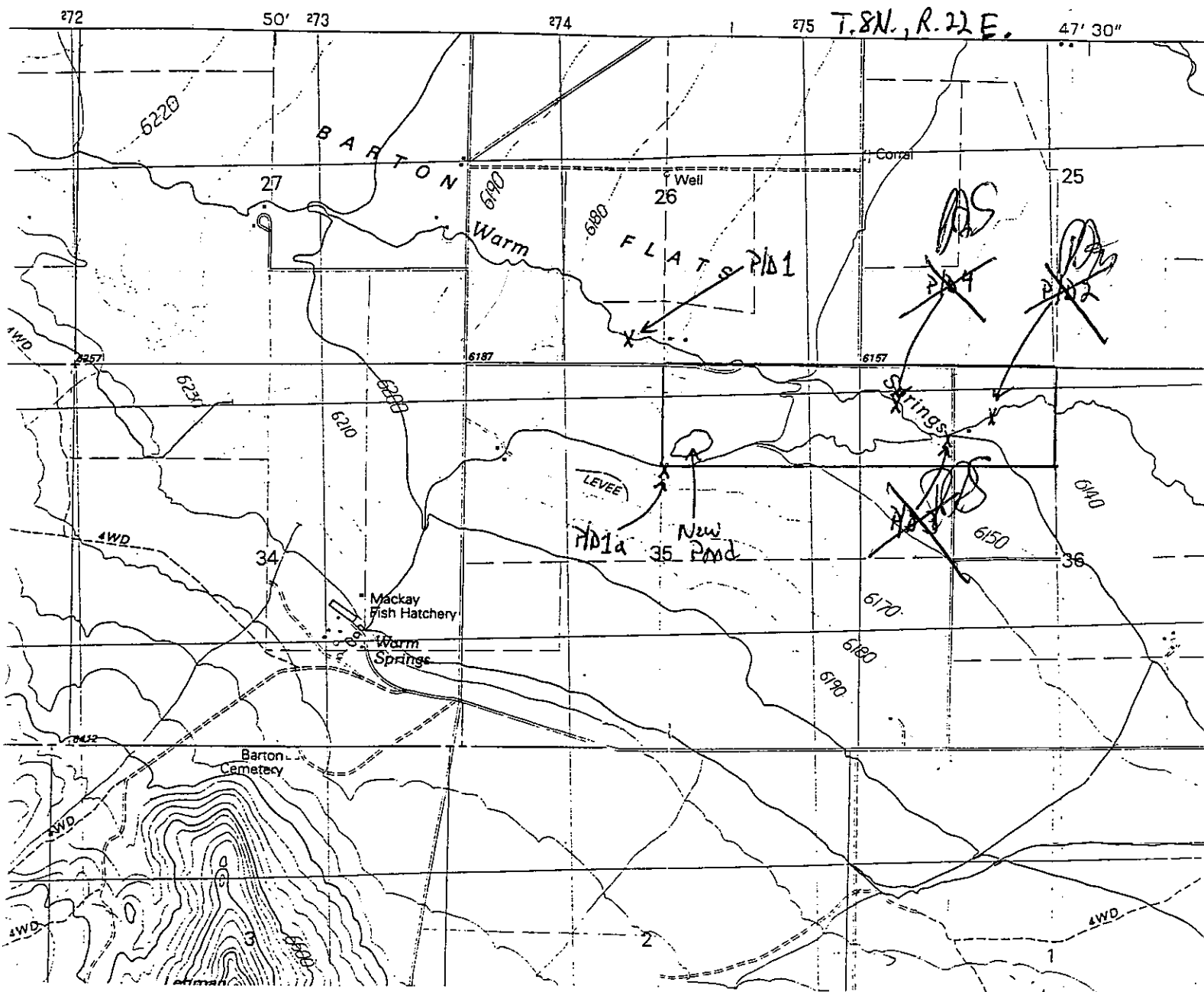
2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/AF)	<u>Hours/Days/Year</u>	<u>Period Of Use</u>
			to
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

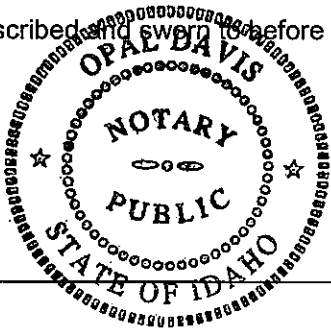
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

WILD HORSE PARTNERS, LLC

DATE: 3/20/02

DAVID R. STÖECKLEIN, Member

Subscribed and sworn to before me this 20th day of March, 2002.

Opal Davis

Notary Public for Idaho

Residing at Fairfield ZPMy commission expires 6/30/07**FOR DEPARTMENT USE ONLY**

Received by _____ Date _____

Prelim. check by _____ Fee _____

Received _____ # _____

Published in _____

Pub. dates _____ Recommend: 226 approve _____ deny _____

Watermaster recommendation requested _____ rec'd _____

Field exam conducted (required for statutory claims) _____

Protest filed by: _____

Hearing held by: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
NOV 20 2001

Department of Water Resources
Eastern Region

Name of applicant : Wild Horse Partners, LLC Phone: 1-208-726-5191

Post Office address: P.O. Box 856, Ketchum, Idaho 83340

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other (change source, split right)

2. Describe the reason for the proposed changes : Applicant desires to correct the location of the pond for the recreation and recreation storage components of each of its water rights and to add additional points of diversion along Warm Springs Creek to increase efficiency of its irrigation system and keep more water in Creek through the main part of its ranch.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount	Nature of Use	Period of Use		Volume
34-00699C	June 1, 1885	0.15 cfs	irrigation	May 1	to October 15	26.3 AF
		0.01 cfs	recreation	May 1	to October 15	1.7 AF
			recreation storage	January 1	to December 31	1.7 AF
34-00700C	May 1, 1905	0.36 cfs	irrigation	May 1	to October 15	63.7 AF
		0.01 cfs	recreation	May 1	to October 15	1.7 AF
			recreation storage	January 1	to December 31	1.7 AF
34-00701C	July 1, 1916	1.13 cfs	irrigation	May 1	to October 15	198.5 AF
		0.04 cfs	recreation	May 1	to October 15	7.0 AF
			recreation storage	January 1	to December 31	7.0 AF
34-00702C	May 1, 1910	0.41 cfs	irrigation	May 1	to October 15	72.9 AF
		0.01 cfs	recreation	May 1	to October 15	1.7 AF
			recreation storage	January 1	to December 31	1.7 AF
34-00703C	June 1, 1890	0.77 cfs	irrigation	May 1	to October 15	134.7 AF
		0.03 cfs	recreation	May 1	to October 15	5.3 AF

Right Number	Priority	Amount	Nature of Use	Period of Use		Volume
34-00704C	May 1, 1905	0.51 cfs	irrigation	May 1	to October 15	90.0 AF
		0.02 cfs	recreation	May 1	to October 15	3.5 AF
			recreation storage	January 1	to December 31	3.5 AF

2. Total amount of water being transferred: 3.45 cubic feet/second and/or 553.0 acre-feet per annum.

3. Source of water (34-00699C/34-00700C/34-00701C/34-00702C): Big Lost River tributary to sinks

Source of water (34-00703C/34-00704C): Warm Springs Creek tributary to Big Lost River

4. Point(s) of Diversion: (34-00699C/34-00700C/34-00701C/34-00702C)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
1			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek 1 = existing headgate, 2 = new pump, 3 = existing headgate, 4 = new pump
2			NE	NW	36	8N	22E	Custer	
3 & 4			NW	NW	36	8N	22E	Custer	

Point(s) of Diversion: (34-00703C/34-00704C)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1a			NW	NE	35	8N	22E	Custer	1 = existing headgate, 2 = new pump, 3 = existing headgate, 4 = new pump
2			NE	NW	36	8N	22E	Custer	
3 & 4			NW	NW	36	8N	22E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	35		R															

NEW

Total acres: 153

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00699C ✓ Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Big Lost River4. Date of priority June 1, 1885

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.15 cfs	irrigation	May 1	to October 15	26.3 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.16 cubic feet/second and/or 28.0 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00700C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00700C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Big Lost River4. Date of priority May 1, 1905

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.36 cfs	irrigation	May 1	to October 15	63.7 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.37 cubic feet/second and/or 65.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00699C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 34-00701C Decreed to _____

In case of _____ vs. _____

Dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____3. Source of water Big Lost River4. Date of priority July 1, 1916

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
1.13 cfs	irrigation	May 1	to October 15	198.5 AF
0.04 cfs	recreation	May 1	to October 15	7.0 AF
	recreation storage	January 1	to December 31	7.0 AF

6. Total amount of water under right 1.17 cubic feet/second and/or 205.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00700C, 34-00699C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00702C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

___ Tax notice X Warranty Deed ___ Other: _____

3. Source of water Big Lost River4. Date of priority May 1, 1910

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.41 cfs	irrigation	May 1	to October 15	72.9 AF
0.01 cfs	recreation	May 1	to October 15	1.7 AF
	recreation storage	January 1	to December 31	1.7 AF

6. Total amount of water under right 0.42 cubic feet/second and/or 74.6 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	NW	15	8N	21E	Custer	
			SW	NW	27	8N	22E	Custer	point of injection into Warm Springs Creek
			SE	SW	26	8N	22E	Custer	rediversion from Warm Springs Creek

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00703C, 34-00700C, 34-00701C, 34-00699C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00703C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Warm Springs Creek4. Date of priority June 1, 1890

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.77cfs	irrigation	May 1	to October 15	134.7AF
0.03 cfs	recreation	May 1	to October 15	5.3AF
	recreation storage	January 1	to December 31	5.3AF

6. Total amount of water under right 0.80 cubic feet/second and/or 140.0 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	35	8N	22E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00704C, 34-00699C, 34-00700C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00704C Decreed to _____
In case of _____ vs. _____
Dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5004 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Warm Springs Creek4. Date of priority May 1, 1905

5. Water is used for the following purposes:

Amount	Nature of Use	Period of Use		Volume
0.51 cfs	irrigation	May 1	to October 15	90.0AF
0.02 cfs	recreation	May 1	to October 15	3.5AF
	recreation storage	January 1	to December 31	3.5AF

6. Total amount of water under right 0.53 cubic feet/second and/or 93.5 acre-feet per annum.

7. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	35	8N	22E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	35	40	40															80
8N	22E	36					38	35											73
8N	22E	36						R											

Total acres: 153

9. Describe any other water rights used for the same purpose as described above 34-00703C, 34-00699C, 34-00700C, 34-00701C, 34-00702C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____. If yes, describe _____.

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ____ for _____ purposes from _____ to _____.

2. Point(s) of Diversion:

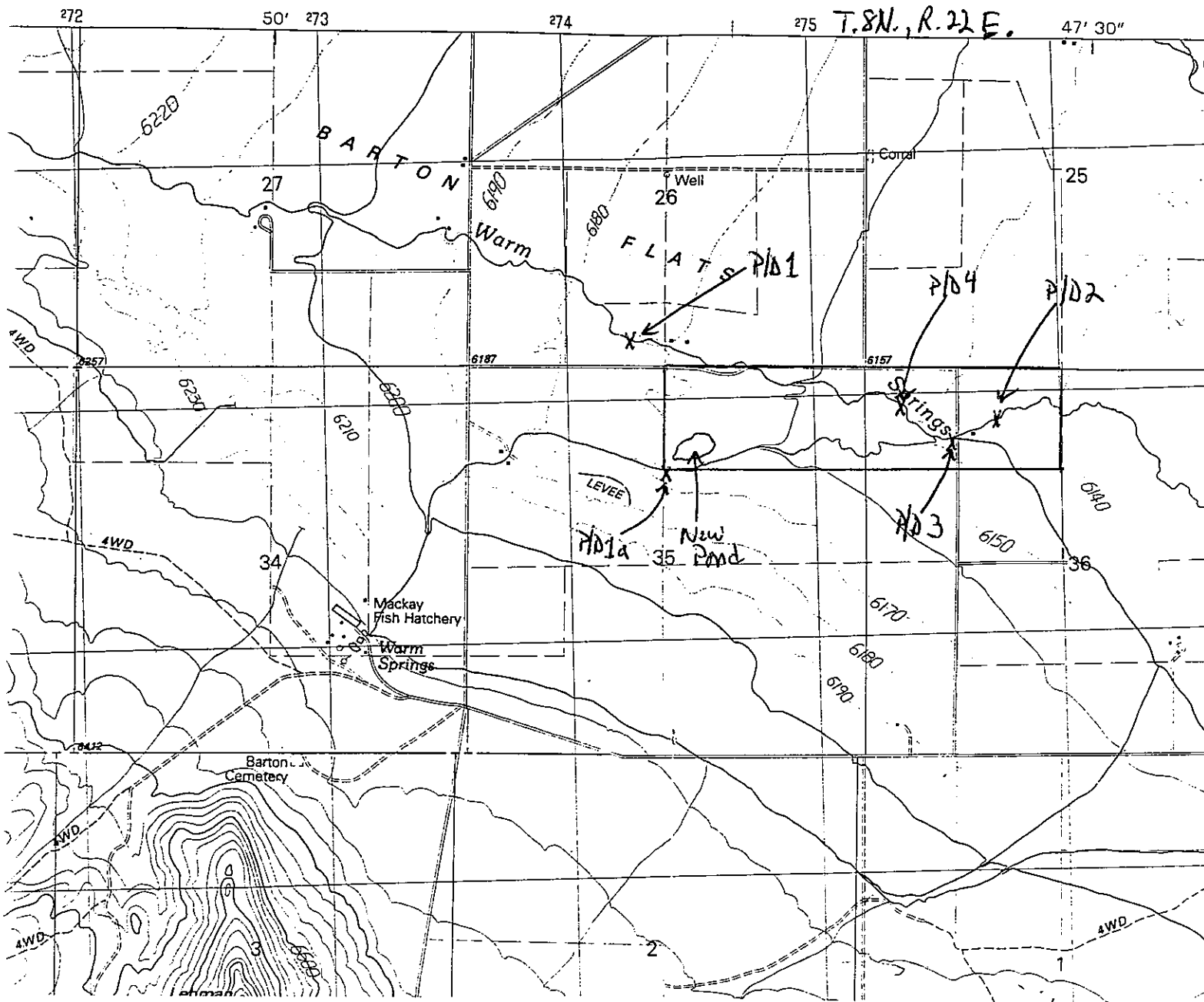
Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TOTALS																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount (cfs/AF)</u>	<u>Hours/Days/Year</u>	<u>Period Of Use</u>
			to
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change: _____

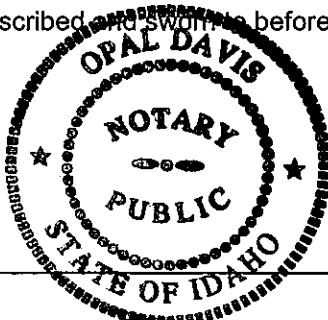
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

DATE: 11/8/01

WILD HORSE PARTNERS, LLC

DAVID R. STOECKLEIN, Member

Subscribed and sworn to before me this 8th day of November, 2001.Opal Davis
Notary Public for IdahoResiding at Rt 1, Box 1210, Fairfield IDMy commission expires 6/20/07**FOR DEPARTMENT USE ONLY**TRANSFER CONTAINS 17PAGES AND 8 ATTACHMENTSReceived by JCDate 11-20-01

Prelim. check by _____

Fee \$370 -Receipted 11-21-01 # E027294Published in Challis MessengerPub. dates 12/6 & 12/13/01Recommend: approve denyWatermaster recommendation requested rec'd Field exam conducted (required for statutory claims)

Protest filed by: _____

Hearing held by: _____

ATTACHMENT T 69578
1 OF 8

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

Wild Horse Partners, LLC

By _____

David R. Stoecklein, Member

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

For Office Use only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt # _____
 Processed by _____ AJ Date _____ WR _____

T 69578
 ATTACHMENT 2 OF 8

0223619

307-01-0861-C.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Brian Barsotti
Attorney at Law
P O Box 370
Ketchum, Idaho 83340

Custer County Reg. of
Alliance Title & Escrow Corp.
Time 2:27 P M Date 10-9-2001
Ethel M. Peck, Clerk
Danica Budde 9⁰⁰
Deputy

(Space above this line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, We, WALTER J. STOECKLEIN and SHELLEY S. STOECKLEIN, husband and wife, do hereby convey, remise, release and forever quitclaim unto DAVID R. STOECKLEIN and MARY J. STOECKLEIN, husband and wife, whose address is P O Box 856, Ketchum, Idaho, 83340, all our right, title and interest in and to the real property situated in Custer County, Idaho, described as follows:

See Exhibit "A" attached to this Quitclaim Deed
and made a part hereof,

to have and to hold said real property, with its improvements, appurtenances, tenements and hereditaments unto DAVID R. STOECKLEIN and MARY J. STOECKLEIN, and to their successors and assigns forever.

DATED this 4 day of OCTOBER 2001.

Walter J. Stoecklein
Walter J. Stoecklein

Shelley S. Stoecklein
Shelley S. Stoecklein

T 69578
ATTACHMENT 3 OF 8

STATE OF Pennsylvania)
County of Allegheny) ss.:

On this 4th day of October, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER J. STOECKLEIN and SHELLEY S. STOECKLEIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and they duly acknowledged to me that they executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

Deborah A. Lehen
Notary Public for _____
Residing at _____
Commission expires: 5/20/02

realtest\stoeckln.qcd

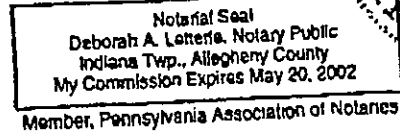


EXHIBIT "A"

Parcel 2:

Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 35: N $\frac{1}{4}$ NE $\frac{1}{4}$

Parcel 3:

Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 35: Beginning at the NW corner of the S $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, running thence N. 89°43'24" E. a distance of 897.62 feet; thence S. 3°53'42" W. a distance of 143.99 feet; thence S. 73°46'56" W. 920.42 feet; thence N. 00°34'58" W. a distance of 396.41 feet to the point of beginning.

Parcel 4:

Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 36: N $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT Commencing at the NW corner of said Section 36; thence S. 01°07'37" E. a distance of 1316.88 feet along the westerly line of the NW $\frac{1}{4}$ of said Section 36 to the SW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36 to the True Point of Beginning; thence N. 83°07'08" E. a distance of 1241.38 feet; thence S. 00°25'28" E. a distance of 136.50 feet to a point on the southerly line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36; thence S. 89°26'54" W. a distance of 1233.51 feet along the southerly line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36 to the Point of Beginning.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO

**RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:**

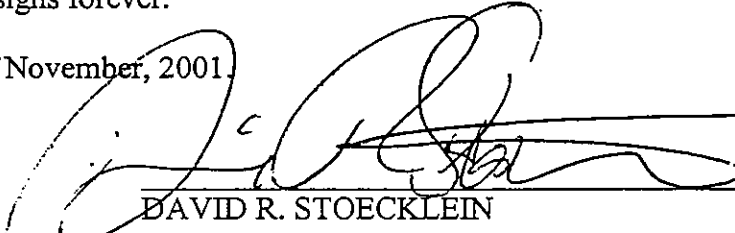
**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340**

(Space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, DAVID R. STOECKLEIN and MARY J. STOECKLEIN, husband and wife, ("Grantors"), do hereby convey, release, remise and forever quitclaim unto WILD HORSE PARTNERS, LLC, an Idaho limited liability company, whose address is Post Office Box 856, Ketchum, Idaho 83340 ("Grantee"), all their right title and interest in and to that certain real property situated in Custer County, Idaho and more particularly described in **Exhibit A** attached hereto and made a part hereof by this reference, together with all improvements and appurtenances unto said Grantee, its heirs and assigns forever.

DATED this 8th day of November, 2001.



DAVID R. STOECKLEIN

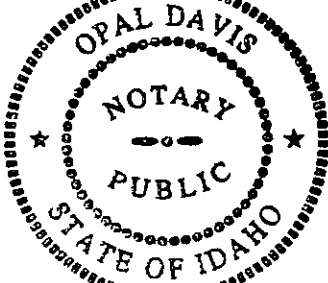


MARY J. STOECKLEIN

STATE OF IDAHO)
) ss.
County of Blaine)

On this 8th day of November, 2001, before me the undersigned notary public in and for said state, personally appeared DAVID R. STOECKLEIN known or identified to me to be the person who executed the foregoing instrument on behalf of said trust and acknowledged to me that said he executed the same.

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

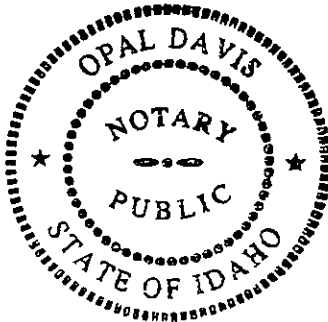


Opal Davis
Notary Public for Idaho
Residing at : RT1, Box 1210, Fairfield ID
Comm. Expires: 6/20/07

STATE OF IDAHO)
) ss.
County of Blaine)

On this 8th day of November, 2001, before me the undersigned notary public in and for said state, personally appeared MARY J. STOECKLEIN known or identified to me to be the person who executed the foregoing instrument on behalf of said trust and acknowledged to me that said she executed the same.

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



Opal Davis
Notary Public for Idaho
Residing at : RT1, Box 1210, Fairfield, ID
Comm. Expires: 6/20/07

EXHIBIT "A"

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Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 35: NW¼NE¼

Parcel 3:
Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 35: Beginning at the NW corner of the SW¼NE¼ of Section 35, running thence N. 89°43'24" E. a distance of 897.62 feet; thence S. 3°53'42" W. a distance of 143.99 feet; thence S. 73°46'56" W. 920.42 feet; thence N. 00°34'58" W. a distance of 396.41 feet to the point of beginning.

Parcel 4:
Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 36: NW¼NW¼, EXCEPT Commencing at the NW corner of said Section 36; thence S. 01°07'37" E. a distance of 1316.88 feet along the westerly line of the NW¼ of said Section 36 to the SW corner of the NW¼NW¼ of said Section 36 to the True Point of Beginning; thence N. 83°07'08" E. a distance of 1241.38 feet; thence S. 00°25'28" E. a distance of 136.50 feet to a point on the southerly line of the NW¼NW¼ of said Section 36; thence S. 89°25'54" W. a distance of 1233.51 feet along the southerly line of the NW¼NW¼ of said Section 36 to the Point of Beginning.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO

RECEIVED

DEC - 3 2001

2001 NOV 30 AM 11:55

Department of Water Resources

FILED

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 34-00699C

On June 18, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Basin 34 (Big Lost River Basin)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On June 24, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections were filed to the *Supplemental Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that water right 34-00699C is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 11-30-01

Roger Burdick

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-00699C

2001 NOV 30 AM 11:55

FILED

NAME AND ADDRESS: MARY J STOECKLEIN
SHELLEY STOECKLEIN
WALTER & DAVID R STOECKLEIN
PO BOX 856
KETCHUM, ID 83340

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM
SPRINGS CREEK

QUANTITY: 0.16 CFS
28.00 AFY

USE OF THE RIGHT LISTED BELOW FOR IRRIGATION IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.16 CFS AND TO A TOTAL COMBINED
DIVERSION VOLUME OF 508.0 AF IN THE 2000 IRRIGATION SEASON AND
TO A TOTAL COMBINED DIVERSION RATE OF 3.33 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 553.0 AF IN EACH IRRIGATION
SEASON THEREAFTER. COMBINED RIGHT NOS.; 34-00699C, 34-00700C,
34-00701C, 34-00702C, 34-00703C AND 34-00704C.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T08N R21E S15 NESWNW Within Custer County
R22E S26 SESESW (Rediversion)
S27 SWSWNW (Injection)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	0.15 CFS
			26.30 AFY
	Recreation Storage	01-01 TO 12-31	1.70 AFY
	Recreation	05-01 TO 10-15	0.01 CFS
			1.70 AFY

THE PERIOD OF USE FOR IRRIGATION AND RECREATION DESCRIBED ABOVE
MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A
BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE
DISCRETION OF THE DIRECTOR FOR THE DEPARTMENT OF WATER RESOURCES.

PLACE OF USE: Irrigation Within Custer County
T08N R22E S35 NENE 40.0 NWNE 40.0
S36 NENW 38.0 NWNW 35.0
153.0 Acres Total

Recreation Within Custer County
T08N R22E S36 NWNW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 145.1 ACRES IN THE 2000 IRRIGATION SEASON AND
153 ACRES IN EACH IRRIGATION SEASON THEREAFTER.
COMBINED RIGHT NOS.: 34-00699C, 34-00700C, 34-00701C, 34-00702C,
34-00703C AND 34-00704C.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

2001 NOV 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 34-00699C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-00699C was mailed
on November 30, 2001, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARY J STOECKLEIN
SHELLEY STOECKLEIN
WALTER & DAVID R STOECKLEIN
PO BOX 856
KETCHUM, ID 83340
Phone: 208-726-5191

ROBBIN GLATZ
Chief Deputy Clerk

**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

June 4, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

**WILD HORSE PARTNERS LLC
ATTN DAVID R STOECKLEIN
PO BOX 856
KETCHUM ID 83340**

RE: Preliminary Order Rejecting Application for Transfer
Transfer No. 69578

Dear Transfer Applicant:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4947.

Sincerely,


for Shelley W. Keen, Manager
Water Right Permits Section

Enclosures

cc: James P. Speck

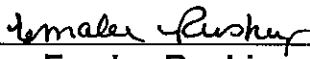
CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2009, I mailed a true and correct copy, certified postage prepaid, of the foregoing ORDER REJECTING APPLICATION FOR TRANSFER to the persons listed below:

RE: Preliminary Order Rejecting Application for Transfer
Transfer No. 69578

**JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340**

**WILD HORSE PARTNERS LLC
ATTN DAVID R STOECKLEIN
PO BOX 856
KETCHUM ID 83340**



**Emalee Rushing
Office Services Supervisor**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.



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

April 1, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTTILL, JR.
Director

WILD HORSE PARTNERS LLC
PO BOX 856
KETCHUM ID 83340

RE: Application for Transfer #69578 to Update Rights 34-699C, 34-700C, 34-701C, 34-702C, 34-703C, 34-704C Place of Use

To Whom It May Concern:

The Department is once again reviewing your Application for Transfer to change the place of use of the above mentioned water rights. This transfer has been pending with the Department for some time and I would like to bring it to a final resolution.

Permits 34-7581 and 34-7597, which provided flow to the recreational pond authorized by the above rights, are no longer valid. Consequently, the Department would like to know if you still would like to proceed with your Application for Transfer.

If you would like to proceed with your transfer please notify the Department of how you plan to provide the necessary flow to the subject pond. If you do not wish to proceed with your transfer please fill out and return the enclosed WITHDRAWAL OF APPLICATION FOR TRANSFER OF WATER RIGHTS form.

If a response is not received within 60 days, the Department will assume that you are no longer interested in pursuing your Application for Transfer and will take steps to reject the application. If you have any questions you can contact me at (208) 287-4944. Thank you for your patience during this process.

Sincerely,

Cherie Padilla
Water Agent
Water Allocation Bureau

cc JAMES SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340



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

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILD HORSE PARTNERS LLC
PO BOX 856
KETCHUM ID 83340

RE: Application for Transfer #69578 to Update Rights 34-699C, 34-700C, 34-701C, 34-702C, 34-703C, 34-704C Place of Use

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If you would like to proceed with your transfer please notify the Department. If you do not wish to proceed with your transfer please fill out and return the enclosed WITHDRAWAL OF APPLICATION FOR TRANSFER OF WATER RIGHTS form.

If you have any questions you can contact me at (208) 287-4944. Thank you for your patience during this process.

Sincerely,

Cherie Padilla
Water Agent
Water Allocation Bureau

cc JAMES SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

MEMORANDUM

Date: April 26, 2004

To: Transfer File 69578

From: Jeff Peppersack

Re: Status of Transfer Review

This transfer seeks to correct the POU for the recreation pond listed under the associated water rights. The pond was originally permitted under permits 34-7597 (use during irrigation season) and 34-7581 (use during non-irrigation season); a previous transfer no. ⁵⁰⁰⁴ ~~5400~~ provided for the consumptive portion of water use for the pond.

Permit 34-7581 has lapsed and the permit holder is seeking reinstatement. There are questions regarding beneficial use and compliance of conditions that need to be addressed in consideration of reinstatement. Permit 34-7597 may also include questions of compliance of conditions; proof is not due until 2006.

Due to pending actions on the underlying permits, the transfer should be held until the permit questions are resolved. If the permits become invalid, the recreation and recreation storage portions of the rights associated with this transfer will be of no use unless other permits are obtained for the pond.

Portions of the rights associated with this transfer are also involved as mitigation for permit 34-7595. The mitigation use should be clarified as outlined in the October 6, 2003 memo in water right file 34-7595. This transfer could be approved in advance of those clarifications assuming the issues regarding permits 34-7597 and 34-7581 are resolved.

Permit 34-7597 lapsed 10/11/06.

Jf

Luke, Tim

From: Berkey, Jennifer
Sent: Tuesday, May 06, 2003 4:12 PM
To: Luke, Tim
Subject: Stoecklein rec pond

Tim,

According to the amended application for transfer T69578, section 6a. "P/D 1 is an existing headgate on the northern branch of Warm Springs Creek and will be used for irrigation and to fill the pond for recreation purposes. P/D 1a is an existing headgate on the southern branch or main branch of Warm Springs Creek and will be used for irrigation and to fill the pond for recreation purposes." I would interpret this that Stoecklein intends to fill the pond using water from both locations. The transfer as written would allow him to divert 0.07 cfs from the Stoecklein 3 diversion and 0.05 cfs from the Stoecklein 4 diversion for recreational use from May 1 to October 15. Since the lands irrigated by the rights diverted at Stoecklein 3 include the pond site, I would assume it is possible for him to deliver the water to the pond from either location. I would interpret the letter from Jim Speck as confirming this intent and direct the Watermaster accordingly when Stoecklein calls for water to fill the pond. I have the Stoecklein 3 diversion on my list of attractions for my next visit to WD34 and will make a point to look for a delivery system to the new pond.

The permits (34-7581 and 34-7597) allow Stoecklein to divert 1.00 cfs year-round for recreational use. The POD for the permits is the same location as Stoecklein 4. Water use under the permits is to be non-consumptive. Mitigation is required if seepage losses are found to injure other water rights.

The files are on your desk under Jim Speck's letter in case you want to look at them.

*Jennifer S. Berkey, E.I.T.
Water Distribution Section
Idaho Department of Water Resources
1301 N. Orchard St., Boise, ID 83706-2237
208-327-7871*

Memorandum

To: File: Transfer No. 69578

From: Tim Luke

Date: April 21, 2003

Re: Review and Comments on Transfer; Recommendation to Deny Transfer or Re-do Transfer

I reviewed the above referenced transfer relative to proper accounting of water rights in the Big Lost River water right accounting program and also with respect to following up on correspondence to the water right holder and water master. I believe there are several problems with this transfer.

- 1) Portions of the water rights listed in the transfer have been offered as mitigation water for approval of ground water permit 34-7595 (approved in June of 2002). There is no reference whatsoever on these water rights about mitigation for 34-7595. (The mitigation plan requires 25.3% of these rights for mitigation). Only the ground water right references the rights used as mitigation and even then it does not list the actual amount of the rights that are supposed to be provided for mitigation. This type of activity very much complicates both the water right accounting program and the ability of the watermaster to know how much water is to be delivered under the rights. It would seem appropriate that when approving a ground water right and using other rights for mitigation that a transfer needs to be filed for the mitigation rights to change the nature of use to mitigation.
- 2) The point of re-diversion for recreational storage given for rights 34-699C/700C/701C and 702C is probably in error. I believe the correct point of diversion for this use should be the same location listed in the amended transfer for rights 34-703C and 704C. The amended transfer seeks to correct the location of the pond authorized under Transfer 5004. I do not believe that water can be diverted to the correct location via the re-diversion point in section 26. Water is diverted to the pond in question only from the POD located in the NWNE Section 35, T8N R22E. Given that the re-diversion point may be separate from the re-diversion point for the irrigation use, it may be advisable to split the recreational storage component from the irrigation and create new split rights for irrigation and recreational storage

Suggested Action: Require the applicant to amend the transfer again to list the correct point of re-diversion for recreational storage under rights 34-699C/700C/701C and 702C. Also require the applicant to add Mitigation Use as a component under each of the rights in accordance with the mitigation plan for approved permit 34-7595. Consider splitting the rights into separate rights for irrigation/mitigation and recreational storage uses.

RECEIVED

JUL 19 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: PAM SKAGGS FROM: H.W. JONES

DOCUMENT DESCRIPTION: LMA Comment sheet, Tr. 69578

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____
* _____
* _____
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* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
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JUL-19-2002 12:12 PM

Jul 19 02 01:15p
JUL-19-02 FRI 11:18 AM

IDWR Eastern Region

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P.01

P.01
P-2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 19 2001
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: 69578

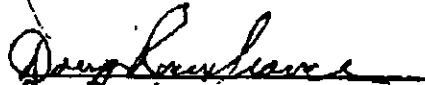
Applicant's Name: Wild Horse Partners, LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
- (1) The point of diversion is not moved downstream from existing point of diversion.
 - (2) The number of points of diversion is limited.
 - (3) Measuring devices are installed at all points of diversion and at places where water exits ponds.
- c) ☐ I oppose approval of this application for the following reasons:
- _____
- _____
- _____
- d) ☐ Additional Comment: _____
- _____
- _____

Dated this 17th day of December, 2001.

Water District No. 34


Doug Rosenkrantz
Watermaster

APR 10 2002

Carlsen, Ernie

Department of Water Resources

From: Carlsen, Ernie
Sent: Thursday, April 04, 2002 9:16 AM
To: Keen, Shelley; Shaff, Don; Ciscell, Michael
Cc: Jones, Harold (Skip)
Subject: moved six rights for Wild Horse Partners LLC from AJ to WR

Hello

Initiate the move for the following listed water rights. They are the subject of another transfer 69578. The adjudication record is updated to reflect the previous transfer 5004. The shape(s) for the recommended POU and POD are also current. Note because each number contains a split suffix the move was not completed.

Basin	Sequence	Suffix	Moved	PD Date
34	699	C	No	11/30/2001
34	700	C	No	11/30/2001
34	701	C	No	11/30/2001
34	702	C	No	11/30/2001
34	703	C	No	11/30/2001
34	704	C	No	11/30/2001



334 PD 11-30-2001
Wild Horse.x...

Thanks
Ernie

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

11-21-01

769578

INITIAL REVIEW BY: HWT

1. Right number 34-699c, etc Applicant Wild Horse Partners LLC
2. Type of right: ☐ Decree ☐ License ☐ Claim ☒ SRBA Recommendation
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s)
☒ Change place of use ☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☐ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. Map for remainder of right? ☐ Yes ☐ No
 - d. ☒ Check description of point(s) of diversion.
 - e. ☒ Check description of place of use
 - f. ☒ Check map (shows p.d. and p.u. after transfer).
 - g. ☒ Check for correct signature, notarization, and fee.
 - h. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - i. ☒ Check for expansion in use of right. Comments _____
 - j. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 34 - Doug Reservoir area

See 2 copy

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Reviewed by Adjudication Staff? ☐ Yes ☐ No
3. Is transfer published correctly? ☒ Yes ☐ No
4. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Measuring Device & Watermaster Control
4. By RPC Date 4/5/02

*All uses within Watermaster District require special conditions

69578



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2002

Lynn D Reno
2120 E California Ave
Bakersfield CA 93307-1997

RE: Withdrawal of protest on Application for Transfer No.: 69578

Dear Mr. Reno:

This Department has received the withdrawal of protest against the application for Wildhorse Partners LLC.

When a protest is withdrawn, the petition to intervene also loses its protest status.

Your Petition to Intervene will stay in the file, but the file will be forwarded on to Boise for approval.

If you have any questions, please call our office.

Sincerely,

A handwritten signature in black ink that reads "Harold W. Jones". The signature is written in a cursive, flowing style.

**Harold W Jones
Water Rights Supervisor**

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

April 01, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILD HORSE PARTNERS LLC
PO BOX 856
KETCHUM ID 83340

Application for Transfer No.
Withdrawal of Protest

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following:

1) SCOTT JOHNSON

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

April 01, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SCOTT JOHNSON
5366 FISH HATCHERY RD
MACKAY, ID 83251

Application for Transfer No. 69578
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

March 25, 2001

RECEIVED

MAR 27 2002

Department of Water Resources
Eastern District Office

Mr Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls, ID 83402-1718

Dear Harold:

After further discussion with you on review of amended application for transfer No. 69578, we will withdraw our protest to the original transfer No. 69578. Please send us a copy of amended transfer after the department approves it.

Thank you,



Churndasher Ranch
Victor & Scott Johnson

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

March 20, 2002

RECEIVED
MAR 21 2002
Department of Water Resources
Eastern Region

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls ID 83402-1718

**RE: Wild Horse Partners, LLC - Application for Transfer of
Water Right No. 69578**

Dear Harold:

This letter will confirm our recent telephone conversation. Wild Horse Partners, LLC (David Stoecklein) has agreed to the conditions specified in the March 13, 2002 letter to you from Scott Johnson and Lynn Reno. Accordingly, we are submitting an Amended Application for Transfer of Water Right No. 69578, the sole purpose of which is to change the place of use of the pond for recreation and recreation storage. You will see on the map in Part 3 of the Amended Transfer that the only points of diversion on the two branches of Warm Springs Creek are the existing diversion structures. We have eliminated our request for the additional points of diversion 2,3 and 4. You explained it will not be necessary to re-advertise this Amended Transfer.

I have sent copies of this Amended Transfer to Scott Johnson and Lynn Reno under separate cover letter and specifically request them to withdraw their protests, as we have complied with their conditions.

Will you kindly have your secretary receipt date stamp the enclosed copy of the Amended Transfer and return it to me in the postage prepaid self-addressed envelope I have included for that purpose. Please call me right away if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

cc: Client (w/encl.)
Doug Rosenkrans (w/encl.)
Terry Scanlan (w/encl.)
Scott Johnson (w/encl.)
Lynn Reno (w/encl.)

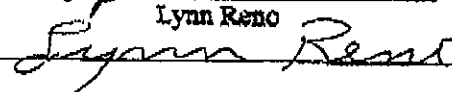
Idaho Department of Water Resources
Attn: Harold Jones

March 13, 2002

Dear Harold,

After receiving Wild Horse Partners letter, dated March 6, and further discussion with you and Doug we will agree to the following: For application of transfer NO. 69578.

Points of diversion 1 and 1a, and relocating the pond are acceptable. Adding points of diversion 2-3-4 are not acceptable. We feel that the addition of these down stream points of diversion are not just, necessary, and definitely are not in the best interest of the public and down stream water users. We are not denying the applicant the right to irrigate their land as there are alternate methods available to them. If the applicant agrees to these conditions we will withdraw our protest. If you have any questions concerning our position on this matter feel free to contact us.


Scott Johnson

Lynn Reno

CC: Jim Speck
Doug Rosenkrance

RECEIVED
MAR 14 2002
Department of Water Resources
Eastern Region

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

RECEIVED TELEPHONE
MAR 08 2002 (208) 726-4421
FACSIMILE
(208) 726-0752

Department of Water Resources
Eastern Region

March 6, 2002

Mr. Scott Johnson
5366 Fish Hatchery Road
Mackay, ID 83251

Dr. Lynn Reno
2120 E. California Ave.
Bakersfield CA 93307-1997

*Re: Wildhorse Partners, LLC - Application for Transfer No. 68578 (the "Transfer")
Our File No. 57/950078*

Dear Scott and Dr. Reno:

This letter will outline the terms of the settlement we reached at the February 5, 2002 Pre-Hearing Conference in Arco. Assuming I have accurately set forth the agreement, the next step is for you to withdraw your protests subject to the settlement terms and conditions being included in the approval of the Transfer.

1. The description of the water rights after the requested change set forth in Part 1, B.1. of the Transfer is acceptable provided the amounts used for irrigation are to be reduced pursuant to the conditions of approval for Permit 34-07595 issued to Idaho Cowboy, Inc. on May 19, 2000 (the "Groundwater Permit"). Therefore, when groundwater is diverted under the Permit to irrigate the 156.2 acre place of use for the Permit, the total diversion rate for each water right described in Part 1, B.1. of the Transfer will be reduced by 25.3%.

2. Parts 1, B.2. and 3. of the Transfer are acceptable.

3. Part 1, B.4. of the Transfer identifies five (5) points of diversion, the locations of which are shown on the Map in Part 3 of the Transfer. We understand you agree to the following:

a. Point of diversion 1, an existing headgate on the northern branch of Warm Springs Creek, and point of diversion 1a, another existing headgate on the southern or main branch of Warm Springs Creek, are acceptable.

b. Point of diversion 3, which is the existing irrigation diversion on the Wildhorse Partners property just downstream from the confluence of the two branches of Warm Springs Creek, is deleted from the Transfer.

c. The proposed new points of diversion 2 and 4 are pump stations located on Warm Springs Creek downstream of point of diversion 3 described above and in the pond at the

Mr. Scott Johnson
March 6, 2002
Page 2

confluence of the two branches of Warm Springs Creek, respectively. As soon as possible, Dave Stoecklein will meet with Doug Rosenkrance and you to agree on the exact locations of these new points of diversion and to determine if Warm Springs Creek from point of diversion 1, described above, to these new pump stations is a "losing" or "gaining" reach. If it is agreed to be a "losing" reach, Wildhorse Partners will have the option of either reducing the amounts it is allowed to divert at the new pump stations to compensate for the loss, or eliminating these new points of diversion from the Transfer and constructing a new ditch and holding pond to deliver the water from point of diversion 1.

Measuring devices and lockable controlling works acceptable to the Department and the Watermaster will be installed at each point of diversion.

4. Part 1, B.5 of the Transfer identifies 153 acres to be irrigated by the water rights. When groundwater is diverted to irrigate the 156.2 acres under the Permit, the lands to be irrigated under the Transfer shall be reduced by 40 acres, thus limited to 113 acres.

5. The new place of use for the recreational pond (the NW1/4NE1/4 of Section 35, Township 8 North, Range 22 East, B.M.) is acceptable.

6. All of the conditions of approval for Transfer No. 5004 shall be included in the approval of the Transfer.

Please contact me immediately if you disagree with any of the terms set forth above. Otherwise, please withdraw your protests as described above so we can complete the processing of the Transfer in time to implement its approved changes, terms and conditions this season.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/j

cc: David Stoecklein
Terry Scanlan
Harold Jones
Doug Rosenkrance

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery 1-23-02 C. Signature X <i>Laura L. Jones</i> ☐ Agent ☒ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: LYNN RENO 2120 E. CALIFORNIA AVE. BAKERSFIELD, CA. 83307-1997		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 700 0520 0015 7057 1417		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery <i>Opal Davis</i> C. Signature X <i>Opal Davis</i> ☐ Agent ☒ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: JAMES P. SPECK SPECK & AANESTAD P.O. BOX 987 KETCHUM, IDAHO 83340		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 700 0520 0015 7057 1400		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery <i>Opal Davis</i> C. Signature X <i>Opal Davis</i> ☐ Agent ☒ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: SCOTT JOHNSON 5366 FISH HATCHERY RD. MACKAY, IDAHO 83251		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 700 0520 0015 7057 1424		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	



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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

HAROLD JONES

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JAN 28 2002

Department of Water Resources
Eastern Region

20



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Permit No. G-10

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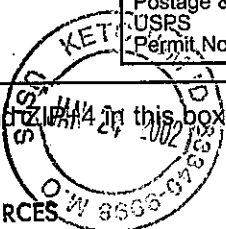
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED

JAN 25 2002

Department of Water Resources
Eastern Region

HAROLD JONES



83402X171B



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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

HAROLD JONES

RECEIVED

JAN 23 2002

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2002

Wild Horse Partners LLC
PO Box 856
Ketchum ID 83340

RE: Application for Transfer No.: 69578

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office

720-4423
726-4421



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2002

Scott Johnson
5366 Fish Hatchery Rd
Mackay ID 83251

RE: Application for Transfer No. 69578 – Wild Horse Partners

Dear Protestant:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

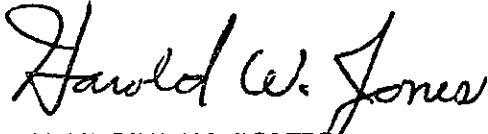
In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

WILD HORSE PARTNERS LLC
PO BOX 856
KETCHUM ID 83340

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in black ink that reads "Harold W. Jones". The signature is written in a cursive style with a large, stylized 'H' and 'J'.

**HAROLD W. JONES
Water Rights Supervisor**

HWJ:sc

cc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2002

Lynn D Reno
2120 E California Ave
Bakersfield CA 93307-1997

RE: Application for Transfer No. 69578

Dear Protestant:

Your petition to intervene against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the petition.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

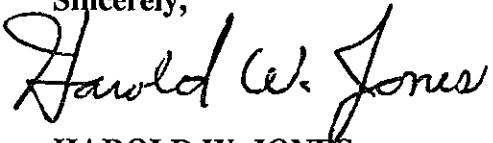
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the petition to intervene to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Harold W. Jones". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

HAROLD W. JONES
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2002

Wild Horse Partners
PO Box 856
Ketchum ID 83340

RE: Application for Transfer No. 69578

Dear Applicant:

Enclosed is a copy of a petition to intervene filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

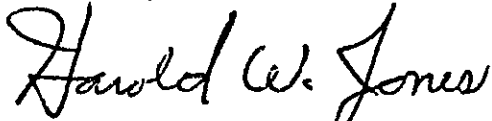
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office

November 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 26 2001

Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 47-212 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer No. 69578 in name of Wild Horse Partners LLC
2. Name of protestant Lynn D Reno
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2120 E California Ave; Bakersfield, Ca 93307-1997

5. Service telephone no. 661-327-7537

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

Size of pond, measuring devices, control structures, moving points of diversion down stream.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Do not change points of diversions, limit size of pond.

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

Signed this 21 day of December, 20 01

Lynn D. Reno
Protestant

Protestant's Representative

RECEIVED

JAN 08 2002

Department of Water Resources
Eastern Region

Petition
to
Intervene
Received
12/26/01
SC

Receipt #
E027368

Mt. Vernon Veterinary Hospitals, Inc.

LYNN RENO, D.V.M. AND SHANE RENO, D.V.M.
East California Avenue, Bakersfield, California 93307-1997

Name _____
1st Notice _____
2nd Notice _____
Return _____



0000

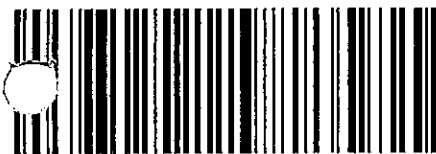
83402

U.S. POSTAGE
PAID
BAKERSFIELD, CA
93307
DEC 21, 01
AMOUNT

\$3.94
00041426-01

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7099 3220 0000 8604 7247

Idaho State Department of Water Resources
Eastern Region
900 North Skyline Drive S.T.T. A
Idaho Falls, Idaho 83402

83402+171A



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer application #69578 in the name of Wild Horse Prt
2. Name of protestant Churndasher Ranch-Victor and Scott Johnson
3. Protestant's Representative for service (If different than protestant)
Scott Johnson
4. Service mailing address 5366 Fish Hatchery Rd; Mackay, Id 83251
5. Service telephone no. (208) 588-3072
6. Basis of protest (including statement of facts and law upon which the protest is based)

Size of ponds, measuring devices, control structures, moving
points of diversion, has no conveyances systems.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Do not change point of diversion and limit
size of ponds.

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

Signed this 21 day of December, 2001

Churndasher Ranch
Protestant

Protestant's Representative

RECEIVED

DEC 24 2001

Department of Water Resources
Eastern Region

E027351

12/99

RECEIVED

DEC 19 2001

Department of Water Resources
Eastern Region

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: 69578

Applicant's Name: Wild Horse Partners, LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
- (1) The point of diversion is not moved downstream from existing point of diversion.
 - (2) The number of points of diversion is limited.
 - (3) Measuring devices are installed at all points of diversion and at places where water exits ponds.
- c) ☐ I oppose approval of this application for the following reasons:
- _____
- _____
- _____
- d) ☐ Additional Comment: _____
- _____
- _____

Dated this 17th day of December, 2001.

Water District No. 34

Doug Rosenkrance
Watermaster

RECEIVED

DEC 14 2001

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern Region

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Dec 6 2001 and ending with
the issue dated Dec 13 2001.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 13th day of Dec. in the
year of 2001 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 69578

Wild Horse Partners LLC, P.O.
Box 856, Ketchum, ID 83340, has
filed Application No. 69578 for
changes to the following water
rights within Custer County:

Right No. 34-699C

Priority: 6/1/1885
Source: Big Lost River
Use: Irrigation (153 acres) 0.15
CFS 26.3 AFA
Recreation (0 acres)
Recreation storage
Total Amount: 0.16 CFS 28.0
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-704C

Priority: 5/1/1905
Source: Warm Springs Creek
Use: Recreation storage 0.51
CFS 90.0 AFA
Recreation (0 acres)
Irrigation (153 acres)
Total Amount: 0.53 CFS 93.5
AFA

Point(s) of Diversion: SWNWNE
S35 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-701C

Priority: 7/1/1916
Source: Big Lost River
Use: Irrigation (153 acres) 1.13
CFS 198.5 AFA
Recreation storage
Recreation (0 acres)
Total Amount: 1.17 CFS 205.5
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-703C

Priority: 6/1/1890
Source: Warm Springs Creek
Use: Recreation storage 0.77
CFS 134.7 AFA
Recreation (0 acres)
Irrigation (153 acres)
Total Amount: 0.80 CFS 140.0
AFA

Point(s) of Diversion: SWNWNE
S35 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-700C

Priority: 5/1/1905
Source: Big Lost River
Use: Irrigation (153 acres) 0.36
CFS 63.7 AFA
Recreation (0 acres)
Recreation storage
Total Amount: 0.37 CFS 65.5
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

RECEIVED

DEC 14 2001

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern Region

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Dec 6 2001 and ending with
the issue dated Dec 13 2001.

STATE OF IDAHO

COUNTY OF CUSTER

On this 13th day of Dec. in the
year of 2001 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

NOTARY PUBLIC
STATE OF IDAHO
Challis

My commission expires: 4/30/04

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 69578

Wild Horse Partners LLC, P.O.
Box 856, Ketchum, ID 83340, has
filed Application No. 69578 for
changes to the following water
rights within Custer County:

Right No. 34-699C

Priority: 6/1/1885
Source: Big Lost River
Use: Irrigation (153 acres) 0.15
CFS 26.3 AFA
Recreation (0 acres)
Recreation storage
Total Amount: 0.16 CFS 28.0
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-704C

Priority: 5/1/1905
Source: Warm Springs Creek
Use: Recreation storage 0.51
CFS 90.0 AFA
Recreation (0 acres)
Irrigation (153 acres)
Total Amount: 0.53 CFS 93.5
AFA

Point(s) of Diversion: SWNWNE
S35 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-701C

Priority: 7/1/1916
Source: Big Lost River
Use: Irrigation (153 acres) 1.13
CFS 198.5 AFA
Recreation storage
Recreation (0 acres)
Total Amount: 1.17 CFS 205.5
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-703C

Priority: 6/1/1890
Source: Warm Springs Creek
Use: Recreation storage 0.77
CFS 134.7 AFA
Recreation (0 acres)
Irrigation (153 acres)
Total Amount: 0.80 CFS 140.0
AFA

Point(s) of Diversion: SWNWNE
S35 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-700C

Priority: 5/1/1905
Source: Big Lost River
Use: Irrigation (153 acres) 0.36
CFS 63.7 AFA
Recreation (0 acres)
Recreation storage
Total Amount: 0.37 CFS 65.5
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

Right No. 34-702C

Priority: 5/1/1910
Source: Big Lost River
Use: Irrigation (153 acres) 0.42
CFS 72.9 AFA
Recreation storage:
Recreation (0 acres)
Total Amount: 0.43 CFS 72.9
AFA

Point(s) of Diversion: NESWNW
S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E
Place of Use: S35 T08N R22E
S36 T08N R22E

The purpose of the transfer is to
change a portion of the above
rights as follows:

The applicant is correcting the
legal location of his recreation
pond to the NWNE SEC 35 T08N
R22E. Also, the applicant is add-
ing points of diversion on Warm
Springs Creek in the NENW and
NWNW SEC 36 T08N R22E.

Protests may be submitted
based on the criteria of Sec. 42-
222, Idaho Code.

Any protest against the pro-
posed change must be filed with
the Department of Water Resourc-
es, Eastern Region, 900 N. Skyline
Dr. Ste. A, Idaho Falls, Idaho
83402 together with a protest fee
of \$25 for each application on or
before December 24, 2001. The
protestant must also send a copy
of the protest to the applicant.

Karl J. Dreher, Director
Pub: Dec. 6 & 13, 2001.

FAX

December 13, 2001

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3805

Re: Application for Transfer No. 69578, for Wild Horse Partners LLC

Hi Sharla:

Our office reviewed the above water right application for transfer from the IDWR New Water Rights filing report dated 12-03-2001 (copy attached).

Two of the PODs listed on the transfer as:

L2	NENW	S36	T08N	R22E
L3	NWNW	S36	T08N	R22E

the MTP (copy attached) does not show any lot #'s for this section.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!

Happy Holidays!!!!



A handwritten signature in cursive script, appearing to read "Lin Buck".

Pages: 5 (includes coversheet)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2001

WILD HORSE PARTNERS LLC
PO BOX 856
KETCHUM ID 83340

RE: Application for Transfer No 69578
Water Right No(s) 34-699C 34-704C 34-701C 34-703C 34-700C 34-702C

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Challis Messenger on December 6 and 13, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2001

Doug Rosenkrance
WATERMASTER #34
PO Box 53
Mackay ID 83251

RE: Application for Transfer #69578

Dear Doug:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by December 24, 2001.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W. Jones
Water Right Supervisor

HWJ:sc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2001

Legal Notice Department

Challis Messenger

PO Box 405

Challis ID 83226

RE: Transfer No. 69578

Water Right No(s). 34-699C 34-704C 34-701C 34-703C 34-700C 34-702C

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 24, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
11/28/01
SC*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69578

WILD HORSE PARTNERS LLC, PO BOX 856, KETCHUM ID 83340, has filed Application No. 69578 for changes to the following water rights within CUSTER County:

Right No. 34-699C

Priority 6/1/1885

Source BIG LOST RIVER

Use IRRIGATION (153 acres) 0.15 CFS 26.3 AFA
RECREATION (0 acres)
RECREATION STORAGE

Total Amount 0.16 CFS 28.0 AFA

Point(s) of Diversion NESWNW S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E

Place of Use S35 T08N R22E
S36 T08N R22E

Right No. 34-704C

Priority 5/1/1905

Source WARM SPRINGS CREEK

Use RECREATION STORAGE 0.51 CFS 90.0 AFA
RECREATION (0 acres)
IRRIGATION (153 acres)

Total Amount 0.53 CFS 93.5 AFA

Point(s) of Diversion SWNWNE S35 T08N R22E

Place of Use S35 T08N R22E
S36 T08N R22E

Right No. 34-701C

Priority 7/1/1916

Source BIG LOST RIVER

Use IRRIGATION (153 acres) 1.13 CFS 198.5 AFA
RECREATION STORAGE
RECREATION (0 acres)

Total Amount 1.17 CFS 205.5 AFA

Point(s) of Diversion NESWNW S15 T08N R21E
SESESW S26 T08N R22E
SWSWNW S27 T08N R22E

Place of Use S35 T08N R22E
S36 T08N R22E

Right No. 34-703C

Priority 6/1/1890

Source WARM SPRINGS CREEK

Use RECREATION STORAGE 0.77 CFS 134.7 AFA
RECREATION (0 acres)
IRRIGATION (153 acres)

Total Amount 0.80 CFS 140.0 AFA

Point(s) of Diversion SWNWNE S35 T08N R22E

Place of Use S35 T08N R22E
 S36 T08N R22E
Right No. 34-700C

Priority 5/1/1905

Source BIG LOST RIVER

Use IRRIGATION (153 acres) 0.36 CFS 63.7 AFA
 RECREATION (0 acres)
 RECREATION STORAGE

Total Amount 0.37 CFS 65.5 AFA

Point(s) of Diversion NESWNW S15 T08N R21E
 SESESW S26 T08N R22E
 SWSWNW S27 T08N R22E

Place of Use S35 T08N R22E
 S36 T08N R22E
Right No. 34-702C

Priority 5/1/1910

Source BIG LOST RIVER

Use IRRIGATION (153 acres) 0.42 CFS 72.9 AFA
 RECREATION STORAGE
 RECREATION (0 acres)

Total Amount 0.43 CFS 72.9 AFA

Point(s) of Diversion NESWNW S15 T08N R21E
 SESESW S26 T08N R22E
 SWSWNW S27 T08N R22E

Place of Use S35 T08N R22E
 S36 T08N R22E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is correcting the legal location of his recreation pond to the NWNE SEC 35 T08N R22E. Also, the applicant is adding points of diversion on Warm Springs Creek in the NENW and NWNW SEC 36 T08N R22E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 24, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 6 and 13, 2001