

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 20, 2007

Mr. Shelley W. Keen
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit No. 37-20400 / W. Bruce Willis

Dear Shelley:

This letter pertains to the above-referenced permit, which is owned by W. Bruce Willis and has recently lapsed. The permit holder is requesting reinstatement of the permit. Pursuant to your letter dated August 22, 2007, the following information is being provided:

1. Evidence of ownership is provided by the enclosed deeds, showing ownership of Lots 35, 36, and 39A within Flying Heart Ranch Subdivision No. 2. Also, a change of ownership form has been filed with the Southern Region office.
2. A Proof of Beneficial Use form is enclosed, signed by Mr. Willis.
3. The examination fee of \$50 is enclosed.
4. Evidence demonstrating the timing and extent of development include the following:
 - a. I personally visited the property in June 2003 and verified that the wells were installed, irrigation was occurring, and construction was underway including irrigation systems and placement of sod to bring the total irrigation up to the allotted amounts. I verified that the irrigated place of use was approximately 3 acres at that time and was being increased in order to develop the 6 acres total allowed by 37-20400 and 37-8502.
 - b. Enclosed well drilling records show development of four (4) wells from 1992 through 2002. Except for the 2002 well, these wells had been drilled prior to permit 37-20400 issuance for domestic

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

SEP 20 2007

Department of Water Resources
(by fax)

purposes.

- c. The enclosed aerial photos from 2004 and 2006 show the irrigation occurring (the 2005 photo is not available because the FSA did not fly this area that year). The irrigation is visible on the three lots through the tree cover.
5. The Proof of Beneficial use was not filed due to frequent administrative turnover within Mr. Willis' organization which led to inattention to the permits on this property. A contributing factor was the sale of the property from O'Gara to Willis while the permit remained in the O'Gara name. Also, Mr. Willis' counsel did not receive the proof due notices, nor did Mr. Willis' engineering consultant.

Cordially,



Charles G. Brockway, P.E.

Enc. Deeds
 Proof of Beneficial Use
 Examination Fee (\$50)
 Well drilling records (4)
 Aerial photo maps (2004 and 2006)

For Office Use Only
Amount of Fee \$: _____
Date Received: _____
Receipt by: _____
Receipt No.: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No.: 37-20400 Telephone No.: (208) 788-6688
2. Name of Permit Holder(s): W. Bruce Willis
3. Mailing Address: P.O. Box 3212
City: Hailey State: ID Zip: 83333
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 9 / yr. 1995
Well Driller: Wood River Drilling & Pump Drilling Permit No.: 37-95-S-0157-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 3.0 Other: _____
6. Total rate of diversion and/or volume for which period proof is submitted: 0.06 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? ☐ Yes or ☒ No
Has the measuring device been installed? ☐ Yes or ☒ No
8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use.)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Charles G. Brockway, Brockway Engineering Telephone Number: (208) 736-8543
Address: 2016 Washington St. North, Suite 4, Twin Falls, ID 83301
10. **The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any underdeveloped portion of the permit to the State of Idaho.**

Signature of permit holder: X *W. Bruce Willis* Date: _____
(include your title, if on behalf of company or organization)



WILLIS, BRUCE (FLYING HEART RANCH II)
WATER RIGHTS
NAIP 2006 AERIAL

Legend

-  Willis_Flying_Heart_Ranch_Lots
-  t02n18e
-  Ditches
-  Ponds
-  Old Lot Line
-  wells





WILLIS, BRUCE (FLYING HEART RANCH II)
WATER RIGHTS
NAIP 2004 AERIAL

Legend

-  Willis_Flying_Heart_Ranch_Lots
-  Ditches
-  Ponds
-  wells
-  Old Lot Line



1. DRILLING PERMIT NO. 37-95-S-0157-0000
Other IDWR No. _____

2. OWNER: EDWARD & VICKIE O'GARA
Name _____
Address PO BOX 580
City HAILEY State ID Zip 83333

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E
 Twp. 2 North ☒ or South ☐
 Rge. 18 East ☒ or West ☐
 Sec. 5
 Gov't Lot _____ County Blaine ^{10 acres} 1/4 NW ^{20 acres} 1/4 NE ^{40 acres} 1/4

Address of Well Site 153 ASPEN
LAKE DRIVE City HALEY
(Give at least name of road + distance to Road or Landmark)

Lt. 35 Bk. FAUCH #2 Sub. Name FLYING HEART

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

7. SEALING PROCEDURES				METHOD
SEAL/FILTER PACK		AMOUNT		
Material	From	To	Sacks or Pounds	
CEMENTITE	0	20	12.5K	OVERPORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s).

Was drive shoe seal tested? Y ☐ N ☒ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	H $\frac{1}{2}$	80	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

6 ft. below ground Artesian pressure _____ lb.

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

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
150		600	1

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

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

Firm Name BELLEVUE ID 83313 Firm No. 265

Firm Official Ken Smith Date 9-18-9

and
Supervisor or Operator RODOLFO M. B. NUNO Date 9-18-95

(Sign once if Firm Official & Operator)

Form 238-7
11/97

Brun36
App 8-73433
Per 83183

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

CA

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

1. WELL TAG NO. D 0023271
DRILLING PERMIT NO. _____
Other IDWR No. _____

2. OWNER:
Name Willis Bruce
Address P.O. BOX 3757
City Hailey State ID Zip 83333

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Map grid showing location: X in the center of a 3x3 grid.
Twp. 2 North ☒ or South ☐
Rge. 18 East ☒ or West ☐
Sec. 5 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Blaine
Lat _____ Long _____
Address of Well Site 153 Aspen Lakes
Drive City Hailey

LI. 35 Bk. _____ Sub. Name Flying Heart
36 Ranch # 1

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK	From	To	AMOUNT	METHOD
Material			Bags or Pails	
Bentonite	0	20	12 Sks	Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 63'

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Linear	Welded	Threaded
6"	+1 1/2	63'	.250	Steel	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

8 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal/min.	Drawdown	Pumping Level	Time
75			1 Hr

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	2	Top Soil		☒
10	2	20	Clay & Gravel		☒
6"	20	25	Gravel & Sand	☒	
6"	25	40	Sub Soil-Clay-Gravel	☒	
6"	40	45	Gravel-Boulders-Clay	☒	
6"	45	63	Gravel-Clay	☒	

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AUG 14 2002

Department of Water Resources
Bureau of Water

Completed _____ Depth 63' (Measurable)
Date: Started 08-12-02 Completed 08-12-02

13. DRILLER'S CERTIFICATION

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

Company Name Wood River Drilling Firm No. 265
& Pump, Inc.

Firm Official Ken Smith Date 08-13-02

and
Driller or Operator Brun36 Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

USE ADDITIONAL SHEETS IF NECESSARY. - FORWARD THE WHITE COPY TO THE DEPARTMENT

Lot 39A
South well

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

WARRANTY DEED

For Value Received

EDWARD A. LAWSON AND JULIE C. LAWSON, HUSBAND AND WIFE.

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

BRUCE WILLIS

whose address is: 1875 CENTRY PARK EAST 6TH LOS ANGELES, CA 90067

Hereinafter called the grantee, the following described premises, in BLAINE..... County, Idaho, to-wit:

Lot 39 of FLYING HEART RANCH NO. 11, according to the official plat thereof recorded as Instrument No. 197188, records of Blaine County, Idaho.

SUBJECT TO Easements, restrictions and encumbrances of records.

SUBJECT TO DEED OF TRUST from Fern MacKenzie Bick, a married woman as her sole and separate property to First American Title Company, TRUSTEE and First Federal Savings and Loan Association of Coeur d'Alene, BENEFICIARY, dated July 7, 1989, recorded July 7, 1989, as Instrument No. 307364, records of Blaine County, Idaho, the unpaid balance of which the Grantee herein assumes and agrees to pay according to the terms thereof.

BLAINE CO. REQUEST
OF: Sawtooth Title Co., Inc.
FEE \$302
MARY GREEN, CLERK
89 AUG 25 PM 3 46

309105

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 9, 1989

Edward A. Lawson
EDWARD A. LAWSON

Julie C. Lawson
JULIE C. LAWSON

STATE OF IDAHO, COUNTY OF BLAINE
On this day of AUGUST, 19 89
before me, a notary public in and for said State, personally appeared

EDWARD A. LAWSON AND JULIE C. LAWSON

known to me to be the person(s) whose name(s) ARE
subscribed to the within instrument, and acknowledged to
me that THEY executed the same.

[Signature]
Notary Public
Residing at _____, Idaho
Comm. Expires _____

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock _____
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

Order No. 50331

Instrument # 456260

HAILEY, BLAINE, IDAHO

2001-10-03

03:50:00 No. of Pages: 4

Recorded for: AMERITITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED AND AS RELINQUISHED PROPERTY IN AN IRC 1031 TAX DEFERRED EXCHANGE

EDWARD F. O'GARA, III AND VICKIE S. O'GARA, TRUSTEES OF THE EDWARD F. O'GARA III FAMILY TRUST DATED MAY 24, 1982 AND RESTATED ON JULY 30, 1993 ELIZABETH L. MELLO, TRUSTEE OF THE FLYING HEART TRUST DATED AS OF JANUARY 1, 1995

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

WALTER BRUCE WILLIS, an unmarried man

GRANTEE(s) whose address is: P.O. Box 3212, Hailey, ID 83333

the following described real property in Blaine County, Idaho, to wit:

PARCEL I:

Lot 35 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.

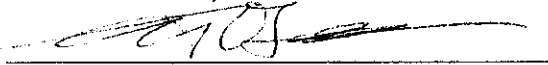
PARCEL II:

Lot 36 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.

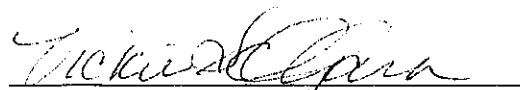
Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 2001



EDWARD F. O'GARA, III, TRUSTEE



VICKIE S. O'GARA, TRUSTEE



ELIZABETH L. MELLO, TRUSTEE

THIS DOCUMENT MAY BE EXECUTED SIMULTANEOUSLY IN ONE OR MORE COUNTERPARTS, EACH OF WHICH SHALL BE DEEMED AN ORIGINAL BUT ALL OF WHICH TOGETHER SHALL CONSTITUTE ONE AND THE SAME INSTRUMENT.

State of Idaho

}
}ss.
}

County of Ada

On this 2ND day of October, in the year 2001, before me, the undersigned, personally appeared **EDWARD F. O'GARA, III and VICKIE S. O'GARA**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of **THE EDWARD F. O'GARA III FAMILY TRUST DATED MAY 24, 1982 AND RESTATED ON JULY 1, 1995**, and acknowledged to me that he/she/they executed the same as such trustee(s).

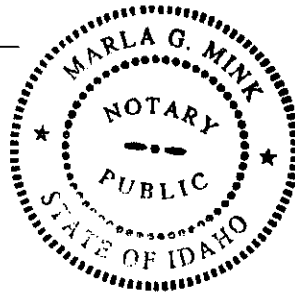
WITNESS my hand and official seal.

Marla G. Mink

Notary Public

Commission Expires:

12/01/2006



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

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

(space above line for Recorder's use)

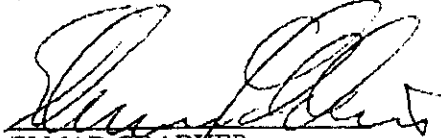
QUITCLAIM DEED

FOR VALUE RECEIVED, we, ELMAR GRABHER and RIGMOR GRABHER, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to EDWARD F. O'GARA, III, Trustee of The Edward F. O'Gara, III Family Trust, dated May 24, 1982 ("Grantee"), of 415 Croydon Drive, Spring Creek, NV 89815, all of our right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

0.28 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-00004, used for the irrigation of three (3) acre within the SE1/4 SE/14, S.4, T.2N., R.18E., B.M., Blaine County, Idaho.

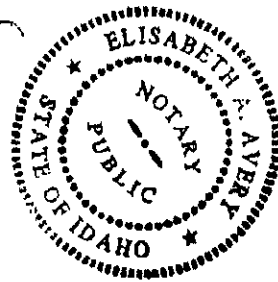
DATED this 27 day of June, 2000.

GRANTORS:


ELMAR GRABHER

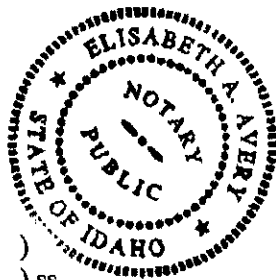

RIGMOR GRABHER

STATE OF IDAHO)
) ss.
County of Blaine)



On this 27 day of June, 2000, before me, the undersigned, a notary public in and for said state, personally appeared ELMAR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



STATE OF IDAHO)
) ss.
County of Blaine)

Elisabeth Avery
Notary Public for Idaho
Residing at: 238 Maple St
Comm. Expires: 7/30/02

On this 27 day of June, 2000, before me, the undersigned, a notary public in and for said state, personally appeared RIGMOR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Elisabeth Avery
Notary Public for Idaho
Residing at: 238 Maple St
Comm. Expires: 7/30/02

QUITCLAIM DEED - 2

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Instrument # 467572

HAILEY, BLAINE, IDAHO

2002-07-03

01:51:00 No. of Pages: 2

Recorded for: WILLIAMSON LAW OFFICE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/GC/CORP DEED

(space above line for Recorder's use)

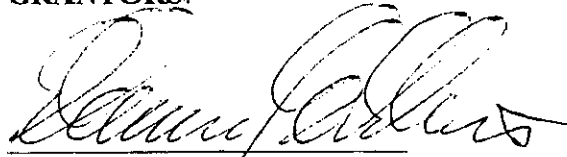
QUITCLAIM DEED

FOR VALUE RECEIVED, we, ELMAR GRABHER and RIGMOR GRABHER, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to WALTER BRUCE WILLIS, a single man, whose current address is P.O. Box 3212, Hailey, ID ("Grantee"), all our right, title and interest in and to the following described water rights, situated 83333 in Blaine County, Idaho, to wit:

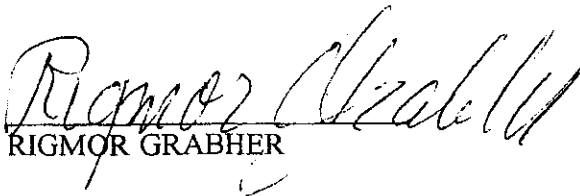
Water Right No. 37-20402, a portion of Water Right No. 37-4J as modified by Transfer No. 69165.

DATED this 29 day of MAY, 2002.

GRANTORS:



ELMAR GRABHER



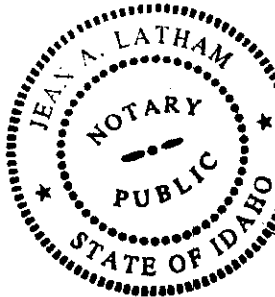
RIGMOR GRABHER

COPY

STATE OF IDAHO)
) ss.
County of Blaine)

On this 29th day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared ELMAR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

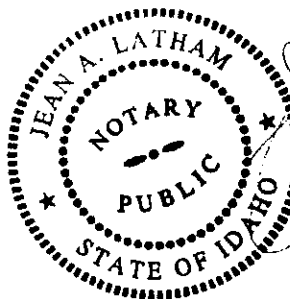


Jean A. Latham
Notary Public for Idaho
Residing at: Blaine Co
Comm. Expires: 1-25-07

STATE OF IDAHO)
) ss.
County of Blaine)

On this 29th day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared RIGMOR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Jean A. Latham
Notary Public for Idaho
Residing at: Blaine Co
Comm. Expires: 1-25-07